

# LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 30th MARCH, 1943

## OFFICIAL REPORT



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# LEGISLATIVE ASSEMBLY

Tuesday, 30th March, 1943.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### SHORTAGE OF WHEAT AND WHEAT FLOUR IN KARACHI.

415. \*Mr. H. A. Sathar H. Essak Sait (on behalf of Seth Yusuf Abdoola Haroon): (a) Will the Honourable Member representing the Food Department please state whether his attention has been drawn to a leading article which appeared in *Daily Alwahid* of Karachi, dated the 24th February, 1943, under the caption "Control and Dearness"?

(b) Does he realise the unbearable difficulty that is being suffered by the Karachi public since the last few months owing to the lack of wheat flour?

(c) Is he aware of the fact that:

(i) instead of wheat flour, Government controlled shops in the city of Karachi only supply *maida*, *bajra*, etc., which are not only unsuitable to public taste but are bound to affect public health seriously to their great detriment; and

(ii) there is abundant supply of wheat available in some towns of Sind but, due to restrictions imposed by Government, it is not transported to Karachi?

(d) If the answer to part (c) (ii) be in the affirmative, what are the reasons and the nature of facts which have led Government to put such prolonged restrictions on the transshipment of wheat to Karachi?

(e) What action do Government propose to take to meet the immediate need of the masses in the city of Karachi, and to remove the panic prevailing in the city by making necessary arrangements for wheat flour being made available freely?

Mr. K. G. Ambegaonkar: (a) Yes.

(b) The Government of India are not aware that the Karachi public is in any worse position than the population in other towns.

(c) The Government of India understand that before the Sind Government were able to obtain stocks of wheat, it had become necessary for them, in order to meet the immediate needs of the urban population, to offer *maida* mixed with jowar flour and jowar flour mixed with *bajra* flour for sale in Government shops. The Government of India are not aware of the restrictions, if any, imposed by the Government of Sind on the movement of wheat into Karachi.

(d) and (e). This is a matter for the Provincial Government of Sind to deal with in the first instance. It is, however, understood that as a result of the action taken by the Government of Sind the situation has improved.

#### OPPORTUNITY FOR DISCUSSING THE SPECIAL HAJ ENQUIRY REPORT.

416. \*Mr. H. M. Abdullah: (a) Will the Honourable Member representing the Indians Overseas Department please state if the Special Haj Enquiry Report by Mr. Rahim, will be placed before the House, as promised by the Honourable Mr. M. S. Aney during discussions in the present Session? If so, when?

(b) Do Government intend making arrangements for the next pilgrimage to the Hedjaz, and will the Central Haj Committee be consulted in the matter?

Mr. G. S. Bozman: (a) The attention of the Honourable Member is invited to the last item of the list of business for today and tomorrow.

(b) Preliminary arrangements for the next Hajj pilgrimage will be taken in hand as usual. The Honourable Member will understand, of course, that it is impossible to say yet whether a Hajj pilgrimage will or will not be practicable.

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

The advice of the Standing Committee on Pilgrimage to the Hedjaz will be sought should circumstances render that course desirable.

**CRITERION FOR ENLISTMENT OF CONTRACTORS IN CENTRAL PUBLIC WORKS DEPARTMENT.**

†417. \***Mr. Ananga Mohan Dam:** Will the Honourable the Labour Member please state the criterion for the enlistment of contractors in the Central Public Works Department? Is this enlistment subject to any fee?

**The Honourable Dr. B. R. Ambedkar:** Enlistment of contractors in the Central Public Works Department is made with due regard to their financial status and their experience as evidenced by the extent and quality of the works previously executed by them. In the case of firms, registration under Indian Partnership Act, 1932, is also insisted upon as an essential condition. The answer to the latter part of the question is in the negative.

**MUSLIMS IN THE OFFICES AND THE SUBORDINATE ENGINEERING SERVICES OF THE CENTRAL PUBLIC WORKS DEPARTMENT.**

418. \***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Labour please state:

(a) the total strength of the class I and class II Officers and the Subordinate Engineering Services of the Central Public Works Department;

(b) the strength of Muslims in each of the categories given in part (a); and

(c) what steps have been taken so far to make up the deficiency, if any?

**The Honourable Dr. B. R. Ambedkar:** (a) Class I—122.

Class II—63.

Subordinate Engineering Service—1179.

(b) Class I—14.

Class II—4.

Subordinate Engineering Service—202.

(c) Attention of the Honourable Member is invited to the answer given to part (b) of the starred question No. 319 on the 16th March 1943.

**PROPOSED RETRENCHMENT SCHEME FOR ENGINEERING ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.**

419. \***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Labour please state if a retrenchment scheme for the Engineering Establishment of the Central Public Works Department is under contemplation? If so, will Muslim employees be affected by it even if their strength is short of 25 per cent. of the total strength?

**The Honourable Dr. B. R. Ambedkar:** Not at present. The second part of the question does not arise.

**MUSLIM LINO OPERATORS, MONO OPERATORS, ETC., IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.**

420. \***Hafee Chowdhury Muhammad Ismail Khan:** (a) Will the Honourable the Labour Member please state the number of Lino Operators, Mono Operators, Mono Casters and forme carriers in the Government of India, Press, Calcutta, and how many of them are Muslims?

(b) What is the total number of appointments made in these grades during the last three years, and how many Muslims were appointed in each of these grades?

(c) What steps have been taken to appoint Muslims in these posts?

(d) Does the Honourable Member propose to place on the table of the House a detailed statement showing the figures, community-wise, in regard to posts of clerks and copy-holders in permanent and temporary employ in the Government of India Press, Calcutta?

**The Honourable Dr. B. R. Ambedkar:** (a), (b) and (d). A statement is laid on the table.

(c) Orders regarding communal representation in the services are being followed in the Government of India Presses.

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

Post (Permanent.)	Statement. Number.	No. of Muslims.
Lino Operators . . . . .	6	2
Mono Operators . . . . .	6	1
Mono Casters . . . . .	10	Nil.
Forme Carriers :		
Permanent . . . . .	12	Nil.
Temporary . . . . .	10	Nil.

Statement showing the total number of appointments made in the posts of Lino Operators, Mono Operators, Mono Casters and Forme Carriers in the Government of India Press, Calcutta, in 1940, 1941 and 1942.

Post (Permanent)	Appointment in		
	1940	1941	1942
Lino Operators . . . . .	Nil.	Nil.	Nil.
Mono Operators . . . . .	Nil.	Nil.	Nil.
Mono Casters . . . . .	Nil.	1 (Hindu)	Nil.
Forme Carriers (Permt. and Temp.)	Nil.	Nil.	Nil.

Statement showing communal composition of clerks and copy holders (permanent and temporary) in the Government of India Press Calcutta.

Total. Number.	Hindus.		Muslim.	Anglo Indian.	Indian Christian.
	Other than Scheduled caste.	Scheduled caste.			
Clerks (excluding Computers, Time Keepers etc.)					
Permanent . . . . .	43	31	1	10	1
Temporary . . . . .	7	5	Nil.	1	Nil.
Copy-holders :					
Permanent . . . . .	34	23	Nil.	5	2
Temporary (Regular) Temporary (for limited period.)	4 5	3 2	Nil. Nil.	1 2	Nil. Nil.

**MUSLIM EXECUTIVE ENGINEERS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.**

421. \*Maulvi Muhammad Abdul Ghani: Will the Honourable the Labour Member please state how many Executive Engineers have been taken in from the various Provinces in the Central Public Works Department during the last two years and how many of them are Muslims?

The Honourable Dr. B. R. Ambedkar: Twenty-two, of whom two were Muslims. Three, including one Muslim, have been since reverted.

**TEMPORARY BUILDINGS IN NEW DELHI.**

422. \*Sir F. E. James: Will the Honourable the Labour Member be pleased to state:

(a) whether his attention has been drawn to the notice erected near certain temporary buildings in course of construction in Connaught Place, intimating that these buildings are to be demolished immediately after the war; and

(b) if the same condition applies to the temporary buildings erected on Queensway?

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

(b) All the buildings have been constructed as temporary buildings. The intention is that they shall be pulled down as soon as may be after the conclusion of the war, though no final decision has yet been taken.

Sir F. E. James: Will the Honourable Member explain the difference between 'immediately after the war' and 'as soon as may be', because some of the buildings in Connaught Place are placarded as 'to be demolished immediately after the war'?

The Honourable Dr. B. R. Ambedkar: I do not think the placard makes any difference.

Mr. Lalchand Navarai: Why should they be demolished and not used for some other purpose?

The Honourable Dr. B. R. Ambedkar: As I said, no final decision has yet been taken.

**PAUCITY OF MUSLIM OFFICERS IN THE PRINTING AND STATIONERY ESTABLISHMENT UNDER LABOUR DEPARTMENT.**

**423. \*Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Labour be pleased to state whether the Controller of Printing and Stationery, the Deputy Controller, Stationery, the Assistant Controller, Printing, the Assistant Controller, Stationery, and the Assistant Secretary and the Superintendent of the Printing Branch in the Labour Department are all non-Muslims? If so, what steps do Government propose to take to give due representation to Muslims in these posts?

**The Honourable Dr. B. R. Ambedkar:** The reply to the first part of the question is in the affirmative except that the present Superintendent of the Stationery and Printing Branch in the Labour Department is a Muslim. All posts mentioned in the question are ordinarily filled by promotion on merit and the communal representation rules do not apply to cases of promotion to selection posts. In the case of appointments to be made subject to communal considerations the rules are and will be followed. Government do not consider that any other steps are necessary.

**Maulvi Syed Murtuza Sahib Bahadur:** May I ask the Honourable Member if it is a fact that when two incumbents of the same qualifications were in the field, a Muslim was appointed on Rs. 50 and a non-Muslim of the same qualification was appointed on Rs. 200.

**The Honourable Dr. B. R. Ambedkar:** I have no information.

**Maulvi Syed Murtuza Sahib Bahadur:** Will you kindly make inquiries?

**The Honourable Dr. B. R. Ambedkar:** I will make inquiries.

**PAUCITY OF MUSLIM OFFICERS IN PRINTING AND STATIONERY ESTABLISHMENTS UNDER LABOUR DEPARTMENT.**

**424. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable Member for Labour be pleased to state the number of Muslim gazetted officers in the office of the Controller of Printing and Stationery, the Central Stationery Office, Calcutta, the Central Publication Branch, and the various Government of India Presses?

(b) Is it a fact that the post of Assistant Controller in the office of the Controller, Printing and Stationery, has ever since its creation been held either by Bengali Hindus or Christians and a Muslim has never been considered for this appointment? If so, why?

**The Honourable Dr. B. R. Ambedkar:** (a) Two. One in the Forms Press, Calcutta and the other in the Government of India Press, New Delhi.

(b) The answer to the first part is in the negative. As regards the second part, I may say that this post is filled by promotion and not by direct recruitment. There has never been any Muslim senior enough to be considered.

**Maulvi Syed Murtuza Sahib Bahadur:** In this connection may I ask the Honourable Member if it is a fact that the Muslim appointed on Rs. 50 having found no prospects of being promoted got himself transferred to Bengal where he is getting Rs. 225 and the man who was appointed on Rs. 200 is now getting Rs. 350 and the claim of the Muslim who is already senior and also drawing Rs. 250 has been overlooked?

**The Honourable Dr. B. R. Ambedkar:** I have no information but if my Honourable friend so desires, I can make inquiries.

**Maulvi Syed Murtuza Sahib Bahadur:** Will you kindly make inquiries?

**The Honourable Dr. B. R. Ambedkar:** Yes.

**PAUCITY OF MUSLIM OFFICERS IN PRINTING AND STATIONERY ESTABLISHMENTS UNDER LABOUR DEPARTMENT.**

**425. \*Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Labour be pleased to state:

(a) the present strength of the Assistant Managers of the various Government of India Presses, and how many of them are Muslims;

(b) the number of Muslim Assistants and clerks, separately, in the Printing Branch of the Labour Department, and in the Administration Branch of the office of the Controller of Printing and Stationery; and

(c) the number of Muslim Superintendents in the office of the Controller of Printing and Stationery and in the Publication Branch?

**The Honourable Dr. B. R. Ambedkar:** (a) Three. One of them is a Muslim.

(b) In the Stationery and Printing Branch of the Labour Department there is one Muslim Assistant and in the Administrative and Finance Branch of the Controller's Office one Assistant and one clerk.

(c) None.

**DISCRIMINATION BETWEEN MUSLIM AND NON-MUSLIM APPRENTICES IN THE PRINTING AND STATIONERY DEPARTMENT.**

**426. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable Member for Labour be pleased to state whether it is a fact that suitable men are trained as apprentices in the Printing and Stationery Department of the Government of India?

(b) Are these persons eligible for appointment to higher posts in the various Presses?

(c) Is it a fact that one such apprentice, Mr. B. C. Sen Gupta, has been appointed in the Government of India Press, New Delhi, on Rs. 200 per mensem and another such apprentice—a Muslim—was not given any suitable job and had ultimately to get himself transferred to the Government Press, Calcutta, as Assistant Manager?

(d) If the reply to part (c) is in the affirmative, what are the reasons for such discrimination?

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

(b) Yes, they are eligible, but have no specific claim.

(c) Mr. Sen Gupta was initially appointed by mistake on the old scale of Rs. 200—10—250. On discovery of the mistake he was brought on to the proper new scale starting at Rs. 100.

The Muslim was appointed in the proper new scale starting at Rs. 100. Since then both have been promoted.

(d) Does not arise.

**Maulvi Syed Murtuza Sahib Bahadur:** May I know if both of them have been promoted to the same scale of salary?

**The Honourable Dr. B. R. Ambedkar:** I should think so.

**REPAIR OF MACHINES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.**

**427. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable Member for Labour be pleased to state the amount of expenditure incurred on the local repair of machines of the Government of India Press, New Delhi?

(b) Is it a fact that there is a mechanical section in the said Press? If so, why are the repairs not carried out there?

(c) Is it a fact that the Head Mechanic personally gets the parts repaired in the city, and the letter to the firm undertaking repairs never gives instructions regarding the nature of the repairs but simply states that these will be explained by the Head Mechanic? If so, why are the full details of the repairs not given in the letter to the firm undertaking the repairs?

**The Honourable Dr. B. R. Ambedkar:** (a) The total amount spent on local repairs to plant during 1942-43 is Rs. 1,177-2-0.

(b) The answer to the first part is in the affirmative. As regards the second part, only such work is entrusted to an outside agency as cannot be done in the Press.

(c) No.

**EXTRA STAFF IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.**

**428. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable Member for Labour please state how much extra work has been received from the Calcutta Forms Press by the Aligarh Press in connection with the dispersal of stocks of forms, and for that purpose how much extra staff has been appointed by the Manager, Government of India Press, Aligarh?

(b) Is the staff appointed commensurate with the work received?

**The Honourable Dr. B. R. Ambedkar:** (a) A statement showing the work received up to the 16th March, 1943 and the staff appointed is laid on the table

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

(b) The answer is in the affirmative.

Serial No.	Form No.	Statement.		Form No.	No. of copies required.
		No. of copies required.	Serial No.		
1	I.A.F.A.-176	13,000 books.	10	I.A.F.A.-175	7,000 books.
2	I.A.F.O.-1287	3,00,000	11	I.A.F.A.-2 (Large)	37,000 books.
3	I.A.F.O.-1435	1,400 books.	12	I.A.F.F.-1068	43,000 books.
4	I.A.F.M.-1213	1,000 books.	13	I.A.F.O.-1387-A	1,50,000
5	I.A.F.Z.-2187A	30,000	14	A.F.O.-1810A	7,500 books.
6	I.A.F.Z.-2197	35,000 books.	15	A.F.W.-3010	9,000 books.
7	I.A.F.Z.-2011*	50,000 books.	16	I.A.F.Z.-2135	6,000 books.
8	I.A.F.Z.-2011**	40,000 books.	17	S. 90-A	1,00,000
9	I.A.F.Z.-2157	2,500 books.	18	S. 90-B	50,000
			19	S.97-A	4,00,000

\* Small.

\*\* Large.

Statement showing appointments made in connection with the printing of forms, etc., received from the Forms Press, Calcutta.

- 3 Compositors on Rs. 25.
- 1 Reader in the grade of Rs. 90—4—110.
- 1 Copy holder in the grade of Rs. 28—2—38.
- 3 Stereotypers on Rs. 20.
- 1 Typesupplier on Rs. 20.
- 2 Paper Issuets on Rs. 20.
- 3 Computers in the grade of Rs. 35—2—75.
- 2 Clerks in the grade of Rs. 35—2—75.
- 1 General Foreman in the grade of Rs. 125—5—150.
- 1 Assistant Foreman Printer in the grade of Rs. 55—3—70.
- 1 Assistant Foreman Compositor in the grade of Rs. 50—3—65.
- 1 Head Computer in the grade of Rs. 70—3—100.
- 1 (Clerk) Assistant Stationery and Store Keeper in the grade of Rs. 80—4—100.

#### COMPLAINTS AGAINST MANAGER, GOVERNMENT OF INDIA PRESS, ALIGARH.

429. \*Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Labour please state how many envelope-makers have been appointed in the Government of India Press, Aligarh, within one year, and in what proportion of different communities?

(b) Is it a fact that the Manager, Government of India Press, Aligarh, has appointed them without any trial, and most of them are non-Muslims?

(c) Is it a fact that the Manager, Government of India Press, Aligarh, appoints technical staff without any practical test, and always fills in the unreserved posts and sometimes also reserved posts by appointing non-Muslims? If so, why?

The Honourable Dr. B. R. Ambedkar: (a) 43 envelope-makers were appointed in 1942 of whom 29 are Hindus 11 Muslims and 3 belong to other minority communities.

(b) No.

(c) No.

#### STAFF TO BE APPOINTED FOR THE CENTRAL ADVISORY BOARD OF EDUCATION.

430. \*Maulvi Muhammad Abdul Ghani: Will the Secretary of the Education, Health and Lands Department be pleased to state the names of the three officers, one Research Assistant and nine additional clerks decided to be appointed for the Central Advisory Board of Education in India, as mentioned on page three of the Proceedings of the Standing Finance Committee held on the 31st March, 1942?

Mr. J. D. Tyson: Education Officers:

- (1) Mr. M. S. Sundaram, M.A., B.Litt. (Oxon).
- (2) Mr. Ashfaque Husain, B.A. (Oxon), Bar.-at-Law.
- (3) Mrs. Prema Johari, M.A., L.T., TD. (London).

Clerical staff:

- (4) Mr. Nauhria Ram.
- (5) Mr. Mohammed Yusuf.
- (6) Mr. B. S. Ram Das.
- (7) Mr. Nilotpal Ghose.
- (8) Mr. Mohammed Akbar.
- (9) Mr. Parkash Chand.
- (4) Mr. Mohammed Aslam.
- (9) Not yet filled.
- (5) Mr. Lekh Raj.

\*Answer to this question laid on the table, the questioner having exhausted his quota

Research Assistant.—It is proposed to appoint Dr. A. M. D'Rozario, M. Sc. Ph.D., to this post.

**TEMPORARY ROOMS, ETC., IN THE SOUTH AND NORTH BLOCKS OF THE SECRETARIAT IN NEW DELHI.**

†431. \*Bhai Parma Nand: (a) Will the Honourable the Labour Member please state whether it is a fact that some corridors or verandahs in the South and North Blocks of the Secretariat in New Delhi were converted into rooms and are being used as such by the staff of the different Government of India offices?

(b) Is it a fact that some of these converted rooms face the sun nearly the whole day?

(c) Is it a fact that such rooms as mentioned in part (b) have only ordinary glass panes to keep the sun out from them?

(d) Is it a fact that some of these rooms are very narrow?

(e) What is the width of the narrowest of such converted rooms which face the sun nearly the whole day? What is the number of such rooms?

(f) What was the temperature in these rooms in the day time, say, in the second fortnight of February, and in the first fortnight of March? What was the temperature in these converted rooms (facing the sun) during the months of April, May, June, July and October 1942?

(g) Is it a fact that these rooms are just like burning ovens where the staff are roasted for the whole day?

(h) Have these rooms ever been inspected by any Health Officer to see that they were fit for occupation during the summer? If so, has his report been that they were fit for occupation?

(i) If the answer to the latter part of (h) be in the affirmative, are Government prepared to consider the allotment of these rooms to gazetted officers of the various offices concerned and put the staff at present working in them in the rooms originally built for them?

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

(b) Some of these converted rooms, which face South, are exposed to sun in the afternoons.

(c) No. Such rooms are provided with curtains in addition to glass panes.

(d) No.

(e) The narrowest width of these converted rooms is 8 ft. 3 inches. The number of such rooms is 3.

(f) A statement containing the information asked for is laid on the table of the House.

(g) No.

(h) Yes; these rooms were inspected by the officers of the Health Department but no objection was raised.

(i) Some of these converted rooms were actually occupied by the Gazetted Officers during the last summer season.

*Statement.*

Second fortnight of February	60°F
First fortnight of March	75°F
April 1942	98°F
May 1942	104°F
June 1942	106°F
July 1942	98°F
October 1942	90°F

**INSUFFICIENT LIGHTING OF CLERKS' LAVATORIES, ETC., IN THE NORTH BLOCK SECRETARIAT, NEW DELHI**

†432. \*Bhai Parma Nand: (a) Will the Honourable the Labour Member please state if most of the clerks' lavatories in the North Block Secretariat, New Delhi, specially on the first floor are not fitted with electric bulbs?

