

THE  
**LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

Volume IV + ♥

*2nd September to 17th September, 1929)*

**FIFTH SESSION**

OF THE

**THIRD LEGISLATIVE ASSEMBLY**

**1929**



SIMLA  
GOVERNMENT OF INDIA PRESS  
1930

# Legislative Assembly.

## *President :*

THE HONOURABLE MR. V. J. PATEL.

## *Deputy President :*

MAULVI MUHAMMAD YAKUB, M.L.A.

## *Panel of Chairmen :*

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

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## *Assistant of the Secretary :*

RAI SAHIB D. DUTT.

## *Marshal :*

CAPTAIN SURAJ SINGH BAHADUR, I.Q.M.

## *Committee on Public Petitions :*

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## (Official Report)

Volume V

*(18th September to 26th September, 1929)*

## FIFTH SESSION

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## 1929



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1930

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(b) Will Government be pleased to state if the complaint about overcrowding, insufficient carriage supply to carry the pilgrims, and pilgrims having to travel in coal wagons, is correct?

(c) Have Government considered the question whether the Barsi Light Railway can do away with transport of pilgrim passengers in goods wagons?

(d) Are Government aware that the dividend paid by this Railway works out to about 12 per cent. per annum, including bonus, and if so, will Government be pleased to state how they reconcile the inability of the Railway to provide passenger carriages for transport of pilgrims with the dividends earned by the Railway?

(e) What steps do Government propose to take in view of the complaint of the correspondent referred to in part (a) above?

**The Honourable Sir George Rainy :** (a) Yes.

(b) Government are informed that on certain occasions, more particularly in connection with the four annual festivals in Pandharpur, passengers are carried in goods wagons on the Barsi Light Railway.

(c) & (d). Government are not satisfied that the Barsi Light Railway have taken all the steps that they should to avoid unreasonable use of goods wagons for the carriage of passengers and are having an examination made into this question. I understand that the dividend and bonus paid by the Company works out to 12 per cent. as stated by the Honourable Member, who is no doubt aware that, besides their ordinary share capital, the Barsi Light Railway have a large amount of 6½ per cent. preference shares and 4 per cent. debenture stock.

(e) Government lately instructed the Government Inspector of Railways to make a special investigation as to overcrowding of passengers on the Barsi Light Railway during the recent Ashadi fair and submit his recommendations as to the steps that should be taken in order to avoid to all reasonable extent the use of goods wagons for the carriage of passengers. His report was received recently and is at present under the consideration of the Railway Board.

#### SYSTEM OF RECRUITMENT OF OFFICERS TO THE POLITICAL DEPARTMENT.

2. \***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state :

(i) if it is a fact that at present Political Officers are recruited into one Department for Foreign work and for Political work from the Indian Civil Service and the Army?

(ii) if the said system of recruitment has not worked satisfactorily?

(iii) if any change is contemplated in the said system of recruitment and training of Political Officers and if so, why?

(iv) if the answer to part (iii) is in the affirmative, what is the nature of the contemplated change?

(b) Will Government be pleased to state if they propose to give an opportunity to the Assembly to discuss any contemplated change in recruitment to the Political Department? If so, when? If not, why not?

**Sir Denys Bray :** (a) (i). Yes, and also in cases of exceptional merit from the Provincial Civil Service.

(ii) Yes, on the whole.

(iii) and (iv). No change has been suggested in that part of the Department with which British India is concerned.

(b) Does not arise.

#### AMENDMENT OF SECTION 53 OF THE PROVINCIAL INSOLVENCY ACT, AND SECTION 55 OF THE PRESIDENCY TOWNS INSOLVENCY ACT.

3. \***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the diversity of judicial opinion on the interpretation of section 53 of the Provincial Insolvency Act and section 55 of the Presidency Towns Insolvency Act as to the commencement of the period of two years?

(b) Has the attention of Government been drawn to the decision of Chief Justice Sir Shadilal, reported in the Indian Law Reports, 10 Lahore, page 106, where he has shown the urgency of immediate legislative interference in the matter?

(c) In view of the above, do Government propose to amend section 53 of the Provincial Insolvency Act and section 55 of the Presidency Towns Insolvency Act to bring these sections into line with section 54 of the former Act and section 56 of the latter?

**The Honourable Sir James Crerar :** (a) Yes.

(b) Yes.

(c) The question of amending these two sections is now under their consideration.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that dishonest debtors have been taking advantage of this diversity of opinion since 1920?

**The Honourable Sir James Crerar :** I understand that there is some doubt as to whether the existing law is in a satisfactory condition. As I have stated, Government have now under their consideration the question of amending these two sections.

**Mr. Lalchand Navalrai :** May I understand, then, Sir, that the amendment of these two sections will be taken up at this Session, or will they be taken up at the next Session?

**The Honourable Sir James Crerar :** I am afraid I cannot give any undertaking as to when legislation will be introduced.

#### NUMBER AND NAMES OF PERSONS DEALT WITH UNDER THE PUBLIC SAFETY ORDINANCE.

4. \***Mr. Gaya Prasad Singh :** Will Government be pleased to state how many persons (with their names and nationalities) have been dealt with up to date under the provisions of the Public Safety Ordinance since its promulgation?

**The Honourable Sir James Crerar :** No case has so far occurred in which it has been necessary to employ the powers conferred by the Ordinance.

**Mr. Gaya Prasad Singh :** Then what was the urgency in promulgating the Public Safety Ordinance ?

**The Honourable Sir James Crerar :** I think, Sir, that the fact that no action has yet been taken under the Ordinance is no proof of any absence of necessity for it. The existence of precautionary legislation of this kind on the Statute Book very frequently goes a long way to fulfil its object.

#### NAMES OF ORGANISATIONS IN AND OUTSIDE OF INDIA DECLARED TO BE UNLAWFUL.

5. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to give the names of organisations in India and outside India which have been declared to be unlawful, and the membership of which makes a person liable to criminal prosecution ?

**The Honourable Sir James Crerar :** Certain associations under the name of Wunthanu Athin and similar designations in six districts in Burma have been declared unlawful at various dates between 1923 and 1929. No other associations have been declared unlawful since January 1st, 1923, in regard to which the notification is still effective.

**Mr. Gaya Prasad Singh :** May I know, Sir, if the Government of India have at their disposal a list of these organisations which have been declared unlawful ?

**The Honourable Sir James Crerar :** I shall be glad to furnish the Honourable gentleman with a list of the organisations in Burma which have been declared unlawful.

**Mr. Gaya Prasad Singh :** And in the rest of India ?

**The Honourable Sir James Crerar :** As I have explained, there are none regarding which the notifications are effectual.

**Mr. Gaya Prasad Singh :** Will the Honourable Member be pleased to have a copy of the list placed on the table of the House instead of furnishing it to me ?

**The Honourable Sir James Crerar :** The Associations referred to are almost entirely very small village associations scattered throughout six districts in Burma. The list therefore is a somewhat long one, but I shall be glad to furnish the Honourable Member with it if he so desires.

**Mr. Siddheswar Prasad Sinha :** What objection is there to placing the list of these associations on the table of the House ?

**The Honourable Sir James Crerar :** I shall be prepared to place a copy in the Library.

#### NATURE OF HELP AND CO-OPERATION ACCORDED TO COLONEL ALEXANDER POWELL, AUTHOR OF A BOOK ENTITLED "INDIA THE LAST HOME OF MYSTERY."

6. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that one Colonel E. Alexander Powell of the United States has published a book called "The Last Home of Mystery", in which he libels some of the religious practices of the Indians ?

#### QUESTIONS AND ANSWERS.

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(b) Are Government aware that the author admits in his book that he received "help and co-operation" from "the British Government of London, and British officials in India" ?

(c) What kind of "help and co-operation" was given to this writer by the authorities ?

(d) Will Government be pleased to state if they issued a passport to this man to come to India ; and if so, on what credentials was the passport issued, and for what period ?

**The Honourable Sir James Crerar :** (a) & (b) The Government of India understand that such a book has been published, but they have not yet seen it and they have not succeeded so far in obtaining a copy.

(c) I am not aware of any official help having been given to the writer in India or in England.

(d) No. The second part does not, therefore, arise.

**Lieut.-Colonel H. A. J. Gidney :** Is the Honourable Member aware that this book contains statements which are not only defamatory and libellous to the Anglo-Indian community, but constitute a distinct calumny ?

**The Honourable Sir James Crerar :** As I have stated, I have not yet been able to obtain a copy of the book, and I cannot therefore verify whether the Honourable Member's suggestions are correct or not.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member get a copy and if after reading the book he finds that what I have stated is correct, will he place a ban on its sale in this country ?

**The Honourable Sir James Crerar :** I think, Sir, that that is a hypothetical question.

#### CONFIDENTIAL CIRCULAR ISSUED BY THE GOVERNMENT OF INDIA TO LOCAL GOVERNMENTS re THE POLICY AND PROGRAMME OF THE INDIAN NATIONAL CONGRESS.

7. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Government of India have issued a circular marked "Confidential", No. D.4181, dated 26th April 1929, to all Local Governments and Administrations, instructing them that, "in view of the declarations of policy recently made by the Congress, and the extreme political programme which it has adopted, the Government of India consider that it is undesirable that exhibitions or fairs organised by or under the auspices of the Indian National Congress, should receive the support or co-operation of Departments or officials of Government in any way" ?

(b) What is meant by the "declaration of policy" and "the extreme political programme" of the Congress ?

**The Honourable Sir James Crerar :** The Honourable Member will, I think, appreciate that an answer to his question would amount to a condonation of the unauthorized communication of confidential documents. This is prohibited and the Honourable Member will doubtless join with me in condemning it.

**Mr. Gaya Prasad Singh :** Are Government aware that these so-called confidential documents were published extensively in the newspapers ?

**The Honourable Sir James Crerar :** They have not been published by authority.

**Diwan Chaman Lall :** Is it a fact that a confidential circular has been sent round to various Departments ?

**The Honourable Sir James Crerar :** I think, Sir, the Honourable Member will recognise that it would not be proper for me to answer questions which are based upon an unauthorised publication of confidential documents. I cannot, therefore, reply to his question either in the affirmative or in the negative, on the point of principle.

**Diwan Chaman Lall :** May I ask the Honourable Member to say what objection he can possibly have when the matter is public knowledge, and the newspapers have already published such a circular ?

**The Honourable Sir James Crerar :** My reason is that, as a matter of principle, it would be improper for me to reply to questions which arise from an unauthorised publication of confidential documents.

**Mr. Gaya Prasad Singh :** Is it open to Government to issue confidential circulars which are objectionable in themselves ?

**The Honourable Sir James Crerar :** That, I think, Sir, is a question of opinion depending upon hypothesis.

**Diwan Chaman Lall :** May I ask the Honourable Member whether any action has been taken by the Government of India in regard to placing of a ban on any exhibitions or organisations organised by the Indian National Congress ?

**The Honourable Sir James Crerar :** I must adhere to my original position, which is one of principle, and I cannot undertake to answer questions based upon confidential documents published without authority.

#### NOMINATION OF A LADY MEMBER TO THE LEGISLATIVE ASSEMBLY.

8. **\*Mr. Gaya Prasad Singh :** Do Government propose to recommend the nomination of a lady member to this House in view of certain pending legislations affecting women ? If not, why not ?

**The Honourable Sir Brojendra Mitter :** The recommendation of persons for nomination to this House does not lie with the Government of India.

**Mr. Gaya Prasad Singh :** Was it open, Sir, to the Government of India to make recommendations on this point ?

**The Honourable Sir Brojendra Mitter :** It is not the function of the Government of India to recommend anybody.

**Mr. Gaya Prasad Singh :** Do they propose to recommend anybody when important Bills affecting the rights of women are pending before this House ?

**Maulvi Muhammad Yakub :** Is it not a fact that certain gentlemen were selected temporarily to assist in carrying through this measure by the Government of India ?

**The Honourable Sir Brojendra Mitter :** I presume, Sir, the Honourable Member means nominated.

**Maulvi Muhammad Yakub :** Yes.

**The Honourable Sir Brojendra Mitter :** That is so.

**Maulvi Muhammad Yakub :** Do Government propose to nominate a lady member to this Assembly for certain Bills which are pending before the House ?

**The Honourable Sir Brojendra Mitter :** Nomination is made by the Governor General, and any person can recommend anybody to the Governor General for nomination. All I said was that it is not the function of the Government of India to make any recommendation.

**Mr. Gaya Prasad Singh :** May I take it, then, that all those gentlemen who have been nominated have not been recommended by the Government of India ?

**The Honourable Sir Brojendra Mitter :** They were not recommended by the Government of India.

**Maulvi Muhammad Yakub :** Did the Honourable the Law Member recommend any lady to the Governor General for being nominated to the Assembly ?

**The Honourable Sir Brojendra Mitter :** No. Sir, I did not know her.

**Mr. Abdul Haye :** Is not a lady member available to sit on the Government Benches ?

#### WITHDRAWAL OF THE INDIAN HIGH COURTS BILL.

9. **\*Mr. Gaya Prasad Singh :** Is it a fact that the Indian High Courts Bill, throwing open the office of Chief Justice of Indian High Courts to members of the Civil Service, has been dropped ?

**The Honourable Sir James Crerar :** Yes, at all events for the present.

#### FUNCTIONS OF THE ARMY DEPARTMENT SECRETARIAT.

10. **\*Mr. Amar Nath Dutt :** (a) Will Government be pleased to state the functions of the Army Department Secretariat ?

(b) Is it a fact that all proposals involving fresh expenditure are submitted by Branches of Army Headquarters concerned to the Deputy Financial Adviser attached to it, and when agreed to by the latter, the draft orders are put up by the Branch and the Army Department simply issues such orders ?

(c) Is it a fact that the Army List Section, which was originally under the Military Secretary's Branch, was transferred to the Army Department a few years back ? If so, will Government please give reasons for this change ?

(d) Is it a fact that each Branch of Army Headquarters has an Establishment Section of its own, which deals with all questions relating to the pay, promotion, leave, pensions, etc., of its personnel ?



(e) Is it a fact that such sections have got sufficient staff and each one is allowed a duty allowance of Rs. 50 per mensem for the cashier ?

(f) Is it a fact that each Branch has a separate roster of its own for the ministerial and menial staff ?

(g) If the replies to the above are in affirmative, will Government be pleased to state the necessity for having a separate post of an Establishment Officer with a staff in the Army Department Secretariat to deal with Army Headquarters personnel ?

(h) Is it a fact that the post of Establishment Officer involves duplication of work and avoidable delay and inconvenience to Branches concerned ?

(i) Is it a fact that there is no such appointment as an Establishment Officer in the Civil Secretariat and the attached offices ?

(j) Will Government be pleased to state the objections in allowing each Branch of Army Headquarters to deal with their own establishment independently of the Establishment Officer and in direct communication with the Public Service Commission in the matter of recruitment, as is done by all other offices, Secretariat or otherwise ?

**Mr. G. R. F. Tottenham :** (a) The function of the Army Department Secretariat is to deal with the subjects allotted to the Army Department by the Governor General under the Rules of Business, that is to say business connected with the Army, Cantonments, the Indian Medical Service, the Royal Indian Marine and Marine Surveys, and the Royal Air Force. It would be impossible, within the limits of a verbal answer, to give a detailed account of the functions that are comprised under these headings ; but I will furnish the Honourable Member separately with a further statement if he wishes.

(b) No, Sir. It is the responsibility of the Army Department and not of the Military Finance Branch, to decide on the administrative necessity of all proposals emanating from Army Headquarters that require the sanction of the Government of India, whether those proposals entail fresh expenditure or not.

(c) The work connected with the Indian Army List was previously performed partly in the Military Secretary's Branch and partly in the Adjutant General's Branch. Its transfer to the Army Department was carried out some 9 years ago as a matter of administrative convenience.

(d) Yes, within certain limits. But all general questions connected with these matters are dealt with by a central co-ordinating authority, namely, the Army Secretary.

(e) Yes.

(f) Yes.

(g) The Establishment Officer, on behalf of the Army Secretary, supplies the co-ordinating element referred to above. He has many other duties to perform besides recruiting and posting clerks.

(h) No, Sir. On the contrary, the post of Establishment Officer saves a good deal of inconvenience and overlapping which would be unavoidable if the Branches of Army Headquarters were to deal with these matters separately.

(i) Yes ; but no Civil Secretariat with its attached offices is of the same size as Army Headquarters.

(j) The present arrangement works satisfactorily and the change proposed would not only throw a great deal of additional work on the Public Service Commission, but would result in delay and inconvenience.

#### LOCATION OF A RAILWAY STATION TO SERVE HALANI AND BELANI VILLAGES ON THE NEW SIND FEEDER RAILWAY.

11. **\*Mr. Lalchand Navalrai :** (a) Are Government aware that there is difference of opinion as to the location of a railway station to serve Halani and Belani villages on the New Sind Feeder Railway, which is being constructed from Mehrabpur to Thafushah ?

(b) Will Government be pleased to state if it has been settled where to locate the same ?

(c) Are Government aware that the people of Belani wanted the station to be located between miles 6 and 7 and not at mile 7 ?

(d) Did the railway authorities receive a representation making out the aforesaid case from the people of Belani ? If so, what reply was made to them ?

(e) Is it a fact that the location of the railway station between miles 6 and 7 will serve more suitably both the villages of Halani and Belani ?

(f) Is it not a fact that it will be more suitable to catch traffic, besides affording convenience to both the villages, if the station is located between miles 6 and 7, it being centrally situated ?

(g) If the answer to part (f) be in the negative, will Government be pleased to place on the table all details, giving reasons in support of their view ?

(h) Is it a fact that Government will not have to incur any extra expenditure by locating the station centrally between the villages ? If the answer be that there will be more expense, will Government be pleased to state how much that will be ?

**Mr. P. E. Rau :** Differences of opinion as to the location of railway stations are, I am afraid, inevitable, as there are various and conflicting interests concerned. In this particular case it was after careful consideration of all alternative suggestions that the Agent of the North Western Railway decided to have the station at a point just over seven miles from Mehrabpur, which I understand is only a third of a mile nearer Halani than the point midway between the two villages. It is reported that of the two, Halani is a place of greater importance and the site selected is more suitable to catch traffic as the arterial road from Rohri to Hyderabad passes very near it and several village roads also converge on it. Government are not prepared to interfere with the action of the Agent in this matter.

THE  
**LEGISLATIVE ASSEMBLY DEBATES**  
(OFFICIAL REPORT OF THE FIFTH SESSION OF THE  
THIRD LEGISLATIVE ASSEMBLY.)

VOLUME IV—1929.

LEGISLATIVE ASSEMBLY.

Monday, 2nd September, 1929.

The Assembly met in the Assembly Chamber in Simla at Eleven of the Clock, being the first day of the Fifth Session of the Third Legislative Assembly, pursuant to S. 63D (2) of the Government of India Act. The President (the Honourable Mr. Vithalbhai Javerbhaji Patel) was in the Chair.

MEMBERS SWORN :

Mr. Edwin Lessware Price, C.I.E., O.B.E., M.L.A. (Bombay : European) ; Lieutenant-Colonel Leonard Lachlan Porter, O.B.E., V.D., M.L.A. (Madras : European) ; Mr. Hormusji Peroshaw Mody, M.L.A. (Bombay Millowners' Association : Indian Commerce) ; Mr. Dudley Cautley Stewart-Smith, M.L.A. (Bengal : European) ; Mr. Dinshaw Fardunji Mulla, C.I.E., M.L.A. (Bombay : Nominated Non-Official) ; Sir Frank Noyce, Kt., C.S.I., C.B.E., M.L.A. (Secretary, Department of Education, Health and Lands) ; Mr. George Richard Frederick Tottenham, M.L.A. (Army Secretary) ; Mr. V. K. Aravamudha Ayangar, C.I.E., M.L.A. (Finance Department, Nominated Official) ; Mr. Satyendra Nath Roy, M.L.A. (Home Department : Nominated Official) ; Mr. Tin Tut, M.L.A. (Department of Industries and Labour : Nominated Official) ; Mr. Rama Shankar Bajpai, O.B.E., M.L.A. (Director of Public Information) ; Mr. A. Upendra Pai, M.L.A. (Madras : Nominated Official) ; Mr. Stephen Harris Covernton, M.L.A. (Bombay : Nominated Official) ; Mr. Vyvyan Macleod Ferrers, M.L.A. (Bombay : Nominated Official) ; Mr. Ramaswami Srinivasa Sarma, C.I.E., M.L.A. (Bengal : Nominated Non-Official) ; and Mr. Geoffrey Leonard Winterbotham, M.L.A. (Associated Chambers of Commerce : Nominated Non-Official).

QUESTIONS AND ANSWERS.

INSUFFICIENT ACCOMMODATION FOR PILGRIMS ON THE BARSÌ LIGHT RAILWAY.

1. \*Sir Purshotamdas Thakurdas : (a) Has the attention of Government been drawn to a letter in the *Bombay Chronicle* regarding the Barsi Light Railway, describing the sufferings of passengers travelling on that Railway, which appeared in the issue of that paper, dated the 13th May 1929 (page 8) ?

( 1 )

**Mr. Lalchand Navalrai :** Will the Honourable Member say whether any public opinion was consulted in this matter and also whether the head of the Province, the Commissioner, was consulted ?

**Mr. P. R. Rau :** No.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say why neither the head of the Province nor public opinion was consulted ?

**Mr. P. R. Rau :** I said I am not aware whether they were consulted in this case. Usually it is the practice, I understand, for the Local Administration to consult local authorities in these matters.

**Mr. Lalchand Navalrai :** The Honourable Member should have gone through all the papers to consider for himself whether this is a right decision.

(Mr. President called on Mr. Kelkar to put question No. 12.)

#### RECOMMENDATIONS OF THE FLETCHER COMMITTEE ON THE ORGANISATION OF MEDICAL RESEARCH IN INDIA.

12. { **\*Mr. N. C. Kelkar :**  
**\*Mr. K. C. Neogy :**  
**\*Dr. B. S. Moonje :**  
**\*Mr. Fazal Ibrahim Rahimtulla :** } (a) Will Government be pleased to state if they have considered the Report and recommendations of the Fletcher Committee on the organisation of medical research under the Government of India ?

(b) Will Government be pleased to state whether they have taken any decision in relation to the said Report on the question of policy, or with regard to administrative and financial matters connected with it ?

(c) Will Government be pleased to lay all the papers in connection with the Medical Research Institute on the table of the House, and also state what decisions, if any, have been already taken ?

**Sir Frank Noyce :** (a) The recommendations of the Fletcher Committee are under the consideration of Government.

(b) and (c). The Honourable Member's attention is invited to paragraph 27 of the proceedings of the meeting of the Standing Finance Committee held on the 29th August, 1928, and to the appendix referred to in that note. Copies of these proceedings and of the Fletcher Committee's Report will be found in the Library of the House. If the Honourable Member will kindly specify what other papers he wishes to be placed on the table of the House, Government will be glad to consider his suggestion.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether or not the opinion of the medical profession in India was taken into consideration before the matter was put before the Standing Finance Committee ; also whether the Report of the Fletcher Committee was placed in the Library before the Government of India took the opinion of the Standing Finance Committee ?

**Sir Frank Noyce :** I am not certain, but I think the reply to the Honourable Member's question is that the medical opinion was not consulted before the papers were placed before the Standing Finance Committee or before the Report of the Fletcher Committee was placed in the

Library of the House. I would refer my Honourable friend to my answer to the next question, which gives further information on the point.

**Mr. E. L. Price :** Will the Honourable Member be pleased to say whether there are means of consulting the medical profession in this country ?

**Sir Frank Noyce :** There are certain recognised medical associations.

**Lieut.-Colonel H. A. J. Gidney :** In view of the reply just given, will the Honourable Member inform the House why the medical opinion in India was ignored before action was taken by the Government in this matter ?

**Sir Frank Noyce :** I would refer the Honourable Member to the reply to question No. 1054, which was asked on the 14th March, 1929, on this subject.

**Mr. M. S. Aney :** May I ask the Honourable Member whether that reply gives any reasons against the points to which reference has been made by Colonel Gidney ?

**Sir Frank Noyce :** I must refer the Honourable Member to the answer itself.

**Lieut.-Colonel H. A. J. Gidney :** Considering the all-India importance of this subject, I desire to press this question for an answer. Will the Honourable Member please inform this House whether he is prepared to give an assurance on behalf of the Government to consult medical opinion in India before he takes any further steps in the construction of the Central Research Institute at Dehra Dun ?

**Sir Frank Noyce :** The question will be considered.

**Mr. Gaya Prasad Singh :** Is it not a fact that the papers available to the Standing Finance Committee did comprise some of the other papers which have become available since then ?

**Sir Frank Noyce :** I should like to know which papers the Honourable Member is referring to.

**Mr. Gaya Prasad Singh :** The volume of opinion which has grown in opposition to that scheme.

**Mr. K. C. Neogy :** Was the Report of the Fletcher Committee itself placed before the Standing Finance Committee ?

(Mr. President called on Mr. Kelkar to put the next question.)

#### OPINIONS RECEIVED ON THE RECOMMENDATIONS OF THE FLETCHER COMMITTEE ON THE ORGANISATION OF MEDICAL RESEARCH.

13. { **\*Mr. N. C. Kelkar :**  
**\*Mr. K. C. Neogy :**  
**\*Dr. B. S. Moonje :**  
**\*Mr. Fazal Ibrahim Rahimtulla :** } (a) Will Government be pleased to state if the Report of the Fletcher Committee has been circulated for opinion among the several Provincial Governments, Universities and the medical profession in the country ?

(b) If so, have such opinions been received, and will Government be pleased to lay on the table of the House a copy of any such opinions received ?

**Sir Frank Noyce :** (a) The Report has been published and copies have been supplied to all Local Governments, who will be consulted with reference to the recommendations that concern them. For the reasons given in answer to Mr. Aney's question No. 1054, asked in this House on the 14th March, 1929, it was not considered necessary to circulate the Report in order to elicit further professional or academic opinion.

(b) The question does not arise.

**Mr. K. C. Neogy :** Will the Honourable Member state whether the Report of the Fletcher Committee was made available to the members of the Standing Finance Committee when the question was placed before them for consideration?

**Sir Frank Noyce :** I cannot answer that question offhand, but I should be glad to find out and communicate with the Honourable Member.

**Lieut.-Colonel H. A. J. Gidney :** Has the Honourable Member received a communication from Bengal enclosing certain resolutions passed at an executive committee meeting of the All-India Medical Association held in Calcutta in July last, relating to this matter, and what action has the Honourable Member taken on that communication?

**Sir Frank Noyce :** The communication was received at the end of July and the matter is still under consideration.

**Mr. B. Das :** May I ask the Secretary for Education whether it is not brought to his knowledge by his Department what papers are placed before the Standing Finance Committee?

**Sir Frank Noyce :** I have little doubt that the Report of the Fletcher Committee was placed before the Standing Finance Committee, but, as I have said before, I would prefer not to answer the question definitely without making further inquiries.

**Mr. B. Das :** My question was whether the papers placed before the Standing Finance Committee by his Department are not perused by the Secretary of the Department?

**Sir Frank Noyce :** That is so, but unfortunately I was not then Secretary.

**Lieut.-Colonel H. A. J. Gidney :** May I ask the Honourable Member to give an assurance to this House that, before the Government of India take any further action, they will carefully consider the resolutions passed by the All-India Medical Congress on this subject?

**Sir Frank Noyce :** I have no doubt that the matter will be considered, but I am not in a position to give a definite undertaking on the subject.

**Lieut.-Colonel H. A. J. Gidney :** But, Sir, may I ask how can the matter be considered when the Government of India have already taken steps in regard to the construction of the Research Institute?

(No answer was given.)

#### LOCATION OF THE CENTRAL MEDICAL RESEARCH INSTITUTE.

- |     |                                                                                                                    |                                                                                                                                                                                |
|-----|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14. | {<br>*Mr. N. C. Kelkar :<br>*Mr. K. C. Neogy :<br>*Dr. B. S. Moonje :<br>*Mr. Fazal Ibrahim Rahimtulla :         } | (a) Will Government be<br>pleased to state whether it is<br>a fact that work has actually<br>been started for locating<br>the Central Medical Research Institute at Dehra Dun? |
|-----|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(b) If so, will Government be pleased to state the full details of any such work already started or to be started?

(c) Will Government be pleased to state the progress already made in the establishment of the Public Health Institute, out of the Rockefeller Endowment, at Calcutta?

(d) Will Government be pleased to state whether, in any case, they will not consider the advisability of watching the progress of the Public Health Institute to be established at Calcutta, for a sufficiently reasonable time, before undertaking the launching of any Central Medical Institute at Dehra Dun?

**Sir Frank Noyce :** (a) No.

(b) The first part of the question does not arise. As regards the second part, the Honourable Member's attention is invited to paragraph 27 of the proceedings of the meeting of the Standing Finance Committee, held on the 29th August 1928, and to the appendix referred to in that note. Copies of these proceedings will be found in the Library of the House. No further details as to the actual work to be started have yet been settled.

(c) Intimation of credit for the first instalment of the proposed grant has been received from the Rockefeller Foundation. The question of purchasing a site and construction of buildings will now be taken up.

(d) Government do not see any advantage in adopting the Honourable Member's suggestion. The two Institutes, although a part of one organic plan, are designed to serve entirely different purposes. The Medical Research Institute will devote itself mainly to pure research, while the Public Health Institute will provide instruction in the methods of preventive medicine. The research that will be carried on at the latter institute will mainly take the form of investigating the best ways of applying the results of pure research to the requirements of large units of population, both rural and urban.

**Mr. N. C. Kelkar :** What about the monies that have so far been expended on the location of the Institute at Dehra Dun?

**Sir Frank Noyce :** Nothing has so far been expended on the location of the Institute.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member state whether one of the reasons why Dehra Dun was selected was because it possessed an intellectual atmosphere?

**Sir Frank Noyce :** That is so. There are a number of scientific institutions already located there.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member give the name of the distinguished scientist who discovered this wonderful property in the atmosphere of Dehra Dun? Was he a member of the Fletcher Committee?

(No answer was given.)

RESULT OF REPRESENTATIONS RECEIVED FROM VARIOUS BODIES ON THE  
FLETCHER COMMITTEE'S REPORT.

15. { \*Mr. N. C. Kelkar :  
\*Mr. K. C. Neogy :  
\*Dr. B. S. Moonje :  
\*Mr. Fazal Ibrahim Rahimtulla : } (a) Have Government received detailed representations from the President of the Bombay Medical Union, the Secretary of the Central Provinces and Berar Medical Association, the Secretary of the Delhi Medical Association, the Andhra Medical Conference, and from other medical associations in the country, with regard to the recommendations of the Fletcher Report ?

(b) Will Government be pleased to state what effect, if any, has been given to these representations ?

**Sir Frank Noyce :** (a) Representations have been received from the Associations named in the question and from some other medical associations.

(b) The representations have been carefully considered, and Government hope to be able to announce their decision shortly.

**Mr. N. C. Kelkar :** May I ask whether these representations were sent to Government by these expert bodies of their own accord or whether reference was specifically made to them for their opinion ?

**Sir Frank Noyce :** They have sent them of their own initiative.

**Mr. N. C. Kelkar :** Did not Government think it necessary to refer the matter to them for expert opinion ?

**Sir Frank Noyce :** I have already pointed out the reasons why Government did not refer the Report of the Fletcher Committee for professional opinion.

**Lieut.-Colonel H. A. J. Gidney :** In view of the answer given by the Honourable Member, is it the intention of the Government of India to act contrary to the medical opinion of this country ?

**Sir Frank Noyce :** I cannot accept that view.

**Lieut.-Colonel H. A. J. Gidney :** Then what is your view ?

PROGRESS OF WORK ON THE CONSTRUCTION OF THE MIDDLE SIND RAILWAY.

16. \***Mr. Lalchand Navalrai :** (a) Is it a fact that the work on the Middle Sind Railway, which was commenced, has been stopped ?

(b) If so, will Government be pleased to state the reasons why the work has been stopped ?

(c) Will Government be pleased to state whether the work will be resumed, and if so, when ?

(d) Is the work to be carried on in sections ? If so, will Government be pleased to state when the work of the Tando Adam-Sakrand section will be taken in hand and completed ?

**Mr. P. R. Rau :** I presume the Honourable Member is referring to the Sind Left Bank Feeder Railways. It is not a fact that work thereon has been stopped. The intention is to carry it on in sections. Work on the first section from Mehrabpur to Padidan is now in progress, and work on

the Tando Adam-Sakrand section will probably be taken up in 1930 and completed in 1932.

EMPLOYMENT OF INDIAN ENGINEERS AND ARTISTS ON THE CONSTRUCTION  
AND DECORATION OF THE PROPOSED INDIA HOUSE TO BE BUILT  
IN LONDON.

17. \***Dr. B. S. Moonje :** (1) Will Government please state if it is a fact that a building called the India House is to be built in London, and if so, what is its estimated cost and which treasury, the Indian or the British, will pay the cost ?

(2) Will Government please supply information on the following points :

(a) who were the architects, Indian or British, who drew out a plan and architectural form of the building and what remuneration has been paid to them ;

(b) who is the engineer, Indian or British, in charge of the construction of the building, and what remuneration is estimated to be paid to him ?

(3) Do Government propose to engage Indian engineers and artists for the construction and for the decoration and fittings of the building, and if so, will they be paid at the rates prevailing in the British market in this respect ?

**The Honourable Sir George Rainy :** (1) "India House" is already under construction in London. The present estimated cost of the building is £324,220, which will be borne by Indian revenues.

(2) (a) The building has been designed by Sir Herbert Baker. The fee of the architect is fixed by the Royal Institute of British Architects as a percentage on the cost of construction. The percentage is six, and on this basis the architect's fee will be £17,653.

(b) Dr. Oscar Faber, Consulting Engineer to His Majesty's Office of Works, has been appointed Consulting Engineer for India House on a fee of 2 per cent. on the cost of the structure. On this basis his remuneration will amount to £5,884.

(3) State scholarships have recently been awarded by the Government of India to 4 Indian artists to undergo a course of 18 months' training in art in Europe. If these scholars make satisfactory progress in their studies and are otherwise found competent, they will be employed on the decoration of India House. The remuneration to be paid to them for their work on the decoration of India House has not yet been settled. No Indian engineers have been engaged.

**Dr. B. S. Moonje :** When the money is paid from the Indian Treasury, and there are engineering colleges in India, is it to be taken for granted that there are no competent Indian engineers to be put in charge of the construction of the building ?

**The Honourable Sir George Rainy :** When an important building is being erected in London, it is clearly advisable to employ highly qualified men who have had experience of building in London. As far as I am aware the High Commissioner did not draw our attention to the existence in London of Indian engineers of the requisite standing and experience.

**Dr. B. S. Moonje :** Are there no engineers in India, if not in England ?

**The Honourable Sir George Rainy :** It is a question of local conditions. When a very important building is being erected in London, I think it is advisable, in view of all the interests concerned, that the engineer selected should have local experience.

**Dr. B. S. Moonje :** Then, the money should have been paid from the British Treasury and not from the Indian Treasury.

**The Honourable Sir George Rainy :** I have said in my answer that the whole cost of the building will fall upon Indian revenues.

**Mr. Amar Nath Dutt :** Why was not the same principle adopted in the case of engineers selected for the buildings in Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** There are many Indian engineers employed on that work.

**Mr. Amar Nath Dutt :** I mean at the head.

**The Honourable Sir Bhupendra Nath Mitra :** They are not employed in subordinate capacities alone. All the officers were taken from the Indian services and the Indians employed are not employed in a subordinate capacity alone.

**Mr. Amar Nath Dutt :** May I know whether the engineers were Indians ? It is a misnomer to call it by the name of Indian service which applies to all Europeans who come here as members of the Indian service.

(No answer was given.)

**Pandit Hirday Nath Kunzru :** May I ask whether, before beginning the construction of the new "India House", the Secretary of State was asked to make over the India Office to the Government of India ?

**The Honourable Sir George Rainy :** Speaking from memory, I think not.

**Pandit Hirday Nath Kunzru :** Why was not such a request made to the Secretary of State before spending £300,000 on a new building ?

**The Honourable Sir George Rainy :** One reason given by the High Commissioner was that the India Office, even if it were available, would be entirely unsuitable for the work of his office and that of the Trade Commissioner.

**Pandit Hirday Nath Kunzru :** Was not the point gone into before the question of having a new building was decided ?

**The Honourable Sir George Rainy :** I cannot reply to that with sufficient accuracy without notice.

**Diwan Chaman Lall :** In what way would the India Office be unsuitable ?

**The Honourable Sir George Rainy :** In my opinion, one of the reasons is that it is very desirable that the Trade Commissioner should be a great deal nearer the City than the India Office is.

**Diwan Chaman Lall :** It only takes about 3½ minutes to the Strand from the India Office.

**The Honourable Sir George Rainy :** I bow to my Honourable friend's superior experience.

**Mr. Abdul Hays :** May I know whether suitable Indians will be employed for the work of decoration and fittings ?

**The Honourable Sir George Rainy :** In my answer to the last clause of the question I said that four Indians had been sent to England to undergo a course of training, and if they made satisfactory progress in their studies and were otherwise found competent, they would be employed in the decoration of the India House.

**Mr. Lalchand Navalrai :** May I know whether any inquiries were made to find competent Indian engineers conversant with local conditions in England ?

**The Honourable Sir George Rainy :** We were guided in that matter entirely by the advice of the High Commissioner, and I am quite certain that if he had been aware of an Indian engineer in London, who would have been suitable for the appointment, he would have been the first to recommend him.

**Mr. Lalchand Navalrai :** Has the Honourable Member any specific information on the point ?

**The Honourable Sir George Rainy :** I did not say that I had any specific information. I said that, so far as I was aware, there were no such Indian engineers in London.

**Kumar Ganganand Sinha :** What is the requisite qualification referred to ?

**The Honourable Sir George Rainy :** I do not recollect having referred to any special qualifications.

**Kumar Ganganand Sinha :** The Honourable Member referred to the high standard of qualification for the engineers which the Indians did not possess.

**The Honourable Sir George Rainy :** I used the word 'standing', not 'standard'. Of the requisite standing and experience.

#### REASON FOR THE GRANT OF SPECIAL CONCESSIONS TO THE SWEDISH MATCH COMPANY.

18. **\*Dr. B. S. Moonje :** (a) Will Government be pleased to state how many registered match companies there are in India and how many of them are Indian and how many non-Indian ?

(b) Is it a fact that the Swedish Match Company is not registered in India, and yet special concessions have been given to the Company by the Railway Companies and the Forest Departments, and if so, will Government please state in detail the nature of the concessions given ?

(c) Is it also a fact that a further concession has been made to the Swedish Match Company in that the revenue duty of Re. 1-8-0 for matches has been converted into a protective duty ?

(d) If the replies to parts (b) and (c) are in the affirmative, will Government be pleased to state the reasons for making such concessions to a foreign non-Indian non-British Company ?

LUCPB(LA)

(e) Have similar concessions been given to the Indian Companies, and if not, do Government propose to give similar concessions to them in the interests of the promotion of Indian industries ?

**The Honourable Sir George Rainy :** (a) There are thirty match companies in India and all are registered Indian Companies.

(b) and (e). Since the Honourable Member gave notice of his question, the Swedish Match Company has been registered in India as the Western India Match Company, with rupee capital and Indian Directors. No distinction is drawn between the Western Indian Match Company and other Indian Companies in regard to the grant of special rates by the Railways or of forest concessions by Local Governments.

(c) The revenue duty previously levied on imported matches has been converted into a protective duty. The benefit of this duty is enjoyed by all match manufacturers in India without distinction.

(d) Does not arise.

**Dr. B. S. Moonje :** Were any special concessions given to the Swedish Company before it was registered in India ?

**The Honourable Sir George Rainy :** No, Sir.

#### RECRUITMENT OF ARCHITECTURAL ENGINEERS FROM ENGLAND FOR SERVICE IN INDIA.

19. **\*Dr. B. S. Moonje :** (a) Will Government be pleased to state how many architectural engineers have been recruited in England for service in India every year during the last five years ?

(b) What recruiting agency has been employed, and which is the authority that finally selects the candidates for appointment as architectural engineers for service in India ?

(c) What are the qualifications fixed for such candidates ?

(d) How many of these are Indians and how many Europeans ?

(e) Are Government aware that there is serious discontent amongst Indian students in connection with the selection of candidates in England for service in India as architectural engineers ?

(f) Do Government propose to entrust the selection of such candidates to the Public Service Commission in India ? If not, why not ?

(g) Do Government propose so to modify or add to the courses of studies in the Indian Civil Engineering Colleges as to ensure a sufficient number of fully qualified Indian students being turned out to fill these posts, so that there may be no need to import candidates from outside India ?

**The Honourable Sir Bhupendra Nath Mitra :** As Government architects serving in the provinces are employed in Departments under the control of Ministers, the decision on all questions relating to their recruitment and qualifications rests wholly with the Governor of the province concerned, acting with his Ministers. Consequently, the Government of India have no information such as would enable them to reply to the question in so far as it relates to officers serving under Provincial Governments, nor do they consider it desirable to make inquiries in the matter. A few architects have, however, been engaged for service under the

Central Government in the past, and the replies below relate to such officers :

(a) Two in 1928 and none in any other year.

(b) The recruiting agent is the High Commissioner for India, which authority also finally selects the candidates.

(c) No special qualifications are laid down, but the candidates are required to possess sound practical experience of their profession.

(d) Both officers are Europeans.

(e) No.

(f) If it is found necessary in future to recruit architects for employment under the Central Government, the suggestion will be considered.

(g) The Government of India have no control over the courses in the Indian Civil Engineering Colleges, which are controlled by the Governors of the provinces concerned, acting with their Ministers.

#### OUTFIT ALLOWANCES GRANTED TO OFFICERS OF THE INDIAN TERRITORIAL FORCE AND THE AUXILIARY FORCE.

20. **\*Dr. B. S. Moonje :** (a) Will Government be pleased to state what outfit allowances are granted, and under what rules, to the different officers of the Indian Territorial Force and the Auxiliary Force ?

(b) Are there different sets of rules in the matter of outfit allowances for the Indian Territorial Force and the Auxiliary Force, and if so, what are the reasons for differentiation, and will Government be pleased to lay these rules on the table of the Assembly for the information of the House ?

(c) Is it a fact that the officers of the Indian Territorial Force are entitled to only Rs. 300 for outfit allowance, while officers of the Auxiliary Force receive Rs. 700 to Rs. 800 per head for the same ? If so, what are the reasons for such differentiation ?

**Mr. G. R. F. Tottenham :** (a) Under paragraph 166 of the Regulations for the Auxiliary Force, a King's Commissioned Officer of the Auxiliary Force (India) is eligible for an outfit allowance of Rs. 300. A Senior Grade Officer of the Indian Territorial Force also receives an outfit allowance of Rs. 300. A Junior Grade Officer, who requires a far less expensive outfit, receives an allowance of Rs. 160 plus a maintenance allowance of Rs. 5 per month.

(b) The rules applicable to the two forces are different, but their effect, as I have shown, is precisely the same. I will supply the Honourable Member separately with copies of the Government letters sanctioning outfit allowances to Indian Territorial Force Officers.

(c) No, Sir. The Honourable Member is possibly thinking of the additional outfit allowance of Rs. 400, which was formerly, but is no longer, admissible to an officer of the Auxiliary Force, who subsequently joined the Army in India-Reserve of Officers. This additional allowance has now been reduced to Rs. 100 and is admissible to officers of both the Auxiliary



Force and the Territorial Force if they join the Army in India Reserve of Officers.

#### TRAINING OF INDIANS AT SANDHURST IN DEPARTMENTS OTHER THAN CAVALRY AND INFANTRY.

21. \***Dr. B. S. Moonje** : (a) In what departments of military training other than that of cavalry and infantry are British students trained for commissions in the Royal Military College, Sandhurst ?

(b) Are Indian students eligible for training for commissions in those departments also ?

**Mr. G. R. F. Tottenham** : (a) and (b). The Honourable Member appears to be under the impression that different types of training are provided at Sandhurst according to the branch of the service that the cadet wishes to join. This is not the case. The training at Sandhurst is uniform for all branches of the service, and is precisely the same for all cadets, both British and Indian. Thus a British cadet may go into the cavalry, the infantry, the Royal Tank Corps, or, eventually, into other branches of the British Army, such as the Royal Army Service Corps. Similarly, an Indian cadet may go into the cavalry or infantry or, eventually, into other branches of the Indian Army, such as the Indian Army Service Corps. There is no Indian Tank Corps at present, but the formation of Indian Armoured Car companies, for which Indians will be eligible, is now under consideration with the Secretary of State.

**Dr. B. S. Moonje** : Is an Indian cadet allowed to go into the Tank Corps ?

**Mr. G. R. F. Tottenham** : An Indian cannot join the Royal Tank Corps, because the Royal Tank Corps is a British unit. An Indian cannot join a British Tank unit any more than an Indian can join the Royal Artillery.

**Dr. B. S. Moonje** : Are means of education provided for training in Tank Corps for admission into Indian Tank Corps, for which an Indian is supposed to be eligible ?

**Mr. G. R. F. Tottenham** : Yes, but an Indian is not eligible for the Royal Tank Corps.

**Pandit Hirday Nath Kunzru** : Is the Honourable Member aware that the Skeen Committee recommended that Indians should be admitted into the Royal Tank Corps ?

**Mr. G. R. F. Tottenham** : No, Sir.

**Pandit Hirday Nath Kunzru** : Is not the Honourable Member aware of it ?

**Mr. G. R. F. Tottenham** : No, Sir.

#### FORMATION OF AN INDIAN AIR SQUADRON AND TRAINING OF INDIANS THEREFOR.

22. \***Dr. B. S. Moonje** : (a) How many commissioned and non-commissioned officers and other ranks are required for the formation of one Indian Air Squadron ?

(b) How many Indians are yearly recruited for commissioned and non-commissioned officers and other ranks for an Indian Air Squadron and what facilities have been provided for the proper and adequate training of non-commissioned officers and other ranks ?

(c) What is the estimate of the number of years required for complete Indianisation of an Indian Air Squadron at the present rate of recruitment ?

**Mr. G. R. F. Tottenham** : (a) The details of the organisation of an Indian Air Squadron have not been settled. Presuming, however, that it would have the same organisation and establishment as a squadron of the Royal Air Force, its strength would be as follows :

20 Officers,

30 Non-commissioned officers, and

171 Other ranks.

(b) As the Honourable Member is aware, six vacancies at the Royal Air Force Cadet College at Cranwell were allotted for competition among Indians at the examination held in November 1928 and again at the examination held in June last. The results of the last examination have not yet been received, but no Indian has yet passed into Cranwell ; and therefore no non-commissioned officers or other ranks have yet been recruited. As soon as the number of Indians required to form the nucleus of the officer ranks enter Cranwell, arrangements will be made at the Aircraft Depot at Karachi to train the requisite number of artisans to complete the personnel of the first Indian Flight, and as soon as the Indian cadets have completed their two years training at Cranwell the Flight will be formed.

(c) The Honourable Member will realise that I am in no better position than he is himself to answer this question. I may say, however, that, in the Royal Air Force, it has been found that it takes an officer at least 15 years from the date of his commission to acquire the training, efficiency and experience required to justify his promotion to command an Air Squadron.

#### PROVISION OF FANS FOR GUARDS IN THE EAST INDIAN RAILWAY.

23. \***Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Are the guards on the East Indian Railway, who have to travel long distances at a stretch in the trains, provided with fans in their vans ?

(b) If not, do Government contemplate considering the question of providing such fans ?

**Mr. P. R. Rau** : (a) No.

(b) Government are not satisfied that there is any necessity for this.

#### HOURS OF DUTY OF, AND ACCOMMODATION PROVIDED FOR, CONDUCTOR GUARDS ON THE EAST INDIAN RAILWAY.

24. \***Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) What are the hours of duty of conductor guards on the East Indian Railway, who generally travel in night trains ?



(b) If there is no provision for specific accommodation, do Government propose to consider the desirability of providing such accommodation?

**Mr. P. R. Rau :** (a) From 6 to 8½ hours.

(b) Government consider it impracticable to provide special compartments for Conductor Guards in trains composed of non-corridor carriages.

#### DEFECTIVE LAVATORY ARRANGEMENTS PROVIDED FOR GUARDS ON THE EAST INDIAN RAILWAY.

25. \***Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Are the commodos provided for railway guards sufficiently protected from public gaze? If not, do Government propose to take steps to rectify the defect?

**Mr. P. R. Rau :** The answer to the first part of the question is, I understand, in the affirmative. The second does not arise.

#### INCOME AND EXPENDITURE OF THE TRUNK TELEPHONE SYSTEM.

26. \***Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Will Government be pleased to lay on the table a statement showing the income and the expenditure on the trunk telephone system?

(b) Is it a fact that in some cases it is cheaper to use the telephone than to send an inland telegraphic message?

(c) What is the minimum charge for a call on the trunk telephone system?

(d) Should the expenditure on the trunk telephone system be more than the income? Are Government prepared to take steps to make the telephone system pay its own way by fixing the minimum charge for a telephone call at annas 12, the minimum charge for sending an ordinary telegram?

**Mr. P. G. Rogers :** (a) The income derived from trunk call fees during 1927-28 was Rs. 10,50,771. The expenditure on the trunk telephone system cannot be furnished separately, as the lines are used for other purposes also.

(b) Yes.

(c) Three annas for a radial distance of 12½ miles.

(d) No. The existing system is similar to the systems in force in other countries.

#### PROVISION OF WIRE NETTING FOR WINDOWS OF THE WESTERN HOSTEL, NEW DELHI.

27. \***Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Are Government aware that the windows of the Western Hostel, New Delhi, are dangerously situated, being much too low and practically on the same level as the bedsteads in the different rooms?

(b) Do Government propose to wirenet these windows to prevent accidents happening?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Government are aware that there are some bed-rooms in the Western Hostel which have sills which are 24½ inches from the floor level, but they do not consider them dangerous. A bar will, however, be put across the windows at a height of 3 feet for the benefit of residents who may experience a feeling of vertigo when looking out of the windows. (Laughter.)

**Lieut.-Colonel H. A. J. Gidney :** Is the Honourable Member aware of the fact that most of the rooms on the ground floor of Western Hostel have no windows and are in consequence very unhealthy? In other words, it is a question of pure air in the rooms *versus* thefts of Members' property?

**The Honourable Sir Bhupendra Nath Mitra :** I submit, Sir, that that question does not arise out of the main question. If the Honourable Member will kindly put down that question on paper, I shall give it the most serious consideration possible. (Hear, hear.)

#### NUMBER OF THEFTS COMMITTED IN NEW DELHI DURING THE LAST ASSEMBLY SESSION.

28. **Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Are Government aware that thefts and burglaries are very common in New Delhi, especially in the latter part of the Assembly Session?

(b) Will Government be pleased to lay a statement on the table showing the number of thefts committed in New Delhi during the last Session, making it clear at the same time as to how many of such thefts have been detected?

**The Honourable Sir James Crerar :** (a) There has been a regrettable number of thefts and burglaries in New Delhi, and this year, certainly, they were specially numerous during the latter part of the Assembly Session.

(b) During the last Session there were 41 true cases of theft within the New Delhi Police Station. Of these, 15 cases have been sent for trial; in 7 cases convictions were obtained; in one the accused was acquitted; and 7 cases were still pending on the 9th of August.

**Mr. Gaya Prasad Singh :** Are these burglaries in any way connected with the presence of Honourable Members of this House there? (Laughter.)

(No answer was given.)

#### APPOINTMENT OF WHOLE-TIME LAWYERS ON THE EAST INDIAN RAILWAY.

29. \***Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Will Government be pleased to lay a statement on the table showing the number of counsels, solicitors and vakils retained by the East Indian Railway, specifying at the same time the stations at which these gentlemen work?

(b) Will Government be pleased to state if any of these lawyers are whole-time men?

(c) If the lawyers are not whole-time men, are Government prepared to consider the desirability of maintaining whole-time men ?

**Mr. P. R. Rau :** (a) and (b). The East Indian Railway retain three Counsel at Calcutta.

As solicitors the Railway Administration employ a firm established in Calcutta, but no retainer is paid.

No vakils are retained either in the Calcutta or in the mofussil courts. Where legal proceedings are not conducted by Government advocates or Government pleaders, the Railway Administration selects other pleaders or vakils. These are not specially retained by the Administration. The staff of the Agent's office includes one vakil, who is a whole-time servant of the railway.

(c) The Agent, East Indian Railway, reports that the existing arrangements are satisfactory. Government see no reason to alter them.

**Lieut.-Colonel H. A. J. Gidney :** What is the average annual amount of money paid by the East Indian Railway to its legal advisers ?

**Mr. P. R. Rau :** I am afraid I did not catch the question, Sir.

**Mr. President :** Mr. Anwar-ul-Azim.

#### PROVISION OF SAFER DOORS TO CARRIAGES ON THE BOMBAY, BARODA AND CENTRAL INDIA AND EASTERN BENGAL RAILWAYS.

30. **\*Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Are Government aware that the doors of railway carriages on the Bombay, Baroda and Central India and Eastern Bengal Railways open outwards and are most dangerous from the point of view of public safety ?

(b) Do Government propose to take steps to rectify this ?

**Mr. P. R. Rau :** Government are aware that the doors of many of the carriages on the Bombay, Baroda and Central India and Eastern Bengal Railways open outwards ; but they are informed that, on most of the railways on the Continent of Europe and Great Britain, the arrangement is the same ; and they cannot therefore agree that such doors are dangerous from the point of view of public safety.

#### PROVISION OF FANS IN INTERMEDIATE AND THIRD CLASS COMPARTMENTS OF STATE RAILWAYS.

31. **\*Mr. Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi) : (a) Are Government aware that passengers travelling in intermediate and third class carriages are subjected to great hardships owing to the want of fans ?

(b) Do Government propose to take steps to provide fans in the intermediate and third class compartments in all the State Railways ?

**Mr. P. R. Rau :** I would refer the Honourable Member to the replies given by Mr. Parsons to Khan Bahadur Sarfaraz Hussain Khan's questions Nos. 1160 and 1161 on the 25th March 1927.

#### ACTION OF CERTAIN RAILWAY SERVANTS, CAUSING DISCOMFORT TO THE WIFE AND FAMILY OF KHWAJA HASAN NIZAMI SAHIB AT THE DELHI RAILWAY STATION.

32. **\*Maulvi Muhammad Yakub :** (a) Has the attention of Government been drawn to an editorial note published in the *Himmat* of Lucknow, dated the 23rd June 1929 (page 3), relating to the misbehaviour of one Hindu and two Anglo-Indian railway servants towards the famous religious leader and distinguished author of the day, namely, Khwaja Hasan Nizami Sahib, at the Delhi Railway Station ?

(b) Is it a fact that the wife and children of the Khwaja Sahib were removed from a second class compartment in order to make room for some Anglo-Indian ladies ?

(c) Is it also a fact that one of the children, who was removed from the compartment, was ill and that it caused him great trouble to be removed from one compartment to another ?

(d) Is it also a fact that the Khwaja Sahib had a five-seated second class compartment reserved three days before he started on his journey ?

(e) What steps were taken by the railway authorities against the servants concerned and if none, why not ?

(f) Are Government prepared to inquire into the matter and furnish a satisfactory answer ?

**Mr. P. R. Rau :** (a) Yes.

(b) to (d). The information furnished by the Agent of the North Western Railway shows that Khwaja Hasan Nizami Sahib wrote to the Station Superintendent, Delhi, on the 5th June for six second class berths to be reserved for him on 7th June from Delhi to Hyderabad (Deccan), and that a reply was sent to him the same day saying that the accommodation would be reserved if available, but could not be guaranteed.

On arrival of the train at Delhi 12 second class berths were available, eight in one compartment and four in another. Reservations had been booked at Delhi for 16 berths in all. The compartment with 8 berths was labelled as reserved for a party of 9 who had applied for reservation prior to Khwaja Hasan Nizami Sahib, but it was occupied by the Khwaja Sahib's party before the arrival of the passengers for whom it had been reserved, the Khwaja Sahib apparently not having noticed that the reservation label bore another person's name.

The Station Master was sent for and explained that the compartment had been reserved for another party, and that those for whom second class accommodation was not available could be accommodated in the first class on payment of the difference of fares.

The station staff state that it was not brought to their notice that one of the children was ill.

(e) The Divisional Superintendent, North Western Railway, Delhi, investigated the matter and found that the Khwaja Sahib's party were accommodated to the best advantage in the circumstances, and that there was no irregularity committed by the station staff, and an explanatory reply was sent on 18th July to a letter of complaint which had been received by the Divisional Superintendent.

(f) It does not appear that any further inquiry by Government is necessary.

(c) If the lawyers are not whole-time men, are Government prepared to consider the desirability of maintaining whole-time men ?

**Mr. P. R. Rau :** (a) and (b). The East Indian Railway retain three Counsel at Calcutta.

As solicitors the Railway Administration employ a firm established in Calcutta, but no retainer is paid.

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(f) It does not appear that any further inquiry by Government is necessary.

NUMBER OF NOTICES ISSUED TO REGISTERED FIRMS FOR RENEWALS IN SIND  
IN THE YEARS 1927-28 AND 1928-29.

36. \*Mr. Lalchand Navalrai : Will Government be pleased to state the number of cases in the years 1927-28 and 1928-29, in all Income-tax offices in Sind in which, in pursuance of the instructions given to them by the Central Board of Revenue (as stated in answer to paragraph 1 of my question No. 139 put on 5th September 1928), they issued notices to the registered firms for renewals ?

The Honourable Sir George Schuster : In order that I may be able to answer this question clearly it is necessary for me to explain the present position which is as follows :

With the object of saving firms from losing the privilege of registration through oversight, the Central Board of Revenue issued orders in 1926 incorporating, in the form of notice calling for the return of income, an additional paragraph which runs :

" If you wish your firm registered or re-registered under section 2 (14) of the Act and rules 2 to 6, an application signed by one or more of the partners, in the form and with the accompaniments prescribed in the rules, may be submitted at any time before the assessment is made. It is desirable, however, that it should accompany your return of income."

This notice is, therefore, issued in all cases.

The Board also issued instructions to the effect that, where a firm which had been registered in the previous year did not submit an application with its return of income for renewal of registration, the Income-tax Officer should ascertain whether the omission was intentional. No special procedure was prescribed for doing this, it being left to the discretion of the Income-tax Officer how he should satisfy himself that the omission to apply for registration was intentional.

It will be observed that this additional instruction to the Department was not to the effect that a second notice should be issued asking whether the firm desired to be registered, but to the effect that the Income-tax Officer should ascertain and satisfy himself that firms which had not applied for renewal of registration did in fact not wish to be re-registered. The Government have, as a result of inquiries made since this question was put, ascertained that the orders of the Board were misconstrued in Sind and that the amendment of the notice calling for a return of income was interpreted as cancelling the orders (issued a few days earlier) that the Income-tax Officer should personally ascertain from the assessee whether the omission to apply for registration was intentional. The Government regret that this error was not previously brought to light and suitable instructions for its correction have now been issued.

Mr. E. L. Price : I want to ask a supplementary question, Sir. I understood Sir George Schuster to say that the firms have to supply the Income-tax Officer merely with a statement. May I inform Sir George Schuster that the Income-tax Department in Karachi always insist on the actual stamped partnership deed, which is a sort of document that people are unwilling to part with for long periods. I have known.....

Mr. President : Order, order. The Honourable Member must put a supplementary question and not make a statement.

NUMBER OF FIRMS IN SIND NOT GIVEN THE BENEFIT OF REGISTRATION FOR  
WANT OF APPLICATIONS IN THE YEARS 1927-28 AND 1928-29.

37. \*Mr. Lalchand Navalrai : Will Government be pleased to lay on the table a statement showing separately, for the years 1927-28 and 1928-29, for the "A" and "B" Divisions of Karachi City and the other charges of the respective Income-tax offices in Sind, the number of "registered firms" which were not given the benefit of registration in these years for want of applications for "renewals" ?

The Honourable Sir George Schuster : A statement is laid on the table.

Statement showing number of registered firms which were not given the benefit of registration for want of applications for renewals in Sind during 1927-28 and 1928-29.

| Name of Circle.       | 1927-28. | 1928-29. |
|-----------------------|----------|----------|
| Karachi . . . . .     | 14       | 15       |
| Hyderabad . . . . .   | Nil.     | Nil.     |
| Sukkur . . . . .      | "        | "        |
| Shikarpur . . . . .   | "        | "        |
| Thar Parkar . . . . . | "        | "        |
| Larkana . . . . .     | "        | "        |
| Total . . . . .       | 14       | 15       |

RETENTION FOR LONG PERIODS BY INCOME-TAX OFFICERS OF PARTNERSHIP  
DEEDS SENT TO THEM FOR REGISTRATION.

38. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state what instructions have been issued to the Income-tax Officers regarding the custody of deeds of partnership forwarded by firms for registration under section 2 (14) of the Act and rules framed under section 59 ?

(b) Are Government aware that the partnership deeds are retained by Income-tax Officers for long periods even after the assessment matters of "registered firms" have been decided ?

(c) Do Government propose to issue instructions that they should be returned early ?

The Honourable Sir George Schuster : (a) It is not clear what the Honourable Member means by the word "custody", that is, whether "safe-keeping" or "retention", a matter referred to in parts (b) and (c) of the question. If the word is used in the former sense, no rules have been issued nor, so far as the Government are aware, are any necessary. If in the latter sense, the Honourable Member is referred to rules 3 and 4 of the Indian Income-tax Rules which lay down that when an application for registration is made the assessee must present either the original deed of partnership, together with a copy, or a certified copy of the deed, together with a copy. After entering on the original deed or the certified copy a certificate in a prescribed form, and after signing and dating such certificate, the original deed or the certified copy must be returned to the assessee, the copy or duplicate copy, as the case may be, being retained by the Income-tax Officer.

(b) and (c). The Government of India are not aware that the rules on the subject are not being followed, and they have therefore no reason for issuing any instructions in the matter. But, if the Honourable Member knows of any definite case in which an Income-tax Officer has not observed the rules, they would be glad if he would bring it to the notice of the Commissioner of Income-tax concerned.

**Mr. Lalchand Navalrai :** What I meant by the word "custody" was keeping back in their possession. The partnership deeds are kept for a long time in possession of the Income-tax Officers and that causes.....

**Mr. President :** Order, Order. What is the question ?

**Mr. Lalchand Navalrai :** The question is why they should be allowed to be kept. In any case, is the Honourable Member prepared to give instructions to the Income-tax Officers to return them as soon as they possibly can ?

**The Honourable Sir George Schuster :** I think I may say that, in my answer, I dealt with every conceivable alternative interpretation of the Honourable Member's question, and I have already told him that if he knows of any definite case in which deeds have been kept longer than they should have been kept, I should be very glad if he would bring it to my notice so that suitable instructions could be issued.

NUMBER OF APPLICATIONS UNDER SECTION 27 OF THE INCOME-TAX ACT RECEIVED IN EACH OF THE INCOME-TAX OFFICES IN SIND IN 1927-28 AND 1928-29.

39. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state for each of the Income-tax offices in Sind how many applications under section 27 of the Act were received during the years 1927-28 and 1928-29 and how many of these were rejected ?

**The Honourable Sir George Schuster :** A statement is laid on the table.

*Statement showing the number of applications made under section 27 of the Income-tax Act in Sind for the years 1927-28 and 1928-29 and the number of applications rejected.*

| Name of the Income-tax Office. | 1927-28.               |                        | 1928-29.               |                        |
|--------------------------------|------------------------|------------------------|------------------------|------------------------|
|                                | Applications received. | Applications rejected. | Applications received. | Applications rejected. |
| Karachi City . . . . .         | 49                     | 37                     | 96                     | 72                     |
| Karachi District . . . . .     | 34                     | 26                     | 51                     | 48                     |
| Hyderabad . . . . .            | 86                     | 59                     | 45                     | 35                     |
| Sukkur . . . . .               | 18                     | 13                     | 24                     | 11                     |
| Shikarpur . . . . .            | 3                      | 2                      | 26                     | 20                     |
| Larkana . . . . .              | 24                     | 15                     | 18                     | 16                     |
| Nawabshah . . . . .            | 8                      | 7                      | 8                      | ..                     |
| Thar Parkar District . . . . . | 40                     | 19                     | 64                     | 56                     |
| Total . . . . .                | 262                    | 178                    | 332                    | 252                    |

NUMBER OF NOTICES, ASSESSMENTS AND APPEALS IN CERTAIN CASES IN EACH OF THE INCOME-TAX OFFICES IN SIND IN 1927-28 AND 1928-29.

40. **\*Mr. Lalchand Navalrai :** Will Government be pleased to obtain and lay on the table a statement for each of the Income-tax offices in Sind the following information for each of the two years, 1927-28 and 1928-29 :

- Number of assesseees to whom notices under section 22 (2) were issued—Hindus, Mahomedans, Christians and others ;
- Number of cases in which assessments were made by Income-tax Officers under section 23 (4)—Hindus, Mahomedans, Christians and others ; and
- Number of cases in which appeals were filed—Hindus, Mahomedans and Christians—and how many were decided in favour of the appellants ?

**The Honourable Sir George Schuster :** I regret that I cannot comply with the Honourable Member's request. The compilation of the statistics asked for would involve a very considerable waste of time for the officials concerned and would not be justified in the public interest. I am unable, therefore, to direct that it be undertaken.

#### SHORT NOTICE QUESTIONS AND ANSWERS.

ALLEGED UNDERTAKING GIVEN BY THE GOVERNMENT OF INDIA, TO THE SECRETARY OF STATE, REGARDING THE PUBLIC SAFETY BILL.

**Diwan Chaman Lall :** (1) Will Government state whether any undertaking was given to the Secretary of State for India on behalf of the Government of India in regard to the Public Safety Bill as stated in the Press ?

(2) Will Government state whether it is a fact that the Secretary of State for India sanctioned the change in the rules governing the conduct of business of the Legislative Assembly relating to the power of the President to prevent or delay the making or discussion of a motion relating to a Bill, on the express understanding that the Public Safety Bill would not be proceeded with ?

(3) Will Government state whether it is their intention to proceed with the Public Safety Bill ? If the reply to this question is in the negative, will Government state whether the situation in India has so altered as to make it unnecessary for the Government to proceed with the Public Safety Bill, and whether, and if so what, circumstances have arisen under which the Government have been compelled to alter their decision to proceed with the Public Safety Bill ?

**The Honourable Sir James Crerar :** (1) and (2). I am not aware of the statement in the Press to which the Honourable Member refers ; but if the alleged undertaking is that mentioned in part 2 of the question, the reply is that no such condition was suggested or imposed.

(3) Government are advised that the ruling of the Honourable the President, given on 11th of April 1929, is still operative and precludes the resumption of the discussion of the motion that the present Bill,

at present book through to Ootacamund and travel first class on the Mountain Railway without extra charge.

(d) to (g). Lavatory accommodation is not provided on any of the rolling stock on the Nilgiri Railway owing to the limited number of coaches and passenger accommodation rendered necessary by the steep grades on this line, but lavatories are provided at Mettupalaiyam, Hillgrove, Coonoor and Ootacamund stations, the run between these stations being 1½ hours, 1 hour and 1¼ hours, respectively. I am informed that the question of providing lavatory accommodation both in first and third class carriages was again considered recently; but owing to the resulting reduction in seating accommodation, which in the busy season is barely sufficient, and to the fact that lavatories are provided at the above mentioned stations, such provision in the coaches was not considered necessary.

PROVISION OF SUITABLE WAITING ROOMS FOR PILGRIMS AND FOR FIRST AND SECOND CLASS PASSENGERS AT PALNI STATION ON THE SOUTH INDIAN RAILWAY.

3. Mr. C. S. Ranga Iyer : (1) Are Government aware :

(a) that during the festivals at Palni station on the South Indian Railway low thatched sheds are erected to accommodate passengers ?

(b) that the said sheds are not cleaned or swept ?

(c) that the ordinary waiting room for third class passengers does not accommodate the pilgrims even on ordinary days ?

(2) Are Government prepared to take steps to construct a large waiting room for the pilgrims who go to Palni by train ? If not, why not ?

(3) Are Government aware that there is no waiting room for 1st and 2nd class passengers in Palni station ? Do Government propose to construct one ? If not, why not ?

Mr. P. B. Rau : 1. (a) From information furnished by the Agent of the South Indian Railway, it has been ascertained that during festival times thatched sheds are erected for the accommodation of the pilgrims and that these sheds are sufficiently high for the convenience of the occupants.

(b) Special sweepers are appointed to keep these sheds clean and they are swept out each time the pilgrims vacate them.

(c) A new station building is to be built at Palni and will include a 3rd class waiting hall large enough for ordinary requirements.

2. In addition a large permanent waiting hall for use during festival times is being provided.

3. The arrangements in the new station which is to be constructed, include a waiting room for 1st and 2nd class passengers.

NUMBER OF STOCK RAISED, AND COST OF ADMINISTRATION OF THE ARMY REMOUNT DEPÔT AT SARGODHA.

4. Sardar Gulab Singh : Will Government be pleased to lay on the table a statement showing year by year, since 1906, in the Sargodha Colony of the Circle Army Remount :

- (1) what number of young stock had been produced by the Ghoripal zamindars yearly ;
- (2) what number of young stock had been purchased by the Government and what number refused and for what reasons ;
- (3) what was the amount of fines imposed yearly on Ghoripals on account of negligence in their duties ;
- (4) what amount of land was resumed temporarily on remount complaints yearly ;
- (5) what amount of land was resumed due to the remount complaint and given on lease and what amount of this lease money is credited to the Government and what amount paid to the tenants ;
- (6) what amount of land was given yearly on lease to minors and were all such minors paid their lease money at the time of their attaining their majority ;
- (7) what amount of money has the Circle Army Remount, Sargodha, been spending yearly since 1906 ;
- (8) what amount of canal land has been given to the Army Remount, Sargodha, to support and what is the annual income therefrom ;
- (9) is there one, Malik Alam Sher, an Indian Officer, who has been working for the last four or five years in the Circle Army Remount Depôt, Sargodha, and are Government aware of the fact that the zamindars are discontented with his behaviour ? If so, why has he not been transferred as yet under the three years' rule of transfer ;
- (10) is there one, Ilam Din, an Inspector, who has been working in the Sargodha Colony for the last 20 years ? If so, why has he not been transferred as yet ?

Mr. G. R. F. Tottenham : (1) to (7). The collection of the information required would involve a minute search into voluminous records extending over a period of 23 years and would entail an amount of time and labour which, in the opinion of Government, would not be commensurate with the result.

(8) Unless the Honourable Member can specify the land he refers to with more precision, I am afraid I cannot give him the information he requires.

(9) The answer to the first portion is in the affirmative. Government have received no complaints from the zamindars regarding this officer's behaviour. The concluding portion of the question does not arise, but I may inform the Honourable Member that there is no rule under which Indian officers of the Army Remount Department must be transferred after they have completed 3 years in one appointment.

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(10) Yes. He has been retained in his present appointment for administrative reasons.

**AMOUNT OF MONEY EXACTED FOR LAND BY THE MILITARY AUTHORITIES FROM THE GOVERNMENT OF BOMBAY.**

5. **Mr. E. L. Price :** Will Government be pleased to state :

- (a) whether before the Government of India Act (1919) the Military Department ever received money for lands from the Civil Department ;
- (b) what moneys the Military Department has exacted for lands from the Government of Bombay since the Government of India Act (1919) came into operation ; and
- (c) how such moneys have been accounted for in the Budget, *i.e.*, whether they have been shown as actual receipts or only utilised to reduce the gross military expenditure published ?

**Mr. G. R. F. Tottenham :** (a) When transfers of land took place before 1919, the rules provided for payments to be made from Imperial to Provincial revenues, and *vice versa*, with due regard to the circumstances in which the occupation of the property originated and to the expense which the transferring Government had to incur as a direct consequence of the transfer. Under these rules I have no doubt that instances occurred in which the Military Department received payment for lands transferred to local Governments.

(b) Since 1919, and the separation of Central and Provincial revenues that then took place, the rules regulating the transfer of land between the Central and Provincial Governments have necessarily taken a more commercial complexion. There have been many transactions since 1919 both in lands, and also in lands and buildings, between the Government of India and the Government of Bombay. I have attempted to ascertain the amount received by each party as a result of these transactions, but I find that it would be impossible to give figures without a very great deal of labour. I may, however, assure the Honourable Member that there has never been any question of exacting money from the Government of Bombay. No Local Government can be compelled to assume possession of land against its will, and if the Government of India have received considerable sums from the Government of Bombay for surrendered land, it is equally true that the Government of Bombay have received large amounts from the Government of India for land acquired by them.

(c) When money is received by the Government of India in return for the surrender of military land and buildings, it is either credited to a special account, which is drawn upon as required to provide funds for expenditure on new buildings elsewhere, or in some cases, with the concurrence of the Local Government, a Special Land Exchange Scheme is agreed upon, under which the proceeds of a particular surrender are devoted to the provision of a particular new site and the erection of the necessary buildings thereon. The special account referred to is maintained outside the Army Estimates, but any withdrawals from it are displayed on the receipt side of the Budget. In the same way, expenditure under any special Land Exchange Scheme is shewn on the

expenditure side of the Budget and is counterbalanced by equivalent payments shewn either on the receipt side, or by deduction from expenditure. In other words, the gross military expenditure and receipts are increased, while the net grant remains unaffected.

**UTILISATION OF PROFITS EARNED BY CANTONMENTS.**

6. **Mr. E. L. Price :** Will Government be pleased to state :

- (a) whether cantonments are administered as profit-earning concerns generally or only in Karachi ; and
- (b) how such profits are accounted for in the Budget, *i.e.*, whether they are shown as actual receipts or only utilised to reduce the gross military expenditure published ?

**Mr. G. R. F. Tottenham :** (a) No cantonment is administered as a profit-earning concern, but every cantonment like every other municipal administration, is expected to be self-supporting so far as possible.

(b) Cantonment Funds are local funds administered by local self-governing bodies known as Cantonment Authorities. They are not Government funds and do not therefore appear in any shape or form in the Military Budget. Any surplus in the Cantonment Fund is available for expenditure on the needs of the cantonment ; while Government are under an obligation, in certain circumstances, to make good any deficit by giving the cantonment a grant-in-aid.

**LEVY OF TERMINAL TAXES.**

7. **Mr. E. L. Price :** Will Government be pleased to state whether any final conclusions have been reached by Government on the recommendations of the Taxation Inquiry Committee in regard to the levy of terminal taxes ?

**The Honourable Sir George Schuster :** The position with regard to the levy of terminal tax by a Municipal Committee has recently been dealt with in letter No. 133-L.S.G., dated 2nd August 1929, from the Government of India, Department of Education, Health and Lands, to the Government of the Punjab, which has presumably been seen by the Honourable Member by now. As explained therein, previous sanction of the Governor General in Council to the imposition of terminal tax by a municipality is only necessary when the tax is first imposed in a local area in which octroi was not levied on or before the 6th July 1917. In other cases, the Local Governments are themselves competent to sanction or refuse to sanction the proposed tax. The Government of India cannot interfere in the matter under Devolution Rule 49, as, under this rule, they can exercise their powers of superintendence, direction and control only for certain limited purposes. The question whether any, and if so, what, changes are required in the present constitutional position in regard to the levy of octroi and terminal taxation by local bodies has been referred by the Government of India to the Indian Statutory Commission (*vide* paragraphs 10 to 24 of Part B of the Memorandum presented by the Government of India to the Statutory Commission, on the subject of the financial relations between the Government of India and

the Provincial Governments). The Government of India do not propose to take any further action in the matter at present. They must wait until the Statutory Commission have made their recommendations as to the future financial relations between the Central Government and the Provincial Governments and until the outlines of the future constitution have been settled.

#### APPOINTMENT OF SIKHS TO THE INDIAN FOREST SERVICE.

8. **Sardar Gulab Singh :** (a) Will Government be pleased to state how many Sikhs were qualified in the Indian Forest Service examinations held by the Public Service Commission during the last two years ?

(b) If it is true that one or more Sikhs were qualified, is it a fact that none was selected as a probationer by nomination for the purpose of adjusting communal inequality ?

(c) If no Sikh was in fact selected as such, will Government be pleased to state to which community the selected candidates belonged ?

(d) Is it a fact that the qualified Sikh was equally entitled to be selected by nomination last year ?

(e) Do Government propose to see that the rights of the Sikhs are not in future overlooked by the Government in the Indian Forest Service, and will Government be pleased to state if any qualified Sikh is likely to be selected by nomination in the said service this year ?

(f) Is it a fact that no Sikh is a member of the Public Service Commission, and if so, will Government be pleased to state how the interests of the Sikhs are being safeguarded in that body ?

**Sir Frank Noyce :** (a) None in 1927 and one in 1928.

(b) Yes.

(c) The candidate selected in 1927 was a Muslim and the one selected in 1928 an Anglo-Indian.

(d) The mere fact that a candidate has attained the qualifying standard does not confer on him a right to be selected. In this connection the Honourable Member's attention is invited to part IV of the Indian Forest Service (Recruitment) Rules, 1928, published with Government of India notification No. 592, dated the 2nd May 1928.

(e) The rights of all minor communities are carefully considered before nomination is made. As regards the second part of the question, Government are unable to make a statement, as the result of the competitive examination held in July last is an important factor and is not yet known.

(f) Yes. The Commission is an impartial body which may be relied upon to pay the fullest regard to all interests entrusted to it.

#### NUMBER OF MUHAMMADANS APPOINTED AS ASSISTANT SURGEONS ON THE EASTERN BENGAL RAILWAY.

9. **Maulvi Abdul Matin Chaudhury :** (a) Will Government be pleased to state how many appointments of Assistant Surgeons have been made by the Eastern Bengal Railway this year ?

(b) How many of them are Muhammadans ?

**Mr. P. R. Rau :** (a) Six.

(b) One.

#### PAY OF CLERKS IN DEPARTMENTS UNDER THE CENTRAL BOARD OF REVENUE, BOMBAY.

10. **Mr. Jamnadas M. Mehta :** Will Government be pleased to state whether they are aware :

(a) that the clerical time-scales of pay in all the Imperial Government Departments in Bombay, except those under the Central Board of Revenue, have been revised since 1923 ;

(b) that the representation from the clerical staff of the Departments in Bombay under the Central Board of Revenue for a revision of their time-scale of pay has recently been refused by the Central Board of Revenue ; and

(c) that the conditions of service and locality are the same for all the clerical staffs whether under the Central Board of Revenue or in other Departments of the Government of India ?

**The Honourable Sir George Schuster :** (a) and (b). Yes.

(c) If by conditions of service and locality the Honourable Member means the places in which the staff reside and the method of travel to and from their work, the answer is in the affirmative. On the other hand the Government are not prepared to accept the further implication that the nature of the duties to be performed or the qualifications required are the same as in other Central Departments.

#### PAY OF CLERKS IN DEPARTMENTS UNDER THE CENTRAL BOARD OF REVENUE, BOMBAY.

11. **Mr. Jamnadas M. Mehta :** Will Government be pleased to state whether they are aware :

(a) that the only reason for refusing to revise the time-scale of pay of the clerical staff in Bombay under the Central Board of Revenue was the ground of comparison with the offices of the Bombay Government ;

(b) that the Local Government have sanctioned a revised scale to the members of the clerical staff in their Secretariat ; and

(c) that similar conditions exist for their clerical staff in their Secretariat as well as in the other Departments in Bombay under the Local Government ?

**The Honourable Sir George Schuster :** (a) The reason for refusing to revise the time-scale was that the Government held the existing scale to be adequate. In reaching this conclusion, they were largely influenced by the comparison to which the question refers.

(b) Even if the fact is as stated, as to which the Government of India have no precise information, it is not relevant to the case of clerks in



departments under the Central Board of Revenue. In determining the pay of these clerks comparison was made with other offices under the Bombay Government and not with the Secretariat. According to the latest information of the Government of India, there has been no revision of pay in the non-Secretariat offices under the Local Government.

(c) As the establishments mentioned in this part of the question belong to the Local Government, that Government has been asked what reply can be given to it. The Honourable Member will be informed of the result as soon as the Local Government has answered the reference.

**PAY OF CLERKS IN DEPARTMENTS UNDER THE CENTRAL BOARD OF REVENUE, BOMBAY.**

**12. Mr. Jamnadas M. Mehta :** (1) Are Government aware :

- (a) that the Rules governing the services of the clerical employees of the Local Government in Bombay are somewhat different from those of members under the Government of India ; and
- (b) that the scales of pay of clerks in other Imperial Government Departments (except under the Central Board of Revenue) in Bombay, have been revised since 1923, while the request for the revision of pay of the clerical staff in Bombay under the Central Board of Revenue has been negatived for a number of years ?

(2) If the answers to parts (a) and (b) above be in the affirmative, are Government now prepared to take steps to revise the pay of the clerical establishments in Bombay under the control of the Central Board of Revenue ?

**The Honourable Sir George Schuster :** (1) (a) The meaning of the question is not understood, and the Government of India regret to be unable to reply.

(b) Yes.

(2) The Departments under the Central Board of Revenue were administered through the Agency of the Local Government until taken over directly in recent years (from 1922 with the Income-tax Department to 1926 with the Salt Department) ; and the pay of establishments was naturally fixed with reference to that of other similar establishments under the Local Government. The change in control did not appear to the Government of India to be in itself a justification for a revision of pay. In these circumstances the Government do not consider it desirable to undertake a revision of the rates of pay for the clerical establishments referred to, unless this could be done as a result of a general survey of the rates of pay of clerks in all Departments subordinate to the Central Government to be undertaken in co-operation, with similar surveys by the Provincial Governments.

**PAY OF THE MINISTERIAL STAFF OF THE INCOME-TAX DEPARTMENT, BOMBAY.**

**13. Mr. Jamnadas M. Mehta :** Will Government be pleased to state :

- (a) Whether it is a fact that they have undertaken to keep the income-tax records *strictly confidential* ;

- (b) whether it is a fact that such records mostly pass or are being dealt with and are even in charge of the low paid members of the clerical staff ;
- (c) whether it is a fact that, while sanctioning a higher scale of pay to (i) Income-tax Officers, (ii) Examiners of Accounts and (iii) Inspectors in the Bombay City, Government thought that an incumbent adequately paid will not ordinarily be tempted to illicit practices ;
- (d) if the answers to parts (a), (b) and (c) above be in the affirmative, whether Government considered the question that the members of the ministerial staff too should be adequately paid to avoid any prevailing discontent or any consequent malpractice or corruption ?

**The Honourable Sir George Schuster :** (a) Section 54 (1) of the Indian Income-tax Act, 1922, provides that income-tax records shall be treated as confidential.

(b) All members of the clerical staff have to deal with assessment records in the ordinary course of their duties.

(c) Special qualifications are required for the assessing staff and their salary is arranged accordingly.

(d) It is the view of the Government of India that the ministerial staff are adequately paid. It is therefore unnecessary to deal with the implication contained in this question, except to state that it casts an unmerited slur on the clerical staff employed in the Income-tax Department.

**NUMBER OF ASSESSMENT CASES DEALT WITH IN DIFFERENT PROVINCES, AND PAY OF THE MINISTERIAL STAFF OF THE INCOME-TAX DEPARTMENT.**

**14. Mr. Jamnadas M. Mehta :** Will Government be pleased to state :

- (a) the number of assessment cases dealt with by an Income-tax Officer in a year in the several provinces in British India ;
- (b) whether it is a fact that the number of cases decided by an Income-tax Officer in Bombay is far greater than that in other provinces ;
- (c) if the answer to (b) above be in the affirmative, if it is not a fact that this annual turnover is due to the help the Income-tax Officer gets at the hands of his subordinate ministerial staff ; and
- (d) whether Government propose to take steps to remove the injustice by granting the revision of pay applied for by them from time to time ?

**The Honourable Sir George Schuster :** (a) The number of assessment cases dealt with by each assessing officer in the year 1928-29 in the several provinces was as follows :

|        |    |    |    |       |
|--------|----|----|----|-------|
| Madras | .. | .. | .. | 1,165 |
| Bombay | .. | .. | .. | 1,563 |

|                   |    |    |    |       |
|-------------------|----|----|----|-------|
| Bengal            | .. | .. | .. | 956   |
| United Provinces  | .. | .. | .. | 741   |
| Punjab            | .. | .. | .. | 1,050 |
| Burma (1927-28)   | .. | .. | .. | 779   |
| Bihar and Orissa  | .. | .. | .. | 735   |
| Central Provinces | .. | .. | .. | 839   |

(b) The figures given above supply the answer to this question.

(c) Income-tax Officers in Bombay are able to deal with a large number of cases because they receive help from Examiners and Inspectors to a greater degree than in other provinces. The clerical staff is not employed to scrutinise the cases or put up notes, other than routine notes relating to such matters as the amount of the tax paid in previous year, the question whether the return of income was punctually received, etc., etc. In some cases they also do the arithmetical calculations in connection with refunds. These duties are of a clerical nature.

(d) The Government are not satisfied that there is any injustice to remove.

INCREASE OF LEAVE RESERVES FOR THE CLERICAL STAFF OF THE CUSTOMS AND INCOME-TAX DEPARTMENTS, BOMBAY.

15. **Mr. Jamnadas M. Mehta :** Will Government be pleased to state :

- whether they are aware that the sanctioned strength of leave reserve for the clerical staff in the Customs and Income-tax Departments in Bombay is only about 10 per cent. and 8 per cent. respectively, while that in the Office of the Accountant General, Bombay, and the Bombay Posts and Telegraphs is 18 per cent. of the total staff ;
- whether they are aware that the refusal of leave has been a grievance of the clerical staff of the Bombay Customs Department due to inadequacy of leave reserve ; and
- whether Government intend to take steps to increase the leave reserves at an early date ?

**The Honourable Sir George Schuster :** (a) The leave reserve for the clerical staff in the Customs Department in Bombay is over 12 per cent. and in the Income-tax Department about 8 per cent. The leave reserve in the Office of the Accountant General, Bombay, is 12 per cent. ; there is also a training reserve of 5 per cent. The leave reserve in the Posts and Telegraphs Department, Bombay, is 10 per cent. in administrative offices, 17 per cent. in post and telegraph offices and 20 per cent. in the Railway Mail Service sections and offices.

(b) The average number of absentees among the clerical staff of the Bombay Customs Department is about equal to the leave reserve. No case has been reported in which leave has been entirely refused, but owing to a tendency for a number of clerks to apply for leave at the same season of the year, a season in which work is particularly heavy, cases occur in which applicants are, at times, required to postpone their leave pending the return of others to duty. The maximum period of such postponement

has been three months, but a more normal figure when leave is not granted immediately is about one month. The fact that such postponements have to occur does not mean that the leave reserve is inadequate, and it must be borne in mind that it is a condition of service as laid down in Fundamental Rule 67 that leave of absence cannot be claimed as of right but must depend upon the exigencies of the public service.

(c) The Government have no present intention of increasing the leave reserves in the Departments named.

GRANT OF EXTRA PAY TO THE CLERICAL STAFF OF THE INCOME-TAX DEPARTMENTS, BOMBAY, DEALING WITH SPECIAL CASES.

16. **Mr. Jamnadas M. Mehta :** Will Government be pleased to state :

- Whether it is a fact that the post of the Senior Income-tax Officer, Bombay City, was created with a special grade of pay to deal with, among other duties, all the companies' assessments and some assessments in which the income exceeded a lakh of rupees ;
- Whether the remaining cases of incomes over a lakh were being dealt with by an Income-tax Officer for the last so many years without any special allowances ;
- Whether the post of the Senior Income-tax Officer (though formally abolished) still continues to exist and will so continue till its vacation by the present incumbent (who has so far completed only 15 years pensionable service) ;
- If the answers to parts (a), (b) and (c) above be in the affirmative, the circumstances in which special pay of Rs. 150 per mensem each came to be sanctioned for these two posts of the Income-tax Officers dealing with the companies' assessments and assessments of incomes over a lakh of rupees, thus causing extra expense to the public revenue ;
- Whether when Government have been pleased to sanction special remuneration for the two posts of Income-tax Officers, they have granted or intend to grant any extra remuneration to the staff who deal with these important cases ?

**The Honourable Sir George Schuster :** (a) At the time of the organisation of the present Income-tax Department in Bombay in 1922 the post of Senior Income-tax Officer, with a special rate of pay, was created with the intention that that officer should deal with all the important assessments in Bombay City.

(b) The work involved in the assessments mentioned in the foregoing paragraph was beyond the capacity of a single officer and a second officer with special qualifications was appointed in 1922 on the maximum pay of the post of Income-tax Officer, namely, Rs. 900 per mensem.

(c) Yes.

(d) Experience has shown that there is no justification for the retention of a special appointment like that of Senior Income-tax Officer on a high rate of pay. But there is ample justification for the grant to two

Income-tax Officers in charge of the important assessment work in Bombay City of special pay of Rs. 150 per mensem each on account of the responsible nature of their work. The circumstances were fully explained to the Standing Finance Committee at the time when the special pay was sanctioned. The re-arrangement was proposed as a measure of economy, although its full effect will not be realised until the present Senior Income-tax Officer has vacated his post.

(e) The burden of assessment work falls entirely on the Income-tax Officer and, because it has been thought proper to give higher pay to two Income-tax Officers, there is no reason to give extra remuneration to the staff which is employed under them.

#### RECRUITMENT OF INCOME-TAX OFFICERS IN BOMBAY.

17. **Mr. Jamnadas M. Mehta** : Will Government be pleased to state :

(a) Whether it is a fact that some of the Inspectors of Income-tax and Examiners of Accounts in the Bombay Income-tax Office are being taken up to officiate as Income-tax Officers on probation before passing the prescribed examination, and if so the number of those so taken up from (1) Inspectors and (2) Examiners, since 1922 ; and

(b) If the answer to part (a) be in the affirmative, will Government state the reasons for not selecting an equal number of candidates from the Superintendents' cadre ?

**The Honourable Sir George Schuster** : (a) The reply to the first part of the question is in the affirmative. The number of Inspectors and Examiners promoted to be Income-tax Officers since 1922 is 11 and 19, respectively, of whom eight men were originally clerks.

(b) Appointments to the post of Income-tax Officer are made at the present time either from a number of officers of the Income-tax Department, whose selection was approved by the Local Government up to the year 1927 but who have not in all cases yet passed the Departmental examination, or from Examiners and Inspectors who have passed that Examination. The qualifications of Superintendents of offices are generally inferior to those of Examiners and Inspectors and they are not now appointed direct to be Income-tax Officers. But they are eligible for promotion as Examiners or Inspectors.

#### FAILURE OF CERTAIN INCOME-TAX OFFICERS IN THE BOMBAY PRESIDENCY TO PASS THE DEPARTMENTAL EXAMINATION.

18. **Mr. Jamnadas M. Mehta** : Will Government be pleased to state :

(a) Whether it is a fact that some of the probationary Income-tax Officers in the Income-tax Department, Bombay Presidency, have failed to pass their departmental examination, and if so, whether Government will be pleased to place on the table the names of those who have so failed to pass the test with the number of chances so far given to each ?

(b) Whether it is a fact that these candidates who have failed to pass the test are allowed to officiate as Income-tax Officers, and if so, whether they will be pleased to state why they have not been reverted, as laid down in the Office Manual ?

**The Honourable Sir George Schuster** : (a) Yes. A statement is laid on the table.

(b) The officers in question are officiating as Income-tax Officers. Such officers are expected to pass the departmental examination within a reasonable time and failure to do so involves their reversion. The time for passing the examination by the higher standard has been extended until the next examination in October or November in the case of the first and second officers on the list, and till April in the case of the third officer. The Office Manual referred to has been prepared for departmental use only. In fact it contains no provision which is necessarily inconsistent with the course being followed in these cases.

*Statement showing the Income-tax Officers in the Bombay Presidency who have failed to pass the Departmental Examination completely together with the number of occasions on which they have appeared in the Examination.*

| Name.                                                         | No. of occasions on which the Departmental Examination has been taken. |                  | Remarks. |
|---------------------------------------------------------------|------------------------------------------------------------------------|------------------|----------|
|                                                               | Lower Standard.                                                        | Higher Standard. |          |
| 1. C. K. Butala, Offg., Income-tax Officer, Surat .. .. .     | 3                                                                      | 4                |          |
| 2. J. P. Billimoria, Offg. Income-tax Officer, Bombay .. .. . | 2                                                                      | 4                |          |
| 3. R. V. Raut, Offg. Income-tax Officer, Bombay.              | 3                                                                      | 1                |          |

#### REPRESENTATION FOR AN INCREASE OF PAY BY THE SUPERINTENDENTS IN THE INCOME-TAX DEPARTMENT, BOMBAY.

19. **Mr. Jamnadas M. Mehta** : (a) Will Government be pleased to state the scales of pay of the Superintendents and Assistant Superintendents in the various Government Departments (both of the Local and Imperial Governments) stationed in Bombay ?

(b) Are Government aware that the maximum of the grade of a Superintendent in the Income-tax Department is much less than in other Departments ?

(c) Will Government be pleased to state the grounds for granting higher maximum of the grade of pay to an Income-tax Inspector or the Examiner of Accounts than to a Superintendent ?

(d) Are Government aware that the representation from the Superintendents has been recently turned down by the Board ?

(e) If the answer to part (d) above be affirmative, do Government propose to take steps to remove the long-standing grievance of the Superintendents ?

**The Honourable Sir George Schuster :** (a) and (b). A statement is laid on the table.

(c) The Superintendent's duties in the Income-tax Department are confined to the supervision of the clerical staff in regard to the observance of the routine work of arranging and maintaining records and registers properly. On the other hand Inspectors and Examiners assist the Income-tax Officer in making assessments. The responsibilities of Examiners and Inspectors are thus greater than those of a Superintendent, and their pay has accordingly been fixed higher than that of a Superintendent.

(d) Yes.

(e) Government believe that the standard of the pay of Income-tax Superintendents represents a fair and just remuneration for their services and do not propose to take any action in the matter.

*Statement showing the scales of pay of Superintendents, Assistant Superintendents, etc., in various Departments.*

| Department or office.                                                  | Designation.                    | Scale.                                             |
|------------------------------------------------------------------------|---------------------------------|----------------------------------------------------|
|                                                                        |                                 | Rs.                                                |
| Income-tax Department ..                                               | Superintendents ..              | 230—10—260—12—320.                                 |
| Ditto ..                                                               | Assistant Superintendents ..    | 170—10—220.                                        |
| Customs Department ..                                                  | Superintendents ..              | 275—15—425.                                        |
| Ditto ..                                                               | Deputy Superintendents ..       | 110—5—230 <i>plus</i> special pay Rs. 30.          |
| Bombay Secretariat ..                                                  | Senior Superintendents ..       | 475—25—600.                                        |
| Ditto ..                                                               | Junior Superintendents ..       | 320—20—440.                                        |
| Accountant General's Office, Bombay ..                                 | Superintendents ..              | 220—20—500.                                        |
| Office of the Collector of Bombay ..                                   | Head Clerk and Head Accountant. | 250—10—300.                                        |
| Office of the Director of Industries, Bombay ..                        | Head Clerk ..                   | 150—10—220.                                        |
| Factory and Steam Boilers' Department under the Collector of Bombay .. | Ditto ..                        | 200—10—250.                                        |
| Office of the Land Acquisition Officer, Bombay ..                      | Ditto ..                        | 275—15—350.                                        |
| Office of the Educational Inspector, Bombay ..                         | Ditto ..                        | 150—5—200 (with compensatory allowance of Rs. 25). |
| Office of the Commissioner of Police, Bombay ..                        | Superintendents ..              | 300—20—400.                                        |

# INCREASE OF PAY OF GOVERNMENT CLERKS IN BOMBAY, OR GRANT OF AN ALLOWANCE TO MEET ENHANCED RENTS.

20. **Mr. Jamnadas M. Mehta :** Will Government be pleased to state :

(a) Whether they are aware of the termination of the Rent Act in Bombay since December 1928 ?

(b) Whether they are aware that the revisions of clerical pay in Bombay City in the years 1920-22 were based on the rents prevailing in Bombay at that time ?

(c) Whether they are aware that the rents in Bombay have since increased by 50 per cent. under the amendments of the Rent Act itself ?

(d) Whether they are aware that the middle class servants in Bombay are already contributing about 30 per cent. of their monthly income towards rent when the sanctioned Government percentage is only 10 ?

(e) Whether they are aware that the tendency to further increase in rents owing to the law of supply and demand in the City of Bombay is manifest ?

(f) Whether they are aware that they have sanctioned no increase to enable their middle class servants to meet the enhancements described in parts (c) and (e) above ?

(g) Whether Government had received from the clerical staffs of the Bombay Customs and Income-tax and Salt Departments a resolution urging an increase in pay or grant of an allowance due to abnormal increase in rents ?

(h) Whether Government refused to consider the above request on the ground that the Local Government of Bombay had taken no steps in the matter ?

(i) Whether Government have ascertained the rent particulars from the local heads of offices in Bombay as well as the Local Government ?

(j) If the reply to part (i) be affirmative, then whether Government will be pleased to place the correspondence on the table of the House ?

(k) Whether Government propose to take steps to sanction the necessary increase ?

**The Honourable Sir James Crerar :** The information asked for is being collected and will be supplied to the Honourable Member in due course.

# PAY OF TEACHERS OF THE GOVERNMENT HIGH SCHOOL, DELHI, AND NAME AND QUALIFICATIONS OF THE HEAD MASTER.

21. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government be pleased to state the reason why only 5 out of 21 men have reached the maximum of their scale of pay ? [Vide Government reply to starred question No. 3 (c) in the Legislative Assembly on the 28th January, 1929, regarding "the Pay of the Teachers of the Government High School, Delhi".]

(b) Will Government be pleased to state the name and qualifications of the Head Master of the Government High School, Delhi, and what his pay in September 1922 was when he was appointed, and what his pay now is ?

**Sir Frank Noyce :** (a) The 16 teachers, other than the five who have reached the maximum, have not reached the maximum of their scale

of pay, as none of them has put in the five years' service in their grades which is necessary to reach the maximum.

(b) It is presumed that the Honourable Member asks for information about Rai Sahib L. Ratan Lal who was Headmaster of the Government High School, Delhi, from the 1st September 1922 to the 26th April 1929, on which date he was transferred to the Punjab as Officiating Inspector of Schools, Rawalpindi Division. A statement giving the information is laid on the table.

*Statement showing the qualifications and pay of Rai Sahib L. Ratan Lal, formerly Headmaster, Government High School, Delhi.*

| Qualifications.                      | Pay.               |                                                                    |
|--------------------------------------|--------------------|--------------------------------------------------------------------|
|                                      | In September 1922. | On 26th April 1929 on which date he was transferred to the Punjab. |
|                                      | Rs.                | Rs.                                                                |
| M. A. in Physics and Chemistry .. .. | 710                | 800                                                                |

#### REPORT ON THE RIKHIKESH-KARANPRAYAG RAILWAY EXTENSION.

22. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government be pleased to state if the report on the Rikhikesh-Karanprayag extension has been received from the Agent of the East Indian Railway ? (Vide Government reply to starred question No. 14 in the Legislative Assembly on the 28th January, 1929, regarding "Provision of a Railway for Convenience of Pilgrims to Badri Narayan".)

(b) If so, will Government please lay a copy of the report on the table ?

**Mr. P. R. Rau :** The report has not yet been received.

#### SALE OF FRAUDULENT QUININE IN INDIA.

23. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 33 (b) in the Legislative Assembly on the 28th January, 1929, regarding "Sale of Fraudulent Quinine in India", will Government be pleased to state if replies from Local Governments have since been received ?

(b) If so, will they please state, for the information of the House, what action has been taken thereon ?

**Sir Frank Noyce :** (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given on the 2nd April 1929 to Lieutenant-Colonel Gidney's starred question No. 1350. Replies are still awaited from some local Governments to the letter of the 8th March 1929 from the Government of India in

the Department of Education, Health and Lands, in which they were asked if they would agree to the appointment of a small expert committee to inquire into the general problem of the preparation and sale of medicines and drugs. It is intended that the committee, if appointed, should also inquire into the allegations regarding the sale of adulterated quinine.

#### CHRISTIAN ORPHANAGES MAINTAINED BY THE GOVERNMENT OF INDIA.

24. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government be pleased to state if they have collected the information regarding "Christian Orphanages maintained by the Government of India" ? (Vide Government reply to starred question No. 58 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please lay the information on the table ?

**Sir Frank Noyce :** (a) Yes.

(b) The information is laid on the table.

(a) The following Christian Orphanages or Orphan Schools are aided by Government of India :—

| Place.          | Name.                                                             | Amount of aid given in the last year for which information is available. | Remarks.                                            |
|-----------------|-------------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------|
|                 |                                                                   | Rs.                                                                      |                                                     |
| Madras .. ..    | St. Mary's School and Orphanage, George Town                      | 14,940                                                                   | Many of these orphanages admit non-Christians also. |
| Madras .. ..    | Civil Orphan Asylum, Kilpauk .. ..                                | 12,060                                                                   |                                                     |
| Madras .. ..    | St. Thome Orphanage, San Thome .. ..                              | 21,360                                                                   |                                                     |
| Surada .. ..    | R. C. M. Boys' Orphanage ..                                       | 263                                                                      |                                                     |
| Bimilipatam ..  | C. B. M. Boarding School                                          | 240                                                                      |                                                     |
| Palakonda ..    | R. C. M. School, Church Compound .. ..                            | 75                                                                       |                                                     |
| Yolleswaram ..  | U. L. C. M. Boarding Home                                         | 225                                                                      |                                                     |
| Bezwada .. ..   | St. Antony's R. C. M. Orphanage .. ..                             | 390                                                                      |                                                     |
| Gundala .. ..   | St. Joseph's Orphanage ..                                         | 668                                                                      |                                                     |
| Avanigadda ..   | C. B. M. Boarding Home ..                                         | 180                                                                      |                                                     |
| Kondapalle ..   | C. M. S. Higher Elementary School and Orphanage, Vidyanagar .. .. | 525                                                                      |                                                     |
| Narasaraopet .. | U. L. C. M. Orphanage ..                                          | 442                                                                      |                                                     |
| Sattanapalle .. | U. L. C. M. Boarding Home                                         | 712                                                                      |                                                     |
| Tenali .. ..    | Ditto .. ..                                                       | 578                                                                      |                                                     |
| Chirala .. ..   | U. L. C. M. Boarding Home and Orphanage .. ..                     | 600                                                                      |                                                     |
| Repalle .. ..   | Ditto .. ..                                                       | 322                                                                      |                                                     |
| Kurnool .. ..   | A. B. M. Boarding School and Orphanage ..                         | 435                                                                      |                                                     |

| Place.                              | Name.                                                        | Amount of aid given in the last year for which information is available. | Remarks.                                            |
|-------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------|
|                                     |                                                              | Rs.                                                                      |                                                     |
| Gooty ..                            | London Mission Boarding Home ..                              | 590                                                                      | Many of these orphanages admit non-Christians also. |
| Hindupur ..                         | Martha Wats Boys' Home ..                                    | 188                                                                      |                                                     |
| Bellary ..                          | Telegu Village Mission Boys' Boarding School ..              | 188                                                                      |                                                     |
| Cuddapah ..                         | London Mission Boarding Home ..                              | 374                                                                      |                                                     |
| Kanigiri ..                         | The Christian Educational Boarding Home ..                   | 90                                                                       |                                                     |
| Kavali ..                           | A. B. M. Middle School ..                                    | 368                                                                      |                                                     |
| Tarlapadu ..                        | U. L. C. M. Orphanage ..                                     | 360                                                                      |                                                     |
| Udayagiri ..                        | A. B. M. Boarding Home ..                                    | 202                                                                      |                                                     |
| Madras ..                           | Society for the protection of Children's Home, Tondiarpet .. | 540                                                                      |                                                     |
| Madras ..                           | Francis Xavier's Boarding Home, Alwarpet ..                  | 240                                                                      |                                                     |
| Madras ..                           | M. E. M. School and Orphanage, Kilpauk ..                    | 338                                                                      |                                                     |
| Poonamalle ..                       | Wesleyan Mission Orphanage ..                                | 180                                                                      |                                                     |
| Madurantakam ..                     | Wesleyan Mission Boarding Home ..                            | 218                                                                      |                                                     |
| Ikkadu ..                           | Ditto ..                                                     | 307                                                                      |                                                     |
| Pandur ..                           | E. L. M. Orphanage ..                                        | 225                                                                      |                                                     |
| Chingleput ..                       | St. Joseph's Orphanage attached to R. C. M. School ..        | 188                                                                      |                                                     |
| Madanapalle ..                      | Hope Higher Elementary School and Orphanage ..               | 255                                                                      |                                                     |
| Kothamalapalle and Barkalaya-kotta. | A. A. M. Rural Boarding Home ..                              | 90                                                                       |                                                     |
| Pullipet ..                         | A. P. M. Boys' Home ..                                       | 225                                                                      |                                                     |
| Puttur ..                           | O. E. L. M. Boys' Orphanage ..                               | 435                                                                      |                                                     |
| Arkonam ..                          | St. Andrews' Orphanage ..                                    | 180                                                                      |                                                     |
| Adoni ..                            | A. A. M. Boys' Boarding Home ..                              | 518                                                                      |                                                     |
| Chidambaram ..                      | C. S. M. Orphanage ..                                        | 210                                                                      |                                                     |
| Fort St. David ..                   | Danish Mission Orphanage ..                                  | 248                                                                      |                                                     |
| Tindivanam ..                       | St. Joseph's Orphanage ..                                    | 750                                                                      |                                                     |
| Tanjore ..                          | Don Bos Cos. El. Boarding School ..                          | 142                                                                      |                                                     |
| Kumbakonam ..                       | S. P. G. Boys' Boarding School and Orphanage ..              | 172                                                                      |                                                     |

| Place.           | Name.                                                      | Amount of aid given in the last year for which information is available. | Remarks.                                            |
|------------------|------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------|
|                  |                                                            | Rs.                                                                      |                                                     |
| Trichinopoly ..  | St. Joseph's Industrial School and Orphanage ..            | 495                                                                      | Many of these orphanages admit non-Christians also. |
| Dindigul ..      | C. S. M. Orphanage ..                                      | 112                                                                      |                                                     |
| Ponnagaram ..    | C. S. M. Boys' Boarding Home ..                            | 255                                                                      |                                                     |
| Madura ..        | St. Mary's Orphanage ..                                    | 360                                                                      |                                                     |
| Madura ..        | Bird's Nest Orphanage ..                                   | 248                                                                      |                                                     |
| Paramakudi ..    | C. S. M. Boys' Boarding Home ..                            | 255                                                                      |                                                     |
| Mount Zion ..    | S. M. Orphanage ..                                         | 105                                                                      |                                                     |
| Kamuti ..        | C. S. M. Boys' Boarding Home ..                            | 142                                                                      |                                                     |
| Nazareth ..      | St. John's Orphanage ..                                    | 480                                                                      |                                                     |
| Adaikalapuram .. | St. Joseph's Orphanage for Boys ..                         | 638                                                                      |                                                     |
| Irudayakulam ..  | Sacred Heart Orphanage ..                                  | 128                                                                      |                                                     |
| Namakkal ..      | Strict Baptist Mission Boarding Home and Orphanage ..      | 150                                                                      |                                                     |
| Coimbatore ..    | St. Michael's Orphanage ..                                 | 846                                                                      |                                                     |
| Coimbatore ..    | London Mission Boys' Orphanage ..                          | 195                                                                      |                                                     |
| Coimbatore ..    | C. S. M. Orphanage ..                                      | 240                                                                      |                                                     |
| Erode ..         | London Mission Boarding Home ..                            | 570                                                                      |                                                     |
| Dharapuram ..    | Wesleyan Mission Orphanage ..                              | 742                                                                      |                                                     |
| Kaity ..         | Wesleyan Mission Boys' Orphanage ..                        | 225                                                                      |                                                     |
| Paraperi ..      | Basel Evangelical Mission Orphanage ..                     | 360                                                                      |                                                     |
| Mangalore ..     | St. Joseph's Asylum Male Orphanage ..                      | 600                                                                      |                                                     |
| Udipi ..         | K. E. M. Boys' Orphanage ..                                | 510                                                                      |                                                     |
| Surada ..        | R. C. M. Orphanage for Girls ..                            | 142                                                                      |                                                     |
| Waltair ..       | St. Joseph's Convent Orphanage ..                          | 472                                                                      |                                                     |
| Vizianagaram ..  | C. H. M. Orphanage ..                                      | 442                                                                      |                                                     |
| Masulipatam ..   | C. E. Z. M. Orphanage ..                                   | 225                                                                      |                                                     |
| Guntur ..        | St. Joseph's Orphanage ..                                  | 840                                                                      |                                                     |
| Phirangipuram .. | St. Ann's Boarding Home ..                                 | 158                                                                      |                                                     |
| Kurnool ..       | R. C. M. Boarding School ..                                | 285                                                                      |                                                     |
| Best warpet ..   | A. B. M. Boarding Home ..                                  | 158                                                                      |                                                     |
| Penukonda ..     | S. I. G. Mission Boarding Home ..                          | 105                                                                      |                                                     |
| Kanigiri ..      | A. B. M. Boarding Home ..                                  | 68                                                                       |                                                     |
| Nellore ..       | St. Joseph's Higher Elementary School and Boarding Home .. | 488                                                                      |                                                     |

| Place.          | Name.                                         | Amount of aid given in the last year for which information is available. | Remarks.                                            |
|-----------------|-----------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------|
|                 |                                               | Rs.                                                                      |                                                     |
| MADRAS.         | San Thome ..                                  | The Holy Family Orphanage ..                                             |                                                     |
|                 | Vepery ..                                     | St. Joseph's Indian Girls' Orphanage ..                                  |                                                     |
|                 | Royapuram ..                                  | St. Anne's Convent Orphanage ..                                          |                                                     |
|                 | Mylapore ..                                   | St. Lazarus Girls' Boarding School ..                                    |                                                     |
|                 | Vepery ..                                     | Harriot Bond Skidmore Girls' Boarding School ..                          |                                                     |
| Kovelong ..     | Mount Carnel Orphanage ..                     | 38                                                                       |                                                     |
| Ikkadu ..       | Wesleyan Mission Boarding Home ..             | 330                                                                      |                                                     |
| Kilacherri ..   | St. Ann's Orphanage ..                        | 202                                                                      |                                                     |
| Madanapalle ..  | A. A. M. Boarding Home for Girls ..           | 442                                                                      |                                                     |
| Chetput ..      | St. Antony's Orphanage for Girls ..           | 45                                                                       |                                                     |
| Vellore ..      | St. Mary's R. C. Panchana Orphanage ..        | 68                                                                       |                                                     |
| Vellore ..      | St. Aloysius Convent Orphanage, Vettavalam .. | 45                                                                       |                                                     |
| Sholingar ..    | A. P. M. Girls' Boarding Home ..              | 120                                                                      |                                                     |
| Vellore ..      | A. A. M. Children's Home ..                   | 225                                                                      | Many of these orphanages admit non-Christians also. |
| Tindivanam ..   | St. Joseph's Orphanage for Girls ..           | 370                                                                      |                                                     |
| Nagur ..        | S. P. G. Girls' Boarding Home ..              | 150                                                                      |                                                     |
| Mayavaram ..    | St. Paul's R. C. Girls' Orphanage ..          | 172                                                                      |                                                     |
| Tranquebar ..   | St. Theresas Girls' Orphanage ..              | 240                                                                      |                                                     |
| Porayar ..      | E. L. M. Boarding Home ..                     | 276                                                                      |                                                     |
| Vallam ..       | St. Mary's Girls' Orphanage ..                | 120                                                                      |                                                     |
| Trichinopoly .. | R. C. Girls' Orphanage, Cantonment ..         | 128                                                                      |                                                     |
| Puttur ..       | All Saints S. P. G. Girls' Orphanage ..       | 488                                                                      |                                                     |
| Trichinopoly .. | St. Ann's Orphanage, Cantonment ..            | 502                                                                      |                                                     |
| Kempton ..      | C. S. M. Girls' Orphanage ..                  | 300                                                                      |                                                     |
| Worayur ..      | Wesleyan Mission Girls' Orphanage ..          | 83                                                                       |                                                     |

| Place.            | Name.                                           | Amount of aid given in the last year for which information is available. | Remarks.                                            |
|-------------------|-------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------|
|                   |                                                 | Rs.                                                                      |                                                     |
| Trichinopoly ..   | Holy Cross Orphanage ..                         | 240                                                                      | Many of these orphanages admit non-Christians also. |
| Dindigul ..       | A. M. C. C. Girls' Boarding School ..           | 600                                                                      |                                                     |
| Rachanyapuram ..  | Lucey Perry Noble Institute Orphanage ..        | 495                                                                      |                                                     |
| Madura ..         | St. Joseph's Indian Convent Orphanage ..        | 352                                                                      |                                                     |
| Sachyapuram ..    | C. M. S. Boarding Home ..                       | 173                                                                      |                                                     |
| Megnanapuram ..   | Elliot Tuxford Girls' Orphanage ..              | 262                                                                      |                                                     |
| Adaikalapuram ..  | St. Joseph's Orphanage ..                       | 630                                                                      |                                                     |
| Srivilliputhur .. | Sacred Heart Girls' Orphanage ..                | 1,470                                                                    |                                                     |
| Dharapuram ..     | Wesleyan Mission Orphanage and Boarding Home .. | 352                                                                      |                                                     |
| Erode ..          | London Mission Boarding Home ..                 | 435                                                                      |                                                     |
| Coimbatore ..     | London Mission Girls' Orphanage ..              | 180                                                                      |                                                     |
| Coimbatore ..     | Immaculate Conception Convent Orphanage ..      | 742                                                                      |                                                     |
| Coimbatore ..     | Presentation Convent Orphanage ..               | 240                                                                      |                                                     |
| Kaity ..          | St. Michael's Orphanage ..                      | 105                                                                      |                                                     |
| Kotagiri ..       | Wesleyan Mission Orphanage ..                   | 142                                                                      |                                                     |
| Ootacamund ..     | Mazareth Convent Indian Orphanage ..            | 592                                                                      |                                                     |
| Hasthanpet ..     | London Mission Boarding Home ..                 | 352                                                                      |                                                     |
| Settipatti ..     | R. C. Girls' Orphanage ..                       | 202                                                                      |                                                     |
| Calicut ..        | St. John's Convent Orphanage ..                 | 225                                                                      | Non-sectarian.                                      |
| Chombala ..       | Babel Evangelical Mission Orphanage ..          | 435                                                                      |                                                     |
| Mangalore ..      | St. Joseph's Asylum Orphanage Girls ..          | 600                                                                      |                                                     |
| Moolky ..         | K. E. M. Orphanage (Girls) ..                   | 540                                                                      |                                                     |
| Bombay ..         | St. Joseph's Foundling Home ..                  | 4,000                                                                    |                                                     |

| Place.       | Name.                                                    | Amount of aid given in the last year for which information is available. | Remarks.                                                                                                                                                                                                                                   |
|--------------|----------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |                                                          | Rs.                                                                      |                                                                                                                                                                                                                                            |
| Calcutta ..  | Catholic Male Orphanage, 15, Portuguese Church Street .. | 23,728                                                                   | The Local Government also make a capitation grant at a prescribed rate to orphanages to which orphans are sent by Government officials. The amount spent in 1927-28 was Rs. 8,675, which included grants to non-Christian orphanages also. |
| Do. ..       | Loreto Orphanage Entally                                 | 69,840                                                                   |                                                                                                                                                                                                                                            |
| Mussoorie .. | St. Fidelis School ..                                    | Not specified.                                                           |                                                                                                                                                                                                                                            |
| Do. ..       | Wynberg School ..                                        | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | Church of England Orphanage School (Dumbarine) ..        | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | Henry Allen Memorial School ..                           | Do.                                                                      |                                                                                                                                                                                                                                            |
| Roorkee ..   | Boys Christian Orphanage of the R. P. Mission ..         | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | Girls Christian Orphanage of the M. E. Mission ..        | Do.                                                                      |                                                                                                                                                                                                                                            |
| Meerut ..    | Baraut Orphanage ..                                      | Do.                                                                      |                                                                                                                                                                                                                                            |
| Sardhana ..  | R. C. Orphanage for Boys ..                              | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | R. C. Orphanage for Girls ..                             | Do.                                                                      |                                                                                                                                                                                                                                            |
| Bijnor ..    | Methodist Mission Orphanage ..                           | Do.                                                                      |                                                                                                                                                                                                                                            |
| Aligarh ..   | C. M. S. Orphanage ..                                    | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | M. E. Mission Orphanage ..                               | Do.                                                                      |                                                                                                                                                                                                                                            |
| Agra ..      | St. Patrick's School ..                                  | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | St. Peter's College Orphanage ..                         | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | C. M. S. Mission School, Sikandra ..                     | Do.                                                                      |                                                                                                                                                                                                                                            |
| Do. ..       | St. Joseph's Orphanage School ..                         | Do.                                                                      |                                                                                                                                                                                                                                            |
| Bareilly ..  | M. E. Mission Girls' School                              | Do.                                                                      |                                                                                                                                                                                                                                            |

| Place.        | Name.                                                | Amount of aid given in the last year for which information is available. | Remarks.                                                                                                                                                      |
|---------------|------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               |                                                      | Rs.                                                                      |                                                                                                                                                               |
| Barhpur ..    | N. I. A. P. Mission ..                               | Not specified.                                                           |                                                                                                                                                               |
| Rakha ..      | N. I. A. P. Mission ..                               | Do.                                                                      |                                                                                                                                                               |
| Allahabad ..  | Colvin Free School ..                                | Do.                                                                      |                                                                                                                                                               |
| Cawnpore ..   | S. P. G. Epiphany Orphanage ..                       | Do.                                                                      |                                                                                                                                                               |
| Jhansi ..     | Two, names not ascertained ..                        | Do.                                                                      |                                                                                                                                                               |
| Jalaun ..     | One, name not ascertained ..                         | Do.                                                                      |                                                                                                                                                               |
| Benares ..    | London Mission Orphanage ..                          | Do.                                                                      |                                                                                                                                                               |
| Mirzapur ..   | One, name not ascertained ..                         | Do.                                                                      |                                                                                                                                                               |
| Naini Tal ..  | R. C. Orphanage, Jeolikote. ..                       | Do.                                                                      |                                                                                                                                                               |
| Pauri ..      | M. E. Mission Girls' School ..                       | Do.                                                                      |                                                                                                                                                               |
| Lucknow ..    | St. Francis School ..                                | Do.                                                                      |                                                                                                                                                               |
| Sitapur ..    | M. E. Mission School ..                              | Do.                                                                      |                                                                                                                                                               |
| Sultanpur ..  | Z. B. M. Girls' Middle School ..                     | Do.                                                                      |                                                                                                                                                               |
| Bara Banki .. | Assemblies of God Mission Orphanage ..               | Do.                                                                      |                                                                                                                                                               |
| Simla ..      | Mayo Orphanage and Boarding School for Girls ..      | 1,536                                                                    |                                                                                                                                                               |
| Do. ..        | St. Francis Military Orphanage ..                    | 4,320                                                                    |                                                                                                                                                               |
| Murree ..     | St. Michael's Orphanage ..                           | 2,784                                                                    |                                                                                                                                                               |
| Mandalay ..   | St. Joseph's R. C. M. Chinese Middle School ..       | Same grants as those payable to other schools of the same grading.       | Average cost to Government per pupil is Rs. 25 on account of maintenance grant.                                                                               |
| Hazaribagh .. | Orphanage under the Dublin University Mission ..     | 186-2-9                                                                  |                                                                                                                                                               |
| Angul ..      | Orphanage under the Salvation Army officers ..       | 24 for each orphan.                                                      |                                                                                                                                                               |
| Balasore ..   | Orphanage managed by the American Baptist Mission .. | ..                                                                       | The orphans of this orphanage attend Christian educational institutions which receive aid from Government, but the orphanage itself is not in receipt of aid. |



| Place.       | Name.                                                      | Amount of aid given in the last year for which information is available. | Remarks.                                                                                    |
|--------------|------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
|              |                                                            | Rs.                                                                      |                                                                                             |
| Nagpur       | .. All Saints Children's Home                              | 2,592                                                                    |                                                                                             |
| Do.          | .. Bishop Cotton High School                               | 1,584                                                                    |                                                                                             |
| Do.          | .. St. Francis de Sales High School                        | 3,888                                                                    |                                                                                             |
| Do.          | .. Convent High School                                     | 576                                                                      |                                                                                             |
| Jubbulpore   | .. Christ Church Boys' High School                         | 576                                                                      |                                                                                             |
| Do.          | .. Christ Church Girls' High School                        | 864                                                                      |                                                                                             |
| Do.          | .. Convent High School                                     | 2,736                                                                    |                                                                                             |
| Do.          | .. St. Aloysius High School                                | 2,016                                                                    |                                                                                             |
| Saugor       | .. Convent School                                          | 1,728                                                                    |                                                                                             |
| Kamptee      | .. Do.                                                     | 4,032                                                                    |                                                                                             |
| Amraoti      | .. Do.                                                     | 5,184                                                                    |                                                                                             |
| Gauhati      | .. Catholic Orphanage Girls' School                        | 360                                                                      |                                                                                             |
| Shillong     | .. St. Mary's Convent                                      | 780                                                                      | These are not exclusively orphanages, but they have a number of orphans in their enrolment. |
| Do.          | .. St. Anthony's School                                    | 600                                                                      |                                                                                             |
| Secunderabad | .. The Protestant Orphanage attached to the Brigade School | 1,256                                                                    |                                                                                             |
| Do.          | .. The St. Joseph's Orphanage                              | 859                                                                      |                                                                                             |
| Sanawar      | .. *The Lawrence Royal Military School                     | 2,92,100                                                                 | *Contributed from Army estimates.                                                           |
| Murree       | .. *The Lawrence Military Asylum.                          | 14,590                                                                   |                                                                                             |
| Mount Abu    | .. *Do.                                                    | 32,670                                                                   | Do.                                                                                         |
| Nilgris      | .. *The Lawrence Memorial Royal Military School, Lovedale  | 2,30,000                                                                 | Do.                                                                                         |
| Mussoorie    | .. *The Roman Catholic Convent                             | 3,000                                                                    | Do.                                                                                         |
| Simla        | .. *Do.                                                    | 3,000                                                                    | Do.                                                                                         |

## NOTES—

(1) No institutions are maintained wholly by Government.

(2) The schools marked \* are not orphanages, but orphans of British soldiers are admitted to them.

(b) The following non-Christian Orphanages and Orphan schools in India are aided by Government of India :—

| Place.          | Name.                                      | Amount of aid given in the last year for which information is available. | Remarks.                                                                                                                                                                                                                               |
|-----------------|--------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 |                                            | Rs.                                                                      |                                                                                                                                                                                                                                        |
| Pithapuram      | .. Adi Andhra Free Boarding Home           | 263                                                                      |                                                                                                                                                                                                                                        |
| Madras          | .. Ramakrishna Mission Students' Home      | 336                                                                      |                                                                                                                                                                                                                                        |
| Melvisharam     | .. Anjuman Industrial Orphanage            | 458                                                                      |                                                                                                                                                                                                                                        |
| Erukattancherry | .. Sen Tamil Vidyasala Orphanage           | 170                                                                      |                                                                                                                                                                                                                                        |
| Trichinopoly    | .. Madrasa Mujli Zul Ulama Orphanage       | 285                                                                      |                                                                                                                                                                                                                                        |
| Vengadampatti   | .. Khastrya Committee Orphanage            | 15                                                                       |                                                                                                                                                                                                                                        |
| Calicut         | .. J. D. T. Islam Mappilla Orphanage       | 690                                                                      |                                                                                                                                                                                                                                        |
| Palamcottah     | .. Indian Orphan Cottage                   | 75                                                                       |                                                                                                                                                                                                                                        |
| Bijapur         | .. Bijapur Orphanage                       | 1,000                                                                    |                                                                                                                                                                                                                                        |
| Pandharpur      | .. Pandharpur Orphanage                    | 300                                                                      |                                                                                                                                                                                                                                        |
| Calcutta        | .. Calcutta Orphanage                      | 600                                                                      | The local Government also make a capitation grant at a prescribed rate to orphanages to which orphans are sent by Government officials. The amount spent in 1927-28 was Rs. 8,675, which included grants to Christian orphanages also. |
|                 | .. Calcutta Muhammadan Orphanage           | 3,300                                                                    |                                                                                                                                                                                                                                        |
|                 | .. The Refuge, Bowbazar                    | 3,360                                                                    |                                                                                                                                                                                                                                        |
|                 | .. Vidyasagar Bani Bhaban (Widows' Home)   | 3,600                                                                    |                                                                                                                                                                                                                                        |
| Dacca           | .. The Sir Salimullah Muhammadan Orphanage | 1,476                                                                    |                                                                                                                                                                                                                                        |
|                 | .. The Dacca Orphanage                     | 420                                                                      |                                                                                                                                                                                                                                        |
|                 | .. Hindu Widows' Home                      | 2,400                                                                    |                                                                                                                                                                                                                                        |
| Mymensingh      | .. Mission Orphanage                       | 1,032                                                                    |                                                                                                                                                                                                                                        |
| Dehra Dun       | .. Seth Lachmichand Orphanage              | Not specified.                                                           |                                                                                                                                                                                                                                        |
|                 | .. Arya Samaj                              | Do.                                                                      |                                                                                                                                                                                                                                        |
| Rikhikesh       | .. Marwari Chetra Orphanage                | Do.                                                                      |                                                                                                                                                                                                                                        |
| Hardwar         | .. Hindu Anathalaya                        | Do.                                                                      |                                                                                                                                                                                                                                        |
| Meerut          | .. Vaish Orphanage                         | Do.                                                                      |                                                                                                                                                                                                                                        |
| Do.             | .. Muslim Orphanage                        | Do.                                                                      |                                                                                                                                                                                                                                        |

| Place.             | Name.                                                                           | Amount of aid given in the last year for which information is available. | Remarks. |
|--------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------|
| Bulandshahr        | Hindu Orphanage used as Khurja Intermediate College boarding house, Bulandshahr | Rs.                                                                      |          |
| Hathras            | Chhote Lal Ram Narayan Anathalaya                                               | Not specified.                                                           |          |
| Aligarh            | Muhammadian Orphanage                                                           | Do.                                                                      |          |
| Muttra             | Singhi Krishna Singh Orphanage                                                  | Do.                                                                      |          |
| Do.                | Kishori Orphanage                                                               | Do.                                                                      |          |
| Agra               | Three orphanages; names not ascertained                                         | Do.                                                                      |          |
| Kasganj            | Upkarni Sabha                                                                   | Do.                                                                      |          |
| Bijnor             | Muslim Orphanage                                                                | Do.                                                                      |          |
| Barcilly           | Arya Samaj Orphanage                                                            | Do.                                                                      |          |
|                    | Islamia Orphanage                                                               | Do.                                                                      |          |
| Moradabad district | Three Muhammadian Orphanages in the district; names not ascertained             | Do.                                                                      |          |
| Shahjehanpur       | Shrimad Dayanand Orphanage                                                      | Do.                                                                      |          |
| Farrukhabad        | Anjuman Shafiq-ul-Islam                                                         | Do.                                                                      |          |
| Cawnpore           | Hindu Orphanage                                                                 | Do.                                                                      |          |
| Do.                | Muhammadian Orphanage                                                           | Do.                                                                      |          |
| Allahabad          | One Hindu and one Muslim Orphanage; names not ascertained                       | Do.                                                                      |          |
| Jhansi             | One Orphanage; name not ascertained                                             | Do.                                                                      |          |
| Jalaun             | One Orphanage; name not ascertained                                             | Do.                                                                      |          |
| Banda              | One Orphanage; name not ascertained                                             | Do.                                                                      |          |
| Benares            | Seva Samiti Orphanage                                                           | Do.                                                                      |          |
| Jaunpur            | One Hindu and one Muslim Orphanage; names not ascertained                       | Do.                                                                      |          |
| Gorakhpur          | One Hindu and one Muslim Orphanage; names not ascertained                       | Do.                                                                      |          |
| Basti              | One Orphanage; name not ascertained                                             | Do.                                                                      |          |
| Almora             | Arya Samaj Orphanage                                                            | Do.                                                                      |          |
| Lucknow            | Dayanand Orphanage                                                              | Do.                                                                      |          |
|                    | Sri Ram Industrial Orphanage                                                    | Do.                                                                      |          |
|                    | Mumtaz Darul Yatiman                                                            | Do.                                                                      |          |
|                    | Shia Yatim Khana                                                                | Do.                                                                      |          |

| Place.                | Name.                                       | Amount of aid given in the last year for which information is available. | Remarks.                                                                             |
|-----------------------|---------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                       |                                             | Rs.                                                                      |                                                                                      |
| Lakhimpur             | Jai Indra Anathalaya                        | Not specified.                                                           |                                                                                      |
| Balrampur             | MacDonnell Orphanage                        | Do.                                                                      |                                                                                      |
| Nawabganj             | Arya Samaj Mandir                           | Do.                                                                      |                                                                                      |
| Ferozepur Cantonment. | Arya Samaj Orphanage Industrial School      | 2,143                                                                    |                                                                                      |
| Bhiwani               | Aided Orphanage School                      | 667                                                                      |                                                                                      |
| Rangoon               | Muslim Anglo-Vernacular Free Middle School  | Same grants as those payable to other schools of the same grading.       | Average cost to Government per pupil is Rs. 27.                                      |
| Do.                   | Indian Orphans' Middle School               | Do.                                                                      | Average cost to Government per pupil is Rs. 35.                                      |
| Nowshera              | Muslim Orphanage                            | ..                                                                       | Government have paid it nothing so far, but aids the school to which it is attached. |
| Jhelum                | *King George's Royal Indian Military School | 70,160                                                                   |                                                                                      |
| Jullundur             | *Do.                                        | 65,780                                                                   |                                                                                      |

NOTE (1).—In the Central Provinces a scheme has been introduced from the 1st April 1929, subject to the vote of the Legislative Council, for capitation grants of Rs. 18 a year for every orphan above 5, but below 12 years of age who attends a recognised school and is admitted into an Indian orphanage which has been registered for 3 years and which has not got proselytizing as one of its objects.

NOTE (2).—The schools marked \* are not orphanages, but orphans of Indian soldiers belonging to the Punjab and the North-West Frontier Province are admitted to them.

#### REPORT OF THE INDIAN CINEMATOGRAH COMMITTEE.

25. **Khan Bahadur Sarfaraz Hussain Khan**: (a) Will Government be pleased to state if they have considered the Report of the Indian Cinematograph Committee and come to a decision?

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir James Crerar**: With your permission, Sir, I propose to reply to this question and also the Honourable Member's question No. 59 together:

(a) The views of Local Governments have been received on some of the recommendations and the Report is under the con-

sideration of Government, who have not yet come to a decision.

(b) Does not arise.

EXPENDITURE INCURRED ON COMMITTEES APPOINTED BY THE GOVERNMENT OF INDIA AND THE EFFECT OF THEIR RECOMMENDATIONS.

26. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government be pleased to state the total expenditure incurred on the 34 committees appointed by the Government of India, as referred to in the statement laid on the table in reply to question No. 68 in the Legislative Assembly on the 28th January, 1929 ?

(b) Will Government please lay a statement on the table showing :

- (i) the names of those of the 34 committees referred to in part (a) whose recommendations have been fully given effect to ;
- (ii) the names of those committees whose recommendations have been given effect to only partially ; and
- (iii) the names of those committees, if any, whose recommendations have not been given effect to ?

**The Honourable Sir James Crerar :** (a) The total cost of the committees referred to was Rs. 38,64,056 approximately.

(b) The information asked for is being collected and will be supplied to the Honourable Member in due course.

CONSTRUCTION OF A RAILWAY BETWEEN NASIRABAD AND DEOLI.

27. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the results of the survey referred to in their reply to starred question No. 75 in the Legislative Assembly on the 28th January, 1929, have been received by the Railway Board ?

(b) If so, will they please state what progress in the matter has been made since then ?

(c) If not, do Government propose to ask the authorities concerned to expedite the matter ?

**Mr. P. R. Rau :** In view of the heavy construction programme which the Board have in hand at present, it has been decided to postpone for a time the carrying out of the survey for the Nasirabad-Deoli line. This survey is unlikely to be made till the cold weather of 1930-31.

PREVENTION OF SOLIDIFIED VEGETABLE OIL FROM BEING SOLD AS GHEE.

28. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have received replies from the Local Governments, whom they had consulted on the question of " Prevention of Solidified Vegetable Oil from being sold as Ghee " ? [Vide Government reply to starred question No. 113 (c) in the Legislative Assembly on the 28th January, 1929.]

(b) If so, will they please state what steps they propose to take in the matter ?

**The Honourable Sir George Rainy :** Replies have now been received from all Local Governments. The last reply was received as recently as the 22nd August 1929, but this promises a further communication forwarding the views of an important municipality, which are still awaited by the Local Government.

HIGH RAILWAY FARES ON THE BENGAL NAGPUR RAILWAY.

29. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 114 (b) and (c) in the Legislative Assembly on the 28th January, 1929, regarding " High Railway Fares on the Bengal Nagpur Railway ", will Government be pleased to state if the Agent, Bengal Nagpur Railway, has arrived at a decision in the matter ?

(b) If so, will Government please communicate the decision to the House ?

**Mr. P. R. Rau :** (a) Yes.

(b) Although no general reduction in the basis of passenger fares has been made over the Bengal Nagpur Railway, intermediate and third class week-end return tickets are now issued over the whole line instead of only between selected stations. Third class bazaar-day reduced fares as well as third class special two-day return tickets on certain sections of the line have also been introduced.

REPORT OF THE COMMITTEE APPOINTED TO INVESTIGATE CAUSES OF FLOODS.

30. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the report of the expert committee formed for investigating the causes of and remedies for recurring floods has also been submitted to the Government of India ? [Vide Government reply to unstarred question No. 3 (b) in the Legislative Assembly on the 28th January, 1929.]

(b) If so, will copies of the report be made available to the members of the Assembly ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Copies of the report have been placed in the Library.

SUPPRESSION OF OPIUM-SMOKING IN THE CENTRAL PROVINCES AND BENGAL.

31. **Khan Bahadur Sarfaraz Hussain Khan :** Will Government please state if the Bill aiming at the ultimate prohibition of opium-smoking has been passed in the Legislative Council, Central Provinces and if the Bengal Government have come to any decision with regard to the suppression of opium-smoking ? [Vide Government reply to my unstarred question No. 6 (b) and (d) in the Legislative Assembly on the 28th January, 1929.]

**The Honourable Sir George Schuster :** The Central Provinces Opium-Smoking Bill has since been passed into law. The Act came into force in the Central Provinces with effect from the 1st June and in Berar from the 1st July 1929. The legislation proposed by the Bengal Government is still under their consideration.

# EXTRA PAY TO POSTAL OFFICIALS FOR WORKING ON SUNDAYS AND HOLIDAYS.

32. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have now come to any decision on the question of "Extra Pay to Postal Officials for working on Sundays and Holidays" ? (Vide Government reply to my unstarred question No. 12 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate to the House the decision arrived at ?

**The Honourable Sir Bhupendra Nath Mitra :** No decision has yet been arrived at.

# CONSTRUCTION OF THE ISHURDI-PABNA-SHADHUGANJ RAILWAY.

33. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the report regarding "Construction of the Ishurdi-Pabna-Shadhuganj Railway" which was received from the Railway Board in December 1928 has since been examined ? (Vide Government reply to my unstarred question No. 13 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate the result to the House ?

**Mr. P. R. Rau :** Some references have had to be made to the Agent, Eastern Bengal Railway. The project is still under consideration.

# DACCA-ARICHA RAILWAY.

34. **Khan Bahadur Sarfaraz Hussain Khan :** With reference to their reply to my unstarred question No. 18 in the Legislative Assembly on the 28th January, 1929, will Government be pleased to state when the construction of the line is likely to be taken up ?

**Mr. P. R. Rau :** I would refer the Honourable Member to the answer given to Mr. K. C. Neogy's starred question No. 61 on the same subject.

# VISIT OF THE MALARIA COMMISSION OF THE LEAGUE OF NATIONS TO INDIA.

35. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have heard anything about the visit of the Malaria Commission of the League of Nations to India since I put my unstarred question No. 14 in the Legislative Assembly on the 28th January, 1929 ?

(b) If so, will they please enlighten the House on the subject ?

**Sir Frank Noyce :** (a) and (b). The Malaria Commission of the League of Nations has already arrived in India. A copy of its tour programme and a list of members of the Commission have been placed in the Library.

# CLOSING OF THE PORT OF CALCUTTA TO HAJ PILGRIMS.

36. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the Port of Calcutta was closed to Haj Pilgrims for some period ?

(b) If so, from which to which year and on what grounds ?

(c) Is it a fact that Haj Pilgrims do not like to sail to Calcutta from Jeddah ?

**Sir Frank Noyce :** (a) and (b). The port of Calcutta was closed to pilgrim traffic in 1897, when Haj pilgrimage was suspended in order to avert the danger of plague being communicated to Europe. The question of re-opening it was considered by Government from time to time, but had to be dropped in view of the uncertainty as to whether a sufficient number of pilgrims would actually avail themselves of this facility. The port was re-opened to pilgrim traffic in 1926.

(c) Since the port was re-opened in 1926, no ship has returned to Calcutta with pilgrims from the Hedjaz. Government are not aware whether this is due to the disinclination of pilgrims to sail to Calcutta, to a sufficient number of pilgrims not being available at Jeddah at any one time to make it feasible to despatch a direct steamer to Calcutta, or to any other cause. The point is one which will doubtless be investigated by the Haj Enquiry Committee.

# UNBOOKED LUGGAGE OF THIRD CLASS PASSENGERS.

37. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the question of unbooked luggage of third class passengers has been discussed with the Central Advisory Council for Railways ? (Vide Government reply to my unstarred question No. 22 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House ?

(c) If not, when is the matter expected to come up for discussion ?

**Mr. P. R. Rau :** (a) No.

(b) Does not arise.

(c) This question is on the agenda for the next meeting of the Central Advisory Council, which will be held probably during this month.

# CONSTRUCTION OF A RAILWAY BRIDGE OVER THE RIVER GANDAK.

38. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the Railway Board has completed the examination of the project report of the "Construction of the Railway Bridge over the River Gandak" ? (Vide Government reply to my unstarred question No. 24 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate the result to the House ?

**Mr. P. R. Rau :** The project has been under reference with the Agent of the Bengal and North Western Railway, and a revised report has now been received and is under examination.

# REPORT OF THE COMMITTEE APPOINTED TO INQUIRE INTO THE AFFAIRS OF THE DELHI UNIVERSITY.

39. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government be pleased to state if they have since reached a final decision in the

matter of the "Report of the Committee appointed to inquire into the Affairs of the Delhi University" ? (*Vide* Government reply to my unstarred question No. 27 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House ?

**Sir Frank Noyce :** (a) and (b). The Report has been brought under careful consideration, but as the provisional decisions so far reached involve financial assistance, the inquiries suggested in paragraph 34 of the Report are being instituted. Further action is contingent upon the result of the inquiries and the financial considerations involved.

#### PARTICULARS OF HAJ COMMITTEES IN INDIA.

**40. Khan Bahadur Sarfaraz Hussain Khan :** Will Government be pleased to state :

- (a) how many Haj Committees there are in British India ;
- (b) whether the Haj Committees are officially recognised bodies ;
- (c) whether they have any powers of control and supervision over the Protectors of pilgrims in the Ports of Calcutta, Karachi and Bombay ;
- (d) the names of the Protectors with their salaries and qualifications, and the number of the subordinate staff of each Protector or with their designations ; and
- (e) whether any of the office-bearers of the Haj Committees are paid ?

**Sir Frank Noyce :** Information is being collected and will be supplied to the Honourable Member in due course.

#### GRANT OF HELP TO THE WIDOW AND FAMILY OF GANPATI AYER, LATE HEAD SORTER IN THE RAILWAY MAIL SERVICE.

**41. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have considered and come to a decision in the matter of "Grant of Help to the Widow and Family of Mr. Ganpati Ayer, late Head Sorter, No. 8 Section, Railway Mail Service, Bangalore City" ? (*Vide* Government reply to my unstarred question No. 33 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House ?

(c) If not, how much more time are they likely to take in the decision of the matter ?

**Mr. P. G. Rogers :** (a) to (c). Yes, the case was placed before the Post and Telegraph Compassionate Fund Committee, who decided that no gratuity could be granted. It transpired in the course of inquiry that the person who claimed to be the widow of the deceased official had never been his lawful wife.

#### ACTION TAKEN IN REGARD TO THE COLLISION ON THE BENGAL AND NORTH WESTERN RAILWAY.

**42. Khan Bahadur Sarfaraz Hussain Khan :** Will Government please state the result of the prosecution of the Station Jamadar in the

case of the collision on the Bengal and North Western Railway ? (*Vide* Government reply to my unstarred question No. 34 in the Legislative Assembly on the 28th January, 1929.)

**Mr. P. B. Rau :** An inquiry has been made and the result will be communicated to the Honourable Member in due course.

#### APPOINTMENT OF CERTAIN PROBATIONARY SUPERINTENDENTS OF POST OFFICES IN THE BIHAR AND ORISSA POSTAL CIRCLES.

**43. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the probationary Superintendents of Post Offices in the Bihar and Orissa Postal Circles, whose names are shown in the statement reproduced in reply to my unstarred question No. 42 in the Legislative Assembly on the 28th January, 1929, have been given permanent posts ?

(b) If so, will Government please state where they are posted now and what are their respective salaries ?

**Mr. P. G. Rogers :** (a) Of the ten probationary Superintendents referred to in the statement, Nos. 1, 3, 8 and 9 are no longer in the Department. The others have been given permanent posts.

(b) The information asked for is given in the statement below :

| Name and designation.                                                                  | Salary. | Station where posted. |
|----------------------------------------------------------------------------------------|---------|-----------------------|
|                                                                                        | Rs.     |                       |
| (1) Syed Md. Mansoor, Superintendent of Post Offices, Upper Rajputana Division .. .. . | 540     | Jaipur.               |
| (2) Mr. K. P. Misra, Assistant Postmaster-General, Bihar and Orissa Circle .. .. .     | 460     | Patna.                |
| (3) Syed Abdul Majeed, Superintendent of Post Offices, Monghyr Division .. .. .        | 480     | Monghyr.              |
| (4) Mr. N. N. Banerjee, Superintendent of R. M. S., S. Division .. .. .                | 440     | Silchar.              |
| (5) Mr. T. P. Scott O'Connor, Superintendent of Post Offices, Mysore Division .. .. .  | 380     | Mysore.               |
| (6) Mr. N. C. Das, Superintendent of Post Offices, Godavari Division .. .. .           | 320     | Rajahmundry.          |

#### OPENING OF A CITY BOOKING OFFICE AT PATNA.

**44. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the Agent of the East Indian Railway has taken any action in the matter of "Opening of a City Booking Office at Patna" ? (*Vide* Government reply to my unstarred question No. 44 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate the result to the House ?

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**Mr. P. R. Rau :** It has been ascertained from the Agent, East Indian Railway, that the matter has been investigated and it is considered that the existing facilities for booking are adequate.

#### ELECTRIFICATION OF THE KALKA-SIMLA RAILWAY.

**45. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the Railway Board have received the report regarding "The Electrification of the Kalka-Simla Railway" from their Consulting Electrical Engineers? (*Vide* Government reply to my unstarred question No. 48 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate the result to the House?

**Mr. P. R. Rau :** Government have decided to postpone the investigation of this scheme for the present. The present programme of construction, either sanctioned or awaiting sanction, is so heavy that it is not possible to find room for this electrification scheme, which is probably unlikely to be remunerative.

#### INCREASE IN THE PAY AND PENSIONS OF GOVERNMENT PEONS AND MENIAL STAFF.

**46. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since considered the question of "Increase in the Pay and Pensions of Government Peons and Menial Staff"? (*Vide* Government reply to my unstarred question No. 56 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir George Schuster :** (a) and (b). The matter is still under consideration.

#### HOUSING CONDITIONS OF WORKMEN IN LILLOOAH.

**47. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 67 in the Legislative Assembly on the 28th January, 1929, regarding "Housing Conditions of Workmen in Lillooah", will Government please state if the inquiry has since been completed and if the Agent of the East Indian Railway and the Railway Board have arrived at a decision in the matter?

(b) If so, will they please communicate their decision to the House?

**Mr. P. R. Rau :** (a) and (b). The question is still under consideration.

#### INCREASE IN THE SUBSISTENCE ALLOWANCE OF PEONS IN THE TELEGRAPH DEPARTMENT.

**48. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since reached a final decision in the matter of "Increase in the subsistence allowance of peons in the Telegraph Department"? (*Vide* Government reply to my unstarred question No. 71 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). No final decision has yet been reached.

#### DISCONTENT AMONG SUBORDINATES OF THE ELECTRICAL BRANCH OF THE POSTAL AND TELEGRAPH DEPARTMENT.

**49. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since reached a final decision in the matter of "Discontent among Subordinates of the Electrical Branch of the Postal and Telegraph Department"? (*Vide* Government reply to my unstarred question No. 73 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir Bhupendra Nath Mitra :** In the original starred question No. 470, asked in the Legislative Assembly on the 11th September 1928, Mr. Joshi referred to the pay and prospects of the subordinate ranks of the Electrical Branch and the conditions of their service under the dual control of the Traffic and Engineering Branches.

It is understood that the Director General has considered the representations and has come to the conclusion that it is not possible for him to make any special recommendations to Government in regard to the men.

Government are satisfied that in the organisation of a large telegraph office a certain amount of dual control is inevitable and they do not consider that such dual control constitutes a disability affecting the efficiency of the Branch.

#### RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

**50. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have come to any decision on all or some of the recommendations of the "Report of the Royal Commission on Agriculture"? (*Vide* Government reply to my unstarred question No. 84 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House?

**Sir Frank Noyce :** (a) and (b). Local Governments have been asked to report the action taken by them on the recommendations of the Royal Commission on Agriculture with which they are concerned. When their reports are complete, a consolidated statement showing the action taken both by them and by the Government of India will be laid upon the table of the House. Meanwhile, as regards the important recommendations made by the Royal Commission on Agriculture regarding the establishment of an Imperial Council of Agricultural Research, the Honourable Member is referred to the Resolution issued by the Government of India, Department of Education, Health and Lands, No. 826-Agri., dated May 23rd, 1929, and to the Resolution issued by that Department No. 1316-Agri., dated August 6th, 1929.

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**AMELIORATION OF LEAVE AND PENSION TERMS OF THE INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.**

51. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 86 in the Legislative Assembly on the 28th January, 1929, will Government please state if they have since considered the question of "Amelioration of Leave and Pension Terms of Inferior Servants of the Government of India" and come to a decision in the matter?

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir George Schuster :** In my reply to the question to which the Honourable Member refers I stated that the cost of certain proposals regarding the leave terms of inferior servants was being investigated with a view to ascertaining whether financial considerations would permit of any new expenditure on this account being admitted. I should like now to explain briefly what those proposals were. They were proposals that inferior servants should be given one or other of the following terms :

- (a) One month's leave on full pay per annum, and six months' leave on half-pay during the whole service.
- (b) Fifteen days' leave on full pay per annum, and six months' leave on half-pay during the whole service.
- (c) One month's leave on full pay per annum, and nine months' leave on half-pay during the whole service.
- (d) Fifteen days' leave on full pay per annum, and nine months' leave on half-pay during the whole service.

The Honourable Member is no doubt aware that, even now, inferior servants can get leave, but that it is often difficult to grant them leave because it is not permissible to employ a substitute at extra expense.

In regard to the new proposals which I have mentioned, the extra cost that had to be estimated in each case was the cost of the leave reserve that would have to be created in order to enable that amount of leave to be taken. On a very conservative estimate, it is calculated that the extra cost per annum would be as follows :

- (1) in case (a), Rs. 16 lakhs.
- (2) in case (b), Rs. 9½ lakhs.
- (3) in case (c), Rs. 17 lakhs, and
- (4) in case (d), Rs. 10 lakhs.

I fear that these figures are so large as to make it very difficult to finance any of the alternative schemes in the present state of finances of the Government of India. The matter will, in any case, have to be postponed until an additional financial margin can be created.

2. As regards pensions, I stated in that reply that the Government of India were inquiring of Local Governments what action they have taken, or propose to take, since it was important that in a matter of this kind the practice should be uniform. The replies of the Local Governments were only recently received, and show that most Local Governments

are still considering the matter. The question is therefore still pending so far as the Government of India are concerned. Meantime, however, it is proposed that the temporary increases of small pensions, the term of sanction of which expires on the 31st October 1929, should be continued for a further two years. The Secretary of State has accorded his sanction, and the proposal is now awaiting the approval of the Standing Finance Committee.

**FURTHERANCE OF MEDICAL RESEARCH AND PUBLIC HEALTH IN INDIA.**

52. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have come to any decision in the matter of "Furtherance of Medical Research and Public Health in India"? [Vide Government reply to my unstarred question No. 88 (c) and (d) in the Legislative Assembly on the 28th January, 1929.]

(b) If so, will they please communicate to the House the decision arrived at?

**Sir Frank Noyce :** (a) and (b). The Honourable Member is referred to the reply given to parts (b) and (c) of the starred question No. 14 asked to-day by Messrs. Kelkar and Neogy, Dr. Moonje and Mr. Fazal Ibrahim Rahimtulla.

**RAISING THE RESERVE OF NURSES IN INDIA.**

53. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since reached any decision in the matter of "Raising the Reserve of Nurses in India"? (Vide Government reply to my unstarred question No. 91 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House?

**Mr. G. R. F. Tottenham :** (a) No, Sir.

(b) Does not arise.

**RECRUITMENT TO THE CENTRAL SERVICES.**

54. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the Secretary of State and the Government of India have since considered the rules regarding "Recruitment to the Central Services"? (Vide Government reply to my unstarred question No. 94 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please state when the same may be expected to be issued?

**The Honourable Sir James Ormerod :** Rules making a formal delegation of powers are still under the consideration of the Government of India and the Secretary of State and it is not possible yet to say when they will be issued.

**WORKING HOURS OF OFFICIALS OF THE SAVINGS BANK DEPARTMENT OF THE GENERAL POST OFFICE, CALCUTTA.**

55. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 96 in the Legislative

Assembly on the 28th January, 1929, on the subject of "Working Hours of the Officials of the Savings Bank Department of the General Post Office, Calcutta", will the Government be pleased to state if their inquiry in the matter has since been completed?

(b) If so, will they please communicate the result of their inquiry to the House?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The result of the inquiry was communicated to Rai Bahadur Tarit Bhusan Roy in March 1929 and a copy of the communication has been placed in the Library of the House.

#### INDIAN TRADE COMMISSIONERS ABROAD.

56. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the question of appointing "Indian Trade Commissioners abroad" has since been decided? (*Vide* Government reply to my unstarred question No. 100 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir George Rainy :** The question of appointing Indian Trade Commissioners abroad is still under consideration.

#### OPENING OF A BROAD GAUGE RAILWAY BETWEEN JAKHAL AND SIRSA.

57. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to the Government reply to my unstarred question No. 106 in the Legislative Assembly on the 28th January, 1929, regarding "Opening of a Broad Gauge Railway between Jakhal and Sirsa, via Fatehabad", will Government please state if the results of the survey are ready now?

(b) If so, will they please state when the construction of the line is likely to be taken up?

**Mr. P. R. Rau :** The survey report has not yet been received.

#### GRIEVANCES OF PILGRIMS TO HEDJAZ.

58. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 113 (2), (8) and (5) in the Legislative Assembly on the 28th January, 1929, on the subject of "Grievances of Pilgrims to Hedjaz", will Government be pleased to state if they have completed their inquiries into the matter?

(b) If so, will they please communicate the result of their inquiries to the House?

**Sir Frank Noyce :** (a) Yes.

(b) Part 2 of unstarred question No. 113 : Complaints have been received that the firewood supplied by shipping companies is either cut into pieces of unsuitable size or not cut at all. The matter is being investigated by the Haj Inquiry Committee.

Part 3 : Complaints were received in the past by the authorities at Bombay regarding the bad latrine arrangements on the S.S. "Shuja".

and the S.S. "Inataba". These boats are, however, no longer employed in pilgrim traffic.

The allegation that latrines are exposed to the view of those outside is not correct.

As regards the scavenging arrangements, a complaint was received in 1927 that latrines on the S.S. "Zayani" and the S.S. "Akbar" were not clean. On inquiry, however, it was found that the use by pilgrims of mud and stones for toilet purposes was largely responsible for choking the outlets.

Part 5 : No complaints have been received that the doctor on any pilgrim ship has refused to give medicines. The question whether it is necessary to prescribe a rule requiring the doctor to attend to urgent cases at all hours will be considered by the Haj Inquiry Committee.

#### RECOMMENDATIONS OF THE CINEMATOGRAH COMMITTEE.

59. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 120 (b) in the Legislative Assembly on the 28th January, 1929, on the subject of "Recommendations of the Cinematograph Committee", will Government be pleased to state if they have since secured the views of the Local Governments and arrived at a final decision in the matter?

(b) If so, will they please communicate their decision to the House?

#### SUICIDE OF MR. LALKHAN, AN AGENT OF THE GOVERNMENT OF INDIA IN THE NORTH WEST FRONTIER PROVINCE.

60. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have completed their inquiry in the matter of "Suicide of Mr. Lalkhan, an Agent of the Government of India in the North West Frontier Province"? (*Vide* Government reply to unstarred question No. 128 in the Legislative Assembly on the 28th January, 1929.)

(b) If so, will they please communicate the result of their inquiry to the House?

**Sir Denys Bray :** The inquiry which has been completed, has failed to trace Mr. Lal Khan, and nothing is known of his reported suicide.

#### COMFORT OF THIRD CLASS PASSENGERS ON INDIAN RAILWAYS.

61. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the Central Advisory Council has since discussed the question of "Comfort of Third Class Passengers on Indian Railways"? [*Vide* Government reply to my unstarred question No. 129 (b) in the Legislative Assembly on the 28th January, 1929.]

(b) If so, will they please communicate to the House the decision arrived at?

**Mr. P. R. Rau :** The following matters more particularly appertaining to the comfort of third class passengers were discussed at the last

For answer to this question, see answer to unstarred question No. 25.



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meeting of the Central Advisory Council on the 16th February 1929. As a result of the discussion, the following action has been taken by the Railway Board :

- (a) *Supply of drinking water for passengers* : Agents of railways have been advised that, if possible, arrangements should be made to carry water on trains in special compartments, and that it is desirable to locate water taps at stations under shelter, preferably in 3rd class waiting halls.
- (b) *Lack of waiting sheds and high level platforms at certain roadside stations* : Railways have been asked to work to a definite programme for the construction of more waiting sheds and high level platforms and to report progress annually.
- (c) *Lack of benches for passengers* : Railway Administrations have been advised not to relax their attention in the matter and to continue to increase the number of benches wherever it is necessary.
- (d) *Confusion and overcrowding at booking office windows and difficulty in purchasing tickets* : Railway Administrations have been advised that the best means to improve the arrangements at booking offices lies in the provision of additional booking clerks, in opening more booking offices in cities and extra booking offices at stations, and in the provision of extra windows at existing booking offices ; also that it is very desirable to improve the efficiency of booking clerks. The Agents of railways have again been requested to see that the orders regarding the timely opening of booking offices are strictly enforced, and that surprise checks are frequently made by inspecting officers.

#### INTRODUCTION OF A BILL FOR THE INSTITUTION OF AN ALL-INDIA ACCOUNTANCY BOARD.

62. **Khan Bahadur Sarfaraz Hussain Khan** : (a) With reference to Government reply to my unstarred question No. 131 in the Legislative Assembly on the 28th January, 1929, will Government please state if replies have been received from Local Governments on the subject of "Introduction of a Bill for the Institution of an All-India Accountancy Board" ?

(b) If so, will they please state if they propose to introduce legislation in the present Simla Session ?

**The Honourable Sir George Rainy** : (a) All replies have now been received and are under consideration. A printed copy of the replies has been placed in the Library.

(b) It will not be possible to introduce legislation during the present Simla Session.

#### INTRODUCTION OF AN EXAMINATION FOR THE TRAFFIC BRANCH OF THE POST OFFICE.

63. **Khan Bahadur Sarfaraz Hussain Khan** : (a) Will Government please state if they have since considered the question of "Introduction

of an examination for the Traffic Branch of the Post Office" ? [Vide Government reply to my unstarred question No. 134 (a) in the Legislative Assembly on the 28th January, 1929.]

(b) If so, will they please communicate their decision to the House ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) The matter is still under consideration.

(b) Does not arise.

#### MEMORIAL OF THE MINISTERIAL STAFF OF THE FOUR OFFICES IN CALCUTTA UNDER THE CONTROLLER OF PRINTING.

64. **Khan Bahadur Sarfaraz Hussain Khan** : (a) With reference to Government reply to unstarred question No. 161 (a) in the Legislative Assembly on the 28th January, 1929, will Government please state if they have since considered the "Memorial of the Ministerial Staff of the four Offices in Calcutta under the Controller of Printing" and come to a decision in the matter ?

(b) If so, will they please communicate their decision to the House ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) and (b). The memorial is still under the consideration of Government.

#### SUPPLY OF WATER FOR SWIMMING BATHS FOR EUROPEANS AND ANGLO-INDIANS AT PAKSEY AND SAIDPUR ON THE EASTERN BENGAL RAILWAY.

65. **Khan Bahadur Sarfaraz Hussain Khan** : (a) Will Government please state if they have made inquiries from the Agent of the Eastern Bengal Railway regarding "Supply of water for Swimming Baths for Europeans and Anglo-Indians at Paksey and Saidpur on the Eastern Bengal Railway" ? (Vide Government reply to starred question No. 514 in the Legislative Assembly on the 11th February, 1929.)

(b) If so, will they please communicate the result of their inquiries to the House ?

