

[Dr. Ram Subhag Singh]

nounced that the leaders of parties will be given 20 minutes and other Members 15 minutes. Now, we notice that you are giving 30 minutes to everybody.

Mr. Chairman: Mr. Deputy-Speaker announced 30 minutes. Shri A. K. Gopalan made a request to him to be allowed to have 30 minutes and he agreed to that. Similarly, spokesmen of parties will be allowed 30 minutes. So far as other Members are concerned they will be allowed 15 minutes.

Dr. Suresh Chandra (Aurangabad): Who are all the leaders of parties?

Mr. Chairman: It is not for the Chair to determine who are the leaders of the parties.

Now, I find no hon. Member standing up, shall I call the hon. Minister to reply?

श्री एम० पी० मिश्र : (मुंबई उत्तर पश्चिम) : सभापति महोदय

Shri G. H. Deshpande (Nasik Central): We were under the impression that some other business was to be taken up, that is why nobody stood up.

Mr. Chairman: Non-official business will be taken up 4.30 only.

श्री एम० पी० मिश्र : श्री कृषि मंत्री महोदय ने जो भाषण दिया और देश की कृषि के सम्बन्ध में जो एक संतोषजनक चित्र रक्खा, उस पर मैं भी सन्तोष जाहिर करता हूँ। इस समय मुझे उस आदमी की याद आती है जो आज इस सदन में मौजूद नहीं है। आज से तीन, चार साल पहले इस देश की स्थिति, खास कर भोजन और खाद्य के मामले में, बहुत ही नाजुक मानी जाती थी। लेकिन हमने देखा कि जब स्वर्गीय श्री रफी अहमद क्रिदवई ने कृषि मंत्रालय का कार्य भार सम्हाला तो उन्होंने बड़ी योग्यता से अपने कर्तव्य को निमाया और एक बहादुराना और मजबूत क्रम

उठा कर देश में खेती, कृषि और भोजन की स्थिति बदल दी। आज इसका श्रेय उनको है और यह सदन उन की याद करता है कि चार साल के अन्दर नक़शा इतना बदल गया है कि जो देश चार साल पहले हर साल अकाल का सामना करता था, वह आज अपनी ज़रूरत का अनाज पैदा करके प्रतिरिक्त अनाज विदेशों में भेजकर बेचता है।

कृषि मंत्री महोदय ने बहुत विस्तार के साथ सरकार के द्वारा उठाये गये क़दमों का जिक्र किया है। मैं इस सम्बन्ध में सिर्फ़ इतना कहना चाहता हूँ कि मुझे को मालूम है कि पहली पंचवर्षीय योजना में इस देश की कृषि, खेती और ज़मीन को सबसे ज्यादा तरजीह दी गई थी, पहली जगह दी गई थी और उसमें जो २० सौ करोड़ रुपया खर्च किया जान वाला था उसका करीब २५ प्रतिशत खेती पर खर्च किया जाने वाला था और खर्च किया गया। उस योजना में यह समझा गया था और माना गया था कि इस देश की तरक्की खेती के माध्यम से ही हो सकती है। दूसरी चीज़ें इस के बाद आती हैं और इसी के मुताबिक हम ने देखा कि पहली पंचवर्षीय योजना में सब से ज्यादा तरजीह कृषि और खाद्य उत्पादन को दी गई है। और, क्यों ऐसा माना गया, इस के लिये खास कारण हैं। इस देश की जो समस्या है वह अपने ढंग की अकेली है, वह दूसरे देशों से नहीं मिल सकती।

Mr. Chairman: Order, order. The hon. Member can continue tomorrow. Let us now take up private Members' business.

FUNERAL REFORMS BILL

Mr. Chairman: Regarding Bills to be introduced, Dr. N. B. Khare is not present. So, the House will now resume further discussion of the Bill to provide for the cremation of dead human bodies in India. Out of one hour allotted for the discussion of this

Bill, 11 minutes were taken up on the 2nd September, 1955, leaving a balance of 49 minutes for further discussion. Shri Telkikar will now continue his speech.

