

[Shri O. V. Alagesan.]

the fourth, also a second class bogie coach telescoped into the former. The fifth coach remained on the line and was slightly damaged, but the remaining 8 coaches remained on the line undamaged. The engines of the two trains and goods wagons are reported to have suffered hardly any damage.

Crowbars had to be used to open out certain doors and windows of the two bogie coaches which were telescoped, in order to take out the passengers.

One Shri Shiv Charan Singh, retired Principal of Government College, Rupar, a II Class passenger in the third coach, unfortunately died, and thirty-four other passengers holding tickets of different classes received minor injuries. The injured were given first aid on the spot by the Guard and further medical attention by the Railway Assistant Medical Officer who arrived with the first relief train at about 16.25 hours from Bayana. The dead body of Shri Shiv Charan Singh was taken over by the police and it is understood was taken to Ludhiana according to the address found on his person. Our sympathies go to the bereaved family and to the injured.

31 Down Frontier Mail left Fateh-Singhpura station about 5 hours 30 minutes late with all the passengers. The 3 damaged coaches were left behind and the passengers were accommodated in the remaining coaches which came through.

The General Manager of the Western Railway who was also on the train, personally supervised the arrangements for giving requisite medical attention and assistance to passengers.

The cause of the accident will be known only after the completion of the enquiry by the Government Inspector of Railways, which will commence on the 25th instant at Bayana.

The driver of the Frontier Mail has been placed under suspension, and the

driver of the goods train, the Assistant Station Master and the Cabinmer on duty at Fateh-Singhpura, have been put off duty pending the result of the enquiry.

THE FINANCE COMMISSION (MISCELLANEOUS PROVISIONS) AMENDMENT BILL, 1955

THE MINISTER FOR REVENUE AND CIVIL EXPENDITURE (SHRI M. C. SHAH): Sir, I beg to move for leave to introduce a Bill to amend the Finance Commission (Miscellaneous Provisions) Act, 1951.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to amend the Finance Commission (Miscellaneous Provisions) Act, 1951."

The motion was adopted.

SHRI M. C. SHAH: Sir, I introduce the Bill.

THE HINDU SUCCESSION BILL, 1954—continued

श्रीमती शारदा भार्गव (राजस्थान): माननीय अध्यक्ष महोदय, कल मैं इस उत्तराधिकार विधेयक की पांचवीं धारा के विषय में कह रही थी। श्रीमन्, सच तो यह है कि आज के समाज में संयुक्त परिवार केवलमात्र दिखावा ही रह गया है। आज समाज में बहुत कम व्यक्ति ऐसे हैं जो कि संयुक्त परिवार में विश्वास करते हैं। सच तो यह है कि परिवार के हर एक व्यक्ति जब बड़ हो जाते हैं तो स्वतंत्र रूप से रहने का ही विचार करते हैं। अतः इस उत्तराधिकार विधेयक में मितदाहर की लीक पीटने से, मेरी समझ में, कोई लाभ नहीं है। मेरे विचार में समाज की भावना तथा समय के अनुकूल रीति नीति में निरंतर परिवर्तन होना ही हिन्दू संस्कृति का उद्देश्य है। एक विचार सदैव नहीं रहते और ना ही वे समाज के

कल्याण के लिए होते हैं। फिर जब विचार बदल गया, रहन सहन बदल गया, तब भी कानून न बदला जाए, इसका क्या कारण है यह मेरी समझ में नहीं आया। पहले संयुक्त परिवार की प्रथा थी, सब लोग मिल कर एक घर में रहते थे, एक परिवार के लगभग सभी लोग एक ही व्यवसाय अथवा एक ही धंधे में लगे रहते थे। परन्तु आज हम सब को मालूम है कि एक परिवार में यदि चार भाई हैं तो एक भाई उसी गांव या नगर में रहता है, दूसरा भाई दो सौ मील की दूरी पर रहता है और कभी कभी तीसरे और चौथे भाई दो दो हजार मील दूर के प्रदेश अथवा परदेशों में रोजगार करते हैं। तो जब आज इस प्रकार की प्रणाली हो गई है, इस प्रकार का समाज हो गया है कि व्यक्ति अपना अलग अस्तित्व मानता है तब एक मिताक्षरा का बहाना ले कर अथवा पुराने रूढ़िवाद का बहाना ले कर हम इस उत्तराधिकार बिल से पूरे हिन्दू समाज को लाभ न पहुंचाएँ, यह एक बड़ा ही दोषपूर्ण विचार होगा। इसलिए श्रीमन्, मैं फिर इस विधेयक की प्रवर समिति से कहना चाहती हूँ कि वह इस कानून से 64 प्रतिशत जनता को वंचित न रखे और इसके लिए यही उपाय है कि इसमें से पांचवीं धारा हटा दी जाए।

अब मैं succession to the property of an intestate के विषय पर आती हूँ। इसमें जो धारा १० है उसके नियम १ और २ में दिया है :

"Rule 1.—The intestate's widow, or, if there are more widows than one, all the widows together, shall take one share.

Rule 2.—Each surviving son of the intestate shall take one share."

इस विषय में मुझे यह कहना है कि जब तक कोई मनुष्य जिंदा रहता है तब तक उसकी पत्नी घर की मालिकन कहलाती है। यही नहीं अगर वह राजा है तो वह रानी है। वह उसके साथ बराबरी का व्यवहार करता है, उसका बराबर का अधिकार माना जाता है। परन्तु इस विधेयक के

क्लाज १० के रूल १ में आपने एक विधवा को, जब कि उसका पति नहीं रहता है, सम्पत्ति में बच्चों के बराबर साझीदार बना दिया है। मेरा तो यह मानना है कि पति और पत्नी मिल कर एक परिवार बनाते हैं और दोनों का अस्तित्व एक ही है, दोनों एक दूसरे के अर्धांग कहलाते हैं। जब पत्नी पति की अर्धांगिनी है तो यह क्या बात है कि उसके मर जाने के बाद वह आधा अंग न रह कर बच्चों के बराबर हो जाती है। इसके माने यह है कि पुत्र और पत्नी एक मनुष्य के बराबर बराबर अंग हुए। इस विधेयक में आपने स्त्री के धन के लिए पृथक उत्तराधिकार का नियम बनाया है, अर्थात् स्त्री की मृत्यु के बाद उसका धन उसके उत्तराधिकारियों में बांटने का नियम बनाया है। तो ऐसा क्यों न हो कि दोनों की जो भी प्राप्ति हो, पति की या पत्नी की जो भी सम्पत्ति हो, वह जब एक मर जाता है तो दूसरे की हो जाए। मुझे इसमें कोई आपत्ति नहीं है कि यदि पहले पत्नी मर जाय तो उसकी सम्पत्ति का पूरा अधिकार पति को मिल जाए, बशर्ते कि वह दूसरा विवाह न करे। दूसरा विवाह कर लेने पर पत्नी की सम्पत्ति पर उसको कोई अधिकार न होगा, उसके बच्चों को होगा। साथ ही मैं यह भी कह देना चाहती हूँ कि किसी भी पति के मर जाने पर पत्नी को उसकी सम्पत्ति पर पूरा अधिकार होना चाहिए। यहां पर एक शर्त होगी। पुरुष अक्सर दो तीन विवाह कर लिया करता है और उसकी दोनों तीनों पत्नियों से संतानें हो सकती हैं। प्रश्न यह है कि यदि एक ही पत्नी जीवित है और उसी पत्नी से सन्तानें हैं तब तो उस पत्नी को उस पति की सम्पत्ति पर पूरा अधिकार होना चाहिए। यदि एक पत्नी जीवित है और दूसरी पत्नी की कोई सन्तान मौजूद है, तो उस दशा में उस जीवित पत्नी का आधा हिस्सा होगा और दूसरी मृत पत्नी का आधा हिस्सा होगा अर्थात् जो पत्नी मर गई है उसका आधा हिस्सा उसकी सन्तान को मिलना चाहिए और जो पत्नी जीवित है उसका आधा हिस्सा उसको मिलना चाहिए। इसके माने यह हुए कि एक पति के मर जाने के बाद उसकी पत्नी अथवा

[श्रीमती शारदा भार्गव]

पत्नियां ही उसकी पूरी सम्पत्ति की अधिकारिणी होनी चाहियें।

इस सम्बन्ध में एक बहुत ही लचर दलील हमारे सामने आती है जिस पर, श्रीमन्, हंसी भी आती है और दुख भी होता है। कहा यह जाता है कि हमारे हिन्दू समाज में स्त्रियां सम्पत्ति रखने के योग्य नहीं हैं। यह बड़े दुख की बात है कि हमारे हिन्दू भाई ही हिन्दू समाज को इस प्रकार बुरा कहते हैं। मुसलमानों में, पारसियों में, ईसाइयों में या सभी उन समाजों में, जिनके यहां उत्तराधिकार का कानून है, महिलाओं को सम्पत्ति मिलती है। परन्तु क्या हमने कभी सुना कि सम्पत्ति के कारण उनके यहां स्त्रियों ने समाज में बुरा व्यवहार किया। यदि आज हम यह कहते हैं कि हमारे यहां की स्त्रियों को अगर ये अधिकार द दिए जाएंगे तो वे इन अधिकारों का दुरुपयोग करेंगी, तो यह मेरी समझ में हिन्दू धर्म की कमजोरी है, और अगर यह हिन्दू धर्म की कमजोरी है तो इसको दूर करना हमारा कर्तव्य है। वैसे मैं तो यह मानती ही नहीं हूं कि हिन्दू समाज की महिलाएं किसी भी समाज की महिलाओं से कमजोर हैं। यह कहना कि हिन्दू स्त्रियां सम्पत्ति रखने के लायक नहीं हैं या सम्पत्ति की मालिकन हो जाने पर अपने समाज के गौरव को रखने के योग्य नहीं रह जायेंगी बिल्कुल गलत है; मैं इसको कदापि मानने के लिए तैयार नहीं हूं। परन्तु जो ऐसा मानते हैं उन पर मुझे अफसोस होता है कि अपने ही धर्म पर एक लांछन लगाते हैं। हिन्दू धर्म की पुरानी पुस्तकें, स्मृतियां या श्रुतियां में जो लिखा है उसके कारण आज भारतीय नारी कमजोर हो गई है और इस कमजोरी को दूर करना हमारा ही कर्तव्य है। आज दूसरे समाजों में स्त्रियों को अधिक इतिहास समझा जाता है, अधिक अच्छा समझा जाता है। किन्तु आज हमारे हिन्दू समाज में स्त्रियों को कोई अधिकार न देकर बजाय इसके कि हिन्दू समाज को ऊपर उठाया जाए, उसे पीछे ढकेलने की कोशिश की जाती है।

इसके अलावा मुझे एक बहुत ही आवश्यक बात कहनी है और वह यह है कि इसी धारा व अन्दर जो रूल ५ दिया हुआ है उस पर बहुत कुछ बहस होती चली आ रही है। उस पर आज भी बहुत कुछ बहस सदन के बाहर हो रही है और सदन के भीतर भी हो रही है। इस सम्बन्ध में बड़ी अच्छी अच्छी दलीलें हमारे सदन में दी गई हैं। परन्तु सब से ज्यादा अफसोस इस बात का है कि आज कांग्रेस सरकार है। मैं "कांग्रेस" शब्द पर बहुत ज्यादा जोर देना चाहती हूं और यह कहना चाहती हूं कि आज वह कांग्रेस सरकार है जो अभी कुछ दिन पूर्व आवड़ी अधिवेशन में यह प्रस्ताव पास कर चुकी है कि हमें सोशलिस्टिक पैटर्न पर चलना है। आज हमारी कांग्रेस सरकार द्वारा ही यह बिल हमारे समक्ष रखा गया है और अफसोस इस बात से और भी अधिक है कि यह इस प्रकार का समाज में भेदभाव रखने वाला बिल उसी कांग्रेस सरकार द्वारा लाया गया है जिसकी मैं भी एक अंग हूं। एक ओर हम श्रेणी रहित समाज बनाना चाहते हैं, सर्वोदय समाज बनाना चाहते हैं और दूसरी ओर इस बिल में हम समाज में इस प्रकार का भेदभाव पैदा करते हैं। हम दश में एक वर्ग विहीन समाज स्थापित करना चाहते हैं, प्रत्येक प्रान्त में ऐसा समाज कायम करना चाहते हैं, नगर नगर में करना चाहते हैं और हम हर एक गृहस्थी में ऐसा समाज कायम करना चाहते हैं; पर यहां इस विधेयक द्वारा एक ही व्यक्ति की दो सन्तानों में अन्तर करना चाहते हैं। यह कहा तक उचित है ? हम यह कहते हैं कि एक व्यक्ति के मर जाने पर एक हिस्सा लड़के को मिले और उसका आधा हिस्सा लड़की को मिले। इसको देखकर बड़ा अफसोस होता है कि हमारी ही गणतन्त्र सरकार अपने दश की पुत्रियों के साथ सांतेली मां का सा व्यवहार कर रही है। पर मुझे विश्वास है कि प्रवर समिति इस विषय पर विचार करके इस बिल में आवश्यक परिवर्तन अवश्य कर देंगी। अर्थात् पिता की सम्पत्ति में पुत्र और पुत्रियों को बराबर हिस्सा मिलने का संशोधन करके, जो हम श्रेणी रहित या सर्वोदय समाज

बनाना चाहते हैं, उसकी ओर सरकार का ध्यान दिलायेंगी।

श्री जे० एस० बिष्ट (उत्तर प्रद्वेश) : पारसी सक्सेशन ऐक्ट में आधा है।

श्रीमती शारदा भार्गव : पारसी सक्सेशन ऐक्ट में बराबर है।

श्री जे० एस० बिष्ट : नहीं आधा है।

श्रीमती शारदा भार्गव : खैर, मुझे मालूम नहीं है। आधा होगा, पर है तो सही इसके अतिरिक्त यदि दूसरे समाजों में कुछ कृपाएं हों तो उनको हम ले लें यह हमारी बुद्धिमत्ता नहीं है। उनको सुधारने का प्रयत्न करना हमारा कर्तव्य है। पारसी सक्सेशन ऐक्ट में कोई चीज जैसी हो हम मान लें, यह कोई दलील नहीं है।

जब भी इस उत्तराधिकार के विषय में तर्क दिये जाते हैं तो कुछ व्यक्ति चाहते हैं कि पिता की सम्पत्ति पुत्री को बिल्कुल नहीं मिलनी चाहिये। उनकी ओर से वही पुरानी लचर दलीलें दी जाती हैं जिनका कोई अर्थ नहीं है और जिनका उत्तर भी बहुत ही अच्छी तरह कुछ विद्वानों ने दे दिया है। जो दलीलें दी जाती हैं वे दलीलें मैं आपके सामने रखना चाहती हूं। सब से पहली दलील यह दी जाती है कि यदि भाई और बहन में बटवारा होगा तो भाई और बहन में प्यार नहीं रहेगा। मैं यह पूछना चाहती हूं कि हीरोजनों को क्यों ऊपर उठाया जाय, जो गिरा हुआ समाज है उसको क्यों ऊपर उठाया जाय? यदि वे उठ जायेंगे तो जो बड़े हैं उनकी कौन सेवा करेगा, उनको कौन पूछेगा? इसी प्रकार यह भी दलील है कि भाई बहन का प्यार नहीं रहेगा, अर्थात् बहनों की सामाजिक एवं आर्थिक दृष्टि करके हम भाई बहन का प्रेम कायम रखना चाहते हैं। जो भाई बहन के प्यार की दलीलें देते हैं मैं उन, बन्धुओं से पूछना चाहती हूं कि उत्तराधिकार के प्रश्न पर क्या भाई भाई आपस में नहीं लड़ते हैं। अगर वे लड़ने वाले होते हैं तो कभी कभी वे दुश्मनों से ज्यादा आपस में लड़ते हैं।

डा० आर० पी० दुबे (मध्य प्रद्वेश) : बीबी आने-बाद।

श्रीमती शारदा भार्गव : वह भी ब्रतलाऊंगी, जरा सब रीखे। मेरे कहने का मतलब यह है कि जहां बुद्धि है, जहां सद्भावना है, जहां सहनशीलता है, वहां भाई भाई में भी प्रेम रहता है और एक भाई नहीं सोचता कि दूसरे भाई ने अधिक सम्पत्ति का उपभोग क्यों कर लिया। इसी प्रकार भाई बहन में भी प्रेम रह सकता है। मेरा पूर्ण विश्वास है कि बहनें उन भइयों से पीछे नहीं रहेंगी जो यह समझते हैं कि यदि उनका भाई कुछ सम्पत्ति का उपभोग कर ले तो कोई हर्ज नहीं है। इसके अतिरिक्त जब जितने भाई हैं उन सभी में बटवारा होता है तो बहनों ही को हिस्सा मिल जायगा तो क्या हर्ज होगा?