**Mr. P. R. Ran** : A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

#### PROVISION OF QUARTERS FOR THE MENIAL STAFF ON THE EASTERN BENGAL RAILWAY.

66. **Khan Bahadur Sarfaraz Hussain Khan** : (a) With reference to Government reply to starred question No. 519 in the Legislative Assembly on the 11th February, 1929, regarding "Provision of quarters for the menial staff on the Eastern Bengal Railway", will Government please state if the Agent, Eastern Bengal Railway, has come to any decision in the matter ?

(b) If so, will Government please state what the decision is ?

**Mr. P. R. Ran** : A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

PROVISION OF QUARTERS FOR INDIAN GUARDS AT OR NEAR SEALDAH.

67. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since completed their inquiries with the Agent of the Eastern Bengal Railway regarding "Provision of Quarters for Indian Guards at or near Sealdah"? (Vide Government reply to starred question No. 521 in the Legislative Assembly on the 11th February, 1929.)

(b) If so, will they please communicate the result of their inquiries to the House?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

PAY AND PROSPECTS OF MINISTERIAL OFFICERS OF THE EASTERN BENGAL RAILWAY.

68. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 522 in the Legislative Assembly on the 11th February, 1929, on the subject of "Pay and Prospects of Ministerial Officers of the Eastern Bengal Railway", will Government please state if the position was ascertained from the Agent of the Eastern Bengal Railway?

(b) If so, will they please state what the position is?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

GRIEVANCES OF POSTAL EMPLOYEES OF THE PATNA DIVISION, BIHAR AND ORISSA.

69. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 220 (a) and (b) in the Legislative Assembly on the 11th February, 1929, on the subject of "Grievances of Postal Employees of the Patna Division, Bihar and Orissa", will Government please state if the Director General, Posts and Telegraphs, and the Postmaster General, Bihar and Orissa, have since considered the Resolutions and come to any decision in the matter?

(b) If so, will Government please communicate to the House the decision arrived at?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b) Yes. A decision has been taken in both the matters. The Director General has come to the conclusion that there is no case for introducing the scale of pay sanctioned for Allahabad in Patna.

As regards house rent, Government have decided to restore the previous concession and to recover from the clerks of the Posts and Telegraphs Department stationed in Patna, who are provided with departmental quarters, house rent at 5 per cent. of their pay instead of 10 per cent.

NON-MILITARY RIFLE PRACTICE CLUBS IN INDIA.

70. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the information regarding "Non-military Rifle Practice Clubs in India" has since been collected from the Provincial Governments? (Vide Government reply to starred question No. 556 in the Legislative Assembly on the 18th February, 1929)?

(b) If so, will they please communicate the information obtained to the House?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The information is available in the Library of the House.

PROVISION OF QUARTERS FOR CLERKS OF THE KISHENGUNJ AND ISLAMPUR POST OFFICES.

71. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since considered the question of providing quarters for clerks of the Kishengunj and Islampur Post Offices in the district of Purnea and come to a decision in the matter? [Vide Government reply to unstarred question No. 243 (3) in the Legislative Assembly on the 18th February, 1929.]

(b) If so, will they please communicate their decision to the House?

**Mr. P. G. Rogers :** (a) and (b) Yes. It has been decided to sanction the construction of quarters for the Sub-Postmaster and two clerks at Islampur and for six clerks at Kishenganj. The quarters will be constructed by instalments according to a yearly programme, and it is hoped to make a beginning this year.

ACTION OF THE CANTONMENT AUTHORITIES IN A CASE OF CHOLERA IN THE CANTONMENT.

72. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have collected the information regarding "Action of the Cantonment Authorities in a case of Cholera in the Cantonment"? (Vide Government reply to starred question No. 638 in the Legislative Assembly on the 19th February, 1929.)

(b) If so, will they please communicate the result of their inquiry to the House?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) A copy of Mr. Young's letter, dated the 9th March 1929, to Pandit Thakur Das Bhargava, is laid on the table.

DEMI-OFFICIAL LETTER FROM ARMY SECRETARY, No. 28-Y., DATED THE 9TH MARCH 1929, TO PANDIT THAKUR DAS BHARGAVA, M.L.A.

With reference to my answer to your starred question No. 638 in the Legislative Assembly on the 19th February 1929, I give below the information asked for :

(a) The answer is in the affirmative.

(b) The answer is in the negative.

(c) Government understand that the Assistant Health Officer first of all requested Lala Raja Ram to bring his mother to the Cantonment hospital where arrangements

PROVISION OF QUARTERS FOR INDIAN GUARDS AT OR NEAR SEALDAH.

67. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since completed their inquiries with the Agent of the Eastern Bengal Railway regarding "Provision of Quarters for Indian Guards at or near Sealdah"? (*Vide* Government reply to starred question No. 521 in the Legislative Assembly on the 11th February, 1929.)

(b) If so, will they please communicate the result of their inquiries to the House?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

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68. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 522 in the Legislative Assembly on the 11th February, 1929, on the subject of "Pay and Prospects of Ministerial Officers of the Eastern Bengal Railway", will Government please state if the position was ascertained from the Agent of the Eastern Bengal Railway?

(b) If so, will they please state what the position is?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

GRIEVANCES OF POSTAL EMPLOYEES OF THE PATNA DIVISION, BIHAR AND ORISSA.

69. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 220 (a) and (b) in the Legislative Assembly on the 11th February, 1929, on the subject of "Grievances of Postal Employees of the Patna Division, Bihar and Orissa", will Government please state if the Director General, Posts and Telegraphs, and the Postmaster General, Bihar and Orissa, have since considered the Resolutions and come to any decision in the matter?

(b) If so, will Government please communicate to the House the decision arrived at?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b) Yes. A decision has been taken in both the matters. The Director General has come to the conclusion that there is no case for introducing the scale of pay sanctioned for Allahabad in Patna.

As regards house rent, Government have decided to restore the previous concession and to recover from the clerks of the Posts and Telegraphs Department stationed in Patna, who are provided with departmental quarters, house rent at 5 per cent. of their pay instead of 10 per cent.

NON-MILITARY RIFLE PRACTICE CLUBS IN INDIA.

70. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the information regarding "Non-military Rifle Practice Clubs in India" has since been collected from the Provincial Governments (*Vide* Government reply to starred question No. 556 in the Legislative Assembly on the 18th February, 1929)?

(b) If so, will they please communicate the information obtained to the House?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The information is available in the Library of the House.

PROVISION OF QUARTERS FOR CLERKS OF THE KISHENGUNJ AND ISLAMPUR POST OFFICES.

71. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since considered the question of providing quarters for clerks of the Kishengunj and Islampur Post Offices in the district of Purnea and come to a decision in the matter? [*Vide* Government reply to unstarred question No. 243 (3) in the Legislative Assembly on the 18th February, 1929.]

(b) If so, will they please communicate their decision to the House?

**Mr. P. G. Rogers :** (a) and (b) Yes. It has been decided to sanction the construction of quarters for the Sub-Postmaster and two clerks at Islampur and for six clerks at Kishenganj. The quarters will be constructed by instalments according to a yearly programme, and it is hoped to make a beginning this year.

ACTION OF THE CANTONMENT AUTHORITIES IN A CASE OF CHOLERA IN THE CANTONMENT.

72. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have collected the information regarding "Action of the Cantonment Authorities in a case of Cholera in the Cantonment"? (*Vide* Government reply to starred question No. 638 in the Legislative Assembly on the 19th February, 1929.)

(b) If so, will they please communicate the result of their inquiry to the House?

**Mr. G. R. F. Tottenham :** (a) Yes.

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With reference to my answer to your starred question No. 638 in the Legislative Assembly on the 19th February 1929, I give below the information asked for :

(a) The answer is in the affirmative.

(b) The answer is in the negative.

(c) Government understand that the Assistant Health Officer first of all requested Lala Raja Ram to bring his mother to the Cantonment hospital where arrangements

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had been made for the isolation of cholera cases, and it was only when he refused, that he was served with a notice under section 175 of the Cantonments Act, 1924, directing him to bring his mother to the hospital.

(d) and (e). The Assistant Health Officer did not approach the Brigade Commander, but reported the matter to the Health Officer who took the necessary steps to stop the spread of cholera in the Cantonment.

A notice under Section 176 was issued to Lala Raja Ram and a copy of it was sent to the police for service, stating that he should either take his mother to the Cantonment Hospital or else remove her outside the cantonment within 24 hours. Strictly speaking the notice should have been served on the patient herself.

(f) No.

(g) Government are informed that there was no popular consternation.

(h) The notice was cancelled as the woman had died.

(i) Lala Raja Ram being a contact was directed to attend the hospital daily for a week, but this did not interfere with the performance of the funeral ceremonies of his mother.

PAY IN THE ACCOUNTS DEPARTMENT OF EMPLOYEES HOLDING CERTAIN DEGREES.

73. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to starred question No. 681 in the Legislative Assembly on 20th February, 1929, will Government please state if inquiries have been made regarding "Pay in the Accounts Department of Employees holding certain Degrees" ?

(b) If so, will they please communicate the result of their inquiries to the House ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 73, 75, 101, 102 and 136 together.

The replies to the questions referred to by the Honourable Member were sent to the Honourable Members concerned and copies will be found in the Library of the House.

EXCESSIVE WORKING HOURS OF TICKET-COLLECTORS, AND GRANT OF UNIFORM TO MENIALS AT MUTTRA STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

74. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if inquiries have been made from the Agent of the Great Indian Peninsula Railway regarding "Excessive Working Hours of Ticket-Collectors and Grant of Uniform to Menials at Muttra Station on the Great Indian Peninsula Railway" ? (Vide Government reply to starred question No. 684 in the Legislative Assembly on the 20th February, 1929.)

(b) If so, will they please communicate the result of their inquiries to the House ?

Mr. P. R. Rau : A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

SALARIES OF SHROFFS IN CURRENCY OFFICES.

75. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if the information regarding "Salaries of Shroffs in Currency

For answer to this question, see answer to unstarred question No. 73.

Officers" has since been obtained ? (Vide Government reply to starred question No. 700 in the Legislative Assembly on the 23rd February, 1929.)

(b) If so, will they please communicate the information obtained to the House ?

PROVISION OF A RAISED PLATFORM AT CHINIOT RAILWAY STATION.

76. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if the Agent of the North Western Railway has since considered the question of "Provision of a Raised Platform at Chiniot Railway Station" and come to a decision in the matter ? (Vide Government reply to starred question No. 703 in the Legislative Assembly on the 23rd February, 1929.)

(b) If so, will they please communicate to the House the decision arrived at ?

Mr. P. R. Rau : A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

PROVISION OF A WAITING ROOM FOR THIRD CLASS PASSENGERS AT AJODHYA STATION.

77. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to unstarred question No. 250 in the Legislative Assembly on the 23rd February, 1929, will Government please state if the Agent of the Bengal and North Western Railway has since considered the matter and come to a decision regarding "Provision of a Waiting Room for 3rd Class Passengers at Ajodhya Station" ?

(b) If so, will they please state what the decision is ?

Mr. P. R. Rau : It has been ascertained from the Agent, Bengal and North Western Railway, that an estimate for the provision of a waiting shed for third class passengers at Ajodhya (Lakarmandi Ghat) station has been sanctioned.

EMPLOYMENT OF NURSES IN ALL IMPORTANT HOSPITALS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

78. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to starred question No. 732 in the Legislative Assembly on the 25th February, 1929, will Government please state if the Agent, East Indian Railway, has come to a decision regarding "Employment of Nurses in all Important Hospitals on the Oudh and Rohilkhand Section of the East Indian Railway" ?

(b) If so, will they please communicate the decision to the House ?

Mr. P. R. Rau : There are no regular railway hospitals at present on the Oudh and Rohilkhand Railway Section of the East Indian Railway, though there are some dispensaries with a bed or two for emergent cases. Should any regular hospital be built, the engagement of nurses for them will be considered.

# **RULES FOR LEAVE OF EMPLOYEES IN THE LILLOOAH WORKSHOP, EAST INDIAN RAILWAY.**

**79. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have inquired from the Agent of the East Indian Railway regarding " Rules for Leave of Employees in the Lillooah Workshop, East Indian Railway " ? (*Vide* Government reply to starred question No. 734 in the Legislative Assembly on the 25th February, 1929.)

(b) If so, will they please state if the instructions suggested therein have been considered and approved by the Agent ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

# **CANCELLATION OF THE INCREMENT OF PAY OF EMPLOYEES IN THE LILLOOAH WORKSHOPS.**

**80. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 735 in the Legislative Assembly on the 25th February, 1929, will Government please state if the Railway Board have inquired from the Agent of the East Indian Railway regarding " Cancellation of the Increment of Pay of Employees in the Lillooah Workshops " ?

(b) If so, will they please communicate the result of their inquiry to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

# **NUMBER AND COST OF LOCOMOTIVES SOLD BY ONE RAILWAY TO ANOTHER IN CERTAIN YEARS.**

**81. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have obtained the information regarding " Number and Cost of Locomotives sold by one Railway to another in certain Years " ? (*Vide* Government reply to starred question No. 155 in the Legislative Assembly on the 29th January, 1929.)

(b) If so, will they please communicate their information to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

# **QUALIFICATIONS OF SUPERINTENDENTS OF CIRCLES IN THE ARCHÆOLOGICAL DEPARTMENT.**

**82. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have collected the information regarding " Qualifications of Superintendents of Circles in the Archæological Department " ? (*Vide* Government reply to starred question No. 226 in the Legislative Assembly on the 30th January, 1929.)

(b) If so, will they please communicate their information to the House ?

**Sir Frank Noyce :** A copy of the information eventually supplied in reply to question No. 226 asked on the 30th January 1929 is laid on the table of the House.

# **REPLY TO QUESTION NO. 226 ASKED IN THE LEGISLATIVE ASSEMBLY ON THE 30TH JANUARY 1929.**

(a) Nine important excavations were undertaken last year at Nalanda, Mahastan, Rangamati, Mohenjodaro, Harappa, Taxila, Nagarjonikonda, in Kalat State and at Proma, in addition to nearly 150 new works of special repair or conservation of ancient monuments.

(b) Superintendents are ordinarily selected by promotion from among Assistant Superintendents who have already served for several years in the Department, and they are required to be qualified in one or more of the following subjects :

Architecture, conservation of ancient monuments, oriental languages, epigraphy, numismatics, iconography, exploration and excavation, and chemistry.

(c) 13 officers of the Department rank as Superintendents at present. Their names and the subjects in which they are qualified are given in the statement below :

| Name.                                 | Post.                                           | Subject in which qualified.       |
|---------------------------------------|-------------------------------------------------|-----------------------------------|
| 1. Mr. Hargreaves .. ..               | Offg. Director General of Archaeology in India. | Research and Conservation.        |
| 2. Mr. J. F. Blakiston .. ..          | Deputy Do. .. ..                                | Conservation.                     |
| 3. Rai Bahadur Daya Ramsahni .. ..    | Do. (Explorations) .. ..                        | Sanskrit and Research.            |
| 4. Mr. A. H. Longhurst .. ..          | Superintendent .. ..                            | Conservation.                     |
| 5. Mr. C. Duroiselle .. ..            | Do. .. ..                                       | Sanskrit and Burman Archaeology.  |
| 6. Mr. Mohd. Sana Ullah .. ..         | Archæological Chemist .. ..                     | Chemistry.                        |
| 7. Mr. J. A. Page .. ..               | Superintendent .. ..                            | Conservation.                     |
| 8. K. B. M. Zafar Hasan .. ..         | Do. .. ..                                       | Persian, Arabic and Conservation. |
| 9. R. B. Ramaprasad Chanda .. ..      | Do. Indian Museum .. ..                         | Sanskritist.                      |
| 10. Dr. Hirananda Sastri .. ..        | Government Epigraphist .. ..                    | Research and Sanskrit Epigraphy.  |
| 11. Mr. K. N. Dikshit .. ..           | Superintendent .. ..                            | Sanskrit and Research.            |
| 12. Mr. K. V. Subrahmanya Aiyar .. .. | Do. .. ..                                       | Sanskrit Epigraphy.               |
| 13. Mr. G. C. Chandra .. ..           | Do. .. ..                                       | Conservation.                     |

# **MINIMUM RATES OF PAY FOR SKILLED, SEMI-SKILLED, AND UN-SKILLED LABOUR IN RAILWAY WORKSHOPS.**

**83. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have collected the information regarding " Minimum Rates of Pay for Skilled, Semi-skilled and Un-skilled Labour in Railway Workshops " ? (*Vide* Government reply to starred question No. 247 in the Legislative Assembly on the 30th January, 1929.)

(b) If so, will they please communicate their information to the House ?

**Mr. P. R. Rau :** Complete information has not yet been collected.

UNSTARRED QUESTIONS AND ANSWERS.

LEGISLATIVE ASSEMBLY. [2ND SEPT. 1929.]

had been made for the isolation of cholera cases, and it was only when he refused, that he was served with a notice under section 175 of the Cantonments Act, 1924, directing him to bring his mother to the hospital.

(d) and (e). The Assistant Health Officer did not approach the Brigade Commander, but reported the matter to the Health Officer who took the necessary steps to stop the spread of cholera in the Cantonment.

A notice under Section 176 was issued to Lala Raja Ram and a copy of it was sent to the police for service, stating that he should either take his mother to the Cantonment Hospital or else remove her outside the cantonment within 24 hours. Strictly speaking the notice should have been served on the patient herself.

(f) No.

(g) Government are informed that there was no popular consternation.

(h) The notice was cancelled as the woman had died.

(i) Lala Raja Ram being a contact was directed to attend the hospital daily for a week, but this did not interfere with the performance of the funeral ceremonies of his mother.

PAY IN THE ACCOUNTS DEPARTMENT OF EMPLOYEES HOLDING CERTAIN DEGREES.

73. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to starred question No. 681 in the Legislative Assembly on 20th February, 1929, will Government please state if inquiries have been made regarding "Pay in the Accounts Department of Employees holding certain Degrees" ?

(b) If so, will they please communicate the result of their inquiries to the House ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 73, 75, 101, 102 and 136 together.

The replies to the questions referred to by the Honourable Member were sent to the Honourable Members concerned and copies will be found in the Library of the House.

EXCESSIVE WORKING HOURS OF TICKET-COLLECTORS, AND GRANT OF UNIFORM TO MENIALS AT MUTTRA STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

74. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if inquiries have been made from the Agent of the Great Indian Peninsula Railway regarding "Excessive Working Hours of Ticket-Collectors and Grant of Uniform to Menials at Muttra Station on the Great Indian Peninsula Railway" ? (Vide Government reply to starred question No. 684 in the Legislative Assembly on the 20th February, 1929.)

(b) If so, will they please communicate the result of their inquiries to the House ?

Mr. P. R. Rau : A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

SALARIES OF SHROFFS IN CURRENCY OFFICES.

75. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if the information regarding "Salaries of Shroffs in Currency

For answer to this question, see answer to unstarred question No. 73.

Officers" has since been obtained ? (Vide Government reply to starred question No. 700 in the Legislative Assembly on the 23rd February, 1929.)

(b) If so, will they please communicate the information obtained to the House ?

PROVISION OF A RAISED PLATFORM AT CHINIOT RAILWAY STATION.

76. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if the Agent of the North Western Railway has since considered the question of "Provision of a Raised Platform at Chiniot Railway Station" and come to a decision in the matter ? (Vide Government reply to starred question No. 703 in the Legislative Assembly on the 23rd February, 1929.)

(b) If so, will they please communicate to the House the decision arrived at ?

Mr. P. R. Rau : A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

PROVISION OF A WAITING ROOM FOR THIRD CLASS PASSENGERS AT AJODHYA STATION.

77. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to unstarred question No. 250 in the Legislative Assembly on the 23rd February, 1929, will Government please state if the Agent of the Bengal and North Western Railway has since considered the matter and come to a decision regarding "Provision of a Waiting Room for 3rd Class Passengers at Ajodhya Station" ?

(b) If so, will they please state what the decision is ?

Mr. P. R. Rau : It has been ascertained from the Agent, Bengal and North Western Railway, that an estimate for the provision of a waiting shed for third class passengers at Ajodhya (Lakarmandi Ghat) station has been sanctioned.

EMPLOYMENT OF NURSES IN ALL IMPORTANT HOSPITALS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

78. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to starred question No. 732 in the Legislative Assembly on the 25th February, 1929, will Government please state if the Agent, East Indian Railway, has come to a decision regarding "Employment of Nurses in all Important Hospitals on the Oudh and Rohilkhand Section of the East Indian Railway" ?

(b) If so, will they please communicate the decision to the House ?

Mr. P. R. Rau : There are no regular railway hospitals at present on the Oudh and Rohilkhand Railway Section of the East Indian Railway, though there are some dispensaries with a bed or two for emergent cases. Should any regular hospital be built, the engagement of nurses for them will be considered.



# APPOINTMENT OF A PERMANENT INDIAN REPRESENTATIVE AT GENEVA.

90. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to unstarred question No. 188 in the Legislative Assembly on the 4th February, 1929, will Government please state if the High Commissioner's proposals regarding "Appointment of a permanent Indian Representative at Geneva" have since been received?

(b) If so, will they please lay a copy of it on the table for the information of the House?

The Honourable Sir Brojendra Mitter : The idea of appointing a permanent representative of India at Geneva has been dropped pending the Report of the Statutory Commission.

# PROMPT PAYMENT OF WAGES.

91. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to unstarred question No. 189 in the Legislative Assembly on the 4th February, 1929, will Government please state if they have come to any decision as regards prompt payment of wages?

(b) If so, will Government please state what it is?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) Does not arise.

# EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES IN INDIA.

92. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if inquiries were made and the views ascertained from Railway Administrations with regard to certain details on the subject of "Education of the children of Railway employees in India"? [Vide Government reply to unstarred question No. 190 (b) and (c) in the Legislative Assembly on the 4th February, 1929.]

(b) If so, will Government please state if they have come to any decision?

(c) If their reply to part (b) be in the affirmative, will they please state for the information of the House what their decision is?

Mr. P. R. Rau : (a) The views of some Railway Administrations have not yet been received.

(b) and (c). Do not arise.

# RESTRICTION OF RECRUITMENT IN THE POSTAL DEPARTMENT OF BOMBAY.

93. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to unstarred question No. 199 in the Legislative Assembly on the 4th February, 1929, regarding "Restriction of Recruitment in the Postal Department of Bombay", will Government please state if the Director General has since considered and come to any decision in the matter?

(b) If so, will they please state what the decision is?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The matter is still under the consideration of the Director General.

# PRICE OF THE OFFICIAL REPORTS OF THE LEGISLATIVE ASSEMBLY DEBATES.

Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to starred question No. 409 in the Legislative Assembly on the 6th February, 1929, regarding "Price of the Official Reports of the Legislative Assembly Debates", will Government please state if they have inquired into the matter?

(b) If so, is the price of the debates of the Madras Council, as reported therein, correct?

(c) If so, will they please state if they have considered the desirability of reducing the price of the official reports of the Legislative Assembly and Council of State debates accordingly?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, the result of the inquiry was communicated to Mr. Vidya Sagar Pandya in a demi-official letter No. A-332, dated the 19th August, 1929, a copy of which has been placed in the Library of the Legislature.

(b) Yes.

(c) Government have considered the desirability of reducing the price of the Legislative Assembly Debates, but do not see their way to making such reduction.

# CONSTRUCTION OF A CULVERT AND OVERBRIDGE AT BARAUNI JUNCTION ON THE BENGAL AND NORTH WESTERN RAILWAY.

94. Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if the Agent of the Bengal and North Western Railway has considered the question of "Construction of a Culvert and Overbridge at Barauni Junction on the Bengal and North Western Railway"? [Vide Government reply to my unstarred question No. 216 in the Legislative Assembly on the 6th February, 1929.]

(b) If so, will they please state what is being done in the matter?

Mr. P. R. Rau : The Agent reports that there is no town at or near Barauni Junction, and that the main district road crosses the railway at the west end of the station and is connected by an approach road to the platform and that there is therefore no necessity for an overbridge at the station.

# RECOGNITION OF THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

95. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to my unstarred question No. 217 in the Legislative Assembly on the 6th February, 1929, will Government please state if the Agent of the Railway has inquired into the matter of "Recognition of the Bengal and North Western Railwaymen's Association"?

(b) If so, will they please state if the Association has since been recognised by Government?

**GRANT OF LEAVE AND PASSES TO THE INDIAN STAFF IN THE ASANSOL DIVISION OF THE EAST INDIAN RAILWAY.**

97. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the position of the Indian Staff in the Asansol Division of the East Indian Railway on the subject of grant of leave and passes to them has since been investigated and inquiries made from the Agent of the East Indian Railway in respect of inequality of treatment between employees of different communities ? (*Vide* Government reply to starred question No. 736 in the Legislative Assembly on the 25th February, 1929.)

(b) If so, will they please communicate the results of investigation and inquiries to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

**PROVISION OF A PLATFORM AT KANKATHER RAILWAY STATION.**

98. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 763 in the Legislative Assembly on the 25th February, 1929, regarding "Provision of a Platform at Kankather Railway Station", will Government please state if the Agent, East Indian Railway, was supplied with a copy of the question under reference ?

(b) If so, will they please state if the Agent has considered the improvement suggested as essential ?

(c) If the reply to part (b) be in the affirmative, will they please state when the construction of the platform is likely to be taken up ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). The Agent states that there are many other stations whose needs are greater than those of Kankather and that it is not anticipated that this station can be provided with a raised platform for some years to come.

**BETTER COMFORTS PROVIDED FOR EUROPEAN THAN FOR INDIAN PASSENGERS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY, METRE GAUGE SECTION.**

99. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the report asked for from the Agent of the Bombay, Baroda and Central India Railway on the subject of "Better Comforts provided for European than for Indian Passengers on the Bombay, Baroda and Central India Railway, Metre Gauge Section" has been received ? (*Vide* Government reply to starred question No. 766 in the Legislative Assembly on the 25th February, 1929.)

(b) If so, will they please lay a copy of it on the table for the information of the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.



**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

**GRANT OF FREE PASSES TO EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY EMPLOYEES' CO-OPERATIVE CREDIT SOCIETY.**

**104. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 799 in the Legislative Assembly on the 26th February, 1929, regarding "Grant of Free Passes to Employees of the Great Indian Peninsula Railway Employees' Co-operative Credit Society", will Government please state if the position has been ascertained from the Agent of the Great Indian Peninsula Railway?

(b) If so, will they please communicate it for the information of the House?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

**PAY OF CLERICAL STAFF OF CERTAIN RAILWAY OFFICES.**

**105. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the report was called for from the Agent of the Great Indian Peninsula Railway regarding "Pay of Clerical Staff of certain Railway Offices"? [Vide Government reply to starred question No. 806 (b) to (f) in the Legislative Assembly on the 26th February, 1929.]

(b) If so, will they please place a copy of it on the table?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

**RULES FOR RECRUITMENT OF ANGLO-INDIAN, INDIAN AND EUROPEAN APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.**

**106. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if inquiry has been made from the Agent, Bengal Nagpur Railway, regarding "Rules for the Recruitment of Anglo-Indian, Indian and European Apprentices at the Kharagpur Railway Workshops"? (Vide Government reply to starred question No. 819 in the Legislative Assembly on the 26th February, 1929.)

(b) If so, will they please communicate the result of their inquiry to the House?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

**REDUCTION OF SCALES OF PAY OF THE CLERICAL ESTABLISHMENT, GOVERNMENT OF INDIA PRESS, ALIGARH.**

**107. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 848 in the Legislative

Assembly on the 4th March, 1929, regarding "Reduction of Scales of Pay of the Clerical Establishment, Aligarh Press", will Government be pleased to state if they have arrived at a decision in the matter?

(b) If so, will they please communicate the decision arrived at to the House?

**The Honourable Sir Bhupendra Nath Mitra :** The proposals for the reorganisation of the establishment of the Aligarh Press are still under the consideration of Government and no decision has yet been arrived at.

**TOWN INSPECTORS OF POST OFFICES REMOVED FROM THEIR SUBSTANTIVE POSTS AND RESTORED UNDER RECENT ORDERS.**

**108. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have collected information regarding "Town Inspectors of Post Offices removed from their Substantive Posts and restored under Recent Orders"? (Vide Government reply to starred question No. 850 in the Legislative Assembly on the 4th March, 1929.)

(b) If so, will they please communicate to the House the information received?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Yes : and the information obtained has already been supplied to Mr. Kidwai by the Director General, Posts and Telegraphs, in the form of a statement, a copy of which has been placed in the Library of the House.

**CONSTRUCTION OF A RAILWAY BETWEEN HAZARIBAGH ROAD STATION AND HAZARIBAGH TOWN.**

**109. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the results of the survey regarding "Construction of a Railway between Hazaribagh Road Station and Hazaribagh Town" have yet been received by them? (Vide Government reply to starred question No. 871 in the Legislative Assembly on the 4th March, 1929.)

(b) If so, will they please state when the construction is likely to be taken up?

**Mr. P. R. Rau :** The results of the survey have not yet been received.

**ENTRAINING OF PASSENGERS AT THE TEMPORARY STATIONS ON THE POONPON RIVER, EAST INDIAN RAILWAY.**

**110. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 885 in the Legislative Assembly on the 4th March, 1929, will Government please state if they have obtained the information regarding "Entraining of Passengers at the temporary Stations on the Poonpon River, East Indian Railway"?

(b) If so, will they please communicate the information to the House?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

## INCREASED COST OF MILK IN INDIAN CITIES.

111. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have collected information regarding "Increased Cost of Milk in Indian Cities"? (*Vide* Government reply to starred question No. 889 in the Legislative Assembly on the 4th March, 1929.)

(b) If so, will they please communicate their information to the House?

**Sir Frank Noyce :** (a) Yes.

(b) A copy of the information supplied to Mr. Siddheshwar Prasad Sinha, M.L.A., has been placed in the Library of the House.

## GRANT OF HOUSE RENT TO TOWN INSPECTORS OF POST OFFICES IN CALCUTTA.

112. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since inquired regarding "Grant of House Rent to Town Inspectors of Post Offices in Calcutta"? (*Vide* Government reply to unstarred question No. 266 in the Legislative Assembly on the 4th March, 1929.)

(b) If so, will they please communicate the result of their inquiry to the House?

**Mr. P. G. Rogers :** (a) Yes.

(b) The result of the inquiries was communicated to Mr. S. C. Mitra and a copy of the communication placed in the Library of the House. I may add for the Honourable Member's information that arrangements have since been made to provide all the Town Inspectors in Calcutta with office accommodation on post office premises.

## TUBE RAILWAY FOR CALCUTTA.

113. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of 14th July, 1929 (page 9), under the heading "Tube Railway for Calcutta"?

(b) If so, will they please state if they are aware of how matters stand at present with regard to the scheme and also furnish their information to the House?

**Mr. P. R. Rau :** (a) Yes.

(b) A preliminary report has been received from the Electrical Consulting Engineers to the Government of India and the matter is under investigation.

## CONSTRUCTION OF THE CHAKIA-SIDHWALIA RAILWAY.

114. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since considered the project report regarding "Construction of the Chakia-Sidhwalia Railway" and come to any decision in the matter? (*Vide* Government reply to starred question No. 923 in the Legislative Assembly on the 6th March, 1929.)

(b) If so, will they please state when the construction of the line is likely to be taken up?

**Mr. P. R. Rau :** Certain details of the project have been under reference with the Agent of the Bengal and North Western Railway. A revised report has just been received and is now under examination.

## UNHEALTHY QUARTERS AT ISWARDI FOR GUARDS ON THE EASTERN BENGAL RAILWAY.

115. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have inquired into the matter of "Unhealthy Quarters at Iswardi for Guards on the Eastern Bengal Railway"? (*Vide* Government reply to unstarred question No. 280 in the Legislative Assembly on the 6th March, 1929)?

(b) If so, will they please communicate the result of their inquiry to the House?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

## MEMORIAL FROM CLERKS IN THE LOWER DIVISION OF THE POST AND TELEGRAPH ACCOUNTS DEPARTMENT.

116. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if the Auditor General has since considered the question and come to a decision in the matter of "Memorial from Clerks in the Lower Division of the Post and Telegraph Accounts Department"? (*Vide* Government reply to unstarred question No. 282 in the Legislative Assembly on the 6th March, 1929.)

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir George Schuster :** The memorial has been withheld by the Government of India under the Memorial Rules, but the Auditor General has revised the pay as under :

## Old scale—

Delhi Rs. 40—3—55—2—65—1—75—5|5—80.

Calcutta and Madras Rs. 40—3—55—2—65—1—75—5|5—80.

Nagpur Rs. 30—3—60—2—70—1—75—5|5—80.

## New scale—

Delhi Rs. 45—2—95.

Calcutta and Madras Rs. 40—2—90.

Nagpur Rs. 30—3—60—2—90.

## ALLEGED RACIAL DISCRIMINATION IN THE PUNISHMENT OF OFFENCES ON THE EASTERN BENGAL RAILWAY.

117. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to unstarred question No. 285 in the Legislative Assembly on the 6th March, 1929, regarding "Alleged Racial Discrimination in the Punishment of Offences on the Eastern Bengal Railway", will Government please state if they have completed their inquiries in the matter?

(b) If so, will they please communicate the result of their inquiries to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

#### EXCLUSION OF INDIANS FROM COMMERCIAL SALE ROOMS IN LONDON.

118. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 980 (b) and (c) in the Legislative Assembly on the 11th March, 1929, on the subject of "Exclusion of Indians from Commercial Sale Rooms in London", will Government please state if the reply has since been received from the High Commissioner, London ?

(b) If so, will they please place a copy of it on the table of the House ?

**The Honourable Sir George Rainy :** (a) Government are in correspondence with the High Commissioner on the subject.

(b) Government are not in a position to do so at present.

#### INCREASE OF BOAT HIRE AND ROWERS' ALLOWANCE FOR POSTMEN SERVING IN THE RIVERINE DISTRICTS.

119. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since completed their inquiry and come to a decision in the matter of "Increase of Boat Hire and Rowers' Allowance for Postmen serving in Riverine Districts" ? [Vide Government reply to starred question No. 1009 (a) and (b) in the Legislative Assembly on the 11th March, 1929.]

(b) If so, will they please communicate the result of their inquiry to the House ?

**Mr. P. G. Rogers :** (a) and (b). The matter is still under inquiry. The Honourable Member will be duly informed of any decision which may be arrived at in this case.

#### GRANT OF SUNDAY AND HOLIDAY ALLOWANCES TO POST OFFICE EMPLOYEES.

120. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 1013 (b) and (c) in the Legislative Assembly on the 11th March, 1929, will Government please state if they have since come to any decision regarding "Grant of Sunday and Holiday Allowances to Post Office Employees" ?

(b) If so, will they please state for the information of the House what their decision is ?

**The Honourable Sir Bhupendra Nath Mitra :** No decision has yet been arrived at.

#### PROVISION OF RUNNING ROOMS FOR INDIAN GUARDS AND DRIVERS ON THE BINA-KOTAH SECTION OF THE GREAT INDIAN PENINSULA RAILWAY.

121. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have obtained information from the Agent of the Great

Indian Peninsula Railway regarding "Provision of Running Rooms for Indian Guards and Drivers on the Bina-Kotah Section of the Great Indian Peninsula Railway" ? (Vide Government reply to unstarred question No. 322 in the Legislative Assembly on the 11th March, 1929.)

(b) If so, will they please communicate their information to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

#### REDUCTION OF WORKING HOURS AND PAYMENT OF AN ALLOWANCE FOR WORKING ON HOLIDAYS IN THE CASE OF INDIAN BOOKING CLERKS ON THE EAST INDIAN RAILWAY.

122. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government be pleased to state if they have received information from the Agent regarding "Reduction of Working Hours and Payment of an Allowance for working on Holidays in the case of Indian Booking Clerks on the East Indian Railway" ? (Vide Government reply to unstarred question No. 325 in the Legislative Assembly on the 11th March, 1929.)

(b) If so, will they please communicate the information to the House ?

**Mr. P. R. Rau :** (a) I would refer the Honourable Member to Railway Board's letter No. 7965-E., dated 23rd March, 1929, to his address, which contained the information asked for.

(b) A copy of the reply is in the Library of the House.

#### APPOINTMENT OF INDIAN LADIES TO THE WOMEN'S MEDICAL SERVICE.

123. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have completed their inquiries regarding "Appointment of Indian Ladies to the Women's Medical Service" ? [Vide Government reply to starred question No. 1070 (b) and (c) in the Legislative Assembly on the 15th March, 1929.]

(b) If so, will they please communicate the result of their inquiry to the House ?

**Sir Frank Noyce :** (a) Yes.

(b) It is not a fact that several Indian ladies possessing the degree of M.D. or F.R.C.S. of London or Edinburgh were refused appointments in the Women's Medical Service on the ground of insufficient clinical experience. In 1927, an Indian lady possessing the degree of M.D. (London) applied for admission to the Women's Medical Service, but as she had not held any hospital post or been in charge of patients in a recognised Women's Hospital, she was offered a post in the training reserve with a view to her subsequent admission to the Service proper. She refused this offer. The clinical experience required for admission to the Women's Medical Service is the tenure, for at least one year, of a resident post in a recognised women's hospital. All the non-Indian members of the Women's Medical Service had this experience before they were appointed to the Service.

APPOINTMENT OF AN INDIAN LADY TO A SUPERIOR ADMINISTRATIVE POST IN THE WOMEN'S MEDICAL SERVICE.

124. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since made inquiries regarding "Appointment of an Indian Lady to a Superior Administrative Post in the Women's Medical Service" ? (Vide Government reply to starred question No. 1072 in the Legislative Assembly on the 15th March, 1929.)

(b) If so, will they please communicate the result of their inquiry to the House ?

**Sir Frank Noyce :** (a) Yes.

(b) The post of Assistant to the Inspector General of Civil Hospitals, United Provinces, is held by an Indian lady, who was appointed in 1922.

RULE ON THE BENGAL AND NORTH WESTERN RAILWAY BARRING INDIANS FROM APPRENTICESHIP IN THE LOCO. DEPARTMENT.

125. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 1085 in the Legislative Assembly on the 18th March, 1929, will Government please state if they have inquired from the Agent, Bengal and North Western Railway, regarding "Rule on the Bengal and North Western Railway barring Indians from Apprenticeship in the Loco. Department" ?

(b) If so, will they please communicate the result of their inquiry to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

SCALE OF PAY OF CERTAIN EUROPEAN AND INDIAN OFFICIALS ON THE BENGAL AND NORTH WESTERN RAILWAY.

126. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to supplementary question to starred question No. 1088 in the Legislative Assembly on the 18th March, 1929, on the subject of racial discrimination in the "Scale of Pay of certain European and Indian Officials on the Bengal and North Western Railway", will Government please state if they have since inquired into the matter ?

(b) If so, will they please communicate the result of their inquiries to the House ?

**Mr. P. R. Rau :** The Agent, Bengal and North Western Railway, reports that on that railway there is no racial discrimination in regard to the pay given to Indians, Anglo-Indians and Europeans for work of the same kind, class and degree of responsibility.

COST OF THE EDUCATION OF THE CHILDREN OF INDIAN, ANGLO-INDIAN AND EUROPEAN EMPLOYEES ON THE BENGAL AND NORTH WESTERN RAILWAY.

127. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have obtained information regarding "Cost of the

Education of the Children of Indian, Anglo-Indian and European Employees on the Bengal and North Western Railway" ? [Vide Government reply to starred question No. 1089 (b) in the Legislative Assembly on the 18th March, 1929.]

(b) If so, will they please lay a copy of the information on the table ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

ALLEGED INTIMIDATION OF EMPLOYEES OF THE BENGAL AND NORTH WESTERN RAILWAY FOR JOINING THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

128. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to unstarred question No. 335 in the Legislative Assembly on the 18th March, 1929, on the subject of "Alleged Intimidation of Employees of the Bengal and North Western Railway for joining the Bengal and North Western Railwaymen's Association", will Government please state if they have since obtained information on the subject ?

(b) If so, will they please give the information to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

EMPLOYMENT OF ASSISTANT GUARDS AS GUARDS ON THE BENGAL AND NORTH WESTERN RAILWAY.

129. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have since been able to obtain a cutting of the letter published in the *Forward* of the 17th October, 1928, under the heading "Employment of Assistant Guards as Guards on the Bengal and North Western Railway" ? (Vide Government reply to unstarred question No. 343 in the Legislative Assembly on the 18th March, 1929.)

(b) If so, will they please state if they have considered and arrived at a conclusion in the matter ?

(c) If the reply to part (b) be in the affirmative, will they please communicate their conclusions to the House ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c): The question is under consideration.

GRANT OF BENEFITS OF THE PROVIDENT FUND TO EMPLOYEES IN RAILWAY WORKSHOPS.

130. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have collected information regarding "Grant of Benefits of the Provident Fund to Employees in Railway Workshops" ? [Vide Government reply to starred question No. 1205 (b) in the Legislative Assembly on the 22nd March, 1929.]

(b) If so, will they please lay the information on the table ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

**PAYMENT OF RENT FOR QUARTERS BY WORKMEN ON THE BENGAL AND NORTH WESTERN RAILWAY.**

**131. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 1206 in the Legislative Assembly on the 22nd March, 1929, on the subject of "Payment of Rent for Quarters by Workmen on the Bengal and North Western Railway", will Government please state if the information required therein has been collected?

(b) If so, will they please lay the information on the table?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

**INTRODUCTION OF AN EXAMINATION FOR PROMOTION TO THE SECOND DIVISION IN THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT.**

**132. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have reached a decision in the matter of "Introduction of an Examination for Promotion to the Second Division in the Traffic Branch of the Telegraph Department"? (Vide Government reply to unstarred question No. 369 in the Legislative Assembly on the 22nd March, 1929.)

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir Bhupendra Nath Mitra :** No decision has yet been reached.

**LEAD POISONING OF WORKERS IN GOVERNMENT OF INDIA PRESSES.**

**133. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to starred question No. 1244 in the Legislative Assembly on the 27th March, 1929, on the subject of "Lead Poisoning of Workers in Government of India Presses", will Government be pleased to state if they have inquired and come to a decision in the matter?

(b) If so, will they please communicate the result of their inquiries to the House?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Yes, the result of the inquiry was communicated to Diwan Chaman Lall in the demi-official letter from the Department of Industries and Labour, No. A. 332, dated the 15th July, 1929, copies of which have been placed in the Library of the Legislative Assembly.

**PROVISION OF LATRINES IN SERVANTS' QUARTERS ON STATE RAILWAYS.**

**134. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have considered the question of providing latrines in servants' compartments on State Railways? (Vide Government reply to unstarred question No. 379 in the Legislative Assembly on the 27th March, 1929.)

(b) If so, will they please communicate their decision to the House?

**Mr. P. R. Rau :** No final decision has yet been arrived at. In servants' compartments of new stock suitable lavatory accommodation is being installed, but there are difficulties in providing such facilities in existing stock. The question how far these difficulties can be surmounted is under consideration.

**GRANTING OF CYCLE ALLOWANCE TO CERTAIN CLERKS IN THE GOVERNMENT OF INDIA PRESS, DELHI.**

**135. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have considered the question of "Granting Cycle Allowance to certain Clerks in the Government of India Press, Delhi"? (Vide Government reply to starred question No. 1317 in the Legislative Assembly on the 28th March, 1929.)

(b) If so, will they please communicate their decision to the House?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). The matter was re-considered by the Controller of Printing and Stationery and he has sanctioned cycle advances to the clerks of the Government of India Press, Delhi, who applied for them.

**DIFFERENCE IN PAY OF EUROPEANS AND INDIANS APPOINTED TO THE ACCOUNTS DEPARTMENT.**

**†136. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to unstarred question No. 483 in the Legislative Assembly on the 3rd April, 1929, on the subject of "Difference in Pay of Europeans and Indians appointed to the Accounts Department", will Government please state if an inquiry has been made in the matter?

(b) If so, will they please communicate the result of their inquiry to the House?

**APPOINTMENT OF INDIAN TRADE COMMISSIONERS AT IMPORTANT TRADE CENTRES IN EUROPE.**

**137. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have considered the proposals and arrived at a conclusion in the matter of "Appointment of Indian Trade Commissioners at important Trade Centres in Europe"? (Vide Government reply to starred question No. 1437 in the Legislative Assembly on the 2nd April, 1929.)

(b) If so, will they please communicate their conclusions to the House?

**The Honourable Sir George Rainy :** The question of appointing Indian Trade Commissioners in Europe is still under consideration.

†For answer to this question, see answer to unstarred question No. 73.

# NON-ADMISSION OF INDIAN APPRENTICES INTO THE LOCO. DEPARTMENT OF THE BENGAL AND NORTH WESTERN RAILWAY.

138. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have completed their inquiry in the matter of "Non-admission of Indian Apprentices into the Loco. Department of the Bengal and North Western Railway" ? (Vide Government reply to question No. 76 in the Council of State on the 4th March, 1929.)

(b) If so, will they please communicate the result of their inquiry to the House ?

**Mr. P. R. Rau :** A copy of the reply sent to the Honourable Member who put the question referred to, is, I understand, in the Library of the House.

## APPOINTMENT OF A COMMISSIONER OF MEDICAL EDUCATION FOR INDIA.

139. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 17th July, 1929 (page 10), under the heading "Medical Education—Proposed Appointment of Commissioner for India" ?

(b) If so, will they please state if it is contemplated that the Government of India will appoint a whole-time Commissioner of Medical Education for India ?

(c) If so, when is the appointment expected to be announced ?

**Sir Frank Noyce :** (a) Yes.

(b) The Government of India propose to create a whole-time post of Commissioner of Medical Qualifications and Standards for India on behalf of the General Medical Council, on a temporary footing for a period of one year in the first instance.

(c) It is hoped shortly to announce the appointment.

## GRIEVANCES IN CONNECTION WITH THE BANKIPORE POST OFFICE.

140. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the letter published in the issue of the *Searchlight* of the 14th July, 1929 (page 12), under the heading "Bankipore Post Office" ?

(b) If so, will they please state if the complaints made therein are correct ?

(c) If correct, do they propose to see that the grievances complained of are redressed ?

**Mr. P. G. Rogers :** (a) Yes.

(b) The complaint relating to the absence of screens in the western verandah of the Bankipore post office is correct. With respect to the suggestion to extend the telegraph counter, this is not considered necessary, as the counter is of a size adapted to public transactions.

(c) Steps have been taken to provide the screens.

# DEPLORABLE CONDITION OF THE SUBORDINATE STAFF OF THE BENGAL AND NORTH WESTERN RAILWAY.

141. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 218 (b) in the Legislative Assembly on the 6th February, 1929, regarding "Deplorable Condition of the Subordinate Staff of the Bengal and North Western Railway", will Government please state if they have obtained necessary information from the Agent, Bengal and North Western Railway, on the subject ?

(b) If so, will they please communicate the information received to the House ?

(c) If no information has been received, will they please see that the matter is expedited ?

**Mr. P. R. Rau :** The Agent, Bengal and North Western Railway, who was communicated with, as promised by Mr. Parsons, is of the opinion that the allegation that the condition of the subordinate staff in that Railway is deplorable is unfounded. Unless the Honourable Member is able to give me particulars substantiating the allegation, I am afraid there is nothing that I can do in the matter.

## ROYAL INDIAN MARINE EXAMINATION.

142. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 25th July, 1929 (page 9), under the heading "Royal Indian Marine Examination to be held in November" ?

(b) If so, will Government please state if the facts stated therein are correct ?

**Mr. G. R. F. Tottenham :** (a) and (b). The reply to both parts of the question is in the affirmative. The notice in the *Statesman* is an abbreviation of a communiqué issued to the Press by Government. The Honourable Member will find the full text of the communiqué in Marine Department Notification No. 33 in the Gazette of India dated the 27th July, 1929.

## INCLUSION OF INDIAN REPRESENTATIVES IN THE INQUIRY FOR THE SUPPRESSION OF THE WHITE SLAVE TRAFFIC.

143. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 26th July, 1929 (page 9), under the heading "White Slave Traffic, Eastern Countries asked to co-operate" ?

(b) If so, will Government please state if the statements made therein, namely, "In the House of Commons to-day replying to questions, Mr. Arthur Henderson, Foreign Secretary, said that if replies of the Governments of Eastern Countries to the query of the Council of the League of Nations whether they were prepared to co-operate in the continuation of the inquiry as regards the traffic in women and children were favourable, the Council would consider the composition of a special body of experts and he would confer with Mr. Wedgwood Benn as regards the desirability of including Indian representatives" are correct ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The Government of India have received information that the matter is now under consideration by the League of Nations.

AMOUNT RECEIVED BY INDIA AS REPARATIONS FROM GERMANY.

**144. Mr. E. L. Price :** Will Government be pleased to state the amounts received as reparations from Germany by India since the Treaty of Versailles ?

**The Honourable Sir George Schuster :** The total amount received as reparations from Germany up to the 30th June, 1929, is £844,051—2—3.

COMPLAINT BY THE COIMBATORE MILLS REGARDING FREIGHT ON COTTON YARN.

**145. Mr. Vidya Sagar Pandya :** Will Government be pleased to state :

- (1) what is the time taken in each case between the filing of a complaint before the Railway Rates Advisory Committee and the passing of orders by Government ;
- (2) whether they are aware of the great delay in the settlement of complaints regarding undue preferences, and whether they are prepared to consider the feasibility of a thorough inquiry into the Indian Railway Tariff policy ;
- (3) how long the mills in Madura under the management of Messrs. A. F. Harvey have, in booking yarn to Calcutta, been paying 25 per cent. less freight for a longer distance when compared to the Coimbatore Mills under the management of Messrs. P. S. Govindasamy Naidu and Sons and others ;
- (4) whether the Railway Companies concerned have, after the filing of a complaint by Messrs. P. S. Govindasamy Naidu and Sons before the Railway Rates Advisory Committee, actually increased the freight for yarn from Coimbatore to Calcutta, and whether they have demanded from them an undertaking not to book their goods by the sea ; and
- (5) whether the Railway Board ever received an intimation of such lightning changes in rates of freight, and, if so, whether the Board ever examines the need and fairness of such alterations ?

**Mr. P. E. Rau :** (1) The average time taken, taking into consideration all cases in which final orders have been passed, is about 10 months.

(2) Although considerable time is taken in the settlement of complaints referred to the Railway Rates Advisory Committee, it has to be borne in mind that various interests are involved, and that all the issues connected with the subject under examination require investigation before a final decision can be arrived at. I cannot see how a general inquiry into the Indian Railway Tariff policy would expedite the disposal of such cases.

(3), (4) and (5). The information is being obtained and will be furnished to the Honourable Member on receipt.

TOTAL OF IMPORTS AND EXPORTS TO AND FROM INDIA, AND AMOUNT OF CUSTOMS DUTIES COLLECTED THEREON.

**146. Mr. E. L. Price :** Will Government be pleased to state :

- (1) The total foreign trade of India, (a) Import, and (b) Export, for the year ending the 31st March, 1913, and the amount of customs duties collected thereon, (a) and (b) separately ;
- (2) The total foreign trade of India, (a) Import, and (b) Export, for the year ending the 31st March, 1929, and the amount of customs duties collected thereon, (a) and (b) separately ;
- (3) What estimate can be made of the incidence of this increased taxation, (a) as between agriculturists and townfolk, and (b) as between the peoples of British India and those of the Native States ;
- (4) What proportion of this increased taxation has been imposed, (a) for protective purposes, and (b) for revenue purposes ; and
- (5) What hope there is of reducing the burden of customs taxation on imports and/or exports in the near future ?

**The Honourable Sir George Schuster :** (1), (2) and (4). The attention of the Honourable Member is invited to the "Accounts relating to the Sea-borne Trade and Navigation of British India" for the years 1912-13 and 1928-29.

(3) It is not possible to make an estimate which could claim to be either accurate or useful.

(5) Government can make no statement in regard to this. For reasons of public policy and the public interest it is generally undesirable to canvass possible changes in taxation until such have been actually decided upon by the Executive Government, and as a rule it is convenient to deal with proposals relating to taxation only in connection with the annual Budget.

POLITICAL STATUS OF TRIBES LIVING IN UNSETTLED DISTRICTS ON THE NORTH WEST FRONTIER.

**147. Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if there are no tribes on the Frontier which owe suzerainty to either the British Government or the Afghan Government ?

(b) If so, will Government please state the political status of the tribes living in the unsettled districts ?

**Sir Denys Bray :** I am not quite sure of the precise meaning of the question, but all tribes on the Indian side of the Indo-Afghan boundary (commonly known as the Durand Line) are under the suzerainty of His Majesty the King-Emperor.

IMPROVEMENT OF POSTAL FACILITIES BETWEEN KARACHI AND THE REST OF INDIA.

**148. Mr. E. L. Price :** Will Government be pleased to state whether it is realised that postal facilities between Karachi and the rest of India



are poor in the extreme, and that letters by the existing services from Karachi take practically two days to reach Bombay and four days to reach Calcutta ?

**The Honourable Sir Bhupendra Nath Mitra :** Considering the distances to be covered, Government do not subscribe to the Honourable Member's description of the postal facilities between Karachi and the rest of India. Under present arrangements, mails from Karachi are conveyed to the principal towns of Northern India in from 24 to 36 hours ; to the manufacturing centres of the United Provinces in 48 hours ; to Bombay within 48 hours and to Calcutta within 64 hours.

**POWERS OF THE TRUSTEES OF THE INDIAN MUSEUM IN REGARD TO THE PAY AND PENSIONS OF OFFICERS EMPLOYED THERE.**

149. **Mr. K. C. Neogy :** (a) What are the powers of the Trustees of the Indian Museum in relation to officers and servants who are paid out of the grant made by the Central Government specifically for its establishment ? Are the Trustees empowered to alter the salary of an officer without the previous sanction of the Government of India ?

(b) What is the source from which the pension of officers and servants of the Indian Museum is met, and who sanctions such pension ?

(c) Will Government be pleased to refer to the Annual Return of the Trustees of the Indian Museum, showing a detailed statement of permanent establishment existing on the 1st April for the year 1928-29, and state whether the name of any non-gazetted Government servant is omitted from the Annual Return of the previous year and, if so, the reason for such action ?

(d) What was the scale of pay shown for the post of the said officer ? Can the substantive pay of such an officer be reduced without any allegation of inefficiency or misbehaviour against him ?

(e) Did the said officer make any representations for the redress of his grievances ? If so, with what result ?

**Sir Frank Noyce :** (a) The powers of the Trustees of the Indian Museum in relation to their officers and servants, who are paid out of the grant made by the Central Government are defined in section 9 of the Indian Museum Act, 1910 (No. X of 1910), to which the Honourable Member is referred. The Trustees are not empowered to alter the salary of any of their officers without the previous sanction of the Governor General in Council.

(b) Charges on account of pension are met from the fund created by the annual grant-in-aid sanctioned by the Government of India for the office of the Trustees, and pensions are sanctioned by the Trustees.

(c), (d) and (e). The information asked for is being collected and will be supplied to the Honourable Member later.

**CONSTRUCTION OF QUARTERS FOR THE CLERKS OF MOTIHARI HEAD POST OFFICE, BIHAR AND ORISSA.**

150. **Mr. Gaya Prasad Singh :** (a) With reference to my unstarred questions No. 139, dated 4th September, 1928, and No. 255 of the 25th February, 1929, is it a fact that only two sets of quarters have been constructed for the clerks of Motihari Head Post Office (Bihar and Orissa), out of the six sets of the proposed quarters ?

(b) Is it a fact that out of these two sets of quarters one has been allotted to the Deputy Postmaster, and the other one to a clerk ?

(c) Is it a fact that the Postmaster General, Bihar and Orissa, has submitted his scheme for the construction of these remaining sets of quarters to the Director General, Posts and Telegraphs, for his approval, and the grant of additional funds for the purpose ?

(d) If the answers to parts (a) to (c) be in the affirmative, will Government be pleased to state the reasons for the delay in completing these constructions which causes much hardship to the clerks ?

**Mr. P. G. Rogers :** (a), (b) and (c). The answer is in the affirmative.

(d) The Honourable Member is referred to the answer already given to Khan Bahadur Sarfaraz Hussain Khan in reply to his unstarred question No. 100 of to-day's date.

**PAY OF THE HEAD ASSISTANTS, ACCOUNTANTS, ASSISTANTS AND CLERKS EMPLOYED IN THE STATIONERY AND PRINTING DEPARTMENT, CALCUTTA.**

151. **Mr. S. C. Mitra :** (a) Will Government be pleased to state the number and pay of the head assistants, accountants, assistants and clerks in Grades I and II employed in the various branches of the Stationery and Printing Department in Calcutta ?

(b) Is it a fact that they submitted a memorial for the betterment of their pay and prospects in February, 1927 ?

(c) Will Government be pleased to refer to the Industries and Labour Department letter No. A-431, dated the 19th July, 1929, and state the number of head assistants, accountants, assistants and clerks in Grades I and II whose salaries have been proposed for enhancement as the result of the memorial ?

(d) Will Government be pleased to state the circumstances under which the salaries of the assistants and clerks in Grade I have not been proposed for enhancement as the result of the memorial ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The information is given in the attached statement.

(b) Yes.

(c) and (d) The letter referred to by the Honourable Member is a confidential document which cannot properly have been communicated to the Honourable Member, and I am not prepared to discuss its contents.



*Statement showing the number and pay of the Head Assistants, Accountants, Clerks, Grades I and II, employed in the various branches of the Stationery and Printing Department in Calcutta.*

| Designation.            | Number of appointments. | Scales of pay.          |
|-------------------------|-------------------------|-------------------------|
| Head Assistants         | 2                       | Rs.                     |
| Do. .. ..               | 4                       | 300—10—350              |
| Do. .. ..               | 4                       | 250—10—300              |
| Accountants .. ..       | 1                       | 200—10—250              |
| Do. .. ..               | 1                       | 250—10—300              |
| Do. .. ..               | 2                       | 200—10—250              |
| Do. .. ..               | 1                       | 150—10—250              |
| Cashiers .. ..          | 2                       | 150—10—200              |
| Do. .. ..               | 1                       | 200—10—250              |
| Assistants .. ..        | 41                      | 80—80—100—5—150—10—200  |
| Clerks (Grade I) .. ..  | 157                     | 80—80—100—5—150—10—200  |
|                         |                         | 45—45—50—3—65—4—85—4—   |
|                         |                         | 105—5—140               |
| Clerks (Grade II) .. .. | 230                     | 40—40—45—5/2—70—5/2—100 |
| Head Computer .. ..     | 1                       | 150—10—200              |

NATURE OF DUTIES AND PAY OF THE EMPLOYEES OF THE PRINTING AND STATIONERY DEPARTMENT, CALCUTTA.

152. **Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of graduates and non-graduates in the ranks of head assistants, accountants, assistants and clerks in Grades I and II employed in the various branches of the Printing and Stationery Department in Calcutta ?

(b) Is it a fact that the assistants in charge of sections in the Central Publication Branch do exactly the same nature of duties as those performed by the head assistants of the Central Stationery Office ?

(c) If the reply to part (b) be in the negative, will Government be pleased to state the number of drafts and cases passed through the head assistant to the Assistant Manager or the Manager of the Central Publication Branch out of the total number of letters issued and cases disposed of in that Branch ?

(d) If the reply to part (b) be in the affirmative, will Government be pleased to state the circumstances under which assistants in charge of sections under the branches of the Central Stationery Office are not allowed to deal direct with the officers like the assistants in charge of sections in the Central Publication Branch ?

(e) Is it a fact that to add efficiency to the working of the Printing and Stationery Department, assistants and clerks in Grade I with high University qualifications have been recruited ?

(f) Is it a fact that persons referred to in part (e) are more highly qualified than the head assistants and accountants ?

(g) If the reply to part (f) be in the negative, will Government be pleased to state whether (i) any inquiry to this effect was ever made by any

special officer, or (ii) any orders were passed stopping the recruitment of graduates to those ranks ?

(h) If the reply to part (f) be in the affirmative, will Government be pleased to state the circumstances under which the salaries of the assistants and clerks in Grade I have not been proposed for enhancement as a result of the memorial submitted by them in February, 1927 ?

**The Honourable Sir Bhupendra Nath Mitra :** I propose to deal with questions Nos. 152 and 153 together. The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the various branches of the Printing and Stationery Department in Calcutta, and Government do not propose to call for information regarding these administrative details, which are matters for his discretion.

METHOD OF FILLING VACANCIES IN THE STATIONERY AND PRINTING DEPARTMENT, CALCUTTA.

†153. **Mr. S. C. Mitra :** (a) Will Government be pleased to state whether a combined Gradation List of the staff under the Printing and Stationery Department in Calcutta is maintained ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state :

(i) the number of officiating and permanent posts which fell vacant in the Printing and Stationery Department in Calcutta during 1928 and 1929 ;

(ii) the names of clerks with their position in the Gradation List who were appointed to those posts ;

(iii) the circumstances under which the seniority in position in the Gradation List was not followed ;

(iv) the number of applications submitted protesting against the procedure adopted in filling up those vacancies ; and

(v) the number of applications withdrawn under pressure from the officers of that Department ?

(c) Is it a fact that the above vacancies were filled up by promotions (i) sometimes on the ground of seniority in the Gradation List, (ii) sometimes on the ground of educational qualification, (iii) sometimes on the ground of merit without any previous remark to that effect in the service book or the character roll, and (iv) sometimes on the ground of purely administrative convenience ?

(d) Will Government be pleased to state the circumstances under which no uniformity of principle was adopted in filling up the vacancies mentioned in (b) (i) above ?

(e) Do Government propose to inquire into the above matter and frame uniform rules for promotions and filling up officiating vacancies in the Stationery and Printing Department in future ?

†For answer to this question, see answer to unstarred question No. 152.

VALUE OF THE STORES AND STATIONERY OF THE CENTRAL STATIONERY OFFICE,  
CALCUTTA, CONDEMNED IN THE YEARS 1924 TO 1928.

154. **Mr. S. C. Mitra :** (a) Will Government be pleased to state the value of condemned stores of stationery during 1924 to 1928, year by year, in the Central Stationery Office ?

(b) Is it a fact that a post of gazetted officer with a fully equipped laboratory is maintained in the Central Stationery Office for regular examination of stationery stores ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state (i) the number of cases of complaint from officers drawing stationery from the said office about the inferior quality of stationery supplied ; (ii) the number of cases in which exchanges of supplies were effected ; and (iii) the amount of extra expenditure incurred by Government thereby from 1924 to 1928 year by year ?

(d) Is it a fact that stationery articles are purchased on tenders after the samples submitted by the tenderers are properly examined ?

(e) If the replies to parts (b) and (d) be in the affirmative, will Government be pleased to state whether the amount of extra expenditure, as mentioned in (c) (iii) above is (i) written off against Government, or (ii) realised from the contractors for supplying defective articles, or (iii) realised from the Store Examiner and Store Keeper of the Central Stationery Office, in view of the Circular issued by the Finance Department of the Government of India recently ?

**The Honourable Sir Bhupendra Nath Mitra :** Inquiries are being made and the results will be communicated to the Honourable Member in due course.

SYSTEM OF PURCHASE OF STATIONERY FOLLOWED BY THE PRINTING AND STA-  
TIONERY DEPARTMENT, CALCUTTA.

†155. **Mr. S. C. Mitra :** (a) Will Government be pleased to state the total value of the stationery articles (i) manufactured in India, and (ii) not manufactured in India, purchased in India by the Printing and Stationery Department during 1926, 1927 and 1928 ?

(b) Will Government be pleased to state (i) the number of complaints from various indenting officers against the quality of such articles, (ii) the value of such articles condemned and (iii) the value of such articles lying stocked in the Stationery Store, as mentioned in part (a) above ?

(c) Is it a fact that these articles are purchased by the Controller of Printing and Stationery on the test reports of the Store Examiner ?

(d) Is it a fact that stationery articles of inferior quality are purchased from certain selected contractors overlooking the superior quality of the same articles tendered by other firms ?

†For answer to this question, see answer to unstarred question No. 154.

(e) Is it a fact that no action is taken against those suppliers even if they fail to deliver the stationery articles within the time stipulated in the order placed by the Stationery Office even though local purchases of those articles are resorted to at a higher price to meet urgent demands of the indenting officers ?

(f) Will Government be pleased to state whether any Committee was ever appointed (i) to inquire into the system of purchase of stationery articles followed in the Central Stationery Office and (ii) to suggest any method to prevent the recurrence of the state of affairs as mentioned in part (b) above ?

INTERPRETATION OF THE WORDS USED IN TAKING THE OATH OF OFFICE BY  
MEMBERS OF THE LEGISLATIVE ASSEMBLY.

156. **Mr. E. L. Price :** Will Government be pleased to state whether as regards the oath taken by Members of this House and the words " that I will faithfully discharge the duty upon which I am about to enter ", there is any interpretation, authoritative or otherwise, that modifies the literal meaning ?

**The Honourable Sir James Crerar :** There is no interpretation other than the literal one so far as I am aware.

GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. President :** I have to inform Honourable Members that the following Bills, which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1929, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

The Indian Limitation (Amendment) Act, 1929.

The Hindu Law of Inheritance (Amendment) Act, 1929.

The Presidency Towns Insolvency (Amendment) Act, 1929.

The Indian Tariff (Amendment) Act, 1929.

The Workmen's Compensation (Amendment) Act, 1929.

The Indian Finance Act, 1929.

The Trade Disputes Act, 1929.

PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that forty-seven petitions, as per statement laid on the table, have been received relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February, 1927, by Rai Sahib Harbilas Sarda.

*Petitions relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February, 1927.*

| Number of signatories. | District or Town.             | Province.                               |
|------------------------|-------------------------------|-----------------------------------------|
| 12                     | Cooch Behar .. .. .           | Bengal.                                 |
| 15                     | Cooch Behar .. .. .           | Bengal.                                 |
| 214                    | Navadwip .. .. .              | Bengal.                                 |
| 21                     | Sylhet .. .. .                | Assam.                                  |
| 90                     | Sylhet .. .. .                | Assam.                                  |
| 1096                   | Faridpur .. .. .              | Bengal.                                 |
| 6257                   | .....                         | Bengal, the United Provinces and Assam. |
| 2481                   | .....                         | Bengal.                                 |
| 84                     | .....                         | Bengal.                                 |
| 2565                   | .....                         | Bengal.                                 |
| 1274                   | .....                         | Bengal.                                 |
| 1550                   | .....                         | Bengal.                                 |
| 63                     | Burdwan .. .. .               | Bengal.                                 |
| 201                    | Rangpur .. .. .               | Bengal.                                 |
| 2463                   | .....                         | Bengal.                                 |
| 29                     | Khulna .. .. .                | Bengal.                                 |
| 163                    | .....                         | Bengal.                                 |
| 135                    | Dacca .. .. .                 | Bengal.                                 |
| 72                     | Calcutta .. .. .              | Bengal.                                 |
| 30                     | Mymensingh and Sylhet .. .. . | Bengal & Assam.                         |
| 5                      | Sylhet .. .. .                | Assam.                                  |
| 63                     | Burdwan .. .. .               | Bengal.                                 |
| 231                    | Sylhet .. .. .                | Assam.                                  |
| 55                     | Dacca .. .. .                 | Bengal.                                 |
| 66                     | .....                         | Bengal.                                 |
| 128                    | .....                         | Bengal.                                 |
| 472                    | .....                         | Bengal.                                 |
| 165                    | .....                         | Bengal.                                 |
| 65                     | Sylhet .. .. .                | Assam.                                  |
| 274                    | Mymensingh .. .. .            | Bengal.                                 |
| 158                    | Mymensingh .. .. .            | Bengal.                                 |
| 91                     | .....                         | Bengal.                                 |
| 38                     | .....                         | Bengal.                                 |
| 652                    | Mymensingh .. .. .            | Bengal.                                 |
| 69                     | .....                         | Bengal.                                 |
| 617                    | Murshidabad .. .. .           | Bengal.                                 |
| 428                    | Howrah .. .. .                | Bengal.                                 |
| 153                    | .....                         | Bengal.                                 |
| 203                    | Calcutta .. .. .              | Bengal.                                 |
| 33                     | Tippera .. .. .               | Bengal.                                 |
| 221                    | 24 Parganas .. .. .           | Bengal.                                 |
| 508                    | Rangpur .. .. .               | Bengal.                                 |
| 335                    | Mymensingh .. .. .            | Bengal.                                 |
| 30                     | Tippera .. .. .               | Bengal.                                 |
| 140                    | Jessore .. .. .               | Bengal.                                 |
| 130                    | Calcutta .. .. .              | Bengal.                                 |
| 111                    | Faridpur .. .. .              | Bengal.                                 |

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muham-madan Rural) : Under Standing Order 78, I beg to present petitions signed by 14,273 persons relating to the Bill to prevent the solemnisation of Child Marriages.

### STATEMENTS LAID ON THE TABLE.

#### CONTRIBUTIONS MADE BY PORT TRUSTS TO INSTITUTIONS MAINTAINED FOR THE BENEFIT OF INDIAN SEAMEN.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I beg to lay on the table the information promised in reply to a supplementary question by Mr. Gaya Prasad Singh in connection with starred question No. 1195, asked by Mr. Sarabhai N. Haji on the 22nd March, 1929, regarding contributions made by Port Trusts to Institutions maintained for the benefit of Indian seamen.

##### Calcutta :

The Port Commissioners have not made any contribution to any institution connected with the welfare of Indian seamen, nor have they ever received any applications for such contributions.

##### Bombay :

Apart from certain hospitals to which the Port Trust has contributed, there are no other recognised institutions in Bombay connected with the welfare of Indian seamen. The establishment of an Indian Sailors' Home in Bombay has been under consideration for some time, and a Committee appointed by Government (on which Mr. Neilson is serving as Chairman) is now considering the whole question. The Trustees have already agreed to provide a suitable site or sites free of charge for the purpose and to assist in the furtherance of the project.

##### Madras :

The records in the Port Trust's Office do not show that any contribution has been made by the Trust to institutions connected with the welfare of Indian seamen.

##### Rangoon :

There is no institution at Rangoon directly for the welfare of Indian seamen. The institutions indirectly connected with that object to which the Port Trust contribute are (1) the General Hospital, (2) the Pasteur Institute and (3) the Ramkrishna Mission Sevashram.

##### Karachi :

The Port Trust contributes Rs. 1,200 per annum towards the upkeep of the McHinch Memorial Seamen's Rest at Keamari, the object of which is to promote the welfare of all seamen, irrespective of nationality or religion.

The Rest was built with funds raised by subscriptions from Government, the Municipality, members of the Chamber of Commerce, the public and the Port Trust. The Port Trust also bears the cost of annual repairs to the building.

The Bombay and Rangoon Trusts have specially mentioned their contributions to hospitals, but it does not follow that the other Trusts, who have not mentioned them, do not in fact contribute.

#### PROVISION OF FENCINGS FOR RAILWAY LINES.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : I beg to lay on the table the information promised by Mr. A. A. L. Parsons on the 27th February, 1929, regarding the results of the inquiry instituted by Government on the provision of fencing on railways.

COPY OF LETTER NO. 553-W-21, DATED THE 24TH JULY, 1924, FROM THE SECRETARY, RAILWAY BOARD, TO THE SECRETARY TO THE GOVERNMENT OF BOMBAY, PUBLIC WORKS DEPARTMENT.

I am directed to refer to your letter No. D-291-Ry., dated the 9th July, 1921, (Serial No. 1), on the subject of the provision of fencing on railways, and to express the regret of the Railway Board that so much delay has taken place in addressing the Bombay Government further on this matter. In that letter the following arguments were put forward :

- (a) that Railway Administration should not be permitted to keep their lines unfenced for an indefinite period, specially those in the neighbourhood of towns and villages where cattle are numerous ;
- (b) that there is no law under which poor cattle owners can obtain compensation for cattle that are run over, though a Railway Administration can prosecute the owners where cattle are knowingly or wilfully allowed to stray on the line, whether fenced or not ; and
- (c) that railways should be held liable for damages where fences have not been maintained to prevent cattle from straying on to the line, or that measures ought to be taken for enforcing the provision of fencing under Section 13 of the Railways Act by orders of the Governor General in Council.

2. A preliminary reply was given in this office letter No. 553-W-21, dated the 22nd February, 1922 (Serial No. 3), in which it was explained that the heavy and unremunerative expenditure entailed in the provision of fencing on railway lines would not in the opinion of the Railway Board give commensurate advantages in preventing cattle accidents, but that the Board had decided to examine the whole question in consultation with railways. The result of this correspondence, in the course of which all railways were consulted and not only those in the Bombay Presidency, is that the Board have collected a great deal of information on the subject, and I am to forward herewith a summary of the figures available in the tabular statement attached (Serial No. 4/1). This summary shows for broad gauge Railway Administrations, for Administrations having both broad and metre gauge, for metre gauge railways, and for narrow gauge railways separately, the number of miles of line fenced and unfenced and the average number of cattle accidents that occurred annually over a period of three years on the fenced mileage and unfenced mileage under these different categories. It will be seen that out of a total of about 37,000 miles of railway in India about 15,000 miles are fenced, and 22,000 miles are unfenced, that the numbers of cattle accidents on fenced lines were slightly higher than those on unfenced lines in those 3 years, and that the number of such accidents per mile per year is .26 for fenced lines and .17 for unfenced lines. These figures, in fact tend to bear out the view which was held by the Railway Board that the protection obtained by the ordinary methods of fencing railway lines in this country is not such as to encourage Railway Administrations to adopt a more general policy of fencing in the future.

3. The cost of fencing one mile of railway line at present is roughly Rs. 4,000 with the type of fencing which has hitherto been in general use, but it would appear from what is stated above that to be really effective a far superior and more expensive type of fencing would have to be adopted. It is notorious that villagers and others, who are in charge of grazing cattle, are in the habit of cutting the wires of the railway fences or tying them together in order to allow their cattle to get on to the precincts of the railway line, where better grazing can frequently be obtained than is available elsewhere in the neighbourhood, and this is specially noticeable in places and in seasons when fodder is short. The Railway Board, while recognising that there are certain obligations on the railways in this matter, desire to point out that another aspect of it exists in that it is a source of danger to the travelling public when cattle are permitted to graze on the sides of railway embankments, etc., as a cattle accident may, and frequently does, cause the derailment of a train. It is therefore, in the interests of the railway itself to try and prevent cattle from straying on to railway lines, and it has long been the practice to provide fencing along sections of railway where the numbers of grazing cattle are appreciable and where fast trains are run.

4. The adoption of a superior style of fencing, however, has only found favour in a few localities which are very populous and where the danger to human life as well as fear of cattle accidents is considered to make it worth while to incur the very much higher expenditure involved, and in view of the great desirability of setting aside as much money as possible for new lines the Government of India are not generally in favour of an advanced policy of fencing which would involve unremunerative expense.

[Mr. P. R. Rau.]

5. Again, for the reason mentioned in paragraph 3 above as regards the danger to the travelling public caused by cattle grazing on railway embankments, the Government of India are not in favour of providing by statute for compensation for cattle run over, for such a measure, as it seems to them, would be to offer a premium on cattle trespass and would only result in an increase of accidents by making owners less careful of their stock. While, therefore, the Government of India have considerable sympathy with the owners of cattle that may be run over on railway lines they hardly think it advisable to take steps for any such enactment at the present time.

6. There remains the question of taking action under section 13 of the Railways Act, and the Railway Board have been considering whether they could lay down any general principles as to the conditions which require a railway line to be fenced, for instance, by defining the density of railway traffic, the density of population in the adjoining areas or the character of the adjacent land (whether heavily cultivated or desert, etc.), and laying down some general rules for guidance in this form. They have, however, for the time being not found this a practicable solution of the difficulty, and the Government of India have come to the conclusion that the most satisfactory course is to consider the necessity of fencing any particular section of line on the merits of the case. While therefore it is not considered advisable to provide by statute for making railways liable for damages in running over cattle, the provision of fencing can, wherever this is shown to be necessary, be enforced under section 13 of the Railways Act and it is open to the Local Government to represent the need for fencing any particular section.

#### Abstract.

|                       | Fenced.       |            |         |                           | Unfenced.         |            |         |                           |
|-----------------------|---------------|------------|---------|---------------------------|-------------------|------------|---------|---------------------------|
|                       | Miles fenced. | Accidents. |         | Cattle per mile per year. | Miles not fenced. | Accidents. |         | Cattle per mile per year. |
|                       |               | Men.       | Cattle. |                           |                   | Men.       | Cattle. |                           |
| Broad Gauge           | 9,389.31      | ..         | 2,255   | ..                        | 9,654             | ..         | 1,248   |                           |
| Broad Gauge and Metre | 994.49        | ..         | 1,151   | ..                        | 1,746.96          | ..         | 1,147   |                           |
| Metre Gauge           | 4,423.53      | ..         | 523     | ..                        | 8,979.05          | ..         | 1,305   |                           |
| Narrow Gauge ..       | 44.5          | ..         | 5       | ..                        | 1,745.02          | ..         | 9       |                           |
|                       | 14,851.83     | ..         | 3,934   | Per mile per year .26.    | 22,125.03         | ..         | 3,790   | Per mile per year .17.    |

#### STATEMENT BY MR. PRESIDENT *RE* THE DIGNITY AND INDEPENDENCE OF THE LEGISLATIVE ASSEMBLY AND THE AUTHORITY OF THE CHAIR.

Mr. President : I desire to make a statement on a question concerning the dignity and independence of this House and the authority of the Chair which arose out of the address delivered in this Chamber to the Members of the Central Legislature on the closing day of the last session by the Governor General. As Honourable Members are aware, it has been my constant endeavour, since I have been elected to this Chair, to uphold the dignity and independence of this House and the authority of the Chair to the best of my capacity. I have always maintained, and will continue

to maintain, so long as I am in this Chair, that the House and the Chair are, subject to the constitution, supreme within the four walls of this Chamber, and I would be unworthy of the confidence reposed in me by the House if I failed on any occasion to raise my voice in protest against any action, which in my view seemed to challenge or undermine that supremacy. I accordingly thought it my duty to address the following letter to His Excellency the Viceroy on the 8th of May last :

" HOLCOMBE ",

Simla, 8th May, 1929.

MY DEAR LORD IRWIN,

It was with considerable pain, surprise and sorrow that I listened the other day to your address to the two Houses of the Indian Legislature. Of course, it goes without saying that Your Excellency is entitled under the constitution to summon the Members of the two Houses at any time for the purpose of addressing them, but I am quite clear that Your Excellency's action in utilising the occasion for criticising the Chair's ruling is not only unprecedented and calculated to affect both the dignity of the House and the authority of the Chair, but also constitutes, in my opinion, a departure from constitutional usage and traditions. For these reasons it is impossible for me to acquiesce in the course Your Excellency has thought it right to adopt. Such a precedent might be repeated by your successors, and it is my duty, as President of the Assembly, to enter my strongest protest against it as soon as I can. The only question I am considering is whether I shall be right in making known my protest now by communication to the Press, or whether I should not wait till the Assembly meets and do so more appropriately from the Chair of the Assembly.

Perhaps Your Excellency will agree that, though we have in the past more than once differed on matters relating to the Assembly, such differences have never been publicly displayed. It is a matter of regret to me that Your Excellency should have departed from that practice.

The proceedings of the Assembly would have disclosed that there was, to say the least, room for honest difference of opinion. The person occupying the Chair had, in the circumstances and in the situation that arose, to interpret the rules and lay down procedure as best as he could in the exercise of his undoubted powers, and you yourself were frank enough to admit in your address that the only appropriate person to interpret in either House of the Legislature the rules under which it works is the President of the House himself. In a matter of interpretation of the Rules and Standing Orders, the only safe guide is to go by their language. Your Excellency will agree with me that I could only proceed on the Rules and Standing Orders as they stand at present and according to the best of my lights and could not go in search of an " original intention " apart from the language of the Rules. While so, it is somewhat surprising that, in more than one place, Your Excellency refers to yourself and to your Government not being satisfied as to my interpretation being in conformity with the original intention. The emphasis laid by Your Excellency on my interpretation not being in accordance with the original intention, on my ruling being calculated to interrupt the work of the House, and upon the Legislature being prevented from forming its own judgment on the question whether or not it could usefully conduct its debates, the reference to the technical difficulty created by my ruling standing in the way of your sharing the responsibility of protecting the ordered state with the Legislature, the intention announced in Your Excellency's address that the proper authority will so amend the Rules as to prevent the President of either House from impeding the progress of legislation ; all these appear to me, in the circumstances and in the context, nothing short of a censure passed by Your Excellency upon my ruling. I need hardly point out that under the Rules and Standing Orders I am the sole and final authority on all questions relating to order arising in the House (Hear, hear), and if my conduct is to be impugned, it can only be impugned by a direct appeal to the House upon notice of motion properly given, when a straight issue would be laid before the House and an amendment be moved which shall test the judgment of the House. In no other manner and by no other authority could the ruling of the Chair be subjected to any criticism or censure within the Assembly Chamber of which I am the President. (Applause.) Such indeed is the sanctity attached to the rulings of the Chair by constitution and by convention.

For obvious reasons I do not desire to embark on a discussion on the merits of the point of order before the House, though I still maintain that I was right in the

ruling which I gave and that it was the only possible ruling consistent with the fundamental right of free speech and debate of the Members of the House and with the House functioning as a deliberative Assembly.

It is not my purpose, and indeed it is not within my province, to deal with the question as to the necessity for any amendment of the Rules, nor am I concerned with the point as to whether the occasion warrants such amendments. I need hardly point out that the fact of Your Excellency having to fall back on your powers under section 72 of the Government of India Act in the circumstances that have happened neither enters into the merits of this communication, nor could it be an element in the decision I arrived at on the point of order.

I write this because it is possible that Your Excellency might not be in this country when I make my statement, and I thought it was proper that I should let you know my intentions. Since you made your speech, I was searching for some precedent from the proceedings of the Parliaments of the Dominions in support of your action, and I am in a position to inform Your Excellency that never before has any representative of the Crown such as you have chosen to criticise any ruling of any Speaker of any of the Parliaments of the Dominions in the manner in which you have criticised my ruling.

Yours sincerely,

(Signed) V. J. PATEL."

On the 15th of May I received from His Excellency the following reply :

VICEREGAL LODGE,

SIMLA,

15th May, 1929.

DEAR MR. PATEL,

His Excellency has received your letter of the 8th May and desires me to thank you for the courtesy that prompted you to acquaint him with your intentions.

The action which you have felt impelled to take is based upon the assumption that, in his address to the Legislature, His Excellency passed criticism or censure upon your ruling. His Excellency feels that there has been in some quarters misapprehension both of the purpose of his address and of the language which he employed to give expression to it, and therefore welcomes this opportunity of making plain in greater detail the precise implications of the action he thought it his duty in very difficult circumstances to take.

Without entering into the question of the merits of your ruling which, as you correctly point out, are not now in issue, His Excellency desires me to say that it was no part of his intention by his address, as indeed within the House he would consider it improper, either to criticise the ruling you had given or pass censure upon you for it, and His Excellency regrets that his words should have been so interpreted by yourself or others. Such an interpretation in the circumstances in which the address was delivered was perhaps inevitable, but His Excellency wishes me to make plain to you, and through you to the Assembly, his entire concurrence with your view that within the House it is the President, subject only to the House itself in the established form as indicated in your letter, who is the sole and final authority under the Rules and Standing Orders on all questions relating to order that may arise. His Excellency indeed defined his position in his address, by emphasising that in his view the only person qualified to interpret within either House the rules under which it works was the President of the House concerned. His Excellency accordingly desired to confine himself to pointing out the practical results that followed from the ruling, and to stating the action which in his view was imposed upon himself and upon Government for the proper discharge of their own responsibilities.

I am desired by His Excellency to add that he fully shares your anxiety to maintain the dignity of the House and the authority of the Chair. He earnestly hopes, and has no doubt that such hope is entertained by the President, that the passage of time may see the gradual establishment around the Chair of the Assembly, in the constitutional conditions of the Indian Legislature, of such a body of tradition, as has, in the sphere of the House of Commons, enabled each of a long line of Speakers to be successively accepted as the impartial guide and trusted friend of all sections of the House. To this end His Excellency trusts that he and the President may continue to co-operate.

[Mr. President.]

Since His Excellency has made it clear that it was not his intention to criticise your ruling, he does not feel it necessary to discuss the argument which you adduce upon the subject of Dominion precedents.

As regards the question you raise as to whether you should make your position known by publication of your letter and of His Excellency's reply through the Press, or by direct statement in the Assembly, His Excellency would suggest that the more convenient course would be that you should read to the Assembly, on as early a day as convenient, your letter to him and his reply. His Excellency feels that the matter is one in which all Members of the Assembly are directly interested and that it would be proper that the correspondence should be directly presented to them.

Your sincerely,

(Signed) G. CUNNINGHAM."

I breathed a sigh of relief when I read that reply which, in my opinion, constitutes a sufficient vindication of the dignity and independence of this House and the authority of the Chair which I thought had been seriously assailed. The Governor General has here made it plain that he has no intention of criticising or censuring the ruling. He has also said that he would consider it improper for him to do so within the House. And more than that, His Excellency has expressed his entire concurrence with that part of my letter which defines the position in this respect that, within the House, it is only by the House itself that the ruling of the Chair can be subjected to criticism and censure.

His Excellency has further made it clear in the reply that, in the circumstances in which the address was delivered, such an interpretation on his words as I and others have put was perhaps inevitable, and he considers it regrettable that his words should have been so interpreted. In view of what His Excellency has said, I am convinced that it was not his desire to establish a precedent derogatory to the dignity of the House, and I am sure the House will agree with me that the incident must now be treated as closed.

I desire to state, in conclusion, that nothing has pleased me more in His Excellency's reply than the sincere expression of his anxiety to see the establishment in this country of best Parliamentary traditions and conventions and to co-operate with the Chair for that purpose, and I need hardly assure His Excellency and his Government that I fully echo his desire in this respect. (Applause.)

#### THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF SELECT COMMITTEE.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Transfer of Property Act, 1882, for certain purposes.

#### THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

PRESENTATION OF THE REPORT OF SELECT COMMITTEE.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I beg to present the Report of the Select Committee on the Bill to supplement the Transfer of Property (Amendment) Act, 1929.

#### THE INDIAN RAILWAYS (AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I move for leave to introduce a Bill further to amend the Indian Railways Act, 1890, for certain purposes. In a single word, this Bill seeks to empower the Government of India to carry out the obligations that it has incurred under two international conventions regarding the hours of work and the periods of rest of railway servants.

The motion was adopted.

**The Honourable Sir George Rainy** : Sir, I introduce the Bill.

#### THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes. It is not necessary for me to give any explanation of the objects of this Bill. I think it is sufficiently explained in the Statement of Objects and Reasons published with the Bill.

The motion was adopted.

**The Honourable Sir George Schuster** : Sir, I introduce the Bill.

#### THE INDIAN INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Indian Income-tax Provident Funds Relief). I think I owe the Assembly some explanation of why I have thought it necessary to deal with two amendments to the Indian Income-tax Act in separate Bills. The reason is this : I gave an undertaking a few months ago to introduce legislation for the purpose of conferring privileges on private provident funds. I am very anxious that that undertaking should be honoured and given effect to in time at least for the next Budget. The Indian Income-tax (Amendment) Bill that I have just introduced may take some time to pass into legislation. I am hopeful, however, that this second Bill may become law within the course of this Session without delay.

The motion was adopted.

**The Honourable Sir George Schuster** : Sir, I introduce the Bill.

#### THE SALE OF GOODS BILL.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I move for leave to introduce a Bill to define and amend the law relating to the sale of goods. I do not desire to say anything at this stage, except that the Bill seeks to revise Chapter VII of the Indian Contract Act, which was enacted so far back as 1872. This branch of the mercantile law in India required revision.

The motion was adopted.

**The Honourable Sir Brojendra Mitter** : Sir, I introduce the Bill.

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### THE INDIAN CONTRACT (AMENDMENT) BILL.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I move for leave to introduce a Bill to amend section 178 of the Indian Contract Act, 1872. I need only say that this is consequential on the Bill which has just now been introduced : that Bill deals with sale by ostensible owners ; and the present Bill deals with pledge by ostensible owners.

The motion was adopted.

**The Honourable Sir Brojendra Mitter** : Sir, I introduce the Bill.

### THE INDIAN SOFT COKE CESS BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the levy of a cess on soft coke despatched by rail from collieries in the Provinces of Bengal and Bihar and Orissa. The object of this Bill is to raise funds which can be expended for the purpose of propaganda to popularise the use of soft coke. The original suggestion came from the colliery proprietors who are interested in the production of soft coke, and the Bill has their full support. I do not think I need say more.

The motion was adopted.

**The Honourable Sir George Rainy** : Sir, I introduce the Bill.

### THE INDIAN CENSUS BILL.

**The Honourable Sir James Crerar** (Home Member) : Sir, I move for leave to introduce a Bill to provide for certain matters in connection with the taking of the census. Honourable Members are aware that the census, as in most other countries, is taken decennially in India, and in accordance with precedent, this Bill provides for certain matters in connection with the taking of the census, and I hope it will prove entirely non-controversial.

The motion was adopted.

**The Honourable Sir James Crerar** : Sir, I introduce the Bill.

### THE INDIAN BOILERS (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill further to amend the Indian Boilers Act, 1923, for certain purposes.

The motion was adopted.

**The Honourable Sir Bhupendra Nath Mitra** : Sir, I introduce the Bill.

### THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose (amendment of sections 13, 16, 35, etc.). This Bill refers to the amendment of sections 13, 16, 35, etc.

The motion was adopted.

**The Honourable Sir George Schuster** : Sir, I introduce the Bill.

### THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose (Insertion of new section 85A). In this case also I feel that I owe the Assembly some explanation of why it has been thought necessary to deal with the matter in two Bills. The Bill which I have just introduced is a revival of a Bill which was formerly introduced in 1927. I propose in that case to ask at a later stage for reference to Select Committee, the task here being to deal with a subject which has already been to some extent dealt with. In the case of the present Bill, I propose to ask for leave to circulate the Bill. A different procedure will thus be necessary in the two cases.

The motion was adopted.

**The Honourable Sir George Schuster** : Sir, I introduce the Bill.

### THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, I move for leave to introduce a Bill further to amend the Cantonments (House Accommodation) Act, 1923, for certain purposes. The statement attached to the Bill and the Notes on Clauses give, I hope, a full and sufficient explanation of the Objects and Reasons of the Bill. It deals with no new principles and is mostly intended to remedy certain defects and to make improvements in procedure and drafting which experience has shown necessary.

The motion was adopted.

**Mr. G. R. F. Tottenham** : Sir, I introduce the Bill.

### THE BENGAL PILOT SERVICE (CENTRALISATION OF ADMINISTRATION) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill further to amend the Calcutta Pilots Act, 1859, and the Indian Ports Act, 1908, in order to vest the control of the Bengal Pilot Service in the Governor General in Council.

The motion was adopted.

**The Honourable Sir George Rainy** : Sir, I introduce the Bill.

### ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move :

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C, dated the 30th January, 1924, a panel consisting of 9 members from which 3 will be nominated to serve on the Standing Committee to advise on subjects in the Department of Commerce."



[Sir George Rainy.]

The Advisory Committee of the Commerce Department, Mr. President, was last constituted as the result of the elections held in the two Houses of the Legislature in September, 1928, and it came into existence in October, 1928. It is necessary, therefore, that at this Session of the Assembly the Committee should be reconstituted for another year. It is for that reason, Sir, that I make this motion.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I am in no mood to oppose my Honourable friend Sir George Rainy, but as he is always a very sympathetic man, I should like to ask him one very simple question, and it is this. Why does he not take the hint of this House which has helped him on many occasions in matters of this kind. His Honourable colleague, Sir Bhupendra Nath Mitra, who is sitting on his left has had to deplore his action on a previous occasion when a panel was to be selected for the Roads Committee. The Honourable Sir George Rainy, in moving his proposition, has quoted some notifications in the Home Department, but as everybody knows, this House is guided by Rules and Standing Orders. Can the Honourable Member quote any legislative rules from the Legislative Manual under which he can ask us to elect a panel from which he can select only three Members as he pleases? Why does not he ask us to choose three Members to advise the Commerce Department? I also ask him to take a hint from the fact that another sister Department of his, the Education Department, could not get the Members elected by this method. I submit, Sir, that we on this side are in no mood to be trifled with like that. If he wants us to give him advice, then he should come to us and say, "I want three Members from you; elect the best three from you". What I am particularly interested in is this. I want to know under what legislative rules the Home Department issued this particular notification. Specially, what is uppermost in my mind is the particular rule which has been so recently amended by the Secretary of State. Now, if the Secretary of State, His Excellency the Viceroy, and everybody else is so particular about these Rules and the amendment of these Rules, why does not my Honourable friend try to bring this particular Committee under certain Legislative Rules? Members of the Public Accounts Committee are elected under the Legislative Rules. If you want a committee to advise a particular Department, you should amend the rules. There is your master, the Secretary of State, sitting 6,000 miles away, and he can easily amend the rules for you without consulting us. So I do not want to take any very serious objection, but I want the Honourable Sir George Rainy to reply to me, because he is always anxious to cultivate sympathy from this side of the House. I want to know how long this kind of play will go on on that side of the House. I might tell my Honourable friend that this side will not elect any panel from which he can choose anybody he pleases.

**The Honourable Sir George Rainy** : Sir, I have only a word or two to say in reply to what my Honourable friend, Mr. B. Das, has just said. I quite understand the difficulty certain Members on the other side of the House feel about the panel system of constituting these Committees, and I doubt whether there is any Member of the Governor General's Council who would be prepared to go to the stake in defence of that particular procedure. Knowing as we do the strength of feeling on the subject there is in certain quarters of this House, I am quite prepared to say that we should

#### ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

be prepared to reconsider the question how these Standing Advisory Committees should be constituted. A more convenient opportunity will perhaps occur for that in the cold weather Session when most of these Committees will require to be reconstituted. Meanwhile, after what I have said, I trust that the House will give me my Committee on the present basis, when I give them the assurance in the classical words that it "is only a very little one."

**Mr. President** : The question is :

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C, dated the 30th January, 1924, a panel consisting of 9 Members, from which 3 will be nominated to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

#### ELECTION OF THE STANDING COMMITTEE ON ROADS.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour) : Sir, I move the following :

"That this Assembly do proceed to the election, for the financial year 1929-30, in such method as may be approved by the Honourable the President, of six members to serve on a Standing Committee on Roads, which will be appointed by the Governor General in Council to advise him on certain matters connected with roads, and which will include in addition a Member of the Assembly to be nominated by the Governor General, a second nominated official Member, and three non-official Members to be selected by the Governor General from the panel of six already elected by the Council of State. The Member of the Governor General's Executive Council in charge of the Department that deals with roads shall be the Chairman of the Committee; and the members of the Committee who are Members of the Legislative Assembly will form the Finance Sub-Committee of the Committee, which will be presided over by the Chairman of the Committee if he is a Member of the Legislative Assembly, and otherwise by the official member of the Committee who is a Member of the Legislative Assembly."

This motion is introduced to give effect to the recommendation contained in paragraphs 79 and 96B (10) (b) of the Report of the Indian Road Development Committee of 1927-28. I brought a somewhat similar motion before this House on the 2nd April last. (An Honourable Member : "What what effect?") But in that motion I had provided for the election by this House of a panel of 12 members, from which 6 members of the Standing Committee would be nominated by the Governor General. As I explained to the House on that occasion, in making this provision, I followed what I considered to be the intention of the Indian Road Development Committee, based on the actual wording of a specific recommendation of that body. In the course of the debate in this House, I was, however, told by various Members who had served on that Committee that that was not their intention. In the result the House refused to adopt my motion. I have accepted the statements made on that occasion about the intention of the Committee, and I have also accepted the verdict of the House; and in the motion now before it I have provided that the House should elect its representatives on the Standing Committee in such manner as you, Sir, may approve. I trust that my action will have the approval of the House and that it will be pleased to adopt the motion.

The motion was adopted.



**Mr. President :** I may inform Honourable Members that for the purpose of election of Members to the panel for the Standing Advisory Committee for the Department of Commerce and the Standing Committee on Roads, the Assembly Office will be open to receive nominations up to 12 Noon on Thursday, the 5th September, 1929. The election for the Standing Committee on Roads, if necessary, will take place in this Chamber on Monday, the 9th September, 1929, and the election to the panel for the Standing Advisory Committee for the Department of Commerce, if necessary, will be held on Tuesday, the 10th September, 1929. The elections will be held in accordance with the principle of proportional representation by means of the single transferable vote.

#### THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move that the Bill further to amend the Indian Merchandise Marks Act, 1889, be continued. I trust that the House will treat this as a formal motion ; it is intended to revive a Bill that has lapsed under the proviso to Standing Order 4 (2). Under that proviso all Bills in respect of which no motion has been made during two successive sessions shall lapse unless the Assembly, on a motion by the Member in charge of the Bill in the next session, makes a special order for the continuance of the Bill. This particular Bill was introduced by me some two years back and it was circulated on a motion carried in this House.....

**Mr. President :** The Honourable Member does not want to treat this as a formal motion ?

**Mr. K. C. Neogy :** I just wanted to let the House know the circumstances under which this Bill came to lapse and the stage at which the Bill at present stands. The Bill was circulated on a motion carried in this House and opinions have since been collected. The next motion with reference to this Bill will be to refer it to a Select Committee. I trust the House will be indulgent enough to carry this formal motion.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd September, 1929.

#### LEGISLATIVE ASSEMBLY.

Tuesday, 3rd September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

#### MEMBERS SWORN :

Mr. John Young Philip, M.L.A. (Bengal : European) ; and Mr. Henry Louis Stevenson, M.L.A. (Burma : Nominated Official).

#### QUESTIONS AND ANSWERS.

##### NUMBER OF APPLICATIONS FOR EXTENSION OF TIME RECEIVED IN EACH OF THE INCOME-TAX OFFICES IN SIND IN 1927-28 AND 1928-29.

41. **\*Mr. Lalchand Navalrai :** Will Government be pleased to give for each of the Income-tax charges in Sind the following information for each of the two years 1927-28 and 1928-29 :

(a) Total number of applications for extension of time received under section 45 of the Act ; and

(b) How many of these were granted ?

**The Honourable Sir George Schuster :** A statement is laid on the table.

*Statement regarding the applications in Sind for stay of recovery of income-tax under Section 45 of the Indian Income-tax Act, 1922, during the years 1927-28 and 1928-29.*

| Charge.                      | 1927-28.   |              | 1928-29.   |              |
|------------------------------|------------|--------------|------------|--------------|
|                              | No. filed. | No. granted. | No. filed. | No. granted. |
| Karachi City .. .. .         | 85         | 56           | 154        | 114          |
| Thar Parkar District .. .. . | 15         | 12           | 20         | 14           |
| Hyderabad .. .. .            | 25         | 20           | 20         | 16           |
| Sukkur .. .. .               | 25         | 21           | 21         | 18           |
| Shikarpur .. .. .            | 2          | 2            | 4          | 3            |
| Larkana .. .. .              | 20         | 18           | 23         | 22           |
| <b>Total .. .. .</b>         | <b>172</b> | <b>129</b>   | <b>242</b> | <b>187</b>   |

ISSUE OF NOTICES FOR COMPLIANCE ON SUNDAY BY INCOME-TAX OFFICERS IN CERTAIN DISTRICTS.

42. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that in some cases the Income-tax Officers of the Karachi and Thar Parkar Districts issued notices for compliance under section 23 (2) and 22 (4) of the Act for Sunday ?

(b) If so, do Government propose to stop such a practice ?

The Honourable Sir George Schuster : (a) Yes. In some cases work has been done on Sundays in the desert tracts of the Thar Parkar district in order to expedite assessment work, or to enable assesseees to return to their homes as soon as possible, or to reduce the period of halt of the Income-tax Officer and his staff in view of the hardships involved in touring in these areas. In some instances assessments have been made on Sunday at the request of the assesseees themselves.

(b) The circumstances in these areas are peculiar and the Government of India propose to take no action except to direct that, if an Income-tax Officer wishes to take up cases on Sunday, he shall give assesseees the option of attending on some other day.

Mr. Lalchand Navalrai : Is the Honourable Member aware that the people of the Thar Parkar district feel that there should be no hearings on Sunday and that they feel it very inconvenient ?

The Honourable Sir George Schuster : I have told the Honourable Member that, in future, if the Income-tax Officers undertake cases on Sunday, they should always give the assessee a chance of objecting.

PERIOD OF TIME ALLOWED TO ASSESSEES BY INCOME-TAX OFFICERS IN SIND FOR PAYMENT UNDER SECTIONS 29, 31, 32 AND 33 OF THE INCOME-TAX ACT.

43. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state the usual time given by Income-tax Officers in Sind to the assesseees for payment under sections 29, 31, 32 and 33 ?

(b) Will Government be pleased to state in how many cases notices of demand under section 29 of the Act were issued in each of the charges of the Income-tax Officers in Sind during each of the years 1927-28 and 1928-29 allowing for payment a longer period than 30 days from the date of demand ?

(c) Will Government be pleased to give the cases in Sind in the years 1927-28 and 1928-29 in which no time was fixed for payment under sections 29, 31, 32 and 33, and assesseees were compelled to pay on the 1st day of the 2nd month following the date of the service of the notice or order ?

The Honourable Sir George Schuster : (a) The period allowed for payment of a demand under section 29 of the Indian Income-tax Act, 1922, is usually thirty days. No period has been fixed for an amount specified as payable in an order under sections 31, 32 or 33 and the time allowed depends on the circumstances in each case.

(b) A statement is laid on the table.

(c) The compilation of the information for which the Honourable Member asks would involve an amount of time and labour which is disproportionate to any possible advantage that could be obtained. The Government are therefore unable to comply with the Honourable Member's request.

Statement showing number of cases of notice of demand of Income-tax in Sind in 1927-28 and 1928-29 in which more than 30 days were allowed from the date of the notice.

| Name of Circle.                 | Number of cases during 1927-28. | Number of cases during 1928-29. |
|---------------------------------|---------------------------------|---------------------------------|
| Karachi .. .. .                 | 387                             | 489                             |
| Hyderabad .. .. .               | 35                              | 35                              |
| Sukkur .. .. .                  | 21                              | 18                              |
| Shikarpur .. .. .               | ..                              | ..                              |
| Larkana .. .. .                 | 10                              | 10                              |
| Karachi and Thar Parkar .. .. . | ..                              | ..                              |
| Total for Sind .. .. .          | 453                             | 552                             |

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to realise that if certain information is necessary, it would be helpful if an extract or some idea of the information wanted is given ?

The Honourable Sir George Schuster : I have gone very carefully into this case, as into a number of other cases where the Honourable Member asked for complicated returns to be compiled, and I have come to the conclusion that it would not be in the public interest to devote the time necessary. The object gained does not justify the amount of time and labour involved.

†44.

NUMBER OF ASSESSEES IN 1927-28 AND 1928-29 ASSESSED BY EACH INCOME-TAX OFFICER IN SIND IN RESPECT OF REMITTANCES OF PROFIT FROM FOREIGN BUSINESSES.

45. \*Mr. Lalchand Navalrai : Will Government be pleased to state the number of assesseees in each Income-tax Officer's charge in Sind who were assessed income-tax in each of the years 1927-28 and 1928-29 under "other sources" in respect of remittances of profit from foreign businesses and the number of cases in which the production of foreign books was called for ?

The Honourable Sir George Schuster : The compilation of this information will require an amount of time and labour which is disproportionate to the result obtained, and the Government of India regret to be unable to supply it.

PETITIONS SUBMITTED BY TAX-PAYERS IN TATTA, KARACHI DISTRICT, IN REGARD TO THE WORKING OF SECTIONS 4 (2) AND 22 (4) OF THE INCOME-TAX ACT.

46. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that certain tax-payers in Tatta, Karachi District,

†Question withdrawn by the questioner.

submitted petitions to the First Member, Central Board of Revenue, in regard to the working of section 4 (2) and section 22 (4) of the Act in 1928 and 1929 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action has been taken in the matter ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) No action was taken by the Central Board of Revenue since the points raised were, either outside the competence of the Board, or of such a nature that in the opinion of the Board no action was called for.

**PRACTICE INTRODUCED BY INCOME-TAX OFFICERS OF OBTAINING THE SIGNATURES OF ASSESSEES TO REPORTS ON THE EXAMINATION OF THEIR ACCOUNTS.**

47. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state if it is a fact that recently a system has been introduced by Income-tax Officers of obtaining the signature of assessee or their clerks to the reports on the examination of their accounts in token of the correctness of the reports ?

**The Honourable Sir George Schuster :** It is not the fact that there has been any recent introduction of the system referred to. It has, however, been ascertained that the practice has been followed by Income-tax Officers in two or three districts only. The Central Board of Revenue do not approve of the practice and have issued orders directing its discontinuance.

**REFUSAL OF INCOME-TAX OFFICERS IN SIND TO SUPPLY, ON REQUEST, COPIES OF ORDERS PASSED BY THEM UNDER SECTION 23 OF THE INCOME-TAX ACT.**

48. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that in a number of cases in the year 1928-1929 the Income-tax Officers in Sind refused to supply, on request, copies of the orders of assessment passed by them under section 23 of the Act which, under the orders of the Central Board of Revenue, have to be supplied free of charge on request to the assessee ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the number of cases in which applicants were called upon to state the purpose for which the orders were required ?

(c) Do Government propose to put a stop to this practice ?

**The Honourable Sir George Schuster :** (a) and (b) The facts to which the question apparently refers are not exactly as stated, for there was no case of refusal by the Income-tax Officers in Sind in 1928-29 to supply copies of assessment orders to assessee at their request. The facts in this case, which I think the Honourable Member has in mind, were that one particular Income-tax Officer, before granting copies inquired the purpose for which the copies were required in order to ascertain whether any stamp duty was leviable. This procedure was incorrect and, when it came to the notice of the Assistant Commissioner, was discontinued. It is not possible to state the number of cases in which applicants for copies were asked to state the purpose for which the copies were required as no record of them was kept.

(c) No further action is necessary as the practice referred to has already been stopped.

**DEMAND BY INCOME-TAX OFFICERS IN SIND FOR CERTIFICATES FROM REGISTERED FIRMS SHOWING THAT THEIR CONSTITUTION REMAINED UNALTERED.**

49. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that Income-tax Officers in Sind have called upon "registered firms", who applied for renewal of registration for the years 1928 and 1929, to furnish certificates showing that the constitution of such firms remained unaltered during the said years ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the number of cases in which such requisitions were made, and under what rules or orders they were made ?

**The Honourable Sir George Schuster :** (a) and (b). Under rule 6 of the Indian Income-tax Rules an application for renewal of a certificate of registration must be accompanied by a certificate signed by one of the partners of the firm that the constitution of the firm, as specified in the instrument of partnership remains unaltered. If, in any case, therefore, such a certificate was not forthcoming, it was an act of kindness on the part of the Income-tax Officer to ask for it. The Government see no need to call for statistics showing the number of cases in which Income-tax Officers asked for such certificates.

**PASSING OF ASSESSMENT ORDERS IN SIND IN THE ABSENCE OF ASSESSEES.**

50. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state if it is a fact that in Sind assessment orders have, since the last few years, been discontinued to be passed in the presence of assessee or their representatives and that they are generally passed several days after interview with the assessee or of the discussion of the reports of the examiners of accounts ?

**The Honourable Sir George Schuster :** The facts are not as stated, and as a general rule, assessment orders are passed in the presence of assessee or their representatives. It is inevitable, however, that there should be some exceptions to this practice, in cases of a difficult or important nature, or where further inquiries are necessary. For the disposal of such cases the Income-tax Officer must obviously, on occasions, need time for consideration.

**Mr. Lalchand Navalrai :** Do Government propose to instruct the Income-tax Officers to communicate the decision to the assessee forthwith in these exceptional cases ?

**The Honourable Sir George Schuster :** I will look into the matter and try to give effect to the Honourable Member's desire.

**NUMBER OF CASES OF PERSONAL EXAMINATION OF BOOKS BY INCOME-TAX OFFICERS IN SIND.**

51. **\*Mr. Lalchand Navalrai :** Will Government be pleased to give for each of the years 1927-28 and 1928-29 the number of cases in

which each Income-tax Officer in Sind personally examined the accounts of assessee, noted the fact as such, and based the assessment orders on such personal examination of books?

**The Honourable Sir George Schuster :** The practice usually followed is that the books produced by assessee are scrutinised in the first place by examiners of accounts, whose reports are examined along with the accounts by Income-tax Officers when they frame their assessments.

The statistics for which the Honourable Member asks can only be compiled at the cost of considerable labour and to the detriment of the current work of assessment, and the Government of India regret to be unable to furnish them.

**LACK OF OPPORTUNITY AFFORDED TO ASSESSEES IN SIND TO REBUT INFORMATION DISCLOSED BY INCOME-TAX OFFICERS' INQUIRIES.**

52. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that in Sind no opportunity is given to assessee to rebut the information disclosed by the Income-tax Officers' inquiries in cases in which there are no accounts?

(b) Do Government propose to issue suitable instructions on the point?

(c) Will Government be pleased to state if it is a fact that such inquiries are made by the Income-tax Officers through their clerks in cases in which either there are no accounts or in which accounts have been rejected on the plea that they do not reflect at a glance the position of the assessee?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Suitable instructions will be issued by the Central Board of Revenue.

(c) No such inquiries are made by Inspectors.

**PAYMENT OF Bhatta AND TRAVELLING EXPENSES TO WITNESSES SUMMONED BEFORE INCOME-TAX OFFICERS.**

53. **\*Mr. Lalchand Navalrai :** With reference to my starred question No. 141 (b), put on the 5th September 1928, will Government be pleased to state the information since ascertained by the Central Board of Revenue with regard to the practice of payment of *bhatta* and travelling expenses in the different provinces and the instructions the Board have issued in consequence thereof?

**The Honourable Sir George Schuster :** The reports received from Commissioners of Income-tax showed that very few witnesses had been summoned by Income-tax Officers at their own instance, and that the payment of expenses had not been uniform since a considerable percentage of the witnesses resided at the place where their evidence was given and did not claim expenses. The Central Board of Revenue, therefore, issued a circular (of which a copy is laid on the table), directing that the expenses of all witnesses summoned by the Departments should be paid to them on the scale laid down for civil courts.

CIRCULAR No. 43 OF 1928 (D. DIS. No. 544-I.T.) 28, DATED THE 8TH NOVEMBER 1928, FROM THE SECRETARY, CENTRAL BOARD OF REVENUE, TO ALL COMMISSIONERS OF INCOME-TAX.

*Allowances—Bhatta and travelling expenses to witnesses summoned by the Income-tax Department—Instructions regarding — Paragraph 67 of the Income-tax Manual.*

In the last sub-paragraph of paragraph 67 of the Income-tax Manual it is laid down that the scale of diet money and travelling expenses for witnesses summoned under section 37 of the Indian Income-tax Act, 1922, should be that prescribed for attendance in civil courts in the Province concerned. Inquiries show that, in cases where Income-tax Officers have summoned witnesses of their own accord, the payment of diet money and travelling expenses has not been uniform. The Board, therefore, directs that the *bhatta* and travelling expenses should be paid to all witnesses summoned by the Department on the scale laid down for civil courts, and the cost met from contingent grant of the officer concerned.

**Mr. Lalchand Navalrai :** Will that payment be made by the Government or by the assessee?

**The Honourable Sir George Schuster :** Payment will be made by the Government.

**PERIOD ALLOWED UNDER NOTICES ISSUED UNDER SECTION 22 (2) OF THE INDIAN INCOME-TAX ACT.**

54. **\*Mr. Lalchand Navalrai :** With reference to my starred question No. 145, asked on 5th September 1928, will Government be pleased to state the information the Central Board of Revenue gathered with regard to the period of notices under section 22 (2) of the Indian Income-tax Act, 1922, and the instructions issued by the Board in consequence thereof?

**The Honourable Sir George Schuster :** The information obtained by the Central Board of Revenue was to the effect that the provisions of section 22 (2) of the Indian Income-tax Act, 1922, regarding a minimum period of 30 days were observed. No instructions were therefore issued.

In any case instructions are not necessary because, if a period of 30 days is not allowed, the assessment would be illegal and could therefore be set aside.

**ISSUE OF NOTICE TO INCOME-TAX ASSESSEES TO RECEIVE REFUND ORDERS.**

55. **\*Mr. Lalchand Navalrai :** With reference to my starred question No. 151, asked on 5th September 1928, will Government be pleased to state what information the Central Board of Revenue collected and what instructions they issued on that point?

**The Honourable Sir George Schuster :** The information collected was as follows :

1. (a) *Reduction in assessment on appeal under section 31.*—Except in Assam and Burma, in which provinces the practice was not uniform in all the districts, either a refund voucher was sent at once without waiting for a claim from the assessee, or a notice was issued to the assessee to come and receive the refund.

(b) *Re-opening of assessments under section 27.*—The time allowed for payment of tax is seldom less than 30 days, whereas an application for the re-opening of an assessment made under section 23 (4), must be made within one month from the service of the notice of demand. The occasion for a refund therefore seldom arises. In those rare cases in which such

occasion arose, the practice in the provinces varied, the tax being refunded in some of the provinces immediately pending fresh assessment, while in others the tax was held back for adjustment against the fresh assessment, except in cases where an assessee desired a refund.

2. The following instructions were issued :

(a) As regards cases under section 31, Assam and Burma were asked to follow the practice of other provinces.

(b) As regards cases re-opened under section 27, tax was ordered to be refunded in all cases without waiting for any application from the assessee.

#### RESTRICTION OF PRESENT UNLIMITED REPRESENTATION BEFORE INCOME-TAX OFFICERS.

56. \*Mr. Lalchand Navalrai : Will Government be pleased to state whether they intend to amend section 61 of the Indian Income-tax Act so as to restrict the unlimited representation by any person before the Income-tax Officers now allowable to the assessee? If so, when?

The Honourable Sir George Schuster : Yes, during the present session.

#### ASSESSMENT BY INCOME-TAX OFFICERS IN SIND OF FOREIGN PROFITS BROUGHT INTO INDIA.

57. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if, in assessing income-tax in Sind on foreign income, the Income-tax Officers do not allow a set-off in respect of loss of profits or gains sustained by assessee in foreign countries in a previous year? Is it the intention of section 4, clause 2, of the Income-tax Act that only the net amount of profits received or brought into British India have to be assessed?

(b) If the answer to part (a) be in the affirmative, do Government propose to direct the Income-tax Officers to allow such a set-off?

The Honourable Sir George Schuster : I regret that I am unable to understand the Honourable Member's question, but I state for his information the law and practice governing the levy of tax on foreign income, which, needless to say, are the same in Sind as in other parts of India.

Under section 4 (2) of the Indian Income-tax Act, 1922—

" Profits and gains of a business accruing or arising without British India to a person resident in British India shall, if they are received in or brought into British India, be deemed to have accrued or arisen in British India and to be profits and gains of the year in which they are so received or brought, notwithstanding the fact that they did not so accrue or arise in that year, provided that they are so received or brought in within three years of the end of the year in which they accrued or arose "

It will be observed that what is taxed is not the whole of the foreign profits but only that portion which is brought into British India during the year of assessment. Profits of a foreign business are computed in exactly the same manner as profits accruing or arising from a business in British India—that is to say, no set-off is allowed in respect of losses

carried forward from previous years; and out of the profits so computed, the profits that are actually brought into British India are taxed.

If the Honourable Member will let me know more clearly what his difficulty is, or give me the details of the case or cases that he has in mind, I will have the matter investigated.

#### INSISTENCE BY INCOME-TAX OFFICERS IN SIND OF THE PRODUCTION OF BOOKS MAINTAINED IN FOREIGN COUNTRIES.

58. \*Mr. Lalchand Navalrai : (a) Are Government aware that the Income-tax Officers, Karachi and Thar Parkar Districts, insisted upon the production of actual books maintained in foreign countries in order to find out the profit or loss of the assessee resident in British India, and refused to accept, from the merchants of Tatta, valid certificates or balance sheets produced from the foreign country, testifying to such loss or gain?

(b) Are Government prepared to consider the inconvenience, loss, expense and the delay in obtaining from a foreign country such books for the inspection of the British Income-tax authorities, and do they propose to direct the Central Board of Revenue to make suitable orders in relief thereof?

The Honourable Sir George Schuster : (a) The answer is in the negative, but I must confess that I do not understand the meaning of the term " valid certificates ".

(b) The question whether remittances to British India from places outside British India are the profits of a business for the purpose of section 4 (2) of the Indian Income-tax Act, 1922, is frequently of a complex nature and can only be decided satisfactorily by the production of the accounts of the foreign business. It is to the interest of the assessee that such books should be produced and examined, and, since the accounts are for a previous accounting period, and in a large number of cases have already been sent to the head offices of the concerns in Sind, the conditions postulated in the question do not, as a rule, arise. The Government of India do not propose to issue any orders in the matter.

Mr. Lalchand Navalrai : Do Government realise that there is a great deal of trouble and expense involved in bringing all the books from foreign countries?

The Honourable Sir George Schuster : I am afraid a certain amount of trouble is always inevitable in order to obtain accurate information where businesses have foreign interests.

Mr. Lalchand Navalrai : I suppose the Honourable Member realises that the trouble here is more than in other cases?

The Honourable Sir George Schuster : Does the Honourable Member mean that the trouble in Sind is more than in other cases in India?

Mr. Lalchand Navalrai : Not that, but to bring books from foreign countries would take a long time and great expense and trouble and....

Mr. President : The next question, Mr. Lalchand.

REQUISITIONS BY TAX OFFICERS IN SIND OF ACCOUNTS OF PURCHASES AND SALES AND PROFITS AND LOSS.

59. \*Mr. Lalchand Navalrai : Will Government be pleased to state the result of their inquiries with regard to clauses (b) and (c) of my starred question No. 355, put on the 4th February 1929, with respect to requisitions by Income-tax Officers in Sind to prepare and produce accounts of purchases and sales, and profit and loss ?

The Honourable Sir George Schuster : The information for which the Honourable Member asked in parts (b) and (c) of the question referred to was supplied to him by the Central Board of Revenue in a letter, dated the 23rd February, 1929. It was to the effect (i) that it is only in cases in which a full set of accounts, with a purchase and sale account worked out, is believed to exist, that the assessee is called on to produce a purchase and sale account, and (ii) that it is only in cases in which an Income-tax Officer has reason to believe that accounts containing a purchase and sale account have been maintained and have not been produced that the assessee is required to produce them, together with a profit and loss account worked out on the basis of the purchase and sale account.

Mr. Lalchand Navalrai : Question No. 60, Sir.

Mr. E. L. Price : On a point of order, Sir. A question to be admissible under Standing Order 15, sub-section (3), must not contain defamatory statements. My objection is concerned with paragraph (d) which does contain defamatory statements against constituents and friends of mine.

Mr. President : The President has, after full consideration, admitted the question, and no Member of this House has a right to question his decision.

POLICY OF GOVERNMENT IN REGARD TO THE GRANT OF SUBSIDIES TO AERO CLUBS IN INDIA.

60. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state how many aero clubs in India have been given Moth aeroplanes free and what is the amount of subsidy paid every year to each of these clubs ?

(b) How much is Government going to pay to each of these clubs for the construction of hangers ?

(c) Are Government aware that some of these clubs are not only giving joy rides in their respective places, but are also lending machines on hire for long distance flights ?

(d) Is it a fact that one of the Moth aeroplanes of the Karachi Aero Club was given on hire to a gentleman, who flew over to Lahore, gave joy rides there and made money out of the bargain a few months ago ?

(e) Is it a fact that the machines of the Karachi Aero Club are also hired for cross-country flights in the province of Sind ?

(f) Are these planes intended for the training of local pilots within the limits of the city where the Club is located, or are they intended to be hired out ?

(g) Do Government propose to announce their policy in this regard and communicate it to the aero clubs concerned ?

The Honourable Sir Bhupendra Nath Mitra : (a) Four light aeroplane clubs are at present being subsidised by the Government of India, who have provided each club with two Moth aeroplanes ; these aeroplanes remain the property of the Government of India. An annual grant of Rs. 20,000 is being paid to each club.

(b) Rs. 9,000.

(c) Yes. A member of a club, who is a qualified pilot, is entitled to hire a machine for cross-country flights, subject to such conditions as the Committee of the club may lay down.

(d) A member of the Karachi Aero Club, with the approval of his Committee, hired a machine in April last and flew to Lahore where he gave four pleasure flights. These flights were duly paid for at normal rates and the proceeds were handed over to the Club.

(e) Yes.

(f) The four flying clubs were formed in order to popularise and develop civil flying in this country and to enable the art of flying to be learnt and practised at a comparatively low cost. Cross-country flying is an integral part of the advanced training of a pilot and Government see no reason to impose restrictions on such flying.

(g) No. The flying clubs are already aware of the views of the Government of India in this respect.

Mr. Gaya Prasad Singh : What is the amount of money which was collected and handed over to the Club ?

The Honourable Sir Bhupendra Nath Mitra : I am sorry I have no information because the money was not handed over to Government.

Mr. Lalchand Navalrai : Do I understand that the Committee permitted these long distance flights, I mean the Committee of the Club ?

The Honourable Sir Bhupendra Nath Mitra : That is my information, Sir.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if, when the money (Rs. 9,000) has been given for the construction of hangers, it is binding on the Club to maintain an Air Force mechanical workshop also ?

The Honourable Sir Bhupendra Nath Mitra : Sir, I submit that does not arise out of the main question. If the Honourable Member had put in that as part of the main question, I would certainly have made inquiries.

PRESENT POSITION AND FUTURE PROGRAMME OF THE DACCA-ARICHA RAILWAY PROJECT.

61. \*Mr. K. C. Neogy : Will Government be pleased to make a full statement regarding the present position and future programme of the Dacca-Aricha Railway project, with particular reference to the following points :

(a) the circumstances that influenced the determination of the amount provided in the current Railway Budget for expenditure on this project during 1929-30 ;

- (b) the circumstances that may have led to the curtailment of the said amount, and the resulting restriction of the programme for the current year ;
- (c) the probable time that would be taken in completing the project, if work proceeds at the present pace ;
- (d) whether, taking advantage of the modification of the present year's programme, certain commercial interests in India and England are carrying on a campaign against the project ;
- (e) whether any formal or informal representations, urging the abandonment or postponement of the scheme, have been received from any quarter ; and
- (f) whether the programme is likely to be affected in any manner by any such representations or the agitation that is being carried on in the British-owned Press in India on behalf of interested parties ?

**The Honourable Sir George Rainy :** (a) The amount provided during 1929-30 was a proportion of the total funds available for the various new constructions, allowance being made for the time which would be occupied in the preparation of the plans and documents connected with land acquisition and the process of acquisition.

(b) The final location survey and the preparation of the land acquisition documents have taken longer than was anticipated and a general review of expenditure on constructions and open line works, including rolling stock, has led to a redistribution of funds, in which part of the allotment for the Dacca-Aricha Railway has been transferred to other works which were more in need of money.

(c) The project will probably take three years to complete from the time active construction is put in hand, which will probably be in 1931.

(d) and (e). Formal representations, both for and against the project, have been received.

(f) Government have found no reason to modify their opinion that the line should be constructed as soon as financial circumstances permit. I hope to lay on the table, at an early date, the representation received from the Bengal Chamber of Commerce and the reply which is being sent.

#### DISSEMINATION OF WEATHER FORECASTS AND WARNINGS AGAINST FLOODS TO INDIAN AGRICULTURISTS BY THE METEOROLOGICAL DEPARTMENT.

62. **\*Mr. K. C. Neogy :** (a) Did the Meteorological Department foresee the heavy rain and floods in Assam and Akyab that visited these areas in June last, and were warnings issued in time against the possibility of heavy rain and floods on these occasions ?

(b) If so, what are the places in the affected areas to which the warnings were communicated, through what agencies and when ?

(c) Does the Indian Meteorological Department forecast river stages and floods, as in the United States of America and European countries ? If not, why not ?

(d) Have Government any organisation for the quick dissemination of weather forecasts and warnings to the Indian agriculturist, so as to make them useful for agricultural operations ? If not, do Government propose to set up any such organisation ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Telegraphic warnings were communicated to the Port Officer, Akyab, from May 29th to June 4th, to the Deputy Commissioner, Kyaukp-pyu on the 1st June, and to the Superintendent, Telegraph Engineering, Akyab, on the 2nd June. Similar warnings were also communicated to the Governments of Burma and Assam, to the Superintending Engineer, Maymyo and to the Press.

(c) No. The Meteorological Department does not possess the organisation which would be required to collect data of river levels without which floods cannot be foreshadowed.

(d) The Central Government have none, and in all probability Local Governments have none. Weather forecasts are sent to Local Governments, and no doubt Ministers in charge of Agriculture can come to a decision how far weather forecasts can be useful to agriculturists, and in case they are useful, what organisation is needed by them for their dissemination.

**Mr. K. C. Neogy :** With reference to clause (c), will Government be pleased to consider the desirability of undertaking the forecast of river stages and floods ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall give proper consideration to that suggestion of my Honourable friend, but I have reason to believe that he wants to reduce the expenditure of the Meteorological Department.

**Mr. K. C. Neogy :** I do not know where the Honourable Member has gathered that impression from ?

**The Honourable Sir Bhupendra Nath Mitra :** I may be entirely wrong, but I have gathered that impression from some newspaper reports.

**Mr. K. C. Neogy :** The Honourable Member should not rely too much on these newspaper reports, nor on his memory either ?

**The Honourable Sir Bhupendra Nath Mitra :** Very well. I stand corrected, Sir.

#### LOCATION AND PARTICULARS OF THE COMPOSITION OF THE INCOME-TAX OFFICE AT CHITTAGONG.

63. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state for what purpose the office of the Income-tax Officer, Chittagong, has been shifted to a place in an unfrequented part of the town ? Are Government bound to find quarters for the Income-tax Officers stationed at Chittagong ? What is the arrangement now in vogue there ? Is it permissible for the Income-tax Officer to live on the premises by cramping the office accommodation ?

(b) Will Government be pleased to state when the Income-tax office was first started in Chittagong ? What is the total strength of the office now and how many of the staff are Moslems, (i) including the menials, and (ii) excluding the menials ?



(c) What is the qualification of the Head Clerk? What are his duties? Do Government propose to put a man with standard qualification there in that position?

**The Honourable Sir George Schuster :** (a) The building in which the Income-tax Office at Chittagong was located in 1923 was given up in 1927 on the recommendation of the Executive Engineer, Chittagong Division, who found the building unsafe, and suggested some improvements, which the landlord refused to make. There was no suitable building available near to the courts or the business portion of the city, and the present office was accordingly taken. The Government are not under any obligation to provide quarters for the Income-tax Officers stationed in Chittagong, but as accommodation was available in the upper storey of the building taken as an office it was let to the Income-tax Officer on the payment of rent. The occupation of these quarters by the Income-tax Officer has not caused any inconvenience, as the rooms available on the ground floor of the building are sufficient for the office.

(b) In 1923. Five clerks and four menials are employed, all of whom are Hindus.

(c) The Head Clerk has passed the Matriculation examination of the Calcutta University and is therefore qualified for employment in an income-tax office. His duties include the supervision of the work of the other clerks in the office and such clerical work as the Income-tax Officer may make over to him.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us what is the number of Muhammadan clerks now, in 1929. The information that he has given relates to the year 1923.

**The Honourable Sir George Schuster :** I do not think I have the information available, but I will be pleased to furnish it to the Honourable Member.

#### DATE OF CLASSIFICATION OF SERVICES IN INDIA INTO MAJORITY AND MINORITY COMMUNITIES.

64. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state when the division into majority and minority communities was introduced in the services of the Crown in India? What is the meaning of communal inequality which Government Members so often speak of in their reply to interpellations?

**The Honourable Sir James Crerar :** I cannot assign a precise date for any formal recognition of the existence of majority and minority communities in the services of the Crown in India, but for a general review of the subject I would invite the Honourable Member's attention to the debate in the Assembly of March 10, 1923. The meaning to be attached to the term "communal inequality" depends on the context in which it is used, and I regret that I am unable to give a definition of the term which would be of universal application.

#### DATE WHEN ENGLISH WAS MADE THE COURT LANGUAGE IN INDIA.

65. **\*Mr. Anwar-ul-Azim :** When was English made the Court language in India?

**The Honourable Sir James Crerar :** The Honourable Member is not correct in assuming that English is the language of all courts in British India. It is the language of the High Courts, Chief Courts and Judicial Commissioners' Courts, and as far as Government are aware has been since their creation. In courts subordinate to High Courts, the power to prescribe the language of the court vests in the Local Government.

#### NUMBER OF PEONS, OVERSEERS AND CLERKS RECRUITED TO CERTAIN POST OFFICES IN CHITTAGONG.

66. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state how many people have been recruited as (i) peons and (ii) overseers during the last five years by the Inspectors, Chittagong North and Chittagong South Postal Circles, and how many of them are Moslems?

(b) Will Government be pleased to state how many clerks have been recruited in the Chittagong Head Office and the offices subordinate thereto, and how many of them are Moslems?

**Mr. P. G. Rogers :** (a) (i) By the expression "peons" the Honourable Member presumably means postmen. Eleven postmen were recruited by the Inspector of Post Offices, North Chittagong sub-division, of whom three were Moslems; fifteen postmen were recruited by the Inspector of Post Offices, South Chittagong sub-division, of whom four were Moslems.

(ii) Overseers are not recruited direct but these posts are filled by the promotion by Divisional Superintendents of competent senior postmen. Six overseers were so appointed, none of whom were Moslems.

(b) Eight clerks were recruited in the Chittagong Head Office and the town offices under it, of whom four were Moslems.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us whether this low recruitment of three and four Muhammadans respectively was due to the fact that the qualified Muhammadans were not available even to become peons?

**Mr. P. G. Rogers :** I could not say that, Sir; I can inquire.

(1) VALUE OF MERCHANDISE THAT PASSED THROUGH THE PORT OF CHITTAGONG IN THE LAST FINANCIAL YEAR; (2) FREQUENCY OF DAMAGE TO THE DREDGERS "KARNAFULI" AND "PATUNGA".

67. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state what the value of the trade that passed through Chittagong Port during the last financial year has been? How does it compare with the trade incomes of the last five years? What are the relations between the Collector of Customs at Chittagong and the Chittagong Port Trust?

(b) What are the qualifications of the Appraisers for the Port of Chittagong? How do they fix the *ad valorem* duties and duties based on



bazar prices ? Are Government likely to lose any revenue if they are not strict in their valuation ?

(c) How many times have the dredgers "Karnafuli" and "Patunga" been damaged and why ? Is that due to their defective working ?

**The Honourable Sir George Schuster :** May I first clear up, Sir, the point with reference to the supplementary question asked on question No. 63 by the Honourable Member ? I misunderstood the Honourable Member's question. The figures which I gave him for the staff in the office were the figures as at present. They are the figures now ; they are not the figures of 1923.

*In reply to question No. 67 :*

(a) The following statement gives the information required :

| Year.         | Imports.<br>Rs. | Exports.<br>Rs. | Re-exports.<br>Rs. |
|---------------|-----------------|-----------------|--------------------|
| 1924-25 .. .. | 1,06,15,854     | 9,49,90,927     | 67,769             |
| 1925-26 .. .. | 1,00,30,125     | 7,31,77,808     | 40,419             |
| 1926-27 .. .. | 1,64,81,542     | 7,74,45,479     | 42,985             |
| 1927-28 .. .. | 2,81,65,836     | 8,70,03,308     | 26,988             |
| 1928-29 .. .. | 2,34,95,530     | 7,38,64,078     | 35,945             |

The Collector of Customs, Chittagong, is a member of the Chittagong Port Trust.

(b) The appraisers at Chittagong are included in the cadre of appraisers at Calcutta, where they are trained as appraisers before being sent to Chittagong. Goods assessed under section 30 (a) of the Sea Customs Act are valued with reference to actual bazaar prices—as ascertained by inquiries—in certain cases, and in others with reference to catalogues, etc., where such sources of information are available.

Goods assessed under section 30 (2) are usually valued with reference to invoices either of the goods imported or of similar goods.

The answer to the concluding part of the question is in the affirmative.

(c) The dredger "Karnafuli 1" has not been in commission since the arrival of the new dredger "Patunga" in April 1928. Prior to this date there is no record of the dredger being damaged.

The dredger "Patunga" was commissioned in July 1928 and, as is usual with the new dredgers, certain defects manifested themselves during the first six months' working, which were rectified at the builders' expense. Outside this period there has only been one instance of defect, viz., when a valve of one of the engines fractured, which in the opinion of the Engineer and Ship Surveyor, Chittagong, was attributable to the faulty fixing of a screw by the builders. No further repairs have had to be executed other than those due to fair wear and tear.

#### TOTAL MILEAGE AND NUMBER OF WORKSHOPS ON THE ASSAM BENGAL AND EASTERN BENGAL RAILWAYS.

68. \***Mr. Anwar-ul-Azim :** Will Government be pleased to state what is the total mileage of the Assam Bengal Railway and Eastern Bengal

Railway ? How many workshops does each of the two railway systems maintain and at what cost ?

**Mr. P. R. Rau :** The total route mileage on the 31st March, 1929, was :

Assam Bengal Railway.....1,185.

Eastern Bengal Railway.....1,847.

The Assam Bengal Railway has one locomotive and carriage workshop (Pahartali), the expenditure on which approximates to Rs. 19,92,000 per annum.

The Eastern Bengal Railway has two workshops for the broad gauge and two workshops for the metre gauge, the expenditure on which approximates to Rs. 96,10,000 per annum.

#### NUMBER OF MOSLEMS APPOINTED BY THE COLLECTOR OF CUSTOMS, CHITTAGONG, DURING THE LAST TWO YEARS.

69. \***Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state how many vacancies have been filled up by the Collector of Customs, Chittagong, during the last two years, and how many have gone to Moslems ?

(b) Will Government be pleased to state whether any clerks in the Customs Office, Chittagong, are relatives of the Office Superintendent ? If so, how many ?

**The Honourable Sir George Schuster :** (a) The statement below gives the information asked for :

| Year.            | NUMBER OF VACANCIES<br>FILLED UP. |                         | NUMBER OF MUSLIMS<br>APPOINTED. |                         |
|------------------|-----------------------------------|-------------------------|---------------------------------|-------------------------|
|                  | Clerical.                         | Other than<br>clerical. | Clerical.                       | Other than<br>clerical. |
| 1927 and 1928 .. | 5                                 | 2                       | 3                               | Nil.                    |

(b) There is only one clerk in the Chittagong Custom House related to the Office Superintendent, and he is a distant relative.

#### NUMBER OF MOSLEMS APPOINTED TO CERTAIN POSTS BY THE CHIEF AUDITOR, ASSAM BENGAL RAILWAY.

70. \***Mr. Anwar-ul-Azim :** Will Government be pleased to state how many vacancies amongst (1) clerks, (2) Travelling Ticket Inspectors and Examiners, (3) Audit Inspectors, have been filled up by the Chief Auditor, Assam Bengal Railway and how many of them are Moslems ?

**Mr. P. R. Rau :** The number of vacancies filled during the twelve months ending the 30th June, 1929, is as follows :

Clerks, 24,

Travelling Ticket Examiners, 10,

Travelling Inspectors of Accounts, nil.

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As regards the second part of the question, with your permission, I shall reply to that and the second part of question No. 72, questions Nos. 73 to 75, and the last four parts of question No. 76 together. The information in connection with communal representation in these railways will be found in the Report on Indian Railways for 1927-28, a copy of which is in the Library. The statistics were formulated in the form they are given after consultation with and acceptance by the Central Advisory Council for Railways, and Government do not consider it in the public interest to supplement them by details regarding individual officers or posts.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us what he means by "public interest"?

**Mr. P. R. Rau :** The position of the Railway Department in this matter has been very clearly explained by Mr. A. A. L. Parsons on the floor of this House and I do not hope to better the explanation.

NUMBER OF NEW RECRUITMENTS MADE BY THE ASSAM BENGAL RAILWAY FOR NEW LINES TO NAZIR HAT, DOHAZARI AND BELONIA.

71. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many new recruitments have been made by the Assam Bengal Railway in connection with their new lines to Nazir Hat, Dohazari and Belonia?

**Mr. P. R. Rau :** Seventy-five, excluding menials (whose number vary from day to day).

PERCENTAGE OF MOSLEMS APPOINTED TO VARIOUS DEPARTMENTS ON THE ASSAM BENGAL RAILWAY UP TO JULY 1929.

†72. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many clerks have been appointed by the various Departments of the Assam Bengal Railway up to July 1929, and what is the percentage of Moslems therein?

**Mr. P. R. Rau :** During the 12 months ending 30th June, 1929, the number of clerks appointed is 230.

NUMBER OF MOSLEM STATION MASTERS ON THE EASTERN BENGAL AND ASSAM BENGAL RAILWAYS.

†73. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many station masters there are in the Eastern Bengal Railway and Assam Bengal Railway and how many of them are Moslems?

PERCENTAGE OF MOSLEMS DRAWING RS. 100 AND RS. 500 ON THE ASSAM BENGAL RAILWAY.

†74. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many officers there are in the Assam Bengal Railway drawing a salary of rupees one hundred, and five hundred and what is the percentage of Moslems therein?

†See also answer to question No. 70.

†For answer to this question, see answer to question No. 70.

NUMBER OF MOSLEMS EMPLOYED AS CHIEF CLERKS IN THE ASSAM BENGAL RAILWAY.

†75. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many Chief Clerks there are in the Assam Bengal Railway, and how many of them are Moslems?

1. METHOD OF GRANTING INCREMENTS TO CLERKS ON THE EASTERN BENGAL AND ASSAM BENGAL RAILWAYS.

2. NUMBER OF MOSLEMS IN CERTAIN OFFICES IN THE ASSAM BENGAL RAILWAY.

†76. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state what method is adopted by the Eastern Bengal and Assam Bengal Railways in giving increments to their clerks?

(b) How many clerks are there in the Co-operative Stores Office of the Assam Bengal Railway and how many of them are Moslems?

(c) How many Permanent Way Inspectors and Permanent Way Apprentices are there in the Engineering Department of the Assam Bengal Railway and how many are Moslems?

(d) How many clerks are there in the Chief Engineer's Office, Traffic Manager's Office, and the Agent's Office, and how many of them are Moslems?

(e) How many clerks are there in the District Engineer's Office, and how many of them are Moslems?

**Mr. P. R. Rau :** On the Eastern Bengal and Assam Bengal Railways the clerical staff are in various grades, in which the scales of pay are progressive. Increments in the progressive scales are given annually, subject to satisfactory work and good conduct. Promotion from one grade to another depends on vacancies and competence for the work in the higher grades.

PERCENTAGE OF MOSLEM REPRESENTATION IN STATE RAILWAYS DURING THE LAST FIVE YEARS.

77. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state what has been the percentage of Moslem representation in State Railways during the last five years, and what is the "increase" or "decrease" due to?

**Mr. P. R. Rau :** The percentage at the end of 1923 and 1928 were as follows:

|                             | In 1923.                                                                | In 1928.        |
|-----------------------------|-------------------------------------------------------------------------|-----------------|
| Officers .. .. .            | 3.41 per cent. .. ..                                                    | 4.33 per cent.  |
| Senior Subordinates .. .. . | 3.15 per cent. .. ..                                                    | 4.65 per cent.  |
| All classes .. .. .         | In 1925<br>(the figures for 1923 are not available).<br>29.10 per cent. | 29.50 per cent. |

†For answer to this question, see answer to question No. 70.

†See also answer to question No. 70.

The increases under Officers and senior subordinates is presumably due to the policy of employing Indians in larger numbers in the higher grades.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us what is the percentage of Muhammadans in the total population of this country ?

**Mr. P. R. Rau :** I am afraid, I do not know, Sir.

PERCENTAGE OF MOSLEM CLERKS IN THE INDIAN STORES DEPARTMENT, EASTERN BENGAL RAILWAY AND IN THE CUSTOMS OFFICES, AT KARACHI, BOMBAY, AND CALCUTTA.

78. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state what is the percentage of Moslem clerks and officers in the Indian Stores Department, Eastern Bengal Railway and in the Calcutta, Bombay and Karachi Customs Offices ?

**The Honourable Sir George Schuster :** The following is the percentage of Muslim clerks and officers in the Departments named :

|                                                                | Officers.                                                                                          | Clerks including stenographers. | Technical subordinates.            |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------|
| Indian Stores Department (including provincial organisations). | 3.2<br>Officers excluding clerks and Superintendents and members of the Imperial Customs Services. | 12.6                            | 7.9<br>Clerks and Superintendents. |
| Calcutta Custom House ..                                       | 8                                                                                                  | ..                              | 13                                 |
| Bombay Custom House ..                                         | 10                                                                                                 | ..                              | 5                                  |
| Karachi Custom House ..                                        | 13                                                                                                 | ..                              | 14                                 |

Members of the Imperial Customs Service are on an All-India cadre and have therefore been excluded from the above calculations.

In regard to the Eastern Bengal Railway, Government regret that, as has been previously explained in this House, they are not prepared to supplement the figures with regard to communal representation given in Appendix F in Volume I, and Appendix C in Volume II, of the Annual Report of Indian Railways by details for individual offices or appointments.

#### CONVEYANCE OF MAILS IN THE TOWN OF CHITTAGONG.

79. **\*Mr. Anwar-ul-Azim :** (1) Will Government be pleased to state whether it is a fact :

- (a) that tenders were obtained twice for a motor service for conveyance of mails in the town of Chittagong ;

- (b) that there were some offers from men of means to run the service by motor vans on the present subsidy sanctioned for the existing pony cart service ;
- (c) that the present contract for the pony cart service provides a condition whereby either party can terminate the contract by giving a previous notice and that the present contractor has had benefit of the contract by carrying it on on a subsidy increased from time to time for a number of years ;
- (d) that the present contractor of the pony cart service is a staunch Swarajist who condemned Government in a public meeting held last year at Chittagong for not releasing the political detenus ;
- (e) that the present contractor, who got the contract originally from one Ahmed Khan, the previous contractor, on a promise of pecuniary help to the family of the latter, has discontinued the help after continuing it only for some time ;
- (f) that the present contractor has practically waged a war against the Postmaster, Chittagong, after the latter has proposed a motor service and secured men of means to undertake the proposed motor service on a monthly subsidy not exceeding the present subsidy sanctioned for the existing pony cart service ?

(2) If so, will Government be pleased to state who is responsible for the delay of about a year in the introduction of a motor service at Chittagong despite the fact that it would cost nothing extra ?

**Mr. P. G. Rogers :** (1) (a) and (b). Yes.

(c) The reply to the first part of the question is in the affirmative. Government have no information in respect of the latter part.

(d) and (e). Government have no information.

(f) There has been some friction between the Postmaster and the contractor.

(2) The contract for the present mail cart service is not due to terminate till the 30th September, 1930, and the Postmaster General has advisedly postponed the introduction of a motor service till its expiry.

#### GRANT OF RELIEF FROM ATTENDANCE ON HOLIDAYS AND SUNDAYS TO THE POSTMASTER, CHITTAGONG.

80. **\*Mr. Anwar-ul-Azim :** (a) Is it a fact that the Postmaster, Chittagong, has to attend office on all Sundays and post office holidays for the custody of cash and insured articles and that he has therefore to attend office on all the 365 days of the year ?

(b) Cannot an arrangement be made to relieve him of Sunday and holiday attendance, as is done in other similar or bigger offices with more cash in their custody, by allowing the group officer on holiday duty to keep a sum in a separate safe in joint custody with the Treasurer for holiday transactions ?

(c) Is an office room of 16 ft. by 10 ft. provided for the Postmaster, Chittagong ? Is it proposed to provide him with a more commodious office ?

**Mr. P. G. Rogers :** (a) Yes, but no complaint was received from him.

(b) The matter has now been brought to the notice of the Postmaster General, who will make the required arrangements.

(c) Yes. A larger office room cannot be provided in the existing building.

#### UNSATISFACTORY ACCOMMODATION PROVIDED FOR OFFICIALS OF CHITTAGONG POST OFFICE.

81. **\*Mr. Anwar-ul-Azim :** (a) Is an office room of 23 ft. by 11 ft. provided for the Treasury of the Chittagong Head Office to accommodate 1 Treasurer, 1 Assistant Treasurer, 3 Treasurer's assistants, 17 cash overseers and 12 postmen (to receive and return cash for M. O. payment) ?

(b) Is it a fact that the Treasurer has not got any public counter to transact business ? Is not the Treasurer obliged to allow the officials and members of the public into the Treasury to transact business ?

**Mr. P. G. Rogers :** (a) Yes, but the Treasurer and his staff are not all on duty at the same time, nor do cash overseers and postmen transact business in the treasury room.

(b) There is no public counter. The reply to the latter part of the question is in the negative.

#### ABOLITION OF THE RANGE OFFICE AT DACCA IN CHARGE OF THE DEPUTY POSTMASTER GENERAL.

82. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state if it is a fact that the range office at Dacca in charge of a Deputy Postmaster General would be abolished shortly ?

(b) Was not the abolition recommended by the Inchcape Committee ? If so, what has delayed it so long ?

(c) Is not the range office a source of heavy and recurring expenditure on the Post Office ?

(d) Does the office serve as more than a transmitting agency between the Circle Officer and the Divisional Superintendents and 1st Class Postmasters necessitating only duplicating and triplicating work ?

(e) When would this office be abolished ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The Postmaster General, Bengal and Assam, has been asked to examine the question.

(b) No. The latter part does not arise.

(c) The maintenance of the office undoubtedly leads to a certain amount of expenditure. But the amount is certainly not heavy. Whether it is possible to secure economy without detriment to the efficiency of administration is a matter which is already under examination by the Postmaster General, Bengal and Assam.

(d) Yes, the office has certain administrative advantages.

(e) This will depend on the decision taken by Government when they receive the report of the Postmaster General, Bengal and Assam, and the recommendations of the Director General.

#### HOLDING OF THE ANNUAL GENERAL MEETING OF THE LOCAL POSTAL ASSOCIATION IN THE POST OFFICE AT CHITTAGONG.

83. **\*Mr. Anwar-ul-Azim :** (a) Is it a fact that the Postmaster, Chittagong, has been taken to task by the Deputy Postmaster General, Bengal and Assam, Dacca, for having allowed the holding, on Sunday, the 28th April, 1929, of the Annual General Meeting of the local Postal Association in the Post Office premises ? If so, do Government think the objection is consistent with the policy of the Department ? If not, do Government propose to correct the officer in his attitude towards the service associations ?

(b) Was not the Postmaster, Chittagong (who is a gazetted officer), who is in charge of the buildings, competent to permit the holding of such meetings in the Post Office premises ?

**Mr. P. G. Rogers :** (a) The Postmaster, Chittagong, was not taken to task by the Deputy Postmaster General, Dacca. He was asked for a report by the Postmaster General. No objection was taken. Instructions regulating the matter have since been issued.

(b) Yes. This has now been made clear in the instructions.

#### DEATHS OF PASSENGERS IN THE S.S. "CHENAB" IN APRIL AND MAY 1929.

84. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state what treatment was accorded to the passengers on board the S.S. "Chenab", which reached Calcutta on the 3rd May 1929 ?

(b) Is it a fact that 24 passengers died on board during the voyage ?

(c) If so, will Government be pleased to say who are responsible for the lamentable loss of life of these persons ?

**Sir Frank Noyce :** (a) The passengers on the S. S. "Chenab" received every care and attention during the course of their voyage. The ship carried a medical officer with British qualifications, four compounders, and nurses, attendants, and stores of medicines in full compliance with the rules. Her general condition was found satisfactory when she was inspected upon arrival in Calcutta by the Protector of Emigrants and Medical Inspector.

(b) Yes.

(c) So far as the Government of India have ascertained, no responsibility attaches to anybody for the unfortunate loss of life. Most of the passengers who died were old and decrepit, or suffering from chronic diseases, and 19 of them on embarkation were certified as invalids, though the state of their health was not so grave as to justify their being forbidden to sail. The Government are, however, considering the question of taking the matter up with the Government of Trinidad.

#### REPRESENTATION OF MINORITY COMMUNITIES IN APPOINTMENTS IN THE POSTAL AND TELEGRAPH STAFF.

85. **\*Mr. Anwar-ul-Azim :** (a) Is it the intention of Government that at least one-third of the minor communities should be represented in the postal and telegraph staff ? If so, have Government issued orders to

so adjust the preponderance of the majority community as eventually to bring the minority representation to one-third ?

(b) Are Government aware that, if the existing preponderance is to remain unadjusted and the future recruitment is made according to the one-third policy, the net representation would never come to one-third of the minority communities, and the majority community would ever remain overwhelmingly preponderant ?

(c) Do Government propose to go into this matter and issue necessary orders to adjust the disproportion ?

(d) Is it the intention of the orders that two-thirds of the vacancies must invariably go to the majority community, regardless of the local conditions and despite a greater percentage of population of a minority community from which suitable candidates are available ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The intention of Government is to prevent the preponderance of any one class or community in Government employment, and to this end to reserve one-third of all permanent vacancies for the redress of communal inequalities. Orders to this effect have already been issued. It is not their intention to fix for any one class or community any definite share of appointments in any particular office or service.

(b) In view of my answer to part (a) this question does not arise.

(c) Government do not at present propose to issue any further orders in this matter.

(d) The intention has been clearly stated in the reply to part (a) of the question.

#### SCALE OF TRAVELLING ALLOWANCE GRANTED TO POSTMASTERS.

86. **\*Mr. Anwar-ul-Azim :** (a) Is it a fact that gazetted Postmasters who have to visit and inspect their town post offices, get, for the actual expenses incurred, a travelling allowance only at the rate of four annas a mile for visiting and inspecting the offices ? If so, is the rate adequate considering the actual expenses incurred by them ?

(b) Have Government ascertained the rates of the hired conveyances prevailing in different towns, and if so, what was the basis on which the uniform rate of 4 as. a mile was fixed for all the towns ?

(c) What mileage is granted to a Divisional Superintendent of Post Offices for travelling ?

(d) If the rates are different what justifies this differential treatment ?

(e) Do Government propose to look into this question again carefully ? Is it the intention of the Government that the Postmasters should be given at least the actual expenses incurred by them ?

(f) Is it a fact that Postmasters, who use their own motor-cars for visiting and inspecting the offices under them are entitled only to a rate of three annas a mile ?

(g) Have Government ascertained what rates are fixed for taxis at different towns ?

(h) Has the rate of 3 annas a mile been fixed after due consideration of the wear and tear, etc., of the car ?

(i) What is the basis of the calculation of the rate ?

(j) Do Government propose to look into this matter again carefully ?

**The Honourable Sir Bhupendra Nath Mitra :** It will perhaps be convenient if I answer the Honourable Member's question as a whole.

The mileage rates of 4 annas and 3 annas referred to in parts (a) and (f) of the question are intended to cover the actual conveyance expenses incurred by the gazetted postmasters in connexion with their inspection visits. They were fixed tentatively in February 1928 and reports on their suitability were recently obtained from Heads of Circles. As these reports indicate that the rates in many places are inadequate, the whole question of these allowances is under review. These allowances are granted to gazetted postmasters in respect of journeys falling within a five mile radius of their headquarters. Superintendents of Post Offices are not ordinarily entitled to any travelling allowance for such journeys, except in certain of the larger cities, e.g., Calcutta, Bombay, Madras and Rangoon, where conveyance allowances are granted on this account.

#### PAY AND TRAVELLING ALLOWANCE OF POSTMASTERS.

87. **\*Mr. Anwar-ul-Azim :** (a) Is it a fact that Government has admitted that the responsibilities and the nature of administration of a gazetted Postmaster is heavier than that of a Divisional Superintendent of Post Offices ? What then does justify the higher maximum pay of the Superintendent ?

(b) After what length of service does a Postmaster get Rs. 300, which a Superintendent gets on starting ?

(c) Is not a Divisional Superintendent of Post Offices a gazetted officer with a starting pay of Rs. 300, while a Postmaster drawing the same pay with a number of years' service at his credit, is not a gazetted officer ?

(d) What justifies this disparity ?

(e) After how many years' service is a Postmaster expected to get the gazetted rank ?

(f) Is it a fact that a proposal is already on foot to bring the maximum pay of a gazetted Postmaster to the level of that of a Superintendent of Post Offices ? If so, when is the proposal likely to materialise ? If not, do Government propose to remove the disparity between the pay of two classes of officers of the same Department ?

(g) Is it a fact that a Superintendent of Post Offices, starting on a pay of Rs. 300, is entitled to first class travelling allowance for transfer, while a gazetted Postmaster drawing even Rs. 700 or thereabout, does not get more than a second class travelling allowance ? If so, what justifies this differential treatment ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The reply to the first part is in the negative. With regard to the latter part of the question, I would invite the attention of the Honourable Member to

(i) Item (b) of the statement furnished to him in connection with his starred question No. 156 in this House on the 23rd August 1927, and

(ii) Items 10 and 25 of 16th January, 1926 and 11th February, 1926, respectively, of the proceedings of the meeting of the Standing Finance Committee, where the Committee, for the reasons placed before them, agreed to the introduction of the existing scales of pay for gazetted Postmasters and Superintendents of Post Offices.

(b) Vacancies in the grade of Postmasters on Rs. 250—20—350 are filled by promotion within the Circle in which they occur, and as they take place at irregular intervals, it is impossible to state definitely the length of service at which an official can expect to reach the stage of Rs. 310 (there is no stage of Rs. 300).

(c) The reply is in the affirmative. I may, however, point out that Divisional Superintendents, other than those directly recruited, have considerable service in the Department at their credit before they are appointed as Superintendents on Rs. 300, while direct recruits are required to serve for two or three years as probationers before they are confirmed as Superintendents on Rs. 300.

(d) The Honourable Member's attention is invited to item (f) of the statement referred to in reply to part (a).

(e) Postmasters do not reach the gazetted grade until late in their service, and the period for which they have to remain in the non-gazetted grade depends on the occurrence of vacancies in the gazetted grade, and on their fitness for promotion to such grade.

(f) Government have no information. With regard to the latter part of the question, Government do not consider that there is any disparity, as the method of recruitment and qualifications of the two classes of officers are entirely different. As a matter of fact the maximum pay of some gazetted Postmasters is higher than that of Superintendents of Post Offices.

(g) Yes. Superintendents of Post Offices are classed as first class officers for the purposes of travelling allowance in consideration of the nature of their duties. These considerations do not apply to gazetted Postmasters.

#### GRANT OF PASSAGE CONCESSIONS TO SUBORDINATES OF NON-ASIATIC DOMICILE.

88. \*Lieut.-Colonel H. A. J. Gidney : (a) Will Government be pleased to state whether, at the request of the Secretary of State, they have been considering for some considerable time past the question of the grant of passage concessions to subordinates of non-Asiatic domicile ?

(b) Will Government be pleased to state whether the concession referred to in part (a) has already been granted to *ex-military* clerks of Army Headquarters who have continued to be employed as such ?

(c) If the replies to parts (a) and (b) are in the affirmative, do Government propose to expedite orders in respect of the remaining classes so that they can avail themselves of the concession in the spring of 1930 ?

The Honourable Sir James Crerar : (a), (b) and (c). The Honourable Member is referred to the reply given to the question by Mr. S. (Mitra) on the 18th September 1928 (No. 391). The matter is being expedited as much as possible.

#### CONSTRUCTION OF A RAILWAY FROM THE TANGAIL SUB-DIVISION OF THE DISTRICT OF MYMENSINGH TO THE HEADQUARTERS OF THE DISTRICT.

89. \*Mr. D. K. Lahiri Chaudhury : Will Government be pleased to make a detailed statement regarding the present position of the proposal to connect the Tangail Sub-division of the District of Mymensingh by railway with the headquarters of the district ?

Mr. P. R. Rau : In view of the heavy construction programme which we have in hand at present, I am unable to say what the prospects are of the construction of the line being considered during the next two or three years.

#### DISASTROUS FLOODS IN ASSAM AND BENGAL.

90. \*Mr. D. K. Lahiri Chaudhury : Will Government be pleased to state whether they are aware that a disaster of unparalleled magnitude has overtaken Sylhet in Assam and Comilla in Bengal on account of the heavy floods of June last and, if so, what steps have been taken to alleviate the sufferings of the people in the affected areas ?

Sir Frank Noyce : Government are aware that serious floods have occurred in the Sadar and Brahmanbaria sub-divisions of the Tippera district in Bengal and in the Assam Valley in Assam. The Local Governments concerned have taken all possible steps to alleviate distress in the affected areas. In Bengal, in addition to loans from co-operative banks and private relief funds, rupees one lakh have been allotted by the Local Government for agricultural loans and Rs. 1,50,000 for gratuitous relief. The Government of Bengal are in close touch with the local officers and will sanction further amounts, if necessary. In Assam, the Local Government up to the end of July last, had sanctioned the grant of rupees one lakh seventy-six thousand for gratuitous relief, and rupees fourteen lakhs sixty thousand for agricultural loans. This does not, however, include their full commitment on account of the rice which has been commandeered and distributed. Relief funds have been opened by His Excellency the Governor of Assam and by local committees. Special measures have been taken to prevent epidemics, and every effort is being made to furnish seed grain for replanting of crops wherever possible. Distribution of agricultural loans has also been carefully organized throughout the affected areas.

#### NUMBER OF PERMANENT AND TEMPORARY COMMISSIONS, ETC., GRANTED TO EUROPEAN AND INDIAN OFFICERS IN THE INDIAN MEDICAL SERVICE.

91. \*Mr. M. R. Jayakar : Will Government be pleased to state :

(a) How many officers have been given permanent commissions in the Indian Medical Service since 1920, stating for each year separately the number of Indian and European officers so taken up ?

(b) How many officers have been given temporary commissions in the Indian Medical Service since 1920, stating for each year separately the number of Indian and European officers so taken up ?

