

RAJKUMARI AMRIT KAUR: I accept the amendment.

MR DEPUTY CHAIRMAN: The question is:

6. "That at page 20, after line 13, the following be added, namely:—

'M. D. (Munich)'."

The motion was adopted.

MR. DEPUTY CHAIRMAN. The question is

"That the Third Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Third Schedule, as amended, was added to the Bill

Clause 1, the Title and the Enacting Formula were added to the Bill.

RAJKUMARI AMRIT KAUR: Sir, I move

"That the Bill, as amended, be passed."

(Dr. Shrimati Seeta Parmanand rose to speak.)

MR DEPUTY CHAIRMAN. We have already exceeded the time limit by one hour.

DR. SHRIMATI SEETA PARMANAND In view of the fact that we have not spoken during the clause by clause consideration of the Bill and in view of the fact that the motion for reference to a Select Committee has not been accepted, I should be given a chance to say a few words.

MR DEPUTY CHAIRMAN I am very sorry. We have already exceeded the time limit. The question is:

"That the Bill, as amended be passed."

The motion was adopted.

MR DEPUTY CHAIRMAN: The House stands adjourned till 2-30 P.M.

The House adjourned for lunch at one of the clock.

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

NINTH REPORT OF THE COMMITTEE ON PETITIONS

SHRI JASPAT ROY KAPOOR (Uttar Pradesh) Sir, I beg to present the Ninth Report of the Committee on Petitions dated the 1st August 1956 in respect of a petition which was referred to it relating to the States Reorganisation Bill, 1956, Sir, I herewith present it.

THE HINDU MINORITY AND GUARDIANSHIP BILL, 1955

THE MINISTER FOR LEGAL AFFAIRS (SHRI H. V. PATASKAR): Sir, I beg to move:

"That the following amendments made by the Lok Sabha on the Hindu Minority and Guardianship Bill, 1955, be taken into consideration —

Enacting Formula

1. "That at page 1, line 1, for 'Sixth Year' substitute 'Seventh year'."

Clause 1

2. "That at page 1, line 4, for '1955' substitute '1956'."

Clause 3

3. "That at page 1, lines 21 and 22, for 'for which provision is made' substitute 'dealt with' "

Clause 4.

4. "That at page 2,—

- (i) line 26, omit 'or',
- (ii) line 28, omit 'or', and
- (iii) line 29, for 'or' substitute 'and'."

Clause 5

5. "That at page 3, line 3, for 'made' substitute 'contained' "

Sir, these are all merely formal amendments. As will be readily seen, this Bill was passed by the Rajya Sabha and at that time it was the year 1955. Now the year is 1956 So I have asked for that change Similarly in the Enacting Formula it is stated that it is the Sixth Year of the Republic of India. Now it is the seventh year when it has

been passed by the Lok Sabha. That is why it is tried to be changed into 'Seventh'. Then in clause 3 which relates to the application of the Act, I have suggested that for the words "for which provision is made", substitute "dealt with". Now it does not make any difference in the content but because it should be in conformity with a similar provision in the other parts of the Hindu Acts, for instance, the Hindu Marriage Act etc. Then amendment No. 4 relates only to a drafting amendment because in clause 4 the word "or" is unnecessary and before the 4th category the word "and" should be placed. It is not more than a drafting thing. Then there is an amendment to the 5th clause which says: "any other law in force immediately etc." It will be found that this over-riding effect of the Act is also a section which is common to all enactments and we had already passed this as this was the first Bill to be introduced but in the other place they made, after a good deal of discussions, some verbal changes. So instead of the words "made in this Act" in clause (b):

"any other law in force immediately before the commencement of this Act shall cease to have effect in so far as it is inconsistent with any of the provisions made in this act",

it is proposed that the words should be "contained in this Act", for the simple reason that that is the wording in those Acts. If there is a different phraseology, it is likely to lead to arguments. I think these amendments are more or less formal and verbal. Otherwise the Bill as passed by the Rajya Sabha has been adopted by the Lok Sabha and I therefore commend my motion for acceptance of the House and I believe, probably without any discussion.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the following amendments made by the Lok Sabha in the Hindu Minority and Guardianship Bill, 1955 be taken into consideration :—

Enacting Formula

1. "That at page 1, line 1, for 'Sixth Year' substitute 'Seventh year'."

