

[Shri B. N. Datar.]

near the Lower Parel Workshops. Here also one constable received injury as a result of stone throwing.

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 Kābutarkhana, 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 a ban on 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 SUCCESSION BILL 1954—continued.

12 Noon

श्रीमती सावित्री दबी निगम (उत्तर प्रदेश) :
अध्यक्ष महोदय कल हिन्दू सक्सेशन बिल पर अपने विचार प्रकट करते हुए मैं कह रही थी कि संसद सदस्यों को अपनी जबर्दस्त जिम्मेदारी समझनी चाहिए और उन्हें किसी भी प्रिजुडिस या धार्मिक अंधविश्वास से कभी भी गाड़ड़ नहीं होना चाहिए। अब उस अन्याय को समाप्त करने का समय आ गया है जो कि पवित्र जीवन बिताने वाले लोग अपवित्र जीवन बिताने वाले लोगों के साथ किया करते थे। श्रीमन्, ये पवित्रता के ठंकेदार दो प्रकार के होते हैं,

[श्री उपसभापति पीठासीन हुए]

एक वे जिन्हें सौभाग्य ने और अच्छी परिस्थितियाँ ने पवित्रता की रक्षा करने के लिए पूरा पूरा मौका दिया, और दूसरे वे जो अपवित्र होते हुए भी सबसे पवित्रता का स्वांग भरते हैं और कोई उनके पापों की फलक भी नहीं पा पाता। श्रीमन्, ये दूसरी प्रकार की पवित्रता के ठंकेदार ऐसे होते हैं कि वे उन लोगों के प्रति, जिनकी अपवित्रता छिप नहीं पाती,

बड़ ही अभ्यासपूर्ण और क्रूर होते हैं। श्रीमान्, यह बात सर्वविदित हो चुकी है कि वे अभागिन बहनों और वे बच्चे जिनको इस प्रकार अपवित्रता में ढकेल दिया जाता है और अपवित्र जीवन बिताने पर विवश किया जाता है वे कभी भी उस प्रकार का निम्न जीवन बिताना नहीं चाहते। लेकिन उनकी परिस्थितियाँ उन्हें ऐसा जीवन बिताने पर मजबूर करती हैं। युगीपिता बाप न जीवन् भर यह कह कर और कर के भी दिखाया कि हमें कभी भी पापी से घृणा नहीं करनी चाहिए वरन् पापों से घृणा करनी चाहिए। किन्तु फिर भी मुझे बड़ा खेद हुआ जब मैंने सुना कि अनमैरिड मदर्स के प्रति सदस्यों का कितना घृणा भाव था, उनका यह भाव प्रदर्शित करना बिल्कुल अनुचित था। विशेष रूप से कल जब मैंने माननीय पटास्कर साहब को इन पवित्रता के पुजारियों की आलोचनाओं से विचलित होते देखा तो मैं आश्चर्य चकित हो गई। मैं चाहती हूँ कि वे चट्टान की तरह दृढ़ रहें और जंगली हवा रूपी आलोचनाओं को बहादुरी से बदमस्त करें। उन्होंने जब यह बात कही तो मुझे बड़ा खेद हुआ और मैंने खुद इस बात को पोंट आउट किया था कि इस प्रकार का दलाज इल्लेजिटिमेंट चिल्ड्रन को बढ़ायेगा और अपवित्रता को भी बढ़ाएगा।

श्री एच० बी० पटास्कर : नहीं, नहीं, मैंने ऐसा नहीं कहा। आपको जरा भूल हो गई है। मैंने इतना कहा था कि इसका असर मैरिज एक्ट पर पड़ेगा और यह कि उस पर क्या करना है यह सोच लेंगे। ऐसा मेरे कहने का इरादा नहीं था कि जो कुछ सब लोग उसके बारे में कहते हैं कि वह मुझको मंजूर ही है।

श्रीमती सावित्री देवी निगम : मुझे इस बात की बड़ी खुशी है। यदि हम थोड़ा भी ईमानदार और ईसाफसन्द बनें तो हम यह सब एक मत से स्वीकार करेंगे। ये अभागिनी अनमैरिड मदर्स और इल्लेजिटिमेंट बच्चे हमारी दया, हमारे कानून और हमारे समाज की रक्षा तथा आर्थिक सहायता के सर्वप्रमुख अधिकारी हैं। सदियों के

बाद जब इस विधेयक के द्वारा इन अनमैरिड मदर्स को और इल्लेजिटिमेंट बच्चों को पुरुषों के छल कपट और झूठे वादों से बचाया जा रहा है, जो कि उनके झूठे वादों में फँस कर जीवन भर ठोकरें खाते रहे हैं, तो इस प्रकार की आलोचना करना सत्य का गला घोटना है। मैं इन पवित्रता के ठंकेदारों से यह पूछना चाहती हूँ कि वे उन अनमैरिड बापों को क्यों स्काट फ्री छोड़ना चाहते हैं जो अपने पापों का बोझ एक निरीह अबला पर लादते हैं और स्वयं बड़े पवित्र बन जाते हैं, पवित्रता का ढोंग भरते हैं। किसी भी सदस्य ने उन इल्लेजिटिमेंट बापों के लिये क्यों नहीं एक शब्द कहा ?

श्री जसाँद सिंह बिष्ट (उत्तर प्रदेश) : तो फिर शादी का कानून बनाने से फायदा ही क्या है ?

श्रीमती सावित्री देवी निगम : मैं यह कहना चाहती हूँ कि शादी एक बहुत पवित्र बंधन है। लेकिन जो शादी का पवित्र बंधन ठुकरा कर और गलत तरीके से इस प्रकार का अनुचित संबंध स्थापित करते हैं उनको उसके लिये पूरा पूरा जिम्मेदार होना चाहिये। और उस जिम्मेदारी को निभाना चाहिये। अपनी जगह किस प्रकार वह बेचारी स्त्री समाज से, धर्म से और परिवार से बहिष्कृत कर दी जाती है, जीवन भर के लिये कलंकित हो जाती है, लेकिन उसी जगह वह पुरुष, जो कि उस पाप का बराबर का अधिकारी है, समाज के द्वारा, धर्म के द्वारा और न परिवार के द्वारा बहिष्कृत होता है और न दंडित होता है। यही कारण है कि ऐसा अनमैरिड बाप बड़ी हिम्मत के साथ इस प्रकार के अनुचित कार्यों में पड़ता है और बेचारी निरीह स्त्रियों की मजबूरी का फायदा उठाता है। जब ऐसे बापों को इस विधेयक के द्वारा उनका पाप महसूस कराया जा रहा है और यह बताया जा रहा है कि जो बच्चा उनका है उसके पालने की जिम्मेदारी उनकी है, उनको उसका खर्चा देना पड़ेगा, उस अभागिनी स्त्री को जो जन्म भर के लिए कलंकित होने जा रही है उसके भरण पोषण के लिये रुपया देना पड़ेगा, तो हमारे पवित्रता के ठंकेदार उसका विरोध करने लगते हैं।

श्री जसाँव सिंह बिष्ट : आप बराबर पवित्रता के ठंकेदार कह रही हैं... ..

श्रीमती सावित्री दंबी निगम : बिल्कुल ठीक कह रही हूँ। जो लोग पवित्रता के ठंकेदार बनते हैं वे सचमुच पवित्रता का गला घोटने वाले हैं। श्रीमन्, यह विधेयक अनमैरिड मर्दों की संख्या बढ़ाने वाला नहीं है बल्कि घटाने वाला है। इल्लोजीटमेंट बच्चों को संरक्षण देने से अनमैरिड मर्दों की संख्या जरूर घटेंगी क्योंकि इस प्रकार के दुराचारी और छली कपटी लोग जो निरीह महिलाओं पर पाप का बोझ लाद कर अपने आप स्वयं बच जाते हैं वे अब बच नहीं सकेंगे। वे हरेंगे कि जिस बच्चे को हम जन्म देने जा रहे हैं उसकी जिम्मेदारी उन पर पड़ेंगी।

सरदार रघुवीर सिंह पंजहजारी (पंप्स) : इसका फंसला कौन करेगा कि बच्चा किसका है ?

श्रीमती सावित्री दंबी निगम : अगर वे ऐसा अनुचित काम करेंगे तो उनको पूरी पूरी जिम्मेदारी निभानी पड़ेगी। श्रीमन्, आप स्वयं यह सोचें कि यह कितने आश्चर्य की बात है कि अगर गलती एक अनमैरिड बाप और एक अनमैरिड माँ करती है, तो उसका दंड हम एक बच्चे को क्यों दें जिससे वह ठोकरें खाये और जीवन भर भीख मांगे। न उसकी शिक्षा और भरण पोषण की व्यवस्था होती है और न वह पिता का संरक्षण पाता है। तो फिर क्या वह पिता की सम्पत्ति में भी थोड़ा हिस्सा पाने का अधिकारी नहीं है। इल्लोजीटमेंट बच्चों के बारे में जो तर्क दिये गये उनको सुनकर मैं हैरान हो गई। पहली बात यह कही गई कि यदि ऐसे अभाग बच्चों को थोड़ा भी अधिकार दे दिया जायगा तो पॉलिगामी बढ़ जायगी। यह कितने ताज्जुब की बात है। मैं यह कहती हूँ कि यही एक क्लाज है जो बहुविवाह को रोकने वाली है, यही एक चीज है जो ऐसे अनुचित कार्यों में एक रोक लगाने वाली है, एक दीवार खड़ी करने वाली है। अब तक इल्लोजीटमेंट बच्चों को कोई अधिकार प्राप्त नहीं था। ऐसे अभाग बच्चे या

तो अनाथाश्रमों में पलते थे या इधर उधर ठोकरें खाते फिरते थे और भीख मांगते थे, लेकिन फिर भी ऐसे बच्चे पैदा होते थे। जो यह कहते हैं कि यह अधिकार देने के बाद इल्लोजीटमेंट बच्चों की संख्या बढ़ेगी, उनसे मैं यह पूछना चाहती हूँ कि यह कितना थोथा और भूठा तर्क है। अब तक कोई अधिकार नहीं मिला था फिर भी ऐसे बच्चे क्यों पैदा होते थे। इस प्रकार के दुराचारी और अनाचारी लोग इस बात की परवाह ही नहीं करते हैं कि ऐसे बच्चों को कोई अधिकार मिले चाहे न मिले। इस लिये मैं चाहती हूँ कि इस प्रकार के बंबुनियाद तर्कों से माननीय मंत्री महोदय जरा भी विचलित न हों और इस क्लाज को जरा भी न बदलें क्योंकि यह बहुत ही महत्वपूर्ण क्लाज है।

