

Monday, 5th February, 1951



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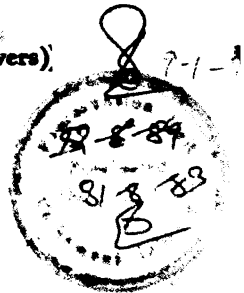
सत्यमेव जयते

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VI, 1951



(5th February to 31st March, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

CONTENTS

Volume VI—from 5th February, to 31st March, 1951

	<i>Columns.</i>
Monday, 5th February, 1951	
Oral Answers to Questions	1137—1170
Written Answers to Questions	1170—1174
Tuesday, 6th February, 1951—	
Oral Answers to Questions	1175—1203
Written Answers to Questions	1203—1218
Wednesday, 7th February, 1951—	
Member Sworn	1219
Oral Answers to Questions	1219—1246
Written Answers to Questions	1246—1258
Thursday, 8th February, 1951—	
Oral Answers to Questions	1259—1285
Written Answers to Questions	1285—1292
Friday, 9th February, 1951—	
Oral Answers to Questions	1293—1319
Written Answers to Questions	1319—1332
Monday, 12th February, 1951—	
Oral Answers to Questions	1333—1364
Written Answers to Questions	1364—1373
Tuesday, 13th February, 1951—	
Oral Answers to Questions	1373—1399
Written Answers to Questions	1399—1408
Wednesday, 14th February, 1951—	
Oral Answers to Questions	1409—1438
Written Answers to Questions	1438—1454
Thursday, 15th February, 1951—	
Oral Answers to Questions	1455—1487
Written Answers to Questions	1487—1490
Friday, 16th February, 1951—	
Oral Answers to Questions	1491—1522
Written Answers to Questions	1522—1526
Monday, 19th February, 1951—	
Written Answers to Questions	1527—1556
Tuesday, 20th February, 1951—	
Oral Answers to Questions	1557—1586
Written Answers to Questions	1586—1596
Wednesday, 21st February, 1951—	
Oral Answers to Questions	1597—1631
Written Answers to Questions	1631—1638
234 P.S.D.	

	<i>Columns</i>
Thursday, 22nd February, 1951—	
Oral Answers to Questions	1639—1667
Written Answers to Questions	1667—1678
Friday, 23rd February, 1951—	
Member Sworn	1679
Oral Answers to Questions	1679—1704
Written Answers to Questions	1705—1712
Monday, 26th February, 1951—	
Oral Answers to Questions	1713—1739
Written Answers to Questions	1739—1750
Tuesday, 27th February, 1951—	
Oral Answers to Questions	1751—1783
Written Answers to Questions	1783—1802
Wednesday, 28th February, 1951—	
Oral Answers to Questions	1803—1830
Written Answers to Questions	1830—1838
Thursday, 1st March, 1951—	
Oral Answers to Questions	1839—1865
Written Answers to Questions	1865—1874
Friday, 2nd March, 1951—	
Oral Answers to Questions	1875—1901
Written Answers to Questions	1902—1914
Monday, 5th March, 1951—	
Oral Answers to Questions	1915—1949
Written Answers to Questions	1949—1956
Wednesday, 7th March, 1951—	
Oral Answers to Questions	1957—1987
Written Answers to Questions	1987—1996
Thursday, 8th March, 1951—	
Oral Answers to Questions	1997—2042
Written Answers to Questions	2042—2058
Friday, 9th March, 1951—	
Oral Answers to Questions	2059—2085
Written Answers to Questions	2085—2096
Saturday, 10th March, 1951—	
Member Sworn	2097
Oral Answers to Questions	2097—2131
Written Answers to Questions	2131—2314
Monday, 12th March, 1951—	
Oral Answers to Questions	2135—2166
Written Answers to Questions	2166—2186
Tuesday, 13th March, 1951—	
Oral Answers to Questions	2187—2217
Written Answers to Questions	2217—2224
Wednesday, 14th March, 1951—	
Oral Answers to Questions	2225—2254
Written Answers to Questions	2254—2222

	<i>Columns</i>
Thursday, 15th March, 1951—	
Oral Answers to Questions	2263—2295
Written Answers to Questions	2295—2308
Friday, 16th March, 1951—	
Oral Answers to Questions	2309—2340
Written Answers to Questions	2340—234
Monday, 19th March, 1951—	
Member Sworn	2343
Oral Answers to Questions	2343—2371
Written Answers to Questions	2371—2386
Tuesday, 20th March, 1951—	
Oral Answers to Questions	2387—2416
Written Answers to Questions	2416—2444
Wednesday, 21st March, 1951—	
Oral Answers to Questions	2445—2474
Written Answers to Questions	2474—2484
Saturday, 24th March, 1951—	
Oral Answers to Questions	2485—2518
Written Answers to Questions	2518—2526
Monday, 26th March, 1951—	
Oral Answers to Questions	2527—2461
Written Answers to Questions	2561—2576
Tuesday, 27th March, 1951—	
Oral Answers to Questions	2577—2606
Written Answers to Questions	2606—2618
Wednesday, 28th March, 1951—	
Oral Answers to Questions	2619—2651
Written Answers to Questions	2651—2658
Friday, 30th March, 1951—	
Oral Answers to Questions	2659—2688
Written Answers to Questions	2688—2698
Saturday, 31st March, 1951—	
Oral Answers to Questions	2699—2732
Written Answers to Questions	2733—2750

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

1137

PARLIAMENT OF INDIA
Monday, 5th February, 1951.

*The House met at a Quarter to Eleven
of the Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

COMMONWEALTH DOLLAR POOL

*1151. **Shri A. C. Guba:** (a) Will the Minister of Finance be pleased to state what have been the earnings of Dollar to be put in the Commonwealth Dollar Pool during the last three years?

(b) What was the earning of each unit of the Commonwealth during the last three years?

(c) How much has each country drawn from the pool during those three years?

The Minister of Finance (**Shri C. D. Deshmukh**): (a) There is no Commonwealth Dollar Pool. Presumably the hon. Member refers to the Central gold and dollar reserves of the sterling area. The net results of our operations on these reserves during the three years ended December, 1950, were as follows:

(i) In 1948, a net drawal of \$ 96 million.

(ii) In 1949, a net drawal of \$ 69 million.

(iii) In 1950, a net contribution of \$ 79 million.

(b) and (c). Separate figures for each member of the sterling area are not available; but the changes in the central reserves during these three years were as follows:

(i) In 1948, a reduction of \$ 223 million.

(ii) In 1949, a reduction of \$ 178 million.

(iii) In 1950, an increase of \$ 1,612 million.

289 P.S.

1138

Shri A. C. Guba: Is there any definite amount fixed for our annual withdrawals now?

Shri C. D. Deshmukh: There is no fixed amount.

Shri A. C. Guba: How is our withdrawal regulated now?

Shri C. D. Deshmukh: Now there is no limit on the withdrawals and we can anticipate that all our reasonable requirements will be met out of the Pool.

Shri A. C. Guba: What was the arrangement in 1948?

Shri C. D. Deshmukh: The withdrawals were limited to 75 per cent. of our expenditure in Dollars in 1948.

Shri A. C. Guba: What is the criterion to decide as to how our withdrawals are to be taken?

Shri C. D. Deshmukh: There is no limitation now, but it has been agreed that all sterling earning countries will do their best to economise Dollar expenditure with a view to strengthening the Central Reserve and hasten the convertibility of sterling.

Shri A. C. Guba: Are we to understand that we can withdraw as much as we may like or as we need?

Shri C. D. Deshmukh: Reasonably yes.

IMPERIAL BANK

*1152. **Shri A. C. Guba:** Will the Minister of Finance be pleased to state:

(a) what percentage of the share capital of the Imperial Bank is owned by Indian Nationals;

(b) whether the Government of India have got any nominee on the Central Board of Directors of the Imperial Bank; and

(c) if so, what are the distinctive features as regards powers and privileges of the Government nominee Director from those of other Directors?

The Minister of Finance (Shri C. D. Deshmukh): (a) Excluding shares held by Corporate bodies and Institutions, the shares held by Indian Nationals on the 23rd May, 1950, were 80 per cent. of the fully paid-up shares and 88 per cent. of the partly paid-up shares held by individuals.

(b) and (c). Under Section 28(1)(iv) of the Imperial Bank of India Act, Government have nominated two persons on the Central Board of Directors of the Bank. These Directors have the same powers and privileges as other Directors of the Central Board. The Government have also nominated under sub-section (3) of Section 28 an officer of Government to attend the meetings of the Central Board and such officer is entitled to attend all meetings of the Board and to take part in its deliberations but is not entitled to vote.

Shri A. C. Guha: Is there any special committee for the Central Board?

Shri C. D. Deshmukh: The Central Board has no committee, but I think the local boards have weekly committees.

Shri A. C. Guha: Are the Government nominees entitled to attend the committees and take part in their deliberations?

Shri C. D. Deshmukh: Yes

सेठ गोविन्द दास : क्या इम्पीरियल बैंक के राष्ट्रीयकरण के सम्बन्ध में भी कोई विचार किया जा रहा है और अगर विचार किया जा रहा है तो इसका निर्णय कब तक हो जायगा ?

[**Seth Govind Das:** Are any proposals for the nationalisation of the Imperial Bank also under consideration of the Government, and if so, when a decision on the same may be expected?]

श्री सी० डी० देशमुख : विचार किया जा रहा है और रिजर्व बैंक की शिफारिशों की प्रतीक्षा की जा रही है। यह बोर्ड अर्से न हमारे पास पहुंच जायेगी।

[**Shri C. D. Deshmukh:** The matter is under consideration and recommendations of the Reserve Bank are being awaited. They are expected to reach us very shortly.]

सेठ गोविन्द दास : कितने दिन के अन्दर यह बासा की जानी चाहिए ?

[**Seth Govind Das:** By when may it be expected?]

Mr. Speaker: We have discussed this question very often.

Shri A. C. Guha: Was an Indian ever appointed as Managing Director at any time?

Shri C. D. Deshmukh: Not so far. The Managing Director has not to my knowledge been an Indian.

Shri A. C. Guha: How is the Managing Director appointed now, by the Directors and share-holders?

Shri C. D. Deshmukh: The Managing Director is appointed by the Directors.

Shri A. C. Guha: While 80 per cent. of the shares have been held by Indians, is it not the duty of the Government to see that the Managing Director of this Bank is an Indian?

Mr. Speaker: Order, order. I think, he is arguing.

Shri B. Das: Will the Hon. Finance Minister tell us what steps have been taken to nationalise the Imperial Bank?

Mr. Speaker: Order, order

Shri M. L. Gupta: You stated that we have two Directors in the pool and that Government have also nominated one officer to attend the meetings. Are these Directors eligible to vote or not?

Shri C. D. Deshmukh: They are.

Prof. Ranga: Are Government considering the amending of the Imperial Bank of India Act, and if so, when do they propose to bring up a Bill before the House?

Shri C. D. Deshmukh: I answered that question already. The Rural Banking Enquiry Committee have made certain recommendations in the matter and those recommendations have been referred to the Reserve Bank for their advice. The Reserve Bank is meeting on the 8th February to consider them in the light of such observations as have been made by the Central Board of the Imperial Bank on the recommendations of the Rural Banking Enquiry Committee. As soon as the recommendations of the Reserve Bank are received, we shall proceed to consider the matter further.

Shri A. C. Guha: Is it not one of the recommendations that the Government nominees should take part in the deliberations of the Committee of the Central Board?

Shri C. D. Deshmukh: I do not think that that is one of the recommendations of the Rural Banking Enquiry Committee.

Cosmic Rays

*1153. Prof. S. N. Mishra: (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that experiments designed to measure the intensity of penetrating Cosmic rays at altitudes of above 70,000 ft. by balloon flights had been carried out at Bangalore?

(b) If so, with what results?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes Sir.

(b) Some important results on the intensity of the penetrating component of cosmic rays have been obtained. These were reported at the International Conference on Elementary Particles held at the Tata Institute of Fundamental Research and the main conclusions arrived after discussion at the conference are that the vertical intensity of cosmic radiation penetrating 10 cm. of lead absorber, gradually increases up to a pressure of 120 millibars and then falls down rapidly. This finding is not in agreement with the results obtained by many other workers who conducted their experiments in the Northern latitudes which may explain the difference. It is our intention to pursue these experiments still further and attempt to reach still lower pressures. I may add that if, however, the hon. Member is not only interested in stratosphere to which this answer refers, but is also anxious to have information of the Ionosphere above it and the Troposphere below it, I am quite prepared to give that also to him.

Mr. Speaker: Next question.

Shri Kamath: May I know.....

Mr. Speaker: I do not propose to allow any question.

Shri Kamath: Why not, Sir?

Mr. Speaker: For obvious reasons. Next question.

Shri Kamath: Not so obvious to me.

Dr. M. V. Gangadkara Siva: May I know what is the cost involved in this experiment?

Mr. Speaker: Order, order: I am calling the next question.

FRANCHISE FOR BENGALIS MIGRATED FROM EAST BENGAL

*1154. Prof. S. N. Mishra: Will the Minister of Law be pleased to state:

(a) whether representations have been received urging upon Government to confer rights of franchise on

the Bengalis who migrated from East Bengal to the Indian Union after the 25th July, 1949; and

(b) if so, what action have Government taken in the matter?

The Minister of Law (Dr. Ambedkar): (a) Yes.

(b) These representations were very carefully considered by Government. Rights of franchise could be conferred on this class of persons only by first passing a special law conferring citizenship on them, since they are not citizens of India under the Constitution, and then by making special provision in the Representation of the People Act enabling them to register themselves as voters. The passing of the two Bills would take some time, which would mean further delay in the completion and final publication of the electoral rolls. It would not even be possible to scrutinise the enrolment of this new class of citizens with the requisite care. It would certainly upset our present programme for holding the general elections in November-December, 1951. Furthermore, the number of migrants who would become eligible for voting would, in any event, be relatively small. In view of these considerations, Government have decided not to make any special provision for conferring rights of franchise on persons who have migrated from East Bengal into India after the 25th July 1949.

Prof. S. N. Mishra: May I know what would be the approximate number of people debarred from franchise?

Dr. Ambedkar: As I said, it would be relatively small.

Prof. S. N. Mishra: What would be the proportion?

Dr. Ambedkar: I have not got the exact figure. If my hon. friend wants, I can supply the figure to him.

Shrimati Durgabai: May I know whether Government are aware of the fact that if these people are not franchised, they will have to be left without franchise for a period of five years?

Dr. Ambedkar: Well, that is a hardship which no one can help.

Dr. Deshmukh: May I know whether none of the migrants have been so far enrolled and if so, what is their number?

Dr. Ambedkar: As I have said just now, if they were enrolled, their number would be relatively small.

Shri A. C. Guha: In view of the fact that the hon. Minister has said that

their number will be relatively small, may I know what is the number that has come after 1949 according to West Bengal and Assam Governments' statements?

Dr. Ambedkar: I have not got the figures with me now.

Shri A. C. Guha: Have Government received any representation from about 100 Members of this House, to give the franchise to these refugees?

Dr. Ambedkar: I do not know whether there have been any representations from Members of this House. As I have said, generally, representations have been received.

Shri A. C. Guha: Is it a fact that large number of public bodies in Bengal have sent representations to Government?

Dr. Ambedkar: That might have been so.

Shri Ethirajulu Naidu: Will they all be enfranchised after December this year?

Dr. Ambedkar: Oh yes, when the Electoral Roll will be revised. Under the Representation of the People Act, the electoral roll has to be revised every year and they will certainly be enrolled.

Shri T. Husain: But, they cannot vote at this General Election.

The Prime Minister (Shri Jawaharlal Nehru): In regard to numbers, may I add to what the Law Minister has said, that it is extremely difficult to give in this matter because of the fluid conditions. That is to say, large numbers have continually and daily, during the last many months, been going backwards and forwards, and in fact returning. It is very difficult to know definitely in regard to a few, even after due enquiry as to whether— they are supposed to leave for the time being—they are going to go back. Secondly, an hon. Member said about franchise. Every person who, let us say, attains the age of franchise this year, that is, after the date fixed, is disfranchised till he is enrolled the next time. There are millions of persons in the country. They attain the age of 21; till they are enrolled next time, they are disfranchised. That process goes on.

Mr. Speaker: Next question.

DICTIONARY OF SCIENTIFIC TERMS IN HINDI

*1155. **Prof. S. N. Mishra:** Will the Minister of Education be pleased to

refer to reply to starred question No. 659 asked on 5th December, 1950 and state:

(a) the recommendations made by the Board on Scientific Terminology at its first sitting held on 11th December, 1950, connected with the preparation of a dictionary of scientific terms and later text-books in Hindi; and

(b) what is the estimated cost of the scheme, if any, proposed by the Board?

مستتر آن ایجوکیشن (مولانا آزاد):

(ا) بورڈ نے یونیورسٹی کمیشن اور سائنس ایجوکیشن بورڈ کی اس رائے سے اتفاق کیا ہے کہ جہاں تک ہو سکے ہمیں انٹرنیشنل سائنٹفک ٹرمز اپنا لینے چاہئیں۔ بورڈ نے سفارش کی ہے کہ اس کام کو پورا کرنے کے لئے ایک اسٹاف رکھا جائے۔ اس میں ایک ڈائریکٹر دو اور ڈائریکٹر کو مدد دینے کے لئے سائنس کی الگ الگ شاخوں کے ذمہ داریاں ہوں۔ ساتھ ہی ایسے آدمی بھی ہوں جو زبانوں کی بناوٹ اور تعلق کا سائنس جاننے والے ہوں اور ہندوستان کی کلاسکل اور ماقرون پمٹاؤں کے اسکالر ہوں۔ یہ اسٹاف بورڈ کے ذمہ داریوں میں مدد دینا۔ یعنی سائنٹفک اور تکنیکل ٹرمز کی دیکھری بلانا اور سائنس کی ہندی کتابیں تیار کرنا۔ بورڈ ابھی سائنس کی ان نو شاخوں کا کام ہاتھ میں لینا چاہتا ہے۔

مہتمم سائنس

فرکس

کمیشنری

سہڈیس

زوالجی

ہائی

ایجوکیشن

جہلاجی
سوشل سائنس اینڈ ایڈمنسٹریٹیشن
سہجیکٹس
(ہی) بورڈ نے پہلے برس کے کلاسوں کے لئے
پانچ لاکھ روپیہ خرچ کا اندازہ لگایا:
- ۵

کے تو آپہیں معلوم ہو جائے گا کہ اس
سہن ہندی کے کافی اسکالر موجود ہیں۔
جہ چیز سامنے رکھی گئی تھی کہ اس
سہن ہندی کے ایسے آدمی رکھے جائیں
جو نہ صرف ہندی کے اسکالر ہوں بلکہ
ہندوستان کی دوسری زبانوں کے بھی
اسکالر ہوں۔

[The Minister of Education (Maulana Azad): (a) The Board has endorsed the views of the University Commission and the Central Advisory Board of Education that as far as possible international scientific and technical terms should be used in all books written in Hindi and other principal languages of India. They have also recommended the appointment of staff consisting of a Director, assisted by scientists representing Physical, Biological and Social Sciences, philologists and technical assistants to prepare dictionaries of Scientific Terminology and to write books in Hindi. For the time being, the Board has recommended that work should be confined to the following 9 subjects.

1. Mathematics,
2. Physics,
3. Chemistry,
4. Medicine,
5. Zoology,
6. Botany,
7. Agriculture,
8. Geology,
9. Social Sciences and Administration subjects.

(b) The Board has estimated the cost of the scheme for the first year at Rs. 5 lakhs.]

پرو۔ اے۔ اے۔ اے۔ : کیا یہ بات
سچی ہے کہ اس بورڈ میں ہندی کے جانکار
کم ہونے کی وجہ سے اس کے کام میں دیکھتے
مہسوس کی جا رہی ہے؟

[Prof. S. N. Mishra: Is it a fact that due to the number of Hindi knowing persons being less on the Board a difficulty is being experienced in carrying on its activities?]

مولانا آزاد: میں سمجھتا ہوں
آنریبل ممبر کو صحیح اطلاع نہیں
ملی ہے اگر وہ ممبروں کے نام سہن

[Maulana Azad: I think the hon. Member's information is not correct. On a perusal of the names of the members, he will come to know that the Board consists of a sufficient number of Hindi scholars. While constituting it, it was considered that its personnel should include such persons who should be scholars not only of Hindi but of other Indian languages also.]

پرو۔ اے۔ اے۔ : کیا :
کی تعداد اس میں کتنی ہے؟

[Prof. S. N. Mishra: What is the number of such scholars in the Board?]

مولانا آزاد: میں آپ کو اس
سلسلے دیتا ہوں۔

ڈاکٹر ایس۔ ایس۔ بہتلاگر - ڈاکٹر
قی۔ ایس۔ کورٹھاری - ڈاکٹر بھلی پرساد -
ڈاکٹر کے۔ این۔ بھال - ڈاکٹر جے۔ ایس۔
گھوش - ڈاکٹر کے۔ مہترا - ڈاکٹر سی۔
آر۔ ویسی - ڈاکٹر ایس۔ کے۔ چتر جی -
آچاریہ ریندر دیو - شرما کاٹھلیکر -
ڈاکٹر حنفی علی خان اثر -

[Maulana Azad: I may read out the list to you:

Dr. S. S. Bhatnagar, Dr. D. S. Kothari, Dr. Beni Prasad, Dr. K. M. Bhal, Dr. J. S. Ghosh, Dr. K. Mitra, Dr. C. R. Reddi, Dr. S. K. Chatterji, Acharya Narendra Dev, Shri Kaka Kalelkar, Dr. Jafar Ali Khan Asar.]

پرو۔ اے۔ اے۔ : کیا :
معلوم ہے کہ ایشیاک انڈین ہندی ساہتیہ
سہملن نے اس سہملن میں ایک تہذیبی

पास की है जिसमें इस बोर्ड के बारे में काफी सख्त समालोचना की गई है?

[Prof. S. N. Mishra: Are the Government aware that the Akhil Bhartiya Hindi Sahitya Sammelan has passed a resolution wherein this Board has been severely criticized?]

मौलाना आज़ाद : जब कभी उस طرح کا کوئی کام کیا جاتا ہے تو مشکل ہونا ہے کہ ہر خواہش پوری کی جائے۔ اس بورڈ کے بنائے ہوئے جو جو باتیں ضروری تھیں وہ گورنمنٹ نے سامنے رکھیں اس میں ایسے آدمی رکھے گئے ہیں جو سائنس کی مختلف شاخوں میں ایکسپٹ ہیں اور ہندوستان کی کلاسکل اور ماٹرن بھاشوں کے اسکالر ہیں۔ گورنمنٹ کو اطمینان ہے کہ اس کام کے لئے یہ ایک بہت اچھا بورڈ بنا ہے۔

[Maulana Azad: It is clear that whenever any such work is undertaken, it becomes very difficult to satisfy all sections of people. All the necessary factors were taken into consideration by the Government in the constitution of this Board and only such persons have been selected as are experts in different branches of Science and also are scholars of the various classical and modern languages of India. The Government are satisfied that this Board as constituted is quite competent for the purpose.]

سید गोविन्द दास : क्या गवर्नमेंट को यह बात मालूम है कि इस मामले में हिन्दी साहित्य सम्मेलन और कुछ दूसरी संस्थाओं ने कुछ काम किया है, और जिन संस्थाओं ने काम किया है क्या उन संस्थाओं के भी और वादमी इसमें लिए जाने पर गवर्नमेंट कुछ विचार कर रही है ?

[Seth Govind Das: Are the Government aware of the work done in this behalf by the Hindi Sahitya Sammelan and similar other organizations and

are they considering of increasing the number of members by including representatives of such organizations as have some such work to their credit?]

مولا نا آزاد : گورنمنٹ ہر اس طرح کی تجویز پر غور کرنے کے لئے تیار ہے اور جن ایسوسی ایشنوں نے اس بارے میں کچھ کام کیا ہے یہ بورڈ ان کے کاموں سے ضرور فائدہ اٹھائے گا۔ یہ بھی میں کہہ دوں کہ یہ ممکن نہیں ہے کہ بورڈ کے ممبر تمام خود کریں۔ مختلف سب کمیٹیاں بنائی جائیں گی اور ان میں قابل آدمیوں سے مدد لی جائے گی۔

[Maulana Azad: The Government are prepared to consider every such proposal and the Board shall surely take advantage of the work done by various organizations in this connection. I may also add that it may not be possible for the members of the Board to do all this work themselves. So various committees will be set up and other capable persons will also be asked to give help.]

सैठ गोविन्द दास : क्या गवर्नमेंट जिस वक्त मेम्बर कोऑप्ट करेगी उस वक्त हिन्दी साहित्य सम्मेलन और दूसरी संस्थाओं से परामर्श करेगी कि किस तरह यह काम अब तक हुआ है और जाने किस तरह होना चाहिए ?

[Seth Govind Das: May I know whether at the time of co-opting members will the Government consult the Hindi Sahitya Sammelan and other organisations about the manner in which this work has till now been handled and the manner in which it should be conducted in future?]

مولا نا آزاد : جی ہاں مجھے اطمینان ہے کہ یہ بورڈ ان تمام باتوں کو ضرور سامنے رکھے گا۔

[Maulana Azad: Yes Sir, I am satisfied that the Board will surely keep all this in view.]

SMUGGLING OF GOLD

*1156. **Shri Sidhva:** (a) Will the Minister of Finance be pleased to state whether it is a fact that on or about the middle of December, 1950, the Customs Authorities seized large quantities of gold smuggled by passengers arriving by air from the Continent?

(b) If so, what was the total amount of gold so seized?

(c) How many persons were involved?

(d) Have they been prosecuted?

(e) How was the gold, seized by the Customs Authorities disposed of?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes. Five seizures were made, one on the 13th December and four on the 17th December 1950.

