

Sankarpendian, Shri  
Sanyabhama Devi, Shrimati  
Sarku, Shri  
Soh, Shri A. K.  
Shankaraiya, Shri  
Sharma, Pandit K. C.  
Sharma, Shri R. C.

Siddiah, Shri  
Singh, Shri D. N.  
Singh, Shri T. N.  
Sirkhasan Singh, Shri  
Somani, Shri  
Subbarayan, Dr. P.  
Swaran Singh, Sardar

Tahir, Shri Mohammad  
Tantia, Shri Rameshwar  
Tewari, Shri Dwarikanath  
Wadiwa, Shri  
Wasnik, Shri Baikrishna  
Wodeyar, Shri

*The motion was negatived.*

### CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

**Shri D. C. Sharma:** I beg to move:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, be taken into consideration."

This is a very slight but very significant amendment to the Child Marriage Restraint Act. There is legislation in this country, called the Child Marriage Restraint Act, as passed in 1929. It was a healthy reform in the direction of social reform in the country. When this Act was passed, it was observed that nothing is more important than this social reform and Government would not lose anything by this reform. But the difficulty of this legislation is that it has not been properly worked.

A Member of Parliament of a different country wrote a book on child marriage in India and she drew our attention to the fact that it is so, that is, this very wholesome piece of legislation had not been given effect to as effectively and as adequately as it should have been. She wrote:

"The necessity for enforcing respect for law and order has recently been much in the mind and in the lips of those in authority all over India. But laws concerning social reform are being neglected".

The official attitude to this Bill has also not been very favourable. During the British days, after this Bill had been enacted, an offender, one who had given his 10 year old daughter in defiance of the Act, to a village

headman was sentenced to six months' imprisonment, the maximum permissible under the Act. But, instantly, the Punjab Government telegraphed an order that that man should be released.

Even though this legislation is much needed and much desired, since it was passed it has remained a dead letter. The magistracy was not in a mood to give effect to it. It was from this point of view that Shri Harbilas Sharda, in an introduction to a book called "Child Marriage Restraint Act" said that the Act had proved a dead letter.

Afterwards, the Child Marriage Restraint Act was amended. It was amended three times—twice in 1938 and once in 1945. Of course, some of the provisions of this Act were changed and the Act has now become a little more effective. For instance, it was made applicable to the whole of British India. It was also given out what the age should be for marriage for boys and girls. All these things were done. But, in spite of the fact that this Act has been amended thrice, still it continues to be an Act which is almost a dead letter. People are ignorant of it. There are very few prosecutions held under this Act. Child marriages are still solemnized not only in villages, which are more or less backward, but also in the cities.

I can tell you that child marriages are a social blot. The Child Marriage Restraint Act is not a measure of social reform. As stated by Shri Harbilas Sharda at the time of introduction of the Bill, it is something like a preventive measure. It is much more than that. Still child marriages

continue to be the order of the day. Our Government has turned out a blind eye on the child marriages. It has given a deaf ears to those persons who have tried to bring to its notice instances of child marriages.

The law is so complicated and so involved that there are more chances for a person to get away than to be apprehended. In fact, Mr. Tek Chand, a member of the Lok Sabha during the last Parliament, and who is now one of the Judges of the High Court of Punjab, has written in a book that this Act is likely to be infringed, circumvented or ignored. Such is the law that anyone can infringe it without much consequence. Anyone can circumvent it without much danger. Anyone can ignore it without any grave consequences.

So, Sir, this much needed social reform has been treated with the utmost indifference, with the utmost light-heartedness, with the utmost lack of earnestness on the part of our Government. And I believe that the time has come when we should try to adopt a more positive and a more dynamic attitude towards this problem. Therefore I have brought forward an amendment, because I find that this Act is full of self-contradictions, and it is a pity that our Government has not tried to remove those self-contradictions.

For instance, take section 12. Sub-section (1) of section 12 of the Child Marriage Restraint Act, 1929 empowers the Court to issue an injunction against any person who contracts a child marriage, or who having charge of a minor, does any act to promote the child marriage. Of course any one will say that this is a very desirable provision. But sub-section (2) of section 12 of the Act says that no injunction under sub-section (1) thereof shall be issued against any person unless the Court has previously given notice to such person and has afforded him an opportunity to show cause against the

issue of the injunction. Now, Sir, this provision practically nullifies the first provision. By this you take away with one hand what you have given with the other. This provision is, so to say, nugatory of the salutary provision made earlier. If that provision had not been there, there would have been some kind of a deterrent against child marriages. But on account of this sub-section, the Child Marriage Restraint Act becomes in more sense than one, farcical. This sub-section practically nullifies sub-section (1) of section 12. I say that sub-section (2) of section 12 of the Act should be deleted.

There is also another reason. Under sub-section (3) a court may either on its own motion or on the application of any person rescind or alter any order made under sub-section (1) of section 12 of the Act. Therefore, if you take these three sub-sections together, you will find that sub-section (2) to which I am making a reference, is not needed; and if it is there, it is acting, not as a sort of brake upon those persons who are going to disobey the law, but is providing to those persons who are going to violate the law a loop-hole for escape. Therefore I say that this sub-section should be deleted.

I also think that no injustice will be done to any person against whom any *ex parte* injunction order has been passed under sub-section (1) of section 12 of the Act. Therefore, I would say that it is a very minor amendment but a very significant one. And if this thing is given effect to I am sure this Child Marriage Restraint Act, which adorns our statute-book but which is not made applicable even in five per cent. of the cases where it should be made applicable, and which has not brought about the desired reform at which we all aimed when this Act was passed, will really become effective. I am sure by the acceptance of this amendment this Act will acquire significance, force, and some kind of

[Shri D. C. Sharma]

vigour. It will have teeth in it; now it is a measure which has no teeth.

I would therefore request you and, through you, our hon. Minister that he may accept this amendment, so that when this amending Bill is passed this Act may really become a useful piece of social legislation

Mr. Chairman: Motion moved:

"That the Bill further to amend the Child Marriage Restraint Act, 1929 be taken into consideration".