दूसरी दलील बहुत जोरों से यह दी जाती है कि बहनों को हिस्सा देने से फ्रैगमेंटेशन हो जायगा। यदि सात भाई हों और उनमें आपस में बटवारा हो जाय और फ्रैगमेंटेशन हो तो कोई बात नहीं है। परन्तु यदि दो भाई और एक बहन हैं तो फ्रैगमेंटेशन नहीं होना चाहिये। यह उसी प्रकार की कमजोर दलील है जिस प्रकार की पहली वाली प्रेम न रहने की दलील थी। मैं यह भी कहना चाहती हूं कि भाइयों में कितना फ्रैगमेंटेशन होता है। जब भाइयों में किसी इम्पूबील प्रापर्टी का बटवारा होता है तो यह बात निश्चित जानिये कि भाई भाई एक जगह रहे ऐसा मैं नहीं मानती हूं। आज हमारा समाज की व्यवस्था बदल चुकी है। आज भाई भाई एक जगह नहीं रहते। वे अलग अलग कोई व्यवसाय करते हैं या और कोई कार्य करते हैं, इस लिये एक जगह नहीं रहते हैं। फिर हम यह क्यों कहते हैं कि जब बहनें अलग चली गईं तो उनका हिस्सा कैसे हो गया? इसके साथ साथ हमने धारा २५ ऐसी रख दी है कि यदि किसी इम्पूबील प्रापर्टी को कोई भाई खरीदना चाहता है तो वह खरीद सकता है। ऐसी दशा में हम यह क्यों कहते हैं कि बहन बाहर चली जायगी, इस लिये उसका

[श्रीमती शारदा भार्गव]

हिस्सा नहीं होना चाहिये ? बहन के चले जाने पर भी भाई उस सम्पत्ति को खरीद सकता है ।

कुछ लोगों की ओर से यह दलील दी जाती है कि यदि लड़की को हिस्सा द दिया जायगा तो उसका पति बाहर का आदमी होगा और वह आ करके प्राप्ति पर कब्जा कर लेगा । जो लोग दामादों और पुत्रियों को बाहर का आदमी कहते हैं, उनके इस कहने से उनकी स्वयं की भावना का परिचय मिल जाता है । आप यह समझते हैं कि पुत्री अपने विवाह के बाद अपने पति के कहने में चलेगी, किन्तु मैं यह पूछना चाहती हूँ कि अग्रा पुरुष स्त्रियों के वश में नहीं होते हैं ? जब कोई बुरी बात होती है तो स्त्रियों को दोष द दिया जाता है । कितना पार्टिशन होता है, कितनी हिस्सेदारी होती है, कितने भाई भाई अलग होते हैं, लेकिन दोष दिया जाता है स्त्रियों को कि कलह स्त्रियों की वजह से होता है । परन्तु जो स्त्रियां भाइयों की पत्नियां होती हैं वे तो बाहर की ही होती हैं सब फिर आपको कैसे विश्वास होता है कि वे आपस में लड़ेंगी नहीं ? अगर हम इस दृष्टि से देखें तो फिर जैसे स्त्रियों के लिये यह बात लागू होती है वैसे ही पुरुषों के लिये भी हो सकती है, दोनों में कोई अंतर होने की बात नहीं है । इस लिए किसी व्यक्ति के सब पुत्र, जिनकी पत्नियां दूसरे कुटुम्ब से आती हैं, सम्पत्ति का हिस्सा ले सकते हैं तो पुत्रियों के (जिनके पति बाहर के होते हैं) हिस्सा लेने में क्यों बाधा डाली जाती है ? आप स्वयं ही मान चुके हैं कि स्त्रियों की वजह से पार्टिशन होता है । तो जब स्त्रियों की वजह से भाई भाई पार्टिशन कर लेते हैं और एक साथ नहीं रहते हैं तो यदि पुरुष की वजह से बहने भी पार्टिशन कर ले तो हमें कोई अंतर करने की कोई आवश्यकता नहीं मालूम पड़ती है ।

एक बात हमारे एक माननीय सदस्य, अग्निभोज जी ने कही जो कि बड़ी हंसी की बात लगती है । वे कहते हैं कि यदि बटवारा होने लगेगा तो फिर कमाने वाले के लिए कोई आनंद ही नहीं रहेगा । मेरी समझ में नहीं आता कि कमाने वाले के हृदय में लड़के या लड़की के प्रति क्यांकर भेद पैदा होना चाहिए । मेरी समझ में यह उनके स्वयं के मन की भावना मालूम पड़ रही है क्योंकि समाज की भावना तो यह है नहीं । मां-बाप लड़के और लड़की को बराबर दृष्टि से देखते हैं, दोनों ही बराबर रूप से प्यार के अधिकारी होते हैं ऐसा तो है नहीं कि पुत्र तो उनसे पैदा होता है और पुत्री कहीं आसमान से गिर पड़ती है । अग्निभोज जी का यह ख्याल कि अगर कमाने वाला पुत्र के नाम सम्पत्ति करना चाहता है और वह सम्पत्ति पुत्री को भी हिस्से में मिलने वाली है तो वह कमाना ही छोड़ देगा, सचमुच में हंसी योग्य है । जो यह एक नई दलील दी गई है यदि वह न दी गई होती तो ज्यादा अच्छा होता ।

एक और दलील जो दी गई है वह यह है कि धीरे पति और पत्नी एक होते हैं इसीलिए उनकी सम्पत्ति एक ही होनी चाहिए । वैसे तो जब तक पति और पत्नी में अच्छा सम्बन्ध रहते हैं तब तक वे एक दूसरे की सम्पत्ति के अधिकारी होते हैं । स्त्री की सम्पत्ति पर तो पुरुष का अधिकार होता ही है क्योंकि ऐसा नहीं होता कि अपनी पत्नी की सम्पत्ति को आवश्यकता के समय पुरुष काम में न लावे । पति की कोई सम्पत्ति होती है तो वह भी यह कभी नहीं सोचता कि उसका भाग उसकी पत्नी न करे । परन्तु जहां सम्बन्ध अच्छा नहीं होते हैं वहां दूसरी बात सामने आती है । पुरुष का तो उस हालत में भी हित ही है क्योंकि उसको तो सब अधिकार मिले ही हुए हैं । स्त्री के पास कोई सम्पत्ति नहीं होती । अतः सम्पत्ति के जोश में आकर, धन के गर्व में आकर पुरुष यह समझता है कि स्त्री तो मेरी दारू है, चाहे मैं उसे मारूं या पीटूं आखिर वह जायगी कहां । स्त्री के पास पैसा कहां है जो वह दूसरा सहारा ढूँढ सके ? इसीलिए जहां

सम्बन्ध खराब हो जाते हैं वहां पर पुरुष नहीं चाहता कि स्त्री किसी लायक हो। स्त्री भी एक जीव है, उसकी सहनशक्ति की भी एक सीमा है। पुरुष उसे जिस प्रकार चाहे दुख देता है और उसके पास उस दुख को सहन करने के अतिरिक्त कोई सहारा नहीं होता। वह कहां से पैसा लावे, जो जीवन की रक्षा कर सके? इमने हिंदू मैरिज बिल में डाइवोर्स का क्लॉज पास कर दिया, मगर बिना पैसे के वह कैसे कोर्ट में जाए, क्या करे? कोई कार्य संसार में बिना पैसे के नहीं होता है। फिर यदि हम कह दें कि पति और पत्नी दोनों की सम्पत्ति एक दूसरे की हो यह तो मेरी समझ में एक टालने वाली सी बात है। यदि पति और पत्नी की एक ही सम्पत्ति हो और एक ही सम्पत्ति के दोनों मालिक हो सकते हैं तो क्यों न हम यह कह दें कि जो व्यक्ति मरे उसकी जायदाद का उसके बेटे और बहू के नाम हिस्सा होगा, इसमें हर्ज क्या है हालांकि मैं जानती हूँ कि माननीय सदस्य मेरी बात को सुनकर घबड़ा जायेंगे। मैं जानती हूँ कि जब स्त्रियों के नाम सम्पत्ति करने का सवाल आता है तो किस प्रकार के भाव हमारे पुरुषों के दिलों में आ जाते हैं; उनका वर्णन नहीं किया जा सकता। लेकिन जहां सद्भाव है वहां कठिनाई नहीं होती है। पर जहां सद्भाव नहीं है वहां तो पैसा ही काम देता है, और कोई चीज नहीं। इसीलिए जब तक स्त्री की सम्पत्ति अलग न हो उसे पति की सम्पत्ति से ही सम्बन्धित रहना पड़ेगा और जब तक पति की सम्पत्ति उसको नहीं मिलेगी तब तक उसकी कोई व्यक्तिगत सम्पत्ति भी नहीं होगी और वह हमेशा पति की इच्छाओं की दासी रहेगी। पति के खिलाफ आवाज उठाने की उसके पास अपनी कोई शक्ति नहीं होगी। फिर यह डाइवोर्स का जो कानून आप पास कर चुके हैं यह भी सिर्फ पुरुषों के लिए ही करते हैं जिनके पास पैसा होगा। इसीलिए जो बन्धु यह दलील देते हैं कि केवल श्वसुर की सम्पत्ति स्त्री को मिलनी चाहिए, पति को नहीं मिलनी चाहिए, मैं उनसे कहना चाहती हूँ कि पति के जीवित रहते हुए श्वसुर की सम्पत्ति पर उसका कोई अधिकार नहीं। जब

तक इस प्रश्न को हम नहीं तय कर लेते तब तक इस प्रकार की दलील देने से कोई लाभ नहीं।

दूसरी दलील हमारे सामने यह भी आती है, वैसा कि मैं पहले कह चुकी हूँ, कि हम रिश्तों में सम्पत्ति को रखने की शक्ति नहीं हैं। मैं कहती हूँ कि आज जो हम अपनी लड़कियों को पढ़ा रहे हैं, लॉयर बनाना चाहते हैं, डाक्टर बनाते हैं, प्रोफेसर बनाते हैं, तो यह सब किस लिए करते हैं? आप क्यों उनको ऐसा काम सिखाते हैं, जिससे वह धन-सम्पत्ति पैदा कर सकें और इस प्रकार गुमराह हो जायें क्योंकि ऐसा ख्याल किया जाता है कि औरतों के पास जहां धन सम्पत्ति होगी वहां वे गुमराह हो जायेंगी? भारतीय संविधान में स्त्रियों को लीजस्लेटर और मिनिस्टर बनने का हक दिया गया है। तो वे मीहिलार्ज जो अपनी निजी सम्पत्ति की रक्षा नहीं कर सकतीं, जनता की सम्पत्ति की क्या रक्षा कर सकेंगी? पर क्या आपने देखा कि महिला मिनिस्टर्स ने सम्पत्ति का कोई दुरुपयोग होने दिया है? आप कहेंगे कि वे तो अधिकतर पढ़ी लिखी होती हैं। किन्तु कानून में तो नहीं लिखा है कि लीजस्लेटर्स या मिनिस्टर्स पढ़े लिखे होने चाहियें। और अगर लिखा भी रहता है तो भी मैं कहना चाहती हूँ कि केवल स्त्रियों के लिए पढ़ा लिखा क्यों रखा जाय पुरुषों के ऊपर भी पढ़े लिखे का प्रतिबन्ध क्यों न लगाया जाय? इस प्रकार का व्यवहार करके स्त्रियों और पुरुषों के बीच भेद कर कर के हम जिस प्रकार का सामाजिक ढांचा और एक श्रेणी रहित समाज बनाना चाहते हैं वह नहीं बना रहे हैं बल्कि धोका दे रहे हैं।

कुमारी लड़की के विषय में मुझे एक बात कहनी है। इस विधेयक में एक व्यक्ति के सब लड़कों और सब लड़कियों में आपस में कोई अंतर नहीं किया गया है, अर्थात् लड़के सब एक से हैं, लड़कियां सब एक सी हैं और लड़कियों को लड़कों से आधा हिस्सा मिलेगा यह भी इस विधेयक में दिया हुआ है। विवाहित लड़कियों को लड़कों के बराबर हिस्सा नहीं मिलना चाहिये

[श्रीमती शारदा भार्गव]

यह कुछ सदस्यों ने कहा है क्यों कि विवाह के बाद जब लड़की दूसरी जगह चली जायगी, पति की पत्नी हो जायगी और पति के घर चली जायगी, तब उसे आधा हिस्सा मिलेगा। लेकिन जब तक कोई लड़की कुमारी रहती है, शादी नहीं करती है, तब भी आपने वही आधा हिस्सा क्यों रखा? कुमारी लड़की जो शादी नहीं करती क्या वह उसी प्रकार हकदार नहीं होती जैसे कि कुआरा लड़का? कुमारी लड़कियों और लड़कों में इस तरह का भेद का होना मेरी समझ में नहीं आता। फिर लड़कों में तो कोई अंतर नहीं पड़ता चाहे वे कुआरे रहे या विवाहित हों उनको बराबर हिस्सा मिलेगा। पर कुआरी लड़कियों को आधा हिस्सा क्यों मिलना चाहिए यह भेदभाव जरा भी समझ में नहीं आता। यदि दूसरे पक्ष की तरफ से ऐसा कानून आता तब तो मैं मान लेती कि ऐसा करने में उनका कोई विशेष इंटरैस्ट होगा, परन्तु कांग्रेस सरकार की तरफ से तो ऐसा कानून नहीं आना चाहिए। साथ ही यह भी ध्यान योग्य बात है कि सात वर्ष पहले जो हिन्दू कोड बिल की सेलेक्ट कमेटी ने संशोधित विधेयक तैयार किया था उसमें यह निश्चय किया गया था कि लड़का और लड़की को सम्पत्ति में बराबर अधिकार मिलने चाहिये। आज जब कि हम समाज में भेद भाव दूर करने पर अधिक जोर दे रहे हैं, तो इस कानून द्वारा हम आगे बढ़ने की जगह फिर से पीछे की ओर जा रहे हैं और उस प्रवर समिति (सेलेक्ट कमेटी) के निश्चय को न मान कर उल्टे हम यह कर रहे हैं कि लड़के और लड़कियों को बराबरी का हक न देकर लड़कियों को लड़कों से आधा हिस्सा देंगे। फिर यह कौन सी बात है जो अब भी धोका दिया जा रहा है?

धारा १६ के लिए मैं मन्त्री महोदय को बधाई देना चाहती हूँ। माननीय बंधु, अग्निभोज जी ने श्रीमती चन्द्रवती की एक दलील को काटने की कोशिश की। उन्होंने कहा कि चन्द्रवती जी ने जो यह कहा कि स्त्रियों का इस बिल में कुछ भी नहीं दिया गया है, तो यह बिल स्त्रियों के

लिये थोड़ा ही है। मैं भी मानती हूँ कि यह बिल स्त्रियों के लिये नहीं है, हिन्दू समाज के लिए है। जब हम किसी समाज के हित के प्रस्ताव में अथवा विधेयक में यह कहते हैं कि गरीबों के लिए प्रस्ताव अथवा विधेयक में कुछ नहीं किया गया है तो इसका मतलब यह नहीं होता कि वह गरीबों के लिए है। समाज के अन्दर दो हिस्से होते हैं, एक ऊँचा और एक नीचा, एक अमीर एक गरीब। जो नीचा गिरा हुआ क्लास है, जो दबा हुआ है, कुचला हुआ है उसको अगर हम ऊँचा उठावेंगे तो हम समाज को ऊँचा उठावेंगे। ऊँचे लोगों को उठाने का तो प्रश्न ही नहीं उठता। उन्होंने यह भी कहा कि स्त्रियों को जितनी इस बिल से आशा थी उतनी व्यवस्था नहीं की गई। इसके मानी यह है कि जो क्लास या श्रेणी दबी हुई है, नीची और गिरी हुई है, उसको ऊँचा उठाकर ही हम समाज को ऊँचा उठा सकते हैं। ऊँचे को ऊँचा उठाने में कोई महत्व की बात नहीं है, कोई बुद्धिमत्ता नहीं है। पर नीचे गिरी हुई श्रेणी को अधिक से अधिक ऊँचा उठाना समाज के हित में होता है।

अंत में मुझे प्रवर समिति से दो बातें जोर देकर कहनी हैं। एक तो विधवाओं को अपने पति की सम्पत्ति पर लड़कों के समान ही नहीं वरन् पूर्ण अधिकार मिलना चाहिये। विधवा के मरने के बाद लड़के और लड़कियों में उसी प्रकार सम्पत्ति का विभाजन होना चाहिए जैसा कि इस विधेयक में स्त्री की सम्पत्ति पर लड़का और लड़की के उत्तराधिकार के नियम बनाये गये हैं। पति के मरने के बाद उसकी स्त्री को पति की सम्पत्ति पर पूरा अधिकार होना चाहिए। दूसरी बात यह कि भाई और बहिन, पुत्र और पुत्री का भेद मिटा दिया जाय और उनको बराबर अधिकार दे दिए जायें। यदि इस प्रकार के संशोधन प्रवर समिति कर देंगी तो यह विधेयक दश के लिए बहुत हितकारी होगा और यह समाज को सचमुच सोशलिस्टिक पैटर्न पर ले जायगा और हम सर्वोदय और श्रेणी विहीन समाज स्थापित करने के उद्देश्य को पूरा कर लेंगे।

[MR. DEPUTY CHAIRMAN in the Chair.]

DR. W. S. BARLINGAY (Madhya Pradesh): Mr. Deputy Chairman, I rise to support the motion, though not this Bill in its present form. And the main reason why I do not support the Bill in its present form is that this Bill, as it is, is not only against the letter and the spirit of the Constitution, but, if I may say so, it is really an insult to the womanhood of this country.

I would draw your attention first of all to the Preamble to the Constitution of India, and then I would quote article 15 (1) of the Constitution. The Preamble says:

"We THE PEOPLE OF INDIA.....
and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY assuring the dignity of the individual and the unity of the Nation;"

Now we cannot suppose that only men in this country have dignity, and not women. I am surprised that this Bill has come to us in its present form. Then, let us read article 15 (1), which says:

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

This Bill, in its present form, directly offends against this provision. The spirit of the Constitution is that if any advantage has got to be given at all, it has got to be given to the fair sex, to the womanhood of this country, and not to men. And this is made

of article 15. In article 15 (3), it is stated:

"Nothing in this article shall prevent the State from making any special provision for women and children."

Now, Sir, I must say at the outset that I am one of those who believe that in any enlightened society men should have no right of inheritance at all. Only women should possess that right. But I will not enter into that controversy now. I should distinguish between two kinds of rights. I do not say that men should not have any right to property. I am only saying that they should have no right of inheritance. And that is because I feel that in our society, men, on account of natural differences, ought to take to a life which is more active than that of women. Why, haven't we got the kingdoms of bees? There, we have the queen bees, and they guide the work.....

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): What about Malabar?

DR. W. S. BARLINGAY: So, we can quote examples both from the animal kingdom and even from the various societies on the face of this earth. It is always said—and this is a very common and a very cheap saying—that if something happens in our society which is a little different from what we are used to, then it will entirely destroy the fabric of our society. With all respect, if I may say so, there is no truth in this. There are societies on the face of this earth which are polygamous; there are societies which are polyandrous, and there are even societies which have no institution of marriage at all. Now I am not going to preach any of these doctrines here. I am not also one of those who blame our *rishis* and our forefathers, because I feel that so far as intelligence is concerned, it has not been given only to this generation. Our forefathers have been very great

[Dr. W. S. Barlingay.] thinking in the circumstances which then existed, and they came to certain conclusions. We are now faced with different social and economic environment. And naturally, we have to exercise our own intelligence in the kind of environment that we have now, and come to our own conclusions.

Now what I am going to say is that there is no justification whatever for making any kind of distinction between a son and a daughter in respect of inheritance. It will be recalled that at the time of the provisional Parliament when the Hindu Code Bill was referred to the Select Committee, they had clearly provided that the daughter should get the same share as the son.

SHRI J. S. BISHT: But how much progress did they make?

DR. W. S. BARLINGAY: I will come to that in a moment. Now, Sir, much water has actually flowed under the bridge since then. At that time, the Constitution was probably only in the making. It had not come into force. Now we are armed with the Constitution and with the various provisions of the Constitution. And there is no justification now to go back upon what the Select Committee itself provided. But I am very sorry to say that we have, in our midst, even today, certain legal Rip Van Winkles who go on sleeping for ages together. And when they wake up, they find that they are no good in this world; they are absolutely out of tune with the modern world. And then they want to preach certain outmoded and worn-out doctrines. When I say this, I am not attacking any person, because so far as the mover of this motion is concerned, well, I was going to say to him that he was a grand young old man. He has said things which even a young man in this country, would perhaps not dare to say. He is extremely progressive.

SHRI H. D. RAJAH (Madras): Then who are the young men?

DR. W. S. BARLINGAY: He is an old man; he is above 60, not a young

man. Anyway, leaving that alone for the present, I would like to illustrate my point of view by reference to certain mathematical concepts. It is not possible now for me to go into the whole question as to how the Bill should be altered or the various clauses of the Bill should be altered. That necessarily must be done by the Select Committee. But I would say this that there are two mathematical concepts—constants and variables. The Hindu Law is based upon certain fundamental principles, which certainly were good, when the Hindu Law was made by our *rishis*. Some of these principles are constants and some variables. Now the variable that we want to introduce into the existing fabric is this. Formerly, women, in our society, did not enjoy the same status as men. There is no doubt at all about this. What the Constitution requires today is that they are treated as equals of men.

Now, we have to go on this principle; and if we accept the logical implication of this fundamental principle then we will certainly arrive at certain broad conclusions. I should like to summarise briefly what roughly these conclusions would be. The first conclusion that must follow from this principle is that the so-called limited right of women in property, i.e., only a life interest in it, must go. As many of us are well aware, this doctrine of limited interest was founded on the dictum of Baudhayana, viz., निर-द्रिया ह्यदायादा स्त्रियः. I do not want to enter into any controversy now. It is sufficient to say that that doctrine will not be acted upon in any civilised society today. Even amongst Hindus in our own country, in Bombay for example, this doctrine is not applied in many cases. There women have an absolute interest in property. There is, therefore, no justification whatever for us to go back to that outmoded principle outmoded concept of limited interest in property in the case of women.

The next question—and it is a very important question—is with regard to

stridhana. What I say is that after the Constitution has been passed according to the spirit which I am trying to advocate now, there is no justification whatever for this concept of *stridhana*. This whole thing must go. This chapter in the Hindu Law might have been good at one time but today it is a disgrace to any civilised society. Take the concepts of *sulkha*, *bhartridatta*, etc. Is it suggested that these are going to do any good to women? If women want to have property, let them have property, but the concept of *stridhana* must go entirely.

The third very important result that must follow from the principle that I am trying to enunciate is that the old Act, viz., the Hindu Women's Rights to Property Act, 1937, must also go. When, some time ago, I was discussing this question with certain friends of mine, they said, "Well, if you give to the daughter the same share as you give to the son, then the daughter will have more property than the son." I asked, "How?" They said, "She will inherit from the father and then, if she happens to become a widow later on, she will inherit from the husband also. In this way, she will get more property than the son." Now, whatever may be the truth in this, what I am concerned with here to suggest is that this Act also has got to go, and I would say that, if a widow has got the right to succeed to the estate of her husband, then the husband also should have an equal right to succeed to the estate of his wife. There is no reason on earth why men and women need be treated differentially on that particular point.

Now, I come to the fourth and the most important part of the whole Bill, viz., succession. As I said in the very beginning, I have quarrel only on one point, viz., the half share only that is allowed to the daughter, but apart from that, what I would say is this. An order of succession should be prescribed both with regard to the property held by women and also with regard to the property held by men, and the principle behind this should be only love, affection, propinquity etc. It is very easy to fix that order. There

is no difficulty there, and if this is done, and if the Hindu Succession Bill becomes law, that will become a matter of pride so far as this Parliament is concerned.

There is one other point which I should like to touch upon. You will find that certain areas, e.g., Travancore, Coorg and other places where the Marumakkattayam law prevails, are excluded from the scope of this Bill. Here I feel I am not treading on sure ground, but it seems to me that there is not much justification for excluding these areas from the scope of the Bill. If in those areas somehow or other women do enjoy more rights than men, I feel that that also will be contrary to the Constitution of India.

DR. SHRIMATI SEETA PARMANAND: They enjoy equal rights.

DR. W. S. BARLINGAY: As I said myself, I am not treading on sure ground here. I am not very familiar with the Marumakkattayam law.

DR. SHRIMATI SEETA PARMANAND: Mrs. Menon here comes from that part. She can tell you.

DR. W. S. BARLINGAY: I am speaking subject to correction.

SHRI K. MADHAVA MENON (Madras): They enjoy absolutely equal rights.

DR. W. S. BARLINGAY: Then I withdraw my suggestion altogether.

DR. SHRIMATI SEETA PARMANAND: We have to live up to that model.

DR. W. S. BARLINGAY: Let us apply that law then to the other parts of the country. I will have no objection on that score.

There is one other important thing which I wanted to mention with regard to one provision in the Bill, viz., in clause 5. It is said in clause 5(i):

"This Act shall not apply to—

(i) any joint family property or any interest therein which devolves by survivorship on the

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surviving members of a coparcenary in accordance with the law for the time being in force relating to devolution of property by survivorship among Hindus."

Now, I say with all respect that again here there is no justification whatever for this sort of provision. Even the Rau Committee in the old days of 1941 and 1942 suggested that if it was necessary to do so, you might apply even the Dayabhaga law where then the Mitakshara law prevailed. But leave that alone. People ought not to forget this that when they passed the Hindu Women's Right to Property Act—what is ordinarily called the Deshmukh Act—the widow was substituted for the husband even with regard to coparcenary property. What justification then is there for saying now that a daughter may not be included as a coparcener just as we have the son included? If the widow could be substituted for the husband with regard to the coparcenary property and that too as early as 1937, what justification is there for saying that the daughter may not be substituted for the son or may not be added to the sons in a coparcenary where of course, the daughter does not marry? This is all on account of the fact that we have certain legal Rip Van Winkles still existing who have framed this Bill; they are downright retrograde in their outlook. They have gone back on what was achieved long ago. I, therefore, suggest that there is no justification whatever for saying that these two particular provisions of the Bill in question should be retained. I need not go into all the details of what will have to be done by the Select Committee but if these principles are borne in mind, then by way of logical conclusion suitable amendments naturally will have to be made in the various clauses of the Bill. Yesterday Mr. Rajah pointed out clause 27 of this Bill which according to him was absolutely outmoded. I entirely agree with him. The clause says:

"A woman, who after marriage has been unchaste during her husband's life-time, shall, unless he has condoned the unchastity, be disqualified from inheriting his property."

SHRI H. D. RAJAH: He has to come from the grave.

DR. W. S. BARLINGAY: What about an unchaste husband? I am not much against this particular provision. It is probably a good provision but the point is, why provisions like these should find place in a draft Bill like this. If a woman were to draft this Bill, I suppose she would draft it in an entirely different way. She might, say "an unchaste husband" shall be disqualified, etc.

SHRIMATI PARVATHI KRISHNAN (Madras): We are much fairer.

DR. W. S. BARLINGAY: Of course, you are the fair sex.

DR. SHRIMATI SEETA PARMANAND: We would not have any necessity for a Select Committee. It would be accepted at once.

DR. W. S. BARLINGAY: I don't want to take more time of the House. If these principles are accepted, the details can be mathematically and logically worked out. If these principles are accepted, I believe this Hindu Succession Bill will have to undergo fundamental alterations and if those alterations are accepted by the Select Committee, then we will have no grouse whatever against either the promoters of the Bill or the Select Committee or the Members of the Select Committee. Thank you, Sir.

SHRIMATI LAKSHMI MENON (Madras): Mr. Deputy Chairman, my task is rendered very easy by the fact that the mover has given a detailed explanation as to the adventures and the steps that have been taken to prevent it from becoming an Act as well as the changes that have taken place in the Bill. While I hesitate in supporting the Bill, I must congratulate the mover not only on

his excellent speech but also on the generous sentiments which he expressed in explaining this Bill. I will follow his advice and not rely on ancient texts because these ancient texts have been quoted again and again; nor will I repeat the arguments put forward in support of this Bill by the various speakers. At the same time I would like to point out how necessary it is that we should have this Bill on the progressive lines indicated by the previous speakers. Before I proceed to that, I would like to point out to my colleague, Mr. Rajah, why we should not press for a national civil code before this Bill is liberalised and accepted by Parliament. All progressive opinions in this country are unanimous in the belief that one way of unifying our Indian society is by having a uniform civil code. In fact it was pointed out by the mover that we had parts and sections of this uniform civil code in our penal laws, in our Transfer of Property Acts and recently in the Special Marriage Act as well, and we had to wait a little more before we could have a national code for marriage, divorce and inheritance, and the reason is obvious. We have today in this country personal laws giving different rights to different communities, enforcing different restrictions on inheritance to different communities. This is unfair because it contravenes the principles of equality which are guaranteed in the Constitution. At the same time it is necessary that a legal system which affects the largest majority in this country should be brought up-to-date and made to conform to the principles indicated in our Constitution and stated in the Directive Principles of State Policy. It is on these grounds that I would like to support this Bill and wait for a national civil code with regard to marriage and inheritance laws.

Secondly, one of the reasons why the mover should be congratulated and the Bill condemned is because the mover has told us how the tendency, as envisaged in the Bill, is to

codify but by an analysis of the Bill he has shown that it does not codify at all. On the other hand it creates more divisions within the Hindu society; first, by excluding certain categories and communities; secondly, by restricting its application; and thirdly, by violating the very basic principles of democracy in this country. Now I come to these points one by one.

AN HON. MEMBER: After lunch.

SHRIMATI LAKSHMI MENON: There is a little more time before we go to lunch.

Clause 5 of the Bill has been touched upon by almost all the speakers with regard to exclusion of certain categories from its application. The purpose of codifying any legal system is to do away with what might be called the excrescencies of law and custom and bring it up to the standard of the principle of equality and justice. That is defeated by clause 5. Here in the Statement of Objects and Reasons it professes codification; and what kind of codification can it be when it excludes large sections of population, who should be affected by it? Here I would like to say that the reason why certain communities which are governed by more progressive laws don't want to be included in this law or want to be excluded from its application is obvious. How can you expect a community whose men and women enjoy equal rights to be brought under a system of law in which their rights will be abrogated or derogated? Now this is not a kind of codification. After all if we are having progressive legislation, it should be more progressive than the legal systems that we have in this country. That is one reason. If for that matter certain changes could be introduced, i.e., give the daughter equal share with the son, then naturally the objections will be waived and all these communities which have progressive laws will be able to come under the orbit of this law. The mover very wisely said that changes

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had taken place in the administration of inheritance laws in Bombay. What is good for Bombay should be good for the rest of the country as well. And I will also remind hon. Members that what is good for certain districts of India, for instance, Malabar where you have the Marumakkattayam Law, should, on the same logic, be good for the whole of India. Therefore, I would request the Select Committee, when it goes into the details of this Bill, to take as its standard, the most progressive laws of the country and not go back some 2,500 years and try to find out what various writers had said. Sir, if after 150 years, civilisation is destroyed and only the debates in this House on the Hindu Succession Bill remain, the people of succeeding generations, when they want some kind of a legal authority for the administration of inheritance laws, would be left only with these debates and they would be feeling in the same way as we now feel about the great luminaries of India who existed 2,500 years ago.

MR DEPUTY CHAIRMAN: The hon. Member may continue after the lunch break. The House stands adjourned till 2-30 p.m.

The House then adjourned for lunch at two minutes past one of the clock.

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

SHRIMATI LAKSHMI MENON: Mr. Deputy Chairman, before we adjourned for lunch, I was dwelling on the need for having a progressive law of inheritance and in that respect I quoted the hon. Mr. Pataskar who had said, "What is good for Bombay is good for the rest of India" and, by the same logic, I repeat, what is good for Malabar should be good for the rest of India. Already we find that we

have in India not only the customary laws of the Hindu community but also other personal laws of inheritance, like the inheritance laws of the Parsis and Christians as regulated by the Indian Succession Act and the vast legal system, the Sunni and the Shia legal systems, affecting the followers of Islam in this country. Since the ideal of our Government and of our Constitution is to have a uniform national code, it is only natural and desirable that the inheritance rights affecting the vast majority of people should be stepped up so as to conform with the most progressive tendencies already existing in this country and then the natural result will follow that these other communities which have lesser rights or inferior rights will be drawn towards the principles underlying the legal system of the majority of the people. Then, the national code affecting all the citizens of India will be a very easy thing.

Secondly, Sir, the tendency to mix up religion with laws should be abandoned. Those who oppose any kind of change in the Hindu legal system always insist that our laws owe their origin to divine personalities or inspired writers and, therefore, these are unchangeable. The same argument is put forward by the followers of Islam as well; yet, we have seen, in our own lifetime, how these legal systems have been changed not only in India but also in other Islamic countries as a result of social and other changes. Therefore, Sir, I quote these instances to show how it is easier to have a national civil code if we step up the rights of women in the various systems of law now prevailing in this country.

I come to the next point, namely, exclusion of the Mitakshara joint family from the operation of this Bill. Whenever we discuss the need for changes in the Hindu legal system, two bogeys are raised: one is the Hindu joint family and the other is the daughter's share, the women's rights. I want to impress upon this House that the joint family is not a

peculiar feature of the Mitakshara legal system alone, it is a peculiar feature of the Indian society, it does not matter whether the family is a Hindu or Muslim or any other, and whether it is matriarchal or patriarchal. Somehow, the land which India has produced a type of civilisation in which the family is regarded as the unit of society and, therefore, you find this joint family not only in the Mitakshara territories but all over India. I come from Malabar where we are not governed by the Mitakshara law and where, at least in the near past, we had a completely matriarchal society. Even there, we had the joint family and the only thing was that the relations happened to be the relations through the mother just as, in the other case, the collaterals who live in the family were relations through the father. So, to say that because it will break up the joint family we should not have any change in the legal system is manifestly absurd. What is the joint family? The joint family has now become mere fiction. Thirty years ago, when I was a student of economics, we too read books in which we were told that the joint family was breaking into bits; that all those things which were guaranteed to society by the joint family had ceased to exist and that we must have a Welfare State in which those responsibilities which originally the families had had should be undertaken by the State. Thirty years hence we hear the same sad tale repeated without any kind of conviction, saying that the joint family is in danger. It is no longer religion that is in danger but it is the joint family that is in danger and, therefore, the Mitakshara joint family also is excluded from the operation of this Bill. I want to prove that there is no such thing as a joint family, as I have said, of the old legal system existing today. In our own Constitution, we do not talk anything about family rights. We are talking in terms of individual rights. The Fundamental Rights are individual rights and the other rights which are

envisaged in the Directive Principles of State Policy are neither individual nor family rights, they are the rights of the State affecting the individual. Therefore, Sir, that clause dealing with the exclusion of the Mitakshara joint family should be eliminated from the Bill when it passes through the Joint Select Committee.

The other thing is the women's right, the daughter's share. In this matter, the progress of the Bill is like that of a crab. We are told that the crabs always walk backward. After giving the right of equal share to the daughter, for some unknown reason, you find that the Bill is talking of the daughter getting half the share with the son. The hon. mover did not give any reason for that, naturally, there is no reason for it and I think no intelligent human being can produce a reason for it.

SHRI J S BISHT Only to assuage public feeling

SHRIMATI LAKSHMI MENON I do not think the public has any feeling in this matter.

SHRI J S BISHT Very strong feelings

SHRIMATI LAKSHMI MENON There is no reason for it and I do not think there can be any reason. Later on I will tell you how there should not be any reason for it.

Yesterday we heard some of the hon. Members talking to us about the serious consequences of giving a share to the daughter. Now the time-honoured argument is that it will divide the property into small bits and the family will be disrupted and economic holdings will cease to exist. I want to ask this House, how during all these years, centuries when women did not have a share in the property, the family property has been divided into smaller and smaller and smaller holdings. You did not give right to the women in those days. A daughter did not inherit a share in the property with the son but the fragmentation of holdings has been going on and now you

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come forward with the argument that if the property is shared with the daughter, unseen calamities will happen and the family property will go into ruin. Sir, that is no argument at all and I think there is not a single Member in this House, except, of course, the person who said it, who will accept this thesis that if the daughter is allowed to have the same share as the son the family property will go into smaller holdings. If that were the case; then the Government should have done something different. We have legislation in various States for the consolidation of holdings; if the fragmentation of holdings is due merely to inheritance laws, either the inheritance laws should have been changed or we should have accepted the principle of primogeniture by which only the eldest son will succeed to the property as in England and the other people will fend for themselves. This has not been done. Even if you give a share to the daughter and the daughter's sharing brings about this calamity, then the natural thing would be for us to have some other kind of legislation so that the consolidation of holdings could go on without any reference to inheritance laws.

There are also fears expressed about the intelligence of women to manage their own affairs, about the easy influence that other people will wield on the women, etc. Now, these things can be counteracted only by the process of education. Sir, coming, as I do, from a community where women have held the land and managed their property and have owned positions of responsibility without bringing down either the prestige of the family or the integrity of the individual, I make bold to say that the ownership of property by women in any community will only raise their status not only in the eyes of the immediate society, but in the society of the world as a whole. Possession of property makes the women stand on her own legs and this gives her the confidence necessary to protect herself and those depending on her

without any kind of external help. I am sorry, Sir, that history has developed in such a way that large communities in India have been brought up under this false notion that women cannot stand on their own, that they have not the intelligence to look after their own affairs. If Manu was responsible for it, I should say I have no kind of respect for Manu or people of his kind who think what women do not have the intelligence or the integrity to manage their own affairs. It is evident to any man of common sense in this country that what gives confidence or what makes a human being intelligent and alert is education and opportunities for education. If these things are assured, surely, Sir, we will be able to find adequate reason why not only the woman should have property but also why they should be educated. For the rest, I want to remind the House again that in all cases of cheating that come before the courts and before the police they are all men who are involved in them. It is men who are cheating, it is men who are defrauding and for that reason are you going to deprive them of their right to property? The question is also asked that women are not educated. I would like to know among women Members in both the Houses how many of them are illiterate and how many of the men are illiterate. We were told, when we were asked to put our signature in the register of the House, it was in the House of the People that we had one or two people who could not even sign their names. If you think that illiterate men can be legislators, you do not mean to say that women are not legislators, who have never had an opportunity to own property are not eligible for holding property. So these are arguments which do not hold any water, and if these are repeated again and again, it only shows that we have in our society people who do not understand the changes that have taken place in this country and the goal towards which we are moving.

Now, Sir, I do not want to discuss the Bill clause by clause because that

will be the work of the Committee. Before I conclude I want to remind the House that when we became Members we took the pledge to the Constitution and we have among us also people who oppose this Bill, people who claim that they were responsible for the Constitution. Perhaps, in a moment of expansiveness they put in the Constitution things without knowing their consequences. But, they will have to pay the price for their thoughtlessness.

Recently, we were told that we were moving towards a socialistic pattern of society and recently the Prime Minister, speaking at a meeting in Delhi, said these words. He was speaking on our behalf, that is, on behalf of the people of this country and he emphasised that "all of us should work to help India attain the new goal of socialistic pattern of society. We must move in that direction and move fast. The people cannot wait long." Sir, when he said "the people" he meant the women also; the women cannot wait longer either. The Prime Minister said these things. He said: "The pattern is in tune with the vast urge of the people, the urge of 36 crores of people, to grow, to have equal opportunities, and to translate the principles enshrined in our Constitution into concrete shape." It is this that should encourage us to proceed with the Bill, not only proceed with the Bill but proceed with the Bill on the lines that the progressive speakers in this House had indicated. When we are fighting for freedom or justice we are not fighting for women alone. One of the speakers said the other day, "This is not a women's Bill: this is not a daughters' Bill." Certainly, this is not anybody's Bill. This is a Bill for all of us, for men and for women, and not only for men and women but for all the citizens of India. We are asking for these rights, not because we are women but because we as citizens of India, as people who have taken the pledge by the Constitution feel that we should do everything in our power to implement the pledge that we have given. Sir, during the last election the

Hindu Code Bill was one of the promises that we made to the electorate, and although there was opposition, the majority of the people thought it necessary that those who offered those pledges should be returned to Parliament in large numbers. Now we are not going to disappoint them by bringing in a Bill which does not give all that you have promised. The foundations of our Constitution are based on the principles of equality, justice and freedom. If this assumption is right then I have no hesitation in saying that those who offend these principles are contravening the law or contravening the promises in the pledge, and are really not doing the right thing. When we are demanding equal rights with the men of this country I would like to know who the women are. Quite often we find one or two Members saying, "Well, I have only sons. Therefore, I am not concerned with the law of the land." "Well, I have only daughters. So the daughters will inherit in any case. Why worry about this?" This is not the correct attitude and even otherwise I would ask those people who are reluctant to part with power, who are reluctant to part with their property or with a share in their property, who these people who are asking you for a share in that property are. They are not strangers; they are not traitors; they are not conspirators; they are not outsiders. They are your wives or sisters or mothers or daughters, and if you deny them these rights, you are not denying them but you are denying yourselves these rights and I do not want that anybody should say that Indian men have denied their women their rights, the rights which they have promised during these long years of struggle and later on enshrined them in their Constitution. Sir, we have a claim on them as they have a claim on us. The country needs their services as well as our services and if by means of these legislative enactments we can strengthen our hands, we are only strengthening your hands because you will be able to get better co-operation and more work out of your women, and it is for these reasons. Sir that I make these suggestions. I

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was told that I should make the suggestions also as a representative of the Women's Conference Sir, it is not necessary because I know that my colleagues here, my brothers here, do not want me to put forward fresher arguments or assume a newer role in order to get the elementary basic rights that we have promised ourselves in our Constitution

Then the last thing that I want to say is about fixing a time limit We passed the Hindu Marriage Bill but it is still waiting to come up before the other House Now, we will soon pass this motion for reference of this Bill to a Joint Committee but the Joint Committee must be there Something must be done I would appeal to the hon the Law Minister that he should use his good offices to see that the Joint Committee is appointed so that the target date which he has promised, *i.e.*, 1st August, 1955, is realised and so that we can have the report of the Joint Committee when we come for the next session of Parliament From the way the Hindu Marriage Bill has been handled, we have our own apprehensions about the future of this Bill and therefore, I would make an appeal on behalf of the House that necessary steps may be taken so that the whole of the Code can be adopted before the period of this Parliament expires

SHRI H C MATHUR (Rajasthan)
Mr Deputy Chairman, this piece of legislation before us is really so important that it requires very serious consideration What I find and what I feel is that this Bill as it is before us in the present form does not in any way further the aims and objects for which it is intended I submit that this Bill is very important and when I say this I wish it is appreciated that it is very different from the various other pieces of legislation that are placed before this House for consideration We may have another piece of legislation which will affect hardly a

small percentage of the population, but here is a piece of legislation which affects cent per cent of the population This is intended for the Hindu community as a whole It touches every family, it touches the entire social fabric of the society and we have therefore, to take into consideration the impact which it is likely to have on our family as well as on our society More than that what is more important is to see whether, through the provisions which we have made in this Bill, we will be able to give that status and economic independence to women which we all so much desire There can be no two opinions in the matter, that the status of womenfolk of this country must be raised We must do everything that is in our power to raise their stature and to give them absolute economic independence I speak in this strain not only because it affects a particular part of our society, the womenfolk but because we all feel—and there is a strong reason for us to feel that way—that unless and until we raise the stature of our women, unless we assure them economic independence we will not be able to raise the stature of the nation The future of the nation and the picture which you visualise very much depends upon how we treat our women and what stature and economic independence we give to them They play a very important role and a very important part in raising the standard of the nation as a whole **So from that point of view also, we must give very serious consideration to the whole matter** But what I feel is that the provisions which are embodied in this Bill will not help us very much Not only we are not going far enough under the circumstances in which we live but there is something more Under the social conditions in which we live, in the economic conditions in which we live it will only give a little psychological satisfaction in the matter nothing very much beyond that To me this is only a poor miserable thing If we make a correct analysis of our population and of the conditions in the

country, we find that at least 95 per cent of the population lives in sheer poverty. One has to arrange for a certain amount of loan to bring up not only one's daughters but also the sons and to give them proper education. Almost in all cases barring a few exceptions, when the question of marriage comes we have always to arrange some sort of loans for discharging our moral responsibility towards our daughters. At present the society is sustained because of these moral values because the father as well as the brother feels that he owes a great responsibility to his daughter or to his sister to see that she is given in marriage in a proper family. Even if he has to incur all sorts of expenses, take loans and debts and mortgage his house and property, he definitely feels it to be his moral duty and his moral responsibility to do it and to get her married. He feels, it is his responsibility which he owes to his sister or to his daughter. That is the state of affairs in which we are living at present and it is on these moral values that the society has been able to sustain itself.

Now, this Bill will bring about a little psychological change. I do not mean to suggest that from tomorrow as soon as the Bill is passed, a father would start thinking differently about his daughter or a brother would start thinking differently about his sister, but certainly in a very short time a psychological change will be brought about and we will think less of our moral duties and responsibilities and we will think more of our material gains and losses. We will think, that our duties and by giving a certain share to the daughter in the family. When I say this, I should not be construed to mean that for this reason we should deny the daughter her legitimate right. But as I submitted the solution which we have found here is not the correct solution. We will have to think on different lines. It is not on these hackneyed lines that we can find a solution in the circumstances and conditions in which we find ourselves. What I would suggest

is that as soon as a girl is married she should be given an absolutely equal share with her husband. In a particular family where you have got three sons and two daughters, each son has his own share in the family property, let it be one third or one fourth, whatever it is. As soon as a girl is married—not that she inherits a particular share at the time of the death of her husband—she becomes an equal partner with her husband and she enjoys an equal status in the family in which she goes to live.

SHRIMATI LAKSHMI MENON.
Whose property does she inherit?

SHRI H C MATHUR The family in which she goes to live—her father-in-law's property. During the lifetime of her husband during the time of her father in law, she becomes a regular member of the family. She gets absolutely the same share the same right as her husband enjoys in the family. That will give her absolutely equal status with the men in the family.

Further, it will save us from so many complications.

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DR. SHRIMATI SEETA PARMANAND When she is not married, what happens?

SHRI H C MATHUR Well I will just come to that. I am talking of general principles. I am talking of a proposition. When I am talking of girls I take it that at least 999 out of a thousand are married. Certainly, we will provide for the unmarried girls also and I shall very shortly come to that. Why do I submit a suggestion which might appear to be a bit novel? It will save you from so many complications, the complications which have been pointed out by so many of the speakers here that a stranger will be introduced into the family.

DR W S. BARLINGAY That is virtually so.

SHRI H. C MATHUR That is the father's family So you will be avoiding all these complications

The hon speaker who preceded me told me that no arguments have been advanced as to why a daughter should be treated differently from a son I will give her the necessary arguments. I will tell her and I will tell the House why she cannot be treated on an equal footing in the house where she is born and from where she goes to another house. It was only because I knew that our lady Members were impatient that I thought of giving a solution which might satisfy them I am not against granting the proper rights to women, and their status and **their** economic independence. The rights, and the status and the economic independence which I have suggested go far ahead of any provisions which have been made in this Bill or any improvements which have been suggested by any Member in this House Take the case of a particular family where you have three daughters and two sons Now, the question has been posed as to why all the three daughters should not get the same share My answer is this Rights go with certain responsibilities This is a fundamental fact which nobody can deny According to the society in which we are living, according to the customs which we are following what happens is that the two sons stay in the family and the three daughters go away The two sons have a greater responsibility **towards the family**. They have got a greater responsibility towards their parents, they have a responsibility to their families and they are supposed to discharge those responsibilities which the daughters when they go away in marriage do not have. So, Sir, as I submitted, the rights go with responsibilities Nobody can deny this fact that a son who stays in the family has far greater responsibilities to discharge

towards the family, towards the parents and towards so many relations It is not only that, they have got to maintain their parents, they have to discharge so many responsibilities in that family

DR. SHRIMATI SEETA PARMANAND. What guarantee is there that the son will stay in the family?

SHRI H. C MATHUR Whoever is there will look after the family. Suppose there are three sons, one will stay in the family because the father is there, but the daughter, out of necessity, has got to go out of the family. She has to take her responsibilities in a different house. How does it affect the daughter, I ask? How are her rights mitigated, I ask? How is her independence lessened, I ask? We are giving her the same independence, economic independence particularly She has her life interest in the family where she goes and lives She has her interests there, she has her children there, she has her husband there and she lives most of the time there Can you deny that a daughter has greater interest, greater responsibility in that family than she has in her father's family?

DR SHRIMATI SEETA PARMANAND If she is the daughter of a rich man but is married to a poor man, why should she not inherit a share of the property?

SHRI H C MATHUR That is an exception Why this example? Why not take the example of a poor man whose daughter goes to a rich family and gets a better share? Fortunately or unfortunately, the daughter has to go and live in a different family, with her husband That is why I said that there was another reason for it and that further reason is that it is in the interests of the daughters themselves. I advance this argument While the daughter gets an equal share and status, the father and the brother feel all the time that they

have got a duty and a responsibility to discharge towards their daughters and towards their sisters. They are not absolved from those responsibilities because they have paid a share to her. They will feel absolutely morally bound to give the same sort of treatment which they have been giving to their daughters and to their sisters. They will feel the responsibility for educating the daughter; they will feel the same responsibility for marrying the daughter, and they will give the same treatment. There would be no change brought about psychologically or in any other way in the duties and responsibilities which they owe to their daughters and to their sisters. So, Sir, it would again be to the greater advantage of the womenfolk, because in the house where they are born they will get all good treatment, their parents and their brothers will have a duty and a responsibility to discharge, as they have been doing today. And when she goes and gets absorbed in another family, she gets an equal status and an equal right there and gets real independence. She gets equal share with her husband.

Now, the question arises about unmarried daughters. We can certainly consider them, but they are solitary exceptions. What I would submit is that an unmarried daughter should be treated absolutely on a par with her brothers. If she does not choose to marry, she should have the same share as her brothers, no half-share as you have suggested in this Bill. Let her have the same share, because if she chooses to stay in the family she will certainly feel for the family, she will think of the family, she will all the time be in the family and she will be as good a member of the family as anybody else. Her interest does not lie anywhere else.....

SHRI H. C. DASAPPA (Mysore): Suppose she got her share first and got married afterwards; then?

SHRI H. C. MATHUR: I think we can certainly depend upon our sisters and daughters to that extent

SHRI KISHEN CHAND (Hyderabad): If that share is spent for her marriage?

SHRI H. C. MATHUR: It is the duty, whether money is there or not, of the brother to spend towards the marriage of the girl, to spend on the education of the girl. But as soon as she marries, her right to property is extinguished. She does not get a right here as well as a right there.

SHRI J. S. BISHT: First she will be vested and then divested.

SHRI H. C. MATHUR: If she does not marry, but after getting a share she marries later. I think a solution can be found for such cases, a suitable proviso can be made for that.

DR. SHRIMATI SEETA PARNANAND: If the daughter gets a share as 'unmarried daughter' first, and later gets married, will her brothers sue her for getting the share, back?

SHRI H. C. MATHUR: Suitable provisions certainly can be made to cover such cases. As I said in the very beginning, we have got to take into consideration the hard realities of life, the circumstances in which we are living. If we were a rich nation, if we were prosperous nation, I would not have hesitated to support the Bill as it stands, although even then I think my suggestion would have been much better. But what happens in the present circumstances, I ask? Eighty per cent. of the population live in the villages, as you know. And, what is the property which a villager has got? All he has got is just a cow, or a pair of bullocks and a little land, if he is prosperous

SHRI J. S. BISHT: Now, there will be peasant proprietors.

SHRI H. C. MATHUR: How does it affect the position, except that you get a little psychological satisfaction? This psychological satisfaction I am giving you with greater emphasis if you accept my suggestion and it will save you from all sorts of complications.....

SHRI J. S. BISHT: So far as the first part is concerned, it is quite consistent. But with regard to an unmarried daughter having property, it is legally impossible. Today she gets property, tomorrow she can sell it, gift it and go anywhere she likes. How can you get back that property?

SHRI KISHEN CHAND: She cannot sell it. You can have a limited estate.

SHRI H. C. MATHUR: Well, Mr. Deputy Chairman, anyway. I make this suggestion. Here is a suggestion for the Select Committee to examine. We have got to take into consideration the realities of life, and we have got to take into consideration the fact that we create the least amount of complication, and also we have to take into consideration the fact that we have to raise the status of women in this country. It will be better if we can do a little amount of fresh thinking and not depend only on these laws which we have been having for all the time. Maybe, my suggestion is impracticable. I do not say that. But as I listened to the discussions, it occurred to me that there were certain complications which were inherent in the present system, in the present form of society in which we are living. Let us do a little bit of fresh thinking. I discussed this proposition with two or three friends of mine, and so far, I have not been able to see that it is not practicable. To me it appears to be more logical; to me it appears that if we can find our way to implement this suggestion, there would arise certain difficulties. It is just an idea which is there with me, and which I place before this House for such consideration as it deserves, or before the Select Committee. As I submitted, we must save ourselves from the great complications which are likely to

arise otherwise. It may give a little psychological satisfaction. Beyond that, it is bound to do very great harm. This remedy, I submit, is more dangerous than the disease, at least in the present set of circumstances in which we are living. Thank you. Sir.

SHRI R. C. GUPTA (Uttar Pradesh): Sir, I rise to support the motion for referring this Bill to the Select Committee. But at the same time, I do not agree with some of the provisions contained in the Bill. I hope that the Select Committee would give its due consideration to the various views expressed in this House.

There are certain points, which I would also like to place before this House for consideration, so that they may be given due consideration at the proper stage. It is true that the object of this legislation is to improve the lot of Hindu women in this country. It is equally true that the Hindu widows in the past have been very unfairly and improperly treated by the Hindu males. And probably this legislation is a reaction to all that. But, Sir, while considering the passage of a legislation of this magnitude, it is necessary that we should not be carried away by sentiments. We should consider each question on its merits. If the proposed changes can do any good to the ladies, then I am absolutely for them. But if there are certain provisions which, to my mind, will not better their lot but rather will place them in a very difficult position, I should certainly but respectfully submit that the lady Members should not insist on them.

There are two very important and outstanding points, so far as the present legislation is concerned. One is inheritance from the father, and the other is inheritance from the husband. These are the two most important and vital questions to be considered, so far as this Bill is concerned. I am not opposed to—rather I am strongly in favour of—giving rights to the Hindu ladies in the property of their husbands. This Bill places a restriction on their right of

inheritance if the family is a joint Hindu family governed by the law of Mitakshara I would go to the extent of conceding that a Hindu widow should be allowed to inherit even in a joint Hindu family governed by the law of Mitakshara, because I feel that our conduct in the past is blameworthy, we have not done our duty towards these Hindu widows. And the Hindu society has suffered very much on account of our bad behaviour towards our widows. Therefore, I submit that the past history fully justifies the fear in the mind of our ladies, and, therefore, their rights should be duly protected. I would accord my approval if the Hindu widows are allowed a share in the joint Hindu family property also. But, Sir, the other question, whether a daughter should be allowed to inherit her father's property, is a very delicate and difficult question. Our Constitution has been quoted in support of equality of men and women, and many other arguments have been advanced stressing that children of the same parents must be treated alike, and that there should be no distinction between a son and a daughter. In order, Sir, to find justification for my contention, I think we have to look into the entire past history, and if the future of the society is to be benefited, then we might grant this right of inheritance to the daughter in her father's property. But if it is not going to benefit the society, then I should submit that the question deserves a very serious consideration.

Dr. Kane quoted chapter and verse, and he talked about the *rishis* and sages of centuries ago. He also said in this House that the Hindu Law had been a very flexible one, and it had always reacted to the demands of the time. These observations are no doubt correct, but it has been argued for the opposite view that those *rishis* and sages lived centuries ago in altogether different times. There is some force in this contention, but let us not go to the sages or the *rishis* of the past; let us not go to our Hindu *shastras*, scriptures and *smritis*, but let us

consider the provisions contained in this Bill keeping in view the present set of circumstances in which we are actually living. If on merits in our modern society the inference is that the daughter should be allowed to succeed to the property of her father, then let her succeed by all means. My friend, Dr. Barlingay, went so far as to assert that he would even disinherit the sons and allow the daughters only to succeed. Happily, the lady Members here have not supported that view, and probably Dr. Barlingay himself does not subscribe to it. He further said that he would permit the sons to acquire the property but he would not permit them to inherit. If the sons are not going to be allowed to inherit, then life would be very miserable. There will be no incentive to acquire property, and the country will be the worse for it. Now let us consider this question from another angle. My experience is—and I think that is the experience of everybody—that the greatest asset of the Hindu society today is the love and affection that exists between the brother and the sister. If you are not going to derive any substantial advantage by the newly created right—then for God's sake, please do not destroy this greatest asset of Hindu society which has existed for several centuries.

DR. SHRIMATI SEETA PARNANAND: Will not that love go to the extent of giving a share to the sisters?

SHRI R. C. GUPTA: I will not stand in the way if you are going to derive any great benefit, but please consider the question on merits and quite dispassionately. If on merits you find that the daughters should be allowed to get a substantial property then give them the right of inheritance, but let us examine the present state of things. What is the present state of affairs? 85 per cent of our population consists of agriculturists, farmers, labourers, etc., living in the rural areas. If you by some calculation find out the wealth of each family living in the rural areas, I am sure you would find that it is not more than

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Rs. 200 or Rs. 300 per family. How are you going to be benefited by getting a share out of this Rs. 200 or Rs. 300 which is the total capital of each family of 85 per cent. of our population? If you think you are going to be benefited, have it by all means. Besides these 85 per cent. of our people living in the rural areas, my impression is that 10 per cent. of the people who live in the urban areas—I have not got the exact figures—are also very poor labourers, or people belonging to the lower middle class, etc.

DR. W. S. BARLINGAY: 90 per cent. and not 10 per cent.

SHRI R. C. GUPTA: I meant 10 per cent. of the whole population. My submission is that in respect of 95 per cent. of our population, the daughters are not going to gain any advantage by this provision. Hardly 5 per cent. will remain from whom the daughters might claim something tangible, but let us examine that point also. In respect of the rich people from whom the daughters get something in the shape of marriage dowry and other presents, this Bill provides in clause 34 that the father would be competent to make a will to deprive the daughters altogether of any share in the property. I am sure that the rich people who have amassed lakhs and crores of rupees would never give anything to their daughters by way of inheritance. It is a practical proposition that I place before you for your cool consideration.

DR. SHRIMATI SEETA PARMANAND: What percentage do these rich people form in our population?

SHRI R. C. GUPTA: They will give nothing to their daughters. They will devise some method by which their entire property goes to the sons to the exclusion of the daughters. Probably 0.001 per cent. of them might give to their daughters. You have to consider the question on merits. Please consider it very carefully. Are you going to get any benefit out of this? If this Bill is allowed to remain as it

is, clause 5 excludes joint Hindu family property altogether. All the persons governed by the Indian Succession Act are out of its scope. So far as South India is concerned, practically a dozen Acts have been named in clause 5(iii) and they are all beyond the pale of this Bill. If you take an overall picture of the whole situation, you will find that daughters are not going to be benefited, as they imagine, by the passing of this legislation. Let us, therefore, consider the question dispassionately and coolly. If you are out to liquidate the peace of the family, if you are out to destroy the peaceful relations between brothers, sisters, cousins and nephews, then of course, claim a share by all means. After all, 95 per cent. of our population have got nothing to give.

SHRI M. GOVINDA REDDY (Mysore): Eve has brought forth so much.

SHRI R. C. GUPTA: Let us look to another side of the picture. The economic effect of this change would be disastrous, if only you would consider this proposition a little more carefully. In the rural areas the poor peasant has got only one or two acres of land which he can call his own, and probably a cow and a pair of bullocks and a small mud thatched house. Now, you want a share in that property. Really? Are you serious that you will get anything? Often sisters would not like to claim any share. As the previous speaker, Mr. Mathur, pointed out, there is a real danger in this. There will be a psychological change brought about in course of time in the minds of the sisters at least at the instigation of their husbands' people who do not always take kindly to the family of the father of the girl. These people will come into the picture and they will see that the peace of the family is destroyed, and these ancestral holdings of one or two acres will be divided, sub-divided and sub-sub-divided, while the sisters themselves will not gain anything by these divisions. I would explain what happens in poor Muslim families. From my experience as a lawyer, I can tell you that one

small residential house has been the subject-matter of partition a number of times. So for God's sake consider this dispassionately. You are not going to be benefited by inheritance in this way. Why destroy the peace of the family, why destroy the greatest asset of the Hindu society that has existed for centuries—the love that subsists between brothers and sisters? I am warning my friends here that this greatest asset of the Hindu society will surely be liquidated by this measure not in the near future but after a brief space of time. Instances were quoted from the Muslim Law that among Muslims the brothers and sisters inherited, but they have not seen that there has been any disruption of those families. It is better not to describe the horrible condition of the Muslim families. There is some redeeming feature in Muslim Law which does not exist amongst Hindus. Among the Muslims the daughters are generally married in the very family. Therefore, they continue to live under the same roof.....

SHRI AKBAR ALI KHAN (Hyderabad): The Muslim Law does not enjoin that they should be married in the same families.

SHRI R. C. GUPTA: Among the Muslims, such marriages are allowed. This is one of the economic reasons which has forced that practice, not that the Muslim Law enjoins it but this is due to an economic urge and necessity which makes them marry among themselves and as far as possible, they marry the near relations in the families. I can only say that if this Bill is passed, and if the daughters are allowed to get their share in the father's property, then the same thing will be repeated here and all the evils of the laws where such inheritance prevails, will be imported into the Hindu society. So my submission is that it would be much better to consider this question coolly and drop this altogether that the daughter should get any inheritance from the father, in the presence of the son.

I may place another suggestion for consideration. In poor families, which according to me are 95 per cent. and according to other friends, may come to 99 per cent., do you not find that a Hindu brother who does not inherit anything from his father tries to do his utmost to marry his sister in a good family according to his own status? Does he not spend every pie in his family and does he not borrow money even on his personal security to which he is tied down for life and sometimes leaves the debts to his sons and grand-sons? This will disappear altogether. If you want to calculate, then have a ledger opened and let us have the debit side and the credit side. The brother who marries the sister spends generally more than the share which the daughter will get from the family and after marriage also, not only does he become a debtor himself but makes three generations of debtors to the family where that particular girl has been married. The sons and grand-sons spend money on every possible ceremonial occasion on the daughter or her children. These are the assets. Whether you like to take them today and destroy the peace of the family for ever or you will keep them in reserve and enjoy them at the proper time is a question to be considered. This is the point that I wish to stress. It may be given due consideration at the time this Bill is considered by the Select Committee.

I have not much to say but I will add one thing in connection with clause 16 if my suggestion is accepted. This is the condition. I will make all property which the widows inherit or have already inherited, absolute property of the widows. I would make no distinction. Let the widows succeed whether the family is joint or separate and let them enjoy absolute right in the property of her husband, I have no quarrel. I would like to give that security as we are ourselves responsible for that state of affairs but if the daughters insist on their share in the family property, then I will

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not concede this point as well as on the question of the joint Hindu family because if that clause of joint Hindu family remains, there will not be much left so far as North India and the rural side are concerned. They will get very little out of this Bill. I am prepared to make one more concession, if this view of mine is to be accepted. Clause 10, rule 1 reads:

"The intestate's widow, or, if there are more widows than one, all the widows together, shall take one share."

I would go further and say that each widow should get an equal share with the son. This concession is confined to the past as it is now impossible for a man to leave more than one widow at the time of his death owing to law of marriage that we have recently adopted. I do not see any reason why they should not be allowed equal inheritance. They have every right to enjoy the property of the husband and I will not mind giving that right.

Then it has been suggested in arguments before the House that clause 25 of the Bill, which makes the application of the Partition Act of 1893, is a panacea for all these evils. This is an incorrect view altogether. According to the Partition Act of 1893 it is essential that the claimant must possess a moiety of a share in the property before he can claim the right of purchase. In a number of cases it will not be so. So the application of the Partition Act as it is would not improve matters in the least. Then there would be another difficulty. Supposing there is one house which the father has left and the house is a very big one and you have given a right only to purchase if the daughter applies for partition. The brother can buy it but the question is whether the brother has the money to purchase that share. I have seen a concrete case of a very high officer of a Muslim family in which he was anxious to buy out the share of

his sister but could not do so because he had no money. If he wants to borrow money to purchase that property, then probably he will lose his own share also by paying interest. This is the difficulty. So this provision cannot be of real benefit to the brother—this right to purchase the share of the sister. These are the suggestions which I have placed and am sure will be duly considered.

PANDIT S. S. N. TANKHA: (Uttar Pradesh): May I be permitted to put one question to the hon. Member? Is it his intention to say that the wife or the widow should get a share in the property of the husband and that that share should go to the daughters exclusively and not to the sons, or in other words that the daughters may not have a share in the property of the father but only in the property of their mothers, namely in the property which she gets from her husband?

SHRI R. C. GUPTA: Whether the share of the widow goes only to the daughters and not to the sons or it goes to both will not alter in the least the suggestion which I have made. If you look at the question, you will find that things will equalise at a certain stage. Supposing A has got one son B and a daughter C. D has got a son E and a daughter F. If daughter C is married to son E and if A dies, then the daughter C will succeed to his father's property and if D gets the share on account of his son's marriage, he will have to lose the share when he marries his daughter in another family. So the net result would be that it would not make any difference. If the sons are also allowed to take a share out of *stridhana* it does not make any difference but I am not very much enamoured at all of that. Let the succession to *stridhana* continue as it is.

SHRI H. C. DASAPPA: Mr. Deputy Chairman, I have great pleasure in supporting this measure and welcoming the motion before the House. In

fact, I was surprised and I have been wondering for very many years why such a law has not found a place on the Statute Book of the Centre for so long. When I refer to the question of the Hindu succession, my attention is drawn to the title of this Bill which I very humbly submit, is a terrible misnomer. It has a highly pretentious title—"The Hindu Succession Bill, 1954". My hon. lady friend here, for whom I have always very great respect, whispers that "The Hindu Intestate Succession Bill" would have been a better title for this Bill. That is perfectly true. So, let us not work ourselves up over this measure, neither those who are supporting this measure, nor those who may find something wrong with this measure; and let us not unnecessarily get excited over this matter. After all, this Bill as it is, is not going to work any revolution in our Hindu society and in the family relationships. Nor is it going to upset the whole economy of our society to any extent. To me this measure appears a terribly truncated measure and I will presently explain why I say so. By and large, the family relationship that obtains in our land is one of joint family status and in this Bill, we find that the large section of our population which follows this joint family system, has been excluded from the operation of this Bill. And what remains over is a very small fraction of the population, and the measure would apply to the more intelligent section, people who are not too fond of the joint family status, and who will be having a separate status. It is to those families that this Bill would essentially apply. And let me tell the House that in the case of those people, especially after the introduction of a Bill of this nature, they will resort to testamentary dispositions hereafter—if not all, at least a large number of them. Ultimately, when boiled down having excluded the people of the joint family system and having excluded all those people who could generally resort to testamentary disposition, how many remain over? Those who remain over would form a

terribly small fraction of the people. That is why I said this Bill on which my honest sisters are getting so enthused, is, after all, conferring precious little boon on them.

DR. SHRIMATI SEETA PARMANAND: But it is for the sake of the principle.

SHRI H. C. DASAPPA: I agree with my lady friend, that it is some satisfaction because they gain a principle, and there will be a psychological effect. There is no room for any doubt on that point.

Sir, I find that this Hindu Code which was drafted some time in 1944 has had a most difficult time to pass through during all these years and today I find a favourable atmosphere created in the land for the reception of this Bill. Well, patience is bitter, but the fruit is sweet, and I feel that the time that has been spent all these years has to a large extent helped to create the favourable atmosphere.

DR. W. S. BARLINGAY: It is the other way round.

SHRI H. C. DASAPPA: As I said at the start, I am surprised that there should have been so much agitation over the smooth passage of this Hindu Code of 1944 and I will give the reason also why I am surprised. You, Sir, will remember very well that as early as 1929, the Government of Mysore constituted a very strong committee, presided over by the retired Chief Justice, Shri Chandrasekhara Iyer—I had the privilege of being a member on it—and that committee gave not merely a Bill with regard to succession or any particular branch of Hindu Code, but the entire Hindu Code, and that was enacted into law in 1933. And let me assure this hon. House, particularly the doubting Thomases, who feel that some calamitous change will come over the land as a result of this measure, that there will be unfavourable reactions in the land, let me assure all of them that there will be no such result when this Bill becomes law. From 1933 up till

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now the Mysore Hindu Women's Rights Act which refers not only to intestate succession, but also sharing the joint family property and coparcenary rights, has had a very smooth running all these years. I will presently show where the difference lies between the Mysore measure and this Bill and it is up to the Select Committee to consider and deal with it.

First of all, let me dispose of the question in regard to the joint family property. I will try to see if I can get my hon. friend the Law Minister here converted to my view and see that it will be open for Select Committee to consider the inclusion of the joint family property within the purview of the Bill and conferring of similar rights on women when they are members of a coparcenary family. If he could permit that much, it would be a great thing and we would be ever indebted to him.

THE MINISTER IN THE MINISTRY OF LAW (SHRI H. V. PATASKAR): I could not quite follow what the hon. Member was saying. Could he make it a little more clear?

SHRI H. C. DASAPPA: I was referring to clause 5 of the Bill where you exclude from the purview of the measure:

"any joint family property or any interest therein which devolves by survivorship on the surviving members of a coparcenary in accordance with the law for the time being in force."

SHRI H. V. PATASKAR: I have already said that it will be open to the Committee to examine it; it is open to them to do so.

SHRI H. C. DASAPPA: I am very grateful to the hon. Minister for reassuring us that it will be open to the Select Committee to do so. In Mysore they said that in the case of a coparcenary the unmarried daughter would have a share along with the other coparceners, that is to say, the sons

and so on, and the share will be half of that of the son. And the mother also gets a share equal to that of the son. So there, in a coparcenary, the unmarried daughter would have to be allotted a share at the time of partition along with the sons. But her share would be 50 per cent. of the share that a son would get. So far as the married daughters are concerned, they are excluded. They have given elaborate arguments and I do not want to take the time of the House in support of their stand. When a daughter gets married, she is no longer in the coparcenary of the original propositus. She will have already adopted a different family and she becomes part and parcel of that family. That is one thing.

SHRI J. S. BISHT: How does it differentiate if she marries later on?

SHRI H. C. DASAPPA: I will come to it.

Secondly, a fairly respectable sum has got to be spent on her marriage, including ornaments, etc., and if the married daughter is to get the same share as the unmarried daughter, obviously it gives an unfair advantage to the married daughter. My hon. friend Mr. Bisht asked me: What would happen supposing she is unmarried at the time of the sharing of the property and later on she marries? It is perfectly a right question, but you will see, Sir, that when an unmarried daughter gets a share, it is not a full share for one thing; for another, she has to meet practically most of the marriage expenses from out of her share so that even if she gets the share and then marries, she does not after all stand to gain much. That is the reasoning on which they have proceeded and it is up to the House and the Select Committee to consider whether there is no real substance in that. May I add that there was another reason also which weighed with them and that is a familiar argument that has been put forward by many an hon. Member of this House, namely that we should not allow too much of fragmentation? Now, when we want

to confer rights on people who are justly entitled to them; we cannot, at the same time, get all the advantage of consolidation of holdings and prevention of fragmentation. As my hon. friend, Shrimati Lakshmi Menon, said, we could resort to primogeniture; that is the only solution if we, in India, have to prevent fragmentation of holdings. Thus, they have argued in favour of the exclusion of married daughter not only on the equitable principle that she should not get an undue advantage over the unmarried daughter in the coparcenary but also to prevent fragmentation of land. This is what the Venkatrangiengar Committee, appointed in 1945 to review the working of the Act of 1933, say in pages 28-29:

"The further argument which weighed with the Committee when examining this topic, was one of excessive fragmentation of property. The Committee feels that no new rights, which it will recommend for acceptances, should so cut up property as to make it valueless in the hands of every one who gets a share of it. The rule now proposed that those nearest in blood and affection to the deceased should take together ought not, in the view of the Committee, be extended beyond the barest necessities of the case and should be confined to those who are, in view of their closeness to the deceased, legitimately entitled to it and should not be extended to many persons though they too may be his close relatives. The average value of a person's heritable property is not very high, and even the application of the Partition Act may not be of much help in a case where a sharer has not enough money to buy up the other's shares. The avoidance of excessive fragmentation is therefore a consideration which should not be ignored."

For all these reasons, they found that it is very fair and equitable, at any rate in the beginning, to enlarge

the rights of women but not so as to create too much of a disturbance in the life of the family. Therefore, they have given these rights and these rights have been exercised without any disturbance of the society. I must also say that logically speaking, from the point of view of love and affection, there can be and should be no difference between a boy and a girl. If anything, Sir, some of us who have the misfortune to have only sons, would be much happier, if we had daughters also. We have, however, the advantage of having so many daughters in the land to adopt if we choose and that is what is giving us some consolation and solace.

I have quoted from the very valuable report which has been submitted by the committee constituted in 1945 in Mysore to see how the previous code functioned. But the authors of the report have also said the following. On this committee, my wife also served. They say,

"It is doubtless true that the logical result of treating daughters whether married or unmarried as equal in all respects to sons and removing the bar of sex would be to entitle them to share equally with the sons. That is an ideal state of things which, though highly desirable and even necessary, may not attract public approval or acceptance immediately."

So, Sir, my lady friends can live in hope.

MR. DEPUTY CHAIRMAN: Was there a dissenting note from Mrs. Dasappa?

SHRI H. C. DASAPPA: No, Sir. Why should there be?

She was the only lady member. When she has subscribed to that view, I cannot, with any sense of safety at home, take up the contrary view here but may say that even in the earlier report, when I was there, we have practically adopted the same attitude

[Shri H C Dasappa]

towards the rights of women and we have provided them the rights

In connection with this question, I have got to refer to the fact that this separate Bill for mere succession is not the correct thing to do. We have had the Special Marriage Bill considered here, we have had the Hindu Marriage and Divorce Bill—I think “and Divorce” has gone—and various other Bills before the House and for the life of me I cannot understand why we should bring these things in a piecemeal way. I would presently give the reasons also. We have got here so many heirs enumerated. We find, Sir, that among the heirs there may be adopted sons who will be equally entitled to succeed as heirs when there is intestate succession. Supposing adoption takes place after the death of the son or of the grandson or the daughter or the granddaughter adopts. Could the adopted children be entitled to succeed as natural children? We find in the Schedule for instance, daughter’s son and son’s daughter. Supposing the daughter’s son or the son’s daughter does not get any child and after the death of the daughter’s son or son’s daughter or whatever the case may be, the widow of the daughter’s son or the husband of the son’s daughter adopts a son, should he also have the same right as the son born of the daughter’s son or son’s daughter? I hope I have made it clear.

MR DEPUTY CHAIRMAN In the adoption law you give the right to adopt a daughter also.

SHRI H C DASAPPA Maybe, but what I say is

MR DEPUTY CHAIRMAN Why not adopt a daughter?

SHRI H V PATASKAR If, as a matter of fact we decide that the daughters should be given a share even in the joint Mitakshara family I think the rest of the matter would be very easy and there may be no necessity even for a Bill for the joint

family and all that will remain will be as regards maintenance and adoption. Maintenance adoption alone will remain and probably not much of it.

DR SHRIMATI SEETA PARNANAND If property right is given to women, need of maintenance will not arise.

SHRI H C DASAPPA I believe this has been discussed in certain places.

MR DEPUTY CHAIRMAN You mean that the adopted son is not enumerated in the list.

SHRI H C DASAPPA It is not clear whether an adopted son of a daughter or of a son can claim the property if he is adopted subsequent to the death of the daughter by her husband or of the son, by his widow. It is rather difficult to see exactly what it would be and, therefore, what I would suggest is that it is far better that we deal with all these branches of Hindu Law and bring up a consolidated measure. Otherwise we would have to encounter trouble just as we have had to in the Special Marriage Act, the Hindu Marriage Act and possibly we would have the same in other Acts that are to come. So what I would say is let us have a consolidated code passed. Otherwise it would be a very difficult thing for us.

SHRI H P SAKSENA (Uttar Pradesh) You forget all about the old Hindu Code.

DR SHRIMATI SEETA PARNANAND My suggestion to Mr Dasappa is that he should take all these doubting Thomases and Rip Van Winkles of both the houses on a conducted education tour down to Mysore and Kerala so that they may be convinced, and then there will be easy and quick passage of the Bill.

SHRI H C DASAPPA We are all in favour of you.

DR. SHRIMATI SEETA PARMA
NAND: Then only will it be passed
quickly.

SHRI H. C. DASAPPA: I would like
just to refer to one or two of those
matters where I think it would be
better to have certain changes. For
example among the preferential heirs
we find that the daughter of a pre-
deceased son and then daughter of a
predeceased daughter are also includ-
ed in Class I. Now, as I could see,
the Select Committee of the original
Hindu Code had not included them
in Class I. This is what the Select
Committee on the Hindu Code recom-
mended for adoption, that is, in
Class I: "Son; widow; daughter; son
of a predeceased son". It is not "son
or daughter of a predeceased son"
but only "son of a predeceased son".
Then "widow of a predeceased son"
that of course was in the 1937 Desh-
mukh Act. Then "son of a predeceas-
ed son of a predeceased son". We had
not "son or daughter of a predeceased
daughter".

MR. DEPUTY CHAIRMAN: What
year was that?

SHRI H. C. DASAPPA: I am refer-
ring to the Bill of 1944.

MR. DEPUTY CHAIRMAN: The
Constitution was not passed then.

SHRI H. C. DASAPPA: Well, that
may be. What I say is, we do not
after all stand to gain by including
all these people in Class I and the
other legislation in Mysore is also
more or less in conformity with the
proposals of the Select Committee
which considered the Hindu Code in
1944. So personally.....

MR. DEPUTY CHAIRMAN: The
daughter is now given an equal
status.

SHRI H. C. DASAPPA: Let it be,
but what I say is, these more distant
female heirs come even before mother
and this is not fair. For the moment
you may forget the father—I do not

know whether the ladies will remem-
ber the father—but they ought to
remember the mother. I have also
studied the psychology of ladies. I
have seen mothers who, when they
go on getting only daughters, get so
terribly annoyed and they feel sorry
that Providence has not bestowed on
them a son. So that is the natural
feeling. And whatever they might be
urging for and pleading for ~~heir~~.....
here

DR. SHRIMATI SEETA PARMA-
NAND: It is based on social security.

SHRI H. C. DASAPPA: I am pretty
sure between "father; mother" and
the "daughter of a predeceased
daughter" and so on, they would in-
deed prefer their own mother and
their father and therefore I think it
is far better that we transfer them
from Class I to Class II. That is one
of the suggestions which, I think, is
ought to be considered.

Sir, there is no doubt this difficulty
about fragmentation which has got to
be solved somehow or other. You will
find in the earlier reports of the
B. N. Rau Committee and the Mysore
Committee reference to this unfortu-
nate development that will take place
from the proposals that they have
made. How best to do it should
certainly engage the best attention of
the Select Committee and I wish they
would make some provision. I do not
think that the provision merely for
the operation of the law of pre-
emption would solve it. But in any
case that would go partly to mitigate
hardship in this case.

MR. DEPUTY CHAIRMAN: It is
not a one-way traffic, and the
daughter-in-laws will also be bringing
property into your family.

SHRI KISHEN CHAND: When
marriage between cousins is prohibi-
ted under the Hindu Marriage Bill
which is going to be passed, this
would be an indirect encroachment
on the rights of a daughter's children.

SHRI H. C. DASAPPA: And there-
fore, Sir, what I would like is that

[Shri H. C. Dasappa.]

all these various factors to which I have drawn the attention of the House may be considered there, and I want the largest measure of unanimity in a case like this. There is nothing lost by us in trying even to give up a portion of our claims in order to secure unanimity and when we see how these changes will function in the land then I think it will be time enough for us to go the whole hog. Therefore, while I entirely agree with my lady friends that there must be perfect equality I would sound a note of caution because of the situation in the land and it is a difficult thing for us to satisfy the people in the rural areas. My friend Dr. Barlingay was saying that there must be perfect unanimity and that this Bill would be an insult to the nation. After all, we have got to reckon with the facts as they are. We must have a realistic approach to matters. For instance my hon. friend Shrimati Lakshmi Menon does not call herself merely Lakshmi but she takes her name after her husband.

SHRIMATI LAKSHMI MENON: Convenience.

DR. SHRIMATI SEETA PARMANAND: When the women get property it would be after both men and women—a hyphen name.

SHRI H. C. DASAPPA: If according to Dr. Barlingay more right should be conferred on the women I do not know whether he would suggest that the man should take his name after the name of his wife.

DR. SHRIMATI SEETA PARMANAND: Joint name.

SHRI S. N. MAZUMDAR (West Bengal): Both the surnames can be retained as a compromise.

SHRI H. C. DASAPPA: May I also follow it up by asking why the sons should not take their names after the name of the mother instead of the father?

SHRIMATI LAKSHMI MENON: They do it in some cases.

DR. SHRIMATI SEETA PARMANAND: Whoever is more illustrious.

SHRI H. C. DASAPPA: I have tried to stand by them to a very large extent and in a small matter when I draw their attention to actual facts—I am not even commenting on it—they get angry.

DR. SHRIMATI SEETA PARMANAND: We are not angry.

SHRI H. C. DASAPPA: Why I say this is because we have got to take the situation as it is in the land. You have got to understand the elemental emotions of millions of people when you do a certain thing for the success of that scheme largely depends upon the way in which it is received by the masses and they are prepared to implement the provisions of the Bill. Otherwise there will be a thousand ways of circumventing it and all the advantages that we are supposed to derive by it will be lost. Supposing there is a general desire on the part of the parents to leave their property by testament or will, what is the advantage that a daughter gets in that case? So, I think while this is a measure which, we should all welcome, we must also proceed with with a great deal of regard for the circumstances and situations that are prevailing in the land. I, for my part, am extremely happy that it has come and I have no doubt that it will go through the Select Committee without any difficulty and if anything there will be improvement. I would beg of the hon. Minister to get us a consolidated code which will be the precursor of a uniform civil code for the whole of India, Travancore-Cochin included.

DR. SHRIMATI SEETA PARMANAND: May I make a suggestion to Mr. Dasappa, and it is that he might put for the benefit of the Members of this House in the Select Committee

the experience of Mysore after their consolidated code was brought into force there, I mean, after 1933.

SHRI H. C. DASAPPA: There is a whole authentic document here. It has been published in 1949. (*Inter-ruptions.*)

MR. DEPUTY CHAIRMAN: Experience has been very good.

DR. SHRIMATI SEETA PARMANAND: Thank you. That is what I wanted to know from him.

MR. DEPUTY CHAIRMAN: Yes, Dr. Mookerji.

DR. RADHA KUMUD MOOKERJI (Nominated): Sir, I do not yield to any Member of this House, especially the ardent champions of women, in my regard for equality of the sexes in spite of the fact that this social equality goes against the inequality planted by Nature between the two sexes. In fact, that great and leading scientist, J.B.S. Haldane, has written a special work on the inequality of man. Now, I do not like at this stage to quarrel about the different provisions of the Bill. What I wish to point out is this. I am rather doubtful myself about what I am going to say but it seems that the Bill excludes from its purview vast masses of people who are governed by the Law of Mitakshara. I do not know whether I am right.

SHRI P. S. RAJAGOPAL NAIDU (Madras): Yes, you are right.

DR. RADHA KUMUD MOOKERJI: Similarly, vast regions beyond the Vindhyas are also excluded from the operation of this Bill out of regard for local customs which have the force of law. Now, Mr. Dasappa comes from a region where there is *matula kanya vivaha*. All these regions in India are excluded from the purview of this Bill. Therefore, what appears to me is this. Is the Law Minister really legislating for only a very

neglected State of India, a State that has fallen on evil days and on evil tongues, the mutilated State of West Bengal which had suffered so much in the battle for India's freedom?

DR. SHRIMATI SEETA PARMANAND: The present Law Minister is not responsible for this. The Minister who is responsible for this Bill and who has favoured you with the draft Bill hails from Bengal.

DR. RADHA KUMUD MOOKERJI: I wish to ask whether it is a fact that this law is practically meant for operation in the State of West Bengal?

SHRI J. S. BISHT: Punjab and Himalayan regions are also there.

DR. RADHA KUMUD MOOKERJI: Thank you. However, my next point is this. Besides excluding extensive areas from the purview of this Bill, the question is whether this Bill will guarantee any benefit to the women kind among the vast masses of the Indian people, I mean the dumb millions, the agriculturists. 85 per cent. of our population still live on land, and in what manner? These millions of agriculturists are in possession of undersized, uneconomic agricultural holdings which are incapable of further fragmentation. Therefore, I say that for the vast masses of the people this Bill will practically remain a dead-letter because there is hardly any property which may be available for redistribution. On the contrary the economic aspects of agriculture will be very much affected adversely by this law that gives further scope for fragmentation of undersized subsistence farms at a time when we are racking our brains to achieve progress in agriculture and to increase production of food. Is this the time to impose a further handicap upon agriculture by leaving it open for further fragmentation? At the same time I do not find that there is any material advantage to accrue from this contemplated subdivision of agricultural property.

(Dr. Radha Kumud Mookerji.)

Now, as I said. I yield to none in my stand for the equality of the sexes. Probably, if I had a daughter I would have loved her more than my son in the manner of Sir Walter Scott who said that the affection of the daughter was the solace of an aged father in the evening of his life. So that is my feeling but I feel that probably this Bill is not the only method by which this ideal of equality of sexes could be given effect to. Instead of creating tendencies towards the disintegration of the traditional Hindu family, why cannot we seek to enlarge the rights of the daughter in her permanent home where she has to live in her married life? There let her rights be enlarged so that the advantage that is sought to be given to the daughter in her father's place might be transferred to her husband's place, which, really, is her appointed permanent home. Perhaps you may make a provision that she will be treated as the equal of her husband in regard to rights of property in her father-in-law's household. Some such recognition can be given so that this question of so-called inequality may not have any scope for expression. As I have already said, this Bill is really for the benefit of a very small section of the whole of India and on the top of that you are also excluding from the operation of the Bill those vast masses of the people to whom it will not apply because as I said those millions of agriculturists are all so poor. They are struggling in their small subsistence farms to earn their livelihood. Do you expect that they will be very conscious of their property? They have no property to think of and the sense of property itself is very loose and weak in the mind of the agriculturists. So please have a clear view of the actual section of the population that this Bill is going to serve.

I for myself feel that only the State of West Bengal together with

perhaps certain hilly regions will benefit from this measure. There also on account of family traditions built up in the course of ages the son has a far greater sense of responsibility than his aged father towards his social duties to the family, towards the marriage of his sister and so on. We know of many cases, as my friend Mr. Ram Chandra Gupta has said, where there is established tradition that the son will take the place of the father in regard to the discharge of responsibilities towards the undivided Hindu family. We have on record how brothers are going unmarried till they can see their sisters married well. You are striking at the root of these great sentiments which have built up the society. And we are not going to set up a new order which will replace the old order. Therefore, please consider who are the persons whom you have in view and whom you want to benefit. So far as the Bengali society is concerned, I think the women there have probably achieved a much higher standard of social freedom and social equality. In the city of Calcutta, the City College has 1,000 lady students on its rolls. Similarly, there are large numbers of lady students in every college. Higher education has spread most deeply and widely among the womenfolk of Bengal and I do not think there is any kind of deep discontent with the social order of the times. They do not clamour for these rights because they feel that they have their loyal brothers on whom they can always depend whenever there is any difficulty. The father's duties are really taken over by the sons who remain unmarried in order that they may see their sisters married. I am reminded of Charles Lamb and his devotion to his sister, because Charles Lamb remained unmarried throughout his life in order to fulfil his duty towards his sister Mary Lamb. These traditions are the property of every household. They are not expected of cultured minorities only.

SHRI S. N. MAZUMDAR: Charles Lamb was a disappointed lover also.

DR. RADHA KUMUD MOOKERJI: Therefore, this society gives entire scope for the cultivation of this noble sentiment of humanity. So, pray do not disturb West Bengal society which can take care of itself. It has shown a remarkable spread of higher education in the country. And so if your Bill is really meant practically to benefit a State like West Bengal under the Dayabhaga and some Himalayan regions, according to my friend Mr. Bisht, please pause and consider whether there is not any other way by which you can assure to the so-called neglected women of the household their proper rights in the sphere to which they will belong for the rest of their lives after marriage. So, see whether you can enlarge the daughter's rights, the women's rights in the households of their husbands.

Thank you, Sir.

SHRI N. C. SEKHAR (Travancore-Cochin): Mr. Deputy Chairman, I welcome this piece of legislation for the reason that it allows, though half-heartedly, certain rights to daughters in the property of their father—rights, which have not so far been granted to such unfortunate daughters. But at the same time I have my own criticism of the shortcomings from which this Bill is greatly suffering. The discussion has taken an interesting course, starting with our hon. friend Mr. Mathur. He has made a proposal different from what is sought to be made in the Bill. He said that instead of allowing the daughters to have equal rights in the father's property, let them have an equal share in the husband's family. This is nothing new. This system has been prevalent in one of the known societies in Kerala for several years, for several centuries for that matter. For example among the Nambudri Brahmins, this system—allowing the married daughters to

share in the property owned by the husband's family—has been there for centuries. That system was worked and the consequence was this, Daughters married to a particular family, instead of being allowed individual freedom, were tied down to the whims of the head of that family. Even though they have the legal rights in the property owned by the family, they cannot, at the same time, act independently of the head of the family. Therefore, after years of revolt and agitation among the Nambudris, the Madras Government passed a legislation which allows the division of such families. The Act permits those who want to divide the property of the joint family to do so. That was a curious joint family. In order to make the Brahmin family a joint Hindu family, they devised certain methods by which this system worked through centuries. Now, that family system has broken up; broken up into individual families in the sense that each individual member, the son as well as the daughter, had equal share in the family. And if the son gets married to a woman belonging to another family, immediately the woman with her dowry and also with the share she gets from the husband's family plus her husband's share, form themselves into a different family. Thus the family is broken up into individual families. That is, the husband's family after getting their share formed a family unit. Now, the new system as advocated by Mr. Mathur has been found to be impracticable under the present conditions, in which the material basis has undergone a thorough change, differed from the material basis on which the Mitakshara or Dayabhaga families were built up and which was sought to be maintained by our grand old man, Dr. Mookerjee. Dr. Mookerjee said: "Don't touch Bengal society", as if Bengal is his own. But at the same time there are stronger sections, important representatives from the Bengal society,—particularly from among the advanced sections of women—as he claimed that Bengal

[Shri N. C. Sekhar.]

had got an advanced section of women because they had been educated in the Calcutta University which is in the centre of the city—who welcome this measure. It is from among the women of the Bengali society that this demand for equal right for women in the property of the joint Hindu family was advanced several years ago and this is still gaining momentum. And this has spread to other States where such a system of marriage and family system is in existence. Therefore, even though one has the right to say that no other man should have any right to say anything about the society in one State or the other, equally the same right is applicable to others the opposite views also to claim likewise.

Sir, I am particularly concerned with two points. So far daughters have not been given any right to the father's property. Now, the Bill has sought to grant the right for half of the share, that is, "Each surviving daughter of the intestate shall take half a share." While explaining this Bill yesterday in the House, the Law Minister has stated that in this Bill "the joint family property as covered by the Mitakshara system of survivorship had been taken out of its scope altogether. The Rau Committee had given detailed consideration to this in their report and had pointed out that the sentiment in favour of the Mitakshara system was mainly due to conservation and the respect to an ancient system which had come down from antiquity." Then, he continued to say: "The Rau Committee recommended, therefore, that the only possible solution was to have only one form of succession and one form of joint family, namely, the Dayabhaga system of law." "In this matter," the Minister said, "I am willing to be guided by the wishes of the House. If the House is in favour of the Rau Committee's recommendations, then suitable changes could be made in the Select Committee." That is how the Minister commended this Bill to the House. Sir, I should like to ask the

Law Minister representing the Government this. Since 1944 the question of codifying the Hindu Law has been before the country. And interested sections of both sexes took interest, they have been very interested in propagating their points of view among the people. Also, much change in the outlook and in the opinion among the different sections has taken place. Hence this measure before us. Even in this House itself the expression of opinion has sufficiently indicated that the majority is in favour of this reform. Why then the Government did not take a definite stand? The Government says, this is the suggestion made by the Rau Committee and at the same time the joint family system of survivorship is left intact, that is, left outside the scope of this Bill. But here, Sir, with regard to the society that is visualised in our Constitution, which gives equal rights to all individuals, irrespective of sex, religion, caste etc., all the Hindu families, particularly under the joint Hindu family system should be included in this measure, so that the ills from which our womenfolk are suffering from centuries should be remedied.