(b) Approximately 836 tolas.

(c) Five.

(d) and (e). The matter is at present under investigation and appropriate action will be taken in regard to the gold seized and against the persons concerned according to law when the investigation is complete.

Shri Sidhva: With reference to part (b) of the answer, Sir, may I know what is the value of the gold so seized?

Shri C. D. Deshmukh: The value of the gold seized, at current market rate is Rs. 9,54,420.

Shri Sidhva: Is it a fact that since December, there have been many more cases of smuggling of gold and if so, what is the total value of the gold involved?

Shri C. D. Deshmukh: Sir, I would require notice of the question.

Shri Sidhva: Sir, is it a fact that there are gangs of foreigners continuously smuggling gold and may I know whether Government have taken any active steps to check this smuggling?

Shri C. D. Deshmukh: There is reason to suspect that organised attempts are being made to smuggle gold into the country, and we are tightening our measures to deal with this smuggling.

Shri Tyagi: Sir, may I know from which country this gold was sought to be smuggled into India?

Shri C. D. Deshmukh: That is very difficult to say. Anyhow, the smugglers came by a plane from Rome.

Shri Rathnaswamy: Is it a fact that a French nobleman who was recently arrested in Bombay was involved in the smuggling of gold?

Shri C. D. Deshmukh: There is no such French nobleman. But there is a case in court in which a high-placed foreigner is concerned, whose name I would rather not give at the moment.

Pandit Munishwar Datt Upadhyay: Sir, out of the five persons referred to in the reply, may I know how many Indians were involved and what were the nationalities of the others?

Shri C. D. Deshmukh: There was no Indian. They were all foreigners.

Shri B. Das: Sir, may I know if such gold when seized, goes to the gold reserve of the Government of India or is it sold in the market?

Shri C. D. Deshmukh: It goes to the mint, Sir.

Shri Sidhva: Sir, may I know whether a French marquis smuggled 76 tolas of gold and whether a prosecution has been started?

Shri C. D. Deshmukh: As I said, there is no such French nobleman or marquis involved.

Shri Sidhva: Is it a fact...

Mr. Speaker: We had better go to the next question.

INDIAN ADMINISTRATIVE SERVICE

*1157. **Dr. Ram Subhag Singh:** Will the Minister of Home Affairs be pleased to state the number of women selected so far in the Indian Administrative Service?

The Minister of Home Affairs (Shri Rajagopalachari): No woman has been so far selected for the Indian Administrative Service.

Shrimati Durgabai: Sir, may I know whether it is a fact that some women whose applications were received were not selected on the ground that they were married, or were encumbered?

Shri Rajagopalachari: Sir, sometime ago, the Cabinet decided that these services should be thrown open to women. At that time the question of whether any restriction should be placed on account of marriage had not been taken into account. But the actual recommendations made were in respect of two married women, one of whom was recommended not only for the Administrative Service, but also for the Police Service. The question thus came up for consideration, and my predecessor expressed the opinion that there would be considerable difficulty involved in the case of married women in the discharge of duties appertaining to the active district administration work and police work, which would involve not only touring for several months in the year but frequently prolonged outings in the

course of emergencies as well as in the normal course. He felt great difficulty in the matter, and decided provisionally that married women were considered not suitable for such services as the Indian Administrative Service and the Police Service. But the very persons recommended now are being considered actively for the Central Secretariat Service.

Shrimati Durgabai: Sir, is it not a fact that many women are employed, I mean married women, in various other departments of the Government, and if that is the case why should women candidates for the I.A.S. be differentiated against?

Mr. Speaker: Order, order, that is entering into arguments.

Shrimati Benaka Ray: Sir, this being in violation of the Constitution, will Government think of taking steps to see that no principle is laid down that married women as such should not be excluded from employment but that each individual case should be judged separately?

Shri Rajagopalachari: That is perhaps the course which Government may ultimately take, Sir.

Shrimati Durgabai: Sir, may I know whether the difficulties enumerated by the hon. Minister are only anticipatory or were they experienced by the Government or expressed by the women concerned?

Shri Rajagopalachari: The question is perhaps academical. The point that was considered was that the touring and the actual field work that were involved were such that it would be somewhat difficult for married women who may occasionally find it impossible to fulfil the tasks involved. As was appropriately put by my friend Mrs. Ray, the question is an individual one, and in respect of the particular kind of work; and no general principle would rightly be suitable. It is not a matter for debate, and I have already given the information that no principle has been laid down and the matter is under consideration. Meanwhile, in actual practice, we have not selected these women who have been recommended for these services. But as I have said, they are being considered for other suitable services.

GOVERNMENT COLLEGE, AJMER

*1158. **Faundit M. B. Bhargava:** (a) Will the Minister of Education be pleased to state whether Government have sanctioned the starting of law classes in the Government College, Ajmer?

(b) If so, what is the estimated expenditure, recurring and non-recurring likely to be incurred thereon?

(c) Have such classes been started; and if not why not and by which time are the said classes likely to be started?

- ماسٹر آف ایجوکیشن (مولانا آزاد) -

(اے) ہاں جولائی سنہ ۱۹۵۰ سے -

(بی) ریگریگ خرچہ تضمناً

۸۹۰۰ روپہ - نان ریگریگ خرچہ

کچھ نہیں ہوا -

(سی) نہیں کلاسز شروع نہیں ہو

سکے - کیونکہ آگرا یونیورسٹی نے فیصلہ

کیا کہ وہ ان کلاسوں کو تکمیل رکاوٹوں

کی وجہ سے جولائی سنہ ۱۹۵۰ سے

انٹیمٹ نہیں کر سکتی - اب اسود

کی جاتی ہے کہ جولائی ۱۹۵۱ سے یہ

کلاسز شروع ہو جائیں گی -

[The Minister of Education (Maulana Azad): (a) Yes. From the session beginning from July 1950.

(b) Total recurring expenditure involved is Rs. 8,900 (approximately). No non-recurring expenditure is required.

(c) No; because the Agra University expressed their inability to agree to the affiliation of these classes from the session beginning from July, 1950 in view of certain technical difficulties. These classes are expected to be started from July 1951.]

RE-ORGANISATION OF CENTRAL SECRETARIAT

*1159. **Shri Balmiki:** Will the Minister of Home Affairs be pleased to state:

(a) when the implementation of the Re-organisation Scheme of the Central Secretariat will be completed;

(b) how much economy will be effected in expenditure on establishment of the Government of India on its completion; and

(c) to what extent will it result in retrenchment of staff?

The Minister of Home Affairs (Shri Rajagopalachari): (a) I presume that the reference is to the reorganisation that was recently undertaken of some of the Ministries with a view to effect economy and achieve administrative efficiency.

The following merger and re-organisation of Ministries was carried out recently and the change has come into effect from February 1, 1951:

(i) Commerce, Industry and Supply and Works, Mines and Power Ministries and the Department of Scientific Research were merged to form three new Ministries known as:

1. Industries and Commerce.
2. Works, Production and Supply.
3. Natural Resources and Scientific Research.

(ii) Food and Agriculture Ministries were merged into one Ministry known as Food and Agriculture Ministry.

It is not possible at this stage to say whether or when other changes may also be made.

(b) and (c). The economy effected by the measures described in reply to part (a) of the question is represented by the following cut in staff:

Secretaries	...	2
Deputy Secretary	...	1
Under Secretaries	...	2
Superintendents	...	3
Assistants and Clerks	...	37

Any further retrenchment that may be advisable will be taken up at the end of April, 1951.

If, however, the reference in part (a) of the question is to the Central Secretariat Service (Reorganisation and Reinforcement) Scheme, the present position regarding implementation of this Scheme is as follows:

The recommendations of the Union Public Service Commission about the initial constitution of Grade I of the Service have been received. Most of the officers concerned have been appointed to the Service, and the initial constitution of this grade will be completed very shortly. The recommendations of the Commission in regard to Grades II and III are also expected to become available during the next two or three months. As regards Grade IV of the Service, the results of the second of the two tests contemplated in the Scheme which is due to be held later in the year, must be awaited.

As this Scheme relates primarily to the reorganisation of personnel, the results in terms of economy of expenditure or retrenchment in staff cannot be assessed in terms merely of this scheme. It will be possible to assess these results after the review of the

lay-out of posts in the Secretariat organisation as a whole is completed, and the scope for further retrenchment is settled.

Shri Rathaswamy: May I know if in the retrenchment campaign the interests of the scheduled castes are fully safeguarded?

Shri Rajagopalachari: The primary consideration is economy and efficiency; other interests will also be kept in mind.

Sardar Sochet Singh: May I know what provision has been made for the re-employment of retrenched hands?

Shri Rajagopalachari: As has been repeatedly stated priority of claim is reserved for such people. On a number of occasions I have explained this at length before.

Sardar Sochet Singh: Do Government propose to have a pool of retrenched personnel, out of which candidates can be absorbed in other departments whenever required?

Shri Rajagopalachari: All the retrenched hands form a pool and out of them selection will be made according to very definite principles which, I remember, I have explained on previous occasions in answer to questions.

Shri Shiva Rao: May I ask if the hon. Minister has received any representation from the Central Secretariat Association suggesting alternative solutions for bringing about economy?

Shri Rajagopalachari: Yes, Sir. Some such suggestions have been received and on a consideration of all matters we have arrived at certain conclusions. It is possible that they may be improved in course of time but as time is the essence of the matter we have to follow some decisions based on materials available.

Shri A. C. Guha: Is it the policy of the Government that only retrenched personnel will be recruited and not outsiders?

Shri Rajagopalachari: Practically fresh recruitment for vacancies have been held up in favour of these retrenched hands.

Shri Gautam: May I know if Government is considering the desirability of reorganising the other Ministries also?

Shri Rajagopalachari: I have already touched on that subject and I do not think any fresh answer is necessary.

Shri Tyagi: May I know if these reorganisational changes have been made in conformity with the recommendations of Shri Gopalaswami Ayyangar's Report?

Shri Rajagopalachari: Yes, Sir.

Shri Tyagi: May I know if he had recommended the combining of the Health and Education Ministries as well?

Shri Rajagopalachari: That falls under the category of things yet to be considered.

Dr. Deshmukh: May I know if in the consequential retrenchment the Government is sending back the deputationists from the Provinces first before retrenching any of the other people?

Shri Rajagopalachari: I would like it to be put in the form of an enquiry to me or as a fresh question.

Shri Sidhva: For the purpose of economy is it not the policy of the Government that no extension should be given to superannuated employees? If so, may I know whether that policy has been revised and still persons are being given extensions?

Shri Rajagopalachari: I would like to have notice of that question.

Shri Sondhi: What will be the result of the reorganisation scheme in terms of rupees, annas and pies?

Shri Rajagopalachari: I have already answered that point.

Shri Tyagi: May I know if there was a recommendation with regard to the doing away of the posts of Joint Secretaries?

Mr. Speaker: Let not the hon. Member go into these details.

Shri Sidhva: Sir, I wanted to know the policy of the Government regarding extension to superannuated employees.

Mr. Speaker: The hon. Minister has already answered it asking for notice.

NIGHT SCHOOLS FOR ADULTS

*1166. **Shri Balmiki:** Will the Minister of Education be pleased to state the number of night schools for adults in the Centrally Administered Areas?

: مسٹر آف ایجوکیشن (مولانا آزاد) :

ایک اسٹیٹمنٹ ہاؤس کی تہہ پر

دیکھا گیا ہے۔

[See Appendix X, annexure No. 2.]

[The Minister of Education (Maulana Azad): A statement is placed on the Table of the House. (See Appendix X, annexure No. 2.)]

بھی بالمشوک : کیا ماننیی مंत्री यह बतलाने की कृपा करेंगे कि सन् १९४९ और सन् १९५० में इन स्कूलों पर कितना खर्चा हुआ ?

[Shri Balmiki: Will the hon. Minister kindly state the expenditure incurred on these schools in the years 1949 and 1950?]

مولانا آزاد : اس کے لئے میں ابھی

تہا نہیں ہوں۔

[Maulana Azad: I am not in a position to reply that question just now.]

بھی بالمشوک : کیا ماننیی مंत्री यह बतलाने की कृपा करेंगे कि इस तरह के स्कूल हरिजन बस्तियों में कितने खोले गये हैं ?

[Shri Balmiki: Will the hon. Minister kindly state the number of such schools that have been opened in the Harijan Colonies?]

مولانا آزاد : اسکول جو کھولے جاتے

ہیں وہ اس اصول پر نہیں کھولے جاتے

کہ کن کن محلوں میں کھولے جائیں

اور کن کن محلوں میں نہ کھولے

جائیں۔ جہاں موقع ملتا ہے کھولے گئے

ہیں اور ان کا دروزہ سب کے لئے کھولا

ہوا ہے۔

[Maulana Azad: The schools are opened on no such principles as to the Mohallas in which they should be opened and in which not. They are opened in places where facilities exist and their doors are kept open for everyone.]

بھی بالمشوک : क्या मैं पूछ सकती हूँ कि सेन्ट्रली एडमिनिस्टर्ड एरियाज में प्राइवेट एजेन्सीज के द्वारा चलाये हुए जो

विद्यालय हैं, उन को सरकार की तरफ से क्या कोई ग्रांट मिलती है और अगर मिलती है तो कितनी मिलती है ?

[Shrimati Durgabai: May I know whether the schools run by the private agencies in the Centrally Administered Areas receive any grant from the Government, and if so, how much?]

मौलाना आज़ाद :- में اس کی تفصیل نہیں بتا سکتا - اس کے لئے جو قاعدے بنائے ہوئے ہیں ان قاعدوں کے مطابق پرائیویٹ اسکولوں کو مدد دی جاتی ہے -

[Maulana Asad: I am unable to furnish details. Certain rules exist in this respect and grants to private schools are sanctioned in accordance with those rules.]

کھانی جی - ایس - مسافر : دہلی میں اس طرح کے کتنے اسکول ہیں -

[Giani G. S. Musafir: What is the number of such schools in Delhi?]

مؤلانا آژاد : ڈیڑھ سو ہیں -

[Maulana Asad: The number is 150.]

چوہدری رنبیر سنگھ : کیا ماننیہی منتری यह बतलाने की कृपा करेंगे कि क्या वृद्धों के लिये जो स्कूल खोले गये हैं, वह देहातों में कितने खोले गये हैं ?

[Ch. Ranbir Singh: Will the hon. Minister kindly state as to how many of such schools meant for old persons have been opened in the villages?]

मौलाना आज़ाद : भूयों से शायद इन का مطلب अडलेंस से है - दहली के देहातों में कئی स्कूल क्खोले जा चुके हैं -

[Maulana Asad: Perhaps the hon. Member is referring towards 'adults'. Sufficient number of schools have been opened in the rural areas of Delhi.]

श्री बीलब : क्या गवर्नमेंट के पास इस क्रिसम का कोई हिसाब है कि सेन्ट्रली एडमिनिस्टर्ड ऐरिया में कुल कितने ऐडल्ट स्कूलों की जरूरत होगी और उस में से

कितने खोले जा चुके हैं और कितने इस साल में खोलने की उम्मीद है ?

[Shri Gautam: Have the Government any figures regarding the total number of schools needed in the Centrally Administered Areas and the number of schools that have actually been opened, as also the number of schools expected to be opened during the current year?]

मौलाना आज़ाद : تمام چکھوں کے لئے تو میں ابھی نہیں کہہ سکتا - لیکن جہاں تک دہلی کا تعلق ہے ہم نے یہ اندازہ لگایا ہے کہ جس چال سے ہم چل رہے ہیں - پتہ چلے گا کہ اس کے اندر کتنے اسکول کھولے جائیں گے -

[Maulana Asad: I am unable to state anything in respect of all the places, but so far Delhi is concerned we have had an estimate and we think that by the present rate of progress we shall be able to meet the requirements of the whole of Delhi within the next five years.]

سردار سچیت سنگھ : یہ جو تعلیم بالغانی کا انتظام ہے - کیا طلبہ کو کسی امتحان کے لئے وہاں پر تیار کیا جا رہا ہے - مثلاً کیا یہ میٹریکولیشن اسٹینڈرڈ کی تعلیم ہے یا میڈل اسٹینڈرڈ یا کسی اور اسٹینڈرڈ کے لئے یہ تیار کیا جاتا ہے -

[Sardar Sochet Singh: May I know whether the students are being coached for any particular examination under the present scheme of Adult Education. I mean whether this education aims at preparing them for the Matriculation, middle or any other examination?]

مؤلانا آژاد : یہ اسکول سوشل ایجوکیشن کے ماتحت کھولے گئے ہیں جس کا مقصد یہ ہے کہ ان بچوں کو اسکولوں کو پڑھنا سکھایا جائے اور اس کے ساتھ ساتھ ان کی

اچھی زندگی کے لئے اور ان کے پیشہ کے
لئے ضروری ہیں -

[Maulana Azad: These schools have been opened under the Social Education Scheme which aims at making illiterate persons literate, besides teaching them certain other things as are necessary for raising their standard of life and help in their professions.]

سردار سوچت سنگھ: کیا ان کے
لئے کوئی امتحان پاس کرنا ضروری
نہیں ہے -

[Sardar Sochet Singh: Is it not necessary for them to pass any examination?]

[Mr. Speaker: Order, order. We proceed to the next question.]

DELIMITATION OF CONSTITUENCIES

*1161. Shri B. K. Das: Will the Minister of Law be pleased to state:

(a) whether it is a fact that delimitation of Constituencies and allotment of seats have been hampered on account of want of correct estimate of different classes of population and proper enrolment of voters; and

(b) if so, what steps have been taken to remedy these defects?

The Minister of Law (Dr. Ambedkar): (a) While there have been difficulties in a few areas, they have not been such as to hamper the work of delimitation seriously. I am informed by the Election Commission that fair progress has been made.

(b) Does not arise.

Shri B. K. Das: Is it a fact that in Cooch-Bihar and some other areas the enrolment of voters has been such that on the basis of those voters the number of population comes to something far below the number that was enumerated during the 1941 Census? As the basis of delimitation of constituencies and the allotment of seats is the number of voters in areas within the provinces, are Government aware that the allotment of seats has been affected in those areas?

Dr. Ambedkar: I will make enquiries.

Pandit Munishwar Datt Upadhyay: Is it a fact that the scheduled caste seats are being concentrated in certain parts of the country and others are left without them?

Dr. Ambedkar: I have no information on the subject for the moment.

Shri R. C. Upadhyaya: May I know whether the names of most of the women voters in Rajasthan have been wrongly entered thus depriving them of their vote?

Dr. Ambedkar: My information is that it is really a very difficult matter to enrol women voters in Rajasthan, because nobody is prepared to give the name of a woman. A woman is generally called by the name of the village from which she comes or things like that.

Shrimati Durgabai: What arrangements have Government made to approach the Rajasthan women and get to know their correct names?

Dr. Ambedkar: As I say, Government has made the best efforts it can but certainly there are these difficulties that I have pointed out.

सेठ गोविन्द दास: तो जो कठिनाइयाँ
माननीय मंत्री जी ने बतलाई, उन को दूर
करने के लिये क्या उपाय किया जा रहा है?

[Seth Govind Das: What steps are being taken to remove the difficulties stated by the hon. Minister?]

डा० बम्बेडकर: मेरी समझ में वह हर
कोई सम्भव उपाय इसके लिये कर रही है।

[Dr. Ambedkar: To my mind, they are taking all possible steps.]

Shri R. Velayudhan: May I know how many delimitation committees have submitted their reports so far?

Dr. Ambedkar: It does not arise out of this question.

KOSI PROJECT

*1162. Shri B. R. Bhagat: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the Kosi Project issue has been referred to a "Committee of Experts"; and

(b) if so, what is the scope and nature of its inquiry?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). It has been decided to set up an advisory committee consisting of eminent engineers to examine and report on the general soundness of the Kosi Project and on the feasibility and economics of its execution in stages.

Shri B. R. Bhagat: May I ask whether the Committee has been constituted?

Shri Sri Prakasa: The decision has been taken for the constitution of this Committee and we have also decided on the personnel. We are communicating with the persons concerned requesting them to join the Committee.

Shri B. R. Bhagat: What will be the probable strength of the Committee?

Shri Sri Prakasa: Five, including a member-secretary and the chairman.

Shri B. R. Bhagat: When will the report of the Committee be available?

Mr. Speaker: It is too early now to say that.

Shri S. N. Das: May I know whether the investigations that were being carried on have been completed?

Shri Sri Prakasa: Yes, Sir.

Shri S. N. Das: Has the report on those investigations been received by Government?

Shri Sri Prakasa: The Government get a report on the investigations as they proceed. Those are being carried on in seven stages and we have so far got the report for the first stage only. This will be put before the Committee when it is constituted. The Committee will also examine generally stages I to IV of the project.

Shri S. N. Das: Is it a fact that the whole scheme has been divided into five parts and that the first part will be taken up first?

Shri Sri Prakasa: There are seven stages. Five stages have been generally investigated into and the hope is that the first stage may be implemented soon. We expect that this new Committee that will be set up within a month or so will make their final report within another two months and then it is hoped it may be possible to take the project in hand, finances permitting.

SOYA BEAN MILK

*1163. **Shri Kshudiram Mahata:** Will the Minister of Defence be pleased to state:

(a) whether any experiment was made by using Soya Bean Milk as a substitute for natural milk among any Military personnel; and

(b) if so, since how long it is used and by how many persons?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) and (b). An experiment with 200 persons (Boys) covering a period of six months was made in 1950. The results are being studied still.

Shri Kshudiram Mahata: May I know whether it has been found as good as natural milk for human health?

Mr. Speaker: The results are being studied. They have not come to any conclusions.

Major-General Himatsinhji: Its nutrition value is 80 per cent. of pure milk.

Shri R. K. Chaudhuri: May I know whether ordinary milk is not supplied in sufficient quantities in the military?

Mr. Speaker: How does that arise out of this question?

Shri R. K. Chaudhuri: The question refers to an experiment made by using Soya Bean Milk as a substitute for natural milk.

Major-General Himatsinhji: The experiment is not to replace pure milk but to supplement it if and when we cannot get it in sufficient quantities.

Shri Sidhva: May I know whether powder milk is supplied to the military personnel instead of pure milk?

Major-General Himatsinhji: Yes, Sir. Whenever we cannot get pure milk, powder milk i.e., blended milk is issued.

SALE OF FLAGS

*1164. **Shri Kshudiram Mahata:** Will the Minister of Defence be pleased to state:

(a) the amount collected Statewise from the sale of flags on flag-day i.e. 7th December, 1950; and

(b) the number of flags sold?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) A statement giving the collections so far intimated by States is laid on the Table. [See Appendix X, annexure No. 3.] The figures are, however, incomplete.

(b) 45,44,735 small paper token flags and 80,000 car flags were sold.

Paadit Munishwar Datt Upadhyay: What was the amount collected?

Major-General Himatsinhji: A little over five lakhs.

INDIAN ADMINISTRATIVE SERVICE

*1165. Shri Dwivedi: Will the Minister of Home Affairs be pleased to state:

(a) the number of officers and non-officials who applied for admission into the I.A.S. from Vindhya Pradesh and Bhopal State;

(b) how many of them have been selected and what was the basis of such selection; and

(c) how many out of the selected personnel are the bona fide residents of the States?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Officers—3.

Non-Officials—1.

(b) None.

(c) Does not arise.

Shri Dwivedi: May I know whether Government have reserved seats in the I.A.S. State-wise?

Shri Rajagopalachari: As far as I know, no.

Shri Dwivedi: May I know whether Government propose to start some kind of junior I.A.S. or State Administration Service for Part C States on the pattern of the P.C.S.?

Shri Rajagopalachari: Notice may be given for that—it is a different question.

NATURAL RESOURCES

*1166. Shri Dwivedi: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) what steps have so far been taken by the Government of India to tap the natural resources existing in areas which came over either as Part 'B' or 'C' States in the Republic of India as a result of States integration;

(b) whether any kind of research and survey work is being undertaken in any of these States; and

(c) if so, where and in what directions?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). Systematic geological surveys, geophysical surveys, exploratory mining and drilling and special and routine mineralogical investigations have been carried out and are being continued by the Geological Survey of India in areas which constitute Part 'B' and Part 'C' States with the exception of the States of Hyderabad, Mysore and Travancore-Cochin which have their own geological staff.

(c) A statement showing the work done and the work proposed is laid on the Table of the House. [See Appendix X, annexure No. 4.]

श्री द्विवेदी: क्या मैं माननीय मंत्री जी से पूछ सकता हूँ कि विन्ध्य प्रदेश में कारखाने खोलने के काफ़ी साधन हैं? क्या वहाँ कोई कारखाने खोलने के उपाय किये गये हैं?

[Shri Dwivedi: May I ask the hon. Minister whether sufficient resources exist in Vindhya Pradesh for the opening of various factories and whether any steps have been taken to open any such factories there?]

श्री श्री प्रकाश: विन्ध्य प्रदेश में भी निम्न लिखित विषयों पर अनुसन्धान किये गये हैं:

1. Mica, copper and iron in Tikamgarh district, Bundelkhand,

2. Gold and gemstones near Chitrakut,

3. Coal in different parts of Rewa; also Bauxite, and

4. Ground water conditions in Bundelkhand District.

यह सब अनुसन्धान की बातें हैं। कारखाने खोलने में यदि माननीय सदस्य को रस हो तो वह हमारे माननीय मित्र व्यवसाय मंत्री से पूछें।

[Shri Sri Prakasa: In Vindhya Pradesh too research has been conducted in connection with the following:

1. Mica, copper and iron in Tikamgarh district, Bundelkhand,

2. Gold and gemstones near Chitrakut,

3. Coal in different parts of Rewa; also Bauxite, and

4. Ground water conditions in Bundelkhand district.

All this is about the research work. If the hon. Member is very keen about the opening of the factories, he may better address to the hon. Minister of Commerce and Industry.]

