



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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VOLUME IX, 1951

(7th August to 21st September, 1951)

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Fourth Session

of the

PARLIAMENT OF INDIA

1951

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## 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،، آفریں،، 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

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*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.

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## 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**

1365

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**PARLIAMENT OF INDIA**

*Monday, 17th September, 1951*

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

[MR. DEPUTY-SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**PERSONNEL OF AUDIT OFFICES ABROAD**

**\*1066. Shri Kamath:** Will the Minister of Finance be pleased to state:

(a) the number of fully qualified Chartered Accountants and Auditors employed in the audit of our Missions abroad; and

(b) the qualifications possessed by other Indian and non-Indian personnel in those audit offices?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) At present there is only one Audit Office functioning abroad, viz., the Auditor Indian Accounts in the United Kingdom. There is no fully qualified Chartered Accountant in that office.

(b) Apart from ordinary University qualifications, there is one incorporated Accountant, one who has passed the Intermediate Examination of the Institute of Chartered Accountants and one who has passed the senior Book Keeping and Accountancy Examination of the London Chamber of Commerce in that office.

**Shri Kamath:** As regards the solitary audit office abroad, am I to understand that attempts were made by Government to obtain the services of fully qualified chartered accountants for that office and those attempts proved abortive and infructuous?

**Shri C. D. Deshmukh:** The Comptroller and Auditor General has under consideration a modification of the rules under which these gentlemen could be employed without the qualifications which the hon. Member mentioned, in view of the requirements of the present constitutional position.

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**Shri Kamath:** How long has the audit office abroad been functioning without a fully qualified staff in that manner?

**Shri C. D. Deshmukh:** As I said previously commercial qualifications were not prescribed for the recruitment of staff in the office of the Auditor of Indian Accounts nor was there any minimum educational qualifications. The reason is that the recruitment was made through a competitive test in accordance with rule 2 of the Rules made by the Government of India. This was in January 1938 as amended by another notification of 1940. As I said the Comptroller and Auditor General has now under consideration a modification of these rules.

**Shri Kamath:** Who undertakes the audit of our Mission accounts in Europe and America?

**Shri C. D. Deshmukh:** That question has been answered before. So far as the audit of the London office is concerned we have a separate audit office. The rest of the accounts are transferred here and are audited through the usual machinery.

**Shri Kamath:** Are the services of fully qualified chartered accountants employed or engaged on an *ad hoc* basis for the audit of our missions in Europe or America?

**Shri C. D. Deshmukh:** No.

**Shri Kamath:** What is the procedure for such audit?

**Shri C. D. Deshmukh:** I said that the accounts are transferred to India and they are audited through the agencies here.

**Shri B. Das:** May I know if the Auditor General has not placed a comprehensive scheme of audit of all our embassies abroad and the scheme is awaiting the sanction of the Finance Ministry for the provision of the necessary funds?

**Shri C. D. Deshmukh:** I think there is a proposal for the establishment of a separate audit office in Washington. I cannot recall at the moment any proposal for separate audit offices for the rest of our missions abroad.

**Shri B. Das:** I refer to audit offices for our embassies on the Continent, not Washington only.

**Shri C. D. Deshmukh:** That question is always under the consideration of the Comptroller and Auditor General.

**Shri Shiva Rao:** Are Government satisfied that the present system of audit to which the Finance Minister has referred does not lead either to inordinate delays in audit or an unsatisfactory system of audit?

**Shri C. D. Deshmukh:** I imagine that in London the requirements are satisfied as there is a separate office. Since for Washington there is a proposal for a separate audit office obviously there must be some room for improvement. As regards the other missions I cannot recall any proposal to change or strengthen those organisations: presumably all the requirements are being met reasonably.

**Shri Sondhi:** What is the latest year of the audit of the Washington embassy?

**Shri C. D. Deshmukh:** I will require notice for that.

**Shri Sondhi:** Is it a fact that there has been no audit report up till now since we established our embassy there?

**Shri C. D. Deshmukh:** I am not aware that any year for which the public accounts report has been compiled the accounts of certain missions have been excluded.

**Shri Sondhi:** That was only for 1948-49.

**Shri C. D. Deshmukh:** The last report was for 1949.

**Shri Sondhi:** A large amount is involved in our expenditure at Washington and therefore are Government prepared to reconsider their position regarding our audit there?

**Shri C. D. Deshmukh:** I confess that I do not see the connection between the completion of the public accounts report and the machinery for audit. The public accounts report has always to be in arrears. Whether 1948-49 should be the last year or it should have been possible to have the report for 1949-50 also I cannot say at the moment. But the inference that the accounts are not properly audited does not follow from the fact that the last

public accounts report was for 1948-49.

**Shri Sondhi:** Has the Finance Minister come across any case where order for a certain amount was placed for which there was no sanction either by the Finance Department or even the local Finance Officer there?

**Shri C. D. Deshmukh:** Does the question refer to Washington?

**Shri Sondhi:** Yes. I would like to have a positive reply.

**Shri C. D. Deshmukh:** Unless these things are brought to notice in the course of audit I would not be in a position to know. I am not in direct charge of the India Supply Mission: another Ministry is in charge.

**Shri Amolakh Chand:** May I know if the dearth of qualified Indian chartered accountants is the reason for not having a qualified man in U.K.?

**Shri C. D. Deshmukh:** No. We have taken over a competent officer from the organisation which already existed there in the old days.

**Shri Sondhi:** May I know whether any case has come to his notice or was brought to his notice in which an order for a certain amount was placed without the sanction of or information to the Ministry here or without any budget provision therefor and the payment for it was not made for over a year and the embassy there informed the Ministry here of the non-payment?

**Mr. Deputy-Speaker:** This is a general matter.

**Shri Sondhi:** I want to know whether the Minister has any knowledge of it.

**Mr. Deputy-Speaker:** The Minister has already said that he is not aware.

**Shri Sondhi:** He did not say in those words.

**Mr. Deputy-Speaker:** A separate question may be put. Individual cases do not arise out of this question.

**Shri C. D. Deshmukh:** I said that if there was any serious irregularity, it would be brought to notice in connection with the audit for the year.

**Shri Sondhi:** Has it been brought to notice up to now?

**Shri C. D. Deshmukh:** Not by the Comptroller and Auditor General.

**Shri Sondhi:** I mean by the embassy itself.

**Mr. Deputy-Speaker:** The hon. Member wants to say that the situation is serious there and that the Government ought to take immediate steps for proper audit in Washington. If the hon. Minister has any information it would be better he gives it to the House.

**Shri C. D. Deshmukh:** No such serious case has been brought to notice.

**Shri Sondhi:** What about ordinary cases?

**Mr. Deputy-Speaker:** That need not be considered here.

**Shri B. Das:** What are the general instructions to the heads of our Missions or embassies abroad regarding the submission of their expenditure and accounts to the audit officers? Is the Finance Minister aware that in the London embassy audit is subject to lot of difficulties and the High Commissioner does not co-operate in any manner with the auditor in London?

**Shri C. D. Deshmukh:** I think all these imputations are unjust. There might have been cases where the London auditor may have complained that he had not been able to get hold of the files in time but to make a general statement that the High Commissioner does not supply information. I do not think that is correct and could not be correct.

**Shri B. Das:** What are the general instructions to ambassadors to submit their expenditure and accounts to the auditor of the place?

**Shri C. D. Deshmukh:** There is no auditor of the place. All the accounts are sent to India for audit except as I said in the case of London.

**Shri B. Das:** And the London office does not function because the High Commissioner rebels?

**Shri C. D. Deshmukh:** That, I said, is not generally true.

**Shri Kamath:** Does the Minister's statement with regard to Washington that no serious cases have been brought to his notice rule out the less serious cases also?

**Shri C. D. Deshmukh:** That is a matter of linguistic inference.

#### SECRETARIES TO GOVERNMENT OF INDIA

\*1068. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) what recommendations were made by the Economy Committee, the Secretariat Reorganization Committee

(with the Honourable Shri N. Gopalaswami Ayyangar as Chairman) and the Estimates Committee of Parliament with regard to the number of Secretaries in each of the Ministries of the Government of India;

(b) the number of Secretaries that are at present working in the External Affairs Ministry together with the dates of their appointment; and

(c) whether the number is temporary and if so, for what period?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) The Economy Committee recommended one Secretary for each Ministry or Department. The hon. Shri N. Gopalaswami Ayyangar contemplated that Ministries may be organised into one, or in certain cases into more than one, Department, each under a Secretary to Government. The Estimates Committee only examined the organisation of three Ministries. They did not recommend any change in the number of Secretaries.

(b) Apart from the Secretary-General there are, at present, two Secretaries in the Ministry of External Affairs, namely, the Foreign Secretary and the Secretary (Commonwealth Relations). The Foreign Secretary was appointed on the 15th April, 1948. On the 18th May, 1950, the post of Additional Secretary in the Ministry of External Affairs was raised to full Secretary (C.R.) in accordance with the detailed scheme of reorganisation prepared by the hon. Shri N. Gopalaswami Ayyangar.

In addition to the above a post of Special Secretary has been created with effect from the 15th September, 1951 to deal primarily with U.N. Affairs.

(c) The post of Foreign Secretary is permanent. The other posts have been sanctioned temporarily for the following periods:

Secretary-General upto 24th November 1951.

Secretary (Commonwealth Relations) 28th February 1952. This post is likely to be made permanent.

Special Secretary about five months w.e.f. 15th September 1951.

**Shri Kamath:** What are the reasons for creating this new post of Secretary, or Special Secretary with effect from September of this year, in charge of United Nations affairs, in spite of the fact that the United Nations Organisation has been in existence and functioning since 1945, and why was the need not felt so far for creating

the post of a Secretary in charge of U.N. affairs, and the need was felt just two months ago?

**Shri Rajagopalachari:** The work in the U.N. is growing so far as we are concerned. Not only growing in volume but growing in importance and sometimes it even becomes so acutely important that very grave issues may be lost or gained. Experience gives us more and more material for making adequate provision. The mere argument that for a long time we did not have a certain post is not, I submit, conclusive in the matter.

**Shri Kamath:** What is the name of the incumbent of the new post?

**Mr. Deputy-Speaker:** Why go into detail?

**Shri Kamath:** Is it not in the public interest?

**Mr. Deputy-Speaker:** No.

**Shri Kamath:** That is all right.

**Shri Rajagopalachari:** I do not wish an imputation to be left untouched; once it is made it has its bad effects. The name does not matter but the gentleman who has been appointed has, I think, been for the past twenty years and more in that service.

**Shri Lakshmanan:** The hon. Minister said that the post of Special Secretary has been created only for five months. May I know whether Government expects that the work in connection with the U.N.O. will decrease after five months?

**Mr. Deputy-Speaker:** I cannot allow arguments on the floor of the House.

**Shri Rajagopalachari:** A new appointment is not once for all but on the permanent list but we deal with the immediate material and work before us and if found necessary we will enquire into it again.

**Shri Kamath:** What post did the incumbent of the new post hold before he was appointed Secretary here?

**Shri Rajagopalachari:** As I said, he has been long in the foreign cadre and he was, I think, in Europe in charge of an Embassy.

**Shri B. Das:** Is it not one of the recommendations of the Gopalaswami Ayyangar Reorganisation Committee that the tenure of Secretaries should be three years? Has the Government of India accepted that part of the recommendation and fixed the tenure of these Secretaries up to three years?

**Shri Rajagopalachari:** The tenure of people who are brought in from

the State cadres—is that the question which the hon. Member wants information on?

**Shri B. Das:** Yes.

**Shri Rajagopalachari:** There is much to be said on it, but I am sorry I have not studied it today—if notice is given I will look into this matter.

**Shri Kamath:** So, this person was appointed here when the tenure of his headship of the Mission or Embassy in Europe came to an end, or did he relinquish his job there and come over here to take up this job?

**Shri Rajagopalachari:** Notice should be given to the Ministry concerned. I am only concerned with the organisational aspect of it.

**Shri Kamath:** How many Ministries are there in which there are more than one or more than two Secretaries?

**Shri Rajagopalachari:** Mr. Gopalaswami Ayyangar's report recommended that the Central Secretariat should be divided into 28 Departments and these Departments are to be accommodated in 20 Ministries. That means 28 Secretaries for 20 Ministries. His recommendations involve that but though the Cabinet accepted generally the principles, the specific proposals were not all accepted. The question of splitting up existing Departments or distributing has to be examined in each case. As regards the exact present position, there are 18 Ministries now including the Ministry of Railways and there are 20 Secretaries.

**Shri Kamath:** That means to say, is there any Ministry, apart from the External Affairs Ministry, with more than two Secretaries?

**Shri Rajagopalachari:** Finance, for instance, has more than one and that makes 20.

**Shri Sondhi:** What was the arrangement, previous to the appointment of the new Secretary, for Commonwealth Relations Department? Was it not only a Deputy Secretary who has been dealing with it for the last four or five years?

**Shri Rajagopalachari:** Yes, but there is a lot of change in the affairs of our country, especially as regards the distinction between foreign and Commonwealth relations—and it is not any desire to waste money. I may say once for all answering the imputations behind these questions. There is a constant, in fact, I personally think there is an over-constant desire for economy and therefore there is slackness of work.

**Shri Sondhi:** Is it not a fact that this post of Deputy Secretary was not even thought necessary and the post was abolished only six or eight months back?

**Shri Rajagopalachari:** I will not go into the question of the particular Department. As I said already, I am only concerned with the general question but I may say that what was considered right or wrong two years ago.....

**Shri Sondhi:** Not two years but eight months ago.

**Shri Rajagopalachari:** Even yesterday..... I should be able to revise today.

**Mr. Deputy-Speaker:** Next question.

**Shri Kamath:** No other Ministry with more than two Secretaries?

**Mr. Deputy-Speaker:** He has answered that. Next question.

**Shri Rajagopalachari:** If the idea is that anything unnecessary has been done I definitely say, no.

#### LIST OF POLLING STATIONS

\*1069. **Pandit Kunzru:** Will the Minister of Law be pleased to state:

(a) whether the Election Commission has asked the Bombay State Government or the District Magistrates to prepare a list of the polling stations and issued instructions that the lists should not be shown to any party before they are finally approved;

(b) whether the Bombay Government have in spite of the Election Commission's instructions, issued orders to the District Magistrates of any districts that the preliminary lists should be shown to the Vice-Chairmen of Rural Development Boards;

(c) whether these Vice-Chairmen are members of District Congress Committees and in many cases their Chairmen; and

(d) if the answer to parts (a) and (b) above be in the affirmative, what action Government propose to take in the matter?

**The Minister of Law (Dr. Ambedkar):** (a) No. The Election Commission did not issue instructions that the lists of polling stations should not be shown to any political party before final approval. On the contrary, the Commission suggested to the State Governments that their tentative plans regarding polling stations might be circulated to the different political parties, and also given as much publicity as possible. A copy of the Commission's letter dated 26th May 1951

to all State Governments is placed on the Table of the House for information. [See Appendix VII, annexure No. 9.]

(b) The Government of Bombay issued instructions to the Collectors that the tentative plans as approved by Government should be shown to the political parties and members of the public. These plans are being kept at the District Headquarters and Taluka Headquarters in that State for inspection, and the Collectors have been asked to consider carefully the suggestions or criticisms from the public. With a view to facilitating their work the Collectors, who are Chairmen of the Rural Development Boards, were also instructed by the Government of Bombay to show the plans to the Vice-Chairmen of those Boards.

(c) Some of the Vice-Chairmen of the Rural Development Boards in Bombay are members of District Congress Committees, and in a few cases their Chairmen.

(d) Does not arise.

**Pandit Kunzru:** May I ask whether as a matter of fact the preliminary lists of polling stations have been shown to other persons than the Vice-Chairmen of the Rural Development Boards in the Bombay State?

**Dr. Ambedkar:** I have no such information.

**Pandit Kunzru:** Why was it necessary then for the Bombay Government to ask the District Magistrates to show these preliminary lists of polling stations to the Vice-Chairmen of the Rural Development Boards if the instructions issued by the Election Commission were of a general character relating to all political parties?

**Dr. Ambedkar:** That was probably because it was necessary to collect the organised opinion of the people in that area.

**Pandit Thakur Das Bhargava:** Is it a fact that the lists of the electors are arranged alphabetically for each constituency?

**Dr. Ambedkar:** I am afraid I have not seen the electoral roll myself. Therefore, I cannot say. Probably, the hon. Member has more information.

**Pandit Thakur Das Bhargava:** Is it a fact that since there are no separate lists for each polling station persons living in the area of a particular polling station will have to travel several miles before they will be able to vote in that constituency?

**Dr. Ambedkar:** I do not think so. I think all people would be informed as

to the number of voters who have to go to a particular polling station.

**Pandit Thakur Das Bhargava:** All these lists are arranged alphabetically. This means that there will be no separate list for each polling station. Unless there is a separate list for each polling station, people will not know where they have to go and they will have to travel several miles.

**Dr. Ambedkar:** I am not aware that the voters' lists are arranged alphabetically.

**Mr. Deputy-Speaker:** I think they are arranged alphabetically and a list is hung in each polling station.

**Dr. Ambedkar:** I will make enquiries about it.

**Mr. Deputy-Speaker:** Anyway, it does not arise out of this question.

**Pandit Kunzru:** May I ask the Law Minister whether instructions of the kind issued by the Election Commission to the Bombay State have been issued in respect of other States also?

**Dr. Ambedkar:** That letter was a general letter issued to all the States.

**Pandit Kunzru:** Can he tell me whether these preliminary lists of polling stations have been shown to members of the political parties in the other States?

**Dr. Ambedkar:** My friend is assuming that there are political parties everywhere. If there are any nolitical parties, I am sure the State Government will take steps to show the lists to them in the same way as they are showing to the others.

**Pandit Kunzru:** My hon. friend cannot be such a simpleton as to believe that there is only one political party in the country.

**Dr. Ambedkar:** The others are speculative perhaps.

#### PENSIONARY LIABILITY

\*1072. **Shri Sidhva:** Will the Minister of Home Affairs be pleased to refer to the statement laid on the Table of the House in reply to question No. 3332 asked on the 21st April, 1951 and state:

(a) what approximately is the Government pensionary liability in respect of those Central Government employees who opted (i) for Pakistan; and (ii) of those in Pakistan who opted for India;

(b) what approximately will be the pensionary liability if the service of Provincial Government servants from

Sind and N.-W.F.P. now in service under the Government of India, is counted for pension;

(c) whether it is a fact that the Government of Bombay are statutorily bound to pay 85 per cent. of the pension due to the Government servants of Sind in respect of their service upto 31st March, 1936; and

(d) if so, what steps are being taken to get those dues to the displaced Sind Government servants now in service under the Government of India?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) to (d). A statement is placed on the Table of the House. [See Appendix VII, annexure No. 10.]

**Shri Sidhva:** The statement says that the principles agreed upon between the Governments of India and Pakistan were to appoint two actuaries for the purpose of settlement of this issue. May I know whether the actuaries have been appointed; if not, what are the reasons?

**Shri Rajagopalachari:** Actuaries have been appointed, but an umpire has not yet been appointed.

**Shri Sidhva:** May I know whether it is a fact that the actuaries differed amongst themselves; if so, what are the differences?

**Shri Rajagopalachari:** The differences between the two actuaries appointed have to be reconciled by an umpire and an umpire has not yet been appointed. We cannot appoint an umpire after the differences arise.

**Shri Sidhva:** What is the extent of the difference that has arisen between the two actuaries?

**Shri Rajagopalachari:** I do not know if I have grasped the supplementary. My answer is this. The work is being entrusted to two actuaries nominated by each Government, with an umpire to resolve any differences between the two actuaries. That umpire has not yet been appointed and so the work has not yet begun.

**Shri Sidhva:** Although the actuaries have been appointed, the work has not begun. Is that so?

**Shri Rajagopalachari:** The scheme is, as I understand it, not to appoint an umpire after the work has been done and a difference has arisen, but an umpire is to be appointed in this case even before differences arise, because we know there will be lots of differences.

**Shri Sidhva:** Am I to understand that the work has not started?

**Shri Rajagopalachari:** Yes, I said so. That is why I have not even been able to give approximately the liabilities, which I would have liked to have given.

**Shri Sidhva:** As regards the approximate pensionary liability, the answer says that complete data are not available but it is expected to be about Rs. 75 lakhs. May I know whether this amount is expected to be recovered and will it be available to N.W.F.P. and Sind displaced persons?

**Shri Rajagopalachari:** If a certain liability is undertaken in respect of displaced Government servants from Sind and N.W.F.P. then the additional liability would be of the order of Rs. 75 lakhs per year. Parts (a) and (b) of the question to my mind had been put in order to indicate that this additional liability should be undertaken in view of the larger liabilities as a whole. In regard to the first part, I am not able to give the amount even approximately and yet I have given the answer that the additional liability which has been calculated in our office here is about Rs. 75 lakhs. I think the point sought to be made by the hon. Member is sufficiently answered by my reply that even taking the figure as Rs. 75 lakhs per year, it would not be anything highly extraordinary in the face of the total Budget amount of our country. The question therefore can be taken to be substantially answered. But this is a matter for Finance to consider.

**Shri Sidhva:** One more question, Sir.

**Mr. Deputy-Speaker:** No more questions.

**Shri Rajagopalachari:** I have accommodated the hon. Member much more than he could have expected.

#### CENTRAL COLLEGE OF CARNATIC MUSIC

\*1073. **Shri Sivan Pillay:** Will the Minister of Education be pleased to state:

(a) whether a Central College of Carnatic Music is proposed to be started by the Government of India or by any State Government with the help of the Government of India; and

(b) if so, what is the location of the same and the subjects proposed to be taught in the college?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) A Central College of Karnataka Music was started by the Government of Madras in 1948, with the help of the Government of India.

(b) It is located at Madras. The subjects taught are:

- (i) Musicology (General),
- (ii) History of Indian music with emphasis on South Indian Music,
- (iii) Practical work: Vocal and Instrumental Music,

(iv) Musicology (Special).

**Shri Sivan Pillay:** Am I to understand that the Central Government is giving some help to this college?

**Shri Sri Prakasa:** Yes. In 1948-49 the Central Government paid Rs. 13,500. In 1949-50 it paid Rs. 25,000. In 1950-51 the same sum was paid. The idea is not to make any payments for capital expenditure but only for running expenditure. In the current year, a sum of Rs. 50,000 has been provided.

**Shri Sivan Pillay:** May I know whether there is any intention on the part of the Central Government to take over the administration of this college into their own hands?

**Shri Sri Prakasa:** No. The college is managed by a Committee appointed by the Government of Madras and we only meet a certain portion of the expenditure, and that too only for post-graduate classes.

**Shri Sivan Pillay:** May I know whether the college is administered by the University of Madras or by the Madras Government?

**Shri Sri Prakasa:** It is administered by a separate Committee appointed by the Government of India in consultation with the Government of Madras.

**Shri M. V. Rama Rao:** May I know how this grant of Rs. 50,000 compares with the grant that is made to the Lucknow College of Classical Hindustani Music?

**Shri Sri Prakasa:** I would not like to make a comparison, because I do not know the amount paid to it.

**Shri Kamath:** Is this word "Musicology" an Urdu word, or English word or 'Urduised' English word?

**Shri Sri Prakasa:** As my hon. friend knows 'logia' means a treatise. Music is music. A treatise on music must be 'musicology'—so the Education Minister thinks. I consulted the dictionary and I did not find the word there.

#### LEPROSY

\*1074. **Shri Sivan Pillay:** Will the Minister of Health be pleased to state:

(a) whether Government have got accurate statistics regarding persons

affected with the disease of leprosy, state-wise;

(b) if so, the State in India which has the highest percentage of the incidence of the disease in relation to population; and

(c) the steps taken by Government to combat this dreadful disease?

**The Minister of Law (Dr. Ambedkar):** (a) and (b). As often stated before, no accurate statistics are available.

(c) The matter is primarily the concern of State Governments. The Government of India have had for some time a plan to establish a Central Leprosy Teaching and Research Institute in the country whose objects it will be to undertake research into the problems relating to leprosy, to promote field studies for the application of the results of research, to train leprosy workers, to give technical advice and guidance for anti-leprosy work and to participate actively in the organisation and development of leprosy institutes in States. Financial stringency alone has kept the scheme from maturing. But voluntary bodies and some of the States are doing good work among sufferers from the disease. Research is also going on.

