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| ıtil, Shri S. K. | Roy, Shri Bishwa Nath | Sinha, Shri K. P. |
| Patil, Shri Shankargauda | Rup Narain, Shri | Sinha, Shri Nageshwar Prasad |
| Pawar, Shri V. P. | Sahu, Shri Bhagabat | Sinha, Shri S. |
| Pillai, Shri Thanu | Sahu, Shri Rameshwar | Sinha, Shri Satya Narayan |
| Prabhakar, Shri Naval | Saksena, Shri Mohanlal | Sinha, Shri Satyendra Narayan |
| Rachiah, Shri N. | Saksena, Shri S. L. | Sinha, Shrimati Tarkeshwari |
| Radha Raman, Shri | Samanta, Shri S. C. | Sinhasan Singh, Shri |
| Raghavachari, Shri | Sanganna, Shri | Snatak, Shri |
| Raghubir Sahai, Shri | Sankarapandian, Shri | Sodhia, Shri K. C. |
| Raghbir Singh, Ch. | Sarmah, Shri Debeswar | Subrahmanyam, Shri K. |
| Raghunath Singh, Shri | Satyawadi, Dr. | Subrahmanyam, Shri T. |
| Raghuramaiah, Shri | Sen, Shri P. G. | Subramania Chettiar, Shri |
| Rahman, Shri M. H. | Sen, Shrimati Sushama | Sundaram, Dr. Lanka |
| Raj Bahadur, Shri | Sewal, Shri A. R. | Sunder Lal, Shri |
| Rajabhoj, Shri P. N. | Shah, Shri C. C. | Suresh Chandra, Dr. |
| Ramanand Shastri, Swami | Shah, Shri Raichandbhai | Swami, Shri Sivamurthi |
| Ramananda Tirtha, Swami | Shah, Shrimati Kamlendu Mati | Tandon, Shri |
| Ramasami, Shri M.D. | Shahnawaz Khan, Shri | Tek Chand, Shri |
| Ramaseshaiah, Shri | Shakuntala, Shrimati | Tewari, Sardar R. B. S. |
| Ramaswamy, Shri P. | Sharma, Pandit Balkrishna | Thimmaiah, Shri |
| Ramaswamy, Shri S. V. | Sharma, Pandit K. C. | Thomas, Shri A. M. |
| Ram Dass, Shri | Sharma, Shri D. C. | Tivary, Shri V. N. |
| Ramnarayan Singh, Babu | Sharma, Shri K. R. | Tiwari, Pandit B. L. |
| Ram Saran, Shri | Sharma, Shri R. C. | Tiwari, Shri R. S. |
| Ram Shankar Lal Shri, | Shastri, Shri Algu Rai | Tiwary, Pandit D. N. |
| Ram Subhag Singh, Dr. | Shastri, Shri R. R. | Tripathi, Shri H. V. |
| Ranbir Singh, Ch. | Shivananjappa, Shri | Tripathi, Shri V. D. |
| Rane, Shri | Shobha Ram, Shri | Tyagi, Shri |
| Ranjit Singh, Shri | Shriman Narayan, Shri | Uikey, Shri |
| Rao, Shri B. Shiva | Shukla, Pandit B. | Upadhyay, Pandit Munishwar Dutt |
| Rao, Shri K. S. | Siddananiappa, Shri | Upadhyay, Shri Shiva Dayal |
| Rao, Shri P. Subba | Singh, Shri D. N. | Upadhyaya, Shri Shiva Datt |
| Rao, Shri Rajagopala | Singh, Shri D. P. | Vaishnav, Shri H. G. |
| Rao, Shri Seshagiri | Singh, Shri H. P. | Vaishya, Shri M. B. |
| Rao, Shri T. B. Vittal | Singh, Shri L. Jogeswar | Varma, Shri B. B. |
| Raut, Shri Bhola | Singh, Shri M. N. | Varma, Shri M. L. |
| Ray, Shri B. K. | Singh, Shri R. N. | Veeraswamy, Shri |
| Reddi, Shri Eswara | Singh, Shri T. N. | Verma, Shri B. R. |
| Reddi, Shri Ramachandra | Singhal, Shri S. C. | Vidyalankar, Shri A. N. |
| Reddy, Shri B. Y. | Sinha, Dr. S. N. | Vyas, Shri Radhelal |
| Reddy, Shri Janardhan | Sinha, Shri Anirudha | Waghmare, Shri |
| Reddy, Shri Viswanatha | Sinha, Shri B. P. | Wilson, Shri J. N |
| Richardson, Bishop | Sinha, Shri G. P. | Wodeyar, Shri |
| Rishang Keishing, Shri | Sinha, Shri Jhulan | Zaidi, Col |

NOES Nil

*The motion was adopted.*

**Mr. Speaker:** The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

**Shri Kamath:** Does it mean Unanimously?

**Mr. Speaker:** It means unanimously.

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

## HINDU SUCCESSION BILL—*Contd.*

**Mr. Deputy-Speaker:** The House will now resume further consideration of the motion namely:

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

Shri Pataskar.

**Shri Nand Lal Sharma** (Sikar): On a point of order. I submit that the present Bill is *ultra vires* of the Constitution, in so far as it offends against the fundamental rights to freedom of religion as guranteed by the Constitution under articles 25 (1), 26(b) and 15 (1). Now, article 25 (1) reads as follows:

> "Subject to public order, morality and health and to the oher provisions of his Part, all persons are equally entiled o freedom of conscience and he right freely to profess, practise and propagate religion."

Article 26 further states:

> "Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—
>
> (b) to manage its own affairs in matters of religion;
>
> (c) to own acquire movable and immovable property....".

I submit that the Hindu law hitherto in force, or for the matter of that, the Hindu *shastras* that have remained a final authority on the institutions of inheritance etc. are nowhere shown to be against public order, morality or health. On the other hand, the Hindus do believe in succession to property to be a part of their fulfilment of religious obligations. As given by the *shastras*: पिंडदोशहर: स्मृत: The capacity to inherit depends upon the capacity to offer oblations to the departed soul. This fundamental right of the Hindus will be badly cut short by the present Bill.

Without going into the merits of the Bill which I shall take up when I speak on the Bill itself, I would like to point out that the Bill clearly repeals all the Hindu *Shastras* as well as traditions by clause 4 (1) which reads:

> "Save as otherwise expressly provided in this Act,—
>
> (a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;....".

