

[Shri Lakshmayya]

of Legal Affairs for having piloted this Bill in Rajya Sabha so successfully and for having brought it to this House. This is a very important Bill. Already a number of Acts have been annexed to the Hindu Code and this is the last chapter. We have passed the Hindu Marriage Act, the Hindu Succession Act, and the Guardians and Wards Act. Now the question is whether this measure would make the Hindu society more progressive or it is retrogressive.

It is said that the Hindu community needs to be revitalised and re-invigorated. Though the hon. Minister appears to be very orthodox, he has made the provisions of the Bill very liberal. One of the main points is that any child, including a daughter, can be adopted. It remains to be seen how far this is a big step to progress. Our Hindu law, has been based on various decisions of the High Courts. So also, the law of adoption has been based on several decisions of the High Courts in the various States. The High Courts have relied upon various text-books of sages like Manu, Vasishtha, Gauthama and Narada and on the various interpretations of the shastras. Some of these are Dattaka Chandrika, Dattaka Mimansa; Dharma Sindhuon and Dattaka Nirnaya.

Mr. Deputy-Speaker: The hon. Member might resume his seat for a few minutes. There is a statement to be made by the Prime Minister. I will request him to make the statement.

****CORRECTION OF ANSWER TO SUPPLEMENTARY QUESTION ON STARRED QUESTION NO. 1155**

HINDU ADOPTIONS AND MAINTENANCE BILL—Contd.

Shri Lakshmayya: I was saying that the High Courts relied upon the various text-books and the interpretations of the Sastras various sages.

Therefore, the decisions have been varying from one school of thought to another school. For instance, I am told that in Mithila, a woman cannot adopt a son, whereas in South India, a widow, with the consent of her husband, expressed or implied, can adopt a son. Also, in Bombay a person can adopt a married man with a number of children also, whereas in the other States, a married man with children will never be adopted. So, also the customs and usages vary from one State to another and the law also is different from one State to another. Therefore, a uniform law of adoption is necessary. The hon. Minister has taken this into consideration and codified the law of adoption and maintenance. It is indeed necessary. We have to change our laws according to the changed conditions of the Society. That is why it has been said राजा

कालस्य कारणम् . Anything that is stagnant will not be good. For instance, stagnant water will generate a bad smell; it is not clean, whereas the flowing water would be very clean and healthy. So also our society must march forward and adjust itself to the changed conditions. The females are given equal status. They have the right of succession under the new law and they have absolute right over the property. Therefore, it is right and proper that there should be a provision for females, who have acquired new status.

What has been the motive for adoption in olden days? It is twofold; one is religious and the other is secular. It is religious in the sense that a person wants to adopt a son so that the son may confer spiritual efficacy on the soul of the father.

पुत्रस्य गतिर्नास्ति goes the saying. It means, a man without a son has no place in heaven and he has no salvation of his soul. So, in olden days, and some people even now, would crave for a son, who could offer pinda and oblations after his death

Secondly, adoption is needed to perpetuate the lineage. Thirdly, there is the secular motive to inherit property. As years rolled by, the religious motive has become weakened whereas the secular motive has gained strength. People desire to take adoption of a boy; so that he could succeed him, inherit his property and perpetuate his lineage; apart from funeral ceremonies he could perform after his death.

In this law of adoption, I can say that we have gone forward now and have taken a big step. According to the ancient Hindu custom and usage, and Dharma Shastras, only agnates, persons within three degrees, brother's son or brother's son's son, etc., could be taken in adoption. Or, sapindas or samanodakas up to the 12th degree can be taken. Later on, it was extended to 'savarnas'. According to this Bill, any Hindu irrespective of his caste or varna can be taken in adoption. We have gone very far; no doubt. I do not know where it will lead to. While our people wanted to take a boy in adoption, they did not want any stranger to come into the family. Further, they did not want any stranger to be entitled to offer oblations and spiritual benefits to them. That is why they wanted the adopted son to be a close relation of his caste; now, daughters can be adopted. There is a lot of criticism against that. Where is the necessity for making this provision in this Bill? I agree with the hon. Members who oppose this. Because if the real purpose of a son is to save the soul of the father from hell, or to confer spiritual benefits on him, as you are aware, daughters cannot offer oblations and cannot perform ceremonies. There is no necessity for a daughter to be adopted. Any way, the daughter's son, *dauhitra* is there and he is the proper person entitled to offer oblations in the absence of a son either '*Aurasa*' or '*Dattaka*'. Where is the necessity for the hon. Minister to make this provision that a daughter can also be adopted. She has the right over the

property of her father. The daughter's sons are there to offer oblations. They can be taken in adoption.

Clause 7 here says regarding consent.

"Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or a daughter in adoption: provided that if he has a wife living he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind"

This is a very troublesome provision. It is very difficult to get the consent of the wife or the consent of all the wives if there are many. After the recent Marriage law, there will be only one wife. That is right. According to the old customs, a man may be having three or four wives. It is very difficult to get the consent of the wives. The result is that he cannot adopt at all. Even with regard to one wife, the difficulty would be, the wife would like to take her brother's son and the husband would desire to take his brother's son in adoption, and there would be a tug between the two, and the happiness of the family would be disrupted and they will become scarce cater cousins, unfortunately. I am sure this provision will create a lot of difficulty. I do not want that the wife should be ignored. She can be consulted and persuaded. Her consent need not be necessary for adoption. That is my opinion about it.

Suppose the wife can give consent after five or six years after the death of her husband. She may say later on I have not given consent and therefore this adoption is not valid. It will sometimes lead to litigation. That litigation will go on for a long time and the adoption may become

[Shri Lakshmayya]

invalid or void. Often times it turns out to be an unnecessary prolonged litigation. If the hon. Minister does not want to remove the consent, he should at least provide that the consent should be expressed in a registered deed. Either of these two things should be done. Either the provision that she should be consulted can be there or if consent is necessary a registered deed should be executed. This should be made compulsory.

Having gone a step forward, it is said that an unmarried woman can take a son in adoption or a daughter in adoption, according to the law. My submission is that she should not marry after taking the boy in adoption. Because, after marriage, this adopted boy will become the step son or something like that for the new father, she may beget sons by the new husband and her affection for this boy would be lessened. So many unhappy things would result. Therefore, if a spinster wants to take a boy in adoption, she should not marry. Therefore, in old age alone, she can have an idea of taking a boy in adoption.

With regard to maintenance, I shall say one word and I finish. When wives are entitled to get maintenance from males, males also, who are incapacitated or who become invalid, should be entitled to maintenance from the wives if they are capable of earning or have got their separate properties. It is necessary when this provision for females is made, the other provision should also be there just to help the invalid husbands.