**Shri Sivan Pillay:** May I know, whether Government are aware that a Central Leprosy Relief Committee has been formed by Gandhi Smarak Nidhi? In what way do Government propose to co-operate with it in the eradication of this scourge?

**Dr. Ambedkar:** Government is bound to co-operate in all possible ways it can.

**Shri Sivan Pillay:** May I know whether there are any States in India where there are no leprosy clinics at all, and if so which is that unfortunate State?

**Dr. Ambedkar:** I can believe that there may be many States where there are no such clinics

#### ADULTERATION

\*1075. **Shri Sivan Pillay:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that according to sample tests carried out by the Delhi and New Delhi Municipalities recently, it was found that 50 per cent. of the mustard oil, milk, butter, ghee and other milk products sold in Delhi is adulterated; and

(b) what is the machinery desired to check such adulteration?

**The Minister of Law (Dr. Ambedkar):** (a) (i) Out of the total number of

samples of milk products (milk; ghee, butter and khoa) examined by the Delhi Municipal Committee during the year 1950, 21.2 per cent. was found adulterated.

(ii) Out of the total number of samples of milk products taken by the Food Inspection Staff of the New Delhi Municipal Committee, 52 per cent. was found adulterated during the year 1950.

The standard for mustard oil has only recently been fixed in the Delhi State; hence no reliable information is available regarding the extent of adulteration of this commodity.

(b) The enforcement machinery required to check food adulteration is a staff of inspectors to inspect and collect samples, Public Analysts to analyse samples and Courts of Law to try offences. The Punjab Pure Food Act which applies to Delhi provides for the necessary machinery.

**Shri Sivan Pillay:** May I know whether it was found in the tests that any of the adulterants used in any of these cases were of a poisonous nature?

**Dr. Ambedkar:** I must have notice of that question.

**Shri Sidhva:** The hon. Health Minister promised some time back that an exhaustive legislation on this subject will be brought before the House. May I know whether that Bill will be brought during this session?

**Dr. Ambedkar:** It will be after the elections.

**Shri Sidhva:** Why not during this session of Parliament?

**Shri A. C. Guha:** May I know the punishment meted out to the offenders?

**Dr. Ambedkar:** I am sorry I am not in a position to answer that question now.

#### LANDING-GROUND AT BUXAR

\*1076. **Dr. Ram Subhag Singh:** Will the Minister of Defence be pleased to state:

(a) whether the landing-ground of Buxar (in the district of Shahabad, Bihar) has been settled; and

(b) if so, when it was settled and with whom?

**The Deputy Minister of Defence (Major-General Himatsinghji):** (a) There is no landing-ground at Buxar, and no area in Buxar was ever acquired by the Ministry of Defence for use as landing-ground.

(b) Does not arise.



**Dr. Ram Subhag Singh:** May I know, whether a landing-ground existed at the old rifle range at Buxar in a land acquired in 1943.

**Major-General Himatsinhji:** The land comprising the Buxar rifle range was the property of the Defence Department for some time. The area is 6.05 acres and has been sold recently to Sri Sadashiva Prasad on payment of Rs. 5,929 at the rate of Rs. 980 per acre, with the approval of Government. Sanction was issued on 20th July 1951.

**Dr. Ram Subhag Singh:** May I know the person to whom this land was sold was the original owner of it?

**Major-General Himatsinhji:** Yes. From the records it was found that he was the original owner of the land. It was also found that his own property was next door to it. Under our rules we give option and sell the property to the original owner if he pays a suitable price.

**Dr. Ram Subhag Singh:** May I know whether the original owners are informed by the Government when the land is being sold?

**Major-General Himatsinhji:** Yes. In this case the original owner is the gentleman to whom we have sold the property. Therefore, there was no need to inform anyone else.

**Dr. Ram Subhag Singh:** Is it a fact that the new rifle range is also going to be sold very soon?

**Major-General Himatsinhji:** No. That question does not arise at present.

**Dr. Ram Subhag Singh:** Will Government take care to see that while selling land in future, they will offer the option of first refusal to persons from whom they are acquired.

**Major-General Himatsinhji:** Our policy is first option is given to those people from whom the land was originally acquired; if they do not pay a proper price then it is put to public auction.

**Dr. Ram Subhag Singh:** What price is paid to persons from whom land is acquired?

**Mr. Deputy-Speaker:** How can there be a uniform price?

**Major-General Himatsinhji:** Price varies according to local conditions.

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## COSMIC RAYS

\*1079. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the stations where research on cosmic rays is being carried on;

(b) the number of scientists employed in the research work;

(c) the amount budgeted for the purpose; and

(d) the progress made so far?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) to (d). A statement giving the information asked for, is placed on the Table of the House. [See Appendix VII, annexure No. 11.]

**Shri Jnani Ram:** May I know whether Government is receiving any assistance from any foreign scientists?

**Shri Sri Prakasa:** The list of scientists laid on the Table shows that they are almost all Indians.

**Shri Kamath:** What are the qualifications of the Indian scientists engaged in cosmic ray research work?

**Shri Sri Prakasa:** So far as their academic qualifications are concerned, they are all given against their names in the statement that I have placed on the Table of the House. If the hon. Member wants some further information, he may kindly specify the particular person about whom he wants it, and I shall try to give it.

**Shri Kamath:** How many of these scientists, if at all, have been deputed abroad to either Europe or to the U.S.A. for getting training in cosmic ray research?

**Shri Sri Prakasa:** A number of these scientists have foreign degrees to their credit, as the statement will show. That shows that they have been abroad.

**Shri Kamath:** A Foreign degree does not necessarily mean a degree in cosmic ray work.

**Shri Sri Prakasa:** If the hon. Member wants our scientists to penetrate regions above and get some degree from there, then I think it is very difficult.

**The Minister of Home Affairs (Shri Rajagopalachari):** There are no separate degrees instituted for cosmic rays. It is a branch of Physics which provides degrees, including cosmic rays.

**Shri B. Das:** Is India a member of the Nuclear and Atomic Energy Com-

mission and if so what help does India get from the member nations for research on cosmic rays?

**Shri Sri Prakasa:** There are various agreements with various countries. They co-operate with us and we co-operate with them.

#### PRESS ENQUIRY COMMISSION

\*1080. **Shri S. N. Das:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government have come to any conclusion regarding the appointment of a Press Enquiry Commission about which the Prime Minister made a reference in his speech during the debate on the Constitution Amendment Bill, 1951; and

(b) if so, what the decision in that respect is?

**The Minister of Home Affairs (Shri Rajagopalachari):** The matter is under consideration.

**Shri S. N. Das:** Since the idea of appointing a Press Commission came may I know whether views for and against this have been received by Government?

**Shri Rajagopalachari:** This matter has already been more or less debated, but I have answered now with reference to the specific question that "the matter is under consideration". Any further debate on that point.....

**Shri S. N. Das:** May I know whether any representation on behalf of press organisations have been received by Government?

**Mr. Deputy-Speaker:** Has all that not been discussed during the seven days debate that we had?

**Shri Kamath:** In view of the fact that in the course of the debate that we had here a definite statement was made by the representatives of the All India Newspaper Editors' Conference that all the press bosses—to use a common term—are in favour of the appointment of a Press Commission, is Government giving active consideration to this matter or only ordinary consideration?

**Shri Rajagopalachari:** Apart from the presumption included in the preamble to the supplementary question, the matter is under consideration which means under active consideration because the Government is an active government.

**Shrimati Durgabai:** I wish it is.

#### VITAL STATISTICS COMMITTEE

\*1082. **Shri Lakshmanan:** (a) Will the Minister of Home Affairs be pleased to state whether Government pro-

pose to implement the proposals of the Vital Statistics Committee?

(b) What percentage of births and deaths are being registered by the existing machinery throughout the whole country at present?

(c) What is the percentage of registration in rural and urban areas respectively?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) The whole question of the measures to be undertaken for improvement of the registration of births and deaths, including the proposals of the Vital Statistics Committee, is at present under examination by the Registrar General, India. Government propose to take necessary action after receiving his report.

(b) and (c). It is known that there are considerable omissions in the registration of births and deaths and that the percentage of actual registration varies widely from State to State. Except for isolated local enquiries here and there at infrequent intervals, there is no systematic ascertainment of the extent of under-registration. It is not possible to estimate with any degree of exactness what percentage is being registered and what is the quantitative difference in this regard between rural and urban areas.

I may add that the very nature of the defect, namely under-registration, precludes quantitative analysis of the amount of under-registration.

**Shri Lakshmanan:** May I know whether prosecutions for the infringement of registration rules are strictly pursued or are they kept more or less as a dead letter?

**Shri Rajagopalachari:** Prosecutions must necessarily be a matter of discretion. Whether we should prosecute people who are so ignorant as to fail to register births and deaths is a matter for a large ambit of discretion.

**Shrimati Jayashri:** May I know whether these registrations include the registration of marriages also?

**Shri Rajagopalachari:** That is a new question which will be discussed when the Hindu Code Bill is taken up.

**Shri Kamath:** Does the Home Minister's answer to the main question mean that the vital statistics available in Government pamphlets and brochures are not quite reliable?

**Shri Rajagopalachari:** Reliability may differ from question to question. If complete, exhaustive appraisalment

of numbers is the issue, of course it is not reliable. But the statistics can be used in a variety of ways and to a large extent they are very useful even though they are incomplete.

**PURCHASE OF TIMBER FOR  
HIRAKUD DAM**

\*1083. **Shri A. Joseph:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state what is the cost of timber purchased in States other than Orissa for the purpose of Hirakud Dam?

(b) What are the special circumstances which made Government purchase timber in other States?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) Timber worth Rs. 11.94 lakhs was purchased in States other than Orissa.

(b) The timber was needed for urgent requirements in connection with the laying of the railway track, and deliveries of local timber and from the Sleeper Control Board in Orissa were very poor.

**Shri A. Joseph:** What were the charges for loading and unloading to bring this timber from Punjab to Orissa?

**Shri B. Das:** Exactly. That is the question.

**Shri Sri Prakasa:** I have not got the figures here, but in order to make my answer clearer I should say that timber of the total value of Rs. 18.14 lakhs was purchased out of which Rs. 6.2 lakhs worth of timber came from Orissa while the remaining portion namely Rs. 11.94 lakhs worth of timber came from other States—Punjab, Madhya Pradesh and Bihar.

**Shri A. Joseph:** Out of these Rs. 11.94 lakhs worth of timber may I know the cost of the timber which was taken from Madhya Pradesh and the other States, that is except Punjab?

**Shri Sri Prakasa:** From Madhya Pradesh they purchased timber worth Rs. 6.3 lakhs, from Bihar timber worth Rs. 1 lakh and from the Punjab timber worth Rs. 4.64 lakhs.

**Shri B. Das:** Has the hon. Minister taken steps to appoint an expert committee to enquire into the conduct of this Superintending Engineer who placed orders with Punjab and purchased these Rs. 4.64 lakhs worth of timber from Punjab?

**Shri Sri Prakasa:** No question of enquiry into his conduct has arisen.

The reason given for placing orders with States outside Orissa was that the supply from Orissa itself was very slow and unsatisfactory. This timber was required urgently. It was available in the Punjab, and so it was purchased from the Punjab.

**Shri B. Das:** Was the sanction given by the Secretary of the hon. Minister's Ministry or of the previous Ministry, that is the Works, Production and Supply Ministry, that these purchases must be made outside Orissa?

**Shri Sri Prakasa:** That was before my time and I have not got ready at hand the information that the hon. Member wants.

**Shri B. Das:** Does it not justify that that particular Punjabi Superintending Engineer's conduct requires to be enquired into?

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

**सेठ गोविन्द दास :** भिन्न भिन्न प्रदेशों से जो यह लकड़ी खरीदी गई उस की क्या कीमत दी गई और उसी नाप की लकड़ी की एक जगह जो कीमत दी गई दूसरी जगह क्या उस से ज्यादा दी गई या एकसी दी गई।

[**Seth Govind Das:** At what prices was timber from various other States purchased and were their prices, computed according to measurement, uniform in all cases?]

**श्री श्री प्रकाश :** मैं तफसील के साथ तो माननीय सदस्य के प्रश्न का उत्तर नहीं दे सकता क्योंकि सारी गणनायें मेरे सामने नहीं हैं किन्तु जहां तक मुझे मालूम होता है इन लकड़ियों की जरूरत थी और जहां वे मिल सकती थी वहां से लेनी पड़ीं। यह अवश्य प्रयत्न किया गया कि जहां तक हो सके उड़ीसा से ही लकड़ी ली जाय लेकिन वहां सारी लकड़ी नहीं मिलती।

[**Shri Sri Prakasa:** I am not in a position to give a detailed reply to the hon. Member's question, because I have not got the requisite figures with me. But so far as I know this timber was very badly needed and had to be purchased from wherever it was available. No doubt efforts were made to purchase all the timber from Orissa, but the whole of it was not available there.]

**Mr. Deputy-Speaker:** All that has been already explained. All that he wants is comparative prices of the timber.

**Shri Sri Prakasa:** And I have said, Sir, that I have not got those figures.

**Mr. Deputy-Speaker:** He has done so. If the hon. Minister answers more, it leads to another supplementary.

**Shri Sri Prakasa:** I had explained the matter in English before, and as the hon. Member asked a question in Hindi I thought I might repeat the answer in Hindi also.

**Shri A. Joseph:** In how many cases did the authorities of this Hirakud project make purchases without obtaining the permission of the Ministry in charge or of the Finance Ministry?

**Mr. Deputy-Speaker:** That assumes that even with respect to the purchase of timber, at every stage, a particular sanction either from this Ministry or the Ministry of Finance is necessary. If the hon. Member is quite sure of his ground let him put the question. What he wants to know is, before these purchases were made outside Orissa whether the sanction of the Ministry in charge or the Finance Ministry was obtained for placing the orders outside the Province.

**Shri Sri Prakasa:** As I said, Sir, before, the matter pertains to the period before I took charge and I have not got the facts in my record here today. Hence I am unable to answer that question.

**Shri Chattopadhyay:** May I know whether all this purchase was by inviting tenders?

**Shri Sri Prakasa:** I could not answer that question, because I have not the facts here.

**Shri Sarangdhar Das:** May I know if the hon. Minister is aware that the contractors in Orissa have been supplying railway timber, i.e., sleepers etc. to various railways for many years? Were they not able to supply timber for a small strip of railway line from Sambhalpur to the No. 2 Power Station of Hirakud Dam?

**Mr. Deputy-Speaker:** That is entering into an argument.

**Shri Sidhva:** May I know, as stated by Seth Govind Das, even in an emergency whether the rate of the purchases made from the Punjab was higher than Orissa?

**Mr. Deputy-Speaker:** The hon. Minister has not got the figures.

**Shri Sidhva:** That answer was not given.

**Mr. Deputy-Speaker:** The hon. Minister has not got that information. The hon. Member is repeating the questions. Next question.

#### LADY HARDINGE MEDICAL COLLEGE

\*1084. **Shri Alexander:** Will the Minister of Health be pleased to state:

(a) the financial aid given to the Lady Hardinge Medical College by the Government of India;

(b) whether the Government of India are represented on its governing body and if so, by how many members;

(c) whether this institution is intended to serve the whole of India;

(d) whether any principle is observed in the matter of allocation of seats to the various States; and

(e) the number of students admitted this year State-wise?

**The Minister of Law (Dr. Ambedkar):** (a) The grants paid to the Lady Hardinge Medical College vary from year to year. The grants paid during the last three years are as follows:

1948-49	Rs. 5,23,100
1949-50	Rs. 10,80,576
1950-51	Rs. 9,44,000

(b) The Government of India as such are not represented on the Governing Body. Seven officials are, however, members of that Body.

(c) Yes.

(d) While every effort is made by the College authorities to admit students from as many States as possible provided the applicants are otherwise suitable preference is given to the Centrally Administered Areas and those States where facilities for Medical education are limited. The question of the adequacy of the rules of admission to the College from the point of view of the maintenance of the All India character of the institution is, however, engaging the attention of Government.

(e) A statement containing the required information is laid on the Table of the House. [See Appendix VII, annexure No. 12.]

**Shri Alexander:** With reference to answer to part (a) may I know whether the Government have received any complaints against the administration of the College and if so, whether the Government propose to take over the administration of the College?

**Dr. Ambedkar:** I have no information.

**Shri Kamath:** Do not those seven officials mentioned by the Minister, represent the Government which has nominated them in the Committee?

**Dr. Ambedkar:** I must have notice of the question.

**Shri Kamath:** Has the hon. Minister all the names of the officials, their designations or their ranks?

**Dr. Ambedkar:** I must also have notice for this question.

**Shri Brajeshwar Prasad:** May I know whether the Secretary of the Finance Ministry is a Member of this Committee in an individual capacity or in his official capacity?

**Dr. Ambedkar:** I would like my hon. colleague to answer that question.

**The Minister of Finance (Shri C. D. Deshmukh):** In his official capacity.

**Shri Kamath:** Is it a fact that at no point of administration or the Committee's work the Minister of Health comes into contact with this institution?

**Dr. Ambedkar:** She must be, I am sure.

**Shri Kamath:** Government is not represented at all. He does not know.

**Dr. Ambedkar:** I cannot say what is the original constitution of this body.

**Mr. Deputy-Speaker:** Next question, Mr. Guha.

#### NON-INDIAN FIRMS SOLD TO INDIANS

\*1085. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) the number of firms or managing agencies held by non-Indians that have been sold to Indian Nationals since the end of 1945;

(b) the money involved and transferred; and

(c) whether there has been any bar for such non-Indians to take away the money received in the sale?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). No information is available in regard to sale of firms or managing agencies by non-Indians since the end of 1945 to June 1947. As far as sterling area countries are concerned, since July, 1947, when the financial agreement between India and the United Kingdom was concluded, upto April 1951, the number of firms and/or managing agencies held by non-Indians that have been

sold to Indian nationals is, according to the information available with the Reserve Bank of India, 45. The money involved in the above transactions and transferred is £8,580,000.

So far as the non-sterling area countries (other than Scandinavian countries) are concerned, no remittance of sale proceeds of firms or managing agencies is permissible under the current Exchange Control Regulations, even if there have been any such transactions.

(c) There are no restrictions on transfers by sterling area nationals (other than Indians) of sale proceeds of their business in India to sterling area countries excluding Pakistan. Such capital transfers to Pakistan and non-sterling area countries are not permitted under the current Exchange Control Regulations.

**Shri A. C. Guha:** May I know if the Government has got any figure as to what was the capital invested in those firms which were sold for £8,580,000?

**Shri C. D. Deshmukh:** No information is easily available, but I have my doubt that it can be secured.

**Shri A. C. Guha:** Am I to understand that those firms or agencies were sold at their actual face value of the capital invested or at a premium?

**Shri C. D. Deshmukh:** I should require notice of this question in regard to those individual sales.

#### SPIES OF FOREIGN POWER

\*1086. **Shri A. C. Guha:** Will the Minister of Home Affairs be pleased to state:

(a) the number of persons arrested in West Bengal, Assam and Tripura as agents or spies of any foreign power from April upto the end of August, 1951;

(b) how many of them are Indian nationals; and

(c) the nature of the activities of which these have been suspected?

**The Minister of Home Affairs (Shri Rajagopalachari):** Without prejudice to the question of how much of the information asked for may be published in the public interest, Government have called for this information from the States concerned.

#### BASIC SCHOOLS IN DELHI

\*1092. **Shri Kshudiram Mahata:** (a) Will the Minister of Education be pleased to refer to the answer given to starred question No. 3868 asked on the 5th May, 1951 and state the

reason for not having any Basic School in New Delhi?

(b) Is there any scheme with Government to convert all Primary and Secondary Schools of New Delhi and Old Delhi into junior and senior Basic Schools by 1954-55 along with the conversion of Primary Schools in the rural area of Delhi and if not, why not?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) The hon. Member's attention is invited to the reply given to Starred Question No. 4684 on 30th May 1951.

(b) No. Primary education in New Delhi and Old Delhi is the responsibility of the respective Municipal Committees.

**Shri Kamath:** On a point of order, when the hon. Minister of Education is here, how can another hon. Minister read the answer on his behalf?

منسٹر آف ایجوکیشن (مولانا آزاد):  
 بات یہ ہے کہ مجھے آج صبح ضروری کام پھھی آ گئے۔ اس لئے میں سوہرے نہیں آ سکتا تھا۔ اور میں نے ان سے درخواست کی تھی کہ وہ سوہرے سوالوں کا جواب دے دیں۔ اب مجھے وقت مل گیا تو میں چلا آیا۔ چونکہ فائل ان کے پاس تھی اس لئے انہوں نے ہی جواب دے دیا۔ میرا خیال تھا کہ سوہرے سوالات ہو چکے ہونگے۔

**[The Minister of Education (Maulana Azad):** The thing is that I had some engagements and so I could not be present here in the morning. I had therefore, requested him to answer the question on my behalf. Now that I got the time I came along. But as the file was with him he replied to the question. I was under the impression that my questions had been disposed of.]

**Shri Kshudiram Mahata:** May I know whether it is the policy of the Government to have two schemes of education, that is, basic education for rural areas and the present system of education for urban areas?

مولانا آزاد: نہیں گورنمنٹ کی یہ پالیسی نہیں ہے۔ ایک ہی سسٹم ہے۔

**[Maulana Azad:** No, that is not the policy of the Government. There is only one system in operation.]

**Shri Kshudiram Mahata:** May I know why is it that there is no basic education in New Delhi and Old Delhi up till now?

مولانا آزاد: جواب میں یہ بات بتلائی گئی ہے کہ جہاں تک شہر کی تعلیم کا تعلق ہے وہ سہوینسول کارپوریشن کے ہاتھ میں ہے۔ اس نے جو اسکول قائم کئے ہیں یہ سنبھال جاتا ہے کہ ان کا سسٹم بھی بھسک ایجوکیشن کا ہے۔

**[Maulana Azad:** It has already been stated in the original reply that so far as education in the city is concerned, it is under the Municipal Corporation. It is presumed that the basic system of education is prevalent also in those schools which have been established by the Corporation.]

خواجہ عدایت اللہ: On a point of order, Sir, جب موجود نہیں ہوتا ہے تو دوسرا منسٹر اس کی جگہ جواب دے سکتا ہے تو کہا اس طرح جب ایک منبر موجود نہیں ہوتا ہے تو دوسرا منبر جس کو اس نے اتھاڑتی دی ہو سوال نہیں کر سکتا ہے؟ اس کو بھی سوال کرنے کی اجازت ہونی چاہئے۔

**[Khawaja Inait Ullah:** On a point of order, Sir, In the absence of an hon. Minister, another hon. Minister can answer questions on his behalf. In the same way cannot a Member, if authorized, ask questions on behalf of another Member, who is not present in the House? He too should be permitted to put questions.]

**Mr. Deputy-Speaker:** But we are bound by the rules. Under the Rules any hon. Minister can delegate his work to any other hon. Minister. But, so far as Members are concerned, they can also authorise other Members; but the rule says that after all the questions are answered, if there is time, then, I will call upon the hon. Members who have got the authority to put these questions.

**Shri Kamath:** That is discriminatory.

**Mr. Deputy-Speaker:** They are the Government and we are Members. We shall go to Short Notice Questions.

**Shri Kamath:** But we are all Members of the House.

#### Short Notice Questions and Answers

##### RICE POSITION IN HYDERABAD

**Shri Ganamukhi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the rice position in Hyderabad State is precarious and the existing stocks are almost exhausted;

(b) whether a break-down in rationing has already taken place; and

(c) if the answers to parts (a) and (b) above be in the affirmative, what steps do Government propose to take in the matter?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) to (c). There has been no break-down of rationing in Hyderabad. The rice position is however difficult in common with other States. They had a stock of 7,500 tons of rice on 31st August. In addition, they will be receiving 1,500 tons of rice from the Centre this month. With these stocks they will have 7 weeks requirement at the present rate of off-take. For the remainder of the year, allotments varying from 1,000 to 2,000 tons per month are likely to be made depending on rice availabilities. The present difficulties have arisen as a result of shortfall in procurement.

