



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

CONTENTS

Volume IX—From 7th August to 21st September, 1951.

	<i>Columns</i>
Tuesday, 7th August, 1951—	
Member Sworn	1
Oral Answers to Questions	1—27
Written Answers to Questions	27—46
Wednesday, 8th August, 1951—	
Oral Answers to Questions	47—73
Written Answers to Questions	73—92
Thursday, 9th August, 1951—	
Oral Answers to Questions	93—125
Written Answers to Questions	125—154
Friday, 10th August, 1951—	
Oral Answers to Questions	155—183
Written Answers to Questions	183—206
Monday, 13th August, 1951—	
Oral Answers to Questions	207—235
Written Answers to Questions	235—258
Tuesday, 14th August, 1951—	
Oral Answers to Questions	259—293
Written Answers to Questions	293—308
Thursday, 16th August, 1951—	
Oral Answers to Questions	309—338
Written Answers to Questions	338—342
Friday, 17th August, 1951—	
Oral Answers to Questions	343—372
Written Answers to Questions	372—398
Saturday, 18th August, 1951—	
Oral Answers to Questions	399—420
Written Answers to Questions	420—428
Monday, 20th August, 1951—	
Oral Answers to Questions	429—457
Written Answers to Questions	457—472
Tuesday, 21st August, 1951—	
Oral Answers to Questions	473—503
Written Answers to Questions	503—518
Wednesday, 22nd August, 1951—	
Oral Answers to Questions	519—545
Written Answers to Questions	545—566
Thursday, 23rd August, 1951—	
Oral Answers to Questions	567—595
Written Answers to Questions	595—612
Saturday, 25th August, 1951—	
Oral Answers to Questions	613—641
Written Answers to Questions	641—652

Monday, 27th August, 1951—		
Oral Answers to Questions		653—684
Written Answers to Questions		684—702
Tuesday, 28th August, 1951—		
Oral Answers to Questions		703—734
Written Answers to Questions		734—742
Wednesday, 29th August, 1951—		
Oral Answers to Questions		743—774
Written Answers to Questions		775—786
Thursday, 30th August, 1951—		
Oral Answers to Questions		787—818
Written Answers to Questions		818—830
Friday, 31st August, 1951—		
Oral Answers to Questions		831—870
Written Answers to Questions		870—876
Monday, 3rd September, 1951—		
Oral Answers to Questions		877—909
Written Answers to Questions		909—932
Tuesday, 4th September, 1951—		
Oral Answers to Questions		933—967
Written Answers to Questions		967—986
Wednesday, 5th September, 1951—		
Oral Answers to Questions		987—1014
Written Answers to Questions		1014—1036
Thursday, 6th September, 1951—		
Oral Answers to Questions		1037—1065
Written Answers to Questions		1065—1074
Friday, 7th September, 1951—		
Oral Answers to Questions		1075—1104
Written Answers to Questions		1104—1120
Monday, 10th September, 1951—		
Oral Answers to Questions		1121—1154
Written Answers to Questions		1154—1164
Tuesday, 11th September, 1951—		
Oral Answers to Questions		1165—1201
Written Answers to Questions		1201—1208
Wednesday, 12th September, 1951—		
Oral Answers to Questions		1209—1256
Written Answers to Questions		1256—1274
Friday, 14th September, 1951—		
Oral Answers to Questions		1275—1309
Written Answers to Questions		1309—1324
Saturday, 15th September, 1951—		
Oral Answers to Questions		1325—1355
Written Answers to Questions		1356—1364

Monday, 17th September, 1951—	<i>Columns</i>
Oral Answers to Questions	1365—1400
Statement by Deputy Minister of Defence in Connection with Starred Question No. 747 of 4th September, 1951 re Control Committee on Cantonments	1400—1401
Written Answers to Questions	1401—1414
Tuesday, 18th September, 1951—	
Oral Answers to Questions	1415—1445
Written Answers to Questions	1445—1470
Wednesday, 19th September, 1951—	
Oral Answers to Questions	1471—1500
Written Answers to Questions	1500—1512
Thursday, 20th September, 1951—	
Oral Answers to Questions	1513—1543
Written Answers to Questions	1543—1548
Friday, 21st September, 1951—	
Oral Answers to Questions	1549—1580
Written Answers to Questions	1580—1594

CORRIGENDA

In the Parliamentary Debates (Part 1—Questions and Answers) Fourth Session of Parliament,—1951,

In Volume IX,—

1. No. 7, dated the 16th August, 1951,—

कालम ३३०, पंक्ति १०, “क्या माननीय कृपा” के स्थान पर “क्या माननीय मंत्री जी कृपा” पढ़ें ।

2. No. 8, dated the 17th August, 1951,—

(i) Col. 376, line 14 from bottom for “and” read “any”.

(ii) Col. 380, delete the existing line 13 and between lines 15 and 16 insert new line “subject. The Central Tractor Organisation”.

(iii) Col. 381, for the existing line 18 from bottom substitute the new line “तुम्हें (Shri K. M. Munshi): (a) It is”.

3. No. 12, dated the 22nd August, 1951,—

کالم ۵۳۰، آخر سے سطر ۱۲،، آخر،، کی بجائے ،، آخر،، پڑھیں۔

4. No. 13, dated the 23rd August, 1951,—

(i) कालम ६०२, पंक्ति १८ “निर्यात” के स्थान पर “निर्यात” पढ़ें ।

(ii) Col. 612 for the existing line 4 from bottom read “July-December, 1951—January-June”.

5. No. 16, dated the 28th August, 1951,—

(i) Col. 723, line 12 for the figures “-14,86” read “ 14,86”.

(ii) Col. 727, line 8 for the figures “88,87” read “88,872”.

6. No. 19, dated the 31st August, 1951,—

कालम ८५०, पंक्ति ४ “मंगी” के स्थान पर “मन्त्री” और नीचे से पंक्ति १७ “घोर के खिलाफ” के स्थान पर “और उस के खिलाफ” पढ़ें ।

7. No. 20, dated the 3rd September, 1951,—

कालम ८९१ नीचे से पंक्ति ४, “उपया” के स्थान पर “रुपया” पढ़ें ।

8. No. 22, dated the 5th September, 1951,—

Col. 1014, line 15 for the figures “36,00,000” read “35,00,000”.

9. No. 24, dated the 7th September, 1951,—

(i) Col. 1115, line 8 for the words “Laid on the Table” read “House”.

(ii) Col. 1116, line 25 from bottom for “word” read “work”.

(iii) Col. 1119, transpose the existing lines 7 and 15.

10. No. 29, dated the 15th September, 1951,—

(i) Col. 1327 from bottom line 6 for “Teteorotogical” read “Meteorological”, and line 7 for “in 3 : 2” read “is 3-03”.

(ii) Col. 1336, line 2 from bottom for “convering” read “covering”.

(iii) Col. 1343, line 7 from bottom for “by” read “to”.

(v)

11. No. 30, dated the 17th September, 1951,—

Col. 1400, line 11 from bottom *for* "RECON-" *read* "Re. CON-".

12. No. 31, dated the 18th September, 1951,—

Col. 1434, line 15 *for* "miles" *read* "mills".

13. No. 32, dated the 19th September, 1951,—

(i) Col. 1505, between existing lines 23 and 24 from bottom *insert* new line "being found with money is not".

(ii) Col. 1510, line 13 from bottom *for* "July, 1951" *read* "1st July, 1951".

PARLIAMENT OF INDIA

The Speaker

The Honourable Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Chairmen

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Assistants of the Secretary

Shri A. J. M. Atkinson.

Shri N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

GOVERNMENT OF INDIA

Members of the Cabinet

- Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.
Minister of Education—The Honourable Maulana Abul Kalam Azad.
Minister of Home Affairs—The Honourable Shri C. Rajagopalachari.
Minister of Defence—The Honourable Sardar Baldev Singh.
Minister of Labour—The Honourable Shri Jaggivan Ram.
Minister of Health—The Honourable Rajkumari Amrit Kaur.
Minister of Law—The Honourable Dr. B. R. Ambedkar.
Minister of Works, Production and Supply—The Honourable Shri N. V. Gadgil.
Minister of States, Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.
Minister of Commerce and Industry —The Honourable Shri Hare Krushna Mahtab.
Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.
Minister of Natural Resources and Scientific Research—The Honourable Shri Sri Prakasa.
Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.

Ministers not in the Cabinet

- Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.
Minister of State for Transport and Railways —The Honourable Shri K. Santhanam.
Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar
Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.
Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.
Minister of State for Finance—The Honourable Shri Mahabir Tyagi.
Deputy Minister of External Affairs—Dr. B. V. Keekar.
Deputy Minister of Commerce and Industry—Shri Dattatraya Parashuram Karmarkar
Deputy Minister of Defence—Major General Himatsinhji.
Deputy Minister of Works, Production and Supply—Shri S. N. Buragohain.
Deputy Minister of Food and Agriculture—Shri M. Thirumala Rao.
Deputy Minister of Communications—Shri Raj Bahadur.

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

1471

1473

PARLIAMENT OF INDIA

Wednesday, 19th September, 1951

*The House met at Half Past Eight
of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

WORKSHOP FOR D.T.S.

*1138. **Shri Sidhva:** Will the Minister of Transport be pleased to state:

(a) whether a workshop for the D.T.S has been set up;

(b) if so, at what cost; and

(c) how many buses have deteriorated for want of overhauling the machines during the last three years?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) and (b). The Delhi Road Transport Authority has prepared a plan for setting up a new workshop conforming to modern standards at an estimated cost of Rs. 20 lakhs.

(c) It is difficult to say to what extent deterioration of buses is attributable solely to inadequacy of workshop facilities, as several other factors are involved.

Shri Sidhva: May I know when this workshop is likely to be started and when it is likely to be completed, and also whether in the absence of any such workshop other arrangements exist for overhauling these buses?

Shri Gopaldaswami: The site for the workshop has been decided on. It is being got ready, and orders for plant and machinery have been placed through the Director General of Supplies and Disposals. At present there are three small workshops, one central and two depot workshops. At the central workshop major jobs are attended to; at the depot workshops routine maintenance and minor repairs are attended to.
273 P.S.

Shri Sidhva: May I know what is the average life of these buses and for how long have they been actually working and how many of them are out of commission partially or wholly?

Shri Gopaldaswami: I am afraid I am not in a position to give the average life. These buses have been renewed to a considerable extent during the last two years and the percentage of the number of buses that are sick has come down a bit.

Shri Sidhva: May I know whether the contemplated purchase of diesel oil buses for economical reasons has been completed and if so what is the number purchased and how are they functioning?

Shri Gopaldaswami: I should like to have notice for that question.

SURVEYORS IN BOMBAY

*1139. **Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have appointed surveyors in Bombay to survey food grains imported in that port;

(b) whether survey work is given to an individual or to an association;

(c) what were the reports of the surveyors regarding shipment of food grains (milo) received from U.S.A. per s.s. 'Edward W. Scripps' in August, 1951, also regarding 10652 bags of Karachi rice imported per s.s. 'Saraswati' which arrived in August and also 8665 bags of Pakistan rice imported per s.s. 'Bharat' which arrived in July, 1951;

(d) whether these reports indicate conformity of supply with the terms and conditions of the agreement and purchase order; and

(e) whether any steps are taken for claiming compensation in case of non-conformity with the agreement and if so, what claims have been preferred?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Yes. Arrangements were made

with an Association connected with the trade in foodgrains, as an experimental measure for 3 months to draw samples of foodgrains from certain shipments arriving at Bombay.

(b) An Association.

(c) The reports gave the percentages of dirt and foreign material, brokens, damaged and weevilled grains found by them in the samples drawn and analysed by them.

(d) In the conditions of international trade prevailing at present, grain has to be purchased on the basis of inspections carried out in the country of origin at the time of despatch. No claims for rebates on account of quality can be made on the basis of reports made by the Association at the port of destination. These reports are used by us for bringing to the notice of inspecting authorities, at the port of despatch any important differences that may be found.

(e) Government of India were entitled to realise about Rs. 14,000 in respect of the rice shipped per s. s. Saraswati.

Shri Sidhva: What is the answer to part (c)?

Shri Thirumala Rao: The reports gave the percentages of dirt and foreign material, brokens, damaged and weevilled grains found by them in the samples drawn and analysed by them.

Shri Sidhva: What was the percentage of dirt and brokens in respect of the shipment to which I have referred?

Shri Thirumala Rao: I have got here figures only for BHARAT RATNA and SARASWATI. Specifications as laid down in the contract were as follows:

Admixture	1 per cent.
Paddy	2 per cent.
Damage	2 per cent.
Red	3 per cent.
Brokens	45 per cent.

According to the inspection certificate issued by Messrs. General Superintendence Company at the time of loading, the figures for BHARAT RATNA were as follows:

Admixture	0.8 per cent.
Paddy	0.1 per cent.
Damage	0.3 per cent.
Red	2.6 per cent.
Brokens	37.5 per cent.

Shri Sidhva: What was the report of this Association?

Shri Thirumala Rao: The report of the Association was as follows.

Admixture	1.2 per cent.
Paddy	1 per cent.
Damage	Nothing.
Red	11 per cent.
Brokens	64 per cent.

Shri Sidhva: These figures were for BHARAT RATNA. What are the figures for the SARASWATI?

Shri Thirumala Rao: For the SARASWATI the figures given in the inspection certificate of Messrs. General Superintendence Company were as follows:

Admixture	1.3 per cent.
-----------	---------------

Shri Sidhva: I want the Association report.

Shri Thirumala Rao: The Association report is as follows:

Admixture	2.8 per cent.
Paddy	2.5 per cent.
Red	2 per cent.
Brokens	55 per cent.
Weevilled	2 per cent.

Shri Sidhva: May I know how this quality compares with the basic sample? Was it intended to contain 55 per cent. brokens in SARASWATI and 48 per cent. brokens in BHARAT RATNA? Was it agreed that these percentages would be accepted?

Shri Thirumala Rao: These differences are accounted for by the fact that samples on the two occasions are not drawn from identical bags and the bags are not of uniform quality. The Company which has tested these things at the loading end is a firm that has been agreed upon by both the parties. Here, it is a matter of check and we have from experience appointed these checkers here on our own behalf. The findings of these checkers are not binding on the other party at the other end.

Shri Sidhva: But what was the specification of the basic sample? My point is this. Did these consignments compare with the basic sample that was contracted for?

Shri Thirumala Rao: There is no other method of checking these things. The contracts make a specific provision that once it is loaded at the other end, it is accepted.

Shri Sidhva: May I know whether the contract was for 55 per cent. brokens and 48 per cent. brokens?

Shri Thirumala Rao: I have given you the specifications as laid down in the contract. I read them out first, viz. Admixture 1 per cent., Paddy 2 per cent., Damage 2 per cent., Red 3 per cent. and brokens 45 per cent. but according to the inspection certificate of Messrs. General Superintendence Company (the Company which was agreed to by us and the Pakistan Government at the other end) there is a slight difference in the figures which is in some respects favourable and in some other respects unfavourable.

Mr. Deputy-Speaker: Question No. 1140 has been omitted from today's list and has been transferred to some other day.

Shri Sidhya: We have no intimation to that effect, Sir. Whose question is it? I suppose it is by no chance my question.

Mr. Deputy-Speaker: I do not know. I shall find out.

Shri Sidhya: We should be informed in such cases, Sir.

Mr. Deputy-Speaker: Question No. 1141.

MATCH INDUSTRY (WOOD)

*1141. **Shri Sivan Pillay:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total requirements in tons per annum of soft wood for the Match Industry in India;

(b) how much of the same is imported from other Countries; and

(c) which are the States in India which supply the rest, with separate figures for each?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Approximately 1,10,000 tons.

(b) Nil.

(c) Andamans, Assam, West Bengal, Uttar Pradesh, Madhya Pradesh, Bombay, Madras, Mysore and Travancore-Cochin are surplus States so far as soft woods are concerned. Information with regard to the annual quantities made available by these States for the match industry is being collected and will be placed on the Table of the House in due course.

Shri Sivan Pillay: Is there any scheme for continuing the supply in future years also?

Shri Thirumala Rao: Yes. There is a scheme to see that India is made self-sufficient with regard to this wood.

Shri Lakshmanan: May I know whether the Government of India have addressed the State Governments regarding the planting of soft-wood trees on a large scale and guaranteeing them some subsidy in this connection?

Shri Thirumala Rao: Yes. We have addressed the State Governments with regard to the planting of about 4,000 acres in their respective areas, of which we have achieved so far 3,000 acres in the following States:

U.P.—1,000 acres.

Bombay—1,000 acres.

Assam—600 acres.

Travancore-Cochin—400 acres.

We have still to complete another 1,000 acres in these States to reach our target, and we are financing these schemes on a part-basis.

Shri Sivan Pillay: In order to obviate the difficulty of transport, etc., do not Government feel that it is necessary to concentrate on forests close to the centres of the match industry for the production of soft-wood?

Shri Thirumala Rao: If those forests are suitable for the growth of soft trees, they will be grown there.

Shri Alexander: What is the best variety of soft-wood for the manufacture of matches?

Shri Thirumala Rao: That is a technical question for which I want notice.

Shri Amolakh Chand: May I know the amount which the Government of India are going to spend on financing this scheme in 1951-52?

Shri Thirumala Rao: It is proposed to make the following grants. The amount estimated as the requirement of this scheme is about Rs. 8 lakhs of which the Central Government is making a grant of Rs. 2,50,000 for this year. An equal amount is spent by the respective Governments of Uttar Pradesh, Assam and Travancore-Cochin.

Shri Amolakh Chand: May I know the amount given to Uttar Pradesh?

Shri Thirumala Rao: It is about Rs. 1 lakh.

Shri Barman: May I know whether it is a fact that only a month back a deputation from West Bengal waited on the hon. Minister and lodged a complaint that a number of small machines are lying idle, because they were not supplied soft-wood from the

Andamans? If so, what steps have Government taken in the matter?

Shri Thirumala Rao: Efforts are being made to meet their requirements. A large number of small factories and units which are uneconomical have gone out of work. The Government of India, are, however, making every effort to meet their requirements.

Shri Alexander: After planting, within how many years do these trees become fit for cutting?

Shri Thirumala Rao: To be exact I want notice of that question.

Shri Jnani Ram: May I know whether the Government of Bihar are planting a large number of soft-wood trees in their research forests and if so what contribution do the Government of India give to them?

Shri Thirumala Rao: I have already given the names of the States which are proceeding with the scheme.

Shri S. V. Naik: May I know whether in the afforestation schemes of the Orissa Government there is any proposal to plant soft-wood trees?

Shri Thirumala Rao: I have to repeat the answer I have given.

Shri S. C. Samanta: May I know, whether any quota has been fixed of the Andaman wood for match industry, because generally it is used for plywood manufacture?

Shri Thirumala Rao: I want notice of that question.

MILK PRODUCTION

*1142. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a ten-year programme has been formulated by Government to upgrade Indian cattle for increased milk production in India; and

(b) if so, whether Government propose to open some Key farms to popularise this programme?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Yes.

(b) Yes.

Dr. Ram Subhag Singh: May I know the nature of the key farms which are going to be established by the Government? Will they be wholly financed and operated by the Government, or the Government will give subsidy to individual or group of farmers to run those farms?

Shri Thirumala Rao: For the present this scheme is going to be worked on governmental basis, in co-operation with the State Governments and the expenditure is proposed to be shared between the State Governments and the Centre. It is open to the State Governments to enlist the co-operation of the farmers in the local areas and induce them to take part in the scheme.

Shri Jangde: May I know whether it is a fact that the Indian Council of Agricultural Research is experimenting on vegetable milk trees to overcome the shortage of milk in India?

Shri Thirumala Rao: Sometime ago it was given in some foreign papers as a tree. But it is not yet established that it can easily substitute the cows actually.

Shri Sidhva: May I know whether the Government of India have asked the other State Governments to open farms on the lines of the Array Milk colony opened by the Government of Bombay?

Shri Thirumala Rao: Array Colony is something entirely unconnected with this question. It is to meet the milk supply of the city of Bombay organised by the Bombay Government in co-operation with cattle-owners. The key farms are essentially meant to improve the breed of cattle and to supply as many breeding bulls to the country of high pedigree.

Shri B. K. Das: May I know the details of this scheme?

Shri Thirumala Rao: There are a number of pamphlets which I am prepared to place on the Table of the House.

Shri Sivan Pillay: May I know whether the import of tinned milk from abroad is calculated to discourage increased milk production in India?

Shri Thirumala Rao: The actual genuine milk that we are getting is not sufficient for the nutritional requirements of the country. The tinned milk is imported to supplement our requirements; they are not surplus.

Dr. Ram Subhag Singh: May I know whether the key farms will provide for intensive cattle development in certain areas of each State?

Shri Thirumala Rao: Artificial insemination centres are also being established along with this scheme, so that there may be quicker development of high breeding cattle.

Dr. Ram Subhag Singh: May I know, whether the Government has fixed any target of milk to be increased after the completion of the ten-year programme?

Shri Thirumala Rao: The scheme involves an expenditure of Rs. 7 crores. The object of the scheme is to see that at least every one thousand (or not less than 500) cows are provided with a good covering bull all over the country, so that the breed of cows may be improved and consequently milk supply increased.

Shri B. K. Das: What amount is expected to be spent this year?

Shri Thirumala Rao: A sum of Rs. 20 lakhs has been set apart from the Central Government's Grow More Food scheme.

Dr. Ram Subhag Singh: May I know whether any key farms have yet been opened by the Government of India under this scheme?

Shri Thirumala Rao: Out of 17 centres which are going to be opened, four have been opened, so far.

Dr. Ram Subhag Singh: In which States are these farms proposed to be opened?

Shri Thirumala Rao: P.E.P.S.U. 2; Travancore 4; Vindhya Pradesh 1; Bhopal 1; Madras 7; Mysore 2. In Delhi a farm was recently opened.

Dr. Ram Subhag Singh: May I know the approximate number of cattle which are kept at these farms?

Shri Thirumala Rao: That is a matter of detail for which I would ask for notice.

BIHTA AERODROME

*1143. **Shri S. N. Das:** Will the Minister of Communications be pleased to state:

(a) whether it has been decided to take over the Bihta aerodrome from the Defence Ministry;

(b) whether it is a fact that Patna aerodrome is not fit for night operations and could not be developed to the point of being suitable for aircraft which required longer runs than Dakota aircraft for taking off and landing; and

(c) if the reply to part (a) above be in the affirmative, whether the transfer has taken place?

The Minister of Natural Resources and Scientific Research (Shri Sri

Prakasa): (a) and (c). The matter is under consideration.

(b) Yes.

Shri S. N. Das: May I know, whether the potentialities for improvement of the Patna aerodrome have been exhausted?

Shri Sri Prakasa: The Patna aerodrome is too small for any improvement there. Only Dakota aircrafts can use it. But I am glad to be able to say that recently the Bihar Government have offered an extra 120 acres of land adjoining the Patna aerodrome and if that is acquired, we would be able to improve the aerodrome.

Shri S. N. Das: May I know if as the hon. Minister said there is no scope of improving the Patna aerodrome, the possibility of improving the Bihta aerodrome will be explored?