श्री द्विवेदी: क्या मैं माननीय मंत्री जी से पूछ सकता हूँ कि रीवा स्टेट में अस्पृश्यात्मक बनाने के लिये बाक्सटाईड और अजेजिब मैटिरियल बनाने के लिये कोरंडम आदि चीजें मौजूद हैं?

[Shri Dwivedi: May I ask the hon. Minister whether Bauxite and Corundum are also found in Rewa State for the preparation of Aluminium and abrasive materials?]

Mr. Speaker: I think he is giving information more than asking for it.

श्री श्री प्रकाश : विन्ध्य प्रदेश में यह सब चीजें मौजूद हैं जिनके नाम मैंने पढ़े। माननीय सदस्य अब किन बातों के बारे में सवाल करते हैं ?

[Shri Sri Prakasa: All these materials, minerals etc. which I have just read out exist in Vindhya Pradesh. Now what other information does the hon. Member seek?]

श्री द्विवेदी : मैंने पूछा है कि क्या विन्ध्य प्रदेश की रीवा स्टेट में अल्युमीनियम बनाने के लिये बाक्साईट और अग्नेजिब मैटिरियल बनाने के लिये कोरंडम भी मिलता है ?

[Shri Dwivedi: I have enquired whether Bauxite and Corundum are also found in that State for the preparation of Aluminium and abrasive materials respectively?]

श्री श्री प्रकाश : हाँ, यदि माननीय सदस्य उस सूची को देखेंगे जो कि मैंने यहाँ पेश की है तो उन को उस से पूरी जानकारी हो जायगी। जहाँ तक मुझे मालूम है माननीय सदस्य की इत्तला ठीक है कि जिन वस्तुओं का नाम वे ले रहे हैं वे विन्ध्य प्रदेश में मौजूद हैं।

[Shri Sri Prakasa: Yes, the hon. Member will get full information on this point in the list that I have laid on the Table of the House. So far as I am aware, hon. Member's information about the existence of the materials named by him in Vindhya Pradesh is correct.]

MINERAL WEALTH IN VINDHYA PRADESH

*1167. Shri Dwivedi: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the Government of India have any information available on the basis of work conducted by predecessor Governments of Vindhya Pradesh with regard to mineral wealth embodied in that region;

(b) whether any fresh attempts have been made or are likely to be made in this direction; and

(c) what minerals other than coal are known to be existing in the Vindhyan soil?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) With the exception of Rewa State which employed two private Geologists for short periods, no other State in Vindhya Pradesh, so far as we know, have carried out any geological investigations. Officers of the Geological Survey of India, however, have from time to time studied the general geology and investigated into the mineral resources of Vindhya Pradesh. An account of the work done in this behalf, is contained in the Records of the Geological Survey of India and the Memoirs of the Geological Survey of India. A list of publications on the subject is laid on the Table of the House. [See Appendix X, annexure No. 5.]

(b) The work is being continued. A statement containing information on the recent work done by the Geological Survey of India in Vindhya Pradesh together with the field programme of the Geological Survey for the year 1950-51, is laid on the Table of the House. [See Appendix X, annexure No. 6.]

(c) The Vindhyan formations, apart from coal, contain deposits of limestone, high grade refractories like sillimanite and also corundum which is a good abrasive.

Shri Dwivedi: May I know what acreage of land is embedded with coal in Vindhya Pradesh?

Shri Sri Prakasa: I fear I could not give the exact acreage.

Shri Kamath: Have any attempts been made recently to work the diamond mines of Panna?

Shri Sri Prakasa: If the hon. Member will look into the Memoirs of the Geological Survey of India, he will find all the information he needs—minus the diamonds. As regards the investigations about diamonds in Panna, full information is given in the Memoirs of the Geological Survey of India on Panna State diamonds.

SPECIAL POLICE

*1168. Giani G. S. Musafir: Will the Minister of Home Affairs be pleased to state:

(a) the number of cases instituted by the special police establishment upto-date;

(b) the number of decided cases; and

(c) the number of convictions out of the said decided cases?

The Minister of Home Affairs (Shri Rajagopalachari): (a) 1553 from the inception of the Establishment in 1941 up to 31st December 1950.

(b) 1180 were decided.

(c) 718 convictions were obtained out of which some were upset in appeal. During the years 1948, 1949 and 1950, 42 convictions were upset in appeal out of 328. Information about the result of appeals in the earlier years is not readily available.

Shri Sidhva: May I know whether the Enforcement Branch of the Police is proposed to be closed from 1st March 1951?

Shri Rajagopalachari: The Enforcement Branch Police is totally different from the Special Police Establishment referred to in this question.

Dr. Deshmukh: Is it a fact that this Special Police Establishment is not sufficient in personnel to cope with the work?

Shri Rajagopalachari: It depends upon the scope of work that we have in our minds, but in a matter of this kind even a few cases have a very deterrent effect.

Dr. Deshmukh: Is there any proposal to stop this Establishment?

Shri Rajagopalachari: That does not arise out of this question.

Shri Tyagi: May I know the field of operation of this Establishment? Does it operate only in the Centrally Administered Areas or all over India?

Shri Rajagopalachari: The Special Police Establishment deals with corruption among Central Government servants extending up to Cape Comorin, say, for instance, the Railways.

Pandit Munishwar Datt Upadhyay: What is the total strength of this Establishment and how much is the expenditure incurred on it?

Shri Rajagopalachari: I am sorry I have not got the figures here.

EXCISE COLLECTORATE FOR BIHAR

*1169. **Shri Chandrika Ram:** (a) Will the Minister of Finance be pleased to state whether a separate Central Excise Collectorate has been set up for Bihar?

(b) If so, is it a fact that the Headquarters of the Collectorate is at Calcutta at present?

(c) If so, when do Government propose to shift it to Patna?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) Yes for the present.

(c) As soon as accommodation becomes available at Patna.

TOBACCO EXCISE

*1170. **Shri Chandrika Ram:** (a) Will the Minister of Finance be pleased to state what is the income of Government from Tobacco Excise in Bihar?

(b) What part of the same is being spent on the research of tobacco?

The Minister of Finance (Shri C. D. Deshmukh): (a) The amounts of Central Excise duty collected in the Bihar State on tobacco during the years 1948/49 to 1950/51 are as following:

1948/49	...	Rs. 2,60,80,000
1949/50	...	Rs. 2,52,56,000
1950 (up to December)	...	Rs. 1,77,66,000

(b) No part of the tobacco excise revenue from Bihar as such is spent on research. An annual grant of rupees ten lakhs is made from the Central Revenue to the Indian Central Tobacco Committee which is an organization set up by the Ministry of Agriculture for conducting research on tobacco with a view to improving methods of production and marketing of tobacco.

Shri Syammandan Sahaya: Does any Part of this tobacco tax raised from different States go to the States themselves and if so, to what States and how much?

Shri C. D. Deshmukh: No part of the tax as such goes back to the States, but there are arrangements in force at present under which compensation from Central Government is paid to certain States in lieu of withdrawing sales tax and similar forms of taxation from tobacco which is a commodity on which the Union imposes the tobacco excise duty. The States are: Bombay, Madras, Madhya Pradesh, Coorg and Punjab.

Shri Syammandan Sahaya: Will Government be pleased to state if tobacco tax is also raised in Bihar and if so do Government propose to pay any compensation to the State of Bihar as is done in the case of the other States?

Shri C. D. Deshmukh: I have already referred to the tax raised in Bihar.

It is not the intention of Government to extend this system of payment of compensation.

Shri Raj Bahadur: May I know whether the incidence of tobacco tax per acre has been calculated and if so, how much is it?

Shri C. D. Deshmukh: I am afraid I must have notice of the question.

Shri Tyagi: May I know whether Government has considered the question of transferring the establishment for realizing this excise duty on tobacco to the various State Governments and if so, would this transfer be economical?

Shri C. D. Deshmukh: Government has not considered the question and there is no reason to believe that the transfer will be economical.

Shri Tyagi: May I know which is the supervisory authority? These excise inspectors have to work in remote and widespread areas. Therefore, may I know if there is any agency at the hands of the Central Government to supervise their activities?

Shri C. D. Deshmukh: Yes, Sir. The Central Board of revenue is there.

Shri Tyagi: It is too Central.

Dr. V. Subramaniam: Is it a fact that this tax is being collected in different stages both from the cultivator and the tradesman and also the manufacturers, and if so, do Government propose to collect this tobacco tax as one single tax?

Shri C. D. Deshmukh: It is a fact that this tax is collected at different stages, that is to say, on the leaf as well as in certain cases at the manufacturing stage. The question whether greater advance could be made in rationalising the tax on tobacco is under consideration.

HIGH COURTS

*1171. **Shri Biyani:** (a) Will the Minister of Home Affairs be pleased to state how many Acts and how many provisions of various Acts have been declared "ultra vires" by various High Courts in the country in the year 1950?

(b) How many persons were ordered to be released Statewise by the High Courts in the year 1950?

(c) How many persons ordered to be so released have been re-arrested or re-detained?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). Information is being collected and will be

laid on the Table of the House in due course.

WRITTEN ANSWERS TO QUESTIONS

PUBLICITY OFFICES (APPOINTMENTS)

*1172. **Seth Govind Das:** Will the Minister of Information and Broadcasting be pleased to state what action has been taken to ensure that in future, appointments in the various publicity offices of Government will be made out of persons fully conversant with Hindi?

The Minister of State for Information and Broadcasting (Shri Diwakar): The question of making knowledge of Hindi a qualification for appointments to publicity posts is under examination.

COMPENSATION FOR PROPERTIES DESTROYED DURING WARTIME

*1174. **Shri J. N. Hazarika:** (a) Will the Minister of Defence be pleased to state what is the amount of compensation claimed by different persons in Naga Hills, Manipur State and Assam, for the properties taken over or destroyed by the Military during wartime?

(b) How much of the amount of claims has been paid, and how much is still pending?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) and (b). In so far as Manipur State is concerned, the amount of compensation claimed is about rupees five crores and twelve lakhs. Out of it, claims to the extent of rupees two crores and thirty-three thousand have been paid. Figures in respect of Naga Hills and Assam are not available at present.

MULGAONKAR COMMITTEE

*1175. **Shri Kamath:** Will the Minister of Health be pleased to refer to the reply to Unstarred Question No. 60 asked on 18th December, 1950 and state:

(a) whether the Mulgaonkar Committee, appointed by Government, to enquire into the affairs of the Government Housing Factory, Delhi, has now submitted its Report;

(b) if so, its findings and recommendations; and

(c) whether Government propose to lay a copy of the Report on the Table of the House?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) and (c). The Report is at present under the consideration of Government. Government consider that it

will not be in the public interest to disclose the findings and recommendations of the Committee or to supply copies of the Report to the House at this stage.

COMPANY LAW

*1176. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Finance be pleased to state what progress, if any, has so far been made by the Committee set up for enquiring and reporting what revision is feasible and necessary in respect of Company Law?

(b) Has the Committee been specifically asked to report on the functioning of the managing agencies in India?

(c) Has any time limit been fixed by which the Committee is required to submit its report?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Committee has already completed the analysis of the comments received from various associations and individuals on the Memorandum on the Amendments of the Indian Companies Act which was circulated in October, 1949 by the former Ministry of Commerce. A sub-committee of the main Committee is proceeding with a comparative study of the provisions of the Indian and the English Companies Acts. The Committee has already examined some witnesses in Madras and Bangalore and expects to complete this phase of its work at a few other industrial centres in the near future.

(b) Yes, one of the specific terms of reference of the Committee relates to this subject.

(c) The Committee was asked to submit its report at the end of February 1951 but it is clear that they will need more time to finish their work.

DAILY ALLOWANCE

*1177. **Shri Venkataraman:** Will the Minister of Finance be pleased to state the daily allowance paid to the non-official members of—

(i) The Planning Advisory Committee;

(ii) The Film Enquiry Committee;

(iii) The Tea Licencing Committee; and

(iv) The Central Tea Board;

for attending the meetings of the respective bodies?

The Minister of Finance (Shri C. D. Deshmukh): (i) The non-official members of the Planning Commission Advisory Board receive a daily allowance

of Rs. 20 for attending the meetings of the Board.

(ii) The Chairman of the Film Enquiry Committee receives a basic subsistence allowance of Rs. 50 per day, and the non-official members Rs. 40 per day. In addition, they receive, while working away from Delhi, the headquarters of the Committee, a daily allowance of Rs. 20.

(iii) The members of this Committee get their actual out-of-pocket expenses when attending the meetings of the Committee.

(iv) The members get daily allowance at the rates normally admissible to Grade I Officers of the Government of India; ordinarily this rate is Rs. 12/8/- per day except at Calcutta and Bombay where Rs. 15 are allowed.

EDUCATION AND WELFARE OF HANDICAPPED

*1178. **Shri Sivaprakasam:** Will the Minister of Education be pleased to state:

(a) the total amount of funds available and spent so far in 1950-51 under the head "Education and Welfare of the Handicapped"; and

(b) whether Government maintain any record of the number of "Handicapped" persons?

The Minister of Education (Maulana Asad): (a) The total amount available during 1950-51 was Rs. 4,41,700 and the total amount spent so far is Rs. 3,00,100.

(b) No, Sir.

LOANS TO STATES

*1180. **Shri Rathnaswamy:** Will the Minister of Finance be pleased to state:

(a) the names of States to which loans were advanced during the years 1949-50 and 1950-51;

(b) the total amount so far advanced in this period; and

(c) the objects for which the loans were given?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). A statement containing the information required is laid on the Table. [See Appendix X, annexure No. 7.]

SEIZURE OF CURRENCY NOTES

*1181. **Shri Rathnaswamy:** Will the Minister of Finance be pleased to state whether it is a fact that Indian currency notes to the tune of Rs. 1,53,000 were seized by the Bombay Customs

from a constellation Aircraft scheduled to depart for New York?

The Minister of Finance (Shri C. D. Deshmukh): Yes.

LIMESTONE DEPOSITS

*1182. **Shri Rathnaswamy:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that limestone deposits suitable for the manufacture of Portland cement have been discovered in Guntur;

(b) what are the other places where this article is found; and

(c) whether investigations were recently made by the Geological survey of India to locate this article and if so, in how many places so far?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes.

(b) Such deposits occur in numerous places in India. A statement showing the important places where these deposits are found is placed on the Table of the House. [See Appendix X, annexure No. 8.]

(c) Information regarding investigations carried out during the past two years is being compiled and will, when ready, be placed in the Library of the House.

ALL INDIA SERVICES

*1183. **Shri Chandrika Ram:** (a) Will the Minister of Home Affairs be pleased to state what are the new grades of All India Services?

(b) What is the starting and ending salaries of the officials who will be recruited under the new grades?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). A statement is laid on the Table of the House. [See Appendix X, annexure No. 9.]

CHIEF JUSTICE OF ASSAM HIGH COURT.

*1184. **Shri R. K. Chaudhuri:** Will the Minister of Home Affairs be pleased to state:

(a) since when the present Chief Justice of the Assam High Court has been officiating as such;

(b) during what periods since the establishment of the High Court in Assam the Court had more than two Judges;

(c) what procedure has been adopted to arrive at a decision where the two judges of the High Court had difference of opinion as regards any judgment or order; and

(d) when is a permanent Chief Justice and a third Judge going to be appointed for the Assam High Court?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Since April 1949.

(b) The High Court had a Chief Justice and two Judges from 16th February 1949 to 7th April 1949.

(c) In civil cases the difference of opinion between the two Judges has been resolved by recourse to section 98 of the Code of Civil Procedure; no difference of opinion has been reported in criminal cases.

(d) The matter is under consideration.

BROADCASTING CENTRE IN SHILLONG

90. **Shri R. K. Chaudhuri:** (a) Will the Minister of Information and Broadcasting be pleased to state whether it is in the contemplation of Government to abolish the Broadcasting centre in Shillong and if so, by when?

(b) Do the Government of India propose to restore to the Government of Assam the building now in the occupation by the Broadcasting centre?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) No, Sir.

(b) Does not arise.

TRAINING OF INDIAN TECHNICIANS

91. **Shri Rathnaswamy:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that Mr. Alan P. Good, head of the Brush Aboe (Associated British Oil Engines Group) entered into an agreement with a leading Indian firm of diesel engine manufacturers for the generation of power?

(b) Does this agreement cover training of Indian technicians and if so what is the number of persons to be trained?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Government understand that Messrs. Brush Aboe have entered into an agreement with Messrs. Kirloskar Oil Engines Ltd. Poona and Messrs Kirloskar Electric Co. Ltd., Bangalore for the manufacture of diesel engines and electric motors, but not for the generation of power.

(b) the agreements are understood to provide for training of Indian technicians in the works of Petters-Stanes (London) and Brush Electrical Manufacturing Co. Ltd. (Loughborough).

Monday, 5th February, 1951

Volume VIII

No. 1-20



PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers

CHAMBER PUBLISHED ORIGINALLY CONTENTS

- Deaths of Shri A. V. Thakkar and Ch. Mukhtar Singh [Cols. 2344—2345]
- Motions for Adjournments—
- Preparation of Electoral Rolls in English [Cols. 2345—2347]
 - Demolition of houses built by refugees [Cols. 2348—2351]
 - Implementation of recommendations of Tariff Board re: Workers in Sugar Industry [Cols. 2351—2352]
 - Cut in Food Rations [Cols. 2352—2355]
- President's Assent to Bills [Col. 2356]
- Papers laid on the Table—
- Amendment to Union Public Service Commission (Consultation) Regulations [Col. 2356]
 - Reserve Bank of India (Staff) Regulations, 1948 [Col. 2356]
 - Preventive Detention (Amendment) Bill—Introduced [Col. 2356]
 - Hindu Code—Consideration of Clauses—not concluded [Cols. 2356—2423]

Price Six Annas

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers.)
OFFICIAL REPORT

2344

2345

PARLIAMENT OF INDIA

Monday, 5th February, 1951.

*The House met at a Quarter to Eleven
of the Clock.*

[Mr. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

1-45 A. M.

**DEATHS OF SHRI A. V. THAKKAR
AND CH. MUKHTAR SINGH**

Mr. Speaker: Before we proceed further, I have to inform the House of the very sad demise of two of our friends.

One is the distinguished Shri Amrit Lal Vithaldas Thakkar, affectionately called Thakkar Bapa. He was a Member of the Constituent Assembly of India and later of Parliament. He resigned his seat in Parliament due to ill-health. Thakkar Bapa was a top ranking worker of the Servants of India Society. He worked with Mahatma Gandhi in his several missions, and identified himself with the cause of the Untouchables, the Backward Classes and the aboriginal Tribes. Thakkar Bapa used to run to all the four corners of the country on occasions of scarcity, floods, epidemics etc. He had dedicated his life to silent but solid constructive activities of a nation building character. As I had the privilege of knowing and associating with him in his public work and more closely during the last six years in connection with the Kasturba Gandhi Memorial Trust, I naturally feel the loss as a personal one as many of us must be feeling due to their association with him in the cause of

backward humanity. He passed away at a ripe old age of 82, but all the same, his demise leaves a big void and we feel bereaved.

Ch. Mukhtar Singh who was a sitting Member of Parliament was not keeping good health for sometime and died in a nursing home in Delhi. He was a Member of the Central Assembly from 1926 to 1930, and also served as a member of the Central Banking Enquiry Committee and Fiscal Commission.

We naturally mourn the loss of these two friends and our sympathies and condolences go to the families of the deceased. I am sure the House will join with me in expressing its sorrow by standing in silence for two minutes.

MOTIONS FOR ADJOURNMENT

**PREPARATION OF ELECTROL ROLLS IN
ENGLISH**

Mr. Speaker: I have received notices of five adjournment motions: two of them seem to be identical. One is by the hon. Member, Mr Frank Anthony who wishes to discuss "a definite matter of urgent public importance, namely, the failure of Government, for example, in such States as Madhya Pradesh and Madras, to ensure that, in accordance with the Constitution, the electoral rolls in respect of elections to Parliament are prepared in English."

I should like to know from him as to which article of the Constitution prescribes that the electoral rolls shall be printed in English.

Shri Frank Anthony (Madhya Pradesh): The article I was thinking of
293 P. S. D.

[Shri Frank Anthony]

is 343 and I shall just read clause (2) of it which says:

"(2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such Commencement."

My submission is that since the electoral rolls were previously being drawn up in English in respect of elections to the Central Legislature...

Some Hon. Members: No; no. Not in Bengal; not in the Punjab.

Mr. Speaker: Order, order.

Shri Frank Anthony: So far as my home province which happens to be Madhya Pradesh is concerned, I know that the electoral rolls so far as elections to the Central Legislature were concerned, were being drawn up in English. Now the rolls are being prepared only in Hindi, leading, as it has done in Madhya Pradesh, to hundreds of people being disenfranchised.

Mr. Speaker: The difficulty appears to be that the hon. Member is perhaps confusing the script with the language. Now, the names which are to be printed will be the same in both the languages. I do not see there will be any difference. What he really means is that they should be printed in the English script. Therefore, I wanted to know from him the particular article in the Constitution. Whatever that may be, I do not know how this motion can be admitted. The matter is of importance no doubt: it is definite enough as well. But I think it is a matter which is more or less in the hands of the Election Commission. The hon. the Law Minister might enlighten me on this point.

The Minister of Law (Dr. Ambedkar): The matter is very simple. The position is this. Immediately before the Constitution the language that was used for the purpose of preparing electoral rolls was not English. It was left to the Provincial Governments to prepare the rolls in their regional languages with the additional proviso that if they felt that the electoral rolls should also be prepared in some other language than the regional language, they might do so. This provision which existed immediately before the commencement of the Constitution has also been adopted by the Election Commission in

Rule 6 of the Representation of the people (Preparation of Electoral Rolls) Rules, 1950. Under that rule the position today is this.

In addition to the electoral rolls prepared by the various States in their respective regional language or languages, the Election Commission has directed the preparation of the rolls in an additional language in regard to certain areas of the following States:

State	Area	Additional language
Bihar	Serai-kella-kharswan of Singhbhum District.	Oriya
Bombay	Bombay city.	English
Madras	Ichapur & Sompeta Taluks of Srikakulam District.	Oriya
	Añoni, Alur and Rayadrug Taluks of Bellary District.	Kannada
Orissa	Plains portion of Parlakimedi and Berhampore Taluka of Berhampore Sub-Division of Ganjam District, and Gurupur and Rayagada Taluks of Rayagada Sub-division of Korapur District.	Telugu

This is the provision that has been made. If my hon. friend has any grievance against the orders passed by the Election Commission under Rule 6 and he feels that there are certain areas in which additional rolls might be prepared in English, his proper remedy will be to make an application to the Election Commission.

Shri Frank Anthony: May I make a point, Sir?

Mr. Speaker: The matter does not require any further consideration. I only wanted to know how far this motion could be admissible and it clearly appears to me that it does not deserve to be admitted.

Shri Frank Anthony: But I would like to point out.....

Mr. Speaker: Whatever that may be, I do not consider there is scope for any further arguments on merits.

Shri Frank Anthony: But may I raise a point of order on this?

Mr. Speaker: Later on; not now.

**DEMOLITION OF HOUSES BUILT BY
REFUGEES**

Mr. Speaker: The other motion is by Mr. Kamath and relates to—

“The action taken by the Delhi administration in forcibly and callously demolishing the houses built by refugees and throwing the latter on the streets in the severe cold, despite the fact that this House is considering appropriate legislation in this regard, and regardless of the assurance given by the hon. the Prime Minister that the policy with regard to the eviction of refugees would be humane.”

The important point, as it appears to me, is that while this House is considering some legislation, steps for eviction are being taken. That seems to be a sufficiently important point in this particular motion. I should like to know what the Government have to say.

The Minister of Works, Production and Supply (Shri Gadgil): I do not know whether it is the hon. Member's intention to have a full discussion so far as the policy is concerned. In this motion as it is there is no specific mention of any particular area where such thing has happened. But from the enquiries I made as soon as I received notice of this adjournment motion it seems obviously to be related to the demolition of a few constructions in the area known as Damdama near the Roshanara Scheme of the Improvement Trust.

I want to give full information as far as possible to the House. There are 500 huts there; many of which have been there for more than a year. Out of those about sixty which, according to the authorities of the Improvement Trust, came into existence only three months ago were to be demolished, because they were on a plot which was sold by the Improvement Trust to one of the citizens in Delhi, and it held up the further implementation of the Improvement Trust Schemes. Notices were regularly issued to the sixty people and after the period of notices was over, at the request of the authorities of the Improvement Trust, the Delhi Administration, as it is bound to do, provided police help. About a dozen constructions were demolished. It was done in day time. Nothing was done after sunset. The next day when the police authorities went there, out of the sixty people only twenty were there. Although under the policy that has

been enunciated in terms of the assurances given by the hon. the Prime Minister, these people were not entitled to any alternative accommodation even then, alternative accommodation was offered to them in the area known as Northern Extension. The twenty people who were willing to be transported were given free transport. Not only this. Tents were provided for them. On that day, and probably for a few days thereafter, they were given free ration by the Delhi Administration. Over and above this I am assured by the Chief Commissioner of Delhi that he has already passed orders to give them even financial assistance. The rest of the people were not to be found there. No force was used and there was nothing like inhumanity as suggested in this adjournment motion. If the problem is to be dealt with in this way it cannot be dealt with. It will be absolutely insoluble and Delhi will be a city of slums.

The Government policy has been to give alternative accommodation for those people who have been in possession and who have built up constructions up to the 1st of February, 1949, as a matter of obligation. For those who have built constructions after that but up to August, 1950, when the Bill, to which reference has been made in this, was introduced, we do not give any undertaking but we propose to do as much as is possible. But every week about 150 hutments or constructions or buildings—call it by whatever name you like—are coming into existence, and if we show any slackness the problem will become impossible. I therefore want merely to give the facts so far as this matter is concerned. But if the House desires to discuss this, it will soon have an opportunity next week when the Bill will come before the House after its consideration in Select Committee.

