

of life of the parties. In short, it is out of a great category of circumstances, small in themselves, that a safe and reasonable induction is to be made by a court of law in arriving at a fixed sum."

Clauses 24 and 25 do not call for any comments as they are the normal features of a law of maintenance.

Clause 26 is in consonance with the existing law under which the claim even of a widow for maintenance is not a charge upon the estate of a deceased husband, whether joint or separate, until it is fixed and charged upon the estate. The charge can be created by a decree of a court or by an agreement between the widow and the holder of the estate or by the will by which the property was bequeathed.

Clauses 27 and 28 are in consonance with the existing state of law governing such matters.

This is the last part of the Hindu Code. As I said, this is mostly non-controversial and I can assure all hon. Members that this has been brought forward keeping in view the sentiments of every class of people in this country. The main objection to the Bill is for enabling the daughter to be adopted. As a matter of fact, I can say that it does not interfere with any of the views of the people, because if a man wants to adopt a child for the purpose of offering oblations, there is nothing to prevent him from adopting a daughter. Also, it is in conformity with the existing state of society and the changes that have come about. It is quite possible that a person may desire to adopt his neighbour's daughter who has lost her parents. I do not know what will be the hardship if a daughter is adopted. The law would not interfere with the joint family and so on, because such persons will not adopt daughters. If there is a provision in this Bill enabling somebody who wants to adopt a daughter to do so, it is not in conflict with any idea or belief. As for those who depend more upon the traditions of our *shastras*, I might say that the great

commentator Dattaka *Mimansa* has given room for the adoption of a daughter. It is as a result of wrong readings of some of the original Sanskrit texts that we have regarded the adoption of a daughter as something which is irreligious. I cannot quote a better example than the great man, Dasaratha, father of Prabhū Ramachandra, who himself gave his daughter in adoption to a friend who had no child. Beyond that, I do not think that there is anything controversial about this Bill.

So far as maintenance is concerned, the provisions in the Bill are only the normal features of the law of maintenance with some slight modifications. This is more or less a non-controversial measure and I hope that this Bill will be passed without any dissentient voice.

Mr. Chairman: Motion moved:

"That the Bill to amend and codify the law relating to adoptions and maintenance among Hindus, as passed by Rajya Sabha, be taken into consideration."

MOTIONS RE MODIFICATION OF LIFE INSURANCE CORPORATION RULES—Contd.

Mr. Chairman: The House will now take up the motion which had been held over. I shall put motion No. 2 of Shri Sadhan Gupta.

The question is:

This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following rules be substituted for rule 14 of the Life Insurance Corporation Rules, 1956, laid on the table on the 20th November, 1956:

"14. Corporation to constitute Employees and Agents Relations Committees.—The Corporation shall constitute for each zonal office an Employees and Agents Relations Committee consisting of—

Rules

[Mr. Chairman]

(a) five representatives of the employees of the Corporation elected in accordance with the provisions of rule 14A;

(b) three representatives elected to the provisions of rule 14B, and

(c) not more than five representatives of the Corporation to be nominated by the Corporation.

14A. *Election of employees representatives.*—(1) The five representatives of the employees shall be elected in the following manner:

(a) The employees employed in each office under the zonal office shall elect by secret ballot one representative for every one hundred of such employees or part thereof exceeding twenty:

Provided that where the number of such employees is twenty or less, such employees shall be entitled to elect one representative.

Explanation.—For the purposes of this clause 'employees' means employees who are workmen as defined in the Industrial Disputes Act, 1947 or employees employed as inspectors.

(b) The representatives elected under clause (a) shall elect by secret ballot, five persons for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an employee of the Corporation, shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Committee under clause (b) of sub-rule (1) unless he is a member of a trade union of any section of employees under the zonal office.

14B. *Election of agent representatives.*—(1) The three representatives of the agents shall be elected in the following manner:

(a) The agents shall elect by secret ballot one representative for

every thirty agents or part thereof exceeding fourteen, operating in areas covered by each divisional office under the zonal office in such manner as the Corporation may determine.

(b) The representatives elected under clause (a) shall elect by secret ballot three representatives for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an agent shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Relations Committee under clause (b) of sub-rule (1) unless he is a member of any association, the objects of which include the promotion of the interest and welfare of agents and of which agents are entitled to be members.

14C. *Election of Chairman of the Employees and Agents Relations Committee.*—The persons constituting the Employees and Agents Committee shall elect one amongst themselves as Chairman of the said committee."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Those in favour will say 'Aye'.

Some Hon. Members: Aye.

Mr. Chairman: Those against will say 'No'.

Several Hon. Members: No.

Mr. Chairman: The 'Noes' have it.