Shri Sri Prakasa: The matter is being considered. In case we are able to improve the Patna aerodrome then the idea of taking up the improvement of the Bihta aerodrome may be dropped.

CENTRAL VEGETABLE BREEDING STATION, KULU

*1144. **Shri S. N. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it has been decided to continue the Central Vegetable Breeding Station, Kulu Valley, on a permanent basis;

(b) what will be the recurring annual expenditure on this account; and

(c) the work so far done at the Station?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) No final decision has yet been taken.

(b) The estimated annual recurring expenditure of the Station is Rs. 50,000.

(c) During the first year the activities of the Station were confined to the trial of prominent varieties of indigenous seeds. Seeds thus produced amounted to 4,200 lbs. with germination capacity ranging from 90 to 100 per cent. in most cases. The performance of these seeds was favourably reported upon by the users. During the second year of foreign seeds were grown for the production of 'mother' seeds and for selection and isolation of improved strains. About 5,000 lbs. of mother seeds valued at Rs.

28,000 have been produced this year. Multiplication of seeds in adjoining areas through local cultivators has also been undertaken as an experimental measure.

Shri S. N. Das: May I know, whether there is any provision for the State Government to make research in this subject anywhere else?

Shri Thirumala Rao: Except I.C.A.R. in Delhi, I am not aware of any other institution which carries on similar work.

Shri S. N. Das: Is it a fact that this station is engaged in the research of potato and rice, and in view of the fact that special institutes have been started for research in potato and rice may I know whether there is any necessity for extending this station?

Shri Thirumala Rao: My friend is confusing one thing with the other. He is mentioning about the research with regard to potato and rice. They are different. These are seed multiplication stations mainly for vegetables. This is found necessary and the Government have taken a decision that it should be continued.

Shri Barman: Is it not a fact that it was because the vegetable seed growing station that was existent in pre-partition India has now gone over to Pakistan that this Kulu Valley station was started and, if so, may I know why the Government is still considering whether this should be made permanent or not?

Mr. Deputy-Speaker: It is entering into an argument.

Shri Thirumala Rao: Sir, we are awaiting the report of the Estimates Committee of which my hon. friend is a Member.

Shri S. N. Das: What is the amount so far spent on this station?

Shri Thirumala Rao: I said Rs. 58,000 is the annual expenditure.

Shri S. N. Das: I want to know the total expenditure incurred on this account from the beginning of this year.

Shri Thirumala Rao: That is the expenditure they are putting every year.

AMERICAN FREIGHTER (COLLISION)

*1145. **Shri Lakshmanan:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the American freighter carrying the first shipment of wheat

collided with a Danish tanker in Suez Bay;

(b) if so, whether any damage was caused to the wheat by the collision; and

(c) if so, to what extent?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Yes. Steamer JOHN CHESTER KENDALL carrying the first cargo of U.S.A. loan wheat collided with the Danish Tanker s.s. GERD MAERSK on the 23rd July, 1951, in Suez.

(b) and (c). Yes. On the basis of information received so far about 200 tons of wheat are estimated to have been lost through the hole caused by the collision and about 1,700 tons of wheat have been damaged by sea water.

Shri Lakshmanan: May I know who has borne the loss on account of this damage—we or the U.S.A.?

Shri Thirumala Rao: We have to bear it.

Shri Sidhva: May I know whether the shipment was insured against this damage?

Shri Thirumala Rao: No. No shipment is insured.

Shri Lakshmanan: May I know whether investigation has been carried out regarding the cause of this accident and whether any guilt has been fastened on any particular party?

Shri Thirumala Rao: No. I am not aware of any such thing.

Shri Gautam: Is it a fact that Government does not get insured any of the articles which are imported into India?

Shri Thirumala Rao: I do not know about other articles. I know about foodgrains and foodgrains are not insured.

Shri T. N. Singh: What is the difficulty in getting foodgrains insured?

Shri Thirumala Rao: Sir, we are guided by experience in this matter. The total cost of foodgrains imported runs into hundreds of crores and if we are to insure every cargo it comes to a large amount. The loss incurred in transit is very negligible. The expenditure on insurance will not be commensurate with the expected loss. Therefore we are not doing it.

Shri Lakshmanan: May I know whether any steps have been taken for claiming compensation from any party?

Shri Thirumala Rao: Yes, we have instructed our Embassy in Cairo to do the needful.

Shri Sidhva: What will be the total loss in rupees on account of this damage?

Shri Thirumala Rao: 1,700 plus 200, that is 1,900 tons multiplied by Rs. 400.

Shri Sidhva: How is it not commensurate with the premium?

Shri Thirumala Rao: You have got to take the total transaction in the whole year.

Shri Sidhva: But one shipment brought lakhs of rupees loss due to non-insurance of the Cargo.

Mr. Deputy-Speaker: That is a matter of argument.

RAJASTHAN DESERT

*1146. **Shri Lakshmanan:** Will the Minister of Food and Agriculture be pleased to state:

(a) the rate of encroachment by the Rajasthan desert every year;

(b) the preventive steps, if any, taken by Government against the spreading of the desert; and

(c) what is the total area of fertile land covered by the desert during the last ten years?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) The Rajasthan desert is encroaching at a rate of approximately half a mile, over a total length of about 100 miles, in separate stretches, on a front of about 500 miles, i.e. roughly 50 sq. miles every year.

(b) Proposals have been framed for afforestation of the critical zones to arrest the spread of the desert.

(c) The area affected does not lend itself to exact determination, but it is estimated that on an average about 500 sq. miles of land have suffered during the last decade from the desiccating influence of desert conditions.

Shri Lakshmanan: May I know whether the scheme of afforestation referred to by the hon. Minister is apart from the Vanamahotsava scheme or a part of that scheme?

Shri Thirumala Rao: This is a desert arresting scheme. It is apart from that.

Shri Krishnanand Rai: May I know whether any State Government near the Rajasthan desert has got any

scheme to stretch the forest line around its boundary and, if so, whether the Central Government is going to help that State?

Shri Thirumala Rao: This is a question mainly affecting the physical map of India and as such the Central Government is seized of the matter. A scheme costing nearly Rs. 20 lakhs is being drawn up to take effective measures to arrest the spread of the desert which has got a history of centuries behind it.

Shri R. C. Upadhyaya: May I know to which side this desert is extending?

Shri Thirumala Rao: It is spreading towards the Indo-Gangetic plain.

Pandit Kunzru: Could the hon. Minister give us a few important particulars of this scheme?

Shri Thirumala Rao: The scheme to immobilize the desert envisages in its briefest outline the following projects:

(1) Direction division, to direct reclamation measures, initiate pilot projects and survey, undertake acquisition of land and enactment of legislation, arrange for the training of staff and finance border States in their peripheral afforestation schemes on a contributory basis.

(2) Protection and afforestation of the north-western slope of the Aravallis extending from Mount Abu up to Ajmer, following the water courses in particular.

(3) Creation of Wind-Belts on either bank of the Luni.

(4) Afforestation of the tract between the Luni and the Aravallis.

(5) Fixation of sand dunes at the mouth of the Luni into the Runn of Cutch.

(6) Afforestation of the banks of the Banas.

(7) Fixation of the sand dunes on the sea-board of Kathiawar.

(8) Fixation of the sand dunes on the sea-board of Cutch.

These are the main items, and there is a lot of detail there.

Shri B. K. Das: May I know whether any work has yet been taken up with regard to this scheme?

Shri Thirumala Rao: I have said, that a sum of Rs. 20 lakhs has been set apart for this and a scheme has been drawn up in co-operation with the Rajasthan and the Saurashtra Governments to begin afforestation of the narrow land through which the desert winds are blowing.

Pandit Kunzru: Who has drawn up this plan? Was a committee of experts appointed or has the plan been drawn up departmentally?

Shri Thirumala Rao: The Department has also got some experts and in co-operation with other Departments we are doing it.

Shri T. N. Singh: Has Government's attention been drawn to the measures adopted in Russia and other places to fight the spread of desert and may I know whether the trees that are being planted in that area will withstand the onslaught of the desert or not?

Shri Thirumala Rao: The Geological Survey of India has got a historic picture of the whole thing, how it was even before 2,000 B.C., what land was there and how this desert has developed. All available experience in the world will be taken into consideration before the steps are made final.

Pandit Thakur Das Bhargava: May I know when the spreading of the desert in Rajasthan was discovered and when preventive steps were begun to be taken?

Shri Thirumala Rao: As the spread of the desert has been a continuous process the discovery also has been continuous—it is not a new thing. But the Government of India are now taking effective steps, since Independence has come into existence.

Pandit Thakur Das Bhargava: That is since 1947?

Shri Thirumala Rao: Yes.

Shri Jangde: May I know what is the total area of desert where nothing is grown or nothing can be grown at present?

Shri Thirumala Rao: I want notice, to be exact.

Mr. Deputy-Speaker: The answer is "the area affected does not lend itself to exact determination, but it is estimated that on an average about 500 sq. miles of land have suffered during the last decade."

Shri Krishnanand Rai: May I know whether the work of afforestation under this scheme has been started anywhere, and if not, by what time it is going to be started?

Mr. Deputy-Speaker: That has been ascertained, and Rs. 20 lakhs has been set apart this year and in consultation with the State Governments the work will be undertaken. Next question.

LEVIATHAN WAGONS

*1147. **Shri Alexander:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Leviathan Wagons are imported by the Railways;

(b) if so, the country from which these are imported and at what price; and

(c) the particular purpose for which this special type of wagons is to be used, the advantages of this type over the ordinary one and the lines on which these are to be put into operation?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) Yes. Only one Broad Gauge Well Wagon has been imported.

(b) Switzerland. Rs. 3,07,692 approximately.

(c) The wagon will be used for the transport of heavy and out-of-gauge consignments such as are used in hydro electric projects which cannot be moved by ordinary wagons, and has the advantage of carrying loads up to 130 tons which none of the existing wagons is capable of. It will be used on all Indian Railways as and when required.

Shri Alexander: Have they been already put into service anywhere?

Shri Gopaldaswami: No; it is just being assembled.

Shri Amolakh Chand: May I know the number of such wagons to be imported in the year 1951-52?

Shri Gopaldaswami: Only one has been imported.

Mr. Deputy-Speaker: The hon. Member wants to know the total estimate of the number of wagons which will be imported.

Shri Gopaldaswami: There is no intention to import any more at present.

JUTE CULTIVATION IN TRAVANCORE-COCHIN

*1148. **Shri Alexander:** (a) Will the Minister of Food and Agriculture be pleased to state whether the cultivation of jute in Travancore-Cochin State has been a success?

(b) If not, what are the reasons for the failure?

(c) What is the quantity of jute produced so far, the area under cul-

tivation, and the amount so far spent by the Centre and the State?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The Jute Development Scheme implemented in the Jute Season, 1950, was not a success.

(b) Abnormal weather and floods.

(c) Production in 1950—80 mds. fibre.

Area under cultivation—800 acres.

The actual expenditure by the State Government so far is Rs. 19,000. In addition, the Government of India had arranged for supply of jute seeds for them at a cost of Rs. 65,227 for which the accounts have not yet been finalised.

Shri Alexander: Is it a fact that the failure of this cultivation there was due to the bad seed supplied by the Centre?

Shri Thirumala Rao: Certainly not.

Shri B. K. Das: Has it been ascertained whether the soil is suitable for jute cultivation?

Shri Thirumala Rao: On the advice of the Travancore-Cochin Government and also of our officers we found that about 20,000 acres could be brought under jute cultivation but on account of some backwatered areas, abnormal weather and drought conditions in the beginning and later on in the low lying areas, sowing was very much delayed and the target was not fulfilled.

Shri B. K. Das: Since what year has this cultivation begun?

Shri Thirumala Rao: This is the first experiment that we are going on there.

Shri Alexander: Is the experiment still going on there or is it completely dropped?

Shri Thirumala Rao: Probably the State Governments are not discouraged by the initial failure.

Mr. Deputy-Speaker: Next question.

RAILWAY ROLLING STOCK

*1149. **Shri A. C. Guha:** Will the Minister of Railways be pleased to state:

(a) whether there has been a five-year programme of rehabilitation of railway rolling stock;

(b) if so, the break-up of that programme as regards different items; and

(c) the money estimated to be required?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) Yes.

(b) Locomotives approximately 1,260 Nos. over a period of 5 years commencing 1950-51.

Coaches approximately 1,500 units per year for 5 years commencing 1950-51.

Wagons approximately 12 thousands in terms of 4-wheelers per year for a period of 4 years commencing 1951-52.

(c) 164.25 crores.

Shri A. C. Guha: May I know how these coaches and locomotives are to be distributed to the different railway lines?

Shri Gopaldaswami: According to requirements.

Shri A. C. Guha: May I know how the coaches will be divided between the 1st, second and third classes and whether the third class will have all the modern amenities?

Shri Gopaldaswami: The kind of classes is determined each year according to requirements. I cannot give you the exact proportions in which the coaches will be distributed amongst the different classes and for that I shall require notice.

Shri A. C. Guha: Has the hon. Minister taken into consideration the miserable condition of those coaches now operating in the eastern section of the E.I. Railway?

Shri Gopaldaswami: That is the reason why we have planned to order 1,500 coaches per annum.

Shri A. C. Guha: May I know whether that section will get any priority?

Mr. Deputy-Speaker: Other hon. Members would be asking for priority for their lines. Hon. Members cannot debate over that matter.

Shri Gopaldaswami: Any section of railway which is miserably equipped at present will get priority.

Shri Sidhu: May I know whether the coaches which are imported will be received in parts and assembled here or they coming here duly completed?

Shri Gopaldaswami: Not, all coaches are imported. A good many of the coaches are made in the country.

Shri Sidhva: The coaches which you have mentioned here?

Shri Gopaldaswami: That includes both the coaches manufactured in this country and those imported from abroad.

Pandit Thakur Das Bhargava: May I ask the hon. Minister to give their number?

Shri A. C. Guha: How many are to be manufactured in India and how many to be imported?

Pandit Thakur Das Bhargava: Locomotives also.

Mr. Deputy-Speaker: And all categories.

Shri Gopaldaswami: I am prepared to give you the total number. I am afraid I have not got the figures distributing that number between those indigenously manufactured and those imported from abroad. Locomotives up to 1951-52 we have ordered 411; coaches 1,409, wagons 15,680.

Shri Radhela Vyas: May I know which Railway line received the largest number of coaches?

Shri Gopaldaswami: I am afraid, I must have notice.

Shri R. C. Upadhyaya: May I know the quota fixed for the Metre Gauge?

Shri Gopaldaswami: Some special attention is being paid to the Metre Gauge from this year onwards.

Dr. Ram Subhag Singh: May I know whether the coaches are manufactured only in the Hindustan Aircraft Factory or anywhere else?

Shri Gopaldaswami: They are being manufactured at the Hindustan Aircraft Factory as well as in other places. Some of them are manufactured in our own workshops.

Dr. Ram Subhag Singh: May I know how many coaches have been so far supplied by the Hindustan Aircraft Factory, Bangalore?

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

Shri Gopaldaswami: I am afraid, I have not the figures here.

Mr. Deputy-Speaker: Next question No. 1150.

The Minister of States, Transport and Railways (Shri Gopaldaswami)
rose—

Mr. Deputy-Speaker: We are now dealing with question No. 1150 which should be replied to by hon. Sri Prakasa. In all such cases I suggest to hon. Ministers that they must intimate to the Chair. I was under the

impression that as between the two hon. Ministers they have decided to apportion the questions relating to the Minister of Communications today. Otherwise, I would have brought it to the notice of the hon. Minister. Possibly he was under a mistake. I was myself under a mistake and I thought that partly one question is being answered by hon. Sri Prakasa and another by hon. Shri Gopaldaswami Ayyangar, with respect to the same Ministry. I must know in advance which hon. Minister is answering for which other hon. Minister, so that there may be no mistakes in future.

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): I also got up but when my hon. colleague started answering I had to wait till he completed reading it. I also felt I might have made a mistake.

INLAND INSURED ARTICLES

*1150. **Shri M. Naik:** (a) Will the Minister of Communications be pleased to state whether it is a fact that the Government of India have decided to levy a fee of one anna from the 1st September, 1951 for the advice of delivery of each inland insured article?

(b) What are the principles underlying the levy of this new fee?

(c) What is the estimated annual income therefrom?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, the fee has been introduced from the 1st September, 1951.

(b) A fee of one anna is charged for the delivery of acknowledgments in the case of registered articles. It is only right and equitable that the sender of an insured article should also pay the same charge if he desires an acknowledgment signed by the addressee. The cost of handling such acknowledgments is about 9.3 pies each.

(c) Rs. 1.25 lakhs.

Shri M. Naik: May I know how the income from this source compares with the income from the insurance charges proper?

Shri Sri Prakasa: As a matter of fact, the department suffers a loss in the matter of insurance and this extra charge is being made to cover a portion of the loss.

Shri M. Naik: In view of the fact that such levies, to a certain extent tantamount to taxation, has the Government taken the approval of Parliament itself?

Mr. Deputy-Speaker: It is a matter of opinion. The hon. Member is of the opinion that this levy amounts to a taxation and how this tax can be levied without the previous sanction of Parliament.

Shri Sri Prakasa: This is not taxation.

Dr. Ram Subhag Singh: May I know whether such a fee is charged on insured articles whether foreign or inland?

Shri Sri Prakasa: In the matter of foreign insured parcels and letters, this fee is already charged. It is three annas per parcel or letter. There was no charge before for inland insured articles. An acknowledgment receipt was given automatically with every insured article. Now, the proposal is to charge this extra one anna for acknowledgment just as it is charged in the case of registered articles.

Shri T. N. Singh: In the case of post-cards, a charge of three pice is sufficient to enable the postal department to deliver it to the addressee. May I know why one anna...

Mr. Deputy-Speaker: Are we entering into any argument? Hon. Members can only put question for eliciting facts. No opinion will be asked and no argument advanced as to whether a particular step is right or not. There is other procedure for that.

Shri Chattopadhyay: May I know whether any corresponding decrease has been made in the charge of any item owing to the very large profit that is being made on that item?

Shri Sri Prakasa: No.

श्री जांगडे : क्या माननीय मंत्री महोदय बतलायेंगे कि उन वस्तुओं के अन्दर जिनके अन्तर्देशीय बीमे कराने के लिये जो एक आना चार्ज किया जाता है, तो रुपये का जो बीमा किया जाता है उस में भी एक आना चार्ज किया जायेगा ?

[**Shri Jangde:** Will the hon. Minister please state whether the inland insured articles in respect of which a fee of one anna has been levied, will also include the insured money covers?]

श्री श्री प्रकाश : अन्तर्देशीय बीमे की वस्तुओं पर तीन आने लिय जाते हैं और

देश के भीतर की वस्तुओं पर एक आना लिया जाता है ।

[**Shri Sri Prakasa:** In the matter of foreign insured articles a fee of three annas is being charged whereas in case of inland insured articles it is one anna.]

श्री जांगडे : उस में रुपयों का जो इन्श्योरेंस किया जाता है वह भी शामिल है ?

[**Shri Jangde:** Do these articles include the insured money covers also?]

श्री श्री प्रकाश : जी,हाँ।

[**Shri Sri Prakasa:** Yes.]

Shri Gautam: What are the reasons for the difference in the charge between a post-card and an envelope?

Mr. Deputy-Speaker: How does it arise? This question relates to insured articles?

Shri Gautam: The insurance charges on an envelope and a post card are different. My question is, what are the reasons for this difference.

Mr. Deputy-Speaker: Even then, this question is not relevant for this reason, that it relates only to the levy of one anna per acknowledgment for delivery.

Shri Gautam: The point is, there is a difference between a post-card and an envelope. My question is what are the reasons for this difference?

Mr. Deputy-Speaker: Is there any difference?

Shri Sri Prakasa: No. The charge for a post-card is three pice. The House knows that this post-card is more or less a charitable business. It is purposely kept at a low rate in order to enable the village people to send post-cards and the department suffers a loss in the matter of post-cards. In the matter of insurance, we do not want to suffer more than what we are already incurring.

Shri Chattopadhyay: May I know whether this increased charge is due to any overall loss that the department was suffering?

Shri Sri Prakasa: No. We calculated the cost of our department in the matter of insurance articles and we felt that we could legitimately make up a certain portion of the loss by this additional fee of one anna. As a matter of fact, the fee is there for

registered articles. We see no reason why this principle should not be extended to the insured articles.

Mr. Deputy-Speaker: Next question.

CATERING AND VENDING CONTRACTS

*1154. **Sardar Hukam Singh:** (a) Will the Minister of Railways be pleased to state whether the policy in regard to catering and vending has recently been revised in the light of the recommendations of the Central Advisory Committee for Railways?

(b) Is it a fact that a good number of displaced persons holding contracts for tea stalls and refreshment rooms have been served with notices to terminate their contracts?

(c) What is the number of contractors (displaced persons) so thrown out of their jobs by this new policy?

The Minister of States, Transport and Railways (Shri Gopaldaswami):

(a) Yes.

(b) Some notices were served, the majority of them being necessitated under the terms of the existing contracts before they could be renewed to conform to the new policy decisions; they did not involve termination provided the new conditions were acceptable to the contractors.

(c) Six contracts held by displaced persons were terminated, four for sub-letting their contracts and two for unsatisfactory service. There was another case in which a displaced contractor had absconded and, therefore, his contract had to be terminated.

Sardar Hukam Singh: May I know whether the previous contracts for catering given to these displaced persons were for a specific period or was there no period?

Shri Gopaldaswami: Yes; they were for specific periods.

Sardar Hukam Singh: Have they been terminated before the expiry of those periods?

Shri Gopaldaswami: If the service was unsatisfactory or they had broken any of the terms of the contract.

Sardar Hukam Singh: How many of them have been terminated before the expiry of the contracted period?

Shri Gopaldaswami: Several of these contracts terminated at the end of the period. Notices were sent to these people to find out if they will conform to the new policy. Such of them as agreed to do so, their contracts were renewed. The number of contracts

which have actually been terminated, I think, is only about six.

Sardar Hukam Singh: Have these contracts been given to fresh contractors now by tender or by any other form?

Shri Gopaldaswami: No; it is left to the discretion of the Railway administration. They take applications, judge the merits of each applicant and then dispose of the matter.

Sardar Hukam Singh: Is it a fact that these contracts have been now given to rich and big people who have sub-let them?

Shri Gopaldaswami: If there is sub-letting, the contract will be terminated under the conditions.

Sardar Hukam Singh: How many of these have been given to Messrs. Vallabh Das Iswar Das?

Mr. Deputy-Speaker: That is an individual case. Has the hon. Minister got any information?

Shri Gopaldaswami: I am afraid I have not got the number of contracts which he holds.

Shri Jangde: Is it a fact that different Railways are adopting different policies in catering and vending contracts with regard to vegetarian and non-vegetarian food articles?

Mr. Deputy-Speaker: That is a different matter. How does it arise?

Shri Gopaldaswami: I am afraid I will have to look into the principles or policy according to which different Railway administrations have placed their contracts. The general direction given to them is that they should get the best service possible for the passengers.

Shri Sidhva: What is the total number of displaced persons who hold contracts for vending and stall-holding?

Shri Gopaldaswami: I should like to have notice.