- (c) How many Indian and European officers, originally recruited on the temporary basis, have been given permanent commissions in the Indian Medical Service, giving separate figures for each year since 1920 ?
- (d) How many Indian and European officers, originally recruited on the temporary or short term basis, have been holding civil appointments or collateral civil charges, giving the figures for each year since 1925 ?
- (e) How many Indian and European officers, originally recruited on the temporary basis in the Indian Medical Service, have been retired since 1920, and how many of them had put in eight years or more of service, prior to retirement, stating separately for each case, the exact number of years' service so put in, and the terms and conditions, if any, on which the retirement took place ?
- (f) How much did an Indian and European officer originally recruited on temporary or short term basis, and finally retired, cost the Government, on the average per head, and per year of service, giving separate figures for each year and each rank since 1920, including the cost of passage, bonus and allowance drawn ?
- (g) How many Indian officers have been given commissions, permanent or temporary, in the Indian Medical Service, since December 1921, giving separate figures for each year, according to the provinces to which the officers belonged ?

**Mr. G. R. F. Tottenham :** A statement giving the information asked for in parts (a) to (d) and (g), so far as it is available, is placed on the table.

The collection of the information asked for in parts (e) and (f) would entail an amount of time and labour which would be incommensurate with the results, and Government regret therefore that they are unable to give the information asked for.

*Statement laid on the table with reference to parts (a) to (d) and (g) of starred question No. 191.*

|                      | Europeans. | Indians.                                                                               |
|----------------------|------------|----------------------------------------------------------------------------------------|
| (a) 1920 .. .. .     | 22         | 59                                                                                     |
| 1921 .. .. .         | 16         | 12                                                                                     |
| 1922 .. .. .         | 8          | 12                                                                                     |
| 1923 .. .. .         | 28         | Nil.                                                                                   |
| 1924 .. .. .         | 9          | Nil.                                                                                   |
| 1925 .. .. .         | 11         | 10                                                                                     |
| 1926 .. .. .         | 12         | 3                                                                                      |
| 1927 .. .. .         | 15         | 10                                                                                     |
| 1928 .. .. .         | 24         | 10                                                                                     |
| 1929 to date .. .. . | 14         | Nil.                                                                                   |
|                      |            | but a number have recently been recommended to the Secretary of State for appointment. |

|                      | Europeans. | Indians.                                                                                                                         |
|----------------------|------------|----------------------------------------------------------------------------------------------------------------------------------|
| (b) 1920 .. .. .     | 17         | 21                                                                                                                               |
| 1921 .. .. .         | Nil.       | 5                                                                                                                                |
| 1922 .. .. .         | 1          | 1                                                                                                                                |
| 1923 .. .. .         | Nil.       | 63                                                                                                                               |
| 1924 .. .. .         | Nil.       | 9                                                                                                                                |
| 1925 .. .. .         | Nil.       | 18                                                                                                                               |
| 1926 .. .. .         | Nil.       | 42                                                                                                                               |
| 1927 .. .. .         | Nil.       | 20                                                                                                                               |
| 1928 .. .. .         | Nil.       | 22                                                                                                                               |
| 1929 to date .. .. . | Nil.       | 3                                                                                                                                |
| (c) 1920 .. .. .     | 13         | 59                                                                                                                               |
| 1921 .. .. .         | 6          | 12                                                                                                                               |
| 1922 .. .. .         | 2          | 12                                                                                                                               |
| 1923 .. .. .         | Nil.       | Nil.                                                                                                                             |
| 1924 .. .. .         | Nil.       | Nil.                                                                                                                             |
| 1925 .. .. .         | Nil.       | 7                                                                                                                                |
| 1926 .. .. .         | Nil.       | 3                                                                                                                                |
| 1927 .. .. .         | Nil.       | 4                                                                                                                                |
| 1928 .. .. .         | Nil.       | 10                                                                                                                               |
| 1929 to date .. .. . | Nil.       | Nil.                                                                                                                             |
|                      |            | but some of those who are being recommended to the Secretary of State for appointment have had temporary service in the I. M. S. |
| (d) 1925 .. .. .     | Nil.       | 1                                                                                                                                |
| 1926 .. .. .         | Nil.       | 2                                                                                                                                |
| 1927 .. .. .         | Nil.       | 2                                                                                                                                |
| 1928 .. .. .         | Nil.       | 1                                                                                                                                |
| 1929 to date .. .. . | Nil.       | 1                                                                                                                                |

*Note.*—(1) The figures relate only to officers actually holding temporary commissions in the Indian Medical Service. It would be very difficult to give figures for all those who had originally been given temporary commissions and subsequently granted permanent commissions in the Indian Medical Service.

(2) Temporary Indian Medical Service officers are recruited entirely for military employ.

(g) See the statements given under (a) and (b).

Recruitment is made on an all-India basis and figures are not therefore maintained according to Provinces.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member please inform this House with reference to his answer whether Government have taken any action on a similar matter that I brought forward in the last Delhi Session, when we discussed the grant to the Army Department ?

**Mr. G. R. F. Tottenham :** I am afraid I must ask for notice of that question.



# REINSTITUTION OF THE COMPETITIVE EXAMINATION FOR THE INDIAN MEDICAL SERVICE.

92. \***Mr. M. R. Jayakar** : Will Government be pleased to state when the competitive examination for the Indian Medical Service is proposed to be reinstituted and to explain why this examination has not yet been restarted either in England or in India, when similar competitive examinations for the Civil, Police and other all-India services, which were stopped during the War, have been held for some years past ?

**Mr. G. R. F. Tottenham** : This time last year it was stated in reply to a question in this House on the same subject that Government proposed to wait and see what effect the reorganisation of the Indian Medical Service would have on recruitment before taking up the question of re-introducing the competitive examination.

There has been some improvement in recruitment since the reorganisation, but there is still a serious shortage in the authorised cadre, and I am afraid last year's answer must therefore hold good for some time longer. I can assure the Honourable Member that Government are continuing to watch the situation closely and that they are as anxious as he is to see matters reach a state in which the revival of the competitive examination would be justified.

**Lieutenant-Colonel H. A. J. Gidney** : Will the Honourable Member inform this House what objection Government has to reopening the competitive examination for the Indian Medical Service ?

**Mr. G. R. F. Tottenham** : Government do not consider that it would be wise to reopen the competitive examination until there is some chance of getting people to compete.

**Lieutenant-Colonel H. A. J. Gidney** : Is it a fact that if this examination was held simultaneously in England and in India, you would have ample candidates competing ?

**Mr. G. R. F. Tottenham** : That is a matter of opinion.

†93.

# RECRUITMENT OF MUSLIMS IN DIVISIONAL WIRELESS OFFICES.

94. \***Maulvi Muhammad Yakub** : (a) Will Government be pleased to refer to the first part of starred question No. 228, answered on the 8th September, 1928, and state whether Government are prepared to say that equally qualified Muslims were not available when the recruitment of clerks was made ; if so, will Government be pleased to lay on the table a statement separately for each Divisional Wireless Office, showing :

- (1) Name of each clerk with designation,
- (2) Educational, technical and special qualifications of each clerk,
- (3) Date and place of recruitment of each clerk,
- (4) Starting pay of each clerk,
- (5) Present pay of each clerk,
- (6) Scale of pay of each clerk ?

(b) Were the appointments advertised in any paper ? If so, what is the name of the paper and date of its issue ? If not, why not, and why were the interests of Muslims overlooked ?

†This question was cancelled owing to the resignation of the questioner.

(c) Has any permanent or temporary clerk been appointed in either of the Divisional Offices after the issue of the Home Department Office Memorandum No. F. 176/25-Ests., dated the 5th February 1926, and the Director General's letter No. A.M.-516/12/27, dated the 22nd November 1927 ? If so, will Government include the name of the newly recruited clerk in the statement mentioned in part (a) above ?

(d) If the newly recruited clerk be a non-Muslim, will Government be pleased to state in detail the reasons justifying the employment of non-Muslims only in the Divisional Offices of the Wireless Branch ?

**The Honourable Sir Bhupendra Nath Mitra** : No useful purpose would be served by undertaking an examination of the facts connected with the recruitment of clerks in Divisional Wireless Offices before the issue of the Director General's letter of 22nd November 1927, quoted in part (c) of the Honourable Member's question, in which heads of offices in the Indian Postal and Telegraph Department were instructed to adopt, in all future recruitment, the principle of reservation of one-third of all permanent vacancies for the redress of communal inequalities. The number of permanent recruits taken in Divisional Wireless Offices after the issue of the Director General's letter is four of whom one belongs to a minority community, though he is not a Muslim. Of these four appointments, 2 were advertised for, viz., one in the *Statesman* of 5th August, 1928, and the other in the *Statesman* and the *Forward* of the 13th October 1928. In the case of the first of these appointments, only three applications were received from Muslims, out of a total of 21, and in the second case, no Muslims applied out of a total of 74 applicants. As the facts mentioned show that the requirements of the orders of Government have been complied with, Government have not attempted to compile all the information required to answer in detail the various items of the Honourable Member's question.

**Maulvi Muhammad Yakub** : Is this the attitude of Government, that where injustice is done to Muslims in a particular Department, an inquiry will not be made ?

**The Honourable Sir Bhupendra Nath Mitra** : There is no question of injustice. After the issue of the order of 1927, four recruits were taken and out of those four, one was a member of a minority community. Therefore the orders have been fully complied with, and the question of injustice to the minority communities does not arise.

**Maulvi Muhammad Yakub** : Is it believable that out of 75 applicants, not a single one was a Muhammadan ?

**The Honourable Sir Bhupendra Nath Mitra** : I have stated the facts ; the Honourable Member can form any conclusion he wants to draw from those facts.

**Nawab Sir Sahibzada Abdul Qaiyum** : What is the procedure for advertising for these appointments and calling for applications ?

**The Honourable Sir Bhupendra Nath Mitra** : I have stated the facts so far ; but I shall state, for the Honourable Member's information and for the information of other Members of this House, that in consequence of these interminable questions, I am arranging that recruitment of clerks in the Indian Posts and Telegraphs Department

should be on the basis of competitive examinations, one-third of the vacancies being reserved for the redress of communal inequalities.

**Mr. K. Ahmed :** Are Government aware that during the regime of Lord Reading the principle was quite different and that during the present regime of Lord Irwin of course somebody is officiating for him now the attitude of the Government has been changed ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid the Honourable Member has forgotten the facts. I think I have told him, time after time on the floor of this House, that he has misunderstood what Lord Reading had said in his day.

**Mr. K. Ahmed :** Are Government aware that Lord Reading declared in 1925 and that a circular was issued in 1925—probably on the 31st December from the Home Department that at least one-third of the appointments should be confined to the Muslim community, and that the percentage may go up to 45 per cent. if suitable candidates are available from that community ? If that is so, and if the answer is in the affirmative, do Government propose now in the public interests to qualify the answer given just now ? (Laughter).

**The Honourable Sir Bhupendra Nath Mitra :** The precise circular is already quoted in the question of my friend, Maulvi Muhammad Yakub, to which I replied a short time ago. The purport of the circular is not as stated by my friend, Mr. K. Ahmed, but as stated by me in the course of my reply.

**Mr. K. Ahmed :** In view of the fact that the answer is not given accurately by the Honourable Member, and in view of the fact that he himself has brought up this matter in the Assembly by answering the question himself, may I avail myself of the opportunity to put a question whether this present Government has done away with that circular of December 1925, issued during the regime of Lord Reading ? If that is not so, do Government propose now in the public interests, to cite quotations from any circular issued thereafter from the Home Department or the Department of Industries and Labour ?

**The Honourable Sir Bhupendra Nath Mitra :** The number and date of the correct circular is already referred to in the question of my friend, Maulvi Muhammad Yakub. I do not know of any other circulars. If the Honourable Member has reason to believe that there are other circulars, I would ask him to put down a question on paper, and I am sure my Honourable friend, the Home Member, will then be able to ascertain whether the statement of the Honourable Member is correct or not.

**Mr. K. Ahmed :** In view of the fact that the Honourable Member is now placed in a somewhat awkward position, and in view of the fact that the Honourable the Home Member has listened to these questions, do Government propose, in the Home Department or the Industries and Labour Department—I do not mind which—in order to clear up the situation, to make a statement now whether they have followed their old policy of 1925, or have come down to the new policy enunciated by the head of the Department of Industries and Labour ?

**The Honourable Sir Bhupendra Nath Mitra :** My friend over there is perfectly unintelligible to me ; he talks of a circular of December

1925 and he talks of some old policy of 1925. As I have told him, the Home Department circular is one of February 1926, and in my reply to my friend, Maulvi Muhammad Yakub, and in reply to various unintelligible questions of my friend, Mr. K. Ahmed, I have referred to that circular.

**Mr. K. C. Neogy :** Is the Honourable Member entitled to make a defamatory statement with reference to a Member of a Royal Commission ?

**Nawab Sir Sahibzada Abdul Qaiyum :** May I ask, Sir, if the circular referred to laid down certain principles for safeguarding the interests of minority communities, and how, in view of the answer given to my supplementary question, the Honourable Member proposes to safeguard those interests consistent with the principle laid down in that circular ?

**The Honourable Sir Bhupendra Nath Mitra :** I think, Sir, I have already answered that question, but for the information of my Honourable friend, Sir Abdul Qaiyum, I will make it more clear. The usual practice is that if you recruit clerks by examination,—I think that is what he has been referring to,—you reserve one-third of the vacancies for the redress of communal inequalities. That is, roughly speaking, you fill two-thirds of the vacancies from among those who stand in order in the examination, and you hold back one-third of the vacancies ; and if you find that within the two-thirds you have not got the necessary number of candidates belonging to the minority communities, you fill the one-third reserved for the purpose of redressing communal inequalities by taking in qualified candidates belonging to the minority communities.

**Nawab Sir Sahibzada Abdul Qaiyum :** That is, I suppose, with respect to the posts which are competed for, or rather which are given by open competition ; but what about the other posts for which there is no competition and which are at the mercy of the departmental officers ? I want to know how they select candidates from the various communities in view of the principle laid down in that circular ?

**The Honourable Sir Bhupendra Nath Mitra :** What they are doing at present in the Postal and Telegraph Department is something like this. They advertise for recruits who will accept employment, and even now they subject them to some sort of test to find out who are the most suitable people. If there are three vacancies two of them are given to the most suitable candidates. The third vacancy is kept back for a member of a minority community, if either of the two appointments which have been filled by selection on the test of merit has not already gone to a member of a minority community.

**Nawab Sir Sahibzada Abdul Qaiyum :** Do I understand, then, Sir..

**Mr. President :** Order, Order.

#### ARRANGEMENTS FOR THE ADMISSION OF VISITORS TO THE LEGISLATIVE ASSEMBLY AND FOR GUARDING THE ASSEMBLY CHAMBER AND BUILDINGS.

**Mr. President :** I desire to make a statement on a question which has been engaging my attention since the bomb outrage in the Delhi Chamber on the 8th of April last. It has not been found possible to ascertain exactly how the perpetrators of the outrage got admission into

[Mr. President.]

the Visitors' Gallery on that particular day, though we have heard it stated that they did so without tickets, and before the arrival of the police who check visitors' tickets at the entrance to the gallery. Whether this statement is true or not, the fact remains that some modification is called for in the system of check over admission of visitors, and perhaps also in the issue of tickets with a view to minimise opportunities of mischief of similar or any other kind in future. With that end in view, and in consultation with the Chief Commissioner, Delhi, I appointed Mr. Gupta to examine the whole question, and in particular the existing practice and procedure in regard to both these matters, and report whether any, and if so what, modifications were in his opinion necessary.

Mr. Gupta has made his Report, a copy of which was sent by him to the Chief Commissioner, Delhi, under my orders. The Chief Commissioner has since sent me a note prepared by the Senior Superintendent of Police, Delhi, who, while endorsing all the proposals made by Mr. Gupta, makes other additional suggestions. The Superintendent of Police, Simla, has also, in his letter dated the 5th August to Mr. Gupta submitted certain proposals for my consideration. I have carefully examined all these proposals, but they are so many, and some of them are so sweeping in character that I thought, before passing final orders, I should have them further examined by a Committee of this House and take their advice for my guidance. In the meantime, and pending the Report of the Committee I am about to appoint and my final orders thereon, I have introduced, as Honourable Members are aware, certain changes in the existing practice and procedure of the issue of tickets, and I have no doubt Honourable Members will do their best to co-operate with the Department in carrying them out. I am aware these changes fall far short of the proposals of Mr. Gupta or the two Police Officers, but in my opinion they are adequate enough for the purpose in view, at any rate until I have the views of the Committee of the House and am in a better position to take final decision.

It is neither necessary nor perhaps desirable that I should state my views at this stage on the proposals in question beyond indicating the general principle which in my judgment should guide the Committee in their examination of the proposals. That principle is that, while we should, and indeed we are bound to, take every precaution to ensure that no undesirable and suspicious character finds entry into any of the galleries, precautionary measures to be taken must not be of such a character as to operate as a source of harassment, annoyance or humiliation to the general public visiting the Assembly building for any *bona fide* purpose.

Arising out of the question under consideration, there is one other matter of no less importance which has occurred to me, and I should like the Committee to examine it on its merits and advise the President. Under the existing arrangement, the police guard the precincts of the Assembly building including the galleries, but they are not responsible to the President, and it has been even doubted whether they are under his orders while on duty when the Assembly is in Session. In the House of Commons, on the contrary, the galleries are entirely in charge of and guarded by Messengers in the Department of the Sergeant-at-arms who is the officer of the House responsible to it, and the lobbies and the floor of the House are guarded by the door keepers on the staff of the same Department. The police do not enter the galleries, lobbies or the floor of the

House while the House is sitting, the only exception being that there is a constable in plain clothes present in what is known as the Members' Gallery. All other outside places within the Westminster Palace are guarded by the police who are always subject to the orders of the Speaker while they are on duty. The idea that has occurred to me is whether the time has not arrived to introduce in the Assembly the system of door keepers and messengers in charge of the floor of the House, its lobbies and galleries as in the House of Commons leaving all other parts of the Assembly building to be guarded by the police under the orders of the President. With these observations I hereby appoint a Committee of the following Members with Rai Sahib D. Dutt as Secretary—

- (1) to examine the proposals made by the Secretary of the Assembly, the Senior Superintendent of Police, Delhi, the Superintendent of Police, Simla, as also the changes recently introduced by the President, Legislative Assembly, in the system of issue of tickets and make such recommendations in regard to each of them as the Committee deems proper ;
- (2) to consider and recommend whether the time has arrived for the Assembly to entertain its own staff for the purpose of guarding the floor, the galleries and the lobbies, as also of regulating the admission of visitors and to leave it to the police, under the orders of the President to guard other parts of the Assembly building, and if so, what should be the number of door keepers and messengers required, their remuneration, method of recruitment, conditions of service, etc. ;
- (3) to make such other recommendations as they consider necessary in the circumstances ; and
- (4) to report on or before the 15th October, and if there are any point or points on which immediate action beyond what has already been taken by the President of the Assembly is in the opinion of the Committee necessary, to make *interim* recommendations.

#### Names of Members.

The Honourable Sir James Crerar (Chairman),  
 Maulvi Mohammad Yakub,  
 Mr. K. C. Roy,  
 Mr. A. H. Ghuznavi,  
 Mr. E. L. Price,  
 Mr. K. C. Neogy,  
 Mr. M. S. Aney,  
 Mr. A. Rangaswami Iyengar, and  
 Mr. Gaya Prasad Singh.

I also hereby direct that the Secretary do make the following papers available to the Committee :

1. Report of Mr. Gupta.
2. Note of the Senior Superintendent of Police, Delhi.

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[Mr. President.]

3. Letter dated the 5th July from the President of the Legislative Assembly to the Clerk of the House of Commons.
4. Reply dated the 18th July from the Clerk of the House of Commons to the President of the Legislative Assembly and the enclosures.
5. Letter dated the 5th August from the Superintendent of Police, Simla, to the Secretary, Legislative Assembly.
6. Circular No. XX embodying the changes recently introduced under the orders of the President in the system of the issue of visitors' tickets.

In addition to these documents, the Committee will, if necessary, invite Mr. Gupta and the two Superintendents of Police to further explain and elucidate their proposals and also consult other officials and non-officials who in their opinion are likely to give useful information.

#### RESOLUTION RE AMENDMENT OF THE INDIAN LEGISLATIVE RULES.

(POINT OF ORDER REGARDING ITS ADMISSIBILITY).

**Mr. President :** The House will now proceed to Resolutions.

I have received a telegram from Mr. Yusuf Imam, in whose name the first Resolution stands, that I should permit Mr. Satyendra Mitra to move the Resolution on his behalf. I should like to point out to Mr. Mitra that the Resolution as it stands has become out of date in part. When the Resolution was tabled, the Secretary of State for India had not accorded his sanction to Rule 17A. He has done it since, and therefore that part of the Resolution which asks the Governor General in Council to convey to the Secretary of State for India the considered opinion of this House that the Secretary of State should not accord his sanction to the proposed rule without consulting this Assembly has become out of date. Of course the Honourable Member is entitled to amend the Resolution in the light of altered circumstances, and if he will tell me in what form he wants to amend it, I will consider whether I should allow it or not.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : With your permission Sir, I should like to put the Resolution in this amended form :

" This Assembly recommends to the Governor General in Council that he be pleased to convey to the Secretary of State for India its considered opinion that :

- (i) by according his sanction under section 129A of the Government of India Act to the enactment of rule 17A he has forfeited the confidence of this House and the country,
- (ii) the part played by His Excellency Lord Irwin in the enactment of this rule is highly reprehensible, and that,
- (iii) steps be taken forthwith to make this House the master of its own procedure by empowering it to make and unmake its own rules for the conduct of business "

**Mr. President :** Is that the form in which the Honourable Member desires to move the Resolution ?

**Mr. S. C. Mitra :** Yes. I should like to move it in that amended form.

**Mr. President :** Before I accord permission to the Honourable Member to move the Resolution in that form, I should like to point out to the House that part (ii), which relates to the part played by His Excellency Lord Irwin in the enactment of this rule, is of doubtful admissibility, and I should like to hear if the Honourable Member has got anything to say on that point.

**Mr. S. C. Mitra :** With great respect for your observation, I should submit that my proposed Resolution is perfectly in order. I think, Sir, that so long as my Resolution does not contravene any of the provisions of the Standing Orders or Rules, I submit, that my Resolution is in order. The Standing Orders that are concerned are Nos. 59 and 60.....

**Mr. President :** The Honourable Member is now reading the paragraphs of the Manual.

**Mr. S. C. Mitra :** Paragraphs.

**Mr. E. L. Price** (Bombay : European) : We find it very difficult to hear at this end.

**Mr. President :** I cannot give the Honourable Member ears.

**Mr. E. L. Price :** My ears are all right.

**Mr. S. C. Mitra :** Page 116 of the Manual, and Legislative Rules 22 and 23. So far as I see, my proposed Resolution does not contravene any of the provisions of the Standing Orders or the Rules. But when you refer to clause (ii) of my Resolution, I think you are referring to Standing Order 29. With great respect I submit that Standing Order 29 refers mainly to speeches and not to Resolutions ; it does not govern the Resolution at all. It is not my intention to reflect in any way on the conduct of the Governor General in my speech. Even if the occasion arises, I think the time for ruling me out of order will come then, but so far as my Resolution is concerned, I submit that Standing Order 29 does not affect it at all. Of course, it may be said that, under the inherent powers of the Chair, you may intervene, but in that case I would submit that the Honourable the Law Member stated on the 5th April last :

" With reference to a body like the Legislative Assembly, which is a creature of statute, all its powers are confined within the four corners of the Statute creating it. You may not stray one hair's breadth. When I say the four corners of the statute, I include, of course, the Rules and Standing Orders made under the statute. You may not stray one hair's breadth from the four corners of the statute, and the rules and orders made thereunder....."

**Mr. President :** Does the Honourable Member agree with that view ?

**Mr. S. C. Mitra :** I do not share the Honourable the Law Member's views. I think the conditions are absurd. The House must have and the President must have the right to interpret these rules, because if you are to depend on every occasion on the Governor General, he may be miles away from the centre, from the seat of the House, and the President and the House cannot decide the point, and if the President is deprived of the inherent right, work will be impossible. As I have said before, I do not accept that view. But I beg of you that this is not an occasion when the inherent right of the Chair should be exercised to disallow this part, when it is fully within the four corners of the Standing Orders and the Rules.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I should like to add a few words to what has been stated by my Honourable friend, Mr. Mitra. He has made reference to certain Standing Orders already. I will just draw the attention of the House to Rule 23 of the Indian Legislative Rules. That lays down the restrictions on subjects for discussion in connection with Resolutions. Now, three different kinds of matter have been excluded specifically ; first, any matter affecting foreign relations—I am just summarising the provisions for the sake of convenience,—secondly, any matter affecting the relations of the Government with Indian States, and thirdly, any matter that may be *sub judice*. So, that is the only positive exclusion from the purview of Resolutions which the Rules contemplate. Now, as has been already stated, the only immunity which the Governor General enjoys is laid down in Standing Order 29, and that says that, whilst speaking a Member shall not reflect on the conduct of the Governor General. My Honourable friend, Mr. Mitra, has not yet made his speech. When he makes his speech it is for you to decide as to whether he makes such reflections upon the conduct of the Governor General as to entitle you to stop him from making any further observations. Now, so far as the wording of the Resolution goes, I do not know how you, Sir, can possibly rule out the particular section to which you have drawn attention. Then there is another point. Reference is made to the part played by His Excellency Lord Irwin. Now, let us consider what is exactly the present position of Lord Irwin. Is he, the Governor General, entitled to the immunity of the Standing Order.....

**The Honourable Sir James Crerar** (Home Member) : On a point of order, Sir. I submit that what the Honourable Member now wants to say is not relevant to the point of order before the House.

**Mr. President** : I am afraid what the Honourable Member says is not relevant. The question before the House is whether Mr. Mitra's motion is in order or not.

**Mr. K. C. Neogy** : I say that having regard to the fact that we cannot possibly have two Governors General.....

**Mr. President** : That is not the question which we are considering.

**Mr. K. C. Neogy** : I do not know how we can possibly avoid that question altogether, because I take it that the only immunity which Lord Irwin could claim under the Standing Orders would be in his capacity as the Governor General.

**Mr. President** : That question will arise when the Resolution is moved and the immunity is claimed, not now. For the present we are considering the question whether the Chair has got the inherent power to disallow this Resolution on the ground that it involves an abuse of the forms and procedure of this House.

**Mr. K. C. Neogy** : I have already submitted that there is no express provision in the Rules or Standing Orders which would authorise you to rule out this particular clause.

**The Honourable Sir James Crerar** : On the point of order, I submit that the part of the Resolution to which you, Sir, have referred to is en-

tirely out of order. In the first place I would invite your attention to the terms of Standing Order 29. The relevant words are as follows :

" A member while speaking shall not reflect upon the conduct of the Governor General ".

I now invite attention to Standing Order 61. That prescribes that the Member in whose name the Resolution stands on the List of Business shall, when called upon to move the Resolution, commence his speech by a formal motion in the terms appearing on the List of Business. In other words the formal terms of the Resolution constitute a part of the Honourable Member's speech. That, I submit, attracts the restriction of Standing Order 29. The terms of the Resolution are a part of the Honourable Member's speech and the Honourable Member, when speaking, is precluded by Standing Order 29 from reflections, in the sense which is conveyed by the terms of this Resolution. I submit for your consideration, Mr. President, that if a matter appears in a Resolution which is expressly precluded by Standing Order 29, it is impossible for that part of the Resolution to be debated. For that reason also this portion of the Resolution is out of order.

**Mr. President** : Under what rule ?

**The Honourable Sir James Crerar** : My suggestion is if that stands as part of the Resolution, it cannot be debated.

**Mr. President** : If a debate on a motion is not possible, is the Leader of the House contending that the Chair can rule it out ? Under what power ?

**The Honourable Sir James Crerar** : My point is that this portion of the Resolution is definitely out of order in view of the terms of Standing Order 29, read with Standing Order 61.

**Mr. President** : Supposing the Chair holds that the proposing of a Resolution is a different thing from a speech on the Resolution, will the Honourable Member tell me under what powers given to me by Standing Orders or Rules he asks me to disallow this part of the Resolution ?

**The Honourable Sir James Crerar** : On that construction of the case I could not point to any particular Standing Order. But I rely on the correct interpretation of Standing Order 29, read with Standing Order 61.

**Mr. President** : What I want the Leader of the House to tell me is this. In case the Chair comes to the conclusion that the proposing of a Resolution is a different thing from making a speech on it, will he tell me under what powers he asks the Chair to disallow this particular part of the Resolution ?

**The Honourable Sir James Crerar** : I am not able to quote any specific Standing Order on that point, but I have already explained, Mr. President, that I rely on Standing Orders 29 and 61, which expressly declare that this portion of the Resolution is out of order.

**Mr. President** : Surely this is a point on which the Chair expects the Law Member to throw some light.

**The Honourable Sir Brojendra Mitter** (Law Member) : Standing Order 29 refers to speech. What I submit is this. If the Resolution is

[Sir Brojendra Mitter.]

in terms such that you cannot embody the wording of the Resolution in your speech, then surely you cannot make a speech in support of the Resolution. That being so, how can that Resolution be debated?

**Mr. President :** Under what express provision can I disallow it?

**The Honourable Sir Brojendra Mitter :** If you come to the conclusion that objectionable matter must necessarily be in that speech, then, on the true construction of Standing Order 29, you can disallow it, because you have to enforce the Standing Order.

**Mr. President :** In that case I can stop the Honourable Member from making a speech. How can I disallow the motion?

**The Honourable Sir Brojendra Mitter :** If he cannot make a speech he cannot move. The motion must necessarily be an essential part of the speech, because that is the motion. If that motion is objectionable, then the speech in support of it should be ruled out of order. If that is ruled out, then the motion necessarily falls with it. I do not know whether I have made myself clear. Supposing the objectionable portion formed the Resolution, and there was no other part. The Member moving the Resolution must make a speech in support of that Resolution. Now that Resolution in terms is objectionable in a speech. It would indeed be an essential part of the speech itself and all the other matters in that speech must be in support of it. They are complementary to the objectionable portion. That being so, the whole speech becomes out of order. And that is so on account of the wording of the Resolution.

**Mr. President :** The Honourable Law Member's contention the other day was that the Chair and this House were the creature of a statute and unless express power were given to them to stop discussion or to disallow a Resolution on the ground that it involved an abuse of the forms and procedure of the House, they could not do so. His contention was that the Chair had no inherent power. I would like to know whether there is any express power which he can quote which will enable me to rule this motion out of order.

**The Honourable Sir Brojendra Mitter :** As I have said, Sir, beyond Standing Order 29 there is no other Standing Order or Legislative Rule covering this point. My submission is this, that you, being the authority charged with interpreting these Standing Orders, on a strict interpretation of them, you can and should rule it out.

**Mr. President :** I am quite convinced that the motion itself involves an abuse of the forms and procedure of the House; I have not the slightest doubt about that. The question is whether I am entitled to rule it out in the absence of any express power in that behalf.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Standing Order 58 allows you to rule it out of order.

**The Honourable Sir Brojendra Mitter :** Probably you were referring to your last ruling. Let there be no misunderstanding about it, Sir. That was about quite a different matter and is clearly distinguishable. Your last ruling was upon a matter which was already in the possession of the House. This matter would not be in the possession of the House

till you allow it. Therefore it is a matter entirely for you now. It is not a matter which is before the House. That being so, your last ruling is clearly inapplicable to the present case. Therefore, I will not say anything more about that last ruling. But what I do say is that, on a strict interpretation of the two Standing Orders, it is impossible for any Member to move the Resolution, because it must necessarily involve his stating that Resolution in a speech and making a speech in support of it; and if the essential part be bad, then the rest must necessarily be bad also. Your power flows from those Standing Orders, because you have to enforce them.

**Mr. President :** I should like to know from Sir Darcy Lindsay whether he thinks the Chair has inherent power to disallow this Resolution on the ground that it involves an abuse of the forms and procedure of the House.

**Sir Darcy Lindsay** (Bengal : European) : It is very difficult to hear the proceedings from this part of the House and I have been quite unable to follow the arguments put forward by the Mover and also some of the arguments put forward by the Home Member. I do not even know, Sir, what is the amended Resolution (Hear, hear). I speak on behalf of this part of the House when I say that we are very severely handicapped. You ask me, Sir, to put forward my views in the matter. It appears from your very remarks, Sir, that you should disallow the Mover from moving the Resolution at all. He has made an attempt to so amend a Resolution put forward by another Member as to put it in what may appear to be an objectionable form, a form contrary to certain regulations. You find difficulty, Sir, in ruling the objectionable portion out of order because there is no rule or Standing Order that directly empowers you to do so. On the other hand, Sir, you have expressed your view that the wording is open to objection, and on these grounds, Sir, I submit to you that you should disallow the Member from moving the Resolution.

**Mr. President :** In the absence of any express power?

**Sir Darcy Lindsay :** Does it not lie with you, Sir?

**Mr. President :** I think I have the power.

**Mr. Muhammad Yamin Khan :** Sir, under the Standing Order that is quoted on page 47 of the Manual of Business a Member who wishes to move a Resolution shall give fifteen days' clear notice of his intention.

**Mr. President :** That is not the point we are discussing. The point we are discussing is whether that part of the Resolution of Mr. Mitra, to which objection has been taken, is in order or not on the ground that it involves an abuse of the Standing Orders.

**Mr. Muhammad Yamin Khan :** Yes, my point is, and I am raising this point of order, that not only a portion but the whole Resolution, which he seeks to move, is out of order.

**Mr. President :** We are not concerned with that. We are concerned with the particular part of the Resolution to which I have taken exception.

**Mr. Muhammad Yamin Khan :** My point of submission to you is that.....



**Mr. President :** The Honourable Member may raise another point afterwards ; we must confine ourselves to the point that we are *now* considering.

**Mr. E. L. Price :** Sir, it is laid down by Standing Order No. 61, that a Member must necessarily begin his speech with the motion that he is moving. The motion, therefore, itself is the exordium, an integral part of his speech. He cannot, however, utter in his speech words that are prohibited by Standing Order 29. But, Sir, you are asking how you have specific authority to bar the motion. I suggest, Sir, that that is beginning at the wrong end. It is rather this, that you have specific authority to admit a motion that is in order and then a motion is submitted in an undesirable form, in a form that is not in accordance with the Rules or Standing Orders, you will refuse to admit it ; you will not assume authority to admit a motion in a form that you yourself condemn.

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : I should like to know, Sir, whether the reflection that is contained in Mr. Mitra's Resolution relates to such action in official capacity or not.

**Mr. President :** It is a very curious coincidence that this question, *viz.*, whether the Chair has inherent power to disallow a motion or rule a motion out of order on the ground that it involves an abuse of the rules and procedure of this House should arise on the very Resolution which seeks to protest against the action of the Governor General in Council and the Secretary of State in enacting a rule purporting to deprive him of such power. It is a very curious coincidence, and I sympathise with the Opposition as well as the Government for the attitude they have got to take up in putting their respective cases. The Opposition, so far as I have been able to gather, contends that the Chair has got no express power to disallow this motion and, therefore, it must rule it in order, although the motion might involve an abuse of Rules and Standing Orders.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) : Has anybody contended that ?

**Mr. President :** It has been contended that the Chair has no express powers, and therefore it cannot disallow this motion. On the other hand, Government contend that, although the Chair has not in so many words the express power given to it, it must disallow this Resolution, because, under Standing Orders 29 and 61, read together, the very moving of the motion constitutes an abuse of Standing Orders. As I said, I really sympathise with both sides of the House. This is all very amusing, but that does not absolve me from the responsibility of deciding the point of order that has been raised on the floor of this House. The question I have to decide is.....

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Take the vote of the House and decide it.

**Mr. President :** Order, order—whether the part of the Resolution in question is in order. There is of course no rule or Standing Order which gives the Chair express power to rule it out of order. At the same time there is no doubt that the Resolution cannot be moved without referring to matters which have been prohibited by Standing Order 29. In fact

the only matters that could be relevant are those which come under prohibition. I am convinced, therefore, that no debate is possible on this motion without wholesale infringement and abuse of the Standing Order in question, and yet I would be bound to admit the Resolution and put it to the vote of the House if I had no inherent power to rule it out. This would result in absurdities. I have no doubt in my mind that every occupant of the Chair of a deliberative assembly possesses and ought to possess, if he is to function as such, inherent power to prevent the abuse of the forms and procedure of that body. It is no doubt true that these discretionary powers are liable to abuse, but for that the remedy is obvious. If the occupant deliberately and grossly misuses or abuses these powers, the Assembly can remove him by a vote of no-confidence. The remedy does not lie in the direction of endeavouring by any rule or resolution to restrict or take away those powers. I am convinced that the Chair has got the inherent power to rule a motion out of order on the ground that it involves an abuse of the rules and procedure, and I have no doubt that this motion does involve such abuse. I, therefore, rule that part of the Resolution out of order, and will allow Mr. Mitra to move the other parts of the Resolution.

**Mr. Muhammad Yamin Khan :** May I raise my point of order now ?

**Mr. President :** Order, order. The Honourable Member will have an opportunity later. Before, however, Mr. Mitra proceeds to move his Resolution, I should like to make one suggestion. I know several Honourable Members are annoyed because the Secretary of State has sanctioned Rule 17-A, particularly at this juncture when this Assembly was going to meet and when the Resolution on the subject had been tabled and balloted. But before I really make any suggestion to the Honourable Member, I should like to know exactly what the attitude of Government would be in regard to proposals for the amendment of rules in future, so that the Honourable Member (Mr. Mitra) and the House may know exactly how matters stand. If Government have no objection to state what their attitude in regard to the future proposals for the amendment of rules was going to be, I hope they would disclose it to the House.

**The Honourable Sir Brojendra Mitter :** Sir, I am much obliged to you for giving me this opportunity of stating the position of the Government with regard to the making of rules regulating the course of business and the preservation of order in the Chambers of the Indian Legislature. Government considered this matter very seriously and they have come to a definite conclusion, and, as you, Sir, want to know the attitude of the Government, I shall state it as briefly as I can.

Under the Government of India Act, the whole duty and responsibility in respect of the Indian Legislative Rules are laid on the Governor General in Council and the Secretary of State in Council, subject always to the control of Parliament. The Governor General in Council cannot, under the constitution, refuse to discharge this duty, nor can he share the responsibility with any other body. That is, Sir, the constitutional position. But the matter is not concluded by that in so far as the Government attitude is concerned. Honourable Members will realise that the Government of India Act makes no provision for consultation with the Legislature. Although there is no provision in the constitution, yet there is nothing in it to exclude the establishment of conventions or understandings whereby the Executive, charged with the duty of making the rules, may adopt the practice of approaching the Legislature for advice, before proposing any



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amendments. So far back, Sir, as May 1924, it was definitely announced in the House of Commons, "that the desirability of consulting the Legislature before changes are made in any statutory rules is always considered when the proposed change could suitably be made the subject of such consultation". It would be observed that this policy, which has been the policy of the Government of India, contains a two-fold reservation. In the first place, the proposed change must be one which could suitably be made the subject of consultation with the Legislature, and, in the second place, the desirability of consulting the Legislature in that particular case, when the first condition is fulfilled, is to be considered. In accordance with that policy, I can cite instances when the Legislature has been consulted before alterations have been suggested in the Legislative Rules. Thus, rule 48-A, which makes provision for the Railway Budget being discussed separately from the General Budget, was inserted after and as a result of acceptance by this House of a Resolution moved on behalf of Government for the separation of the Railway finance from the General finance. The present attitude of Government is a further step in advance, and they agree to bring before the House all important alterations in the Legislative Rules before reporting them for the sanction of the Secretary of State in Council. I am sure Honourable Members will realise that this represents a very considerable advance on the present convention. Government have given their most anxious consideration to this question and desire, so far as possible, to meet the wishes of the House in this matter. In this connection I would also make it perfectly clear that when amendments have been considered by the Legislative Assembly, the Government will undoubtedly give the most careful consideration to the views of the House, but they cannot bind either themselves or the Secretary of State to do more than that, because, after all, the ultimate authority is the Secretary of State. I also want to make it clear that Government must retain one reservation, and that is a reservation in cases of emergency. Without such a reservation they cannot but feel that they would be doing precisely what I have said under the constitution they are not permitted to do, that is to say, they would be seeking to share the responsibility which is laid upon them by the Government of India Act with the Indian Legislature. If the Government must discharge the responsibility vested in them, they must remain the judges of what constitutes such an emergency as to require them to proceed without consulting the Legislature in respect of the change of any of the Legislative Rules. Subject to such exceptional cases, which it is the sincere hope of Government, will be of the rarest occurrence, Government are in full sympathy with the establishment of a convention by which both Houses of the Legislature should be consulted before any important change is made in the Rules. That, Sir, is the Government's attitude.

**Mr. President :** To put it briefly the attitude of the Government is that henceforth, in all matters of important amendments of rules, they would consult the Legislative Assembly before they submit, their proposals to the Secretary of State, except in case of emergency, and the Assembly is not in Session at the time. In that case they reserve to themselves the right to approach the Secretary of State without consulting the Assembly. Such cases, according to them, would be very, very rare and exceptional. That being so, one point the Honourable Members have gained, namely, that henceforth they would be consulted before any proposal containing an important amendment of the rules is taken up.

The further question proposed to be discussed by the Honourable Member from Bengal really concerns the President no less than the House, and by common consent, you have appointed me as the custodian of the rights and privileges, of the honour and prestige of this House and the sole director of its procedure, and I feel that no useful purpose would be served by discussing or recording a vote of censure against the Government of India or the Secretary of State for not consulting the Legislature in regard to this particular amendment, because, so far as I have been able to gather during my experience of four years in this Chair, what the Assembly wants is not merely the right to be consulted, but full power to make and unmake its rules of business, irrespective of the Government of India or the Secretary of State. They are not going to be satisfied with the right to be consulted, but what they are concerned with is the main thing, namely the right to make its own rules and unmake them. That being so, I am clearly of opinion that no useful purpose would be served by discussing this vote of censure on the Secretary of State and the Government of India. Honourable Members are also aware that the whole of the Government of India Act, every rule and regulation made under it are in the melting pot and who knows what is going to come out of it. This particular rule, which has been recently sanctioned by the Secretary of State, is also in the melting pot and in the meantime, I know, as your President, what the self-respect and the dignity of this House demands, and if any occasion arises, I hope it will not arise, when it is necessary that I should fight for the liberties of this House and the dignity of the Chair, I hope Honourable Members have sufficient confidence in me to believe that I shall rise to the occasion.....

**Mr. K. Ahmed :** The Honourable President is doing it now.

**Mr. President :** The Honourable Member must be very careful in dealing with the Chair. I therefore trust that the Honourable Member from Bengal will accept my advice and not raise this discussion at this juncture.

**Mr. S. C. Mitra :** Sir, I know full well that the House has complete confidence in its President (Applause). I have taken into serious consideration the letter that His Excellency the Viceroy wrote for this House which was read yesterday by you and also the statement made by the Honourable the Law Member. Although we object, and very strongly object, to the reservation of power in cases of emergency, yet I think I will be well advised to accept your suggestion and I therefore beg leave of you not to move this Resolution.

#### RESOLUTION RE THE ESTABLISHMENT OF PANCHAYATS IN VILLAGES.

**Mr. K. V. Ranagaswami Ayyangar** (Madras : Landholders): Sir, I beg to move :

"This Assembly recommends to the Governor General in Council that he do appoint a mixed committee of officials and non-officials to examine the rural conditions obtaining in the various provinces, and to recommend ways and means for establishing in each village, or group of villages with a population of not less than 1,000 inhabitants, an efficient panchayat which will mainly be elected on the adult franchise system, and possess sufficient legal powers and financial resources for administering all village concerns, such as agriculture, minor irrigation and forests, cottage industries, village sanitation, education, co-operation, trade and banking, and for deciding civil and

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criminal suits up to a certain limit, subject only to the general control and technical advice and appellate jurisdiction of District and Provincial officers and Courts of Law.

Sir, the subject of the Resolution which I have moved is one for which I crave the Honourable Members should evince a great deal of interest and also of patience. I may point out that, last year, my Honourable friend, Mr. Acharya, wanted to move this Resolution at a time when the Simon Commission was here and I had then my own misgivings about the wisdom of moving that at that particular time. I wanted him to wait for some time longer before this question could be brought up before the Assembly when feeling was not running high and when it was in a mood to hear as patiently.

Now, Sir, coming to the subject of my Resolution, for the last half a century, two schools of political thought have been exerting their best powers to bring about a better state of things in the economic, political and moral condition of the people of India, and it will be pertinent to the subject if I should briefly describe the directions in which these two parties have been working to bring about that common goal.

During the beginning of the Congress, the one school of political thought that guided the destinies of that institution was that of the founders and builders of that great institution—the National Congress—as represented by the late Messrs. Hume, Ranade, Gokhale and Wedderburn and others. They really thought that “spade work” in the geographical and political unit of this country, that is, the village was essential, so that people there should be made to live a better life and be made to think very strongly on the injustice done to them, either by their own upper classes, or by the Government, and also to evince a feeling of gratitude for the benefits conferred on them and thereby become true citizens of the State.

Without making the masses feel that, and thereby the true political fire of the nation being kindled in these people, the founders of the Congress thought that India could not have a better form of government and India could not efficiently put a brake on the economic exploitation of the country. Up till a recent period this school of thought guided the destinies of the Congress, and they carried the day. But for the last 15 or 20 years the other school of thought came to loom large in the destinies of the Congress, and this party thought that this up-hill task of working from the village unit was impossible without having a voice in the government of the nation and wished to put pressure on the Government to grant Home Rule and this party came to be styled the “impatient idealists” or the “extremist party”, and they are adopting their own methods of educating the country by expressing their resentment against the present form of government, and of bringing pressure upon Government to delete or withhold all objectionable legislation. Their methods have till now been confined mostly to the Councils and a little outside it by various experiments as “non-co-operation”, “hartals”, “abstention”, “boycott”, etc. These are within the knowledge of the Members of the Assembly. I recapitulate this before touching upon the subject matter of this Resolution, only to focus the attention of the country on the vast work that lies before it in the villages, and also to seek the help of Government, on behalf of the former set of political thinkers I have described above, who were the founders of the Congress, to effect some serious reforms among the masses of India, without which I think

the nation is bound to deteriorate day by day. With all the impatient zeal for getting Swaraj all at once, I was faced many a time with the cold logic of that great saint Mahatma Gandhi, that political emancipation is not a plum to drop of its own accord into the hands of a lazy and unsacrificing nation. Many of the impatient idealists are made to feel the truth of the practical motto of such workers as the Servants of India Society, that every nation deserves the government that it has, and so India should elevate itself to deserve Swaraj.

It may be contended that the subject matter of the Resolution is a provincial subject, and every item noted in this Resolution is a transferred subject now administered by the elected representatives of the local Councils. Being in that category, there will be many zealous friends here, as well as outside, to hold that it will be appropriate to move it in the provincial Councils, instead of making the Government of India interest itself in that matter. I am aware of the constitutional point of view involved, and let me state that my object in bringing this question up here is to co-ordinate the results of the many committees and commissions which have been the subject matter of inquiry by and for the Imperial Government. We have had the Report of the Agricultural Commission and if at all the suggestions of this Agricultural Commission should have any practical result, there should be a village working unit effectively to carry out the suggestions of the Commission by having experimental farms in the villages and having the agriculturists of the villages better protected. The Ministers in charge of the subject cannot be dictated to by the Central Government. Will the Research Institute create a village unit and make it a living organisation to carry out the instructions and advice of this central organisation? Fortunately this institution of the Agricultural Research Institute is not a transferred subject under a Minister, but it is directly under the control of the Government of India.

Now, there is a Banking Inquiry Committee. There are no doubt in it members of the Co-operative Societies. Co-operation is a transferred subject, but the Banking Inquiry Committee was instituted by the Government of India. If my object in bringing this Resolution is to suggest that instead of these Co-operative Societies being a transferred subject in the provinces they should be directly administered by the Government of India, will I not be in order in having brought this subject before this Assembly? I am not concerned with what it is at present, but I am concerned with what it ought to be, and so my suggestions should not be dismissed lightly because it is a transferred subject. I am sure co-operation can have better credit with a cheaper rate of interest, and usury and idle waste will be stamped out of India if this allied department of Indian banking, that is co-operation, is administered directly by the Government of India. It may be that at present it is administered in an efficient manner under the transferred Department, but my suggestion for the Government of India taking control out of the hands of the provinces may be appreciated because the vast credit that is required for Co-operative Societies may be had only if the Imperial Government take it over upon themselves. The Committee I am recommending to be constituted by this Resolution may consider this point, and by the time the Banking Inquiry Committee finishes its investigation, it may make known to the Government of India whether the Co-operative Societies in the villages and the urban banks in the districts cannot be administered by the Government of India direct.

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Government cannot divest themselves of their responsibilities of the trusteeship of the masses of India, and as such, it is a thing to be regretted that the responsibility of nation-building departments is shifted from the shoulders of Government to that of the Ministry, many of whose communal activities in the provinces are not conducive to the efficiency of the departments governed by them. Such departments as education, agriculture, co-operative and panchayats should be directly administered by the Reserved half, or by the Government of India themselves. In the Co-operative Department something like five to ten crores will be required to wipe off the indebtedness of the agriculturists,—at least in some of the big districts like Tanjore and Trichinopoly. Can you find credit for these five or ten crores if it is to be administered by the Transferred half? We should have the credit of the Government of India to back them up so that they may have these five or ten crores at their disposal to liquidate all the usurious loans the agriculturists have contracted, so that they may have greater happiness, and co-operation may be a living factor and a more useful factor in the villages. Sir, it will no doubt be a strange confession from one who has belonged to the extreme wing of the Congress for the last quarter of a century, to say that the development departments should be managed by the non-communal and unbiassed British element. But I cannot help giving out what I feel on the subject. I may, at the same time, voice forth my opinion that the best way of training Indians for befitting them for higher forms of self-government and the management of their own affairs would be more to associate them intimately in such departments as the Army, Railways and foreign relations.

Even as regards the giving of universal franchise for the election of members to the Central Legislature I have my own views. A village panchayat, elected by universal suffrage in the village, will be the foundation of the entire structure of the British Government and the Central Legislature in India. This panchayat will in turn elect the members of the Indian Parliament. Some of us wanted to suggest, even last year, when Sir John Simon was here, that, instead of a direct representation or having a member to represent about  $\frac{1}{4}$  million of the population, as suggested in some other popular report, it would be far preferable to elect 500 members through the franchise of the five hundred thousand panchayats, formed at the rate of one panchayat per village or two. But we could not do it for various reasons last year—there was the political issue and we had to obey the fiat of our leaders. But the ignorance of the villager is appalling, and to let loose communalists and other prejudices to excite their sympathy for voting for a particular candidate and also the adoption of other doubtful means such as we have been witnessing these years, is not conferring a boon on the country. I do recommend therefore indirect election through the panchayats and not direct election in the present state of the masses. The local Ministry at Madras is now trying to do away with the taluk boards and in their place to create the village unit to work out the problems of village education, roads, settlement of civil disputes, co-operation, etc. The scheme that I am asking Government by this Resolution to investigate is only to develop the village institutions directly responsible to the Central Government, and to elect members to the Legislature. The ideal scheme of a central government can be evolved from the village units which elect a district government and which, in its turn, is controlled by the central government. By this

scheme these costly provincial governments may be done away with and one central ideal government may be thought of. But in these days when provincial autonomy is on the lips of every one, this ideal of a district autonomy responsible only to the central government may, at the outset, look fantastic. But, Sir, that is the form of government obtaining in the United States of America and it may be copied in India. District autonomy will be the most ideal form of government that can be adopted for the administration of India. The wrangle for linguistic provinces, like Utkal, Andhra, Karnatic, or the separation of Sind, will all go away, and village institutions will be better managed in each district. Each district being as big as the average Indian State, these districts may be self-governing units under the control of the central government. We have been working the present Reforms for the last ten years, and if they are to be worked on the present lines, I do not know how long it will take for the masses to understand the Government and to discriminate between the political issues, and to imbibe the political instinct of the Western nations. Indian politicians, even of liberal instincts, who have seen the advantages obtaining in the foreign countries, when they come to India, have to look at things as they appear here and have to defer to the communal prejudices which set at naught the true interests of the country. Everything is not aright with the village artisans, with the economic conditions of the village, with their education and with their moral standards; and he is no leader of the country who does not feel the ills and diagnose the same and take his courage in both hands to expose the weakness and seek the aid of the custodians of the popular welfare, that is, the present Government, in order to better the condition of the people. There is no use becoming touchy or sentimental when the weak spots in our character or our social evils are pointed out, or denying the same where they exist, or pointing out such evils or worse conditions in the habits of a foreign nation. The true well-wisher of the country must begin the spade work that was begun by the late Mr. Hume or Mr. Gokhale or Sir William Wedderburn, in the villages. We have a few workers in the villages and they are becoming rapidly popular, and we want the aid of the Government to help and to come to their aid.

By these words I do not mean to speak disparagingly of the work of some of the leaders of our country, who think that they can bring in a better state of political and economic conditions by their endeavours to rectify the Government from the top, and that they should therefore begin at the top. What I want to say is this: let us not forget the other side of the work, such as is being done by the Servants of India Society, Mr. Kelkar and others, that is, work from the bottom, the village unit. I shall only give expression to my view that real and honest efforts lie in unostentatious work in the village unit, which, I see, many are doing and have begun to do. My friend, Mr. M. K. Acharya, will tell the Assembly how the late Mr. C. R. Das himself came to feel like that in his later days. It is depressing at the present moment to see the conditions prevailing in the villages. No worker can be optimistic of the future of India if he were to scrutinise the moral and material degradation of the people daily. It is to bring in a better state of things and to create a powerful village unit that I venture to seek the aid of the Government to help the workers in this direction. With these words I beg to move my Resolution.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadian Rural): Sir, I am thankful to my friend, Mr. K. V. Rangaswami Ayyangar, for having placed this Resolution in the very clear manner in

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which he has done before this House. I should confess that I am responsible for the wording of this Resolution, but only for the wording. I have no right to take any credit for the central idea, which belongs to some one else, to one far greater than myself, I mean, the late Deshabandhu C. R. Das; and I am glad to see that, unlike other Resolutions subjected to the scrutiny of Members, this Resolution has not got any amendments so far tabled under it. I find no amendment of any kind; and I hope therefore I may take it as an indication that there is not much difference of opinion with regard to the subject matter of this Resolution. Nevertheless, Sir, I have just a few words to say in pointing out what I consider are the issues involved in this Resolution. I will state them in the form of a few questions and answers.

The first question is whether rural autonomy on a wide scale is desirable. This Resolution wants rural autonomy on a wide scale; and it recommends to Government to appoint a mixed committee of officials and non-officials to inquire into the rural conditions at present existing, and to suggest various means for organising rural autonomy on a wide scale. Now, my answer to that question is, yes, both for administrative efficiency and for constitutional development; and my authorities are these. In their Report, the Decentralisation Commission, which visited this country about 20 years ago, said this:

"The foundation of any stable edifice of local self-government, which shall associate the people with the administration, must be the village".

This is what they have said on page 439 of their Report. Secondly, even according to the Preamble to the Government of India Act, the policy of the British Government in India is declared to be:

"The development of self-governing institutions with a view to progressive realisation of responsible Government in India".

The development of self-governing institutions, therefore, must begin in the village; the village is and has always been our lowest administrative unit. And lastly, I rely on the authority of the late Mr. C. R. Das, than whom there was no stauncher patriot or greater statesman in India. In his famous speech delivered at the Gaya Congress, he said this:

"To me the organisation of village life and the practical autonomy of small local centres are more important than either provincial autonomy or central responsibility".

In this one sentence, that most powerful exponent of rural autonomy has practically given all his thoughts on the subject. He has said in another place:

"If to-day the British Parliament grants provincial autonomy in the provinces with responsibility in the Central Government, I for one, will protest against it; because that will inevitably lead to the centralisation of power in the hands of the middle class. I do not believe that the middle class will then part with their power. How will it profit India, if in place of the white bureaucracy that now rules over her, there is substituted an Indian bureaucracy of the middle classes?"

Therefore, in his opinion, if any true scheme of Swaraj is to be evolved, and all India should mourn that he has not been spared to us to evolve a suitable scheme for attaining Swaraj on right lines, we ought to begin with the village as the starting unit. So, Sir, on these three authorities I come to the conclusion that rural autonomy is desirable, and indeed

very necessary, both for administrative purposes and for constitutional advance.

The second question is this: Is not such development of rural autonomy to be left entirely in the hands of the Provincial Governments? My answer is, no; because after the recommendations of the Decentralisation Commission in favour of the village panchayats, the progress made in that direction by Provincial Governments during the last twenty years has been very tardy. Even after the Act of 1919 came into force, even after local self-government has been made a Transferred Subject and placed in the hands of Ministers, the progress made during the past nine years has been very tardy indeed, if the figures are to be trusted. The House may remember that some time last Session I had given a number of questions asking for statistics; and these are the figures I got from Government. For the whole of India the total number of towns and villages is 500,042, according to the last census. The total population is 246.9 millions. The total number of villages with a population under 500 is 346,138; the total number of villages with population above 500 and below 5,000 is 133,573. And there are only 2,313 towns in British India, of which less than 750 are big enough to form municipalities. The number of district boards and municipalities is 224 and 749 respectively. The number of union boards and village panchayats for the whole of India is only 9,747 for five hundred thousand and odd towns and villages. There have been established during the past ten years in all the provinces put together only 9,747 village unions, village boards, village panchayats, of any kind. This is ample proof, I contend, to show that the subject of local self-government has been handled by the Provincial Governments, by the Ministers responsible in the various provinces, in a manner not at all conducive to the best interests of the country. The figures show something very deplorable indeed. Therefore, I say that because the Local Governments have been doing their work in a manner which is neither to their credit nor to the advantage of the country, the matter must be inquired into, in order that some comprehensive scheme could be evolved. I repeat that no efficient scheme has so far been evolved in any province up to date. Therefore, Sir, I think the time has come, before any large step in the direction of constitutional advance is taken, for us to tackle this question seriously.

Now, Sir, the next question I propose to answer is: Why should the Government of India deal with this subject? Well, I have already given some of my reasons. The Central Government should tackle this problem as provincial Governments have failed in their duty. I might also give some other reasons; and here are some: The Government of India ought to take steps to emphasise rural autonomy as the basis of provincial autonomy and central responsibility. The late Mr. C. R. Das has pointed out how it is only the Central Government that can take effective steps to evolve some scheme of Swaraj or responsible Government which will integrate together rural autonomy, village autonomy, provincial autonomy and central responsibility, all into one living comprehensive whole. Secondly, we want some comprehensive scheme integrating rural and provincial autonomy, which can be adapted to provincial conditions; and thirdly, we should find a solution to the problem of a proper and workable franchise to the Provincial and Central Legislatures. For this purpose the development of the panchayat system, or rural autonomy is

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very necessary ; it deserves to be carefully inquired into. I may show how it is very necessary in a minute. For example, universal adult suffrage in present Indian conditions for the Provincial and Central Legislatures is quite impractical and undesirable. If universal adult suffrage is introduced, it will be fraught with most undesirable consequences. The demand has been made, for instance, by the Nehru Committee, who, in their Report, suggest 500 seats for the House of Representatives corresponding to the Assembly to be elected by all the people, men and women, of all grades and sections above the age of 21. This will mean at least 125 millions of voters, roughly, calculating the adults to be half of the total population ; that is to say, one quarter of a million for each seat, or two and a half lakhs of votes for every seat in this House. Two and a half lakhs of voters for every seat ! My European friends do not know what it is to go about in a constituency and get votes. Two and a half lakhs of votes for every seat in the Lower House of the Legislature is a number which I should consider to be fantastically too large, because of the 250,000 not more than four per cent., or 10,000, can be expected to take any intelligent interest in the many questions that may come before them or on which they may have to send up their representatives ; and all the remaining 96 per cent., for at least the next 50 years to come, will be people who will be amenable to every kind of demoralisation that takes place in the course of an election. This is an instance to show that direct election to the Central Legislature in the years to come will be a problem of very great intricacy.

It is in view of all this that the Resolution recommends that there should be a preliminary inquiry into the conditions prevailing in the various provinces. It recommends that the inquiry should be conducted by a committee of officials and non-officials. It further recommends that the inquiry should not be a blank inquiry conducive to no purpose, but an inquiry which should try and find out ways and means by which village panchayats can be established, based on the ideal of full rural autonomy. I know there are some nominal panchayats already established in many provinces, and in my own province particularly. These panchayats are not, however, autonomous. There are separate different panchayats for different matters. These are disunited ; and that is a thing which is very, very undesirable. The Government do not care to study what the Decentralisation Commission twenty years ago wrote about these things. Having a number of small committees or small panchayats, in the rural parts, in one and the same village sometimes, is rather dividing the attention of the people and not concentrating it. I want integration and not division. Therefore, we have got it stated in this Resolution, moved by my Honourable friend, Mr. Rangaswami Ayyangar, that practically all the very many directions in which the people should develop, such as, agriculture, minor irrigation and forests, cottage industries, village sanitation, education, etc.,—all these very many sides of the life of the village people should be entrusted to one and the same village panchayat. Such village panchayats should be elected, and they alone or the adult franchise system, because there the people know what problems concern them most. They know what leaders they would like to have in each village panchayat. That was how, in the past, as has been often pointed out, these village panchayats had been small little republics, each

one a republic in its own area ; and that would probably be the very best kind of self-government we can have in the future as well. With integration greater and greater, higher and higher, embracing the villages, the districts, and provinces, and the whole of the Empire—in that way the whole scheme is to be involved. These are some of the ideas that have been in my humble mind ever since I first heard, and pondered over the words of my late revered leader, the great Deshabandhu Das. Therefore, Sir I support with all my earnestness the Resolution which has been moved by my Honourable friend, Mr. Rangaswami Ayyangar, and I hope the House will accord to the Resolution the careful consideration that it deserves, the very sympathetic consideration that it deserves both from the standpoint of administrative efficiency and from the larger standpoint of constitutional advance. I support the Resolution.

**Mr. President :** The House stands adjourned till a Quarter to Three.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Sir, I had hoped that it would be my good fortune to remain a silent Member of this House until such time as I have become better acquainted with its forms and procedure and more inured, if I may say so, to its atmosphere, but the fortune of the ballot has not been kind to me and no less than three of the five Resolutions on the Agenda for to-day affect the Department which I have the honour to represent in this House. I can only crave, Sir, in these circumstances that indulgence which you and the Members of this House, I know, invariably extend to new Members.

I do not propose, Sir, to follow the Honourable Mover of this Resolution in the details of the constitutional changes, the far-reaching constitutional changes, which he proposes. As I understand it, he wishes to abolish Provincial Governments entirely and desires that the Government of India should deal directly with a multitude of village authorities. I prefer, Sir, to take the facts as they exist and to state as clearly as I can the attitude which the Government of India has always taken on this question and the attitude which they propose to take to-day. It is impossible to see the Honourable Member's Resolution in its proper perspective without a brief resume of past history, but I promise not to make this longer than is absolutely necessary. The Report of the Decentralisation Commission of 1909 may be said to have brought the question of the village panchayat system first into prominence, though the possibilities of providing some organisation for the development of village life had been discussed from time to time before that. In the section of the Report of the Decentralisation Commission which is devoted to the village panchayat, that Commission indicated the lines on which, in their opinion, such panchayats should be developed. They did not contemplate, I may point out in passing, any additional machinery for the promotion of local self-government in the sense in which that term had been used in previous official literature. It was their desire to develop the corporate life of the individual villages and



[Sir Frank Noyce.]

to give the villagers in them an interest in and some control over local affairs. They recognised very clearly—and that is a point which I wish now to emphasise—that the differences in character of villages, not only in different provinces but in different parts of the same province, necessitated caution in taking up the policy of developing panchayats. While they indicated certain general functions and powers which might be allotted to panchayats, they were careful to explain that there should be no question of developing them on an uniform system. The next stage was reached in the Resolution of the Government of India on local self-government in 1915, in which the Government of India expressed their general concurrence in the lines on which the Decentralisation Commission had proposed to develop the panchayat system. They again left the matter in the hands of Local Governments, but suggested certain general principles as indicating the lines on which advance was most likely to be successful. I need only here refer to the first of these. They are eight in number, and it is unnecessary to read them all. The first of them lays down that experiments should be made in selected villages or areas. It was this Resolution of the Government of India which may be said to have given the first stimulus to the development of the panchayat system. In 1915, the Government of Assam passed a Local Self-Government Act, which provided for the constitution of village authorities under the aegis of district boards, which might delegate minor duties to the village authorities and make grants for the performance of those duties. A special committee investigated and reported on the subject in the United Provinces. Again, Sir, we have another Resolution of the Government of India in 1918, in which they desired that the matter should be further pursued and, with certain exceptions, concurred in the views contained in their Resolution of 1915. They recommended that, where it was decided to call a panchayat into existence, the legislation entailed should be as simple and as elastic as possible, with full liberty to fill in details as experience demanded. They considered it, however, very necessary that action should be taken as soon as possible, and the result of the Resolution was that every major province between 1919 and 1922 passed a Village Panchayat, Village Self-Government, Village Administration or Rural Self-Government Act, with the exception of Assam, which already had one, and which passed a new Act in 1926. My object in giving here this historical retrospect is twofold. In the first place, I wish to point out that, even when the Government of India had far more extensive powers in regard to local self-government than they have to-day, they recognised that the development of village panchayats must be a provincial matter. In the second place they emphasised time and again the impossibility of imposing any uniform system of panchayats owing to differences of local conditions, which are no less striking to-day than they were then. The progress which has been made in the different provinces since the beginning of the Reforms era has shown the soundness of this view. I am sorry that the figures I have regarding the number of village authorities are not quite up to date, as they were prepared for the Statutory Commission, but I think they are more up to date than those quoted by the Honourable Member of this Resolution.

**Mr. M. K. Acharya :** I got the information from your Department.

**Sir Frank Noyce :** I hope they gave you the latest figures. In Bengal, for example, there are about 2,800 union boards.

**Mr. M. K. Acharya :** How many villages ?

**Sir Frank Noyce :** I cannot quote the number off-hand. I can only say that there are about 2,800 union boards in Bengal, and it is reported that they have justified the hope that an advance in local self-government may be based on village organisation.

**Mr. M. K. Acharya :** I think there are about 5,000 villages.

**Sir Frank Noyce :** In the neighbouring Province of Bihar and Orissa, there are only a few hundred, and most of them are reported to be apathetic. In the United Provinces, which had in 1926, and probably to-day has, more village panchayats than all the other provinces put together, it is stated that they have in many cases justified themselves and done useful work. In the Central Provinces and Bombay, on the other hand, they have not met with any great measure of success, and in both these provinces in 1925, a committee of inquiry was appointed to find out the reasons why no greater advance had been made. I think, Sir, the action of the Governments of the Central Provinces and Bombay shows the best method of dealing with this difficult question. It is evident, I think, that no all-India Committee could hope to deal with it successfully, and that it is a matter which Local Governments must tackle for themselves. In these circumstances, Sir, I do not propose to comment at any great length on the wording of the Resolution, though it seems to me to be open to criticism, and very strong criticism, on several points. I waited with great interest but in vain to hear the reasons which induced the Mover of the Resolution to confine his village panchayats to villages with a population of not less than a thousand. I am quite sure that there are many villages to-day with a much smaller population in which panchayats are working successfully. Then, again, Sir, he has given no clear definition of financial resources, nor has he given any idea of the extent to which these panchayats should expect grants-in-aid from Provincial or Imperial revenues. These, Sir, he probably regards as sordid details into which it is unnecessary to enter. I do not want to weary the House by quoting the provisions existing in the various Acts, which empower village panchayats to impose certain taxes and fees. The prospect of allowing village panchayats to administer all village concerns—agriculture, cottage industries, trade and banking—can hardly be regarded with equanimity. It would appear to afford excellent scope for socialistic activities but it would, I venture to think, involve measure of interference with individual liberty which would hardly tend to the successful working of the system. Sanitation, education, improvement of village amenities generally, civil and criminal jurisdiction in petty cases, are all duties which have been assigned to village panchayats under all or some of the various Acts under which they are administered. Trade and banking seem to fall rather outside the scope of panchayats.

**Mr. M. K. Acharya :** Why ?

**Sir Frank Noyce :** It is difficult to see what useful work they could do in that direction, especially in regard to banking.

**Mr. M. K. Acharya :** Go to the villages and see.

**Sir Frank Noyce :** Then, again, Sir, the Honourable Mover proposes that the panchayats should be subject to the technical advice and jurisdiction

[Sir Frank Noyce.]

tion of district and provincial officers and courts of law. This proposal, if I may say so, is entirely opposed to the true panchayat spirit. Local Self-Government is essentially a matter of decentralisation, whether as between the Government of India and the provinces, or as between the provinces and the village authorities. I am not quite sure whether the Honourable

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Mover has envisaged the results of the acceptance of his proposal. He asks that panchayats should be set up immediately in all villages with a population of a thousand and over. In the province from which both he and I come, there are about 13,000 villages with this population. I would invite the Honourable Mover's attention to the grave risk of failure which should follow if panchayats were set up in these 13,000 villages at once without the villages being ready for this form of administration. I cannot help thinking that district and provincial officers and courts of law would look with dismay at the prospect of appeals from this multitude of village panchayats. This, Sir, is however somewhat of a digression. I can only repeat that the matter is entirely one for Local Governments. Progress in this domain has not been uniform throughout. The reason is to be sought.

**Mr. M. K. Acharya :** Has it been satisfactory anywhere ?

**Sir Frank Noyce :** I think, Sir, later speakers, with a more intimate knowledge of provincial conditions, will be able to tell the Honourable Member something about that. My point is that the rural conditions vary from province to province, and the best avenue of advance is to be explored by Provincial Governments. The Government of India cannot impose a committee of the character asked for by the Honourable Mover of this Resolution on Local Governments, and they have at present no evidence whatever that they would want or would welcome it. All I can promise, Sir, on behalf of the Government of India, is that the Government of India will gladly forward copies of this debate to Local Governments for their opinion and for any action that they consider suitable. I do not know whether this will satisfy the Honourable Mover of the Resolution, but it is all that the Government of India are prepared to do.

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this Resolution in a general way. I say "in a general way", and it is not necessary to say more than a few words for the purpose of generally agreeing with the main purport of the Resolution. As anticipated, the Honourable Member for Government has brought forward the patent objection to the motion that already village panchayats have become a matter of provincial administration. We on this side of the House, I think, are well aware of that fact. Many of the matters mentioned as subjects for consideration in this motion are already transferred subjects in the hands of Provincial Governments. That also we know, but what perhaps the Mover of the Resolution wants this Government to do is to evolve, if possible, a centralised policy for the guidance and acceptance of Provincial Governments. We have been promised to-day that the debate in this House on this motion will be circulated among the Provincial Governments. But perhaps that is not quite enough. We would like the Government of India to do something more and better, namely, to formulate a central policy for the guidance of Provincial Governments. There was a nice opportunity for dealing with this subject when the Agricultural

Commission sat and went to its business. Of course they were mainly dealing with cultivators, but the cultivators, we must know, are the principal inhabitants for whom we are asking for village panchayats. It is not as if the Agricultural Commission did not touch this subject of village administration or village welfare. It is no use making a complaint now about the Agricultural Commission, but this must be said, that they touched this subject in a somewhat distant way. It is not as if they did not go into it, for they gave, in my opinion, disproportionate place to the work that is being done at Gurgaon, and went into details for the guidance that might be given to the village people with regard to their welfare. That they did. They also mentioned the agencies in a general way through which this work of welfare could be done in the villages. But my complaint is that they did not touch this subject of the village panchayats, as such with a single word either of commendation or criticism. I really fail to see how the Agricultural Commission could not see their way to deal with the village panchayats in a closer manner. The complaint embodied in the Resolution seems to be that Government have not cared to tackle this problem in as full a measure as they should have done.

**The Honourable Mian Sir Fazl-i-Hussain** (Member for Education, Health and Lands) : Which Government ?

**Mr. N. C. Kelkar :** The Central Government.

The Decentralization Commission has been referred to on both sides of the House and that Commission made concrete suggestions for the formation and the work of the village panchayats. Later on, Provincial Governments passed Acts in their Legislatures to deal with village panchayats. That is true. But as a result of the working of the administration of the village panchayats in the different provinces, 20 years after the report of the Decentralization Commission, we find that there is a lot of variety in the work of the administration of the departments dealing with village panchayats. In some provinces we find local self-government is left entirely to its own sweet will and discretion to deal with the village panchayats. In other provinces we find Government taking a hand in the guidance of the village panchayats and directing their affairs and supplying them with finances. In that way, the fortunes of the village panchayats have naturally varied in different provinces. It may be claimed on behalf of Government that they have, by this, done all that they wanted to do or could do, but I would just refer the Honourable Member on the other side to Sir Malcolm Hailey's preface to the book entitled "Village uplift in India" by Mr. F. L. Brayne, and I will just read a passage out of that. In the opening portion of the preface he denies the allegation that Government have not so far done as much as they should have done in this respect. But later on he makes an admission which is strictly relevant, and which is also very valuable. He says :

"But the charge is to this extent true, that we have never made a direct and concerted attack on this problem; we have never deliberately attempted to effect that change in the psychology of the peasant, and in his social and personal habits without which it is impossible materially to improve his conditions of life. The reason did not lie entirely in the immensity of the task. It was obvious that we should have to encounter an enormous dead weight of conservatism and apathy; there were many who not unreasonably feared the result of preaching to the villager that discontent with his own conditions of life which was necessary to their improvement; and not many of us, to tell the final truth, have had the missionary spirit necessary for the enterprise."



[Mr. N. C. Kelkar.]

He is here speaking for Government.

"For the villager has the keen instincts of a man who lives very close to nature; he will not be persuaded by those (and this is the most important part of it) whom he has not learnt to trust, charm they never so wisely, and he will not trust those who do not seem prepared to put aside all other claims and considerations, in order to live with him, to learn his troubles, and to support him through them."

Now, I maintain that these last words of the quotation must be interpreted to mean more closely, more strictly to the village panchayats, for it is the village panchayat people who live among the villagers and throw in their lot with the villagers and share their troubles and fortunes and misfortunes. These village panchayat people will ultimately be the people who will be expected to do what is good for the villages in the nature of village welfare. Therefore, I take it, that Sir Malcolm Hailey, in the remarks I have just quoted, had probably in his mind the village panchayats or the people who constitute the village panchayats.

The Honourable Mian Sir Fazl-i-Hussain : No ; he had you and me in mind.

Mr. N. C. Kelkar : Now, as the Mover has himself suggested, the point is that a committee should be set up to inquire into these matters and to make recommendations. As I said in the beginning, it is not necessary to agree with him in every word, and if Government say that they do not see the necessity of actually appointing a committee of officials and non-officials, I can understand that. They may make a departmental inquiry if they like, but the point is that an inquiry is needed, whether it is by a committee or by a departmental agency associated with non-officials. I do not know about the fortunes of village panchayats in other provinces. If our friend, Mr. N. Gopalaswami Aiyangar, were here, he might have told us about the success of the village panchayats in the Madras Presidency. I was told by him, if I remember aright, that in the Madras Presidency they succeeded in forming a very large number of village panchayats and that the working also there is very successful. My friend, Mr. Aney, tells me that in Berar also the experiment has been a success. Unfortunately, on the other hand, in my own province, the Bombay Presidency, the working of the village panchayats is not successful. I could not exactly catch the words of the Honourable Member on the other side when he referred to the working of the Bombay Presidency. I do not know whether he said that the work was successful or unsuccessful.

The Honourable Mian Sir Fazl-i-Hussain : It has been unsuccessful.

Mr. N. C. Kelkar : Then, I entirely agree with him. Now, I may tell the House why, in my opinion, the result there has been different from other provinces, and what is the cause of the unpopularity of the village panchayats in my Presidency. In my opinion the success of the village panchayats, would depend mainly on two things, viz., the powers given to the village panchayats in respect of settling village disputes, and the powers of taxation. In both these matters the Bombay Act relating to village panchayats has clearly contradicted the recommendations of the Decentralisation Commission, as I will presently show.

In 1918 I think it was that a Local Self-Government Committee was instituted in my province and our worthy President was a member of that Committee, and I remember to have been a witness before that Committee. That Committee itself wanted to go into the question of village panchayats

if possible, and this point was also stressed by many of the witnesses that appeared before it.

I am absolutely certain that if the consideration of the village panchayats had not been excluded from the purview of the Local Self-Government Committee, to which I have referred, then very good recommendations might have been made. The Committee, I am quite sure, would have made recommendations to follow directly the lines of the recommendations made by the Decentralisation Commission. But Government excluded that matter from the inquiry entrusted to that Committee and took it upon themselves to pass an Act by itself specially for the village panchayats. In doing so, they acted in contradiction to the specific recommendations made by the Decentralisation Commission, the one relating to powers and the other relating to taxation. First of all, I will take the point about the powers. I have got in my hand the Bombay Act relating to village panchayats, and I do not find there any reference to any of the powers such as I have been referring to and such as have been recommended by the Decentralisation Commission. The Commission says :

"A panchayat should have civil and criminal jurisdiction in petty cases arising within the village."

This has not been done in the Act :

"We were told in the Punjab that the Native States of Patiala and Faridkot had recently instituted *zail*, or village panchayats, for the disposal of petty civil and criminal cases and that the results so far had been good. Some witnesses hold that the exercise of such powers might lead to injustice, through faction, corruption or undue personal influence; and the opinion has also been expressed that as popular sentiment has become accustomed to regular courts, it would not now tolerate a more summary and informal procedure. On the other hand, such jurisdiction is already exercised by individual headmen or munsifs in several provinces, and it seems to us that it would be still better discharged by a small collective panchayat. It is also most desirable to relieve the regular courts, to prevent the people from having to undertake long journeys for the settlement of paltry disputes, and to check the habit of undue litigation, which is so prevalent in some parts of India. Village benches may no doubt occasionally make mistakes, but neither are the stipendiary courts infallible; and false evidence, and the power of the purse, have less chance of prevailing in a tribunal which is directly under the influence of local public opinion and which can readily ascertain the real facts."

Sir, I do contend that in this important respect the Bombay Act has given entirely the go-bye to the specific and well-considered recommendation of the Decentralisation Commission. With regard to that, speaking about my own province, I would lay stress on this, because in my province at any rate there has been a good tradition, a well established tradition of village panchayats settling the village disputes, and in taking back that tradition to the beginning of the nineteenth century, I would refer this House to Mount Stuart Elphinstone's Report on the working of the panchayats in the Mahrashtra province from which I come. He says :

"But with all these defects, the Mahratta country flourished, and the people seem to have been exempt from some of the evils which exist under our more perfect Government. There must, therefore, have been some advantages in the system to counterbalance its obvious defects, and most of them appear to me to have originated in one fact, that the Government, although it did little to obtain justice for the people, left them the means of procuring it for themselves. The advantage of this was particularly felt among the lower orders, who are most out of reach of their rulers, and most apt to be neglected under all Governments. By means of the panchayat, they were enabled to effect a tolerable dispensation of justice among themselves; and it happens that most of the objections above stated to that institution do not apply in their case....."

[Mr. N. C. Kelkar.]

I do not wish to read to the House any more extracts, but the point is this. Till the beginning of the nineteenth century, these village panchayats had exercised elementary judicial powers with success. That is what Mount Stuart Elphinstone says, and with the break from that tradition perhaps the wrong began. Even after the specific recommendation of the Decentralisation Commission to give back to the village panchayats these elementary judicial powers, the Bombay Act took the matter out of the hands of the Local Self-Government Committee which they had appointed, and passed their own Act, and took special care to exclude this judicial jurisdiction from the powers of the village panchayats. That is one of the strong reasons why the village panchayats had not been popular, I do not say, successful. In my province of Bombay, the village panchayats are not as popular as they should be.

Then, I refer this House to the second point about the violation of the specific recommendation of the Decentralisation Commission by the Bombay Village panchayats Act in respect of taxation. By the by, before leaving that point, I would just mention that, a few moments ago, I asked my Honourable friend, Mr. Aney, as to the condition of the village panchayats in his province, because Berar and the Maharashtra are parts of the same province; the same mentality and the same social conditions prevail in both the provinces. The Village Panchayat Act of Berar gives that elementary judicial jurisdiction to the village panchayats, and my Honourable friend assures me that the village panchayats have been very successfully working, and that they are very popular. My contention is that it is a wrong done to Bombay by the Bombay Panchayat Act.

**The Honourable Mian Sir Fazl-i-Hussain :** By whom ?

**Mr. N. C. Kelkar :** By the Government which passed this Act.

**The Honourable Mian Sir Fazl-i-Hussain :** It was passed by the Bombay Legislative Council.

**Mr. N. C. Kelkar :** We know what Councils we have got, at least in certain provinces. That is why I say the Reforms have failed in that particular respect at any rate.

**The Honourable Mian Sir Fazl-i-Hussain :** They have distinctly.

**Mr. N. C. Kelkar :** Turning to the point about taxation, I would read from the Report :

" We consider it essential to the popularity and efficiency of the panchayat system that it should not be associated with any new form of local taxation, for the evidence shows that the imposition of taxation of this character has made such bodies as the existing unions and sanitary committees unpopular. Still less should such bodies receive power to raise such loans....."

I will not go into the details as to the sources from which the panchayat revenue should be derived in the opinion of the Decentralisation Commission, but one single sentence from the Report I will read :

" Finally, it is most desirable that the work of panchayats should be free from interference by the lower Government subordinates. Men of this class have their own reasons for opposing any real local control."

And the bad effects of this interference have been seen in the proposals for taxation. To put it briefly, the Commission say, in a general way, that the starting of village panchayat should not be concomitant—I am using the

words of the Report—with the levy of new taxation by the village people for the village people. Not that the Decentralisation Commission was not aware that revenues were wanted for the administration of village panchayats, but they wanted to give revenues by methods which had not been followed in the Bombay Presidency. Therefore my particular point is this.

These two important specific recommendations of the Commission have been grossly violated by the Bombay Government. After all, the Act may have been passed by the Legislative Council, but the Bill was a Bill of the Bombay Government, and when they did not themselves introduce these matters, or went about it in the wrong way, we of course could not expect that the local Council should have exercised such influence upon legislation that it should be put as it should be. (*A Voice* : " Why not " ?) I am asked, why not ? I will just refer my Honourable friend to the proceedings of the Council and ask him to find out for himself why is why. Here is Mr. Jayakar, who was at one time the leader of the Bombay Council, and he will perhaps be able to say how the Government officials went round in the Council itself to canvass for votes and to win their case. Of course I was not a Member of the Bombay Council.....

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : I was a Member of the Bombay Council.

**Mr. N. C. Kelkar :** Then the Honourable Member can settle it with my friend over here.

The long and short of it is this : If the points that I have raised are correct, then they distinctly prove that the recommendations of the Decentralisation Commission have not been strictly and closely followed. They have been departed from in material respects and therefore that makes out a case in my opinion for the Government of India proceeding to formulate a central policy by way of advice, if not enforcement, to the Provincial Governments in the matter of the administration of their village panchayats.

**Mr. E. F. Sykes** (Bombay : European) : Sir, I should like to say, first of all, that I oppose the motion. In view of the manner in which Government have agreed to meet the Honourable the Mover, I am surprised that he has not accepted the offer and withdrawn his Resolution. As he appears to wish to take the sense of the House it is necessary briefly to indicate the grounds of my opposition. I need not waste time in saying that there is no difference between the Honourable the Mover and myself as to the desirability of encouraging the growth of local self-government. I do not think there is any difference between Members of any part of the House on this subject.

To admit this, however, is by no means to admit the propriety of accepting this Resolution. It is true that the objection that this is a provincial transferred subject, and therefore outside the province of this House, is by no means decisive.

On the other hand, in cases of this kind, the necessity for the intrusion of the Central Government into the provincial transferred sphere needs to be well established, and I regret to say that, as far as I have been able to hear the Honourable Member's speech, I have heard no arguments of any weight on this point, and in the absence of a conviction of such necessity, the duty of the House is to reject any such proposal.

[Mr. E. F. Sykes.]

There are other reasons why I am not prepared to support the Resolution in its present form, but you, Sir, have supplied the House with an argument which to me appears to be final. In advising the Honourable the Mover of the motion, which stood just before on the paper, not to proceed with his motion, you were pleased to observe that the questions involved were in the melting pot, and the discussion of them at the present time would serve no useful purpose. I submit that the same argument applies equally to the Resolution now before the House. The statutory inquiry now in progress can hardly fail to deal with the question of local self-government, and to send an independent committee cutting across its tracks would be obviously a waste of time, money and effort.

**Khan Bahadur Mian Abdul Aziz** (Punjab : Nominated Official) : Sir, in rising to speak on this subject, I do not wish to utter a single word in a spirit of controversy, but I do think that a certain amount of information which is available might be useful to the House, because the Honourable Member who has moved this Resolution has in that Resolution desired that panchayats be formed for dealing with such subjects as Agriculture, Minor Irrigation, Forests, Industries, Village Sanitation, Education and Co-operation. Now, Sir, the information that I want to give the House is that, in the Punjab, the Punjab Village Panchayat Act of 1921 was enforced in 1922. In this Act, apart from the power of trying certain criminal offences given to these village panchayats, and apart from the powers given to these panchayats to deal with civil suits up to the value of Rs. 50, and apart from dealing with certain other questions that arise naturally in the every-day life of the village, like the cleansing of their streets and drains, certain administrative functions were assigned to these panchayats, and I shall give a brief list of some of these administrative functions. Section 18 defines the administrative powers of the panchayat which are, to require by notice, given within a reasonable period, the owner or occupier of any building to remove any encroachment, to set right any pool, ditch, latrine, etc., the cleansing, removal and disposal of any street rubbish, and a number of other things. Cottage industries and various other activities are also included in the sphere of action of a village panchayat. Then the rules are such that these can very easily be extended to give these panchayats very much wider powers over the life of the village as it is. The Honourable Member who moved this Resolution of course said in effect, take the Government of India to the village. That is a matter which, merely as a matter of theory, has my support : but when I examined the working of these panchayats in my district two years ago and again last year, this is the difficulty that I found. In this Panchayat Act the most wholesome provision is that the panchayat shall not entertain any clerical establishment. That is clearly given in the Statute and for a very simple reason. We had this Act in 1921. We had an Act in 1912, which was repealed by this Act. We have found by experience over and over again that, when there is a mohurrir under a panchayat or in a Bench of Honorary Magistrates, the mohurrir becomes the master, and the panchayat and the Honorary Magistrates assume a subordinate position. It is an unfortunate thing, but that is the fact. So there is this most wholesome provision in this Act that the panchayat must work by itself and must not have any clerical establishment.

Now, Sir, in my last district, out of 1,008 villages, I think the panchayats are working satisfactorily only in 20, and in those 20 I often

had the difficulty of finding a literate sar-panch. I tried to extend this list by another 18, and I invited petitions, and I found that, although I had selected only 18,—I give these facts so that the House may judge of the enormous difficulties that stand in the way,—out of these 18, two or three could not work the panchayats, and in the large remainder, i.e., in 970 villages excluding these 38, at present the demand is not there. I do not really wish to say a word in a spirit of controversy. Hasty reformers want to impose their will on the village and they do not want to act as the servant of the village. My wish on the other hand has always been that the villagers should think for themselves and get rid of their habit of blind obedience. What I have attempted is to let them come forward and say what they want ; but for each sub-division of the province the factors of the problem are really different, and an all-India inquiry or an all-India solution is something impossible. You cannot do it ; it must grow from within, from that village. The Honourable Mr. Kelkar, of course, laid his finger on the real root of the trouble, and it is this, that village panchayats will not work because of the necessity which is involved in efficient working, of imposing taxation. That is really the whole root of the trouble. In the whole of my district, it was only with great difficulty that I was able to induce one panchayat to impose a very nominal tax in order to achieve some sort of elementary cleanliness. But that is not all. In the working of this system, if Honourable Members will ever take the trouble to see some provincial Report dealing with the working of this Panchayat Act in the villages, they will find that there is a long statement at the end. On the top of that are given the sections showing whether the panchayat has taken action under, for instance, sections 14, 18, 18 (a) and so on.

They will see that the only thing that panchayats touch throughout consistently is this : the panchayats will exercise their criminal powers to a certain extent ; they will deal with civil cases to a certain extent ; but in so far as their administrative functions are concerned, so far as village sanitation and other cognate subjects are concerned, the statement attached to the provincial Report will show that the column showing administrative work done in the course of the year is almost blank because those people at present have not been educated up to the level of seeing that that is a greater duty than merely dealing with petty cases. I say that, Sir, because I am thinking of the village, not as it is on paper, but as it exists there in actuality. I mean to say, I am thinking of their hearts, their traditions and their relations with one another : that is the village ; it is not merely the area in which a few mud huts exist that is the village ; it is not the insanitary condition that is the village ; it is the traditions which those people have, the interrelationship of one group of residents with other groups of residents—the landlords and the menial classes for instance—that, and the whole continuous life which they live, that is the village ; and I found often and often that even, with the very limited franchise that we have at present by which only a certain number of rate-payers can elect the panchayat, the difficulties of reconciling all interests are enormous. Of course the election is entirely by majority and there is no communal feeling, but the Mover in his Resolution has insisted on an adult franchise. I believe those of us here who have lived in villages will at once realise....

**Mr. M. K. Acharya** : Have you first-hand knowledge of the districts and villages ?

**Khan Bahadur Mian Abdul Aziz :** For twenty five years.

**Mr. M. K. Acharya :** As an official—not as one who lives in villages, but as a taskmaster.

**Khan Bahadur Mian Abdul Aziz :** I am a servant, and I have always been one, and I am yours too. As I say, at present the franchise is limited. Suppose you desire to apply adult franchise. Take the case of a village where there are 50 landowners and 950 tenants, and apply the adult franchise to them, and you will at once find out the difficulty of the landowner. The landowner may be a very reasonable man and may have every sympathy with his tenants and menials, but I doubt whether he will approve of this adult franchise as it is contemplated in this Resolution. That is also partly the reason why, where these panchayats are popular to a certain extent because their decisions in civil and criminal cases are just and not open to question, still, when they come to deal with questions that affect the everyday life of the other people, for instance, the broadening of streets and the removal of encroachments and the like, they find it difficult to touch those subjects and they do not want to touch them.

But, Sir, there is another aspect of this matter. My Honourable friend, Mr. Acharya, asked me if I had ever been to a village. Since I spoke last in this House, I have been to about more than fifty villages, and to about more than two hundred houses in each village, inside. I went there to beg those people, in accordance with my policy—I never want them to obey as I want them to think and then if it appears to them to be right, I want them to carry it out into practice—I went there to beg of them not to keep cattle in their own dwelling houses—particularly in the places where they slept. If I were a cynic, I could say that those human dwelling places were really not fit for cattle and it was hardly fair to human beings to be compelled to live there. But I have worked for the villager and I really mean to serve them, and therefore I went to argue with them and persuade them to keep their cattle separately a little removed from the place where they slept, and as I said I went very nearly through fifty villages and two hundred houses in each village on this little mission ; and I found that in connection with this question of dealing with cattle alone, the village panchayats are particularly powerless, though cattle are the most important element in their agricultural operations. They are powerless in this way. A large number of menials who live in the villages and who for grazing all their cattle and feeding and housing them, depend to a very great extent on the sweet will of those in authority are not in a position to do the needful. It is all right if everything is harmonious. But suppose you introduce this adult franchise. I say, with due respect, you will be plunging the villages more into anarchy than improving their condition.

There are one or two other facts which I took note of when Honourable Members spoke on this subject ; and the point which appeared to me of importance in particular was that the Honourable the Mover of the Resolution said that co-operation might be made an imperial subject instead of remaining a provincial subject. The interest that I have taken in the subject shows me that, in so far as the Punjab is concerned, the suggested change might perhaps—I speak with due deference—not be useful. The Honourable Member's object was that usury should be stamped out. Those were his very words. I may inform the House that in the Punjab co-operation has been successful ; it has been successful in a large

number of places ; but where it has been pre-eminently successful, the original members of those co-operative societies, during the last ten years, have been able to take out a loan without paying a penny of interest. That is a thing that is really unique. But there are several such cases. Similarly, we have not only the lending societies ; but we have societies of every kind specially suited to the requirements of our various villages ; and strangest of all, I can inform the House that even Mussalmans are now not so shy of co-operation as they were at one time. At one time, of course, it was something horrid to think of asking a Muslim to join a co-operative society.

It occurs to me that one part of this co-operative movement might be affected materially for the worse if the subject is brought under the control of the Central Government, and that part is the one for which I believe the Punjab, under Messrs. Calvert and Darling's great lead, has already earned a very great reputation—I mean the consolidation of holdings. On account of our unfortunate laws of inheritance, the holdings in a large number of villages have become fragmented to an extent which it is perhaps not possible to conceive for those who have not seen it actually on the spot. In a district where I had the honour of serving there were not more than five hundred small villages ; and in each village there were more than fifty fields of a size that could not profitably be cultivated. A grandfather left five fields of a fairly workable size ; and there are now about ten grandsons who have split up those five fields in fifty different portions on all sides of the village and each one had to take his cattle to ten different places, as the plots were divided up on all sides and the holding is no longer an economic unit. This fragmentation goes on not only in regard to land, but even as regards water channels and in other directions also energy is frittered away. My object in referring to the proposal to make co-operation a Central subject is simply this : that it is through the co-operative movement that we have been able to advance very remarkably in the direction of consolidation of holdings. If the Provincial Government loses control of that subject, I doubt very much if the Central Government will take any interest in it.

Another aspect of the matter that was urged in the course of the debate was that the social and personal habits, as well as the psychology of the peasant, required considerable improvement. Sir, I have very great admiration for the peasant, even as he is to-day. One has to live with him, work with him, and work for him to realise the real greatness of the man. It is very easy to condemn him and to say that he is superstitious, sentimental and so forth, but one has really to work with him and live with him to realise that the Indian peasant has some noble characteristics still left in him, characteristics better than those that the average man in the city can claim to possess. I have worked for the *jangli* and I have in some respects yet to find better gentlemen than the *janglis*. What has really happened is that, on account of the very complex social and religious system, the peasant has been ground down to a kind of obedience to certain conventions which are very difficult to get out of him. It is not the peasant who does not want to get out of those conventions ; it is the higher strata of society which want him to adhere to those time-honoured conventions. He is not given an opportunity to progress himself. He is not given an opportunity by the leaders of public opinion to improve himself in social matters. . . . (An Honourable Member :

\* [Khan Bahadur Mian Abdul Aziz.]

"By the Government".) I will give a definite instance, if necessary, but I do not want to say anything controversial. All that I want to say is, by all means give the peasant the best institutions that will give him the very best of life that any man can have on the face of the earth, but do not blame him that he is backward or that his social and personal habits are such that it is impossible for him to progress. All that the peasant wants is that a great deal of his money should not go away in fruitless endeavours to better his condition through legal processes. I will not say anything more. Therefore, I would very respectfully suggest that those who advocate the establishment of village panchayats, or those who will very kindly assist in the betterment of the panchayats that already exist, will kindly drop that note of accusation against the peasant, because he is, after all, not a bad fellow; he is willing to obey. As I said, instead of accusing the peasant, those who advocate the establishment of village panchayats will be really doing a great service to the peasant if they will take up this work as servants of the peasant.

I believe my Honourable friend, Mr. Kelkar, said that there should be a centralised policy for the guidance of Local Governments. Now, Sir, I only wish to say this once again on the basis of actual experience derived from actually working with the people, that this House will be doing its duty by the country if it gives the peasant an opportunity to feel that he is being treated by his own people fairly and equitably, and that the people of the country who advocate the village panchayat system are his co-workers and not his masters. Therefore, what we want is not a centralised policy, but real sympathy for them to enable them to express what they want and what they consider is best suited for them. If this is conceded, then I suppose it obviously follows that the suggestions contained in the Resolution before the House are not suited to the requirements of the country as a whole.

**Mr. M. S. Aney** (Berar Representative) : Sir, I do not want to make a long speech, but as reference has been made to me by my Honourable friend Mr. Kelkar, I think that it is necessary for me to intervene in the debate to explain a few points at this stage of the discussion. One Honourable gentleman mentioned, in opposition to this Resolution, that the proper place for the discussion of a question like this was not the Central Legislature but the Provincial Legislatures. It is true that, under the existing constitution, the subject of village panchayats is a provincial transferred subject, and the proper place for the discussion of this subject would ordinarily be the Provincial Councils. But I am not looking at the question purely from a technical point of view. The Central Government have a great responsibility in this very vital matter, and I am sure they cannot altogether ignore it. May I hope that they will be ready to shoulder that responsibility at this late hour at least?

The first point which I want to make out in this connection is, the whole question of the self-government of India has been kept by the British Parliament entirely dependent on the fulfilment of conditions laid down in the Preamble to the Government of India Act, and the policy that is behind it is that there should be the development of local self-government all over the country, and it is the success of these self-governing bodies that is going to determine the measure of self-government which this

country is to be deemed fit for. Now, that is a policy to be worked out, not merely by the Provincial Governments, not by the people of this country, but by the Government of this country also. In fact, the responsibility for carrying out this policy is all the greater upon those who have enunciated it. If the development of self-governing institutions and their success are going to be the criterion of the measure of self-government which this country is to be given, then who are going to work for the creation of these self-governing bodies all over the country? If this question is put, can the Government of India say that during the last nine years that the Government of India Act has been in force, they have made any very serious attempt for the sake of developing these self-governing institutions in the villages? The answer is that, so far as the Government of India is concerned, they have done nothing of the kind; if anything, they have done very little.

**The Honourable Mian Sir Fazl-i-Hussain** : Nothing at all.

**Mr. M. S. Aney** : On the other hand, that the people have shown some sort of earnestness in this direction is amply borne out by the fact that, in the various provinces, the Ministers in charge have tried to give such encouragement to these institutions as they could possibly do within the limited means at their disposal. We have been hearing that question of the limited resources of the Provincial Governments discussed times out of number on the floor of this House, and various claims have been made on behalf of various Provincial Governments for getting something out of the Central Exchequer for their own development. So their own means are no doubt very limited, but within the limited means at their disposal, the Ministers are making an earnest effort. But what I find is this, that the implication of the policy that underlies the Government of India Act has not been sufficiently realised even by the Provincial Governments; that is real and an undesirable evil. They will be able to realise this only if there is an impetus from the Central Government goading them on to know what their responsibility in this matter is, and all that this Resolution demands to-day is to give some sort of impetus to the Provincial Governments by organising a committee to investigate into these matters and find out what is the proper way to encourage them on the path on which they are already making some progress. That is what this Resolution really stands for, and if you take this particular view of the question into consideration, the technical objection which seems to have been raised by some people will not loom large and will not in any way prejudice the real question which has been raised by the Honourable the Mover of this Resolution.

Secondly, there were apprehensions in the minds of the people some years ago that the villages themselves would not take kindly to these new and novel institutions. In the first place, this was an ill-founded apprehension, because, if there is anything deeply-rooted from times immemorial in the hearts of the Indian people, it is the institution of the village panchayat itself. Its external form may be somewhat different from the one which we propose to set up, but that there was a village panchayat or some sort of institution in every village which practically administered and managed the village affairs, without being in any way impeded or interfered with by any Central or Provincial Government, is a fact that no student of history can afford to deny today. This is the oldest institution in this country, and it has continued and survived according to the



[Mr. M. S. Aney.]

historian's verdict, in spite of the various causes operating against it and the storms of political revolutions that have blown in this country. Here we have a natural, old, time-rooted conception which it should be the duty of every Government to develop. I am not going into the question how the time-honoured, old institution has been destroyed. I am not here today to apportion the blame for the same to anybody, but there is the fact that, under the British Government, that institution has practically become lifeless or extinct even. But fortunately the Government of India have now taken to a policy where the development of such institutions is deemed essential for the further progress of this country. Now at least, in this limited sphere of activity, there is a common ideal for both the people of the country and the Government of India to work and strive for. The development of these village institutions is an essential thing in the case of both. That being the case, we are not working now against each other or for anything that is entirely new and alien to the conception of the people; we have to work together for an idea which has been innate, inherent in the people of the country. So, that is one aspect which is undoubtedly favourable.

Again, the actual experience of the policy during the last ten years, which I have had in my own province, encourages me to say that, if proper steps are taken to encourage the people on in this direction, the villagers themselves will come forward and take to these things more cheerfully, and will also work for them in a spirit to develop them as rapidly as possible. In my own province the experience was for some years that all our efforts to induce the villagers to apply for an institution like that used to prove futile. On one day we used to go among the villagers, meetings used to be held, there used to be consultation with a number of their leaders and the villagers used to say, "yes", and even an application was sent signed by all the villagers in the locality. Then an officer used to be sent down to make inquiries, and he used to bring out a report that there was strong opposition to the establishment of a new institution.

Now, it simply puzzled me and other friends to see that they were the same identical villagers who said "yes" to us, and who wanted that a panchayat should be established, but who, the next day, somehow or other turned round and said "no" to the inquiring officer. That sort of thing went on for a number of years, and the village panchayat system could not make any progress. After all we found out the real reason. We tried to understand why this was so, and we have found out that somehow or other, though the general policy of the Government of India in this matter was not avowedly adverse, the officers of the Government themselves were not imbued with the spirit which was behind it, and they thought that the development of self-governing institutions was a nuisance. They felt that they had enough difficulties in dealing with these municipalities, district boards and such other things and they would have no more by allowing each little village to have a municipality of its own. It was in their opinion going to prove a new source of nuisance, and they thought therefore that they had neither the inclination nor the time to look into these matters. Therefore there was a sort of apathy on the part of local officers and district officers and provincial officers. For that purpose what we first insisted upon when the

Ministers came to take charge of the provincial departments, was that the Provincial Government should appoint a provincial Panchayat Officer. When that officer moved among the villagers with the authority of the Government, we found a slow change coming over all these district despots or Deputy Commissioners. They began to take first kindly and then seriously to the idea, and to co-operate with those who were working for this reform. If there is some progress in the development of these institutions in my province, I give much credit to the provincial officer who was appointed by the Provincial Government at the insistent demand of the Provincial Council. When that officer moved among the people, the district officials also thought that that was the policy of the Government and therefore that they must do something in that direction. Immediately their angle of vision was changed, and the people who did not want these institutions before, also began to appreciate the virtue of village panchayats. There are nowadays numerous applications made every year by the villagers for the establishment of village panchayats in their own villages. In fact, I understand there are more applications than the Deputy Commissioners and the district boards can conveniently dispose of. I am told that there are nearly 50 applications pending in my own district, not to speak of the whole province. In my own district, 50 applications have been pending for the last few months, and they have not been disposed of. Nearly thirty panchayats have been established, excluding the seven or eight which were established before, some five or six years ago. That shows that the people have been taking to it kindly and the report of the Provincial Government on the administration of these panchayats shows that, though there is much need of help and advice to those who are working on these panchayats in the different villages, still the general spirit in which they are working has been commended by the Government as promising and hopeful.

These are facts which clearly show that we have to work under conditions which are favourable and not unfavourable. Now a grant of Rs. 300 is given to every village for the first year as soon as the panchayat is started. So the question of monetary difficulty is at once solved and the Budget of the Central Provinces Government has made provision for a few thousand rupees for the sake of helping the establishment of these panchayats in the province. Again, both the Ministers and the popular leaders are working for the sake of multiplying these institutions, by persuading the district boards also to surrender a part of their revenue from those villages where these panchayats are formed. One source of revenue of the district boards in my province is bazar revenue, and certain district councils have deliberately resolved that, if there is a village panchayat formed, a certain portion of the bazar revenue from that village should be surrendered by the district board. In this way these panchayats would hereafter get another source of income. Another thing which is making these panchayats popular and worth having in Berar is the conferring of judicial powers on the village panchayat under the Village Panchayat Act. This was the crux of the whole thing. It was at one time apprehended that these village people who used to quarrel among themselves like anything, and among whom a factious spirit existed, were unfit to be entrusted with judicial powers. Now, some 30 village panchayats have been invested with these powers in my district and some 20 more are in the process of formation. These 30 panchayats have been working satisfactorily. Appeals are sometimes preferred to the district

[Mr. M. S. Aney.]

officers against the judgments of the panchayats, and the result of those appeals shows that, on an average, the panchayats are not less endowed with judicial capacity than the stipendiary magistrates or the honorary magistrates who are appointed by the Government of their own accord. In fact, their judgments show that these panchayats possess the same judicial acumen as is possessed by average honorary magistrates, who are so implicitly trusted by the Government that they are first entrusted with third class magistrate's powers, then soon after, with second class magistrate's powers and ultimately within two or three years, with first class magistrate's powers.

These things show their capacity. If the villagers in Berar, which is not educationally a very advanced province, as compared with the neighbouring province of Maharashtra, have been showing this aptitude, it is certainly not due to any exceptional capacity in them. The main reason is that both the Provincial Government and the provincial public men have taken earnestly to this question and have been making an honest effort to tackle this problem in a spirit of mutual sympathy and ultimate hope of success of the righteous cause.

It is that spirit of sympathy which is wanted, and you cannot create that spirit without some sort of goading on from the Central Government, asking the Provincial Governments to tackle the question seriously. All that is asked for in this Resolution is that the Government should give the necessary stimulus.

There is one other reason why I like this Resolution. In a number of provinces, the village panchayats are developing in their own way. Each province may have its own problems to solve. There is bound to be some variety in the functions of the panchayats in the different provinces. In my opinion an attempt at co-ordination is a necessity, and it is time for the Government of India to take stock of the position and find out whether there are not certain parallel lines along which village panchayats all over the country should simultaneously develop, so that they might have a common object to achieve and a common morale to create among the Indian villagers. From that point of view also, a general inquiry seems to be eminently desirable.

Lastly, my Honourable friend, Mr. Sykes, stated that, "the Statutory Commission is there and this is not the proper time to waste over a discussion of a question like this". I cannot understand that attitude. If we think that the development of these village institutions is an essential condition for the political progress of this country, then an expression of opinion on the part of this House and the active steps taken by the Government of India in that direction would, in my opinion, be a help to that Commission. Even if we on our part do not attach much value to that Report, it certainly would help the Commission and show them what the people of this country are thinking in regard to this subject. It will also form a very material piece of evidence which they cannot afford to ignore. The expectation of this Report, instead of being an argument against the consideration of this question, is, in my opinion, an argument in favour of a prompt and immediate decision of this question by this House.

Something was said by my Honourable friend Mr. Aziz about the loss of the Provincial Governments' control and the consequential evils which are likely to flow from it. It is apprehended that, if the adult franchise system was adopted, it would plunge the country into some serious difficulty. That is what I believe my friend had said. I want to bring to his notice the last portion of the Resolution, which clearly indicates that there is no reason to fear that the control of Provincial Governments and district officers would be altogether abolished. The idea is that there should be general control, technical advice and appellate jurisdiction of district and provincial officers and courts of law. That control will remain there. Lastly, I have only to say that there is a general movement going on in this country for the uplift of the village. What is the Government going to do? Is it going to sit silent or take any active step in that direction? That is a simple question which is raised in the form of this Resolution, and the attitude of the Government on this occasion will enable the people outside to understand as to how far the Government really wants to stand, even at this late hour, by the promises they have given or more correctly the professions they have made in the Preamble to the Government of India Act.

**Rai Bahadur A. K. Mukharji** (Bengal : Nominated Official) : My only excuse for rising to speak is that I am very much interested in the subject matter of this Resolution, which has been so ably moved by my Honourable friend Mr. K. V. Rangaswami Ayyangar. Sir, I come from Bengal, and in my province a very interesting experiment in village self-government— which I take to be in short the subject matter of this Resolution—is being carried on for the last ten years. The Bengal Village Self-Government Act was passed in 1919, and since then we have had some experience of the working of these village bodies. Now, Sir, if we analyse this Resolution, we find that the Honourable the Mover wants that there should be, in each village or group of villages, an efficient panchayat; secondly, that this body will be mainly elected on the adult franchise system; thirdly, that it will possess sufficient legal powers and financial resources for administering all village concerns; fourthly, that this body should decide civil and criminal suits up to a certain limit; and fifthly, that this body should be subject only to the general control and technical advice and appellate jurisdiction of district and provincial officers and courts of law.

Now, Sir, the Bengal Village Self-Government Act, to which I have referred, satisfies all the conditions laid down by the Honourable Member. This Act empowers the Government to divide a district into unions which are composed of groups of villages, and to establish unions in each village. Under section 6 of the Act, the board is composed generally of nine members, two-thirds of whom are elected and one-third nominated, but the Local Government has the power to declare that all the members should be elected. One-third of the members are nominated at present, as the electorates are inexperienced. That meets the first requirement of the Honourable the Mover.

Then as regards the second point about the adult franchise system, section 7 satisfies it. This section lays down that every male person of the full age of 21 years, resident within the union and paying a cess of rupee one, or a union rate of one rupee at least, shall be entitled to vote at an election of the members of the union board. The franchise is as low as it can be possibly made in present circumstances.



[Rai Bahadur A. K. Mukharji.]

Then as regards legal powers, I will invite the attention of Honourable Members to sections 26 to 35 of the Act. Besides the control of the rural police, they have been given powers to provide for sanitation, conservancy and drainage, cleansing of unions, to control the erection of buildings, to provide for proper water supply, to make roads and construct bridges, to improve water-ways and provide for the lighting of roads, to establish primary schools and charitable dispensaries. In fact, the powers given to these boards are in some cases even greater than those given to the municipalities in Bengal.

Then, Sir, about financial resources, these boards have been given the powers under section 37 (a) and (b) of the Act, for levying a rate under section 37 (a), for the maintenance of the rural police, and under section 37 (b), for the other purposes mentioned in the Act. We may say that these purposes are for the fulfilment of the work of nation-building or village uplift, by whatever name you may choose to designate it. Then, Sir, about criminal cases and civil suits, chapter VII of the Act authorises the Local Government to constitute union benches and union courts in each union to try criminal cases and civil suits, respectively. The union benches are empowered to decide simple cases of assault, public nuisance, theft, etc. The union boards can decide suits for money due on contracts, for the recovery of moveable property or the value of such property, and suits for compensation for wrongfully taking or injuring moveable property, where the value of these suits does not exceed Rs. 200.

As regards control, they are under the general control of district boards and the district officers. Members of the Bengal Junior Civil Service also work as circle officers for inspecting these union boards and audit their accounts. As regards appeals against the decisions of union benches and union boards, we, Sir, have gone further even than the proposals made in this Resolution. In fact, under the Village Self-Government Act, there is no appeal from the decisions of union boards and union benches. Only the District Magistrate and the District Judge have the power to revise such decisions. It is thus clear, Sir, that everything that is wanted by the Honourable the Mover of the Resolution has been incorporated in the Bengal Village Self-Government Act, so far as this province is concerned. I do not say that the Act is not capable of improvement, but for all practical purposes, it is a very workable Act, which enables these village bodies to administer their every-day concerns. I therefore fail to see the necessity of the Committee proposed by the Honourable Member. The problem of village self-government is essentially a local problem and every province should be left to work out its own salvation. My Honourable friend, Mr. Acharya, in his speech, urged that there has not been sufficient progress, and that the matter should therefore be taken up by the Government of India. I can assure him, however, that, so far as Bengal is concerned, the progress achieved has been remarkable. From the Administration Report of 1927-28 of the Bengal Local Self-Government Department it appears that, out of 70,000 square miles, 30,000 square miles are covered by union boards. That was, Sir, in 1927-28. Since then there has been further progress, and now I think about two-thirds of the province is covered by union boards. In fact almost all the districts have been either already divided into union

boards or are in the course of being so divided. The policy of Government is to have all the province divided into union boards, excluding only the very backward tracts. It appears, Sir, from the Administration Report of 1927-28 that the union boards spent about Rs. 21 lakhs in that year on what may be called nation-building or village uplift work. They also paid special attention to the improvement of the water supply, and some of these boards also constructed and were maintaining small irrigation works. A number of dispensaries were maintained by union boards, and in some places a good deal was done to promote or assist primary education. Union boards also interested themselves in the construction and upkeep of village roads, and a few boards even went in for small town-planning schemes and for systems of street lighting. Several union boards in the Howrah district maintained a conservancy establishment. In some unions anti-malaria work was also engaged in. Well, Sir, so far as this Report shows, and so far as my own personal knowledge goes, the progress has been very satisfactory.

As regards the working of the union benches, I will read out certain remarks from the Report on the Administration of Criminal Justice in the Presidency of Bengal :

"The reports of the districts, in which union benches have been established under the Bengal Village Self-Government Act, show that, in some districts, the benches are viewed by the public with appreciation and are affording a fair measure of relief to the magistrates, while in others they are gaining the confidence of the people and are expected to afford relief to the magistrates to some extent in the near future."

In fact where there has been a set-back in Bengal, it has been caused by the activities of some members of the Swaraj Party.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural) : May I hear again what the Honourable Member has just said ?

Rai Bahadur A. K. Mukharji : There has been a set-back due to the opposition of some members of the Swaraj Party. In fact I was agreeably surprised when I found that this Resolution is being moved by my Honourable friend who is sitting opposite on the Swaraj Benches ; but I think that this opposition is now dying down, and I think, in the course of the next four or five years, the districts will be completely divided into union boards in Bengal. As I have already said, these boards are working successfully in Bengal. I am not aware of the position of the other provinces in this respect. Of course, if the principle of the Resolution is that the village should be the cradle of self-government, nobody will quarrel with it, but I think, Sir, that in this matter where uniformity is certainly not attainable in all the provinces, this is a matter which should be left to the provinces. My friend, Mr. Aney, has told us that the Central Government should give a "goading" to the Local Governments so that the pace may be increased. But as far as Bengal is concerned, I can safely assure him that they are doing all that is humanly possible to constitute these union boards and to see that they work satisfactorily. Sir, I will not take up any more time of the House. I oppose the motion.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th September, 1929.

LEGISLATIVE ASSEMBLY.

Wednesday, 4th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

GRANT OF ALLOWANCES AT FAMILY RATES TO LADY CLERKS IN THE OFFICE OF  
THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

95. \*Maulvi Muhammad Yakub : Is it a fact that lady clerks in the Office of the Director General of Posts and Telegraphs are given concessions at *family rates* admissible under the Simla Allowance Code ? If so, will Government be pleased to place on the table a statement showing their names, pay, local allowance, house-rent allowance and names of those who are *wholly* and *solely* their dependants, together with copy of Government sanction permitting lady clerks to draw Simla allowances over and above their *higher* rates of pay ?

Mr. P. G. Rogers : Of the four lady clerks employed in the Office of the Director General of Posts and Telegraphs, three are given concessions at family rates admissible under the Simla Allowance Code.

The statement required will be supplied to the Honourable Member. Government sanction to such allowances is contained in the Simla Allowance Code.

Maulvi Muhammad Yakub : May I know who are these three lady clerks ?

Mr. P. G. Rogers : I think that information will be given to the Honourable Member in answer to a subsequent question, but the names of the lady clerks are Miss deMonte.....

Maulvi Muhammad Yakub : May I inform the Honourable Member that the names of those three lady clerks are (1) Miss deMonte, (2) Mrs. Harrington, and (3) Miss N. Fox. Am I not correct that (1) is the youngest sister of Mr. F. T. deMonte, Postmaster General, and has no dependant, (2) has no legal dependant at all, and (3) is the only daughter of Mrs. B. Fox, a retired Sub-Postmistress, who is a Government pensioner ? I should like to ask if it is not a fact ?

Mr. P. G. Rogers : I think the answer has been given to the Honourable Member in the statement which is going to be supplied to him.

Maulvi Muhammad Yakub : Very well.

NAMES AND QUALIFICATIONS OF LADY CLERKS EMPLOYED IN THE OFFICE OF  
THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS SINCE 1923.

96. \*Maulvi Muhammad Yakub : Is it a fact that the lowest qualification fixed for a clerk is Matriculation ? If so, will Government be

pleased to lay on the table a statement showing the names and educational qualifications of lady clerks employed in the Office of the Director General of Posts and Telegraphs since January 1923 ?

**Mr. P. G. Rogers :** It is presumed that the Honourable Member is referring to the Director General's Office. If so, it is a fact that, prior to January, 1928, the minimum qualification of a clerk was the passing of the Matriculation examination. The minimum qualification has, however, since been revised, and is now the passing of the Staff Selection Board examination. An exception is made in the case of typists and stenographers, whose selection depends on their proficiency in shorthand and typing.

The statement desired by the Honourable Member is being sent to him. All lady clerks employed in the Director General's Office since 1923 are typists or stenographers.

**TOTAL NUMBER OF EUROPEANS, ANGLO-INDIANS, HINDUS AND MUSLIMS EMPLOYED IN THE RAILWAY SUPERIOR SERVICES (ENGINEERING) AT THE END OF 1927 AND 1928.**

97. **\*Lieut.-Colonel H. A. J. Gidney :** Will Government be pleased to state, under separate heads, the total number of Europeans, Anglo-Indians, Hindus and Muslims in the Railway Superior Services (Engineering) at the end of 1927 and 1928 ?

**Mr. P. R. Rau :** The Honourable Member will find full information about the position at the end of the financial years 1926-27 and 1927-28 in Appendix F of Volume I of the Railway Board's Report on Indian Railways for 1927-28.

**EMPLOYMENT OF NIGHT CONDUCTING GUARDS ON ALL MAIL AND PASSENGER TRAINS.**

98. **\*Mr. A. H. Ghuznavi :** Will Government be pleased to state if the services of the night conducting guards have been appreciated by the travelling public and, if so, do Government propose to consider the desirability of employing them in all mail and passenger trains in all the State Railways ?

**Mr. P. R. Rau :** I understand that the services of conductor guards detailed to accompany certain night trains on the North Western and East Indian Railways have been appreciated by the public. I am sending a copy of the Honourable Member's question and my answer to other Railway Administrations to consider whether the local conditions on their lines necessitate such a provision.

**Mr. Gaya Prasad Singh :** We have never heard of night conducting guards on the East Indian Railway.

**ACCELERATION OF THE SPEED OF MAIL AND PASSENGER TRAINS.**

99. **\*Mr. A. H. Ghuznavi :** (a) Are Government aware that the "Frontier Mail", run by the Bombay, Baroda and Central India Railway, is the fastest train in India, covering a distance, as she does, of 865 miles, from Colaba (Bombay) to Delhi in 23 hours 35 minutes, while the 7 Up Express from Howrah to Delhi via Agra City—a distance of 909 miles—

takes 25 hours 44 minutes, and the Punjab Mail from Howrah to Delhi covers a distance of 903 miles (i.e., 6 miles less than the 7 Up Express does) in 26 hours 34 minutes ?

(b) Will Government be pleased to explain the cause of this delay in the running of the Punjab Mail from Howrah to Delhi ?

(c) Are Government prepared to consider the desirability of accelerating the speed of mail and passenger trains in all the railways, particularly in the East Indian and Eastern Bengal Railways ?

**Mr. P. R. Rau :** (a) The timings of the trains are as stated by the Honourable Member.

(b) The through speed of the Bombay, Baroda and Central India Frontier Mail is 36 miles an hour, that of the East Indian Railway 7 Up Express 35 miles an hour and of the Punjab Mail 34 miles an hour. It is not ordinarily possible to run trains on different railways at uniform through speeds. Varying conditions, such as the number of halts to be made, the number of branch line connections, and the weight and length of the train affect the through speed.

(c) Railway Administrations are actively alive to the desirability of accelerating the speed of mail and passenger trains, as far as possible, and Government do not consider that any special action on their part is necessary at present.

**ACCELERATION OF THE SPEED OF THE DARJEELING MAIL TRAIN ON THE EASTERN BENGAL RAILWAY.**

100. **\*Mr. A. H. Ghuznavi :** (a) Are Government aware that the Darjeeling mail, run by the Eastern Bengal Railway, invariably arrives late in Calcutta ?

(b) If so, do Government propose to accelerate her speed to enable her to run to time ?

**Mr. P. R. Rau :** (a) I think the Honourable Member has been misinformed, Sir. I believe the Darjeeling Mail does reach Calcutta in time quite often.

(b) I have drawn the attention of the Agent, Eastern Bengal Railway, to this point.

**UNSUITABLE CONDITION OF RAILWAY WAITING ROOMS AT SILIGURI STATION ON THE EASTERN BENGAL RAILWAY.**

101. **\*Mr. A. H. Ghuznavi :** Are Government aware of the inadequate accommodation of both the ladies' and gentlemen's waiting rooms at the Siliguri station on the Eastern Bengal Railway and of the untidy condition in which they are kept, particularly of the filthy condition of the bathrooms attached thereto ?

**Mr. P. R. Rau :** Government have no information in the matter, but I am sending a copy of my Honourable friend's question to the Agent, Eastern Bengal Railway, for any action he may think it desirable to take.

**INFERIOR QUALITY OF FOODS SUPPLIED IN RESTAURANT CARS ON THE EAST INDIAN RAILWAY.**

102. \*Mr. A. H. Ghuznavi : Are Government aware that the food and tea supplied by restaurant cars on the East Indian Railway compare very unfavourably with those supplied by restaurant cars in other railways ?

Mr. P. B. Rau : Government have no reason to think so.

**DEFECTIVE ARRANGEMENTS FOR SECURING RESERVED ACCOMMODATION LABELS IN RAILWAY CARRIAGES.**

103. \*Mr. A. H. Ghuznavi : (a) Are Government aware that the Reserve labels put outside the first and second class compartments are not secure, and the Reserve cards inside the carriage are too small to fit in the brass pockets and are not infrequently blown off, thus depriving the passengers concerned of the privileges of reserved accommodation ?

(b) If so, do Government propose to take steps to remedy these defects ?

Mr. P. B. Rau : Government have no information in the matter, but I am communicating a copy of this question to the Agents of all Class I Railways for such action as they may consider necessary.

**IMPROVEMENT OF RAILWAY STATION WAITING ROOMS AND REDUCTION OF CHARGES FOR WAITING ROOMS ON THE NORTH WESTERN RAILWAY.**

104. \*Mr. A. H. Ghuznavi : (a) Are Government aware of the magnificent and well-equipped retiring rooms provided in the Victoria Terminus, Bombay, by the Great Indian Peninsula Railway ?

(b) Do Government propose to consider the desirability of improving all the existing retiring rooms on that model ?

(c) Are Government aware that the Great Indian Peninsula Railway charges Rs. 5 for the occupation of the retiring room for 24 hours from the time it is engaged, while the North Western Railway charges Rs. 3 for 12 hours from 6 A.M. to 6 P.M., and Rs. 4 for 12 hours from 6 P.M. to 6 A.M. ?

(d) For the convenience of the travelling public do Government propose to consider the desirability of altering the rates of the North Western Railway to Rs. 3 for 12 hours or Rs. 5 for 24 hours, the period of occupation to commence from the time the room is engaged ?

Mr. P. B. Rau : (a) Government are aware that comfortable retiring rooms have been provided at the Victoria Terminus at Bombay.

(b) Owing to structural differences at different stations, it would not, I am afraid, be possible to make all existing rooms conform to the model of those at the Victoria Terminus.

(c) Yes.

(d) Government do not consider it necessary or desirable to require railways to charge uniform rates for retiring rooms as conditions vary on different railways and at different stations.

**STRIKE OF STUDENTS AT THE INDIAN SCHOOL OF MINES, DHANBAD.**

105. \*Mr. K. C. Neogy : Will Government be pleased to make a detailed statement regarding the recent strike of students at the Indian School of Mines, Dhanbad, giving particularly the allegations made by the students in justification of the strike and the result of any official inquiry therein ?

The Honourable Sir Bhupendra Nath Mitra : A statement giving the required information is being supplied to the Honourable Member, and a copy will also be placed in the Library of the House.

**DISCUSSION IN THE LEGISLATIVE ASSEMBLY OF THE RECOMMENDATIONS OF THE INDIAN STATES COMMITTEE.**

106. \*Mr. K. C. Neogy : Do Government propose to give this House an opportunity to discuss the findings and recommendations of the Indian States Committee in so far as they affect the interests of British India, particularly the following paragraphs of the Report, before taking any action thereon :

Paragraphs Nos. 69, 70, 75, 82, 85, 86, 87, 88, 93, 94, 96, 99, 100 and 104 ?

Sir Denys Bray : The whole Report is still under consideration, and Government are not at present in a position to make any detailed statement. In the event, however, of any question arising, which seriously affects British Indian interests, the Assembly will be given an opportunity for discussion before a final decision is reached.

**AIR SERVICE FROM KARACHI TO DELHI.**

107. \*Mr. K. C. Neogy : With reference to the proposed subsidised air service from Karachi to Delhi, with future extension to other places, will Government be pleased to state :

(a) whether it is not a fact that tenders received from intending Companies up to March 1929 did not conform to the terms and conditions laid down by the Standing Finance Committee, and concurred in by Government, regarding the eligibility of any company for the subsidy ;

(b) if the answer to part (a) be in the affirmative, whether fresh tenders have been called for in the light of the said terms and conditions, or whether informal negotiations have been carried on with any chosen company or individual in that connection ; and

(c) whether there is any possibility of inaugurating the service according to the original time-table ?

The Honourable Sir Bhupendra Nath Mitra : I regret, Sir, that I am not in a position just yet to give a complete answer to the Honourable Member. The position is that negotiations are still proceeding in the light of the conclusions reached in discussion with the Standing Finance Committee last March. I hope, however, to be able to make a statement to the House on the subject later on during the present session.

## RECOMMENDATIONS MADE BY A CONFERENCE OF MEDICAL MEN IN 1928.

108. \***Mr. K. C. Neogy** : (a) Are Government aware that a Conference of members of the medical profession from all over India was held in Calcutta in December 1928, and have they received a copy of the resolutions passed by the said Conference ?

(b) If the answer to part (a) be in the affirmative, what action, if any, do Government propose to take on the recommendations made by the said Conference ?

**Sir Frank Noyce** : (a) Government received in July a copy of the Resolutions passed by the All-India Medical Conference held at Calcutta in December last.

(b) Those of the Resolutions which concern the Government of India are under consideration.

## AMOUNT OF SILVER SOLD AND GOLD SECURITIES PURCHASED BY THE GOVERNMENT OF INDIA IN 1927, 1928 AND 1929.

109. \***Mr. N. C. Kelkar** : (a) Will Government state the amount of silver sold by them in India and in England in the years 1927, 1928 and 1929 ?

(b) Will Government state whether the amount realised from time to time by the sale of silver in India or England, was in each case used for the immediate purpose of buying "gold bullion" or otherwise building up the gold reserve ? If so, what was the amount of gold or gold securities added to the reserve in each case by each purchase ?

**The Honourable Sir George Schuster** : (a) I would call the attention of the Honourable Member to the answers given to similar questions, asked by Mr. Vidya Sagar Pandya, in the Assembly, on the 6th February, 1929, and by Sir Phiroze Sethna in the Council of State on the 17th September, 1928. The market in silver is a sensitive market, and dealings on a large scale have to be handled with great discretion and secrecy in order to avoid speculators taking advantage of the position, or any demoralisation of the market. For these reasons I do not think that it would be in the public interest if I were to give any further detailed figures at the present stage.

I am, however, devoting my attention to devising some means by which fuller information can be given to the public on these points without actual damage to the public interest, together with a fuller explanation of the Government's policy. If the Honourable Member will come to see me I will explain to him fully what is involved in this question. For the present it may interest him to be reminded that at the date which the Currency Commission took as the basis for their Report in April 1926, the stock of silver in the Government reserves was 85 crores of rupees, and on 22nd August, 1929, it was 110½ crores. Further, I can tell him that, with the exception of one lot of nine million ounces of fine silver, which was actually sold for delivery in India, all the remaining sales hitherto made have been of unrefined silver, not acceptable on the Indian market. This silver has been sold for special purposes abroad. No sales have yet been made of fine silver produced at the new Bombay refinery. There has been no instance of fine silver suitable for the

Indian market being sold abroad with a possibility of being shipped back to India.

(b) The proceeds of the sale of silver have hitherto always been invested in what may be described as gold securities, generally British Treasury Bills.

**Sir Purshotamdas Thakurdas** : Is it a fact that the refinery at Bombay has been working, and, that the Directors of the Bullion Exchange in Bombay have removed the discount on silver refined in India ?

**The Honourable Sir George Schuster** : It is a fact that the Bombay refinery has been working now for some months and I am glad to say that the discount has been removed, the removal to take effect from October.

**Sir Purshotamdas Thakurdas** : That then removes the main handicap on the Government selling Indian refined silver in India ?

**The Honourable Sir George Schuster** : That does remove the handicap, and I hope that all the fine silver produced in the Bombay refinery will find its place in the Indian market.

**Sir Purshotamdas Thakurdas** : Do I take it that Government will take advantage of this removal of the handicap and will sell silver in India which is the largest consumer of silver in the world.

**The Honourable Sir George Schuster** : I hope to include a statement as regards the policy of the Government in selling the silver in the statement which I mentioned in my answer to the question I had under consideration. I would ask the Honourable Member not to press me any further on this matter. I am fully alive to the public interest that is taken in this question, and I am sure the Honourable Member, on his side, is also fully alive to the fact that the silver market is a very sensitive market and that we have to proceed with great caution in this matter ; otherwise we might depreciate the price of silver unduly, and the price of silver is a thing which affects the interests of almost everybody in India. If the Government is not very ready at the moment to say exactly what it is going to do, it is not because it wishes to keep anything back from the public ; but simply because we have very much in mind these important points to which I have referred. I am sure the Honourable Member will recognise that it is not my practice to withhold information from this House, and I very much regret that I cannot at present say anything more. But it is because I feel it is in the public interest that I should not say more at the moment that I am keeping silent.

**Mr. Ghanshyam Das Birla** : Will the Honourable Member kindly say why the proceeds of silver were not utilised in purchasing gold bullion instead of gold securities ?

**The Honourable Sir George Schuster** : The Honourable Member will realise that the acquisition of gold from time to time may be a matter of some difficulty. It might perhaps interest Honourable Members if I gave the House the figures of the holdings of gold and gold securities and of silver as they stood in June 1927 when the policy of selling silver was first commenced and as they stand to-day.

In June 1927, the total note issue was 172.57 crores; the gold holdings in the paper currency reserve and the gold standard reserve combined were 32.6 crores; "gold securities" stood at 50.46 crores, and the silver holding at 107.34 crores. On the 22nd August, 1929, the total note issue was 185.72 crores, the gold holding was 35.1 crores, the holding in gold securities was 52.52 crores and the holding in silver was 110.43 crores. That is to say, the note issue has been expanded by about 13½ crores, the holding in gold has been increased by 2½ crores, the holding in gold securities has been increased by just over 2 crores and the holding in silver has been increased by just over 3 crores. If the Honourable Member will examine those figures I think he will find some answer to the charges that have been made against the Government, and to the suspicion which exists.

**Mr. Ghanshyam Das Birla :** Was it not one of the conditions, or rather one of the recommendations of the Currency Commission that the sale proceeds of silver should be utilised for purchasing gold bullion and in view of the fact that opportunities were offered to replace silver stocks by gold bullion, why were those opportunities not utilised and instead of that money was invested in good securities?

**The Honourable Sir George Schuster :** I think that the Honourable Member's supplementary question will arise more properly in connection with the answer to question No. 110. With your permission, Sir, I should like to deal with that point in answer to that question.

**Mr. Ghanshyam Das Birla :** Will the Honourable Member kindly give an undertaking that in future when silver sales are made, the proceeds of such sales will be utilised in purchasing gold bullion and not gold securities?

**The Honourable Sir George Schuster :** It would be very difficult for me to give a categorical undertaking of that kind. It may not always be possible to apply the particular proceeds of a particular sale in that way. At the same time, I am very much alive to the strong public feeling which exists on this point. I am giving the very fullest consideration to it and in any general statement which I may make as regards the Government's policy I will deal with that point. I think any further explanation on this point will arise more appropriately on the next question.

#### RECOMMENDATION OF THE HILTON-YOUNG COMMISSION FOR BUILDING UP A GOLD RESERVE.

110. **\*Mr. N. C. Kelkar :** Will Government state how far they have carried out the programme of building up the gold reserve recommended by the Hilton-Young Commission?

**The Honourable Sir George Schuster :** I presume that the Honourable Member is referring to the recommendations of the Commission in paragraphs 78 and 145 of their Report. Strictly speaking, all the recommendations of the Commission were dependent on the formation of a Central or Reserve Bank, and the programme which they laid down for the increase of the holding of gold and for the reduction of silver stocks dated from such formation. As the Government's proposals for the formation of the bank were not accepted by this Assembly, it may be said that the opportunity to give effect to the Commission's recommendations has not arisen.

On the other hand, as I have stated on a previous occasion, the Government still consider the formation of such a bank to be ultimately desirable, and one may conclude from the Report of the Currency Commission that they would have thought it appropriate to carry out certain of their recommendations in advance of the formation of the bank if that were to be, as at present, delayed. It is clear, for example, that the Commission thought that, in any case, the silver holdings were excessive, and that it would be desirable to increase the gold holdings. As regards the latter, the Commission recommended that the gold holdings should be brought up to 20 per cent. of the liabilities of the issue department after the end of the fifth year from the formation of the Bank, and to 25 per cent. at the end of the tenth year. They further recommended that in no case should the gold holdings be less than 30 crores. At the date which the Commission took as the basis for their Report, (namely, April 1926), the total note issue outstanding was just over 185 crores, and to this liability the Commission added a liability of 50 crores in respect of what they called "rupee redemption", thus making the total liabilities 235 crores. At that time the total gold holding in the Gold Standard Reserve and the Paper Currency Reserve combined was 29½ crores, that is to say, the gold holding represented just over 16 per cent. of the note issue and 12 2/3rds per cent. of what the Commission called the total liabilities. On the 22nd August, 1929, the total note issue was 185.9 crores, and the gold holding in the two reserves together was just over 35 crores. That is to say, the gold holding had been increased by 5½ crores to a figure representing about 19 per cent. of the note issue, and just under 15 per cent. of the figures which the Commission took as the "total liabilities". The increase in the gold holdings from 12 2/3rds of the total liability to 15 per cent. does represent a considerable step along the course recommended by the Commission and I would remind the Honourable Member that more than half this increase has been made since November last.

**Mr. Ghanshyam Das Birla :** Is it a fact that this percentage has been increased on account of the contraction effected in the currency?

**The Honourable Sir George Schuster :** There has been no contraction effected in the note issue. I gave the figures to the Honourable Member. At the date which the Commission took as their basis, April 1926, the outstanding note issue was 185 crores. On the 22nd August last, it was 185.9 crores.

#### PARTICULARS OF UNIVERSITY TRAINING CORPS UNITS IN INDIA.

111. **\*Mr. N. C. Kelkar :** Will Government give information for all the University Training Corps units in India under the following heads :

- (1) Name of University Training Corps.
- (2) Name of Station.
- (3) Total allotment for this Corps in 1929.
- (4) Number, grades and salaries of Indian and European officers attached to the Corps.
- (5) Expenditure on uniforms.
- (6) Expenditure on rifle practice.
- (7) Expenditure on Camping life?

**Mr. G. R. F. Tottenham :** (1) and (2). The Honourable Member will find the information at pages 727 to 731 of the Indian Army List for July 1929.

(3) The allotment for University Training Corps is included in the budget for the Indian Territorial Force as a whole, and I am afraid it is impossible to separate out the information required by the Honourable Member. It is estimated, however, that one company of the University Training Corps costs approximately Rs. 90,400 in the first year and Rs. 33,500 in subsequent years.

(4) I will furnish the Honourable Member with a statement giving this information.

(5) Officers receive an outfit allowance of Rs. 300 on appointment. The rank and file get free clothing and equipment, the cost of which per company is about Rs. 40,400 in the first year and Rs. 6,100 in subsequent years.

(6) The annual expenditure on ammunition is approximately Rs. 5-6-0 per man.

(7) Rs. 77,447 have been provided in this year's budget for expenditure in camp by units of the University Training Corps. This sum excludes the cost of transportation, tentage and the pay of officers.

NUMBER OF ASSISTANT ENGINEERS TO BE RECRUITED IN ENGLAND AND IN INDIA IN 1929.

112. **\*Mr. N. C. Kelkar :** Will Government state the number of Assistant Engineers to be recruited for the year 1929 in England and India? If there is to be no recruitment in India, will Government state the reasons for the same?

**The Honourable Sir Bhupendra Nath Mitra :** Nine Assistant Executive Engineers (which is the designation of officers recruited into the Indian Service of Engineers), will be recruited in England in 1929, provided that the full number of suitable candidates is available. As regards the number of officers to be recruited in India for the Service, proposals regarding the rules to regulate such recruitment have been submitted to the Secretary of State. On receipt of his orders (which are expected shortly), the rules, as approved by him, will be published for general information. Thereafter the number of candidates to be recruited thereunder for the first time will be announced. As, however, an unavoidable delay occurred in the submission of the proposals to the Secretary of State, it will not be possible to effect any recruitment under the rules referred to until the beginning of 1930.

The number of recruits to the Indian Railway Service of Engineers during 1929-30 will probably be four in England and 14 in India.

**Mr. N. C. Kelkar :** Will the deficit in the recruitment due to the delay in passing the rules be made up this year?

**The Honourable Sir Bhupendra Nath Mitra :** The deficit will not be made up this year. As I have explained, the recruits who would have ordinarily been taken in during the year 1929 will be taken in about

the beginning of 1930. Thereafter the precise time of the year when the recruitment will be made will depend on the arrangements made by the Public Service Commission.

# RESULT OF RECENT CONFERENCE ON THE FUTURE POLICY OF THE ADMINISTRATION OF THE REVENUE DEPARTMENTS.

113. **\*Mr. N. C. Kelkar :** Will Government place on the table a summary of the proceedings of, or at least the results arrived at by, the Conference recently held at Simla between the Central Government and representatives of Provincial Governments, on the subject of the future policy of the administration of the Revenue Departments?

**Sir Frank Noyce :** The attention of the Honourable Member is invited to the Press Communiqué issued on the 15th May, 1929, a copy of which has been placed on the table of the House. The promised Resolution will be published shortly.

## GOVERNMENT OF INDIA.

### DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Simla, the 15th May, 1929.

#### Press Communiqué.

The Government of India have had under consideration for some time the question of surveying the salient features of land revenue administration in the non-permanently settled provinces in British India. It will be remembered that the last comprehensive examination of this question was undertaken by the Government of Lord Curzon, who issued a Resolution on the subject in 1902. The Government of India accordingly invited the Governments of Madras, Bombay, the United Provinces, the Punjab, the Central Provinces and Assam to depute their Honourable Revenue Members to a Conference at which the adequacy of the existing system of land revenue administration to meet present conditions might be examined. The Conference, which was presided over throughout by His Excellency the Viceroy, was attended by the Honourable Sir Norman Marjoribanks, K.C.I.E., C.S.I., Revenue Member, Madras, the Honourable Mr. J. L. Kieu, C.S.I., I.C.S., Revenue Member, Bombay, the Honourable Mr. G. B. Lambert, C.S.I., I.C.S., Finance Member, United Provinces, the Honourable Khan Bahadur Mian Sir Fazl-i-Hussain, K.C.I.E., Kt., Revenue Member, Punjab, the Honourable Sir Arthur Nelson, C.I.E., C.B.E., Kt., Finance Member, Central Provinces, and the Honourable Mr. A. W. Botham, C.S.I., C.I.E., Finance Member, Assam. Mr. J. W. Smyth, I.C.S., Revenue Secretary to the Government of Bombay, and Mr. W. L. Scott, C.I.E., Director of Land Records, Assam, also took part in the Conference. The Government of India hope to publish shortly a Resolution setting out the main conclusions reached by the Conference on the important questions discussed. But as land revenue administration is primarily the concern of Local Governments, being a reserved provincial subject, and the divergences of local system of settlements and local conditions make it essential that any general principles that may be enunciated should be framed with due regard to these factors, the Government of India propose to issue the Resolution after prior consultation with the Local Governments.



# ESTABLISHMENT OF AN ADVISORY BOARD FOR THE BAFSI LIGHT RAILWAY.

114. \*Mr. N. C. Kelkar : (a) Will Government state whether the Railway Board had at any time recommended to the Barsi Light Railway Company the desirability of establishing an advisory board for that Railway ?

(b) If so, what was the reply received from the Company ?

(c) Is it not a fact that many grievances of passengers using that Railway go unheeded for want of such an advisory committee and the absence of direct control over the Railway by the Railway Board ?

Mr. P. R. Rau : (a) Yes, in 1922.

(b) and (c). No reply was received at the time, but when the question was again put to the Agent recently, he expressed the opinion that an advisory committee is unnecessary. The Railway Board are addressing the Agent further in this matter.

# COST OF A RAILWAY BRIDGE ACROSS THE BHIMA RIVER NEAR PANDHARPUR AND AMOUNT OF SPECIAL TRAFFIC RATES LEVIED BY THE BAFSI LIGHT RAILWAY.

115. \*Mr. N. C. Kelkar : (a) Will Government state what was the total expenditure incurred by the Barsi Light Railway Company on the construction of the railway bridge across the Bhima river near Pandharpur ?

(b) Is it a fact that this Railway Company was allowed by the Railway Board to levy special traffic rates for recovering this expenditure on the bridge ? If so, for how many years were the special rates enforced, and what was the total amount recovered by the Company by these means ?

(c) Will Government please state whether any portion of the excess of the recovered money over the expenditure on the bridge was spent in providing passenger coaches, in view of the heavy passenger traffic to Pandharpur at least twice a year ?

(d) Did the Railway Board ever make any inquiries as to whether excess money was recovered by the special traffic rates levied by the Barsi Light Railway Company over the amount of expenditure incurred on the Bhima bridge ? If so, with what result ?

Mr. P. R. Rau : (a) The total cost of constructing the bridge was Rs. 5,78,000.

(b) Yes. The special rates were levied for about eight years from 1915 and the total amount recovered was Rs. 10,09,964.

(c) The earnings were credited to revenue in the usual way and not set aside for any special purpose.

(d) No.

# LIST OF BOOKS AND PAMPHLETS ON RUSSIA PROSCRIBED SINCE 1918.

116. \*Mr. N. C. Kelkar : (a) Will Government lay on the table a list of books or pamphlets or general printed literature in any other form on the subject of Russia, proscribed under their orders since the year 1918 ?

(b) Will Government obtain from the Home Office in London a list of books and literature on the subject of Russia proscribed under the orders of the Home Secretary in London, and lay it on the table of the House ?

(c) Will Government please state what steps they took to keep a watch on literature which may be undesirable from their point of view, but which is printed neither in India nor in England, and imported into India through the Post Office or by shipments from foreign countries ? What are the steps generally taken with regard to such books and literature ?

The Honourable Sir James Crerar : (a) From the information in the possession of the Government of India up to the end of 1928, no literature on the subject of Russia appears to have been forfeited under the Press Act of 1910, or proscribed under section 99-A of the Criminal Procedure Code. A list has been placed on the table showing literature relating to Russia, or emanating from Russia, which has been prohibited under the Sea Customs Act.

(b) I do not think that the Government of India could properly take the action suggested.

(c) In regard to undesirable literature imported or likely to be imported into India, if its entry has been already prohibited, the Customs and the Postal Departments are asked to keep a watch on its importation and to intercept it, if discovered. If its entry into India has not been prohibited, the literature is examined in order to see whether prohibition is necessary.

# Literature relating to Russia or emanating from Russia which has been prohibited under the Sea Customs Act.

1. Bolshevism and the Islamic Body Politic by Maulvi Md. Barkatulla.
2. Gale's journal of revolutionary Communism (a magazine).
3. Soviet Russia.
4. All publications issued by the Red International of Labour Unions.
5. Economics and problem of national revolutionaries in the countries of the Near and Far East, Moscow.
6. Publications issued by the Communist International or organisations controlled by the Communist International.

# SUGGESTION BY SIR CLEMENT HINDLEY THAT THE RAILWAY DEPARTMENT MIGHT BE MADE DIRECTLY RESPONSIBLE TO PARLIAMENT.

117. \*Mr. N. C. Kelkar : (a) Has the attention of Government been drawn to the speech of Sir Clement Hindley before the East India Association, London, in June last or thereabouts, on the subject of Indian Railways and particularly to the reference therein to the possibility of the Railway Department in India being made responsible to the Parliament by special Statute ?

(b) Will Government please state whether the idea has been mentioned by any responsible authority in India in its correspondence with

Home authorities or with the Government of India or before the Simon Commission?

**The Honourable Sir George Rainy :** (a) Government have seen the speech referred to by the Honourable Member. The passage to which he refers runs as follows :

" In Canada, Germany and Belgium State railway administration has been commercialised and made a separate authority subordinated by Statute to Parliament. But whether such a solution is likely to be found by the makers of India's future constitution remains to be seen "

It is obvious, I think, that by " Parliament " Sir Clement Hindley meant in each case the Legislature of the country concerned, and that when he spoke of a similar solution in India, he was thinking of a statutory body subordinate to the Indian Legislature.

(b) So far as Government are aware, no one has ever suggested that the administration of the Indian railways could be entrusted to a body directly subordinate to the British Parliament.

#### ISSUE OF RAILWAY BONDS BY GOVERNMENT TO RAISE FUNDS FOR RAILWAY PROGRAMMES.

118. **\*Mr. N. C. Kelkar :** Have Government in their contemplation any idea about raising funds for railway programmes by issuing railway bonds, open for purchase even by people outside India?

**The Honourable Sir George Schuster :** The question of how best to raise money for the future development of the railways in India is one which has been constantly in my mind during the past year ; but I cannot say that there is any such proposition as is referred to in the question definitely under consideration by the Government of India at present. I am not quite clear what the Honourable Member has in his mind in using the words " open for purchase even by people outside India ". All Government of India securities are open for purchase by anybody regardless of his domicile. If the Honourable Member has any special ideas or suggestions on this subject, I should be very glad to discuss them with him.

#### NAMES OF RAILWAY PROGRAMMES HELD UP DURING THE LAST SIX YEARS FOR WANT OF FUNDS.

119. **\*Mr. N. C. Kelkar :** Will Government name the railway programmes, if any, which had to be held up during the last six years for want of funds totally denied or curtailed by the Railway Finance Committee, or which were not placed before the Committee for fear of such curtailment or refusal?

**Mr. P. R. Rau :** I lay a statement on the table showing the proposals placed before the Standing Finance Committee for Railways which were either not accepted by them, or accepted in a modified form.

I am not aware of any not placed before the Committee for the reason mentioned by the Honourable Member.

Statement showing proposals placed before Standing Finance Committee for Railways and not accepted by them or accepted in a modified form.

| Item No. | Railway.                      | Year. | Particulars.                                                                                                 | Remarks by Standing Finance Committee.                                                                                                                                                                                                                                                 | Reference to Proceedings of Standing Finance Committee. |
|----------|-------------------------------|-------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 1        | Great Indian Peninsula        | 1925  | Remodelling of Victoria Terminus.                                                                            | The additional expenditure of Rs. 15 lakhs in respect of Bombay, Baroda and Central India Railway long distance traffic not to be incurred until the question of long distance passenger traffic on the Bombay, Baroda and Central India Railway had been put up before the Committee. | Volume II, No. 3, pages 1 to 6.                         |
| 2        | Bengal Nagpur                 | 1925  | Electric supply scheme and power house at Chakardharpore, Bilaspur, Anara, Bhojudih, Mohuda and Khurda Road. | No expenditure should be incurred until a note explaining the necessity and advisability of these schemes is placed before the Committee.                                                                                                                                              | Volume II, No. 4, pages 39 to 42.                       |
| 3        | Madras and Southern Mahratta. | 1925  | Remodelling and extension of Central Station.                                                                | Complete scheme to be put up before the Committee before work is undertaken.                                                                                                                                                                                                           | Volume II, No. 4, pages 50 to 52.                       |
| 4        | Bengal Nagpur                 | 1925  | Construction of staff quarters at several stations.                                                          | Reduced provision allowed to stand on understanding that no expenditure would be incurred until the statement asked for from Agent showing reasons for provision of all quarters and the financial return anticipated has been placed before the Committee.                            | Volume II, No. 4, pages 39 to 42.                       |
| 5        | Great Indian Peninsula        | 1925  | Officer's flats at Bombay                                                                                    | The expenditure should be postponed until the new rules have been discussed by the Committee.                                                                                                                                                                                          | Volume II, No. 5, page 13.                              |
| 6        | Do.                           | 1925  | Electrification of Kargali Colliery.                                                                         | Scheme not to be proceeded with until detailed proposals have been placed before the Committee.                                                                                                                                                                                        | Volume II, No. 5, page 10.                              |

| Item No. | Railway.               | Year. | Particulars.                                                                                                                                                                      | Remarks by Standing Finance Committee.                                                                                                                                                                                                                                                                                                                                                                    | Reference to Proceedings of Standing Finance Committee. |
|----------|------------------------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 7        | North Western          | 1925  | Construction of avoiding lines Drigh Road to West Wharf, Up Marshalling and Depar-ture Yard at Karachi, Re-modelling Karachi City Yard. Alterations to out-ward Bunder Head Yard. | Expenditure at Karachi not to be incurred before a report is placed before the Stand-ing Finance Committee.                                                                                                                                                                                                                                                                                               | Volume II, No. 5, pages 21 to 24.                       |
| 8        | Do.                    | 1925  | Sanitation of Railway Colony at Moghalpura.                                                                                                                                       | Scheme not to be proceeded with until it is placed before the Standing Finance Com-mittee.                                                                                                                                                                                                                                                                                                                | Volume II, No. 5, pages 21 to 24.                       |
| 9        | Great Indian Peninsula | 1927  | Kalyan Powerhouse ..                                                                                                                                                              | Mr. Jannadas Mehta proposed that the provision of 40 lakhs made in connec-tion with this scheme should be reduced in order that the Committee may have an opportunity of examining the rela-tive advantages of building a power-house or of obtaining power from the Tata-Hydro Electric Power Company. Three members were in favour of it and three against it. The Committee finally passed the demand. | Volume IV, No. 1, page 7.                               |
| 10       | Eastern Bengal         | 1927  | Two bogie upper class and 8 bogie lower class.                                                                                                                                    | These items should be omitted ..                                                                                                                                                                                                                                                                                                                                                                          | Volume IV, No. 4, page 11.                              |

## INSUFFICIENCY OF WATERWAYS ON THE ASSAM-BENGAL RAILWAY.

120. \*Maulvi Abdul Matin Chaudhury : (a) Are Government aware that the insufficiency of waterways on the railway line between Fenchugunj and Moglabazar Section of the Assam Bengal Railway has been responsible for much of the havoc done by the floods in a considerable portion of the Sadr sub-division of the Sylhet district ?

(b) Do Government propose to increase the number of waterways in this particular section of the Assam Bengal Railway ?

Mr. P. R. Rau : (a) Government have made inquiries on this point from the Agent, Assam Bengal Railway, who reports that the waterways are amply sufficient for normal floods. This year's flood was two to four feet higher than anything previously recorded or remembered by living man in the district.

(b) It is understood that the Government of Assam have called for a report as to the sufficiency or otherwise of the waterways provided by the Railway Company and Government will await this report before taking action.

## CONTROL OF RAILWAY MAIL SERVICE OFFICIALS BY SUPERINTENDENTS AND INSPECTORS OF THAT SERVICE.

121. \*Mr. Anwar-ul-Azim : Is it a fact that the Railway Mail Service officials are controlled by Superintendents, Railway Mail Service, and Inspectors, and not by the head record clerk ?

Mr. P. G. Rogers : The position is not exactly as stated by the Honourable Member. A head record clerk is empowered to appoint, transfer and punish porters and lower grade staff and also has certain powers of control over sorters, including the power of temporarily transferring such officials.

## AMALGAMATION OF THE GRADES OF POSTMASTER-GENERAL, DEPUTY POSTMASTER-GENERAL AND ASSISTANT POSTMASTER-GENERAL.

122. \*Mr. Anwar-ul-Azim : With reference to Government reply to my question No. 329 in the last Delhi Session, will Government be pleased to state whether it is a fact that the grades of Postmaster General, Deputy Postmaster General and Assistant Postmaster General are different from one another ? If so, do Government propose to consider the question of amalgamating the grades of the Postmaster General, Deputy Postmaster General and Assistant Postmaster General into one, as has been done in the case of non-gazetted Postmasters and Deputy Postmasters ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The reply to the first part of the question is in the affirmative. With regard to the rest of the question, Government see no reason to adopt the course suggested by the Honourable Member as the status, duties and responsibilities of each of the three classes of gazetted officers referred to are widely different, and there is no analogy between the case of these officers and the case of Postmasters and Deputy Postmasters.

RESERVATION OF FUTURE VACANCIES IN THE POSTS AND TELEGRAPHS DEPARTMENT FOR MUSLIMS TILL THEY FORM ONE-THIRD OF THE TOTAL EMPLOYEES.

123. \***Mr. Anwar-ul-Azim** : (a) With reference to Government's reply to my question No. 330 in the last Delhi Session, will Government be pleased to lay on the table the procedure followed by the Departments in order to see that Government orders are strictly observed by the recruiting officers ?

(b) Do Government propose to reserve the vacancies henceforth occurring in the Posts and Telegraphs Department for the members of the Moslem community till they form one-third number of the total employees ? If not, when is the community likely to get its proper share according to its numerical strength ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) In the Indian Postal and Telegraph Department, the composition of new recruits according to various communities will be given in a statement which will be introduced in the Administration Report of the Department with effect from 1928-29.

(b) The reply to the first part is in the negative. The Honourable Member has evidently not understood the intention of the Government orders on the subject. The policy of Government in this matter is to prevent the preponderance in Government service of any one community, and one-third of the vacancies in any office or Department are reserved for such adjustments as may be necessary in pursuance of this policy. This is quite a different thing from reserving one-third of the vacancies for any particular community.

GRANT TO SECOND CLASS HEAD POSTMASTERS OF POWER TO DEAL WITH THEIR SUBORDINATES.

124. \***Mr. Anwar-ul-Azim** : Will Government be pleased to state whether it is a fact that second class Head Postmasters are experiencing much difficulty in managing Head Offices, as they have no power to deal with the subordinates of the clerical cadre ? If so, do Government propose to invest them with full powers to deal with their subordinates ? If not, why not ?

**Mr. P. G. Rogers** : Government are not aware of any such difficulty. The latter part of the question does not arise.

RESERVATION FOR MUSLIMS OF TWO-THIRDS OF THE VACANCIES IN APPOINTMENTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

125. \***Mr. Anwar-ul-Azim** : Will Government be pleased to state the circumstances under which Government reserve only one-third of the vacancies for the Muslim community ? Are Government prepared to reserve two-thirds of the vacancies for that community and one-third for the communities who are already in overwhelming numbers in these departments till the number of the Muslim community reaches its proper level ? If not, why not ?

**The Honourable Sir James Crerar** : If the Honourable Member's question is intended to relate to the rules regarding recruitment to certain services and Departments under the Government of India, I would refer him to the statement made by the late Sir Alexander Muddiman in another place on 2nd March, 1925. It will be seen that the reservation of one-third is for minority communities generally which fail to obtain adequate representation in the Services. As at present advised, Government are not prepared to make any change in the policy already adopted after mature consideration, but I shall be glad to have any representation which the Honourable Member may wish to communicate to me on the subject.

NUMBER OF MUSSALMANS APPOINTED AS OFFICERS AND IN SUPERIOR AND INFERIOR GRADES IN THE POSTS AND TELEGRAPHS DEPARTMENT SINCE ISSUE OF GOVERNMENT'S ORDERS RESERVING ONE-THIRD OF VACANCIES FOR THAT COMMUNITY.

126. \***Mr. Anwar-ul-Azim** : Will Government be pleased to call for and lay on the table statistics from the Posts and Telegraphs Department showing the vacancies which occurred in the officers' and the superior and inferior grades from the date of the issue of the Government order reserving one-third of the vacancies for the Mussalmans and the number of vacancies in the various grades filled up by Mussalmans and others, and state whether the orders were strictly observed ?

**The Honourable Sir Bhupendra Nath Mitra** : I would refer the Honourable Member to the explanation I have just given in reply to his question No. 123, in view of which the statistics asked for by him do not appear to be necessary, and the concluding sentence of his question does not rise.

ARTICULARS OF COMMERCE AND INDUSTRY CARRIED ON IN BRITISH BALUCHISTAN AND NATURE OF SUPPORT GIVEN TO IT.

127. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state what commerce and industry, and to what extent, are prevailing at present in British Baluchistan ?

(b) How are they administratively managed ?

(c) Do the Political Officers on the spot give any support to them and, if so, which and to what extent ?

(d) Have the Commerce and the Industries Departments of the Government of India any practical hand in it and, if so, which and to what extent ?

(e) Do the Commerce and the Industries Departments of the Government of India give any financial support to the commerce and industry of this province and, if so, how much ?

**The Honourable Sir George Rainy** : (a) The Honourable Member's attention is invited to the last Administration Report of the Baluchistan Agency, copies of which are in the Library.

(b) to (e). Official functions relating to the commercial and industrial development of British Baluchistan are performed by local officers under the authority of the Agent to the Governor General and Chief Commissioner, who acts in this capacity on behalf of the Government of India, in

the Commerce and Industry Departments. The expenditure incurred in the performance of these functions is borne by the Central Government.

**EXTENT OF FINANCIAL BURDEN TO THE INDIAN TREASURY OF BRITISH BALUCHISTAN.**

128. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if British Baluchistan is financially a burden on the Indian Treasury ?

(b) If so, to what extent, and for how many years has it so remained ?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to state if they have any idea of attempting to make the province self-supporting ? If so, how ?

**Sir Denys Bray :** (a) Yes.

(b) From the beginning. Excluding expenditure on Political and Frontier Watch and Ward, which are Central heads everywhere, the deficit last year was nearly 22 lakhs.

(c) With over 1,200 miles of vulnerable land frontier, there is, I fear, no prospect of Baluchistan becoming self-supporting ; but this frontier province is of course doing work for the whole of India.

**Mr. Lalchand Navalrai :** May I understand that it is hopeless for British Baluchistan to improve ?

**Sir Denys Bray :** Certainly not, Sir. But even British Baluchistan cannot attain perfection.

**Mr. Lalchand Navalrai :** Then I would expect Government to make some endeavours to improve matters there.

**Sir Denys Bray :** Government are constantly making such endeavours with the result that Baluchistan is in many ways a model for the rest of India, especially Sind. (Laughter.)