श्री विभूति मिश्र (बगहा): चेंबरमैन साहब, हमारे लायक दोस्त शर्मा जी ने बतलाया कि इस ऐक्ट का तीन बार संशोधन हो चुका है। मैं समझता हूँ कि आज इस ऐक्ट में संशोधन की आवश्यकता नहीं है। जब समाज में सब लोग इस बात को जान गये हैं कि हमको जब बाल विवाह करने की जरूरत नहीं है। समाज में जैसे जैसे शिक्षा दीक्षा बढ़ती जा रही है वैसे वैसे समाज में बाल विवाह के प्रति प्रति रूढ़ि घटती जा रही है। मैं खुद अपना बतलाता हूँ। मेरे दो लड़के कालिज में पढ़ते हैं। एक ग्रेजुएट होने जा रहा है। मैंने उन लड़कों की अभी तक शादी नहीं की है। तो समाज में जैसे जैसे शिक्षा का प्रचार बढ़ रहा है और समाज सुधार का काम होता जा रहा है वैसे-वैसे समाज में बाल विवाह की प्रवृत्ति कम होती जा रही है। हाँ कहीं-कहीं अभी यह चीज है। यह जीज भी, जैसे-जैसे हमारे समाज में शिक्षा दीक्षा बढ़ती जायेगी और समाज सुधार होता जायेगा, दूर होती जायेगी। इसमें कोई खबराने की बात नहीं है। हमारे शर्मा जी चाहते हैं कि यह काम डंडे में किया जाये। वह चाहते हैं कि मजिस्ट्रेट को इतनी पावर दे देनी चाहिए कि वह किसी ने पूछे बगैर ही मुकदमा चला सके। आज समाज की स्थिति क्या है। मैं अपने लायक दोस्त से कहता हूँ कि अगर उनको यह काम करना है तो वे

शर्मा जी में जाकर रचनात्मक काम करें और लोगों को बतलायें तो उसका ज्यादा धरत पड़ेगा बनिस्बत कानून के। यह ऐक्ट धारदा ऐक्ट के नाम से मशहूर है। इसको चाइल्ड मैरिज रेस्ट्रेंट ऐक्ट के नाम से कोई नहीं जानता। जब इस ऐक्ट का काम खत्म हो चुका है। इसलिए इस ऐक्ट की अब कोई जरूरत नहीं रही है। हाँ, कहीं कहीं यह चीज है तो उसके लिए यह ऐक्ट मौजूद है।

वह कहते हैं कि इस ऐक्ट में एक जगह मैल्यूटरी प्रावीजन है और दूसरी जगह न्यूटेरी हो जाता है। वह खुद सेल्फ कंट्रे-डिक्टरी बात कहते हैं। इस ऐक्ट में धारा १२ में दो उपधाराएँ हैं। उनके बारे में स्टेटमेंट आफ आबजेक्ट्स एंड रीजन्स में कहा गया है :

Sub-section (1) of section 12 of the Child Marriage Restraint Act, 1929 empowers the Courts to issue an injunction against any person who contracts a child marriage, or who performs, conducts or directs any child marriage, or who having charge of a minor, does any act to promote the Child Marriage. But sub-section (2) of section 12 of the Act says that no injunction under sub-section (1) thereof shall be issued against any person unless the Court has previously given notice to such person and has afforded him an opportunity to show cause against the issue of the injunction

इनका तात्पर्य यह है कि जो आदमी लड़के के चार्ज में हो और जो विवाह का काम करे और उसके ऊपर मुकदमा चलाया है उससे पूछ लिया जाये। पर हमारे लायक दोस्त शर्मा जी का मतलब यह है कि उससे पूछा न जाये। भला यह क्या झन्झाचुन्डी है। यह पाच मी आदमियों की पार्लियामेंट यह कानून कैसे पास कर सकती है, जो कि सार देश से चुनकर आयी है, कि उससे खबर पूछे

हुए ही उसे जेलखाने भेज दिया जाये। भला बतलाइये कि दुनिया में कहीं कोई कानून इस तरह का अधिकार दे सकता है कि आप हमें फांसी पर खटका दें और हम से पूछना भी जरूरी न समझें और हमको सफाई का भी मौका न दें। लेकिन हमारे दोस्त शर्मा जी चाहते हैं उसे पूछा भी न जाये और उस पर मुकदमा चला दिया जाये।

धारा १२ की उपधारा २ में दिया हुआ है:

"No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction."

भला बतलाइये। हम लोग जनता का वोट लेकर यहाँ आये हैं, इस देश का राज्य चलाना चाहते हैं, तो हम लोग ऐसा कानून कैसे पास कर सकते हैं कि किसी के बगैर पूछे ही उसके खिलाफ कार्रवाई कर दी जाये। हमारे दोस्त इस उपधारा २ को हटा देना चाहते हैं। मैं अपने दोस्त से पूछना चाहता हूँ कि उनको गाँवों का कुछ ज्ञान है या नहीं। मैं पापको बतलाऊँ कि गाँवों में बहुत से झूठे मुकदमे भी चला दिये जाते हैं। गाँवों की हालत यह है कि वहाँ पर बहुत पार्टी पालिटिक्स चलता है। अगर किसी के मतीजे की शादी होती है और अगर कोई कह दे कि यह लडका इसके बार्ज में है तो उस पर बिना पूछे मुकदमा चला दिया जायेगा। भला बतलाइये कि यह कहां का न्याय है कि जिसने एक काम नहीं किया उस पर भी मुकदमा चला दिया जाये। हालत यह है कि इस ऐक्ट से जो सेल्यूटरी प्रावीजन है उसी को हमारे मित्र म्यगटरी कहते हैं। और उसको हटवाना चाहते हैं। इस ऐक्ट की धारा १२ की उपधारा २ में दिया हुआ है कि मुकदमा चलाने से पहले पूछ लेना चाहिए। पूछ लेने के बाद जब यह समझा जाये कि यह बाल सही है तो मुकदमा चलाया जाये। लेकिन शर्मा जी कहते हैं कि इस

