

## RAJYA SABHA

Friday, 24th September 1954

The House met at eleven of the clock, MR. DEPUTY CHAIRMAN in the Chair.

### PAPER LAID ON THE TABLE

REPORT OF THE PHARMACEUTICAL EN-  
QUIRY COMMITTEE.

THE LEADER OF THE HOUSE (SHRI C. C. BISWAS): Sir, on behalf of Shri T. T. Krishnamachari, I beg to lay on the Table a copy of the Report of the Pharmaceutical Enquiry Committee. [Placed in the Library, See No. S—358/54.]

### EXTENSION OF TIME FOR PRE- SENTATION OF THE REPORT OF THE JOINT COMMITTEE OF THE HOUSES ON THE HINDU MAR- RIAGE AND DIVORCE BILL.

THE MINISTER FOR LAW AND  
MINORITY AFFAIRS (SHRI C. C.  
BISWAS): Sir, I beg to move:

“That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and divorce among Hindus be further extended up to the last day of the first week of the next session.”

Sir, may I just say a few words to show why the Joint Committee has thought it fit to ask for extension of time again?

The House will remember that I moved a motion on the subject on Wednesday last but that motion was withdrawn. As suggested in the House on that day, the Joint Committee met yesterday to reconsider the matter and it decided to reaffirm its

previous resolution with only a slight modification. The Joint Committee has altered the date for presentation of the Report from the last day of the second week of the next session to the last day of the first week. I shall now shortly state the facts, and I am sure the House will be satisfied that the Joint Committee was not at all unmindful of its duties, but addressed itself to its task with a full sense of the urgency of the matter, and if it was found necessary to ask for a second extension, it was because of circumstances which it was not possible to foresee or anticipate. I should like to remind the House that the Joint Committee was constituted during the last session, about the middle of May, with instructions to report by the last day of the second week of the next session, that is to say by the 4th September 1954. The session ended by the end of May, and no one would suggest that the Joint Committee should have commenced its sittings immediately thereafter. What was done was to summon the Joint Committee on a date which was considered to be sufficiently in advance of the commencement of the next session; the session was due to commence on the 23rd August and the Joint Committee was summoned to meet on and from the 2nd of August 1954, that is to say, three weeks earlier, and there would still be two more weeks within which the Report was to be submitted. The Committee sat from day to day since the 2nd August, working for four hours and sometimes more than four hours every day, but with a break from the 12th to the 19th August to enable the Members to attend the Independence Day celebrations in their own States. The Committee resumed its sitting on the 20th August. By that time it had already held ten sittings. It was at this meeting, held on the 20th August, that the Committee decided to apply for the first extension till the 22nd September, afterwards altered to the 24th September, and this extension was granted by the House on the 30th August. The Committee fully believed that it could complete its

[Shri C. C. Biswas.]

work within the extended period even without further daily sittings while Parliament was in session but sitting only on Saturdays and holidays. This they did till the decision came of the two Houses to alter the hours of sitting from 11 A.M. to 5 P.M. This upset the previous calculations of the Joint Committee. In view of this unexpected change which was to come into force from the 10th September, the Joint Committee at its meeting held on the 9th September 1954—that day by the way was Muharram holiday—accordingly decided that it should apply for a further extension of time. This decision was arrived at after mature deliberation.

The Hindu Marriage and Divorce Bill, as hon. Members are aware, is a measure of great importance to the Hindu community, and having regard to its past history, requires very careful examination. The Joint Committee has so far held fourteen sittings and each of the sittings has been of very long duration. Every sitting was well attended and no sitting has had to be postponed for want of a quorum. The fact that fourteen sittings of such long duration were necessary for the consideration of only twelve or thirteen clauses of the Bill goes to show the amount of interest displayed by the Committee. Notice had been given of about 140 amendments to these thirteen clauses, and in addition, there had been suggestions for fresh amendments made on the spur of the moment during the sitting. Each of the amendments necessarily entailed a lot of discussion before it could be disposed of, whether by way of acceptance, rejection or modification. In a Bill of such an important and far-reaching character, curtailment of discussion is hardly possible, and although there had been some amount of repetition of statements and arguments of one Member by another Member, I, as Chairman of the Committee, felt it necessary to take into account all shades of opinion and allow some latitude. Apart from some

avoidable repetitions I must say that the Committee has been subjecting the Bill to the most meticulous examination. I do not know that any other Bill has received such careful scrutiny at the hands of a Joint Committee.