**GRANT OF CONTRACTS FOR MILD STEEL SECTIONS FOR THE NORTH WESTERN RAILWAY.**

129. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state to whom contracts for items Nos. 17 to 23, 25, 26, 35 to 37, 101 to 104, 129 to 132, 134 to 137 and 139 to 142 of the North Western Railway tender for mild steel sections for the year 1929-30 was given, and what was the successful firm's offer for these items ?

(b) What was the offer of Messrs. Ramchand Jethmal, Karachi, for these items ?

**Mr. P. R. Rau :** With your permission, Sir, I shall reply to questions Nos. 129 and 130 together. I lay a statement on the table giving the information required in part (a) of both questions. As regards part (b), the ordinary practice, both of the Railway Department and the Indian Stores Department, is not to publish names or amounts of tenders of unsuccessful tenderers, and Government can see no good reason to depart from it in this matter.

| Item No. of Tender of steel mild section for 1929-30. | Name of the firms to whom contract was awarded.                      | Rate at which contract was awarded. | Unit. | Station of delivery. |
|-------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------|-------|----------------------|
|                                                       |                                                                      | Rs. A. P.                           |       |                      |
| 17                                                    | Messrs. The Tata Iron and Steel Co.                                  | 7 6 0                               | Cwt.  | F. R. O. Tatanagar.  |
| 18                                                    | Do. do. ..                                                           | 7 4 0                               | "     | Do.                  |
| 19                                                    | Do. do. ..                                                           | 7 0 0                               | "     | Do.                  |
| 20                                                    | Do. do. ..                                                           | 7 0 0                               | "     | Do.                  |
| 21                                                    | Do. do. ..                                                           | 6 12 0                              | "     | Do.                  |
| 22                                                    | Do. do. ..                                                           | 6 12 0                              | "     | Do.                  |
| 23                                                    | Do. do. ..                                                           | 7 0 0                               | "     | Do.                  |
| 25                                                    | Do. do. ..                                                           | 6 12 0                              | "     | Do.                  |
| 26                                                    | Do. do. ..                                                           | 6 12 0                              | "     | Do.                  |
| 35                                                    | Messrs. Hoare Miller and Co., Calcutta.                              | 5 13 9                              | "     | C. I. F. Karachi.    |
| 36                                                    | Do. do. ..                                                           | 6 0 6                               | "     | Do.                  |
| 37                                                    | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
|                                                       |                                                                      | 6 0 6                               | "     | Do.                  |
|                                                       |                                                                      | 6 3 6                               | "     | Do.                  |
| 101                                                   | Messrs. W. J. Knott and Co., Agents for Messrs. Shaw Wallace and Co. | 8 3 0                               | "     | F. O. R. Karachi.    |
| 102                                                   | Do. do. ..                                                           | 7 6 6                               | "     | Do.                  |
| 103                                                   | Messrs. Hoare Miller and Co., Calcutta.                              | 6 6 3                               | "     | C. I. F. Karachi.    |
| 104                                                   | Do. do. ..                                                           | 6 9 0                               | "     | Do.                  |
|                                                       |                                                                      | 6 6 3                               | "     | Do.                  |
|                                                       |                                                                      | 6 9 0                               | "     | Do.                  |
|                                                       |                                                                      | 6 11 9                              | "     | Do.                  |
|                                                       |                                                                      | 6 2 0                               | "     | Do.                  |
| 129                                                   | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
|                                                       |                                                                      | 6 2 0                               | "     | Do.                  |
| 130                                                   | Do. do. ..                                                           | 6 2 0                               | "     | Do.                  |
| 131                                                   | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
|                                                       |                                                                      | 6 7 6                               | "     | Do.                  |
|                                                       |                                                                      | 6 2 0                               | "     | Do.                  |
| 132                                                   | Do. do. ..                                                           | 6 2 0                               | "     | Do.                  |
| 134                                                   | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
|                                                       |                                                                      | 6 7 6                               | "     | Do.                  |
|                                                       |                                                                      | 6 2 0                               | "     | Do.                  |
| 135                                                   | Do. do. ..                                                           | 6 2 0                               | "     | Do.                  |
| 136                                                   | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
| 137                                                   | Do. do. ..                                                           | 6 7 6                               | "     | Do.                  |
|                                                       |                                                                      | 6 2 0                               | "     | Do.                  |
| 139                                                   | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
|                                                       |                                                                      | 6 2 0                               | "     | Do.                  |
| 140                                                   | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
|                                                       |                                                                      | 6 2 0                               | "     | Do.                  |
| 141                                                   | Do. do. ..                                                           | 6 2 0                               | "     | Do.                  |
| 142                                                   | Do. do. ..                                                           | 6 4 9                               | "     | Do.                  |
|                                                       |                                                                      | 6 7 6                               | "     | Do.                  |

| Item No. of Tender for Canvas Hose. | Name of firm to whom contract was awarded. | Rate at which contract was awarded. | Unit.                      |
|-------------------------------------|--------------------------------------------|-------------------------------------|----------------------------|
|                                     |                                            | Rs. a. p.                           |                            |
| 633                                 | Messrs. Turner Hoare and Co.               | 0 6 0                               | Per foot f. o. r. Karachi. |
| 634                                 | Do. do. ..                                 | 0 8 0                               | Do.                        |
| 635                                 | Cancelled .. ..                            | ..                                  | ....                       |
| 636                                 | Messrs. Turner Hoare and Co.               | 0 10 2                              | Per foot f. o. r. Karachi. |
| 637                                 | Do. do. ..                                 | 0 11 9                              | Do.                        |
| 638                                 | Do. do. ..                                 | 0 15 3                              | Do.                        |
| 639                                 | Do. do. ..                                 | 1 3 9                               | Do.                        |

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to give me an idea, if the statement does not contain it, of what was the tender of Messrs. Ramchand Jethmal, and what was the other tender which was accepted ?

**Mr. P. R. Rau :** The statement gives information about the successful tenders : about Messrs. Ramchand Jethmal I have already stated that I am unable to give an answer.

#### GRANT OF CONTRACTS FOR CANVAS HOSE FOR THE NORTH WESTERN RAILWAY.

†130. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state to whom the contract for canvas hose of various sizes of the North Western Railway tender for Miscellaneous Stores of European Manufacture for 1929-30 was given and what was the successful firm's offer for different sizes ?

(b) What was the offer of Messrs. Ramchand Jethmal, Karachi, for these items ?

#### INCLUSION OF THE NAME OF RAMCHAND JETHMAL OF KARACHI IN THE LIST OF FIRMS ASKED TO TENDER FOR STORES FOR THE NORTH WESTERN RAILWAY.

131. **\*Mr. Lalchand Navalrai :** (a) Is it a fact that tenders were invited from Messrs. Ramchand Jethmal of Karachi for casual requirements of the North Western Railway ? If so, why were they not included in the list of Indian firms which were asked to give their quotations, as stated in letter No. 3925, dated Simla, the 20th May, 1929, from the Deputy

†For answer to this question see answer to question No. 129.

Director, Railway Board, in reply to question No. 439, asked in the Assembly by Haji Abdullah Haroon, M.L.A., on the 3rd April, 1929 ?

(b) Is it a fact that invitation of such tenders from the firm of Messrs. Ramchand Jethmal of Karachi has been discontinued ? If so, why ?

**Mr. P. R. Rau :** I understand invitations for casual tenders were invited from the firm named in the past, but it has now been removed from the list, along with 85 other firms, with a view to reducing the list which had become unnecessarily long.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say what was the reason for taking away the names of this firm and other firms ?

**Mr. P. R. Rau :** Because the list had become unnecessarily long, 86 names were removed from the total list.

#### PUBLICATION BY THE NORTH WESTERN RAILWAY OF PARTICULARS OF THEIR PURCHASES.

132. **\*Mr. Lalchand Navalrai :** Are Government aware that the Indian Stores Department of the Government of India publish their purchases in an Indian trade journal ?

(b) Is it a fact that the Great Indian Peninsula and East Indian Railways publish their purchases similarly ?

(c) If so, why does not the North Western Railway publish its purchases ?

(d) Do Government propose, in the interests of the trading firms, to ask the North Western Railway to follow a similar course ?

**Mr. P. R. Rau :** (a) Yes.

(b), (c) and (d). In March, 1924, the Railway Board instructed the State Railways to publish, in the *Indian Trade Journal*, extracts of items of purchase through public tender, the names of the successful tenderers and accepted rates.

The Great Indian Peninsula Railway publish acceptances of all advertised annual tenders for items exceeding Rs. 5,000 in total value. The East Indian Railway publish accepted tenders in the *East Indian Railway Stores Bulletins*, which are supplied regularly to the Director General of Commercial Intelligence and Statistics, Calcutta ; but it is understood on inquiry that, through some misunderstanding, these results are not being published in the *Indian Trade Journal*. Steps are being taken to put this right. The North Western Railway have not been publishing accepted tenders in the *Indian Trade Journal*, except for sleepers, as in 1927 the Director General of Commercial Intelligence advised the Agent that he was unable to provide the space required for detailed lists of accepted items on annual tenders ; but lists of all accepted tenders are posted on the notice board outside the headquarters office, Lahore. The Railway Board have now arranged with the Director General of Intelligence

and Statistics to publish the North Western Railway accepted items in the same way as in other State Railways.

# NUMBER OF MUSLIMS APPOINTED TO THE ARMY DEPARTMENT SINCE OCTOBER 1927.

133. \*Maulvi Muhammad Yakub : With reference to my questions Nos. 861 and 862, asked on the 5th September, 1927, will Government be pleased to state what action has since been taken by the Public Service Commission, to add more Muslim candidates to the list of qualified candidates and how many Muslims have been appointed in the Army Department since October 1927 ?

The Honourable Sir James Crerar : Since September 1927, the Public Service Commission have added, on the results of the competitive examination held in November, 1926, the names of 15 Muslims to the list of candidates qualified for employment in the Government of India Secretariat and the attached offices. Seven Muslims have been appointed, either permanently or in a provisionally permanent capacity in the Army Department Secretariat since October 1927.

# PAY AND ALLOWANCES OF CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

134. \*Maulvi Muhammad Yakub : Will Government be pleased to refer to the statement below and state whether it is correct, and also state :

- (a) The reasons why the lady clerks are allowed to draw higher rates of pay and allowances than the senior male clerks ?
- (b) Whether the clerks at 18 and 19 of the statement have been allowed any concession in view of the huge reduction in their emoluments on account of their retention at Delhi ? If so, what and, if not, what are the reasons ?
- (c) Whether the staff of Director General's Simla Camp Office, especially the clerks of second Division, included the clerks who have been allowed the Delhi transfer concessions ; and, if so, why such clerks have been given preference over the affected clerks who have been deprived of the concessions ?
- (d) Whether it is a fact that one lady typist, who was appointed only last year (1928), is in receipt of a pay of Rs. 125 per mensem (in the grade of Rs. 55—155), plus Simla local allowance, Rs. 65 per mensem, plus house-rent allowance, Rs. 300 ; that is, she is allowed to draw the allowances at family rates over and above her higher rates of pay and, if so, why the male clerks who, although much more senior to her, are in receipt of much less pay and allowances ?

Statement showing particulars of the officials of the Director General of Posts and Telegraphs Office who were not allowed the concessions sanctioned on the occasion of the transfer of the Headquarters of that office from Calcutta to Delhi.

| No. | Names.                  | Date of appointment. | Date of entry in grade.                       | Monthly.           |                         |        | Annual.                      |
|-----|-------------------------|----------------------|-----------------------------------------------|--------------------|-------------------------|--------|------------------------------|
|     |                         |                      |                                               | Sub-stan-tive pay. | Simla Local Allow-ance. | Total. | Simla House Rent Allow-ance. |
|     |                         |                      |                                               | Rs.                | Rs.                     | Rs.    | Rs.                          |
| 1   | Mr. G. deMagry ..       | 24-9-03              | 28-9-21                                       | 400                | 75                      | 475    | 400                          |
| 2   | Miss E. deMonte ..      | 16-6-18              | 1-3-21                                        | 285                | 70                      | 355    | 350                          |
| 3   | Mr. M. A. Rauf ..       | 7-12-97              | 1-3-22                                        | 170                | 65                      | 235    | 300                          |
| 4   | Mr. M. A. Rahman ..     | 1-4-20               | 1-4-22                                        | 155                | 65                      | 220    | 260                          |
| 5   | Mr. S. N. Sen ..        | 1-2-22               | 1-2-22                                        | 130                | 65                      | 195    | 260                          |
| 6   | Mr. M. A. Khan ..       | 1-5-19               | ..                                            | 118                | 65                      | 183    | 260                          |
| 7   | Mrs. A. Harington ..    | 17-4-23              | 17-4-23                                       | 150                | 65                      | 215    | 300                          |
| 8   | Mr. A. H. Khan ..       | 8-7-19               | 1-3-21                                        | 110                | 65                      | 175    | 260                          |
| 9   | Mr. H. N. S. Chodhry .. | 2-6-19               | 1-3-21                                        | 90                 | 50                      | 140    | 230                          |
| 10  | Mr. Kh. A. Bashir ..    | 1-5-19               | 1-3-21                                        | 90                 | 50                      | 140    | 230                          |
| 11  | Mr. M. A. Ghani ..      | 1-6-19               | 1-3-21                                        | 90                 | 50                      | 140    | 230                          |
| 12  | Mr. H. N. Verma ..      | 1-5-19               | 1-3-21                                        | 90                 | 50                      | 140    | 230                          |
| 13  | Mr. S. M. Badruddin ..  | 18-3-20              | 1-12-21                                       | 85                 | 50                      | 135    | 260                          |
| 14  | Mr. Ram Rakha ..        | 26-6-24              | 26-6-24                                       | 70                 | 50                      | 120    | 230                          |
| 15  | Mr. K. M. Ghosh ..      | 1925 ?               | ..                                            | 65                 | 50                      | 115    | 260                          |
| 16  | Mr. A. Salahuddin ..    | 1-5-19               | Since transferred to Delhi on promotion.      |                    |                         |        |                              |
| 17  | Mr. N. Mohammad ..      | 12-4-20              | Since transferred to Delhi on promotion.      |                    |                         |        |                              |
| 18  | Mr. Mohd. Maroof ..     | 12-5-02              | Since transferred to Delhi without promotion. |                    |                         |        |                              |
| 19  | Mr. S. M. Banerji ..    | 1-4-25               | Since transferred to Delhi without promotion. |                    |                         |        |                              |

The official shown at 1 is in the grade of 300—500.

The officials shown at 2 to 6 are in the grade of 100—300.

The officials shown at 7 to 15 are in the grade of 55—155.

The Honourable Sir Bhupendra Nath Mitra : (a) The statement furnished by the Honourable Member is correct. The scale of pay and allowances for lady and male clerks is identical, but as, under Government orders lady clerks are given a higher starting pay, the actual pay drawn by them may be higher than that of male clerks of possibly longer service.

(b) No. Because the compensatory and other allowances under the Simla Allowances Code are not admissible to those clerks who are required to remain permanently in Delhi.

(c) Yes ; some of them, because they were selected as more suitable for employment in the camp office.

(d) Yes ; as regards her higher pay, the position has already been explained in my reply to part (a) above. As regards allowances the rates vary according to pay, and higher pay carries higher allowances.

Maulvi Muhammad Yakub : What is the reason that they are considered more suitable for camp work ?

The Honourable Sir Bhupendra Nath Mitra : That, Sir, is a matter of opinion on the part of the head of the office. In his opinion these individuals are more suitable for the work of the camp office than perhaps other people who are placed in a less fortunate position.



**Maulvi Muhammad Yakub :** Are these lady clerks given more pay because they are required to do some additional work besides their office work ?

**The Honourable Sir Bhupendra Nath Mitra :** There is no question of additional work besides office work.

EMOLUMENTS OF CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS PERMANENTLY LOCATED IN DELHI.

135. **\*Maulvi Muhammad Yakub :** (a) Will Government be pleased to refer to the reply of the Honourable Mr. A. C. McWatters to Mr. Anwar-ul-Azim's unstarred question No. 414 in the Legislative Assembly on the 20th September, 1928, and say how many clerks from among those who have not been granted any "concessions" sanctioned on the permanent location of the Office of the Director General of Posts and Telegraphs at Delhi were permanently located in Delhi this year, and how the percentage of reduction in their emoluments compares with that of the increase in the emoluments of their confreres, who were transferred from Calcutta ?

(b) What amount of compensation has been given to such clerks in view of the huge reduction in their emoluments and in view of the fact that their confreres were given a special increase in pay and other concessions on being permanently located in Delhi ? If no compensation has been given, what are the reasons ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Four, of whom two have been retained in Delhi on promotion to the higher grades. In the case of the other two, the percentages of decrease of emoluments are 49 per cent. and 52 per cent. respectively, representing the Simla Local Allowances ; while the proportionate increase in the emoluments of the clerks of equal standing who were transferred from Calcutta are 9 per cent. and 18 per cent. These increases are due to their temporary personal pay which, under the rules, will be gradually absorbed in annual increments. In a few years' time the pay for the two classes in Delhi will be equalised.

(b) As they are no longer attached to the Simla camp office, they are not entitled to draw the compensatory and other allowances under the Simla Allowances Code, nor have they any claim to concessions enjoyed by clerks transferred with the permanent office from Calcutta to New Delhi, as they did not fulfil the conditions on which those concessions were granted. There is therefore no question of compensation.

**Maulvi Muhammad Yakub :** Was any undertaking given to the clerks recruited in the Calcutta office that they were to serve in the town of Calcutta only, and if all of them belonged to that town or to suburbs how much did they lose financially by the move ?

**The Honourable Sir Bhupendra Nath Mitra :** So far as I am aware, though this is ancient history, no written undertaking of any kind was given to the clerks referred by my Honourable friend, but there was undoubtedly that understanding. When the clerks were recruited, the headquarters of the Office of the Director General were at Calcutta, and only a section of the Office used to move up to Simla. Therefore, Government considered that it would be only treating these clerks fairly if they were given some compensation for a change in what they understood to

be the conditions of their service. I regret I do not possess the statistical information which my Honourable friend wants, and at this distance of time it would be impossible for me to start investigations to collect all that statistical information.

**Maulvi Muhammad Yakub :** Is it not a fact, Sir, that the majority of the clerks affected are low paid Mussalmans and the conditions of their service were specially mentioned by Order No. 17-P.T.E., dated the..... 1929, and that 200 clerks got something more by way of concessions ?

**The Honourable Sir Bhupendra Nath Mitra :** I can assure my Honourable friend that no question of communal discrimination arises in the matter. The Director General had to follow the orders based on standard rules of the Finance authorities.

**Maulvi Muhammad Yakub :** Well, Sir, another question. Would not these clerks have got the concessions if they were on duty in the Calcutta office instead of in the Simla office, like the other clerks who were transferred to that office from Simla before the change of headquarters ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall be glad if the Honourable Member will repeat his question. It is so long that I could not catch it.

**Maulvi Muhammad Yakub :** Would they not have got the concessions if these clerks had been in the Calcutta office instead of in the Simla office like the other clerks who were transferred to that office from Simla before the change of headquarters ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall be glad if the Honourable Member will put down that question on paper. It is so complicated that, though I have tried my best to catch it, I am afraid I fail to see the point of it.

**Mr. Gaya Prasad Singh :** Will it not be proper to leave the details of office arrangement to the Department itself ?

**The Honourable Sir Bhupendra Nath Mitra :** That is not a question ; it may be an answer to my friend Maulvi Muhammad Yakub's last question.

**Maulvi Muhammad Yakub :** I congratulate the Government for having secured an adviser.

REPORT ON THE SPECIAL SUPPLY OF WAGONS DURING JANUARY, FEBRUARY AND MARCH, 1929, ON THE EAST INDIAN AND BENGAL NAGPUR RAILWAYS.

136. **\*Mr. K. C. Neogy :** (a) Will Government be pleased to state if they have received the Report of the Committee appointed to examine the question of special supply of railway wagons during January, February and March, 1929, for the carriage of coal, on the East Indian and Bengal Nagpur Railways, and other connected questions ?

(b) Is it a fact that instances of gross irregularities have been brought to light in the course of the said inquiry, and that the Committee have left it to the Railway Board to decide whether further investigation should be made into these cases ?

(c) What action do Government propose to take upon the Report, and when is it likely to be published?

**The Honourable Sir George Rainy :** (a) Yes. I am placing a copy of the Report on the table of the House.

(b) Yes.

(c) Action has already been taken by the Railway Board on most of the recommendations of the Committee, after obtaining the concurrence of the Indian Mining Association and Indian Mining Federation and the Agents of the East Indian and Bengal Nagpur Railways.

I propose to discuss the matter with the Railway Central Advisory Council at a meeting during the present Session.

#### WAGON SUPPLY COMMITTEE.

##### REPORT.

June 10th, 1929.

The Committee appointed to examine the question of the special supply of wagons during January, February and March, 1929 and to investigate the method by which the bases for the allotment of wagons to Collieries are fixed vide Railway Board's letter of the 25th March 1929—held its first Meeting on the 8th April and subsequent ones on the 17th April, the 3rd, 14th and 17th May and the 7th of June.

##### Terms of Reference.

That the Committee should investigate the whole question of the special supply of wagons during January, February and March 1929 for loading coal for (a) Government requirements and (b) Public Utility Concerns with special reference to :

- (1) The genuineness of the indents for wagons on these accounts.
- (2) The necessity and possibility of the Railways exercising a stricter check on the genuineness of the indents with a view to keeping the numbers of wagons to be supplied under the above two heads as low as possible.
- (3) The necessity for the Railways exercising a greater check than was done in the actual booking of the wagons that were supplied under the above heads. For the purpose of the above investigation the Railway Administration will produce such records before the Committee as are pertinent to the investigation.

The Committee should further investigate the method on which the bases of Collieries are fixed.

##### Members of the Committee.

C. S. WHITWORTH, Esq., C.I.E., Chief Mining Engineer, Railway Board.

A. A. F. BRAY, Esq.,  
W. D. PANTON, Esq., } Representing the Indian Mining Association.

M. N. MUKERJEE, Esq.,  
S. C. GHOSH, Esq., } Representing Indian Mining Federation.

A. BURBIDGE, Esq., Representing East Indian Railway.

G. S. PELLY, Esq., Representing Bengal Nagpur Railway.

##### Report of Committee.

1. The genuineness of indents for wagons on account Government requirements and Public Utility Concerns :

A very large number of indents were not genuine. We were informed that on the Bengal Nagpur Railway inquiries were always made into doubtful

cases before wagons were supplied, but on the East Indian Railway—up to the middle of March—there was no regular check of any description. If a Colliery indented for wagons on account "Government" or "Public Utility" they were supplied without question or reference and we are convinced that a large number of wagons supplied against genuine indents were misused.

3. The necessity and possibility of the Railways exercising a stricter check on the genuineness of the indents with a view to keeping the number of wagons under the above two heads as low as possible :

On the East Indian Railway a stricter check is now being exercised than was in force in January, and the Bengal Nagpur Railway claim that they have always exercised considerable care in dealing with, and investigating the genuineness of indents. At the same time we are of opinion that the the strictest check should always be exercised—whether wagons are plentiful or not.

We are of opinion that the following priority list should be put into force as early as possible :

- (a) Shipment Coal under the Coal Grading Board Act, 1925.
- (b) Loco Coal including Railways, Mail Steamers and Port Trusts.
- (c) Military requirements certified by Chief Mining Engineer, Railway Board.
- (d) Public Utility in the following orders :
  - (i) Power Stations, Gas Works, Water Works, Municipalities.
  - (ii) Tramways.
  - (iii) Inland Steamers (for their own consumption).
- (e) Iron and Steel Works—

*Note.*—We are all agreed that the Iron and Steel Works must have their coal supplies assured, but we do feel that they should maintain stocks at the various works representing a minimum of 30 days consumption, on which they should draw in times of wagon shortage.

##### (f) Coke Works—

*Note.*—The Indian Mining Federation object to special supplies being given to Coke Plants on the ground that they are situated in the Coal-fields.

A list of the Public Utility Concerns—prepared from the Railway records—is appended, and we recommend that this list be given to both Railways for their guidance. Any concern which considers it is entitled to be given priority under any of the Public Utility Sub-Heads would place its application before a small new Committee. We consider that a Committee formed somewhat on the lines of the Coal Grading Board would be suitable for this purpose.

The Railways would be relieved of all responsibilities by this Committee and the Trade would be dealt with by the Trade.

The Indian Mining Association consider that Consumers should be represented on the Committee but the Indian Mining Federation think, that in view of the fact that it is not possible to obtain a representative of all Consumers from any of the local Chambers, the Committee should be composed of representatives of the Coal Trade only.

All wagons supplied under priority should be consigned to the actual consumer and not to contractors.

(g) Public Supplies.—On the Bengal Nagpur Railway the actual daily allotment is done by an Officer personally, but on the East Indian Railway it is left to subordinates, and we strongly recommend that this very important work be done by Officers in future.

We are convinced that closer co-ordination between the two railways, in the distribution and working of both empty and loaded wagons, and between the Railways and the Port Commissioners, would be of considerable benefit to all concerned.

We are also of opinion that the Coal Manager, Bengal Nagpur Railway should have his Headquarters in Calcutta and not in Adra. (The Bengal Nagpur Railway representative objecting.)

3. The necessity for the Railways exercising a greater check than was done in the actual booking of the wagons that were supplied under the above heads.

Until the middle of March wagons on the East Indian Railway could be booked to any destination without much fear of detection—irrespective of the station they were indented for—but we are told that an effort was made at the Weighbridges to ensure that wagons allotted for “Upwards” were not despatched “Downwards” and *vice versa*. The Coal Manager, East Indian Railway explained that he had not the staff to make any other checks.

We were informed that on the Bengal Nagpur Railway consignments were checked at the Weighbridges to ensure that they were despatched to the destination indented for.

4. *Method on which the bases of Collieries are fixed.*—The method was supposed to be as follows :

The stocks *plus* raisings, of a colliery for the period January to June 1928 were used to fix the basis of a Colliery for the period January to June 1929, but on investigation of the East Indian Railway records for four days only we found an extraordinary state of affairs.

In the first place we should like to express our surprise at the careless manner in which the Dhanbad Daily Allotment Books were kept, making it extremely difficult to examine them properly. The Coal Manager, East Indian Railway, assured the Committee that this matter had received immediate attention.

In the course of the examination of the Allotment Sheets for four specific dates only we detected 19 cases where the bases had been changed and in some cases the figure was increased by as much as 500 per cent.

The following are a few typical cases :

- (a) A Colliery had a basis of 5 wagons on 1st January 1929. This was changed to 15 wagons on 21st February 1929 and to 25 wagons on 28th February 1929.
- (b) A Colliery had a basis of 12 wagons on 1st January 1929. This was changed to 35 wagons on 21st February 1929 and to 40 wagons on 28th February 1929.
- (c) A Colliery had a basis of 18 wagons on 1st January 1929. This was changed to 25 wagons on the 7th January 1929, to 30 wagons on 21st February 1929 and to 35 wagons on 28th February 1929.
- (d) A Colliery was given a basis of 8 wagons on 8th February 1929 and this was changed to 20 wagons on 26th February 1929 although the Colliery had been closed for two years.

Several Collieries were also given bases far exceeding their siding capacities.

The East Indian Railway representative on the Committee was asked to examine these irregularities, and he reported that apart from one or two solitary instances where he himself had changed a basis on a sound representation, the whole of the other figures had been changed in his office, without his knowledge and without any authority.

In view of the fact that 19 cases were detected in the records of 4 out of 90 days the total number of irregular alterations during the three months must have reached an astounding figure and the committee view it in a very serious light.

We leave it to the Railway Board to decide whether any further investigation is necessary.

Regarding the method on which the bases of collieries should be fixed in future, we are of opinion, after considerable discussion of the question, that the system for the next six months should be as follows :

1. For the quarter—July to September 1929—the bases should be fixed on the raisings—without regard to stocks—of the quarter January to March 1929.
2. For the quarter October to December 1929 on the raisings—without regard to stocks—of the quarter April to June 1929.
3. For the quarter January to March 1930 the two Railways will be in possession of exact figures of raisings and despatches of all Collieries. The stocks of coal on the 30th June are to be arrived at by deducting the despatches of the quarter April to June from the raisings for the same period.

The stocks thus obtained are then to be taken into account in fixing the bases for the quarter January to March 1930.

This method is a simple one because the East Indian Railway now work the bases out on quarterly figures instead of half yearly as hitherto and the Bengal Nagpur Railway continue to work on quarterly figures.

The difficulty previously has been to check the stock figures submitted by Collieries, and in practice figures given by them have had to be accepted as correct.

Our above recommendations are intended to overcome this difficulty and the present is an ideal time for starting the system, as generally speaking there are practically no stocks at Collieries.

A Colliery with two sidings—one on the East Indian and one on the Bengal Nagpur Railway—should be called upon to declare the proportion of its raisings that it wishes to despatch from either siding as we understand that at present a Colliery in this position is able to obtain double the basis to which it is entitled.

Figures of bases should be made available to the public either in booklet form or otherwise.

We are of opinion that Railways should not have the power to alter the wagon basis of any Colliery during a quarter and that cases requiring special treatment should be referred to the proposed new Committee who would be empowered to make alterations if, in their opinion, the circumstances warranted it.

C. S. WHITWORTH.

A. A. F. BRAY.

A. BURBIDGE.\*

S. C. GHOSH.

M. N. MOOKHERJEE.

GEORGE PELLY.

W. D. PANTON.

\*Subject to Note attached.

#### *Iron Works, etc.*

1. Tata Iron and Steel Company—Tatanagar.
2. Indian Iron and Steel Company—Burnco.
3. Bengal Iron and Steel Company—Kulti.

#### *Tramway Companies.*

1. Calcutta Tramway Company.
2. Bombay Tramway Company.
3. Delhi Tramway Company.

#### *Coke Manufacturing Companies.*

1. Loyabad Coke Manufacturing Company.
2. Bararee Coke Company.

#### *Gas Companies.*

1. Oriental Gas Company—Sealdah.
2. Bombay Gas Company.
3. Joypur Gas Works.
4. Cawnpore Gas Works.

#### *Municipalities.*

(Less any wagons required for Water Works.)

1. Calcutta Corporation.
2. Madras Corporation.
3. Cawnpore Municipal Board.
4. Ludhiana Municipal Board.
5. Kholapur Municipal Board.
6. Howrah Municipal Board.

7. Bijapur Municipal Board.
8. Coconada Municipal Board.
9. Gorakhpore Municipal Board.
10. Patiala Chief Engineers.

All wagons to be consigned to the Municipalities and *not* to the Contractors.

*Electric Supply Company, etc.*

1. Calcutta Electric Supply Corporation.
2. Amritsar Electric Supply.
3. Rampur Electrical Engineer.
4. Cawnpore Electric Supply.
5. Lahore Electric Supply.
6. Delhi Electric Supply.
7. Multan Electric Supply.
8. Barrackpore Electric Supply.
9. Benares U. P. Electric Supply.
10. Allahabad Electric Supply.
11. Bareilly Electric Supply.
12. Gwalior Electric Supply.
13. Indore Electric Supply.
14. Jodhpur State Electric Supply.
15. Kapurthala Electric Supply.
16. Madras Electric Supply.
17. Poona Electric Supply.
18. Bikaner Electric Supply.
19. Rawalpindi Electric Power Company.
20. Raipur State Electrical Engineer.
21. Rajpipla Electrical Engineer.
22. Mymensingh Electric Supply.
23. Burdwan Electric Supply.
24. Udaipur Electrical Engineer.

*Water Works.*

1. Benares Cantonment—Superintendent, Water Works.
2. Subzimandi—Superintendent, Water Works.
3. Jammu Tawi—Superintendent, Water Works.
4. Patiala—State Engineer, Water Works.
5. Kasimbazar—Berhampore Municipal Water Works.
6. Agra City—Superintendent, Water Works.
7. Calcutta—Pumping Stations.
8. Bhagalpur—Water Works.
9. Lucknow—Municipal Water, Sewage Works.
10. Sylhet Bazar—Water Works.
11. Serampore—Howrah Water Works.
12. Allahabad—Water Works.
13. Badamibagh—Municipal Water Works.
14. Nagpur—Water Works.
15. Ajmer—Water Works.
16. Ahmedabad—Water Works.
17. Benares—Water Works.
18. Cawnpore—Water Works.
19. Coconada—Water Works.
20. Delhi—Water Works.
21. Dacca—Water Works.
22. Faridkot—Water Works.

23. Gaya—Water Works.
24. Gwalior—Water Works.
25. Jaipur State—Water Works.
26. Kirkee—Water Works.
27. Karachi—Water Works.
28. Ludhiana—Water Works.
29. Mussoorie—Water Works.
30. Muzaffarpore—Water Works.
31. Mymensingh—Water Works.
32. Monghyr—Water Works.
33. Poona—Water Works.
34. Raipur—Water Works.
35. Rajkote—Water Works.
36. Rampur—Water Works.
37. Rutlam—Water Works.
38. Surat—Water Works.
39. Sialkot—Water Works.
40. Tanjore—Water Works.
41. Trichinopoly—Water Works.
42. Ujjain—Water Works.
43. Vizagapatam—Water Works.
44. Wardha—Water Works.

*Inland Steamers.*

1. Calcutta Steam Navigation Company (Ferry work in Port) (Messrs. Hoare Miller and Company).
2. India General Navigation and Railway Company (Messrs. Kilburn and Company).
3. River Steam Navigation Company (Macneill and Company).
4. Bengal Assam Navigation Company (Messrs. Andrew Yule and Company).
5. Calcutta Port Shipping Company (Messrs. Andrew Yule and Company).
6. Calcutta Landing and Shipping (Messrs. Gladstone Wyllie and Company).
7. East Bengal River Steam Service.
8. The Bangiya Inland Steamship Navigation and Trading Company.

NOTE BY MR. A. BURBRIDGE, COAL MANAGER, E. I. RAILWAY.

2. The necessity and possibility of the railways exercising a stricter check on the genuineness of the indents with a view to keeping the number of wagons under the above two heads as low as possible.

There is no doubt as to the necessity and there is also no doubt as to the impossibility of railways exercising an efficient check on the genuineness of indents without long correspondence and consequent delay in meeting requirements.

3. The necessity for the railways exercising a greater check than was done in the actual booking of the wagons that were supplied under the above heads.

There is no doubt that a very close check on the actual booking of wagons is essential when there is a heavy demand for coal but this work requires an experienced staff. The railways have not been in a position to train the necessary staff. As there have been only 8 weeks of pressure in the coal trade when indents were not met in full during the last 4 years, it is obvious that the staff, even had they been retained during these years, would not have been able to gain the necessary experience to enable them to deal efficiently and expeditiously with the situation.

The check to be effective must be complete both in the Allotment Offices and at the Weighbridges.

To be complete it must be fairly elaborate and consequently expensive.

It is computed that the monthly cost will not be less than Rs. 3,000 per mensem.

Since March, 1925, short supplies in the coalfields on the E. I. Railway have lasted only two months.

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Obviously, the organisation must be a permanent one. Temporary staff for a period of stress would be worse than useless. Temporary men would have nothing to lose.

An expenditure of Rs. 3,000 a month in the circumstances is particularly hard, if not impossible, to justify.

I am of the opinion that Section 8 of Act XXXI of 1925 authorising preferential treatment of indents for wagons on account of Graded Export coal should be strictly observed and that all other indents whether for Loco. Public Utility Concerns, Government purposes or otherwise, should be treated alike and allotment made on basis *pro rata* to the number of wagons available.

A. BURBIDGE.

**Mr. K. C. Neogy :** Has any action been taken against the Coal Manager of the East Indian Railway ?

**The Honourable Sir George Rainy :** The officer to whom, I think, my Honourable friend refers,—I am speaking from memory, I do not remember if he was the Coal Manager himself,—this officer whose conduct is criticised by the Committee, was, I believe, already out of the service of the Railway before the Committee reported.

#### REPORT OF THE INDIAN CINEMATOGRAPH COMMITTEE.

137. **\*Mr. K. C. Neogy :** What stage has been reached in the consideration of the Report of the Indian Cinematograph Committee, and what time are Government likely to take in reaching their final conclusions in the matter ?

**The Honourable Sir James Crerar :** The views of Local Governments have been received on some of the recommendations and the report is under the consideration of Government who have not yet come to a decision. I am unable to say at present when final conclusions will be reached.

**Mr. E. L. Price :** May I ask the Honourable Member whether he realises that the introduction of the "Talkies" has altered the whole situation ?

**The Honourable Sir James Crerar :** I appreciate the fact that this new development in the art may possibly have very considerable relevance to the recommendations now under consideration.

#### CONSULTATION OF THE GOVERNMENT OF INDIA ON MATTERS RELATING TO EGYPT.

138. **\*Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to the statement made in the House of Lords on behalf of the British Government by Lord Passfield, as cabled by Reuter on the 25th July, in connexion with Lord Lloyd's resignation of the High Commissionership of Egypt, to the effect that "in this, as in other matters, there had been as much communication as practicable with the Dominions and India" ?

(b) Are Government usually consulted in matters relating to the British Government's policy in Egypt ? If so, does such consultation take place with the Government in India or with the Secretary of State for India ?

**Sir Denys Bray :** (a) Yes, Sir.

(b) Yes ; with both.

#### PROMOTION OF LOCAL TRAFFIC SERVICE OFFICERS AND QUALIFIED SUBORDINATES TO THE SUPERIOR TRAFFIC SERVICE.

139. **\*Mr. K. C. Neogy :** (a) With reference to the reply to my starred questions Nos. 501 and 502 of the 11th February, 1929, and the statement made by Mr. Parsons to the effect that the proportion of 20 per cent. reserved for the promotion of Local Traffic Service Officers and qualified subordinates to the Superior Traffic Service was increased in 1928-29 to remedy shortages in the two previous years and that there was no intention of increasing this proportion, and with further reference to the same gentleman's reply to Pandit H. N. Kunzru's supplementary question to starred question No. 388 of 4th February, 1929, to the effect that 36 per cent. of the vacancies had been reserved in 1929-30 for the promotion of Local Traffic Service Officers and subordinates, will Government please refer to the figures given in reply to my starred question No. 502 of 11th February, 1929, and explain clearly how the proportion of 36 per cent. for the year 1929-30 has been arrived at ?

(b) If the prescribed 20 per cent. is going to be exceeded for the year 1929-30, in spite of Mr. Parsons' statement that it was not intended to increase the proportion, will Government please state the reasons therefor ?

(c) With reference to the following statement of Mr. Parsons in reply to Pandit H. N. Kunzru's supplementary question to starred question No. 388 of 4th February, 1929, namely, "Actually this year we filled 33 1/3rd per cent. of the Indian recruitment by promotion from the Local Traffic Service", will Government please state if one Mr. Absell, a subordinate of the East Indian Railway, has only recently been promoted to the Superior Traffic Service, and also if this appointment is one of those to be filled by promotion in 1929-30 ?

(d) Will Government please state the names of the other persons (Local Traffic Service officers or subordinates) besides Mr. Absell who have been promoted to the Superior Traffic Service to fill the vacancies reserved for the year 1929-30 ?

(e) If no other Local Traffic Service officers or subordinates have yet been promoted, will Government please state the reasons why ?

**Mr. P. R. Rau :** (a) At the time Mr. Parsons made that statement, the promotion of four subordinates was in contemplation, the total number of vacancies expected being 11.

(b), (d) and (e). The question of the number of vacancies to be filled by promotion and the selection of individuals for promotion is now under consideration.

(c) Mr. Absell's promotion dates from October 1928 and counts against the promotions of 1928-29.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether the Railway Board has arrived at a decision as to whether they are going to abolish the Local Traffic Service ?

**Mr. P. R. Rau :** The question of the re-organization of the whole cadre is at present under the consideration of the Railway Board.

L3CPB(LA)

**Lieut.-Colonel H. A. J. Gidney :** How long is this consideration to last ? Is it not a fact that this subject is being dealt with by Mr. Hayman, the Labour Member ?

**Mr. P. R. Rau :** The appointment of an additional Member to the Railway Board will, I hope, hasten the solution of this question.

**Lieut.-Colonel H. A. J. Gidney :** Many thanks. I hope so.

**PROMOTION TO THE SUPERIOR TRAFFIC SERVICE OF MR. ABSSELL, A SUBORDINATE, IN PREFERENCE TO A PERMANENT INDIAN LOCAL TRAFFIC OFFICER.**

140. **\*Mr. K. C. Neogy :** (a) What is the total number of vacancies which have been or will be filled in 1929-30 by the promotion of Local Traffic Service Officers and subordinates ?

(b) What was this number for the year 1928-29, and how many were actually promoted ? How many of them are Indians and how many Europeans and Anglo-Indians ?

(c) Is it a fact that there are about six permanent officers in the East Indian Railway Local Traffic Service ? If so, what were the reasons for having promoted Mr. Absell, a subordinate, by ignoring the claims of the permanent Local Traffic Service Officers ?

(d) Is it a fact that there is one Indian Officer in the East Indian Railway Local Traffic Service (drawing more pay than Mr. Absell) who has been working as a permanent officer on that Railway for many years ?

(e) Will Government please refer to Mr. Parsons' reply to my starred question No. 502 (k) of the 11th February, 1929, and state if the confidential reports of all the permanent Local Traffic Service Officers on all the State lines who are senior to Mr. Absell, who was hitherto only a subordinate, were sent to the Public Service Commission, and also whether the said body approved of the appointment of Mr. Absell in preference to the permanent Local Traffic Service Officers referred to ?

(f) Government please refer to Mr. Parsons' reply to my starred questions Nos. 501 (b) and 502 (f) of the 11th February, 1929, and state what the present age of Mr. Absell is ?

**Mr. P. R. Rau :** (a) As I stated in my reply to the last question, the question is under consideration.

(b) Six, including Mr. Absell who counts against the 25 per cent. European recruitment. Of the rest, two were Indians, and three Anglo-Indians.

(c) There are 10 officers substantively holding appointments in the Local Traffic Service of the East Indian Railway. In reply to the second part of this question, I would refer the Honourable Member to the reply given by Mr. Parsons to Pandit Hirday Nath Kunzru's question No. 388 on the 4th February, 1929, in which he explained that in making selections for vacancies in the superior traffic service no distinction will be drawn between persons directly recruited to the Local Traffic Service, persons promoted to that service from the subordinate establishment, and persons now serving in the subordinate establishment.

(d) Yes.

(e) Mr. Absell belongs to the East Indian Railway cadre. Confidential reports of all permanent Local Traffic Service Officers in that cadre were forwarded to the Public Service Commission, and Mr. Absell's selection was approved by them.

(f) Mr. Absell was born on the 11th December, 1879.

**Lieut.-Colonel H. A. J. Gidney :** Arising out of the Honourable Member's reply to (b) of this question, will the Honourable Member please inform this House whether for such posts Anglo-Indians are considered statutory natives of India or not ?

**Mr. P. R. Rau :** Of course.

**Lieut.-Colonel H. A. J. Gidney :** Arising out of that reply, will Government tell this House why they encourage such a differentiation like this in its reply ?

**Mr. P. R. Rau :** That is beyond me.

**Lieut.-Colonel H. A. J. Gidney :** I mean this differentiation in answering such questions ?

**Mr. K. C. Neogy :** Will the Honourable Member who asked this question remember this precept himself ?

**Lieut.-Colonel H. A. J. Gidney :** Will you do the same yourself ? On a point of order, Sir. Is it correct for an Honourable Member to address another Honourable Member except through the Chair ?

**Mr. K. C. Neogy :** I addressed the Chair.

**Mr. K. Ahmed :** You cannot address the Chair.

**PERMANENT APPOINTMENT OF CERTAIN EUROPEANS AND ANGLO-INDIANS TO THE LOCAL TRAFFIC SERVICE.**

141. **\*Mr. K. C. Neogy :** (a) With reference to Mr. Parsons' reply to my starred question No. 502 (h) and (i) to the effect that between August and October 1927 seven persons were confirmed in the Local Traffic Service and that they are either Europeans or Anglo-Indians, will Government please state the exact periods for which each of the seven persons referred to therein officiated in the Local Traffic Service from time to time before he was confirmed in that service ?

(b) Are there not several Indians who have been officiating in the Local Traffic Services of the East Indian, Eastern Bengal, and North Western Railways for a similar or almost similar length of time ?

(c) Do Government propose to appoint them permanently to the Local Traffic Service on the same ground, viz., that they " had been officiating in it for many years " ? If so, when ? If not, why not ?

**Mr. P. R. Rau :** (a) The Officers in question had officiated for periods of six to nine years before their confirmation.

(b) There are two such Indians in the East Indian Railway. On the Eastern Bengal and North Western Railways, there are no Indians who have officiated for six years or more.

(c) Promotions are made by strict selection. The claims of the subordinates referred to in (b) will be fully considered when selections are being made.

PAY OF EUROPEAN AND ANGLO-INDIAN AND INDIAN OFFICERS IN THE LOCAL TRAFFIC SERVICE.

142. \*Mr. K. C. Neogy : (a) Is it a fact that the Indian Local Traffic Service officers on all the State Railways, with perhaps one exception or two, draw much less pay than European and Anglo-Indian officers in the same service and even European and Anglo-Indian subordinates officiating in it ?

(b) Will Government please give :

(i) the total number of permanent Indian Local Traffic Service officers on all the State Railways ;

(ii) the total number of permanent European and Anglo-Indian Local Traffic Service officers on all the State Railways ;

(iii) the sum total of the pay drawn by (i) ;

(iv) the sum total of the pay drawn by (ii) ;

(v) the sum total of the number of years of service put in by (i) ;

(vi) the sum total of the number of years of service put in by (ii) ;

and similar information in respect to persons now officiating in the same service ?

(c) Is it a fact that European and Anglo-Indian Local Traffic Service officers and subordinates on promotion to the Superior Traffic Service are placed over the heads of persons who had been appointed to that service before and under some of whom some of the former might quite possibly have worked before such promotion ?

Mr. P. R. Rau : (a) Yes, roughly speaking, the reason is that the Indian Officers are mostly junior.

(b) (i), (iii) and (v). There are 12 permanent Indian Local Traffic Service officers, drawing a total pay of Rs. 4,560 per mensem and having a combined service of 89 years.

(ii), (iv) and (vi). There are 12 European and Anglo-Indian Local Traffic Service officers, drawing a total pay of Rs. 8,110 per mensem and with a combined service of 281 years. Information as regards persons officiating in the Local Traffic Service is being collected.

(c) It may happen that on promotion to the Superior Traffic Service, a Local Service Officer or subordinate may, under the rules, become senior to persons already appointed to the superior service. But this may happen to a member of any community.

PROMOTION OF EUROPEANS AND ANGLO-INDIANS TO THE SUPERIOR TRAFFIC SERVICE IN PREFERENCE TO INDIANS.

143. \*Mr. K. C. Neogy : (a) Will Government please refer to Mr. Parsons' reply to my starred question No. 502 (e) of the 11th February, 1929, to the effect that four out of the six men promoted to the Superior Traffic Service in 1928-29 are Europeans and Anglo-Indians, and also to the recent promotion to the Superior Traffic Service of Mr. Absell, a subordinate, and say if it is their intention to absorb, as far and for as long as possible, Europeans and Anglo-Indians in the vacancies, viz., 20 per cent. of the

total Indian recruitment, reserved for promoted Local Traffic Service officers and subordinates, in preference to young Indian Local Traffic Service officers with high University qualifications, some of whom had also requisite railway training in the United Kingdom ?

(b) Do Government realise that, by their action in putting promoted European and Anglo-Indian Local Traffic Service officers and subordinates over the heads of persons already in the Superior Traffic Service, they are doing a positive injustice to the latter and creating needless and avoidable discontent ? If so, are they prepared to issue orders that Local Traffic Service officers or subordinates, on their promotion to the Superior Traffic Service, must, under no circumstances, be allowed to take precedence over officers already in the latter service, even though the former might be in receipt of higher pay at the time of promotion ?

Mr. P. R. Rau : (a) The answer is in the negative. Promotions are made by strict selection of the most qualified person without any racial discrimination.

(b) The question of the seniority which should be allowed to Local Traffic Service Officers and subordinates on their promotion to the superior service on account of their past service with the railway is under consideration by the Government.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member inform the House whether the possession of a degree for the Local Traffic Service is a *sine qua non* ?

Mr. P. R. Rau : It is not a *sine qua non*, but I believe it will be taken into consideration along with other qualifications and experience.

NATIONALITY OF THE DIRECTORS AND MANAGING AGENTS OF THE COMPANY ABOUT TO OPERATE THE AIR MAIL SERVICE BETWEEN KARACHI AND DELHI.

144. \*Mr. Gaya Prasad Singh : (a) When is the air mail service between Karachi and Delhi likely to come into operation ?

(b) To whom is the contract given, or is likely to be given ? Will Government be pleased to state the names and nationalities of the Directors and Managing Agents, or those having a controlling interest in the Company ?

(c) How many shares do Government hold in this Company, and how many do others hold ?

(d) Is it a fact that the Company is only a tributary of the Imperial Airways, Ltd. ?

(e) How much yearly subsidy is to be paid to the Company, and for what time ?

The Honourable Sir Bhupendra Nath Mitra : I would refer the Honourable Member to the reply given by me to Mr. Neogy in answer to his question No. 107.

REGULAR AND PROMPT DELIVERY OF THE ENGLISH AIR MAIL AFTER ARRIVAL IN KARACHI.

145. \*Mr. Gaya Prasad Singh : (a) Is it a fact that there has been some dissatisfaction among the public and in commercial circles at the irregularities and delays in the delivery of the English air mail after its



arrival in Karachi, due to the mail sometimes missing railway connection on its journey to Calcutta ?

(b) Is it a fact that Government mails in the various provinces have never missed a train, and that a special Inspector accompanies each Government mail bag on its journey from Karachi ?

(c) What steps have been taken to ensure more regular and prompt delivery of air mail ?

**Mr. P. G. Rogers :** (a) Yes, on three occasions only.

(b) There is no distinction between Government mails and other mails, except that a few special bags closed by the Government of India or the India Office are sent in charge of an Inspector.

(c) Special arrangements have been made with the railways by which connections at junction stations will be secured for the air mails ; and, with the increase in the volume of the air mail, arrangements have also been made for their conveyance by a shorter route. This route, however, is not the most reliable.

#### AIR MAIL SERVICE BETWEEN INDIA AND ENGLAND.

146. **\*Mr. Gaya Prasad Singh :** (a) Will Government be pleased to make a statement regarding the actual position and the prospects of the air mail service between India and England, with special reference to the allegation that it has not yet fulfilled the expectations regarding mail and passenger traffic ?

(b) How much subsidy, if any, is being paid annually to the Company by the Government of India, and the Government in England, and for what period ?

(c) How many aeroplanes, or other machines are now in actual use by the Company for service between India and England ?

**The Honourable Sir Bhupendra Nath Mitra :** The Honourable Member no doubt understands that the Government of India are not directly concerned with the operation of the air mail service between India and England, which is conducted under an agreement between the Government in the United Kingdom and Imperial Airways, Limited. For this reason I am not in a position fully to answer his questions, but I give what information I have :

(a) The weight of mails despatched by the air mail service from Karachi to England has increased from 297 lbs. on the 7th April, 1929, to 608 lbs. on the 18th August, 1929. The incoming mail has increased from 226 lbs. on the 6th April, 1929, to 586 lbs. on the 17th August, 1929. It will be seen that the traffic is growing, and it may be anticipated that the institution of an air mail service from Karachi to Delhi, to be extended later on to Calcutta and Rangoon, which, as the Honourable Member is aware, is contemplated by the Government of India, and about which, as already mentioned I hope to be able to make a further statement later on this Session, will result in an increased use of the facilities pro-

vided. The Government of India have no information as to the actual numbers of passengers carried between India and England or between various points on the route.

(b) No subsidy in cash is being paid to the operating company by the Government of India, but housing and landing facilities and wireless and meteorological services at Karachi are being provided by Government free of charge to the Company for a period of five years. The Government of India have no information as to the actual amount of subsidy being paid to the Company by the British Government in respect of the London-Karachi service. They understand that a comprehensive agreement covering all subsidized air services operated by Imperial Airways, Limited, has been entered into between that Company and the British Government, operative for a period of 10 years from the 1st April, 1929. This agreement provides for payment of subsidy on a descending scale.

(c) The Government of India have no official information as to the number of aeroplanes or other machines in use on this service.

**Sir Darcy Lindsay :** Have the Government of India any intention of representing to His Majesty's Government the extreme importance to India of accelerating this air mail service ? Her Grace the Duchess of Bedford has recently shown to the world that the journey can be made.....

**Mr. President :** Order, order.

**Sir Darcy Lindsay :** Are Government aware of the journey that has recently been made by Her Grace the Duchess of Bedford in seven days from England to India and back again ?

**The Honourable Sir Bhupendra Nath Mitra :** Government are aware of the various facts mentioned by the Honourable Member in the course of his question. As regards making representations to His Majesty's Government for accelerating the service the matter will receive consideration after the existing service has been established for some time.

#### ALLEGED NON-EXTENSION TO INDIA BY THE PENINSULAR AND ORIENTAL STEAMSHIP COMPANY OF THIRD CLASS ACCOMMODATION FOR PASSENGERS PROVIDED ON OTHER ROUTES.

147. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the P. and O. Steam Navigation Company are introducing third class passenger accommodation on certain mail ships, but that this innovation is not to be extended to India ?

(b) Will Government please state how much money is paid out of the Indian revenues annually to this steamship company for carrying mails, or on other accounts ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government understand that two of the ships of the P. and O. Steam Navigation Company on the Australian service, which do not ordinarily call at Bombay, are being converted to carry first and third class passengers instead of first and second class passengers.

(b) The only amount regularly paid to the P. and O. Steamship Company out of Indian revenues is an annual contribution of approximately £22,000 towards the subsidy paid by the British Post Office for the carriage of the Indian mails. Apart from this, there are certain payments for freight and passages, which Government have to meet in the same way as the private customers of the line, but no figures are available to show the annual expenditure under these heads.

REPORT OF THE SUB-COMMITTEE OF THE INDIAN SANDHURST COMMITTEE  
PRESIDED OVER BY MR. M. A. JINNAH.

148. \*Mr. Gaya Prasad Singh : (a) Are Government aware that Mr. M. A. Jinnah, M.L.A., who presided over the Sub-Committee of the Indian Sandhurst Committee has publicly contradicted the statement recently made by the Secretary of State for India in the House of Commons that the difficulty in consenting to the publication of the Report of the Sub-Committee was that the witnesses before it understood that they were expressing personal, and to some extent confidential, views ?

(b) Are Government aware of the statement of Mr. Jinnah that no witness was left under the impression that his evidence would not be published, or was to be treated as confidential, barring the Indian cadets who were examined *in camera* for various reasons ?

(c) Did the Government of India send up any communication to the Secretary of State on the basis of which his statement was made ; and do Government now propose to rectify the error, if any, or take steps to publish the Report ?

Mr. G. R. F. Tottenham : (a) and (b). Government are aware that Mr. Jinnah has made the statement referred to in part (b), but they cannot agree that it in any way contradicts the statement by the Secretary of State quoted in part (a). The accuracy of Mr. Jinnah's statement, which he has frequently made before, has never been questioned, but he himself admits that some of the witnesses understood that their evidence was confidential, and he has never denied, nor do I think he is in a position to deny, that the remainder understood that they were expressing their personal views and not necessarily the views of the Departments of His Majesty's Government in which they were serving. It was for this reason, as has been explained before, that the Departments in question, as they had every right to do, declined to permit the publication of their evidence.

(c) The statement of the Secretary of State was not based on any communication from the Government of India. The second part of this question does not arise and the answer to the last part is in the negative.

Diwan Chaman Lall : Is it a fact that Mr. Jinnah has definitely stated that no witness that appeared before the Sub-Committee carried away the impression that the evidence he was giving was confidential ?

Mr. G. R. F. Tottenham : That is a fact, and it is correct.

Diwan Chaman Lall : If that is so, how does the Honourable Member reconcile that statement with the statement made by the Secretary of State for India that the evidence will not be published because the evidence is confidential ?

Mr. G. R. F. Tottenham : The Secretary of State's statement was not that the evidence would not be published because it was confidential, but because it was partly confidential and partly given in a personal capacity.

Diwan Chaman Lall : Do I take it that the evidence given in a personal capacity is not confidential ?

Mr. G. R. F. Tottenham : Not necessarily.

Diwan Chaman Lall : Does the Honourable Member wish to state that the personal evidence given was confidential ?

Mr. G. R. F. Tottenham : It is not a question whether it was confidential or not. It is whether the evidence given by certain witnesses represented the views of their Departments or whether it represented their personal views. The Departments considered that the evidence did not represent their views but represented the personal views of the witnesses and for that reason the Departments declined to allow that evidence to be published.

Diwan Chaman Lall : If the evidence is merely personal and confidential, there can be no objection, apart from the reasons that the Honourable Member has given to the publication of the Sub-Committee's Report ?

Mr. G. R. F. Tottenham : The objection is only that of the Departments concerned.

Diwan Chaman Lall : Is it merely the *ipse dixit* of the Departments or is it the view of the members of the sub-committee ?

Mr. G. R. F. Tottenham : It is the view of the Departments of His Majesty's Government.

Diwan Chaman Lall : Has the Department consulted the members of the Sub-Committee in this regard ?

Mr. G. R. F. Tottenham : There was no necessity for the Departments of His Majesty's Government to consult the members of the Sub-Committee in a matter of this kind.

Diwan Chaman Lall : Is the Honourable Member aware that certain members of the Sub-Committee held that the Sub-Committee's report should be published ?

Mr. G. R. F. Tottenham : Yes, I am aware of that.

Mr. Gaya Prasad Singh : On what authority did the Secretary of State carry away the impression that the witnesses were expressing merely personal and confidential opinions ?

**Mr. G. R. F. Tottenham :** On the authority of the heads of the Departments concerned.

**Mr. Gaya Prasad Singh :** May I take it that the Government of India sent a despatch to the Secretary of State on this point ?

**Mr. G. R. F. Tottenham :** No, Sir.

**Mr. Gaya Prasad Singh :** Which is the particular Department concerned ?

**Mr. G. R. F. Tottenham :** I am not in a position to say unless I know which particular witnesses the Honourable Member is referring to.

**Mr. Gaya Prasad Singh :** The Honourable Member just now stated that it was on the authority of the Department concerned. My question is, what is the Department which gave him the authority to make the statement ?

**Mr. G. R. F. Tottenham :** It depends upon which witnesses the Honourable Member is referring to. Some came from the India Office and some from the War Office.

**Mr. President :** It is not one Department.

**Diwan Chaman Lall :** Apart from the fact that the evidence was personal, is there any other objection to the publication of the Sub-Committee's Report ?

**Mr. G. R. F. Tottenham :** Not that I know of, except of course that certain witnesses gave their evidence in a confidential capacity, which Mr. Jinnah himself admits.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is prepared to consult the witnesses concerned whether they would be willing to the publication of the Sub-Committee's Report or their evidence ?

**Mr. G. R. F. Tottenham :** It is not for the Government of India to consult the witnesses because they are the servants of the Departments of His Majesty's Government and not of the Government of India.

**Diwan Chaman Lall :** Is it merely the personal view of the Departments or is it the view expressed to them by the witnesses themselves ?

**Mr. G. R. F. Tottenham :** Departments do not possess personal views.

**Diwan Chaman Lall :** Did any of those persons whose evidence is considered to be personal express any opinion in regard to the publication of their evidence ?

**Mr. G. R. F. Tottenham :** I presume they must have done so.

**Diwan Chaman Lall :** Has the Honourable Member any definite information or is it merely presumption ?

**Mr. G. R. F. Tottenham :** The information is that contained in the Secretary of State's statement.

## SHORT NOTICE QUESTIONS AND ANSWERS.

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### NUMBERS OF PETITIONS AND MEMORIALS RECEIVED FOR AND AGAINST THE HINDU CHILD MARRIAGE BILL.

**Mr. M. K. Acharya :** (1) Will Government be pleased to state how many petitions or memorials have been received up to date (a) for and (b) against the Child Marriage Bill of Rai Sahib Harbilas Sarda, as reported by the Select Committee ?

(2) What is the total number of signatories (a) for and (b) against ?

(3) How many resolutions from meetings or conferences have been received (a) for and (b) against the proposed legislation ?

**The Honourable Sir James Orerar :** The figures up to the 2nd September, 1929, are as follows :

1 (a) 4 representations.

(b) 155 petitions and 552 other representations.

2 (a) 10.

(b) 52,171 signatories on petitions and 20,554 on other representations.

3 (a) 6.

(b) 353.

It may be observed that in many cases the same representation has been received from several persons and bears a large number of signatures in different scripts which it is not possible to verify. Only those communications which fall under Standing Orders 83-85 and are in the proper form for presentation to the House have been treated as petitions for the purposes of the reply to this question.

**Mr. K. Ahmed :** May I ask how many signatories among the petitioners were members of the fair sex ? Have any of their associations signed these memorials ?

**The Honourable Sir James Orerar :** I must ask for notice of that question.

### FEELING AMONGST THE MUSSALMANS OF INDIA ABOUT THE WAILING WALL CONFLICT IN PALESTINE.

**Maulvi Muhammad Yakub :** (1) (a) Are Government aware that there is an extensive feeling and great sensation amongst the Mussalmans of India over the *Buraq* (the Wailing Wall) question at Palestine, which has resulted in a serious conflict between the Jews and Arabs ?

(b) Are Government aware that the Holy Places in Palestine are held in great reverence by the Mussalmans all over the world ?

(c) Are Government aware that the announcement recently made by Mr. Balfour is greatly agitating the minds of the Indian Mussalmans as regards the future of the administration of Palestine, which is one of

the most sacred and holy shrines of the Mussalmans throughout the whole world ?

(d) Are Government prepared to convey to the British Government the feelings of the Mussalmans of India regarding the Palestine affairs and inform them that any injustice or harm done to the Arabs in Palestine will cause the greatest resentment amongst the Mussalmans of India ?

**Sir Denys Bray :** I am able to assure the Honourable Member that, on the outbreak of the rioting in Palestine, immediate steps were taken to despatch ample forces to restore order and safeguard the lives, honour and property of all communities, Muslim, Jewish and Christian, and that there is now reason to hope that normal conditions are, or shortly will be re-established.

The deep concern of the Indian Muslim community over this deplorable conflict that has arisen round the Wailing Wall, and indeed—in view of the great reverence in which the Holy Places of Palestine are held by Muslims in India—over the whole question of the administration of Palestine, has already been represented by Government to His Majesty's Government. But a copy of this question and this answer will now be transmitted to His Majesty's Secretary of State.

**Maulvi Muhammad Yakub :** I will now put my second question :

“ Will Government be pleased to make a full statement about the state of affairs in Palestine, Haifa and Jaffa showing the measures which have been adopted to safeguard the lives, honour and property of the Muslim Arabs in that country ” ?

**Sir Denys Bray :** I must apologise to the Honourable Member. I had assumed that he had already put that question to me and the first sentence of my answer was supposed to be an adequate reply to the question now put.

**Maulvi Muhammad Yakub :** Will the Honourable Member give answers to my questions in the order in which they are put ?

(No further answer was given.)

#### THE COMMITTEE ON PUBLIC PETITIONS AND THE PANEL OF CHAIRMEN.

**Mr. President :** Under Standing Order 80 of the Legislative Assembly Standing Orders, I have to appoint a Committee on Public Petitions and under rule 3 (1) of the Indian Legislative Rules I am required to nominate a panel of not more than four Chairmen from among the Members of the Assembly. In view of the short Session of the Legislative Assembly I have decided that the existing panel and the existing Committee should continue for this Session also.

#### PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that fifty-five petitions, as per statement laid on the table, have been received relating to the Bill to regulate marriages of children amongst the Hindus, which was introduced in the Legislative Assembly on the 1st February, 1927, by Rai Sahib Harbilas Sarda.

| Number of signatories. | District or Town.   | Province. |
|------------------------|---------------------|-----------|
| 209                    | .. .. .             | Bengal.   |
| 155                    | Jessore .. .. .     | Bengal.   |
| 1,413                  | .. .. .             | Bengal.   |
| 12                     | .. .. .             | Bengal.   |
| 80                     | Comilla .. .. .     | Bengal.   |
| 217                    | Comilla .. .. .     | Bengal.   |
| 67                     | Comilla .. .. .     | Bengal.   |
| 102                    | Dacca .. .. .       | Bengal.   |
| 198                    | Mymensingh .. .. .  | Bengal.   |
| 84                     | Comilla .. .. .     | Bengal.   |
| 91                     | Comilla .. .. .     | Bengal.   |
| 68                     | Comilla .. .. .     | Bengal.   |
| 267                    | Tippera .. .. .     | Bengal.   |
| 280                    | Mymensingh .. .. .  | Bengal.   |
| 92                     | .. .. .             | Bengal.   |
| 109                    | Calcutta .. .. .    | Bengal.   |
| 106                    | Hoogli .. .. .      | Bengal.   |
| 170                    | Malda .. .. .       | Bengal.   |
| 63                     | .. .. .             | Bengal.   |
| 1,489                  | .. .. .             | Bengal.   |
| 85                     | Rajshahi .. .. .    | Bengal.   |
| 202                    | Barisal .. .. .     | Bengal.   |
| 100                    | Faridpur .. .. .    | Bengal.   |
| 280                    | .. .. .             | Bengal.   |
| 280                    | Rangpur .. .. .     | Bengal.   |
| 123                    | Midnapur .. .. .    | Bengal.   |
| 37                     | 24-Parganas .. .. . | Bengal.   |
| 129                    | Khulna .. .. .      | Bengal.   |
| 109                    | Dacca .. .. .       | Bengal.   |
| 216                    | Backerganj .. .. .  | Bengal.   |
| 107                    | .. .. .             | Bengal.   |
| 47                     | Dacca .. .. .       | Bengal.   |
| 2,019                  | Midnapur .. .. .    | Bengal.   |
| 108                    | Calcutta .. .. .    | Bengal.   |
| 120                    | Noakhali .. .. .    | Bengal.   |
| 24                     | Monipur .. .. .     | Bengal.   |
| 254                    | Rankhet .. .. .     | Bengal.   |
| 50                     | Noakhali .. .. .    | Bengal.   |
| 103                    | Calcutta .. .. .    | Bengal.   |
| 96                     | .. .. .             | Bengal.   |
| 603                    | .. .. .             | Bengal.   |
| 98                     | Midnapur .. .. .    | Bengal.   |
| 93                     | Dacca .. .. .       | Bengal.   |
| 208                    | Barisal .. .. .     | Bengal.   |
| 363                    | Manoharpur .. .. .  | Bengal.   |
| 535                    | Hemnagar .. .. .    | Bengal.   |
| 86                     | Molpa .. .. .       | Bengal.   |
| 557                    | Sylhet .. .. .      | Assam.    |
| 165                    | .. .. .             | Bengal.   |
| 80                     | .. .. .             | Bengal.   |
| 40                     | Jamshedpur .. .. .  | Bengal.   |
| 349                    | Jessore .. .. .     | Bengal.   |
| 199                    | .. .. .             | Bengal.   |
| 1,705                  | .. .. .             | Bengal.   |
| 153                    | Sylhet .. .. .      | Assam.    |

## THE HINDU CHILD MARRIAGE BILL.

**Mr. President :** The Assembly will now resume consideration of the following motion moved by Rai Sahib Harbilas Sarda on the 29th January, 1929 :

“ That the Bill to regulate marriages of children amongst the Hindus as reported by the Select Committee be taken into consideration.”

**Mr. Acharya.**

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad-cum-Tinnevely : Non-Muhammadan Rural) : Sir, I want your ruling as to whether I will be in order in opposing the motion at this stage or whether I should wait till the dilatory motions are disposed of.

**Mr. President :** What motion ?

**Mr. M. S. Sesha Ayyangar :** The motion before the House is that the Bill as reported by the Select Committee be taken into consideration. I want to oppose that motion.

**Mr. President :** The Honourable Member will have an opportunity of opposing the motion. I have already called upon Mr. Acharya.

**Mr. M. K. Acharya** (South Arcot cum Chingleput : Non-Muhammadan Rural) : Sir, I rise to move the following amendment :

“ That the consideration of the Bill be postponed in view of the late publication of the Report of the Age of Consent Committee, and in view of the desirability of assessing, with the help of adequate evidence, the real value of that portion of the Report which deals with the marriage laws and customs obtaining among Indian communities.”

I desire to state at the very outset, Sir, that I am as anxious as anybody in this House can be, that we should, at as early a date as possible, come to some final conclusion or other upon this old bogey of my friend over there. Therefore if to-day I am forced by a sense of the responsibility that I owe to this House and to my constituency to ask for time to consider calmly and dispassionately the momentous issues that are to be settled and which would affect later generations for a long, long time to come, it is because I feel that otherwise we shall be not acting in conformity with the commitments to which we are already pledged. I desire particularly to refer to what we did on the last occasion when my very enthusiastic and Honourable Rai Sahib friend moved, on the 29th January 1929, that the Bill, as reported by the Select Committee, be taken into consideration. On that occasion I had the privilege, Sir, to point out that an inquiry was already going on outside the four walls of this House, and that rightly or wrongly that inquiry related to a great extent to the subject-matter of this Bill; and I had the privilege to move that we should postpone consideration with a view that all the Members of this House might be in a position to have before them the evidence that was being collected by the Committee then at work. The terms of the amendment to which this House agreed on the 29th January, 1929, were as follows :

“ That the consideration of the Bill be postponed till the Report of the Age of Consent Committee becomes available to the Members of this House.”

That, Sir, was the commitment to which we are now pledged. When the House accepted that humble amendment of mine, I believe, Sir, that they agreed with my view that the evidence that was being collected was going to be valuable evidence, and the Report was going to be, in some respects at least, a valuable Report. That, Sir, is the commitment at

[Mr. M. K. Acharya.]

though to-day we are dealing with something  
divorce.

“ Before the House can reasonably be asked to accept this measure to say that it ought to stipulate that there should be a reasonable body show that the communities concerned desire and demand an amendment of the law.”

This is what the Home Member then said and truly. Therefore, it is our duty to satisfy ourselves beyond the least shadow of a doubt that the communities concerned in this particular instance desire and demand a change of the law, as is contemplated in the present legislation. I do urge that the words which the Honourable the Home Member used in 1927 and 1928 are as forceable and true to-day as they were then. The Honourable the Home Member was eloquently supported on that occasion by many other Honourable Members, and by none I should think more strongly than by my friend Mr. J. C. Chatterjee, who, I notice, is a signatory to the Report to which I have been referring. With regard to the general principle which should guide us he used the following words :

“ Then again on religious grounds I feel I must absolutely oppose it, because to the majority of Christians in this land, and especially to the Roman Catholic Church, marriage is a sacrament. It is therefore not right that we should at any time support a Bill that strikes at the very root of that idea, and that I believe strikes at the very root of society. It may be that some people do desire certain changes in the law of divorce, but after all it is the thin edge of the wedge, and once this process is started, we do not know where it will end, and to my mind the Honourable Mr. Ranga Iyer has put it rightly when he said that it would mean a revolution in society.”

These were the words of caution uttered on the floor of this House with regard to a measure exactly similar to the one under consideration, which was disposed of that very day and has now ceased to exist. But this measure is still continuing, and more than one statement that was made in connection with the Divorce Bill is applicable to the motion before us. What I am urging is that we should be very careful that we do not, in this final stage, hurriedly and without having before us all the possible materials which should guide us, take this last step either of passing this Bill or rejecting it. Whichever position we may take, whether in favour of or against the Bill, I most earnestly beg of every Member to realise that we must come to our decision only after a very careful consideration and a most vigilant scrutiny of every available and relevant material that might be placed before us.

Now, Sir, my humble submission is this. I got this Report just as I was leaving Madras. I think I got it on the 24th August and on the morning of the 25th I left Madras for Simla. Of course, I tried my best to read the Report in my railway berth, though my friends would not allow me to do it, as I would have wished to do. However, I tried my best to go through it. There are friends of mine, like Mr. Rangaswami Ayyangar, who got the Report only yesterday or the day before. Some of my friends were complaining that they were yet to receive the Report. In any case, the Report was received with a slip pasted on it saying that it must be made available only on the 26th of August. On the 26th August the bare Report was supposed to have been published. But if I mistake not, we wanted not only the Report but all the evidence collected by

this Committee, to which, at any rate, I, when I moved my amendment last year, attached the greatest importance. This is what I said then:

"Whatever the value of that Report is going to be in the eyes of individual Members, the fact is there that an inquiry is going on and there is going to be a Report and in that Report we shall have the benefit of various kinds of evidence taken by the Committee whatever their conclusions may be."

Therefore, I expected that I should have all the evidence made available to us, whether it was in favour of one side or the other. I now urge most humbly that we have every right to get a copy of the evidence. Of course, my Honourable friend, Mr. Harbilas Sarda, is not responsible for the publication of this Report so late as the 26th of August, nor for the non-publication of the evidence. Neither he nor I am responsible for this, but whoever may be responsible for it—I suppose it is the Government—if they were as serious as my friend Mr. Harbilas Sarda is about this measure—seeing that the Report was ready and signed on some day in June, they could have published this Report in July, that is at least one month before the Assembly Session began. But nothing of the kind has been done. The Report was received by us just on the eve of our departure from our homes; and even now the evidence has not been supplied. I do not know how a humble man like myself can possibly check every statement made in this Report, or the inferences drawn upon the strength of the evidence recorded by the Committee. My own humble self has been referred to in the Report: but I do not believe that my evidence has at all been properly and fairly summed up. There may also be trouble with regard to many other witnesses. Therefore, my humble submission is that, before we take up the further consideration of this Bill, I would like every Member to put this question to himself whether we have got all the material before us to-day which is relevant to the present motion, as we pledged ourselves to on the 29th of January.

Now, Sir, the Report is a very interesting one, and even without the evidence, it is a fairly big book. It contains 353 pages. Even to me, who is a bookworm and is accustomed to pour over books in volumes, to read the whole of it at a stretch in half a dozen hours proved an impossible task. I do not know whether even my friend, Mr. Jayakar, who is accustomed to go through huge volumes of law—for good consideration of course—would be able to wade through the Report in two or three or even four days, to dissect every statement therein and weigh it. I wonder if he can scan, scrutinise, analyse, sum up and be prepared on the fifth day to say what value should be attached to the various recommendations that are made by that Committee. However, whatever the great geniuses of the House may decide, to a humble man like myself it looks very difficult to come to any reasonable conclusion during this short period of time.

Then, Sir, there is a further difficulty. There are statements in the Report which are sometimes contradictory; and it is very difficult for me to make up my mind one way or the other. With some statements I agree, while with others I disagree. Some of the things seem to be wise, others seem to me to be utterly foolish. It is very difficult to reconcile the two. I will just refer to one instance. They have quoted a number of statistics to strengthen the position they have taken up. I may say at once that the statistics prove nothing of the kind.

**Mian Mohammad Shah Nawaz** (West Central Punjab : Muhammadan): Are you a bigoted Brahmin?

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present before us; and being so committed, I believe we now, without making sure that everyone of us has got the Report, that everyone of us in this House has got a copy of the evidence that the Committee has been collecting—and I would like to know if my friend there has got it—hurriedly take the Bill into consideration. Until everyone of us is in possession of the Report—and far more valuable than the Report will be the evidence upon which that Report is based—for us to proceed to pass legislation of this kind, so serious in its character and so fraught with potentialities, if we do that, I believe, Sir, we shall not be acting consistently with our responsibilities. I would particularly remind the Honourable Home Member—I am sorry he is not in his seat—I would remind his Government of the excellent canon pronounced by Sir James Crerar on the 15th September, 1927, in this very House and over this very Bill. When the motion was to refer the Bill to a Select Committee, the Honourable Home Member was for circulating the Bill for opinion, and then he made this pronouncement with regard to the responsibilities of the Government of India:

“ One of the responsibilities, and a very heavy one on the Government of India is to secure that, where measures undoubtedly impinge very deeply upon the religious ideas and the social customs of very considerable sections of the population, all legitimate interests ”

—mark, Sir, all legitimate interests—

“ and all legitimate opinion should be carefully, fully and fairly ascertained.”

Well, Sir, the next important thing seems to be this. Legislation, however well-intentioned—and I am ready to agree that the proposed legislation of my friend over there is very, very well-intentioned—should be cautious. We all know the old adage, Sir, that good intentions pave the way to a very uncomfortable place. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended; and therefore my object, Sir, is not that there should be no legislation of any kind—though I am not enamoured of this legislation—but that the legislation should not be hasty, or ill-considered and should not be carried by the heated passions of the hour—it should be legislation of legislators acting with a due sense of the very high and serious issues before them. Two years, Sir, is nothing in the life of a nation; it is a drop in the ocean of time. I am here, Sir, only to urge this that so far as I am concerned I am here to place my difficulties before this House. “ Two years have passed.” If the matter were as serious and as important as my friend would have us believe, it was open to Government to bring the Bill before a special session. I am here only concerned, not with the period but with the manner in which we should go about this Bill; and I personally agree with what Sir James Crerar then said. I may remind the Honourable Home Member of what he declared on a very similar occasion, when dealing with a very similar measure. He may now depart from the canons to which he then pledged Government on the floor of this House; yet I venture to remind him of the canons which he himself enunciated. He said, Sir, in dealing with another pet of my old friend, Sir Hari Singh Gour, who is not here now—he said in connection with the Indian Divorce Bill, on the 8th of September last year, just a year ago, this:

“ Any kind of legislation which impinges upon social customs, usages and status ought not to be undertaken without the greatest caution and deliberation, and that is particularly true of the law relating to divorce ”

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have a smaller female population than male population and it is very difficult to find enough wives even for the grown up men. As I have said, it is not very likely to affect us very much, but at the same time I should like the age to be fixed at a higher limit. This is only my personal opinion: But the principal question on which I wanted to speak and for which I tried to catch your eyes is this, whether the postponement of the measure for three months or so in order to enable us to read and consider the Report of the Age of Consent Committee and if possible to see the evidence too will make much difference in the passing of the Bill. I thought that after the very eloquent speech made and the very convincing arguments that were advanced on this particular point, by my Honourable friend the Pandit Sahib, nothing more was needed to convince the House that the world would not change if the matter was postponed for two or three months. The evil, if any, has been there for the last thousand years or more, and if we pass an Act even today it is not likely to bring about any great change in the life of the people in the course of three or four months. That is a point which has not yet been made and that is why I asked my Honourable friend Mr. Jayakar to throw of more light on the subject. He tried to do so, and his language was very sweet and appealing, but I could not find much substance in his speech. I therefore desire to support the amendment of Mr. Acharya, but if that fails, I shall quite light-heartedly go on with the consideration of the Bill and will perhaps vote for passing the Bill.

**Some Honourable Members :** Let the question be put.

**Mr. President :** I have considered the question of closure and I have come to the conclusion that, in view of the grave importance of the question, I should not accept closure at this stage. I am, however, prepared to consider the question once again if Honourable Members are prepared to sit till 10.30 tonight.

(Cries of “ Yes ”, and “ No ”.)

The House stands adjourned till Monday next at 11 O’Clock.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th September, 1929.



**Mr. M. K. Acharya:** I dare not call myself a Brahmin. A Brahmin is one who is a God-seer; and if there be one in this House who is a God-seer I shall be quite ready to go down on my knees before him and do whatever he commands me to do.

I am not such a Brahmin; and I dare not therefore assume to myself an authority which I do not possess. To proceed however, very often the statement is made in this House and elsewhere that early marriage is responsible for a great deal of infantile mortality and things of that kind. Here is paragraph 232 of the Age of Consent Committee's Report, at page 102. It does not seem that the authors of this book are authorities even in the English language, and therefore bad grammar abounds in this book. In paragraph 232, they say:

"It has been shown in paragraphs 358 to 368....."

that is 126 paragraphs later on! How I wish their logic were not as bad as their grammar; but I fear, it is no better. They say:

"It has been shown in paragraphs 358 to 368 of our Report that early maternity is an evil and an evil of great magnitude."

This is what they say (an inaudible interruption was made). Well, let me see how these gentlemen who are interrupting me are going to espouse their cause without referring to these points and meeting them.

**The Revd. J. C. Chatterjee** (Nominated: Indian Christians): If the Honourable Member had no time to study the Report, then how is it he is able to refer in minute detail even to the smallest paragraphs in the Report? How does he reconcile these two statements?

**Mr. M. K. Acharya:** A schoolboy can answer this question. What I said was that I had no time to scrutinise the whole of the Report from beginning to end. I was able to study only those paragraphs in which I felt interested. I was interested to know whether early marriage led up to infantile mortality. Therefore I looked up the table of contents of the Report, of which the Honourable Member is such a distinguished signatory, and I found out easily what I wanted. I must speak the truth, pleasant or unpleasant, but it is not my fault. Only certain paragraphs in which I was interested, I read. I am not a newspaper correspondent to fly through the whole volume of a thousand pages in two hours and to summarise it all in half a dozen paragraphs, almost always giving very questionable summaries of the Report. I am not accustomed to do that. Let me read this wonderful sentence of theirs:

"It has been shown in paragraphs 358 to 368 of our Report that early maternity is an evil and an evil of great magnitude. It contributes very largely to maternal and infantile mortality, in many cases wrecks the physical system of the girl and generally leads to degeneracy in the physique of the race."

Well, Sir, if I said anything to the contrary, you will put me down as an old and good for nothing fellow. But what do the wonderful compilers of the Report themselves admit at page 165, in one of the very paragraphs referred to, namely, in paragraph 362, that is in the midst of paragraphs 358 to 368. In paragraph 362, under the heading is, "Relation between early marriage and maternal and infantile mortality", just the very subject that we are interested in, and they say:

"From the figures of 1921 census quoted in Appendices VI-C and VII-C, in some provinces of India it appears that, where more girls under 15 are married, greater infantile mortality exists....."

—mark the words, "in some provinces," and then—

"though not in the same proportion as the number of girls married....."

—a very beautiful admission!—

"In other provinces",

—a still more beautiful admission!—

"In other provinces, this sequence of cause and effect however does not hold good....."

—that is, of early marriage and infantile mortality does not hold good! But to continue:

"While in Burma",

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"where hardly a girl is married below 15, above 200 infants die per 1,000 births".

This is in Burma where the girls are married hardly below 15, where my Honourable friend's legislation is not wanted.

Now, Sir, a humble ordinary reader like myself cannot reconcile the two statements, the one in paragraph 232 and the other in paragraph 362. In one place they say it has been shown beyond the possibility of doubt (Hear, hear)—my friend over there echoes it. Well, Sir, if any statement, true or false, is just repeated a thousand times, many people come to believe it is true. In 1884 during the days of Lord Ripon when the old controversy on the Ilbert Bill was going on—I happened to look up those debates yesterday—even in those old days, one gentleman who occupied the position of a Member of the Viceroy's Executive Council said: "Repeat anything a hundred times, it comes to be believed". This is our unfortunate psychology—that a man in the street who reads a statement often soon succumbs to it. But our duty as sane, serious and responsible legislators is not to yield to the cries in the streets of little girls or old maids, or of old men or young boys. We have to do our work, according to my humble interpretation in a much more responsible manner. This is by the way. To continue: this is an instance how I am a little non-plussed, how I am unable to understand whether this paragraph is right or that paragraph is right. Of course newspapers do not find any trouble. One morning a copy of the *Hindustan Times* was placed in my hands containing attractive head lines. I really wondered what it was that the lines conveyed. I read the startling head line, "Orthodoxy Completely Answered." And then something like "Shrinivasa Sastri's quotation at the end of the book completely answers the orthodox position." When the paper containing these statements was put into my hands, I looked up the Appendix to find out who were those high authorities who completely answered the orthodox standpoint, for I myself am anxious to answer them. For instance when I went back to my constituency in October 1927, after supporting the first or original Bill of my friend, several of my constituents asked me how I had dared to support the Bill. So, I was very anxious myself to meet the orthodox viewpoint, and so I looked up the quotation announced in the newspaper. Now, what did I find in the Appendix to the Report? I found a "Quotation from the book, 'The Marriage age of Dwija girls' in Sanskrit by Pandit T. V. Shrinivasa Sastry, Professor of Dharma Shastra, Mylapore Sanskrit College, Madras." When I read the extracts, I found that there was very little difference after all between what that gentleman has said and the orthodox view. I could not see how, as the *Hindustan Times* declared,

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## THE HINDU CHILD MARRIAGE BILL.

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[Mr. M. K. Acharya.]

can get, legitimate opinion from all legitimate interests. In a word the Committee was not fully representative. Sir, every word that I say in this connection, I utter with a full sense of my own responsibility. If I am wrong, my friends will correct me, but let them not be angry with me if I speak out my mind frankly. I consider first, Sir, that this Committee was not fully representative.

Secondly, the qualifications of the members are not unquestionable. I put this very question before the House last year, and I asked the Honourable the Home Member whether the House could be taken into his confidence. This was my question :

“ Will the Government be pleased to state :

- (a) the purpose for which the Age of Consent Committee has been appointed ;
- (b) the special qualifications, if any, of its members ;
- (c) whether any representations have been received from the Presidency of Madras or elsewhere, requesting the Government to nominate as member a representative of orthodox Hindu opinion on it ;
- (d) and, if the answer to clause (c) be in the affirmative, why the Government have not chosen to accede to the request ? ”

To that the Honourable Sir James Crerar was pleased to reply :

“ The Home Department Resolution No. 382/27, dated the 25th June, 1928, a copy of which has been placed in the Library, states the terms of reference to the Committee and also the qualifications of the members. Government have received representations asking for the nomination of representative orthodox Hindu opinion and have accordingly appointed Rai Bahadur Paudit Kanhaiya Lal.”

This was the reply given to me by the Home Member ; and therefore I took care to go and find out what this Home Department Resolution was. I had a copy here from the Library this morning, but somehow it has disappeared—perhaps some fairy has taken it away ; but, I have got the terms of reference and all the relevant matter in this book itself. The Resolution says that the Government of India, in pursuance of certain answers they gave to some questions, propose to appoint a committee consisting of the following members :

“ Sir Moropant Vishwanath Joshi, B.A., LL.B., Kt., K.C.I.E., late Home Member of the Executive Council of the Governor of the Central Provinces—Chairman.

Rai Bahadur Pandit Kanhaiya Lal, M.A., LL.B., late Judge of the Allahabad High Court—Vice-Chairman.

Mr. A. Ramaswami Mudaliyar, B.A., B.L., lately a Member of the Madras Legislative Council.

Khan Bahadur Mahbub Mian Inam Baksh Kadri, B.A., LL.B., O.B.E., lately a District and Sessions Judge in the Bombay Presidency, and now Chief Judicial Officer of the Junagadh State.

Mrs. M. O'Brien Beadon, M.B., B.S. (London), L.S.A., Superintendent, Victoria Government Hospital, Madras.

Mrs. Brij Lal Nehru.”

These were the six names given in that notification to which the Home Member referred my ignorant self for information. My question was, what special qualifications did any of these members possess ? I tried to read every line and to spell every word to find out wherein, in that wonderful notification, were given the special qualifications of these members, if any. I could not find them. Probably more talented members will find in these bare names and letters attached to them, the qualifications of the members of the Committee, specially qualifying them for the

task entrusted to them. My poor humble self could not find anything on the point ; and therefore I wondered whether it was a joke that the Home Member was practising upon himself or upon me when he showed me that particular sheet of paper as giving the particulars I wanted. I do not know what qualification the Chairman of the Committee had, except that he was “ the late Home Member of the Executive Council of the Central Provinces ”. There may be many late and present Members of the Executive Council of many provinces : but what his or their special qualification be to inquire into and report upon the law of the age of consent, my poor brain could not understand.

Then, No. 2. is Mr. A. Ramaswami Mudaliar. I know him very well, because he stood for election to the Madras Legislative Council from my own constituency, and I managed to get him defeated in 1926. He is a B.A., B.L. and of course he is very well qualified for any job that he ever practised. Then it is said that he was lately a Member of the Madras Legislative Council. Yes, he was a Member during the first six years of that Council ; he was not elected in 1926. In this book he is shown as the President of the Madras Corporation, but not in the 1928 June Notification, for the simple reason that he was not then such President : he has been President only for the past few months...

**Pandit Thakurdas Bhargava** (Ambala Division : Non-Muham-madan) : What should have been the qualifications of these members ?

**Mr. M. K. Acharya** : If I were to answer that question, I would say this : if I had been the Government or the Home Member, I should certainly have taken care to state what the special qualifications of these members were qualifying them for the appointment to which I was appointing them. But so long as I was not the appointing person, what does it matter what qualifications they should have had in my opinion ? Sir, my question to Government was what the special qualifications were of these members ; and a straightforward answer would have been—if the Government ever gave any straightforward reply to any question of this kind—that they appointed them all from recommendations received from certain favourite persons : at any rate that is how I know Mr. Ramaswami Mudaliar was appointed : that was his qualification.

Now, Sir, my friend there put me the question as to what should be the qualifications in my estimation. The qualification of a doctor, of a research scholar, of one who has studied the latest books upon sociology, of one who has studied the latest literature on the feminist movement in America and in England—some such qualifications I would regard as entitling a man to become a member of this Committee, where he would have to consider this problem of the relationship of the sexes, when the relationship should commence, when it should cease and all that. A B.A., B.L. might be a very good man ; and all these gentlemen are, I dare say, very good men, all eminently good in their own way ; but I say that they have no special qualification for laying down that this or that is the manner in which a husband and wife should live together. Persons who have made a special study of the subject, investigators, men like Havelock Ellis or Ellen Key or others, if any, in this land who have made a special study of this subject, would have been the proper persons for membership of this Committee. Not even ordinary doctors would be enough, because doctors ordinarily do not know anything beyond quinine for

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fever and such simple remedies. I therefore wish to enter my very emphatic protest against the way in which the Government have dealt with this very serious question. How can we have confidence in such a Committee, appointed by such a Government, although we are going to pay for it? The Government says in reply to my question: "Find out the qualifications from that notification." (Interruptions.) There is nothing in it. Sir M. V. Joshi is the Chairman.....

**Mr. President :** The Honourable Member is repeating himself.

**Mr. M. K. Acharya :** If I am interrupted, what can I do?

**Mr. President :** The Honourable Member has no right to repeat.

**Mr. M. K. Acharya :** Will you kindly protect me, Sir, from being harassed in this fashion? The next Member is Rai Bahadur Pandit Kanhaiya Lal, "M.A., LL.B., late Judge of the Allahabad High Court". He might have pronounced opinion in several cases, civil and criminal, brought before him; but what special qualification he had to inquire into the Age of Consent Bill, as to what it should be, and all that, I do not know; probably, as a Judge, he might have had some cases involving the age of consent before him; but that is all. The reply given here is that he was nominated in response to representations made to Government asking for the nomination of a representative of the orthodox Hindu opinion. I do not know how Government found him out; on whose nomination—whether the Bharata Mahamandal suggested his name, or the Brahmana Mahasabha of Madras or the Brahmana Mahasabha of Bengal, or any other orthodox Hindu Association. If there was really going to be a representative of the orthodox Hindu opinion, on whose recommendation and on whose certificate this gentleman was nominated, I do not see; because, Sir, I may be pardoned if I say that I cannot take Sir James Crerar's certificate that the gentleman is representative of extreme orthodox opinion as very satisfactory, since on that matter I believe the Home Member may be no wiser than myself. Therefore, it is difficult for me to understand from the official statement whether, and to what extent, Rai Bahadur Kanhaiya Lal was an accredited representative of orthodox Hindu opinion, who could represent "the legitimate interests" of the orthodox section in the words of the Honourable Member himself. I know nothing about the Rai Bahadur. He may be an excellent person; what I say is that he is not a representative qualified to express, on behalf of the orthodox Hindu community, any views in regard to this particular question. He might express his own views, orthodox or heterodox: everybody thinks of course that his own views are orthodox and every others' views heterodox.

The third is a Muhammadan gentleman, Khan Bahadur Mahbub Mian Imam Baksh Kadri.....

**Mr. President :** The Honourable Member is taking a very long time over a comparatively unimportant point.

**Mr. M. K. Acharya :** I thank you, Sir, for reminding me of it. I am very anxious to pass over this part of my argument. I will therefore conclude by saying that, so far as I can see, this Committee is not representative. None of the Members of this Committee—except perhaps the lady doctor who presumably gave some of her medical experiences to the Committee—is an authority upon any of the questions which had to be decided by the Committee; none of them had any special qualifications for the

job, any more than any man in the street. None of them had any special qualifications as research scholars or scientific investigators or as recognised authorities in science, law, philosophy or religion, in all of which the Committee have dabbled.

My third criticism with regard to the personnel is that there was no Member on the Committee who could properly be said to represent purely orthodox Hindu opinion. After the

certificate given to one of the Members of that Committee by the Honourable the Home Member, I read a second time and a third time the minute written by Rai Bahadur Lala Kanhaiya Lal to see how far we orthodox people, at any rate my orthodox friends, could regard him as our representative, and how far his views could be taken to represent purely orthodox Hindu opinion. I tried to judge by his own note. When I read his minute, not once, but twice and thrice, because the Honourable the Home Member has given him a certificate installing him in the *guru pitha*, or sacerdotal chair—when I tried to find out how far the Rai Bahadur represents the purely orthodox Hindu opinion, I must confess, Sir, I was very disappointed. I see that an attempt is made in the minute to give what seemingly is called the orthodox view of the question, but there is neither orthodoxy in it nor scholarship. And in order to corroborate what I say, I think I should read a few sentences from his minute. This gentleman says that in Vedic times post-puberty marriage was the law of the land. Here I think I should dwell on this aspect of the matter for a minute. If it can be proved to the satisfaction of the orthodox community that, in Vedic times, post-puberty marriage was the law and pre-puberty marriage came into force later, as a kind of interloper, then I think much of the objection will cease. Now, this gentleman admits that "Vedic texts lay down no specific age for marriage;" "they however indicate that in early times a marriage was essentially a union of two persons of full development". When a statement of that kind is made, when it is admitted that there is no specific age mentioned in the old texts, then we have merely to draw our own inferences, and then we get on to very delicate ground. However, I was patient enough to read and find out what were the authorities on which this gentleman relied, and on going through those very authorities I find that those authorities do not support the view of the member of the Committee at all. There are prayers in the Vedic hymns which say to the wife "Happy and be prosperous with your children", and so on. In another place, in Rig. Veda X.85, 41 and 42, it is said:—

"Be ye not parted: dwell ye here; reach the full time of human life, with sons and grandsons, rejoicing in your own abode."

Now the gentleman says that none of these hymns are applicable to the conditions of pre-puberty marriage sacrament. Sir, to every girl who comes before an elderly man in a Brahmin family, the Brahmins say even to-day:

"Dasayan putran adehi, patim eka dasam kuru"—

Do thou bear ten sons and treat thy husband as the eleventh.

This is merely a blessing. In the light of all these authorities, therefore, I cannot understand how the Rai Bahadur can draw his pet inference; or how the Honourable the Home Member regards the Rai Bahadur as the most accredited representative of orthodox Hindu opinion. I, for one, really cannot accept his statement.

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LEGISLATIVE ASSEMBLY.

[4TH SEPT. 1929.]

[Mr. M. K. Acharya.]

Sir, the Honourable the Home Member had a different canon to apply when the Indian Christian Marriage Bill was under consideration. He quoted the authority of the Bishop of Calcutta and other Bishops in considering the question of Christian Marriage and Divorce; but when an important question affecting the entire Hindu community is under consideration, when a question affecting the marriage customs of the orthodox Hindu community is under consideration, it is not the authority of any Sankaracharya which is cited; it is not the authority of any great Pandit that is quoted; it is not the authority of any Mahamahopadhyaya of Benares which is taken; it is not the authority of any great Pandit whom our esteemed Leader could nominate from among the great Mahamahopadhyayas of Benares that may be consulted, but it is the authority of somebody who, in the opinion of the Honourable the Home Member, represents the Hindu orthodox opinion. Now, Sir, I put it to the Honourable the Home Member in all humility, is this kind of Committee likely to satisfy the demands of the orthodox community who sent up representations asking that orthodox opinion should be represented on the Committee? That is how I look upon the personnel of the Committee.

Next, whatever its representative character, coming to the Report, based on and judging it on what my lawyer friends would call relevant evidence, what do I find? The Report is based on a wrong interpretation of the terms of reference. They were asked to inquire about the age of consent. Now, the terms of reference to this Committee do not directly include the question of prohibition or of penalising of child marriages; but among other things the Committee say they had to consider how far the existing law with regard to the age of consent was effective, and whether any remedy could be suggested to make it more effective, such as penalising marriages before a certain age.

They say :

"It was impossible to debar the witnesses from suggesting the latter as a better and more effective remedy to check the evil intended to be dealt with by the law of the Age of Consent, if they thought fit to do so."

They admit :

"When the law of the Age of Consent alone was contemplated by its promoters as a remedy for protecting tender girls, it might possibly have been out of place to consider any other remedies; at present, however, Bills suggesting both the remedies are before the Legislature;"

I ask my lawyer friends and the Honourable the Home Member what is the procedure to be followed when you have a Committee with definite terms of reference?

The Committee say :

"It is impossible to avoid the consideration of what might be looked upon as a direct attack by way of fixing a minimum age of Marriage rather than a mere flank attack by raising the age of Consent."

They say further :

"The Legislative Assembly has postponed the consideration of Rai Sahib Harbilas Sarda's Bill pending the Report of this Committee."

But this postponement by the Assembly was fully six months after the Committee began their work. My contention is that this is a wrong interpretation of the terms of reference, and I am supported in this contention by what another Committee appointed by the Government in a very similar predicament did. Let me refer to just one or two sentences in the Report of the Indian Taxation Committee. They were asked to inquire into the Indian taxation. The terms of reference to them were these :

"To examine the manner in which the burden of taxation is distributed at present between the different classes of the population.

To consider whether the whole scheme of taxation—Central, Provincial and Local—is equitable and in accordance with economic principles, and, if not, in what respects it is defective.

To report on the suitability of alternative sources of taxation."

One of the great sources of taxation being land revenue, the question most naturally came up before them of land assessments, and settlements, and therefore they say in a paragraph which runs as follows :

"One item of revenue which has excited more interest and criticism than all the others put together is that derived from the land. In respect of this matter, the Committee's instructions differ in some respects from those relating to other parts of the system. They are to include in the inquiry consideration of the land revenue only so far as it is necessary for a comprehensive survey of existing conditions. They are not required to make suggestions regarding systems of settlement."

Thus, Sir, when kindred questions turn up, the terms of reference are interpreted as strictly as possible. This is a parallel precedent. When making an inquiry into the age of consent, incidental questions relating to systems of marriage come up to the extent to which marriage systems bear directly on the age of consent—to that extent and to no more and no further. Yet, this Committee go on dabbling in marriage questions and a greater portion of the Report deals with the law of marriage. I therefore contend that it was a wrong interpretation of the terms of reference and the only inference to be drawn is that the terms of reference were exceeded.

Then, Sir, the Report is based on a disingenuous questionnaire, full of leading questions. I cannot understand how a question like this can be set out as a straightforward, plain question for eliciting opinion.

"Do you consider that penal legislation fixing a higher age of consent for marital cases is likely to be more effective than legislation fixing the minimum age of marriage?"

In other words, my contention is that, before this Committee started its inquiry, they had made up their minds for fixing the minimum age of marriage, and they put this leading question. The natural answer will be the fixing of the minimum age of marriage. The questionnaire is not meant to seek honest opinions of people to whom it is sent. My lawyer friends will call a question like this a leading question, one put in order to get the answer best suited to them. This question is therefore very disingenuous in this way. If I say that the fixing of the minimum age of marriage is better, I am bound to vote for 14, because the law already penalises marital intercourse below 13. Is this the kind of question which a Committee unbiassed, unprejudiced, without any definite views in their minds, and anxious only to find out what is best, anxious only to find out what honest opinions are held in the country—is this the kind of questionnaire which such a Committee will frame? They had made up their

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minds, I say, that marriage legislation is a better remedy ; and they went on elaborating it ; and my contention now is whether this can be regarded as a proper questionnaire upon which the opinions expressed can be considered to be relevant, "legitimate opinion" from people who have "legitimate interests" and no more.

Sir, lastly and the most serious of all, is this, that the Report is based on admittedly inadequate evidence,—quite inadequate as admitted by the Committee itself. In this Report they say :

"The questionnaire was sent out directly to about 6,000 persons and to 1,930 more through the various Local Governments, of whom about 1,200 responded."

- which is less than 15 per cent. I almost wonder whether there had not been a greater response to the Simon Commission from those who were interested in the constitutional questions raised by that Commission. Yet these gentlemen conclude :

"The response to the questionnaire was wide and general."

In the first sentence they say that the questionnaire was sent to 7,930 people, out of whom only 1,200 responded. And in the very next sentence they say that the response "was wide and general"! Sir, I cannot comprehend this sentence. If I invite 100 people and only 15 turn up, I must consider that the majority did not respond.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : 85 per cent. belong to your school.

**Mr. M. K. Acharya** : Sir, I have no school. All schools I leave to my Honourable friend over there.

As regards orthodox ladies' opinions, we have a very valuable admission at page 6 of the Report :

"The Committee has taken care to have the views of this latter class on record ; ..... The Committee, however, notes that, although efforts to get the opinions of orthodox ladies by direct evidence were made, they were not very successful."

Any they give the reason as to why it was not successful on another page, that :

"The more conservative ladies are deterred by environments from an expression of opinion" (page 172).

I am yet to know that in Southern India—I do not know about Northern India—I am yet to know that any ladies are deterred by their environment from giving their opinions upon any important subject in which they are vitally interested ; because in Madras our ladies go about quite freely, whenever necessary. The pernicious purdah system or the very good purdah system, whatever it is, does not prevail there. I may, for instance, inform the House that two very respectable orthodox ladies came on the deputation to His Excellency the Viceroy only the other day. Although they are accustomed to live and rule in their own homes, they came all the way to Simla, because they were greatly stirred by the matter which was before the Legislative Assembly. They appeared before His Excellency the other day as members of the deputation ; and one of them was an eloquent lady, as eloquent as my Honourable friend, Mr. Jayakar, or any other Honourable Member.

She spoke, I am told, in a manner so simple, so free and so touching, that any member here might very well emulate her. Here again there is evidence.....

**Mr. President** : Will the Honourable Member say how long he is going to take ?

**Mr. M. K. Acharya** : I have got so many more points to deal with that I fear I may take an hour more.

**Mr. President** : Does the Honourable Member realise that there is a large number of Honourable Members who desire to take part in this debate ? If the Honourable Member is under the impression that no closure will be accepted he is very much mistaken. He will merely deprive other Honourable Members from taking part in this debate.

**Mr. M. K. Acharya** : If I am debarred under the rules.....

**Mr. President** : I do not say so. I have merely asked him to bear in mind the fact that there is a large number of his colleagues who desire to take part in this debate. If he takes a very long time, it means that he will deprive other Honourable Members of an opportunity of taking part in this debate.

**Mr. M. K. Acharya** : I am bound to place the whole of my humble submission, Sir.

**Mr. President** : Then it is your pleasure !

**Mr. R. S. Sarma** (Bengal : Nominated Non-Official) : On a point of order, Sir. Is the Honourable Member entitled to embark upon a detailed criticism of the recommendations of this Committee ? He himself has admitted that he has not had time to study it and his amendment itself is based upon the plea that more time should be given to the Members of this House and the public to get themselves acquainted with the recommendations of the Committee.

**Mr. President** : Mr. Acharya.

**Mr. M. K. Acharya** : Yes, I want more time. Let my colleagues study the Report, come back and enlighten me, so that I may be converted to their view, because I am open to conviction. The Committee has not inspired confidence in the minds of the orthodox section, and no orthodox ladies will go before them. But here is a telegram from a lady in Kistna which reads :

"On behalf of women Kistna Child Marriage Consent Age Raising Bills condemned strongly interfering religion".

Here is another telegram from another lady from Kumbakonam, the home of orthodoxy :

"Large and influential Brahmin ladies' public meeting, Kumbakonam, held first September, under my presidentship, unanimously protests against Sarda's Marriage Bill pending Assembly and Committee's Report. As Hindu marriage is sacrament mixed legislatures incompetent pass social or religious legislation, still less penal legislation. Select Committee members being social reformers unrepresentative of communities affected and prays throwing out Bill or exempting Brahmins."

The telegram is signed by Valambalammal of Kumbakonam.

In the light of these telegrams, would any of my colleagues be right in taking the *obiter dictum* of this Committee that the environment in South India debarred orthodox ladies from expressing their opinions ?

**Mr. President** : Order, order. The House stands adjourned till half past two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.



The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Mr. M. K. Acharya :** Sir, as I was saying just before we adjourned.....

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : May I draw the attention of the Chair to the question whether we have got a quorum yet ?

**Mr. President :** Yes, we have got a quorum.

**Mr. M. K. Acharya :** Sir, I was saying that the evidence, even according to the admissions contained in the Report, was inadequate in two respects. There is no response from orthodox ladies. Also it is admitted in the Report, on page 7, that the Moslem representation was very meagre. They say :

" It has been pointed out that very few Muslim witnesses and theologians have appeared before the Committee. The questionnaire was sent to every Muslim gentleman, whose name was suggested by any member of the Committee; and a special request was conveyed to some prominent Muslim theologians to give evidence before the Committee or to send their written statements. At the end of the tour the Committee re-assembled at Delhi; and a second opportunity was given to the witnesses whose evidence, some of the members considered, it was highly desirable to obtain. But in spite of this the response was meagre. This is regrettable; but though the opportunity to give evidence was not largely availed of by orthodox Muslims, we feel that all that could be stated from the theological point of view has been stated by the witnesses of various schools of thought who have assisted us in our inquiry and it is extremely doubtful if any fresh light can be thrown by them on the subjects under consideration."

That is what the Committee in general say. But our esteemed friend, Maulvi Muhammad Yakub, who was on the Committee, expresses a different view and he says in his minute :

" My first recommendation is that additional Moslem evidence should be brought on the record before the Marriage Bill comes up before the House for final disposal." Thus this Report is based on inadequate evidence and a distorted questionnaire. We have got this admission from the Committee itself. They nevertheless come to the conclusion that a case for legislation has been made out. They have done this, so far as I am able to see at present, by way of magnifying the demand for, and by minimising the objection to, the Bill in question. Thus, Sir, last year, in reply to a question of mine, the Government gave the statistics. On the 3rd of September, 1928, this was the answer given. I am sorry I have mislaid the papers. They gave the opinions for and against that were received.

**Mr. President :** The Honourable Member might take up some other point.

**Mr. M. K. Acharya :** The statistics given by the Government were so thoroughly convincing, the number of opinions received for the Bill were so few, and the number of opinions received against were so many, that the signatories against were by tens of thousands and the signatories for were only by hundreds, and yet the Committee come to the conclusion that the opposition to the legislation is very negligible.

**Pandit Thakur Das Bhargava :** These petitions were not before the Committee.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : I myself presented a petition signed by several thousands of opinions in favour of the Bill.

**Mr. M. K. Acharya :** The Committee were expected to know all the materials that were supplied by the public as they are public property, as also all the information that has been given by the Government on the floor of this House in September last. When the Committee were doing its work, not knowing how many opinions were received by Government, not knowing what answers were given by Government or obtained by Government, they were to blame in the first instance. That is exactly my complaint, that they have ignored everything that was unfavourable and minimised the opposition and magnified the points in favour. They say :

" There is no doubt that a certain amount of dissatisfaction will be caused among the orthodox Hindu and Muslim classes."

This can only be taken for granted as an expression of opinion, not based on facts. The new legislation, they admit, would affect these classes as they were never affected before. On the other hand, if the legislation is not passed, the dissatisfaction will be equally great, if not greater, among the reformers. Therefore, Sir, it shows that, in order to avoid dissatisfaction among the reformers, this Committee recommend that the Government may defy the dissatisfaction of the orthodox people, although the bulk of the people are orthodox in this country, as perhaps in any other country; the number of people who stick to the old order of things, is always larger. But this Committee says, that it does not matter. If the Committee had paused to consider what happened when steps were being taken by the late Amir of Afghanistan to reform the social order and customs in his country, to force reforms on an unwilling people which they did not like, however sound and rational they might be in his opinion, they would not have made this recommendation. I wish the Committee had given saner advice to Government. Sir, the Home Member was right in saying that Government should carefully consider as to how far legislation, however well-meant, if introduced against the wishes of the people, might create more harm than the harm intended to be rectified. Luckily the lady member of the Committee, almost instinctively—because ladies are always more shrewd than men—feels that mere legislation will never succeed, and she writes something like the following that : After all, we must depend upon propaganda, upon the spread of ideas, upon the natural development of the order of things.

And yet, by a majority, the Committee disregard the opinions of those who oppose it, and they distort the evidence, limited as it was, and quote only the opinions which are favourable, and dismiss the opinions which are unfavourable. These are some of the defects that I noted, and I want more learned speakers coming after me to help me, if possible, in assessing the true value of the Report. My provisional conclusion,—and I say it with all deliberation subject to correction by others—is that the Report of the Committee shows that they have failed to investigate all legitimate interests, that they did not possess special qualifications for the task entrusted to them, that the Report is based on a wrong interpretation of the terms of reference, on a faulty questionnaire, and on admittedly inadequate evidence; that it has been prompted by a desire, however well-meant yet indiscreet, prompted in the by a regrettable zeal to manufacture somehow a case for legisla-



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will take the trouble to convince me that I am wrong, I am still open to correction. If I am convinced of the contrary view, I will give up the very points that are so dear to me, so far at least as I am personally concerned, although I cannot bind the constituents whom I represent in this House. Therefore, I beg of you, Sir, and through you I beg of the House, to give their most serious consideration to the various issues involved in the legislation before we undertake it hastily, in response to the vocal few; because it is only these vocal few on either side who have expressed their views and opinions in newspapers. The bulk of my countrymen and countrywomen do not come under the class of the vocal few. They do not know how to agitate on European lines. They do not know how to bring their girls and make them stand in the street and create public opinion. These things are foreign to our genius. They have been utterly foreign to the genius of the legislators and seers of ancient India. In a word, I appeal that in this responsible task we must not be hasty, and we must not be guided by newspaper reports, and things of that kind.

Lastly, Sir, I appeal to you and through you to the Members of the House for a moment to pause and consider what will be the situation created in the country; and how far, as I have already said, it will be consistent with our own responsibilities as legislators to ask Government to thrust this penal legislation down the throats of people that are not prepared for it. Let there be reform by all means; let there be propaganda by all means; let the reformers go about canvassing more and more members to their League. But we should not be hasty in passing this legislation. However much we may be assailed by the currents of the ocean, we must take care to see that they do not undermine the foundations upon which the ancient society of India has been established. I beg of you therefore, Sir, that, in this matter, we must consider the pros and cons very carefully; we must have before us all the evidence which this Committee has collected, because even at the time when they made their Report, the conclusions of the Committee were not at all supported by adequate evidence. There are a great many statements in this Report with regard to which, without the help of the evidence upon which they are based, it is very difficult for a humble man like myself to come to any conclusion. It was because of this that I moved this morning that we should adjourn the consideration of this Bill, that we should calmly and dispassionately try to judge the issues. Some friends may wish to help my Honourable friend over there; yet, if in spite of their wishes to help him, they are convinced that the legislation is not necessary, they should not force the legislation on us. Sir, we are a heterodox body representing many diverse interests; and I appeal to all my Honourable friends not to press for this legislation at this stage. Now, Sir, as I do not want to take more time, I give up all the other points that I had noted; and I hope that other friends who will speak after me will detail them and make the position much clearer than I have been able to make it. I hope Government will also beware of the fact that, after all, they are not the makers of India's destiny. India's destiny is in the hands of her own people. If the Government, to pressure brought to bear on them whether from home or elsewhere, decide to thrust this legislation on us, a time will come when some the Bill. We will sweep this Government away. I tell them, beware, let them take a lesson from Afghanistan.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I think I shall be failing in my duty if I did not again raise my humble voice against this proposed legislation. I shall avoid inflicting a long speech on the unwilling ears of my colleagues, but I cannot do without making a passing observation on the Report which we received only seven or eight days ago. It seems that some of the Members of this House think that that Report is worth serious consideration. But I regret to observe that that Report deserves to be thrown into the waste-paper basket if you closely examine it in the light of the evidence recorded.

**Mr. Jamnadas M. Mehta** (Bombay City: Non-Muhammadan Urban): Also the Report of the Select Committee on the Transfer of Property Bill!

**Mr. Amar Nath Dutt**: I have no objection if it is also thrown into the waste-paper basket.

If you take a cursory glance through some of the pages of this Report, you will find that many things have been misreported and many untrue statements have been made about which there is no evidence. My attention was drawn only an hour before to a certain observation made in that Report by a certain member which is wholly false and not warranted by the evidence on record. Some members of the Committee have based their observation on their own imagination in order to draw up an indictment against certain witnesses, I therefore say that such a report deserves to be thrown into the waste-paper basket as it has not properly sifted and weighed the evidence on record, and probably did not attend to the statements of witnesses when they deposed.

Leaving aside any consideration of the Report of the Age of Consent Committee, let us look into the merits of the present Bill. Sir, having had sufficient experience of this House and the methods of so-called democracies within our ken, I am painfully aware of the futility of any attempt to alter opinions which are resultants of various forces interacting on each other. Personal idiosyncracies, want of toleration of others' views, subtle influence of political power, and last but not least, the present conflict of ideas of the East and those of the West, have contributed not a little in shaping the bias, the sub-conscious cerebrations and the prejudices and obsessions of this House. In these circumstances, I have thought fit to proceed on uncontrovertible grounds. Whatever may be our own views about the marriageable age of our boys and girls, we have to keep in view the fundamental fact that no one has any right to thrust his own views upon others in domestic and social matters, far less any Legislature has a right to compel people to accept a rule of conduct which the people consider as an unwarrantable interference with their religious convictions and beliefs, as evidenced by the thousands of protests that are daily pouring forth from various parts of the country. Their voice is more loud in volume and insistence than that of those who support the Bill, and they are sincere and cogent from their point of view, and as such they are entitled to our respect and serious consideration. People from far-off parts of the country have come up to Simla at a great personal sacrifice to place their viewpoint before us, and among them there are men of high social position, great learning and piety, who command more confidence of the masses of our countrymen than the so-called social reformers.

I must warn the Government not to be misled by the clamours of a handful of men, unless their intention is to create further dissension.

LSCPB(LA)

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among the people, as they have done by nursing the growth of communalism. Those who honestly believe that shastric injunctions would be interfered with by this legislation should have as much liberty in their own spheres as those who want this legislation. If Bertrand Russel thinks of "tyranny of public opinion" in England in clearly made out cases of moral turpitude, we may very well characterise this attempt to fix the age of marriage by legislation, of diverse races and communities as nothing but "tyranny of subsidised opinion".

In this connection I beg to quote a few observations of Dr. James H. Cousins :

"It is necessary to remember that it is the privilege of a nation's life, that can be made into commodities for cultural exchange, its roots and branches remain fixed in its own soil, they can rarely be slipped and ceded with success, they cannot be removed without disaster. Life and form hold fruitful converse within their own domain, but only life can move safely beyond the borders of nativity. Form adopted or imposed from without, is certain of death, for it has renounced spiritual fecundity".

Legislative penalisation of marriage age is a form imposed from outside. If there has arisen a real need for advance in the marriage age, as in town life, it is evident, this coercive legislation will, I am afraid, retard the healthy progress of that advance, for every form of outside compulsion provokes and nurtures a spirit of revolt. Moreover, I cannot tolerate the only legitimate inference from penal legislation that the social reform is not a spontaneous growth of a healthy life in society, but must be supplemented by legislative stimulant injected into an unwilling system. It means moral defeat of the reformers.

My next objection is based on the cry of the age, which is rampant all over the world. Mr. C. E. M. Joad is a well known free thinker in the English literary world. He it is who has made familiar the words "herd mentality" and "herd morality". He describes it as follows :

"Take a sheep and stand it on its hind legs and its resemblance to a human being is scarcely noticeable ; but stand a flock of sheep on their hind legs and, so far as psychology and behaviour go, you have a crowd of men. In other words, taken severally, men may be individuals, taken together, they are a mere transmitting medium for herd emotion. Their individual stupidities are added together, but their individual wisdom cancel out".

So, he thinks,

"The rigid enforcement of uniformity is hostile not only to freedom of action but also to independence of thought",

and therefore in his opinion,

"morality, which is the name we give to law-abiding conduct, is a device on the part of the rulers to ensure subservience and contentment on the part of their subjects".

Needless to add that the proposed law is intended to create a sort of morality, by which the ruler, I mean both the Legislature and the Executive, will have got only the device, which is condemned by the writer. The creation of "hard morality" benefits only the stronger and by far more extensively and intensively the organised stronger, as against the disunited and disorganised weaker. And in this sense, it is absolutely reactionary. I maintain that Government and parties and politicians are not alive to the highest thoughts that the greatest thinkers are promulgating for the further progress of humanity. Otherwise, this piece of legislation should have been nipped in the bud under section 67 (2) (b) of the Government of India Act. The Government is trying to play the rôle of a

Ram Mohan Roy and a Ranade, to divert the attention of the politically minded people from the life works of Surendranath Bannerjee, Dadabhai, Naoroji and Bal Gangadhar Tilak, which is the legitimate sphere of their activity. True nationalists should beware of this and should not join in the chorus of siren songs, sung through one of their own organs, who was in their service, and who still receives their pension. Are we to believe that a Government which deports and imprisons men like, Tilak, Gandhi, Lala Lajpat Rai, Aurabindo Ghose and others and is at the present moment callous to the suffering of the hunger-strikers at Lahore, has suddenly developed a great desire for the well-being of our community ? Or is it to create one more dissension amongst the orthodox and the unorthodox ? Certainly the Government is fully aware how vehemently the late Pandit Vidyasagar of widow remarriage fame, the late Sir Romesh Chandra Mitra, the first to hold the office of Chief Justice in British India, moved against the first Age of Consent Bill ; yet now, at the height of a movement of marrying girls at not less than 14 years of age, the late Keshub Chaudhar Sen, married his own daughter just after 12 ; how surreptitiously the polygamy in Bengal fell into disuse, how surely the economic causes are raising the marriageable age of girls, and how modern conditions are doing away with various social evils. If they had only kept themselves abreast with the most up-to-date thought currents of sociology, then they would not have raised this countrywide opposition to social reform itself.

Mr. J. A. Hobson, one of the greatest social thinkers of modern times in his latest work on "Freethought in Social sciences", concludes his book, after acknowledging the likelihood of a world catastrophe, with the following pregnant observations :

"If we are right in holding that the most urgent business of our age is to devise better laws of conduct in the arts of human governments, within and beyond the limits of nationality, success depends upon stimulating in as many spots as possible, the largest number and variety of independent thinkers, constructing and maintaining among them the best conditions of free intercourse and co-operation and finally enabling their creative thought to play freely in criticism and reform upon the existing modes of political and economic life."

India is the only spot where marriage law, being diversified in different communities, should be maintained in their existing modes so that the creative thoughts of the youths of India may play freely in criticism and reform. This is the *sine qua non* of progress. I know, I may be accused of generalisations. But there is some fundamental misconception which I have tried to clear out.

I pray to all real well-wishers of the country not to be misled by hypnotism of words, such as, "progress", "advance", "emancipation", and "twentieth century". I have therefore to go into the whole question of race-idiosyncracies, and condition of free-thought and activity.

The Honourable Members of this House have been deluged with pamphlets, opinions, dicta, principles, statistics and old and new theories about sex. The members of the itinerary Committee have enjoyed "the lure of the sex itself masquerading as 'scientific interest'"—I mean "legislative interest". Can any one say that he has viewed the question from the point of view of disinterested science, which alone can lead us to right conclusions ? Nor is there any material before us for inquiry into the question from the point of view of disinterested science.

Therefore, in this medley of bias, and interest and struggle for dominance in the body politic of India, I take up the only honourable attitude

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for a legislator, I cannot stigmatise the youths of India as unworthy of trust with a girl by passing this penal legislation. I move for freedom of thought and freedom of action of our youths and for the rejection of this Bill lock, stock and barrel.

**Mr. M. S. Sesha Ayyangar :** Sir, this morning when I came into the

Assembly building, I was greeted with a big placard with these words in bold print, "If you oppose Sarda's Bill, the world will laugh at you". I am glad, Sir, that I shall have an opportunity of being laughed at by the world. I am equally glad that, in that position, I am in the company of very great men : I am in the company of the ancient Rishis of this country : I am in the company of the great legislators of this ancient country ; I am in the company of the modern savants of the Continent ; I am in the company of great doctors, sociologists, medical experts and gynaecologists. If that is so, I would certainly like to be laughed at by that section of the world who would laugh at me if I oppose this Bill. I would in turn, after opposing this Bill, laugh at that section of the world which would laugh at me for having opposed this Bill.

Sir, I oppose this Bill with all the vehemence that I can command. The Bill, Sir, I feel, is not a social reform legislation, but a religious revolution, and not merely a revolution, but in the words of Mr. Justice Mackay of the Madras High Court, "a seismic disturbance of age-long practice". That, Sir, is the real character of this Bill.

In opposing this Bill, Sir, let me consider the various arguments that were advanced by the Honourable Mover when he moved this motion last time. In the last Delhi Session he started observing that the views of the women of this country have to be considered, for it affects them more, and he instanced three all India Ladies' Conferences supporting his position, and he threw out a challenge by asking, "Do you find a single protest meeting by the ladies of this country?" I dare say that he has by this time come to know that very many ladies' meetings and conferences have been held since then loudly protesting against his Bill, and not only against his Bill but also against the other Bill of Dr. Gour. And I may inform this House and the Honourable Mover that there have been at least half a dozen meetings,—decent gatherings of which I am aware,—meetings held in Kumbakonam, of ladies, meetings held in Triplicane, Madras, meetings held in Benares, and last but not least, there was a meeting held in Cocanada just a week ago. Now, all these ladies' gatherings were very influential, were well-attended and were thoroughly representative, and in every one of these meetings loud and vehement protests were made against this Bill. They called it a most pernicious Bill, and they protested against it on the sole ground that it undermined the Hindu religion in this country, and they also went to the length of saying that, so far as their own experience was concerned, there was absolutely nothing to justify the demand for a legislation like this. That, Sir, is the burden of the song in all these ladies' conferences, and I dare say that, by this time the Honourable Mover will have been satisfied at the proceedings of these conferences, that there really have been very many ladies' gatherings that have protested against this Bill ; and if there are not more conferences held, the principal reason is this. This House knows that Indian womanhood is principally in-door ; and if here and there there are a few meetings convened by interested social reformers consisting of ladies, these meetings

consist, in the words of an itinerant lecturer on Hindu religion and usage, "of ladies strayed out of the ancient Indian manner of feminine ideal and conduct and who therefore are not free from criticism by their sister folk". That, Sir, is the situation, and in every one of these ladies' gatherings, giving support to this Bill, you will find that invariably one or two or a handful of social reformers are also at work. That is significant.

Then, Sir, the Honourable the Mover cited with approval the opinion of one Mrs. Gomati Amenal of Tinnevely in my constituency. This lady, as the House will find in page 56 of part III of the opinions collected, confesses that she really does not know what the Shastras say in this matter. The entire burden of our song is that this Bill is un-Shastric and goes against the fundamental tenets of the Hindu religion. When a lady of that stamp proclaims that she does not know what the Shastras say and yet gives her support to this Bill, the House will really see what that approval comes to.

Then, Sir, the Honourable the Mover cited with approval the opinion of one Mrs. Bhagirathi Amenal of Madras. She openly avows that she is not concerned with the Shastras at all, she openly avows that she is not concerned with the life beyond death but only with the life here. "Save us from the situation that we are in" was the plaintive cry alleged to have been made by this lady to the Honourable the Mover. Here, again, is a case of directly flouting the Shastric injunctions upon which we take our stand. That this lady should absolutely reject the Shastras and claim only the pleasures of life in this existing life when our ancient ideal looks also to the life beyond, that clearly is a line of demarcation as to where you must collect opinions, as to what opinions you must record and what is not. In fact, Sir, the whole difference between these two view-points is this. They think lightly of the life beyond ; and our entire religion concerns itself with the Shastras, which proclaim their faith in and which also inspire confidence in us as to the existence of a life beyond this ; and if the whole Shastric injunctions relating to our course of conduct and if these are the basic ideals upon which our courses of conduct have been enjoined by the Shastras, and if these are clearly lost sight of, I absolutely devolve upon that central idea of a past life and a future life, submit to the House that the opinions of these people who do not realise these Shastric injunctions and the ideals lying underneath them, are not entitled to any weight, especially when the orthodox section is crying itself hoarse that it entirely rests its opposition to this Bill upon the Shastras and upon the ancient texts of this land.

Then, Sir, the Honourable the Mover was obliged to fall back upon a resolution passed by a meeting of the ladies of Kumbakonam, which is largely an orthodox centre. I submit that I know Kumbakonam myself. The deputation from Southern India, which waited upon His Excellency the other day contains gentlemen from Kumbakonam. But what is this ladies' meeting which the Honourable Member wanted to rely on ? That, I gather, was a meeting which was attended by five ladies, or four and a half, as it was humorously called by one of the reporters. Only five ladies met on that occasion. All of them happened to be Theosophists whose belief in Shastras is well known. These five Theosophical ladies met in Kumbakonam and sent out their voice by way of support to this Bill, and if the Honourable the Mover has to fall back upon that kind of support in his favour, I simply pity him for the support upon which he relies.

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Then, Sir, he went on to say that, so far as the Madras Brahmins are concerned, they are hardly three per cent. of the population in that Presidency, and that any amount of protest which may be sent by the Brahmins of Southern India would not be of much avail. But he must have, by this time, realised that, since then, all other *Dwij*a communities, i.e., Sourashtras, Komati Chettis, and Vaishyas, etc., who believe in a second birth from the *Upanayan Samskara* have held meetings of protest against this Bill on the main ground that it fundamentally affects the structure of Hindu society and is diametrically opposed to the Hindu Shastric injunctions. So that the opposition is not confined to the Brahmins of Madras alone, but extends to all the *Dwij*a communities of the Province of Madras. All the sections of the *Dwij*as, people who believe in a second birth by the *upanayana samskara*, all these people, Kshatriyas, Vaisyas, Komati Chettis, Sourashtra Brahmins, and other communities who believe in the existence of a second birth, and who also themselves undergo the purification ceremony of *upanayana* for being spiritually re-born, all these people have clearly protested against this pernicious Bill. In the collection of opinions from the various districts of Madras,—I am glad that the Government of India have taken care to see that in Madras the Collector of almost every district was addressed and asked to collect opinions in each district—I find from those opinions—I will not weary the House by going into them in detail and reading extracts from every opinion—I shall only mention collectively that the Collectors of Salem, Anantapur, Bellary, Krishna, Chittoor, Ramnad, Tinnevely, West Godaveri, Kurnool, Coimbatore, Madras, Nellore, North Arcot, Cuddapah, Trichnopoly, East Godaveri, Madura, South Arcot and Tanjore have all invariably given expression, in their opinions collected, to the fact that, within their district, there exist all the *Dwij*a communities who have invariably raised their voice of protest against this Bill. Is there not enough for the Honourable Member to be convinced of the stout opposition which this Bill has evoked in the Madras Province in almost every district that counts there?

Sir, I am very much pained to see that the Honourable the Mover was rather cruel upon the High Court Judges of Madras. He flouted the opinions of these eminent men on the simple ground that Madras is a province which has not solved the problem of untouchables to his satisfaction, and therefore the gentlemen who are appointed as Judges in that backward province are not entitled to have their opinions considered by him. That was the line of reasoning taken by the Honourable the Mover. I say that that does not disclose that balance of mind which must characterise a legislator who has come forward with a Bill of this kind. I shall read a few extracts from the opinions of these eminent Judges of the Madras High Court. They are entitled to the greatest weight obviously for this reason: some of them happen to be Indian Judges and some of them Brahmin Judges as well; most of them have had district experience as District Judges and as Sub-divisional Officers; they have risen from the lower ranks of the I.C.S., and they have got up to the High Court Bench, after having served in various districts as executive officers and as district judges throughout the Presidency. Therefore their opinions are entitled to great weight, and some of them are European Judges. I am speaking so strongly and so vehemently for the obvious reason that Madras feels very strongly over this matter. It is Madras opinion that must count with you, for this reason, that the opinion in Madras is very strong against

this Bill, probably because it is the place where orthodoxy still remains in its pristine simplicity and purity. That is why I submit to my Honourable colleagues in this House that Madras opinion is so strong.

I shall invite the attention of the House to three or four extracts only from these opinions. Justice Ramesam is an ardent social reformer himself; but all the same he does not relish the idea of this penal legislation on the lines suggested by the Select Committee. This is what he says:

"Incidentally, one observation I wish to make, that the statement of Sir H. S. Gour made at least twice, i.e., once in his Statement of Objects and Reasons to his Bill, and once in the discussion in the Legislative Assembly, after the Report of the Select Committee on Mr. Sarda's Bill, viz., that Hindu girls do not attain maturity until the age of 14, though it may be correct as to Northern India, is absolutely incorrect as to Southern India. It is a matter of common knowledge that in Southern India Hindu girls attain puberty generally, as an average, at the age of 12..... I am not going to waste time by considering how far the belief is justified, whether the *smriti* on which it is based contains an interpolation, or whether the primitive Hindu societies imposed such an injunction. The fact is there, that such a belief now exists and it is a religious belief."

He also says, "In my opinion the law ought to be more enabling and less compelling". (*An Honourable Member*: "He is not opposed to this measure.") He is opposed to it in the form which is now before the House.

Justice Mackay says:

"I would only observe that, so far as South India is concerned, it is certain to provoke vehement opposition..... That would be not merely a revolution, but a seismic disturbance of age-long practice....."

Justice Pakenham-Walsh says:

"I agree with Justice Mackay that the Act, if passed, will create vehement opposition at least in South India. If there were any widespread feeling against the existence of child-widows it would surely be reflected on a large and growing use of the widow Re-marriage Act. That Act has always been and still remains a dead letter, the cases of re-marriage under it being infinitesimal. I would take the use of that Act as a barometer to gauge the real degree of popular support behind the present Act. When we find it extensively used, we may conclude that public opinion has really moved. I agree with Reilly, Jackson and Mackay J.J. in their criticism as regards procedure."

Now, this is a very important observation because there are two aspects to be considered in this connection. If the Widow Re-marriage Act has been in existence on the Statute-book for nearly 75 years; and if it has remained a dead letter, what does it mean? It means that conservative opinion still holds good in the country. It means that the reformer has not been able to advance a bit during the last 75 years in the direction in which he wanted to. That Act was a permissive legislation; and again, if after fifty years of social reform activities, these social reformers should come to the Legislature and ask that we should pass penal measures to aid them in their work does it not betray failure on their part? If they have worked for social reform for the last fifty years and if they have not been able to do anything at all in that direction, but have to come here and ask for more powers, and penal powers in addition, to enforce their fashionable fads, as I would call them, what does it show? It shows an utter confession of failure.

I shall now read a few extracts from the opinion of Mr. Justice Tiruvankata Achariyar:

"I do not see how the Government can by legislation interfere to prevent or penalise the marriages of girls between 11 and 14, which is the period when 90 per cent. of the marriages take place, without seriously offending the religious feelings

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of the orthodox section of the community, who still wield much influence over the rest of the community, and at the same time causing among the moderate and most influential section of the community, which prefers to progress in social matters on sound lines though slow, taking the community as a whole with them, save a few impatient idealists, who with more conceit than wisdom, consider that the social and material salvation of the Hindu community can be attained only by their being forced to cast off wholesale their age-long customs and adopt in their stead the (according to these idealists) rational and beneficial customs of modern Europe and America, ignoring the fact that you cannot have a common standard between countries which differ from each other materially in the conditions of life."

He also remarks :

"It should not be overlooked that the choice of the bride or bridegroom is subject to various restrictions, legal as well as social, and that the parents or those who stand in *loco parentis* are the best judges of what is conducive to the welfare of their children, and that neither the State nor the Legislature can usefully take over their responsibilities on its shoulders."

In spite of this, what is aimed at by the Honourable the Mover now is to ask this Legislature to intervene, and the State to intervene, to put this Bill on the Statute-book. That is hardly a thing that should be favoured by this Assembly. And further on he says :

"Coercive legislation like that proposed in the Bill will not only be of doubtful utility, but like quack remedies may produce evil consequences, which we either do not at all or only dimly foresee at present."

Then, Mr. Justice Venkatasubba Rao would agree with Pandit Madan Mohan Malaviya and fix the age at eleven for girls.

Then again Mr. Justice Devadoss, a Christian Judge, says this :

"The Bill attempts at impossible things. Who is to determine what the age of the girl is. Births are not registered and horoscopes are notoriously unreliable."

Mr. Justice Odgers says that :

"The Bill seems to have small chance of passing into law."

And lastly, Mr. Justice Kumaraswami Sastri says this :

"I do not think this is a matter on which the Legislature should interfere. It is rather for educated public opinion to assert itself and to take steps by educating the masses to put an end to this and other social evils."

I submit, Sir, that these are the considered opinions of the Judges of the Madras High Court, and the Honourable the Mover was certainly not in the right when he brushed aside these valuable opinions of the Madras High Court Judges by adopting the line of argument that he chose to adopt.

Then, Sir, lastly he said there is a cry that religion is in danger and that it is a false cry. The Legislature ought not to be misled by this cry that religion is in danger because it is a false cry in his opinion. I submit, Sir, that is a prejudiced view. He betrayed prejudice by attributing prejudice to us, the orthodox community. My friend is entirely wrong in his view. Unfortunately, the cry that religion is in danger is very real and sincere. If that were not real, Sir, how do you account for the fact that these deputationists have travelled for thousands of miles and come up to Simla to place their case before the authorities here and before His Excellency the Viceroy. There are, as the House probably knows, two lady members in the deputation. How does the House account for the numerous petitions and memorials from various parts of the country and for the one thousand and one ways of making known the representations

to the powers that be, urging that this measure should not be passed, and that if the Legislature passes it, praying His Excellency the Viceroy to veto it at once if the feeling behind it is not genuine and strong? Why should all these things be done if the cry that religion is in danger is not a true cry, a sincere and an honest cry? The House should consider all the hardships to which the deputationists have voluntarily submitted themselves to to come up to Simla in this cold season to present their case to the powers that be. I would go further and submit to the House that there is a good deal of truth and force in this statement, because this Bill really jeopardises the religion of the Hindus in this country.

Sir, it has been said over and over again that marriage with Hindus is a religious sacrament. I remember a learned lawyer of great legal eminence in this Assembly once put a question, "What is a sacrament?" Sir, I would satisfy the House by giving the definition of the word "sacrament", as obtains in the Oxford Dictionary. Sacrament is a religious ceremony or act regarded as an outward sign of inward and spiritual grace. It cannot be improved at all. If that is so, Sir, the definition placed authoritatively upon the word "sacrament", that it is a purification ceremony for spiritual re-birth, cannot be disputed for a moment, and if we Hindus believe that marriage is a sacrament, and if sacrament is a purification ceremony which is performed at the age of spiritual birth, then it becomes a religious performance, and it is directly a religious act fit to make a man or woman spiritual and divine through service and self-control. She is in material existence already, but in addition to her material existence, she is re-born as a spiritual agent. So, for the creation of a spiritual existence to enable her to evolve out her own existence, this initiation ceremony of marriage is necessary for a girl. Now, if *Upanayana* is a sacrament enjoined upon every Brahmin boy at the age of 8, the only *Samskara*, or purification ceremony, the spiritual ceremony which is enjoined on a Hindu girl is the sacrament of marriage. So that, if marriage is a sacrament which a Hindu girl is enjoined by *Shastras* to submit to, does it not necessarily follow at once that marriage is a religious sacrament? And that is a ceremony which is enjoined by *Shastras* to which the girl must submit herself. It is also obligatory as a *Samskara*. Now, what is a *Samskara*? It is a religious act, fit to make a man or woman spiritual and divine through service and self-control. If that is the definition of the word *Samskara*, and if marriage is a *Samskara* which is enjoined obligatorily on the Hindu girl, and if it is not performed at the right time, then at once the religion lying underneath it is in danger. So that there is absolutely no ground to distrust the statement that religion is in danger if you introduce this pernicious measure, because the fundamental idea of Hindu society is that marriage is an obligatory purificatory ceremony, and the Hindu *Shastras* fix the age at which this *Samskara* ought to be performed for a girl, and if that age falls far short of that which is stated in the Bill, which is 14, then religion is really in danger, because our *Shastras* lay down the age of 8 for the marriage of a Hindu girl. Eight is the minimum age for a Hindu girl to be given in marriage, because that is the age fixed for the boy for his *Upanayana* ceremony. In fact, what *Upanayana* is for a boy at the age of 8, so marriage is for the girl. It is equally a *Samskara*; it is equally a sacrament, so that the minimum age at which the girl can be given in marriage, according to *Shastras*, is 8; but it can be prolonged. If circumstances would not enable her to be given in marriage at the age of 8, it might be extended to 11 or 12. No age is fixed, but it must be performed before she attains puberty.



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That is the limit beyond which the marriage cannot be postponed. To start with, 8 is the minimum age laid down, but she can be given in marriage at any age before she attains puberty. That is the limit, the range within which the girl ought to be given in marriage according to Hindu Shastras, and the medical opinion, as this House knows, never puts the age of puberty in this country beyond 12. 87 per cent. of girls attain puberty, according to the best medical testimony, only at the age of 12. So that, if 12 is the age generally when girls attain puberty in this country, and if this Bill introduces the minimum age of 14 instead of 12, does it not directly contravene the Shastric injunctions? That is a question which I want to put to every Member of this House. If the hypothesis that I have placed before the House is correct, if the Shastras do lay down the injunction that the girl ought to be married before puberty, and if the medical opinion fixed the age of puberty generally in this country to be 12, and if you try to fix the minimum age at 14 in spite of the medical opinion, then I submit you are acting directly in contravention of the Shastric injunctions.

Sir, I have practically come to this conclusion. If the hypothesis which I have enunciated is correct, then this Bill is certainly a flagrant violation of the religious principle of marriage as recognised in the sacred Dharmashastras. So the only question is, should this House be a party to committing this flagrant violation? Sir, I am very much pained to see that my Honourable friend the Mover, the author of "Hindu Superiority", should now give up his respect for the ancient ideals and plead for a Bill, a Bill which sets at nought the Shastras altogether, a Bill which sets at nought our ancient ideals of marriage altogether. With us, Sir, marriage is religion, and if the author of that famous book "Hindu Superiority" condescends to persist in setting at nought all the religious injunctions and the Shastras, I must say that his fall has been very great. Sir, it pains me to think of his fall. As I have said, the Shastric injunctions are clear; pre-puberty marriage and early post-puberty consummation are ordained by the Shastras. In this connection I might also remind the House that there are certain texts from various Smriti writers which are here and there relied upon by the Honourable Mover in support of the position that he has taken. I admit that in the texts of the Smritis we do find passages which, on the one hand invariably persist in maintaining that marriage ought to be performed before the girl attains her age, but in only one sloka of Manu there is a passage that if the girl having attained the age has not been given in marriage in time by her parents or guardian, they can choose for her a husband within three years, and if even then her parents and guardians do not do it, she can choose her own husband. There is no doubt of the existence of this text. Upon this text the interpretation is this, "Look here. The Smriti writers certainly accept the position that even post-puberty marriages are allowed." Sir, the interpretation of statutes we know, we lawyers are familiar with. If there is an apparent conflict, and I appeal to my Honourable friend the Law Member, if there is a conflict of texts, the best thing is to reconcile the texts, and not to emphasise the conflict—there cannot be conflict. If all of them have the same end in view, real conflict there cannot be, apparently there may be a conflict. If there is a conflict, we must try to reconcile them. Our Shastras invariably

enjoin pre-puberty marriages as the ordinary rule. Now, there are two aspects; there is the material aspect of marriage, sonship, inheritance, etc., etc.; there is the spiritual outlook also. If, in addition to the material advantage, you must also have the spiritual outlook in view, then marriages must be pre-puberty. That is the general rule. If the girl remains unmarried owing to causes beyond the control of the girl, she commits no sin by remaining a spinster. She is entirely under the control and guidance of her guardians for the time being, and if for some mistake, or inadvertence, or owing to other causes, she could not be given in marriage earlier, she can wait for three years and then she can marry herself. Thereby her marriage is legalised for all material purposes—her sonship is recognised for the purpose of inheritance, etc., etc., but the spiritual advantage is gone. She has not committed any sin because other people are guilty of having omitted to give her in marriage in proper time. That is the only way in which these two apparently conflicting texts can be reconciled, and I submit to the House that these texts would not by themselves give any handle or ground whatsoever to the Honourable Mover to persist in his interpretation of them by saying, "Look here, there is a text which apparently authorises marriage, which apparently sanctions marriage post-puberty." It does not sanction the marriage for spiritual purpose because for spiritual outlook *Samskara* is ordained, and the only way to reconcile these texts would be this and nothing else. If material and spiritual outlooks are necessary, pre-puberty marriage is ordained, but if, owing to inadvertence, etc., pre-puberty marriage becomes impossible, then the marriage is recognised legally with reference to sonship, succession, inheritance, etc. The Smritis are therefore clear. If the social reformers or those who have lost faith in our Hindu Shastras do really believe that this state of things ought not to continue, they have no reason to wound the susceptibilities of their brethren in this country. Either they are in the majority or they are in the minority. If they are in the majority, no statute is necessary. If they are in the minority, they cannot force their fashionable fads down the throats of unwilling men simply because they have lost all faith in the Shastras. It is no good, therefore, to force certain texts out of the context and then try to misinterpret them to give a handle or to give support for certain imaginary positions.

The whole thing considered, I think there is no parallel in the civilised world for inflicting punishment on marriage which is valid in law, ordained by religion and sanctioned by immemorial usage.

We are also told in season and out of season,

"Look here. Other countries have moved far ahead. They have got similar marriage laws passed by their legislatures. Why not in India too?"

Sir, our lives, our visions, our standards are entirely different. Is there any parallel anywhere in the civilised world which has got this outlook on marriage which we Indians have? If that is the distinction between the outlook of other civilised countries and the outlook which we Indians are accustomed to from very far off times, that clearly is a ground why we should not apishly follow what is going on in the countries of the West. If one instance can be given of similar conditions obtaining where legislation has been attempted, then I can take that as a precedent, otherwise not. It is no good, therefore, advancing the argument that other countries are moving in this direction and why not we also.

The question, then, that arises is who are the best judges to remove the defects....

**Mr. President :** Will the Honourable Member now conclude his observations ?

**Mr. M. S. Sesha Ayyangar :** Very well, Sir. I am not going to repeat my arguments ; in fact, I am not accustomed to repeat them at all. I assure you that I won't repeat one word or one argument that I have advanced. The question will be, who are the best judges to find out what really pinches this country, what really is necessary, what remedial measures, if at all, are necessary. The best judges are not the laymen who are at it, are not the Brahmo Samajists who are not Hindus according to ancient ideals, nor the Arya Samajists, nor the Theosophists, but the real judges who are competent to judge of the effect of this law upon our customs in this country would be our spiritual heads in the first place.

**Mr. Amar Nath Dutt :** Sir James Crerar or Rai Sahib Harbilas Sarda ?

**Mr. M. S. Sesha Ayyangar :** We Indians have got several sects and each sect has got its own spiritual head. Today there are these sects or associations working, over which the Archbishop so to say presides. We have the Sankaracharya Mutt, we have the Dwaita Mutt and we have the Visishta Dwaita Mutt. The Sankaracharya of the Adwaita Mutt has given his opinion in this matter, and that is recorded in one of the petitions sent to us. This is from Sri Sankaracharya Swamigal Mutt and dated the 15th February 1928. Their opinion is this :

" The proposed legislation is clearly against the religious tenets and principles of Brahmins, which every orthodox Brahmin ardently believes and follows. While even a permissive measure of this kind is calculated to disturb the religious and social amity of the community, a penalising legislation such as the one now proposed is, to say the least, most unwarranted and unjust and ought not under any circumstances be permitted to become law "

Then it is stated that,

" The Bill introduced by Harbilas Sarda is in direct opposition to the sacred principles of Hindu religion practised by the orthodox Brahmin community from time immemorial without any interference till the present moment "

That, Sir, is the considered opinion of the spiritual head of the Sri Sankaracharya Swamigal Mutt, which has got disciples all over India and commands immense influence among its followers.

Then there is the Ahibilum Mutt. It has also got disciples all over India. This is the *mutt* to which I have the proud privilege to belong and this *mutt* has given this opinion :

" Marriage among Hindus is not a civil contract even when the parties to the marriage possess full contractual capacity, but a religious sacrament ; in the case of girls it is a *samskara* enjoined by the Sastras to be performed before the girls attain a certain age. The non-performance of the *samskara* is a transgression and is believed to be productive of spiritual ruin. . . . . The policy of the so-called social reformers who pilot the Child Marriage Bill is short-sighted and cannot therefore be accepted by the Government as a wise course to follow. The one aim of these reformers is material prosperity of the country. . . . . They are totally ignorant of the virtues of the rules of conduct laid down in the Shastras and of the spiritual efficacy which our customs and practices possess. In the Hindu mind is implanted a firm and unshaken faith in those rules and customs, and no westernised savant can eradicate it without injuring the society which he wants to help."

Then, Sir, there is the Udipi Mutt. The Swamiji of this Mutt actually presided over the Varnashrama Dharma Conference held in March last in Madras and he helped the Conference with his guidance and advice and he also came to the conclusion that the Bill is opposed to the Hindu

Shastras altogether. Then there is the Prathivadi Bhayankar Mutt of Bombay, which has also a large following.

**Mr. Jamnadas M. Mehta :** How many followers ?

**Mr. M. S. Sesha Ayyangar :** I am told not less than two lakhs of followers.

**Mr. Jamnadas M. Mehta :** Out of two crores ?

**Mr. M. S. Sesha Ayyangar :** Anyway he has got two lakhs of followers, and commands a large following in Bombay, and if he is not able to command such a large following as the other two mutts whose opinions I have quoted, there is no reason why the opinion of this mutt should not be entitled to weight. The head of this mutt also distinctly says that the Bill is opposed to the Hindu Shastras. If the Bill is passed into law, it will prove to be a calamity to the Hindu community and not a blessing. That is his opinion. Then again " According to Hindu Shastras a marriage cannot be dissolved ". The mutt also questions the competence of this Legislature to pass a law of this kind. I am only concerned here with the point that he also is of opinion that this Bill affects Hindu society, and that it is against the Hindu shastras.

**Mr. President :** I think the Honourable Member must now give a chance to the next speaker.

**Mr. M. S. Sesha Ayyangar :** In addition to this, there are various conferences in my part of the country and also throughout India—in Benares, Calcutta and other places. In the districts of the Madras Province several conferences have been held and several memorials have been sent. I would instance principally the All-India Conference held at Benares. In fact, I think all the leading communities of this country have raised their voice of protest. I submit that the main objections to this Bill resolve themselves into 12 or 13. I would simply mention them categorically. The Bill destroys the foundations of Hindu society because marriage is religion. It creates a conflict between positive and religious law. It is against custom, long established and widely prevalent. Marriage is not only permitted but enjoined. The orthodox far outnumber the heterodox reformers. There is no mandate or demand from the communities affected. The Bill will inflict untold miseries upon millions of people all for a fashionable fad of social reformers. To say that the human species is unfit for matrimony before 18 and 14 is a mere fad. It is not an established fact and it is opposed to biological science. Medical experts are agreed in thinking that it is difficult to fix the age and that it involves immodest examination and interrogation. Those most competent to speak are arraigned as accused. Early marriage by itself is not an evil requiring legislative interference and the " enlightened individuals " should not force their views upon the unwilling many. According to Havelock Ellis, marriage legislation is unnatural. Sir, I would not encroach upon the time of other Members, but I would confine myself to one or two medical opinions which have a bearing upon this matter. The usual grounds upon which this Bill is made to rest are the fundamental grounds that early marriages produce sickly children and cause infantile mortality. I shall produce the opinion of two experts. Dr. C. A. Bentley, Director of Public Health, Bengal, attributed the abnormal death rate among children under fifteen in Bengal chiefly to want of a good and nourishing diet and Colonel MacTaggart also mentions that the only potent cause which really accounts



[Mr. M. S. Sessa Ayyangar.]

for this heavy mortality is the want of nourishing diet. In Europe, where it was very high, although no child marriage existed, it was brought down by the amelioration of the economic and sanitary condition of the people. Then in the Census Report of India for 1921, it is mentioned that in Burma, where there is no child marriage, the infantile death rate is greater than that of Bihar and Orissa, which is the most early married part of India. Then, though Europeans have a general prejudice against child marriages, we find the following in page 303 of the Census Commissioner's report :

In spite of the general prevalence of early marriages, the percentage of feminine mortality to male mortality is 89 in Behar, 91.2 in Bengal as against 90.5, the average in Europe. Behar is the most early married part of India. . . . . The Hindu woman's chances of life are better than those enjoyed by the adherents of any other religion, male or female. . . . . In point of longevity there is little difference between Muhammadan and Hindu males. But Hindu women appear to live longer than their Muhammadan sisters though the proportion of Muhammadan females married below the age of ten is half and that between 10 and 15 is three-fourths of that of the Hindus."

Sir, there is another point upon which this Bill is made to rest, and it is that there is not sufficient growth of physical development of the children, and that consummation during immaturity is improper. That assumes that there is a relationship between the growth of the body and its healthy reproductive capacity. That is an assumption which is in itself unwarranted. Dr. Weissman, the celebrated German biologist, found that the reproductive cells are independent of the somatic cells which build up the body. If the mother is weak and sickly, the growth of the germ cells is arrested, and this would be so whether the parents are young or old. In Nature we do not find reproduction commencing after the cessation of growth, for example, animals and plants. The capacity to bear children begins and ends with catamenia. Its commencement is Nature's sign that the reproductive organs are now fit to perform their function. When sex attraction and craving commence, that is a natural indication that girls are now fit to be mothers. I submit, Sir, under the circumstances, to intervene arbitrarily and fix an age arbitrarily would be absolutely unwarrantable, regard being had to high medical opinion. Lastly, Sir, it has been found that early pregnancy yields good result. One of the greatest authorities on sexual matters, Havelock Ellis, says in "Studies in the Psychology of Sex", page 6 :

"Wide observation supports the Hindu view that girls become fit to be mothers on the first onset of menstruation."

Ellen Key, a prominent leader of the feminine movement, advocating free love, free divorce and motherhood without marriage observes :

"Sexual morality is impossible without early marriage. Postponement leads to prostitution, spread of venereal diseases and the evils of self-abuse and abstinence. In early marriage only, the highest form of love is possible."

If this House will consider the verdict of the medical world, I would ask this House to pause before it gives its assent to the Bill.

The Honourable Sir James Crerar (Home Member) : Sir, though my original intention was to deal somewhat more fully with the grave issues which are before this House, in view more particularly of what fell from you, Sir, in regard to the course of the debate, I am reluctant to encroach unduly upon the opportunities which other Honourable gentlemen may desire to have to intervene in this important debate ; and I shall therefore, in what I have to say, confine myself to the fewest

issues and the fewest words possible. I desire, Sir, in the first instance, to re-affirm what I have already on more than one occasion affirmed in this House, that this measure has the most cordial sympathy and the strongest support of Government. (Loud applause.) The Honourable Mover has on a previous occasion been good enough to acknowledge that Government and the officers of Government have given him material assistance in the formulation and in the promotion of his measure. I thank him for the acknowledgment, but that indeed, Sir, is no more than the truth ; and I should like to add this, that if Rai Sahib Harbilas Sarda has the satisfaction of seeing this measure placed upon the Statute-book during the course of this Session, I hope to be one of the very first to congratulate him upon that happy consummation. I understood the Honourable Member from Madras, Mr. Acharya, to do me the honour of quoting me in more than one passage in a sense which, if I have understood him correctly, represented me and the Government of India as advocates of the doctrine of leaving things as they are, of the practice of being purblind to facts, and of being slow to take or to assist in any remedy that may be proposed. On the other hand, the Honourable gentleman opposite, Mr. Amar Nath Dutt, charged me and Government with a totally different offence. In respect of the attitude and conduct of Government with regard to this Bill, he charged us with the sinister and Machiavellian design of instigating and inspiring this measure with the object of promoting discord among different classes of His Majesty's subjects in India. May I remind the Honourable Member that on the first occasion when this Bill was debated in this House, and on subsequent occasions, three of the most strenuous advocates of the measure were the Deputy Leader of the Congress Party, the late Lala Lajpat Rai and my Honourable and learned friend from Bombay, Mr. Jayakar, whom I am glad to see in our midst to-day. Is the charge then, Sir, credible that Government, with a design so sinister, succeeded in having on their side champions so redoubtable ? The real truth, Sir, with regard to the attitude of Government in this matter, as in other matters of social legislation, is one which I think I may state in a few words. It occupies, I frankly admit, a middle course. I suggest, indeed I most strenuously contend, that in the extreme of rash, hasty and intemperate legislation and the opposite extreme of obscurantism and purblind conservatism the dangers which lie are hardly distinguishable in their magnitude. What I have always contended for is that, if important projects of social legislation are to be undertaken as they must be undertaken, it should be after a careful and deliberate examination of the evils which you are endeavouring to correct, and after the fullest ventilation and consultation of public opinion ; and that in matters of that kind we should make every possible endeavour to ensure that, behind such measures as we undertake, we should have that degree of public support which is in fact essential to the effective administration of any legislation in such matters.

Now, Sir, when, in the last Session of this Assembly, Government supported the motion for postponement of the consideration of this Bill, we were exposed to a great deal of misrepresentation and blame. At the time I confess I was very sensitive to that criticism. But the reason which was then propounded as the reason for postponement of discussion was that a committee of inquiry was then on foot, which would probably find it necessary to consider, as an incidental though a very important

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[Sir James Crerar.]

incidental inquiry, the subject-matter of this Bill. I hoped, Sir, that the inquiries of that Committee would have the effect of concentrating public opinion upon this grave and important issue, that it would give the amplest opportunity for opinion of every grade of every complexion to express itself, and that we should have the *considered* opinion of that Committee if we in this House were to resume consideration of this measure. Now, Sir, I venture to say that every one of these anticipations has been fully realised. I say that the country is now more alive to the gravity of the evils with which this Bill is intended to deal. I say that public opinion has had very ample opportunity of expressing itself, and that the Committee have taken the amplest opportunity of considering and weighing that opinion in framing their recommendations and, as a result, much valuable and additional material is now before the House. An Honourable Member, I think it was Mr. Acharya, contended that the Committee was not a representative Committee. Sir, I do not think that any Honourable Member who takes the trouble to read and study that Report with the care and attention which it deserves, can fail to recognise or be compelled to admit that it constitutes a land-mark, and I hope and trust a land-mark of advance, in the controversy with which it deals. (Hear, hear.) I maintain, Sir, that the Committee was representative; it was representative of different classes and different races in this country. I contend that it had a high measure of the legal, the administrative and the medical qualifications which are most essential qualifications for the consideration of this question. And I am the

4 P.M.  
more surprised that the Honourable Member should have so disparaged the qualifications of the Committee when it appeared that his immediate purpose was to demand a longer time for the consideration of its recommendations. Sir, I repeat that in my opinion—and I think it will be the opinion of every one who, without prejudice and with adequate care, reads, re-peruses and studies that Report,—Sir Moropant Joshi and his colleagues on that Committee have rendered a very great public service for which the gratitude of this House and the country is due. (Applause.) And, Sir, what is the first conclusion that can reasonably be drawn from the contents of that Report? The first and the most reasonable conclusion, the inevitable conclusion in reference to the particular contents of this Bill, is that there exists a great and a corroding evil in this country which is clamorous for a remedy. That evil, Sir, is one which afflicts, in the first instance, the most defenceless, innocent section of the community those who have the greatest claims for our protection. The evil is not only limited to that. It is not merely the large number of young girls who year by year either die or sustain serious bodily injury, but those who are acquainted with the case, those who have studied the evidence, those more particularly who have come into contact with the practical facts and the practical consequences, cannot contemplate them without—I put it no higher than this—the most serious searchings of mind, heart and conscience. (Hear, hear.) It is not merely that generation after generation of young girls should be exposed to or should suffer from these evils, but there are dangers to the future generations of the country from which, if the country is not willing to adopt a remedy, it will undoubtedly suffer in its most vital and important interests.

Well, Sir, when I have said so much, I do not desire it to be understood that I in any way under-estimate or depreciate the earnestness and the sincerity of the opposition to this Bill. I do so fully and frankly, and I do feel this, that any measure which modifies the law in a social matter, any measure which it is anticipated will disturb the customs and habits of long duration, is one which for a time will naturally provoke a large measure of opposition. But I hope myself, Sir, that the improvements in these matters which we have reason to hope will result from this Bill will in course of time—and I hope in no long time—reconcile to the principle of this Bill and to its practical application even the most stringent opposition with which the measure is at present confronted. At any rate, Sir, I wish to make my position, the position of Government, perfectly clear beyond any shadow of doubt. It is this. We are convinced that this evil exists; we are convinced that the measure of Rai Sahib Harbilas Sarda is, at any rate, a first step in the direction of seeking a practical remedy. Where we find so great an evil and where we find a promising remedy, we feel that we must support what we think to be right. I trust, Sir, the great majority of this House will concur in that view. I trust they will concur in the view that this measure is a measure in the right direction and that it is their duty to support it with their suffrage. (Applause.)

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I have no doubt that the Honourable the Home Member spoke with great conviction and with great sincerity, but what I missed in his speech was any reference to the attitude of the Local Governments in this matter. I am sure he is anxious to see that, if this measure is passed into law, there must be an effective administration of it, and there are two essential factors necessary to ensure that. First of all, a large amount of public support and, secondly, the loyal support and co-operation of the Local Governments. The Honourable Member, I have no doubt, knows that the provinces primarily affected are Madras, Bengal, the Punjab and Bihar and Orissa. The Honourable Member has not told the House that these four provinces are not wholly in favour of this measure. Some of them have advised Government to drop it. The Government of the Punjab suggest that it ought not to be made applicable all at once, to all the provinces, but that it ought to be left to the discretion of the Provincial Governments to extend its application within their borders if they so think fit, with the concurrence of their own Legislatures. The Government of Madras, in a few words, dismiss this Bill. The Government of Bihar and Orissa contend that it can only be put into operation at the instance of black-mailers. They will have nothing to do with it. The Government of Bengal say that the Bill should be dropped. Now, I should like to know from the Government as to how they propose to work this measure if the principal instruments of administering this legislative enactment find it difficult to co-operate.