This is a direct attack on the Hindu *shastras* and Hindu customs that have acquired the force of law.

Again, clause 17 of the Bill....

**An Hon. Member:** The hon. Member is referring to various clauses of the Bill now.

**Shri Nand Lal Sharma:** They are all connected with the point of order.

Clause 17(1)(b) of the Bill further provides for devolution of property of a Hindu female on her father and mother, which is also against the Hindu conscience and the Hindu mode of life prevailing especially in North India....

**Shri Raghavachari** (Penukonda): In the south also.

**Shri Nand Lal Sharma:** I did not know about the south. Possibly, it is all over India.

Article 15 (1) categorically mentions:

> "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.".

The present Bill, in so far as it changes the immemorial traditions and repeals the injunctions of the Hindu *shastras*, discriminates against the Hindus alone as Hindus, and is therefore in contravention of article 15 (1).

The Bill further discriminates against citizens on the ground of sex also, because clause 17(2), debars the husband from inheriting the predeceased wife's property which she had inherited from her parents, in the absence of a son or daughter, whereas the property of the predeceased husband devolves upon her as absolute right. This is a discrimination on the ground of sex, and contravenes the provision regarding fundamental rights in the Constitution, and is therefore *ultra vires* of the Constitution.

The Bill further interferes with the Mitakshara joint family system whereas originally the public was given the impression that the Mitakshara system was not going to be touched.

Under these circumstances, it is only fair that the people should be consulted in this respect. I therefore, submit that the Bill is *ultra vires* of the Constitution and should not be proceeded with.

**Shri V. G. Deshpande** (Guna): Let me point out one more discrimination.

**Mr. Deputy-Speaker:** I have heard enough.

**An Hon. Member:** He is supporting the hon. Member who spoke just now.

**Shri V. G. Deshpande:** There is one clause which discriminates bet-

[Shri V. G. Deshpande]

ween man and woman that is between the sexes, and that is very serious. Clause 6 says:

> "When a male Hindu dies after the commencement of this Act, having at the time of his death an interest in a Mitakshara coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act".

That means, sons will get a limited interest in the estate while daughters will get absolute interest in the estate. That constitutes discrimination between son and daughter and is a discrimination on account of sex. On that ground also, it is *ultra vires* of the Constitution.

**The Minister of Legal Affairs (Shri Pataskar):** I would like to submit that there is hardly any substance in the point of order which has been raised.

**Shri Nand Lal Sharma:** Is the decision on the point of order to be given by the Minister or the Chair?

**Mr. Deputy-Speaker:** The Chair.

**Shri Pataskar:** Is it suggested that the Minister has no right of reply?

**Mr. Deputy-Speaker:** Before giving a ruling on the point of order, I have to hear both sides. The other side also has got the right to say what they want to say.

**Shri Pataskar:** My hon. friend, who raised this objection, probably does not know that the so-called immemorial *sastras* etc. to which he made a reference, as a matter of fact....

**Shri Nand Lal Sharma:** Immemorial traditions.

**Shri Pataskar:** Traditions also. They are not so much a matter of religion as a matter which has already been decided by their custom, code etc. I do not think there is any provision in the Constitution by which laws which could up till now be interfered with and changed by judicial decisions cannot be changed and altered by the sovereign Parliament, to which always reference is made in such glowing terms.

After all, what does he mean by saying that this interfers with religion? 'Hindus' and 'religion' are entirely different from each other. This Bill applies to Sikhs. They have got their religion, because it is a form of worship. There are the Jains who have got a certain form of worship. For certain purposes, they have all collectively come to be known as Hindus. Therefore, it is a misnomer to say that this Bill, by making provision with respect to some matters of succession etc. applicable to all those who have come to be called and referred to as Hindus, is attempting to interfere with any religion. (*Interruption*).

As regards *pindas*, I think there is no prohibition in respect of any person offering *pindas* to anybody. So far as this Bill is concerned, it only relates to property. There is absolutely no provision made which prevents any person from offering *pindas* to anybody he likes. So I think there is no substance in the point of order which was raised. There is nothing in this Bill which is in conflict with the Constitution as sought to be made out in the point of order.

**Mr. Deputy-Speaker:** I do not think there is any point of order in this, and I do not think it is *ultra vires* of the Constitution. It does not touch religion. As a matter of fact, this Parliament has passed legislation regarding marriage law where marriages, religious principles, rituals etc. are more involved than in this case which relates to property.

Article 26(a) has been referred to, that it is open under this article for any religious denomination or any

religious sect to own and acquire movable and immovable property. I think that article applies to the joint properties of a particular community. In this Bill there is no provision to do away with religious endowments at all to temples or *mutts* belonging to a particular denomination of Hindus.

**Shri Nand Lal Sharma:** Religious endowments given to *mutts*.....

**Mr. Deputy-Speaker:** Order, order So far as devolution of property is concerned, long ago in 1937, widows were given a share in the property. Now, some provisions of the Bill want to make the right absolute. So far as custom is concerned, it does not relate to every kind of custom. For instance, there is no intention to abrogate the custom of performing *saptapadi*. This only relates to property, and in so far as a particular custom offends the law regulating this property, it is abrogated. That has nothing to do with religion.

The third point was regarding discrimination between the two sexes. God has created this discrimination, and so far as this is concerned, special provision can be made—and we have been making provision for devolution in different ways. Therefore, it has never been held that any particular provision to enable the weaker sex—it is wrong to call them the weaker sex—to come up....

**An hon. Member:** They are stronger.

**Mr. Deputy-Speaker:**....is objectionable. Special provision for one sex is there and that difference is inevitable. Possibly some of the discrimination already existed. It can be viewed that the discrimination which had existed is being sought to be removed now; it is not as if new discrimination is imposed.

At this stage, I am not called upon to say whether it is *ultra vires* of the Constitution or not. If hon. Members feel that the husband should get a share in the wife's property in the same way as the wife has a claim to the husband's property, it is for hon. Members to say that they want a provision to that effect; an amendment to that effect can be carried on the floor of the House. But it does not go to the root of this matter.

With all respect, I do not think, whatever may happen to this Bill, the religion of Hindus is touched. Therefore, there is no point of order.