Shri Tek Chand: Mr. Deputy-Speaker, any Bill coming from the House of Elders is entitled to be examined with great respect....

An Hon. Member: Great reserve also.

Shri Tek Chand: ...particularly when we are told that there is a galaxy of talented and distinguished

Members of that House who have given their support to this.

Mr. Deputy-Speaker: That presumption would always be there.

Shri Tek Chand: I may be pardoned for my presumptuousness, I may be excused for my temerity if I subjected their logic, and their language to some criticism which will be respectful though rather critical.

This Bill has been criticised, or I should say, can be criticised on grounds of sentiment, deep emotion which I intend to eschew. It can also be subjected to the scrutiny of logic and reason which, it will be my endeavour to show, it is wanting in important places. It has also to be examined from the point of view of terminological inexactitudes, from the point of view of linguistic inaccuracies which it happens to possess in a very large measure.

Shri Nand Lal Sharma exhibited the zeal of a crusader, the fervour of an iconoclast, when he went for the measure. I feel that in a measure like this, sentiment, emotion, appeal to religion etc., are unfashionable. I propose to eschew them. I have only the capacity to appreciate, but not the capacity to emulate, the vigour and vehemence of Shri Sharma.

Codification of our laws is a most welcome thing. Our laws seem to be in such a bewildering mess, being piled up by case law and precedent, that it is very difficult to find a way out of that entangled and jumbled up mess. Therefore, for my part I am a great advocate of the codification of our laws. I also feel that retention of the principle of codification side by side with custom is a contradiction in terms which has been done in this Bill.

The institution of adoption has been supported for reasons both secular and sacerdotal. Ancient society like that of the Romans had virtually

an identical law of adoption. Our present sacerdotal law of adoption can be compared to a similar institution of theirs called *Adrogatio* and our secular appointment of heir was known in their language as *Adoptio*. These two systems have gone on side by side. So far as our law is concerned, I shall examine it only from the secular point of view. I want the law of adoption to be secularised, but in the process it should not be made a mess of as happens to be the result. In the name of secularisation, the law of adoption is robbed of reason, robbed of logic, robbed of relevancy.

So far as linguistic impurities are concerned, perhaps the appropriate stage will be the second reading of the Bill, but so far as the landmarks that have been brought into being now are concerned, I propose to deal with them starting with clause 7.

Clause 7 brings about a peculiar inconsistency. It says that no adoption will be possible except with the consent of the wife. Consent may be dispensed with if she happens to have renounced the world, it says, completely and finally. Why this tautology I do not understand. Therefore, even if a wife happens to be living separately, at loggerheads with the husband, the pair of them going hammer and tongs for each other, consent will be necessary, and this may be withheld simply out of pique, out of resentment. Therefore, insistence upon consent as a condition precedent to adoption will make in most cases adoption impossible.

Then again, regarding a new innovation that a female may also be adopted, I have certain submissions to make for the consideration of the hon. Members. It is not that I am opposed to adoption of females if that be necessary or logical, but it is because by means of this attempt impressionable, young girls may be exposed to serious and sinister hazards, especially when in another clause it is provided that the dis-

ance of time or the span of age between them is going to be 21 years only. I put it to you that one of the notorious features of crime in our country as much as in other countries is what is known as trafficking in young girls. In the case of adoption of a girl of 15 by a young person only 21 years her senior, the girls will be exposed to grave dangers. I thought that it might be for purposes of companionship etc., that an elderly woman might like to adopt a daughter, that is understandable, but why should a man feel the necessity of adopting a girl, and a man who may not have got a wife, when bringing up a young female child is a great liability, and full of risks. That being so, I feel that this clause ought not to be there, and if it must be there, at least the difference in ages, the hiatus of 21 years, ought to be extended sufficiently. Speaking personally, for myself, the permission to a male to adopt a daughter ought not to be granted under any circumstances.

Coming to clause 9, I have certain criticisms to offer. So far, the right to adopt or the right to give away in adoption was conferred upon a male, but now it has been extended not only to a male, not only to a female, but also to a guardian, and a guardian may be a testamentary guardian or a court guardian, he may be a guardian of person, he may be a guardian of property, he may be a stranger, he may be a relative. He can under the present Bill seal the fate of a child by giving him away in adoption to some unworthy person. So far as this right being conferred upon a guardian is concerned, I submit that it is fraught with grave dangers to the wards, especially so if that child—I want the ladies to kindly note and also the hon. Minister—expects let us say a very large property from an old childless uncle. The guardian will step in, may be with ulterior motives, remove the child who expects a large property, give him away in adoption to a pauper, and thereby incalculable harm

[Shri Tek Chand]

will be done to the child on his being removed from the natural family. What is the protection given to that child? Therefore I would counsel the hon. Minister that he should not confer this power on a person other than the parent of transplanting the child from the family. His tie should not be severed. The only person who should be permitted to remove him from the family should be the parent and no other person. It is not adequate protection to say that the court will see to the interest of the minor. I submit that there will be a large number of cases, where if there is a minor heir to a large property, all sorts of attempts will be made to remove him out of the way; and the easiest mode will be by giving him away in adoption in some other family, especially when he has no say in the matter as he is only a child. That aspect is worthy of closer scrutiny.

When I examine other provisions, I also notice that the important aspects seem to have been ignored. Now, I wish the Minister to concentrate on clause 9 (2) which provides that in order to give a person in adoption, consent is necessary of father and mother. Why should the word 'mother' be there?

Shrimati Sushama Sen (Bhagalpur South): Why not?

Shri Tek Chand: My distinguished neighbour interjects 'Why not?'. I am going to give her a reason, and I hope she will have the patience to appreciate the reason.

Shrimati Sushama Sen: I will.

Shri Tek Chand: It may be the case of a child whose parents are divorced and whose mother has married another person. It may very well be that that mother who has got children from another husband may like to have the property of husband No. 1 for her new children, that is, her children from another husband. It will be her interest in that case

that she should see that her child from her husband No. 1 is removed from that family and given away in adoption to another perhaps a poor family, so that her children from husband No. 2 may be left alone to enjoy the property that her first husband might leave. Therefore, in the case of a mother separated from the father by divorce and having remarried, insistence upon such a consent is totally uncalled for. It may be that father and mother are not even on talking terms. If as a result of infidelity or disloyalty or otherwise, the mother remains a mother but has ceased to be a wife to the father as a result of divorce proceedings, what happens? Therefore, insistence upon the consent of such a mother to give away is totally unnecessary. Therefore, no harm will be done if the law is retained whereby father alone has the right to give away a child in adoption.

Shrimati Sushama Sen: Father also can do the same thing. He can also manage like that.

