

15th November 1946

THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume VIII, 1946

(*12th November to 18th November, 1946*)

SECOND SESSION

OF THE

SIXTH LEGISLATIVE ASSEMBLY,
1946



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LEGISLATIVE ASSEMBLY

President :

THE HONOURABLE MR. G. V. MAVALANKAR.

Deputy President :

KHAN MOHAMMAD YAMIN KHAN, M.L.A.

Panel of Chairmen :

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SYED GHULAM BHIK NAIRANG, M.L.A.

MR. P. J. GRIFFITHS, M.L.A.

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Assistants of the Secretary :

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MR. A. J. M. ATKINSON.

MR. HASAN MOHAMMAD KHAN

Marshal :

KHAN BAHADUR CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

KHAN MOHAMMAD YAMIN KHAN, M.L.A. (*Chairman.*)

SYED GHULAM BHIK NAIRANG, M.L.A.

SRI SRI PRAKASA, M.L.A.

MR. C. P. LAWSON, M.L.A.

SARDAR MANGAL SINGH, M.L.A.

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LEGISLATIVE ASSEMBLY

Friday, 15th November, 1946

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

MEMBER SWORN :

Khwaja Nazimuddin, M.L.A. (Burdwan and Presidency Divisions: Muhammadan Rural).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

DECISION OF INTERIM GOVERNMENT *RE* HIGHER PRICES FOR BENGAL CULTIVATOR

586. *Mr. Ahmed E. H. Jaffer: Will the Honourable the Commerce Member be pleased to state if it is a fact that the present Interim Government have decided that the Bengal cultivator shall not receive the higher prices which the world market is prepared to pay and the law of supply and demand may determine?

The Honourable Mr. I. I. Chundrigar: I presume that the Honourable Member is referring to jute prices. If so, the answer is in the negative. I would invite the Honourable Member's attention in this connection to the Press Communique issued on the 23rd October, a copy of which has been laid on the table of the House.

Press Communique

EXPORT PRICES OF JUTE DECONTROLLED ENHANCEMENT OF EXPORT DUTY

The Government of India have decided to terminate the Jute Export Control Order, 1946 with immediate effect.

This Order, it will be recalled, was conceived as an anti-inflationary measure as also with the object of ensuring that supplies of packing material were made available at reasonable prices to all countries of the world for facilitating the movement of cereals.

The Provincial Governments concerned, however, did not take steps to continue the control over internal prices, with the result that jute prices in India have increased sharply while exports have been dislocated. In the long run controlled export prices of jute and jute manufactures cannot fail to influence the internal price level but this would involve a long process resulting in undesirable fluctuation of prices and dislocation of trade. The Government of India have, therefore, decided to withdraw the price control over exports.

At the same time, in order to reduce as far as possible the inflationary effects of uncontrolled export prices, the Government have decided to enhance the export duty on raw jute and jute goods. The high prices resulting from decontrol will benefit the growers of this commodity and a substantial part of the proceeds of the enhanced export duty will accrue to the principal producing provinces.

The Indian Tariff Act Amendment Ordinance, 1946, promulgating the new rates of duties has issued in a Gazette Extraordinary.

The Government of India intend to continue the quantitative control over exports of raw jute and jute goods so that exports of Indian jute may be equitably distributed among all countries of the world.

COMMERCE DEPARTMENT;

New Delhi, October 23, 1946.

ALLOWANCE FOR EXILED AFGHAN SARDARS IN INDIA

587. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs be pleased to state if he has had any correspondence in recent weeks with the four Afghan Sardars at present in exile in India?

(b) Have Government been in communication with the Afghan Government in connection with these exiled Sardars?

(c) Are these Sardars in India by arrangement with the Government of Afghanistan? If so, what are the terms?

(d) Who bears the expenses of these Sardars while in India?

(e) Is it a fact that these Sardars are compelled to live in India on a mere pittance of Rs. 80 a month?

(f) Is this amount sanctioned and paid by the Government of India or the Afghan Government?

(g) Do Government propose to consider the question of increasing the allowance of these Sardars?

The Honourable Pandit Jawaharlal Nehru: (a) The Honourable Member is presumably referring to the four Afghan Sardars mentioned in his question No. 410, which I answered on November 12th. If so, the answer is in the affirmative.

(b) Their case has been referred to the Afghan Government.

(c) These Sardars were implicated in an abortive revolt in British Tribal Territory against the Government of Afghanistan in 1939. They surrendered to the Government of India, upon an assurance being given to them that they would not be returned to Afghanistan against their will.

(d) The Government of India.

(e) Three of these persons receive an allowance of Rs. 80 per mensem each; the fourth receives an allowance of Rs. 132 per mensem.

(f) By the Government of India.

(g) The allowances were originally fixed on the basis of the emoluments earned by and the status of these persons in Afghanistan and have since been approximately doubled. The question is under consideration. It may be mentioned that it is open to the Sardars to add to their income by their own efforts.

AFGHAN SARDARS IN INDIA

588. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please state the cause of these four Afghan Sardars being in exile in India? Were the Government of India requested to give these men protection and refuge in India, and was their monthly allowance fixed by the Government of India?

(b) Have Government ever made a request to the Afghan Government to supplement this allowance of Rs. 80 a month?

(c) Do Government propose to consider the question of advancing these Sardars one lakh of rupees, to enable them to do some business and thus enable them to live in a manner more in accordance with their status?

The Honourable Pandit Jawaharlal Nehru: The information required by the Honourable Member is fully covered by my replies to his question on the same subject asked on the 12th November and today

POLITICAL ADVISER TO THE CROWN REPRESENTATIVE.

589. *Seth Govind Das: Will the Honourable the Leader of the House please state:

(a) who is at present the Political Adviser to the Crown Representative; and

(b) the position of the Honourable Member *vis-a-vis* the Political Adviser?

The Honourable Pandit Jawaharlal Nehru: (a) Sir Conrad Corfield.

(b) This was explained in my reply to Lala Deshbandhu Gupta's short-notice question on the 29th October 1946. The Political Department, of which the Political Adviser is the chief permanent official, is not part of or under the Government of India. It is directly under the Crown Representative.

Khan Mohammad Yamin Khan: May I know if the salary of this official is paid from the Indian exchequer or from the Indian States exchequer?

The Honourable Pandit Jawaharlal Nehru: I presume it is paid from the Indian exchequer, but many things are paid from the Indian exchequer over which this House apparently has no authority.

Seth Govind Das: Is the Honourable Member aware that according to the Legislative Assembly Circular No. 71 of the 21st September 1946, he is supposed to be responsible for the Political Department in this House?

The Honourable Pandit Jawaharlal Nehru: Who is responsible?

Mr. President: The Honourable Member for External Affairs.

The Honourable Pandit Jawaharlal Nehru: I have not got that circular before me. I do not know exactly what it contains. But if the House will remember, my answer to the short notice question of Lala Deshbandhu Gupta was a long one, explaining what the Political Department was. The Political Department as such has nothing to do with the External Affairs Department. The political service is a common service, but the Political Department is entirely under the Crown Representative, and the Chief official of this Political Department is this gentleman, I just mentioned, Sir Conrad Corfield.

Seth Govind Das: What I mean is that according to this circular, the Honourable Member is considered to be responsible in this House at least for what he calls the Political Department?

The Honourable Pandit Jawaharlal Nehru: The Honourable Member is perfectly right. I am responsible only in so far as somebody has to answer questions. I am responsible for answering questions relating to the Governor General Public; but Governor General Public is not under the Government of India or the Governor General in Council.

Seth Govind Das: May I ask, if he is consulted in other respects also besides answering questions, as far as this department is concerned, by the Governor General?

The Honourable Pandit Jawaharlal Nehru: No, Sir, I am not consulted but occasionally we try to seek information.

Seth Govind Das: Does the Honourable Member know that many questions regarding this Department have been disallowed by the Governor General?

The Honourable Pandit Jawaharlal Nehru: They do not reach me at all if they are disallowed.

DESIRABILITY OF INTRODUCING HINDUSTANI FOR THE CONDUCT OF BUSINESS OF LEGISLATIVE ASSEMBLY

590. ***Seth Govind Das:** Will the Honourable the Leader of the House please state:

(a) whether Government propose to take immediate steps to introduce Hindustani in the conduct of business and proceedings of this House; and

(b) whether he is willing to assure this House that the business and proceedings of this Assembly will be conducted in Hindustani from the next session?

The Honourable Pandit Jawaharlal Nehru: (a) and (b). The effect of rule 14 of the Indian Legislative Rules is to require the business of the Indian Legislature to be transacted in English. Government are prepared to consider such amendment of the rule as the consensus of opinion of the members may recommend.

It is obviously an anomaly for an Indian Legislature to carry on its work in a foreign language. A change will have to be made but it must be appreciated that the change over will have to face various difficulties.

Seth Govind Das: Does the Honourable Member know that on the 7th November in the Council of State an assurance has been given by the Honourable Raja Ghazanfar Ali Khan on behalf of Government that if this House also agrees to this change he will allow Honourable Members to speak in Hindustani as soon as possible?

Prof. N. G. Ranga: Even now nobody objects.

The Honourable Pandit Jawaharlal Nehru: I was not personally aware of the exact terms of the statement made in the other House, but I have no doubt that so far as the Government are concerned, they would welcome if the House so chooses, any member speaking in Hindustani.

Mr. Ahmed E. H. Jaffer: May I ask whether it will be binding on the European Group also to speak in Urdu?

The Honourable Pandit Jawaharlal Nehru: The Honourable Member is under a misapprehension. There is no question of its being binding on any one; it is a question of people being permitted to speak.

Mr. E. L. C. Gwilt: May I ask whether every Member of this House can understand Hindustani?

Mr. President: That will be a different matter.

Sri T. A. Ramalingam Chettiar: Is the Honourable Member aware that many Members of this House do not understand Hindustani?

Mr. President: All these questions will arise when the matter of language is being considered by the House, and not before.

RESIDENTIAL ACCOMMODATION FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY

591. *Seth Govind Das: Will the Honourable the Leader of the House please state:

(a) whether it is a fact that residential accommodation for the members of this Assembly is much less than actually required for accommodating them;

(b) whether Government are aware that much difficulty is felt in accommodating them during the sessions of this House and some of them are left unaccommodated; and

(c) whether Government propose to make immediate arrangements for accommodating them all by the next session either by undertaking new constructions or requisitioning houses?

The Honourable Pandit Jawaharlal Nehru: (a) Yes.

(b) Yes. The main difficulty is not so much of providing accommodation during the sessions of this House as of providing M.L.A. quarters to all the Honourable Members.

(c) Government do not now have the power of requisitioning fresh buildings. The Works, Mines and Power Department have under consideration various proposals for providing additional accommodation and, I understand, they propose to place them shortly before the Standing Advisory Committee of the Legislature attached to the Department. Attention of the Honourable Member is invited to replies given to part (d) of question No. 313 and parts (d) and (e) of question No. 314 by Mr. Manu Subedar, M.L.A., on the 7th November 1946.

Mr. Manu Subedar: Are Government aware of the very acute discontent on this subject among Members of all parties in this House and will they consider the desirability—as in Washington and U. S. A.—of placing a house at the disposal of every Member from the beginning of the life of an Assembly, so that he may not be displaced during the period of the working of the Assembly and he may have his papers, files and personal effects there?

The Honourable Pandit Jawaharlal Nehru: It is obvious from the questions asked in this House that there is a measure of discontent, as the Honourable Member has pointed out. As for providing a house for each Member, Government would no doubt like to provide not houses but palaces for each Member. But there are obviously certain limitations. As I have already said in my reply, there is no question of lack of accommodation; Members can go to the Western Court and other hostels. But if each Member requires a separate house a certain difficulty arises because the housing accommodation is limited, but Government will try to provide more and more of this housing accommodation.

Mr. Manu Subedar: Will Government consider the fact that the houses which were built for Members of this Assembly are actually diverted to the use

of Government officials in highly expanded departments? If so, would it be possible for Government to restore to Members of the two Houses the quarters originally built for them?

The Honourable Pandit Jawaharlal Nehru: It is obviously Government's duty to provide housing accommodation both for Honourable Members and for officers of Government. As a matter of fact the officers of Government have to spend all their time here whereas Honourable Members have to come from time to time; and we shall try to provide both. It is not an easy matter and the House would not desire us to turn out officers and give them no proper accommodation to live in. So the question is one of providing both and not to turn out one or the other, in which case the same difficulty will have to be faced at the other end.

Mr. Ahmed E. H. Jaffer: Will the Honourable Member kindly use his influence with the authorities concerned and see that Members of this House who are not members of the Constituent Assembly are not forced to give up their bungalows, particularly in view of the fact that there are several select committees coming forward and the budget session is also very near?

The Honourable Pandit Jawaharlal Nehru: Certainly, Sir; we shall do everything in our power to meet the convenience of Members in this matter.

Shri Sri Prakasa: In view of the fact that it would not be within the means of many of us to maintain palaces, will the Honourable Member kindly give up the idea of providing palaces for us, and in the meantime will he allow us to occupy the vacant rooms, about three hundred in number, on Canning Road?

The Honourable Pandit Jawaharlal Nehru: I am glad that the Honourable Member does not require a palace; I would be gladder still if he would prefer hostels to separate quarters, in which case our difficulties would be solved. In regard to the three hundred rooms, I regret I personally know nothing about them, but his inquiry will be transferred to the proper department of Government and given effect to as far as possible.

ARRANGEMENTS FOR ACCOMMODATION, BOARDING, TRAVELLING AND PROTECTION OF MEMBERS OF THE CONSTITUENT ASSEMBLY

592. ***Seth Govind Das:** Will the Honourable the Leader of the House please state:

(a) whether Government are aware of the fact that accommodation arrangements made for the members of the Constituent Assembly are neither sufficient nor is the proposed accommodation of the standard and type in which they will be comfortable;

(b) whether Government propose to arrange for better and more suitable accommodation as also make proper arrangements for their boarding and travelling and conveyance; and

(c) whether there are adequate arrangements for their protection while they are at Delhi on duty?

The Honourable Pandit Jawaharlal Nehru: (a) and (b). Suitable accommodation for all Members of the Constituent Assembly has been arranged for in the best hotels in Delhi or New Delhi, in Government hostels where Members of the Central Legislatures and officers of the Government of India stay, and in Constitution House on Curzon Road, which has been specially equipped for Members of the Constituent Assembly. In addition, a few M. L. A. quarters will also be available for Members of the Constituent Assembly.

Boarding in hotels and Government hostels is of a standard type, but in Constitution House, special arrangements have been made, not only for vegetarians and non-vegetarians, but also for persons who may prefer South Indian, Bengali, European, or North Indian cooking.

As for travelling and conveyance arrangements, attention is invited to a circular issued to all Members of the Constituent Assembly on the 21st October

1946, of which a copy is placed on the table of the House. It contains details of arrangements which have been made.

(c) Suitable arrangements will be made.

Circular No. CA 2/Ser./46.

CONSTITUENT ASSEMBLY OF INDIA

To

All Members of the Constituent Assembly of India.

New Delhi, the 21st October 1946.

SUBJECT :—*Travel and other facilities for members of the Constituent Assembly*

Sir,

With a view to relieve you from unnecessary trouble, as far as possible, in making arrangements for your journey's to and from Delhi for meetings of the Constituent Assembly, we have arranged with MESSRS. GOVAN BROTHERS, LTD., SCINDIA HOUSE, CONNAUGHT CIRCUS, NEW DELHI, to act as our official travel agents for the purchase of tickets, reservation of accommodation in trains and air services, etc.

2. They will also receive Members at the stations, if desired, and provide transport from the station to the place of residence and *vice versa*; arrange sight seeing trips and provide transport for other purposes in Delhi.

For performing the duties mentioned above in Delhi, they will station a trained man a few days before the Assembly session starts, and till a few days afterwards, at Constitution House (where the bulk of the Members are expected to choose to stay) in order to be in direct touch with the Members and the management of Constitution House.

They will not make any extra charges for all these Services. Members will only have to pay the actual cost of the transport provided.

3. Members who desire to avail themselves of the facilities mentioned above are advised to contact in good time the Head Office of Messrs. Govan Brothers, Ltd., or any of their branch offices at the addresses given below, so that arrangements for their travel, reception, etc., may be made well in advance :—

NEW DELHI . . . Messrs. Govan Bros. Ltd., Passage Deptt., Head Office, Scindia House, Connaught Circus.
Telegrams : GOVBRO'. Telephone : 7682.

MADRAS . . . Messrs. Govan Bros. Ltd., Passage Deptt., Bharat Buildings, Mount Road.
Telegrams : 'GOVBROS'. Telephone : 3745.

BOMBAY . . . The American Express Company, Inc., Travel Dept., "Naveari Building", (1 Floor), 240, Hornby Road, Post Box No. 507,
Telegrams : "AMEXCO". Telephone : 25295.

CALCUTTA . . . The American Express Company, Inc., Travel Dept., P. O. Box No. 2311, "Pollock House", 28, Pollock Street.
Telegrams : "AMEXCO". Telephone : 2096.

KARACHI . . . The American Express Co., Inc., Travel Dept., P. O. Box No. 533, "Oriental Building", McLeod Road.
Telegrams : "AMEXCO". Telephone : 3461.

LAHORE . . . Messrs. Govan Bros. Ltd., 3, Sir Ganga Ram Trust Building, The Mall.
Telegrams : "GEOFMANCO." Telephone : 2988.

4. The Railway Department (Railway Board) have suggested that it would facilitate the work of the various Railway Administrations if the authorities concerned are given advance notice for reservation of accommodation on railways in good time, and that in case any difficulty is experienced in securing accommodation, the matter should at once be reported to the General Manager of the Railway concerned in the first instance, instead of through the office of the Constitutional Adviser or the Railway Board. This will eliminate delay and permit prompt action being taken to remedy defects.

5. The Railway Administrations have been asked by the Railway Board to extend in your favour the period in advance of the actual date of travel within which tickets may be purchased to 30 days, so as to enable you to secure early reservation.

I have the honour to be,

Sir,

Your obedient servant,

H. V. R. IENGAR,

Secretary, Constituent Assembly.

Seth Govind Das: With regard to part (c), will Government be pleased to issue licenses to Members for pistols of .45 bore for their own protection, because members of the Constituent Assembly and of this House are entitled to firearms if they are available; and as they are not available in the market will Government see that they are made available to Members who wish to have them?

The Honourable Pandit Jawaharlal Nehru: The Honourable Member has himself said that they are entitled to have them but he wants Government to make special efforts to procure them for him. If I may say so, Sir, going about with a pistol of either .45 bore or any other bore is not exactly the way to protect oneself; it is more likely to give rise to trouble and apprehensions on the part of other people. I do not mean to say that Members will go about attacking others; nevertheless this idea of encouraging people to go about with pistols is most undesirable and improper.

GRANT OF COMPENSATION TO SYT. UTTAMCHAND, HOST OF SHRI SUBHAS CHANDRA BOSE IN AFGHANISTAN

593. *Seth Govind Das: Will the Honourable Member for External Affairs please state:

(a) whether one Sjt. Uttamchand, an Indian trader, was carrying on trade and business in Afghanistan;

(b) whether he gave protection to and was the host of Shri Subhas Chandra Bose after the latter had left India;

(c) whether thereafter he had to suffer heavily, financial and other losses;

(d) the extent of loss, monetary or otherwise, suffered by him; and

(e) whether Government propose to compensate Syt. Uttamchand fully for all the losses suffered by him in this connection?

The Honourable Pandit Jawaharlal Nehru: (a) Yes.

(b) The Government of India have no information apart from the articles in the press ascribed to Mr. Uttam Chand himself.

(c) and (d). Mr. Uttam Chand made a claim against the Afghan Government for about Rs. 2½ lakhs (Afghani) or about Rs. 62,000 Indian currency. Government are not in a position to assess the accuracy or otherwise of this claim. It is understood that the Afghan Government paid him a sum of Rs. 12,800 Indian Currency in full settlement.

(e) The Government of India would not regard it as practicable to compensate Indians for alleged losses suffered in foreign countries.

SHORTAGE OF ELECTRIC SUPPLY IN DELHI

594. *Lala Deshbandhu Gupta: (a) Will the Secretary of the Works, Mines and Power Department be pleased to state whether Government are aware of the fact that, due to shortage of supply of electricity, it is practically impossible to get a new electric connection either for residential or business premises or industrial purposes these days, and that the people of Delhi are being put to considerable inconvenience on that account? If so, what steps are being taken by Government to increase the supply of electricity?

(b) When do Government propose to bring about normal conditions in this respect?

Mr. B. K. Gokhale: (a) Yes. The present load on the Delhi system is substantially above its safe generating capacity. Steps have been taken to increase the capacity immediately by 2,000 K. W. by the setting up of an auxiliary Power House on Bela Road. Orders have also been placed for two Turbo Sets of 10,000 K. W. each and the necessary steam raising plant to increase the generating capacity as a long-term measure.

(b) Some improvement in the supply position is likely to be effected early next year, but it will not be possible to restore normal conditions till the turbo-sets have been brought into commission in 1948.

Lala Deshbandhu Gupta: May I know what is the percentage of electricity consumed by Government out of the 14,000 K.W. produced by the Central Power House?

Mr. B. K. Gokhale: I must ask for notice of that question.

Lala Deshbandhu Gupta: May I know if the Honourable Member is in a position to inform the House whether out of this additional energy that is likely to be produced by these Diesel Sets, some of it will be made available to public?

Mr. B. K. Gokhale: Certainly, Sir.

Lala Deshbandhu Gupta: Is it a fact that the stoppage of war has made no difference so far as the consumption of electricity by the Government of India is concerned, on the other hand it has increased?

Mr. B. K. Gokhale: I have not got the figures, but I have no doubt that the consumption of electricity has increased all round.

Lala Deshbandhu Gupta: Is he in a position to say whether more Diesel Sets cannot be procured from Military and placed at the disposal of the Central Power House with a view to increase the generating capacity?

Mr. B. K. Gokhale: The matter will be investigated.

HOUSES DE-REQUISITIONED DURING THE LAST SIX MONTHS

595. ***Lala Deshbandhu Gupta:** (a) Will the Secretary of the Works, Mines and Power Department be pleased to state the number of houses that were requisitioned by Government under the Defence of India Rules?

(b) What is the number of houses that have been de-requisitioned during the last six months?

(c) What is the principle followed by Government in de-requisitioning houses?

Mr. B. K. Gokhale: (a) The number of houses requisitioned by the Central Government under the Defence of India Rules was 369 in Delhi and New Delhi and 97 in Simla. Information as regards requisitions by the Central Government in other parts of India or by the Provincial and local Governments is not available.

(b) The number of houses de-requisitioned during the last six months was 21 in Delhi and New Delhi and three in Simla. Information as regards de-requisitioning in other parts of the country or by Provincial Governments and local administrations is not available.

(c) 72 houses have so far been derequisitioned in Delhi and New Delhi and 94 in Simla. Each case was separately examined on merits, and orders of derequisitioning were passed after taking into consideration the suitability or otherwise of the house in question, the overall requirements of Government and other considerations, if any.

Mr. C. P. Lawson: May I ask the Honourable Member with regard to his reply to part (c) whether he occasionally examines not the question of houses that are to be derequisitioned but the houses that are not to be derequisitioned?

Mr. B. K. Gokhale: Every case is periodically reviewed including the houses that are not to be derequisitioned. Whenever any application comes in for derequisitioning it is very carefully considered.

Mr. C. P. Lawson: In that case can the Honourable Member assure this House that there is no house under requisition at this moment which could be derequisitioned or for which alternative accommodation has been offered to the present occupier?

Mr. B. K. Gokhale: There is one particular house which I have just ordered—about half an hour ago to be derequisitioned.

Mr. C. P. Lawson: Would he answer my question, Sir? That is not an answer to my question.

Mr. B. K. Gokhale: Will the Honourable Member repeat his question?

Mr. C. P. Lawson: My question was "In that case could the Honourable Member give this House an assurance that no requisitioned house is now in the possession of persons for whom alternative accommodation has been offered or for whom the present occupation is not absolutely necessary".