Shri Sadhan Gupta: The 'Ayes' have it.

Mr. Chairman: The bell may be rung.

14-38 hrs.

[MR. DEPUTY SPEAKER in the Chair]

Mr. Deputy-Speaker: I will again put Shri Sadhan Gupta's motion to the vote of the House. Those in favour will kindly stand in their seats. I see 10 hon. Members standing,

namely, Shri M. K. Moitra, Shri K. K. Basu, Shri V. P. Nayar, Shrimati Renu Chakravarty, Shri A. K. Gopalan, Shri M. S. Gurupadaswamy, Shri Raghavachari, Shri Ramji Verma, Dr. Jaisoorya and Shri Sadhan Gupta.

Those against will kindly stand in their seats. I see a large number. So, the motion is lost by an overwhelming majority.

The motion was negatived.

Shri Sadhan Gupta: You are against democracy for employees!

Mr. Deputy-Speaker: That is a different matter. Here the issue is limited, namely, whether the motion is lost or accepted.

The other motions have already been disposed of.

HINDU ADOPTIONS AND MAINTENANCE BILL—Contd.

Mr. Deputy-Speaker: The House will now proceed with the discussion of the Hindu Adoptions and Maintenance Bill.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ—मध्य) : माननीय अध्यक्ष महोदय, इस बिल की मुख्य बात यह है कि अब हिन्दू समाज लड़की को भी गोद ले सकेगा और लड़की को भी अपने गोद लेने वाले पिता की सम्पत्ति में उस की जाई हुई पुत्री के समान अधिकार होगा। इस बात से तो मैं बिल्कुल सहमत हूँ और मैं इस को सहृदय स्वीकार करती हूँ।

अभी हमारे माननीय मंत्री जी ने कहा कि सदस्यों को सेंटिमेंटल नहीं होना चाहिये और इस बिल को पाम कर देना चाहिये। मैं इस बात में तो सेंटिमेंटल नहीं हूँ, परन्तु यह अवश्य कहना चाहती हूँ कि जैसी कि कहावत है कि पंच परमेश्वर होता है, पंचों की जो आवाज होती है उस में भगवान वास करता है। जब कौंसिल आफ स्टेट के सदस्यों ने इस बिल पर अच्छी तरह से विचार कर

के और संशोधन कर के इस को सर्वसम्मति से पास कर दिया तो मैं उन के निर्णय के विपरीत कहने का साहस नहीं कर सकती। दूसरे सदन में बहुत बड़े बड़े कानून के ज्ञाता हैं और धरंधर पंडित हैं।

उपाध्यक्ष महोदय : मगर यहाँ तो दावा है कि यहाँ और भी ज्यादा पंडित हैं।

श्रीमती शिवराजवती नेहरू : उन के निर्णय में त्रुटि निकालना या छिद्र देखना मैं समझती हूँ कि सूर्य को चिराग दिखाने के बराबर है।

पंडित ठाकुरदास भार्गव (गुड़गांव) : तो आप इस हाउस को बन्द कर दें।

श्रीमती शिवराजवती नेहरू : परन्तु फिर भी, इस बिल को पढ़ कर मेरे मन में कई शंकाएँ उठती हैं और मेरा यह अधिकार है कि मैं उन को माननीय न्याय मंत्री जी के सामने रखूँ और उन से कहूँ कि वह उन को दूर करें और इस बिल में जो नियम उन्होंने ने बनाये हैं उन का सही सही अभिप्राय मुझ को समझा दें।

एक जो सब से पहला नियम है, जिस के सम्बन्ध में मैं ने संशोधन दिया है, यह है कि अधिक से अधिक १५ वर्ष की आयु तक के बालक को गोद लिया जा सकता है। मैं सेंटिमेंटल नहीं हूँ, लेकिन मैं समझती हूँ कि १५ वर्ष तक के बालक को गोद लेने का नियम जो इस कानून में रक्खा गया है वह कामनसेंस, प्राकृतिक नियम और सांसारिक विचार, इन तीनों विचारों से अनुचित दिखाई देता है। गोद लेने का जो शब्द है, वह ऐसा शब्द है जिस से ऐसा मालूम होता है कि ऐसे बच्चे को गोद लिया जाय जिस को माता अपनी गोद में उठा सके। माता पिता जब बच्चे के लिये काठ उठाते हैं, उस का लालन पालन करते हैं और जब वह तोतली जबान से माता कहता है, जब कोमल और मधुर शब्द बोलता है, तभी माता पिता के हृदय में उस के लिये प्रेम उमड़ता है। प्रेम वास्तव में किसी बच्चे के पेट में भ्रान्ते से नहीं होता है बल्कि उस के प्रति प्रेम माता पिता