SHRI S. N. DWIVEDY (Orissa): It is a reflection.

SHRI C. C. BISWAS: If it is asked why the Joint Committee did not meet earlier, the answer is two-fold. First, it was expected that about fourteen or fifteen sittings might be sufficient to dispose of the Bill, an estimate which unhappily turned out to be incorrect. Secondly, there was the consideration of trying to save unnecessary expenditure by not calling a meeting of the Joint Committee very much in advance of the re-assembly of Parliament. Having regard to the above facts, the Committee felt that it was necessary to ask for another extension of time and I shall now place before you the reasons for it, as recorded by the Joint Committee itself in its minutes of the meeting of the 9th September. The minutes run thus:

“Having regard to the following facts, namely:—

(1) that the Committee even though it has already met thirteen times—since fourteen—and worked on an average, four hours each day, it has not been possible to finish more than twelve clauses of the Bill;

(2) that the discussion of the further clauses requires a minimum of thirty hours' sitting of the Committee;

(3) that the hours of sitting of both the Houses of Parliament had been changed to from 11 A.M. to 5 P.M. thus leaving hardly any time for the Members of the Committee to do the work of the Committee as well as prepare themselves for the other work of Parliament; and

(4) that only fifteen days remain for the submission of the Report of the Committee to the Rajya Sabha namely on the 24th September 1954, which is hardly sufficient for the purpose noted, notwithstanding the fact that the Committee proposes to utilise the two Sundays intervening for the purposes of this meeting.

the Committee resolved that the Rajya Sabha be requested to extend the time for the presentation of the Report up to the last day of the second week of the next session.

The Committee further decided that in order to complete its work expeditiously, it should sit on Sundays."

It proposes to meet on the 1st November 1954, if the time for preparing the Report is extended and would sit from day to day from the 1st November.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and divorce among Hindus be further extended up to the last day of the first week of the next session."

SHRI B. GUPTA (West Bengal): Sir, I oppose the motion. We were at one with the Prime Minister when he opposed the motion for extension of time for placing the Report of the Select Committee before this House, the other day. I do not know what the Prime Minister would feel now having listened to part of the argument, but we are not in the least satisfied with the explanation that has been given for the inordinate delay in this matter, nor are we satisfied with the accounts that have been given of the

Select Committee's work. We feel, Sir, somehow or other the matter has been delayed. It is not for us to cast any reflection on the work of the Select Committee, or for the matter of that, on any Member of the Select Committee. But I feel that unnecessary time is being taken to present the Report, which can be easily prepared. If there are serious differences of opinion in this matter, there is the House to discuss such things and the hon. Members of the Select Committee will have their chance to raise such matters. Sir, during that period, that is to say, from last May till today there have been, we are told, about 14 meetings of the Select Committee. This is not much if the matter is regarded as one of great importance. It is a matter which has been on the anvil for a number of years and I do not see any reason why the Select Committee should not have found much more time to sit on this Bill. Sir, we did not ask the Select Committee to conduct an expedition to the moon. We asked the Select Committee to consider a Bill which had been discussed in this House and on which the opinion of the public at large is very well known. It is not as if they had been asked to do something about which neither Parliament nor the public had said anything. Now, having regard to these circumstances we have certain suspicions as to why the delay is being caused.

SHRI S. MAHANTY: (Orissa): It is a reflection on the Select Committee Members.