Shri Telkikar (Nanded): On the last occasion, I was speaking about the sanitary aspect of the problem and quoted an instance from the History of England which was more than enough to establish the potentialities, the dangerous potentialities of causing epidemics in the burial system.

Now, I shall tell you about the horrors of the system of carrying the dead body on the human shoulders. In a lecture in the Y.M.C.A. in Bangalore, Shri Tejpal gave an example of a funeral party of more than 25 persons, when the dead body was carried on the human shoulders. All the 25 or more persons died the very next day. So, there is the burial system as well as the custom of carrying the dead body on human shoulders. Both are quite insanitary and dangerous.

I shall give the opinion of some experts on this subject. One of the modern experts is Dr. H. Aubrey Husband, M.D., M.C. He writes in the *Forensic Medicine and Public Health* as follows:

"The disposal of the dead is a matter of considerable importance to the well-being of the community and so far as the burial system is concerned, the *Encyclopaedia Britannica* says that this method can be only temporary, since ultimately it is a sanitary question. The soil is gradually filled with bones and as houses crowd round cemeteries, we should recoil from the horrors of putrefaction of human flesh and the small worms that fret the dead body."

He goes on to say:

"Even Jesus Christ is reported to have said that the whites sepulchres may outwardly appear beautiful to men but within they are full of filthiness. And the

Church of England has expressly declared that the orthodoxy can have no religious objection to cremation."

So, that quotation indicates the opinion of the Christian world on this subject.

As regard economic side of the question, I would say that the system of cremation is less expensive than the other systems, especially in small villages and in cities where crematoria are provided. Though the reformers and some other people prefer the system of cremation, there are some orthodox people who object to it saying that it is a deviation from the traditional way of disposing of the dead. They are afraid to deviate from the old rut that they were following till now. But this is no innovation at all.

Now, if we look at the history of funerals, we will come to know that among the ancient nations of the world, cremation was the custom. I shall, in this connection, refer to some verses from *Atharva Veda* and *Iliad* which will go to show that not only in India but in ancient Greece and Rome and many other ancient countries, excepting of course Egypt, the custom was one of cremation generally. In India the other methods were also adopted, but they were adopted in emergencies. There are four usages for disposal of the dead body. The first verse is:

अप्रेमं जीवा बरुषन गृहेभ्यः तं नर्वहत्
परिभ्रामादितः मत्सूर्यमस्या सीहतः
प्रचेता असून पितृभ्योगमयांचकारः

The meaning is: the living should exclude the dead from their houses and convey it out of the town. Death is a blissful form of God and kindly messenger of Yama, who made his life-breath to the forefathers. I am quoting to show that we had no cemeteries in the heart of the cities. They were forbidden in olden days too. They were outside the cities. The next verse is:

श्री एष० एन० दास : प्राप वेदसे पद
रहे है या उपनिषद से ।

श्री तेलकीकर : यह एफस्ट्रिकटस में शर्मा
वद के लाया हूँ ।

ये निखाता ये परोपता ये दग्धा ये चोढता ।
सर्वास्तानमन् भावहू पिहू हू विवे भक्तवे ॥

The meaning is: There are four usages for disposal of the dead—*agnidah* or cremation; *bhumidah* or burial; *jaladah* or water burial, that is, just throwing the body into the ocean and *suryadah* which is practised by Parsis, where the body is thrown to the vultures. These were the methods which were practised in olden days. Cremation was the only custom but the other methods were adopted for emergencies only.

Then there is another verse:

इहनी युनिज्मते वमी असुनीताय वाडवे ।
ताभ्यां यमस्य सादनं समितीश्चावगच्छतात ॥

The meaning is: the vehicle used for conveying the dead body is of the type as was being used by forefathers and oxen yoked to it are helpful in taking the dead to the meritorious world of the virtuous.

There is one more verse:

अन्वञ्च प्रैतेमयुजो मियुनाः प्रवयसे ।
पीठचक्रण गौयुवजन नयन्ति ॥

The meaning is: a dead body should be conveyed in a wheeled vehicle that has a seat and drawn by the bullocks.