(b) Is it a fact that all the officers' lavatories in that building are equipped with electric bulbs?

(c) Is it a fact that some clerical staff work till late in the evening?

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

(d) Do Government expect these men to use the lavatories in the dark, or do they expect them not to feel the necessity of using lavatories after dark?

(e) What are the reasons for not providing electric bulbs in the lavatories for clerks only?

(f) Is it a fact that certain stairs are not sufficiently lighted, or in parts are left without lights after dark?

(g) Is it a fact that the whole of the area surrounding the Secretariat buildings is fully and brightly lit up each evening?

(h) If the answer to part (g) be in the affirmative, why cannot the stairs, especially the main ones, inside the buildings be sufficiently lit up?

(i) If it is not practicable to light up the stairs, are Government prepared to issue definite instructions to all offices not to allow any of their staff to stay after dark, so that they may not have to grope their way down these stairs?

**The Honourable Dr. B. R. Ambedkar:** (a) A certain number of bulbs had been fused and could not be replaced on account of paucity of bulbs.

(b) Yes; not only officers lavatories but all lavatories are equipped with electric bulbs.

(c) Yes.

(d) No.

(e) The reason why some of the lavatories were partially fitted with bulbs for some time was that bulbs were not available. A consignment of bulbs has recently been received and action has already been taken to replace those which were fused.

(f) The lighting in stair-case was reduced in keeping with the general reduction in lighting which had to be effected owing to the shortage of power. They are partially lit.

(g) I take it that the Honourable Member is referring to road lighting. This is adequately lighted as it must be owing to the amount of traffic.

(h) The lighting standard will be increased when sufficient power becomes available.

(i) This does not arise as sufficient light is generally provided in the stairs. In cases where there is doubt I will have the lighting improved in so far as the power position permits.

#### FUNCTIONS OF REGIONAL FOOD COMMISSIONERS.

†433. **\*Mr. Ananga Mohan Dam:** Will the Honourable Member for Food be pleased to state the functions of the five or six Regional Food Commissioners who are going to be appointed by the Government of India?

**Mr. K. G. Ambegaonkar:** The Honourable Member's attention is invited to the Press note issued on the 15th March, 1943 which indicates the functions of the Regional Food Commissioners. A copy is laid on the table.

#### *Press Note.*

It has been decided to create several posts of Regional Food Commissioner for the better co-ordination and control of food supplies all over India, including the Indian States and to assist all governments in the application of the all India plans for dealing with food matters. This decision is a result of the unanimous recommendation made to Government at the second all-India Food Conference held towards the end of last month in New Delhi. Although broad decisions have been taken as to the Regions in which Regional Food Commissioners will operate, final decisions as to their respective areas of jurisdiction are yet under settlement. There will probably be 5 or 6 such Regions for India.

These Commissioners will each have to deal with several Provinces and many States that lie in their areas and the duties that will fall to them can generally be explained as co-ordination, liaison and inspection. Under co-ordination they will be expected to resolve local differences many of which concern the interchange of food supplies which is another way of expressing the concern of the Central Government to ensure to the greatest possible extent that the normal movements of food supplies continue and are established where they have, through the difficulties of the last 6 months or so, tended to be stopped and to be diverted in other directions. The Commissioners will also fulfil the need being progressively felt for a closer liaison between the many Governments of the country and the Centre. Lastly they will have the duties of ensuring that machineries are set up and policies are carried out, in conformity with the general intentions of the all India plan.

These proposed arrangements are yet another indication of the Central Government's

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

policy to unify all effort to the common purpose; a unity that must be secured if an all India plan is to be made effective for what is an all-India problem.

**WORK DONE BY ZONE REFUGEE OFFICERS.**

†434. \***Mr. Ananga Mohan Dam:** (a) Will the Honourable Member representing the Indians Overseas Department be pleased to make a brief statement or lay a statement on the table on the work done by the Refugee Officers appointed by the Government of India in different Zones up till February 1943?

(b) Have any Telugu-knowing Refugee Officers been appointed to deal with the Telugu-speaking evacuees?

(c) What is the number of the evacuees dealt with by the Refugee Officers in different provinces?

**Mr. G. S. Bozman:** (a) The main functions of the Refugee Officers appointed by the Government of India are to assist evacuees in obtaining relief under the scheme for financial assistance and in securing suitable employment. For this purpose, these officers make constant tours in their respective areas, maintain close contact with provincial and district authorities and evacuees themselves (including any organisations working on behalf of evacuees), meet potential employers and keep both the Central and Provincial Governments informed by means of periodical reports of the requirements of evacuees as a class and of suggestions how those requirements can best be met. Thus they constitute a liaison between the Government of India and the Provincial Governments on the one hand and between the evacuees, non-official organisations and local authorities on the other. All the Zonal Officers and their assistants have toured constantly in their respective areas, undertaken the branches of activity mentioned above and submitted reports to the Government of India.

(b) The Refugee Officer and the two Assistant Refugee Officers in the Southern Zone, can all speak Telugu.

(c) From the answer given to part (a) of this question the Honourable Member will realise that the Refugee Officers are not expected to deal with individual cases administratively. Authority in that respect rests with the Provincial Governments and cannot be exercised except through Provincial and district staff. The Refugee Officers have however met many thousands of refugees personally and have explained to them what assistance is available and how it can be obtained. They have also taken steps in a large number of cases to put evacuees and potential employers in touch with each other. I regret it is not possible to compile any exact statement in this respect as potential employers have frequently to be advised to communicate either with associations or district authorities in particular areas.

**RECOMMENDATIONS OF THE COMMITTEE ON REPAIRS TO THE TAJ AT AGRA.**

435. \***Syed Ghulam Bhik Nairang:** Will the Education Secretary be pleased to state:

(a) whether a Committee was appointed by Government sometime ago to make an investigation and to submit a report on the repairs to be effected in the Taj at Agra with a view to ensuring the preservation of that unique monument;

(b) if the answer to part (a) is in the affirmative, whether such Committee did, in fact, make an investigation and submit a report embodying the results of its investigation and recommendations; and

(c) if the answer to part (b) is in the affirmative, what action Government have taken so far or propose to take in the immediate future to translate the recommendations of the Committee into action?

**Mr. J. D. Tyson:** (a). Yes.

(b) Yes.

(c) In view of the great historical and architectural importance of the Taj Mahal the Government of India are anxious, before taking action to implement the Committee's recommendations to have the advice of the best engineering experience, both official and non-official, available in India and accordingly propose to refer the Report to an expanded committee for advice whether the

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

measures recommended therein constitute a suitable basis for action. The composition of the expanded committee has been settled and the Committee is being asked to begin its work.

#### HARDSHIPS UNDER THE DELHI RENT CONTROL ORDER.

436. \*Sardar Sant Singh: (a) Will the Honourable the Labour Member please state if it is a fact that a representation was submitted by the New Delhi House Owners' and Lessees' Association in December last against the provisions of the Rent Control Order to the Labour Department? If so, has the representation been examined by the Department? If so, what conclusions have been reached?

(b) Is the Honourable Member aware that the Rent Control Order is causing great hardship? If so, are Government prepared to replace it by the Punjab Rent Restriction Act, 1941, which is in force in Old Delhi?

**The Honourable Dr. B. R. Ambedkar:** (a) Yes. The representation is still under consideration.

(b) No. The latter part of the question does not arise but I would refer the Honourable Member to the reply to part (c) of starred question No. 231.

**Sardar Sant Singh:** May I ask the Honourable Member if he has seen the recent judgment of the Honourable the Chief Commissioner of Delhi in this connection?

**The Honourable Dr. B. R. Ambedkar:** I have not.

#### ARRANGEMENTS FOR COLLECTION OF ACCURATE AGRICULTURAL STATISTICS.

†437. \*Mr. Ananga Mohan Dam: Will the Honourable Member representing the Food Department be pleased to state what arrangements have been made in the Centre and in the provinces for the collection of accurate agricultural statistics?

**Mr. K. G. Ambegaonkar:** The Honourable Member is no doubt aware that the method and machinery of collecting agricultural statistics in the ryotwari Provinces which cover a large area of the country, are deemed satisfactory. The acreage and crop statistics in these areas are fairly accurate. The Food Department have made special arrangements to compile these statistics for their own use as soon as they are available with the Provincial Departments of Agriculture. The Government of India are fully aware of the deficiencies in the method of collecting agricultural statistics in the permanently settled areas. An Inter-departmental Committee recently investigated this question in all its bearings, with a view to ensure greater accuracy in these statistics, and their proposals are under active examination of the Department concerned.

#### ARRANGEMENTS FOR SUPPLY OF STANDARD CLOTH.

†438. \*Mr. Ananga Mohan Dam: Will the Honourable Member representing the Commerce Department please state the arrangements that have been made in the provinces under the control and supervision of the Central Government for the supply of standard cloth to the people?

**Mr. T. S. Pillay:** I regret I am unable to give an account of the arrangements that have been made in the Provinces for the supply of standard cloth to the people. Information is being collected and will be given to the Honourable Member if he puts down a question during the next Session of the Assembly.

#### SCHEME FOR CENTRAL PURCHASE OF FOOD GRAINS AND CONTROLLED DISTRIBUTION

439. \*Mr. K. C. Neogy: (a) Will the Honourable Member representing the Food Department be pleased to state the details of the scheme for Central purchase of food grains and controlled distribution? When is the scheme likely to be enforced, and at what stages?

(b) What will be the constitution of the executive organisation of the aforesaid scheme at the Centre as well as in the provinces?

(c) Have the Indian States agreed to participate in the scheme, and if so, on what terms?

(d) What is the latest position in Bengal, particularly in the town of Calcutta and the Districts of Dacca, Mymensingh, Barisal and Faridpur, re-

garding the prices and supplies of rice, and what Government organisation has been functioning in Bengal for the purpose of controlling the price of rice and ensuring the adequacy of its supply in each district, and how far have its efforts succeeded?

(e) Has rationing been introduced, or is it likely to be introduced in the near future, in any area? If so, where and in respect of what commodities? What are the principal features of such rationing schemes?

**Mr. K. G. Ambegaonkar:** (a) The principle of the Scheme and its broad outline was explained in this House by Major General Wood on 22nd February, 1943 during the debate on the food situation. It is hoped to have brought it into effect within the next month.

(b) The executive organisation at the Centre will be the Office of the Controller General of Foodstuffs. In addition, as a result of the unanimous recommendation of the 2nd Food Conference held with representatives of Provinces and States on the 24/26th February, six Regional Commissioners will be appointed in various parts of the country for the better co-ordination and control of food supplies all over India. Their duties can generally be explained as co-ordination, liaison and inspection. As regards the Provinces, most of them have created special Departments to take charge of the procurement and distribution of foodstuffs in their areas which functions, as has previously been explained in this House, are functions that have been entrusted to the Provinces and which the States have been invited to accept.

(c) Matters with Provinces now having reached satisfactory settlement, the Indian States have recently been addressed and it is confidently anticipated that they will participate in the scheme on the same lines as the Provinces.

(d) The latest position in Bengal, particularly in Calcutta, is that the Central Government have already begun to import substantial quantities of rice, wheat and other cereals to ease the situation prevailing there. These supplies will be sold by the Provincial Government through controlled shops at prices considerably lower than those prevailing in the market at present. It is regretted that Government of India have no detailed information as regards the price and supply position nor of the control organisation in the districts referred to. As has been stated in answer to part (b) of this question, these responsibilities are a Provincial function. It is understood that the Provincial Government have recently abrogated price control of rice.

(e) The Central Government have advised all Provincial Governments to work out details in the event of rationing schemes for urban areas proving to be necessary and it is understood that certain Administrations propose to introduce such schemes at certain dates in the future. Should such schemes be put into effect they will undoubtedly cover wheat and rice and possibly other cereals.

The principal feature of any rationing scheme is to ensure the fair and equitable distribution of the supplies that are available.

**Dr. P. N. Banerjee:** What is the price at which rice is sold in Calcutta at the present moment?

**Mr. K. G. Ambegaonkar:** I am afraid I have not got that information with me.

**Dr. P. N. Banerjee:** Then you are here not to give any information?

**Mr. K. G. Ambegaonkar:** My difficulty is that I am not aware of today's price in Calcutta.

**Mr. K. O. Neogy:** What is the latest rice position in the market of Calcutta?

**Mr. K. G. Ambegaonkar:** I am sorry this question does not arise and I have not brought the information with me.

**Mr. K. O. Neogy:** It is specifically mentioned in clause (d): "What is the latest position in Bengal, particularly in the town of Calcutta regarding the prices and supplies of rice?"

**Mr. K. G. Ambegaonkar:** I am sorry I have not got the information here but I will get it for the Honourable Member.

**Dr. P. N. Banerjee:** Then there is no use in having a Food Department here.

**Mr. K. O. Neogy:** With regard to the scheme which was explained in its

broad outline by Major General Wood in this House, has the Honourable Member anything to add to those broad outlines in reply to this question?

**Mr. K. G. Ambegaonkar:** The scheme remains substantially the same, the scheme being that the Central Government will ascertain from different provinces if they have got surplus food grains or if they are in deficit and the arrangements for procurement will be made by the provinces and the distribution will also be made by the Provincial Governments but the allocation will be made by the Central Government.

**Mr. K. C. Neogy:** Is it an essential feature of the scheme that the Central Government will keep no information at all as regards the actual position in the interior of the Provinces?

**Mr. K. C. Ambegaonkar:** Certainly not. We shall get the information. My only difficulty was that I did not have in my possession the full information asked by the Members. The Central Government keeps itself informed of the food position in each province.

**Mr. K. C. Neogy:** Will the Honourable Member undertake to supply this House with the detailed information that he has on this point before the House adjourns?

**Mr. K. G. Ambegaonkar:** When I said that the Central Government keeps itself informed, I did not mean that the Central Government can get itself informed regarding the conditions in each district and that is what I said in my answer to the Honourable Member's question.

**Mr. Lalchand Navalrai:** May I know if the Honourable Member has got any information or any figures now to show how much is the surplus in each province or the deficit in each province?

**Mr. K. G. Ambegaonkar:** These figures are being collected. It is not a very easy matter at all, as the Honourable Member will realise. We have made inquiries from all the provinces. These replies are being checked up and the figures are being compiled.

**Mr. Lalchand Navalrai:** Has the Honourable Member got any information from any province up to this time?

**Mr. K. G. Ambegaonkar:** Yes, Sir. Several provinces have sent in their information and it is being checked up.

**Mr. Lalchand Navalrai:** Has the Honourable Member got any information from the Province of Sind regarding wheat?

**Mr. K. G. Ambegaonkar:** I could not say off-hand.

**Mr. Amarendra Nath Chattopadhyaya:** Is the Honourable Member aware of the fact that the people are starving in the province of Bengal from day to day?

**Mr. K. G. Ambegaonkar:** No, Sir.

**Mr. K. C. Neogy:** Will the Honourable Member make an inquiry when an allegation like this is made?

**Mr. K. G. Ambegaonkar:** Yes, Sir.

**Dr. P. N. Banerjee:** What steps have the Central Government taken to stop favouritism, bribery and corruption which are at the root of the present trouble?

**Mr. K. G. Ambegaonkar:** Sir, I am not aware of any such allegation.

**Dr. P. N. Banerjee:** You keep your eyes shut.

**Mr. K. G. Ambegaonkar:** If the Honourable Member means that there is bribery and corruption in the control which is exercised by the provinces, then it is entirely the responsibility of the provinces and not of the Central Government.

#### SCHEME FOR DISTRIBUTION OF STANDARD CLOTH.

440. **Mr. K. C. Neogy:** Will the Honourable Member representing the Commerce Department be pleased to state when the standard cloth is expected to be actually made available to the people of the different provinces? Has any detailed scheme been drawn up for its distribution? If so, what are its main features?

**Mr. T. S. Pillay:** The Government of India gave detailed information in the Press note dated the 9th February, 1943, in regard to the orders placed for the manufacture of certain quantities of standard cloth. I may add that

about 10 million yards of standard cloth have been despatched to certain provinces. As regards the other parts of the Honourable Member's question, the Indian Standard Cloth scheme provides for a Central Advisory Organisation established at Bombay consisting of the representatives of both the cotton trade industry and the consumers. This Central Advisory Organisation will be known as the Standard Cloth Panel and will advise and assist the Government of India in all matters connected with the manufacture, transport, distribution and sale of standard cloth and with the fixing of the prices for the manufacture and sale of such cloth. As a counterpart of the Central Advisory Organisation in the Provincial sphere, the scheme provides for the establishment of Provincial Advisory Committees which consist of the representatives of the Industry and the consumers. The Provincial Advisory Committees will advise Provincial Government on matters connected with the distribution and sale of standard cloth in the Provinces. They will also advise the Provincial Governments about the actual distributive agencies to be established in the Provinces and about the effective agencies to be utilized in order that the standard cloth reaches the poorer sections of the community. It has also been provided in the scheme that, in appropriate cases, standard cloth might be distributed through existing industrial organisations and through organisations like the Indian Railways.

**Mr. Muhammad Azhar Ali:** May I know if any instalment of standard cloth has been sent to the United Provinces?

**Mr. T. S. Pillay:** As far as the United Provinces are concerned, I have no detailed information yet.

**Mr. Hoosainbhoj A. Laljee:** Has any Honourable Member from this House been nominated on any of these Committees?

**Mr. T. S. Pillay:** Yes, Sir, there are two Honourable Members of this House on the Central Standard Cloth Panel.

**Mr. Hoosainbhoj A. Laljee:** What interests do they represent?

**Mr. T. S. Pillay:** There are two Members of this Honourable House; they were not elected by the House, but I do hope they represent the Assembly.

**Sardar Sant Singh:** May I ask if any allotment has been made for the Punjab? If so, how much?

**Mr. T. S. Pillay:** The allotment that has been made to the Punjab is of the order of 1,000,900 yards of the standard cloth.

**Dr. Sir Zia Uddin Ahmad:** May I ask if there is any mill in India which has already produced this standard cloth and, if so, at what price?

**Mr. T. S. Pillay:** There are several mills who are producing standard cloth.

**Dr. Sir Zia Uddin Ahmad:** Will the Honourable Member name those mills and the quantity of the cloth they have supplied?

**Mr. T. S. Pillay:** I have already said that we have manufactured about 10 million yards of standard cloth. I have not got the names of the mills individually before me, but if the Honourable Member desires that information, I can supply it.

**Dr. Sir Zia Uddin Ahmad:** At what price are they producing that cloth?

**Mr. T. S. Pillay:** The actual figures I have not got. In this question I have not been asked about the prices but we have already stated in the press-note, which I have referred to, that the prices of the standard cloth are expected to be about 40 per cent. below the prices of comparable cloths in the market.

**Mr. Muhammad Azhar Ali:** Has the distribution to the various Provinces been made on a settled scheme and is there any allotment made in that scheme so far as the United Provinces are concerned?

**Mr. T. S. Pillay:** They did not ask for the standard cloth in time.

**Sir Muhammad Yamin Khan:** I understood the Honourable Member to say that the United Provinces Government did not ask for the standard cloth in time. Does it mean that all the U. P. people will be left without any standard cloth?

**Mr. T. S. Pillay:** That does not follow. Certain mills have already manufactured the standard cloth and we are considering the question of placing

orders for certain Governments. I hope we will get some cloth for the United Provinces.

**Maulvi Muhammad Abdul Ghani:** What arrangements have been made so far as Delhi Province is concerned?

**Mr. T. S. Pillay:** Delhi also comes into the general scheme.

**Mr. Hooseinbhoy A. Lalljee:** May I know how many of the members of Committee represent the interests of industry and how many represent the interests of consumers?

**Mr. T. S. Pillay:** I think the Honourable Member is referring to the Standard Cloth Panel and if so, the panel is mainly concerned with the problems of manufacture of standard cloth though occasions may arise when there may arise problems in regard to distribution. Therefore the Standard Cloth Panel consists of four representatives of consumers and about 19 of the industry.

**Mr. Amarendra Nath Chattopadhyaya:** Is there any representative from Bengal.

**Mr. T. S. Pillay:** Yes.

#### LICENCES FOR EXPLORATION AND SCIENTIFIC PROSPECTING OF POTENTIAL OIL SOURCES.

**441. \*Mr. K. C. Neogy:** Will the Honourable Member for Labour be pleased to state whether it is a fact that licences for carrying on exploration work and scientific prospecting in respect of certain potential sources of oil in India, have been granted to British and American Companies? If so, to which parties have such licences been granted, and what are the terms thereof?

**The Honourable Dr. B. R. Ambedkar:** Except in Centrally Administered Areas, the licences referred to are granted by Provincial Governments. The Central Government has no information regarding licences granted by Provincial Governments. No such licences have been granted in Centrally Administered Areas.

The second part of the question does not arise.

**Mr. K. C. Neogy:** In view of the fact that the Department of Geological Survey has recently started Utilisation Branch, do Government think it necessary to keep themselves informed about licences granted by the Provincial Authorities in the case of important minerals?

**The Honourable Dr. B. R. Ambedkar:** Certainly.

**Mr. K. C. Neogy:** Do I take it that according to the information of the Government of India, particularly of the Geological Department, no such licences have been granted by any Provincial Government?

**The Honourable Dr. B. R. Ambedkar:** We have at present no information. If my Honourable friend wants I can collect it for him.