Shri Gautam: How many of these contracts which were terminated before the expiry of the term were given to displaced persons?

Mr. Deputy-Speaker: Other displaced persons?

Shri Gautam: Yes; other displaced persons.

Shri Gopaldaswami: I have not got the information.

Shri Inait Ullah: Are there displaced persons among the new comers?

Shri Gopalaswami: I imagine there should be.

Mr. Deputy-Speaker: Next question.

POLICY *re* PRODUCTION OF SUGAR

*1155. **Dr. Deshmukh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government propose to pursue the same policy as the last year for the purpose of increased production of sugar;

(b) if not, whether there is going to be any change;

(c) how long it would take for Government to announce their policy; and

(d) whether there is any possibility of the announcement being made at an early date?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (d). Government hope to announce their policy regarding sugar at an early date. It is not possible to state at present whether it will be exactly the same policy as last year or whether there will be any change.

Dr. Deshmukh: May I know whether Government have calculated the target to which the production of sugar in the current year should be worked up?

Shri Thirumala Rao: That is part of the consideration now going on. We are, in consultation with the State Governments, considering what the target should be.

Dr. Deshmukh: Is the lifting of the control on sugar under the consideration of Government, and if not, what is the obstacle in the way of such a policy, now that we have so much of surplus in sugar?

Shri Thirumala Rao: I can only repeat my answer, that the whole thing is under consideration.

Mr. Deputy-Speaker: The hon. Minister has stated that the matter is being considered.

Dr. Deshmukh: But that is not a very satisfactory answer, Sir. In that way every matter is under the consideration of Government. The hon. Minister should at least be able to tell us by what time it will be possible to come to a decision.

Shri Thirumala Rao: The hon. Member seems to want advance information

about Government's policy. Government is not in a position to give this.

Dr. Deshmukh: No. I don't want that. I am not a dealer or manufacturer of sugar.

Shri R. C. Upadhyaya: What is the present stage of the consideration?

Shri Thirumala Rao: We are awaiting replies from the U.P. and Bihar—two of the largest sugar producing States of the country.

Shri T. N. Singh: Are the Government satisfied with the present policy so far as the behaviour of the mill-owners is concerned?

Shri Thirumala Rao: It is a matter of opinion.

Shri Sarangdhar Das: In view of the fact that there is surplus of sugar and sales in free-market give large profits to the manufacturers, is there any proposal to give any portion of the benefit to the cane growers out of whose cane this surplus has been produced, and if not, will this question be considered in the next year's plan?

Shri Thirumala Rao: To the sugar factories certain quantities are detailed for gate sales; and such of the producers who are also consumers meet their requirements out of these stocks.

Mr. Deputy-Speaker: But the question is whether there will be any revision of the present policy in this matter, whether the excess profit out of the surplus sugar will be distributed to the cane growers also. Is that also under consideration?

Shri Thirumala Rao: I cannot give any reply to that now, Sir.

Shri Gautam: What is the difference between the world market price of sugar and the price in India and what steps are Government taking to bring down the price of sugar in India?

Shri Thirumala Rao: Increased production is the only way to bring prices down and Government is aiming at that.

WRAPPER TOBACCO

*1156. **Shri Barman:** (a) Will the Minister of Food and Agriculture be pleased to state the quantity of wrapper tobacco produced annually in India and the quantity imported annually from outside?

(b) What is the ruling price?

(c) What are the places in India where wrapper tobacco is grown?

(d) What has happened to the proposal of setting up a Wrapper Tobacco Research Station in the Northern part of West Bengal?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Wrapper tobacco is, at present, not produced in the country on any industrial scale. Separate figures for imported wrapper tobacco are not available.

(b) The question does not arise as it is not grown in India at present. The price of imported tobacco, exclusive of duty, ranges from Rs. 12/5/2 to Rs. 15 per lb.

(c) As a preliminary to large scale cultivation, wrapper tobacco is grown at present only on an experimental scale at the Agricultural Farm in Cooch-Behar, and at the Indian Central Tobacco Committee's Cigar and Cheroot Tobacco Research Station, Vedasandur (Dindigul), Madras State.

(d) It is proposed to set up a wrapper tobacco research station in Cooch Behar. For this purpose the West Bengal Government have agreed to place 44 acres of land at the disposal of the Indian Central Tobacco Committee. The site has been selected but owing to the merger of Cooch Behar with West Bengal and the consequent constitutional changes it has not been possible for the State Government to acquire the land so far. Acquisition proceedings have been started only recently and as soon as the land becomes available the Station will be set up.

Shri Barman: Is it not a fact that as far back as about 2 years, land was actually acquired in Jalpaiguri district for this purpose? Why is Government making this long delay in fulfilling a project that has been finalised two years ago?

Shri Thirumala Rao: I can only read the last sentence of my answer once again where I have said: "Acquisition proceedings have been started only recently and as soon as the land becomes available the Station will be set up." There were inherent delays due to the merger of Cooch Behar with West Bengal and there were also other delays of an administrative nature. Actually there is no delay on the part of the Ministry here which is as earnest as the hon. Member in desiring that wrapper tobacco is produced in this country as soon as possible.

Shri Barman: What is the projected estimate for this scheme and has it been modified subsequently or does it stand where it stood before?

Mr. Deputy-Speaker: 44 acres of land is proposed to be set apart for this purpose.

Shri Thirumala Rao: There has been no necessity for any modification.

HUNGER MARCHES IN WEST BENGAL

*1157. **Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of 'Hunger Marches' reported to have taken place in different parts of the State of West Bengal since January, 1951:

(b) the names of places and dates of occurrences;

(c) what were the demands of the Hunger marchers; and

(d) how far their demands have been met with?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) There were 13 hunger marches in which the participants raised grievances about food only and there were 29 others in which the demand related to food and other matters.

(b) to (d). A statement giving the information is placed on the Table of the House. [See Appendix VII, annexure No. 23.]

Shri S. C. Samanta: From the Statement it is seen that there were "Hunger Marches" in 42 places during the last eight months, and in most of these places there was food-rationing in existence. May I know in how many rural areas was modified rationing introduced after these "Hunger Marches"?

Shri Thirumala Rao: The question is rather difficult to answer, as it relates to the exact point of time because the 'Hunger-Marches' are spread over a long period. The opening of modified ration shops and the "Hunger Marches" here and there do not happen one after the other. One does not precede the other. Here we have 47.31 lakhs of people under modified rationing in West Bengal.

Shri Barman: Is Government aware of a 'Hunger-Strike' that started at Jalpaiguri on the 14th of this month, and if so, how is the situation now? Is the strike continuing or has it been discontinued?

Mr. Deputy-Speaker: Is it about Jalpaiguri Town that the hon. Member asks?

Shri Barman: Yes.

Mr. Deputy-Speaker: Then it is there as item (11) in the Statement.

Shri Thirumala Rao: Sir, "Hunger March" is too vague a term. We don't know for what purpose and by how many persons it was started, if it has been started.

Shri Barman: But is the Government aware of any such "Hunger Strike"?

Mr. Deputy-Speaker: The Statement shows that there was a "Hunger March" at Jalpaiguri Town on the 9th August, 1951. It is one of the 42 items there. The details are also given there, how many demands were there and which of them were satisfied and so on.

Shri Barman: Sir, I ask about the 14th of this month whether the Government is aware of a "Hunger Strike" started there on the 14th of this month some four days back.

Mr. Deputy-Speaker: Something after the 9th August, 1951?

Shri Thirumala Rao: Government are not aware of any such Hunger March, Sir.

Shri S. C. Samanta: Is it a fact that West Bengal Government is having modified rationing in places where the price of rice is more than Rs. 25 per maund and in spite of that the "Hunger Marches" are going on? And if that is so, may I know in how many cases the difficulty is caused by non-availability of transport facilities and how many due to short-supply of quota of rice by the Central Government?

Shri Thirumala Rao: As regards these details I want notice.

Shri S. C. Samanta: Is it not a fact that the "Hunger Marches" at Jalpaiguri demanded rationing in the rural areas also, and is it also not a fact that in Moynaguri and other places rice is selling at Rs. 40 to Rs. 80 per maund?

Mr. Deputy-Speaker: The Minister may not be able to answer these questions about details.

Shri Sohan Lal: In how many cases are these "Hunger Marches" led and guided by political parties and which are these political parties?

Mr. Deputy-Speaker: The answer says there were 29 "Hunger Marches" which related to food and other matters.

Shri Chattopadhyay: In how many cases were the Hunger Marchers dispersed by lathi charges and bullets?

Shri Thirumala Rao: Sir, it is a matter for the State Government to deal with.

Mr. Deputy-Speaker: The Statement gives cases where they were dispersed.

Shri B. K. P. Sinha: Sir, is it a fact that the "Hunger Marches" are led by well-fed people?

Shri Krishnanand Rai: In how many cases were the "Hunger Marchers" dispersed by firing?

Shri Thirumala Rao: There does not seem to have been any firing for that purpose. Where there was smuggling and tussle between the smugglers and the police, there was firing.

Shri Barman: What about the judicial enquiry at Cooch Behar town?

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

WRITTEN ANSWERS TO QUESTIONS

GAUHATI (KAHIKUCHI) AERODROME

*1151. **Shri J. N. Hazarika:** Will the Minister of Communications be pleased to state:

(a) the original estimated expenditure on the construction of the Gauhati (Kahikuchi) Aerodrome;

(b) the amount so far spent on the construction including necessary buildings etc.;

(c) the amount that may be necessary in addition for the completion of the aerodrome;

(d) the time when the construction will be complete; and

(e) the reasons for the delay in not completing all the construction?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Rs. 20,86,368.

(b) An amount of Rs. 11,64,964 has been spent up to the 31st July, 1951.

(c) Rs. 9,21,404.

(d) The entire project is expected to be completed in 1953; but the Aerodrome will be available for use early in 1952.

(e) The delay has been due mainly to financial stringency and the consequent shortage of funds available for the development of Civil Aviation.

FOODGRAINS FOR ASSAM

*1152. **Shri J. N. Hazarika:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the report of starvation deaths in Assam is based on facts;

(b) if so, the number of such deaths;

(c) whether the Minister concerned recently visited the State;

(d) what his findings are regarding the food situation in the State;

(e) what quantity of food grains will be required for the State till the next harvest is raised; and

(f) what quantities of rice and other cereals have been and will be supplied to the State since August last upto December next?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). No. There was no death due to starvation in Assam.

(c) to (f). Attention is invited to my reply to the Short Notice Question on 11th September, 1951.

RAILWAY SALOONS

*1153. **Shri Rathnaswamy:** Will the Minister of Railways be pleased to state:

(a) whether any separate account of expenditure incurred on saloons is kept; and

(b) if so, what are the expenses incurred thereby for the last two years?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) No separate account of expenses incurred in connection with saloons is kept.

(b) Does not arise.

CENTRAL TRACTOR ORGANISATION

*1158. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to refer to the answer given to my starred question No 4377 asked on the 22nd May, 1951 and state:

(a) the maintenance cost of the staff of the Central Tractor Organisation during the period June to October when tractors cannot be used for reclamation; and

(b) whether Government have considered any plan to utilise the staff during this period of the year for the production of food and if so, what and if not, why not?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The period during which tractors can-

not be used for reclamation is from June to September. For this period the cost of maintenance of the operational staff of the Central Tractor Organisation is Rs. 5,76,200.

(b) During this period of the year the tractors and equipment undergo repairs which are essential after the intensive utilisation during the working season. The staff are employed in carrying out these repairs and are therefore not available for any other work.

CO-OPERATIVE FARMING SOCIETIES

*1159. **Shri Raj Kanwar:** Will the Minister of Food and Agriculture be pleased to state the number of Co-operative Farming Societies started, State-wise, in the country and the area covered by their activities?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): A statement showing the available information is placed on the Table of the House. [See Appendix VII, annexure No. 24.]

FOOT-BOARD TRAVELLING

*1160. **Shri Amolakh Chand:** Will the Minister of Railways be pleased to state:

(a) whether foot-board travelling on Railways reaching Delhi from Ghaziabad has been checked effectively and if so, the number of persons arrested and prosecuted for the breach during the period January to August, 1951;

(b) whether certain persons were found boarding on the foot-boards of ladies' compartments and molesting the ladies between Shahdara and Delhi; and

(c) if so, what action was taken by the Railway Administration in this regard? -

The Minister of States, Transport and Railways (Shri Gopalaswami):

(a) Footboard travelling on Railways reaching Delhi from Ghaziabad has been considerably minimised. The number of persons arrested and prosecuted during the period—January to August, 1951—in this context was 26.

(b) Two such complaints were received by the Railway.

(c) The Sub-Divisional Officer, Government Railway Police, Delhi and Deputy Inspector General, Railway Police, Ambala were requested to take effective measures to eradicate this nuisance and they organised occasional raids to stop it. This campaign has

been intensified with the result that there has been no complaint recently.

AREA UNDER COTTON CULTIVATION

*1161. **Shri Balmiki:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the area under cotton cultivation has increased during the current year as compared with years before;

(b) the reasons for the same; and

(c) what facilities have been given to such farmers?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) A firm estimate of the area under cotton this year is not yet available. It is, however, expected to show an increase as compared with recent years.

(b) Integrated plan for increased production of food, cotton and jute in the country.

(c) Technical advice by the cotton extension staff, plant protection measures, procurement and supply of fertilisers and improved seeds, and provision of additional irrigation facilities in certain areas.

WORLD CONFERENCE ON LAND TENURE

*1162. **Shri S. N. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of India have accepted the invitation to attend the six week World Conference on land tenure problems to be held at Wisconsin University, Madison, U.S.A.;

(b) if so, whether the delegation has been selected;

(c) the personnel of the delegation; and

(d) what is the agenda of the Conference?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The Government of India have not been invited by the Wisconsin University to be represented at the Conference. The University is, however, inviting individual delegates from India to attend the Conference.

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

(d) The agenda of the Conference has not been received by the Government of India.

273 P.S.

भदई की फसल

* ११६३. **श्री ओराण :** (क) क्या खाद्य तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि इस वर्ष भदई की फसल कैसी है ?

(ख) चालू वर्ष में चावल की फसल के होने की कैसी सम्भावना है ?

BHADAI CROP

[*1163. **Shri Oraon:** (a) Will the Minister of Food and Agriculture be pleased to state how is the Bhadai crop this year?

(b) What are the prospects of rice crop during the current year?]

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The latest available reports indicate the crop to be from fair to satisfactory in the States of Assam, Bihar, Madhya Pradesh, Orissa and the irrigated areas of Uttar Pradesh. Sowings are reported to have been affected in certain parts of the States of Bombay, Madras, Punjab, West Bengal, Hyderabad, Mysore, Coorg and the un-irrigated areas of Uttar Pradesh.

(b) Since even the preliminary acreage figures are not yet available, it is not possible to indicate the prospects at this stage.

DIRECTOR, RAILWAY CLEARING ACCOUNTS, DELHI (CHARGE-SHEETS)

272. **Shri D. S. Seth:** Will the Minister of Railways be pleased to place on the Table of the House a statement showing:

(i) the brief details of the allegations made and the replies thereto given in each of the Charge-sheets issued by the Office of the Director, Railway Clearing Accounts, Delhi, during the period from the 1st June, 1951 to the 31st August, 1951;

(ii) the penalties proposed to be inflicted and also those actually inflicted in each of the cases referred to in part (i) above and the reasons for the delay, if any, in the disposal of outstanding cases;

(iii) the designation of officers issuing each of the Charge-sheets referred to in sub-part (i) above and their powers of inflicting the punishment proposed to be levied in each case; and

(iv) the names and designations of the staff to whom each Charge-sheet was issued and the number and date of each Charge-sheet?

The Minister of States, Transport and Railways (Shri Gopalaswami): A

statement giving the requisite information is placed below. [Copy placed in the Library, see No. P-216/51.]

DELHI DEVELOPMENT SCHEME

273. **Shri S. N. Das:** (a) Will the Minister of Food and Agriculture be pleased to state which of the results of researches made by the Indian Council of Agricultural Research have been given practical application under the Delhi Development Scheme started in April, 1948?

(b) What are the important features of progress made in different directions, agriculture, animal husbandry, etc.?

(c) In how many villages have these researches been given practical applications?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (c). A statement is laid on the Table of the House. [See Appendix VII, annexure No. 25.]

TICKETLESS TRAVELLING

274. **Shri Kesava Rao:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that if a ticketless traveller is found without money, he will be gaoled; and

(b) if the answer to part (a) above be in the affirmative, what is the number of such cases and what is the maximum and minimum period of sentence?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) The mere fact of a ticketless traveller sufficient to send him to gaol. If only he is fraudulently travelling or attempting to travel without a proper pass or a ticket, he is so punishable. Even if he has no fraudulent intentions but is travelling without a pass or a ticket or with insufficient pass or ticket or beyond authorised distance and fails or refuses to pay the necessary being found without money is not charges on demand, he is liable to prosecution for the recovery of the amount due and in default of imprisonment. In this connection, the hon. Member's attention is invited to Sections (112) and (113) of the Indian Railways Act.

(b) The number of ticketless passengers gaoled during 1950-51 was 41,717 and the maximum and minimum period of sentence was three months and 'till the rising of the court' respectively.

WELFARE SCHEMES FOR RAILWAYMEN

275. **Shri Krishnanand Rai:** Will the Minister of Railways be pleased to state:

(a) what welfare schemes for Railwaymen have been taken by Government in 1951; and

(b) whether Government have drawn any plan for it and if so, what are its chief features?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) and (b). A provision of Rs. 7.95 crores has been made in the budget for 1951-52. The attention of the hon. Member is invited to pages 36-37 of the Explanatory Memorandum on the Railway Budget wherein details of the provision are given.

LAND ARMY

276. **Shri Juani Ram:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total strength of Land Army in different States; and

(b) the cost of the Central Government and the States Governments on propaganda and organisation of land armies?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) Following are the latest figures regarding the Land Army personnel:

(1) Land Army organised by the Delhi Administration:

(i) University students—30.

(ii) Village School Teachers—100.

(iii) Several other villagers—

(2) 'Students Auxiliary Force' Organised by the Indian Agricultural Research Institute, New Delhi.

(i) Students etc.—105.

It is expected that the number will reach 250 by the end of this year.

(3) Land Army, organised by the Institute of Agriculture, Anand, Bombay.

(i) Students, Members of the Staff, Peons etc.—400.

(ii) Villagers—50.

(4) Land Army organised by the Government of West Bengal.

(i) At Autpur:

Cultivators, Social workers, teachers, students, and Govt. employees—121.

(ii) At Calcutta:

Male Volunteers—43.

Lady Volunteers—19.

(iii) At Burdwan:

Male Volunteers—100.

Lady Volunteers—25.

(iv) At Raj Bahat:

Rural agriculturists.—30.

(b) Estimates of the cost are yet awaited from the State Governments. The intention, however, is that the Land Army should consist of volunteers who will receive no payment. The States and the Centre would bear the cost of their training on 50:50 basis.

TELE-COMMUNICATION SERVICE FOR RAILWAYS

277. **Shri S. N. Das:** Will the Minister of Communications be pleased to state:

(a) the basis of the existing rental rates that the Posts and Telegraphs Department recovers from the Railway Department for tele-communication services for railways;

(b) when this rental rate was fixed;

(c) whether the question of general revision of the existing rental rates has been considered by Government; and

(d) if so, what is the decision in this regard?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The existing rental is made up of interest on capital, depreciation and maintenance expenditure. The circuits are provided on a non-profit no-loss basis.

(b) 1st October, 1939.

(c) and (d). The Posts and Telegraphs Department has worked out certain revised figures which have been referred to the Ministry of Railways for acceptance.

POST OFFICES RUN BY EXTRA DEPARTMENTAL PERSONS

278. **Dr. V. Subramaniam:** (a) Will the Minister of Communications be pleased to state the number of post offices run by Extra Departmental persons in each State in 1950?

(b) Out of them how many are in villages and how many are in big towns?

(c) Is there any such post office at Tiruchirapalli (Madras) inside the Collector's Office?

(d) What is the salary and conditions of Service to such Post Masters who work in towns?

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

showing the number of permanent post offices in charge of extra departmental agents is placed on the Table of the House. Information regarding experimental offices in urban and rural areas is being collected and will be placed on the Table of the House when available.

(c) There is a Sub-Post Office but it is Departmental.

(d) In towns, the Extra Departmental Offices are generally in charge of Extra Departmental Sub Postmasters. Such Postmasters are granted a monthly basic allowance and dearness allowance. The basic allowance is determined at the discretion of the Head of the Circle concerned on the merits of each case. Ordinarily their allowance does not exceed Rs. 30 p.m., but in an exceptional case, a remuneration of over Rs. 30 p.m. but not exceeding Rs. 40 p.m. can be granted. In addition, they are granted dearness allowance at Rs. 25 p.m.

For extra departmental branch postmasters, the basic allowance varies from Rs. 10 p.m. to Rs. 25 p.m. and they are granted a dearness allowance of Rs. 10 p.m. in addition.

For conditions of service are the same for the extra departmental staff both in towns or villages. As their designation indicates, they are not regular departmental employees and hence are not entitled to the privileges of pension, Provident Fund, leave with pay, increment, rent for buildings, etc. When the traffic position justifies the departmentalisation of such offices, the services of the extra departmental staff are terminated. As they are excluded from the operation of the Civil Services (Classification, Control and Appeal) Rules, special rules to provide for their appointment have been issued by the Director-General.

Statement giving the number of Post Offices as run by the Extra Departmental persons.

	Branch Offices	Sub Offices
Assam	292	10
Bihar	1,461	48
Bombay	3,144	264
Central	1,981	42
Madras	5,864	114
Orissa	674	35
Punjab	2,169	34
U. P.	2,168	168
West Bengal	1,226	88
Hyderabad (Dn.)	854	28
TOTAL	19,863	763

**HEAD POST AND TELEGRAPH OFFICE
IN MADRAS**

279. **Dr. V. Subramaniam:** (a) Will the Minister of **Communications** be pleased to state where the Head Post and Telegraph Office is situated at Tiruchirapalli (Madras)?

(b) Is it in a rented building or in a Departmental building?

(c) Is there any proposal to build a building for the Head Post Office and if so, when and where?

(d) At Tiruchirapalli Town and Srirangam, how many sub or branch post offices are in rented buildings and if so, what is the rent paid for each building at Tiruchirapalli and Srirangam?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) It is located in Cantonment area four furlongs North East of Tiruchirapalli Junction Railway Station.

(b) It is in a Departmental building.

(c) No such proposal is under consideration at present.

(d) There are 21 Sub and Branch Post Offices in Tiruchirapalli Town and Srirangam accommodated in rented buildings. The rent paid for each building per mensem is as follows--

- (1) Clock Tower S.O.—Rs. 80.
- (2) Golden Rock S.O.—Rs. 22.
- (3) Marakkadal.—Rs. 30.
- (4) Ponniah School Buildings.—Rs. 12.
- (5) Rock Fort.—Rs. 20.
- (6) Senkulam S.O.—Rs. 13.
- (7) Srirangam S.O.—Rs. 30.
- (8) Subramaniapuram.—Rs. 18.
- (9) Tennur.—Rs. 34/6/-.
- (10) Teppakulam.—Rs. 250.
- (11) Thiruvanaikoil S.O.—Rs. 16/8/-.
- (12) Tiruchy Air Port.—Rs. 13/6/-.
- (13) Tiruchi Cantt.—Rs. 18.
- (14) Tiruchi East.—Rs. 25.
- (15) Tiruchi Fort.—Rs. 135.
- (16) Tiruchi Public Offices.—Rs. 5.

