

Tuesday  
13th December, 1949

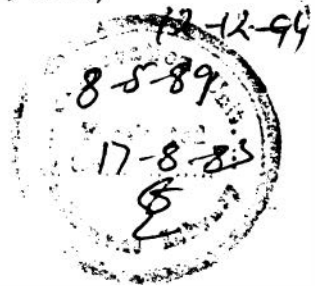
THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE) DEBATES

(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

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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

## PART I—QUESTIONS AND ANSWERS

Tuesday, 13th 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

**Shri B. Das:** Sir, may I suggest that the Question Hour today may be suspended, so that more Honourable Members may have an opportunity of taking part in the debate on the Hindu Code.

**Mr. Deputy-Speaker:** Unless there is unanimity of opinion among the Honourable Members of the House, I am afraid this cannot be done.

**Shri R. K. Sidhva:** The rule on this point is very definite, Sir: "That there shall be one hour for questions."

**Mr. Deputy-Speaker:** It is open to all the Members of the House without exception in joining together for suspending the Question Hour. Evidently the Honourable Member whose name stands first, does not want to yield in this matter.

#### NIGHT AIR MAIL SERVICE

\*519. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Communications be pleased to state whether it is a fact that while introducing the increase in postal rates in the last Budget Session the Honourable Minister stated that throughout the year the mails will be carried by night air service?

(b) Was the question of night flying during the monsoon considered at that time or not?

(c) Is it a fact that the Honourable Minister then stated that international air-ports in India were fit for night flying?

(d) Is it a fact that night air mail service was stopped for some time from 9th June, 1949?

(e) Has the night air mail service resulted in the expeditious delivery of mails as was originally expected?

**Shri Kharshed Lal** (Deputy Minister of Communications): (a) The Honourable Minister did not make any such statement in this House during the last Budget Session.

(b) Night flying could only gradually develop in the interest of safety. This is why passengers were not allowed at the beginning even in fair weather and the service was stopped during the monsoon. It was never thought that the service would become regular right through the year from the very start.

(c) International ports were equipped for night flying, but *en route* facilities were not fully developed when the statement was made. They could only be developed gradually in the light of experience gained.

(d) Yes, but, as the Honourable Member is aware, night flying of mails has been resumed with effect from the 15th October, 1949.

(e) Yes, definitely.

**Shri B. K. Sidhva:** The Honourable Deputy Minister stated, in reply to part (a) of the question, that such a statement was not made. May I know what statement was actually made regarding the introduction of the Night Air Mail Service by the Honourable Minister?

**Shri Khurshed Lal:** The Honourable Member may kindly refer to the published debates of the Assembly.

**Shri V. C. Kesava Rao:** May I know, Sir, whether there is any proposal to extend the Night Air Mail Service to other towns?

**Shri Khurshed Lal:** As I have already stated we are exploring the possibility of extending the service to other towns as soon as possible.

**Shri B. K. Sidhva:** May I know, Sir, whether during the 1950 monsoon season the Night Air Mail Service will be in operation?

**Shri Khurshed Lal:** Every attempt will be made to keep it in operation.

**Shri B. K. Sidhva:** What is the point in saying that every attempt will be made to keep it in operation. What I want to know is whether night landing facilities at all the air ports are satisfactory so as to allow mails to be carried at night during the monsoon period as well.

**The Honourable Mr. Rafi Ahmad Kidwai:** It is not yet satisfactory, but we are making arrangements and we hope that before the next monsoon the arrangements will be complete.

**Sardar Hukam Singh:** What percentage of the distance as well as of volume of our mails have been carried by air?

**Shri Khurshed Lal:** About 25 to 30 per cent. of the mails are carried by air both during the day as well as at night.

**Shri V. C. Kesava Rao:** May I know, Sir, whether any air companies have reduced their fares after the Night Air Mail Service was introduced?

**Shri Khurshed Lal:** Fares of certain lines have been reduced.

**Dr. Mono Mohon Das:** May I know, Sir, whether it is not a fact that the introduction of the night air mail service has appreciably reduced the income from telegrams?

**Shri Khurshed Lal:** Not that I know of.

**Shri B. P. Jhunjhunwala:** Is it not a fact, Sir, that places which have no aerodromes are not served by the Night Air Mail Service with the result that letters invariably take one or two days more to reach those places?

**Shri Khurshed Lal:** Obviously, the Night Air Mail Service cannot be fully operative in the case of towns which have no aerodromes. Such places are served partly by air and partly by other means.

## MESSAGE-RATE SYSTEM

\*520. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Communications be pleased to state whether it is a fact that Message-rate System for telephones has been introduced in Bombay since June, 1949?

(b) If so, what is the rate per each call and what has been the revenue derived since the introduction of this system up-to-date as against the revenue derived from the old system during the same period?

(c) Is it a fact that many complaints have been made by subscribers about the continuance of getting wrong numbers under the new system?

(d) Have Government introduced additional machinery in Bombay to relieve great tension with a view to effecting efficient working?

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

(b) The rate per call is 1 anna 6 pies. The revenue derived from 16th June, 1949 to 15th November, 1949 is Rs. 38,99,000. The revenue derived during the same period in 1948 was Rs. 35,74,000.

(c) Complaints have been received, but not many.

(d) Installation of 6,400 lines began in June, 1949.

**Shri R. K. Sidhva:** When is the installation of new connections likely to be completed, Sir?

**Shri Khurshed Lal:** Part of it will be completed in about two months' time and the rest will take some time more.

**Shri R. K. Sidhva:** Is it a fact, Sir, that the message-rate system has reduced the pressure on the telephone system?

**Shri Khurshed Lal:** It has definitely reduced the pressure on the telephone system.

**Shri R. K. Sidhva:** If the pressure has been reduced, how is it that the income has increased by about three lakhs?

**Shri Khurshed Lal:** That comparison will not be correct. Under the old system charges were payable annually; now charges are payable monthly. Therefore, the comparison can only be with average monthly earnings of last year and in that case the income will not be so high.

**Shri R. K. Sidhva:** After the introduction of the message-rate system, do the subscribers use the telephone less or more?

**The Honourable Mr. Rafi Ahmad Kidwai:** Less.

**Shri R. K. Sidhva:** If it is less, how can the earnings during the period 16th June 1949 to 15th November 1949 be Rs. 38,99,000, as against Rs. 35,74,000 during the corresponding period of 1948?

**The Honourable Mr. Rafi Ahmad Kidwai:** May I explain this, Sir? Before the introduction of the message-rate system one was free to use his telephone for as many calls as he liked without paying any additional amount. Therefore the average rate of call was 30 or 40. Now it has been reduced to 5 or 6.

श्री गोकुल भाई दौलतराम भट्ट : क्या मेसेज-रेट (message-rate) में कोई  
मिनीमम (Minimum) रक्कत है ।

**Shri Gokulbhai Daulatram Bhatt:** Has any minimum been fixed in the message-rate system?

श्री खुरशेद लाल : जी नहीं, महीने भर का चार्ज उनको देना पड़ता है ।

खिन्नी मर्तबा वह काल करें उतना चार्ज (charge) देना पड़ता है ।

**Shri Khurshed Lal:** No, Sir. They are charged on monthly basis. They have to pay the charges on the number of calls they make.

**Sardar Bhopinder Singh Man:** Is it the policy of the Government, from revenue point of view, to have as many wrong numbers as possible?

**The Honourable Mr. Rafi Ahmad Kidwai:** Refund is allowed in the case of wrong number calls.

**Dr. P. S. Deshmukh:** Will Government be pleased to consider reduction of the message rate from one and a half annas to one anna?

**Shri Khurshed Lal:** It is a suggestion for action.

**Sardar Hukam Singh:** Is it not a fact that certain responsible citizens in Bombay were presented with huge bills for the period during which their houses remained locked?

**Shri Khurshed Lal:** I will be glad to have that information from my Honourable friend. I have not got it.

**Shri Mihir Lal Chattopadhyay:** Is there any difference in the message rate between Calcutta and Bombay?

**Shri Khurshed Lal:** There is a difference.

**Shri Mihir Lal Chattopadhyay:** May I know what is the number of telephones in Bombay and in Calcutta?

**Shri Khurshed Lal:** I could not give that information straightaway.

**Shri Suresh Chandra Majumdar:** Why is there a difference in the message rate between Calcutta and Bombay?

**Shri Khurshed Lal:** The rates which are being charged in Calcutta and Bombay are the rates which were being charged by the companies which were operating there. We have under active consideration a proposal to equalise the rates.

**Shri Suresh Chandra Majumdar:** Is it for Government to follow what the Companies did?

**Shri Suresh Chandra Majumdar:** What time will be taken to complete this examination?

**The Honourable Mr. Rafi Ahmad Kidwai:** Perhaps that will be done before the Budget Session.

#### REFUGEE COLONY AT RAJGHAT

\*521. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that the refugee colony of 800 mud huts, built at Rajghat on Bela Road, has been washed away by the recent rains?

(b) What was the cost of the construction of these huts and who financed it?

(c) Was there any supervision conducted by Government during their construction?

(d) Is it a fact that a few pucca buildings constructed by Government on Pusa Road, have also in some cases been damaged?

(e) If so, how many buildings were built and what is the total loss?

(f) What steps have Government taken against persons responsible for construction of these buildings in pursuance of the Enquiry Committee Report?

**The Honourable Shri N. V. Gadgil:** (a) to (c). These mud huts were not constructed by Government but were put up by the displaced persons who were living in unauthorised constructions near Ajmeri Gate and who were given a grant of Rs. 100 per family to supplement their own resources while shifting to Bela Road. It is understood that some of these huts were damaged during the recent rains. Government have no information regarding the actual expenditure incurred by the displaced persons in putting up these huts.

(d) to (f) The attention of the Honourable Member is invited to the answers given to Questions No. 108 and 424, answered on the 30th November and the 8th December 1949 respectively.

**Shri B. K. Sidhva:** The Honourable Minister has stated that grants were given by Government for the construction of these huts. May I know whether the Government had any supervision over the construction to see that this amount was properly spent in building houses? Was any officer deputed to do this supervision work?

**The Honourable Shri N. V. Gadgil:** No, Sir. It was paid without any condition.

**Shri B. K. Sidhva:** What was the condition attached to the giving of this grant and what was the purpose of this grant?

**The Honourable Shri N. V. Gadgil:** For the purpose of rehabilitating refugees whose temporary hutments were damaged by abnormal rains.

**Shri B. K. Sidhva:** May I know whether the Government had any supervision after the construction of these houses?

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

**Shri H. J. Khandekar:** Was it a charity?

**Sardar Bhopinder Singh Man:** Regarding the enquiry that was said to be taken against the officers responsible for the construction of the buildings on Pusa Road, may I know what action has been taken against those officers who have been found guilty?

**The Honourable Shri N. V. Gadgil:** I have already answered it in a supplementary question. Those officers who have been found to be negligent are being proceeded against departmentally.

**Pandit Lakshmi Kanta Maitra:** This grant of Rs. 100 that was made to displaced persons, was it given in consultation with the Relief and Rehabilitation Ministry?

**The Honourable Shri N. V. Gadgil:** Must have been made, though it is difficult for me to say that positively now.

**Pandit Lakshmi Kanta Maitra:** To avoid duplication of work in the Rehabilitation Ministry and other organisations for the resettlement, may I know whether there was any co-ordination in this matter of housing?

**The Honourable Shri N. V. Gadgil:** I am aware of these organisations, but I do not know whether these organisations were consulted before this action was taken.



**Dr. P. S. Deshmukh:** When would it be possible for this House to know the result of the proceedings against the officers referred to?

**The Honourable Shri N. V. Gadgil:** As soon as the proceedings are completed, if the House so desires, the results of the proceedings will be placed on the Table of the House.

**Dr. P. S. Deshmukh:** At what time?

**The Honourable Shri N. V. Gadgil:** When it is completed?

**Shri Mahavir Tyagi:** How far have the proceedings proceeded?

**The Honourable Shri N. V. Gadgil:** As far as it is possible within the time till this minute.

**Shri R. K. Sidhva:** How many persons have been thrown out of their accommodation after these 300 mud huts collapsed and what alternative accommodation has the Government provided for them?

**Mr. Deputy-Speaker:** Has the Honourable Member seen these quarters?

**Shri R. K. Sidhva:** How many of these have been given new shelters?

**The Honourable Shri N. V. Gadgil:** That question should properly be directed to the Honourable Minister for Relief and Rehabilitation.

#### IMPORT OF WHEAT

\*522. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Food be pleased to state the quantity of wheat brought from U.S.A. by *S. S. Harmonac Chemainus*, *Atlantic Prince* and *S. S. Harmonac Crofton* and the price paid per ton?

(b) Is the quality of the wheat imported the same as the basic sample?

(c) Has any quantity been damaged and if so, how much?

(d) Has any complaint been made regarding the inferior quality of this shipment by those concerned in India?

(e) Were the goods insured against all risks?

**The Honourable Shri Jairamdas Doulatram:** (a) (i) *S. S. Harmonac Chemainus*—9,000 tons at \$ 2.62 per bushel.

(ii) *S. S. Harmonac Crofton*.—8,850 tons of which 5,350 tons at \$2 23 7/8 cents per bushel and 3,500 tons at \$ 2.18 7/8 cents per bushel.

(iii) *S. S. Atlantic Prince*.—No such ship brought any foodgrains during 1948 and 1949.

(b) Yes.

(c) to (e). No.

**Shri R. K. Sidhva:** May I know whether the wheat imported by these ships was analysed, where it was analysed and at what stage it was analysed after the unloading of the cargo?

**The Honourable Shri Jairamdas Doulatram:** I cannot say whether it was tested immediately after it was unloaded or at what subsequent stage, but it was tested before it was sent to the Bombay Government.

**Shri R. K. Sidhva:** May I know whether the Honourable Minister's per-

sonal attention was drawn to the deteriorated quality of the wheat when it was landed from these steamers and if so, what action was taken?

**The Honourable Shri Jairamdas Doulatram:** All I can say is that when it was tested, it was not found to be as deteriorated as it was made out by the Press reports.

**Shri R. K. Sidhva:** May I know whether the Minister's personal attention was drawn to the deteriorated quality of this wheat and what percentage of it was actually found to be deteriorated?

**The Honourable Shri Jairamdas Doulatram:** I am afraid I have no recollection of my personal attention being drawn to it.

**Shri R. K. Sidhva:** Does the Honourable Minister recollect that a sample was sent by me to the Honourable Minister?

**The Honourable Shri Jairamdas Doulatram:** I am afraid I have no recollection of that also.

**Shri R. K. Sidhva:** I have got an acknowledgment of my letter.

**Shri H. V. Kamath:** How does the price of this wheat from the U. S. A. compare with that of Argentina and the U. S. S. R.?

**The Honourable Shri Jairamdas Doulatram:** I would require notice of that question.

**Sardar Hukam Singh:** May I know whether the Government is not prepared or willing to import from the U. S. S. R. because of the fear that that wheat might be politically contaminated?

**The Honourable Shri Jairamdas Doulatram:** We make no discrimination in regard to this matter.

**Shri R. K. Sidhva:** May I know whether this wheat was cleaned before storing?

**The Honourable Shri Jairamdas Doulatram:** It is not cleaned before it goes into the godowns.

**Shri R. K. Sidhva:** May I know when it is cleaned?

**The Honourable Shri Jairamdas Doulatram:** With regard to the wheat imported in these ships, it was properly cleaned before it was sent to the Bombay Government and no complaint has been received from the Bombay Government about it.

**Shri R. K. Sidhva:** May I know whether any complaint was received from the Punjab Government?

**The Honourable Shri Jairamdas Doulatram:** Not with regard to the wheat from this steamship.

**Shri R. K. Sidhva:** May I know whether any complaint was received from the Punjab Government with regard to any other consignment?

**The Honourable Shri Jairamdas Doulatram:** No complaint was received from the Punjab Government, so far as I know.

#### RAILWAY SALOONS

\*523. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the railway saloons are given to private persons for their use?

(b) If so, under what conditions are they given and does the same practice continue now?

(c) What is the amount realised by Government from the use of saloons by private parties during the course of the current year?

(d) Have Government considered the proposal to abolish the use of saloons by Railway officials?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) The use by the public of saloons for Railway officers is permissible.

(b) Charges continue to be recovered at public tariff rates. The current charges are given in Rule 102, Chapter III of the Indian Railway Conference Association Coaching Tariff (No. 14).

(c) The amount recovered during the year up to October, 1949, was Rs. 8,909.

(d) In the interests of efficiency of line inspections and outdoor supervision by the officers, abolition of the use of saloons by Railway officials is not considered expedient.

**Shri R. K. Sidhva:** The Honourable Minister has stated that abolition of the use of saloons is not considered desirable. May I know whether it is a fact that he gave an assurance to the C.A.C. that the matter is still under consideration? If so, which is correct?

**The Honourable Shri N. Gopalaswami Ayyangar:** That consideration has been given, and the result is what is stated in this answer.

**Shri R. K. Sidhva:** May I know whether the number of saloons [640] which are in existence will all be continued or their number will be curtailed?

**The Honourable Shri N. Gopalaswami Ayyangar:** I do not think there will be any substantial reduction in the number of saloons. We certainly have issued orders with the object of limiting the use of saloons. We shall have to see what that limitation order produces before we can decide upon the question of reduction of the number of saloons.

**Shri R. K. Sidhva:** The Honourable Minister has stated that these saloons will be available to private persons also. May I know the conditions for the hiring of these by private individuals and what the hire is per mile per saloon of the type used by General Managers?

**The Honourable Shri N. Gopalaswami Ayyangar:** I must refer the Honourable Member to the Tariff to which I have made reference in my answer.

**Shri R. K. Sidhva:** I have not got it.

**Shri Mohan Lal Gautam:** Has it been brought to the notice of the Government that officers travel by one train and the O.C.S. are attached with another train and what action has the Government taken in this matter?

**The Honourable Shri N. Gopalaswami Ayyangar:** I have not had any such incident brought to my notice. If the Honourable Member will give me particulars, I shall certainly enquire.

**Shri H. V. Kamath:** Is it a fact that in February of this year a railway saloon was placed in Nagpur at the disposal of a police officer for the transport of his son's wedding party? The Honourable Minister of State said that he would inquire into the matter.

**The Honourable Shri N. Gopalaswami Ayyangar:** I should like to have notice in order to give an accurate answer. The matter has been discussed in this House already and all that has to be said in that connection has been said.

**Shri H. V. Kamath:** May I ask whether the Minister of State who promised to enquire into this matter has concluded the enquiry or not?

**Mr. Deputy-Speaker:** We are going far away from the question. This question deals with giving of saloons to private persons. How can it be answered on the floor of the House as to what happened on a particular occasion or in a particular manner?

**Shri H. V. Kamath:** Because, Sir, the Minister of State promised to enquire into the matter in April this year, I want to know what has happened to the enquiry.

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

**Sjt. Rohini Kumar Chaudhuri:** May I know what is the cost of maintenance of these saloons?

**The Honourable Shri N. Gopaldaswami Ayyangar:** It varies with each saloon.

**Babu Ramnarayan Singh:** Who are the officers who are entitled to travel by the saloons?

**Mr. Deputy-Speaker:** There are a number of officers.

**The Honourable Shri N. Gopaldaswami Ayyangar:** Officers of various grades on the Railways use the saloons.

**Sjt. Rohini Kumar Chaudhuri:** May I know who are the lowest grades of Railway officials who are entitled to use the saloons?

**The Honourable Shri N. Gopaldaswami Ayyangar:** Administrative officers of all grades and I believe, even Assistant Engineers use them, but they use carriages which, I think, it would be wrong to call saloons; I should like Honourable Members to try riding in those carriages for some time.

**Sjt. Rohini Kumar Chaudhuri:** What is the minimum and maximum cost of maintaining these saloons?

**The Honourable Shri N. Gopaldaswami Ayyangar:** I should like to have notice of that, Sir.

**Dr. P. S. Deshmukh:** Has it come to the notice of the Honourable Minister that many of these officers do not know how to use the saloons?

**Mr. Deputy-Speaker:** This question need not be answered.

#### IMPORTS OF FOODGRAINS

†\*524. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Food be pleased to state the total quantity of foodgrains imported during the period from January, 1949 to date from foreign countries?

(b) How much of this has been distributed to provinces, how much of this has arrived in various ports and which are the ports?

(c) Was the quality of all foodgrains supplied the same as the basic sample on which the contract was entered into?

(d) What is the percentage of dust and foreign stuff included in wheat and other foodgrains?

(e) Do Government themselves arrange to have wheat cleaned before stacking into godowns?

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

(f) What was the total shortage detected in the imports of foodgrains at the time of their arrival in India in 1948 and 1949 up-to-date?

(g) What are the cleaning, removing and storing charges?

**The Honourable Shri Jairamdas Dowltram:** (a) 8.64 million tons from 1st January, 1949 to 30th November, 1949.

(b) 3.53 million tons were distributed out of the imports to Provinces and States from 1st January, 1949 to 30th November, 1949. A statement showing the quantities received at different ports during 1st January, 1949 to 30th November, 1949, is laid on the Table of the House.

(c) Mostly purchases were made on the basis of specifications and standard laid down in the contract, not on the basis of samples. The supplies received generally conformed to these specifications and standards laid down in the contract. In some cases the quality of grain landed was found to be below the contracted quality and allowances were claimed.

(d) The percentage of dirt and foreign matter averaged 0.4 per cent. in shipments of wheat from Australia, 0.5 per cent. in wheat from U.S.S.R. and Canada, 0.7 per cent. in wheat from U.S.A. and over three per cent. in wheat from Argentine and East Africa. The percentage of dirt and foreign matter was negligible in shipments of rice from Siam and averaged 0.6 per cent. in rice from Burma and one per cent. in rice from Egypt.

(e) No. Only when wheat is landed in a damaged condition or the bags contain sweepings, reconditioning and/or cleaning is done before stacking in the godowns.

(f) On the basis of available figures, the shortage at the time of landing was 0.48 per cent. in 1948 and 0.37 per cent. during the period January to June, 1949.

(g) These charges vary considerably at different ports. The charges for transport of grain from the docks to the godowns are generally about annas 8 per ton per mile and for loading into and unloading from wagons and trucks about Rs. 4 per 100 bags. The rents of storage godowns also vary depending on the location, type and capacity; on an average the rent worked out to six annas per ton per month.

### STATEMENT

*Quantities of foodgrains received at different ports during 1st January, 1949 to 30th November, 1949.*

	(In million tons)
Bombay	1.24
Calcutta	1.09
Cochin	0.44
Madras	0.31
Saurashtra ports	0.26
Vinagapatam	0.19
Other ports (Ocoonada, Cuddalore, Tuticorin, Alleppy, Calicut and Marmugao).	0.11
<b>TOTAL</b>	<b>3.64</b>

## LOCOMOTIVE ENGINES

\*525. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of Railways be pleased to state how many locomotive engines have been imported or are proposed to be imported from Germany?

(b) What is the price of an engine imported from Germany?

(c) What are the prices of locomotive engines imported from United Kingdom, Canada and the United States of America?

**The Honourable Shri N. Gopalswami Ayyangar:** (a) No locomotives have been imported from Germany for Indian Government Railways in recent years nor have any orders been placed in Germany for locomotives.

(b) The present day prices of engines from Germany are not known exactly, but they are not very different from the prices prevailing in the United Kingdom and America.

(c) A statement showing the FOB/FAS prices of locomotives imported from the United Kingdom, Canada and the United States of America received during the past two years is laid on the Table of the House.

## STATEMENT

*FOB/FAS prices of imported locomotives*

## UNITED KINGDOM

*Broad Gauge*

1. XD type (Goods)	£ 13851
2. WG type (Goods)	£ 29350
3. HPS type (Pass.)	£ 19455

*Metre Gauge*

4. Garrat (Goods)	£ 26884
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## CANADA

*Broad Gauge*

1. CWD type (Goods)	\$ 79907
2. WP type (Pass.)	\$ 129000

*Metre Gauge*

3. YG type (Goods)	\$ 101706
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## U.S.A.

*Broad Gauge*

1. WP type (Passenger)	\$ 126250
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*Metre Gauge*

2. MAWD type (Goods)	\$ 64606
3. YG type (Goods)	\$ 101706
4. YP type (Pass.)	\$ 106650

**Dr. Mono Mohon Das:** May I know, Sir, whether before sending their orders to Canada and U.S.A., Government enquired whether railway engines of cheaper types and better quality can be made available from Germany?

**The Honourable Shri N. Gopalswami Ayyangar:** Government makes very full enquiries; they actually invite what are called 'global' tenders before placing these orders. In fact our Chief Commissioner made enquiries in a number of other countries before placing these orders.

**Dr. Mono Mohon Das:** Will the Honourable Minister of Railways be kind enough to give an idea about the durability of these engines which have been sent from Canada and U.S.A.?

**The Honourable Shri N. Gopalaswami Ayyangar:** We have been assured of perfect durability for as long as could reasonably be expected, but we cannot give you the results of that unless the required number of years elapse.

**Shri Mohan Lal Gautam:** Which other countries tendered or quoted for special engines and why those tenders were not accepted?

**The Honourable Shri N. Gopalaswami Ayyangar:** We have placed orders in countries from which we did receive the tenders but the number of orders placed has varied with countries. We have, for instance, in addition to the U.S.A. and Canada, placed orders in the United Kingdom and France. In other cases where tenders were received we did not place them because we did not consider it was in the interests of our Railways, we should place them there.

**Shri M. Tirumala Rao:** Is there any difference in the tractive power and other services rendered by these engines imported from the U. K., Canada and United States, and if so, which are the best engines?

**The Honourable Shri N. Gopalaswami Ayyangar:** These locomotives, they are manufactured according to the specifications which we sent from here. There may be difference in tractive power, but that is the result of whatever specifications we have given to them.

**Shri M. Tirumala Rao:** Is a comparison possible between the efficiency of services rendered by these engines for which we have paid the same cost?

**The Honourable Shri N. Gopalaswami Ayyangar:** If we make immediate comparison, these locomotives are certainly better but we have got to have the experience of a few years before we can make a really trustworthy comparison.

**Shri H. V. Kamath:** Has any serious attempt been made by Government to obtain locomotive engines from France or Czechoslovakia?

**Mr. Deputy-Speaker:** He has said it already.

**Shri H. V. Kamath:** The countries are not mentioned.

**The Honourable Shri N. Gopalaswami Ayyangar:** I said that some orders had been placed in France. We have not placed any orders in Czechoslovakia.

**Shri Suresh Chandra Majumdar:** What is your experience of the engines that were brought here during the war years and are they still going strong?

**The Honourable Shri N. Gopalaswami Ayyangar:** I think so.

**Pandit Lakshmi Kanta Maitra:** May I enquire of the Honourable Minister if the Railway Department has received complaints from certain railway administrations that the new Canadian engines are too heavy in some portions of the existing tracks; if so, what steps have been taken by the Government to rectify that?

**The Honourable Shri N. Gopalaswami Ayyangar:** I would only invite the Honourable Member to tax his memory on this particular subject. The whole thing was gone into during the last Budget debate and I gave the House a full account of whatever allegations were made against these engines and how most of them were really unfounded.

**Pandit Lakshmi Kanta Maitra:** I am sure the Honourable Minister knows very well that many of the locomotives came after the last Budget session and the complaint is with regard to the latest arrivals of the locomotive engines.

**The Honourable Shri N. Gopalaswami Ayyangar:** I have not received any recent complaints about these locomotives.

**Shri Mohan Lal Gautam:** In what manner has Government satisfied itself that the locomotives that they are buying are the best and cheapest so far as the world market is concerned?

**The Honourable Shri N. Gopalaswami Ayyangar:** It is from the very best technical advice that is at our command that we have come to that conclusion.

**Shri Mohan Lal Gautam:** Which countries offered to supply locomotives and the Government did not place any orders with those countries?

**Mr. Deputy-Speaker:** He has already answered, France. Next question.

#### FEMALE BUS CONDUCTORS

**\*526. Dr. Mono Mohon Das:** Will the Honourable Minister of Transport be pleased to state—

(a) the number of female conductors employed in the Delhi Transport Service; and

(b) their monthly pay including dearness allowance?

**The Honourable Shri K. Santhanam:** (a) Ten.

(b) Rs. 90.

**Shri H. V. Kamath:** Have they proved as efficient as men conductors?

**The Honourable Shri K. Santhanam:** Some of them have proved better and some worse.

**Mr. Deputy-Speaker:** Honourable Members will kindly bear that whichever members put these questions, he must have preference to put supplementary questions.

**Shri H. V. Kamath:** He did not rise.

**Mr. Deputy-Speaker:** I saw him rise, though the Honourable Member did not notice.

**Dr. Mono Mohon Das:** May I know how many of these female conductors have been discharged during the strike period?

**The Honourable Shri K. Santhanam:** I do not think any of them have been discharged during the strike period. On the whole sixteen conductors were recruited, three of them left service and the services of three female conductors were terminated for long and unauthorized absence.

**Dr. Mono Mohon Das:** Are we to understand from what the Honourable Minister said that these female conductors are capable of giving better service than the male conductors?

**The Honourable Shri K. Santhanam:** I have already said that some of them had given better service and some worse.

**Shri R. K. Sidava:** May I know whether these female conductors and drivers are given uniforms as they are allowed in other cities?

**The Honourable Shri K. Santhanam:** Arrangements have been made to supply uniforms to the male conductors and we are examining what kind of uniform we may give to the female conductors.



**Sardar Bhopinder Singh Man:** Have the Government any proposal to curtail the salaries of lady conductors in view of the fact that they refuse to shout for passengers or the names of the routes?

**The Honourable Shri K. Santhanam:** No, Sir; they are paid the same salaries as the male conductors.

**Mr. Nasiruddin Ahmad:** Is it a fact that the fares of buses presided over by female conductors are fifty per cent. higher than those conducted by men?

**Sjt. Rohini Kumar Ohaudhuri:** May I know from the Honourable Minister why he felt the necessity of appointing female bus conductors? Was it to meet the convenience of female passengers or passengers of other kinds?

**The Honourable Shri K. Santhanam:** To improve courtesy and manners in the bus service.

**Shri H. V. Kamath:** Is care taken to see that no duties are assigned to these women conductors after sunset?

**The Honourable Shri K. Santhanam:** I do not think any complaint from any female conductor has reached us on that score.

**Dr. Mono Mohon Das:** Has the employment of female conductors in the D.T.S. been able to attract more passengers?

**Shri V. C. Kesava Rao:** How many of these female conductors are refugees?

**The Honourable Shri K. Santhanam:** I would require notice, probably all.

#### PLANT PESTS AND PLANT DISEASES

\*527. **Dr. Mono Mohon Das:** Will the Honourable Minister of Agriculture be pleased to state what steps have been taken by Government to train personnel of different provinces in fighting plant pests and diseases?