Shri Kamath (Madhya Pradesh): These houses which were demolished by the Delhi Administration had been built before the Bill was introduced in Parliament, and I would like to know from the hon. Minister why the Delhi Administration could not stay their hand till the Bill was finally disposed of by the House.

Shri Gadgil: The answer to that is that if a Bill is pending it does not mean an automatic injunction on any administration to stop anything that is possible under the law as it stands. So far as the wishes of the members of the Select Committee and the Sub-Committee that was appointed by the Select Committee go, we have substantially respected them.

12 NOON

Shri J. R. Kapoor (Uttar Pradesh): No, no They have been flouted.

Mr. Speaker: Order, order.

Shri Gadgil: Wait, wait. It is not so easy as that. According to the Delhi Administration the constructions that were pulled down had been brought into existence within the last three months. We are confined only to these, but if he wants to raise other issues I am quite prepared.

Shri Kamath: The action taken amounts to contempt of the House.

Mr. Speaker: It does not arise like that. It seems that there is a difference of opinion as regards facts. The constructions, as the hon. Minister has stated, came into existence recently, that is within three months, a fact which I find some hon. Members, by shaking their heads, are denying. I do not think it is correct to discuss any subject when the facts themselves are in dispute. There can be a discussion as regards the policy if the facts are agreed. As I see, there is also another objection to this. Next week we are going to have this very Bill for discussion and I should not like to anticipate any discussion by way of an adjournment motion at this stage. When the Bill comes up the point will be discussed sufficiently and I do not therefore think it necessary to take it up now.

Pandit Thakur Das Bhargava (Punjab): May I submit that in the meantime, that is before the Bill comes up, no fresh houses should be demolished?

Mr. Speaker: Am I clear in understanding that some houses might have been demolished last week—were any houses actually demolished?

Shri Gadgil: I cannot give any answer offhand, but the policy has been that whenever the unauthorised constructions erected in any sector are to be demolished alternative provision is made and the people are taken there. No house or construction has been demolished in the sense that the occupant was not given anything alternatively.

Shri J. R. Kapoor: The hon. Minister was pleased to state that everything has been done in accordance with the wishes of the Select Committee and the Sub-Committee appointed by the Select Committee. May I here respectfully controvert that statement of the hon. Minister? We who are in the

Sub-Committee had specifically requested the hon. Minister that he should see to it that pending the final disposal of the Bill no houses should be demolished. But in contravention of that special request and appeal of ours many houses have been demolished during the last one month and more.

Mr. Speaker: I think we are going beyond the legitimate scope of the present discussion. We should just see how far this motion is admissible at the present stage. It is a matter in which I am sure the hon. Minister will try to respect the wishes of Members.

Shri Kamath: The Prime Minister was absent from the capital when the houses were demolished.

Mr. Speaker: Does the hon. the Prime Minister wish to say anything?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I wish to say a word not about houses being demolished but I should like to put in a word about houses not being constructed daily by interlopers. It is a problem of the biggest magnitude for Delhi that while we clear up a small space with great difficulty, suppose we clear up twenty-five persons, a hundred new persons come and put up constructions. While undoubtedly people, that is refugees etc., are concerned in this matter, vested interests have been created who do these kinds of things and get money from those poor refugees. It is a very great racket that is going on in Delhi in the name of the refugees.

Mr. Speaker: I am not inclined to give my consent to allow the adjournment motion.

IMPLEMENTATION OF RECOMMENDATIONS OF TARIFF BOARD re. WORKERS IN SUGAR INDUSTRY.

Mr. Speaker: Prof. Shibbanlal Saksena has tabled two different motions relating to the same subject. His adjournment motion is regarding the failure of the Government of India to secure the implementation of the recommendations of the Sugar Tariff Board, 1950 (Nos. 121 to 124 of the Tariff Board Report on the Sugar Industry), with regard to the amelioration of the condition of workers in the sugar industry, which has led to the recent widespread sugar strike in U.P. and the aftermath is still holding up sugar production in many factories. This obviously does not appear to be a matter which could form the subject of an adjournment motion according

to the tests which we have applied previously about these motions. It appears that the state of things is a continuing one and it is a matter which can better be discussed when the Budget comes up for discussion or some other related subject comes up for discussion. I do not see how I can give my consent to have an adjournment motion on this subject.

Prof. S. L. Saksena (Uttar Pradesh): This report was published some time back and I was assured that when the report was published the recommendations would be put into effect. The season has already commenced and unless there is peace among the labour classes of the sugar industry, sugar production will be greatly hampered. I therefore consider that this is a matter of great importance and should be discussed in this House.

The Minister of Food and Agriculture (Shri K. M. Munshi): With regard to this adjournment motion, I may say that it is not a matter of urgent importance at all. It seems that the recommendations of the Tariff Board were made long ago and the matter for discussion is as to the policy whether the recommendations were implemented and if not implemented, what were the reasons for it. As regards the strike, I may say that the strike has collapsed. There is no strike now and the matter, therefore, is not urgent at all. Then the statement namely, the aftermath is still holding up sugar production, is, I am afraid, not correct, because the collapse of the strike has led to stimulation of sugar production.

My second submission is that this is really a matter which falls within the purview of the U.P. Government because the sugar factories in which the strike took place is in U.P. and therefore it is really a matter for them and not for us. Finally, I do not want to say anything on the merits because there are no merits to this adjournment motion.

Mr. Speaker: Of course, it is obvious that the matter is neither urgent nor does it relate to the Central Government so far as the strike is concerned. Therefore, I rule it out of order.

CUT IN FOOD RATIONS

Mr. Speaker: Then there is another motion by Mr. Tyagi, saying that the House do stand adjourned to discuss an urgent matter of public importance, viz., the recent cut in the supply of food rations of the people residing in the ration-controlled areas of the country. I should like to know the hon. Minister's views.

The Minister of Food and Agriculture (Shri K. M. Munshi): So far as this adjournment motion is concerned, I appreciate the anxiety of my hon. friend to have all the facts placed before the House and I myself would be very glad to do so at an early opportunity. If perhaps he gave a Short Notice Question, I would be able to give all the information that he seeks and I hope that would satisfy him.

Shri Hussain Imam (Bihar): If Government are pleased they can give a day to discuss this matter. This is a matter of sufficient importance not only to be discussed on an adjournment motion but a day should be devoted to it.

Shri Tyagi (Uttar Pradesh): Before I say anything I want your ruling with regard to the admissibility of this motion. I want to bring on record at least once during the history of this Parliament that there was one adjournment motion which was strictly in accordance with the rules. I plead, Sir, that the motion is according to the rules, i.e., an adjournment motion on a definite matter of urgent public importance can be moved. I submit that the motion that I have made is on a definite matter, it is urgent, it is public and is important. I therefore submit that it is absolutely admissible, unless, of course, you in your pleasure withhold your consent to let it be discussed. I submit, Sir, that all of a sudden as a bolt from the blue the reduction fell on the people and every child was deprived of one or two loaves of bread every day. It is a matter on which there are all sorts of misunderstandings in the country. People attribute all sorts of motives in the matter of efficiency, inefficiency, management, procurement and some people accuse the State Governments and others accuse the Central Government for mismanagement. I would therefore submit, Sir, that the matter is important and it will help Government in establishing their position and their prestige in the country, so that the country may appreciate the position and stand by Government in this food crisis. So, it will be just in the fitness of things. I hope, Sir, Government will not take it as a censure motion. In fact it will be complimentary if I give them an opportunity of explaining their position to the nation at large.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, it is for you to decide on the question raised by my hon. friend whether it is a legal or constitutional matter, but so far as Government are concerned, we are anxious and eager to place all our facts and consult the

[Shri Jawaharlal Nehru]

House in this matter. The only question is: What is the most suitable method of doing so? If this very motion was considered a little later, it will be more convenient for the House or as my hon. colleague suggested, perhaps a better course would be if a Short Notice Question was put and an answer given and later on, if necessary, we shall allot a day. Let the House be in possession of facts first, and then we can discuss this later. We do not look upon it as a question of having to defend Government etc. but rather as one of dealing with a difficult situation in full co-operation with the House and the country.

Shri Tyagi: I would agree to the Short Notice Question.

Mr. Speaker: What was passing in my mind was—I have no doubt the motion is definitely a matter of urgent and public importance but my attitude was first of all a little more than that—whether the purpose of a discussion on such a matter will be fully served by an adjournment motion or there should be a fuller debate; and I was myself inclined to request Government to give more time to this, and if Government are agreeable, as I think they are, then, of course it is no use wasting the time of the House over the adjournment motion. So when I say that this adjournment motion should not be taken up, it is not because it is ruled out but because the House may have opportunities.....

Dr. Deshmukh (Madhya Pradesh): May we take it, Sir, that you have accepted an adjournment motion for once?

Mr. Speaker: Not yet. In between, I was saying, as suggested by the hon. Minister of Food and Agriculture, hon. Members may put in questions, get as much information as they want and be better prepared for a discussion of the debate that may take place. I trust that this will suit Government.

Shri K. M. Munshi: I have no objection.

Shri Tyagi: I have no objection either.

Shri Hussain Imam: When will the date be fixed?

Mr. Speaker: It will be according to the convenience of Government. So, it is not that the Chair rules out the motion, but the hon. Member does not move it.

Shri Tyagi: I take it that it is in order.

Mr. Speaker: To decide that question at this stage will be a problematical thing.

Shri Kamath (Madhya Pradesh): May I ask whether the Prime Minister will make a statement on the international situation, and if so, when?

Mr. Speaker: The hon. Member may better leave it at that.

Shri Frank Anthony (Madhya Pradesh): May I raise my point of order, Sir?

Shri Kamath: May I know the reply to my question, Sir?

Mr. Speaker: I am not permitting it at this stage?

Shri Kamath: At a later stage?

Mr. Speaker: He may make a request later.

Shri Kamath: I am asking the Prime Minister.

Mr. Speaker: He must consult him outside the House.

Shri Kamath: I am asking in the House; it is not a matter of privilege..

Mr. Speaker: Order, order.

Shri Frank Anthony: My point of order, with all due respect to the Chair, is this: is the Speaker authorised to supersede a mandatory and clear provision of the Constitution? Here is a mandatory provision that English shall continue to be used. I am not concerned with the academic assertion of the hon. Law Minister that the States could use other languages. It is stated very clearly that English shall be used and English was being used by Madhya Pradesh Government.

Seth Govind Das (Madhya Pradesh): No, Sir.

Mr. Speaker: Order, order; let him proceed.

Shri Frank Anthony: These provisions are inescapable. There is only one interpretation that can be put upon them. Can the Speaker supersede the mandatory provisions of the Constitution?

Mr. Speaker: It is very clear on the facts that have come out and as explained by the hon. Law Minister that there is practically no ground for raising this point of order and it is raised on certain assumptions which are tantamount to an incorrect interpretation of the Constitution. I do not think I need add anything more.

PRESIDENT'S ASSENT TO BILLS

Mr. Speaker: Now, the House will proceed with the other business. The Secretary will lay on the Table a statement showing the Bills passed by Parliament during November-December, 1950.

Secretary to Parliament: Sir, I beg to lay on the Table a statement showing the Bills which were passed by Parliament during November-December 1950 and assented to by the President. [See Appendix X, annexure No. 10.]

PAPERS LAID ON THE TABLE

AMENDMENT TO UNION PUBLIC SERVICE COMMISSION (CONSULTATION) REGULATIONS

The Minister of Home Affairs (Shri Rajagopalachari): I beg to lay on the Table a copy of Notification making certain further amendment in the Union Public Service Commission (Consultation) Regulations, in accordance with clause (5) of Article 320 of the Constitution. [Placed in Library. See No. P-129/51].

RESERVE BANK OF INDIA (STAFF) REGULATIONS, 1948

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of the Reserve Bank of India (Staff) Regulations, 1948. [Placed in Library. See No. 130/51].

PREVENTIVE DETENTION (AMENDMENT) BILL

The Minister of Home Affairs (Shri Rajagopalachari): I beg to move for leave to introduce a Bill further to amend the Preventive Detention Act, 1950.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Preventive Detention Act, 1950."

The motion was adopted.

Shri Rajagopalachari: I introduce the Bill.

HINDU CODE—contd.

Mr. Speaker: The House will now proceed with the further consideration of the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee.

Shri R. K. Chaudhuri (Assam): Sir, before the hon. Law Minister proceeds

with his Bill, may I make a most humble suggestion and it is this: either we finish the more important and shorter Bills in the agenda, and then take up the Hindu Code Bill and finish it, or let it be understood that the Hindu Code Bill will be considered from now and until the Hindu Code Bill is finished no other Bill will be taken up. Either of the two courses must be adopted. It seems that some people who are very much in favour of the Hindu Code Bill think that they are merely playing with time by taking up this Bill, considering it for a short period up to one stage, and then putting it off further for a longer spell of time. That is rather unfair to everybody concerned. Therefore, my first respectful request is this. Let us finish these shorter and more important Bills, as for instance, the Preventive Detention Bill. Under that Act, a number of persons who were arrested, were released under the orders of the High Courts. They have again been re-arrested and the whole thing has been held up in expectation of a more comprehensive Bill which was promised by Government. I submit, Sir, that, in the interests of law and order and also in view of the fact that justice should be allowed to run undeterred, we must finish the most important legislation, namely, the Preventive Detention Bill first, then the Employers' Liability Bill, and then sit down on the Hindu Code and finish it altogether. I hope my suggestion would be acceptable to the hon. Law Minister.

Mr. Speaker: Is this suggestion acceptable to the hon. Minister?

The Minister of Law (Dr. Ambedkar): No, Sir.

Mr. Speaker: So, we will proceed with the further consideration of the Hindu Code Bill.

Shri Naziruddin Ahmad (West Bengal): Sir, I have a point of order. The Hindu Code Bill is before the House for a very long time. Meanwhile, some important things have taken place, namely, that the Constitution has been passed, and a large number of Acts and sections have been declared to be *ultra vires* of the Constitution. The present Bill would seem to offend against certain definite provisions of the Constitution. We have enacted so many things in the Constitution that I was amazed to find that many relevant Acts are declared *ultra vires*. There are two provisions in the Constitution: One is that legislation should not be discriminatory. This is enacted in article 15; clause (1) of that article says:

"The State shall not discriminate against any citizen on

[Shri Naziruddin Ahmad]

grounds only of religion, race, caste, sex....."

I submit that the Bill is confined to Hindus. Within that expression 'Hindus', a large number of classes who would not be ordinarily Hindus are attempted to be brought. Even apart from that, there are large classes who will be outside this Bill. I submit that there is discrimination between different castes and persons following different religions. The words 'only of religion' do not seem to make any difference. There is discrimination between different sections of our citizens on the ground of religion. The phrase 'only of religion' does not mean much, for I find there is no other reason why there is difference between the different religious sects, except on grounds of religion. That is one thing.

The second article which I would like to submit for the consideration of the House is.....

Shri Tyagi (Uttar Pradesh): May I point out, Sir, that last time when we adjourned, it was decided and all agreed,—he was also a party—that no dilatory motions will be made.

Mr. Speaker: Order, order. He is not making any motion. He is only raising a point of order, according to him.

Shri Naziruddin Ahmad: I shall be very brief, Sir.

Shri B. Das (Orissa): But, he is making a long speech.

Shri Naziruddin Ahmad: The other article to which I would like to refer is 25(1). It says:

"Subject to public order, morality and health....." which do not mean.....

Shrimati Durgabai (Madras): In the name of raising a point of order, is the hon. Member allowed to argue the question on the merits of the case?

Mr. Speaker: He is arguing and he is entitled to argue; let us not be impatient with the people who differ.

Shri Sonavane (Bombay): What is his point of order?

Mr. Speaker: The hon. Member should hear what he is saying.

Shri Sonavane: Is he allowed to argue it?

Mr. Speaker: I cannot stop a Member, unless I know what he is going to speak, and I cannot know that unless he speaks out. So in order to know what the hon. Member is going to say, I must hear him, and that is the only democratic way in which we can go on.

Shrimati Durgabai: But, will he be allowed to refer to certain clauses of the Bill?

Mr. Speaker: The hon. Member knows that every person who wishes to argue his case is at liberty to speak; of course, if I find an hon. Member is abusing the liberty or is repeating himself, I shall certainly stop him.

Shri Raj Bahadur (Rajasthan): Sir, I would like to know by way of a ruling from you whether the hon. Member can use such derogatory terms as he did, when referring to certain provisions of the Constitution. He said that "subject to public morality, health, etc." are meaningless terms. Can he make such observations?

Shri R. K. Chaudhuri: Sir, I submit that when a point of order is raised and when the Speaker is listening to that point of order, there should be no interruptions from any hon. Member.

Mr. Speaker: Order, order.

Shri Naziruddin Ahmad: I submitted that the words in clause (1) of article 25—"Subject to public order, morality and health" do not really mean anything serious. I think they are the usual dreamy kind of safeguards which have no legal significance. The article further says:

"...all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

With regard to the subject of marriage, it is considered by all devout Hindus that marriage is part of their religious profession and practice. So far as I know, a Hindu thinks of marriage as part of his religion, and if a man has no son, he, it is believed, goes to a particular region in hell.

Shri Tyagi: Order, order, I have no son.

Mr. Speaker: Will the hon. Member resume his seat? Order, order. I want the hon. Member not to interrupt.

Shri Naziruddin Ahmad: In order to ensure against a particular kind of hell, the man should have a son, and in order to have that, he must marry. That is one of the ten *samskaras* of a Hindu. It is a religious practice, and in order to have a son, a man can have one wife or more than one. Therefore, I submit that this provision curtails the Fundamental Right given in article 25(1). I am not raising a point which is only of academic interest, for this clause has been utilised by the Bombay High Court recently in declaring a certain Act—Prevention of Bigamous Marriages Act—to be *ultra vires*.

Dr. Ambedkar: By the Bombay High Court? I am sure that is not correct, it was probably some magistrate.

Shri Naziruddin Ahmad: The question before us is whether some of the provisions relating to marriage may not be *ultra vires* of the Constitution. There is also the ground of discrimination, in view of article 15(1) of the Constitution. There are numerous other articles dealing with minor aspects of the question, but I think, these two would suffice for the time being. I am well aware of the principle that the Speaker cannot rule out a point because the legality of it is doubtful. But these are real stumbling blocks and I would request you, Sir, to consider the legality of the Bill. As we all know, a large number of Acts and sections have been declared *ultra vires*. Even at the time the Constitution was passed, objections were raised that these might be declared *ultra vires*. We have enacted these Fundamental Rights and anything inconsistent with them, to the extent of that inconsistency, would be null and void. There is no way out of it. If there is any law, any Act, which is in any way inconsistent with these articles, those laws or Acts, to the extent of that inconsistency, shall be void. That is the serious question before us now. Should we pass an enactment which would be declared null and void? Should we not reconsider the Bill in view of the structure of the Constitution which we have chosen to give to ourselves?

Sir, these are some of the matters which I venture to submit for your consideration.

Mr. Speaker: I do not think I need go in detail over the various points raised by the hon. Member, Mr. Naziruddin Ahmad. The short answer which I can give to whatever he has stated is this. What he urges now

may be true in respect of some of the provisions at the most, not all the provisions. And the proper procedure and time to deal with them would be when the particular provision which he thinks contravenes the Constitution, comes up for consideration, not till then, because to say all the provisions are of that type, and therefore there should be no consideration of the Bill, would be going too far.

That is the short way in which I can dispose of all the objections which the hon. Member has urged. This does not mean that I agree with his view. But assuming that his view is correct, still the proper time would be when the relevant clause comes up for consideration. This House is perfectly competent to add to, or subtract from the Bill as presented to the House, if the House comes to the conclusion that a particular provision is not proper or offends against the Constitution. But it cannot be decided by the Chair just at the very beginning.

I do not think I need go into the merits of the arguments as to how far there is really any discrimination or how far marriage is really a question of religion and so on and so forth.

I think we shall now proceed with the Bill, clause by clause.

Clause 2— (Application of Code)

Pandit M. B. Bhargava (Ajmer): I have got an amendment standing in my name, proposing the insertion of a new clause 2, after clause 1.

Mr. Speaker: Yes, that is right. The hon. Member may move it now.

Shri Tyagi: Sir, before that, may I refer to a ruling you gave once, and to the ruling which you gave just now? Once when I raised a point about a Bill being declared *ultra vires*, the ruling was that it was for the Courts to decide whether it was *ultra vires* and that it was not within the purview of the Chair. Sir, do you hold to that view now or will you use discretion in declaring certain clauses *ultra vires* or otherwise of the Constitution?

Mr. Speaker: I do not think I have yet any grounds for changing my view. If, however, grounds are shown I may reconsider the matter.

Pandit Thakur Das Bhargava (Punjab): Sir, ordinarily clause 1 is taken after all the clauses are finished. In regard to the Hindu Code I find from

[Pandit Thakur Das Bhargava]

the amendments to clause 1 that some of them involve questions of a very substantive nature. They relate to applicability of the Code in certain States. Many amendments to clause 1 have been put on the order paper and may I request you kindly to consider whether it would be possible to take up clause 1 first?

Mr. Speaker: The reason for taking up clause 1 at the end is to see that it may be properly worded, after seeing the final form of the various provisions in the legislation. The hon. Member will see that sub-clause (1) of clause 1 says as to what the name of the Bill shall be; sub-clause (2) deals with the territorial extent of this legislation and sub-clause (3) speaks about the date from which the Bill will come into force.

Pandit Thakur Das Bhargava: Territorial extent is a substantive question.

Mr. Speaker: Even in regard to that, after going through the provisions of the Bill it may be possible for us to see more clearly as to whether the provisions of the Bill should apply to all parts of India or exceptions should be made in respect of certain provisions in respect to certain States or areas. To my mind, it appears more advantageous to take clause 1 at the end, for then the House will have a more clear picture as to what the provisions of the Bill are. That is a better procedure and we shall proceed with clause 2.

As regards Pandit M. B. Bhargava's amendment, it more or less seeks to amend clause 1 and he wants to put in a new condition for the application of the provisions of the Bill.

Dr. Ambedkar: It is really an amendment to clause 1.

Pandit M. B. Bhargava: I may be allowed to explain.

Mr. Speaker: The amendment says:

"That this Code or only such part of it shall come into force if and when it is ratified on a referendum by majority of the Hindu electorate of Parliament."

That is, really speaking, an amendment to sub-clause (3) of clause 1, though he places it as a separate new clause. No further arguments are necessary and I shall proceed with clause 2.

Shri Sarwate (Madhya Bharat): Will the official amendments be moved first or will mine be taken up first?

Mr. Speaker: I am going by the order so far as the provisions of the Bill go. The official amendments will come later on.

Shrimati Durgabai: If the official amendments are moved first they may cover the points to be raised later by non-official amendments.

Mr. Speaker: We will go by the order.

Dr. Ambedkar: May I make a suggestion in the interest of economy of time.....

Shri Tyagi: Withdraw the Bill: that is the best economy of time.

Dr. Ambedkar: That would be too much of an economy. If you look at the various amendments which stand on the order paper you will see that most of the amendments are mere variants of one another. There is no amendment which is very substantially different from the other amendments. I was therefore suggesting whether it would not be a proper procedure to permit Members to move their amendments and then to have a general discussion rather than to permit each amendment to be moved, have a debate on it and then to dispose of it, thereafter have another amendment moved, have a debate on it and then to dispose of it. I was thinking that in the interests of economy of time the procedure I was suggesting might appeal to you.

Mr. Speaker: In fact, we have been following that procedure. Where amendments involve a common point, all the amendments are moved and there is a common discussion. That is the practice which we have been following in the past and therefore I shall follow that practice here too.

Shri Sarwate: I beg to move:

For clause 2, substitute:

"2. *Application of Code.*—(1) This Code applies to all Hindus.

(2) The expression 'Hindu' in this Code, shall, unless otherwise provided, mean a citizen of India.

(3) Notwithstanding anything contained in the Special Marriage Act, 1872 (III of 1872), this Code shall apply to Hindus, as defined in that Act, and whose marriages have not been solemnized under the provisions of that Act prior to the commencement of this Code."

Mr. Speaker: May I suggest one thing more. Those amendments that

are printed, as well as others too, have been circularised. So hon. Members may only mention the number of the amendment they propose to move and I shall take it that it has been moved. All the amendments relating to one clause and one subject will be moved and discussed.

Shri Tyagi: The point which the amendments seek to amend will be discussed separately.

Mr. Speaker: Yes.

The Minister of State for Transport and Railways (Shri Santhanam): Sir, is it in order to go against the fundamentals of the Hindu Code itself. The amendment seeks to apply the Code to all Christians, Muslims and others. Does it not go beyond the Code itself? I would like a ruling from you, Sir, on that subject.

Mr. Speaker: Let the amendments be moved first.

Shri Tyagi: The amendment seeks to Hinduise the Muslims, which is against the law or Constitution. Everybody has been guaranteed the liberty of practising his religion and to bring the Muslims and Christians also under the Hindu Code will mean interfering with their religion.

Mr. Speaker: Let the amendments be moved.

Shri Tyagi: This amendment has been moved and therefore it is out of order.

Shri Indra Vidyavachaspati (Uttar Pradesh): I beg to move:

For clause 2, substitute:

"2. This Code applies to all Indians irrespective of their religion, caste or creed".

Pandit Thakur Das Bhargava: I beg to move:

For clause 2, substitute:

"2. Subject to the provisions of section 1. this Code applies—

- (a) to all persons who are Hindus, Buddhists, Jains or Sikhs by religion;
- (b) to any other person who is not a Muslim, Christian, Parsee, or a Jew by religion;
- (c) to every woman who married any person who

was not a Muslim, Christian, Parsee or a Jew by religion;

(d) to any child legitimate or illegitimate one of whose parents was a person who was not a Muslim, Christian, Parsee or a Jew by religion;

(e) to a convert to any religion except the Muslim, Christian, Parsee or Jew by religion."