(17) Tiruchi Railway Station.—Rs. 16/4/7.

(18) Tiruchi Town.—Rs. 7/8/-.

(19) Varaganeri.—Rs. 16.

(20) Worliur.—Rs. 42.

(21) Worliur Bazar.—Rs. 25.

Total.—Rs. 829/-/7.

GOVERNMENT DAIRY AT REWA

280. **Shri Dwivedi:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the quantity of daily milk supply available at the Government Dairy at Rewa;

(b) whether any quantity of milk is available to the general public on rates at which the milk is available to the Government servants;

(c) the number of cows and buffaloes in the dairy;

(d) the annual expenditure that is being incurred on (i) maintenance of cattle including the cost of fodder etc; (ii) maintenance of dairy staff; and (iii) any other expenditure; and

(e) whether the expenditure is commensurate with the proceeds of sale of milk and other dairy products?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (e). Information has been called for from the State Government and will be laid on the Table of the House in due course.

POST OFFICES IN INDIA

281. **Shri Raj Kanwar:** Will the Minister of **Communications** be pleased to state:

(a) the total number of (i) Post Offices; (ii) Telegraph offices; and (iii) telephone connections in India on the July, 1951;

(b) how many of these respectively were opened or provided after the 15th August, 1947; and

(c) the number proposed to be opened or provided during the next three or five years?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Information as on 1st July 1951, is not available. The number on 31st March, 1951 was—

(i) **Post Offices.—35,994.**

(ii) Telegraph Offices.—8,190.

(iii) Telephone connections.—1,70,939

(b) Statistics as on 15th August, 1947 are not available. Information is available for 31st March, 1948. The increase between 31st March, 1948 and 31st March, 1951, inclusive of the assets taken over from the ex-States, was—

(i) Post Offices.—12,650.

(ii) Telegraph Offices.—860.

(iii) Telephone connections.—53,655.

(c) In the next 5 years, it is proposed to open 250 telegraph offices and 1,00,000 Telephone connections. In regard to post offices, it is proposed to provide during the current year one post office for every village with a population of 2,000 and above. No programme has yet been drawn up for expansion of Postal facilities after the current year.

Vana Mahotsava IN BHOPAL

282. **Thakur Lal Singh:** (a) Will the Minister of Food and Agriculture be pleased to state how many trees were planted in the State of Bhopal during the *Vana Mahotsavs* of 1950 and 1951?

(b) How many of them have survived?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) 82,210 and 1,51,000 trees were planted in the State of Bhopal during the *Van Mahotsavas* of 1950—and 1951, respectively.

(b) 25,623 trees have survived out of those planted during the *Van Mahotsava* of 1950. It is too early to estimate survival for 1951 plantings. That can be done only after the next Spring.

VIRGIN FORESTS IN ANDAMANS

283. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to state whether Government have entered into an agreement with a firm for the utilization of Virgin Forests in North Andamans?

(b) If so, what is the area and what are the main conditions regarding the period and price?

(c) To what extent will Government be benefited by this agreement?

(d) Are more of such agreements contemplated to be entered into?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Yes.

(b) and (c). The area of forest lands to be exploited measures about 700 sq. be valid for a period of 25 years, in the first instance, subject to renewal thereafter on such terms as may be mutually agreed upon. The licensee will extract annually about 75,000 tons of plywoods, matchlogs and ornamental and hardwoods from areas marked by the Forest Department. These timbers will be disposed of by auction under Government supervision, or at rates determined by the Government. The royalty to be paid by the Company will be calculated on a proportionate basis on the current market prices, a provision which protects the interests of both the Government and the licensee, against future market fluctuations. The total royalty payable by the party is estimated at Rs. 50 lakhs per annum. The licensee will also put up a sawmill and a plywood factory in the North Andamans.

(d) Not at present.



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

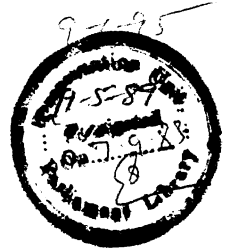
VOLUME XV, 1951

(30th August, 1951 to 22nd September, 1951)

Fourth Session
of the

PARLIAMENT OF INDIA

1951



CONTENTS

Volume XV—30th August, 1951 to 22nd September, 1951

Columns

THURSDAY, 30TH AUGUST, 1951—		
Papers laid on the Table—		
(i) White Paper regarding Japanese Peace Treaty ; and (ii) Draft Japanese Peace Treaty		1595
Letter to Bombay Mutual Life Assurance Society Ltd. under Section 27 of Insurance Act		1595—96
Indian Companies (Amendment) Bill—Presentation of Report of Select Committee		1596
Government of Part C States Bill—Consideration of clauses— <i>Not concluded</i>		1596—1604
FRIDAY, 31ST AUGUST, 1951—		
Business of the House		1665—67
Papers laid on the Table—		
Annual Reports and Audited Accounts of Employees State Insurance Corporation for 1948-49 and 1949-50		1667
Press (Incitement to Crime) Bill—Introduced		1667
Delhi and Ajmer Rent Control Bill—Extension of time for presentation of Report of Select Committee		1667—69
Evacuee Interest (Separation) Bill—Extension of time for presentation of Report of Select Committee		1669
Government of Part C States Bill—Consideration of clauses— <i>Concluded</i>		1669—1812
MONDAY, 3RD SEPTEMBER, 1951—		
Motion for Adjournment—		
Imposition of a compulsory war levy on non-Muslims of East Pakistan		1813—14
Papers laid on the Table—		
Bedaux Report on Central Stationery Office, Calcutta		1815
Benares Hindu University (Amendment) Bill and Aligarh Muslim University (Amendment) Bill—Extension of time for presentation of Reports of Select Committees		1815—18
Government of Part C States Bill—Passed, as amended		1818—73
Railway Companies (Emergency Provision) Bill—Discussion on motion to consider— <i>Not concluded</i>		1873—88
TUESDAY, 4TH SEPTEMBER, 1951—		
Motions for Adjournment—		
Accident on Shahdara-Saharanpur Light Railway		1889—91
Madras High Court Decision <i>re</i> Notification under Cotton Control Order of 1951		1892—93
Papers laid on the Table—		
Report of Indian Delegation to Fourth World Health Assembly		1894
Ganesh Chaturthi Festival		1894—95
Delhi Special Police Establishment (Amendment) Bill—Introduced		1895
Industries (Development and Control) Bill—Referred to Select Committee		1895—1924
Railway Companies (Emergency Provision) Bill—Consideration of clauses— <i>Not concluded</i>		1924—84
WEDNESDAY, 5TH SEPTEMBER, 1951—		
Railway Companies (Emergency Provision) Bill—Passed, as amended		1985—2034
Indian Companies (Amendment) Bill—Consideration of clauses— <i>Not concluded</i>		2035—66

(ii)

	<i>Columns</i>
THURSDAY, 6TH SEPTEMBER, 1951—	
Training and Employment Bill—Recommendation for consideration withheld	2067—83
Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Bill— Discussion on motion to consider— <i>Not concluded</i>	2083—2200
FRIDAY, 7TH SEPTEMBER, 1951—	
Leave of absence from the House	2201
Papers laid on the Table—	
Notification under section 2C of Insurance Act, 1938	2201
Benares Hindu University (Amendment) Bill and Aligarh Muslim University (Amendment) Bill—Presentation of Reports of Select Committees	2201—03
Notaries Bill—Extension of time for presentation of Report of Select Com- mittee	2203—04
Indian Companies (Amendment) Bill—Passed, as amended	2204—60
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee— <i>Not concluded</i>	2260—78
MONDAY, 10TH SEPTEMBER, 1951—	
Leave of absence from the House	2279
Papers laid on the Table—	
Report <i>re</i> Flying of a fan blade in Parliament Chamber	2279—80
Statement showing action taken on assurances and undertakings	2280
Revised statement <i>re</i> disabilities of Indians in Mauritius	2280
Delhi Premises (Requisition and Eviction) Amendment Bill—Presentation of Report of Select Committee	2281
Evacuee Interest (Separation) Bill—Presentation of Report of Select Com- mittee	2281
Go-Samvardhan Bill—Extension of time for presentation of Report of Select Committee	2281—83
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee— <i>Not concluded</i>	2283—2364
TUESDAY, 11TH SEPTEMBER, 1951—	
Leave of absence from the House	2365
Admissibility or disallowance of questions	2366—69
Statement regarding contract for carriage of mails	2369—70
Papers laid on the Table—	
Notification amending Indian Aircraft Rules, 1920	2370
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee— <i>Not concluded</i>	2370—2430
WEDNESDAY, 12TH SEPTEMBER, 1951—	
Business of the House	2431—33
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Com- mittee— <i>Not concluded</i>	2433—2528
FRIDAY, 14TH SEPTEMBER, 1951—	
Part C States (Miscellaneous Laws) Repealing Bill—Introduced	2529
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee— <i>Not concluded</i>	2529—90
SATURDAY, 15TH SEPTEMBER, 1951—	
Business of the House	2591—94
Delhi and Ajmer Rent Control Bill—Extension of time for presentation of Report of Select Committee	2595—97
Displaced Persons (Debt Adjustment) Bill—Extension of time for presenta- tion of Report of Select Committee	2597—98
Press (Incitement to Crime) Bill—Referred to Select Committee	2598—2672

	<i>Columns</i>
MONDAY, 17TH SEPTEMBER, 1951—	
Notaries Bill—Extension of time for presentation of Report of Select Committee	2673
Industries (Development and Control) Bill—Extension of time for presentation of Report of Select Committee	2673—74
Hindu Code—Consideration of clauses— <i>Not concluded</i>	2674—2738
TUESDAY, 18TH SEPTEMBER, 1951—	
Papers laid on the Table—	
Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951; and Ministry of Law Notification amending these Rules	2739—40
Half-yearly statement of cases in which the lowest tenders have not been accepted by the India Store Department, London	2740
Statements showing the recommendations of the Estimates Committee and action taken thereon by Government	2740—42
Indian Foreign Service Rules	2742
Companies (Donations to National Funds) Bill—Introduced	2742
Hindu Code—Consideration of clauses— <i>Not concluded</i>	2742—2840
WEDNESDAY, 19TH SEPTEMBER, 1951—	
Hindu Code—Consideration of clauses— <i>Not concluded</i>	2841—98
THURSDAY, 20TH SEPTEMBER, 1951—	
Papers laid on the Table—	
Delimitation of Council Constituencies Orders, 1951	2899—2901
Delimitation of Parliamentary and Assembly Constituencies (Amendment) Orders, 1951	2909—72
Hindu Code—Consideration of clauses— <i>Not concluded</i>	2901—69
FRIDAY, 21ST SEPTEMBER, 1951—	
Statements by Ministers	2973
Papers laid on the Table—	
Punjab Security of the State Act, 1951 (President's Act I of 1951)	2974
Report of Delegation to Thirty-third Session of International Labour Conference	2974
Hindu Code—Consideration of clauses— <i>Not concluded</i>	2974—3054
SATURDAY, 22ND SEPTEMBER, 1951—	
Leave of absence from the House	3055
Hindu Code—Consideration of clauses— <i>Not concluded</i>	3055—3198

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

2841

2842

PARLIAMENT OF INDIA

Wednesday, 19th September, 1951

*The House met at Half Past Eight
of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS
(See Part I)

9-30 A.M.

HINDU CODE—contd.

**Clause 2.—(Application of Code)—
contd.**

Mr. Deputy-Speaker: Before the discussion starts I might inform the House that this is the sixth day of the debate on clause 2. Practically all shades of opinion have been covered. *(Interruption)*. It is not as if every hon. Member should be allowed to speak. The matter has been sufficiently placed before the House both for and against the Bill as a whole and also particular clauses. We must be able to see the end of the discussion so far as clause 2 is concerned. I would request hon. Members not to occupy the whole time but give opportunities to other hon. Members so that we might close the debate on the clause today. Hon. Members will try to be brief and short, as all the points have been elaborately discussed already.

Sardar B. S. Man (Punjab): When the House adjourned yesterday I was advocating that the Sikhs be absolved from the operation of the Bill and I was basing my arguments on two counts. One was that we in the Punjab are predominantly agriculturists, who form 95 per cent. of the population and the Sikh community forms a predominant part among the agriculturists. We in company with other fellow agriculturists, both Hindus and Muslims, are governed not by a Brahmanical rule of law, but by an entirely secular set of laws. We are governed by customs, secular customs and they are different fundamentally from the proposed provisions of the 316 PSD

Bill. Secondly, I said that Sikh opinion on this vital matter has not been consulted. I was dealing with the second point.

I have now looked into the matter and gone into the entire body of opinion circulated to us in the report of the Hindu Law Committee and I find to my dismay that not one authentic opinion on behalf of the Sikh community has agreed to this Bill. *(An Hon. Member: How authentic?)* There is an interruption asking how it is authentic. Perhaps many hon. Members in this House may not be aware that we have a statutory body for the Sikhs set up by law which votes according to the law made by the Government of India. There are 151 members who represent the entire community for the management of the *gurdwaras* and the administration of their religious laws. This body is known as the Shiromani Gurdwara Prabandhak Committee. Incidentally it may be taken in this House that this body is dominated by certain very very aggressive or communal Sikhs but it will be a surprise to the House to know that at present its president is no less than Sardar Nagoke, a staunch Congressman. The body is entirely dominated by Congressites. This body which is not aggressively communal and which has been set up by statutory law has expressed its emphatic opinion against the Bill. Nothing can be more representative than the opinion of the S.G.P.C., let alone the numerous conferences and gatherings of Sikhs which have expressed their opinion against it.

The Minister of Law (Dr. Ambedkar): Where?

Sardar B. S. Man: Outside the House. I ask the Government to take one position. Either pass this Bill because you are sure that the majority of the Members here, who are representatives of their communities, want it or you think that the representatives of a particular community are so unmoderated that they do not represent the real opinion outside the House, which wants the Bill. Stand on any of these two positions either inside or outside the House. We are six Mem-

[Sardar B. S. Man]

bers here representing the Sikh community. (*An Hon. Member*: You said seven yesterday.) The seventh is from U.P. Even if you are prepared to base your position upon his opinion I am prepared to risk it, though I have not consulted him because I know very well the opinion of the agriculturists and he is one of them. We six Members here represent P.E.P.S.U. and the Punjab. You cannot say that we all belong to the same party. Here are Ministerialists, there is an independent like Sardar Sochet Singh, people who are diametrically opposed to Congress party like Sardar Hukam Singh, who is an Akali leader and there is the Congressman Sardar Gurmukh Singh Musafir. I ask the Government on whose opinion you have derived the impression that the Sikhs want the Bill. I challenge that we are unanimously opposed to it. Do not force it on us just as you have not forced it down the throats of Christians. The Christians numerically are almost the same number as we in the Punjab. You have made an exception of the Christians but you are not prepared to make an exception of the Sikhs. As representatives in this House we do not want it. If you say that people outside want it, I ask the Law Minister and the Minister of State Mr. Tyagi, who is now a Government supporter, to produce a single opinion to show that we want it. (*Interruptions*).

The Minister of State for Finance (Shri Tyagi) *Indicated dissent.*

Sardar B. S. Man: I am sorry I referred to Mr. Tyagi, as I thought that the interruption came from him, since I was opposing the Government and he was supporting it now.

Shri Tyagi: I am a widower and I have no interest either in marriage or divorce.

The Minister of States, Transport and Railways (Shri Gopalaswami): Who knows? You may yet improve!

Sardar B. S. Man: Many who are widowers here want the divorce system to be there because they hope to find their deliverance through it. However, Mr. Tyagi is an exception. In spite of the fact that he is a widower he is against divorce rather an unusual phenomenon.

Sardar Sochet Singh (P.E.P.S.U.): He may be interested in divorce in his neighbour's house.

Sardar B. S. Man: So, as I said, we were not consulted. Although political opinions are very divergent in

the Sikh community, the present Government is not listening either to the Congress Sikh, the Akali Sikh or the independent Sikh, nor even the Ministerialist Sikh. It is surprising how the Government has come to the wonderful conclusion that the Sikh opinion has been sufficiently agitated and consulted. After my speech yesterday certain friends came to me and told me "Mr. Man, it is all right. We admit that your customs are different and that you were not consulted sufficiently. But why can we not legislate for you? Because all along you have been a Hindu and you were governed by Hindu law." I shall come to that point of whether we have ever been governed by Hindu law, but as to the point whether we are Hindus I should not like to repeat the argument here but I would like to mention something in that connection. I came across a pamphlet yesterday wherein it is said that if you go to a village and tell a Sikh, "You are a Hindu", the answer will be **not in words but a slap on your face**. I will not—I dare not—use that argument here.

Pandit Thakur Das Bhargava (Punjab): How are the Sikh agriculturists differently placed from the Hindu agriculturists of Punjab?

Sardar B. S. Man: I would have much liked to argue, and in fact I am actually basing all my arguments on that fact, that as an agriculturist I am in the company of Hindu agriculturists and the Mussalman agriculturists. And my lawyer friend knows perfectly well that the Sikh agriculturist, along with the Hindu agriculturist and the Muslim agriculturist, is governed by a customary set of laws applicable uniformly to all. If I am using the word Sikh it is due to the bane of this Bill. I would have liked to argue that the agriculturists of the Punjab be absorbed, but what shall I do when this Bill—in that respect a backward Bill, a communal Bill—legislates for Hindus, Sikhs, Jains etc. and talks in terms of communal groups and not in terms of secular groups?

Pandit Thakur Das Bhargava: Is it not a fact that the Hindu non-agriculturists living in the villages follow the same customs as the Hindu agriculturists?

Sardar B. S. Man: Yes. That is the beauty of our entire law in the Punjab. It is an advancement on other parts that we in the Punjab are governed by village communities and not by religious law. We are governed by land and we revolve round land laws, secular laws. Let

me give a quotation to meet this interruption. I will quote from *Rattigan's Digest*. My whole point is that so far as this law is concerned in its application to Punjab, it is not reformative; it is not progressive because it is too conservative, because it is too orthodox; it is retrograde because it is communal—our law in the Punjab has gone much farther at least so far as secularism is concerned. In our village communities we have been governed by the same set and same pattern of laws; Hindus, Muslims and Sikhs, agriculturists and non-agriculturists, were attached to the land all these ages; they had imbibed the wisdom of the ages and the spirit of the times and throughout they were governed by one set of laws. But Dr. Ambedkar comes out one fine morning with this Hindu Code Bill—perhaps he is jealous of us—and says, "I am going to cut across you and split you into two communal groups". Either you be a Hindu or you be a Mussalman! That is the effect of it.

Shri Naziruddin Ahmad (West Bengal): Rather, "give up all religions"!

Sardar B. S. Man: Now what does *Rattigan's Digest* say in this matter? It says:

"It had long been felt by those best acquired with the habits and customs of the rural population that neither the *Shara* nor the *Shastras* really exercised any direct influence among them."

Then:

"The Hindu Law extravagantly exalts the Brahman; it gives sacerdotal reasons for secular rules. In the Punjab, Hindus and Mussalmans converted from Hinduism may fear or feed the Brahman; but in civil affairs Punjab Customary Law ranks him with other men. It is essentially unsacerdotal, unsacramental, secular."

Mr. Deputy-Speaker: Is not the *Shariat* now applicable to the Punjab?

Sardar B. S. Man: I am splitting up the Punjab population into two distinct groups: one group comprises 95 per cent. of the population and the other remaining five per cent. The 95 per cent., and in fact even more, live in the villages and is attached to the land.....

Mr. Deputy-Speaker: Was not *Shariat* passed in undivided India?

Sardar B. S. Man: I shall come to the Punjab laws. There the custom is the primary rule of decision to the exclusion of *Shariat* as well as the Hindu Law.

Dr. Ambedkar: That has been over-ruled by the *Shariat* law.

Sardar B. S. Man: *Shariat* will fill in the gap when there is no customary law prevalent. It is quite distinct. I must refer to that later since I do not want my argument interrupted now. We have legislation—the Punjab Laws Act of 1872, clause 5—where it is distinctly laid down that in Punjab the first rule of decision will be the customary law and where there is no custom and a gap arises only then the Hindu law or the *Shariat* law will come in.

Shri R. C. Upadhyaya (Rajasthan): Are the customs reduced to writing?

Sardar B. S. Man: Not only reduced to writing but compiled, listened to and decided—not for ten or fifteen years but for ages.

An Hon. Member: Is not your custom the same as Hindu custom?

Sardar B. S. Man: What innocence! If I were to prove to my friend here that my custom is entirely and fundamentally different from Hindu law, will he be prepared to make an exception?

Pandit Thakur Das Bhargava: If a custom is reasonable, Dr. Ambedkar is bound to accept it. (*Interruption*).

Sardar B. S. Man: The interruptions are many. One interruptor says that if I convince him he is bound to accept it. I do not know whether I can convince a person who is not willing to be convinced. Dr. Ambedkar says even if he is convinced he will not accept it.

Now, let me give a quotation from *Mayne's Hindu Law*; it has held the field for a fairly long time and is a fairly authoritative commentary. It says:

"As regards the Village Communities, the Punjab and the adjoining districts are the region in which alone they flourish in their primitive rigour. This is the tract which the Aryans must have first traversed on entering India. Yet it seems to have been there that Brahmanism most completely failed to take root and the religious element has never entered into their secular law."

If I have enjoyed emancipation from Manu for so long a time, will it not be a tyranny of the times if I have to submit now to a modern Manu? If I have not been governed by brahmanical rule and I have had secular law for a long time in Punjab, if I have not accepted Manu's religion, them let me assure the House that

[Sardar B. S. Man]

Punjab is not going to accept Ambedkarian religion hence-forward. (*Interruption*). Let me give credit to Manu that at least he was original in many respects, but my modern Manu—oh, what a fall has he had! He is neither original nor progressive. (*Interruption*). You ask who is the modern Manu? Well, I need not say.

Dr. Ambedkar: I am not a modern Manu.

Sardar B. S. Man: In Punjab we do not recognise communal groups and the application of this law will for the first time introduce the communal element there. I shall read to you from *Mayne's Hindu Law*, 9th Edition, Page 48, where it is said:

"The special interest of Punjab Customs arises from the fact that Brahmanism seems never to have succeeded in the Punjab. Accordingly, when we find a particular usage common to the Punjab and to Sanskrit law, we may infer that there is nothing necessarily Brahmanical in its origin. The Brahmins are not, in the Punjab, the depositaries of Customary law. To ascertain it we must go to the Jirga, or Tribal Council, if there be one, or to the elders of the tribe.

Shri R. K. Chaudhuri (Assam): I am sorry to interrupt, but let us come straight to the point. Does the hon. Member want monogamy or not? That is the question.

Shri Tyagi: Why beat about the bush?