**Shri Pataskar:** As was evidenced just now by the short point of order which was raised, I am aware of the deep feelings regarding the subject-matter of this Bill, and I would crave the indulgence of all the Members of this House, irrespective of their different opinions, to give me a patient, careful and dispassionate hearing.

This problem has a history of its own, with which I would like to deal very briefly, because it has already been dealt with previously. The vast social, economic and political changes in the country during the last few centuries had sorely affected the system of inheritence amongst that vast section of our countrymen who have collectively come to be referred to as Hindus. The law of succession amongst them varied at one end from all the different variations of the matriarchal system of inheritance to the extreme forms of the patriarchal system wherein women had been entirely excluded from inheritance. With all these variations due to varying conditions in different periods of our history in different regions and under differing social and economic conditions. Several Acts had already to be passed by different legislatures.....

**Shri Nand Lal Sharma:** On a point of order.

**Mr. Deputy-Speaker:** I just disposed of a point of order.

**Shri Nand Lal Sharma:** It is a fresh point of order.

**Mr. Deputy-Speaker:** Is it by several points of order that we have to utilise the time allotted for this?

[Mr. Deputy-Speaker]

The hon. Member must go on with his point of order without referring to any other matter. If I want elucidation, I will ask him.

**Shri Nand Lal Sharma:** With due deference to the hon. Minister....

**Mr. Deputy-Speaker:** Leave all that alone.

**Shri Nand Lal Sharma:**....I have been seeing that he is regularly reading his speech. He has been reading his speeches even on previous occasions.

**Shri Pataskar:** I am deliberately reading my speech for the reason that this involves a very complicated matter and it is likely to be quoted in future, and I am sure, to be subjected to very serious examination at the hands of many people. Therefore, I prefer that in a complicated matter like this, I would read my speech. Not that I cannot speak *ex tempore*; as a matter of fact, I can speak as well as the hon. Member does.

**Mr. Deputy-Speaker:** Government Members are entitled to read so that their statements may be accurate. A statement made, in fact, even a comma or a full stop inadvertently used, is scanned and is quoted as an assurance on the floor of the House. Not only here, but people outside are watching. I am glad that hon. Ministers like Shri Pataskar read what they have to say instead of delivering a speech *ex tempore* and then getting caught somewhere by people here in this House or outside. Hon. Members must make a difference between non-official Members and Ministers. Newcomers can look to their notes as also the Ministers; and Ministers can read their statements, to be accurate.

**An Hon. Member:** Why this distinction, Sir?

3 P.M.

**Shri Pataskar:** May I again request hon. Members, whatever their views are, to bear with me and to hear me patiently?

Several Acts had already been passed by different legislatures in respect of these variations in the matriarchal system of inheritance. The several variations of the patriarchal system, with the development of the several systems of joint family and their peculiar features had also been the subject-matter of earlier legislations from time to time, though piecemeal in their character.

With marked change in the social and political set-up in the country, particularly affecting the middle classes, the first important legislative interference with the joint-family system came with the passing of the Hindu Gains of Learning Act of 1930. With the rising consciousness of the rights of women to property came the Hindu Women's Right to Property Act, 1937. It recognised the right of the widow to inherit to her husband along with the son and gave her a share equal to that of the son in the property of her husband. However, the interest that so devolved was only the limited interest known as the Hindu Woman's Estate. A Bill to provide a share for the daughters in the property of their deceased parents was introduced in the Central Assembly by a private member in the year 1939. As a result, a Committee called the Hindu Law Committee was appointed by Government in 1941 to examine the question of codifying Hindu law generally. That committee had been codifying all Hindu law by gradual stages, like the law of intestate succession and marriage. A Bill dealing with the question of intestate succession amongst Hindus was introduced in the Central Assembly in the year 1942. That Bill was referred to a Select Committee in 1943 which recommended that the Hindu Law Committee should again be revived and asked to formulate the remaining parts of the Hindu Code. The Hindu Law Committee was revived in 1944 and after 3 years' deliberations and exhaustive enquiry that committee submitted a report with the draft Code in the year 1947.

The same year a Bill was introduced in the Central Assembly containing a part relating to intestate succession amongst Hindus. This Bill, having been referred to a Select Committee, that committee presented its report to the Constituent Assembly (Legislative) in the year 1948. This report was considered in the Constituent Assembly (Legislative) and the provisional Parliament from time to time, but, owing to heavy pressure of work and as that Bill covered the whole range of codifying the entire Hindu law, it could not be passed before the expiry of the period of the provisional Parliament.

In view of the difficulties experienced, it was decided to split the Hindu Code into certain parts and place each part separately before the Parliament. This Bill deals with the second part of the former Hindu Code Bill, the part relating to Hindu succession.

I am now going into the history of this Bill. This Bill was first published with the permission of the Chairman of the Council of States in the Gazette of India on October 26, 1954. After such publication, the Bill was introduced in the Council of States on 22nd December, 1954. Hon. Members are already aware of the stages through which this Bill has passed during the last year and a half. The subject-matter of this Bill has been discussed in both Houses in great detail and was subjected to careful scrutiny and examination in the Joint Select Committee of both Houses. The points raised in the various opinions obtained on the Bill when it was circulated, those raised by hon. Members during the course of the discussion in both Houses as the questions raised in the report of the Joint Select Committee were all carefully considered and discussed in the Rajya Sabha for over eight days and the Bill in its present form has been passed by the Rajya Sabha after this elaborate, full and detailed consideration of the matter.

I am fully conscious of the importance and far-reaching consequences of this measure and I am glad to say that the Members of both Houses of Parliament and their representatives on the Joint Select Committee have contributed the best of their efforts for the solution of this vital problem. This matter has been before the public and before this House and its predecessor since the year 1939, that is, for 16 years. I would appeal to the Members of this House to expedite the passing of this measure without any further delay. However important a problem, it must be solved within a certain reasonable time and it cannot be shelved for all time. This sovereign Parliament has been elected by about 17,80,00,000 of voters. Out of them, 8,50,00,000 are women and this Bill is primarily intended to remove the disabilities of nearly six crores of them. Hon. Members may well judge the importance of this question even from that point of view. No one can for a long time continue to rely only on their backwardness and social and economic dependence.