**The Honourable Shri Jairamdas Doulatram:** Short courses for imparting instruction in the prevention and control of pests and diseases, are organised periodically at different centres in India, for the benefit of the personnel working in these areas. One such course was held in Nagpur in 1948 and another in Ajmer in 1949. The number of officials trained at the two places was nearly 200.

Besides this, the Indian Agricultural Research Institute conducts a one year course in Plant Protection, to which students from all parts of India are admitted. In the two years Post-graduate courses in Entomology and Mycology also, which are conducted by the Indian Agricultural Research Institute, there is arrangement for advanced lectures and practical demonstration on the control of pests and diseases in the field.

**Dr. Mono Mohon Das:** May I know whether all these people trained in these centres have been employed under the Government.

**The Honourable Shri Jairamdas Doulatram:** They are employed by the Provincial Governments. I would not be able to say whether all of them have been employed by provincial governments.

**Shri Satish Chandra Samanta:** Has every commodity committee a research laboratory with its own staff to fight plant pests and plant diseases?

**The Honourable Shri Jairamdas Doulatram:** I will require notice.

**Shri H. V. Kamath:** May I know how much money is spent on research into this subject, annually?

**The Honourable Shri Jairamdas Doulatram:** I won't be able to say straight off.

## POWER ENGINEERS' CONFERENCE

\*528. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state the total expenditure incurred by Government for the Power Engineers' Conference held in New Delhi in last February?

(b) When do Government propose to give effect to the resolutions passed by the Conference?

**The Honourable Shri N. V. Gadgil:** (a) Rs. 6,644.

(b) A copy of the resolutions passed by the Conference is placed on the Table. Government are taking suitable action on these resolutions, as far as practicable, bearing in mind financial and other considerations. (See Appendix XIV, *annexure No. 1.*)

**Dr. Mono Mohon Das:** What were the objects and reasons for which this conference was called?

**The Honourable Shri N. V. Gadgil:** The object was to secure better planning and co-ordination in the matter of implementation of the schemes finally adopted.

**Shri S. Nagappa:** May I know whether the expenditure involved was debited to the Provincial accounts or to the Central account?

**The Honourable Shri N. V. Gadgil:** This amount of Ra. 6,644 was debited to the account of the Central Government.

**Shri Mahavir Tyagi:** May I know what planning and co-ordination was recommended by the conference and whether their recommendation has been acted upon?

**The Honourable Shri N. V. Gadgil:** A copy of their recommendation has been laid on the Table of the House.

**Shri E. K. Sidhva:** If this sum of Ra. 6,644 has been incurred by the Central Government can the Honourable Minister give us an idea of what it costs the Provincial Governments?

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

**Shri S. Nagappa:** May I know whether there was any engineer who attended this conference, from outside India?

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

**Dr. P. S. Deshmukh:** What is the total amount spent in travelling allowance and daily allowance of the officers who attended this conference?

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

## STATE BUSES

\*529. **Seth Govind Das:** Will the Honourable Minister of Transport be pleased to state how many additional state buses have been run by the Central Government to relieve congestion in the Railway trains during the financial year 1948-49?

**The Honourable Shri N. Gopalaswami Ayyangar:** No additional state buses were run by the Central Government to relieve congestion in the Railway trains during the financial year 1948-49.

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

## TRACTORS AND AGRICULTURAL MACHINERY

\*530. **Seth Govind Das:** Will the Honourable Minister of Agriculture be pleased to state how many large tractors and other machines have been made available to the agriculturists on nominal rent, and how many of such machines have been made available to the co-operative Farming societies?

**The Honourable Shri Jairamdas Doulatram:** The present policy of the Government of India is that mechanical cultivation operations should be carried out on a 'no profit no loss' basis and no subsidies are payable in respect of these operations. In the past two years however, subsidised reclamation of land (kans eradication) was done by means of six units of fifteen tractors each in 1948 and ten units in 1949. Half the cost of reclamation is being recovered from the cultivators and the other half is shared half and half by the Provincial and Central Governments. Some Provinces, however, have their own tractors with which they carry out cultivation operations on behalf of agriculturists and co-operative societies. A statement giving the available information is placed on the Table of the House. (See Appendix XIV, Annexure No. 2.).

## WELLS

\*531. **Seth Govind Das:** Will the Honourable Minister of Agriculture be pleased to state how many new wells have been sunk in the different provinces in the financial year 1948-49 and to how many of them government aid has been granted?

**The Honourable Shri Jairamdas Doulatram:** The total number of new wells sunk in the different provinces during the year 1948-49 with subsidies provided by the Government of India was 84,984. A statement showing the number of wells sunk in each Province is placed on the Table of the House.

As regards the number of wells sunk in each Province without Government aid, the Provincial Governments were consulted, but they do not have the information except in U.P. where approximately 8,000 masonry wells were constructed without Government aid.

## STATEMENT

Province	Number of Wells
Assam	..
U.P.	1,892
West Bengal	..
Bombay	3,511
Bihar	2,682
C.P. and Berar	4,435
Orissa	143
Madras	21,885
East Punjab	386
<b>TOTAL</b>	<b>34,931</b>

Assam and West Bengal had no schemes for sinking wells.

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

**SEEDS, FERTILISERS AND MANURES**

†\*532. **Seth Govind Das:** Will the Honourable Minister of Agriculture be pleased to state the special facilities provided to the agriculturists in the financial year 1948-49 for obtaining (i) good quality seeds, (ii) technical advice and (iii) compost, manure and fertilizers?

**The Honourable Shri Jairamdas Doulatram:** (i) During 1948-49, the Provincial Governments formulated schemes of seed multiplication and its distribution to the farmers at concessional rates. These schemes were subsidised by the Government of India.

In order to enable Provincial Governments to distribute sufficient quantities of good quality seed-wheat which they needed, the Government of India arranged for the supplies of indigenous seed-wheat from East Punjab, U.P., Central India and by imports from Pakistan. The total quantity thus distributed was 43,417 tons.

(ii) Technical advice relating to fertilisers, seeds, compost, fisheries, plant protection and soil conservation was given by the concerned officers who toured the provinces and States.

(iii) Two statements are placed on the Table of the House enumerating special facilities afforded by the Central Government in connection with the production and supply of compost manures and fertilisers during 1948-49 (See Appendix XIV, annexure No. 3.)

**IRRIGATION BY CANALS OR DAMS**

†\*533. **Seth Govind Das:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) the total area irrigated by canals or dams in India in the financial years 1947-48 and 1948-49; and

(b) what special efforts are being made for increasing the area under irrigation by canals?

**The Honourable Shri N. V. Gadgil:** (a) The information is being collected and will be laid on the Table of the House.

(b) Government both at the Centre and in the Provinces and States are doing their best to bring additional areas under irrigation. For a short-term plan small irrigation schemes including tube-well installations, are being undertaken. For a long term plan, some big river valley development projects are under construction with a view to making large quantities of water available to bring additional areas of land under irrigation.

**AIR SURVEY TEAM**

\*534. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of Agriculture be pleased to state whether it is a fact that the Government of India have asked for the services of an Air Survey team from England?

(b) If so, has the team reached India and begun its work?

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

**The Honourable Shri Jairamdas Doulatram:** (a) and (b). The Air Survey Company of India, Ltd., Dum Dum, West Bengal, which is a British firm registered in India, is at present under contract with the Government of India for carrying out aerial photography required by the Survey of India. The company has recently brought its trained personnel in India for carrying out the work.

**Dr. Mono Mohon Das:** What are the reasons for these aerial surveys?

**The Honourable Shri Jairamdas Doulatram:** We are able to get a better picture of the land with all its variations, from the air.

**Shri H. V. Kamath:** Will any Indian expert be associated with this Air Survey team from England?

**The Honourable Shri Jairamdas Doulatram:** We propose to associate Indian personnel as soon as we are able to get them.

**Shri E. K. Sidhva:** Was no such Air Survey team available in India? What are the special qualifications required?

**The Honourable Shri Jairamdas Doulatram:** They have experience over a number of years, that is the special qualification. This is the same team which was working here during the war time. Until we get our own team, we will have to employ them.

**Shri E. K. Sidhva:** Do we not have men of such calibre in our air services?

**The Honourable Shri Jairamdas Doulatram:** The Air Services were asked whether they could give us the personnel and the machinery, but they could not, and so we had to avail of this team.

**Shri E. K. Sidhva:** Was every effort made to see whether the Defence Ministry could not give the necessary help?

**The Honourable Shri Jairamdas Doulatram:** The Defence Ministry was asked, and they could not supply the machinery or the men suitable for this purpose.

**Shri H. V. Kamath:** Is there no Indian personnel to be associated with this team?

**The Honourable Shri Jairamdas Doulatram:** Yes, they will be associated, after they are recruited and selected.

**Shri E. K. Sidhva:** Who will recruit them?

**The Honourable Shri Jairamdas Doulatram:** The Survey of India, in consultation with the Defence Ministry.

**Sardar Bhopinder Singh Man:** Does the Government incur any cost in the mere association of some Indian personnel?

**Dr. Mono Mohon Das:** What is the expenditure incurred?

**The Honourable Shri Jairamdas Doulatram:** About Rs. 6 lakhs.

#### CENTRAL GROUND WATER ORGANISATION

\*535. **Shri Deshbandhu Gupta:** Will the Honourable Minister of Agriculture be pleased to state:

(a) whether it is a fact that decision has been taken to wind up the Central Ground Water Organisation;

(b) whether it has been suggested to the Food Commissioner that 100 tube wells can be bored within four months with the help of three rotary rigs which have been lying idle and that for that purpose no material or technical staff need be imported and if so, the action taken on the suggestion?

(c) whether it is a fact that a conference of some expert engineers of different provinces was held in Delhi in September 1949 in which the question of boring tube wells on mass scale was discussed and a decision taken to order some rotary rigs and percussion rigs; and

(d) whether it is a fact that none of these expert engineers had any experience of the working of rotary rigs?

**The Honourable Shri Jairamdas Doulatram:** (a) No, but with a view to speed up the implementation of the food plans of provinces it was decided to hand over to the Provinces the bulk of staff and machinery, plant and equipment, etc., of the Central Ground Water Organisation to enable them to go ahead with their tube well construction programme.

(b) Such a suggestion was made but not considered feasible. The three rigs were also not available when the suggestion was made.

(c) A conference of the representatives of East Punjab, U.P. and Bihar Governments was held in September, 1949, when the question of tube well construction in these Provinces was discussed. No decision was taken to order rotary or percussion rigs. The decision taken was that the boring machines which were with the Central Ground Water Organisation should be distributed to the Provinces so that they could push on with their tube well construction programme.

(d) No.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that the Government has plans for constructing 4,000 wells and 500 additional feeder tube wells in three years?

**The Honourable Shri Jairamdas Doulatram:** Government had these plans.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that the Ministry appointed a technical panel to go into the question of importing mechanical rigs for the purpose?

**The Honourable Shri Jairamdas Doulatram:** Yes.

**Shri Deshbandhu Gupta:** May I also know whether it is a fact that this panel recommended their importation and the conclusion of an agreement with a U.S.A. firm on the basis of a tube well to cost Rs. 74,000, and the total amount worked to about Rs. 31 crores?

**The Honourable Shri Jairamdas Doulatram:** There was difference of opinion between the Government and the experts about the amount asked for by the company, and ultimately on account of financial reasons we did not conclude that agreement.

**Shri Deshbandhu Gupta:** I want to know whether it is a fact that the officials of the Ministry, the presiding officer of the C.G.W. and the Joint Secretary serving on the panel, they were of the opinion that the agreement could be concluded at the cost of Rs. 74,000 a well?

**The Honourable Shri Jairamdas Doulatram:** They had come to no decision with regard to the cost. As a matter of fact the objection was that the cost was too great.

**Shri Mahavir Tyagi:** But did they agree to Rs. 74,000?

**Shri Deshbandhu Gupta:** I do not want the Government's decision. I want to know the recommendation of the technical panel, and of these officers.

**The Honourable Shri Jairamdas Doulatram:** I could not say it from memory. I would have to refer to the papers.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that the Assistant Engineer who recently bored three wells with the help of rotary rigs gave an estimate showing that a tube well could be bored at a cost of Rs. 15,000 to Rs. 20,000.

**The Honourable Shri Jairamdas Doulatram:** It was entirely on a different basis.

**Shri Deshbandhu Gupta:** What was the different basis?

**The Honourable Shri Jairamdas Doulatram:** The different basis was the different type of machinery to be employed.

**Shri Deshbandhu Gupta:** Is it a fact that the cost that these engineers recommended did not go beyond Rs. 20,000 for a tube well even if sunk with a rotary rig?

**The Honourable Shri Jairamdas Doulatram:** I do not think that that was the only difference.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that the C.G.W.O. during the last three years was of opinion that the rotary rigs could not be worked without the help of technical experts from the U.S.A.

**The Honourable Shri Jairamdas Doulatram:** Not technical assistance from U.S.A. but the feeling was that we have not sufficient trained technical personnel available in India.

**Shri Deshbandhu Gupta:** That means though not the U.S.A. other foreign experts. Is that so?

**The Honourable Shri Jairamdas Doulatram:** Yes.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that it was on that account that all these rotary rigs which were imported at a high cost were lying idle for three years?

**The Honourable Shri Jairamdas Doulatram:** That is a fact.

**Shri Deshbandhu Gupta:** Is it a fact that this Assistant Engineer, who was paid Rs. 500 or less per month was able successfully to demonstrate that these rotary rigs could be worked with the help of Indian drillers who were trained under the C.G.W.O.?

**The Honourable Shri Jairamdas Doulatram:** I think the honourable member knows the full facts about the matter as also the decision I made that that engineer should be given an opportunity to use the rigs.

**Shri Deshbandhu Gupta:** Is it not a fact that this engineer bored three wells due to the personal intervention of the Honourable Minister but even those three wells also have not been put in commission and further progress has been checked because the C.G.W.O. did not want either this engineer or Indian engineers to work these rotary rigs?

**The Honourable Shri Jairamdas Doulatram:** That is not a fact. The difficulty was with regard to securing the machinery and for that we had to rely

upon a sister ministry, who could not get the required type of engine from outside in time.

**Shri Dashbandhu Gupta:** Is it not a fact that this tractor was available locally and it took more than nine months to negotiate its purchase through the Ministry of Industry and Supply?

**The Honourable Shri Jairamdas Doulatram:** As I said, I am not able to answer for delays occurring elsewhere.

**Shri Dashbandhu Gupta:** May I know whether it is a fact that this engineer has contended that if these rotary rigs were worked as a unit of two or three rigs they would give us better production and he has undertaken to dig at least 100 wells in two months time with the help of three rotary rigs but the rigs had been distributed and they are lying idle?

**The Honourable Shri Jairamdas Doulatram:** He made that claim but I do not admit that there were not other engineers available who could do the same type of work.

**Shri Dashbandhu Gupta:** Is it not a fact that till the day he made the demonstration there were no engineers available in India who could demonstrate that these rotary rigs could be put to use and that even at the present moment these rotary rigs are lying idle in other provinces?

**The Honourable Shri Jairamdas Doulatram:** There were at the same time other Indian engineers available who immediately thereafter were able to dig the wells in a neighbouring part of Delhi province.

**Shri Dashbandhu Gupta:** Why were not these engineers available earlier...

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

**Dr. B. Pattabhi Sitarayya:** What is the significance of the expression "sister Ministry"? Does it refer to a ministry presided over by a lady or has the Honourable Minister classified all the Ministries as feminine just as Government in the United Provinces and in Hindi is considered as feminine?

**Shri Mahavir Tyagi:** From the replies of the Honourable Minister do I understand that the officer in charge rejected the proposal of the engineer who offered to dig the wells at a cost of Rs. 20,000 and insisted on schemes which involved a cost of Rs. 74,000 per tube well?

**The Honourable Shri Jairamdas Doulatram:** As I said, the more costly scheme was not approved and it was rejected and there was no contract entered into.

**Shri Mahavir Tyagi:** Was it the more costly scheme that was recommended by the officer concerned in the Ministry?

**The Honourable Shri Jairamdas Doulatram:** As I said we did not accept that scheme.

**Shri Mahavir Tyagi:** How do you explain as to why he recommended that scheme?

**Mr. Deputy-Speaker:** Order, order. More than one Honourable Member asked a question as to what the recommendation of the Panel was and the Honourable Minister only said that it was not accepted. I think further questions would have been avoided if the Honourable Minister had answered what the recommendation was. I would only ask the Honourable Minister to state what was the recommendation of the Panel.



**The Honourable Shri Jairamdas Doulatram:** I would not be able to say exactly what the final recommendation was, I know that the matter was under consideration and the figure demanded was being disputed.

**Shri Deshbandhu Gupta:** Is the Honourable Minister satisfied that the rotary rigs can dig a well a day or a well in two days? If so, what steps are being taken by the Honourable Minister to import more rotary rigs or get them manufactured in India so that the tube well construction may be expedited?

**The Honourable Shri Jairamdas Doulatram:** The rigs can bore a hole in 24 hours and they may also take more time. Much depends upon the nature of the soil below the surface. But well digging does not mean only boring a hole. It means further development of the well and that requires engines to pump out the water. In regard to the manufacture of rotary rigs the matter was examined by the Ministry of Industry and Supply. It is not possible to manufacture rigs in India at the present time.

**Shri M. Trimala Rao:** Is it a fact that the officer of the Ministry who advised the ministry on the import of chemical fertilisers and tractors is also actively associated with this scheme of rotary rigs being imported from the U.S.A.?

**The Honourable Shri Jairamdas Doulatram:** No.

#### ROTARY RIGS

\*536. **Shri Deshbandhu Gupta:** Will the Honourable Minister of Agriculture be pleased to state:

(a) whether it is a fact that it has been suggested to the Government that rotary rigs can be manufactured in India without much difficulty and at a much cheaper cost?

(b) if so, what steps Government have taken to explore the possibilities of manufacture of the same; and

(c) whether the Government ordnance factories and railway workshops have been consulted in this matter and if not, whether Government propose to do so now?

**The Honourable Shri Jairamdas Doulatram:** (a) Yes.

(b) The suggestion was examined by the Ministry of Industry and Supply who advised that the only portions of the rotary rig which could be manufactured in India were the derrick and the derrick floor, and that the remaining parts would have to be imported.

(c) No. Government will take steps in the matter.

**Shri Deshbandhu Gupta:** May I know whether any private firm has offered to the Ministry to undertake the manufacture of these rotary rigs, if the Ministry would guarantee that the production would be taken by them or some little help given to them by the Government?

**The Honourable Shri Jairamdas Doulatram:** As I have said, our Ministry is not dealing with the question of having these machines manufactured. It is the Ministry of Industry and Supply who will be able to reply to that question.

**Shri Deshbandhu Gupta:** What is the cost of a rotary rig?

**The Honourable Shri Jairamdas Doulatram:** As imported from America it is about one lakh.

**Shri Deshbandhu Gupta:** Is it not a fact that the estimate given by one of these engineering firms was that these rigs could be manufactured right here at a much cheaper cost?

**The Honourable Shri Jairamdas Doulatram:** I do not know. I will require notice of that.

#### LAND RECLAMATION

†\*537. **Shri Ajit Prasad Jain:** (a) Will the Honourable Minister of Agriculture be pleased to state how much waste land has been reclaimed in each of the Provinces, States and Unions of India as a result of Food Production Drive since the decision to stop imports at the end of 1951 was taken?

(b) How much of waste land is proposed to be reclaimed under the Food Production Drive by the end of 1951 and 1954?

(c) What is the strength of Central Tractor Station and how many tractors have been distributed by the Centre to the Provinces?

(d) What is the area of waste land reclaimed by the tractors supplied by the Central Tractor Station?

**The Honourable Shri Jairamdas Doulatram:** (a) and (b). A statement showing the available information is placed on the Table. (See *Appendix XIV, annexure No. 4.*)

(c) The number of tractors available in the Central Tractor Organisation is 252 of which 221 are old machines. Out of the 221 old machines, 159 are working machines for reclamation and 40 for ordinary cultivation. The balance of 22 old machines, being unfit for rehabilitation, have been condemned and cannibalised. The parts of these machines are being used for repair of other old machines. Of the 31 new machines, 25 are for cultivation, three for reclamation and three for trial.

The total number of tractors distributed by the Government of India to the various Provinces and States is 534.

(d) The total area of waste land so far reclaimed\* by the Central Tractor Organisation is 1,06,975 acres.

#### FOOD PRODUCTION

†\*538. **Shri Ajit Prasad Jain:** (a) Will the Honourable Minister of Agriculture be pleased to state what new administrative changes have been effected to increase food production with a view to stopping import of foodgrains at the end of 1951?

(b) What would be the annual cost of this additional administrative machinery (i) to the centre; and (ii) to the Provinces?

(c) What is the total consequent increase in the office staff grade-wise?

**The Honourable Shri Jairamdas Doulatram:** (a) The Administrative changes which have been effected at the Centre are—

(i) the appointment of a Food Production Commissioner, (ii) the setting up of a Special Emergency Branch in the Ministry of Agriculture under the immediate control of the Food Production Commissioner and (iii) the constitution of a Food Production Board under him. The set-up recommended to the Provinces

\* Answer to this question laid on the Table, the questioner being absent

and States was (i) appointment of a Director of Food Production; (ii) the constitution of a Cabinet Sub-Committee on food matters; (iii) making Deputy Commissioners or Collectors in the Districts primarily responsible for food production work and for this purpose giving them the authority to co-ordinate the functions of the various Departments operating in their districts and delegating their routine duties to one of their Assistants; and (iv) creation of a small Statistical Organisation attached to the Director of Food Production.

(b) and (c). A statement giving the information in respect of the changes effected at the Centre and the additional cost involved is placed on the Table of the House. Information in respect of the Provinces and States is being obtained and will be placed on the Table of the House in due course.

### STATEMENT

Annual cost of additional machinery to the Centre.		Rs. 50,000
Total increase in office staff grade-wise.	Officers	5*
	Assistants	2
	Clerks	5
	Personal Assistant	1
	Stenographers	4
	Steno-Typist	1
	Jematis	1
	Peons	7

\*Out of these five officers four are working in an honorary capacity.

### NIGHT AIR MAIL SERVICE

539. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Communications be pleased to state why a non-scheduled company has been given licence for carrying night air mail with passengers?

(b) What is the standing of the non-scheduled company i.e. Himalayan Aviation Limited, Calcutta?

**Shri Khurshed Lal** (Deputy Minister of Communications): (a) The Honourable Member is probably aware that a company becomes a 'scheduled company' only after it is granted a licence—Himalayan Aviation like all other scheduled operators, is now a 'scheduled company'—the circumstances in which licence was granted to this company were fully explained in the debates in this House on the 30th November, 1949.

(b) Himalayan Aviation is a limited company formed in May, 1948 and has since been engaged on carrying out non-scheduled air transport operations from its base at Calcutta. The record of non-scheduled operations by this company has been satisfactory.

**Shri H. V. Kamath:** How many planes has this Himalayan Aviation Ltd. pressed into service on their night flights?

**Shri Khurshed Lal:** As many as are necessary.

**Shri H. V. Kamath:** That is hardly an answer to my question. How many have they got and how many are flying?

**The Honourable Mr. Bad Ahmad Kidwai:** Four planes are flying and two are in reserve.

**Shri S. Nagappa:** May I know whether any scheduled companies refused to carry air mail and if so, whether Government have considered their removal from the list?

**Shri Khurshed Lal:** All that was explained in the debate on the previous occasion.

**Shri H. V. Kamath:** Are all the planes Dakotas or of a military type?

**Shri Khurshed Lal:** Dakota type.

**Shri H. V. Kamath:** May I know whether some were reconverted in Hindustan Aircraft, Bangalore or not?

**Shri Khurshed Lal:** Reconversion is for carrying passengers during the night. Whether to carry freight or passengers they are all Dakotas.

**Shri S. Nagappa:** This point was not explained in the debate—whether any company that refused to offer its services for night flying was removed from the Scheduled List.

**Shri Khurshed Lal:** If the Honourable Member will care to go through the proceedings of the debate he will find that they are fully explained there.

**Shri H. V. Kamath:** Have these aeroplanes plying in the night service been fitted so as to carry passengers in the same manner as the Dakota planes plying by day?

**Shri Khurshed Lal:** Some of them still require to be so fitted.

**Shri H. V. Kamath:** How long will it take to convert them to the proper pattern?

**The Honourable Mr. Rafi Ahmad Kidwai:** They have already got a few and I think our Aircraft Factory is doing one more. That will make all the planes fitted with seats.

**Dr. P. S. Deshmukh:** Who are the principal shareholders in this Himalayan Aviation Company?

**The Honourable Mr. Rafi Ahmad Kidwai:** I will try to send a copy of the list of shareholders of that company to the Honourable Member.

**Shri H. V. Kamath:** May I know how many Indian pilots there are in this company?

**Shri Khurshed Lal:** I answered this question last time. They have twenty-one pilots out of whom nine are Indians, nine Europeans and three Stateless.

#### CENTRAL ELECTRICITY BOARD AND PROVINCIAL ELECTRICITY BOARDS

\*549. **Shri Bamanth Kumar Das:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that the Central Electricity Board has been constituted, if so, when and what works have been taken up by them;

(b) the provinces in which the Provincial Electricity Boards have been set up and whether any Board has effected any improvement in the generation and distribution of electricity and if so, in what manner; and

(c) whether any public-owned electric corporation has been started by any Provincial Board?

**The Honourable Shri N. V. Gadgil:** (a) I presume that the Honourable Member wants information about the Central Electricity Authority. If so, the Authority has not yet been constituted.

(b) No Province has yet set up any Provincial Electricity Board. The latter part of the question does not arise.

(c) Does not arise.

**Shri Basanta Kumar Das:** Has any Provincial Government issued any notification so far in this respect?

**The Honourable Shri N. V. Gadgil:** No notification has been issued by any Provincial Government in this regard. The difficulty in implementing this part of the Act was explained the other day while the Electricity (Supply) Amendment Bill was under discussion.

**Shri Basanta Kumar Das:** What is the last date for the issue of the notification by the Provincial Governments?

**The Honourable Shri N. V. Gadgil:** September, 1950.

**Shri Deshbandhu Gupta:** What is the hitch in appointing the Provincial Electricity Board in Delhi as it is directly under the Government of India?

**The Honourable Shri N. V. Gadgil:** There is no hitch except that the present Delhi Electricity Power Authority, which is a body incorporated under the Indian Companies Act, is not willing to come in line with the directions of the Government.

**Shri Deshbandhu Gupta:** What steps are Government taking to see that the Provincial Electricity Board is set up in Delhi?

**The Honourable Shri N. V. Gadgil:** Necessary steps are being taken.

**Shri Deshbandhu Gupta:** Is it a fact that two of the Members have already been nominated and they are working and that the Board is not yet completely constituted?

**The Honourable Shri N. V. Gadgil:** Two Members have been provisionally selected and one Member will be selected in course of time. But the Board will come into existence after certain preliminaries have been done in connection with the present existing Authority.

**Shri Deshbandhu Gupta:** Is it proposed to dissolve that body?

**The Honourable Shri N. V. Gadgil:** Some such thing.

#### REDISTRIBUTION OF POSTAL DIVISIONS (ORISSA POSTAL CIRCLE)

\*541. **Shri Yudhishthir Mishra:** Will the Honourable Minister of Communications be pleased to state whether any representation for the redistribution of the existing Postal Divisions of the Orissa Postal Circle, has been received for consideration by Government and if so, whether any decision has so far been taken in the matter?

**Shri Khurshed Lal:** (Deputy Minister of Communications): No.

**Shri Yudhishthir Mishra:** Do Government think it desirable to redistribute the Postal Divisions in Orissa in view of the merger of the States with the Orissa Province?

**Shri Khurshed Lal:** That question will be examined.

POST OFFICES (INTEGRATED ORISSA STATES)

\*542. **Shri Yudhisthir Mishra:** Will the Honourable Minister of Communications be pleased to state whether Post Offices in the integrated Orissa States have been authorised to deposit their surplus cash collections in the local Government Treasuries and if not, whether Government propose to take up the question early?

**Shri Khurshed Lal** (Deputy Minister of Communications): Out of 34 Post Offices situated in ex-Orissa States 14 are already making monetary transactions with ex-State Treasuries. Orders extending the same facilities to the remaining 20 Post Offices are expected to be issued shortly.

ELECTRIC RAILWAYS

\*543. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Railways be pleased to state:

(a) what is the total length of electric Railways run in India and the names of lines where they exist; and

(b) whether the Government of India have any scheme for the expansion of electric railways for long distances in India and if not, why not?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) The total electrified route mileage of Indian Railways is 235·99 miles, comprising of the following sections:

South Indian Railway.	Medras Beach to Tambaram	18·14 miles.
Great Indian Peninsula Railway.	Bombay to Poona and Kalyan to Igatpuri	181·05 miles.
Bombay Baroda and Central India Railway.	Bombay Churchgate to Virar	36·80 miles.

(b) Yes; such schemes are under examination.

**Shri S. Nagappa:** Which of the two systems work cheaper per mile?

**The Honourable Shri N. Gopalaswami Ayyangar:** We take good care to see that both are economic. I am not in a position to say which is cheaper.

**Shri S. Nagappa:** I wanted to know the comparative costs.

**Mr. Deputy-Speaker:** The Honourable Minister has no present information.

**Shri M. Tirumala Rao:** With regard to the answer to part (b) of the question, is there any proposal before Government for investing the scheme of long-distance electrification of Railways along with the general electrification scheme in my Honourable friend Mr. Gadgil's Department?

**The Honourable Shri N. Gopalaswami Ayyangar:** A number of long-distance electrification schemes are under examination.

**Shri R. K. Sidhva:** The Honourable Minister stated in answer to part (b) that some schemes are under examination. May I know the schemes of which Railways have been presented to the Board?

**The Honourable Shri N. Gopalaswami Ayyangar:** We have received schemes, which are under examination, for a number of Railways—B.B. and C.I., G.I.P., S.I. and E.I.

**Shri R. K. Sidhva:** Is there any scheme for underground railway?

**The Honourable Shri N. Gopalaswami Ayyangar:** There is a scheme, not under the auspices of the Railway Board, but I believe the West Bengal Government have got a scheme under examination.

**Shri R. K. Sidha:** Are the West Bengal Government competent to construct an underground railway without the knowledge of the Central Government?

**The Honourable Shri N. Gopalaswami Ayyangar:** I can assure the Honourable Member that the West Bengal Government have not kept it away from the knowledge of the Central Government. They have been keeping us informed.

**Shri L. Krishnaswami Bharathi:** May I know at what stage the electrification scheme up to Chingleput in the South Indian Railway stands?

**The Honourable Shri N. Gopalaswami Ayyangar:** Originally there was a scheme to which the Railway Board raised certain objections. The scheme has now been revised, that is to say, a new scheme has been received which seems to promise fairly economic returns. That scheme is under active examination now.