Shri Tek Chand: Ignoring the interruptions that keep on coming, I would like to invite the attention of the Minister to sub-clause (5) of clause 9 wherein it is said that for the purposes of clause 9, that is to say, for the purposes of giving away a child in adoption, the expression 'father' and 'mother' do not include an adoptive father and an adoptive mother. I desire the Minister to appreciate the lacuna. According to the maxim *inclusio unius est exclusio alterius* (exclusion of one is the inclusion of the other, and inclusion of one is the exclusion of the other), what happens? When such a power is taken away from the adoptive father and the adoptive mother, it is conferred upon the step-father and step-mother. The step-father has no tender feelings for the step-child. Nevertheless, whereas you are solicitous in excluding the adoptive father and the adoptive mother, you have totally forgotten to eliminate step-father and step-mother.

Then, in clause 11, the conditions for valid adoption are provided. One of them is that if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son's son. Kindly see the lacuna here. With respect to the existence of a son, you say he should not have a Hindu son. Therefore, if he has got a son, but a son who has embraced another religion, his existence or presence is no bar to adoption. That may be understandable. I might kotow to religion here, but when it comes to the presence of son's son or son's son's son, it should be a bar when he is not a Hindu.

Then, again, kindly see to this. Why should permission be given to adopt, as a distinguished lady Member said, if there is a daughter's son alive? Why need he adopt when he has got a lineal descendant? Again, why need he adopt if he has got a brother's son alive, his own nephew is alive? Therefore, this right should not be given in the presence of a nephew or daughter's son.

Clause 11(vi) provides that the child to be adopted must be actually given—kindly underscore the word 'actually'—and taken in adoption by the parents or guardians concerned or under their authority with intent to transfer the child from the family of its birth to the family of its adoption. So, the provision is actually giving and taking. I would have thought that when you are giving a child of 15, a child of 15 might be a competitor for heavy weight or boxing championship and may be 20 stones or 15 stones or 14 stones in weight, and if he has got to be actually given, into the lap of a decrepit old lady, by the very first act of adoption, he might start crushing her bones. Therefore, logic demands that you should add that there should be positive proof of the fact of adoption, so that there may not be any future litigation, and that can be done if the law today insists on a deed of adoption in writing coupled with such ceremony as may or may not be necessary.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Tek Chand: Your bell reminds me that I have left Chapter III relating to maintenance unscrutinised. We find that in clause 18, the first clause in this Chapter on maintenance, it is provided that a Hindu wife shall be entitled to be maintained by her husband during her life time. That is very good. But there is an important omission. When you go to clause 19, when you are dealing with daughter-in-law, you say that she shall be provided for suitably, but there is a proviso 'to the extent she is unable to maintain herself'. Why have you forgotten this proviso when you are dealing with the earlier clause 18. Why should this proviso not be there? Now, a wife may be a very talented lady; her own income may be a lot more than that of her husband; she must be provided for even if she is rich and her husband a pauper. But in the case of a daughter-in-law you say 'to the extent that she is unable to maintain herself'...

Shri Pataskar: How will the wife claim for maintenance from her husband if he is a pauper?

Shri Tek Chand: ...or in other words, she is going to be provided for only if she has not got enough resources otherwise. I submit that the same provision should be there in both cases.

Then, sub-clause (3) of clause 18 reads:

"A Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste or cease to be a Hindu by conversion to another religion."

Kindly examine the mischief that one word is going to do, and that word is 'and'. Therefore, the reasoning will be that she is to be deprived of the right of separate residence and maintenance in the event of unchastity, but if she wants separate residence or in the alternative, maintenance, unchas-

[Shri Tek Chand]

tity is no bar. This line deserves to be closely examined. Therefore, instead of 'and', it ought to be 'or', that is to say, unchastity should be a bar not only to separate residence; it should equally be a bar to maintenance. That purpose will be served if you substitute the disjunctive 'or' and it will be denied if you retain the conjunctive 'and'.

Then in clause 21—which deals with dependants—it is provided:

"For the purposes of this Chapter, "dependants" mean the following relatives of the deceased....."

They are four in number. With regard to the father, mother and widow, there is no rider, but with respect to son, the rider is that he is a dependant only to the extent to which he is unable to obtain maintenance otherwise. Why should this condition be also not attached to the first three relatives? Dependant means he who has to depend on other person. A person may not be a dependant today; may be a dependant tomorrow. Therefore, you have very wisely provided that in the case of a son, he is to be deemed to be a dependant if he is unable to obtain maintenance. His incapacity is the condition precedent to his being styled as a dependant. Why should the same yardstick be not there with respect to the other three relatives?

I submit that this codification may be controversial on grounds of religious sentiment on which the hon. Minister and another speaker may not be seeing eye to eye with each other. But so far as logic is concerned, so far as the interests of minors are concerned, there should be no different opinions. Clause by clause, line by line, this measure deserves to be closely examined and to be recast.

The last thing I would like to say before resuming my seat is this: I would not have perhaps differed from the authors and supporters of the Bill if its name, instead of 'The Hindu

Adoptions and Maintenance Bill' had been 'The Appointment of Heir Bill'. There is a world of distinction between adoption, which means transposition from one family to another, severance of ties with one family and engrafting of relationship with another family, and appointment of heir. That is the peculiar feature of the Hindu law of adoption, but if it were to be secularised, then it should be in the nature of an appointment of a heir. It should be competent to a person with property to appoint anybody, boy or girl, as heir, and the effect of that will be that there may be some sort of juristic relationship, and some artificial blood relationship between the adopter and the adoptee and the appointer and the appointee, with severance of ties so far as the natural family is concerned from the adopted family.

Then there is one cruel measure you have brought about. You say that ties with the natural family will be severed. That is an inelegant expression. You should have provided that there would be no rights and liabilities vis-a-vis the natural family. Ties cannot be severed. But anyway, if severance of ties is concerned, then it should be severance of ties only as against his brothers. I can understand that a son removed from a family in adoption may not share the property along with his natural brothers. That is understandable, that is intelligible. But even the collaterals in the natural family should have precedence as against this boy, because he has been adopted in another family—that is unjust, that is contrary to law.

Therefore, these clauses deserve to be re-examined. I express my gratitude to you for having kindly given me this opportunity.

Shri Mulchand Dube (Farrukhabad Distt.—North): As far as I have been able to study the Bill, it appears to me that an attempt has been made to accommodate all sorts of opinions among the Hindus: That seems to be the underlying idea of the Bill. In

some places, adoption of daughters is permitted; in some other parts of the country, adoption of daughters is not permitted. Therefore, adoption of a daughter, if it is provided for in the Bill, is not compulsory in those parts of the country where adoption of daughters is not permitted. In other parts where it is in vogue, there is no difficulty. Hence the criticism on that basis that a daughter is not permitted to do so is, I submit, not justifiable.