Shri Jhunjhunwala (Bihar): I beg to move:

For clause 2, substitute:

"2. *Application of Code.*—This Code applies to all the citizens of India that is Bharat, irrespective of their caste, creed and irrespective of their belonging to or professing any religion."

Dr. Ambedkar: I beg to move:

In clause 2,—

(1) in sub-clause (1),—

(i) in part (a), for "Hindus, that is to say, all persons professing the Hindu religion" substitute "persons who are Hindus by religion";

(ii) in part (d), for "Hindu religion" substitute "Hindu, Buddhist, Jaina or Sikh religion";

(2) omit sub-clause (4).

Shri Naziruddin Ahmad: I beg to move:

(i) In part (a) of sub-clause (1) of clause 2, for "Hindus, that is to say, all persons professing the Hindu religion" substitute "persons who are Hindus by religion".

(ii) Omit part (b) of sub-clause (1) of clause 2.

(iii) For part (b) of sub-clause (1) of clause 2, substitute:

"(b) to all persons who are Buddhists, Jains or Sikhs by religion;"

(iv) For part (b) of sub-clause (1) of clause 2, substitute:

"(b) to any person who is a Jaina by religion".

(v) In part (b) of sub-clause (1) of clause 2, for "Jaina or Sikh", substitute "or Jaina".

Sardar Hukam Singh (Punjab): I beg to move:

In part (b) of sub-clause (1) of clause 2, omit "or Sikh".

Shri Naziruddin Ahmad: I beg to move:

(i) In part (c) (i) of sub-clause (1) of clause 2, after "illegitimate" insert:

"who, if he has attained the age of eighteen years, is himself a Hindu and".

(ii) In part (c) (i) of sub-clause (1) of clause 2, for "whose parents are Hindus" substitute "whose parents are or have been Hindus".

(iii) In part (c) (ii) of sub-clause (1) of clause 2, after "belongs or belonged" insert "and who, if he has attained the age of eighteen years, is himself a Hindu".

Shri S. P. Misra (Uttar Pradesh): I beg to move:

After part (c) (ii) of sub-clause (1) of clause 2, add:

"(iii) to any abandoned child brought up as a member of the community, group or family to which such parent belongs".

Shri Naziruddin Ahmad: I beg to move:

For part (d) of sub-clause (1) of clause 2, substitute:

"(d) to a convert to the Hindu religion, subject to his rights and liabilities before his conversion."

Babu Gopinath Singh (Uttar Pradesh): I beg to move:

After part (d) of sub-clause (1) of clause 2, add:

"(e) to a Muslim or Christian converted from Buddhism, Jainism, Sikhism or Hinduism in his life time."

Shri Naziruddin Ahmad: I beg to move:

Omit sub-clause (2) of clause 2.

Sardar Hukam Singh: I beg to move:

In sub-clause (2) of clause 2, after "Parsi" insert "Sikh".

Shri Brajeshwar Prasad (Bihar): I beg to move:

After sub-clause (2) of clause 2, insert:

"(2A) This Code also applies to any woman professing any reli-

gion who has married a Hindu, Buddhist, Jain or Sikh."

Shri Naziruddin Ahmad: I beg to move:

(i) Omit sub-clause (3) of clause 2.

(ii) Omit sub-clause (4) of clause 2.

(iii) After sub-clause (4) of clause 2, add:

"(5) Notwithstanding anything in this section this Code shall apply only to such areas or to such persons or classes of persons in any State from such time or by such stages as the State Legislature may from time to time by Act provide."

Shri Jhunjhunwala: I beg to move: To clause 2, add the proviso:

"Provided, however, that notwithstanding anything contained in the above clauses, this Code shall not apply to any person, unless such person got his name registered with such authority, and in such manner, as may be hereafter prescribed by Parliament, within one year after this Code comes into force, and in case of a minor within one year after such a minor attains majority."

Mr. Speaker: I called out each Member who has tabled his amendment or amendments and I find that **Shri Shiv Charan Lal** and **Prof. K. K. Bhattacharya** were absent when called. But, as we are following a procedure of calling out the number of the amendment it is possible that these two Members may not have expected that they would have been called so soon as that to move their amendments. Though I am very clear that they should have been in their seats when the Bill is taken up for discussion, as we are starting this procedure in the beginning, I am thinking of permitting them to move their amendments later on if they turn up in the House and wish to move them during the course of discussion on this particular clause.

Shri J. R. Kapoor (Uttar Pradesh): Sir, there are two amendments of which I have given notice. One of them is an amendment to **Shri Jhunjhunwala's** amendment No. 18 in Supplementary List No. 1.

Mr. Speaker: Is the hon. Member moving further substantial amendments?

Shri J. R. Kapoor: No, I may be so called but not No. 2.

Mr. Speaker: No. 2 of course is an amendment to the amendment of Shri Jhunjhunwala. That I am accepting for moving

Shri J. R. Kapoor: So far as No. 1 is concerned, it does so happen that it has been given the shape of an absolutely original amendment though I had given it to the Notice Office in the form of an amendment to Mr. Jhunjhunwala's amendment No. 13. To put it in a better form the Office has given it as a separate amendment. Therefore, I hope you will admit it. The whole thing will be open to discussion and the admission of this will not in any way interfere with the proper disposal of the subject.

Mr. Speaker: It is not a question of disposal. If I were to permit amendments at the last minute, they will be coming in even till the last stage of voting. Therefore, I am unwilling to waive.....

Shri J. R. Kapoor: Sir, I was making this submission only in view of the special circumstances of the case. Originally I had put in the first amendment as an amendment to Shri Jhunjhunwala's amendment No. 13 in Supplementary List No. 1. But then to give it a better form the office thought it might be put as a separate substantial amendment. If the Chair is so pleased it can be taken in the original form.

Mr. Speaker: Very well. As it is a change in form only I will permit him to move it.

Shri J. R. Kapoor: I beg to move:

(i) For clause 2, substitute:

"2. *Application of Code.*—This Code or any part or parts thereof applies to all the citizens of India that is Bharat, who after attaining the age of majority, declare in writing that they shall be governed by this Code or any part or parts thereof, as the case may be, and get such declaration registered in accordance with rules prescribed for the purpose by the Central Government."

I also beg to move:

(ii) In the amendment proposed by Shri Banarsi Prasad Jhunjhunwala, in the proposed proviso to clause 2, for the words beginning with the words "unless such person" to the end, substitute:

"unless such person, after attaining the age of majority, declares in writing that he or she, as the case may be, shall be governed

by this Code, and gets such declaration registered in accordance with rules prescribed for the purpose by the Central Government."

Mr. Speaker: Amendments moved:

1. For clause 2, substitute:

"2. *Application of Code.*—(1) This Code applies to all Hindus.

(2) The expression 'Hindu' in this Code shall, unless otherwise provided, mean a citizen of India.

(3) Notwithstanding anything contained in the Special Marriage Act, 1872 (III of 1872), this Code shall apply to Hindus, as defined in that Act, and whose marriages have not been solemnized under the provisions of that Act prior to the commencement of this Code."

2. For clause 2, substitute:

"2. This Code applies to all Indians irrespective of their religion, caste or creed."

3. For clause 2, substitute:

"2. Subject to the provisions of section 1 this Code applies—

(a) to all persons who are Hindus, Buddhists, Jains or Sikhs by religion;

(b) to any other person who is not a Muslim, Christian, Parsee, or a Jew by religion;

(c) to every woman who married any person who was not a Muslim, Christian, Parsee or a Jew by religion;

(d) to any child legitimate or illegitimate one of whose parents was a person who was not a Muslim, Christian, Parsee or a Jew by religion;

(e) to a convert to any religion except the Muslim, Christian, Parsee or Jew by religion."

4. For clause 2, substitute:

"2. *Application of Code.*—This Code applies to all the citizens of India that is Bharat, irrespective of their caste, creed and irrespective of their belonging to or professing any religion."

5. In clause 2,—

(1) in sub-clause (1),—

(i) in part (a), for "Hindus, that is to say, all persons professing the Hindu religion" substitute "persons who are Hindus by religion";

[Shri J. R. Kapoor]

(ii) in part (d), for "Hindu religion" substitute "Hindu, Buddhist, Jaina or Sikh religion";

(2) Omit sub-clause (4).

6. In part (a) of sub-clause (1) of clause 2, for, "Hindus, that is to say, all persons professing the Hindu religion" substitute "persons who are Hindus by religion".

7. omit part (b) of sub-clause (1) of clause 2.

8. For part (b) of sub-clause (1) of clause 2, substitute:

"(b) to all persons who are Buddhists, Jains or Sikhs by religion".

9. For part (b) of sub-clause (1) of clause 2, substitute:

"(b) to any person who is a Jaina by religion".

10. In part (b) of sub-clause (1) of clause 2, for "Jaina or Sikh", substitute "or Jaina".

11. In part (b) of sub-clause (1) of clause 2, omit "or Sikh".

12. In part (c) (i) of sub-clause (1) of clause 2, after "illegitimate" insert:

"who, if he has attained the age of eighteen years, is himself a Hindu and".

13. In part (c) (i) of sub-clause (1) of clause 2, for "whose parents are Hindus" substitute "whose parents are or have been Hindus".

14. In part (c)(ii) of sub-clause (1) of clause 2, after "belongs or belonged" insert "and who, if he has attained the age of eighteen years, is himself a Hindu".

15. After part (c)(ii) of sub-clause (1) of clause 2, add:

"(iii) to any abandoned child brought up as a member of the community, group or family to which such parent belongs";

16. For part (d) of sub-clause (1) of clause 2, substitute:

"(d) to a convert to the Hindu religion, subject to his rights and liabilities before his conversion."

17. After part (d) of sub-clause (1) of clause 2, add:

"(e) to a Muslim or Christian converted from Buddhism, Jainism,

Sikhism or Hinduism in his life time."

18. Omit sub-clause (2) of clause 2.

19. In sub-clause (2) of clause 2, after "Parsi" insert "Sikh".

20. After sub-clause (2) of clause 2, insert:

"(2A) This Code also applies to any woman professing any religion who has married a Hindu, Buddhist, Jain or Sikh."

21. Omit sub-clause (3) of clause 2.

22. Omit sub-clause (4) of clause 2.

23. After sub-clause (4) of clause 2, add:

"(5) Notwithstanding anything in this section this Code shall apply only to such areas or to such persons or classes of persons in any State from such time or by such stages as the State Legislature may from time to time by Act provide."

24. To clause 2, add the proviso:

"Provided, however, that notwithstanding anything contained in the above clauses, this Code shall not apply to any person, unless such person got his name registered with such authority, and in such manner, as may be hereafter prescribed by Parliament, within one year after this Code comes into force, and in case of a minor within one year after such a minor attains majority."

25. For clause 2, substitute:

"2. *Application of Code.*—This Code or any part or parts thereof applies to all the citizens of India that is Bharat, who after attaining the age of majority, declare in writing that they shall be governed by this Code or any part or parts thereof, as the case may be, and get such declaration registered in accordance with rules prescribed for the purpose by the Central Government."

26. In the amendment proposed by Shri Banarsi Prasad Jhunjhunwala, in the proposed proviso to clause 2, for the words beginning with the words "unless such person" to the end, substitute:

"unless such person, after attaining the age of majority, declares in writing that he or she, as the case may be, shall be governed by this Code, and gets such declaration registered in accordance with

rules prescribed for the purpose by the Central Government."

Shri Naziruddin Ahmad: Sir, I would like to suggest a short-cut. There are a large number of amendments, though governing almost the same matter. I think if all these matters are discussed together there would be confusion and I think, from experience, that we will not get replies to our points. If we consider separately, we can curtail our speeches to prevent repetition. I suggest this only as a matter of opinion.

Mr. Speaker: If we are all determined not to repeat the same thing over again, we need not be very much afraid of repetitions. Of course, the Chair may be put to a much greater strain in watching that there are no repetitions, but the Chair will try its best to do so.

Dr. Ambedkar: And apply sanctions to Mr. Naziruddin Ahmad!

Shri Sarwate: Sir, at the outset an objection has been raised that my amendment would enlarge the scope of the Bill. In the course of my speech, I shall try to show that it does so at all, it is not being inconsistent either with the object of this Bill or with the provisions of the Constitution.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

As far as I know, there has been no one definition of "Hindu". The connotation and denotation of the term "Hindu" has varied from time to time and from place to place. Possibly, there would be a time when it would come to mean what I have suggested in my amendment. I may quote certain instances where the term "Hindu" is interpreted variously. *Satyarthaprakash*, I am told, does say that "Hindu" means: "whosoever resides in India". *Savarkar*, reformer of Bombay has suggested that whosoever is born in India and who holds her as his sacred land is a Hindu. He has suggested:

आ सिधु सिधु पर्वता, यस्य भारत भूमिका ।

पितृभूः पुष्यमूर्त्तैव, सर्वे हिन्दुरिति स्मृतः ॥

(that is to say, one who considers India to be his homeland and also as his sacred land should be considered as Hindu.) I need not point out that in America and also probably in South Africa everybody who comes from India is known as "Hindu". Therefore, my amendment does not seek to do anything novel but is in conformity

with the interpretation which has been tried to put on this term "Hindu". Again, I may point out that in this Bill itself, the term "Hindu" is not restricted to Hindu law, whatever that may mean. In sub-clause (a) of the definitions, it is said to apply:

"to all Hindus, that is to say, to all persons professing the Hindu religion",

and in (b):

"to any person who is Buddhist, Jain or Sikh by religion".

So, this Bill seeks to extend the provisions to Hindus plus Sikhs plus Buddhists plus Jains. I need not go into the history of the Hindu religion. Jainism was certainly at one time opposed to and contradictory to the Hindu religion, if that means *Sanatana Vedic Dharma*. Whereas *Sanatana Vedic Dharma* relied on the Vedas, Jainism did not rely on the Vedas. Therefore, Jain and Hindu *Sanatana Vedic Dharmas* were entirely different religions.

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

The House re-assembled after Lunch at Half Past Two of the Clock.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

Shri Sarwate: When the House rose for lunch I was trying to show that in the Bill along with Hindus, persons of other religions are also sought to be included—religions which were contradictory to and opposed to Hindu religion, i.e., *Sanatana Vedic Dharma*. For instance, Buddhism was against Hinduism; so also was Jainism. But these two religions have been included in the Hindu Code Bill. So, if the mover of the Bill is entitled to include certain religions other than Hinduism, then I am entitled to move that certain other religions may also be included and in doing so I think I shall not be outside the scope of the Bill.

I was going further to show that the Bill under discussion also seeks to codify and reform Hindu law. If I remember aright, it has been stated in the Statement of Objects and Reasons. Possibly that has been done to obviate or remove any possible difficulty that the Constitution may bring in at this stage or later on. What I mean is this. Article 25 of the Constitution lays down that all citizens of India are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. If a

[Shri Sarwate]

man were free to practise his own religion, then he would certainly be at liberty to marry according to the tenets of his religion. But what is sought to be done by this Bill is that he will be forced to marry in a particular way. The principles laid down in this Bill may be entirely opposed to the tenets of his religion. I have a feeling that objection to this may probably be sought to be covered by the subsequent clause of article 25 which reads:

"(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus."

By my amendment I want to reform what is Hindu religion. I want to reform Hinduism by widening its scope to all those persons who are citizens of India, including Christians, Parsis, Jews, etc.

Now, Sir, what is Hindu Law? Hindu law is said to be based on *shruti* and *smriti*, that is *Vedas*. Further it is said that is not the only source. The other source is the enactment by proper legislature or proper authority. So, let us say that enactment plus *Vedas* is equal to Hindu law. If X represents *Shruti* and *Smriti* and Y represents enactment, Hindu Law is equal to X plus Y. The value of X in the beginning was 100 and that of Y zero. But as time went on encroachments were made by enactments one by one with the result that the position was completely changed.

The very basis of the Hindu religion is the caste system and secondly the particular way in which marriage is held. It is held to be sacred; it is held to be sacramental and therefore it is said to be indissoluble. It cannot be dissolved. There cannot be a divorce according to the strict *Sanatana Vedic Dharma* as practised by orthodox Hindus. But one by one these fundamentals are being removed. For instance, divorce is allowed: in certain cases castes have been totally ignored and in this Bill it has been said that there will be no caste. So this Bill takes away the whole basis of 'Hinduism' according to the *Sanatan*

Vedic Dharma. What this Bill seeks to do is that whereas previously X was hundred and Y was zero and the total was hundred, X is sought to be reduced to zero and Y raised to hundred. They are exactly reversing the position. While once the *shruti* and *smriti* was the whole source and enactment nil, now the enactment would be the whole source and *shruti* and *smriti* nil. Therefore, what I am now saying is that instead of giving this benefit only to those who are *Sanatan Vedic Dharmis* it should be extended to all. That would be doing on the professed lines of the Bill. My object is to give equality to all persons who are inside the limits of India. I am neither partial to the Hindus, nor to Sikhs, nor to anybody else.

It may perhaps be pointed out that I am trying to extend the scope of the Bill to persons who were not examined; for instance, Christians and Parsis were not examined, and that it would be unfair. My answer is that it would be unfair to include the Sikhs either because they were not examined. So, in point of fairness there is not much to choose between the provisions of the original Bill and the amendment which I am seeking to move. The logical course would be to examine those persons who were not examined previously and to get their opinion. If necessary the Bill may be held over or returned to do this.

The chief claim of this Bill is said to be this that it is based on a very good sense of fairplay, justice and equity. Suppose it is said, for instance, a person has three sons and three daughters. If he has affection for his sons, he has equal affection for his daughters. If the sons are to inherit because they are born of the parents it follows that the daughters also having been born of the parents they should also take the inheritance. That is the only reason that can be advanced for giving the inheritance to the daughter, namely, that she is born of her parents, and therefore she necessarily ought to get a share in the property of the father. In a way it is right. Then it should be right not only in the case of Hindus but of Muslims and Sikhs also; it should be so in the case of Christians and others. Therefore, if the law has to be amended it should be made applicable not only to Hindus but to all citizens who happen to be within our jurisdiction and for whom we can legislate.

And here I am a very good support. I shall just quote what Dr. Ambedkar himself has said at a previous stage of the Bill—I am quoting from page 3651

of the report of the proceedings of the House:

"If my hon. friend's alternative was that there ought not to be communal laws of inheritance and communal laws of marriage but there are to be a common civil code applying to all sections, all communities, in fact applying to citizens without discrimination as to religion, caste or creed, I am certainly one with him."

He said this in the course of the discussion on the Hindu Code Bill at some previous stage.

An. Hon. Member: He has changed his opinion.

Shri Sarwate: He should keep his word.

There is also a provision in the Constitution in my favour, and that is article 44 which says:

"The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."

A civil code necessarily means a code which deals with marriage, inheritance, adoption and so on. The scope of the civil code is co-terminous with and almost the same as that of the Hindu Code Bill. The article in the Constitution says that "the State shall endeavour.....", which is being made by this amendment. So it is but proper that the earliest opportunity should be taken to put this provision of the Constitution into effect and Dr. Ambedkar should be the first person to accept my amendment.

While the discussion on this Code was going on in the previous session, some of my Muslim friends, and also some of my Parsi friends, expressed their entire satisfaction and were very loud in praising the provisions of this Code. I would welcome them and appeal to them to support me. When they consider that the provisions are so good and reasonable, they should follow up their convictions by similar speeches as the one which I am at present making, namely, that the Code should be made applicable to all.

I say that the expression "Hindu" in this Code shall, unless otherwise provided, mean a citizen of India. I have put in the expression "unless otherwise provided" for this reason, namely, that if certain provisions of this law are not applicable to people of certain religions, if for instance they think that adoption is not necessary for them, they can move that for the purposes of adoption "Hindu" should not

include, for instance, a Muslim or a Christian. The phrase "unless otherwise provided" would show that it is sufficiently elastic. My definition would be sufficiently elastic to enable every religion to adapt the Code to its own tenets or whatever hon. Members think that their religion requires them to do. So there should be no difficulty in this way either. For instance the Roman Catholics think that divorce is not allowable in their case. If they are convinced they can say that for purposes of divorce "Hindu" should not include a Roman Catholic.

According to this Code there can be two ways of marriage, sacramental and civil. Sacramental marriage would mean a marriage done according to religion. It may be any religion—it may be Hindu, Jain, Christian. That does not come in the way either. For instance there are necessary ceremonies in the Sanatana Vedic Dharma. What I am suggesting is that people of those religions need not be afraid that their whole religion would be nullified.

Shri Tyagi: What about those who are already married according to another Code?

Shri Sarwate: My hon. friend Mr. Tyagi may suggest the necessary amendments at the proper stage for that.

I therefore suggest that my amendment meets the provisions of the Constitution; it is in conformity with what has been said by the Mover of the Bill, the hon. Dr. Ambedkar; it meets also all the claims which have been made for this Bill, those of logic, justice and fairplay. I therefore commend my amendment to the House and to the Mover of the Bill for acceptance.

Mr. Chairman: There are some amendments from the hon. Member Shri Gopinath Singh. They have come today. The rule in this House has been that unless the hon. Member in charge of the Bill consents, the Chair does not allow them. The notice has been received only today; I would ask the hon. Dr. Ambedkar if he is willing to accept them.

Dr. Ambedkar: I have not got copies of those amendments at all and I cannot say anything.

श्री इन्द्र विद्यावाचस्पति : अध्यक्ष महोदय, मेरा संशोधन यह है कि हिंदू कोड बिल जब पास हो जाये तो यह हर एक हिन्दुस्तानी पर लागू हो। कास्ट (caste), क्रीड (creed) या रिलीजन

(religion) का फ़र्क इस में नहीं होना चाहिये। यह मेरा संशोधन है। मैं पहले आप से यह निवेदन करना चाहता हूँ कि आज मैं बोल क्यों रहा हूँ। साल भर से मैं इस संसद् का सदस्य हूँ। आज तक एक मिनट के लिए भी मैं खड़ा नहीं हुआ। कारण यह था कि हमारे अध्यक्ष महोदय ने कहा था कि संसद् के एक मिनट का मूल्य पचास रुपया है। मैं ने साल भर में सैकड़ों रुपये इस संसद् के बचाये हैं। पर आज नहीं बचाना चाहता। इस का कारण यह है कि मुझे एक संकट मालूम होता है। वह यह है कि यह जो बिल आप के सामने है उस के पास होने में भी मुझे संकट मालूम होता है और न पास होने में भी। मैं एक कट्टर समाज सुधारक हूँ और मैं चाहता हूँ कि समाज सुधार का कानून बने। राज्य को यह अधिकार है कि वह समाज सुधार के लिए कानून पास करे। इसलिये मेरा विचार है कि यह नहीं कहा जा सकता कि यह कोई धर्म में हस्तक्षेप है। मैं यह समझता हूँ कि ऐसे समाज सम्बन्धी कानून में राज्य को और धारा सभा को हस्तक्षेप करना चाहिये। मैं यह तो नहीं कहता कि यह कानून गिर जाये लेकिन जिस शकल में यह इस समय पेश है उस में मुझे यह डर मालूम होता है कि यह इस शकल में पास नहीं होगा यद्यपि डाक्टर अम्बेडकर और हमारे प्रधान मंत्री बार बार कहते हैं कि वह इस को पास करा लेंगे। मेरा ब्याल है कि यदि बजट अधिवेशन जैसा बड़ा अधिवेशन हो तो भी जब तक इसे आप गिलोटिन (guillotine) से पास नहीं करेंगे यह पास नहीं होगा। पर ऐसे कानून को गिलोटिन से पास नहीं करना चाहिये

क्योंकि इस का सारे देश भर के ऊपर असर है। पहला संकट तो यह है और दूसरा संकट एक और है। वह यह कि आप इस बिल को इस रूप में पास कर के एक बुराई को बहुत लम्बा जीवन दे देंगे। वह ऐसी बुराई है कि जिस को अब नहीं रहना चाहिये और जिस के खिलाफ़ हम खड़े हुए हैं। वह है साम्प्रदायिकता। आप इस साम्प्रदायिकता की बुराई को हमेशा के लिए जाग्रत कर देते हैं यदि आप हिन्दू कोड बिल पास करते हैं। यह कानून सारे देश के लिए नहीं बनाया जा रहा है इसलिये एक साम्प्रदायिकता की भावना हमेशा के लिए जाग्रत हो जायेगी। इस के न पास होने में मुझे यह डर है कि समाज सुधार के लिए कानून का रास्ता खत्म न हो जाये। इस के पास होने की मुझे बहुत कम आशा है और अगर पास हो जाता है तो साम्प्रदायिकता की भावना बहुत लम्बी हो जायेगी और एक चीज जो बरदान होनी चाहिये वह अभिशाप हो जायेगी तो समाज सुधार के रास्ते में इस तरह का संकट आते देख और रुकावट आते देख मैं ने सोचा कि मैं कुछ निवेदन करूँ। यह मैं साफ़ कह देना चाहता हूँ कि मैं समाज सुधार में कानून बनाने के पक्ष में हूँ। जितना सुधार पेश किया गया है उस की एक एक चीज में मैं नहीं जाना चाहता जैसे बहु विवाह का विषय है। मैं चाहता हूँ कि हमारे यहाँ मोनोगमी (monogamy) की प्रथा कानूनन प्रचलित हो, केवल हिन्दुओं के लिए ही नहीं बल्कि सारे हिन्दुस्तानियों के लिए। इसी तरह मैं यह मानता हूँ कि स्त्रियों के साथ न्याय होना चाहिये, उन के आर्थिक अधिकार सुरक्षित हों। मैं यह नहीं मानता कि केवल हिन्दू स्त्रियों पर ही अत्याचार होता है। मैं मानता हूँ कि देश की और स्त्रियों पर