उपधारा २ को हटा दिया जाये। इसके हटने से यह हो जायेगा कि जो जिसके ऊपर चाहे मुकदमा चलावा सकेगा। इस सम्बन्धन से तो यह फायदा है कि किसी से बगैर पूछे उसके खिलाफ कार्रवाई न की जाये। इसलिये जो विधेयक हमारे दोस्त ने पेश किया है मैं उसका विरोध करता हूँ क्योंकि इसके पास होने से समाज में गड़बड़ी पैदा हो जायेगी, न्याय नहीं होगा, किसी को अपनी सफाई देने का मौका नहीं मिलेगा। यह जो बिल मेरे लायक दोस्त ने पेश किया है मैं समझता हूँ कि इसकी आवश्यकता नहीं है। अब समाज में दिन दिन सब लोग इस बात को सोचने और समझने लगे हैं कि हमको बाल विवाह नहीं करना चाहिये। इसलिये अब इस तरह के बिल की जरूरत नहीं है। सम्बन्धन २ जिसको कि वह न्यूगेटरी कहते हैं वही तो सेल्यूटरी है। अगर यह नहीं होगा तो समाज में अन्धधुन्धी फैल जायेगी। रोज लोग कोर्ट में जा कर मुकदमे करेंगे और देश बरबाद हो जायेगा। धनी पर तो कोई मुकदमा नहीं चलायेगा। जैसे कि हम पार्लियामेंट के मेम्बर हैं। हमारी तरफ कोई नहीं देखेगा। होगा यह कि जो गरीब आदमी हैं, हमारे हरिजन भाई हैं, वे अगर अपने लड़के लड़की का विवाह करेंगे और अगर किसी से उनकी दुश्मनी हुई तो यह जा कर कह देगा कि इस ने कानून के विरुद्ध शादी की है और उस बेचारे पर बिना उसको सफाई का मौका दिये हुए मुकदमा चला दिया जायेगा। इससे बड़ी खराबी पैदा होगी। इसी को बचाने के लिये तो यह उपधारा २ रखी गयी है।

मैं समझता हूँ कि हमारे लायक दोस्त को गाँवों का ज्ञान नहीं है। वह प्रोफेसर हैं, फिताबें इन्होंने पढ़ी हैं और लेक्चरर दिये हैं, यह असल बात है। लेकिन गाँवों में क्या बात होती है उसका इनको ज्ञान नहीं है। हम लोग गाँव में रहते हैं और जानते हैं कि वहाँ की क्या हालत है। यह उपधारा २ तो गरीब आदमी को बचाने के लिये रखी गयी है।

[श्री बिभूति मिश्र]

मे समझता हूँ कि अब इस कानून की मियाद पूरी हो गयी, इससे जो फायदा होना था वह हो चुका । अब बाल विवाह को रोकना है तो उसके लिये ग्राम पंचायतें हैं, कम्प्युनिटी ब्लाक्स हैं और एन० ई० एस० ब्लाक्स हैं । इनके अलावा भी बहुत सी और चीजे हैं । अब गावों में स्कूल कालिज खुल रहे हैं और समाज में शिक्षा बढ़ रही है । आज कोई नहीं चाहता कि अपनी लड़की किसी मूर्ख को दे । सब चाहते हैं कि हम अपनी लड़की पढ़े लिखें घादमी को दे और पढ़ा लिखा घादमी जब तक लड़का ठीक से पढ़ न जाये उसका विवाह करना नहीं चाहता । आज गांवों में यह भावना पैदा हो गयी है और हमको इस भावना को बढ़ाने में ही मदद करनी चाहिये । इसी तरह से हम इस काम में सफलता प्राप्त कर सकते हैं । मे समझता हूँ कि दुनिया का सारा काम कानून में ही नहीं चलता है ।

शर्मा जी के विधेयक का मैं विरोध करता हूँ क्योंकि वह चाहते हैं कि धारा १२ की उपधारा २ को हटा दिया जाये । मैं तो चाहता हूँ कि इसको ऐसा ही रहने दिया जाये ।

**Shrimati Renu Chakravarty** (Basirhat): Mr Chairman, the two speeches made by Shri D. C. Sharma and Shri Bibhuti Mishra have raised very important and interesting points regarding the Child Marriage Restraint Act which was passed as early as 1929. There is no doubt about it that only by passing a law, we are unable to restrain child marriages. Many people living in the cities think that there is no such thing as child marriage, because, in the cities such a thing has, more or less, stopped. But, when one goes to the villages,—I myself was shocked to see a case—he can see how small children are still given in marriage. I myself, during the course of the last general elections, came across a baby, a child which could hardly walk. I saw that child with *sindoor* on head which is

the sign of marriage. I can hardly believe that even today "Gowridan" takes place. I have seen plenty of marriages of girls aged 7 or 9, but I have never seen a child of 2½ years or 3 being married. That is the position now.

I should definitely say that whilst much of what Shri Bibhuti Mishra said is true, that only by legislation we can never do away with social evils like child marriages, I also agree that taking away or amending the clause as suggested by Shri D. C. Sharma, just as it is, without certain further additional clauses may be used as a vindictive weapon against people who are not educated or who are against them owing to village feuds or other causes. Both are correct.

At the same time, I think that Shri Bibhuti Mishra has tried to underestimate the seriousness of the problem. Child marriage is quite widespread in the villages. The reason why Shri D. C. Sharma has brought this Bill is to try to see how we can tighten up this whole law. Firstly, I would like to say that however much we tighten up, unless we take up a huge educative campaign, not only education in the sense of reading and writing, educational campaign especially in the villages amongst the lowest strata of the peasantry, from every angle, from the social reformer's angle, from the political angle, from the point of view of peasant's organisation, it will never be possible to eradicate this social evil. That is certainly the most important factor but I feel that it is also necessary to tighten up the Child Marriage Restraint Act.

For one thing, there are certain occasions when an injunction has to be given. There is no other method to stop the marriage I will give one recent example. This was not about child marriage restraint; but the question was a bigamous marriage. A bigamous marriage was taking place. The Women's Organisation was not

able to intervene and stop it. They could not find out what are the legal methods. At the last minute, they realised that the only method of stopping that was by an injunction. Naturally, they invoked that and they had an injunction. If in that section of the Marriage Act, there was one sub-section saying that there can be no injunction given unless there was the previous permission of the magistrate, the marriage would have taken place and two women's lives would have been spoiled, that of the first wife and that of the second wife. This is true in this particular case. This may also be true in many cases regarding child marriages. Therefore, there are cases wherein an injunction has to be given. It is a question of time. Therefore, this suggestion made by Shri D. C. Sharma that there should be no clause saying that there must be previous intimation given by the magistrate and then only an injunction may be given, is legitimate.