SHRI B. GUPTA: Sir, the hon. the Law Minister, who is the Chairman of the Select Committee, has a special responsibility in this matter. Now, if he thinks that his Select Committee is not working efficiently and well, it is his job to come and tell us as to what he feels about it rather than try to produce a sort of plea for the delay. Sir, some of the Hindu law reform Bills had been passed. Yesterday we passed a Bill and these Bills are

[Shri B. Gupta.]

all inter-connected with these measures, and I do not see any reason as to why the delay should be made. Now, of course some concessions have again been made to us. That is to say, the date has been shifted from the last day of the second week of the next session to the last day of the first week of the next session. We cannot be satisfied with such concessions. We felt, as we came here, that it would be possible to have this measure passed here in this session and that before we leave this Bill should be a part of the law of the land. Somehow or other that has not been possible, and that is not going to be possible. I fear, Sir, the Law Minister has certain mental hesitations. He is not fighting well perhaps in the Select Committee; he is not sponsoring the Bill well in the Select Committee. What has happened to his persuasive influence and legal acumen?

SHRI C. C. BISWAS: He should not make these accusations.

SHRI B. GUPTA: Our Law Minister being quite a touchy person, I do not want to touch him. I ask: What has happened to his legal acumen? What has happened to his power of judgment as an ex-judge of the High Court?

MR. DEPUTY CHAIRMAN: Mr. Gupta, look here, please. We are concerned with the motion now.

SHRI B. GUPTA: Therefore, Sir, I make this submission that we fear that the Minister incharge of the Bill, who happens to be the Chairman of the Select Committee, is not playing his full part in the matter, and here is an issue which brooks no delay, and I think the House should direct its attention to this matter and make up the deficits caused by our Law Minister. The Prime Minister is here. I do not know what advice he will give today, and I do not know what has happened to the collective responsi-

lity and all that, and I think the Prime Minister was right when he insisted that in this matter there should be no more delay. His stand has been welcomed by the country and I hope he will get up today to tell his colleague that that is not the way to sponsor social measures.

SHRI S. MAHANTY: Mr. Deputy Chairman, I had no intention to take part in this inconsequential affair, namely, seeking the permission of this House for extending time for a very legitimate purpose. But, Sir, some unwarranted insinuations have been made, more or less some indictments have been made which have rather constrained me to take part in this debate.

Sir, I feel that the Select Committee on this Hindu Marriage and Divorce Bill has been much more sinned against than sinning—and for no purpose at all. Sir, it is common knowledge, that the Hindu Marriage and Divorce Bill has been there on the legislative anvil since the late 'thirties, the late 'thirties I say, Sir. Two decades have passed and this Select Committee certainly is not going to answer for all the acts of omission or commission of others. This could have been passed in the Constituent Assembly of India or the Provisional Parliament of India. And, Sir, the other day the Prime Minister was very right when he said that 'I' feel very strongly about it. No doubt every one feels very strongly about it. But what about the Congress election manifesto? I ask the Prime Minister: Did this Hindu Marriage and Divorce Bill find a place in the Congress election manifesto? No. That only indicates the mind.

MR. DEPUTY CHAIRMAN: We are not concerned with all that here. We are concerned here with the question of extension of time.

SHRI S. MAHANTY: I crave your indulgence. The scope has been much widened. You should at least help us in saving our own prestige outside. We are not.....

MR. DEPUTY CHAIRMAN: Now the Bill is already before the House and you are a Member of the Select Committee.

SHRI S. MAHANTY: Just I pray for five minutes. I will not take much time of the House.

