Later, some people collected at Gokhale Road North and obstructed traffic by throwing water pipes and other obstacles on the road. Police dispersed a crowd at Ksfbutarkhana, Dadar, where stone throwing was indulged in by the people.

Twelve noon onwards, people began converging towards Flora Fountain with a view to taking a Morcha to the Council Hall, where the State Legislature was in session. At about 1 P.M. the crowd began to collect near Flora Fountain. A loudspeaker van was moving to warn the crowds to disperse as there was a ban on assembly of five persons and more. Despite the warning, the crowd began to hurl stones at the Police party stationed there, as a result of which Police had to make a lathi charge.

However, the crowd continued to throw stones at the Police. Consequently, tear gas had to be used to disperse them. A little later, a group of hooligans showered stones at the Police party from all directions and set fire to three B.E.S.T. buses and one S.T. truck used by the Police. Following this Police had to open fire and the situation was brought under control. One person died in the firing.

In the afternoon, as the situation began to become tense, and hooligans burnt four buses and an assembly of five persons and more in the Byculla bridge to Khodad circle area was imposed immediately.

Home Guard mobbed.—One Home Guard near Flora Fountain was mobbed and attempts were made to snatch away his rifle but the timely Police intervention foiled the attempt. The Home Guard was seriously injured.

Trams and buses in Pydhonie area were running as usual and most of the shops in the area were open. Schools were also working normally.

One person was robbed on his way from Lalbaug to Opera House. He lost Rs. 47 and a fountain pen. Two more persons were assaulted at Dadar Railway Station by the mob. One of the two persons lost his fountain pen. Two men were arrested in this connection.

Two persons were robbed of their gold buttons and two other were hit with stones at Arthur Road. One constable was injured due to stone throwing in Boiwada area.

The Commissioner of Police has issued an order banning assembly of five persons and more throughout Greater Bombay on November 21 and 22.

THE HINDU SUCESSION BILL 1954—continued.

12 NOON

One Home Guard near Flora Fountain was mobbed and attempts were made to snatch away his rifle but the timely Police intervention foiled the attempt. The Home Guard was seriously injured.
Hindu Succession

[ 23 NOV. 1955 ]

Bill, 1954

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बहु व इस विवेक से द्वारा इन अन्तरिक्ष मिट्टियों को और इस्लामिक मिट्टियों को दुर्भाग्यों के छल कपट और भूख वादों से बचाया जा रहा है, जो कि उनकी भूखों नाम से छूट कर जीजन अक्कर्नें सातें रहे हैं, जो इस प्रकार की आसपास किया सात से झांकता है। 

मैं इस प्रकार के दुर्भाग्यों से यह दुखाना बाहरी है कि मैं उन अन्तरिक्ष मिट्टियों को बहुत कहाँ की दुखी बाहरी हैं जो अपने मिट्टी का पाल किया एक विवेकित अक्कर्नें सात से झांकिए हैं। और यद्यपि बहु विवेक जन जन्म हों, धौलकता का घराना भोले हैं। किसी भी विद्या ने उन इस्लामिक मिट्टियों से दंभिये कौन नहीं एक अंजु कहा?

भी उनकी उभरती लिपिदेश (उत्तर प्रदेश) हो वह भारतीय वाहानी हो, यदि उसे एक मुख्ता पार्चन संभव है। 

लेकिन जो शासन का पार्चन संभव है और नागरकरण से इस प्रकार का अनुसरण संबंध स्थापित करते हैं उनसे उससे एक पूरा दुर्ग जिम्मेदार होना चाहिए। और इस जिम्मेदारी को निराशा चाहिए। अपनी उसके विषय प्रकार दूसरे मानस की समझ थी, धर्म से और परिधियों से विवेकित कर ही जा रही है, बीतन ने किन्तु किसी स्वाउँ हो जाती है, लेकिन उसी उभर वह पूरा, जो कि उस पार्चन का प्रभाव का अधिकारी है, भास्त्र के द्वारा, धर्म के द्वारा और परिधियों से इस प्रकार भिन्नण कर ही जा रही है, बीतन ने कितने कितने परिधियों का निर्णय दिन तथा परिधियों का निर्णय नहीं होता है।
SHRI RAJENDRA PRATAP SINHA (Bihar): May I know if the hon. Member is anxious to impose monogamy in this country?
श्रीमती साकेशी और भविष्यी निवेदन : श्रीमती, मे हम इस कर्त्ता का माता प्राण बन खुशनुमा हुए हैं। इस कारण, श्रीमती और भविष्यी को उनके पालन के नाम से पूजा। इसी अवधारणा के साथ, हम उनके साथ जब सदन्त में होने को तय है। इसी तरह हम उनके साथ जब सदन्त में होने को तय है।

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SHRIMATI SAVITRY DEVI NIGAM: I will finish in five minutes.
SHRI MAHESH SARAN (Bihar): Mr. Deputy Chairman, I rise to support this Bill and I think that this Bill has come a little too late—it ought to have come much earlier. We all know of the discriminatory treatment that is meted out in the Hindu family to the daughters as compared with the sons and, therefore, the sooner such treatment is removed, the better it is for the country. This is an age when we are progressing, we should not allow anything which is unjust to remain in the Statute Book. I feel that the introduction of this Bill is a very good move. But I must say that I am not impressed by the speeches which have been recently made. It really annoys people when one finds that there is a feeling among some Members of this House that over this Bill there is a sort of a fight between men and women. It is a question which should be considered from a higher point of view. It is a question which should be considered from the ethical point of view and not from these petty points of view and we should not allow our better judgment to be influenced by considerations which are not proper and valid. I strongly feel that so far as the provision regarding illegitimate children is concerned, it is not a proper one. This will not take the country towards progress; but it will take the country towards ruination. I am certain that, if you treat illegitimate children on an equal footing with legitimate children, you will have more and more illegitimate children. We want a pure life in this country. We want children by married wife and not children by concubines. It is necessary that we should make some provision for illegitimate children for it is not their mistake that they were born. But we should not pass a law which should encourage people to keep concubines.

There is another difficulty. You will find that unscrupulous women will run after rich people and try to fasten their children on them.

SHRI J. V. K. VALLABHARAO (Andhra): Question!

SHRI MAHESH SARAN: That is my view. I am putting it in my own way and I think that this clause will create complications. I agree that a provision should be made for the illegitimate children but a provision that they should get equal share with the legitimate children should not be there.

Sir, I feel that we are progressing and, therefore, this law is a proper law. There are objections to it because we are not prepared for a change. But we have to consider that a change which is essential, just and proper should be made in spite of a little opposition. We are all people who believe in old laws and old things. But we must realise that the country has progressed very far and things which were proper once are not proper now. One of the main criticisms about this Bill is that it will disrupt joint family system. But let us see what is the joint family system now. The father lives at one place; the son lives at another place; another son lives at a third place and the money that they earn is spent by these three people on themselves. In the olden days the money used to be given to the head of the family and it was he who distributed it according to the needs of the children. But that system is no more in vogue. In a way we have done away
Of course, we live together and we are happy but that original idea of joint family system is gone.

Another objection is raised that it will introduce strangers in the family. If a son-in-law is a stranger then the daughter-in-law is also a stranger. The brother's wife is also a stranger. This objection is flimsy. We should try to increase the circle of relationship. We should try to come closer together and we should not object to the property being taken by the son-in-law, and others because when the daughter takes the share it means it is being taken by the son-in-law, or the sister's husband and so on and so forth. In this age there is no reason why the daughter and the son should be treated differently.

SHRI B. B. SHARMA: What about the daughter's daughter's daughter?

SHRI MAHESH SARAN: That is provided. So was the case in the old law. I do feel that this provision is a good provision. But I am afraid that it has been hurriedly gone through by the Select Committee. There are certain anomalies which should be removed. Moreover, I feel that there should not be so many instalments of the Hindu Code Bill; there should be one code. There was the Special Marriage Act. We understand that the Hindu Joint Property Act is coming. This creates confusion. Take for example the case of the people who are married. There is the Special Marriage Act. The widow gets one-third and she is governed by the Succession Act while according to this Bill her share is different. This sort of anomaly should not be there.

There is another thing which should be looked into. We find that the widow takes property from her husband after his death and further she takes share from her son. In this way she gets two shares. Again we And that the father is placed as an heir in Class II and the mother in Class I. I do not know why this distinction has been made. If men and women are to be treated alike there should be no distinction like this. Therefore, what I feel is that this bill must be looked into carefully since it is a legislation which is going to be with us for some time to come till a change is made. We should be careful in wording the clauses. A few other anomalies which I will mention now should be removed. Sir, at the present moment we are very keen to have equality. It is true. The distinction between sons and daughters should be removed. But when we consider this aspect of the question we have also to consider that there should be justice behind it. You should not give more to one and less to the other. For example, a son who did not separate according to this bill will get much less only because he was good enough to remain in the joint Hindu family. All the aspects have to be considered, and I am sure, our Hon'ble Minister will see that these anomalies are removed. Otherwise, later on, when this Bill is passed, there will be lot of difficulties which it would be difficult to remedy.