On the other hand, the point which has been made by Shri Bibhuti Mishra is also correct, that people may use it in a spirit of vindictiveness. They may spoil the entire marriage just by raising false charges. The whole marriage will be spoiled. The expenses incurred will be an additional burden. All that is true. Therefore, my suggestion is, in certain cases, this clause, enjoining injunction to be given only in cases where the magistrate has given previous permission, may be taken away, provided there is very strict punishment for all *mala fide* complaints. If there is provision for very strict punishment for *mala fide* complaints, I think that will be a balancing factor to prevent people who may just try and spoil a marriage in order to give vent to their personal vindictiveness. I feel that if we are to pass this particular clause suggested by Shri D. C. Sharma, then we have also to accept this suggestion of mine that regarding *mala fide* complaints something should be done.

On the other hand, I feel there should be something else, that is, that this child marriage should be made a cognizable offence. A few days ago in the papers I found a news item from Bikaner saying that there has been large scale,—they use the word “mass-scale”—mass-scale marriages of children on some particular auspicious occasion. They have some auspicious occasion, and during that festival so many—I think it was some thousands—child marriages took place in Bikaner. This was very openly stated in the press, and I am sure there was not one case of conviction in all those cases. The reason for that is firstly that there is no rousing of public conscience. I do not agree with Shri Bibhuti Mishra that we are now becoming so emancipated and so educated that this is slowly dying out. In the villages at least I have found that this is not so. Yes, in the cities this has happened, but I feel that today public conscience has not been roused to that extent that it is not possible for people to go in for child marriages. We have not reached such a situation yet, and therefore we find that people do not come forward with such complaints. They say: “Yes, it is taking place, but what have I got to do with it? Why should I go to court? What business is it of mine? It means going to the police and rushing to the court and expenditure. I have nothing to do with it”. But it is a social evil which it has become very necessary to overcome. So, one has to take note of this problem and make it a cognizable offence. Government itself should step in and see that these things are stopped.

Shri Bibhuti Mishra feels that such a thing will mean that we are trying to bring about the rule of law by the *danda*, but I feel that there should be laws not only on paper, but they must be enforced, and especially I feel that it was wrong in 1949 to have amended clause 3 whereby even the very slight punishment of 15 days imprisonment was taken away. Now

[Shrimati Renu Chakravartty]

only a fine of Rs. 1000 remains, and even that is not implemented.

So, my point is that however much we may be lax, however much we allow people to develop their minds by just not taking penal measures, we find that things are not improving. Therefore, while on the one hand I still agree with Shri Bibhuti Mishra that it is not only by law that we can implement these things, that we have to undertake a big educational campaign from all angles, from the side of the Government, the women's organisations and of social reform bodies, on the other hand I do feel that there is necessity for Government itself to take measures to see that there is no infringement of the law.

Government passes such things as preventive detention. They think that is the most important thing. but I think Government itself must take up the cudgels in this matter which is even more important because we are in a situation where we still continue with the system of child marriage. The question of poverty is often raised and it is said that we are poor and that is why people are not able to keep their children and they want to give away their children in marriage early. However poor we may be, this is an aspect of social reform which is necessary for our future generations, for our society itself and for our entire economic planning.

That is why while I support the amendment proposed, I feel that having this amendment alone may do some harm as Shri Bibhuti Mishra has pointed out, and therefore provision for mala fide complaints being punished strictly and sternly should also be made so as to neutralise the evil effects which may emanate from having only this clause deleted, that is clause 11, sub-clause (2). I support the Bill with this amendment of mine.

Mr. Chairman: How much time would Shri D. C. Sharma require to reply?

Shri D. C. Sharma: I will require only five minutes.

Mr. Chairman: Then, only five minutes are left. Shri Braj Raj Singh may speak.

Shri V. P. Nayar (Quilon): Is it only up to 4 O'clock?

Mr. Chairman: One hour.

Shri Narayanasankutty Menon. (Mukandapuram): May I know whether the hon. Minister is replying?

Mr. Chairman: Yes.

श्री बजराम सिंह (फिरोजाबाद) :  
सभापति महोदय, श्री विमूति मिश्र ने इस बिल के सम्बन्ध में जो भाषाकार्य प्रकट की है, मुझे लगता है कि वे बिल्कुल ही घाघार-हीन हैं। मुल एकट की बफा १२(३) न कहा गया है :—

"The court can either on its own motion or the application of any person rescind or alter any order made under sub-section (1) of section 12 of the Act."

श्री दीवानचन्द शर्मा इस बिल के द्वारा उपधारा (२) को निकाल देना चाहते हैं। मैं कहना चाहता हूँ कि उससे कोई नुकसान होने वाला नहीं है। श्रीमती रेणु चक्रवर्ती ने भी इस सम्बन्ध में कुछ कहा है, लेकिन मैं समझता हूँ कि उन का ध्यान उपधारा (३) की तरफ नहीं गया है, जो कि मैं ने अभी पढ़ कर सुनाई है। उपधारा (२) में कहा गया है कि पहले नोटिस दे कर इन्फ्रिन्शन जारी किया जाये। मेरे विचार में उससे नुकसान होता है, जब कि इस उपधारा के हट जाने से कोई हानि नहीं होगी। कर्ज कीबारे कि अगर कोई गलत इन्फ्रिन्शन किसी पार्टीबायी की बजह से, या किसी दूसरे कारण से, जारी हो जाता है, तो अदालत को पहले से ही अधिकार हासिल है कि वह चाहे, तो वह उक्त इन्फ्रिन्शन

को रद्द कर सकती है। जिस भादमी को उस गलत इंचेक्शन से नुकसान होने वाला है, वह फौरन उस इंचेक्शन को हटा सकता है। मान लीजिये कि कल कोई शादी होने वाली है और किसी भादमी ने अदालत में जा कर कहा कि एक चाइल्ड मैरिज होने वाली है, तो अदालत फौरन ही सम्बन्धित व्यक्तियों—पंडित, माई या बच्चे के गाजिधन—पर इंचेक्शन लगा देगी। अगर किसी ने गलत शिकायत की है और उन व्यक्तियों को यह खतरा है कि हमारी शादी बरबाद होने वाली है, तो वे फौरन अदालत में जा कर कह सकते हैं कि यह शिकायत पार्टीबन्दी के आधार पर की गई है, इस इंचेक्शन को फौरन हटा लीजिये और उपधारा (३) के अधीन अदालत स्वयं या किसी भादमी के कहने पर इंचेक्शन को हटा सकती है। इसलिये मैं यह निवेदन करना चाहता हूँ कि उपधारा (२) को हटा देने से किसी नुकसान का डर है, यह कतई नहीं है।