Then there is another aspect to the question. There are a class of persons in India who are Hindus and claim to be Hindus, but who do not believe in the spiritual benefit that is to be conferred by adoption. That also has, in a way, been provided for, because those persons who do not believe in the adoption of spiritual benefits need not adopt in that manner at all. The performance of the *datta homam* is not absolutely necessary according to the interpretation that has been put upon the original text by our High Courts. The Bill also provides for a similar thing, namely, the *datta homam* is not absolutely necessary for adoption. A person may or may not perform it.

I have just listened to the speech of my hon. friend, Shri Tek Chand. So far as the adoption of daughters is concerned, I agree with my hon. friend that if a girl of 15 years of age is adopted by a man of, say, 36, the sex effects may be very great and if the two are thrown together, there is a chance and likelihood of their going wrong.

There is another aspect also. If the daughter is adopted and if it is said that at that time her ties with her natural family are absolutely severed, there is another difficulty. After marriage, she will go to another family altogether and her ties with the adopting father and mother would also, to a very great extent, be severed. Therefore, adoption of a daughter does not at all seem to be desirable except in places where it is common or where it is recognised or where people seem to think that the adoption of a daughter is necessary. But

then the law that we are making is for the whole country. Therefore, according to the customs prevalent in certain parts of the country where the adoption of a daughter is permitted, difficulty might be created which, to a certain extent, may be insurmountable.

Then there is another provision, and that is about the consent of both the husband and wife before adoption can take place. In regard to this, my submission, as has been pointed out by some hon. Members who spoke before me, is that if there is judicial separation between husband and wife,—although it may not be followed by divorce—to insist upon the consent of the wife also at the time of adoption by the husband, might create difficulty; and if a person is a believer in the doctrine of spiritual benefit, that man might also be deprived of that spiritual benefit.

There is another point and that is about the giving of the child in adoption. I entirely agree with my hon. friend, Shri Tek Chand that this right should not be given to the guardian or any other person; it should not be given even to the wife. The right should be given only to the father because, after the father's death, if he was a believer in the doctrine of spiritual benefit, he is the person who is going to be deprived of that benefit by being deprived of the oblations and *pindas* that he was entitled to receive from his son. Therefore, to give this right to the guardian, I think, would go against the law. It should be left to the father alone whether he will deprive himself of that right or not. If he is not a believer in spiritual benefit, the matter is quite different. Or, if he has more sons, then also, the matter is different; he may give one son in adoption. But if he is the only son left, then, to leave it to the guardian would be depriving that person of the spiritual benefit to which he was entitled by his having a son.

The hon. Minister has failed to mention whether an only son can be adopted or not because under the law

[Shri Mulchand Dube]

as it is at present, an only son cannot be given or taken in adoption. He has not mentioned about it.

There is another aspect as regards the adoption of a boy. (*Interruption*). The Minister has not provided as to the right of inheritance of the boy who is adopted. For instance, as the law as it is administered at present is, it is provided that an adopted son does not succeed collaterally; he only succeeds to the adoptive father, the adoptive grandfather and his lineal ascendants. The hon. Minister has not said anything about this as to whether he would be entitled or not entitled to collateral succession. The provision in the Bill definitely says that he will be just like a son. If by that it is intended to include collateral succession also it is quite different. But, the law, as it is administered at present, provides that although he will be just like a natural son to the adoptive father, still he will not have collateral succession.

Then, another point.....

Mr. Deputy-Speaker: Perhaps, that has been exhausted.

Shri Mulchand Dube: One minute, Sir.

Another objection that was raised by my hon. friend was about the divesting of the property of a minor son in the event of his being given in adoption by the guardian and not by the natural father. In regard to this, my submission is that there is certainly a provision in the Bill that if any property is vested in him, the adopted child will not be divested of that property by the mere fact of adoption. That objection is, to a certain extent, met. Then, there was a further objection and that was that he might be deprived of some expectancy. That is rather a remote contingency and I do not think it calls for much comment. If provision is made that the boy is not to be deprived of the estate that has vested in him merely

by the fact of his adoption—even though he goes into another family—that, I think, is sufficient protection so far as the boy is concerned.

An objection was made by one of the hon. Members that with regard to maintenance, charge is not provided on the property. It is provided that the maintenance will not be a charge on the property unless and until it is declared by a court of law. That is the law at present. Therefore, so far as that aspect of the question is concerned, the provision in the Bill is quite satisfactory and does not call for any criticism.

Shrimati Jayashri (Bombay—Suburban): Mr. Deputy-Speaker, Sir, I am thankful to you for giving me this opportunity to speak.

Mr. Deputy-Speaker: But only ten minutes.

Shrimati Jayashri: I heartily congratulate the hon. Minister for bringing in this legislation and fulfilling the assurance that he gave me last May when I had brought in a similar Adoption Bill. I am glad to say that he has incorporated many of the provisions which I had in mind.

Many of the hon. Members have taken a different point of view when they said that they view this adoption law from the religious point of view or the secular point of view. But, I view it from a humanitarian point of view. I lay stress on love. The adoption law should rest on the plank of love and then only can we give benefit to society. We at present know the immense harassment given to women and widows and how the children also suffer due to faulty adoption laws. There is no gainsaying the fact that a change is necessary in our adoption law.

My Bill also envisaged that we should have a right to adopt orphan children. It is an anomalous position that children who are in need of pa-

rental love should be left in the lurch. We want our law to protect these children and to care for these children. For that, there cannot be any better institution than a mother's love. I am glad that we are going to incorporate in this Bill a provision for the adoption of those neglected children who are greatly in need of such love. I again take this opportunity to quote a passage from *Statesman* of May, 4, 1955. It says:

"Six years ago, a new-born baby was found in a dustbin in New Delhi. A pretty baby, a little girl, but only barely alive. She was rushed off to a hospital, willing nurses first cleaned her of the filth from the dustbin and then she was given expert medical attention. The baby lived and was later quietly adopted by a well-to-do couple who had no children of their own."

Similary, when I had brought this Adoption Bill last May, I received a letter from Brig. Bal wherein he said:

"I have come to understand that you have introduced a Bill in the Indian Parliament to codify and improve the existing law of adoption amongst Hindus. The present law does not permit the adoption of female children on religious grounds. Only the male children are accepted for adoption. I had adopted a daughter four years ago at her birth and have brought her up but I have not been able to get her accepted as my daughter. This is rather hard and heart-breaking."