Now, with regard to public opinion, the Honourable the Home Member has stated that he is assured that a very large measure of public support can be counted upon.

~ An Honourable Member : He is right.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : He is not.

**Mr. K. C. Neogy** : I beg of my Honourable friends to permit me to proceed. I do not claim to speak on behalf of Bombay or any other province, but so far as Bengal is concerned, what better witnesses in this House can you expect to get on this point than my Honourable friends, Mr. Kelkar and Dr. Moonje. (Applause.) It was only last week that a session of the Bengal Provincial Hindu Conference was held at Dacca under the Presidency of my Honourable friend, Mr. Kelkar, and in the immediate presence of Dr. Moonje. And what happened there? And, mind you, this is a reforming body. You have only to look at the Resolutions which this body adopted at Dacca to find out the sort of people that attended it. It has nothing in common with orthodox Hindu opinion. When a Resolution was proposed in this Conference supporting Mr. Sarda's Bill, it was defeated by an overwhelming majority, in spite of the personal efforts and the personal influence of my Honourable friend, Mr. Kelkar.

**Mr. N. O. Kelkar** (Bombay Central Division : Non-Muhammadan Rural) : I did not make any personal effort.

**Mr. K. C. Neogy** : Your presence was enough, and also that of Dr. Moonje. What more evidence does the Honourable the Home Member desire to have as to whether this measure has public support in Bengal? Now, Sir, in my own humble way, I tried to ascertain the opinion of my constituency on this particular measure. I broadcasted a few thousands of letters inviting the opinions of my constituents on this Bill without giving any indications as to what my opinions were. I caused that letter to be published in all the vernacular newspapers of Bengal, and Honourable Members might like to see the response that I have received. How many do the Honourable Members think, out of this huge bundle, are in support of the Bill? Not more than half a dozen. Look at the number of telegrams and letters that I received. I want to make it perfectly clear that these are not in the nature of public petitions with which we are all familiar; these are not merely the resolutions of public meetings with which we are all familiar. But these are mostly letters individually addressed to me, in response to an appeal which was sent by me to my electors. (Laughter.) Am I not entitled, Sir, in this House to draw attention of Honourable Members to the response that I had to my letters?

**Mr. Jamnadas M. Mehta** : Does it mean that, except those who have written, the rest are in favour of the Bill?

**Mr. K. C. Neogy** : Only six persons out of these are in favour.

**Mr. Jamnadas M. Mehta** : I am referring to the rest of those who have not written to you.

**Mr. K. C. Neogy** : I can tell you this much. So far as the people that are going to be affected are concerned, they are mostly ignorant about the provisions. (Laughter.) Most of us who are sitting here to-day are not going to be affected. The communities to which we belong are not going to be affected by this measure. If Honourable Members would refer to the Bengal Census Report, first Volume, page 272, they would find that I have the privilege of belonging to a community that takes the palm in the matter of social reform. It is a small community to which I have the honour to belong. In that community this evil of

child marriage is almost absolutely unknown, so that I am not affected by this measure at all, nor the community to which I belong. But, Sir, by this measure at all, nor the community to which I belong. But, Sir, the whole issue, as it presents itself to me, is this : Am I going to impose my opinion by legislation, by legislative coercion if you please, on an unwilling people, a people in whose name we claim to be speaking and voting in this House? Now, Sir, as I have already stated, most of these letters, almost all of them, with the exception of about half a dozen, have protested against this measure. I do not want this House to carry the impression that they are all very orthodox Pandits who have quoted scripture in support of their contention. It is nothing of the kind. Some of them came from very unexpected quarters. I may inform Honourable Members sitting on the front Government Benches coming from Bengal—I mean the Honourable the Law Member and the Honourable Member in Charge of Industries and Labour—that the great Kayastha community of Bengal, rather the Kayastha Samaj, has passed resolutions protesting against this measure. These resolutions have been forwarded to me over the signature of another Mitra—Sanat Kumar Mitra—a name which may be familiar to some of the Honourable Members. It is not that the members of the Kayastha Samaj practise child marriage. What is there that makes them object to this measure in spite of the fact that most of them do not practise child marriage in their own homes?

Now, I will attempt to divide these numerous letters into several categories. They can be divided into several classes. First, those who are alarmed at what they consider to be an attempt at interference with religion. Second, those who, whatever their views about social reform, do not want to be affected by legislation. Third, those who are positively against child marriage but do not support the present Bill either on the ground that it is premature or because of its penal provisions. They think that it should be preceded by intensive educative propaganda by reformers. They particularly point out the absence of any adequate provision for the education of girls in the villages. They further point out that, even without the aid of legislation, the marriageable age of girls is bound to go up; it has gone up remarkably during the last few years. (A Voice : "Question") : It has gone up during the last few years. The fourth class comprises those who are apprehensive about the practical result of postponing the marriage of Hindu girls beyond the average age of puberty. I will refer to the position in Eastern Bengal. It is a very unpleasant subject, and I have no desire to dwell upon it any more than by merely referring to the numerous cases of abduction of Hindu girls that are taking place every day in Eastern Bengal, on which subject there is no greater authority than my Honourable friend, Dr. Moonje. (Laughter.) He has studied this very serious question on the spot and he will be able to tell you whether there is not anything substantial in the apprehensions of the people in Eastern Bengal.

Now, Sir, the fifth class comprises those who are medical men in Bengal, including an eminent medical man like Dr. Bamandas Mukherjee, who is about the best authority that we have in Bengal on gynaecology. These persons are anxious to have a proper scientific study made of the problems of sex, puberty and maternity, which have baffled even the best scientific minds of the West, some of these medical men complain that the Report of the Age of Consent Committee is in the nature of a

[Mr. K. C. Neogy.]

propagandist effort. They point out that the authors of the Age of Consent Committee Report have not dealt fairly and impartially with statistics and information placed before them. The views of medical men who did not happen to agree with their pre-conceived ideas were absolutely brushed aside. They further complain—and I have this specifically in writing from one eminent doctor of Calcutta who gave evidence before the Committee—that they were asked to criticise certain statistics furnished by Dr. Audiseshan which forms part of the Report as an Appendix. When they submitted their criticism of these statistics the Committee allowed Dr. Audiseshan to revise the statistics because, in the light of those criticisms, the conclusions which the Committee sought to draw up could not be justified. This complaint was published in the newspapers.

**Lieut.-Colonel H. A. J. Gidney** (Nominated : Anglo-Indians) : Why did the All-India Medical Conference at Calcutta support the Bill ?

**Mr. K. C. Neogy** : I will tell the House how that support was brought about. I am quoting from a medical journal. My Honourable friend's intervention is sometimes very helpful. (Laughter.) This is what the *Medical Review of Reviews* said, and I am giving a quotation from that :

"Not to be outdone, the medical men assembled in the All-India Medical Conference, 1928, who, by the bye, had remained perfectly unconcerned so long, though they of all people were expected to realise the good and bad implications of the Bills to their full extent, suddenly woke up to a sense of their duty and responsibility and passed a resolution in hot haste, warmly supporting the Bills at the fag end of the session in a thin house, consisting almost exclusively of the ardent reforming spirits, and at a time when the majority of the members had already left the meeting to attend a pre-arranged lecture in another place in the town (Bose Institute)."

**Lieut.-Colonel H. A. J. Gidney** : That is a distorted statement for I was present at the Conference.

**Mr. K. C. Neogy** : But you never contradicted it. It appeared in a medical journal and it ought to have drawn the gallant Colonel's attention long ago.

Sir, I have no desire to weary the House any more, but I have given sufficient reasons to justify my attitude, and I do not think I will be taken to task for not being able to support this measure, although I am prepared to give all credit for sincerity and good intentions to my Honourable friends.

**Mr. Abdul Haye** (East Punjab : Muhammadan) : Sir, I rise to support the amendment of my Honourable friend, Mr. Acharya. In doing so I want to make it clear that almost all the Mussulman Members of this Assembly have decided to adopt this course for certain reasons. Let it not be understood that we, the Mussulman Members, have no sympathy with the most laudable object with which this Bill has been introduced. But our difficulty is that we feel that somehow or other Mussulman public opinion has not sufficiently clarified itself to enable us to arrive at a definite decision. I do not know who is to blame for that. It is not easy to apportion the blame on this occasion. Perhaps it is due to the fact that the Government of India did not rise equal to the occasion and discharge their responsibility properly when they announced the personnel

of the Age of Consent Committee. At that time no adequate and effective representation was allowed to the Mussulmans. Only one Muhammadan, to begin with, was appointed, and even he was not a distinguished public man, but only a retired District and Sessions Judge. I also do not want to conceal the fact that this state of things is perhaps due to the apathy that has been displayed by the Mussulman *Ulemas*, the Mussulman public and the Mussulman Press over this question, and I want to send this message from my seat in the Assembly.....

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : Sir, I rise on a point of order. I am told that my Honourable friend has made a statement that almost all the Mussulmans are against this Bill.

**Mr. President** : That is not a point of order.

**Mr. Abdul Haye** : Sir, I want to send this message to my co-religionists abroad that, if they want their representatives in this House to discharge their duties efficiently and properly, they must take more interest in these public matters than they have done in the past. Sir, placed as we are, we the Mussulman Members of this Assembly are considerably handicapped in the matter of consideration of this Bill. Our opinion is sharply divided, and whatever opinion has been expressed is absolutely inadequate. Even the opinions that have been sent to the Government of India do not contain the views of more than half a dozen Muhammadans. This is what my Honourable friend, Maulvi Muhammad Yakub, said in his minute of dissent which supports my contention :

"The fact remains that the Muslim point of view is not sufficiently represented, and I do not think it would be proper and safe to introduce a measure of vast social and religious importance until additional Muslim opinion, specially that of distinguished theologians, is placed on record."

Whatever opinion has been expressed is sharply divided, and we, the Mussulman Members, have not been able to come to any definite conclusion. There is a section amongst us who honestly believe that the Mussulmans do not require this legislation. They say that the evil of child marriage does not exist in any appreciable degree among the Muhammadans of India and they further say that if it exists at all we have got sufficient safeguards provided by our own personal law inasmuch as widow re-marriage is not prohibited, and the personal law also allows a child wife, on attaining majority, to repudiate the marriage which has been contracted on her behalf by her guardians. There is still another school of thought which says that marriage among Muhammadans according to the *Shariat* is a civil contract, and if it is a civil contract it *ipso facto* follows that the contracting party must arrive at an age of discretion before that contract can be entered into. Sir, there are others who hold the view that, even if this social evil exists, according to the *Shariat*, no non-Muslim authority is competent to legislate on this matter. There is still another friend of mine who has told me that he is in possession of very valuable and important literature which he has obtained from Egypt, and he says that the Parliament of Egypt has enacted a law somewhat on the lines of the present Bill and that enactment has been placed on the statute-book with the consent of the *Ulemas* of Azhar. So what I at this stage want to impress upon the House is that we are considerably handicapped. You must stay your hands if you want to carry us with yourselves. If the consideration of this Bill is not stayed and is proceeded

[Mr. Abdul Haye.]

with, I am afraid that a considerable portion of the Mussulmans of this Assembly will be compelled to oppose this Bill. But if the consideration is delayed for a few months, I am sure that we will be able to bring round those who at present are standing aside, and it may be possible for us to give unanimous support to this Bill with certain modifications. I want to make it clear that at present we are not in any way opposed to this Bill, but we have got certain conscientious objections and we have got certain difficulties that have to be got over.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th September, 1929.

## LEGISLATIVE ASSEMBLY.

Thursday, 5th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### TRANSFER OF THE ADMINISTRATION OF ADEN TO THE COLONIAL OFFICE.

149. \*Mr. Gaya Prasad Singh : (a) Will Government please state if they sent any suggestion to His Majesty's Government regarding the meaning of "Aden", when the Government of India (Aden) Bill was pending in Parliament? If so, why did this elucidation become necessary now?

(b) Was the Government of Bombay consulted with regard to this transaction? If not, why not?

Sir Denys Bray : (a) While the Bill was before Parliament, the question arose whether the expression "Aden" covered its dependencies like Perim, or whether a specific reference to them was desirable. The Government of India, on being consulted, advised the latter.

(b) There was no necessity to consult the Government of Bombay since the point was one not of substance but of drafting.

Mr. Gaya Prasad Singh : Is it not a fact that, in the Bill as originally introduced, there was no specific mention of the hinterland of Aden being included in the term Aden?

Sir Denys Bray : I think my Honourable friend is under some slight misapprehension. What he says is perfectly true; but the point actually before Parliament was not that, but this : Aden, for the purposes of the Government of India Act, include Aden settlement and also certain dependencies, like Perim and the famous Kuria Muria islands, the inhabitants of which comprise one patriarchal family, and an unstated number of noxious insects. (Laughter.) The only point in Parliament was whether the term Aden automatically included Kuria Muria and so forth, or whether those dependencies should specially be referred to in the Bill.

Mr. Gaya Prasad Singh : Is it a fact that the Government of India made a suggestion to His Majesty's Government defining the expression Aden, after the introduction of the original Bill in Parliament?

Sir Denys Bray : That is so, Sir.

### ASSISTANCE GRANTED BY GOVERNMENT TO LIGHT AERO CLUBS AND NUMBER OF INDIANS TRAINED IN THEM.

150. \*Mr. Gaya Prasad Singh : Will Government be pleased to state what assistance, if any, has been given by Government to the light aero

clubs now in existence in India, and how many Indians have completed their training, or are now under training in each of them ?

**The Honourable Sir Bhupendra Nath Mitra :** The attention of the Honourable Member is invited to part (b) of the reply given in the Legislative Assembly on the 29th January, 1929, to his starred question No. 203.

The number of Indians who had completed their flying training for private pilots licenses at the Clubs up to 26th August was 15. The number now under training is 46. The figures by clubs are as follows :

Bombay Flying Club—7 have completed training and 9 are under training.

Bengal Flying Club—1 has completed training and 5 are under training.

Delhi Flying Club—1 has completed training and 13 are under training.

Karachi Aero Club—6 have completed training and 19 are under training.

#### EFFECT ON THE MEERUT TRIAL OF THE RESUMPTION OF DIPLOMATIC RELATIONS WITH SOVIET RUSSIA.

151. **\*Mr. Gaya Prasad Singh :** Is it a fact that the Government of India have addressed a communication to the British Government to the effect that the Government of India would feel considerably embarrassed in the conduct of the Meerut prosecutions if diplomatic relations are resumed with Soviet Russia while the Meerut prosecution is pending ? If so, what reply has been received ?

**Sir Denys Bray :** No, Sir.

#### CORRESPONDENCE BETWEEN ENGLAND AND RUSSIA ON THE QUESTION OF THE RESUMPTION OF DIPLOMATIC RELATIONS.

152. **\*Mr. Gaya Prasad Singh :** Will Government please state if they have received any communication from His Majesty's Government regarding the resumption of diplomatic relations with the Government of the Union of Soviet Socialist Russia ? If so, do Government propose to place the correspondence before this House ?

**Sir Denys Bray :** The answer to the first question is in the affirmative ; to the second in the negative.

#### NAVAL DISARMAMENT.

153. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state if they have received any communication from His Majesty's Government in regard to the subject of naval disarmament ? If so, what do Government propose to do ?

**Mr. G. R. F. Tottenham :** His Majesty's Government have kept the Government of India informed of the discussions on the subject of naval disarmament. In view of the size of the Royal Indian Marine in comparison with the naval forces of other countries, the Government of India do

not anticipate any necessity to do more than watch the progress of the discussions.

#### SETTLEMENT OF INTERNATIONAL DISPUTES.

154. **\*Mr. Gaya Prasad Singh :** Will Government please state if there has been any correspondence with His Majesty's Government regarding settlement of international disputes, and the signing of an optional clause decided in the Statute of the Permanent Court of International Justice ? If so, do Government propose to place the matter before the Central Legislature before final decision is taken thereon ?

**Sir Denys Bray :** The answer to the first part of the question is in the affirmative ; to the second in the negative.

**Diwan Chaman Lall :** May I ask why Government are not prepared to place the correspondence on the table of the House ?

**Sir Denys Bray :** Because they do not think it would, at the present juncture, be in the public interests to do so.

**Diwan Chaman Lall :** Have the Government any intention of asking the opinion of this House before coming to a final decision in this matter ?

**Sir Denys Bray :** The final decision is at present being discussed in Geneva.

**Diwan Chaman Lall :** Do not Government find it therefore necessary to consult the opinion of this House in regard to the matters now pending at Geneva ?

**Sir Denys Bray :** I would point out to my Honourable friend quite seriously that this matter of the optional clause has been before the world and the House for the last seven or eight years. Until this moment, I do not remember any interest displayed by the Honourable Member in the subject ; but without being in any way indiscreet, I can tell him that our attitude on the subject is in favour of adherence, and the form of adherence is now under discussion.

**Diwan Chaman Lall :** May I ask the Honourable Member whether, in view of the fact that the Government of India are in favour of ratification, that will affect the size of the standing army in India in case the optional clause is ratified at Geneva ?

**Sir Denys Bray :** I would hardly like to venture on an answer to so momentous a question over a supplementary question, but naturally the whole creation of a body of new international ideas universally operative must eventually have their effect upon the standing forces of every nation in the world.

#### INTRODUCTION OF A NEW RAILWAYS ACT.

155. **\*Mr. Gaya Prasad Singh :** Is it in contemplation to draft a new Railways Act in the light of modern requirements, as suggested by the Aeworth Committee in 1921, and admitted by the Government in reply to starred question No. 275 of the 7th February, 1927 ? If so, when is the draft likely to be ready for introduction ?



**Mr. P. R. Rau :** The question of the revision of the Indian Railways Act, IX of 1890, has recently been referred to the President of the Railway Rates Advisory Committee for his recommendations. I regret that it is not possible at present to say when the draft is likely to be ready.

**Mr. Gaya Prasad Singh :** When was it referred to the Rates Committee ?

**Mr. P. R. Rau :** I believe in May last.

#### ARRANGEMENTS MADE BY GOVERNMENT FOR REPORTING THE MEERUT TRIAL.

156. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Director of Public Information visited Meerut in June, in connection with the reporting work of the Meerut trial ? If so, what were the arrangements settled on that occasion ?

(b) Have Government their own official reporters, or is an arrangement entered into with any particular news agency ? If so, which ; and on what terms, if any ?

**The Honourable Sir James Crerar :** (a) The Director, Public Information, was present at Meerut during the opening stage of the Magistrate's inquiry. The objects of his visit were to see that satisfactory arrangements were made : firstly, for the convenience of Press agencies and newspaper representatives ; and secondly, for three Government reporters, who had been sent to Meerut, to obtain for Government a verbatim report of the opening address of Mr. Langford James.

(b) As stated above, Government sent their own reporters for the purpose of obtaining a verbatim report. The Press agencies do not undertake the verbatim report of proceedings of this character and length, since their clients require only a summary or abstracts.

**Mr. Gaya Prasad Singh :** Do I understand the Honourable Member to say that they have got an official Press reporter there ?

**The Honourable Sir James Crerar :** On that occasion they did.

**Mr. Gaya Prasad Singh :** Not now ?

**The Honourable Sir James Crerar :** Not now, so far as I am aware.

#### ESTIMATED COST TO GOVERNMENT OF THE MEERUT TRIAL.

157. **\*Mr. Gaya Prasad Singh :** Will Government please state what is the estimated expenditure sanctioned by Government towards the cost of the Meerut conspiracy trial, and the amount of money paid up-to-date to the different prosecuting Counsels ?

**The Honourable Sir James Crerar :** It is not possible to make an estimate of the cost of the Meerut trial as this will depend on various factors which cannot yet be accurately forecasted. The expenditure on the trial is being met so far from the normal budget of the Director of the Intelligence Bureau.

I have no information of the actual amount paid to the prosecuting counsel up-to-date. There are two counsel, one of whom is paid a fee of Rs. 1,020 per diem and the other Rs. 85 per diem.

#### REASONS FOR THE PROHIBITION OF THE BOOK "SHIVA, OR THE FUTURE OF INDIA".

158. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the book called "Shiva or The Future of India", by one Mr. R. J. Minney, has been prevented entry into India, on the ground that it deals with certain subjects in a way which would give offence to Indian opinion ?

(b) Is it a fact that the book also denounces some aspects of the Government and foreign exploiters in India ?

(c) Are Government aware that the following are some of the passages in that book :

(i) "There is no gainsaying the fact that, so far as the commercial community is concerned, the attitude of the Whites to the Blacks is one of complete contempt";

(ii) "During the past seventy years, Britain has reformed herself in India, rather than the vast mass of native humanity";

(d) Is it not suggested in that book that the white population should identify itself more whole-heartedly with the interests of the country ; that money earned in India should be spent in India, and not brought to England by the white exiles, and that then India would be the greatest and most prosperous country in the world instead of as at present one of the poorest ?

(e) Is it a fact that the book has been banned more for its denouncing the Government than for any other reason ?

**The Honourable Sir James Crerar :** (a) to (d). Yes.

(e) No. The importation of the book to India was prohibited because it deals in an offensive manner with sex matters and social evils, which it was felt would give justifiable offence to Indians in general and Hindus in particular.

**Mr. Gaya Prasad Singh :** Are Government aware that Miss Mayo's book dealt with sex matters also ? Why was it not prohibited ?

**The Honourable Sir James Crerar :** We were not aware of the contents of Miss Mayo's book before it was imported ; whether or not it would have been desirable to prohibit it is a matter which has already been dealt with in this House, and I have nothing to add to the replies I then gave.

**Diwan Chaman Lall :** May I ask the Honourable Member whether Government are prepared to review their policy of banning books merely on the authority of some official or other ?

**The Honourable Sir James Crerar :** I see no reason for reviewing the policy which is at present pursued.

**Diwan Chaman Lall :** Is the Government aware that the policy is a very discriminating policy, in view of the fact that Mr. Minney's book casts aspersions upon the conduct of the Government of India and the conduct of Great Britain in India, whereas Miss Mayo's book does not ?

**The Honourable Sir James Crerar :** I have already replied on the subject of Mr. Minney's book ; I have not been able to obtain a copy of it.



and I am therefore not in a position to agree or disagree with the Honourable Member.

**Diwan Chaman Lall :** Will the Honourable Member accept a copy from me ?

**The Honourable Sir James Crerar :** I shall be delighted.

NON-PROHIBITION OF THE BOOK, "THE LAST HOME OF MYSTERY".

159. **\*Mr. Gaya Prasad Singh :** Are Government aware that a book, called "The Last Home of Mystery" by one Captain R. Alexander Powell of America, contains attacks on some of the religious beliefs and customs of India ? Why has this book not been refused entry into India ?

**The Honourable Sir James Crerar :** I would refer the Honourable Member to the answer given by me on the 2nd to his question No. 6.

**Mr. Gaya Prasad Singh :** Are Government prepared to ban the entry of this book into India now ?

**The Honourable Sir James Crerar :** I think, if the Honourable Member will refer to my reply on the 2nd September, he will find an answer to that question.

REPRESENTATIONS TO BAN THE BOOK, "LIFE AND EXPLOITS OF GENERAL DYER".

160. **\*Mr. Gaya Prasad Singh :** Is it a fact that some representations were received by the India Office from this country, urging the desirability of banning from India the recently published "Life and Exploits of General Dyer" ? If so, who made those representations and, with what result ?

**The Honourable Sir James Crerar :** The Government of India have no information beyond what was stated in the House of Commons by Lord Winterton in reply to Mr. Thurtle, viz., that he had no knowledge of any such representations.

DATE OF COMPLETION OF "INDIA HOUSE" IN LONDON.

161. **\*Mr. Gaya Prasad Singh :** Will Government please state when the building of the new India House, London, is likely to be completed ?

**The Honourable Sir George Rainy :** The building is likely to be completed in the spring of 1930.

DISSATISFACTION OF THE CLERICAL STAFF IN GOVERNMENT DEPARTMENTS REGARDING SALARIES AND CONDITIONS OF SERVICE.

162. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that Government propose to appoint a Retrenchment Committee to explore avenues for curtailing expenditure in the various Departments of Government ? Is it the intention to bring about further reduction in the clerical staff, instead of curtailing the salaries of high-placed officials ?

(b) Are Government aware that there is considerable dissatisfaction among the Indian clerical staff in regard to their salaries, housing accommodation, and conditions of service generally ?

**The Honourable Sir George Schuster :** (a) I would refer the Honourable Member to my statement of 5th March, 1929, in which I suggested that the time had come for the Government to review the whole of their expenditure. In pursuance of that suggestion, detailed information is now being collected as to the growth of expenditure during the last few years, and the statistics when complete will be examined and analysed in the Finance Department in the first instance. I am afraid it is not possible for me, at this stage, to give the Honourable Member any definite statement as to what action will be taken thereafter.

(b) Government are not aware of any serious dissatisfaction among the Indian clerical staff in regard to their salaries and conditions of service generally, but they are aware that dissatisfaction exists among them in regard to housing accommodation especially as Simla ; and they propose to inquire into the matter.

CONVERSION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS INTO THE TELEGRAPH BOARD.

163. **\*Maulvi Muhammad Yakub :** (a) Is it a fact that the Office of the Director General of Posts and Telegraphs is being converted into the Posts and Telegraphs Board ?

(b) Is it a fact that a despatch on the subject has been, or is being, sent to the Secretary of State ?

(c) If replies to parts (a) and (b) are in the affirmative, will Government be pleased to furnish the House with a copy of the despatch ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). The reply is in the negative.

(c) Does not arise.

PRACTICE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS OF SUBMITTING ANNUAL INCREMENTS OF CLERKS FOR SANCTION.

164. **\*Maulvi Muhammad Yakub :** (a) Is it a fact that in the Office of the Director General of Posts and Telegraphs cases of annual increments of each clerk are submitted to officers for sanction every year ?

(b) Is it a fact that this practice causes delay of several months in the drawing of annual increments ?

(c) Is it a fact that this practice is not followed by any other Department of the Government of India ?

(d) Is it a fact that under the Fundamental Rules annual increments of clerks and menials should be drawn as a matter of course ?

(e) If replies to parts (a), (c) and (d) are in the affirmative, will Government be pleased to state the reasons which necessitated this peculiar procedure to be followed in the Office of the Director General of Posts and Telegraphs only ?

**Mr. P. G. Rogers :** (a) Yes, since last year.

(b) No such case has been brought to notice.

(c) No.

(d) The Fundamental Rules merely lay down that an increment shall ordinarily be drawn as a matter of course unless it is withheld.

(e) As already stated the procedure in question is not confined to the Office of the Director General, Posts and Telegraphs. It was introduced for administrative reasons.

**FEASIBILITY OF TRANSFER TO THE SECRETARIAT OF AN UNPASSED CLERK IN A SUBORDINATE OFFICE.**

165. \*Maulvi Muhammad Yakub : Will Government be pleased to state whether a permanent clerk, employed in an attached or subordinate Department of the Government of India, who has not passed the Staff Selection Board's or the Public Service Commission's examination, can *ordinarily* be transferred to the Secretariat proper by applying for the same ? If so, will Government be pleased to quote instances ? If not, why not ?

The Honourable Sir James Crerar : The answer to the first part of the question is in the negative. As to the last part, the standard of work required of assistants and clerks (other than routing clerks) in the Secretariat is higher than that expected in attached offices, and consequently exemption from passing the examination with a view to employment in an attached office does not entitle an assistant or clerk to employment in the Secretariat.

**PROHIBITION OF WILD BOAR SHOOTING ON THE BANKS OF THE JAMNA RIVER.**

166. \*Sardar Kartar Singh : (a) Will Government be pleased to state if wild boar shooting is prohibited on both banks of the Jamna river in the province of Delhi ?

(b) Is it a fact that the peons of certain tent clubs prevent people from shooting wild boars on the Jamna banks ?

(c) Is it a fact that by this prevention, the number of wild boars has gone up considerably and the boars are doing great damage to the crops on and near the banks of the river Jamna ?

(d) If any parts of the Jamna bank in the Delhi Province are preserved, do Government propose to mark the boundaries of, and put sign boards in, such places ?

The Honourable Sir James Crerar : (a) No.

(b) So far as I have been able to ascertain this is not the case.

(c) The information I have received shows that the number of wild boars has decreased greatly in recent years, so that the damage to crops should be less than it was previously.

(d) There are no preserves in the Delhi Province.

**APPOINTMENT OF A SIKH TO THE SUPERIOR STORES ESTABLISHMENT OF STATE RAILWAYS.**

167. \*Sardar Kartar Singh : (a) Is it a fact that there is no Sikh in the Superior Stores Establishment of the Indian State Railways ?

(b) Do Government propose to take a Sikh candidate this year ?

Mr. P. R. Rau : (a) Yes.

(b) It is not the intention of Government ordinarily to make further direct recruitment for the Stores Department. The majority of vacancies will be filled by transfer of officers from technical departments and a small number by promotion of qualified subordinate staff. Full particulars of the present arrangements will be found in the memorandum on the re-organisation of the superior stores establishment of State Railways, placed by Mr. Parsons before the Standing Finance Committee for Railways in July 1928. (Vide Vol. 5, No. 2, of the Standing Finance Committee's proceedings.)

**APPOINTMENT OF SIKHS TO THE SUBORDINATE (TRANSPORTATION) SERVICE OF THE NORTH WESTERN RAILWAY.**

168. \*Sardar Kartar Singh : (a) Will Government please state the number of Sikhs drawing Rs. 250 and more per mensem, in the subordinate (transportation) service of the North Western Railway ?

(b) Is it a fact that no qualified Sikh has been taken in the senior subordinate (Transportation) service of the North Western Railway for the last three years ?

(c) If the answer to part (b) be in the affirmative, do Government propose to take steps to recruit qualified Sikhs or give promotion to deserving Sikhs in order to correct the inequality ?

(d) If the answer to part (b) be in the negative, will Government please state the names and designations of those Sikhs who have been recruited in the last three years ?

Mr. P. R. Rau : (a) I would refer the Honourable Member to the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b) No.

(c) Does not arise.

(d) Twenty-three appointments and promotions of Sikhs to posts on rates of pay from Rs. 100 to 500 were made since August 1926. Particulars of service of the employees concerned will be found in the North Western Railway Classified List.

**HIGH FARES PAID BY THE MILITARY AUTHORITIES TO THE CLIVE TRANSPORT COMPANY FOR CARRYING OFFICERS AND SOLDIERS BETWEEN PATHANKOTE AND DALHOUSIE.**

169. \*Lala Hans Raj : Will Government be pleased to state :

(a) Whether it is a fact that the Military Department pay to the Clive Transport Company Rs. 19-8-0 and Rs. 13, respectively, per first and second class seat for officers and soldiers with military travelling warrants between Pathankote and Dalhousie ;

(b) Whether they are aware that the Clive and other licensed companies are charging Rs. 13 for a first class and Rs. 6-8-0

for a second class seat, and Rs. 40 for a full motor car for 4 passengers, and often accept even cheaper rates ; and

- (c) Whether it is a fact or not that when Civil and Military officers travel between Pathankote and Dalhousie without warrant, they do not as a rule travel by the Clive Transport Company, but by other transport companies' motors, paying much smaller fares ?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) Other Companies charge the rates quoted by the Honourable Member, but Government are informed that the charges of the Clive Transport Company are those stated in part (a).

(c) Government have no information.

**HIGH FARES PAID BY THE MILITARY AUTHORITIES TO THE CLIVE TRANSPORT COMPANY FOR CARRYING OFFICERS AND SOLDIERS BETWEEN PATHANKOTE AND DALHOUSIE.**

170. \***Lala Hans Raj :** Will Government be pleased to state :

- (a) Whether they are aware that no serious motor accident has ever taken place between Pathankote and Dalhousie since motor traffic began ;
- (b) Why the Military Department pay such heavy rates for officers and soldiers travelling between Pathankote and Dalhousie when equally efficient service is available at half or even less than half the rates they are paying to the Clive Transport Company ;
- (c) Whether tenders were invited before such heavy rates were fixed with the Clive Transport Company ; and
- (d) If so, why the contract was not given to the lowest tenderer ?

**Mr. G. R. F. Tottenham :** (a) I believe that the statement made by the Honourable Member is correct.

(b) Government understand that the rates were normal in 1925 when a five years' contract was made with the Clive Transport Company.

(c) and (d). Tenders were called for, but could not be considered because the civil authorities at that time were not prepared to allow any other company to run cars for passenger traffic on this particular road.

**INVITATION OF TENDERS FOR THE CARRIAGE OF OFFICERS AND SOLDIERS BETWEEN PATHANKOTE AND DALHOUSIE.**

171. \***Lala Hans Raj :** Will Government be pleased to state whether in future they intend to invite tenders rather than pay for their officers and men much higher fares than what other officers and respectable persons are paying to the other firms plying between Pathankote and Dalhousie ?

**Mr. G. R. F. Tottenham :** Yes. Tenders will be called for shortly. The contract with the Clive Transport Company expires on January 31st, 1930.

**COST OF CARRIAGE OF MAILS BETWEEN PATHANKOTE AND DALHOUSIE.**

172. \***Lala Hans Raj :** Will Government be pleased to state :

- (a) Since when the mails from Pathankote to Dalhousie and back are running only once a day ;
- (b) Whether it is a fact that before the Clive Transport Company was given the contract to carry mails, the mail service between Pathankote and Dalhousie ran twice a day ; and
- (c) How much per annum Government had to pay when the mail service ran twice a day, and how much per annum it has been paying since that service runs only once a day ?

**Mr. P. G. Rogers :** (a) Since the summer of 1918-19.

(b) At one time there was a service twice a day, but this had been reduced to a service only once a day before the Clive Transport Company got the contract.

(c) Prior to 1918-19, Rs. 14,496 were paid for a service twice a day. As the contractors were working at a loss the service was reduced to once a day and the subsidy raised to Rs. 24,911. The proportionate share of the subsidy now paid to the Clive Transport Company representing the amount of the Pathankote-Dalhousie line is less than this amount.

**Lala Hans Raj :** How does the Honourable Member know that they were running the service at a loss ?

**Mr. P. G. Rogers :** They said so, Sir.

**COST OF CARRIAGE OF MAILS BETWEEN PATHANKOTE AND DALHOUSIE.**

173. \***Lala Hans Raj :** Will Government be pleased to state :

- (a) Whether any tenders were invited on each occasion when the contract for carrying mails was given to the Clive Transport Company ;
- (b) How many times the contracts for carrying mails between Pathankote and Dalhousie were given to the Clive Transport Company, and in what years ;
- (c) What was the lowest tender on each occasion ; and
- (d) Whether Government are spending more money for an once-a-day service between Pathankote and Dalhousie than they were spending when the mail service ran twice a day ? If so, why ?

**Mr. P. G. Rogers :** (a) No. Only on the second occasion.

(b) Twice, in 1920 and in 1925.

(c) As already stated no tenders were called for on the first occasion. Rs. 60,000 was the lowest tender for combined services on the Pathankote-Dharmasala Cantonment, and Baijnath-Pathankote-Dalhousie lines on the second occasion.

(d) Yes, but the subsidy paid for the service twice a day proved inadequate and had to be increased as explained in my reply to part (c) of the question I have just answered.

**RE-INTRODUCTION OF A TWICE-A-DAY MAIL SERVICE BETWEEN PATHANKOTE AND DALHOUSIE.**

174. \*Lala Hans Raj : Will Government be pleased to state :

- (a) Whether they intend to invite tenders when the current term of the Clive Transport Company expires, and whether they propose to introduce again a twice-a-day mail service between Pathankote and Dalhousie ; and
- (b) Why the retrograde step of reducing the twice-a-day mail service to an once-a-day service was taken ?

**Mr. P. G. Rogers :** (a) The reply to the first part of the question is in the affirmative. With reference to the second part, it will be considered, when inviting fresh tenders, whether a second despatch of mails from Dalhousie to Pathankote is practicable and justifiable.

(b) Because there was no practical advantage to be derived from the additional cost which a second service would have entailed.

**GRANT TO THE CLIVE TRANSPORT COMPANY OF THE CONTRACT FOR THE CARRIAGE OF MAILS BETWEEN PATHANKOTE AND KULU.**

175. \*Lala Hans Raj : Will Government be pleased to state :

- (a) Whether the Clive Transport Company are carrying mails between Pathankote and Kulu ;
- (b) How much they are paid per mensem or per annum, and what are the terms of their contract ;
- (c) Whether any tenders were invited when the contract was given to them, and if not, why not ;
- (d) Whether they are aware that the Clive Transport Company have obtained from Mandi State the monopoly for carrying passengers through the State ;
- (e) Whether it is a fact that the monopoly for carrying passengers was put forward as a strong reason for obtaining the contract for carrying mails ; and
- (f) Whether they are aware that the Mandi State has given the monopoly to no firm or company for carrying goods ?

**Mr. P. G. Rogers :** (a) Yes. The Pathankote-Kulu line comprises three sections—Pathankote-Dharmasala Cantonment-Baijnath ; Baijnath-Guma ; and Guma-Kulu.

(b) The total subsidy for the three sections amounts to Rs. 6,066-1-0. The terms of the contract contain the usual stipulations for the carriage of mails. A copy of the standard form of contract will be supplied to the Honourable Member.

(c) The Honourable Member is referred to the answer to part (a) of his question No. 173 of to-day's date. No tenders were called for in respect of the Guma-Baijnath and Guma-Kulu sections of the line. The first named was an extension of the Pathankote-Baijnath line and it was felt that separate contracts over a single line would not give a satisfactory service. The same conditions operate in the case of the Guma-Kulu section.

(d) Yes.

(e) No. The main reason for entering into contracts was that they resulted in an appreciable saving, amounting on both extensions to approximately Rs. 9,000 per annum, and that the carriage of mails would be accelerated.

(f) On the contrary it is understood that the monopoly conferred on the Clive Transport Company covers the carriage of goods and parcels as well as passengers.

**RATES PAID TO THE CLIVE TRANSPORT COMPANY FOR THE CARRIAGE OF FRUITS FROM KULU.**

176. \*Lala Hans Raj : Will Government be pleased to state :

- (a) whether any special rates have been fixed by Government with the Clive Transport Company for importing fruits from Kulu ; and
- (b) whether it is a fact that the Agent of the Clive Transport Company was allowed to alter his tender after the tenders of other firms were found to be lower ?

**Mr. P. G. Rogers :** (a) Yes, fixed rates for the carriage of fruit over the Guma-Kulu and Baijnath-Pathankote sections of the service maintained by the Company have been applied to the V. P. postal parcel traffic originating in the Kulu Valley.

(b) The answer is in the negative.

**RATES FOR THE CARRIAGE OF GOODS BETWEEN PATHANKOTE AND DALHOUSIE CHARGED BY THE CLIVE TRANSPORT COMPANY AND THE NORTH WESTERN RAILWAY.**

177. \*Lala Hans Raj : Will Government be pleased to state :

- (a) whether it is a fact that the Clive Transport Company charge for goods at the rate of Rs. 1-6-0 per maund between Pathankote and Dalhousie when they are not employed as Agents for the North Western Railway ;
- (b) whether Government are aware that other transport companies charge less than the Clive Transport Company ; and
- (c) Whether the North Western Railway has fixed the rate at Rs. 3-4-0 per maund between Pathankote and Dalhousie ? If so, why ?

**Mr. P. R. Rau :** (a) and (b). Government have no information.

(c) I understand the rate is Re. 1-12-0 per maund for ordinary packages and Rs. 3 per maund for bulky packages. Such rates are usually settled by the Railway Administration after investigation of local conditions and with the approval of the Local Government.

**Lala Hans Raj :** Was it done in this case, Sir ?

**Mr. P. R. Rau :** I believe so, Sir.

**EARNINGS OF THE NORTH WESTERN RAILWAY FROM GOODS CARRIED FOR THEM BY THE CLIVE TRANSPORT COMPANY.**

178. \*Lala Hans Raj : Will Government be pleased to state :

- (a) how much of the Rs. 3-4-0 per maund realised by the North Western Railway for the Dalhousie Out-Agency is received by the Railway and how much is paid to the Company ;
- (b) how much per annum has the North Western Railway earned from the Dalhousie Out-Agency since the Clive Transport Company were appointed Agents ;
- (c) whether the rate of Rs. 3-4-0 per maund was fixed after inviting tenders ;
- (d) whether Government intend to lower the rate ; and
- (e) whether new tenders are proposed to be invited ?

Mr. P. R. Rau : (a) and (b). No portion of the out-agency charge is received by the Railway.

(c) The out-agency was given to the Clive Transport Company in 1921, because the civil authorities had given them a monopoly for plying their motor cars on the Pathankote-Dalhousie Road. The rate agreed to at that time was Rs. 2-4-0 per maund for ordinary packages, and Rs. 3 for bulky packages.

In 1924, at the initiative of the Clive Transport Company, the rate of Rs. 2-4-0 was reduced to the existing one of Rs. 1-12-0.

(d) and (e). The rates for out-agencies are at present under examination by the North Western Railway.

**PURCHASE BY THE CONTROLLER OF STORES, NORTH WESTERN RAILWAY, OF 40 LAKHS OF DOG-SPIKES FROM MESSRS. RICHARDSON AND CRUDDAS, BOMBAY.**

179. \*Diwan Chaman Lall : (i) Is it a fact that a purchase order (July 1928) was placed with the firm of Messrs. Richardson and Cruddas of Bombay by the Controller of Stores, North Western Railway, for the supply of 40 lakhs of dog-spikes ?

(ii) Will Government be pleased to state the name of the said Controller of Stores ?

(iii) What was the total value of this order ?

(iv) Is it a fact that the said Controller of Stores had no authority to issue a purchase-order of such an amount without the sanction of the Railway Board ?

(v) What is the maximum amount for which, under similar circumstances, the Controller of Stores has the authority to place an order without obtaining the sanction of the Railway Board ?

(vi) Is it a fact that Messrs. Richardson and Cruddas were paid 90 per cent. of the amount of the bill for 40 lakhs of dog-spikes supplied by them under this purchase order ?

(vii) Is it a fact that subsequently it was discovered that the dog-spikes supplied were defective and not according to plan and specification ?

(viii) Who was responsible for passing these at the time of original inspection ?

(ix) Is it a fact that 19.3 per cent. represents the percentage of the spikes that can be used on the line ?

(x) Is it a fact that it was suggested that payment to this firm should be stopped ?

(xi) Was this firm's name removed from the "A" class firms, entitled to get 90 per cent. payment on presentation of railway receipt ?

(xii) Was this firm's name reinstated ?

(xiii) Why was the name of this firm reinstated and by whom ?

(xiv) Is it a fact that, after all these discoveries were made, the Agent, North Western Railway, without informing the Railway Board of these discoveries, and after nearly a year had elapsed since the purchase order was given, wrote to the Railway Board for sanction for this important and valuable order ?

(xv) What is the name of the Agent of the North Western Railway ?

(xvi) What action do Government intend to take against the Controller of Stores, and the Agent, North Western Railway, and to prevent a recurrence of such incidents involving serious loss to the railways ?

Mr. P. R. Rau : (i) Yes.

(ii) Mr. Victor Bayley.

(iii) Rs. 2,85,000.

(iv) Tenders were invited in India in the expectation that an indigenous supply could be arranged, in which case the purchase would be within the Agent's powers. It was found, however, that the most suitable tender was for imported dog-spikes. As the dog-spikes were urgently required, an order was placed, and the Railway Board were subsequently asked to sanction the purchase of imported dog-spikes. This sanction was accorded in due course.

(v) In this case the Agent had no authority to sanction a purchase costing more than Rs. 10,000.

(vi) Yes, in terms of the contract entered into.

(vii) and (ix). About 40 per cent. were found to be not up to specification. The defective spikes are being reconditioned at the cost of the contractors and all will be used.

(viii) Arrangements for inspecting the dog spikes were made by the Indian Stores Department, who instructed the Consulting Engineers to the Government of India.

(x) Yes.

(xi), (xii) and (xiii). The firm named was originally removed by the Agent from the List of "A" Class Contractors. After investigation it was found that they were not to blame for the defective supply, and moreover they agreed to bear the cost of reconditioning defective spikes. The firm was consequently reinstated by the Agent.

(xiv). Sanction for the purchase was applied for in June 1929, about 11 months after the contract was entered into—it having been

overlooked in the Agent's office that this transaction required the Railway Board's sanction. The defects in the dog-spikes were discovered about the end of April 1929. After making the arrangements mentioned above with the firm to cover any loss to the Railway, the Agent brought the matter to the notice of the Railway Board in July, in order that they might take steps, in consultation with the Indian Stores Department, to prevent a recurrence of such case.

(xv) Colonel Walton.

(xvi) The question of revising the procedure is under consideration by the Railway Board, in consultation with the Indian Stores Department. Government did not consider any specific action against the North Western Railway Administration necessary, except bringing to their attention the necessity for obtaining their prior sanction to such purchases.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is satisfied, as he says in his statement, that the contractors were not to blame ?

**Mr. P. R. Rau :** From the facts reported to the Railway Board by the North Western Railway it appears that the contractors were not to blame.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is aware that the original order was placed for dog-spikes of British make ?

**Mr. P. R. Rau :** I am not aware of that.

**Diwan Chaman Lall :** Is the Honourable Member aware that, instead of supplying British specification dog-spikes, this particular firm, in spite of the order being for British dog-spikes, supplied half Continental and half British ?

**Mr. P. R. Rau :** I thought, after answering an exhaustive question containing 16 parts, I would be spared the necessity of answering any further questions.

**Diwan Chaman Lall :** May I tell the Honourable Member that this is a very serious matter and will he give a categorical reply to my question, whether it is not a fact that this firm actually cheated the Railway Administration by supplying them with dog-spikes, half of which were British and half Continental, although the order was entirely for British dog-spikes ?

**Mr. P. R. Rau :** I understand the Continental dog-spikes were quite satisfactory.

**Diwan Chaman Lall :** My question is—I repeat it—whether the original order was for British dog-spikes, and whether the firm is or is not to blame for having supplied half British and the other half Continental ?

**Mr. P. R. Rau :** I am not aware of that.

**Diwan Chaman Lall :** Will the Honourable Member make inquiries and give me a reply on the floor of this House ?

**Mr. P. R. Rau :** If I am to give a reply on the floor of this House, the Honourable Member will have to put down a question on the paper.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is serious in his reply that this matter of the order was overlooked in the Agent's Office ?

**Mr. P. R. Rau :** That is what the Agent reports to me and I must believe him.

**Diwan Chaman Lall :** Is the Honourable Member prepared to make an inquiry into this matter and inform the Members of this House as to whether the statements he has made are correct or are not correct ?

**Mr. P. R. Rau :** So far as I am aware, the statements are quite correct.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is prepared to accept the challenge that those statements are absolutely false ?

**The Honourable Sir George Rainy :** I should like to reply to this point. I should like to say that naturally any suggestion which is made by an Honourable Member will of course be inquired into by the Railway Board.

**Diwan Chaman Lall :** May I ask whether the Honourable Member will then inform me after making inquiries, as to whether those statements made by the Honourable Member are correct or not ?

**The Honourable Sir George Rainy :** Certainly.

**Pandit Nilakantha Das :** Will the Honourable Member inform the House ?

#### DEFECTIVE CONSTRUCTION OF THE KHYBER RAILWAY BY THE PRESENT CONTROLLER OF STORES, NORTH WESTERN RAILWAY.

180. **\*Diwan Chaman Lall :** (a) Will Government be pleased to state whether the Controller of Stores, North Western Railway, was, previous to his present appointment, Executive Engineer and Superintendent of Works on the Khyber Railway construction ?

(b) Are Government aware that this gentleman was responsible for the proper construction of the Khyber Railway ?

(c) Are Government aware that the executive report on the accounts of railways in India for 1927-28 on page 27 states as follows :

#### LOSS DUE TO DEFECTIVE CONSTRUCTION.

" 50. *North Western Railway.*—The fifth revised estimate of a construction project showed that out of the total excess of Rs. 43 lakhs over the fourth revised estimate an excess of Rs. 15.71 lakhs was due to some bad work done in tunnels, which required dismantling and rebuilding at places and relaying at others and that, besides this Rs. 15.71 lakhs, a certain amount, which was not specified, was due to rebuilding a tunnel which had collapsed.

The tunnel collapsed within a few days of the opening of the line to traffic and as a result of investigations made departmentally and also by an expert imported from the Geological Survey Department, it was found that defective construction existed in almost all the tunnels.

The loss to Government from the defective construction is a serious one and the question of fixing responsibility for bad work is one for consideration."

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(d) Have Government succeeded in fixing responsibility for this serious loss ?

(e) Is it a fact that the said Executive Engineer has been promoted and is getting nearly double the pay he was drawing as Executive Engineer ?

(f) Is it a fact that the title of C. B. E. was also conferred upon him ? And was this in recognition of his services on the Khyber Railway ?

(g) Is it a fact that the services of an Indian Sub-Divisional Officer were terminated in this connection or that he was reduced ?

(h) What action do Government propose to take (1) against the persons concerned, and (2) in order to prevent a recurrence of such incidents involving serious losses to the railways ?

**Mr. P. R. Rau :** (a) Mr. Bayley was an Executive Engineer on Khyber Railway Construction from November 1920 to March 1924 and Superintendent of Works from March 1924 to September 1925.

(b) Up to March 1924, he was responsible for the work in the section under his charge, and thereafter for all the work done throughout the line.

(c) Yes.

(d), (g) and (h). Government considered that Mr. Bayley and the Assistant Engineer employed under him and four subordinates were to blame in certain respects ; they also considered there was inadequate supervision, but in view of the great difficulties involved in the construction and his very good record, they decided that it would be enough to convey to Mr. Bayley their conclusion that he was responsible for an error of judgment in one respect, and for work of bad quality which called for criticism. At the same time they told the Agent that they did not consider that the Assistant Engineer should be employed as an engineer of gazetted rank on difficult construction or open line, although they would not be opposed to his further employment on surveys in which he was very experienced. I understand he is since being employed on light construction on a somewhat lower pay. They left the Agent to deal with the four subordinates whose work merited censure.

(e) Mr. Bayley was appointed Controller of Stores, North Western Railway, in 1927 on the sanctioned pay of the post.

(f) The answer to the first part of the question is in the affirmative. As to the second part, it is not the practice of the Government of India to notify the reasons for which these titles are conferred.

**Diwan Chaman Lall :** May I take it that the Indian Sub-Divisional Officer was put down on a lower pay because he was found to be blameworthy ?

**Mr. P. R. Rau :** Yes.

**Diwan Chaman Lall :** May I take it that the same gentleman who was responsible for the previous question, namely, Mr. Bayley, was, instead of being put down on a lower pay, given a higher pay in his new appointment ?

**Mr. P. R. Rau :** The appointment of Mr. Bayley as Controller of Stores was due to his special qualifications in that matter.

**Diwan Chaman Lall :** May I take it, he was given higher pay ?

**Mr. P. R. Rau :** The pay of the Controller of Stores is higher than that of an Executive Engineer.

**Diwan Chaman Lall :** May I take it that the policy of the Railway Board is, when they find a particular officer blameworthy and guilty of having caused a loss of nearly 60 lakhs of rupees to Government, that he should be given a higher appointment carrying a higher salary ?

**Mr. P. R. Rau :** The policy of the Railway Board, as of all other Government Departments, is to take all matters into consideration when filling up vacancies.

**An Honourable Member :** Including the losses that are sustained ?

**Diwan Chaman Lall :** May I take it that that policy means that, when an Indian is concerned, he is to be reduced to a lower pay, and when an officer of the type of Mr. Bayley, a European, is concerned, he is to be promoted to a higher pay ?

**The Honourable Sir George Rainy :** No. The Honourable Member is not entitled to infer that that is the policy of the Government.

**Diwan Chaman Lall :** May I ask whether the facts of this case bear that out ?

**The Honourable Sir George Rainy :** No.

**Diwan Chaman Lall :** Is it a fact that Mr. Bayley has got double the pay that he was getting when he was discovered to be blameworthy of acts mentioned in my question, and is it a fact that the Indian Sub-Divisional Officer was put down on a lower pay ?

**Mr. P. R. Rau :** Double is an exaggeration ; it will be more correct to say 50 per cent.

**Diwan Chaman Lall :** Is it higher ?

**Mr. P. R. Rau :** It is higher.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether it is a fact or not that the chief reasons why there was this breakdown in the Railway was, (1), defective geological survey, and (2) the very difficult political relations with the tribesmen who insisted on being contractors and coolies in the boring of these tunnels ?

**Mr. P. R. Rau :** The Honourable Member is quite right.

**Diwan Chaman Lall :** May I ask whether it is quite right that it was owing to the difficult political situation in that part of the country that this loss was caused ? Is the Honourable Member serious in making that statement ?

**Mr. P. R. Rau :** The whole question was discussed before the Public Accounts Committee some time ago, and I would suggest to the Honourable Member that, if he waits till the evidence is before the House, he will get a full reply to all his questions.

**Diwan Chaman Lall :** Will the Honourable Member tell me whether he is serious in making that statement that the loss was caused to the Railway because of the political situation prevailing on the North West Frontier ?

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**Mr. P. R. Rau :** I did not hear that question. May I ask the Honourable Member to repeat it ?

**Diwan Chaman Lall :** Colonel Gidney's suggestion was to the effect that it was due to the difficult political situation in that part of the country. Is the Honourable Member to admit that ?

**Lieut.-Colonel H. A. J. Gidney :** Sir, I rise to a personal explanation. I did not say that.

**Diwan Chaman Lall :** It is a fact that the loss was actually caused because of the incompetence of the man who was put in charge ?

**Mr. P. R. Rau :** No.

**Diwan Chaman Lall :** Why does the Honourable Member find him blameworthy then ?

**Mr. P. R. Rau :** Because there was defective supervision and error of judgment. The heavy expenditure on the construction was partly due to the geological nature of the country.

**Diwan Chaman Lall :** Was it in some part due to the incompetence of the officer in charge ?

**Mr. P. R. Rau :** I have already answered that in my reply to the main question.

**Diwan Chaman Lall :** Does the Honourable Member admit that the officer was found blameworthy because he was not competent ?

**Mr. P. R. Rau :** If the Honourable Member will read my reply at leisure he will find an answer to his question.

**Diwan Chaman Lall :** The Honourable Member does not probably know that I know much more about it than he does.

#### TRAINING OF INDIANS ON THE NORTH WESTERN RAILWAY FOR APPOINTMENT AS TRAFFIC INSPECTORS.

181. **\*Diwan Chaman Lall :** (1) (a) Has the attention of Government been drawn to the following policy declared in 1923—*vide* "India in 1923-24" by L. F. Rushbrook Williams, page 176 :

"In the Resolution adopted in the Legislative Assembly in February, 1923, particular attention was directed to the case of Traffic Inspectors. Railway Administrations have now been called upon to make special endeavours to recruit and to train Indians with a view to their becoming qualified for advancement to these posts" ?

(b) Will Government be pleased to say whether the Traffic "Pupils" were recruited by the North Western Railway Administration in response to, and in the true sense and meaning of, the above declaration ?

(c) If so, have the North Western Railway authorities been making arrangements to appoint them as Traffic Inspectors after their final examination without delay ?

(d) Is it a fact that their training period ends in another four months and, if so, will Government please say what arrangements have been made to provide them with the jobs for which they are trained ?

(2) Will Government please say whether these "Pupils" during their course of training have passed all the prescribed examinations both in school and on the line as required by the agreement ?

(3) (a) Is it a fact that these "Pupils" possess educational qualifications equivalent to those of Indians in the Superior Traffic Service ?

(b) Is the probation period of the Traffic "Pupils" of the same duration as that of the Superior Service probationers ?

(c) Do the reports of the officers under whom they have worked show that their work has been satisfactory, and that they have shown themselves "above the average" railway servants, as required by the terms of the agreement ?

(d) Will they come under the category of subordinates drawing Rs. 250 per mensem and more ?

**Mr. P. R. Rau :** (1) (a). Yes.

(b) They were recruited with a view to eventual advancement to the posts of Traffic Inspector if qualified.

(c) It is not possible to say at present what particular appointments individual Traffic Pupils may eventually be offered. It is not, however, likely that any would be offered immediate appointment as a Traffic Inspector, though it is hoped that some at least of those who may be offered appointments, will eventually show their fitness for promotion as Traffic Inspectors.

(d) Government understand that the three years' period of training which these Traffic Pupils are undergoing will terminate early in January 1930. The intention is that, on the results of the examination and from the reports of the officers under whom the Pupils have worked, it will be decided whether a Pupil should be offered a permanent appointment on the railway and, if so, in what class or grade.

(2) Yes, with the exception of one Pupil who was prevented by a physical defect from attaining the standard set for telegraphy.

(3) (a) They possess similar educational qualifications.

(b) The period is the same—three years—but the Traffic Pupils are not probationers.

(c) The Agent reports that the work of these Traffic Pupils has up to date been uniformly satisfactory. Whether they have shown themselves above the average of railway servants in any particular grade is a question to which consideration will be given when the period of training is completed.

(d) I would refer the Honourable Member to the reply to parts (1) (c) and (d) of his question.

#### PERCENTAGE OF SIKHS IN CERTAIN DEPARTMENTS OF THE NORTH WESTERN RAILWAY.

182. **\*Sardar Kartar Singh :** (a) What is the proportion of Sikh clerks in the North Western Railway Stores Department ?

(b) What is the total number of Permanent-way Inspectors and Permanent-way Apprentices in the Engineering Department of that Railway and how many of them are Sikhs ?

(c) If the percentage of Sikhs in both of the above Departments is small, do Government propose to issue orders to make up the loss to the Sikh community by appointing Sikhs in all future vacancies? If not, why not?

**Mr. P. R. Rau :** (a) and (b). The information in the possession of Government in regard to communal representation on the North Western Railway will be found in Appendix F to Volume I and Appendix C to Volume II of the Annual Reports by the Railway Board on Indian Railways, copies of which are in the Library.

(c) The North Western Railway Administration are aware of the policy of the Government in regard to the representation of minority communities, and Government have no reason to believe that their directions in this matter are not being complied with by the North Western Railway Administration.

#### APPOINTMENT OF SIKH OFFICERS TO THE INDIAN STORES DEPARTMENT.

183. **\*Sardar Kartar Singh :** (a) What is the total number of Inspectors of (1) Stores, (2) Purchase and (3) Inspections, in the Indian Stores Department and how many of them are Europeans, Hindus, Muhammadans and Sikhs?

(b) Is it a fact that there is not a single Sikh officer under this Department although the fact has many times been brought to the notice of the authorities?

(c) Are the Home Department instructions on the recruitment of members of the minority communities followed at the time of the selection of the officers? If so, why are Government ignoring the claims of Sikhs?

(d) Do Government propose to take Sikhs in future vacancies to give them their full share of representation? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The total number of officers of the rank of Inspector of Stores in the Indian Stores Department is 28, in addition to whom there are two probationary Inspectors. Thirteen of these are Europeans, one is an Anglo-Indian, 15 are Hindus and one is a Sikh.

There are no officers with the designation of Inspectors of Purchase and Inspectors of Inspections in the Indian Stores Department.

(b) No.

(c) and (d). The claims of Sikhs, among members of the other minority communities, to appointment to gazetted posts in the Indian Stores Department are given due consideration at the time of recruitment.

#### APPOINTMENT OF SIKHS AS EXAMINERS IN THE INDIAN STORES DEPARTMENT.

184. **\*Sardar Kartar Singh :** (a) What is the cadre of Examiners in the Indian Stores Department and how many of them are Sikhs, Muhammadans, Hindus and Europeans?

(b) How do Government justify the total absence of Sikhs in this line?

(c) Do Government propose to appoint Sikhs in future vacancies?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The total number of Examiners in the Indian Stores Department is 31, of whom 25 are

Hindus, three Muhammadans and three members of other communities. At present there is no Sikh employed as an Examiner.

(b) Sikhs with the requisite qualifications have not presented themselves for appointment.

(c) The claims of Sikhs to vacancies in the cadre of Examiners will continue to receive due consideration.

#### APPOINTMENT OF SIKHS AS METEOROLOGISTS.

185. **\*Sardar Kartar Singh :** Is it a fact that six probationers in 1927 and two in 1928 were taken for Meteorologist's appointments and all of them were either Madrasis or Bengalis? If so, do Government propose to consider the claims of Punjabis and especially Sikhs at the time of the next selection? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :** Eight probationers were appointed as stated; of these five were Bengalis, two Madrasis and one was a Parsi. With regard to the remaining part of the question, I would refer the Honourable Member to the answer I gave on the 7th February, 1927, to part (b) of Sardar Gulab Singh's starred question No. 312.

**Mr. Gaya Prasad Singh :** Should appointments for all-India Services be made on the basis of religion and province, or on the intrinsic merits and fitness of candidates?

**The Honourable Sir Bhupendra Nath Mitra :** All I can say is that, in regard to this particular service, namely, the Superior Meteorological Service, appointments are made on the recommendations of the Public Service Commission.

#### APPOINTMENT OF PUNJABIS AS INSPECTORS OF STORES UNDER THE METALLURGICAL INSPECTOR, JAMSHEDPUR.

186. **\*Sardar Kartar Singh :** (a) Is it a fact that all the five Inspectors of Stores under the Metallurgical Inspector, Jamshedpur, are Bengalis? If so, what are their educational qualifications and experience?

(b) How is recruitment for this service made?

(c) Do Government propose to consider the claims of Punjabis at the time of the next vacancies?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The reply to the first part of the question is in the negative. The second part does not arise.

(b) Recruitment is made through the Public Service Commission.

(c) The Public Service Commission no doubt give due consideration to the claims of all communities at the time of recruitment.

#### PROMOTION OF SIKHS TO THE UPPER DIVISION AND SUPERINTENDENTS APPOINTMENTS IN GOVERNMENT DEPARTMENTS.

187. **\*Sardar Kartar Singh :** Is it a fact that a qualifying examination is to be held by the Public Service Commission for promotion of the

present incumbents in the different Departments and their attached offices to higher grades? If so, do Government propose to take into consideration the total absence of Sikhs in the Upper Division and consequently in the Superintendents' grade in almost all the offices, and pass such number of them as would give them a due share in each Department? If not, why not?

**The Honourable Sir James Crerar :** The reply to the first part of the Honourable Member's question is in the affirmative. As regards the rest, he is incorrect in supposing that there are no Sikhs in the Upper Division. The examination to which the Honourable Member refers is for the purpose of departmental promotion, while the orders regarding the recruitment of members of minority communities refer to initial recruitment only and not to promotion.

#### APPOINTMENT OF SIKHS TO THE OFFICE OF THE DIRECTOR GENERAL OF ARCHÆOLOGY.

188. \***Sardar Kartar Singh :** (a) With reference to the reply given to my question on the 20th September last, will Government please state whether any Sikh has since been appointed in the Office of the Director General of Archæology? If not, why not?

(b) How many vacancies have been filled up in that office since then and by candidates of what communities?

(c) Were the Public Service Commission asked to nominate a Sikh for any of these vacancies and did they nominate any?

(d) If not, did the Director General endeavour to recruit a Sikh from other sources temporarily subject to his passing the Public Service Commission examination later? Did he do so in the case of Muhammadans? *Vide* the advertisement referred to in my question of September last. Why was not this method tried to appoint a Sikh in that office?

**Sir Frank Noyce :** (a) No Sikh has been appointed as no suitable Sikh candidate applied.

(b) Two temporary vacancies have been filled up since then, one by a Christian and the other by a Muhammadan.

(c) Yes, but the Commission were unable to nominate a Sikh.

(d) Yes, but no suitable candidate from the Sikh community was available.

#### APPOINTMENT OF SIKHS TO THE OFFICE OF THE DIRECTOR GENERAL OF ARCHÆOLOGY.

189. \***Sardar Kartar Singh :** (a) Did the Khalsa Young Men's Association, Simla, submit a representation to the Director General of Archæology in July, 1929, requesting him to appoint a Sikh in his office?

(b) Have Government seen the reply given by the Director General to that representation that recruitment in his office is made through the Public Service Commission, to whom the Association should address their representation?

(c) Is it a fact that he invited applications from only Muhammadans last year for appointment in his office and, if so, how is it that he did so when he is not authorised to recruit directly?

(d) Does the responsibility for appointing members of various communities in an office rest with the Public Service Commission or the head of the office? If it rests with the latter, how do Government justify the reply given by the Director General?

(e) Is it a fact that, while the Director General gave the Khalsa Association the above reply, he was at that very time endeavouring to appoint a Muhammadan in a fresh vacancy?

(f) How do Government propose to remove this long-standing grievance of the Sikhs?

**Sir Frank Noyce :** (a) and (b). Yes.

(c) Yes. The Director General of Archaeology in India was authorised by the Public Service Commission last year to recruit directly as a special case.

(d) The responsibility for appointing members of various communities in an office rests with the head of the office. The intention of the Director General of Archaeology's reply to the Khalsa Youngmen's Association was that the Association should address the Public Service Commission, through whom recruitment is effected.

(e) Yes. The Director General considered that a Muhammadan was required to replace a Muhammadan transferred to another Department.

(f) The Director General of Archæology fully recognises the claims of the Sikh community and will endeavour to recruit a Sikh in the next vacancy, provided that a suitable candidate is available.

#### LOSS SUFFERED BY THE NORTH-WESTERN RAILWAY ON THE PURCHASE OF TIN INGOT.

190. \***Diwan Chaman Lall :** (1) Has the attention of Government been drawn to the heavy loss suffered by the North Western Railway mentioned on page 26 of the Executive Report on the accounts of Indian Railways, 1927-28, in connection with the heavy purchase of tin ingot?

(2) Is the maximum limit for stores of indigenous origin three months?

(3) Is the maximum limit for stores of foreign origin six months?

(4) Is tin ingot of foreign or indigenous origin?

(5) Is it a fact that in the purchase of this commodity (if of indigenous origin) the loss to the North Western Railway amounts to Rs. 69,000 and (if of foreign origin) the loss amounts to about Rs. 30,000?

(6) Will Government please state whether the Controller of Stores, North Western Railway, is responsible for this loss?

(7) Is it a fact that the Controller of Stores, North Western Railway, issued orders for this commodity in excess of requirements and, if so, what action has been taken against him?

(8) Do Government propose to institute an inquiry into the conduct and action of the Controller of Stores, North Western Railway?

**Mr. P. R. Rau :** (1) Yes.  
(2) and (3). Yes.

(4) Foreign.

(5) In the Executive Report above referred to, the Accountant General estimated the loss up to February, 1928, at Rs. 69,000. In his subsequent Appropriation Report this estimate was revised by him to Rs. 52,000. The price of tin fluctuates considerably, and consequently any estimation of loss or gain depends on the date for which the market rate is taken, compared with the date on which the actual purchase was made.

(6), (7) and (8). The loss, whatever the amount, was due to the fact that subsequent to the purchase of the tin referred to, the Railway Board issued instructions to modify the composition of bearing metal which has resulted in a considerable saving in the cost of repairs to rolling stock. These instructions were issued in December 1927. The action taken by the Controller of Stores, North Western Railway, was based on the information he had available at the time.

**Diwan Chaman Lall :** May I ask the Honourable Member whether it is not a fact that the loss was caused owing to the fact that an excess quantity of tin ingot was ordered by the Controller of Stores?

**Mr. P. R. Rau :** The excess was due to the change in the percentage of the tin ingot.

**Diwan Chaman Lall :** May I ask the Honourable Member whether, in ordering this excess, he exceeded the maximum limit?

**Mr. P. R. Rau :** Not that I am aware of.

**Diwan Chaman Lall :** Will the Honourable Member make sure of his facts and let me have a reply whether he did not exceed the maximum limit? Will the Honourable Member give me a reply to parts (1), (2) and (3)?

**Mr. P. R. Rau :** I said "Yes".

**Diwan Chaman Lall :** Is the Honourable Member then aware that the maximum limit was exceeded?

**Mr. P. R. Rau :** I said I am not aware of that.

**Diwan Chaman Lall :** Is this the same gentleman who was responsible for the loss on the Khyber construction?

**Mr. P. R. Rau :** I am not sure of that.

**Diwan Chaman Lall :** Is it the same gentleman who was responsible for condoning the fraud committed by Messrs. Richardson and Cruddas?

**The Honourable Sir George Rainy :** The Honourable Member is perfectly aware that Mr. Bailey is Controller of Stores in the North-Western Railway. Therefore he has the information already.

**Diwan Chaman Lall :** I merely wanted to inform the House through the Honourable Member.

# VALUE OF ORDERS PLACED WITH INDIAN AND EUROPEAN FIRMS BY THE NORTH WESTERN RAILWAY.

191. **\*Diwan Chaman Lall :** (a) Will Government lay on the table a statement showing the total amount in rupees of orders placed with Indian and European firms, respectively, two years previous to the present Controller of Stores, North Western Railway, taking charge and two years subsequent to his taking charge?

(b) Do Government propose to institute an immediate inquiry into this matter and make the information available to the House?

**Mr. P. R. Rau :** The information required cannot be compiled without an inordinate expenditure of time and labour.

**Diwan Chaman Lall :** Is the Honourable Member aware that the policy of Mr. Victor Bailey, the Controller of Stores, has been to knock out Indian firms and register European firms?

**Mr. P. R. Rau :** If the Honourable Member will give me the facts substantiating that allegation, I am sure the Railway Board would be glad to inquire.

**Diwan Chaman Lall :** Is the Honourable Member aware that he can get at the facts much better than I can?

**Mr. P. R. Rau :** It is easier to make allegations than to substantiate them.

**Diwan Chaman Lall :** I am prepared to substantiate every word of what I say on the floor of this House.

**Mr. P. R. Rau :** I welcome that.

**Diwan Chaman Lall :** Will the Honourable Member give me every facility to look into the registers of the Controller of Contracts on the North Western Railway? (Applause.)

**Mr. P. R. Rau :** I must think over that.

**Diwan Chaman Lall :** Will the Honourable Member inquire into this matter and place a list of contractors whose names have been knocked out on the table of this House?

**Mr. P. R. Rau :** That is anticipating a further question, Sir.

# NUMBER OF INDIAN AND EUROPEAN FIRMS REMOVED FROM THE LIST OF APPROVED CONTRACTORS OF STORES FOR THE NORTH WESTERN RAILWAY.

192. **\*Diwan Chaman Lall :** Will Government be pleased to state the number of firms removed from the list of approved contractors of the Stores Department of the North Western Railway by the present Controller of Stores and for what reasons? How many of these are Indian and how many European?

**Mr. P. R. Rau :** The North Western Railway have removed the names of 86 firms from the list of firms to which inquiries are sent for requirements outside advertised demands. Of these, 75 are understood to be Indian and 11 to be European. This does not, however, affect the eligibility of such firms to tender for the ordinary purchases made by the North Western Railway which are publicly advertised.

**Diwan Chaman Lall :** Is the Honourable Member aware that the allegation I made on the floor of this House is substantiated out of his own mouth ?

**Mr. P. R. Rau :** The number of firms retained on the register are ten, of whom six are Indian and four European.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he will repeat that reply again as to the number of firms whose names have been knocked out ? Is it a fact that 75 Indian firms have been knocked out ?

**Mr. P. R. Rau :** Yes.

**Diwan Chaman Lall :** What is the number of European firms ?

**Mr. P. R. Rau :** I have already given that number.

**Diwan Chaman Lall :** Will the Honourable Member repeat it ?

**Mr. P. R. Rau :** 75 are Indian and 11 are European.

**Diwan Chaman Lall :** Is the Honourable Member satisfied that my allegation is correct ?

**The Honourable Sir George Rainy :** No, Sir. The Government are not satisfied that the Honourable Member's allegation is correct. If the Honourable Member will look at the reply, he will find 75 out of 81 of the Indian firms and 11 out of 15 of the European firms were removed from the List. I do not think these figures substantiate the allegation.

**Diwan Chaman Lall :** Is the Honourable Member aware that, since notice was given of this question, certain Indian firms have been brought back on to the register ?

**The Honourable Sir George Rainy :** No, Sir.

**Diwan Chaman Lall :** Will the Honourable Member make an inquiry and discover that the allegation I am making is correct ?

**The Honourable Sir George Rainy :** I cannot undertake to give a guarantee that I shall find that the Honourable Member's allegations are correct.

**Diwan Chaman Lall :** I am prepared to prove my allegations.

**The Honourable Sir George Rainy :** I can assure the Honourable Member and other Honourable Members of this House, that when they make suggestions of that kind, naturally the Government of India will inquire into them. We do not assume that Honourable Members are irresponsible.

**Diwan Chaman Lall :** I take it that, on this side of the House, we also assume that Honourable Members, when they give their replies, are responsible.

#### INCURRING OF EXPENDITURE IN EXCESS OF THE BUDGET FOR STORES ON THE NORTH WESTERN RAILWAY.

193. \***Diwan Chaman Lall :** (a) Is it a fact that the North Western Railway budget of stores was exceeded by about 60 or 70 lakhs during the first year of the present Controller of Stores' incumbency (1927-28) ?

(b) Is it a fact that the Controller of Stores, North Western Railway, was told not to spend any money in excess of the allotted budget for 1928-29 ?

(c) Is it a fact that the same thing happened the following year and the budget was exceeded by over 30 lakhs (1928-29) ?

(d) Will Government be pleased to state what action they have taken against the person or persons responsible for this state of affairs ?

**Mr. P. R. Rau :** (a) and (c). If, as I presume, the Honourable Member means the Stores Suspense figure, which includes a number of other account heads in addition to the balances of stores proper, the budget figure was exceeded by 62 lakhs in 1927-28 and by 23 lakhs in 1928-29.

(b) The Agent was instructed to devise measures by which his expenditure could be kept within the limits of the total budget grant for capital expenditure fixed by the Railway Board.

(d) The excessive stores balances were in a great measure due to circumstances outside the control of the officers and staff of the North Western Railway. The action being taken by the North Western Railway has already resulted in a reduction of the stores balances.

**Diwan Chaman Lall :** May I ask the Honourable Member whether it is a fact that the Controller of Stores, who is responsible for this, is Mr. Victor Bailey ?

**Mr. P. R. Rau :** I believe he was the Controller of Stores in the years mentioned.

#### INCREASE OF STORES BALANCES UNDER THE PRESENT CONTROLLER OF STORES, NORTH WESTERN RAILWAY.

194. \***Diwan Chaman Lall :** (a) Will Government be pleased to state what were the stores balances on the North Western Railway on the 31st of March, 1927, previous to the present Controller of Stores joining his Department ? What were the stores balances on the 31st of March, 1928, and 31st of March, 1929 ?

(b) Do these figures show a remarkable increase ?

(c) What action has been taken by the Controller of Stores, North Western Railway, in this connection ?

**Mr. P. R. Rau :** (a) and (b). The stores balances of the North Western Railway as a whole are as follows.

|                          | Lakhs. |
|--------------------------|--------|
| On 31st March 1927 .. .. | 3.68   |
| On 31st March 1928 .. .. | 4.82   |
| On 31st March 1929 .. .. | 4.60   |

A report as to the exact measures taken by the Controller of Stores to reduce his balances has been called for. I shall communicate with the Honourable Member on receipt.

**Diwan Chaman Lall :** If the Honourable Member finds that there is something wrong in this increase in stores, will he be prepared to take action against the Controller of Stores ?

**Mr. P. R. Rau :** That will be considered by the Railway Board.

**Diwan Chaman Lall :** Will the Honourable Member institute an inquiry into all these matters referred to in my question and take action against the Controller of Stores if he is found to be blameworthy ?

**The Honourable Sir George Rainy :** The Government of India cannot answer hypothetical questions.

**Mr. Gaya Prasad Singh :** Asking for information is not putting a hypothetical question.

**DEATHS OF DECK PASSENGERS ON BOARD STEAMERS BRINGING INDIAN EMIGRANTS BACK FROM BRITISH GUIANA.**

195. **\*Sir Purshotamdas Thakurdas :** (a) Will Government be pleased to state if it is a fact that since the Imperial Indian Citizenship Association made a representation to the Government of India in September 1928 regarding deaths of deck passengers on board steamers bringing Indian emigrants back from British Guiana, more deaths have taken place on one of these steamers in April 1929 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action they have taken to put a stop to this avoidable loss of Indian life ?

**Sir Frank Noyce :** (a) The Honourable Member is presumably referring to the deaths which occurred among Indian repatriates on board the S.S. "Chenab" which arrived at Calcutta on the 2nd May, 1929, from Trinidad. If so, the reply is in the affirmative.

(b) The Government of India are still in correspondence with the Government of British Guiana regarding the deaths which occurred last year amongst emigrants returning from British Guiana. They are also considering whether any action is required in the case of the deaths on the S. S. "Chenab".

**PAYMENT OF ADDITIONAL STRIKE BONUS TO TRAIN EXAMINERS, HOWRAH COACHING, EAST INDIAN RAILWAY.**

196. **\*Rai Bahadur Tarit Bhusan Roy :** Will Government be pleased to state :

(a) Whether it is a fact that the loyal railway men of the Howrah district in the employ of the East Indian Railway were paid extra strike bonus for their exceptional services during the last railway strike which originated at the Lillooah Carriage and Wagon shops ?

(b) What class of employees were paid this extra bonus ?

(c) What was the Agent's circular regarding reward to the loyal staff ?

(d) Whether it is a fact that a large number of Train Examiners and Assistant Train Examiners, Howrah Coaching, who sacrificed all comforts to maintain all the stock of local, through and mail trains, English mails and tourist special trains, were deprived from participation in the second strike bonus in violation of the Agent's circular No. 481/A.L.-1393 regarding reward to loyal staff ?

(e) What was the nature of the petition of the Train and Assistant Train Examiners, Howrah Coaching, dated 30th June, 1929, and submitted to the Divisional Superintendent, Howrah, through the Head Carriage Inspector ?

(f) Whether they propose to make an early inquiry into the matter and redress the grievances of a section of loyal employees who have been deprived of the second strike bonus ?

**Mr. P. R. Rau :** (a) to (c). I would refer the Honourable Member to the reply given on the 6th March, 1929, to part (a) of starred question No. 925 by Mr. V. V. Jogiah.

(d) The Agent reports that the additional bonus was only given to those who fulfilled the conditions mentioned in paragraph I (2) of his Circular and all the Divisional staff, including the Train and Assistant Train Examiners, were dealt with in this manner by the Divisional Superintendent personally.

(e) It was a petition to be granted the additional bonus.

(f) Government do not propose to interfere with the discretion of the Agent, East Indian Railway, in this matter.

**RATES OF PAY FOR COOLIES AT CERTAIN STATIONS ON THE EASTERN BENGAL RAILWAY.**

197. **\*Rai Bahadur Tarit Bhusan Roy :** (a) Are Government aware of the fact that the coolies at Sealdah, Goalundo-ghat, Khulna and Parbuttypur on the Eastern Bengal Railway exact from intermediate and third class passengers rates much higher than the scheduled rates ?

(b) Do Government propose to see that the scheduled rates of the coolies per load are prominently displayed both in English and in the vernacular on the platforms at Sealdah, Goalundo-ghat, Khulna and Parbuttypur ?

(c) Do Government propose to make immediate arrangements for drastic action being taken against any coolies tyrannizing the passengers and compelling them to pay at Sealdah, Goalundo-ghat, Khulna and Parbuttypur, or demanding from them, rates higher than the scheduled rates ?

**Mr. P. R. Rau :** Government have received no information as to excess charges being levied at these stations on the Eastern Bengal Railway. A copy of the Honourable Member's question has been sent to the Agent for any action he may consider necessary.

**ARRANGEMENTS MADE ON THE EASTERN BENGAL RAILWAY FOR CARRYING PASSENGERS TO THE KUMBHA MELA IN 1930.**

198. **\*Rai Bahadur Tarit Bhusan Roy :** Will Government be pleased to state what arrangements the Eastern Bengal Railway are making for carrying passengers on the occasion of the forthcoming *Kumbha Mela* at Allahabad in 1930 without exceeding the approved carrying capacity of the carriages and without using wagons or trucks for carrying pilgrims ?

**Mr. P. R. Rau :** The Agent of the Eastern Bengal Railway reports that necessary arrangements will be made to provide for the carriage of passengers over that railway without inconvenience or overcrowding on the occasion of the Kumbha Mela at Allahabad in 1930. The running of certain special through services is at present under the consideration of that Administration.

**PROVISION OF ADDITIONAL ACCOMMODATION FOR THIRD CLASS PASSENGERS IN LOCAL TRAINS ON THE BENGAL NAGPUR AND EASTERN BENGAL RAILWAYS.**

199. **\*Rai Bahadur Tarit Bhusan Roy :** (a) Are Government aware that during week-days local trains on the Bengal Nagpur Railway and Eastern Bengal Railway carry passengers much in excess of their capacity and that frequently passengers are seen hanging on to the foot-boards of the carriages ?

(b) Do Government propose to take proper and prompt action for the better accommodation of intermediate and third class passengers in local trains by increasing the number of intermediate and third class carriages in each train or by running a larger number of local trains ?

**Mr. P. R. Rau :** Since the beginning of this year, a system of census checks of the number of passengers in individual trains, as compared with the actual seating accommodation, has been brought into operation on railways, and the results of such census checks are discussed with the Local Advisory Committees of Railways. The checks so far made on the Bengal Nagpur and Eastern Bengal Railways do not show that the number of trains overcrowded is high. Action is being taken by the Railway Administrations to improve matters where overcrowding is disclosed.

**PROVISION OF LATRINES IN RAILWAY CARRIAGES IN LOCAL TRAINS ON THE EASTERN BENGAL RAILWAY.**

200. **\*Rai Bahadur Tarit Bhusan Roy :** Are Government aware that in most of the local trains on the Eastern Bengal Railway there are no latrine arrangements in any class of carriages and, if so, do Government propose to take steps for providing latrines in all carriages in local trains ?

**Mr. P. R. Rau :** Government are aware that carriages on suburban trains on the Eastern Bengal Railway are not provided with latrine accommodation. In this particular they follow what is the usual practice in India and is, so far as I am aware, invariably followed in Europe and America.

The conditions under which suburban trains work make such provision unnecessary and undesirable.

**NAMES AND DESIGNATIONS OF PROVINCIAL OFFICERS NOMINATED AS MEMBERS OF THE LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE SINCE 1921.**

201. **\*Maulvi Muhammad Yakub :** Will Government be pleased to state the names and designations of officers who have been nominated from time to time since 1921 as Members of the Legislative Assembly and the Council of State from each Province ?

**The Honourable Sir Brojendra Mitter :** Statements are laid on the table giving the information required.

*List of Officers nominated to the Council of State from time to time since 1921, according to Provinces.*

| Provinces. | Names of Members.                 | Designations.                            | Year.                                                                                                 |
|------------|-----------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Madras     | Mr. E. S. Lloyd                   | Acting Revenue Secretary                 | 15th January 1921 to the 22nd August 1922.                                                            |
|            | Sir Leslie C. Miller              | Judge (Retired)                          | 26th August 1922 to 9th February 1924 and from 16th December 1924 to 18th February 1925.              |
|            | Mr. H. G. Stokes                  | Collector and Magistrate                 | 8th March 1924 to 15th May 1924 and from 22nd July 1926 to 10th August 1926.                          |
|            | Rev. Dr. E. Monteith Macphail.    | Vice-Chancellor, Madras University.      | 15th May 1924 to 26th July 1924.                                                                      |
|            | Mr. W. G. McFarland               | Collector and District Magistrate.       | 26th July 1924 to 16th December 1924.                                                                 |
|            | Mr. Pratap Chandra Dutt.          | Collector and Magistrate.                | 3rd March 1925 to 15th October 1925 and from 24th August 1929 to 19th January 1926 to 22nd July 1926. |
|            | Sir Charles G. Todhunter.         | Member, Board of Revenue.                | 10th August 1926 to 16th December 1926.                                                               |
|            | Mr. H. Tireman                    | Chief Conservator of Forests.            | 4th February 1927 to 8th August 1927.                                                                 |
|            | Mr. F. B. Evans                   | Secretary to Government, Madras.         | 8th August 1927 to 17th January 1928.                                                                 |
|            | Khan Bahadur Muhammad Buzl-Ullah. | Collector and Magistrate.                | 17th January 1928 to 12th January 1929.                                                               |
|            | Mr. H. A. B. Vernon               | Member, Board of Revenue.                | 12th January 1929 to 24th August 1929.                                                                |
|            | Mr. H. L. Braidwood               | Collector and Magistrate.                | 15th January 1921 to 31st August 1921.                                                                |
|            | Mr. C. N. Seddon                  | 2nd Grade Commissioner                   | 31st August 1921 to 7th January 1922.                                                                 |
|            | Mr. F. G. Pratt                   | Commissioner                             | 7th January 1922 to 9th July 1923.                                                                    |
| Bombay     | Mr. C. M. Baker                   | Revenue Secretary, Government of Bombay. | 9th July 1923 to 1st March 1924.                                                                      |
|            | Mr. W. C. Sheperd                 | Collector and Magistrate.                | 1st March 1924 to 9th August 1924.                                                                    |
|            | Mr. J. R. Martin                  | Collector and Magistrate.                | 9th August 1924 to 11th August 1925.                                                                  |
|            | Mr. A. C. Wild                    | District and Sessions Judge.             | 11th August 1925 to 15th October 1925.                                                                |
|            | Mr. E. G. L. Laird-McGregor.      | Collector of Salt Revenue                | 16th January 1926 to 22nd March 1926.                                                                 |
|            | Mr. J. E. B. Hotson               | Collector and Superintendent of Stamps.  | 22nd March 1926 to 11th January 1927.                                                                 |
|            | Mr. J. W. Smyth                   | Collector and Magistrate                 | 11th January 1927 to 8th July 1927.                                                                   |
|            | Mr. G. A. Thomas                  | Collector and Magistrate                 | 8th July 1927 to 7th December 1927.                                                                   |
|            | Mr. W. C. Tudor-Owen              | Collector and Magistrate                 |                                                                                                       |



| Provinces.               | Names of Members.                   | Designations.                                           | Year.                                                                                                             |
|--------------------------|-------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Bombay—<br><i>contd.</i> | Mr. G. W. Hatch ..                  | 1st Grade Commissioner                                  | 7th December 1927 to 22nd March 1928.                                                                             |
|                          | Mr. A. M. Macmillan..               | Collector and Magistrate                                | 10th July 1928 to 12th January 1929.                                                                              |
|                          | Mr. H. B. Clayton ..                | Collector .. .. .                                       | 12th January 1929 to                                                                                              |
| Bengal ..                | Khan Bahadur Amin-ul-Islam.         | Inspector General of Registration.                      | 15th January 1921 to 13th May 1925.                                                                               |
|                          | Mr. Khagendra Nath Mitra.           | Magistrate .. .. .                                      | 26th May 1924 to 15th October 1925.                                                                               |
|                          | Mr. T. Emerson ..                   | Commissioner.. ..                                       | 13th January 1926 to 10th November 1926.                                                                          |
|                          | Mr. J. A. L. Swan ..                | Commissioner.. ..                                       | 8th December 1926 to 7th December 1927.                                                                           |
|                          | Mr. K. C. De ..                     | Commissioner.. ..                                       | 7th December 1927 to 6th March 1928 and from 12th March 1926 to 2nd February 1929.                                |
|                          | Mr. J. A. Woodhead ..               | District and Sessions Judge.                            | 6th March 1928 to 12th March 1928.                                                                                |
|                          | Rai Suresh Chandra Basu Bahadur.    | Magistrate and Collector                                | 2nd February 1929 to                                                                                              |
| United Pro-<br>vinces.   | Dr. Ganga Nath Jha ..               | Superintendent of Sanskrit Studies, Benares.            | 15th January 1921 to 7th January 1924.                                                                            |
|                          | Pandit Sham Bihari Misra.           | Deputy Commissioner ..                                  | 2nd February 1924 to 15th October 1925 and from 13th January 1926 to 20th June 1928.                              |
|                          | Khan Bahadur Shaikh Maqbul Hussain. | Magistrate and Collector.                               | 20th June 1928 to                                                                                                 |
| Punjab ..                | Lieutenant-Colonel A. C. Elliott.   | Political Agent, Phulkian States.                       | 29th January 1921 to 11th January 1922.                                                                           |
|                          | Diwan Tek Chand ..                  | Commissioner of Amballa                                 | 14th January 1922 to 19th January 1924.                                                                           |
|                          | Mr. A. M. Stow ..                   | Deputy Commissioner ..                                  | 19th January 1924 to 30th April 1924.                                                                             |
|                          | Mr. C. A. Barron ..                 | Financial Commissioner                                  | 23rd August 1924 to 13th September 1924.                                                                          |
|                          | Diwan Tek Chand ..                  | Commissioner, Amballa..                                 | 2nd December 1924 to 15th October 1925 and from 13th January 1926 to 17th August 1926 and from 20th January 1927. |
|                          | Mr. A. Latifi ..                    | Deputy Commissioner, Amballa. Officiating Commissioner. | 15th December 1927 to 22nd August 1928 and from 24th August 1929 to                                               |
|                          | Nawab Malik Muhammad Hayat Khan.    | Officiating Commissioner, Amballa Division.             | 22nd August 1928 to 8th January 1929.                                                                             |
| Bihar and Orissa.        | Mr. Miles Irving ..                 | Commissioner, Amballa Division.                         | 8th January 1929 to 24th August 1929.                                                                             |
|                          | Mr. E. L. L. Hammond                | Collector and Magistrate                                | 15th January 1921 to 10th January 1922 and from 19th August 1922 to 16th November 1922.                           |

| Provinces.                         | Name of Members.          | Designations.                  | Year.                                                                                                                            |
|------------------------------------|---------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Bihar and Orissa—<br><i>contd.</i> | Mr. H. T. Stonor Forrest. | Commissioner, Tirhut Division. | 14th January 1922 to 14th August 1922 and from 2nd December 1922 to 12th July 1923 and from 26th November 1926 to 8th July 1927. |
|                                    | Mr. E. H. Berthoud        | Commissioner.. ..              | 14th July 1923 to 17th December 1923 and from 10th May 1924 to 2nd July 1925 and from 8th July 1927 to 28th December 1927.       |
|                                    | Mr. H. K. Briscoe ..      | Secretary, Finance Department. | 17th December 1923 to 6th May 1924.                                                                                              |
|                                    | Mr. Birendra Chandra Sen. | Commissioner, Patna Division.  | 2nd July 1925 to 15th October 1925.                                                                                              |
|                                    | Mr. J. A. Hubback ..      | Commissioner.. ..              | 13th January 1926 to 10th August 1926.                                                                                           |
|                                    | Mr. D. Weston ..          | Commissioner.. ..              | 10th August 1926 to 12th November 1926 and from 28th December 1927 to                                                            |

*List of officers nominated to the Legislative Assembly from time to time since 1921, according to Provinces.*

| FIRST ASSEMBLY.        |                                                  |                                                  |                                           |
|------------------------|--------------------------------------------------|--------------------------------------------------|-------------------------------------------|
| Madras ..              | Mr. J. F. Bryant ..                              | Collector and District Magistrate.               | 15th January 1921 to 3rd July 1922.       |
|                        | Mr. T. E. Moir ..                                | Collector and District Magistrate.               | 22nd June 1922 to 4th May 1923.           |
|                        | Mr. H. R. Bardswell..                            | District and Sessions Judge.                     | 14th June 1923 to 12th September 1923.    |
|                        | Rao Bahadur C. Krishnaswami Rao.                 | Provincial Service ..                            | 15th January 1921 to 22nd June 1922.      |
|                        | Mr. R. W. Davies ..                              | Collector and District Magistrate.               | 4th September 1922 to 16th February 1923. |
| Bombay ..              | Rao Bahadur P. T. Srinivasa Achariyar.           | Under Secretary, Revenue Department.             | 3rd March 1923 to 7th June 1923.          |
|                        | M. R. Ry. Rajagopala Narasimha Ayyangar Avargal. | Ex. Engineer and Under Secretary to Government.  | 7th June 1923 to 12th September 1923.     |
|                        | Mr. P. E. Percival ..                            | District Judge and Sessions Judge                | 22nd January 1921 to 12th September 1923. |
|                        | Mr. Jahangir Kai-khosru Navroji Kabraji.         | Deputy Superintendent of Police.                 | 22nd January 1921 to 22nd June 1922.      |
|                        | Mr. W. F. Hudson ..                              | Collector and Magistrate                         | 2nd August 1922 to 12th October 1922.     |
| United Pro-<br>vinces. | Mr. P. B. Haig ..                                | Collector and District Magistrate.               | 4th November 1922 to 12th September 1923. |
|                        | Mr. C. E. Wild                                   | Opium Agent, Ghazipur                            | 15th January 1921 to 26th July 1921.      |
|                        | Mr. D. R. Lyle ..                                | District and Sessions Judge.                     | 30th July 1921 to 4th January 1922.       |
|                        | Mr. T. A. H. Way ..                              | Commissioner of Excise                           | 13th January 1922 to 12th January 1923.   |
|                        | Mr. H. E. Holme ..                               | District and Sessions Judge.                     | 12th January 1923 to 12th September 1923. |
|                        | Khan Bahadur Chaudhri Wajid Hussain.             | Deputy Registrar, Co-operative Credit Societies. | 15th January 1921 to 13th January 1922.   |

| Provinces.              | Name of Member.                        | Designation.                                                                                                      | Year.                                        |
|-------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Bengal ..               | Mr. H. E. Spry ..                      | FIRST ASSEMBLY— <i>contd.</i><br>Officer on Special Duty,<br>Government of Bengal,<br>Income-tax Depart-<br>ment. | 1st March 1921 to 24th<br>August 1921.       |
|                         | Mr. F. B. Bradley Birt                 | Collector .. ..                                                                                                   | 24th August 1921 to 5th<br>July 1923.        |
|                         | Mr. P. C. Chatarji ..                  | Deputy Magistrate ..                                                                                              | 5th July 1923 to 12th<br>September 1923.     |
|                         | Mr. D. K. Mitter ..                    | Deputy Magistrate and<br>Deputy Collector.                                                                        | 15th January 1921 to 11th<br>January 1922.   |
| Punjab ..               | Mr. Khagendra Nath<br>Mittra.          | Probationary Sub-De-<br>puty Collector                                                                            | 11th January 1922 to 12th<br>September 1923. |
|                         | Mr. W. C. Renouf ..                    | Deputy Commissioner ..                                                                                            | 15th January 1921 to 13th<br>September 1921. |
|                         | Mr. C. A. H. Townsend                  | Director of Agriculture                                                                                           | 13th September 1921 to<br>17th October 1921. |
|                         | Mr. W. C. Renouf ..                    | Deputy Commissioner ..                                                                                            | 17th October 1921 to 17th<br>July 1922.      |
| Bihar and<br>Orissa.    | Mr. H. P. Tollinton ..                 | Deputy Commissioner ..                                                                                            | 17th July 1922 to 3rd<br>January 1923.       |
|                         | Mr. C. A. H. Townsend                  | Director of Agriculture                                                                                           | 3rd January 1923 to 27th<br>June 1923.       |
|                         | Mr. H. Calvert ..                      | Deputy Commissioner ..                                                                                            | 27th June 1923 to 12th<br>September 1923.    |
|                         | Khan Bahadur Muham-<br>mad Habibullah. | Deputy Magistrate and<br>Deputy Collector.                                                                        | 15th January 1921 to 8th<br>August 1922.     |
| Central Pro-<br>vinces. | Rai Bahadur Shyam<br>Narayan Singh.    | Deputy Magistrate and<br>Collector.                                                                               | 8th August 1922 to 12th<br>September 1923.   |
|                         | Mr. W. N. Maw ..                       | Commissioner.. ..                                                                                                 | 15th January 1921 to 21st<br>July 1921.      |
|                         | Mr. Rustomji Fari-<br>doonji           | Deputy Commissioner                                                                                               | 21st July 1921 to 24th<br>April 1922.        |
|                         | Mr. F. S. A. Slocock                   | Commissioner.. ..                                                                                                 | 7th July 1922 to 3rd<br>January 1923.        |
| Assam ..                | Mr. Rustomji Fari-<br>doonji.          | Deputy Commissioner ..                                                                                            | 3rd January 1923 to 12th<br>September 1923.  |
|                         | Mr. A. W. Dentith ..                   | Commissioner.. ..                                                                                                 | 15th January 1921 to 10th<br>August 1922.    |
|                         | Mr. B. C. Allen ..                     | Commissioner.. ..                                                                                                 | 10th August 1922 to 10th<br>May 1923.        |
|                         | Mr. H. C. Barnes ..                    | Deputy Commissioner ..                                                                                            | 10th May 1923 to 12th<br>September 1923.     |
| Berma ..                | Mr. W. J. Keith ..                     | Commissioner.. ..                                                                                                 | 15th January 1921 to 9th<br>May 1921.        |
|                         | Mr. H. Clayton ..                      | Deputy Commissioner ..                                                                                            | 9th May 1921 to 17th<br>November 1922.       |
|                         | Mr. W. J. Keith ..                     | Commissioner.. ..                                                                                                 | 17th November 1921 to<br>5th April 1922.     |
|                         | Mr. R. E. V. Arbuthnot                 | Financial Commissioner                                                                                            | 2nd August 1922 to 3rd<br>October 1922.      |
| Madras ..               | Mr. W. H. L. Cabell ..                 | Commissioner.. ..                                                                                                 | 30th November 1922 to<br>11th July 1923.     |
|                         |                                        | SECOND ASSEMBLY.                                                                                                  |                                              |
|                         | Mr. T. E. Moir ..                      | Collector and District<br>Magistrate.                                                                             | 8th January 1924 to 12th<br>April 1924.      |
|                         | Mr. R. Littlehailes ..                 | Director of Public In-<br>struction.                                                                              | 15th May 1924 to 28th<br>August 1924.        |

| Province.                | Name of Member.                                     | Designation.                                                                                 | Year.                                         |
|--------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------|
| MADRAS—<br><i>contd.</i> | Mr. T. E. Moir ..                                   | SECOND ASSEMBLY— <i>contd.</i><br>Collector and District<br>Magistrate.                      | 5th January 1925 to 15th<br>April 1925.       |
|                          | Dewan Bahadur T.<br>Vijayaraghavacharya<br>Avargal. | Ditto .. ..                                                                                  | 4th August 1925 to 19th<br>July 1926.         |
|                          | Sir George F. Paddison                              | Commissioner of Labour                                                                       | 19th July 1926 to 13th<br>September 1926.     |
|                          | Mr. J. Mathison Turing                              | Collector and District<br>Magistrate.                                                        | 8th January 1924 to 12th<br>April 1924.       |
| Bombay ..                | Rao Bahadur C. V. V.<br>Sastri.                     | Provincial Service ..                                                                        | 14th May 1924 to 14th<br>July 1925.           |
|                          | Mr. V. Panduranga Rao                               | District and Sessions<br>Judge.                                                              | 4th August 1925 to 13th<br>October 1925.      |
|                          | Mr. H. A. B. Vernon                                 | Collector and District<br>Magistrate.                                                        | 10th January 1926 to 22nd<br>July 1926.       |
|                          | Dewan Bahadur C. V. V.<br>Sastri.                   | Provincial Service ..                                                                        | 22nd July 1926 to 13th<br>September 1926.     |
| Bengal ..                | Mr. P. E. Percival ..                               | Sessions Judge ..                                                                            | 8th January 1924 to 12th<br>April 1924.       |
|                          | Mr. W. F. Hudson ..                                 | Collector and Superin-<br>tendent of Stamps.                                                 | 12th April 1924 to 9th<br>April 1925.         |
|                          | Mr. M. Webb ..                                      | Collector and District<br>Magistrate.                                                        | 14th May 1925 to 25th<br>November 1925.       |
|                          | Mr. W. F. Hudson ..                                 | Collector and Superin-<br>tendent of Stamps.                                                 | 25th November 1925 to<br>13th September 1926. |
| United Pro-<br>vinces.   | Mr. P. B. Haig ..                                   | Collector and District<br>Magistrate.                                                        | 8th January 1924 to 29th<br>November 1924.    |
|                          | Mr. R. D. Bell ..                                   | Ditto .. ..                                                                                  | 13th February 1924 to<br>26th July 1924.      |
|                          | Mr. M. Webb ..                                      | Ditto .. ..                                                                                  | 26th July 1924 to 21st<br>March 1925.         |
|                          | Mr. R. G. Gordon ..                                 | Ditto .. ..                                                                                  | 13th July 1925 to 26th<br>April 1926.         |
| Bengal ..                | Mr. F. W. Allison ..                                | District and Sessions<br>Judge.                                                              | 30th June 1926 to 13th<br>September 1926.     |
|                          | Mr. L. S. S. O'Malley                               | Commissioner .. ..                                                                           | 8th January 1924 to 6th<br>May 1924.          |
|                          | Mr. G. H. W. Davies..                               | Magistrate and Collector                                                                     | 6th May 1924 to 28th Au-<br>gust 1924.        |
|                          | Mr. H. P. Duval ..                                  | Secretary, Government<br>of Bengal, Judicial De-<br>partment.                                | 28th August 1924 to 6th<br>February 1925.     |
| United Pro-<br>vinces.   | Mr. A. Marr ..                                      | Secretary, Government of<br>Bengal, Finance<br>Department.                                   | 6th February 1925 to 10th<br>August 1925.     |
|                          | Mr. C. W. Gurner ..                                 | Deputy Secretary, Gov-<br>ernment of Bengal, Po-<br>litical and Appoint-<br>ment Department. | 10th August 1925 to 25th<br>November 1925.    |
|                          | Mr. J. T. Donovan ..                                | Magistrate and Collector                                                                     | 25th November 1925 to<br>13th September 1926. |
|                          | Mr. C. C. Nag ..                                    | Provincial Service ..                                                                        | 8th January 1924 to 13th<br>January 1925.     |
| United Pro-<br>vinces.   | Khan Bahadur Abdul<br>Mumin.                        | Magistrate and Collector                                                                     | 13th January 1925 to 22nd<br>November 1925.   |
|                          | Khan Bahadur Afzal-<br>ur Rahman.                   | Deputy Magistrate ..                                                                         | 24th December 1925 to<br>13th September 1926. |
|                          | Mr. H. E. Holme ..                                  | District and Sessions<br>Judge.                                                              | 8th January 1925 to 15th<br>January 1925.     |
|                          | Mr. E. H. Ashworth ..                               | Ditto .. ..                                                                                  | 15th January 1925 to 25th<br>December 1925.   |

| Province.                               | Name of Member.                                | Designation.                                                   | Year.                                      |
|-----------------------------------------|------------------------------------------------|----------------------------------------------------------------|--------------------------------------------|
| United Provinces— <i>contd.</i>         | Mr. E. R. Neave ..                             | SECOND ASSEMBLY— <i>contd.</i><br>District and Sessions Judge. | 23rd December 1925 to 9th August 1926.     |
|                                         | Mr. E. L. Norton ..                            | Ditto ..                                                       | 9th August 1926 to 13th September 1926.    |
| Punjab ..                               | Mr. H. Calvert ..                              | Deputy Commissioner ..                                         | 8th January 1924 to 19th May 1924.         |
|                                         | Mr. C. A. H. Townsend                          | Commissioner ..                                                | 19th May 1924 to 29th July 1924.           |
| Bihar and Orissa.<br>Central Provinces. | Mr. H. Calvert ..                              | Deputy Commissioner ..                                         | 16th August 1924 to 29th July 1925.        |
|                                         | Mr. A. Langley ..                              | Commissioner ..                                                | 29th July 1925 to 25th December 1925.      |
|                                         | Mr. H. Calvert ..                              | Deputy Commissioner ..                                         | 25th December 1925 to 3rd August 1926.     |
|                                         | Mr. C. A. H. Townsend                          | Commissioner ..                                                | 3rd August 1926 to 13th September 1926.    |
|                                         | Rai Bahadur Shyam Narayan Singh.               | Special Officer, Political Department.                         | 8th January 1924 to 13th September 1926.   |
|                                         | Mr. Rustomji Fari-doonji.                      | Collector and District Magistrate.                             | 8th January 1924 to 22nd August 1924.      |
|                                         | Mr. R. A. Wilson ..                            | Deputy Commissioner ..                                         | 22nd August 1924 to 8th April 1925.        |
|                                         | Mr. E. Gordon ..                               | Ditto ..                                                       | 21st July 1925 to 23rd December 1925.      |
|                                         | Mr. K. S. Jatar ..                             | Ditto ..                                                       | 23rd December 1925 to 27th July 1926.      |
|                                         | Mr. J. F. Dyer ..                              | Ditto ..                                                       | 27th July 1926 to 13th September 1926.     |
| Assam ..                                | Mr. B. C. Allen ..                             | Commissioner ..                                                | 8th January 1924 to 12th April 1924.       |
|                                         | Mr. J. Hezlett ..                              | Do. ..                                                         | 6th May 1924 to 20th November 1924.        |
| Burma ..                                | Mr. W. A. Cosgrave ..                          | Deputy Commissioner ..                                         | 20th November 1924 to 4th December 1925.   |
|                                         | Mr. J. Hezlett ..                              | Commissioner ..                                                | 4th December 1925 to 13th September 1926.  |
|                                         | Lieutenant-Colonel F. C. Owens.                | Deputy Commissioner ..                                         | 8th January 1924 to 12th April 1924.       |
|                                         | Mr. J. L. McCallum ..                          | Ditto ..                                                       | 5th January 1925 to 10th August 1925.      |
|                                         | Lieutenant-Colonel F. C. Owens.                | Ditto ..                                                       | 12th December 1925 to 13th September 1926. |
| THIRD ASSEMBLY.                         |                                                |                                                                |                                            |
| Madras ..                               | Mr. F. B. Evans ..                             | Second Secretary to Government.                                | 4th January 1927 to 4th February 1927.     |
|                                         | Sir George F. Paddison                         | Commissioner of Labour                                         | 4th February 1927 to 4th August 1927.      |
|                                         | Mr. R. H. Courtenay ..                         | District and Sessions Judge.                                   | 4th August 1927 to 17th May 1928.          |
|                                         | Khan Bahadur Muhammad Bazlullah Sahib Bahadur. | Collector and District Magistrate.                             | 20th August 1928 to 30th August 1928.      |
|                                         | Mr. E. H. M. Bower ..                          | Inspector General of Registration.                             | 30th August 1928 to 4th January 1927.      |
|                                         | Dewan Bahadur T. Raghavayya Pantulu Garu.      | Collector and District Magistrate.                             | 4th January 1927 to 18th January 1927.     |

| Province.             | Name of Member.                                        | Designation.                                                     | Year.                                                         |
|-----------------------|--------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------|
| Madras— <i>contd.</i> | Mr. R. Littlehailes ..                                 | THIRD ASSEMBLY— <i>contd.</i><br>Director of Public Instruction. | 18th January 1927 to 2nd February 1927.                       |
|                       | Rao Bahadur Narasimha · Gopala-swami Ayyangar.         | Collector and District Magistrate.                               | 3rd February 1927 to 4th January 1928.                        |
| Bombay ..             | Mr. V. Panduranga Rao                                  | District and Sessions Judge.                                     | 4th January 1928 to 1st June 1928.                            |
|                       | Dewan Bahadur T. Raghavayya Pantulu Garu.              | Collector and District Magistrate.                               | 20th August 1928 to 9th January 1929.                         |
|                       | Mr. V. Panduranga Rao.                                 | District and Sessions Judge.                                     | 9th January 1929 to 24th August 1929.                         |
|                       | Mr. A. Upendra Pai ..                                  | Collector and District Magistrate.                               | 24th August 1929 to 23rd December 1926 to 4th July 1927.      |
|                       | Mr. F. W. Allison ..                                   | Judge and Sessions Judge.                                        | 14th July 1927 to 26th November 1927.                         |
| Bengal ..             | Mr. R. T. F. Kirk ..                                   | Sessions Judge and Judge                                         | 26th November 1927 to 29th May 1928.                          |
|                       | Mr. F. W. Allison ..                                   | Judge and Sessions Judge                                         | 12th July 1928 to 13th August 1928.                           |
|                       | Mr. R. G. Gordon ..                                    | Collector ..                                                     | 13th August 1928 to 27th July 1929.                           |
|                       | Mr. M. Webb ..                                         | Do. ..                                                           | 27th July 1929 to 23rd December 1926 to 14th July 1927.       |
|                       | Mr. S. H. Covernton ..                                 | Collector and District Magistrate.                               | 11th August 1927 to 6th December 1927.                        |
|                       | Mr. P. B. Haig ..                                      | Ditto ..                                                         | 6th December 1927 to 13th July 1928.                          |
|                       | Mr. P. B. Haig ..                                      | Ditto ..                                                         | 12th July 1928 to 8th January 1929.                           |
|                       | Mr. R. Gowan Taylor                                    | Ditto ..                                                         | 8th January 1929 to 27th July 1929.                           |
|                       | Mr. Sorab Manekshah Bharucha.                          | Officiating Secretary to Government.                             | 27th July 1929 to 12th January 1927 to 17th January 1928.     |
|                       | Mr. F. W. Allison ..                                   | Judge and Sessions Judge                                         | 8th February 1928 to 7th November 1928.                       |
| United Provinces.     | Mr. V. M. Ferrers ..                                   | Ditto.                                                           | 4th January 1929 to 12th January 1927 to 8th November 1928.   |
|                       | Mr. J. T. Donovan ..                                   | Magistrate and Collector.                                        | 14th January 1929 to 23rd December 1926 to 26th March 1928.   |
|                       | Mr. Satyandra Nath Roy.                                | District Magistrate ..                                           | 16th August 1928 to 17th January 1929.                        |
|                       | Mr. J. C. French ..                                    | Collector ..                                                     | 17th January 1929 to 12th January 1927 to 11th August 1927.   |
| Punjab ..             | K. B. Nasiruddin Ahmad.                                | Deputy Magistrate and Collector                                  | 11th August 1927 to 22nd December 1927.                       |
|                       | Rai Ama Krishna Mukherjee Bahadur.                     | Ditto ..                                                         | 22nd December 1927 to 12th January 1927 to 19th January 1928. |
| Bihar and Orissa.     | Mr. M. Keane ..                                        | Commissioner ..                                                  | 19th January 1928 to 12th July 1928.                          |
|                       | Mr. C. Moss King ..                                    | District and Sessions Judge.                                     | 12th July 1928 to 12th January 1927 to 11th August 1927.      |
|                       | Mr. M. Keane ..                                        | Commissioner ..                                                  | 11th August 1927 to 22nd December 1927.                       |
|                       | K. B. Mian Abdul Aziz Rai Bahadur Shyam Narayan Singh. | Deputy Commissioner ..                                           | 22nd December 1927 to 12th January 1927 to 19th January 1928. |
|                       | Rai Bahadur Bhuban Mohan Chatterji.                    | Deputy Magistrate and Collector.                                 | 19th January 1928 to 12th July 1928.                          |
|                       | Rai Bahadur Syham Narayan Singh.                       | Deputy Magistrate and Deputy Collector.                          | 12th July 1928 to                                             |

| Provision.         | Name of Member.         | Designation.                                      | Year.                                                          |
|--------------------|-------------------------|---------------------------------------------------|----------------------------------------------------------------|
| Central Provinces. | Mr. H. C. Greenfield .. | THIRD ASSEMBLY—concl'd.<br>Deputy Commissioner .. | 12th January 1927 to 9th August 1927.                          |
|                    | Mr. R. M. Crofton ..    | Ditto ..                                          | 9th August 1927 to 19th January 1928.                          |
|                    | Mr. C. J. Irwin ..      | Ditto ..                                          | 10th February 1928 to 3rd September 1928.                      |
|                    | Mr. Ghazanfar Ali Khan. | Commissioner ..                                   | 3rd September 1928 to 12th January 1927 to 16th May 1927.      |
| Assam              | Mr. J. Hezlett ..       | Do. ..                                            | 16th May 1927 to 24th March 1928.                              |
|                    | Mr. W. A. Cosgrave ..   | Deputy Commissioner ..                            | 15th May 1928 to 20th December 1928.                           |
|                    | Mr. J. Hezlett ..       | Commissioner ..                                   | 20th December 1928 to 23rd December 1928 to 10th January 1928. |
| Burma              | Mr. W. A. Cosgrave ..   | Deputy Commissioner ..                            | 10th January 1928 to 30th June 1928.                           |
|                    | Mr. H. Tonkinson ..     | Ditto ..                                          | 16th August 1928 to 24th December 1928.                        |
|                    | Mr. T. Couper.          | Financial Commissioner                            | 9th January 1929 to 2nd April 1929 and 24th August 1929 to     |
|                    | Mr. J. A. Stewart ..    | Deputy Commissioner ..                            |                                                                |
|                    | Mr. H. L. Stevenson ..  | Commissioner ..                                   |                                                                |

RESULT OF THE INQUIRY INTO THE FIRE IN THE OFFICE OF THE EXECUTIVE ENGINEER OF THE KANGRA VALLEY RAILWAY AT PALAMPUR.

202. \*Mr. Abdul Haya : (a) Is it a fact that the office of the Executive Engineer of the Kangra Valley Railway at Palampur was destroyed by fire, and that the records of construction of the said Railway were burnt ?

(b) Is it a fact that Government suspected foul play and instituted an inquiry into the causes and circumstances which led to this fire ? If so, will Government please state what the result of this inquiry was, and also lay on the table all the papers relating to this inquiry ?

Mr. P. R. Rau : Government have received no information, but are inquiring into the matter.

COST OF CONSTRUCTION OF THE KANGRA VALLEY RAILWAY.

203. \*Mr. Abdul Haya : (1) Is it a fact that the original estimate of the construction of the Kangra Valley Railway was Rs. 1,34,00,000 ?

(2) When and by whom was this original estimate prepared ?

(3) On what date was the construction work of this Railway started ?

(4) Is it a fact that subsequently on the representation of the Agent, North Western Railway, this estimate was revised and it was raised to Rs. 2,17,46,000 ?

(5) Is it a fact that even this revised estimate has been exceeded and the total cost of the construction of this Railway is likely to exceed three crores of rupees ?

(6) What was the object which Government had in view when the construction of this Railway was taken in hand ?

(7) Will Government please make a full statement regarding the financial aspect of this project, stating the rate at which this Railway is at present yielding profit ?

(8) Is it a fact that in spite of the guarantees given by the Punjab Government, Government are sustaining a severe loss annually which amounts to lakhs of rupees ?

(9) If the answer to part (8) be in the affirmative, will Government please state what steps they have taken or propose to take to prevent such a drain on the Central Revenues ?

The Honourable Sir George Rainy : (1) Yes.

(2) The estimate was prepared by the North Western Railway Administration in 1925.

(3) About May 1926.

(4) and (5). Yes.

(6) The object was primarily the provision of railway communication in the Kangra Valley. The introduction of railways in this area in order to open out the rich Kulu and Kangra Valleys had been under consideration for a long time, but matters were brought to a head by the proposals of the Punjab Government, early in 1925, to construct a tramway in connection with their Uhl Hydro-electric Scheme as a necessary means of transporting heavy plant and machinery to the headworks, and subsequently to sanction a line of communication between the Kangra Valley and the plains of the Punjab. Discussions with the Local Government showed that the tramway, which was in course of being designed by them, would undoubtedly be a source of embarrassment in the future, and it was, therefore, decided to construct a narrow gauge railway with a guarantee from the Local Government.

(7), (8) and (9). The Railway was only opened to traffic in April last, and it is impossible at present to say what return can be expected. It is understood that the traffic carried in the first two months shows promise that the earnings may prove better than was originally anticipated and the loss may not be as great as would appear from the large excess in the cost of construction over the original estimate.

ERECTION BY THE MILITARY DEPARTMENT OF A NEW ARSENAL AT LAHORE.

204. \*Sardar Kartar Singh : (1) Is it a fact that the erection of a new arsenal in Lahore has been decided upon by the Military Department at a big cost and a site has already been selected for the same, and that the present arsenal at Ferozepore—which has been equipped at a very heavy cost—is to be reduced to a depot ?

(2) If this be true, will Government be pleased to state the approximate cost estimated for the above and the reason or reasons for undertaking this new work ? Is it a fact that the existing arsenal at Ferozepore.

has for years rendered service during all the Frontier expeditions that took place in the last fifty years or more and in the last World War ?

(3) Are Government aware of the fact that the strategical position of Ferozepore has been admitted to be more important than that of Lahore, and the former considered more healthy than Lahore, and that Lahore was a few years back condemned as being unhealthy by a Military Medical Board ?

(4) If the Ferozepore arsenal be considered not up to date scientifically, do Government propose to make it so ?

**Mr. G. R. F. Tottenham :** The answer to the first part of the question is in the negative and the remaining parts do not therefore arise. Ferozepore arsenal will continue to be used to its full capacity.

**Sardar Kartar Singh :** Is there any proposal that an arsenal should be constructed at Lahore at a cost of Rs. 10 crores ?

**Mr. G. R. F. Tottenham :** No, Sir.

#### FILLING UP OF THE POST OF DEPUTY SECRETARY OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.

205. \***Maulvi Muhammad Yakub :** (a) Will Government be pleased to state when the sanctioned post of Deputy Secretary of the Legislative Assembly Department will be filled up ?

(b) Is the appointment being delayed pending the framing of the Rules by the Secretary of State for India ? Why is this vacancy being held up when other appointments in the Department of the Legislative Assembly have already been made in anticipation of the Rules ? Is it anticipated that the Secretary of State for India will not sanction the post of a Deputy Secretary for the Department of the Legislative Assembly ?

**The Honourable Sir James Crerar :** (a) The rules governing the appointment were published in the Government of India Gazette of the 31st August. Steps will now be taken to have the appointment made.

(b) The delay has been due to the cause suggested. The answer to the second part of the question is that the first appointment of Secretary and Assistant Secretary could be made on a temporary basis because the first appointments to those posts are not required by the rules to be made from among persons recommended by the Public Service Commission. The first appointment of Deputy Secretary, on the other hand, is required to be made from among persons recommended by the Public Service Commission, and before this procedure could be followed, it was necessary that the conditions of service should be expressly laid down by the Secretary of State in Council by rule made under section 96-B of the Government of India Act.

The answer to the third part of the question is in the negative. The post has already been sanctioned.

#### DUTIES, STATUS AND FUNCTIONS OF THE DEPUTY SECRETARY AND SECRETARY OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.

206. \***Maulvi Muhammad Yakub :** (a) What will be the duties, functions and status of the Deputy Secretary of the Legislative Assembly

Department ? Will he have the same status and position as the Deputy Secretaries of other Departments of the Government of India ? If not, why not ?

(b) What are the duties, functions and status of the Secretary of the Legislative Assembly Department ?

**The Honourable Sir James Crerar :** (a) In the despatch of the Government of India in the Legislative Department, No. 2 of 1928, a copy of which was laid on the table of this House on the 17th September, 1928, the duties of the Deputy Secretary of the Legislative Assembly Department were described as follows :

"The principal duties of the Deputy Secretary will be to dispose of such work as the Secretary delegates to him and to be available to assist the President when the Secretary is engaged at the table or otherwise preoccupied, and lastly to take the place of the Secretary when the Secretary is engaged on work on behalf of the President or for any other reason is not in a position to sit at the table."

The status of the Deputy Secretary of the Legislative Assembly Department, as compared with that of the other Deputy Secretaries to the Government of India, will now be taken up.

(b) As regards the duties and functions of the Secretary of the Legislative Assembly Department, the Honourable Member is referred primarily to the Indian Legislative Rules and the Standing Orders of the Legislative Assembly. In addition to the duties expressly laid upon him by those Rules and Standing Orders, the Secretary is in charge of the establishment of the Legislative Assembly Department. The question of the status of the Secretary of the Legislative Assembly Department as compared with that of other Secretaries to the Government of India will now be taken up.

#### RECRUITMENT OF MINISTERIAL ESTABLISHMENT THROUGH THE PUBLIC SERVICE COMMISSION.

207. \***Maulvi Muhammad Yakub :** (a) Is it a fact that recruitment for the ministerial establishment in all the Departments is made through the Public Service Commission ?

(b) Yes. There are a few exceptions.

(c) Has any deviation from this practice been made in any of the Departments ? If so, what was the justification for such an action ?

**The Honourable Sir James Crerar :** (a) Yes. This is the usual practice.

(b) Yes. There are a few exceptions.

(c) Such exceptions have been allowed by reason of the special or technical nature of the work involved.

#### MUSSALMAN ACCOUNTANTS IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

208. \***Maulvi Muhammad Yakub :** What is the total strength of the Accountants in the Office of the Controller of Railway Accounts, and how many of them are Mussalmans ? Why is it that no junior Muslim Accountants have been appointed ?

**Mr. P. R. Rau :** The total number of Accountants in the office of the Controller of Railway Accounts is seven. At present none of them is a

Mussalman. I am afraid it is impossible for each individual office, and a small one at that, to be recruited on communal lines.

**Maulvi Muhammad Yakub :** Will the Honourable Member repeat his answer ? I could not hear him.

**Mr. P. R. Rau :** The total number of Accountants in the office of the Controller of Railway Accounts is seven. At present none of them is a Mussalman. I am afraid it is impossible for each individual office, and a small one at that, to be recruited on communal lines.

**Maulvi Muhammad Yakub :** Is there any Mussalman officer in the whole of the Railway Board ?

**Mr. P. R. Rau :** Yes, Sir, there is one.

**Maulvi Muhammad Yakub :** When was he appointed ?

**Mr. P. R. Rau :** To the best of my recollection, about three years ago.

**Maulvi Muhammad Yakub :** What is the total number of all the officers ?

**Mr. P. R. Rau :** I cannot reply to that off-hand.

**Sardar Kartar Singh :** How many of them are Sikhs ?

**Mr. Gaya Prasad Singh :** And how many of them are Rajputs ?

#### INDIANS HOLDING POSTS OF OFFICER SUPERVISORS IN THE ARMY HEADQUARTERS.

209. **\*Maulvi Muhammad Yakub :** What is the total strength of the permanent Officer Supervisors in the Army Headquarters and how many of them are Indians ? What are the rules regulating promotion and appointment to this post ?

**Mr. G. R. F. Tottenham :** There are at present 17, of whom one is an Indian.

The appointments are made entirely by selection and not by seniority.

**Maulvi Muhammad Yakub :** Is it not a fact that two of these posts are reserved for Indians ?

**Mr. G. R. F. Tottenham :** Not that I am aware of.

**Lieut.-Colonel H. A. J. Gidney :** Is it not a fact that when a soldier clerk is appointed as an Officer Supervisor in the Army Headquarters, he is given the rank of a Major, irrespective of his length of service or previous grade ?

**Mr. G. R. F. Tottenham :** I do not think that question arises out of the answer that I have given.

#### APPOINTMENT OF AN INDIAN AS CIVIL SURGEON OF SIMLA OR DELHI.

210. **\*Maulvi Muhammad Yakub :** Is it a fact that no senior Indian medical officer has ever been posted as Civil Surgeon either at Delhi or at Simla ? If not, why not ?

**Sir Frank Noyce :** The answer to the first part of the question is in the affirmative. It will be observed from the Annexure to the Press

communiqué, dated the 10th May, 1928, a copy of which has been placed in the Library of the House, that both the civil surgeoncies in Simla and one of the two civil surgeoncies in Delhi are reserved for European officers of the Indian Medical Service. In filling the remaining civil surgeoncy in Delhi, the claims of Indian officers of the Indian Medical Service are and will continue to be given due consideration.

#### RECRUITMENT IN THE INDIAN STORES DEPARTMENT.

211. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the name of the Chief Superintendent of the Indian Stores Department ?

(b) Will they be pleased to state the percentage of Punjabis that are now employed in that Office ?

(c) Are Government aware that the Chief Superintendent refuses to entertain men of the other provinces ? If not, do Government propose to inquire into the matter ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The name of the permanent incumbent of the post of Chief Superintendent of the office of the Chief Controller of Stores is Rai Sahib Kirpa Ram.

(b) I understand that the Honourable Member desires to know the percentage of Punjabis in the clerical establishment of the Office of the Chief Controller of Stores, Indian Stores Department. The percentage is 49.

(c) No. The Chief Superintendent has no authority to reject the applications of any individual for appointment to a post in the Indian Stores Department. The second part of the question therefore does not arise.

**Mr. Gaya Prasad Singh :** How many of them are Biharis ? (Laughter.)

**The Honourable Sir Bhupendra Nath Mitra :** I shall require notice of that question.

#### DEPARTMENTAL QUALIFYING EXAMINATION OF THE PUBLIC SERVICE COMMISSION.

212. **\*Mr. S. C. Mitra :** (a) Is it a fact that the personnel of the late Army Canteen Board have been permitted to sit in the next Departmental Qualifying Examination of the Public Service Commission ?

(b) If so, by whom and under what rules and for what reasons ?

(c) Are they treated as departmental candidates ? If so, how ?

(d) Is it a fact that the retrenched men of other Departments and Offices, such as that of the Master General of Supplies and other Branches of the Army Headquarters, who served as temporary clerks for about the same period, have not been permitted to sit for the same ? If so, why ?

(e) Do Government propose to extend the privilege to the men mentioned in part (d) above ? If not, why not ?

(f) How many retrenched men of other Departments are allowed to sit for the next departmental examination ? If none, why ?

(g) How many applications from the retrenched men of the Government of India for permission to sit in the said examination have been received by the Public Service Commission, and what action have the Public Service Commission taken on them so far ?

(h) Will Government be pleased to state the names of the applicants who were not allowed to sit for the examination and the reasons in each case ?

**The Honourable Sir James Crerar :** (a), (b) and (c). I would refer the Honourable Member to the very full reply given by the Army Secretary to starred question No. 191 on the 14th February, 1928.

(d) and (e). Temporary men who served in the Branches of the Army Headquarters named and have since been discharged are not being permitted to sit for the next examination as it is a qualifying examination for purposes of departmental promotion for departmental men only.

(f), (g) and (h). The Public Service Commission have not received any application from retrenched men of other Departments to be allowed to sit for the examination. They are not aware that there are any.

**EXTENSION TO DEPARTMENTS OTHER THAN THE MEDAL SECTION, ARMY DEPARTMENT, OF THE PRIVILEGE OF SITTING FOR THE DEPARTMENTAL EXAMINATION OF THE PUBLIC SERVICE COMMISSION.**

213. **\*Mr. S. C. Mitra :** (a) Is it a fact that the men of the Medal Section of the Army Department are being permitted to sit in the Departmental Examination of the Public Service Commission without any restriction of age limit or educational qualifications ?

(b) Is it a fact that this privilege has been denied to men of all other Departments of the Government of India Secretariat ? If so, will Government be pleased to state the reasons for this preferential treatment ?

(c) Is it a fact that there are men in other Departments who are age-barred, but who are willing to sit for the examination ?

(d) Are Government aware of any such cases ? If not, do they propose to inquire from the different Departments and offices of the Government of India whether there are any such cases, and if there are any, do they propose to extend the same privilege to them ? If not, why not ?

**The Honourable Sir James Crerar :** (a) It was decided to allow eleven clerks of the Medal Section of the Army Department to enter for one more qualifying examination, without insisting on the ordinary conditions as to age and educational qualifications.

(b) The clerks of the Medal Section were given special consideration because they had been serving in a temporary capacity for many years when the Section was located in Calcutta and had had no opportunity of appearing at the earlier examinations of the Staff Selection Board.

(c) and (d). There are probably such cases, but Government do not propose to take the action suggested by the Honourable Member, as they are not satisfied that there are sufficient reasons for exceptional treatment in other cases.

**PROVISION BY THE PUBLIC SERVICE COMMISSION OF PERMANENT APPOINTMENTS TO ALL PASSED CANDIDATES.**

214. **\*Mr. S. C. Mitra :** (a) Have the Public Service Commission provided all passed candidates with permanent appointments ? If not, why not ?

(b) Is it a fact that a good many passed candidates have become age-barred ?

**The Honourable Sir James Crerar :** (a) No. Passed candidates can only be provided with permanent appointments when vacancies occur.

(b) Yes.

**RECRUITMENT OF THE STAFF OF THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH THROUGH THE PUBLIC SERVICE COMMISSION.**

215. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Imperial Council of Agricultural Research are going to recruit a good many clerks, typists, etc. ?

(b) If so, do Government propose to bring that office under the Public Service Commission ? If not, why not ?

**Sir Frank Noyce :** (a) The number of clerks and typists recruited by the Imperial Council of Agricultural Research up-to-date is 11.

(b) The matter is under consideration.

**APPRENTICES EMPLOYED IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.**

216. **\*Mr. S. C. Mitra :** (a) Are there any apprentices entertained in the Government of India Departments ? If so, in what Departments ?

(b) Will Government be pleased to furnish the House with a list of the apprentices, if any, with their names ?

(c) Is it a fact that there are apprentices in the Finance Department and in the Foreign and Political Departments ? If so, under what rules ?

(d) Is it a fact that such men are, after a certain period, always provided with some sort of temporary appointment in preference to passed candidates of the late Staff Selection Board and the present Public Service Commission ?

**The Honourable Sir James Crerar :** (a), (b) and (c). Two apprentices were employed in the Foreign and Political Department, one in the Finance Department, and one in the Home Department for short periods this year. They are not now employed. There are no definite orders against the employment of apprentices, but the practice is to allow it only in very rare cases.

(d) The reply is in the negative.

**APPOINTMENT IN THE FIRST DIVISION IN THE FINANCE DEPARTMENT OF TWO UNQUALIFIED CANDIDATES.**

217. **\*Mr. S. C. Mitra :** (a) Is it a fact that two men who were only qualified for the second division were recruited in the first division in the Finance Department about two years ago ?



(b) Is it a fact that these two men were recruited in preference to other applicants who were passed candidates?

(c) Is it a fact that these men were recruited subject to passing the first division examination? If so, were they sent up for the Public Service Commission examination for passing the first division test? If not, why not?

(d) Is it a fact that these two men have been confirmed in the first division in the Finance Department without passing the said examination? If so, why?

**The Honourable Sir George Schuster :** (a) and (b). I would invite the Honourable Member's attention to part (a) of the reply given by Sir Basil Blackett on the 21st March, 1927, to a similar question by Mr. Jamnadas M. Mehta regarding these same two appointments.

(c) The men were recruited subject to their passing the First Division examination; but they were not sent up for that examination because the Public Service Commission declared them to be qualified to be appointed to that Division without passing that examination.

(d) The men were confirmed in the First Division of the Finance Department without passing the First Division examination, for the reason stated in my answer to part (c).

#### RECRUITMENT OF THE STAFF OF THE RAILWAY DEPARTMENT THROUGH THE PUBLIC SERVICE COMMISSION.

218. \***Mr. S. C. Mitra :** (a) Is it a fact that recruitment to all the Departments of the Government of India Secretariat is done through the Public Service Commission?

(b) Is it a fact that the Railway Department is treated as a Department of the Government of India Secretariat?

(c) Is it a fact that the recruitment to the Railway Board is done independently of the Public Service Commission? If so, why?

(d) Is it a fact that several men who had failed at the first division examination of the late Staff Selection Board for a number of times were confirmed in the first division under the Railway Department?

(e) Do Government propose to hand over the recruitment of the Railway Department of the Government of India and all its attached offices to the Public Service Commission? If not, why not?

**Mr. P. R. Rau :** (a) I would refer the Honourable Member to the reply just given by the Honourable the Home Member to question No. 207.

(b) Yes.

(c) The Railway Board has been allowed to recruit qualified staff from railways as well as for special reasons from the Accounts and Finance Departments for work of a special nature.

(d) Four men have been confirmed who failed to pass the Staff Selection Board examination for the first division.

(e) The Honourable Member is referred to Mr. Parsons' remarks in the budget debate in this House on the 26th February last, in which he

gave an undertaking that as regards appointments of a purely clerical, as distinct from a technical nature, they would in future be filled, as are appointments in other Secretariat Departments, through the Public Service Commission.

#### NAMES AND EXPERIENCE OF MEN RECRUITED TO THE OFFICE OF THE CONTRACT DIRECTORATE OF ARMY HEADQUARTERS.

219. \***Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of men with commercial experience recruited in the Office of the Contract Directorate of the Army Headquarters during the last two years?

(b) Will Government be pleased to state the names of each of such men with commercial experience, together with the period of such experience and the line in which they had such experience in each case before their recruitment?

**Mr. G. R. F. Tottenham :** (a) Six.

(b) Government are not prepared to disclose the names and qualifications of the individuals concerned who are still in their service.

#### RECRUITMENT IN THE OFFICE OF THE CONTRACT DIRECTORATE, ARMY HEADQUARTERS.

220. \***Mr. S. C. Mitra :** (a) Is it a fact that a number of men without commercial experience have been recruited in the Office of the Contract Directorate of the Army Headquarters since January 1929?

(b) If so, what is the total number of such men and why were they so recruited?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) Five. They were recruited in temporary vacancies in the most junior grade, and possessed qualifications which rendered it probable that they could assimilate the necessary training in the office itself.

#### METHOD OF RECRUITMENT OF THE STAFFS OF COMMISSIONS AND COMMITTEES.

221. \***Mr. S. C. Mitra :** (a) Is it a fact that Commissions and Committees generally recruit their staff from the permanent hands of the Departments of the Government of India?

(b) Are experienced men from outside who served Government for at least one year entertained? If not, why not?

(c) Have Government ever inquired whether they can get experienced men from outside on less pay?

**The Honourable Sir James Crerar :** (a) and (b). As is suggested in the Honourable Member's question, Commissions and Committees choose their own staffs, and while no doubt they find it an advantage to select for appointment men from the Departments of the Government of India, who have previous acquaintance with the subject under inquiry, or experience of similar inquiries, I have no reason to suppose that experienced men from outside who apply are excluded from consideration.

(c) The question does not arise.  
L4CPB(LA)

# ALLOTMENT AND CLASSIFICATION OF GOVERNMENT QUARTERS IN SIMLA.

222. \*Mr. S. C. Mitra : (a) Is it a fact that the men who elected the new rates of house rent are entitled to have preference over those who elected old rates of house rent in the matter of allotment of Government quarters ?

(b) Is it a fact that, on the 16th January, 1923, as the result of a question by Rai Bahadur L. P. Sinha, the classification of the New Delhi quarters was changed from Indian and European to orthodox and unorthodox ?

(c) Is it a fact that Government quarters in Simla are still classified as European and Indian ? If so, will Government be pleased to state why this racial discrimination in matters of allotment of quarters is still being retained in the Government of India ?

(d) Is it a fact that the New Delhi quarters and the Simla quarters are under one and the same Superintending Engineer ?

(e) If so, why did he not take any action in doing away with this racial discrimination ?

(f) Do Government propose to do away with this racial discrimination forthwith ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes at Simla, but no at Delhi.

(b) No. (The New Delhi building scheme made no distinction of the nature alluded to at the time a reply was given to the question referred to in the question.)

(c) Yes. The main reason for the classification of quarters as European and Indian in Simla is that, by far the greater number of clerks' quarters are built in blocks of tenements. This is necessitated by the geographical conditions in Simla, and it has never been considered advisable to have Indians and Europeans mixed up in the same blocks. The Indian clerks' quarters cannot be said to be either orthodox or unorthodox. They are suitable for use by both classes, and as far as Government are aware, no desire has hitherto been expressed by either community that the present condition should be changed. On the contrary, it is believed that both prefer the existing classification to continue.

(d) No.

(e) Does not arise.

(f) The Honourable Member is referred to the reply given by me to part (c) of the question.

# ALLEGED RACIAL DISCRIMINATION IN THE ALLOTMENT OF GOVERNMENT QUARTERS.

223. \*Mr. S. C. Mitra : (a) Is it a fact that there are a good many Government quarters which are at a distance of only a few minutes' walk from the Secretariat which have been reserved for Europeans and Anglo-Indians ?

(b) Is it a fact that, to give preference to Europeans, the classification has not so far been changed into orthodox and unorthodox ?

(c) If not, why has the racial preference been so long maintained ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. There are 44 quarters at Kaithu, Simla, which are classed as European clerks' quarters.

(b) and (c). The Honourable Member is referred to the reply given by me to part (c) of question No. 222.

# NAMES OF MEN IN THE SECRETARIAT GIVEN THE OPTION OF REVERTING TO OLD RATES OF HOUSE RENT.

224. \*Mr. S. C. Mitra : (a) Is it a fact that the final and ultimate selection of the old rates of house rent and the new rates of house rent by men of the Secretariat was made some years ago ? Since then in how many cases was option given to men to revert to old rates ?

(b) What are the names of those who were given such option after the said final selection ?

The Honourable Sir James Crerar : (a) The reply to the first part is in the affirmative. As to the second part, two men were allowed to revert to the old rules, on medical grounds.

(b) I am sending the information to the Honourable Member.

# MEMORIAL FOR MORE PAY BY THE STAFF OF CIVIL OFFICES OF THE ARCHAEOLOGICAL DEPARTMENT.

225. \*Kumar Ganganand Sinha : (a) Will Government be pleased to state whether the memorial submitted by the ministerial establishment attached to the Circle Offices of the Archaeological Department in October 1928 through their Director General for the revision of their scales of pay has been received by Government ?

(b) What action do Government propose to take in regard to the case ?

Sir Frank Noyce : (a) The only memorials which Government have received were from the ministerial establishment of the Superintendent, Archaeological Survey, Eastern Circle.

(b) The memorials have been rejected.

# REJECTION OF APPLICATIONS FROM THE STUDENTS OF THE KING EDWARD COLLEGE, AMRAOTI, FOR ADMISSION TO THE NAGPUR UNIVERSITY TRAINING CORPS.

226. \*Mr. M. S. Aney : (a) Will Government be pleased to state whether applications for admission to the Nagpur University Training Corps from the students of the King Edward College, Amraoti (Berar), were rejected ? If so, what were the reasons for the same ?

(b) Will Government be pleased to say whether they have received any communication from the Government of the Central Provinces in regard to this matter ?

Mr. G. R. F. Tottenham : (a) and (b). Government have received a communication from the Local Government, recommending that students of the college should be allowed to enrol in the Nagpur University Training Corps. It is impossible to accept this recommendation at present, because the enrolment of subjects of Indian States who continue to reside in the territories of their respective States, is not permissible under the Indian Territorial Force Act. A Bill to amend this Act is, d2

however, being introduced this Session in another place, and is intended to make such enrolment possible under certain circumstances.

**Dr. B. S. Moonje :** Is it or is it not a fact that subjects of Native States are at present enlisted in the Territorial Force ?

**Mr. G. R. F. Tottenham :** Certain numbers have been enlisted under a misapprehension of the law. That is why the law is being amended.

#### ADMISSION OF STUDENTS AND CITIZENS OF BERAR TO THE TERRITORIAL AND AUXILIARY FORCES.

**227. \*Mr. M. S. Aney :** Will Government be pleased to state whether they propose to introduce, in the current session of the Legislative Assembly, any Bill to amend the Territorial Forces Act and the Auxiliary Forces Act, with a view to render the students as well as citizens residing in Berar eligible for admission to the membership of the Territorial and Auxiliary Forces ?

**Mr. G. R. F. Tottenham :** The Honourable Member is referred to the answer I have just given to the preceding question, so far as the Indian Territorial Force Act is concerned. There is no intention at present to amend the Auxiliary Force Act, 1920. That Act imposes no restriction on the enrolment of residents in Berar, as such, but does not permit the enrolment of any person, wherever resident, who is not a European British subject or a British subject of European descent in the male line.

#### ADDITIONAL SECURITY REQUIRED FROM SHROFFS IN THE CURRENCY OFFICE, BOMBAY.

**228. \*Mr. M. S. Aney :** (a) With reference to the reply to my starred question No. 700 (c), sent to me on the 28th February, 1929, will Government be pleased to state whether they propose to make inquiries from the Currency Office, Bombay, to find out whether the shroffs in the Bombay office were or were not required to deposit additional security over and above the insurance security required by the Code ?

(b) Will Government be pleased to state whether they propose to instruct the Currency Officer, Bombay, to refund the amount of all deposits of additional security, if such an inquiry discloses that the shroffs were required to make these deposits ?

**The Honourable Sir George Schuster :** Inquiry is being made, and a reply will be sent to the Honourable Member in due course.

#### GRANT OF A PROVIDENT FUND TO THE STAFF OF THE CURRENCY OFFICE, BOMBAY.

**229. \*Mr. M. S. Aney :** With reference to the reply given to starred question No. 380, put by Mr. Fazal Ibrahim Rahimtulla on the 4th February, 1929, and to my starred question No. 698 (a) and (b) on the 23rd February, 1929, relating to the final decision as regards Provident Fund system applied to the Currency Office staff, will Government be pleased to state what action has since been taken and when they are likely to notify their final decision ?

**The Honourable Sir George Schuster :** The Government of India propose to institute a contributory Provident Fund, on the usual terms, for the non-pensionable employees in the Treasurers' Departments of the Currency Offices. The proposal is being placed before the Standing Finance Committee, which is now sitting and, if the Committee approves, it will then be placed before the Currency Association. I hope that it will be possible to issue final orders before the beginning of the next financial year.

#### PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that thirty-four petitions, as per statement laid on the table, have been received relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February, 1927, by Rai Sahib Harbilas Sarda.

| Number of signatories. | District or Town.   | Province. |
|------------------------|---------------------|-----------|
| 30                     | Nadia .. .. .       | Bengal.   |
| 288                    | .. .. .             | Bengal.   |
| 49                     | Jessore .. .. .     | Bengal.   |
| 74                     | .. .. .             | Bengal.   |
| 5                      | Howrah .. .. .      | Bengal.   |
| 188                    | Pabna .. .. .       | Bengal.   |
| 347                    | Howrah .. .. .      | Bengal.   |
| 246                    | Cooch-Behar .. .. . | Bengal.   |
| 32                     | Rajshahi .. .. .    | Bengal.   |
| 46                     | Rajshahi .. .. .    | Bengal.   |
| 178                    | Rajshahi .. .. .    | Bengal.   |
| 212                    | .. .. .             | Bengal.   |
| 28                     | Dacca .. .. .       | Bengal.   |
| 83                     | .. .. .             | Bengal.   |
| 161                    | Rajshahi .. .. .    | Bengal.   |
| 36                     | Calcutta .. .. .    | Bengal.   |
| 85                     | Bankura .. .. .     | Bengal.   |
| 85                     | Hooghli .. .. .     | Bengal.   |
| 72                     | Barisal .. .. .     | Bengal.   |
| 182                    | Tippera .. .. .     | Bengal.   |
| 313                    | Murshidabad .. .. . | Bengal.   |
| 99                     | .. .. .             | Assam.    |
| 120                    | Faridpur .. .. .    | Bengal.   |
| 80                     | Dacca .. .. .       | Bengal.   |
| 241                    | Sylhet .. .. .      | Assam.    |
| 456                    | .. .. .             | Bengal.   |
| 68                     | Sylhet .. .. .      | Assam.    |
| 58                     | .. .. .             | Bengal.   |
| 151                    | Tippera .. .. .     | Bengal.   |
| 162                    | Sylhet .. .. .      | Assam.    |
| 58                     | Sylhet .. .. .      | Assam.    |
| 84                     | Sylhet .. .. .      | Assam.    |
| 98                     | Sylhet .. .. .      | Assam.    |
| 20                     | .. .. .             | Bengal.   |

## STATEMENT OF BUSINESS.

**The Honourable Sir James Crerar** (Leader of the House) : Sir, I desire, with your permission, to make a statement regarding the probable course of official business during the week beginning September the 9th. For Monday and Tuesday, the 9th and 10th, a joint list has been prepared consisting exclusively of legislation. Motions will be made :

To take into consideration and pass the Bill further to amend the Calcutta Pilots Act, 1859, and the Indian Ports Act, 1908, and the Bill to amend the Indian Boilers Act, 1923 ;

For the circulation of the Bill to amend the Negotiable Instruments Act, 1881, by the insertion of a new section 85-A ;

To refer to Select Committee the Indian Income-tax Act (Amendment) Bill (Provident Funds Relief) and the Indian Income-tax (Amendment) Bill ;

To take into consideration and pass the Indian Census Bill ;

To refer to Select Committee the Indian Railways Act (Amendment) Bill ;

To take into consideration and pass the Soft Coke Cess Bill and the Cantonments House Accommodation Bill ;

To refer to Select Committee the Bill to define and amend the law relating to the sale of goods and the supplementary Bill in connection therewith to amend section 178 of the Indian Contract Act, 1872 ;

To re-commit to Select Committee the Indian Income-tax Act (Bogus Companies) (Amendment) Bill ;

To refer to Select Committee the Bill to amend the Negotiable Instruments Act, 1881 (sections 13, 16, 35, etc.), and the Dangerous Drugs Bill.

On Wednesday, the 11th, any business left over from the 10th will be taken first, and thereafter motions will be made to take into consideration and pass the Bill to amend the Transfer of Property Act, 1882 and the supplementary Bill in the same connection.

On Thursday, the 12th, will be taken any business left over from the 11th.

## THE HINDU CHILD MARRIAGE BILL.

**Mr. President** : The House will now resume further consideration of the following motion :

" That the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be taken into consideration "

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadan, Rural) : Sir, I wish to give a definite vote for the original motion and therefore I do not like to give a silent vote. It is better to be despised for the views I express on the floor of the House than be misunderstood on the floor of the House as well as outside by giving a silent vote. I will straight away say that I wish to support the original motion that

the Bill be taken into consideration (applause). I must say, at the same time, that I do not support the Bill exactly as it stands, because I have myself put in a number of amendments to amend the Bill. I may say in general that the Bill may not be acceptable to me if most of those amendments, which are in my opinion very reasonable, are not carried out by this House. But the point at this stage is that the amendments cannot be reached if the original motion is rejected ; and for the sake of those who want the Bill as it is as well as for the sake of those who want an amended Bill, the original motion must be passed and the Bill should be proceeded with. I will simply say this, give the Bill a chance. That reminds me of a very wise caution board put up by the side of a lawn in England by a thoughtful gardener. On that board, he did not say, " Don't trample upon the grass " ; but he said, " Give the grass a chance to grow ". Applying the same wording to this Bill, I will not say, do not trample upon the Bill, for I know even the opponents of the Bill do not want to trample upon it ruthlessly or unnecessarily ; I will simply ask them to give the Bill a chance, a fair chance. That is all I am asking. Again I must say that if when that chance is given—I do not say this as a threat—I must express my sincere conviction, if none of the amendments which I consider reasonable are carried out, and if by the sheer force of majority the Bill is taken right up to the end without any of these reasonable modifications being made, then, I shall not say what I will do, but I shall say that I will reserve the right to do what I like best under the circumstances. (Laughter.)

**Mr. President** : He has always the right to reserve.

**Mr. N. C. Kelkar** : This is a very serious and even a very solemn occasion at least for a man in my position, and I carry on this occasion on my shoulders a full sense of responsibility in what I am doing. This question obviously bristles with thorns and angularities arising out of a feeling that religion is affected and so on. On the other hand we have got the utilitarian solicitude for the social welfare of the people. And therefore a clear cut way has got to be found out between these angularities and these thorns so that I may achieve the end I have in view as well as not injure or bruise myself. I have got in my mind a three-fold duty which I must perform. My first duty I think, under the present circumstances, is to my own individual conscience, and I have absolutely no hesitation in saying that the principle of the Bill is one which I can support in all conscience. But at the same time, I can not forget that I am here in a representative capacity, and therefore I have got to look to the conscience or the opinion of my electorate as well. In that respect, however, I find that I am in a somewhat more fortunate position than my Honourable friend, Mr. Neogy, over there. For though personally he is not against the Bill, he is perfectly right in obeying the mandates of his electorate. In my own case, fortunately I have got no such mandates. I can at this distance only guess what my electorate may be feeling in the matter. However, I may mention I have got one telegram from a taluqa Hindu Sabha meeting which asks me to vote against the Bill.

At the same time this is the only telegram or the only mandate that I have received, and therefore I think I can make one of three alternative suppositions. The first is that my electorate is in favour of the Bill,

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which is of course to their entire credit, but I do not make that supposition. Then my electorate may be indifferent to the Bill, and the third alternative, which is perhaps creditable to me, is that they trust me to do the right thing on the spot.

In supporting this motion and giving my general support to the Bill I must say, at the outset, that I have the greatest respect for the opinions of the opponents of the Bill, but I must have respect for my own opinions as well, and therefore I have no hesitation in supporting the Bill, though I find that they oppose it. At the same time I must say that, judging by the public opinion in Maharashtra, I can say this at least, not necessarily that they are in favour of the Bill, but I can positively say that enlightened public opinion, or even public opinion among the electorate, is in favour of the particular social reform that has been taken in hand. I make that distinction quite clear. Perhaps many of them may not be in favour of the Bill itself, but it is to a certain extent sufficient for my purpose here that I may reasonably presume them to be in favour of the particular social reform that is embodied in this Bill. And in a case like that, when I can make certain presumptions about public opinion in my electorate, and I have got no specific mandate to vote against the Bill, I can do what I think best. Here is a case like the one that has recently arisen here. It has been pointed out, and it has been found out in fact, that there can be no express provisions in the rules and regulations of this House to guide the President to give his rulings on any imaginable question that may arise. I am also in a similar position. The question of this particular Bill was not before my electorate when I stood for election, and we all know that only on certain presumptions people are sent to the Councils, and when questions like this come up on the spur of the moment, one has got to do his best. There can be no exhaustive mandate given at the time of elections for all possible and imaginable questions that may come up in the course of the life of the Council.

I am perfectly aware, Sir, that I was one of those who were opposed to the Consent Bill in 1891. But I will only say this, that much water has flowed down the rivers since then, and in this respect that this Assembly is now a more representative body than it was before in 1891. There were practically no elected people in this House, no people who voiced the popular feeling here. On the other hand we have now got a fair representation of the Hindu community as Members of the Assembly and therefore I think this House is sufficiently representative to consider a question like this.

(At this stage Mr. President vacated the Chair, which was taken by Pandit Madan Mohan Malaviya.)

Then, there are some further considerations. This, Sir, is not a Government Bill; it is a private Bill. Then, again, it has not been introduced by a non-Hindu, but it has been introduced by a Hindu. On that point, however, let me say that, even the non-Hindus have, of course, a right to vote for the Bill, but they may not like to vote on a Bill like this because it is a communal or sectional Bill. They may please themselves. (Voices: "It applies to all".) As regards the Muhammadans, their position was made absolutely clear yesterday by my Muhammadan friend over there. They do not say that they are absolutely opposed to the Bill

on the merits or on principle, but that they are not yet agreed on the course they should adopt. It is for them therefore not to oppose the Bill, but to support it as much as they can. As for Government, I will say this, that in a matter like this I will only expect them to be generous and not to issue a mandate to their nominated Members, or even to the official Members. It is not a matter to be decided by official discipline, and even for the sake of my opponents, I expect that Government will give a free choice to the Members on their side.

Then I come to consider the merits of the Report of the Select Committee, and I will tell the House why I plead for the Report of the Select Committee being taken into consideration, and in doing so I will take up the analytical method of dealing with it. This Bill was twice referred to Select Committee and opinions have been elicited on the Bill from all quarters, at least paper opinions. I cannot say anything about the complaint that sufficiently representative witnesses did not appear before the Committee. Whether it was so or not, some of the Members here who were members of the Committee will explain, but I have got nothing to say about that. I will only say this, that apart from the Bill being twice referred to the Select Committee, opinions have been elicited in the usual manner on this Bill. Due publication also has been given to it. Then the Select Committee was sufficiently representative. In the first place I will say that it is not a fact that any new names or other additional names were proposed for the Select Committee and were rejected. This Committee of 18 people was unanimously accepted by this House (Cries of "No", "No"). In any case I take the Select Committee consisting of 18 people to be a sufficiently representative body. The personnel shows that there were three Muhammadans on it, two Europeans, one Anglo-Indian, one Indian Christian and eleven Hindus; and from the Hindu point of view, I think it was sufficiently representative, especially as our greatest Hindu leader was on that Committee, namely, Pandit Madan Mohan Malaviya. He is a Hindu of Hindus in India, than whom no more respected Hindu exists in this country.

Now, with regard to the Report of the Committee, we find that there are certain minutes of dissent on that Bill. I will first of all keep out of consideration the two European members, the one Anglo-Indian member and the one Indian Christian member who have not given any minutes of dissent. But on the other hand, I admit that these people belong to a very highly advanced community, who are not likely to express any dissent upon the Bill. Therefore I do not lay much store by their not giving minutes of dissent. As for the Muhammadans they have, in their Minute of Dissent, stated that they do not intend to apply the Bill to their community. Therefore they are out of court as far as the scanning and analysis of the Report of the Select Committee is concerned, but again I say that they do not oppose the Bill on principle even in their Minute of Dissent. Out of the 11 Hindu Members—my calculation may be wrong—there were six Hindus of well known advanced views in social matters and five about whom that sort of description could not be given; but in any case these 11 were sufficiently representative of the Hindus on the Select Committee. Some of them were of advanced views, and others I may describe as either orthodox or semi-orthodox. That covers the whole list.

[Mr. N. C. Kelkar.]

Now, Sir, what about the dissenting minutes that have been written by the Hindu Members? The Hindu Members who hold advanced views have not written any dissenting minute. Only four gentlemen have written dissenting minutes, of whom I may describe two as of advanced views, and the remaining two as orthodox or semi-orthodox. Among the semi-orthodox or orthodox I may include Pandit Madan Mohan Malaviya and Kumar Ganganand Sinha; and the two whom I may describe as of slightly advanced views are Pandit Nilakantha Das and Mr. Bhargava.

I shall now go through their minutes to find out what is really contained in them. Is their objection based on any ground of principle? I shall first take Mr. Bhargava. His objection is based on the ground that the procedure mentioned in the Bill is not what it should be. He objects to the burden of proof being thrown on the other side, that is, on the accused himself. I entirely agree with him in that, and I have handed in an amendment to that effect. He has also said something about sureties and about registration of marriages. That disposes of his minute of dissent.

Then I come to Pandit Nilakantha Das's minute. I cannot make much out of the first part that he has written. In the second part he mentions what is a matter of inconvenience, not a matter of principle or of religious sacrilege. He says—and I quite admit the point of the complaint—that there may be instances where a poor man may require to marry two girls together, or a dying parent may like to see the child married before death for various reasons, and other cases of like nature. Constituted as our society is at present, things like that may happen, and if there is going to be any amendment brought forward in respect of any exemptions to be provided in the matter of the operation of the Bill, I am one of those who will support that exemption. I think in the Baroda State Act, governing this very subject, there is provision for exemption; and I do not see why a similar provision should not be inserted in this Bill. The point is that we do not want to inflict any hardship on any class of persons; and I therefore think we should provide for some measure of relief, some sort of exemption in respect of those for whom it may be said that it would be very hard lines for them. We need not be so harsh upon the whole community. Mr. Nilakantha Das's objection is confined only to that. He says that some room should be given for such hard cases, and suggests the authorities who should have the power to give such exemption. His objection is based on the ground of procedure—not of principle: he does not bring in religious sacrilege nor the question of coercion of a class of society. He does not object to any of the principles embodied in or underlying the Bill.....

**Mr. D. V. Belvi** (Bombay Southern Division: Non-Muhammadan Rural): How could that be done? The Select Committee cannot go back on the principle of the Bill.

**Mr. N. C. Kelkar**: Those principles were such as were accepted by the House itself; we accepted the principle of the Bill when it was committed to Select Committee, so those principles are binding on us. Then, I take Kumar Ganganand Sinha's minute. He bases his dissent on the ground of age. It is perhaps a question whether that can be called a matter of principle; but I will assume for the present that it is a matter of principle, though strictly speaking it is a matter of detail; for supposing the age is brought down from 14 to 13, or from 13 to 12, or from 12

to 11, then it ceases to be a matter of principle. Therefore the age is not the principle in this matter but only the legal provisions which may operate to coerce the population. In any case, Kumar Ganganand Sinha makes no reference to any religious tenets being violated. He mentions age, and of course he may be presumed to say that if the age is brought down to 12, no religious mandate will be violated. As I shall subsequently show, that is a matter of opinion rather than of fact.

Lastly, Sir, I come to the very important minute of dissent of Pandit Madan Mohan Malaviya. He also, like Kumar Ganganand Sinha, would like to fix the age at 12, though he himself has proposed 11. If that is passed, then perhaps he has got no other objection to the Bill itself. He makes no suggestion as regards procedure or the other clauses of the Bill, including the clause providing for punishment.....

**Kumar Ganganand Sinha** : (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan) : He is against imprisonment.

**Mr. N. C. Kelkar** : Quite right and I will say that I agree with him entirely on that point. I also agree with him when he says that the line of least resistance should be adopted in this matter by all those who want it to be a success. Taking his minute, therefore, as the strongest and most representative on this point, it appears that he dissents on the ground that the age is 14 and not 12 and that the Act is perhaps a little more harsh than it should be. These are his only two grounds.

Therefore, Sir, I would sum up the issues thus. There are three points: one is that the Bill is an interference with religion; the second is that it amounts to coercion of social classes; and the third is that this Legislature is not competent to deal with the Bill. But except the first point, no objection is taken on the second and third points in any of the minutes of dissent. No one has spoken of the coercion of the social classes; neither has any one spoken of the incompetence of this House to deal with the Bill. The only point to be considered is whether fixing the age at 12 would necessarily mean religious sacrilege. But as I have said that is a matter of opinion. I shall now deal with the objection that the Bill amounts to coercion of social classes. That is perhaps the greatest objection that has been taken to this Bill. In this matter I want to use the very minute of dissent which wants to fix the age at 12 against this argument that the Bill amounts to coercion of social classes.