श्रीमन्, एक सदस्य ने बहुत ही गम्भीरतापूर्वक यह चिन्ता प्रकट की कि यह कैसे पता चलेगा कि बच्चा किस का है। मैं कहती हूँ कि माँ अच्छी तरह बता सकेगी कि बच्चा किस का है और उसके ऊपर पूरा विश्वास किया जाना चाहिये। एक साहब ने कहा कि जब यह मालूम हो जायगा कि इल्लोजीटमेंट बच्चों को कानून में संरक्षण दे दिया गया है और उनको रुपया मिलेगा तो स्त्रियाँ इल्लोजीटमेंट बच्चे और पैदा करेंगी। जो गिरा हुआ है, जो पीतित है वह भी हमेशा यही प्रयत्न करता है कि वह पवित्रता का जीवन बिताये। लेकिन जिन को पवित्रता का जीवन बिताने का मौका मिला है वे जानते हैं कि चाहे करोड़ों रुपये दिये जायें फिर भी कोई स्त्री पीतित जीवन बिताना पसन्द नहीं करेगी। इस लिये यह बिल्कुल बंबुनियाद और गलत तर्क है कि यदि कोई किसी स्त्री को थोड़ा रुपया दे देगा तो वह अपवित्र जीवन बिताने पर उतारू हो जायगी। आप यह कभी न भूलें कि वे स्त्रियाँ जो आज पीतित जीवन बिताने पर मजबूर हैं, उनको हमारी सामाजिक व्यवस्था ने ऐसा करने के लिये विवश कर दिया है।

SHRI RAJENDRA PRATAP SINHA (Bihar): May I know if the hon. Member is anxious to impose monogamy in this country?

श्रीमती सावित्री दंबी निगम : श्रीमन्, मैं इस तर्क का भली प्रकार जवाब दे चुकी हूँ। इन उर्ध्वद्वित बहनों के बारे में कुछ माननीय सदस्यों ने बड़ी चिन्ता प्रकट की। ऐसी नेगलेक्टड बहनों को उन्होंने प्रास के नाम से पुकारा। ऐसी अभागिनी बहनों के साथ उनको रत्ती भर सहानुभूति नहीं हुई। उनको सहानुभूति उन लोगों के साथ हुई जो उन बहनों को अपनी वासना की वस्तु बना कर जन्म भर ठोकरें खाने के लिये विवश कर रहे हैं। हमारी एक बहन को भी यह डर मालूम हुआ कि कहीं रुपयों के लालच में कोई स्त्री किसी पुरुष के लिये यह न कह दे कि यह बच्चा उसका है। मैं यह समझने में असमर्थ हूँ कि जब तक कोई व्यक्ति किसी स्त्री के यहाँ जायगा नहीं, तब तक वह स्त्री उनको क्लंक लगा कैसे देगी। जो लोग ऐसा करते हैं उनको बच्चे की जिम्मेदारी उठाने के लिये अवश्य मजबूर किया जाना चाहिये। उन दुराचारी व्यक्तियों को, जो सुख और उपभोग करने के बाद जिम्मेदारी नहीं उठाना चाहते, उन्हें यह बात महसूस कराई जानी चाहिये कि बच्चे और मां दोनों की जिम्मेदारी उनकी है।

श्रीमन्, मैंने देखा कि हमारे बहुत से भाइयों ने स्त्री जाति के प्रति बहुत सहानुभूति प्रकट की। इस तरह से प्रारम्भ किया कि हम लोगों ने सोचा कि वे बड़े प्रगतिशील हैं और वास्तव में बड़े उदार व्यक्ति हैं लेकिन बाद में आगे चल कर जब उन्होंने देखा कि लड़कियों को थोड़ा अधिकार मिलने वाला है तो उसको देख कर घबरा गये। वे कुछ ऐसी प्रवृत्ति के व्यक्ति हैं, कि स्त्री व्यवसायी प्रवृत्ति के व्यक्ति हैं, कि स्त्री बच्चों के अधिकारों के मामलों में भी अपनी व्यवसायी प्रवृत्ति से छुटकारा नहीं पा सके, उसमें भी वे हमेशा लास एंड प्राफिट की बात सोचते हैं। वे कहते हैं कि लड़की को आधा मिलना चाहिये लेकिन लड़की की लड़की को चौथाई मिलना चाहिये। अर्थात् साहब, यह सोचना चाहिये कि धन दौलत इंसान के लिये है, इंसान धन दौलत के लिये नहीं है। सब से बड़ी आवश्यकता इस बात की है कि हम इंसान और इंसानियत

की रक्षा करें और चन्द चांदी के टुकड़ों पर न उलभें।

श्री बी० बी० शर्मा (उत्तर प्रदेश) : जिसके लिये आप लोग मरी जा रही हैं।

श्रीमती सावित्री दंबी निगम : श्रीमन्, मैं चाहती हूँ कि थोड़ा सा समय जो मुझे मिला है उसमें मुझे इस प्रकार टोका न जाय।

श्री जसाँद सिंह बिष्ट : लेकिन आप पत्थर तो न फेंकिये।

श्री श्या० सु० तन्वा : आप बात ही ऐसी कहती हैं कि टोकना पड़ता है।

श्रीमती सावित्री दंबी निगम : जो इस प्रकार से चिंतित होते हैं उनसे मैं एक बात कहना चाहती हूँ। वह माता पिता जो अपने बच्चे को सचरित्र बना देते हैं, उनको शिक्षित बना देते हैं, उनके शरीर में पुरुषार्थ और बाहुबल भर देते हैं उनको चाहिये कि वह लड़के को एक पैसा भी न दें और हाथ में एक फावड़ा पकड़ा दें और आशीर्वाद दें। मैं ऐसे मां बाप को सब से योग्य और इन्साफ पसन्द मां बाप समझूंगी, क्योंकि एक आदमी यदि निकम्मे से निकम्मा भी बन जायगा तो भी वह मजदूरी कर के खा लेगा लेकिन एक औरत को आप कितना भी शिक्षित क्यों न बना दें पर चूंकि समाज में ऐसी गुंडागर्दी फैली हुई है कि शिक्षित होते हुये भी उसको रुपयों की आवश्यकता होगी। अगर उसके पास रुपया नहीं होगा तो संभव है कि लोग उसको फंसा लें और उस बेचारी को जीवन बिताने पर मजबूर कर दें। इसलिये जो इसमें लड़के और लड़की को बराबर का हिस्सा दिया गया है उसका मैं समर्थन करती हूँ।

श्री बी० बी० शर्मा : क्या यह सही नहीं है कि आप लोग मोहकता का जादू फेंकती फिरती हैं।

श्रीमती सावित्री दंबी निगम : मैं चाहती हूँ कि संसद के माननीय सदस्य इस प्रकार के अश्लील रिमार्क अपने मुंह से न निकालें।

श्री बी० बी० शर्मा : यह अश्लील रिमार्क नहीं हैं।

श्रीमती सावित्री देवी निगम : उनको यह हमेशा सोचना चाहिये कि वह इस रिमार्क को अपनी बेटी के प्रति कर रहे हैं, अपनी मां के प्रति कर रहे हैं। मेरी समझ में नहीं आता कि इस प्रकार की नीति ऐसे विचारशील लोग कैसे अपनाते हैं। यहां पर बड़ी अजीब व गरीब आलोचनाएं हुई हैं और हमारे माननीय पृथ्वीराज जी कपूर ने भी एक सफल अभिनेता की तरह यहां जो अभिनय किया और जो कुछ कहा वह सच्चाई से कोसों दूर है। उन्होंने यह दिखाया कि वह स्त्रियों को अधिकार तो जरूर दिलाना चाहते हैं लेकिन उनको जो अधिकार रूपी सब्जबाग दिखाया जा रहा है उससे करना चाहिये। उन्होंने हमको बहुत डराया धमकाया और कहा कि तुम अज लाश बन जाओगी, हमारा जुआ तुम्हारे ऊपर उतारा जा रहा है, जो उच्च स्थान तुम्हें अब तक प्राप्त था वह उच्च स्थान अधिकार मिल जाने के बाद नहीं रहेगा। तुमसे भाई प्रेम नहीं करेगा और तुम्हें भाई कुछ भेंट नहीं करेगा। तुम्हारा पति तुम्हारी कुछ कष्ट नहीं करेगा आदि आदि। मैं, श्रीमन्, उन्हें बता देना चाहती हूं कि जहां एक तरफ स्त्रियों को भूठी प्रशंसा दे कर, देवी का मुकुट पहना कर यह दिखाया जाता था कि हम स्त्री जाति की बड़ी इज्जत करते हैं वहां दूसरी तरफ उन्हें फंसा कर के निम्न जीवन बिताने पर भी मजबूर किया जाता था। यह भूठा आडम्बर अब चलने वाला नहीं है। अब स्त्री देवी नहीं, अधिकारपूर्ण मानवीय बनना चाहती हैं क्योंकि उसमें भी हाड मांस हैं, उसमें भी इच्छा है कि वह जीवन के सुखों का भली प्रकार उपभोग करे और उसको एक न्यायपूर्ण तराजू पर तौला जाय। श्रीमन्, मैं चाहती हूं कि अब वह जमाना खत्म कर दिया जाय जब कि भारतीय नारी एक देवी बनी रहनी थी और वह देवी उस समय तक बनी रहती थी। उस समय तक उसको प्रसाद की थाली चढ़ाई जाती थी, जब तक कि वह अधिकारों की मांग नहीं करती थी लेकिन जहां उसने अधिकारों की मांग की और अन्याय के प्रति आवाज उठाई वह देवी नहीं रही।

MR. DEPUTY CHAIRMAN: I have to inform you that there are 27 Members to speak and these general remarks are out of place.

SHRIMATI SAVITRY DEVI NIGAM: I will finish in five minutes.