**Mr. K. C. Neogy:** I understand from a scientific journal that licences have actually been granted to British and American companies for exploration work in connection with minerals.

**The Honourable Dr. B. R. Ambedkar:** If my Honourable friend wants the information I will collect it for him.

**Mr. K. C. Neogy:** Thank you.

+442\*—443\*.

#### DESIRABILITY OF PARTITIONING COMPOUNDS IN FRONT OF ORTHODOX QUARTERS IN NEW DELHI IN FURTHERANCE OF 'GROW MORE FOOD' CAMPAIGN.

**444. \*Ha'ee Chowdhury Muhammad Ismail Khan:** With reference to the propaganda made by Government in regard to growing more food, does the Honourable the Labour Member propose to consider the desirability of partitioning the joint compound in front of the A, B and C type of orthodox quarters in New Delhi by hedges to enable the tenants thereof to follow that scheme? If not, why not?

**The Honourable Dr. B. R. Ambedkar:** There has been no general demand from the tenants concerned and if concrete suggestions are put forward by the tenants I am prepared to consider.

+These questions were withdrawn by the questioner.

## UNSTARRED QUESTIONS AND ANSWERS.

### DESIRABILITY OF ALLOWING GOVERNMENT SERVANTS LIVING IN THE NEW AREA TO APPLY FOR QUARTERS IN THE OLD AREA OF NEW DELHI.

**89. Mr. Amarendra Nath Chattopadhyaya:** (a) Is the Honourable Member for Labour aware that:

(i) according to Classification Rules the quarters in New Delhi for the ministerial establishment of the Government of India, are divided into two areas (a) Old Area (near the Secretariat) and (b) New Area (Minto Road side);

(ii) when a member of the staff goes out of a certain class of quarter and becomes eligible for a higher class, he is required to live in the New Area at least for a year before he is provided with a quarter in the Old Area;

(iii) the Government of India have recently passed new rules for allotment under which persons holding lens on quarters have been debarred from applying for any other quarters in the same class;

(iv) under the new rules referred to above, new applicants have straight off become eligible for quarters in the old area whereas persons, who have been living in the New Area for a sufficiently long time and whose names have been on the waiting list, have been deprived of this privilege which they have been enjoying for a long time without any cogent reason;

(v) the Government of India have framed the new rules without consulting the Imperial Secretariat Association, Attached Offices' Association and the General Headquarters' Association who watch the interests of the ministerial staff;

(vi) persons living in the New Area have to pay at least six annas per day per head on bus or tonga hire while coming to, and going back from, office; and

(vii) members of the staff living in the New Area are not drawing any conveyance allowance?

(b) If the replies to parts (a) (i) to (vii) above be in the affirmative, does he propose to remove this disability, with a view to allowing Government servants living in the New Area (Minto Road Area) to apply for quarters in the Old Area?

**The Honourable Dr. B. R. Ambedkar:** (a) (i) and (ii) No.

(iii) Yes.

(iv) Change of quarters is not allowed under the new rules except in the case of 'C' combined orthodox type but as stated in the reply to (a)(i) the quarters are not divided into areas.

(v) Yes.

(vi) I am prepared to take this fact from the Honourable Member.

(vii) No conveyance allowance is given to the tenants of any quarters.

(b) I am prepared to have the matter considered.

### ACTIVITIES OF THE UNITED KINGDOM COMMERCIAL CORPORATION.

**90. Mr. K. C. Neogy:** Will the Honourable Member representing the Commerce Department be pleased to state:

(a) whether his attention has been drawn to a Reuter's message, dated London, the 3rd February, wherein it is stated that Dr. Dalton, the President of the Board of Trade, refused to give any assurance to the House of Commons that the United Kingdom Commercial Corporation's activities will be terminated at the end of the war;

(b) whether, in view of the fact that Sir Alan Lloyd had promised in the Council of State on the 27th September, 1942, that there was no intention to set up another East India Company or to make the Corporation a permanent organisation for the post-war trade, the Government of India have protested to His Majesty's Government in regard to Dr. Dalton's statement;

(c) whether he proposes to assure the House that Government will immediately take up this question with His Majesty's Government and obtain assurance that the activities of the United Kingdom Commercial Corporation, so far as Indian trade is concerned, will cease after the war;

(d) whether his attention has been drawn to the fact that in allocating shipping space the Corporation is the agent of the British Government, as announce-

ed in the Reuter's message in regard to Dr. Dalton's replies in the House of Commons debate; and

(e) whether Government propose to assure the House that they will take up this question with His Majesty's Government, and see that the Corporation is not allowed to continue enjoying these privileges, so far as India is concerned, at least after the end of the War?

**Mr. T. S. Pillay:** (a) Yes.

(b) and (c). The Government of India have received a communication from His Majesty's Government on the subject and the matter is under examination.

(d) Yes. The statement in the House of Commons that the Corporation acts as the agent of the British Government in allocating shipping space to the Middle East was made with reference to exports from the United Kingdom and not with reference to exports from India.

(d) Does not arise.

#### GOVERNMENT POLICY REGARDING UTILISATION OF TIBETAN SOURCES OF BORAX.

**91. Mr. K. C. Neogy:** Will the Honourable Member representing the Commerce Department be pleased to state:

(a) whether it is a fact that although an assurance was given that adequate supplies of borax and boric acid would be made by the Imperial Chemical Industries to the indigenous glass industry, the supply of borax and boric acid has been inadequate, resulting in hardship to industries using these chemicals;

(b) the reasons why so far as the Government of India are concerned the Tibetan sources of borax have not been utilised, even though, it is understood, the Government of the United Provinces were at one time anxious to push the scheme forward; and

(c) the Government's future policy regarding the utilisation of Tibetan sources of borax?

**Mr. T. S. Pillay:** (a) No assurance relating to the supply of borax was given by Government. There has been some shortage of these chemicals but at present the supply position is reasonably satisfactory.

(b) and (c). The Tibetan sources of Borax are being utilised. There is an established trade from Tibet in this article and about 200 tons per annum of crude borax or 'tincal' are brought over the Himalayas during the summer months by sheep and goats and are refined in the Punjab and United Provinces foot-hill areas to provide about 150 tons of borax, a large part of which goes to the glass industry. The question of increasing this source of supply has been investigated by the Government of India but in view of the great uncertainty attending the extraction of the crude material in Tibet, it is felt that the matter cannot usefully be pursued any further at present. It may be noted that the normal Indian consumption of borax is at least 1,500 tons per annum or ten times the quantity imported from Tibet in terms of refined borax. There are no restrictions, however, which prevent glass manufacturers or any other consumers from making special arrangements to obtain their supplies from Tibet should they so desire.

#### OPERATIONS OF THE UTILISATION BRANCH OF THE GEOLOGICAL SURVEY OF INDIA IN RESPECT OF CERTAIN MINERALS.

**92. Mr. K. C. Neogy:** Will the Honourable Member for Labour be pleased, to make a detailed statement indicating the progress of the operations of the Utilisation Branch of the Geological Survey of India in respect of lead, sulphur, wolfram, tin, copper and mineral waters?

**The Honourable Dr. B. B. Ambedkar:** A statement is laid on the table.

#### Statement.

1. *Lead.*—In 1941-42, a thorough examination was made by the Geological Survey of certain long abandoned lead-zinc ore mines in Rajputana. It appeared that the most promising lead-zinc deposits in India were the mines at Zawar in Udaipur State which were at one time worked but have been abandoned for over 100 years. The mineral rights appertained to the Mewar State who had leased them to a commercial firm. As this firm was not in a position to exploit its lease rapidly (and rapid exploitation was necessary if assistance was to be given to the war effort) Government decided to buy out their rights and themselves take a lease from the State. This has been done (fair compensation being

paid to the commercial firm) and Government are carrying out their exploration under the terms of a lease granted by the Mewar State. Operations began at the end of May, 1942. They have been planned in two stages—(1) a detailed plane-table survey and deep drilling operations to be followed by (2) the opening up of deposits and the erection of a pilot ore-dressing plant as soon as drilling operations establish the workability of the lode. The old workings are being opened up by 4 Adits or headings. One of these headings has encountered a lode of lead-zinc ore which is of wide extent but which is not at present as a whole as rich as is desired. Another heading has entered some old workings which suggests rich ore. The other two headings have still to meet the lode. The progress of these operations has been satisfactory considering the difficulty in obtaining mine stores and machinery. It is not possible at present to say that any of the four headings must necessarily encounter high grade lead ore. They are merely initial operations and until they are fully conducted it would be premature to speculate as to the size and richness of the deposit. Under peace-time conditions another two years development at the present rate of progress would be advisable before any decision is taken as to the plant required. The Government of India are, however, anxious to secure the earliest possible production in the interests of the war effort. It is hoped that in about three months' time it will be possible to gauge at least to some extent the character of the ore. Should payable ore have been found at the end of this period, Government will take steps to order and to erect ore-dressing machinery.

2. *Sulphur*.—On the outbreak of war the Geological Survey of India, as part of its drive for the discovery of minerals required for war purposes, devoted particular attention to sulphur. The most promising occurrence of sulphur in India is in a crater of an extinct volcano at Koh-i-Sultan in Baluchistan. Having carried out the original prospecting and examination of the Koh-i-Sultan deposits, the Geological Survey in the middle of 1941, handed over the working of the deposits to the administrative charge of the Supply Department, who established a small mining section under a special officer. The mining operations have however required more technical planning than it was first contemplated and with the formation of the Utilisation Branch of the Geological Survey it was found more convenient that that Branch should take over the mining and this has been done. There are two workable areas at Koh-i-Sultan—(i) Miri—which is higher up, less accessible and has not yet been worked; and (ii) Batal—which is the deposit at present being worked. Considerable quantities of +50 per cent. sulphur ore have been delivered to Indian industry. Proved reserves in the deposit at Batal are now nearing exhaustion in regard to +50 ore though there is still some quantities of lower grade ore and the Utilisation Branch are actively considering opening up the Miri deposits which are expected to be considerably richer than at Batal but there are considerable difficulties in regard to transport. The climate at Koh-i-Sultan, particularly at Miri, is very severe; extreme cold being experienced during the winter and intense heat and high winds in summer. Labour is consequently difficult to attract. Owing to the inaccessibility difficulties are likely to be experienced in the Transport of ore down from Miri, but all possible steps are being taken to overcome them.

So far only +50 per cent. sulphur ore has been extracted and the Utilisation Branch is now considering the possibility of opening up lower grade ores and washing the ore near Koh-i-Sultan to improve its quality.

The Utilisation Branch is also carrying out operations to prove some old sulphur mines near Sanni in Kalat State. At present boring operations are in progress there.

3. *Wolfram*.—The Utilisation Branch has been exploring two small deposits of wolfram—one in the Bankura district of Bengal and the other in the Nagpur District, C. P. A certain quantity of wolfram has been extracted from the former deposit and supplied to the Supply Department. This deposit is not particularly attractive as the wolfram occurs dispersed in the rock reef and must be extracted therefrom. Quite a steady output has, however, been obtained from several scattered old low grade occurrences and it is now being considered whether machinery should be installed. The deposit in the Central Provinces is even poorer than that in Bengal. Owing, however, to the great value of wolfram for the war this deposit too is being further investigated and it is hoped to extract a certain quantity of wolfram. The principal occurrence of wolfram in India occurs in Jodhpur State and these mines are being worked by the Jodhpur Government. At the request of the State authorities the Utilisation Branch is giving every assistance by means of technical advice where required and in the supply of machinery.

4. *Tin*.—The Utilisation Branch has concentrated on a possible workable occurrence of tin ore in India in the Hazaribagh District of Bihar. Samples taken from the dump heaps show that tin ore has been worked in this area extensively. Efforts are being made to open up the old mines which appear to have extended deeply but are now filled with water. De-watering operations are now in progress, but have been hampered up to date by lack of or proper pumping equipment. Efforts are being made to secure pumping machinery.

5. *Copper*.—The Utilisation Branch have investigated the possibility of re-opening an abandoned copper mine in Bihar. These old mines will also require de-watering and extensive underground survey and assays will have to be made before it will be possible to state whether they are workable. One or two other copper occurrences are also being investigated. They appear rather disappointing, but if assays are good, further exploration will be made.

6. *Mineral waters*.—The Geological Survey has made an exhaustive examination of the mineral springs in India and for the last 18 months experimented with 6 types of Indian

spring' waters. They have been bottled as Red label (acid), White label (neutral), Green label (neutral), Blue label (Gastein), Blue label (Axix-les-Bains) and Yellow label (Vichy) types. The Red, White and Blue (Gastein) waters has been found to be efficacious and steps have been taken to bottle them for trial on a larger scale but arrangements have still to be made with the proprietors. The commercial aspect of these waters, both for Table mineral waters as well as for their valuable medical properties, is also under consideration.

### SHORT NOTICE QUESTION AND ANSWER.

#### FOOD SITUATION AND STANDING COMMITTEE FOR THE FOOD DEPARTMENT

**Dr. P. N. Banerjea:** Will the Honourable Member representing the Food Department be pleased to state:

(a) whether he is prepared to make a statement in the Assembly on the food situation in India at the present moment; and

(b) whether he proposes to take steps to have a committee of the Central Legislative Assembly elected to advise the Food Department?

**Mr. K. G. Ambegaonkar:** (a) The food situation in India continues to show improvement although local difficulties appear from time to time in different places. A difficult situation is at present existing in Bengal and the Central Government are in the course relieving the position. As has been publicly announced, substantial quantities of rice, wheat and other foodgrains are at present being imported into Bengal. As regards the rest of India, conditions are easier and particularly in respect of supplies but it is recognised that in certain areas retail prices still rule higher than is desirable.

All conditions now appear favourable for the coming *rabi* crop and unless any last minute catastrophe occurs, it will prove a bumper crop. With the central purchase arrangements for procurement from this crop well on the way of being established, the position would appear to be favourable for many months ahead.

(b) If it is the wish of this House that a Standing Committee of the Legislature should be set up to advise the Food Department, the Central Government would give such proposal favourable consideration.

**Dr. P. N. Banerjea:** Was not that made clear in the course of speeches of the Members of this House?

**Mr. K. G. Ambegaonkar:** Sir, I am not aware that there was any desire expressed by all the Leaders in this House.

**Mr. Muhammad Azhar Ali:** Has the Honourable Member or the Government not seen the resolution passed by the Federation of the Indian Chambers of Commerce here in Delhi saying that the food control has not been done properly in India?

**Mr. K. G. Ambegaonkar:** Yes, Sir, we have seen the resolution.

**Mr. Muhammad Azhar Ali:** Are the Government prepared to consider it?

**Mr. K. G. Ambegaonkar:** Government have already taken steps in regard to food situation and the control is being properly organised.

**Dr. Sir Zia Uddin Ahmad:** Is it not a fact that the food control has failed?

**Mr. K. G. Ambegaonkar:** Sir, I do not know what exactly the Honourable Member is referring to. If he is referring to the control of wheat, he is aware that we have withdrawn the control on prices in primary agricultural markets. If he is referring to the wholesale and retail prices the answer is no.

**Mr. K. C. Neogy:** What are the factors which led to the present acute situation in Bengal?

**Mr. K. G. Ambegaonkar:** I am afraid this will take a long explanation which I cannot undertake to give in answer to a supplementary question.

**Mr. K. C. Neogy:** Will the Honourable Member attempt it?

(No answer.)

**Dr. Sir Zia Uddin Ahmad:** With reference to the reply given by the Honourable Member in reply to a supplementary question just now, may I ask him whether he expects every Honourable Member of this House to get up and say this thing that an Advisory Committee is necessary to set up for the Food Department? The suggestion made by one of the Leaders of Parties was really on behalf of the whole House.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is really making a speech.

**Mr. K. G. Ambegaonkar:** I think the general convention is that if a desire is expressed by Leaders of all Parties, then it can be taken up as the general desire of the House. It is not necessary for each and every Member of the House to suggest this. But in the present instance, I am not aware that the Leaders of all Parties have expressed such a desire.

#### ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE COMMERCE DEPARTMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Monday, the 29th March, 1943, the extended time fixed for receiving nominations for the Standing Committee for the Department of Commerce, five nominations were received. As there are only five vacancies, I declare the following Members to be duly elected:

1. Mr. E. L. C. Gwilt.
2. Mr. Hooseinbhoy A. Lalljee.
3. Mr. Muhammad Nauman.
4. Mr. Amarendra Nath Chattopadhyaya.
5. Seth Yusuf Abdoola Haroon.

#### ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE CIVIL DEFENCE DEPARTMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Thursday, the 25th March, 1943, the time fixed for receiving nominations for the Standing Committee for the Department of Civil Defence eight nominations were received. Subsequently three members withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following Members to be duly elected:

1. Kunwer Hajee Ismaiel Alikhan.
2. Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.
3. Mr. Amarendra Nath Chattopadhyaya.
4. Mr. C. P. Lawson.
5. Mr. Ananga Mohan Dam.

#### THE HINDU CODE, PART I (INTESTATE SUCCESSION)—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now resume consideration of the motion relating to Hindu Intestate Succession Bill.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, my Honourable friend Babu Baijnath Bajoria apologised to the House yesterday for not being either a lawyer or a learned Pandit, but as he went on developing his argument, it seemed to me that he combined the learning of an erudite Pandit with the mathematical genius of Dr. Sir Zia Uddin Ahmad; and though he complained about shortness of time, it did not seem to me that the shortness of time affected his study of the question. At the same time, I must confess to a feeling of sympathy for the complaint, particularly because I am aware that this measure has evoked a good deal of controversy in the Province of Bengal at least. Whatever may be our views, it must not be forgotten that a measure of reform of this character is likely to give a rude shock to age-long traditions, and there must be sections of people, very respectable sections of people, who may be genuinely alarmed at the pace at which reforms take place. I have also to make a complaint that although this Bill is based upon several memoranda which the Special Committee prepared, and although those memoranda were circulated to eminent lawyers and other interested persons, as we find in the Statement of Objects and Reasons, the opinions of these authorities have not been made available to us. It is stated in the Statement of Objects and Reasons that legal opinion has for the most part been very favourable, criticism being confined to certain points of detail. I, for one, would have very much

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liked to see these legal opinions for the purpose of finding out whether they represent the different schools of thought in the country. Sir, legal opinion seems to be discounted by my Honourable friend Pandit Nilakantha Das in the consideration of questions of this character. He said that lawyers are particularly disqualified in the matter of legislating on such subjects. May I, Sir, remind him of what certain ancient sages think on this point. According to Vasishtha, whose authority perhaps my Honourable friend will not question, the decision of eminent lawyers has the force of law and their opinion on all disputed points is authoritative and cannot be gainsaid. My Honourable friend will find this at page 126 in that monumental work of Mr. Prasanna Kumar Sarvadhikari to which he referred with approbation in another connection.

I must say that I, along with many other Honourable Members of this House, was pained at the rather ungracious remarks of a personal character which were made by my Honourable friend Babu Baijnath Bajoria against the very distinguished Judge who presided over the Special Committee. I feel sure that on a cool reflection he will himself regret the observations that he made. Sir, Benegal Narasingha Rau is one of the most distinguished Judges of our High Courts at the present day, and the country at large owes him a debt of gratitude for the remarkable work which he has done by way of producing a Bill of this character. We may have our differences of opinion, but that should not prevent us from acknowledging the signal services that he and the other members of the Committee have rendered in this matter.

I will next come to the principal arguments put forward by my Honourable friend Babu Baijnath Bajoria. He objects to codification and to uniformity. Now, Sir, as regards codification, he referred to a Resolution which was moved in the Legislative Assembly in 1921 when I was a Member of that House. He quoted a few observations made by the Honourable Sir Tej Bahadur Sapru, the distinguished predecessor of the Honourable Member in the charge of the present Bill. Unfortunately, however, my Honourable friend omitted to mention that Sir Tej Bahadur Sapru gave a definite assurance that action would be taken on certain lines in the direction of codification of Hindu law, although he was very cautious in propounding that scheme. It was on that assurance that the Resolution was withdrawn, and I take it that it is in partial fulfilment of that undertaking; that was given about a quarter of a century ago, that the present Bill has been brought forward by the Government, after pursuing a procedure somewhat analogous to what was suggested by Sir Tej Bahadur Sapru, and I can almost imagine Sir Tej Bahadur Sapru moving the consideration of this Bill in this House, had he been present amongst us today. What has been the position as regards codification? However much one might object to codification, piecemeal codification has been actually taking place by stages, in small doses, and it is because of that that the Government felt impelled to refer the whole question for a comprehensive examination by a competent committee, and it was as a result of that examination that the Government agreed with the views of that Committee and they came forward with a comprehensive piece of legislation. Sir, even my Honourable friend Babu Baijnath Bajoria has been a party, a willing party, to one of these small measures of codification, namely the so-called Deshmukh Act, and it does not lie in his mouth now to take exception to codification as a matter of principle. Apart from that, one cannot forget that progressive States like Baroda and Mysore, which are ruled by Hindu Princes of great distinction have undertaken codification of the Hindu law. In the case of Baroda, we have got a complete code of Hindu law, in the case of Mysore, the codification is perhaps taking place in instalments, just as the present proposal is. In one of those measures the Mysore Legislature has enacted a piece of legislation regarding women's right to property. Sir, this legislation has been placed on the Statute book of Mysore with the support of a ruler who, according to Indian opinion, came nearest to the ideal of Hindu kingship and it cannot be said that a revolutionary legislation was approved by such a Prince in defiance of the Hindu Shastras and general Hindu public opinion in the matter. As re-

guards my Honourable friend's objections to modification of Hindu Law as a corollary of any such scheme of codification, as also his objection to uniformity, I shall deal with these points later as I go on with my argument.

