

Block 73
LOK SABHA DEBATES No. 25575

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Tuesday, 8th May, 1956.

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11.31 A.M.

RELEASE OF A MEMBER

Mr. Speaker : I have to inform the House that I have received the following letter dated the 5th May, 1956 from the Chief Presidency Magistrate, Calcutta :

"I have the honour to state that Shri Tushar Chatterjea, Member of the Lok Sabha, has, this day (on the 5th May, 1956), been discharged from the case. Orders have been issued by this Court directing the Superintendent of the Presidency Jail to release him at once."

ARREST OF MEMBERS

Mr. Speaker : I have to inform the House that I have received the following telegram dated the 7th May, 1956, from the Deputy Commissioner of Police, Central District, Calcutta:

"I have the honour to inform you that Shri Bhajahari Mahata and Shri Chaitan Majhi, Members, Lok Sabha, have been arrested today, the 7th May, 1956, at 15-15 hours in Calcutta in connection with Hare Street Police Station Case No. 458 under sections 143/145/186 Indian Penal Code and section 11, West Bengal Security Act. They were produced before the Presidency Magistrate and remanded to jail custody."

HINDU SUCCESSION BILL—contd.

Clause 25.—(Special provision respecting dwelling houses)

Mr. Speaker : The House will now take up further clause by clause consideration of the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha.

For clauses 24 to 26, time allowed is 2 hours, time taken is 27 minutes and the balance left is 1 hour 33 minutes. For clauses 27 to 33, time allowed is 1 hour 30 minutes, and for the third reading, 2 hours.

Shri Sadhan Gupta will now continue his speech.

Shri Sadhan Gupta (Calcutta South-East) : I was explaining my amendment No. 219 by which I was seeking to make a slight amendment of clause 25. The material part of clause 25 reads thus :

"Where a Hindu intestate has left surviving him or her both male and female heirs specified in class I of the Schedule and his or her property includes a dwelling house wholly occupied by members of his or her family, then, notwithstanding anything contained in this Act, the right of any such female heir to claim partition of the dwelling-house shall not arise until the male heirs choose to divide their respective shares therein;"

The female heir's right to claim partition has been restricted or has been taken away if the dwelling-house left by the intestate is wholly occupied by the members of the intestate's family. When the right of partition is conferred, then the only condition is that it will arise when the male heirs choose to divide their respective shares therein. Suppose the male heirs do not choose to divide their respective shares but they cease to occupy the dwelling-house wholly and they let out a part of it for rent, then under these circumstances,