

[Shri Altekar]

unwittingly in favour of women. According to the provisions of the Bill, a widow can succeed fully to her husband if there is no issue, but if the wife dies and there is no issue, the husband is not entitled to succeed to the property of his wife. That is what we find in clause 17(2)(a). The property in the case will go to the father's heirs.

If there is a widow and she succeeds to her husband or her father-in-law she can succeed to it completely and then remarry and take the property to the new family, but if she inherits property from her husband's brother or his son or any other coparcener, according to the provisions laid down here it is not the husband's heirs who would succeed to that, but her father and her father's heirs.

Then, according to clause 10(4), if there is a pre-deceased daughter and the property is to be divided in the branch of that daughter, then the persons whom the property will go are her sons and daughters, the husband does not find any place there, but in the case where there is a pre-deceased son, the property is to be divided between his heirs, that is, sons and daughters and the widow. There, the widow comes in, but in the other case the husband does not come in. I have no quarrel with the provision, but I am only pointing out that discrepancies or rather inequalities have crept into the Bill which has been brought to bring about equality.

We should frame the law in such a way that we should give equal rights to a woman in the property of her husband. A daughter who is unmarried can take a share of her father's property, but after her marriage, the property should revert to her brothers. If there are no sons, no grandson etc., she would succeed completely, even if she is married. That should be the position.

Now I come to the last question with respect to joint family property. This Bill was originally intended to give inheritance in cases where there was no joint family. Self-acquired property and separate property was intended to be affected. But now, that provision has been changed in this fashion. If it is intended that the joint family property of the Mitakshara system should not continue, then let us in an honest and straight forward way say that we do not want this system and that the Mitakshara family system should be done away with. But this sort of tinkering with the Mitakshara family

system by the back-door is not desirable. The Minister of Legal Affairs has said that he has not touched at all the Mitakshara joint family system, but I humbly beg to submit that that is not a correct statement. The Mitakshara family system has been attacked. The daughter cannot take a right in the property of the father, unless the right by birth of her brother is set at nought, and the whole property is brought in the pool, in order that the property should be divided, and she should have a share. So, that position has been attacked. If it is to be done, then I would like that it should be done in a very honest and straightforward way, by bringing it to the notice of the public, and having their opinion on this question. That would be the proper and correct way of doing the thing.

I would like to point out one discrepancy that has crept in, and that is that the Explanation to clause 6 is against the law of Mitakshara. By that proviso, we are laying down a proposition which is against the Mitakshara law. While by clause 6 we are giving a share by computing the share of the undivided son, what are providing by clause 32 is the right to make a will or gift. But the interest defined in clause 32 will be only the interest of the father, but so far as clause 6 is concerned, the interest will be the interest of the father as also of the undivided son. So, we find that these two things are inconsistent. In order to make them consistent, the explanation to clause 6 will have to be removed.

LIFE INSURANCE CORPORATION
BILL
PRESENTATION OF REPORT OF SELECT
COMMITTEE

Shri B. G. Mehta (Gohilwad): I beg to present the Report of the Select Committee on the Bill to provide for the nationalisation of life insurance business in India by transferring all such business to a Corporation established for the purpose and to provide for the regulation and control of the business of the Corporation and for matters connected therewith or incidental thereto.

EVIDENCE TENDERED BEFORE SELECT
COMMITTEE

Shri B. G. Mehta: I beg to lay on the Table a copy of the evidence tendered before the Select Committee on the Life Insurance Corporation Bill, 1956.