श्रीमन्, मैं पृथ्वीराज कपूर से यह कहना चाहती हूं कि अब नारी दया की भीख मांगने के लिये तैयार नहीं हैं, वह अधिकार चाहती हैं। अभी तक वह फूलों के पालने पर ही भूलती नहीं आई हैं, उसने त्याग किया है, सेवा की है और बलिदान किया है। उसका बलिदान बकरी का बलिदान था जिसका कि उसे पुरस्कार नहीं मिला बल्कि उसका नाजायज फायदा ही उठाया गया।

श्रीमन्, मैं चाहती हूं कि इस विधेयक द्वारा स्त्रियों को पूरा पूरा अधिकार मिले क्योंकि अब देश में एक औद्योगिक क्रान्ति होने वाली है और उसमें सब भाइयों को, सब संसद सदस्यों को, समस्त देशवासियों को, पूरा पूरा सहयोग देना होगा और इसलिये यह आवश्यक है कि स्त्रियों का भी पूरा पूरा सहयोग हो। जब उनको इस अवसर पर यह अधिकार दिया जाने वाला है तो मैं चाहती हूं कि आप भी उसको देने का पूरा पूरा यश लाभ उठाइये और बजाय संभ्रान्त क यह अधिकार देने के आप हंसी खुशी से दीजिये ताकि आपको उनका आशीर्वाद मिले।

श्रीमन्, लड़का और लड़की एक प्रकार से ही उत्पन्न होते हैं इसलिये माता पिता को समान रूप से उनको अपनी सम्पत्ति में हिस्सा भी देना चाहिये। इस क्रान्तिकारी युग में अब उस अन्याय के समाप्त होने की बड़ी आवश्यकता है जिसके कारण युग युग से नारी पीड़ित रही है और अधिकारों से वंचित रही है। इसलिये मैं इस विधेयक का हृदय से समर्थन करती हूं और उन सब लोगों का अभिनन्दन करती हूं जिन्होंने कि स्त्रियों के प्रति आदर के शब्द कहे हैं। मेरा आप सब से निवेदन है कि इस विधेयक रूपी यज्ञ में निःस्वार्थ भाव से और दृढ़ता के साथ पूरा पूरा योग दें। जो लोग यहां कानूनज्ञ हैं, ला के जानने वाले हैं उनसे मेरा अनुरोध है

कि वे उत्तमावपूर्ण अमंडमेंट्स देने की अपेक्षा कुछ उचित और सुंदर अमंडमेंट्स लिख कर पटास्कर साहब के पास भेज दें ताकि गवर्नमेंट की तरफ से एक दो महत्वपूर्ण अमंडमेंट्स आ जायें और वे टैकीनकल खामियां और कमियां जिनकी वजह से लिटीगेशन बढ़ने की गुंजाइश है दूर हो सकें। इस तरह से एक दो अमंडमेंट कर के यह कानून बहुत सुन्दर और अधिक से अधिक लाभदायक बन सकेगा। मुझे आशा है और विश्वास है, मुझे ही नहीं बल्कि पूरे देश को, पूरे नारी समुदाय को, कि हमारा तमाम संसद सदस्यों से हमें पूरा सार्वजनिक सहयोग मिलेगा। हम सब की ऐसी ही आशा है और अपेक्षा है। धन्यवाद।

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 to-

wards 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

[Shri Mahesh Saran.]

with the old system. 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 find 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. SHRIMATI SEETA PARNANAND (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 has 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 namely, the pains of the labourers and the labour pains from which women suffer 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 to worry till they are married, but men never worry till they get married.

[Shri B. K. Mukerjee.]

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 (Mysore): 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 Lunch Hour and also sit till 6 P.M. if necessary, but the debate should finish. Further, all these general remarks are out of place, as 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.

SHRI RAJENDRA PRATAP SINHA: You may have fixed the time limit from the very beginning.

MR. DEPUTY CHAIRMAN: I cannot help it.

DR. SHRIMATI SEETA PARMANAND: If all the Members had given their names on the first day, it would have been possible to regulate time.

MR. DEPUTY CHAIRMAN: All of them had given their names on the first or the second day. But still people go on taking thirty minutes and forty minutes.

SHRI B. B. SHARMA: Why should they alone be allowed to speak on all occasions?

MR. DEPUTY CHAIRMAN: Members who oppose the Bill will have a better preference.

SHRI B. K. MUKERJEE: Since you have treated me as hostile.....

MR. DEPUTY CHAIRMAN: I have not yet understood whether you are hostile or not.

SHRI B. K. MUKERJEE: You declared me to be hostile in the very beginning.

MR. DEPUTY CHAIRMAN: I never made any such remark.

SHRI B. K. MUKERJEE: I do not want any preference. I want only equality, not only with the other men Members but also with lady Members. While claiming that men and women should be placed on a footing of equality, some of them have challenged us and have been waging a war against us, but they forget that it is Providence that is coming in the way. My advice to them is that it is no use waging a war against men. If they so choose, they can wage a war against Providence who has made them the weaker sex, or the fairer sex.

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 that 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, to 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 provi-

sion 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: But 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 a

mistake. My opinion is that it was not a 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 not put in the same class. They must be put on the same footing. I do not mind the mother being taken out of class I and put in class II 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.

SHRIMATI PARVATHI KRISHNAN:
Question.

SHRI B. K. 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

[Shri Sumat Prasad.]

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 sinks 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 and 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 affect 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

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: 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 limitation 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

[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 H V PATASKAR: If it is a joint family, he has got a share in the property.

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 B B SHARMA: I can altogether deprive even my daughters. This is a wonderful law that you are making that every man can do away with his property as he pleases. That is what it comes to. That is the communist idea that you are entertaining perhaps.

SHRI S N MAZUMDAR: You can have enlightenment from me if you want.

SHRI B B SHARMA: I say this either be a great communist, everything for the common good and nothing for individual enjoyment. ..

SHRI S N MAZUMDAR: Or

SHRI B B SHARMA: or then anarchy, that you are just proposing here. Then, the devil take the hindmost. That is the idea that you are propagating perhaps here.

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 is 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 any 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 goodwill.....

SHRI S. N. MAZUMDAR: How many ladies have been to England?

SHRI B. B. SHARMA: As many as possibly can, because they are free to go anywhere, those who can afford, those whose fathers have been very kind.

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 only 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 injus-

tice 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.....

श्री के० बि० लाल : (बिहार) आप यह सब उस वक्त कह रहे हैं जब कि लेडीज़ सीट्स खाली हैं ।

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 *Shukhdev*, *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 henceforward.

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 it—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 know that things like this will happen

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

SHRI 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 mother, no court will disbelieve the sworn evidence of the mother against the circumstantial evidence of so many other persons.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. B. SHARMA: I am pointing out this difficulty. You may be cock-sure that you will not have such cases; but the possibility is there. Even one such case will refute your argument for the inclusion of that clause; 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 grand-son 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.

SHRI 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.

SHRI 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.

SHRI 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.

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

SHRI 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 poor 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 son's daughter and daughter's daughter's son and daughter's daughter get 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: हिन्दी में बोलिये

श्री कै० बि० लाल : उपसभापति जी, सब से पहले मैं यह कह देना चाहता हूँ कि चाहे दिल से हो चाहे आड़ से हो मैं इस बिल का समर्थन करता हूँ। जो रोका नहीं जा सकता, जो अनिवार्य है, जिस को राईटिंग आन दि वाल कहते हैं, उसको मैं देखता हूँ और इसीलिये मैं इसका समर्थन करता हूँ।

SHRI B. B. SHARMA: Defeatist mentality.

श्री कै० बि० लाल : डीफीटिस्ट मॅंटालिटी कीहिये या इससे ज्यादा प्रस्ट्रेशन, होपलॅसनेस या जो भी कीहिये, लेकिन जो समाज की गति में देखता हूँ उसी से मैंने ऐसा निर्णय किया है। मैं पहले भी कह चुका हूँ कि :

“दुरंगी छोड़ दे यक रंग हो जा.
सरासर मोम हो, या संग हो जा।”

अगर आप कम्युनिस्ट होना चाहते हैं तो ठीक है, उसमें आप पर सारी जवाबदारी आती है। लेकिन आज जो मैं दशा देखता हूँ वह यह है कि जवाबदारी लेने से आप पीछे हटते हैं और समाज को जैसा चाहे बहने देना चाहते हैं। आपको रोज, अष्ट दिन, एक कानून बनाना है चाहे उसका अस्म कुछ हो। चाहे हमारी संस्कृति लोप हो

जाय, चाहे हम नस्त नाबूद हो जाय, लेकिन रोज नया कानून बनना चाहिये। यदि जनता के सामने आप यह बिल ले कर जायें तो शायद जनता आपको जवाब दे सके कि आप क्या कर रहे हैं।

श्रीमती चन्द्रावती लखनपाल (उत्तर प्रद्वेश) : आप सपोर्ट कर रहे हैं ?

श्री कै० बि० लाल : सपोर्ट तो करता ही हूँ क्योंकि अपोज करने की किसी को हिम्मत नहीं है। मैं जिस बिहार प्रान्त से आता हूँ वहाँ दहातों में जो इस तरह की बातों को लेकर जायंगे उनको पता लगेगा कि वहाँ के लोग कैसा जवाब देते हैं। वहाँ इस तरह की बातें समझने की बुद्धि कम है। वहाँ शहरों में भी समझने की बुद्धि कम है।

डा० श्रीमती सीता परमानन्द : बिहार ही बहुत पिछड़ा हुआ है।

श्री कै० बि० लाल : आज हमारी जिन्दगी कुछ दूसरी हो रही है। आज हमारे यहाँ रशा से महमान आते हैं, चेकोस्लावाकिया से महमान आते हैं और दूसरे मुल्कों से महमान आते हैं और थोड़ी दूर के लिये हम यह समझते हैं कि शायद हम स्वर्ग में पहुँच गये हैं। ऐसी दुनिया वहाँ दहातों में नहीं है। आपको ख्याल होगा कि जब शारदा एक्ट, प्रिवेंशन आफ चाइल्ड मैरिज बिल, पास हुआ, तो उस साल जो बच्चे पेट में थे उनकी भी शादी लांगों ने कर दी। यह जानी हुई बात है। हमारे कुछ भाई जो बिहार से आये हैं वे भी ऐसा लगता है कि किसी गई दुनिया में आ गये हैं। एक दिन हमारे एक भाई ने कहा कि आप बिहार का नाम नीचा कर रहे हैं। मुझे ऐसा ख्याल हुआ कि अब शायद मास्को या लंदन में उनकी जगह होगी, दिल्ली में उनके लिये जगह नहीं है। ऐसा कहने के लिये माफ कीजियेगा।

श्री ह० प्र० सक्सेना (उत्तर प्रद्वेश) : जनाब डिप्टी चेंबरमैन साहब, यह हिन्दू सक्सेशन बिल पर बहस है या बिहार पर बहस है ?

