

[Shri C. C. Biswas.]

is nothing to prevent any of these maternal relations other than the father and mother from applying to the court and getting themselves appointed as guardians, and clothed with the legal status. Why leave it to them to derive authority on the ground that they are *de facto* guardians, because *de facto* guardians sometimes behave in strange ways. What does 'de facto' mean? It means they have in fact acted as guardians i.e., it has been seen that they had been acting in the interest of the minor just as if they had been natural guardians or guardians appointed by the court. In other words, by his course of conduct such a person will have justified his claim to be regarded as a guardian. But what about his first act? That has given rise to a lot of controversy in the courts. It is not known how he has acted in the past to justify his being regarded as a guardian. For the first time he is seeking to interfere in the affairs of the minor but under what authority is he seeking to do so? To say that he does so by virtue of his relationship is a different matter, but if you say, by virtue of being *de facto* guardian how did he become a *de facto* guardian? These are difficult questions which arise about *de facto* guardians. Their exclusion ought not however be very material, because if these people want to be guardians, they can apply to the court and get themselves appointed as guardians. That is the ground on which we have excluded *de facto* guardians. I am only explaining the reasons why the Bill was framed like this. You will excuse me if I stop here. I believe I have dealt with generally all the comments that have been made.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to amend and codify certain parts of the law relating to minority and guardianship among Hindus be referred to a Joint Committee of the Houses consisting of 45 members; 15 Members from this House, namely:—

- (1) Shrimati Pushpalata Das,
- (2) Shri Mahesh Saran,
- (3) Shri T. R. Deogirikar,
- (4) Shri R. U. Agnibhoj,
- (5) Shri S. Venkataraman,
- (6) Sardar D. S. Pheruman,
- (7) Shri T. Pande,
- (8) Shri Channa Reddy,
- (9) Shrimati Sharda Bhargava,
- (10) Shri Basappa Shetty,
- (11) Shri V. Venkataramana,
- (12) Shri S. N. Mazumdar,
- (13) Shri R. Biswasroy,
- (14) Shri P. C. Bhanj Deo, and
- (15) Shri C. C. Biswas;

and 30 Members from the Lok Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees will apply with such variations and modifications as the Chairman may make;

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of Members to be appointed by the Lok Sabha to the Joint Committee; and

that the Committee shall make a report to this House on or before the last day of the first week of the next Session."

The motion was adopted.

#### EXTENSION OF TIME FOR DEBATE ON FOREIGN AFFAIRS

MR. DEPUTY CHAIRMAN: I have to make an announcement. I have to inform hon. Members that the Chairman proposes, if the House agrees, that the debate on Foreign

Affairs put down in the List of Business for tomorrow may be extended by three hours on Friday, the 27th August 1954, from 8-15 A.M. to 11-15 A.M. Private Members' Resolutions put down for the 27th August will then be taken up at 11-15 A.M. on that day.

Does the House concur?

HON. MEMBERS: Yes.

MR. DEPUTY CHAIRMAN: So the External Affairs debate will be extended for 3 hours on Friday and Private Members' Resolutions will be taken up at 11-15 A.M. on that day.

SHRI H. P. SAKSENA (Uttar Pradesh): It will begin tomorrow all the same?

MR. DEPUTY CHAIRMAN: Yes. Tomorrow for four hours and three hours more on Friday.

#### THE RAILWAY STORES (UNLAWFUL POSSESSION) BILL, 1954

THE DEPUTY MINISTER FOR RAILWAYS AND TRANSPORT (SHRI O. V. ALAGESAN): Sir, I move:

"That the Bill to provide for the extension of the law relating to the punishment of the offences of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions, be taken into consideration."

Sir, the Bill is a non-controversial one. It has two aims:

(i) To replace the Railway Stores (Unlawful Possession) Ordinance promulgated on 13th May 1944, which is still valid and applies to the whole of what was British India; and

(ii) To make the provisions of the legislation applicable throughout the Republic.

With a view to preventing persons from having unlawful possession of

Railway Stores and trading in them thereby seriously endangering the safety of railway operation, it became necessary during the last war to provide that whoever is found or proved to have been in possession of any article of railway stores shall be punishable with imprisonment for a term, which may extend to 5 years or with fine or with both, if the court see reasonable grounds that such article is to be or to have been the property of any railway administration, unless he proves that the article came into his possession lawfully. But being an Ordinance, although not restricted to 6 months only in validity, some of the States were not aware of its continuance. Its application was also not extended to most of the present Part B States. The Police and Security Organisations have, therefore, met with serious difficulty in curbing the unsocial element, who have been making a profit at the expense of railway revenues by stealing railway articles and trading in them. In certain important railway centres the States have experienced serious difficulties in launching prosecution against the smugglers or culprits on account of the provisions of the Ordinance not being applicable to some of the Part B States.

The Bill is intended to remedy these defects. When it is passed into law, the Railway Stores (Unlawful Possession) Ordinance will cease to be operative and the provisions of this Bill will apply throughout the Indian Union including the Part B States as a permanent measure.

Sir, I move.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions, be taken into consideration."

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman this