

very few. In most of the cases in everyday life we see that the natural guardians have done their best not only for the upbringing of the minors but also for the efficient working and management of their property. That being the case, I do not see any reason why undue restrictions should be placed on the powers of the natural guardian. Not only are these restrictions against the best interests of the society but they will also act adversely on the mental outlook of the guardians. Moreover, to my mind, such restrictions will also act adversely against the interests of the minors, because it will prevent speedy remedy being provided to the minors for their maintenance and education at the time of need, because going to a court of law by the natural guardian would mean considerable delay in getting the property sold or mortgaged, and by the time these guardians go to a court of law and obtain an order in their favour, there is danger that the value of the property may depreciate or it may not find a ready buyer. I am aware of the fact there is another view in that matter also, namely, that the order of the Court having been obtained, the interests of the buyers will be protected and, as such, they will be in a better position to buy that property. But Sir, I submit that because of the delay which is bound to occur on account of the parties being forced to go to a court of law, the immediate needs of the minor may not be fulfilled. In this regard I am of the view that the present position of law under the Hindu Law is sufficiently protective of the interests of the minors regarding the disposal of their property, and to my mind there was no necessity for effecting any change in it. You will see that the position of the Hindu Law as it exists today is that the natural guardian of a Hindu minor has power to manage the estate, but can mortgage or sell any part thereof only in case of necessity or for the benefit of the minor. It is only under these conditions that a guardian can dispose of the minor's property and if these conditions do not exist, then any transfers made by

the natural guardian will not hold good on the minor attaining majority. Therefore Sir, I do not see any reason why these restrictions should have been provided for. Moreover, I do not also realise whether there has been any cry for such a change in our Hindu society. I have not heard of any natural guardian of a Hindu minor ever doing any great harm to the property of his minor, and so why should the hands of the natural guardian be tied down? In this connection you may also be pleased to realise that in the well-known case of Hunooman Persaud vs. Mussamat Babooee—the powers of the manager of a Hindu family have been clearly defined and set down, and it is upon that interpretation that the courts have since administered the law.

MR. DEPUTY CHAIRMAN: Will you take more time?

PANDIT S. S. N. TANKHA: Yes, Sir.

MR. DEPUTY CHAIRMAN: You will resume on Monday.

PAPER LAID ON THE TABLE

REPORT OF JOINT COMMITTEE OF THE HOUSES ON THE CONSTITUTION (FOURTH AMENDMENT) BILL, 1954.

THE MINISTER FOR HOME AFFAIRS (SHRI GOVIND BALLABH PANT): Sir, I lay on the Table a copy of the Report of the Joint Committee of the Houses on the Bill further to amend the Constitution of India.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. on Monday, the 4th April 1955.

The House then adjourned at one minute past five of the clock till eleven of the clock on Monday, the 4th April 1955.

Editor of Debates,
Rajya Sabha Secretariat.