**Shri Ganamukhi:** May I know whether the Chief Minister of Hyderabad had urged the necessity and urgency of sending a larger allotment of rice quota to meet the rice shortage, recently?

**Shri K. M. Munshi:** The Chief Minister communicated with me and whatever we can supply has already been given. As I pointed out, recently, 1,500 tons are being sent to Hyderabad.

**Shri Ganamukhi:** May I know whether the States Ministry also, after appraisement of the food situation, has communicated to the Food Ministry to allot an enhanced quota of rice to Hyderabad?

**Shri K. M. Munshi:** There is no doubt that numerous demands are being made. As I have already told the House over and over again, we are doing our best consistently with short availabilities in the country and imports.

**Shri Ganamukhi:** May I know whether the Supply Minister of Hyderabad had made a statement that

the increased quota is pitifully inadequate to meet the situation?

**Shri K. M. Munshi:** Possibly he might have done so. As a statement of demand it is perfectly all right. I have to see at the supply end.

**Shri Ganamukhi:** May I know whether the Government will ponder over the necessity of curtailing a few tons of rice supplied to other States and diverting it to Hyderabad?

**Mr. Deputy-Speaker:** It is a suggestion for action.

**Shri Chattopadhyay:** What is the policy of the Government regarding importation of rice from foreign countries where they are available in very large quantities and the landing cost of which is much cheaper than the ruling price of rice in the country in the different States?

**Mr. Deputy-Speaker:** How does it arise out of this question? This question relates to the rice position in Hyderabad.

**Shri K. M. Munshi:** Am I to answer this question, Sir?

**Mr. Deputy-Speaker:** No. Any other question regarding Hyderabad?

**Shri Ganamukhi:** May I know whether the Government are aware that in such areas where informal rationing is in vogue, no rice is given to the general public in Hyderabad?

**Shri K. M. Munshi:** I have no detailed information. Where there is informal rationing, much smaller quantities of rice may be given; but I have no specific information.

**Mr. Deputy-Speaker:** We will proceed to the next question.

**Shri Sondhi:** There are two questions which are interrelated. Shall I read them together?

**Mr. Deputy-Speaker:** Yes.

##### PROCUREMENT OF PADDY AT BATALA

**Shri Sondhi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the attention of the Government has been drawn to the matter under the caption:

"Large stocks of Paddy remain unprocured at Batala" in Punjab in the Daily Tribune dated 9th September 1951?

(b) have any steps been taken by the Government of India to secure this rice for the rice-consuming areas?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) and (b). Yes. The Punjab Government

have explained that the report is incorrect.

**PROCUREMENT OF PADDY AND RICE BY THE CENTRE**

**Shri Sondhi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Government of Punjab has been several times asked to supply paddy to the Government of India but so far no paddy has been received?

(b) what are the reasons for the inefficiency or inability of the Punjab Government to comply with the orders of the Government of India?

(c) is it not that paddy is urgently required while large stocks remain unprocured in Batala (Punjab)?

(d) what is the stock of rice lying with the Punjab Government at present and how much it is proposed to secure from them?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) to (d). Government of Punjab had a stock of 26,250 tons of rice on 16th July 1951. It was estimated by us that out of this they could export 19,000 tons to deficit areas and a request to this effect was made by me on the phone on 7th August 1951. The Punjab Government agreed to export 10,000 tons if I promised to return the loan in wheat. They, however, stated that before despatches could start, Government of India should agree (a) to permit them to charge As. -/8/- per maund on exports to meet certain charges incurred by them in their procurement of wheat and (b) to agree to return this year certain quantities of wheat supplied by Punjab in the last crop year at prices equivalent to Punjab issue prices. Both these requests raised important issues involving serious departure from the policy on which the Basic Plan is worked and could not be agreed to. Punjab, however, was requested to start despatches immediately as rice was very urgently needed in the deficit areas. The Punjab Government did not send the rice, and took up their contentions in correspondence. An officer of the Punjab Government was ultimately called for discussion and on the 11th September the officer agreed to despatch the rice leaving other contentions to be settled in due course. Punjab has also agreed to increase its export of rice to 12,000 tons.

**Shri Sondhi:** Regarding the first question, am I to understand that the Government of the Punjab think that

there was no interview. This cutting of the 'Tribune' says that the Director General received a deputation of business people who said that rice was available there and on account of financial difficulties, they could not procure. It is on behalf of the business people that this news has appeared. It has not been contradicted in the Press up till now by any Government communique.

**Shri K. M. Munshi:** The information supplied by the Punjab Government is that the Director General of Food visited Batala and the traders represented that unless Government made adequate arrangements for financing them for the purchase of paddy, large quantities of paddy will remain unprocured. It is not for the ready rice, but for future procurement. This is what the Punjab Government says. The correspondent has obviously misunderstood this and got the impression that large stocks of paddy are lying unprocured at Batala.

**Shri Ramalingam Chettiar:** What is the requirement of Punjab in rice?

**Shri K. M. Munshi:** The monthly off-take of rice in the Punjab is between 2,500 to 3,000 tons.

**Shri Ramalingam Chettiar:** When is the next harvest likely to come in?

**Shri K. M. Munshi:** The next harvest will come within a short time—within a month or so.

**Shri Bharati:** On the 15th July there was a stock of 26,250 tons of rice. Am I to understand that since then there has been procurement of rice there?

**Shri K. M. Munshi:** They were procuring. There is monopoly procurement. Whatever comes as surplus in the market they procure. As I mentioned they have a stock of 26,250 tons of rice and possibly they can spare according to my view about 19,000 tons. But they have now agreed to release 12,000 tons.

**Shri B. K. Das:** May I know whether allocations of this rice expected from the Punjab has already been made so that it could be despatched directly to the particular area concerned?

**Shri K. M. Munshi:** Allocations are made in anticipation of the rice being received by the Central Government. But I must first get the rice moved from there before any of it could be sent to a particular place.

**Shri B. K. Das:** I wanted to know whether any allocations have been made.



**Shri K. M. Munshi:** Allocations have already been made in anticipation of this rice being given to us. But unless the rice is moved, I cannot send out the allocations. As it is, it is only allocation on paper. Hyderabad wants so much. Madras wants so much. every month and so on. But I must get the stock in hand before I can send the rice.

**Shri Sidhva:** Have the Government of the Punjab agreed to despatch this 12,000 tons of rice by a particular date? Have they indicated the date by which they will send us this rice?

**Shri K. M. Munshi:** I think they promised to have it despatched on the 11th of September.

**Shri Bharati:** May I know whether they have, in fact, despatched this rice or not? Has the hon. Minister any information about that?

**Shri K. M. Munshi:** I am sorry I do not know what has happened since between the 11th and to-day. I do not know whether any movement has taken place within these days, because I did not attend office.

**Shri Sidhva:** In view of the slackness shown by the Punjab Government in the past, has the Government of India taken steps to see that this rice is despatched by the time they had promised to despatch it?

**Shri K. M. Munshi:** All I can do, short of sending a directive, I have done.

**Shri Sondhi:** I want to be clear on one point. The hon. Minister said that the total requirement of rice in the Punjab for rationed areas was only 1,500 tons last year and this year it is 2,500. What is the cause for this increase from 1,500 tons to 2,500 tons?

**Shri K. M. Munshi:** I am not in a position to say why. The present off-take is this much. That is what I have said.

**Shri Sondhi:** Is it not a fact that lots of people in the Punjab have been asked to eat rice now instead of wheat and that is the reason why the quantity of rice necessary for the people there has increased?

**Shri K. M. Munshi:** I am not in a position to say yes or no. I have not got definite information with me to answer the question.

**Shri Sidhva:** Is any check being exercised by the Government in this respect over the Government of Punjab?

**Shri K. M. Munshi:** I do not deny the fact that the Government of India have the power to issue a directive; but I am always loath to do so, and prefer to come to a settlement by negotiations.

**Shri Sondhi:** But how long will these negotiations go on like this when all the time the people want the rice so badly here?

**Shri Bharati:** May I know whether the Government of the Punjab have been apprised of the seriousness of the situation here in the rice-eating provinces, and whether the Government of India are satisfied with the conduct of the Punjab Government in spite of the seriousness of the situation prevailing in these parts of the country?

**Shri K. M. Munshi:** As I have already said, I have personally telephoned; and that takes place only after the secretarial negotiations do not result in any proper response. I pressed for it. I have been pressing for it, but I have told the House the facts as they are.

**Shri Sondhi:** What is the difficulty in the way of the hon. Minister sending a special officer of his to Simla and settling the matter in 24 hours?

**Shri K. M. Munshi:** The difficulty is that they raised the contentions in their letters to which I have already referred. They would not send us the rice until the Government of India were prepared to accept their demands. They wanted these conditions to be fulfilled. But these, as I have already pointed out would mean a reversal of the policy of the Government of India and I cannot agree to them without going up to the Cabinet.

**Shri Sondhi:** In view of the fact that so many matters are pending between the Government of the Punjab and the Central Government, why does not the Punjab send us the rice first, leaving the question of price to be settled by negotiations later?

**Shri K. M. Munshi:** It is the duty of the surplus province to send the surplus when the Government of India asks for it. But this matter was discussed between the Punjab Government and various other bodies and unfortunately this is the attitude that the Punjab Government have taken. At last we have been able to tide over it now. I am only sorry I could not tide over it earlier, otherwise some of the grievances in the deficit provinces would not have arisen.

**Shri Kamath:** May I know whether the rice available from the Punjab will be allocated to the various States of India on the basis of or proportionately to their need or demand or on some other basis?

**Shri K. M. Munshi:** The hon. Member will realise that Punjab is one source. Then at different parts of India rice is coming by different ships at different intervals. I have to take the full availability at one time and distribute it in view of the needs of the particular States as well as the fear of a break-down of rationing in that State, as also the distance of the area. You cannot send Punjab rice to Madras, even the railway fare will be very much. It is a system in which you allocate to the nearest geographical area, of course, bearing in view other factors also.

**Shri Kamath:** Will not the neediest State take priority over the rest?

**Shri K. M. Munshi:** Well, the question is, there are three or four States which are in great need. Unfortunately, as I have said, on account of the bad rice situation, we have to supply food to the province which is just on the brink of a collapse so far as rice is concerned. The House should not misunderstand me. There is any amount of wheat and milo available, but in rice there is difficulty, and I have to take immediate steps to save a break-down in a particular area.

**Shri Kala Venkatarao:** Has this anything to do with the efficiency of the emergency administration in the Punjab?

**Shri K. M. Munshi:** I cannot answer that question.

**Shri Sondhi:** Last year when there was an emergency, the Punjab Government.....

**Shri Sidhva:** May I know whether a personal approach has been made to the Governor of the Punjab in view of the seriousness of the matter?

**Shri K. M. Munshi:** If the Central Minister for Food makes a telephone call and carries on correspondence, it cannot be any other approach.

**Sardar B. S. Man:** Is the present difficulty in the Madras State not due to the fact that the Madras people are refusing to eat wheat and insist on having rice?

**Pandit Thakur Das Bhareava:** Is it a fact that in the rationed areas of the Punjab every person is at liberty to take rice or wheat as he chooses

though wheat is the staple food in the Punjab?

**Shri K. M. Munshi:** I should like to collect more information before I can answer that question.

**Pandit Thakur Das Bhareava:** Is it a fact that in the Punjab there is so much of rice that every person can take rice or wheat just as he chooses?

**Mr. Deputy-Speaker:** The hon. Minister will collect all the necessary information. He has to make further enquiries.

**Shri Sondhi:** Is the hon. Minister aware that in the rationed areas of the Punjab a card holder can take the entire quantity of rice or wheat he wants, for two whole months together, because there is plenty of stock there?

**Shri K. M. Munshi:** I cannot say.

**Shri Sondhi:** Last year when there was an emergency the Punjab Government could send about 50,000 tons as required by the Food Minister. How is that with the present difficulties, there has been no response from the Punjab?

**Mr. Deputy-Speaker:** Probably they wanted the questions to be settled first.

**Shri B. Das:** The Punjab being under the rule of the Governor functioning under the guidance of the Rashtrapati, should not the Rashtrapati issue orders to the Governor to procure the rice and send it to the Centre at once?

**Mr. Deputy-Speaker:** That is a suggestion for action.

**Shri R. K. Chandhuri:** May I know why the rice which is not wanted in the Punjab is not given to the rice-eating provinces, particularly Assam?

**Shri K. M. Munshi:** The hon. Member will realise that we are discussing the same problem for the last twenty minutes.

STATEMENT BY HON. DEPUTY MINISTER OF DEFENCE IN CONNECTION WITH STARRED QUESTION NO. 747 OF 4TH SEPTEMBER, 1951, RECONTROL COMMITTEE ON CANTONMENTS

**The Deputy Minister of Defence (Major-General Himatsinghji):** With your permission, Sir, I wish to correct an unfortunate omission which occurred in the answer given by me to Starred Question No. 747 on the subject of the Report of the Central Committee on Cantonments, asked by

Shri Raj Kanwar, on the 4th September 1951. In answer to part (b) of the Question, I laid on the Table of the House Part I of the Committee's Report in which, through an inadvertent office error, two notes of dissent by Shri R. K. Sidhva, M.P., and Shri Har Govind Pant were not incorporated. I now lay these notes of dissent on the Table of the House as Annexure to Part I of the Report already laid on the 4th September 1951. [See Appendix V, annexure No. 22.]

I deeply regret this inadvertent omission.

WRITTEN ANSWERS TO QUESTIONS  
TAMPERING WITH LETTERS OF SOCIALIST PARTY

\*1067. **Shri R. Velayudhan:** (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that letters and telegrams addressed to members of the Socialist Party are tampered with or censored by the Postal or telegraph authorities?

(b) Is there any instruction issued by Government in this regard?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The Government of India have not passed any orders or issued any instructions for censorship in respect of letters and telegrams addressed to members of the Socialist Party, nor have they any reasons to think of taking such a step. Government are not aware of any such interference as is referred to in the question.

TRAINING IN TECHNOLOGICAL INDUSTRIES

\*1070. **Shri Kesava Rao:** (a) Will the Minister of Education be pleased to state whether it is a fact that Germany has offered for training Indians in technological and heavy industries?

(b) If so, what is the number of Indians trained under this free offer of Germany?

(c) Do Government propose to invite any German students as a reciprocity measure?

The Minister of Education (Maulana Azad): (a) and (b). Yes. Some Universities and Technological Institutes of West Germany have offered 50 free Studentships and some of the Industries have undertaken to train 250 Engineers and Apprentices in their workshops. The Government of India have accepted the offer and are taking steps to implement it. Certain essential details have been called for on receipt of which the Scheme will be started.

(c) The Government of India have offered 10 free Fellowships to Germans for the study of Indian languages, religion and Philosophy at Indian Universities.

RIVER PROJECTS

\*1071. **Shri Dwivedi:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the number of projects of building river dams abandoned (i) after part of the work had been done; and (ii) from the very inception, as a result of economy;

(b) in the case where abandonment after a part of work was done, at what stage the projects were left and why;

(c) the cost already incurred in each of the abandoned projects;

(d) whether these projects are likely to be taken up again and if so, when;

(e) whether in any case the work done was discovered to be defective or the choice of site found unsuitable;

(f) if the answer to part (e) above be in the affirmative, whose fault it was;

(g) whether any action has been taken against the person or persons responsible for the loss of such huge sums of money; and

(h) the quantity and value of material lying at the sites unused?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (h). Presuming that the hon. Member refers to the period after the attainment of Independence, i.e., August, 1947, and requires information not only regarding dams sponsored by the Central Government but also those initiated by the State Governments, the necessary information is being collected from the Central Water and Power Commission and will be laid on the Table of the House as soon as it is received.

COMMUNIST PARTY

\*1078. **Shri Krishnanand Rai:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Communist Party of India has recently intimated to the Government that it now wishes to carry constitutional agitation only in the country;

(b) whether it has asked the Government to allow it to function as a legal body so that it may participate in the coming general elections on party basis; and

(c) if so, whether any change has occurred in its attitude?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) to (c). A request for an interview was received some time back both by the Prime Minister and myself from certain representatives of the Communist Party of India on behalf of the Central Election Board of the Party. They were informed that no useful purpose would be served by our meeting the proposed deputation unless the Party made an unequivocal declaration dissociating itself from all forms of violence and sabotage and gave practical evidence of this dissociation. No such assurance has been forthcoming; on the contrary crimes of violence presumably under Communist inspiration are still continuing in the affected areas. For instance, during the one month ending the 11th September, there have been 10 cases of murder, 21 of arson, 9 of attacks on Government buildings, 4 of destruction of records, 19 of loot and 10 of assault.

#### TRAINING OF MIDWIVES AND NURSES

**\*1081. Dr. M. V. Gangadhara Siva:** (a) Will the Minister of Health be pleased to state the names of the institutions in Delhi maintained by Government and those which receive Government grant for training midwives, nurses and health visitors in Delhi?

(b) What is the number of students of each of these categories fixed for admission to these institutions?

(c) Is it a fact that more students than can be admitted in these institutions apply every year for admission?

(d) If so, how many approximately are refused admission?

**The Minister of Law (Dr. Ambedkar):** (a) and (b). A statement containing the required information is laid on the Table of the House. [See Appendix VII, annexure No. 13.]

(c) Yes.

(d) The information is being collected and will be laid on the Table of the House in due course.

#### COMPENSATION FOR WAR-TIME DAMAGES

**\*1087. Shri J. N. Hazarika:** Will the Minister of Defence be pleased to state:

(a) the number of persons in Lakshimpur district and N.E.F. Agency (Assam) who have claimed compensation for war-time damages;

(b) the amount so claimed;

(c) the amount so far paid;

(d) the amount for which claims were rejected;

(e) the grounds of rejection; and

(f) when the entire claims will be paid off?

**The Deputy Minister of Defence (Major-General Himatsinhji):** (a) to (d). Nil.

(e) and (f). Do not arise.

#### P.T.O. CONCESSION

**\*1088. Shri Rathnaswamy:** Will the Minister of Home Affairs be pleased to refer to the answer given to starred question No. 2843 asked on the 5th April, 1951 and state:

(a) whether any decision has since been arrived at by Government to restore P.T.O. Concessions to Government employees;

(b) if so, when; and

(c) if not, what are the reasons for delaying this decision?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) to (c). Government have not yet considered this question. As stated in my reply on the 5th April, the present orders are not due to expire till the end of February, 1952.

#### NEWSPAPERS

**\*1089. Shri Rathnaswamy:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the ownerships of any of the Indian newspapers have passed into the hands of foreigners in the last twelve months;

(b) if so, the names of such newspapers;

(c) whether any foreigners have taken shares in the Indian newspaper enterprises and if so, to what extent;

(d) whether Government have any information as to the extent of foreign capital in Indian newspaper enterprise; and

(e) nationals of which foreign country own the maximum investment in this enterprise?

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

(a) and (b). So far Government have no information about the ownership of any Indian newspaper having passed into the hands of foreigners in the last 12 months.

(c) to (e). Information is being collected.

#### TILAIYA AND KONAR DAMS

**\*1090. Shri S. N. Sinha:** (a) Will the Minister of Natural Resources

and Scientific Research be pleased to state when the Tilaiya and the Konar dams of the Damodar Valley Corporation are expected to be completed?

(b) How are the works progressing?

(c) What is the daily output in connection with these works in earth-moving and concrete pouring?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (c). The information is being collected from the Damodar Valley Corporation and will be laid on the Table of the House as soon as it is received.

#### D.V.C. TRANSMISSION SYSTEM

\*1091. Shri S. N. Sinha: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) what is the progress up-to-date in the erection of the Damodar Valley Corporation's Transmission System;

(b) whether this system is being built departmentally or through contractors; and

(c) the cost per mile of the transmission line and how it compares with the expenditure on similar works in other parts of the country?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (c). The information is being collected from the Damodar Valley Corporation and will be laid on the Table of the House as soon as it is received.

#### EMETINE

\*1093. Shri Kamath: Will the Minister of Health be pleased to state:

(a) what steps have been taken in the past and are being taken at present to cultivate in India Ipecacuanha plants, the roots of which yield Emetine, a specific for amoebic dysentery;

(b) the incidence of amoebic dysentery in India;

(c) the quantity and value of Emetine and Ipecac root imported annually into India and from which countries;

(d) whether it is a fact that some work has been done in the direction of Ipecac cultivation in West Bengal by the Cinchona Directorate, if so, with what result; and

(e) whether it is proposed to extend the existing West Bengal Ipecac plantations, and if so, what steps are contemplated?

The Minister of Law (Dr. Ambedkar): (a) It is understood that difficulties attending its cultivation in India have so far deterred its being taken up on a commercial scale. The Indian Council of Agricultural Research is carrying on experimental cultivation of ipecacuanha and has included it in the co-ordinated scheme formulated by the Council for the cultivation of medicinal plants in Coimbatore, Panchgani and Darjeeling.

(b) The incidence of amoebic dysentery is considered to be high particularly in the Eastern and Southern parts of India, namely, Madras and West Bengal. As the disease is not notifiable, no statistics are however maintained.

(c) Statistics regarding the imports of Emetine Hydrochloride and Ipecac root are not available.

(d) and (e). The information has been called for from the Government of West Bengal and will be laid on the Table of the House in due course.

#### AYURVEDIC RESEARCH INSTITUTE

\*1094. Dr. V. Subramaniam: (a) Will the Minister of Health be pleased to state whether the scheme for the establishment of an Ayurvedic Research Institute as per the recommendations of the Committee on indigenous systems of medicine (Pandit Committee) has been placed before the Standing Committee of Parliament for the Ministry of Health and the Standing Finance Committee?

(b) If so, what are their recommendations and has the scheme since been sanctioned?

The Minister of Law (Dr. Ambedkar): (a) and (b). The scheme is under active consideration. It will be shortly placed for approval before the Standing Committee of Parliament for the Ministry of Health and the Standing Finance Committee.

#### TECHNICAL TRAINING OF INDIAN ARMY

\*1095. Shri Jagannath Mishra: Will the Minister of Defence be pleased to state the percentage in the number of Indian Land Army who are technically trained to take up work in Railways and Postal Departments when any emergency will arise?

The Deputy Minister of Defence (Major-General Himatsinghji): It is not in the public interest to disclose this information.

#### HOSTELS FOR SCHEDULED CASTE STUDENTS

\*1096. **Shri Balmiki:** (a) Will the Minister of Education be pleased to state the number of Cost-free Hostels and Boarding Houses for the students of Scheduled Castes and other Backward Classes which are run by Government in the Centrally Administered Areas?

(b) What are the other facilities which Government are giving to these students for lodging and boarding?

The Minister of Education (Maulana Azad): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

#### SLUM-CLEARANCE SCHEMES

\*1097. **Shri Balmiki:** Will the Minister of Health be pleased to state:

(a) the number of slum-clearance schemes in the Centrally Administered Areas except Delhi, and

(b) when such schemes started and with what amount?

The Minister of Law (Dr. Ambedkar): (a) and (b). The information required has been called for from the States concerned and will be furnished to the House on receipt.

#### SCHOOLS IN BHOPAL

\*1098. **Thakur Lal Singh:** (a) Will the Minister of Education be pleased to state whether it is a fact that most of the newly-opened boys' and girls' schools in the State of Bhopal have not got proper and sufficient accommodation for the pupils, leading to undue congestion?

(b) Do Government propose to acquire better buildings for the purpose in the near future?

The Minister of Education (Maulana Azad): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

#### PHYSICAL CONDITION OF STUDENTS IN BHOPAL

\*1099. **Thakur Lal Singh:** Will the Minister of Education be pleased to state:

(a) whether the physical condition of the students in the (i) primary and (ii) secondary schools and colleges of Bhopal is periodically examined;

(b) whether there is arrangement for the physical training of the students in all the middle and high schools in the State; and

(c) how many boys' and girls' Primary, Upper Primary, Middle and

High Schools are provided with play grounds for students?

The Minister of Education (Maulana Azad): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

#### HIRAKUD DAM

\*1100. **Shri A. Joseph:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state the number of daily wage labourers appointed in the Hirakud Dam to look after the officers' bungalows and the total amount spent per month for this?

(b) Was any register maintained by the Hirakud authorities for these labourers to pay their wages?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). The information is being collected from the Chief Engineer, Hirakud Dam Project, and will be laid on the Table of the House as soon as it is received.