भी अत्याचार होता है और वह अत्याचार उन पर से हटना चाहिये। यदि समाज अपने आप इन अत्याचारों को हटा दे तो अच्छा है, नहीं तो कानून को बीच में पडना चाहिये। अगर आप सारे देश के लिए एक संविधान समानता के उसूल पर और न्याय के उसूल पर बना सकते हैं तो आप समाज के लिए कानून क्यों न बनायें। इसी तरह मैं समझता हूँ कि विवाह विच्छेद का प्रश्न है। इस के विरोध में बड़े बड़े शास्त्रों के प्रमाण सुनते हैं। मैं आज उस विषय में नहीं जाना चाहता लेकिन मैं भी धर्म शास्त्रों के आधार पर यह कह सकता हूँ कि यह बातें गलत कही जाती हैं कि शास्त्रों में यह नहीं है। शास्त्र में सब बातें हैं, पक्ष की भी और विपक्ष की भी। १३७ स्मृतियाँ हैं उन में से मुख्य मनु-स्मृति में यह लिखा हुआ है :

विद्वद्भिः सेवितः सद्भिर्नित्य मद्देष रागिभिः
हृदये नाभ्यनुज्ञातो यो धर्मस्तन्निबोधत
मनु भगवान भी यह कहते हैं कि उन से पहले भी स्मृतियाँ थीं। यह स्मृतियाँ तो बहुत समय से चली आती हैं और समाज में परिवर्तन होते रहे हैं। आज यह कहना कि समय के अनुसार हमारे समाज में परिवर्तन न हों गलत है। इस से हमेशा के लिए उन्नति का रास्ता रूक जायेगा। समाज में जिन सुधारों की आवश्यकता मालूम हो उन को अवश्य करना चाहिये। सो एक एक चीज में तो मैं नहीं जाना चाहता क्योंकि जब हम एक एक क्लॉज (clause) पर आयेंगे तो उस पर बहस होगी और जो सुधार करना होगा आप कर देंगे। अस्तु इस के स्थगित करने के पक्ष में मैं नहीं हूँ लेकिन एक बात है कि यदि आप इस को

इसी रूप में लायेंगे तो इस में बहुत सी कठिनाइयाँ सामने आयेंगी। मेरी राय यह है कि आप एक इंडियन कोड (Indian Code) बनाइये, सारे भारतवर्ष के लिये एक कोड बनाइय और वह सारे भारतवर्ष पर लागू हो। जितने सुधार हों वह सारे भारत भर के लिये किये जायें पहले तो मैं आप को यह बताऊँगा कि इस के केवल हिन्दुओं के लिए होने में क्या हानि है। पहली बात यह है कि हमारा जो स्वतंत्र भारत का संविधान है उस में आप साम्प्रदायिकता को हटाना चाहते हैं। आप की सिक्यूलर स्टेट (secular state) है। ऐसी हालत में आप एक सम्प्रदाय के लिए कोई कानून पास नहीं कर सकते इस विषय पर वकील लोग बाल की खाल निकाल कर बहुत कुछ बहस कर सकते हैं, पर मैं तो साधारण बुद्धि से कहता हूँ कि जिस राज्य के अन्दर आप ने धर्म की बात को बिल्कुल मिटा दिया है और धर्म को अपने ध्यान में नहीं रखना चाहते उस राज्य में केवल एक धर्म के मानने वालों के लिए ही कानून बनाना न्यायविरुद्ध है और यह हमेशा के लिए भेदभाव को बढ़ाने वाला होगा।

इस कानून का आरम्भ हुआ था अंग्रेजों के वक्त में। उस समय तो सचमुच हिन्दुओं और मुसलमानों को पृथक रखा जाता था और साम्प्रदायिकता को बढ़ाने वाली बातें की जाती थीं। इसी लिये इस रूप में यह कानून शुरू हुआ। मैं कहता हूँ कि जैसे आप ने अंग्रेज काल के इतने अवशेषों को निकाल कर बाहर कर दिया है उसी तरह इस को भी निकाल बाहर कर दीजिये जिस से कि किसी समाज के साथ भेद भावन हो।

Shrimati Durgabai: On a point of order, Sir, I understand the hon. Member is raising the question of competency of this Parliament...

Hon. Members: No, no.

Shrimati Durgabai: At least that is what I understood him to say. If that is so, I wish to tell him that that issue had already been decided.

Mr. Chairman: I am sorry the hon. Member has not understood the point the hon. Member was making. He never said that this House is not competent but, on the country, he holds that this House is fully competent.

श्री इन्द्र बिद्या वाचस्पति : आप मुझे सब कहने दीजिये तो शायद फिर आप को आसंका नहीं रहेगी ।

आप इस बिल द्वारा बहुत बड़ा काम यह करना चाहते हैं कि स्त्रियों के साथ जो अन्याय होता है उस को दूर किया जाय । मैं—समझता हूँ कि आज ऐसा कौन समाज सुधारक हिन्दुस्तानी होगा जो इस में आप को सहयोग न दे और आप के इस अभिप्राय का समर्थन न करे । लेकिन मैं एक बात पूछता हूँ उन लीगों से जो हिन्दू, स्त्रियों के साथ जो अन्याय होता है उस को हटाना चाहते हैं । एक अन्याय यह भी है कि एक पुरुष तो चार स्त्रियों से शादी कर सकता है लेकिन एक स्त्री ऐसा नहीं कर सकती । यह एक अन्याय है । यह नहीं रहेना चाहिये । तो क्या यह अन्याय केवल हिन्दू स्त्रियों के साथ ही होता है मुसलमान स्त्रियों के साथ नहीं होता मैं अपनी बहनों से यह पूछना चाहता हूँ कि क्या वह यह बरदास्त कर सकती हैं कि हिन्दू स्त्रियों के साथ तो न्याय किया जाय लेकिन मुसलमान स्त्रियों के साथ न्याय न हो । उन पर से भी यह अन्याय हटाना चाहिये । उन लोगों पर यह अन्याय होता रहे, यह कैसे सहन हो सकता है । इस क़ानून में उन को क्यों नहीं

आने देते ? कहा जाता है कि हम मुसलमान भाइयों के लिए या और किन्हीं भाइयों के लिए यह क़ानून बनायें तो धर्म में दखल हो जायेगा । अगर सामाजिक क़ानून बनाना उन के धर्म में दखल देना है तो फिर यह क़ानून हिन्दुओं के धर्म में दखल क्यों नहीं । इस लिए आप सब पर लागू होने वाला एक क़ानून बनाइये । अगर यह धर्म में हस्तक्षेप है तो सब के लिए हस्तक्षेप है । मेरी राय में यह हस्तक्षेप नहीं है । इस लिए सब के लिए एकसा क़ानून होना चाहिए, मुसलमान, ईसाई, सिक्ख सभी के लिए होना चाहिए । इस में कोई भेद भाव नहीं होना चाहिये । मेरी राय यह है कि मुसलमान और अन्य धर्म वाले जो भी हैं उन की स्त्री जाति के साथ भी न्याय करना उतना ही आप का कर्तव्य है जितना कि हिन्दू स्त्रियों के साथ न्याय करना । इस लिये इस क़ानून का यह वर्तमान रूप नहीं होना चाहिये ।

एक बात यह है कि आप के सामने क़ानूनी दिक्कत भी आ सकती है । अभी आप जानते हैं कि बम्बई में बाईगीमी (Bigamy) के बारे में जो क़ानून बना था वह हाई कोर्ट में चैलेंज (challenge) किया गया है और हाई कोर्ट ने मान लिया है कि वह अल्ट्रा वायरस (ultra vires) है । यह बात समाचारपत्रों में आ गई है ।

Several Hon. Members: Not High Court, lower Court.

3 P.M.

श्री इन्द्र बिद्यावाचस्पति : अच्छा तो लोवर कोर्ट सही । तो यह दिक्कत आप के सामने आ सकती है । यह कचहरी में जायेगा और चैलेंज होगा । अभी डाक्टर देशमुख ने बम्बई में जो वक्तव्य

दिया था तो उन्होंने इस तरफ ध्यान खींचा था। यह दिक्कत हमारे सामने आ सकती है कि आप यह कानून पास करें और उसको चैलेंज किया जाये और वह फिर हाई कोर्ट और सुप्रीम कोर्ट में जाये और आपके सामने यह नयी दिक्कत खड़ी हो जाये। आप इस को केवल हिन्दुओं के ऊपर लागू करते हैं तो यह दिक्कत आ जाती है। आप देखिये कि आप इस कानून को इतने दिनों से पेश किये हुए हैं और यह क्यों नहीं आगे बढ़ पाता है। हिन्दुओं की जो सुधारक संस्थाएँ हैं वह भी इसका पूरी तरह से समर्थन नहीं करतीं। जो सुधारक हैं वह भी इस में संशोधन पेश कर रहे हैं। इस सब का कारण मैं यही समझता हूँ कि आप ने यह गलत रास्ता समाज सुधार का पकड़ा है। अगर दस बीस लकीरें उल्टी-पुलटी लिखी जायें तो उन के सुधारने के तरीके दो हैं। एक तो उन के बीच में एक एक लकीर खींचें और दूसरा तरीका यह है कि सब को मिटा कर एक सीधी लकीर खींच दी जाय। आप बया करते हैं कि एक लकीर को दूसरी लकीर से मिलाना चाहते हैं, यह बीच बीच में चेपा चेपी हो रही है। मेरी राय में अच्छी बात यह है कि आप इस कानून को पुनर्विचार के लिए ले लीजिये और ऐसा कानून बनाइये जिसे पूरा समर्थन प्राप्त हो। जिस प्रकार आपने एक सी राजनीतिक व्यवस्था और आर्थिक व्यवस्था बनाई है उसी तरह एक सी सामाजिक व्यवस्था बनाइये जो कि सारे देश पर लागू हो। आप इस तरह का कानून बनाइये।

अगर कोई दिक्कत हिन्दू स्त्रियों के लिए है तो वह मुसलमान स्त्रियों के लिए भी है। जब हम ने देश का इतना बड़ा संविधान बना डाला और सारे देश के लिए इतनी बड़ी आर्थिक व्यवस्था बना दी तो इस कानून को बनाया कौन बड़ा कठिन

काम है। देखिये, सत्य तो त्रिकालाबाधित होता है, देश, काल और पात्र से कोई उस में रुकावट नहीं पड़ती। अगर यह उसूल सच्चा है तो सब के लिये सच्चा होना चाहिये, और अगर सच्चा नहीं है तो किसी के लिए भी नहीं हो सकता। मेरी राय में आपकी भावना सच्ची है। इसलिये सारे हिन्दुस्तान के लिये उस का प्रयोग किया जायेगा तो ठीक है। आप इस कानून को फिर से बनाइ और खे पिर से बनाकर यहां लाइये।

मैं आप को एक बात और कहता हूँ कि बड़ी से बड़ी मुश्किलें और कानूनी दिक्कतें और पेचीदगियां यहां पेश आईं, वह सब हल हो गयीं और कई कानून स्वीकार हो गये क्योंकि देश आज समानता और आजादी के आधार पर चलना चाहता है और जो समानता के कानून होंगे उन को वह मान लेगा। अगर आप इस उसूल पर कानून बना कर पेश करें जो सारे हिन्दुस्तान में लागू होने वाला हो तो वह जरूर मान लिया जायगा मेरी यह राय है। लेकिन यह कानून ऐसा नहीं है। यद्यपि आप को बहुत आशा है, आप आशावादी हैं यह बड़ी अच्छी बात है परन्तु पहले तो आप इस को यहां से निकालने में बहुत कठिनाइयां पायेंगे। आप को इसके लिए तीन महीने का अधिवेशन करना पड़ेगा तो भी आप कठिनाई से ही कहीं इसको पास करा सकेंगे, और उस के बाद भी बड़ी बड़ी बाधाएँ हैं। अगर आपने इसको पास करा भी लिया तो लागू होने से पहले आप को सी दिक्कतों का सामना करना पड़ेगा और आप कानूनी दिक्कतों में फंस जायेंगे। इसलिये मैं जो इस कानून के बनाने वाले हैं, उन से और मुख्य कर डाक्टर अम्बेडकर से, जिन्होंने इस के लिये बड़ी मेहनत की है,

[श्री इन्द्र विद्यावाचस्पति]

और जिन्होंने बड़ी कृपा से काम किया है यह कहूंगा कि, वह अपनी दृष्टि को और विशाल करें और हिन्दुओं के बजाय अपनी वकालत की योग्यता से ऐसा कानून बनाएँ जो सब हिन्दुस्तानियों पर लागू हो। आज इस में जो छोटी छोटी खामियां हैं वह सब ठीक हो जायेंगी क्योंकि सत्य का रास्ता सीधा है।

[Mr. SPEAKER in the Chair]

साथ ही मैं अपनी बहनों से यह कहना चाहता हूँ कि आप लोग जैसे यह चाहती हैं कि हिन्दू स्त्रियों के साथ पूरा न्याय हो इसी तरह मुसलमान स्त्रियों और अन्य स्त्रियों के साथ भी पूरा न्याय होना चाहिये। आप कहेंगी कि उसे मानेगा कौन। लेकिन देखिये तुर्की में सुधार हुए, वह मुसलमान देश था, सब ने उन सुधारों को मान लिया। जब वहाँ मुसलमानों के देश में यह मान लिये गये तो उसी तरह यहाँ भी मान लिये जायेंगे। इसलिये आप न्याय पथ ग्रहण कर के इन सुधारों को स्वीकार करें और कोई भेद भाव न रखें। तब आप इस को पास करा सकेंगी और अगर उस समय पास होगा तो यह दिक्कतें आप के सामने पेश नहीं होंगी। नहीं तो आप के सामने बड़ी कठिनाइयां हैं और अगर आप पास कर भी लेंगी तो सी दिक्कतें आप के सामने पेश होंगी।

मैं आप को बता दूँ कि मैं कोड बिल को रोकने के लिए यह बात नहीं कह रहा हूँ। मैं कट्टर सुधारक हूँ और मैं चाहता हूँ कि यह पास हो और इसी आशय से कि यह पास हो यह कहता हूँ कि इस का रूप सुधार दिया जाये और यह सारे देश पर लागू किया जाये। उसी दशा में यह लागू हो सकेगा अथवा नहीं।

(English translation of the above speech)

Shri Indra Vidyavachaspati: Sir, my amendment is that the Hindu Code Bill when passed, should be made applicable to every Indian. There should be no distinction of caste, creed or religion therein. This is my amendment. In the beginning, I would like to submit as to why I am speaking today. I have been a member of this Parliament for one year. But I have not taken a single minute of the House. It was because our hon. Speaker had said that every minute of Parliament costs fifty rupees. Thus I have saved thousands of rupees of this Parliament, but I am not inclined to make a saving today. The reason is that I have a fear lurking in my mind. The fear is that I feel there would be difficulties both if this Bill is passed and if it is not. I am a staunch social reformer and I want that there should be such legislations for social reforms. The State has a right to frame laws for making reforms in the society. Therefore what I want to point out is that it cannot be said that it is an interference with any religion. On the other hand I am of the opinion that the State and the Legislature must take steps to provide for such legislations relating to social reforms. I do not say that this Bill should not be passed but I am afraid, this Bill will not be passed in the form in which it has been presented although Dr. Ambedkar and our Prime Minister have repeatedly expressed the view that it would be passed. I think even in a long session as the Budget Session, we will not be able to pass it unless the guillotine is used. But it is not proper to use guillotine in the case of such bills which affect the whole country. So, this is the first difficulty. The other difficulty is that by passing the Bill in its present form, we will give encouragement to an evil which must not be there and against which we have always stood up. And that evil is communalism. If we pass the Hindu Code Bill, this evil of communalism will raise its head for ever. As this Bill is not applicable to all sections of the population it will definitely give rise to communalism. If the Bill is not passed, I fear the avenue of making social reforms through legislation may be closed for ever. I have very little hope of its being passed but if it is passed, the feeling of communalism will arise and what should have been a boon will turn into a curse. Therefore when I saw these obstacles and difficulties in the way of social reforms, I decided to say something. I would clearly submit that I am in favour of making laws relating to social reforms. I do not

want to go into the details of the proposed reforms, but I would like to say a few words on subjects like polygamy. I want that monogamy should be enforced by law in our country not only for Hindus but for all sections of the population. In the same way, I also say that there should be justice for women and their economic rights should be safe-guarded. I do not believe that only Hindu women are oppressed. There are women of other communities as well who are also oppressed. These atrocities must go. It is better if the society itself removes these atrocities, otherwise law must intervene. If a Constitution can be enacted on principles of equality and equity for the whole of the country, why not laws be made for the entire society? In the same way I think, there is the question of divorce. We hear many quotations from the *Shastras* against it. I do not want to discuss that subject, but I can say on the basis of *Dharma Shastras* that it is wrong to say that this has not been mentioned in the *Shastras*. Everything for and against a certain subject is given there. There are 137 *Smritis*. In the principal one i.e. *Manusmriti* it is written:

Vidvadbhi sevitaḥ Sadbhir-
nityamadwesharagibhiḥ

Hridayenabhyānugyatoyo dhar-
mastannibodhata Sannibodh.

(meaning thereby the Dharma is that which is constantly practised by the good, the learned and those who are devoid of prejudice and attachment and which is in full accord with the heart).

Manu has himself said that there were *Smritis* before him. So these *Smritis* are in existence for a very long time. It is wrong to say that there should be no reforms in our society. It will put an end to all the progress in our country. All necessary reforms in the society must be made. I will not go into details because the Bill will be discussed clause by clause later on and amendments can be made at that stage. Therefore I am not in favour of postponing it. But one thing seems certain, that many difficulties will arise if it is passed in this very form. In my opinion, the Government may enact an Indian Code, but it should be applicable to the whole country. The reforms should be made for the whole of India.

I will now point out the disadvantages of its being applicable to Hindus alone. Firstly according to the Constitution of free India, we do not want communalism to grow. Ours is a secular state. Under these

circumstances, the Government cannot make any law for a particular community. The lawyers can discuss a lot on this subject, but as a layman, I would only submit that in a State where religion has not been given any place or consideration, it is against all justice to frame laws for the followers of a particular religion alone, and such a step will always encourage sectarianism.

This Bill originated in the days of British rule. During that time, Hindus and Muslims were used to be kept apart from each other and everything was done to encourage communalism. Thus, the Bill started in that form. I want to submit as to why this remnant of the British period be allowed to stick on while we have thrown out all others so that there may be no discrimination against a particular section of the society.

Shrimati Durgabai: On a point of order, Sir I understand the hon. Member is raising the question of competency of this Parliament...

Some Hon. Members: No, no.

Shrimati Durgabai: At least that is what I understood him to say. If that is so, I wish to tell him that that issue had already been decided.

Mr. Chairman: I am sorry the hon. Member has not understood the point the hon. Member was making. He never said that this House is not competent but, on the contrary, he holds that this House is fully competent.

Shri Indra Vidyavachaspati: Let me finish all that I have to say and then perhaps there will be no doubt in this regard.

By this Bill the Government want to achieve a big thing, that is they want to remove all injustice that is done to the women. I do not think there is any Indian social reformer who will not co-operate with the Government in this matter or who will not support this move. But I would like to ask one thing from those who want to remove this injustice done to the Hindu women. This is also an injustice that a man can marry four women at a time but a woman is not allowed to do so. This is an injustice it must go. Is this injustice done to Hindu women alone and not to Muslim women also? I ask my sisters whether they will tolerate that justice should be done only to Hindu women and not to Muslim women? This injustice done to them must also be removed.

How it can be tolerated that injustice may continue to be perpetrated on them. Why do not the Government include them in this Law? It is said that if any such Laws for

[Shri Indra Vidyavachaspati]

Muslims and others are enacted, it would mean interference in their religion. If the enactment of social laws is interference in their religion, how this law is not an interference in religion of Hindus also. We therefore, should make such a law which may be applicable to all. If it is interference in religion, it is for all. I am of opinion that it is not an interference. The law should be applicable to all alike, Muslims, Sikhs and Christians. There should be no discrimination about it. It is as much our duty to do justice to Muslim women and women of other religions as we do justice to Hindu women. Therefore the present form of this Bill should not be there.

There is another aspect, we may have to face some difficulties regarding this enactment. As we know in Bombay the Bigamy Act was challenged in the High Court and the High Court declared it *ultra vires*. The news has appeared in the newspapers also.

Several Hon. Members: Not High Court, lower Court.

Shri Indra Vidyavachaspati: Well, let it be Lower Court. Such difficulties may arise. This Act will be challenged in the Court. In his recent statement in Bombay Dr. Deshmukh had invited our attention towards this aspect. We will come across such a difficulty if we pass this Bill and if it is challenged and the issue is referred to High Court or Supreme Court then we may have to face new difficulties. Such difficulties may arise if we make it applicable only to Hindus. The Government may well realise that more than sufficient time has passed since this Bill has been introduced and why it has not been possible to make any progress in it. Even the Reformist Hindu Organisations do not support it fully. Even the Reformers are moving amendments to it. To my mind the reason for all this is that we have adopted a wrong measure for social reforms. If a few lines are put in wrongly, there are two ways to correct them. In the first instance we may draw a line in between them or secondly rub them out and draw a fresh straight line instead. But what is being done is that one line is joined with the other line, thus forced insertions are being made. In my opinion the best course would be to withdraw it for reconsideration and introduce such a revised Bill that may have full support. As we have set up uniform political order and economic order in the same

way, we should introduce such a social order that may be applicable to the whole of the country. Such a Bill should be brought forward.

If Hindu women face some difficulties, the Muslim women also face them. When we have framed such a comprehensive Constitution and set up a uniform economic order for the whole of the country then it is not very difficult to draft such a Bill. Remember, truth is eternal; place, time and person cannot prove obstacle in it. If this principle holds good, then it should be true for all, and if it is not true then it cannot be true for anybody. I think the intention of Government is good. It would be better if that is utilised for the benefit of the whole country. This Bill should be redrafted and introduced here.

I want to submit one thing more, that here we faced the greatest of legal difficulties and complications. All those have been solved and many laws have been passed because of the fact that today the country wants to make progress on the basis of equality and freedom, and is willing to accept all those laws as are based on equality. If a Bill is drafted on this principle and made applicable to the whole of the country surely it would be accepted. This is my view point. But this Bill is not so. Although the Government are very hopeful, it is very good that they are optimist, but they will find many difficulties in getting this Bill passed, it will require a three months' session, even then with great difficulty they will be able to get it passed and then even after that there are many obstacles to be faced. Even if this Bill is got passed we will have to face several difficulties before it is enforced, and we will be involved in legal difficulties. I therefore, will ask, those who have framed this Bill, and especially Dr. Ambedkar, who has laboured hard for it and has worked with firm determination, to broaden their outlook, and with their abilities of legal profession, should make such laws as may be applicable to all Indians instead of Hindus alone. The present minor drawbacks in the Bill would be removed automatically as the path of truthfulness is straight.

[Mr. SPEAKER in the Chair]

I also wish to say this to my hon. sisters that as they want that full justice should be meted out to Hindu women, similarly full justice should also be done to Muslim women and women of other religions. They may argue as to who would accept them. But in Turkey reforms have taken

place, it is a Muslim country, and there all have accepted those reforms. As these reforms have been accepted in that Muslim country, similarly here also these reforms will be accepted. Therefore our sisters should adopt the right course and accept these reforms without making any discrimination among themselves. Only then we will be able to get it passed and if it is passed under such circumstances, then such difficulties will not crop up. Otherwise we have great difficulties before us and if we get it passed even then we will have to face many difficulties.

I may tell them that I am not saying all this to put hindrance in the progress of the Hindu Code Bill. I am a staunch reformer and want that it should be passed, and with this very intention I am submitting that it should be so modified as to be made applicable to the whole of the country. It can be made applicable only after such a change otherwise not.

Shri Shiv Charan Lal (Uttar Pradesh): I beg to move an amendment standing in my name. I was not present when I was called.

Mr. Speaker: He can move it now.

Shri Shiv Charan Lal: I beg to move:

Omit the proviso to sub-clause (2) of clause 2.

Mr. Speaker: Amendment moved:

Omit the proviso to sub-clause (2) of clause 2.

Shri J. R. Kapoor: Sir, with your permission, I may read out the amendment on which I wish to speak, to refresh the memory of hon. Members. The amendment runs thus:

For clause 2,.....

Shri Jhunjunwala: Which amendment is the hon. Member referring to?

Mr. Speaker: It is an amendment which he has given notice of today. It is not printed in the list.

Shri Jhunjunwala: We have not got copies of that.

Mr. Speaker: It was once read to the House; he is reading it again.

Shri J. R. Kapoor: The amendment runs thus:

For clause 2, substitute:

"2. Application of Code.—This Code or any part or parts thereof applies to all the citizens of India that is Bharat, who after attaining

the age of majority, declare in writing that they shall be governed by this Code or any part or parts thereof, as the case may be, and get such declaration registered in accordance with rules prescribed for the purpose by the Central Government."

Secondly, there is an alternative amendment. If this is not acceptable, I would commend the other alternative amendment to the acceptance of the House. The alternative amendment runs thus:

In the amendment proposed by **Shri Banarsi Prasad Jhunjunwala**, printed as No. 18 in Supplementary List No. 1 in the proposed proviso to clause 2, for the words beginning with the words "unless such person" to the end, substitute:

"unless such person, after attaining the age of majority, declares in writing that he or she, as the case may be, shall be governed by this Code, and gets such declaration registered in accordance with rules prescribed for the purpose by the Central Government."

Mr. Jhunjunwala's amendment, as further amended by me, would run as follows:

"2. Application of Code.—This Code or any part or parts thereof applies to all the citizens of India that is Bharat....."

and then follows that this will be applicable only to those persons who would make a declaration in writing and so on and so forth; I need not repeat that.