Mr. DEPUTY CHAIRMAN: He is speaking as a representative from Bihar.

श्री क० बि० लाल : चले गये मास्टर साहब (श्री ४० प्र० सक्सेना), यही खैरियत हुई। स्कूल मास्टर legislative कम कुछ कम सक्षम सकते हैं। खैर, हम लोग आगे बढ़ते जा रहे हैं, लीजस्लेशन धुआंधार चले आ रहे हैं। हमें आशा नहीं है कि हम कुछ कहें तो उसकी यहां कुछ सुनवाई होगी या कोई तब्दीली होगी। फिर भी मैं दो चार बातें कह देना चाहता हूं। इस कानून के पास होने के बाद शायद इसकी भी वही गति होगी जो कि शारदा एक्ट की हुई थी। जो यहां अगुामी मित्र बैठे हुये हैं, जो अपने को फार्वर्ड कहते हैं, वे मेरे ख्याल से टंस्टीमेंट्री सक्सेशन ज्यादा पसन्द करेंगे। इस बिल में एक अड़चन है। मैं तो यह कहूंगा कि टंस्टीमेंट्री सक्सेशन के लिये रास्ता खोल दीजिये तो लोगों का ज्यादा भला होगा। आज आप मिताक्षरा का कत्ले आम कर रहे हैं, फिर भी मिताक्षरा को छोड़ते नहीं हैं, कोपाशेनरी को छोड़ते नहीं हैं। आप ज्वाइंट फॅमिली सिस्टम को खत्म कर रहे हैं, फिर भी लोगों के हाथ पैर बांध देना चाहते हैं। अगर दाय भाग आता है तो सम्बन्धित व्यक्ति सारी प्रापर्टी का मालिक हो जाता है और वह जो चाहेगा, कर सकेगा। मिताक्षरा के नाम पर उसको हक नहीं है क्योंकि आप उसके हाथ पैर बांध देना चाहते हैं। इसीलिये मैं यह साफ कहूंगा कि यह ज्यादा अच्छा होगा बनिस्बत इसके कि आप कुछ मतलब से यह कहें कि मिताक्षरा को रखना चाहते हैं। आपने मिताक्षरा में छोड़ा क्या है। आप मिताक्षरा में कोपाशेनरी भी रखना चाहते हैं और बेटी दामाद के खान्दान के राइट्स भी देना चाहते हैं, तो फिर मिताक्षरा क्या रहा, कोपाशेनरी, क्या रहा। बड़ा ताज्जुब मालूम होता है। असल में "Heads I win and tails you lose" वाली बात करना चाहते हैं। कोपाशेनरी भी रहेगा, मिताक्षरा भी रहेगा लेकिन साथ साथ उसको डिसरप्ट भी कर देना चाहते हैं।

हमारे भाई बूजबिहारी शर्मा ने जितना रोना था वह सब रोया और मैं समझता हूं कि उन्होंने

बहुत अच्छा नक्शा हम लोगों को दिखाया है। मैं उन सब बातों को दुहराना नहीं चाहता हूं। किसी भाई ने कहा कि कोई जायदाद ही नहीं बचेगी तो फिर भगड़ा ही क्या होगा और इनहेरिटर्स ही क्या होगा। आप तो उस दिन की बात सोच रहे हैं जब कि कोई प्रापर्टी ही नहीं रहेगी। अगर आप यही चाहते हैं, अगर आपकी यही दूरदर्शिता है कि कोई प्रापर्टी रहनी ही नहीं है तो जो चाहे कानून बना दें लेकिन जब तक जायदाद है तब तक यह घर में बसेड़ा पैदा ही करते रहेंगे। आप कितने अन्याय की बात करते हैं कि बाप को क्लास दो में रखते हैं और मां को क्लास एक में। यह तो इक्वालिटी की हद हो गई है।

मैं आपको एक उदाहरण देता हूं। एक बड़ा बाप है जिसकी उम्र ५० वर्ष की है। उसने अपने लड़के को पढ़ा लिखा कर बड़ा किया। उसके सिर्फ वही एक लड़का है। उसने उसको पढ़ा लिखा कर एक ऊंचे ओहदे पर पहुंचा दिया, डिप्टी मॅजिस्ट्रेट बना दिया, या सेक्रेटरी बना दिया या गवर्नमेंट आफ इंडिया में अन्डर सेक्रेटरी बना दिया। वह उस जगह पर आ गया। बाप ने बेटे के लिये सब कुछ किया, आप भूखा रह कर उसको पढ़ाया और बेटे के ऊपर सब कुछ बर्बाद कर दिया। सौ रुपया मुशाहरा पा कर भी उसको खूब पढ़ाया और तमाम तकलीफें उठा कर उसको पढ़ा लिखा कर एक लायक बेटा बनाया। बेटे ने काम किया और खूब दौलतमन्द हो गया। उसकी हालत अच्छी हो गई। वह काफी अच्छी पोस्ट पर पहुंच गया है और उसको गवर्नमेंट से काफी पेंशन और रुपया वगैरह मिलने की भी उम्मीद है। जब उसके पास काफी रुपया हो गया तो मान लीजिये कि दुर्भाग्य से वह बेटा मर जाता है। अब बेटे के मरने के बाद उसके इनहेरिटर्स में सब लोग आयेंगे लेकिन वह बड़ा बाप नहीं आयेंगा जिसने कि इतनी मेहनत से उसको पढ़ाया लिखाया। उसको तो भीख ही मांगनी पड़ेगी। यहां लंडी मेम्बर साहिबा कह रही थीं कि जरा औरतों की हालत पर रहम कीजिये, जरा दया तो उनके ऊपर कीजिये,

दिल में रहम लाइये। एक हमारे भाई ने भी इसी तरह की बात की। वह तो हमेशा तुलसीदास की भाषा में बोलते हैं, करोड़ों और अरबों की भाषा में बोलते हैं, उससे नीचे की तो बात ही नहीं करते, जब बोलते हैं तो हमेशा करोड़ों और अरबों की ही बात करते हैं। उन्होंने कहा कि करोड़ों, अरबों नारियों के ऊपर अन्याय का बार बार नहीं है। औरत जाति के ऊपर बेहद अन्याय हो रहा है। अन्याय का शब्द तो सुना लेकिन समझ में नहीं आया कि क्या अन्याय हो रहा है और किस तरह का अन्याय हो रहा है। जब वह बोल रहे थे तो मैं मार्क कर रहा था कि वह क्या बोलते हैं। वह तो इतना स्त्रीमय हो गये थे कि उनको पुलिंग, स्त्रीलिंग का भी ख्याल नहीं रहा, भाषा का भी ख्याल नहीं रहा। उन्होंने कहा कि "मैं आशा करती हूँ" तो मुझे मालूम हुआ कि वह इस वातावरण में स्त्रीमय जगत में पहुँच गये हैं। वह शरीर से पुरुष हैं लेकिन भावना में स्त्रीमय हो गये हैं।

श्री बी० बी० शर्मा : वह आपके बिहार के ही हैं।

श्री क० बि० लाल : नहीं बिहार के नहीं हैं आपकी ही तरफ के हैं। तो इस तरह से आवेश में लाग आ जाते हैं, इस तरह से दया उमड़ आती है और इस तरह से उनके हृदय पर दुःख छा जाता है। हमारी समझ में नहीं आता है कि कौन सा अन्याय किया जा रहा है और वह क्या अन्याय होता देखते हैं और वह किस दृष्टि से देखते हैं कि स्त्री जाति के ऊपर अन्याय हो रहा है।

श्रीमती चन्द्रावती लखनपाल (उत्तर प्रदेश) : आप तो बिल्कुल काउंटरएक्ट कर रहे हैं।

श्री क० बि० लाल : धैर्य रखिये। आप लोगों ने भी बहुत कुछ कहा है, हमारी भी थोड़ी बात सुन लीजिये। मैंने पहले ही कह दिया है कि मैं इस बिल का समर्थन कर रहा हूँ और वोट आपके साथ ही दूंगा। चाहे आप यह भी कह दें कि "सब मर्दानों को फांसी लगा कर पार्लियामेंट हाउस के सामने खत्म हो जाना चाहिये और हम

अब राज्य करेंगी और बदला लेंगी, जिस तरह से पर्दे का रिवाज अब तक औरतों में रहा है उसी तरह से अब हम मर्दानों को पर्दे में रखेंगी" तब भी हम आपके साथ ही वोट देंगे।

श्री अकबर अली खान (हैदराबाद) : तब हम तो ऐसा नहीं करेंगे।

श्री क० बि० लाल : लेकिन जो कानून है उसके सामने तो सर झुकाना ही पड़ेगा। अब तो यही राज्य होगा और आप देख ही रहे हैं कि सब जगह अन्याय ही अन्याय नजर आ रहा है। मैं यह नहीं कहता कि कोई दिक्कतें औरतों के सामने नहीं हैं। इनहीरेट्स में दिक्कतें हैं लेकिन यहां तो मालूम हो रहा है कि कुछ वेनजियेंस के साथ कानून बना रहे हैं। बाप बेचारे को तो सेकेंड कैंटगरी में रख दिया और मां को फर्स्ट कैंटगरी में। मेरी तो समझ में नहीं आता कि इसमें भी कोई सेंस आफ जस्टिस है। उस बूढ़े बाप का क्या कसूर है कि वह तो भीख मांगता फिर और उसके बनाये हुये पूंजी धन उसके ही बेटे की डॉलर पर सारे परिवार के दूसरे लोग मौज करें। यह सब अन्याय कानून में हो रहा है। इसके समर्थन में अगर हम कोई दलील पेश करें तो वह कोई अक्ल की बात नहीं है। खैर, यह जमाना ही अक्ल का नहीं और दलील का भी नहीं है। जो हवा है उसका साथ चलना है।

मुझे एक बात और कहनी थी। सावित्री निगम साहबा ने कहा कि बहुत अन्याय हो रहा है और बहुत इनइक्वालिटी है। वह ५० पी० की हैं और भारत सेवक समाज की हैं लेकिन वह अभी इनइक्वालिटी को नहीं जानती हैं। शादी विवाह में तिलक दहेज की जो प्रथा है उसकी निस्वत वह क्या कर रही हैं? आज तो लड़कों को खरीदा जाता है। एक, एक लड़के की कीमत चार हजार, दस हजार और बीस हजार होती है। लड़की का बाप हाथ जोड़ कर कहता है कि कृपानिधान लड़के में पाणिग्रहण कराइये, तो इसके लिये लड़के की कीमत बताई जाती है। लड़की का बाप खुशामद करता है और कहता

[श्री क० बि० लाल]

हैं कि दो हजार ले लो, आठ हजार ले लो, दस हजार ले लो.....