Sir, there are very many speakers, as you have said. Therefore, I do not wish to take more time of the House I strongly feel that this is a measure which must receive the whole-hearted support of the whole House. At the same time these anomalies should go. I once more beg of the Minister to see that the clause regarding illegitimate children should be changed. Some provision may, of course, be made for illegitimate children. But let Us not have such a clause which will encourage corruption.

Thank you very much.

SHRI B. K. MUKERJEE (Uttar Pradesh): Mr. Deputy Chairman, this House has been discussing the Hindu Succession Bill for the last two days. Not only the members of the Joint Select Committee but the Members of this House expressed different opinions in vital matters connected with this
Bill. There is no doubt, some of the speakers said, that the Bill has not changed its complexion during the course of discussion in the Select Committee but it is evident from their versions also that the Bill has changed its entire complexion. As the Bill has changed its complexion beyond recognition

DR. SHIRMATI SEETA PARMANAND (Madhya Pradesh): Question!

SHRI B. K. MUKERJEE: ......... and as the Members of the Joint Select committee as well as the Members of this House have expressed different opinions, I feel that this House is got to go very carefully through the provisions laid down in this Bill.

A man is supposed to be a social being. We have to live in society and every action of ours is to improve the society to make it worth living. With a view to elevate the human society from that of the animals the institution of marriage was introduced in it. We feel that we are somewhat superior to other animals because we have got this institution of marriage which is sacred to all of us, but I am very doubtful if the provisions of this Bill will allow us to claim that superiority any more, because we are trying to demolish that sacred institution of marriage. The system of society is almost the same everywhere irrespective of the political ideologies of the different countries, and the system of marriage is treated as sacred everywhere. And to my mind, if we want to raise the status of our human society, we have got to make the system of marriage more and more sacred. And unless we can take steps towards the elevation of the human society, we are likely to go along with other beasts. Equality has been claimed, and to my mind, this claim for equality will naturally reduce the status of women in this country.

SHRI KANHAIYALAL D. VAIDYA (Madhya Bharat): We have accepted that in the Constitution.

SHRI B. K. MUKERJEE: There is a little bit of difference in the interpretation of that article in the Constitution. But those exponents of equality do not seem to realise that there have been steep disparities perpetuated in this Bill. Some of our friends stated—I do not know whether it was with a view to enlist my support for the entire provisions made in this Bill or not, but they stated—that in our society labour and women come in the same category. And some of my friends explained this by saying that the pains of the labourers and the labour pains were one and the same thing. I do not know whether they come in the same category, and I also do not know if a man can share that pain with women, because it is not within the reach of the scientists to make the man suffer from the labour pain. It is therefore evident that it is the Providence which has accorded a different status to man and women. We have got no grouse if they can prevail on Nature or Providence to put them on an equal footing with them.

SHRI V. K. DHAGE (Hyderabad): Why not put men on an equal footing with women?

(Interruption.)

SHRI B. K. MUKERJEE: Sir, it is said by an eminent author that a woman worries about her future till she gets a husband, whereas a man never worries about his future till he gets a wife. That means, a girl always worries as to what type of a husband she will have, or whether the husband that she will get will have enough money or not. This is what the Providence has bestowed upon them. And not only the men writers but the women writers too have described women as a fair sex, as a weaker sex. Not only men but women also have used this same term for women. Therefore it is clear that women have got 10 worry till they are married, but men never worry till they get married.
That is to say that a woman is a sort of parasite on her husband, because it is the husband who earns and she lives happily, whereas a man does not worry till he gets a wife because he can work hard and be comfortable. But when he gets a wife, his comfort is shared by her. That is the difference. Therefore

Mr. DEPUTY CHAIRMAN: I may point out that I have 27 names yet and the Business Advisory Committee and the Chairman have decided that the general discussion should be closed today and that the Minister will reply tomorrow. So, you will have to restrict your remarks.

SHRI H. C. DASAPPA: It is too late a decision.

SHRI B. B. SHARMA: This is coming at the fag end of the discussion. Why can't the time be regulated from the very beginning?

Mr. DEPUTY CHAIRMAN: It is being done. The Business Advisory Committee met at the earliest time during this Session to decide upon the time. We will sit through the Luncheon Hour and also sit till 6 P.M. if necessary, but the debate should finish. Further, all these general remarks are out of place, a's the Bill has come from the Select Committee.

SHRI B. K. MUKERJEE: I bow to your ruling, but this was not announced in the beginning. I am sorry that we are treated as if we are not contributing to the progress of the work of this House. If you really feel that we are really wasting the time of the House, I have got no objection to sit down.

Mr. DEPUTY CHAIRMAN: I did not say that any Member was wasting the time of the House. What I suggest is that the Bill has come from the Select Committee. Any remarks as to how the Bill can be improved will be relevant but general remarks about the functions of man and woman, about equality of sexes, fundamental rights and so on are all beyond the point. That is what I am saying.

SHRI B. B. SHARMA: Were the remarks of an eminent Lady Member of our House that men are the curse of women, they have been the centres of all evils in seducing women, etc., at all relevant?

Mr. DEPUTY CHAIRMAN: They were also equally irrelevant.

SHRI B. B. SHARMA: But they were not declared so at the time.

Mr. DEPUTY CHAIRMAN: If it was missed, I am very sorry.

SHRI B. K. MUKERJEE: The hon. Deputy Chairman is a lawyer and can guide us and say whether our remarks are relevant or irrelevant. I am not a lawyer and I don't know any question of law.

Mr. DEPUTY CHAIRMAN: What I am suggesting is that your remarks should be relevant to the clauses of the Bill. Let us know how you want to improve them.

SHRI B. K. MUKERJEE: How can I improve unless I give a reply to the other arguments. I have got to reply to them.

Mr. DEPUTY CHAIRMAN: You may leave it to the hon. Minister. Let us have your views.

SHRI B. B. SHARMA: The hon. Minister is in league with the other side.

SHRI H. V. PATASKAR: No, No.

Mr. DEPUTY CHAIRMAN: Such insinuations are not proper.

SHRI RAJENDRA PRATAP SINHA: What is the time-limit now?

Mr. DEPUTY CHAIRMAN: About ten minutes each.
MR. DEPUTY CHAIRMAN: They won’t admit it.

SHRI B. K. MUKERJEE: This legislation, as some of the Members have said, can be renamed as Freedom Legislation for the women of this country. Some have styled it as a boon to the lawyers. Of course, it will be a boon to the lawyers and those who are in the legal profession. They will have a good time, but as regards the freedom of women, we have got to know what type of freedom they like to have. Now India and Pakistan became independent on the same day of the same year, but Pakistan could not draft her own Constitution in these seven or eight years, and there have been so many changes in the government of that country.

Mr. Deputy Chairman: What has that got to do with the Bill here?

SHRI B. K. MUKERJEE: First let me finish. If they want this type of freedom, as many Members expressed, what will be the position of our society? If they demand that the Bill should be called Freedom Bill for the women of this country, and if they want the type of freedom which Pakistan has achieved, then our society will be smashed. But anyhow, this Bill is meant only for an insignificant minority of the people of this land. Again, in a few years’ time, there will be no property whatsoever to be divided. Therefore we need not worry very much. I do not know why our sisters are attempting to have a share of the property which their parents may not possess.

DR. SHRIMATI SEETA PARMANAND: They are only anxious for recognition of their rights.

1 P.M.

SHRI B. K. MUKERJEE: It is right without responsibility. Now there is so much indiscipline in our country. If we have got good mothers, we can produce many more Jawaharlal Nehrus but with the present type of mothers,
[Shri B. K. Mukerjee] we are producing evil people who are shot at in Bombay, and at Patna as the other day. This Bill will not affect many people in this country. But if we legislate this in the way in which we are going to do, if we pass this as reported by the Select Committee, then we should be ashamed of ourselves in the international society. Women want equality—that they should be recognised as equals with men—that brothers and sisters are equal; but it is not a question of distribution of property alone. What about the distribution of poverty? Can anybody not cite an instance where the father or brother suffers from poverty, the brother has got no money to go to the school whereas the sister rolls in money? There are many cases like this where the father, the brothers and unmarried sisters have nothing to eat whereas another married sister rolls in money. Why our sisters do not cry for equality there? In India 95 per cent, of the population are poor. So when men alone share the poverty of 95 per cent, you will have to recommend equally to your sisters to share the poverty of the other 95 per cent, of the people. Are they ready? If they demand this, I can agree. I do not see anybody demanding that. Therefore we have nothing to talk about the distribution of property. Those who have got property now will be deprived of that in the next few years to come. Therefore this Bill should not be passed as it has emerged from the Select Committee. Certain changes are necessary to pass this.

I wanted some clarification. This applies to the Hindus. I wish to know whether it applies to a foreign Hindu who might have property here. Anybody who is not an Indian might acquire property in India. How distribution of such property will be governed, I wish to know.

Mr. DEPUTY CHAIRMAN: If that foreigner is a convert to Hinduism, it applies.