Sir, I propose this amendment with a full sense of responsibility, and I hope I will not be misunderstood, as I hope the two previous speakers would not be misunderstood, for my amendment is very much in line with the two amendments which have already been moved by my friend **Mr. Sarwate** and my friend **Shri Indra Vidyavachaspati**. Only mine is an improvement on theirs. I would like to submit first of all, that in proposing this amendment, I am actuated more particularly by the consideration that this Hindu Code should have an easy passage in this House. That is my first consideration. My second consideration is that it should be easily acceptable to the country as a whole, to the various sections of the community, to the various sections of the nation. And thirdly my consideration is that it should not be said of

[Shri J. R. Kapoor]

us that in this Parliament, in this country where we have a secular State, where we took very great pains to frame a Constitution with the background of a secular state, we are now trying to legislate in a manner which smells of communalism, which clearly indicates that we are trying to legislate for one section of the community and not for the others, that we are trying to legislate for persons who profess one religion and are ignoring the interests of those who profess another religion, or *vice-versa*, that we are trying to do something to encroach upon the rights and religious customs of one section of the community and are afraid to encroach upon the rights and privileges of another section of the community professing another religion. Therefore, I submit that if my amendment is accepted, it will have very many advantages and absolutely no disadvantage.

I was very happy to hear the point of order raised this morning by my friend Mr. Naziruddin Ahmad, not that I was particularly in agreement with the point of order raised by him, but because of the considerations and the reasons behind his point of order, and the considerations which weighed with him in raising that point of order. He raised the point of order, that the Constitution does not permit us to enact a discriminatory legislation. He referred to article 15 of the Constitution. He referred also to article 25. I feel that the idea working in his mind was, if the provisions of the Hindu Code are beneficent and useful, why should they not be applicable to other sections of the nation also? And what is in his mind, I am sure, is in keeping with the signs of the times. He would, I am sure, be glad, according to the point of order raised by him, to make an attempt to enact a legislation which would be applicable to all sections of the nation, Hindus, Muslims, Parsis, and Christians. There is, of course, another article of the Constitution—article 44 to which reference was made by my friend Mr. Sarwate, that the State shall attempt to have a uniform civil code. True, that article is not included in the chapter of Fundamental Rights, but it is under the chapter dealing with the Directive Principles. The Constitution directs us specifically that we should make an attempt to have a uniform Civil Code for the whole country. Well, this is the first occasion when we are attempting to have a civil code and in this very first attempt, will it be proper for us, will it be desirable for us to ignore this very important article of the Constitution? Let us not

make a beginning by doing something contrary to the specific directive that has been given to us by the Constitution. When we were sitting as the Constituent Assembly—we all were in it, most of us, and many other eminent persons who are not here were also there—many Muslim Members were also there, and there were Parsis also, and there were also Christians, and persons professing every faith were there. All of them, as far as I remember, unanimously agreed to these clauses in the Constitution, I mean articles 15, 25 and 44. When all those persons professing every faith, were seriously and coolly and calmly considering what sort of legislation we should have in this country, they all unanimously decided that we should have a uniform legislation, so as to be in conformity with articles 15 and 25 of the Constitution, and also article 44. What has happened since then and now to compel us, to persuade us not to act according to those articles of our Constitution? Nothing has really happened since then, which should persuade us to go contrary to those provisions. On the other hand, we find that even persons professing religions other than Hinduism, are also anxious that we should have a uniform civil code. Mr. Naziruddin Ahmad is a representative of the Muslims. He himself says that it is not open to have a legislation which will govern only one section of the nation, but that one legislation must govern all the sections of the nation, all persons professing various religions. That being so, I submit there is no reason why we should hesitate to legislate for persons professing different religions. From the amendments that have been tabled and have already been moved, I find that the Sikhs would like to go away from the operation of this Code. That is the effect of one of the amendments moved by my hon. friend Sardar Hukam Singh. Then I find that there are other hon. Members who are anxious that this clause 2 should be so amended that it should not be applicable necessarily to all the States and all the community. My hon. friend Pandit Thakurdas Bhargava, as we all know, is a very great social reformer, and he is always anxious to introduce legislations in this House directed towards social uplift. According to his amendment what he wants is that it should be left open to the various States to adopt the legislation or not. He also desires that it should be open to the various communities either to be governed by the Code or not.

Shri Tyagi: Surely it will not be territorially uniform in that case

Shri J. R. Kapoor: Exactly. In order to make it applicable to all the territories and communities my amendment should be accepted. It does not restrict the operation of this Code to one territory or another, nor to one community or another. On the other hand it extends the scope of this legislation and seeks to embrace within its ambit Hindus, Muslims, Christians, Parsis or persons professing any other faith.

During the general discussion of this Bill some good points were made by my hon. friends Dr. Tek Chand and Pandit Thakur Das Bhargava. They said that this Bill would operate in a great measure as a hardship on various sections of the Hindu community, among whom marriage and divorce laws are easy. In some parts of the Punjab and elsewhere, it was pointed, marriages can be easily performed. Why should they be deprived of this easy manner of their marriages?

Dr. Deshmukh (Madhya Pradesh): Easy marriage, easy divorce!

Shri J. R. Kapoor: In the matter of divorce they have easy laws in various parts of the country, among various sections of the people. Why should those laws be made more difficult? On the one hand the contention of some was that marriage and divorce laws were made more and more strict by the Code and on the other, the contention of others was why should these marriage and divorce laws be enforced on persons who did not believe in them. My submission therefore is that this Code, in whatever form it is passed, should not be forced on any particular section of the Hindu community, or the Sikhs or Jains. It should be left open to them to be governed by it or not. Secondly, some of the provisions of this Code—particularly those relating to monogamy and divorce, with which I am in entire agreement and would like them to be made a little more liberal—are so good that I see no reason why the Muslims should not be entitled to have the advantage thereof.

My hon. friends Shri Sarwate and Shri Indra have moved their amendments. Particularly the amendment of Shri Indra wants that the whole Code should be compulsorily made applicable to the Muslims. I do not want that it should be so enforced on Muslims just as I do not want that it should be obligatory on every Hindu to be governed by this Code. I want that it should be open to a Hindu, Muslim, Parsi or for the matter of that any person professing any other

religion hereto or hereafter, in fact it should be open to every citizen of India either to be governed by the Code or not.

Dr. Ambedkar: Great liberal!

Shri J. R. Kapoor: Not only that, I want that it should be open to anybody to pick and choose various parts of the Code. I am making this statement with all seriousness, because of this reason. There are various clauses in this Bill which should be readily acceptable to some but not to others. Similarly there are other clauses which may be acceptable to others but not to all.

Pandit Thakur Das Bhargava: Does my hon. friend contend that the choice of the person should be per clause?

Shri J. R. Kapoor: Not per clause but various important parts of the Code. When I made that suggestion I knew that it may require the legal intelligence of Dr. Ambedkar as also Pandit Bhargava and other legal luminaries to amend the various sections of the Code so as to make them fall in line with my amendment. I am sure that this task is not beyond the capacity of Dr. Ambedkar or Pandit Bhargava or other legal luminaries. Speaking for myself I am particularly in favour of the clause relating to monogamy and divorce. But there are other clauses which I would not like to adopt. I would therefore like to have the liberty of making a declaration to the fact that so far as I am concerned I would like to be governed by the clauses relating to monogamy and divorce and not others. I would beg of this House very seriously to consider the suggestion. Firstly, that this enactment should be applicable to the entire nation, secondly, it should be open to anyone to say by declaration that he wants to be governed by this Code and thirdly, it should be open to him to say also that he wants to be governed by this or that chapter.

Dr. Deshmukh: If the husband and wife differ on the issue of say divorce, who will decide?

The Minister of Works, Production and Supply (Shri Gadgil): The child will decide.

Mr. Speaker: Let the hon. Member proceed.

Shri J. R. Kapoor: If the husband and wife differ on the divorce issue I am prepared to give the choice to the wife, if thereby I can secure the support of the lady Members here. If my suggestion is accepted, of course

[Shri J. R. Kapoor]

the various provisions of the Bill will have to be recast. It is a matter of principle. Once the principle is accepted—namely that we should have one uniform law for the whole country, secondly that we should give the liberty to every citizen to say whether he wants to be governed by the Code or not and thirdly, the liberty to pick and choose various aspects of the Code—proper amendments could of course be drafted. I know how difficult it is but difficult as it is, certainly it is much easier than the task of getting this Bill passed by this House and certainly it is easier than to get the support of the entire nation for this Bill as it is, compulsorily enforceable among the Hindus, Sikhs, Jains and Buddhists.

Therefore, I submit that my suggestion should be very seriously considered. I hope and trust that if we consider it coolly, calmly, dispassionately and without any prejudice either for or against it, certainly we shall be able to come to an agreed solution and perhaps within five or seven days we may be able to pass this controversial measure. It will satisfy everybody. It will satisfy those who want to have a uniform code. It will satisfy the orthodox Hindus because it will not be necessary to enforce the Code on them; it will be open to them to be governed by it or not. It will satisfy those reformers also who want to have legislation on these lines because it will enable them to declare that they want to be governed by this legislation. It will therefore satisfy everybody and offend nobody. With these submissions I commend my amendment for the acceptance of the House.

My alternative amendment is also on the same lines but it restricts the operation of the Code to Hindus only. According to my first amendment, I want that the whole Code, in whatever form it may be passed, should be applicable to the entire nation, subject to the condition that it will be applicable only to those who declare that they want to be governed by it. If, however, that suggestion is not acceptable for any reason, then I submit in my second amendment that the Code should be applicable to the Hindus, Sikhs and Jains as has been provided but that there also it should be applicable only to such Hindus, Jains, Sikhs and Buddhists who by declaration state that they want to be governed by it.

Dr. Deshmukh: I have two points to make so far as these amendments are concerned. There

are various amendments that have been moved but I should first wish to speak on the amendment of Mr. Sarwate and then on the amendment moved by the hon. Dr. Ambedkar. I feel inclined to support the amendment of Mr. Sarwate on constitutional basis, and I feel that he has certainly brought forward an amendment which advances the cause of the Constitution, in case it is accepted that it requires advancement. I personally think it does since there is a section of Members of this House who do not regard very seriously what we have embodied in the Constitution. I would beg of you to give me a few minutes to refer to article 44 which reads:

“The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”.

Now, this is an article from the Directive Principles of State Policy. Although it is not contemplated that any decision of Government could be set aside by the Supreme Court or could be regarded as illegal and against law on this score. I don't know whether it would be competent for the Supreme Court to give a ruling. But if we attach any value or wish to give any serious consideration to the Directive Principles of State Policy in the Constitution, I am unable to see how by passing this Code we would be endeavouring to secure for the citizens a uniform civil code throughout the territory of India. What we would be doing by this Code would be entirely and directly contrary to what is laid down in article 34. Because this is not only not endeavouring to secure for the citizens a uniform civil code but trying to enact a different code for a section of the people. So, before we go ahead, before we waste any more time, we should consider this point. And I am sure we are doing nothing else but wasting time because for the next three days I am certain it would not be easy to go much farther than Clause 2 and we don't know how long after that we would be touching the Hindu Code. A suggestion has already been made that it would have been far better, if we really wanted to pass this Code, that one whole session should have been devoted to it. To allot three days during which it would not be possible to advance very far is, I consider, a pure waste of time, energy and money of this House. It can serve only one purpose and that of merely satisfying the whims and fancies or dogged determination or inclination of certain people. It would be quite easy, when we have got a couple of thousand

people obstructing our way or shouting slogans to desist Members of this House from passing this Code, to find one or two persons who would like to go to the law courts to get a ruling that what we are trying to do is not only not in keeping with the constitutional provisions but is directly opposed to what has been laid down.

Shrimati Durgabai: Others also will go to courts.

Dr. Deshmukh: Both sides will be there. You will get a notice at the cost of those people who go there first.

Shrimati Durgabai: Others will be there on the basis of provisions regarding discrimination.

Dr. Deshmukh: Yes, there is discrimination everywhere and that is exactly the objection that is raised. If we enact this code as it is there will be discrimination in favour of certain people and against certain others who are also handicapped similarly if not worse. That is a point which goes in our favour.

My second point on these amendments is that I am opposed to the amendment moved by Dr. Ambedkar. By his amendment No. 15 in the printed list, he wants the substitution of the words "persons who are Hindus by religion" for the words "Hindus, that is to say, to all persons professing the Hindu religion". It is very difficult to find out which version really holds the ground at the present moment when there have been so many revisions and such a huge lot of amendments have been moved. It is not easy to know where exactly we stand. I don't see what is wrong with the original provision contained in the Code as it emerged from the Select Committee. The wording there is:

"2. (a) This Code applies to all Hindus, that is to say, to all persons professing the Hindu religion in any of its forms or developments."

In his amendment Dr. Ambedkar proposes the substitution of these words by "persons who are Hindus by religion". I don't see any difference between the two wordings. By the words "all Hindus" you refer to all people who are "Hindus by religion". The original wording further explains the words "all Hindus" by saying it means "all persons professing the Hindu religion". Thereby, the Code will apply to any person who claims to be a Hindu. These words are now sought to be substituted. No reasons

have so far been given as to why they are going to be substituted by new words. If they are actually omitted, and if Dr. Ambedkar can persuade the House to omit those words, I think a very real difficulty may arise. If you eliminate "professing" how are you going to define who is a Hindu and who is not a Hindu. The words proposed are "all persons who are Hindus by religion". But how do we know who is a Hindu by religion and who it not? Is it proposed that every person would be required to make a declaration? I don't know what procedure is suggested and how it would be ascertained if a particular person is a Hindu or not. I would say that the words as they stood in the original Code as it emerged out of the Select Committee have stood the test of time. So far as my recollection goes, these words are there in Mulla's *Hindu Code* and these words have been used from very old times. They have a sanction of long usage.

In view of that, there is, in my opinion, no need for this amendment and I would suggest that it should not be accepted. I support the amendment moved by my hon. friend Shri Sarwate on the ground that if we accept it, we would be acting in the spirit of the Constitution. Otherwise all our efforts are liable to be fruitless in view of the constitutional difficulty I have pointed out.

Shri Syamnandan Sahaya (Bihar): May I make a submission in this connection? There are several amendments moved formally by the authors, but the movers have not made any speech explaining their viewpoint. One of such amendments is from the hon. the Law Minister himself. Such of us who have not moved any amendment to this clause and have an open mind would like to hear the Government point of view as also the point of view of the movers of the other amendments in order to enable us either to take part in the deliberations or to decide how to act in the circumstances. May I therefore suggest that movers of the amendments should first make their speeches and then the clause should be thrown open for general discussion. This would help the discussion and the decision. In any case, we would like to hear the hon. the Law Minister's view point on his amendment, so that we may either support him or oppose him.

Mr. Speaker: I was thinking of calling upon the movers of the amendments one by one, but I found that instead of the movers who did not appear anxious to catch my eye others caught my eyes. That is why I called upon others.

Dr. Ambedkar: The movers have sat back. In fact, I am myself waiting to hear them.

Mr. Speaker: The hon. the Law Minister is at liberty to choose his own time, but I did not call upon him now because I thought that if he participated a little later it would be possible for him to clear the ground.

Dr. Ambedkar: I can speak at any time.

Mr. Speaker: He will be entitled to two speeches that is to say, even if he participates in the debate now, he will be entitled to reply.

Shri Syamnandan Sahaya: He may reply to the general debate on the clause, but as regards his own amendment he must satisfy the House that there is some reason for moving that amendment on behalf of Government.

Mr. Speaker: I think his position stands a little differently. He has to take into consideration what others say and then he will be able to explain his viewpoint better. That is why I was thinking of calling upon him at a later stage, though not at the end.

Sardar Hukam Singh: I do not know how the impression has got into your mind that the movers of the amendment do not want to speak on their amendments.

Mr. Speaker: I never said 'they never wanted to speak'. I said they did not try to catch my eye. In between, Dr. Deshmukh got up and I called on him to speak.

Several Hon. Members rose—

Mr. Speaker: I am not sure whether I should call Pandit Bhargava at this stage—for personal reasons. Mr. Jhunjunwala.

Sirri Jhunjunwala: Sir, I have given notice of two alternative amendments. One of my amendments reads thus:

"This Code applies to all citizens of India, that is Bharat, irrespective of their caste, creed, and irrespective of their belonging to or professing any religion".

Alternatively, I have moved another amendment which reads thus:

"Provided, however, that notwithstanding anything contained in the above clauses, this Code shall not apply to any person unless such person got his name registered with such authority and in such

manner as may be hereafter prescribed by Parliament, within one year after this Code comes into force, and in case of a minor within one year after such a minor attains majority."

I want to assure the House that these amendments of mine are not dilatory; nor am I opposed to all the provisions of this Code. The main object in moving my first amendment is that, as has been pointed out by my hon. friend Mr. Naziruddin Ahmad, we have been passing many laws which are being declared *ultra vires* either by the High Courts or by the Supreme Court. It is therefore very necessary that before we take any such Bill, Act or legislation into consideration we should make sure that we are acting according to the Constitution. If we pass any law and ultimately that law is declared *ultra vires*, it will be a mere waste of the time of this House and also waste of so much money. It will serve no useful purpose. Under article 15 of the Constitution it is laid down that the State shall not discriminate against any citizen, only on ground of religion, race, caste, sex, place of birth or any of them. The amendment that I have moved makes this Code applicable to all citizens of India, that is, Bharat, whereas the clause as it stands is restricted only to a particular class of persons. If the law that we are passing is for the good it is good for all people. It is not right that we should discriminate one particular community against another. We should not discriminate one set of persons who are professing one religion from another set of persons who are professing another religion if our law is for their good. If it is not for their good, then it is not right that we should thrust any law or enactment upon a particular community or caste which is professing a particular religion.

One of the points which I wanted to make out was this: the House should see whether this Bill is one which Parliament can make, especially as it is restricted to a particular kind of persons professing a particular kind of religion. We can have such a law under article 25 of the Constitution. Now let us see what are the provisions in article 25 which entitle us take up such legislation. Article 25 (1) reads:

"Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to pro-

fess, practise and propagate religion."

Clause 2 of the Bill relating to the Application of the Code reads:

"(1) This Code applies—

(a) to all Hindus, that is to say, to all persons professing the Hindu religion in any of its forms or developments, including Virashai-vas or Lingayats and members of the Brahma, the Prarthana, or the Arya Samaj;

(b) to any person who is a Buddhist, Jaina or Sikh by religion;

(c) (i) to any child, legitimate or illegitimate, both of whose parents are Hindus within the meaning of this section;

(ii) to any child, legitimate or illegitimate one of whose parents is a Hindu within the meaning of this section: provided that such child is brought up as a member of the community, group or family to which such parent belongs or belonged; and

(d) to a convert to the Hindu religion.

(2) This Code also applies to any person, who is not a Muslim, Christian, Parsi or Jew by religion:

Provided that if it is proved that such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Code has not been passed, then, this Code shall not apply to that person in respect of those matters;

(3) The expression "Hindu" in any portion of this Code shall be construed as if it included a person who, though not a Hindu by religion is, nevertheless, governed by the provisions of this Code;

(4) Notwithstanding anything contained in the Special Marriage Act, 1872 (III of 1872), this Code shall apply to all Hindus whose marriages have been solemnized under the provisions of that Act prior to the commencement of this Code."

I have not been able to understand why this Code is being enacted only for the Hindus, if the right has been given—as has been done under article 25—that "subject to public order, morality and health and to the other provisions of this Part, all persons

are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion." If this right has been given to the Hindus and persons professing other religions, I do not see any reason why it is sought to be taken away from Hindus by enactment of such laws, such as the one now before us. I would ask the Law Minister whether he is not encroaching on the rights of Hindus of their religious liberty sanctioned by the Constitution.

Clause (2) of article 25, however says that:

"Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus."

But if this piece of legislation which is now under discussion is being enacted as a measure of social reform and for the welfare of the people, in that case I cannot understand why it should be confined to persons professing particular religions and not extended to all.

Shri Raj Bahadur: May I raise a point of order, Sir.

Three or four hon. Members of this House have raised the point that the scope or application of this piece of legislation should be extended to all the citizens of India. In the course of the first reading of the Bill the House has already committed itself to the principle that the Bill shall apply only to the Hindus. Having accepted this principle, is it now open to Members to take up this point anew and afresh.

Mr. Speaker: The point of order practically comes to this—I am stating it in my own way. Briefly stated it would be as to whether some of the amendments which seek to extend the application of this Code to communities other than those included in the Bill is not tantamount to an extension of the scope of the Bill—is that the point of order?

Shri Raj Bahadur: The Home had agreed that this Code shall apply to one section of the Indian people alone. Can we now take a new decision that it shall apply to all?

Mr. Speaker: It comes to the same thing. The objection is that the scope of the Bill is being extended now—that is the point of objection. Personally, I myself was feeling doubtful about the admissibility of certain amendments which are now proposed and which apparently seek to extend the scope of the Bill, but I have not come to any conclusion. I should first hear Members and then decide at the end as to whether I should put the amendments to vote or not.

Dr. P. S. Deshmukh: It is quite open to the House to extend or limit the scope of any legislation. So long as any particular clause is not passed by the House, it is completely at liberty to do that. Supposing the original Bill says that the Code will apply to the whole of India and the House proposes an amendment by which it excludes certain States of *vice versa*? I feel certain the House is quite competent to do so.

Mr. Speaker: The extension of the Act to the whole of India and then limiting it to a part of India would not be an extension of the principle of the Act. The principle of the Act is something of substantive law, which extends not territorially but in other respects. It is perfectly competent, *prima facie*, to say that it shall not apply to Sikhs, Jains or Buddhists; but the point is whether it is competent now to say that it shall apply to Christians, Muslims, Parsis and Jews.

Shri Syamnandan Sahaya: There are two submissions I wish to make.

Before you give a ruling I would request you to give us a little chance.

Mr. Speaker: I shall give Members every chance.

4 P.M.

Khwaja Inait Ullah (Bihar): Are these amendments which are being moved directed to bring in Muslims also within the scope of the Hindu Code and directed against our Fundamental Rights under article 25 of the Constitution?

Mr. Speaker: That does not arise. It is a part of the wider question again as to whether the Code itself goes against the spirit of the Constitution.

Khwaja Inait Ullah: It is clear...

Mr. Speaker: It may be clear to the hon. Member, but it is not so clear to me. Therefore, let us hear what the

hon. Members have to say and then coolly consider. There is no use going on presuppositions. After all it is a matter which affects vitally large sections of people. The question is whether it offends against the provisions of the Constitution.

Shri J. E. Kapoor: Before you are pleased to give a ruling on this question as to whether these amendments are or not in order may I request you to give us an opportunity to speak on that particular point, because so far none of us have expressed ourselves about the admissibility of these amendments?

Mr. Speaker: I think I shall give them an opportunity. But first of all I want to hear what they really mean and whether they are trying to extend the scope of the Bill. I shall give them a hearing.

Shri Jhunjhunwala: I was pointing out to the House that if a particular kind of legislation is one of reform or is in the interests of public good, then this Parliament will not be partial in enacting such a kind of legislation.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

When a particular kind of legislation is being enacted for the welfare of the people why should it be restricted wholly to a certain class of persons and why should it not be extended to all? If it is good, it is good; if it is bad, it is bad. And if it is bad why should we apply it to the Hindus? Why should we thrust it upon the Hindus? Why should they not be left free to practise their own religion and act according to their own ancient ideas? It is said that this Bill is being enacted because the present system of marriage and other things are not in the interest of society, that they are spoiling society and that this particular kind of legislation is good for the society. If a particular kind of legislation, may be regarding marriage, may be regarding inheritance may be regarding anything. I do not want to go into those details which I shall do when the particular clauses come—but if, as I have said, particular things are good for certain persons. I would like to have the reasons from my hon. friend Dr. Ambedkar who is described as Manu of modern age as to why the particular piece of legislation is bad for Muslims, because he is excluding them, he is purposely excluding them by saying that this Code shall not apply to Muslims. I

would like to know why it should not apply to everybody and why it should apply only to Hindus. If it is good it should apply to you, me and everybody. And secondly, as I said, if it is a bad law, why should it be thrust upon a particular class of persons? Lastly, when the question comes up whether these amendments are admissible or not, just as my friend Mr. Jaspal Roy Kapoor has said, I would request that we should be given an opportunity to explain our position.

Shri Naziruddin Ahmad: Sir, as regards the amendment moved by the hon. Dr. Ambedkar, I raised at that time a point of order. I should first of all try to explain my point of order, because the other amendments depend upon that point of order. You will be pleased to notice that this amendment is drafted in a language which is highly insulting to the House. It says "In clause 2, in sub-clause (1), in item (a), for 'Hindus, that is to say, to all persons professing the Hindu religion' substitute 'persons who are Hindus'" and so on and so forth. In the next item, the wording is "substitute" something. In part (2) it is again "omit" something. This is expressed in the imperative form. As Dr. Pattabhi on one occasion said, Dr. Ambedkar speaks in a professorial and dictatorial tone. This amendment is couched in that language. Not merely this, but all the amendments. I have examined one and all of them. They are in the form of correction slips, or orders by a superior officer of Government to his subordinates. So this is really a direction to the House to do this and that, imperatively. The usual form is that "for such and such thing the following shall be substituted" or that "the following shall be omitted". That is the form. I submit that the drafting has been done so carelessly and so much in the official style that they cannot be accepted as setting a new standard of courtesy to the House. All the amendments are couched in that language. I seriously ask the House to consider whether this method of wording the amendments will be acceptable at all. I therefore like in some of the amendments to cure this imperious form. I have suggested the usual form. And it is not merely the usual form in this House but in the previous House and in all other legislative bodies. The question is whether we should permit the setting up of a new standard entirely its own. You will be pleased to examine all the amendments and they are all couched like this. The point of order which I submit is whether it is in good form. If it is

not, then the next amendment which I have submitted to cure this should be accepted in preference to this. Nothing will be lost but everything will be gained in decorum and official form. Sir, I ask you to give a ruling on this point.