Now, Sir, it has been said—I do not know with what amount of propriety it has been said—by an hon. Member of the Communist Party that the Law Minister is not sponsoring well and he has also entertained suspicions about the Members of the Select Committee. Well, Sir, my friend lives in a different political climate, where probably dictation over the telephone wires can get Bills passed. Here this is a democratic constitution. May I ask the hon. Member, Sir, why the social revolution should start from the bed chamber of a married couple when there are so many other burning questions relating to social reform awaiting solution? What I take exception to is the lopsided emphasis on this aspect of social revolution and making a mountain of a mole hill and thereby trying to make political capital in the bargain by casting unwarranted aspersions on persons who yield to none in their anxiety to see that this Hindu Marriage and Divorce Bill is expedited.....

SHRI B. GUPTA: You opposed it.

SHRI S. MAHANTY: I never opposed it. Let him remember that this is India and no amount of dictation from behind the walls of the Kremlin is going to solve our problems here.

SHRI B. GUPTA: What has Kremlin to do with this?

MR. DEPUTY CHAIRMAN: Just as you went beyond the merits of the motion he is also going. You set the noble example.

SHRI S. MAHANTY: If he casts aspersions we know how to give back the hit hot. He should remember the

fundamental difference between Kremlin and the Indian Parliament. If he forgets this difference.....  
(Interruption.)

MR. DEPUTY CHAIRMAN: Mr. Mahanty, please go on.

SHRI S. MAHANTY: This is unnecessary interruption. Now, Sir, how many sittings there have been and all that has been very elaborately explained by the Law Minister. It is a matter of great social consequence where every point of view must find expression. No amount of crying is going to stop that. Therefore, Sir, I commend to the House that they should consider the extenuating circumstances and without entertaining any kind of wild suspicions or anything of the sort give their accord to the extension of time. And lastly, Sir, before I resume my seat, it is my painful duty to tender my resignation as a Member of the Select Committee to you.

MR. DEPUTY CHAIRMAN: Why?

SHRI S. MAHANTY: I would not have minded it very much if the indictment had come from professional opponents. If it had come from those who oppose without rhyme or reason I would not have minded it, but no less a person than the Prime Minister of India, without ascertaining the facts, without looking into the matter, made certain statements which I feel, Sir, are an indictment—and unwarranted at that—and it is not consistent with my sense of the little prestige that I have that I should be asked to sit on a Select Committee where one is to work like a school-boy whipped by his master for not preparing his lessons. I do not think that consistent with my sense of prestige I can continue to sit on the Select Committee and therefore it is my painful duty, Sir, to tender my resignation as a Member of the Select Committee to you. Thank you, Sir,

THE PRIME MINISTER AND MINISTER FOR EXTERNAL AFFAIRS AND DEFENCE (SHRI JAWAHRLAL NEHRU): Mr. Deputy Chairman, two days ago I ventured to intervene in this matter when it came up rather suddenly so far as I was concerned. I intervened, as the hon. Member just previously remarked, because of my deep anxiety that this matter should be dealt with as speedily as possible. It is perfectly true that I am not only not a Member of the Joint Committee but also I was not aware of all the detailed working of the Committee. It is also true that ever since the session began my colleague, the Law Minister, told me that progress was very slow in spite of his desire to hasten it. He did not complain; he was not criticising anybody: he was merely informing me that progress was very slow and I requested him to go as fast as possible because the original idea was that this matter should be completed during the inter-session period so that it might be taken up perhaps during this session. Because that was not done, some more time was given to the Joint Committee during this session. When this matter arose about three weeks ago—maybe four weeks ago—I was assured not by my colleague the Law Minister but I was generally assured that it was bound to come up before the end of this period and so I was distressed and surprised that the Joint Committee had not finished its work. I am neither competent to criticise the work of the Joint Committee because I am not in it and I do not know what difficulties they have to face. nor was it my intention to criticise their work as work, much less my hon. colleague the Law Minister, because he himself had spoken to me about the distress he felt about the delay inherent in the work. The main purpose of my intervention the other day was to draw pointed attention to the importance of this matter and to the speed necessary to deal with it—it was not to criticise anybody because I cannot criticise without knowing all the facts—so I wished to do that and I did that per-

haps more forcibly than I need have done and I am certainly very sorry if any Member—I need not speak about my colleague, the Law Minister, because we are colleagues and we function together, but if any Member of the Joint Committee—feels that what I said has in any sense hurt him, I am exceedingly sorry and I apologise to him and to the Committee..... (Cheers).