Sir, my Honourable friend, Pandit Nilakantha Das, stated that Hindu Law is based on religion, and my Honourable friend, Mr. Bajoria, added that it is of divine origin. If it were of divine origin, if it were based really on religion strictly so-called, Hindu Law should have been uniform throughout the country; Hindu Law should have been static and immutable, but that is not perhaps what is claimed even by my Honourable friends. Sir, it is perhaps the barest truth to say that in the early days of Vedic life, Hindu Law, if it could be described by that name, was of a uniform character, simple and founded on certain general principles of equity. But, Sir, the references made to rules of law in the early Vedas were supplemented subsequently by successive commentators who sometimes gave different interpretations to the very same thing and there arose a good deal of conflict of opinion as a result of such interpretations, and these interpretations were different in different localities, some being recognized as an authority in one particular country but not in another. This process went on for a long time, and I will now give the House the opinion of a very learned judge, who by his pious life, apart from his learning, came nearest to the ideal of an ancient Rishi, to show how by the very process of commenting upon the ancient texts changes were gradually made in the Hindu Law by the ancient law givers in conformity with changing ideas and requirements of society. Sir, I am quoting no less an authority than Sir Gooroodas Banerjea. This is what he says:

"Hindu Law is a body of rules intimately mixed up with religion as it was originally administered for the most part by private tribunals.

The system was highly elastic and had been gradually growing up by the assimilation of new usages and the modification of ancient text law under the guise of interpretation."

Here is the modification to which my Honourable friend, Mr. Bajoria, objects. Then Sir Gooroodas Banerjea continues:

"... when its spontaneous growth was suddenly arrested by the administration of the country passing into the hands of the English, and a degree of rigidity was given to it which it never possessed."

Sir, it is by way of a partial expiation of its past sins that the Government have come forward today with this Bill of reform. Sir, if I may give another authority which has been quoted with some amount of approbation in some of the opinions which are not in favour of this Bill—I mean that legal genius, Dr. Priyanath Sen, who in his well known work on Hindu Jurisprudence states as follows:

"The commentators had to meet the demands of a progressive time not by the introduction of an avowed innovations but by ingenious interpretation working upon old materials. When the views of a particular writer, who, by reason of his superior scholarship and sanctity of life, commanded the reverence of the people of a particular locality, got a firm hold upon those people and began to mould their lives, and institutions, the chances of those views being easily shaken off diminished from day to day, and at last there came a time when (*mark these words*) his interpretation might be said to have almost superseded the original authorities on which they were based."

Hindu Law certainly has not been static or immutable. Now, Sir, what has been the result? The result has been that today we find not merely the two principal schools of law, namely Mitakshara school and Dayabhaga school, but several sub-schools—Benares school, Dravida school, Maharastra school, Mithila school, not to mention the Punjab with its peculiar customary laws,—and each of these sub-schools differs from the other in material particulars, not excluding the rules of inheritance.

Sir, I should like to test the attitude of my Honourable friend with reference to the rules regarding the inheritance of females. The texts in the Vedas, have been interpreted by certain commentators to mean that "women are not considered to have a right to use sacred texts, nor to take the inheritance". This is perhaps the purport of the opinion some of the most learned sages who lived in the ancient days, and on this that learned author, Prasanna Kumar Sarvadhikary, comments as follows:

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"The text in the Veda really refers to the ritual of the Soma offerings and declares that women are not entitled to participate in such offering. Baudhyana applies the text to inheritance."

Evidently without any amount of authority whatsoever. It was obviously an interpolation, not in keeping with the spirit of the actual text. Sarvadhikary says:

"The saying which teaches that women cannot own property, refers to property acquired for purposes of sacrifice."

Sarvadhikary continues:

"Vasistha fully agrees with Baudhayana that women should be denied all freedom, and he maintains absolute silence with regard to their exclusion from inheritance. This evidently means that women should be kept in perpetual tutelage."

A learned judge of the Madras High Court, Justice Muthuswami Aiyar, in a decision dated 1885 states:

"the Vedic text is no bar to the succession of women under the Mitakshara law except as to property obtained expressly for the purpose of sacrifices."

Now, if some of us could make a confession, they could testify as to what they owe to their mothers for whatever good and beneficent there may have been in their lives. Sir, I for myself am not prepared to accept the cynical aphorisms of the ancient Rishis as they involve a reflection, an unmerited reflection, on my mother. Sir, modern writers have tried to find a more logical explanation for this rule of exclusion. I find that Prasanna Kumar Sarvadhikari tries to give a somewhat sentimental explanation for this rule of exclusion. This is what he says:

"The women had better to be enshrined therefore within the *sanctum sanctorum* of the family and be worshipped as divinities, who would claim as of right the voluntary offerings of their worshippers. Let them be considered as the Guardian Angels of the family and be relieved of all the grosser cares of life."

My Honourable friend, Mr. Bajoria, has stated how unmarried daughters are worshipped in our families. Sir, the womenfolk are persistent in their claim to be treated as human beings. They do not want to be worshipped. They say: 'We want to be treated as human beings'. What tragedies do we not witness every day in our actual life. My Honourable friend, the Law Member, in his capacity as a distinguished lawyer must have come across many heart-rending cases which go to show that this dependence upon "voluntary offerings" is a very precarious method of keeping one's body and soul together particularly in the case of Hindu widows.

Sarvadhikari again tries to find a more rational explanation for this rule of exclusion. He says:

"These womenfolk were excluded from inheritance simply because they were utterly unfit in those troublous times to administer the family affairs as sovereigns of the corporation. . . . utterly incapable of preserving the family property from the encroachment of powerful neighbours. . . . Where was the woman who could repel attacks of an enemy. This was the virtue which was pre-eminently needed in the ruler of a Family."

This refers to those early days when different clans were living in perpetual warfare among themselves, and certainly that rule of law, even if it were founded on any text of real authority, has no place in modern times.

My Honourable friend, Mr. Bajoria, referred to the argument which has been advanced by many competent lawyers that the right of succession under Hindu Law depends on the capacity to confer spiritual benefit by offering of oblations to their ancestors. It is true that Dayabhaga, which is the school of law by which Bengal is governed, does mention the test of spiritual benefit as the governing test, but Mitakshara definitely stresses propinquity of relationship. Spiritual benefit hardly arises for consideration under Mitakshara, except very remotely in certain cases.

The Dayabhaga itself represents a dissenting school. Dayabhaga, in so far as it has made a departure in essential particulars from the laws of inheritance prevailing in other parts of India, is definitely the result of a reformatory movement, and I should have thought that those people who are governed by the Dayabhaga school should be the last persons to take exception to the process of reform going on according to modern ideas to suit modern conditions. Unfortunately, however, opinion in Bengal is mostly opposed to this measure.

Sir, Dayabhaga rule of succession, says a learned commentator, bespeaks a disruption of the close ties of the old joint family system which are enshrined in the Mitakshara School of Law, and Mayne himself admits that "much of it was due to the natural progress of society".

Golap Chand Shastri says that although the Dayabhaga School of Succession purports to be based on spiritual benefit, it recognises partially the claims of natural affection, and on this point the opinion of a learned Hindu Judge of the Calcutta High Court, Mr. Justice Mitter, may be of some interest. Mr. Justice Mitter, in a judgment delivered in 1908 says as follows:

"In most cases propinquity, spiritual efficacy and natural love and affection run in the same lines. But when they run in different lines, Jimutavahana, the author of Dayabhaga, was compelled to ignore spiritual efficacy and had recourse to other principles."

Sir, the claims of natural affection must have been tugging at the heart of society, and they had to admit these claims under the guise of spiritual benefit.

Sir, in Mitakshara, the rule of succession does not recognise spiritual benefit as the determining factor. The very fact that agnates down to the last Samanodoka are preferred to cognates, some of whom are capable of making greater religious benefits than agnates, shows that propinquity of relationship is the guiding principle for determining the order of inheritance. Where then is the test of spiritual benefit? Certainly it cannot be claimed that spiritual benefit was the only factor that determined the line of succession either under Mitakshara, or under Dayabhaga.

Sir, we have these different rules of succession, which have undergone changes from time to time under stress of circumstances, in the guise of interpretation, and when we come to the British period we find that the High Courts, as well as the Privy Council, contributed their share towards developing, as also perhaps crystallizing, Hindu Law to a certain extent. Now, Sir, the Bombay High Court (the Bombay Province being governed by Vyavahara Mayukha which gives a better place to certain female heirs) has gone one better and has admitted other females into the line of succession on the analogy of the sister's position under Mayukha. The Madras High Court has admitted the claim of female inheritance as Bandhus contrary to the principle of Mitakshara and Smriti Chandrika, though these are the authorities that prevail under the Southern School. Now, Sir, on these instances that learned author, Dr. Pryanath Sen observes:

"These decisions exhibit a clear departure from the law as originally laid down by the sages and interpreted by the authoritative commentators."

Sir, so far as the limited rights of ownership of the women are concerned, it is an admitted fact that the position has arisen largely because of the decisions of the Courts of Law, since the advent of the British. A distinguished author, the late Golap Chandra Shastri, who certainly was not of the reformist school,

mentions this fact, and then observes that it may be that the Anglo-  
12 noon. Hindu lawyers could not conceive the idea that in India, which is so backward in material civilisation, women could enjoy privileges which were denied to them in England. My Honourable friend, Mr. Bajoria, has described the present measure as a sort of legislative *khichdi*, a hotch-potch, in which certain provisions of the Mitakshara have been tacked on to certain provisions of the Dayabhaga for the purpose of drawing up lists of succession. But what is the present position? Here again I rely on one very well known decision given by Mr. Justice Mitra of the Calcutta High Court in the year 1908, which has been adopted and followed in a more recent case. The learned judge observed that in all cases of absence of texts or precedents in the Dayabhaga law, the court should have regard to the theory of propinquity as adopted in the Mitakshara; that is to say, the Dayabhaga can easily be supplemented by Mitakshara, and that is what this Bill professes to do. So that, nothing is being done under the present Bill, so far as this particular point is concerned, which has got no precedent in such past judicial decisions or other authorities.

It is possible to have differences of opinion as regards many of the details with which I am not going to deal on the present occasion, such as the number of female heirs and the order in which the different heirs should be arranged in

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the list of succession. Then, as regards the question of the right of inheritance of females, a distinction could be drawn between movable and immovable property, between ancestral and self-acquired property, between the family homestead and other landed property. I find that already an ardent supporter of the Bill has suggested the adoption of the law of pre-emption in this connection, for the benefit of the male members of the family. All these questions can easily be gone into in Select Committee; and if the Bill goes before the Select Committee, I venture to hope that it will be possible for that committee to take evidence of leading persons, representing different points of view. If I may make a further suggestion, having regard to the complaint which has been made about paucity of time, the Select Committee should not be summoned too early, so that the country at large may have an opportunity of expressing its views on the basis of the discussion that is taking place on the present motion in this House.

Before I conclude, I need refer to only one other point, and that is also a point which I suggest might be considered by the Select Committee. We in this House are acting under a constitutional handicap in that any legislative measure of this character cannot possibly affect agricultural property in the provinces, and the authors of this Bill therefore made the very cautious suggestion that the Act should not come into force before the 1st of January 1946. They said that the date of commencement was suggested in order to give the Governors' provinces sufficient time to pass complementary legislation in respect of agricultural land. To my mind it would be a welcome amendment, if it were to be adopted by the Select Committee, to make this a sort of permissive measure, which would come into operation in the different provinces as and when such complementary legislation is passed. Otherwise we will have two different rules of succession operating side by side, and even in the same family. Supposing a person owns agricultural property as well as non-agricultural property; the rule of succession applying to agricultural property would be quite different from the rule of succession governing the succession to non-agricultural property. In order to obviate such difficulties, I do suggest for the consideration of the Select Committee that this measure, if and when passed by this House, in whatever shape, it may be, should be kept on the Statute Book as an enabling measure to be brought into operation when provincial legislation has been undertaken on these lines in regard to agricultural property. Then most of the complaints that we have heard in the course of this debate will have absolutely no justification whatsoever, because if the Provincial Legislatures were to put this enactment into motion, apart from legislating in regard to agricultural property, this reform would be carried out with the help of Legislatures which are elected on the basis of a much wider franchise than we the elected Members in this House can claim; and in my opinion it is very essential that in all such measures of reform, we should carry the maximum amount of public support with us, as far as that is possible.

**Mr. Umar Aly Shah** (North Madras: Muhammadan): Sir, I rise to support this Hindu Women's Intestate Succession Bill which was introduced by the Honourable Sir Sultan Ahmed in this Assembly the other day. Many discussions have been going on on this important Bill and many suggestions have been made for improving the lot of Hindu women. Hindu women have been suffering for a long time under male domination, but it is a very difficult task to explain this in detail. Whatever may be the law, their custom says *Kuladharna patni*—a *saddharmini* shall be "*griheshu dasi*": at home she is a menial servant. "*Sayaneshu Rambha*"—in the bed room she is a wife. This is the authority. Mr. Bajoria said something. I am not a great pundit, I am not a lawyer and therefore I do not say all these doctrines before him. My friend, Nawab Siddique Ali Khan, told me something; but I did not say anything to him. Hindu women have no right, no share, in either their fathers' property or their husband's property. That was very bad treatment under the Hindu custom. It is said that a woman is not entitled to any right to property. As such women have been suffering from a very long time under so many difficulties; they have

been treated as menial servants. They must have some relief, and if they are given, they can work miracles. Those who deny this right are not looking at the thing from the point of view of broad principles. The Hindu culture has been great. It is but right that the father's property should be divided among the sons and daughters, and there are so many authorities in the Sanskrit literature in support of this proposition. There are 18 law codes in Sanskrit literature, and there are different schools of thought. Our Indian scholars have not gone into all those 18 codes; if they had done so, there would have been no necessity to introduce this Bill. The Hindu society is a big society; it has rendered very great service to the world.

There can be no reform unless it is given by a Brahmin. If so, what can Mr. Bajoria say? This is Sanatana Dharma. I know the Hindu Sanatana Dharma. There is no authority in the non-Brahmin. There can be no authority except that of the Rishis. So, tomorrow if this Bill is passed our Law Member becomes a Rishi. There are non-Brahmin Rishis. Pantajali belongs to Dr. Ambedkar's caste, Yavanarishi is one from the Arabs, Chayavanarishi is one of the Chinese. Now, the British Government have been ruling for the last 150 years. There are 40 crores Indians out of which 30 crores are Hindus. But this Government did not translate those books into English and it was very bad. I do not understand this, some people say yes, some people say no. This sort of agitation going on is not right. The first thing that should be done is, take the law and put it in English. The other day my Leader, Mr. Jinnah, told me, "Mr. Umar Ali Shah, what about the Hindu Shastras? The Hindus are my friends. I do not want you to give a wrong interpretation. I do not want to go against them. You had better give me the right quotations". I said, "Yes." It is therefore that I am giving only a few quotations, that is why I have not brought all the reference books. You know that Mahabharata is a big epic and it is one of the most authoritative law books in Hinduism. Mahabharata is one of the Vedas, and therefore it is a very authoritative book for Hinduism. Bhishma was a great warrior, it is said there. He was conquered by Sikandi. Sikandi was a woman by birth. Every one knows this. Her father told her: "Sikandi, my property I am giving you." Therefore, this supports the theory that woman also was given a share in property. I challenge if anybody disputes this. This Assembly contains big men, big scholars, such as Mr. Deshmukh, Pandit Nilakantha Das . . . .

**Pandit Nilakantha Das:** It is giving Sikandi; it is not succession for a woman.

**Mr. Umar Aly Shah:** The next thing is this. Dussala is the daughter of Dhritarashtra, she has got 100 brothers. She also took a share in her father's property. That is stated in the Mahabharata. The sister took her share from her hundred brothers. *Ambara* means cloth, *aparna* means ornaments, *hemakunda* means gold vessels, *vasundhara* is land. She took all sorts of things as her share.

Now, there are other authorities also. In connection with Ramayana, after conquering Ravana, Rama rejected Sita who spent her time in the asram of Valmiki. Sita's father Janaka came to her. He said: "Oh, Sita, I will give the whole property to you." Then Sita said: "No, father, I do not want any property. I am living in the forest . . . ." (*An Honourable Member:* "Are you quoting from Valmiki's Ramayan or some other book.") I know it is from Valmiki's Ramayan.

Then there is another woman called Gargi. She also took her share from her father. She was a very learned woman. She performed her father's ceremony. She said: I have got the right. She said: "I have studied the four Vedas and the Brahma, Kshatriya, Vaisya and Sudra, that is, the Brahmans, the warrior caste, the merchants and the Sudras, they also can perform this ceremony, and I can also perform this ceremony". There are also many other authorities. This is a very important Bill at the present time, intended to give rights to the Hindu women population. Therefore, I support this Bill.

**Mr. Lalchand Navalrai** (Sind; Non-Muhammadan Rural): Sir, this is a Bill which requires the Hindu law to be amended and codified. I should say

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at the very outset that we the Members of the Legislature of both Houses are responsible for this Bill having seen the light of day in this House. It cannot be denied that from time to time Bills have been introduced or brought to this House in order to amend the Hindu law in several aspects and it is also a fact that when those Bills were introduced into the House the idea was that the Hindu law, should not be amended by piecemeal legislation. That was objected to. Under those circumstances, it was considered wise that the Hindu law should be amended and codified in such a manner as may remove the complaints or the grievances which come from males as well as from women. Several resolutions were passed by the Women's Associations and also from time to time by several other reform associations and also the general public. That gave rise to this Bill and now we have this Bill before us and this matter of the codification of the Hindu law was referred to the Rau Committee. The Rau Committee has gone into this and prepared a Bill which is being fathered by the Honourable the Leader of the House who will certainly be remembered for the codification of this and removing several ambiguities.

There are two questions to be considered with regard to this Bill, with respect to which objections have been made. Objections come from the orthodox section that this Hindu law should not be touched. The second objection is that no codification is required, according to them. I will come to these two points hereafter but I must make my position clear to the House. I am not an orthodox man nor am I a diehard. At the same time I am not for revolutionising Hindu manners and customs and allowing privileges to women which will disrupt the society.

I want to move with the times. It is already clear to the House that I took part in the Bill which aimed at restraining early marriages. I took an important part in that and it was after all passed but I was not satisfied with that and I went further to complete the Sarda Act in order to see that this is not infringed in any way. In those days, I piloted a Bill that the Sarda Act was not being properly administered and that people went to the borders of Indian States to perform the marriages and then they came to British India with impunity. After all, that Bill was also passed. This is only by way of giving indication of how I have been proceeding in respect to the social legislation.

Now, Sir, I was very glad that the Honourable the Law Member gave a note of warning especially to the women that they must be guided by prudence. Prudence, he very rightly said, is the best part of the valour. I also want to give a warning to woman and the Association of the women—I am sorry Mrs. Ray is not in the House. My warning to them would be that we do recognise that Western ways have now come to us. More or less, we are now plunged into the ocean of Western ways and we should not allow ourselves to be drowned. Therefore, my submission is that they must go on asking for their rights and there will be no hindrance in giving them their reasonable rights. Of course, they are the applicants and they will naturally like to go to the skies and may ask you to get hold of your houses and to take care of all public jobs. But that is not what I am advocating. I am only submitting that we should give them reasonable rights. Of course, the rights cannot be given to them by their mere asking. They are to be given through the Legislature and with caution as is being done now. What I mean to say is this that in these modern times there are many phantasies, even luxuries, that are going on according to the Western system, though the Western world is tired of them now. They are repenting them and they are reforming them. But those Western ways of living have come to India also and I say with great regret that the so-called modern societies of women are jumping too much. They can within certain limits certainly ask for their rights. If Mrs. Ray were here I would have told her to her face how she has got the right to be here? Was it ever expected that women can come to this House? Is it not the very best right that has been given to them? From time to time Bills have been passed and rights have been given and they have no reason to complain. But, of course, they

must go on asking for more because, after all, agitation in this world succeeds. So, let them go on agitating but it should be within certain lines. They should not go about in the Clubs; there should be no boozing and no smoking. These things should stop. They should find their place. A woman's place is in the house. (A voice: "In the kitchen".) If the family is a poor one, why not in the kitchen also? You may be rich . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

**Mr. Lalchand Navalrai**: What I was submitting is this that they can go on progressing but not jumping. I need not enlarge this subject as you all know it very well. The House knows how things are happening nowadays. Sometimes we feel very sorry when we see these things happening in Simla, Delhi and at other places. I may say in a word that society has to a certain extent been disrupted. Those who are getting, say, Rs. 1,000 or more a month have created their own society. They live according to the Western fashion. They have their *Ayachs* who look after their children.

**Mr. President** (The Honourable Sir Abdur Rahim): All this has really nothing to do with the Bill. The Honourable Member must confine himself to the Bill.

**Mr. Lalchand Navalrai**: I am giving them a piece of advice.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is not here to give any advice to anybody.