Before I deal with the details of the provisions contained in the Bill as passed by the Rajya Sabha, I would preface it with a few general remarks. It must be remembered that this Bill is to regulate the succession to the property of Hindus. The question of succession arises only after the death of a person and that too with regard to property which that person was possessed of at the time of his death and in respect of which he has made either no earlier disposition or, in the case of property which he could dispose of by will, has made no testamentary disposition regarding its devolution after his death. Thus, by this Bill, which only deals with intestate succession, no rights are conferred or could be conferred on the heirs mentioned therein, whether sons, daughters, widows or any others during the lifetime of the person concerned. By this Bill no such person gets any rights immediately in the property.

[Shri Pataskar]

For example, the daughter is now made an heir along with the son in the property of the father, but, by this Bill, she gets no immediate interest in the property of the father unlike the son in the joint Mitakshara family and will be entitled to share along with the son only after the death of the father and that too only in respect of the property, whether separate or joint which he may have left at the time of his death. I am saying this only with a view to remove a mis-conception either due to want of proper information regarding this technical matter or fostered by some who want to do so on political or other grounds.

In India, as I already said, for long periods past the Hindu family was regarded as the unit of society and that naturally led to certain developments. For instance, if the family is to be regarded as the unit of society, any woman who is born in that family but who goes out by marriage to another family has no place in the structure of such a society. By marriage she passes into another family and becomes a stranger in the family in which she was born.

With this central conception, therefore, what has been developed in the course of several centuries is meant for the preservation of that family as the unit. Originally there was no intention to discriminate against a woman on the ground of sex but the basic conception of the family as the unit of the society led to this discrimination and having been perpetuated through long periods of time became subsequently almost a matter of sacred sentiment. Social and economic changes have now made the individual the unit of the society in place of the family and in the very preamble of our Constitution we have recognised and assured the dignity of the individual whether male or female. It was for the purpose of preserving the family as a unit of society in times when such preservation was probably necessary in the interest of society that the doctrine of right by birth and its corollary the right by survivorship came to be introduced and associated with this joint family. This is what came to be known as the Mitakshara Joint Hindu Family. In such a family the property was owned not by the individual but by the family, the individual had only an indefinite share in it. By birth a male person acquired an interest in the joint family property and consequently by death his interest so acquired by birth in the joint family property reverted to family, that is to the surviving male members of the family. Thus the interest of a person in the joint family property diminished with the birth of a male person in the family and it increased with the death of such a person. There is no succession in the case of such mitakshara joint families in which the interest of a deceased coparcener passes by survivorship to the remaining coparcener. The right by birth is thus only a legal fiction that came to be introduced in the case of such joint Hindu families. It has no doubt gathered an amount of sentiment about it and is trying to persist in conditions under which it has become unsuited and almost unnatural. Whatever useful part it may have played in the past, it is now in conflict with the principles of natural love and affection and may take some time before it is entirely eradicated. In a matter like this, where deep-rooted sentiments persist, it is better to effect a gradual but definite change and that is what this Bill as passed by the Rajya Sabha seeks to do as I will presently explain.

Another important aspect of this system of mitakshara joint family is that the coparcener who is necessarily a male, has no difficulty so far as his rights in the coparcenary property are concerned; he can claim partition of his share and get it separated at any time and even a mere intention on his part to separate is enough to sever his connection with the coparcenary and become the separate owner of his share in the joint family property.

The other important variation of the joint family is the joint family known to Hindu Law as the Davabhaga Joint Family. The dayabhaga school of Hindu Law operates only in small areas of our country like Bengal and Assam. In the rest of the country, the mitakshara school of law—of course with several variations—operates in different parts of India except some parts in the South where an entirely different system of family, namely, the matriarchal system of family with numerous variations prevails.

When this Bill first came before this House, in clause 5 of the Bill it was mentioned that the Bill would not apply to joint family properties or any interest therein which devolved by survivorship on the surviving members of a coparcenary. When this matter was discussed in both Houses, a very large number of hon. Members objected to this on the ground that this was neither fair nor logical. It meant that the Bill would exclude from its application all properties which were governed by the mitakshara system of law which prevails in most of the parts of our country and would be at retrograde step as compared with the Hindu Code Bill which had been before Parliament and the public for the last so many years. The force of this argument of the hon. Members was irresistible and the Joint Committee of both Houses found a solution to this difficult and delicate task.

As I have already pointed out, there was not only no hardship, so far as members of a Hindu coparcenary who are males are concerned, but they preserve their rights to the exclusion of female heirs in general. But with respect to female heirs, if they were to be altogether excluded from the right to inherit under any circumstances in a joint Hindu family of the mitakshara type, the Bill would have failed to serve any useful purpose. The Joint Committee and the Rajya Sabha came to the conclusion that the Bill would not be complete unless the question of female heirs being entitled to a right of inheritance even in mitakshara joint families was included in it. They, therefore, provided a share to female heirs even in respect of property governed by the mitakshara school. As hon. Members are aware, when the Estate Duty Act was passed, a similar question had arisen. Estate duty is a measure of taxation of property which comes to a person by inheritance. In India, in the case of a large number of people who are governed by mitakshara system of Hindu Law, there is no inheritance with respect, at any rate, to the joint family properties which are held by the families concerned. If all such properties or any interest in such properties were to be excluded from estate duty because they devolve by survivorship and not by inheritance, it would have defeated the very purpose for which the estate duty was proposed to be levied. It was, therefore, then decided that, for the purpose of this taxation, the interest of a deceased coparcener should be treated as if his interest in the coparcenary property has been separated from rest of the coparcenary property just prior to his death. Following up this precedent, a similar method has been evolved for the purpose of giving a female heir a share in the property of the deceased member of a joint Hindu coparcenary; and just as the purpose of the estate duty could be achieved without actually disrupting the joint Hindu family governed by the mitakshara school of law, this Bill has proceeded to give a share to a female heir on the same basis without necessarily disrupting the joint Hindu family. This, in short, is the genesis of the scheme underlying clause 6 of the Bill, which is the most important clause so far as this Bill is concerned.

As hon. Members might know, at the time of the framing of the Hindu Code, which was once brought before Parliament and which was even considered by a Select Committee of the Provisional Parliament, they proposed to abolish the mitakshara system of inheritance altogether from the date of the passing of that Code. With

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that end in view, they proposed to abolish the right by birth and the right by survivorship which are the invariable concomitants of that system. They thus tried to make the dayabhaga system applicable to all Hindus. The present Bill, as passed by the Rajya Sabha, does not do so, but proceeds on different lines.