यहां पर-यह कहा गया है कि गांवों में चाइल्ड मैरिज नहीं होते हैं। मैं समझता हूँ कि सिर्फ गांवों में बल्कि शहरों में भी चाइल्ड मैरिज होते हैं। मुझे आश्चर्य है कि श्री विमूति मिश्र जैसे लोग ऐसी बात कह सकते हैं। यह हो सकता है पार्लियामेंट के साढ़े सात सौ मेम्बरों के लड़के, लड़कियां चाइल्ड मैरिज में न दिये जायें, लेकिन मैं यह कहना चाहता हूँ कि हिन्दुस्तान में सिर्फ साढ़े सात सौ भादमी नहीं हैं—हिन्दुस्तान में सात लाख गांव हैं, जहां करोड़ों लोग बसते हैं। यह ऐसे लोगों का मुल्क है, जिन में से अधिकतर पढ़े लिखे नहीं हैं। इस के आलावा हमारे यहां ऐसी प्रथायें मौजूद हैं कि बच्चे के पैदा होते ही उस की शादी तय कर दी जाती है, बचन दे दिया जाता है और सात दो साल के बाद शादी कर दी जाती है। इस एक्ट के अधीन अदालत को जो अधिकार प्राप्त है, इस उपधारा को हटा देने से उन में ज्ञान आ सकती है। हमारे महा सारदा एक्ट, चाइल्ड मैरिज रेस्ट्रिक्ट एक्ट आदि पहले से ही मौजूद हैं,

लेकिन फिर भी ऐसी शादियां होती हैं और कोई कार्यवाही नहीं की जाती है। अगर कोई शादी होने लक्ष्मी है, तो अदालत पहले जो काम नोटिस जारी करती है, तहकीकात करती है और फिर इंचेक्शन जारी किया जाता है; उतनी देर में शादी हो जाती है। अगर मुकदमा चलता भी है, तो भी ज्यादा सजा नहीं होती है। इसलिये शादी को रोकना बहुत जरूरी है। शादी होने के बाद तो कुछ नहीं हो सकता है। इसलिये उपधारा (२), हटा देने की प्रमोवमेंट बिल्कुल मुनासिब और उचित है। उस के बिना हमारी प्रगति एक सकती है।

बाल-विवाह होने के बाद अगर कोई लड़की छोटी उम्र में ही विधवा हो जाती है, तो विधवा-विवाह नहीं हो सकता है। इस कानून के द्वारा यह व्यवस्था की जा सकती है कि जब तक वह समझदार न हो जाये, तब तक उस की शादी न हो।

इन कारणों से इस बिल का किसी को विरोध नहीं करना चाहिये। इस के समाज का कोई नुकसान नहीं होने वाला है और न ही किसी के साथ अन्याय होने वाला है। जिस प्रकार के अन्याय की शिकायत की जा रही है, उस का निराकरण करने के लिये पहले ही से एक उपधारा मौजूद है। यह बहुत ही स्वागत करने लायक बिल है और सरकार को इसे मंजूर कर लेना चाहिये। इससे कोई सर्चा नहीं होने वाला है और न ही इससे समाज में कोई धार्मिक या दूसरा परिवर्तन होने वाला है। इससे सरकार पर कोई बोझा नहीं पड़ता है। समाज को आगे बढ़ाने के लिये यह बिल लाया गया है और इस लिये इस को पास करना चाहिये।

Shri V. P. Nayar: I support the learned Professor's Bill. My support arises from the present scheme of the Act itself. As far as I find, this is to be tried under the Criminal Procedure Code where unfortunately, you will appreciate, the injunction has



[Shri V. P. Nayar]

not been defined; it is only about an order. Possibly the framers borrowed the words from the Civil Procedure Code. But there is a very patent shortcoming in respect of the provision which Mr. D. C. Sharma objects to. This is not the particular section which he wants to get edited:

"No injunction under sub-section (1) shall be issued against any person unless the court has previously given notice to such person and has afforded opportunity to show cause against the issue of the injunction."

This is a very serious matter where an injunction is the only remedy to prevent mischief. If you go through the Criminal Procedure Code, you will find that in cases of public nuisance, in cases of certain acts, the commission of which will injure some others, the magistrate has ample powers to issue what may be equivalent to an injunction *ad interim*. Here there is some mandatory provision. If there is a complaint before the magistrate, the magistrate shall give notice. He cannot get away from it. So, the use of the word almost renders the injunction infructuous when you consider that this is the only remedy. Supposing an emergency is to take place in five days, and if before that the notice could not be served, as is contemplated under the rules, the mischief would have been done. True it is that for this offence there is the punishment for the man who is responsible for marrying the child, but how does it dissolve the marriage; the marriage once contracted under law will remain, and where is the power under this provision to declare the emergency null and void. As Shrimati Renu Chakravarty pointed out, there are several thousands of marriages. So that you will see that if there is a power to the court to give an order of injunction the court must have the right. It should not be fettered down by a mandatory provision that it shall issue notice to the

opposite party. May be that the Government may say that it may be adduced. Sir, I find that Mr. Sharma's case must be supported, because so long as you give the powers to issue an injunction in one clause, that will be called mandatory provision which obliges the magistrate to the issue of notice to the opposite party. The injunction has no value at all, much less for the prevention of the act. So, Sir, I support the Bill.

Shri D. C. Sharma: I think the time should be extended for the Bill.

Shri Raghunath Singh (Varanasi): What about the fate of our Bill. It is a very important social legislation.

The Minister of Law (Shri A. K. Sen): I am sorry that I have to request the hon. Member, Shri Sharma, to withdraw this Bill. While I do so, I am deeply obliged to him for drawing the attention of the House to an evil which has been a blot in our social life in the past, and still threatens to continue to be so for some time more. Let us hope it will end as soon as possible.

Sir, if I were convinced that the passing of this Bill now introduced by Shri Sharma would once for all wipe out permanently this social blot in our national life, I would be the first man to support it. There is not the least doubt, the voice of this House has been expressed in no unmistakable terms, both from this side of the House as also from the other side. Our social conscience revolts against the continuance of this pernicious social practice. I heard with deep sorrow the instance related by Shrimati Renu Chakravarty—or "My Comrade Chakravarty" as Mr. Nayar put it. I was really shocked to hear her experiences, which are of the recent past, of children hardly three years being mass married. We know the consequences of widowhood for such children should they be unfortunate enough to lose their minor husbands.