Mr. B. K. Gokhale: I am not aware of any case in which alternative accommodation has been offered to the present occupier in place of a house which is under requisition. Every effort is made to derequisition a house as soon as possible. I have prepared a very comprehensive statement showing the whole position which I propose to place before the Standing Committee of this House on Monday next. It is quite impossible for me to deal with any specific cases at this stage.

Shri Mohan Lal Saksena: May I know whether Ramjas College buildings and grounds have been derequisitioned?

Mr. B. K. Gokhale: I have no information.

LICENCES FOR IMPORTING COMMODITIES IN INDIA

596. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state:

(a) the number of licences for importing commodities in India issued during the preceding three years;

(b) the quantity and particulars of commodities thus imported;

(c) the persons to whom those licences are granted;

(d) the number of licences for exporting commodities out of India issued during the preceding three years;

(e) the quantity and particulars of commodities thus exported; and

(f) the persons to whom export licences are granted?

The Honourable Mr. I. I. Chundrigar: (a) and (d). The information asked for is not readily available and its collection will involve considerable labour which will not be commensurate with the result achieved.

(b) and (e). The information asked for is available in the "Annual Statement of Sea-borne Trade of British India with the British Empire and Foreign Countries" for 1943-44 and the monthly "Accounts relating to the Sea-borne Trade and Navigation of British India" for the later periods. Copies of these are available in the Library.

(c) Import licences are fairly freely granted at present for a majority of the goods covered by the Import Trade Control Schedule regard being had to the legitimate interests of indigenous industries and the importance of maintaining orderly disposal of Government Surpluses.

(f) Ordinarily export licences are only granted to those shippers who had exported similar goods during a particular basic period. Some commodities are, however, allowed to be exported by the manufacturers irrespective of their past performance, while there are other commodities, export of which is allowed freely on application.

Sri M. Ananthasayanam Ayyangar: Is care taken by the Government to see that luxury articles are not allowed to come into this country and thus much of the sterling balances are not frittered away?

The Honourable Mr. I. I. Chundrigar: What is a luxury article is always a question of opinion.

STATE ACQUISITION OF MINERAL RIGHTS IN BENGAL AND BIHAR

597. *Prof. N. G. Ranga: Will the Secretary of the Works, Mines and Power Department be pleased to state if the Indian Coal Fields Committee has unanimously recommended the State acquisition of mineral rights in Bengal and Bihar and the incorporation of a National Coal Commission, and if so, what steps do Government propose to take to implement this recommendation?

Mr. B. K. Gokhale: The question concerns the Industries and Supplies Department and should have been addressed to the Honourable Member for Industries and Supplies.

PLANNING BOARD

598. *Shri D. P. Karmarkar: Will the Honourable the Leader of the House be pleased to state whether it is a fact that Government have appointed a Planning Board? If so, what are its terms of reference and the time when it is expected to submit its Report?

The Honourable Pandit Jawaharlal Nehru: Government have appointed an Advisory Planning Board. Its terms of reference are:

(a) to review the planning that has already been done by Government, the work of the National Planning Committee, and other plans and proposals for planning;

(b) to make recommendations in the light of this review for the co-ordination and improvement of planning;

(c) to make recommendations as regards objectives and priorities;

(d) to make recommendations regarding the future machinery of planning.

The Board is expected to submit its report by the end of this year.

Shri D. P. Karmarkar: With regard to part (c) of his answer, may I know if the Board is expected to consider detailed efforts in the various provinces, to invite such suggestions, and to submit to Government any detailed suggestions with regard to various plans?

The Honourable Pandit Jawaharlal Nehru: No, Sir. I have stated that the Board, which began sitting a week or two ago, is supposed to submit its report by the end of this year, that is to say it has roughly about two months or less to function. Obviously within a few weeks this Board cannot consider these various projects in detail. In fact they have been told not to do so. They have been told only to consider the broad aspects of planning and to consider more on two things: firstly, objectives and the targets to be aimed at; and, secondly, the future machinery of planning and also at the same time to indicate in a general kind of way the priorities. The whole point is that so much work has been done so far in regard to planning, but it has been done in a somewhat disjointed way. Various Government departments have produced numerous projects—some of them excellent no doubt—but the point is to know exactly what we are going to do, and to co-ordinate and to lay down priorities and to have a machinery for planning. This Board is supposed to do that without regard to any particular projects or plans.

Mr. N. M. Joshi: May I ask whether the planning Board will consider the question of planning the future of the working classes of this country, and if they are deciding the priority question whether the priority for the reconstruction of the life of the working classes will be considered by this Board?

The Honourable Pandit Jawaharlal Nehru: I am not quite sure what the Honourable Member means. Planning means planning for the four hundred million people of India. I presume the working classes come in that group.

Miss Maniben Kara: Will the Honourable Member inform this House whether he will be willing to consider the "People's Plan" prepared by Indian Federation of Labour, which expresses the views and aspirations of the Indian working classes.

The Honourable Pandit Jawaharlal Nehru: This planning board as the House will realise, is a temporary board for two months and it is going to consider all the plans that have so far been made.

Miss Maniben Kara: I take it that the "People's Plan" will also be taken into consideration by this planning board?

The Honourable Pandit Jawaharlal Nehru: I presume so.

RECOMMENDATIONS BY THE INDIAN COALFIELD COMMISSION

†599. *Maulvi Abdul Hamid Shah: Will the Secretary of the Works, Mines and Power Department be pleased to state:

- (a) whether the Government of India propose to give effect to the recommendation made by the Indian Coalfield Commission;
- (b) the policy of Government with regard to the nationalisation of the Coal Industry; and
- (c) what steps Government propose to take for the control and guidance of the Coal Industry in India till it is nationalised?

Mr. B. K. Gokhale: The question concerns the Industries and Supplies Department and should have been addressed to the Honourable Member for Industries and Supplies.

DISALLOWANCE OF ALTERNATING ELECTRIC CURRENT FOR DOMESTIC USE

600. *Shri Sri Prakasa: Will the Secretary of the Works, Mines and Power Department be pleased to state:

- (a) whether Government have got the problem of alternating and direct currents of electricity with reference to their use for domestic purposes, examined;
- (b) whether it is a fact that alternating current is far more dangerous than direct current; and
- (c) whether Government propose to take steps to disallow the supply of alternating current for domestic purposes?

Mr. B. K. Gokhale: (a) Yes. When domestic loads are small and lie within a comparatively small radius of the power station, use of direct current is possible; but with increased use of domestic appliances and increasing areas of supply, direct current service becomes uneconomic and unflexible, as it does not lend itself to expansion beyond a particular distance. For these reasons it is considered desirable that all domestic supplies should conform, as soon as may be practicable, to the standard of 230 volts single phase, 50 cycle alternating current.

(b) No. Such misapprehension gained ground during the later part of last century when it was not understood what adequate protective measures were necessary. Both systems are dangerous if proper safeguards are not taken. In fact, it is held that burns resulting from direct current can be more severe than those occasioned by alternating current of equal pressure.

(c) No, Sir.

Shri Sri Prakasa: With reference to the Honourable Member's reply to part (b) of the question, is it not a fact that the effect of direct current is to throw off its victim while the action of the alternating current is paralyzing, and therefore the alternating current is more dangerous? Has the Honourable Member any record of the cases of death occurring from the two currents?

Mr. B. K. Gokhale: We have been told by our experts that alternating current is preferable and not more dangerous than direct current. All over the world alternating current is used in preference to direct current which is used only in small places.

Shri Sri Prakasa: If that is so, why have they in New Delhi deliberately got the direct current, and if you will permit me, Sir, I may inform the Honourable Member that Sir James Pitkeathley agreed with me on this point and he appointed a Committee to go into the matter which found that the alternating current was more dangerous for domestic purposes than the direct current. Will the Honourable Member kindly make further enquiries in the matter; for if he will, he will find that in New Delhi, Naini Tal, Lucknow, Calcutta—

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

wherever there are seats of Government—they use direct current and allow us to die in mofussil towns from alternating current on the pretext of economy.

Mr. President: Order, order. Let the question be answered.

Mr. B. K. Gokhale: Direct current was generally put in in most of these towns at the very beginning because it was cheaper and easier to put in direct current for a small supply. But as the area of supply increases and as the load increases, it becomes very uneconomic and dangerous to go on increasing the supply of direct current; and in almost every town, the supply may have begun with direct current but is gradually switched on to alternating current, as soon as the total goes beyond a certain load say 200 or 300 K.W. I am not an expert, nor have I experienced electric shock. But our experts, and I believe the experts all over the world, agree that alternating current is preferable to direct current, except where it is only a very small area and a very small supply.

Shri Sri Prakasa: As one who has experienced shocks from both types of current, and would much prefer the shocks of direct current to that of the alternating current, may I ask the Honourable Member if he is introducing the alternating current in New Delhi in view of the fact that the population is increasing, and if not, why not?

Mr. B. K. Gokhale: The idea is to have alternating current all over, but it is not easy to switch over from direct to alternating current, because you have to change the fans and various other gadgets and the power stations. As and when it is possible, we shall certainly switch on to alternating current all over India.

Sri M. Ananthasayanam Ayyangar: Why? Is there no evidence of such shocks?

Shri Sri Prakasa: I received the shocks; and the evidence of the alternating current is still on my person; and none of the direct.

Mr. President: Next question.

ABOLITION OF PLANNING AND DEVELOPMENT DEPARTMENT

601. *Shri Mohan Lal Saksena: (a) Will the Honourable the Leader of the House be pleased to state when the decision to abolish the Planning and Development Department was taken, and what the reasons for doing so were?

(b) Why was not the Standing Committee of the Assembly consulted before abolishing the Department?

(c) Why were no meetings of the Planning Committee held?

(d) Did the present Government re-consider the question, and with what results?

The Honourable Pandit Jawaharlal Nehru: (a) The decision to abolish the Planning and Development Department was announced in a Communique issued from the Viceroy's House on the 29th June, 1946. The reason given for this was that "Planning has now reached a stage at which it can be completed and implemented by the individual departments concerned."

(b) I presume that this was considered unnecessary. This was done at the time when a Caretaker Government was appointed.

(c) I do not know, Sir, to which Planning Committee the Honourable Member refers.

(d) I would draw the attention of the Honourable Member to the Press Communique issued recently announcing the setting up of an Advisory Planning Board. I lay a copy of it on the table.

Press Communiqué

With a view to co-ordinating and improving Plans for the Development of the country, the Government of India have decided to appoint an Advisory Planning Board to review the Planning work that has already been done, whether by official or non-official agencies, and to make recommendations to Government regarding objectives and priorities, and regarding the future machinery of Planning.

The Board will be composed as follows :—

Chairman Mr. K. C. Neogy.
 Members : Non-Officials : . . . Prof. Meghnad Saha,
 Nawab Ali Nawaz Jung.
 Mr. Ganganvihari L. Mehta.
 Mr. Shuaib Qureshi,
 Dr. Zakir Hussain, and
 Prof. K. T. Shah.

Prof. K. T. Shah will also act as Honorary Secretary.

Officials : Sir Shanti Swarup Bhatnagar, Director, Scientific and
 Industrial Research.
 Dr. Nazir Ahmad, Member, Tariff Board.
 Mr. H. K. Kripalani, Industrial Adviser, I. & S. Department.
 Mr. S. A. Venkataraman, Director-General, I. & S. Department.
 Mr. V. Narahari Rao, Finance Secretary.
 Sir Pheroze Khanegat, Agriculture Secretary.
 Mr. E. P. Moon, Secretary, Development Board.

Mr. E. P. Moon will be Secretary to the Board.

The Board will meet early in November and is expected to complete its work in about two months.

Shri Mohan Lal Saksena: I refer to the Standing Committee of the House.

The Honourable Pandit Jawaharlal Nehru: Is the Honourable Member referring to part (c)?

Shri Mohan Lal Saksena: Yes, to the Standing Committee of this House.

The Honourable Pandit Jawaharlal Nehru: I do not know why it was not held, unless it was that people concerned were not interested in its work.

Sri M. Ananthasayanam Ayyangar: Because the department was abolished.

Mr. President: Next question.

STATEMENT *RE* CONDITIONS OF INDIAN SEAMEN IN GREAT BRITAIN BY MR. DHYAN SINGH MUNGAT

602. ***Miss Maniben Kara:** (a) Will the Honourable the Commerce Member please state whether Government are aware of a statement pertaining to conditions of Indian seamen in Great Britain made by Mr. Dhyansingh Mungat, Vice President, Indian Seafarers' Federation and appearing in the *Vanguard*, dated November 1st?

(b) What steps do Government propose to take to remove the defects pointed out?

(c) Do Government propose to lay on the table of the House information on the following points:

(i) the machinery set up for looking after Indian seamen's welfare in Great Britain,

(ii) the number of boarding houses run by public agencies, the places where they are situated and the average number of seamen catered for by those boarding houses,

(iii) the recreational facilities provided in those boarding houses or otherwise,

(iv) the type of accommodation and food and clothing provided in those boarding houses, and

(v) the average number of seamen visiting various ports in Great Britain for whom welfare arrangements are necessary?

(d) How do the arrangements made for Indian seamen compare with the arrangements made for seamen of other countries?

(e) What is the existing machinery for exercising the Government of India's supervision over the arrangements made?

(f) Are annual reports received? If not, do Government propose to introduce the system of asking for annual reports?

(g) Do Government propose to lay the annual reports on the table of the House and also make them available to the public?

The Honourable Mr. I. I. Chundrigar: (a) Yes.

(b) Government have no doubt that the conditions of Indian seamen in the United Kingdom, as in India and elsewhere, are capable of improvement, but they cannot accept the report as giving an accurate account of existing conditions. They cannot admit that the High Commissioner has shown very little concern for the welfare of Indian seamen in the United Kingdom, and I would also point out that in the only concrete example quoted Mr. Mangat appears to have been misinformed. He stated that there was only one Indian Seamen's Welfare Officer for the whole of Scotland. In fact, however, there is an Assistant Seamen's Welfare Officer, as well as a Seamen's Welfare Officer, stationed at Glasgow. Nevertheless, the Government have called for a report from the High Commissioner for India, and will consider the whole matter further when the report is received.

(c) A statement giving the requisite information, as far as available, is laid on the table of the House.

(d) Information about the arrangements made by other countries for their seamen visiting the United Kingdom is not available and hence comparisons are not possible.

(e) The information asked for has been furnished in the statement laid on the table in reply to part (c).

(f) No. Government, however, have already asked for monthly reports to be furnished to them.

(g) Monthly reports contain detailed information and are not generally suitable for publication. Government however are considering the question of publishing an annual survey of the Seamen's Welfare activities not only in the United Kingdom but also in India and other overseas countries where Indian Seamen's Welfare Officers have been appointed. Copies of such surveys will be supplied to the Library of the House as and when published.

Statement

(i) The welfare of Indian seamen in Great Britain is looked after by the High Commissioner for India, London, assisted by 3 Seamen's Welfare Officers and 3 Assistant Seamen's Welfare Officers, stationed one each at London, Liverpool and Glasgow, and covering all ports falling within defined areas.

(ii) There are four boarding houses exclusively reserved for Indian seamen, two at Glasgow, one at Birkenhead and one at Liverpool. Information as to the numbers entered for is not available here and has been called for.

(iii) Indian newspapers and magazines, Indian musical instruments, Indian gramophone records and indoor games of various kinds. In addition similar recreational facilities are available at the clubs at Avonmouth, Falmouth, Manchester, Cardiff, Hull, Newport, and Swansea. Two new recreation centres are also being set up in the London area. Excursions to places of interest, special gatherings at times of Hindu and Muslim festivals, Indian film shows and Indian musical evenings are also arranged at most of the above centres.

(iv) The accommodation provided in the boarding houses conforms to the regulations laid down by the local health authorities. The seamen are supplied with Indian food and necessary bedding.

(v) The information is not available and has been called for.

Miss Maniben Kara: Mr. Mangat attended the International Seamen's Conference held on 28th October. He personally visited the ports and he issued a statement on the conditions as he saw them. This statement created so much public resentment, even among the British public, that his statement was published in the *Daily Herald*, which is the organ of the Labour Party.

Mr. President: Order, order. What is the question? The Honourable Member is making a speech.

Miss Maniben Kara: The question is whether the Honourable Member is of the opinion that the High Commissioner has not neglected the conditions of the workers in Great Britain. I want to find out from the Honourable Member if the conditions which are described by Mr. Mungat, who actually visited those parts and made a statement, are so bad. If so, the High Commissioner can certainly take up certain immediate measures and some extra welfare officers can be appointed to look after the interests of the Indian seamen.

The Honourable Mr. I. I. Chundrigar: As I said Mr. Mungat proceeded on the assumption that there was only one Seamen's Welfare Officer. Even that information of his was incorrect. As I have pointed out there are several officers there. Secondly, the High Commissioner for India is looking to the interests of Indian seamen. We have recently received a report that one hostel (*viz.*, the Moghull Camp) which was not found very suitable had been given up and in its place the seamen have been transferred to Mere Hall (and the Missions to Seamen Hostel) which have much better accommodation. Whenever any complaints are made, they are looked into and the High Commissioner tries to obtain the best possible facilities in the matter. As I have already said, conditions are not as satisfactory as they should be, but the question is receiving attention.

Miss Maniben Kara: On this question I would say that I personally visited the Hostel

Mr. President: The Honourable Member may put only the question.

Miss Maniben Kara: My question is that whether the Honourable Member is sure that in spite of the representation made to the High Commissioner, the latter has not neglected to pay attention to this matter, because those conditions still continue to exist.

The Honourable Mr. I. I. Chundrigar: If there are any specific complaints the Honourable Member can refer them to me and I will specially refer them to the High Commissioner. So far there is no evidence that the High Commissioner has neglected to do this duty in the matter.

RESTRICTIONS ON EXPORT OF PLYWOOD FROM INDIA

†603. ***Sri A. K. Menon:** (a) Will the Honourable the Commerce Member be pleased to state whether Government have received complaints regarding restrictions imposed on the export of plywood from India to foreign countries such as Rangoon, Colombo and East Africa? If so, do Government propose to grant permits to facilitate such exports?

(b) Is it a fact that during the war Government encouraged the output of plywood products for meeting the needs of the Government? If so, what steps do Government propose to take for assisting the disposal of increased plywood articles manufactured by the Indian Plywood Industries now, after the war?

The Honourable Mr. I. I. Chundrigar: The question concerns the Department of Industries and Supplies and should have been addressed to the Honourable Member for Industries and Supplies

PROPOSAL OF PROF. B. P. ADARKAR RE HEALTH INSURANCE FOR WORKERS

604. *Mr. Madandhari Singh: Will the Honourable the Labour Member be pleased to state:

(a) what are the proposals of Prof. B. P. Adarkar regarding health insurance for workers in factories, mills and mines, etc.;

(b) what steps were taken by the Labour Department to give effect to the scheme chalked out by him;

(c) whether Government accepted all the proposals or not; and

(d) if not, what are the proposals which Government have accepted?

The Honourable Shri Jagjivan Ram: (a) Prof. Adarkar's proposals regarding Health Insurance for industrial workers are contained in a report published as a priced publication in 1944 entitled 'Report on Health Insurance for Industrial workers'. The scheme outlined in the report was intended to cover workers in only three major groups of industries, namely, textiles engineering and minerals and metals. The benefits proposed were (i) medical care and treatment through a special medical organisation, and (ii) payment of cash benefits at specified rates during periods of certified sickness subject to certain limits. No scheme was formulated in respect of workers in mines.

(b) The scheme was further examined by M/s. Stack and Rao of the International Labour Organisation, who visited the country for this purpose at the invitation of the Government of India. They recommended—

(i) that medical care and treatment should be furnished through the agency of provincial medical departments;

(ii) that sickness benefit should be furnished to together with maternity benefit and workmen's compensation through a single comprehensive scheme, and

(iii) that the scheme should apply to all persons employed in all perennial factories employing 20 or more persons.

They also suggested certain changes in wage groups, rates of contributions and benefits. These proposals were further considered in consultation with Provincial Governments, organisations of employers and workers and in the light of further actuarial calculations. As a result of these discussions, certain proposals were evolved and they have been embodied in the Bill which was introduced in the Assembly on the 6th November.

(c) and (d). As already stated, the Bill before the Assembly goes further than the recommendations in Adarkar's report and is a definite improvement upon the original scheme.

Mr. N. M. Joshi: May I know whether the Government of India is preparing any scheme of health insurance for the benefit of the miners in India?

The Honourable Shri Jagjivan Ram: It is engaging the attention of the Government.

Miss Maniben Kara: Will the Honourable Member inform this House as to how many years Prof. Adarkar took to gather the data, to prepare the report, to prepare the proposals?

The Honourable Shri Jagjivan Ram: The Honourable Member can refer to Prof. Adarkar's report itself.

SUPPLY OF ELECTRICITY TO GOVERNMENT SERVANTS IN KAROLBAGH.

605. *Miss Maniben Kara: (a) Will the Secretary of the Works, Mines and Power Department please state whether it is a fact that:

(i) double-storeyed Government quarters in Karol Bagh, known as '12 Acre site' quarters have not been provided with electric current;

(ii) one of the roads alongside these quarters is electrified on both ends but bulbs have not been provided in the portion in front of the quarters although electric poles and wiring exist;

(iii) the residents of these quarters have made several representations to the Department of Works, Mines and Power and to the Electrical Division of the Central Public Works Department about the supply of electric current;

(iv) these quarters are situated at the farthest end of Karol Bagh; and

(v) the supply of electricity to these quarters was sanctioned at the time of their construction in 1945?

(b) Why electric current has not so far been provided?

(c) What steps Government propose to take for the supply of electric current to these quarters to redress the genuine grievance of their occupants, and by what date the supply may be expected?

Mr. B. K. Gokhale: (a) (i) Yes; (ii) Yes; (iii) Yes; (iv) Yes; (v) Yes.

(b) The licensee, the Delhi Electric Supply and Traction Co. Ltd. have not been able to provide electricity for these Government quarters because their quota of bulk supply of current from the Delhi Central Electric Power Authority is insufficient to meet the demand.

(c) Government are setting up a diesel auxiliary power house at Bela Road, Delhi to augment the supply of the main power house which generates electricity under the Delhi Central Electric Power Authority. This auxiliary power house is expected to come into operation about the end of December 1946 when electric current will be available to the Government quarters at Karol Bagh. Government are, however, exploring other temporary means to supply power between now and the end of December.

Shri Sri Prakasa: What sort of current will be produced from this Power House? Will it be direct or alternating current?

Mr. B. K. Gokhale: I presume it is alternating.

Shri Sri Prakasa: Why not make sure that it is going to be direct, it cannot be alternating if it is in Delhi?

(No answer was given.)

CONSTRUCTION OF CHUMMERIES IN LODI ROAD COLONY

†606. ***Mr. Ahmed E. H. Jaffer:** Will the Secretary of the Works, Mines and Power Department please state:

(a) whether it is a fact that Government have constructed about 200 single-seated and 480 double-seated chummeries in the Lodi Road Colony;

(b) whether it is a fact that in the double-seated chummeries any two persons are billeted together which, in several cases, results in the allottees putting up with complete strangers with sometimes incompatible temperaments;

(c) whether it is a fact that only two latrines, two baths and one kitchen are provided with sets of ten single-seated chummeries or five double-seated chummeries;

(d) whether it is a fact that due to varying tastes and dietary habits, it is not always possible for the allottees to share their meals in the common kitchens provided;

(e) whether it is a fact that complaints have been made to Government about these difficulties; and

(f) whether Government propose to look into the matter?

Mr. B. K. Gokhale: (a) Yes.

(b) Yes. But if any allottee desires to move into any other chummary he is permitted by the Estate Officer to do so. All efforts are made at the time of allotment to see that suitable allottees are billeted together.

(c) Yes.

(d) The allottees who find any difficulty in sharing meals in the common or communal kitchens can make their own arrangements. The allotment rules

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

provide for separate block if necessary, for (a) Muslims, (b) General Non-vegetarians, (c) Orthodox vegetarians, and (d) Scheduled castes.

(e) Complaints were received regarding (b) and provision was made in the rules for change of allotment. No complaints have been received as regards (d).

(f) Does not arise.