As already pointed out, so far as the Hindu mitakshara joint family is concerned, the male members are in a position of advantage. The difficulty is that females are excluded from such a family in the matter of inheritance and they cannot be members of a coparcenary in the very basic nature of that system of joint family. It was, therefore, thought desirable to provide that in the case of a mitakshara family, even after the passing of this Act, so far as the male members are concerned, their rights in the coparcenary should be allowed to be governed by the right of survivorship and at the same time provision should be made that female heirs, if any, of a coparcener should also be enabled to get a due share by way of inheritance in respect of the properties of such a coparcenary.

The Bill, therefore, proceeds first by making a positive provision in clause 6 that, whenever a male Hindu, having an interest in a mitakshara coparcenary property, dies after the commencement of this Act, his interest in the property shall devolve, by survivorship, upon the surviving members of the coparcenary and not in accordance with the provisions of this Act.

In order, however, that the females mentioned in class I of the schedule attached to the Bill should be entitled to a share in the property of such a deceased person, the Bill proceeds to do it by the addition of the proviso to clause 6; and this is done on the basis that the interest of the deceased had been allotted to him on a partition made immediately before his death. The underlying idea is that, while trying not to disrupt the joint family of the mitakshara type by this Bill, a daughter or a female heir in class I would also get a proper share in the property of the deceased coparcener. For a proper understanding of the scheme of clause 6, I would like to mention some of the main features of the Hindu mitakshara joint family and a Hindu dayabhaga family because that will enable those hon. Members who are not lawyers to appreciate what is being done. A Hindu coparcenary is a much narrower body than a joint family. It includes only those persons who acquire by birth an interest in the joint coparcenary property. These are the sons, grandsons or the great grandsons of the holder of the joint property for the time being: that is to say, three generations next to the holder in unbroken male descent. The property inherited by a Hindu from his father, father's father or father's father's father is ancestral property; the property inherited by him from other relations is his separate property. The essential feature of ancestral property is that if the person inheriting it has sons, grandsons or great grandsons, they become joint owners with him and become entitled to it by reason of their birth. So far as separate property is concerned the holder is the absolute owner thereof. But separate or self-acquired property, once it descends to the male issue of the owner, becomes ancestral in the hands of the male issue who inherits it.

A coparcenary is purely a creature of law. The interest of a coparcener in the coparcenary is a fluctuating interest, capable of being enlarged by deaths in the family and liable to be diminished by births in the family. It is only on a partition that a coparcener becomes entitled to a definite share. No female can be a coparcener under the mitakshara law.

The two main incidents of coparcenary property are that it devolves by survivorship and not by succession and it is property in which the male issue of the coparcener acquires an interest by birth. A coparcener has the right to claim partition of his share at any time and mere intention to separate is enough to sever his interest in the coparcenary.

According to the dayabhaga law, the sons do not acquire any interest, by birth, in ancestral property. Their rights arise for the first time on the father's death. On the death of the father, they take such of the property as is left by him, whether separate or ancestral, as heirs and not by survivorship. The father has absolute power to dispose of ancestral property. A coparcenary under the dayabhaga law may consist of males as well as females. That is a more liberal school of thought. In the dayabhaga law, there is no unity of ownership, but only unity of possession, and each has got a well-defined share in the coparcenary property.

I will try to explain clause 6 in greater detail, because that is the most important part of this Bill. Clause 6 proceeds on certain assumptions which will be made clear by the following illustration. I take the illustration of A, who dies and leaves behind S, a son, D a daughter and S-1 another son. The son S has got three sons, S-2, S-3, S-4. The son S-1 has got one son, S-5. Now, what are the assumptions which are made so far as clause 6 is concerned?

The first is that A the deceased had not separated from the coparcenary at the time of his death. If he has, the position is simple. If he was separated, then there will be no difficulty; all his children would share equally in the property, and the share of D, the daughter, would be equal to the share of each of the two sons, S and S-1.

The second assumption is that for the purpose of removing inequalities, a special formula should be devised for computing the share of the daughter in the interest of the deceased, and this was done by deeming the interest of the deceased A to include the interests of S, S-1, S-2, S-3, S-4, and S-5, if they are undivided at the time of the death of A. This requires a little explanation. Under the law as it stands in a mitakshara family, A, the father, his sons and grandsons have acquired an interest by birth in the property. What was tried to be done is that the property would be divisible only into three equal shares, on the death of A, S and S-1 taking *per stirpes*. This is what is provided in the Explanation. I will here read that explanation.

> "For the purpose of the proviso to this section, the interest of the deceased shall be deemed to include the interest of every one of his undivided male descendants in the coparcenary property...."

In the illustration already mentioned, if A died, leaving behind both S and S-1 as his undivided two sons and a daughter D, the object is to give the daughter a share equal to that of S and S-1, that is one-third in the property of A. If there is no provision as made in the Explanation, S and S-1 the two sons would claim that they have already got by birth one-third share each in the property of A: that is, two-thirds of the property of A and that in the remaining one-third to which A was entitled they would succeed equally with the daughter. If this provision was not there, the position would be that when A died, the two sons would have got one-third each, which means two-thirds would go and in the remaining one-third they would also share with the daughter. Thus the daughter would actually get one-ninth. In order to remove this anomaly, this Explanation has been provided. For example, if A's interest in the coparcenary was valued at Rs. 9,000 the two sons were already owners by birth in that interest to the extent of Rs. 6,000 and in the remaining interest valued at Rs. 3,000 they would be entitled to succeed equally with the daughter, and thus the daughter would be entitled to an interest worth only Rs. 1,000, that is one-ninth of the interest of A. Even if we provide that she should share equally with the son, this would be the result, if the Explanation was not there and it is on that account that it has been so provided.

By the provision of the Explanation, A's interest will be deemed to include the interest of his undivided

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sons and the interest which would thus be of the value of Rs. 9,000 the two sons and the daughter would get equally, that is, each of the two sons and the daughter would be entitled to get a share in A's interest, valued at Rs. 3,000 each. The provision in the Explanation is, thus, necessary to carry out the intention that the daughter and the sons should share equally in the undivided interest of A in the coparcenary property.