Let us suppose for a moment that, instead of 14, the Bill provides for 12. Then what happens? See what a miracle at once is achieved by the marriage age being brought down from 14 to 12. It is not a matter of social coercion. Then it becomes at once a necessary measure, a measure of national importance, a humane measure. It does not violate religion; it causes no inconvenience to any class; it causes no coercion, and even if coercion is caused by the reduction of the marriage age limit to 12 then such coercion will be justified. That is the direct inference that can be drawn, and this applies, of course, to girls who are below 12. Imagine for a moment that this House accepts the age of 12. What about those classes in which the girl is married at the age of 11? They will say we must have freedom, and the objection about the coercion of social classes relates more to the liberty of opinion and action rather than to religious principle. Now, take the case of girls who would be married at 11, 9, 8 and so on. Our friends Pandit Madan Mohan Malaviya and Kumar



[Mr. N. C. Kelkar.]

Ganganand Sinha would not object, if the age 12 is conceded, to coerce the other social classes among whom the practice of child marriage to the extent of 11 obtains at present. Therefore, I take it that no objection remains on that ground except that of social or religious sacrilege. Therefore, the field of conflict and the objection about coercion, etc., is narrowed down to a very small compass, namely the ages between 12 and 14. There is nothing else that remains objectionable in the Bill. Therefore, let us consider the case of this margin between 12 and 14. I will first of all see whom this Bill will not affect. Supposing the age is fixed at 14; there is a definite class to whom the Bill does not apply, and they will not be coerced. That class is a class among whom marriages are performed after 14. They are not affected by this Bill at all. They are not affected by the minimum age being fixed at 14, because among them already marriages are performed after 14, and the appendices to the Report showed me that the percentage of this class of girls, I mean girls who are married after 14, forms about 45 per cent. of the total female population. (An Honourable Member : It is about 50 per cent.)

I am thankful to the Honourable Member for the correction. My calculation showed me that it was only 45 per cent. Anyhow, if this Bill is passed, it will not apply to that 50 per cent. of the female population. Then to whom does it apply? It will apply to classes marrying below 10 and these form about 15 per cent., and my friends Pandit Madan Mohan Malaviya and Kumar Ganganand Sinha would be prepared to coerce these classes, because the practice of marrying girls below 10 obtains among them. If the age is fixed at 12, they have no objection to the Bill being made applicable to those classes. Therefore, from the point of view of conflict and reconciliation of interests, these two classes I would straight away take out. The 50 per cent. to whom the Bill does not apply, and the 15 or 20 per cent. whom my friends are prepared to coerce, may be taken out.

(At this stage Mr. President resumed the Chair.)

Therefore, we are at one with them. Both of us are prepared, in the national interest, to coerce this class of people to reform themselves and to marry their girls at a later age. Therefore, the only question that remains to be decided is about the classes who marry their girls between 12 and 14. This class comes to about, I suppose, 30 or 35 per cent. Now, when 65 per cent. or 75 per cent. of the female population is thus taken away absolutely from the operation of the Bill, let us consider the case of about 30 per cent. who remain and who will be affected by the Bill. But *ex hypothesi*, if they already marry their girls at 12, what harm is there in their going a little further and marrying their girls at 14? They are advanced already, because they do not marry girls below 12, and between 12 and 14 the difference is only of two years, and therefore they may make up their minds to come into line with the others.

But some of the objections of my friends are based on Shastric injunctions. They say that, by marrying girls after puberty, they would be violating the Shastric injunctions, but straight away I say I join issue with them in this matter. I am no classical authority; I am no religious authority; certainly not; but I have taken some interest in these matters for a number of years. I have heard discussions on this topic by

erudite sanskrit pandits. I have attended, nay I have even presided over meetings held to express opinions about the Resolutions passed at the Akola Conference in the Brahmin Sabha, as well as the Resolutions passed by the All-India Brahmin Conference at Benares, and there was a consensus of opinion in those meetings that the marriage age of girls should be raised; the public opinion in those meetings was in favour of a late marriage. I do not say that the public opinion was in favour of violating the Shastric mandates, but it was definitely in favour of making the marriages at a late age. But with regard to the arguments that religious mandates will be violated, I say I am prepared to join issue with those gentlemen who adduce such arguments and say that our Shastras and Smritis necessarily demand early marriage or even marriage before puberty. Sir, this is not the proper place to go into details or arguments about it. I am one of those who have got the highest respect for Smritis, but I do say this, that Smritis are in conflict with each other, and therefore what the elite of the enlightened people of the time, what the progressive people of the time determine must be the governing factor even in religion.

“*Shrutir vibhinna Smritiyashacha bhinna,  
Naiko muniryasya matam pramanam ;  
Dharmasya tatwam nihitam guhayam,  
Mahajano yena gataha sa pantha.*”

Sir, in olden times we know that when the Kings wanted to get the rules interpreted, they used to call disinterested Pandits and Brahmins. We here are also disinterested Brahmins. We are not in favour of this legislation for any personal aims. We are absolutely disinterested, and though we might perhaps be a little more progressive than some others are, I claim this, that we have at our heart the largest national interest possible. I may be committing an error in supporting this Bill, but I will lay this unction to my soul that I shall be committing that error with a larger view of the national interest of this country. I suppose nobody can say that I am giving my vote with any personal aims. I have already said that I bow in all humility to the opinions of the opponents of this Bill. All I want to point out is that this is a debatable matter. The opinions are not unanimous on this point, as I have already pointed out.

Then again I will come to the most important point on this matter. I admit, for the sake of argument, that the Shastras want pre-puberty marriage. But who doubts that even the Shastras give some relief for any violation in their injunctions? Supposing an error is committed, the Shastras suggest a *prayaschitta* to the man who has committed that error. By *prayaschitta* the man who commits the error loses nothing; he is re-admitted into society. That is a very important point. Admitting for the sake of argument that there is some violation of the religious principles on the ground that marriage is performed after puberty, even then the Shastras lay down that there is purification by *prayaschitta* and we know how *prayaschitta* is easy and less costly than the fines embodied in this Bill.

Mr. M. S. Sessa Ayyangar (Madura and Ramnad cum Tinnevely : Non-Muhammadian Rural) : Not for voluntary sins.



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**Mr. N. C. Kelkar :** That also is a debatable point. You can never expect unanimity on this point in this House or even outside it. You can rest assured of that. Therefore, the trap door of relief and redress is left open even by the Shastras, and those who think that they are made to violate the Shastras and religion by this law, may use that remedy of *prayaschitta* and come back into society. Even if it is a sin, it is a sin for which expiation is provided. *Prayaschitta* is not costly. No one is made an outcast in these progressive days even if girls are married after 14. I can take any Member of this House from village to village and point out this stern fact to him that in particular cases in that village girls have been married after 14. There is no sense of violation of religious principles, and they are no outcasts on that ground. Things are going on as smoothly as anything, the reason being that society is intensely progressive now-a-days and is intensely tolerant also.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : So no legislation is wanted.

**Mr. N. C. Kelkar :** There remains only the case of the conscientious objector. Even if I say that a *prayaschitta* is provided for, the conscientious objector may say, "I do not want to avail myself of that *prayaschitta*. I have got a much more dignified view of religion than you gentlemen possess. I have a conscientious objection on the ground of religion." Then what happens is, that we come to a deadlock, a kind of stalemate, and there is no way out of this. If the conscientious objector does not wish to avail himself of the eight-anna *prayaschitta*, an easy and less costly relief than is provided in this Bill, then he is welcome to take the consequences of the Bill. When I say that, I am perfectly conscious in my mind that that sort of remark of mine will apply to only a very few cases. There will be at any time very few conscientious objectors who will regard themselves as polluted by marrying their girls after puberty. Nobody among the progressive and enlightened classes is going to complain that this Bill has been passed ; and as for those people who are ignorant, uneducated and therefore marry their girls even below the age of 10, as I have already pointed out, my Honourable friend Pandit Madan Mohan Malaviya and my Honourable friend Kumar Ganganand Sinha are at one with me in coercing these people and bringing them into line with the advanced classes. Therefore, that objection does not hold good. With regard to the conscientious objector, I will say he is welcome to go to jail and learn a little bit of jail life. If one is prepared to non-co-operate in politics, one should be prepared to go to jail for the sake of one's conscience and one's religious beliefs. After having discarded all the doors of relief that I have pointed out by my finger, this, that and the other,—even after that when he is not persecuted, when he is not made an outcast, when there is the remedy of *prayaschitta*, when he is tolerated and maintained in his own status and position in society—even after that if he says, "I am a conscientious objector on the ground of religion", he is welcome to take the consequences, and I do not think I am concerned to care for this sort of gentleman, not because I have no respect for him,—I bow my head to the conscientious objector, because we see in the matter of vaccination, people undergo punishment and pay fines and do not vaccinate themselves because they have a conscientious objection. Similarly also in political matters we disobey the laws because we do not like them. Similarly in a case like this I think they should, in the last resort, accept the conse-

quences of the law, and in that respect also I am going to make the law as gentle and as little harsh as possible to them. After supporting the original motion, my next step will be to make the law as gentle as possible to the conscientious objector.

**Mr. M. K. Acharya :** You won't succeed.

**Mr. N. C. Kelkar :** That is another matter.

**Mr. President :** The Honourable Member must make room for the next speaker.

**Mr. N. C. Kelkar :** I have only one more point.....

**Mr. President :** It is now 40 minutes.

**Mr. N. C. Kelkar :** I think the real difficulty is there is no clock in front of us.

**Mr. President :** Honourable Members are aware that there is a large number of speakers who desire to take part in this debate. I reminded Honourable Members yesterday, and I remind them today, and I hope no Member will exceed fifteen minutes.

**Mr. N. C. Kelkar :** In concluding I will only mention one point, and that is the point of the benefits which are going to accrue to the people. In the first place, it saves a lot of widowhood. I have got figures to show in how many cases widowhood is caused on account of there being early marriage. Then there is the increased scope for education. We are demanding adult suffrage both for males and females. Women are already our voters ; they are appointed to high offices ; they can become Members of Legislative Councils, and *ad hoc* Commissions also. Is it right that we should say that they should not have the necessary opportunities for education ? And how does education and expansion of education go with early marriage—can any one tell me that ? The question is, can all this be done by propaganda or by the Bill ? It can be done by propaganda, and that is being done, but I think that more can be done by strengthening the propaganda by a Bill of this sort, and for that reason I support the original motion for the Report of the Select Committee being taken into consideration.

**Mr. L. K. Hyder** (Agra Division : Muhammadan Rural) : Sir, I rise to support the Bill brought forward by my Honourable friend Rai Sahib Harbilas Sarda, and to oppose strongly, clearly, without reservation or equivocation, all amendments, all efforts which will destroy the little social good that is embodied in that Bill. I have listened with great attention to the speeches delivered by the opponents of the Bill, and to me it is a revelation—the attitude which some of the Members have taken up. My Honourable friend, my very orthodox friend from the South, wants more evidence, more deliberation, as if the evidence of centuries were not enough. My Honourable friend wants more figures, as if the figures collected during the last sixty years by the writers of the census reports were not enough. What is the story unfolded in these figures ? The very tragic story of child wives, child widows, early deaths, high birth rates and high death rates, and from the qualitative point of view, the gradual deterioration of the race. If that evidence is not enough for him, I do not know what more evidence will satisfy him. If he has not lost his vision, and his ears and heart are not sealed up, let him come with me and I shall show him visual evidence, not the evidence of figures. Let him come to the hamlets of India at evening time and see the lighted fires.

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[Dr. L. K. Hyder.]

What are those fires ? They are the funeral pyres—of little girls who have been sent from the nuptial bed to the funeral pyre. That is the evidence that will convince him, and if that will not convince him, I do not know what else will convince him. It is useless to say that you want more time and more deliberation. A friend of mine tells me that he belongs to a community which does not observe the custom of early marriage. He is an honourable gentleman. He shows a great deal of public spirit. He says that it does not matter because he is alright and there is nothing wrong with him. It reminds me of a man who went to church and prayed " Oh, Lord, save me and my wife, brother John and his wife, us four and no more ". The Brahmins, the Vaidyas and the Kayasthas of Bengal, because they are literate, because they have a greater command of worldly possessions, have freed themselves from this evil, but the cultivating classes of Bengal and those classes which want to force an entry into the fold of religion are to be kept out and not given the benefit of an enlightened piece of legislation.

Then, Sir, there are some gentlemen who say that it is not at all desirable that the State should interfere with religion. I will say this : that many of the things which come up before us in this House deal with the facts of social life and with social phenomena, and I ask gentlemen to consider whether they would subscribe to this doctrine that the State cannot interfere in a matter of this kind. If that were so, then a large part of those things which would increase the well being of the people of this country would have to lie outside and would not come up before this House. Then, Sir, it has been said by some, " Apply this law to others, but do not apply it to us ". That, Sir, is also a dangerous doctrine. Laws are passed by the State and they apply to all the nationals of the State. There is no exemption in a modern State. Laws apply equally to all the nationals and all the subjects of a State. So that point is ruled out on that ground. If there is an evil, surely what is bad for one section of His Majesty's subjects is equally bad for another section of His Majesty's subjects. I look at the matter from a more worldly point of view. It has been said that marriages are made in Heaven. I do not hold that view and I cannot shut my eyes to the fact that the principal agents arranging a marriage, to take an example, would be, Mr. Acharya and his wife and Mr. Aiyangar and his wife, settling matters relating to age, beauty, *stridhan* and other things of that kind. These are all material things, things which are of this world, and have nothing to do with the other world. Sir, this measure attempts at minimising one of the evils, namely the practice of child marriage. All the European countries have secular laws and no evil has come out of them.

**Mr. M. K. Acharya :** No evil ?

**Dr. L. K. Hyder :** None whatever. One particular writer has said that the custom of early marriage is characteristic of primitive tribes, for instance, the bushmen of Australia and the Hottentots of Africa. I ask, Sir, whether Honourable Members living in this century are prepared to subscribe and give their support to institutions which would place us on an equality with primitive races. If so, I cannot for the life of me think what can become of our other efforts in other spheres. We cannot be astronomers and astrologers at the same time. It can be only one thing.

There is no doubt about it that it shall be only astronomy and not astrology.

Sir, I had occasion, in the last hot weather, to examine, the answers of students coming from the whole of the United Provinces, the whole of Rajputana and the whole

of Central India to a question in which they were asked to account for the high rate of mortality among infants. I found, Sir, that one and all, about 1,200 young men, attempted to answer that question, and they said that one of the principal causes of this high mortality was this practice of child marriage. There is more and more evidence to this effect coming from the Universities. Universities in the United Provinces and some colleges in the Punjab have adopted a rule in which they lay down the conditions of admission, and one of the conditions is that they shall not admit a married student who is of a certain age. Sir, things are moving outside.

**Mr. M. K. Acharya :** Then why do you want legislation ?

**Dr. L. K. Hyder :** We require legislation in order that the spirit of obscurantism may be removed from our people. Well, Sir, there are a number of other things also included in the qualitative aspect of the population question. You will have to consider in the future, what is it that you want. Quantity or quality ?

**Mr. M. K. Acharya :** One of the things we want is the quality of the race.

**Dr. L. K. Hyder :** Then you are the man who ought to be on this side of the House against this practice of child marriage, against breeding too many, against breeding too early and sending them to a very early grave. If my Honourable friend is concerned over the welfare of cows and would therefore have a better kind of cow, why not then a better kind of human being. There is physiological evidence for it, only if you do not seal your hearts or ears against it ; and this question, Sir, is a question which is of vital importance to this country.

**Mr. President :** The Honourable Member has only one more minute.

**Dr. L. K. Hyder :** We shall have to decide whether we are going to have among our people persons who are individually as well as collectively incapable and inefficient. If we want a better kind of rice, a better kind of wheat, a better kind of jute plant, surely it is up to us to breed up and not to breed down. Apply the same principle to human beings. They say that science can give no lead whatever. That was the remark made by my friend, Mr. Neogy. Well, Sir, science does throw light on it and that light is this, that definite physical defects are transmitted, and one definite physical defect which we find here is that of consumption, pthisis. If a little girl, who ought to be playing and skipping about, has to function at a tender age as the mother of the race, well, Sir, science says, " The function is too great for her ", and she suffers, and she transmits her defects. What science does not tell us is how, in what way, the diverse characters are transmitted, but there is a large presumption, and that this, that just as in the case of plants and animals, similarly in the case of human beings, you can grade up the quality. Sir, I give my wholehearted support to this measure, and I say that it is time that we, notice the forces at work outside, everywhere, seeing the Chinese cutting their pigtailed and discarding the practice of having small feet for their women.

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[Dr. L. K. Hyder.]

and finding other Oriental nations also, whether they like it or not, doing away, in one way or another, with many of their institutions, came round to the view that it is high time for us to discard some of these practices which do not conduce to the well-being of our people. (Applause.)

**Mr. E. L. Price** (Bombay : European) : Sir, it might be asked why do I, a European, rise on this subject ? In the first place, Sir, because I am a man, and I share the feelings of common humanity,—“ One touch of nature makes the whole world kin ”—and in the second place, if I be segregated here, in my own home-town, I am not segregated there ; I am a man and a citizen, and so I realise to the full the earnest desire of my fellow-citizens for reform in the direction indicated by this Bill. Sir, there is not one of my fellow-citizens in Karachi but would expect me to give my support to this Bill, and I hope not to fail them. I come from the most enlightened Presidency. (Hear, hear.) We have been afflicted lately with grave misfortunes, some arising from the wickedness and folly of man in Bombay proper, (laughter), and now in Sind there have been misfortunes which are the visitation of God, first cholera and then these floods. But for all these misfortunes, the white light of faith has never burnt dim in the Bombay Presidency. Never have we faltered in the high hopes of our destiny in the future as one of the most advanced provinces, and I claim, Sir, that in such a matter, the opinion of the Bombay Presidency must carry great weight even here. (Applause.) And what is public opinion in the Bombay Presidency ? Sir, you will find it hard to put your finger on a spot where that opinion is not in favour of this Bill.

**Mr. D. V. Belvi** : Question.

**Mr. E. L. Price** : If you go to Sind and Karachi—excepting the Commissioner in Sind, an official whom I do not think the Benches opposite will be very willing to follow—you cannot find any one, either among officials or the public who has one iota of ill-will to this Bill. Opinion is unanimous.

Now, Sir, I am not dealing with transcendental philosophy, but with the ugly facts of every day life, with the world we live in which is often nearer Hell than Heaven. I make no pretence to say that Karachi lives on one plane and that the highest. On the contrary, we have our faults, and we are making them known continually to one another, in a brotherly way. But we have at least this virtue, that I can challenge anybody here to find in Karachi a thinking man or woman who would wilfully protract the sufferings of children. I insist on the word “ children ”. Look at the evidence given in Karachi about these child wives, the records of Hospitals and Criminal Courts. A child wife of 11½ years of age is raped by her “ husband ”, a man of 32 years,—gravely injured requiring hospital attention ! A child wife between the ages of 11 and 12 years raped by her “ husband ” (save the mark !), a man of 28, involving her death, and there are half a dozen similar cases lately tried in the Sind courts. All the world knows that for every one such case brought to justice there are 50 cases where the child's sufferings go unavenged. (Voices : “ Thousands. ”) The crux of the matter is that, despite the limit of age for consent in the Penal Code, so long as there is no limit to the age of marriage, no national marriage law, children, female children of tender years will be looked on as fair game for sexual practice. That vile point of view has got to be eradicated, and this Bill will possibly help to do it. After all, it has never approved itself to

[Mr. E. L. Price.]

anything that hurts the feelings of any Member of this House, not, doing be remembered that he who strikes a blow in defence of another Bill will not, doing may well be excused if he strikes hard. (Applause.)

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : Sir, (Applause.) the clear enunciation of policy made by my Honourable friend Dr. Hyder. Dr. Hyder comes from the University of Aligarh, the seat of Moslem learning and culture. The message that he has given to this House will radiate from here to all stations in India and bring home to the youth of India a new message of hope and charity. It will also rally most of the Moslem waverers in support of this Bill. This is a hope which I fervently express.

The Bill which is now before the House reminds me of many more legislations of similar character already considered. The first I can recall was the Consent Bill of Sir Andrew Scoble, and the second was the Age of Consent Bill to which reference has been made by my friend Mr. Kelkar. The third one was a Bill introduced by the late Mr. Bhupendranath Basu, whose name is well-known to the Members of the House, dealing with the special Hindu marriages. And the fourth one was the Hindu Marriage Validating Bill, with which the name of our President will ever be associated. What was the kind of response which these Bills received? The same sort of reception portrayed by Mr. Acharya and by my Honourable friend Mr. Neogy. In those days most of the opposition came from Bengal. Bengal then had ceased to be for the time being the home of liberty of thought, liberty of conscience, the home of light and culture and of reform movement at the time when the first Age of Consent Act came into being. When my Honourable friends Mr. Neogy and Mr. Amar Nath Dutt spoke on this Bill, I, as a man coming from Bengal, felt humiliated. My Honourable friend Mr. Dutt will not even look at the Bill because the Committee appointed by an alien Government has reported upon it. My Honourable friend Mr. Dutt forgot for the time being that Mr. Harbilas Sarada was not a member of an alien bureaucracy. He is really a native of the soil; he comes from Rajputana, which we all know, and the Bill is not the product of an alien Government.

Then, Sir, what about the Select Committee to which my Honourable friend Mr. Kelkar paid an eloquent tribute? That Select Committee was not the creation of a Satanic Government. It was the creation of this legislative body. He also forgot that for the time being. Lastly, Sir, the Committee, I am very sorry to say, has been very adversely criticised by my Honourable friends Mr. Amar Nath Dutt and by Mr. Acharya. On that Committee, representing the Congress Party to which my Honourable friend Mr. Dutt belongs. Mr. S. C. Mitra, to whose sincerity of purpose and to whose devotion to duty, I can pay a well-merited tribute. The Nationalist Party was represented by Mr. Thakurdas Bhargava, an ardent scholar of social reform well-known all over Northern India. Who else were there? Sir M. V. Joshi, a Liberal of Liberals, a man of great political acumen, a trained lawyer and administrator, and one who is well-known to us. I will only mention two more names. Rai Bahadur Pandit Kanhaiya Lal a Judge of the Allahabad High Court, whose name is well-known to Padit Madan Mohan Malaviya, one than whom a more distinguished son of Hindu culture could not be found. Only one word about the European doctor, Mrs. M. O'Brien Beadon, a member of the Women's Medical Service, than whom a woman more acquainted with the

conditions of women's life in India it would be difficult to find today. These are the people who reported on the Age of Consent Bill. I was very glad that the Honourable the Leader of the House defended them in eloquent terms, and as a witness who appeared before them, it is my proud privilege to defend them. A better committee could not have been chosen and a better Report could not have been obtained.

Now, I come to my Honourable friend Mr. Neogy with whom I rarely disagree. He and I have been friends for many years, and the tribute which Mr. Price paid to him is entirely and whole-heartedly shared by me. Mr. Neogy has been carried away by a misrepresentation. Mr. Neogy is one of the most sincere workers I have ever known, but in this particular case I cannot help feeling that he has been misled by the orthodox tyranny of East Bengal, and particularly from my district, of which he is the elected representative. (Hear, hear.) The position which Mr. Neogy voices is the position which existed in 1882. I will now read an extract from the speech of Sir Andrew Scoble. This is what he says on the motion pressing for the consideration of the Age of Consent Bill, 1882 :

"The discussion which has taken place with regard to this Bill during the last ten weeks has had many good effects. It has shown, among other things, that outside Bengal, there is very little real opposition to the measure; that in Bengal itself the extent and importance of the opposition have been by no means so great as has been represented, and that as regards the objections raised to the Bill, its supporters have everywhere had very much the best of the argument."

Precisely the same conditions exist today. I want to know who were those who received those postcards and letters protesting against the Bill, which my Honourable friend Mr. Neogy produced yesterday. My Honourable friend Mr. Neogy has prided himself that he belongs to a community which is not affected by the Bill. Might I ask Mr. Neogy to remember the agitation which followed the passing of the Age of Consent Bill? Who was the promoter of the organisation which led the opposition to that Bill? A gentleman well-known and very much revered in his own community. His name was Mr. Krishna Prasanna Sen, who died as a Sadhu in the holy city of Benares. Who was the other one? Who was the law-giver? A celebrated Bengal divine, but who was just a divine and who knew nothing of the life of modern conditions. His name was Pandit Sasadhar Tarkachuramani and he is well-known all over Bengal. Mr. Neogy has done nothing more. He has dug up the old archives and I wish that, for the good name of Bengal, he had not done so.

Now, Sir, I shall say a few words about the duty of this House. It was my Honourable friend, Mr. Sesha Ayyangar, who raised the question as to who should be the judge. Certainly not the clerics and divines belonging either to the Hindu or the Muhammadan community or the Christian community. The decision belongs to us. The decision belongs to the Governor General in Council, and we are the Council. The decision belongs to us; and we must take the right and correct decision. I am very glad that the Honourable Sir James Crerar has upheld the policy laid down by a distinguished predecessor of his, who also came from the Province of Bombay. Sir Andrew Scoble clearly laid down, that, "It was the clear right and duty of Government to adopt such a course if the necessity for State interference was established". I claim, Sir, that the necessity of State interference has been established beyond a shadow of doubt in regard to this Bill. I am sure, Sir, that the encouragement which has been given to the Bill by the Leader of the House has earned for him the gratitude of all right thinking men. (Hear, hear.)

[5TH SEPT. 1929.]

[Mr. K. C. Roy.]

Now, Sir, I will make one or two observations before I close. What is our duty in the matter? My Honourable friend, Mr. Acharya wants the consideration of the Bill to be postponed, and he has blamed very seriously the Government for not publishing the Age of Consent Committee's Report earlier. What is the position? The position is clearly this. That for two years the Sarda Bill has been before the country. Two Select Committees have reported on it. Not a single day has passed without some criticism or other appearing in the newspapers all over India. The Provincial Governments have reported upon the Bill. The Age of Consent Committee also has approved the Bill. Then what justification can there be for delaying the Bill any further? As my Honourable friend, Mr. Price has clearly pointed out, the object of the Mover of the amendment is quite different and I hope that the House will not permit him to gain his object.

Before I resume my seat I may say I forgot to mention a very important fact, and I think that really does credit to Bengal. My Honourable friend Mr. Mukherjee, an official from Bengal has drawn my attention to that point. This is the first time that I hear, in this Council, that my Honourable friend Mr. Neogy has great reverence for the opinions of the Government of Bengal. I do not quarrel with him on that account. Now-a-days the Bengal Government is not the same Government as it used to be. It is no longer the same powerful Government it used to be. It is a very small unhappy unit of administration today. But it must be said in fairness to the Government of Bengal that they do not for a moment doubt the utility of the Bill. This is what the Bengal Government say:

"Having regard to the object with which the Bill has been prepared, the Governor in Council considers that there can be no doubt as to the desirability of fixing a minimum age so that the chances of Hindu girls becoming widows as children with the result that they are debarred from re-marriage may become fewer."

This is the accepted principle of the old Bill. But of course the present differs from the old Bill. Towards the conclusion the Bengal Government say:

"In conclusion, I am to say that, in the opinion of the Governor in Council, the question is one for Hindus and if Hindu opinion is on the whole in favour of legislation, he would not oppose it."

This is a fair and unequivocal support which the Bengal Government have given to the measure.

Now, Sir, about our own position. We are all clamouring for political advancement, and when that advancement is in sight, let us prove to the outer world with which I am more familiar than those who are absolutely severe critics of the Bill, let us prove to the world that we want to go forward in every direction of our social, civic and political life. Then, we shall get what is our due.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

**Kumar Ganganand Sinha**: Sir, as one on whose motion this Bill was referred to a Select Committee some time ago, and as one of those

who signed the Report of the Select Committee which we are considering, I think it is hardly necessary for me to say that I oppose all dilatory motions that have been tabled, and support the motion that the Bill be taken into consideration.

**Mr. M. S. Aney** (Berar Representative): Is there not one tabled by you?

**Kumar Ganganand Sinha**: My friend from the Nationalist Benches reminds me that there is one motion tabled by me which is in the nature of a dilatory motion. I would at once say that I would explain in the course of my speech why I tabled this motion and why, on subsequent thought, I considered it advisable not to move that motion. I think, Sir, it has been rightly pointed out by some of the Members who have preceded me that this Bill has been very long before this House and before the country. It was introduced on the 1st February, 1927. It was referred to a Select Committee by a motion of this House on the 15th September, 1927. The Select Committee reported in March 1928. The Bill was in the meanwhile circulated, and after the Select Committee reported it was re-circulated. So the country had the opportunity of considering the Bill not on one occasion but on two occasions, and from the opinions that were received it was evident that it was thoroughly considered by all the provinces. After the opinions were gathered for the second time the Select Committee again went through the opinions and the considered Report of the Select Committee is now before the House. The House is well aware that in January last the consideration of the Bill was postponed on the ground that the Age of Consent Committee, which was then functioning, was going soon to report on allied matters, and it was worth while to wait a few months and to know what their conclusions were. Well, Sir, before we met, we got that Age of Consent Committee's Report. Besides that there was so much of Press and platform propaganda both for and against the Bill since its introduction that it cannot be said that it was not fully considered. It may be that all the provisions of this Bill are not acceptable to the Honourable Members, but is that a reason why we should not consider the Bill at all? I consider that that is exactly the reason why we should consider the Bill, make such improvements as we consider desirable to the best of our lights, and make this Bill a law in order that the evils which it wants to eradicate might be done away with.

On the question whether we should have this legislation or not—and this is the question which we consider now—I took special care to ascertain orthodox opinions, because I find that among the Hindus it is chiefly what is called "orthodox opinion" which is opposed to the legislation. You will remember, Sir, that on the 15th September, 1927, when the question was whether the original Bill introduced by my Honourable friend Rai Sahib Harbilas Sarda should be circulated for public opinion or should be referred to Select Committee, my friend **Mr. M. K. Acharya** himself, who has now moved the dilatory motion that is before the House said:

"I say Hindu orthodox opinion will not object to our legislating that marriage before a certain minimum age—my own opinion is that it must be ten at the present day—is against the *Shastras* and so null and void."

**Mr. M. K. Acharya**: I still say it.



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LEGISLATIVE ASSEMBLY.

[5TH SEPT. 1929.]

**Kumar Ganganand Sinha :** I am glad to find that my friend Mr. Acharya is not objecting to the legislation still.

He is in favour of the legislation ; but he knows full well what the effect will be of this dilatory motion. It has been pointed out this morning by one of my Honourable friends on the European Benches that the object underlying all dilatory motions is practically to wreck the Bill. He is right. If we want legislation, let us proceed with the Bill, and let us consider it at once, instead of postponing it for any further period. It is no use carrying on this guerilla warfare and trying to kill the Bill by postponements. Let us take the bull by the horns. My object in giving notice of the amendment that is on the agenda paper was to incorporate in this Bill certain provisions in the light of the Age of Consent Committee's Report, such as marriage register, provisions for marriage certificates, birth registers and such others, as may be necessary effectively and smoothly to administer the law. I find, Sir, that we shall be under the necessity of making such provisions when this Bill is passed into law by bringing in a Supplementary Bill or by amending sections of the existing laws ; and I wanted that, instead of waiting to amend these provisions subsequently, we should incorporate those provisions in this Bill. But I find that the feeling in regard to the essentials of this Bill is running so high that it is harmful in the national interest to wait, and imperative to put the Bill on the Statute-book as soon as possible. It is better to leave it to the House and the Government to make such alterations in details when we have agreed on the essentials. It is no use keeping this Damocles' sword hanging over the country. The country will remain in suspense and uncertainty for a further indefinite period, and I am afraid much harm may be caused thereby. For these reasons I do not think that any dilatory motion, even that modest motion of mine, would help the cause at this stage. It is true that it would have been very helpful both to the Members of this House and to the country outside if the evidence volumes of the Committee's Report had been published as they were taken even before the Report was published. In that case the people might have been in touch with the nature of the evidence that was adduced in the various provinces on this question. But even when that has not been done, I do not think that it in any way strengthens the case for further postponement. We know the opinions for and against this measure. It has been before this country, as the House is well aware, for a very long time, and if people have not thought over the matter, if they have not cared to ascertain the views for and against the measure, I think it is primarily their fault. I was looking into the opinion of the province from which I have the honour to come and I find that the Government of Bihar and Orissa is in favour of legislation of this kind. They have got a suspicion that the legislation in its present form may be a dead letter, and that the legislation as it stands might be abused, but they have no doubt on the point that this legislation is a necessary piece of legislation. They report that seven District Judges, including four Hindus, and two Subordinate Judges are in favour of this Bill and that four District Judges, including one Hindu, are against. Amongst non-officials, eleven Bar Associations are in favour of the Bill, while five Bar Associations and two recognised associations are against it. Now, Sir, our province is one which is considered to be a backward province in the matter of social advancement. (*An Honourable Member :* "No.") (Laughter.) The Age of Consent Committee reports

that child marriage is very prevalent in my province ; and when I say that it is considered to be a backward province I do not mean that it is really backward, but that it is the opinion of many that on the score of early marriage, it is a backward province. Therefore, when I find that opinion in that province is decidedly in favour of legislation of this kind, I am strengthened in my view that this piece of legislation must be passed into law without delay. The Age of Consent Committee has, in a very instructive appendix, stated the number of witnesses for and against marriage and consent laws. For Bihar and Orissa, the total number of witnesses is 64 : out of which as many as 44 witnesses want a marriage law ; and only four witnesses do not want it at all ; while eight have not said either way. This figure itself will show what is the demand in my province for a marriage law.

Sir, Shastras have been quoted to show that the provisions of the Bill violate their injunctions. I took care also to ascertain opinions from people learned in the Shastras in my part of the country. Of course there is a considerable amount of feeling with regard to the prescribed marriageable age ; but so far as a marriage law itself is concerned, they are of opinion that, if it is brought down to a certain age, they will have no objection to it at all. Then so far as the texts are concerned, the Honourable Members, if they will turn over the pages of the Age of Consent Committee Report, will find at once that, even in the Parishads of Pandits, they could not come to any final decision about what the marriageable age should be. In page 106 of the Report, the third question in the Conjeevaram Parishad of April 1912 was : "Do any of the Shastras prescribe post-puberty marriage for Brahmin girls or at least permit such marriage as inferior alternative ?" In answer, eight Pandits held that the Shastras prescribed post-puberty marriage for Brahmin girls ; two Pandits held that some prescribed and others merely permitted such marriages ; 21 Pandits held that the Shastras permit that, under certain cir-

3 P. M. cumstances, marriage can be performed for a period of three or four years after puberty. Nine Pandits held that the Shastras permit such marriage only under unavoidable circumstances, and three Pandits held that, though permitted by the Shastras under certain circumstances, such marriages should be against the practice of the pious and the learned, and should not be adopted, and seven Pandits held that the Shastras prohibit post-puberty marriages. Of course, we know that the Pandits who interpreted the Shastras are all very learned people, but when there is such a divergence of opinion on this point, it is really very difficult for persons like me to come to a decision on a controversial matter like this. If Honourable Members will be good enough to refer to subsequent pages, they will find that there is a wide divergence of opinion among the learned Pandits who had the opportunity of learning those Shastras on other matters too ; and when such great Pandits differ fundamentally on many of these points, it is really difficult for a layman like me to come to a decision merely on this Shastraic basis. We have therefore to act to the best of our lights and according to the public opinion prevailing in different parts of the country. Sir, I think I am not competent enough to speak from the Muslim point of view, but I also took care to ascertain, as far as I could from the published papers, their opinion. I find that the Age of Consent Committee tried to get the views of Muslim theologians, but they do not seem to have come forward to tender evidence in sufficient numbers before the Committee. Whose fault is this ?

**Mr. President :** The Honourable Member must now finish.

**Kumar Ganganand Sinha :** And I find, Sir, that one of the members of the Committee, Mr. Kadiri, has said that he wanted more Muslim theological opinions to be gathered only if the passage of the Bill was not delayed. I would only repeat the appeal to my Muhammadan colleagues here that they should not delay the passage of the Bill. I again appeal to the House, Sir, to reject the dilatory motion and face the issues boldly and squarely. They may not be satisfied with the Bill as it is, but they are perfectly within their rights to amend it, and they will get that opportunity only after they have passed this motion for consideration. Sir, I support the motion for consideration.

**Mr. D. V. Belvi :** Sir, I may say at the very outset that I am opposed to the further consideration of this Bill, and my reasons are these. I oppose the consideration of the Bill not because I am an orthodox man myself. I am not an orthodox man in my private life. (Hear, hear.) What has been laid down in the Bill has already been translated into action in my own case, and I have said so in this House more than once. But the main reason why I oppose this Bill is that the controversial tone which was adopted by the Honourable the Home Member in the discussion of this Bill prompts me to tell him very frankly that he is entirely wrong in supposing that he has got behind him a large mass of public opinion.

**Several Honourable Members :** He certainly has a large mass of public opinion behind him. How can you say that he has not ?

**Mr. D. V. Belvi :** I say, he has not. I will make myself clear. The opinion has been ascertained in a certain way, or rather in the usual way, but it should have been ascertained in quite a different way in the case of a Bill of this character. I put a question to the Honourable the Home Member in the last session of this Assembly at Delhi as to whether the religious heads of the various castes and sub-castes had been specially consulted about this Bill, and the reply given to me was that public opinion had been consulted in the usual way. I submit, Sir, that this is a wrong way of ascertaining public opinion in a matter which is of a quasi-religious nature. This is a Bill with which the educated people of the country, or at any rate a large mass of the educated people, do sympathise. I am one of those who sympathise with the Bill, but the people who will be mainly affected will be the masses of the people. Now, Sir, what is the state of the country at present ? You know that, even after the advent of British rule in this country for over 150 years, the percentage of literacy has not gone beyond 10 per cent. It means that not even 10 people out of 100 are able to scribble their names, which means that the large mass of the people are still ignorant. It is no use taking the opinion of the English educated gentlemen in a matter like this. They are all in favour of this Bill, I know. The opinions of High Court Judges, the opinions of District Judges, the opinions of District Magistrates do not matter much. These things count for very little. Properly speaking, the District Magistrates should have been asked to ascertain the opinion of the people of each village through their Mamlatdars and through their Tehsildars from village to village. It would not have been very difficult for Government to ascertain the real opinion of the people in that way. If that had been done, surely I would have found my way to support this measure if I found that the bulk of the people were in

favour of this measure. And I do challenge the assertion which was made in a very dogmatic, in a very controversial manner, I may say in a very pontifical manner by the Honourable the Home Member. I was very much surprised to find that he should have taken, on behalf of Government, such a dogmatic position in the matter as he did. Government is entirely wrong in supposing that public opinion has been sufficiently consulted in this matter. That is my first reason for opposing this Bill.

My second reason is that the Members who are now sitting in this House have no right to legislate on a matter like this without having the support of their constituents. Were they sent to this Assembly to legislate on social matters ? Was this matter before the public when we were returned to this House as representatives of the people ? Is it not a fraud upon the public ? (*Several Honourable Members :* "No, no.") It certainly is. I am entitled to hold my view. I say it is a fraud on the people to pass a social legislation of this character without consulting the people, without consulting our constituents who returned us to this House. Sir, I have been asked by some of my constituents to oppose this Bill stoutly. (*Honourable Members :* "How many ?") How many people have you consulted in this matter ? You have consulted only a very small percentage of the people. (*Several Honourable Members :* "We have consulted hundreds and thousands.") In the first place, 10 per cent. is not even the standard of literacy in this country, and what are you after all ? You are only an infinitesimally small fraction of the people. You are only, in the words of Burke, half a dozen grasshoppers making a lot of noise in the forest, while there are hundreds of big animals resting under the oak. What is your percentage as compared with the total population in the country ? You talk English very well here. You are people who have got very few scruples. You can eat anything, you can drink anything. You do not know either the civilization of Europeans or the civilization of the Aryans. You are such people.

**Mr. President :** Order, order.

**Mr. D. V. Belvi :** You are Hindus only in name, and intellectual hybrids. That is my view of the matter.

My third reason, shortly, is this. We have not been commissioned by our constituents to pass a legislation of this character. A meeting was held the other day in the city of Ratnagiri, and I was specially written to to oppose this Bill. That is the view of my constituency. Now, Sir, I ask the Honourable the Home Member whether he does not know anything of the constituency which I represent in this Assembly. He is a civilian from the Bombay Presidency. He worked for several years in my part of the country, namely in the district of Dharwar. Does he not know that every caste, every sub-caste, has got its own Guru there ? Why were not these people consulted ? Why are Government afraid of consulting these people ? Are they afraid of having the opinion of people who will express themselves freely and frankly, and is it intended that these people should not be consulted at all ?

**An Honourable Member :** Were they prevented from giving their opinion ?



**Mr. D. V. Belvi :** How could they give their opinion unless they are approached in the proper manner ? You do not ask them in the first instance and you do not ascertain opinions in the way in which it should be done, and you say now, because these people did not come forward to oppose the Bill, therefore you presume that the majority of the people are in favour of it. This is a double wrong to the people.

My next reason is that the original Bill has been transformed out of recognition. Originally it was a civil Bill, pure and simple. It was a Bill intended to apply to Hindus only. When it went to the Select Committee, it assumed a new form altogether ; from a civil Bill it came to be a penal Bill and a Bill which is intended to affect the whole country. I find the Mussalmans, many of them at any rate, are opposed to this. The Mussalmans do not want this Bill. (*Some Honourable Members :* "No.") It is no use interrupting me simply because I am opposing the Bill. I have outlived such interruptions on a thousand occasions, and I assure you that if you go on interrupting me I won't stop. We were told yesterday by our Honourable friend Mr. Abdul Haye that the Mussalmans as a body are opposed to this Bill. (*Cries of "No, no."*) (*An Honourable Member :* "What did Mr. Shah Nawaz say ?") There are some Muhammadans in favour of the Bill, I know, but the great mass of the people, at any rate, the mass of orthodox people as represented by the Ulemas under whose authority a *fatwa* has been issued to thousands of people—and I have got with me a copy of the *fatwa*—are opposed to the Bill. The Ulemas say that, even in the time of their Great Prophet, child marriage was in vogue. It is said that the Prophet himself had contracted child marriage, that he married a girl when she was only six years of age. I do not know whether it is true, but this thing has been published under the imprimatur of the authority of the Ulemas, and I suppose the Ulemas are the same as our Pandits. At any rate, I find the whole of the Muhammadan community is not in favour of the Bill.

Then I find that it is intended to make this a penal law binding upon the whole country. Is it intended to send our sons, and our sons-in-law to jail ? Is it intended to drag our daughters and sisters and daughters-in-law into courts ? You want to have two ages, one for marriage and another for consummation. If you want to have an evil, let us have one evil. If you can satisfy me that the mass of the people is with you, then I am surely willing to accept the whole Bill ; not only that, but I am even willing to go further. Some of my Honourable friends have persuaded me to agree to marriage at 12 in the case of a girl. I say, no. Either have it 14 or even 15, or reject this Bill altogether. It is no use tinkering with the matter. If you are afraid of people like Miss Katherine Mayo, and if you bring in this Bill simply to make an impression upon the people of America and Europe that you are progressing very fast in matters social then pass a Bill once and for all fixing the age even at 16 or 18 for women and 25 or 30 for men. But have it once and for all and boldly. Don't tinker with the thing. There can be no compromise in a matter like this. If you are prepared to ignore the religious convictions of people then be bold and have this measure passed. If you speak in a disrespectful tone of the Shastras you may do so, but there are hundreds and thousands of those who respect the Shastras ; it is a matter of religious conviction with them. I was told by one of my friends here that the Shastras make provision for penance in the case where the marriage age is exceeded. The

exception and is an exception to be made the rule ? We were told that the conscientious objector may go to jail, may pay the fine, I think it is only a desperate remedy ; it is not a piece of sensible legislation. Sensible legislation should only proceed with the consent of the people. We should remember that the Government in this country is not a foreign Government. Some Europeans may live in this country for twenty years, and yet they would not be able to appreciate our feelings. This is instanced by what the Honourable the Home Member said yesterday. They live in complete detachment and they do not know what our minds. They only come in contact with people who talk in words and who say, yes and ditto to whatever they say. They do not approach people who would speak to them frankly and tell them the truth. That is their weakness. The Honourable the Home Member was obviously mistaken in his belief. There are bound to be fresh converts to our country in the course of a year or so. Nothing will be the result of one year. This question will be placed before the Government in the course of one year. These reformers, hot and hasty reformers, are returned, and I am also returned fortunately, I shall be one with them, and I shall be the first to advocate a measure of this kind. But let us wait. Let us wait for one year. The heavens are not going to come down if you wait for one year. We are told we have grown physically weak owing to early marriages. Every one of us here sitting is the product of a child marriage. I am myself a son of parents who were married when they were children and I do not think I am very weak. (*An Honourable Member :* "You would have been stronger.") I am not going to take up the time of the House by narrating my own personal history. But I tell you this, that mighty intellects, great warriors and great scholars have been brought forth by men and women who were married when they were children. Do you mean to say that you should follow all the customs and manners of Europeans and Americans ? If so, read the literature on the subject, read the latest book "Uncle Sham" and you will see what is going on in America, how the American unmarried girls are behaving themselves. Look at the opinion of Judge Lindsey, and one writer says that it is very difficult to find a marriageable girl there who has not had carnal intercourse with a man. That may be an *ex parte* statement, but at any rate, I am not going to follow in the wake of people who have got different civilisations of their own. It may be true, or it may be false. My opinion is that we should follow our own civilisation. We may promote social reform in our own humble way and social reform should come from within and not from without. The marriageable age of boys and girls has gone on upwards considerably. You will be surprised to hear that, when I married my first wife, she was only five years old. When I married my second wife she was 12 years old, and my mother was married, she used to tell me, when she was a baby of six months. You will be agreeably surprised to find that social reform is making progress steadily. My own daughters were married after they had actually completed 14 years. My sons have married girls who were not less than 14 at the time of their marriage. Society tolerates this, but society will not tolerate your oppression or coercion. You have no right to force down the throats of people your own views. You must persuade them. What have these reformers done to persuade people to make progress socially ? They come here and move Resolutions. They come here and move Bills simply to have their names put on the Statute-Book, that such and such a Bill was passed on

that opinion, I would simply hang my head in shame; and I would say to myself that I have got very timid companions to work out the salvation of this country. I should think that my friends ought to know better. They ought to know that this matrimonial tie is brought about by many considerations—considerations which are too numerous to enumerate. I would however place before you one or two which are very important and they are these. I think you will agree with me that this evil exists in the lowest strata of society. (*An Honourable Member* : “No”.) That is my experience. Personally I do not know of any educated family which is the victim of this practice. My experience is that this evil exists only amongst the lower classes of the people. Why is it there? Try to find out the genesis of it. My diagnosis of the evil is that the man does not understand the fundamental principles and value of life. Sometimes the man is incapable of keeping his daughters unmarried because he cannot provide them with sufficient food. If a man has five daughters consecutively he cannot provide all the daughters with sufficient food, and thinks it more convenient that some of them should be married, so that their husbands might provide for them. Many instances of this kind have happened to my knowledge, and therefore I say that you should try to eradicate these evils which are the root cause of child marriage. Try to educate them, give them primary education, make primary education compulsory throughout the length and breadth of the country. Make the economic condition of the people better than it is at present, and last but not the least, the evil of untouchability is the greatest evil of the country, and I believe every human being who has any sympathy with mankind would think that a country in which untouchability prevails is not a country worth living in. Since the awakening of India, untouchability has been in the forefront of all reforms.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

I have never heard that there is such an evil as child marriage, and that this should be eradicated before we can go further. I have never heard of it. If my friends are so zealous of reforming this evil, have they not got other means of doing it? Is it that they cannot do it without the aid of the Legislature? Do you want that the Legislature should invade the private life of a family? I should shudder at that idea. The evil might be eradicated in a few cases with the help of this legislation, but the evil cannot be eradicated in the case of the poorer people who, on account of their economic condition, ignorance and other causes, are accustomed to this sort of evil practice. Therefore my humble suggestion to my friends is not to abuse the power of legislation which they have got in this House. It should be utilised at the proper time and not in matters which concern so vitally the private life of the people of this country. If legislation is considered to be necessary by our Hindu fellow-countrymen for the removal of this evil from their society, I should tell them that they should not make a universal law for the whole of India. They must realise that India is a vast country. A man in Madras is not at all the same as a man in the Punjab. Go to the two places, and you find it out. The custom in the Punjab is quite different from the custom in Madras. Therefore, in a vast country like this, to have a universal law for the whole length and breadth of India is simply enforcing a thing which the country cannot endure for long. I would therefore advise that this universal nature of this Bill

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should under any circumstance be removed. Sir, I think that the difficulty of this nature in the Bill was foreseen in the very beginning when my Honourable friend, Rai Sahib Harbilas Sarda was good enough to put in a Bill to regulate the marriages of children amongst the Hindus. That was his idea at that time. Later he had a talk with me. I said, "All right, if you think that you cannot reform your society by education, and propaganda, then of course you may have your own way and for the Hindu children you may have legislation". Sometime after we heard that it was going to be applied to the Mussalmans also. We have not had any authoritative statement as to how the Mussalmans were dragged in. I have not yet heard anything about that which can be said to be authoritative. The Select Committee's Report, which has been given to us on this occasion, does not mention a word as to how the Mussalmans were included. I thought that this omission might be supplied by the Honourable Home Member, who was speaking so ardently on this question. But in his speech he was absolutely silent over this point. He did not tell us how we came in. Under whose authority have the Mussalmans been dragged in?

**An Honourable Member :** Look at the paper that has been given to you.

**Maulvi Mohammad Shafee Daoodi :** Tell me which referred to. I would tell my friends on this side of the House as on the other side that the Mussalmans have got law of their own so far as marriage relationships are concerned. All personal questions we have got a complete code of our own governed by such vague and doubtful theories which you may see across in your own case. We have got definite pronouncements, sanctions in our religion. For everything there is a provision. For when she is married against her will there is a provision for her to repudiate the marriage when she attains puberty. There are traditions of our Prophet—peace be on him—that a Mussalman should not marry a girl unless she understands what marriage is, and so on and so forth. I need not dilate upon that. My friend, the Deputy President, Maulvi Muhammad Yakub, has mentioned some of them in his minute of dissent. However, this is not the place where I should argue these things. How Mussalman children are protected by our Shariat from the evil doings of their guardians I need not dilate upon. You may rest assured, Sir, that our Shariat contains everything, and it is therefore that the Mussalmans are protected by their Shariat. They have only to know their laws, and it is for that reason that we have never heard any complaint of child marriage amongst the Mussalmans.

**An Honourable Member :** Question.

**Maulvi Mohammad Shafee Daoodi :** I say I never heard any complaint. Take the questionnaire which has been so framed as not to give an opportunity to Mussalmans to express their opinion on questions affecting them. It is so framed as to indicate that they apply to the Hindus alone. My friend, Maulvi Muhammad Yakub has described, in the Report itself, as to how Mussalmans generally and a large body of them learned in theology could not be examined before the Commissioners.

**An Honourable Member :** Why?

**Maulvi Mohammad Shafee Daoodi :** I do not know. However whatever that may be, it must be clearly understood that the Mussalmans as

community do not require any legislation whatsoever on this question. It would be, I should say, a very cruel encroachment on the rights of the Mussalmans, on the personal law of the Mussalmans if this House was going to impose this Bill on the Mussalmans also because the non-Muslims are so many here and we are so few in this House, and as it is now the age of the rule of the majority over the minority.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : Can a minority rule the majority?

**Maulvi Mohammad Shafee Daoodi :** Sir, I heard with rapt attention what my friend, Dr. Hyder, was saying. I should not say more than is necessary. It might be unpleasant. Dr. Hyder's support should not be considered—I emphatically and strongly assert—as the support of the Mussalmans. (Hear, hear.) He has an individuality which he has always made use of, no matter what the Mussalman opinion is.

**An Honourable Member :** What constituency does he represent?

**Maulvi Mohammad Shafee Daoodi :** I should say that the Honourable Members on the Government and on the Opposition Benches should not be misled by Dr. Hyder's support. Dr. Hyder clearly said he would not talk of the religious aspect. But he should know that his presence here is due to the fact that he professes Islam.

**An Honourable Member :** Is he not a Mussalman?

**Maulvi Mohammad Shafee Daoodi :** Still he would think it beneath his dignity to quote the Mussalman opinion on this question, and to consider what his constituency has got to say on this point. I do not want to take any more time on this question. But I would like, in the end, to say that the religious practices and the social life of my community in India should be held very sacred both by the Government as well as by the majority community. I should like to impress upon my friends in this Assembly that light-hearted actions in matters like this may lead us into a very serious situation. It is not only one aspect of life that will be affected, but, as I foresee, the whole aspect of our society will be affected by legislation on this question. As I said before, the prosecution will be not for the sake of getting those who have done wrong according to this Bill punished, but it will be mostly launched out of spite for some previous grudge. We know very well that in this House there are so many minority groups. (An Honourable Member : "Are there?") I should think so. If you do not admit that fact, you do not admit what is like day-light. That is how I look at it. (Laughter.) And every group which is represented here has got its own social customs and religious practices.

**Mr. Rafi Ahmad Kidwai** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Does Dr. Hyder represent a group?

**Maulvi Mohammad Shafee Daoodi :** I should say that these customs and religious practices should not be interfered with by other communities. I will give an example to make my point clear, so that it might be understood by the official group which is so zealously supporting this Bill. Take, for instance, the social customs prevailing among our Anglo-Indian friends. Many of them I should say are so harmful to our society in India that we would like to stop them if we had our own way. Take, for instance, the dress of their ladies. The way in which they dress themselves is not at all compatible with the notions of decency which we Indians have. I would

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have thought that on this question of dressing oneself the notions of decency of Indians would have been respected by our Anglo-Indian friends. Still it is not at all desirable to have any legislation to put a ban on persons going about in public and on the roads without covering themselves sufficiently. I should say that this is one of the many examples which I could cite on this occasion. It is enough for my purpose to show that the religious practices and social customs of the various communities inhabiting India are so different from each other that one universal law cannot be said to be applicable to all of them. It is therefore much better to leave the question of the reform of such evil customs to the community itself. If the Mussalmans want a legislation on this point, certainly the Mussalmans will consider the pros and cons, and come up with their suggestions, which will be helpful to the society. But it is not for one community to impose its will on the members of another community. With these words, I support the motion for the postponement of this Bill, which was moved in the very beginning. If that motion fails, then I would not like to come in the way of my Hindu friends to have legislation for their own community, but I would not in any circumstance consent to have any legislation for the Mussalmans of India on the matter before us.

**The Revd. J. C. Chatterjee** (Nominated : Indian Christians): Sir, I rise to oppose, as strongly as I can, the amendment put forward by my learned friend Mr. M. K. Acharya, and to support, as strongly as I can, the motion moved by my Honourable friend Rai Sahib Harbilas Sarda in its entirety. It may be asked why I should have intervened in this debate? My reason briefly is that, in the first place, I was elected by this House as a member of the Select Committee to whose care this Bill was twice committed. Secondly, it seems to have been forgotten that this Bill does not refer only to one community but applies equally to all communities. Therefore, I think, that a Member, whatever his community may be, has a right to speak on this Bill. As regards the speech of my friend Mr. Acharya, who, I regret to say, is running away, I need only say that his arguments need very little refutation for he refuted his own arguments himself. He wanted delay because he had not considered the Report of the Age of Consent Committee and in the two and a half hours oration he delivered he showed clearly that, not only had he read it carefully, but had even studied the biographies of the gentlemen and ladies who composed that Committee. (Laughter.) Sir, so far as he is concerned, he made it quite clear that he thought the Report was not worth the paper on which it was written. Therefore, what need has he to consider the Report, which he thinks is of no value at all, and on the views of whose members he tried to pour ridicule. All that is clear from his motion is that he has tried to make a last attempt, like a drowning man who clutches at any piece of straw. He thinks that his cause is a lost cause, and therefore he wants to delay the passage of the Bill in the hope that the delay may wreck it. He asked what are two years in the history of a nation. Those are strange words in the mouth of a gentleman who belonged, a little time ago, to a certain party. I should like to know what his erstwhile friends would have said to these words of his in regard to other matters. He quoted me and said that I had at one time pleaded that marriage was a sacrament. But he did not remember that what I said was that a section of the Christian Church, namely, the Catholic Church, believed marriage to be a sacrament. At that time my objection to the

measure was in the interests of women, just as my support to the present Bill is also in their interests. That was a Bill to make divorce easier. When divorce is made easier who suffers? Women. Similarly as I believe that this Bill is in the interests of women I support it whole heartedly.

As regards the long speech of my Honourable friend Mr. Sesha Ayyangar, I do certainly have great respect for what he has said. He certainly spoke from conviction, and I believe he had a right to speak, and to put in his plea, because the provisions of this Bill very largely affect the community which he represents. But, at the same time, I regret that it should have been left to him to take that stand,—he ever so learned a gentleman coming from ever so learned a Presidency as Madras. He made great play over half a dozen meetings which had been held in different places and which condemned the Bill. He made much capital of the opinions of two orthodox ladies who we are told have come on a recent orthodox deputation and who have spoken against this Bill. I ask him if he honestly maintains that women do really oppose this Bill, even women from his own part. Has he ever heard of Dr. Reddy, whom his own compatriots have elected Deputy President of the Legislative Council of his Presidency? Is not her opinion worth any weight as against the opinions of people that he has quoted? Then again I ask him, is the opinion of two or three women or even of 50 women who have been asked to put their thumb impressions on petitions worth anything? I will remind him of another piece of legislation which was enacted many years ago, the legislation for the abolition of *sati*. It is well known that at that time a memorial was presented to the Governor General on which the thumb marks—I do not suppose they could write in those days—of 50,000 women were placed. These women pleaded that if the law against *sati* was passed, if *sati* was prohibited, then their religion would quiver and that they would commit *satyagraha*. Those 50,000 women have passed away, and no *satyagraha* took place. The present Bill is exactly the same kind of legislation. I think it is very much more important because in the case of *sati*, it was one in ten thousand or even one in a million women who became a *sati*, whereas in this case, it is a long drawn out *sati*. In the case of millions of child widows, it is worse than *sati*, it is a long drawn agony. My Honourable friend Mr. Sesha Ayyangar made great play on the problem of "the Beyond". He brushed aside the opinion of women who support this Bill, (after all it is the women who are concerned in this Bill) by saying that these women were concerned with the pleasures and happiness of the present world only. My Honourable friend says "We are a great nation, we are a great people, what do we want with the present life or with the present world? We only think of the life beyond". He also said that women who possess piety and patriotism only love the life beyond. They do not want the present world, nor do they want the present Bill. So that all the arguments that he urged amount to this. We are men, we have got vested interests and so we alone have got the right to live for the present world. We love the present world, we want to enjoy life. This is what men say. So far as women are concerned, men leave to them the world beyond and so deny them the pleasures of the present world. That is the argument usually advanced by men who have got vested interests. Anybody who has got the power might say to him when he wishes to oppress,

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"There is the world beyond for you". If we say that, can not other people turn round and say to us : "You are the people who believe in the world beyond. There is for you the world beyond with all its eternal ages. Why do you worry about the present?" How would my Honourable friends meet an argument such as that? I wish that, for the benefit of my Honourable friends, we could have a vision of the world beyond. I wish we could see the shades of victims on whom terrible sufferings were inflicted by those as the result of this pernicious custom. If only we could look into that world of spirits, we would find the shades of ancient sages, of ancient Rishis and of ancestors of the orthodox Brahmins, who were my ancestors as well as the ancestors of my Honourable friends from the South. We would hear them say : "Alas ! How have our descendents misinterpreted the views of ancient Vedas, and distorted the ancient customs which prevailed when India was at its greatest." Then they would point us to the shades of millions of child wives, of child widows who suffered life-long agonies and lay on the funeral pyres, so feelingly referred to by my Honourable friend Dr. Hyder. All these call for vengeance on those who started this pernicious custom which prevails today and also on those who want to continue it today.

But, Sir, what does the "world beyond" mean? It does not only mean the world that is passed; it also refers to the ages yet to come. In the days when the agitation against the prevention of *sati* was started, it was fortunate for those who favoured the retention of that custom that there were no Legislative Assemblies, and there were no official reporters to take down their words. The words of those who wanted *sati* to be upheld were not taken down by any reporters. So fortunately all that they said in support of *sati* has been forgotten. But, now-a-days there are such things as official reports and the reporters record every word that is uttered today. I wonder, Sir, what the great granddaughters of those who oppose this Bill will think of their ancestors when they come to read the proceedings of the debate on this Bill. Will they be proud to read the orations of gentlemen who stand up today and want to uphold these customs?

When my Honourable friends Mr. Acharya and Mr. Sesha Ayyangar saw groups of girls of tender age outside the Assembly, their hearts bled. It is possible that some of the women who were demonstrating before the Assembly Chamber may have suffered from these evils themselves and perhaps that is why they were supporting the Bill. But when my Honourable friends saw this, their soft hearts bled. Yet their soft hearts do not bleed at the cry that rises up from every part of the country. A short time ago, a certain paper in this country said that it would be a very good thing if a wireless set of apparatus was put in the confinement chamber of child wives and child mothers, and connected with the homes of those who protest against this Bill and who want to keep up this tyranny. I do not desire to add to the harrowing pictures painted by Dr. Hyder or by Mr. Price. That would only give material for the compilation of literature and books such as have been so often criticised here. Yet I hope, Sir, that the cry of pain, the cry of great distress that goes up from hospitals, from numerous homes in villages and towns, from the orthodox houses, from out of educated houses and ignorant homes may

reach and torment the ears of people who have the power to set things right and to save these poor girls from such terrible tyranny.

As for my Honourable friend Mr. Neogy, his words are entitled to the greatest respect. He does not as a rule mince matters. Therefore when he made his last speech, he prefaced by saying that he belonged to a community which did not practise child marriage but he did not want others to do as his community did. He wanted others to do as he said. In other words he does not want them to benefit by the example of himself or that of his community.

(At this stage Mr. President resumed the Chair.)

Now my Honourable friend Mr. K. C. Roy has ably answered the points raised by Mr. Neogy. He quoted the opinion of the Bengal Government.

Mr. B. Das (Orissa Division : Non-Muhammadan). He misquoted. He quoted from a wrong extract.

The Revd. J. C. Chatterjee : I believe certain injustice was done to my Honourable friend Mr. Neogy by Mr. Roy quoting the opinion of the Bengal Government on the first Bill.

Mr. B. Das : He misquoted.

The Revd. J. C. Chatterjee : Possess your soul in patience and I shall explain. My Honourable friend Mr. Roy committed a slight mistake unintentionally. He quoted the views of the Bengal Government on the first Bill, whereas Mr. Neogy quoted the opinion of the Bengal Government on the second Bill. Both were right. Mr. Neogy referred to the second Report while Mr. Roy referred to the first Report.

All the same Mr. Neogy also quoted from the views of the Government of the Punjab and he quoted from the first paper and not from the second paper. I believe this is a mistake that we have been constantly making in the course of this debate. The Bill as first brought in by the Honourable the Mover was circulated for opinion, subsequently the Bill as amended by the Select Committee was also circulated. The Provincial Governments recorded opinions on both cases. In several instances their subsequent opinion was quite different to that expressed in the first instance.

As regards the views put forward by Mr. Abdul Haye and my Honourable friend who spoke from the seat opposite, their main contention especially Mr. Haye's was that the Muhammadans have either not been properly consulted, or that they have not had sufficient opportunities for expressing their views. Now, Sir, I put it to you, whose fault is it that the Muhammadans did not express their views? Is it or is it not a fact that a distinguished Muhammadan gentleman, the Deputy President of this House, Maulvi Muhammad Yakub, was a member of the Select Committee that he presided at the meetings of the Select Committee on both occasions when this Bill was before the Select Committee and that on the first occasion he signed the Report of the Select Committee without any note of dissent? Mr. Yakub is in intimate touch with the Ulemas. He could have easily persuaded them to give their opinion. He certainly had ample opportunity. Secondly, when this Age of Consent Committee was formed is it or is it not a fact that every party was consulted as to who should be their representatives on the Committee? Two Muhammadan gentlemen I believe, nominated by their own party, were made members of it.



**Mr. Muhammad Rafique** (Calcutta and Suburbs : Muhammadan Urban) : After the questionnaire was framed and circulated.

**The Revd. J. C. Chatterjee** : That is a very small matter. They could have amended or added to the questionnaire.

So, Sir, in the first place this proves that the Age of Consent Committee was representative, because the gentlemen on it were not selected by Government but nominated by the leaders of different parties, and secondly that the Muhammadan members on it were the choice of their own party. Consequently it is very difficult, at this stage, to maintain that Muhammadans did not have time to express their views. Moreover, it is quite clear that a large number of witnesses who were Muhammadans appeared before the Committee. I find that Mr. Sayid Hassan Nizami who, in the words of our Deputy President the other day, was described as a famous religious leader and a distinguished author of the day, appeared before the Committee and has expressed very distinct views favouring this legislation. So also the Honourable Saiyid Wazir Hussain, a Muhammadan Judge, has very strongly supported it. Dr. Mufti Muhammad Sadeq of Kadian, also a great Muhammadan leader, I understand, has given very strong support to it. Therefore, at this late hour, to come and say that Muhammadans have not had an opportunity to express their views is a claim very difficult to support from the facts before us. If we analyse the evidence and the statistics given in the Age of Consent Committee's Report, we do not find that the majority of Muhammadans have spoken against the Bill.

As I heard Mr. Price's speech, Sir, I was full of admiration for what he said. I do not think there was any need for him to apologise for hitting hard. I believe the apology must come from us that it should have been left to an Englishman to hit hard for this cause—the cause of our girls and women. I do hope that his speech at least will rouse people, will rouse those who are zealous for the honour of their country, to support this Bill.

Then lastly, Sir, I want to ask my friends who oppose this Bill. Are they honestly convinced that the women of our country, of any community whatsoever, are opposed to the Bill? I put it to them that if this House were today made up of as it should have been, half of men and half of women, would there be any doubt as to the issues? Therein lies the real test. Let us not forget, that this Bill is in the interests of women and concerns them much more than it does concern men. My friend over there said yesterday, "If you want to learn wisdom, if you want to ask for information, do not go to the girls and children such as implored us yesterday, but go to the old and learned gentlemen, for they are the people who alone can guide you correctly." Sir, it has been said that, "Out of the mouths of babes and sucklings comes truth." The incident of today is an excellent proof of the correctness of that saying. Out of the mouths of babes and sucklings the truth has come, not out of the mouths of learned Pandits.

I have only got one last word to say. We are at the present time clamouring to be regarded as an advanced nation, as a nation qualified to take our place whether it may be in the Assembly of Nations or in the category of free nations. Sir, even if this Bill were to remain a dead letter, for it has been said that if this Bill were passed into law it would remain a dead letter,—its passage will have done something to raise our national

self-respect. The eyes of the outside world are on us. If this Bill is not passed, can we stand up and claim that we are a civilised nation? Look at the Appendices given at the end of the Age of Consent Committee's Report. I do not want to take up the time of the House by quoting statistics of child widows under five years of age, the statistics of girls married, or shall I say condemned, between the ages of five and ten, or even below. Are we a civilised nation, if such statistics, and the hard facts they prove, can be quoted against us? But if we pass this Bill today, we shall have advanced, we shall have been able to show to the world that we desire to advance not only in political matters, but in matters that do count even more, and would make us into an A-1 nation, then and only then we shall be able to take our place among civilised and great nations. This is what hangs in the balance today. I am not competent to speak from the religious point of view, yet the history of India is the heritage of every man and woman who is an Indian. So let me remind you of the great age of the Vedas or the great age of chivalry, the age of Ramayana. Who was the ideal of womanhood in that age? Sita. Sita still remains the ideal of countless women and girls in this country. And was Sita married at the age of three? No. She selected her own husband after she had come to the years of discretion and she, I have always been told, is the ideal of Indian womanhood. Let us therefore give our little girls, the same freedom and the same chances, that were given to Sita. With these words, Sir, I strongly support the motion of my friend Rai Sahib Harbilas Sarda and oppose the amendment of Mr. Acharya.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, when this Bill was first introduced, I supported the principle of it, which is that some legislation should be resorted to in the totality of the circumstances of the situation to protect children of tender age. I still adhere to that view. I am still of opinion that, in the unfortunate circumstances which exist in the country today, a Bill to restrain marriages at too early ages is needed. I do not desire that this Bill should be dropped; I do not desire that it should be blocked unnecessarily. But having said this, I consider it my duty to invite the attention of the House to the matter that is now before it with a view that it should be judged dispassionately upon the merits. Some times the attitude a particular Member may take up in putting forward a proposal affects the attitude of other Members towards the proposal. Without meaning any disrespect to any friend who has taken part in this debate, I beg Members to look at this proposition in an impartial light. What is the proposal before the House? The amendment moved by Mr. Acharya is that the consideration of the Bill be postponed—not that the Bill be dropped—in order that the evidence which has been collected by the Age of Consent Committee should be made available to this House before it comes to a decision upon it. Now I ask all Honourable Members whether in their own lives, in their own experience, they have ever heard of a judgment alone of a judge of a lower Court being relied upon by any higher or appellate court in order to arrive at a conclusion on the matter dealt with by it. This Assembly is like an appellate court or final court, whichever way you may put it. The Age of Consent Committee was appointed professedly, as the Home Member made it clear, in order that the evidence which it would collect and the opinions it would gather from the people of the country should be made known to the Legislature before it should come to a decision on the principal provisions of this Bill relating to the fixing

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of ages of marriage. The Age of Consent Committee collected evidence which, I understand, has been printed; they also prepared a Report and that Report is before us; the Government have supplied us with that Report. I ask every Member to consider whether it is a fair or unfair demand that the evidence upon which the conclusions in that Report have been based should be made available to the Members of this House before they are asked either to accept the recommendations of the Age of Consent Committee or to reject them. That is the whole issue before this Assembly at this moment, and all the remarks which have been made on the merits of the Bill and the opposition which has been shown to the proposal itself, are, I submit with great respect, entirely beside the mark. The point before the House at present is whether this request that the evidence which has been collected should be made available to the House is a reasonable or unreasonable one.

Now, Sir, I wish that, in coming to a conclusion on this matter, Members will bear a few facts in mind. They should bear in mind that this question of the early marriages of children is a very ancient proposition in India. They should also not be carried away by the very lurid and sometimes insulting remarks which have been made in describing the evils of early marriages. No man living is more painfully alive to these evils than I am, but I am grieved that, in discussing this question any Member should exaggerate the evils which are already great in a manner which hurts the feelings of those whom it most deeply concerns. We know that early marriages of children do lead to great evils; but you must remember from what period these evils have become so glaring and so oppressive as they are at present. This system of marrying girls at early ages, as I have said, is not a new one. Hindus have lived under it for thousands of years; they prospered under it; for long time it was not the evil that it becomes in many cases at present. I am anxious, as much as any of my friends here, European, Muslim or Hindu, that the evils of this system should be ended as early as possible. But I wish to act like a surgeon who has to cut out the rotten portion of the flesh: I wish to be scrupulously careful that I do not use my knife carelessly to hurt the flesh that is not rotten; and I feel that, in discussing this question, the advantages which have accrued, the great advantages, from the system of marriage at an early age have been overlooked, and we have been painted as if we had all along lived in a very rotten state of society. The system of early marriages prevailed even at the time when, not more than a century ago, the Mahrattas re-established Hindu *padshahi* over the greater portion of India. It prevailed when the Rajputs fought for the honour of their race. It prevailed when Guru Govind Singh lived and worked for the freedom of his country. It does exist today, and yet there are thousands, nay millions, of men who are quite as brave as any mortal man to be found anywhere else in the world. I do not wish to be misunderstood. I submit very respectfully and very humbly that none of my brethren present here can be more tenderly solicitous to remove this evil than I humbly claim I am; but I want everyone to understand that there is another side of the question. I agree that we should do away with or modify this system so as to provide against its evils and in this connection let us remember that early marriage does not always mean early consummation. If it meant that, Hindus would have been swept off the face of the earth by this time; and in order that we should appreciate the attitude of the Hindus in the past towards this

system, you must go into it with a desire to understand the opinions of those who lived under it. You will find that in the ancient days, when this practice was introduced, there was a psychological reason for the proposition that girls should be married before they had attained puberty. Hindus attach the highest weight to the chastity of women. It was because of this sentiment that they honoured a *sati*, a woman who died on the funeral pyre of her husband, like a deity upon earth. She was honoured because she made the highest sacrifice in life that any mortal could. She was honoured because she lived and died a chaste woman. And so, having this very high regard for chastity, they contracted marriages of girls just at the time when psychologically they would begin to think of amorous ideas. The idea was that, before they grew into womanhood, before they reached adolescence, they should know that there was one particular individual to whom they had been wedded and that all their thoughts should centre round him. Now, Sir, I do not claim that this was a perfect system; I am not advocating a disregard of the wishes of the girl altogether. But what I do plead is that, when you compare one system with another, it will not be so easy to say that this system under which a marriage was arranged by the parents had all the evils and that the systems of late marriages with full freedom of choice exercised by young women, which exist in other countries, have all the advantages on their side. The Rishis laid it down, as they believed it to be on the whole a beneficial system and under this system Hindus lived and prospered for a long time. But for 150 or 160 years, nay, since India came under foreign domination, things have gone from bad to worse. Our religious instruction has been very much absent; the foundations, the organisations which existed to inculcate high ideas of purity and sanctity have been very much wanting. The result has been that we have deteriorated—not deteriorated merely because our girls were married at an early age deteriorated because we came under foreign rule, which is the greatest curse which can befall any country. Under foreign rule the life of a nation is sapped. The religion of the country does not receive sufficient attention. There is no system for imparting instruction in the tenets of religion; there is no organisation for inculcating all those high moral religious and spiritual ideas which constituted the glory of the Hindus in days gone by. ....

Mr. E. L. Price: What about the untouchables?

Pandit Madan Mohan Malaviya: What about the untouchables of England? But now does that question arise here? I wish the Honourable Member showed a better appreciation of the question I am dealing with. ....

Dr. B. S. Moonje (Nagpur Division: Non-Muhammadan): What about the untouchables that England has created?

Pandit Madan Mohan Malaviya: If the remark made by my Honourable friend opposite (Mr. Price) delights him I wish him joy over it. I have no heart to retort, and I am sorry I retorted even to the extent I did. We are talking of serious matters, and I hope that the Honourable Member will be serious for a moment. What I submit is this: We have had this evil growing; girls have been married early; girls used to be married early even before; but the system gave them greater protection; consummation was reasonably delayed. If young men are married sufficiently late and if *brahmacharya* was observed between the period of marriage and consummation, as it was observed in ancient days, there would be much



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less of this evil than you hear of today. The Shastras were better understood and followed before. I so much wish that my people should go back to the purest dictates of the Shastras, and that we lived under the old system, which was not half so bad as it is today. If you have so many deaths from phthisis in India today, do not ascribe them all to the system of early marriages; ascribe them partly to the foreign system of domination. You spend 56 crores every year for maintaining a huge army, but you cannot find sufficient money to promote industries in the country which will give food to the people. You must ascribe the present state of affairs to the profound ignorance that prevails in the country, to the sad neglect of education which has gone on in this country under the present rule in spite of the repeated prayers and protests of the educated community. If my friend over there raises the question of untouchability, let him know that the responsibility for it lies in no small measure upon the British Government in India. (Applause.) (Some Honourable Members: "No, no.") I say it does. If we can get power next year, as I hope we will, I assure my friends that within a few years' time the question of untouchability will have been a matter of past history, and the question of the evils of early marriages will also have been a matter of past history.

Sir, my Honourable friend the Home Member never made a more eloquent speech, so far as I am aware, than the one he made in supporting this Bill. I was wondering what the reason for it was, where the fire had suddenly sprung from. I was wondering whether he remembered at the time, while he and other friends were now very anxious to push this Bill through,—because this is the only point under consideration,—who was responsible for the present state of things in the matter of child marriages. In 1823 Mount Stuart Elphinstone wrote in words which ought to be remembered by every administrator, that the surest remedy for removing the evils of child marriage was general universal education. That was in 1823, Sir. We are now in the year of grace 1929. For 106 years the Government which has existed in this country has not found money to promote education among the people throughout the land. What is it but education that makes my friends here, who are supporting the Bill, put forward the ideas that they do? I am certain that my father and my grandfather, as well as the father and grandfather of many of my friends here who have so strongly supported this Bill would have shared the sentiments of those who oppose it. It is the education of the modern type which we have received which has made the whole difference. And if the Government had done their duty in scattering education broadcast in the land among the men and women of this country, we should have not had to discuss this proposition today. Therefore, I submit, Sir, that when my friends who desire to change the existing system, show an inordinate zeal in removing it in a moment, they should remember that the responsibility for the long and painful delay which has occurred in removing it and in improving the existing state of things lies largely at the door of the Government.

I want my European friends to consider this question quite seriously. I do hope that they will take the assurance from me that I want this Bill to pass. I have supported it from the very first; I stand by it today. But I do feel that, in dealing with the proposition which is before the House, they have not shown that attitude of considerateness towards those whom the Bill most concerns, which we should expect from them. In a matter

in which an important section of the Hindu community has convictions as deep as any religious convictions can be, should their feelings be lightly disregarded? No man can deny, whatever differences one might raise about the interpretation of the Shastras, no man who knows the Sanskrit language can deny that the Smritis lay down:

(*Tasmat dudvahayet Kanyam yavannar tumati bhavet.*)—

"Therefore, a girl should be wedded before she begins to menstruate."

It does not say consummation should be allowed; it merely says a girl should be wedded before she attains puberty, and if a suitable husband cannot be found, the parents should wait for three more years, that means up to 16. The Shastras allow it. It is the conviction of a large number of men as well educated as any man in this Assembly, some of them are sitting there in the gallery,—men who have come from Madras and Bengal. It is their conviction that it is their duty, in the interests not merely of their souls but also in the interests of their daughters or granddaughters, to settle a marriage and to see it performed before a girl attains puberty. That is their deep conviction. They will feel oppressed if they are not able to do so. They do not put it forward as the plea of an agitator, of a man who wants to create opposition for opposition's sake; they are men of honest convictions. Are we going to trample under foot their convictions? Is it right that this Assembly should ignore what they say? Will it not be right that we should pause to consider if we can reconcile the needs of the welfare of the girls as most of us understand it with the convictions and sentiments of their own parents? It is not a question of a majority or no majority. These being the convictions of a large section of Hindus, a respectable section, whichever you like, what is the duty of Government? The Government are not free; I submit if they want to do their duty, they should say that they will not support the Bill as it stands today, but will support the amendment before the House. If they do not say that, I submit that they will not be doing their duty by the people. The Government have promised that they will not interfere with the personal laws of the Hindus and Mussalmans. They have promised it, and they adhere to that promise to a large extent. Why should the Government now, in a matter of such delicacy, undertake not merely to give their blessings to the measure before the House, but also compel every Honourable Member sitting on the opposite side, who belongs to the Government group, to vote with the Government? I submit it will be immoral if they do so. The whole position has to be realised in order to come to the right conclusion. To my British friends I say, we honour you for your convictions. But place yourselves in our position. Just imagine an Assembly in which as many as you are here are Hindus, and where a question of your domestic law is under consideration, a matter which affects your society, whether it be marriage with a deceased wife's sister Bill or any other measure of that kind—Imagine what your feelings would be if, while a respectable body of your opinion was opposed to the measure, which was being pressed in an Assembly consisting mostly of say Hindus and Mussalmans, 40 or 50 Hindus or Mussalmans were to put in their whole weight in the scales against you. Who are concerned in this Bill? Hindus, Mussalmans, Sikhs, Christians and Parsis who are living in India. I do not say for a moment you should not help us. I do not suggest that you should not take an interest in the matter. I respect Mr. Price for the deep solicitude which he showed for the welfare of our girls. I regret that he overstated the case, but I submit, Sir, that I am not one of those who spur the sympathy of my fellowmen among Englishmen. I honour them for

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showing their sympathy with our cause. I respect them. I want their sympathy, but I want their sympathy with a little more consideration for the feelings of those whose views are not in their estimation correct at present. I ask that instead of disregarding the views of those like my friend Mr. Acharya and Mr. Sessa Ayyangar who have pleaded not for dropping the Bill, but for postponing its consideration till January,—I think it is wrong to say that Mr. Acharya, by this motion, whatever his other intentions might be, wants to wreck this Bill, but even if he wishes it he cannot wreck it, because there are so many others who will save the Bill,—the House should respect their views. Nor do I think that Mr. Sessa Ayyangar wants to wreck the Bill altogether, though he has opposed the Bill. The amendment of Mr. Acharya simply says that the consideration of the Bill should be postponed until the evidence collected by the Age of Consent Committee has been made available to the House. The position, therefore, is that you have got some Hindus, not in a majority perhaps, but you have got some Hindus whose sincerity you will not doubt, who plead that the matter should stand over till January next. There is a large number of Mussalmans who say that they are not opposed to the Bill, but they also want more time in order to make sure whether they should lend their support to the Bill. Their attitude is not unreasonable. This Bill affects the marriage laws of both Hindus and Mussalmans. We should allow them reasonable time in dealing with them. We should not deal with them in a hurry and repent at leisure. Therefore I respect the attitude of my Mussalman friends when they say that they want a little more time to consider this matter. In such a state of things, for the Members of Government to say that they will throw in their weight with those who are against this amendment,—if that is their meaning, if I have not misunderstood them and I should be very sorry if I have misunderstood them—I submit is not right. And I appeal to the other Members of this House, both Hindu and Mussalman, in the same sense. I want this Bill to pass with some modifications which I consider necessary. I believe it is needed in the interests of the welfare of our children, but I do think that, while we have allowed so much time to pass, to allow three months more to pass to enable Members of this House to study the evidence which has been collected, and to give an opportunity to those who are opposed to the Bill as it is, to make further representations if they like, will not be a great calamity.

In this connection I should draw attention to the note which Mrs. Rameshwari Nehru has appended to the Report of the Age of Consent Committee which I have read with great respect. She has shown a true womanly heart; she has shown a womanly appreciation of the vital importance and complexity of the question, and has written as only a woman could write on such a question. I wish every Member to read that note and to read also the other notes to see how very complicated the questions involved in the Bill are. Many amendments have been put forward by earnest men who want the Bill to pass, but they too want to examine the provisions. Further I have been here three days. I have been every morning reading this Report, and I am sorry to say that I have not been able to finish it. I have been reading it of course with care, noting every word in it, and I do not think that all the Members have yet read it. I therefore submit that, in a matter of such great importance, in a matter where Hindu and Mussalman interests are so vitally involved, it will not

be wrong if my Hindu and Mussalman friends, who are earnestly, honestly solicitous that the Bill should be passed at the earliest opportunity, will yet show consideration for the views of those who plead for a postponement till January next, and I hope that they will do so. We have to remember that the most important thing for the success of a measure like this is that it should receive the co-operation of the people. Let the House remember that the system of early marriages has gone on for a long time, and that this is the first time it is going to put a penal legislation on the Statute-book to check it. It is a penal legislation. You are going to pass it for the first time. Is it too much to ask that three months more should be allowed for its consideration? Is it too much to ask that we should have an opportunity, those of us who are in favour of a measure like this, to talk to those who are opposed to it, and try to make them realise what some of us realise the enormity of the evil and the necessity of early action? If we enlist their sympathy, we shall carry the measure through with success, and it will have a beneficial effect in the country. We will go wrong if we start with antagonising an important section—it is not mere numbers that count, it is the quality of men that counts, and among the men who are opposed are men of great weight, of great learning. I differ from some of them in some of these matters,—I am sorry to say that I do not represent their views fully. They know it. I did urge in the beginning that, if we fixed the minimum age at 11, there would be no orthodox opposition in the country. I found that the opinion of the House was not at all in favour of it, I then agreed to Kumar Ganganand Sinha's amendment that it should be fixed at 12. (*An Honourable Member* : "No.") I am not discussing that point now. Have patience please. They do not agree with me in that matter. They do not regard me as representing their views, but I am certain that, if there is more opportunity we may utilise, we should be able to utilise that opportunity to understand each other better and to arrive at conclusions in which the whole-hearted support of every reasonable man in the country may be secured to the measure. Very intricate and complicated questions have been raised. Birth registers, investigation, trial, the employment of the police, punishment, imprisonment and fine—all those are matters of delicate human concerns. If a husband is punished, the fate of the wife has to be considered, as the Committee have considered it. Therefore in all these matters I submit there is great advantage on the side of allowing a little time when there is reason for it. If there was not the evidence already collected, I should not be taking up the time of the House. But there is the evidence available, and I submit that it is there, and for nothing but reasonable that this amendment should be accepted, and accepted in the right spirit, accepted generously, as showing an appreciation of the difficulties of those who are at present arrayed against the Bill. I submit these are points which deserve consideration, and I hope they will receive the due consideration of this House. (Applause.)

**Mian Mohammad Shah Nawaz** : (West Central Punjab : Muhammadan) : Sir, I rise to support the motion that the Bill to regulate the marriage of children, as reported by the Select Committee, which would make it applicable to all communities, be taken into consideration. Sir, the consideration of the Bill was postponed pending the Report of the Age of Consent Committee, of which I had the honour to be a member. The Committee has travelled far and wide and I assure you that the Committee has inquired into the matter with an open mind and with

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absolutely no bias. In fact, before I joined the Committee I was under the idea that the evil of early marriage, early consummation, and early maternity was not so great as it was represented to be. But now, I have seen the things with my own eyes, I have heard the evidence with my own ears. (*An Honourable Member* : "Where is that evidence?"). The evil is widespread and things are far worse than they are described in the Report because we did not think it advisable to excite or provoke unnecessarily the feelings of orthodox people, which though few in number, form an important minority. My Honourable friend Pandit Malaviyaji says that the evil is not so great. But I feel it my duty, as an honest man, as an honest Member of this Assembly that a true statement of most painful affairs must be said in the interest of the public. He says that early marriage does not necessarily mean early consummation. I can believe him that in each and every case early marriage is not followed by early consummation. The Committee which consisted of eight Indians and one European lady has found as a fact that wherever a girl between the ages of 10 and 13 is married to a boy of 18 years or more she is in a majority of cases consummated, before she arrives at the age of puberty. (*Some Honourable Members* : "It is not true.") It is perfectly true of Bengal. (*Cries of "No, no"*) (*An Honourable Member* : "You have no right to speak of Bengal.")

**Mr. President** : Order, order.

**Mian Mohammad Shah Nawaz** : I was a member of the Committee. There is the finding of the Committee. You may accept it or you may not accept it. I say as an honest man and as a judge that this is a true finding. It is a perfectly true fact in Bengal.

**Mr. Amar Nath Dutt** (Bardwan Division : Non-Muhammadan Rural) : It is not true at all.

(At this stage there were several interruptions from Honourable Members.)

**Mr. President** : Order, order.

**Mian Mohammad Shah Nawaz** : You yourself said in your evidence

**Mr. President** : Order, order.

**Mian Mohammad Shah Nawaz** : The Honourable Member himself said in his evidence that in many cases there was illegal consummation.

**Mr. Amar Nath Dutt** : I challenge that statement. On a point of personal explanation, Sir.

**Mr. President** : Order, order.

**Mian Mohammad Shah Nawaz** : I am not going to give way, you may rest assured of that. Here is your evidence.

(There were some interruptions.)

**Mr. President** : Order, order.

**Mian Mohammad Shah Nawaz** : Sir, this is what the Committee says :

"It is admitted on all hands and the fundamental fact is undeniable that early consummation almost inevitably follows early marriage amongst both Hindus and Muslims. It is also established from the evidence that pre-puberty consummation is common and that violations of the Law of Consent occur in many cases". (Page 67 of the Report.)

Well, Sir, in Bihar and Orissa things are quite bad but they are not so bad as they are in Bengal. As I say, we inquired into the matter with an open mind. We invited all evidence, including that of the orthodox men. From Madras the orthodox opinion was strongly against the Bill. Out of those orthodox gentlemen who have come here, many were examined and they were surprised when I identified every one of them and I know the evidence of every one of them by heart. I say that orthodox opinion was perfectly representative and the Hindu opinion except the opinion of a section of the orthodox opinion, is almost unanimously in favour of the Bill. A large body of Mussalman opinion was invited and there was a fair response. Orthodox Muslim opinion was also represented, though it was not so representative as it ought to have been. Muslim opinion on the whole is in favour of the Bill. At its proper time and when the motion of Mr. Rafique to the effect that the Muslim should be excluded from the operation of the Bill, comes before the House I shall read to you what the Muslim witnesses have said. Therefore, Sir, it is quite wrong to say that Muhammadan opinion is adverse to the Bill. We have fully considered the views of all the schools of Muslim orthodox opinion ; we have considered their opinions anxiously, carefully and with respect. We had before us the religious laws and marriage laws of Turkey and Egypt and laws of marriage of almost all the civilized countries, and we have come to a definite conclusion and you cannot challenge the honesty of the members of the Committee that this Bill in no way interferes with the religious laws or custom of the Hindus and the Muslim. Sir, I cannot share the view of Pandit Malaviyaji that the evil is not so pernicious and widespread.

**Pandit Madan Mohan Malaviya** : As some people represent it.

**Mian Mohammad Shah Nawaz** : I have heard the most shocking evidence. The educated women of India rightly say that they have been the victims of the evil custom of early marriage, early consummation and early maternity. The women of India are most vitally affected by this evil custom. They feel rightly that they are victimised and tyrannised. They claim justice at the Bar of this House.

With these preliminary remarks, I desire to approach the subject with perfect calm and without passion. I will not exaggerate at all. The first objection raised by the opponents of the Bill is that the legislature and the Government have no business to interfere in socio-religious matters. It must be remembered that in every country legislation has been used as a remedy to remove social injustice and other evils of that kind. In matters affecting marriage and consent in particular, I know what is the law. Legislation has been resorted to in almost every civilized country, including Egypt and Turkey. In Egypt, the history of the law of marriage begins from 1864. The Royal Decree of 5th January, 1864, which regulated the law of marriage, prohibited marriage of a boy below 18 and a girl below 15. Under Article 1, however, dispensations were allowed in rare cases by the Khediv on the report of the Minister of Justice. This continued to be the law till 1923 when Law No. 56 of 1923 was enacted. Under Article 2 of Law No. 56 of 1923, a contract of marriage between a boy below 18 and a girl below 16 is absolutely void. In Turkey the age limit which is not subject to any exception, is 15 for the boy and 15 for the girl. There

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also the marriage is absolutely void. In several Indian States, also, such as Baroda and Indore, such laws have already been in force for some years. The law of *sati* and widow remarriage, the removal of the ban on inheritance by converts and the law of civil marriage, are some of the instances in which legislation has trenched on customs and religious injunctions.

Well, Sir, it has been argued that this Bill is against the Smritis texts and against the injunctions of Islam. Whatever may have been the origin of the practice of early marriage, it is certain that what counts most with orthodox Hindu society at present is the existence of certain customs. It is an accepted principle of Hindu Law that in a conflict between custom and a Smriti text, custom shall be the rule of decision. There is such diversity of opinion amongst the Hindu theologians as regards the texts that no interpretation can be said to be decisive. The Committee, after a careful examination of the texts, came to the conclusion that the Smritis texts are only recommendatory and not mandatory and are not binding for all times. As regards the Muslim, I can say without hesitation that the principle laid down in the present Bill is not at variance with the Muslim Law of marriage. Now, Sir, the religious law of Islam is derived from four sources, the Quran, the Hadis, the Ijmah and the Kayas. Everybody knows that the Quran does not prescribe any age for marriage.

There is nothing in the holy book of the Muslim which is inconsistent with the provisions of the present Bill. A Muhammadan father or grandfather may marry a minor boy or a minor girl for the benefit of the girl or the boy, but I regret to say that they are the slaves of the custom of early marriage and have no regard for the welfare of their minor children. The privilege given to them has in most cases been abused.

I now come to the Hadis. It is admitted on all hands that the Prophet desired that girls should be married when they arrived at the age of discretion, that is to say when they arrive at the age of fifteen. So the sayings of the Prophet are not at variance with the present legislation, which is before this House. The third source of religious injunction is the Ijma, i.e., consensus of learned men, both holy and legal men. But unfortunately there is no ijmah in this country. (*An Honourable Member*: "Why?") (*Another Honourable Member*: "You should have patience; do not go in for impatient legislation.") The opinion among the Ulemas is so very conflicting. Khawaja Hasan Nizami says that the present legislation which would penalise marriages of girls below 14 is most beneficial in the interests of the Muhammadans, and must be passed and the same are the opinions of Maulana Suleman Nadvi and Maulana Mohamed Ali, who has translated the Quran. Two witnesses from the United Provinces representing the Deoband school, say, that the legislation can be resorted to but must come from a Muhammadan king. But the present Government, being a foreign Government, cannot make such a law. The future Government of the country will consist of Hindus, Mussalmans and others. Do these learned and holy men mean that, so far as the Mussalmans are

concerned, the evil of early marriage and early consummation is to go on for an indefinite time? Again Maulvi Ahmad Said, the Secretary of Jamiat-ulma is against the Bill. The last source of religious legislation is the Kayas. It certainly favours legislation when once it is proved that it is in the interests of the Muslims. I have referred to the Egyptian and Turkish laws of marriage. We can easily follow the example of Egyptians who like Indian Mussalmans are Hanfis. The weight of Muslim opinion in different provinces is more or less in favour of the present Bill. I will go through the Muslim evidence at the proper time. At present I am debarred by the procedure of the House to go into the details of such evidence.

In the circumstances of this country and the Muslim society, I think the Egyptian law of marriage is the best guide. I am therefore of opinion that this legislation is not in any way inconsistent with Muslim religious law. In fact it is consistent with the true spirit of Islam, namely, that ordinarily a Muslim girl should not be married until she arrives at the age of discretion, so that she should have a voice in the selection of her husband. Brahmans, however, tell us that a Hindu girl cannot possibly have any voice in this matter. She should have no independence.

**Pandit Madan Mohan Malaviya**: That has its beneficial aspect.

**Mr. Muhammad Yamin Khan** (United Provinces: Nominated non-Official): What is your objection to postponement?

**Mian Mohammad Shah Nawaz**: Postponement will serve no useful purpose. Well, Sir, the Committee finds, that the most effective remedy to check the evil of early marriage and early consummation is to penalise marriages of girls below fourteen years. We know perfectly well, and almost all witnesses have admitted, that the law of the age of consent at 13 has been broken and these cases seldom come to court.

**Mr. M. K. Acharya**: Where is the evidence?

**Mian Mohammad Shah Nawaz**: You may say what you like, I remember you perspiring under the weight of cross-examination at Madras when you appeared before the Committee. There is overwhelming evidence that the law fixing the age of consent at 13 has positively been broken and violated. (See page 173 of the Report.) There are thousands and thousands of husbands—it may be a dreadful fact to say so—who have been guilty of crime. This is the finding of the Committee. Are you going to say that this is not correct? (*An Honourable Member*: "Bring in the evidence.") Sir, when a girl of ten or eleven is married to a boy of eighteen years of age or so, she is constantly tantalised, and the intercourse follows before she is thirteen. Nobody is interested to report the matter to the police; the neighbours do not care for it, and therefore the law has remained a dead letter. Is it not far better to prevent this evil by penalising marriages? Prevention is certainly a better cure in this case. Therefore, Sir, I appeal to you that you must go ahead with this Bill, otherwise you cannot show your face to the outside world. Sir, we have given votes to women to elect members to the Legislatures. They can be members of any local bodies and any legislature. They claim justice, pure and simple. Must they be forced to marry before they arrive at the age of puberty? (*An Honourable*

LACPB(LA)

**Member :** "Who says that?" If you cannot do justice to your women, you are not fit to claim self-government. Must there be pre-puberty marriages among the Hindus? With leathern heart you refuse rights to women to which they are entitled. No wonder that the educated and young women threaten a revolt. Are you going to destroy the happiness and peace of your homes? If you will not pass the present legislation, you will do a great injustice to one-half of the population of India. It is no use postponing this important and urgent measure of legislation. The substance of the entire evidence is given in Chapter IV of the Report of the Age of Consent Committee. It is not possible to reduce the age stand in the way of this Bill, but if they do, the sooner you get rid of them, the better it will be for the Hindus. (*An Honourable Member :* "On your authority?") In conclusion I say that it would be a disaster to exclude the Muslims from the operation of this Bill. With these remarks, Sir, I support the Motion that the Bill be taken into consideration.

**Several Honourable Members :** The question may now be put.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Well, Sir, in intervening in this debate at a very late stage, my justification is that I want to put before this House, a few considerations against those which have been urged with such great effect by my esteemed leader to my right. (Pandit Madan Mohan Malaviya.) It is always a very painful duty, Sir, to have to oppose, on the floor of this House, a person of his knowledge and learning.

Added to that is the circumstance that I happen to be his deputy on my Party, always taking commands from him.

If I had not felt that it was a part of my duty as a Member of this Assembly not merely to record my vote silently against the postponement of the motion, I should have very much preferred to remain quiet. I can assure the House and my esteemed friend to my right that I am 99 per cent. in agreement with what he stated on the merits of this Bill. My pain, therefore, in opposing his speech is great, and it becomes still more because, I may say, that by instinct, tradition and training I have a reverence for the past. I was brought up in very religious surroundings and in my early life I sat at the feet of learned Mimanskas and Pandits. I have therefore instinctively a great reverence for the point of view which they represent on this controversy. I shall therefore not make a partisan speech. It is not in my nature, as my Honourable friends who have sat with me for years in this House will vouch, to make a partisan speech in the evil sense of the word. But I do think that I ought to warn this House that it would be most unwise and would lead to no good at all to agree to the postponement of this measure. (Hear, hear.) That is the narrow point to which I shall address myself, I shall deal with as much reverence as I can with the arguments which have been advanced with such force by the learned Pandit to my right. I am reminded of a little incident in the Mahabharata of a duel between a great sage and his pupil, and I shall recall to the Pandit's mind that the fight began by the pupil throwing a few arrows at the feet of his Guru, as an indication that it was a part of his duty to oppose him with modesty in the contest. The Pandit's plea is

—and I do not believe in that plea, I wish I could believe in it—that, given a little more time, he expects to get on the side of the Bill the orthodox sentiments of the country. I wish I could feel as optimistic as he does.

**Pandit Madan Mohan Malaviya :** I pleaded for postponement because of the fairness of allowing the evidence which has been collected being made available to the Members. My main point is that you have collected the evidence and printed it and therefore you should allow Members of this House to read that evidence upon which the Report is based, so that they may judge it for themselves.

**Mr. M. R. Jayakar :** That was one of the grounds on which the plea of postponement was rested by the learned Pandit in his fascinating speech. I have a note of his argument, and he said that one of the grounds on which postponement was asked was that those who are in favour of this Bill should have the opportunity of reconciling orthodox opinion. He further pointed to the gallery and said that very learned men had come from Madras and Bengal. I too esteem their learning and reverence. He said that he had had talks with them and to a certain extent he agreed with their views but in certain other points did not agree with their views. He made out a very powerful plea with the characteristic fascination which he always exercises over this House that he wanted time to convince the conservative elements. He wanted three months. If I could share his view I would be prepared to give him three years, but my misfortune is that I do not share his hopes that he would be able to get for this Bill the willing support of a large body of orthodox opinion in the country. Incidentally the learned Pandit made a very powerful appeal to the Government Benches. I must frankly say that when he did so, I began to tremble in my shoes. I wonder if the Government would be frightened by the powerful appeal which he made, asking that the Government should not vote on this measure at all. He said that the Government ought to be neutral on questions relating to the personal laws of the Hindus and Muhammadans. As I listened to his powerful speech, I wondered whether the Honourable the Home Member was going to succumb to that plea and walk into the Pandit's attractive parlour.

One ground which the learned Pandit adduced is : let the evidence which the Age of Consent Committee had before them be published. We had a few minutes ago a little foretaste of what controversies that would cause. While the previous speaker was referring to the evidence of only one witness out of several, the challenges went up from some Members on this side that the evidence was not true. My Honourable friend Mr. Amar Nath Dutt got up and said that the statements made by that witness were not true of Bengal. My Honourable friend Mr. Shah Nawaz protested and said that he was going to read from the evidence, but Mr. Amar Nath Dutt retorted that whatever the witness might say, his picture of Bengal was not true. This is a foretaste of future controversies, and I would like to warn the Honourable Members of what would happen on the floor of the House if the plea so well made out by the Honourable Pandit were to be granted. Supposing the evidence before the Joshi Committee is published, then the question will be raised that the evidence is not truthful, that it does not really represent the facts, that it is a one-sided and inaccurate picture. We will then be told—and a gentle beginning of that effort has been made by Mr. Acharya in his alternative amendment,—that all this evidence is one-sided, it is not truthful, it is not an accurate picture.



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Then, some Honourable Member will get up and move in this House, in the terms of Mr. Acharya's alternative amendment,

"That the Sarda Bill as reported by the Select Committee be recommitted to a new Select Committee composed of Rai Sahib Harbilas Sarda and others with instructions that the Committee do scrutinise the Report of the Age of Consent Committee so far as it deals with the subject matter of the Bill under reference, obtaining, if need be, further evidence from representatives of the communities that will be affected by the proposed legislation."

I am not a prophet, but I have a little instinct in political matters, and I can assure the House that, if we agree to the thin end of the wedge now sought to be introduced, I am clear in my mind that we will be asked, with considerably more plausibility than now, that the evidence laid before the Joshi Committee should be supplemented and reassessed by another committee. Mr. Acharya has already started suggesting that the Joshi Committee was not representative, that Sir Moropant Joshi did not understand female hygiene. If the evidence is published, and I should ask Government to be very cautious in deciding to publish it for this purpose, another cry is sure to go up.

That cry will then take this form, that that evidence is not really the whole picture and that there ought to be another inquiry by an independent Committee of a contradictory character on the ground that the salient facts stated before the Joshi Committee were doubted. Well, Sir, if such a cry should go up, I personally think it would be difficult to meet it. Let us therefore make up our minds now on this Bill, whichever way it is. I do not care whether ultimately we throw this Bill out. If we pass the Bill, well and good, but if we think that this House should never interfere in matters of religion, that the sentiments involved in this question are too delicate for our interference, that the sense of the country does not show itself clearly, that it is doubtful which way public opinion goes, then *cadit quaestio*.

On the last point, I may just point out that in no civilized country has it been recognised that legislation should only be initiated upon clear evidence of favourable public opinion. Even in England it is a very doubtful question whether measures of reform and progress were always based on the clear ascertainment of what public opinion was. All measures of reform, even in advanced countries, have often to be initiated by the few progressives, who think in advance of the times. My Honourable friend Mr. Mulla pointed out to me only this afternoon one instance, and I am much indebted to him first. Take for instance, the case of economic reform in England. Honourable Members will find it stated in Prof. Dacey's book that economic theories of reform began with the initiative of Adam Smith and then the State took them up and passed the necessary legislation. If it is so in England, it is more so in India where there is a large amount of ignorance and illiteracy and Government have per force to make themselves the custodians of progress and advancement. I congratulate the Honourable the Home Member on having risen on this occasion to the full height of the dignity of his mission, as the spokesman of the Government. He spoke on behalf of the Government which, in my opinion, must always constitute and regard itself as the representative of the enlightened sense of the community over which it has been called upon to rule. I must congratulate the Honourable the Home Member on the beautiful speech which he made as the representative of the Government on this question. (Hear, hear.)

The narrow point before us now is this. Are we convinced that this is a good measure? If we are not so convinced, then let us drop the Bill. But if we are convinced that it is a good measure, then it is better to pass it as soon as possible. The cry is now too late, my Honourable friends will realize, that this House has no power to interfere in matters of religion. It is too late to raise that plea. It is too late for my Honourable friend Pandit Madan Mohan Malaviya to say today that too deeply cherished sentiments are involved in this measure and therefore this House should not touch the question. This plea could have been urged with considerably more force, e.g., in 1860. Since that date I can recount at least four cases out of several where even more deeply cherished sentiments of the Hindu community have been interfered with by the predecessors of this House. Honourable Members will be able to recall from the books of the period what great dismay and consternation went up in Hindu society when that piece of legislation was passed by the predecessor of this House—the Old Imperial Legislative Council—when the law was laid down, involving a far greater departure from Hindu sentiment than this humble Bill aims to make, that a member of a Hindu joint family could become a Christian and yet retain all his rights and interests as a member thereof. What greater departure could be made from the spirit of the ancient system of Hindu joint family than this, that a devoted and loyal son of a Hindu father on whose religious activity the father's soul depended for its salvation could espouse Christianity and yet retain his place and rights in the family? What greater inroad could have been made upon the orthodox sentiments of the Hindu people than the provisions of Act III of 1872, whereby a Hindu could momentarily forswear his religion and marry any non-Hindu woman he liked and the next moment after marriage could come back to Hinduism if he chose? What greater invasion could have been made upon Hindu conservatism, than when it was laid down that a Hindu widow could re-marry and retain, except under certain limitations, the property of the first husband or of his family. I could go on multiplying such instances. But I do not wish to do so at this late stage. I could go on giving instances completely justifying the claim of this House that if this House is once convinced—and it is solely the privilege of this House and none else to do so—that progress and enlightenment demand that certain changes should be made in the laws of the country I say that if the House is once convinced that the combined sense of the progressive elements in the country demands that certain changes should be made, then these changes have to be made even if they affect the religious beliefs of certain communities. Speaking for myself, I would be sorry if this House should forswear its claim to be the sole judge of what is right and what is wrong for the country. The House should say to itself, the choice between progress and conservatism is before us, we will choose rightly; we are not going to be frightened by orthodox sentiments. The difficulty of reconciling that sentiment, as I will state in a few minutes, is very great indeed. Just like the Honourable Pandit, I too have had the occasion of meeting a few of the orthodox Pandits, who have arrived in Simla to canvass opinion. I met them with the same sympathy and reverence as my Honourable friend Pandit Madan Mohan Malaviya. I claim to be the product in many ways of the culture of which they are the ancient custodians. I shall always feel very much indebted to the Pandits and the *Mimamsakas* who taught me the Shastras and the ancient traditional learning. But I cannot help feeling that their point of view is very different.



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I rever them for their learning and piety, and have great respect for their purity of life. I shall therefore never be guilty of a single word of irreverence, as some of the speeches made here have been; but what I feel is that the views of these orthodox Pandits are irreconcilably different from modern ideas. No attempt can, in my opinion, be successfully made within three months, as the Honourable Pandit hopes, nor even within three years—perhaps the next thirty years may suffice—to reconcile their views with ours. We have got definitely to make up our mind how we shall choose between progress and orthodoxy. The two will remain irreconcilable for a long time yet.

I may recall to the minds of my Honourable friends that one member of the deputation went up to the Viceroy, a revered lady, named Lakshmi Ammal, she was a member of the orthodox deputation, and stated to the Viceroy—I am quoting from a report which appeared in a newspaper—

“Sir, I was married when I was three years of age. My husband’s age was 11 years, yet I am healthy and happy”.

Well, is this House going to adopt this ideal of conjugal felicity? The point of the thing is this. The texts which are quoted—and one of them was quoted by my Honourable friend to my right—belong to a system of conjugal life which in spirit has long departed from most Hindus. (Hear, hear.) I will yield to none in my admiration for ancient Hindu culture. I agree with the Honourable Pandit when he says that the evils of our social system have been aggravated by the Government refusing to give us free compulsory education. I am not a reformer in the sense that I deery the past. But I do maintain, without any fear of serious contradiction, that the past was a chapter in our evolution and there are parts of it which cannot be revived. The texts quoted and made so much of belong to a scheme of family life which in spirit and essentials long ago departed from Hinduism. These texts have remained like a shell, from which the kernel has gone. These texts belong to an age and system when woman was regarded as an object of perpetual tutelage. The father protected her in infancy, the husband in youth, the son in old age, she was to be always under the protection and tutelage of some one. I do not say it was a wrong scheme of life, it had its own purpose and it served it well in those times. But we cannot revive it now. The spirit of the age is against it. We cannot put life into husk from which life has departed. I am not condemning the past of my country or religion, but my plea is more limited. I say that the spirit of the ancient scheme of life left us long ago and cannot be revived. Even if man wanted to do so, the woman would refuse. As Pandit Madan Mohan Malaviya very rightly remarked in ancient days, she entered matrimony before the sexual passions arose in her. She never troubled to make her own choice, but regarded her husband selected by another as the one person round whom all her affections and loyalty clustered. She regarded her boy—husband as the idol of her affection and love. She was content to accept the choice of her parents and lived contentedly in the protective and affectionate atmosphere of the husband’s family. But how many Hindu families can secure her such affectionate and protective atmosphere under modern conditions? Not many. The other day, I listened to an excellent speech made by the great Bengal patriot, Mr. Shyam Sundar Chakravarthi who is a member of the orthodox deputation. He told me an instance, which I well venture to say is now to be found in very few Hindu families. Few families, under the stress of modern ideas and

economic conditions, have been able to maintain the social and cultural traditions of ancient times, under which alone the system worked. I will relate here the incident narrated by Mr. Shyam Sundar Chakravarthi because it is typical of the purity of the ancient family life of Bengal. He said that his mother once saw him talking to his girl wife in secrecy before they had met as man and wife. A severe punishment was meted out to him for that sin. It was then regarded as a sin to talk to a girl wife before consummation. It was bad manners in the sacred atmosphere of the family home. May I know from my orthodox friends, in how many families this atmosphere still survives, and where it does not so survive, whether it is possible to revive it? Therefore my plea is this. It is no use being guided by Shastras alone in this matter. And turning to my Honourable friend from Madras, Mr. M. K. Acharya, may I say that I was very much surprised that he despised all these demonstrations and propaganda which are being carried on outside the House to secure support for this Bill. My Honourable friend knows these demonstrations and propaganda are recognised means of creating public opinion. I do hope my Honourable friend has not forgotten the days, not long ago, when he himself with another agile friend from Madras, carried on a violent propaganda against Jala Lajpat Rai and my Party in the Punjab at the behest of his then political chief.

Mr. M. K. Acharya : But I never brought out little girls into the streets.

Mr. M. R. Jayakar : My Honourable friend felt pained when he saw these girls shouting “Support Sarda’s Bill”. Did not his own province use women for political propaganda? These are recognised methods of propaganda, and one need not affect a pious horror of them. But in the matter of the Shastras, may I say a few words to him. I know a little of the Shastras having learnt them at the feet of well known Pandits. And what are the Shastras? They are an ocean of learning, one can get texts on one side as well as on the other side. Therefore it is necessary to exercise the caution which an ancient Hindu sage uttered. Confused by the diversity to texts he said that it is not every text of the Vedas that is important but only those texts which accord with our own notion of logic and rationality. I am quoting from a very old commentary on the Vedanta Sutras called *Bhāmī*. My Honourable friend knows that the Vedanta is considered superior to all Shastras. May I quote to him a Sanskrit verse in translation.

“The Shastras are like jackals and their howls are silenced when the lion of the Vedanta roars.”

I am therefore purpose relying on a verse from an old and authoritative book on Vedanta which praises all Shastras. May I quote the original Sanskrit verse for the information of my Honourable friend and his associates from Madras :

“*Tatparavati shrutih pratyakshat balavati, na shrutimatram*”.

Freely translated, the text means that :

“Only that text of the Vedas is to be accepted as of greater authority than the evidence of our senses, and experience, which accords with our notions of logic and rationality; not every text of the Vedas.”

I am quoting a very ancient and not any modern rule of interpretation. I am not putting old wine into new bottles; I am quoting from a very

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ancient and perhaps, the most authoritative exposition of the Vedanta, which is ever above all Shastras. The author of this text warns us that we should not be confused by the diversity of texts, but regard only those texts as binding which accord with our own notions of logic and reason. This was said in the course of the process, which often went on in ancient India, when the centre of gravity of religious consciousness was sought to be shifted from authority to experience. This process goes on in every civilized country. In England, e.g., Bentham is the most recent exponent of it. Changing from time to time the centre of gravity from authority to experience has been long recognised in Hinduism as a process of adaptation. If I had time, I could give this House many instances. All reformers in the past have tried this process of adaptation why should not we in our time do the same? Therefore let me tell my orthodox friends that we are doing nothing new here. We are doing exactly what India has done in the past, what Hinduism has done from time to time. I am therefore very anxious that this Honourable House and the Government in particular should not be frightened by the array of texts, but should decide the case on merits. If we think that the Bill is bad in principle then it should be abandoned. By all means let us then throw out this measure. But in doing so, I just wish to warn my Honourable friends not to be frightened by the ugly picture of the cataclysm which is said to be likely to overtake society if this Bill were passed. It is very easy to become a Cassandra in these matters. I may tell my Honourable friends that no cataclysm has overtaken society, no great revolution social or religious has taken place in provinces where such Bills have been passed, e.g., Baroda, by Houses far less representative than this House.

Therefore let us not allow this red herring to be drawn across our path. I agree that it is not a question altogether free from difficulty, but we have to exercise our minds on the question and decide finally. The case of the girl wife and child mother has been long waiting for redress. For two years this Bill has been before the country. My Honourable friends will remember that it first came before the House as a piece of civil legislation, applicable to Hindus only. A Mahomedan Member of the then Select Committee held the view that if we really wanted the Muhammadan sentiment to be in favour of this Bill the age limit must be raised to 14. He was of opinion that if the Bill was to be made penal it should be made applicable to all communities and not to Hindus only, and that if it was to be applied to Moslems the age must be 14, for Moslems rarely married girls before 14. I am therefore very glad that, although at one stage an appearance was being given to the debate as if it was a question between Government and the Hindu Shastras, speakers like my Honourable friend, Dr. Hyder, and Mr. Price interfered and gave a cosmopolitan turn to the debate, showing that it was not a question of the Hindus only but a question of humanity to the girls of India: I am very glad that that turn was given to the debate.

I here wish to tell my Muhammadan friends that they have got to make up their minds. The hope that, given more time, they will be able to bring their orthodox Ulemas to their view, is as vain as the Pandit's optimism of getting the Hindu Pandits round. I personally do not share that optimism. As I said above, the two points of view are different, and if we really want to pass this Bill, we have to judge for ourselves, as the custodians of the country's sense of right and wrong. But let us not be

misled by this specious cry "Oh! we want to look into the evidence before the Age of Consent Committee". I have already told the House that if that evidence is published,—and I agree in this matter with my Honourable friend Mr. Shah Nawaz,—it will be a most harrowing piece of information. It will make our hair stand on end. I was not a member of that Committee and did not hear that evidence, but I had friends on that Committee who have told me that that evidence, if published, will be a relentless story of cruelty and selfishness. I am not afraid of that. What I am afraid of is this, that that evidence when published will surely raise a cry for further inquiry. I would challenge anybody to say that I am likely to be wrong in my anticipation. It is sure to raise this cry. Some Honourable Members will then assert that the evidence is only a part of the picture and not the whole, and that therefore the country must have another and more independent inquiry. An innocent-looking amendment of Mr. Acharya's has already made the beginning. He has already doubted the representative character of the Joshi Committee. In an alternative amendment he asks that another Committee should be appointed to take contrary evidence. We shall eventually be drawn into all kinds of bitter controversies and I can assure my Honourable friends that this Bill will then be hung up for another half a dozen years.

**Some Honourable Members:** The question may now be put.

**Mr. President:** Is that the general desire of the House? (*Cries of "Yes, yes" and "No, no."*)

**The Honourable Sir James Crerar** (Home Member): Sir, the debate has now been very prolonged, and we have had all points of view presented before us. In that view of the matter I think the question might now be put.

(*Cries of "No, no; we will go on."*)

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province: Nominated Non-Official): Sir, I am glad I caught your eye, and I think I am rather fortunate in that I have got to speak on this subject after the very many eloquent speeches that have been made.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

My task has been rendered very light, as I cannot produce much to add to what has been already said on the subject. I shall therefore be as brief as possible in putting my observations before the House. In the first place I sympathise with the author of this Bill, my friend and colleague, Rai Sahib Harbilas Sarda. I know that he is very sincere in his endeavours to bring about this social reform. He has tried his best to fight for it, and is now facing very strong opposition. There are others too who are as anxious as he is to bring about reforms in their communities through legislation. I can name one of them, Sir Hari Singh Gour. All these reformers, as I have said, are quite sincere in their wishes; and if it had been possible for them to achieve what they want to achieve through platforms and private endeavours, they would not have come to this House for help. But the necessity arises, because there is not a very strong public opinion behind them to back them up in their ideas. There is this difficulty, and that is why they have recourse to this Legislature. I know that there is occasionally strong public opinion on political matters, but the country is very often divided on matters of this sort; and in view of these difficulties, such reforms have to be brought into

**Mr. Ram Narayan Singh** (Chota Nagpur Division : Non-Muham-  
madan) : On a point of order, Sir. Is the Honourable gentleman rele-  
vant ?

**Nawab Sir Sahibzada Abdul Qaiyum** : Government can certainly  
introduce a small piece of legislation with a few clauses to stop these  
evils.

In the first place, we must secure for the people the liberty of thought  
and action. That will not require very elaborate legislation. If we put  
in one little section in a Bill that all roads and wells will be open to every-  
body in the country, irrespective of his caste or religion, that cannot be  
objected to by anybody. Similarly, I think in the matter of prohibition  
there can be no difference of opinion. If Government were to introduce  
measures of this character calculated to promote the happiness of the  
people, they would earn the gratitude of the country, and I can assure the  
Government that they will be supported whole-heartedly by this House.  
I do not blame the Government, as some of the speakers who preceded me  
did and attributed ulterior motives to Government for supporting this  
measure, because I feel that Government are perhaps quite earnest, and  
they intend to adopt a bolder policy in the future in matters like these.  
They have got the representatives of the country in this House behind  
them. These have been returned by the people of the country, and if  
Government will only lay matters of this character before the House and  
discuss them and leave the questions to be decided by the vote of this  
House, they will be saving themselves from the trouble of appointing Com-  
mittees and Commissions, taking evidence and spending lakhs and lakhs  
of rupees over them, because we find that, after all the time, labour and  
expenditure spent over these Committees, there will still be room. accord-  
ing to my friend Mr. Jayakar, for difference of opinion. Mr. Jayakar  
thinks that all the evidence that has been collected and taken by the Age  
of Consent Committee will be of no use if the question has to be re-  
considered more patiently and for a longer time. I think my friend Mr.  
Jayakar is right in thinking that, by postponing the consideration of this  
measure, it will only complicate matters. If this is so, let there be no  
Committees, no inquiry and no evidence in future, but matters of this  
sort should be left to the vote of the Members of this Assembly. The  
elected members will have to satisfy their constituencies of the correctness  
of their decisions, and if they fail to satisfy them, that will mean the end  
of their term ; because the constituencies would see that they return to  
the Assembly men who are in better touch with their sentiment.

Now, Sir, as regards the Bill itself. I am not an authority to dwell  
on the religious aspect of it. I will therefore only confine myself to the  
common-sense point of view. Before I do that, I might as well inform  
the House that, from a meeting of the Muslim Members of this House, I  
gathered that they were almost unanimous on the point that, since the  
Bill and the Report as well as the evidence, taken by the Age of Consent  
Committee had not been fully considered by the Mussulmans, it would be  
better to postpone the further consideration of the Bill until the next  
session. As my friend Maulana Shafi said, we do not know how  
this Bill, which was originally meant for Hindu marriages, was made  
applicable to Mussulmans also. Perhaps, there may have been suggestions  
from Mussulmans themselves to make the Bill applicable to them as well,  
but we should like to know who those Mussulmans were who made these

[5TH SEPT. 1929.]

[Nawab Sir Sahibzada Abdul Qaiyum.]

suggestions, and in what capacity they asked for the application of this measure to Mussulmans. (*A Muslim Member* : "Mr. Jayakar has already told you that Mr. Jinnah was responsible".) Even in the Agenda the Bill is called the Hindu Child Marriage Bill. (*An Honourable Member* : "That has been changed since".) It may have been changed in the Committee, but as I said, the Mussulmans have not yet heard how the change came about or how it was made applicable to them. I know that my friends Dr. Hyder and Mr. Shah Nawaz have spoken in support of this Bill and have suggested that it should be taken into consideration all at once, but we must bear in mind the quotation given by my Honourable friend opposite, Mr. Kumar Gangaiand Sinha, that even in the body of the Report it is mentioned that a sufficient number of Muslim witnesses had not come forward before the Committee to give their opinion. At least there were very few Muslim theologians, who gave their opinion in support of the change. Khwaja Hasan Nizami is the only person who has been quoted in this connection. But the House knows that he is more of a politician than a theologian, and his opinion I do not think will carry much weight with the orthodox sections of the Mussalmans. The Mussalman representation on the Committee was also in such a proportion as if they were going to secure some jobs for themselves in the services. It is generally one-third or one-fourth of the total seats on such Committees, while in matters like this there should be no fixed numbers. The services are quite different. In services there is the question of loaves and fishes, but in the matter of application of a law to the community I think they must be fully represented, at least more fully than they have been on this occasion.

Sir, my personal opinion on the subject under discussion is somewhat definite and if the Bill ever reaches the final stage or what they call the third reading stage, my Honourable friend Rai Sahib Harbilas Sarda will perhaps find my vote on his side. My personal opinion of it is that it is a very useful measure, a very necessary measure, and that it does not go against our Muslim law of marriage. Of course, that is only my personal opinion. I come from a high class priestly family, but I am ignorant of these religious laws, and as I have said before, I am only taking a common sense point of view of the matter and I base my opinion on the past history of the Mussalmans in this respect. I know that from the very beginning of Islam up to the present day, marriages have been contracted at very tender ages and also at very advanced ages. There is nothing, so far as I know, which prevents a Mussalman from entering into a marriage alliance at a young age or at the advanced age of 100 or even more. That being the case, and there being no special prohibition about it, I think I am allowed to use my own discretion, and according to my discretion, we must fix the limit at some higher age, as it is really an evil and must be put an end to. The Bill as it is, whether you raise the age to 20 or 30 or lower it to 3 or 4, will not affect us much in the North. We do not as a rule go in for these early marriages. As a matter of fact, my family or the clan to which I belong do not enter into marriage alliances before the age of 25 in the case of men and of 20 in the case of women. Whether that is based on religious laws, or on climatic conditions, or on economic reasons, I do not know, but there is one fact which I have noticed and that may have been the principal cause of it. It is that we

## LEGISLATIVE ASSEMBLY.

Monday, 9th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

## GRANT OF GRATUITIES ON RETIREMENT TO THE STAFF OF THE CURRENCY OFFICE, BOMBAY.

230. \*Mr. M. S. Aney : With reference to the reply given to my starred question No. 798 (d), on the 23rd February, 1929, relating to the grant of gratuity to the staff in the Currency Office on retirement, will Government be pleased to state :

- (i) what distinction they make between the position of the employees of the State Railways and the staff in the Currency Office drawing the same salaries ; and
- (ii) what are the detailed grounds on which they see no justification so far for setting up the system of granting gratuities in the Currency Offices ?

The Honourable Sir George Schuster : Much of the purpose of the Honourable Member in asking this question is, I imagine, satisfied by the answer I gave him on the 5th September, 1929, to question No. 229. For the rest, I must explain that the granting of gratuities in addition to pension, or in addition to the Government contribution in a contributory provident fund, is not found in Government service except in the Railway Department. The decisions of the Government of India regarding the staff of the Currency Offices have been taken with reference to the conditions of service of Government servants in general. I trust the Honourable Member will agree with me that this, and not the comparison which he invites me to discuss, was the correct comparison to take.

## DUTIES AND STATUS OF TOWN INSPECTORS OF POST OFFICES IN BOMBAY.

231. \*Mr. Jamnadas M. Mehta : (a) Is it a fact that after the revision of 1927, the knowledge of investigation, as required by rule No. 238-II of Post Office and T., Volume IV, published by the Director General, Posts and Telegraphs, is one of the essential qualifications for a Town Inspector at the Presidency Towns and First Class Head Offices, as in the case of Sub-divisional Inspectors in the mofussil ?

(b) If so, are Government aware that Town Inspectors in Bombay were relieved of this important duty since the lowering in status of these appointments to the ordinary time-scale of clerks in 1920 ?

The Honourable Sir Bhupendra Nath Mitra : (a) The answer is in the affirmative.

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(b) I understand that the statement of which the Honourable Member seeks confirmation is not wholly correct, and that what actually happened is as follows. To end of December, 1919, all Town Inspectors in Bombay were doing investigation work. From January, 1920, investigation work was concentrated in the hands of two Inspectors who initially received a pay of Rs. 100—150, and from September, 1920, the ordinary time-scale rate of pay.

**Mr. Jamnadas M. Mehta :** Is it or is it not a fact, that from the 1st December, 1919, the Town Inspectors were appointed out of the clerical cadre based on time-scale ?

**The Honourable Sir Bhupendra Nath Mitra :** I cannot say, Sir. Possibly that is the position. I did not make the selections.

**Mr. Jamnadas M. Mehta :** Is it or is it not a fact that these Town Inspectors were equal in status to the other clerks in the time-scale of 60—5—160 ?

**The Honourable Sir Bhupendra Nath Mitra :** I cannot say anything on that point. I was not here in 1919. I have collected, for the Honourable Member's benefit, the information which he had asked for and I cannot now say what was or was not a fact in 1919 and 1918. If the Honourable Member wants further information in regard to past history he must give me notice of questions.

**Mr. Jamnadas M. Mehta :** It is not past history. It is relevant to and connected with the question I have asked, viz.: Are Government aware that the Town Inspectors were relieved of this important work of investigation since 1920, and whether or not since this clerical grade came into force from the 1st December, 1919, in the city of Bombay the Town Inspectors were appointed from these clerks without any questions of seniority, merit or the passing of any examination ?

**The Honourable Sir Bhupendra Nath Mitra :** The Honourable Member seems to be imparting and not asking for information.

**Mr. Jamnadas M. Mehta :** Because.....

**The Honourable Sir Bhupendra Nath Mitra :** There is no question of "because". I have given the Honourable Member the information which he asked for, and if the Honourable Member wants to have further information I shall require notice of that.

**Mr. Jamnadas M. Mehta :** My question was.....

**Mr. President :** The Honourable Member has asked for notice.

**Mr. Jamnadas M. Mehta :** The Honourable Member has put words into my mouth which I have not used. I asked him whether it was not a fact that Town Inspectors were relieved of the duties of investigation from 1920 and that they were mere clerks from that day till 1927.

**The Honourable Sir Bhupendra Nath Mitra :** I have already given him the answer to that question.

**Mr. Jamnadas M. Mehta :** Is it not a fact that the Inspectors were in the same grade as that of clerks, i.e., time-scale of pay ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall repeat the information which I just gave to the Honourable Member and I would request him to listen to it carefully :

"To end of December, 1919, all Town Inspectors in Bombay were doing investigation work. From January, 1920, investigation work was concentrated in the hands of two inspectors who initially received a pay of Rs. 100—150 and from September, 1920, the ordinary time-scale rate of pay."

**Mr. Jamnadas M. Mehta :** Sir, this is not an answer to my question, viz.: Is it or is it not a fact that there were Inspectors who had no investigation work and that they were mere clerks appointed as Inspectors ?

**The Honourable Sir Bhupendra Nath Mitra :** That obviously follows from the answer I have given.

**Mr. Jamnadas M. Mehta :** Were there or not clerk-inspectors who were not in charge of investigation work ? I am referring to them only.

**The Honourable Sir Bhupendra Nath Mitra :** If the Honourable Member had listened carefully to my answer he would have found that that was the position.

**Mr. Jamnadas M. Mehta :** Is it not a fact that these Inspectors who had no investigation work between 1920 and 1927 were given charge of investigation work after the revision of 5th August, 1927, although they were mere time-scale clerks ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not quite follow the Honourable Member's question.

**Mr. Jamnadas M. Mehta :** I shall repeat it with great pleasure. I am asking whether these time-scale clerk-inspectors who were not doing investigation work prior to 5th August, 1927, were after that date invested with the work of investigation over the heads of their seniors in the time-scale ? Is that so or not ?

**The Honourable Sir Bhupendra Nath Mitra :** I cannot answer that question. I have given the Honourable Member the information which he wanted and if he wants any further information the Honourable Member will have to give me notice of that.

**Mr. Jamnadas M. Mehta :** I have referred to the date of the order under which this revision was made in 1927. I cannot understand what notice the Honourable Member wants. I want to know from the Honourable Member whether or not these clerk-inspectors who are not in charge of investigation work before 1927, were from the 5th August, 1927, placed in charge of investigation work, although they belonged to the lower status of clerks on time-scale ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall require notice of that question.

**Mr. Jamnadas M. Mehta :** May I refer the Honourable Member to his answer of 6th February, 1928, in which he says.....

**The Honourable Sir Bhupendra Nath Mitra :** If I said so, then the Honourable Member does not want any further information.

**Mr. Jamnadas M. Mehta :** As the Honourable Member has himself admitted, the inferior status of these clerk-inspectors in his reply of the 6th February, 1928, why has he sanctioned now the supersession of 350

seniors clerks in the city of Bombay for the benefit of their juniors in the time-scale ?

**The Honourable Sir Bhupendra Nath Mitra :** I submit, Sir, that does not arise out of this question. If the Honourable Member will give me notice of that question, I shall certainly try my best to answer it.

**Mr. Jamnadas M. Mehta :** That does arise from part (a) of my question.

**Mr. President :** The Honourable Member wants notice in any case.

**Mr. Jamnadas M. Mehta :** I am prepared to oblige him.

**The Honourable Sir Bhupendra Nath Mitra :** It is not a question of obliging. This question does not arise out of part (a) of the question. I shall read part (a) of the question :

“ Is it a fact that after the revision of 1927, the knowledge of investigation, as required by rule No. 238-II of Post Office and T., Volume IV, published by the Director General, Posts and Telegraphs, is one of the essential qualifications for a Town Inspector at the Presidency Towns and First Class Head Offices, as in the case of Sub-divisional Inspectors in the mofussil ? ”

That, Sir, is the question. That does not refer to matters of supersession. Therefore as I said the Honourable Member's supplementary question in regard to supersession does not arise out of his main question.

**Mr. Jamnadas M. Mehta :** With all this specious pleading, I think, Sir, it arises, because it says that investigation was one of the essential qualifications which the clerk inspectors did not possess.

**Mr. President :** Order, order. Even if the question does arise, the Honourable Member wants notice. Is that correct ?

**The Honourable Sir Bhupendra Nath Mitra :** Quite so.

**Mr. Jamnadas M. Mehta :** I shall give him notice.

#### APPOINTMENT OF TWO INSPECTORS OF POST OFFICES IN BOMBAY IN CHARGE OF INVESTIGATION.

232. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that two posts of the *status* and *pay* of the Sub-divisional Inspector were subsequently created in 1923 in Bombay for pure investigation duties under the designation of Inspector of Post Offices in charge Investigation ?

(b) Is it a fact that these two new appointments were not given to the then existing Town Inspectors, as they did not possess the requisite departmental qualifications such as the passing of the departmental examination, though they had actually put in more than three years' service in that line ?

(c) Is it a fact that in 1923 the Postmaster General, Bombay, had to appoint to these new posts a clerk-Town Inspector who had qualified himself for Inspector's appointment and had already been on the waiting list, and another subject to passing the examination ?

**The Honourable Sir Bhupendra Nath Mitra :** The reply to part (a) of the question is in the affirmative except that two new posts were not created, but the pay of two existing posts on the ordinary time-scale rate of pay was raised. The answer to part (c) is also in the affirmative. In

regard to part (b), Government understand that one of the new appointments was given to a qualified Town Inspector on the time-scale rate of pay and the other was given to an official as reward for field service and subject to passing an examination, which he subsequently did pass.

**Mr. Jamnadas M. Mehta :** Is it a fact that when in 1923 these Inspectors' posts were created for the purpose of investigation, the existing Town Inspectors, on time-scale, who were nine in number, were not given any of these two posts because they were inferior in status and qualifications ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall again read the answer I have given :

“ Government understand that one of the new appointments was given to a qualified Town Inspector and the other was given to an official as reward for field service and subject to passing an examination, which he subsequently did pass.”

**Mr. Jamnadas M. Mehta :** But none of these was given—is it correct or not ?—none of these two posts was given to any of the nine Town Inspectors selected from the clerical grade for want of the necessary qualification ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not quite follow the Honourable Member's statement. If he wants to impart information to me, I am quite willing to take it.

**Mr. Jamnadas M. Mehta :** I want to obtain information as well as admissions.

**The Honourable Sir Bhupendra Nath Mitra :** So far as I am concerned, I have given him the information which I have collected on the subject.

**Mr. Jamnadas M. Mehta :** Will he please give me the information whether or not none of these newly-created posts were given to any one of the then existing nine Town Inspectors as were inferior in status and qualifications, although they were called “ Town Inspectors ” by courtesy ?

**The Honourable Sir Bhupendra Nath Mitra :** This is the information I have got. One of the new appointments was given to a qualified Town Inspector.

**Mr. Jamnadas M. Mehta :** One of the new appointments was given to a truly qualified Town Inspector properly so-called ?

**The Honourable Sir Bhupendra Nath Mitra :** If you say the qualified Town Inspector must have been one of the men who was previously on a time-scale rate of pay, and the other was given to an official as reward for field service and subject to passing an examination which he subsequently did pass.

**Mr. Jamnadas M. Mehta :** Sir, this is not answering my question. I am asking, “ out of the nine Town Inspectors who were in the clerical time-scale, was any one given any of these two posts ? ”

**The Honourable Sir Bhupendra Nath Mitra :** Sir, I cannot tell the Honourable Member more than I have told him. If he cannot understand my reply, I am very sorry.



**Mr. Jamnadas M. Mehta :** I quite understand your replies but they are not the replies to my question.

**The Honourable Sir Bhupendra Nath Mitra :** They are replies to the question, if the Honourable Member will read them at leisure. At present, apparently he seems to be very much imbued with a certain amount of prejudice. If he will read the reply I read out, he will see that he has got the reply to his question.

**Mr. Jamnadas M. Mehta :** Sir, is the allegation of the Honourable Member that I am imbued with prejudice an answer to my question? He is himself dripping with prejudice. I am asking the Honourable Member, Sir, whether or not it is a fact, when these two Inspectors' posts for investigation were created in 1923, not one of them was given to any of the existing nine Town Inspectors because these were of the clerical grade on time-scale and were inferior in status, although they were called "Town Inspectors" by courtesy?

**The Honourable Sir Bhupendra Nath Mitra :** I shall, Sir, repeat the answer I have given :

"Government understand that one of the new appointments was given to a qualified Town Inspector and the other was given to an official as reward for field service and subject to passing an examination, which he subsequently did pass".

**Mr. President :** Order, order. I think this is sheer waste of time. The Honourable Member wants to know whether any of these posts was given to any of the nine Town Inspectors. If the Honourable Member has no information, he might say that he requires notice.

**The Honourable Sir Bhupendra Nath Mitra :** Sir, as it is, I have got nothing more to say. My friend, Mr. Jamnadas Mehta wants to know whether any of these appointments was given to any of the existing nine Town Inspectors. If he had listened to my reply, which I shall repeat....

**Mr. President :** Order, order. He is not giving the answer to the question. Mr. Mehta wants to know whether any of these nine people were given any of these two posts. That is a clear-cut question, and if the Honourable Member wants to make inquiries, he might ask for notice. It is no use reading the same answer, which does not fulfil the requirements of the question.

**The Honourable Sir Bhupendra Nath Mitra :** Sir, it is not a question of my making further inquiries. I was saying that one of these appointments was given, and I was then proceeding to explain how that was apparent from my answer.....

**Mr. President :** Order, order. If one was given, say "one was given".

**The Honourable Sir Bhupendra Nath Mitra :** That was part of my answer, Sir.....

**Mr. President :** The Chair did not understand the Honourable Member to say so in so many words.

**Mr. Jamnadas M. Mehta :** I am very glad to hear the Honourable Member say "one was given" to one of these nine inspectors. Then I have nothing further to say except that my information is quite to the contrary.

# APPOINTMENT AS INVESTIGATING INSPECTORS OF TOWN INSPECTORS OF POST OFFICES FOUND UNSUITABLE PREVIOUSLY.

233. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that the incumbents of Town Inspectors' posts between 1920 and 1927, who were found unsuitable in 1923 to hold the newly created posts of Investigating Inspectors on account of want of necessary qualifications, and who have not yet qualified themselves by passing any examination, have been considered competent since their orders of August, 1927, to hold these posts in supersession of the claims of their seniors in the general line?

(b) If the reply to part (a) is in the negative, will Government be pleased to state why they have, since 1927, appointed them to the posts of Town Inspectors in Selection Grade?

**The Honourable Sir Bhupendra Nath Mitra :** Government understand that the appointments were made by the Postmaster General with reference to the orders of Government contained in their letter of 2nd October, 1928, as he considered the men to be competent to hold the posts.

**Mr. Jamnadas M. Mehta :** Now can they be declared to be competent to hold the posts, when they did not possess the qualifications laid down and were not even senior to hundreds of their colleagues?

**The Honourable Sir Bhupendra Nath Mitra :** The appointments were selection appointments, and it was for the officer who made the selection to decide whether the men were competent to hold the appointments or not.

**Mr. Jamnadas M. Mehta :** These are selection grade appointments, but after what tests and out of whom? Selection out of the entire clerical grade?

**The Honourable Sir Bhupendra Nath Mitra :** Yes.

**Mr. Jamnadas M. Mehta :** Is it a fact that a person who was 351st in the grade was selected as Town Inspector without possessing any special qualifications over 350 people who were senior?

**The Honourable Sir Bhupendra Nath Mitra :** I do not know, Sir, and I am not prepared to discuss the merits of selection made by responsible officers who were authorised to make selection.

**Mr. Jamnadas M. Mehta :** Is it a fact or not, I say, that there was no selection on merit, those who were unfit for the work for seven years were suddenly considered fit for the same work? Is it a fact or not?

**The Honourable Sir Bhupendra Nath Mitra :** I should say, no. The officer was authorised to make the selection and he made the selection.

**Mr. Jamnadas M. Mehta :** Is the Honourable Member aware of Order No. A.O.-14, dated 14th November, 1921, of the Presidency Postmaster in his connection where he says :

"No official can now claim to be appointed a permanent city inspector. By virtue of a city officer being on the time-scale, pay his appointment is interchangeable with a clerk on the time-scale pay".

Was there any question of merit?

**Mr. Jamnadas M. Mehta :** I quite understand your replies but they are not the replies to my question.

**The Honourable Sir Bhupendra Nath Mitra :** They are replies to the question, if the Honourable Member will read them at leisure. At present, apparently he seems to be very much imbued with a certain amount of prejudice. If he will read the reply I read out, he will see that he has got the reply to his question.

**Mr. Jamnadas M. Mehta :** Sir, is the allegation of the Honourable Member that I am imbued with prejudice an answer to my question? He is himself dripping with prejudice. I am asking the Honourable Member, Sir, whether or not it is a fact, when these two Inspectors' posts for investigation were created in 1923, not one of them was given to any of the existing nine Town Inspectors because these were of the clerical grade on time-scale and were inferior in status, although they were called "Town Inspectors" by courtesy?

**The Honourable Sir Bhupendra Nath Mitra :** I shall, Sir, repeat the answer I have given :

"Government understand that one of the new appointments was given to a qualified Town Inspector and the other was given to an official as reward for field service and subject to passing an examination, which he subsequently did pass".

**Mr. President :** Order, order. I think this is sheer waste of time. The Honourable Member wants to know whether any of these posts was given to any of the nine Town Inspectors. If the Honourable Member has no information, he might say that he requires notice.

**The Honourable Sir Bhupendra Nath Mitra :** Sir, as it is, I have got nothing more to say. My friend, Mr. Jamnadas Mehta wants to know whether any of these appointments was given to any of the existing nine Town Inspectors. If he had listened to my reply, which I shall repeat....

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**The Honourable Sir Bhupendra Nath Mitra :** Sir, it is not a question of my making further inquiries. I was saying that one of these appointments was given, and I was then proceeding to explain how that was apparent from my answer.....

**Mr. President :** Order, order. If one was given, say "one was given".

**The Honourable Sir Bhupendra Nath Mitra :** That was part of my answer, Sir.....

**Mr. President :** The Chair did not understand the Honourable Member to say so in so many words.

**Mr. Jamnadas M. Mehta :** I am very glad to hear the Honourable Member say "one was given" to one of these nine inspectors. Then I have nothing further to say except that my information is quite to the contrary.

33. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that the incumbents own Inspectors' posts between 1920 and 1927, who were found unsuitable in 1923 to hold the newly created posts of Investigating Inspectors on account of want of necessary qualifications, and who have not yet qualified themselves by passing any examination, have been considered competent since their orders of August, 1927, to hold these posts in supersession of the claims of their seniors in the general line?

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**The Honourable Sir Bhupendra Nath Mitra :** Yes.

**Mr. Jamnadas M. Mehta :** Is it a fact that a person who was 351st in the grade was selected as Town Inspector without possessing any special qualifications over 350 people who were senior?

**The Honourable Sir Bhupendra Nath Mitra :** I do not know, Sir, and I am not prepared to discuss the merits of selection made by responsible officers who were authorised to make selection.

**Mr. Jamnadas M. Mehta :** Is it a fact or not, I say, that there was no selection on merit, those who were unfit for the work for seven years were suddenly considered fit for the same work? Is it a fact or not?

**The Honourable Sir Bhupendra Nath Mitra :** I should say, no. The officer was authorised to make the selection and he made the selection.

**Mr. Jamnadas M. Mehta :** Is the Honourable Member aware of Order o. A.O.-14, dated 14th November, 1921, of the Presidency Postmaster in his connection where he says :

"No official can now claim to be appointed a permanent city inspector. By virtue a city officer being on the time-scale, pay his appointment is interchangeable with clerk on the time-scale pay".

Was there any question of merit?

**The Honourable Sir Bhupendra Nath Mitra :** I am not aware what the Presidency Postmaster had said in the year 1921. I am aware that the Postmaster General, who was the officer authorised to make the selection, made the selection.

**Mr. Jamnadas M. Mehta :** But between 1921 and 1927 no special qualification attached to these posts of Town Inspectors which were interchangeable with any clerk on time-scale pay ?

**The Honourable Sir Bhupendra Nath Mitra :** It may have been. That does not in my opinion affect the question.

**Mr. Jamnadas M. Mehta :** Therefore, there can be no question of special merit ?

**The Honourable Sir Bhupendra Nath Mitra :** That may be the opinion of my Honourable friend ; it is not my opinion.

**Mr. Jamnadas M. Mehta :** I am quoting from an order of the Presidency Postmaster.

**The Honourable Sir Bhupendra Nath Mitra :** It may be, but the Honourable Member is applying some interpretation of his own to the Presidency Postmaster's order.

**Mr. Jamnadas M. Mehta :** Is it a fact or not that when this clerical grade on time-scale was in force between 1920 and 1927 the Town Inspectors in Bombay were selected from clerks without reference to seniority, because the appointments gave them no special advantage and for all practical purposes, they were clerks ?

**The Honourable Sir Bhupendra Nath Mitra :** That may have been. I do not understand what the Honourable Member means by " practical purposes ". The position was this. Before 1927, these appointments of Town Inspectors were included in the grade of the ordinary time-scale clerks, but still the persons who were appointed to fill the posts of Town Inspectors were selected by the Postmaster General. In 1927, the rates of pay of Town Inspectors were raised ; the posts were put into the selection grade. They were selection grade appointments, and the Postmaster General was the officer who was competent to make the selection. He made his selection and put in certain people into that grade. I am not prepared, on the floor of this House, to discuss the action of the Postmaster General in making selections for appointments for which he was the authority competent to make selections.

**Mr. Jamnadas M. Mehta :** I am not referring to the position as after 1927 at all. I am asking whether or not between 1920 and 1927 the Town Inspector in the city of Bombay was a clerk and nothing more so far as his pay and status were concerned.

**The Honourable Sir Bhupendra Nath Mitra :** He was obviously not a clerk. I have said that he was included for purposes of pay in the

ordinary time-scale, but he was specially selected for filling the particular appointment.

**Mr. Jamnadas M. Mehta :** Was he selected as an Inspector because he possessed the qualifications of an Inspector with knowledge of investigation work ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not quite understand the Honourable Member's question.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member mean to say that he was selected as Inspector because he had the specific qualifications of an Inspector properly so called ?

**The Honourable Sir Bhupendra Nath Mitra :** Obviously, it was because the Postmaster General or the Presidency Postmaster considered him to be more fit for that appointment than anybody else that he selected him to perform the duties of a Town Inspector.

**Mr. Jamnadas M. Mehta :** Is it or is it not a fact that the Honourable Member is quite misinformed on the question of the duties of Inspectors in the City of Bombay as compared with the duties of ordinary Inspectors of Post Offices ?

**The Honourable Sir Bhupendra Nath Mitra :** I am fully aware of that difference, but the question which the Honourable Member has asked was whether I was aware of the fact that the Inspector was purely a clerk.

**Mr. Jamnadas M. Mehta :** But is it or is it not a fact so far as Bombay City is concerned ?

**The Honourable Sir Bhupendra Nath Mitra :** The answer to the question whether the Inspector is a clerk or not is in the negative.

**Mr. Jamnadas M. Mehta :** But is it or is it not a fact that he was only a clerk ?

**The Honourable Sir Bhupendra Nath Mitra :** He was graded with clerks for the purpose of pay. But, obviously, as an Inspector he has got to inspect post offices ; he is not performing the duties of a clerk.

**Mr. Jamnadas M. Mehta :** Is it not a fact that as this clerk had to do out-door work with the public instead of being called a clerk, he was called an Inspector to impress the public of Bombay ? If this Bombay Town Inspector was a real Inspector, will the Honourable Member describe the difference between the duties of ordinary Town Inspector of Post Offices and the Town Inspectors of Bombay ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall require notice of that question. If the Honourable Member had asked me for that information in his original question I would have supplied him with a statement giving the various duties. He can find them in the Post Office Manual. If he will give notice of that question, I will supply him with the information.

**Mr. Jamnadas M. Mehta :** Will he accept it from me that their substantial difference.....

**Mr. President :** Order, order. The Honourable Member is giving information and not seeking it.

**Mr. Jamnadas M. Mehta :** The answer to part (b) of my question has not yet been explained. Why were these clerk Inspectors appointed to selection grade posts in 1927 when they were ordinary clerks on time-scale ?

**The Honourable Sir Bhupendra Nath Mitra :** I have already answered that. The pay of these appointments was changed in the year 1927. They were put into selection grade appointments. The Postmaster General is the authority who is competed to make these selections and he selected them for these posts.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member realise that this statement is quite contrary to fact and that his reply is inconsistent with the reply which he gave on the 6th of February, 1928, when he said :

"No. A selection grade of Rs. 150—10—250 was introduced from 1st September, 1927, for Town Inspectors in Calcutta in the Government order dated 5th August, 1927, but it was clearly stated in that order that with the introduction of the revised scales the duties and responsibilities attaching to those posts would be enhanced. By a subsequent Government order dated 15th September, 1927, it was announced that the existing incumbents would possess no exclusive right of appointment to the new posts in the selection grade by virtue of their having held charge of the old inferior posts of Town Inspectorships."

Does he now admit that these Town Inspectors in the City of Bombay were inferior Inspectors and not the selection grade Inspectors created by the order of 15th August, 1927, and that their appointment to the new selection grade amounted to supersession of hundreds of their seniors on time-scale ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not admit that, Sir. What I said in these various answers to which my Honourable friend has referred was absolutely correct. There is no question of inferiority. Certain new appointments were created. It was definitely laid down that the people performing the duties of Town Inspectors at the time had no absolute claim to the new appointments, but still they were selection grade appointments. The Postmaster General was the authority who made the selection and it rests with him to select men for these appointments.

(Mr. Jamnadas M. Mehta wanted to put another supplementary question.)

**Mr. President :** Order, order : Next question.

#### PAY OF TOWN INSPECTORS OF POST OFFICES.

234. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that the question of appointments of Town Inspectors on the revised scale of Rs. 160—10—250 was discussed in a conference of the Postmasters General held after 1927 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what the recommendations of that conference were in connection with Town Inspectors' appointments ?

(c) Is it a fact that the Postmasters General were also separately consulted about this subject and, if so, what were their recommendations ?

(d) Have Government accepted any of the recommendations referred to in parts (b) and (c) above and, if so, why ?

(e) Will Government be pleased to place all papers in this connection on the table of the House ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) to (e). The Postmasters General's Conference is a purely departmental conference of a confidential nature, and Government are not prepared to communicate to the House either the recommendations of the Conference or the decisions arrived at by Government on those recommendations.

#### REINSTATEMENT OF DISPLACED TOWN INSPECTORS OF POST OFFICES.

235. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that the Government of India Order No. 14-P.T.E., dated the 2nd October, 1928, relates to the reinstatement of certain displaced Town Inspectors only on the occurrence of vacancies in the Town Inspectors' line ?

(b) Are Government aware that the Director-General has supplemented these orders by his No. 279-III/27, dated the 15th October, 1928, by ordering the Postmasters General to reinstate the displaced Town Inspectors by creating vacancies for them by transferring the senior incumbents, who were appointed *ad interim* as Inspectors, to the general line ?

(c) Will Government be pleased to state why they have committed a double supersession by transferring the senior men and filling the vacancies thus created by the displaced Inspectors ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The letter quoted deals with the matter mentioned amongst others. A copy of it was laid on the table of the House on the 28th January, 1929, in reply to Khan Bahadur Sarfaraz Hussain Khan's unstarred questions Nos. 98 and 133.

(b) Yes, the supplementary instructions were issued by the Director General with the concurrence of Government.

(c) In order to give some relief to officials who had been displaced from posts of Town Inspectors in First Class Head Offices and were considered by heads of Circles to be competent to discharge duties of Town Inspectors, special measures to restore them to their former posts were taken by the transfer of the newly appointed Town Inspectors to other posts on equal pay where this could conveniently be done. This action does not amount to a double supersession.

**Mr. Jamnadas M. Mehta :** Is the Director General's letter of 15th October, 1928, to be taken as superseding the Government of India's letter of the 2nd October, 1928, inasmuch as both are inconsistent ?

**The Honourable Sir Bhupendra Nath Mitra :** There is no inconsistency in the two.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member admit that in the second letter of 15th October, 1928, the Director General wants the heads of circles to give special consideration to these Town Inspectors even by readjustments of posts, whereas the orders of Government, dated the 2nd October, 1928, does not ?

**The Honourable Sir Bhupendra Nath Mitra :** I am sorry I have not got a copy of the letter here.

(Mr. Jamnadas M. Mehta supplied the Honourable Member with a copy of the letter.)

**The Honourable Sir Bhupendra Nath Mitra :** There is no inconsistency as I thought. The Director General's letter simply refers to certain supplementary instructions. He says definitely :

"In giving effect to the orders of the Government of India, the Director General desires that the following supplementary instructions should be followed."

**Mr. Jamnadas M. Mehta :** Although they are called supplementary, they go far beyond the order of 2nd October, 1928. Is it not a fact that what did not exist in the order of 2nd October, 1928, is to be found in the order of the 15th October ? Does not the latter require that whether there is a vacancy of a Town Inspector, or not, it is to be created for the benefit of these clerk Inspectors by transferring the incumbent of the Town Inspectorship to the general line ? This was not in the original order.

**The Honourable Sir Bhupendra Nath Mitra :** The answer to that is in the negative.

**Mr. Jamnadas M. Mehta :** Will the Honourable Member read the order of the Director General which calls upon the heads of Circles to find jobs for these clerk Inspectors and by a certain date to report to him what has been done with reference to the Town Inspectors ? Was this in the original order ?

**The Honourable Sir Bhupendra Nath Mitra :** That is perfectly all right ; but it does not follow that any instructions that were issued by the Director General in that letter were in any way inconsistent with the order of the Government of India.

**Mr. Jamnadas M. Mehta :** Was there anything in the letter of the Government of India of the 2nd October, 1928, whereby the existing incumbents of Town Inspectors' posts were to be transferred for the purpose of making a vacancy for these clerk Inspectors ?

**The Honourable Sir Bhupendra Nath Mitra :** No ; but what the Government of India said was that people who had been displaced from the appointments of Town Inspectors, if they were considered competent by the Heads of Circles for the newly created appointments of Town Inspectors, should be put back into those appointments as soon as convenient.

**Mr. Jamnadas M. Mehta :** Even by creating vacancies where there were none ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid my Honourable friend will never be able to understand the position. These are selection grade appointments and it absolutely rests with the Postmaster General to select anybody to fill these appointments.

**Mr. Jamnadas M. Mehta :** He can do so when a vacancy occurs.

**The Honourable Sir Bhupendra Nath Mitra :** Obviously : if there is no vacancy, the appointment could not have been made.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member know that vacancies were ordered to be created by the letter of the 15th October, 1928 ?

**The Honourable Sir Bhupendra Nath Mitra :** Vacancies cannot be created ; they can only be created by the creation of new appointments which the Postmaster General is not authorised to sanction, or by getting rid of somebody.

**Mr. Jamnadas M. Mehta :** Is the Honourable Member aware that some people were transferred to posts of Head Clerks in the general line in order to create vacancies for these clerk Town Inspectors ?

**The Honourable Sir Bhupendra Nath Mitra :** The vacancy then is in the selection grade itself. I have for the last 15 minutes or half an hour tried to impress upon my friend the nature of these appointments. They are all selection grade appointments and in these appointments are included Town Inspectors, Head Clerks, and people of that sort. But every appointment to a selection grade is made by selection which is done by the Postmaster General himself. Therefore, the matter rests entirely with him. In the first place, he has got to select a man for promotion to the selection grade and then he can post him to any particular duties, provision for the discharge of which is included in the selection grade.

**Mr. Jamnadas M. Mehta :** Is it then the fact that in selection grade posts the selection is made purely arbitrarily and that the existing order.....

**Mr. President :** Order, order. The Honourable Member is going far beyond the scope of supplementary questions.

**Mr. Jamnadas M. Mehta :** You will notice, Sir, that the Honourable Member has not answered even one question of mine ?

**Mr. President :** The Honourable Member must then table a Resolution.

**Mr. Jamnadas M. Mehta :** I have tabled a Resolution already, but there is no likelihood of its being reached.

#### NUMBER OF DISPLACED TOWN INSPECTORS OF POST OFFICES AND NUMBER OF MEN SUPERSEDED BY THEM.

236. **\*Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state whether the senior incumbents of the Town Inspectors' posts who were appointed *ad interim* since 21st May, 1928, were found unfit or incapable to efficiently discharge their duties ?

(b) Will Government be pleased to state the number of such displaced Town Inspectors in the whole of India and the number of senior men whom they have superseded ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government have no information on the subject. In this connection the attention of the Honourable Member is invited to part (a) of the reply given in this House to his starred question No. 898 on the 5th March, 1929.

(b) I do not quite follow this question as I do not understand what is meant by "such displaced Town Inspectors". Part (a) of the question does not help me as it does not refer to any displacement. In any case Government do not consider that any useful purpose would be served by collecting any information on this subject.

**Mr. Jamnadas M. Mehta :** Is it not a fact that all over India about 4,000 people have been superseded for the benefit of eighty people ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not know, Sir.

**Mr. Jamnadas M. Mehta :** Will the Honourable Member please inquire ?

**The Honourable Sir Bhupendra Nath Mitra :** No, Sir. I have already said that in the opinion of Government no useful purpose would be served by making that inquiry.

**Mr. Jamnadas M. Mehta :** Are the claims and rights of 4,000 people no matter of importance to Government ?

**The Honourable Sir Bhupendra Nath Mitra :** It is not a question of 4,000 people. I have already said that there are no absolute claims. It is purely a question of selection, that is, these people were admitted to selection grade appointments by the Post Masters General with whom the fullest discretion lay. By making inquiries, I shall be simply weakening the responsibility of the Post Masters General in the matter.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member realise that, although these were selection grade posts, it is obvious that appointments should depend on some minimum qualifications either of seniority or of passing an examination. In this particular instance, no such rule is being observed simply because these 80 people are concerned ? Is it so ?

**The Honourable Sir Bhupendra Nath Mitra :** It is not a fact.

**Mr. Jamnadas M. Mehta :** What is not a fact ?

#### EXAMINATIONS FOR POSTS OF SUB-DIVISIONAL INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES.

237. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that departmental examinations were in vogue since 1912 only for the posts of Sub-divisional Inspectors and Head Clerks to Superintendents of Post Offices ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reasons that led them to grant exemption from the examination to the existing incumbents ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes, in the Bombay Circle only. The system was subsequently introduced in other Circles.

(b) It is presumed that by the term "existing incumbents" the Honourable Member refers to those Town Inspectors who were attached to First Class Head Offices. In the first order, dated the 5th August, 1927, existing incumbents of Town Inspectorships were, among others, exempted from passing the selection grade examination. In their final orders No. 14-P.T.E., dated the 2nd October, 1928, Government restricted this exemption to those Town Inspectors "who have already rendered three years' satisfactory service in that capacity" and added that their confirmation should be at the discretion of the Director General. The exception was made in view of the long period for which these men had already discharged the duties of these posts satisfactorily.

**Mr. Jamnadas M. Mehta :** Will the Honourable Member state what he means by "long period" ? Is it not that in some cases, the 'long period' will be three years, only this year ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not know, Sir. It must have come to three years before this year because the men were confirmed apparently before this year.

**Mr. Jamnadas M. Mehta :** Long period in any case, often comes to three years. Is that a fact, Sir ?

**The Honourable Sir Bhupendra Nath Mitra :** As the Government order stands, three years of satisfactory service is the period provided for.

**Mr. Jamnadas M. Mehta :** Is the Honourable Member aware that clerks in the same time-scale before 1927 who held these posts for more than three years are not getting these selection grade posts, and will he say, why ?

**The Honourable Sir Bhupendra Nath Mitra :** Quite possible, because it is not only three years, but it is three years' satisfactory service. I have come across cases where the Post Master General would not retain a man in the selection grade or confirm him in the selection grade although he had put in three years' service, because the Post Master General did not consider the service satisfactory.

**Mr. Jamnadas M. Mehta :** Is there any authority or proof of the statement that the Honourable Member is making ? On the contrary is it not a fact, one of these favourite Town Inspectors, whose services was considered satisfactory, was found stealing stamps ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no information.

**Mr. Jamnadas M. Mehta :** Will the Honourable Member kindly refer to the book, I have just given him ; there he will find that some of the Town Inspectors were found guilty of offences of stealing stamps ?