HIGH RENT CHARGED FROM GOVERNMENT SERVANTS FOR CHUMMERIES IN LODI ROAD COLONY

†607. *Mr. Ahmed E. H. Jaffer: Will the Secretary of the Works, Mines and Power Department please state:

(a) whether it is a fact that Government servants occupying chummeries in the Lodi Road Colony are required to pay for a half-room or one-small room 10 per cent. of their salaries which is the basis on which rent is charged from married Government servants for self-contained units of two, three or four rooms with separate kitchens, baths and latrines;

(b) whether it is a fact that Government servants are generally unwilling to occupy these chummeries on account of lack of facilities and high rent charged and for that reason about 180 out of 200 single-seated chummeries and about 300 seats in the double-seated chummeries are lying vacant;

(c) whether it is a fact that the Imperial Secretariat Association represented to Government in the matter in August last;

(d) whether it is a fact that a representation on the subject was made by about 400 residents of the chummeries in September last; and

(e) whether Government propose to look into the matter?

Mr. B. K. Gokhale: (a) All Government servants occupying Government accommodation are required under the rules, to pay ten per cent. of their emoluments or the standard rent of the accommodation provided, whichever is less.

(b) Government are aware of the unpopularity of these chummeries. The vacancies in these chummeries are as follows: 170 out of 200 single roomed chummeries, and 138 out of 480 double roomed chummeries.

(c) Yes.

(d) Yes.

(e) The matter is already under consideration. It is proposed to convert a large number of single roomed chummeries into small married and family suites. Other reasons for the unpopularity of these chummeries are also being examined.

PROVISIONS OF THE NEW DELHI RENT CONTROL ORDER

608. *Shri Mohan Lal Saksena: (a) Will the Secretary of the Works, Mines and Power Department please state whether it is a fact that under the provisions of the New Delhi Rent Control Order now in force, house-owners cannot have their own houses vacated for their *bonafide* personal use if they have at any time lived in Delhi during the previous twelve months?

(b) Was this restriction contained in the original Order? If not, when was it introduced, and why?

(c) Are Government aware that there are a number of persons employed in Government service at Delhi who own houses but who have had to live in quarters provided by Government for the efficient discharge of their duties, and had to let out their own houses?

(d) Are such persons also subjected to the restriction mentioned in part (a) above?

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

(e) Is it a fact that Government servants on retirement have to vacate their quarters officially allotted to them?

(f) Do Government propose to exempt such persons from the operation of the clause of the New Delhi House Rent Control Order, 1939, relating to their residing in Delhi during the previous twelve months? If not, why not?

Mr. B. K. Gokhale: (a) The reply is in the affirmative.

(b) This restriction was introduced with effect from the 24th January 1944. Prior to that date it was possible for houseowners to evict tenants on the ground that the house was reasonably and in good faith required by a land-lord for his own occupation, or for the occupation of any person for whose benefit the house was held by him. This created serious difficulties in practice and the Order was therefore amended.

(c) Government are not aware of any such cases. The allotment of Government accommodation is optional and nobody is forced to occupy any quarter, except in rare cases where a Government servant is required to reside in his official residence for the efficient discharge of his duties.

(d) Yes.

(e) Yes.

(f) The question of rent control in Delhi is now being reviewed and the suggestion made by the Honourable Member will be considered.

EVICITION OF TENANTS FOR NON-PAYMENT OF RENT UNDER THE NEW DELHI HOUSE RENT CONTROL ORDER

609. *Shri Mohan Lal Saksena: (a) Will the Secretary of the Works, Mines and Power Department please state whether it is a fact that under the New Delhi House Rent Control Order, 1939, a house-owner can get his tenant evicted for non-payment of rent, but that the Rent Controller cannot enforce this eviction if a tenant declares his willingness before the Controller to pay the rent?

(b) Are Government aware that, in a number of cases, tenants when summoned by the Rent Controller declared their willingness to pay the rent but actually did not do so?

(c) Do Government propose to amend the rules so as to provide that if the Rent Controller is satisfied that rent has not been paid for, say, two months or more, he should order immediate eviction of the tenant? If not, why not?

Mr. B. K. Gokhale: (a) The position is as stated in Clause 11A(2) of the New Delhi House Rent Control Order, 1939.

(b) The Rent Controller reports that where tenants declare their willingness to pay the rent, he always fixes, in consultation with the landlord, a date by which the rent must be paid. Where tenants wilfully disregard such orders, the Rent Controller passes orders of eviction. But where the Rent Controller has reason to believe that the landlord avoided to receive payment of rent by due date, parties are again heard and decision given on merits.

(c) The entire question of rent control after the 25th March 1947, when the New Delhi House Rent Control Order, 1939 is due to expire, is now under consideration.

PRICES OF BUILDING MATERIAL IN DELHI

610. *Shri Mohan Lal Saksena: (a) Will the Secretary of the Works, Mines and Power Department please state whether Government are aware of the difference in prices of building material as they prevailed before the New Delhi House Rent Control Order, 1939, was enforced and those prevailing now? If so, what are the comparative prices of some of the main articles of building material?

(b) What is the basis on which rent of houses is fixed in Delhi?

(c) What are the reasons for retaining the House Rent Control Order in Delhi?

(d) Do Government propose to revise the rents fixed for houses in Delhi according to the prevailing prices of building material? If not, why not?

Mr. B. K. Gokhale: (a) The answer to the first part is in the affirmative. A statement of comparative prices of some of the main articles as given by the Chief Engineer, Central Public Works Department is laid on the table.

(b) A reference is invited to Clause 8 and following clauses of the New Delhi House Rent Control Order, 1939, and Delhi Rent Control Ordinance, 1944.

(c) The House Rent Control Orders are being continued because the housing problem continues to be acute and makes it imperative to retain control on house rents.

(d) The entire question of rent control is now under the consideration of Government.

Statement

Materials	Pre-war rates	Rates in 1946	% increase
	Rs. A. P.	Rs. A. P.	
Bricks	8 0 0 per 1,000.	24 0 0 per 1,000	200 %
Ballast 3/8- to 1½"	15 0 0 100 cft. average.	30 0 0 per 100 average.	100 %
Sand (Local)	5 0 0 100 cft.	10 0 0 100 cft.	100 %
Lime	0 12 0 per md.	2 0 0 per md.	150 %
Paints (Imported)	250 %
Stone (Agra stone)	1 4 0 per cft.	3 0 0 per cft.	150 %
<i>Wood</i>			
Ordinary	2 0 0 cft.	4 0 0 cft.	100 %
Teakwood	5 0 0 to 6 0 0 cft.	8 0 0 to 12 0 0 cft.	100 %
Steel	8 0 0 per cwt.	15 0 0 cwt.	90 %
<i>Labour</i>			
Beldar	0 7 6 per day	1 4 0 per day	150 %
Brick layer	1 4 0 to 1 8 0 per day.	2 4 0 to 2 8 0 per day.	100 %
Black-smith	1 8 0 per day	3 0 0 per day	200 %
Bhandhani	1 0 0 per day	2 8 0 per day	150 %
Carpenter	1 4 0 to 1 12 0 per day	2 8 0 to 3 0 0 per day.	100 %
Painter	1 0 0 per day	2 4 0 per day	125 %
Transport by carts			about 200 %
Transport by lorries		...	about 100 %

ADJUDICATORS AWARD ON THE DISPUTE OF THE GOVERNMENT OF INDIA PRESS WORKERS

611. *Sree Satyapriya Banerjee: Will the Honourable the Labour Member be pleased to state:

(a) whether the adjudicator regarding the dispute of the Government of India Press workers has given his award;

(b) if so, whether a copy of the award will be placed on the table of the House; and

(c) how long it will take to give effect to the award?

The Honourable Shri Jagjivan Ram: (a) Yes.

(b) No. The award is under the consideration of Government and I do not propose to lay a copy on the table at this stage.

(c) A decision is expected to be reached shortly.

Diwan Chaman Lal: How long has this award been before the Government?

The Honourable Shri Jagjivan Ram: It has been before the Government for some time.

Diwan Chaman Lal: Does the Honourable Member think it necessary to expedite a decision on this matter?

The Honourable Shri Jagjivan Ram: As I have already said, we are going to expedite the decision.

Sree Satyapriya Banerjee: Has the award been forwarded to the Workers Organisation of the Government of India Press?

The Honourable Shri Jagjivan Ram: Not yet.

Mr. N. M. Joshi: May I ask whether the Government of India is not bound to publish and give effect to the award in a reasonable time?

The Honourable Shri Jagjivan Ram: The Government of India is not bound to publish the report.

Mr. N. M. Joshi: May I ask whether they have got no moral duty also?

The Honourable Shri Jagjivan Ram: They are examining the award. They have got a moral duty and that is to see that the workers get a fair deal. They are trying to do that and will continue to do it.

Mr. N. M. Joshi: May I ask that from the action of the Government of India in not giving effect to the award, are we justified in inferring that the Government of India finds it difficult to give effect to the award?

Mr. President: That is a matter of opinion.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member consider the desirability of the report being circulated among the Members of this House confidentially?

The Honourable Shri Jagjivan Ram: I cannot commit myself at this stage. The report is under the consideration of the Government of India and after the Government have arrived at some decision, the report may be laid on the table of the House.

Mr. N. M. Joshi: May I ask one more question, Sir? Will the Government explain to this House why so much delay has been caused in coming to a decision on the report of the Adjudicator?

The Honourable Shri Jagjivan Ram: The reasons are obvious. As I have already stated, the report is under the consideration of this Government. As soon as they have considered it, effect will be given to those portions of the report or to the entire report if it is found feasible.

Mr. Satyapriya Banerjee: Is it a fact that the award is entirely in favour of the workers?

The Honourable Shri Jagjivan Ram: I cannot say that. It is still under consideration.

ENQUIRY INTO THE AFFAIRS OF GOVERNMENT OF INDIA PRESSES

612. *Sree Satyapriya Banerjee: Will the Secretary of the Works, Mines and Power Department be pleased to state:

(a) whether it is a fact that an officer on special duty was appointed to inquire into the affairs of the four Government of India Presses in different parts of the country;

(b) if so, whether he has finished his enquiry; and

(c) the results of the enquiry and the steps taken or proposed to be taken to give effect to the recommendations of the special officer?

Mr. B. K. Gokhale: (a) Yes.

(b) Yes.

(c) The Officer on Special Duty has submitted his Report pointing out various anomalies. Most of them relate to pay and service conditions. As the Central Pay Commission are now busy investigating into the future scales of pay and conditions of service of all Central Government Servants, a copy of the Report has been furnished to them. Steps to remove the anomalies pointed out by the Officer will be considered as soon as the recommendations of the Commission become available to the Government of India.

AZAD HIND ORGANISATION IN EUROPE

613. *Sree Satyapriya Banerjee: Will the Honourable Member for External Affairs be pleased to state:

(a) the number and names of those members of Netaji Subhas Chandra Bose's Azad Hind Organisation in Europe who are in Germany;

(b) the number and names of those who are still in detention in Detention Camps and Camps for displaced persons in Germany;

(c) the number and names of those whose freedom of movement is restricted in Germany;

(d) whether his attention has been drawn to the plight of Indians in Germany as described in the *Hindustan Times* of 28th October, 1946; and

(e) the policy of the Government of India in this regard and how it is going to be implemented?

The Honourable Pandit Jawaharlal Nehru: (a) The actual number and names of members of this organisation now in Germany are not known to Government. A list of the 92 Indian nationals believed to have been in Germany at the conclusion of the war is placed on the table.

(b) There are now no Indians under detention in Germany.

(c) Government are not aware of any restrictions placed on their freedom of movement other than those imposed by the local occupation authorities on all civilians in Germany.

(d) Government are aware that these persons, in common with all civilians in Germany, have experienced difficulties and hardships, though they have no evidence that the article in question is a correct statement of the position. They have asked for full information from the Indian Mission in Berlin which is in touch with every known Indian national in Germany.

(e) The attention of the Honourable Member is invited to (b) and (c) of the reply given to Mr. Dani's question No. 453 on the 12th November 1946.

List of Indians in Germany, on the 1st July 1946.

1. AHMAD (Hafiz) Manzur-ud-Din.
Present, address: Rubenstrasse 103, Blu-Friedenau, Berlin.
2. AHMAD, Zian-ud-Din.
Present address: Bahnhofstrasse 23, Dabeln.
3. AHUJA, Lekh Raj.
Present address: Kaiserdamm 15, Berlin-Charlottenburg.

4. ALEXANDER, Joseph (formerly Chandra Shekhar Misra).
Living at Frankfurt-am-Main.
5. BAIG, Mirza Wali Ahmed.
Present address : D. P. Camp, Spandau, Berlin.
6. BANNERJI, Devendra Nath.
Living at Bamberg.
7. BANNERJI, Jogindra Kumar.
Living at Muenster.
8. BHADURI, Bhabesh Chandra.
Living at Cologne.
9. BHATTA, Dodavoor Anantharama.
Living at Massenweiler, Nr. Ravensburg (American Zone).
10. BILLIMORIA, Naval Framji.
Living at Berlin.
11. BOSE, Girija Nath.
Living at Brunswick.
12. BOSE, Kalyan Kumar.
Present address : Elberfelderstrasse. 21, Hilden-Dusseldorf.
13. CHAUDHRI, Amin Chand.
Living in Berlin (Russian Zone).
14. CHAUDHRI, Baldev Raj.
Present address : Ruthning Strasse 23, Oldenburg.
15. CHAUDHRI, Sukhdev.
Present address : Bogenstrasse 28, Oldenburg.
16. CHANDRA, Babu Suresh.
Living at Wesermunde.
17. DALAL, Navin Kumar
Lives in Frankfurt-am-Main with his mother.
18. DALAL, Mrs. Susanna.
Living at Frankfurt-am-Main with her son.
19. DESHPANDE, Miss Shindu Madhava.
Living at Heidelberg.
20. DEO, Santa Devi.
Present address : Eyb 75, Ansbach, Mittel Franken (Nr. Nurenberg).
21. DEY, Gora Chand.
Living at Brunswick.
22. DHAWAN, Kirpa Ram.
Living at Hamburg.
23. FAROZHI, Abdul Quddus.
Living at Hamburg.
24. GANPULEY, Nahar Govind.
Present address : Sonnenhagen 3, bei Knieche, Hanover.
25. GILL, Mrs. Dalip Singh.
Present address : Neibuhrstrasse 76, Berlin-Charlottenburg.
26. GILL, Surdul Singh.
Present address : Grolmanstrasse 32/33, bei Schmidt, Berlin-Charlottenburg.
27. GRANDHI, Babu Raganatha.
Present address : Sibeyl Strasse 40, Berlin-Wilmersedorf.
28. GUPTA, Bijay Sri.
Present address : Poststrasse, 27, Duisberg.
29. GUPTA, Das.
Living at Hamburg.
30. JHANJEE, Shyam Lal K.
Living in Berlin.
31. KESARBANI, Dr. Dhramnand.
Living at Holzkirchen, near Munich.
32. KHAN, Abdul Rahman.
Living in Berlin.
33. KHANNA, Lakshmi Narayan.
Living at Gablonz.
34. KENI, Dattatrayaya Ramnath.
Living in Dusseldorf.

35. LAL, Guru Dyal.
Present address : Schuhmannstrasse, 18, Bonn.
36. MADAN, Dr. Raghunandan Lal.
Living in Hamburg.
37. MAMA, Kurshed Burjorji.
Present address : Bateriewall, 1, c/o Behrens, Helmstedt.
38. MAMDAPURKAR, Gopal Venkatesh.
Living in Berlin.
39. MANDRE, Mrs. Caroline.
Living in Dorfen a/Isen.
40. MAZUMDAR, Ajit Kumar *alias* Thomas Ajit Kumar *alias* Ajit Kumar Chatterji.
Living in Hanover.
41. MITRA, Harakali.
Present address : Albert Schaefflestrasse, 134, Stuttgart.
42. MUKHERJI, Braja Lal.
Present address : Communienstrasse, 41, bei Stoffers, Burnswick.
43. NAIK, Lalubhai.
Present address : Pariserstrasse, 6, Berlin.
44. NAIK, Yeswant Deo.
Present address : Reichskanzlerplatz, 8, Berlin-Charlottenburg.
45. NAGESKAR, Vishwa Nath Govind.
Living in Munich.
46. NAMBIAR, Arathil Candeth Narayan.
Present address : Am Feuerschanzengraben, 24, bei Gerling, Gottingen.
47. RAHMAN, Habib-ur.
Living in Hamburg.
48. RAM, Degobert.
Present address : Halberstadterstrasse, 9, Berlin-Halensee.
49. RAM, Karta.
Present address : Schustrasse, 6, Helmstedt.
50. RANGACHARI, Madhavachari.
Living in Munich.
51. RAZA, Syed Moosi.
Living at Grobenzell, Nr. Munich.
52. RODRIGUEZ, Joseph Emmanuel.
Living in Berlin.
53. ROY, Tarachand.
Present address : Romer Strasse, 305, Bonn.
54. SABAPATHY, Dr. Kanaga.
Present address : Possartstrasse, 6, Munich.
55. SARMA, Pappu Balakrishna.
Present address : Venusbergweg, 48, Bonn.
56. SEN, Mrs. Fritzi.
Living in Graz.
57. SEN Mrs. Olli.
Living in Berlin.
58. SEN GUPTA, Promode Ranjan.
Present address : Pension Neupast, 219, Walsrodestrasse, Fallingbostal.
59. SHAH, Bhogilal Lallubhai.
Living in Berlin.
60. SHAH, Dr. Shantilal Khushaldas.
Living in Zweibrucken.
61. SINGH, Ajit *alias* Mirza Hassan Khan.
Present address : Samaria Krankenhaus, Bethel bei Beilefeld.
62. SINGH, Sohan.
Living in Munich.
63. SODHI, Hardyal Singh.
Living in Berlin.
64. SODH, Kirpal Singh.
Present address : Beerenstrasse, 24, Berlin-Zehlendorf, West.
65. SULTAN, Ali Mohammed.
Living in Hamburg.

66. SURESH CHANDRA, Babu.
Living at Wesermunde.
67. TAVADIA, Dr. Jehangir C.
Present address : Woermannsweg. 2, Hamburg.
68. TENDULKAR, Shripad Narayan.
Living in Gottingen.
69. VYAS, Mukand Rai, Labhshankar.
Living at Gottingen.

List of Indians in Germany, whose whereabouts are unknown.

70. BHUDRANI, Sobhraj Valiram.
71. CHANDIRAMANI, Khushiram Ganomal.
72. CHAUKAR, Yaswant Laxman.
73. DUTT, Eric Edward *alias* Erich Asoke Chand.
74. JARANI, Dewandas Dhalomal.
75. JHAVERI, Kalyanrai D.
76. KHAIANI, Virumal Vasomal.
77. KHOTANI, Virumal Tarachand.
78. MAHTANI, Tulsidas Rewachand.
79. MALIK, Abdul Raschid.
80. MALIK, Abdul Rauf.
81. MUKHERJI, Girija Kanta.
82. MUKHERJI, Ursula.
83. NADIR, Ali Mama.
84. NAIDU, Caramanchi Alvanthar.
85. NANWANI, Permanand Karamchand.
86. NAVALRAI, Kishin Rup Chand.
87. PAL, Kusum, Ranjan.
88. RAJ, Hans.
89. RAO, Dharapura Subbaraya Madhaveo.
90. RODRIGUES, Miss.
91. SAMANTH, Balkrishna *alias* Ballu.
92. YUNUS, Muhammad.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member please state whether the Government is aware of the present whereabouts of Dr. Birendra Chatterjee brother of Srijukta Sarojini Naidu, who was last heard of in Russia, and who has not been recently traced?

The Honourable Pandit Jawaharlal Nehru: No, Sir; the Government are not aware of his whereabouts. But speaking, if I may say so, not as Government, I may inform my Honourable friend that for the last eight years I have been convinced that he has been dead.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether similar inquiries are made by the Government about Dr. Jnanendra Sen Gupta, who was in Germany?

The Honourable Pandit Jawaharlal Nehru: Inquiries are being made. We do not know anything about him, but we shall certainly inquire about the matter.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member consider the desirability of announcing the Government's intention of giving all facilities to those exiles in Germany who want to come back to India?

The Honourable Pandit Jawaharlal Nehru: Sir, it has been clearly stated in answer to questions in this House and elsewhere that every Indian in Germany can come back to India. There are no restrictions on them to return to

this country. The only difficulty is the difficulty of transport, and that is a common difficulty at many places.

Mr. Sasanka Sekhar Sanyal: That is exactly what I am referring to. Will the Honourable Member kindly consider the desirability of introducing facilities so that transport and other difficulties are not put in their way?

The Honourable Pandit Jawaharlal Nehru: I do not know if the Honourable Member suggests that we should charter a ship and send it over. But we are trying our utmost to get them back because it is both in our interest and in their interest, but the shipping companies are not controlled by us and the conditions in Germany are not wholly controlled by us. But as soon as we can possibly manage it, we shall get him back here. I might add that many of them are not willing to come back.

Mr. Sasanka Sekhar Sanyal: Is the Honourable Member not aware that in the priority list of the booking for passages, these Indians are always kept low in the list?

The Honourable Pandit Jawaharlal Nehru: I have not seen that list.

Shri D. P. Karmarkar: Is it a fact that the properties of some of those who were internees during the war but since released have been confiscated by the authorities there and therefore they are feeling themselves stranded and unable to come to India?

The Honourable Pandit Jawaharlal Nehru: I do not know anything about their properties being confiscated. I have not heard about it, but there is no question of their being stranded there for lack of money to come back.

Sardar Mangal Singh: May I ask whether it is possible for any of their relations to go to Germany and meet them?

The Honourable Pandit Jawaharlal Nehru: We are prepared to help any such relations who want to go there. I cannot guarantee whether we will be able to get over all the difficulties in the way, but certainly Government will give facilities as far as they can.

Facilities to Indian Nationals in French Indo-China to send money to India

614. ***Sri T. A. Ramalingam Chettiar:** (a) With reference to the answers to starred questions Nos. 440 and 441, dated the 22nd February, 1946, relating to exchange facilities to Indian Nationals in French Indo-China to send money to their families in India, will the Honourable Member for External Affairs be pleased to state what arrangements have been made by the Government of India with regard to remittances to India from Saigon, and whether any settlement has been arrived at? If so, will the papers be placed on the table of the House ?

(b) What is the reason for not removing the blockade and debt settlement with the French Government for the past six months, in spite of the representations by the members of this House, thereby protecting Indian Nationals there and allowing them to bring the accumulated funds for the past seven years?

(c) Was any representation made by Indian Nationals at Saigon to His Majesty's Representative there regarding the removal of blockade on remittances and passage facility to India? If so, what steps have been taken by him to redress their grievances?

The Honourable Pandit Jawaharlal Nehru: (a) and (b). Negotiations are still in progress with the French authorities in Indo-China with a view to enable Indian nationals resident in that country to make remittances to India in advance of the conclusion of a debt settlement agreement between India and

France. It is anticipated, however, that this agreement will be concluded very shortly. An offer to release rupees two lakhs out of the frozen assets of the Bank of Indo-China in India to balance remittances up to Rs. 25,000 per month from Indian nationals in Indo-China to India was not accepted by the French authorities.

(c) Yes. Regarding remittances the answer is given in the reply to parts (a) and (b) above. As regards passages to India, about 200 Indians wishing to return to this country have been repatriated from Indo-China. 70 others who have since applied for repatriation are expected to leave Saigon by the end of November.

Sri M. Ananthasayanam Ayyangar: May I know what the total amount of the frozen assets is?

The Honourable Pandit Jawaharlal Nehru: Although I have ventured to answer this question, it really is the business of the Commerce Department to answer such questions. If my Honourable friend will refer to the Honourable the Commerce Member, he will perhaps get more information in these financial matters.

PASSAGE AND OTHER FACILITIES TO INDIAN NATIONALS IN SAIGON

615. ***Sri T. A. Ramalingam Chettiar:** (a) Will the Honourable Member for External Affairs please state if it is a fact that the British Representative in Saigon told Indian Nationals, who approached him recently, that he could not do anything unless the Government of India removed the blockade and entered into an agreement with the French authorities after settling the debt settlement?