#### REMITTANCE ACCOUNT

\*1101. **Shri S. N. Das:** (a) Will the Minister of Finance be pleased to state what are the items and the total amount outstanding in the Remittance Account adjustable in England at present?

(b) What steps have so far been taken by Government to adjust the amount?

The Minister of Finance (Shri C. D. Deshmukh): (a) The net amount outstanding at the end of 1950-51 amounted to about £8 million of which £2½ million pertained to civil transactions and £5½ million to defence services. The main items in the case of civil were: (i) payments on behalf of the Ministry of War Transport, U.K.; (ii) maintenance of British and foreign evacuees; (iii) purchases in India on behalf of dominions and other foreign governments; (iv) payments on behalf of Air Ministry; and (v) postal and money order transactions with the U.K. The main items under defence services were (i) cash advances to British Service personnel loaned to India; (ii) cost of stores issued from defence stock in India to His Majesty's Government's formations; and (iii) Sea transport charges in respect of H.M.G. stores and personnel.

(b) The items are reported to the Accounting Authorities in England who take necessary action in this regard and the position is also watched by the Auditor of Indian Accounts in U.K. Cases of delay in clearance or

dispute are reported to Government who then take up the matter with the U.K. Government.

**SEIZURE OF CURRENCY NOTES BY  
BOMBAY CUSTOMS OFFICERS**

\*1102. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that on the 31st August, 1951 the Bombay Customs officials seized at Santa Cruz (Bombay) airport several parcel packets containing currency notes worth several lakhs of rupees;

(b) if so, what was the exact amount of the notes so seized;

(c) whether those parcel packets also contained foreign notes;

(d) what were the places of origin of those parcel packets; and

(e) where they were intended for?

**The Minister of State for Finance (Shri Tyagi):** (a) to (c). 226 air-mail articles containing currency notes, both Indian and foreign, being despatched out of India from Santa Cruz airport were intercepted on various dates between the 20th and 31st August 1951; the value of Indian currency notes is Rs. 5,94,300 and of other currency notes Rs. 1,45,000 approximately.

(d) These articles were posted from Bombay and Calcutta.

(e) New York, London, Damascus, Lebanon, Djibuti, Gibraltar, Bahrain, Koweit, East Africa, Hongkong and Singapore.

**INDIAN AUDIT AND ACCOUNTS SERVICE**

249. **Shri D. S. Seth:** Will the Minister of Finance be pleased to state:

(a) the posts of the Indian Audit and Accounts Service upgraded from time to time on and from 15th August, 1947 to 31st July, 1951;

(b) the dates of each stage of upgrading;

(c) the scales of pay of each of the posts before and after each stage of upgrading; and

(d) the reasons for the upgrading of each post at each stage?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) to (d). A statement containing the information is placed on the Table of the House. [See Appendix VII, annexure No. 14.]

**TUITION FEES**

250. **Shri Kshudiram Mahata:** Will the Minister of Education be pleased to state:

(a) whether there are different scales of tuition fees in the various Schools and Colleges of Delhi imparting similar education;

(b) if so, how these vary; and

(c) the reasons for these variations?

**The Minister of Education (Maulana Azad):** (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

**INSTRUCTIONS TO OFFICERS**

251. **Shri Raj Kanwar:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Government of India have issued instructions for the guidance of Ministers, Deputy Ministers and other high officers of Government both at the Centre and in the States to regulate such matters as the following:

(i) laying foundation stones of works of alleged public utility financed wholly by private individuals or group of individuals;

(ii) performing opening ceremonies of buildings, factories, mills etc. belonging to private individuals;

(iii) sitting for group photographs at private functions; and

(iv) taking part in lunches, dinners and other forms of entertainment organised and sponsored by private individuals supposed to be under their official or personal influence; and

(b) if so, whether Government propose to lay a copy of such instructions on the table of the House?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). As regards Government Servants, attention is invited to rules 3 and 4 of the Government Servants Conduct Rules, 1935, a copy of which is available in the Library of the House. No instructions have been issued for the guidance of Ministers and Deputy Ministers. Over-participation by Ministers and others in the items referred to in the question will automatically reduce the exploitation value indicated in the question and thereby the evil develops its own remedy. The matter has to be left to the best discretion of the Ministers and others concerned.

**MINIATURE MODELS OF PROJECTS**

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

(a) the number of models in miniature of water, irrigation, hydro-electric, and navigation projects on which experiments for improvement and development as well as successful planning have been or are being made at Poona Research Station;

(b) whether the results arrived at have proved or are likely to prove of some advantage to the nation;

(c) the measure of success achieved at one or more places where the experience gained by the working of these models has been applied to practical utility and advantage;

(d) the annual expenditure that is being incurred by the Government of India in this direction;

(e) whether it is a fact that the work sometimes suffers on account of lack of funds or delays in sanctions; and

(f) whether Government contemplate to open more of such Research Stations?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) to (f). The information is being collected and will be laid on the Table of the House as soon as it is received.

#### DOCUMENTARY FILMS ON "TERRITORIAL ARMY"

**253. Shri Dwivedi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of and the language in which documentary films have been prepared by the Government of India on the subject of "Territorial Army of India";

(b) whether in addition to their being exhibited in the cinema houses along with regular shows, any steps have been taken to educate the rural population by showing these films in villages through touring talkie equipments; and

(c) whether the language used in the documentaries is English, Hindi or any other language or any two or all?

**The Minister of State for Information and Broadcasting (Shri Diwakar):** (a) and, (c). One documentary film in Hindi, Bengali, Tamil, Telugu and English.

(b) Yes. Copies of the film are being made available to State Governments for exhibition through their publicity vans in rural areas.

#### COMMUNIST DETENUS

**254. Shri A. Joseph:** Will the Minister of Home Affairs be pleased to state:

(a) the number of communist detenues released unconditionally in Parts 'A', 'B' and 'C' States from August, 1950 to August, 1951;

(b) the amount paid as allowances to these detenues' families in Parts 'A', 'B' and 'C' States during 1950-51; and

(c) the number of applications of the dependents of these detenues still in jail outstanding for allowances in Parts 'A', 'B' and 'C' States?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) to (c). In so far as the States in Part 'C' are concerned the hon. Member's attention is invited to the information contained in the statement laid on the Table of the House in answer to a similar question No. 4934 asked by him in Parliament on 6th June 1951.

As regards allowances given to the families of detenues in Parts 'A' and 'B' States, the Government of India have no information.

#### HARIJAN STUDENTS

**255. Shri A. Joseph:** Will the Minister of Education be pleased to state:

(a) the number of Part 'C' States which are giving free and half-fee concessions to Harijans in colleges and secondary and middle schools; and

(b) the Part 'C' States that are supplying mid-day meals for the students belonging to the Harijan community?

**The Minister of Education (Maulana Azad):** (a) In 6 Part 'C' States free and half-fee concessions are given to Harijans in primary and secondary schools. Attention is in this connection invited to the statement laid on the Table of the House in pursuance of Starred Question No. 252 asked by Shri V. K. Reddi on 22nd November, 1950. Information regarding free concessions in colleges is not readily available but it will be called for and placed on the Table of the House in due course.

(b) Excepting Coorg, no Part 'C' State provides mid-day meals to Harijan students in schools.

#### FOREIGN TOURS OF MINISTERS

**256. Shri Kamath:** Will the Minister of Home Affairs be pleased to refer to the answer given to starred question No. 772 asked on the 4th September 1951 regarding foreign tours of Ministers and give a breakdown of the amount of Rs. 45,000 ex-



pended in connection with the foreign tour of the Minister of Education during the last six months?

**The Minister of Home Affairs (Shri Rajagopalachari):** Information is not yet available about the break up of the actual expenditure. The break up of the estimated expenditure of Rs. 45,000 is as follows:

- |   |            |
|---|------------|
| (1) Travel Expenses                                 | Rs. 15,000 |
| (2) Expenses on accommodation and boarding          | Rs. 15,000 |
| (3) Hospitality                                     | Rs. 10,000 |
| (4) Contingencies, including transport etc. charges | Rs. 5,000  |
|   | Rs. 45,000 |

The hon. Minister was accompanied by his Private Secretary and the Joint Secretary, Ministry of Education, and the above figures include expenditure on the entire party.

#### PAKISTANI SPIES

**257. Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) the number of Pakistani nationals engaged in espionage for Pakistan who have been arrested in each of the States in India except Bihar, West Bengal, Assam and Tripura during the last twelve months;

(b) how many among them have been detained or prosecuted and convicted, or released;

(c) the details of charges brought against those spies;

(d) the sentences awarded to those who have been convicted; and

(e) the reasons why some were released by Government?

**The Minister of Home Affairs (Shri Rajagopalachari):** Without prejudice to the question of how much of the information asked for may be published in the public interest, Government have called for this information from the State Governments concerned.

#### DIRECTORATE OF HOUSING

**259. Shri Kamath:** Will the Minister of Health be pleased to state:

(a) the date on which the Directorate of Housing was set up;

(b) the date on which it came to an end;

(c) the nature and volume of work accomplished by the Directorate during this period; and

(d) What were the qualifications of the Director of Housing?

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**The Minister of Law (Dr. Ambedkar):** (a) and (b). No separate Directorate of Housing as such was set up. A Director of Housing with a skeleton personal staff was appointed with effect from the 4th October 1948. The Director of Housing relinquished charge of his office on the 1st July 1951.

(c) The Director of Housing gave advice to the various Ministries of the Government of India, the State Governments and Local Bodies on questions relating to housing. Most of his time was however taken up with the construction and management of the Government Housing Factory.

(d) The attention of the hon. Member is invited to the reply given to part (c) of his Starred Question No. 390 on the 7th December 1949.

#### TRAVELLING ALLOWANCES

**260. Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether a Minister is entitled to take any members of his staff with him while not travelling on official duty; and

(b) if so, whether such member or members of the staff are paid their allowances by the State on such occasions?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). A Minister, even when he is travelling on a private journey, continues to do his official work and to be responsible for the administration of his Ministry. It is, therefore, in public interests that his personal staff should travel with him and get their travelling allowance from Government, though the Minister himself would not charge travelling allowance.

#### RELINQUISHMENT OF TITLES

**261. Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government have issued a directive advising Governors, Ministers and officials at the Centre and in the States to relinquish their titles if any, conferred by the previous Government; and

(b) if so, when the directive was issued, and what its contents were?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). A copy of the Instructions issued on the subject was laid on the Table of the House on the 21st February 1951. In reply to Shri Raj Kanwar's Starred Question No. 1601. No further instructions have since been issued.



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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VOLUME XV, 1951

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

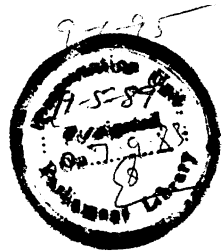
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Fourth Session

of the

PARLIAMENT OF INDIA

1951



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**PARLIAMENT OF INDIA**

Monday, 17th September, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(See Part I)

9-51 A.M.

**NOTARIES BILL**

**EXTENSION OF TIME FOR PRESENTATION  
OF REPORT OF SELECT COMMITTEE**

**The Minister of Law (Dr. Ambedkar):** I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to regulate the profession of notaries, be further extended upto Monday, the 24th September, 1951."

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to regulate the profession of notaries, be further extended upto Monday, the 24th September, 1951."

The motion was adopted.

**INDUSTRIES (DEVELOPMENT AND  
CONTROL) BILL**

**EXTENSION OF TIME FOR PRESENTATION OF  
REPORTS OF SELECT COMMITTEE**

**The Minister of Commerce and Industry (Shri Mahtab):** I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee to which the Bill to provide for the development and regulation of certain industries, as

reported by the Select Committee, has been recommitted, be extended upto Monday, the 24th September, 1951."

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

"That the time appointed for the presentation of the Report of the Select Committee to which the Bill to provide for the development and regulation of certain industries, as reported by the Select Committee, has been recommitted, be extended upto Monday, the 24th September, 1951."

The motion was adopted.

**HINDU CODE**

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

**Shri Naziruddin Ahmad (West Bengal):** I have a point of order . . .

**Shrimati Durgabai (Madras):** On what subject, may I know, is the hon. Member raising his point of order? There is no subject before the House on which the point of order could be raised. First of all the motion should be moved.

**Shri Sondhi (Punjab):** Who are you? You are not sitting in the Chair. (Interruptions).

**Shrimati Durgabai:** The motion must be made first.

**Mr. Deputy-Speaker:** The business before the House is further consideration of the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee. Clause 2 of the Bill is under consideration.

**Shri R. K. Chaudhuri (Assam):** Before anything is said or done I would earnestly appeal to the House through you, Sir, that there need not be any unnecessary excitement. I am constrained to say that the conduct which

[Shri R. K. Chaudhuri]

has just now been shown by Shrimati Durgabai is far from such and is... (Interruptions).

Furthermore I wish to know whether the attention of the Government has been drawn to a Press news published yesterday, namely, that even if this Bill be passed the President may withhold his assent and so far.....(Interruptions).

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

**Shrimati Durgabai:** May I give an explanation since the hon. Member has referred to me?

**Mr. Deputy-Speaker:** Not while I am on my legs . . .

**Shrimati Durgabai:** You must give me an opportunity to answer what the hon. Member has said. (Interruptions).

**Mr. Deputy-Speaker:** Order, order. The hon. Member who advised another hon. Member not to be excited is himself excited. One should sit on the right and the other on the left.

So far as the reference to the President is concerned his name ought not to be canvassed for the purpose of this Bill-one way or the other. Rule 159(vi) says that a Member while speaking shall not use the President's name for the purpose of influencing the debate. The President's name ought not to be referred to here at all.

**Shri Kamath (Madhya Pradesh):** Not on a point of order, but on a point of propriety, when such a measure as the Hindu Code is before the House, is it quite proper for the hon. Law Minister to have such a big basket before him?

**Shri R. K. Chaudhuri:** This does not fit in with the serious topic before the House. I want to know if it is a fact that the President will address this House on the Hindu Code.

**Mr. Deputy-Speaker:** No reference to the President, can be permitted irrespective of anything that might have appeared in the papers. Now, what is the point of order of Mr. Naziruddin Ahmad?

**Shri Naziruddin Ahmad rose—**

**Sardar B. S. Man (Punjab):** Before the hon. Member makes his point of order, may I say, Sir, that you have made certain observations previously in the debate that in your kindness you show certain concessions to lady Members here. Now when we are going to discuss this Bill may I request that henceforward you will treat hon.

lady Members and men Members on an equal footing and no concessions will be shown to lady Members? It is high time for them to make up their mind either to have the concessions or to have the Hindu Code Bill. (Interruptions).

**Shrimati Durgabai:** I would like the Chair to give a ruling. It was a fact that the Chair said sometime ago that special concessions were sought or asked for by the women Members and it is a fact that the women Members had emphatically protested that they did not want any special concession at all. Therefore, the hon. Member is quite wrong in saying what is not true.

**Mr. Deputy-Speaker:** I am fully aware that lady Members do not want any special concessions for themselves: it could not have been their intention. If, therefore, I had made any such remark I thought that it would be taken in good humour and it was not my intention to cast any reflections. I know very well that no lady Member has ever been in need of any concession or indulgence. So far as I am concerned I have got both sons and daughters and, therefore, I shall try to be absolutely just.

Now what is the point of order? With respect to points of order I may remind hon. Members that they may state their points cryptically without any arguments, unless I want some elucidation with regard to them. I hope hon. Members will bear this in mind.

**Shri Naziruddin Ahmad:** I shall state the point of order and elucidate it very briefly just to make it intelligible.

**Mr. Deputy-Speaker:** If I fail to understand I will ask the hon. Member.

**Shri Naziruddin Ahmad:** My point of order concerns the applicability of the Bill to the former Indian States, some of which are now known as Part B States and some others have been incorporated in Part A States. The whole point is directed towards that question and I am directing my mind to that.

**Hon. Members:** What is the point of order?

**Pandit Maitra (West Bengal):** Is it the hon. Member's point that the Bill has not been published to them?

**Shri Naziruddin Ahmad:** Yes, the Bill has not been published to them.

**Mr. Deputy-Speaker:** I have understood the point of order.

10 A.M.

**Shri Naziruddin Ahmad:** I have to state a few facts.

**Mr. Deputy-Speaker:** "Few facts" are not necessary so far as this point of order is concerned.

**Shri Naziruddin Ahmad:** There are rulings of the Chair on this point. I wish to draw your attention to this point which was raised by Mr. Sarwate on the 24th February, 1949 . . .

**Mr. Deputy-Speaker:** The House is on clause 2. Is this relevant so far as clause 2 is concerned?

**Shri Naziruddin Ahmad:** Yes, clause 2 will also apply to the former Indian States.

**Mr. Deputy-Speaker:** The hon. Member knows too well that the scope or the extent of the operation of this Bill is governed by clause 1. Clause 1(2) says:

"It extends to all the Provinces of India."

This point of order may be relevant as to whether in this unrestricted manner it ought to be allowed, or whether, as it was originally framed, it does not apply under the Constitution. There may be many reasons for and against, but the point of order may be raised at that stage, not at this stage. Now we are going into general considerations: if they do not apply to Part B or Part C States, we will restrict them when we come to clause 1.

**Shri Naziruddin Ahmad:** It will lead to inconvenience; that will no doubt come formally, in due course: we should not be made to wait till that time.

**Mr. Deputy-Speaker:** I have given my ruling. The hon. Member does not say that this clause 2 will not apply to any State whatsoever; if it applies even to a small village in a single State in the whole of India we shall proceed with clause 2. When we come to clause 1 we shall eliminate all the others where it ought not to apply under the Constitution.

**Shri Naziruddin Ahmad:** The difficulty is this. If the Members belonging to the States know beforehand that the Bill will not apply to them, they will not trouble themselves about the matter and discussion will be shortened. But on the other hand, if they are in the dark as to whether it will apply to them or not, they will have to partake in the debate. So, in order to clarify the situation we ought to know where we are and where they are.

**Mr. Deputy-Speaker:** The hon. Member knows too well that we come back, after exhausting all the other clauses, to clause 1. Any hon. Member who is a representative of the States may proceed on the footing that it will apply—he may do so in the first instance. Then he may make an effort along with Mr. Naziruddin Ahmad to get it out. There is time enough.

**Shri Syamnandan Sahaya (Bihar):** Before we proceed with the Bill, I think the House is entitled to know the procedure which has been adopted. From the papers we learn that only two parts of the Bill, concerning marriage and divorce, will be taken. It will be desirable for the hon. Minister to explain the position so that the House may know in what direction we are proceeding and how this matter is ultimately going to be decided. That is one point to which I want to draw your attention, Sir, and the attention of the House. The other point to which I want to draw your attention and the attention of the hon. Minister and of the House is this. Now the appearance of the Bill seems to be such that it is difficult to recognise it. As a matter of fact, the hon. Law Minister himself, who is the Mover of the Bill, has sent in a very large number of amendments some of which reached us even yesterday. You will appreciate the importance of a Bill like the Hindu Code. You have also seen the seriousness that is attached to this Code by the Members of this House. We are really in a difficult position to find out suddenly what the amendments are, what the implications of those amendments are, and whether amendments to the amendments should be sent because that is what will form the main basis of discussion, namely the amendments of Dr. Ambedkar. These are the difficulties that are facing us. In order that the Code may go through the House properly and ultimately the decision of the House may be such as to evoke respect in the country, it is desirable that some time is given so that the amendments may be read. You will remember, Sir, that when the Bill was introduced and sent to the Select Committee there was a Select Committee report. After that Dr. Ambedkar sent a large number of amendments. On the one side we have the amendments, on the other side the Select Committee's report; now, even those amendments are no more there—fresh amendments have been sent. All these are to be consolidated and placed in a manner in which they can be conveniently considered, and considered in a manner which the importance of the Code deserves. I think we should adopt some procedure by which these amendments can be considered



[Shri Shyamnandan Sahaya]  
carefully. I would also like the Law Minister to let the House know what is the latest decision of the Government with regard to the procedure to be adopted with regard to the Hindu Code.

**Shri R. K. Chaudhuri:** I will put another question so that it may be answered along with this . . .

**Shri B. Das (Orissa):** May I submit, Sir. . . .

**Mr. Deputy-Speaker:** Nothing more.

So far as the amendments are concerned, a set of amendments were tabled by the hon. Law Minister originally and subsequently to these amendments he has tabled another set of amendments.

**The Minister of Law (Dr. Ambedkar):** A few—verbal.

**Mr. Deputy-Speaker:** Even if they were substantial they have all been circulated as early as the 5th September. But if any hon. Member, during the course of the debate, moves an amendment to any particular amendment, and if it is reasonable, we will consider it.

**Dr. Ambedkar:** Certainly, I have no objection.

**Mr. Deputy-Speaker:** I am not going to be too technical with respect to those matters here. After all, the hon. Minister has been saying that he would like to have as much an agreed solution to these problems as possible. Therefore, every effort will be made on all sides of the House towards it. I shall never be wanting, if it is possible, in trying to smoothen and to get over the rules of procedure or to suspend standing orders for bringing about an amicable settlement so far as any clauses are concerned. Hon. Members may have no difficulty. But so far as once again piecing the amendments together and circulating them again is concerned, hon. Members know too well how we were in an ocean of amendments so far as the Representation of the People Bill was concerned; the Speaker could not know the amendments, a number of new amendments were given to the hon. Minister himself. This is not such a forest in which we cannot get in. After all, there are a few amendments to the original amendments and we can proceed.

**Shri Shyamnandan Sahaya:** One other submission, Sir.

**Mr. Deputy-Speaker:** Hon. Members must make up their mind to go on with the Bill.

**Shri Shyamnandan Sahaya:** That we have made up.

**Shri B. Das:** Is he permitted to speak again?

**Shri Shyamnandan Sahaya:** There is one other submission which I will make, Sir. We have been following a procedure, namely that all the amendments are first moved, then they are discussed together and then decisions are arrived at. I would submit that in the case of the Hindu Code that will not be possible because every amendment has a particular significance; it is not a question of a cut motion being discussed or of a budget demand being discussed; it is a question of every amendment having a particular significance, having a particular importance. Therefore, I would submit that in the case of the consideration of the Hindu Code these amendments should be taken up one by one; each amendment should be taken up, discussed and then decided upon—either accepted or rejected—and only then the next amendment taken up. That, I submit, ought to be the procedure with regard to this Bill.

**Shri R. K. Chaudhuri:** May I ask for only one piece of information? There are certain amendments which have been tabled now after we had a discussion on this Bill in February last; these are new amendments which have been tabled since. I want to know whether those Members who had taken part in discussion in February will be entitled to speak on the new amendments now.

**Mr. Deputy-Speaker:** I shall consider the suggestion when the time arises. So far as these amendments are concerned what I propose doing is this. Normally the procedure is that each amendment is taken up and disposed of and then we go to the next. But here, if there are amendments of like nature, except the form of expression if the substance is the same then I will ask hon. Members to move all those amendments together so that a single discussion may proceed. Those amendments which are substantially different, I will place separately. It would be helpful if the hon. Minister is able to tell me what all amendments are of like nature; hon. Members may also consider the point when amendments are moved; if they find other amendments which are substantially of a like nature they may also rise and ask that they be moved together, and the discussion will proceed on all of them together.

**Shrimati Renuka Ray (West Bengal):** If people are willing, we might have a time-limit on speeches.

**Hon. Members:** No, no.

**The Minister of Works, Production and Supply (Shri Gadgil):** It will be better for the Chair to select a group of amendments which contain the same substance, and that group may be put down for discussion. That will avoid wastage of time.

**Mr. Deputy-Speaker:** That is exactly what I said. I have no time to group them myself. I shall ask hon. Members, as soon as an amendment is moved by Dr. Ambedkar, whether they have amendments of a like nature relating to the same subject. If they have, then I shall piece them together and have a common discussion. That is for tomorrow.

As for today, let us proceed with the business. Clause 2 was under discussion.

**Shrimati Renuka Ray:** Would you put my suggestion to the House, Sir?

**Shri Syamnandan Sahaya:** Has the hon. Minister got nothing to say on the points that I made?

**Mr. Deputy-Speaker:** I do not think he wishes to say anything. Does he want to say anything?

**Dr. Ambedkar:** No, Sir.

منسٹر آف ایجوکیشن (مولانا آزاد) :

پرائم منسٹر صاحب بیان کی دہلیے -

[**The Minister of Education (Maulana Azad):** The Prime Minister will explain it.]