So, we see from these verses that the cult of carrying the dead body on human shoulders has no support in scriptures.

[SHRI BARMAN in the Chair]

The present system of carrying the body on the shoulders seems to have been adopted recently. It is very harmful to the people, because we find, especially in summer, when the body is carried over long distances,

the people have suffered much. In the monsoon they get wet and in winter they catch cold.

I shall now quote the opinion of a great Mohammedan gentleman, Abul Al Maarri, who lived in the olden days, who was born in 363 Hijiri and died in 449 Hijiri. He has said in one of his books which are found in the library of the Aligarh University, that he likes cremation of the dead which is practised in India because it is the best way for disposing of the filthiness of a dead body of a man

Mr. Chairman: May I tell the hon. Member that one hour is allotted for his Bill. He has taken 11 minutes on last occasion and has taken about 10 minutes now. If he wants the Bill to be discussed, he should conclude his speech now. Others are anxious to speak.

Shri Telkikar: I shall finish in a couple of minutes. One hon. Member—I think it was Shri Jaipal Singh—was kind enough to suggest sarcastically that he wanted an on-the-spot cremation of the Bill.

Shri Nambiar (Mayuram): The Bill requires burial.

Shri Telkikar: I shall only request the Hon'ble Member in the words of Lord Buddha, to believe.... (Interruption)

Shri Jaipal Singh (Ranchi West—Reserved-Sch. Tribes): I have a feeling that my name is being taken purposefully and not in vain. I should like to know for what purpose my name is being mentioned.

Shri Nambiar (Mayuram): That is for the burial of the Bill.

Shri Telkikar: I shall only request in the words of Lord Buddha:

"To believe not because some old manuscripts are produced to believe not because it is his national belief, or because he has been made to believe from his childhood; but to reason it all out, and after he has analysed it, then

if he finds that it will do good to one and all to believe it, to live up to it and to help others to live up to it."

With these words, I commend the Bill for the acceptance of this House.

Mr. Chairman: Motion moved:

"That the Bill to provide for the cremation of dead human bodies in India be circulated for the purpose of eliciting opinion thereon by the end of October, 1955."

Shri Mohiuddin (Hyderabad City): When I read this Bill, I was rather surprised that a Bill of this type should be introduced in the House of the People—Lok Sabha, because it contains matter which is offensive to the sentiments and to the faith of a very large percentage of the population of India. In the first instance, this Bill deals with a subject which is in the State list and I am sure that Parliament has no jurisdiction to pass such a law. Secondly, I invite your attention to the Statement of Objects and Reasons in which the author of the Bill says:

"There are two main systems prevalent in India, viz., the method of cremation, followed by a small section of the people and the burial system followed by large sections of the people in India. The burial system has in it dangerous potentialities to cause epidemics apart from cemeteries occupying land space at the cost of lands, which may well be utilised for agricultural and housing purposes."

Sub-clause (2) of clause 6 says:

"All cemeteries existing before the commencement of this Act shall belong to the Government which shall be used for the public utility purposes."

What does this mean? What are public utility purposes? This means that all the graves that are there in the cemeteries should be removed and the land should be utilised for purposes of parks or buildings. Such a suggestion coming from a Member

of Parliament, especially on this side of the House, seems to me to be extremely surprising. I do not want to use a stronger term, but I think I can say that this proposal is nothing but vandalism.

[**MR. DEPUTY-SPEAKER** in the Chair]

The whole subject of the Bill is such that if this House agrees to circulate it for public opinion, it will create a very strong feeling amongst the large number of different communities in India. I do not think that it is worthwhile considering the Bill any more nor is it worthwhile circulating it for public opinion. I propose that the Bill should be rejected and the whole question dropped without any further consideration...

Shri Nambar: Without any ceremony.

Shri C. R. Iyyanni (Trichur): In the first place I wish to say that the Parliament has absolutely no right to discuss this Bill at all, for the simple reason that it comes within the State List. Entry No. 10 of the State List mentions "Burials and burial grounds; cremation and cremation grounds". Therefore, the Parliament has absolutely no right to discuss a matter of this kind and pass it. That is my first objection. Unless there is a ruling upon the matter, there is no need for me to go further. If the ruling is that the Parliament has absolutely no right to discuss this matter, then there is no use in proceeding further.