A good deal of criticism is made against this provision. In the first place, it is contended that due to this Explanation we are giving the daughter D a share not only in the interest of the deceased father A but also in the interest of the undivided brothers S and S-1 who became entitled to that interest by reason of their birth. Now this right by birth is merely a legal fiction and what the Explanation does is to negative that fiction. It is again argued that to get over the effects of this Explanation and deprive the daughter of her legitimate share it would be easy for the sons S and S-1 to claim partition during the life time of the father and get separated. It is further contended that as a result of this Explanation people will resort to partitions to avoid the effects of this provision. This law of inheritance is based on the principles of natural love and affection and whatever the prejudices and sentiments against it at present I am sure that the natural feelings of love and affection will ultimately triumph and the future fathers and brothers will abide by this law to ensure justice for their daughters and sisters. I have better faith in human nature and the fears expressed, I am sure, will prove unjustified.

While the Bill was being considered in both the Houses of Parliament, there was considerable opposition to the provision in clause 5, which laid down that this Bill shall not apply to any property, succession to which is regulated by the Madras Marumakkattayam Act and the several other Acts mentioned in sub-clause (3) of clause 5. All these Acts relate to matters which are governed by that system of law which can broadly be described as the matriarchal system prevailing in the south-west coast of India. This sub-clause (3) is now omitted, like sub-clause (1) of clause 5 which related to property governed by the mitakshara school of law. This is a right step in the direction of having one uniform law. The Rajya Sabha, by incorporating clause 7 in the Bill, have provided for succession also to the interest of persons governed by the different laws prevailing in this matter on the west coast of India. Thus they have rightly provided for succession in respect of all Hindus. A very satisfactory feature of the provisions contained in clause 7 is that it has secured the unanimous approval of all those hon. Members of Parliament who represent the areas where this matriarchal system prevails.

Another important change made by the Rajya Sabha is the provision that each surviving son or daughter shall take equal shares. In the original Bill, each surviving daughter was given only half a share. It should be noted that even the Select Committee which was appointed by the provisional Parliament to report on the lapsed Hindu Code Bill had given the daughter a share equal to that of the son. The Joint Committee also agreed with the last Select Committee in this matter. I am glad the chosen representatives of Parliament, both Provisional and the present one, and the Rajya Sabha agreed on this point which is only just and fair. Some people object to this equality of share on the ground that the family has already spent large sums of money even at the cost of family property for the marriage of a daughter. But it is to be borne in mind that much money has to be spent in some cases also for the marriage of the sons and the provision of ornaments for their wives, that is, the daughters-in-law of the family. Ruinous marriage expenses are a matter of common condemnation and

hardly any part of it enures for the benefit of the daughter in case of necessity. It is hardly fair and just that a daughter should be denied equal share on account of something which has been done not mainly for her and at any rate, a large portion of which does not enure for her benefit. I am sure after the passing of this law, marriage expenses will go down and the evil of dowry will diminish. Not only that, but the status of women as a whole will rise.

Now, a daughter once married is treated as dead in the house of her father. Whatever the social and economic conditions in the past, in the present conditions of society, a married daughter in the house of her husband or father-in-law, after the passing of this law, will always feel that she has a continuing place in her father's house and that she is not a mere helpless being who has to depend upon the sweet will and the whims of her husband, or the members of her husband's family. The husband or the members of the husband's family will also begin to feel that the wife or the daughter-in-law is not wholly at their mercy and will give her better treatment. The psychological aspect is far more important than the material one.

[SHRI BARMAN *in the Chair*]

From the material point of view also, in case of death of her husband, or in the case of her being discarded by him, the resources left by the father will be available to her as of right. Even now she might be getting it, but only as a matter of mercy from the brothers, or more often their wives. Having embarked on the task of recognising the dignity of person, irrespective of any distinction of sex, the only right thing to do will be to treat her equally with the son. How can we, consistently with the provision in the Constitution, that there shall be no discrimination on the ground of sex, give the daughter half a share and give the son a full share in the property of the father? If an unmarried daughter becomes entitled to a share in her father's estate after his death, I am sure, her brother will spend for her marriage out of share in the inheritance. There is no reason to suppose otherwise.

The original Bill abolished the Hindu woman's limited estate with respect to property, which may hereafter be inherited by a Hindu female. The Joint Committee have now provided that properties held by Hindu women at the commencement of this Act, should also be held by them as full owners and not as limited owners.

As regards succession to property held by female Hindus, the Bill lays down that, if a female Hindu dies childless, then, in respect of property inherited by her from her father or mother, that property will devolve upon the heirs of the father, and in respect of property inherited by her from her husband or father-in-law, it will devolve upon the heirs of the husband.

This is an exception to the general rule of succession anywhere else, but it is justified by the peculiar conditions in our country.

By clause 24 of the Bill, a right of pre-emption is given to the heirs so that if any heir wishes to dispose of his share in the property, the other heirs may claim a right to pre-empt. This provision is in general terms and applies to all heirs. The provision in this respect in the original Bill was not in such clear and explicit terms and was not applicable to all heirs.

Although in (clause 6) of this Bill right of getting a share even in the mitakshara joint family property is given to a female heir, it has to be noted that she has not been made a coparcener of that joint family. Such property may be business or other immovable property. The right of pre-emption provided by clause 24 will tend to allow properties to continue in the family, if the coparceners or other heirs want to preserve them for the family.

**An Hon. Member:** The time is up.

**Shri Pataskar:** I am looking to the watch and I will see that I finish in one hour.

A new clause 25 has been added to the Bill, making special provision regarding the dwelling house. A dwelling house of the family is a matter of great sentiment in our country. Besides, in the rural conditions obtaining in our country, it is the family necessity. It is the prime family necessity. A daughter generally passes by marriage into another family and has to stay normally in her husband's family house. She is also likely to act under the influence of her husband. Under these circumstances, it has been provided that a female heir should not be given the right to claim partition of a dwelling house, until the male heirs choose to divide their shares in the dwelling house and partition the same. The female heir has, however, been given the right of residence in such a house.

As we are aware, in many cases, the female heir may be a woman discarded by her husband, or may be a widow whose husband had left no house, and it is likely that in such cases she will come and reside in the house of her father. That is the main reason why the Bill provides for this right of residence in the family dwelling house of a female heir.