**The Honourable Sir Bhupendra Nath Mitra :** I know nothing about that. On this point, if the Honourable Member would give notice of a question, I shall inquire.

**Mr. Jamnadas M. Mehta :** Is it a fact that these Town Inspectors will, under the new orders, have the right to the selection grade post without examination while those who supervised their work will be subject to the new examination ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not quite see how those people could have been supervising Town Inspectors ?

**Mr. Jamnadas M. Mehta :** The Head Clerks who are now subject to this examination will be supervised by the Town Inspectors who have not passed the examination ? The Town Inspectors are not required to pass the examination because they have been exempted.

**The Honourable Sir Bhupendra Nath Mitra :** I understand that the work of Head Clerks is not supervised by Town Inspectors.

#### RULES FOR PROMOTION OF TOWN INSPECTORS OF POST OFFICES.

238. **\*Mr. Jamnadas M. Mehta :** (a) Is it the intention of Government that a three years' tenure in the post of a Town Inspector in the grade of Rs. 60-5-160 should make the incumbent fit without any test or examination, seniority or juniority, to hold the superior post of a Town Inspector in the Selection Grade ?



(b) If the reply to part (a) be in the affirmative, why is not the same rule applied to the incumbents of the same Selection Grade in the general line and why are officials not kept on probation for three years and exempted from examination before confirmation?

(c) If the reply to part (a) is in the negative, will Government state the reasons for exempting the displaced Town Inspectors from appearing for the examination?

(d) Will Government state why they do not apply to the displaced Town Inspectors the principle of seniority adopted by them for the appointments of Sub-Postmasters, Kalbadevi and Mandvi, and Assistant Postmasters, Bombay G. P. O., which posts have been recently raised to gazetted rank?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No.

(b) Does not arise.

(c) The Honourable Member is referred to my reply to part (b) of his question No. 237.

(d) I would refer the Honourable Member to the explanation given in letter No. P.T.E. of the 2nd October, 1928, a copy of which was placed on the table of the House on the 28th January last.

#### INCONSISTENCY OF ORDERS REGARDING APPOINTMENTS OF TOWN INSPECTORS OF POST OFFICES.

239. **\*Mr. Jamnadas M. Mehta :** (a) Was not the revised order of the Government of India No. 11-P.T.E., dated 15th September, 1927, as interpreted by the Director General in his letter, dated 11th February, 1928, issued by both the authorities after deliberate consideration?

(b) Was the order of the Government of India No. 14-P.T.E., dated 2nd October, 1928, as supplemented by the Director General in his No. 229-III/27, dated 15th October, 1928, issued by both the authorities after careful consideration?

(c) Are Government aware of the inconsistency between order No. 14-P.T.E., dated 2nd October, 1928, and the Director General's order No. 229-III/27, dated 15th October, 1928? If so, will Government please state the reason and also state if they propose to take immediate steps to set this right?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Yes.

(c) There is no inconsistency. The Director General's orders of the 15th October, 1928, were supplementary to the Government letter of the 2nd October, and the measures suggested in it were designed to ensure the earliest possible relief to the displaced Town Inspectors, consistent with the decisions taken by the Government of India.

#### JUSTIFICATION FOR THE ISSUE OF ORDERS REGARDING THE REINSTATEMENT OF CERTAIN TOWN INSPECTORS OF POST OFFICES.

240. **\*Mr. Jamnadas M. Mehta :** Will Government please state the justification for the issue of orders No. 14-P.T.E., dated 2nd October, 1928, after the considered reply (vide Legislative Assembly Debates, dated 1st February, 1928) of the Honourable Sir Bhupendra Nath Mitra?

**The Honourable Sir Bhupendra Nath Mitra :** The Legislative Assembly Debates for the 1st February, 1928, do not show any considered reply given by me on the subject of appointment or pay of Town Inspectors. The Honourable Member over there has probably been misled by some of his friends who suggested this question. The justification for the issue of the orders contained in the letter from the Government of India in the Department of Industries and Labour No. 14-P.T.E., dated 2nd October, 1928, a copy of which is in the Library, will be found in the letter itself.

**Mr. Jamnadas M. Mehta :** Instead of the 1st February, it ought to be 6th February.

**The Honourable Sir Bhupendra Nath Mitra :** That is quite a different story.

**Mr. Jamnadas M. Mehta :** In view of the change in the date, will the Honourable Member kindly answer now?

**The Honourable Sir Bhupendra Nath Mitra :** If he now puts down 6th February, I shall certainly examine the question. I only looked up the papers of the 1st February and the answer that I have already given was with reference thereto.

**Mr. Jamnadas M. Mehta :** There is no question of any of my friends having misled me. On the other hand, it is only their enemies over there who may be misleading.

#### CONFIRMATION OF A SUB-DIVISIONAL INSPECTOR OF POST OFFICES IN THE BOMBAY CIRCLE.

241. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that the confirmation of one Sub-divisional Inspector in the Bombay Circle, who was decorated with the title of Khan Saheb for meritorious work earlier, and who has put in eight years' satisfactory service in that capacity, is made dependent upon the passing of a departmental examination?

(b) Do Government propose to treat this Sub-divisional Inspector as less qualified and less efficient than the displaced Town Inspectors who have been favoured with these appointments with an exemption from the departmental examination?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The officer referred to was, as a reward for field service, appointed in 1921 as Inspector, subject to his passing the departmental examination. He appeared at that examination and failed to pass it.

(b) The answer is in the affirmative.

#### PROMOTION OF CERTAIN TOWN INSPECTORS OF POST OFFICES AND OTHER OFFICIALS IN THE SAME CADRE.

242. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that Assistant Postmasters General and Superintendents of Post Offices are considered officers of the same cadre for purposes of promotion, even though the former get a duty allowance in addition to their substantive pay?

(b) Will Government be pleased to state why the same principle should not be made applicable to Town Inspectors in the grade of Rs. 60-5-160 and other officials of the same cadre?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The answer is in the affirmative.

(b) There is now no separate cadre of Town Inspectors. Town Inspectors attached to offices other than First Class Head Offices draw pay according to the ordinary time-scale, together with a duty allowance. Posts of Town Inspectors attached to First Class Head Offices carry the pay of selection grade appointments in view of the nature of their duties and responsibilities.

**LOCATION OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

243. \*Maulvi Muhammad Yakub : Will Government be pleased to refer to starred question No. 226 answered on the 8th September, 1928, and state :

- (a) *re* para. (i) whether the Director of Wireless is required to go on tour during the Simla season ;
- (b) *re* para. (ii) why the Director General's Camp Office *only* is required in Delhi during winter and not the remaining portion of the Wireless Branch also ;
- (c) *re* para. (iv) as to what are those conveniences which are obtainable for Wireless Branch by remaining in Simla and which are not possible for the Branch to obtain by any means while in Delhi during cold weather ;
- (d) *re* para. (v) why not ; what is delaying the matter and why the Branch is not treated like other Branches in *all* respects ; and
- (e) *re* para. (vi) what are the modifications under consideration and when the decision in the matter is likely to be arrived at and whether that will affect the Wireless Branch in any way, if so, how ; if not, why not ?

**Mr. P. G. Rogers :** (a) Yes, occasionally. But during the winter he is required to be on tour more frequently.

(b) In the interests of economy and for want of accommodation it has not been practicable to have the Wireless Branch as a whole moving between Simla and Delhi.

(c) The Honourable Member presumably desires to know what are the advantages referred to in the reply to the previous question. There are a number of administrative reasons, of which the most important is the difficulty of obtaining sufficient residential accommodation in New Delhi and the additional expenditure which would be incurred in allowances if Government accommodation could not be provided.

(d) For the reasons already stated.

(e) The modification referred to has already been made by reducing to a minimum from this year the strength of the Director General's Office which moves to Simla, but it is too early to state how this modification will affect the Wireless Branch.

**WORK DONE BY THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS DURING WINTER.**

244. \*Maulvi Muhammad Yakub : Will Government be pleased to state in detail the nature of work done in Simla by the Wireless Branch during winter, that is, during the absence of the Director of Wireless, and which is *not at all* possible for the Branch to perform if it migrated to Delhi ?

**Mr. P. G. Rogers :** There is no work done in Simla by the Wireless Branch during the winter, which could not be done in Delhi if the whole Branch migrated accompanied by its records.

**NAMES OF ATTACHED OFFICES RETAINED IN SIMLA THROUGHOUT THE YEAR.**

245. \*Maulvi Muhammad Yakub : What are the attached offices (excluding a few Branches of Army Headquarters) retained in Simla throughout the year *like* the Wireless Branch ?

**The Honourable Sir James Crerar :** In addition to some Branches of Army Headquarters, the following attached offices remain in Simla throughout the year :

- (1) Office of the Military Adviser-in-Chief, Indian State Forces ;
- (2) Government of India Press, Simla ;
- (3) Office of the Superintending Engineer, Simla Imperial Circle ;
- (4) Office of the Director of Army Audit, Simla ; and
- (5) Wireless Branch of the Director General of Posts and Telegraphs, of which only a portion moves to Delhi.

**REPORT BY RAI BAHADUR GANGULI ON THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

246. \*Maulvi Muhammad Yakub : Will Government be pleased to lay on the table (i) a copy of Rai Bahadur Ganguli's report on the Wireless Branch of the Office of the Director General of Posts and Telegraphs ; and (ii) a copy of Government decision on the suggestions made by Rai Bahadur Ganguli about the migration and location of the Wireless Branch ?

(b) If the papers asked for cannot be laid on the table, why not ?

(c) If no action has been taken in regard to this matter, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a), (b) and (c). Mr. Ganguli submitted a report on the Office of the Director General as a whole, which contains various paragraphs relating to the work of the Wireless Branch. The report is a departmental document of a confidential character which is not in print, and is not intended for publication. A copy of it cannot therefore be laid on the table of the House. The various suggestions made in it are being examined by the Director General gradually, and orders of Government are being taken from time to time where these are required under standing arrangements. It is not possible to deal with all the suggestions simultaneously without causing a disorganisation of work in the Office of the Director General.

**Mr. Gaya Prasad Singh :** May I know why the Government of India do not issue all orders marked "Confidential" so as to burke any discussion on the floor of this House?

**Mr. President :** Order, order.

REASONS JUSTIFYING THE MOVE OF THE SUPERINTENDENT OF THE WIRELESS SECTION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS AND THE STENOGRAPHER TO THE DIRECTOR OF WIRELESS TO DELHI FOR THE WINTER.

247. **\*Maulvi Muhammad Yakub :** (a) Will Government be pleased to state whether it is a fact that only the Superintendent of the Wireless Section and the stenographer to the Director of Wireless move between Simla and Delhi with the migratory portion of the Director General of Posts and Telegraphs' Office during the winter since the formation of that section (1920), whereas the other clerks remain in Simla throughout the year because the headquarters of that section is located in Simla?

(b) If reply to part (a) be in the affirmative, will Government be pleased to state reasons in detail justifying the move of these two officials only every year?

(c) Is there any specific order of Government that only the Superintendent of Wireless Section and the stenographer will continue moving every year with the migratory portion of Director General's Office and other clerks will not? If so, will Government be pleased to furnish the House with a copy of order?

(d) Is not the presence of Superintendents of Sections necessary at the headquarters in the interest of the service? If so, what is the necessity for the Superintendent of the Wireless Section to move?

(e) Has the Director of Wireless ever considered the question of the move of the Superintendent of his Section? If so, will Government be pleased to furnish the House with a copy of the decision arrived at in the matter, and if not, to state reasons?

(f) Did not the Director General consider the question of moving the Superintendents of Directorate and decide that Superintendents will not, in future, move with the migratory portion of Director General's Office? If so, when will that decision be given effect to?

**Mr. P. G. Rogers :** (a) The facts stated by the Honourable Member are substantially correct.

(b) The Superintendent is the only official who is conversant with the different classes of work done in the Wireless Branch, and is of particular use in the absence of the Director of Wireless on tour. The stenographer attached to the Director must obviously accompany this officer.

(c) The reply to the first part is in the negative. The latter portion does not therefore arise.

(d) The interests of the service are best served by moving the Superintendent with the Director of Wireless for the reasons already stated in reply to part (b) above.

(e) The Superintendent is taken to Delhi as the result of due consideration every year and for the reasons already stated.

(f) No such decision has been reached, but it was decided for the current year that the Superintendents should remain in Delhi.

REASONS FOR APPOINTMENT OF A JOINT SECRETARY IN ADDITION TO A FINANCIAL ADVISER IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

248. **\*Maulvi Muhammad Yakub :** Will Government be pleased to state :

- (a) The number of clerks in each grade, officers and special officers, in the Director General of Posts and Telegraphs' Office before the appointment of the Financial Adviser, Posts and Telegraphs.
- (b) The number of such clerks and officers as at part (a) during 1926, 1927 and 1928.
- (c) The necessity for appointing a Joint Secretary in addition to the Financial Adviser; if due to increase in the work of administrative and other nature in Posts and Telegraphs Department, the necessity of placing the services of Rai Bahadur Ganguli again and again at the disposal of the Director General to examine the work of Posts and Telegraphs Department with a view to make every possible reduction in the Department (both Directorate and Circle Offices).
- (d) Whether the Administration of Posts and Telegraphs Department became unmanageable and beyond the Director General's control, which necessitated the appointment of a Joint Secretary and reduction in the clerical staff?
- (e) What is the present position of the Director General in regard to his administrative and executive powers, etc.?
- (f) If any important administrative or executive powers of the Director General have been recovered and given to the Financial Adviser and Joint Secretary to justify their appointments; if so, what are those powers, and if not, what special and additional powers do these officers possess?
- (g) From which Department's Budget the pay, etc., of the Joint Secretary is drawn and under what 'Head'?
- (h) What are the numbers of (i) Secretaries, (ii) Deputy Secretaries, (iii) Under Secretaries and (iv) Joint Secretaries and how many of them are non-I. C. S., and the Departments to which they are attached?
- (i) What are the appointments reserved for I. C. S. men in which non-I. C. S. men cannot be appointed?
- (j) What the reasons are, in detail, justifying the appointment of a Joint Secretary in addition to a Financial Adviser, Posts and Telegraphs?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). A statement will be sent to the Honourable Member.

(c) The Financial Adviser represents the Finance Department, whose powers he exercises in respect of all Post and Telegraph matters. He is not concerned with the secretarial or administrative work of the Department of Industries and Labour or the Posts and Telegraphs Department. The appointment of a Joint Secretary is a temporary measure designed to give the Member in charge of the Department of Industries and Labour secretarial assistance in dealing with cases of the Posts and Telegraphs Department.

**Mr. Gaya Prasad Singh :** May I know why the Government of India do not issue all orders marked "Confidential" so as to burke any discussion on the floor of this House?

**Mr. President :** Order, order.

REASONS JUSTIFYING THE MOVE OF THE SUPERINTENDENT OF THE WIRELESS SECTION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS AND THE STENOGRAPHER TO THE DIRECTOR OF WIRELESS TO DELHI FOR THE WINTER.

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- (h) What are the numbers of (i) Secretaries, (ii) Deputy Secretaries, (iii) Under Secretaries and (iv) Joint Secretaries and how many of them are non-I. C. S., and the Departments to which they are attached?
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**The Honourable Sir James Crerar :** (a) and (b). Government have not issued and do not consider it necessary to issue any general orders on the subject, as the question of office hours is, within limits, one for each Department to decide for itself.

(c) The Honourable Member is referred to the answer which I gave on the 15th February, 1928, to Mr. Kelkar's question No. 93. Since then one more office, that of the Audit Officer of the Indian Stores Department, has been permanently located in New Delhi.

**Diwan Chaman Lall :** May I know, Sir, what is the definition of a "menial" ?

**The Honourable Sir James Crerar :** It is not clear to me, Sir, how the question arises.

**Diwan Chaman Lall :** The question relates to clerks and menials. What is a "menial" ?

**The Honourable Sir James Crerar :** I think, Sir, this should more properly be addressed to the Honourable Member who put the question.

#### ACCOMMODATION IN SIMLA OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

251. \*Maulvi Muhammad Yakub : Will Government be pleased to refer to starred question No. 227, answered on the 8th September, 1928, and state :

- (a) Regarding paragraph (i) whether the question of accommodating the Wireless Branch in the Kennedy House was ever considered, and if so, when ?
- (b) Regarding paragraph (iii) why and what would have been and would be the additional expenditure by moving the remaining portion of the Wireless Branch containing two junior officers, a few clerks and menials ?
- (c) Regarding paragraph (iv) is not the under-mentioned additional expenditure incurred annually for the accommodation and also due to the location of the Wireless Branch in a separate building ?

|                                                                                                                                                            | Per annum.    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|                                                                                                                                                            | Approx. Rs.   |
| 1. One clerk (despatcher) .. .. .                                                                                                                          | 1,800         |
| 2. One clerk (typist) .. .. .                                                                                                                              | 1,800         |
| 3. Two peons (for carrying cases every now and then from Wireless Branch to other Branches of the Director General, Posts and Telegraphs' Offices) .. .. . | 500           |
| 4. One farash and one sweeper .. .. .                                                                                                                      | 500           |
| 5. Rent of building, etc. .. .. .                                                                                                                          | 5,500         |
| <b>Total</b> .. .. .                                                                                                                                       | <b>10,100</b> |

- (d) Regarding paragraph (v) why the rent of the rooms, etc., occupied by the Wireless Branch is charged for if the Central Telegraph Office building is the property of the Posts and Telegraphs Department at the disposal of the Director General ?

**Mr. P. G. Rogers :** (a) Yes. In 1923 when the Director General's Camp Office first moved into "Kennedy House".

(b) The remaining portion of the Wireless Branch is considerably more than what has been suggested by the Honourable Member and the cost of moving it between Delhi and Simla would approximately amount to Rs. 2,100 per annum, excluding the cost of carriage of records, an expenditure which Government do not consider justified.

(c) I am unable to follow the Honourable Member's calculations and can only repeat my previous assurance that, so far as can be estimated there is no additional expenditure.

(d) The charge is a formal one, and is for the purpose of the allocation of expenditure of the various Heads of accounts under Telegraphs and Radio.

#### GRANT OF CONCESSIONS TO CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS ON LOCATION OF THAT OFFICE IN DELHI.

252. \*Maulvi Muhammad Yakub : Will Government be pleased to state :

(a) Whether all the clerks serving in the Director General, Posts and Telegraphs' Office at Calcutta were granted the "concessions" on the location of the Director General's Office in Delhi ?

(b) What of these clerks who were recruited in Simla ; if any, why the condition of recruitment did not operate in their case ;

(c) If such clerks were granted the "concessions" because of their transfer to the Calcutta office some time before the move of the office to Delhi why those clerks who were not so transferred from the moving office before the move, in the interest of service, but located in Delhi permanently when the exigencies of service demanded after the move, should not be accorded the same treatment and granted compensation ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) A few clerks originally recruited in Simla and subsequently transferred to Calcutta became entitled to the concessions as they fulfilled the prescribed conditions.

(c) The Honourable Member's attention is invited to the reply given in this House to part (a) of Mr. Anwar-ul-Azim's starred question No. 482 on the 19th March, 1928.

**GRANT OF CONCESSIONS TO CLERKS IN THE MOVING SECTION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS DETAINED IN DELHI.**

253. \*Maulvi Muhammad Yakub : (a) Will Government be pleased to state how many of the clerks of the Office of Director General, Posts and Telegraphs who were not granted the "concessions" because of their having been recruited in the moving section of the Director General's Office were compulsorily detained in Delhi last March ?

(b) What amount of "compensation" to the clerks who have been so detained has been given for the loss of about 80 per cent. of their emoluments ? If no "compensation" has been granted, what are the reasons for it ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Three.

(b) No compensation has been granted. In this connection the Honourable Member's attention is invited to the reply given in this House to part (b) of his starred question No. 135.

**SCARCITY OF RESIDENTIAL ACCOMMODATION IN NEW DELHI FOR GOVERNMENT OFFICIALS.**

254. \*Maulvi Muhammad Yakub : (a) Is it a fact that a large number of Government officials is seriously suffering from a scarcity of residential accommodation in New Delhi ?

(b) If the reply to part (a) be in the affirmative, do Government propose to consider the question of building additional quarters without delay or of granting land either free or at normal price to those of the staff who want to build their own quarters ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes. There is a shortage of accommodation in New Delhi.

(b) The question of building additional quarters is receiving the attention of Government. It is not considered desirable to give free grants of land to members of the staff who wish to build their own quarters ; but facilities are given, by means of advances, for building and cost of land at normal rates, to those who wish to build for themselves.

**ALLEGED PREFERENTIAL TREATMENT OF A LADY CLERK IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

255. \*Maulvi Muhammad Yakub : Will Government be pleased to state :

(a) Whether a sufficient number of quarters was allotted in Delhi for the migratory portion of the Director General, Posts and Telegraphs' Office before the staff was ordered to move from Simla in October last ; if so, why was one lady typist (subsequently transferred to Wireless Section) permitted to remain in Simla pending allotment of quarters in her name ?

(b) If no arrangement for allotment of quarters to certain clerks could be made before they were ordered to move from Simla, why the affected clerks also were not given the same preference as was given to the lady typist ?

(c) If Government could not make arrangements for allotment of a sufficient number of quarters for the migratory portion of the Director General's Office, why the suggestion made in paragraph (vi) of starred question No. 226, answered on the 8th September, 1928, was not reconsidered with a view to give every possible effect to that suggestion ?

(d) Whether there are any special orders to give preferential treatment in cases of lady clerks *only* : and if so, whether Government will be pleased to lay on the table a copy of the orders ? and

(e) Whether it is a fact that one clerk who was previously transferred to the Wireless Section was retransferred to the Delhi Office in the arrangement of the subsequent change referred to in the second part of the question at part (a) above ; if so, why ?

**Mr. P. G. Rogers :** (a) The reply to the first part of the question is in the negative, and the second part does not arise.

(b) Because the services of the men could not have been utilised in Simla.

(c) As previously stated in my reply to the question referred to the arrangement suggested was not feasible.

(d) No.

(e) Yes, because it was considered that it would be easier for him to find accommodation in New Delhi than for the lady typist.

†256.

**APPOINTMENT OF COLONEL STANWAY ON SPECIAL DUTY ON THE NORTH WESTERN RAILWAY.**

257. \*Diwan Chaman Lall : (a) Will Government please state whether it is a fact that Colonel Stanway was placed on special duty on the North Western Railway ?

(b) What was the period for which he was placed on special duty ?

(c) What was the nature of the duty allotted to him ?

(d) Will Government please place on the table a list of the names selected by Colonel Stanway ?

(e) Will Government please state whether they apprehend civil commotion or war or the declaration of martial law ?

(f) Will Government state whether the activities of Colonel Stanway were connected with such apprehensions ?

†This question was withdrawn by the questioner.



**Mr. G. R. F. Tottenham :** (a) No, Sir. Colonel Stanway holds the military appointment of Commandant of the Nucleus Dépôt of the Railway Reserve Regiment.

(b) The tenure of this appointment at present is two years.

(c) He is in command of the Nucleus Dépôt and is in charge of the enrolment, payment, administration and records of the reservists.

(d) The enrolment of reservists has only recently commenced and I do not think that any useful purpose would be served by giving the names of those, if any, who have been enrolled.

(e) and (f). The answer is in the negative. The formation of a reserve with a view to the performance of special railway duties in time of war is part of the normal peace organisation. I am indebted to the Honourable Member for giving me the opportunity to make the point clear.

**Diwan Chaman Lall :** Will the Honourable Member tell us what were the instructions or terms of reference issued to Colonel Stanway for the inquiry he conducted ?

**Mr. G. R. F. Tottenham :** There was no inquiry, Sir. Colonel Stanway was simply appointed to command this Railway Reserve Regiment. That is all.

#### ALLEGED DIFFERENCE IN TREATMENT OF EUROPEAN AND INDIAN UNDER-TRIAL PRISONERS.

8. **\*Diwan Chaman Lall :** (a) Will Government please state in detail the differentiation between the treatment of European and Indian under-trial prisoners ?

(b) Is it a fact that the Lahore hunger-strikers have protested against their treatment ?

(c) Will Government please state the reasons why the same treatment was not meted out to the Lahore hunger-strikers as is meted out to European under-trial prisoners irrespective of the nature of the offence ?

**The Honourable Sir James Crerar :** (a) The rules relating to under-trial and other prisoners vary in detail from province to province. In regard to the differentiation now in question, it may be said, broadly, that the principle adopted is to establish conditions, which will maintain the health of all prisoners and will, at the same time, not impose undue expenditure on the State. In pursuance of this principle regard is paid to the previous mode of living of prisoners in the rules, relating to diet, bedding and, in some provinces, to accommodation. I may, however, state that all under-trial prisoners are permitted to supplement their food at their own expense and to have their own bedding. In the Punjab, as in most other provinces, the special rules framed for European prisoners do not apply exclusively to Europeans. These rules provide for their application to Indians whose standard of living is similar to that of Europeans.

The above statement relates to under-trial prisoners and also to those convicted persons who have not been classified as special class prisoners. In regard to special class prisoners, no distinction is recognised in the rules between European and other prisoners.

(b) The Government of India have received no protest from the Lahore hunger-strikers. In regard to their treatment, I would refer the Honourable Member to the communiqués of the Punjab Government, dated the 6th of August and the 9th of August, 1929.

(c) My reply to part (a) of the question provides the explanation desired by the Honourable Member. Presumably the under-trial prisoners in question are not eligible under the rules for the treatment prescribed for European prisoners. I may, however, again refer the Honourable Member to the Punjab Government communiqué, dated the 9th of August, 1929, from which it will be seen that the cost of the diet allowed to these prisoners is in excess of the cost of the diet allowed to Europeans.

**Diwan Chaman Lall :** May I ask the Honourable Member as to why the particular rules which are applicable to European under-trial prisoners were not made applicable to the hunger-strikers in Lahore ?

**The Honourable Sir James Crerar :** I have explained the principle under which the Punjab rules applicable to European prisoners are equally applicable in certain circumstances to Indian prisoners. The matter is within the discretion of the Superintendent of the jail, who no doubt came to the conclusion that the particular prisoners in question were not eligible for these particular rules.

**Diwan Chaman Lall :** May I ask whether the Government will see their way to granting the request of the under-trial prisoners at Lahore that they should be treated on a par with European under-trial prisoners ?

**The Honourable Sir James Crerar :** The demands made by the under-trial prisoners at Lahore are considerably more extensive than those suggested by the Honourable gentleman. I am afraid I cannot give him an assurance in the terms which he suggests.

**Diwan Chaman Lall :** What I am asking the Honourable Member to do is this : is he prepared to recommend that the same rules should apply to Indian under-trial prisoners as apply to European under-trial prisoners ?

**The Honourable Sir James Crerar :** That is a matter which in this instance is within the discretion of the local authorities, with which I should not be prepared to interfere.

**Pandit Madan Mohan Malaviya :** May I know how that is a matter for the Local Government to consider ? The Penal Code governs these matters and the Criminal Procedure Code, and the rules are made by the Government of India to apply to all prisons throughout the country. How is that a matter for the Local Government ?

**The Honourable Sir James Crerar :** I think the Honourable and learned Member is under some misapprehension. These matters are not regulated by the Criminal Procedure Code, but by rules made by the Local Governments under the Prisons Act.

**Pandit Madan Mohan Malaviya :** That is why I mentioned the rules also—under rules approved by the Government of India : is there a single rule made which was not approved by the Government of India ?

**The Honourable Sir James Crerar :** Local Governments within the limits prescribed by the Act which I have mentioned are empowered to make rules.

**Pandit Madan Mohan Malaviya :** Do the Local Governments submit those rules for the Government of India's approval or not ?

**The Honourable Sir James Crerar :** Ordinarily, they do not.

**Pandit Madan Mohan Malaviya :** Will the Government of India ask the Local Governments to submit those rules and consider them before allowing them to be put into force ?

**The Honourable Sir James Crerar :** I would invite the Honourable Member's attention to the communiqué recently issued by the Government of India in which an inquiry into the rules relating to under-trial prisoners and special class prisoners has been undertaken.

**Pandit Madan Mohan Malaviya :** But cannot Government, pending that inquiry, accede to the request that has been made by my friend, that the same rules should apply to the Indian under-trial prisoners as apply to the European under-trial prisoners ?

**The Honourable Sir James Crerar :** The whole question of the rules relating to under-trial prisoners will come under examination.

**Diwan Chaman Lall :** May I ask whether the Honourable the Home Member is aware of the urgency of settling this problem and may I ask him whether the Government will not be prepared to issue instructions for modifying the rule and not wait until the report of the inquiry is out ?

**The Honourable Sir James Crerar :** I should not be prepared to issue specific instructions in a particular case in a matter which is within the discretion of the Local Government.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is not aware of the fact that the Government of India have been taking a very keen interest in this matter, in spite of the fact that this is a Local Government matter and, therefore, would it not be better for the Government of India to issue instructions of the kind that we are asking for in order to put an end to the trouble that has arisen at Lahore ?

**The Honourable Sir James Crerar :** I am not prepared to agree with the Honourable Member that that would be a proper course for me to take.

**Diwan Chaman Lall :** May I ask the Honourable the Home Member whether he puts it on the ground that it is not a proper course for him to take or that the Government of India are unable to interfere with the discretion of the Local Government ?

**The Honourable Sir James Crerar :** My reason is that I am aware that the Local Government and the Governor of the Punjab are taking a very close interest in this matter.

**Pandit Madan Mohan Malaviya :** May I know whether the Government of India is not aware that what is taking place at Lahore is attracting the attention of the whole country and that the whole country feels interested that the matter should be settled early in a fair and humane way ? If so, should the Government of India wait until an inquiry has been made generally into this question or should they not, in view of what is taking place at Lahore, accept the proposal that the same rules should apply to Indian prisoners as apply to European prisoners until the matter should have been further considered ?

**The Honourable Sir James Crerar :** I am quite aware that the incident to which the Honourable Member refers has attracted and is attracting a great deal of attention in this country, and it was partly at any rate in recognition of that fact that the Government of India instituted the inquiry to which I have referred.

**Pandit Madan Mohan Malaviya :** The country wishes to know whether the protest which these under-trial prisoners are making has had its effect upon the Government and whether they are prepared to extend the same humane treatment to Indian prisoners as is extended to European prisoners ?

**The Honourable Sir James Crerar :** I must remind the Honourable Member that the particular demands made by the under-trial prisoners to whom he refers are of a much more extensive character and the reasons which have been stated in the Government communiqué—at least one of them is with which the Government of India cannot see their way to comply.

**Pandit Madan Mohan Malaviya :** Will the Honourable Member tell us what are the demands which he considers to be excessive and which he is not prepared to concede ?

**The Honourable Sir James Crerar :** I would refer more particularly to the demand made that persons who are convicted of offences committed for an alleged political motive should receive special treatment on that ground alone, without any regard to the character of their offence.

**Pandit Madan Mohan Malaviya :** The offence of which they are being tried or any other offence ?

**The Honourable Sir James Crerar :** No, Sir ; the demands to which I have referred relate not only to the under-trial prisoners but to persons already convicted.

**Pandit Madan Mohan Malaviya :** But are the persons already convicted before the court as under-trial prisoners or are they there to undergo their sentences before the court ? I take it that the persons who have been convicted have had their sentence passed upon them ; and if while they are undergoing those sentences, the Government choose or think it right in the public interests to prosecute them on another charge, should they not be treated in regard to that charge as under-trial prisoners as any other person accused of that charge ?

**The Honourable Sir James Crerar :** My point is this: the demand made by the under-trial prisoners—and I fully recognise the distinction between

under-trial prisoners and convicted prisoners—refers not only to the under-trial prisoner but to convicted prisoners also.

**Pandit Madan Mohan Malaviya :** What I submit is that, whether a man has been convicted of one or more offences, he is before the court as an under-trial prisoner in regard to the charges which have to be investigated by that court, and so long as he is before that court as an under-trial prisoner he ought to be treated on the same footing as any other under-trial prisoner. I am sure the Government does not wish to add to the punishment which a court has inflicted upon a person convicted of an offence, that of depriving him of the right of an under-trial prisoner to have reasonable freedom and facilities of making a proper defence.

**The Honourable Sir James Crerar :** As regards the treatment of these under-trial prisoners, I would invite the Honourable gentleman's attention to the Punjab communiqué, to which I have referred, and he will find that having regard to the probable strain of a possibly protracted trial, the Punjab Government have sanctioned in their case exceptionally favourable conditions.

**Pandit Madan Mohan Malaviya :** But the Honourable Member is aware that that has not satisfied those persons : they ask for equal treatment of Indian and European prisoners.

#### SHORT NOTICE QUESTION AND ANSWER.

**ACTION OF THE GOVERNMENT OF THE UNION OF SOUTH AFRICA IN CONNECTION WITH THE VISIT OF MAULANAS MAHOMED ALI AND SHAUKAT ALI TO THAT COUNTRY.**

**Mr. Fazal Ibrahim Rahimtulla :** (a) Has the attention of Government been drawn to the statement of Maulana Mahomed Ali, which has appeared in the *Times of India* of the 31st August, 1929 ? If so, will Government be pleased to state what action they have taken in the matter ?

(b) Are Government aware of the strong feeling in the minds of the Muslims against the order of the Union Government ?

(c) Will Government be pleased to lay on the table the correspondence that has passed between the Union Government and the Government of India ?

(d) Do Government propose to adopt similar measures on behalf of the Government of India against the nationals of South Africa ?

**Sir Frank Noyce :** (a) Government have seen the statement in question and have already taken some action as mentioned in the said statement.

(b) Yes.

(c) and (d). No. It will serve no useful purpose. The matter is still under correspondence, and it is best to rely on friendly representations to the Government of the Union of South Africa.

**Mr. Fazal Ibrahim Rahimtulla :** Will Government be pleased to state how long these negotiations are likely to last ?

**Sir Frank Noyce :** I cannot say.

**Mr. Fazal Ibrahim Rahimtulla :** Are Government aware of the inconvenience that is caused to Maulana Shaukat Ali and his party who have already reached South Africa ?

**Sir Frank Noyce :** Government are in full possession of the facts.

**Maulvi Mohammad Shafee Daoodi :** Are Government aware that Maulana Mahomed Ali left his home with his wife and daughter and has been stranded at Bombay for the last ten days ?

**Sir Frank Noyce :** Yes, Sir.

**Pandit Hirday Nath Kunzru :** May I ask when Government began their negotiations with the Union Government ? Was it after the protests that appeared in the newspapers or after they received information from the Union Government ?

**Sir Frank Noyce :** Government began their negotiations with the Government of South Africa as soon as they received intimation of the circumstances from Maulana Mahomed Ali.

#### PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that five petitions as per statement laid on the table have been received relating to the Bill to regulate marriages of children amongst the Hindus, which was introduced in the Legislative Assembly on the 1st February, 1927, by Rai Sahib Harbilas Sarda.

*Petitions relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February, 1927.*

| Number of signatories. | District or Town. |    |    |    | Province. |
|------------------------|-------------------|----|----|----|-----------|
| 155                    | Burdwan           | .. | .. | .. | Bengal.   |
| 455                    |                   |    |    |    | Bengal.   |
| 51                     | Jessore           | .. | .. | .. | Bengal.   |
| 2,019                  |                   |    |    |    | Bengal.   |
| 108                    |                   |    |    |    | Bengal.   |

#### ELECTION OF THE STANDING COMMITTEE ON ROADS.

**Mr. President :** The House will now proceed to elect six members to the Standing Committee on Roads for the financial year 1929-30. There are nine candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them. One of them, Mr. Muhammad Yamin Khan, has since withdrawn his candidature.

(The ballot was then taken.)

L5CPB(LA)

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

**The Honourable Sir James Crerar** (Home Member) : Mr. President, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose,—for the insertion of a new section 540-B. I do not wish at this stage to add anything material to the Statement of Objects and Reasons, but I wish to say this, that Government had hoped that the circumstances which had arisen might have so changed as to have rendered it possible for them to avoid introducing this measure. In that hope they were most unfortunately disappointed and they have felt it their duty, as the matter is one of definite urgency, to lay this Bill before the House at the earliest possible moment. Sir, I move.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : On a point of order, Sir. I am very sorry that I have got to raise this point of order at this stage, for we have been having for so long a convention that at the stage of introduction of a Bill there should be no speech or objection from the other side. (*Some Honourable Members* : “Louder please”.) This Bill refers, as I understand, primarily to the case of Lahore prisoners who are now on hunger strike and I am afraid in the course of the debate we cannot but enter into the conduct of those prisoners there. Therefore, under Standing Order 29 (2) (i) it would be an abuse of the procedure of the House. We could have raised this point of order at a further stage, but I am afraid under the new Rule, after once the House is seized of the Bill we may not raise this point of order. Therefore we have to raise this point of order at this stage and I submit that this motion should be ruled out of order.

**Mr. President** : I have considered this point already and I have come to the conclusion that the matter which the Honourable Member proposes to raise by this Bill could be debated without going into the merits of the pending case.

The question is :

“That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose.”

The motion was adopted.

**The Honourable Sir James Crerar** : Sir, I introduce the Bill.

## THE BENGAL PILOT SERVICE (CENTRALISATION OF ADMINISTRATION) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move that the Bill further to amend the Calcutta Pilots Act, 1859, and the Indian Ports Act, 1908, in order to vest the control of the Bengal Pilot Service in the Governor General in Council, be taken into consideration.

This is quite a short Bill, Mr. President, with a definite and simple object, and its scope therefore is very restricted. As the House, I think, is aware since the date of the Reforms in 1921 a good many matters in connection with mercantile marine administration have been Central subjects, but the Government of India did not at once assume direct control of the actual administration. I might mention two matters, namely, lighthouses

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## THE BENGAL PILOT SERVICE (CENTRALIZATION OF ADMINISTRATION) BILL. 425

and the administration of the Merchant Shipping Act, with regard to which legislation had been passed during the last two years transferring the statutory powers formerly vested in Local Governments to the Governor General in Council. This Bill may be described as another step forward in the same direction. Since 1921 the pay of the Bengal Pilot Service has been a Central charge but all the statutory powers have remained with the Local Government and the Government of India have had to exercise their control by issuing instructions and directions when necessary, to the Local Government. It is obvious, I think, that if the Bengal Pilot Service is to be a Central subject, sooner or later the Government of India must assume direct control and take steps to have the statutory powers transferred to themselves. That could not with advantage be done till the Commerce Department of the Government of India had its own expert staff who could advise it in regard to these matters. That condition is now satisfied and it is for that reason that I have brought forward this Bill. Its provisions are very simple indeed. The Calcutta Pilots Act provides for the trial of pilots, and if the Government of India is to administer the service, I think it is clear that the statutory powers ought to rest with it and no longer with the Government of Bengal, for unless these statutory powers were transferred to us, it would be very difficult for us to administer the Act. In the second place, as the cost of the pilots falls on Central Revenues, and as our intention is that the service should be self-supporting, that is, that the amount collected from pilotage fees should be sufficient to defray the whole cost of the service, it is obvious, I think, that the fixing of pilotage fees must rest with the Government of India. That is in fact what the Bill proposes to do. It proposes to give the Government of India power to fix the rate of pilotage fees in the port of Calcutta and it transfers to the Government of India all the statutory powers under the Bengal Pilots Act.

The only other provision is a very small one due to the fact that the Bengal Pilots Act was passed as long ago as 1859. We have taken the opportunity to substitute for the words, “Magistrate of Police”, which are now obsolete, the words, “Presidency Magistrate”. I think, Sir, what I have said will make it clear to the House what the object of this Bill is. I do not think it is necessary that I should amplify on the subject further. Sir, I move.

**Mr. President** : The question is :

“That the Bill further to amend the Calcutta Pilots Act, 1859, and the Indian Ports Act, 1908, in order to vest the control of the Bengal Pilot Service in the Governor General in Council be taken into consideration.”

The motion was adopted.

Clauses 2, 3 and 4, were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir George Rainy** : Sir, I move that the Bill be passed.

The motion was adopted.

## THE INDIAN BOILERS (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour) : Sir, I beg to move that the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, be taken into consideration. Sir, this is a very simple Bill. It seeks to amend the Indian Boilers Act of 1923

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[Sir Bhupendra Nath Mitra.]

for certain purposes specified in it. These purposes are two, and they are set forth in clauses 2 and 3 of the Bill. The reasons for proposing these amendments are explained in the Statement of Objects and Reasons and I do not propose to take up the time of the House by paraphrasing that Statement. Sir, I move.

**Mr. President :** The question is :

“ That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 and 3, were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir Bhupendra Nath Mitra :** Sir, I move that the Bill be passed.

The motion was adopted.

#### THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, for certain purpose (Insertion of new section 85-A) be circulated for the purpose of eliciting opinions thereon. This is a small Bill, containing only two clauses, and very simple in its purpose. Its object is so to amend the Negotiable Instruments Act as to make it clear that the Act affords protection to bankers in India against forged or unauthorised endorsements of demand drafts drawn by one branch of a bank upon another branch of the same bank. The question first came up for consideration by the Government of India in 1926, at the instance of the Bombay Chamber of Commerce, which pointed out that it was doubtful whether, under the Indian law, the protection which is afforded to bankers under the English law would apply. At that time the Government of India thought that legislation was unnecessary. The question was now ever again raised at the meeting of the Associated Chambers of Commerce at the end of 1926, and they pressed that the Government of India should take action in the form of legislation, because the exact effect of the Indian law was in doubt and they preferred that prevention of difficulty should be undertaken rather than that we should wait till the difficulty arose and then trust to the decision of the Court. Since then there has been one *obiter dictum* of the Calcutta High Court, which would appear to indicate that that Court would have taken the view that the protection which we seek to give to bankers in these cases would apply ; but that was only an *obiter dictum* and I understand that a very large circle of commercial interests feel that, as this matter is in doubt, the doubt ought to be cleared up. On the other side, the Government are led to believe that some doubts as to legislation are felt in certain other commercial circles, and in these circumstances the Government are of opinion that, in the first instance, the Bill should be circulated in order to obtain full opinions upon it. Sir, I move.

The motion was adopted.

#### THE INDIAN INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (*Provident Funds Relief*), be referred to a Select Committee consisting of Mr. G. L. Winterbotham, Mr. J. Y. Philip, Mr. H. P. Mody, Mr. Ghanshyam Das Birla, Mr. N. C. Kelkar, Mr. S. C. Mitra, Mr. B. P. Naidu, Mr. Sarabhai N. Haji, Mr. Vidya Sagar Pandya, Mr. Fazal Ibrahim Rahimtulla, Mr. A. H. Ghuznavi and the Mover, with instructions to report on the 16th September, 1929, or as soon as possible thereafter, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.

Sir, the object of this Bill is to extend relief in respect of income-tax to private Provident Funds. At present certain Government Funds and allied Funds receive measures of relief, and it has long been felt that similar measures ought to be accorded to private Provident Funds. This question has had a long history and has been under discussion continuously for the last three years. The Government of India were from the beginning sympathetic to the demand, inasmuch as anything that we can do to help Provident Funds and subscribers to Provident Funds is an encouragement of thrift. But the Government felt certain difficulties in the matter and had to consult Provincial Governments upon it. The consultation and the decision about further action took a considerable time, and it was pressed very strongly upon me when I attended the Annual Meeting of the Associated Chambers of Commerce in Calcutta last December. I then gave a definite undertaking which has since been repeated in this House. The substance of the undertaking was that the Government, wishing to encourage thrift, were prepared to treat those who subscribed to Provident Funds exactly in the same manner as those who paid premiums annually on a life insurance policy ; that is to say, as a man who pays an insurance premium is entitled to abatement of tax up to one-sixth of his income on the amount that he pays, so we intend to give exactly the same benefit to subscribers to Provident Funds and to enact that, to the extent of one-sixth of the income the employee's subscription combined with the employer's subscription to the Fund shall be exempt from taxation. I wish to make the nature of the undertaking quite clear because, since the matter has been under discussion, I have been pressed to extend further privileges to private Provident Funds and to put them entirely on the same basis as Government Provident Funds. That was never undertaken by me and there are certain privileges which apply to Government Funds which cannot quite appropriately be applied to private Provident Funds. On the other hand, in substance, what we are now proposing goes very considerably further than the original undertaking, because not only will the subscriptions paid annually into the Fund be exempt from income-tax, but the income on the investments held by the Fund will also be exempt from tax, and in this way private Provident Funds will get very substantial relief.

The question of introducing safeguards against possibilities of abuse is a very complicated one and as a result the preparation of the Bill has been a matter of considerable difficulty. I wish to make it quite clear that in this Bill we regard the position as though we were starting an experiment and we therefore have not attempted to legislate for every possible contingency. We have thought it better to provide for a fairly wide discretion to be exercised by the Governor General in Council for making rules on certain points. I believe that that will in practice be found to be the best

[Sir George Schuster.]

method, and that, by virtue of the rule-making power, we shall establish regulations which will fit in with the needs of the Funds and will also give the Government the protection which is necessary in the public interest. The most interesting part of the discussion on this Bill will have to take place in Select Committee, as the Bill is of a highly technical nature. I therefore do not think I need say anything more about it now, and I beg to move the motion standing in my name.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : Sir, in support of this motion I should like, if I may, in very few words to put before the House the position of those whom this Bill is designed to benefit. In the first place, Sir, as we have heard from the Honourable the Finance Member, though the Income-tax Act provides for exemption of income-tax for those Provident Funds to which the Provident Funds Act, 1925, applies, this latter Act does not apply to private Provident Funds, that is to say, Funds maintained by Firms and Companies and other bodies for the benefit of their employees. It only applies to Government Funds and quasi-Government Funds. Those of us, Sir, who have been engaged in the struggle with Government have felt for a long time that this is an inequality in the law, which amounts to a grave injustice to a large number of deserving people ; that is to say, the members of these private Provident Funds ; and we have held, and I hope that this Bill will show that we have held successfully, that it is a position for which there is no conceivable justification. Secondly, Sir, under the law as it stands, the incidence of taxation on the savings of individual members of private Provident Funds is not equitable. An individual's savings in a Fund are composed of his own contributions, his employer's contributions and the accumulated interest thereon. A man's own contributions pay tax at the time when they are paid into the Fund. The rest, that is to say, the employer's contribution and the interest is not taxable until it is paid out on the member leaving the Fund either on his leaving the firm on retirement or on death. It is then treated as part of his income in the year in which he leaves the Fund and taxed accordingly. Honourable Members will readily understand that if to a man's ordinary income for one year is added a lump sum representing his employer's accumulated contributions over the whole period of his service together with the accumulated interest on both his own and his employer's contribution for that whole period, he will almost certainly have to pay tax at a higher rate than is applicable to his yearly income proper and he may even in certain circumstances be called upon to pay a considerable sum in super-tax. These two grounds, Sir, have formed the basis of our claim for exemption from income-tax for private Provident Funds—firstly, the inequality of Government servants being treated differently from others in this matter, and secondly, the unfairness of the rate of tax on the accumulated balance paid out to individuals. The Bill, Sir, before the House, represents the climax of a long struggle. We should, as the Honourable the Finance Member made it plain, have preferred that the matter had been dealt with by making the Provident Funds Act, 1925, applicable to private Provident Funds, but we unfortunately have to accept the position that there are insuperable objections to this course.

I should like, Sir, if I may, say how very grateful we are to the Honourable the Finance Member for the way in which he has promptly tackled this long-standing grievance of the commercial community. Ever

since he came on the scene towards the end of last year, he recognised the justice of our claim, and I should like to say that we readily acknowledge that this Bill represents a generous interpretation of the undertaking which he gave at the meeting of the Associated Chambers of Commerce at the end of last year in Calcutta. I do not think that there will be any difference of opinion about the principle of this Bill, which is the encouragement of thrift. I will only add, in case my speaking has raised any doubts in the minds of Honourable Members, that I am not myself a member of any private Provident Fund, and that the position of employers in respect of relief from income-tax on private Provident Funds will be exactly the same under the provisions of the new Bill as it is at present.

**Mr. President** : The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (*Provident Funds Relief*), be referred to a Select Committee consisting of Mr. G. L. Winterbotham, Mr. J. Y. Philip, Mr. H. P. Mody, Mr. Ghanshyam Das Birla, Mr. N. C. Kelkar, Mr. S. C. Mitra, Mr. B. P. Naidu, Mr. Sarabhai N. Haji, Mr. Vidya Sagar Pandya, Mr. Fazal Ibrahim Rahimtulla, Mr. A. H. Ghuzna and the Mover, with instructions to report on the 16th September, 1929, or as soon as possible thereafter, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.”

The motion was adopted.

#### THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (*Amendment of sections 14, 25-A, 31, etc.*), be referred to a Select Committee consisting of Sir Darcy Lindsay, Mr. H. P. Mody, Sir Purshotamdas Thakurdas, Mr. Ghanshyam Das Birla, Mr. Lalchand Navalrai, Mr. D. F. Mulla, Mr. Jamnadas M. Mehta, Mr. Gaya Prasad Singh, Mr. Vidya Sagar Pandya, Mr. Fazal Ibrahim Rahimtulla, Mr. A. H. Ghuznavi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.

Sir, this Bill brings together a number of minor amendments, mostly of administration and procedure, which have been found necessary in the course of working the Income-tax Act. The Bill is, it is hoped, non-controversial. It contains 12 groups of amendments, of which eight relate entirely to machinery and procedure, two to penalties for false or fabricated evidence in income-tax proceedings, and two to very minor points of substance affecting the burden of taxation. These points of substance relate to the grant of relief in all cases of hardship, neither of which is important from the point of view of revenue, though, from the point of view of individuals concerned, the hardship operates at times quite harshly. Sir, I do not think it is necessary for me to say any more on this Bill, which raises no questions of principle but confines itself to details of administration.

The motion was adopted.

#### THE INDIAN CENSUS BILL.

**The Honourable Sir James Crerar** (Home Member) : Mr. President, I beg to move :  
“ That the Bill to provide for certain matters in connection with the taking of the Census, be taken into consideration ”.



[Sir James Crerar.]

I move for consideration because this Bill is of a purely formal, and, I think, of an entirely non-contentious nature. Similar measures have been enacted for a considerable number of decades past for the purpose of providing for the taking of the decennial census. It is not necessary for me to remind the House that the taking of the census, which should be done in a comprehensive and accurate way, is a matter of great importance. The results of the census are indispensable for nearly every branch of administration and for nearly every form of public work. It is, of course, a general review of the population and other matters of great importance bearing on the national life of the country which is undertaken in every civilised country of the world. The principal object of this Bill is to confer upon the large number of non-official agents, who are necessarily employed in so great an undertaking, the position and protection of public servants, and also to secure that the necessary information shall be provided by those who are responsible for doing so. It is obvious that non-official agencies must be employed to a very large extent in a work of this kind, and it is very much in the public interest that this should be done because, if assistance is given by persons who have local knowledge of the facts, much less inconvenience will be caused to the public, and the work of the census can be carried out with greater accuracy and despatch. I think, Sir, that there is not likely to be any opposition in any part of the House, for the principle is so plain and so advantageous to the country, and I do not propose, therefore, to add to these few remarks in making this motion.

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I would just like to make one or two observations at this stage of the Bill with regard to a particular provision of the Census Act, which is contained in clause 6. Mine is a matter of general comment and not a specific amendment or correction of a particular section. Therefore, I raise that question in a general manner when this motion is being considered, and I hope the Honourable the Home Member will give me permission to do so. It is on a point of information that I am speaking. My point is that clause 6, for instance, refers to the instructions to be issued by Provincial Governments to Census Officers and to be published in the Local Government Gazette. Now, the question is whether these instructions, as issued in the Government Gazette, will be final, or whether they will be subject to revision in view of public opinion expressed on those instructions. It will be admitted at once that Census reports have a great importance, especially in these days both from the point of view of religion and political administration. I need not, of course, go into details. My point is that it is only fair to the public to let them know what the instructions are that are to be issued to Census Officers, so that if any corrections have got to be suggested with regard to these instructions appertaining to the enumeration, etc., there should be time enough for the representatives of the people in the country to put themselves in communication with Provincial Census Superintendents and to get what they want in this matter. I confess that I do not know exactly what the procedure is and what sort of instructions are issued regarding the taking of census. And referring to the Census Report for the last two times, I find that the actual instructions issued to the Census Officers are not given in the Census Report itself. Therefore, I do not know what sort of instructions are actually issued. But, I presume that instructions issued to the Census Officers govern a

number of points and one of the points is enumeration by religion or caste, etc. There are a number of headings under which enumeration has got to be made, enumeration by sex, enumeration by age, enumeration by religion, etc. What I am concerned with is enumeration by religion or caste, and in this I do not allege that the Census Officers have in themselves any communal bias. But it is quite possible that the provincial Census Superintendents may have got some *a priori* ideas of their own as to classification of particular people under particular headings. To give an idea as to what I mean I will refer this House to the Census Report of 1911, in which I found that an attempt was made by the provincial Census Superintendents to put forward their own *a priori* ideas about the incoherence of the Hindu religion, and they seem to have prescribed a sort of catechism or questionnaire to decide for themselves whether particular sects could be included among Hindus or not. Though I am speaking at present for the Hindus, the difficulty may equally apply to Muhammadans and to people of other religions also. But I am here particularly concerned to speak from the point of view of Hindu religion. Here is a list of questions which I found were actually issued to the Census Officers in the process of enumeration. The central idea seems to be that the Hindu community is not coherent and in order to bear out that impression, that is that the Hindu community is not coherent, a list of specific questions were given. I will just give those questions, so that an idea may be obtained as to what detailed instructions were given to census enumerators. Supposing they were followed, what misleading results would they possibly lead to? The census enumerators were asked to prepare a list of Hindus of all the minor castes which *qua* caste, (1) deny the supremacy of the Brahmans, (2) do not receive a *mantra* from the Brahmans, (3) or recognise a Hindu *guru*, (4) deny the authority of the Vedas, (5) do not worship the great Hindu gods, (6) are not served by good Brahmans as family priests, (7) have no family priests at all, (8) are denied access to the interior of the Hindu temple, (9) cause pollution by touch or presence within a certain distance, (10) bury their dead, (11) eat beef, and (12) show no reverence for the cow, etc. One really fails to understand the significance or the inner meaning of such an inquisition and I also fail to understand how an ordinary person will be able to answer questions like these, and whether there is really any time for the census enumerator to go into these details and put the man under the proper sub-head. Now, there are things on the other side also. In the same Census Report, I find, that while doubt has been thrown upon the Hinduism of certain Hindus who worship Muhammadan saints, no such doubt was raised about certain Christians, like the Uyomaya Christians in Travancore, who offer ceremonial benedictions after the manner of the Brahmans. Why should doubt be raised in the case of Hindus because they worship certain Muhammadan saints, and why should no such doubt be raised in the case of Christians who follow Brahminical observances? One principle seems to be applied in the one case, while another principle seems to be applied in the other case. That makes out, I will not say, conscious—an unconscious communal bias on the part of certain Census Officers.

In another report, I find this. It is of course a question whether animists could rightly be called Hindus by religion. In this connection, the Census Officer says that it is very difficult to say at what stage the man ceases to be an animist and becomes a Hindu. The point seems to me to be this : here is an inclination to treat animists as far as possible as

[Mr. N. C. Kelkar.]

"animists" and not as "Hindus". A line seems to be stressed or emphasised after which an animist becomes a Hindu and before which he does not become a Hindu. These are all very elaborate matters. My submission is that when a man calls himself a Hindu, he must be put down on the record as a Hindu. In that Report the Census Officer says that it does not by any means follow that a man gives up his inherent animistic beliefs because he seeks the help of Brahmans or makes offerings at a Hindu shrine. That is the reason given for not regarding animists as Hindus. But I have given two illustrations on two different sides and I will put the concrete result like this. In one case the census return would refuse to show a man as a Hindu because, as pointed above, he was not served by Brahman priests on the one hand and in the other case, the census return would refuse to return an animist as a Hindu, though he said that he sought the help of Brahman priests or was making offerings at Hindu shrines. This will make it possible for certain Census Officers or Census Superintendents to set about their business with certain *a priori* notions of their own as to classifications, etc., and if they go into elaborate details like these, I do not know what it will lead to. It will lead to this, that enumeration will be wrong, unfair and unjust to certain classes. I believe that generally in a census return a man should be entered by the description he gives of himself. If he says, "I am a Hindu", he is a Hindu, if he says, "I am a Muhammadan", he is a Muhammadan. That is all. But, I do not quite see the purpose of issuing such detailed instructions in order to note down sub-caste, sub-sub-caste and so on. Also, in regard to beliefs, I do not think it is right that the Census Officers should institute a sort of inquisition into the peoples' religious beliefs and ask them what they do or do not believe in and so on. Perhaps these questions would be useful from a theoretical or a philosophical point of view, but they would not serve any useful purpose from our present point of view, and I really do not know whether there is time enough in the census operations for all this sort of questions. I think that these sorts of questions and other things really go to vitiate the ultimate calculations of enumeration. My point therefore is this, that if any instructions are issued by Provincial Superintendents, the public or its representatives should have a fair opportunity to go into those instructions, and make proper representations to the Provincial Government before those instructions are finally adopted and gazetted in the Local Government Gazette. I do say that this procedure should necessarily be followed. My point is that the Provincial Governments ought not to make any inquiries behind the back of the public in these matters. Before issuing any instructions of the nature referred to by me to the provincial Census Superintendents, they should be published in the first instance and the instructions likely to be issued by the Provincial Superintendents should also be tentatively published in the Government Gazette or otherwise, or they should be supplied to the Press or the journalists in order that discussion might be raised on those instructions. That is absolutely necessary, for if these instructions are finally prepared and published by the Provincial Governments in their gazettes without consulting the public, they become final. There is no relief to be obtained by the people who feel that they are injured by those instructions. Therefore my point

1 P.M.

is that that matter is one which is governed by clause 6. Of course I do not want to raise that point because there is no amendment or anything sought on that section, but I

want to point out that particular section at this stage and ask the Honourable the Home Member whether he realises the particular point that I have brought to his notice and what attitude he is going to take with regard to that and whether he is going to issue any instructions to the Provincial Governments under this Act in view of the observations which I have made.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Sir, we are all Indians ; whether we are Mussalmans or whether we are Hindus would not matter, if it had been confined to taking the census only, i.e., counting the population. My friend, Mr. Kelkar objects to these details in the Census Report, but I think these details are very essential. They are very useful and helpful to us in deciding many matters. I think the word "Hindus" is such that it even implies the Sikhs in many matters, and it will not be fair to those communities and those sections who, though they call themselves Hindus as distinguished from Mussalmans or Christians, are still not real Hindus in the sense in which my friend wants to take them. These details are very necessary for determining many matters which arise from time to time. I at least do not agree with the suggestion which my friend Mr. Kelkar has put forward before the Honourable the Home Member, and I think he will not be doing any service by this suggestion to the country and to many communities who want to know their numerical strength and the basis on which they are calculated. For instance, take the sweepers. My friend wanted to include them among the Hindus.

**Several Honourable Members :** "They are Hindus".

**Mr. Muhammad Yamin Khan :** If anybody who is residing in India can be called a Hindu, as distinguished from one who is not residing in India, then I think the Mussalmans also can be counted as Hindus if that is going to be the literal translation of Indians because the people of Arabia and of America and other places do not call us Indians but they call us "Hindi". Even the Mussalmans, when they go to Arabia, are not called Mussalmans but "Hindi". This is a term which is applied to all people residing in India, whether Mussalmans, Hindus or Christians. This word "Hindu" was given by the Mussalmans to all the people who were residents of India, whether they were idolators or worshippers of other objects or believed in the Arya Samaj or any other religion. Therefore if you want to know the details about the different religious beliefs of the people you have to make this distinction in the Census Report, and that is always helpful in coming to certain conclusions which we require from time to time. I was surprised at the speech which was made by my friend Mr. Kelkar. I do not know with what motive he made it, unless it was for some political purpose, for which he wishes that the Report, which can be comprehensive, may not be comprehensive and may serve a certain ulterior motive for which he is working.

**Mr. E. L. Price** (Bombay : European) : Sir, with regard to these instructions I do not want to express any opinion on what Mr. Kelkar was saying, but in the last census operations there came to my notice two cases where these instructions were used to harass domestic relations. In one case I understand a man was living with a woman and there was a dispute in his community whether she was his lawful wife or not. In the other case it was a Hindu who had married a widow, and I believe his castemen arrayed themselves against him. In both these cases I understand the households

[Mr. E. L. Price.]

were severely harassed by the questions of the Census Officers, which were evidently prompted by their social opponents. It seems to me, Sir, that if a man and woman say that they are man and wife, it ought not to be permissible for them to be harassed on the question of the legality of their union by Census Officers.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadian Urban) : Sir, my Honourable friend Mr. Yamin Khan does not appear to have understood Mr. Kelkar at all. The point that Mr. Kelkar put before the House has nothing communal about it. The point, as briefly put, is this, that it is not the business of a Census Officer to go into the religion of the citizen and catechise him as to details in order to find out whether his own description about himself as a Hindu, Muhammadan or Christian is just and proper. The option ought to be left entirely to the citizen whether he will call himself a Hindu, Muhammadan, or Christian, and it is not the business of the Census Officer to catechise him about further details with a view to find out, for some ulterior purpose, political, religious or otherwise, whether his description of himself as Hindu, Muhammadan or Christian is correct. That is the point made by Mr. Kelkar. In order to illustrate it, I will take the case of a Christian. Is it permissible to the Census Officer, if the citizen calls himself a Christian, to further interrogate him with a view to find out whether his description of himself as a Christian is well-founded? Would it be permissible, e.g., to the Census Officer to ask him whether he believes in the Ten Commandments and if so which of them,.....

**Mr. E. L. Price** : Whether he was baptized, that is the Christian test.

**Mr. M. R. Jayakar** : Or whether he was baptized, or whether he believes in the Transfiguration of Christ or in certain parts of the Bible as apocryphal, or whether he believes in the Chapter on Genesis. If the Census Officers were to be allowed to put these questions, he would become a court of appeal for the purpose of deciding, what is entirely a matter for the citizen to decide. Take the case of a Muhammadan, and I will ask Mr. Yamin Khan to note the interrogatory. Can a Muhammadan, after he has described himself as one, be further asked whether he believes that Muhammad was the Prophet of God or had greater or less divinity. Supposing a Muhammadan were asked to state whether he believed in a particular religious theory, or whether he subscribed to a particular Muhammadan tenet, how would it look? Is it permissible to the Census Officer to go into all these questions? I can assure the House that, if we once give the right to the Census Officer under clause 6, to put questions which are entirely outside the proper scope of a census, we will only introduce friction and irritation. The result of such a power will be that it will be entirely in the hands of the Census Officer to weaken, at his will, the position of certain religions or strengthen that of others. I therefore submit that such a power is entirely outside the purpose of that clause or even of Census operations. I do hope that the day will soon come in India when denominational headings in religion will be entirely dropped from the census register, as it is done in some European countries, where, nobody bothers about the religion of the citizen; but until that day comes, I think the Census Officer ought not to have the liberty of stirring up religious difficulties under the

guise of census operations. His business is to leave it entirely to the citizen to say under what religious category he will rank himself; he may call himself a Hindu or Moslem; it is entirely for him to decide the matter; the Officer should not go further and interrogate him with a view to distinguish whether he is an orthodox Hindu or Moslem or whether he is 14-annas orthodox or 12-annas orthodox. Let us read some of the questions which Mr. Kelkar read out, which Hindus had to answer. "Do you deny the supremacy of the Brahmin?" "Do you receive *mantras* from Brahmins?" "Do you deny the authority of the Vedas?" "Do you not worship Hindu gods?" "Are you not served by good Brahmins as family priests?" "Have you any family priests?" What is the reason for putting these questions, which are entirely a matter of details of personal religious belief and of internal regulation for a particular community? What can be their meaning, except that the motive was to point out that, although some people might call themselves Hindus, they were only 8-annas Hindus or 6-annas Hindus or 3-annas Hindus. That is an inquiry which, I do submit, and I am sure the House will agree with me, is entirely outside the proper scope and purpose of a census; if I may say so quite frankly, the Officer who puts these questions is using the census for the purpose of political or religious propaganda. I do submit that that ought not to be allowed to be done in the name of a census, and I do hope that the Honourable the Home Member will admit the good sense of the proposal made by Mr. Kelkar and see that these mischievous interrogatories which are entirely outside the purpose of a census are not allowed.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province : Nominated Non-official) : Sir, I do not intend making a long speech on this motion. All that I want to say is that unfortunately our division of society is based upon religion, faith and creed. These divisions do exist in the country and we cannot get rid of them in our present-day life of India. Even the words "majority community" and "minority community" are based on these lines. The majority community which is composed of numerous races and sects has nothing very common about it as far as social habits and customs go, except perhaps that it chiefly consists of people who believe in religions and faiths that have sprung up from India; and the minority communities mostly belong to the religions that have come into India from outside, such as Judaism, Christianity, Islam and Zoroastrianism. That being the case, it is most essential that we should describe these various faiths, which exist in the country, as elaborately as possible, if not for the sake of religious beliefs, at least for the political questions that always arise in this House and elsewhere.....

**Mr. Gaya Prasad Singh** : That is it : the cat is out of the bag.

**Nawab Sir Sahibzada Abdul Qaiyum** : If we had some other divisions of society in this country, such as exist in other countries of Europe and America, viz., Capitalism, Labour, Socialism, Bolshevism, Communism, Conservatism, Liberalism (An Honourable Member : "Communalism") and, yes, Communalism, we would have been quite all right; but all these "isms" do not exist to any great extent in this country, and the division of society mainly rests on our faiths, beliefs and religions.

[Nawab Sir Sahibzada Abdul Qaiyum.]

Even the other day a friend of mine, although I do not think his community is more than one per cent. in the whole of India, wanted to know how many of his Sikh brethren were taken in a certain Department of Government service. Unless they know how many Sikhs there are in the different parts of India, Government will not be able to give a satisfactory reply to such questions. Similarly, we the Mussalmans do not understand why we alone should be separated from the rest of India by being termed "Muhammadan constituency", and calling the rest of the people "Hindus". I can say that there are more differences of faiths and creeds among the various sections of the Hindus than there is a difference of religion and belief between a Muslim and a Hindu; and if with all those differences of faith and belief they still call themselves Hindus, it must be for the sake of political gains and objects, and we are consequently losers to a great extent by this isolation. I shall explain this in a moment. For instance, even the depressed classes and untouchables come under the category of Hindus, while I think that the depressed classes, and especially the untouchables, are open to all the various religious communities to be reclaimed. The Muslim religion, as I believe it, is more accessible to these classes and can take them more readily in its lap than any orthodox Hindu community or section. I believe that in the south of India the majority of the population is Hindu, and still, if Government were not able to know the percentage of the Brahmin and non-Brahmin population in the Madras Presidency, I do not know how they would have been able to answer many of the questions that are raised here every now and then. In short I think the more elaborate the description of the various sections that exist in this country that is given by the Census Officers in their Report, the better it will be for all intents and purposes. At least it will do no harm. I cannot follow the argument of my friend, Mr. Jayakar, who asked, "Why should the Census Officer ask a man whether he believes in the Ten Commandments of Moses, etc., etc.?" I think that was stretching the point too much!

**Mr. M. R. Jayakar :** Can the Honourable Member deny that to ask a Hindu whether he believes in the Vedas is like asking a Christian whether he believes in the Ten Commandments or not?

**Nawab Sir Sahibzada Abdul Qaiyum :** I was just going to explain the point according to my own lights. I mean that perhaps it will not be necessary to sub-divide the existing religious sects in the country by putting too many questions of that sort to a citizen of the country; but whatever sections or sub-sections do exist, whether among the Muslims, such as Ahmadis, Shias, Sunnis, Sufis, Wahabis or Hanafis or among the Hindus, who have certainly many more sections among themselves than the Mussalmans, I say that the citizens may be asked to tell the Census Officer to which particular existing section they belong. These questions will serve us in many ways: at least it will do us no harm at all, since these differences are there and for this purpose I think there is scarcely anything which is unnecessary in the present system of the census taking in the country.

**Dr. B. S. Moonje (Nagpur Division : Non-Muhammadan) :** Sir, I entirely associate myself with what my friends, Mr. Kelkar and Mr.

Jayakar, have said. From the point of view of scientific curiosity, if all these details have been put down, I have no objection. But as my friend, Sir Abdul Qaiyum considers that there is also a political importance to be attached to it, when the question of who should call himself a Hindu or a Muslim comes up, here therefore the importance of the instructions to be given to Census Officers comes in. I therefore want to know if these instructions that are to be issued under this Bill will be permanent instructions, or will be amenable to modification and change according to representations that might be made by the several communities in India. I have known of cases during my travels, particularly in Southern India, in which a Christian girl is married in a Hindu house and she is accepted in the House as a Hindu. In the same way, a Hindu girl is married in a Christian house, and if those people choose to call themselves Christians, they are entitled to do so. Therefore, if the discretion is left to the Census Officers to describe as to who is a Hindu and who is a Christian, difficulties will arise and there is a likelihood of some injustice being done to the parties concerned. I know personally that there are some Hindus who have some respect for and worship the Aga Khan, and who call themselves Aga Khani Hindus. If therefore a Census Officer were to classify such Hindus according to his own belief or according to his own predilections, he might classify them as Mussalmans, simply because they worship the Aga Khan, though those people themselves might say that they are Hindus.....

**Mr. Muhammad Yamin Khan :** No man can be called a Mussalman who worships the Aga Khan. Only those who worship Allah can be called Mussalmans.

**Dr. B. S. Moonje :** That is perhaps the definition of my friend Mr. Yamin Khan, because I know of certain persons who worship the Aga Khan and yet call themselves non-Mussalmans. Therefore, the importance of the instructions to be issued under this Bill should be very carefully considered, and we should like to know from the Honourable the Home Member whether these instructions are permanent and fixed, or whether they will be liable to be changed according to the representations of certain communities. It will therefore be seen how very vitally important it is for the Central Government to issue fundamental instructions of general applicability as to who should be called a Hindu and who a Moslem and so on.

**Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) :** Sir, I had no mind to take part in this debate, but when my friend Mr. Yamin Khan observed that Mr. Kelkar's objection was due to some political motive, I thought that he wanted to fit the cap to others which exactly fits him. Sir, I do not know whether the Honourable the Home Member will again be annoyed with me if I again point out to him that these instructions have been issued with a deliberate political motive. They are intended merely to lessen the number of Hindus, and the cat came out of the bag when my friend Nawab Sir Abdul Qaiyum said that those instructions were necessary in order to ascertain the percentage of each community in the services.....

**Nawab Sir Sahibzada Abdul Qaiyum :** It did not come by chance. I meant it.

**Mr. Amar Nath Dutt :** I can well understand the reason why an intelligent Government like the present one (Laughter)—I won't use the word "intelligent" if some of my friends object to it. (*An Honourable Member :* "It is your own word".) Sir, I have been fighting for the last six years to change the description of Hindus as non-Muhammadians, but the Government will not agree to it. I have been sending notices of Resolutions on this subject; I have also been putting questions several times, and the Government will not agree to the change. Why could they not agree to the change if there was no political motive behind? The fact is, that if they divide the country in census matters, they will have achieved their object. But there is another motive why they do not agree to the change, and that is to lessen the number of Hindus, to divide the Hindus by the Marriage Bill, as I have already stated, and Government also wants to divide the depressed classes and the untouchable classes. Sir, I for one have had ample experience of village life in Bengal, at least of West Bengal, and I can say that there are no such things as depressed classes or untouchables (Applause) in my part of the country. I know that these people are allowed to enter the temples; they partake of the same festivities, and they call themselves Hindus. They might have been non-Aryans and accepted Hindu culture and Hindu religion as their ideal, but they are entitled to describe themselves as Hindus. Now, Sir, I reiterate and re-assert that this classification is being made with a view to divide the people of this country, it has been done with a deliberate object, with a deliberate political motive behind, though Honourable Members on the opposite Benches might deny this charge. I may also say, Sir, that it is their guilty conscience that makes them cowards and they always protest and say that there is no motive behind their proposals. If they had been honest and sincere, they would not have taken part in Bills like the Child Marriage Bill; they would have remained absolutely neutral; if they had been honest and sincere, they would not have divided and sub-divided the country in this manner. So, Sir, I submit that, if they are honest and sincere,—at least they want to appear to be honest before us,—let them do away with all these distinctions.

**Nawab Sir Sahibzada Abdul Qaiyum :** They are the divisions made by Manu.

**Mr. Amar Nath Dutt :** Please do not speak of Manu.

**Nawab Sir Sahibzada Abdul Qaiyum :** How can anybody do away with those distinctions made by your great Law Giver, Manu?

**Mr. Amar Nath Dutt :** Do not speak of Manu.

**The Honourable Sir James Crerar :** Mr. President, it appears to me that I was unduly sanguine in my hopeful anticipation that the measure before the House would prove entirely non-controversial. But indeed I think, in point of fact, in spite of what has fallen from Honourable Members on both sides of the House, that I may still say that, so far as the great bulk of this House is concerned, and so far as the particular points which have been raised are concerned, and with which I shall presently deal, the Bill still remains non-controversial. No one, I think, denies the necessity of the census; no one denies that for all the purposes of a modern civilized nation, whether for administration, whether for

public work or indeed for almost any purpose contributing to the advancement of the life of a nation, the accurate figures provided by the census are the indispensable material of the statesman and the public man.

Well, Sir, I hope I shall not be called upon to plead to the charge that there is any political motive behind this Bill. Government are merely discharging, in bringing this Bill before the Assembly, their manifest duty, and I may perhaps refer to the fact that the particular provision which has been specifically mentioned has appeared over and over again during the course of several decades.

Now, Sir, I shall proceed to the point taken by my Honourable and learned friend Mr. Kelkar and also by my Honourable and learned friend Mr. Jayakar, and by one or two speakers who followed them. What Mr. Kelkar said, I think, both in its purport and in its intention, is perfectly reasonable. The question of the classification and the denomination of castes and sub-castes has been in recent times very carefully examined, and I am quite convinced that in the census to be carried out in 1931, it will require very careful and very intelligent handling in the light particularly of the observations which from time to time have been made in this House. Mr. Kelkar asked me in particular what the intention was with regard to the instructions issued under clause 6 of the Bill, and I hope I shall be able to give him a clear and satisfactory reply.

I think it a very reasonable proposition that when the Local Government publish the instructions contemplated by that clause, they should also, before those instructions come into operation, give a reasonable time for representations to be made with regard to them. It is also reasonable that when representations are made to the Local Government they should be carefully considered, and if a good case for any modifications in those instructions is made out, that the Local Government should make such modifications as are so required; and I am perfectly prepared to communicate to Local Governments the views which have been expressed in this House on that point. I hope that will satisfy Mr. Kelkar and other Honourable Members who have spoken on the Bill. For the rest, I think I may with some assurance still hold the view that the Bill is not controversial and that, subject to what has been said on this particular point, it will be unanimously or almost unanimously approved of by the House.

**Mr. President :** The question is :

"That the Bill to provide for certain matters in connection with the taking of the Census, be taken into consideration."

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

**Mr. President :** The House will now proceed to the consideration of the Bill to provide for certain matters in connection with the taking of the Census clause by clause.



Clauses 2 to 15 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir James Crerar :** I move that the Bill be passed.  
The motion was adopted.

#### THE INDIAN RAILWAYS (AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move that the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be referred to a Select Committee consisting of Mr. N. C. Kelkar, Mr. K. C. Neogy, Nawab Sir Sahibzada Abdul Qaiyum, Mr. Muhammad Yamin Khan, Mr. R. S. Sarma, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Dwarka Prasad Misra, Mr. Ram Narayan Singh, Sir Darcy Lindsay, Lieutenant-Colonel H. A. J. Gidney, Maulvi Muhammad Yakub, Mr. Abdul Matin Chaudhury and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.

This Bill, Mr. President, is a very short one and has only one operative clause empowering the Governor General in Council to make rules to regulate the hours of work, and periods of rest of railway servants, or any class of railway servants, and it is explained in the Statement of Objects and Reasons that the necessity for this legislation arises from the obligations which the Government of India have undertaken in the Washington and Geneva Conventions. Under the Washington Convention we undertook that the principle of the 60 hours' week should be adopted in such branches of railway work as might be specified for the purpose by competent authority. Similarly, under the Geneva Convention, the weekly day of rest must be extended to the same classes of workers. Now, Mr. President, although the Bill is a very short one the subject with which it deals is obviously of great importance. Since the Government of India ratified the Conventions, a good deal has been done towards introducing the principle of the 60 hours' week and the weekly day of rest, but the progress has not been as rapid as I should have liked to have seen it, and it has become clear that for the purposes of specifying the branches of railway work to which these two things are to apply, there is no competent authority in India excepting the Legislature itself. What the Bill proposes to do is to make the Governor General in Council the competent authority, but I quite recognise that, in a matter as important as this, the more usual practice would have been that certain substantive provisions should have found a place in the law itself. That is what has been done in the Indian Factories Act, but we have found it a difficult and complicated business to work out exactly what provisions should be made applicable to Indian railway servants, and we have not been able, so far, to put forward definite provisions which could be incorporated in an Act of the Legislature. I feel that it would not be fair to this House to ask them, short though the Bill is, to proceed with this legislation in a hurry. I was anxious to bring the Bill before the House this Session in order to make it clear that it is the intention of the Government of India to legislate on this subject but on the other hand I think it is reasonable that, before the

House is asked to pass the Bill, and before the Select Committee is asked to formulate its recommendations, the House and the Committee should have before them the rules that we propose to make if this Bill passes into law. They exist already in draft form, but they have still to be discussed with the Agents of railways, and I think it will also be necessary to discuss them with the representatives of labour in one form or another. Therefore, if the House accepts the motion which I am moving, I do not anticipate that the Select Committee can usefully sit until some date in January. By that time I hope that the rules will be in a form in which we can place them before the Select Committee. The general principle of the Bill, Mr. President, may be said to be this. We are asking the Legislature, if it accepts this motion, to affirm that the time has come when, by legislation, a competent authority should be set up to specify the branches of railway work to which the weekly day of rest and the principle of the 60 hours' week should apply. We do not ask the House to do more than this. There will be room for a great deal of discussion in the Select Committee and in the House at a later stage as to whether the present form of the Bill is satisfactory, or whether amendments are not required. I do not think I need dwell further on this subject, Mr. President, because we can discuss the whole question much more fully and much more usefully when the Bill comes back from the Select Committee. For that reason, I will content myself with what I have said and with moving my motion.

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : May I suggest that the name of Mr. K. C. Roy be added as a member of this Committee ?

**Mr. President :** The question is that the name of Mr. K. C. Roy be added to the list of members of this Committee.

The motion was adopted.

(Mr. K. C. Neogy rose in his place.)

**Mr. President :** Does the Honourable Member wish to speak ?

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Yes, Sir, I have a formal amendment to move also, that the name of my Honourable friend, Rai Sahib Harbilas Sarda be substituted for my name in the list of members of this Committee. Sir, I wish to say just a few words in connection with this Bill. Although I am alive to the importance of the measure, I would say that this House would have been fully justified in refusing to help Government to place this measure on the Statute-book without even looking at the merits of this measure, because, Sir, it will be within the recollection of Honourable Members that the question of the wholesale revision of the Railways Act has been under consideration for some years. It was 8 years ago that the Acworth Committee made the recommendation that the Indian Railways Act required wholesale revision, and they made the further recommendation that, as soon as the Railway Rates Advisory Committee were appointed, one of the first duties that should be assigned to the Chairman of that body ought to be the revision of this Act. Eight years have elapsed and I do not think that any tangible action has been taken by Government in this direction beyond making a reference, very lately, to the Chairman of the Railway Rates Advisory Committee on the subject. I would like to know from the Honourable Member in charge what time he is likely



[Mr. K. C. Neogy.]

to take in bringing forward a comprehensive amending measure. I do hope that he will realise that it is not just and fair on his part to ask this House to amend the Railways Act in dribblets when we are very keen on having the whole Act revised.

**Maulvi Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, I want to offer a few brief remarks on this Bill. While supporting this motion for reference to a Select Committee, I cannot help expressing my regret that, in giving effect in the Washington Convention, the Government should have taken shelter under the exceptional clause of the Convention, "a ten-hour day", instead of accepting the general principle of an eight-hour day. Honourable Members are aware that the Washington Conference, while limiting the hours of work in Western countries to a forty-eight hour week, in industrial undertakings made an exception in the case of Japan and India, prescribing a sixty-hour week for these countries. It was urged in the Conference that in highly-developed countries like those of the West eight hours a day was as productive as nine or ten hours a day in other countries of primitive methods and with a trying climate, and it was said that if Japan and India were brought into competition with the European countries on the same level of hours of work, that would destroy the mass of Indian industries, and to attempt to do so would be to court failure. Mr. Masumito, the Japanese Workers' Delegate, and Mr. Joshi lodged a protest against this discrimination, but whatever justification there may or may not be for a ten-hour day in industries which are faced with the competition of the world, I submit that there is no justification for a ten-hour day in an undertaking like the railways, which is a State monopoly, and which has not to face competition from anywhere else. Moreover the railways are paying very fair dividends, and it is quite meet and proper that Government should introduce measures to humanize the conditions of labour in India, and to bring them into line with the other progressive countries of the West. This is a matter in which the Government can take the lead, and my sole regret is that they have not been as generous to labour as they could afford to have been in this matter. While dealing with the Bill, Sir, we are very much handicapped for want of adequate materials. We have been asked to sign something like a blank cheque,—to empower the Governor General in Council to frame rules without knowing what the rules are going to be, what particular classes of railway employees are going to be included, and what is more important, what particular classes of persons are going to be exempted from the operation of this rule. I am glad however that the Honourable the Commerce Member has given an assurance that the draft rules will be placed before the Select Committee, and I hope that when the Bill comes out of the Select Committee the substantive portion of the rules will be incorporated in the Act itself.

**Diwan Chaman Lall** : Sir, I rise to support the protest made by Mr. Abdul Matin Chaudhury. I think he is perfectly right in stating that it is time that the Honourable Member in charge of this Bill should look upon the question of the hours of work on railways not from the point of view of the Washington Convention but from the point of view of modern conditions prevailing throughout the world. I would like to correct one impression that my Honourable friend might have carried away in regard to a statement made by Mr. Matin Chaudhury as to the action taken by Mr. Joshi at Washington. No doubt his reply to Mr.

Chaudhury would be that Mr. Joshi at Washington agreed to this exception as regards India,—the exception that a ten-hour day is essential for countries like India. Mr. Joshi was working under a very grave difficulty and he agreed to it at that stage as a matter of compromise and for no other reason. Since 1919, ten years have elapsed, and the Honourable Member ought to be aware of what has been going on in other parts of the world in regard to working hours on the railways, and there is no justification whatsoever for him to come before this House and demand a ten-hour working day for railway workers in India. The only ground on which that exception was passed at Washington was that conditions of work in countries like India and other Eastern countries are different to the conditions of work prevailing in European and American countries. Now I would like to ask the Honourable Member whether it is not necessary, because of the difference in conditions of work here, that Indian workers should work less hours than European workers in European countries, considering the climatic conditions and other conditions which ought to be taken into consideration. Therefore I hope that, when the matter comes up before the Select Committee, the Honourable Members who are on the Select Committee will look upon this question, not from the point of view of the Washington Convention, to which lip service is now at this late stage given by Government, but look upon it from the modern point of view and realise that the Indian worker ought to be brought on a par with the workers in other parts of the world, particularly in Europe, as far as the hours of work are concerned.

I also agree with my friend, Mr. Matin Chaudhury, that it is wrong in principle to leave the regulation of the hours of work to be decided upon by rules to be made by the Governor General in Council. It may be a convenient method for the Government, but I hope that some sort of statutory obligation will be placed upon the Railway Administrations in India to make it absolutely certain that Indian workers will not work more than eight or even six hours a day. My own preference is for six hours. I see my Honourable friend, Mr. Rau, laughing at this suggestion, but he must be aware of the agitation that is going on in Great Britain in regard to six hours; at any rate he ought to be aware, being the Financial Commissioner of Railways, of the serious agitation that is going on in regard to this question of the hours of work, and he ought also to be aware of the fact that, in Great Britain, I believe the hours have been fixed at eight. I would like to demand from the Government some explanation as to the justification which they can urge in favour of a ten-hour working day for railways in India.

I hope, Sir, when this matter is discussed in Select Committee, all these points will be taken into consideration, and that the Honourable Member will look upon this question, not from the point of view of the Washington Convention, but from the point of view of modern conditions in Europe as well as in America.

**Mr. M. S. Anay** (Berar Representative) : Sir, in supporting the motion before the House, I wish to place before the House some information about this measure. Last time when the Standing Finance Committee for Railways met, a proposal was placed before the Committee to sanction certain expenditure for the purpose of carrying out the recommendations of the Washington Convention with regard to railway labour. At that time a memorandum was also placed before us which

[Mr. M. S. Aney.]

indicated that the Government of India intended shortly to introduce a Bill like this.

Then, at that time the discussion centred upon this point and there was a formal recommendation made by the Standing Finance Committee that, before the Honourable the Commerce Member could introduce any Bill in the Assembly, the draft Bill should be placed before the Central Advisory Council of the Railways for its consideration and discussion along with such draft rules as the Governor General in Council proposed to make under the enabling clause of the Bill. So that, the Government of India should have the advice of the Central Advisory Council as regards the precise nature of the rules to be made, or as to which of those rules should be incorporated in the Act itself. That was a suggestion discussed in the Committee. There was some little difference of opinion among certain members no doubt. However, there was no meeting of the Central Advisory Council after that. I am glad to find, at any rate, that the Honourable Mover of this Bill had given us a definite promise that the draft proposals in this respect will be placed before the Select Committee for their consideration.

I found there was some outline of the proposals which the Government of India had in their mind with regard to the rules to be framed under the Act, and one of them indicated that the Agent shall be given very wide powers as regards the exemptions of certain classes of labour from the operation of this Act and the concessions thereunder. I would particularly draw the attention of the members of the Select Committee to this fact with a view that they should very carefully scrutinise the draft rules to be placed before them for their consideration, particularly because I feel that a general power of exemption granted to the Agent is likely to be very detrimental to the best interests of the labour, whose interests this Bill is intended to promote. That was the only thing which I wanted to bring to the notice of those who are likely to serve on the Select Committee. With these few words I support the motion moved with the amendment that is moved by my friend Mr. K. C. Neogy.

**Mr. V. V. Jogiah** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I wish to say a few words before the Bill goes to the Select Committee. The object of this Bill is to create a competent authority which would specify the branches of railway work and frame rules. The Governor General in Council is made under the Bill the competent authority. The question is whether in a country like India, where the employers with respect to railways are the Government, the Governor General in Council will be the competent authority to make rules. I will therefore suggest to the Select Committee to consider whether the competent authority cannot be the representatives both of the Government, which is the employer, and the representatives of the employees such as those selected by one of the properly constituted railway bodies, such as the All-India Railway Federation. Unless a committee consisting of representatives of both the Government and those of the employers is appointed as "the competent authority", I fear the rules framed for purposes of fixing the hours of work or allotting days for weekly rest, cannot be satisfactory. It is unjust that "the competent authority" should be one-sided. I therefore suggest that "that competent

authority" should be made to include representatives of both the Government, private Railway Companies and the Employees. This is the only suggestion I would like to make to the Select Committee.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I would like to add only a word or two to the observations which have been just made by my Honourable friend Mr. K. C. Neogy. The Acworth Committee, so far back as 1921, recommended that the Indian Railways Act required revision in many directions. Then, again on 7th February, 1927, the Government of India, in reply to a question on the floor of this House, admitted that the Act required revision. I should like to read out to the House a portion of the reply which was given on that occasion. Government said :

"Government are aware that in some directions the Act requires revision. Various suggestions as to the revision received from time to time from Local Governments and Administrations are under consideration, and it is also proposed to take the advice of the Rates Advisory Committee on the subject."

And in the course of that reply it was stated further on that steps would be taken to bring the matter to the notice of the Rates Advisory Committee.

The other day I put a question on the subject and I learnt that it was only in May or June last that the matter had been referred to the Rates Advisory Committee. That reply was given in 1927, and in the year of grace 1929, the matter was referred to the Rates Advisory Committee. There are many anomalies in the existing Railways Act, and it is high time that there should be a fairly comprehensive revision of the provisions of the Act. So far as this Bill goes, I have nothing to say against it ; but it would have been better, if, in revising the Railways Act, a comprehensive Bill dealing with some of the other provisions of the Act were brought before this House and considered.

That is all I have got to say.

**The Honourable Sir George Rainy** : My Honourable friend, Mr. Neogy. Mr. President, said he thought the House should be thoroughly justified in refusing to consider this Bill because it was not a Bill for the complete revision of the Indian Railways Act. Now, if no other parties were concerned except the House and the Government, I do not say that my Honourable friend's suggestion would have been altogether unreasonable, but in view of the fact that the people most intimately concerned in this Bill are the railway workers in India, I am afraid my Honourable friend would have hardly been justified in taking up that attitude. He asked me to say when it is likely that the Government will be able to place before the House a comprehensive measure for the revision of the Indian Railways Act. I am afraid that I cannot give him any definite indication as yet. I am sorry that it took us such a long time to refer the matter to the President of the Railway Rates Advisory Committee, but I do not know that the delay was altogether regrettable, because during the intervening years the President of the Committee has been gaining additional experience of a very important branch of railway work, and I have no doubt that the experience thus acquired will give greater value to any recommendations that he may place before us. On this question of a comprehensive revision I would like to say this to my Honourable friend Mr. Gaya Prasad Singh, that if my official experience has taught me anything, it is this, that if you

[Sir George Rainy.]

want to get an inconvenient question out of the way, you have only to say we will take it up when there is a general revision of the Act. (Laughter.) Therefore if you want in any particular branch to get something done, you do not wait for a general revision of the Act, but take it up straight away as I have done in this case.

I do not propose to attempt to answer the suggestion made by my Honourable friends Mr. Abdul Matin Chaudhury and Mr. Chaman Lal to the effect that the Washington Convention, so far as India is concerned, did not go far enough. It will be within the competence of any member of the Select Committee on this Bill to raise questions of that sort. But, obviously, it would require considerable space of time to discuss these important matters fully and, as I have said, I think the House will be in a far better position to discuss these matters when the Bill comes back to it from the Select Committee.

My Honourable friend Mr. Aney drew attention to a recommendation of the Standing Finance Committee for Railways that the rules, before they were made, should be laid before the Central Advisory Council. Now, I think that is a very reasonable suggestion and I have nothing to say against it. But in this case, as I am hoping to place the first rules before the Select Committee, there might be a difficulty supposing both the bodies considered the rules and came to different conclusions. On this occasion it may be best that I should place them before the Select Committee, and if I do so, it may not be convenient to place them also before the Central Advisory Council. But I see no objection, with regard to any future amendments of the rules once they are made, to making it ordinary practice to refer them to the Central Advisory Council.

I think there is only one other point to which I need refer. That was the suggestion made by Mr. Jogiah, that the Governor in Council was not a suitable or a competent authority for the purposes proposed. I should like to draw his attention to the fact that, so far as the State-managed railways are concerned, the Governor in Council is already a competent authority, and that it is only in respect of the Company-managed railways that there is, except the Legislature, no competent authority at present to do what is needed. In any case, the question is one which can be dealt with in Select Committee.

**Mr. President :** The Honourable Member said nothing about the amendment of Mr. Neogy.

**The Honourable Sir George Rainy :** I have no objection to the amendment, Sir.

**Mr. President :** Did the Honourable Member obtain the consent of Mr. Neogy to serve on the Committee?

**The Honourable Sir George Rainy :** I obtained his consent through the usual channel, that is, through the officials of his party. I understand that there has been some change about that in the party.

**Mr. President :** Will the Honourable Member, Mr. Neogy, explain why he, having given his consent once, now wants to drop out?

**Mr. K. C. Neogy :** Sir, on the question which the Select Committee will have to consider my Honourable friend Mr. Sarda would be a much better authority than myself. That is the reason why I seek to substitute his name.

**Mr. President :** The Honourable Member knows the practice of this House, that no names are included in the list unless members themselves agree, and after once agreeing, it is not right for any of them to decline.

**Mr. K. C. Neogy :** May I mention that this has been done as a result of the revision of the understanding that was arrived at in the party with regard to the Members who were to represent our party on the Select Committee.

**Mr. President :** It is very difficult for me to understand it.

The question is :

“ That the name of Rai Sahib Harbilas Sarda be substituted for the name of Mr. K. C. Neogy ”.

The motion was adopted.

**Mr. President :** The question is :

“ That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be referred to a Select Committee consisting of Mr. N. C. Kelkar, Rai Sahib Harbilas Sarda, Nawab Sir Sahibzada Abdul Qaiyum, Mr. Muhammad Yamin Khan, Mr. R. S. Sarma, Mr. Jannadas M. Mehta, Mr. S. C. Mitra, Pandit Dwarka Prasad Misra, Mr. Ram Narayan Singh, Sir Darcy Lindsay, Lieutenant-Colonel H. A. J. Gidney, Maulvi Muhammad Yakub, Mr. Abdul Matin Chaudhury, Mr. K. C. Roy, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.”

The motion was adopted.

## THE INDIAN SOFT COKE CESS BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill to provide for the levy of a cess on soft coke despatched by rail from collieries in the provinces of Bengal and Bihar and Orissa, be taken into consideration ”.

Sir, this Bill is modelled upon two Acts of the Legislature, namely the Tea Cess Act and the Lac Cess Act. But it also embodies another departure. These two Acts provide for the levy of a cess on the export of tea and the export of lac from British India, the proceeds being devoted to propaganda, scientific research and certain other purposes. In the case of this Bill, what we propose is the levy of a cess on the despatches of soft coke from the collieries, the cess to be expended mainly on propaganda. The novelty therefore is that the money raised is to be devoted not to the promotion, principally, of the export trade, but of the internal trade of the country in soft coke. I think it must be fully two years ago that the members of the Committee of the Indian Mining Federation brought the matter to my notice. They pointed out that, owing to the state of the coal market, there was a very small demand for any class of coal except first class coal, and that the proprietors of the smaller collieries who were interested chiefly in the coal that was not first class coal, found great difficulty in disposing of their output. They pointed out that, in so far as soft coke could be substituted for cow

[Sir George Rainy.]

dung, for instance, it would be a really valuable thing in the interests of India as a whole, because the land would not be deprived of the manure which it so badly needed. They asked that the matter might be considered. The original proposals they put before the Government were somewhat larger in their scope, for they included the levy of a very small cess, not only upon soft coke, but on all kinds of coal despatched from the collieries. That was considered, but it was found that we could not proceed with it because the support received from the coal trade generally was not sufficient. In respect of these cesses it has been the practice of the Government of India to legislate only when they have the great bulk of trade behind them. This Bill is, therefore, limited to the collection of a cess on the despatches of soft coke from the collieries and the regulation of the expenditure of the money thus raised. The detailed provisions of the Bill do not, I think, require a great deal of explanation. They are modelled in the main on the provisions of the two Acts to which I have already referred, namely, the Tea Cess Act, and the Lac Cess Act. Under clause 4 of the Bill a committee will be formed, which will be presided over by the Chief Mining Engineer of the Railway Board, and will contain representatives of the Government of Bengal and of the Government of Bihar and Orissa, one member elected by the Indian Mining Association, and seven members elected by the Indian Mining Federation. The reason why the majority of the committee will be elected by the Indian Mining Federation is this. Practically all the proprietors of the collieries which produce soft coke are members of the Indian Mining Federation, and as the money which will be raised is to all intents and purposes their money, it is natural that the control of the expenditure should remain in their hands. The usual provisions are made for the periodical audit of the accounts of the committee, and there are one or two other clauses, mainly machinery clauses, for administrative purposes, on which I do not think I need dwell. It is right to inform this House that we have consulted the Indian Mining Federation about the Bill and that they very strongly support it. It is a case, therefore, in which the Government of India are acting on the recommendation and with the full support of the trade concerned. I do not think I need say very much more on this Bill. It is in one respect a novelty and I have no doubt myself that it is a salutary novelty. When any trade comes to the Government of India and shows that it is prepared to combine, that it is prepared to submit to the levy of a cess of this kind to be spent on propaganda for popularising its products, it is quite reasonable that Government and the Legislature should accord their support. I hope, Mr. President, that, if this Bill becomes law, it will be found beneficial to the branch of the coal trade which produces soft coke, and that it may have a material influence in bringing about increased prosperity to that section of the trade. Sir, I move.

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir George Rainy :** Sir, I move that the Bill be passed.

The motion was adopted.

## THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, the motion standing in my name on the paper is that the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for certain purposes, be taken into consideration. It came to my notice this morning, Sir, that certain Honourable Members of this House desire that the Bill should be referred to a Select Committee. Government have no objection to that course ; in fact I should have myself moved for reference to a Select Committee if I had known earlier that there was any desire on the part of Honourable Members that that course should be adopted. It would therefore save a certain amount of the time of the House if I could be permitted to alter my motion ; and I ask for permission to do so. Sir, I move :

"That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for certain purposes be referred to a Select Committee consisting of Pandit Hirday Nath Kunzru, Dr. B. S. Moonje, Nawab Sir Sahibzada Abdul Qaiyum, Mr. Ismail Khan, Mr. E. L. Price, Sardar Kartar Singh and Mr. Dwarka Prasad Misra with instructions to report on the 16th September, 1929, or as soon as possible thereafter, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, I had hoped until this morning that the provisions of this Bill would prove entirely non-controversial. They are intended to secure an object which, I am sure the House will agree, is reasonable, namely, to secure accommodation for military officers in those cantonments in which, on account of their profession, they are compelled to live. The principle that special powers are required for this purpose has been accepted for a very long time, and the present Bill is necessary only because it has been found that the present procedure is somewhat cumbrous and also because experience has brought to light various other defects in the working of the Act. The points in the Bill on which I understand certain Honourable Members consider that further discussion is advisable are mostly points of detail, which can be discussed more suitably I think in Committee than on the floor of the House. I have no doubt that, as a result of discussion, the Committee will be able to reach agreement as to the particular form in which the amendments should be made.

Sir, I move.

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I am somewhat relieved to find that the original motion has been given up in favour of the present motion to refer this Bill to a Select Committee. I wish to mention two or three points to be considered by the Select Committee. In the first place I am very glad that the present cumbrous committee of arbitration is being given up and the reference is hereafter to be made only to the civil court. That is the only salient feature that I find in the Bill ; but unfortunately even there I find in clause 12, sub-section (3) of the proposed new section 29, that :

"An appeal preferred under this section shall be deemed to be an appeal from an order within the meaning of section 108 of the Code of Civil Procedure, 1908."

That is somewhat limited. I wish the Select Committee would consider the advisability of making it a regular appeal if it is possible.

[Mr. M. S. Sesha Ayyangar.]

Then, Sir, in sub-clause (b) of clause 4 there is a proviso :

“ Provided that nothing in this sub-section shall be deemed to affect the right of the Government to avoid the lease in any such event as is specified in clause (c) of section 108 of the Transfer of Property Act, 1882 ”.

In this particular matter, I find from the Notes on Clauses that the intention of Government is not to depart from the principle of section 7(3) (a) of the present Act which is already more than usually favourable to the lessor, but it is said that :

“ They see no reason why they should be excluded from the latter benefit mentioned above ”.

That is, the benefit given under the Transfer of Property Act in favour of lessees. But Government seem to forget that the particular Act provides for more or less involuntary dispossession of property which Government are allowed to continue to do under this Bill ; and in the case of ordinary lessors and lessees there is usually freedom of contract obtaining. But in this case the act of appropriation is more or less involuntary, and I do not think that in a case like this Government should also be given the benefit of the provisions of section 108 (c) of the Transfer of Property Act. To work it that way would be derogatory to the actual rights of the lessor. I would submit that the Select Committee will please consider whether this provision is necessary and this extra privilege, so to speak, should be vested in the Government.

Then, Sir, I refer to clause 3, new section 6 (b). This clause actually strengthens the hands of the military section of Government and also widens the powers of Government, because the provisions are very comprehensive and elastic. It is stated like this :

“ (b) the Officer Commanding the Station is satisfied that there is not in the cantonment a sufficient and assured supply of houses available at reasonable rates of rent by private agreement to meet the requirements of the military officers and military messes whose accommodation in the cantonment is, in his opinion, necessary or expedient ”, etc.

That, I submit, is rather wide and very comprehensive. Such extraordinary powers ought not to be given, in my humble opinion, to an Officer Commanding the cantonment, to find whether there are not sufficient houses for the occupation of the military. Similarly there is a corresponding weakening of the rights of private house-owners as we find mentioned in sub-clause (a). Once a military officer stationed in a cantonment states that he is unable to secure suitable accommodation in the cantonment on reasonable terms from private gentlemen, and that no suitable house or quarter belonging to Government is available for his occupation and the Officer Commanding the station is satisfied of the truth of the facts so stated, he may take the necessary action. That, I submit, is clearly an infringement upon the rights of private owners of houses in the cantonment area. That might be somewhat lessened by making it really available only in such cases as are absolutely necessary. This clause ought to be modified in such a way as not to tighten the grip of the Government and at the same time not to weaken the rights of private house-owners in cantonment areas. With these observations I support the motion.

**Mr. G. R. F. Tottenham :** Sir, I can assure the Honourable Member that the points which he has just raised will be taken into very careful consideration when the matter is discussed in Committee. The first point he raised about clause 12 of the Bill is a legal point with which I am afraid I am unable to deal at the present

moment. The second point regarding the proviso in clause 4—that is section 7 of the Act—is also a point that I admit had not occurred to me but I will look into it. The third point that he made with reference to the wording of clause 3 of the Bill was that it gave too large powers to Government. On that point I can only tell him that the Act, as it stands at present, gives even wider powers to Government. The only provision in the Act, as it stands at present, as to the powers of the Officer Commanding to appropriate houses is contained in section 8, which reads as follows :—

“ The Officer Commanding the District shall not sanction the issue of a notice unless he is satisfied that the house in respect of which it is proposed to issue the notice is suitable for occupation by a military officer or a military mess, and that there is not in the cantonment, or if the Act is in force in a part only of the cantonment, then in that part thereof, a sufficient number of houses already available and suitable for occupation by military officers or messes.”

That is the existing law. It gives the military authorities even wider powers than we propose to give under this Bill, which we have drafted in such a way as to bring out expressly the intention of the Government, namely, that the provisions of the Act should not be made use of until every attempt has been made to reach a voluntary agreement with the house-owner concerned. That is why we put in clause 3 in place of existing section 6 providing, firstly, that an officer can apply for accommodation to be appropriated for him only after satisfying the Officer Commanding that he has made every reasonable effort to find a house for himself by private agreement with one of the house-owners in the cantonment, and secondly, making it incumbent on the Officer Commanding the station, before he takes any general action under the Act, that he should be satisfied that houses are not available on reasonable terms by private agreement with the house-owners. We had thought therefore that this particular clause was a distinct improvement on the existing Act. However, I am quite willing, and I am sure that the Select Committee will be quite willing, to take all these matters into consideration.

**Mr. President :** The question is :

“ That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for certain purposes be referred to a Select Committee consisting of Pandit Hirday Nath Kunzru, Dr. B. S. Moonje, Nawab Sir Sahibzada Abdul Qaiyum, Mr. Ismail Khan, Mr. E. L. Price, Sardar Kartar Singh, and Mr. Dwarka Prasad Misra, with instructions to report on the 16th September, 1929, or as soon as possible thereafter, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

The motion was adopted.

#### THE INDIAN SALE OF GOODS BILL.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I beg to move that the Bill to define and amend the law relating to the sale of goods, be referred to a Select Committee consisting of Mr. D. F. Mulla, Mr. M. R. Jayakar, Mr. K. C. Neogy, Mr. M. A. Jinnah, Mr. Abdul Qadir Siddiqi, Mian Mohammad Shah Nawaz, Mr. N. C. Chunder, Mr. M. S. Sesha Ayyangar, Mr. V. V. Jogiah and myself, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four. The law relating to the sale of goods is an important branch of the mercantile law. It affects the big merchant as well as the petty trader. The Indian law on the subject is now contained in chapter VII



[Sir Brojendra Mitter.]

of the Indian Contract Act of 1872, which was enacted 57 years ago. It consists of a set of elementary rules based mainly upon English judicial decisions as they stood in the sixties of the last century. The object in view, then, as stated by Sir James Stephen, was to provide a body of law so expressed that it might be readily understood both by English and Indian Judges without extrinsic help from the English law libraries. In other words, what was needed, in the seventies, was a guide for the Judge who had but little legal training, derived little or no assistance from the Bar, and worked at a distance from any law library. When Sir James Stephen moved the Indian Contract Bill in the Indian Legislature, he admitted that it was not and could not pretend to be a complete code upon the branch of law to which it related. The Special Committee, whose report is annexed to the Bill, reported as follows :

" Whatever merit the simple and elementary rules embodied in the Indian Contract Act may have had, and however sufficient and suitable they may have been for the needs which they were intended to meet in 1872, the passage of time has revealed defects the removal of which has become necessary in order to keep the law abreast of the developments of modern business relations. The law relating to the sale of goods appertains mainly to mercantile transactions. There can be no doubt that during the last half-century conditions in this country relating to trade and business have undergone material changes. Methods of business have largely altered and new relations have arisen between man and man. In dealing with these relations, it has been necessary to give recognition to new principles, and the Indian Courts have found that a law enacted more than fifty years ago is entirely inadequate to enable them to deal with these new relations or give effect to the new principles. The result has been that on various occasions the Courts have had to hold that Chapter VII of the Indian Contract Act is not exhaustive, and to import therein analogies from the decisions of the English Courts.

The English law relating to the sale of goods which was admittedly the basis of Chapter VII of the Indian Contract Act has itself, since 1872, undergone drastic changes, and was finally codified in 1893 by the present Sale of Goods Act (56 & 57 Vict. C. 71), which discards many of the old common law rules upon which Chapter VII of the Indian Contract Act was based, in favour of provisions more suited to modern conditions or more convenient in actual practice."

It is obvious, Sir, that this branch of the law in India required thorough overhauling. When my Honourable and learned friend, Mr. Mulla, was temporarily in charge of the Legislative Department last year, he prepared a Bill on the model of the English Sale of Goods Act, 1893. This Bill was referred by the Governor General in Council to a Special Committee consisting of Mr. Mulla, my Honourable and learned friend, Mr. Jayakar, the erudite Advocate General of Madras, Mr. Alladi Krishnaswami Aiyar, and myself. We examined the Bill closely, and, our Report, with detailed notes on clauses, is in the hands of Honourable Members. I do not wish to take up the time of the House by repeating all that is contained in that Report. But I wish with your permission, Sir, to draw the attention of the House to one or two passages in it. The Bill referred to us was mainly based on the English Sale of Goods Act, 1893. This Act has stood the test of nearly thirty-five years of practical application, and in the words of Lord Parker, " is a very successful and correct codification of this branch of the mercantile law ". As is shown in Appendix B to our Report, most of the Colonies and Overseas Dominions have adopted and re-enacted the Act with only such small variations as have been found necessary to adapt its provisions to local circumstances. It is also remarkable that the Uniform Sales Act, passed in 1906, in the United States of America, and adopted in twenty out of fifty-three States and territories,

is based very largely on the English Act. These facts constitute striking evidence of the completeness and the universal suitability of its provisions.

In mercantile transactions a conflict of laws should, as far as possible, be avoided. Uniformity of law in various countries, particularly in those which have business or trade dealings with one another, is highly convenient and desirable.

The Special Committee go on to say :

" We, therefore, approve of the proposal to adopt the provisions of the English Sale of Goods Act so far as they are suitable to Indian conditions as the basis for the present Bill, and thus to make the Indian Law relating to the sale of goods as nearly as possible uniform with the law in force in other parts of the British Empire.

The provisions of the English Act are far more elaborate and comprehensive than those of Chapter VII of the Indian Contract Act, and in their arrangement the English Act is more logical and methodical. As we have already observed, it has revised and brought up-to-date the rules of the English Common Law. Moreover, the adoption of the English Act as the basis of the present Bill will enable Indian Courts to interpret its provisions in the light of the decisions of the English Courts."

That, Sir, is the nature of the Bill. It is modelled on the English Sale of Goods Act and adapted to local conditions. Sir, I move.

Mr. President : Motion moved :

" That the Bill to define and amend the law relating to the sale of goods, be referred to a Select Committee consisting of Mr. D. F. Mulla, Mr. M. R. Jayakar, Mr. K. C. Neogy, Mr. M. A. Jinnah, Mr. Abdul Qadir Siddiqi, Mian Mahommed Shah Nawaz, Mr. N. C. Chunder, Mr. M. S. Sessa Ayyangar, Mr. V. V. Jogia, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, I wish to bring to the notice of the Honourable the Law Member, who just made the motion, that the Committee consists entirely of lawyers. This is a matter mostly for business men, and I think, Sir, there should be some non-lawyers and business men on the Committee.....

Mr. President : The Honourable Member might mention the names he wants to add without comments.

Mr. Vidya Sagar Pandya : Sir, I would therefore suggest that the names of Sir Purshotamdas Thakurdas and Mr. H. P. Mody be added to the Committee.

Mr. President : The question is :

" That the names of Sir Purshotamdas Thakurdas and Mr. H. P. Mody be added to the Committee."

The motion was adopted.

Mr. President : The question is :

" That the Bill to define and amend the law relating to the sale of goods, be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. H. P. Mody, Mr. D. F. Mulla, Mr. M. R. Jayakar, Mr. K. C. Neogy, Mr. M. A. Jinnah, Mr. Abdul Qadir Siddiqi, Mian Mahommed Shah Nawaz, Mr. N. C. Chunder, Mr. M. S. Sessa Ayyangar, Mr. V. V. Jogia, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.



THE INDIAN CONTRACT (AMENDMENT) BILL.  
Honourable Sir, President

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I move that the Bill to amend section 178 of the Indian Contract Act, 1872, be referred to a Select Committee consisting of Mr. D. F. Mulla, Mr. M. R. Jaykar, Mr. K. C. Neogy, Mr. M. A. Jinnah, Mr. Abdul Qadir Siddiqi, Mian Mohammad Shah Nawaz, Mr. N. C. Chunder, Mr. M. S. Sesha Ayyangar, Mr. V. V. Jogiah and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Sir, this Bill refers to only one section of the Indian Contract Act, and that is the section dealing with pledge of goods by ostensible owners. In the Bill relating to the Sale of Goods, sale by ostensible owners is dealt with. It is now contained in section 108 of the Indian Contract Act. There has been a considerable amount of litigation over the meaning of the words "possession". Some Courts say "possession" means possession, other Courts say "possession" means juridical possession, while other Courts again say "possession" means physical custody. Anyhow, there has been a considerable body of case-law and uncertainty on this subject. In the Bill relating to the Sale of Goods, attempt has been made to give a clear meaning to the word "possession". That relates, as I have said, to sale by ostensible owners. Section 178, which deals with pledge, is outside the scope of that Bill. It is necessary that pledge by ostensible owners should be brought into line, so far as possession is concerned, with sale by ostensible owners. That is the purpose of this Bill. Sir, I move.

**Mr. President :** I understand Mr. Vidya Sagar Pandya would like to add the names of two non-lawyer Members.

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : Sir, I propose that the names of Sir Purshotamdas Thakurdas and Mr. H. P. Mody be added to this Select Committee also.

**Mr. President :** The question is that the names of Sir Purshotamdas Thakurdas and Mr. H. P. Mody be added to the Select Committee.

The motion was adopted.

**Mr. President :** The question is :

“ That the Bill to amend section 178 of the Indian Contract Act, 1872, be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. H. P. Mody, Mr. D. F. Mulla, Mr. M. R. Jayakar, Mr. K. C. Neogy, Mr. M. A. Jinnah, Mr. Abdul Qadir Siddiqi, Mian Mohammad Shah Nawaz, Mr. N. C. Chunder, Mr. M. S. Sessa Ayyangar, Mr. V. V. Jogiah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.  
(AMENDMENT OF SECTIONS 2, 23, ETC.)

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (amendment of sections 2, 23, etc.), as reported by the Select Committee, be recommitted to a Select Committee consisting of Sir Purshotamdas Thakurdas, Haji Abdoola Haroon, Mr. H. P. Mody,

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Sir Darcy Lindsay, Mr. M. S. Aney, Mr. K. C. Neogy, Mr. Mukhtar Singh, Mr. A. H. Ghuznavi, Mian Mohammad Shah Nawaz, Mr. Anwar-ul-Azim, Mr. K. C. Roy, Mr. V. K. Aravamudha Ayangar, Mr. Jamnadas M. Mehta, Mr. Vidya Sagar Pandya, Mr. Gaya Prasad Singh, Mr. T. A. K. Shervani and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven. This is a measure of legislation which has been before the House for some time. It was originally referred to a Select Committee and the Select Committee, after dealing with the Bill, concluded their Report as follows :

Report as follows :

“ As we stated in the opening part of our Report, the Bill has not been essentially altered in principle, but the radical alterations in detail which we have made in clause 4 and the substitution of Boards of Referees as appellate tribunals in place of the High Courts undoubtedly raise questions which require the fullest consideration. We, therefore, as required by sub-order (4) of Standing Order 41, record our opinion that the Bill has been so altered as to require republication.”

The Bill was then circulated for opinion and we have now received the opinions from all parties concerned. The opinions are generally favourable, but they contain various suggestions, and I think it will be in the public interest if the matter is again referred to a Select Committee. Sir, I move.

The motion was adopted.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose (amendment of sections 13, 16, 35, etc.), be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. M. S. Aney, Mr. Fazal Ibrahim Rahimtulla, Mr. Anwar-ul-das, Mr. Ghanshyam Das Birla, Sardar Kartar Singh, Mr. Jamnadas M. Azim, Mr. D. V. Belvi, Mr. Vidya Sagar Pandya, Mr. D. C. Stewart-Smith, Mr. G. L. Winterbotham and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Sir, the object of this Bill is to provide that negotiable instruments, including cheques and bills of exchange, which are expressed on the face of them as drawn to bearer, shall not in any circumstances lose their character as bearer instruments on account of their having been endorsed. The Bill is identical with that which was introduced by my predecessor Sir Basil Blackett on the 25th January, 1927. At the consideration stage of that Bill my Honourable friend, Sir Purshotamdas Thakurdas moved for its reference to a Select Committee, and, in doing so, he made it clear that if it was necessary to interpret the principle of the Bill as applying to all negotiable instruments without exception, then he would have to oppose the Bill altogether and that in moving for reference to a Select Committee he did not wish to be understood as accepting the universal application of such a principle. My Honourable friend was satisfied at that time with what was stated by Sir Basil Blackett, and on the present occasion I do not ask any Member of this House to commit himself further than my Honourable friend did when the Bill was previously considered.

L5CPB(LA)

[Sir George Schuster.]

The brief history of events leading up to my re-introduction of the Bill this Session is that, on the previous occasion, a Select Committee was appointed, but for various reasons no progress could be made during that Session, and in succeeding Sessions other business of greater interest intervened so that this matter was never followed up. The original Bill having now lapsed, the Member in charge of it having made no motion on it during the last two Sessions, it has become necessary for me to re-introduce it. The failure to arrange any meetings of the former Select Committee raised perhaps a natural presumption in my mind that the matter was not one of burning interest. But I have since heard from the Associated Chambers of Commerce and I have been informed that opinion among their constituent bodies has, if anything, strengthened since the subject was first brought up and that they definitely consider that this legislation is necessary. I understand at the same time that my Honourable friend Sir Purshotamdas Thakurdas still feels the same doubt as he did before about some of the provisions and that his feelings are based on opinions expressed by various Indian Chambers. In the circumstances, I have felt that the right course will be for me to revive the Bill, but on this occasion I have myself taken the initiative to move for its reference to a Select Committee. I cannot ignore the strong opinion expressed by the Associated Chambers of Commerce, but, on the other hand, I equally cannot ignore the fact that strong Indian commercial interests feel that it is desirable to move cautiously in the matter of legislation. In these circumstances, Government certainly do not wish to rush the matter without ample time for careful consideration of the provisions of the Bill which are of so technical a nature that the best form of consideration will be a Select Committee. With that explanation, I beg to move the motion standing in my name.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to oppose the motion of the Honourable the Finance Member. I must say at the very outset that the Honourable the Finance Member, in making his motion, did put the case to the House in a very fair manner. I have special reason to oppose this motion today. As the Honourable Member said, my opposition, or rather my hesitation in accepting all that was meant by the principle underlying the Bill in 1927, was based on a different basis altogether. Today I take up a different position, and I say that the Government of India are not justified in submitting this Bill to this House at this stage.

The Bill was referred to a Select Committee in 1927. There were, I think three meetings of that Select Committee, and as my Honourable friend Mr. Neogy who presided over the Select Committee may very vividly recollect, the Government found that they were unable to carry the Bill further, with the result that the Bill was allowed to lapse. I am fully aware that one branch of Indian commerce, as represented by the Associated Chambers of Commerce actually prompted this Bill at the start, and the Honourable the Finance Member has frankly told this House that he has taken up this Bill at this stage because of pressure from the Associated Chambers. It is my regret that the representative of the Associated Chambers in this House is not the same today as he was in 1927, for whilst I am glad to see my Honourable friend Mr. Winterbotham here, if Sir Walter Willson were here today, I am sure he would have

confirmed me in what I am now about to submit to the House.

The Bill, Sir, deals with one of the most important instruments of credit in this country, namely, the hundi. The complaint of the Associated Chambers of Commerce regarding the law as it stands is based on only one case, a case in which Messrs. Forbes Forbes Campbell and Co., Ltd., were defendants and which that firm eventually lost and had to make good Rs. 2,500 because they paid a bearer hundi, which was made payable to order, to the bearer. Since that case was decided against this firm in Bombay, as far as I am aware and as far as my Chamber are aware, there has been no further case to justify the Associated Chambers in pressing the Government of India to bring the motion now before the House. While the Associated Chambers of Commerce asked for this amendment of the Act, I am sure the Honourable the Finance Member will not forget that the Federation of Indian Chambers of Commerce, a body representing not less than 30 Indian commercial bodies, forwarded to Government a resolution unanimously passed at one of their meetings, asking Government to drop this legislation. In 1927, I, as representing the Indian Merchants' Chamber, agreed to act on the Select Committee on the understanding which the Honourable the Finance Member has mentioned to the House, but today I feel, with all deference to him, that the Government of India are not justified in asking this House to proceed further with this Bill. My reason is this. The Government of India have appointed a Banking Inquiry Committee and this question is included in the questionnaire of that Committee. Instruments of credit are going to be very exhaustively inquired into by that Committee, and I ask the Honourable the Finance Member if he, as the representative of the Governor General in Council, considers himself justified in voting for this motion when he knows that he himself has appointed a Committee which is charged with this task, namely, to inquire into what are the instruments of credit which are necessary for this country and suggest such modifications as may be required to meet the convenience of the commercial community. I do not wish today to take up the time of the House in explaining how the change which is sought to be made in this Bill regarding hundis will very seriously handicap the Indian commercial community. It will certainly, Sir, very materially handicap the Indian indigenous banker, the class which handles hundis most and which practically finances the large masses of India. Nothing should be entertained by the Government at this stage which interferes with what has been customary, and what I submit has been very safe as far as instruments of credit are concerned. I therefore feel, Sir, that this House would be very ill-advised in undertaking any amendment of the existing Act on this one case only of Messrs. Forbes Forbes Campbell and Co. Ltd., a case which goes back to seven or eight years and since when there has been no other case similar to the one complained of.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Will you explain what that case was ?

**Sir Purshotamdas Thakurdas** : Certainly Sir, but, I do not know if the House will have the patience to hear that. Briefly, Messrs. Forbes Forbes Campbell and Co. had, a hundi drawn on their head office in Bombay by their Lahore agent. The hundi was payable to bearer. The man who held the hundi had endorsed it on the back saying, it should be paid to X. Y. Z. When the hundi was presented in Bombay, the head

[Sir Purshotamdas Thakurdas.]

office of the firm, not examining the endorsement, paid it, not to the man in whose name the endorsement was made, but to somebody else, the presenter of the hundi. After the hundi was paid, the party to whom it was made payable by the last endorsement claimed the money. There was a case in the Small Causes Court, Bombay. The then Chief Judge of the Small Causes Court, Bombay, Diwan Bahadur K. M. Javeri, decided the case No. 1762/18636 of 1922 against Forbes Forbes Campbell and Co. in January 1923. On appeal this was confirmed by Diwan Bahadur Javeri and Mr. Dadachanji. The case was taken to the High Court as far as I remember, but I speak subject to correction; the learned Chief Judge's judgment was eventually upheld. The Associated Chamber thereupon took up the case and we have been hearing of this for some years now. Sir, the change which is sought to be made by this Bill is that a hundi, when drawn payable to bearer, should remain payable to bearer, irrespective of any endorsement on it. I do not, however, want to go into the merits of this, but I feel that the change should certainly not be made until the Banking Committee has inquired into the subject. The proposed change will mean that hundis will have to be sent by registered post by shroffs, and it will involve an enormous change in the whole system of working.

I therefore feel that the House would be badly advised in proceeding with this on the opinion of one section of the commercial community only. I would certainly like to pay due attention to the opinion of that section, but I would like the House to pay greater attention to the opinion of the Indian commercial bodies which deal with the vast masses of India. I therefore have no option but to oppose this motion at this stage.

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : I am very sorry that I have also to oppose this motion made by the Honourable the Finance Member. I was also a member of the Select Committee at which this subject was thoroughly gone into, and after the most careful consideration, we found that the hundi, which is one of the most important instruments used by the business community in India, should not be interfered with in any manner. But the European Associated Chambers of Commerce are able to exert a great deal of influence with the Government. I am reminded of a vernacular proverb :

“ Mianji bole, aur  
dalhi hilne lagi.”

meaning, “ As soon as the man speaks his beard moves ”. The European Chambers speak and the Government follow. The majority of the Committee were against the change, and it was clearly demonstrated to the satisfaction of the last Finance Member that it was very difficult to amend the Act in such a way as to keep out hundis altogether. Still the Government wants to oblige the Associated Chambers, and the real fact is that the European Bankers in India want to follow the English practice. They are under the impression that because a cheque is drawn originally payable to bearer it always remains payable to bearer. Under the Indian law it is not so. In case they want to have some special facilities for these bankers, it will be better to make some amendment of the law relating to cheques only, but we should not under any circumstances interfere with the law of hundi. It affords a great deal of protection to

the holders of the hundis. Otherwise it will mean taking away a very important and old right from the holder of a hundi if you interfere with it and make it payable to the bearer. I should certainly, Sir, oppose this in the light of the experience and discussion we had had at three or four meetings of the Select Committee and it was hoped that the Bill would be brought in in some amended form, but so far as I see—I speak subject to correction—I do not think there is any alteration made in the provisions of the Bill and we have it again here just in the same form as before. The Associated European Chambers of Commerce want the Bill to be passed in the same form as before and the obliging Finance Member is also prepared to meet their wishes. Sir, I oppose it.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : Mr. President, Sir I am really grateful for the compliment which the last speaker paid me in implying by the quotation of his Indian proverb that I, as representing the Associated Chambers of Commerce, have the Government of India in my pocket. I only wish, Sir, that this had been true because in that case on many important questions on which we are almost daily engaged in waging war with the Government of India we should have saved ourselves an enormous amount of troubles. But the truth is that it is only on very rare occasions when we have the best of cases that the Government of India have listened to us and accepted our arguments. (Laughter.) Well, Sir, that may not be accepted by the Honourable Member, but I can assure him, having worked in the capacity of President of the Associated Chambers of Commerce, that it is nothing but the bare truth. Well, Sir, I am very sorry that I cannot agree with my Honourable friend who represents the Indian Merchants' Chamber in opposing the motion moved by the Honourable the Finance Member. I am all the more sorry because I agree with some very wise words spoken by Sir Purshotamdas Thakurdas last year that it ought to be possible for all shades of commercial opinion and all brands of commerce in this country to work together. But there are bound to be differences of opinion and in this case I do not myself see any justification for postponing consideration of this Bill in Select Committee by reason of the fact that the Banking Inquiry Committee has been appointed. That Banking Committee has got to deal with an enormous variety of very important subjects, and I do not think that this particular point, which is a comparatively small technical one, is one which will engage an enormous amount of their attention. Quite apart from that, Sir, we have heard previously this afternoon the statement that it is not always wise to argue that if there is an important bit of legislation under consideration, it should be held over pending the consideration of the whole subject later on. And when that argument was uttered, I distinctly heard my Honourable friend, Sir Purshotamdas Thakurdas, say “ Hear, hear ” in a loud voice. Now, Sir, there are two points. One, which has been suggested by my Honourable friend, is that the whole question of the use of hundis is affected by this Bill. That definitely is not so. This emerges—I do not know whether I am in order in quoting this—from the summary of the question put before the Select Committee, when the Bill was previously sent to them, by the then Finance Member, Sir Basil Blackett. The other point of objection is that of my friend, Sir Purshotamdas Thakurdas, who suggested that all shades of Indian commercial opinion were against this Bill. That, again, Sir is definitely not

[Mr. G. L. Winterbotham.]

the fact, because from the same note it appears that there were only very few bodies who were opposed to the Bill, and those not on very strong grounds. There was a very large body of Indian opinion, including small Indian banks, who were in favour of legislation. That is incontrovertible. The evidence is available and I do not enlarge on that point. But on the question of hundis, Sir, it is a curious fact that my Honourable friend should argue that the Bill will adversely affect the development of banking, because one argument which Sir Basil Blackett at that time advanced was that, unless this Bill was passed, progress in banking would be impeded in the country. There we have two exactly opposite opinions, and I am bound to say from my study of the question which I have only recently taken up from this file which is available to me, that I prefer on that point the opinion of Sir Basil Blackett, with all due deference to my friend on my right.

Mr. Jamnadas M. Mehta : Very unwise.

Mr. G. L. Winterbotham : I may point out Sir, on this question of what hundis were going to be affected, that it was found that hundis were of two varieties, I regret I cannot pronounce either name, the *Shah-jog* and the *Dekhadwar*. The former class of hundi, which I understand forms the majority of hundis, has been ruled by the Courts as not being of the bearer type. So the consideration of what hundis would be affected by this proposed legislation is confined to the question of the *Dekhadwar* class ; I apologise if I pronounce it wrongly. This is only used in a comparatively small number of business centres. Finally, Sir, my Honourable friend, Sir Purshotamdas Thakurdas, argued that the necessity for this legislation was based on one case only. That is only one case which has been fought in the courts ; but it is not the fact that cases do not arise. They do arise continually. Only two or three days before I came up to Simla for the Session of this Honourable House there was a case in my own office of a bearer hundi which bore six or seven endorsements, all in vernacular and not all in the same vernacular, which had, in spite of all inquiries that could be made, been paid to the wrong person, and there is the possibility of trouble arising out of that. Well, Sir, I can only assure Honourable Members that this is not a question where opinion is divided between European commercial interests and Indian commercial interests. Very far from it. I would ask the Honourable House to study the opinions which were given from all sources when this Bill was referred to a Select Committee in 1927. It seems to me to be a particularly important piece of legislation in the interest of the spread of banking facilities in India ; and if it is argued that the holder of a bearer hundi loses the protection afforded by the law if he cannot endorse it, then I would reply that banks and others have a much stronger case when they claimed that they have no protection at all if a bearer instrument can be altered from its class by endorsement. Sir, I strongly support the motion moved by the Honourable the Finance Member.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I desire to support the suggestion made by Sir Purshotamdas Thakurdas, and my only excuse for being here to make a speech is that I was on the earlier Select Committee on this Bill. I do not want to enter into any technical discussion as to the nature of the hundis

which will become negotiable and the nature of the hundis which will not become negotiable. I leave that to the commercial magnates here to consider. But, Sir, when I was on the earlier Select Committee, we were dealing with two definite classes of people which to the average commonsense man seem to be equally worthy of consideration. There is, first of all, the man who draws a cheque or a bill or a hundi, or whatever it is, and I say it must be open to the man who draws or to the man to whom it is endorsed to make it not merely a bearer security but also a "payable to order" security. That is a right which every man has who is in possession of a negotiable security. That right will be taken away by the provisions which are now proposed by this Bill. The proposal is that so long as the original security is drawn to bearer, it shall not be altered by any holder thereof to be payable to order. That, Sir, is taking away the right of the holder of these securities. On the other hand, they say, the banks require protection. So long as a cheque is enfaced as payable to bearer, the bank must be relieved of the responsibility of finding out whether it had been endorsed in favour of anybody or had been endorsed to be payable to order. I say, Sir, so far as this country is concerned, we have not advanced to the stage in the expansion of credit in which these credit instruments can pass from hand to hand in place of currency notes as it were, but that is what the Associated Chambers of Commerce want to do with these bearer-drawn securities.

I say that in this country it is necessary to protect the holders of these documents when they want to protect themselves and to see that they are not stolen from themselves and passed off as currency. It must be open to them to have them endorsed as payable to order and thereby to protect the properties.

Mr. G. L. Winterbotham : Let them draw the hundi to order.

Mr. A. Rangaswami Iyengar : Every man who is in possession of a bearer bond ought to be in a position to secure his property therein by having it properly endorsed. It is a valuable property in this country and the trouble which the bank is put to, having regard to the transactions which the banks have to do in this country, is very small indeed. They have simply to look at the back of the paper and find out whether it is endorsed or not. Just in order to relieve the banks of this ordinary precaution you are asking the owners of these bonds to subject themselves to the risk of their properties being stolen away. That, I say, is the position of the common man of business, and in this country until we evolve a system of development of credit by which the cheque is more commonly in use, I say, Sir, that it is unwise immediately to adopt the law in this country on the same basis as the law or practice in England. I recollect also that, during the course of the discussion in the Select Committee, the legal point was argued with exceeding thoroughness by my friend Mr. Srinivasa Iyengar.....

Mr. President : Order, order.

Mr. A. Rangaswami Iyengar : I am sorry, Sir. So far as the question of law is concerned, I do not think it has been conclusively established that the law in England is exactly as this Bill would describe it to be. In fact, the repeated Select Committees that have been appointed on the Bill show that there is much room for doubt in this matter. On the whole, this is a very important matter, a thing which, as the Honourable the

[Mr. A. Rangaswami Iyengar.]

Finance Member and Sir Purshotamdas Thakurdas said, rightly affects the question of the expansion of credit facilities. It is a matter which the Banking Inquiry Committee would be in a better position to sift and to make the proper recommendation as to how best to expand this credit without merely accepting the *ipse dixit* of the Associated Chambers of Commerce.

**Mr. E. L. Price** (Bombay : European) : I was much surprised, Sir, to hear Sir Purshotamdas Thakurdas say that this was purely a European question. When this judgment was given years ago in Bombay, the first person I heard about it from was an Indian banker, a friend of mine, who told me that such a decision would absolutely upset the method of working in his bank. Now, Sir, at the present time, there are two sorts of documents, one to bearer and the other to order. But the effect of this decision is really to knock out the bearer document entirely. When we get a bearer document in any other part of the world, we do not go into any endorsement details at all. The holder submits it for payment to the bank; he is paid the amount on its face and they are quits. But once you enter into the question of endorsements, you bring the "bearer" immediately into line with the "order" document, the result of which is that the commercial world is deprived of the benefit of the "bearer" document, because in actual practice in both cases you have got to look at the back, at the other side. And where I am told this has occasioned great annoyance and inconvenience to certain Indian merchants is this. In the old days before this decision, they got a bearer cheque which they presented in the bank. It was paid on its face value at once and no questions asked. Now, they are expected to stand there, identify themselves and often put an endorsement on it before getting paid. The net result of this decision is that the commercial world has been absolutely deprived of that useful document, the "bearer" document.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I do hope that this House will refrain from entering into legal discussion now on this very complicated question. As a member of the last Select Committee I can say this much, without having to incur your displeasure, that it was not by mere force of numbers that this Bill was turned down but that the Committee was so impressed with the complexities of the whole question that the Honourable the Finance Member's predecessor did not think it proper to proceed with it further. He had ample time after the last meeting of the Select Committee was held to proceed with the measure if he had thought it right, but the very fact that he did not choose to take any action proves that he at any rate, was reconciled in the end to the Bill being dropped.

Now, Sir, Mr. Winterbotham has referred to two opposing opinions. On the one hand, he had the opinion of our Honourable friend Sir Purshotamdas Thakurdas, who has voiced the opinion of the Indian commercial community on this subject.

**Mr. G. L. Winterbotham** : Part of it.

**Mr. K. C. Neogy** : I do not know what authority my Honourable friend has got to say that.

**Sir Purshotamdas Thakurdas** : Mr. Winterbotham speaks for only 13 commercial bodies; I speak for 30.

**Mr. K. C. Neogy** : When the Indian commercial community wishes to make any representations, there is one particular channel through which it demands to be heard. That is the Federation of Indian Chambers and this is the resolution that was adopted by that Federation :

"This Congress protests against the proposed amendments in the Negotiable Instruments Act declaring any restrictions endorsed by a holder in due course on a cheque as null and void and requests the Government to drop the recent Bill on this subject."

Therefore, I take it that, so far as the Indian commercial opinion is concerned, it is definitely opposed to this measure. We find the representative of the Associated Chambers of Commerce in this House supporting this Bill. Here is undoubtedly a conflict of opinion on a very important question. The Honourable Mr. Winterbotham himself has admitted that this is a very important question. If the importance of this question is so very great, why cannot you wait for the considered opinion of the Banking Inquiry Committee when you find that the Indian opinion is entirely opposed to it?

Now, Sir, I do not think it right to make this a racial issue at all. As a matter of fact, when we considered this Bill in the Select Committee this aspect of the question was not at all brought forward before us. When we considered the matter there, it was as an independent question, which had nothing to do with the interests of the Indian community as against the interests of Europeans. I am therefore very sorry that this question has been raised on this occasion. I appeal to the Honourable Member in charge not to press this motion but to wait till the Report of the Banking Inquiry Committee is available.

**The Honourable Sir George Schuster** : Sir, I must confess at the outset that the discussion which my motion has aroused has come to me somewhat as a surprise. This Bill was, as I informed the House before, introduced on a former date, and my friend Sir Purshotamdas Thakurdas actually on that occasion himself proposed its reference to a Select Committee. I thought that, on the present occasion, in taking myself the initiative in proposing the reference to the Select Committee, I was amply meeting the views of those who, I knew, felt doubt about some of the provisions of this Bill. I cannot accept the historical account which Mr. Neogy has given us with regard to this measure. He spoke as though the Bill was definitely turned down or deliberately dropped. Investigations into the past records have given me a different view of the matter. I quite recognise that there were serious difficulties which developed in the discussions on the Select Committee, and it then appeared, as far as I could judge, that my predecessor, who was very much occupied, as no doubt every one will remember, after 1927 with other affairs, could find no time to go on with it. The matter was really left in a very unsatisfactory state. The discussion had not been concluded in any way.

It seems to me that the question really before the House is whether this complicated technical question should be thrashed out by a Select Committee of this House or should be discussed by the Banking Inquiry Committee. That is really what it comes to. I should like to say at the outset that I never had the slightest desire to force this measure in the teeth of great opposition. I wanted to initiate a discussion on a measure which it seemed to me required discussion.



[Sir George Schuster.]

Now, Sir, as regards the proposals that this should be referred to the Banking Inquiry Committee, I naturally am always pleased when I find that the Banking Inquiry Committee is being regarded as a Committee of value to which useful tasks can be assigned. But, I do think that it is most important not to overload that Committee. That Committee has got a very big task before it, and I am extremely doubtful—and I am sure that my Honourable friend Sir Purshotamdas Thakurdas from his knowledge of the amount of the work which he sees before him must share my doubts—I am extremely doubtful whether the Committee will have time to thrash out detailed questions of this kind. I say detailed questions, although I fully recognise the importance of this particular question, but in a sense as compared with the task the Banking Inquiry Committee has got before it, this is detail.

**Sir Purshotamdas Thakurdas :** I suppose the Honourable Member will agree that the Banking Inquiry Committee cannot avoid going into questions as important as these according both to him and my Honourable friend Mr. Winterbotham.

**The Honourable Sir George Schuster :** I quite agree with my Honourable friend that this is a question which is germane to the inquiry which that Committee will conduct. I do not for a moment suggest that it is not. But I do think myself that that Committee's recommendations might be greatly facilitated by a careful examination of this particular detail affecting banking transactions by a Select Committee of this House. My contention is that the Banking Inquiry Committee will not have time to give detailed consideration to a measure of this kind.

Now, Sir, there have been suggestions by certain speakers—I am very glad that Mr. Neogy did not associate himself with them—that this is in a sense a racial measure, that the Government is trying to support European interests in bringing forward this legislation. I think, Sir, that the constitution of the Select Committee, which I myself proposed, is an answer to that charge. I am sure that it cannot be said that the Committee is unduly weighted in favour of European interests. I have little doubt that, if my Honourable friend Sir Purshotamdas Thakurdas really persists in his unqualified opposition to this measure, he will have ample opportunity to make his wishes effective on that Select Committee.

**Sir Purshotamdas Thakurdas :** Why waste time ?

**The Honourable Sir George Schuster :** I confess that I did not understand that my Honourable friend did offer unqualified opposition to this measure. Reading the past debate, I think I was entitled to draw a different conclusion. I understood that he saw dangers in the measure if it were made of universal application at that time, but certainly he admitted that it was an important question which deserved serious discussion. I believe the only point, the only new factor, which has arisen now and which has induced him to change his view is the inauguration of the Banking Inquiry Committee which, he thinks, affords a more proper body for discussing this measure. That, Sir, is where I regret to say, I differ from my Honourable friend. I believe that the Banking Inquiry Committee will be assisted by the discussion which would take place on the Select Committee which I propose.

The Government, Sir, in this matter is really trying to adopt an impartial attitude. We have no particular interest in it one way or the other. But on a study of the evidence, on a study of what has passed before, I have convinced myself that this was an important question which ought not to be left longer in abeyance. I therefore wanted to throw it open again for discussion on a Select Committee where every interest would be fairly represented. I have not the slightest intention, as I said before, of trying to force through legislation contrary to any determined opposition. I will say, here and now, that if in the course of the discussion of the Select Committee I became convinced that there were serious differences of opinion, and that there were serious grounds for those differences, and that they could not be got over, that in fact we had failed or that we were going to fail altogether to find a measure which would command common agreement, then I would be quite prepared to take steps to delay legislation until the Banking Inquiry Committee had reported. I am quite prepared to say that. But I do feel that, in justice to the interests on behalf of which my Honourable friend Mr. Winterbotham has spoken, and on behalf of other interests affected, for which he is not entitled to speak, I do feel, Sir, that I should not be right in failing to make an endeavour to get this important question discussed now without waiting possibly for two years until the Banking Inquiry Committee has reported. I would ask the House to express their views on my motion subject to the explanation which I have given.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : May I ask the Honourable Member why, in view of his own admission that the subject matter of this Bill will be germane to the Banking Inquiry Committee, pass this measure before that Committee makes its Report ? Supposing the Banking Inquiry Committee in their Report do not approve of this legislation, what will happen ? Will the Honourable Member introduce another Bill to repeal it or amend it ?

**The Honourable Sir George Schuster :** In answer to my Honourable friend I would say that at this stage the House is not being asked to pass this Bill, but merely to refer it for consideration by the Select Committee. My contention has been that that examination by the Select Committee will advance the study of this question by a very important stage, and I do not think I should be justified in refusing to propose at least this step. I do not think it is likely that the Select Committee will furnish a Report which is completely inconsistent with the recommendations of the Banking Inquiry Committee. If it did so happen—I cannot myself conceive that it is at all likely to happen—but if it did so happen that this House passed legislation which was afterwards condemned by the Banking Inquiry Committee, a situation would arise which no doubt would have to be seriously considered by the Government. I do not think, Sir, I am called upon to consider so unlikely a situation in advance.

**Mr. M. A. Jinnah :** One more question, Sir ? Will the Honourable Member give an assurance to this House that, if this motion is passed, the final stages of the Bill will be proceeded with after the Banking Inquiry Committee concludes its inquiry ?

**The Honourable Sir George Schuster :** No, Sir. I am not prepared to give an assurance to go so far as that. I want to try and reach an agreement in the Select Committee by producing a measure which would command the general consent of commercial circles in India. I think



[Sir George Schuster.]

that the assurance which I already gave was quite sufficiently strong to meet my Honourable friend's point.

**Mr. President :** The question is :

" That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose (Amendment of sections 13, 16, 35, etc.), be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. M. S. Aney, Mr. Fazl Ibrahim Rahimtulla, Mr. Anwar-ul-Azim, Mr. Ghanshyam Das Birla, Sardar Kartar Singh, Mr. Jamnadas M. Mehta, Mr. D. V. Belvi, Mr. Vidya Sagar Pandya, Mr. D. C. Stewart-Smith, Mr. G. L. Winterbotham and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided :

AYES—42.

|                                       |                                      |
|---------------------------------------|--------------------------------------|
| Abdul Aziz, Khan Bahadur Mian.        | Mukharji, Rai Bahadur A. K.          |
| Abdul Qaiyum, Nawab Sir Sahibzada.    | Mukherjee, Rai Bahadur S. C.         |
| Ayengar, Mr. V. K. Aravamudha.        | Mulla, Dr. D. F.                     |
| Bajpai, Mr. R. S.                     | Noyce, Sir Frank.                    |
| Bower, Mr. E. H. M.                   | Pai, Mr. A. Upendra.                 |
| Chalmers, Mr. T. A.                   | Philip, Mr. J. Y.                    |
| Cosgrave, Mr. W. A.                   | Porter, Lieut.-Colonel L. L.         |
| Covernton, Mr. S. H.                  | Price, Mr. E. L.                     |
| Crerar, The Honourable Sir James.     | Rainy, The Honourable Sir George.    |
| Dakhan, Khan Bahadur W. M. P.         | Rau, Mr. P. R.                       |
| Ghulam Kadir Khan.                    | Rogers, Mr. P. G.                    |
| Ferrers, Mr. V. M.                    | Roy, Mr. S. N.                       |
| French, Mr. J. C.                     | Sarma, Mr. R. S.                     |
| Ghazanfar Ali Khan, Mr.               | Schuster, The Honourable Sir George. |
| Ghuznavi, Mr. A. H.                   | Singh, Rai Bahadur S. N.             |
| Gidney, Lieut.-Colonel H. A. J.       | Stevenson, Mr. H. L.                 |
| Hira Singh, Brar, Sardar Bahadur,     | Stewart-Smith, Mr. D. C.             |
| Honorary Captain.                     | Sykes, Mr. E. F.                     |
| Keane, Mr. M.                         | Tin Tut, Mr.                         |
| Lindsay, Sir Darcy.                   | Tottenham, Mr. G. R. F.              |
| Mitra, The Honourable Sir Bhupendra   | Winterbotham, Mr. G. L.              |
| Nath.                                 | Yamin Khan, Mr. Muhammad.            |
| Mitter, The Honourable Sir Brojendra. |                                      |

NOES—47.

|                                |                                 |
|--------------------------------|---------------------------------|
| Abdool Haroon, Haji.           | Lalchand Navalrai, Mr.          |
| Abdul Haye, Mr.                | Malaviya, Pandit Madan Mohan.   |
| Abdul Matin Chaudhury, Maulvi. | Mehta, Mr. Jamnadas M.          |
| Aney, Mr. M. S.                | Misra, Mr. Dwarka Prasad.       |
| Ayyangar, Mr. M. S. Sessa.     | Mody, Mr. H. P.                 |
| Belvi, Mr. D. V.               | Moonje, Dr. B. S.               |
| Bhargava, Pandit Thakur Das.   | Mukhtar Singh, Mr.              |
| Birla, Mr. Ghanshyam Das.      | Naidu, Mr. B. P.                |
| Chaman Lall, Diwan.            | Neogy, Mr. K. C.                |
| Chunder, Mr. N. C.             | Pandya, Mr. Vidya Sagar.        |
| Das, Pandit Nilakantha.        | Purshotamdas Thakurdas, Sir.    |
| Dutt, Mr. Amar Nath.           | Rafique, Mr. Muhammad.          |
| Haji, Mr. Sarabhai Nemchand.   | Rao, Mr. G. Sarvotham.          |
| Hans Raj, Lala.                | Sarda, Rai Sahib Harbilas.      |
| Hyder, Dr. L. K.               | Singh, Kumar Rananjaya.         |
| Ismail Khan, Mr. Muhammad.     | Singh, Mr. Gaya Prasad.         |
| Iyengar, Mr. A. Rangaswami.    | Singh, Mr. Narayan Prasad.      |
| Jayakar, Mr. M. R.             | Singh, Mr. Ram Narayan.         |
| Jinnah, Mr. M. A.              | Sinha, Kumar Gangnanand.        |
| Jogiah, Mr. V. V.              | Sinha, Mr. Rajivaranjan Prasad. |
| Kartar Singh, Sardar.          | Sinha, Mr. Siddheswar Prasad.   |
| Kelkar, Mr. N. C.              | Tirloki Nath, Lala.             |
| Kidwai, Mr. Rafi Ahmad.        | Yakub, Maulvi Muhammad.         |
| Kunzru, Pandit Hirday Nath.    |                                 |

The motion was negatived.

## THE DANGEROUS DRUGS BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move that the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations, be referred to a Select Committee consisting of Lieutenant-Colonel H. A. J. Gidney, Dr. B. S. Moonje, Pandit Thakur Das Bhargava, Mr. V. V. Jogiah, Pandit Nilakantha Das, Mian Mohammad Shah Nawaz, Mr. Abdul Haye, Mr. W. A. Cosgrave, Mr. H. L. Stevenson and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

This Bill was circulated by order of the Assembly last Simla Session. When moving for circulation, my predecessor, Sir Bhupendra Nath Mitra, explained that the Bill, in spite of its size, was really a simple one. It is intended to unify and improve the law governing certain operations relating to dangerous drugs, law which is at present spread over a number of statutes; and the main object is to embody those provisions that reflect the obligations which have been undertaken by the Government of India by their ratification of the Geneva Dangerous Drugs Convention of 1925. This intention has necessarily confined the scope of the Bill within definite limits. In some respects, the Bill deals with matters which technically belong to the provincial transferred subject of Excise, and when the consent of the Local Governments was obtained to this intrusion upon what is constitutionally their sphere, it was on a clear understanding as to the limits which should be set to this intrusion. It is therefore impossible to enlarge the scope of the Bill in any such way as was suggested by Mr. Duraiswamy Aiyangar when he spoke on the motion for circulation on the 21st September, 1928. This aspect of the case has been generally recognised by those who have sent in their opinions, and it may therefore still be said that the Bill is simple and non-contentious. At the same time a number of points of detail have been raised in the opinions received, and I feel that the best place for examining these will be in Select Committee. Sir, I move.

**Mr. President :** The question is :

" That the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations, be referred to a Select Committee consisting of Lieutenant-Colonel H. A. J. Gidney, Dr. B. S. Moonje, Pandit Thakur Das Bhargava, Mr. V. V. Jogiah, Pandit Nilakantha Das, Mian Mohammad Shah Nawaz, Mr. Abdul Haye, Mr. W. A. Cosgrave, Mr. H. L. Stevenson and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th September, 1929.

LEGISLATIVE ASSEMBLY.

Tuesday, 10th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

PROHIBITION OF THE ADVOCATES OF INDIAN HIGH COURTS FROM PRACTISING IN  
SUBORDINATE COURTS IN BURMA.

259. \*Mr. K. C. Neogy : (a) Are Government aware of the fact that the Bar Council of Burma framed a rule prohibiting the Advocates of other Indian High Courts from practising in the subordinate courts of Burma without obtaining the express permission of the presiding Judge in every case ?

(b) Are Government aware that the Bar Councils have no power to make rules with regard to subordinate courts ? If so, was the attention of the Burma Bar Council drawn to the rule being *ultra vires* of its powers and the necessity for cancelling the same ?

(c) Has the attention of Government been drawn to a statement made by Earl Winterton in the House of Commons, promising an inquiry regarding the said rule made by the Burma Bar Council ?

(d) Has the Government of Burma been addressed on this point ? If so, will Government place on the table any reply that may have been received ?

The Honourable Sir James Crerar : (a) Yes.

(b) The validity of the rule has been questioned, and I understand that it is likely to be brought before the Courts. I am consequently not prepared to express an opinion.

(c) Yes.

(d) Yes. I do not think it would be proper to lay on the table correspondence which deals with issues which are likely, as above stated, to be shortly *sub judice*.

NAMES AND LOCATION OF DULY CONSTITUTED TRADE UNIONS IN INDIA.

260. \*Mr. A. H. Ghuznavi : Will Government be pleased to state if there exist any duly constituted trade unions in India ; and if so, will Government be pleased to give their names and also the names of the respective provinces in which they have been established ?

The Honourable Sir Bhupendra Nath Mitra : A list of trade unions, duly registered under the Indian Trade Unions Act, 1926, in the various provinces will be sent to the Honourable Member and a copy placed in the Library of the House.

# NAMES OF LABOUR LEADERS RECOGNISED BY GOVERNMENT IN DIFFERENT PROVINCES.

261. \*Mr. A. H. Ghuznavi : Will Government be pleased to give the names of the labour leaders, as recognised by Government in the different provinces ?

The Honourable Sir Bhupendra Nath Mitra : I take it that the Honourable Member has in mind some form of formal recognition as is accorded by Government to approved Associations of Government servants. The Government of India have not made any attempt to distinguish in a similar manner certain labour leaders from others.

# REMOVAL OF DISABILITIES OF WOMEN AS REGARDS FRANCHISE FOR AND MEMBERSHIP OF INDIAN LEGISLATURES AND LOCAL ADMINISTRATIVE BODIES.

262. \*Mr. E. L. Price : Will Government be pleased to state :

- (1) The disabilities of women as regards franchise for and membership of, (a) local administrative bodies, (b) Provincial Councils, (c) the Indian Legislative Assembly, and (d) the Council of State ;
- (2) What steps can be taken in India, without reference to the India Office, to remove those disabilities ; and
- (3) In what cases, if any, have such steps been taken ?

The Honourable Sir James Crerar : (1) The question of disabilities of women as regards franchise for and membership of local administrative bodies is not primarily the concern of the Governor General in Council. As regards the Council of State, the Legislative Assembly and the Provincial Legislative Councils, the Honourable Member is referred to rules 5 (b), 7 (b) and 22 (b) of the Electoral rules of both the Chambers of the Central Legislature and to the rules of the various Provincial Legislative Councils.

(2) and (3). Women have been enfranchised in all provinces having Legislative Councils, without reference to the India Office. They are eligible for election or nomination to the Legislative Councils in Madras, Bombay, United Provinces, Punjab, Burma, Bihar and Orissa, Central Provinces and Coorg and to the Legislative Assembly from these provinces if they are otherwise qualified. As regards the Delhi and Ajmer-Merwara constituencies of the Legislative Assembly, the sex disqualification for election and nomination has been removed, but women have not been enfranchised in these provinces and therefore cannot stand for election to the Assembly, though they can be nominated.

# ALLEGED RACIAL DISCRIMINATION IN THE APPELLATIONS USED ON PASSES ISSUED TO EMPLOYEES ON THE NORTH WESTERN RAILWAY.

263. \*Mr. M. S. Aney : (a) Will Government be pleased to state whether it is a fact that the Agent of the North Western Railway, while issuing railway passes has lately discontinued the practice of using the words " Mr. ", " Lala ", " Mian ", and " Sirdar " before the names of employees who are Hindus, Muhammadans or Sikhs, and retained the use of the word " Mr. " in the case of employees who are Christians, Anglo-Indians or Europeans ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reasons for this racial discrimination ?

(c) Do Government propose immediately to take steps to remove the same ?

Mr. P. R. Rau : (a) Yes.

(b) & (c). I understand this was due to the inability of the North Western Railway Administration to determine what was the proper prefix to be used, as certain objections were raised to previous practice, but I am glad to say the question has been settled by the decision to use the innocuous term " Mr. " in all cases.

Mr. K. Ahmed : I understand, Sir, that Indians generally like to be styled as " Mr. ", and they would prefer that to " Lala ", " Sirdar ",—what is the other name " Mian ", and so on, isn't that so ?

Mr. P. R. Rau : No further complaints have been received.

# RETENTION TILL THE AGE OF 60 OF CAPABLE MEN IN CERTAIN OFFICES IN BOMBAY.

264. \*Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state how many persons from the higher grades (Superintendents, etc.) were due to retire in the year 1928-29 for having completed the age of 55 or above in the (i) Accountant General's Office, Bombay, (ii) Income-tax Office, Bombay, and (iii) Currency Office, Bombay, and how many of them were granted extensions from each office ?

(b) Will Government be pleased to state whether it is a fact that extension in services up to the age of 60 to capable men can be granted by the head of the Department ? If so, why in most cases was it refused in the Accounts and Income-tax Offices, Bombay ?

(c) Will Government be pleased to state whether the persons from the Accountant General's and Income-tax Offices, who had attained the age of 55, were all held to be incapable of doing any further service, or whether they were required to go only to make room for others ?

(d) Will Government be pleased to state whether the grant of extensions up to the age of 60 to those who are in graded appointments and who have not reached the maximum and are allowed to remain in that grade for three years, enables them to get the full benefit of that grade when they retire ? If so, why are no chances given in the above two offices only to the persons who are capable of serving up to 60 years of age ?

The Honourable Sir George Schuster : (a) The facts for the year 1928-29 in the three offices mentioned by the Honourable Member are as follows :

(i) In the Accountant General's office seven Superintendents and Divisional Accountants attained the age of 55 or over. Of these, three retired without asking for an extension of service, three were granted extensions, and one, who had been granted previous extensions aggregating 2½ years, was refused a further extension.

(ii) In the Income-tax office no person in the higher clerical grades attained the age of 55 or over.

(iii) In the Currency Office the only persons in the higher clerical grades who attained an age of 55 or over were a Deputy Treasurer and an Assistant Treasurer. They were both granted extensions.

(b) Fundamental Rule 56 (b) lays down that a ministerial servant may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. The figures I have just given show that an extension was refused in one case only, and that that was a case in which the officer had reached the age of 57½.

(c) On the facts as already stated this part of the question contains a misleading implication. In the single case in which an extension was refused, the fact that eligible juniors were awaiting promotion was undoubtedly taken into consideration.

(d) The amount of a ministerial servant's pension depends upon his pay during the last three years of his service, and there is consequently advantage in reaching the maximum of a time-scale three years before retirement. It is obvious therefore that if a Government servant reaches the maximum rate less than three years before he attains the age of 55, it would be to his advantage to continue until he has completed the three years, i.e., beyond his age of 55 but not necessarily up to the age of 60.

#### RETURN OF SHROFFS OF THE BOMBAY CURRENCY OFFICE OF ADDITIONAL SECURITY TAKEN FROM THEM.

265. \*Mr. Jamnadas M. Mehta : With reference to the reply to starred question No. 700 (c), put by Mr. Aney in the last Delhi Session, that shroffs are not required in Bombay or elsewhere to deposit additional security, do Government propose to issue orders to return the additional security taken from the shroffs in the Bombay Currency Office as early as possible ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 265 and 266 together.

Inquiry is being made and a reply will be sent to the Honourable Member in due course.

#### PAY OF TEMPORARY SHROFFS IN THE BOMBAY CURRENCY OFFICE.

†266. \*Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state the difference between the rate of pay of temporary shroffs and temporary hamals engaged on a daily wage basis in the Bombay Currency Office before 1929 ?

(b) Do Government treat them both equally ? If so, why ? What steps do Government propose to take to increase the rate of pay of the temporary shroffs ?

#### PROHIBITION OF THE ADVOCATES OF INDIAN HIGH COURTS FROM PRACTISING IN SUBORDINATE COURTS IN BURMA.

267. \*Mr. Jamnadas M. Mehta : (a) Are Government aware of the fact that the Bar Council of Burma framed a rule prohibiting the

†For answer to this question, see answer to question No. 265.

advocates of other Indian High Courts from practising in the subordinate courts of Burma without obtaining the express permission of the presiding Judge in every case ?

(b) Is it not a fact that the Bar Councils have no power to make rules with regard to subordinate courts ? If so, was the attention of the Burma Bar Council drawn to the rule being *ultra vires* of its powers and the necessity for cancelling the same ?

(c) Has the attention of Government been drawn to the inquiry promised by Earl Winterton in the House of Commons regarding the rule made by the Burma Bar Council, prohibiting the advocates of other Indian High Courts from practising even in the subordinate courts of that province ?

(d) Have the Government of Burma been addressed on this point ? If so, will Government be pleased to place on the table the reply received ?

The Honourable Sir James Crerar : The Honourable Member is referred to the reply which I have just given.

#### IRREGULARITY IN THE TRAINING OF STUDENTS FOR CERTAIN EXAMINATIONS IN THE NORMAL SCHOOL, AJMER.

268. \*Maulvi Muhammad Yakub : (a) Is it a fact that the students of the Normal School, Ajmer, who were declared successful in the P. T. C. examination in 1929, were admitted to the school after the summer vacation on the 6th July 1929 as students of the V. T. C. class, in contravention of paragraph 227 of the Education Code ? If so, what action do Government propose to take against the officer or officers responsible for the violation of the rule ?

(b) Is it a fact that the students mentioned in part (a) were discharged from the school without even one day's notice after a few days' attendance in the second week of July 1929 ? If so, do Government propose to take adequate disciplinary measures against the officer or officers responsible for it and for the circumstances necessitating it ?

(c) If what has been stated in parts (a) and (b) be facts, were the stipends from the completion of the P. T. C. course till the disbanding of the V. T. C. class in July 1929 given to the students concerned ? Is it a fact that these students were kept waiting for the V. T. C. and, were therefore, unemployed in the summer vacation, and actually attended the V. T. C. class for some days after the vacation ?

(d) If the answer to the first part of part (c) is in the negative, do Government propose to disburse the stipends to the students concerned ? If not, why not ?

Sir Frank Noyce : With your permission, Sir, I shall deal with questions Nos. 268 to 272, and 277 and 278 together. The information asked for in these questions, excepting question No. 272, is being collected and will be supplied to the Honourable Member in due course.