**The Prime Minister (Shri Jawaharlal Nehru):** I am sorry I was not here when the hon. Member spoke.

**Mr. Deputy-Speaker:** He wanted to know if there are any portions of this Bill that are not to be considered. Clause 2 was under discussion previously and naturally I wanted the discussion to proceed and I was about to allow amendments to be moved. Meanwhile, the hon. Member wanted to know whether the hon. Minister is taking up any particular portions of this Bill first and giving them preference.

**Shri Syamnandan Sahaya:** In view of the reports in the Press, I wanted to know the correct position.

**Shri Jawaharlal Nehru:** I think the day before yesterday I did say something on this very subject, that is, we propose to take up Parts I and II of

this Bill and if time permits we shall take up more. In any case, we do not want to leave the matter unfinished in regard to these two Parts. We should like to finish them, even though in regard to the rest what we shall do depends on time.

**Shri Kamath:** Has any definite number of days been earmarked for the consideration of this Bill?

**Shri Jawaharlal Nehru:** We expect that we shall finish it within this week.

**Shri Syamnandan Sahaya:** This month or this week?

**Shri Jawaharlal Nehru:** This week, I said.

**Dr. Ambedkar:** With your permission, I should like to move amendment No. 4, in list No. 1. It seeks to substitute 'tribe or community' to bring it in conformity with the rest of the clause. I beg to move:

In the amendment proposed by me, printed as No. 3, after part (1)(i) insert:

"(ia) in part (c)(ii) for 'community' substitute 'tribe or community';"

**Mr. Deputy-Speaker:** Amendment moved:

In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, after part (1)(i) insert:

"(ia) in part (c)(ii) for 'community' substitute 'tribe or community';"

Dr. Ambedkar has already moved amendment No. 3 during the last session. That amendment and this one are before the House. Has any other hon. Member got amendments relating to the same subject?—to the same subject, and not to clause 2 as a whole?

**Shri J. R. Kapoor (Uttar Pradesh):** Is it your intention, Sir, that if we have amendments to the amendments No. 3 and 4 of Dr. Ambedkar, we may move them?

**Mr. Deputy-Speaker:** Yes.

**Shri J. R. Kapoor:** So, with your permission, I should like first to move No. 95 of list No. 2. As a matter of fact, I had in my original notice given it as an amendment to amendment No. 3 of Dr. Ambedkar, but here it has been given as an independent amendment. That has been done by the office for the sake of facility probably. I am mentioning this only to avoid any objection from any quarter that No. 95

[Shri J. R. Kapoor]

is not an amendment to the amendment of Dr. Ambedkar. I beg to move:

(i) For clause 2, substitute:

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

Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

Then, in the same context, I would ask your permission to move amendment No. 97 in list No. 2, I beg to move:

(ii) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, after part (2), insert:

"(3) After sub-clause (3), the following new sub-clause be inserted, namely:—

"(4) This Code or any part or parts thereof also apply to any other person who after attaining the age of majority declares in writing that he shall be governed by this Code, or any part or parts thereof as the case may be, and get such declaration registered in accordance with rules prescribed for the purposes by the Central Government:

Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, have made such a declaration."

I also beg to move:

(iii) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in part (1) (ii) of the proposed amendment to sub-clause (1) of clause 2, after "Sikh religion" add:

"or to any other religion or faith except Muslim, Christian, Parsi, or Jew religion."

(iv) After part (c) (fi) of sub-clause (1) of clause 2, insert:

"(iff) to any orphan or abandoned child brought up by the State."

**Shri B. K. P. Sinha (Bihar):** May I suggest that instead of hon. Members reading all the amendments, they may only refer to their numbers. Because the amendments sometimes tantamount to a speech.

**Mr. Deputy-Speaker:** It is no good our closing our eyes. There is a limit to this kind of suggestion. The amendments must be read; we cannot rush through like this. Certainly I will allow all reasonable debate on the matter. I myself am not able to understand at times. Except on formal matters, when I shall ask hon. Members not to read the amendments, the amendments must be read.

**Shri J. R. Kapoor:** Thank you for your direction, Sir.

**Mr. Deputy-Speaker:** That does not mean that the hon. Member can be dilatory.

**Shri J. R. Kapoor:** If the suggestion of my hon. friend were to be pursued to its logical length, we can even say that all the amendments standing in the name of an hon. Member are moved.

**Mr. Deputy-Speaker:** We need not dilate upon that.

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

(v) For sub-clause (3) of clause 2, substitute:

"(3) The expression 'Hindu' wherever it occurs in this Code shall be construed as if it included a person who, though not a Hindu by religion is, nevertheless governed, or declares his consent in the manner prescribed by the Central Government in this behalf to be governed, by the provisions of this Code."

Then I come to amendment No. 272 of List 5.

**Mr. Deputy-Speaker:** I think we might take up sub-clause by sub-clause. There are a number of sub-clauses in clause 2. Unless any amendment can be brought under anyone of these sub-clauses we shall carry on with sub-clause (1). Then we shall take up the other sub-clauses. What is the hon. Minister's reaction to this suggestion?

**Dr. Ambedkar:** I am quite agreeable to that.

**Shri J. R. Kapoor:** May I submit that all the amendments might be allowed to be moved. We shall follow the procedure we adopted in the Constituent Assembly from tomorrow onwards.

**Mr. Deputy-Speaker:** Today I leave it to hon. Members to move whatever amendments they like. Tomorrow I shall have them consolidated under each sub-clause.

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

(vi) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, for part (2) substitute:

"(2) for sub-clause (4) the following be substituted, namely:—

'(4) This Code or any Part or Parts thereof also apply to any other person who declares his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code or any part or parts thereof, as the case may be.'

(vii) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in the proviso to sub-clause (2), insert at the end 'unless he has declared his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code in respect of such matters also.'"

(viii) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) for the words 'the provisions' the words 'any or more of the provisions' be substituted."

Or, in the alternative, if that be not acceptable to the House:

(ix) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) insert at the end 'in respect of any or more of the matters dealt with herein'."

**Mr. Deputy-Speaker:** "Any one or more" is the usual expression. Is it not?

**Shri J. R. Kapoor:** I agree, Sir, to your suggestion. This exhausts my amendments to amendment No. 3 of Dr. Ambedkar.

There is one amendment which I seek to move to my own previous amendment moved during the last session.

I beg to move:

(x) In the amendment proposed by me, printed as No. 93, to the proposed clause 2, add the proviso:

"Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

**Mr. Deputy-Speaker:** A similar amendment has already been moved.

**Shri J. R. Kapoor:** This is an amendment to my own previous amendment. Then I wish to move my amendment No. 125.

I beg to move:

(xi) To clause 2, add the proviso:

"Provided that the provisions of Parts II or/and VII relating to marriage and divorce, and succession shall not apply to any person unless such person, after attaining the age of majority declares in writing that he or she, as the case may be, shall be governed by the said provisions, and gets such declaration registered in accordance with rules prescribed for the purpose by the Central Government.

Provided further that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

There is only one more amendment, notice of which I have given this morning. It is a small amendment and with your permission I shall move it.

I beg to move:

(xii) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendments to sub-clause (1) of clause 2, after part (ii), insert:

"(iii) insert a new part (e) as follows:

'(e) to a convert to any religion or faith after the commencement of this Code.'

**Mr. Deputy-Speaker:** That is, if on the date of the commencement of this Code there is a Hindu, even if he changes his religion after the commencement of this Code it is this Code which will apply to him notwithstanding the change of religion. Is that the intention?

**Shri J. R. Kapoor:** The intention is that if any person changes his faith after the commencement of this Code, then this Code shall apply to him. Suppose a Hindu changes his faith after the commencement of this Code and becomes a Muslim, even then it will not be open to him to have two, three or four wives at a time as he likes. That is, it should not be open to anyone to convert himself into a Muslim in order only to get over the provisions of this Code and to have more than one wife. There are other implications also of my amendment but I have explained this one important implication.

**Shri Naziruddin Ahmad:** One wife will be sufficiently difficult; two wives would be out of the question!

**Mr. Deputy-Speaker:** Today I will allow all amendments to be moved to clause 2—both to the original clause and to the amendments of the hon. Minister. I shall try to put them together tomorrow.

**Pandit Thakur Das Bhargava (Punjab):** May I know if any of the amendments which my hon. friend has just now moved were moved in the February session also? I think one of the amendments moved now was debated in the House—the amendment relating to a person declaring that he will be bound by the Code. I think he also made a speech on that. I do not know if that amendment has not already been moved and also debated upon.

**Shri J. R. Kapoor:** I may assure my hon. friend that I have taken jolly good care to see that I do not repeat any one of my previous amendments. Of course the subject matter of some of these amendments was incorporated in some form or another in a previous amendment that I have moved. But finding that that particular amendment would not well suit the purpose, and in order to meet the objection raised then by my hon. friend Pandit Thakur Das Bhargava, I have further amended my previous amendment so as to bring it perfectly within the four corners of the Code and also to make it otherwise acceptable.

**Shri Syamandan Sahaya:** I beg to move:

To clause 2, add the proviso:

“Provided however, that notwithstanding anything contained in this section this Code shall not apply to any person unless such person got his name registered, signifying his will to be governed by this Code, with such authority and in such manner as may be prescribed.”

**Sardar B. S. Man (Punjab):** I beg to move:

In clause 2, omit “Sikh”, wherever it occurs.

**Mr. Deputy-Speaker:** The hon. Member's desire, I take it, is that it ought not to apply to Sikhs.

**Sardar B. S. Man:** Yes.

**Mr. Deputy-Speaker:** At each stage let us know what the scope of the amendment is.

**Pandit Thakur Das Bhargava:** Such an amendment has already been moved. The subject-matter of amendment No. 236 is the same as Sardar Hukam Singh's amendment.

**Mr. Deputy-Speaker:** Let us forget what all has been done. Let us start. The intention of the House is to proceed clause by clause and have a connected picture—and so there is no harm if there is a repetition or if it is moved once again so as to focus attention.

**Pandit Thakur Das Bhargava:** In that case in the February session I moved an amendment and also made a speech on it. Is it necessary for me to move it again?

**Mr. Deputy-Speaker:** It is not necessary.

**Dr. Ambedkar:** No, we know them.

**Shri R. K. Chaudhuri:** May I draw your attention to amendment No. 123? This stands in the name of Shri Jhunjhunwala who was here just now. But he asked me to bring this to your notice because he has gone outside the House owing to an urgent call. So he will come and move it.

**Mr. Deputy-Speaker:** Let him come. After he comes he can move it.

**Shrimati Renuka Ray:** You were kind enough to say this morning that amendments where the subject-matter is the same should be moved together. I want to ask whether you are allowing such amendments which were moved and on which speeches were made for three days, to be moved once again.

**Mr. Deputy-Speaker:** They are pending.

**Shrimati Renuka Ray:** Certain amendments were moved and speeches made on them in the February session for three or four days. I want to know whether those are to be repeated now.

**Mr. Deputy-Speaker:** What I propose to do is this. If any particular Member

who has already moved his amendments wants to draw attention to them he can indicate those amendments. I will make a note, the office also has a note, so that when the time comes I will put them. In so far as speeches have already been made I shall take care to see that there is no repetition of them. That is all that I can say.

**Shri Kamath:** But discussion on those amendments is not barred. Does it mean that all those amendments have been disposed of?

**Mr. Deputy-Speaker:** No. All the amendments are under discussion. No amendment has been disposed of.

**Shri Naziruddin Ahmad:** There is bound to be a certain amount of repetition because the House has meanwhile forgotten everything.

**Mr. Deputy-Speaker:** The hon. Member knows how helpless I have become even if repetitions are made. Therefore, I suggest to myself that I should be a little more careful.

**Dr. Tek Chand (Punjab):** I beg to move:

In part (a) of sub-clause (1) of clause 2, for "members", substitute "followers"

It is only a formal amendment and Dr. Ambedkar has agreed to accept this. The clause will then read: "and followers of the Brahmo, the Prarthana or the Arya Samaj".

**Shri Bhatt (Bombay):** I beg to move:

For sub-clause (2) of clause 2, substitute:

"(2) This Code also applies to any person, irrespective of his religion, who has been governed by the Hindu law or by any custom or usage as part of that law in respect of any matters dealt with herein."

और मैं ने संशोधन तो नहीं दिया है, लेकिन डाक्टर अम्बेडकर साहब ने कम्युनिटी (Community) के साथ ट्राइब (Tribe) शब्द रखा है। क्या उसके साथ साथ वे क्लान (clan) शब्द नहीं जोड़ेंगे।

[I have tabled no other amendment. But Dr. Ambedkar has used the word 'community' with 'tribe'; will he not also put in the word 'clan' with them?]

**Shri Barman (West Bengal):** I beg to move:

In the proviso to sub-clause (2) of clause 2, for "in respect of those

matters" occurring at the end, substitute:

"in respect of matters which that person has not voluntarily chosen."

**Mr. Deputy-Speaker:** The hon. Member wants to give an option for him to come into the Hindu Code.

**Dr. Ambedkar:** Something like that.

**Shri Barman:** My intention is that a person who has voluntarily chosen to adopt the customs and usage of the Hindu law will not be allowed subsequently to say that he is not governed by them, but any third person may challenge or may prove that that person was not governed by the Hindu Code and as such as regards the other matters the Code will not apply to him; but as regards the matter which that person has himself voluntarily chosen, other persons would be precluded from challenging him.

**Mr. Deputy-Speaker:** If he has already chosen, he will not be governed by the earlier notion of the Hindu law. Perhaps the hon. Member wants to make it more clear.

**Shri Naziruddin Ahmad:** I beg to move:

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

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

**Mr. Deputy-Speaker:** That is the same thing as the hon. Minister's amendment.

**Shri Naziruddin Ahmad:** There is a verbal change.

Then, I beg to move:

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

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

**Mr. Deputy-Speaker:** It is an alternative amendment.

**Shri Naziruddin Ahmad:** Yes, Sir.

Then, I beg to move:

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

**Mr. Deputy-Speaker:** He wants to eliminate the Sikhs and Buddhists.

**Shri Naziruddin Ahmad:** Yes, Sir.

**Dr. Ambedkar:** There are varieties of amendments.

**Shri Naziruddin Ahmad:** Some of them are alternatives.

**Dr. Ambedkar:** One amendment says that Buddhists and Sikhs should be omitted and another says Jains should be omitted.

**Mr. Deputy-Speaker:** The hon. Member does not want the Jains to be omitted.

**Shri Naziruddin Ahmad:** 'Jains' should stand. These are different variations of amendments, because hon. Members do not know which will be acceptable to the House and particularly by the hon. Minister.

**Mr. Deputy-Speaker:** In all his amendments I find that the 'jains' is the common factor. He wants the others, that is, the Buddhists and Sikhs to be omitted.

**Shri Naziruddin Ahmad:** 'Jains' I have not objected but the Sikhs have seriously objected.

**Mr. Deputy-Speaker:** They are now governed by the Hindu Code.

**Shri Naziruddin Ahmad:** The whole question is whether this kind of Hindu Law should be forced upon them. They are Hindus no doubt, but should this kind of non-Hindu Law or rather un-Hindu Law be forced upon them?

Then, I beg to move:

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

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

(vi) In part (c)(i) of sub-clause (1) of clause 2, after "parents are" insert "or have been".

(vii) In part (d) of sub-clause (1) of clause 2, at the end, add:

"subject to his rights and liabilities before his conversion."

**Mr. Deputy-Speaker:** Let me pause here. Let us understand the implications of this. Shri Jaspal Roy Kapoor wants that notwithstanding change of religion by a Hindu after the passing of this Code, his rights and liabilities must be regulated by the Hindu Code. This amendment wants that if a person wants to change and become a convert, his rights and liabilities under his original religion ought not to be affected.

**Shri Naziruddin Ahmad:** If he is wrong, I am also equally wrong. We are in a vicious circle. That goes against the very idea of conversion. If a man is converted, he loses his past

and begins a new chapter. As Mr. Kapoor has submitted his amendment, I am submitting this amendment. Both should be accepted or both should be rejected.

**Mr. Deputy-Speaker:** Both the hon. Members want to avoid any change in their legal or civic rights as a result of conversion. Conversion ought not to affect their rights and liabilities with respect to property, succession, etc.

**Shri Naziruddin Ahmad:** There is an old Act which saves the past rights of Hindus converted to christianity. That also reserves past rights and liabilities.

(viii) Then, I beg to move:

After sub-clause (1) of clause 2, insert:

"(1A) This Code shall not apply to the Scheduled Castes and Scheduled Tribes."

**Dr. M. M. Das (West Bengal):** May I know what right the hon. Member has got to speak on behalf of the Scheduled Castes?

**Shri Naziruddin Ahmad:** At present, I am only moving my amendments. I am not trying to explain them; I am not now trying to convince my hon. friend.

**Mr. Deputy-Speaker:** There are some people who are more loyal to others than others themselves.

**Shri Naziruddin Ahmad:** I shall state my reasons. There are certain parts of the Code which would be too much for them to assimilate. For example, they have very simple forms of marriage and divorce. You are making their life more complicated.

**Mr. Deputy-Speaker:** The hon. Member forgets that his objection is to the whole Code. If it is said that they have got simpler forms of marriage and divorce and these forms need not be introduced, that is a matter for consideration. The whole Code goes out as if they do not belong to the Hindu community.

**Shri Naziruddin Ahmad:** My objection is to the whole Code as well as every part—singly as well as taken as a whole.

**Mr. Deputy-Speaker:** The hon. Member forgets that there is a consolidating portion also; by his amendment even those portions for which no exception could be taken would not apply. We are only preliminarily discussing what exactly the hon. Member wants.

**Shri Naziruddin Ahmad:** Then, I beg to move:

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

**Mr. Deputy-Speaker:** This is the residuary amendment. This seems to be absolutely meaningless. What is the Code which should govern? The Indian Succession Act?

**Shri Naziruddin Ahmad:** There may be a man who may have a new religion. There is in Japan a religion known as Shintoism. If a person professing that religion comes to India, would you apply the Hindu Code or the Muslim Code? He should be governed by his own Code. The proviso says that if it is "proved" that another law applies to him, then the Hindu Code would not apply. Upon whom will the onus lie? Suppose a man comes to India professing no religion. He has civil rights and liabilities. Would he be governed by the Hindu Code? Why not the Muslim Code or the Christian Code or the Sikh Code? Every man should be governed by his own Code. I shall explain this proviso at the proper time. This proviso also goes too far. It throws the onus upon a person coming into India who is not a Muslim, Christian, Parsi or Jew by religion, to prove his status. How can he prove that the Hindu Code does not apply?

**Mr. Deputy-Speaker:** He would be governed by private international law. Merely because he comes here, the Hindu Code would not apply.

**Shri Naziruddin Ahmad:** The point is that the onus is thrown upon a stranger who might find himself absolutely in hot waters.

**Shri J. R. Kapoor:** This Code applies to non-Hindus to whom some portions of the Hindu law or customs under the Hindu Law are applicable. This proviso does not apply to anybody to whom no part of the Hindu law is applicable.

**Shri Naziruddin Ahmad:** The whole applicability of the Code goes by the wording of the Act and not on its so-called internal meaning.

**Shri J. R. Kapoor:** The wording is clear. The proviso says: "Provided that if it is proved that such person . . ." "Such person" means the person referred to in sub-clause 2 and not a person coming from America or England.

**Shri Naziruddin Ahmad:** I beg to move:

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

To me, this sub-clause is to beg the question. It says:

"The expression 'Hindu' in any portion of this Code shall be construed as if it included a person who, though not a Hindu by religion is, nevertheless, governed by the provisions of this Code."

This is the very question we have to clarify. To whom does this Code apply? We say, if the Hindu Code is applicable to any one, he is bound by it. The question is to whom, apart from the Hindus, this Code should apply. It is begging the question to say that the expression 'Hindu' applies to whom this Hindu Code applies. We shall have to clarify the matters. I do not claim infallibility. But, I have felt some difficulty.

Then, I beg to move:

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

**Dr. Ambedkar:** That is also my amendment.

**Shri Naziruddin Ahmad:** I also beg to move:

(xii) After sub-clause (4) of clause 2, insert:

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

**Mr. Deputy-Speaker:** So far as this amendment is concerned, we shall have to consider whether this is the proper place where this amendment should be considered, or it should be . . .

**Dr. Ambedkar:** It should come under clause 1.

**Shri Naziruddin Ahmad:** If you think that it will be properly considered along with clause 1 . . .

**Mr. Deputy-Speaker:** This amendment stands over and will be taken up when we come to clause 1.

**Shri Jhunjunwala (Bihar):** I beg to move:

To clause 2, add the proviso:

"Provided however, that notwithstanding anything contained in the above clauses, this Code shall not apply to such person as will get his or her name registered with such authority and in such manner, as may be hereafter prescribed by Parliament, within five years after this Code comes into force and in case of a minor within five years



[Shri Jhunjhunwala]

after such a minor attains majority, to the effect that he or she does not want to be governed by this Code."

I have moved an amendment where I had placed the burden on the persons to get themselves registered who want to be governed; and if that is not accepted, here I have placed it on those who do not want to be governed by this Code.

11 A.M.

**Shri Bhatt:** I beg to move:

In sub-clause (3) of clause 2, after "nevertheless governed", insert "or desires to be governed".

**Mr. Deputy-Speaker:** I shall formally place the amendments before the House. So far as the amendments to clause 2 that were moved last time are concerned, they are already before the House. Hereafter all amendments must be moved at the beginning of the discussion, because if they continue to be moved when the discussion is in progress, hon. Members who have already taken part in the discussion may not be able to take part and speak on those new amendments. It is not a technical objection. These may be amendments of substance and hon. Members who have already spoken with reference to other amendments earlier, may not be able to take part in the discussion on these new amendments. But in the present case, if there are any such hon. Members, I shall consider and give them also a chance, if necessary.

**Dr. Ambedkar:** A small chance.

**Mr. Deputy-Speaker:** A small chance. But they may not repeat what they had already stated. Barring that, in future, my request to hon. Members is that all the amendments may be moved when a particular clause or sub-clause is begun. Otherwise we will have to go on repeating the process, allowing the Members to move amendments, and going over the whole matter once again.

I have already placed before the House the amendment moved by the hon. Dr. Ambedkar today. I will now place before the House the other amendments moved today.

Amendments moved:

(1) In the amendment proposed by Shri J. R. Kapoor, printed as No. 93, to the proposed clause 2, add the proviso:

"Provided that the provisions of Part II relating to marriage and

divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

(2) For clause 2, substitute:

"2. Application of Code.—This Code applies to all the citizens of India that is Bharat, who after attaining the age of majority declare in writing that they shall be governed by this Code, and get such declaration registered in accordance with rules prescribed for the purposes by the Central Government:

Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

(3) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendments to sub-clause (1) of clause 2, after part (1)(ii), insert:

"(iii) insert a new part (e) as follows:

'(e) to a convert to any religion or faith after the commencement of this Code.'

(4) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in part (1)(ii) of the proposed amendment to sub-clause (1) of clause 2, after "Sikh religion" add:

"or to any other religion or faith except Muslim, Christian, Parsi or Jew religion."

(5) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in the proviso to sub-clause (2), insert at the end 'unless he has declared his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code in respect of such matters also.'

(6) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) for the words 'the provisions' the words 'any or more of the provisions' be substituted."

(7) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, in the proposed amendment to clause 2, after part (1), insert:

"(1A) in sub-clause (3) insert at the end 'in respect of any or more of the matters dealt with herein'."

(8) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, for part (2) substitute:

"(2) for sub-clause (4), the following be substituted, namely:—

'(4) This Code or any Part or Parts thereof also apply to any other person who declares his consent in the manner prescribed by the Central Government in this behalf to be governed by this Code or any part or parts thereof, as the case may be.'

(9) In the amendment proposed by the hon. Dr. B. R. Ambedkar, printed as No. 3, after part (2), insert:

"(3) After sub-clause (3), the following new sub-clause be inserted, namely:—

'(4) This Code or any part or parts thereof also apply to any other person who after attaining the age of majority declares in writing that he shall be governed by this Code, or any part or parts thereof as the case may be, and get such declaration registered in accordance with rules prescribed for the purposes by the Central Government:

Provided that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and the bridegroom before the marriage, or both the husband and wife after the marriage, have made such a declaration.'