**Shri O. V. Alagesan:** Is there any possibility of its being taken up next year?

**The Honourable Shri N. Gopalaswami Ayyangar:** I am afraid not at present. We are at present unable to say whether we would be able to find money. As it is, I am afraid it may not be possible. But if it is possible to find funds we shall do it.

**Shri Mihar Lal Chattopadhyay:** May I know whether the scheme of electrification from Howrah to Moghulsarai has been finalised?

**The Honourable Shri N. Gopalaswami Ayyangar:** There is a scheme, but it has not been finalised.

**Shri Suresh Chandra Majumdar:** May I know wherefrom the E.I. Railway would get the electricity?

**The Honourable Shri N. Gopalaswami Ayyangar:** Electricity has to be generated, and we have got to make provision for the generation of electricity, whether it is going to be thermal plant or hydro-electric plant or the two together. All that will be examined in due course.

**Shri Mohan Lal Gautam:** Is there any scheme to run electric trains between Lucknow and Kanpur?

**The Honourable Shri N. Gopalaswami Ayyangar:** No. I do not think we have received any such scheme.

**श्री गोकुल भाई दौलतराम भट्ट :** क्या बम्बई से पालगढ तक इलेक्ट्रिक ट्रेन सविस का बन्दोबस्त होने वाला है ?

**Shri Gokulbhai Daulatram Bhatt:** Are arrangements going to be made for an Electric Train Service from Bombay to Palgarh?

**Mr. Deputy-Speaker:** The Honourable Minister cannot know off-hand about all the schemes throughout the sub-continent of India. If the Honourable Member wants to know specifically about any particular scheme he may put a question.

## TICKETLESS TRAVELLING (RAILWAYS)

**\*544. Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of Railways be pleased to state whether the Government of India have made any special efforts for putting a stop to ticketless travelling on Railways?

(b) If so, on which Railways has such a drive been launched and with what results?

**The Honourable Shri K. Santhanam:** (a) Yes.

(b) All Indian Government Railways have adopted special measures, suited to the area they serve. Results have been encouraging.

**Pandit Mukut Bihari Lal Bhargava:** What is the extent of extra revenue collected by these measures?

**The Honourable Shri K. Santhanam:** From January to June, 1949, 3,291,743 passengers travelling without tickets have been detected and a revenue of Rs. 92,52,083-14-0 has been collected.

**Mr. Deputy Speaker:** The Question Hour is over.

## (b) WRITTEN ANSWERS

## GOODS MOVEMENT ON RAILWAYS

**\*545. Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Railways be pleased to state:

(a) the present position of goods movement on different Railways in India;

(b) whether the war time priority system is in vogue even now; and

(c) on which Railways and by which date it is expected to abolish this system altogether?

**The Honourable Shri N. Gopalaawami Ayyangar:** (a) The Movement of goods traffic on the Broad Gauge Indian Government Railways is more or less free except for a few limitations necessitated by the limited capacity of certain junctions and transhipment stations. The position on the M.G. Railways has lately improved appreciably and further improvement is expected.

(b) The war-time priority control over the movement of goods traffic has been completely suspended on the M. & S.M. and E.P. Railways and partially on the E.I. Railway; on most of the other Railways also the need for priority assistance is seldom, if at all, necessary.

The Regional Railway Priority Organisations have consequently been merged with the respective Railway Administrations, but the Central Organisation continues,

(c) It would depend upon the rate of further improvement and consolidation of the improvement already achieved.

## DISMANTLED LINES AND NEW LINES (O.T.R. &amp; E.I.R.)

**\*546. Shri B. P. Jhunjhunwala:** (a) Will the Honourable Minister of Railways be pleased to state whether the dismantled railway lines between Farbisganj and Raghupur on O.T.R. in Bihar and the adjacent trade centres were inspected and surveyed during November, 1948 by Government?

(b) If so, what was their report in the matter?

(c) Did they recommend reconstruction of this line?

(d) If the answer to part (c) above be in the affirmative, have Government taken any further action in the matter?



(e) Do Government propose to construct a new line joining Murliganj to Madhipura on O.T.R. in Bihar and if so, have Government taken any action in the matter?

(f) Do Government propose to reconstruct the dismantled line between Bhagalpur and Baunsi on E.I.R. (Bihar) and to extend it towards Decghar side?

(g) If the answer to part (f) above be in the affirmative, what action have Government taken in this matter?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) Yes.

(b) The Report was that the line will have to cross numerous dead and flowing channels of the Kosi river and will involve heavy bridging. Even then on account of the instability of the Kosi river anything beyond a fair weather connection could not be ensured.

(c) The O.T. Railway stated that the construction of a Railway line in the area could not be recommended until a barrage had been built on the Kosi and the river controlled.

(d) In view of the reply to part (c), the question does not arise.

(e) The Central Board of Transport have decided that the case for the construction of this line should be reviewed when first stage of the Kosi Multipurpose scheme is sanctioned.

(f) and (g). The Central Board of Transport consider that there is no justification for the restoration of the line between Bhagalpur and Mandarhill, but that the General Manager, E.I. Railway should discuss with the Provincial Government and report whether there were any valid grounds for reconsidering the matter. The General Manager's Report is awaited. There is no proposal to extend the line towards Deoghar side.

#### IMPORT OF FOODSTUFF

\*547. **Shri B. P. Jhunjhunwala:** (a) Will the Honourable Minister of Agriculture be pleased to state whether there has been any change in the policy of the Government that the import of foodgrains will be totally stopped after the year 1951, since this policy was announced?

(b) Have Government got any estimate of the expected increase in production of foodstuff as a result of proposed extensive and intensive cultivation which is to be taken up under the supervision of the newly appointed Food Commissioner for the year 1950?

(c) If so, how much is it?

**The Honourable Shri Jai Ramdas Dowlatram:** (a) No.

(b) and (c). Yes. An additional production of about 28 lakh tons has been estimated from extensive and intensive cultivation schemes during the year comprising the *kharif* and *rabi* crops sown in 1950.

#### COMMODITY COMMITTEE (AGRICULTURE)

\*548. **Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Agriculture be pleased to state how many commodity committees are there under the Ministry of Agriculture?

(b) How many of them are self-supporting by meeting their expenditure from the cesses they realise and have they any other sources of income?

(c) How much subsidy has been given and to what committees in the year 1948-49?

**The Honourable Shri Jiramdas Doulatram:** (a) Eight.

(b) and (c). Four Committees *viz.*, Cotton, Coconut, Oilseeds and the Lac Committees are financed by cesses levied under the provisions of the respective Acts constituting them. They have so far been able to meet their normal expenditure from the cess collections, except the Cotton Committee to which special grants from the 'Cotton Fund' under the control of the Ministry of Industry and Supply, have also been made from time to time particularly for financing Development Schemes. These Committees have no other sources of income.

The other four Committees, namely, the Jute, Sugarcane, Tobacco and Arecanut Committees are financed by special grants sanctioned by the Central Government.

No grant during 1948-49 was made to the Arecanut Committee as it has been constituted only a few months ago. The three other Committees have had the following grants during 1948-49:

<i>Name of the Committee.</i>	<i>Grant-in-aid.</i>
The Sugarcane Committee. . . . .	Rs. 12,50,000/-
The Tobacco Committee . . . . .	Rs. 10,00,000/-
The Jute Committee . . . . .	Rs. 10,00,000/-

#### TRANSFER OF GOVERNMENT OFFICES FROM DELHI

**\*549. Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state the steps taken by the Government of India to relieve congestion in Capital of India by shifting some of the unimportant offices to places outside the Province of Delhi?

(b) What places have been or are being considered suitable for this purpose and has any survey been made of such places?

(c) What is the Report of such survey and what offices are expected to be moved out from Delhi and by which date?

(d) Are Government aware that by the declaration of Jaipur as the Capital of Rajasthan and centralisation of most of the Secretariat offices formerly located at Alwar, Jodhpur, Bharatpur, Dholpur, Bikaner and Udaipur, a large amount of space for offices and residential accommodation is available at these places?

(e) If so, do Government propose to consider the advisability of utilising the accommodation rendered surplus at these places, some of which are not very far off from Delhi?

**The Honourable Shri N. V. Gadgil:** (a) to (e). With a view to relieving congestion in the Capital, Government are considering the question of moving some of their offices out of Delhi, and for this purpose, a survey of the accommodation available outside Delhi, particularly in the Capital of States, which have since been formed into Unions or merged with Provinces, was recently conducted by an officer on special duty. A statement showing the places so far surveyed by him and the accommodation reported to be available at each, is placed on the Table. (See *Appendix XIV, annexure No. 5.*)

Bikaner and Udaipur referred to in clause (d) of the question have not so far been surveyed. It is proposed to utilise the available accommodation, by moving as many offices as possible out of Delhi. The question as to which offices should actually move is at present under consideration, and a decision is expected to be taken shortly.

**ASSAM LINK PROJECT (RAILWAYS)**

\*550. **Shri Ari Bahadur Gurung:** (a) Will the Honourable Minister of Railways be pleased to state the probable date of opening of the new Assam Railway Link?

(b) How long do the Government of India propose to allow the Government of Pakistan to control and supervise the Railway line, in Indian Union, passing through Cooch Behar, Jalpaiguri and Siliguri and connecting Calcutta?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) The carriage of goods traffic over the Assam Rail Link has just commenced, and it is hoped that passenger traffic will also begin to be carried over this line by the end of January, 1950.

(b) Under the existing agreement, the working of this section can be taken over only after giving six months' notice to the Pakistan Government and the question of giving such notice will be considered after the Assam Rail Link is in full operation.

**WHEAT FROM U.S.A.**

\*551. **Shri Lohaminarayan Sahu:** (a) Will the Honourable Minister of Food be pleased to state what quantity of wheat is U.S.A. going to sell to India this year and in the coming year?

(b) Is it a fact that the wheat in Argentina, Australia and Russia is cheaper than that of U.S.A.?

(c) If so, what is the reason for purchasing wheat from the U.S.A.?

**The Honourable Shri Jitramdas Doulatram:** (a) During the current year 344,000 tons of wheat have been imported from the U.S.A. upto July. No further purchases have since been made, nor are contemplated during the remainder of 1949 or in 1950.

(b) Wheat from the U.S.A. has sometimes been more costly than from other sources.

(c) It has been necessary in the past to buy wheat from U.S.A. as our requirements could not be met in full from other sources.

**GROW MORE FOOD SCHEME**

\*552. **Shri Upendranath Barman:** (a) Will the Honourable Minister of Agriculture be pleased to state what were the targets of Grow More Food Scheme under (i) reclamation of waste lands; and (ii) tube-well irrigation?

(b) What are the areas which have been brought under cultivation under the respective heads, giving the figures, province by province and year by year?

**The Honourable Shri Jitramdas Doulatram:** (a) It is not clear if the Honourable Member is referring to the land reclamation programme and tube-well programme of the Provincial Governments or the Central Government. So far as the Central Government is concerned the information is as follows: 1947-48--60,000 acres and 1948-49--88,000 acres.

So far as the Provincial Governments are concerned replies from some Provinces have not yet been received. After complete information is received it will be laid on the Table of the House.

The programme for the construction of tube-wells has been left to the decision of the Provinces.

(b) The areas reclaimed and brought under cultivation by the Central Government are as follows:

	Province	Area
1947-48	U.P.	25,077
	C.P.	7,454
1948-49	U.P.	20,600
	C.P.	39,247
	E. Punjab	6,450
	Madhyabharat	5,200
	Delhi	1,921 (1948 up to Rabi 1949) and 1,926 (from Rabi 1949 to 12th Nov. 1949).

Information regarding the areas which have been brought under cultivation by the Provinces and States will be placed on the Table of the House after complete information is received.

It may be mentioned that the reclamation programme depends on machinery imported from abroad and therefore its progress is not entirely under control.

#### TRAVELLING BY RAILWAYS

\*553. **Lala Raj Kanwar:** (a) Will the Honourable Minister of Railways be pleased to state whether there has been any decrease in the number of passengers travelling over the Indian Railways, due to the introduction of parallel roadways by Provincial Governments at various places?

(b) If so, what is the estimated loss of revenue for each of the past three years?

(c) What steps do Government propose to take to counter this loss of revenue?

**The Honourable Shri K. Santhanam:** (a) In a few areas there has been an insignificant decrease in the number of passengers travelling over the Indian Railways which may be attributable to the taking over of road transport by Provincial Governments. In others in which Provincial Road Transport operates, there has been an increase. On the whole there has been an increase.

(b) The question of loss of revenue as such does not, in the circumstances, arise.

(c) In the matter of possible competition on parallel routes leading to losses of revenue in future, Government's policy is to co-ordinate rail-road services to the maximum extent possible.

#### TUBE-WELLS

\*554. **Sardar Bhopinder Singh Man:** (a) Will the Honourable Minister of Agriculture be pleased to state the number of tube-wells bored during the current financial year?

(b) Have the provinces utilised the money advanced to them by the Government of India for Tube-well Schemes?

(c) Do the Government of India or the provincial Governments supply material and technical help to the cultivators for boring tube-wells?

**The Honourable Shri Jai Ramdas Donlstram:** (a) During the period in question, 17 tube-wells were sunk by the Central Government as part of the training of the Central Drilling School trainees. Information regarding the number of tube-wells sunk by the Provincial Governments during this period is being collected and will be laid on the Table of the House as soon as it is received.

(b) The subsidies sanctioned for tube-well schemes in previous years have been utilised in full by the Provincial Governments concerned.

(c) The Government of India do not supply any materials to the cultivators for sinking tube-wells. Technical advice is however, given whenever requests are received. The Government of India also assist the Provincial Governments in the procurement of machinery and stores for tube-well construction and with technical advice. Information regarding technical help given by Provincial Governments to cultivators has been called for and will be laid on the Table of the House when received.

#### HIRAKUD DAM PROJECT

**\*555. Shri Lakshminarayan Sahu:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether Government have prepared any estimate of the total area of land which is likely to be acquired for the Hirakud Dam Project;

(b) if the answer to part (a) above, be in the affirmative, what is the area of cultivated and cultivable land which has already been acquired and which is still to be acquired for the Hirakud Dam Project;

(c) the number of persons who have already been displaced and who are still to be displaced from their lands and homes by the project; and

(d) the number of houses which have already been acquired and which are still to be acquired for the above project?

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

(b) According to the present estimates the total area of land to be acquired for the Hirakud Project is 80,000 acres of cultivated and 51,700 acres of cultivable area. An area of 10,124 acres only has so far been acquired; of this 5,532 acres is cultivated, 3,655 acres cultivable and 937 uncultivable.

(c) The number of persons to be displaced according to the last census is reported to be about 91,400. No body has so far been actually displaced.

(d) 21,650 houses are likely to be acquired. Out of these, only eight are reported to have been acquired so far; which were all uninhabited.

#### GRAM AND GRAM Dal

**\*556. Sardar Bhopinder Singh Man:** (a) Will the Honourable Minister of Food be pleased to state how much approximate surplus of gram and gram dal was estimated in East Punjab and PEPSU during 1948 and 1949?

(b) How much of it was removed to the areas of allocation?

(c) How much of it was allowed to remain in the *mandis* of PEPSU and East Punjab?

**The Honourable Shri Jai Ramdas Donlstram:** (a) 1,32,000 and 2,22,000 tons gram and gram products were declared as surplus by East Punjab and PEPSU Governments respectively during the year 1948-49. During the current year

(1949-50) the East Punjab and PEPSU Governments have so far offered surpluses of 70,000 tons and 60,000 tons respectively.

(b) In the case of East Punjab the entire 1948-49 surplus was despatched. Out of the current year's surplus also over 34,000 tons have already moved.

As regards PEPSU a total quantity of 1,63,000 tons was allotted and practically the whole of this quantity has been despatched to the deficit areas; the balance quantity has been carried over into the Basic Plan for 1949-50. A total quantity of about 30,000 tons has moved from the current year's allotment.

(c) Apart from the carry-over of a little over 50,000 tons in PEPSU from last year's stock to the Basic Plan for 1949-50, which carry-over has been allotted to deficit areas along with 1949-50 surpluses, there was no other quantity of old crop gram left in PEPSU or East Punjab.

### RAILWAYS IN KUTCH

\*557. **Prof. K. T. Shah:** (a) Will the Honourable Minister of Railways be pleased to state the programme, if any, for the improvement and expansion of the Railways in Kutch, and at what stage is the said programme to-day?

(b) What are the plans, if any, for connecting the Kutch railway system with the principal Railways so as to link that region (Kutch) with Delhi, Ahmedabad and Bombay?

(c) What stage the implementation of those plans, or any of them, has reached?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) There is no such programme at present.

(b) It is proposed at present to connect Kandla with Deesa by a Metre Gauge line and further connections will be considered later.

(c) Work on the construction of the Metre Gauge line between Kandla and Deesa has commenced.

### DEVELOPMENT OF RAILWAYS

\*558. **Prof. K. T. Shah:** Will the Honourable Minister of Railways be pleased to state how far, to what extent, and in what way, has the present financial stringency affected the plans for Railway development and expansion, giving details of the several projects dropped, slowed down, or held over?

**The Honourable Shri N. Gopalaswami Ayyangar:** Due to the present financial stringency, the capital programme of Rs. 64 crores for the current year has been reduced by Rs. 6.75 crores, and the programme for next year will be curtailed still further. An approximate reduction of 20 per cent. has been made in the allotment for construction of new lines and other development works. All development schemes have been reviewed and only those which are urgent or inescapable are being undertaken. No project has been dropped. The various important projects slowed down or held over are indicated in the list placed on the Table of the House.

*Statement*(1) *Projects slowed down.*—

(i) Doubling between Budni and Barkhera on the G.I.P. Railway.

(2) *Projects held over.*—

(i) Barwadih-SarnaJih construction.

(ii) Construction of a bridge over the river Ganga at Mokameh.

(iii) Provision of a high level bridge over the Mahi river at Sevalia.

(iv) Construction of new lines between Bhaili and Bhadrans, Sojitra and Dholka, Vijapur and Ransipur, etc., commenced as a famine relief measure by the Baroda State before its merger with Bombay Province.

(v) Construction of a line between Kantabanji and Sambalpur.

(vi) Construction of a line between Rampur and Lalkua.

(vii) Construction of a line between Theni and Gudalur.

(viii) Restoration of the dismantled line between Bijnor and Gbandpur Siau.

## LOANS FOR FOOD PRODUCTION

\*559. **Shri Ajit Prasad Jain:** (a) Will the Honourable Minister of Agriculture be pleased to state what were the loans applied for from the International Monetary Fund or International Bank for food and other agricultural production since the decision for self-sufficiency in food by 1961 was taken by Government?

(b) What loans from any International Organisation have been sanctioned which directly or indirectly assist food production?

(c) If any loans have been refused, what is the anticipated effect of the refusal on our self-sufficiency?

(d) Has there been any change in the scheme for diverting land under commercial crop to food production as a result of stoppage of jute and cotton from Pakistan following devaluation of the rupee?

(e) How does the decision referred to in part (d) above affect the self-sufficiency in food programme?

**The Honourable Shri Jairamdas Doulatram:** (a) to (c). No application has been made to the International Monetary Fund for loans for food or other agricultural production schemes. In so far as the International Bank for Reconstruction and Development is concerned an application was made for a loan of ten million dollars for the purchase of equipment for Kans Grass and Jungle clearance Projects and this has been sanctioned by the Bank.

(d) and (e). During the war there was a determined effort made by putting up special schemes to divert the area under cotton and jute to food crops. These schemes were discontinued later and at the time of devaluation there was no scheme for diverting land under commercial crops to food crops. Since devaluation, however, the importance of becoming self-sufficient in cotton and jute also has been realised, and steps have been taken to that end without affecting the programme of self-sufficiency in food.

## MICA PRODUCTION AND MICA GOODS

\*560. **Giani Gurmukh Singh Mumair:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) the value of the raw mica exported from India during the past year;

(b) the quantity and the value of the manufactured mica goods imported into India, during the same period;

(c) whether Government are aware of the necessity of encouraging the industries using mica in India; and

(d) what steps Government propose to take in this respect?

**The Honourable Shri N. V. Gadgil:** (a) Practically all the mica exported from India is exported after dressing, in the form of blocks and splittings. The value of the mica exported during the year 1948-49 was Rs. 592.4 lacs.

(b) Mica is used in making micanite, the imports of which are of negligible value; also in various electrical appliances and machinery, but their number and range is so large that it is not practicable to compile figures showing the total quantity or value of the imports.

(c) There are at present no industries in India using mica. Government appreciate the necessity of encouraging the setting up of such industries.

(d) The Mica Committee appointed by the Provincial Development Board of the Government of Bihar have recommended the establishment of a factory for the processing of mica mined in Bihar, which is the main producer. In pursuance of the above recommendation, the Government of Bihar have suggested that the Central Government should carry out an expert technical survey of the project. The implications of the project are now under the examination of the Government of India.

### B. B. LIGHT RAILWAY IN PATNA

**\*561. Babu Ramnarayan Singh:** (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that the travelling public is dissatisfied with the management of the B. B. Light Railway in the District of Patna in Bihar and that deputation waited on the Honourable Minister in this connection only recently?

(b) Is it a fact that all the engines belonging to the Company are old and unserviceable?

(c) What steps are being taken by Government in the matter?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) Complaints to this effect were made by the deputation which recently waited on me.

(b) A recent report from the Government Inspector of Railways who inspected the railway in March last does not confirm the statement that the condition of the engines and rolling stock or the position generally is as stated by the deputationists.

(c) The B.E.L. Railway is owned not by the Government but by a private company; and the Government of India exercise the function of the "Safety controlling authority" under the Indian Railways Act, 1890 in respect of safety regulations, rates and fares of traffic, etc. As a first step the complaints made by the deputationists have been referred to the General Manager. On receipt of his reply, the Government of India will take necessary remedial action.

### CONSTRUCTION OF RAILWAY LINES IN BIHAR

**\*562. Babu Ramnarayan Singh:** (a) Will the Honourable Minister of Railways be pleased to state whether there is any proposal to connect Murliganj station of the Katihar-Murliganj line with Madhepura of Saharsa-Madhepura line in North Bihar? Is it a fact that the proposed length of the line, viz., fourteen miles has already been surveyed, if so, what is the cause of the delay in constructing the line?

(b) Is it a fact that the Madhepura Sub-division and also the other parts of the District of Saharsa are Jute-producing areas of Bihar? Is it also a fact that the construction of the line will improve Jute trade of this country?



**The Honourable Shri N. Gopalaswami Ayyangar:** (a) The answer to the first part of the question is in the affirmative. As the area is liable to flooding by the river Kosi and it would not be possible to maintain even a dry weather rail link should the line between Murliganj and Madhepura be laid unless large sums of money were spent year after year on works to be washed away every monsoon, the Central Board of Transport decided that the case for the project should be reviewed, when the first stage of the Kosi Multipurpose scheme is sanctioned.

(b) The Bihar Government pointed out recently that the area has taken to jute growing after the partition of India and that growing of this crop will be materially aided by such a Railway line.

#### DEVELOPMENT OF RAILWAYS

##### (CHOTA-NAOPIUR DIVISION AND SANTHAL PARGANAS)

**\*563. Babu Ramnarayan Singh:** (a) Will the Honourable Minister of Railways be pleased to state whether there are proposals to construct new railway lines in the Chhota-Nagpur Division and Santhal Parganas in Bihar and if so, what are the proposals?

(b) Is it a fact that there is a proposal to connect directly Ranchi with Patna and Hazaribagh with Deoghar and if so, what is the present position regarding the proposal?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) The following proposals lying wholly or partly in the Chota Nagpur District and Santhal Parganas in Bihar are under consideration:

- (1) *New line projects.*—
  - (i) Tori-Birmitrapur.
  - (ii) Hazaribagh Road—Giridih.
  - (iii) Barwadih—Bijuri.
  - (iv) Garwa Road—Manikpur.
- (2) *Restoration.*—
  - (i) Tinpahar—Rajmahal.

Some work on the construction of the first 40 miles between Barwadih and Sarnadih of the Barwadih-Bijuri project has already been done.

(b) The proposal to connect Ranchi with Patna through a new broad gauge line between Ranchi and Gaya has been carefully examined but dropped by the Central Board of Transport. There is no proposal for direct connection between Hazaribagh and Deoghar, but there is one to connect Hazaribagh Road with Giridih, Deoghar being already connected to Giridih by an existing line. The Central Board of Transport have, however, decided that the Hazaribagh Road—Giridih Project should be dropped for the time being, and that if the Bihar Government made out a strong case for this connection, the position should be reconsidered in the future when the financial situation may be easier.

#### PRICE OF PULSES

**\*564. Babu Ramnarayan Singh:** Will the Honourable Minister of Food be pleased to state whether it is a fact that the price of pulses has gone down after the removal of ban against the inter-provincial movements of pulses? If so, are Government considering the desirability of removing the ban on the movements of all other kinds of cereals also?

**The Honourable Shri Jairamdas Doulatram:** It is true that the price of pulses has gone down after decontrol. The Government do not propose at present to decontrol other cereals.

#### NEW POST OFFICES

**\*565. Shri Damoder Swarup Seth:** Will the Honourable Minister of Communications be pleased to state:

(a) the number of new Post Offices opened in the Country in the years 1948 and 1949 separately; and

(b) whether the number of workers proposed to be retrenched could not be absorbed in the present staff because of the gradual expansion and increasing volume of work?

**Shri Khurshed Lal** (Deputy Minister of Communications): (a) One thousand nine hundred eighty seven and three thousand six hundred forty-nine in 1948 and 1949 respectively.

(b) Every effort is made to absorb such of the staff which comes under retrenchment as is Departmental. But as the great majority of new post offices are opened in rural areas and they are manned by extra-departmental agents, Departmental staff cannot be employed there.

#### DELHI RENT CONTROL ACT

**\*566. Shri Brajeshwar Prasad:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state how many cases for the fixation of fair rent have been filed before the Rent Controller under the Delhi and Ajmer-Merwara Rent Control Act, 1947?

(b) How many of such cases have been decided by the Rent Controller?

(c) How many appeals have been filed against the decision of the Rent Controller by (i) tenants and (ii) landlords?

(d) How many of such appeals have been decided by the District Judge up till now?

(e) Is it a fact that most of the appeals are pending before the District Judge for over a year and there is a great congestion of civil cases in the court of the District Judge?

**The Honourable Shri N. V. Gadgil:** (a) 663.

(b) 501.

(c) (i) Tenants—93, (ii) Landlords—185.

(d) 93 upto November, 1949.

(e) Only nine such appeals are pending for over a year. I am however prepared to take it from the Honourable Member that there is congestion of civil cases in the court of the District Judge.

#### RE-ORGANISATION OF RAILWAYS

**\*567. Shri Damoder Swarup Seth:** Will the Honourable Minister of Railways be pleased to state when Government propose to take final decision on the re-organisation of Railways? Have the Committee appointed for the purpose submitted its report?

**The Honourable Shri N. Gopalswami Ayyangar:** The whole question is under active consideration and every effort will be made to avoid delay in obtaining the report or in taking a decision thereon.

#### GOODS TRAFFIC BETWEEN PAKISTAN AND INDIAN RAILWAYS

**568. Shri Damodar Swarup Seth:** Will the Honourable Minister of Railways be pleased to state:

(a) the total amount of "paid-traffic" and "to-pay-traffic" of goods booked between Pakistan Railways and Indian Railways by goods trains during the period from 1st January to 30th September 1949; and

(b) whether the Government of India have been receiving complete accounts of their share of earnings out of the goods traffic referred to in part (a) above; if not, what action is proposed to be taken in the matter?

**The Honourable Shri N. Gopalswami Ayyangar:** (a) Paid traffic: From Pakistan Railways to Indian Railways—Rs. 46 lakhs. From Indian Railways to Pakistan Railways—Rs. 48 lakhs.

To-pay traffic: From Pakistan Railways to Indian Railways—Rs. 151 lakhs. From Indian Railways to Pakistan Railways—Rs. 153 lakhs.

(b) No. The matter is being actively pursued with the Government of Pakistan who have assured us that the accountal of all Interdominion traffic will be up-to-date by the end of this year.

#### DAMODAR VALLEY CORPORATION

**569. Shri S. M. Ghose:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether Government have issued any directive to the Damodar Valley Corporation to give preference to East Bengal displaced persons with respect to appointments and contracts under the Corporation;

(b) if so, how many East Bengal displaced persons have up till now got appointments and contracts; and

(c) if the answer to part (a) above be in the negative, whether Government propose to consider the desirability of issuing such directives as indicated in part (a) above?

**The Honourable Shri N. V. Gadgil:** (a) No.

(b) (i) The number of displaced persons employed by Damodar Valley Corporation from East Bengal is shown below:

	<i>Technical</i>	
Officers		12
Subordinate staff excluding Grade IV		104
	<i>Non-Technical</i>	
Officer		1
Subordinate Staff except Grade IV		133
		250

(ii) Contracts are awarded on the basis of competitive tenders.

(c) Government do not consider it necessary to issue any directives to the Corporation on the point raised.

## DAMODAR VALLEY CORPORATION

\*570. **Shri S. M. Ghose:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether the economy measures will affect the progress of the works of the Damodar Valley Corporation;

(b) if so, in what manner;

(c) whether the Corporation will be provided with the money they require this year and the next financial year; and

(d) whether any reduction of staff is contemplated by the Corporation, and if so, to what extent?

**The Honourable Shri N. V. Gadgil:** (a) and (b). Yes to a certain extent by slowing down the pace of expenditure and by readjustments, inevitable under any economy measures.

(c) The requirements will be met to the extent funds are available.

(d) It is understood that no reduction of staff is at present under contemplation; but the decision will ultimately depend on the funds made available under (c) above.

## UNSTARRED QUESTIONS AND ANSWERS

## CENTRAL GROUND WATER ORGANISATION

11. **Shri Deshbandhu Gupta:** Will the Honourable Minister of Agriculture be pleased to state:

(a) the total amount of expenditure incurred on the Central Ground Water Organisation on salaries, allowances, etc., since its formation upto the 30th September, 1949;

(b) the capital amount invested in rotary rigs, percussion rigs, air-compressors, welding sets, easing pipes, etc., upto 30th September 1949;

(c) the amount invested including the running cost in the workshop attached to the Central Ground Water Organisation; and

(d) the equipment which the workshop contains and the work done by the workshop since its inception.

**The Honourable Shri Jairamdas Doulatram:** (a) and (b). A statement is laid on the Table of the House (See *Appendix XIV, annexure No. 6*).

(c) and (d). There was no regular workshop attached to the Central Ground Water Organisation. The work of assembling, overhauling and minor repairs of the drillings rigs and other equipment was being done at the Central Stores at Dhandhera. The details regarding the small machinery and tools used for this purpose are given in the statement laid on the Table of the House.

**ROTARY RIGS AND PERCUSSION RIGS**

**12. Shri Deshbandhu Gupta:** Will the Honourable Minister of Agriculture be pleased to state:

(a) the number of rotary rigs and the percussion rigs which Central Ground Water Organisation possesses;

(b) the number of tubewells sunk by each class of rigs so far since 1946 and how many of those tubewells are functioning;

(c) the number of persons trained for rotary drilling and diplomas, if any, issued to such trainees; and

(d) whether it is a fact that all the three rotaries were kept idle all along?