Secondly, I wish to say that a Bill of this nature will generally wound the feelings of a very large number of people in this country. Therefore, it will not be proper for this Bill to be discussed and passed. It is conceded in the Statement of Objects and Reasons by the mover of the Bill that the burial system is followed by large sections of the people of India. Now, taking it for granted that we human beings change the practice of burial and cremate dead bodies, what about the animalkind? If they also are not cremated, what is the advantage that we are going to derive?

[Shri C. R. Iyyunni]

I can understand it if it is viewed from the point of view of sanitation or public health. But nothing is said on this matter. It is not exactly a question whether it is beneficial to public health or sanitation; that is not the point. The only point which appears to me is merely to create a general feeling of hostility between one community and another; nothing more. There are Mohammedans, Christians and Hindus who bury the dead bodies. A very large section amongst the Hindus bury the dead bodies. They do not cremate the dead bodies. Purely from the abstract point of view, one might say that cremation is always good. I do not see anything against it; but the point is, what exactly is the benefit that is going to be derived because of this partial cremation of dead bodies?

Shri Nambiar: Election stunt.

Shri C. R. Iyyunni: I do not know what it is. I cannot say. Somehow or other, it seems to me that this is intended to create bad blood among the people. We say, ours is a secular republic, and we are not generally interested in matters religious and spiritual and things of that kind. At the same time, when Bills of this nature are brought, I do not know what is exactly at the back of the mind of the Mover.

There is one interesting matter about this Bill. It says that all cemeteries existing before the commencement of this Act shall belong to the Government which shall be used for public utility purposes. Is it a question of confiscation of property? As a matter of fact, in the U.S.A., much of the troubles that have arisen between the Red Indians and the U.S.A. people is due to this reason. Many places where their big people or chieftains had been buried, have been taken away without their knowledge. The result is there have been fights. Especially among the Christians and others who have buried the dead, the feeling is that that is considered to be sacred ground. Should

the Government take over the property without paying compensation? There are so many things. It is a question of confiscation. Such of those places where the dead bodies have been buried, would be taken simply by making a statement that they would be taken away. I can understand acquisition of property. Certainly there must be some principle. What is the purpose? It is said, public utility purpose. What is public utility purpose, I cannot understand. Are they going to convert them into paddy fields so that there may be greater production?

Shri Nambiar: Construction of railways.

Shri C. R. Iyyunni: Is it a case of increase of water resources or anything else? It appears to be very ill-conceived. I may say that it is intended to create unnecessary ill-feeling between communities and communities and between the people. I beg to submit that, in the first place, this Bill cannot be taken up here for the simple reason that it comes within the State List and not under the Union List or the Concurrent List. I stoutly oppose this Bill.

Mr. Deputy-Speaker: Shri Jaipal Singh.

Shri S. C. Samanta: May I submit, Sir, a constitutional point has been raised by Shri C. R. Iyyunni that this comes within the State List. May I submit to you that that should be settled first and then we may proceed.

Mr. Deputy-Speaker: The hon. Member may go on. In all these cases, the final arbiter is Parliament. This will also be taken into consideration that this subject is in the State List, along with the merits. If it is weak on merits, you must turn to the law.

Shri Nambiar: We are strong on merits.

Shri Jaipal Singh: I thank you for giving me this opportunity which was very unexpected. I thank you once again for giving me this opportunity which gives me an opportunity to request the Mover of this Bill to cremate himself and to cremate this Bill with himself.

Mr. Deputy-Speaker: Order, order. However good the hon. Member may be, this is very wrong. What is the meaning of the hon. Member asking him to cremate himself? I am afraid it is very wrong.

Shri Jaipal Singh: I am sorry I put it the wrong way round.