Shri B. K. MUKERJEE: I mean, a foreigner, a Pakistani, a Hindu adopting the religion of Hinduism, if he acquires some property in India and his property is in India but they are all in Pakistan—say, one daughter may be married in India also, then how that property will be divided. I wish to know whether that Pakistani Hindu will be governed by this Hindu Succession Bill or by the law of Pakistan. Another clarification that I want is, this Bill deals with Hindus and those who are not Muslims and Christians, are to be treated as Hindus. Now there are some people who do not profess any religion. Say, for instance, our friends who generally sit over there—the Communist Group, have got no faith in any religion. They don't profess any religion. I wish to know how their property will be governed. What type of inheritance a communist will have. They are neither Christians nor Hindus nor Muslims nor Buddhists nor Jains

The Minister for Legal Affairs (Shri H. V. Pataskar): They don't say that.

Shrimati Parvathi Krishnan (Madras): He is worried about us. We are not.

Shri B. K. MUKERJEE: Because for elections, we know, nomination papers have got to be filled up but there were many cases in this country where they did not fill in that column regarding religion. Therefore I raise this point as to how their property will be governed.

Then this Bill says that even the illegitimate children can have a share in the property but not the legitimate son who might change the religion. It says:

"Where, before or after the commencement of this Act, a Hindu has ceased or ceases to be a Hindu by conversion to another religion, children born to him or her after such conversion and their descendants shall be disqualified from inheriting..."
the property of any of their Hindu relatives.......

Now a mother can profess a different religion with a child in the womb. What will happen to that child? This is also a matter for clarification from the hon. Minister. When we legislate for the illegitimate children why do we debar the legitimate children born of the father and mother when they were together?

Regarding the illegitimate children, a lot of people have expressed their opinions against the provision here and I too support them. Now this Bill has been initiated on the recommendation of the Rau Committee. The Rau Committee wanted to debar the Dasi Putra, the father of whom was known to have a married wife. Then it was taken up by the Select Committee of the Hindu Code Bill. They also decided not to include illegitimate children. After passing many stages where big brains and experts were employed, they suggest the best way to legislate for the Hindus, both the Rau Committee and the Select Committee rejected the claim of illegitimate children but we have got more sympathy for the illegitimate children than for the legitimate children. Legitimate children may or may not inherit the property because if the mother takes to another religion with the child and goes and lives a life as applicable to that religion, the child, though legal and born out of wedlock, will be debarred. I don't find any logic behind these two suggestions—to debar a legal child and to allow an illegitimate child to inherit the property. Regarding the known father, that is to say, before his death, if the father comes to be known to the Government or the rulers of the land, I would like to know what penalty has been imposed on that man who was responsible for that illegitimate child? Sir, by means of legislation, we have provided against polygamy. But here, if a man visits a woman other than his legitimate wife, does it not mean polygamy? I do feel there must be some provision made in this very Bill to penalise the father, if known. Unless we can impose a penalty on those people who are responsible for the birth of illegitimate children, all our attempts to remove polygamy from this land will be mere dream.

SHRI B. B. SHARMA: Not polygamy but bigamy.

SHRI B. K. MUKERJEE: That too will be covered.

SHRI B. B. SHARMA: No.

MR. DEPUTY CHAIRMAN: Yes, yes, please go on.

SHRI B. K. MUKERJEE: We have the greatest sympathy for the illegitimate children, for they are not responsible for the action of their parents but they cannot be allowed to bring disruption in our society. Therefore, I would submit—and I am sorry very few, if any, raised this point—the responsibility to maintain these children to maintain them, to educate them and to provide them with the means of a livelihood rests with the State not with the presumed father. Let the State take over on its own shoulders this responsibility of maintaining them, of educating them and of providing them with the means of earning a livelihood.

SHRI B. B. SHARMA: As in other countries.

DR. P. C. MITRA (Bihar): In the United Kingdom.

SHRI B. K. MUKERJEE: Yes, in many other countries they do it. But we seem to be going in the wrong direction. One lady Member while speaking on this Bill said that if the father was not known, the evidence of the mother would be final. Sir, there are many rich people in the country, and if I may be excused, I can cite the case of our Deputy Chairman also, and in the ...........
MR. DEPUTY CHAIRMAN: Mr. Mukerjee, please take it from me, I am not rich, I am a poor man.

SHRI B. K. MUKERJEE: But you occupy a very high position, Sir; it is not only money but high position that counts.

SHRIMATI PARVATHI KRISHNAN: He is rich in merit.

SHRI B. K. MUKERJEE: If the father is not known and if the mother’s evidence becomes final, then many a mother would come to the court to safeguard the interest of the child by which the mother also will get some money and she would depose in the court that this child she got through such and such a man. That man would be dishonoured—and he may be a respectable gentleman—and that would bring disruption in many families. Therefore, this is a dangerous provision.

DR. P. C. MITRA: That question will arise after the death of the man.

SHRI B. K. MUKERJEE: But if it is known before the death of the father, what happens? Why should not Government impose a penalty on that man for his corrupt action by which this child was born?

SHRI H. V. PATASKAR: That cannot be done in this Bill.

SHRI B. K. MUKERJEE: If not in this, then in some other Bill, for if you want to protect monogamy against polygamy, this is the logical sequence. If a man indulges in this sort of behaviour, he must certainly be penalised. Otherwise what is the sense in having a law of monogamy in this country? Actually, this means polygamy, if a man visits so many women.

Sir, one of the lady Members feels that this Bill has been initiated by her and she takes pride in saying this is her child. But I was happy to go through her note of dissent in this Report.

SHRI H. V. PATASKAR: The hon. Member may apply to her, but I have not relinquished my claim.

SHRI B. K. MUKERJEE: What she wrote in that note of dissent I have got to support.

Now, about the subject of property, I have got a definite suggestion to make. And that definite suggestion is not from me alone, but it has been recommended by the Congress women in my State who met on the 30th September and decided and they have requested all Members of both the Houses of Parliament to voice this demand while this Bill is under discussion. Therefore, I am making this suggestion here. They demand that girls not married, that is to say, unmarried girls must have equal share with the brothers. Exclusion is made in the case of married daughters. No married girl shall have any share in the property of the parents. But unmarried daughters will have equal shares with the sons. As I have stated before, some eminent writer has said that man never cares for the future till he gets a wife. Now, I will probably be imposing more worries on the man when I say that as soon as the man marries, half of his moveable and immoveable properties must go to his wife, and after the death of the husband, neither the son nor the daughter will inherit the property, but the wife, rather the widow will be the sole heir to that property. That is my concrete suggestion in this respect. Though we have been claiming equality, I find disparity also in this Bill which probably our lady Members who were on the Select Committee did not notice or they intentionally allowed that thing to go in the Bill. We find that in Classes I and II, of the Schedule, the father comes in Class II whereas the mother comes in Class I.

I do not understand how this can be called equality. In my opinion, this is a disparity and those exponents of equality have not pointed out this mistake and corrected it, if it is
mistake. My opinion is that it was no mistake but something deliberate. Therefore, I want them to rectify it so that we do not perpetuate a disparity. I find here a glaring disparity in that the father and mother are riot put in the same class. They must be put on the same footing. I do not mind the mother being taken out of class J and put in class IJ along with the father or the father being removed from class II and put in class I. The whole idea is that there must be uniformity and there must not be this sort of disparity.

I have only one more word to say before I sit down. I want to reply in one word to those lady Members who challenged the men. Men are not as foolish as women seem to be. We are strong enough.

SHRI MUKERJEE: Therefore, we have got to ignore this challenge. We cannot take it up 'because the women belong to the weaker sex. We are the stronger sex and, therefore, we cannot take up that challenge with the weaker sex.

SHRI SUMAT PRASAD (Uttar Pradesh): Mr. Deputy Chairman, I welcome the main principle involved in the Bill that daughters should be given an equal share with the sons. The point of difference is only in regard to achieving this objective. This question had been before the country for over ten years. It was considered by the Rau Committee and a Bill, based on that Committee's Report, was referred to a Select Committee. The Select Committee recommended that the Dayabhaga system should be adopted, that nobody should be allowed a share in the property by birth and that the principle of succession by survivorship should be abolished. That decision was taken after mature consideration. There was opposition in the country and the Bill lapsed. Subsequently, probably in deference to the views expressed in the country, it was provided in the Bill which was introduced in this House that it would not affect the property governed by the Mitakshara law and that a share would only be given to the daughter out of self-acquired property of the father. Now, when the Bill went to the Joint Committee, that Committee maintained the Mitakshara system but arrived at a sort of compromise as embodied in clauses 6 and 8 of the Bill. For that, they had to introduce certain complications; for instance, they had to provide for a notional partition on the death of a father so that the daughter may be provided a share. The provision of clause 6 has been rightly criticised in this House; it leads to certain anomalies. If a son separates in the life time of his father, he remains in an advantageous position as compared to the other sons. There will be a premium upon separation. The normal rule of Hindu society at present is the joint family system. As the provisions of clause 6 stand at present, a son would be tempted to separate and separation is very easy. By unilateral declaration, a member of the coparcenary can separate. A daughter will get absolute interest in the property. The share she gets from the father will be absolute whereas the son's share will be restricted in this sense that he will have power to alienate only under certain conditions. This will be another disadvantage. One of the speakers this morning remarked that nowadays the old conception of a joint Hindu family is a thing of the past. Some of the sons might be living at Calcutta, others in Bombay and yet others in other places. Therefore the idea that they would be living together and working together no longer exists on account of economic considerations. I would place certain considerations before you. On account of income tax and the Estate duty, people engaged in trade, commerce and industry have mostly executed partition deeds in order that they may escape from the provisions of the income tax law, etc. By doing so they have to pay at lower rates. When these
people enter into some sort of partition, they do not mean to act up to it. They execute partnership deeds simply to gain certain advantages in regard to taxation. After ten or fifteen years this becomes really effective. Therefore, there is no use trying to maintain it in the form in which an attempt has been made to maintain it in the present bill. In our country, there are not many income tax payers. Their number is about six or seven lakhs. Most of the people depend upon their earnings. Property itself shrinks unless it is used in the production of more wealth. Those who do not own ancestral properties try to maintain their children as comfortably as others do. The idea that if a man has no ancestral property he will not care for his wife or children is not correct. Why introduce so many anomalies? In course of time, as the socialistic pattern of society takes shape, property will not remain concentrated in a few hands. A man will have to depend upon his own efforts for his livelihood and prosperity. The best solution is the Mitakshara system should be abolished and with it the right of getting property by survivorship will go away. Succession will open on the death of the father and then there will be no anomaly. It is no use keeping the Mitakshara form as it has been maintained in the Bill, if this Clause is passed as it is, within a few years every family will get divided. In the List of Amendments I have seen many hon. Members of this House have given amendments to this effect.