Mr. Chairman: I am not impressed by the speech of the hon. Member in regard to the facts to conclude that any point of order regarding my ruling has been made out. He was making certain observations to which the hon. Dr. Ambedkar will in time reply. Therefore, there is no point for ruling.

Shri Naziruddin Ahmad: The two other amendments which I suggested depended upon the rejection of the form or otherwise of the amendments. That is why I want a ruling from you. If it is in good form, of course, we shall also indulge in such forms and the House can also be allowed to degenerate to that sort of form.

Then with regard to clause 2, one important point has been raised by the several amendments and supported by several hon. Members. It is that the Code should be made applicable to all persons in India. I was asked to sponsor this idea and when I raised the point of order I did nothing of the sort at all, but my point is that the Bill is bad for the Hindus and when it is bad, this bad law should not be made applicable to all. A bad law can not be made good by making it applicable to all. If it is bad for the Hindus, it should be rejected. The point I was driving at was.....

Shri J. R. Kapoor: The fate should be shared equally by all the Hindus and non-Hindus alike.

Shri Naziruddin Ahmad: That is a form of logic which amounts to a joke and is certainly acceptable but seriously in a legislature this cannot be accepted. If a law is bad, it should not be extended to put pressure on those on whom it is going to be applied. Constitutionally this law will bring degradation. This point has been seriously raised outside the House; it has been freely talked about and it is more than certain that this law could not be taken before a court of law. We have passed several principles in the Constitution. We have worded the clauses in the Constitution in a general way with the result that they have landed us already into difficulties. The Constitution stands in the way of this Bill being passed.

Shri Tyagi: We will change the Constitution.

Shri Naziruddin Ahmad: My learned friend says if the Constitution is badly
293 P. S. D.

[Shri Naziruddin Ahmad]

drafted and has landed us into difficulties, why not change the Constitution. I ask why should it be that you are at liberty to pass a law for the Hindus? Why should there be a policy of distinction followed between Hindus and Muslims in their own domestic sphere? I think it is not logic. It is not good. The Hindus should remain Hindus at home and they should be Hindus in their religious practices. Similarly the Christians and Muslims should have their freedom of thought, worship and religion which has been granted in another part of the Constitution. I ask the House to consider whether in view of the number of defects noticed in the Constitution, it requires revision. I think it is easier within two years of the passing of the Constitution to amend it than it would be after two years. So it is time for us to amend the Constitution to make it possible to pass a good law affecting the Hindus. So far as religious and semi-religious matters are concerned the law could not interfere and at least it should not be dictated from the top. This is a kind of dictatorship which does persist in democratic society.

Shri Tyagi: Marriage and divorce do not come under religion.

Shri Naziruddin Ahmad: I believe the Hindu marriage is one of the *Samskaras*; it is the tenth *Samskara*; it is part of their religion and it is idle to argue that it is not part of their religion. I say you may abolish religion and the law gives you freedom and this House is a sovereign House within the Constitution. You can abolish religion, if you like but will you go so far as that? So far as this is concerned, I do not want to pursue it further but then look at the condition in which we exist today. We have no food. We had to spend Rs. 200 crores for importing food from foreign countries and to make us live for this year. (*Interruption*). We have no clothes. There are no shelters for many of our countrymen; we cannot give primary education at all but what we give is a free gift to the Hindus in the shape of the Hindu Code. If you want to make them happy, you must give them food, give them education.

The Deputy Minister of Communications (Shri Khurshed Lal): This might have been a very good argument on the motion for taking the Bill into consideration. We are now considering a specific clause.

Mr. Chairman: I was waiting to hear the last words of his concluding remarks to know the inference he proposed to draw from his preceding observations.

Shri Tyagi: I want to know how is it that a Muslim is quoting our scriptures.

Shri Naziruddin Ahmad: We should not think of this Code but we should think of more and more constructive things which would make the people happy, give them elementary education etc. In these dangerous times, there is the other danger of the world situation deteriorating. War is approaching India step by step.

Mr. Chairman: I am very sorry. I do not want to interfere but I think the hon. Member is at sea on his arguments. He ought to proceed with his amendments.

Shri Naziruddin Ahmad: I was only submitting that this is not the proper time to go on with this Bill.

Shri Khurshed Lal: We are not discussing the consideration motion.

Mr. Chairman: I will ask the hon. Member to speak on his amendments. If he wants to say that so far as the particular amendments of Dr. Ambedkar are concerned, they are not right, I would certainly allow that but if he goes on to say that this Bill should not be proceeded with, I think it is beyond the province of any hon. Member at this stage to say so.

Shri Naziruddin Ahmad: I was encouraged to make this suggestion only for one reason that it is understood that Government has decided to proceed with this Bill only for two or three days.....

Mr. Chairman: I would ask the hon. Member to proceed with his amendments.

Shri Naziruddin Ahmad: (*Interruption*) I rather think that many hon. Members have nothing to think of except interrupting. Sir, there are a number of amendments standing to my credit and I shall deal with them one by one. The first two amendments, Nos. 16 and 17, were suggested to improve the form in which Dr. Ambedkar's motion has been tabled. They do not deal with any other principle except improving the form. Then, I come to amendment No. 19.

In part (c)(i) of sub-clause (1) of clause 2, after "illegitimate" insert:

"who, if he has attained the age of eighteen years, is himself a Hindu and"

I am sorry that a very large number of widely divergent subjects have had to be moved separately, and have to be argued upon in a lot. That is why some hon. Members seem to lose thread of the argument. Sub-clause (1) which I seek to amend, reads thus:

"This Code applies—

(c)(i) to any child legitimate or illegitimate, both of whose parents are Hindus within the meaning of this section."

Shri Satish Chandra (Uttar Pradesh): This has been read several times.

Mr. Chairman: Let the hon. Member proceed. To keep up the thread of the argument, he must be allowed to read.

Shri Tyagi: This thing about illegitimate child was not read.

Shri Naziruddin Ahmad: The child of a Hindu, particularly, if he be illegitimate, may not himself remain a Hindu. This sub-clause proceeds on the supposition that a child of a Hindu remains a Hindu. But, it is quite possible for him to change his religion. He may discard all religion; he may be an atheist. He may become a Jew, a Christian or a Muslim, and then again be re-converted to Hinduism. The supposition that an illegitimate child of a Hindu is a Hindu presupposes that he does not change. As a matter of fact, he can change. If he changes his religion, certainly, he cannot be a Hindu, and cannot inherit his father's property and so forth. An illegitimate child of a Hindu father will inherit his father's properties; but if he changes his religion, he ceases to be a Hindu and therefore, he ceases to be the heir.

Shri Tyagi: A father can never have an illegitimate child; a mother only can have.

Shri Naziruddin Ahmad: That is a legal question. If a father cannot have an illegitimate child, this clause should have been deleted.

Shri Tyagi: The child is.....
(Interruption).

Mr. Chairman: Order, order; let him proceed.

Shri Naziruddin Ahmad: My amendment says, "if he has attained the age of eighteen years, is himself a Hindu....". That is to say, after attaining the age of eighteen years, when he attains the age of discretion and is permitted by law to act in a legal manner, if he remains a Hindu, then, of course, he is a Hindu. He is a child of his father entitled to inherit and enjoy all the benefits of the Hindu Law. This amendment tries to remove a lacuna which exists in the drafting. An illegitimate child, if he attains the age of eighteen years and if he does not change his religion, then, of course, he could come in. That is what I have sought to clarify here.

Let us come to another amendment; it is of a drafting nature. It reads as follows:

In part (c)(i) of sub-clause (1) of clause 2, for "whose parents are Hindus" substitute "whose parents are or have been Hindus".

It may be that the parents of a child are Hindus; but they may change their religion. So, I want that in order to have this relationship.....

Shri K. C. Sharma (Uttar Pradesh): May I draw the attention of the Chairman to the convention of the House that all drafting amendments be left to the draftsmen and the title of the House be not wasted?

Mr. Chairman: There is no such absolute convention; it all depends on the particular amendment.

Shri Naziruddin Ahmad: This only shows that the hon. Member is not listening to the arguments, but is only trying to find and create objections. Although this is more of a drafting nature, I think it involves a substantial thing. The question is this. You say that a child, legitimate or illegitimate of a Hindu, is a Hindu. Supposing the father changes his religion in that case, he is not a Hindu at the relevant time when the question arises. I therefore want to make it clear that he is a Hindu or has been a Hindu. It may be that a father was not a Hindu, but has accepted the Hindu religion at the relevant time. If you say, a man who is a Hindu, it means, who is a Hindu for the time being; he might not have been a Hindu before. That is why I am saying: "a person who is or has been a Hindu"; who has been a Hindu all along. The child of such a parent would be a Hindu. Suppose there is a Muslim who adopts the Hindu religion today. The question of the status of his child comes into question. Could his child, who was born at a time when the

[Shri Naziruddin Ahmad]

parents were Muslims, be a Hindu today because today the father is a Hindu? That is why I have tried to change the clause. Though it is of a drafting nature, it has substantial effects. I submit that these small points require careful consideration. The question, in effect, is, if a man is converted to Hinduism today, whether his child, who may be a Christian, or a Muslim or a Jew according to the religion of his father before his conversion, would be a Hindu. This is a serious constitutional question, and I hope the House will seriously consider that. But, the difficulty would be for the hon. Law Minister to carefully listen to these points and to reply to them, and for the House to follow all these arguments and replies. As a matter of fact, Dr. Ambedkar will say, "I oppose all the amendments" and the House will say, "We respectfully agree".

Several Hon. Members: Never, never.

Shri Naziruddin Ahmad: My next amendment, No. 21, I would repeat my argument, enforces a condition that a man, whose religion is in question, is a Hindu if he is a Hindu after attaining the age of eighteen years; because at the age of eighteen, he is entitled to act in a legal manner, and if he has attained the age of eighteen years, he may change his religion. Therefore, the option of a boy, on attaining the age of eighteen years, to change his religion, is provided for. That contingency has not been thought of by the draftsmen. Therefore, I am submitting this amendment for the consideration of the House.

I now come to my next amendment No. 23. It runs thus:

For part (d) of sub-clause (1) of clause 2, substitute:

"(d) to a convert to the Hindu religion, subject to his rights and liabilities before his conversion."

You say that a convert to a Hindu religion would be a Hindu. It is plain commonsense that a man has freedom of conscience and religion and he would be fully entitled to convert himself to Hinduism. But, what happens to his rights and liabilities before he is converted? I will explain the position. A Christian, a married man, is converted today to the Hindu religion. What happens to his wife? Would the wife be automatically divorced because she is not a Hindu? A marriage between a Hindu and a Christian would be illegal. I agree that a convert to the Hindu religion should be treated as a Hindu. But,

what about his rights and liabilities before conversion? There are numerous rights and liabilities. I do not wish to detain the House by detailing the various considerations which may arise on account of this. I simply put it generally that a convert should be a Hindu, subject to all the rights and liabilities he had before the conversion. Suppose there was a non-Hindu possessing rich property, and suppose he is converted to Hinduism. Should you ask him to lose all his property? If he is to inherit from some one, before conversion, should he lose this inheritance after his conversion? There are laws relevant to this which occur to me, but I only submit that we should preserve all the rights and liabilities acquired by the man who is converted, before his conversion. The *status quo* of the rights previously acquired should not be disturbed. All those rights should not be lost simply by the conversion. Rights once acquired should not be allowed to be lost. Liabilities incurred should not be allowed to vanish, all because of a later conversion. The conversion should not affect past transactions, past rights and past liabilities.

Then, my next amendment is that sub-clause (2) of clause 2 should be omitted. This sub-clause is to this effect:

"This Code also applies to any other person, who is not a Muslim, Christian, Parsi or Jew by religion."

This sub-clause, I submit, is based on erroneous considerations, and on erroneous analogies. In part (a) we have said that this Code applies:

"to all Hindus, that is to say, to all persons professing the Hindu religion in any of its forms or developments,"

And we also say that it applies:

"to any person who is a Buddhist, Jaina or Sikh by religion."

But the Sikhs, I feel, do not very much appreciate the conferring of the so-called benefits of this Code on them. My friend Sardar Hukam Singh is ready to give up the so-called benefits of the Hindu Code now being conferred upon the Sikhs. So long as he remains a Sikh, I do not think he would very much appreciate the Hindu Code being applied to him and.....

Shri Tyagi: He can become a Hindu.

Shri Naziruddin Ahmad: But let Sardar Hukam Singh speak for his own community. I am only.....

Shri Khurshed Lal: Yes, you are speaking for yours.

Shri Naziruddin Ahmad: Then we come to part (c)(i) which says that the Code applies to any child, legitimate or illegitimate etc. A Hindu is a Hindu and the child of a Hindu should also be a Hindu. But what I say is this. Sub-clause (2) seems to be somewhat misplaced, because it states that the Code applies also to any other person who is not a Muslim, Christian, Parsi or Jew by religion. Looking at it from the drafting point of view, this is a circuitous way of drafting the thing, and it shows the piece-meal introduction of an idea. If this is the idea, why not say straight-away that all persons who are not Muslims, Christians, Parsis or Jews are Hindus? Instead of doing that, you first of all say that Hindus are first of all Hindus. Then you say that Buddhists, Jains and Sikhs are Hindus and then you say that the Code will apply to other persons who are not Muslims, Christians, Parsis or Jews. I think the most straightforward and logical way of putting this definition would have been to say that all persons who are not Muslims, Christians, Parsis or Jews are Hindus. It comes to that. Therefore, I submit, at that time, there might have been some hesitation in the mind of the draftsmen and this idea was introduced at a later stage. Otherwise there was nothing to prevent them from saying what they actually meant.

But there is a snag in this clause 2, sub-clause (2). Does it necessarily follow that a man who is not a Muslim, Christian, Parsi or Jew is a Hindu? He may be a Communist, as is suggested by a friend here. Or he may belong to the religion of *Shintoism* as professed in Japan. Or he may have no religion at all. How can it be accepted as an inexorable principle that a man must be a Christian, Parsi, Muslim, Jew or a Hindu? There may be a person who belongs to no religion, or there may be a person whose religion is apart from any of these great religions.

Shri Tyagi: Hinduism is a cocktail of all religions.

Shri Naziruddin Ahmad: Of course, to say that all the rest belong to the Hindu religion may sound very sweet to Hindu ears. But the question is whether we should force the so-called benefits of this Code on anybody? Should we call anyone a Hindu and force the Code on him? That is the point. Suppose there are some foreigners here, or their servants or subordinates or friends. We are encouraging tourist traffic and we can

expect many such persons in India. And suppose one such foreigner dies while in India. Who will inherit his wealth?

Dr. Ambedkar: You will inherit his wealth if he dies in India.

Shri Naziruddin Ahmad: The question is, are those persons who do not belong to any of those religions to be the victims upon whom the so-called benefits of this Hindu Code should be forced? The Hindu community is docile and in an absolute minority in the House, but outside there is a great deal of objection raised, and that being the case, should these so-called benefits be forced on all? Should you force the Code upon all the persons who are neither Muslims, Christians, Parsis or Jews, and because they do not belong to any of these religions, does it necessarily follow that they belong to the Hindu religion? Should the Code be applied to them? That is the question which the House will have to answer. I submit that this sub-clause (2) must be omitted because it seeks to enact a proposition which should not be accepted. Let us proceed gradually. You must not force the Code upon such persons. There may be some who follow some other religion or who have no religion at all, or a new religion may come into the world and to them the law should not be made applicable. The application of the law should be gradual. The impact of this tremendous measure should be gradual. In fact I was very much enamoured with part of the amendment moved by my hon. friend Mr. Kapoor. There was a great deal of sense in that part of the amendment which said that the Code should apply only to those persons who want it. That was also the purport of the amendment of Shri Jhunjhunwala. Of course there were some differences with regard to detail. But the important principle is that the Code should apply only to those who want it to be applied to them. Therefore this definition of a Hindu is not warranted. If the Hindu Code was not a controversial one and had been an acceptable one to all there would have been no difficulty. So by accepting that part of the amendment.....

Pandit Krishna Chandra Sharma (Uttar Pradesh): It means that everybody should be allowed to make a law for himself.

Shri Naziruddin Ahmad: You are trying to force down the throat of a person a medicine which he does not

[Shri Naziruddin Ahmad]

like. However good the Code may be you cannot force it down the throat of the Hindu community.

An Hon. Member: Who says that? We all want it.

Shri Naziruddin Ahmad: First of all you must take public opinion on your side. You must approach them gradually. Make it first optional and then if the law is good for everybody they will gravitate towards it. They will themselves push each other and compete with each other in getting themselves registered earliest. The law should attract people voluntarily and not by force. That is the great principle which underlies these amendments and suggestions. It is not a case of everybody making a law for himself but a case of a few persons forcing a law upon 33 crores of people.....

An Hon. Member: Who are you to say that?

Shri Syamandan Sahaya: That is also lately the correct position. Go ahead. Let them shout at the top of their voice.

Mr. Chairman: Hon. Members should not go on speaking to each other while sitting. It will create confusion. Let the hon. Member proceed.

Shri Naziruddin Ahmad: That is why I heartily support the suggestion to make the application of the Code voluntary thereby robbing it of its sting. Then I dare say that if the law is good gradually every one will come to it. I therefore submit that the law should be made applicable to those who are fit for it.

India is a vast sub-continent where there are highly advanced people as also extremely backward people. The law is a good law to hon. Members because it is good to the community from which most of the Members come. It is an advanced law suited to the advanced community from which hon. Members come. But why should it be made applicable to hill tribes, aboriginals and backward people who have no education and who do not even have two meals a day. Why should it be made applicable to them by a stroke of the pen against their wishes? That is the point which arises out of the suggestions contained in these two amendments. It is experience and not logic that should guide law. I therefore submit that the law should be made applicable to those who accept it and those who are fit for it. Gradually those who are semi-fit for it will qualify for it.....

Shri Khurshed Lal: That is why it is not being applied to you.

Shri Naziruddin Ahmad: I agree that I am too backward to appreciate the benefits of this law. This law is a jumble. It does not contain much of the Hindu law. It is borrowed from the Muslim law, from the Christian law and borrowed all the worst elements of those laws. Therefore I would prefer to be called a backward man so as to please my hon. friend Mr. Khurshed Lal rather than be looked upon as civilised and be made to accept a law which is not applicable to me and which does not appeal to me either. The great difficulty is that the Government is committed to a principle rather prematurely and the people outside are against it.....

Shri Bharati: Who are you to say that? Who said that?

Shri Naziruddin Ahmad: Just go out and see. If you had gone to the Gandhi Grounds yesterday you would have seen something of that.

An Hon. Member: Why did my hon. friend go there?

Shri Naziruddin Ahmad: It is my business to be informed; not to suggest anything to them, not to control, guide nor mislead them. It is for me as a Member to ascertain public opinion. If I know that Hindu opinion moves in a particular way, even at the risk of being called backward I would bring it to the notice of the House. There is no point in trying to be fashionable and clever at the cost of commonsense and equity.

Some hon. Members asked me in an oblique manner "Who says so?". They think that the Hindu community has accepted the Code and are agreeable to it. I come from Bengal. At the request of the Government of their opinion they said that they were opposed to it.....

Shrimati Renuka Ray (West Bengal): What have they said now?

Shri Naziruddin Ahmad: If they are changing, I do not know about that.

Shrimati Durgabai: You too must change along with them.

Shri Naziruddin Ahmad: I do not think they have expressed any recent opinion. Apart from rumours their legal opinion duly approved by the Government has been sent by their Judicial Secretary and it has been circulated to us. Any other opinion has not been circulated to us. If they

have been circulated to the private ears of any Members I cannot take any notice of it here. The Government of Bengal is against the Bill. The big people are against it.

Shri Sondhi (Punjab): They have compromised, I am told.

Shri Naziruddin Ahmad: I do not think they have put themselves in a compromising position at all. Go to any Bar Association and listen to what they talk. They are getting tired of it. The very eagerness with which the Bill is sought to be pushed through the House.....

An Hon. Member: Is it all relevant to the amendment?

Mr. Chairman: I would draw attention to amendment No. 31.

It is quite relevant.

Shrimati Durgabai: He is only repeating himself.

Shri Tyagi: Since the hon. Member has alleged that the Bengal Government was against this Hindu Code I want to know from him if the Chief Secretary of the Bengal Government is opposed to it?

Shri Khurshed Lal: He is not the Government of Bengal.

Shri Naziruddin Ahmad: The Government of India circulated the Bill and asked for opinion. The various State Governments gave their opinion and those opinions have been circulated to us. I have no private communication with the Bengal Government. The public opinions which have been circulated to us are there, any hon. Member can see them. There you will find that the Bengal Government opposes the Bill.

Pandit Malaviya (Uttar Pradesh): Why should they see if it is not convenient to them?

Shri Naziruddin Ahmad: They find that the law is not convenient to Bengal soil. What is more, all the Judges of the Calcutta High Court,—I suppose they should be regarded as educated people, not orthodox, not the rabble, they are fine, cultured, intelligent men, they are not mere orthodox men—gave their opinion jointly that they are opposed to the Bill.

Shri Raj Bahadur: May I know, Sir, whether it is permissible for the Member to attack the very foundation and principle of the Bill now? Is he speaking on clause 2 or on the whole Bill?

Sardar Hukam Singh: It was an answer to the interruption on his statement that Hindus did not want it.

Mr. Chairman: Order, order. So far the observations of the hon. Member were relevant under amendment No. 31. But at the same time I would request him not to be very general in his remarks. He ought to confine his observations to the particular points made out by him in his amendment.

Shri Naziruddin Ahmad: The point before us is whether the law should be made applicable to persons who do not agree to be bound by it. If you do not give the option you will be forcing the law upon people who do not want it. That is why I thought that in order to strengthen that point the objection of eminent authorities like High Court Judges and the Government of Bengal was relevant. It shows that the people are against it—not the backward people but intelligent, civilised people who have some status in society. That was my purpose in referring to it.

I therefore submit that in view of all these objections, the law should be made applicable to those who are particularly enamoured of it, who think they will be benefited by it, but it should not be made applicable to one and all, to those who do not want it. I submit that those who are opposed to the Hindu Code Bill are a minority in the House, but those who are in favour of the Bill are a microscopic minority in the country. The whole question is: is it enough for you to be fired with the idea that the Hindu Code is a good thing if the people do not want it? In a democratic society you must not force a benefit upon those who do not want it. The people do not want it. Therefore, you must not force this upon them. I therefore heartily support the two suggestions made by the two hon. Members that the law should be made applicable first to those who want it. Then if we find that there is ready acceptance, that it is palatable to the Hindus, that they want it, that they readily accept it, then this Parliament may later on extend it to other people or to other classes of people. That should be the proper way. As has been suggested, if once we accept this principle, make its application voluntary, the whole controversy will vanish. The bitterness of the majority outside and the minority in this House will disappear at once. Then there will be no question of a difference of opinion. If it is good it is good for the highest class

[Shri Naziruddin Ahmad]

of society. It is not good to the condition of people who belong to the middle classes and to the lower classes. It is for this reason that I think that the suggestion in that amendment should be accepted.

Then, one of my amendments is that sub-clause (3) should be omitted. That sub-clause runs to the effect that:

"The expression "Hindu" in any portion of this Code shall be construed as if it included a person who, though not a Hindu by religion is, nevertheless, governed by the provisions of this Code."

It says in effect that though a man is not a Hindu, if the Code applies to him he is a Hindu. It begs the very question. It could have been said a Hindu is a Hindu! The draftsman was not satisfied and he tried to make confusing words confounded by the addition of sub-clause (3). To whom would you make the Code applicable? If you say a man is a man who is a human being it does not help anyone. It simply shows some confusion of mind. You cannot say that a Hindu is not a Hindu but that although he is not a Hindu provided the Code applies to him he is a Hindu. I think a simpler way of approach should have been far more satisfactory and better. If you say all persons having two legs and two hands are Hindus I have no objection. If you say all Hindus are Hindus even that would have made some sense. You say, all Hindus are Hindus, all Jainas, Buddhists, and Sikhs are Hindus, the illegitimate children of those are Hindus, and then all those are Hindus who are not Muslims, Christians, Parsis or Jews. You are not satisfied with this round-about and circumlocutory way of expression. You say that even though a man is not a Hindu he is a

Hindu if this Code applies to him. You should be more straightforward, more logical, more clear in your expression. The draftsmanship of this clause shows the hand of many a person but it has not been properly drafted. That is why there has been so much of confusion, so much of round-about expression. I therefore submit that sub-clause (3) should be omitted. A Hindu should be a Hindu, one who follows the Hindu religion. With regard to Buddhists, Jainas and Sikhs, I should quite agree to them being included provided the Buddhists, Jainas and Sikhs agree to be bound by the Hindu Code. Those persons also are Hindus who are not Muslim, Christian, Parsi or Jew by religion. But you say that a person is a Hindu, though he is not a Hindu, if he is bound by this Code. Somehow or other that is a most unsatisfactory way of approach.

Shri Tyagi: He is a *de jure* if not a *de facto* Hindu.

5 P.M.

Shri Naziruddin Ahmad: If you want to call a person a "Hindu", I have no objection. That is a simple way. You simply enumerate him as "Hindu". Why this circumlocutory, round-about and circuitous way of expressing it? It shows, I say with respect, some confusion of thought.

Dr. Ambedkar: You are more confounded than anybody else in this House, I am afraid.

Shri Naziruddin Ahmad: I have other amendments which I shall try to deal with tomorrow, if I am not interrupted like this.

The House then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 6th February, 1951.