Mr. Deputy-Speaker: Unless he expresses regret, I cannot allow this to remain on record. There is no meaning in this. For various reasons, the Bill may have been brought; it may be right or wrong. It may not be accepted. I never thought that Shri Jaipal Singh would do this.

Shri Jaipal Singh: May I offer my deepest regret? I think in my enthusiasm to oppose this Bill I have used the wrong language.

Mr. Deputy-Speaker: Very well.

Shri Jaipal Singh: I oppose this Bill wholeheartedly. I am very surprised that such a Bill should come up before this House.

We have declared ourselves to be a democracy. In a democracy, we have to hear every point of view. In this particular case why I feel very strongly is,—I hope you will bear with me—in the constituency that I happen to represent, there are a variety of burial ceremonies. Some of my people bury the dead, and bury them flat. In areas like Darjeeling, where there is scarcity of space, they bury them vertically. Where there is plenty of space, they bury them horizontally. If you come to the Santhal Parganas, they cremate them. The fact is that there is no one way of disposing of the dead.

This Bill is an endeavour, an impossible endeavour, an iniquitous endeavour, a most undemocratic endeavour to make us all one and behave in the same way, and to say that there shall be no other form of disposal of the dead except by cremation. I wish my hon. friend who has brought this Bill had a little more feeling for the people who do not like this particular form of cremation. He forgets that India is a diverse country. I am not talking religiously. That is immaterial to me. To me, personal feeling, is the human aspect is far more important than the economic aspect. Where would be the history of India if everything had been cremated? Today, we go back to whatever we can get at about India's ancient past because the people were not cremated. I want my friend not merely to agree with me on the historical basis. All that I say to him is this. Does he want that everyone should agree with him on this particular basis? My friend here talked of animals. Animals are also important. If you have a pet animal, you may put up a monolith or something like that because of that pet animal. On the other hand, you may have a brother or sister and you want no vestige of your brother or sister to remain behind. You may say, all right, let us burn him or her so that nothing is left behind.

5 P.M.

My point is this. Do you want to survive in a realm of unity in diversity or do you want us to standardise ourselves so that every one should have long hair or no one should use soap and so on? Do you want that? Do we not take pride in the historical traditions of this country where every viewpoint has had a place, where there has been a niche for the contrary view even in regard to the disposal of the dead? To my mind, whether it is in regard to the disposal of the corpses, or in regard to languages or cultures or religions, we have taken a very very firm stand

[Shri Jaipal Singh]

that the rest of the world has to respect, that is peaceful coexistence. It is not a question of cemeteries, of crematoriums or exposing the corpses to the elements as the Zoroastrians do. It is none of that, but we feel that the future of this great Republic of ours lies in our reaction to practical peaceful coexistence. That is to say, we do not force our own feelings on everybody else, but we accommodate ourselves to everybody else. If I may insist on this, I do ask the Mover of this to withdraw this completely unacceptable Bill, and tell him that it is about high time that he imbibed at least the most elementary principles of Panch Shila. This Bill goes completely against the principles of Panch Shila which, of course, we are trying to show to the rest of the world, but to the rest of the world these five principles have no meaning whatever unless we ourselves are witnesses, unless we ourselves practise them. It is not a question whether I am to be cremated or this Bill is to be cremated or somebody else is to be cremated. That is not the question. The question is: what am I asking somebody else to do? Let me not ask anyone to do something which I myself do not want. May I repeat again: I make a humble request through you that this Bill be withdrawn because it is directly contrary to the democratic principles of the Republic of India.

Mr. Deputy-Speaker: May I ask the hon. Mover of this Bill how he has brought it before this Parliament when it is in Entry No. 10 in the State List? If there is a doubt I leave it to the House, but otherwise it is patent as I ruled out the amendments some time ago of Shri V. P. Nayar regarding certain items which were sought to be introduced in the motion on economic policy on the ground that those items all come under the State List. Likewise, if they are patently in the State List I would ask the hon. Member to show why this House has got jurisdiction. If there is any doubt I leave it to the

House. If there is no doubt on that matter, I say it ought not to be moved.