Sardar B. S. Man: A false sense of security is being created in the House through the Press that Government want to proceed with only marriage and divorce. Has Dr. Ambedkar declared here definitely that he is leaving out the other portions and he is only concerned with marriage and divorce? I am discussing the applicability of this Code in its entirety. I proceed on the assumption that the other portions are not going to be dropped. I caution my friends. Once Government lull you into a sense of indifference and false feeling of security, they will proceed with the other portions.

Shri R. K. Chaudhuri: Please answer my question. According to the customary law, monogamy is allowed in Punjab. Are you in favour of continuing the monogamy law?

Sardar B. S. Man: I shall discuss that threadbare, law by law.

Mr. Deputy-Speaker: We are not going to take up other matters. I

think it was made sufficiently clear by the hon. the Prime Minister who stated that they would proceed only with marriage and divorce. If this is accepted, I hope the hon. Member will resume his seat.

Sardar Hukam Singh (Punjab): If this clause is accepted at this stage, would it be again taken into consideration when the other Chapters come up? Once it is made applicable, certainly the whole thing has to be thrashed out at this stage.

Mr. Deputy-Speaker: If the Bill is confined to marriage and divorce and the other parts are brought in by a separate Bill, does the hon. Member think that this clause will apply to everyone?

Shrimati Durgabai (Madras): What is the basis for the hon. Member's statement that the most important Chapters relating to inheritance will be dropped? What is the source of his information?

Sardar B. S. Man: The hon. lady Member comes to my rescue for the first time. It is exactly because the other portions have not been dropped, I say that I am perfectly entitled to discuss the whole body of it.

Shri Bharati (Madras): The Prime Minister and the Law Minister have already stated that due to factors of time etc. it is more than unlikely that the other Chapters would be taken up. Although it may not be a categorical assurance, for all practical purposes we may take it as the official decision. If we take the practical aspects of the matter, in all probability, I may even say 99 per cent. the other Chapters would not be taken up during the current session. It is just possible that we may take them up during February or March next, but during the current session it is absolutely impossible to take up other Chapters. It will be a great fortune if we finish Chapter II. Therefore, I would request other Members to cooperate. At least, let us pass this portion. I think it will be in the interests of the discussion if Dr. Ambedkar makes some kind of a statement and gives if not a categorical assurance at least some indication that only the provisions relating to marriage and divorce would be passed during the current session.

Pandit M. B. Bhargava (Ajmer): Has the hon. Member been briefed by the Government of India to take up this position?

Mr. Deputy-Speaker: Hon. Members are entitled to speak on both sides.

Dr. Deshmukh (Madhya Pradesh): After all, clause 2 does not make any distinction between different portions of the Code as it has been placed before us. If my hon. friend does not say at the present stage all that he wants to say with respect to the other Chapters, he will be precluded from saying them later, because clause 2 is of general application to the whole Code and does not refer merely to marriage and divorce. Once clause 2 is accepted, it will apply to the whole Code and unless we have an amendment saying that it applies to marriage and divorce only—and no such amendment is before us from Government—I think the hon. Member cannot be stopped from bringing in other Chapters.

Shri J. R. Kapoor (Uttar Pradesh): Even if clause 2 is passed in this form or an amended form, it will not preclude any one from saying at any subsequent stage that any particular portion or Chapter shall not be applicable to this section of the community or that. Take for instance the question of succession and inheritance. When that Chapter is taken up, it will certainly be open to us to add a clause to the effect that this part of the Code shall not be applicable to Sikhs or this or that community. The passing of clause 2 would leave the door open to discuss the matter later on and it may be advisable for all of us, if we are agreed on the marriage and divorce laws subject to such amendments as may be acceptable, to proceed with the Bill.

Mr. Deputy-Speaker: I am in a fix. I thought I would be able to ask hon. Members to conclude the debate on this matter having regard to the statement by the hon. the Prime Minister that the Chapter on marriage and divorce only will be taken up. He said so particularly. Now, if clause 2 is to apply to all the other Chapters I do not know how I can ask the hon. Members not to refer to them. That is my fear. I would like elucidation from the hon. the Law Minister. Otherwise the scope will become wider and it would not be reasonable for me to say that the debate shall be concluded so early.

Dr. Ambedkar: The hon. the Prime Minister stated the other day that the House will rise on the 6th.

Shri Naziruddin Ahmad: That is only provisional.

Dr. Ambedkar: Whatever it may be, it is there. I think I can say without giving away the position of the Government that it is quite clear that it would not be possible to proceed in

this session beyond the Chapter dealing with marriage and divorce. When we reach the end of that Chapter, I propose to move certain amendments to these two parts in order to make them self-contained and to attach to them certain Schedules which go with marriage and divorce. I think the House may well take it that that is the intention of Government so far as the present session is concerned. When for instance the other parts are taken up, no doubt any Law Minister who would be then piloting the Bill and the Draftsmen would see to it that those parts were also self-contained and the same definition and rules as regards applicability will have to be repeated in the other parts when those parts are placed before the House. Obviously, the clauses dealing with applicability when they will be confined to this part would by no stretch of imagination be extended to the other parts unless they are repeated there. I think that any lawyer Member of this House should be able to understand that that would be the position, so that when the other parts come to be discussed it would be open to the House to see whether the same definition which is given now as to the territorial applicability of this part or the social applicability of this part should be the same as will be enacted so far as this part is concerned. It will be open to the House and also for the Government to see to it whether those parts should be made applicable universally in all parts of India, or whether they should be applicable to all communities, or whether any exception might be made. That is a matter which I think should be left to the future Government, the future Law Minister and the future Parliament.

10 A.M.

Shrimati Renuka Ray (West Bengal): On a point of order, Sir. Clause 2 has been under discussion for three days in the previous session and three days now—six days in all. Almost all the speeches on clause 2 have gone into the merits of the provisions of the whole Bill. I want to ask whether once the consideration stage is over, it is open on a discussion of a clause, to go into every detail of the Bill as it has been done during the debate on clause 2?

Shrimati Durgabai: May I seek a clarification. In the light of what the hon. the Law Minister has stated and also in the light of the fact that this House attaches considerable importance—the greatest importance—to the clauses relating to inheritance, because they are based on the principle of equality, is it the intention of Gov-

[Shrimati Durgabai]

ernment to bring a separate Bill relating to those clauses in the next session of Parliament, if not during this session of Parliament?

Dr. Ambedkar: I am afraid that is entirely outside my jurisdiction. It is a matter which I should leave to the Prime Minister to answer.

Shri Deshbandhu Gupta (Delhi): In view of the statement that has been made by the hon. the Law Minister, may I know whether it is also the intention of Government to change the title of the Bill, because it is no longer a code?

Dr. Ambedkar: When I reach clause 55 I shall move all the necessary amendments to make this an independent Bill and take it out of the Code.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): If I have gathered the purport of the hon. Member's question, it was whether other parts of the Bill will be introduced in this session or in a subsequent session. So far as Government are concerned, we have often stated that we stand by the whole Bill. Our difficulty has been the difficulty of time, and we decided to proceed with Part II in this session and to pass it. That did not mean that we were giving up any other part and we would very much like to have the other parts passed too. But practically speaking, there is no chance of our doing that in the present session. Whenever we can avail of an opportunity we should like to take up the other parts.

Mr. Deputy-Speaker: The hon. the Prime Minister was not here when this point was raised. When Sardar Man was on his legs, he was referring to the other parts of the Bill inasmuch as they will be applicable to the Sikhs. At that stage a point was raised as to whether the hon. the Prime Minister has not already stated that this measure will now be confined to marriage and divorce and as such discussion should be confined to those two subjects. Having regard to the number of days that have been spent on this clause, I wanted to conclude the discussion on this today. The hon. the Law Minister then said that it was intended to confine this Bill only to marriage and divorce and suitable amendments would be moved even with respect to the title. In regard to the other parts of the Bill it was said that a fresh Bill would be introduced which would also cover the applicability of this Bill to the territories or communities. A further question was asked as to when that Bill would be introduced, to which

the hon. the Law Minister replied that the Prime Minister alone must answer that question. That is why I was a little doubtful if the Prime Minister has been apprised of the discussion that took place here.

Dr. Ambedkar: I perhaps forgot to say that after clause 55 is reached I shall not only introduce suitable amendments with the object of making that particular part self-contained, but I shall also move a motion that this Bill, so to say as amended, be passed independently of the other parts.

With regard to the other question, I have looked into the Rules of Procedure. There will be two courses open. One course that will be open to me would be to move that the other clauses be put and negatived, so that Government will be free to bring them together in a separate code or separate part or separate Bill and move them whenever they want. The other course permissible—subject to your ruling—under the Rules of Procedure would be to let those parts stand. I find from the rules that there is nothing to prevent this Parliament from taking out a particular part or a particular portion from a whole Bill that has been before it and to treat it as an independent Bill and pass it. That is a matter which I am prepared to leave to you and to the House. Our present intention is to stop with clause 55 and certain relevant Schedules. I think that makes the position clear.

Shri Jawaharlal Nehru: My hon. colleague has made the position quite clear. I entirely agree with him. We are for the present going to confine ourselves to Part II and complete it as a whole, apart from the rest. Then it depends on various possibilities, as to how best to deal with the rest of the Bill. But this ought to be kept separate.

May I also qualify, or amend, a statement which I made about the length of this session. I said that we would like it to end on the 6th October. As I see the debate proceeding, there is no chance of its ending on the 6th October. So, it will have to go on till we finish important work.

Shri Deshbandhu Gupta: May I seek a clarification? The hon. the Law Minister has made it quite clear that this will be a self-contained Bill dealing with monogamy, marriage and divorce. If that is so and the subsequent Bills will also be self-contained Bills, then the question of Hindu Code as such does not arise. Therefore, there will be different Bills and codification will have to follow later on, if necessary. Therefore we are not proceeding with the Bill as it is. We

are only proceeding with the different heads of the Bill and at the moment we are only concerned with these three things.

Shri Ramalingam Chettiar (Madras): There are several provinces which have already got laws on monogamy and divorce. Probably they are better, though the provisions that we are going to agree here is a compromise. We are having this compromise simply because we are going to have a Code. In case the present law is going to be confined to marriage and divorce, why not leave those laws which are passed by the different provinces alone and leave it to the people of those provinces to choose. This is an important issue which you have to consider.

Pandit Malaviya (Uttar Pradesh): May I suggest to the hon. the Law Minister whether it will not help if he did that at this stage rather than wait till the end?

Dr. Ambedkar: I do not see any reason for doubting the motives of Government. I have said, and we propose to stand by what we have said.

Pandit Malaviya: I am surprised that he should think that there is any doubt of his motives in what I said. I asked, will it not help if he did it at this stage, because if that is the thing which we are considering it might become a slightly different situation for some of us.

Dr. Ambedkar: Take it that it will be so.

Pandit Malaviya: When we are in Parliament legislating, it is difficult to take things unless they are done. I simply asked, will it therefore not help if it is done now.

Mr. Deputy-Speaker: The hon. the Law Minister has made the intention of the Government clear. My only difficulty is this—I am not asking him to do it immediately—but when once we pass clause 2 and take up clause 55 I have got a doubt technically as to whether we can modify clause 2 then, at that stage.

Dr. Ambedkar: At the time when you put this clause 2 I want to make a reservation that I reserve to myself the necessary liberty of making certain consequential amendments to clause 2.

Some Hon. Members: No. no. How can it be?

Dr. Ambedkar: That is perfectly possible.

Pandit Malaviya: That is authoritarian and not parliamentary!

Mr. Deputy-Speaker: There is nothing unparliamentary. The hon. the

Law Minister has been extremely reasonable. There is no good losing one's reason or making recriminations. It does not contribute to the coolness of the atmosphere that must prevail here. I understand the Law Minister. He has no mental reservations. He wanted to bring it by way of amendment to clause 55. Then I thought within myself that at that stage it may be a bit too late. He has suggested an alternative that on clause 2 he will make a reservation to move the necessary consequential amendments. Even there I have a difficulty. I shall no doubt conclude the debate on this clause with that background that this clause, that is clause 2, will apply only to marriage and divorce. But I shall withhold putting it to the House. I shall conclude the entire debate and take it over after the Chapter is concluded. Now, in view of what has been said, hon. Members must be prepared to conclude the debate today.

Sardar B. S. Man: He need not dilate upon the other matters.

Shrimati Durgabai: Now that one hon. Member has stated that certain State Legislatures have passed monogamy Acts, may I point out that only three States—Madras, Bombay and Baroda—have passed such Acts. In view of the fact that there is a lot of confusion being resulted on account of all the State Legislatures not passing the laws and on account of differing High Court judgments, it is highly necessary that there should be a Central law on monogamy and divorce so that it will be applicable to all States whether they wish it or not. Therefore, hon. Members may facilitate the discussion and passing of the Bill up to clause 55.

Mr. Deputy-Speaker: Now that the scope of the discussion has been narrowed down let us pass it as expeditiously as possible and avoid, if possible, even sitting during Dusehra.

Shri Jawaharlal Nehru: May I suggest, Sir, that we sit on next Saturday?

Mr. Deputy-Speaker: I was not referring to that.

Shri Jawaharlal Nehru: I know, Sir. I was merely suggesting about next Saturday.

Mr. Deputy-Speaker: That can always be done. But let us pass this as early as possible and not sit beyond 6th October, if it is possible to avoid it.

Pandit Malaviya: Even if it is necessary to sit beyond 6th October I hope we do not sit during Dusehra but sit afterwards.

Mr. Deputy-Speaker: That is accepted. We will not sit on any public holiday.

Sardar B. S. Man: Frankly speaking I am not able to understand completely.....

Mr. Deputy-Speaker: May I suggest that in discussing clause 2 the relevant merits of all the clauses that follow need not be referred to? References here and there are enough. I therefore wish to draw the attention of the hon. Member who is on his legs and also other Members that while the applications of those other clauses may be generally indicated here and there, matters as to how they ought to be or ought not to be and how they ought to be modified and so on may all be taken up when we come to the other clauses.

Shri Sarwate (Madhya Bharat): In case we are to postpone the final passing of this clause would it not be better that all discussion on this clause be withheld to a later stage?

Mr. Deputy-Speaker: We have already spent a sufficient time over this clause. Hon. Members may now take it definitely that it is the view of the Government as stated by the hon. the Law Minister that the effect of this clause will be confined only to marriage and divorce. On that footing it is open to hon. Members to say where it should or should not apply—to Sikhs or Buddhists or Hindus or to certain territories etc. The discussion will be confined to that extent only and not extend to other things.

Pandit Malaviya: May I suggest for the consideration of the hon. the Law Minister one procedure? We may finish this discussion on clause 2 today. But after the discussion has taken place, instead of putting it to the House, we may leave it over. There may be no more discussion on it. I am only making a constructive suggestion.

Mr. Deputy-Speaker: I have said so already. I will conclude the discussion and call upon the Law Minister at one o'clock.

Shri Syamnandan Sabaya (Bihar): If clause 2 will apply only to marriage and divorce, what will apply to the other clauses? What about the other clauses of the Code? What will be the application clause?

Mr. Deputy-Speaker: All the other clauses also will be suitably modified. When they are taken up submissions may be made.

Shri Syamnandan Sahaya: Are there to be two application clauses in the same Bill?

Mr. Deputy-Speaker: Hon. Members were either not here or were not hearing properly.....

Shri Sarwate: I request one point to be made clear. We have tabled certain amendments. The amendments depend upon the scope of clause 2. So we may be allowed to move those amendments or take up those amendments later on.

Mr. Speaker: All the amendments are being discussed now. I am not going to allow any other amendments. Those amendments together with the clause, including the amendments moved by the hon. the Law Minister, have been discussed. We have reached a stage. If in pursuance of all the other clauses that are taken up and adopted we go back to clause 2 and any incidental amendments have to be made to clause 2, the discussion will be confined only to incidental, auxiliary and consequential amendments. Today we may take it that this must be over.

Shri R. K. Chaudhuri: I want to have my doubts cleared on this point. I understand that clause 2 will apply only in cases of marriage and divorce. I want to know that when the inheritance chapter comes up will there be a saving clause in that and should it not apply to the rest? This is not to apply to all but only to those who want to be governed. Will there be such a saving clause in that part?

Mr. Deputy-Speaker: For the time being the hon. Minister said that this Code was confined to marriage and divorce and all the other general clauses also would be suitably changed. As to what will happen when another Law Minister or this Law Minister will introduce at that time, it is a matter of conjecture and it is too early to predict what will happen.

Shri R. K. Chaudhuri: How can you allow this clause to be passed; possibly it will be like the Damocles' sword hanging over us.

Mr. Deputy-Speaker: Another clause will be introduced, a similar clause with suitable amendments and then the hon. Member can continue to speak as vigorously if not more vigorously. Let us not spend any more time on this.

Shri J. R. Kapoor: May I therefore submit that as you are anxious to close the discussion at one o'clock today, the discussion may now start on the amendments rather than on the general aspects; otherwise, we shall have hardly any time to deal with specific amendments which really matter so far as clause 2 is concerned.

Mr. Deputy-Speaker: There will be discussion both on the clause and the specific amendments. I am not going to allow any hon. Member merely because he has tabled an amendment just to go on speaking here.

श्री भट्ट : मुझे यह कहना है कि आज यह ख़लासा हुआ है और आपने यह बतलाया है कि क्लॉज २ पर आ वोट (vote) नहीं लेंगे। तो आज जो माननीय ला मिनिस्टर साहब (Minister of Law) की विचारधारा है उस पर से क्या यह गुंजाइश है कि हम दूसरे संशोधन पेश कर सकें। अब वह मैरिज और डाइवोर्स ला (Marriage of Divoroe Law) अलग बनाना चाहते हैं। क्या इस में इस तरह का संशोधन लाने की गुंजाइश है, जैसा कि मैं ने पहले सुझाया था, कि इस को सारे हिन्दुस्तान के लिए बनाया जाय, और क्या आप इस की इजाजत देंगे।

श्री अम्बेडकर : इस बारे में तो आप अमेंडमेंट (amendment) दे चुके हैं।

श्री भट्ट : जैसा अमेंडमेंट सार्दा ऐक्ट (Sarda Act) में था वैसा अमेंडमेंट मैं ने नहीं दिया है।

[Shri Bhatt (Bombay): Sir, what has been decided today and what you have conveyed to the House, is that Clause 2 will not be put to the vote of the House today. I would, therefore, like to know whether any hope is left for us to move our other amendments in view of the stand taken by the hon. Minister of Law today. Now he wants to enact the Marriage and Divorce Law separately. Will it be in order in this connection to table any amendment, as suggested by me previously, to the effect that the Law should be made applicable to the whole of India and would you permit it to be moved?

Dr. Ambedkar: You have already tabled an amendment to that effect.

Shri Bhatt: The amendment tabled by me is not on the lines of a similar amendment that was moved in connection with the Sarda Act.]

Mr. Deputy-Speaker: There is no good asking the hon. Minister whether he wants it to be applied to every individual in this country and every part of this country. Amendments have already been tabled. Those

amendments will be put to the vote of the House and if the vote decides against the Law Minister, he will gladly accept it. Therefore, there is no question of any further amendment regarding territorial restriction or restriction regarding communities. They are all before the House and I am not going to put them to vote today. I will put them later on. It is for the House to accept or reject so far as that matter is concerned.

Pandit Maitra (West Bengal): The hon. Law Minister says he has not agreed. He says "I will not gladly accept".

Dr. Ambedkar: I said gladly I will not accept.

Shri Radhelal Vyas (Madhya Bharat): On a point of order, may I know, as the debate on clause 2 will conclude today and also the hon. Law Minister is replying, whether later on any amendment would be allowed to be moved to clause 2 at that stage?

Mr. Deputy-Speaker: Hon. Members are unnecessarily raising points of order. It is not for the hon. Minister to accept or reject an amendment. Consequential amendments, if found in order, will certainly be moved and allowed by the House. Secondly, the discussion on the amendments on clause 2 tabled today will conclude. If any new amendments come in as consequential to the clause that we are now going to pass, they will be placed before the House.

Such consequential amendments to clause 2 will necessarily be made either by the Law Minister or by any hon. Member and then discussion on the consequential amendments will follow and the original clause with the consequential amendments will all then be put to vote and ultimately accepted or rejected.

Shri Ramalingam Chettiar: I do not know what a consequential amendment is.

Pandit Thakur Das Bhargava: I ask whether it is fair to discuss only divorce and marriage. Is this procedure adopted in any House in the world that we should discuss only divorce and marriage, without knowing the implications and the rights and duties of the husband and wife or how they will succeed each other? I think this will be extremely disingenuous and the real context of cognate matters will be missed.

Pandit Maitra: Sir, you just now ruled that only consequential amendments will be allowed to be moved but how could you know what is the consequence unless the amendments are put to vote, and are either carried

[Pandit Maitra]

or rejected. Then we will be in a position to know what may be the consequential amendments. Therefore, this requires clarification. One cannot move a consequential amendment at a certain stage unless he knows the consequence after the amendments that have been tabled have been rejected or accepted. Unless one knows which particular amendment has been accepted or rejected, the question of a consequential change cannot arise. It is only when one knows the implications of a particular motion or amendment being accepted or rejected that the question of putting any consequential amendment would arise.

Shrimati Renuka Ray: Cannot the discussion, as to what is consequential and what is not, be allowed to be taken up afterwards? That may take another six days.

Mr. Deputy-Speaker: As I stated, subject to what the hon. Law Minister may say—and I would like to have information—hon. Members are anxious to know beforehand, whether any particular communities are going to be excluded and whether any particular territories are to be excluded, whether they have to be applied in part or wholly at one stretch etc. These are the subject matter of various amendments. This will apply not only to marriage and divorce but all the other things also. But there is nothing peculiar in this which cannot be applied as it is into marriage and divorce. As has been suggested by the hon. Law Minister, he does not pursue the other matters. Only for the words "Hindu Code", he might say that this is an amendment to that extent.....

Dr. Ambedkar: I will say "an Act".

Mr. Deputy-Speaker: "The marriage and divorce Act" instead of the word "Code". What I feel that this must be put to the vote of the House. As soon as the hon. Law Minister finishes his speech, I shall put it straightway to the vote of the House.

Shri Ramalingam Chettiar rose—

Mr. Deputy-Speaker: The hon. Member's issue has already been answered. Any hon. Member who thinks that there are more progressive laws in the States can table certain amendments to this clause when we come to the clause by clause stage and thus bring it into line with those State laws. The hon. Member has stated that there are such pieces of legislation in three States and for the sake of uniformity, there must be a central legislation, particularly in view of the fact that

this is a Concurrent subject. It is not a difficulty which is insurmountable.

Shri Ramalingam Chettiar: It is insurmountable.

Mr. Deputy-Speaker: The hon. Law Minister does not yield on that point.

Shri Ramalingam Chettiar: I ought to be allowed to move an amendment.