**Mr. Lalchand Navalrai**: I now come to the question of the Bill itself. The first question is whether we should amend the Hindu law. If I can show that the Hindu law has been amended from time to time, even from the ancient days, then in that case there will be no objection to amending the Hindu law within certain limits. Now, Sir, to begin with what we have got are the two schools of law, the Mitakshara and the Dayabhaga. No, the Mitakshara is the principle source of law and is as old as 200 years B.C.; the Dayabhaga was instituted about the fourth century A.D. Therefore, it is plain that the Mitakshara is the oldest. If I can show that Dayabhaga school was adopted because they wanted reform in the old law, then it will be clear to the House that an amendment has been made even in ancient times. On that point I will quote from Mulla's Hindu Law (page 12) the following words:

"It is said that Mitakshara school is the orthodox school and the Dayabhaga school is the reformed school of the Hindu law. The Dayabhaga is also called the Bengal school of Hindu law."

Then, it shows that reform was made in the Hindu law. We also know that Bengal was a progressive province and they moved with the times and got this reform. Yajurvedy was a good authority on Hindu law. What I am submitting is that the amendment commenced from a very early time. After that also, amendments have been made. We also find that an amendment was made after the restraint to early marriage Bill was passed, in 1937 and also in 1938. To some of them, my friend, Mr. Bajoria, was also a party. What I find from Mr. Bajoria's arguments is this. He is not against the amendment and consequently he should not be against the codification also. But what he wants is this: that there should be no hustling. He wants that time should be given and the Bill be circulated and after circulation we should sit together and amend the Hindu law.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): Sir, that is not my attitude, I am not in favour of any Hindu Law which is against the Hindu Shastras.

**Mr. Lalchand Navalrai**: My Honourable friend belongs to one school of thought and if he considers all the schools then I am sure he will come to the decision that codification is necessary. Therefore, what I am submitting is this: there will be no difficulty and also no harm will be done in amending the Hindu law to a certain extent. As regards the codification it has been said and I am also of the opinion that piecemeal legislation is not necessary. There is one thing which I will remind the House to consider seriously and that is this: how many cases of law have you got? In how many cases of law changes have been made. Because the original courts decide one way and the High Courts

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change it and the Privy Council say another thing and thus a struggle is going on. Consequently, there is an overwhelming volume of cases of law. Now, I say if this law is codified then these cases of law and litigation will come to an end. Since there is no settled law, there has been so much litigation on Hindu Law from time to time, because one authority says one thing and the other authority says quite another thing. It is just likely my Honourable friend, Mr. Bajoria, or any member of his family or any of his relative may have suffered on this account. In how many cases they have been going to the courts and getting interpretation and consequently either suffered or gained? Therefore, from that point of view alone I say codification is necessary.

Then, Sir, the question of circulation arises. On this point I have got my own opinion and it is this: I do recognize that it will not be very necessary—I say not be very necessary—that the Bill should be circulated, because I find that the Treasury Benches—I mean the Leader of the House, or the Law Member—very rightly thought that there were so many laws on a certain point so it was considered necessary to codify those laws. So the work was entrusted to the highest authority who is a Judge of great eminence and recognised popularity. Now, what did he do? He proceeded very cautiously and when this matter was sent to the Committee he drew certain questionnaires and these questionnaires were sent to the public, to persons who knew law and who are concerned with this legislation. He actually sent for some of the Members of this House as well as of the Council of State. I was present when the first questionnaire was brought out. Replies to these questionnaires were received and the report was prepared. But I must point out that the Rau Committee is not also such as can be said to be infallible and not making mistakes. I find in some cases he has given certain rights to the daughter-in-law and in others he has not given any right to her. Similarly he has given certain rights to married daughters and then again he has not given any rights to married daughters. There are certain things which we have to consider minutely and there are certain mistakes and we have to see how they can be put right. There is another thing also which we have to consider. By this time every woman knows it more or less because things have been managed in such a manner that they have come to know that they are being given certain rights and privileges. So far as men are concerned, when they come to know of a thing they also carry on propaganda in such a way that every one of their sex come to know of that thing. What I mean to say is that we have realised what the feelings of women are in this matter. Therefore, it appears to me that it is not quite necessary that this Bill should be circulated. I may inform the House that these orthodox people will always complain at least through Honourable Members that proper time has not been given to them to put in their views on the subject, although I consider that what my Honourable friend Mr. Bajoria has said is far better than the views of those orthodox people if they were put in by themselves.

Sir, from all these points I consider that it is not very necessary that the Bill should go for circulation. But there is another point and that is that this Bill will come into force on the 1st day of January, 1946, because law of agriculture is to be made and law of inheritance and succession is to be made by the Provincial Govts. and besides that it will take some time if the Bill goes to the Select Committee. Perhaps it will not be possible to take it up during the next Session. In those circumstances I think no harm will be done if in order to remove the objection that the Bill has not been properly circulated, it is circulated. So far as the amendment of my Honourable friend, Pandit Nilakantha Das, is concerned, it does not appeal to me because it is really postponing the evil to a day which is not possible for any body to be sure of.

**Pandit Nilakantha Das** (Orissa Division: Non-Muhammadan): Sir, on a personal explanation. I have said that it should be postponed till the Provincial Legislatures function.

**Mr. Lalchand Navalrai:** You have said after the war.

**Pandit Nilakantha Das:** Because I expect that these Provincial Legislatures will function probably after the war.

**Mr. Lalchand Navalrai:** What I am submitting is this. This motion I consider, at any rate, is a dilatory one. I believe my Honourable friend will excuse me, if I say so plainly. The other amendment that has been put by my friend, Mr. Bajoria, wants that the opinions be collected by the month of August, 1943. I think that should be accepted.

**The Honourable Sir Sultan Ahmed (Law Member):** He has put December 1943.

**Mr. Lalchand Navalrai:** If it does not suit the Government, then in that case it can be changed to June or July and thus the circulation objection of theirs could be removed completely. Then even my Honourable friend, Babu Baijnath Bajoria, will come forward and say these are the opinions which must be considered and it is only after giving deep consideration to them that the law can be codified.

Now, I come to the principles of the Bill. I find there are three questions to be considered, firstly whether there should be a change in the order of succession, that is one of the points to be considered as a principle. Now, we find in this Bill which is drafted by the Rau Committee, the order is daughter's daughter, son's daughter—these have been put even before the father and mother. This was not before. In the Hindu law, as it is in force today, they get a place down below after father's father. Therefore, that is a very important question so far as succession is concerned. The second point is with regard to simultaneous inheritance. With regard to the simultaneous inheritance also, there are weighty questions to be considered, whether simultaneous share should be given to the widow.

**Mr. President (The Honourable Sir Abdur Rahim):** These are matters which can be dealt with later on.

**Mr. Lalchand Navalrai:** On the contrary, I request you, Sir, to give the House a ruling on this point, whether it is now the time to consider the principle. Now, if we do not touch the principles, I do not mean we should go into minute details and suggest such and such amendments and so on, when will be the other opportunity for us. There are three broad principles which must be dealt with now.

**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member can discuss the principles now.

**Mr. Lalchand Navalrai:** Thank you, Sir. I will refer to the three broad principles. The question of succession should be considered by the Select Committee, if this Bill goes to the Select Committee, very cautiously and the Select Committee should see which place should be given to these heirs. Now, coming to the second point, namely, simultaneous inheritance, there is one thing that I should like to say. In giving simultaneous inheritance, the estate will be more and more divided. We should also keep in view the preservation intact of the nucleus of Hindu family property. If we are going to divide it, and give so many shares to all the individuals, then the result will be that the nucleus of the property will be disturbed and it may be as was explained by the Honourable Member, Babu Baijnath Bajoria, in his own mathematical way, the nucleus will be reduced to nothing. If it comes to all that, then it will be a serious question.

**The Honourable Sir Sultan Ahmed:** If it comes to that?

**Mr. Lalchand Navalrai:** I am not giving my own opinion. I am saying that I am leaving these points to the Select Committee to consider. The third point is this: I come now to limited estates. So far as limited estate is concerned, that is also a very serious question. There has been opposition up to this time. This question has been agitated since a very long time past and also prominently brought to the notice of this House when the last Bill of 1937-38 was being considered when the then Law Member, Sir Nripendra Sircar, was answering on behalf of Government. Then it was considered from all points of view and yet they did not move afterwards and one or two years have passed since then. Have the circumstances so changed since then that

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it should be done? That has got to be considered. When they are asking only for limited interest, you are going to give them absolute interest, and in this way you are removing the very serious limitations and restrictions that are against the property being frittered away. Now they can sell away the property only for necessity. Afterwards, the property will be their own and they will say, 'we are masters of the property'. In this way, they can defy their husbands, they can defy their parents and say, 'we do not care for you all'. What I am submitting is that these are the points which require the serious consideration of the Select Committee. As regards the widow, if the widow marries another husband, that has not been provided for. Now, a widow gets her husband's property and immediately afterwards, she marries again. In that case, should she take away that property which she inherited through her first husband? This has got to be considered. This provision has not been made in Rau's report. It has not been considered by the Rau Committee. This is a most important point to be considered. With regard to the daughter, let the House consider what is going to be done by the vacillation that the Rau Committee showed. They give to the married daughter also a share. Why, because certain opinions came to their notice and so they changed. Is that right and proper on the part of a Judge of such special eminence as Sir B. N. Rau. He has simply made up his mind long before even answers were received to his questionnaire. He says so in his report. Subsequently he says because one or two shastras were sent up to him,—some weighty opinion according to him, we will consider whether they are weighty later on,—on account of this, he has made the change. I am appealing to the Honourable the Law Member to consider that point from this angle of view. Does he not know now that a daughter before she is married has to be given about Rs. 10,000 and even Rs. 20,000 sometimes as dowry.

**The Honourable Sir Sultan Ahmed:** I know that within the last six months, I had to collect Rs. 5,000 in order to get an educated Hindu girl married, as the demand of the prospective father-in-law was Rs. 4,000. The daughter herself does not get the dowry. I know the Hindu customs. I do not come from Timbuctoo. The exact point is that the money does not go to the girl, but to her father-in-law.

**Mr. Lalchand Navalrai:** Your definition of Stridhan may or may not include 'dowry'. You are considering 'sulka'.

**The Honourable Sir Sultan Ahmed:** Not at all. The question of Stridhan does not arise. My Honourable friend is discussing the question of intestate succession and he says that some amount of dowry is paid. I say that dowry has been the curse of Hindu society. If dowry means payment to the girl in cash or jewellery, certainly it is most welcome. But this dowry which we have been hearing about for a long time is not really an item which goes to the girl but it goes to the prospective father-in-law.

**Mr. Hooseinbhoj A. Lalljee** (Bombay Central Division: Muhammadan Rural): The same thing happens in Sind.

**Mr. Lalchand Navalrai:** I am thankful to the Honourable the Law Member. This question also has to be considered. This should be clarified just as the Honourable Member is putting it here. In the Select Committee it should be decided whether this dowry goes to the bridegroom's father or it goes to the girl. That should be made clear.

**The Honourable Sir Sultan Ahmed:** Nobody wants to pay the bridegroom's father. But the present day demand is from the bridegroom's father. I know the Hindu customs only too well.

**Mr. Lalchand Navalrai:** It is not for the father-in-law of the girl. After all the husband of the girl or the father-in-law of the girl says, give me Rs. 10,000 because I have to send the bridegroom to England for higher studies. He will come out as Barrister. Such cases do occur in my part of the country. What I am saying is that, there is nothing very definite. If the Honourable Member thinks the other way about, let this question also be considered.

**The Honourable Sir Sultan Ahmed:** Most certainly.

**Mr. Lalchand Navalrai:** I am not giving my own opinion. I only suggest that this point should be definitely settled.

**Pandit Nilakantha Das:** Will the share given to the daughter be a remedy for this dowry system?

**The Honourable Sir Sultan Ahmed:** I think so. There cannot be any such demand for dowry hereafter.

**Bhai Parma Nand** (West Punjab: Non-Muhammadan): Why do you take this vicious principle?

**The Honourable Sir Sultan Ahmed:** I know all about Hindu society as much as anybody else. I know the state of affairs therein. I am borne out by the Hindu Members.

**Mr. Lalchand Navalrai:** Apart from that, there is another objection. It is also a very wide one; and that is with regard to a married daughter getting a share from her husband's property. She gets a share in her parental house and she also gets a share from her husband side, *i.e.*, from her father-in-law's house. Therefore, she gets two shares whereas the son gets one share. When this Bill is circulated, I hope, much light will be thrown on this question also. In one way, I am glad, Sir, that this Bill will go before a special Select Committee—Joint Select Committee of both the Houses—and that is a cautious way of moving with the time.

Now, I come to the question of son and divided son: In this connection, I find that a share has been given to the divided son also. In the report, the mover of the Bill has not considered the objection which is very apparent. It is this: When a son chooses to separate, he gets something; he is not excluded altogether.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is now going into details.

**Mr. Lalchand Navalrai:** No, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): These are matters which will be discussed later on, and the Honourable Member need not go into details at this stage.

**Mr. Lalchand Navalrai:** I have nearly finished, Sir. I will only say that this question with regard to sons has also to be considered. Therefore, from all points of view, I think, the questions are very weighty and they should be given proper consideration. That the Hindu Law should be amended according to time and requirements of the society, there is no objection, but it should be amended after a thorough consideration. It should be codified also—though we stand to lose our fees, as at present these questions come into civil courts and we are engaged to contest those matters!—but I am submitting, apart from those considerations, that this codification will also come to the relief of the country. In the end I submit that this matter should be first sent for circulation and then to the Select Committee.

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadan): I have been asked by my Party to state the position and attitude of the Party to which I have the honour to belong with respect to the Bill intended to codify and restate, as I take it, the Hindu Law bearing on the subject of intestate succession. You will see, Sir, that the object of this Bill, as stated by the Honourable the Mover, is mainly to evolve as much uniformity on the subject as is possible by the process of codification and, at the same time, to recognize the right of certain classes of heirs to succession and also to lay down the principles which shall govern the nature of the estate which such heirs are to get in the shares which are allotted to them. No doubt under Hindu Law, as ordinarily understood and administered in the courts, we have all along been told that the female class of heirs when they do succeed at all get only a limited estate, that ordinarily they do not come in for inheritance at all and the property left by a Hindu dying intestate goes to his male heirs, without, of course, going into details as to who those male heirs are. That has been broadly the position that we have so far found prevailing in the country. For a long time, Sir, as has appeared from the speeches made during this debate, it has been in contemplation that there being so many different schools of Hindu Law and

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there being so many different interpretations of the doctrines of that Law given by the courts, an effort should be made to codify that law and to evolve a uniform system. My Honourable friend, Mr. Bajoria, and after him Mr. Neogy referred to the Resolution which was tabled and debated in this House long long ago—more than 20 years ago—aiming at the same object, and Mr. Bajoria quoted extensively from a speech of Sir Tej Bahadur Sapru made on that occasion pointing out the caution that is necessary in attempting to frame a Code of Hindu Law. All that shows which way the wind has been blowing: there has been a desire for a long time on the part of representatives of the Hindu Nation to see their personal law shaped into a code. So, Sir, as far as the attempt at the codification of that law is concerned, everyone in this House will simply agree that it should be codified and, of course, nobody is going to contend that the process of codification should be carried on without due regard to the opinions and sentiments of the Hindu nation as expressed by its best exponents. The only point, Sir, which has excited a good deal of controversy in this House is that a certain class of heirs has been recognized by this Bill as entitled to get a share, and as entitled to get that share in absolute right of ownership without their being any condition of life estate attached to it.

Now as a Muslim, of course, I would, and every Honourable Member of my Party would, support any movement intended to recognise the right of women or to confer on them the right to succeed to the property of their fathers and other relatives, under given circumstances. The position of women in society was first of all recognised by Islam. It was Islam that gave the lead to the whole world in treating with justice that very much oppressed and depressed section of humanity—woman. It gave the lead in recognising her status as an equal partner in life to man: gave the lead to the whole world in conferring on her the right to inherit from her father, from her husband, and other relatives, and to inherit in absolute right. In fact, the conception of life estates and limited estates is foreign to every principle underlying the Islamic Law. That is our position as far as the raising of the status of woman in society as well as the recognition of her human rights and conferring on her a status independent of man are concerned. Although, of course, from the very texture of society, she has to co-operate with man in carrying on the duties of life, yet she has her individual rights. Those rights cannot be tampered with or trodden upon by man at his sweet will. So far as these principles are concerned, Islam has led the world and every Muslim will emphatically endorse any opinion expressed and any measure undertaken to give that right a practical shape and enforce it.

But, Sir, this Bill concerns a whole nation inhabiting this vast sub-continent, the Hindu nation. There are—as I believe and it is a fact—two main nations inhabiting this sub-continent, the Hindu and the Muslim nations, and each of these nations has its own personal law. In matters of personal law, Sir, obviously it is the opinion of the nation concerned that should decide any questions which are controversial and contentious, and from that point of view our attitude with regard to this Bill, and with regard to any portions of it which may turn out to be controversial, will be one of benevolent neutrality. We shall help and co-operate in passing any parts of this Bill which may be non-contentious, but we shall observe strict neutrality about things which happen to be hotly contested among the representatives of the Hindus in this Honourable House, and that attitude of ours, Sir, has been made clear, and has been consistently maintained about all other measures intended for the social uplift of Hindus. Take the Deshmukh Act, which has been very much talked of during the course of these debates. On that occasion we made our attitude perfectly clear and supported that Bill because it was found that the Hindu Members of the House were almost unanimously in favour of it. We heartily sympathised with it and supported it. There have been other similar measures: I could count them, but I do not think it is necessary to do so. Our attitude with regard to all of them was the same. On the other hand, we have found with regret that on certain occasions legislative measures, which

concerned solely the Muslims, were criticised and obstructed and opposed by our Hindu brethren sitting in this House. For instance, the other day, a Bill was introduced by my Honourable friend, Nawab Siddique Ali Khan, (and before that it was introduced by the late Sir Muhammad Yakub) relating to the abolition of the principle of escheat as far as the property left by an intestate Muslim who had died without any relative heirs was concerned, with the purpose of getting the principle recognised that such property should go to the Muslim community, and although not a pie of such property was coming out of the pockets of the Hindus, yet it was opposed on the floor of this House, even by such responsible men, as Mr. Aney. I will not mention others. I will not quote the speeches. I am simply referring to the matter. Of course, we regarded it as a dog-in-the-manger attitude, and had to put up with it, but for our part we have always declared and have always consistently maintained that our attitude towards reformative Bills like the present one is sympathetic. We will co-operate so far as this Bill is accepted by the majority of our Hindu colleagues and we shall take no part in voting on any points over which we find that they widely differ and there is great controversy. This is our attitude and this is all I have to say.

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. Syed Ghulam Bhik Nairang (one of the Panel of Chairman) in the Chair.

**Sardar Sant Singh** (West Punjab Sikh): Sir, I will try to be very brief in my observations, due to the fact that the main objections to the Bill have been brought out in the debate already. I only say this, that I am not against the principle of our women-folk coming into their own. Apart from other economic and social reasons . . . . .

**Nawab Siddique Ali Khan** (Central Provinces and Berar: Muhammadan): On a point of order, Sir; there is no quorum.

(The bells were rung and a quorum obtained.)

**Mr. Chairman** (Syed Ghulam Bhik Nairang): The Honourable Member can now resume his speech.

**Sardar Sant Singh**: I was submitting that the main principles of the Bill have been discussed thoroughly before I rose. If I participate at all, I want to bring a few facts to the notice of the Government regarding this Bill.

I may assure the women-folk of India that I am not against the women of our country owning property. I do not doubt their capacity to manage affairs, nor do I doubt their right to be independent. Apart from economic or social questions, I look upon this question as well from a political angle, and that approach is like this. I want every individual in this country to have the initiative restored to him or her in social matters, in economic matters, in political matters. I am a believer in the theory that no freedom for this country is possible without restoring initiative, as I said, to all individuals living in this country. So, when the women-folk of our country will feel independent in social customs they are bound to take the political movement forward . . . .

**Mr. Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): You want self-determination for every one?

**Sardar Sant Singh**: This is not self-determination. Initiative is something entirely different from self-determination. I do not find any initiative in those Government Members sitting there—they are bound by their whip and by their conditions of service. I want to restore initiative to them. Now, however able and learned men they are, the initiative is lacking. I approach this question from that point of view. First of all, I will see if it is in the interests of the modern girls to come to power under this Bill if the society is not ready and prepared to meet their demand. From this point of view, I will add only one argument and that is that besides the educated girls whom my friend, Mr. Bajoria, has been pleased to call modern girls, there are millions who are illiterate and no demand has come from them.

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Then we have to see what will be the effect of this legislation upon the social customs of the country. Looking at it from that point of view, I just want to bring to the notice of the Honourable the Leader of the House the provisions of the Punjab Laws Act. The Punjab Laws Act was enacted in 1872, and section 5 of that Act has been in existence now for so many years. That section reads:

"In questions regarding succession, specially property of females, betrothal, marriage, divorce, dower, guardianship, minority, bastardy, family relations, will, legacies, gifts, partitions or any religious usage or institution, the rule of decision shall be any custom applicable to the parties concerned, which is not contrary to justice, equity or good conscience and has not been by this or any other enactment altered or abolished and has not been declared to be void by any competent authority.

(b) the Muhammadan Law, in cases where the parties are Muhammadans, and the Hindu Law, in cases where the parties are Hindus, except in so far as such law has been altered or abolished by legislative enactment or is opposed to the provisions of this Act or has been modified by any custom as is above referred to."

I think the Honourable the Law Member will take note of this section 5 of the Punjab Laws Act . . . .