Shri Telkikar: In the beginning there was some objection that it was *ultra vires*, but I would read article 25 and then proceed to the Lists later on. The conditions laid down in article 25 are:

“(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.”

Of course, the Constitution-makers in their wisdom knew that there would be some reform and they would have to go against some of the wishes of the people. So, they provided that though there is some custom or practice which is a religious practice, if it is harmful to the public at large, that can be changed.

Then, provision (2) in the article says:

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

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

Now, funeral reform is a secular activity associated with religious practice. So, there is no prohibition to make law. The only question is whether it is a State subject or a Union subject. Now, I shall come to that.

Shri Namblar: Article 25 suggests....

Mr. Deputy-Speaker: Order, order. There must be some order. What is the hurry. This Bill is not passed the moment it is introduced. There

need be no hurry or excitement over this matter.

Shri Telkikar: Article 25(2) (b) again provides for social welfare, reform etc.

Mr. Deputy-Speaker: The point is, article 25 gives freedom of religion and the right to practise it subject to order, morality etc. It is on grounds of religion that this practice has been followed. Hon. Member wants to say this is opposed to health and therefore can create an exception. Even assuming that this argument is sound, which is the forum where he has to agitate it? That is the main point. How does it come here?

Shri Telkikar: I will come to that. Naturally one goes to the State List one finds items 6 and 10, and the words are so clear that because the Bill relates to cremation, they say cremation or whatever relates to cremation is in the State List. We are not going by the very words. We should know what the Bill seeks to achieve.

Mr. Deputy-Speaker: Public health also is in the State List.

Shri Telkikar: Yes, both of them are in the State List. I refer you to item No. 20 in the Concurrent List. The item in the State List refers only to local conditions of cremation and so on, but the sanitary question is wider, relates to the whole of India.

Mr. Deputy-Speaker: Economic and social planning. Cremation is the end of all planning.

Shri Telkikar: It may appear far-fetched, but we have provided for economic and social planning. What do we mean by social planning? We want to change social customs, and if we can reform them, that becomes a subject of the Concurrent List.

Mr. Deputy-Speaker: Is there any other entry on which he relies?

Shri Telkikar: No entry.

Mr. Deputy-Speaker: Will the hon. Minister say something on this point?

The Deputy Minister of Health (Shrimati Chandrasekhar): On this point, I think, from what the other Members have said, that it is *ultra vires* of the Constitution.

Shri Jaipal Singh: Before the Deputy Minister goes on, I would like to have a clarification. If you will forgive me and be as patient as you usually have been, you asked the Mover of this Bill as to why he introduced it. I hope you accept that. You did ask him just now....

Mr. Deputy-Speaker: No, no. It is not on the facts. I asked him how he introduced it. Possibly the word "why" is wrong. I asked him how he introduced it in this House. That is the only question. It is not "why", but "how".

Shri Jaipal Singh: If "how", may I ask why it was accepted?

Mr. Deputy-Speaker: That is another matter. The practice in this House is that unless exception is taken at the first reading, normally the first reading is allowed to go unopposed. If the hon. Member had been equally vigilant in the first reading, possibly it would have been thrown out. I am not in a position to say what would have happened. Therefore, normally in the first reading no Bill is opposed. There are Bills which are opposed in the first reading. It might have been opposed.

Shri A. M. Thomas: But we do not know the contents of the Bill at the first reading stage.

Mr. Deputy-Speaker: I am not taking anybody to task. Shri Jaipal Singh asked how it had been accepted. The House does not look into it normally unless an hon. Member brings it to the notice of the House, takes note, and asks the House to divide on that particular matter. Now it is all old history. I only wanted him to explain to us how it comes within the jurisdiction of this House, not why. "Why" is wrong.

Shri Telkikar rose—

Mr. Deputy-Speaker: He has said enough. The hon. Deputy Minister may be assisted by the other hon. Minister also by her side.

Shrimati Chandrasekhar: He can come at a later stage if there is necessity.