While considering this question of inheritance amongst Hindus, many new questions arising out of the changed social and economic conditions have arisen. For instance, while discussing this matter, many hon. Members suggested that an unmarried daughter may be given a share in the father's property but that a married daughter should not be given such a share. Now, a married daughter might be well placed or might be in indigent circumstances. The same might be true of an unmarried daughter. There might be an unmarried daughter who is well educated at the cost of the family and might be fitted to earn well for herself, and there might be an unmarried daughter neither endowed with charm nor intellect by nature. Similarly, in the case of sons, one might have been educated at the cost of the family and might be a good earner, the other might be poor in intellect and incapable of earning enough. In business too, one may be able to earn a good deal and another may be wanting in qualities necessary for good business. Any uniform hard and fast rule regarding such a matter is not possible. The best thing to do therefore would be to give every Hindu the right to make a will regarding his property. Even if he is a member of the Hindu mitakshara family, he should have a right to make a will in respect of his interest in the coparcenary, because he is the best person to decide all these matters. If one of his daughters or sons is well placed, he must be in a position to provide less for him or her; if, on the contrary, one of them, for any reason, needs more, he must be in a position to provide more for him or her. If he has already spent more for the marriage of a daughter, he must be in a position to decide what he should do about it. Clause 32 gives this testamentary right to a Hindu. Under this clause with its Explanation a male Hindu coparcenary has been given the right to make testamentary disposition of his interest in the coparcenary property. I think those alarmed at the prospect of their family properties passing to outsiders owing to the provisions of succession to daughters will be satisfied that this provision will enable them to effectively prevent it if they so desire.

The criticism levelled against heirs in Class I of the Schedule is that it is too long. On the other hand, it should not be forgotten that many of the heirs mentioned therein will only come in in the absence of their predecessors. The enumeration of heirs in Class I proceeds on the basis that, as far as possible, male and female heirs who are related to the deceased in the same degree are treated in the same manner. If the doctrine of representation is applicable in the case of pre-deceased sons, it should also apply in the case

of pre-deceased daughters. The Schedule as amended by the Joint Committee was accepted by the Rajya Sabha except for the fact that the mother was removed from Class I and put into Class II along with the father.

A fear was expressed in certain quarters that this Bill will interfere with problems of land policy. This is due again to another misconception. This Bill is one which lays down the personal law of the Hindus. My attention was drawn to the provisions of section 59 of the Punjab Tenancy Act. It lays down certain rules of devolution regarding agricultural lands in that State. That law relates to agricultural lands and it applied to all, whether they are Hindus, Parsis, Christians or Muslims, and their personal laws of succession can never override the provisions of that Act relating to devolution of interest in agricultural lands. In India, land tenures, their holding, and many matters connected with that question, are different from area to area. The question of a general and common land policy for the whole country is yet to be evolved. When evolved, it will apply to all Indians alike in so far as lands are concerned, and the personal laws of Hindus will not have an overriding effect over them. A good deal of misconception in this matter prevails in those parts of the country where once zamindari tenure prevailed and where, after the abolition of zamindari, new tenancy rights are created by different Acts. I am informed that there are such Acts in Uttar Pradesh, Bihar and some other States. The land policy in those States will not be affected by the provisions of this Act which is a personal law dealing with the question of succession amongst Hindus. For the removal of any such doubts it has been provided in sub-clause (2) of clause 4 that nothing contained in this Act shall be deemed to affect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings.

The limited estate known as the Hindu Women's estate has given rise to a good deal of litigation at the instance of reversioners and other persons. In the olden days, when women were not given rights of inheritance and when conditions were different, the limited estate might have been justified. But in the present context of things there is no doubt that this should be abolished. It not only gives rise to litigation, but also seems to suggest that women may not always be capable of looking after their property. No doubt, the Rau Committee merely confined itself to providing that the woman should have full rights over her stridhana property, but at every subsequent stage when that Bill came to be considered it was felt that the Hindu woman should have full rights over whatever properties devolved upon her. The only restriction placed upon this provision was that it should only apply to properties acquired hereafter by a Hindu woman. The Joint Committee, on the other hand, felt that there was no reason for this restriction. Whatever property is in the possession of a woman at the time of her death, whether it has been acquired before or after the commencement of this new law, should be her absolute property. After all, why should the expectant interests of a reversioner have any bearing upon this issue? He has no present right in the property. He is in no way better entitled to the property than the woman who is actually in enjoyment thereof, and if any of the expectant rights of the reversioner are taken away there should be really no cause for complaint from any quarter. What is being done by clause 16 of the Bill is only to enlarge the estate held by a woman in certain cases and it would be incorrect to say that it is retrospective in character.

To sum up, I would like to place before the House the following special features of this Bill, which, I hope, will commend themselves to

[Shri Pataskar]

the acceptance not only of this House but of the public in general:—

(1) By this Bill, the joint family of the mitakshara type is not abolished, and that is the main difference between this Bill and the provisions of the lapsed Hindu Code regarding the same.

(2) At the same time, a daughter is given a share in the property of her father even if he was a coparcener in a joint Hindu family to the same extent as an undivided son.

(3) This Bill does not in any way take away the right of any member of a Hindu coparcenary to get himself separated from the coparcenary.

(4) In order that a coparcener may be able to make proper adjustment between the sons and daughters regarding the share or shares which they should or should not get in his interest in the copercenary property, he is being given the right to make a will regarding the same.

(5) The limited estate, known as the Hindu woman's estate, which was the cause of costly and protracted litigation in courts, has been abolished.

(6) To allay the fears of the rural population on the ground of fragmentation of holdings, or the conflict of this law with the question of fixing of ceilings, or its possible effect on the devolution of tenancy rights, particularly in areas like Bihar, Punjab, Uttar Pradesh and the Andaman and Nicober Islands, provision has been made that nothing contained in this Act shall in any way affect any such provisions of any other law in that connection for the time being in force.

(7) In order to preserve family properties, the right of pre-emption has been provided.

(8) Provision has also been made that in the case of a female Hindu, who, after inheriting property from her father or husband, dies without leaving behind any child, the estate so inherited will devolve after her death on the heirs of her father or husband, as the case may be.

(9) As regards family dwelling-house, provision has been made that a female heir would not be entitled to ask for a partition of the same till such time as the male heirs choose to divide their respective shares. She is, however, given a right of residence in certain hard cases.