(b) Is it a fact that in spite of their representations to the British and French authorities at Saigon regarding their passage facility, they are not taking any action at all? If so, why do not the Government of India issue urgent instructions to their Representative there to take immediate steps?

(c) Is it a fact that Indian Nationals in Saigon are allowed to take with them only a sum of Rs. 500 when they return to India on account of the blockade, while Government have lifted the ban on such remittances to other countries? If so, why do not Government cancel the blockade in view of their sufferings for the past seven years?

(d) Do Government propose to move in the matter since such facilities were given to other Nationalities other than Indian and in view of the British Consul's reply to make necessary arrangements in the matter?

The Honourable Pandit Jawaharlal Nehru: (a) The Honourable Member presumably refers to remittances. If so, the British Consul General at Saigon told the representatives of the Indian community that he had an assurance from the French authorities that the question of remittances to India from Indo-China would be settled once the blocked rupee funds of the Bank of Indo-China were released.

(b) Nearly 200 Indians have returned to India from Indo-China since the end of the war. Others failed to take advantage of opportunities that offered and the shipping position then deteriorated. Nevertheless, it is hoped that 70 Indians whose applications for passages are now pending will, as stated in my reply to the immediately preceding question, embark by the end of this month.

(c) The maximum amount allowed is Rs. 250 per head. The British Consul General at Saigon has been authorised to advance this sum to each repatriat. The difficulties experienced by Indian nationals in this regard will disappear on the conclusion of a debt settlement agreement with France.

(d) The Honourable Member's attention is invited to the reply given today to parts (a) and (b) of his immediately preceding question.

(b) WRITTEN ANSWERS

HOUSING INDUSTRIAL WORKERS

616. *Mr. N. M. Joshi: Will the Honourable the Labour Member be pleased to state:

(a) the decisions taken by the last meeting of the Tripartite Standing Labour Committee on the question of the housing of the Industrial Workers;

(b) the decisions taken by the last meeting of the Provincial Ministers' Conference; and

(c) what steps Government of India propose to take on the decisions?

The Honourable Shri Jagjivan Ram: (a) The Tripartite Standing Labour Committee at the last meeting passed a resolution requesting Central and Provincial Governments to set up Housing Boards for promoting the housing of working classes. The resolution also stated that the subsidy of 12½ per cent. of the cost of building or Rs. 200 per house whichever was less, offered by the Government of India was inadequate in view of the abnormal increase in the cost of labour and material and suggested that the workers should not be charged more than ten per cent. of their earnings as rent, that the deficit should be made good from contributions by Central and Provincial Governments, Local Bodies and Employers and that the Central Government should take immediate steps to determine the respective responsibilities of the various parties.

(b) No formal decision was taken at the last meeting of the Provincial Labour Ministers' Conference, but the matter was informally discussed.

(c) The scheme of subsidy to which I have referred to in my answer to (a) was designed to counteract deflationary forces which, it was thought, might set in on the cessation of the war. This fear has proved to be unfounded. Prices continue to be high. Further investigations have shown that the cost of a worker's house with accommodation on the scale approved by the Standing Labour Committee, would cost 2,250 exclusive of water supply and sanitary fittings and the cost of land. Any large scale programme of house building at the prevailing high costs is likely to prove highly inflationary. To relieve the acute shortage of housing experienced in some of the Provincial cities and towns, Provincial Governments have been asked to prepare separate schemes to relieve congestion wherever it is acute and not to attempt at this stage a unified scheme for the whole country. Provincial Governments have also been asked to indicate the share of the cost to be borne respectively by industrialists, municipal authorities and the Provincial Government in regard to these urgent schemes. Central Government will co-ordinate and co-operate in any such measures by rendering reasonable financial assistance, the extent of which will be decided on the merits of each case. Central Government will also be prepared to render technical advice in regard to designs of houses with a view to economising costs. In view of the changed circumstances, Government consider that the constitution of a Central Housing Board at this stage would be premature.

TRIPARTITE LABOUR CONFERENCE

617. *Mr. N. M. Joshi: Will the Honourable the Labour Member be pleased to state:

(a) when the last meeting of the Tripartite Labour Conference was held;

(b) when the next meeting of the Conference was due to be held;

(c) when the next Conference is proposed to be held; and

(d) if the Conference was not held at due time, why it was not held?

The Honourable Shri Jagjivan Ram: (a) The last meeting of the Tripartite Labour Conference was held on the 28th of November, 1945.

(b) Following the usual procedure the next meeting should have been held towards the end of this month.

(c) It is opposed to hold the Conference in March or early April, 1947.

(d) Owing to pressure of business the Conference has not been called for this month.

LEGISLATION *re* STANDING ORDERS FOR INDUSTRIAL WORKERS

618. *Mr. N. M. Joshi: Will the Honourable the Labour Member be pleased to state:

(a) when the legislation for standing orders for industrial establishments was passed; and

(b) whether the Act has come into operation; if not, why there has been delay; and when the Act is expected to be in operation?

The Honourable Shri Jagjivan Ram: The Industrial Employment (Standing Orders) Act having been passed by the Indian Legislature during the budget session, 1946, and having received the assent of the Governor General on 23rd April, 1946, came into force with effect from that date.

AWARD OF ADJUDICATOR FOR GRIEVANCES OF EMPLOYEES OF GOVERNMENT OF INDIA PRESS, ALIGARH

619. *Mr. N. M. Joshi: Will the Honourable the Labour Member be pleased to state:

(a) whether Government have recently appointed an Adjudicator to consider the grievances of the employees of the Government of India Press at Aligarh;

(b) whether the award of the Adjudicator has been given; if so, what the terms of the award are; and

(c) whether the award has been given effect to?

The Honourable Shri Jagjivan Ram: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the replies given earlier to Starred Question No. 611.

SALE OF COPIES OF THE REPORTS OF REGE COMMITTEE

620. *Mr. N. M. Joshi: Will the Honourable the Labour Member be pleased to state:

(a) whether copies of all the Reports of the Rege Committee are available for sale;

(b) if copies of all the Reports are not available, why inadequate number of copies were printed; and

(c) when the copies will be available in sufficient numbers?

The Honourable Shri Jagjivan Ram: (a) Of the 34 *ad hoc* reports and the main report of the Rege Committee 32 *ad hoc* reports have been or are being placed on sale. The stock of twelve of these reports has run out.

(b) and (c). It was obviously impossible to forecast accurately the public demand which, in some cases, has turned out to be more than estimated.

Arrangements have been made for reprinting the reports and copies are expected to be made available next month.

SHOOTING OF AN INDIAN LABOURER BY EUROPEAN MANAGER OF THE SANTAK TEA ESTATE IN ASSAM

621. *Sreejut Rohini Kumar Chaudhuri: (a) Will the Honourable the Labour Member be pleased to state if the Government of India have received any report about the incident which took place about three months ago in the Santak Tea Estate in the District of Sibsagar in Assam in which an Indian labourer was shot dead by an European Manager of the Estate?

(b) In view of the special condition of Tea Garden labour in Assam, does the Honourable Member propose to visit some Indian and European Tea Estate in that Province and study the conditions there first hand?

The Honourable Shri Jagjivan Ram: (a) A report has been called for from the Assam Government.

(b) I would certainly like to take an early opportunity to acquaint myself with the conditions of the Tea garden labour in Assam.

APPOINTMENTS TO INDIAN DIPLOMATIC SERVICE.

622. *Sreejot Rohini Kumar Chaudhuri: (a) Will the Honourable Member for External Affairs please state whether applications will be invited from candidates not belonging to the existing services under the Government of India for appointments under the proposed Indian Diplomatic Services? If so, will selection of such candidates be initially made by the Federal Public Service Commission?

(b) What will be the minimum and maximum age limits of such candidates?

(c) When will recruitment be made to this service from outsiders?

The Honourable Pandit Jawaharlal Nehru: (a) to (c). It will be necessary to recruit to the Indian Foreign Service some candidates from sources other than the existing Services. Details such as age limits, the method of selection and the terms of the Service are now being worked out and a public announcement will be made as soon as possible. Recruitment will start as soon as those preliminaries are completed.

EXPENDITURE ON REFUGEES, EVACUEES, ETC., IN INDIA.

623. *Mr. Manu Subedar: (a) Will the Honourable Member for Commonwealth Relations please state how many refugees, evacuees and stateless people of European extraction are there in India and have Government complete information on the subject?

(b) How many persons received monetary support or allowances during the war period?

(c) What was the amount paid per individual or family?

(d) What was the total amount of expenditure incurred?

(e) Is any such amount being paid now to any class of people and, if so, to whom and why?

The Honourable Pandit Jawaharlal Nehru: (a) The total number of Refugees, evacuees and stateless people of European extraction who came to India is, approximately, 12,000.

(b) On an average, about 6,900 evacuees have received assistance during each year since the scheme of assistance came into force.

(c) The amount of assistance payable to individuals or families is graded on the basis of their pre-evacuation income. A maximum limit of 75 per cent. of the pre-evacuation income or Rs. 350, whichever is less, is generally imposed. Evacuees whose income does not exceed Rs. 150 per mensem are, however, eligible, on the merits of their cases, to draw allowances up to the level of their pre-evacuation income. Statements showing the scales of assistance in force at present for those residing in the Evacuee Camps and outside the Camps are laid on the table of the House.

(d) A sum of approximately Rs. 1½ crores has been spent on these evacuees from the beginning of the War up to the end of 1944-45. This expenditure is not however, debitable to the Government of India. The amount spent on Balkans and Maltese evacuees is debitable to His Majesty's Government and that spent on Polish evacuees to UNRRA.

(e) Yes. Financial assistance is still being given to Poles, Maltese and Balkans, etc., since they are as yet unable to return to the countries from which they were evacuated.

Statement I.—Showing the scale of Maintenance Advance payable to evacuees not residing in the British evacuee or Polish Camps.

Estimated normal income	Single adult earner or persons in receipt of remittance	Previous column plus wife or adult dependant	Child
Rs.	P.	R.	R.
1—25	14	20	4
26—50	18	27	6
51—100	35	50	8
101—150	40	60	10
151—200	45	70	11
201—300	55	85	11
301—400	65	100	12
401—500	80	120	13
501—600	90	140	14
601—750	100	170	16
751 and over	150	250	20

Provided that

- (a) in the case of persons whose pre-evacuation income exceeded Rs. 150 p. m. advances payable to or on account of a single earner and his dependants should not exceed 75 per cent. of the normal income or remittance or Rs. 350 p.m. whichever is less.
- (b) in no case should maintenance advance including school advance exceed the pre-evacuation income or remittance.

Statement II.— Showing the scale of maintenance allowance admissible in the British Evacuee Camps.

EXISTING ALLOWANCES.

	Maintenance allowance	Dearness allowance	Personal advance	General increase
1	2	3	4	5
	R.	R.	R.	Rs.
Single Adult	35	10	20	15
Married Couple	70	20	30	30
Dependants over 12 and upto a Total of 3	30	10	5	13
Dependants over 12 and over a total of 3	25	5	5	10
Children 6—11 years and upto total of 3	18	5	5	8
Children 6—11 years and over a total of 3	15	5	5	7
Children under 6 years	15	5	5	7

Statement III.—Showing the scale of maintenance allowances in the Polish Refugee Camp, Kolhapur.

	Maintenance allowances	Dearness allowance	Pocket money	Total
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
(a) Adults	35 0 0	8 12 0	10 0 0	53 12 0
(b) Children of 12 and over	35 0 0	5 0 0	5 0 0	45 0 0
(c) Children from 6 to over	35 0 0	5 0 0	5 0 0	45 0 0
(d) Children under 6	25 0 0	5 0 0	5 0 0	35 0 0

Polish Children in the Polish Children's Camp, Balachadi, are getting Rs. 50 p.m. each and their maintenance allowance.

FREE SUPPLY OF VERNACULAR TRANSLATION OF DEBATES OF CENTRAL LEGISLATURE

624. *Pandit Thakur Das Bhargava: (a) Will the Honourable the Leader of the House please state whether Government have made any provision for publishing vernacular translation of the proceedings of the Central Legislative Bodies for the use of the public not knowing English?

(b) Do Government propose to give due publicity to the proceedings of the Legislature by supplying them free of cost to all first class Municipalities in India to start with?

(c) What will be the cost to Government if this proposal was accepted?

The Honourable Pandit Jawaharlal Nehru: (a) No.

(b) No. The proceedings are fully reported in the press in the Indian languages and are thus given adequate publicity. The proceedings of the Central Legislature are on sale at a very low cost of -/5/- per copy and no doubt, all first class municipalities could afford to purchase the proceedings if they so desire.

(c) It is difficult to estimate the cost as the number of issues is dependent on the number of sessions held in a year and the number of meetings held during each session.

POLITICAL RELATIONS OF GOVERNMENT OF INDIA WITH NEPAL GOVERNMENT

624-A. *Mr. Madandhari Singh: Will the Honourable Member for External Affairs be pleased to state the political relation of the Government of India with the Nepal Government?

The Honourable Pandit Jawaharlal Nehru: It is not quite clear what the Honourable Member means. Our relations with the Nepal Government are friendly and it is hoped to develop closer contacts. As Nepal is a neighbour country closely associated with India culturally and otherwise it is obviously desirable for the two Governments and countries to have close and friendly relations.

India's political relations with the Nepal Government have been conducted through the British Legation at Kathmandu. The British Minister and his staff are chosen from the Indian Services.

PERMISSION TO MEMBERS OF CONSTITUENT ASSEMBLY TO MOVE IN EXCLUDED AND TRIBAL AREAS OF ASSAM, MANIPUR, KHASI AND JAINTIA HILL STATES

624-B. *Sreejuti Rohini Kumar Chaudhuri: Will the Honourable the Leader of the House please state whether the Honourable Members of the Constituent Assembly are allowed to move freely in the Excluded and Tribal Areas of Assam, in the Manipur State and semi-dependent states of Khasi and Jaintia Hills without taking any previous permit from the Political Agent of the Manipur State, Political Officers of the Excluded Areas and of Khasi and Jaintia Hills?

If not, do the Government of India propose to issue necessary directions to enable the Members of the Constituent Assembly to move freely and acquaint themselves with the conditions in these areas for facilities of discussion in the Constituent Assembly?

The Honourable Pandit Jawaharlal Nehru: Members of the Constituent Assembly are certainly free to move about in the Excluded Areas of Assam. As regards the Tribal Areas every facility will be arranged for all members of the Advisory Committee to acquaint themselves with the conditions in those areas. As regards Manipur and the Khasi States, enquiries are being made and a statement will in due course be placed on the table of the House.

UNSTARRED QUESTIONS AND ANSWERS

TENDER NOTICE FOR ARTICLES OF INDIAN MANUFACTURE BY THE CONTROLLER OF PRINTING AND STATIONERY.

83. Mr. Tamizuddin Khan: Will the Secretary of the Works, Mines and Power Department please refer to the tender notice issued by the Controller of Printing and Stationery for articles of Indian manufacture for consumption during 1946-47 and state:

(a) whether any quotation for wire staples of indigenous manufacture was received against the call for tender; if so, how many were received;

(b) whether any sample of indigenous variety was found acceptable; if so, why imported wire staples representing the total Government requirements for twelve months were purchased immediately after the decision of the tender, in one lot disregarding the fact that stores to be purchased, as advertised, must be chiefly of Indian manufacture;

(c) whether it is a fact that amongst the tenders for wire staples there were at least one or two firms who have installed requisite machinery for the manufacture of wire staples in India; and

(d) whether any quotation for indigenous wire staples which were found acceptable on test was rejected (i) for higher price, (ii) or any other reason: if for (i) was any negotiation made with the firm to reasonably lower the rate, or if for (ii) the grounds for rejection may kindly be stated?

Mr. B. K. Gokhale: (a) Yes. Three quotations purporting to be for supply of indigenous varieties were received.

(b) Yes. Out of the three firms, the sample of one firm was found satisfactory but the price was higher than for imported wire staples. Only requirements for about nine months were purchased in one lot—presumably to take advantage of available stocks. The policy regarding preference to be given to goods of Indian manufacture is stated in Rule 3 of the Rules regulating the purchase of stationery and printing stores for the public service.

(c) Yes. Two firms were reported to have installed machinery for the manufacture of wire staples. But on inspection by the Progress Inspector, it was found, that no elaborate machinery had been installed particularly for this purpose by the firm whose sample was satisfactory.

(d) As stated in reply to part (a) the sample of one firm was found to be satisfactory but the tender was rejected on account of high price. No negotiations were conducted with this firm lowering its rate. The samples of the other firms were rejected on the ground of poor quality.

FALSE PROPAGANDA IN TRIBAL AREAS *re* BOMBING

84. Pandit Thakur Das Bhargava: Will the Honourable Member for External Affairs please state if false propaganda was made in the tribal territories that bombing was ordered by the Interim Government and that the Government of India wanted to cede their territory?

(b) What persons and organisations were responsible for such propaganda?

(c) Have Government taken any steps to put a stop to such propaganda in the future?

The Honourable Pandit Jawaharlal Nehru: (a), (b) and (c). The Government of India have no information beyond what has appeared in the Press. Certain persons in the tribal territories appear to be under the impression that

the bombing was ordered by the Interim Government. How this impression was created and who was responsible for it, is not known. As a matter of fact the bombing was ordered several weeks before the Interim Government took office and it was stopped very soon after. Government do not propose to pursue the matter further.

CONTROLLER OF PRINTING AND STATIONERY

85. Sree Satyapriya Banerjee: Will the Secretary of the Works, Mines and Power Department be pleased to state:

(a) whether both the Controller and the Deputy Controller of Printing and Stationery are non-technical men; and

(b) whether Government contemplate the desirability of appointing men with technical knowledge in the matter to these posts; if so, when; if not, why not?

Mr. B. K. Gokhale: (a) Yes.

(b) Both these posts are of an administrative character and technical knowledge is not an essential qualification. Whenever vacancies occur, Government consider the suitability of all likely candidates, both technical and non-technical and select the person who appears to be most suitable.

NUMBER OF STRIKES IN INDUSTRIES IN PROVINCES.

86. Sree Satyapriya Banerjee: Will the Honourable the Labour Member be pleased to state:

(a) the number of strikes, industry by industry and province by province, during the period January 1946 to September 1946;

(b) the number of workers involved in these strikes;

(c) the number of hours of labour lost in these strikes; and

(d) the amount of loss to the national wealth?

The Honourable Shri Jagjivan Ram: (a), (b) and (c). A statement containing the information desired by the Honourable Member is laid on the table of the House. In regard to part (c), the statement gives the number of man-days lost. Information regarding man-hours lost is not available.

(d) I regret I am unable to assess the loss.

Statement showing the number of strikes for the period January 1946 to September 1946, industry by industry and province by province, indicating also the number of workers involved and the number of man-days lost.

Total No. of strikes	No. of workers involved	No. of man-days lost	Number						
			By Industry						
			Cotton, Woolen & silk	Jute	Engineering	Railways	Mines	Miscellaneous	Total
1,435	18,17,727	89,25,251	516	112	134	61	9	603	1,435

of

Strikes

By Province

Ajmer Merwara	Assam	Bengal	Bihar	Bombay	C. P. & Berar	Delhi	Madras	Sind	U.P.	Total
6	2	408	71	489	85	24	219	39	82	1,435

SHORT NOTICE QUESTION AND ANSWER

LETTER OF GOVERNMENT OF CAPE OF GOOD HOPE TO GOVERNMENT OF INDIA ASSURING EQUAL TREATMENT TO INDIAN LABOURERS.

Sreejot Rohini Kumar Chaudhuri: (a) Has the attention of the Honourable the Leader of the House been drawn to the news flashed from New York on the 5th of November 1946, which has been published in the daily *Hindustan Times* of the 6th November, 1946, under the caption "Indians were invited by South Africa" to the effect that among other documents a letter in which the Union Government invited the Indians to send their nationals to South Africa on assurance that they would be treated on par with the Europeans there, has been recently sent to the Indian Delegation at New York?

(b) If so, will the Government be pleased to state, (i) if the information is correct, (ii) where the letter was found, (iii) if it was ever produced anywhere in connection with discussions about Indians in South Africa, and (iv) if it was purposely withheld by the former Government of India?

The Honourable Pandit Jawaharlal Nehru: (a) Yes, Sir.

(b) (i). One of the documents taken by the Indian Delegation to United Nations Organisation is a letter sent by the then Government of the Cape of Good Hope dated 1855 requesting the Government of India to send Indian labour to Natal. The letter explains the conditions under which the Indian labourers were expected to work in Natal, though the assurances given are not in the exact terms quoted in the press message.

(ii) In the old records of the Government of India among which considerable research was carried out on the present occasion.

(iii) No, so far as the Government are aware. There was apparently no occasion to produce it in connection with any previous discussions with South Africa.

(iv) No, Sir.

SPECIAL MARRIAGE (AMENDMENT) BILL

Dr. G. V. Deshmukh (Bombay City, Non-Muhammadan Urban): I beg to move:

"That the Bill further to amend the Special Marriage Act, 1872, for certain purposes, be referred to a Select Committee consisting of the Honourable Mr. Jogendra Nath Mandal, Lt.-Col. Dr. J. C. Chatterjee, Khan Mohammad Yaqin Khan, Shri Sri Prakasa, Sri M. Ananthasayanam Ayyangar, Mr. Vadilal Lalubhai, Sjt. N. V. Gadgil, Pandit Balkrishna Sharma, Pundit Thakur Das Bhargava, Sardar Mangal Singh Shrimati Ammu Swaminadhan, Sri A. K. Menon, Mr. Madandhari Singh, Mr. Leslie Gwilt, Mr. Sasanka Sekhar Sanyal, Sri Jagannath Das, Sree Satyapriya Banerjee and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President, not only I ask the indulgence of the House, but the very serious attention of the House to the question that this Bill brings forth before this House. The question before the House is a very vital one and that question is whether the Hindu wife, the partner in Hindu marriage, is a sentient human being, with ideas of human happiness and misery. That is the point that I want to bring before this House. All the other things which have been alleged with regard to this Bill are in my opinion unimportant. Not only the Hindu woman is not dependent on the pity of the House, or the grace of the House, but I think that she has earned a right to be considered as a comrade, specially because of the comradeship of the fight that she put up in the recent fight for freedom. You will find in the book of the distinguished Leader of this House that he also is grateful to the Indian woman for the fight that she put up and the comradeship

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that she displayed in the recent fight for freedom that Congress waged in the cause of India. I am very glad to see the Congress in the Treasury Benches and we of the Congress are committed to this, that we will give equal right to all the rest of the minorities in India, irrespective of sex, race, caste, creed or colour. I say that the duty of the present government is to see that justice is done to the Indian woman. I do not deny that there are many objections raised to this Bill—that it is inopportune, that it is badly drafted, that it is incomplete, that it upsets the settled way of the Hindu sacramental marriage; that it interferes with the law of succession, and with the status of a Hindu in a joint family as a coparcener. I do not deny that there are certain defects in this Bill as it has been drafted. I shall be dealing shortly with some of the main defects that have been pointed out and I hope to prove to the House that those defects are not insuperable; that the difficulties, if there are any, can be surmounted and that we have to do our duty in spite of these defects. After all you cannot change an unjust system that has been going on for thousands of years without upsetting something or other. After all if a big stone is lying somewhere for an indefinite period, for ages and if you turn the stone over, so that there might be a little more sunlight admitted under the stone, you are bound to disturb many of the worms and many of the undesirable things which have taken shelter under that stone. You cannot help it. As I mentioned earlier, in view of the comradeship and the fight that the Hindu woman has put up in the cause of the independence of India I think the time has come when these disadvantages which have taken shelter for untold centuries, should be disturbed, and if that happens, it is no business of mine, and should be no business of anybody, who has come in the House that he should pay particular attention if these minor inconveniences arise.

With regard to the objections that have been raised, I find that there are mainly three objections and I am going to deal with these three objections. The first objection raised is that Hindu marriage is a sacrament and you cannot change it from a sacrament to a contract. Sir, Honourable Members will remember that the other day even such a distinguished Hindu as the Honourable Rajaji in dealing with another Bill said that it was not certain that Hindu marriage was entirely a sacrament and there was no question of contract with regard to a Hindu marriage. I share that opinion; I do not think that Hindu marriage is entirely a sacrament.