Sir, the real cause is not the lack of power in courts to issue injunctions without service of notice to the party sought to be affected; the real evil is the extreme apathy of the public in areas where the marriages take place in setting into motion the arms of law. That is a sad commentary on our public spirit. It is not the law which eradicates social evils; it is the public conscience revolting against these pernicious practices and enforcing the law by taking recourse to the court of law, which, to my mind, forms the ultimate sanction against such practices against which all of us certainly are prepared to join in the war to eradicate them permanently. It is possibly desirable that not only this pernicious practice but others also, like inducing minor girls into immoral lives, resorting to the taking of dowries forcibly from helpless parents and various other social evils against which our mind revolts, should be eradicated. It is possibly very desirable that at a time, not very distant, we have to ask ourselves very seriously as to what remedies we must adopt for ourselves to eradicate these evils which still pollute our national and social life. I am convinced, Sir, that only by arming the courts with the powers to grant injunctions *ex-parte* whatever evil consequences of such a procedure might produce we shall not even touch the fringe of the problem. We must educate the people to revolt against the sight of a child being married and to rush to the nearest court of law and take proceedings. Have we been able to do that? It is only when a party is inimical towards certain parties whose children are going to be married below the permissible age that they occasionally take recourse to courts of law. That is an unfortunate experience which we must acknowledge as a fact. No man in the village where the mass marriages about which Shrimati Renu Chakravarty spoke, will move against it. I know that happens in Rajasthan periodically. People from Calcutta go to attend these marriages. They

are advertised a long time ahead of the actual celebration, but not a single soul is to be found who is courageous enough to go to the nearest court of law and ask the court to prohibit such marriages. I think, the punishment envisaged in the Act itself is far too meagre. It does not act as a deterrent. I also think that even this meagre provision is not availed of by people whose conscience should revolt. I think also that mere conferment of more powers of procedure merely to courts would not help matters.

I appreciate the suggestion that is given by Shrimati Renu Chakravarty. I am very much surprised because she is not a lawyer. Possibly, much of the evil is procedural and that may be remedied by making this a cognizable offence so that one could rush to the nearest police station and set the police on the track.

But these are matters which I explained to Shri Sharma when he gave notice for introducing this Bill. These are matters over which we must deliberate coolly, think coolly, survey the field coolly and widely, gather data and facts so that, first of all, we have a comprehension of the magnitude of the evil, the causes of the evil including public apathy and then set for ourselves whatever the remedies may be that we may accept to meet the situation.

I do not support the idea of hurried legislation on one or two matters only. As Shri Bibhuti Mishra had already pointed out, we have had already three amendments to the parent Act. The Hindu Marriage Act would have the effect of making such marriages void; but, even that would not cure the evil. The fear of entering into void marriages does not seem to be a strong deterrent, enough to discourage such marriages. We must make the law more rigorous. The full rigour of the social conscience nation must visit these evil days in the shape of deterrent laws and deal ruthlessly with people who seek to

[Shri A. K. Sen]

give children in marriages against the laws of the land, the conscience of the country, and the basic principles on which our society is based. Such a thing needs investigation, deliberation, planning and good laws. Let us not be accused, at least private Members, of indulging in hurried legislation; let that compliment be reserved for the Government.

Therefore, Sir, while I am deeply obliged to the hon. Member for focusing the attention of this House, and through this House, of the entire country, to this great evil which has still survived and threatens to survive for some time more, and to the hon. Members on the other side who have also joined in the common expression of revolt. I shall be happy if such malpractices are regularly brought before the House so that the country knows what its representatives assembled here think about these outrageous social practices still current and still indulged in.

I have invited Shri Sharma to come and discuss this matter with us later on. Perhaps, in future, we might have to devise special courts to deal with anti-social crimes like prostitution, people who make earnings on immoral lives, people who make earnings on adulterated food and such other practices so that the arms of law may never fall short.

These are matters that must certainly be attended to and attended to seriously. Unfortunately, other great problems get their hold on us so much on the economic side and on other sides that these urgent problems are forgotten in the face of those overwhelming forces. But, it is necessary to bring them off and on and express our disapproval of these forces of evil.

Therefore, having expressed the view of the Government on this matter, I am sure the hon. Member will agree with me that he should withdraw the Bill and await a Bill which should be brought after proper survey

of all facts and after taking into account to what extent the arms of law may be stretched to tackle this problem. And, not only this problem, but other anti-social evils which need to be tackled equally firmly and severely. Therefore, I request the hon. Member to withdraw this Bill; otherwise, we shall have to oppose it.

**Shrimati Bena Chakravartty:** May I just ask one question of the hon. Minister? We have been told and in the past also by the predecessor of the Law Minister that we should withdraw these Bills and the Government will bring forward legislation on the same lines, for instance, the Restraint of Dowry Bill. This was promised to us on the floor of the House. Are we to take it that such matters as the Restraint of Child Marriage, Restraint of Dowry and all these social measures which are of very much importance today will actually be brought on the floor of the House?

**Shri A. K. Sen:** About dowries I cannot say much.

**Shrimati Benu Chakravartty:** There was an assurance on the floor of the House.

**Shri A. K. Sen:** I do not know. I have investigated the problem. The enforcement of it would involve so much, so many obligations; if we could undertake that responsibility at the moment is a matter about which I can give no assurance myself.

**Shri Feroze Gandhi:** What about this Bill?

**Shri A. K. Sen:** About this Bill, the matter, I should think, will be investigated. I can say only this much because I do not know in what shape ultimately the Bill will emerge. I can certainly give this assurance that this problem will not be forgotten and proper steps will be thought of and brought before the House. When that also I cannot say.

**Shri Feroze Gandhi:** But the Bill will come?

**Shri A. K. Sen:** This evil in all its aspects will have to be tackled.

**Shri T. N. Singh (Chandauli):** Sir, we the non-official Members have brought in certain measures which have been considered to be good by all sides of the House. They were also considered to be necessary and urgent. Every time they are postponed on the ground that a more comprehensive measure may be in the offing and Government will bring measure itself. But, experience has shown that it is not so. Take for instance, the Hindu Code. They had to split up into two or three parts and they had to come piecemeal. I wanted to know how long we are to wait in the pious hope that a comprehensive Bill will come at a future date. Experience has shown that it is better to bring forward these things piecemeal. Since there is nothing very objectionable in the provisions of the Bill with which Government do not agree or which are not possible by amendments or suitable changes by common agreement and discussion, where is the harm and why should Government object to piecemeal legislation in this way? I would like to have a clarification of Government's attitude in regard to very urgent and necessary social legislation.