Another point on which I want to say a few words is as regards illegitimate children. Much has been said in this connection. By all means give them maintenance. But the sacred institution of marriage should be maintained. If by indirect means people can have more wives in an illegitimate manner, the sacred life of the family will get spoiled and the standard of morality will be lowered. This Clause was not in the original Bill and the opinion of the country was not divided on this issue. I am sure, if opinion is invited on this issue, then there will be an overwhelming majority who will oppose this clause.

One thing more which I want to say is the effect of the Bill on the rural population. In the rural areas agriculturists who are engaged in cultivation have a small house and in accordance with the provisions of the Civil Procedure Code, it cannot be attached even in the execution of a decree. In Uttar Pradesh even if it is mortgaged no decree can be obtained on that basis. It is necessary for carrying on cultivation. Give by all means the right of residence to the daughter in the house in the rural area, but if you give her a share, then sometimes it may be very hard for the brother to purchase even the share of his sister. My suggestion is that at least in the rural area in a house valued at Rs. 2,000 or Rs. 3,000, no share should be allowed to the daughter or to any female heir.

Sir, the conception of society Is changing and let us hope for the good. There was a time when all the female relations used to depend upon their father, their brothers and their husbands and they were protected from all the worries of life. They had to manage only the household affairs. Now when our wants have increased and the standard of life has changed, the women also feel the necessity of an independent economic existence. Nobody grudges it and the opposition which once there was in the country to allowing a share to the daughter has gradually subsided nd everybody welcomes this idea that the daughter and other female relations should be given a share in the property, but the question is how to achieve this object. The Succession Bill is going to p fleet millions of people living in this country. So even their prejudices have to be taken into consideration. I agree with those friends who have advocated that both mother and father, should be kept in the same category. Even in
Shri B. B. Sharma: Mr. Deputy Chairman, I cannot support the measure as it stands. It is very obnoxious from several points of view. First of all, it violates all the three main principles of the Hindu system of law of inheritance. The three principles of Hindu law are not as they are misunderstood to be. The main principles are, I hope you will agree with me, that succession to a deceased is governed first by the principle of nearness of blood excluding the remoter ones. The second principle was that nobody, not even a male heir, was given any unlimited right. His rights, as well as the rights of women, were both limited and the limitation was that none of them could dispose of their property without legal necessity. Not even the father, not even the manager of the family, no member of the coparcenary could ever alienate any property without legal necessity. This is a very peculiar thing that it has been so widely misunderstood. The imitation was not only for women. It was a limited estate as it is called in Hindu law. It was a limited estate not only for the woman; it was a limited estate for the man also, because neither the man nor the woman could alienate any property without legal necessity or without the consent of the members of the coparcenary. So this principle of limitation of property was in the interests of the society as a whole. Family interest was the governing principle. Nobody could deal with the property in any way he liked. He could not waste it as he pleased. Therefore this misconception should be first removed from the mind of those persons who entertain the idea that men enjoyed a greater right in the Hindu system of law than women.

Then the third principle which has always been followed was that the property vested in a corporate body called the joint Hindu family and not in any individual. No individual, unless a partition had taken place, was deemed to possess a defined share in the property. All was a joint ownership of a peculiar type. Whether male or female, all had a share in the property of enjoyment only but none had any exclusive right defined. If these principles are borne in mind it would clear the misconception that women have been all along treated in a different way from men in the matter of property. This misconception is the root cause of all the trouble that we are facing today and particularly of the attack that the hon. Lady Members are making on this point. I want to remove this misconception. Men and women were both limited owners of the property. They were only the beneficiaries of that property which was practically a trust property standing in the name of the family, if this misconception is removed, then it follows that this Bill is neither fish nor fowl nor red herring. It is neither observing the three principles that I have just referred to, nor is it deviating from the Hindu law. It tries to maintain the mitakshara system and joint family property and at the same time tries to bring in a novelty which

urban areas you find many people who own a small house and tools to work with. If you allow a share in the family house to the daughter or to the sister, that will create the same difficulty as in the rural areas. Supposing they want to sell and the brother is not in a position to purchase it, he will be put to great, difficulty. Allow them only right of residence. I am conscious of the fact that if a residential house is exempted and daughters are not allowed a share in it, some persons may be tempted to spend lakhs on that house. But that sort of house is not in my contemplation. If the house exceeds the needs of the family or if it is of a very magnificent style or is of a higher value than the minimum fixed, by all means give a share to a daughter in that family house. But in a small house worth Rs. 2,000 or Rs. 3,000 the female relatives, should not be given a share but only right of residence. With these few words I welcome the idea underlying the Bill, of giving a share to the daughter and other female relatives.
[Shri B. B. Sharma.] no interpretation of Yajnavalkya, Jimutavahana or Jnaneshwar could have brought in. When they interpreted the word ‘pind’ they interpreted it in a systematic manner. Whether it was a particle of the body or whether it was an oblation offered, they differed only in that respect as to what interpretation could be given. When you introduce a female heir in the Coparcenary property either you say you are doing away with that old, archaic, outmoded and obsolete conception of Yajnavalkya Jimutavahana and others or you adhere to them. If you do adhere to them, then certainly the provision which was in the original Bill was quite consistent, was quite right. But in the Select Committee things are done on a give and take basis, not on the basis of any principle and that is how these female heirs have been brought in with a proviso which makes confusion worse confounded. As has been pointed out by many hon. Members the legitimate son who happens to be honest enough and serviceable enough to live with his father will have sometimes no property, as has also been pointed out by Mr. Tankha in his minute of dissent. Others will take away the property—the daughters the daughter's daughter and so many other people. The poor son having lived with his father and served him in his old age will find himself nowhere. This is an anomaly which has been brought in, I believe, without appreciating the legal position as it stands today. Now, what will happen is this. If there is property, the joint family will be broken up every time a death occurs. What particular benefit is there when every time a death occurs in the family a notional partition takes place or is deemed to have taken place? Sir, we are three brothers and if all of us within two or three years die, where will the joint family live then? So I say either you adhere to the old principle or give it up altogether. I would like you to adhere to the old principle. Sir, the joint family system was the bedrock of our cultural life. In the family every man, whether he was a little fortunate in being able or whether he was unfortunate in being a little disabled, everybody had shelter and protection and at least the surety of getting a maintenance there in the family. By doing away with this system, a cruel fate is awaiting those unfortunate persons who like my younger brother refused to be educated and the result will be that my daughters—I have only two daughters—will take away everything leaving nothing to my brothers and their sons.

Shri B. B. SHARMA: Not in my earnings. It is acquired property. Sir, I was educated at the cost of my family. My elder brother educated me and now what will happen to them?

Shri S. N. MAZUMDAR (West Bengal): Is it not the position that your earning can be disposed of?

Shri S. N. MAZUMDAR: Or.

Shri S. N. MAZUMDAR: No, Sir. We do everything openly, without any necessity of any propaganda.
SHRI B. B. SHARMA: I am talking about the fact of the devil taking the hindmost. My elder brother sacrificed his interests in educating me. Fortunately or unfortunately his sons did not get education. Now, my daughters will take away everything and those poor persons for whom my brother, my grandfather and father worked, will be deprived of all. This is a law which I can never in all my conscience, even though I have no son, subscribe to.

Then, another difficulty that I feel in this. How is it that you want to say that you are maintaining your culture and system and everything intact, while breaking it every time, it is doing it with a vengeance. You are following neither Mitakshara, nor Yagnavalkya, nor marumakkattayam, nor any system of law. Do adopt an' law. I do not say that you go back to the old conception. Do not deprive the ladies of their property or share. Have they ever been deprived of it? Is it because these wonderful ladies sitting over here were brought up under the old law that they were not able to inherit? They could not have gone to England without the gooc........