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

(11) In part (a) of sub-clause (1) of clause 2, for "members", substitute "followers".

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

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

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

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

(15) In clause 2, omit "Sikh", wherever it occurs.

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

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

(17) In part (c)(i) of sub-clause (1) of clause 2, after "parents are" insert "or have been".

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

"(iii) to any orphan or abandoned child brought up by the State."

(19) In part (d) of sub-clause (1) of clause 2, at the end, add:

"subject to his rights and liabilities before his conversion."

(20) After sub-clause (1) of clause 2, insert:

"(1A) This Code shall not apply to the Scheduled Castes and Scheduled Tribes."

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

(22) For sub-clause (2) of clause 2, substitute:

"(2) This Code also applies to any person, irrespective of his religion, who has been governed by the Hindu Law or by any custom or usage as part of that law in respect of any matters dealt with herein."

(23) In the proviso to sub-clause (2) of clause 2, for "in respect of those matters" occurring at the end, substitute:

"in respect of matters which that person has not voluntarily chosen."

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

(25) For sub-clause (3) of clause 2, substitute:

"(3) The expression 'Hindu' wherever it occurs in this Code shall be construed as if it included a person who, though not a Hindu by religion, is nevertheless governed, or declares his consent in the manner prescribed by the Central Government in this behalf to be governed, by the provisions of this Code."

(26) In sub-clause (3) of clause 2, after "nevertheless governed", insert "or desires to be governed".

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

[Mr. Deputy-Speaker]

(28) To clause 2, add the proviso: "Provided that the provisions of Parts II or/and VII relating to marriage and divorce, and succession shall not apply to any person unless such person, after attaining the age of majority declares in writing that he or she, as the case may be, shall be governed by the said provisions, and gets such declaration registered in accordance with rules prescribed for the purpose by the Central Government.

Provided further that the provisions of Part II relating to marriage and divorce shall apply to such declarant only when both the bride and bridegroom before the marriage, or both the husband and wife after the marriage, make such a declaration."

(29) To clause 2, add the proviso:

"Provided however, that notwithstanding anything contained in the above clauses, this Code shall not apply to such person as will get his or her name registered with such authority and in such manner, as may be hereafter prescribed by Parliament, within five years after this Code comes into force and in case of a minor within five years after such a minor attains majority, to the effect that he or she does not want to be governed by this Code."

(30) To clause 2, add the proviso:

"Provided however, that notwithstanding anything contained in this section this Code shall not apply to any person unless such person got his name registered, signifying his will to be governed by this Code, with such authority and in such manner as may be prescribed."

The other amendments on the order paper against which an asterisk mark is placed and which were moved in the last session are also before the House. The clause as well as all the amendments will now be under discussion.

I will ordinarily only request hon. Members who have not taken part in the debate so far on clause 2 to rise in their seats. If hon. Members who have already spoken want to state any fresh points arising now, I will consider the matter and allow them an opportunity, if necessary, later on.

**Pandit Malaviya** (Uttar Pradesh): Sir, will you allow anybody to move any further amendments to this clause during the course of the discussion?

**Mr. Deputy-Speaker:** What I find is, normally that is a very difficult affair. It is inconvenient if amendments are allowed to be moved at later stages, for once again hon. Members will have to apply their minds and . . .

**Pandit Malaviya:** But in view of the special circumstances that exist now . .

**Mr. Deputy-Speaker:** Of course, during the course of the discussion, for the purpose of bringing about an agreement or some such thing, an amendment may be moved, and in that case the matter will always be considered. But with respect to new amendments I suppose the House will agree that for the reason that they will throw open the discussion once again, they should not be allowed.

خواجه عنایت اللہ : کوئی ایسی  
امذمنت جو کہ کانسٹیٹیوٹن کے  
خلاف جاتی ہو کیا وہ آرت آف آرڈر  
نہیں ہو گی ؟

[**Khwaja Inait Ullah** (Bihar): Would not an amendment that goes against the Constitution be out of order?]

**Mr. Deputy-Speaker:** The hon. Member may refer me to the points that are considered as out of order or beyond the scope of the House at the time the matter arises.

**Shri M. Naik** (Orissa): If an amendment moved stands in the names of two or more Members, will that amendment be taken as having been moved by only one Member or by all the Members who have given notice of it?

**Mr. Deputy-Speaker:** I shall take it that all of them have moved it.

**Shri M. Naik:** What happens if the hon. Member who moved it remains absent now?

**Mr. Deputy-Speaker:** I shall adopt the safer procedure. It is true that more than one Member has given notice of an amendment, and if he is not in his seat, it is open to any other of the hon. Members to move it. The question is, if all the Members are in their seats, whether all of them are to be taken to have moved it. By way of abundant caution we may say that all of them have moved it so that ultimately when there is any question of withdrawing that amendment and the Member who moved it is not in his seat, any of the other Members can withdraw it.

**Shri E. K. Chaudhuri:** If I want to oppose any of the new amendments now moved when can I do so?

**Mr. Deputy-Speaker:** Whenever he rises and is called upon to speak. He is entitled to speak on all the amendments. (*An Hon. Member:* Of one category?) We have finished all categories. So far as clause 2 is concerned, I have allowed hon. Members to move all the amendments. Tomorrow I shall try to group them for purposes of convenience according to their substance. The clause may be discussed as also all the amendments and amendments to amendments.

**Shri J. R. Kapoor:** You may direct the office to circulate to us a consolidated list of all the amendments moved today as also on the previous occasion, so that we may have in a simplified form all the amendments for ready reference.

**Mr. Deputy-Speaker:** Though there are various lists of amendments, what is done is that they are put consecutively and, therefore, no further arrangement is necessary. As regards circulating the amendments moved today, I thought hon. Members would have noted them as I have done.

**Dr. Ambedkar:** I have also noted them.

**Shri J. R. Kapoor:** Amendments to the same part of the clause may be at different places and for the sake of convenience it is better they are put in one place.

**Mr. Deputy-Speaker:** I shall ask the office to circulate a list containing the numbers of the amendments moved instead of once again repeating the amendments.

**Shri J. R. Kapoor:** It should be sub-clause by sub-clause.

**Mr. Deputy-Speaker:** Hon. Members have left their homes far away and come over here for parliamentary work. I do not believe the office should do it. Hon. Members should do it. Hon. Members may take one view and the office may take another view and does the hon. Member also want the Secretary to speak on his behalf in this matter?

As regards Pandit Malaviya's amendment I shall allow it as an exception. With respect to other matters from tomorrow I would insist as a rule that I must have a copy of the amendment as also the Law Minister. Today perhaps hon. Members may not have had sufficient time to think about their amendments. Pandit Malaviya may read out his amendment so that we may note it down.

**Pandit Malaviya:** I beg to move:

To clause 2, add the proviso:

"Provided further that notwithstanding anything to the contrary in this Act, no provision of this Act shall apply to anyone unless a referendum thereupon has been taken in the State to which he belongs and the Legislature of the State thereafter has decided in accordance with the result of the referendum that the provisions of this Act shall apply to the residents of the State. Further, that, thereafter, it shall be open to anyone to declare that he shall not be governed by this Act and the same shall then not apply to him."

**Shrimati Renuka Ray:** Sir, there are two points which I want to raise. It is a dilatory motion. The hon. Speaker has given a ruling during the last session . . .

**Mr. Deputy-Speaker:** Hon. Members ought not to start off straightway, unless I call them. It may be a valid point . . .

**Shrimati Renuka Ray:** It is a point of order.

**Mr. Deputy-Speaker:** May be. The hon. Member should first stand up in her seat and I must call her.

**Dr. Ambedkar:** It might come under clause 1.

**Pandit Malaviya:** It is a matter of application and not a matter of extent.

**Mr. Deputy-Speaker:** Let it remain here as it is.

**Shrimati Renuka Ray:** Sir, there are two points which I want to raise. First of all this amendment which has just been dictated to this Parliament—a procedure which we have never known before—is of a dilatory character . . .

**Pandit Malaviya:** Sir, I object to the word dilatory.

**Shrimati Renuka Ray:** This amendment is of a dilatory nature and the Speaker has given a ruling last time, if you will remember, on this. Secondly, I would like to know whether this procedure of dictating amendments to the House, while the Parliament waits is going to be a precedent which is going to be followed hereafter.

**Mr. Deputy-Speaker:** The hon. Member too well knows that so far as dilatory motions are concerned, it is open to the House to discuss the amendments moved and throw them out, if the House is not inclined to accept them. I am prepared to adopt the advice of

[Mr. Deputy-Speaker]

the hon. lady Member. I have not considered whether it is appropriate or relevant or irrelevant. I will take time to do so and if at any time before I put it to the House I find it is best to say that it is not relevant and therefore does not arise, I will do so. I will reserve my judgment so far as that is concerned.

As regards dictation, we have been accustomed to taking small sentences but I never expected it to be a long sentence and therefore I submitted myself to his dictation. Let us now go on. Let me place this before the House.

Amendment moved:

To clause 2, add the proviso:

"Provided further that notwithstanding anything to the contrary in this Act, no provision of this Act shall apply to any one unless a referendum thereupon has been taken in the State to which he belongs and the Legislature of the State thereafter has decided in accordance with the result of the referendum that the provisions of this Act shall apply to the residents of the State. Further, that, thereafter, it shall be open to any one to declare that he shall not be governed by this Act and the same shall then not apply to him."

**Pandit Malaviya:** May I make a request? It is a very serious matter which we are considering . . .

**Mr. Deputy-Speaker:** The hon. Member will have an opportunity . . .

**Pandit Malaviya:** I wanted to draw your attention to the fact that unless we are all careful enough to use language with a certain amount of restraint we are likely to waste the time of the House and waste our energy. I should like to take objection, with your permission, to the use of the word dilatoriness for this reason: one Member may have one view, another may have another view. But if we feel that a certain thing should be done and if we wish to say it, the task becomes rather difficult if it is said that we are dilatory. I think we should be careful in this matter.

**Mr. Deputy-Speaker:** I have appealed to hon. Members, the same appeal I will repeat: hon. Members ought not to be too sensitive. "Dilatory" is an absolutely parliamentary word. Hon. Members may be anxious to get through this measure. It is not merely throwing any slur on hon. Members—there are some dilatory motions and there are some motions of substance.

Therefore, it is quite a parliamentary expression. But I will appeal to all sections of the House. We are engaged in a very holy cause. This is a question of Hindu Law and the questions before us relate to marriage and other things. Let us address ourselves with all seriousness to this problem. We can iron out the differences and not only create a meeting place here but also give a lead to the rest of the country, which is the intention of Parliament to give so far as this matter is concerned. Therefore, I hope the best of cheer will prevail here and with good humour we will get into the clauses. Though apparently any particular amendment may be unpalatable at the beginning, let us hear and reserve our judgment. That is my humble appeal to all sections in the House. No heat ought to be allowed to enter into this controversy. Let us keep our heads cool.

**Shri R. K. Chaudhuri:** May I ask your advice, Sir, . . .

**Dr. Ambedkar:** Why do you seek advice so often?

**Shri R. K. Chaudhuri:** Just now you were pleased to address Shrimati Renuka Ray as madam. Has any Member got the right to be addressed by the Chair like that?

**Mr. Deputy-Speaker:** I am sorry. I would like to be corrected. I do not like any Member to be addressed by any other Member in the first person. Similarly I will not address any Member directly. I shall try to be careful, but these things need not be pointed out to me. Now let us proceed. We have had too much of advice.

**The Minister of Home Affairs. (Shri Rajagopalachari):** I take it, Sir, that in the last amendment the question of order is open?

**Mr. Deputy-Speaker:** On all amendments, I merely placed that amendment for purposes of discussion. At any time it is open to the House or to me to consider it.

Now, I shall give preference to those gentlemen who have moved the largest number of amendments, and so on in that order, and ultimately to those who have not moved any amendment at all and who want to speak. Those hon. Members who have already spoken on this will get a chance, if necessary, in the end.

**Shri Rajagopalachari:** May I suggest one thing? Those who promise and who believe they will make short speeches should be given preference.

**Hon. Members:** No, no.

**Shri Rajagopalachari:** And they may give way to others afterwards. If a Member who wants to make a long speech is cut out by another we need not sympathise, but it is unfair that those who wish to speak for five minutes should be cut out by long speeches.

**Mr. Deputy-Speaker:** The suggestion that is given is certainly good, but I feel one difficulty. In the matter of resolutions or general discussion on a particular Bill I can ordinarily give preference to those who want to speak for a short time so that there may be a number of Members speaking on it. But with respect to amendments, hon. Members, who have not tabled any amendment at all may occupy the time of the House.

**Shri Rajagopalachari:** Without prejudice to other considerations I am suggesting it. Because, a closure may come at any time and those who may have something very important and brief may be cut out.

**Pandit Thakur Das Bhargava:** How will we know beforehand whether a Member will make a long speech or a short speech?

**Shri Rajagopalachari:** This is a battle of the long and the short.

**Mr. Deputy-Speaker:** We should only have a general indication that all Members will make it as short as possible.

**Khwaja Inait Ullah:** I wish to oppose some amendments which were moved in the last session.

**Mr. Deputy-Speaker:** Nobody prevents him.

**Shri Bharati (Madras):** His difficulty seems to be in regard to what you, Sir, have stated that those who have moved amendments will get preference.

**Mr. Deputy-Speaker:** I have not said that I am going to cut it short. All will have an opportunity unless and until the House itself puts a ban upon them. I only indicated that hon. Members who have moved a number of amendments must be given preference. Others may also speak.

**Dr. S. P. Mookerjee (West Bengal)**  
rose—

**Mr. Deputy-Speaker:** Dr. Mookerjee—though he has not tabled any amendments.

**Dr. S. P. Mookerjee:** I happen to be one of those Members . . .

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**Shri Rajagopalachari:** It goes against all rules.

**Dr. S. P. Mookerjee:** . . . who have not tabled any amendment, nor have I, Sir, spoken on this momentous measure at any time since the Bill was introduced.

**Shri Naziruddin Ahmad:** He was a Minister at the time.

**Dr. S. P. Mookerjee:** Sir, we have met here after about seven months to take up consideration of the Hindu Code Bill. Many things have happened during this period. If I may say so, it is a matter of some satisfaction that Government has kept its mind open and has volunteered to make amendments in order to meet criticisms which may be made either in this House or outside.

**Shri Gadgil:** Reasonable.

**Dr. S. P. Mookerjee:** I believe never in the history of our country has a measure given rise to so much criticism in support or against it.

**Shrimati Renuka Ray:** What about the abolition of sati?

**Mr. Deputy-Speaker:** No hon. Member need interrupt another hon. Member. I already said that it is likely to generate heat. Whatever is not to the taste of any hon. Member ought not to be imposed upon any other hon. Member.

**Dr. S. P. Mookerjee:** The clause we are discussing now is of a general character. It raises the question of the applicability of the entire Code and from that point of view I should like to make some general observations which will be of a relevant character.

The question has arisen as to whether this Code should be made applicable to Hindus as such or to such other classes of persons including Sikhs, Jains and Buddhists as have been mentioned in the amendment moved by the hon. Law Minister. The question has also been raised whether the Code should not apply to all citizens of India. I know that this matter was raised on the floor of this House in February last and I do not wish to dilate upon it very much, but I would certainly say that as the Chapter in the Constitution dealing with the directive policy of the State indicates, Parliament under the new Constitution has really been called upon to pass a Code which is to be applied to all citizens—an all India Civil Code. When this Bill was started to be discussed, we were working under a different set of circum-

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tances altogether. It is therefore a matter of regret that the new Government even after the Constitution has been passed should proceed with a measure of this description applicable only to one section of the community. It is said that we are a secular State. In fact we suffer very often from a new disease which may be called 'secularities'. How far is it open to Parliament—I am not raising any technical point—but how far is it desirable for Parliament to pass a law which will be applicable to only one section of the community? I know what the reply of the Law Minister is, because he dealt with this question in one of his previous speeches. He said that there was no difficulty in formulating an all India Civil Code if the country really wanted it. If that is the answer, then why not let us have such a Code? I doubt very much if some of the provisions which have been suggested in this Code can be proposed to be made applicable to other communities, in particular to Muslims. We are discussing the question of monogamy. I believe it is nobody's case that monogamy is good for Hindus alone or for Buddhists alone or for Sikhs alone. I believe those who are advocating monogamy honestly feel that this system is sound in principle and it should be made applicable to all—if not to all persons in this civilised world, at least to all citizens in India who are liable to be governed under laws passed by this Parliament. Now, why not have a separate Bill dealing only with monogamy and make it applicable to all citizens? What is the objection thereto? The objection thereto may come from quarters to which the Law Minister pointed his finger, I believe Mr. Naziruddin Ahmad.

**Shri Naziruddin Ahmad:** I am sufficiently troubled with one wife. I do not want two.

**Dr. S. P. Mookerjee:** The law Minister has got his answer. In any case, if a Bill dealing with monogamy is introduced . . .

**Pandit Thakur Das Bhargava:** A Bill to that effect has been introduced in this House by me.

**Dr. S. P. Mookerjee:** If such a Bill is introduced, at least the Law Minister will get support from Mr. Naziruddin Ahmad, but the real reason is that Government dare not touch the Muslim community.

**Shri Bharati:** Why?

**Dr. S. P. Mookerjee:** You make a test.

**Shri Gadgil:** Wait and see.

**Dr. S. P. Mookerjee:** I am making a suggestion. Let the Law Minister declare that the Bill will be amended and the portion dealing with monogamy will be applied to Muslims.

**Shri Rajagopalachari:** Are we to make laws in order to test courage?

**Dr. S. P. Mookerjee:** Laws are sometimes made to test the sincerity of individuals and Government and therefore the sincerity and the partiality of the Government including the Home Minister are very much in question today.

**Shri Bharati:** Not at all.

**Dr. Ambedkar:** No, no.

**Dr. S. P. Mookerjee:** I am not going to tread on this question because I know the weaknesses of the promoters of the Bill. They dare not touch the Muslim community. There will be so much opposition coming not from men like Mr. Naziruddin Ahmad but from many others throughout India that Government will not dare to proceed with it. But of course you can proceed with the Hindu community in any way you like and whatever the consequences may be.

**Shri Rajagopalachari:** Because we are the community.

**Dr. S. P. Mookerjee:** My appeal to the House and to the Government would be on a somewhat different basis. I do not wish to make my speech very controversial.

**Shri Kamath:** Why not? Make it as controversial as you can.

**Dr. S. P. Mookerjee:** Because I want to create that atmosphere where matters affecting social reform can be discussed in a method of give and take. It is not a Press Bill which the Law Minister is sponsoring on behalf of the Home Minister. We do not want the Police to stand outside this Parliament to help the smooth passage of a Bill dealing with social reform. That does not really help anybody. Any Bill whose object is to introduce social reform must have the support of the vast majority of the people of the country. I see the Home Minister rising.

**Shri Rajagopalachari:** I am not interrupting. I am only helping him. My interruption has given a twist to the hon. Member's argument. I was only objecting to the particular argument. I may be entirely in agreement if he proceeds on the other basis.

**An Hon. Member:** So, you are a supporter!

**Dr. S. P. Mookerjee:** As the time of retirement from his office is drawing nearer and nearer sense also is dawning upon the Home Minister quicker and quicker. In any case, if we want to have social reforms in this country, we would like to carry as large sections of the people with us as possible.

I do not share this view that Parliament has no right to deal with matters of social reform. I know the sacredness of our ancient texts—*Vedas*, *Smritis* and *Srutis*. But historically there were commentators to interpret the great theories which are propounded by the original law makers in days of yore. Gradually, the commentators also disappeared and what we have witnessed during the last 150 years is that in many matters affecting social reform Judges including European Judges sitting in distant London and legislators have from time to time come forward and made alterations in the social structure of the country. So it is rather too late in the day for any one of us to say that Parliament should not now have the right to pass legislation which may interfere with the rights and privileges which may be enjoyed by the people of this country under the existing law.

**Pandit Maitra:** Not this Parliament as constituted at present.

**Dr. S. P. Mookerjee:** So far as the right of this Parliament is concerned, naturally it is a very delicate matter. For me being a Member of this body it is rather difficult to challenge its jurisdiction, but of course so far as its right to present the will of the people goes, that is a matter which will be decided in the next few months and the people themselves will give their verdict. It is no use either for us sitting on this side or Members of Government sitting on the other side claiming for this Parliament things which may not be actually, honestly and legitimately claimed for this body. But my point is this that today there is a volume of opinion—a strong body of opinion, against some or many of the fundamental features of this Bill. I beg of hon. Members who are supporting this Bill to appreciate the depth of these criticisms. There may be some features in this Bill with which I am in agreement, but I am trying to look at this measure from the point of view of those who are opposing it either in whole or in part. Just as we may appreciate the depth of the feelings of those who are supporting this measure, so also the depth of feelings of those who are opposing it must be

appreciated. How to find a solution? From the papers we find that for strategic reasons it has been decided to omit the consideration of some portions of this Bill.

**Dr. Ambedkar:** Strategic reasons?

**Dr. S. P. Mookerjee:** A sort of toss is supposed to have been taken. On the one side are marriage and divorce and on the other side is property and somehow marriage and divorce have won the day, and property has been relegated to the background for the time being.

**An. Hon. Member:** Property has won the day.

**Dr. S. P. Mookerjee:** Is it possible for us on the consideration of the amendments which are now before the House under clause 2 to devise some procedure whereby it may be left open to those who desire to come under the Code to take the fullest advantage of its provisions, and at the same time give freedom to those who do not believe in the sanctity or legality or justice of the provisions, to continue to be governed by existing Hindu Law?

**Shri Bharati:** That is uniformity.

**Dr. S. P. Mookerjee:** That is a proposal which I am making in a perfectly relevant manner on the basis of the various amendments which you have ordered to be placed before the House for consideration.

I have been told by some friends that we are liable to criticism for our backwardness in many foreign countries. During the last few days I have been told that some people have come and said that in China they are watching when the Hindu Code Bill will be passed!

**Pandit Maitra:** In Honolulu too!

**Dr. S. P. Mookerjee:** In America some people are supposed to be watching as regards the progressive nature of the Indian people in relation to their attitude towards the Hindu Code.

**Shri Gadgil:** Old rishis are watching from Heaven also.

**Dr. S. P. Mookerjee:** That I consider to be an entirely irrelevant consideration. Let us look at the American laws. I was trying to get some information with regard to the American laws. I find that in 26 different States in America they do not allow marriage between Americans and Negroes and even they go to the length of indicating the fraction of African blood which will negative any marriage between an American and Negro. In some States



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marriage between an American and Chinese is prohibited, or a marriage between an American and a Mongolian. In practically all the States there are different marriage laws. Somebody interrupted me just now—what about uniformity? I suppose people of the United States of America are getting on quite merrily and quite well without having complete uniformity of all marriage laws. So uniformity is not the last word on the subject. Uniformity suggests stagnation, deadness.

**Shrimati Renuka Ray** rose—

**Dr. S. P. Mookerjee:** . . . . and I suppose even Mrs. Renuka Ray has not reached that stage.

**Shrimati Renuka Ray:** Should we follow America?

**Dr. S. P. Mookerjee:** I am not saying that you should follow America. I would suggest that we should follow the lead given by our own country and that is the lead which Mrs. Ray should follow and which she has not followed as yet.

That is so with regard to America. Now take again the Roman Catholics. According to their strict law, according to their religion, divorce is not allowed. But, in almost all countries they have passed civil laws which allow Roman Catholics to adopt divorce if necessary. But they have not touched their religion. They have allowed that to remain separate, but those among the Roman Catholics who desire to be governed in accordance with the civil laws, it is open to them to do so. Well, Dr. Ambedkar is nodding his head. It is difficult to know whether it is in approval or dissent. In any event, he can explain later on—I am open to correction. It is very difficult to get these laws. But whatever books are available in the Parliament Library I was trying to go through them and I find that a clear distinction is made between the two systems.

Now we are confining ourselves for the present to marriage and divorce. What is it that is worrying the so-called progressives in this country, including progressive ladies?