**The Honourable Shri Jalramdas Doulatram:** (a) Three Rotary rigs and thirteen percussion rigs were in the possession of the Central Ground Water Organisation on the 30th September, 1949.

(b) A statement is laid on the Table of the House showing the number of tubewells completed by each class of rigs as part of the training of Central Drilling School trainees and the number functioning at present.

(c) 89 trainees received partial training in rotary drilling. The question of issuing certificates of efficiency to them did not arise as their training could not be completed.

(d) Largely.

**STATEMENT**

*Number of successful wells constructed in the course of training and number functioning at present.*

Class of Rigs.	Number of successful wells.	Number of wells functioning.
(i) 22 W. .	32	7
(ii) 33 W. .	18	10
(iii) 71-P Star .	6	1
(iv) Failing Rotary No. 55	10	4
	<u>66</u>	<u>22</u>

**BORING OF TUBEWELLS WITH ROTARY RIGS**

**13. Shri Deshbandhu Gupta:** Will the Honourable Minister of Agriculture be pleased to state:

(a) whether the Chairman and other high officials connected with the Central Ground Water Organisation, held and expressed the opinion that rotary rigs could not be worked by Indians and it was due to this that these costly rigs were kept idle;

(b) what efforts, if any were made to procure technical staff from foreign countries to run these rigs and with what results;

(c) whether it has been recently demonstrated that rotary rigs can be successfully worked by ordinary Indian Drillers and that under the supervision of an assistant engineer three tubewells have actually been bored recently in Delhi Province;

(d) whether the actual time taken in boring and completing these tubewells was less than fifty hours; and

(e) if so, whether Government have made any plans to undertake boring of tubewells with the help of rotary rigs on mass scale and if not, why not?

**The Honourable Shri Jairamdas Doulatram:** (a) Yes.

(b) Efforts were made since 1946 to recruit expert drilling engineers from abroad through the Indian Supply Mission, Washington and the High Commissioner for India in London. One Engineer was actually appointed in January, 1947, but he was invalided from service in May, 1947. Further efforts were made but these were not successful as expert drillers were in great demand by oil companies all over the world.

(c) With the help of rotary rigs, six bores have recently been made in the Delhi Province under the supervision of an Assistant Engineer, one bore by another Assistant Engineer and two more under the supervision of an Executive Engineer. The drillers employed on these operations had been trained in mechanical drilling at the Central Drilling School and some of them had acquired partial knowledge of rotary technique during that training.

(d) No. The drilling might have taken the time mentioned, but for completing a well by fully developing it, it generally takes an additional three to ten days.

(e) Though a well cannot be completed in fifty hours even when a rotary rig is used, the quickest means of constructing tubewells is by the use of such a rig. A programme for the construction of a large number of tube wells mainly with the help of mechanical rigs including rotary rigs is under the consideration of the Central and Provincial Governments.

#### TUBE WELLS AND FEEDER TUBE WELLS

**14. Shri Dombandhu Gupta:** Will the Honourable Minister of Agriculture be pleased to state:

(a) whether it is a fact that the Government of India had drawn up a scheme for construction of 4,000 wells and 500 additional feeder tube wells to be constructed in three years, with the help of mechanical rigs;

(b) whether negotiations in this connection were almost concluded with an engineering firm called Johnston International of U.S.A. and the Technical Panel consisting of some Chief Engineers of provinces and the Joint Secretary of Agriculture, had recommended the placing of an order with the said firm at a cost of over thirty crores of rupees which worked out at an average of Rs. 74,000 per tube well and about one lakh and forty thousand per feeder tube well;

(c) whether one of the conditions of the contract and recommendations of the Technical Panel was that Government would also have to take over 6,400 tons of casing pipes along with all other tools and installation equipment at additional cost;

(d) whether it is a fact that according to the estimates submitted by the Assistant Engineer who recently bored three tube wells with a rotary rig, the cost per tube well was below Rs. 20,000 per tube well;

(e) if so, whether this estimate was referred to the Technical Panel and its opinion taken on same;

(f) whether any enquiry was held and reasons found out for the big difference in the prices recommended by the technical panel and the estimates submitted by the Assistant Engineer concerned and if not, why not; and

(g) whether it is a fact that negotiations with the U.S.A. firm have since been abandoned, but fresh negotiations for constructing tube wells have now been opened with some British Firms?

**The Honourable Shri Jalramdas Doulatram:** (a) A programme for the construction of 4,000 tube wells and 500 feeder wells, mainly with the help of mechanical rigs, in the U.P., East Punjab and Bihar in the course of three years has been under the consideration of the Government of India.

(b) No.

(c) Does not arise, as no contract was entered into or negotiated with the firm.

(d) Yes.

(e) No. It was not a function of the Panel to scrutinise such estimates.

(f) No prices were recommended by the Technical Panel. The question of holding any enquiry does not, therefore, arise.

(g) No negotiations were undertaken with the American firm. The proposals of some U.K. firms for the construction of a large number of tube wells before the end of 1951 were considered, but could not be accepted as it was decided to postpone the execution of the work.

#### KUTCH STATE RAILWAY

**15. Prof. K. T. Shah:** Will the Honourable Minister of Railways be pleased to state:

(a) the number of locomotives, with their age and condition, on the Kutch State Railway;

(b) the number and age of passenger coaches on the same Railway;

(c) the number and age of the goods wagons on that Railway;

(d) the gauge and total length of the Kutch State Railway; and

(e) names of other Railways with which it is connected?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) to (c). A statement giving the information required by the Honourable Member is placed on the Table of the House. Two new locomotives not included in the statement are expected to be received by the railway during January, 1950.

(d) The gauge of the Kutch State Railway is 2'-6" and its total length is 72 miles.

(e) At present the Railway is not connected by rail with any other Railway system.

## STATEMENT

*Number of locomotives on Kutch State Railway with their ages and condition.*

Number on line	Age	Condition
6	2—41 years.	Bad condition—2
	2—36 years.	Fair Condition—1
	2—26 years.	Good condition—3

*Number and type of coaches and wagons on Kutch State Railway*

Type of stock	Number on line	Age
Coaches.	14	5—40 years
		5—20 years
		1—12 years
Wagons.	65	32—40 years
		33—20 years

## KANDLA PORT

16. **Prof. K. T. Shah:** Will the Honourable Minister of Transport be pleased to state the quantity of imports to and exports from Kandla the principal seaport of Kutch in the year immediately preceding the War (1938-39), in the middle of the War (1941-42), at the end of the War (1945-46) and in each of the years since then i.e., for the years 1946-47, 1947-48, 1948-49 and 1949-50?

**The Honourable Shri N. Gopalaswami Ayyangar:** A statement giving the information required is laid on the Table.

## STATEMENT

*Quantity of imports and exports through the Port of Kandla in the year preceding the war, in the middle of the war and in the years thereafter.*

Years	Imports tons	Exports tons
1938-39	24390	12250
1941-42	27261	16426
1945-46	8405	30049
1946-47	9227	36205
1947-48	33498	51262
1948-49	39162	65857
1949 (up to November)	37204	66497



Tuesday  
13th 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



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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 13th 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.

### MOTION FOR ADJOURNMENT

#### UNDESIRABLE DEMONSTRATION IN FRONT OF COUNCIL HOUSE

**Mr. Deputy-Speaker:** I have received notice of an adjournment motion from Mr. Aigu Rai Shastri, but it was received late, at two minutes past eleven. I shall read it out all the same. The notice is in Hindi but I have got a translation here which reads as follows:

"I propose that this meeting of the Legislative Assembly be adjourned for consideration of the following resolution as it relates to a matter of urgent public importance:

The demonstration that took place in front of the Council House on the 12th December, 1949, was undesirable. The incidents that took place in the course of the demonstration were most unbecoming such as the attack on the car of the Kashmir Premier, removing of Gandhi caps from the heads of the Congressmen, marching with these caps hung on sticks, burning them publicly, raising of the most scurrilous slogans against the Government, the Congress and the Prime Minister of India, the stopping of buses, forcing entry into them and removing of Gandhi caps, causing shops to be closed by force etc."

The notice has been received late. I need not give any other reason for disallowing it.

### POLICE BILL

**The Honourable Shri Satyanarayan Sinha** (Minister of State for Parliamentary Affairs): Sir, I move for leave to introduce a Bill to provide for the constitution of a general police-district embracing two or more Chief Commissioners' Provinces and for the establishment of a police force therefor.

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

"That leave be granted to introduce a Bill to provide for the constitution of a general police district embracing two or more Chief Commissioners' Provinces and for the establishment of a police force therefor."

The motion was adopted.

**The Honourable Shri Satyanarayan Sinha:** Sir, I introduce the Bill.

## IMPORTS AND EXPORTS (CONTROL) AMENDMENT BILL

**The Honourable Shri K. C. Neogy** (Minister of Commerce): Sir, I move for leave to introduce a Bill to amend the Imports and Exports (Control) Act, 1947.

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

"That leave be granted to introduce a Bill to amend the Imports and Exports (Control) Act, 1947."

*The motion was adopted.*

**The Honourable Shri K. C. Neogy:** Sir, I introduce the Bill.

### HINDU CODE—Contd.

**Mr. Deputy-Speaker:** The House will now proceed with the further consideration of the Bill to amend and codify certain branches of Hindu law.

**Shri Alladi Krishnaswami Ayyar** (Madras: General): Sir, before dealing with the different aspects of the Bill as it emerged from the Select Committee, I should like with your leave to make a few general observations. I may at once say that I do not belong to the school which is against any legislative interference or change in matters of Hindu Law. Law by its very nature cannot be static; it must keep pace with the progressive tendencies of the age if it is to be an instrument and measure of social progress. Our ancients were quite alive to this function of law in society. The *Smritis* as well as the great commentaries on the *Smritis*, bear eloquent testimony to this function of law in society and the need for changes from time to time. The commentaries which are treated as authoritative interpretations of law in different parts of the country merely give concrete expression to the social tendencies at work at a given time, but in the modern age with duly constituted Legislatures functioning, no jurist counsel can effect a change in the law by a mere process of interpretation. This function to some extent but within a limited sphere has been discharged by the Courts, the highest tribunals in India and the Judicial Committee of the Privy Council, during the last one hundred years or so. It is not, however, the normal function of Courts to effect a change in the law but only to interpret the law though in the process of interpretation it may effect imperceptible changes by distinguishing or extracting principles from previous decisions or from Hindu law texts.

But by its very nature, judicial function is restricted in its operation. It cannot be gainsaid that there is also a danger in the Judge consciously or unconsciously assuming the role of a legislator. A particular Judge or a Bench might approach the consideration of a question from a conservative or orthodox point of view, another Judge might utilise his judicial function for any pet theme of social reform. The judgments of the highest tribunals in this country as well as those of the Judicial Committee of the Privy Council during its long association with India, bear witness to the above statement. At the same time, there is no gainsaying the fact that the decisions of Courts to a large extent have prepared the ground for legislative intervention. While this need for legislative intervention is apparent, this Assembly in undertaking any legislation of this kind cannot altogether ignore certain rooted conceptions in regard to marriage, family law and rights of succession. Change is inevitable and is part of the organic law of society, but change does not mean striking at the roots or foundations of society.

Bearing all these aspects of law reform in mind, I should like this House to approach the consideration of this Bill. There is no subject in which every man and woman in this country is interested more than the Bill now under

consideration by the House. That makes it all the more incumbent upon each one of us, however highly circumstanced or lowly circumstanced, to tolerate difference of views and to bring to bear a cool and dispassionate judgment in the larger interests of the well being of the people of this country. In that sense and to that extent this cannot be treated purely as a Party measure or as a matter of confidence.

First, with your leave, Sir, I shall take the Chapter relating to marriage and divorce. While dealing with this Chapter, it is well to remember that already great inroads have been made into the marriage law by the various Acts of the Indian Legislature. The latest of such Acts was the Hindu Marriage (Disabilities Removal) Act of 1946 (Act XXVIII of 1946) by which it has been enacted that a marriage shall not be invalid by reason only of the fact that the parties thereto belong to the same *Gotra* or *Pravara* or belong to different castes or sub-divisions of castes. The Madras Legislature has recently made monogamy compulsory and some of the Provincial Legislatures have already made provisions for divorce. A change has also been made in regard to the law relating to the age of consent to marriage. If we approach the consideration of the Bill from this point of view, the changes effected in the Bill are by no means so revolutionary as they may seem at first sight. The substantial changes in the provisions of the original Bill as pointed out by some Members of the Select Committee relate to the incorporation of certain provisions relating to restitution of conjugal rights, judicial separation, alimony, custody of children, jurisdiction and procedure of Courts.

While on the provisions of the Bill, I should like to mention one important point. The distinction sought to be made between sacramental marriage and civil marriage is more apparent than real. It is difficult to follow the provisions of the Bill in this respect, because I find that in regard to divorce, in regard to restitution of conjugal rights, in regard to right of maintenance and obligations of the marriage the provisions are exactly the same both in regard to what is termed, "Civil Marriage" under the provisions of the Bill and what is termed "Sacramental Marriage". The Bill introduces a distinction between what is called "prohibited degrees" and other kinds of disqualifications in regard to sacramental marriage. In regard to sacramental marriage, provision is made that *sapinda* relationship as defined in the Bill will be a ground for disqualification, whereas in the case of what is called a "civil marriage" it is only prohibited degrees that are made a ground for the marriage not being effective. At the same time, I am unable to follow the metamorphosis provided for in the Bill that even if the parties go through a sacramental marriage, it is open to either of the spouses to convert it into what is called a "civil marriage" under the provisions of the Bill. If really this distinction serves any purpose at all is a point which may be considered by the hon. the Law Minister before the final passing of the Bill.

There is no distinction in regard to the rights of off-spring, rights of inheritance, the obligations between the spouses and in every other matter. The position is exactly the same in regard to a civil marriage as in regard to a sacramental. Possibly, the idea is to satisfy the sentiments of some parties by making some provision for what is called "sacramental marriage". If that is the real object, then you ought not to make a provision for an easy change of sacramental marriage into a civil marriage at a later stage. Either have the one or the other. If, for example, you want to draw a distinction between sacramental marriage and civil marriage, have it; let it be quite clear and definite: Normally, certain ceremonies are indispensable for sacramental marriage. Certain formalities need not be gone through in the case of what is called "civil marriage". From the point of view of a pure lawyer, I fail to see any real distinction between a civil marriage and a sacramental marriage.



[Shri Aladi Krishnaswami Ayyar]

under the provisions of this Bill. I do not go to any root ideas of the Bill, but I merely place it for the consideration of the hon. the Law Minister.

Then again with regard to prohibited degrees of relationship, modern eugenics is against the idea of people related to one another marrying. At any rate, there is a large body of opinion in favour of this doctrine. Under those circumstances, are we advancing or are we retarding progress so far as this provision is concerned? At least so far as this part is concerned, I think our ancestors anticipated modern ideas in prohibiting certain people from marrying. I ask you: why take a retrograde step in the name of progress and in the name of advanced ideas and civilisation? I certainly realise that there need not be any prohibition in regard to distant sapinda or people who have the same pravara or the same gotra. But that stands on a different footing altogether.

Where there is near relationship, why relax the rule? I have been 12 Noon. recently reading in newspapers and periodicals a good deal of discussion as to the advisability of near relations marrying one another. This is one aspect which I know the hon. the Law Minister, as a student of science and of history, will certainly consider. This is opposed to the religious sentiments of the people. If scientific ideas, if religious considerations, if sentiments of the people have all to be taken into consideration, then there is no point in relaxing that rule. It is not, of course, consistent with the well being of the society. If in the interests of the future generation, if in the interests of the well being of our people, if in the interests of the progress of the race, you must promote marriages between near relations, by all means do so. Let us take a bold stand; let us take a clear stand; let us take a determined stand in regard that matter. I do not want any shilly-shallying in regard to what may be regarded as a question of fundamental principle. Either adopt the ancient principle or adopt a more rational or modern principle according to your ideas. But personally, I would very much prefer the old rule being retained. Let me be quite clear. In regard to particular communities where, for example, certain customs have been prevalent in some parts of India, you have already provided for it in another clause. But the general rule should be to prohibit marriage between sapindas. In this respect, the move is not in the right direction.

With regard to the law of divorce, in trying to bring about a uniformity of law there is no point, as Sir Tek Chand has pointed out in his memo. in imposing special restrictions upon communities and classes of people among whom restrictions do not obtain at present. I know that in parts of South India divorce by mutual consent in the presence of the village headman or the Panchayat is still prevalent as in other parts of North India. After all, it looks as if divorce is to be the essence of the law of marriage according to a certain school. But must you think of divorce before you think of the marriage? If that is the running idea and if you want to give encouragement or at any rate provide an easy divorce, why provide for law courts, divorce courts, an appeal court with three judges sitting, etc. when the communities affected have got hardly enough to eat? I should think that is not a move in the right direction. In so far as any divorce is permitted according to the custom of the community in particular castes, it should continue; but in the interests of uniformity you need not make the divorce more expensive. It would certainly benefit my profession and I am not at all against it. But I know my hon. Friend Dr. Ambedkar very well and I have no doubt he will consider all the aspects of the question before coming to a conclusion on this particular question.

In regard to judicial separation, I recall to mind a very interesting debate in the House of Lords some years ago in which Lord Birkenhead took part. Very eminent lawyers and some of the greatest jurists of the day took part in the debate. There was a certain section of the people who took a strong view

to the effect that judicial separation is another name for legalising concubinage. I would rather prefer a clean case of divorce to this judicial separation continuing. If it is a question of providing maintenance, if it is a question of seeing that the obligations are discharged that the wife is not starved or that you do not discharge your marital obligation, while continuing to be man and wife, provision is made in the Bill in regard to that.

Why all these complicated provisions of the English law in regard to alimony, in regard to judicial separation, in regard to divorce and restitution of conjugal rights? Is it necessary to have so many detailed and complicated provisions is a point which is worth consideration.

**Pandit Lakshmi Kanta Maitra** (West Bengal: General): They are necessary in the interests of the progress of the country.

**Shri Alladi Krishnaswami Ayyar**: I am not giving one view or the other in regard to that. You may have your decided views on that matter. But I have no decided views on the subject.

Therefore, I think we have to take the modern trends of thought into consideration and not merely go upon antiquated ideas prevailing in England. Even in England within the recent years there has been a great change of opinion in regard to marriage law, although every aspect of it has not found a place in the Statute Book of England. Therefore, instead of merely copying the English precedent let us see if it is possible to make any changes.

So far as the general principle of it is concerned I do not think that the Bill is drastic at all in regard to divorce or other matters. Whatever difficulties and complexities have arisen are due to a genuine attempt to harmonise the two opposing views—on the one hand the ancient idea that marriage cannot be easily severed and on the other the modern ideas which demand separation under certain circumstances. The problem now is how to bring about a synthesis between the two opposing views. Let us approach the consideration of this problem with a certain amount of coolness and with an attempt to understand one another. We cannot stop the current, whatever might be our views. I belong to a very conservative and very orthodox family. I am one of those who believe still in *Shradhas*. I attach considerable importance to my family home and I believe, to some extent, in the ancient view of life. But I cannot at the same time ignore the present day tendency. My sons may not be just like myself and my grandsons much less like myself. Under those circumstances, though my life is rooted in the past, to a very great extent I am in a position to appreciate modern tendency. Therefore, taking all these factors into consideration let us approach the consideration of this measure. If really you believe in sacramental marriage, this method of converting sacramental marriage easily into a civil marriage somehow does not appeal to me. That is my view. Either have sacramental marriage or do not have it at all. Have particular grounds of divorce for sacramental marriage and particular grounds of divorce for civil marriage. Somehow I cannot reconcile myself to the idea of mixing up the two.

Now I shall take up the chapter on adoption. The chapter on adoption does not call for any detailed consideration. While the main principle in regard to the law of adoption laid down by the judicial decisions bearing upon the subject have been kept in view, necessary changes have been effected as a consequence of changes in the law as to marriage between persons belonging to different castes. There is no point in conceding the rights of inheritance to the offspring of such marriages and retaining ancient rules as to the eligibility of a boy for adoption based upon the law of marriage as a condition precedent for the validity of adoption in particular castes and particular circumstances.

[Shri Alladi Kriehnaswami Ayyar]

The simple rule as to giving and receiving has accordingly been adopted for a valid adoption in the Bill. The property rights have been regulated with a view to avoid litigation between adoptive mother and the boy to be adopted. A provision has been inserted for preventing the divesting of estates which will have the effect of putting an end to interminable litigation which has been the special feature of law relating to adoption beginning from Bhuban Moyee's case. The law has also been simplified in regard to the need for any authority to adopt as a condition for the validity of adoption following the main principles of Mayukha Law. On the whole, it may be claimed that there is everything in the chapter on adoption to commend it for the favourable consideration of this House. The need for an express authority from the husband for the validity of adoption, the restriction of the scope and the terms of the authority conferred by the husband, the free consent of the nearest *sapindas* who are most interested in disputing the adoption and being a substitute for the authority of the husband, and the relative claims of the senior and junior widow, the limits that ought to be placed upon the exercise of the power to adopt have been fruitful source of litigation in British Indian courts. The Bill, I have no doubt, has considerably simplified the law as to adoption and the rights of the adopted son. On the whole, I should think there can be marriage between different communities—it has become part of the chapter on adoption, because when once you agree to the principle that there can be marriage between different communities—it has become part of the law—all these restrictions which have been obtaining in regard to the eligibility of the boy to be adopted must necessarily go. When *gotra* has disappeared, how can *sagotra* be a qualification for adoption? Therefore, in the interests of simplicity and of logic, we have necessarily to see that giving and taking are enough; we have to reconcile ourselves to this situation. Having taken the first step, you cannot stop at the second step. The Legislature here has already taken the first step. Therefore, there is no use fighting shy of the next step. Under those circumstances, I would commend for the favourable consideration of the House the Chapter on Adoption.

I am just coming to the other parts of the Bill where I differ from the Members of the Select Committee. In dealing with the institution of joint family, the problem of Indian agriculture and its future and the position of many trading facilities belonging to communities which have trade or business as their principal avocation must necessarily form an important factor. Anyone who is in touch with conditions of village life in India knows that particular families have long been in possession of particular lands from generation to generation, that being the main reason assigned for conceding occupancy rights to tenancy families who have been cultivating the land for a long time. Here I must say that I radically differ from my respected Friend, Mr. Santhanam, in regard to what he said about village life in India. It is not correct to say that the joint family is breaking up. I also claim to be in touch with village life in India. I am a villager myself, though I have spent about forty years in the City of Madras. Hardly has there been any year in these forty years in which I did not spend at least a month in a village. I spend a good part of Christmas and the summer vacation in the villages and with the people of the villages. Therefore I claim to know something of village life in India, at least village life in Madras, though I know very little of village life in other parts of India excepting through the medium of books and village manuals. Therefore I wholly disagree with the statement that so far at any rate the villages of India are concerned, the joint family life is breaking up. At the same time, I certainly agree with my friend, Mr. Santhanam, in this, *viz.*, that so far as what may be called collateral branches are concerned, after the first generation, there is a tendency for the joint family to break up. In the first generation there is no breaking up, certainly not during the life-time of the father. If

there is any breaking up, it generally is after the children of the father pass away and children's children come into their own. Therefore, you must take the existing state of things into consideration instead of proceeding merely on theory. I myself have been a member of a joint family till recently and I still believe in the ideals of a joint family life. I certainly think that in certain aspects of life in regard to education for example, the joint family system has done a good turn. Many a poor brother has starved himself in order to educate his brothers; many an uncle has starved himself in order to educate his nephews. A sort of qualified Socialism has existed in the joint family life. At the same time, I agree that no institution can last for a long time. No institution must be allowed to come in the way of social progress. But the question is, has the time come for this question to be taken into consideration? I do not subscribe to the view that the joint family system is breaking down so far as the villages are concerned and in any scheme of reform we must remember that India is a land of villages. The rural people are still following the joint family system to a large extent. The recent inroads made into the joint family system by conceding rights to the widows and daughters-in-law have not materially affected the position. Even in regard to non-agricultural property, communities which have trade as their principal avocation are still carrying on trade or business as a family adventure or business. It is so in my part of the country. I have had a good deal to do with the Natukottai Chettiars for the last forty years, and it is only within the last five or ten years that they are starting companies not with the idea of breaking up joint families but to see that they get out of income-tax regulations. Therefore it is not correct to say that joint family life is breaking up either among the *Vaishyas* or among the Natukottai Chettiars or among the *Marwaris*. Now, sitting in this Legislative Assembly or Parliament, there is no use our thinking that we are in possession of all the facts regarding every nook and corner of India and legislating on that basis. The only thing we have to consider is, is it so out of tune with modern conditions and is it going to stand in the way of further progress? You have also to note certain changes which have already been made in the joint family law. The rigours of joint family law have been considerably relaxed in recent years. It is now settled law that any member of a joint family may by a unilateral declaration sever himself from the rest of the family without reference to any court of law. The manifestation of will or intention on the part of any member of the joint family is enough for severance, even so many still continue as members of a joint family because still they like the institution of the joint family. Any member of a joint family may alienate his share of the family property. In the case of father and son, the entire property is liable for the debts of the father. The son is responsible for the debt of the father. He cannot escape his responsibility by saying that the debts were incurred for immoral purposes. I am certain that that sort of litigation is fast dying down. There is no question of escape now by saying that the debt was incurred by the father for immoral purposes. Then again, the law as to self-acquisition has been considerably simplified. Decisions of the Privy Council have made it quite clear that if a person acquires property, he can keep it for himself. Therefore the plea that I would make to my friend, the hon. Law Minister is that this institution still obtains. It may break up in the course of the next fifteen, thirty or fifty years. With the change in the law of marriage and other things, it may break up. But my whole point is, without reference to the will of the people, without reference to their consent, without taking into account the general consciousness of the people, why undertake this legislation? You may think that I am a kind of ancient fellow who does not understand these things. I do want that this country should move with the times, but my plea is you should first ascertain the will of the people. It may be argued, "All right, so far as agricultural property is concerned, we will not touch it, but we will make a change in regard to non-agricultural property." It is not easy to make a distinction

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in matters of this kind between one kind of property and another kind of property. Once you change the law in regard to non-agricultural property, a change in the law in regard to agricultural property must necessarily follow. Though in the matter of distribution of legislative power between the Union and the States for taxation purposes, a distinction is maintained between agricultural and non-agricultural property, it is an accident only that certain power is given to the provinces and certain power is given to the Centre, and it cannot be denied that Hindu law of succession is single and entire. Succession is not a truncated affair. Succession cannot be split up. Therefore when you consider the question, you should consider it in all these aspects both in regard to agricultural property and in regard to non-agricultural property and you should address yourself to the question whether in the larger interests of society, the time has come for a revolutionary change in the family system. I request my hon. Friend, the Law Minister to consider the question why certain chapters of the Bill should not be postponed.

Sir, I just want to deal with another aspect of the question, namely the rights of succession of sons and daughters in regard to succession proper. I have got a special claim to speak on that behalf as I am a father of both daughters and sons and I repeat that. In fact the majority is on the woman side, four daughters and three boys. Therefore, I have a special claim to speak on this subject (*Hear, hear*). Apart from what little I know as a lawyer, I have a special claim to speak as a father of daughters and of sons. Now I want you to look at the general set up of the Hindu family in dealing with this problem. If three sons find it difficult, you say, to live together and to own property in common how can you expect the daughters married to different people, may be people belonging to different castes or communities to carry on joint cultivation in villages. Under those circumstances, is it in the larger interests of the country that this property of the father as well as of the son be divided up equally between sons and daughters without any question of difference? If it is a question of justice, if it is a question of equality, if it is a question of theoretical equality, I have nothing to say against it, but law is not logical—it does not mean that it is always illogical—but it has to take into account the social strata of society, the consciousness of the community, its effect upon the family life and other factors. Therefore, you have not a clean slate to write on. Therefore, let us take what happens in a Hindu family. Mr. Santhanam looks with equanimity from Delhi. If any marriage takes place in a brother's house, the sister and the daughter occupy the most important part. It is regarded as a father's house. The son looks upon the family house as his house. Every one of us know what an important place the sister and the daughter occupies in the household. (*Hear, hear*). If the mother and father sit together for the *karathi*, it is the daughter, it is the sister that brings it and you give the present to the daughters and the sisters on that occasion. After all we are all Hindus; you cannot forget that. The very first person who receives the present will be the sister or the daughter in the household. The second thing is that no marriage can go through in any Hindu household unless provision is made for presents being made to the daughters and to the sisters. Again even though, women who may not care to bear children may not appreciate it—daughters of the family are certainly cared for on every occasion such as *srimanta* or on occasions of first confinement and second confinement. A girl generally goes to the father's house or to the brother's house and it is only after getting two or three children that the girl does not go to the father's or brother's house, and this is Hindu life to-day. It is not the life in Delhi, it is not the life in Calcutta, it is not the life in Madras that is to be the guiding factor in these matters. It is the normal ordinary life in every village, in the whole of India. (*hear, hear*).

Therefore, I would ask you most respectfully the Members of this House, though I am addressing Mr. Deputy-Speaker, to take these factors into consideration. The Bible said "I shall set father against father, son against son and brother against brother" or some such thing, but let not legislation result in a feud between the members of the family, an unnecessary feud between the members of the family. A certain amount of bickering, a certain feud is inevitable, so long as property is there.

Sankara said that property is the soul of strife in our country and that is inevitable, but let us not give an impetus to it by stating that I shall set brother against brother, a sister against the brother, the brother against the sister and in that way mould the family life of the India at present. The time may come when each daughter may arrange for her marriage after they attain their maturity. Many of the girls look to their brothers for their marriage. Hardly a week passes when a brother or a father does not come and ask for a little help in regard to a marriage. It may be that I am old-fashioned to consider such requests, but that is Hindu life. I am supposed to be educated in English ways of life but what would you think of other people who are not so educated as myself? You may be more advanced, I may be less advanced, but I still claim that I am born of the Indian soil and my ideas are rooted in the Indian soil, and therefore, I plead for the retention of these great virtues which have characterized our Indian life (*Hear, hear*). I do not want to go against the modern trends of thought or the modern ideas of progress, but at the same time while it is our duty to keep in touch with the currents of national life, with the social currents at present working, there is no use our imagining that we represent the whole of India. I may tell you even among educated women, all of them do not think alike and even women who are in the legislatures do not think alike with some other educated ladies who are members of respectable households; they differ in some respects.