SHRI S. N. MAZUMDAR: Why do you assume that your daughter will be such a cruel hearted person?

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. B. SHARMA: I am on y pointing out the anomaly in the law. I am not arguing any particular case. The anomaly is that we are being charged of being cruel, monstrously cruel and perhaps congenitally cruel and perhaps ancestrally cruel, throughout the ages we have been tormenting these ladies, doing injustice to women throughout the ages from the Vedic time. My friend, the poet says, from the Vedic times onwards we began our cruelty. Had the cruelty like the South African apartheid policy been there, perhaps none of us would have been here, because there will be no progeny left! The women would have been exterminated! And perhaps they would have been exterminated because of our monstrosity! Sir, it is because of our kindness and goodness that they are able to live here and be here and also to give birth to men like myself, yourself and all of us. That is based on very high affection. Yes, that is the motherhood and not this aggressive, individualistic women who have no children at all, who have no love to bestow on anybody............

SHRI B. B. SHARMA: I am sorry that it is "kali", because I want to hit back as strongly as I possibly can.

Then, another valiant fighter of ladies' cause goes out and says that we men have been all along the ages so monstrously cruel and so devilish in our nature, playing the part of Satan to seduce them, to corrupt them, to molest them, to torment them and all that and for their own satisfaction, without any satisfaction on the part of the other side—whatsoever. And my only question to that lady would be, how is it that we do not apply lipstick, we do not wear any ornaments on our body? We are so care-worn as to have wrinkles on our faces all the while carrying their burden. Shri Prithviraj Kapoor has said that we are throwing away our burden. Have we ever become independent? They can never leave you alone even if you run away from them, just like Shukdev, Viswamitra and others. They will pursue you to the world's end........

SHRI S. N. MAZUMDAR: But does it not apply to the other side also?
SHRI B. B. SHARMA: No, Sir. We always try to run away, but they try to seduce us.

SHRI H. V. PATASKAR: This has nothing to do with the Bill.

SHRI B. B. SHARMA: It was just a side issue, to give vent to the feeling that was engendered by the vehement attack on manhood. But she forgets that man is very chivalrous; she forgets that man has always been extending the protecting hand to these ladies. She forgets that man has always treated them with a reverence which is only given to motherhood, a divine mother. They have always been called "Devis" not in the ornamental sense of a woman. It was only what was actually felt. I think, being the mothers, every sort of protection, every sort of honour, every sort of comfort, every sort of respect should be given to them. That was the attitude throughout the ages from the Hindu point of view. Never have we treated woman merely as an object of pleasure. They have always been respected. Every one of us is still living under the old law and all of us have mothers, wives, daughters and sisters and we know how much we respect them, how much we love them, and how much we worry for them. Recently I celebrated the marriage of my daughter. I know for how many years I have been worrying, economising expenses in order to meet the expenses in connection with her marriage. She is married, with your blessings, in a good family. Yes, but I was able to do that only after a long suffering for myself. And in that suffering my brothers, nephews and all shared. And the result is to deprive them all of any property under this Act, for the kindness that they have bestowed on us. They do not want that this should be so, because they were never conscious that we were doing this kindness to them. They were feeling all the while that because their uncle had no son, they should do the best for the daughter. Now, that feeling will no longer be there in future. I hope all of you gentlemen who have been living in this condition will agree with me when I say that the feeling of love will be lacking henceforth.

2 P.M.

SHRI S. N. MAZUMDAR: All families are not so happy as yours.

SHRI B. B. SHARMA: Most of the families may need this. But I say that if you take the census of Hindu families throughout the country, 99 per cent, have followed that custom and particularly the agricultural families, in order to keep themselves a little prosperous, always remain joint. Certainly your new fangled ideas are working them up.

MR. DEPUTY CHAIRMAN: It is time. Mr. Sharma.

SHRI B. B. SHARMA: One word more, Sir. I would request Mr. Pataskar to put himself in the category of a wealthy gentleman catching the eye of some—I do not want to mention ifc-ill-famed woman in his town. Fortunately she has a son. After his death—God forbid—somebody sets her to say that she was in the keeping of Mr. Pataskar for a long time and that her son was born to him. She comes and sues him in a court of law and she swears all these.

SHRI H. V. PATASKAR: All this is imaginary.

SHRI B. B. SHARMA: How is it imaginary if she can make an application to any magistrate for the maintenance of that child on the ground that the child was born to so rich a man?

AN HON. MEMBER: But are there any such cases now?

SHRI B. B. SHARMA: Yes. I know that a very eminent lawyer of Allahabad is being harassed that way today. Mr. Pataskar is a lawyer. He must have also known that. Even in the case of daughters, a woman can say that she was not born to this man
and that she was born to somebody else. Does not a daughter come forward and claim that she is the daughter of such and such a person? These things we have all fought in courts and we know it. Therefore, Mr. Pataskar as a lawyer should row that things like this will happen.

SIRI S. N. MAZUMDAR: Lawyers should discourage such cases.

SIRI B. B. SHARMA: How can any one discourage when things go to a law court and a statement claiming a share in the property is made and what evidence will Mr. Pataskar adduce? Better than that, if you have a statement from the mot ler, no colurt w4U - disbelief tthe swrni evidence of the mother against the circumstantial evidence of so miny other persons.

(Interruptions.)

Mr. DEPUTY CHAIRMAN: Orcer, order.

SIRI B. B. SHARMA: I am pointing out this difficulty. You may be cock-sure that you will not have si ch cases; but the possibility is there. Even one case will refute your argument for the inclusion of that clau. e. It will not justify it. It is all very well to say that daughters should be given a portion of their father's property. Right. Give them. But then, what makes you put them in one class along with the sons? In the Hindu Law, the son, the grand-son, the great grandson and then others come in. Here you find the son and daughter. Admitted. If you are going to give a share to the daughter, very well. But what about the mother? Where is the 'mother* kept? She will inherit from my father along with me sometimes—if she is unfortunate to survive my father. Then again 'son of a predeceased son'. All right. Then 'daughter of a predeceased son.' What right has she got in my property? She is not my daughter.

Mr. DEPUTY CHAIRMAN: She is your grand-daughter.

SIRI B. B. SHARMA; I agree; I concede Sir, that you may give that right to her. But then I am just coming to the 'son of a predeceased daughter.' Right. The daughter of a predeceased daughter.' She is born in another family and she has gone to another family. And then widow of a predeceased son.' Right. 'Son of a predeceased son of a predeceased son' and then 'daughter of a predeceased son of a predeceased son' and then 'widow of a predeceased son of a predeceased son.' How can you make them simultaneous heirs to the property of a deceased unless ................

Mr. DEPUTY CHAIRMAN: If you agree, the daughter should be equated with the son.

Smi B. B. SHARMA: I would agree so far. I would go so far as to the daughter sharing the property with the son but daughter's sharing and daughter's daughter and daughter's daughter's daughter................

AN HON. MEMBER: This is only when the daughter is dead.

Mr. DEPUTY CHAIRMAN: The Select Committee has gone two steps further, grand daughter and great-grand daughter through the daughter They are also equated with grandchildren through sons.

SIRI B. B. SHARMA: That is the whole thing that I am saying. To bring in others in this simultaneous inheritance in the family along with those persons who are interested in the maintenance of that family property is too much which I do not understand.

SIRI H. V. PATASKAR: These are the admitted principles which you yourself know—nearness in blood.

SIRI B. B. SHARMA: We know the position of a son under the Mohammadan Law. The sons are given the right in the father's property. You say you can equate the daughter also. But then either you
[Shri B. B. Sharma] follow one principle or the other, if sapinda is to be brought in.

SHRI H. V. PATASKAR: This is consistent with the principle advocated by the hon. Members regarding nearness of blood.

SHRI B. B. SHARMA: No doubt. But what about the brothers?

I can't understand why the brother and the father should be excluded.

SHRI H. V. PATASKAR: What is the present position?

SHRI B. B. SHARMA: My difficulty is that you are shifting from one ground to the other. You stick to one particular principle or you say that you are being blown with the wind.

SHRI H. V. PATASKAR: I am sticking to the same principle except that I have placed son with the daughter.

SHRI B. B. SHARMA: Not only the daughter but so many others. That is the whole difficulty.

SHRI H. V. PATASKAR: And daughter's daughter.

SHRI B. B. SHARMA: Why! daughter's daughter's daughter? Why should it not merit your kindness?

MR. DEPUTY CHAIRMAN: Have you finished, Mr. Sharma?

SHRI B. B. SHARMA: Just a minute, Sir, even if I agree to what has been said, why is the mother placed in the first category and the father relegated to the second category. When everybody else has been excluded the old man is to get my property if he is so unfortunate as to live after me. This is something which I cannot understand. If you are equating son and daughter then mother and father should also be equated. Either bring down the mother, but I would rather prefer father to go up rather than bring the mother down.

Then, Sir, the place of brother's son should be somewhat higher than son's daughter's son.