श्री नवाब सिंह चौहान (उत्तर प्रदेश) : मर्दान की वजह से यह सब हैं।

श्री क० बि० लाल : मर्दान की वजह से नहीं हैं, समाज का जो संगठन है उसकी वजह से ऐसा है। जब समाज के नियमों को भंग करते हैं तो उसका यही फल होता है। जो रिफार्मर बने घूमते हैं वही ज्यादा से ज्यादा रुपया लेते हैं। अब तो लड़का ही डिमांड करता है कि मुझे इंग्लैंड जाने का खर्च दो, होने वाले श्वसुर से कहता है कि हमें इतना रुपया दो क्योंकि आपने तो लोगों को बिल्कुल मनीमाइन्ड बना दिया है। इतना मनीमाइन्ड बनाया है कि मानो रुपया ही सारी चीज है, यह नहीं समझते हैं कि रुपये से बढ़कर कोई और चीज भी है। गमचन्द्र जी चक्रवर्ती राजा हुए लेकिन बाप की आज्ञा का पालन करने के लिए राजपाट छोड़कर जंगल को चल दिए। आप कहेंगे रामचन्द्र जी बेवकूफ थे, भरत जी भी बेवकूफ थे, सीता जी भी बेवकूफ थीं। यह आपका दिमाग हो गया है... ..

MR. DEPUTY CHAIRMAN: You said you had finished.

SHRI KAILASH BIHARI LALL: When did I say that?

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

श्री क० बि० लाल : जितना भी इंटरप्रेशन होता है उससे हमारा थॉट खराब हो जाता है।

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

मैं यह कह रहा था कि यह सारी दिक्कत इसलिए पैदा होती है क्योंकि हम समाज के रूप को नियमित नहीं करते कि हमारा समाज किस प्रकार का बने। आप यहां बराबरी की बात कर रहे हैं लेकिन यह भी देखिये कि समाज बना

कैसे ? मैं दिकयानुसी विचार नहीं रखता हूं। मैं तो आपसे कहता हूँ कि आप ऐसा समाज बनाइयें जिसमें मर्दान को पर्दे में रहना पड़े और औरतें पर्दे के बाहर रहें, आप कीजिए तो ऐसा। साऊथ में अभी एक ऐसा समाज है जहां विवाह होने के बाद लड़का अपने श्वसुर के घर में उसी प्रकार कुछ समय के लिए रहता है जिस प्रकार कि हम दुल्हिन को ससुराल में रखते हैं। इस तरह श्वसुर के घर में लड़का पहुँच जाता है, आजकल सुनते हैं कुछ उनमें रिफार्म हो गया है। इसलिए अगर कानून में ऐसा रिवाज हो जाता बहुत अच्छी बात है। यह तो समाज बनाने की बात हुई। लेकिन आज तक जो समाज बना हुआ है, उस समाज में परिवार ही मुख्य चीज है। हम एक लड़की पैदा कर के उसको म्यूचुअल एग्रीमेंट से, रजामंदी से दूसरे को सौंपते हैं और वह उस घर में पहुँच कर उसको अपना ही घर समझती है, वह अपना इंतजाम करती है और उसी घर की हो जाती है। दूसरे के घर से हम लड़की लाते हैं, परिवार बनाते हैं, इसी तरह से हमारी लड़की दूसरे घर में जाती है, वहां के परिवार में मिल जाती है। इस प्रकार से परिवार बना, फैमिली बनी, और फैमिली बन के समाज का रूप बन गई। आप कहते हैं कि हमारे घर में लड़की पैदा हुई, हमारा धन, हमारा रुपया उसको मिलेगा। आप दें दीर्घायें उसको। लेकिन समाज का जो नियम है, जो उसका बैसिस है, रूढ़ि है उस में आप क्यों दखल देना चाहते हैं ? लड़की के लिए किसको मोहब्बत नहीं है, सबको है। अभी बेंचार् शर्मा जी ने कहा कि मैंने अपनी लड़की की शादी में अपने को बर्बाद कर दिया। सभी चाहते हैं अपनी लड़की को अच्छी जगह में, अच्छी हालत में पहुँचाना। लेकिन यह अनुमान कर लेना कि साहब, बहुत बड़ा अन्याय स्त्री जाति के ऊपर सैंकड़ों सालों से हो रहा है और जैसा कि कुछ भाइयों ने कहा भी कि गाँतम बुद्ध के जमाने से, तुलसी दास जी के जमाने से, जयदेव के जमाने से अन्याय होता आ रहा है, उससे तो यह मालूम होता है कि गोखले उस वक्त समाज था ही नहीं, परिवार था ही नहीं माँ, बाप, बीटी भी बी नहीं, बेंटी थी बी

नहीं, मर्द लोग एक कैम्प में बैठे हुए थे, औरतों का कल्ले आम होता था। इस तरह जब अन्याय का नक्शा खींचा गया तो मालूम हुआ कि अनुष्य जाति दो कैम्पों में बंटी हुई थी और गौतम बुद्ध, कबीर वगैरा के जमाने में वे युद्ध कर रहे थे। लेकिन हकीकत यह थी कि लोग युद्ध नहीं कर रहे थे बल्कि परिवार चल रहे थे, समाज चल रहा था एक उसूल के ऊपर, एक सिद्धांत के ऊपर जिसमें औरतों का अपना स्थान था और वह बहुत पूज्य स्थान था, हमारी माताओं का बहुत पूज्य स्थान रहा है, पत्नियों का हमेशा घरों में रानी का स्थान रहा है, और घर के अंदर बेंटी का जवाबदेही का स्थान है। आप समझते हैं कि ऐसा अन्याय इसीलिए हो रहा है क्योंकि आप लोगों को आजादी नहीं है जिससे आप मनमाना घूम सकें। आपको काफी रुपया चाहिए जिससे कनाॅट प्लेस के जीवन में भाग ले सकें। यही संसार है। अगर आप चाहते हैं कि खाली मौज की जिंदगी हो और मौज ही में बिताई जाय, अगर यही है आपका फार्मूला तो यह भ्रम भलीजिसे कि जब लोग रुपया माइन्ड, मनी-माइन्ड हो जायेंगे तो उसका फल यह होगा कि लड़का डिमान्ड करेगा कि १०,००० रु० दो, तब हम तुम्हारी लड़की से शादी करेंगे जैसा कि हो भी रहा है। चली गई इस समय निगम साहबवा नहीं तो मैं उनसे पूछता कि जरा लड़कियों की कीमत तो बढ़ाइये, लड़के और लड़कियों की कीमत बराबर होनी चाहिये। क्या उनमें इतना करने की हिम्मत है कि जो लड़का तिलक मांगे उसकी शादी किसी लड़की से नहीं होने दें? आपने सुना होगा :

"They always worry before they get their husbands; but men's worry begins after they are married." Whose fault is that?

यह किसका कसूर है। बजाय इसके कि आप कानून की रूढ़ि को, उसकी फाउंडेशन को खोद कर एक नयी चीज का निर्माण करें, आप लड़के लड़कियों को समाज का असली दोष गुण बनावें। रुपया चूंकि एक चमकदार चीज आपको मालूम पड़ती है इसीलिए आप चमकदमक की

चीज के पीछे दौड़ जा रहे हैं और कहते हैं कि साहब, इसमें सुख है। सुख और दुःख तो मन की कल्पना है, मन की भावना है। लाख कानून आप बनावें, तब भी आदमी दुःखी रहेंगे। निज्जको दुःख होना है उनको होगा ही चाहे उनके लिए सुख के कानून आप बना दें। कानून की बुनियाद को देखिए, उसकी फाउंडेशन, उसकी बेसिस को देखिए कि किस तरह से वह समाज को चलाने के लिए बना हुआ है। मुझे इस बात पर दुःख मालूम हुआ कि आप सोचते हैं कानून बने, जल्दी रुपया आए और जल्दी सुख आए। तो क्या जिस सुख के लिए आप कानून बनायेंगे उससे सभी औरतों को सुख ही सुख होगा, सभी लड़कियाँ को सुख होगा। स्वप्न है यह सब आपका, आप यह ख्याल भी न कीजिए कि इस कानून के बनने से सुख हो जायगा, औरतों का सुख, दुःख हमेशा वही रहेगा। आप उनमें मन की ऐसी अवस्था पैदा कीजिए, कल्टिवेट कीजिए कि सुख कैसे होगा, दुःख कैसे होगा। रामचन्द्र जी को चक्रावर्ती राज्य में लात मारने से सुख प्राप्त हुआ। आप कहेंगे, बड़े बेवकूफ आदमी थे वे जो साँतेली माँ के कहने पर जंगल को चले गए.....

उपसभाध्यक्षा (श्रीमती चन्द्रावती लखनपाल) : कैलाशबिहारी लाल जी, अब आप कृपया समाप्त कीजिए।

श्री क० बि० लाल : बहुत अच्छा, साँभाग्य से आप आ गई हैं। एक बात कह कर मैं खत्म करता हूँ। इस बिल पर जो बातें कहने के लिए खड़ा हुआ हूँ, उनमें वही एक मुख्य बात है जिसको बिना कहे हुए मैं नहीं रह सकता और वह यह है कि इस बिल के बार् में किसी ने कहा कि यह तो "Charter for Females" (चार्टर फर फीमेल्स) है या किसी ने यह कहा कि यह मॅन्स बिल है। मेरा तो ख्याल है कि

It is neither fish, nor flesh nor red herring. इसको हम Communalism Consolidation Bill.