Mr. Deputy-Speaker: He has had an opportunity to move it. I am not going to allow any further amendments to be moved. What prevented him from moving this particular amendment before? When the time comes, let me decide upon this amendment. We will assume that the clauses, inheritance etc. were before the House and we went on from day to day. This House may not wait until he chooses to bring this Bill in line with the State Legislatures. It is an unreasonable demand on the part of the hon. Member. Now so far as clause 2 is concerned this clause will apply to any part. With regard to the other parts we will confine them only to those parts and not proceed with the other parts. For the purpose of clarification, I will not allow discussion to go on at length and on certain imaginary things which may not be placed before this House. We want to cut short the discussion and the hon. Minister made that statement and has explained that the consequential amendment will only relate to the nomenclature of this Code. I will put it when we come to clause 55 and even if that is passed in the third reading we can have it. At one stretch I will allow the discussion and then the hon. Law Minister will reply. Then I will put all the amendments to the vote of the House so that there may be no difficulty as to whom it applies or whether they should take any further proceedings etc.

Dr. Ambedkar: I just heard that you would call upon me at one o'clock. But I thought that there is some other business at one o'clock. Perhaps you might give me a minute to start.

Shri R. K. Chaudhuri: We must know the consequences of marriage and divorce; that is one thing. Then, Sir, you are willing to allow us to discuss about marriage and divorce and all that without knowing what the effect of this marriage would be, whether the issues of the marriage will get inheritance in this way or that way. That will put us at a great disadvantage. I am going to contract a marriage and yet I do not know what the consequences are.....

Shri Syamnandan Sahaya: We are opposed to it.

Shri Deshbandhu Gupta: Are we to take it that the hon. Member is unaware of the consequences of marriage and divorce at this age?

Shri B. K. Chaudhuri: I take exception to this, Sir. I was pointing out.....

Mr. Deputy-Speaker: In all serious matters, the hon. Member has got a knack of introducing a good feeling of humour. To that extent he has relieved the tension. The hon. Member knows too well that he is directly responsible for all the acts that he commits whether on account of conjugal felicity or otherwise. Now, Sardar Man.

Sardar B. S. Man: You will sympathise with me, Sir, being a junior Member, for this interruption for so long a time.

Mr. Deputy-Speaker: The hon. Member may confine himself to the amendment whether this Bill ought to apply or not. He has already said enough.

Sardar B. S. Man: A little allowance due to a junior Member may be allowed to me, Sir. I am exactly in doubt as to what the intention of the Government is. There have been threats of certain reservations, mental reservations regarding moving certain amendments; then there was the explanation by the Prime Minister that they are not proceeding with the Bill except for these two parts because of lack of time. If incidentally the House is in a mood to finish it tomorrow, the same position will be there because there will be time to proceed with the rest of the Bill. It was a categorical question whether the Government proposed to drop the rest of the Bill: not in this session; but whether the present Government is dropping the other portions, now or hereafter. These assurances are of little comfort to me that up to the 6th of October this will not be taken, or that it may not be taken in the present session or it may not be taken for lack of time. This sort of argument is no good.

Mr. Deputy-Speaker: I may clear the ground. I take the statement of the hon. Law Minister, the sponsor of the Bill, as the authoritative opinion of the Government. On the footing that they will confine this Bill to marriage and divorce, the hon. Members may go on. That is how I have understood. If there is anything wrong, I may be corrected.

Sardar B. S. Man: I was attaching equal importance to the Prime

Minister's statement also. I shall confine myself to my amendment that the Sikhs should be absolved from the operation of this Bill.

The fact is that a certain erroneous impression has gained ground that the Sikhs are, firstly, Hindus, and secondly, that they have been governed for a very long time by the Hindu Law. My case is that if I proved that the Sikhs were not Hindus and they were not governed to any appreciable extent by the Hindu Law, then, the Sikhs may be permitted to be out of the orbit of this Bill. In that point, I was interrupted again and again and asked how their law differed from the main body of the law. That was my difficulty. I had to prove that the entire mental structure of a Sikh agriculturist in the Punjab, in company with the Hindus and Muslims, was entirely different and the pattern of the present law is entirely different.

Shri Bharati: So far as marriage is concerned?

Sardar B. S. Man: Even so far as marriage is concerned. Just wait.

Shri Bharati: That is more important.

Sardar B. S. Man: Let me quote Sir Charles Roe from his *Tribal Laws in the Punjab*. This has been cited with approbation by Sir William Clarke, Chief Justice in 55 *Punjab Record* 1903 Full Bench.

He says:

"The Hindu agriculturist of the Punjab.."

The Hindu agriculturist follows the same law as the Sikh agriculturists.

"...knows nothing of caste except as represented.."

Now, Sir, certain prohibited degrees are being introduced in the marriage laws. I have to point out that my law as regards marriages is different and more liberal than the present Hindu Code Bill. In fact, I do not know after all the present assurances that only 55 clauses will be finished whether it will be a Hindu Code or not, or what Code it will be. You are asking me to speak upon a Bill even whose name I do not know or whose operation I do not know. Anyway, I shall be guessing that it will be a Civil Code or it will be a Marriage Act or some such thing and the word "Hindu" shall drop out. He says:

"The Hindu agriculturist of the Punjab knows nothing of caste except as represented by his tribe. No doubt, he respects the Brahman, and calls him and feeds him on occasions of rejoicing or sorrow, but he would never dream

of referring to him or to the Hindu Law for guidance in his daily life. If he has ever heard of the Dharmashastra at all, which is very improbable, he has only done so as a Spanish peasant may have heard of the Bible, he knows nothing whatever of its contents or principles, nor could the Brahman himself enlighten him The Hindu law cannot be applied to the Hindu tribes, because they have never in fact followed or even heard of it and it is framed for a different state of society."

Mr. Deputy-Speaker: Extracts from books should be small; it ought not to be reading whole books, chapter and verse.

Sardar B. S. Man: The quotation was very long; I have cut it short.

I have read it only from the beginning and from the end. My difficulty is this. While I am forced to cite the law.....

Mr. Deputy-Speaker: What is the book?

Sardar B. S. Man: The book I am quoting from is Rustomji's *Customary Law of the Punjab*. This quotation relates to a decided case law in 55 *Punjab Record* 1903 Full Bench.

I have to cite this law because in his previous speech the hon. Dr. Ambedkar himself quoted a Privy Council decision showing that for a long time Sikhs have been governed by the Hindu Law. I am perfectly entitled today to remove that erroneous impression and show that we are not governed by the Hindu Law. As the position stands today, we are governed by a different set of laws. He relies upon his decisions; I rely upon my decisions. Hence the necessity to take some time of the House: I do realise your anxiety to finish this earlier. But, Sir, this is the first time that an amendment has been moved that the Sikhs be absolved from the operation of this Bill and in view of the vital importance of this matter to the Sikh community, I may be permitted to digress a little.

Mr. Deputy-Speaker: Now that this Bill is confined to marriage and divorce, the hon. Member may show how far this is retrograde or inconsistent with his law and what is the harm in adopting this.

Sardar B. S. Man: I am quoting exactly those laws which relate to marriage and divorce here. By the present law, certain prohibited degrees are sought to be introduced. I am

proving that the prohibited degrees now sought to be introduced have never applied during the history of the Sikhs.

Mr. Deputy-Speaker: Cannot that be an exception? As in the case of customs in the south allowing the marriage of maternal uncle's daughter, which have been validated, any deviation from the generally prohibited degrees will also be put in as an exception.

Sardar B. S. Man: Exactly, Sir, you are coming to my rescue. If the hon. Law Minister says that so far as marriage customs are concerned, they will respect the customs of the Punjab or the customs of the Sikhs, I will have no quarrel; I shall sit down.

Shri Bharati: May I draw his attention to part (5) of clause 7 where it is provided, "unless the custom or usage governing each of them permits of a sacramental marriage between the two". Custom is a local thing and that has overriding effect. We have already provided for all that; not only for south India. Where the custom provides for such a thing, it is straightway conceded.

Pandit Thakur Das Bhargava: But what he wants is that all the things incidental to marriage should also be governed by custom. That is what he is pointing out.

Shri Bharati: But he was speaking about prohibitive degrees and I pointed out that the necessary provisions are already there for these exceptions.

Mr. Deputy-Speaker: No law says that a sister can marry a brother. There are prohibitive degrees accepted by courts and if there are other cases or other degrees, whether they come under clause 5 or clause 7 or any other clause, suitable amendments can be suggested and the matter discussed.

Sardar B. S. Man: My point is, since exceptions are made in the case of Muslims and Christians because their personal law is entirely different, why should we, though we are numerically small, not have the same.....

Mr. Deputy-Speaker: The hon. Member need not repeat his arguments over and over again. He has already stated that just like the Muslims the Sikhs too should be excluded.

Sardar B. S. Man: Sir, may I seek the help of and invoke the good convention that is here in the House that whenever a law concerning the religious institutions of personal law of persons is concerned, the members of

that community should be consulted and that their opinion should weigh? I am invoking that convention. Will not that convention be made applicable to us here? If that is made applicable, then the whole trouble will cease and I shall sit down. My argument is, if today you pass this law with the help of the majority in the House—may I be permitted to add—the Hindu majority of the House, because for the first time such terms as communities—Hindus and Sikhs—are being used in this debate and that is the primary bone of this law.....

Dr. M. M. Das (West Bengal): On a point of information, Sir.....

Sardar B. S. Man: Is it a point of order, Sir? Otherwise I am not yielding.

Dr. M. M. Das: Is the hon. Member speaking on behalf of the Sikhs of the Punjab or on behalf of everyone in the Punjab?

Mr. Deputy-Speaker: The Member is not yielding. I will not permit any more interruptions.

Sardar B. S. Man: The difficulty is hon. Members who are not well acquainted with the law go on interrupting without understanding my point. As I was saying, that was a good convention and.....

Mr. Deputy-Speaker: That point has already been stressed by the hon. Member, that against the will of the community, no personal law should be touched. That point will be considered by the House. The hon. Member may go to his next point.

Sardar B. S. Man: Then coming to the marriage laws, here the present set of laws are very rigid. I may be permitted to quote here from no less an authority than my colleague here, Dr. Tek Chand, who has been a distinguished Judge. He has dealt with this point in his own lucid and clear fashion. And let me also add, that this quotation is from one who is not a Sikh himself, nor an agriculturist—a non-agriculturist—but one who is well acquainted with laws and with the Sikh laws and the customs and practices in the Punjab. Well, this is what he says:

"It is well-known that *Jats*, specially Sikh *Jats* hold very liberal views on questions relating to marriage, and even at the height of the Brahmanical supremacy, they did not show much inclination to be bound by the cast-iron rules laid down in the later Hindu *Smritis* interdicting marriage outside the caste, and prescribing elaborate ritual for the performance of the marriage

ceremony. Among them (*Jats*), the re-marriage of widows has all along existed commonly, and *chadar-andazi* in which the ceremonial has been reduced to the very minimum is one of the recognised forms of marriage."

And this is the view held by a learned Judge who was also a member of the Select Committee, and he has attached a minute of dissent on exactly this same point and on these same lines, that if you were to agree to only prescribed forms of marriages which are not sought to be introduced in this Hindu Code Bill, then you will be taking away from its orbit many forms of marriages which are customary and prevalent among the Sikhs in the Punjab. There is the *Kareva* marriage which is not a sacramental marriage. That is common in the Punjab.

Dr. Ambedkar: What marriage?

Sardar B. S. Man: *Kareva* marriage where the man and the woman, without calling anyone, with no priest, learned or otherwise, without going through any ritual, without going round the *Granth Sahib* or the fire simply sit together and have a *chadar* thrown over them and that constitutes the marriage. *Chadar-andazi* also means the same thing.

Shri Amolakh Chand (Uttar Pradesh): Is it a *dharmic* marriage?

Sardar B. S. Man: No, for the definition of *dharm* changes from time to time. Manu had his definition of *dharm* and there is another definition of *dharm* by Dr. Ambedkar. In this rapidly changing definition of *dharm*, I would rather not seek protection under such a *dharm*, but stick to my secular law which is quite clear to me and which I have been practising for long.

Shri Amolakh Chand: Are the children legitimate?

Sardar B. S. Man: Quite.

I am conscious of the retort of Dr. Ambedkar that he made in his speech last time. He says that when the people of the Punjab talk of marriage, they talk of many other things which.....

Mr. Deputy-Speaker: I may point out that clause 8 and other clauses or forms of marriage are not necessarily applicable to the hon. Member. The Sikh community may have customs that bring about the relationship of marriage and these alone will be necessary. Why should we labour that point any further?

Sardar B. S. Man: My difficulty is, reading his last speech. I find that Dr. Ambedkar has said that *Kareva* marriages will not be permitted.

Then there is clause 8 about other rituals. I may give yet another case where there is neither this *Kareva* marriage nor a sacramental one, but which is still in practice.

Mr. Deputy-Speaker: Whatever may be the form of the marriage—maybe the covering by a cloth and all that, that is not prevented here.

Sardar B. S. Man: If you will kindly permit me, Sir, I will make my point clear. In this form of marriage, they do not go through any ritual, nor even the flimsy ceremony of putting a *chadar*. If the man and woman have lived long enough in the village as to lead the village community to believe that they are husband and wife, irrespective of the fact that there was no ceremony, they should be taken as married husband and wife. There have been judicial decisions to this effect.

Mr. Deputy-Speaker: Even for that there is a presumption under the Evidence Act.

Sardar B. S. Man: No, Sir. I beg to differ from you, Sir, on that legal point. They will not recognise it, if such a marriage does not come either under the definition of sacramental marriage or any other rites and rituals. The emphasis there is upon customary rites. One must have certain rites.

Mr. Deputy-Speaker: How long should they live together?

Sardar B. S. Man: There is a decided case. Again, Dr. Tek Chand says:

"Indeed, the *Rivaj-e-ams* of the districts and the records of the cases decided judicially are full of instances in which mere cohabitation as man and wife for a long period without any strict matrimonial ceremony, has been considered sufficient to validate the marriage."

That is the state of the law in the Punjab. As regards these marriages where the man and woman have lived together for a long time.....

Mr. Deputy-Speaker: What is the length of the time?

Sardar B. S. Man: In cases it was decided as seven years, in certain others as 20 and there are cases where it was decided as four or five years also. The validity of the

marriage is judged by their day-to-day conduct in the village community and not by certain ceremonies. But this form of marriage is not recognised by Dr. Ambedkar. He says "I will not permit this sort of immorality". He calls it "marriages made easy". It may be easy for me but I am not going to respect certain empty rituals. The sanctity of a marriage must be the attachment of the parties to it and their mutual conduct. It is immaterial whether certain rituals have been performed or not.

Rev. D'Souza (Madras): On a point of information, may I know whether in those cases the conditions requisite to validate the marriage were there or whether the mere fact of cohabitation was recognised, even if there was a previous marriage of one of the parties?

Sardar B. S. Man: I shall come to that later. I am only talking about forms of marriage.

Mr. Deputy-Speaker: The hon. Member has not appreciated the position. The point is, when a marriage is presumed, there must be conditions regarding propinquity or that it does not contravene prohibited degrees or that the woman is not already a married woman. Is it an instance of a married woman living with another man who becomes her husband? All the pre-requisites of marriage must be there: mere cohabitation is not enough.

Sardar B. S. Man: Under the general law if the other conditions are not there the courts will interfere. That is not within the scope of this Bill.

Mr. Deputy-Speaker: This refers to forms of marriage. Even the simple marriage where the bride and bridegroom sit together and a cloth is thrown over them is covered by this Bill and it is allowed. Even if that cloth is thrown away in the ceremony it is allowed. I do not know whether the hon. Member wants to press the proposition that a marriage should be valid whatever might be the degree of prohibition.

Sardar B. S. Man: If a certain custom is barbaric or against public conscience or public morality I will not for one moment accept that custom. You are giving two forms of marriage, *dharmic* and civil. I am giving you instances of other forms of marriage. You have been kind enough in your interpretation to say that *kareva* marriages will be included. But undoubtedly certain rituals or rites are involved. I consulted

others about marriages where there is no ceremony at all and where the man and woman merely live together long as husband and wife. The question was whether she was already a married woman and her husband was alive. Even if the husband was alive the fact of separation was there and if she was still the wife of another man, then it would be an offence punishable under the ordinary law. The question is about marriages which are presumed to be valid even when there are no ceremonies nor rituals but a prohibition is sought to be introduced in that regard here. In the Punjab people do marry cousins.

Mr. Deputy-Speaker: This does not abrogate the provisions of the Evidence Act and this is not inconsistent with that clause of the Act, namely that a man and woman living together was sufficient proof of marriage.

Sardar B. S. Man: After the promulgation of this law doubts will be expressed by the courts about the validity of such marriages and the only relief given is that the marriage shall be registered. If the Law Minister says that even such marriages which were not performed strictly but by virtue of the parties living together for a long period and their mutual conduct they will be considered as husband and wife and will not be forced to go to a registrar to register their marriage, then my apprehensions will be removed.

Shri Tyagi: Both the parties must be willing.

Sardar B. S. Man: Of course you must have a willing wife and husband. *(Interruption)* My friend Prof. Yashwant Rai asks whether such cases are very common among the Jat Sikhs. They are common among them along with the Scheduled Castes and specially his own particular caste in the Punjab.

The idea of the present Bill is codification. Codification presupposes the existence of certain laws. If we are honest and want to proceed with the codification the existing laws should be included there. But this codification under the present Bill is not only a codification of existing laws but so far as the Sikhs and the agriculturists of the Punjab are concerned it is an exclusion of their laws (*An Hon. Member:* Modification.) or modification to such an extent that the original is completely lost that it is altogether alien and in many respects obnoxious to us and is thrust down our throats.

Voltaire said:

"That the more vast a state is in size and composed of different

peoples, the more difficult it becomes to unite all together by one and the same jurisprudence."

11 A.M.

Only two days ago the Prime Minister replying to a question why there was no national dress in India said that in a vast country which stretches from the borders of Central Asia to Kanya Kumari in the south different people are used to different customs and it is very difficult to have one national dress. What applies to physical clothes applies equally to legal clothes—legal clothes which are sought to be tailored by Dr. Ambedkar. When a similar attempt was made before, considering the inadvisability of such a thing it was given up. The Punjab Laws Act has almost been a Bible for us, incorporating the principle of customary laws: the present form of the law which rules and holds the field is section 5 of the Act. Mind you, for so long a time as from 1872 we had had this law in operation, and now suddenly at the fag end of the session, when we have not even comprehended the exact consequences of this not very revolutionary, but a completely novel and retrograde law, we are called upon to accept it. I for one have failed to comprehend it because my structure of society has been built upon pretty good customs which have held the field for so long, in regard to succession, property of females, marriage, divorce, dowry and so on. It contains every conceivable item of legislation. It says:

"Any custom applicable to the parties concerned, which is not contrary to justice, equity or good conscience, and has not been by this or any other enactment altered or abolished, and has not been declared to be void by any competent authority shall be the customary law."

When on that occasion such an attempt was being made, another person as intelligent as Dr. Ambedkar, Sir George Campbell, who was then in charge of Law, made these observations which are applicable even today. The Bill sought to lay down that Hindu law and Muslim law should be applicable to the parties concerned. The amendment was successfully introduced and hence the present law, that is section 5 of the 1872 Act based on that amendment, namely that the Hindu law or the Muslim law will be applied only in the absence of customs. Sir George Campbell said:

"If the Council would accept the amendment of which he had given notice, it was his impression that

[Sardar B. S. Man]

a great part of the objections to the Bill would be removed..... It enacted.....that the Muhammadan Law in cases, where the parties were Muhammadans and the Hindu Law in cases where the parties were Hindus, should form the rule of decision, except where the law had been altered, or abolished by legislative enactment, or was opposed to the provisions of the Act. He was quite willing to admit that certain simple rules, excepted from the Hindu and Muhammadan Law, had to a certain extent had force in the Punjab; but it appeared to him that a section of this kind would import into the Punjab, not the simple law of the Province but the whole of the complications of the written Hindu and Muhammadan Laws, and the whole of the voluminous case law comprehended in the decisions of the Courts all over the country. That he regarded with the gravest apprehension. He should so regard it, not only because it would open a wide door for lawyers, but because it was not the law of the Punjab. Not one out of ten—perhaps not one out of a hundred persons in the Punjab was governed by the strict provisions of the Hindu and Muhammadan Law.”

An attempt was made then also to codify but may I say that codification makes the law rigid whereas custom is not rigid? Codification and legal enactments come from the top whereas customs represent the living conditions and the wisdom of the community. Customary law owes its development and its strength to the fact that it comes from the community down below and grows upwards; it is not reactionary as enacted law is which restricts growth. Whereas the enacted law restricts growth the customary law imbibes the best points and the practicability of the situation.

I will finish by saying that those who believe in the present sort of codification should be alive to the dangers of such a thing, the effect of which is always to hinder the development, independence of judgment and independence of will of the communities, which vary according to the varying needs and the spirit of the people. I say, with all due respect to Dr. Ambedkar's ability to fashion out clothes, legal clothes—a sort of *Amritdhara* which will suit every disease from the south to the north—with all due respect to him, I beg to say that the clothes that he is trying

to fashion out and tailor will be either too loose for southerners or be too tight for the northerners. It is much better that he should look to my size—look at the size of the society and its needs—and fashion and tailor the clothes accordingly and not give me ready-made clothes, ready-made medicines, a sort of *Amritdhara* for every disease. I request that no attempt should be made upon me as a Sikh to foist any law which is alien and repugnant to my spirit. I for one will not accept it, will not at any rate respect it because I have not respected the ancient Brahmans and much less shall I respect any modern Brahmans.

Pandit Malaviya: I have not so far taken any time of this House at any stage with regard to the Hindu Code Bill. I had been hoping all this time that the evil day would never come when we would be faced with the need of seriously applying ourselves to a proposal of the nature that is before us. I had known, and many of us had known, the intense desire and keenness of some people in this House and outside it to have the Code enacted, but we had somehow felt that the obvious could be seen, that the preponderating public opinion throughout the length and breadth of this land would not be ignored, and even while the idea was being toyed with, no serious attempt would be made to put on the statute book a Bill which should affect the very foundations and the entire fabric of the society of the people of this land, in the haphazard manner in which it has been proposed to be done. People have been agitating in this country either for one view or the other and many who have felt distressed over the prospect of such a law being enacted have been doing what they could to draw the attention of the Government to the widespread resentment and dissatisfaction against it. But, personally, I have not once stood up anywhere on a public platform, not once have I tried to take part in any such agitation, in the hope and faith that a thing so wrong in principle, so atrocious in details and so uncalled for in expediency would never come up seriously before the House. But one lives and learns and I am now faced with the spectacle that in Parliament which is now on the last lap of its journey a controversial measure which is going to affect the lives of more than 300 million people is going to be taken up and an attempt is going to be made to enact it and to put it on the statute book in the teeth of fierce opposition to it. I do not say that there is nobody in this country who

supports the principle of this Bill. (Pandit Maitra: Very few.) I do not wish to say that there are not people who are honestly of the opinion that it is in the interests of society that such a law should be enacted. I have no quarrel with them. I am a Hindu and intolerance in any shape or form—intellectual or ideological—does not come to me. If therefore there are people in this country who feel that a measure of this nature or that a measure of even a more revolutionary nature should be applied to society, I may not agree with them—I may regret their opinion—but I can have no quarrel with them. I will, therefore, not take the position that there is no one in this country who wants this Bill. But it is obvious, and it is something which only those can fail to see who would not see, that by far the largest majority of the people are not only not in favour of this Bill.....

Some Hon. Members: Question.