**Shri Feroze Gandhi:** Otherwise we will accept this amendment.

**Pandit Thakur Das Bhargava (Hissar):** May I say a word about the attitude of the Government? This Child Marriage Restraint Act was passed in the year 1928 or 1929. Since then, I do not know of any measure which the Government has brought to see that this evil is met with or remedied. On the contrary, when we have brought Bills, Government have always opposed them. For instance, I brought a Bill and it was with a great deal of pressure and very much of difficulty and under very difficult circumstances that I could succeed in adding one more year to the age.

So far as this measure is concerned, what would be the comprehensive nature of the Bill which is sought to be brought forward? The Mover wants that only sub-section (2) of a particular section may be taken away. That is, so far as an order is concerned, even today it can be issued by civil courts *ex parte* and when the party comes then it is vacated. I do not understand what other investigation is necessary and how a comprehensive legislation will be brought on this matter.

Government should not stand in the way of people who want to do some things. This is not piecemeal at all. This is part of a comprehensive legislation which is already with us. This is a complete Act, the Child Marriage Restraint Act and Shri Sharma wants an amendment to be made in section 12. I cannot understand what enquiry is necessary for this purpose. Why another very comprehensive Bill should be brought forward after full investigation? What is the difference? Does the Government not know that in lakhs of cases child marriages take place even today? So far as the progress of social reform is concerned, the Government's attitude is such that I should say it is rather an obstructive attitude. If this is passed, thousands of child marriages will be checked. An ordinance will be passed. If a person comes forward, the ordinance will be vacated. There is no difficulty. I should think the Government may be able to perform those promises. But what is the point in standing between the passage of this Bill and another comprehensive Bill? No enquiry is needed for this purpose. It is a very simple provision which Shri D. C. Sharma wants to put into the legislation. I should think Government should revise its attitude and not put obstruction in the way of Shri D. C. Sharma's getting this Bill passed.

**Shri Feroze Gandhi (Rai Bareilly):** May I suggest that as a measure of goodwill the hon. Member may believe the assurance that has been

[Shri Feroze Gandhi]

given, and the Minister can accept the amendment and then bring in a comprehensive legislation later?

**Shri A. K. Sen:** The point was this. I am sorry my esteemed friend Pandit Thakur Das Bhargava did not really follow what I said. What I said was that it has not been proved that in any single case the purpose of the Act has been frustrated by the lack of power on the part of the court to grant *ex parte* injunction. We have not known of a single case where a party has gone to court to nullify the marriage before the marriage took place by an order of prohibition and has not succeeded because time was taken for notice....

**Shri Easwara Iyer (Trivandrum):** I have asked for injunction and the court refused it.

**Shri A. K. Sen:** Obviously, the hon. Member, Shri Easwara Iyer, has got a wider experience. What I said was that it is not the lack of power on the part of the court to grant *ex parte* injunction. It is the apathy of the people to go to courts of law. I further said that as a lawyer—apart from being a member of the Government—I am against allowing courts to grant injunction just on the *ex parte* application of a person.

**Shri Braj Raj Singh:** Section 3.

**Shri A. K. Sen:** It may be there, but the man cannot go, after all, the arrangements are vitiated. It is only to stop the abuse of this provision which is very likely in villages where the party feuds and group feuds are the common order of the day, or in regard to the people who are not well disposed towards other persons to go to courts of law and just get an *ex parte* order and then the invited guests go away.

**Pandit Thakur Das Bhargava:** Will the Government cite an instance of an abuse?

**Shri A. K. Sen:** The abuse has been prevented. The Government is convinced that child marriages have continued not because the courts have not been able to stop them by *ex parte* injunctions, but because people have not approached the courts for the purpose of getting an order of injunction. We are convinced of that. Even today, as Shrimati Renu Chakravarty said, most marriages are advertised in papers even though there is no want of time. People have gone to courts of law and notice does not take long to be issued. But no one has gone to courts to stop. The remedy is elsewhere; as Shrimati Renu Chakravarty has suggested it may be necessary to make these offences.

**Pandit Thakur Das Bhargava:** As if it is not the duty of the Government to stop it.

**Shri A. K. Sen:** Yes; it is the duty of the Government to stop even the prostitutes.

**Pandit Thakur Das Bhargava:** You have passed a law.

**An Hon. Member:** To stop even adultery.

**Shri A. K. Sen:** We are not here having a discourse on the duties of Government relating to society. We are discussing a very limited subject, whether a mere amendment to this section is going to stop child marriages. We are convinced that it will not, and some other measures are necessary.

Therefore, I am afraid we are not able to agree to the proposal which would amount to giving any man the right to go to a court of law, swear on affidavit and stop marriages.

**Shri T. N. Singh:** What is the measure that the Government are thinking of?

**Shri Sinhasan Singh:** The Government, instead of opposing it, should be quiet. Let the House decide whether it wants to pass it or not.

Mr. Chairman: Then, all the objections—

Shri Srinamesh Singh: There is no difficulty. I am saying that if the Government wants it to be passed, let it be so. Let them say it. Or else, if the House wants to pass it, let the House pass it. Let the House enjoy the freedom of voting on this matter.

Mr. Chairman: I am not concerned with it. Yes, Shri D. C. Sharma.

Shri D. C. Sharma: Mr. Chairman, I suffer from three handicaps this afternoon. In the first place, I am unfortunately a private Member today. In the second place, I have the misfortune to bring forward a Bill. In the third place, it is very tragic that my Bill deals with a problem of social reform. If my Bill had happened to be something else, perhaps the Government would have been a little more favourable. But since social reform is a much-neglected subject,—the Cinderella of the Government of India—I think it does not command much support.