These are some of the features of the Bill which, if taken into account, I am sure, will dissipate some of the apprehensions which some people feel on account of long-standing sentiments and prejudices.

I have dealt with almost all the important provisions contained in the Bill. Ever since this question of the reform of Hindu law was first seriously raised in the year 1937, it has gone through various stages and the matter has all along been a matter of great excitement on the part of different sections of our society. However, having started with this task, it should be our duty and endeavour to try to settle this question as expeditiously and as satisfactorily as we can.

Political and economical changes are moving fast not only in our country but also all over the world. In our country, our freedom has cast on us added burdens. Political freedom will have little meaning without economic readjustment for ensuring the contentment and prosperity of Indian society as a whole. We are already pursuing several measures in that direction, that is, in the direction of economic adjustment. There can be no economic adjustment without the establishment of a just social order. To secure justice, social, economic and political, to all our citizens is the pledge which we have taken by our Constitution. We have to achieve this by peaceful means. The only peaceful approach to this matter of social justice can be by means of legislation.

By this legislation we are trying to solve an important social problem. Since the attainment of freedom, the political and economic life of the people has undergone vast changes and we cannot allow social conditions to exist which are entirely inconsistent with the changed economic and political life of the country. I would, therefore, appeal to the hon. Members of this House to look to this measure as a means to find a solution of the long-standing social problem.

I know some parties will try to take advantage of deep-rooted prejudices and sentiments in respect of such a question, but that need not deflect us from our task. I am aware, we are not writing on a clean slate. We have to take note of the existing conditions of our society as much as the necessity to change them in conformity with our objective. I agree we must take an attempt to co-ordinate the existing with the future, so that the present will be transformed by a process of evolution into something which suits the rapidly evolving future. There is no desire suddenly to disrupt the life anywhere, whether in cities or rural areas, and whatever suggestions were made in this regard have received earnest and careful consideration.

Recently, a suggestion has been made by some persons that a daughter may be given a share in the father's property by birth as in the case of a son; but that after her marriage that share in the father's property should cease to exist and she should become entitled to a share in the property of the husband. I think a resolution in this behalf has been recently passed by some ladies from Uttar Pradesh. It amounts to making a woman coparcener in the father's family before marriage and a coparcener in the husband's family after marriage. This is something which is novel in character and unknown to any law, ancient or modern. The same person is moved from her rights to property in one family to rights in another family. In many cases, property being different, these rights will vary and this might lead to unforeseen consequences in the social life of the person concerned. Every system of jurisprudence is based on the theory that property is meant for a person. In this arrangement, property is meant for a person, but a person is meant for property. So, in the interest of property, a person is transferred from one property to another. Property does not follow person, but a person follows property. That is the essential character of this proposal so far as I can see it. To say the least, such an experiment has never been tried under any system of law, and it is better to avoid starting on any such adventure. Of course, I will patiently hear the exponents of this view and listen to whatever they have got to say.

I have respect for the sentiments and feelings of all. Unfortunately, they vary from one extreme to another. The problem is difficult, but it is crying for solution for the last several years. Let us try to resolve it in a spirit of accommodation. We cannot delay it, for delay will not be in the best interests of the society. Our solution may not meet with universal approval, but it is the result of our endeavour to solve this matter in the true spirit of its being in the best interests of our society and the country as a whole.

I remember, Sir, with gratefulness, the high tone and the underlying high spirit of the debate in this House at the time when this Bill was agreed to be referred to the *Joint Committee* and the principles underlying the Bill were accepted. I am sure, and I feel confident that, with the same spirit and with the same high tone this motion which I am making will find favour with all hon. Members of this house.

**Mr. Chairman:** Motion moved:

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

[Mr. Chairman]

I understand the arrangement is that after the motion for consideration is moved, further discussion will be adjourned to the next session.

**Shri Raghavachari:** If the matter is adjourned to the next session, certainly I can give an amendment. My point is this. The principle to which this House was committed was on the basis of the Bill as it was introduced in this House, excluding the operation of the Bill to the mitakshara families. That was the principle. Subsequently the whole thing has been changed and the mitakshara joint family also has been brought under the provisions of this Bill, not by the Rajya Sabha, but by the Joint Committee. The question is, whether the Joint Committee can go into matters of principle to which the House was not committed. If that Committee goes beyond the powers, the House can still raise the objection. I will certainly move an appropriate motion, but I wanted to mention the point.

**Shri Bogawat** (Ahmednagar South): I support Mr. Raghavachari's point.

**Pandit Thakur Das Bhargava:** (Gurgaon): You are only postponing the consideration stage to the next session. All these amendments will come before you at that time; only the hon. Minister has finished his speech. That is all.

**Mr. Chairman:** I also think that all the objections etc. may be raised at the time when it is taken up again.

**Shri Pataskar:** After having made the motion and also my speech, I would like to be noted that this should be taken up on the earliest occasion next time. Otherwise, it will keep on pending before the House.

**Mr. Chairman:** That will depend upon the Business Advisory Committee.

**Shri K. K. Basu:** (Diamond Harbour): We want the speech of the hon. Minister to be circulated.

**Mr. Chairman:** That will be done. But the point whether the Joint Committee went beyond the principle which was accepted by the House at the time of agreeing to the Bill being referred to the Joint Committee etc. will be considered at the time when it is taken up. Further consideration of the Bill, therefore, stands over.

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## WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS BILL

**Mr. Chairman:** The House will now take up the Working Journalists (Conditions of Service) and Miscellaneous Provisions Bill, 1955, as passed by Rajya Sabha. Before I call the Minister of Information and Broadcasting to move the motion for consideration of the Bill, I wish to inform the House that recommendation of the President under clause (3) of Article 117 of the Constitution for consideration of this Bill by Lok Sabha has been duly received.

**The Minister of Information and Broadcasting (Dr. Keskar):** I beg to move:

> "That the Bill to regulate certain conditions of service of working journalists and other persons employed in newspapers establishments, as passed by Rajya Sabha, be taken into consideration."

This is one of the most important recommendations of the Press Commission. In point of fact, I consider this to be the most important recommendation, if we take human values into consideration. There are a number of things affecting the structure of the industry like the profit and loss and many other things which can be taken into consideration. But the welfare of the persons who run the industry, who work in it, and their future and their prosperity should have the first place. I think, therefore, that this Bill should be given the most serious consideration