Clause 1

2. "That at page 1, line 4, for '1955' substitute '1956'."

Clause 3

3. "That at page 1, lines 21 and 22, for 'or' which provision is made' substitute 'dealt with'."

Clause 4

4. "That at page 2,—

- (i) line 26, omit 'or' ;
- (ii) line 28, omit 'or' ; and
- (iii) line 29, for 'or' substitute, 'and'.

Clause 5

5. "That at page 3, line 3, for 'made' substitute 'contained'."

DR. SHRIMATI SEETA PARNANAND (Madhya Pradesh). Mr Deputy Chairman, I would, at the outset, like to ask your ruling as to whether it is open to comment on the need to have to bring in these amendments at all and if the Bill had to come to our House with these amendments, it has already meant delaying the measure, then why one or two important amendments which were before the other House regarding the age of the minor were not.....

MR. DEPUTY CHAIRMAN: The hon. Minister has told the hon. House that these are verbal and formal amendments and the discussion on these is only for acceptance or non-acceptance. Any other discussion is beyond its scope and it will be irrelevant.

DR. SHRIMATI SEETA PARNANAND. The question is now that he has come to this House again for this amendment, whether it would be open for this House to ask him just a little explanation as to why, in view of the woman's position having been..... (*Interruptions.*).....improved in regard to succession to property, the amendment suggested in the other House regarding the custody of the minor being with the mother until 10 years was not accepted. The reason formerly for not accepting it was that women had no property rights. That is all I wanted to ask....

MR. DEPUTY CHAIRMAN. He has told you that the Bill as passed by this House has been accepted excepting for these verbal amendments. So any other matter is beyond the scope.....

DR. SHRIMATI SEETA PARNANAND: People outside are.....

MR. DEPUTY CHAIRMAN: If he is prepared to enlighten you, I will not object.

DR. SHRIMATI SEETA PARMANAND I will formulate the question again. As the women's proprietary position has improved and as the question of guardianship of a minor is mainly dependent on the proprietary position of the guardian and the ability to look after the Estate of the guardian, woman herself now having been considered worthy of holding property and is now considered also able to dispose of property, why is it, in the light of all this that the hon. Minister did not accept the amendment put in the other House which he was not formerly able to accept in this House?

MR. DEPUTY CHAIRMAN We are not concerned with that.

DR. SHRIMATI SEETA PARMANAND He has come with these amendments.

MR. DEPUTY CHAIRMAN. You may speak for or against them.

DR. SHRIMATI SEETA PARMANAND As I have already put the question, if he chooses, he may kindly give an answer.

SHRIMATI T. NALLAMUTHU RAMAMURTI (Madras) I am not thinking and my sister Dr. Parmanand also is not thinking of the legality of the position but we want to give expression to our view that in view of the fact that the woman is entitled to property rights and, as such, we have conceded so many privileges to women and in view of that, if she can have those rights, why should not she have the right to have guardianship over her own off-spring?

MR. DEPUTY CHAIRMAN The best way of going into that question will be to bring an Amending Bill.

(Interruptions)

SHRIMATI T. NALLAMUTHU RAMAMURTI This is only ventilating our opinion in view of the concession that had been so generously made by this House with regard to women's property rights. I am voicing the opinion of all our sisters here as well as our well-wishers of the other sex.

(Interruptions)

SHRI JASWANT SINGH (Rajasthan) I wanted a little clarification

namely, that this Bill was passed by this House last year and some of the Members like myself were then not Members of this House. Is it open for a man like me to explain his views?