DR. W. S. BARLINGAY (Madhya Pradesh): These are matters of detail.

SHRI B. B. SHARMA: My dear brother, these are not matters of detail; these are the crux of the whole situation. I appeal to the good sense of the House not to make yourself ridiculous before the people's eyes by passing this enactment in such a haphazard way. Son's daughter's son and son's daughter's daughter have a preference over brother. Not only that but the daughter's son's son and daughter's daughter and daughter's daughter's son have a preference over son. That is something ununderstandable.

MR. DEPUTY CHAIRMAN: They will come after the brother.

SHRI B. B. SHARMA: I want to draw the attention of the House to these things. I have nothing more to say except that this Bill is one of those legislations which will upset the whole economy of the country and upset the minds of the people very much. Sir, you may not agree with me and most of the Members of this House may not agree with me but I ask you to select any constituency. Let the people be fully explained and enlightened what this Bill provides and I would challenge my friend, Mr. Pataskar to seek election from that constituency on the issue of this Bill.

SHRI KAILASH BIHARI LALL: Mr. Deputy Chairman, before I begin my speech in Hindi I may request you to ring the quorum bell, because I am unfortunate in not having the required quorum.
Mr. DEPUTY CHAIRMAN: You have got the quorum.

SHRI BHUPESH GUPTA: Good things will bring in more people.

SHRI JASPAT ROY KAPOOR: As the hon. Member speaks many others will pour in.

AN HON. MEMBER: It is going to be a juicy speech.

SHRI K.S. HEGDE: At the moment there are very few Hindi knowing people in the House. Why not speak in English?

Mr. DEPUTY CHAIRMAN:
मेरे आकर्षण एक उत्साहण बौद्धिक है। एक दूसरा बौद्धि कि ज्ञानदायिनी शस्त्रसशील है। जिसकी उन्मोचन की मांग है और उसके साथ ही भी यह है कि मांग के बाहर हो जाएगा। अपने अर्थ प्रदर्शन का कार्य है। अब उसके बारे में है और उसका बाहर होना है। इसीलिए यह यह साफ स्पष्ट है कि यह है स्निकट ज्ञान का भाग है और यह है बाहर होना जरुरी है। इसके लिए यह साफ स्पष्ट है कि अपना बाहर होना है। अनेक स्वाभाविक में यह है साफ स्पष्ट है कि यह है स्निकट ज्ञान का भाग है और यह है बाहर होना जरुरी है। इसीलिए यह यह साफ स्पष्ट है कि अपना बाहर होना है। अब उसके बारे में है और उसका बाहर होना है।

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Mr. DEPUTY CHAIRMAN: You said you had finished.

SHRI KAILASH BIHARI LALL: yhen did I say that?

Mr. DEPUTY CHAIRMAN: After Mr. Sharma's speech, you said you did not have much to say. So please finish.

[THE VICE-CHAIRMAN (SHRIMATI CHANDRAVATI LAKHANPAL) in the Chair.]

Mr. DEPUTY CHAIRMAN: After Mr. Sharma's speech, you said you did not have much to say. So please finish.

[SHRI KAILASH BIHARI LALL: yhen did I say that?]

Mr. DEPUTY CHAIRMAN: After Mr. Sharma's speech, you said you did not have much to say. So please finish.

[THE VICE-CHAIRMAN (SHRIMATI CHANDRAVATI LAKHANPAL) in the Chair.]

Mr. DEPUTY CHAIRMAN: After Mr. Sharma's speech, you said you did not have much to say. So please finish.

[SHRI KAILASH BIHARI LALL: yhen did I say that?]
"They always worry before they get their husbands; but men's worry begins after they are married." Whose fault is that?

It is neither fish, nor flesh nor red herring, rmb Communalism Consolidation Bill.
SHRI KAILASH BIHARI LALL: Who says that I have taken sufficient time? I have taken much less time than other Members and there is no time-limit for discussion of a Bill in this House. If there is any limitation put by the Chair, it is by common consent and we have not agreed so far to any and it has not been announced that there is any such time-limit. I am going to finish, Madam.
"Application of Shariat laws to all Muslims irrespective of any customary law."

"How does it concern us! It is a question of Muslims."

SHRIMATI PARVATHI KRISHNAN: Madam Vice-Chairman, we welcome this Bill in so far as we have before us now the second stage towards a uniform Civil Code. In this Bill an attempt is made to overcome the glaring disparity that exists in the country today in the rights of men and women to property. True, there are many anomalies and those of us who have submitted Minutes of Dissent have drawn attention to those anomalies and I trust that the House will be able to straighten that out and make equal property rights of men and women a reality by making welcome changes and by removing those anomalies. During the debate of the last two days, I felt almost as though I was back in my childhood attending one of those entertainment fairs and: going on the merry-go-round. There has been such a word of opinions expressed. In order to hide or cloak the hide-bound prejudices, in order to cloak the most reactionary stands possible, we have been taken into all sorts of realms of fantasies, and told one hypothetical case after another. In fact when I was listening to the various fantasies put before the House, I was reminded of a story of one of the Prime Ministers of England—Benjamin Disraeli. When a new Member who had attended Parliament asked his advice as to whether he should make his maiden speech on a particular subject, Disraeli turned round to him and said "My young friend, it is always better to leave people wondering why you did not speak than to set them wondering why you did speak". This is the position in which I might say, I found myself sometimes. Because under the guise of various hypothetical cases and under the guise of making out that such and such complications would arise, we found those " who hold these reactionary views putting before the House women in various guises. There was the poor..."
daughter who is left penniless, the unmarried daughter who is not looked after, this that and the other. And of course, some share must be given to her and we might think about that. Then there was the poor widow. If you give her too much property, if she is made a rich widow, then there will be so many wolves and vultures in the shape of men—and this was said by gentlemen Members of this House—there will be such wolves and vultures who will be waiting in order to pounce upon her. Then there was the poor, misguided daughter-in-law who would come into the joint family house, with the mother-in-law, the husband, the father-in-law and so on and so forth, and become a burden to her father’s family. In this way, the giving of property rights to woman, it is thought, would mean either misleading her or turning her into a virago or a termagant and so on. These are the variety of hypothetical cases put before the House. I do not, however, want to go into all these cases one by one, and show how every hypothetical case has a parallel also, because common sense would show that. All I want to do is to warn hon. Members to maintain some sense of balance and not to be carried away by these hypothetical cases, and to see what really lies behind such arguments. What is it that really lies behind them? The entire aim is just to safeguard the present position as it is today, just the unwillingness to give to woman in this country the right to property and to enable her to have an independent, economic existence in the social framework of our country, the unwillingness of man to give her in toto, the rights that are guaranteed by the Constitution, to confer equality of status between (man and woman. This is where all these various hypothetical examples would land us if we took them very seriously.

I do not want to take up much time.

Madam, Vice-Chairman, because there, have been such repeated appeals from the Chair that we should try and confine ourselves to essentials and not take too much time, so that we may ensure the speedy passage of this measure, and also in order to give everybody some opportunity to express his viewpoint. I do not want to go into details now, because the amendments are there before the House and we will have an opportunity of expressing ourselves on the details.

There are, however, certain discrepancies in some clauses, particularly in clause 6, a clause to which many hon. Members have already referred. In the dissenting minute also, we have stated that clause 6, as it stands today, does penalise the undivided son. And certainly we do not stand for that, for we do not hold that woman should get any greater right than man. In fact, whenever measures of this type have come up before the House, I have expressed myself most vehemently that at no time do I consider them as if women are lined up on one side and the men are lined up on the other side. I consider them only as measures of social reform. All those who have the vision and who have the integrity to see the marks of changing times, stand together, regardless of whether they be men or whether they be women. There are those who line up behind reactionary arguments and highbrow prejudices, talking in terms of the sanctity of the Hindu religion, of the sanctity of the Hindu society, of the sanctity of the ancient Hindu laws and customs, but they come down to a ridiculous position and it is nothing more nor less than just sanctimonious humbuggery. And today, if we want to take notice of the changing times, if we want to keep abreast of society as it is changing and evolving in our country in the conditions of today, we can do so only if we raise ourselves to the level of being worthy representatives of the electorate outside, if we give to women equality in status by offering them the equality of the right to pro-
Therefore, in amending those clauses which contain certain anomalies, I feel that the main idea that should be there before us, the pr-n-ciples underlying whatever suggestions we make should be one of guaranteeing economic and social equality between man and woman. Let us throw behind us all the various schisms and the various superstitions that may be dominating our minds from time to time. And bearing these common principles in mind let us find common ground on which we can cooperate and in a most amicable manner, overcome all the anomalies and discrepancies and thus ensure a really progressive measure which will be of benefit, not only to wom in this country, but to society as a whole, and thus guarantee national progress as well as every other progress.
हामारे भी भीड़ पे इस वस्तु को भगवान करते है । इस प्रकार हम भी भीड़ भी भगवान करते है । अगर यह भी भीड़ भी भगवान करते है । अगर यह भी भीड़ भी भगवान करते है । अगर यह भी भीड़ भी भगवान करते है । अगर यह भी भीड़ भी भगवान करते है ।