**Shri Kamath:** In the House or outside?

**Dr. S. P. Mookerjee:** They are anxious that there should be a provision for divorce and there should be provision for monogamy. These are the two things on which great stress has been laid. Now let us take divorce for the time being. You have got your laws

passed by the Indian Legislature which permit divorce. At one stage a Hindu could not get married under the civil law, unless he declared that he was not a Hindu. Even that has been changed. A Hindu may remain a Hindu and at the same time contract a marriage which will be according to his taste or that of the couple. Similarly, with regard to inter-caste marriage, you have already passed laws and made such inter-caste marriages permissible, without taking away the Hindu character of the persons involved. Even sagotra marriage which is considered to be very revolting by large sections of the people has been recognised by laws passed by Parliament.

**Dr. Tek Chand:** By the previous Parliament.

**Dr. S. P. Mookerjee:** By the Legislative Assembly.

These are indications as to how the demand for a progressive development—if I may say so—of marriage laws has been met by Legislatures of this country. This is a subject which is placed in our Constitution in the Concurrent List and I believe Bombay and Madras have passed laws on the subject. (*An Hon. Member:* Mysore as well). There are several States where provincial laws have been passed in some form or another. (*An Hon. Member:* Not in north India) making provisions which are consistent with the wishes of the people. Now the point is this. Why do you wish to make the new laws obligatory upon all Hindus? You do not wish that the system of divorce should be taken advantage of, or must be taken advantage of, by people against the will of the parties concerned. It is an enabling measure and that power is already in existence.

On the other hand, what is the blow that you are giving at the feelings of millions of people? Now you have kept this form of sacramental marriage on paper. You have changed its description from sacramental to "dharmic" in order to give it a little oriental and attractive colouring. Of course, the substance has not changed. I would ask very seriously those Members of the House who are supporting this Bill: What is it that you are achieving by this proposal?

So far as sacramental marriage goes this is an ideology which lies deep-rooted in the minds of millions of people—educated and uneducated, literate and illiterate—the indissoluble nature of Hindu marriage. That is a matter of religion; it is not a matter of mere body and flesh. Now that is a

feeling which lies deep in the minds of millions of people and I have talked to many people not only in my own province but in various parts of India. People who have not the remotest chance of taking advantage of any divorce law for various reasons are simply shocked at this idea and many people who are well-intentioned, who are reformers suggest that if there are Hindus in the country today who want to take advantage of the modern system of divorce or want to do away with the religious nature of Hindu marriage, there is enough opportunity given to them under the existing law. If, however, the law has to be revised in order to make them ultra-modern and completely up-to-date, let the law be revised for their benefit. But why do away with the fundamental and sacred nature of Hindu marriage? What is it that you gain thereby? I have not been able to get any satisfactory answer to this question. Because it is nobody's case that the new methods which are being laid down—will be compulsorily adopted by all Hindus. Obviously that is nobody's case. Therefore, if option is given and if people take advantage of that option, naturally your case is won.

I was told that even in India, as India is today, there are nearly about 90 per cent. among *Shudras* amongst whom some form or other of divorce or dissolution of marriage exists. Very well, then the answer is there. You have got your Hindu Law which provides for the dissolution of marriage in castes and communities where it is wanted. You may say, well, why should about 10 or 15 per cent. of the Indian population stand against these changes? It is not a question of anybody's standing against the changes. If you want to go ahead or go backwards—whatever it may be—you are welcome to do so. But why drag others who do not believe in you and also who believe in something which is perfectly morally justifiable and in accordance with the highest standards of human conduct? I have not been able to get any answer to this fundamental question.

We are told very often that our system is backward. I have got with me many extracts from the writings of great Indians and great Western scholars who have admired at the way in which Hindu society has carried on its existence in spite of tremendous odds and difficulties. I am not for a moment saying that all is well with Hindu society. I know where the defects lie. But it is something amazing, something unprecedented that our religion or the great truths on which

Hindus for generations past, for thousands of years, have lived, somehow have shown a degree of adaptability and vitality which is hardly to be witnessed anywhere else. What is the reason? The reason is that whatever truths were propounded by the ancient sages or *rishis*, or commented upon by those who came after them, were not dogmatic in character. Just as the needs of the society changed, so also the laws were altered. In a huge country like India which is one politically today—and we would undoubtedly like to see that it grows politically, socially, culturally and economically as one solid nation—at the same time, we cannot forget that in this country dwell thousands and thousands of people in various parts, in towns and in villages, men educated, uneducated, men with vision and with no vision, and they have built up a structure of their own consistent with individual and social progress and welfare. Somehow that society has developed. Do you find any other country in this world where in spite of tremendous onslaughts the social structure has remained one?

India passed through seven hundred years of Muslim rule. Now, many theories were propounded during that period which in the context of today's circumstances may appear to be rather conservative. But they were dictated by considerations for the preservation and consolidation of the society as such, and that is how those particular principles were propounded by the masters who were in no circumstance less qualified to speak on matters with which they dealt than any of us sitting in this Parliament today.

From time to time movements came into this country. Reference has been made to Brahmo Samaj, to Arya Samaj as soon as it appeared that the society was becoming stagnant, was becoming conservative, some outstanding personality raised his head in this land and drew upon the great sources, the fountain head of Indian knowledge, the *Vedas* or the *Upanishads*, gave their own interpretation and thereby tried to check the growth of the evils of conservatism or the moral decay of the society. But what has happened today? The ideology for which the Brahmo Samaj stood in this country, say, about a hundred years ago has practically been absorbed by the Hindu society as you call the Hindu society today.

The other day we were discussing about Buddhism, a matter on which Dr. Ambedkar naturally would be the best authority to speak in view of his latest transformation to that religion.

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But in any case some friends from outside India came. I have something to do with the Maha Bodhi Society. I happen to be its President, (*An Hon. Member: Are you a Buddhist?*) without being a Buddhist. I am a Hindu and yet I am its President, because I have liberality enough to admit the greatness of Buddhism and yet remain a Hindu. The point I was about to develop was this. There were friends who came from outside India and they asked with a tone of complaint, "Well, India was the land of birth of Buddha, but India killed Buddhism". I do not wish to go into those controversial matters now. But one point comes out very prominently and that is that when Buddha started preaching his great doctrines India needed Buddha, not only to save the world but to save India. And Buddha succeeded in checking the growth of certain tendencies which were about to destroy the very life-blood of Hindu civilization. Buddha has been absorbed by the same Hindus as an *avatar*. Although there were people in India who fought with Buddhism—whether they were right or wrong is a matter into which I need not enter now—but gradually it was realized that Buddhism was a factor of growth on Indian soil and had to be absorbed in Indian culture.

**Shri Gadgil:** The same thing will happen to the Code.

**Dr. S. P. Mookerjee:** Far from it. That is a paradise that my friend is creating where he may dwell for ever.

So far as Buddhism is concerned it went and spread in other countries, but the tenets of Buddhism were gradually absorbed in Hindu ideology. The reason why I am saying all this is to show that we should never tolerate any criticism from any quarter, especially from a foreign quarter when they say that Hindu civilization or Hindu culture has been of a static nature or of a stagnant nature or of a decadent nature. There is something in our culture and civilization which is of a dynamic character and which has lived from generation to generation. Even when India was a subject nation people were born in this country, men of our soil, who stood up for great ideals which gave a new lease of life under new and modern conditions to the eternal tenets of Hindu civilization. This Code is destroying the fountain-source. I shudder to think of the effect of clause 4. You read clause 4 of the Hindu Code. You are closing the door there. You are saying that except such manners or

customs which might have been recognized in the body of this Code, everything else will be taboo from today. And my friend Mr. Gadgil says that this will be another Code of a modern Buddha or Manu or something like that. (*An Hon. Member: What a fall!*) It is these manners and customs, based upon the ancient ideology, which allowed the Hindu society to grow and prosper from time to time.

12 Noon.

Today, this great Assembly—and all of us are honourable and learned men—is solemnly deciding that we are the fountain-head of Indian religion and Indian culture, and whatever we decide to embody in this Code is final for the time being and nothing else will be allowed to be looked into by judges and courts. Does not the House know that even in 1951 after the attainment of Independence, our own Supreme Court had to draw from the original texts or their interpretations and give their verdict on cases where questions of Hindu law were under consideration, because they could not get any analogy from judicial decisions or text-books? You are killing today the very fountain source of your religion which had given such a wide scope to generations of people, to make it a living reality and you say that it is a forward measure; it is a backward measure; it is a measure which does not help anybody at all; it only helps in dividing the country. I do not wish to ascribe any motive to anybody. Anyone who may be supporting it or proposing it may be acting with the highest motives. I am prepared to admit that but what I would like to say is this: Do not give compulsory effect to the provisions in respect of all people. (*An Hon. Member: Where is the compulsory effect at all?*) Divorce is not compulsory but the breaking away of the sacramental ties of Hindu marriage will be compulsory and that is bad enough. Whether divorce comes or not is a different question altogether; you are violently changing customs and convictions. Somebody said, when I was speaking earlier that south India was specially progressive and many of the laws which we are considering are already in existence there today. I say good luck to south India. Let south India proceed from progress to progress, from divorce to divorce. I have absolutely no quarrel with south India, but why force it on others who do not want it. In fact I have got a letter with me. I received it only two days ago—it is a postcard and I do not know the gentleman who wrote it.

**Shri Gadgil:** From the Dead Letter Office?

**Dr. S. P. Mookerjee:** It is not from the Dead Letter Office. I can make a present of it to Mr. Gadgil, if he likes. It is not a dead letter. This only shows how customs vary in this country. Here is this gentleman who writes from Nuzvid, Kistna district:

"The Bill as published on the Hindu Law contains a provision rendering the marriages between a girl and her maternal uncle void as being within the prohibited degree. The aforesaid custom is widely prevalent in Andhra and Tamil Nad and even Brahmins consider maternal uncles of girls to be the most eligible and suitable bridegrooms for their girls. The prohibition is not known perhaps to lawyers and to others. I am sure that the vast majority of our people are ignorant of it, in which case marriages celebrated in ignorance of this provision would operate as a severe hardship. I therefore request you to move an amendment . . ."

I do not know why they had selected me in particular and not written to Dr. Ambedkar—

" . . . saving the custom from the prohibition or fixing sufficient time to elapse before the chapter on marriage, can be brought into force."

This is just, by the way, for those who were talking about the progressive nature of the people living in those territories. Naturally they have gone very far ahead. (*An Hon. Member:* Is it true?) I do not know whether the letter came from the Dead Letter Office but my friends from south India can tell me whether it is genuine. (*Interruption.*) I shall refer the writer to Mr. Bharati in my reply. The point which I am developing is this.

**Shri J. R. Kapoor:** It is not a progressive State.

**Dr. S. P. Mookerjee:** Those who may follow him may consider it absolutely progressive. It is only a point of view. I am not challenging the wisdom or unwisdom of any State. It might have been followed by lakhs and millions of people in this vast country. Naturally customs might have developed in a particular manner. My proposal boils down to this. You do not make this Code applicable to all—I am talking of marriage and divorce for the time being—but leave it open to those who will be married in future to make a declaration that they would like to be

governed by these provisions and not be governed by the consequences of *dharmic* marriage; you leave it open to them to do so. (*An Hon. Member:* What about past marriages?) That covers the cases of those who come in future. We are not legislating, I suppose for the purpose of helping the dissolution of marriage of the existing Members of Parliament. We are looking to the future; we are thinking of handing over something to the future generation, whereby they can live in peace and with greater comfort. But supposing you want to apply it to those who are already married . . .

**Dr. Ambedkar:** It does not apply to those who are already married.

**Dr. S. P. Mookerjee:** There also you can make a provision. Supposing you want to apply it to all who are already married, there I will give a solution. You leave it open to anybody, say, within a period of one or two years to register his decision whether he would like to be governed by this Code to opt for it, if you can use that language. (*An Hon. Member:* Why not everywhere?) Well, 'everywhere' I do not approve for this reason that you are deciding something for others for which you have no right today. You are passing a law whereby you are saying that the *dharmic* form of marriage will continue as now without any modification or alteration and the other form of marriage also is open to people who would like to take advantage of it. Let the people in future make their choice. There is no compulsion and for existing people you may give a time-limit or you may not give a time-limit. You can say that if any particular party desires to be governed by the provisions of this Code, such persons may make a declaration before the Registrar or Registrar-General or Director General or whoever he may be and get the relief as is provided for in the Code. I ask in all seriousness what is it that you lose thereby?

**Pandit Kunzru** (Uttar Pradesh): What do we gain thereby?

**Dr. S. P. Mookerjee:** What you gain thereby is that you do not break the unity of the country.

**Pandit Kunzru:** This Act when passed will be permissive. It does not compel any couple to take advantage of the provisions of divorce. It is perpetually open to a couple to say whether they are to be governed by that provision or not.

**Dr. S. P. Mookerjee:** That is a point of view which may be urged with some emphasis. Here the difference is this: that you destroy the indissoluble

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nature of Hindu marriage which is regarded as solemn and sacred by millions of people. Pandit Kunzru may not agree and many people in this House may not. I am not quarrelling with those people who believe that marriage is bilateral arrangement, that it is nothing but a matter of contract; I have nothing to say against them if there are people who hold that view. Let them hold it, but there are those who hold the contrary view, who genuinely and sincerely believe that this system which has been in vogue for thousands of years is something sacred, something deep-rooted in their traditions and religion. What right have you to sit in this House and say that you want by one stroke of the pen to take this great right away? That is my answer to Pandit Kunzru. (*Shri Bharati: Monogamy.*) I am coming to it. *Shri Bharati* need not be anxious. I hope he is agreeing with me as regards divorce and that is why he wants me to go to monogamy. That is my line of approach. Believe me, rightly or wrongly, this country has been divided tremendously on this Hindu Code Bill. I do not wish that that should be so. I want that we should go on progressing and making reforms in our social structure. But, we will do it in such a way that we can carry the bulk of the people with us, not carry them by force in this House or carry them by threads of sweeping agitation outside, but carry them by appealing to their logic and to their conviction. When I discussed this matter with representatives of the orthodox school of view, . . .

**Dr. Ambedkar:** That is Karapatiji.

**Dr. S. P. Mookerjee:** No; I have not met him recently.

**Pandit Maitra:** What is the harm if he is consulted?

**Dr. Ambedkar:** No harm. I invited him and he expressed a desire to come. Afterwards, he refused to come. I have not shunned him.

**Dr. S. P. Mookerjee:** I have not discussed this matter with Karapatiji recently. I shall not be sorry to discuss it with him; but, I have not discussed.

**Dr. Ambedkar:** In fact, I invited him to come and discuss; but he has not come.

**Dr. S. P. Mookerjee:** I have discussed this matter with many people who represent his point of view and others who are not orthodox. Somehow, the country is divided today. How to proceed in the matter? As I said, it is

not a Press law, that something is in danger and so you must go and pass the Press law somehow and operate it. This is not an amendment of the Constitution. It is not a political matter. In fact, we may differ on matters of politics. But, there should be a fundamental agreement with regard to the need for introducing reforms into our great country, which will make our civilisation more progressive and more advanced. That should be our common ground of approach. Those who are following the existing practices, those who are abiding by the provisions of the existing laws are not retrograde. The tragedy is that many of the supporters of the Bill, who have been carried away by their notions of so-called progress and advance, in their exuberance think that what they think is the last word on the subject, that they represent progress and the others are retrograde. That is very unfortunate. (*An Hon. Member: Lipstick.*) I am not talking about lipstick at all; I have talked about progress. We should see the other man's point of view, the point of view of man who believe in the existing ideology, unless it can be pointed out that something is happening in the society which is absolutely rotten, immoral, backward. If that could be pointed out, I am at one with Dr. Ambedkar and those who want to introduce reforms. But, if it is a mere difference of opinion, a mere difference in outlook, and you get whatever you want for those who share your point of view, why then do you force your opinions on millions of others, who do not share your view? That is a point of view which I would very strongly urge before the Law Minister and Government. If I had given you a formula which indicated an abandonment of the provisions of the Code for those who believe in it, you can blame me. But, I wish you godspeed; go ahead; do whatever you like for those people who believe in the ideology which you are preaching here. But, in respect of others who and whose forefathers had proceeded in accordance with the old traditions and who are no less patriotic Indians than any one who is sponsoring this Bill, why do you force your opinions on them?

Talking of divorce, has the law of divorce solved all social problems in countries where the system of divorce is now in existence?

**Shri Himatsingka (West Bengal):** Created more.

**Dr. S. P. Mookerjee:** I have been going through some of the recent books on sociology. People are perturbed,

because this is a complex human problem. The world has not found a solution to these problems. Those who have taken to the system of divorce, their number is leaping up. Do they find peace? Have they found happiness?

**An Hon. Member:** No.

**Dr. S. P. Mookerjee:** On the other hand, new problems have come up. Read some of the latest books on psycho-analysis. There, it is clearly pointed out that many of the evils which face the western countries are due to the mal-adjustment of the sexes. These are complex problems. Why blindly copy something from the west because some people from some part of the world have come and told you that you are backward unless you adopt this? If there are forward people in this country, who believe in this ideology, give them a long rope, sufficiently long, so that they may hang themselves. But, do not interfere with others who have found a solution of their problems through different doors altogether.

So far as monogamy is concerned, I shall support it with one reservation. Make it applicable to all the citizens of India. It is not a question that monogamy is good for the Hindus and monogamy is not good for others. Stand for one social doctrine.

**Pandit Thakur Das Bhargava:** Why force it on those who do not believe in it?

**Dr. S. P. Mookerjee:** If you believe that monogamy as a social system is the best that India should have, then, do not try to look at it through the Hindu door; look at it through the human door and make it applicable to all. Behave like a secular State, at least in this instance. Take courage in both hands and say that monogamy will be made applicable to all citizens of India. If you cannot do it, do not do it for one section alone. Here, we are living in days of statistics. We swear by statistics, either real or manufactured. I have been trying to get some information; I could not. I wanted to know how many people in India have been marrying a second time.

**Shri Himatsingka:** Or, keeping two wives at the same time.

**Dr. S. P. Mookerjee:** That is what I mean: marrying a second wife when the first is alive. The number is extremely small. It is really no problem. Already, on account of advanced views, society has adjusted itself and

on account of economic conditions, general public censure, etc., this system has gone out. Why make a parade of this that you are introducing a great reform and legislating for this? If you accept it as a principle, apply it, as I said just now to the whole of India.

So far as the Hindu Code Bill is concerned, I do not know what the decision is going to be. The Prime Minister has indicated that most likely we will not proceed with the rest of the Bill and time may not permit us to do so. I am prepared to make this offer. Pass the entire Hindu Code as it is; only make it optional. Those who want it can adopt it. I have spoken to representatives belonging to the extreme orthodox school of view; I have argued with them. Although there are some amongst them who are against the passing of any such Bill whatsoever, they also realise that just as they claim to think for themselves, others also must have the liberty to do so for themselves and for their future. That would be a splendid beginning. I am prepared to admit, however much there may be opposition to the Code, that this represents a marvellous piece of work on the part of Dr. Ambedkar and those who have been associated with him. I am quite prepared to admit that this is a most thorny subject and he has gone through the matter with as much ability as any one could have. For that, if he is prepared to accept an honorary degree to be conferred by Parliament, we are prepared to confer a degree on Dr. Ambedkar. But, if you look upon it as a measure which has to be pushed down the throat of millions of Hindus who are opposed to it, I say that you will not be doing a service to the people of India. The only way in which you can proceed even at this late stage is this. Let us not quarrel amongst ourselves; let us agree to differ on this fundamental issue. If you are prepared to point out that there are certain matters which are immediately anti-social, or corroding into the very life of Hindu society, let us agree to make such provisions compulsory where there are any. Otherwise, this new great structure which you have prepared, keep it there for a few years and say that any one, whether a Hindu or not, any Indian citizen, who desires to accept it can make a declaration, and the provisions regarding marriage or divorce or property, whatever it is, will be applicable to such selectors. That would be the beginning of a great era. For after all, who is going to decide ultimately? Your elections are coming. You then go forward. As the Prime Minister has said, his sweeping wind will come and blow away all opponents and . . .

**Shri Kamath:** Whirlwind.

**Dr. S. P. Mookerjee:** Yes, the whirlwind will come. Let the whirlwind come with regard to the provisions of the Hindu Code Bill. Let them go and convince the people and tell them that they are not forcing it on them. Let them say, "we give you the option. Here is a heaven we have created. Come into this heaven and attain moksha". Go and explain to the people, and if they feel that it is really such a heaven and not a *dilli-ka-laddu* they will come and take it, and take it with open hearts. There will be ample time. After all, Hindu civilisation has existed for thousands of years, in spite of onslaughts from various quarters, cultural, political and economic invasions and so on. We have survived all that, and we are now a free country, and we propose to survive, and survive with a much more glorious future than we had attained in the past. But when you introduce social reforms, in such a vast country as this, where opinions differ, where attitudes differ and where ideologies differ, then the only way in which you can do it is to go at a slow pace. I am not asking you to abandon principles which you believe to be true. I am not asking that for the time being. But please go and convince the people, the Hindu people who still claim to live under canons and codes which are in no way inferior to those existing in any other part of the world. Give them scope to choose for themselves. That is my appeal to the House and to Government and I hope that appeal will be heeded to.

**Shri B. K. P. Sinha:** A cruel destiny always pits me against Dr. Mookerjee, one of the greatest orators in this House and in the country. Dr. Mookerjee and other opponents of this Bill have brought forward the suggestion, "Why not have a Civil Code? Why not extend the scope of this Bill to cover all the castes and communities and religious groups in India?" And also, they ask, "Why not leave it to the different States or different people to adopt the various provisions of this Bill?" The Mover of the Bill has effectively replied to these criticisms. The opponents of the Bill have also referred to the clause in the Constitution regarding discrimination between different persons. It was their contention that in view of that clause, or in view of that article of the Constitution, if you have provisions in the Bill applicable only to one community, that will not be constitutionally valid. In that connection they also referred to certain decisions of some Bombay courts and Madras courts. But they

were decisions of the lower courts and since then the Bombay High Court has pronounced that in the cases referred to there was no violation of the discrimination article in the Constitution and that in spite of that article we can have laws for the Hindu community, to the exclusion of other communities. Therefore, that point is settled.

Then there is the question of leaving it to the different States or people to decide by referendum. What are the grounds on which they have advanced this argument? They say that the provisions of the Bill conflict with the fundamental tenets of Hindu law, that they are revolutionary and that they bring about far-reaching changes in the law, and that these changes are not at all essential. These are the arguments advanced by them in support of their contention. Let me scan the provisions of the Bill and see what is the substance of their contention. I will for the present confine myself to the question of marriage and divorce, for that is the only chapter that is going to be discussed.

**Pandit M. B. Bhargava (Ajmer):** Kindly confine yourself to clause 2.

**Shri B. K. P. Sinha:** Yes, I confine myself to clause 2 and I will illustrate my statements only from marriage and divorce chapter. I will not go beyond that. What are the features of this chapter? It has four features. One that it widens the scope within which one can have marriages. You can go beyond the particular sub-caste or group and still the marriage will not be illegal and the children will not be illegitimate. Secondly, this Bill restricts or narrows down the field of prohibition. There were many prohibitions. One could not go beyond certain castes. One could not have marriage within the same *gotra* or *pravara* and with certain relations which fell within certain degrees from the father and mother. This Bill narrows these prohibitions. And then it introduces the principle of monogamy, and lastly it introduces the principle of divorce.

First of all, there is this widening of the field of marriage. Are the provisions of this measure really in conflict with the principles of Hindu Law and Hindu religion? In my opinion they are not. Dr. Mookerjee said that this measure offends the orthodox people, that it offends their religious sentiments, their religious susceptibilities. I am not ashamed to admit that I consider myself as much an orthodox Hindu as anyone else. Have I not very often met Dr. Mookerjee on the banks of the Ganges when we went

there for our bath. We have also often met in the temple of Lord Shiva at Banaras. Our orthodoxy is of the same character and of the same extent. Still I do not find anything in this Bill that wounds my religious feelings or susceptibilities. What was the pristine or original condition of Hindu society? That we see in the texts of the *Mahabharata* and other scriptures. There were no caste distinctions then as they exist now. Then there were divisions according to the work.