**Shrimati Benanka Ray** (West Bengal: General): Are our households not respectable?

**Shri Alladi Krishnaswami Ayyar**: They are very respectable. I am glad that you have interrupted. I am accustomed to interruption and I may tell you they are quite as respectable, though they might be a little conservative,—as some of those people who are very respectable and who have advanced ideas in these matters. I have given my views and I certainly refuse to believe I am not a respectable man; I am at least as respectable as others, but my ways of life, my way of thinking, my attitude to these questions is different from those equally respectable because I am cast in a different mould. For example, I have the greatest respect for our Prime Minister and on certain questions I yield to him, but at the same time I do not look at questions with the same glasses as my hon. friend, my esteemed friend, if I may call the Prime Minister my very esteemed friend. It is merely a mode of approach.

**The Honourable Shri K. Santhanam** (Minister of State for Transport and Railways): What is your actual proposal?

**Pandit Lakshmi Kanta Maitra**: He is giving his proposals in an excellent way.

**Shri Alladi Krishnaswami Ayyar**: I do not fight shy of that. The question I have been put is in regard to unmarried daughters whether any kind of special provision may be made either for marriage or a special portion may be set apart so far as the marriage of girls is concerned. The law may provide that the daughters will take the heritage of the mothers and the sons will take the heritage of the fathers. So far as daughters are concerned, I am quite willing to and quite anxious that as liberal and as obligatory a provision

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be made for the girls who are un-married. I have absolutely no difficulty in that matter. That is my proposal. It may be worth anything, it may not be worth anything, but that is my proposal.

**An Honourable Member:** What about the money from the mother?

**Shri Alladi Krishnaswami Ayyar:** There is no use speaking about that. You take a census of the people who pay income-tax in this country? They are not many. This is a poverty stricken country. So there is no use of saying that that the mother has no property. Many are poor. They may have no property, but they cannot get away from social obligations. Those who have property may divide their property, but that may have repercussions upon the people who have no property, or very little property, but at the same time who are quite sensitive to the social and family obligations. Therefore in any step that you take, you have to see that the social obligations are not retarded. That is the plea I make so far as this is concerned.

In regard to the institution of joint family property, I differ from my friend the hon. Dr. Ambedkar. It is seldom I differ from him. And I am often influenced by him, and have occasionally influenced him. Therefore, I have no doubt that he will pay heed to some of the criticisms which those of my persuasion have offered. He may look obstinate, but there is none who yields to reason more than my friend Dr. Ambedkar. I know him very well and it has been a great asset to me, I mean my close acquaintance with him these three years. Well, that is my view, so far the institution of joint family and the rights of equal succession of sons and daughters is concerned.

The next aspect is with regard to *Stridhana* property, and on that, in so far as you remove all restrictions on the power of alienation, I am at one with the House, that is with the other Members of the House. This has merely led to unnecessary litigation, the reversionary filing suits for the declaration that alienations by the widow are invalid, going to this court and that court, and all sorts of evidence being let in. If only in the interest of unnecessary litigation being avoided, I am for the widow being given absolute powers of disposition during her life-time. But from that it does not necessarily follow that the course of devolution must be the same with regard to every kind of *Stridhanam* property. You call it *Stridhanam* and then begin to attach certain consequences in the matter of succession. Once you make it absolute property, why not it descend to the heirs? That is the question. I am willing to put the question to ninety nine Hindus I meet, "Here is a property devolving upon the widow from her husband. It is absolute property, and after her death it is to go to her father and mother, in preference to the father and mother of the man whose property has devolved upon the widow." I put that question. You may take a referendum in any part of the country and I am quite clear what the result of that referendum will be. And I challenge any Member to say in this House that the referendum will be other than what I feel. Therefore, as a lawyer, if you put me the question, can you have two kinds of absolute properties, one kind descending in one way and another kind descending in another way, and ask me, why not in the interest of uniformity, give the same rule of succession for one kind of property and the other kind of property? Then I say that you need not sacrifice social sentiments at the altar of logicity. Law need not always be logical. Law need not necessarily be logical. Logic is not the essence of law.

**The Honourable Shri K. Santhanam:** Should law be generally illogical?

**Shri Alladi Krishnaswami Ayyar:** My answer to my friend Mr. Santhanam is that law need not necessarily be logical. That is so because law is the product of social evolution and social adjustment, and therefore how can it always be

logical? Society does not move according to a particular standard or plan. Unfortunately society except in a communistic society, does not move in that way. Therefore, under these circumstances, you take the average sentiment of the Hindu into consideration. There is no use of saying that it is illogical to draw a distinction between one kind of *stridhana* and another. Why should the *Stridhana* be allowed again to go to the husband's kindred? Why not it go to her heirs? In the very Bill that is the provision that is made. Therefore, so far as woman's property is concerned, I think that is a point which may receive the consideration of the hon. Law Minister, before the Bill becomes law, consistent with the sentiments and the general feeling among the people. Until recently the widow did not have the power of disposition. The question is whether on the theory that each person when he inherits property, he or she must become the stock of descent, inherited property of every description must be treated alike. That is my plea with regard to woman's property. Throughout I have refrained from resting on logic.

And lastly, Sir, I may mention, if I may, a few words with regard to distant heirs. I feel that the present provisions are a great improvement upon the previous Bill. It has drawn upon certain principles of *Dayabhaga* and it has also brought in the other systems. And I think, so far as distant heirs are concerned, the Bill as it stands is a great improvement upon the original Bill, and if there is any defect here and there, they can be removed easily.

The chapter on guardianship, maintenance, and the other chapters are conceived in a very liberal and progressive spirit, and I think they deserve the whole-hearted support of the Assembly, though it may be that here and there, they may require some modification, but that can be easily done at a later stage of these proceedings. Therefore, in the full confidence that the hon. Law Minister as well as the Prime Minister will be responsive to public criticism, while taking into account the progressive tendencies of the age, I move for the second reading of the Bill and I support the motion moved by the hon. Dr. Ambedkar.

**Dr. P. K. Sen** (Bihar: General): Sir, I am quite conscious that I must be brief, as there is a great pressure upon the time of the House. At the same time there are certain aspects which have been raised, even by my predecessor, my esteemed friend, Shri Alladi Krishnaswami Ayyar, which do call for some comment. He has followed the order of the Bill, as a matter of fact, and taken the law of marriage first of all. I must confess that I could not exactly follow him as to whether he gave his opinion in favour or against it. As a matter of fact he said in one part of his speech, while dealing with that section, that he had no definite opinion on the subject. So far as the law of marriage and divorce is concerned I do feel that one must be definite. There is no part of law which calls for definiteness more than the law of marriage, because, it affects not only the parties who solemnise the marriage between themselves.....

**Shri Alladi Krishnaswami Ayyar**: Sir, I do not know if I had made myself clear. What I said was that if we had had a clean slate to write on we might do otherwise but having regard to the previous step taken by this House and the legislation undertaken, there cannot be any serious objection to the portion relating to marriage excepting in regard to one or two matters, which I mentioned in the course of my address.

**Dr. P. K. Sen**: Except in relation to sacramental marriage, I suppose.

As I was observing we have to see that in every respect the law of marriage should be perfectly definite and explicit and there should be no ambiguity at all about it and it is for that reason I take it that the Bill contemplates that even when the marriage has taken place according to the sacramental form there may be objections raised with regard to it. It may be urged that there had been



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some irregularity, some omission, some particular form of ceremony not having been observed. Take, for instance, *saptapadi*. Everybody knows that *Saptapadi* is an essential factor. Not until the seven steps have been taken can the marriage be said to be valid. In fact, all manner of irregularities may be urged as objections with regard to the marriage. It is for that reason that it has been provided in the Bill that even when a marriage has been solemnised according to certain sacramental form, it is open to a party (it is only permissible) to go and have the marriage registered, so that there may be no objection raised later on with regard to its validity. This is, I submit, absolutely essential, because it is not only the two parties who solemnised the marriage between themselves who are affected but it is the next generation and the next generation, indeed, generations unborn, that are affected by it. The whole question of legitimacy depends upon it. Therefore I submit that whatever may be the irregularity, there must be some method by means of which the legitimacy of children and their rights of inheritance may be protected and may not be left in uncertainty. There can be no difficulty whatsoever: there is some way of ascertaining what the necessary forms are which have to be observed in order to make a sacramental marriage valid. That too has been provided for in the Bill in the form, *viz.*, that in any particular area it may be found that a particular set of ceremonies is regarded as essential to the validity of the marriage: in that event those ceremonies will be regarded as validating the marriage. Nevertheless, it may so come to pass that some of these ceremonies have been performed or it may be that the performance of those ceremonies were not exactly in the manner prescribed. In that event what is to happen? Is the married couple then to remain in the position which would make their children illegitimate in the eye of law? It is for this reason only that it has been made optional for the parties to have their marriage registered in order to get it validated.

I come to the next question about public opinion and about their being a large body of the public not having been sufficiently apprised of the contents of the Bill. The question has been raised often and often here, why hurry, why not wait for a year or two or three years? We have already waited long enough. Why should we not wait for another period? It is not a question of eleven years which the Hindu Code has taken, nor is it a question of two years which have elapsed since. This has been mooted from the last century.

The House will be pleased to recall Act III of 1872. The Special Marriage Act which was first placed before the legislature was in 1868 by Sir Henry Maine at the instance and on the initiative of Keshub Chunder Sen, Bengal's great social reformer. As a matter of fact, to go further back, in the fifties of the last century, the Widow Re-marriage Bill was on the legislative anvil. The great Ishwar Chunder Vidyasagar was exerting a great influence on the public mind to get their support for Hindu widow remarriage. It was at that time that a remarkable petition signed by four hundred men was put up before the legislature, in which they said that although they were orthodox Hindus they did not believe in restricting themselves to a particular caste, they believed in inter-caste marriage, they believed in monogamy, they believed in certain ceremonies being essential for the purpose of observing pure Hinduism but that they wanted to eschew other ceremonies and that, therefore, they wanted the help of the legislature to pass a comprehensive Bill, not only the Hindu Widow Remarriage Bill but a Hindu Marriage Bill, in which provision would be made for inter-caste marriage, for adult marriage and for marriage solemnised with certain ceremonies only to which they did not take exception, and not every ceremony which at that time was considered to be obligatory. This was somewhere about 1856 and it was a most representative body that put forward this petition. Among those notable public men who signed the petition were people like Peary Chand Mitter, Radha Nath Sikdar, Abhoy Charan Mullik, and Rasik

Krishna Mullik. They had nothing whatever to do with the Brahmo Samaj; they were orthodox Hindus. Side by side with this organisation there were all the activities of the Brahmo Samaj going on. The Brahmos had already solemnised inter-caste marriages, because they believed that "Right was right; to follow right were wisdom in scorn of consequence." They did not care what the law was. They said that they would break down caste notwithstanding the fact that there might be difficulties regarding legal validity. Later on they thought that this state of affairs should be removed for the sake of posterity, for the sake of the children and it was therefore that Sir Henry Maine introduced a Bill which ultimately emerged as the Special Marriage Act of 1872. That this Act has catered not only for the Brahmo community but for a much larger body is testified to by the fact that after the passing of the Act several amendments have been sought in order to make it applicable to other sections and in order also to obviate certain objections to particular sections of the Act. In doing so these people at different times acted as the representatives of the conscience of the society—the minority conscience, let us say. But the minority has a conscience; and the social conscience of the minority also must be respected. In every country we find that it is the minority conscience which has always come to the help of law for the purpose of vindicating its own view. Well, Sir, today we do not know which section is in the minority and which section in the majority. But it goes without saying that in a democratic form of government all sections of people must necessarily have their conscience vindicated, and their ways of life and thought, at least so far as fundamental points are concerned, respected. In that view the question that really has to be solved by us is this: Is this Bill in any particular respect imposing itself upon the conscience of any particular section? (*Babu Ramnarayan Singh*: Yes.) And by that will its excellence or otherwise be tested.

Now, if we come to the first part of the Bill, so far as the question relating to marriage, divorce, judicial separation, guardianship, alimony, custody of children, and so on, is concerned, so far as I can understand it cannot possibly be contended that it is being thrust upon anyone. After all it is only in those cases where you find that divorce has become absolutely unavoidable that the provision will be utilised. And there are such cases. There can be no question whatsoever about that. There are cases where continuance of the marriage bond will really lead to misery from the point of view of both parties, will lead to disintegration of the family. It is only there that divorce can possibly come on.

**Sjt. Rohini Kumar Chaudhuri** (Assam: General): May I ask if the subsequent marriages become happy? They become worse.

**Sbri L. Krishnaswami Bharathi** (Madras: General): It depends upon the lady you marry!

**Dr. P. K. Sen**: I am not going into that question because in that case it would be a matter of statistics as to how many cases have really become happy or how many cases have turned out unhappy. That is not the test. The test is unavoidability. Is there anyone who can possibly say that in such circumstances should there be a separation at all? There may be circumstances imaginable where there should not be separation. It is for us to sit down with good will and mutual understanding, and discuss all these points and find out whether it is going to be compulsory upon any particular party or not. There is no compulsion at all here. It is perfectly optional. If you find that it has become impossible to carry on you can go to a court of law. The court of law will go into the matter, find out whether all the requisites of a divorce or a dissolution of marriage are present and then issue a *decree nisi*, or whatever it may be. But that does not necessarily mean that divorce will go on multiplying from day to day. That depends entirely on the temperament of the people. And

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I feel bound to say that because it has taken a particular course in America or England or in other foreign countries, in India also it should take the same course—that is an impossible conclusion. (*Pandit Lakshmi Kanta Maitra*: It is the same institution). You have to take the whole structure, the traditional structure in India. I do not believe at all that in India the same result will follow.

**Pandit Lakshmi Kanta Maitra**: Worse.

**An Honourable Member**: Is it not time to rise for Lunch?

**Mr. Deputy-Speaker**: I think the hon. Member is likely to conclude soon.

**Dr. P. K. Sen**: I am trying my best to conclude soon, but I have just begun.

*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.*

**Dr. P. K. Sen**: Sir, when this House rose for mid-day recess, I was on the point of the permissive nature of the provisions regarding divorce and allied matters. The question that was put to me in the course of the debate was why there had been so many divorces in other countries.

**Shri Mahavir Tyagi** (U.P.: General): On a point of order. I find only the hon. Minister of State for Transport and Railways sitting on the Government Benches. The Bill under discussion neither deals with Railways nor with Transport. Will you be kind enough to call the hon. Law Minister, Sir?

**Mr. Deputy-Speaker**: I am sure the Law Minister will be here soon. Till then, the other Minister who is here will take notes.

**Shri Ajit Prasad Jain** (U.P.: General): This is almost a contempt of the House.

**Mr. Deputy-Speaker**: I have got chits sent to me by no less than 36 members so far.

**Shri M. Trumala Rao** (Madras: General): Some have not sent our names. Our chits are lying here.

**Shri Mahavir Tyagi**: And many have been waiting to catch your eye. They have not sent chite.

**Mr. Deputy-Speaker**: So the position is that besides these 36 there are others also trying to catch my eye. As the position stands at present, Government had fixed only yesterday and today for this Bill. I do not know the state of Government work. I do not want to stifle discussion, but at this rate I do not think we can go on. Therefore, I suggest to hon. Members to limit their speeches, as far as possible, to fifteen minutes.

**An Honourable Member**: Impossible. You suggest to Government to extend the time.

**Shri B. K. Sidhva** (C. P. and Berar: General): Such members as are hopeful of finishing their speeches within five or ten minutes should be given preference. There are many such members, I know.

**Shri L. Krishnaswami Bharathi:** But will they keep to their assurance? That is the point.

**Shri E. K. Sidhva:** I give a definite assurance.

**Shri Biswanath Das** (Orissa: General): May I just bring to your notice, Mr. Deputy-Speaker, that the hon. Speaker had given an assurance to this House that he would give full scope for discussion of this motion and it will be unfortunate if you allow only ten or fifteen minutes for a speaker. It is something absolutely different from an ordinary Bill. It concerns the life and the economic and social existence of crores of people. Under these circumstances, I would beg of you to stick to the assurance given by the hon. Speaker.

**Shri L. Krishnaswami Bharathi:** He is the Speaker. He can now decide.

**Mr. Deputy-Speaker:** It is unfortunate that the Speaker is not here in his seat. But I do not want to stifle the discussion, but I am only suggesting a time-limit so that all Members who want to take part in the discussion may have an opportunity. I leave it to the good sense of the hon. Members themselves. Fifteen minutes is not an inviolable limit. One minute above or one minute below may not be very bad. But beyond that I am afraid even if the Government were willing—I do not know whether they are willing or not—to extend the discussion by a day, it would be impossible, having regard to the number of speakers who want to speak, that everyone will have a chance.

**Pandit Balkrishna Sharma** (U.P.: General): Then keep it to the next session.

**Mr. Deputy-Speaker:** It is not in my hands.

**Shri S. Nagappa** (Madras: General): Why not sit for one or two hours longer?

**Mr. Deputy-Speaker:** At present the Members who can finish their speeches within fifteen minutes can do so, but in cases where individual Members consider that they must have more time, they can have more time.

**Shri M. Tirumala Rao:** You can consider the merits of a speech, and if many arguments are repeated, you can ask the speaker not to repeat the arguments.

**Mr. Deputy-Speaker:** Very well, then, Dr. Sen.

**Shri H. J. Khandekar** (C. P. and Berar: General): There are only 2½ hours more. Only ten speakers will be able to speak even if each speaks for fifteen minutes. What about the others who want to speak on the Bill? I request you to request Government to extend the debate by a day or two. This is such an important measure that the eyes of the whole nation are focussed upon it. We must have full discussion over it and then only pass it, in whatever form it is agreed to.

**Mr. Deputy-Speaker:** I am sure the proceedings of this House and the suggestions made by hon. Members will be communicated to and taken notice of by Government. Dr. Sen may continue his speech.

**Dr. P. K. Sen:** Sir, I quite realize that brevity is the soul of wit, but there are occasions when brevity is the soul of unwisdom, because I shall not be able to make things clear at all and therefore it will not benefit anybody at all if the House were to hear a discourse which is inconclusive and obscure. I shall therefore try to touch only on the fundamental points and not enter into details at all.

The question that I was last addressing this House on was whether or not by giving permission for divorce this country will not be plunging itself into a large number of divorce cases like other countries. My answer to that question was—and is—that the cases for divorce will depend entirely upon the quality of the moral values that a country has. A society may be so constructed that only in absolutely unavoidable and necessary cases would the parties seek a

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divorce and that there would be inherently a dislike, a distaste, a contempt for divorce where there is no occasion for it and where evidence is really fabricated for the purpose of establishing that there are reasons for divorce. In this country the experiment has been tried in Baroda and in some parts of South India, where there is and there has been divorce for a long time past, but I am told there have been only three cases so far in Baroda and these three cases during twenty years. I submit, again, that it is the social atmosphere and the moral values prevalent in the particular society that determine the number of divorce cases. Therefore, it is not the law that makes the society. The law only gives sanction to certain cases where it is necessary to give sanction for divorce. In this part of the Bill which deals with marriage law there are four characteristics. The first is: inter-marriage has been allowed. The second is that there is prescription for divorce. There is, thirdly, prescription for monogamy. Now all these are present in Act III of 1872 and, therefore, it is not the Hindu Code which has raised these points for the first time. It was in the fifties of the last century, as I have said, that the agitation arose and ever since then the agitation has been going on. The crusade against caste was no doubt first led by the Brahmo Samaj under Keshub Chunder Sen. The Brahmos at that time suffered persecution, ex-communication and ignominy of every description. Today we recognise that caste shall go and therefore all these provisions that are laid down here in this Bill relating to intercaste marriage need not raise any opposition at all. There is no doubt whatsoever that there is a very large body—if not an overwhelming body—of public opinion in favour of abolition of caste. (Otherwise, what are all these provisions that we have laid down in the Constitution? Caste shall go. If we take that position then there is nothing objectionable so far as those provisions are concerned which relate to intercaste marriage.

The same consideration applies to monogamy. I do not know whether there is any public opinion now in favour of bigamy or polygamy. There may be individual cases; but that is quite different. The whole body of public opinion now, I submit confidently, is in favour of monogamy. Therefore, there is nothing objectionable, so far as that is concerned in the present Bill. And, as I have said, permission for divorce cannot possibly raise any difficulty because, after all a permissive provision must necessarily be there for those unfortunate cases where divorce is called for.

Proceeding, Sir, to the next point as to why there should be any change at all (that was the point on which I was) it has been said that there must be a strict adherence to *shastric* law and that there should be no departure whatsoever from it. For hours this discussion has been carried on on the floor of this House. It has been contended that *shastric* law is absolutely final, inviolate and inviolable. You cannot change it. I should like to know what *shastric* law means. As a matter of fact, in our *shastras* there is always provision for change and there has always been change. Otherwise what is the meaning of these numerous *smritis*. We have it in Manu the well known injunction that there are four sources, four norms, of conduct laid down:

श्रुतिः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः ।

एतच्चतुर्विधं प्राहः सदाह्यमस्य लक्षणं ॥

Which being translated means *Shruti*, *Smriti*, the usages established by righteous men and the satisfaction of one's own inner self—these furnish the four standards or norms of conduct. These four norms of conduct include within them the inner satisfaction of the soul, the conscience by which, I take it is meant not individual conscience only, but social conscience also. The social conscience of the age in which we live has got to be respected and that is one of the standards by which our conduct, our *dharma* is to be ascertained. That is one of the standards by which law must be laid down and it is on

this principle that all along, the law, the so-called *shastric* law, has changed and changed and changed. My hon. friend, the Minister of Law said in his opening speech that if you go to *Parasara Smriti* or *Narada Smriti* you find there provision for widow re-marriage, and provision for very many other things which may be called revolutionary. How did they ever come to it? How did they get beyond the barriers, as it was, and break through them and start upon something which was revolutionary? It was because according to the highest injunctions laid down, there are not only *Shruti* and *Smriti* but other sources also. You have to take the conduct of the righteous and the pious,—those who know the way of life that leads unto self-realization—and it is those people who laid down the norms of conduct. You have to follow those. They are not *shastric*. They are not necessarily to be ascribed to any particular *Shruti* or *Smriti*, but those are the ways of right living that have been laid down definitely for the purpose of regulating our conduct—individual as well as social. If that be so, if that is the way in which the law must evolve itself, then necessarily where we find that there is a strong public opinion, where the conscience of society or a particular section of society, the minority section, let us say, dictates that a particular way of life should be sanctioned by law, law comes forward to the rescue and lays down that it shall be so. If that be our standard, then can we possibly at this moment say that there shall be no change at all? Can we possibly assert that our law, our *shastric* law, has been stationary? If it is inviolate and inviolable, if it is unalterable and inexorable, then there will be no progress and it will be a poor compliment to pay to our Indian law-givers to say that law has been stationary. On the contrary, it is time today to muster up courage and to say that the views of no particular section, whether minority or majority, should be trampled upon, that if there are strong opinions held in regard to a particular point then the law must come forward to give permission for that.

I pass next, Sir, to the other fundamental points. What is the other main objection raised with regard to this Bill? It is on the question of property—the *Mitakshara* and the *Dayabhaga*. Is it possible at this moment, let us ask ourselves seriously, to raise this question? The joint family system had its virtues; it had its glories in the past. Nobody can deny that. But I have been under the impression that of late it is the tyranny of the joint family system which has appeared most obnoxious to a very large number of people. They feel that the earning people in the family are sucked dry by the indolent ones. There are people who do not want to go forth and earn at all because there is a family behind them, and they think, "What is the use of our taking any trouble for earning when there is the family to support us?" And those members of the family who by the sweat of their brow earn something, it is their income that is sucked dry by others who are indolent and who are also in every way extravagant.

**Dr. P. S. Deshmukh** (C. P. and Berar: General): Have they ever complained, Sir?

**Shri L. Krishnaswami Bharathi**: Yes, they do. Complaints are inherent in the situation.

**Dr. P. K. Sen**: If their complaint could be heard, then of course it will be a different matter, but if they were people in the family, then there would be no opportunity whatsoever, to make a complaint. The only way in which they can possibly complain is now laid down namely, by expression of intention to separate. Now, what is the actual position? However strong the family integrity may be, any individual member can come forward and say, I intend to separate, and that expression of intention will instantaneously effect separation in the eye of the law. Where is the integrity of the family then? What then has the *Mitakshara* family to do? According to judicial decisions now, it has come down to this that the slightest intention to effect separation and the expression of that intention will effect that separation. In that case I do submit that it is

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too late in the day to say that the joint family is a huge institution which remains intact. It is tumbling down and there can be no doubt whatsoever that with the effort of man it cannot possibly be protected any longer. People want individual liberty now. Everybody who earns wants to earn and also go his own way. He does not want to be fettered by other members of the family. It is individual freedom which is now their aim and object. This cry has been raised from the earliest times. "The individual withers and the State is more and more." That is a complaint which has been heard for some time past. Today also we feel that in our society the rule of the majority, the rule of society, is predominant, but nobody wants this predominance any longer. The individual now wants to go off at a tangent. He says, I do not want to be governed by the family. I want to earn my freedom and I want to go my own way. I appeal to every individual Member of this House to ask himself if that is not the spirit of the modern times, and if that is the spirit, then where are we? Where is the advantage in trying to bolster up an edifice that could not possibly exist any more. Therefore this great difference which is being drawn between *Mitakhara* and *Dayabhaga* is practically gone. It may be that when we sit round a table in perfect amity and goodwill, in perfect understanding of each other, we may be able to iron out all these differences and we may be able to arrive at a very satisfactory solution without hurting the instincts of any particular section, and I do hope that that will be so. I do not want to go into details, but I just want to point out that this is the line upon which our discussions may proceed in future.

Then, Sir, take the other details. Practically in the matter of inheritance or in the matter of succession, there is nothing upon which controversy rages except on the daughter's share. All the other things are more or less now things of the past. Legislation has taken place, numerous judicial decisions have been passed whereby rights have been given to all other members of the family, those that claimed them. The only thing upon which controversy centres now is about the daughter's share. It may be half the share that the son gets, it may be an equal share with the son, it may be any other share that may be decided upon by everybody sitting round a table. I am perfectly confident that with goodwill and mutual understanding, something satisfactory may be evolved in this line. It is not that every individual member of the Select Committee is bound down by its decisions. We are all free to exercise our own views. I frankly admit that there are certain things which I do not like. There may be other members who say that there are certain aspects of the Bill which do not commend themselves to them. Therefore all these differences have to a certain extent to be ironed out by mutual discussion, but apart from that, the fundamental question is whether the daughter has to get any share at all. Now when it is said that the daughter cannot get a share at all, then I do think—and I have no hesitation whatsoever in expressing my views freely and frankly,—I do think that it is the same old prejudice against the female members of the family that dictates this objection.

**Shri L. Krishnaswami Bharathi:** Quite right. That is the real point.

**Dr. P. K. Sen:** We may hold our women members in high esteem. No doubt it is often said that the ladies of every family are angels of grace, that they are ministering angels. That is perfectly true, but do we do all that is needed, all that is called for, towards them? Do we do all that is wanted from the men-folk to the women folk in our families? Let us be perfectly sincere and frank about these things. There is a great deal that has to be done for our womenfolk. Women today want their place in society. Continuing to do their duty by the family and continuing to be ministering angels of the family, they have also some other work to do. They have to take an interest in public affairs. They have to take an interest in social organisations. Their presence is indispensably necessary in many organisations which are being set up today. Therefore we cannot possibly have a framework of society in which such women could not

possibly exist. They must always be the ministering angels of the men-folk, that is to say, looking after their physical comforts and welfare, and do nothing so far as their higher aims and aspirations are concerned. But they have a function to fulfil in society. In the society of independent India, women have a very large place to fill in every organisation, in every movement. That being so, we must set them free and there is nothing that is wanted more than economic freedom. (*Hear, hear*). There are many cases in which lives are blasted because they have got to be dependent upon some male member of the family for their very existence. Therefore, the question of their economic freedom has a place in the affairs of today.

Let us not be absolutely oblivious of that fact. If we want to give economic freedom, then there is no reason whatsoever why we should turn 3 P.M. away and say: "Oh a daughter, she cannot have a share, she will remain a ministering angel of the family" by which it is meant that she will always be a dependent there; and if she is a widow, she will be only looking after the comforts of other people and will not be able to do any other service to the family or to the society or to the nation at large. Well, Sir, I do not propose to go further, because it will take a very long time and I know that I shall then be trespassing upon the time of others. But a good deal has been said, a great deal of discussion has taken place upon the fundamentals. When I contemplate all these discussions that have taken place, I am firmly convinced that if after this debate, we can sit around a table and we can bring ourselves to consider all these details in a spirit of perfect goodwill and understanding, we shall be able to attain a solution. The minor points that trouble us are many, it may be, but their solution is not so difficult. It is the fundamentals upon which we have to concentrate our attention and when we do so, I think our path is clear.