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हिंदू वाल्मीकि हो है दी हमारे गीत बहार । ध्वनि में ढालते हुए अंधकार में रहते हैं। उनकी प्राणी सुननी नहीं। प्राणी के सुननी नहीं। धुम लोगों को आँगन से नहीं भी सुनती है। कुछ तरह ढूंढ तो बनाते भी कर लेती है और भक्ति भी दूर है जैसे भक्ति भी दूर है।

बहर, विरुद्ध यहम 1954 400

हिंदू समस्ती के साथ, गरीबों से साथ दुख जाय तो हम बहुतों का कोई ज्ञाता उन्खबर भरी हो नहीं। मरे होटे दिनमान से आज इस और अधोक ध्यान देने की आवश्यकता है कि जो गाँव की राय थी हम उसकी दुखमान होगा, उनका बाँत सुख उद्योग करें।

हमको उनके विश्व में मस्तिरा चाहिए।

हां, लोगों के यहाँ खड़ी खड़ी खुश नहीं है और यानी एक यहाँ में कई बारकर्षित होगी हैं तो मैं भी नहीं तो मैं आर्थिक की शर्त के लिए आपको चाहिए। शर्ताँ पर होगा। इसका अधीक्षक उन्हें लिखने और गरीबा ही क्या रहेगा? इस प्रकार बहुत माँगें कहाँ में कहाँ में रहेगा? करना नहीं करें भी नहीं जिनको इस प्रकार के तरीके पर देना होगा? किसी का करना अपनी समझक देता है? कहाँ से जरूरी की जरूरी के लिए शरीरकार हो जाता है अनाज अधिकार है।

बहुत से गाँव भरपाई में अपना रहित हो रहा। बहुत पुरानी खिड़कों से भाई बीड़ में प्रेम चारसिक, और बीड़ माँ में रिश्ते रखने वाले भी भी बीड़ में रिश्ते रखने के साथ बायी देखी। प्रेम चारसिक को एक से मातृता होता है रक्ताक्षर के साथ एक नारी भेजने पर वो दिनों में, दुपट्टों सारे वे भी बीड़ में जैंक से वे भी बीड़ में जैंक से वे भी बीड़ में जैंक की रूचि के अंत पर मिला। वह प्रेम चारसिक रहकर रहा जाय, वह तो गाँव पता था, भागी बाबा का गाँव बाबू दुकानों के लिए बाहरी होती है।

मूर्ति जब उन्हें रचना के शासन कान में उनकी बायी देखी में हिस्सा नहीं रहता तो पिता की आपसी के बीच में क्यों कर रही थी। एक गरीबी में नहीं नहीं बाड़ी, एक जगत की उदासी नहीं, का पारी और दुकानी उठाने के लिए बाहर रही थीं, केवल का पारी, यह बाहर लगी समय में नहीं आ रही है।

उन्हें इस रात्रा का मोहन शुभ हुआ तब सब से ही नीचे रीत पर में कुछ बढ़ने में गए। वह तंदुरी ही, क्यों महीने बढ़ने में से नहीं। जब तरह जैसा है कि मैं इस पर बोल्ड जानना चाहते हैं। मैं नहीं बोला, मैं निश्चित है और कुछ समझने के बाद अन्त में मैं इसी निश्चित है अंत में कुछ मां में कुछ दृष्टि होगा, फिर दृष्टि बढ़ती रही है और बहराइयों और हमीं भी
अब वह सब गंगी निःश्रेय बधाई रहता है। अब
भी बहुत भाग पर ताकर कर ही नहीं। वो सब
गंगी निःश्रेय है वह अरब गंधर्व को दिशा
देता है। एक तरह तो हमारे परिवारी को
चाहिए यह ताकर कर है। विकल्प पर्यन्त
होता है। यह यहाँ में अपनी कमजोरी को
मानती है। हम लालगा को छोड़ नहीं रखती।
अभी बाहर में कई लालगा चुप बाजा है। वह
उसमें कहीं नहीं लाता है। परिवारी के साथ विशा
लता ही है।
SHRI H. N. KUNZRU (Uttar Pradesh) : Madam, this Bill is not before us a day too soon. The subject with which it deals has been before us for nearly 14 years and we at last see a fair prospect now of placing the legislation on the Statute Book that would enable the daughters to claim equality with the sons. I lay stress on this factor because the real object of those who have asked that the daughter should have a share in her father's property has been to raise her status so that she might be an honoured member of the household to which she belonged. A Bill was introduced on this subject in the provisional Parliament which unfortunately met with so much opposition that it had to be withdrawn or rather that it could not be proceeded with. The situation has changed so much in the course of the last four or five years that people who disapproved of the idea of giving the daughter even half the share of the son are now prepared to give the daughter the same right as the son used to enjoy. I personally approve cordially of this principle. I think that there ought to be no difference between the rights and status of the children of the same person.

Having said this, Madam, and thus approved of the fundamental principle underlying the Bill, I am free to confess that its provisions are such as to lead to sharp controversies. The questions that I am going to refer to have been dealt with by a number of previous speakers but a stress has generally been laid so far in the discussion of clause 6, Explanation (b), as if it referred only to the daughters. As a matter of fact it refers to the female relatives of the deceased who are referred to in Class I of the Schedule. If we look at it in this light, that is, if we realise that clause 6 relates not merely to the sons and daughters but to the sons and the female heirs of the deceased mentioned in Class I of the Schedule, then the position for the undivided sons becomes even more serious than that depicted by those speakers who have discussed this clause as if it related only to the sons and the daughters of a deceased person.

A short example will make my meaning clear. Suppose a man has three sons and two daughters and his property is worth Rs. 20,000. One of his sons has his share separated. He will take away Rs. 5,000 from the sons and the daughters but to the sons and the female heirs of the deceased mentioned in Class I of the Schedule, then the position for the undivided sons becomes even more serious than that depicted by those speakers who have discussed this clause as if it related only to the sons and the daughters of a deceased person.

SHRI H. N. KUNZRU (Uttar Pradesh) : Madam, this Bill is not before us a day too soon. The subject with which it deals has been before us for nearly 14 years and we at last see a fair prospect now of placing the legislation on the Statute Book that would enable the daughters to claim equality with the sons. I lay stress on this factor because the real object of those who have asked that the daughter should have a share in her father's property has been to raise her status so that she might be an honoured member of the household to which she belonged. A Bill was introduced on this subject in the

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the property is to be divided, I mean if the share of the female heirs is to be determined on the assumption that the property was intact and that it was to be divided among nine heirs, then the share of each heir will amount to about Rs. 2,200. Thus, the share of the five female heirs will amount to Rs. 11,000. As one of the sons has separated taking away Rs. 5,000, there will remain only Rs. 4,000 to be divided among the sons of the deceased. Now, one would have thought that the son who had separated from his father would have no right to a share in the property left behind by him. But I gather from the discussion that took place yesterday that although under the present Hindu law a divided son has no right to any share in the property left by his father, if he dies after partition, under the Bill as it is, the divided son too can claim a share in his father's property, along with the three undivided sons. Thus, while the divided son will get Rs. 6,000, the undivided sons will get only Rs. 1,000 each and the female heirs will get Rs. 2,200 each. Now, surely a provision that works in this manner deserves to be radically changed. Our object is to place the sons and the daughters on a footing of equality. If we follow that principle, we can easily give effect to it in a much simpler way.

There are only three ways, it seems to me, in which we can deal with this problem. We can abolish the Mitakshara system and replace it by the Dayabhaga system, as was recommended by the Hindu Law Committee. Or, if we do not like this system—and it is clear from the Bill that the Minister for Legal Affairs is not prepared to do away with the Mitakshara system, then 

Shri K. S. Hegde: It is quite open to us to do it. I do not think he has any objection.

Shri H. N. Kunzru: Well, according to the Bill and according to his speech, he 

not prepared to do away with the Mitakshara system at once. According to the Joint Committee,
whence decision he has accepted, if the Mitakshara system is to be replaced by the Dayabhaga system, it should be done not in the Bill that we are dealing with now, but separately.

Then, if the Mitakshara system cannot be done away with, we can lay down in the Bill that no partition is to take place during the life time of the father. There are objections to that too. And if this course, too, does not commend itself to the Minister for Legal Affairs and the House, then the only other way in which the anomalies to which I have referred can be removed is this. Only such property should be distributed among the undivided heirs as remains after the sons who choose to enforce their right to partition have got their shares separated..............

SHRI J. S. BISHT: Nothing will remain then.

SHRI H. N. KUNZRU: I am not so pessimistic as to agree with my hon. friend, Mr. Bisht, who says that if this method is followed, the brothers will be clever enough to see that their sisters get nothing..............

DR. W. R. BARLINGAY: It will still work injustice.

SHRI H. N. KUNZRU: The father's share will still remain, but I do not really think that the majority of brothers would like to cheat their sisters of their rights under this Bill in this matter. The simplest way at the present time, if the Mitakshara system is not to be done away with and the right of the son of a member who has a share in a coparcenary is not to be disturbed, is that the undivided heirs should distribute only such of the property as remains in the hands of the father.