कहें तो ज्यादा अच्छा होगा, क्योंकि जब कभी भी मुझे ऐसे बिलों पर बोलने का मौका

[श्री कै० बि० लाल]

हुआ जिसके साथ "हिन्दू" शब्द जुड़ा हुआ हो तब मैंने उन्हें इसी नाम से पुकारा है। आपको कोई जरूरत नहीं है कि आप "हिन्दू" शब्द का प्रयोग करें, हिन्दू धर्म हमेशा इस्तेमाल करने जैसी चीज नहीं है, जब कि वह आपके कंठ में हमेशा अटकता है क्योंकि वह कम्यूनल चीज है। जब ऐसा है तो आप क्यों इसके पीछे पड़े रहते हैं। मेरी समझ में नहीं आता "जय हिन्द" तो आपने कबूल कर लिया, हिन्दी भाषा आपने कबूल कर ली, ये दोनों सेकुलर चीजें हैं, और हिन्दू को आपने कम्यूनल और रिलिजस शब्द मान लिया जो कि सेकुलर स्टेट के विरुद्ध है। मेरे पास प्रोफेसर राधा कृष्ण मुखर्जी की ऑथॉरिटी है जिसमें उन्होंने लिखा है कि हिन्दू कभी भी रिलिजस और कम्यूनल टर्म नहीं है, यह सेकुलर और नेशनल टर्म है, इसका रिलिजन से कोई ताल्लुक नहीं है। लेकिन आपको हिन्दूइज्म से इतनी मोहब्बत है कि आप उसका नाम लेकर हिन्दू कम्यूनिटी को कायम करेंगे और हिन्दू कम्यूनिटी कायम कर के आप हमेशा कम्यूनल लॉ बनाने की चेष्टा करेंगे। अगर आप आइन्दा की सन्तानों के लिए एक नेशनल लॉ बनाते, तो ज्यादा अच्छा होता। आप यह रख दें कि जिस को इस तरह का कानून पसन्द हो वह उसे अपना ले। आप केवल कम्यूनल हिन्दुओं के पीछे क्यों पड़े हुये हैं। एक ओर आप कम्यूनलिज्म के खिलाफ युद्ध छड़ते हैं और दूसरी ओर कम्यूनल लॉ बनाते हैं। इस तरह क्या आप देश को कम्यूनल रास्ते पर नहीं ले जा रहे हैं। आप इस पर गौर करें, यह सोचने की बात है। मुझे इस बिल पर अगर कुछ बोलना था तो इसी बात पर बोलना था क्योंकि और बातों पर दूसरे भाई लूजिंग बैटिल लड़ चुके हैं। आजकल हम लोग फौमीनिन मेंटालिटी के हो गये हैं। दुनिया सुख के पीछे दौड़ रही है। चाहे हमारे देश का नाश हो जाय, समाज का नाश हो जाय लेकिन हम को तो सुख चाहिये ताकि मियां बीबी कनाट प्लस में घूमें। पुराने कानूनों के बन्धन में बन्धे रहने से ज्यादा बैकवर्डनेस और क्या हो सकती है? नये कानून

बनने चाहिये चाहे वे हमारे समाज की जड़ ही खाद कर फेंक दें।

श्रीमती उपसभाध्यक्षा (श्रीमती चन्द्रावती लखनपाल) : आपने काफी समय ले लिया है, अब खत्म कीजिये।

श्री कै० बि० लाल : इस बिल पर कोई टाइम लिमिट नहीं है। मुझ से पहले लोग एक घंटा बोल चुके हैं, मैंने तो शायद अभी आधा घंटा भी नहीं लिया है।

श्रीमती उपसभाध्यक्षा (श्रीमती चन्द्रावती लखनपाल) : आपने काफी टाइम ले लिया है और बोलने वालों की संख्या अधिक है।

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.

तो मैं यह कह रहा था कि यह कम्यूनल बिल है। इस पर इस गवर्नमेंट को सोचना चाहिये। इस प्रकार के कम्यूनल बिल लाने की न आप की आदत छूटगी और न मेरी आदत याद दिलाने की छूटगी क्योंकि मैं ऐसा करना अपना फर्ज समझता हूँ। इस लिये आप को चाहिये कि आप ऐसे कम्यूनल बिल न लायें। लेकिन अगर ऐसे बिल लायें ही और उसमें हिन्दू शब्द का प्रयोग करें तो जो हिन्दू में रहने वाले हैं उन सब के लिये करें और सब के लिये दरवाजा खुला रखें। चाहे कोई मुस्लिम हो, चाहे क्रिश्चियन हो, चाहे कोई हो जो उससे गवर्न होना चाहे, गवर्न हो। इस देश में बहुत से मुस्लिम हिन्दू लॉ से गवर्न होते हैं। सन् १९२७ में जब हम असम्बली में थे तो काजी मुहम्मद अहमद एक बिल लाये जिसका आशय था :

"Application of Shariat laws to all Muslims irrespective of any customary law."

जिना साहब मितान्ना हिन्दू लॉ से गवर्न होते थे और बहुत से मुसलमान बम्बे में हिन्दू लॉ से गवर्न होते थे। उस समय बड़ी लापरवाही से कहा गया :

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

इस तरह नेशनलिज्म के खिलाफ हमने काम किया। वे निस्संदेह हमारे भाई हैं क्योंकि आज भी वे हमारे लॉ से गवर्न होते हैं लेकिन इराकों भी आप ताड़ रहे हैं। उस वक्त वह हो गया। उसके बाद उस पर जिना साहब एक अमेंडमेंट लाये और उसको नीलफाई करवाया। तीन साल बाद काजी साहब फिर अमेंडमेंट लाये और उसको नीलफाई करवाया। इस तरह जो काम उस वक्त हुये, उन्हीं के रास्ते पर हम अब भी चले जा रहे हैं। अभी आपने हिन्दू लॉ बनाया, फिर रिस्ख लॉ बनायेंगे, मुस्लिम लॉ बनायेंगे, आर्य सामजी लॉ बनायेंगे जैसा अंग्रेजों के जमाने में आर्य-समाज मौरिज एक्ट बना था। अब वह जमाना चला गया है। अब तो आग को सोचना चाहिये कि हम क्यों इस तरह के कानून बना रहे हैं। अब हमें ऐसे कानून बनाने चाहियें जो सब के लिये हों। ऐसी बात भी नहीं होनी चाहिये कि उनको किसी के ऊपर जबरदस्ती लादा जाय। मुस्लिम, पारसी और क्रिश्चियन्स को भी किसी तरह का सन्देह नहीं होना चाहिये कि उनके ऊपर किसी प्रकार का कानून लादा जा रहा है। आप नेशनल कानून बनाइये और सब के लिये उमका दरवाजा खोलिये।

SHRI GULSHER AHMAD (Vindhya Pradesh): There is already a national law.

श्री कै० बि० लाल : अगर आप इस तरह का कानून नहीं बनाते हैं तो उसका अर्थ यह होगा कि आप अंगूगामी रास्ता नहीं अपनाते हैं बल्कि पीछे हटने का रास्ता अपनाते हैं। वृत्तिक

चर से बहुत तकाजा हो रहा है, इस लिए अब मैं समाप्त करता हूँ।

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

[Shrimati Parvathi Krishnan.]
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 misguiding 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 commonsense 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 frame-work 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, be-

cause 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-

party. Therefore, in amending those clauses which contain certain anomalies, I feel that the main idea that should be there before us, the principles 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 women in this country, but to society as a whole, and thus guarantee national progress as well as every other progress.

श्रीमती कृष्णा कुमारी (विन्ध्य प्रदक्ष) : उपाध्यक्षा महोदया, इस विधेयक के पक्ष और विपक्ष में बहुत सी मजबूत दलीलें दी जा सकती हैं। अगर मैं विपक्ष में जाती हूं तो उसके लिये भी बहुत मजबूत दलीलें हैं और अगर पक्ष में भी जाती हूं तो उसके लिये भी काफी दलीलें हैं, परन्तु अन्त में हमें इसी निष्कर्ष पर पहुंचना पड़ता है कि यह विधेयक क्रान्ति उपस्थित करने वाला होता है, यह भी न्यायसंगत है। जब आज कल के प्रचलित रीति रिवाजों की तरफ हमारा ध्यान जाता है और मैं गम्भीरता से विचार करती हूं तो मैं समझ नहीं पाती कि कौन सी ऐसी चीज है जिससे स्त्री जाति ने नहीं पाया। हम पदों के अन्दर थीं और पदों के बाहर भी थीं क्योंकि अगर पदों के बाहर हम न होतीं और हमारा उत्थान न होता तो लक्ष्मीबाई ऐसी जननी और दैवी हमारे भारतवर्ष में कैसे पैदा होती ?

श्री बी० बी० शर्मा : इस कानून के पहले वह हुई।

श्रीमती कृष्णा कुमारी : जी हां, अभी तो यह कानून चलने ही वाला है, अभी तो पास नहीं हुआ है। अभी तो जो कुछ मैं कहूंगी वह तो

पहले से जो कानून चल रहे हैं उन्हीं के आधार पर कहूंगी।

आजकल के प्रचलित रीति रिवाजों के ऊपर ध्यान जाने पर ऐसी समस्याएं खड़ी हो जाती हैं। जिनसे यह प्रतीत होता है कि प्रस्तावित विधेयक से समाज में एक बहुत बड़ा बवंडर सा उठ खड़ा होगा। इस स्थिति में स्वाभाविक है कि गांव के लोगों और वहां की दशा पर विचार किया जाय। वहां पर अगर हम कहते हैं कि लड़का और लड़की बराबर हैं तो वहां के लोग हमारे सामने यह दलील पेश करते हैं कि लड़की का स्थान लड़के से ऊंचा है क्योंकि जब हम उसके वर के लिये खोज करने जाते हैं तो हमें यह देखना पड़ता है कि लड़की का वर और उसका घर सुयोग्य हो जिससे कि लड़की हमारे यहां से बढ़कर आराम से वहां रहे। आज कल का समय ऐसा है कि बेटों की कीमत तो सीमित है पर वरों की कीमत सीमित नहीं है। उनका माल तोल तो बरसाती नदी की तरह उफानें खा रहा है। आज यदि हमारी आय सौ रुपये है तब भी लड़की के लिये वर पक्ष के पिता १५ हजार रुपये मांगते हैं। उसके लिये क्या होता है ? उसके लिये एक तो यह होता है कि भाई अपनी बहन के प्रेम में प्लावित हो कर यह कहने के लिये तैयार होता है कि भाई जो कुछ भी हो हमारी जमीन जायदाद बेच दो लेकिन बहन को सुयोग्य वर दो। जब लड़की एक सुयोग्य वर के घर को चली जाती है तब पिता के घर की जायदाद जो कि बिक जाती है उसमें लड़के के लिए क्या बच जाता है। जब पिता लड़के से कहता है कि तुम्हारे लिए क्या रहेगा तो बेटा कहता है कि हमें उसकी चिन्ता नहीं है, लेकिन हमारी बीहन अच्छी जगह पहुंच जाय, एक योग्य वर के साथ पहुंच जाय, उसके मन में यह भावना न हो कि हम लोगों ने अपना उत्तरायित्व नहीं निभाया। यह मानना पड़ रहा है कि यह कानून बदलती हुई दुनिया में बदलती हुई परिस्थितियों को देखते हुए लाया जा रहा है, लेकिन हम उस ओर ध्यान नहीं दे रहे हैं कि आगे चल कर क्या बातें गुजरेंगी। हमें यह देखना चाहिए कि आगे क्या परिस्थितियां आयेंगी। जब हमारी यह सम्मति