श्रीमती कमला चौधरी : माननीय उपाध्यक्ष महोदय, इस हिन्दु कोड बिल के सम्बन्ध में कुछ शब्द कहने से पूर्व मैं माननीय मन्त्री अम्बेडकर साहब को इस बिल के रखने के लिये बधाई देना चाहती हूँ। मेरा ऐसा विचार है कि यह बिल समय के अनुकूल इस हाउस के सामने आया है। आज जमाने की जो रफ्तार है, जो समय की मांग है उसके बिल्कुल अनुकूल है। हालांकि इसका विरोध धर्म, संस्कृति और तरह तरह के नाम ले कर किया जा रहा है और विरोध के प्रचार में भी हम तरह तरह की बातें इसके विरोध में सुनते हैं, लेकिन मेरा अपना यह विचार है कि महिला समाज के लिये, हमारे भारतीय समाज की प्रगति के लिये, यह बिल एक रामबाण की तरह साबित होगा और इससे हमारे भारतीय महिला समाज का, जो आज शताब्दियों से अक्षयतन को प्राप्त हो रहा है, कल्याण होगा। और आगे आने वाला भारतीय महिला समाज भी इस बिल के लिये भविष्य में, अगर यह इस असेम्बली में पास हो जाता है, हमारे मन्त्री महोदय का और इस हाउस के मेम्बरों का आभार मानता रहेगा।

जो लोग इसके विरोध में हैं उनका कहना है कि इस बिल से हमारे धर्म की हानि है, और हिन्दु संस्कृति की हानि है। यह बात मुझे किसी तरह भी दिखलाई नहीं देती। यह दूसरी बात है कि हमारे देशवासियों का दिमाग, हमारा दिल, कुछ इस तरह का बना हुआ है कि धर्म के नाम पर कोई भी बात कही जाय तो वह यहाँ



[श्रीमती कमला चौधरी]

के व्यक्तियों को बहुत अपील करती है। इसी धर्म के नाम पर किस प्रकार हमारे यहां साम्प्रदायिक भावना को प्रोत्साहन दिया गया। इसी धर्म के नाम पर हमन अपने राष्ट्रपिता महात्मा गांधी का खून होते तक देखा है।

इसी प्रकार मैं देखती हूँ कि इस बिल के विरोध में भी धर्म को दुहाई देकर, भारतीय संस्कृति को दुहाई देकर, उन व्यक्तियों, हमारी उन बहिनों को, जो कि बेचारी अभी यह भी नहीं समझ सकतीं कि कानून क्या चीज है, यह असेम्बली किस प्रकार बनी हुई है, जो कि हमारे विधान में उनको दिया गया जो मताधिकार है उसको भी नहीं समझ सकतीं, यह कह कर बरगलाया जाता है और इस तरह की पुकार मचाई जाती है कि देश की बहुत बड़ी संख्या स्त्रियों की ओर एक बहुत बड़ी संख्या पुरुषों की इस प्रकार की है जो इस बिल का विरोध करती है। लेकिन जहां तक मेरी तुच्छ बुद्धि पहुंच सकी है मुझे इस बिल में कोई भी बात किसी भी प्रकार ऐसी नहीं मालूम होती जो कि हमारे धर्म के या हमारी भारतीय संस्कृति के विरुद्ध हो।

इस बिल के एक अंग में ऐसी व्याख्या की गई है कि आज जो हिन्दु धर्मावलम्बी पुरुषों को एक स्त्री के होते हुये एक दो और अनेक विवाह करने का अधिकार है, इसका विरोध किया गया है। उसकी अनुमति नहीं है, उस पर प्रतिबन्ध लगाया गया है। मैं बहुत नम्रतापूर्वक कहना चाहूंगी कि मुझे तो ऐसा मालूम होता है कि कहीं ऐसा तो नहीं है कि बड़ी संख्या में जो आज हमारे भाई इस बिल का विरोध करते हैं, वह शायद इसी लिये करते हों कि उनके ऊपर यह एक प्रतिबन्ध लगाया जा रहा है कि एक स्त्री के होते हुये वह अनेक विवाह नहीं कर सकेंगे। लेकिन धर्म के विरुद्ध इसमें भी मुझे कोई बात नहीं मालूम होती क्योंकि हमारे धार्मिक ग्रन्थ और हमारे प्राचीन साहित्य को देखने से मुझे ऐसा ही मालूम होता है कि किसी भी जमाने में, प्राचीन समय में भी, हमारे यहां बहुविवाह की प्रथा कोई अच्छी नहीं मानी गई थी। प्राचीन इतिहास उलटने से ऐसे उदाहरण तो हमको मिलते हैं कि जो राजा होता था उसको कई विवाह करने की अनुमति थी। हमारे समाज का जो ढांचा था और उसमें जो रीति रिवाज थे, जो पद्धति थी, जो परम्परा थी और जो उच्च आदर्श थे, और जिन आदर्शों को उच्च कोटि का माना जाता था, उनकी अवहेलना करते राजाओं को तो देखा जाता है, लेकिन जो मर्यादा पुरुषोत्तम हुये हैं, जिन्होंने हमारे सामने एक आदर्श रखा है, उनका एक उदाहरण मैं आपके सामने देना चाहती हूँ। हमारे वाल्मीकि द्वारा लिखे महाकाव्य को देखने से, जिस महाकाव्य ने हमारी भारतीय संस्कृति की रक्षा की है और जिस पर शतान्दियों से हमारी संस्कृति अवलम्बित है, मालूम होता है कि राजा रामचन्द्र अपनी धर्मपत्नी सीता का परित्याग करने के बाद जब अश्वमेध यज्ञ करने बैठे हैं और जब पुरोहित-गण और गुरुवर्योंने उनको बतलाया कि बिना स्त्री के यज्ञ सम्पूर्ण नहीं होता, उस

समय भी वह सीता की स्वर्ण प्रतिमा बना कर ही यज्ञ करते हैं, दूसरा विवाह नहीं करते। यह आदर्श हमारे सामने है, और अगर हम अपने उस महाकाव्य को उलटें तो जगह जगह हमको यह दिखाई देगा। जिस समय रामचन्द्र जी घन में रह रहे थे और शूर्पनखा ने उनसे विवाह करने की प्रार्थना की थी तो लक्ष्मण ने उसको जवाब दिया था कि रामचन्द्र अयोध्या के राजकुमार हैं और अयोध्या के राजा होने वाले हैं, वह विवाह कर भी सकते हैं, लेकिन मैं तो विवाहित व्यक्ति हूँ, मैं और विवाह नहीं कर सकता। उस समय भी रामचन्द्र जी के मुख से जो हमारे महाकवि ने कहलाया है वह उसी आदर्श का प्रतिपादन करने वाला है कि बहुविवाह की प्रथा अच्छी नहीं मानी गई थी।

जो इस बिल में इस बात का प्रतिबन्ध लगाया गया है मेरी समझ में नहीं आता कि किस तरह से इससे धर्म का विरोध होता है। बल्कि जो ऊंचा आदर्श हमारे भारतीय समाज, हमारी संस्कृति में है इससे छिन्न भिन्न होगा अगर उसको प्रोत्साहन दिया गया। मैं समझती हूँ कि किसी भी हिन्दु धर्मावलम्बी या किसी भी भारतीय संस्कृति पर विश्वास रखने वाले व्यक्ति के लिये एक आदर्श वस्तु है। वह जो स्त्री के लिये बड़ा भारी अन्याय है कि उसका पति अपनी धर्मपत्नी के होते हुये भी एक, दो, तीन और चार विवाह कर सकता है यह स्त्री के लिये समवेदना का विषय है और सबसे बड़ी दुःख की वस्तु है। यह एक दूसरी बात है कि शताब्दियों से हमारे यहां स्त्री समाज पर प्रतिबन्ध रहे हैं और यहां की नारियाँ एक प्रकार से घर की चार दीवारी के अन्दर बन्द रहती हैं। उसके सामाजिक अधिकार, उसके मानसिक अधिकार और आर्थिक अधिकारों पर प्रतिबन्ध रहता है। उसके आंखों के आंसू आंखों में ही मूख जाते हैं, मुँह में भी नहीं आने पाते। लेकिन हमारे कवियों ने, हमारे लेखकों ने, हमारे साहित्यकारों ने इस महान दुःख का जो नारी के ऊपर होता है अच्छी तरह से चित्रण किया है। एक सौत का बड़ा दुःख जो नारी के लिये होता है उससे महान् दुःख और उसके लिये नहीं है।

आज जबकि जाग्रत युग आरम्भ हो चुका है, जबकि हमारी नारी समाज के लिये हमारे देश में इन महापुरुषों ने नारियों की कठिनाइयों का अनुभव किया और इन लोगों की कृपा से नारियों की समस्या पर भली प्रकार से विचार किया गया और समय समय पर ऐसे क्रान्तिकारी बिल इस हाउस में पास हुये। उस वक्त देश में आन्दोलन हो रहे थे और विशेषकर महात्मा गांधी जी उस समय सबल रूप में हमारे समाज में आकर खड़े हुये और उन्होंने नारी को इस स्थिति में फँसा दिया कि यह अपने आप खड़ी हो सकी। आज अपने अधिकारों के लिये स्वयं उसके अन्दर भावना जागी है। भविष्य में जो नारी समाज होगा वह इस तरह के अन्याय को सहन न कर सकेगा जिस तरह से कि आज तक नारी जाति सहन करती आई है। यह इस तरह की अवहेलना कभी बर्दाश्त नहीं करेगी। इस लिये मैं सपन्नती हूँ कि यह समय अनुकूल है जो यह बिल हमारे सामने आया है। इसको इस असेम्बली में करतलध्वनि से पास होना चाहिये।

[ श्रीमती कमला चौधरी ]

इस बिल का बहुत प्रकार से विरोध किया जाता है। मुझ यहां पर इस तरह की बातों का सुनने का अवसर मिला है। नारी जाति के विरुद्ध गन्दी बात कही जाती है। स्त्रियों पर लांछन किया जाता है। इस तरह से नारी जाति के विरुद्ध इस तरह की बातें कह कर एक तरह से यहां पर प्रचार किया जाता है। यहां पर इस तरह का ख्याल बंध गया है कि सम्बन्ध विच्छेद, तलाक, डाइवोर्स (divorce) का जो अधिकार इस बिल में रखा गया है, उसका परिणाम यह होगा कि हमारा समाज नष्ट हो जायगा, हमारी संस्कृति नष्ट हो जायगी। मेरी समझ में नहीं आता कि किस तरह से लोग इस तरह का विवाद उठाते हैं और किस तरह से लोग इस तरह की बातें करते हैं। लेकिन मेरी समझ में नहीं आई कि इसमें किसी तरह की सम्बन्ध विच्छेद की बात कोई भी ऐसी नहीं मिली जो नई हो जैसा कि हमारे धर्म शास्त्रों में, हमारे धार्मिक ग्रन्थों में जिस बात की इजाजत न दी हो। जितने भी कारण सम्बन्ध विच्छेद के इसमें रखे गये हैं कि सम्बन्ध विच्छेद किस प्रकार हो सकता है, किन कारणों से हो सकता है, मैं समझती हूँ कि वह सभी कारण हमारे धर्म ग्रन्थों में मौजूद हैं। मैं खुद हिन्दु धर्म और भारतीय संस्कृति में विश्वास करने वाली हूँ। मैं एक हिन्दु नारी हूँ। नारी की महत्ता किस बस्तु में है, वह मैं जानती हूँ। हमारे ऋषि और महा ऋषियों, हमारे बड़े बड़े कवियों ने बहुत दिनों से, शतान्दियों से भारतीय नारी की महिमा गाई है और उसका बहुत सुन्दर बखान किया है। मैं जानती हूँ कि नारी पिण्ड की महिमा नहीं है, वह महान् त्याग की महिमा है जिसको उन्होंने गाया है। मैं समझती हूँ कि वह आदर्श हमारे लिये बहुत अच्छे हैं, बहुत ऊँचे हैं। आज से नहीं, युगों से भारतीय नारी इस आदर्श पर चलती रही और उनका यह गौरवमय इतिहास और आदर्श भारतीय संस्कृति और मानव इतिहास में कायम रहेगा।

लेकिन समाज में सभी व्यक्ति चाहे वह स्त्री हो या पुरुष, वह हर एक ऊँचे आदर्श का पालन कर सकेगा यह असम्भन बात है। महात्मा गांधी जी संसार में महा पुरुष माने गये हैं। उनके जितने आदर्श हैं वह सब हमारे सामन उन्होंने रखे लेकिन अनुयायी होते हुये भी हम स्वयं उन पर न चल सके। इसी तरह समाज की व्यवस्था है और इसी तरह संसार की व्यवस्था है। अगर यह संसार, यह हमारा भारतीय समाज पूर्णतया अपने आदर्शों का पालन करने लगे, तो मैं समझती हूँ कि यह संसार, संसार न रह कर स्वर्ग बन जाय।

जब कोई बड़ा आदर्श रखा जाता है तो उसका वातावरण बनाने के लिये, उसको उत्पन्न करने वाली बहुत तरह की बातें की जाती हैं। जिस तरह से हमारे यहां हिन्दुओं की विवाह पद्धति है। जिस समय विवाह होता है उस समय पण्डित

लाग इस तरह की परिभाषा देते हैं कि सम्बन्ध इतना अटूट है, ऐसा अमर है कि जन्म जन्मान्तर तक यह सम्बन्ध अटूट रहेगा। मेरा इसमें विश्वास नहीं है। क्योंकि मैं जानती हूँ कि जहाँ एक तरफ़ यह परिभाषा हम जानते हैं कि यह जन्म जन्मान्तर का सम्बन्ध है जो कि हिन्दु स्त्री और पुरुष का होता है वहाँ हमारे यहाँ धर्म ग्रन्थों में बताया गया है कि जो अपने कर्मों के अनुसार पूर्व जन्म पर विश्वास करता है कि पूर्व जन्म में उसका पति मानव होगा, दानव होगा, पशु होगा, यह जन्म जन्मान्तर का सम्बन्ध है, इस तरह की चीज़ों में मेरा विश्वास नहीं है। लेकिन मेरा यह विचार है कि विवाह वह वस्तु है जो कि जीवन भर के लिये एक कम्प्रोमाइज (compromise) होता है। अगर हमारे पति और पत्नी का दिमाग कानूनी बातों की तरफ़ रहे कि हमारा सम्बन्ध विच्छेद हो सकता है तो मैं समझती हूँ कि जीवन निरर्थक है यह बात तो ऐसी हो जायगी कि वह लोग कभी भी अच्छी तरह गृहस्थी का काम नहीं चला सकते हैं। अगर कहीं पर इस तरह की समस्या है तो ऐसी अवस्था में न तो कभी धर्म का ही विकास हो सकता है और न संस्कृति का ही विकास हो सकता है। अगर कहीं पर किसी कारणवश सम्बन्ध विच्छेद की ज़रूरत है तो मैं समझती हूँ कि उसका कानूनी अधिकार औरत को होना चाहिये। आज हमारे समाज में बहुत सी कठिनाइयाँ आ गई हैं। मैं समझती हूँ कि मेरी ही आंखों से सामने नहीं है, मेरी ही आंखों के सामने दृष्टान्त नहीं है वल्कि यहाँ पर जो महानुभाव बैठे हैं उन सब के सामने हैं। एक पति दूसरी शादी कर सकता है जबकि उसकी पत्नी की उम्र थोड़ी ही हो। और दूसरी तरफ़ वह स्त्री जिस की उम्र १६, १७ और १८ ही वर्ष की होती है वह दूसरी शादी नहीं कर सकती, उसको इस बात का अधिकार नहीं है कि वह सम्बन्ध विच्छेद कर ले। इसका परिणाम क्या होता है, मैं इसके विस्तार में नहीं जाना चाहती। मैं तो सिर्फ़ नग्नतापूर्वक इतना ही कहना चाहती हूँ कि इसका परिणाम भयंकर होता है, खराब होता है। वह स्त्री कानून के कारण दूसरा विवाह नहीं कर सकती है। हमारे कानून में जो उसका पति है उसका उससे कोई सम्बन्ध नहीं है। वह इस समाज में अधोगति में पड़ी रहे और तरह तरह के कष्ट भोगती रहे फिर भी समाज उसको सम्मानपूर्वक दूसरा विवाह करने की इजाज़त नहीं देता जिससे कि वह अपने बच्चों का पालन पोषण कर सके, घर गृहस्थी जमा सके, और अपना शेष जीवन सुखमय तरीके से व्यतीत कर सके।

जहाँ पर ऐसी परिस्थिति उत्पन्न होती है वहाँ पर मैं चाहती हूँ कि स्त्री को यह अधिकार होना ज़रूरी है। यह मैं नहीं चाहती कि आम तौर से इसका इतना प्रचार किया जाय कि इसकी प्रतिक्रिया आरम्भ हो जाय और हर एक स्त्री पुरुष के दिमाग इस तरह काम करने लगे कि वह जब चाहें सम्बन्ध विच्छेद हो जाय। जहाँ तक मैं

[श्रीमती कमला चौधरी]

समझती हूँ इस बिल में इतनी सहूलियत भी नहीं है कि जितना लोगों ने कह रखा है। सबसे बड़ी खूबी जो मुझे इसमें नज़र आती है यह वह है कि हमारे यहां ८० फ्री सदी जो जातियां हैं उनमें मैंने यह देखा है कि पंचायत बैठ गयी और एक मिनट में सम्बन्ध विच्छेद हो जाता है। कहीं कहीं तो ऐसी जातियां भी हैं कि जहां पंचायत बैठ कर भी फंसला नहीं करती। स्त्री पुरुष बिल्कुल आजाद हैं और एक दूसरे को छोड़ कर दूसरे के साथ शादी कर सकते हैं। ज्यादा से ज्यादा अगर बिरादरी में उन पर कुछ किया तो यह हुआ कि कुछ दण्ड दे दिया या जाति से अलग कर दिया और एक जाति भोज देने के बाद वह फिर जाति में सम्मिलित हो जाते हैं। इस बिल के पास होने से उन जातियों का बहुत लाभ होगा, उन जातियों का कि जिनमें सम्बन्ध विच्छेद, तलाक इतना हल्का बना दिया गया है। उनके ऊपर भी यह बिल प्रतिबन्ध लगा देगा और इससे बहुत बड़ा लाभ यह होने वाला है कि जो हमारी पिछड़ी हुई जातियां हैं, जिनमें संस्कृति नहीं है, यह सुसंस्कृत हो जायेंगी और उनकी संस्कृति का विकास होगा। यह बहुत बड़ी खूबी मुझको इस बिल में मालूम होती है।

सबसे अधिक विरोध जो इस हिन्दु कोड बिल का किया जा रहा है यह मैं समझती हूँ किया जा रहा है सम्पत्ति के कारण कि जो इस हिन्दु कोड बिल में यह उत्तराधिकार पिता की सम्पत्ति में एक बालिका को भी लड़के के बराबर दिया जा रहा है। और इस विरोध में तरह तरह की बातें कही जा रही हैं। कुछ वक्ताओं का कहना है कि इसमें भाई बहन का जो एक सरल स्नेह है, एक स्वाभाविक स्नेह है, यह नष्ट हो जायगा और हमारी परम्परा, हमारे परिवार की सारी व्यवस्था इससे नष्ट हो जाने वाली है। यह बात भेरी समझ में नहीं आती क्योंकि देखा आज यह जाता है कि किसी भी पिता के अगर दो पुत्र हैं या चार पुत्र हैं तो सब जगह यह जरूरी नहीं है कि भाइयों में परस्पर लड़ाइयां हों, झगड़े हों। लेकिन साथ ही ऐसे भी किस्से सुनने में आते हैं और ऐसे ऐसे भी दृष्टान्त देखने में आते हैं कि ऐसी लड़ाइयां भी होती हैं कि यह एक दूसरे की जान के ग्राहक हो जाते हैं। तो इस तरह मैं यह समझती हूँ कि कल को भाई बहन के लिये भी यह मान लिया जाय कि सम्पत्ति का अधिकार होने के बाद भाई बहन में इस तरह का झगड़ा होने लगेगा तो इस तरह के झगड़े भाई भाई में भी होते हैं और उस समय कोई भी संस्कृति की दुहाई देने वाले ने क्या कभी इसका प्रचार किया है कि इससे भाई भाई में झगड़े होते हैं? क्या यह झगड़े हमारी संस्कृति के अनुकूल है, भारतीय संस्कृति के अनुकूल है? हमारे धर्म की जो महत्ता है वह है परस्पर के सरल स्नेह में, प्रेम में और आपस के अच्छे सम्बन्ध बनाने में। यह हमारे धर्म की संस्कृति है। और मुझे ऐसे दृष्टान्त दिखाई देते हैं कि जहां एक बहन है यह अपने भाई को बहुत अधिक प्रेम करती है। प्रेम बहुत प्रकार के होते हैं लेकिन यह प्रेम जो एक बहन अपने भाई के प्रति रखती

है वह मैं समझती हूँ कि इतना सरल, इतना स्वच्छ होता है कि ऐसा प्रेम और नहीं हो सकता। इस प्रकार का प्रेम भाई के प्रति उसके मन में होता है। आज कानून में हमारा यह अधिकार मौजूद था कि माँ का जो धन होता था, जो स्त्री धन होता था, जो आमूषण माँ को मिलते थे उसकी अधिकारिणी लड़की होती थी। लेकिन हर जगह यह देखा गया है कि बहन ने बैठ कर भाइयों के साथ उन अपने आमूषणों को बाँटा है और किसी ने कहीं लड़ते झगड़ते नहीं देखा। यही हमारी स्त्री का ऊँचा आदर्श कायम रहता है तो बहन भाई के लिये त्याग करने को सदा प्रस्तुत रहेगी। ऐसी बहुत कम घटनायें घटेंगी कि आपस में लड़ाइयाँ हों। अगर थोड़ी देर के लिये यह भी माना जाय कि ऐसा भी होने वाला है तो मैं कहूँगी कि आज कितना बड़ा अन्याय है और वह दुःख मेरे सामने आ रहे हैं कि जो हमारे बड़े बड़े ताल्लुकदार हैं उनके यहां यह देखा जाता है कि पिता की सम्पत्ति पर भाई जशन कर रहे हैं। छुद के लिये तीज त्यौहारों में इतना खर्च कर देते हैं कि जो बहन के सारे जीवन के लिये काफी होता। उसी घर में अगर बहन विधवा हो कर जाती है तो उसका स्थान वहां सिर्फ रसोई के, रसोईदारिन के, और अच्छा नहीं रह जाता। उसी घर में जहां कि आज पिता की सम्पत्ति पर, पिता के वैभव पर, भाई बहुत मजे करते हैं, उसी जगह, मैंने बहन को अपनी आंखों से देखा है कि जो अपने छोटे बालकों के लिये दूध के वास्ते तरसती है। उसके मन में भी इच्छा होती है कि मेरे भतीजे जिस तरह अच्छे कपड़े पहनते हैं, जिस तरह उनकी अच्छी शिक्षा होती है, उसी तरह मेरे बच्चों को भी खाने को मिले, पहनने को मिले, और अच्छी शिक्षा मिले। लेकिन कानून ने उसकी जबान पर ताला डाल रखा है और इस लिये उसके आंसू उसकी आंखों में ही सूख कर रह जाते हैं। मैं बड़े अदब से पूछना चाहूँगी, उन लोगों से जो आज इसका विरोध कर रहे हैं, कि क्या यह हिन्दु धर्म के अनुकूल है या जो यह अन्याय नारी के ऊपर किया जाता है उसकी अनुमति हमारा धर्म किस सिद्धान्त पर देता है? इस लिये मैं समझती हूँ कि जो इस बिल में यह पिता की सम्पत्ति में लड़की के अधिकार की बात रखी गयी है यह भी समय के बहुत उपयोगी है और हमारी संस्कृति और धर्म के अनुकूल है। और मैं उम्मीद करूँगी कि बहुत उदारतापूर्वक इस पर विचार किया जायगा।

इसके विरोध में बहुत लोगों ने यह भी कहा है कि यह विचार कि पतृक सम्पत्ति में नारी का कोई हिस्सा होना चाहिये यह उन लोगों के मस्तिष्क की बात है जिन पर विदेशी संस्कृति की छाप है, जिन्होंने भारतीय साहित्य नहीं पढ़ा है। मैं आपका बहुत समय न ले कर थोड़े ही समय में बताना चाहूँगी कि जिन्होंने हमारे ग्राम गीतों को पढ़ा है उनमें यह भावना आज से नहीं बल्कि सैकड़ों वर्षों पूर्व से भरी हुई

[श्रीमती कमला चौधरी]

है। यह भावना हमारे लोक गीतों में हमारी मां बहनों के समय से नहीं, हमारी दादी परदादियों के समय से चली आ रही है जब कि कहीं पर भी विदेशी संस्कृति का नाम निशान भी नहीं था जिस समय हमारी संस्कृति पर उसकी कोई छाप नहीं थी। वादी के समय हमारे प्रान्त में जो गीत गाये जाते हैं उनमें यह भावना भरी है और मैं समझती हूँ कि सभी प्रान्तों में शादी के वक्त ऐसे गाने गाये जाते हैं। उन गीतों की पक्तियों को मैं यहां दुहराना नहीं चाहती लेकिन संक्षेप में यह बताना चाहूँगी कि हमारे यहां विवाह पर गाने गाये जाते हैं, कम से कम हमारे सूबे में जहां से मैं परिचित हूँ और कुछ दूसरे प्रान्तों का भी ग्रामीण साहित्य मैंने देखा है और वहां भी इस तरह की पद्धति है और इन गानों में बड़ी अच्छी भावना हमको मिलती है जहां लड़की यह विचार जाहिर करती है कि मेरे पिता का जो राज्य है उसमें मैं आधा हिस्सा चाहती हूँ। भाई उसको तरह तरह के प्रलोभन दे कर कहता है कि मैं तुझको थाल भर कर जेवर दूंगा, घोड़े दूंगा, हाथी दूंगा और दहेज में इतना इतना सामान दूंगा। लड़की कहती है कि अगर मेरे भाग्य में यह वैभव लिखा है तो यह तो मुझको अपने ससुर, अपने पति के यहां भी जा कर मिल सकता है। लेकिन मैं तो हमारे यहां आधा हिस्सा चाहती हूँ। मैं तो इसी घर में पली हूँ और यहां जो फुलवाड़ी है उसका हिस्सा चाहती हूँ; तालाब चाहती हूँ। तो इस तरह की भावना के लिये जो लोग कहते हैं कि यह विदेशी साहित्य का असर है या विदेशी शिक्षा का असर है या विदेशी संस्कृति का असर है, इस तरह विदेशी शिक्षा में पढ़े हुये लोगों के दिमाग की उपज है, यह बात बिल्कुल निराधार है। यह भावना हमारे पुराने साहित्य में भरी पड़ी है और जो पुराने ग्राम गीत हैं उनमें तरह तरह के ऐसे दृष्टान्त मिल जायेंगे जिनमें यह भावना होती है।

और कुदरत ने लड़के, लड़की को बिल्कुल माता पिता के लिये एक सा बनाया है। आज क्या कारण है कि पिता की सम्पत्ति में भाई का हक होता है, लड़की का कोई अधिकार नहीं है? मैं समझती हूँ कि यह भी एक अन्याय है। यह दूसरी चीज है कि आज हमारे समाज की जिस तरीके की व्यवस्था है, उसके अनुसार शायद कुछ लोगों को इस बिल के अमल में आने में सन्देह और मुश्किल मालूम हो, क्योंकि हमारे समाज में हमारी सोसायटी में दामाद जो चीज है, उसको जमाई बाबू या पाहुना कह कर जिन्दगी भर पुकारा जाता है और कभी भी वह उस फ़ैमिली का मेम्बर नहीं बन पाता। मैं समझती हूँ कि अगर यह अधिकार लड़की को मिल जाता है, तो उससे जो दूसरे घर का लड़का अपने घर में दामाद बन कर आयेगा, वह भी उसी तरीके से जिस तरह से एक पिता के दो लड़के हों, एक तीसरे लड़के की तरह बन कर उस फ़ैमिली का एक मेम्बर होकर रह सकता है और इस तरह से आपस में मोहब्बत

बढ़ सकती है। यह दलील मुझे अपील नहीं कर सकती कि इससे भाई बहिन का जो आपस का सम्बन्ध है, वह खराब हो जायगा, या वह नाश हो जायगा। मैं ऐसा नहीं समझती कि अगर वह कानून पास हो जायगा तो हमारी सामाजिक मर्यादा, हमारी सांस्कृतिक मर्यादा, हमारी धार्मिक मर्यादा सारी छिन्न भिन्न हो जायगी, यह बात मेरी समझ में नहीं आती। मैं इन शब्दों के साथ यह आशा करती हूँ कि जिन लोगों ने अपना नया विधान पास किया है, अपने समाज की अपने यहां की शासन की व्यवस्था बिल्कुल बदलने जा रही है और जहां पर कि स्त्री को समानाधिकार देने की बात कही गयी है, उस विधान के पास करने वाले व्यक्ति यहां एक ठपड़े दिमाग से इस चीज पर विचार करेंगे कि आज नारी समाज किस स्थान पर है और आज समय की क्या मांग है और समय की क्या पुकार है, किस अधिकार को हमको तुरन्त दे देना चाहिये। क्योंकि विद्वानों, साहित्यकारों और इतिहासकारों का मत है कि कोई भी समाज जब तरक्की के मैदान में आगे होमी है, तो जो परिवर्तन उसको तुरन्त कर डालने चाहिये, अगर यह परिवर्तन तुरन्त नहीं कर डालती, तो वह समाज तरक्की में शताब्दियों पीछे पिछड़ जाती है और अगर वह समय की मांग का और समय की आवश्यकता का अनुभव करके जो परिवर्तन उसे तुरन्त कर डालने चाहिये, अगर वह उसे तुरन्त कर डालती है, तो हमारी तरक्की होती है। मैं यह आशा करती हूँ कि यह बिल हमारे यहां पास होगा, क्योंकि यहां यह व्यक्ति इस असेम्बली में अधिक संख्या में मौजूद हैं जो कि महात्मा गांधी के अनुयायी कहे जाते हैं। महात्मा गांधी वह महापुरुष थे, जिन्होंने हमारी भारतीय नारी समाज की समस्याओं और हमारे व्यवधानों को बहुत अच्छी तरह से समझा और राजनीतिक क्रान्ति के साथ साथ उन्होंने हमारी पुरानी सामाजिक रूढ़ियों के प्रति एक ज़बरदस्त क्रान्ति उठाई और हमारे जो पुरानी सामाजिक रूढ़ियां थीं, उनको बहुत जल्द तोड़ फोड़ कर फेंक दिया। मैं समझती हूँ कि उस महात्मा गांधी के अनुयायी लोग इस बिल पर अच्छी तरह से विचार करेंगे और उदारता से जैसी कि हमारे धर्म और संस्कृति की व्याख्या है, उदारता और सहानुभूति के साथ इस पर विचार करके इस बिल को पास करेंगे। अन्त में मैं फिर एक बार अपने माननीय मन्त्री महोदय को नारी समाज की तरफ से वह विश्वास दिलाना चाहती हूँ कि जो यहां की नारियां इसको समझ सकी हैं, यह इसका हृदय से स्वागत करेंगी और हमारी अविष्य की आने वाली जो नारी समाज होगी, वह भी इस बिल के पास करने के लिये उनका आभार मानेगी।

(English translation of the above speech.)

**Shrimati Kamala Chaudhri** (U. P.: General): Sir, before I say a few words in connection with the Hindu Code Bill, I should like to congratulate the hon. Dr. Ambedkar for bringing forth this Bill. My own feeling is that this Bill



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has been brought up before this House in conformity with the spirit of time. This is absolutely in accord with the march of the time and present-day demand. Although it is being opposed on religious, cultural and many other grounds and various kinds of things are heard against it in the course of hostile propaganda, yet my personal feeling is that this Bill will prove a sort of panacea for our women community and the progress of our Indian Society, and this will go a long way to benefit our womenfolk who are even today being degraded to the lowest ebb. Moreover, our future womenfolk shall also remain indebted to the hon. Minister and this House if this Bill is passed in this Assembly.

Those who oppose this Bill have expressed the opinion that this will prove harmful to our religion as well as culture. This thing does not appeal to me at all. This is another thing that the brain and heart of our countrymen have been framed in such a way that anything said in the name of religion highly appeals to the sentiments of the people. On the altar of this very religion—in what manner did we accentuate our communal feelings? In the name of this very religion, we have seen the murder of Mahatma Gandhi—the father of the Nation.

So in this way I see that this Bill is also opposed by raising a hue and cry in the name of religion and Indian culture, and those of the persons and our sisters, who cannot even as yet understand what is law, how this Assembly has been constituted, who cannot even understand the right of franchise which has been granted to them in our Constitution, are being told like this, and it is acclaimed that a great majority of women in the country are opposed to this Bill. But so far as my humble intellect can conceive, this Bill does not appear to contain any such thing which might be against our religion and culture.