Now, Sir, this Bill relates to the property of a male Hindu dying Intestate. This means that the father can by making a will dispose of his property in a manner different from that laid down in the Bill. There is no doubt that he can do so. He can make any arrangements he likes with regard to his own separate property, that is, the property aquired by him through his own exertions. But he cannot dispose of by means of a will any portion of the coparcenary property. Now, the hon. Minister for Legal Affairs, when referring to this subject in his speech, said—I refer to page 11 of his speech:

"Clause 32 provides this testamentary right to a Hindu. But, as it stands worded now, it will not enable a Hindu coparcener to make a will in respect of his interest in the coparcenary. I think the House will duly consider the question at suitably amending clause 32 of the Bill, from this point of view, if my suggestion is approved."

Sir, legal decisions have already made appreciable changes in the coparcenary system, have appreciably modified the coparcenary system as it prevailed sometime ago. The Hindu Law Committee drew the attention of the Government and Parliament to this matter and recommended that the Government should be prepared, Parliament should be prepared to go a little further in this direction and abolish the coparcenary system.

Now comes the Minister for Legal Affairs who wants to make another inroad—and a big inroad—into this system. If you are going to make such a change in the present system as to allow a father to dispose of his property by a will of his interest in the coparcenary, as if none of his heirs had any share in it—any enforceable right to it—then what is left with coparcenary? If the Member in charge of the Bill is prepared to make so drastic a change, I cannot understand his shying at the proposal that the Mitakshara system should be done away with and that only a system like
[Shri H. N. Kunzru] that of the Dayabhaga should prevail in respect of the whole of India in future.

I shall go back to clause 6. I have already pointed out the objections to which Clause 6 as it is worded is open. But here too, I should like, in fairness to the Member in charge of the Bill, to refer to what he said in his speech in the last Session. He said:

"Clause (b) of the Explanation to clause 6 has been subjected to criticism in some of the Minutes of Dissent, and I am sure, this matter will be duly considered in this House."

And later on, he added:

"Consistently with the idea of providing a share to the female heir equal to that of a male heir, even in a Mitakshara joint family, there should not be much difficulty in finding a solution of this matter or for the removal of this seeming anomaly. People need not be agitated because there is something which looks like an anomaly or which is anomalous in one small part of the provision in clause 6."

I mean, these words make me feel that my hon. friend, Shri Pataskar realised the serious objections that could be urged against Clause 6 and was prepared to have it suitably amended. I have no doubt that, when he brings forward his amendment it will receive full consideration at the hands of all hon. Members. If he can remove the difficulty that even those of us who want complete equality to prevail between the sons and the daughters of a man feel, we shall be very grateful to him for his solution.

I should like to refer to the definition of the word 'related.' This too has been considered by a number of speakers already. I shall, therefore, not dwell on it at length. But I think it is still desirable to point out how unsatisfactory the definition is. Under the present Hindu Law, among the il.l.e.e higher castes, an illegitimate son only has the right to maintenance. The illegitimate daughter has no right at all. The Hindu Law Committee recommended that both the illegitimate son and the illegitimate daughter should have the right to maintenance. And this suggestion was adopted in the Bill that was placed before the Provisional Parliament. Now, my hon. friend, Shri Pataskar has gone much further and has given both the illegitimate son and the illegitimate daughter a share in the property of their father on a footing of equality with the legitimate heirs. While I am all in favour of removing this stigma of illegitimacy from the children, I cannot see the justice of the arrangement that Shri Pataskar wants to make. I mean, if you want to obliterate the old distinction between morality and immorality or between observance of the law and its circumvention, then the best thing to do is to do away with the institution of marriage. There will be nothing. Sir, to legislate about and people will be completely free to enter into relationships when they like and to break them off when they like. But if you pass a law in order to enforce a particular system because you think that it is in the interests of society, then it is obviously your duty not to make any arrangements that would weaken this system. I think, therefore, that this definition of 'related' is to be radically changed so that the illegitimate son and illegitimate daughter may have the right to maintenance only.

SHRI J. S. BISTH: They can inherit from their mother.

SHRI H. N. KUNZRU: We are dealing only with the father's property. Some previous speakers have referred to other objections too—objections that are fairly serious. But I do not want to refer to them at all. There is certainly a danger of a great deal of litigation because of the mothers of illegitimate children claiming that they were the sons of such
and such a person. But as this matter oas been fully dealt with, I do not vant to refer to it on this occasion.

There are just two more matters to which I should like to refer. One of them is the question of the right given to a female heir to residence in common dwelling house (Clause 25). It says:

"but the female heir shall be entitled to a right of residence therein."

Suppose the daughter is married. Now she is given the right of residence in the dwelling house. Yesterday this question was discussed as if advantage would be taken of this provision only by a widowed daughter, but the right has been conferred not on the widowed daughter but on the female heirs. It is, therefore, quite possible that the daughter may live in the common dwelling house with her husband and children and some other relatives.

SHRI H. V. PATASKAR: There may be such a case but generally she will be staying with her husband.

SHRI H. N. KUNZRU: If she will generally stay with her husband then we can without any injustice to her insert that she can exercise the right of living in the dwelling house only in certain specified circumstances.

SHRI H. V. PATASKAR: That can be considered.

SHRI H. N. KUNZRU: I am flad to hear from my hon. friend that could be considered.

SHRI J. S. BISHT: Or she can be compensated in cash.

SHRI H. N. KUNZRU: My suggestion is that there is only one house which is capable of accommodating the members of his family. No person not belonging to that family should have any right to live in it or have any rights in the sale proceeds of that House when it is sold. Had the Bill that was placed before the Provisional Parliament been allowed to be proceeded with by Parliament, I think that some such provision as tha' referred to by me would have been accepted by Government. I do not think, Sir, that it would be any derogation from the right of the daughter to equality with her brother if in respect of a dwelling house she were not given equal right with her brothers. There are difficulties in this matter which anybody who has ever been connected with a joint family can easily recognise. Let us not in the pursuit of a theoretical equality create unnecessary troubles which will discredit the legislation that, I hope, will soon be passed by both Houses of Parliament.

I should like to point out to my hon. friend Shri Pataskar that among the female heirs, according to Class I of the Schedule, one of the female heirs will be the daughter of a pre-deceased daughter. If the daughter dies, I suppose under Clause 25 her daughter can claim the right of residence in the common dwelling house. I do not think that is at all desirable. The grand daughter belongs to the family of her father. It is not desirable that when she becomes a heir on account of the death of her mother during the lifetime of her grand father she should be able to enforce this right to live in the common dwelling house.

There are one or two other matters that I should like to refer to but I would not make a lengthy statement. One of the matters to which I wanted to refer to has already been dealt with by Dr. Kane. This relates to the manner in which the property of a female Hindu dying intestate is to be inherited. The system proposed for it is different from that laid down in the case of the property of a male Hindu dying intestate. While the
property of a female Hindu will in certain cases be distributed both between the father and the mother. The father will have no share in the property of a male Hindu dying intestate. Is this reasonable? We all respect the mother and it is noticeable that whatever objections may have been raised against the Bill before us no one even has dreamt of objecting to the mother's share in the property. Even if the share of the mother had been greater, so great is the veneration accorded to her in a Hindu family that nobody would have dared to raise a voice of protest against it. We are, therefore, glad that the mother has been accorded a share. But it is not right that the father should be discriminated against. The father ought to be in Class I and not in Class II of the Schedule, and I hope that the hon. Member in charge of the Bill will consider this suggestion sympathetically. I am sure his own feelings will make him treat the father and the mother on the same footing, and that he will persuade the House not to discriminate between the two parents according to their sexes.

Sir, before I sit down, I should like to say once more that I heartily welcome the principle underlying this Bill. I hope that in the course of a few days the sons and daughters of the same parents will be placed on a footing of equality and that they will be respected whether they live in their father's house or in their father-in-law's house. We are moving towards a new society. This new society can function only on the basis of complete equality between its members. The big step that we are going to take by means of this legislation will raise the status of Indian womanhood in general and will, I am sure, hasten the advent of the day when we shall be able to claim proudly that our society is firmly based on the principle of equality.

4 P.M.

ALLOTMENT OF TIME FOR LEGISLATIVE AND OTHER BUSINESS DURING THE CURRENT SESSION OF THE RAJYA SABHA.

Mr. DEPUTY CHAIRMAN: Before we proceed further, I have to announce the decision of the Business Advisory Committee.

I have to inform Members that the Business Advisory Committee has allotted time as follows for legislative and other business during the current session of the Rajya Sabha:

1. The Hindu Succession Bill, 1954 (Consideration and passing—all time already taken up to and including the 23rd November 1955.);
2. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Bill, 1955;
3. The Press and Registration of Books (Amendment) Bill, 1955;
5. The River Boards Bill, 1955;
6. The Inter-State Water Disputes Bill, 1955;
7. The All-India Khadi and Village Industries Commission Bill, 1955;
8. The University Grants Commission Bill, 1954;
10. The Securities Contracts (Regulation) Bill, 1954;
11. The Young Persons (Harmful Publications) Bill, 1955;
12. The Appropriation Bill (Supplementary Demands for Grants)