The Honourable Sri C. Rajagopalachari (Member for Education and Arts): Sir, I may explain? I did not say that the Hindu marriage was not a sacrament. I said that not only Hindu marriages but all marriages are sacramental, and also contractual.

Dr. G. V. Deshmukh: If that is his opinion that it is entirely sacramental . . .

The Honourable Sri C. Rajagopalachari: The word 'entirely' is wrong. I said all marriages were sacramental including Hindu marriages; I said all marriages were contractual including Hindu marriages.

Dr. G. V. Deshmukh: I am very happy to get that explanation. One has only to look at the Vedic marriage service of the Hindus, and let him say that there is no contractual basis in this sacramental marriage. In the marriage service of Hindus the bridegroom and bride say, "We will do this, we will bring up a family, we will live for a hundred years, we will prosper", etc. And what is the meaning of this if this is not to a certain extent contractual? Not only that; what is the idea of *saptapadi*, the seven religious steps which are taken in marriage? Every Hindu knows,—and if he does not know he ought to know,—that with the seventh step the bride becomes the friend of the bridegroom,—the word used being "*sakha*". Sir, I do not want to upset my Hindu friends by criticising in any way the religious side; I hope I will not be misunderstood. So far as sacrament is concerned, I have the greatest respect; but my complaint is that the Hindus should think of it more seriously as a sacrament than they are conveniently doing at present. It is the same ceremony for both bridegroom and

bride, and yet a sacrament binds one party and not the other. That is my objection. I say you do not pay sufficient regard to your sacramental and religious views. The bridegroom passing through the same sacramental rites can marry as often as he likes but the bride going through the same rites cannot marry more than once, not only when the husband is living but even after the husband is dead, because it is supposed that the marriage is binding not only in this world but also in the other world.

The Honourable Sri C. Rajagopalachari: Sir, on a point of order, may I know if the Honourable Member is moving the Bill that I have here in my hand or any other Bill about monogamy or divorce?

Dr. G. V. Deshmukh: I am moving the Bill that has been circulated to Members of the House. I am not thinking of moving any other Bill. I said these are the objections raised in the public opinion which has come to us, and I am discussing those objections.

The Honourable Sri C. Rajagopalachari: Sir, I am really not able to see any connection between the subject which the Honourable Member is discussing and the Bill that I have with me. It may be my stupidity, but I do not see any monogamy or divorce in this Bill.

Mr. President: The Honourable Mover is a doctor and therefore cannot perhaps explain the law. The point, so far as I can see, is this; this Bill seeks to amend the Special Marriage Act and that Act provides for monogamy and divorce. Therefore he is discussing those points.

Dr. G. V. Deshmukh: That is right, Sir; I am thankful to you. I am surprised that these objections should be raised by an experienced person like the Honourable Rajaji. Surely he knows that in the Special Marriage Act there is a clause on monogamy and also a clause on divorce; and so if I have brought forward a Bill to amend the Special Marriage Act we have got to consider those two points. And if the Honourable Member will go through the opinions received he will find that a large body of opinion is of the view that this means bringing in monogamy and divorce, and upsetting the sacramental rite.

I have already explained to the House the object of the Bill. For the satisfaction of those who are very technical with regard to these measures I will repeat that the object of the Bill is to modify the Act. But it must be for some purpose; and I frankly admit, that the purpose is monogamy and modifying the form of divorce. I wish to be frank with the House and I do not wish to be unnecessarily interrupted. And the interruptions so far—I say with all respect—have not been quite relevant.

Sir, I began by explaining the object of the Bill. I also pointed out the objections which have been raised to the Bill. I am going to deal with three main objections and leave the House to deal with the other objections. The first objection is that somehow or other it is irreligious; I think it is a valid objection because among many religious Hindus there is a genuine feeling that it is disturbing the sacramental ceremony. With regard to that my point is not against viewing marriage as a sacrament, but my complaint is that it is not looked at in a sufficiently religious light. Every Hindu will tell you that we have about 25 or 30 sacraments. The life of a Hindu from birth to death and also thereafter is nothing but a sacrament. Now we find that every sacrament has gone with this one exception of marriage, and that also particularly in the case of girls only. So even according to religious opinion you can modify so-called sacraments. I wish to point out that this sacrament is being applied unjustly, so that objections based on that ground may not influence my Honourable friends. I think we have done wrongly in interpreting this sacramental idea in different ways in regard to the sexes. If it is a sacrament and if the girl can be married only once, on the same analogy the bridegroom also should not be allowed to marry more than once. But if you allow that in the case of boys I see no objection—however sacramentally minded one may be—to allowing it in the case of girls also, on the principle of equality and on the principle that the girl is also a human being. Now, Sir, there is one thing more. To those who are religiously inclined and who feel such a great

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deal about sacrament, let me point out something to them and I hope they will devote still more of their ideas to this idea of sacrament. I do not want to dabble in politics when I am dealing with a social measure. What has happened? After this sacrament, the status of the wife is absolutely unchangeable, nothing can change it. Unfortunately in this country you must have read recently of forcible conversions. Now, what I want to say is, that if there have been forcible conversions, after all, they are human, they are artificial, therefore whatever forcible conversions have taken place, if we have faith in sacramental theory of marriage, the Hindus who have been converted cannot be said to be outside the pale of Hindu society. In spite of forcible conversions, those who have faith in sacraments must admit that in spite of forcible conversions, they do not cease to be Hindus.

Sri M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): They do not.

Dr. G. V. Deshmukh: I will recommend this idea of sacrament to all those *Mandals*, *Santanists* and *Matadhipadhis* who have sent down their opinion on this Bill. I give them a better occupation, instead of finding objections if they can concentrate their energies on Hindu sacramental side, let them pronounce that whatever you may do, a Hindu, particularly a Hindu girl who is married, let there be forcible conversion or whatever you like, her religion cannot be changed and she continues to be a Hindu.

An Honourable Member: They have pronounced like that.

Dr. G. V. Deshmukh: If that is the attitude taken by them, then I welcome it. I go one step further. I am logically considering the whole plan. I hope you, Sir, will not consider my remarks irrelevant. What is the reason for the whole enmity against Hinduism? I am suggesting this measure not only for Hindu-Muslim unity, but also for the purpose of achieving homogeneity and amicability for the whole country. You do not find so much enmity between other religions. Everybody seems to have a certain amount of enmity against Hindu religion. I have given a certain amount of thought to this. Why should this state of affairs continue or even exist? It is for this reason that we are not a proselytising religion. We are all born Hindus and as soon as under some excuse or other, the Hindus are contaminated, then immediately we ourselves—the more so than the members of the other religion, we ourselves are so anxious to drop them out of the Hindu faith. If a Hindu is a born Hindu, then no amount of artificial conversion can make him cease to be a Hindu. If all the religious bodies should pronounce, that whatever it may be, a Hindu is born a Hindu, and for all time he will remain a Hindu, if all the legal luminaries who have given the opinion that a Hindu marriage is a sacramental marriage should give the opinion that a Hindu, once he is born a Hindu, whatever may happen to him would never cease to be a Hindu, if such an opinion is pronounced, then I say a lot of enmity between Hinduism and other religions will disappear for the simple reasons that forcible conversion will not be valid. All this spite against Hinduism will disappear. I commend this suggestion to all the religious bodies and legal persons who have studied a good deal about sacrament. If you use sacrament in this sense, then I for one, will go perhaps more than my religious minded friends. That is so far as one objection to this Bill is concerned.

The second objection is to the clause which says that the registered date of marriage will be from the date of registration. Naturally therefore, the old sacramental marriage would cease. I find a good deal of prejudice imported in this view. You cannot continue as married parties under two systems. Either you must be registered if you want to take advantages of registration and therefore you must either be registered or must continue the sacramental marriage. I suggested in my Bill after a good deal of legal consultation, a basis that could be had in Bombay. I suggested that the registration will be the date from the date of status of registered marriage. Unfortunately I wanted to be logical and I said that the old marriage would be deemed to have been eliminated. It was

not an ignorant or a hasty proposition that I had put down in this clause. To the best of my ability I consulted the best legal opinion in Bombay and they said, you cannot continue under two systems of marriage. Therefore one marriage ceases. If you suggest that it should be the date from the time of sacramental marriage, then what would happen to the children born in between. Will they be coparceners, will they have the personal law of succession applied to them, or will the law of survivorship be applied to them, or will the law of succession be applied to them? If you carry this date back to the date of the previous marriage, you are raising complications. Therefore you had better make it in your Bill that the date of the registered marriage will be from the date of registration. I find that in the Hindu code they have suggested that civil marriage should date from the date of the first marriage. I do not say that I had not seen this difficulty. As a matter of fact I had consulted legal opinion on this. But the point is if in this Bill I had suggested the same opinion that is given in the Hindu Code, then those objections that I have put before the House and which were pointed out to me, those would have appeared in the opinion. Therefore whether you have registration from the date of the civil marriage or whether you have it from the date of the first marriage, the question of provision for children is a difficulty which is there. Not only that. It was also explained to me that so far as succession is concerned, you have given many legal fictions and one of the legal fiction is the property that is invested cannot be divested. That is why I suggested that civil marriage will be from the date of registration and the children who are born before the date of civil marriage will be ruled by the personal law of succession. That is coparcenership, and survivorship of the children who are born after the marriage will be by law of succession.

Mr. P. B. Gole (Berar: Non-Muhammadan): Should the father be considered dead after the civil marriage?

Dr. G. V. Deshmukh: You have this objection even now. If he is considered dead in the case of civil marriage, is he not considered dead even now.

Mr. President: Order, order.

Dr. G. V. Deshmukh: I am sorry, Sir, I should have addressed the Chair. But you, Sir, have no such difficulties to understand. That is why I was addressing these remarks to my friend. That is why under the circumstances I put the date for civil marriage as the date of registration. Where it is a question of not having looked after provision for children, one-third of the opinions are condemning the Bill. Where does this arise? Anyhow if you want a change, if the principle is accepted, I find the principle is accepted in the majority of opinions, then, whether you have the date for civil marriage from the date of the original marriage or from the date of registration, these difficulties are there and it is for us to see how to get over these difficulties. This is so far as provision for children is concerned. The breaking of marriage is supposed to be revolting to sacramental marriage. Incidentally, in explaining the position of children, I have also pointed out that there is no such thing as breaking of the marriage. Till this is registered as a civil marriage, whatever your status in marriage was, continues. There is no period at which you are unmarried; there is no question of bastards or prostitution; it cannot arise; either you are sacramentally married or, as soon as the sacramental status ceases, immediately afterwards your status is registered according to the civil marriage; therefore the question of break of marriage does not arise. Personally I have no objection whatever the changes may take place but I am glad that I gave notice of this Bill and it is for this reason: I find that according to the opinion of the Bombay Bar Associations and the opinion of Hindu Social Reform Association, a very important body in Bombay—they have pointed out that this 1872 law has been very anomalous and bad, that this idea of inheritance and status of the party in the joint family should not have been tagged on; it should not have been associated with the idea of civil marriage. I think that representations were made

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): The Bombay Bar Association recommends deletion of section 15-A.

Dr. G. V. Deshmukh: Wait a minute. It has drawn the attention of the legal profession at any rate towards the anomalies of the Act of 1872. If this Bill does not do anything more, and if it has only done that, and if my legal friends will pay proper attention to it, I will feel that have done more than could be done under the circumstances. (Interruption.) You can speak afterwards. It has been pointed out a long time ago, as early as 1930 and even in 1935, that this law of 1872, the Special Marriage Act, should be amended, and amended on the lines that the personal law of inheritance and the other personal laws need not be changed, because somebody chooses to be married under this Civil Marriage Act. The House will not be doing a wrong thing in utilising this opportunity to modify the law of 1872 which after all we have been having for the last fifty years and in our bovine way we seem to go on with it; we paid no attention to it; and as soon as something is put forward then the legal profession, or some of them, seem to wake up and they find objections against any measure that is suggested and again they go sleep. I do not say that there are not others in the legal profession who bring to proper notice the defects in the existing law, and that it should be modified; but then I take it, it is no part of the legal profession to look after the amendment of laws. (Interruption.) You are a lawyer

Mr. President: Order, order.

Dr. G. V. Deshmukh: I want to give a compliment to the legal profession and just at that time they will interrupt me; and when I am condemning them they seem to keep quiet. I do not understand this mentality. I wanted to tell them they were right. They should merely point out the defects of the law and the legislature being there it should be the duty of the legislature and the members of the Indian Legislative Assembly to amend or modify or make the law good, if it is bad. It does not matter whoever wants to take it upon himself, whether he understands about the law or not. That is not the point. The point is this. Very often as you know in all professions, including the legal profession, it is always the laymen who bring in reforms. In my own profession I can tell you that all progress in medicine has not been entirely done by men of the medical profession. Indeed quite a few reforms have been brought forward by laymen. To give you a case in point, Pasteur was not a medical man. He was not a practitioner at all, and yet the whole course of medicine has been revolutionised by Pasteur. Similarly, all the modern drugs such as sulphanimide and others have not been discovered by the medical profession. Therefore I am not frightened that because I am not a legal man I cannot bring forward legislation to improve the state of society. Indeed I am encouraged. Legal men take the expert's view, which is the narrower view: very often it is an ignorant view; and therefore in the circumstances, instead of being discouraged, I find encouragement in bringing forward this legislation; and thanks to the courtesy of the House and of the legal Members of the Government of India, like Sir Nripendranath Sircar and Sir Asoka Roy, I have been able to do something in the matter.

Therefore there was no intention of any modification of the marriage, not even the intention of changing the law of succession. The Bill does not want to interfere with any sacrament. But what it certainly does is to give freedom to a married partner where she is led to think that her life is a misery. It is no good denying the fact that this has been brought in for the two main provisions, and that is the provision of monogamy; if she has no right to marry more than once, then certainly during the time that she is pinned down in this way, the man also will not marry any other person; and the corollary of this naturally is that if both consider that the marriage is unhappy, the divorce should take place. My friends who have read these opinions will see that it is mentioned in these opinions that this is a backdoor method, an indirect method of bringing in divorce. I cannot be charged with using backdoor methods. So early as 1939 I had given notice of a Divorce Bill—a Bill for regular open divorce; unfortunately we could not proceed with that Bill because my party then decided that we should not attend the Assembly. What the fate of that Bill would have been I cannot tell you; therefore it cannot be charged that I want to bring in anything now by indirect or backdoor methods. But this much is certain, that a frontal attack like this, or shall I say a reasonable suggestion like this the Hindu society is not prepared to

accept; and therefore if a large society like this is not prepared to accept in a direct way and if the measure is useful, then all that you can do is to bring it in some way or the other; and that is the reason why I have brought forward this Bill.

I think I have answered all the three main objections to this Bill and I think I will be only doing my duty and enlightening this House if I give them very shortly the genesis of this Bill, as to why I have brought it forward. As I told you, I brought forward a direct Bill for divorce. Somehow or other it was not acceptable to the Hindu society and there were other social Bills also on the agenda; and some other colleagues of mine were also anxious for the social reform of the Hindu society. Soon afterwards, the Hindu Code Committee was formed and it is common knowledge that that committee was at first formed merely for the sake of inheritance and succession, because it seems to me that although we the Hindus are considered the most religious body in the whole world, it seemed to me that we were more interested on the succession side than on any other side, so far as religion was concerned. When his state of affairs existed, I suggested then to the Law Member that if you are going to have a committee appointed for this succession to property, then why not send all the Bills which were before the Assembly to the same committee? That is how the Hindu Code Committee was constituted. The Hindu Code Committee did very useful work; but what was the position of us who wanted to have some kind of reforms? The Hindu Code Committee produced this Hindu Code, which is very good, complete, academical and you may say almost something which should be referred to whenever there is any difficulty. Soon afterwards when the Committee was in Lahore I read in the papers that about 10,000 people invaded the town hall

Mr. P. B. Gole: Not people; they were women.

Dr. G. V. Deshmukh: I am very glad you have mentioned that. Ten thousand women invaded the Town Hall and they did not agree to the Code Committee. I am particularly glad that my Honourable friend, Mr. Gole, has pointed out this incident, because it was Mr. Gole and lawyers like him who brought forward the excuse that we should not do anything piecemeal and we should wait for the Hindu Code Committee.

Mr. N. M. Joshi (Nominated Non-official): There are others who do not plead the same thing.

Dr. G. V. Deshmukh: This argument is only for those who plead this excuse. But they always change their argument: They say it should not be piecemeal and we should wait for the Committee's Report, and then when it suits them they say this is uprooting the whole Hindu society, and therefore you cannot expect the Hindu society to swallow the whole of this Code, and therefore you must go gradually. Now, what is going to be the position of some of us who are anxious that some kind of a reform should be brought in? I thought it was quite impossible to bring forward a fresh measure. In view of the fact that women were instigated by Sanatanists and by orthodox persons and they were tempted to go and attack the places where the committee was meeting, I thought that there was no hope. (Interruption.) Don't tell me that women understood anything about it.

Mr. P. B. Gole: You understand it only.

Dr. G. V. Deshmukh: I make bold to say on the floor of this House that all these women were instigated

Sjt. N. V. Gadgil: We had heard that they were the instigators!

Dr. G. V. Deshmukh: and not only that, but they were given wrong advice. I can frankly tell you what happened in Bombay. When this Bill was sent round for their opinion, the women frankly admitted that they did not understand the legal implications of this measure. They approached some of these distinguished solicitors and lawyers who pointed out all these disadvantages and the women got so thoroughly frightened that they started making representations.

Mr. P. B. Gole: They have made representations in this case.

Dr. G. V. Deshmukh: According to what they have been told.

Even with regard to this Bill, Sir, I will give you an instance of what was pointed out to them. One of the lawyers, whom they consulted, happened to be a friend of mine. I asked him how did you do it, and he said what am I to do; they were frightened and that is the main reason why they attacked the Town Hall and other places. He said the women are told 'supposing the husband says in the beginning go and register, it is a good thing both for you and for him, and later on when you have registered the marriage thinking that it is in your interest, he may divorce you because there is a provision for that, so this is a trap for you.' I should like to know whether there is any Hindu woman who will not be frightened when she is told the whole thing in this manner. Naturally she will oppose the whole thing. These are the ways in which things are done. When I saw that there was going to be opposition to the Hindu Code and when I saw that Hindus will not accept a fresh Bill, what could a person like me, and like some of my other friends, who are anxious to leave the society a little better than we found it, do? They can only do one thing. They can put in amending Bills. I know from technical point of view people will say that it is not correct and it should not be done in this manner. But we are prepared to take the odium and proceed forward with such measures.

Mr. President: Is the Honourable Member likely to take some time?

Dr. G. V. Deshmukh: Yes, Sir. This is a very vital question.

Mr. President: Today being Friday, the House will adjourn at 12-45, and re-assemble at 2-15 P.M.

The Assembly then adjourned for Lunch Till Quarter Past Two of the Clock

The Assembly re-assembled after Lunch at Quarter Past Two of the Clock, **Mr. President (the Honourable Mr. G. V. Mavalankar)** in the Chair.

Dr. G. V. Deshmukh: Could I make one request? I have been asked to add three more names to the Select Committee in addition to those already there. That is the general request of the House. They are the Honourable Sri C. Rajagopalachari, Sri S. T. Adityan and Mr. Krishna Chandra Sharma.

Mr. President: The Honourable Member can continue his speech. I have not yet put his motion to the House.

Dr. G. V. Deshmukh: So I have brought to the notice of the House what is really the principle of the Bill. I have also dealt with the main objections to the Bill. My own opinion is that all these objections are not insuperable and that it should not be beyond the intelligence, goodwill and sympathy of this House to surmount these objections with regard to this Bill. I feel as I said at the beginning of my speech that the Hindu woman has won these rights for herself—that of being treated on an equal footing with men. And so far as the Congress is concerned, it is committed to the principle. So far as comradeship in the freedom's battle is concerned, out of gratefulness we have to give her this right. I therefore commend my Bill to the acceptance of the House.

Mr. President: Motion moved:

"That the Bill further to amend the Special Marriage Act, 1872, for certain purposes, be referred to a Select Committee consisting of the Honourable Mr. Jogendra Nath Mandal, The Honourable Sri C. Rajagopalachari, Lt.-Col. Dr. J. C. Chatterjee, Khan Mohammad Yamin Khan, Shri Sri Prakasa, Sri M. Ananthasayanam Ayyangar, Mr. Vadilal Lallubhai, Sjt. N. V. Gadgil, Pandit Balkrishna Sharma, Pundit Thakur Das Bhargava, Sardar Mangal Singh, Shrimati Ammu Swaminadhan, Sri A. K. Menon, Mr. Madandhari Singh, Mr. Leslie Gwilt, Mr. Sasanka Sekhar Sanyal, Sri Jagannath Das, Sree Satvapriya Banerjee, Sri S. T. Adityan, Mr. Krishna Chandra Sharma and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sri C. Rajagopalachari: I rise not to oppose but to support his Bill. The interruptions that I was attempting to make were intended to explain the object of the Bill as it stands rather than pursue any question of

divorce, monogamy or other reforms which we might desire, but which are not the points involved here primarily. The Bill appears to me to have a simple object. There is a Special Marriage Act of 1872, now in force which provides for members of certain communities a form of marriage through which they can go by force of the Civil Law, whatever may be the orthodox opinion in respect of it. The law as it stands enables any bride and bridegroom, Hindu, or Buddhist or Sikh or Jain, provided they satisfy certain conditions, to go to a Registrar and have their marriage solemnized and registered, and thereafter certain incidents follow with regard to succession and other matters. Any arguments or objections that can be raised by Honourable Members or others to the Special Marriage Act of 1872, from the Hindu or other orthodox point of view, cannot now usefully be raised because it is already on the Statute Book and any law moved to annul that Act may be an occasion for bringing up such objections. But as things stand today, Hindus as well as Buddhists, Sikhs and Jains, can have recourse to the civil form of marriage with all its incidents without any difficulty. The present Bill is intended to remove only one disability and that is that any person who has already gone through a marriage which is doubtful in validity on account of the rigid code of Hindus or the others, can have recourse to this registration. Under the present law he cannot do it. Under the existing code, any man who has gone through a marriage with a woman according to the Hindu rights, to which possible objections could be raised on account of its being an inter-caste marriage or for other reasons, he cannot make the required declaration under the present Special Marriage Act to validate his union that he was not married, because it would be not quite correct for him to say that he was not married. This Bill seeks to enable, in short, persons who have gone through a marriage ceremony or form or contract already, to go through it again, in accordance with the Special Marriage Act, the parties being the same.

The Bill proposes to permit two persons who have already undergone through a marriage ceremony to go through it again in the civil form proposed here. Now there is nothing very wonderfully difficult or objectionable in this proposal. If a man, A, and a Woman B have gone through a marriage according to the Hindu rites, they are not allowed under the present law to go to the Registrar after a lapse of some time and have their marriage registered because they would not be unmarried persons. This Bill proposes that such persons can have their marriage registered. The only point that arises is this: If two persons are married according to Hindu rites, and if later their marriage is registered under this law that is proposed to be passed, what are the rights and the status of the children born in the interval. Since the interval may be as short as one day or as long as even ten years, in the latter case it is possible that there may be issues which were born out of the original marriage and there may be issues that may be born after this registration. That is sought to be solved in this Bill in a proposed section which suggests that the previous marriage shall be declared as dissolved on this registration. That is a point for much objection and I think that that can be disposed of in the Select Committee suitably and the objection can be removed. Otherwise there is nothing new in this Bill. The idea that this bill seeks to change the Hindu-law of divorce or monogamy or polygamy, is I think quite wrong. These objections are as much applicable to the present Special Marriage Act of 1872, which is in force as they are applicable to the proposed Bill. Therefore I think that we need go into all that. It seems to me that this is a simple measure. It extends the scope of the present law so that it will be available not only to people who are for the first time desirous of going through a form of marriage but also to people who have gone through some doubtful form of marriage and are desirous of removing the doubt. Let it be remembered that no registration can take place unless both the parties—husband and wife—who have gone through a previous marriage ceremony are agreeable to it and go to the Registrar. Therefore there is previous consent. The idea that any divorce is imposed upon anybody who is unwilling or who is probably injured by that divorce, is totally out of place in this connection. That is why I sought to explain the thing at the very outset while supporting this measure. The fact is that in no civilised country in the world is anybody prevented from going through a civil form of

[Sri C. Rajagopalachari]

marriage. If the religious laws prevailing in that country prevented it there is only one proviso attached to all those civil forms, that there should be nothing immoral about them.