I am glad that the Minister has accepted this principle so that the girls will also be taken in for adoption. The hon. Minister has explained that now that we have made changes in our Succession Laws also, it is necessary that we make this provision. If they want to give their property to a girl whom they may adopt, we should not stand in the way and prevent them

by law from exercising this right. I agree that there should be some proper investigation before giving a child in adoption. The hon. Members opposed the idea of adoption of girls. There may be some mischief by men adopting a girl. But, here I expect that our courts will take proper care and investigate into the circumstances before the girls are given in adoption.

I am glad that we have incorporated one clause from the British Law that there should be difference of 21 years between a male and the female child to be adopted or between the female and the male child to be adopted. At present, some hon. Members said, that a girl of 15 was entitled to adopt according to the present law, a man of 50 years. There is this great disparity. It is very necessary that we should see that there is this difference in age. In the U.K. law, it is provided that the adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male unless the court is satisfied that there are special circumstances which justify, as an exceptional measure, the making of an adoption order. We also expect that the courts will investigate before the girl is given in adoption.

As I said, love should be the main idea for taking a child in adoption. It is very necessary that the wife's consent should be there. After all the child is coming into the family and the mother should feel the love for the child. It is very essential that the wife's consent should be there. All these years, I am sorry to say that the wife had no voice in the adoption laws and I am glad that we have removed this lacuna and given the right to women also to have a say in this matter. We have heard from Pandit Thakur Das Bhargava that these adoption laws cannot be changed by this Parliament. I am rather surprised at this. Shri Nand Lal Sharma also has said that these are shastriya laws and it is not proper for us to change them. I would ask them this question. Here, the hon. Members are elected by the

[Shrimati Jayashri]

people. Have they no right to make laws. The Parliament is the present maker of laws; these are shastriya laws. It can improve on the laws which have already been made. Our Hindu Law is dynamic; it is not static. It is progressive. We want that our laws also should be progressive.

One word about the maintenance. Shri Tek Chand and Shri Nand Lal Sharma have also said this. Here it says that a Hindu wife shall be entitled to live separately from her husband without forfeiting her claim to maintenance.....Then so many grounds are given. If he had only said that she is entitled to this on the grounds given in the Hindu Marriage Act, then it would have been better. Here, he again says: "if there is any other cause justifying her living separately." This is rather too broad.

I would like to draw the attention of the hon. Members to the maintenance question. It is about the maintenance of the widowed daughter-in-law. We get letters from women who are suffering because of the present Hindu Law. If the father-in-law does not want to bequeath any property to the daughter-in-law, he wills it away in the name of his own wife and the surviving children and the widowed daughter-in-law is left in the lurch. I hope that proper provisions will be made in this Bill to see that there is some maintenance for such people. Sir, I support this Bill.

Pandit K. C. Sharma: At the fag end of the day, I have this opportunity and I am grateful therefor. My view about this law is this. It was the peculiarity of the Hindu system. I do not find the provision for adoption in any other system of law in the sense in which it is found here. By this procedure, a child born in some family is taken in a family and is regarded, through the co-operation of the law, as a son or daughter born of the adopting parents. The fundamental point about it was this. According to the

religious scriptures of the Hindus, a sonless father would not get into the heavens. My objection to the provision of adoption at all is this. It does not matter whether it is a girl or a boy. It is more or less an archaic conception. It pre-supposes two things: there is a heaven, a world beyond this world, much more interesting, where it is all joy and everything good. Therefore, it was necessary that one should go there. It pre-supposes a longing in contra-distinction to the dis-satisfaction and discontent and lack of joy in this world. The result of this psychology was that the people were sloth, idle and disinclined to do their jobs well and to build the world so that there might be more joy and more convenience, so that there may be better living in the world in which they are born and from which they have to pass off. My contention is that the world of Gods, the world of joy and the world where everything was good and happy, has gone for ever. To put it in a great writer's words, "The Kingdom of God is dead and our Kingdom is prison". Therefore, if the present conception is that the man is destined to build anew, that he has the capacity to build a new world and to make a better world, this conception of Hindu law does not hold good.

The second point is, it being unnecessary, then, it is useless to put it in a way which the original idea does not allow. The original idea of Hindu adoption was that the father would adopt the child because he leaves his son behind him to perform the religious duties so that he may go to Heaven. The second conception was that his continuance of the thread of his race, so far as his part of the duty was concerned, was safe and sure.

Now, this idea of continuance of the thread of race does not hold good, because the idea of race itself has been exploded. There is nobody who thinks now as "I belong to this race, this community or that class or this family" and so on. People think that man is man and he has to find his way

out as a man. He has to build the destiny of the man and not the destiny of a family, race or caste. These are exploded conceptions. They do not hold good now. Therefore, my objection to this adoption law is this. In all newly-built communities, there is a tendency, just in a shaking or transitory way, to hide things or fear the consequences. You look to the future, yet, you fear the consequences of building that future. The building of the future is irksome. Therefore, one looks back and becomes archaic in thought which is irksome, and this archaism is manifested in many ways.

Take, for instance, language. Suppose we take two big words from Sanskrit; but we fear to take up because we are afraid of them. And also, we fear to take up the easy words that are spoken in the villages. What is this? There is also the fear to go and mix with the common man and take repose in the old. If you analyse this phenomenon, it comes to the same thing. The child is going to the school, along the street. A bear dances and the child fears it and he goes into the lap of the mother. This mother is archaic and has the conception of the old scriptures. But they do not fit in with the society, with the community, with the phenomenon and the conditions of the socialistic picture that is going to build for us a new world. Therefore, so far as the psychology and the psychological bearing of this law is concerned, it will act, so far as it can, as an impediment to the progress of the community. It will stand in the way of building a new world. This is my objection.

I have another objection on the legalistic principle. This conception of having born and having found a place to live and following the principles of religious duties and continuance of the race does not fit in with the modern conception of society or the modern conception of law.

Then, I come to the utility point. My hon. friend, the Lady Member, says it is based on love, affection and attachment. Of course, these are

human sentiments and they are good qualities. After all, the society is based on them. But, why should you not take to the modern scientific way of doing things? You pick up a child from a hospital, make a will in his favour and regard him as your son. Why should you have this sort of old conception? Why should you not say good-bye to it? If it remains, let it remain. Do not take notice of it. There would be old people and reactionary people. Do not take notice of those who drive you back from your progress. This class of people will always remain; they are in the society; they are represented in the international field also. Let them have their own old routine way of doing things; why give it a shade? The modern structure of society and the vision of the future do not permit it to remain any longer. It is useless; it is petrifying it has no meaning whatsoever. Therefore, I beg to say that it does not fit in with the modern conception of law. It has no utility. If you want to adopt, you can take a child and make a will in this favour. There is no necessity for this sort of old laws.