SHRI S. MAHANTY: Sir, I withdraw my resignation.

SHRI JAWAHARLAL NEHRU: But the main purpose still remains and I trust that this matter will be dealt with as speedily as possible. Even when I intervened it was obvious that there would be no meaning in this House refusing to give more time to the Joint Committee because that would have brought about a deadlock in our task. What I meant was to draw particular attention to this matter so that with that background this House may give time to the Committee. Time has to be given because the Committee has not finished its work.

SHRI B. GUPTA: But then, Sir, the Prime Minister made an alternative suggestion that if the Select Committee was not found effective, some other people might be found to serve on the Committee.

MR. DEPUTY CHAIRMAN: It would take more time.

SHRI JAWAHARLAL NEHRU: I am not going into the various matters which have been referred to and which had no connection with this particular matter. So, having considered all these and having come to know the background and the difficulties—and I lay stress on the necessity of speed—I submit that this House should accept the motion moved.

MR. DEPUTY CHAIRMAN: I hope Mr. Mahanty is satisfied and I will not get his letter of resignation.

The question is:

“That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and divorce among Hindus be further extended up to the last day of the first week of the next session.”

The motion was adopted.

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AMENDMENTS TO RULES MADE  
UNDER THE ALL-INDIA SERVICES  
ACT, 1951

INDIAN ADMINISTRATIVE SERVICE  
(RECRUITMENT) RULES, 1954.

SHRI H. C. MATHUR (Rajasthan): Mr. Deputy Chairman, these rules govern the All-India Services. Sir, I will move these amendments one by one.

MR. DEPUTY CHAIRMAN: I will put them separately but let us have one discussion.

SHRI H. C. MATHUR: Sir, I will have to speak on each amendment separately.

MR. DEPUTY CHAIRMAN: No, no.

SHRI H. C. MATHUR: You mean you want me to speak on all the amendments together at one time, at one stretch?

MR. DEPUTY CHAIRMAN: The idea is that we can have one discussion, otherwise.....

THE DEPUTY MINISTER FOR HOME AFFAIRS (SHRI B. N. DATAR): Would it not be better if they are taken up separately?

MR. DEPUTY CHAIRMAN: But I think it will take more time.

SHRI B. N. DATAR: They deal with different points.

SHRI H. C. MATHUR: Sir, in respect of (i).....

SHRI B. N. DATAR: May I point out that (i), (v), (vi) and (viii) may be taken together?

SHRI H. C. MATHUR: Yes; Nos: (v) (vi), (vii) and (viii) are consequential to No. (i).

MR. DEPUTY CHAIRMAN: Yes; while putting the amendments to the House, I will put them separately.

SHRI H. C. MATHUR: But there will have to be different speeches, Sir. As has been pointed out by the Home Minister it would be much better if we took the amendments separately.

MR. DEPUTY CHAIRMAN: There are four sets of Rules here—one relating to recruitment, the other to probation, the third is cadre rules and the fourth is conduct rules.

SHRI H. C. MATHUR: They are all separate.

MR. DEPUTY CHAIRMAN: But these various amendments that you have suggested to the Recruitment Rules can be taken up together.

SHRI H. C. MATHUR: Even in the Recruitment Rules there are two or three different amendments.

MR. DEPUTY CHAIRMAN: You speak on them and I will put them separately.

SHRI H. C. MATHUR: They cannot be mixed up. There will have to be different speeches. This is just like clause by clause consideration. We never take all the amendments together.

MR. DEPUTY CHAIRMAN: What does the hon. Minister wish?

SHRI B. N. DATAR: I have no objection. We might take the Recruitment Rules first.