**The Honourable Sir Sultan Ahmed:** I have considered that.

**Sardar Sant Singh:** According to this section, the custom takes precedence over Hindu Law and Muhammadan Law in matters relating to all social matters which I have enumerated, from succession to wills and legacies: all these matters are governed by custom in the Punjab. The Honourable the Law Member will be aware that most of the time of the Lahore High Court is occupied in giving their decisions as regards a particular custom in matters of succession; custom overrules personal law in the Punjab and overrules Hindu Law and Muhammadan Law; the personal laws of the two major communities in this country are considered to be abrogated and superseded by custom. This being so, the question arises whether this Bill supersedes section 5 of the Punjab Laws Act or it does not, because from a study of the Bill I do not find any reference to the Punjab Laws Act in the Bill. It has neither been repealed nor has it been considered. From the definition of heritable property, I find

"'heritable property' means property which belongs to an intestate in his or her own right and passes by inheritance as distinct from survivorship;"

Then an illustration is given:

"All property of a Hindu governed by the Dayabhaga School of Hindu Law is heritable property, as it passes by inheritance and not by survivorship; so too is the self-acquired property of a Hindu governed by any Mitakshara School of Hindu Law, as such property also passes by inheritance and not by survivorship."

There is no mention of custom anywhere. As I read the Bill as it stands to-day, I find that henceforth the rule of succession so far as Hindus are concerned is to be the rule which is embodied in this Bill, and all other rules will either stand repealed by implication or they will have to be expressly repealed. If they are not to be repealed, the second alternative would be that custom will have to be given its due place in the law of succession. I am leaving question relating to marriages, wills, and other matters alone, because they are not relevant to the matter under discussion. I am only considering the question of succession. According to this Bill, succession will have to be governed by the provisions of this Bill, but what will happen if it conflicts with tribal or local custom or family custom? The only saving clause given in this Bill is clause 3. Clause 3 reads:

"This Act regulates the succession to the heritable property of a Hindu, other than one governed by the Marumakkattayam, Aliyasantana or Nambudri law of inheritance, dying intestate after the commencement of this Act, in the following cases, namely:—

(a) where the property is movable property, unless it is proved that the intestate was not domiciled in British India at the time of death.

(b) where the property is immovable property situated in British India, whether at the time of death the intestate was domiciled in British India or not:

Provided that this Act shall not apply—

(i) to agricultural land, or

(ii) to any estate which descends to a single heir by a customary or other rule of succession or by the terms of any grant or enactment:

Provided further that upon the death of any woman who at the commencement of this Act had the limited estate known as the Hindu woman's estate in any heritable property,

such property shall devolve on the persons who would under this Act have been the heirs of the last full owner thereof if he had died intestate immediately after her."

According to this clause, the custom which is accepted is only the custom which prevails in the case of a single heir, that is, the law of primogeniture, as I read it. The law of primogeniture is excepted, other customs are not excepted by this Bill. What happens then? In the case of the Punjab where customary law is the rule, personal law is only an exception, and as I read to the House section 5 of the Punjab Laws Act, it says that personal Hindu and Muhammadan law will be applicable only so far as it is not abrogated by custom. That is to say, even the personal Hindu and Muhammadan law has been given a second place to custom; the first place is occupied by the customary law. This being so, this Bill is silent as to the place custom will occupy. What will happen to the Punjab customary law when this Bill comes into force? In this connection I may be permitted to state that the Bill excepts from its provisions agricultural land. From the various speeches in the debate I find that Provincial Governments are to be asked to make an enactment in consonance with the provisions of this Bill, about the inheritance of agricultural land. May I draw your attention to the existence of another enactment in the Punjab which is known as the Punjab Land Alienation Act? The Punjab Land Alienation Act is a measure by which the alienation of land is prohibited if the alienor belongs to a statutory agriculturist class and the alienee is a non-agriculturist. There is absolute prohibition on that alienation. Then the difficulty will come in when a girl belonging to a statutory agriculturist class marries a non-agriculturist. Such marriages are taking place now. In such a case, as a daughter she gets the property which belongs to a statutory agriculturist and takes it to the family of a non-agriculturist. This, so long as the Punjab Land Alienation Act stands, will not be accepted by the statutory agriculturists there. I may at this stage draw the attention of the Honourable the Law Member to this fact that the Provincial Government in the Punjab to-day is composed mainly of statutory agriculturist Ministers who are very jealous of the provisions of the Punjab Land Alienation Act. So, he will find another difficulty facing him. The Punjab Government, so far as I can foresee at present, will never accept any legislation, even at the instance of the Central Government, to be passed; and even if the Ministers accept it, the Punjab Assembly mainly composed of . . . . .

**The Honourable Sir Sultan Ahmed:** May I interrupt my Honourable friend? When he says that the Punjab Government will never allow this, let me read this one sentence from their opinion. "The Punjab Government have no objection to the proposed Bills."

**Sardar Sant Singh:** The Punjab Government said that probably at a time when they had not considered the implications of this Bill. After this debate the Punjab Government will have its attention drawn to the Land Alienation Act and the Punjab Laws Act, and at the time when the Bill comes before the Punjab Provincial Assembly, all these points will be raised and will be hotly contested there. I am drawing the attention of the Honourable the Law Member, not for the purpose of raising a controversy, but only to warn him of the dangers ahead; nothing more. The Punjab Government has given an opinion, and I find that only one opinion has been given from the Punjab from a member of my community who is a Sessions Judge and who belongs to the statutory agriculturist tribe, Sardar Kartar Singh. He definitely says 'No' to the provisions of this Bill. So that, things are not so easy, I apprehend. My submission is that two points will have to be seriously considered. One is about the position which custom will occupy in this legislation. The second point is, what about the Punjab Land Alienation Act and the statutory agriculturists? How will they be affected by this Bill? Will they accept agricultural land to pass off into a stranger family where the daughter marries? The Punjab insists on villages being homogeneous; they refuse to bring in heterogeneous people. The Punjab Pre-emption Act is another attempt at legislation by which the homogeneity of the village is preserved by not allowing a sale to be made to a stranger outside the village. The

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right of pre-emption is given from ordinary relations to a proprietary body; ultimately if nobody exercises that right, the proprietary body of that village exercises that right. These are the principles which will have to be seriously considered before this Bill assumes the final shape.

I am not aware what views the Sikh Community holds, as a community, about the provisions of this Bill. I have tried to come into contact with some of the Sikhs living in this town of Delhi. I have consulted them about what attitude should be adopted about this Bill in this House and I may inform the Honourable Members of this House that so far as the two points in this Bill are concerned, first, the daughter's coming in both in the father's family and in the husband's family, this principle is not favoured. The second, the principle of granting absolute estate to women, is not favoured by the Community. These are not the last words on the subject. There may be educated women in the Sikh community, who will probably like the provisions of this Bill and they may have to say good many things in favour of the Bill. There may be others, specially the rural community that lives in the villages, that may strongly oppose it.

I now propose to discuss another aspect of this Bill. It may not be pleasant to discuss it, but all the same before we undertake legislation of this description the House and the country should be aware of the dangers which may face the girls. You remember that fifty years ago infanticide was prevailing in all parts of India and it had to be suppressed by very strong legislation. Why, because somehow or other the social circles began to argue that a daughter is not a welcome addition to the family. At present such sentiment does not exist. But the sentiment is lurking still. In one opinion, coming from Madras a hint has been dropped to this effect. I refer to the opinion of Sir V. Ramesam on page 2. He says:

"There is only one other remark I wished to make. This provision should not be allowed to come into force immediately but some period, say ten or fifteen years, should be fixed at the end of which the new provision should come into existence, so that families may adjust themselves to altered conditions."

The relevant sentence is this:

"At present there are large number of families in which daughters are allowed to be born in the belief that after their marriages they are not a substantial burden on the family property".

He has very politely put it, without referring to the practice that prevails. I do not approve of infanticide. I shall be the first to resist that practice. I will go and preach against that practice. But at the same time, the difficulty is that you cannot change society in a month or in a year or two. The thing was there. It is an ugly thing and we do not want to be guilty of any act by which you may encourage the same thing to reappear in society. That will be a great curse to the society, if it appears. Daughters today occupy a very high position in the family circles. They are respected, loved and are given a superior position to the sons but by bringing about an enactment of this kind, the danger is that society may be affected. Therefore, I will request you, without going further into the matter, to consider the question carefully. Discretion is the better part of valour. Let us get more opinions and if there is a considerable body of agreement I will be the first to support the Bill. From conversations with the Honourable the Law Member, it appears that the Select Committee will not go into the matter hurriedly. He proposes to consult opinions by calling some witnesses before the Select Committee, if possible, representative witnesses. This is a good idea. That is an idea, which will be a good compromise between the motion for direct Select Committee and circulation. But all the same, as the Bill is not coming into operation before 1946, I do not see any reason why the motion for circulation by the 31st December, 1943, should not be accepted and the Bill proceeded with in the next Budget Session of the Assembly. Therefore, I will ask the Government to take all these matters into serious consideration. There is no hurry. People will adjust themselves by the time the Bill comes into operation. The things can be managed by compromise. I would ask the Government to proceed

cautiously in this matter, which touches the religious side of society as well. Therefore, I support the circulation motion.

**Mr. T. T. Krishnamachari** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I rise to support the motion moved by the Honourable the Leader of the House for referring this Bill to a Select Committee. I am unable to agree to the motion brought forward by my Honourable friends, Mr. Nilakantha Das and Mr. Bajoria, for circulation. The opposition to this measure as voiced by my friends, Mr. Parma Nand, Mr. Nilakantha Das and Mr. Bajoria and others, has been prompted by a mixture of motives. Their motives are not clear. They seek to bring forward a dilatory motion but it does not appear that their opposition to this Bill is limited merely by the factor of time—of one year, two years or three. I would like to ask the House to make themselves sure, before according their support to this dilatory motion, whether, at any time, in the future these friends of ours will support a motion for reform. I say, Sir, that the only limitation to their opposition is the limitation provided by the fact that we are all mortal. So long as people imbued with that belief live, reform must be opposed.

**Bhai Parma Nand:** We want public opinion on it. The Bill has not been circulated.

**Mr. T. T. Krishnamachari:** If my Honourable friend will let me proceed, I will deal with the question of circulation. I do say here and now that the main motive behind this dilatory motion is not one to elicit public opinion or to gather more support for the Bill. But because of the fact that they are opposed to the principle of the Bill they are opposed to this reform. Sir, I am a Hindu and I come from the orthodox south. I am familiar with the workings of the Hindu mind and I do know that the Hindus do accept the inevitable if it becomes necessary. I know that more than any other part of India, South India resisted the Sarda Bill, but it has accepted it today. Evasions are becoming fewer and fewer; it has become an established fact. The Hindu mind is elastic; it accepts the inevitable. It willingly submits to the principles laid down by law; it accepts them when it finds they are inevitable. That is the logical result of any measure of reform. However much vehemence might be put forward in opposition to a measure of reform, the vehemence loses its sting once the measure becomes a statute.

I will now deal with one or two aspects of the opposition to this Bill. The opposition, as I said, is fundamentally opposed to reform. But granting that that is not so, let us examine the demand for circulation. The House will know that this Bill is based on the report of the Hindu Law Committee of 1941. At the time when this report was issued to the public, conditions were comparatively normal; political conditions had not deteriorated to the extent that it has today. It might be that today this Bill does not evoke much of public attention due to various circumstances and not the least due to the fact that newspapers have shrunk in size and are not willing to entertain correspondence or perhaps it is due to the fact that public opinion is otherwise engaged. But it cannot be said that this matter has been brought out all of a sudden and that the public are faced with the decision on a matter which is of vital importance to them all of a sudden. The whole thing has been on the anvil for a long time and the report of the Hindu Law Committee put the coping stone on the whole question. So, I do feel that this idea of eliciting further public opinion at this stage as being imperative does not hold water. Again, there is another point that has been put forward which has been answered very pertinently by my Honourable friend, Mrs. Ray, and that is the question of the absence of a large number of Hindu Members from this House. She very pertinently pointed out that there has been a substratum of approval to any measure of reform of Hindu law so far as the Members on the empty Benches were concerned. A large majority of them have supported reform. As she also said, the Party which the empty benches represented had in the provinces while they were in power brought forward measures of reform which were of far-reaching social importance, measures which were against the orthodoxy and carried them through. It is futile to take refuge

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and it is futile to draw support or inspiration from the mere fact that a particular group is absent when it is fully known that the groups are advanced both in their political, social and economic views. It is not doing the opposition any good. It is not doing their intentions any credit but it is a species of defamation of those who are absent from the House. I would ask the House to examine this particular point. How many people are going to be affected by this measure? It is said there will be a little over 200 million Hindus that will come within the purview of this measure. Are all these Hindus' propertied Hindus? Land is eliminated from the scope of this measure by virtue of the provisions of the Government of India Act. The provisions of the Government of India Act have been framed with a certain design behind them. So far as the people who are immediately affected by this measure are concerned, it affects only the urban population, the propertied classes, subtracting from that group those who possess land. I do not have the ingenuity of my friend, Mr. Bajoria, to evolve an arithmetical conundrum to show how many people are affected. It may be just 5 per cent. of the total Hindu population which is affected by this measure because that will be the percentage of the propertied class. To say that this fact is going to uproot the whole Hindu society is just an exaggeration, pure and simple.

I would like to refer to the question of land. It is said what is the use of this measure if it is not going to include land in its purview which is entirely dependent upon the generosity or willingness of the Provincial Governments which may come into being at some future date? Sir, I would like to say that there is a purpose in the Government of India Act being so framed as to allow land to remain in the purview of the Provincial Governments. Land has got to be reorganised. A lot has to be done and a lot has got to be gone into so far as this question of land is concerned. It is an important element in the economy of the country and as I foresee it today it would not be possible for any Provincial Government to allow further fragmentation of land. It will not be possible for any Provincial Government to allow division of land by people who are absentee landlords. It will not be possible for any Provincial Government to allow land to be handed over from one person to another irrespective of the fact whether he is a farmer or not in the same way as urban property is. Land has to be dealt with from a different point of view and that is why land has been put in the purview of the Provincial Governments. And I do foresee today that it will never be possible to bring land in the purview of a Property Act like this. Land laws will have to be passed having in view the maintenance and improvement of land economy and perhaps ownership will then go with the person who cultivates it. My Honourable friend, Sardar Sant Singh, has told the House how the implications of this Act will affect so far as the Punjab is concerned because there is already a Land Alienation Act in operation in that province. That might be true but as I can foresee today in the future land is going to be dealt with on a totally different footing. I feel that there is no particular reason for saying that since land is not included in the scope of this Bill, it may be dropped. If it really benefits people to the extent that it does or that it seeks to do, it has achieved a certain measure of reform. You cannot in one breath say that this is far-reaching in its consequences and at the same moment say that it has not really covered the whole issue. That is an argument no doubt but it is an argument that does not carry conviction. Sir, if somebody makes a mistake I do not see why wise men in this House should repeat it. It is for wise people to adopt what is true and correct and to discard what is not true and correct. My Honourable friend, Mr. Neogy, with an erudition which every lawyer would envy had very clearly and cautiously put forward the legal aspects with regard to this problem, a position which I see is very difficult to controvert. He has met the points that were put forward by Mr. Bajoria and I would like to repeat here that this question of coupling a religious duty with inheritance has been discarded for a long

time. Nobody really maintains that inheritance now goes by the performance of religious duty. My temperament may vary from that of my Honourable friend, Bhai Parma Nand, but is my Honourable friend in a position to enforce the observance of religious duty by persons who inherit property and enjoy it? The courts today do not take cognizance of the fact that a man performs his father's ceremony and, therefore, allow or disallow enjoyment of the property that has devolved on him from his father. That position has been made very clear by an eminent lawyer from my part of the country the late Mr. Srinivasa Aiyangar. He has very clearly shown how fallacious it is to hold this idea that inheritance is closely connected with religious duties. Well, so long as the courts do not feel that performance of religious duties is essential for purposes of inheritance and so long as the courts presided over by Hindus and non-Hindus do not consider the performance of religious duties as a condition precedent to inheritance of property the argument falls to the ground and it cannot carry conviction. If, tomorrow, because I do not perform my father's Sradh ceremony, can my friend say 'oh, what right you have to inherit, and have your father's property'? Religion does not place me in a position to lose my part of the property simply because of the fact that I fail to perform the obvious religious duties cast upon me. If my Honourable friend established a custom like that and if the established law was such by which I have to give up my property merely because I do not perform Sradh ceremony I will then tell the Honourable the Leader of the House that this Bill interferes with the structure of a society which is so consolidated and in which public opinion is so strong that nothing ought to be done to despoil it in any way and hence the Bill must be dropped.

As regards the theory of fragmentation Mrs. Ray the other day very pertinently replied to the points raised in the debate. With your permission I would like to repeat what has been said. She asked if fragmentation only existed if the property has to be divided between a son and a daughter and did not exist if property was to be divided amongst the sons. There is an obvious fallacy in the argument. Can you really prevent fragmentation as things are today? Can it be that joint family property cannot be divided? In that case how are you going to prevent fragmentation? Then there was the other point raised on the question of fragmentation. My Honourable friend, Mr. Bajoria, had shown to the House by an arithmetical process that within a specific period the property will be so divided that such and such percentage will be in the hands of men and such and such percentage will go to women. It is really a very clever mathematical device which appears to be absolutely correct. I would not question the intellectual ability of my friend. He is a successful businessman. Let me ask my Honourable friend that if he realises that a daughter in Hindu family does not remain a spinster, a daughter has to join somebody, some man somewhere. She is going to be member of the family of some man somewhere. She has to go to some man, if she is to marry. Unless we are going to establish by means of this Bill a system like the one prevailing in Malabar the daughter's property will be added onto the property of a man since the property cannot go into vacuo. I cannot see how then shall the man be deprived of all property and the woman will have all the property. If the woman has the property, the family of which a male member will be the head will still be benefited and the children of such a family will be benefited. What is the use in my Honourable friend shutting his mind to obvious facts. That point has been pointed out to me by my friend, Mrs. Ray, in trying to meet the charge of an ostensible defect in this Bill in the method of allocation, in the method of division. It is a defect which has been noted by more than one person. There is no provision in the Bill for son's widow. She has no rights as a daughter-in-law. The framers apparently felt that it was better to provide for the rights of a daughter rather than to provide for the rights of a daughter-in-law as it is natural in that case for the father-in-law to try to diminish those rights. The daughter has to be a daughter-in-law somewhere and the daughter takes money somewhere. It is not going to disappear. Money cannot disappear.

**Pandit Nilakantha Das:** Can you stop people coming from Afghanistan?

**Mr. T. T. Krishnamachari:** If people want to come from Afghanistan, they will come in spite of Pandit Nilakantha Das. You cannot prevent people coming from Afghanistan by the non-passage of this Bill.

So far as the question of interference with religion is concerned since the Hindu social system is so all comprehensive it might be said that interference with any part of it affects Hindu religion. If no interference with this system is possible no reform is possible since the cry of religion in danger can be raised whenever measures of social reform is started. But I may tell the House that so far as the Hindu community is concerned it is not religion-conscious to the same extent as the other communities are. I can very well understand the position taken up by my Honourable friend, Mr. Mehta. That is political. There are certain ties which compel us to take up a particular position, some ties of loyalty to people inside the House and some ties of loyalty to people outside. That is perfectly correct and logical. But opposition of my Honourable friend on my right on the basis of religion being in danger, on the basis of non-interference with religion, on the basis of fragmentation of property, on the basis of money going away from the family, on the basis of money being carried away by somebody who is to be treated as an alien—all those objections do not appeal to me nor do I feel that this Bill when it becomes an Act will have such a disastrous effect. It will not cover all properties. It is limited in scope. To that extent it will do some good. It would fill a demand which has been insistent. Women have been asking for this status and we are giving it in this way. My Honourable friend, Mrs. Renuka Ray, said the other day that you cannot have a static law and a dynamic society. I join issue with her and say it is not a dynamic society we are in. You have got to make the society dynamic by rousing the social conscience, the conscience of these gentlemen will have to be awakened and then only it will become dynamic. We are living in a dynamic age with a static society. There is no danger of a reform of this character ruining Hindu society. We see all round us dynamic changes. It will certainly affect the growth of society, it will hamper the progress of society if we do not introduce these reforms.

Generalisations apart, I would again refer to what has already been said, namely, that this is not the first measure of this kind. There have been measures before of this nature. The Hindu Women's Right to Property Act of 1937 was an instance in point. My Honourable friends are eminently clever people, they are well versed in Hindu law and customs, but they refuse to see light when the light is before them. They refuse to recognise the fact that reform is needed because public opinion is demanding it. It has been demanded all along, it has been demanded from the beginning of this century and very insistently from 1937 and onwards. The numerous Bills that have been discussed in this House and then passed or withdrawn have necessitated the appointment of this Rau Committee. All these support my view. Today nothing is happening which is going to strike at the root of Hindu society, which is going to lead to fragmentation of property and which is going to make a Hindu citizen, politically, socially and economically weak, so weak as to invite other interests into this country. An argument like that does not carry any weight with me. It does not appeal to me. (Interruption). There is no use of shouting at me. I say with all the emphasis at my command that your arguments are of no validity as against this Bill, they would not appeal to any intelligent human being. You oppose all reform. If my Honourable friend, Bhai Parma Nand, lives for another twenty years—I wish he lives for another 20 years and will continue to be a Member of the Central Legislature during the period—he will still every time oppose such reform and will move for circulation of any Bill which aims at reforming Hindu society because such opposition is in the very make up of such a human being. There is no other limitation to his opposition except the fact that he is mortal.