But I think that the Members who have given me support deserve my thanks. I do not take any notice of what Shri Bibhuti Mishra said. His speech was a speech of self-advertisement. He obviously wanted to tell us how many sons he had and that one of his sons is in the matrimonial market now. I am not interested in that, namely, how many sons a person has. It does not interest me. But I believe and I believe it very strongly that even though I also come from a village, I am very sorry I do not look as rustic as I should look. But I tell you honestly I come from a village. I wish I were more rustic-looking than I am. But I cannot help it. But, all the same, I want to tell you that unfortunately, it is not a problem of town *versus* village. It is not a problem of rural areas *versus* the industrial areas. It is a problem which embraces all the towns and villages. It is a problem which covers every part of India, whether rural or industrial. Therefore, to raise the cry of rural

areas *versus* urban areas will not help.

Again, I would submit, as was said by Shri T. N. Singh, that if we cannot get one rupee in one instalment, why should we be prevented from getting one rupee in three or four instalments? That is to say, if we cannot have a comprehensive Bill in one instalment, why should we not be permitted to move an amendment to the Bill which already exists? If that is denied, I cannot understand the logic of it.

My Bill was looked at from the social angles by Shri Braj Raj Singh; it has been looked at in the same way by Shrimati Renu Chakravartty. It has been looked at from the legal angle by Pandit Thakur Das Bhargava and Shri V. P. Nayar. It has been looked at from a broader angle by Shri T. N. Singh, and everyone has approved of this Bill. I must say in all fairness to the Minister of Law that when he was having a private talk with me he said to me that "I would try to—

Mr. Chairman: The hon. Member's private talk outside should not be introduced here.

Shri D. C. Sharma: I am sorry. I was saying that when I was having a talk, a discussion with him on this subject, he said to me that he would be able to enable me to frame a Bill on this very subject which would be more acceptable to the Government. That is what I think he said.

Shri A. K. Sen: That word still stands.

Shri D. C. Sharma: And in the light of that assurance, I would say that I do not want to pursue this Bill and I hope I would be enabled to bring forward a Bill during the next session of Parliament, which would be satisfactory to him and to all of us.

Mr. Chairman: The question is:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, be taken into consideration."

The Lok Sabha divided: Ayes 35; Noes 70.

Division No. 10]

16.34 hrs.

### AYES

Banerjee, Shri Pramathanath  
Bhargava, Pandit Thakur Das  
Bharucha, Shri Neuhair  
Braj Raj Singh, Shri  
Chakravartty, Shrimati Rasou  
Chandramani Kalo, Shri  
Dige, Shri  
Dwivedi Shri M. L.  
Ellis, Shri M.  
Gandhi, Shri Feroze  
Ghosh, Shri A.  
Gopalan, Shri A. K.

Gupta, Shri Sadhan  
Iyer, Shri Baswara  
Kambie, Shri B. C.  
Kar, Shri Prabhat  
Katti, Shri D. A.  
Khadilkar, Shri  
Kodiyam, Shri  
Kumbhar, Shri  
Mahanty, Shri  
Maony, Shri  
Menon, Shri Narayanankotty  
Mukerjee, Shri H. N.

Nair, Shri Vasudevan  
Nayar, Shri V. P.  
Panigrahi, Shri  
Prodhan, Shri B. C.  
Saksena, Shri S. L.  
Singh, Shri L. Achaw  
Singh, Shri T. N.  
Sinha, Shri  
Siva Raj, Shri  
Tewari, Shri Dwarikanath  
Warior, Shri

### NOES

Achar, Shri  
Alva, Shri Joachim  
Borupal, Shri P. L.  
Bhogji Bhai, Shri  
Biddari, Shri  
Birbal Singh, Shri  
Bose, Shri P. C.  
Brahm Perikash, Ch.  
Chandra Shanker, Shri  
Daljit Singh, Shri  
Desai, Shri Morarji  
Dindod, Shri  
Ghosh, Shri M. K.  
Guha, Shri A. C.  
Iqbal Singh, Sardar  
Jang Bahadur Singh, Shri  
Jhunjhunwala, Shri  
Jinachandran, Shri  
Jyotishu, Pandit, J. P.  
Kasiwal, Shri  
Keshava, Shri  
Kotoki, Shri Laldhar  
Krishna Rao, Shri M. V.  
Laxmi Bai, Shrimati

Maada Ahmed, Shrimati  
Malvia, Shri K. B.  
Mandal, Dr. Pashupati  
Mishra, Shri Bibbuti  
Narayanasaamy, Shri R.  
Nathwani, Shri  
Nehru, Shri Jawaharlal  
Nehru, Shrimati Uma  
Neswi, Shri  
Parmar, Shri Deen Bandhu  
Parmar, Shri Y. S.  
Pattabhi Raman, Shri C. R.  
Patel, Shrimati Maniben  
Pillai, Shri Thanu  
Raghnath Singh, Shri  
Rajiah, Shri  
Ranbir Singh Ch.  
Rane, Shri  
Rangaroo, Shri  
Rao, Shri Jaganatha  
Reddy, Shri Bali.  
Reddy, Shri Viswagatha  
Roy, Shri Bishwanath

Rungrung Suisse, Shri  
Sadhu Ram, Shri  
Sahodrabai, Shrimati  
Saigal, Shri A. S.  
Saments, Shri S. C.  
Samantsinbar, Dr.  
Sanganna, Shri  
Sankarapandian, Shri  
Satyabhama Devi, Shrimati  
Sen, Shri A. K.  
Sharma, Shri R. C.  
Shukla, Shri V. C.  
Sinha, Shri Anirudh  
Sinha, Shri Jhulan  
Sinha, Shri Sarangdara  
Swaran Singh, Sardar  
Thakur Das, Lala  
Thummaiah, Shri  
Upadhyaya, Shri Shiv Dutt  
Varma, Shri B. B.  
Varma, Shri M. L.  
Wadiwa, Shri  
Wodeyar, Shri

The motion was negatived.

### NATIONAL AND FESTIVAL PAID HOLIDAYS BILL

Shri Kodiyam (Quilon—Reserved—  
(Sch. Castes): I beg to move:

"That the Bill to introduce a uniform system of national and festival paid holidays for all industrial workers, be taken into consideration."

As mentioned in the Statement of Objects and Reasons to the Bill, the number of paid national holidays and

festival holidays in industrial undertakings at present varies from State to State, from establishment to establishment and from industry to industry. It is regrettable that so far as the question of paid national and festival holidays are concerned, there is no uniform system at present.

In certain cases no paid holidays are given. In certain other cases, even though paid holidays are given so far as certain national holidays are concerned, the festival holidays are not at all considered. Even in the