[श्रीमती कृष्णा कुमारी]

हैं कि पुत्र और पुत्री बराबरी के अधिकारी हैं तब क्या उसके माता तथा पिता एक गढ़ा खोदकर गाड़ दिये जायेंगे। हम पुत्र और पुत्री को बराबर के अधिकार देते हैं, और दोनों अपने हिस्से में बराबरी चाहते हैं, मुझे वृद्धावस्था आती है, मैं कुछ कर नहीं पाती या मेरे पीत कुछ नहीं कर पाते तो उस हालत में हम पुत्र के ऊपर अवलम्बित होते हैं। कोई भी कहने के लिए लाख कहता रहे कि मैं ऐसा करूंगा लेकिन जब माता पिता का भार वहन करने का सवाल आयेगा तो पुत्र कहेगा कि हिस्सा लेने के लिए तो आपकी पुत्री ने बराबर का लिया और आज सेवा करने के लिए और भार वहन करने के लिए मैं भागीदार बनूँ? ऐसी हालत में मां-बाप को कितना दुःख प्राप्त होगा। इसलिए उसके होते हुए भी मां-बाप का हिस्सा होने की जरूरत है जिससे वह अपनी वृद्धावस्था में किसी के टुकड़े के लिए मांहताज न हों। हम स्त्रियों को यह सोचना चाहिए कि हमारे पीत जिनकी हम देवता के समान पूजा करते हैं, अपने बच्चों की खातिर हम उनको वृद्धावस्था में टुकड़ों के लिए किसी के भरोसे पर छोड़ दें, तो कौन स्त्री ऐसा मंजूर करेगी। हम बहिनों को इस पर काफी विचार करना चाहिए और सोचना चाहिए कि यह कहां तक ठीक है। आज जब हम बराबरी का हक मांगती हैं तो उसके लिए हमें यह भी सोचना चाहिए कि जो लड़का या लड़की प्रथम पैदा होगी उसकी शादी में सबसे ज्यादा खर्च करना पड़ेगा। किसी स्त्री या पुरुष को यह नहीं मालूम रहता कि हमारे १६ लड़के होंगे या एक ही होगा या कुछ भी नहीं होंगे। हमारे सामने एक ज्वलन्त प्रमाण है, उत्तर प्रदेश में इलाहाबाद जिले में मेरे ही गांव में एक ब्राह्मण के १६ लड़के हुए हैं, उसके एक एकड़ जमीन के बीच में कैसे बंटवारा हो, कैसे उनके शादी विवाह होंगे। हमारे हाउस के बीच में यह ज्वलन्त प्रमाण है कि २४ साल के बाद लड़की और लड़का पैदा होता है जमा कीजिए, मैं किसी का नाम लेने के लिए तैयार नहीं हूँ, परन्तु यह उन्हें मालूम नहीं था कि जब एक लड़की हो जायगी

और उसकी शादी कर देंगे तो फिर उसके २४ वर्ष बाद उनकी पत्नी से फिर में बच्चा पैदा हो जायगा। जब लोग अपने बड़े लड़के की या बड़ी लड़की की शादी करते हैं तो उसमें बड़ी धूमधाम से खर्चा करते हैं, लेकिन कुछ दिन बाद जब और छोटे लड़के होंगे और उन की शादी का इंतजाम करना होगा तो उसके लिए कहां से पैसा आएगा, और फिर बटवारे का क्या रूप होगा। इन सब बातों पर हमको विचार करने की जरूरत है।

हमारे संविधान में सबको बराबरी का हक दिया गया है, ऊंच नीच, स्त्री पुरुष में कोई भी भेद भाव नहीं है। अगर यह नहीं होता तो आज के दिन हम पार्लियामेंट में आकर बोल नहीं सकते। हमें यह कभी नहीं भूलना चाहिए कि हमें केवल अपनी तरफ नहीं देखना है, हमें तमाम विश्व की तरफ देखना चाहिए। स्त्रियों की उपमा पृथ्वी से दी गई है। यह कहा गया है कि स्त्रियों में सहन शक्ति और सहनशीलता व दयाभाव उसी ढंग से होने चाहिये जैसे कि पृथ्वी में होता है और उसी के अनुसार हम लोगों को, अगर थोड़ी सी कीठनाइयां बीच में आती हैं, तो उसके लिए उथल पुथल नहीं मचानी चाहिए। हमें अपने उन अधिकारों को भी नहीं छोड़ना चाहिए जो कि हमें मिले हैं। उन्हें छोड़ कर चन्द अधिकारों के लिए अगर हम आगे बढ़ते हैं तो आगे चलकर जिन मुसीबतों का हम लोगों को सामना करना पड़ेगा या हमारी संतान को सामना करना पड़ेगा उसे कहां तक वे वहन कर सकेंगे, मैं नहीं बतला सकती।

इसलिए मैं यह चाहती हूँ कि अगर मेरे कहने में कोई त्रुटि हो या मेरा कोई सुभाव उनको रुचिकर न लगे तो वे यह न समझें कि हम उनसे अलग हैं। मैं सदा उनके साथ हूँ, पर मुझे यह दिखलाना है कि देखिए, ये ये मुसीबतें आएंगी, हम लोग घर के अंदर रहती थीं, बच्चों का लालन पालन करती थीं। आज भी मैं हाउस में यह कहती हूँ कि मैं मां हूँ, मैं उनका लालन पालन अच्छी तरह कर सकती हूँ। अगर हम लोग घर में रहती हैं और अपने बच्चों

का लालन पालन करती हैं तो हमारे पीत बाहर धूप में दौड़ते हुए तिलमिलाते रहते हैं, उनका खाने का सुभीता नहीं, नहाने का सुभीता नहीं हम लोग तो आराम से नहा भी लेती हैं, कुछ दूर हुई तो कलेवा भी कर लेती हैं, नाश्ता पानी कर लेती हैं और धोँसा भी दँती हैं कि साहब, हमें भूखों मार दिया। अर, अपने घर में रहना और घर की पूरी बागडोर अपने हाथ में लेना, यह सब कहां हमको मिल पायेगा। मैं अपनी बहिनों से पूछती हूँ कि इतना आराम कौन सा भाई, कौन सा पुत्र दंगा और क्यों दंगा। मैं नहीं समझती कि बंटवारे की दुनिया में भाई बहिन में क्या प्रेम रह जायगा। जब बंटवारा होने लगेगा तो भाई कहेगा कि इसका हिस्सा बांट दो और उसे चाहे योग्य पीत मिले या अयोग्य पीत मिले चाहे वह उसे पसन्द करे या न करे, उसकी शादी कर दो। मैं क्यों उसकी शादी में अपना हिस्सा दूँगे लगा। बहुत पुरानी रूढ़ि से भाई बहिन में प्रेम प्लावित है, और बहिन भाई से विशेष रूप से प्रेम करती हैं, भाई से वह कुछ नहीं चाहती। इतिहास को पढ़ने से मालूम होता है कि रत्नाबन्धन के समय एक राखी भेंजने पर जो विद्रोही थे, दुश्मनी रखते थे वे भी बहिन के प्रेम के रूप में राखी प्राप्त करने पर अपने दंश की रत्ना के लिए मर मिटें। वह प्रेम भाव फिर कहां रह जायगा, यह तो पिता पुत्र का, भाई भाई का गला चन्द टुकड़ों के लिए घोट दूँगा है। मुझे जब अपने पीत के शासन काल में उनकी जायदाद में हिस्सा नहीं मिलता तो पिता की जायदाद का प्रबन्ध मैं कैसे कर पाऊंगी, एक गृहस्थी को मैं देख नहीं पाती, एक जगह का इंतजाम नहीं कर पाती और दूसरी जगह के लिए लपक रही हूँ, कैसे कर पाऊंगी, यह बात मेरी समझ में नहीं आ रही है।

जब से इस सभा का सेशन शुरू हुआ तब से दो तीन दिन से मेरी कुछ बहनों ने मुझे यह राय दी कि मैं इस पर थोड़ा अपने विचार व्यक्त करूँ। मैंने थोड़ा मनन किया और बहुत भ्रमभङ्ग के बाद अन्त में मैं इसी निष्कर्ष पर आई कि दुनिया बदल रही है और बदलेगी और हमें भी

बदलना होगा। पर अगर मजबूती के साथ, गंभीरता के साथ देखा जाय तो हम बहनों का कोई ज्यादा उज्ज्वल भविष्य नहीं है। मेरे छोटे दिमाग से आज इस ओर अधिक ध्यान देने की आवश्यकता है कि जो गांवों की स्त्रियां हैं उनका कैसे उत्थान होगा, उनका कौन उत्थान करेगा। हमको उनके विषय में सोचना चाहिये। वहां लोगों के पास थोड़ी थोड़ी भूमि है और यदि एक घर में कई लड़कियां होती हैं तो वे या तो अपने मन की शांति के लिये व्यभिचार करें या बिना माता पिता की आज्ञा के किसी के साथ चली जायें। इसके अतिरिक्त उनके लिये और रास्ता ही क्या रहेगा? इस प्रकार बहन भाई में कहां प्रेम रहेगा? कौन लड़की को दूने के लिये तैयार होगा? किसी को कौन अपनी सम्पत्ति दँता है? कहीं मांगे से भी कोई चीज मिलती है? इस प्रकार यह हक बहन भाई के सम्बन्ध को बिल्कुल नष्ट कर दंगा। अगर हमारा कोई हक है तो हम को मिल कर रहेगा। यह नहीं है कि कोई हमारा हक ले ले। अगर हम सोचें तो जब शादी होती है तब हम पाती हैं और जब गाँना होता है तब हम गाती हैं। अगर भाई हमें बुलाता है तो जहां हम जाती हैं वहां कहती हैं हमारा भाई हमको अपनी हँसियत अनुसार दँता है। पूँजीपतियों की बात छोड़िये। जो गरीब हैं उनके पास अगर पैसा नहीं होता है तो वे किसी से दस रुपये लेकर बहन को दँते हैं। यदि अधिक नहीं तो कम से कम एक धोती पहना कर बहन को भेंजते हैं। यदि कुछ भी नहीं होता है तो कम से कम चने भून कर दँते हैं ताकि बहन रास्ते में पानी पी ले। मैं नहीं समझती कि यह ममता और किस के हृदय में आयेगी। भाई अपनी बहन के प्रेम से आंतप्रांत होकर सर्वस्व दूने को तैयार होते हैं। क्योंकि बहन कुछ चाहती नहीं है। जब हम किसी चीज को नहीं चाहते हैं तब वह चीज हमें मिलती है, यह संसार का कायदा है। जब हम किसी चीज को लेने के लिये लपकते हैं तो वह चीज हमसे दूर खिसकती जाती है। इन सब बातों के कारण मैं यह अनुभव करती हूँ कि यह बिल अभी नहीं आना चाहिये था। इसके पहले यह कानून आना