In one of the parts of this Bill, a provision has been made prohibiting the right of polygamy which is at present exercised by the religious-minded Hindus. This is not permitted and a ban has thus been imposed upon it. With all the humility, I would submit that I apprehend that this Bill might be opposed by a majority of our brethren for the reason that some such ban is being imposed upon them that in the life time of their wives, they shall not be permitted to contract many marriages. But I do not find in it anything against the religion, because it so looks to me after going through our scriptures and ancient literature that never during any time, even in the olden days, the institution of polygamy was looked upon favourably. After scanning through the ancient literature, we do come across such instances where the ruling prince was allowed to marry more than one wife. We find the rulers disregarding the customs, traditions, usages and the lofty ideals—ideals regarded as sublime—on which stood the structure of our society, but I would like to cite before you an example set forth by one who is considered as an incarnation of God and who has placed an ideal before us. After looking through the great epic written by Valmiki—the epic which has safeguarded our Indian culture and which has sustained our culture for the last so many centuries—it appears that when King Ramachandra sat for the performance of *Ashvamedha Yagna* and when the priests and elderly persons told him that the *yagna* (oblation) cannot be perfected in the absence of a wife, even at that moment he performed the ceremony by installing a gold idol of Sita and did not have recourse to a second marriage. This ideal lies before us and if we scan through our classical epic, we shall have a glimpse of this at every place. During the times when Lord Rama lived in the forests and when Shripunkha ignored him for marriage, Lakshman had told her that Ramachandra was a prince of Ayodhya and was likely to become the ruler of that kingdom and that he was even in a position to marry; but the latter was already a married man

and could not thus re-marry. Even at that time the utterances which our Poet Laureate had attributed to Lord Rama establishes the same very ideal that the institution of polygamy was not looked upon favourably during those days. I do not understand how the restriction placed thereon in this Bill is opposed to religious doctrines. On the contrary I think that if such actions were to be encouraged then they would surely cause the destruction of the high ideals of our Indian culture and society. I believe this to be an ideal for every Hindu who professes himself to be a follower of Hindu religion and a supporter of Indian culture. It is a great injustice done to woman that the husband is allowed to enter into matrimony once, twice, thrice or even four times in the very life time of the legally wedded wife. For a woman this custom is horribly painful and demands utmost sympathy. It is another thing that since centuries restrictions have been imposed on our women folk and the women of this country have more or less been confined within the four walls of the house. Restrictions have been imposed on their social, mental and economic rights. Their tears dry up in their eyes only and are not even allowed to trickle down. But our poets, writers and authors have given a very vivid description of this colossal suffering and tribulations that the women have to endure. For a woman no other suffering is more tormenting than the distress of having a co-wife.

Now when the age of renaissance began and the eminent persons of our country began to realize their abject misery then as a result of their kind efforts the condition of the women folk was carefully considered over and hence from time to time such revolutionary Bills were passed in this House. At that time our country was in turmoil and then Mahatma Gandhi forced an entry into the social structure of our society. He elevated the women folk to such an extent that they could stand on their own legs. Today a keen desire for securing her due rights has awakened in her heart. The woman of the future will not tolerate this sort of oppression and tyranny lying down as she has been doing till today. She will never tolerate this sort of neglect and disrespect. Therefore I think this time to be most favourable. The Bill that is before us should be passed in this House with great applause.

This Bill is being opposed on many grounds. I have had opportunities to hear such thing here. Obscene and dirty things are said against the women community, they are being stigmatised. Thus a propaganda is made here by giving publicity to such scandalous slurs against the women folk. The people here have come to believe that the right to divorce provided in the Bill would result in the destruction of the structure of our society and our culture would go to dogs. I do not understand how people give rise to such apprehensions and how they resort to such talk. But as far as I have studied this Bill I have not come across anything concerning the dissolution of marriages that can be called an innovation, or anything that has not been allowed and permitted by our sacred texts and holy scriptures. All the conditions that have been laid down for the dissolution of marriages, or in what manner the marriages can be dissolved, or for what seasons divorce can be granted, I think all these conditions do exist in our *Shastras*. I myself believe in Hindu religion and culture. I am a Hindu woman. Wherein lies the glory and importance of the woman I know that also. For centuries our sages and preceptors, poets and writers have sung songs about the greatness of the Indian woman and have mentioned her in the most glorious terms. I know that all this greatness has not been attributed to female form only, they have sung songs about her noble spirit of renunciation instead. I think that this high ideal is very good for us. Not from today but from ages the Indian woman has been maintaining these ideals and the glorious history of her renunciation and ideals will for ever go down in annals of Indian culture and the history of mankind.

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But in every society it has been found impossible for each and every individual, may be male or female, to live up to the highest of the ideals. Mahatma Gandhi has been acclaimed a super man by the whole world. He placed before us his ideals and though being his followers we ourselves could not live upto them. Similar is the composition of the society as also of the world. If this whole world and our Indian society in particular were to maintain the high standard of ideals then I think this very world would become a paradise.

Whenever some high ideal is set before the people then in order to create a proper atmosphere for it a number of things have got to be done. Take the case of the Hindu marriage system for instance. At the time of marriage the priests interpret this alliance to be so indissoluble so everlasting that it would hold good for future births and re-births also. I don't believe this. Because while on one side according to Hindu ideals we are led to believe that this marriage alliance between a Hindu male and female lasts till eternity, on the other hand in our holy scriptures it has been laid down that according to the philosophy of *Karma* this alliance would have continued eternally even if in previous births the husband may have been a human being or a demon or an animal, but I do not believe in such a thing. What I believe is that marriage is just a compromise for the life time. If our married couples were to hanker upon the legal possibilities regarding the dissolution of marriages then I think that our life would become quite useless. The result of such a state of affairs would be that the people will never be able to raise and maintain happy families. If such state of affairs do exist anywhere then under such circumstances there can neither be the evolution of our religion nor the cultural development of our country can take place. If under any circumstances the separation be deemed essential then I think the legal right must lie with the woman. Many defects have cropped up in our present day society. I think instances are not only known to me but all the gentlemen present here must be in the know of them. A husband can marry a second time even when the age of his wife may not be much. On the other hand a woman whose age may only be 16, 17 or 18 years cannot re-marry; she has not been authorised to get her marriage dissolved. What such a state of affairs results in? I do not want to go in details. I very humbly beg, to submit only so much that such things result in grave disasters. Legally that woman can not re-marry. Her legal husband has no relations with her. May she lie in the abyss of the society and suffer extreme distress and tribulations yet the society does not allow her to enter into an honourable remarriage whereby she may be able to support and sustain her children, set up a family and pass the rest of the life in comfort and ease. Under such circumstances I wish that the woman should have this right. I do not wish that this right should so commonly be used that it may create retaliation and every man or woman may begin to think that they can have separation if and when they like. As far as I think this Bill does not provide so much facilities as the people profess. The most outstanding speciality that I can see in this Bill is that in 90 per cent. of our community I have seen that a *panchayat* is called and separation is effected within a minute's time. At places and in certain communities even the *panchayat* does not assemble to give its decision. Males and females are quite free and leaving each other they can re-marry whomsoever they like. The utmost punishment the community can impose upon them is that they are somewhat chastised or ex-communicated and after giving a community feast they are again taken back in the folds of the community. The passing of this Bill will highly benefit those communities wherein separation and divorce are considered to be very insignificant things. This Bill will impose restrictions on them also and the greatest benefit that we would have of this Bill's

is that our backward communities which have no cultural background will become cultured and their moral standard will be raised. This is the most outstanding speciality that I have come across in this Bill.

The strongest opposition that is being made against this Bill is I think about the question of the property, for the reason that this Hindu Code Bill seeks to provide the daughter also a share in the father's property equal to that of the son. A number of different things are being said about this measure. Some hon. Members hold the view that by adopting such a measure the innate affection and natural love between the brother and sister will cease to exist, over heredity and our entire family system will be disrupted. I cannot understand this thing because as we see today if a person has two or four sons then it is not at all essential that these brothers fight among themselves or kick up disputes. But at the same time we do sometimes hear of such incidents and many instances are before us that such disputes are kicked up and they become deadly enemies. So I think that if it be taken for granted for brother and sister also that after inheriting the property they will also kick up similar disputes then as such disputes generally take place between brothers also so they do not matter much, moreover at that time do the persons who profess the culture to be in danger ever try to proclaim that this inheritance of property kicks up disputes and quarrels among the brothers so it should better go? Are such disputes in accordance with our culture? The glory of our religion lies in natural affection, mutual love and in being on good terms with others. This is our culture according to our religion. I see many such instances where the solitary sister has got a deep affection for her brother. Loves are of different kinds, but the love that a sister has for her brother, I think, is so unassuming innate and pure that no other kind of love can stand up to it. Such an affection she bears for her brother. Our existing law provided that the property that was owned by the mother, the *stridhana*, and the ornaments that the mother possessed were inherited by the daughter. But everywhere it has been seen that the sister has shared the ornaments with her brothers and nobody has ever seen them quarrelling over the division. If the high ideals of our women folk hold good then a sister will always be prepared to sacrifice her all for her brother. There will be very few cases where such disputes will take place. If for the time being it may be taken for granted that such state of affairs will come to pass still then I will say that this is a grave injustice. I am able to recall the case of our big *talukdars* where the brothers live extravagantly on the property left by the father. For themselves they spend such heavy sums on the occasion of *Tij* and other festivals as might have served the sister for a lifetime. If, however, a widowed sister happens to come and live in that very home her place is in the kitchen and her lot is none better than that of a cook. In the home where, today, brothers enjoy life on the strength of the father's property, the father's wealth, in that very home I have seen with my own eyes the sister pining for milk for her young children. She too has the desire that her children should have good things to eat and good clothes to wear and that they should receive good education in the same way as her brother's sons. But the law has sealed her mouth. She is tongue-tied and dare not give vent to her feelings. I would like, very respectfully, to ask those people, who are opposing it today, whether this is in accordance with the Hindu law and, if so, which school of our philosophy sanctions this injustice shown to woman. Hence, I think that the provision relating to the daughter having a share in her father's property is very much in consonance with the times and compatible with our faith and culture and I hope it will be considered in a very generous spirit.

In opposing this provision several people have also averred that the idea that a woman should also have a share in her father's property took birth in the minds of those persons who are imbued with a foreign culture and who

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have not read Indian literature. I shall not be taking much of your time and should like to tell you briefly that this sentiment finds ample expression in our folk-songs which have existed for the last hundreds of years. This sentiment did not get into our folk-songs at the time of our mothers and sisters but has been there since the times of our grand and great-grand-mothers when there was not even a trace of foreign culture anywhere and when it had not set any kind of seal on our culture. The songs that are sung at the time of marriage in our Province contain this sentiment and I think that such songs are sung at marriages in all Provinces. I do not here want to recite the actual lines of those songs but would briefly like to state that such songs are sung amongst us at the time of marriage, at any rate in our Province with which I am familiar. I have also studied the folk-lore of some other Provinces where too a similar line of thought exists. We find a very wholesome sentiment forming the burden of these songs. The girl gives expression to her desire to have one-half share in her father's 'dominion'. The brother offers her various kinds of temptations, saying he would give her a plate full of ornaments, that he would give her horses and elephants and also enumerates the various articles he would be giving her by way of dowry. The girl replies that if she is destined to acquire all that wealth it could also become available to her when she goes over to the house of her father-in-law and her husband but that she would rather have her one-half share here, that she has been brought up in this home and that she would like to have a share in the orchard and the tank here. Thus there is absolutely no foundation for the allegation that this sentiment is the product of foreign literature, or foreign education, or foreign culture or that it is a creation of the minds of those persons who have received their education from foreign sources. Our ancient literature abounds in that sentiment and our folk-songs would offer various such examples as reflect that feeling.

Nature has made a boy and a girl equal in the eyes of their parents. Then why is it that a boy should have a share in his father's property but a girl should have none? I feel that is also a kind of injustice. This is another matter that in view of the present set-up of our society some people might, per chance, be entertaining doubts and anticipating difficulties with regard to the practical application of this Bill, because the position occupied by a "son-in-law" in our society is rather peculiar. All his life he is called *Jamai babu* or *Pakuna* (the Guest) and never becomes a member of that family. I feel that if the daughter is conceded this right the result would be that the son of another family who comes in as the son-in-law could also live as a member of the daughter's family as if he were a third son to the father who already has two, and this should encourage mutual love and affection. The argument that this would strain relations between brothers and sisters or break them for good cannot appeal to me. I do not think that if this law is passed it would mean the disintegration of all our social, cultural and religious traditions. I am unable to appreciate that argument. With these words I express the hope that those people who have passed our new Constitution, who are out to make a radical change in our social and political set-up and who have conceded in that Constitution the equal rights of the women, will reflect coolheadedly over the present position of our women. Let them hearken to the call of the times. We should concede this right straightaway. Scholars, men of letters and historians have held the view that if a society, which steps forth into the field of progress, does not promptly carry out all those changes, which are urgently called for, it is likely to be left centuries behind in that field. On the other hand, if, properly appreciating the call and the needs of the times, it promptly gives effect to the urgently needed changes

it marches forth to a speedy progress. I hope this Bill is going to be passed by the present Assembly because here we have present, in a preponderating strength, persons who are called the followers of Mahatma Gandhi. Mahatma Gandhi was the great man who had a sound grasp of the problems and the handicaps facing the Indian women. Along with the political revolution he also stirred up a powerful revolution against our old social conventions and was soon able to root out and destroy them. I feel that the followers of Mahatma Gandhi will give their thorough consideration to this Bill and pass it after having considered it generously and sympathetically in the light of our faith and culture. In the end, once again, I wish to assure the hon. Minister, on behalf of the women, that all those women of this country, who have been able to comprehend this measure, are going to welcome it heartily and that even the women of the generations to come will feel grateful to him for having got it passed.

**Shri Kameshwar Singh of Darbhanga (Bihar: General):** Sir, it has become very difficult for those of us who are opposed to the motion moved on behalf of Government to take part in this debate after what our Prime Minister has said in this House about the measure before us on the opening day of this session. I was not present in the House when he made the statement, but if the press report be true, he has made the passage of the Bill an issue of confidence in his Government. I am strongly opposed to the measure (*interruption*).

**Mr. Deputy-Speaker:** Order, order. Nothing will go on if these interruptions are made. The interruptions will only increase the time taken by the Members.

**Pandit Lakshmi Kanta Maitra:** Apparently the hon. Member is making a very good speech.

**Shri Kameshwar Singh of Darbhanga:** But I am equally strong in my view that in the present state of our country the Government of our Prime Minister is the best Government that we can have. However imperfect it may be, a better alternative to the present Government is not available. That, I think, is the view of the most of the people who do not belong to any political party. Thus, the stand taken up by our Prime Minister assumes the shape of "Undue influence", if not "coercion", for men of my way of thinking. I would therefore earnestly request the Prime Minister to reconsider the matter and unload the question of confidence in his Government from the consideration of the measure.

I would like the House and Government to postpone further consideration of the Bill till the wishes of the electorate are ascertained in the next general elections for reasons stated by the hon. Dr. Rajendra Prasad, in the note which he sent in the capacity of the President of the Indian National Congress to our Prime Minister last year.

Hon. members of this House know that there is a great divergence of opinion with regard to this important measure of, if I may say so, revolutionary character. It affects the personal law of the vast multitude of people. It affects their social and economic life as well as the forms and customs that have grown with the various schools of the Hindu law during so many centuries. In the name of uniformity and codification it threatens to arbitrarily disrupt the fundamental social and economic structure of the Hindu community embracing all except the Muslims, Christians, Parsis and the Jews. I fully agree with the observations of you, Sir, and Sri Ram Narayan Singh contained in your notes of dissent on the Report of the Select Committee on this Bill. The members of the present legislature have no mandate from the electorate

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even with respect to the major issues involved in the Bill. After all, the next elections are not far off and nothing will be lost if the matter is deferred till then.

I am definitely of opinion that such vital changes as are proposed in the measure should not be made in this manner. If one cares to look into the views expressed before the Hindu Law Committee he will not fail to notice that the opposition to the Bill is very strong. I belong to that class of people which considers the *Smriti* and the school of interpretation, he follows, as sacrosanct; and the class to which I belong constitutes a large proportion of the total population of the country. We consider marriage, succession and the like as a part of our religious duty and obligation. To us these are much more than mere secular or social phenomena.

It is true that the social structure has gradually changed and is changing under the stress of circumstances. But such changes have taken place by the process of evolution and not by imposition from above. Further, these changes do not generally affect the principles on which the Laws governing the various Hindu societies are based. Now, the question is whether the changes proposed in the Bill are such as have been accepted by the people in general and require just legal sanction. My answer to this is emphatic 'NO'. No doubt, the authors of *Smritis* and their interpreters made changes from time to time but they did so when they could enforce them by the popular support they had. The bulk of the people had abundant faith in their learning, in their foresight, in their purity of purpose and above all in their conduct. The authors of this proposed Twentieth Century *Smriti* have no such background. They do not have in the hearts of the people the status of those ancient *Smritikars* whose injunctions govern the lives of so many people even today. The diversity perceptible in different parts of the country goes a great way in establishing the fact that popular acceptance and not imposition from any central political authority has been the sanction behind the personal law of the Hindus. Unity in diversity is the chief characteristic of the Hindu life and religion and we should not take the seeming diversity as an evil which must be instantaneously removed.

The fundamental difference between the outlook of the ancient law-givers and the present day law-givers is that whereas the basis of the former's consideration was purely spiritual, the basis of the latter's consideration is grossly material and to accept it is to give a go-by to our philosophy of life, to the continuity of our tradition and to the foundation of our culture. I, for one, am not prepared to do so.

Besides this, I apprehend that there will be practical difficulties in implementing the provisions of the Bill. Just imagine how long it will take Government to educate the people that they should go to law court for getting their marriages registered. Just imagine what complications and confusion will the provisions for void and voidable marriages create. Just imagine what havoc will the provision for the dissolution of marriages and divorce play in the domestic life of the people whose conception of society has so far been quite different from the one on which these provisions are based. I do not agree with the view that only hard cases will come up for remedy. My own fear is that many interested persons will come into the picture to disrupt the domestic life of their neighbour, relatives etc., for their selfish ends. Similarly, the provisions regarding succession will make the management of property difficult and become a prolific source of intrigue by designing persons in the society. Lawyers and law courts may prosper but families will be broken up and domestic peace will decay.

The report of Dr. Dwarkanath Mitter, one of the members of the Hindu Law Committee, embodies the opinions of the vast bulk of Hindus. The facts on which he has based his conclusions are irrefutable. The report of the other members of the Committee is merely an attempt to explain away the irrefutable facts mentioned by Dr. Mitter in support of his contention. It appears that the Majority of the members of the Committee had already made up their minds on major issues and took no note of the public opinion expressed before them in different ways. I wonder how the Government of India of today which is so sensitive to public opinion has considered it proper to bring a measure of this kind before this House. For the sake of satisfying the sentiments of a few so-called 'progressive' element in the Hindu Community it should not have proceeded with the measure which is opposed by an overwhelmingly large number of Hindus. If those who advocate the adoption of this measure go from village to village and collect the reaction of the Hindus on the provisions of this Bill, I am sure that they will hardly find satisfactory support. At least in my Province, the public opinion is decidedly against this Bill.

**Dr. B. Pattabhi Sitaramayya** (Madras: General): Sir, the moment I rise before you I hear certain utterances from friends. Some say "Support"; others say "Oppose".

**Shri B. L. Sondhi** (East Punjab: General): You will do both.

**Dr. B. Pattabhi Sitaramayya**: Perhaps I am doing both, because on a matter like this it is our duty not to be dogmatic. Only great men and fools are dogmatic and I disclaim being either. It is much better to string our thoughts with the thoughts of others and try to evolve a G.C.M., a thing which we learnt in our early days of arithmetic.—the greatest common measure of agreement upon such vital questions as the structure and functioning of society, which is a living organism and not a dead joint stock company with its own memoranda, and articles of association which are liable to be changed any day by paying three rupees to the Registrar. This society which we have inherited and of which we are proud to call ourselves members has been in existence for perhaps thousands of years.

**Babu Ramnarayan Singh** (Bihar: General): Since the creation.

**Dr. B. Pattabhi Sitaramayya**: Nobody knows when it started. At least I can say from the evidence that we have before us in Kautilya's *Artha Shastra* that this had attained its perfection 2300 years ago. The same problems of marriage, of crime, of punishment, of psychological complications, of political puzzles, that were treated by Kautilya in his *Artha Shastra* are before me to day without one iota of change. I would ask friends who have not read that book to read it. Read the *Sukra Nithi Sara*; read the other political works of our ancient Hindu law.

**Shri L. Krishnaswami Bharathi**: Kautilya's *Artha Shastra* is not unfortunately available.

**Dr. B. Pattabhi Sitaramayya**: It is quite available for those who have a mind to get it.

**Shri L. Krishnaswami Bharathi**: But I have tried my level best.

**Dr. B. Pattabhi Sitaramayya**: I would therefore urge the House to look into the antecedents and the conditions of progress and conditions of evolution which have characterised the changes in what we call the "Hindu society". I do not say that we should be proud of Hindu society and Hindu culture, but after all what is called Indian culture is largely Hindu culture and what is called Indian society is largely Hindu society, and if other people have some



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and mixed with us—the Jats, the Moghuls, the Turks, the English and others—they have perhaps assimilated many of the good points in us and they have enabled us to assimilate many of their own good points, so that the confluence of these cultures over a thousand years has enriched, both in volume and in content, the stream of our own national culture. Now, we are the inheritors of this proud heritage. How shall we deal with it? Is there a philosophy behind it or is it merely a random growth?—an accretion of conditions, an amorphous composition in which parallel forces are in juxtaposition without organically combining with one another or is it a solution and an assimilation of all the various factors, with the merits dissolved and the demerits left on the surface? These are the points which we have to consider. Have we considered these points before embarking upon this mighty reform? Who has initiated this reform? When was it initiated? In whose time was it initiated? Has it been taken up after the National Government has come into being, or is it merely a legacy of the past Government which we have taken on hand through the Secretariat? What is our initiative? What is our part in dealing with it? Society, I told you, is a living organism. It has certain philosophical truths behind it. It has economic propositions before it. Take Hindu society. Have you come across any society in the world which is more socialistic, inherently and internally, than Hindu society?

I have got fifty acres of land. I have got two sons. My two sons are each heirs to only twenty-five acres. My first son has four sons. Each boy gets only six acres. Is property allowed to accumulate in our system of inheritance? Not at all. It is a socialistic structure of the supremest kind. You want to destroy this socialistic structure and then you want to substitute an individualistic civilisation where each man owns his property, where property is inherited not by birth, but by survivorship. What happens? Individualistic property comes into being. Perhaps the next step will be Dr. Ambedkar's Bill on a law of progenerity for the common man. Then you will create and maintain an aristocracy. You bring into existence a class society, not a classless society. A classless society where learning and property, learning and wealth are well balanced gives place to a society in which wealth reigns supreme. That is exactly what happens in the west. That is exactly what cannot happen in the east. Here, through a system of social organisation, we have balanced the wealth and the culture, and then having brought them into existence, we have attached greater value to culture than to wealth. Wealth has taken a subordinate place. Now what are you going to do? You allow a lawyer to amass ten lakhs of rupees. He is the supreme master. He has obtained all the wealth that his brothers could have given him in sending him to England and making him a Barrister-at-Law. But the gains of his learning are his own exclusive property under the law which has been brought into existence by the British—thanks to their ideals. Now, whereas the other people, the other brothers, the agriculturists as well as the traders who have gone through the same process of righteous labour, have to divide their property with the educated Barrister-at-Law, the Barrister-at-Law is exempt from sharing his properties with those two brothers. Is this justice? Is this fairplay? It is outrageous nonsense compared to the noble standards which have been adopted in our society.

Now let us pause here for a moment and ask a question: Have you appointed a Commission to go into the social, political, economic and the moral implications of the structure and functions of this society? Have you got a report based upon a study of the psychology that lies behind this structure which has endured the buffets of time and circumstance for a period easily and admittedly, of five thousand years and perhaps which has gone back to thirteen thousand years and may be, possibly to thirty thousand years, because there are all these three versions about the age of the Mahabharata and the Vedas;

about the age of our society and ancient civilisation. How is it that you don't do that. If you want to give tariff assistance to a little quantity of iron that is being imported from Antwerp you appoint three people drawing Rs. 8000 each, constitute them into a Tariff Board, obtain a report from them based upon the evidence that has been led by all the capitalists in the country, then you consider it in the Finance Department, you place it before the Assembly and then you grant that tariff weightage. What have you done with regard to our society? You snap your fingers at it—this ancient society, this relic of ancient barbarism, this vestige of antiquated stuff! No; you say "let us go the whole hog."

We have cast our universities after the style of London; we have adopted our legal system after the style of High Courts in London and we have carved out Legislative councils and legislatures after the manner of the Parliament in the West, and now it only remains for us to copy the Western society, Western manners, Western social institutions and Western civic laws. Please do not mistake me. I have been in sympathy with divorce for a long time I have been thinking of divorcing my wife and I have also heard that she wants to reciprocate the honour. That is not the point. I tell you I am in sympathy with many of the items of this measure. But I want to tell you what kind of approach and attitude you are adopting towards the institutions of India after you have attained Swaraj. This summary, this absolutely impromptu method of dealing with this question does not appeal to my fancy, much less to my conviction. But I know that you will tell me: "Oh, this Bill has been hanging fire ever since the Congress left the portals of the Legislature. Yes, it has been hanging fire! You will, however, remember that in 1938 July the Congress passed a resolution that it should walk out of the legislature because armies had been sent to Egypt and to Singapore, which were then considered the frontiers of India. So, as a protest against that act, and as a protest against the breach of the pledged word of the Government who said that they would not send any armies abroad without the specific permission of the Legislature, we walked out and ever since we never walked in until 1946. During this time men who were not patriotically inclined, men who were the proteges of Western civilisation, men who had spent their whole time in England or abroad, were put into a Committee and they evolved this formula for us. I got in 1944 October the first report on the Hindu Law Reform Committee while we were in the Ahmadnagar Jail. Now the main inspirer and agent of this measure was Shri B. N. Rau to whom we owe all that we have achieved in the New Constitution. He is a lawyer noted for his knowledge of constitutional law, case law, codified law and customary law and one who has done yeoman service to us. He was a Judge to the Calcutta High Court in Bengal where Dayabaga prevails. I suppose you know Mitakshara prevails in Madras and one or two other provinces while Mayukha is the Law in Bombay. This gentleman who never had any experience of Mitakshara and who was a Judge of the High Court of Calcutta and whose knowledge of law is absolutely unquestionable has initiated this. Later on the Congress Party or the popular party never had the opportunity of discussing this question in the Central Legislature. When Mr. Asoka Roy came as Law Member, he said that he would not touch this Bill even with a barge pole. (Shri Mahavir Tyagi: What is a barge pole). A barge pole is a pole which is used to drive a barge on the waters.

After all, this matter has come up; and as if we have been waiting for it in eagerness and expectancy, we have taken this up without so much as mentioning a word about it in our election manifesto. Have you ever come across a party which draws up a comprehensive election manifesto covering all questions from China to Peru and contemplating the nationalisation of the

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key industries, abolition of drink and zamindaries and various other things, but never saying a word about social reform which is the central factor relating to India?

It is not merely a piece of social reform. In India society is closely mixed up and intertwined with religion. Religion is the sanction behind everything. Now I am a most irreligious man, but I have the greatest regard for the sentiments of my neighbour. Otherwise I am an uncultured brute. If I want to practise my heresy upon the convictions of others then I am not worth the salt that I eat. Now then, not merely religion, but economic factors, social factors and other things are intertwined. The joint family system is the creation of ages. What is this joint family system? It is an insurance trust; it is a co-operation union; it is a labour society.

It is a labour society where all the poor brothers toil; it is a cooperative society in which all the brothers live together—each for all and all for each, and it is an insurance union in which the widow of the deceased brother is the care and charge of the surviving brothers. This is what the Mahatma said when he opposed insurance. But I know everybody is not Mahatmaji. The Joint Hindu Family is a noble combination of these three features based upon a religious background and held together by a social bond. Can you produce an equal to it by all your labours, by all your statutes and by all the Halsbury's Laws of England? You cannot any more than you can produce an equal to the economy of hand-spinning which the Father of the Nation rediscovered. Permit me, with my usual immodesty, to say that I wrote a Book in 1939

5 p. M. which is called "The Hindu Home Rediscovered". As I entered life as a heretic, brought up in Christian traditions and western heresies, I began to discover in every festival, in every ceremony and in every religious observance of Hindu society there was something deeply religious, uplifting, inspiring and ennobling. When I lived with my sisters and my brothers, I rediscovered the Home and after twentyfive years I ventured to write this little book in which I have tried to idealise these things. I would not say that these ideals do exist in life, but when you judge an institution, you must judge it in its pristine purity, and not in its degenerated imitation. If you want to idealise any concept, popularise any institution and resuscitate it, then put it before the nation as it was conceived and get the consent of the nation for it. I can assure you that wherever I go. I always state the pros and cons of every proposition on this Bill. This Bill may be good in parts as the Parson's egg and it may also be bad in parts. If you say that you must do this for our women because women have come to their own, yes, do it by all means, but why be in such a hurry? I want them to come to their own, they have come to their own, and in the next Assembly I feel sure my sisters can fill half of the seats; out of five hundred, there can be easily two hundred and fifty women if they only make up their minds.

**Sbri L. Krishnaswami Bharathi:** Will you allow them?

**Dr. B. Pattabhi Sitaramayya:** I admired Rajkumariji when she said before the Provincial Model Constitution Committee that women did not require any reservations. I thought it was rather an audacious statement for her to make and a great responsibility to shoulder but I know now that they are quite able to take care of themselves. If half a dozen lady members of this House can drag us by the heels and make us take up this Bill, I wonder what our position will be when there are two hundred and fifty of them here. I am not joking. If I have a voice at all at the time of selection, I may assure you that I will do it, notwithstanding Mr. Rohini Kumar Chaudhuri.

[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)]

In this connection, I am tempted to read a little statement that I have here from *Picture Post* of March 12, 1949.

"From woman comes an incessant call for equality. What does she mean by equality? From the material point of view at least, she has the lion's share. Probably ninety per cent. of all advertisements cater solely for her. Film producers say eighty per cent. of films are made for her. Fiction publishers appear to think entirely in terms of woman. As for clothes, woman has a wide choice and range at reasonable prices, while shabby, thread-bare men can only gaze for long at a few miserable suitings in some sombre shop window and think of the fantastic prices charged. With our prophetic eye, let us gaze into the future. Woman has got more than equality and man has become a spinster's spaniel existing on woman's scraps and everything is beautifully lukewarm."