श्री श्यामनन्दन सहाय : जन्मना  
जायते शुद्रो, संस्कारा द्विज उच्यते ।

[**Shri Syamnandan Sahaya:** Every man is a *Shudra* by birth. It is by the sacraments that he becomes a Brahman.]

**Shri B. K. P. Sinha:** But due to certain adverse factors things changed. Well, I do not want to quote and prolong the discussion, otherwise I will be playing your game. Well, as I was saying, there were no distinctions as they exist now. Every *Arya* was free to marry any other *Arya*. You know that *Anuloma* and *Pratiloma* marriages were permitted by Hindu law. And in adopting the provisions of this measure I am sure that we are reverting to the old order of things. But that old order was disturbed by certain unfortunate developments in the country.

**Pandit Malaviya:** Will the hon. Member please elaborate that point a bit?

**Shri B. K. P. Sinha:** I have elaborated it sufficiently. We will have to talk for seven days if we are to give enough elaborations.

**Pandit Malaviya:** I want to learn. I want to understand things and what the hon. Member says. I want to know where *Pratiloma* marriages were allowed in India.

**Shri B. K. P. Sinha:** You will find in any book on Hindu law that *Anuloma* and *Pratiloma* marriages were common.

**Mr. Deputy-Speaker:** *Anuloma* marriages were allowed and not *Pratiloma* marriages.

**Shri B. K. P. Sinha:** It was not allowed. The children were known as *chandals* but they formed a branch of the Hindu society.

**Mr. Deputy-Speaker:** All that has been settled by Acts of Parliament.

**Shri B. K. P. Sinha:** There are so many Acts of Parliament in this regard such as the Special Marriage Act of 1872, the Hindu Marriage Validation

Act of 1949 allowing marriages between Hindus, Sikhs and Jains and also between different castes and sub-castes. Then there is the Hindu Marriage (Removal of Disabilities) Act which allows marriage between sub-divisions of the same caste. So these Acts are there and they are of an all-India character and it is open to any Hindu to marry any other Hindu, Sikh or Jain. What we are doing here is simply re-enacting the old laws. Dr. Mookerjee asked if the laws are there, why re-enact them here? I would put it to him that if they are there what crime are we committing by re-enacting them in the Hindu Code?

Then I come to the second feature; restricting or narrowing the field of prohibition. Under the Hindu Marriage (Removal of Disabilities) Act, is it not true that *Sagotra* and *Saprarava* marriages are permitted and that nothing new is introduced in this Code? This provision is already a part of the Hindu law. In the Hindu society it was only amongst the Brahmins, strictly speaking, that *Sagotra* marriage was taboo. To the *Kshatriyas* and *Vaishyas* *Gotra* had a spiritual or religious significance only. *Gotra* did not mean to them that they were descended from the same ancestor. Only in the case of the Brahmins the sameness of *Gotra* meant that they were descended from the same ancestor. In the case of the *Shudras* *Sagotra* marriage was always permitted. Whether under the law as it was or as it is, we find that *Sagotra* marriages were legal and valid and that is only being incorporated in this Code.

Another restriction introduced is that the field of prohibition is being narrowed, in the case of the father's side to five and in the case of the mother's side to three generations. So far as the Hindu law and the practice and customs prevalent in this country are concerned there is not much of a uniformity. Many commentators advocated seven and five prohibitions; others have advocated five and three prohibitions. They thought it was not necessary to go beyond five and three prohibitions. In the *Yajur Veda* the restriction is three and two and in certain Vedic texts it does not go beyond two. In this Bill it is my contention that we are only reverting to the old order, the Hindu law as it was in the beginning before it became contaminated with contact with others.

[**SHRI HIMATSINGKA in the Chair**]

As regards the principle of monogamy, under the Hindu law as practised today the Hindu woman shall have only one spouse.



**Shri Kamath:** One living spouse.

**Shri B. K. P. Sinha:** Living, or dead also.

**Shri Kamath:** One can have one dead and one living.

**Shri B. K. P. Sinha:** In certain cases one only, living or dead.

So far as males are concerned, there is a misconception that the Hindu law allows polygamy. But I find that there are certain texts of *Yajñavalkya*, *Manu* and *Apastambha* which ordain and lay down that a Hindu can have a second wife only in certain well-defined circumstances. When the relevant clauses come up before the House I will quote the *shlokas* and the texts.

**Pandit Malaviya:** Do you suggest that?

**Shri B. K. P. Sinha:** I do not. Now Bombay and Madras have passed legislation laying down that there shall be monogamy. This principle of monogamy has been recognised for Hindus in the Special Marriages Act and in the Civil Marriages Act. I find that this principle, that it is salutary to stick to one spouse has been recognised indirectly by the Married Women's (Separate Residence and Maintenance) Act which recognises that a married woman can get separate residence and maintenance if the husband goes in for another wife or a concubine. It has been recognised that oneness of a spouse is salutary. Any deviation from it is bad and in that case the woman is allowed the right of separate residence and maintenance.

**Shri Kamath:** What about polyandry?

**Shri B. K. P. Sinha:** Then I come to the other principle, divorce. Dr. Mookerjee was furious; he said that Hindu marriage was sacramental, indissoluble, immutable. There is no escape for a man who once commits a mistake in marrying a certain woman! But I find from some of the old texts that Hindu marriage was not as immutable, as indissoluble as Dr. Mookerjee would claim. I would read out a text which tells us that even the woman has a right to go in for another husband. This is the text of *Narada* and *Parashar*:

नष्टे मृते प्रव्रजिते कञ्चिन्ने च पतिते पत्यौ ।

पञ्चदशवत्सु नारीणां पतिरन्यो विधीयते ।

Another husband is ordained for women in five calamities, namely, if the husband be unheard of or be dead,

or adopt a religious order, or be impotent or become outcaste."

**Pandit Malaviya:** Will you kindly read also the commentary on that?

**Shri B. K. P. Sinha:** I will leave it for you.

So it was not as indissoluble as Dr. Mookerjee would like us to believe. There were provisions for dissolution of Hindu marriages in certain exceptional circumstances. Thereby, the principle of contract was recognised indirectly. Moreover, the Civil Marriage Act also recognises the principle of divorce and these authorities apart, in the modern age, in the present conditions of India, if we do not have a law of divorce for the Hindu society we must be prepared for the disintegration and the ultimate dissolution of the Hindu society.

In this connection I am reminded of two or three cases which created such a furore in Bengal, the home province of Dr. Mookerjee. Hindu law as practised there does not leave any scope for divorce. I know at least of two cases in which the parties belonged to the Brahman caste. They were married. They led a happy life for some time. Thereafter, their life was unhappy. There was no escape for them. In both the cases, the wives went to a famous mosque at Calcutta and were converted to Islam and thereby they got the marriages dissolved. Society in India has reached such a stage that if you do not have a law of divorce you must be prepared for such incidents. I do not know whether Dr. Mookerjee by standing against this provision is doing any good to the cause of Hindus or like all fanatical champions he is doing positive harm to Hindu religion and Hindu society.

**Shri Chattopadhyay (West Bengal):** Did they not later on become Hindus?

**Shri B. K. P. Sinha:** At any rate, it is clear that if you want divorce you have to be converted to some other religion. I urge that only.

There are many such cases where parties have adopted some other religion just for obtaining divorce. We must take note of advance and progress. We must see the stage that society has reached. We are not living in an age when India had no contact with the outer world. We are living in an age when ideas have a knack of crossing the borders of countries. We are living in an age when certain theories of liberty and certain theories of freedom have crept into the minds of men and women, especially young men and women, and if we do not allow scope

for the working of these ideas it is my fear that Hindu society as we know it today shall not long be able to maintain its existence.

Then some of my friends urged that the provincial laws were there and why we should not leave the matter to the provincial Governments. That is exactly the reason why I urge that we should have a Central law. Marriage, divorce, adoption, succession and inheritance form part of item 5 of the Concurrent List. It is open to any State Legislature to legislate on any of these matters and some States have legislated. Supposing we do not legislate, what would be the consequence? The consequence would be that custom, for which Dr. Mookerjee shed so many tears, would be abrogated in all the different provinces by the provincial legislations and then you would have statutory laws differing from each other in all the provinces. If custom is the only vehicle of progress and development, that vehicle will be destroyed and there would be rigid compartmentalised law—26 or 30 laws, in fact as many laws as there are provinces or States in India. I shudder to think what will be the effect of that on Hindu society and ultimately on the strength of the nation, for a stable and uniform society is an essential ingredient of a strong and stable nation.

Then there is the question of inter-marriage. In previous times, people of one territory were born in their territories; they grew up in their territories; and they died in their territories. They were governed by the customs and usage of that territory. What do we find today? In this Parliament, in the galleries of this Parliament, there are Members from all parts of the country.

**Shri Kamath:** On a point of order—can the galleries be referred to?

**Shri B. K. P. Sinha:** I am not addressing the galleries. If I can talk of the country, I can as well talk of the galleries.

Residents of various parts of the country are assembled here. Not only in this City, but in every important city of this country you find persons from different provinces—in Calcutta you find people from Travancore; in Travancore you find people from Bihar and Calcutta. Very often, the residents of the different provinces, in spite of the restrictions imposed by customs and usage and sentiments of the orthodox, find ways of coming together, in nuptial contract. What shall be the effect on them and their progeny if we allow these various provincial laws to operate. Suppose a man from

Bombay marries a girl from Bihar and in Bihar he marries another woman. In Bombay monogamy is the law. What will happen to his marriage in Bihar. While his children by that Bihar wife will be legitimate in Bihar, when they go to Bombay they shall be considered illegitimate and shall have no civil rights. What will happen to the hundreds of couples coming from different castes and different provinces? What will be the rights of those children? If you allow individuals to opt, many anomalies are likely to arise. A man may opt for the new Code; his father may be governed by old Hindu law; and the optee's son may not opt for the new Code. What laws would govern such a family? If, therefore, the suggestion of my hon. friends were to be adopted, there will be such confusion, that the confusion in the tower of Babel as compared to this was nothing. It will take the Judges centuries to clear the confusion. Therefore, I feel that we have reached a stage when in the interests of Hindu society we cannot but have such a law.

Previously in the provinces there was certain rigidity—people living in a certain province had one social tradition. People of the same caste had almost the same intellectual development, the same cultural code, etc. In those circumstances, when one married out of his caste one went to a different world altogether. But today these cultural, economic and intellectual disparities are disappearing. Society in India is becoming one. While previously there was some justification for marriage within one's caste or inside the province, there is no such justification today, because the cultural level, the intellectual level and the economic level of the various communities are coming on a par with each other. According to eugenic principles marriage outside one's caste under the previous state of affairs would have been bad. Today the laws of eugenics point in a different direction altogether. They point to a direction in which the hon. Mover of this Bill is attempting to lead us.

Dr. Mookerjee talked about the intensity and the depth and breadth of feeling in the country against this Code. I am a villager. I do not come from one of those advanced cities where the most modern theories are the order of the day. I know the minds of the villagers on this matter. I know that there is a lot of misapprehension in their minds about this Bill. That is because the opponents of this Code have for the last five years or so been carrying on a tearing and raging propaganda against it while the

[Shri B. K. P. Sinha]

supporters of the Bill have been keeping mum and silent. In my area also people were, by and large, opposed to the provisions of this Bill. But when I explained to them the provisions of this Bill in detail I can tell you that at least 70 per cent. of them became converts and they realized that nothing short of this was needed for the society. When Dr. Mookerjee says that there is intensity of feeling I concede that. But when he talks of the depth and breadth of that feeling I disagree. There is no depth in it because that feeling is based on ignorance. There is no breadth in it because the people, by and large, are not against this Code. It is only a handful of moneyed people who care more for their property, for their land, for their shares who are putting up such a row against this measure. I have had intimate talks with some of these orthodox people. They do not care a grain, an iota for the Hindu Law or the Hindu principles, or the *rishis* or the *smritis*. What rouses them into opposition is the property clause.

-Shri R. K. Chaudhuri: That has been dropped now.

Dr. Deshmukh (Madhya Pradesh): But wife also is property.

Shri B. K. P. Sinha: These are the three lines of my argument. There is nothing revolutionary in this. All that we are going to have is already there on the statute books. Secondly, this Bill does not go against the fundamental principles of Hindu religion. Rather it tries to bring the circle full. The wheel has gone a full circle and Hindu law is being restored to its pristine purity. Thirdly, this law is essential for the existence of Hindu society in the circumstances of today.

Since one of my friends from Bihar, Mr. Syamnandan Sahaya, when he spoke last referred to Dr. Jayakar, I would like to quote a very small paragraph. While writing his foreword to *Hindu Law in Bharat* published in 1951—and the foreword was written in 1951—what has Dr. Jayakar to say about this aspect—not about Hindu Law in general but about the aspect to which I referred? He says:

"The author has not omitted to note some of the prominent deficiencies which exist in present-day provisions of the Hindu Law, requiring early redress."

An Hon. Member: Who is the author?

Shri B. K. P. Sinha: The author is another person, but the foreword is written by Dr. M. R. Jayakar—a scholar of Hindu Law, not the politician.

Shri Syamnandan Sahaya: Also a politician.

Shri B. K. P. Sinha: Probably my friend Mr. Syamnandan Sahaya referred to Dr. Jayakar, the politician. I am referring to Dr. Jayakar, the scholar.

Shri Syamnandan Sahaya: Do you mean that politicians are not scholars?

Shri B. K. P. Sinha: They are. And then Dr. Jayakar goes on to say in his foreword:

"He observes that in modern times facilities of transit and interchange have enormously increased and various causes, appropriate to the times, have compelled people of different races and religions to live together in territories governed by different systems of law. These new factors naturally tend to complicate problems of human life in the sphere of their legal relationships. Rules framed to regulate municipal and purely local set of circumstances prove inadequate or even out of place to deal with such problems arising out of the introduction and presence of foreign elements within the territory. The development of a Body of Rules to cover these new sets of circumstances is already overdue."

Dr. Deshmukh: I am afraid probably my hon. friends who welcomed my getting up to speak by saying "hear, hear" may be disappointed at what I am going to say today.

Shri R. K. Chaudhuri: Have you changed your mind?

Dr. Deshmukh: To a certain extent, probably, yes.

An Hon. Member: Wise men always do that.

Dr. Deshmukh: I have been a member of the Select Committee and I have appended a note of dissent to the Committee's report. But that covers only four points. That note of dissent itself shows that apart from those four points, I am in general agreement with the many provisions proposed in the Bill. At the same time, I always felt that the time had not come when it was possible to revise, with some other, and different ideals in front of us, the whole structure of the Hindu society.

and to change it radically. Ours is a vast country and the Hindu community is extremely large and numerous. We are also highly uneducated and absolutely illiterate. From that point of view if you wish to change the basis of the Hindu society to any violent or great extent, the people who are not capable of understanding the changes are likely to suffer considerably. From that point of view I thought that the reforms so far as the Hindu Law is concerned should be as and when required and whenever a certain situation demands them, and only when the public opinion was ready and well-informed and was capable of following all the modifications in the social structure which we desire to bring in, then alone we should attempt a thing of that nature.

Therefore, I hold that the Hindu Law even when codified will not help us unless it is your desire to remodel the whole Hindu society for which the time, I submit, has not yet arrived. The Hindu law as laid down by the *Smritis* and as interpreted by the High Courts and the Privy Council is fairly well crystallised; there may be certain differences of opinion; there is a possibility of conflicts in interpretations but they are understandable and we have had this experience of these 150 years and this has not led to any great suffering or any great hardship . . .

**Shri Lakshmanan** (Travancore-Cochin): On a point of order, are we at the general discussion or discussion on clause 2?

**Mr. Chairman:** He is in order.

**Dr. Deshmukh:** My remarks are really relevant so far as the discussion on this clause is concerned. What I was going to point out was that if we were going to remodel the society and change the whole law so as to suit modern times in an ideal manner that would be something far different from what we are attempting here. Even in what we are attempting at the present moment, I do not think that the Hindu Code represents a complete remodelling of the Hindu society. We are after all codifying what exists although with some changes. Because at the present moment and in this modern age, if we really want to follow modern ideas, I do not know whether the conception of any private property is going to survive very long. What is the use therefore of discussing the property law and debating whether it is according to the *Mitakshra* or the *Dayabhaga* or we are going to introduce the principle of primogeniture or something else. I personally feel that

so long as we have the Hindu laws by which we are governed at the present time, and so long as it is a fairly well understood law, which the whole population and the whole Hindu community understands, the time has not come when we should attempt a radical and whole-sale alteration of the law which governs the society. Because, that is likely to create more trouble than we have at the present moment. At the same time, I have always advocated and I am in favour of removing those difficulties, those harassments and those persecutions which exist and because of which, there is human suffering. So far as these things are concerned, I think it should be the endeavour of every Member of Parliament to support the Bill; wherever it is found that our social structure is likely to suffer, and where it has led to a good deal of inconvenience and trouble, those reforms ought to be taken up and there should be no compromise with any orthodoxy.

1 P.M.

**Shri Kamath:** While we would like to hear the hon. Member, there was a half-hour discussion to be taken up at one o'clock . . .

**Mr. Chairman:** That has been postponed.

**Shri Kamath:** We have had no notice.

**Mr. Chairman:** It has been struck out here.

**Dr. Deshmukh:** So far as removal of difficulties and hardships is concerned, I am prepared to go even farther than the sponsors of the Bill. The prohibition of polygamy and introduction and enforcement of monogamy are extremely desirable reforms. I also agree that it is time that the Hindu society provided for divorce under the law. There may be some restrictions imposed; but I do not think it is possible to shut our eyes to the instances and facts which come to our notice. It may be a thing which my orthodox and *sanatani* friends may dislike. Of course, many of them dislike any change whatever. Unfortunately that is the position. Here, I must clear a misunderstanding. I have been regarded by some *sanatani* friends as a staunch opponent of the Bill on all points and in every respect. It is therefore that I have prefaced my remarks with the remark that my hon. friend Pandit Mukut Bihari Lal Bhargava will probably not welcome what I was going to say today. The provisions should, however, be confined to these two aspects.

[Dr. Deshmukh]

Further, I would like some provision by which we can better the conditions of our widows. I have seen a great number of instances where they are undergoing inhuman suffering. So far as widows' rights to property are concerned, we have had amending Bills. We have passed certain laws. But, to my knowledge, they have not benefited those for whom they were intended. I would like to persuade the hon. Members of the House that we should make some provision so far as they are concerned.

**Shri Bharati:** We are not discussing that now.

**Dr. Deshmukh:** I do not know if any announcement has been made in the House whether we are going to leave out of consideration those other sections and confine ourselves to only these things viz., marriage and divorce. Because I was not here, I do not know what decision has been taken.

**Shri Bharati:** We are not likely to take them up.

**Mr. Chairman:** Let the hon. Member go on.

**Dr. Deshmukh:** If it is intended that we should confine ourselves only to the passing of a law that one person can at one time have only one wife, I would not very much object. But, as has been pointed out by my hon. friend Dr. Syama Prasad Mookerjee, much ado is being made about a thing which is dying out by itself. The present struggle for existence and the economic forces at play are themselves bringing about the desired change. Therefore, although it is a necessary reform, I do not think it is something that some people may be prepared to die for.

So far as divorce is concerned, I think there is much to be said in favour of divorce. At the earliest possible moment, this provision ought to be made. As has been pointed out by many Members, this is only a permissible reform, merely making provisions for divorces—the mere presence of the provision does not mean that every one will take advantage of it and get a divorce. What is the present position? There are certain States—Baroda for instance, where divorce is allowed. And many who cannot agree between themselves or for other reasons who cannot get on, merely go and stay at Baroda for some time and obtain some sort of certificate that they are residents there and in this way get their purpose fulfilled. Wherever a married couple cannot get on together,

may be for any reason, may be because one of them is suffering from a bad disease or there may be many other factors which cause a deterioration of their relationship they should be able to separate. It is human to expect under modern conditions that this freedom should be made available to them and it should be possible for an individual to get a divorce and separate. From that point of view, I submit that the provisions so far as divorce is concerned, are desirable. But on one point I vehemently disagree with Dr. Ambedkar and that is with regard to not recognising the customary divorces. He wants that all divorce cases must . . .

**Shri E. K. Chaudhuri:** I want to get a point cleared. Does the hon. Member advocate divorce of sacramental marriages and also at the same time the continuance of sacramental marriages?

**Dr. Deshmukh:** I do not think there will be any difficulty. Even now a good many sacramental marriages get dissolved. That happens in various communities and under the Hindu law. And who is going to say that marriage under the so-called backward communities, which really are more advanced than others, are not sacramental marriages? They are and they are recognised by custom and their divorce systems are also recognised by customs and by the caste *panchayats*. But the hon. Minister wants that all these cases must go through an involved method where lawyers will be necessary and all sorts of evidences will have to be taken and the whole thing will prove to be a hardship to these people.

**Dr. Ambedkar:** Let there be customary marriage also.

**Dr. Deshmukh:** If the provisions of the Bill are limited to the removal of the defects now present and we do not go further than that, then I would be prepared to support and I will not say that since you are not going to make it applicable to everybody in India therefore it should not be made applicable to Hindus also. I had raised that point as a major issue, because I felt that if it was intended that the whole of the Hindu society should be radically changed, then there was no reason why we should not make all the provisions of the measure applicable to all the people living in India. But since this is intended as a sort of a reform and the scope of it is confined specifically to certain sections, I have no quarrel so far as this point of view is concerned.

**Dr. Mookerjee** undoubtedly went too far in asking that it should be left to the option of people. If that be the

course that we adopt, then even the simplest possible reform demanded by society would be impossible. I do not know why he took that view though he has been very reasonable on most other points. This smacked a bit of a no-changer. He was prepared to support the divorce provisions if monogamy is made applicable to all the communities living in India. Although it looks plausible, it smacks more of obstructionist tactics than helping the passage of the Code. I for one stand even for radical reform which will not create confusion in the Hindu society. These provisions are not such as are likely to create confusion, because everybody need not resort to divorce or take advantage of the provision. There are innumerable cases where both man and wife suffer and desire that separation would be ideal. For such cases we make provisions by which separation would be allowed and I do not think it should be anybody's business to come in their way merely on the ground that in the remote past we regarded marriage as a sacrament and not as a contract. As I have already said even sacramental marriages could be dissolved according to custom. After all recognition of sacramental marriage is recognition of customary marriage, because it is governed only by custom. There are many different forms of marriage. In some cases there is *saptapadi*. I hope the modification which I have suggested will be acceptable regarding customary divorce. Originally it was the intention that all custom should be wiped out altogether. I am glad that Dr. Ambedkar has modified that stand but I am afraid he will have to modify it further. In one place where he had to explain his viewpoint he said that custom must be such that it must be sensible, reasonable and satisfy certain other requirements. He expected custom to answer to standards of reasonableness. But what is reasonableness? It can differ from man to man and from group to group. What may be regarded as reasonable by Dr. Ambedkar would be entirely unreasonable to Mr. Kamath or Pandit M. B. Bhargava . . .

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**Shri Kamath:** Do you lump us together?

**Dr. Deshmukh:** Oh, No! Not jointly but severally. From the point of view of custom I must say that the learned doctor must be willing to go a little further, because every custom has had a history and it is not arguable on the basis of reason. Originally the view of the sponsors of the Code was that custom, whatever it was, was bad. That was why they provided that all "custom" was bad and no custom will be recognised under any circumstances. The whole society was to be governed by the provisions in black and white of the Code and no variation of any kind was to be recognised. Fortunately you have come to a stage when you are prepared to recognise custom. But to what extent is the question? On the one hand you say that it should be reasonable but in many instances this is a contradiction in terms . . .

**Dr. Ambedkar:** Why?

**Pandit Thakur Das Bhargava:** It has to be reasonable before it is recognised.

**Dr. Deshmukh:** In customary marriage one of the things essential and recognised as a necessary ingredient is that the bride and bridegroom must take seven steps round the fire. I do not see any reason or reasonableness behind it. What function does it perform? How does it help so far as the wedlock is concerned?

**Shri Kamath:** It is symbolic.

**Dr. Deshmukh:** Similarly . . .

**Mr. Chairman:** Is the hon. Member likely to continue his speech?

**Dr. Deshmukh:** Yes, Sir, I will take sometime longer.

*The House then adjourned till Half Past Eight of the Clock on Tuesday, the 18th September, 1951.*