The very first section here repeats all the provisions that are contained in the other Special Marriage Act of 1872 and this fact should remove possible objections. Neither of them should have any other wife or a husband alive, the parties must not be related to each other in any prohibited degree of consanguinity or affinity, etc., all these are repeated in this Bill. This Bill provides a simple civil form of marriage to persons, provided there is no moral or social objection to that union. It removes the disability of illegality to people who have been living together and who wish to be husband and wife and against which there can be no possible social objection. I therefore hope that the House will accept this Bill and see it through.

Sjt. N. V. Gadgil: Sir, I rise to oppose the motion that has been moved by my Honourable friend, Dr. Deshmukh for referring this Bill to the Select Committee. Let me at the outset make my position absolutely clear.

I stand for progressive legislation in social matters. Evidence of that was only given a few days ago when I think I supported Dr. Deshmukh's Bill, perhaps more vehemently than anybody else in the House. Dr. Deshmukh well knows that during the period from 1935 to 1940 in the two or three pieces of legislation relation to social matters that he introduced in this House and succeeded in getting them passed I too have a very large share.

Dr. G. V. Deshmukh: No.

Sjt. N. V. Gadgil: Go and see the proceedings and you will be convinced. I am sure that Dr. Deshmukh will be the first man to acknowledge it. I may further state, Mr. President that the objectives which Dr. Deshmukh said he had in view in moving this Bill have my entire support. He stated that his object was to secure monogamous marriages and enable parties to have divorce when they find continuance of the marriage unhappy. So far as these objectives are concerned I have nothing but full support for them. But I respectfully submit, Mr. President, that the Bill as it is now before the House is entirely misconceived from the Preamble down to the last section. I know there is a combination of enthusiasm and ingenuity, as Dr. Deshmukh is supported by Hon. Raja Gopalachari yet we cannot be blind to the fact that this legislation is of a far-reaching character. My Honourable friend Rajaji may well say—and that is one of the ways of a very clever and able advocate—that this is a very simple Bill which seeks to extend the benefits of an Act which is already on the Statute Book to certain categories of people and therefore whatever objections one may have to the provisions that are incorporated in the Original Act are not valid so far as the discussion on the Amending Bill is concerned. I may very respectfully point out that the amending Bill seeks to extend the 'benefits' of the main Act and if that is so and if other categories are to be brought into the orbit of the original Act, it is only relevant that we should scrutinise whether what are described as benefits are really benefits or something else.

Mr. President, it is clear from the statement of objects and reasons of this Bill that Dr. Deshmukh wants "to give the benefit of modern legislation with respect to marriage to certain categories of people without in any way interfering with the religious sentiments of the communities concerned," and the particular piece of legislation which he has selected in order to confer 'benefits' upon persons in the Hindu fold is the Special Marriage Act of 1872 as modified by the Act of 1923. Now, in the discussion Dr. Deshmukh himself admitted that the Act of 1872 was very old, that it does not keep pace with modern conditions and ideas and that there is a clearly established need for

amending it and yet knowing full well that the provisions of that Act are not beneficial to the Hindu community today, he wants to extend the so called benefits to new categories. I should very respectfully request this House that it must be with a great sense of responsibility that it must interfere with the marriage laws of the land. After all the marriage institution is the greatest contribution made by social thinkers for the security of society, for peaceful enjoyment of life and for securing social happiness. It must be with the greatest caution and circumspection that thinkers like my Honourable friend Rajaji and others should proceed to legislate in these matters. The foundations of marriage are love, mutual understanding, respect, consideration for each other, appreciation of the fact that the life of the couple is an adventure or an undertaking in which there must be joint and cooperative effort. Therefore, if any interference is to be allowed it must be allowed only when there is a clear case that such interference will be to the mutual benefit of the parties concerned. My honourable friend, Mr. Rajaji, said that all considerations about monogamy and divorce are not relevant. I just want to know what is it that is at the back of Dr. Deshmukh's mind in proposing this piece of legislation. I am sure he does not want Hindu couples who have lived together for ten or fifteen years under the sacramental marriage bond to go to the registrar for the fun of it, and get their old marriage dissolved and the new marriage registered, surely, not for the fun of it. There must be some objective; and as I analyse the sections in the light of the remarks he made, I find that there can be three objectives for a couple going to a registrar and giving the necessary notice. The first is that they want the course of succession to be changed. The second is that they want to have the monogamous marriage or married life throughout. Third, they want to provide for the eventuality of a divorce. Now, there cannot be any other objective. My honourable friend Rajaji suggested, that there may have been marriages which may not have been strictly legal, and that it is for legalising such marriages that a Bill of this kind will be useful—my humble answer to that is that is that is not what is contemplated by the Bill as introduced by Dr. Deshmukh. I respectfully bring to the attention of this House what Dr. Deshmukh says in the preamble of this Bill:—

"Whereas it is expedient to extend the benefits of the Special Marriage Act of 1872 (Act III of 1872) to persons who profess the Hindu, Buddhist, Sikh or Jain religion and who are already married according to rites or mode of contracting marriage other than under the Special Marriage Act, 1872. . . ."

Let us see what it means. If the marriage is valid, then there is no difficulty. If the marriage is invalid, that invalidity can only be pronounced when the matter is taken to the court. Now, clause 8 of this Bill, says: "In section 10 of the said Act, after the word 'solemnized' the words 'or registered' shall be inserted." Under section 10 of the original Act you will find, Sir, the parties have to make a declaration. Both the bride and the bridegroom have to declare—"I am at the present time unmarried". If the marriage is there and the doubt is about its validity, it can only be set at rest by going to a court of law. If however the parties themselves consider that the marriage through the ceremony of which they have already gone, is not valid, they will either make a declaration that they are not married or they may say they are married. If they make a declaration that they are not married, then this Bill will not apply. It is clear. If they say they are married, then only, this Bill will apply. The first marriage is dissolved as soon as registration is effected. But the first marriage which is illegal does not become legal by being dissolved, nor the children born between the date of the first marriage and the registration under this Bill become legitimate. The doubts about the first marriage, remain, but marital relationship after registration becomes valid beyond doubt. Under this Bill there is no opportunity provided to legalise a doubtful marriage. What the Bill contemplates are marriages which are valid, which are solemnized according to the rites or mode of contracting marriages other than under the Special Marriage Act.

Now, what is the consideration on which we shall allow this Bill to proceed? Is it in the best interests of the society? As regards the particular form of this Bill I want to bring to your notice, Sir, that the preamble to this

[Sjt. N. V. Gadgil]

Bill is entirely inconsistent with the preamble to the main Act. The preamble of the main Act states :

"Whereas it is expedient to provide a form of marriage for persons who do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi Buddhist, Sikh or Jain religion and for persons who profess the Hindu, Buddhist, Sikh or Jain religion, and to legalise certain marriages the validity of which is doubtful, it is hereby enacted as follows :"

In the main Act, the marriage is to be celebrated, and in order to facilitate the celebration of such a marriage that Act makes provision. Here the marriage is already celebrated, the marriage is already there. I therefore submit that the object with which the main Act has come into being is different altogether from the object with which the present Bill is introduced in this House. It is a matter for you, Mr. President, to consider whether these two incongruous pieces of legislation can be so brought together and considered, whether the amending Bill which is fundamentally different from the main Act can be allowed to proceed. But I do not want to take my stand on that ground. My point is this : that if Dr. Deshmukh is really anxious to do a good turn to those who find their marriages unhappy, this is not the remedy. As I said a few minutes ago, the couple must have some object in view. It is not for the mere fun of it that they go before the registrar and get the first marriage dissolved and get the other marriage registered. Do they want the course of succession to be diverted? In that case, I most respectfully submit that they are doing injustice to the children whom they have brought into this world, without their consent obviously. This legislation is going to be retrospective. If there is retrospective legislation

Dr. G. V. Deshmukh: You are more anxious about them than the parents themselves !

Sjt. N. V. Gadgil: I will show you a way which will secure your object better. More than that I do not want to say. If it is a retrospective piece of legislation, then the important point that every responsible legislature has to consider is whether it is going to expropriate interests which have already come into existence. Take a case where the children are already there, and because they are born in a joint Hindu family they have earned certain rights; and if by marriage under this particular piece of legislation their rights are prejudiced, I think the expectations that they have a right to entertain under the general system of law prevalent in the community are frustrated. This is unjust. This is unfair and against all canons of justice and equity.

Mr. President, I agree with Dr. Deshmukh that there must be monogamous marriages. Dr. Deshmukh knows that in the Bombay Presidency a law to that effect has been already passed and it is now law of the land. Now, does this piece of legislation advance the cause of monogamy? A person who has already two wives—he must be a fortunate man—is out of the per-view of this Bill. Clause 2A states neither party has at the time of the registration any other husband or wife living. A man who has two wives cannot go before the Registrar. If he wants really to have another wife this piece of legislation can be taken advantage of for a day or two, because as soon as the marriage is registered under this legislation he will have all the benefits which a marriage celebrated and registered under Act III of 1872 has. In other words, he will have the right to divorce. If he is anxious to get rid of his wife, because that thought may occur to him any time in his life, he can immediately go to the proper court and get a divorce. The object of this Bill is certainly, not as far as I am able to see, to divert the course of succession. It cannot be monogamy because if a man is anxious to have one wife there is no necessity for him to go to the Registrar's court and get the marriage registered under the provisions of this Bill. If he is a firm believer in monogamy, I do not think his belief is augmented or strengthened by the mere fact that he makes a solemn declaration before the Registrar but the real object, as I understand it, is no other than to facilitate divorce. Let us say it frankly and freely. I stand for divorce. I have always supported it. (Interruption by Dr. Deshmukh) Dr. Deshmukh should have enough patience as a

good doctor must have. I stand for divorce. Otherwise you cannot have marriage except for life. That is too great a price. In this connection the House may like to hear what the great jurist Bentham said :

"If there were a law which forbade the taking a partner, a guardian, a manager, a companion, except on the condition of always keeping him, what tyranny, what madness it would be called! Yet, a husband is a companion, a guardian, a manager, a partner, and more yet; and still, in the greater part of civilised countries, a husband cannot be had except for life.

To live under the perpetual authority of a man you hate, is of itself a state of slavery; but to be compelled to submit to his embraces, is a misfortune too great even for slavery itself. Is it said that the yoke is mutual? That only doubles the misfortune.

Since marriage presents to the generality of men the only means of satisfying fully and peaceably the imperious desires of love, to turn them from it is to deprive them of its pleasures, and is to do an evil of no small magnitude. Now, what more terrible bugbear than the indissolubility of this contract? Whether it be a marriage, a service, a country, a condition of any kind, the prohibition to go out of it must operate as a prohibition to enter in. . . . When death is the only deliverer, what horrible temptations, what crimes may result from a position so fatal!"

As I said in the beginning of my remarks the foundations of marriage must be love, respect for each other, appreciation that it is a joint adventure which must be carried out with perfect understanding. If that is gone and if hate, disrespect and intolerance take their place, I think the society ought to intervene and should by suitable legislation make matters easy for divorce. Let us therefore say plainly that the object of this Bill is not diversion of the course of succession, nor promotion of monogamy but the object is to secure facility for divorce. I then say—why go in this roundabout way. If we think that it is a just thing, if we are convinced that that is the only method to secure maximum social happiness, we must plainly tell it to our society, our community, convince them, persuade them. For some time it is possible we may be misunderstood but all the same we must tell them frankly that this is the right way. Let us not do things in a manner which will create distrust. What I am more afraid of is that the Hindu community will feel that instead of putting the issue of divorce straight before it, Dr. Deshmukh has tried to bring "by the back door" the law of divorce in the Hindu community. Why should I go out of my way, if I want a divorce, to seek the provisions of this Bill and declare that my original marriage which was celebrated under the auspices of my parents, my friends, my elders, is dissolved. Is there no sentiment about it. After all the Hindu *dharma* is a way of life. Let us not trifle with it. Let us not approach it in a spirit of complete indifference. Modern ideas I welcome but modern ideas must be incorporated in the old way of life in such a manner that when the old order changeth the impact will be as little as possible. Let us herald the new without offending the old. Let us not be bitter.

I stand and swear by Hindu religion. My marriage has been celebrated according to Hindu sacrament. I want to stand by it. If I want a divorce for a good cause, I am asked to go through a civil form of marriage, get my first marriage dissolved. I do not consider for the time being the consequences that will accrue so far as my children born before the registration are concerned. But why should I go through this ordeal of registration if I want a divorce? Why should I go through this humiliation of dissolution of my first marriage? It means that you can have divorce by going in a round about way. This is a fraud. In the interests of Hindu culture and in the interests of progress of Hindu community I appeal to Dr. Deshmukh to bring in a Bill and I make the same appeal to Rajaji to bring in a Bill which will legitimise the marriages, the category of which was referred to in his speech and which will also make provisions for divorce for those who want it on certain specified conditions. Now what are you doing here? Are you really giving that benefit to those who get their marriages registered under this Bill? After all, the marriage law is an indication of the moral position in the society. Just as a thermometer is an indication of the heat or a barometer is an indication of the weight of atmosphere, so your marriage Law will indicate as to how your morals stand. What will a foreigner think of us if he is to know that a Hindu gentleman who wants to have a divorce on very good grounds cannot get it because the Hindu Law

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is not there to help him and the leaders of the Hindu community with all their ingenuity and high intellectual order cannot find any other means except to have recourse to a legislation passed 64 years ago and which is sadly out of date and out of tune with modern ideas? I think that is not a state of affairs to be proud of. I would, therefore, very respectfully tell Dr. Deshmukh and the Honourable Mr. Rajaji that this is not the way to get the thing done. And, after all, are you really liberalising the law of divorce by simply making a provision for the couple to have a divorce under Act III of 1872.

Mr. President, the Indian Divorcè Act governs the parties married under the Special Marriage Act and the grounds for divorce are enumerated in section 10 of the Indian Divorce Act. That Act also is old. There may be causes which will justify divorce today other than those enumerated in section 10. What have you done to liberalise this Act? If the contention of Dr. Deshmukh is that the Act of 1872 is not liberal enough and it should be modified in so far as the provisions for divorce and other disabilities are concerned, he must bring in a new Bill. But so far as this Bill is concerned, I submit that from the Preamble to the last clause everything will have to be changed if you want to make it upto date. There will be differences of opinion on every clause. Take the Preamble. It contains these words: "according to rites or mode of contracting Marriage". According to some Hindu marriage is a sacrament and not a contract. There have been judicial pronouncements both ways. If it is held that it is a sacrament, then this Bill does not apply to it *ipso facto*. Therefore, I submit that, in the first place, the preamble of this Bill is inconsistent with the preamble of the main Act. It is a fact, it cannot be an amending Bill to the Act. It is fundamentally different. Secondly, taking the preamble as it is and if Hindu marriage is held as a sacrament, then I doubt very much whether the provisions of this Bill will be at all applicable to such a marriage.

Now, Sir, going further into the Bill, clause 2(d) says:

"The parties must not be related to each other in any degree of consanguinity or affinity prescribed in clause (4) of section 2 and the provisos thereto."

You will find from the main Act that the degrees of prohibition there are narrower. Now, take a case where a man has married his maternal uncle's daughter. It is perfectly legal according to custom in several provinces. If this couple goes before the Registrar, the first marriage will be dissolved. There will be this registered marriage and it can be successfully challenged by their own children or by somebody else interested in the course of succession. So, they will be neither here nor there. I do not know what will be the fate of that couple.

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Now, if I were to go through the other clauses, you will not permit me to have a detailed criticism of them under the relevant Standing Order. All I can say is that if you want to re-draft the whole thing from the preamble to the last clause, why not bring in a new Bill altogether? It is just like a case in which I happened to ask the Chief Officer of a certain municipality, how is the state of the city? He said: "Six persons have died of plague; 16 persons have died of cholera; 20 persons are down with malaria; drains and pipes have been broken; there have been half a dozen cases of arson; but everything is O.K. with the city". So, here also everything is O.K. with the Bill although the preamble is wrong, the other clauses are entirely either irrelevant or inconsistent and the last and the most important clause, namely, 15A, that is, dissolution of previous marriage on registration of new marriage, is not wanted even by my Honourable friend Rajaji as it is.

Now, Dr. Deshmukh made a reference about a certain Bar Association and he ridiculed to some extent—I do not say intentionally or deliberately—the views expressed by Women's Associations, I may tell Dr. Deshmukh that so far as the women of my province are concerned, they have more commonsense and they know the whole thing much better than most of us either do know or pretend to know. I may tell him that when the Bill to prevent bigamous marriages was introduced in the Bombay Legislative Assembly and circulated

to elicit public opinion, I accepted the invitation of certain women's organisations to explain the provisions of the Bill. Mr. President, I have never addressed such a meeting in my long life. There were about 700 women. I was the only male in that gathering and there was one newspaper man who was allowed as a sort of bodyguard to me. I explained the provisions of the Bill for an hour and a half. Then for another 1½ hours some twelve women participated in the debate. Many of them opposed and many others supported it. But the level of criticism was so high that it would be wrong to say that anybody could fool womankind, at any rate so far as my Province is concerned that is my opinion.

Mr. President, you will find in the opinions—I do not want to refer to them in detail—that women's organisations have stated that the principles underlying this Bill are good and acceptable, but they do not like this Bill. They prefer the corresponding provision in the Hindu Code. I can assure Dr. Deshmukh that it does not mean that we should all wait till the Hindu Code is before the House and, is passed. No, Sir. I do not object to piecemeal legislation, if it is necessary. In fact that is exactly what I said during the debate on the *sagotra* marriage Bill. Analysis of opinions will show that nobody supports the Bill as it is. The orthodox section opposes it. But those who support the principles underlying the Bill are all opposed to this Bill. They prefer a separate Bill providing divorce in certain circumstances. The object of this Bill is no other than to enable a couple have divorce which at present they cannot have in the absence of any law of divorce in Hindu religion. Therefore my humble submission is, have entirely a new Bill for divorce. Are you really serving the purpose which you have in mind by taking this Bill through all the legislative stages? You will find, Sir, that it will not be very easy to get divorce under the provisions of the Indian Divorce Act. You will have to go through registration first and then go in for divorce proceedings. I would rather prefer as I said that you have a straight law which will deal with divorce so that it may be cheap in point of expenditure, it may be easy in procedure and one which can be well understood by members of the Hindu community.

Mr. President, I would have liked to criticise other provisions of the Bill, but as I know there are a number of friends who are very anxious to make their own contribution, I do not think I should prolong my speech any further, but at the same time, I would most earnestly request you, Mr. President, to give ample scope so that the Hindu society may know that we are facing the issue straightaway and not in an indirect manner. Sir, I oppose the reference of this Bill to the Select Committee.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Mr. President, Sir, in rising to support the principles underlying Dr. Deshmukh's Bill, I should like to assure the House that I have listened with every respect and much interest to the speech of that my Honourable friend Mr. Gadgil has just delivered. Coming as I do from the ancient and sacred city of Kashi, I should like to assure him that I am as good a *sanatan dharmi* as he himself.

Sjt. N. V. Gadgil: I am not a *sanatanist*.

Shri Sri Prakasa: If my Honourable friend does not belong to the *sanatan dharma*, at least I do. That *dharma* has been well depicted in the two famous lines:

*Satyam bruyat priyam bruyat
na bruyat satya-mapriyam.*

Satyam bruyat priyam bruyat

Esha dharmah sanatanah.

“Thou shalt speak the truth; thou shalt speak what is pleasing; thou shalt not speak the truth that is not pleasing; nor a lie that is pleasing. That is *sanatana dharma*, the eternal law.” I am anxious, Sir, to tread warily on what must be dangerous ground of social and religious reform. I am fully aware that one is to be on his guard when dealing with such matters; and I have no desire to

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infuse any heat in the discussion. When one has to deal with problems such as this, in a complicated society like ours where social customs and religious beliefs have got inextricably mixed up we have to be very careful.

Sir, to be quite candid, the first time that the problem of registration of marriages came before me was when Lord Sinha's marriage was disputed and his son was not given access to the House of Lords though Lord Sinha had been made a Peer. It then occurred to me that there must be something intrinsically wanting in the system pertaining to marriages in my country which could create a situation like that when the House of Lords could dispute the validity of the marriage of such a distinguished son of India as Lord Sinha. When things happen to humble people, they do not attract the attention that they do when they happen to big folk like Lord Sinha. It was then that I started studying the system of marriages that prevailed in India and also to think if there was any way of reforming those systems so that such situations may not arise in the future. My Honourable friend Mr. Gadgil said that love was the foundation of marriage. So far as I know in India marriage is the foundation of love. We love because we marry, we do not marry because we love. In the case of Mr. Gadgil, it may be different.

Sjt. N. V. Gadgil: I am both ways.

Shri Sri Prakasa: A close study of this Bill will assure Mr. Gadgil that there is no contemplation of any interference with the system of marriage. It is a purely permissive measure; and it is not good getting excited over its provisions and thinking that our religion is in danger. What my Honourable friend Mr. Gadgil and friends like him suffer from is the conviction that Hindu means only the high caste Hindu and that the vast majority of Hindus who are humble and who belong to the so called lower castes are not Hindus at all.

Sjt. N. V. Gadgil: I never suggested that.

Shri Sri Prakasa: If my Honourable friend did not suggest it, I should like seriously to ask him whether by implication he did not say that divorce was not known to Hindu society. I do not know of conditions in his part of the country; but in my part of the country divorces are most common among the humble castes of Hindus. If there is a difference between the husband and the wife, if some cause arises due to which the husband gets enraged with his wife or the wife gets disappointed with the husband, immediately a divorce takes place and society recognises that. And despite what is said in the Indian Penal Code the conventions of the land even as accepted by the law courts, have to recognise that. Sir, in India we have traditionally got many kinds of marriages—I believe there are eight kinds—and I understand there are many categories of sons who are recognised—I believe the number is twelve. And so it is almost impossible to say what custom exactly is Hindu and what exactly is not; and it is time that we worked up to some system of uniformity so that all doubts might be set at rest.

So far as I read into Dr. Deshmukh's Bill, I find that he makes three things quite clear. One is that those who want to take advantage of the provisions of the Special Marriage Act can do so. As the law stands today, when a man and woman have married once they cannot have this civil marriage afterwards, for at the time of the civil marriage both parties have to declare that they are unmarried. There are many persons who, rightly or wrongly, are not satisfied only by a civil marriage; they like to have some ceremonies, they like to go through what is roughly called a sacramental marriage: the burning fire and the oblations put into that fire; the going round and round the fire.—all these things seem to satisfy the soul of many people. But it so happens that if you have gone through a marriage like that you cannot possibly declare afterwards that you are unmarried, and therefore you cannot perform a civil marriage. I think such persons who desire to have a sacramental marriage and also wish to take advantage of the provisions of the Special Marriage Act should be allowed to do so; and I think that Dr. Deshmukh's

Bill makes that clear. My Honourable friend Mr. Gadgil has referred to the apparent absurdity of the man and woman who have once married getting married again. At least in my part of the country, a thing like that is not unknown. It happens in the case of a couple who have 20 children if the same couple happen to have 20 sons and daughters—they go through the whole ceremony of marriage again with themselves. (Interruption.) Perhaps the idea is to give an extra holiday to the children themselves! In any case the fact is that in some circumstances, the same couple remarry each other.