So many hon. Members have referred to the social system that is prevalent in Malabar as well as in Travancore-Cochin. Our respected friend, Dr. Mookerji, said that Calcutta had got a very enlightened section of womenfolk. But let him come to Travancore-Cochin or Malabar, and he will see that among the literates, 50 per cent. of them are women. What is the system there? There, the women have equal rights over their fathers' or their mothers' property, as the sons have. Particularly our society today which was once under the joint family system never suffered from these ills—hatred or want of love between sisters and brothers. My sister is married to a man in a different family, and he gets his due share from his own family. And my sister gets her share from my family. The husband and wife, with their respective shares form a family unit and live

happily. I also live in the same way. And at the same time, as brother and sister we still love each other and perform all ceremonial rites, and all that. That is because our father and mother are alive. But if the father and mother die, naturally this affection will not be there to the same extent. That is a fact. In order to make an advance, both economically and socially, our society needs some drastic reform. After all, what was the economic basis on which our society was based. It has been under the old feudal system of property rights. Everybody admits that the property rights that existed at the time of Manu or Yajnavalkya no longer exist. The Britishers maintained this joint family system in an artificial way, not to the advantage of the Indian family, but to the advantage of the British rule. Therefore, it is our society, it is our social life, and it is our culture that have suffered greatly. That is why we are being called an under-developed country. Our society has become very backward, and we need drastic reforms in order to make some progress. That is why we want a thorough change in our existing social conditions. The material basis is entirely different from this joint family system.

There are some hon. Members who might be opposing this Bill from an agricultural point of view. It might be argued that if the joint family is divided into bits or fragments, then some people may become poor. But at the same time, what does it mean? They do not want to allow a certain amount of freedom to their daughters, to their womenfolk, as they allow to their male children. Sir, this Bill in no way affects the family system. On the contrary, instead of a collective family system, a new family system will come into existence. As a matter of fact, it is already in existence on the basis of new material conditions that are being developed from month to month. That is why we urge that the Bill should be made *pucca*. The Planning Commission appointed by the Congress under the chairmanship of

our Prime Minister, Pandit Jawaharlal Nehru, says that women have equal rights over the property. Now, Sir, I shall quote from this book. It is stated here as follows:

"So long, however, as the very foundation of society is based on a system of private property, woman cannot claim equality with man unless she has the same rights as man to hold, acquire, inherit and dispose of property. These rights though not absolutely denied to the Indian woman are not enjoyed by her on the same basis as man. The basis of enjoyment varies according as she belongs to one or the other community, these rights being governed by what are known as the personal laws of different communities existing in India.....".

Then, Sir, the report continues:

"But apart from that question, no national plan can entertain such communal diversities which result in inequalities among men and women governed by the same state. We, therefore, recommend that a common civil code for the whole country based on the fundamental principle of equality between man and man and between man and woman be evolved incorporating the best points of the personal laws."

In support of this, Sir, they have quoted the resolution about fundamental rights passed at the Karachi Congress in 1931. This opinion has been formulated by the Planning Commission Sub-Committee on the basis of the Congress resolution passed in 1931 at Karachi. I would also like, Sir, to commend this recommendation to the Select Committee for consideration, so that they may bring about the necessary changes in the Bill, because the Bill suffers from a great many shortcomings. They must scrutinise this recommendation made by the Sub-Committee of the Planning Commission, presided over by our present Prime Minister, Pandit Jawaharlal Nehruji.

[Shri N. C. Sekhar.]

Now, I will quote the entire portion in this report for the benefit of hon. Members:

I. "Every Hindu, man or woman, will be deemed to be absolute owner of his or her property, whatever be the nature thereof, including any property he or she may inherit or any property that may devolve upon him or her by, i.e. being a member of a joint family or by survivorship and he or she will be entitled to dispose of the same by will.

In the event of his or her dying intestate, his or her heirs will be:

(i) wife or husband as the case may be;

(ii) sons and daughters and their children; the children of a predeceased son or daughter taking the share of such predeceased son or daughter.

The share of the wife or husband will be one-third and the remaining two-thirds shall be divided equally among the children.

II. Daughter will be entitled to the same rights of maintenance, education, marriage, succession or inheritance and acquiring property as if she is a son.

III. All properties belonging to husband and wife respectively at the date of the marriage shall thereafter remain their separate property.

IV. The income or acquisition from any sources whatever made or acquired during coverture will be owned by the husband and wife jointly.

V. *Devolution*: On the death of either husband or wife, his or her separate property and half of the property jointly acquired with the help of the income during coverture should devolve on the surviving husband or wife and their children.

(i) The surviving wife or husband shall take one-third of such property.

(ii) The remaining two-thirds shall be divided among her or his children in equal shares; the children of a predeceased son or daughter receiving the share of the predeceased son or daughter.

VI. On the marriage tie being severed by divorce, the separate property of both the husband and the wife will remain their own.

The division of the joint property as explained in IV will be left to the discretion of the Court, to be provided for in the divorce decree.

VII. No husband or wife shall have the power to demise or bequeath more than a stated proportion of his or her property; the remaining property must go to his or her heirs as provided by the laws of intestacy."

MR. DEPUTY CHAIRMAN: Are you going to read the whole book?

SHRI N. C. SEKHAR: Only one more clause so that the Select Committee could scrutinise the whole thing.

"VIII. Husband and wife shall be at liberty to will away the rest of their respective properties and half of the property jointly acquired.

IX. Any property owned by a woman, whatever be the nature thereof, will be considered her absolute property."

This must be specially considered by the Select Committee and also the hon. Members here. Under clause 10, rule 5 which says that "each surviving daughter of the intestate shall take half a share" is not at all satisfactory. In my opinion, it is half-hearted.

Then, there is a curious provision in clause 27. It says:

"A woman, who after her marriage, has been unchaste during her husband's lifetime, shall, unless he

has condoned the unchastity, be disqualified from inheriting his property."

I ask the hon. Minister, "Why do you suspect the woman only of unchastity? What about the male members?" If a husband is found to go with another woman after marriage, he should also be disqualified from inheriting the wife's property. What about those rakes who go about society devastating the lives of so many women? Such people you find among the moneyed and propertied classes. This same Committee of the Planning Commission has made certain recommendations for the benefit of Indian society and also for the benefit of the Government of India as regards the so-called moral standards. Here is what they say:

"One of the greatest disabilities the Indian woman suffers from, under the present social order, is the difference in the standard of morality for men and women. Society ostracises woman for any moral lapse while the man is allowed to escape for the same offence. We believe in a high standard of morality but we also believe that the standard should be the same for both."

So, I suggest that an amendment should be made by the Select Committee in this respect.

SHRI H. V. PATASKAR: May I point out that so far as the succession in the case of female Hindus is concerned, under clause 17 it is the children who inherit the property? Only in the absence of any children will the husband come in. But in the case of succession of a male Hindu, the widow also inherits along with the children. In any case, the husband does not come on the scene, unless there are no children. That is the difference between inheritance between men and women.

SHRI N. C. SEKHAR: To my mind, this is an aspersion on Hindu women. Here is what the Committee continues to say:

"We, therefore, recommend that an identical standard of morality be insisted on for both man and woman—one that harmonises social welfare with individual freedom."

To conform to that principle, I think some changes are necessary here in this Bill.

Then, I do not want to dilate further on this. We generally lend our support to this Bill, in so far as it is a step forward, but we have to point out certain shortcomings so that the Select Committee could remedy them. So the Minister need not be worried about our criticisms. Without criticism, it is very difficult to reform orthodoxy and also the Ministers who are under their influence. With these words, I resume my seat.

SHRIMATI PUSHPALATA DAS (Assam): Mr. Deputy Chairman, I do not think I am going to contribute anything new to this debate which has been going on since yesterday, but I just wanted to reply to the three speeches which I have heard in this House. I did not really intend to speak and so I did not give my name. But when I listened to these speeches, I felt that I must also express my views, being one of the lady Members present in this House. I have to thank Mr. Sekhar and also the Opposition for the generous support that they have given to this Bill. I also want to congratulate the hon. Minister for being so revolutionary in his approach, because he has said that, if the members of the Select Committee were to come to the conclusion that a full share should be given to the daughters, he would not mind it. He leaves the entire responsibility to the Select Committee. I congratulate him for this but not for the contents of the Bill. Clauses 5 and 27 should be revised by the Select Committee. Let me not read out the clause 5. Because I

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 don't want to repeat. It has been read by every Member—this clause 5 about the joint family system. While they were arguing, I was thinking whether those arguments were artificial or natural, whether really we were having the joint family system as we used to have even when the Rau Committee had been discussing this 16 years ago. As far as my experience goes, even now I feel that in the State from which I come joint family system is dwindling—of course we are governed by Dayabhaga law. West Bengal as well as Assam are not going to be affected by this. The only thing is that if a father dies without making a will, the children will not suffer for that. Now this law will help the children to get an equal share. I am hoping that the Joint Select Committee will come to that decision and so I am saying that they will get equal share. The Mitakshara people will not come under that. Let us go into the history as to how it has originated. Today I had a discussion with Dr. Kane who is supposed to be an authority on Hindu Law. He was telling that Vijnaneshwara and Jeemoothavahana based their interpretations on the thesis of Yajnavalkya. So that is the origin but then they interpreted according to the conditions prevailing at that time. Even Manu Smriti has been interpreted in various ways to suit the conditions of the times. So after so many centuries, now we are in a society when the joint family system is breaking up. So we must not stick to an artificial thing which is going to break up and which is breaking up. So I think this clause 5 must be revised and it must cover all the Hindus and the title of the Bill—the Hindu Succession Bill—must be a correct title. Now I don't think it is covering all the Hindu society. That is my reply to those questions which were put by my friends.

When Dr. Mookerji was delivering his speech, on behalf of the women of West Bengal, I was wondering whether he had been asked to represent the views of the West Bengal

Women's Conference. He said that West Bengal women were better off, they had their colleges, etc., and they did not clamour for these rights but I am sure the moment the West Bengal Women's Conference come to know of this, they will revolt against this opinion.

DR. RADHA KUMUD MOOKERJI:
 I may tell the lady Member that there are other associations of women holding different views and they came to Delhi to represent their views.

SHRIMATI PUSHPALATA DAS: The branch of the All India Mahila Sabha or the Hindu Mahasabha or other communal organisations might hold that view. But as far as I know, the progressive section of the West Bengal Women's Conference don't hold that view and they are the worst sufferers because they are governed by the same laws—the Dayabhaga system; but what is the difference between Assam and Bengal. In Assam, I am proud to say, we don't have the dowry system and any Member who has visited Assam knows that we give no dowry. Some Members say that if you divide the property, the daughter would get more; but what do we want? Give her equal share of property. Why this concession? No one wants any special concession. Give equal share to son and daughter because you are responsible for their coming into this earth. Divide them equally—I don't want concession. I plead for the young boys of Upper Assam—of those tribal boys who have to give dowry to the girl's father. As Dr. Mookerji was pleading for women of Bengal, so I am pleading for the young men of Upper Assam who have to give dowry to the girl's father because the girl is accomplished in weaving. In Assam dowry system does not exist. It is due to the economic status of women in Assam. She is very useful to the husband's family. If you go to a village—those of my friends who have visited Assam know—if you ask the house-owner as to how much revenue for the land he would pay, he would say "Ask my

wire." She pays it by selling her hand-woven things. He will say, "I don't know". So that is why perhaps we have not got this dowry system. I know only about Assam and I don't know about other States. Mr. Dasappa knows it because he had visited our place.

SHRIMATI LAKSHMI MENON: We have not in Malabar.

SHRIMATI PUSHPALATA DAS: In your parts you may not have. In our parts also we don't have the dowry system. Among the tribals we have the matriarchial system. They also differ according to customary laws. Among the *khassis* the youngest daughter inherits because she is considered to be helpless. The parents wish her interests to be safeguarded and so they allow the youngest daughter to inherit but in Garo Hills the eldest daughter inherits but among Hindus the eldest son, according to Dayabhaga law, the head of the family is the sole authority and he can by a will, even disinherit the elder son and hand over the property even to the daughter if he wishes. He is the autocratic head of the whole family. That also we don't want. We want equality for all. There must not be autocracy on anyone's part. So as Dr. Mookerji argued that the West Bengal ladies did not clamour for this, I don't think it is right and I don't think that he has a right to voice forth their opinion but.....

DR. SHRIMATI SEETA PARNAND: Let women speak about what women want. There are enough women in the House.

SHRIMATI PUSHPALATA DAS: As a representative of women, I am voicing the opinion of tribal boys of upper Assam who are suffering for giving dowries. About Mr. Mathur, when I listened to his speech, I was rather happy, because, I may be wrong, I took him to be a conservative but today when he began his speech, I thought he was becoming liberal. But afterwards he came out in his own colour. I was misled be-

cause he congratulated and said that the Bill was not enough and that he wanted to give more. Then I said to myself "What has happened to him suddenly?". Then I thought that because the Bill was going to the Select Committee and that it was not final, perhaps he wanted to change it. Afterwards he came out in his own colour and he became so conservative that he refused to give even any share and said that the moment a girl was married, she would go to her husband's house and she would have every right like other members of his family and would get the same right as any other member of the family. In that way he was not liberal. Again Dr. Mookerji pleaded for a daughter—I don't know whether he said that he had not a daughter. But I heard him saying, if he had a daughter, he would have been too glad to love her. He is so kind to a daughter who is unborn. When he actually came to us, daughters, who are already born in this blessed earth, he was not rather kind to us. Why must he be so considerate to a daughter who is not born and why is he not considerate to the daughters who are already born?

I don't think it is a question of quarrel between men and women. When the Hindu Marriage Bill came before this House, as women's representative, I felt sometimes ashamed when a quarrel broke out as if we were at loggerheads between men and women, as if a fight was going on between men and women that men must defend their interests and women must defend their own. That attitude I don't appreciate nor do I appreciate the feeling that "because she is my daughter, I have every right to love her but when it is another's daughter, I have got a right to criticise". What is happening now? In the joint family homes, what do you find? When a person goes out of the joint family, he never claims the property, though he can claim it. It has become a convention. My own father, he being the eldest son, never claimed as he was away for a long time and he settled in a different place. I think

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in all the other States also it has become a convention. Sometimes when the second or third brother is in the parental house for a long time, automatically he claims it and no one grudges it. How many rich persons have we in our country? Only a few—not even 3 per cent. If their property is divided, with all this tax etc. none will claim it. So you will not benefit anyone by this.

I would also appeal to the Government to come with another Bill to stop this dowry system altogether. I am not a sufferer but I feel the suffering of the other sisters in other States specially in West Bengal. In West Bengal I know of many cases and Dr. Mookerji also will bear me out that girls commit suicide to save their honour. Sometimes they pour kerosene oil and commit suicide to save their parents because they could not give dowry to their daughters. So another Bill must come for stopping dowry giving. You give the daughters equal right to property and it will be self-

respecting to both. It will be self-respecting to the girl when she goes to her husband's house, and she will not go with dowry in one hand and she will not have to depend on the sweet will of her husband's family. Let her go with full self-respect—not with dowry as if for business, and let there be equal share for her . . .

MR. DEPUTY CHAIRMAN: If you want more time, you may resume tomorrow. If it is only for one or two minutes more, you can finish now.

SEVERAL HON. MEMBERS: Let her speak tomorrow.

MR. DEPUTY CHAIRMAN: You can continue tomorrow.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Thursday, the 24th March 1955.