**Bhai Parma Nand:** Because you have nobody in Madras who will espouse the true cause of Hindu society.

**Mr. T. T. Krishnamachari:** I am afraid, we have people in Madras Hindu society with the same mentality as my Honourable friend. It is the same all the world over. Even if you are in England, you will still find some people like my Honourable friend, Bhai Parma Nand. My Honourable friend, Mr. Jamnadas Mehta, who, though not affected by strict religious sentiments in his opposition, will yet plead for circulation on the ground that Provincial Governments should come into being and their opinions also should be taken. Is it possible for us to wait till the Provincial Governments come to function? All that he has done is he has supported the motion for circulation and satisfied certain people who wanted to oppose the Bill going to the Select Committee. That, as I said, is an understandable reason which is opposition for a definite secular reason. I do not think that ought to carry weight with the House into supporting a motion for circulation.

Before I finish, I should like to say this: with all due deference to my Honourable friend, Bhai Parma Nand, I must say I am an orthodox Hindu, brought up in a very orthodox Hindu home, having been taught the Vedic texts very early in my life, having performed the Hindu duties as was conceived by my people, I will say this that there is nothing harmful done to Hindu society contemplated by this measure. This is going to affect only the propertied classes from which the land-owning classes are excluded at present and I do not think as such it is going to ruin Hindu society. It simply tries to meet really, perhaps national, if it turns out to be that unfortunately, demand of our sisters, a demand for equality by our sisters, a demand which will only make society better, a society which will integrate the component parts and help in welding all of them together, rather than to disintegrate society as some of my Honourable friends seem to fear. I, therefore, appeal to enlightened Hindu society to support this measure. Opposition cannot really come from the orthodox unless they are told that something serious is going to happen to Hindu religion and that this Bill will cut at the root of the principle which makes it obligatory on a Hindu to offer *pindas* before inheriting property without telling them that it is a conception of Hindu inheritance which has been blown up long ago.

In conclusion, I should like to pay my tribute to the Honourable the Leader of the House, who being a non-Hindu, yet understanding the needs of the situation, wants to help society as a whole, not viewing it from the point of view of a Hindu nation or a Muslim nation, but viewing it as a member of the whole society and trying to help a sister community. I should like to pay my humble tribute to his courage, to his steadfast adherence to duty that has made him take up this responsibility in spite of unpopularity, a quantum of it might ensue for the time being, but which will ultimately turn into gratitude and praise. Sir, I support the motion for referring the Bill to the Select Committee.

**Mr. Amarendra Nath Chattopadhyaya** (Burdwan Division: Non-Muhammadan Rural): Sir, I thank you for giving me a chance to speak on this motion. Sir, this Bill is in effect the outcome of two Bills which we sponsored in this House, one by the Honourable the Deputy President and the other by myself with regard to daughter's inheritance if her father died intestate. Government did not like to go into this matter piecemeal and very rightly so. They wanted to codify Hindu law in the matter of inheritance, succession and marriage. Sir, nothing would be better than this sort of consolidated codification. I fully appreciate the idea of codification of Hindu law because by that the Hindu society will be brought into harmony all over the country. The Hindu society if properly organised will become a great force in this country, particularly if they are bound by one law all over the country. Therefore, I welcome this Bill. Without entering into the details of this Bill, I support the motion for referring the Bill to the Select Committee. Sir, my Honourable friends, Pandit Nilakantha Das, Mr. Ram Ratan Gupta and Mr. Jamna Das Mehta, have all agreed to the principles. What is the principle here? The principle is that of giving equal rights to the daughter and the son with regard to succession. If that is really appreciated by those Honourable Members of the House, why should there be any question of eliciting public

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opinion? The Bill was introduced in 1938 and we are now in 1943. The Honourable the Law Member has brought forward a Bill which has been drafted by a Committee consisting of eminent men, like Justice Rau and other eminent Judges and lawyers. They have given us the Bill in this form and their reputation is unquestionable. I believe that there should be no delay in referring this Bill to the Select Committee. What is the hindrance? The Oppositionists say that the Bill has recommended changes which go beyond what is laid down in the Shastras. Speaking frankly, I would ask Honourable Members whether they are sticking to the Shastras in every aspect of their lives, and in every aspect of their activities. If not, then why should they insist on the matter under discussion? Do we know the real purport or the interpretation of the Shastras? Can we understand the language of the Shastras which is written in Sanskrit? We are only following custom. If the custom which was in vogue 10 centuries ago is to be the custom of this 20th century, then I should say we have nothing to think about. We need not have brains at all. If we have to progress, if we have to go ahead, we must act according to the exigencies of circumstances and according to the demands of the times. Therefore, this Bill, which is only going to give a little share to daughters for the property which father leaves for his children, should be supported by everyone, so that on no account a daughter might be deprived of her right share. I cannot conceive any explanation of those who are following this obstructionist policy for not giving a share to a sister when a brother enjoys equal share with her in affection of parents. Mr. Bajoria has shown by a numerical calculation—that in case this Bill is passed, in the course of three generations, property shall pass on to the female side, leaving a small portion to males. I ask, what is the harm? Males have enjoyed for centuries; why should the females not enjoy for sometime from now? Why should anybody grudge that?

**Bhai Parma Nand:** Give place to women.

**Mr. Amarendra Nath Chattopadhyaya:** Why should we not. Our mothers are women. Sir, we have sad experience in Hindu homes with regard to relationship between father and son and mother and son. When mother dies, father goes on marrying as many times as he likes, leaving the children by his first or previous wife in the lurch. Even under circumstances, if father chose to marry again, the children have to be left in the care of mother. If father is a widower, the children do not know where they stand. He goes on marrying one wife after another and the children are rendered absolutely helpless. But if father dies and mother survives, the widow mother takes all the care that father could have taken—rather more—and the children are possibly kept in comfort and are well reared to find their place in the society. Sir, we are fighting for freedom of our country, and it does not behove us to say that we won't give this share of freedom to our daughters. Economic independence of women is a thing which is unknown to us. We cannot think of economic independence of women, and, therefore, if this Bill proposes to give a little economic independence to the women why can't we tolerate it?

**Mr. Ananga Mohan Dam** (Surma Valley *cum* Shillong: Non-Muham-madan): We do not grudge it.

**Mr. Amarendra Nath Chattopadhyaya:** You have taken up this obstructionist policy as you want to delay the whole matter. Sir, what is good for the country, what is good for humanity should not be delayed at all. This measure is good for our country. There can be no question about it, that giving property to women will not be a curse. Sir, I am for distribution of property between man and woman, because if it is passed on to males only it leads to many difficulties. If brother inherits a large property, he recklessly squanders away in no time, and I have seen cases in which a sister was begging in the street when her brother was enjoying life lavishly—rolling in lewd day beds, indulging in debauchery, drinking and squandering away money in any way he liked. Such cases have been experienced in everyday of our

life, and if these anomalies have to be over-come, this Bill should be supported by everybody. Sir, I am supporting this Bill out of no religious or spiritual feelings—I do not care for religious functions like Sradha ceremony, for instance, as a passport to get property because I know it does not stand to reason. I shall not be sorry if my son does not care to observe such ceremony? It may be that it has come down to us from generation to generation, it may be that our forefathers have given us that as heritage, but, Sir, as we have not kept all the heritages that we have received as we have not even kept all the Shastras that we have received we see no sense in observing these rituals. Now, it is time for us to say frankly that we want to move along with the world. Our political demands are there and anything that would help us in achieving that object, we must support which will be helpful to achieve our aspiration. And we think that this measure will be helpful.

**Bhai Parma Nand:** That is socialism.

**Mr. Amarendra Nath Chattopadhyaya:** If socialism is not Hinduism, then Hinduism should die.

**Pandit Nilakantha Das:** Do you mean all other religions should die if they don't conform to socialism?

**Mr. Amarendra Nath Chattopadhyaya:** Yes, all such religions should die, if they don't confirm to socialistic ideology. Sir, the love of personal property is a curse which is creating havoc in Hindu, nay, human society. Brothers fight like cats and dogs who fight for a bit of bone. I think, either the whole Hindu social system has to be placed on ancient footing, or the present Hindu social system has to be adjusted according to present needs and requirements. Sir, it is not possible to go back; it is not possible to be satisfied with a cart when we have got a motor car. Sir, days of the ancient *rishis* who could adapt themselves to the old system have gone. It is the 20th Century now, a century of science where everything should be done scientifically and nothing should be done on mere sentiments. We should deal with actualities, we should be realistic, logical and sensible. Therefore, I say that this Bill is welcome and in order to undo the wrong which the Hindu society has done to their women-folk they should now come forward with an idea that men and women have equal rights to everything. They are two equal halves. With these words, Sir, I support the motion that the Bill be referred to the Select Committee.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I and some friends of mine had some responsibility for the origin of this Bill, although this responsibility was slight in extent and very remote in character. After the Deshmukh Act had been passed, it was soon found that there were certain defects in it and the Deshmukh Act was amended in 1938. But when this amended Act was passed, we found that the result was that, while the position of the widow and the widowed daughter-in-law had improved, the position of the daughter had declined. Therefore, in order to restore to the daughter her original position, our respected Deputy President, Mr. Akhil Chandra Datta, my Honourable friend, Mr. Amarendra Nath Chattopadhyaya, and my humble self sat down together to frame a Bill. We did frame the Bill and this Bill was introduced in this Assembly over the signatures of twelve Members of this House, and these twelve Members belonged to different political parties. Among the signatories was the late Pandit Krishna Kant Malaviya, there were Sardar Mangal Singh, a Sikh, and Kunwar Ismael Ali Khan, a Muslim.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Now this proves two things. In the first place it shows that when there is a real grievance we are able to unite in a common cause, irrespective of caste and creed, and irrespective of political affiliations. It also shows that those who are regarded as very orthodox in their social views, are not really so narrow-minded as they are made out to be. Now, this Bill was sent out for circulation for eliciting opinion thereon and the opinions which were received were in a majority of cases favourable. But there were some

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opinions against the Bill while a considerable body of opinion was in favour of the view that there should not be any piecemeal legislation. Now, when this Bill came back the Home Member, the Honourable Sir Reginald Maxwell, who had taken charge of the subject, pointed out to us the difficulty of proceeding with that measure any further, as he was not well versed in Hindu Law. He suggested, therefore, that the best thing would be to appoint a Committee. That was the genesis of Rau Committee; and to this Committee were referred several other Bills which had been introduced in this Assembly.

Sir this Rau Committee had its terms of reference greatly extended. The terms of reference included not only the particular Bills which were referred to them but also various other matters relating to Hindu Law. The Rau Committee performed their duties in a very businesslike and very able manner, and as a result of the report of this Committee, this Bill has been brought forward by the Honourable the Law Member.

Now, I ask, was it wrong on the part of the Honourable Sir Sultan Ahmed to have brought forward this Bill? If he had not brought forward this Bill before this House, would he not have been held guilty of shelving this measure? I am glad that the Honourable the Law Member's competence in this matter has not been questioned, for we are all aware that he is not only a lawyer of outstanding ability, but that his knowledge of Hindu Law is very deep and sound and that he has a reputation for very able advocacy in Hindu Law cases.

Sir, it is clear that the Honourable the Law Member has done the right thing in placing this Bill before us. Before I discuss the merits of this measure I will say a few words about the objections which have been raised on the motion for reference of the Bill to a Select Committee. In the first place, it has been suggested that Hindu Law is the creation of God; man has nothing to do with it. I do not think that very many people share this view in the literal sense, but there is some sound sense behind this view, namely, that Hindu Law, like all other laws, is based on the moral and spiritual conceptions of man. To that extent only can this view be supported, but not any further.

The second objection that has been taken is that Hindu Law is immutable. This view is contrary to facts and is opposed to commonsense. Now, what are the facts with regard to immutability? There have been many schools of thought in Hindu Law, and there have been many customs prevalent in different parts of the country. Opinions and customs have undergone many changes. As a matter of fact, we know that Hindu Law was changed from time to time,—not by Pandits, not by eminent Sanskrit scholars,—but by men who were administrators, legislators and judges. It may be thought that the Brahmins did all this. That is true. But the Brahmins of those days were not only great scholars, but also the principal Ministers of State and they were also the judges and administrators. The progress of Hindu Law was to some extent arrested during the Mediaeval Age. The reason was that the learned Hindu scholars ceased to be legislators and administrators and the process of stereotyping commenced. This process of stereotyping of the laws of the country was carried further during the early years of British Rule in this country. The interpretations on Hindu law were made by pundits who were mere scholars and who had nothing to do with the actual administration of law or of actual legislation. Therefore, the argument that Hindu law is immutable is wholly invalid. If we look at the changes which have occurred in Hindu Law during the last century and a half we find that the law has been changed in many important respects by the law-courts both in India and in England. Now, if British lawyers are competent to change Hindu law, are we not competent in this Assembly to make changes?

This brings me to the question of the competence of the existing Legislative Assembly. It has been said that the Legislative Assembly consists of representatives of various creeds and colours, and, therefore, it is not competent to deal with a matter which affects only the Hindu society. I do not think this view is correct, because those who represent other races and creeds can help us with

their intelligence and understanding. Besides, the convention has grown up in this Legislature, that when a legislative measure affects only a particular community, the discussion of that measure is left mainly to the representatives of that community. My Honourable friend from the Muslim League Party made it clear this morning that the Muslim League Party was not going to interfere in the discussion or division on this Bill. I believe that is also the attitude of the European Group and of the other non-Hindu groups. That being so, it cannot be said that this Legislature is incompetent.

It has been urged that the majority of the Hindu Members of this Assembly are now absent from the House. That is a fact which is very much to be regretted, and that argument has, no doubt, some validity. It is no use our speculating on what would have been the attitude of the Congress Party if it had been here; nor is it any use saying that the Congress party is present here in spirit. I want the Congress Members to be present here in flesh and blood and not in spirit. But if they decide not to come here, then, although we should be very sorry to be deprived of their help and co-operation, we should not remain in an attitude of negation. We should not remain completely inert and inactive. At the best, this argument is an argument for postponing the discussion for a short period in order that the Congress Members may receive notice of the progress of this Bill in this Assembly and may be persuaded to come back to the Assembly so as to participate in the consideration of this Bill.

Another objection which has been taken is that this Bill is a measure of a revolutionary character. I am a believer in evolution more than in revolution, because I think that the evolutionary process is more advantageous to society than the revolutionary process. I think that the results obtainable from evolutionary progress are more steady and permanent. But sometimes it is found that what is called a revolution is merely a long step in the process of evolution. We should not be afraid of such revolutions if they come.

I should like now to consider whether this Bill is really a revolutionary measure or not. The three principal features of this Bill are: (1) uniformity, (2) removal of the sex disqualification, and (3) the character of the women's estate.

As regards uniformity, I am of the opinion that it is desirable only if it is feasible. There are various difficulties in securing uniformity in the laws and customs of the country, because the laws and customs vary from place to place; and although the physical impediments have been overcome by the development of means of communication, the moral and social obstacles have not yet been removed. Therefore, we should proceed in this matter with a great deal of caution and circumspection. This was the view which was held by Sir Tej Bahadur Sapru, who was the Law Member in 1921. He pointed out that the German Code had taken a long time to be accomplished, and that even in a small country like Switzerland the code had taken a long time to be framed. So, this is a matter which should be taken into careful consideration and nothing should be done to brush aside the principles which govern the different aspects of Hindu law and the usages and customs which prevail in different parts of the country.

There is another difficulty in regard to the securing of uniformity in Hindu law and that is the division of powers between the Central Legislature and the Provincial Legislatures. We all know that this legislature is incompetent to deal with landed property, and we can decide only with regard to non-landed property. If this Bill is passed immediately, there is likely to be a diversity in the laws of the country,—a greater diversity than exists at the present moment. We do not know what sort of legislation will be enacted in the different Provinces. The Madras Legislature may pass a law which may not be quite the same as

4 P.M. the Bengal Legislature may pass, and so also there may be sharp differences between the laws to be enacted in the different provinces. Besides, at the present moment, it may be pointed out, that Provincial Legislatures are not functioning in the majority of the provinces of this country. Therefore, it is desirable before this Bill is placed on the Statute-book to consider all the difficulties which have to be encountered in the future.

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Now, coming to the merits of the Bill, I find that some of the provisions are of a very controversial character. In the first place, the definition of agnates has given rise to a great deal of controversy. The provision relating to simultaneous heirs has also been the bone of great contention, and I am personally not satisfied that this provision is quite right. In my opinion, it seems that this provision has gone too far. While we should give women rights to property, it is not necessary for this purpose to go so far as to make the daughter's son, the daughter's daughter and others as simultaneous heirs. Then, also, with regard to the provision relating to succession to *stridhan* I find that it is a matter of a very controversial character. Whether the right order of succession has been adopted in this Bill or not is a matter which should be very seriously considered. The controversial features of this Bill make it a measure of a far-reaching character. It has been pointed out that sex disqualification is being removed. I am myself a strong advocate of the removal of the sex disqualification. But I wish to utter a word of warning to those who want to carry this matter too far. We must remember that equality of status can only be real, if there is equality of functions. If you give a woman a right to property in agricultural land, you should expect that the woman should herself be a tiller of the soil; you should not expect that she should be the owner of the land, while a man should be the tiller of the soil. Similarly, when women expect to be owners of capital, it would not be desirable for them merely to control the capital and not to manage industry and trade. We are very often guided by sentiment. Sentiment is sometimes a stimulus to good action, but sentiment may often lead us astray. We are often told that such and such things happen in Russia. But I may tell them that in Russia women are the actual cultivators of the land, and they take important part in the manufacturing industries and in the trade of the country. So, I say again, where there is equality of functions, it is only there that there can be real equality of status. Therefore, I urge that, although we should not remain stagnant, we should make progress in accordance with the needs of the society and according to the circumstances of the moment. To the diehard conservative I would say, "Do not block the road to progress, move forward, because movement is the law of nature". To the impatient reformer, I would say, "Make haste slowly, in order that you may be able to achieve solid progress."

As regards the third important feature of the Bill, namely, women's estate, there also I am personally a believer in the absolute ownership of property being vested in women. But, here again, I should like to utter a word of warning, that while women should acquire an absolute right, it is not necessary that a large number of women belonging to the same family should be given the right, as has been done in regard to the provision relating to simultaneous heirs.

Coming to the opinions on this Bill, we find that, although, on the whole, the majority of those who have given their opinions are in favour of the principles of this measure, there are very important minorities and very important persons who are opposed to this Bill. It is strange to find that very few opinions have come from Bengal, although Bengal is the province which is likely to be most affected by this measure. I cannot account for this circumstance, but it has been suggested that the circulation was not made properly. If that be the case, I hope the Honourable the Law Member will take steps to see to it that the provisions of the Bill are made known to as many persons in Bengal and in the other provinces as possible. It has also been suggested that the Bill has not been translated into the Bengali language, which is the most important provincial language in India. If that be so, . . .

**The Honourable Sir Sultan Ahmed:** That is not correct, because the All India Women's Association got the Bill translated into Bengali and broadcast that throughout the province.

**Dr. P. N. Banerjea:** Translation and circulation among their own members is not the same thing as translation and circulation among the general public. So, this defect should be removed.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): It should be translated into all the different provincial languages.

**Dr. P. N. Banerjee:** Yes. I find that the opinions which have been received from Bengal are, almost without exception, against this Bill. This matter should receive the serious consideration of the Select Committee.

Now, Sir, it may be asked why, in spite of these defects and in spite of the controversial nature of the Bill, I am prepared to refer the Bill to a Select Committee. My answer is this. The reference to the Select Committee will provoke thought among the members of the Hindu society throughout India. It is only by hard thinking, clear thinking, and broad and comprehensive thinking that we can make any progress in social as well as in political matters. It is because in political matters we have in the past not thought hard, not thought clearly, and not thought broadly and comprehensively before taking action that our progress has been so slow. Now, in social matters, it should be different. We have been guided in the political field too much by sentiment. I do not ignore the importance of sentiment; but sentiment should be a guide, a stimulus, to right action. It should not take the place of thought.

We have now several motions before the House. One is the motion of my Honourable friend, Pandit Nilakantha Das. He wishes that the Bill be circulated for eliciting opinion thereon by the 31st December, 1945, that is, that this Bill should be shelved for a period of two years and nine months. I do not think that would be the right course to follow, because the Hindu community will again go to sleep over this matter, the result of the acceptance of this motion will be to stop the progress of the Bill altogether. There is another motion in the name of my Honourable friend, Mr. Bajoria, which, in my opinion, stands on a different footing. This is not a dilatory motion in the ordinary sense of the term. It implies that if the Bill be circulated for opinions for a period of nine months there will be greater interest aroused in this measure and after deliberation and proper discussion in the whole of Hindu society throughout India, we may be able to come to some sort of agreement on this measure. If that can be achieved, I would not be against this motion. But if the Bill goes to a Select Committee, I would suggest to the Honourable the Law Member to take adequate steps in order that there does not occur any haste in bringing the Bill to its final shape. I would ask him to have the Bill circulated again between now and the date of the meeting of the Select Committee. I would also ask him to invite the opinions of eminent lawyers and the representatives of important public bodies and associations. When he sits down with his colleagues in the Select Committee to consider the details of this measure, I would urge him to invite witnesses to give their opinions on the details of this measure. Finally, if he finds that substantial difference of opinion exists among members of the Select Committee, I hope, he will agree to republish the Bill in the Gazette and even to circulate it again for eliciting opinion thereon on the divergent views of the Select Committee. There should not be any hurry in this matter. This House should not be hustled, and due care should be taken to see to it that a proper measure is placed on the Statute-book.