I think the law should make this point clear—if it has not done so already—that in case there are children of a marriage, at the time when a husband and wife desire to go through a civil marriage, those children will retain all the rights that they had under the Jaw under which the husband and wife were first married and which prevailed when they were married. That I think is the case even today. I know of an old gentleman of Delhi—I will not mention his name—who wanted to marry a person of another caste. He found that he could not marry this particular person—he himself was a widower—except according to the Civil Marriage Act. He went through the marriage. The Civil Marriage Act as it stands today says that at the time a person marries under the Civil Marriage Act, his connection with his joint Hindu family is severed. So this gentleman's civil marriage severed his connection with the joint family. The sons of his first marriage which was sacramental, got their share of the parental property on the date of the father's second marriage, and this old gentleman walked away with his own share. That I think will occur even in the case of those who marry under Dr. Deshmukh's Bill. The children if any, of the previous sacramental marriage will get what they would have otherwise got; and the father—let us say—who is contracting a civil marriage, will go away with his share. This is in accordance with law and custom as they stand today; for today too the father can separate from his sons as much as a son can separate from his father. His subsequent civil marriage only means that the father separates from his sons, hands over to them their share of the property, goes away with his own share and marries under the Civil Marriage Act, and the children that came after this new marriage will, get all the rights that this particular Act gives them. I think that is what Dr. Deshmukh would like to do, and if the wording of the Bill is not satisfactory and does not connote what I am saying, it should be put right in the Select Committee. Therefore, Sir, there is no prejudice, as my Honourable friend Mr. Gadgil suspects, to the rights of the children of that marriage.

Then, Sir, the most important point is about the validity of marriages. A large number of marriages in India are really disputed. It is very common among the humble classes. So many of them get married very early despite the law that prevents such marriages. Then the man goes away in search of bread to a distant town and he returns after many years. The parents of the girl who had been married to him insist that the girl was really married to him. He denies; and there is a dispute, there being no record and no registration of the marriage. A large number of such cases come before the law courts in my province at least. These things should be set at rest. All marriages that are disputed or are likely to be disputed should be validated in some form or another; and I think that Dr. Deshmukh has given a very good way out. I will refer to the case of Prof. Indra. He is a well known person, the son of Swami Shaddhanand. He had contracted a perfectly proper marriage, but because it was an inter-caste marriage, there was a dispute about its validity; and he consulted no less a lawyer than Sir Tej Bahadur Sapru who advised him to undergo a civil marriage because the earlier marriage was really no marriage at all according to the law as it stood at that time and husband and wife were married to each other again. Now, there must be some way out for such perfectly proper marriages to be recognized by law in order that no disputes may arise in the future. There are conflicting judgments of the different High Courts of the land. Some regard the *anuloma* marriage—the marriage of a high caste to a lower caste women as legal marriage, some do not; some regard inter-caste marriage as legal marriage, some do not. Now

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when we desire a certain amount of freedom in marriages, we must also see to it that marriages that are correctly performed, and in which there is no immortality or impropriety, should be recognized by law, and I think this Bill gives a guarantee that all such marriages shall be so recognized. So this Bill also helps in validating inter-caste marriages and all marriage relations which are perfectly moral and correct.

My friend, Mr. Gadgil was rather worried about one form of marriage, which personally I regard a very improper system, and which prevails in the South where a maternal uncle can marry his niece, or where maternal cousins can marry each other. My friend fears that such marriages might come within the mischief of the new law and be declared invalid. If my honest opinion were taken, I should like them to be declared invalid; but that is neither here nor there. So far as I understand Dr. Deshmukh's Bill, he disallows marriages within the prohibited degrees of consanguinity. When I had a talk with the late Law Member, Sir Asoke Roy, on this matter in the last Session of the Assembly, he said that there was really no definition about these degrees. There was some Bill before the Assembly at the time and this matter cropped up in the course of that Bill. So I was asking him as to what was and was not a prohibited degree of consanguinity. He said that in different parts of India different customs prevailed and therefore different laws about consanguinity prevailed, and so his advice was that we should not touch that matter to press for any definition. And so I take it that in the South where a marriage between maternal cousins is permitted, such a marriage will not come within the prohibited degrees of consanguinity, and therefore the question raised by Mr. Gadgil will not arise at all. I think, therefore, Sir, looking at the problem both from the religious and the social standpoint, it would be a good thing if we pass this Bill into law; but as certain provisions have to be redrafted, it would be best to send it to the Select Committee and ask them to hurry up. No friend need have any apprehensions about the safety of Hindu society, which would only be further consolidated by the new law. The Bill helps to bring about a certain amount of uniformity in the law of the land pertaining to marriages, for one thing; and then it also speeds up some much needed reform. I hope, therefore, Sir, that the House will unanimously support the measure of Dr. Deshmukh.

REQUISITIONED LAND (CONTINUANCE OF POWERS) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

Mr. President: The other day the House ordered that the report of the Select Committee about the requisitioning Bill should be submitted by Friday. The Honourable Mr. Mandal may just present the report and then we shall resume discussion on this Bill.

The Honourable Mr. Jogendra Nath Mandal (Law Member): Sir, I present the report of the Select Committee on the Bill to provide for the continuance of certain emergency powers in relation to requisitioned land.

SPECIAL MARRIAGE (AMENDMENT) BILL—contd.

The Honourable Pandit Jawaharlal Nehru (Leader of the House): I have listened carefully to the speech of the mover of this motion as well as some other speeches in the House and repeatedly I have gone back to see what this Bill exactly was, because it seemed to me that the speeches often had nothing to do with the Bill. They rambled all over the place, referred to all manner of practices all over India while the Bill itself is quite an extraordinarily simple affair.

Now, the subject of marriage reform is a subject which obviously interests every individual and it is easy to think of all these ramifications but it does confuse the issue. The subject before us is very simple. For my part, I am entirely in favour of some kind of general provision for civil marriages, and I

hope soon this House will adopt some such measure. This measure does not go so far. It seeks to remedy, as far as I can see, certain *lacunae*, certain difficulties which have arisen, and all of us know that there are numerous marriages amongst Hindus today which may or may not be considered strictly legal. Some people may not attach much importance to legality, but other people do, and obviously whether they do or not, it does affect all manner of things—may be in regard to subsequent inheritance and other matters—whether the marriage is legal or not. Now in order to avoid those difficulties, this proposal is made for a couple, who have been married according to certain religious rites and who may perhaps doubt the validity of their marriage, to go through the civil form to validate it. I may say at once that I do not approve of some of the provisions as suggested in Dr. Deshmukh's Bill, more especially right at the end where he talks about the dissolution of the marriage when the civil marriage takes place. I do not see any reason why anything should be dissolved at all, but the general principle underlying this Bill is to enable people who may have contracted marriages, which are not strictly legal, to legalize them by civil marriage. I do not see how anybody can possibly object to that. It is a permissive clause; it does not compel anybody. People have talked about divorce and other matters. Nobody in this particular Bill is changing the Hindu Law in regard to divorce which remains exactly where it was. I am not at the moment talking about the desirability of divorce or not. For my part it is desirable but it does not arise here. We are not dealing with divorce in this, and as my Honourable friend, Mr. Sri Prakasa, said among Hindus the vast majority do indulge in divorce. We should not think too much about the top rank Hindus and consider the rest out of the pale. But this measure has nothing to do with divorce. That must be clear. It only enables a couple who may doubt the validity of their marriage to legalise and validate it. Doing so, they do not put an end to their previous marriage or dissolve it—I hope they will not—and no change ought to occur in the status of the children of the previous marriage. They remain under the law under which they had so far, remained. I do not understand this question as to what will happen to the children if the second marriage takes place. It is true if there is a civil marriage, the couple then come under the Civil Marriage act and can, if they so choose, have a divorce. They can do that. That does not effect Hindus generally. If those two persons choose to do so, I do not see why anyone should come in their way.

I do beg of the House to consider the Bill as it is, or rather the main principles because, exactly as it is, it may be that many members do not wholly approve—I do not approve of all the detailed provisions—but the main provision, the main principle behind it is good. I should like to go further. However, it has come in this limited form to us and it comes only as a proposal to be sent to the Select Committee which, I hope, can easily amend it, and rectify the errors committed in the original draft. So I do hope the House will approve of this proposal, not so much on account of Dr. Deshmukh's arguments but on account of the Bill itself.

Mr. P. B. Gole: I am surprised, in view of the preamble of Dr. Deshmukh's Bill, to hear the remarks of the Honourable Sri Rajagopalachari and the Honourable Pandit Jawaharlal Nehru. You will see, Sir, that the preamble itself says that "to persons who profess the Hindu, Buddhist, Sikh or Jain religion and who are already married according to rites or mode of contracting marriage other than under the Special Marriage Act, 1872." It presupposes that the marriages under the Hindu Law and the Sikh Law are perfectly valid and for cases of valid marriages this Bill is being enacted. It is not with regard to marriages which may be invalid under Hindu Law or the Sikh Law that a provision is being made to legalise those marriages. The provision is being made to register marriages which are already valid. Therefore, I was really surprised when the Honourable Rajagopalachari, learned as he is, cited an instance where a marriage may be invalid according to Hindu law or the personal law of the party and where this should be legalised. I should have no objection to that if the only object of the Bill was to legalise a marriage which would have been

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invalid under the present law of the land. But it is not so. The preamble of the Act says that the marriage is valid under the personal law of the parties and those marriages are to be registered in order to give them a right of divorce. That is what Dr. Deshmukh himself plainly stated.

In view of this preamble, I fail to understand how this wrong impression has been carried by the Honourable Rajagopalachari, a learned man in our *snastras*, and I do not know how Pandit Jawaharlal Nehru carried this impression, that the marriage which is invalid under the personal law of the parties should be validated by this Bill. It is not, really speaking, covered by this Bill. Marriages which are invalid under the law are not sought to be validated by the present Bill. Therefore, I am very sorry that the scope of Dr. Deshmukh's Bill is quite different from the idea which my honourable friend, Rajaji, carries regarding this Bill. That should be understood, because we are proceeding on the assumption that this Bill has been brought in to register marriages which were already valid under the personal law of the parties. That is what Dr. Deshmukh also said. If it had been so, that under the personal law of the party the marriage was invalid, then it would be perfectly proper for the parties to have it registered under the civil law. But that is not the object with which the Bill has been brought. If you refer to the statement of objects and reasons, you will see that here also the Honourable Dr. Deshmukh does not refer to the invalidity of marriages under the personal law of the parties. He says there is a very large volume of educated public opinion in favour of reform in the existing marriage laws. It is not a question of invalidity of marriage. The object of this Bill is to provide a means of having the benefits of modern ideas of legislation respecting marriage without in any way interfering with the religious sentiments of the communities concerned. Therefore, you will see, Sir, that here Dr. Deshmukh does not in his objects and reasons refer to marriages which are invalid by the personal law of the party but which should be legalised in order to give a legitimate status to the children. That is not the object. Therefore, somehow or other, I do not understand how, it is being understood in this House, especially by responsible people that this Bill is intended to regularise or legalise the marriage which under the personal law of the party is invalid. As I understand the Bill it is not so. Therefore, I have got a very strong objection to this Bill, apart from the religious sentiments which are certainly hurt, so far as Hindus are concerned. You will find, if you just compare the provisions of this Bill with the provisions of the Civil Marriage Act, that it is very much against the very sections which have been enacted under the Civil Marriage Act. It will be extremely difficult to reconcile this Bill with the Civil Marriage Act.

It may be understood before I come to the sections that the word "register" is not defined here. But if we were to read clause 12, which adds section 15A, it shows that what is meant by registration is that the party shall be deemed to have dissolved the marriage with the other party and the parties shall be deemed to be married under this Act. Therefore, registration means—although what is really meant is not defined in the Act—solemnization of the Marriage under the Civil Marriage Act. It means nothing else because this new section 15A which is sought to be added shows that the party shall be deemed to have been married under this Act. Now let us understand the position. Instead of solemnizing the marriage under the Civil Marriage Act, Dr. Deshmukh says the marriage will be registered. Because the meaning of solemnization and registration in the view of Dr. Deshmukh seems to be the same, (because he has not tried to define what is meant by registration) let us see what effect it will have on the original Act. Now read Section 10. Section 10 of the original Act is:

"Before the marriage is solemnized (and Dr. Deshmukh wants to amend it by saying "or registered") the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the second schedule to this Act. If either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her father or guardian, except in the case of a widow, and, in every case, it shall be countersigned by the Registrar."

So as soon as it is signed by the parties and the three witnesses then the marriage is registered.

Then Section 11 says the marriage shall be "solemnised" or "registered", (the word "registered" is being added by Dr. Deshmukh) in the presence of the Registrar and the three witnesses, provided that each party says to the other in the presence and hearing of the Registrar and witnesses "I take thee to be my lawful wife or I take thee to be my lawful husband." What does this mean? Parties who were married are to come before the Registrar at the time of the so-called registration of the marriage and say "I take thee to be my lawful wife" or husband as the case may be. This presupposes that up to that time he was an illegal husband or she an illegal wife. You mean to say that these words have no meaning. It is a solemn assertion which has to be made within the hearing of the Registrar and it means that before that the man or the woman were not legally husband and wife, unless of course my friend wants only to legalise marriages of persons who want to tell lies before the Registrar. If that is so, we are not making any provision for honourable people and we are making a legal provision for cheats. For a man or woman who is already married to go before the Registrar and say "I take you to be my lawful wife" or husband as the case may be, is absolutely wrong. It is against one's own conscience, because it would predicate that before that they were not legal husband and wife.

Mr. Krishna Chandra Sharma (Meerut Division: Non-Muhammadan Rural): Have legal conscience.

Mr. P. B. Gole: Legal conscience is something different in the view of my Honourable friend. I have got very serious objection to the amendment sought to be made by Dr. Deshmukh.

Let us take section 15 of the old Act. It says:

"Every person who, being at the time married, procures a marriage of himself to be solemnised under this Act, shall be deemed to have committed an offence under section 494 or section 495 of the Indian Penal Code, as the case may be, and the marriage so solemnised is void."

Now this section is not sought to be abrogated. If the previous marriage was valid and legal, then if a man contracts a marriage under this Act he commits an offence under those sections of the Indian Penal Code.

Mr. Krishna Chandra Sharma: Under which sections?

Mr. P. B. Gole: Sections 494 and 495. They are mentioned in section 15 of the Act. The position is this. Here is a person who was legally married before the proposed civil marriage and now he comes and says that he wants his marriage to be "solemnised" or "registered". It would mean that he technically commits an offence. Section 15 of the old Act is not sought to be abrogated by any amendment and so long as it remains as it is on the statute book people who go to the Registrar to have their marriage registered commit an offence under sections 494 or 495 as the case may be.

It is a very funny piece of legislation that Dr. Deshmukh has brought. He says that he consulted many eminent lawyers and that after consultation this Bill was framed. With all respect to the Honourable Dr. Deshmukh and to those legal luminaries who advised him to frame such a Bill, I have very serious misgivings about this Bill.

Take section 19 of the old Act. It says:

"Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions: not shall this Act be deemed directly or indirectly to affect the validity of any mode or contracting marriage; but, if the validity of any such mode hereafter come into question before any court, such question shall be decided as if this Act had not been passed."

Suppose you register a marriage under this Act (Interruption by the Honourable Sri C. Rajagopalachari.) With great respect to Rajaji I would submit that it is not with respect to other marriages. I want to know whether the amendment that is sought just now by the addition of section 15 (a) would in any way affect his marriage solemnised under his personal law.

Dr. G. V. Deshmukh: Notwithstanding any law to the contrary.

Mr. P. B. Gole: Section 15 (a) says: "Marriage between the parties shall be deemed to have been dissolved". That is what is sought to be done under section 15 (a). So long as section 19 remains on the statute book, how can this marriage, by adding section 15 (a), be dissolved? Unless you remove section 19 or amend it, it is not possible.

[At this stage Mr. President vacated the Chair, which was then occupied by Mr. Deputy President (Khan Mohammad Yamin Khan)].

The section says "nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage." Under this section if the old marriage was valid according to the personal law of the parties, that marriage remains and that is not affected by registration. If that is so, how can you say in this section 15 (a) that the marriage is dissolved?

The Honourable Sri C. Rajagopalachari: That will be removed.

Mr. P. B. Gole: For the present it is not. How are you going to remove it, I do not know. So long as Section 19 is on the statute book I do not see how under section 15 (a) the old marriage can be dissolved. Therefore I submit with all respect and with all honour to Dr. Deshmukh and Rajaji that I beg to differ from their views. This is a very incongruous position which is sought to be brought up by the enactment of this Bill.

There is a further difficulty. If you go further you will find that section 23 says:

"A person professing the Hindu, Buddhist, Sikh or Jain religion who marries under this Act shall have the same rights and subject to the same disabilities in regard to right of succession to any property as a person to whom the Caste Removal of Disabilities Act applies."

There is a proviso also that "nothing in this section shall confer on any person any right to any religious office or service." Now, a married couple who are validly married according to the personal law of the parties go to the registrar and get the marriage registered. What is the personal law of that man? He is really speaking, under this Act, severed from the family itself. His right of succession disappears. Not only that; but supposing his father were alive, the father gets a right of adoption. Not only that; but supposing the grandchildren who would otherwise get a right by birth in that property, for no fault of theirs, will be deprived of their right by birth on account of this, because the law as it stands is clear on this point. I am not conversant with Jain law because Jains are governed by Hindu law at present—though they say they have got a separate law of their own: I know certain Jain *purdits* say they have got an independent law of their own. Apart from that, I am ignorant about the Buddhist law and about the Sikh law. They may be governed by the Hindu law, but whether they also get a right by birth, I do not know. (*An Honourable Member: Yes.*) I am very glad to know that. Then the position would be this: that by this marriage the children previous to this registration, for no fault of theirs, lose their right by birth. Another question would naturally arise. Suppose they are legalised by certain amendment of the present clause 12, what would be the position of those children? Should the son consider his father to be dead, because he becomes separate under the provisions of this Act? Should the son consider the father to be dead and offer oblations to him? A very strange position would arise. Here is a man who marries under the Special Marriage Act or who registers his marriage as Dr. Deshmukh wants it to be done; he dissolves the old marriage and the position would then be that he is severed from the family ties. His children would remain in the family, but they will lose their right of succession by survivorship: what should these sons consider? Should they consider their father to be dead and should they offer oblations? Supposing the man is religious-minded

An Honourable Member: He is separated from the father.

Mr. P. B. Gole: Civilly he is as good as dead, because the father gets a right of adoption

Pundit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): He does not get it under the Bill.

Mr. P. B. Gole: If you will see the new section 15A proposed to be introduced by clause 12 of the Bill, you will see it is so: it says:

"and the parties to such registration and their issues shall thenceforth have all the rights and be subject to all disabilities prescribed under sections 17, 18, 19, 22, 23, 24, 25 and 26 of this Act."

You will see section 25: it says:

"No person professing the Hindu, Buddhist Sikh or Jain religion who marries under this Act shall have any rights of adoption."

Section 26 says:

"Where a person professing the Hindu, Buddhist, Sikh or Jain religion marries under this Act, the father shall, if he has no other son living, have the right to adopt any other person as a son under the law to which he is subject."

You will see that it is an anomalous position. The son is living; he happens to discard this old marriage performed under Hindu rites, and he takes it into his head to get the marriage registered under the special law. The father finds himself in the awkward position: he finds the son is civilly dead and he can take another son and give that son a right by birth in that property under the joint Hindu family. This is strange. Dr. Deshmukh should have paused a little to consider the very evil effects of such a legislation upon the whole of the society, upon the whole of the law of survivorship, the law of inheritance of the Hindus. I am really surprised that Dr. Deshmukh should do this. On the contrary he says in clause 12 by which section 15A is sought to be added to this Act:

"... the parties shall be deemed to be married under this Act as from the date of such registration and the parties to such registration and their issues shall thenceforth have all the rights and be subject to all disabilities prescribed under sections 17, 18, 19, 22, 23, 24, 25 and 26 of this Act."

This enactment would have been a simple thing if it had been restricted to cases suggested by the Honourable Mr. Rajagopalachariar or the Honourable Pandit Nehru. I would then have been the last man to get up and oppose it. As I pointed out, if the Bill is restricted only to legal marriages, not to invalid marriages at all. This is what the preamble says, and until you change the

4 P.M. preamble I do not see how this can be done. (Interruption). If the preamble can be changed, the whole Act should be changed; in fact everything has to be changed. As I pointed out, this Bill which seems to revolutionise the structure of a Hindu family or a Sikh family, if it is going to be revolutionalised in this fashion, and if as the Honourable Mr. Rajagopalachari has just now said, even the preamble should be changed, then we have got a different Bill altogether. If you change the preamble, and change also the objects and reasons given for this Bill, then certainly the very object for which this Bill is said to be enacted is not before the House, nor was it before the public. We have gone to the public on this Bill. We have circulated this Bill and called for opinions on this Bill. These opinions restricted themselves to the legal marriages, legal under the personal law of the party, and from this point of view this Bill has been looked at. As the Honourable Mr. Rajagopalachari just now said, we can change it. You have a right to change it, but you have not called for public opinion on that. We have gone to the country for eliciting public opinion on the Bill, together with this statement of objects and reasons and together with this preamble. The object for which this Bill is sought to be enacted in this House is there; and therefore we would be doing a very wrong thing if at this stage we change the preamble and the statement of objects and reasons. Certainly I would be the first man, as I said, to get up and say that under such circumstances, if the marriage is invalid according to the personal law of the party it should be validated under the Civil Marriage Act. I would be the first man to say that the marriage should be legalised; and if it can be legalised under the Special Marriage Act, it should also be done. I would not object to that; but I want to remind Rajaji that if that was the restricted scope of the Bill, I would not have been on my legs to oppose such a

[Mr. P. B. Gole]

Bill. Here the position is different. You will find further difficulties in the way of the Bill.

The Act itself says that it applies not only to persons professing the Hindu or the Sikh or the Jain religion, but it also applies to persons who do not profess the Christian, Jewish, Hindu, Moslem or Parsi religions. Let us understand the position. The law is there; and under the law those Muslims or Parsis or Christians who are married according to the personal law, the Christian or the Muhammadan law, they can go and say "we do not belong to any religion", and they can get their marriage civilly registered. Now, it affects directly their personal law. Although the preamble of the Bill refers to persons who profess the Hindu, Buddhist, Sikh or Jain religion, is the body of the amendments that have been suggested nothing has been said about the religion of the man. On the contrary as soon as you enact this into law, the preamble of the present bill will disappear. The amendments will be incorporated in the old law and the old law applies also to Jews, Muhammadans, Parsis and Buddhists. All these provisions which Dr. Deshmukh wants to apply to Hindus will be equally applicable to Christians, Muhammadans and others. I do not know whether the Muslim Community or the Christian community want such an innovation in their law. Do they want that a marriage which was valid according to the personal law of the parties should be again registered and that the old marriage should be nullified and they should be governed by the Succession Act and not by their personal law?

Khan Abdul Ghani Khan (North-West Frontier Province: General): We have got a more reformed marriage than this law even.

Mr. P. B. Gole: I am not conversant with Muhammadan law. So far as this Bill is concerned, the Bill as soon as it is incorporated in the body of the original Act ceases to apply only to Hindus. You will find that none of the amendments which are sought to be incorporated in the original Act refer to the religion of the man and therefore as soon as these are incorporated in the original Act, the provision about Hindus, Parsis and Sikhs will disappear and any person of any faith can go to the Civil Registrar and he can say that he does not profess any religion and have the marriage annulled. Therefore really speaking the Bill is so badly worded that it will have to be drastically changed.

Now, Sir, I will give you certain instances and you will find the disastrous effects of this Bill. Suppose a man marries a second wife, the first wife having died leaving certain children. When the second wife comes, she wants to deprive the children of the first wife of their right of succession. Now the step-mother would be very glad indeed that her sons alone should succeed and that the children of the first wife should get nothing. The husband can be prevailed upon by the wife to go to a Registrar and get the marriage registered, thus depriving the children of the first wife of the right of succession to the property. What is going to happen! By means of this so called reform, do you want to perpetuate fraud, injustice and illegality upon the whole society. I do not really understand why this Bill is being insisted on. Who wants this. Who has asked for such a change. If I were to read the opinions on this Bill you will find that the majority of the opinions, even of men and women of reformed ideas, are dead against this Bill. They think that there is great danger involved in enacting this Bill into law. Why has Dr. Deshmukh fought shy of opinions. You send a Bill for the purpose of eliciting opinions thereon. The society does not as a whole want it. They have got serious objections to it and here in the teeth of the opposition of the public you want to enact a law. I can understand if the legislature wants to remove certain injustice but you cannot try to pass a Bill which the society does not want. You are forcing this enactment upon society in the teeth of opposition. This is certainly not warranted by any rules of justice and good conscience. After all it is not for Dr. Deshmukh to dictate what laws should govern the society. I certainly am not going to accept Dr. Deshmukh as a law giver and nobody will accept him as a law giver, much less those enthusiastic people who want to introduce innovations in the personal law of the parties. Unless they are highly respected and held in high esteem by the

public, nobody is going to hear them. Therefore it should be noted that so long as the society does not want any law, we should not force this controversial measure upon an unwilling society.