The old conception was that continuance of the race was the duty of the father and mother was attached to the father. Now, the mother also is a consenting party. Under no system of law, the mother is responsible for the continuance of the race. It is always the male that gives the child and not the female. The female is a passive partner. Therefore, even biologically it is unacceptable. Make a law on some scientific basis. This law has no science behind it.

When you want to adopt a son, you can do it in any form. Forms do not matter now; you should look only into the substance. I have seen many cases myself; nobody bothers to put the child on the lap of the father and the father saying, "He is my child" and so on. Nobody takes the child and gives it to the man who adopts. Nobody bothers about it; no judge bothers about it, because judges are sensible people. These formalities have no meaning. I do not bother

[Pandit K. C. Sharma]

about a male being adopted or a female being adopted. My objection is that it is unnecessary and unscientific. Even from the old view-point, it has no meaning. From the new scientific view-point, it is useless.

About maintenance, I will say one word. The hon. Minister has put in the words "for any other cause". I would like him to explain what he means by "any other cause". Again, there is one little objection to the words "desertion by the husband" in clause 18. I would particularly like desertion to be defined, because it is too vague and unspecific. It is much better in matters like this that specific provision is made so that there may not be any difficulty in the way of a poor woman claiming maintenance.

Shri Raghavachari (Penukonda): Sir, I rise to express what I feel about this Bill. I very much wish I could have wholeheartedly congratulated the Minister, but I am sorry I could not do it.

My support is qualified because I want to take a very realistic and disinterested view which the Minister calls for. It is true that we have passed the Hindu Succession Act. Certain rights and responsibilities have been created by that law. The law of adoption and other sections of the Hindu Law must certainly conform to the rights and responsibilities created there. Still to support this Bill, going back to the old texts, as the Minister attempted at one stage to do, by quoting even Ramayana, does not seem to be the proper way of looking at the question. You cannot take a piece of Shashtra and quote it because it suits you. You cannot disregard many other texts which are certainly opposed to it. The better thing would be to take a realistic view of things as the society stands today. If you want to take a secular view or a realistic view, then, the Minister is well come to do that. The whole theory of adoption or the fiction of having children is based more upon religious beliefs as also on the secular urges, that is, the

affection of the people. No person, may be a man or a woman, or both of them, would feel happy unless they have something on which they can centre all their affection. That is the foundation of the two coming together. The father who believes in the Shastras may think that he has a future assured because the son will give him *pinda* and the mother also may think the same way. That belief is also the foundation of this fiction. For the Minister to take a realistic view of things, or a disinterested view of society as it is, and frame a law of adoption and then say, I am not affecting your religious sentiments, is not correct. If you wish to follow the religious belief, it is not said that a daughter could be adopted, because she cannot give *pinda*. Does it not also appear clear to us that many a man adopts a daughter or brings up a foster child and he gives all his affection to it? It may not have been taken in adoption at all; but still it gives satisfaction. If you wish to take that view, let us not say, I have the basis of the Shastras to this Bill. I am at one with the Minister that we should take a realistic view and satisfy the human nature to fondle and shower all their affections. That urge should be satisfied. Therefore, his argument that religious-minded people also are not affected; that he is not compelling them to forego anything, to my mind looks not to be perfectly correct; because the religious view was that a man will take a son in adoption to give him *pinda* and save him from this or that *naraka*, as our friend stated quoting the shastras, why the word *putra* is used. So, you quote this *shastra* for *putra*; when the word *putri* is also used may I ask whether she also saves him from this or that *naraka*. One might put that question, it is not frivolous. Nevertheless, as I said, human nature would not be satisfied unless it has some one on whom to bestow its affection. So, let us grant it.

The old law was that there was some difference between the status of a man and a woman, and it was the man who could adopt or authorise

his wife to adopt, or if there were more than one wife authorise a particular wife to adopt. All that was his right, and now you want equal rights. Have you preserved that? I read the speech of the Law Minister in the other House. He was at pains to say that he has not affected this right of the man at all, that it is still open to him to take a child in adoption as he wants if he has belief in the *shastras*. But I would ask this question. You have now provided that a minor cannot adopt. Is he a Hindu, is he not? Can he not have faith and belief in the *shastras*. Supposing he has to die before majority. According to the new Law he cannot adopt because he is a minor. You have deprived Hindus up to 18 years of the right of adoption. Have you not thereby affected their right of adoption according to their belief, and why do you say that you have not prevented anybody? To my mind it seems, there is that difficulty.

Then again, supposing a man has attained majority, and he is married. He has no children. He has taken more than one wife, all in the hope that he will have a child, and still he has failed to have that consolation. Then he wants to adopt. What is it that you have now provided? He must obtain the consent of his wife or wives. I perfectly agree that any adoption taken by one partner without the consent of the other partner may be unhappy. In most cases it is a most desirable condition. But supposing the wife says she does not consent, can he adopt? He cannot under your law. In the modern conditions it might be that the woman he has taken as his wife may not share his belief. She may say: "If you die, the property will come to me. Why are you bothered about the child? I will not give you my consent." What is to happen? Have you not in these circumstances denied the right of adoption to a Hindu with the old belief. I am only pointing out that the tall claim that the minister has not affected the rights and the exercise of the rights of people of old religious belief by this law is not correct.

You have provided that this is a secular law. Human nature wants a child to be adopted. I have no objection. But you have under the Succession Act created rights in property to women and men in equal shares, and now I cannot understand the restrictions placed upon an adopting person or the circumstances under which alone adoption can take place. For instance you have said that when a man has got a son or a son's son or son's son's son, he cannot adopt. Many friends have already pointed out that the property can be disposed of by the adopting father. So, he can adopt a son to leave him nothing. That is the law that you have provided. Therefore, when he can dispose of his property as he pleases and can still adopt, what is the meaning of your placing a restraint on him stating that if he has a son he cannot adopt another son. If he has a son, he can adopt a daughter but not another son.

Pandit Thakur Das Bhargava: If he has got a son, still he can adopt a daughter.

Shri Raghavachari: He can certainly adopt a daughter. To that extent, I am not bothered. Why should a man with a son be permitted to adopt a daughter? Let him have another child. Parents can have more than one child, daughters and sons, and they can love everyone of them, and provide also for everyone of them.

To my mind, the existence of a son or son's son or son's son's son or a daughter or any other circumstance must not stand in the way of an individual exercising his rights to adopt, he must be free to do so. But you have not stuck to it throughout. You say that if a father has got a son, he cannot adopt. Suppose I have a very wicked son, or a son who is a most undesirable fellow, why should I not adopt?