I can tell you the reason why we oppose it. He says that the Bill proposed is a social and economic piece of legislation of all-India importance, and that is why it comes under item 20 of the Concurrent List, and is also a permissible exception to article 25 of the Constitution. The Health Ministry in consultation with the Law Ministry have examined the legal position of the Bill. Even you, Sir, said and the Members of the House also feel that the burial and burial grounds, cremation and cremation grounds, come under item 10 of the State List. Therefore, the subject-matter of the Bill is not governed by Entry No. 20 of the Concurrent List, and therefore the Lok Sabha is precluded from enacting legislation of this kind, especially for territories in Part A and Part B States unless the procedure prescribed in articles 249 and 250 of the Constitution is followed, or under article 252 all the States request the Lok Sabha to legislate for this purpose. Unless there are such provisions, I do not think the Lok Sabha is competent enough to enact any legislation on this subject.

Mr. Deputy-Speaker: But this Bill can apply to the Part C States.

Shrimati Chandrasekhar: There are other discrepancies also. Even if the Bill becomes the law of the land, clauses 4 and 5 are likely to be declared void under article 13 (2) of the Constitution.

Mr. Deputy-Speaker: We shall go into those particular clauses later on.

Now, what emerges from the discussion is this. When there is a clear provision in the Constitution in respect of burials and burial grounds, and cremation and cremation grounds

it is no good falling back upon a general Entry like economic and social planning, when there is a doubt.

Any law that is passed here will be confined in its operation only to the Part C States. Originally I had thought that the whole thing can be thrown out on the ground or on the interpretation that when there is a clear Entry in the Constitution, we ought not to allow a legislation like this to be passed here. But Parliament has got jurisdiction over the Part C States. To that extent, the House can pass this Bill if it so likes.

Now, about one hour has been taken already on this Bill. I shall now put the motion to vote both on its merits and also on the legal aspects of it. To whatever little area it can apply, it may apply. Does the hon. Minister want to say anything more?

Shri Telkikar: I would like to say something in reply.

Mr. Deputy-Speaker: I know that the hon. Member has got the right of reply.

Shri Nambiar: He is not replying now. (Interruptions).

Mr. Deputy-Speaker: Order, order. Hon. Members should not give directions like this to the Chair. I am unable to know who is regulating the debate here.

Shri A. M. Thomas: Moreover, Shri Nambiar is not in his usual seat.

Mr. Deputy-Speaker: Order, order. The hon. Member need not give directions to the Chair or to the House as to what it ought to do.

Does the hon. Deputy Minister want to say anything more?

Shrimati Chandrasekhar: I do not think I have anything more to say besides what the other Members have said.

Shri Telkikar: I shall most humbly submit to this august House that this is only a motion for circulation.

Mr. Deputy-Speaker: The hon. Member has explained sufficiently about the legal position. Now he may come to economic and social planning.

Shri Telkikar: This is only a motion for circulation, by which we shall be able to assess the public opinion on the subject, and we shall be able to know how far the country favours the reform.

I expected that some people may get angry with this measure, just as my hon. friend Shri Mohiuddin got angry. But it generally happens that, whenever there are any reforms, they are surprising to those who follow the old methods, and therefore those persons get angry. That is quite natural. I was not at all surprised to find that here.

But what I want to say is that there is nothing very dogmatic about this Bill. This Bill can be changed, if necessary. We have already got one example of this in the Code of Criminal Procedure (Amendment) Bill. It was altered to such an extent that it was not even recognisable at the end as the original Bill. The same thing can be done in this case also. The provisions of this Bill go to say that this Bill may be applicable to foreigners also, who are residing here. Perhaps the House may not like to apply it to foreigners. We may delete that provision in that case.

There is another provision in the Bill which says that only the cremation system should be adopted. We may restrict the application of that provision to all the Hindus only. If the country is not favourable even to that, then we may have only the provision that the system of carrying the dead body on the shoulders may be abolished, and that it may be carried in hearses.

Mr. Deputy-Speaker: Is it also one of the clauses here that corpses ought not to be carried by human beings?

Shri Telkikar: Yes, Sir, it is there in clause 6.

Mr. Deputy-Speaker: I have no quarrel with the hon. Member. I only wanted to know.