Before I proceed to give you some of the opinions that have been expressed on this Bill, I would bring to the notice of the House a very serious complaint made by the "Sanatan Dharm Pratinidhi Sabha" of Lahore. In their complaint they have stated that there was a practice previously that the Punjab Government was sending copies of such Bills to the prominent Hindu and Sikh religious and social bodies in the province for eliciting opinion. This time the Punjab Government has not cared to send the Bills to these bodies and they have contented themselves by reproducing the Bills in the Punjab Gazette which will not come to the notice of the public concerned. Hence opinions will not be expressed and submitted. They say that the Sabha has come to know about the Punjab Gazette with great difficulty and they also say that the Bills came very late. So far as the circulation of the Bill in the Punjab is concerned, it has not been done properly. In fact those bodies and societies which are likely to be affected by such a piece of legislation must be informed of what this House is going to do and if really speaking you want public opinion on these matters, it is the duty of the Government to see that all persons likely to be affected by the legislation know what the legislation is or is going to be. Having regard to the specific complaint made from the Punjab, I say that the Bill has not been circulated properly. As I will show hereafter, public opinion is so much against this Bill that it is unwise to proceed with it. Before this new Government came into being, the old Government was dead against such legislation. I know and many of us know the speech of Sir Asoka Roy on this point. He has stated that the Bill is against all laws, it is a lawless law.

Dr. G. V. Deshmukh: That is not correct. The Honourable gentleman is misleading the House.

Mr. P. B. Gole: I am not misleading the House. The proceedings of this House are there and they can be referred to by anybody. I know what Sir Asoka Roy said. He said that there were so many defects in the Bill and he advised that the House should not proceed with such a Bill.

Dr. G. V. Deshmukh: He pointed out those defects when sending the Bill to the Select Committee.

Mr. P. B. Gole: The motion was for circulation and that was debated in the House. At the time of circulation Sir Asoka Roy pointed out that this is going to be a very bad Bill. Of course, as Dr. Deshmukh agreed that the Bill be circulated, he did not object to it. But he was quite definite that this Bill was a pernicious Bill and it should not be enacted into law.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Many opinions are in favour of it.

Mr. P. B. Gole: There are very few opinions which are in favour of it. Even in the Punjab you will find that the opinions are not given by Hindus. I am referring to the opinions given by the Hindus and Sikhs because they are the persons who are likely to be affected by this legislation and it is their opinions that count and not the opinions of the Christians. The Christians think that if this Bill is enacted into law it will not affect them or the Musalmans. I have told you already that as soon as the preamble disappears and the amendments are incorporated, the original preamble will remain and this preamble will disappear, because the words are that it is expedient and necessary to amend a certain law. Unless in each section, where you want to amend, you refer to those particular persons who belong to such and such faith

The Honourable Sri C. Rajagopalachari: The provision in section 2 is there and if that is retained this difficulty will not arise and cannot arise.

Mr. P. B. Gole: Now, Sir, I will refer to some of the opinions that have been collected. The opinions are not many because, I think, the Bill has not been properly circulated as has been pointed out by the "Punjab Dharm Sabha."

[Mr. P. B. Gole]

Here is an opinion from the Assistant Commissioner and District Magistrate of Coorg. We shall go from the south.' He says:

"The evil consequences of the Bill are, however, very clear. As pointed out by Mr. A. Ayyangar and Pandit Balakrishna Sharma in the Assembly Debates a husband who wants to get rid of his wife or parents who want to disinherit their children can have their marriage registered and have their guilty desire fulfilled. There may be some cases where persons who have children by the deceased first wife are likely to be induced by the second wife to have the marriage registered in order to disinherit the children by the first wife. Married couple who are not pulling on well will find a remedy by getting their marriage registered and then immediately invoke the provision of the Divorce Act. Of course, there will be difficulty in such people coming to an agreement to have their marriage registered. In brief, it seems to be that the Bill is likely to do more harm than good to married woman and give lot of scope to uncommon litigation. In these circumstances, I am not in favour of the Bill as it stands."

You will find that this District Magistrate of Coorg has definitely given his reasons why this Bill should not be enacted.

Then, Sir, I wish to quote the opinion of the Legal Remembrancer of the Government of Sind.

Sri S. T. Adityan (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): On a point of order, Sir. Can a Member go on reading the opinions which have been circulated?

Mr. Deputy President: He is perfectly right in doing so. He has got the right to quote before the House the opinions which have been received in order to emphasise the point which he is making.

Dr. G. V. Deshmukh: Is it right morally?

Some Honourable Members: Why not?

Mr. P. B. Gole: I just wanted to give you the opinion of the Legal Remembrancer of the Government of Sind. Although Dr. Deshmukh consulted the lawyers, the legal luminaries from every province are against this Bill. Not only the lawyers, but even the Governments are against this Bill. No Government wants this Bill and I will presently show how these Governments themselves do not countenance this Bill at all. The Legal Remembrancer says:

"The Bill seeks to amend the Special Marriage Act, 1878, in so far as it applies to Hindus, Sikhs, Buddhists and Jains. This note is confined to the effect which this Bill will have on Hindus, but the same remarks would apply with respect to Sikhs, Buddhists and Jains.

A Hindu may marry according to Hindu rites or under the Special Marriage Act. His marriage under this Act produces certain consequences which are briefly these. A person married under this Act cannot contract any other marriage during the life time of his or her wife or husband (section 16). (Under Hindu Law a husband can marry any number of wives). The Indian Divorce Act applies to all marriages contracted under the Special Marriage Act. (The Hindu Law does not recognise or permit divorce). The marriage under this Act of any Hindu who is a member of an undivided family affects his severance from such family (section 22), that is to say, he ceases to be a member of the joint Hindu family. Succession to the property of a Hindu marrying under this Act will be regulated not by his personal law but by the Indian Succession Act, 1935.

The Bill provides that persons who are already married to each other under any form recognised by Hindu Law may get their marriages registered under the Special Marriage Act, provided, of course, both parties agree to such registration."

I had been telling thatt his enactment is to register marriages which are already valid and not to register marriages which are invalid. That is also understood to be the case by the Legal Remembrancer of Sind. He goes on:

"The effect of the registration is described in section 15A proposed to be inserted by clause 12 of the Bill. On the marriage being registered the previous marriage between the parties shall be deemed to have been dissolved, and the parties shall be deemed to be married under this Act as from the date of such registration, and the parties shall have all rights and be subject to all disabilities prescribed under the Act."

Now, let us try to understand the position. That is the opinion which I have read out by the Legal Remembrancer of Sind. Now, perhaps Dr. Deshmukh would say that he would amend this section, 15A, by saying that the registration itself should date back to the date of solemnization of the original marriage. If that is so, then the children under the old marriage or under the personal law

of the party will be disinherited. They will be governed by the Succession Act and for no fault of their own because the husband and wife chose to get their marriage registered and the registration is to date back to the day of their marriage. There is no doubt that the children would be legalised; they would be legitimate; I grant it. But the right to succession which they acquire in the property by birth would disappear automatically. As the provision today stands in the Bill namely, that the marriage will be valid under the Civil Marriage Act from the date of the registration and the original marriage is dissolved, then the children by the original marriage may perhaps be treated as illegitimate. Their legitimacy would be questioned because the marriage was dissolved and the marriage is said to have come about by the registration itself. In both cases, whether you legalise the marriage on the date of registration or whether you date back the legality of the marriage or registration of the marriage from the date of the first marriage, the children prior to the registration are in jeopardy. Now, Sir, with regard to succession also, succession to the property of coparceners or succession to property of persons who are separate, those sons will not be allowed to succeed because they are governed by the Succession Act and not by the personal law of the party. So many complications would arise. I point out to you the opinion of the Karachi Bar Association.

"My Association considered the matter and are opposed to the principle of the Bill. My Association thinks that it is not possible to provide for registration of marriages already celebrated under the Special Marriage Act, 1872 and thus confer on the party the right to divorce under certain circumstances, even though registration be by consent of the party. My Association are of the view that the Bill if passed may lead to such consent being improperly procured by the husband from the wife and the measure is likely to produce pernicious results."

That is the considered opinion of the Bar Association, Karachi.

I now come to the opinion of the Provincial Hindu Sabha because after all my Honourable friend Dr. Deshmukh professes to be very proud of his Hinduism. Of course, I do not know what his Hinduism consists in?

Dr. G. V. Deshmukh: Certainly not what it consists in your case.

Mr. P. B. Gole: If he does not recognise any religion, if he does not want to recognise the sanctity of marriage, of course it is one part of it, in other respects also, Dr. Deshmukh will come and attack although this will not be the forum. If he wants to know the truth, he can go before an Assembly of *Pandits* and *Shastris* well versed in our lore. He will certainly not be able to establish his point.

Dr. G. V. Deshmukh: Why should I waste my time?

Mr. P. B. Gole: I see you do not want to show courtesy to our learned people. That is only natural.

An Honourable Member: Because he himself is not learned.

Mr. P. B. Gole: They are all learned people and if my friend says that the *Pandits* and religious heads do not understand anything of our religion, then he will have to come forward and establish his own religion. So long he has not come forward with that mission, he is only attacking our old scriptures, attacking our old sacraments. Therefore, it is time for us to consider whether he should be allowed to do so. After all this is a mixed Assembly wherein all religions are represented. This is not a purely Hindu Assembly and therefore any enactment which this Assembly will legislate should be referred to people belonging to the particular religion. I find that in the Select Committee my Honourable friend has suggested the names of Members who do not belong to the Hindu faith.

Dr. G. V. Deshmukh: The House works as a legislature as a whole.

Mr. Deputy President: It has been the convention that members of other faiths come in just to help in making the law. They do not lay down the policy, they abstain from voting.

Dr. G. V. Deshmukh: Mr. Gole has made a mistake in coming to this legislature. He should have gone to a religious body.

Mr. Deputy President: Order, order. The Honourable Member must be allowed to proceed.

Mr. P. B. Gole: I am not here to enact any such laws as Dr. Deshmukh wants. I am only here to protect my religion. I am going to protect it on the floor of this House. If Dr. Deshmukh is interested in attacking my religion, I am equally interested in protecting it. I have got a right to do so.

Sir, I was referring to the opinion of the Provincial Hindu Sabha on the Special Marriage Bill placed before the Central Assembly by Dr. Deshmukh:

"We are of opinion that it should not be passed into law on account of the following reasons."

They have given the reasons. I am only quoting one last reason given by them.

"If the Bill is passed into law divorce system will be in vogue in Hindu religion and account of this system Hindu religion will suffer and there will be quarrels in Hindu family."

That is the opinion of the Hindu Sabha. My Honourable friend Dr. Deshmukh cannot say that the Hindu Sabha consists of orthodox people. That body consists of many patriots who have advanced views regarding Hindu law and Hindu custom. Therefore he cannot say that it consists purely of Pandits for whom Dr. Deshmukh has scant courtesy.

Dr. G. V. Deshmukh: For his information, I may tell him that Mr. Savarkar, President of the Hindu Maha Sabha gave his opinion in favour of divorce which I quoted on the floor of the House.

Mr. P. B. Gole: Not on this one. We are at present concerned only with this Bill. He may have given his opinion on some other Bill. That is neither here nor there. I am concerned with the present Bill as it is and I want to quote to the Honourable Member the opinion of the Hindu Sabha in particular.

The Honourable Sri C. Rajagopalachari: May I know, Sir, whether the convention about repetition will have no application when we quote other people's opinions?

Mr. Deputy President: I think the Honourable Member though he is entitled to quote the opinions, he should be brief and he should simply strengthen his case but not quote extensively because every Member is expected to have read the opinions which have been circulated. Only reference to certain portions is allowed ordinarily. But I fully realise that this Bill is a very controversial measure affecting a very extensive population of the country. Every opportunity must be given to Honourable Members to express their opinion but they should express the opinion in a brief manner and not repeat what has already been read by Honourable Members.

Sjt. N. V. Gadgil: May I bring one fact to the notice of the House, Sir? This Bill was sent for eliciting public opinion before the present Assembly was elected. Many of us have not read *in extenso* all the opinions which have been received. Therefore the presumption is not correct that all have read and in view of the fact that this is a controversial measure, it would be better that there should be a full frank and free discussion.

Mr. Deputy President: That is why I allowed the Honourable Member more latitude.

Mr. P. B. Gole: I am much obliged to you, Sir, for your ruling. I wanted to point out to the Honourable Mr. Rajagopalachari the object of my reading certain opinions. I was simply anxious to show that several governments, several Bar Associations and lawyers and Judges have considered this Bill as appertaining to marriages which are followed according to personal law. I am anxious to quote these opinions because somehow or other I got the impression—I believe the Honourable Mr. Rajagopalachari is also under the impression—that the Bill wants to cure a defect which existed in the original marriage, and for that the Bill is being enacted. That is not so. That is not so understood by

people who understand law. Government themselves do not understand it like that nor do District and Sessions Judges; and so the Bill is not so innocent or simple as the Honourable Sri Rajagopalachari thinks. I will not read the opinions at length but only the pertinent points. The Assam Government says:

"This Government are also not inclined to support the Bill which they consider has defects both in policy and substance. In particular this Government agree with the opinions in paragraphs 1 and 3 of the letter from the Secretary of the Lawyers' Association, Gauhati, and the letter from the District Bar Association, Sylhet, and in paras. (a), (b), and (d) of the letter from the Secretary of the Bar Association, Sunamganj."

So you find that, not only are Government opposed to it but also the Bar Associations and they all agree that the Bill will give rise to many complications and will upset the whole fabric of society. It should not be passed into law.

I will then give the opinion of the District Judge of Poona. Dr. Deshmukh comes from the Bombay Presidency and he probably thinks—though wrongly—that the people of that province wanted such a Bill.

Dr. G. V. Deshmukh: I do not think in terms of a small province; I think in terms of the whole country.

Mr. P. B. Gole: The Honourable Member may also think as a citizen of the world. But we are small people and only think in terms of our small Hindu society.

The District Judge of Poona in the course of his observations says:

"In the first place I am not satisfied about the necessity of an enactment of this kind. The Special Marriage Act of 1872 was amended in 1923 and extended to Hindus, Buddhists, Sikhs and Jains; and educated people who Dr. Deshmukh thinks would like to take advantage of the modern ideas of marriage legislation have in fact done so during the last 23 years. The amended Act has been on the statute-book and such of them as have not availed themselves of its benefit should not be allowed at this stage to change their minds perhaps because it is to their advantage to do so in the altered circumstances of their lives. . . . Whatever be our view regarding the sanctity of the ties of the marriage the jural relations once created by that tie should not be allowed to be lightly disturbed to suit the convenience of the changed circumstances in the lives of married people. . . . The true remedy for unhappy marriages is not to tinker with the legal character of the marriage which has subsisted for a number of years but to give relief by providing for dissolution of such marriages by legislation intended only for that purpose."

I quote this District Judge's views because he is a very learned man who has carefully studied this matter. He goes on:

"Section 18 of part IV of the Code made provision for registration of sacramental marriages as civil marriage, but under that section a subsisting marriage shall not be dissolved but after registration shall be deemed to have been a civil marriage for all purposes as from the date of the original ceremony and not from the date of the registration as the Bill seeks to provide. The Bill radically diverges in directions from the impending principal enactment which it seeks to anticipate."

Then I come to opinions from Madras.

Babu Ram Narayan Singh (Chhota Nagpur Division: Non-Muhammadan): Sir, is it necessary to quote all these opinions here?

Mr. P. B. Gole: The ruling has been given that I have a right to state the opinions here.

Mr. Deputy President: But the Honourable Member must not waste the time of the House.

Mr. P. B. Gole: I will not waste the time of the House.

The Madras Government is against this measure. The District Judge of Salem says (Rajaji's own district):

"I have consulted some of the judicial officers of the district and they are all agreed that the proposed measure is a dangerous innovation and is likely to lead to various complications."

The Collector of Godavari says:

"The proposed legislation makes more cumbersome the already long and cumbersome customary Hindu law of marriage."

He is also opposed to it.

[Mr. P. B. Gole]

Now, Sir, here is an opinion of a retired High Court Judge—Dewan Bahadur Sundaram Chettiar. He says:

“The Special Marriage Bill introduced in the Central Legislative Assembly is in my opinion a hasty and imperfect piece of legislation.”

And he is of opinion that such Bills cannot be enacted as law.

Then, Sir, Mr. Mudaliar, Advocate Madras, says:

“But there is no harm in clause 2 (Section 58 which is sought to be added) becoming law now. Clause 12 is of a very drastic nature.”

And he says he is entirely against it.

Then, Sir, Mr. Vasudevan, Retired Health Inspector, Tellicherry, who seems to have examined the provisions of the Bill in greater detail, has also adversely commented on this Bill. I need not read out his opinion.

Now, Sir, I pass on to the next opinion which is by the Advocate-General, Madras who says:

“The proposed legislation, as an amending Act, leads to the following difficulties:

A Hindu can have more than one wife and in a case where he has a plurality of wives, he cannot obtain the benefit of the Act, because he cannot make a declaration.

Further the section says that no registration of the marriage under the amending Act, the marriage previously solemnised becomes null and void. If that is so, what is the law to be applied to the issues already born? Are they to have co-parcenary rights, or are they to retain such right while the father himself becomes a divided member?

The group of sections made applicable includes Sections 17 to 19, and 22 to 26. The other sections 5 to 11 of the amendment are merely consequential, relating to the procedure. If under section 22, the marriage operates as division in status and under section 12 of the amending Act, the previous marriage is deemed to be dissolved, it will lead to considerable anomaly in regard to the rights of the issue in the Hindu co-parcenary of which the father is a member. There is a *lacuna* in the amending Act because it says nothing about this matter.

Further when the purpose and intentment of the proposed legislation is merely to remove the incapacity for obtaining divorce, why should sections 22 to 24 be also made applicable, having regard to the undoubted fact that these sections do involve a stigma and seem to concede that such a marriage under the Act is virtually an apostasy? If a marriage in consonance with the principles of monogamy is to be encouraged and if the right to obtain a divorce even in respect of Hindu marriage, is to be recognised as being in consonance with modern civilisation and culture it is indeed hard to understand why the parties to such a marriage should not retain their position in respect of succession, co-parcenary, adoption, etc. as before. Here there is an incongruity.”

Sreejot Rohini Kumar Chaudhuri (Assam Valley: Non-Muhammadan): As no one has spoken from Bihar, may I ask the Honourable Member to read the opinions from Bihar?

Mr. P. B. Gole: I will gladly do it; I would not forget Bihar.

Sjt. N. V. Gadgil: Who can forget Bihar?

Mr. P. B. Gole: I was pointing out, Sir, that the opinion of a very responsible person like the Advocate General of Madras is entirely against this Bill

The Honourable Sri C. Rajagopalachari: It is not a correct statement. He has not yet come to any conclusion; he has only pointed out some difficulties.

Mr. P. B. Gole: I will show, Sir, that he is of this opinion. I thought that my Honourable friend, Rajaji, will take my word for it, but if he wants me to read out the opinion of the Advocate General, I will do so.

Dr. G. V. Deshmukh: Have we not got opinions of our own? Why should we be impressed by the opinions of others?

Mr. P. B. Gole: The Advocate General, Madras, goes on to say:

“These considerations would strongly incline one to the view that instead of a truncated piece of legislation like this the law of marriage can be codified along with the rest of the Hindu Law, if that is possible, and feasible, or as a self-contained one detailing with the various aspects and providing for the various contingencies. As an amendment, it seems to be a misfit.”

Sreejot Rohini Kumar Chaudhuri: May I say a word, Sir? Why I asked the Honourable Member to read the opinions from Bihar was because the problem arising out of plurality of wives is very acute so far as that province is concerned.

Mr. Krishna Chandra Sharma: Did the Honourable Member ascertain the ages of the persons who have given these opinions?

Mr. P. B. Gole: I suppose they are all *sui juris*!

The opinion of the Government of Bihar is as follows:

"Most of the officers and non-official associations are against the proposed legislation."

"They are inclined to regard the vehemence of the opposition voiced by some highly placed and responsible officers as born of conservatism of an implacable type."

So the opinion is vehemently against the proposed legislation.

This is what Justice Bennett of the Patna High Court says:

"I do not think the Bill will serve any useful purpose; on the contrary, it is likely to create many difficulties—some of which were pointed out by the Honourable Sir Asoka Roy in the course of the debate on the Bill. Hindu Marriage Law Reform is likely to be more effective with less complications if it is done in the way proposed by the framers of the draft Hindu Code. This method of enabling people already married under particular religious rites to have some sort of a second marriage involving completely different civil rights and obligations, may be novel, but is fraught with dangerous possibilities, I am against the Bill."

This is the opinion of an eminent judge who cannot be said to be partial. He has learnt Hindu law and he knows what it is, and after studying Hindu law he finds this Bill so incongruous and so very against the principles of Hindu law that he is forced to give that opinion. Now, Sir, from Bihar, there is another "Shri Bharat Dharma Mahamandal". The opinion goes:

"I am desired by the Council of the Shri Bharat Dharma Mahamandal, the All-India representative Association of *Sanatani* Hindus believing in the Vedas and other Hindu scriptures to register their strong protest against the Bill."

They have given at length their opinion about this Bill. I will only read to you two or four sentences from it.

"The chastity of womanhood stands on the granite rock of the marriage ceremony. No king, no government, no society has ventured to affect changes in it since *Satyayuga*, the beginning of the first cycle of *Yugas*."

I am really surprised at the interjections of my Honourable friend, Dr. Deshmukh. He is so very anxious that all these religious scriptures and all the opinions of religious people should be treated with scant courtesy, they should be trifled with, and joked at, because Dr. Deshmukh enjoys a privilege which he would not get anywhere else.

Dr. G. V. Deshmukh: As usual, he is again wrong in attributing these things to me.

Mr. P. B. Gole: In paragraph 5 it is said:

"In short, the marriage sacrament is thus the backbone of Hindu religious and scientific sociology. Any attempt to introduce such drastic changes as are provided by the Bill will result in complete disruption of Hindu society and religion, and consequently be resented vehemently, producing undesirable reactions. The vast population of the Sanatanist Hindus forming the greater portion of the Indian population will take it as a direct hit against their cherished *Dharma*."

That is the opinion of a religious institution from Bihar.

The Honourable Mr. Jogendra Nath Mandal (Law Member): When opinions of one High Court Judge and Shri Bharat Dharma Mahamandal of Bihar have been cited here, may I request my Honourable friend to give the House the opinions of the Bihar Government and the Patna High Court Bar Association as well?

Mr. P. B. Gole: I will refer to them also. But you will find throughout, Sir, the opinion is overwhelmingly against this Bill, and therefore really speaking it would be dangerous to enact such a Bill into law.

[Mr. P. B. Gole]

The Commissioner of Chota Nagpur (I suppose Babu Ram Narayan Singh comes from there) says:

"To my mind the Bill is a some what clumsy attempt to deal with this important and delicate subject. I understand that a marriage solemnized under religious rights can be cancelled by marriage by registration is revolting to the Indian thought."

He has also pointed out the defects so far as the draft of the Bill is concerned.

Then there is the Deputy Commissioner of Palamau. There is also the opinion of Dayawant Sahay Varma, Pleader, Daltonganj. He is against this Bill. He says:

"Laws relating to different forms of marriage already in existence in India are comprehensive enough to accommodate men of all tastes and fashions living on the Indian soil."

Mr. Deputy President: The Honourable Member can continue his speech the next time it comes up.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 16th November 1946.