Mr. Deputy-Speaker: God forbid.

Shri Pataskar: That will be a deterrent to adopting another son.

Shri Raghavachari: For my part, I have been blessed with good children. Supposing a parent has got a very bad son, yet he is prohibited to adopt another son.

Shri Pataskar: He does it at his own risk.

Shri Raghavachari: What is the risk here? What I am objecting to is this. When the property can be dealt with by a man as he pleases, why are you bothered about it he has already a son, are you bothered that the property must be safeguarded for that son? Otherwise why do you prevent that man from adopting another son?

Suppose you prevent me from adopting another son, because I have a son, desirable or undesirable; I can certainly disinherit my son, and there will be nothing left for him. So, what is the purpose you have in view when you say that if I have a son living, I must not adopt another? Is it because I have some person on whom I can place my affection? If so then, why should I be permitted to adopt a daughter? That argument will cut it. Thus, there is absolutely no consistency in these provisions.

Shri Nand Lal Sharma: All hotch-potch.

Shri Raghavachari: On the whole, it appears to me, more or less to be so. The Minister or those in authority must have thought 'We shall do like this, we shall give equal rights, and by so doing we shall go down in posterity as people who have made this law'. It is probably this feeling of vanity or this feeling of having started something revolutionary that is at the back of their mind.

So far as the Hindu Succession Bill was concerned, we had one whole week for it, but when it comes to this Bill we find that the whole thing must be over in five hours, because the elections are coming, the House is going out, and they want to have some credit that they have passed the law. Is that the way of making a

law? Is that the way of making a hotch-potch of a branch of Hindu law which has stood well the test of ages? Some hon. friends were pointing out the absence of some Select Committee consisting of lawyers, non-lawyers and so on. I am not concerned with that, but what I am objecting to is the hurry with which the whole thing is being done. There is no scientific basis behind it, and that is why all this criticism has come about.

I also feel that there is no use in wasting our lungs over this matter in urging many points as other hon. friends have so laboriously and with considerable care and attention pointed out, regarding the absurdities between one section and the other.

For instance, it is provided that the consent of the wife is necessary before adoption can be made by the father. If there are more wives than one, then the consent of all the wives is necessary. But, according to the same law, the seniormost wife is the mother, and all the other wives become step-mothers; yet these step-mothers' consent must be taken?

Shrimati Sushma Sen: But there should not be more than one wife.

Shri Raghavachari: Let us look at the situation as it is. There are any number of people who have more than one wife. What I am concerned with is this. Why do you insist that the consent of all the wives is necessary, when all but one of them are going to be step-mothers? That looks rather strange to me. I cannot understand it. Again, it looks to me that one portion of the Bill is absolutely inconsistent with another.

I only feel that even taking a most realistic view, they should have permitted every man to adopt a daughter or a son or any number of children as one pleases.

There is one other thing mentioned. It is said under clause 13 'except when there has been some agreement to the contrary'. I am unable

to understand the scope of this. What is the contract? Can there be a contract restraining powers of alienation? Such a contract cannot be possible. The high ideal kept before the Minister of Legal Affairs or Government that litigation will be avoided by this Law is, I am afraid, not going to be realised. In fact, more litigation may be created by this Law. I am a lawyer; I belong to that tribe. They may prosper.

Mr. Deputy-Speaker: It is not a hill tribe, but an urban tribe.

Shri Raghavachari: Therefore, litigation will not be reduced. On the contrary, I am afraid that more litigation will result. Also more unhappiness might result, because it is not the purpose that you keep before yourself that will determine it, but how the society applies the provisions of the Act and works it that matters. These provisions are sure to create confusion.

So far as maintenance law is concerned, generally it seems to be all right. In fact, clause after clause is a summary of the existing law. But many people who go back to the *shastras* simply depended upon the *shastras* and do not depend on the law as it is being enforced in the country.

I have not got much to say against the set-up of the maintenance law except to mention that there also vague words are used which might lead to a lot of litigation of unhappy results. So long as there is a restriction or an inconvenience that compels them to adjust to each other and then live together, it is all right. But if you provide them with more facilities to go away and separate, any little cause of irritation might result in separation, separate residence, separate maintenance and so on. This way leads to confusion.

It is also said that the daughters also need not have been compelled to provide for the maintenance of the parents. Legally, the difficulty is

whether she will be in a position to immediately provide for the parents. She need be compelled to do it. An affectionate daughter always provides for parents who are in need. She will even go and beg her husband to provide something for them. Human nature and human relations go far beyond your law. But the thing is that you have used oftentimes, even in the present maintenance provision, language which, I am afraid, will lead to more litigation, more unhappiness, more separation and more confusion.

Even in regard to these separate residences and maintenance cases, I wish there was some kind of a provision for arbitration, in the first instance. After all it will be unpleasant for the courts to decide all these things. So these may be adjusted *in camera*. It might be asked, what prevents arbitration? I would say that it is better to have some provision as we have done in the case of the marriage and divorce laws and other places. In the first instance, the court will try to adjust matters amicably by arbitration with the aid of some gentleman. This arrangement will certainly work for smoothness in society.

Therefore, though the law is appealing from the secular aspect, really the religious aspect of it is not only neglected but, I feel, even thwarted. Let us not make that tall claim that this is a law that we have conceived which will be successful all through. I am sure a time will come when amendment after amendment will have to be brought if this law is to work; otherwise, it would not work.

Shrimati Renu Chakravartty (Bastihat): Mr. Deputy-Speaker, Sir, I just want to say a few words about this Bill. I think the most important part is the maintenance part of this Bill because that will really affect the vast masses of women who might be unfortunate to fall under clause 18 (2) or for certain reasons may not be able to stay with the husband or the husband's family and, therefore the question of maintenance comes up. There are also those women who

[Shrimati Renu Chakravartty]

will be left helpless because she may be a widow or she may be any other member of the family without economic independence. She will have to depend on the maintenance which may be granted to her.

I think this maintenance is very essential and is correlated to the other parts of the Hindu Code Bills which we have passed one after the other. I do not claim that this Bill is a perfect one. It is true also that this Maintenance and Adoption Bill has been in one form or another before the country for many years. I feel happy that this clause 18(2) has been added. The reason for it is this. Even when we passed the Hindu Marriage Bill, and prior to that the Special Marriage Bill we had always stated that although we recognise the need for divorce, we are not happy about it and it is a situation in which we would not like any woman to be put and therefore we would like that there should be some effort at reconciliation up to the last minute. In that way, I agree with Shri Raghavachari when he says that there should be efforts at reconciliation. As far as I remember, there was some such clause also put into the Hindu Marriage Bill. Either by rules or by some other method that may be added. But I do feel that often our women do not want to go in for divorce. Even when they find it absolutely unbearable to live with the husband, they want to live separately. The question of children comes up, the question of social ostracism comes up and our own feelings about it come up and we do not want to go in for divorce. Therefore, this question is again linked up with the question of how she will maintain herself. There is alimony when you go in for divorce but if you do not go in for divorce then there is no other way. Therefore, I personally welcome this clause 18(2).