[श्रीमती कृष्णा कुमारी]

चाहिये था कि दहेज की प्रथा न रहे। यदि एक पिता अपने पुत्र को शिक्षित करने के लिए रुपया खर्च करता है तो यह जरूरी नहीं है कि वह उसका व्याज दर व्याज लड़की के पिता से वसूल करे। यह कहाँ का तरीका है? यह कहाँ की इंसानियत है? इस लिये पहले यह चीज आनी चाहिये थी। लेकिन ऐसा न होकर जो बिल हमारे सामने प्रस्तुत है उससे यह प्रतीत होता है कि हृदय में अपनी कमजोरी को मानती हुई हम लालच को छोड़ नहीं सकतीं। जब आदमी में कोई लालच घुस जाता है तो उससे वह छोड़ा नहीं जाता है। परिवर्तन के समय ऐसा होता ही है।

अब सब से गंभीर विषय बाकी रहता है। अब मैं बहुत थोड़े में खत्म कर रही हूँ। जो सब से गंभीर विषय है वह अवैध सन्तान को हिस्सा देना है। एक तरफ तो हमारे पार्लियामेंट के पंम्बर यह पास करते हैं कि एक पत्नीव्रत होना चाहिये, एक पत्नी रहनी चाहिये, और दूसरी ओर मुझे यह कहते शर्म लगती है कि इस बात का हम प्रोत्साहन देते हैं कि यदि कोई चाहे तो वो चार भी पत्नी रख सकता है। यह हम लोगों के लिये कितने शर्म और दुःख की बात है। यह बात नहीं होनी चाहिये। जब हमारे यहां ऐसे कानून बन गये हैं कि विवाह में कोई जाति भेद नहीं होगा, विधवा विवाह भी हो सकता है, अपने पसन्द की भी शादी हो सकती है, तो लुक छिप कर लहने की क्या जरूरत है। यह तो तभी होना चाहिये जब कि हम कानून के चंगुल में फंसे हों, हमें कहीं निकलने का रास्ता न हो। जब हमारे लिये चारों ओर दरवाजे खुले हुये हैं तो हम क्यों अंधेरा ढूँढ़ें। इस लिये इस चीज की बिल्कुल जरूरत नहीं है, इसको बिल्कुल निकाल देना चाहिये। मैं नहीं समझ पाती कि यह चीज आई ही कैसे? इसको रखते समय हमें इस पर विचार करना चाहिये था। पार्लियामेंट के पंम्बरों को यह नहीं भूलना चाहिये कि जब हम बबान से एक बात कह चुके हैं तो अब दूसरी बात कैसे कह रहे हैं। हमें दृढ़ता के साथ अपनी

बात पर बने रहना चाहिये। अब अगर यह चीज यहां आयी है तो किस बुनियाद पर आयी है। कैसे कोई स्त्री बतला सकती है कि फलां का गर्भ है? रुपये के लालच में कोई क्या नहीं कर सकता है? यदि कोई रुपये वाला बहन के रिश्ते से किसी स्त्री से बातें कर लेता होगा, तब भी जायदाद लेने के लिये वह कह दंगी कि उसी का बच्चा है। इस प्रकार के बड़े मामले होंगे और पता नहीं कि कितनी खुराफातें हमारे हिन्दु-स्तान में उठेंगी। इस लिये इस विधेयक से यह अंश बिल्कुल निकाल दिया जाय। यदि यह अंश नहीं निकाला जाता है तो मैं यह कहूंगी कि यह पार्लियामेंट के पंम्बरों का अपमान है कि उधर आप एक पत्नीव्रत के लिये कानून पास करते हैं और इधर एक से अधिक पत्नी रखने का सुभाव देते हैं। इसके अतिरिक्त जहां मैं यह देखती हूँ कि एक भाई अपनी बहन को सब कुछ देने के लिये तैयार रहता है, वहां यह भी देखने में आता है कि आज कल की बहती हुई हवा में बहुत जगह भाई बहुत सम्पत्तिशाली हैं और बहन को दोनों वक्त रूखा सूखा खाना भी नहीं मिल रहा है क्योंकि भाई उसकी ओर देखता ही नहीं है। जब मैं यह चीजें देखती हूँ तब भी मुझे बहुत दुःख होता है। इन सब बातों को सामने रखते हुये मैं इस विधेयक का समर्थन करती हूँ और यह कहती हूँ कि आज के बदलते हुये जमाने में जब कि हमारे देश में लोकतंत्र शासन चल रहा है यह विधेयक ठीक है। साथ ही यह फिर कहती हूँ कि आज जब सरकार की ओर से वृद्धों के लिये कोई पेंशन नहीं है, कोई सहारा नहीं है, तो उनका भी हिस्सा जरूर होना चाहिये। अवैध सन्तानों को कोई हिस्सा नहीं मिलना चाहिये। यदि उनके लिये कुछ करना ही है तो जैसा दूसरे देशों में उनके लिये प्रबन्ध रहता है वैसा ही प्रबन्ध यहां भी हो जाय। जहां भी लोकतंत्र का शासन चलता है वहां ऐसे अवैध बच्चों के लिये ऐसी जगहों का प्रबन्ध रहता है जहां उनका पालन पोषण होता है और वहीं ऐसे बच्चे ला कर रखे जाते हैं। इस लिये वही तरीका यहां भी अपनाया श्रेयस्कर होगा।

किसी विधेयक को उपस्थित करते समय हमेशा यह बात सोचनी चाहिये कि आगे चल कर उसका असर क्या होगा, हमारा भारतवर्ष उसको बहन कर सकता है, उसके अनुसार चल सकता है या नहीं। किसी विधेयक को केवल पास कर देने से सब काम नहीं हो जाता है : जैसा कि कुछ सदस्यगण ने कहा है कि शारदा बेल पास हुआ पर आज भी दो दो तीन तीन वर्ष के बच्चों का विवाह धड़ाधड़ जारी है, वैसे ही यह कानून भी बना पड़ा रहेगा। ऐसा कौन आदमी है जो अपना शासन छोड़ने के लिये तैयार है। हम स्त्रियों में भी बहुत सी ऐसी हैं जो कि अपने घर के शासन की बागडोर अपने हाथ से देना नहीं चाहतीं। जो बूढ़ी और सयानी हैं वे यह कभी गवारा नहीं करतीं कि हमारे बहुओं के हाथ में बागडोर चली जाय, तो फिर लड़कियां कैसे अपने हक व अधिकार को छोड़ने को तैयार हो सकती हैं। मैं समझती हूं कि कोई भी स्त्री यह बात सुनने के लिये भी तैयार नहीं है।

श्रीमती उपसभाध्यक्षा (श्रीमती चन्द्रावर्त लखनपाल) : श्रीमती कृष्णा कुमारी जी से मेरा निवेदन है कि वह अपने भाषण को जल्दी समाप्त करें।

श्रीमती कृष्णा कुमारी : बस मुझे इतना ही कहना है। वन्द्यवाद।

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 to the daughter only. 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 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.

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—three sons and the man himself have shares. The daughters have no share during the life time of the man, and in a coparcenary there will be only four shares, the share of the father and of the three sons. So if one of

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the sons enforces his right to get his share separated he can take away Rs. 5,000/- worth out of the property that is worth Rs. 20,000. There will thus remain with him property worth only Rs. 15,000. Suppose now two more children are born to him, a son and a daughter. He will thus have three undivided sons and three daughters. When he dies he may leave behind his widow and his mother who will be heirs according to Class I of the Schedule. If this clause is to be followed, then the property is to be divided as if it was intact and there were nine heirs, four sons, three daughters, the widow and the mother and the share of each one will be about Rs. 2,200. Now, as there are three daughters and two other female heirs, the widow and the mother, these five between themselves will be entitled to Rs. 11,000.

SHRI J. S. BISHT: Sir, I would invite your attention to clause 6. It says:

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

Provided that, if the deceased had left him surviving a female relative who is an heir specified in class I of the Schedule, such female relative shall be entitled to succeed to the interest of the deceased to the same extent as she would have done had the interest of the deceased in the coparcenary property been allotted to him on a partition made immediately before his death."

SHRI H. C. DASAPPA: But please read further. Please see the Explanation.

SHRI H. N. KUNZRU: I think I am perfectly right. As I said, Madam, if

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 is not prepared to do away with the Mitakshara system at once. According to the Joint Committee,

whose 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.

[MR. DEPUTY CHAIRMAN in the Chair.]

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 acquired 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 of 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

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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 twelve 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 has been fully dealt with, I do not want 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 the 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 glad 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 the 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 life-time 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

[Shri H. N. Kunzru.]

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 womenhood 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:

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| 1. The Hindu Succession Bill, 1954 (Consideration and passing—all stages). | 12 hours (in addition to the time already taken up to and including the 23rd November 1955.) |
| 2. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Bill, 1955. | 5 hours. |
| 3. The Press and Registration of Books (Amendment) Bill, 1955. | 2 hours. |
| 4. The Prevention of Corruption (Amendment) Bill, 1955. | 3 hours. |
| 5. The River Boards Bill, 1955. | |
| 6. The Inter-State Water Disputes Bill, 1955. | 5 hours. |
| 7. The All-India Khadi and Village Industries Commission Bill, 1955. | 3 hours. |
| 8. The University Grants Commission Bill, 1954. | 5 hours. |
| 9. The Government Premises (Eviction) Amendment Bill, 1954. | 3 hours. |
| 10. The Securities Contracts (Regulation) Bill, 1954. | 1 hour and 30 minutes. |
| 11. The Young Persons (Harmful Publications) Bill, 1955. | 1 hour. |
| 12. The Appropriation Bill (Supplementary Demands for Grants) | 1 hour. |