Pandit Malaviya:but are feeling seriously disturbed over it. They are today nonplussed and do not know what they should do in the face of the danger of such an enactment being made. (Interruption) Some friends of mine, tamely and in a parrot-like manner, probably by the force of habit, go on saying 'Question'. I challenge them in all humility to come and question my statement anywhere in this country. I have expressed the opinion in a meeting of the Congress Party Members of this Parliament at another place that in a matter of such universal importance, even if it be not legally wrong to make any enactment in this way, it is the height of moral injustice that we should take up such a matter without giving the amplest possible opportunity to those who are affected by it to express themselves upon the issue. I have said that in a matter of this nature the very minimum that we can expect should be that the issue should be put before the electorate at a General Election or that indeed a referendum should be allowed to be taken upon it.

Shri Bharati: On monogamy?

Pandit Malaviya: My esteemed friend Shri Bharati has obviously one and only one stale card to play on all occasions, right or wrong, relevant or irrelevant. I shall come to that card in due course and shall show what value that hand of his has. But the interruption by the word 'monogamy' is not going to take away from my argument that in this matter the only right course for us to follow is that we should have a referendum in

this land to allow people to express themselves on this issue and then if we find that there is even a fair minority—I go to that length: my challenge is not couched in any spirit of doubt or fear—I say that if as a result of a referendum even a substantial minority of the people are in favour of such a measure, by all means let us sit down seriously to the task of framing it. If that be not possible, I would ask my hon. friends who question my statement, to persuade the Government of the day and the Law Minister of the day to allow half a dozen people to resign their seats—I am prepared to be one of them—and let us have bye-elections in four weeks' time distinctly on the issue of this Code.....

Shri Bharati: On monogamy?

Pandit Malaviya:and if out of those six even in a few constituencies in those bye-elections the protagonists of the Hindu Code Bill get returned...

An Hon. Member: In north India?

Pandit Malaviya: Anywhere in the whole country—if they get returned, then I shall be prepared to withdraw my opposition.

Shri Munavalli (Bombay): Challenge accepted.

Mr. Deputy-Speaker: There are two sides to the picture. Let him proceed.

Pandit Malaviya: I do not mind the interruption. Words are of two types. One is words which are mere sound; the other is words which have a meaning, and when any Member says 'Challenge accepted' I would wish he meant that and not merely created the sound.

Shri Munavalli: I mean it.

Pandit Malaviya: My request is this. Let the Government, let the Law Minister, put the Bill to that test and if they are willing to do that, then I am willing to propose—and I hope other Members also who feel like me will be willing to agree—that we should have a session even before the elections for a week, after the results of those bye-elections are known, to work in accordance with the results. But the Members who say that they accept this challenge say it, if I may say so without meaning any disrespect, knowing that they will have no occasion to be put to the test. The only way in which we could decide about this matter is by one of these courses. If we are not going to do that, then I do not know how to accept the questioning of my statement that by far the largest

[Pandit Malaviya]

majority of the people in this land are entirely opposed to the provisions of this Bill. (An Hon. Member: Question.) And when I say this I am not referring merely to those people who are called "orthodox", but I am referring even to the most advanced of the advanced people of this country, people who find themselves weak and wanting in the strength to stick to the restrictions which time and experience of the elders of this nation have imposed upon us, who wish to have the easy way of life, who wish to have the good of both the worlds for themselves, who wish to remove restrictions and restraints which have descended through the ages, through the millennia that have gone before us reaching back into the dim unknown past of human history; the traditions, the culture, the life, the ideology, the principles of the one race which can claim with pride that it has had a continuity of that tradition from time immemorial. Those gentlemen today are impatient and I wish to submit that even from their point of view, from the point of view of even those who are impatient of even the existing restrictions, who would rather liken our society to an aping of some other society somewhere else, irrespective of the suitability or otherwise of such application to our particular genus; even to them this Bill cannot be acceptable. It is on that basis that I make the claim that by far the large majority of people in this country are opposed to it. The orthodox people, those who have their roots in the traditions of old, are upset over it. But those who have a certain amount of social liberty.....

Dr. M. M. Das: On a point of order. The hon. Member is only repeating what has been said *ad nauseam* in this House. He has no new argument; he is only repeating what other Members have said.

Pandit Malaviya: I had heard that in the case of a certain type of mankind, which is often under the influence of a certain intoxicating habit, even some of the best victuals placed before him bring him nausea! I am not surprised at my hon. friend!

Shri Bharati: Will it not facilitate clarity of understanding if the hon. Member confines his remarks only to the subject under discussion, namely, marriage and divorce?

Pandit Malaviya: I have probably not the clarity and the ability of my hon. friend Mr. Bharati.

Mr. Deputy-Speaker: I myself wanted to suggest to the hon. Member

that now that the scope is limited to marriage and divorce, his observations may be confined to those. The hon. Member may feel that the points made by him may not have been put as forcibly as he is doing at present. Anyhow some of them have been covered; he need not go into them at great length and may confine his observations to points which have not been touched.

Shri R. K. Chaudhuri: I would respectfully like to point out that even if there are repetitions we should like to know the opinion of a distinguished person like Pandit Malaviya.

Dr. M. M. Das: On a point of privilege—the hon. Member is making a distinction between one Member and another.

Pandit Malaviya: I lay no claim to that distinction; I do not think any hon. Member need be frightened by it.

Mr. Deputy-Speaker: I expect this debate to conclude today; let there not be any more interruptions.

Pandit Malaviya: I am grateful to you for your guidance. What I submit is that the Bill may have one clause in it relating to the social structure of the Hindus or may have a hundred clauses in it relating to the social structure. But if it is going to affect the social structure of the Hindus nobody can proceed with the matter unless he discusses that social structure and the way that clause is going to affect it. Social structure cannot be taken piecemeal in watertight compartments. It is not practicable.

After the discussion that has gone on before, I have a feeling that it will not be quite possible and correct to take a lop-sided attitude about one particular matter alone and leave the general aspect out. But I might assure you, Sir, that I shall throughout be guided by yourself and if at any stage you should think that I should not carry on with any particular argument that I may be making, I shall at once obey you.

It has been said that this Bill will now be confined to the two items of marriage and divorce. As the Hindu society stands, its entire structure rests upon the foundation of marriage. There is nothing in Hindu society which can be separated as unconnected with the marriage system of the Hindus. It is, therefore, not possible to discuss the marriage section of the Hindu society without referring to the general aspect of the society as a

whole. Whatever I was saying applies directly to the item of marriage and divorce also. What I was saying was that it is therefore as much the orthodox section of the people who will be opposed to this measure as the others—about whom so much has been said by some hon. Members in this House yesterday and the day before, as forming nearly eighty per cent. of the population, among whom it was said the very provisions which have been proposed in this Bill exist today. I have my own doubts if that is so. For the large majority of those people who have today facilities of divorce and easy marriage the provisions of this Bill are going to make a world of difference. I am not expressing any opinion of my own on the merits of these proposals. I am merely mentioning that to the simple men living in the villages today, who have not had the opportunity and benefit of the same growth, intellectually, morally, emotionally and spiritually, as some other members of society, like my esteemed friend the hon. the Law Minister, have had—to them the habit of restraint, the habit of a discrimination between the finer shades of the good and the better, the bad and the worse, does not come so normally and spontaneously in some matters at least as it does to the others. Hindu society has been divided into groups not with any inhuman or malicious object of injuring any section or doing any injustice to any section. I do not wish it to be misunderstood that I do not believe that injustice has been done to some sections of it. Injustice has been done, hardships have been inflicted, atrocious hardships have been inflicted, and there will be no reasonable man who will hold any brief for the same. But I am talking of the principles and the broad concept on which those divisions were based. They were not meant to injure, they were not meant to inflict any hardship.

Shri Munavalli: But what has been the effect?

Pandit Malaviya: The effect will take me long to describe, because the effect has been varying from age to age, and if my hon. friend will take the trouble of reading through the pages of history he will know them well enough for himself.

Mr. Deputy-Speaker: But is a discussion on that point necessary for marriage and divorce?

Pandit Malaviya: What I was wishing to point out was that in the very nature of things we can only expect one thing from one individual and

another thing from another. If any abstruse point of law arises today, we can reasonably and legitimately request our learned Law Minister to put us wise on all aspects of it. You may not be able to get the same information and the same light from an ignoramus like myself. (*An Hon. Member:* No, no.) (*Another Hon. Member:* That is only humility.) There may be equally another thing about which another individual may be able to tell us many things but about which my esteemed and dear and learned friend Mr. Bharati might prove a complete ignoramus. In society there is a class of people to whom the real zest of life, the real zest of existence, the incidence of life from moment to moment, from hour to hour, from morning to evening and from evening to morning, is, if not the in-all and out-all, a very large portion of the totality of their existence. For them today's marriage and divorce laws have been framed with a view to simplicity and easy availability. A man can today, or a woman can today discard a marriage relation and take up another almost in the twinkling of an eye. Such people will have to wait for months, they will have to go through law courts, they will have to go through the entire gamut of procedure before they can do the same under the provisions in this Bill. I am not expressing any opinion on the merits of the matter. I should personally feel happy at, and I should like to congratulate the Law Minister for having conceived that improvement. But I am talking of the practical effects. In the practical effect there will be murders in the villages.

Dr. Ambedkar: We have enough police.

Pandit Malaviya: For a man who is still in a large measure in the animal stage.....

Shrimati Renuka Ray: Question.

Pandit Malaviya: I do not say this in any sense of disrespect. I am only talking as a sociologist. If those men find new impediments put in their way, impediments to which they have not been used, to which they are not accustomed, and they find themselves thwarted in a tiresome manner, they may not have in themselves that much of restraint, they may not have in themselves that much of development and control that they should wait for the law, and society may be faced—among the eighty per cent. of whom so much has been talked about—with an upheaval which is probably not even imagined today. Therefore, I said that this Bill is not only not welcome to those who, like me, would

[Pandit Malaviya]

rather that the traditions which have come down from ages past should be respected and upheld, but even to those who are going to be affected by it in a much larger and more immediate measure. I may submit respectfully that some of the Members of this House who have been so loud and enthusiastic with regard to the provisions of the Bill have little in common with those people.

Dr. Ambedkar: Not even me.

Pandit Malaviya: Certainly not the hon. Law Minister! The hon. Law Minister has been likened even profanely to no less a sage than Manu himself and I am reminded of a *shloka*. (*Interruption*) Somebody asks me why I am jealous. Unfortunately or fortunately I am not so built that I should have the privilege of being jealous towards the hon. Law Minister.

Dr. Ambedkar: How can a Brahman be jealous of an untouchable?

Pandit Malaviya: Better tell them! I am reminded of a *shloka* where Kumbhakarna asks Ravana (*Interruption*). If hon. Members will just hear what that *shloka* says, probably they will feel slightly better human beings than before. Kumbhakarna asks Ravana why in his attempt to win over Sita's mind, with all his demoniac powers of changing his appearance, he does not take the shape of Rama when going to her, and Ravana says: "The trouble is the moment I take the shape of Rama or think of him, the mere association with the thought of Rama makes it impossible for any evil thought to come into my mind! (*Hear, hear*). (*Hon. Members:* Repeat the *shloka*.) I will repeat many *shlokas* if my hon. friends will get me the time for it. Similarly, about Manu. I was saying that if we can expect a certain thing from Members of this House—of course, there can be no possibility of their needing to go through divorces in matter of minutes—we may not hope that the same thing will be done by those 80 per cent. of people also. Therefore, we should be cautious in our approach to this matter. If anybody can controvert that aspect of things, I would like to hear him do so.

I, therefore, repeat that this Bill is not only disapproved by the orthodox sections of the people but also by far the largest majority of the inhabitants of this land. (*Some Hon. Members:* No. No.) Somebody says: "For other reasons than what you have stated". Maybe, but the fact remains, that whatever the reasons it is not approved by the large majority of the people.

I shall come to the Bill itself. It has been said that as only Part II of the Bill is now to be proceeded with, it is not necessary now that this Bill should be called the Hindu Code Bill. Indeed, irrespective of the fact whether the other Parts were excluded from it or not, personally, I should have had a little less objection to the Bill if it had not been called the Hindu Code Bill. In our Constitution we have given the name "India, that is, Bharat" to our country. Why was this Bill not called the "Indian Code"? I am not going into that question that it should apply to everybody. I am not concerning myself with that. I am not saying this on that basis. But this country being named "India", if this code, had been called the "Indian Code", it would have had a different meaning and import. Once we say the "Hindu Code" the entire picture of what that word denotes comes to the mind. We must, therefore, know and keep in view what the word "Hindu" means. It is a difficult word to explain in a sentence. But if there is one feature in Hinduism which one might mention as of outstanding preeminence, it is the practically limitless tolerance, and catholicity of that system. Our Prime Minister, Pandit Jawaharlal Nehru, has himself talked of Hinduism and has said that it is probably best described by saying that it rests on the principle of live and let live. We have among the Hindus the most diametrically opposed viewpoints. We have in the highest coterie of sacred literature and philosophical schools the six *Darshanas*, one of which sparkles with the brilliance of the razor-sharp incision and acumen of the intellect of supermen and giants like Jaimini, Shankar and Kumarila—I do not wish to use any adjectives of praise for them because it will be difficult to find suitable words—and on the other hand, it contains another system which is so obtuse, which is so crude, to say nothing worse, that it would refuse to see or understand anything which is not strictly before its physical eyes. The poor Charvaka, with the palm of his hand up before him, would refuse to understand that the back side of his hand also exists because it would not be *pratyaksha*...

Dr. M. M. Das: On a point of order, we have not come here to hear lectures on Hindu philosophy and ancient *rishis*...

Mr. Deputy-Speaker: Order, order. I find the hon. Member is very impatient. He must have consideration for the other side of the view. I

never expected that the hon. Member would go on interrupting. I repeatedly say that this is a contentious matter and we are allowing sufficient time. I am also alive to the fact that a number of hon. Members have spoken. I am not concluding the debate now. The less the number of interruptions the greater the chance that he will finish it early. Otherwise, he will demand another day.

Pandit Malaviya: I was only pointing out the wide diversity and catholicity of philosophical and metaphysical thought prevalent among the Hindus. I wish there were no need at all for anybody to talk of the philosophical side of things; I wish one could feel that it was unnecessary. But, from such remarks it seems it is unfortunately necessary. What I was mentioning was that even in the *Darshanas*, while we have the pure *Vedant* on the one hand, we have the drunken reveller of a Charvaka philosopher, indulging in the five *makaras*! I shall not go into those five *makaras*.....

Some Hon. Members: Go on; go on

Pandit Malaviya:because apart from my own reasons of decency, probably I may take it that some of even those Members who may not be deeply interested in philosophical thought might be familiar with them!

Mr. Deputy-Speaker: How are they useful for the discussion on this subject?

Pandit Malaviya: What I was trying to point out was.....

Dr. Ambedkar: I submit the *makaras* are very useful.

Mr. Deputy-Speaker: Will this in any way corrupt the *makaras*?

Pandit Malaviya: We have that diversity even in the principal *Darshanas*. Among them, again, we have the *Astik Darshanas* and the *Nastik Darshanas*. We have *Darshanas* which have talked of the mono-theistic principle of *Parabrahma* and *Brahma* and *Jiva* and also which have talked of the atheistic philosophy of *No-Brahma* and *No-Veda* and *No-God*. We have in other spheres also equally diverse opinions and diverse state of things existing. There are some people today who find it fashionable to remind us that there were certain *rishis* and others among the Hindus who were beef-eaters. Side by side with that, Hinduism is replete with a universal reverential regard for the cow. We have in the Hindu society youthful marriages; we have also in the Hindu society youthful *sanyasis*.

We have in the Hindu society the most austere and difficult to imagine *tapas*; we have also in the Hindu society the most luxurious and lavish enjoyment of the senses. We have in the Hindu society the Brahman; we have the *chandala*: not the *chandala* for whom we have only restrictions and impositions, but the *chandala* for whom rights and privileges have been prescribed, just as for the Brahmans (*Interruption*).

Mr. Deputy-Speaker: It is an offence hereafter under the Constitution to call any person a *chandala* or an untouchable.

Pandit Malaviya: There are so many speakers around all at once, that I am unable to hear you, Sir.

Mr. Deputy-Speaker: Apart from any constitutional aspect, reference to *chandala* is no longer advisable. It has been made an offence under the Constitution.

Dr. Deshmukh: He is only referring to history.

Mr. Deputy-Speaker: There may be some history; but all history is not very good to mention. Let us forget some history.

Pandit Malaviya: I was referring to it not as to an individual, but as to a system in the past. However, I will abide by what you have said.

Dr. Ambedkar: Why should you?

Pandit Malaviya: The hon. Law Minister asks, why I should. Only because I am a law-abiding Member and not the other name that I had been mentioning.

I was saying that in Hindu society we have had that variety of things existing side by side in honour and in peace. That has been the great feature of Hinduism. But that catholicity and that tolerance was possible only because there were some basic principles, fundamentals which went to form the root of all things which were first settled and ordained, and which have been maintained through the ages without question or dispute: not narrow secretarian dogmas or rituals, nor any controversial things or rules, but certain basic fundamental principles which were considered as *sine qua non* of the continued, stable and smooth existence of society. These principles may be called by any name; but they remain the eternal bedrock upon which any healthy society must rest. In this country, the name given to these principles was *sanatana*: *sanatana* not meaning, unfortunately, as a learned speaker said yesterday, that which is always.

[Pandit Malaviya]

changing and *nitya nootana*, but as something which has always existed. Therefore, if we undertake the task of making any changes in the structure of Hindu society, we must be careful that, tamper as much as we might with the outward forms and paraphernalia, with the leaves and branches, we do not apply the axe to the root of the tree itself; that we do not disturb and that we do not up-root the fundamentals, the basic principles upon which society has been based, and which have carried it through the ravages of time as nothing else has carried any other society known to man in the world. Therefore, we must first understand what those basic principles are.

12 Noon.

I was slightly taken aback when I heard it said by no less than three august personages who go to form the Government of this country today, that the provisions contained in the proposed Hindu Code Bill are in accordance with what is found in the Hindu *Shastras*. I have also heard it said that a profound study has been made of those *Shastras* in order that this Bill might be put up in this form. One would naturally hesitate to cross swords with men of so learned a disposition. But the Hindu *Shastras* have been the property of the world for the ages. Many people have read them or can read them. With the very limited knowledge that I am privileged to have of them, it has not been possible for me to find justification for that statement so far. I would, therefore, suggest that if it is the claim of the Government that they are basing the Hindu Code Bill upon the sanctions contained in the Hindu *Shastras*, then we should proceed on that premise. It will be different, however, if a wider stand is taken and it is said that it is not the Hindu *Shastras*, it is not the sanctions contained in them, but it is the wisdom and the whim and fancy of the framers of this Bill, it is the inclinations and the desires of those who are at its back, which have been the determining factors in the preparation of its clauses and details. To the best of my knowledge, no such statement has been made so far. I will, therefore, proceed on the assumption that the claim remains that the Bill and its provisions are based on the Hindu *Shastras*. If that is so, I would like very much to get a clarification from the Law Minister as to how that point is to be determined, as to what is said on a particular point in the Hindu *Shastras* and what the meaning of

that statement in the *Shastras* is. I know what I am saying must mean mere waste of time for a man like the learned Law Minister, because, I have no doubt, that he is familiar with the meaning of what I am saying. But we the Members of this Parliament are here to legislate on a vital issue, and if we are going to legislate on a matter of such universal importance, and if we are going to do it on the basis of a certain thesis, namely, that it is being done in accordance with the tenets of Hindu *Shastras*, I feel that it is our duty that we the Members of this House should then keep in mind the rules, the methods, and the recognised procedure by which the meanings of the *Shastras* and their words are interpreted. The *Meemamsa* applies itself to that high purpose, because in a society like that of the Hindus, where the law came, not from a Government or from a Minister, howsoever high and mighty.....

Shri Sidhva (Madhya Pradesh):
Please address the Chair.

Pandit Malaviya: My hon. friend Shri Sidhva asks me to address the Chair. I have been doing nothing else. I wish Mr. Sidhva would not forget so easily.

The Members of this House should know that in a society like that of the Hindus where everything has been based—for, God only knows how many, millions and millions of years, or thousands and thousands of years—upon certain texts coming down through the ages; where we had not the printing presses or the printing paper, where everything had to be committed to memory and had to be passed down from the teacher to the pupil and from the sire to the son, where everything depend upon the correct pronunciation and intonation and upon the correct text and upon the correct interpretation of old and ancient words and *mantras*, where new codes and new treatises, not printed on paper, but in the minds and memories of men came up from time to time and had to be assigned their right importance and place; in such a society, disaster would have followed if the most minute, if the most exhaustive and positive rules had not been laid down for the interpretation of those texts. And in the *Meemamsa* we have it laid down how any text of the *Srutis* or the *Smritis* should be interpreted. It is also laid down that the meaning of the law cannot be known merely by looking at a sentence at one place. So many tests—proving tests—have to be applied to it.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

If, therefore, it is the claim of the Government that the Hindu Code Bill is based on principles and tenets contained in the Hindu *Shastras*, my earnest request is that we should carefully and according to the rules, examine the various provisions and then find out if they violate what is contained or laid down in the *Shastras* or not. My humble submission is that they are not only not in conformity with Hindu *Shastras*, but go diametrically against them. (*Interruption*) Somebody is saying at my back that I am now expanding. I wish my friend would understand that if I wished to expand these ideas it would take days to finish.

Shri Munavalli: That is your intention also.

Pandit Malaviya: We have known of the concept of omniscience. I find that there is a new phenomenon of it here, who knows the minds of others.

Shri Munavalli: Certainly.

Pandit Malaviya: I congratulate the hon. Member. I wish to submit that I am trying to confine myself as rigidly as possible to the shortest possible limit. I am saying this with a sense of responsibility. Let any Member of this House who would like to have an exhaustive and expanded exposition of the points I have made, let him do me the honour of coming to me after this sitting and I will then make him see how much there is to say, how much there is to study and ponder over each one of the points that I am only briefly mentioning here.

I was submitting that if we have to go by the *Shastras* the whole matter simplifies itself, because there will then be no room for any difference or controversy. If the two parties to a case have agreed upon a measuring rod and there is no dispute about it, it should be easy then for any set of normal people to take up that yardstick and measure the cloth to the mutual satisfaction of both. If it is agreed that it is on the basis of the *Shastras* that we are going to enact this law, according to the rules of interpretation so clearly laid down, it should be easy for anybody and the hon. Law Minister to sit down, go through clause by clause and determine. (*Interruption*) I see that the hon. Law Minister has a very clear vision. The Law Minister or any other member or even myself may have any view of a matter. But when the hon. Law Minister and others agree that there is a yardstick,

by which a piece of cloth has to be measured, there can be no room for any difference or controversy. (*Interruption*). I have already mentioned, but obviously it has not yet been sufficiently mentioned for my friend Mr. Bharati that there is a yardstick, which has come down to us from the ages (*Shri Bharati:* The measurement differs so widely.) according to which the interpretation of the sacred texts has to be made.

Shri Bharati: The difference in the yardstick is one inch to a mile.