SHRI B. C. GHOSE (West Bengal) You are now here.

MR. DEPUTY CHAIRMAN I am afraid, not.

SHRI B. C. GHOSE Not on the Bill, but if he wants to speak on the amendments.

SHRI JASWANT SINGH I wish to know whether I can protest in regard to it?

MR. DEPUTY CHAIRMAN. Only on these amendments.

SHRI JASWANT SINGH. The amendments are purely verbal—I agree. Then as an orthodox Hindu I want to protest against the passing of this Act.

MR. DEPUTY CHAIRMAN That is beyond the scope of this discussion.

SHRI H. V. PATASKAR Sir, with respect to the point raised by the hon. Lady Members, of course, as you have rightly said, they are beyond the scope of discussion, but I would like at this stage even to clear some misunderstandings. Even before, at that time when this Bill was passed, it was not that all women were deprived or had no property rights. For instance, some had property. So far as property rights were concerned, they are there. Succession rights have been given but it has nothing to do with this. After all clause 6 to which the hon. Lady Member refers says

"The natural guardians of a Hindu minor, in respect of the minor's person as well as in respect of the minor's property (excluding his or her undivided interest in joint family property), are—

(a) in the case of a boy or an unmarried girl—the father, and after him the mother, etc."

That is, even in the law as it is, that is the provision. As a matter of fact, in order to indicate to any court which has to decide this question of the custody of a minor, this House very rightly had this

"Provided that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother."

This relates only to custody and because there has been some change with respect to property rights to women I don't think it is necessary to make any change.

MR. DEPUTY CHAIRMAN: The question is:

"That the following amendments made by the Lok Sabha in the Hindu Minority and Guardianships Bill, 1955, be taken into consideration :—

Enacting Formula

1. "That at page 1, line 1, for 'Sixth Year' substitute 'Seventh Year'."

Clause 1

2. "That at page 1, line 4, '1955' substitute '1956'."

Clause 3

3. "That at page 1, lines 21 and 22, for 'for which provision is made' substitute 'dealt with'."

Clause 4

4. "That at page 2.—
(i) line 26, omit 'or'
(ii) line 28, omit 'or'; and
(iii) line 29, for 'or' substitute 'and'."

Clause 5

5. "That at page 3, line 3, for 'made' substitute 'contained'."

The motion was adopted.

SHRI H. V. PATASKAR: Sir, I move:

"That the amendments made by the Lok Sabha in the Bill be agreed to."

MR. DEPUTY CHAIRMAN: The question is:

"That the amendments made by the Lok Sabha in the Bill be agreed to."

We shall now take each amendment, one by one.

Enacting Formula

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, line 1, for 'Sixth Year' substitute 'Seventh Year'."

The motion was adopted.

Clause 1

MR. DEPUTY CHAIRMAN: The question is:

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3. "That at page 1, lines 21 and 22 for 'for which provision is made' substitute 'dealt with'."

The motion was adopted.

Clause 4

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 2,—
(i) line 26, omit 'or';
(ii) line 28, omit 'or'; and
(iii) line 29, for 'or' substitute 'and'."

The motion was adopted.

Clause 5

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 3, line 3, for 'made' substitute 'contained'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: So the amendments made by the Lok Sabha are agreed to.

THE SECURITIES CONTRACTS
(REGULATION) BILL, 1956

THE MINISTER FOR REVENUE
AND CIVIL EXPENDITURE (SHRI
M. C. SHAH): Sir, I beg to move:

"That the Bill to prevent undesirable transactions in securities by regulating the business of dealing therein, by prohibiting options and by providing for certain other matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Sir, the House will remember that the motion for the reference of the Bill to the Joint Committee of the two Houses of Parliament was concurred in by this House on the 5th December 1955. The Joint Select Committee began its hearings on the 20th December and