I may assure my sisters that nothing will be lost by their exercising patience. I was the other day questioned for having appeared on an orthodox platform with a Swamiji from Banaras and when I saw Prabavati Raje—she was a wonderful woman worker—leading the audience completely with her like the Joan of Arc of old, I saw the danger of 'atting orthodoxy do this. On invitation I went there and I spoke for an hour, and I was taken to task for appearing on the opponent's platform. I said, "What is the use of speaking to those who are converted? I must convert those who are not converted." I fully believe in educating the people about this new Hindu Code Bill. You must not precipitate matters and decide this issue by force of majority. But whenever this may happen, it is our duty to educate the people. Let us produce the result by popular educational propaganda. After all you have not nationalised the key industries. Where has this item gone? The capitalists struck and we had no money and we had to eat our words,—I believe in patience. One of these days things will be all right. We are afraid to do any nationalisation now. We are hesitating to abolish the zamindari. We are hesitating to proceed with River Projects. We are hesitating to proceed with the development of cottage industries,—all because inflation is staring us in the face and we cannot make all these necessary improvements. We are face to face with conflicts, contradictions all round. Life is not a smooth path like a journey on a railway. It is like a motor car journey upon bad roads in the midst of congested traffic. I ask you whether it is not the duty of the members of this august House to undertake the very useful and very fruitful task of educating their masters. What happened in the year 1878 when Robert Low said, after the extension of the franchise. "Let us go and educate our masters." Our masters are outside. We are not the masters. The Ministers are not our masters. We can deal with them as we like. We may dispense with them tomorrow if we do not want them. That is our right and that is our privilege and our safety also. Therefore I say that this is a matter in which we should go slow. I am second to none with regard to my love for social reform. I was a social reformer even in the year 1898 when I was in the B. A. class, which was 51 years ago, long before half of the audience was born, and ever since I have sustained that interest. I very early came under the influence of the Brahmo social reformers and I have fully imbibed the reformist spirit from the Christian missionaries under whom I studied from my fourth form to my B.A. classes.

Therefore it is not what should be done on the subject that matters, but how we are going to do it. We have got to remember the political bearings as well. Tomorrow you are appearing before the Polls. What a sad plight we were in yesterday! I was not here yesterday; otherwise I should have witnessed the scenes with my own eyes. I went to Alwar and returned only last night at eleven o'clock and the first thing that my wife told me was that there was a lathi charge and some people were dangerously wounded and so on. Naturally the news

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is exaggerated from lip to lip and from ear to ear. It is a most pathetic spectacle again that I witness today opposite to me. Generally I speak under an impulse or inspiration, but today I speak under an irritation of the sight of three women Police sitting opposite to me in the gallery. Has it come to this that this House cannot get on and the women that are in attendance in the gallery and below cannot be trusted except under the care of the baton of the women Police? Are you really proud that these police women should arraign our sisters hereafter? We have had enough of policemen. You know this is the most tragic development of this Bill. The Doctor will kindly note and if you cannot come to this House without the protection of the Police, women police for the women and men police for the men, then woe betide our progress, our legislation and our Assembly. I am really very sorry. I now leave the general observations and come to one or two salient points with which we are concerned today here and before that I shall submit a word about the progenitors of this legislation. I am very sorry that it should have fallen to Dr. Ambedkar's lot to pilot this Bill.

**The Honourable Dr. B. R. Ambedkar** (Minister of Law): I am not sorry at all.

**Dr. B. Pattabhi Sitaramayya**: I know; otherwise you would not be sitting so proudly in your seat. The doctor knows what I said about him. I referred to the indomitable, irresistible, unconquerable spirit of Dr. Ambedkar,—for good or for evil, whatever it be. We want always to say that the spirit is there and, therefore, we admire him, but at the same time, he is out of tune with society.

**Shri L. Krishnaswami Bharathi**: He is perfectly in tune, absolutely in tune.

**Dr. B. Pattabhi Sitaramayya**: I do not call him a misanthrope, but he is not a normal anthrope, that is all I can say; the training, the surroundings, the environment, the culture, all these put him out of tune with the spirit of the nation. He is one of our best intellects, there is no doubt about it and I wish he would have health and prosperity for a long time, but all this does not mean that we accept his point of view with which we came into conflict even in the Constitution when we passed that steam road roller law of a common civil law. Some of us resisted, though in vain, with the best of our might and main. Now I recall to your mind something that I said in the first day when this Bill was introduced in this House. I hope many people have forgotten so that they may not blame me for repeating what I am saying. In fact, I myself have forgotten the main point, but that point was that I take it that social reform in this country must be effected through the intercession, through the advice and through the inspiration of a Social Council we must bring into existence. I then gave the example of the Church Council of England in which the ecclesiastical dignitaries form the main element of strength and whatever they bring in by way of changes in life or law, the House of Commons accepts without changing a comma or a fullstop and that is as it ought to be in regard to religious or social matters and let us adopt such a course. In Germany there used to be an Economic Council which dealt with economic matters which require expert knowledge. The *Reichstag* used to accept the recommendations of that body. Let us, therefore, go slow and deliberately so that we may know exactly where we stand.

Now I come to a few points in the Bill and I won't detain you long. The Bill contains some very good points. I like civil marriage on the top of sacramental marriage. Mere civil marriage is like executing a document in order to register a transaction between two people. It is a contract. The

moment a document is written, it gives rise to strife, whether the intention is correct, whether the consideration is passed, whether it is valid in law etc. but when it is a sacramental marriage, there is no appeal against it. The old *purohit* is never called upon in life to stand up in a court of law and give evidence as to the genuineness and the *bona fides* of marriage. The marriage is there and nobody questions; it is like the integrity of the spoken word. When the nation has preserved the integrity of its spoken word, which it has lost during the British time and under the influence of the law courts, then I say, we shall have recovered our character once again. But there are circumstances such as those under which a friend of mine suddenly discovered on the marriage platform that his daughter and his would be son-in-law were of the same *gotra*. They could not possibly give up the marriage even at least for economic reasons, let alone religious reasons. So immediately they passed through the sacrament and then went to the Registrar of marriages and registered it. That it should be open to us to register our marriages is a great privilege and I also like that the question of the share of the property to the girls must be settled once and for all. For a long time I have felt that the daughter must be an equal inheritor of the father's property with the sons. Now I see that it is going to bring about endless complications in our social and economic structure. There is a friend of mine who has six daughters and one son and I asked the girls one after another separately and individually as to whether they would like to have a share in the property of their father. No: they said, "this will give rise to quarrels with our brother. We do not want this. We have our husband's property and that always remains with us." It is not however available to them as the *stridhana* would be available to them. *Stridhana* is a most wonderful thing, and I should like to know where in the world is there a parallel to this *stridhana*? The *stridhana* is an institution by means of which the *stridhana* given to the girl at the time of the marriage becomes the absolute property of the girl which cannot be touched by the husband or by the father or by any human being at all. It is the reserve fund of the family which she is sure of and when her husband is very ill, she goes to the market to sell the jewels away for paying the doctor's fees and if the husband lives well and good, but if he dies, it is the last service to her Lord. Such a reserve fund is cast off and a share for the wife in the husband's property under T. V. Seshagiri Ayyar's Bill which became law about 15 years ago has now come to be recognized, but after the death of the husband in equal measure with each of the sons and only as a life interest. Our law in spite of the British people's unwillingness not to interfere with the religious institutions of this country for fear of their political stability being disturbed, has been slightly changed as has been already described by one of the earlier speakers and yet it is not sufficiently changed. The unfortunate feature is that the British people felt loathe to interfere with the social customs of this country for political reasons and therefore the law has become petrified. In every country custom goes on changing and when the King adopts a change in social customs, immediately that becomes the law and it sets the tone and the pace for all society. But unfortunately in our country for a thousand years we have not had indigenous kings and after the British came, they positively resisted all temptation to make any social changes in the social set-up. Therefore the custom has become petrified and it is that custom, that petrified custom which we must make plastic, which we must make elastic, which we must make impressionable and therefore, mutable. Instead of doing that if we suddenly throw one stone of law against another of custom, both the stones break and that is not the way of achieving this change. Changes in this customary law must be set in motion in order to bring about social changes.

Now with regard to this custom for the girl's share, I am quite willing

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that she should have a share, but I wish to make an alteration and that is that the moment she marries, she becomes a partner in the husband's property and that will not give any chance for the misbehaviour of the husband as it sometimes happens unfortunately. Then we go to the divorce question. I have spoken to many women. This morning four women came to me. They are good people, highly cultured, and there was also one among them who was introduced to me as one who had been abandoned by her husband, and they said it is not only those who are happy that withheld their support from this measure, but also those who are unhappy, the unfortunate victims of man's fury and tyranny. That is not the point, I said to them. The point is this. Ninety per cent. of our marriages are excellent but what about the remaining ten per cent? They want relief. In India we marry and love, the English people love and marry and then give up their love, because what is called love at an impressionable age is a fanciful affair. One does not know what it is. In Hindu society there is a law or rule that in respect of marriage *Shree, Kulamu, Roopamu, Bandhu Shreni and Sampradayam*.—all such things should be considered. All these have to be considered before a marriage is settled. *Shree* means *Sampatti*; or prosperity, then comes *Kulam* or caste and position, and then *Roopamu*, that is appearance, *Sowndariya* or beauty; and then *Bandhu Shreni* or collection of relations and they there is *sampradaya* or the tradition of the family. All these five have to be carefully considered. Can a girl of eighteen—quite marriageable in age—select by judging, all these things? Can she distinguish between one and another among these things? No. The other day I asked my wife's sister's husband's sister. No, that is not a distant relationship, you know, my wife's sister's husband is my brother-in-law and his sister was married. But I learned that she had said something to her father before her marriage. I went to her husband's house, with her husband accompanying me into the inner apartments and there I said to him, "Do you know this girl never married you?" He was aghast, half angry and half surprised. "What do you mean?" he asked. I said, "I mean what I say, she never married you." "Why?" "She has married this electricity this motor-car that is in this house." The story is that the girl had said to her father "I don't care to whom you marry me, provided there is electricity and motor-car in their house." The poor girl of sixteen or eighteen, how could she judge of things and conditions? She simply thinks, "I have been brought up in this house by my father, he gets twenty thousand rupees a year and there is electricity here, there is a motor-car, and a palatial house. I should like to have the same conditions there also." That is all. But the English mother always complains that her daughter does not "make good", that is the expression, "My daughter does not make good" she says. That is, "My daughter is not, able to keep a bevy of young men round about her, dancing attendance on her, standing her bills at the cinemas and restaurants and so on." That is what the mother wants. Don't nod your head that way please. What I say is true.

**Pandit Lalshmi Kanta Maitra:** I am supporting you.

**Dr. B. Pattabhi Sitaramayya:** Not you, but the friend behind you.

**Shri R. K. Sidha:** Are you referring to me?

**Dr. B. Pattabhi Sitaramayya:** No, to your neighbour.

What happens in England? The mother is always anxious that her daughter should be able to attract the attention of half-a-dozen suitors, and it is then for the parents to select one out of them to make an eligible choice for a son-in-law. But the mother always

feels jealous of the maid-servant, because the maid-servant is able to make good, while her daughter is not able to. That is the tragedy. What does the maid-servant do? At eight o'clock in the evening she changes her apron and gets into her clean smart gown and goes away. "Where are you going?" "My lover is waiting outside, and I must go." "No, no, my son-in-law is coming now." "Hang yourself and your son-in-law by the nearest tree. My lover is waiting and I am going."

**Shrimati Renuka Ray:** You have a very poor opinion of women, whether Indian or foreign.

**Dr. B. Pattabhi Sitaramayya:** But I have a very high opinion of my wife.

Now then, the mother complains that that woman is able to make good and attract a number of men, but this daughter of mine is not able to attract them. And so the mother is sorry. That is the fashion. That is the custom of the country. That is the order of the day. And there is nothing wrong in it. That is the system which has come into being. Go to Malabar and see the *Marumakkatayam* system. That is an altogether different thing. For three years you may study it and still you will never understand its secret. But it is a beautiful system, and my friend Mr. Thanu Pillai was against changing it at all.

Sir, your predecessor gave my predecessor twenty minutes after the bell. But I will take only two minutes more.

Now it is not too late to mend. We have not gone too far. It is well that we have discussed this matter, and discussed it seriously, so thoroughly and so sombrely. We have given so much attention to this subject. Now what shall we do? Shall we proceed with the measure? I appeal to the hon. the Law Minister to withdraw it and then put it up—and a more stringent measure next time—with due authority and sanction from the electorate. Then I say no man dares attack us. He will be summarily shot, because I will have the sanction of the country, I will have the election manifesto; I will come armed with that power, that strength and I will have a right to do it. Now you come without authority. You simply depend upon four women police for your protection. That is a pathetic sight for one, for any progressive Congressman to witness.

Then again, there is another thing. I trust and hope that whatever may happen—and I hope that the Bill will not be proceeded with—but if it should be proceeded with, I feel that full freedom may be given to every Member of this Assembly to vote as he pleases. If that is given, half the sting is taken away. But we have already fallen into the trap of allowing this thing to go on. Now, friends, let me warn you. This will have a serious repercussion upon our coming election. After all . . . .

**Shri Mahavir Tyagi:** Postpone elections for another five years.

**Dr. B. Pattabhi Sitaramayya:** After all, remember that we are here as the representatives of the people, and after all, remember that ninety per cent. of the people belong to one community, bound by one social law and one civic institution, one patriarchal system, all this is there, and people are not so intelligent as to discriminate between one thing and the other. They only feel irritated. They are already irritated by more than one circumstance. Yesterday's demonstration was not so much a protest against the Hindu Code



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Bill as an expression of a certain sullenness and anger of the people with the Congress and Congress institutions. It is no use our concealing it. Wherever I go I feel I am assailed and attacked. But through my garrulity, my long-windedness, through my talkativeness I manage to get over the thing. But at the same time, I know on what delicate ground I am travelling. I speak not merely as a critic of the Government, but as a responsible member of the Congress who has given cent. per cent. support on all occasions to this Government, I say however that he is not a well-wisher who simply flatters, or conceals the truth from the Government. Perhaps you remember that last spectacle—not a scene in Hamlet—a scene in the drama of Germany where the Kaiser on the 9th November 1918 summoned all his generals and asked

them to speak. Nobody would speak, they were all silent. Then he said, the Kaiser orders you to speak, and then Gen. Ludendorff spoke for when the Kaiser orders, and if he did not speak, he would be shot. Just as when Queen Victoria asked Prince Albert to open the door. She said, "Dear, open the door" but the door does not open. Then she says, "The Queen of England orders you to open the door" and then the poor fellow came and opened the door. So it was with the Kaiser, and Ludendorff said, "Your Majesty, there are only twenty-four hours for you to escape across to Holland." Then the Kaiser asked, "Why". "Why? because the army would not fight". The Kaiser said, "I will lead the army myself". But the army would not fight and in twenty-four hours this man was transferred. When an unpleasant truth is said, please listen to it, because there is in it nothing but the best wishes for our conjoint prosperity and success. If not on principle, if not on sound morality, at least on expediency please reconsider the position and make it possible for the people to go along with you.

**Acharya J. B. Kripalani** (U.P.: General): Sir, in some quarters there is an apprehension that I may talk against the policy of the Government. Though I have spoken in this House only once, yet this apprehension exists in some quarters and I went to allay that apprehension. I stand here to support the broad principles of the Bill. I do so because I do not want this Government to resign upon a side issue, upon a social issue. I want it to resign on more substantial, political and economic issues. I would rather want it to resign, for example, as any other Government in a more democratic country would have resigned, on the issue of the sugar muddle, by which infants of the poor could not get sugar but tons could be had by those who were prepared to pay fancy prices. On such issues if this Government goes there will be no regret but I do not want it to resign upon a social side issue

....

**An Honourable Member:** Sugar is not more important than this measure.

**Acharya J. B. Kripalani:** Yet it is not as sweet.

Even then I would not have come to support this Bill but for the pressure that I had from quarters from which I could not resist such pressure. I was told at home that I must support this Bill. I said that I was innocent of a knowledge of the Hindu law, that Hindu law ran into volumes and there were many volumes of commentary and how could I support or oppose a thing which I had not understood. Then I was quickly told "I can make you to understand it."

**An Honourable Member:** Who was your teacher?

**Acharya J. B. Kripalani:** So I submitted myself to a few certain lectures. I was assured that my teacher had been instructed by the highest authority in this Assembly, the great Dr. Ambedkar himself. After the certain lectures were over I was just as wise or as foolish as I was after my teachers in school or college had instructed me. I came to the conclusion that my teachers were more foolish than myself.

When I was a professor I thought the students would pay me the same compliment. Knowing that, when I entered the class I always said "Gentlemen, your presence is assured and after I have marked the roll call you are free to go, because I know you will not give me more credit for my learning than I gave to my teachers."

Sir, I am pledged to support the Bill and I must support it, because I know that even though my wife may be absent, when she comes back she will not only take financial but moral and intellectual accounts from me.

For me, Sir, it is not a question of religion in danger: it is a question of my home in danger. Much has been said about Hindu religion being in danger. I am afraid I cannot see the point. Hindu religion is not in danger when Hindus are thieves, rogues, fornicators, black-marketers or takers of bribes. Hindu religion is not endangered by these people but Hindu religion is endangered by people who want to reform a particular law. May be they are over-zealous but it is better to be overzealous in things idealistic than be corrupt in material things. It is this mentality of ours that brought about the death of the Father of the Nation. It was supposed that the murderer was a better Hindu than the person who lived according to the highest ideals preached in the Gita and in the Upanishads and whose life was lived in the light of the teachings of our scriptures. I would wish the Hindu community to divest itself of such false notions about their religion. Our religion was not made by murderers and thieves; it was made by Sadhus, Sanyasis and Mahatmas.

Yet, there is the other side of the question. A great deal of confusion has been caused, for one party says that religion is in danger and another party says that the modern religion of progress is in danger. If you do not support the Bill you are a reactionary.

I will tell you how I was converted to support the Bill. One reason I have already told you. Another reason I will give you now.

There was a woman and she whispered to another woman "Kripalani won't support the Bill: he is a reactionary."

**Shri B. L. Sondhi:** Were they both members of this House?

**Acharya J. B. Kripalani:** They were hon. Members, not members. She in confidence told me "I protested and I said Kripalani is progressive." So I was put on my honour. You see what subtle kind of propaganda goes on. One woman tells something to another woman in confidence and she brings the story to me. Now how am I going to set? I cannot consider myself reactionary and not progressive. I may be called a non-Hindu but for a modern man not to be modern is a greater stigma than to be without religion. I may not believe in God, but how can I not believe in the God of progress as is in the West?

I will also tell you why the first woman said that I was a reactionary—it is a very interesting story—but only if you promise not to interrupt me by

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your laughter. I happened to be the Chairman of the Fundamental Rights Committee. In the Fundamental Rights Committee the proposition brought forward was that it should be the fundamental right of women not to be in purdah. Of course I am in favour of all women going without purdah—and what male will not. I admire those people who would not, but I am not one of those admirable people. I said that I have no objection to this clause going in the Fundamental Rights, provided that all purdah disappears—the ancient purdah and the modern purdah. Take a round in the City of Delhi. It is very difficult to see the face of a woman. There is always a mask. (*An hon. Member*: The powder!) If the ancient purdah is to be removed the modern mask may also be removed because the modern mask is even more complete than the purdah. The purdah you can take off at will, but the mask can only be taken off at home and by certain chemical processes.

Lest you may misunderstand me I tell you that I am a great believer in human equality. And in humanity I also count womanity. I want that this Bill should be passed because it gives us equality with women. I think that this Bill is in the interests of our equality. I have always thought that in comparison with women we are at a very great disadvantage. First of all, nature has put us at a disadvantage, because if you think a little, you will admit that everything that a man can do a woman can also do. But there are certain things which a woman can do which men cannot do—not even in our imagination, not even in our dreams, not even in our nightmares. I cannot conceive.

**Some Honourable Members:** No, you cannot!

**Acharya J. B. Kripalani:** I was talking of conceiving in an intellectual sense. But since you have already found out my meaning I need not dilate upon it. (*An hon. Member*: Oh, no.) But I have often been curious and have even asked women "what is this excruciating pain and what is this superlative joy that you have in conception?" and they only smile at my ignorance and give no answer. I have again asked them what pleasure they have in nursing the baby at the breast. Then also they smile at my ignorance and give no answer. In these matters I think we are at a very great disadvantage. They are great creators. Artists create inanimate objects, women create images of God, which sometimes degenerate into images of Satan. In these things, of course, nature has put a kind of block in our way and we cannot achieve equality with women. But in many other things we can achieve equality with women.

So far as the question of women achieving equality with men is concerned, they have already achieved it in India. You know that as soon as we had Swaraj, we had a woman Governor. Two centuries of independence have passed in the United States of America, and there are fortyeight States, but I do not know if even once they have appointed a woman as Governor. Of course my knowledge of history may be old and I speak subject to correction, but I believe no woman was appointed as a Federal Minister. I may also say that in a country like England, where female education is widespread, I do not know whether up to this time there has been a woman Cabinet Minister. I am not talking of the many auxiliary Ministers that we have here too—they are also called 'Ministers'—but I am talking in terms of Cabinet Ministers. So far as I know, there has not been one in England. Then I do not know whether in England and America there have been woman diplomats—ambassadors. And yet you must remember that one of our star ambassadors is a woman.

**Shri E. K. Sridhara:** We are proud of our women, Sir.

**Acharya J. B. Kripalani:** Well, Mr. Sidhva thinks that I am not proud. I am very proud of this. But I am thinking in terms of equality, not of pride. I say, "we have granted women equality, and now shall we be given some equality with women?" I am very much oppressed because I am after all an old man. I have learned that old age is to be respected. But when a chip of a girl comes into my drawing room I have to act just like a jack-in-the-box and pop up.

[At this stage Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) resumed the Chair.]

I did not do that in former days. Not only that, may I tell you, Sir, that even when my wife comes in the drawing room I get up. Do you know why? Because some boorish young man may be sitting there and he may not know the modern manners and he may not get up; just to give him an example, I rise. I want that there should be equality, because you just see, I as a male am obliged to get up when a female comes, while I know that when even our Prime Minister or the President of the Congress enters a room, I have seen young women sitting in their seats. This is a very great injustice to the mere male. My experience has been that if there is a quarrel between a man and a woman in the bazaar or in the market-place,—because I do not know about secret quarrels—or in the club, and supposing a man hit the woman, do you know what would happen? There would be almost a riot and everybody would call the man a coward and rightly too. But supposing the man was beaten by a woman, do you know what would happen? I think he would look very ridiculous and instead of anybody sympathising with him, he would be the object of ridicule and rightly too. Whether we beat or are beaten, both ways we are the losers. I want that this balance should be restored and there should be some equality to protect the mere man.

There is yet another thing. Not only in society are we at a disadvantage, but the law is also against us, as even our Law Minister will admit. Supposing a man runs away with a woman, the man is responsible in law. Supposing a woman runs away with a man, again the man is responsible. I have it on the highest authority, very modern authority, that it is the woman who is often the pursuer. Whether we are the aggressors or they are the aggressors, irrespective of aggression, the law comes down upon us. We are sufferers both ways. I would, therefore, request this House to bring about some equality, so that we men may be able to breathe more freely, so that if we are kicked, we may kick equally freely without ridicule, without the law coming to the help of the stronger party, namely, woman. You can now understand why I support this Bill.

Let us now go into details. There is first of all the question of property. I really do not see how, we of the Congress, who are pledged to the abolition of private property, yet think in terms of as to whom one share or the other should go. I see a curious phenomenon in this nation which I have not observed in other nations.

**Shri Lakshminarayan Sahu** (Orissa: General): I want to know one thing. Is the Congress pledged to abolition of private property?

**Mr. Deputy-Speaker:** That is the hon. Member's opinion.

**Acharya J. B. Kripalani:** I think if the Resolutions of the Congress are carefully read it will be plain that the Congress does stand for the abolition of private property, that is, accumulated private property, not private property that is in use. But as the Deputy-Speaker rightly said, this is a question of opinion. I find that all people here are more concerned with redistribution of

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existing wealth. There is no effort in this land to create new wealth. Even our Socialist friends are not thinking in terms of creating wealth, but of redistributing the very little existing wealth that we have. I am indifferent where the little bit of existing wealth goes, whether it goes to the woman or to the man provided it remains in the nation. The nation should not be the poorer for it. You will be surprised to know, but I do not mind people taking bribes even, or going in the black market. After all, wealth does not go outside India. It is somewhere with the Indian people. I only think of the morality of it which is destroying our public life and our private morals. So far as wealth is concerned, it does not matter so much. After all, these bribe-takers and these blackmarketers are not taking away wealth to any foreign country. If it is not my brother-in-law, it is somebody else's brother-in-law. It is after all there. So I do not for a moment think in these narrow terms of where the existing wealth goes. I am thinking in terms of the nation. The whole attention in England and other free countries is directed to creating more wealth rather than dividing the already meagre wealth that exists there. Therefore, I wholeheartedly support that a share in ancestral wealth be given to women. If they have their own share, they may be more careful about their money. It has been my experience that the expenditure of a woman is much more than that of a man. I have seen that when girls go to college and school, the mother is more careful about their clothes than about the boys' clothes. The young boys may toddle along to school walking all their way, but the young girls must go either in a tonga or in a bus even though the bus charges may come to Rs. 15 a month. So in clothes and in transport charges, and in other things, woman's education costs more. This is when she is not married. When the women are married, you can look at their dress and at our dress. I have very often found at weddings that the boy looks like an idiot and the girl looks like a queen. I have seen it and anyone who has critically observed it will certify that it is so. On the road, I have also seen modern women and modern men going together. The modern man generally wears English dress and it is not on everybody that the English dress sits well. There are only a few exceptions. On most of us it looks very awkward. But the woman is in her native sari, full of colour, and even if she has no ornaments, she looks better and more respectably dressed than the man beside her—nowadays he walks a little behind her and looks awkward. Those who are not acquainted with Indian middle class society today, or are

5 P.M. foreigners, would think that perhaps some *chaprassi* is going behind. Therefore, I say, Sir, they have their own property, we will not be bothered by these things. They will spend it as they like and I am sure they will spend it more economically than when they have to purchase things and the bills come to us. Therefore, I am a great advocate that the women should have their property share also.

Then there is another point about which I am very particular. I am told that you cannot adopt a girl child. I happen to be in the unfortunate position that I have no children.

**Shri B. L. Sondhi:** What a pity!

**Acharya J. B. Kripalani:** It is a very great pity. I thought that as a Hindu I could adopt a child. But I have always had a preference for a female child, I adopted a couple of girls, but they ran away with their husbands. I yet want to adopt a girl. I do not know why this provision is there that you cannot adopt a girl. The girls, so far as the father is concerned are more lovable than boys and the more saucy and impudent the girl is the more the father loves her. Therefore, I request that if there be any defect in this Bill it may be corrected and female children may also be allowed to be adopted.

About divorce, Sir, I may tell you that I am not personally concerned, because my marriage was not criminal, but civil. It is open not to me, but certainly to my wife to divorce me any time she likes, if she feels that I am not behaving properly. But I find that so far as provisions for divorce are concerned this Bill is more retrograde than old custom. As we have been told by Shri Alladi Krishnaswami Ayyar and a woman speaker, there is a simple system of divorce among the masses in the villages. There are no costly proceedings, there is no scandal, there are no newspaper articles. All this is avoided. I would suggest, Sir, that a more reasonable, more scientific and more up-to-date attitude be adopted in the matter of divorce.

Sir, I have a suggestion to make, for what it is worth, for the consideration of the Law Minister and this suggestion would not involve expenditure, litigation, scandal or newspaper articles. All the marriages should be for five years and at the expiry of five years every marriage would be renewable. The renewal can take place by some declaration before any village officer or his parallel in a town or city. You can after five years go and say that you do not want to separate and the marriage continues. This will make divorce easy, scientific, without scandals, without litigation and I tell you it will be most up-to-date. I make this suggestion for whatever it is worth and I tell you it satisfies all the requirements of the new religion of progress and advancement.

**Shri L. Krishnaswami Bharathi:** Sir, may I make a request to you, Sir, to allot one more day for the discussion of this Bill, in view of the fact that there are many hon. Members who wish to speak on it. The hon. the Prime Minister is here and he will be able to tell us whether Government would be prepared to allot tomorrow also for the discussion.

**The Honourable Shri Jawaharlal Nehru (Prime Minister):** Sir, the House knows that nothing is more precious than every day and every hour of this House. We have a great deal of very important business to get through during this session and there are not many days left over. Nevertheless, as I made it clear in the early stages, we want to give the fullest opportunity for this debate to be carried on and for as many members as possible to speak upon it. Naturally, this, or any other debate, cannot be carried on indefinitely to the detriment of other public business. So Government have stated that they want to give as much time as possible, subject to the debate terminating and ending. I am perfectly prepared, on behalf of Government, to allot another day, that is tomorrow, subject to two provisos: one that the debate terminates tomorrow; second that we sit on Saturday to conduct other business of the House.

**Shri Mahavir Tyagi:** Sir, may I suggest that it is very difficult for us to sit on Saturday. The hon. the Prime Minister might just find time, because he has not to devote much time in the House. But we have to sit from morn till evening and in the evenings we have to attend meetings of Select Committees, besides attending to our other engagements. We have also, to go through the various papers received by us, draft amendments and send them. Saturday and Sunday are the only two days when we can do that work. I would request you, Sir, not to take Saturday.

**Pandit Govind Malaviya (U.P.: General):** I have to submit, Sir, that this measure is one in which the whole country seems to be more interested than it has been in any other measure. Members of this House should be allowed full opportunity of expressing themselves about it. So long as there is a single member of this House, no matter whether he is in favour of the motion or against it, who as a representative of the people, wishes to have a say on this Bill, we should allow time for it. If we cannot find time for it tomorrow, Government should give more days for the discussion of the Bill. I submit that it will not be fair to the people of this country or to the Members here,

[Pandit Govind Malaviya]

that anybody who desires to express his opinion about this measure should not be allowed to do so.

**Mr. Deputy-Speaker:** The hon. the Prime Minister has already said that he will allot one more official day for the discussion of this Bill. There are a number of other Bills which have been referred to Select Committees and others whose Select Committee reports have been presented to the House. Having regard to the business that is yet to be done the hon. the Prime Minister evidently thinks that not more than one day can be allowed for the Hindu Code Bill. So far as that matter is concerned, it is an official day and I am completely in the hands of the Government. It is for the House to agree or to reject. I have nothing more to say in this matter. So far about twenty-seven Members have spoken and we have taken over seven days and nineteen plus five, twenty-four hours.

**Dr. P. S. Deshmukh:** How many are wanting to speak?

**Maulana Hasrat Mohani (U.P.: Muslim):** What is the guarantee that we will be able to finish the discussion even tomorrow?

**Mr. Deputy-Speaker:** I have about thirty-four names still who want to speak. The matter stands there and only tomorrow is allotted as an official day for the conduct of this business. It is for the House to consider it tomorrow. Now, as regards Saturday, it will be fixed as an official day because tomorrow is being taken up by this. You can arrange for the Select Committees to meet on some other day.

The House will now adjourn till 10.45 A.M. tomorrow.

*The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 14th December, 1949.*