Sir, I do not know whether the Honourable the Law Member is prepared to accept the motion for circulation moved by Mr. Bajoria. If he is prepared to accept it, I think that will be consonant with the opinion of the majority of the Hindu Members of this House. But if he is not prepared to do so, I will not oppose the motion for reference to the Select Committee, provided that the safeguards which I have suggested are adopted by him.

**Mr. Ananga Mohan Das:** Sir, I will not take up much of the time of the House. I only want to support the amendment for circulation with a few words. Some Honourable friends have said that this motion is a dilatory one. I say it is not, because the Committee itself says that the Bill should come into force in 1946 and if the opinions are to be collected by 1945, it should not be called a dilatory process. Another thing is that everybody in the House is drawing our attention to equality of sex but I should warn them against using a phrase without realising its implications; because we are all in favour of giving

[Mr. Ananga Mohan Dam.]

equal opportunities of development to men and women, in conformity with the ideals of our society. We should not ground our reasoning only on the so-called equality of sex. The Committee itself says that no woman shall be disqualified for succession merely by reason of her sex. I also say to the Committee that no woman should be entitled to succession only by reason of her sex. She gets from her father and also from her husband. She should not be allowed to get twice by reason of her sex. Another point is this. My friend, Mr. Krishnamachari, was telling us that it was a matter of regret that religion enters into everything that the Hindus do. I say that is the distinctive feature of Hindus, because to a Hindu, religion is the whole of his life, not a part of it. His whole life is a complete discipline. There is no harm if everything is guided by religious principles. Every society has got to be guided by some regulative ideal and the whole ideal of Hindu society is spiritual and, therefore, religious.

Sir, we are not against reform. We want modifications and codifications of laws whenever necessary but the thing is that the opinions we have got show that 102 opinions are against the Bill and only about 69 are in its favour. Some half a dozen is neutral. So, we think that some time should be given to the people of the Hindu society to consider the Bill as framed by the Rau Committee. The Bill in its present form should be circulated, so that the Hindu public may have better opportunities to discuss the points and to form their opinion. In this ameliorative legislation, the Committee have ignored some salient points which require to be thoroughly discussed. Some improvements suggested by the committee may, I think, prove to be obstacles in the path of progress of the women. With these few words, I support the motion of my friend, Mr. Nilakantha Das, because the Committee itself says that the Bill will come into operation in 1946.

**The Honourable Sir Sultan Ahmed:** Sir, I apologise to the House for not having been present yesterday when the discussion on this Bill was going on, but the House will forgive me it was not due to any discourtesy but only because I was not in good health and even today I have taken the liberty to come here against the orders of my Doctor. But I felt I must be here throughout the day to listen to the interesting debate that had been going on on this very important and vital question. I was provided with a verbatim report of the speeches delivered in this House yesterday and it has been a privilege to have been associated with a House which has given the fullest consideration to all the aspects which arose on the Bill. Nobody ever dreamt that, even if this Bill is circulated for 300 years and if three of my colleagues in this House, namely, Mr. Bajoria, Mr. Nilakantha Das and Bhai Parma Nand, lived up to 300 years, they will not oppose it then just as they have opposed it today. I was certain that they were opposing it not because they just wanted to oppose such a measure but because by conviction they felt they must oppose it. I give them the fullest credit for that. I have never concealed from myself the frailties under which I myself suffer in discussing a Bill which should have been discussed by someone more competent than myself. With all that, it has been such a pleasure to have listened to the interesting debate for two days and to have read the report of yesterday's debate and to have found that after all is said and done there is the vast majority of the Hindu population represented by those who are here in favour of my Bill. Mr. Bajoria shakes his head. That he will do, as I have already said, for 300 years, but I cannot be deterred by the shaking of his head. When Mr. Bajoria started his speech, he said this: "That God can make a dumb man a great orator, that God can make even one who has got no limbs to walk and to cross the mountains. It is He who will give me courage, strength and wisdom to speak on this Bill and convince the House."

I do not know whether God gave him wisdom but He certainly gave him sufficient strength to talk for two hours.

Now, Sir, the supporters of my Bill, as it appears from the discussions, are Mr. Deshmukh, Mr. Gupta, Mr. Neogy, Mr. Krishnamachari, Mr. Chattopadhyaya, Dr. Banerjee and also Mr. Lalchand Navalrai. I am talking about

the principles only. Against me are the three stalwarts. Sardar Sant Singh is on the fence and Mr. Jamnadas Mehta also supports me in principle. Now, if we go by this as representing the Hindu public opinion in India and the Sikh opinion, I submit that a case for Select Committee has been amply established. My Honourable friend, Mr. Bajoria, has asked for circulation of the Bill till December, 1943. We have always attributed to him a great sense of humour and certainly he has not deprived us of that pleasure by moving this circulation motion. With what object he has moved it I do not know, but I can tell the House once again, as I did in my opening submissions to the House, that this Bill has been before the country for a very long time. You will remember that in April, 1941, the preliminary report of the Rau Committee was published. That report itself was based on questionnaire which was issued to different Governments, different courts, lawyers of eminence, Sanskrit scholars and Pandits' Associations, apart from the Women Associations. After that, they framed some Memoranda. That, again, was published and it was a great pleasure to me to hear from Mr. Lalchand Navalrai today that the Rau Committee, as a matter of fact, also discussed some of the questionnaire with the Members of the House. After that, they prepared this Bill. This Bill, again, was issued and broadcast all over India and the replies on this Bill along with the Marriage Bill are in 107 closely printed pages because of the vigilant care of Sir Frederick James who always wanted that there should be no wastage of paper. If the previous routine had been followed, these 107 pages would easily have become 214 which might have satisfied Mr. Bajoria. But I do not see the slightest reason for fresh circulation.

**Mr. E. R. Gupta** (Cities of the United Provinces: Non-Muhammadian Urban): I understand that the Bill as it has now appeared before the House has not been given to the press for publication.

**The Honourable Sir Sultan Ahmed:** I was talking about the publication in the Gazette and circulation to the different Governments, to the different High Courts and to different Associations. The opinions have been received and they are before the House.

**Bhai Parma Nand:** My friend has already pointed out that 129 opinions of eminent lawyers are opposed to it. It may be that we are only three here, but all the same it shows that it is a controversial measure and, therefore, it should not be hurried through.

**The Honourable Sir Sultan Ahmed:** That shows then that all the opinions that could be given against it have come in. That is all right. Then, why ask for circulation? If 129 opinions have already come in against it, then let them be considered by the Select Committee.

**Dr. P. N. Banerjea:** But the number of opinions from Bengal is very small.

**The Honourable Sir Sultan Ahmed:** That is not our fault. But I am prepared to take an attitude which will, I am sure, satisfy the reasonable section of my opposition. The House will remember that my Honourable friend, Mr. Jamnadas Mehta, though he accepted the principle of the Bill, had suggested that there are two big women institutions somewhere in Poona or Bombay whose opinions might be very useful. I have promised him and I am prepared to ask for memoranda from both those institutions as soon as possible. I am also prepared to do what has been suggested by Dr. Banerjea. If there is a necessity, I am prepared to examine a few experts, more particularly from Bengal. That, I suppose, ought to satisfy everyone.

**Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member give us the answers received to the questionnaire? They are not in the report.

**The Honourable Sir Sultan Ahmed:** I have not got them here.

**Babu Baijnath Bajoria:** I asked for them and I was refused.

**The Honourable Sir Sultan Ahmed:** You were rightly refused because we cannot supply everything these days. If that will satisfy the House, I am prepared to do it. I am prepared to examine two or three experts nominated by the different parties, some from Bengal, some from elsewhere, who may be of

[Sir Sultan Ahmed.]

help to us. But more than that, I am afraid, I am not prepared to do. But, I am not prepared to have another circulation of the present Bill. I will certainly give some time to the public to give their opinion on the Bill as it emerges from the Select Committee. (Interruptions.) I am not prepared to give way now. If the Bill emerges from the Select Committee in a form which needs circulation I will do it. I will give ample time to everybody to give his full and considered opinion on the same. Sir, no one is more conscious than myself that in a measure like this I must carry the whole country with me, and if I cannot do that I must certainly carry a very large section of the community that will be affected by this Bill and I feel confident that with a reasonable Select Committee—I am sure everybody who will be there will be there to find means to make the Bill an effective Act and make it really useful to the Hindu community—that steps will be taken to ensure that the measure becomes a good Act. Even in my opening speech I have said there is no good having a bad Act. The result of a bad Act has been that we have had to take all the time of the House for three days. If Mr. Deshmukh's Bill had not been passed in that form many difficulties may not have arisen.

Sir, I will not deal with the different criticisms of the Bill, because most of what I had to say has already been said by my Honourable friend, Mr. Neogy. Several arguments that I intended to advance have already been advanced by him. As a matter of fact, even a case which I wanted to cite has already been cited by him. He has left nothing for me which I could urge.

Sir, I want to deal with one point of my friend, Mr. Bajoria, and that is his arithmetic. He presented that arithmetic to me day before yesterday. I could not follow that at that time but the result was that I got a temperature of 100 degree after that! I hope the House has understood it. I have, however, carefully examined it again today when I have no temperature and I think it is a matter worth consideration. His point will be seriously considered by the Select Committee. The question of share to daughter again is a very serious question. I concede that there are so many complications involved in giving share to the daughter that it requires a very careful consideration of the Select Committee as to how to adjust the various points of view, so that there may be no hardship caused to anybody. I also concede there may be some question of custom as Sardar Sant Singh pointed out. I do not say there is, but I say there may be. I am prepared to consider that also in the Select Committee. Other complications and implications will have to be considered there, e.g., share to daughter's daughter and so on. It may be necessary to consider that very seriously. I make no promises on any account except this that this Committee will be in charge of all those questions which have been raised here. That being the position I do hope that the motion for circulation will not be pressed. I am not going to have a Chamber-packed Committee or a Select Committee of men who will only support me. That is not my idea at all. My idea is to have a representative Committee. I will have on the Committee even men who hold very strong views against me. I will have a representative of the Sikh community on the Select Committee. I will have everyone who will be willing to consider the various implications and aspects of this Bill.

**Mr. N. M. Joshi** (Nominated Non-Official): You are landing those who supported the Bill.

**The Honourable Sir Sultan Ahmed:** No. I will not let my friends down. If this circulation motion is pressed then all the promises that I have made must go by the board.

**An Honourable Member:** Will there be any lady on the Select Committee?

**The Honourable Sir Sultan Ahmed:** Most certainly.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1945."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1943."

The Assembly divided:

AYES—7.

Bajoria, Babu Baijnath.  
Bhagchand Soni, Kai Bahadur Seth.  
Dam, Mr. Ananga Mohan.  
Das, Pandit Nilakantha.

Lalchand Navalrai, Mr.  
Parma Nand, Bhai.  
Sant Singh, Sardar.

NOES—35.

Abdul Hamid, Khan Bahadur Sir.  
Ahmad Nawaz Khan, Major Nawab Sir.  
Aiyar, Mr. T. S. Sankara..  
Ambedkar, The Honourable Dr. B. R.  
Ambegaonkar, Mr. K. G.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Bozman, Mr. G. S.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Dalpat Singh, Sardar Bahadur Captain.  
Deshmukh, Mr. Govind V.  
Ghiasuddin, Mr. M.  
Haider, Khan Bahadur Shamsuddin  
Imam, Mr. Saiyyid Haider.  
Ismail Alikhan, Kunwar Hajee.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Joshi, Mr. D. S.  
Joshi, Mr. N. M.

Kamaluddin Ahmad, Shamsul-Ulema.  
Krishnamachari, Mr. T. T.  
Kushal Pal Singh, Raja Bahadur.  
Maxwell, The Honourable Sir Reginald.  
Noon, The Honourable Malik Sir Feroz  
Khan.  
Pai, Mr. A. V.  
Pillay, Mr. T. S.  
Raisman, The Honourable Sir Jeremy.  
Ray, Mrs. Renuka.  
Shahban, Khan Bahadur Mian Ghulam  
Kadir Muhammad.  
Spear, Dr. T. G. P.  
Spence, Sir George.  
Sultan Ahmed, The Honourable Sir.  
Sundaresan, Mr. N.  
Thakur Singh, Major.  
Trivedi, Mr. C. M.  
Tyson, Mr. J. D.

The motion was negatived.

**The Honourable Sir Sultan Ahmed** (Law Member): I request you, Sir, in putting this motion to omit the words 'and that it be authorised to meet at Simla' and consequently to insert the word 'and' after the words 'Council of State' where they occur for the second time. The words authorising the Committee to meet at Simla were included by inadvertence on the analogy of your ruling in respect of Select Committees of the Assembly. The words are inappropriate in the case of a Joint Committee, for which sub-rule (4) of Rule 42 provides that the time and place of the meeting of the Committee shall be fixed by the President of the Council of State. The omission which I request you to make will, of course, leave the place of sitting entirely open. I also request you further to alter the number of Members to 18, because I am very anxious that all shades of opinion should be represented on the Committee.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do recommend to the Council of State that the Bill to amend and codify the Hindu Law relating to intestate succession be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of eighteen Members."

The motion was adopted.

#### THE INDIAN ARMY AND AIR FORCE (MILITARY PRISONS AND DETENTION BARRACKS) BILL—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the following Motion moved by Mr. C. M. Trivedi on Tuesday, the 2nd March, 1943, namely:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

**Mr. C. M. Trivedi** (Secretary, War Department): Sir, when the House rose on 2nd March, 1943, my Honourable friend, Pandit Lakshmi Kanta Maitra, was still speaking on the motion for taking this Bill into consideration. It is very unfortunate that illness should have prevented him from being present in the House today to finish his speech, and we all wish him speedy recovery. My Honourable friend, Pandit Lakshmi Kanta Maitra, put a number of questions to me. He first asked whether it was the intention of the Government to send to military prisons persons convicted of offences involving either moral turpitude or violence to life and property. This is an important point which naturally received our consideration before the Bill was brought before the House. When the Bill becomes law, instructions will be issued to appropriate

[Mr. C. M. Trivedi.]

authorities that persons sentenced to imprisonment by courts-martial for extremely grave offences against discipline or for civil offences involving moral turpitude or serious violence to life and property should not be sent to military prisons. My Honourable friend next suggested that persons sentenced to imprisonment for a period of three years or more should in no case be sent to military prisons. Sir, it is not possible for me to give a categorical assurance on this point, but I will say this: that in actual practice, in very few cases, sentences of three years or even two years are likely to be undergone in a military prison. Persons sentenced to transportation will continue as at present to serve their sentences in civil jails. Those required to serve sentences in civil prisons will continue to be discharged from the service, and only those who having regard among other things to the nature of their offences are considered suitable for retention in the service will be sent to military prisons. My Honourable friend apprehended that life in military prisons will be easy. I can assure the House that this will not be the case. Life there will be as hard as in ordinary jails. Moreover, persons serving their sentences in military prisons will not automatically be reinstated in the army. Their conduct in jail will be under constant observation, and they will be subject to special reports from time to time.

Sir, in view of the explanations which I have given, I hope, the House will agree that there is not the slightest justification for Pandit Lakshmi Kanta Maitra's apprehension that the object of the Bill is to protect military personnel from the consequences of their illegal actions and that the Bill may encourage lawlessness among the military. As already stated by me in my opening speech on the motion for consideration of the Bill, it was intended to establish two military prisons each capable of accommodating about 300 prisoners. The expenditure is estimated to be a little over a lakh and a half rupees non-recurring and a lakh and fifteen thousand rupees recurring. It will be debited wholly to the Defence Estimates. No part of it will be a liability on provincial revenues. Sir, I hope that the House will adopt unanimously the motion moved by me.

**Dr. P. N. Banerjea** (Calcutta Suburbs: Non-Muhammadan Urban): May I ask one question? Will this provision have the effect of superseding the ordinary law courts in regard to the trial of soldiers?

**Mr. C. M. Trivedi:** No, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. C. M. Trivedi:** Sir, I move that the Bill be passed.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be passed."

The motion was adopted.

#### THE TRADE MARKS (AMENDMENT) BILL.

**Mr. T. S. Pillay** (Government of India: Nominated Official): Sir, I move:

"That the Bill further to amend the Trade Marks Act, 1940, be taken into consideration."

Sir, the Trade Marks Act, 1940; as it stands today, is defective in one very important respect. The Indian Trade Marks Act has established two independent Registries with the right of deciding cases quite independent of the other. The one result of that is that there are cases today in which it has been found impossible, by means of administrative methods, to reconcile practices between the two offices. Therefore, in all matters concerning Trade Marks there is a certain amount of confusion. It has been complained to us that this has caused great confusion to the commercial community. In the interest of consumers as well as in the interest of the commercial community for whom we passed this Trade Marks Act about two years ago, and in order

to avoid confusion, we have been advised that it is most desirable to amend the Act in order to harmonize the position and to establish only one Registry which will determine practice. Sir, the main object of the Bill before the House is to ensure this.

After having decided that it is most desirable in the interests of the consumer and in the interest of the commercial community that there should be only one independent Registry, the question that was carefully considered by Government was whether that Registry should be located at Bombay or at Calcutta. From the various representations we have received and from the number of applications received in the two offices, we have come to the conclusion that this Registry should be located at Bombay, because about 95 per cent. of the Trade Marks are received for registration from provinces adjacent to the Bombay office, and almost all the commercial Chambers in India, except those Chambers that are actually located in Calcutta, prefer this.

**Dr. P. N. Banerjea** (Calcutta Suburbs; Non-Muhammadan Urban): 95 per cent.?

**Mr. T. S. Pillay**: Yes, Sir.

**Dr. P. N. Banerjea**: Including non-textile Trade Marks?

**Mr. T. S. Pillay**: Yes, Sir. It is for this reason that the Bill provides that the Registry should be located at Bombay.

At the same time, it has been pointed out to me that the facilities now offered to the trade in Calcutta should be continued, so that no inconvenience at all need be caused to the commercial community, as far as they are concerned, in presenting applications for registering Trade Marks. I had intended to provide for this under the Rules, but I have conceded to those who have made representations to me that it is desirable to make provision in the Bill itself for keeping an office at Calcutta which will receive applications, which will give all facilities to the applicants in regard to those applications, which will keep copies of the Registry and which will give them facilities to inspect the Trade Marks that have so far been registered, so that they may not be put to any inconvenience by the amending Bill which is before the House. Sir, in order to achieve this object, I propose to accept, when it is moved, certain amendments proposed in the joint names of Mr. Chapman-Mortimer and Mr. C. C. Miller. This will amply provide for the continuance of those facilities which the commercial community now enjoy in Calcutta. It will also provide for those who want to use the Calcutta Office in preference to Bombay Office wherever they are situated.

Sir, in this connection, there is one more point that I may mention: It has been pointed out to me that on the abolition of the Calcutta Registry as an independent office, it is just possible that in all cases where there are disputes that those merchants who are in Calcutta may be compelled to go to Bombay. Sir, it is our intention that periodically, as and when required, the Registrar will rather go to Calcutta and hear hearings there rather than compel the commercial community to proceed to Bombay. This meets the point that has been made that the facilities which now exist for the commercial community in cases of opposition should be continued.

Sir, there is another point in connection with this Bill, and it is this: There is an article in the International Convention which provides that there should be a Central Office for Patents, Trade Marks, etc., in order that the Trade Marks registered in this country can receive what is known as 'reciprocity treatment'. It has been pointed out to me that by moving the Trade Marks Office away from the Patents Office, India will presumably be made ineligible to join the International Union. I have examined this Convention and I am advised that there is nothing in the Article which prevents India being eligible to the International Convention by establishing the Central Registry at Bombay.

Sir, I have only one more point before I conclude, and it is this: It may be asked why a measure of this type has been put before the House before it has been circulated to elicit public opinion. I wish to say that this short amending Bill, which I have ventured to place before the House, is the

- [Mr. T. S. Pillay.]

result of various representations received in the Commerce Department from the commercial associations all over the country. Practically every commercial Chamber interested in Trade Marks have represented and their opinions have been carefully taken into account. I may assert confidently that circulation would not have brought any opinion or point of view that is not already before Government. As I have said the large bulk of opinion is in favour of the provisions in the Bill. Further, in the course of administering the Act passed by this Legislature, it has been found practically impossible to work it unless

5 P. M. we make this small amendment. It is for this reason, Sir, that I have ventured to submit to the House that this modest Bill may meet with its approval.

**Dr. P. N. Banerjea:** The Honourable Member said something about the Patent Office. Is it the intention of Government to remove the Patent Office also from Calcutta to Bombay?

**Mr. T. S. Pillay:** Not at the present moment.

**Dr. P. N. Banerjea:** But it is the thin end of the wedge.

**Mr. T. S. Pillay:** No.

**Dr. P. N. Banerjea:** It is very cleverly put.

**Mr. President (The Honourable Sir Abdur Rahim):** Motion moved:

"That the Bill further to amend the Indian Trade Marks Act, 1940, be taken into consideration."

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st March, 1948.