Pandit Malaviya: My friend Mr. Bharati says that the difference between the yardsticks is one inch to a mile. I do not know if I can say anything about that remark, because it carries in itself the visible and the obvious, that my esteemed friend is altogether unaware of the nature of the yardstick I have mentioned. There would be no question of any difference, not even one in one millionth of a millimeter. Therefore, if that can be agreed upon I think all controversy on this matter would end and there would be no need for us to say anything more at this stage. We can then easily leave it to the hon. Minister. I can place the entire matter in his hands not only as the umpire or the judge for those who are in favour of the Code but also for those who, like me, want him to go through the clauses item by item according to the text of the *Shastras*, interpret them through the *Mimamsa* and apply them to the provisions of this Code and say if they do not militate against them. If he says that I shall be satisfied and I will offer no further opposition. I do not think anything more fair or reasonable could be said. If however, that cannot be done, the least we could ask for is that the claim that the Hindu Code Bill contains provisions which are all based upon what is contained in the *Shastras* should be completely given up and withdrawn, so that the millions of our people who may not have the opportunity of being critical enough to examine the basis of such statements may not be misled by such entirely wrong and misleading statements and they may not fall into that dangerous pit. Probably the Bill may have been prepared innocently, but it has within it the potentialities for untold and immeasurable mischief. If that also cannot be done there can be no other way for Members of this House or those of them who feel like me, but to examine all these proposals in extensive detail in the light of what is said in the *Shastras* with regard to them. It will be a long process because if the claim is

[Pandit Malaviya]

made that what is stated is according to what is laid down elsewhere, it can only be given up either by mutual agreement or by the weight of facts as distinct from opinions; and establishing those facts can only mean that on every clause and every sub-clause, on every subject and almost on every word this House should have the opportunity and the benefit of having its attention drawn to the relevant texts in the wide range of *Shastras* and law books of the Hindus. I do not know if that will be considered possible; I have no doubt it must be permissible; but I do not know whether that will be considered possible and practicable. I would therefore beg the Government not merely in the interest of fairness and justice towards the subject which is before us and towards the people who are affected by it, but indeed in the interest of the progress of this Bill in this House, that they should re-examine their position on that point and either make up their minds to proclaim to the world that the Hindu Code is not based on the Hindu *Shastras*, and does not care for what is laid down therein, and is the product of the wisdom and fancy of those who have prepared it; or they should adopt the procedure which I have suggested, *viz.*, have a thorough and non-partisan examination made of each of the clauses and then bring up before this Parliament only those which, it is incontrovertibly agreed, are in accordance with the *Shastras* that have prevailed since so long.

There are certain other difficulties also in this matter. This Bill, it is now said, will confine itself only to the subjects of marriage and divorce. But my difficulty is that that fact by itself does not make the slightest difference in the nature of this question. If there were any part of this Bill which was altogether uncontroversial and if that were taken up, I would understand that the same might have been allowed to go through this House without much difficulty or controversy. But can there be anything more fundamental, more controversial than the question of changing the laws of marriage among the Hindus? I submit it is not possible to think of anything more contentious. Somebody may say that the other parts of the Bill are more contentious—I am quite sure somebody else will equally emphatically say that the part relating to marriage and divorce is the most controversial. Therefore, the fact that it has been decided that the progress of this Bill will remain confined to these parts, does not make any

change in the fundamental aspect of this question. We have therefore to be very cautious in proceeding with it. I mentioned that the vast bulk of the people are against it, but there is something even more fundamentally wrong in the situation. The hon. Law Minister himself at one stage, when on a previous occasion this matter was before this House, said in reply to an inquiry by an hon. Member that it was not intended at that time that his Bill should apply to the people of what was then called the Indian States. And in his usual, careful and accurate manner he said that if at any time the States came into the picture, the matter would have to be gone into entirely before it was taken up—or something to that effect; I am not quoting his words. Everyone knows that this Bill was not published in any Gazette of those States. It was published in the Gazette of the Government of India, it was published in the Gazettes of some of the Provinces, but because there was not thought to be any occasion for it, it was not published in the Gazettes of any of the States. And the people of the States did not therefore find themselves called upon to consider the matter; in fact, they had no concern with it whatsoever. What has been the result? Today, by the fact of our new Constitution all that territory forms part of the land and whatever is passed today is going to apply to the people of all those areas. Does anybody pause to consider the preposterous nature of the situation? One-third of this country—not a little portion here or a little portion there—but whole one-third of this vast country.....

Shri Munavalli: It is not so, because many States have already been merged in the provinces.

Pandit Malaviya: My friend says "It is not so, because many States have been merged in the provinces". I dare not controvert so wise a statement, but I thought that even before they were merged and surely since after their merger no publication of the Bill has been effected anywhere.

Shri Munavalli: Question.

Pandit Malaviya: My friend questions that statement. I think he is beyond me. One-third, I said and I repeat, of this great sub-continent is going to be subjected to a law which is going to affect fundamentally the very foundations of their life and existence without their having had an opportunity to see what it is.

Shri Lakshmanan (Travancore-Cochin): May I point out that in some Part B States the Bill was published—in Travancore-Cochin, for instance?

Shri Bharati: I wonder if the hon. Member knows about any of the other States also.

Pandit Malaviya: I do not belong to that school which refuses to see anything except the palm of its hand. I do not mind the interruptions because I know what I mean and I know what I am saying. I am not saying it merely because I wish to say something or because I should say things which would please anybody, but because I believe in what I say. No amount of interruption, no amount of cries of 'Question', can dislodge the truth. If a thing is true and correct, then whatever anybody may say and these 'Questions' only help to clarify matters.

Shri J. R. Kapoor: Interruptions are helpful.

Pandit Malaviya: Whether they are meant in a spirit of helpfulness or otherwise, I do not in the least degree mind them. If on a matter of such importance and gravity there are indeed any doubts in anyone's mind and if any questions suggest themselves to any Member, I feel, on the contrary, that the object, the very ideal, of a parliamentary system of legislation would be defeated if that Member did not have the opportunity to raise his doubt and to ask his question, and if anybody who is on his legs, does not attempt to reply to his best ability to the question that is asked. I therefore do not object to interruptions.

Shri Radhelal Vyas: May I ask the hon. Member to enlighten us as to how the law of monogamy and divorce which is in force in Madras and Bombay has affected the Hindu society?

Mr. Chairman: May I ask the hon. Member not to lose the thread of his argument and not to be misled by the interruptions?

Pandit Malaviya: I am very grateful to you, Sir, and I assure you that I stand in no fear of being misled. I was saying that in all these States people have had no opportunity at all of knowing what this Bill is. It is possible for me to go into this point at great length, to go into the well known and universally accepted principles and methods of legislation and to point out the monstrous impropriety of such a state of things. But I believe that instead of doing that I should merely draw attention to that fact and hope that Government will still see how

grave an injustice is being proposed to be done in that manner and would find out if they can yet undo it to some extent at least, if not wholly. It cannot be possible now, if the Bill is to be proceeded with immediately—as the Government have declared—for it to be circulated or published for the information of those people. I will, therefore, not waste time in suggesting that procedure.

I happen to have the privilege of having by my side a sister who is all the time helping me by murmuring something or the other into my ears.

Shrimati Renuka Ray: I was pointing out that this was the best speech in favour of bringing in the reforms contemplated in this Bill.

Shri Munavalli: I want to enlighten my friend over this matter because...

Sardar B. S. Man: It is now the time of the hon. Member who is already on his legs to enlighten the House.

Pandit Maitra: The hon. Member has raised a very important point that the Bill was not published in the States...

Mr. Chairman: I do not know why the hon. Member should advocate his cause.

Pandit Malaviya: In view of the fact that the Bill has not been published in the States and is now going to be applicable to them also in all probability, something should be done to redress that glaring injustice. How it can be done would probably be best devised by the hon. the Law Minister. As I said, it is no use making an impracticable, theoretical suggestion at a stage when it is not feasible. I, therefore, do not say that this Bill should now be published or circulated for their information. But, probably, we can devise some other way by which that difficulty might yet be overcome, at least to a degree. And I would suggest for the consideration of the Law Minister—not as one who is opposed to the Bill necessarily, but as one with whom, I think, he may find himself at one on this issue—that the people of such a vast portion of the country should not have a clear and legitimate grievance of that nature. I would suggest to him to consider this proposition at least with respect to those States if not for the rest. The amendment of which I have given notice and which I have moved says that this Bill should apply to anyone only after a referendum has been taken in the State to which he belongs and, in accordance with the result of that referendum, the Legislature of that State has decided that the Bill should apply thereto. I shall come to that in due course. But

[Pandit Malaviya]

may I suggest now—whether that amendment of mine is accepted in its entirety or not—that the hon. the Law Minister might consider the propriety of providing in the Bill that at least with regard to the parts of the country which were then called the Indian States, where this Bill had not been published, this Bill should not come into force unless, after due publication and circulation, it has been considered in the Legislatures of those parts and the Legislatures have decided that it should apply to them? That will at least remove this glaring fault, the glaring omission which stares us in the face today.

Shrimati Renuka Ray: And let us have the tyranny of the Brahmanical society for the next thousand years!

Pandit Malaviya: My esteemed sister says "Let us have the tyranny of the Brahmanical society for the next thousand years". I can only wish and pray that not for a thousand years but for eternity, not only my good sister but the whole world might rise to the level and concept of the Brahmanic ideal—the ideal which has always stood for fairness and justice to all, which has stood for the performance of duties and actions due to others rather than insistence upon the rights and privileges of its own, which has enjoined not a life of aggrandizement, not a life of self-interest, not a life of low thinking and low living, but a life of noble and lofty idealism and practical selflessness where the Brahman more than anyone else in society but indeed not only the Brahman but every member of society abnegates himself, ignores himself, allows himself to suffer that others may grow, may prosper and may live. I know that the beauty and the sublimity of that concept is lost upon some of my hon. friends. (*Hear, hear*). I hope and pray that society and mankind will yet be able to rise morally, socially, ethically, spiritually and ideologically where the Brahmana will be the true Brahmana and all members of society will rise to the level of that age! I am not ignoring the fact that the Brahmana has deteriorated as all others have.....

Shrimati Durgabai: In preaching and practice, both.

Shri R. K. Chaudhuri: Why should the lady Member interrupt?

Pandit Malaviya: My sister there, except that we are born of different parents is like a real sister to me because we have both been born of the same institution. That sister of mine tells me that the Brahmana should rise high and lofty both in precept and

practice. I wholeheartedly and with every fibre in me pray with her that it may be so, and indeed that it may be so with all others as well.

Dr. Ambedkar: In the meantime, let us have the Hindu Code.

Pandit Malaviya: If we can rise again to that pure and noble Brahmanic ideal, then the Hindu society will have no more of all its troubles and ills but will once again become the leader of mankind as it was at one time; not at the time when there was any injustice or tyranny by any section of society over any other but at a time when every member.....

Shrimati Renuka Ray: Remember it.

Pandit Malaviya: Of course I remember it, otherwise how should I say it. But it is Mrs. Renuka Ray who needs to know it and to remember it.

Shrimati Renuka Ray: You are talking about the Hindu society during the days of its decadence. Please remember the Vedas and the Upanishadas.

Mr. Chairman: May I request the hon. Member to proceed with his argument as he was proceeding before and not to answer these interruptions? Otherwise the main thread of his theme will be lost. I would request hon. Members not to interrupt the speaker.

Shrimati Durgabai: May I interrupt, Sir? Is not this Bill intended to bring the example of Rama to all men? Is not that a subject matter now?

Mr. Chairman: This is a very clear interruption.

Sardar B. S. Man: It is very dangerous nowadays to ignore interruptions from hon. lady Members.

Shrimati Durgabai: In the matter of interruptions, there is no distinction between lady Members and others.

Pandit Malaviya: In the Brahman society the woman has been given the highest place. There is nothing higher than the mother.

Dr. M. M. Das: One man marrying 250 wives: is that the dignity conferred on a woman?

Mr. Chairman: Order, order. Let the hon. Member proceed.

Pandit Maitra: Which man has married 250 wives?

Dr. M. M. Das: I am referring

Mr. Chairman: Order, order. No mutual wranglings; we must keep the decorum of the House.

Pandit Malaviya: To go back to where I was, I was therefore submitting that if nothing else could be done, we might at least have this measure made applicable to the areas which were previously called the Indian States only after that process has been gone through viz., that it has been published and circulated there and the Legislatures concerned have decided that it should apply to them.

There is yet another difficulty which I have. And that is, that when the Hindu Code was first framed, according to the Constitution which was in force in this country at that time, agricultural property was not a subject on which the Central legislature legislated. As a result, 90 per cent. or probably even more of the landed property in this country did not come under its jurisdiction.

[**MR. DEPUTY-SPEAKER** in the Chair]

Now, agricultural property has also been put in the Concurrent List and this legislation, if passed, will apply to landed property also all over the country. The scope of this Bill, therefore, has been expanded almost 900 times over. As it stood before, it would have concerned only a very small fraction of the property in the nation.

Mr. Deputy-Speaker: That is no longer the subject matter of this Bill, unless the hon. Member thinks that as a consequence of the marriage, the children will be entitled to that also.

Pandit Malaviya: I am at present talking of the application of the Bill and its import. I was pointing out.....

Mr. Deputy-Speaker: The hon. Member evidently was not here. We have said that this Bill is confined to marriage and Divorce. Property, inheritance, succession are not gone into now, unless indirectly the hon. Member says that the consequence of marriage will be some offspring and they may be entitled to some landed property.

Pandit Malaviya: Sir, I have the same difficulty which I had once before. So many speakers are about that I could not hear you!

Mr. Deputy-Speaker: The property chapter and other parts are now excluded from the scope of the Bill. We confine ourselves to marriage and divorce alone. Therefore, the hon. Member need not dilate upon that matter now.

Pandit Malaviya: What I was submitting was not with regard to the nature of the provisions in respect of property. What I was submitting and another point which I had tried to make out before you came back was

with regard to some of the very objectionable features and circumstances relating to the situation in which this Bill is now being put before this House. And I was, therefore, pointing out that a very grave and fundamental change in the circumstances has occurred, namely, that when the Bill was first framed, it did not have any applicability to 90 per cent. of the extent of this land. But it will now have, on account of the adoption in the Constitution of a Concurrent List on which agricultural lands and property have been placed.....

Mr. Deputy-Speaker: The Bill is not pressed so far. It is now confined only to the part relating to marriage and divorce. There is enough time for hon. Members to consider when another Bill comes as to how it will affect agricultural land. Today we need not dilate upon that matter. Whatever might have been the change due to the agricultural lands being put in the Concurrent List, we are not concerned with that now.

Pandit Malaviya: Sir, I will obey your ruling or decision. But I wish to submit for your consideration what I have to say and I will do as you will direct me. If at any time any Bill including the clauses relating to agricultural property comes up, then of course, it will be time for us to discuss the details of the clauses of that Bill and to express our opinions upon them. But at this stage, as you have stated, Sir, I am not trying to express any opinion whatever upon the question of the landed property in this country, or the methods of its disposition. I am not speaking on that subject. But what I wish to bring out is about the scope of the Bill itself. Whatever may be its provisions, whether it is marriage, whether it is death, or whether it is anything else, it will somehow apply itself to all. I am trying to show with whom the provisions will come into compact. For instance, just before you returned to the Chair I was arguing that the States in which the Bill had not been published should not be put under this Bill straightway, and there should at least be a provision that only after it has been published in the respective States should the respective legislatures be asked to decide upon it. Similarly, I beg to submit that what I was arguing was not the question of any landed property or any other property as such, but the nature of the applicability, the nature of the thing, what this Bill or any Bill of this nature, can now comprehend as against what it could comprehend before. Therefore, I shall confine myself to that aspect of the matter and not go into the question of property at all.

Mr. Deputy-Speaker: The hon. Member has taken two hours and we have some other work also to do. I thought the hon. Member was concluding and I was anxious to call upon the hon. Law Minister to speak. Now, may I know how long the hon. Member is likely to take? I may adjourn the half-an-hour discussion to some other day, if the hon. Member is likely to finish soon. We have another fifteen minutes left now.

Pandit Malaviya: Some of my hon. friends may laugh, Sir; but it is difficult for me to say how long I will take. I hope you will believe me, Sir, that I have been trying not to dilate or to be expansive in my arguments. Some hon. friends have said that I was dilating. I can only say that if any one of them would do me the honour of meeting me outside the Chamber and letting me explain to him my view point about any one of the points which I am touching upon here, then he would know how much there is to be said on each one of these points, and how I am trying to confine myself only to the most essential things. Therefore...

Mr. Deputy-Speaker: May I know whether it is possible for the hon. Member to finish in another fifteen minutes?

Pandit Malaviya: I do not think that will be possible. I may tell you, Sir, that I have got here a heap of notes and books which I have not yet even once touched. I am saying this in all sincerity and I am trying to confine myself to the most essential things. If I wanted to take up each one of the points in great detail, it would be different. I am trying to confine myself to the essentials. Yet I feel so deeply and so strongly on this matter and the subject is so important and vast that I am afraid it will not be possible for me to finish today. But I am in your hands, Sir.

Mr. Deputy-Speaker: How long does the hon. Member propose to take?

Dr. Ambedkar: Five days.

Pandit Malaviya: The Law Minister says five days; I would not mind five days.

Shri Sondhi (Punjab): The challenge is accepted.

Shrimati Durgabai: May I suggest to my brother Member that his thesis may be printed and circulated and taken as read?

Hon. Members: No, no.

Pandit Malaviya: When my hon. sister makes the Constitution of this country and also the rules of Parlia-

ment, then probably we shall have that procedure.

Sardar B. S. Man: That day is not far off.

Pandit Malaviya: I would not unnecessarily take too much time but I would not be able to finish today.

Mr. Deputy-Speaker: Let me know how long he will take from now.

Dr. Ambedkar: If not five days five hours.

Pandit Malaviya: I have lots to say. I shall be entirely guided by you. If you will permit me I will leave the matter open to you. I am prepared to come to you and show you my material and leave it to you as the custodian of the privileges of all Members of the House to tell me how much time I should take.

Mr. Deputy-Speaker: It is not my intention to curb or curtail the discussion on any point. Two hours have already been taken by the hon. Member and already we have discussed for six days. So far as the books and other references that the hon. Member has mentioned, they are for detailed consideration and he will not lose his opportunity. There are the other clauses on which he may bring to bear his knowledge of those tracts which he has. So far as the present occasion is concerned half an hour more should be sufficient to the hon. Member.

Pandit Malaviya: I fear that may not suffice. If you will permit me I will put it in another way: I shall try to be as brief as possible. If you would rather that I cut short as much as possible I will devote myself to two points, namely marriage and divorce tomorrow and finish as quickly as I can. It may be that I will need

Dr. Ambedkar: Five hours.

Pandit Malaviya: He has come down to five hours from five days. Do you think, Sir, that is unreasonable? I shall try to make it as much less as possible. I am not saying this lightly. I will earnestly endeavour to make it as short as possible, perhaps two to two and a half hours.

Shrimati Renuka Ray: I want to ask a question, Sir. This clause 2 deals with applicability. I want to ask you again whether we can bring up the whole subject of marriage and divorce when the consideration stage is over.

Mr. Deputy-Speaker: The hon. Member wants my ruling again and again. I wish only to say, is it necessary at the end of the discussion to give a ruling? Anyhow this much is clear. The hon. Member will try to conclude as

early as possible tomorrow so far as this matter is concerned and after he concludes I will call upon the hon. Law Minister. I shall immediately take up the half-hour discussion now and we shall go on till 1.30. I thought the hon. Member, Pandit Malaviya might conclude if we sat for another half an hour today, but there does not appear to be any chance of that. Therefore, if he will take some more time tomorrow, immediately after him I propose calling the hon. Law Minister.

Shri B. Das (Orissa): Sir, the reformists are keeping very quiet on the floor of this House. Two violent, though very outstanding speeches have been made by my friends, Sardar Man and Pandit Malaviya. Therefore, you will permit us who are the majority in this House to have a say, apart from what Dr. Ambedkar will have to say in his final reply on behalf of Government.

Hon. Members: Yes, Sir.

Shri Syammandan Sahaya: Yes, Sir, the father of the House should be given a chance.

Shri Shiv Charan Lal (Uttar Pradesh): Sir, we have amendments on which we want to speak.

Khwaja Inait Ullah (Bihar): Sir, so many amendments have been moved regarding this clause so as to bring within the scope all Indians, and so much has been said on that point. Therefore, I wish to throw some light on the Muslim point of view, as to whether they can accept it or not. So I must have some time.

Shri R. K. Chaudhuri: May I respectfully point out that yesterday when I raised this question of opposition to an amendment, you were pleased to say that such opposition would be allowed. And I particularly laid stress on the amendment by which the hon. Dr. Ambedkar wants to introduce "tribe", which is a very important matter. I want to speak on that—I am not going to speak on other subjects.

Mr. Deputy-Speaker: Merely because an hon. Member tables an amendment he is not entitled to speak. I am allowing all elucidation on points to those who have tabled amendments. But when similar amendments have been tabled and one or two hon. Members have spoken, on account of the time which is already taken if some hon. Members who have tabled amendments are not able to speak, I do not think I need wait so far as this matter is concerned. We are having a second reading on this clause 2. As regards the request of my hon. friend, Khwaja Inait Ullah, I am seriously considering

whether that amendment which wants to apply this Bill to Muslims and Christians is not enlarging the scope of the Bill. I do not think any further discussion on this matter is necessary. Anyhow, I am going to call the hon. Minister immediately after Pandit Malaviya.

Shri R. K. Chaudhuri: I wanted to oppose Dr. Ambedkar's amendment relating to the introduction of the word "tribe".

Shri J. R. Kapoor: With regard to what has fallen from you, Sir, about the admissibility of the amendment seeking to enlarge the applicability, may I submit that even at an earlier stage this point was taken up and then we were assured by the hon. Speaker that before any ruling was given on that point we would be given an opportunity to have our say on the matter. It might be the Chair's first impression that it may not perhaps be within the scope, but you will please permit us to have a say to convince you how easily it comes within the scope. If that be your ruling I may submit many of the amendments of my hon. friend, Dr. Ambedkar would also have to be declared out of scope.

Mr. Deputy-Speaker: Dr. Ambedkar himself to be ruled out of this House?

Shri J. R. Kapoor: Not he, some of his amendments; because they are very much on the same lines as this amendment.

Mr. Deputy-Speaker: One wrong amendment does not make another amendment good. If any of the hon. Law Minister's amendments also enlarges the scope it is out of order—we will consider that matter.

Pandit Malaviya: I have another amendment of which I have given notice—a short amendment which I shall move tomorrow at the end of my speech.

Mr. Deputy-Speaker: Provided it is an absolutely formal amendment.

Pandit Malaviya: I gave notice of it day before yesterday.

Khwaja Inait Ullah: I will not take more than a few minutes.

Mr. Deputy-Speaker: No, Sir.

Shri R. K. Chaudhuri: What about my point, Sir?

Mr. Deputy-Speaker: The hon. Member has got the 'Ayes' lobby and the 'Noes' lobby. He can vote against the clause if he likes.

It is now too late for us to embark upon the half-an-hour discussion. It will be taken up on some other day.

The House then adjourned till Half Past Eight of the Clock on Thursday, the 20th September, 1951.