I have not been able to follow why it should be so much criticised. Those very friends of ours here who were very much against divorce and rightly too pointed out the evil eff-

ects of that for the children and the family are so much against the giving of maintenance when the wife lives separately from the husband. 'If there is any other cause justifying her living separately,' that point has come in for criticism. I would like the hon. Minister to explain that.

Then, I personally feel that the word 'unchaste' should not be there. I have said at every point of time that this word should not be there and it should be provided by some other word or by some other clause which can very definitely point out exactly what is meant. The word 'unchaste' is one which can be used in a flippant manner. In our society it is a thing which is used if any woman lives alone, away from her husband. I do not like this word 'unchaste'.

I am glad about clause 17.

The hon. Minister said that under the Hindu law as it stands the father-in-law is not liable to maintain the daughter-in-law. I do not know very much of law. My idea was that it did say that he is liable but he says it did not. If that is so, this is very important. As a matter of fact, I wanted to know why 19 (2) is like this:

"Any obligation under subsection (1) shall not be enforceable if the father-in-law has not the means to do so from any coparcenary property in his possession out of which the daughter-in-law has not obtained a share, and any such obligation shall cease on the remarriage of the daughter-in-law."

Why I raise this question is that when we go to the countryside—especially in my constituency—we see a large number of widows. Those widows are absolutely left homeless and certainly propertyless, with no means of subsistence, not even a man to look after her or give her a shelter. Among the peasantry at least, the normal practice is that the daughter-in-law stays within

the family. Unless the father-in-law inherits so much of the coparcenary property that he will be capable of maintaining her daughter-in-law, he will not help the daughter-in-law. That is a thing which I personally cannot support.

Regarding the question of maintenance of aged parents, I could not quite follow what my hon. friend, Pandit Bhargava said. He has said that in Punjab it was almost below the prestige of a family if the daughter maintained the parents. It has been so that daughter had never had the ability to earn or look after the parents. That is quite true. But at least as far as our parts go, we do see that there are many families which are being maintained on the earnings of the daughter. We may or may not like it; that is another matter. The fact remains. She is the earning member. When we ask for equality, it is only right that, where we are capable of looking after our parents, if the brothers have no employment,—that is the case with hundred of middle-class families—we should take upon ourselves the onus of looking after our parents. That, I think, is a new conception which is evolving as women are entering into the new fields.

Pandit Thakur Das Bhargava: In that case, the daughter's son should also be regarded as a dependent.

Shrimati Renu Chakravartty: That is quite true. With these few words on maintenance, I welcome this part.

Then, regarding adoption, of course, I do not know scriptures nor am I going into the whole question of its conception. At one time people used to talk of taking only sons. But, I do know of many cases personally, where daughters have come to be adopted by the husband and the wife. There are such cases. They say: "What are we to do? We cannot give her the legal rights over our property unless we will it." They can will it. Then, why have this fiction of adoption? There is no such in-

tricate adoption law as we have in the Hindu Law. Or, there is no institution as the joint family or the coparcenary idea of property. Because we still have this joint family, certain legal abilities are given for the adoption of daughters and sons. That is why, I want to welcome this Bill. It does give the right to adopt daughters.

Why do we adopt sons or daughters? It is the desire of people who have no children. Some times it is the desire of people who have already sons or daughters and yet they want to adopt some children. Personally, I would have no objection to give the right of adoption even to those who have children. Then, there is this question again. May be, certain people want to circumvent and deny to give the rightful share to a son or a daughter whom they may dislike. Especially, there may be the cases of step-children, etc. All these points may come up. That is why I think these restrictions had been made. Personally, I would have no objection to give them the right of adoption.

One small point and I have done. I do not want to answer the many points raised by Shri Nand Lal Sharma. Obviously, he and I differ so fundamentally that there is no point in answering him.

But this question has been raised by Shrimati Jayashri, namely, that a 15-year old daughter should not be adopted because there may be chances that a 36-year old man may, for certain other ignoble reasons, adopt her. I feel that there may be only a couple of people who may have very bad reasons for doing so. If such bad reasons are there, there should be similar bad reasons even for adopting a son. So, I think that it is not right to raise such questions especially in the principle of adoption. After all, it is a very small number of people who come in for adoption, and in that sphere, I think it is best that we depend on the natural ties of affection and on the good sense of

[Shrimati Renu Chakravartty]

the people. So, we should allow up to the age of 15 the right of the husband or wife to adopt a son or daughter if they so desire.

I welcome this Bill. I feel that this is the first time that the daughters are allowed to be adopted and it is only right that it should be so. With these words, I close.

Mr. Deputy-Speaker: There are about five or six hon. Members who are anxious to speak. We had fixed six hours and a demand was made that the time may be extended. I would like to know the pleasure of the House as to whether the time should be extended.

Some Hon. Members: Yes, yes.

Shrimati Renu Chakravartty: Have we finished six hours?

Mr. Deputy-Speaker: We have taken about four hours so far. Then we have to take up the clause-by-clause stage also.

Shrimati Renu Chakravartty: There are not many amendments.

Mr. Deputy-Speaker: There are some amendments. There are four or five Members who are anxious to speak. Is it the desire of the House that they should be accommodated tomorrow?

Shri V. P. Nayar: (Chirayinkil): There must be chances for swansongs.

Pandit Thakur Das Bhargava: The time originally allotted may be restored.

Mr. Deputy-Speaker: Originally, was ten hours. That will be too much. Subsequently, we reduced it to six hours. So far as I can think, an hour's extension would be sufficient.

Shri G. H. Deshpande (Nasik Central): Two hours at least.

Mr. Deputy-Speaker: If, in the meanwhile, new speakers come up, we may not be able to accommodate all of them.

Shrimati Sushama Sen: How long will the Minister take for his reply?

Shri Pataskar: I think we should not extend it beyond an hour.

Mr. Deputy-Speaker: We will try to accommodate four or five Members. An hour more will be given to them, and then the hon. Minister will reply.

BUSINESS ADVISORY COMMITTEE FORTY-SIXTH REPORT

Pandit Thakur Das Bhargava (Gurgaon): Sir, I beg to present the Forty-sixth Report of the Business Advisory Committee.
18-03 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 14th December, 1956.