Shri Telkikar: I would like to tell hon. Members that even in Karachi, where there is not a secular Government, they have closed down all the cemeteries in the heart of the city, and they have said that the cemeteries should be outside the city. This was done on the ground of sanitation. I would therefore say that we may also proceed in the same direction.

This motion is only for the circulation of the Bill for eliciting public opinion thereon. I hope therefore that the House will adopt this motion.

Mr. Deputy-Speaker: The question is:

“That the Bill to provide for the cremation of dead human bodies in India be circulated for the purpose of eliciting opinion thereon by . . .”.

By what date does the hon. Member want that the Bill may be circulated?

Shri Telkikar: There are two amendments to this motion, one by Shri Pocker Saheb and the other by Shri N. B. Chowdhury, seeking to extend the period up to the end of December 1955. Shri Pocker Saheb does not seem to be against this Bill. He only wants that more time may be given for circulation.

Shri C. R. Iyyunni: May I know what exactly is your ruling regarding the preliminary objection that I had raised, namely that Parliament has no jurisdiction to proceed with this Bill?

Mr. Deputy-Speaker: That is true. The hon. Member has raised that point. I wanted to ascertain from the hon. Mover the exact position, for this item is found in Entry No. 10 of List II in the Seventh Schedule. But as against that, Parliament has got jurisdiction over the Part C States. To that extent, this Bill can have limited application. To the extent it can be valid, it will be valid. It cannot be ruled

[Mr. Deputy-Speaker]

out on the ground that it is a State subject, or that it comes under the State List, because we have got jurisdiction over State matters also, so far as Part C States are concerned. On the substance, it is open to the House to throw this Bill out.

Should I put the amendments of Shri Pocker Saheb and Shri N. B. Chowdhury to vote?

Shri Pocker Saheb (Malappuram): I am not moving it.

Shri N. B. Chowdhury: I am not moving it.

Mr. Deputy-Speaker: So, only the original motion is to be put to vote.

The question is:

"That the Bill to provide for the cremation of dead human bodies in India be circulated for the purpose of eliciting opinion thereon by the end of October, 1955."

The motion was negatived.

INDIAN CONVERTS (REGULATION AND REGISTRATION) BILL

Shri Jethalal Joshi (Madhya Saorashtra): I beg to move:

"That the Bill to regulate conversion and to provide for registration and licensing of persons aiding any person to become a convert, be taken into consideration."

I crave the same indulgence of this House as was shown to me at the time of the introduction stage of this very Bill. Now, this is the fag end of this day, and the fag end of this Session, and the darkness is drawing nearer. I feel that generally the conversions take place in the dark regions and in the dark hours of poverty, of ignorance, of backwardness, and of distress of the poor people. It is therefore in the fitness of things that I am required to move

for the consideration of this Bill at this hour.

While doing so, I should say that I am not actuated by any narrow sectarianism or any dogmas of any religious principles. I may again say that the first book of religion which I have read is the Bible.

The *Pilgrim's Progress* written by Bunyan has left a very great impression, and a lasting impression, upon my life. I may therefore say that while I am bringing this Bill forward, there are certain things which the Christian missionaries are carrying on which, to my mind, are against the very principles of their religion.

The Statement of Objects and Reasons of the Bill says:

"Religious conversion is often resorted to, to achieve objects which are improper. There is at present no machinery available to furnish correct statistical information on this subject".

This is borne out by a few lines in the *Census of India*, Paper II 1953, 'Religion—51'. It is mentioned therein that the growth of a community depends upon three factors natural increase, migration and conversion. It is, however difficult to assess the weightage of each factor separately. Now, out of these three, we know that there is a register maintained for the births and then for migration to foreign countries, we have also sources for assessing the figures, I mean the visas, permits or passports. But there is no source to assess how far conversions take place. In this Census Report at every page, it has been stated that conversions have been carried on on a large scale—I mean *en masse* or on a mass scale....

Shri Punnoose (Alleppey): Which book is the hon. Member referring to?

Shri Jethalal Joshi:on a big scale. In Bihar, in 1921, the number