As regards question No. 272, if the Honourable Member will be good enough to name the institution to which he refers, inquiries will be made.

**IRREGULARITY IN THE ADMISSION OF CANDIDATES TO CERTAIN CLASSES IN THE NORMAL SCHOOL AT AJMER.**

†269. \*Maulvi Muhammad Yakub : (a) Will Government be pleased to state if it is a fact :

- (i) that before the summer vacation of 1929 the Assistant Superintendent of Education, Ajmer-Merwara, informed the Headmaster, Normal School, Ajmer, that no admission to the P. T. C. class of that school would be made in the next session in July 1929 ;
- (ii) that after the reopening of the school the Assistant Superintendent of Education notified that admissions to the P. T. C. class would be made for the said session that had already begun ;
- (iii) that no dates were given for selection and admission in the said notice ;
- (iv) that the selection for admission was made in less than ten days after the issue of the notice, whereas in previous years selection was made after more than a month from the date of the issue of the notice ;
- (v) that the period intervening between the issue of the notice and the selection was too short for candidates from the remote parts of the district to appear for selection ;
- (vi) that candidates continued to come in for admission for a number of days after the board of admission had met for selection ; and
- (vii) that for a number of working days in July 1929 the Ajmer Normal School teachers had no students to teach, in consequence of the late selection and admission of candidates ?

(b) If what are stated at part (a) above are facts, do Government propose to take adequate disciplinary measures against the officer responsible for this state of things ?

**GRANT OF COMPENSATION TO CERTAIN VERNACULAR TEACHERS IN AJMER-MERWARA REFUSED ADMISSION TO THE NORMAL SCHOOL, AJMER.**

†270. \*Maulvi Muhammad Yakub : Is it a fact that certain men appointed as vernacular teachers in Ajmer-Merwara sent for admission to the Normal School, Ajmer, in 1929 were neither admitted to the Normal School nor allowed to return to the posts they held prior to their being sent up for admission to the Normal School ? If so, are Government prepared to grant compensation to the teachers concerned ?

**REFUSAL OF TRAVELLING ALLOWANCE TO CERTAIN STUDENTS OF THE NORMAL SCHOOL AT AJMER.**

†271. \*Maulvi Muhammad Yakub : Is it a fact that the stipendiary students admitted to the Government Normal School, Ajmer, in 1929

†For answer to this question, see answer to question No. 268.

were not given travelling allowances on the occasion of their joining the school, in contravention of paragraph 231 of the Educational Code ? If so, will Government please state the circumstances justifying the violation of the rule ?

**VIOLATION OF THE EDUCATION CODE IN REGARD TO VACATION AND HOLIDAYS BY AN ANGLO-VERNACULAR SCHOOL AT AJMER.**

†272. \*Maulvi Muhammad Yakub : (a) Is it a fact that an Anglo-vernacular institution at Ajmer aided and recognised by the Department of Education, Ajmer-Merwara, and inspected by the Assistant Superintendent of Education, Ajmer-Merwara, has not observed the provisions of the Education Code in regard to vacation and holidays ever since its recognition ? If so, will Government be pleased to state what action was taken against the school ; if not, why not ?

(b) How many times has the Assistant Superintendent of Education, Ajmer-Merwara, visited the school since its recognition ?

(c) Did the Assistant Superintendent of Education object to the violation of the said provisions of the Education Code in any of his inspection reports of the said school ? If so, when ? If not, why not ?

**VIOLATION OF THE PROVISIONS OF THE EDUCATION CODE REGARDING RELIGIOUS INSTRUCTION BY A HIGH SCHOOL AT AJMER**

273. \*Maulvi Muhammad Yakub : (a) Is it a fact that a High School in Ajmer, aided and recognised by the Department of Education, Ajmer-Merwara, and inspected by the Assistant Superintendent of Education, Ajmer-Merwara, has been violating the provisions of paragraph 90 (a) of the Education Code in regard to religious instruction ever since its recognition ? If so, will Government please state what steps were taken against the institution ? If not, why not ?

(b) How many times has the Assistant Superintendent of Education inspected the D. A. A. V. High School since 1925 ?

(c) Did the Assistant Superintendent of Education object to the violation of paragraph 90 (a) of the Education Code in any of his inspection reports of the said D. A. A. V. High School ? If so, when ?

Sir Frank Noyce : (a) If the Honourable Member will be good enough to give the name of the institution to which he refers to me or to the Educational Commissioner, inquiries will be made.

(b) Three.

(c) Yes, in 1929.

**PURCHASE BY THE STUDENTS OF THE NORMAL SCHOOL, AJMER, OF CERTAIN TEXT BOOKS WRITTEN BY THE HEADMASTER OF THAT SCHOOL.**

274. \*Maulvi Muhammad Yakub : (a) Is it a fact that certain books written by Mr. S. C. Chatterji, then in charge of the Normal School, Ajmer, which were not prescribed, recommended or suggested for the C. T. course, had to be purchased by each and every student admitted

†For answer to this question, see answer to question No. 268.

to the C. T. class of the said school in 1929 ? If so, will Government inquire if the books had to be purchased by order of the Headmaster ?

(b) Were the books referred to in part (a) used for regular class-work ? If so, was permission to introduce them in the regular course obtained from the Superintending officers or from the authorities prescribing the C. T. Course ?

**Sir Frank Noyce :** (a) & (b). The answer to the first part of each of these questions is in the negative. The second part does not arise.

**RESULTS OF EXAMINATIONS OF SCHOOLS AND COLLEGES IN AJMER IN 1928 AND 1929.**

275. \***Maulvi Muhammad Yakub :** Will Government please put on the table of the House a statement comparing the external examination results of the Government College, Ajmer, the Government High School, Ajmer, the Moinia Islamia High School, Ajmer, and the Government Normal School, Ajmer, in 1929, with those in 1928, and showing the number of students sent for each examination by each of the said institutions, the number of students successful, and the percentage of successful students ?

**Sir Frank Noyce :** A statement is placed on the table.

*Comparative statement of results for 1927-28 and 1928-29 in the Government Educational Institution in Ajmer-Merwara.*

| Name of institution.               | Sent up. |          | Passed.  |          | Percentage. |          |
|------------------------------------|----------|----------|----------|----------|-------------|----------|
|                                    | 1927-28. | 1928-29. | 1927-28. | 1928-29. | 1927-28.    | 1928-29. |
| Government College, Ajmer—         |          |          |          |          |             |          |
| B. A.   ..   ..                    | 11       | 26       | 8        | 11       | 72.7        | 42       |
| B. Sc.   ..   ..                   | 13       | 11       | 8        | 5        | 61.5        | 45.4     |
| I. A.   ..   ..                    | 22       | 19       | 13       | 10       | 59.1        | 52.6     |
| I. Sc.   ..   ..                   | 28       | 33       | 18       | 14       | 64.3        | 42.4     |
| Government High School, Ajmer.     | 60       | 50       | 50       | 34       | 83.3        | 68       |
| Moinia Islamia High School, Ajmer. | 12       | 21       | 9        | 8        | 75          | 38       |
| Normal School, Ajmer—              |          |          |          |          |             |          |
| V. T. C. and P. T. C.   ..   ..    | 20       | 31       | 9        | 19       | 45          | 61.3     |
| C. T.   ..   ..                    | 18       | 29       | 15       | 25       | 83.3        | 86.2     |

**POOR RESULTS AND INCREASED COST OF GOVERNMENT EDUCATIONAL INSTITUTIONS IN AJMER IN 1929.**

276. \***Maulvi Muhammad Yakub :** (a) Are Government aware that, except in the case of the Government Normal School, Ajmer, the external examination results of all the Government institutions in the town of Ajmer in 1929 are worse than in 1928 ?

(b) What are the reasons for the fall in the percentage of success in the examination results ?

(c) Is it a fact that the expenditure incurred by Government on the maintenance of each of the said institutions was greater in 1928-29 than in 1927-28 ?

(d) What steps do Government propose to take in the interests of education and the proper use of public money ?

**Sir Frank Noyce :** (a) & (c). Yes.

(b) & (d). The matter is under inquiry.

**APPOINTMENT OF AN UNTRAINED TEACHER AS HEAD TEACHER OF THE VERNACULAR SECONDARY SCHOOL, BHIM.**

†277. \***Maulvi Muhammad Yakub :** (a) Is it a fact that an untrained teacher has been confirmed as Head Teacher of the Vernacular Secondary School, Bhim, with effect from the 1st August, 1927 ?

(b) Is it a fact that the said confirmation was made on the recommendation of the Assistant Superintendent of Education, Ajmer-Merwara ?

(c) Is it a fact that there were orders on record previous to the confirmation of the said teacher, to the effect that he could not be confirmed till he was trained, and that the said order was not mentioned or referred to by the Assistant Superintendent of Education in recommending the confirmation of the teacher ?

(d) Is it a fact that the confirmation of the said teacher was subsequently cancelled by the Superintendent of Education, Delhi and Ajmer-Merwara ? If so, who was responsible for the wrong confirmation and what action was taken against the officer responsible ?

(e) Is it a fact that the said teacher had been drawing for more than a year the higher pay of a post in the Government Normal School, Ajmer, when actually working as Head Teacher of the Secondary School, Bhim ; while another teacher actually worked in the said post of the Government Normal School, Ajmer, at the lower pay of a secondary school head teacher ? If so, will Government be pleased to state the rules under which the department concerned was justified in making this arrangement ?

**NAMES OF RELATIVES OF MR. P. B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA, EMPLOYED IN THE AJMER-MERWARA EDUCATION DEPARTMENT.**

†278. \***Maulvi Muhammad Yakub :** Will Government be pleased to put on the table a statement showing the names of the relatives of Mr. P. B. Joshi, the Assistant Superintendent of Education, Ajmer-Merwara, in the service of the Ajmer-Merwara Education Department, stating which of them were appointed in the said Department after Mr. P. B. Joshi's appointment as Assistant Superintendent of Education, Ajmer-Merwara ?

†For answer to this question, see answer to question No. 268.



**APPOINTMENT BY MR. P. B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA, OF A RELATIVE OF HIS AS SECOND MASTER OF THE NORMAL SCHOOL, AJMER.**

279. \***Maulvi Muhammad Yakub** : (a) Is it a fact that in 1926 Mr. P. B. Joshi, the Assistant Superintendent of Education, Ajmer-Merwara, recommended to the Superintendent of Education only two teachers, Mr. Nand Kishore Joshi and Mr. Durgapal Joshi for the second-mastership of the Government Normal School, Ajmer ?

(b) Is it a fact that the said Mr. Nand Kishore Joshi is the brother of Mr. P. B. Joshi ?

(c) Is it a fact that the said Mr. Durgapal Joshi is a relative of Mr. P. B. Joshi ? If so, what is the relationship ?

(d) Will Government be pleased to put on the table a list of all the trained graduate assistant masters in the employ of the Ajmer-Merwara Education Department, stating their names, qualifications and grades, when the recommendation mentioned in part (a) was made ?

(e) Will Government be pleased to state the ground on which the Assistant Superintendent of Education was justified in recommending only Mr. Nand Kishore Joshi and Mr. Durgapal Joshi for the post mentioned in part (a) and excluding all other trained graduate teachers from the recommendation ?

(f) Did the Assistant Superintendent of Education consult the Headmasters of the two Government High Schools in Ajmer before making the recommendation mentioned in part (a) ? If not, why not ?

(g) Did the Assistant Superintendent of Education consult the Headmaster, Normal School, Ajmer, before making the recommendation in part (a), under whom the teacher to be appointed was to work ? If not, why not ?

(h) Is it a fact that Mr. Nand Kishore was appointed to the vacancy mentioned in part (a) ?

**Sir Frank Noyce** : (a) & (e). Recommendations from an officer of Government to his superior officer on questions of personnel are confidential.

(b) Mr. Nand Kishore Joshi, brother of Mr. P. B. Joshi, was in 1926, appointed a master in the Government Normal School, Ajmer.

(c) Government know of no one of the name of Durgapal Joshi.

(d) A list of the trained graduate assistant masters in the employ of the Ajmer-Merwara Educational Department in 1926, with their names, qualifications and grades is placed on the table.

(f) & (g). Government understand that the Assistant Superintendent of Education consulted the headmasters named before submitting his recommendations in 1926, for filling a post which was then vacant.

(h) Yes.

*Statement showing the number of trained graduate teachers in Government Schools in Ajmer-Merwara in 1926-27, along with their pay and qualifications.*

|                                           |              |    | Rr.        |
|-------------------------------------------|--------------|----|------------|
| <b>Government High School, Ajmer—</b>     |              |    |            |
| Mr. Babu Lal ..                           | B. A., L. T. | .. | 120—5—145  |
| Mr. Nand Kishore Joshi ..                 | B. A., L. T. | .. | 120—5—145  |
| Mr. Pushkar Datt ..                       | B. A., L. T. | .. | 105—5—130  |
| Mr. Gauri Datt Durgapal ..                | B.Sc., L.T.  | .. | 105—5—130  |
| <b>Moinia Islamia High School, Ajmer—</b> |              |    |            |
| Mr. Abdul Rashid Khan ..                  | B.A., L.T.   | .. | 140—10—190 |
| Mr. Mohammad Ishaque Qureshi ..           | M.A., L.T.   | .. | 90—5—115   |
| Mr. Muzaffar Hussain ..                   | B.A., C.T.   | .. | 65—3—80    |

**LACK OF QUALIFICATION OF MR. TARLEKAR FOR THE HEADMASTERSHIP OF THE MOINIA ISLAMIA HIGH SCHOOL.**

280. \***Maulvi Muhammad Yakub** : (a) Is it a fact that the teacher appointed to officiate as Headmaster of the Moinia Islamia High School, Ajmer, in April 1928, did not possess even the minimum qualifications for the Headmastership of a High School prescribed by the Board of High School and Intermediate Education with which the Moinia Islamia High School was then affiliated ?

(b) Is it a fact that the said teacher did not possess the qualifications for service laid down in paragraphs 150 (a) and 222 (c) of the Education Code ?

(c) Is it a fact that the High School examination result of the Moinia Islamia High School for the academic year 1928-29, in which the school was under Mr. Tarlekar's Headmastership, was 8 out of 21, against 8 out of 13 in the preceding year ?

(d) Is it a fact that the majority of students from the Moinia Islamia High School, Ajmer, who were unsuccessful in the High School Examination in 1929, failed in the subjects personally taught by Mr. Tarlekar ?

**Sir Frank Noyce** : (a) & (b). Yes. But he has educational experience as head and assistant master of schools for a period extending over thirty years. He is a graduate in arts and was in the Educational Service long before the rules quoted by the Honourable Member were brought into force.

(c) & (d). Yes.

**APPOINTMENT OF MUSLIMS TO THE UPPER DIVISION IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.**

281. \***Maulvi Muhammad Yakub** : (a) Will Government be pleased to state the total number of ministerial officers in the Upper Division in the Department of Education, Health and Lands, and the number of the Muslims holding (i) temporary and (ii) permanent appointments in the Upper Division in the Department (1) at the time of the amalgamation of the Education Department with the Revenue Department and (2) at present ?

(b) How many vacancies occurred in the Upper Division in the Department of Education, Health and Lands during the last three years and how many of them were filled by Mussulmans ?

**Sir Frank Noyce** : A statement containing the required information is laid on the table.

more suitable for the appointment than the officer in charge, Medal Distribution, who is an Anglo-Indian, or the Senior Superintendent of the Army Department Secretariat who is an Indian ?

(b) Is it a fact that Mr. Gardner's duties as Assistant Secretary, Army Department, are mainly concerned with work that comes to the Secretariat from the General Staff Branch of Army Headquarters ?

(c) Is it a fact that Mr. Gardner has never been employed in the General Staff Branch of the Army Headquarters ?

(d) If the answer to part (a) is in the negative, will Government please state the reasons for which the officer in charge, Medal Distribution, or the Senior Superintendent, Army Secretariat, was not appointed to be Assistant Secretary, Army Department, and what, if any, are the general or special qualifications possessed by Mr. Gardner and not possessed by the other two for the appointment ?

(e) Do Government propose, on the return of the permanent incumbent of the appointment of Secretary, Army Department, Mr. G. Mackworth Young, in the chain of whose vacancy the officiating appointment of Assistant Secretary held by Mr. Gardner occurred, to continue Mr. Gardner's incumbency of the appointment of Assistant Secretary, or do they propose to appoint to the post one of the men in the Army Department Secretariat ?

**Mr. G. R. F. Tottenham :** (a) No, Sir.

(b) No, Sir, more than half Mr. Gardner's work comes from other Branches.

(c) Yes.

(d) Because, in the opinion of the authority whose business it was to make the appointment, the abilities of both the officers mentioned by the Honourable Member were definitely inferior.

(e) On the return of Mr. Mackworth Young the vacancy in which Mr. Gardner is now officiating will cease to exist.

**Lieut.-Colonel H. A. J. Gidney :** Admitting that Mr. Gardner is a man of superior abilities, will the Honourable Member please inform this House whether he, Mr. Gardner, as an outsider in the Department, has any claim or a better claim than a man in the Department who, by his continuous service, is obviously fit for promotion ?

**Mr. G. R. F. Tottenham :** Nobody, Sir, has any claim to a post of this kind, which is a selection post.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether Mr. Gardner has ever served under him and, if not, who made this appointment, and what superior qualifications he has for this particular appointment ?

**Mr. G. R. F. Tottenham :** Mr. Gardner has never served under me before. I did not make the appointment ; the appointment was made by the Army Secretary, Mr. Mackworth Young, with the approval of His Excellency the Army Member. His qualifications for this appointment are his superior ability.

**Lieut.-Colonel H. A. J. Gidney :** In the event of a similar vacancy arising in the Department on the return of Mr. Mackworth Young, will

the Honourable Member be prepared to promote an efficient member of the Department who has an inherent claim to the post, or is it his intention to re-employ Mr. Gardner ?

**Mr. President :** It is a hypothetical question.

**Lieut.-Colonel H. A. J. Gidney :** Is the Honourable Member aware that great unrest exists in the Department and in the Secretariat over this unusual appointment and procedure of bringing in an outsider into an office in which he had no previous experience whatever ?

**Mr. G. R. F. Tottenham :** No. I am not aware of it.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member ascertain whether there is such unrest ?

**Mr. G. R. F. Tottenham :** I do not think any public purpose would be served by doing so.

**Lieut.-Colonel H. A. J. Gidney :** That is a matter of opinion.

#### ADMISSION, FREE OF CHARGE, TO MILITARY HOSPITALS OF THE WIVES AND CHILDREN OF WARRANT AND OTHER OFFICERS OF THE INDIAN MEDICAL DEPARTMENT.

285. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Will Government please state if it is a fact that, under paragraph 382 of Part II, Pay and Allowance Regulations for the Army in India, the wives and children of Warrant Officers and Non-Commissioned Officers of the India Unattached List are entitled to admission into British military hospitals free of any charge ?

(b) Are the wives and children of Warrant and other officers of the Indian Medical Department entitled to admission into the British military hospitals free of any charge ? If not, why not ?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) Yes, except the wives and children of Senior Assistant Surgeons holding the King's Commission who, like all other King's Commissioned Officers are required to pay hospital stoppages when they or their families are admitted into hospital. The last part of the question does not arise.

#### GRANT OF RAILWAY CONCESSION TICKETS TO WARRANT AND OTHER OFFICERS OF THE INDIAN MEDICAL DEPARTMENT.

286. **\*Lieut.-Colonel H. A. J. Gidney :** Is it a fact that, in the revised rules regulating the concessions allowed to officers and men of the British and Indian Armies,—C. S. No. 17 of 1st December, 1928—railway concession tickets are restricted to Warrant Officers and Non-Commissioned Officers of the India Unattached List, etc., without any such particular mention of Warrant Officers of the Indian Medical Department who also belong to the British personnel ? If so, why ?

**Mr. G. R. F. Tottenham :** Yes, Sir. The omission of the Indian Medical Department was unintentional and I am seeing that the Indian Railway Conference Association is approached with a view to their inclusion.

Statement showing the number of ministerial officers and the number of Muslims in the Upper Division in the Department of Education, Health and Lands in 1923 and 1929 respectively.

| Number of Assistants in the Upper Division of the Department of Education, Health and Lands at the time of amalgamation in 1923. | Number of Muslims holding Upper Division posts in the Department of Education, Health and Lands at the time of amalgamation in 1923 |                      | Number of Assistants in the Upper Division of the Department of Education, Health and Lands at present. | Number of Muslims holding Upper Division posts in the Department of Education, Health and Lands at present. |                      | Number of vacancies which occurred in the Upper Division during the 3 years ending August 1929. | Number of vacancies in column 7 filled by Muslims. | Remarks.                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------|
|                                                                                                                                  | Temporary posts. (2)                                                                                                                | Permanent posts. (3) |                                                                                                         | Temporary posts. (5)                                                                                        | Permanent posts. (6) |                                                                                                 |                                                    |                                                                                                   |
| (1)                                                                                                                              | 29                                                                                                                                  | 6                    | 32                                                                                                      | 7                                                                                                           | 6*                   | 1                                                                                               | *                                                  | *These vacancies were filled by departmental promotion which is regulated by seniority and merit. |

## QUESTIONS AND ANSWERS.

### SAFEGUARDING THE INTERESTS OF MUSSALMANS FOR APPOINTMENTS IN THE UPPER DIVISION AND SUPERINTENDENTS' GRADE OF DEPARTMENTS OF THE GOVERNMENT OF INDIA.

282. \*Maulvi Muhammad Yakub : (a) What is the total number of (i) Upper Division, (ii) Selection Grade, and (iii) Superintendents' appointments in the several Departments of the Government of India Secretariat ; and how many of these appointments in each Department are held temporarily and permanently by Mussulmans ?

(b) In the event of the share of Mussalms in these appointments being disproportionately poor, do Government propose to consider, in consultation with non-official Muslim Members of this House, effective means for safeguarding the interests of Mussalms in the services mentioned above ?

The Honourable Sir James Crerar : (a) The information is being collected and will be supplied to the Honourable Member on receipt.

(b) The number of Muslims in the clerical staff of the Departments of the Government of India has risen from 8.7 per cent. in 1911 to 15.6 per cent. in 1927, and Government have no reason to think that their orders on the subject have failed to promote their object. I shall, however, be glad to receive any suggestions the Honourable Member may desire to offer.

### CONSTRUCTION OF THE KASHIPUR KALAGARH RAILWAY.

283. \*Maulvi Muhammad Yakub : Will Government be pleased to state :

(a) Whether the sanction of the Government of India has been obtained for the construction of the Kashipur-Kolagarh Railway ?

(b) Has the work of the survey of the line been taken up ?

(c) When the work of construction of the line is likely to be taken in hand, and

(d) When the line is likely to be opened for traffic ?

Mr. P. R. Rau : (a) & (b). The survey report of the Kashipur-Kalagarh Railway has been received and considered, and it has been decided to construct the railway when funds can be allotted for the work.

(c) The programme for 1930-31 has not yet been considered and whether this line can be taken up or not during that year depends partly on the total amount of funds available for capital expenditure.

(d) The line will be ready for opening in about 2 years after commencement of construction.

### ALLEGED RACIAL DISCRIMINATION SHOWN IN THE APPOINTMENT OF MR. J. B. W. GARDNER AS ASSISTANT SECRETARY, ARMY DEPARTMENT.

284. \*Lieut.-Colonel H. A. J. Gidney : (a) Is it a fact that Mr. J. B. W. Gardner, an officer supervisor in the Royal Air Force Headquarters was appointed as Assistant Secretary in the Army Department Secretariat because he was an European and was for that reason considered

**PROMOTION OF OFFICERS OF THE INDIAN MEDICAL DEPARTMENT *pari passu* WITH THOSE OF THE INDIAN MISCELLANEOUS LIST AND INDIAN ARMY ORDNANCE CORPS.**

287. \***Lieut.-Colonel H. A. J. Gidney** : (a) Is it a fact that the members of the Indian Miscellaneous List receive commissioned rank after 18 years' departmental service ?

(b) Is it a fact that a member of the Indian Miscellaneous List as well as the Indian Army Ordnance Corps at Army Headquarters, when appointed an Officer Supervisor (of only a Branch), receives promotion to the rank of Major, irrespective of whether he is only a Warrant or junior Commissioned Officer ?

(c) Is it not a fact that men of the Indian Medical Department, both in Civil and Military, holding posts of much greater responsibility and higher status than those referred to in part (b), *e.g.*, Civil Surgeoncies of Districts, Sub-Medical Charge of 1st Class British Military Hospitals and Managers of Medical Store Depots—do not receive any such promotion ?

(d) Will Government please state what steps they intend to take to rectify this inequity ?

**Mr. G. R. F. Tottenham** : (a) Yes, if recommended and considered suitable for a commission.

(b) Yes.

(c) The tenure of one of the posts mentioned by the Honourable Member does not necessarily entail the grant of the rank of Major.

(d) Government do not admit that there is any inequity. Military Officer Supervisors must be given the rank of Major to avoid the anomaly of having men of higher rank serving under them. The rank does not affect their pay. There is no similar necessity in the case of the medical appointments referred to.

**NUMBERS OF HINDU AND MUSLIM MEMBERS OF THE PESHAWAR MUNICIPALITY.**

288. \***Mr. Abdul Haye** : (a) What is the total strength of the Peshawar Municipality ? Will Government please state the number of elected and nominated members separately ?

(b) Does a system of communal representation by means of separate electorates obtain in Peshawar Municipality ? If so, when was this system introduced, and what number of seats have been allotted to Hindus and Muslims separately ?

(c) On what principle has this allotment been made ?

(d) Will Government please state the figures of the Hindu and Muslim population of Peshawar City according to the last census ?

(e) If a system of communal representation has been introduced in Peshawar Municipality, was it in accordance with the wishes of the Hindus, or was it introduced in spite of their opposition ? Were various communities consulted before the introduction of this system ?

(f) Do Government propose, in the near future, to allow this Municipality to elect its own non-official chairman ?

**Sir Frank Noyce** : (a) The Municipal Committee of Peshawar consists of 20 members, all of whom are nominated.

(b) The answer to the first part is in the negative. The second part does not arise.

(c) Does not arise.

(d) Muslims 63,202 ; Hindus 12,220.

(e) Does not arise.

(f) The question has not been considered. Government will, however, invite the opinion of the Chief Commissioner, North West Frontier Province, on the suggestion.

**Nawab Sir Sahibzada Abdul Qaiyum** : Is it a fact that certain memberships, by election, were added to the nomination and, if so, how many ?

**Sir Frank Noyce** : I am referring to the present state of affairs. I understand that changes are in contemplation, but the facts as stated in the reply are those which now exist.

**Mr. Gaya Prasad Singh** : What is the percentage between the Hindu and Mussalman rate payers in the Peshawar Municipality ?

(No answer was given.)

**PROGRESS OF LOCAL SELF-GOVERNMENT IN THE NORTH WEST FRONTIER PROVINCE DURING THE LAST THREE YEARS.**

289. \***Mr. Abdul Haye** : (a) Will Government please make a statement regarding the progress that has been made during the last three years in the matter of local self-Government in the North West Frontier Province ?

(b) Are there any boards or municipalities in this Province that at present elect their own non-official chairman ?

**Sir Frank Noyce** : (a) There has been no change either in the constitution or the administration of local bodies during the last three years. These bodies continue to make progress in their internal administration as far as funds permit.

(b) No.

**GRANT OF PERMISSION TO THE DELHI MUNICIPALITY TO ELECT ITS OWN NON-OFFICIAL PRESIDENT.**

290. \***Mr. Abdul Haye** : Have Government ever considered the desirability of permitting the Delhi Municipality to elect its own non-official President ? If so, when and with what result ?

**Sir Frank Noyce** : There was some correspondence between the local Administration and the Municipal Committee between 1919 and 1921, which resulted in the Municipal Committee recommending that there should be a non-official elected President, with an Executive Officer.

At that time, the Punjab Municipal Act, which is applicable to Delhi, contained no provision for the appointment of an Executive Officer, but it was hoped that the Act would shortly be amended, and

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pending the necessary amendment, the question was dropped. No amendment has, however, been made and nothing further has been done in regard to the matter in Delhi.

**The Revd. J. C. Chatterjee :** Is it a fact that the Delhi Municipality have not yet asked the Government for a non-official President ?

**Sir Frank Noyce :** I think it is.

**DIFFERENCE IN PAY OF INDIAN, EUROPEAN AND ANGLO-INDIAN MECHANICS IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.**

291. \***Mr. S. C. Mitra :** (a) Are Government aware that in matters of appointment racial distinction is still observed in the East Indian Railway, especially in the Lillooah Workshop ?

(b) If the answer to part (a) be in the negative, will Government state whether there is any difference in the starting salaries of Indian, Anglo-Indian and European mechanics ; that is, do Indian mechanics get Rs. 60, whereas Anglo-Indian and European mechanics get Rs. 160 ? If so, why ?

(c) Is it a fact that Indian mechanics are kept on probation for years whereas Anglo-Indian and the European mechanics are confirmed within six months ? If so, why ?

(d) If the answer to part (c) be in the negative, will Government state whether the following mechanics are still on probation on Rs. 60, and if so, why :

| Indians.               | Date of completion of Apprenticeship. | Date of appointment. | Date of confirmation. |
|------------------------|---------------------------------------|----------------------|-----------------------|
| Mr. D. N. Mukherjee .. | 30th June 1926 ..                     | 1st Dec. 1927 ..     | Still on probation.   |
| „ D. D. Roy Chowdhary  | 1st April 1926 ..                     | 1st Dec. 1927 ..     | Ditto.                |
| „ H. K. Chakervarty    | 2nd Feb. 1926 ..                      | 1st Dec. 1927 ..     | Ditto.                |
| „ M. N. Paul ..        | 6th Feb. 1926 ..                      | 1st Dec. 1927 ..     | Ditto.                |
| „ K. L. Mallick ..     | 31st Jan. 1926 ..                     | 1st Jan. 1928 ..     | Ditto.                |
| „ P. C. Das ..         | 31st Jan. 1926 ..                     | 1st March 1928 ..    | Ditto.                |
| „ N. L. Sett ..        | 21st Feb. 1928 ..                     | 22nd Feb. 1928 ..    | Ditto.                |
| „ R. R. Bose ..        | 12th Feb. 1928 ..                     | 15th Feb. 1929 ..    | Ditto.                |
| „ P. B. Banerjee ..    | 31st Jan. 1927 ..                     | 15th Feb. 1929 ..    | Ditto.                |
| „ A. Beg ..            | 18th Feb. 1929 ..                     | 19th Feb. 1929 ..    | Ditto.                |

Also whether the following Anglo-Indians are drawing Rs. 160 :

|                     |                    |                   |                  |
|---------------------|--------------------|-------------------|------------------|
| Mr. J. T. D'Cruz .. | 10th April 1926 .. | 20th Feb. 1928 .. | A year after.    |
| „ T. E. De Roze ..  | 5th March 1928 ..  | 6th March 1928 .. | Within 6 months. |
| „ F. MacDonald ..   | 24th Feb. 1929 ..  | 25th Feb. 1929 .. | On probation.    |
| „ D. Culpeper ..    | 18th Feb. 1929 ..  | 19th Feb. 1929 .. | Ditto.           |
| „ E. Sylvester ..   | 10th Feb. 1929 ..  | 11th Feb. 1929 .. | Within 6 months. |
| „ D. Whaley ..      | 4th Feb. 1929 ..   | 5th Feb. 1929 ..  | Within 3 months. |
| „ E. G. Duke ..     | 3rd April 1929 ..  | 4th April 1929 .. | Ditto.           |

**Mr. P. B. Rau :** With your permission Sir, I propose to answer questions Nos. 291, 292, 293, 294, 295, 296, 297 and 298 together. I am making inquiries from the Agent, East Indian Railway, and will communicate with the Honourable Member in due course.

**Pandit Hirday Nath Kunzru :** Which part of the question are the Government going to make inquiries about ?

**Mr. P. B. Rau :** All the questions from 291 to 298.

**Pandit Hirday Nath Kunzru :** I am asking this question with reference to question 291. There are four parts in it, (a), (b), (c) and (d). With regard to which part of this question do Government propose to make inquiries ?

**Mr. P. B. Rau :** Government have asked for a report on all the questions, Nos. 291 to 298.

**Pandit Hirday Nath Kunzru :** Are Government really unaware of the difference in the starting salaries of Indian, Anglo-Indian and European mechanics ?

**Mr. P. B. Rau :** Yes.

**Pandit Hirday Nath Kunzru :** Has not the position in the East Indian Railway Workshop been brought previously to their notice ?

(No answer was given.)

**Pandit Hirday Nath Kunzru :** May I ask whether the Honourable Member ever reads the proceedings of this House ?

**APPOINTMENT IN THE LILLOOAH WORKSHOPS OF OUTSIDERS IN SUPERSESSION OF THE CLAIMS OF MECHANICS AND APPRENTICES ALREADY ON PROBATION.**

†292. \***Mr. S. C. Mitra :** (a) Are Government aware that in the Lillooah Workshops, outsiders are recruited ignoring the claims of mechanics and first grade bound apprentices ? If the answer be in the negative, will Government please state whether the following outsiders were appointed directly, and if so, why ?—

|                   |                            |                         |
|-------------------|----------------------------|-------------------------|
| Mr. Alderson ..   | Assistant Foreman ..       | Carriage Building Shop. |
| „ Lowe ..         | Mechanic ..                | Carriage Building Shop. |
| „ A. E. Watson .. | Assistant Foreman ..       | Mill Wright Shop.       |
| „ Moslem ..       | Assistant Speed & Feedman. | Production Department.  |
| „ Tucker ..       | Mechanic ..                | Paint Shop.             |
| „ Everson ..      | Mechanic ..                | Wagon Repairing Shop.   |

(b) Is it also a fact that, since the appointment of the Establishment Officer, illiterate mistries are promoted to mechanics' grade and confirmed, ignoring the claims of mechanics, who are already on probation, and also of matriculated technically trained first grade bound apprentices ?

**PROVISION OF APPOINTMENTS FOR APPRENTICES OF THE LILLOOAH WORKSHOPS.**

†293. \***Mr. S. C. Mitra :** (a) Is it a fact that all the first grade bound apprentices, who complete their apprenticeship at Lillooah Workshop, are not provided with posts at the end ?

†For answer to this question, see answer to question No. 291.

(b) Do Government propose to provide the surplus first grade bound apprentices at Lucknow and Tatanagore Workshops, or similar workshops in the State Railways? If not, why not?

(c) If the answer to part (b) be in the affirmative, then why are the apprentices who have already completed their course not provided as yet?

**LIST OF INDIAN MECHANICS PROMOTED AS FOREMEN AND ASSISTANT FOREMEN ON THE EAST INDIAN RAILWAY SINCE IT BECAME A STATE RAILWAY.**

†294. \*Mr. S. C. Mitra : Will Government please lay on the table the lists of Indian mechanics promoted to the Foreman's and Assistant Foreman's grade since the taking over of the East Indian Railway by the State?

**ALLEGED PARTIALITY SHOWN IN APPOINTMENT OF APPRENTICES TO POSTS IN THE JAMALPORE WORKSHOP.**

†295. \*Mr. S. C. Mitra : Is it a fact that first grade bound apprentices, who stood very high in the final examination of the Technical School, Jamalpore, have not secured any appointment in the Workshop, whereas Messrs. T. E. De Roze and E. G. Duke, who failed, and Messrs. F. MacDonald and D. Whaley, who barely passed, have been provided in the Workshop as mechanics on Rs. 160?

**FAILURE TO APPOINT FIRST GRADE BOUND APPRENTICES AS CHARGEMEN AT THE LILLOOAH WORKSHOPS.**

†296. \*Mr. S. C. Mitra : (a) Will Government please state whether at Jamalpore first grade bound apprentices are appointed as Chargemen in technically trained grade, whereas at Lillooah, Indian first grade bound apprentices of the same qualification are appointed as mechanics on much lower pay? If so, why?

(b) Is it a fact that there is a circular from the Agent that first grade bound apprentices, after completion of their training, should be appointed, provided their services are required, as Chargemen in technically trained grade, the grade being from Rs. 110/115—20—250?

(c) Why are those who are qualified for Chargemen in technically trained grade not kept on probation in that grade in the Lillooah Workshop?

(d) Why is the Agent's Circular not observed at the Lillooah Workshop?

**LIMITATION OF THE NUMBER OF FIRST GRADE BOUND APPRENTICES ADMITTED TO THE LILLOOAH WORKSHOP TO THE PROBABLE NUMBER OF POSTS LIKELY TO OCCUR.**

†297. \*Mr. S. C. Mitra : (a) Will Government please state what percentage of qualified first grade bound apprentices, who passed out of the Lillooah Workshop in the last two years, have been provided with posts?

†For answer to this question, see answer to question No. 291.

(b) Is it a fact that a much larger number of first grade bound apprentices are taken every year though there is no chance of providing for these men when they complete their course? If so, why?

(c) Do Government propose to limit the number of first grade bound apprentices to be taken each year to the probable vacancies that are likely to occur?

**PAYMENT OF THE SUBORDINATE SUPERVISING STAFF FOR WORK ON GAZETTED HOLIDAYS.**

†298. \*Mr. S. C. Mitra : (a) Are Government aware that the Lillooah Workshop is not closed on some of the gazetted holidays?

(b) Will Government please state whether the supervising subordinate staff are paid overtime when they are required to work on gazetted holidays? If not, why not?

(c) Do Government propose to order payment being made to the supervising subordinate staff who have to work on holidays that are gazetted holidays?

**NATURE OF ACTION TAKEN UNDER THE PUBLIC SAFETY ORDINANCE.**

299. \*Mr. S. C. Mitra : (a) Will Government be pleased to state what action has been taken under the Public Safety Ordinance re—

(i) arrest of any persons for deportation;

(ii) confiscation of any property;

(iii) deportation of any persons?

(b) Has any other action been taken under the said ordinance?

**The Honourable Sir James Crerar :** I would refer the Honourable Member to my answer to Mr. Gaya Prasad Singh's question No. 4 in this House on the 2nd September, 1929.

**Mr. S. C. Mitra :** That was about the arrest of persons. There are other questions about confiscation of property, etc.

**The Honourable Sir James Crerar :** I think my reply covered all action.

**PREVENTION OF FLOODS.**

300. \*Maulvi Muhammad Yakub : (a) Has the attention of Government been drawn to the article which appeared in the *Pioneer* of the 15th August, 1929 (page 4, column 3), under the heading 'Floods and their prevention'? If so, will Government be pleased to state whether any investigation has been made by the Flood Committee as a result of unstarred question No. 202 answered on the 4th September, 1928?

(b) If reply to the second part of (a) above be in the affirmative, will Government be pleased to furnish the House with a copy of the Flood Committee's report on the subject?

(c) If reply to the second part of (a) above be in the negative, will Government be pleased to state the reasons in detail?

†For answer to this question, see answer to question No. 291.



(d) Will Government be pleased to state whether any provision has been made for prevention of floods in the area referred to in question No. 202 referred to in part (a) above ; (i) if so, what amount ; (ii) if not, do Government propose to make necessary provision for the same in the next Budget, and if not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The reply to the first part is in the affirmative. As regards the second part, so far as the Government of India are aware, no flood committee has made any investigation in the area referred to in the unstarred question which has been cited by the Honourable Member.

(b) Does not arise.

(c) The Government of India have no information, as such committees are appointed by the Local Governments.

(d) Any provision thought necessary will be made in the budget of the Local Government.

**Mr. B. Das :** Is it not a fact that the Government of India lent the services of their Consulting Engineer to assist in the inquiry of the Orissa Flood Inquiry Committee ? The Honourable Member just now says that Government had no knowledge of what the Local Governments have done.

**The Honourable Sir Bhupendra Nath Mitra :** The Honourable Member has apparently not studied the question. My Honourable friend Maulvi Muhammad Yakub is not referring to Orissa, the land which is so dear to my Honourable friend Mr. Das, but to some part of Bihar.

**Mr. B. Das :** In view of the reply of the Honourable Member that the Government of India have never appointed a Committee to inquire into the causes of floods, what prevents the Honourable Member from appointing such a Committee to go into such matters ?

(Mr. President called for the next question.)

#### PROHIBITION OF THE ADVOCATES OF INDIAN HIGH COURTS FROM PRACTISING IN THE SUBORDINATE COURTS IN BURMA.

301. **\*Mr. M. S. Sesha Ayyangar :** (a) Are Government aware of the fact that the Bar Council of Burma framed a rule prohibiting the advocates of other Indian High Courts from practising in the subordinate courts of Burma without obtaining express permission in every case ?

(b) Are Government aware that the Bar Council has no power to make rules with regard to subordinate courts ? If so, was the attention of the Burma Bar Council drawn to the rule being *ultra vires* of its powers and the necessity for cancelling the same ?

(c) Has the attention of the Government been drawn to the inquiry promised by Earl Winterton in the House of Commons regarding the rule made by the Burma Bar Council prohibiting the advocates of other Indian High Courts from practising even in the subordinate courts of that province ?

#### QUESTIONS AND ANSWERS.

(d) Have the Government of Burma been addressed on this point ? If so, will the Government place on the table the reply received ?

**The Honourable Sir James Crerar :** The Honourable Member is referred to the answer just given by me to a similar question asked by Mr. Neogy.

#### AMOUNT OF SPECIAL SECURITY REQUIRED FROM THE TREASURER, CHITTAGONG HEAD POST OFFICE.

302. **\*Mr. Anwar-ul-Azim :** Has the Treasurer, Chittagong Head Post Office, been required to furnish any special security ? If so, what amount ? What is the daily average of cash and stamps handled by him ? Has he been given any special pay for the monetary responsibility for which he had to furnish the special security ?

**Mr. P. G. Rogers :** The matter is being inquired into and the result will be communicated to the Honourable Member in due course.

#### NEWSPAPERS SUBSCRIBED FOR BY THE DEPARTMENTS OF THE GOVERNMENT OF INDIA.

303. **\*Mr. Gaya Prasad Singh :** (a) Will Government be pleased to state how many copies of the following papers are subscribed for by the Home Department of the Government of India ?

- (1) *Statesman* (Calcutta).
- (2) *Englishman* (Calcutta).
- (3) *Amrita Bazar Patrika* (Calcutta).
- (4) *Pioneer* (Allahabad).
- (5) *Leader* (Allahabad).
- (6) *Hindustan Times* (Delhi).
- (7) *Daily Chronicle* (Delhi).
- (8) *Civil and Military Gazette* (Lahore).
- (9) *Tribune* (Lahore).
- (10) *Times of India* (Bombay).
- (11) *Bombay Chronicle* (Bombay).
- (12) *Hindu* (Madras).
- (13) *Madras Mail* (Madras).

(b) How many copies of the above papers are subscribed for by the different Departments of the Government of India ?

**The Honourable Sir James Crerar :** (a) and (b). I have laid a statement on the table containing the information asked for.

concerned took the precautions necessary when an outbreak of an infectious disease was apprehended.

**Mr. Gaya Prasad Singh :** What is the authority for the Honourable Member's statement that precautions were taken when he does not know the precise nature of the precautions taken.

**The Honourable Sir James Crerar :** I think the Honourable Member will gather that from the context of my reply.

#### INELIGIBILITY OF INDIANS TO HOLD LAND IN THE UNITED STATES OF AMERICA.

305. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that, under the decision of the United States Supreme Court in 1923, British Indians in that country are ineligible for citizenship, and incapable of holding lands in their possession ?

(b) If so, has any time been given for the Indian landowners in the United States to dispose of their properties ? If so, what time ?

(c) Is there any similar law in India, by which Americans are made ineligible for holding landed properties in this country ?

**Sir Denys Bray :** I have traversed most of the ground covered by the question in previous answers, but as the subject has stirred much public interest and misapprehension still exists about it, I propose, with your permission, Sir, to state the general position anew.

In 1923 the Supreme Court of the United States ruled that Indians are and always have been ineligible for American citizenship, seeing that it is restricted under revised Statute 2169 to persons of Caucasian and African race. The rigid application of this ruling would have involved the denaturalisation of several hundreds of naturalised Indians, and in States like California where the holding of lands by aliens even on lease is prohibited, summary eviction from the landed property they had *bona fide* acquired. From the outset their unhappy predicament engaged the close and continuous attention of the Government of India and His Majesty's Government. The difficulties of the case seemed almost insuperable, for the ruling that an Indian is ineligible for citizenship under the American constitution is the final ruling of the Supreme Court. At first it looked as if the full rigour of the American law would be exercised, and some 30 unfortunate Indians were made to suffer the disabilities of denaturalisation. But concurrently with various alleviations that were from time to time secured, the position became gradually established that a certificate of naturalization could not be withdrawn without a process of the Courts in each separate case—a procedure which acted in the natural course of things as a salutary brake. And now I am glad to say we seem to have reached the stage when we can safely anticipate that, in the absence of any outside stimulus,—the Honourable Member will forgive me if I here refer pointedly to the unwisdom of the tentative suggestion in his last question—no further proceedings will be taken against Indians who acquired or were thought at the time to have acquired American citizenship prior to the decision of the Supreme Court. Hard as is the case of the 30 Indians who have suffered denaturalisation, it is gratifying that immunity has thus been secured for several hundreds of their more fortunate fellows.

**Diwan Chaman Lall :** May I ask the Honourable Member whether the position now is that no Indian can own any property in the United States of America ?

**Sir Denys Bray :** That, Sir, is not the case except in those States in which the holding of land by aliens is prohibited.

**Diwan Chaman Lall :** Is it a fact that in most States the holding of land by aliens is prohibited, and particularly Indians ?

**Sir Denys Bray :** It is not "particularly Indians" in any case. If I understood the Honourable Member's question aright, he was asking whether the prohibition obtained in the majority of States. The answer, as far as I know, is in the negative.

#### CONSTRUCTION OF A RAILWAY FROM RUTLAM TO GALIAKOT IN PREFERENCE OF ONE FROM DOHAD TO GALIAKOT.

306. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that a traffic survey has been undertaken by the Bombay, Baroda and Central India Railway from Dohad to Galiakot, *via* Jhalod ? If so, when is the result likely to be available ?

(b) Have Government considered the question of constructing a line from Rutlam, which is a very important junction station, to Galiakot, as likely to be more remunerative, and more conducive to public convenience than one from Dohad ?

**Mr. P. R. Rau :** (a) and (b). Traffic surveys are being undertaken both from Dohad and from Rutlam, to see which route will be best for the proposed railway. The results are not likely to be available till after April next.

#### PROVISION OF CONVENIENCES FOR PILGRIMS AT RAMNAGAR STATION.

307. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to a letter published in the *Pioneer*, dated the 1st July, 1929, (page 11), under the heading "Badrinath Pilgrims and the Railway" ?

(b) Are Government aware that thousands of pilgrims returning from Badrinath gather annually at Ramnagar Railway Station (Rohilkhand-Kumaun Railway) to go to different parts of the country, between April and September every year ?

(c) Are Government aware that the passenger shed at Ramnagar Station is quite insufficient, and situated on a low level, which makes it extremely inconvenient, especially during the rains ?

(d) Are Government aware that the sanitary arrangements there are extremely bad, and the drinking water for the pilgrims, in the words of the Medical Health Officer of Naini Tal, "is far from satisfactory. The channel carrying water from the canals to the reservoir requires cleaning" ?

(e) Has the attention of Government been drawn to the following remarks made by Rai Saheb Dr. A. N. Das, District Medical Officer of Health, Naini Tal :—"There is only one train running to and from Ramnagar. The outgoing train leaves early in the morning. There were two trains running till May 31st, 1929.....The water supply at Ramnagar is very very bad. I noticed goods wagons being used on the 6th and

7th June, 1929, for herding in the passengers. This only shows the extent of the congestion at Ramnagar " ?

(f) Are Government aware that booking facilities at Ramnagar are extremely meagre ; and that there is only one booking clerk to cope with the huge rush of traffic ?

(g) What steps have been taken, or are proposed to be taken, to improve the state of affairs there ?

**Mr. P. R. Rau :** (a) Yes.

(b) to (g). The Agent of the Rohilkund and Kumaon Railway has been asked for a report, on receipt of which I shall be in a position to reply to the Honourable Member's question.

#### OBJECT OF THE RECENT VISIT OF THE RIGHT HONOURABLE SRINIVASA SASTRI TO EAST AFRICA.

308. \***Mr. Gaya Prasad Singh :** Will Government be pleased to make a statement regarding the object of the recent visit of the Rt. Hon. Srinivasa Sastri to East Africa ; and its result ?

**Sir Frank Noyce :** At the invitation of His Majesty's Secretary of State for the Colonies, the Government of India deputed the Right Honourable V. S. Srinivasa Sastri as their representative to help the local Indian communities in East Africa to state their views to Sir Samuel Wilson, the Permanent Under Secretary of State at the Colonial Office, on matters arising out of the Hilton Young Commission's Report, and to be at the disposal of Sir Samuel Wilson if he wished to make use of him in dealing with the Indian deputations. It is premature to talk of the results of the visit, but the Right Honourable Srinivasa Sastri has promised to furnish a report shortly.

**Mr. A. Rangaswami Iyengar :** May I know whether, prior to the Right Honourable Srinivasa Sastri's visit, the Government of India was informed that on the two most important questions upon which the Hilton Young Committee made recommendations, including the joint electorate, the Government of Great Britain had come to the conclusion that a change was not to be made, and that they communicated the same to the Government of India.

**Sir Frank Noyce :** I do not think that arises out of the question.

**Mr. A. Rangaswami Iyengar :** It is not for the Honourable Member to say that it does not arise. It is for the Chair to rule it.

**Sir Frank Noyce :** My appeal was to the Chair.

#### PROVISION OF A DEPUTY SECRETARY FOR THE INDIAN CENTRAL COMMITTEE OF THE SIMON COMMISSION.

309. \***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Government of India received any request from certain members of the Indian Central Committee of the Simon Commission, before their departure for England, to provide them with the services of a Deputy Secretary, or any other official, of their own community, to help them to write a separate dissenting minute, if need be ; but the request was not granted ?

(b) Have the services of Mr. Coatman been requisitioned in England for this purpose ?

**The Honourable Sir James Crerar :** (a) No such request was made to the Government of India.

(b) No.

**Mr. Gaya Prasad Singh :** Has Mr. Coatman resigned ?

**The Honourable Sir James Crerar :** No.

**Mr. Gaya Prasad Singh :** Is he coming back ?

**The Honourable Sir James Crerar :** I hope, so, Sir.

**Mr. Gaya Prasad Singh :** I am glad.

#### REMODELLING OF CAWNPORE RAILWAY STATION.

310. \***Mr. Gaya Prasad Singh :** (a) Will Government please state if the work of remodelling the Cawnpore Railway Station (East Indian Railway) has been taken in hand, and when it is likely to be completed ?

(b) What is the total estimated cost of it ?

**Mr. P. R. Rau :** The work is about half completed, and is expected to be finished in March 1931. The cost is Rs. 77 lakhs.

#### APPOINTMENT OF MESSRS. GRIFFITH JONES AND L. MILLER TO THE COAL DEPARTMENT OF THE BENGAL NAGPUR RAILWAY.

311. \***Mr. Gaya Prasad Singh :** (a) Will Government please state if it is a fact that Messrs. Griffith Jones and L. Miller have been appointed in the Coal or any other Department of the Bengal Nagpur Railway without any advertisement or public notice, and that thereby other colliery managers, and qualified persons have been debarred from competing for these appointments ? If so, why ?

(b) If the posts have been advertised, will Government please give the names of newspapers, and the dates on which the notice appeared ?

(c) Have Government received a representation, dated 1st August, 1929, from the Indian Mines Managers' Association on the subject ?

(d) What are the antecedents, and qualifications of the two persons appointed ?

**Mr. P. R. Rau :** (a), (b) and (d). Selection for appointments on the Bengal Nagpur Railway is entirely at the discretion of the Administration.

(c) Yes.

**Mr. Gaya Prasad Singh :** Do Government exercise any sort of control over Company-managed railways in the matter of superior appointments ?

**Mr. P. R. Rau :** Government do not interfere with the discretion of Railway Companies in the matter of choosing their staff.

**Mr. Gaya Prasad Singh :** Have they got the power ? That was my point.

**Mr. P. R. Rau :** Not ordinarily.

# BROADCASTING OF THE ACTIVITIES OF THE EMPIRE MARKETING BOARD IN INDIA.

312. \*Mr. Gaya Prasad Singh : (a) Will Government be pleased to state what steps they have taken to broadcast the activities of the Empire Marketing Board in this country ; and with what result ?

(b) Is it a fact that the Empire Marketing Board is directly or indirectly connected with Imperial preference in matters of industry, trade and commerce ?

The Honourable Sir George Rainy : (a) The Imperial Council of Agricultural Research has been requested to circulate to Local Governments and other bodies in India a memorandum explaining the constitution and functions of the Empire Marketing Board, the conditions on which grants are authorised from the Empire Marketing Board's Fund, and the procedure to be followed in submitting applications for grants.

(b) The answer to the second question is in the negative. Grants from the Empire Marketing Fund are made independently of any considerations of the fiscal policies adopted by Empire Governments and of the question whether such policies include or exclude Imperial preference in any form.

# CHANGE OF POLICY IN THE APPOINTMENT OF COMMISSIONERS OF INCOME-TAX.

313. \*Mr. Gaya Prasad Singh : (a) With reference to the reply to my starred question No. 832 of the 27th February, 1929, admitting that, according to the sanction of the Secretary of State, Commissioners of Income-tax were to be recruited entirely from the Income-tax Departmental Officers, but that Indian Civil Service Officers are going to be taken permanently as Commissioners of Income-tax now, will Government be pleased to state the reasons for this change of policy ?

(b) Is the officer who scrutinises the report of the work of Assistant Commissioners of Income-tax with a view to ascertain their fitness for the post of Commissioner, himself an Indian Civil Service officer ?

(c) Is it a fact that, in making appointments of Assistant Commissioners of Income-tax, the Public Service Commission have to be consulted ; but in making appointments of Commissioners of Income-tax, no reference to the Public Service Commission is made ? If so, what is the reason for this discrimination ?

(d) Is the post of Member of the Central Board of Revenue reserved for the Indian Civil Service ? If so, why ?

The Honourable Sir George Schuster : (a) I think the Honourable Member is under some misapprehension. What was said, in reply to his question of the 27th February, 1929, was that it had been recognised that, for some years, at all events, it would be necessary for members of the Indian Civil Service to be Commissioners of Income-tax, but that it was expected that eventually officers of the Department would be found fit for promotion to these posts, and that actually two substantive posts and one acting post, that is to say, three posts out of a total of eight Commissioners, were then filled by promoted departmental officers. There has been no change of policy.

(b) The officer who scrutinises the work of the Assistant Commissioner is, in the first place, the Commissioner, who may or may not be an Indian Civil Service Officer. As already stated, at present 3 out of 8 Commissioners are not I. C. S. Officers. The recommendations of the Commissioner are then considered by the members of the Central Board of Revenue and finally by the Finance Member, whose approval to all appointments of this kind is necessary.

(c) When appointments are made to a Central Service Class I (to which posts of Assistant Commissioners may be said to belong) by promotion from a provincial or a subordinate service the Public Service Commission is called upon to advise on the qualifications of the candidates recommended by the Local Government or the head of the Department. Such advice is not, however, considered to be necessary when appointment to that service is made by selection from another Central Service class I or an all-India Service (whether I. C. S. or not) which has at least the same status. Nor is their advice considered necessary when departmental promotion is made from the rank of Assistant Commissioner to that of Commissioner.

(d) No.

Mr. Gaya Prasad Singh : May I take it, Sir, that the order of the Secretary of State in this connection is confidential ?

The Honourable Sir George Schuster : I am not aware, Sir, of any particular order of the Secretary of State. I have informed the Honourable Member of the practice on which we are acting now and the position which that practice has produced.

# AMENDMENT OF THE INCOME-TAX LAW AND REMOVAL OF THE HEADQUARTERS OF THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA TO PATNA.

314. \*Mr. Gaya Prasad Singh : (a) Is it a fact that the President, and Secretary of the Bihar and Orissa Chamber of Commerce and certain other gentlemen met Mr. Gaskell, Member, Central Board of Revenue, in Patna in July last ; and, among other matters, represented to him (i) the desirability of removing the headquarters of the Income-tax Department from Ranchi to Patna ; (ii) the difficulties in obtaining copies of orders passed ; and (iii) disposal of revision petitions, which are some of the points I raised in my speech in this House on the 28th March last, and in my question on the 31st August, 1927 ?

(b) Are Government aware that there is dissatisfaction in the Province of Bihar and Orissa with regard to the above points ; and the administration of Income-tax law in many matters ? And do Government propose to effect necessary improvements by amending the law, and taking such other steps as may be desirable ?

The Honourable Sir George Schuster : (a) The reply is in the affirmative.

(b) The Government of India are not aware that there is general dissatisfaction at the manner in which the Income-tax law is administered in Bihar and Orissa, or regarding the three points specially mentioned by the Honourable Member in the first part of his question. I propose, however, to deal with each of these points in detail.

As to the first point, as explained to the Honourable Member last year, the Commissioner's headquarters were located at Ranchi because, if they had been located at Patna, it would have been necessary to build an office and a residence for the Commissioner. As the Government do not believe that any appreciable inconvenience is caused to the public, they do not feel that they would be justified in incurring the expenditure involved in the change.

As to the second point, the question of securing the more expeditious grant of copies of orders passed is at present engaging the attention of the Commissioner and the necessary steps will be taken to this end. Moreover, it has been proposed, in clause 13 of the Bill which was introduced in this House on 2nd September, 1929, to amend the Income-tax Act so that the time taken in obtaining copies shall be excluded in calculating certain periods of limitation.

As regards the third point, although, as stated in the reply to the Honourable Member last year, an assessee who has presented an application in revision has no legal right to be heard in person or by pleader, the Commissioner has arranged to give a hearing in as many cases as possible.

**Mr. Gaya Prasad Singh :** Sir, have Government taken legal opinion on the point that the assessee has got no legal right to be heard in person or by pleader ?

**The Honourable Sir George Schuster :** I am not aware of any particular reference on that point for legal opinion. Government have taken that view of the interpretation of the law.

#### INTERCEPTION OF MONEY AND LETTERS SENT TO MR. BRADLEY AND OTHER ACCUSED IN THE MEERUT CONSPIRACY CASE.

315. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that about £80 or so were sent from England to Mr. Bradley, an accused in the Meerut Conspiracy trial, and that this money has been withheld from the accused by the Government of India ?

(b) Is it a fact that letters or other articles intended for some of the accused are being intercepted under orders of Government ? If so, why is a handicap being placed in the way of their defence ?

**The Honourable Sir James Crerar :** (a) Under the orders of the Government of India two telegraphic money orders, each for Rs. 527-8-0, addressed to Mr. Bradley from England and received in India some days before the arrests in the Meerut case were made, were detained by the Government of Bombay under section 26 of the Post Office Act. On a representation by Mr. Bradley that the money was required for purposes of his defence the Government of India directed that, subject to the orders of the special Magistrate, Meerut, the money should be paid to him. Under the orders of the Magistrate payment has been made to Mr. Bradley.

(b) Communications received and sent by the accused are subject to examination by the Superintendent of the Jail, in accordance with the rules prescribed in the United Provinces Jail Manual. The Government of India issued instructions some time ago that no correspondence

relating to the defence should be detained unless it contained objectionable matter, in which case the accused should be informed.

**Mr. Gaya Prasad Singh :** Sir, are Government aware that so late as on the 30th August, Mr. Bradley complained in the Court that he had not received books sent to him from London for being used in his defence, and that those books were found in the prosecution office ?

**The Honourable Sir James Crerar :** If the Honourable Member will put down a question, I shall ascertain the facts.

**Diwan Chaman Lall :** May I ask the Honourable Member as to the time that elapsed between the receipt of these telegraphic money orders and the handing over of the money to Mr. Bradley ?

**The Honourable Sir James Crerar :** I have no precise information on that point, but if the Honourable Member desires me to inquire into the matter, I would ask him to put down the question and I shall be glad to inquire.

**Diwan Chaman Lall :** Will the Honourable Member see to it that no restrictions are placed on the receipt of books, documents, etc., required by the accused in their defence ?

**The Honourable Sir James Crerar :** I am perfectly prepared to assure the Honourable Member that every proper facility will be given to the defence.

†316—323.

#### METHOD OF RECRUITMENT OF THE BENGAL PILOT SERVICE.

324. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Will Government be pleased to state whether the Government of Bengal advertise in the Press for candidates for entrance into the Bengal Pilot Service ?

(b) (1) Is it a fact that about six men have been appointed to the Bengal Pilot Service since July, 1928 ?

(2) If the answer to part (b) (1) is in the affirmative, how many of them were recruited in India ?

(3) Did the Government of Bengal advertise for these appointments before making these selections ?

**The Honourable Sir George Rainy :** (a) The answer is in the affirmative.

(b) (1) Yes. Seven were actually appointed.

(2) One.

(3) It was originally intended to recruit three leadsmen apprentices during the year 1928-29, and advertisements for these vacancies were issued by the Government of Bengal. Only one vacancy could, however, be filled locally. After the issue of the advertisement, it was found that, in order to keep the cadre of the Bengal Pilot Service up to strength, four more appointments

†These questions were withdrawn by the questioner.

would have to be made during 1928-29. As only one vacancy out of the three advertised for a few months before this decision was reached could be filled locally, it was not considered necessary to advertise again in India for the additional appointments. The High Commissioner for India was therefore requested to fill the appointments by recruitment in England.

**APPOINTMENT OF MR. T. R. E. BOILEAU TO THE BENGAL PILOT SERVICE.**

325. \*Lieut.-Colonel H. A. J. Gidney : With reference to the reply communicated to me by the Secretary, Commerce Department, to my question No. 1353, dated 2nd April, 1929, will Government be pleased to state if they have come to a final decision with regard to the selection and appointment of Mr. T. R. E. Boileau to the Bengal Pilot Service ? If not, why not ?

The Honourable Sir George Rainy : As the Honourable Member has already been informed, Mr. T. R. E. Boileau could not be admitted to the Bengal Pilot Service as he has a defect in vision which is likely to increase with age.

**NAMES OF MEN APPOINTED TO THE GOVERNMENT OF INDIA SECRETARIATS WITHOUT EXAMINATION BY THE STAFF SELECTION BOARD AND THE PUBLIC SERVICE COMMISSION.**

326. \*Mr. S. C. Mitra : (a) Will Government be pleased to state the number of unpassed candidates that have been provided in the Government of India Secretariats and their attached offices in permanent vacancies since 1920 ?

(b) Will they be pleased to state the names of such unpassed candidates and the reasons in each case for which they were exempted from the examination of the late Staff Selection Board or the present Public Service Commission ?

(c) Is it a fact that men are recruited directly sometimes for technical reasons ? Will Government be pleased to state whether they advertise such posts in the newspapers and ask for applications from those having that particular technical knowledge ?

(d) If the answer to part (c) is in the negative, will Government be pleased to state the reasons for not advertising such posts ?

(e) Is it a fact that relations of Superintendents, Assistant Secretaries and the like are generally provided in the Government of India Departments by this back door ?

(f) Are there any such cases in the Commerce Department, Foreign and Political Department, Legislative Department, Army Department and Army Headquarters ?

The Honourable Sir James Crerar : (a) and (b). The collection of this information will entail an amount of labour which would be totally disproportionate to the results and Government do not propose to undertake it. I may state for the Honourable Member's information that definite orders were issued in December last in regard to recruitment to the

Secretariat and its attached offices which require that, subject to exceptions in special cases, which will require the concurrence of the Public Service Commission, all recruitment to permanent posts except by promotion shall be effected as the result of examinations to be conducted by the Public Service Commission.

(c) and (d). The information is being collected and will be supplied to the Honourable Member in due course.

(e) and (f). I have no information, but from the reply given to (a) and (b) it will be clear that relations of officials employed in the Departments can now only enter the offices under the Government of India by qualifying at an examination conducted by the Public Service Commission.

**INCONVENIENT TIMINGS OF TRAINS BETWEEN HISSAR AND BHIWANI.**

327. \*Mr. Abdul Haye : (a) Is it a fact that recently there have been complaints that the train timings between Hissar and Bhiwani are very inconvenient ?

(b) Is it a fact that no train leaves for Bhiwani from Hissar between 10 and 22 hours ?

(c) Is it a fact that the Bhiwani Municipality and the Bhiwani Bar have made representations to the Railway Department regarding the inconvenience felt by the public ?

(d) Will Government please state why no action has been taken on these representations to remove a public grievance ?

Mr. P. R. Rau : (a) No such complaints have reached Government.

(b) Yes.

(c) I have not been able to trace any such complaints having been received in the Railway Department.

(d) Does not arise.

**DELAY IN DELIVERY OF LETTERS AT BAGRASI.**

328. \*Mr. Abdul Haye : (a) Has the attention of Government been drawn to the complaint published in the *Hindustan Times*, dated 21st August, 1929 (page 17) under the heading "Postal Delay" ?

(b) Is it a fact that letters from Delhi and Aligarh take three days to reach Bagrasi (a town in the Bulandshahr District) ? If so, will Government please state why letters are not delivered promptly and within a reasonable time at Bagrasi ?

The Honourable Sir Bhupendra Nath Mitra : The Postmaster General concerned has been asked to supply the necessary information, which will be communicated on receipt to the Honourable Member.

**GRANT TO RAILWAY GUARDS OF THE POWER OF CERTIFICATION.**

329. \*Mr. Abdul Haye : (a) Has the attention of Government been drawn to the letter published in the *Hindustan Times* of the 21st August, 1929 (page 17) under the heading "A Passenger's Grievance" ?

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(b) Will Government please state when this power of certification was taken away from the railway guards ?

(c) In view of the hardship and inconvenience felt by the public do Government propose to confer these powers again on railway guards ?

**Mr. P. R. Rau :** I would invite the Honourable Member's attention to the reply given by Mr. Parsons to question No. 133 asked by Khan Bahadur Haji Wajihuddin on the 19th of August, 1926, on this same subject.

TEST EMPLOYED BY THE NORTH WESTERN RAILWAY SELECTION BOARD FOR THE APPOINTMENT OF SUB-ASSISTANT SURGEONS ON THAT RAILWAY.

330. \***Mr. Lalchand Navalrai :** (a) Are Government aware that the North Western Railway Selection Board assembled at Lahore in June last to select candidates for the posts of sub-assistant surgeons to be employed on the Railway ?

(b) Will Government be pleased to state who were the members of that Selection Board ?

(c) Will Government be pleased to state if the method of selection employed by the Board was merely to put formal questions as to the whereabouts of the candidates, their relationship, if any, with any railway employee, and such like questions ?

(d) If the answer to part (c) be in the negative, will Government be pleased to state what was the test employed and the considerations that weighed in selecting the candidates ?

(e) Will Government be pleased to place on the table the papers in connection with that selection, together with the questions put and the answers given by the respective candidates ?

(f) Will Government be pleased to state if they propose to have a non-official element associated with the official members of the Railway Selection Boards ?

**Mr. P. R. Rau :** (a) Yes.

(b) Dr. Cairns, Chief Medical and Health Officer.

Dr. Chatterji, Deputy Chief Medical and Health Officer, and Mr. Muirhead, Deputy Agent.

(c) No.

(d) The candidates' general qualifications, education and practical experience were considered by the Selection Board.

(e) Government regret they are unable to comply with the request.

(f) Government see no advantage in changing the present system.

**Mr. Lalchand Navalrai :** Will the Government be pleased to say why they refuse to place those papers on the table ? Is it a fact that, as is stated in the question, only formal questions have been put to the candidates ?

**Mr. P. R. Rau :** I do not think that it is the practice of any Selection Board to keep a record of the questions put and the answers given by the candidates.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that recently the Selection Boards issued advertisements that hundreds of candidates appeared for the examination, but the net result was that only those candidates were selected who were the sons of the employees in the railways, or who were the sons of retired railway servants ?

**Mr. President :** Mr. Lalchand Navalrai.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that in the Secretariat of the Government of India the ministerial officers or clerks are appointed by competitive examination ?

(Mr. President called on Mr. Lalchand Navalrai to put the next question.)

WAITING LISTS FOR APPOINTMENTS MAINTAINED BY THE NORTH WESTERN RAILWAY AND THE DIVISIONAL SUPERINTENDENTS OF KARACHI AND QUETTA.

331. \***Mr. Lalchand Navalrai :** (a) Are Government aware that the Office of the Agent, North Western Railway, and the Divisional Offices maintain waiting lists for filling appointments occurring in the interval between the sittings of the Selection Boards ?

(b) If so, are appointments made strictly in order of merit from these waiting lists ?

(c) Will Government be pleased to place on the table the waiting lists for the years 1928 and 1929 maintained in the office of the Agent, North Western Railway and the Divisional Superintendents of Karachi and Quetta ?

**Mr. P. R. Rau :** (a) and (b). The information has been already supplied to the Honourable Member in Railway Department letter No. 7645-E., dated the 12th February, 1929, a copy of which is in the Library of the House.

(c) Government regret they can see no advantage in doing so.

**Mr. Lalchand Navalrai :** Will the Honourable Member advise the Railway Board to be more careful about the procedure and acts of the Selection Boards in view of the fact that these Selection Boards are not overboard ?

(No answer was given.)

COST INCURRED IN ADVERTISING INDIAN RAILWAYS IN FOREIGN COUNTRIES AND NUMBER OF INDIANS EMPLOYED IN THE WORK.

332. \***Mr. Mukhtar Singh :** (a) Will Government be pleased to state when the system of advertising the Indian Railways was started ?

(b) Will Government be pleased to state the cost incurred over advertisement in foreign countries from the time the work has been started (the expenditure incurred for each year should be given separately) ?

(c) Will Government be pleased to state (i) the countries in which the advertisements are published and (ii) the number of passengers, on an average, coming to this country from those countries?

(d) Are there any foreign countries which follow such a propaganda for their railways in India? If so, what are the names of those countries?

(e) How many men are employed upon this work of advertising in foreign countries? How many of them are Indians? What is the maximum salary given to these employees?

**Mr. P. R. Rau :** (a) Several of the principal Indian Railways have been advertising for many years in foreign countries to which, I presume, the Honourable Member's question refers. The year in which this practice originated is not readily traceable.

(b) Since an advertising campaign was organised by the Indian Railways' Publicity Bureau in 1927-28, the cost incurred has been :—

|                 | Rs.    |
|-----------------|--------|
| 1927-28 .. .. . | 24,000 |
| 1928-29 .. .. . | 29,000 |

(c) (i) and (d). Railways in England, France, Germany, Italy, Switzerland, Norway, Holland, Canada, U. S. A., Australia, New Zealand, South Africa and Iraq exhibit posters at railway stations in India, and in return exhibit without charge an equivalent number of Indian Railway posters in their own countries. Some of these countries also spend large sums of money in advertising in newspapers in this country.

(ii) No information is available on this point.

(e) At present this work is concentrated in the publicity bureaux at London and New York. The superior employees there are three, of whom none is an Indian. The two posts in London carry a salary of £800 and £500 per annum respectively and the post in New York 6,000 dollars per annum.

**AMOUNT OF EXPENDITURE INCURRED ANNUALLY ON TIME-TABLES, PAMPHLETS, ETC., PUBLISHED IN THE VERNACULARS OF THE DIFFERENT PROVINCES.**

333. **\*Mr. Mukhtar Singh :** (a) What is the amount of expenditure incurred every year on the time tables, pamphlets, handbills, etc., published by the several railways in the vernaculars of the province in which the different railways are run?

(b) What arrangements are made for the convenience of the passengers who do not know English to know the exact timings of the railways?

(c) Are the railway time-tables available in Urdu and Hindi, the well-recognised scripts of the country, and are they sold at the Railway book-stalls?

**Mr. P. R. Rau :** (a) The information asked for is not readily available and I doubt whether the labour involved in the compilation thereof would yield an adequate return.

(b) All railways exhibit vernacular time-tables at their stations and most railways publish vernacular time-tables for their own systems which can be bought at the principal stations.

(c) Vernacular railway time-tables can not, for obvious reasons, all be issued in Urdu and Hindi. The vernacular languages in which they are printed must vary on different railways. For instance the Great Indian Peninsula Railway issue them in Hindi and Mahratti and the Eastern Bengal Railway in Bengali. I understand that vernacular time-tables issued by railways are ordinarily sold at the railway bookstalls of the railways who issue them.

**RULES FOR THE EXPORT AT SPECIAL RATES OF GRAIN TO STATIONS IN FAMINE STRICKEN AREAS.**

334. **\*Mr. Mukhtar Singh :** (a) Do the railways give special rates for the transport of grain from different centres to the famine-stricken areas? If so, will Government be pleased to lay on the table a copy of those rules?

(b) Are the same special rates available for grain merchants exporting grain to famine-stricken areas as are available to the export trade to the different sea ports in the country?

(c) Will Government be pleased to state the names of the railway stations which were declared to be famine-stricken localities and to which such special rates for the transport of fodder were available?

**Mr. P. R. Rau :** (a) No special rates are quoted by railways for transport of grain to famine-stricken areas.

(b) Certain low rates are quoted for certain commodities, including grain, to various Indian ports for reasons explained in the reply given by Mr. Parsons on the 25th August 1927 to the Honourable Member's question No. 336. These rates are ordinarily lower than the rates available for internal movement of grain.

(c) When special rates for the transport of fodder are allowed, it is at the instance of Local Governments who arrange with the Railway Administrations concerned to pay the difference between the railway freight and the rate the Local Government desires the consignee to pay. It is not ordinarily necessary for the Government of India to be approached in the matter. They have therefore no detailed information regarding the cases in which special rates have been quoted in the past.

**APPOINTMENT PERMANENTLY OF ASSISTANT STATION MASTERS ENGAGED BY THE NORTH WESTERN RAILWAY IN 1926.**

335. **\*Mr. Mukhtar Singh :** (a) Is it a fact that the North Western Railway advertised for assistant station masters in 1926? If so, was it also announced that these men would be temporarily appointed?

(b) Is it a fact that a number of persons who joined, in pursuance of the advertisement, came from other railways?

(c) Is it a fact that all these men were assured that they would be made permanent very soon, and in the case of a few of them, the officers entered into an agreement that they would be made permanent within a period of three months to one year?

(d) How many persons were then employed as assistant station masters, and how many of them still remain temporary ?

(e) How long are they to continue their services as temporary men ?

(f) Has any representation been received from these men ? If so, what action has been taken upon it ?

(g) Do Government propose discharging these temporary hands when local men are available ? If not, what is the difficulty in making these men permanent ?

**Mr. P. R. Rau :** I am obtaining the information which the Honourable Member asks for and will communicate with him on receipt.

**PROTECTION OF THE INTERESTS OF MINORITY COMMUNITIES IN CONNECTION WITH EXAMINATIONS TO BE HELD FOR MINISTERIAL OFFICERS BY THE PUBLIC SERVICE COMMISSION.**

336. **\*Maulvi Muhammad Yakub :** (a) Is it a fact that the Public Service Commission is going to hold a qualifying examination for ministerial selection in the near future ?

(b) If so, are they going to make provision for the protection of the interest of minority communities ?

**The Honourable Sir James Crerar :** (a) The Public Service Commission are going to hold a qualifying examination shortly for departmental candidates, the object being to give these candidates an opportunity of qualifying for promotion.

(b) There will be no new recruitment as a result of the examination, and the question of communal recruitment does not therefore arise.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member please state whether the Public Service Commission examinations for ministerial appointments are held in Delhi only ?

**The Honourable Sir James Crerar :** I must ask for notice of that question.

**OBSTACLES TO OBTAINING EMPLOYMENT PLACED IN THE WAY OF MUSLIM CLERKS IN THE INDIAN STORES DEPARTMENT.**

337. **\*Maulvi Muhammad Yakub :** (a) Is it a fact that non-Muslim clerks employed in the Indian Stores Department, who get offers of appointment in other Departments, are relieved on the same day, while every obstacle is placed in the way of Muslim clerks who by chance get offers of appointment from elsewhere ?

(b) How many unpassed clerks are working in the Indian Stores Department, and what is the number of unpassed Muslims ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No.

(b) The total number of persons employed in the clerical establishment of the Office of the Chief Controller of Stores, Indian Stores Department, who have not passed the examination of either the late Staff Selection Board or the Public Service Commission, is 59, of whom 12 are Muslims.

If the Honourable Member is referring to the men appointed as a purely temporary measure in vacancies for which the Public Service Commission have been unable to nominate passed candidates, the figures are *eleven and three*.

**PAY OF CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

338. **\*Maulvi Muhammad Yakub :** (a) Will Government please state whether the Simla Allowance was consolidated in the scales of pay of the clerical establishment of the Government of India Secretariat and other attached offices where it was admissible ?

(b) Why was it not consolidated in the pay in respect of such clerks of the Office of the Director General of Posts and Telegraphs who have been denied the "concessions" sanctioned for the permanent location of that office in Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The Simla allowances were taken into consideration in fixing the new scales of pay of the clerical establishment of the offices referred to.

(b) The Honourable Member is referred to the reply given in this House on the 26th February, 1929, by Mr. H. A. Sams to the latter portion of part (b) of Mr. S. C. Mitra's starred question No. 826.

**CONDITIONS FOR THE GRANT OF CERTAIN CONCESSIONS TO CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS AT DELHI.**

339. **\*Maulvi Muhammad Yakub :** (a) Will Government please state the reasons for attaching such conditions to the sanctioning of the "concessions" on the permanent location of the Office of the Director General of Posts and Telegraphs at Delhi as debarred only a negligible percentage of clerks in that office from drawing these "concessions" ?

(b) Were such conditions prescribed in the case of any other Government Office ?

(c) Are Government aware—

(1) that men who were serving in the Director General's Simla Office for a decade, but not recruited in Simla, drew these "concessions" ;

(2) that some men who were recruited in Simla, but subsequently transferred to the Calcutta Office, drew these "concessions" ;

(3) that clerks who were transferred to the Director General's Office at Delhi at their own request drew these "concessions" ;

(4) that a clerk who was not even permanent in the Director General's Office and has since been transferred to some other Department of the Government got these "concessions" ; and

(5) that some clerks of the Wireless Branch, who have never even worked in Delhi Office, are in receipt of these "concessions" as well as Simla Allowances ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The "concessions" referred to were intended to compensate the staff concerned for the hardships and extra expense imposed upon them as a direct result of the transfer of the Director General's office headquarters from Calcutta to Delhi. The conditions attached to the grant of the concessions in the orders sanctioning the same were designed to prevent, as far as possible, the grant of those concessions to officials who were unaffected by the transfer.

(b) Yes.

(c) The answer to item No. (3) is in the negative, and the answer to the rest of the items is in the affirmative. The concessions were given in all cases in which they were permissible under the conditions laid down by Government.

**LOSS OF PAPERS DEALING WITH THE GRANT OF CONCESSIONS TO CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

**340. \*Maulvi Muhammad Yakub :** Is it a fact that the papers dealing with the grant of "concessions" to the 19 clerks of the Office of the Director General of Posts and Telegraphs have been lost for the third time? If so, have any steps been taken against the subordinates responsible?

**The Honourable Sir Bhupendra Nath Mitra :** The answer to the first part of the question is in the negative. The latter part of the question does not arise.

**GRANT OF SPECIAL RATES OF PAY AND ALLOWANCE TO A LADY CLERK IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

**341. \*Maulvi Muhammad Yakub :** (a) Is it a fact that one lady typist was employed in the Director General of Posts and Telegraphs' Office some time in April 1923 on Rs. 50 per mensem in the grade of Rs. 50—140, plus Rs. 50 per mensem Simla Allowance; that is, total Rs. 100 per mensem?

(b) Is it a fact that her pay has since been increased and she is now in receipt of a pay of Rs. 150 plus allowance at family rate, Rs. 65, that is, total Rs. 215 per mensem, whereas the male clerks, who are four to five years senior to her, are not in receipt of even Rs. 150 per mensem in all?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state reasons justifying the admissibility of Simla Allowance to the lady typist, in addition to her higher rate of pay, and to furnish the House with a copy of the Government order under which lady typists are allowed to draw Simla Allowance?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The answer to the first part is in the affirmative and to the second part in the negative.

(c) Lady clerks are entitled to the Simla allowances under the same conditions as male clerks, and Government orders sanctioning such allowances are contained in the Simla Allowances Code, a copy of which is in the Library of the House.

**SELECTION OF A CANDIDATE FOR THE POST OF SECOND CHEMICAL ASSISTANT IN THE CENTRAL STATIONERY OFFICE, CALCUTTA.**

**342. \*Mr. A. H. Ghuznavi :** (a) Will Government be pleased to state whether the post of a Second Chemical Assistant in the grade of Rs. 150—300 has lately been sanctioned in the Central Stationery Office, Calcutta, under the Controller of Printing and Stationery, India, and if so, whether advertisements were given in the local newspapers inviting applicants for the post?

(b) Are Government aware that a second class M.Sc. has been provisionally appointed to this post in preference to many candidates holding first class M.Sc. degrees?

(c) Are Government aware that the present nominee is the Assistant Secretary of the Sir Gurudas Institute at Narculdanga, of which the present Store Examiner of the Calcutta Central Stationery Office is the Secretary?

(d) Is it a fact that the said appointment has been provisionally made, and if so, do Government propose to make an inquiry and appoint the best qualified candidate on expiry of the provisional period?

**The Honourable Sir Bhupendra Nath Mitra :** (a) to (d). The post of Second Chemical Assistant is a non-gazetted one, and the selection of individuals for the post rests with the Controller of Printing and Stationery. Government see no reason to interfere with the discretion vested in the Controller or to call for details of the points raised in the Honourable Member's question.

**ADMISSION OF INDIANS AS ASSISTANT SURGEONS IN THE INDIAN MEDICAL DEPARTMENT AND TO CERTAIN COLLEGES IN CALCUTTA AND MADRAS.**

**343. \*Sardar Kartar Singh :** (a) Is it a fact that there are two Medical Colleges at Calcutta and Madras to train assistant surgeons for the Indian Medical Department—financed by the Government of India—to which only Europeans and members of the Domiciled Community alone are admitted?

(b) Is it a fact that Anglo-Indians are qualified for all Indian services on the ground that they are Indians?

(c) Is it a fact that the assistant surgeon branch of the Indian Medical Department is reserved for Europeans and Anglo-Indians?

(d) Do Government propose to abolish the distinction and permit Indians to join the said Colleges and services?

**Mr. G. R. F. Tottenham :** (a) Pupils are trained for the Indian Medical Department at Government expense in the Colleges mentioned.

(b) and (c). Yes, Sir.

(d) There is nothing to prevent Indians from joining the College, but Government do not propose to alter the composition of the service.

**Sardar Kartar Singh :** Has the attention of Government been drawn to the prospectus for the assistant surgeon's branch of the Indian Medical Department issued by the Office of the Director General, Indian Medical Service, and does not rule 2 provide that candidates must be Europeans or members of the Domiciled Community, and that they should be between

the ages of 17 and 20 at the time of admission ? Are Indians not debarred from joining this College ?

**Mr. G. R. F. Tottenham :** I am afraid I could not catch the Honourable Member's question.

**Sardar Kartar Singh :** I would refer the Honourable Member to the prospectus issued by the Office of the Director General of the Indian Medical Service, 1929 Edition, Rule 2. That rule provides that candidates must be Europeans or members of the Domiciled Community and that they should be between the ages of 17 and 20 at the time of admission.

**Mr. G. R. F. Tottenham :** I think the Honourable Member is under a misapprehension. The medical colleges in Madras and Calcutta take a very large number of Indians. There are however military sections in those colleges, which are a comparatively small part of the colleges and which are reserved for students studying for the Indian Medical Department. It is only these particular military sections of the colleges that are reserved for Europeans and members of the Domiciled Community.

**Mr. Amar Nath Dutt :** Is it not a fact that these medical students are the rowdiest lot, and that they have been creating a lot of disturbance in the hostel ?

**Mr. K. C. Neogy :** May I ask the Honourable Member to state the reason for such reservation ?

**Mr. G. R. F. Tottenham :** That question has often been asked before and the answer is this. It is because the duties of the assistant surgeons' branch of the Indian Medical Department are confined entirely to the medical care of the British troops.

**Mr. Siddheswar Prasad Sinha :** Cannot Indian assistant surgeons do that work ?

**Mr. G. R. F. Tottenham :** That is a matter of opinion.

**Mr. K. Ahmed :** What is the reason for allowing the Anglo-Indians and the Europeans alone to look after the health of the British troops ? Why not allow Indian medical officers also to look after the health of the British troops ?

(No answer was given.)

**Mr. K. Ahmed :** Does the Honourable Member realise that rule 2 of the prospectus quoted by my Honourable friend Sardar Kartar Singh provides only for admission of candidates belonging to the European or the Domiciled Community ?

**Mr. G. R. F. Tottenham :** I cannot follow the Honourable Member.

**Mr. K. Ahmed :** Should not the Honourable Member in charge of the military department in the Assembly show to an Honourable Member of the Assembly the courtesy of answering his questions ? I expect an answer from the Honourable Member.

**Mr. President :** The Honourable Member has not understood the question.

**Mr. K. Ahmed :** I will put the question again, Sir. Will the Honourable Member please say why Indians are not allowed admission into these classes of the medical colleges financed by the Government of India out

of the money paid by Indian tax-payers ? Why should Europeans and members of the Domiciled Community alone be allowed to get admission and not Indians ? Cannot Indians look after the health of the military as much as the European doctors ?

**Mr. G. R. F. Tottenham :** I have already explained that Indians are admitted into these colleges.

**Mr. K. Ahmed :** I am asking the reason why Indians are debarred while members of the European community and members of the Domiciled Community represented by my Honourable friend over there (Lieutenant-Colonel Gidney) are allowed to study medical science in those sections of the medical college only to look after the health of the military. Why should not Indians also be trained along with others and allowed to look after the health of the military ?

**Mr. G. R. F. Tottenham :** Indians are permitted to study in the medical colleges and they do look after the health of Indian troops.

**Pandit Hirday Nath Kunzru :** May I ask whether it is laid down in the rules and regulations that European troops should be looked after only by European medical officers ?

**Mr. G. R. F. Tottenham :** I am not aware of any such regulations.

**Pandit Hirday Nath Kunzru :** Why is the care of the British troops then confined to Europeans and Anglo-Indians ?

**Mr. G. R. F. Tottenham :** That, Sir, is the established policy that has been in force for many years.

**Lieutenant-Colonel H. A. J. Gidney :** Is it not a fact that the terms of the contract between the Indian Government and the War Office contain a provision that British troops in India will be provided with the same medical attention as they would receive in England ?

**Mr. G. R. F. Tottenham :** I should like notice of that question.

**Mr. K. Ahmed :** Surely this question can be answered without notice.

**Pandit Hirday Nath Kunzru :** May I know if the policy has been laid down by the Secretary of State or by the Government of India ?

**Mr. G. R. F. Tottenham :** I should like to have notice of that question also.

**Sardar Kartar Singh :** Is it not a fact that a candidate who seeks admission has to fill in a form and obtain a certificate from the Magistrate that one of his parents is a European ? Is it not contained in Appendix F of this prospectus issued by the Director General of Medical Service ? (Hear, hear.)

**Mr. G. R. F. Tottenham :** The Honourable Member must be aware of the conditions as well as myself seeing that he has the regulations in his hand.

**Mr. Gaya Prasad Singh :** Please answer the question.

**Sardar Kartar Singh :** The Honourable Member can see the prospectus now. It is contained in Appendix F.

**APPOINTMENT OF MR. GREEN AS ASSISTANT SECRETARY OF THE ROYAL COMMISSION ON LABOUR.**

344. \***Mr. S. C. Mitra :** (a) Is it a fact that Mr. Green of the Education Department has been appointed as the Assistant Secretary of the Royal Commission on Labour ?

(b) If so, will Government be pleased to state why the Assistant Secretaries or the Superintendents of the Industries Department were not appointed ?

(c) Is it a fact that Mr. Green was given preference only because he is an Anglo-Indian ?

(d) Is it a fact that he was appointed as Secretary of the Hartog Committee ? If so, is it a fact that he did not appoint a single Bengali on that Committee ? Were there any Bengali applicants for any of the posts in that Committee ?

(e) Is it a fact that he was appointed a few years back as Secretary of the Indian Mercantile Marine Committee ?

(f) Is it a fact that there were certain charges of maladjustment of accounts in that Committee ? If so, who was responsible ? Was the Secretary in any way responsible for that ? If so, how much responsibility was his ? Will Government be pleased to state why Mr. Green has again been appointed as Assistant Secretary of this Royal Commission ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Because it was thought desirable to appoint to the post an officer with previous experience of work on Committees.

(c) No.

(d) He was appointed as Assistant Secretary to the Hartog Committee. The clerical staff had already been appointed when he assumed charge of his duties. One Bengali reporter worked with the Committee.

(e) Yes, he was Secretary of the Indian Mercantile Marine Committee in 1923-24.

(f) The only case of irregularity brought to the notice of Government was that the members of the Committee, its Secretary and the clerical staff, drew daily allowance on the days of arrival at, and departure from, a place of halt. This allowance, though permissible under the Supplementary Rules, was not admissible to the Committee, as its allowances had been fixed *ad hoc*. The allowance was drawn by Mr. Green and also by the members of the Committee, in good faith and with the approval of the President, who did not understand that the Supplementary Rule in question did not apply to the Committee. In the case of Mr. Green, the excess amount drawn, *viz.*, Rs. 47-8-9, was recovered from him. This irregularity does not amount to a maladjustment of accounts and the latter parts of the question do not arise.

**REPORTS OF THE TARIFF BOARD ON (i) CHEMICALS, AND (ii) MAGNESIUM CHLORIDE.**

345. \***Sir Purshotamdas Thakurdas :** (a) Will Government be pleased to state if they have received the Reports of the Tariff Board on (i) chemicals, and (ii) magnesium chloride ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state when they expect to publish these Reports with their decisions on the same ?

**The Honourable Sir George Rainy :** (a) Yes, Sir.

(b) The Government will publish these Reports and their decisions thereon as soon as possible, but they regret that they are unable at present to fix a definite date.

**Sir Purshotamdas Thakurdas :** How long is it since the Government received the Report ?

**The Honourable Sir George Rainy :** I think the Report reached the Government at the end of June.

**Sir Purshotamdas Thakurdas :** What is the usual period that the Government take to arrive at a decision on the Reports of the Tariff Board ?

**The Honourable Sir George Rainy :** I could not say that offhand. I quite admit that normally I should have hoped to publish the Report and the decision of the Government thereon before the Assembly entered on its Sessions. I think in ordinary cases it would have been possible.

**SHORT NOTICE QUESTION AND ANSWER.**

**PUBLICATION OF SIR SAMUEL WILSON'S REPORT ON EAST AFRICA.**

\* **Pandit Hirday Nath Kunzru :** (a) Will Government be pleased to inquire when Sir Samuel Wilson's Report regarding his mission to East Africa will be published ? Do Government propose to represent to the higher authorities that the main features of the Report should be published simultaneously in London and India ?

(b) Are Government prepared to urge on His Majesty's Government the necessity of publishing the Report sufficiently early to enable it to be discussed by the Legislative Assembly during this Session ?

**Sir Frank Noyce :** (a) Government have already done so.

(b) His Majesty's Government have already intimated to the Government of India that no decision upon the subject will be arrived at before the Government of India are consulted. A representation has been made to the Secretary of State to the effect that Sir Samuel Wilson's Report should be published at such a time as will enable the Government of India to consult the Standing Emigration Committee and permit of the Legislative Assembly discussing the whole matter of the Hilton Young Commission's Report and Sir Samuel Wilson's Report before the Government of India formulate their views upon the subject and submit them to the Secretary of State.

**Pandit Hirday Nath Kunzru :** Does that mean that the Report will be published before the end of this Session ?

**Sir Frank Noyce :** I am not in a position to say.

**Pandit Hirday Nath Kunzru :** Did the Government of India urge that the Report should be published in time to enable its discussion by the Assembly during this Session ?



**Sir Frank Noyce :** I am not in a position to give the Honourable Member any further information than that contained in the answer to his question.

**Sir Purshotamdas Thakurdas :** May I ask the Honourable Member what the Government of India propose to do if the Report is published after the Assembly is adjourned at Simla ?

**Sir Frank Noyce :** The Government of India propose to consult the Assembly on the first possible opportunity.

**Sir Purshotamdas Thakurdas :** Does that mean that no further action will be taken on the Report till after the Delhi Session starts ?

**Sir Frank Noyce :** That is the inference to be drawn from the reply I have already given.

**Sir Purshotamdas Thakurdas :** Have the Government of India ascertained whether His Majesty's Government are likely to wait for that period ?

**Mr. A. Rangaswami Iyengar :** Do the Government of India intend that the two points upon which His Majesty's Government have already arrived at a decision shall be open for discussion by this House ?

**Sir Frank Noyce :** I am not aware that His Majesty's Government have arrived at a final decision on any points.

**Mr. A. Rangaswami Iyengar :** May I know exactly what kind of decision it is, whether it is final, or intermediate or *ad interim* ?

**Pandit Hirday Nath Kunzru :** Is the Honourable Member aware that Sir Samuel Wilson communicated to the Indian deputation, on behalf of the late Secretary of State for the Colonies and His Majesty's Government, that the question could not be reopened ?

**Sir Frank Noyce :** I must ask for notice of that question.

**Sir Purshotamdas Thakurdas :** If the Report is published at the end of the current month and it be necessary for the Government of India to arrive at a decision before the Delhi Session begins, do the Government of India propose to consult the Standing Emigration Committee between the 1st October and the beginning of the Delhi Session ?

**Sir Frank Noyce :** I venture to think, Sir, that that is a hypothetical question. The Government of India cannot decide on their course of action until they know definitely when Sir Samuel Wilson's Report is going to be published.

**Mr. A. Rangaswami Iyengar :** I desire to know what is the present intention of the Government of India. Do the Government of India propose to let this House consider these two important questions, upon which it was stated that His Majesty's Government had already arrived at a decision ?

**Sir Frank Noyce :** To the best of my knowledge they have received no definite information that any final decision on any point has yet been arrived at by His Majesty's Government. The Honourable Member, as far as I am aware, is basing his information on newspaper reports.

**Mr. A. Rangaswami Iyengar :** No, Sir. Are the Government of India aware, or are they not, that Sir Samuel Wilson did tell the Indian deputation, when they waited upon him in East Africa, that these two questions have already been decided ?

**Sir Frank Noyce :** The Government of India are aware of the newspaper reports, but what Sir Samuel Wilson told the East African deputation is not the same as official information to the Government of India. Sir Samuel Wilson was talking to the deputation and not to the Government of India.

**Mr. A. Rangaswami Iyengar :** Did Sir Samuel Wilson speak with the authority of His Majesty's Government in East Africa when he said that these two questions have been settled by His Majesty's Government ?

**Sir Frank Noyce :** That is not a question which it is for me to answer.

**Mr. A. Rangaswami Iyengar :** I want to know whether the Honourable Member is aware that he made that statement in East Africa ?

**Sir Frank Noyce :** Yes, Sir.

**Mr. A. Rangaswami Iyengar :** Are the Government of India in a position to state whether that statement is correct or not ?

**Sir Frank Noyce :** I must ask for notice of that question.

**Pandit Hirday Nath Kunzru :** May I know whether Mr. Sastri, who was sent to East Africa on behalf of the Government of India, made a report on that matter to the Government of India or not ?

**Sir Frank Noyce :** Mr. Sastri has submitted a report but I am not in a position to state what its contents are.

**Pandit Hirday Nath Kunzru :** Did the Government of India, after seeing the newspaper reports or receiving information from Indians in East Africa regarding the announcement made by Sir Samuel Wilson, communicate with His Majesty's Government on the subject ?

**Sir Frank Noyce :** I must ask for notice of that question.

**Pandit Hirday Nath Kunzru :** May I ask whether, before Mr. Sastri went to East Africa, the Government of India represented to the Secretary of State for the colonies not to decide against the reopening of the question of communal representation ?

**Sir Frank Noyce :** I must ask for notice of that question.

**Mr. A. Rangaswami Iyengar :** Am I to understand that Government have an absolutely blank mind as to what happened ?

**Mr. M. R. Jayakar :** Are the Government of India aware that Sir Samuel Wilson did make this statement at all ?

**Sir Frank Noyce :** I have already said, Sir, that they are aware of that.

**Pandit Hirday Nath Kunzru :** What have the Government of India then done to clear up the position since the statement made by Sir Samuel Wilson ?

**Sir Frank Noyce :** As I have said before, I must ask for notice.

**Mr. Gaya Prasad Singh :** Government ought to be able to answer these questions without any notice.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### ATTENDANCE ON GAZETTED HOLIDAYS OF THE STAFF OF CERTAIN OFFICES IN CALCUTTA UNDER THE CONTROLLER OF PRINTING AND STATIONERY.

**157. Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of local and gazetted holidays on which the following offices in Calcutta under the Controller of Printing and Stationery were (i) entirely closed, (ii) partially closed, and (iii) not at all closed, during 1926 to 1928 :

Government of India Press,

Central Stationery Office,

Central Forms Store, and

Central Publication Branch ?

(b) Is it a fact that the system of granting compensator leave for attendance on holidays is followed in some of the offices noted above ?

(c) If the reply to part (b) above be in the affirmative, do Government propose to pass orders that whenever the observance of any local or gazetted holidays would not be possible in any of the offices mentioned in part (a) above for urgency of work, (i) attendance of clerks should be on a roster and (ii) the clerks required to attend will get compensatory leave afterwards ?

**The Honourable Sir Bhupendra Nath Mitra :** An inquiry is being made and the result will be communicated to the Honourable Member in due course.

##### ATTENDANCE AND REMUNERATION OF SHED-FOREMEN AND WEIGH-CLERKS AT THE HOWRAH GOODS SHEDS ON SUNDAYS AND HOLIDAYS.

**158. Mr. S. C. Mitra :** (a) Will Government be pleased to state whether it is a fact that the services of the weigh-clerks at the Howrah goods sheds were requisitioned on Sundays and holidays on small extra remuneration ?

(b) Is it a fact that their attendance on Sundays and holidays is necessary as on these days they can supervise the proper loading of the goods weighed by them previous to these holidays ?

(c) Is it a fact that they have been relieved of such attendance on holidays ?

(d) If the replies to part (b) above be in the affirmative, will Government be pleased to state whether it is a fact that the shed-foremen and the assistant shed-foremen are continuing to attend on such holidays and are drawing heavy remuneration ? If so, why ?

(e) Is it a fact that these officers have no duties on such holidays unless the goods accumulated are weighed and loaded by the weigh-clerks ?

(f) If the reply to part (e) above be in the affirmative, will Government be pleased to inquire and to state—

(i) under what circumstances the shed-foremen and the assistant shed-foremen are attending office on Sundays and holidays ;

(ii) into the nature of duty performed by them on such holidays ; and

(iii) whether the attendance of weigh-clerks is not necessary on such holidays to clear away the goods accumulated on the days previous to Sundays and holidays ?

**Mr. P. R. Rau :** Information has been called for from the Agent. On receipt of the reply, I shall communicate with the Honourable Member.

##### NUMBER AND RANK OF OFFICERS EMPLOYED IN THE FINANCE DEPARTMENT, GOVERNMENT OF INDIA, IN CERTAIN YEARS.

**159. Mr. K. C. Neogy :** Will Government be pleased to make a statement showing the number of officers, together with their ranks, employed in the Finance Department of the Government of India, in the following years, respectively :

1910-11, 1919-20, 1922-23 and 1928-29 ?

**The Honourable Sir George Schuster :** I place on the table a statement showing the information desired by the Honourable Member.  
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## STATEMENT.

Number and Rank of Officers employed in the Finance Department in the financial years 1910-11, 1919-20, 1922-23 and 1928-29.

| Rank.                                   | 1910-11. |                                      | 1919-20. |                          | 1922-23. |                      | 1928-29. |                     |
|-----------------------------------------|----------|--------------------------------------|----------|--------------------------|----------|----------------------|----------|---------------------|
|                                         | No.      | Remarks.                             | No.      | Remarks.                 | No.      | Remarks.             | No.      | Remarks.            |
| Secretary ..                            | 1        |                                      | 1        |                          | 1        |                      | 1        |                     |
| Joint Secretary ..                      | Nil.     |                                      | 1        | From January 1920        | Nil.     |                      | Nil.     |                     |
| Deputy Secretary ..                     | 1        |                                      | 1        |                          | 1        |                      | 1        |                     |
| Additional Deputy Secretary             | Nil.     |                                      | Nil.     |                          | 1        |                      | 1        |                     |
| Budget Officer ..                       | Nil.     |                                      | Nil.     |                          | Nil.     |                      | 1        | From November 1928. |
| Officers on Special Duty ..             | 3        | 1 from April to September 1910 only. | 1        | From April to June 1919. | 1        |                      | 2        |                     |
| Assistants to Officers on Special Duty. | 2        | 1 from September 1910.               | Nil.     |                          | Nil.     |                      | Nil.     |                     |
| Under Secretary ..                      | 1        |                                      | 1        |                          | 1        |                      | 1        |                     |
| Assistant Secretary                     | 1        | From May 1910.                       | 2        | 1 from November 1919.    | 2        | 1 from October 1922. | 3        |                     |
| Registrar ..                            | 1        |                                      | 1        |                          | 1        |                      | Nil.     |                     |

## UNSTARRED QUESTIONS AND ANSWERS.

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AMOUNT OF WORK DONE IN BRANCH POST OFFICES AND AMOUNT OF ALLOWANCES PAID TO EXTRA DEPARTMENTAL AGENTS IN THE DISTRICT OF NOAKHALI.

160. **Mr. S. C. Mitra** : Will Government be pleased to lay on the table a statement showing the amount of the different kinds of work such as registration, savings bank, insurance, etc., done by the branch post offices in the district of Noakhali in any particular month—say January, 1929—and also the amount of work done by the extra-departmental branches of the same district in the same month, with a statement of the monthly allowances granted to the extra-departmental Agents of those post offices ?

**Mr. P. G. Rogers** : The information required is not available in my office. It will be collected and a statement will be sent to the Honourable Member in due course.

TYPES AND SOURCE OF SUPPLY OF LOCOMOTIVES USED ON RAILWAYS IN INDIA.

161. **Pandit Nilakantha Das** : (1) How many types of engines are used on Indian Railways :

(i) Broad gauge, (ii) metre gauge, (iii) narrow gauge on

(a) State and (b) Company-managed railways ?

(2) What are the advantages of different types ?

(3) How many specifications are there of engines, stating description, if necessary, for each specification ?

(4) If there is more than one type for one single specification, what is the justification for the difference in types ?

(5) Are there different types of engines for the same kinds of service, e.g., mail on broad gauge ? If so, is there any difference in make and price ? If so, please state the same with illustrations ?

(6) What are the lives of different types of engines, in actual run in miles ? And what is the average maintenance cost of the different types ?

(7) From what countries are the different types of engines purchased ? Please state the names of countries and the types ?

(8) Are any of the types of engines manufactured in India ? If so, where ?

**The Honourable Sir George Rainy** : (1) Government are not aware of the exact number of types of engines on the broad, metre and narrow gauges of the State-worked and Company-managed railways in India. It is probable they number well over 100.

(2) and (4). Varying types have been introduced to deal with different classes of traffic on the several gauges under varying conditions as regards strength of line and bridges, severity of curves and grades. At different periods new types have been introduced as the improvements in design made possible the use of more efficient machines.

(3) Generally speaking all engines are built to one general specification. This is, however, modified to suit the requirements of particular types.

(5) Yes. New types of engines differing from old types are used on the same kinds of service and sometimes heavy engines are used on hill sections to haul the same train that is hauled by light types on more level sections. The price of locomotives varies generally with the weight and the level of world prices when tenders are invited.

(6) The number of miles run by a locomotive before it is condemned varies within wide limits, and depends on the conditions under which it works, the class of service in which employed and the desirability of re-boiling when its original boiler requires replacement. The maintenance cost of the different types of locomotives is not available.

(7) Indian locomotives have been purchased from Great Britain, America and Switzerland. Government have no information as to the number of types obtained from each of the countries mentioned above.

(8) The Bombay, Baroda and Central India Railway manufacture a few locomotives at Ajmer.

#### TYPES AND SOURCE OF SUPPLY OF COACHING AND GOODS STOCK ON INDIAN RAILWAYS.

162. **Pandit Nilakantha Das :** 1. What are the types of coaching and goods stock in use in (a) Company and (b) State-managed railways on the (i) broad gauge, (ii) metre gauge and (iii) narrow gauge ?

2. What are the specifications of coaching and goods stocks or their parts ?

3. What are the sources of supply of the different parts of the coaching and goods stock ? Which of those parts are entirely manufactured and supplied from an indigenous source ?

4. Which are the parts imported ? What are their prices ? What is the country of their origin ?

5. Are tenders called for, and if so, from where ?

**The Honourable Sir George Rainy :** 1. There is a very large number of types of coaching and goods stock in use on the railways in India, and it would be impossible for me to describe them in detail in an answer to a question in this House. Broadly speaking, the types of goods stock most commonly used were formerly constructed to the Indian Railway Conference Association designs ; during the last few years what are known as the Indian Railway Standards designs have been evolved.

2. The specifications for coaching underframes and goods stock are technical documents obtainable on demand by interested manufacturers. There is, however, a general specification for carriage underframes and wagons which has been placed in the Library of the House for general information.

3. to 5. The sources of supply of the different parts of coaching and goods stock cannot be stated because there are several hundred components concerned, and owing to economic considerations the source of supply on one occasion may not be that on another occasion. However in all contracts entered into by the Railway Board it is laid down that the contractor shall not, without the consent of the buyer, import any but specified components, and before importing these he

shall first give Indian manufacturers an opportunity to tender. It is an essential condition of the contracts for coaching and goods stock that a substantial part of the process of manufacture shall be done in India. During the last few years tenders for the bulk of requirements have been invited in India only.

#### DESCRIPTION AND PRICES OF AXLES USED ON ROLLING STOCK ON INDIAN RAILWAYS.

163. **Pandit Nilakantha Das :** How many kinds of axles are used in the rolling stock on railways in India ? Please indicate their load capacity on broad, metre and narrow gauge railways with quantities of each kind and price in each case ?

**The Honourable Sir George Rainy :** I understand there are many kinds of axles used on the rolling stock on Indian railways ; but I have not been able to ascertain the exact number. Practically all are of steel. Their load capacity varies and is calculable on a basis of journal diameter, wheel spacing, and similar factors. It would therefore be impracticable to collect the information asked for by the Honourable Member regarding the quantities of each kind in use on the various railways and different gauges. As far as prices are concerned, these vary from time to time according to size of axle, world prices of steel and similar commercial considerations.

#### DESCRIPTION AND PRICES OF WHEELS USED ON ROLLING STOCK ON INDIAN RAILWAYS, AND RESULT OF ATTEMPTS TO MANUFACTURE THESE AND OTHER PARTS IN INDIA.

164. **Pandit Nilakantha Das :** (a) How many kinds of wheels are used in the rolling stock on broad, metre and narrow gauge railways in India ? Please indicate quantity and price in each case ?

(b) Are axles, wheels and tyres manufactured in this country ? If not, what attempts have been made to manufacture them in India and what are the effects of those attempts ?

**The Honourable Sir George Rainy :** (a) On a rough computation, the number of wheels and axles in use on Indian broad, metre and narrow gauge railways exceeds 330,000. These are of many different types and sizes and have been purchased during the last 40 years. I am sure my Honourable friend will realise that it is impossible for Government to answer this question.

(b) So far as Government are aware, axles, wheels and tyres are not manufactured by commercial firms in India.

Government have no information on the second part of the question.

#### LOSS OF LETTERS BY AIR MAIL POSTED AT KARACHI.

165. **Mr. E. L. Price :** (a) Will Government be pleased to state whether the attention of Government has been drawn to complaints of the non-delivery at destination of letters by air-mail posted at Karachi ?

(b) Are Government aware that the suspicion is that the missing letters were stolen for the sake of the stamps ?

(c) Has the attention of Government been drawn to the statement made by the Director of Posts and Telegraphs, Sind and Baluchistan Circle, published in the *Daily Gazette* of 21st August that *the loss of a few, though regrettable, can hardly be considered a very serious matter*?

(d) What measures for re-establishing postal security are proposed?

**Mr. P. G. Rogers :** (a) Government have seen some complaints in the Press.

(b) Yes, but Government are not satisfied that the suspicion is in all cases well-founded or that the thefts can be ascribed entirely to post office employees.

(c) Government do not concur unreservedly in the Director's statement.

(d) It would be inexpedient to disclose the precautionary measures which suggest themselves.

#### ALLEGED SPREADING OF CHOLERA BY STATE RAILWAYS.

166. **Mr. E. L. Price :** (a) Are Government aware that the present cholera epidemic started in the United Provinces and spread, chiefly along the railway routes, through the Punjab into Sind, thus ravaging three Provinces?

(b) Are any measures for the prevention of the spread of such scourges by State Railways contemplated?

**Sir Frank Noyce :** (a) Cholera extended from the endemic areas of Bihar and Orissa and Bengal to the United Provinces in March and April last. A further extension into the Punjab occurred in April and May, but cholera in this province did not assume a severe epidemic form. In July the disease extended into Sind, probably by extension from the above mentioned provinces, and it has now assumed a severe epidemic form in Larkana and Sukkur. The extension of cholera through the Punjab into Sind was probably along the railway routes.

(b) A scheme for the medical inspection of pilgrims returning from big fairs by railway with a view to check the spread of infectious diseases is at present under the consideration of Government.

#### ELECTION OF THE STANDING COMMITTEE ON ROADS.

**Mr. President :** I have to inform the Assembly that the following Members have been elected to serve on the Standing Committee on Roads :

1. Mr. E. F. Sykes.
2. Kumar Ganganand Sinha.
3. Mr. M. R. Jayakar.
4. Mr. Anwar-ul-Azim.
5. Mr. Muhammad Ismail Khan.
6. Diwan Chaman Lal.

#### ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

**Mr. President :** I have to inform the Assembly that originally thirteen nominations were received for the panel for the Standing Committee for the Department of Commerce, out of which four candidates namely, Sardar Bahadur Sardar Jawahar Singh, Mr. J. Y. Phillip, Mr. G. L. Winterbotham and Rai Sahib Harbilas Sarda have since withdrawn their candidature. As the number of remaining candidates is equal to the number required for the panel, no election is necessary. I therefore declare the following persons to be duly elected :

1. Mr. H. P. Mody.
2. Mr. Sarabhai Nemchand Haji.
3. Mr. Fazal Ibrahim Rahimtulla.
4. Mr. R. S. Sarma.
5. Sir Darcy Lindsay.
6. Mr. Mohammad Yamin Khan.
7. Mr. B. Das.
8. Lala Rang Behari Lal.
9. Mr. Muhammad Rafique.

#### THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I beg to move that the Bill further to amend the Transfer of Property Act, 1882, for certain purposes, as reported by the Select Committee, be taken into consideration.

The Select Committee on the Transfer of Property Bill generally approved of the Bill, but made certain alterations. Some of them are decided improvements upon the original Bill and some are of a drafting nature. There is one point on which the Select Committee did not come to any final decision, but left the matter for this House to decide, and that is, whether transfer of properties of the value of Rs. 100 and under should be compulsorily registrable or not. That is a matter of principle which has been left to this House to decide. Under the existing law, transfers of properties, of the value of Rs. 100 or under are not required to be effected by registered instruments. The proposal in the Bill was that all transfers, irrespective of the value, should be effected by registered instruments. That is a matter which is now before the House to decide.

There are two amendments, one dealing with sales and the other with mortgages on this point; and speaking on behalf of Government, I am prepared to accept those amendments, that properties of the value of Rs. 100 and under should not be required to be transferred by registered instruments.

The principal changes which the Select Committee have reported are the following :

In the Bill it was provided that registration should be notice in all cases. A difficulty arises in certain cases. A property may be situate in one district, but the registration may take place in another district. It

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would happen in this way : supposing a transfer covers more than one property and these properties are situate in different districts ; but if the document be one, it would be registered in one district : that is, it would not be registered in the district in which one of the properties is situate. In such a case it would be difficult for a transferee, by a search in the registration office, to know of that particular transfer till the registration office in that particular district gets notice of this registration from the district in which it was registered. In order to meet that situation, the Select Committee has made suitable provision.

The second point is notice to an agent. The Bill provided that notice to an agent would be notice to the principal, and the Select Committee made it clear that the notice should be of a fact which is material to the course of business in which the agent is engaged, and the agent must not have fraudulently concealed the fact from his principal. That is the ordinary law, but the Select Committee felt that instead of leaving it to case law on the subject, for the guidance of the courts, it was much better that the law should be clearly laid down in the Act itself.

The next important change made by the Select Committee is with regard to transfers by and to corporations. The expression in the existing Transfer of Property Act, as well as in the Bill, is "a living person"—transfers by or to living persons. There have been cases in which the question has arisen whether living person should include a corporation. Although courts have held that the Transfer of Property Act does apply to corporations, still, the Select Committee thought it better to make the point clear that corporations should be governed by the provisions of the Transfer of Property Act.

The next point in which the Select Committee suggested a change is that a definition of mortgages by deposit of title-deeds should be inserted in the body of the Act and that has been done.

The Select Committee also considered the question whether a lease for a period of less than a year should be effected by a registered instrument. The existing law is that a lease for a period of a year or under need not be effected by a registered instrument. In the Bill the period was reduced to a month, but the Select Committee restored the provision which is in the existing Act.

An important change was made with regard to relief against forfeiture of a lease for causes other than non-payment of rent. In that case the Bill provided that cases of forfeiture for causes other than non-payment of rent, if remediable, should be remedied within thirty days ; but the Select Committee thought that no hard and fast time limit should be prescribed, but that it should be left to the circumstances of each case ; and instead of thirty days they suggested that "reasonable time" should be substituted.

These are the principal changes which have been suggested by the Select Committee ; otherwise they generally approved of the other clauses in the Bill. Sir, I move.

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, in the first place I owe an apology to

the House. I had been elected by this House to serve on the Select Committee ; but unfortunately during the sittings of the Select Committee in Simla I was practically disabled from attending.

This is an Act which is nearly fifty years old and it is a difficult Act. Only practitioners in active practice and judges who have to deal with this branch of law can appreciate the magnitude of the difficulty of this Act, and during the last half a century when this Act was in force, time after time defects have been noticed by the judges, and all those defects have been sought to be removed by the Select Committee ; and here and there there has been considerable room for diversity of opinion and different interpretations of several of the sections of this Act. Wherever sections gave room to conflicts of view, all the conflicts have been set at rest by this draft Bill, and by the Select Committee's Report on the Bill ; and in setting at rest those conflicts, the saner view has always been uniformly adopted. Also there have been doubts existing in the interpretation of some of the sections, and wherever these doubts existed, the Select Committee have uniformly striven to clarify the provisions of this Bill, and the aim that was operating in the mind of the Special Committee that sat to draft this Bill and also of the Select Committee was simplicity and certainty in the law and also the correct interpretation of the law as well as clarifying the existing state of the law. Sir, the aim is very laudable and it has been achieved more or less by a ruthless recasting of several of the sections of the existing Act ; and in cases where it was found necessary that some sections ought to be eliminated, they were also eliminated ; and certain other sections have been substituted in the new Bill for the old sections. In this way the attempt has been successfully made by the Select Committee to set at rest completely all the conflicting decisions and to present to this House now a Bill which is at once simple and reasonable and at the same time workable. The House is also aware that a special Committee of distinguished lawyers was asked to sit and scrutinize the existing Act and to draft this Bill. They have done their work ; and the Select Committee also did not fail, as I see from several of the provisions of the Bill, to exercise their own independent judgment thereon ; and though, as a matter of fact, the Special Committee sat and drafted this Bill, it did not disable the Select Committee from exercising their own judgment, and I see that in three notable instances the Select Committee have not accepted the recommendations of the Special Committee. In the first place, I am glad that the Select Committee was not prepared to accept the provisions contained in clause 54 of the Bill as originally introduced, which sought to provide that a lease of immoveable property for a term exceeding one month only must be made by a registered instrument. The Select Committee recognise the consensus of opinion upon this point, and they add :

"The consensus of opinion is opposed to that proposal, and we ourselves consider that it would lead to inconvenience and hardship out of proportion to the benefit to be expected from it."

That, Sir, is the first instance in which the Select Committee did not think it fit to adopt the recommendations of the Special Committee.

The next instance, Sir, is found in the present form of clause 12 of this Bill. Here also the Select Committee thought that the clause as drafted by the special Committee would unnecessarily restrict the operation of the principle of "the estate feeding the title". They would not recognise that kind of operation of the principle, and therefore they recognised that a limitation of the right of a transferee to an interest which may



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would happen in this way : supposing a transfer covers more than one property and these properties are situate in different districts ; but if the document be one, it would be registered in one district : that is, it would not be registered in the district in which one of the properties is situate. In such a case it would be difficult for a transferee, by a search in the registration office, to know of that particular transfer till the registration office in that particular district gets notice of this registration from the district in which it was registered. In order to meet that situation, the Select Committee has made suitable provision.

The second point is notice to an agent. The Bill provided that notice to an agent would be notice to the principal, and the Select Committee made it clear that the notice should be of a fact which is material to the course of business in which the agent is engaged, and the agent must not have fraudulently concealed the fact from his principal. That is the ordinary law, but the Select Committee felt that instead of leaving it to case law on the subject, for the guidance of the courts, it was much better that the law should be clearly laid down in the Act itself.

The next important change made by the Select Committee is with regard to transfers by and to corporations. The expression in the existing Transfer of Property Act, as well as in the Bill, is "a living person"—transfers by or to living persons. There have been cases in which the question has arisen whether living person should include a corporation. Although courts have held that the Transfer of Property Act does apply to corporations, still, the Select Committee thought it better to make the point clear that corporations should be governed by the provisions of the Transfer of Property Act.

The next point in which the Select Committee suggested a change is that a definition of mortgages by deposit of title-deeds should be inserted in the body of the Act and that has been done.

The Select Committee also considered the question whether a lease for a period of less than a year should be effected by a registered instrument. The existing law is that a lease for a period of a year or under need not be effected by a registered instrument. In the Bill the period was reduced to a month, but the Select Committee restored the provision which is in the existing Act.

An important change was made with regard to relief against forfeiture of a lease for causes other than non-payment of rent. In that case the Bill provided that cases of forfeiture for causes other than non-payment of rent, if remediable, should be remedied within thirty days ; but the Select Committee thought that no hard and fast time limit should be prescribed, but that it should be left to the circumstances of each case ; and instead of thirty days they suggested that "reasonable time" should be substituted.

These are the principal changes which have been suggested by the Select Committee ; otherwise they generally approved of the other clauses in the Bill. Sir, I move.

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, in the first place I owe an apology to

the House. I had been elected by this House to serve on the Select Committee ; but unfortunately during the sittings of the Select Committee in Simla I was practically disabled from attending.

This is an Act which is nearly fifty years old and it is a difficult Act. Only practitioners in active practice and judges who have to deal with this branch of law can appreciate the magnitude of the difficulty of this Act, and during the last half a century when this Act was in force, time after time defects have been noticed by the judges, and all those defects have been sought to be removed by the Select Committee ; and here and there there has been considerable room for diversity of opinion and different interpretations of several of the sections of this Act. Wherever sections gave room to conflicts of view, all the conflicts have been set at rest by this draft Bill, and by the Select Committee's Report on the Bill ; and in setting at rest those conflicts, the saner view has always been uniformly adopted. Also there have been doubts existing in the interpretation of some of the sections, and wherever these doubts existed, the Select Committee have uniformly striven to clarify the provisions of this Bill, and the aim that was operating in the mind of the Special Committee that sat to draft this Bill and also of the Select Committee was simplicity and certainty in the law and also the correct interpretation of the law as well as clarifying the existing state of the law. Sir, the aim is very laudable and it has been achieved more or less by a ruthless recasting of several of the sections of the existing Act ; and in cases where it was found necessary that some sections ought to be eliminated, they were also eliminated ; and certain other sections have been substituted in the new Bill for the old sections. In this way the attempt has been successfully made by the Select Committee to set at rest completely all the conflicting decisions and to present to this House now a Bill which is at once simple and reasonable and at the same time workable. The House is also aware that a special Committee of distinguished lawyers was asked to sit and scrutinize the existing Act and to draft this Bill. They have done their work ; and the Select Committee also did not fail, as I see from several of the provisions of the Bill, to exercise their own independent judgment thereon ; and though, as a matter of fact, the Special Committee sat and drafted this Bill, it did not disable the Select Committee from exercising their own judgment, and I see that in three notable instances the Select Committee have not accepted the recommendations of the Special Committee. In the first place, I am glad that the Select Committee was not prepared to accept the provisions contained in clause 54 of the Bill as originally introduced, which sought to provide that a lease of immoveable property for a term exceeding one month only must be made by a registered instrument. The Select Committee recognise the consensus of opinion upon this point, and they add :

"The consensus of opinion is opposed to that proposal, and we ourselves consider that it would lead to inconvenience and hardship out of proportion to the benefit to be expected from it."

That, Sir, is the first instance in which the Select Committee did not think it fit to adopt the recommendations of the Special Committee.

The next instance, Sir, is found in the present form of clause 12 of this Bill. Here also the Select Committee thought that the clause as drafted by the special Committee would unnecessarily restrict the operation of the principle of "the estate feeding the title". They would not recognise that kind of operation of the principle, and therefore they recognised that a limitation of the right of a transferee to an interest which may

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accrue to his transferor up to the date of a decree in a suit instituted to enforce that right might work injustice, and they did not feel justified in adopting the decision reported in 18 Madras, 492 (I. L. R.).

Sir, the third instance which I find, broadly put, in which the Select Committee did not choose to accept the recommendations of the Special Committee is this. In the Supplementary (Amendment) Bill they say :

“ We are not convinced by the reasons given by the Special Committee for deciding not to insert a provision giving the Court power to extend the time for the payment of the amount due from a mortgagor after a preliminary decree for the sale of the mortgaged property has been passed. We think this is a power which the Court may well be trusted to exercise in proper cases and on proper terms ”.

They have, therefore, inserted a new sub-rule (2) in this rule on the lines of sub-clause (ii) of clause (c) in sub-rule (1) of rule 2. They say that the

“ abuse of such a provision is prevented by providing that the extension of time cannot be granted after the final decree for sale has been actually passed ”.

Sir, it is refreshing to see, therefore, that the Select Committee have chosen to exercise their independent judgment and have adopted these changes in the provisions drafted by the Special Committee. Sir, every human endeavour is bound to be imperfect, and I do not for a moment submit to the House that the Bill as it has emerged from the Select Committee is perfect in itself. No doubt, there are bound to be some defects here and there ; but, generally, looking at the small number of amendments which have been tabled so far, it might be taken as positive proof that the Bill is acceptable to the House. I may also submit for the consideration of the House that, so far as certain salient features of the provisions of the Transfer of Property Act are concerned, they have been submitted to a close scrutiny by the Select Committee, and the form in which they have emerged from the Select Committee is very commendable. I may, for instance, refer to a few clauses of the Bill. In clause 3 the Select Committee want to delete the words “ Hindu ” or “ Buddhist ”. I am aware, Sir, that my friend Mr. Aney has tabled an amendment for the retention of the old clause. Sir, that amendment may have the merit in retaining this.....

**Mr. President :** The Honourable Member might deal with the amendment later.

**Mr. M. S. Sesha Ayyangar :** It is only by the way, Sir, that I mention this. The present clause of the Bill has the merit of establishing by law, certainty of title. No doubt, the opposite rule might also be commendable ; for, though it might be apparently superfluous, it only recognises the statutory principle to which the Government stand committed.

In the next place, Sir, the Honourable the Mover of this motion said that it has been enacted in this Bill that registration is notice, and he also mentioned that the rigidity of this rule is sought to be relaxed by Explanation I to clause 4. Though no doubt there is some relaxation in the rigidity of this rule, I, coming from Madras, must mention to the House that Madras has always been in direct opposition to the view that has been adopted in this Bill ; but I am not unconscious of the fact that the present provision of the Bill has the merit of being very simple. But, Sir, I must also mention this, not because it is the Madras view, but because the fact is that India is a continent of villages. We have got about seven lakhs of villages in India, and I would ask the House to consider how many registration offices there are operating in this country. There are numerous villages which have not

the benefit of registration offices working there, and if registration is going to be notice, it would certainly work as a very great hardship upon the vast masses of this country residing in the villages where there are no registration offices. If therefore registration is to be taken as notice, it would enhance, I submit to the House, the hardships which the masses of this country are already put to owing to the absence of registration offices in very many of the villages.

Then, Sir, I would refer to clause 10 of the Bill. Sir, it is very refreshing to find that the law of perpetuity, which gave room to considerable conflict of decisions in the various High Courts, has been set at rest ; because three new sections in place of the old section, have been inserted, namely 16, 17 and 18. I am glad also to observe that the present provisions are made to rest on a very intelligent basis and it is equally refreshing to refer to section 18. It enacts a wholesome proviso as regards transfer in perpetuity for the benefit of the public.

Sir, the third salient feature in this Bill is the provision relating to the proposal to give statutory recognition to the principle of part performance. Practitioners in active practice alone can appreciate the contentions that centered round the phraseology of “ contentious proceeding ” and “ active prosecution ” as obtained in the old Act. It has given room to a multitude of conflicts of rulings on the subject, due to the interpretation of these two words. Now, Sir, the rule has been very much simplified, and the adoption of the change suggested by the Select Committee would simplify matters in future.

Then, Sir, the next clause of the Bill which requires attention is clause 15 relating to section 53 of the Transfer of Property Act with regard to fraudulent transfers. Sir, there is one clause in the Bill which actually avoids multiplicity of proceedings, and it is this :

“ A suit instituted by a creditor (which term includes a decree-holder whether he has or has not applied for execution of his decree) to avoid a transfer on the ground that it has been made with intent to defeat or delay the creditors of the transferor shall be instituted on behalf of, or for the benefit of, all the creditors ”.

That at one stroke avoids the multiplicity of proceedings which would otherwise have entailed in such cases.

Then, Sir, the most important feature in this Bill is the provision relating to part performance. For a long time past, the Courts have recognised the operation of part performance in contracts, and it is for the first time that we have got statutory recognition of the principle in this Bill ; and it is a healthy move in the right direction.

Then, Sir, as regards clauses 17 and 21 taken together, they relate to transfers of property of a value less than Rs. 100. The Honourable the Mover has already signified the assent of the Government to the retention of the old law as it stands now, about which I have tabled two amendments, and it is for the House to consider whether that retention is healthy or not, and it is for the House to consider when I speak on the amendments that I have I shall dilate upon that point when I speak on the amendments that I have given notice of. It is a very correct attitude that, though the Select Committee themselves stood for a compulsory registration of all transfers of property, yet they thought it necessary to leave it to the sense of the House. They have made special mention of that fact in the Report saying that they would abide by the decision of the House.

So far as the law of mortgage is concerned, which practically occupies the bulk of this Bill, that has been completely overhauled so to say ; there

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have been enacted new sections and there has been substitution of new sections for old sections also. One salient feature regarding the change in the mortgage law is this, that the rights of the mortgagor, though they were somewhat tardily recognised in the existing Act, have been cleared and amplified by certain special provisions of this Bill. I refer especially to clauses 24, 26, 31, 36 and 38 of the Bill. These provisions of the Bill, I submit, have totally amplified the rights of the mortgagor. This is a healthy move and a move in the right direction. In conclusion I would say that the Act has been very much simplified and the Bill as it is presented to the House today is full of sensible suggestions, and I would therefore support the motion that this Bill be taken into consideration.

**Mr. President :** The question is :

“ That the Bill further to amend the Transfer of Property Act, 1882, for certain purposes, as reported by the Select Committee, be taken into consideration ”.

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. President :** The question is that clause 3 stand part of the Bill.

**Mr. M. S. Aney** (Berar Representative) : I rise to move the amendment which stands in my name, that clause 3 be omitted and consequential amendments be made. Before making a few observations in support of this amendment, I should like to express my appreciation of the work done by the Special Committee which was entrusted with the task of revising the statute. That has been done with an ability and thoroughness which is bound to elicit the admiration of Honourable Members of this House, and if I am now moving an amendment, it is not because I do not realise the force of the arguments which have been advanced by the members of the Special Committee and the members of the Select Committee, but because I feel that there are certain other weighty arguments which should be considered by this House before coming to a definite decision on this question.

This change which the present Bill seeks to make by the omission of the words “ Hindu ” and “ Buddhist ” from the saving clause amounts to a repudiation of the policy to which the Government of India have stood pledged from the time they assumed administration of this country. The ground on which it is defended is this, that Chapter II contains no provisions whatsoever which are in any way in conflict with the well-known rules of Hindu law. That being the case, they say that the retention of the words “ Hindu ” and “ Buddhist ” is unnecessary, that those words are superfluous, and that as the statute is now under revision, those superfluous words should be taken out. That is the simple ground on which this change has been supported, and it has now been carried out in the Bill which is before the House.

As regards this point, I should like to urge that it is not a sufficiently strong ground for the removal of those words. If the retention of those words has caused any kind of inconvenience in the administration of the Act or in the administration of those provisions which clause 2 of the Act sought to control, I can understand the propriety of the proposed change ; but no such inconvenience is being felt or is even alleged to have been caused ; and I wish to add that even the progressive development of that law is not in any way hampered by the retention of the saving clause. I

therefore submit to the House that it should not lightly strike out certain words which undoubtedly embody an enunciation and reaffirmation of the principles to which the Government of India stand pledged. That is my first ground for urging that clause 3 of the Bill should be deleted.

This saving clause which was inserted in the Act of 1882 was inserted with the full knowledge, as my Honourable friend the Law Member will admit, that the provisions of Chapter II of the Transfer of Property Act did not in any way conflict with the rules of Hindu law. If so, then we have to see what was the reason for inserting that clause. When this Act was passed in 1882 by the old Imperial Legislative Council, it was known to those who made this law that the provisions of Chapter II of the Transfer of Property Act were not in any way in conflict or inconsistent with the well-known rules of Hindu law, and yet, in spite of that, they inserted that clause. It is therefore evident that there was something more in their minds in having that saving clause put on the Statute-book. The question is therefore reduced to this. Whether the necessity which they felt in those days for retaining that clause in spite of this knowledge still exists today or not is the simple question which this House has to decide today. I will now refer to the debate which took place on this subject and to the speech which the Honourable Mr. Stokes, who apparently was in charge of the Bill, made on this point :

“ The Honourable Mr. Stokes also moved that the further and final Reports of the Select Committee on the Bill to define and amend the law relating to the Transfer of Property be taken into consideration. He said that only six of the amendments described in those Reports were of sufficient importance to require mention in this Council. The Committee had declared that nothing in Chapter II should be deemed to affect any rule of Hindu, Muhammadan or Buddhist law. It did not, in his opinion, affect any such rule, otherwise than by putting Natives as regards their power to make settlements on unborn persons, on the same footing as Europeans. But it laid down, in accordance with the decisions of the Courts, a rule against perpetuities, and two of the Native Members who much disliked this rule, and who thought that judge-made law was more likely to be altered than statutory law, press the Committee to exempt their personal law from this chapter. They had also saved the rules of Hindu and Buddhist law from the provisions of the chapter on gifts save only that which required, in the case of a gift of land, writing, registration and attestation. The rule that a Hindu father might, in case of necessity, resume gifts made to his son would thus remain unaffected.”

My object in reading this extract is this, that those who were responsible for bringing this law on the Statute-book were fully aware of the fact that, in incorporating certain provisions in Chapter II, they were not doing anything inconsistent with the rule of Hindu law, and still they wanted this saving clause to be retained and the reason was this. In the matter of the rights of the citizens in disposing of their property, they wanted to assure the people that Government did not intend to do anything that would conflict with the fundamental principles of the personal law by which the people were to be governed. The question is whether that assurance needs to be reaffirmed by the Members of this House today. That is the sole point. If they feel that no such assurance is needed and that they would want to have “ their affairs between parties and parties ” to use the language of the British Statute; settled in all affairs only by the statute law made by this House, then there is certainly no necessity for a reaffirmation of that principle. I quite appreciate that position. The House has to make up its mind. I am sorry I could not agree to this position in the Select Committee or even now. The matter is one which affects the question of pledges given to the people of this country, and it is for

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the representatives of the people assembled in this House in their representative capacity to say whether they stand in need of their personal law. If they want their affairs to be settled by statute law made in this House, they have every right to say so. My Honourable friend Mr. Jayakar said the other day that this House has got that right. I thought the proper place to come to a decision of this question was this House and that is the reason why I wrote a note of dissent to the Report which was otherwise unanimous. By striking this discordant note, I thought an opportunity would be afforded to this House to have a full dress debate on this question, which is a fundamental question in that it not only affects the Transfer of Property Act but may affect the future policy of the Government of India in dealing with many other spheres of our social and religious life. I feel that the question should be decided once for all. It is for that reason that I have brought this particular amendment. In spite of a friendly suggestion from my friend the Law Member a few minutes ago, I had to tell him, with some reluctance, that I am keen on bringing this question to a decision, and if necessary even pressing it to a division.

There is another thing. If we look to the opinions that have been received, I find that two important Local Governments have expressed themselves against the omission of the words "Hindu and Buddhist law". I do not want to take up the time of the House by reading them. The Government of Bombay have expressed themselves against it, so also the Government of the Central Provinces. Out of the important Bar Associations, the Western India Pleaders' Association, about which my Honourable friends Mr. Jayakar and Mr. Jinnah might have a better knowledge than I can lay claim to, has clearly expressed the view that the omission of the words "Hindu and Buddhist law" should not be made. So also certain Bar Associations in the Central Provinces, particularly the Akola Bar Association, has expressed itself unreservedly against it. Besides I find that some Bar Associations such as that at Lucknow have said that, if you are going to omit Hindu and Buddhist law, then it will be better to omit the word "Muhammadan" also. I do not want the word "Muhammadan" to be omitted. That is not my point. The House ought to grasp the precise significance of the retention of the word "Muhammadan", and I thought that it would be able to grasp it better if it would thoroughly discuss the point and then come to a decision on this important question. If we pass this clause as it is, it will be for the first time that the law of the land is going to be made applicable differently to different communities. We will be sanctioning a differential or discriminative application of an important Act like the Transfer of Property Act. Once that differential application is recognised by this House, we have to see what is likely to come out of it. A uniform law applicable to all the communities in this country should be the sole aim and object of this House, and for the sake of that uniformity we must be ready even to put up with some small inconveniences. I have shown, that during the last 40 years that this Act has been in force, the existence of this saving clause has not in any way fettered the discretion of the courts in properly and equitably interpreting the sections of Chapter II. No difficulty in the administration of those provisions has been found. On the other hand, if we allow this thing to be passed today, we virtually lay down a precedent to this effect that in the case of Muhammadans they will be governed by their personal law, but in the case of Hindus, they will not be governed by their personal law so far

as the provisions of the Transfer of Property Act are concerned. That is a new situation which is being created; and I therefore urge that even the Government Benches should seriously consider whether they should be a party to the inauguration of a policy like that for the first time now.

Then, there is another thing which is of importance in my opinion. When this Bill was under consideration in the Select Committee, at that very time, I tried to consult the opinions of two very representative bodies of Hindus, because I felt that, when you are going to deal with the personal law of a community as a whole, the opinions of the representative bodies of that community ought to be known and duly considered before you come to any decision. That being my feeling, I tried to ascertain the opinions of two very representative bodies of the Hindu community. One was the Hindu Mahasabha, of which my Honourable friend, Dr. Moonje, is the President, and the other the Hindu Law Research and Reform Association. As regards the former, I do not know whether that Sabha has, at any meeting convened by them, considered that question, but there was a telegram from the Secretary of that Mahasabha which I duly communicated to my Honourable friend, the Law Member. It has been stated there that the omission of the words "Hindu" and "or Buddhist" and retention of the word "Muhammadan" will make this Bill look as if it was a sort of discriminative legislation. As regards the opinion of the other body which I consulted and of which some of the most enlightened lawyers and students dealing with Hindu law in the country are members, that body also has submitted its opinion, of which I believe the Honourable the Law Member has already got a copy. That body held its conference in Poona last May, and there they discussed this question, and there they appointed a committee consisting of Mr. Justice Madgaonkar, Mr. Gharpure and Mr. Kane. The latter two gentlemen are well-known research students of Hindu law, and Mr. Justice Madgaonkar is a Judge of great experience. That committee has considered this question carefully for a long time, and ultimately, having gone through all the connected papers, it had given its deliberate opinion that no case for the omission of the words "Hindu" and "or Buddhist" from section 2 had been made out. That opinion they have given. So, so far as I can gather, the opinion of the Hindus through their representative bodies has not been in favour of the omission of these words from section 2. Now it is stated, "Well, if you do not lose anything, what is the harm in omitting those words?" Here I have also got some doubt on that point and that is what I want to place before this House and for the consideration also of other Members whose opinions on points of law I very much value. I find, Sir, it is stated in section 2 of the Act that :

"Nothing in the second chapter of this Act shall be deemed to affect any rule of Hindu, Muhammadan, or Buddhist law".

It is laid down in the Act that nothing inconsistent with Hindu law should be in that law. Once you take away that safeguard, there is no guarantee, be in that law. Once you take away that safeguard, there is no guarantee, in these days when ideas on property and laws relating to the same are developing so rapidly, and it is impossible for any one to say that amendments inconsistent with rules of our personal law will not be introduced into this Act even within a few years and that ideas and principles unknown to Hindu culture may not gradually creep in. So up to this time there is nothing inconsistent with rules of Hindu law, is not, in my opinion, a sufficiently strong ground for now removing that one safeguard which has

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probably kept the law consistent with Hindu law during the last 40 years. Secondly, Sir, if we remove these words, some new difficulties in interpreting certain rules and certain provisions of Chapter II are likely to arise. For example, I may mention one illustration, and I believe my Honourable friends who have got to deal with the profession of the law will carefully listen to that illustration. Suppose a man makes a transfer to a person who has got generally limited interests in the property according to Hindu law, and there is no express mention in the deed as to what interests, absolute or limited, that man wants to transfer to that person. At present the presumption is that, if that transfer is in favour of a person who has got a limited interest under Hindu law, and there is no express mention in the deed of the nature of interests that man wants to transfer to that person, the presumption is that limited interest is presumed to be transferred in favour of that person. And why? Section 8 of the Act lays down the rule for the operation of transfer:

"8. Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property, and in the legal incidents thereof."

At present the position as gathered from the case law is that absolute interest passes to a person who has ordinarily limited interest under Hindu law only when there is an intention of transfer of such interest clearly expressed or necessarily implied in the document. Otherwise the presumption is in favour of a transfer of limited interest in such a case in spite of section 8 of the Act. Why has that sort of presumption arisen? It is because of the fact that section 8 is modified to some extent, in my opinion, by the saving clause, by the wording of section 2, viz.:

"Nothing in the second chapter of this Act shall be deemed to affect any rule of Hindu, Muhammadan, or Buddhist law."

Suppose that safeguard is taken away, what will be the effect? If there is no qualification as regards the interest which one man passes in favour of another, it is very likely that the presumption will be that absolute interest passes. What I urge is this, that there is scope for an ambiguity of this nature which up to this time did not exist on account of the safeguards there. I also do not know what will be the position as regards other clauses if this safeguard is taken away. The above illustration casually struck me yesterday as I was reading the Bill with the Act. It cannot, then, be said, as I urge, that there is nothing inconsistent with Hindu law in the Act. I still want that those provisions of Chapter II should not be interpreted in a spirit inconsistent with the rules of Hindu law; and what I fear is that probably the rules of construction which ordinarily we apply at present might undergo considerable modification later on at the hands of Judges who will no longer feel bound by the principle of Hindu law but by the letter of the law itself. They will say, "Here is the law as laid down by the Legislature", and they may not look into the principles of Hindu law as modifying the sense or the spirit of the provisions. That is a situation which is likely to arise, and what will be the effect? The most acute lawyer will feel difficulty and he will not be in a position to say exactly that no difficulty will ever arise with regard to any provisions in Chapter II. So my argument is that, up to this time, the existence of this safeguard has not disclosed any inconvenience in the administration of the provisions of Chapter II. If you accept the amendment of the clause at present, it notoriously absolves Government from an obligation to which

they stand pledged from the time they have assumed administration of this law. Then it is not quite true also that there will be no difficulty in interpreting the provisions of Chapter II if this safeguard is taken out.

With these three facts clearly made out, I believe a stouter case ought to be made out for the deletion of the words

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"Hindu and Buddhist". Otherwise the House will be justified in asking the Government to retain section 2 as it is and not delete the words "Hindu or Buddhist". After having said all this, I do not like to read out the extracts from the Report, as they only reproduce what I have been saying. The Buddhist law, of course, is a thing which exists in Burma; so far as I know it is not to be found in any part of India. And the Honourable the Law Member and the Select Committee have all mainly relied as regards their information, if I mistake not, upon the opinions received from the Local Government of Burma and the High Court of Rangoon. In this connection I would also like to enlighten the House of the fact that the Transfer of Property Act is not extended to that province. I am open to correction on this point. In fact, that is what I have gathered from the note of the Special Committee itself, because one of the points to be considered by the Committee was whether this Act should be extended to that province.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban): There are Buddhists in India also.

**Mr. M. S. Aney**: So far as the Select Committee or the Special Committee are concerned, they have relied upon these two authorities. Now, if this Transfer of Property Act is not extended to Burma, it is difficult for them to see what will be the effect of the provisions of this law upon their customary law by which they work. It is difficult to give an opinion upon a technical law like this. Besides, no Buddhists in India have been ever consulted. Some of the Hindus were consulted, but no Buddhists in India have been consulted. That is my information. If I am wrong, I can be corrected. The only two bodies that have been consulted were the Local Government of Burma and the High Court of Rangoon. I do not know the personnel of the High Court of Rangoon at present, but I know the personnel of the Local Government, at least the head of the Local Government. He is not expected to know the Buddhist law. My point is this, that in a matter of this kind when you are interfering with the policy that you have so scrupulously observed for so many years, is it just that you should try, on such flimsy evidence, to do away with a salutary safeguard which was placed on the Statute-book after full consideration of the circumstances? I have therefore clearly shown that, as regards the Buddhist law, I take it for granted that the Government do not possess sufficient evidence, and I would not regard the opinion of the Provincial Government or that of the High Court which has not had the opportunity of administering this law at any time, as a sufficient criterion for taking a jump in the dark. It will be nothing short of a leap in the dark for we do not know how rudely we may interfere with their customary law and what rude shock we might give to their customary rights. I therefore warn the House not to be a party at least to a step of this nature, unless they know perfectly well that they can take the verdict of the Government of Burma and the High Court of Burma as the most reliable word on the subject. Sir, these are the grounds on which I think that the omission of the words "Hindu and Buddhist" from section 2 is not desirable.



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I do not wish to recapitulate those reasons which I have already given. Unless the House is prepared to absolve the Government of India hereafter of all obligations arising out of the solemn pledges to respect the personal law, it will not be justified to alter section 2. Nothing will be lost if you retain section 2 as it is and not unnecessarily amend it in the manner in which the Law Member wants you to do. With these words, Sir, I move my amendment and commend it for the acceptance of the House.

**Mr. M. S. Sesha Ayyangar :** Sir, at the outset I would admit that much can be said both for retaining the original provision and for the omission of the original section ; but I am constrained to observe, that if there was a sufficient ground for the introduction of the words "Hindu and Buddhist" in the law as it at present stands, then it is for the Honourable the Law Member to make out a clear case for its omission at present. From the literature on the subject that I have been privileged to study as a member of the Select Committee, I am constrained to say that really no case has been made out, and if it is admitted that the retention.....

**Several Honourable Members :** Speak up please ; we cannot hear this side.

**Mr. M. S. Sesha Ayyangar :** From the literature on the subject that was made available to me as a member of the Select Committee, I am constrained to observe that no case has been made out by the Government for the omission of the words "Hindu and Buddhist" in clause 3. On the other hand, if it is conceded for a moment that it does not affect the Hindu personal law or the Buddhist personal law for the matter of that, I really cannot follow the reasoning that might be adopted for the omission of these two words from the present Act. The only outstanding merit of the omission is this, that the law ensures certainty of title. But the House has to consider whether, as against this outstanding merit of the law being rendered certain by the omission of these words, we should not also take into consideration the fact that the existence of these two words in the present Act, unless a clear case has been made out for their omission, is necessary, and that the House ought not lightly to interfere and say that these words should be omitted.

The second objection to his clause 3 is this. Rightly or wrongly, if the word "Muhammadan" is retained there, it would unnecessarily give room for an apprehension of an invidious distinction being made in that direction. I do believe that there was nothing like that at the back of the Government Member's mind or at the back of the minds of the members of the Select Committee, but unfortunately to the outside public it is open to that grave objection. Unless, therefore, the Honourable Mover of this Bill clears these two doubts and makes out a strong case, I, for one, am for the retention of the old section.

**The Honourable Sir Brojendra Mitter :** Sir, I oppose this amendment and I shall show to the House that an overwhelming case has been made out in favour of deletion of the words "Hindu or Buddhist". Sir, it is one of the elementary canons of drafting that you should avoid words which are superfluous or unnecessary. If I can satisfy the House that these words are superfluous, I hope the House will vote in favour of the omission. And the next point which we had in view in omitting these

words is a very important one, and that is the certainty of title. Sir, in matters dealing with property, certainty is of much greater importance than even the substance of the law. Here I make two points. First, that these words are not necessary and, in the second place, in the interests of certainty of title and removal of ambiguity, it is necessary that these words should be omitted. My Honourable friend Mr. Aney made three points. The first is that the retention of these words in the Act has caused no inconvenience since 1882 when these words were inserted deliberately. These words were deliberately inserted in 1882, because at that time it was necessary to insert them. At that time the Disposition of Property Act had not been passed and one of the most important rules of Hindu law was still in full force, that is, that no gift could be made to an unborn. Several sections in Chapter II of the Transfer of Property Act deal with transfers generally, including transfers to unborns. That being so, in view of the well recognised rule of Hindu law that no gift could be made to an unborn, a saving clause was necessary and hence the provision in section 2 that no rule of Hindu law should be affected by anything in Chapter II. That was absolutely necessary. Therefore, the argument that since 1882 no inconvenience has been felt is not a valid argument because it is no question of convenience or inconvenience. The insertion of the words was necessary in order to save the rule of Hindu law that no gift could be made to an unborn.

The second point which my Honourable friend made was that the deletion would make for differential application of the Act to different communities. The Transfer of Property Act, 1882, does make that differential application because the existing section says that no rule of Hindu or Muhammadan or Buddhist law would be affected by anything contained in Chapter II. That means this, that in the case of Hindus, the rules of Hindu law would prevail, in the case of Muhammadans, the rules of Muhammadan law would prevail, and in the case of Buddhists, the rules of Buddhist law would prevail. There is this differential application, already. We are not introducing any new principle of differentiation. The differentiation is there already. What we are seeking to do is this, that by omitting the words "Hindus and Buddhists", which are no longer necessary, we are only saving the personal law of the Muhammadans because the Muhammadan law of gift, for instance, is totally different from the rules embodied in the Transfer of Property Act. It is necessary that those rules of Muhammadan law should be saved and, therefore, the retention of "Muhammadan" is necessary. It is not for the purpose of making any differentiation, it is for the purpose of saving rules which need protection. Where no protection is needed, there is no necessity for the retention of a saving clause. Sir, the only rules of Hindu law in 1882 which needed protection were the rule against gifts to unborns, the rule in regard to gifts to classes and the rule against perpetuities. These are the three rules. Now, as regards gifts to classes among Hindus, the Privy Council has held in a number of cases that *Leake versus Robinson* is not applicable, that the whole gift will not fail, but that the gift will be good in respect of those who are capable of taking, but that it would fail in respect of unborns. That is the principle which has been laid down under the existing law by the Privy Council. That being so, and having regard to the fact that the Hindu Dispositions of Property Act has been passed, these two objections, on the ground of rule against



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gifts to unborns and on the ground of the rule as regards gifts to classes, are no longer valid.

Now remains the question about perpetuities. Certainly for the last sixty or seventy years, the rule against perpetuities has been recognised among the Hindus. Thus, in Chapter II, there is no single rule which militates against any rule of Hindu law at the present moment. If that is the state of the law, and my Honourable friend admitted that there is nothing in Chapter II which militates against any rule of Hindu law, then, why retain the word "Hindu"? Is there any necessity? If there is no necessity, then the ordinary elementary canon of legislative drafting requires that anything unnecessary or superfluous should be rigidly avoided.

The last point which my Honourable friend made was that it was still necessary in view of section 8 of the Transfer of Property Act. If I understood him correctly, he said this. Suppose there is a gift by a Hindu to one who can only have a limited estate. By virtue of section 8, the construction of that document would be made in accordance with the rule of Hindu law, but if the saving clause from section 2 is taken away, the construction would be made irrespective of any rule of Hindu law. I understood that was his argument. I submit that that argument is not well founded, because all that section 8 says is this, that "Unless a different intention is expressed or necessarily implied the transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property and in the legal incidents thereof". Therefore the point of the whole section is this: the Court has to gather the intention of the donor—whether that intention is expressed or can be necessarily implied from the words used. In construing a document, the intention is to be gathered from the language used. No rule of Hindu law comes in there. From the language used in the document, the Court may come to the conclusion that the donor intended to give the whole interest. From the language used, the Court may come to the conclusion that the intention was only that a limited interest should pass. It would sometimes depend not merely upon the language of the document but the relation of the donor to the donee and the prevailing ideas in the community to which they belong, not to any rule of law.

Thus, a gift of land by a Hindu husband to his wife is presumed to carry a limited estate.

**Mr. M. S. Aney:** What is the reason for that presumption?

**The Honourable Sir Brojendra Mitter:** The prevailing ideas of Hindus what I am submitting is this, that in construing a document, no rule of Hindu law comes into operation. The Court has got to gather the intention of the donor from the document itself. That is all that is necessary under section 8. Section 8 is in no way controlled by section 2. I do not know of any case in which section 2 has been invoked in construing a document. Rules of Hindu law would apply when these rules have to be applied *ad hoc*. For instance, a gift is made to an unborn by a document. So long as that rule obtained amongst the Hindus, the Court would say the gift is bad because of the rule of Hindu law, not upon any construction of the document under section 8.

Now, Sir, my Honourable friend Mr. Sesha Ayyangar said that no case had been made out for the deletion. In the first place, as I have submitted, it is admitted on all hands that there is no necessity for the retention. If there is no necessity for retention, what justification is there, what argument is there for retention? In a legislative enactment, you are not allowed, in proper drafting, to retain anything superfluous.

Then, the second point I wish to make is this. Certainty of title is a matter of great importance to all concerned. The transferee and the transferor ought to know where they stand. Instead of that if you keep something nebulous, or mysterious, that some rule of Hindu law may affect the whole transfer, that would reduce the value of property. It would always keep a cloud over the title of the transferee, and that is a contingency which should be avoided if possible.

**Mr. M. S. Sesha Ayyangar:** Does the retention necessarily make it uncertain?

**The Honourable Sir Brojendra Mitter:** It does. Take the case of a person taking a transfer from a Hindu woman. If the Bill be passed as it is, the transferee would have no hesitation, if otherwise the title is good, in taking the transfer. But if you expressly say that no rule of Hindu law is affected by Chapter II, then the transferee will hesitate. There may be some unexplored rule of Hindu law, some unknown manuscript may come into existence, and then, the whole title may be disturbed because the transfer is taking from a person who in some circumstances is a limited owner. If you retain this you retain a perpetual cloud upon the title; and, therefore, I say that when we are overhauling the whole of the Transfer of Property Act, when we are trying to secure title, when we are giving certainty in place of ambiguity, when we are removing all doubts and conflicts, when we are making such an attempt, let us not spoil the whole thing by retaining something vague and unknown which will keep a cloud hanging over title for all time. Sir, I oppose.

**Mr. D. V. Belvi** (Bombay Southern Division: Non-Muhammadan Rural): Sir, I have listened with very great attention to the views of the Honourable the Law Member, but I confess that I am not convinced. I submit that his argument as regards section 8 of the Transfer of Property Act is not quite convincing. I may illustrate what I mean by taking two instances. Suppose a Hindu who has got some self-acquired property makes two gifts. He gives one field to his son and another to his wife or widow. Both the documents are in exactly similar language. The presumption which the Court will draw under the existing law will be that the gift to the widow was a gift of a limited interest, namely, that, on the death of the widow, the property must pass to the heirs of the husband and not to the personal heirs of the wife. If the word "Hindu" is deleted from the Transfer of Property Act, the Judge will surely say that these two documents have been written in exactly similar language and phraseology and why should a distinction be made in favour of the son and why should not the same distinction be made in favour of the widow? The Honourable Law Member himself said that, when this word "Hindu" is deleted, the title of the donee will be free from a cloud. That means that the widow to whom the gift was made by the husband will be free to alienate the property to any one and the alienee will have a good right to say that he purchased it from a widow who had full title to the property, because

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there is nothing in the law which says that the Hindu widow has only a limited interest in the property. That is just the reason why it is necessary to retain the word "Hindu". That a Hindu widow or a Hindu woman generally takes a limited interest in immoveable property in some cases is a proposition of law which is well-known under the Hindu law, and therefore I submit that it is necessary to retain the word "Hindu".

On general grounds also I submit that it is absolutely necessary to retain the phraseology as it now stands. It is for those who wish to introduce changes to satisfy us that such a change is necessary. There should be no unnecessary legislation, just as there should be no unnecessary medicine or unnecessary physic. We are very often told that the effect of unnecessary physic is always deleterious; similarly it is not the law as it stands now which creates a cloud in the case of any title, but it is the abrogation of the law in the way suggested by the Honourable the Law Member which will surely give rise to litigation. On these grounds I submit that it is necessary to retain the words "Hindu" and "Buddhist" as they have been on the Statute-book for a long period of time.

**Mr. N. C. Chunder** (Calcutta : Non-Muhammadan Urban) : Sir, there is some amount of misunderstanding as to the scope of section 8 of the Transfer of Property Act. As a matter of fact when a gift to a widow has been held to convey only a widow's estate, or a limited estate, it has been held so not on the ground that section 8 or section 2 of the Transfer of Property Act applied, but on the ground that the intention of the Hindu making the gift to the widow is necessarily to give her a limited estate, unless it was expressly stated that the widow was to take some higher interest. When there has been a gift to a daughter, the Privy Council has equally held invariably that the intention must be assumed, without any words of qualification, to be to convey to the daughter an absolute estate. So that it is really a question of construction of a particular document, and whether we have the words "Hindu" and "Buddhist" in the Bill, or whether we take them out of the Bill, it does not make any difference whatever. That being so, it is necessary that we should not have in the Bill any word which is superfluous, because that would really be making it absurd. The provisions of the section would look absurd when as a matter of fact no rule of Hindu law is affected by this Bill as it now stands, I mean, the Transfer of Property Act as it will stand after this Bill is enacted into law. There will really be no difference between the principles of Hindu law and the principles embodied in the Transfer of Property Act and to have a section referring to rules of Hindu law and things of that kind will really make the whole thing absurd and an absurdity has always to be avoided in legislation.

**Pandit Thakur Das Bhargava** (Ambala Division : Non-Muhammadan) : Sir, we have been given to understand that one of the canons of amending laws is that superfluity is to be avoided; but so far as the amendment of this law is concerned I understand that the principles were given in the Report of the Special Committee on page 3, paragraph 10, from which I will read out :

"In the Bills submitted to us the policy which appears to have been followed was that no amendment should be attempted which would merely effect an improvement in wording, but that new principles of importance which had been judicially recognised since the passing of the Act should be incorporated. In our opinion it is a sound

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course to follow, particularly in an Act which has been in force for forty-five years and to whose phraseology the general public and the legal profession have become accustomed. Again, it is not safe to alter any wording which has received judicial interpretation, when the interpretation has not led to any inconvenience in practice or miscarriage of justice."

I understand that any person who wants to amend the law must show a clear case for such amendment. If I take an illustration which has just been given by the Honourable the Law Member, it appears that, if these words "Hindu" or "Buddhist" remain in that section, then the interpretation of section 8 would be different from the interpretation which has been put to the words of that section.

**The Honourable Sir Brojendra Mitter** : No, I never said that. I said it is immaterial.

**Pandit Thakur Das Bhargava** : I understood you to say that, if these words are there the interpretation would be uncertain.

**The Honourable Sir Brojendra Mitter** : What I said was that the construction of section 8 is never controlled by section 2. It is immaterial whether section 2 is there or not. That was my contention.

**Pandit Thakur Das Bhargava** : If there is a cloud on account of these words remaining, then it means that the construction can possibly be different.

Now, the following words occur in section 8 of the Act :

"Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property, and in the legal incidents thereof."

And my humble submission is, that to find out what are the legal incidents of property inhering in a particular person, you have to look to the personal law of that man. In the ruling reported as 27 Punjab Record, 1898, when property purported to be conveyed to a widow, the construction placed was that, unless a contrary intention appeared from the particular words used in the document, the legal incidents of property were those which appertained to a widow's property. So, unless these words are there, the interpretation to be put on certain expression in deeds also would be different. Therefore I submit that on this ground also these words "Hindu or Buddhist" should be retained in section 2.

As regards the Buddhist law, I will refer the House to Dr. Gour's book (Transfer of Property Act), in paragraph 50, where he says :

"The Act has not been yet extended to the whole of British Burma. Ceylon is out of British India, and as such outside the operation of the Act. Buddhist law is contained in the Dhammathats of Manu Kyay, Manoo Womana which, while recognising the authority of Manu, differs from the great Hindu lawgiver on many points. Of the Buddhist law-books Manu Kyay is considered in Burma to be a book of paramount authority. Thus a purchaser of a debt sold in execution was held not to be affected by section 135 of the Act before its amendment." (15 Mad. 383.)

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Has the Honourable Member verified that authority? (Laughter.)

**Pandit Thakur Das Bhargava** : This is the authority given in Dr. Gour's book. Unfortunately the burden of proof is not upon me. I am only submitting that, unless a clear case is made out for amending the law on this point, we should not agree to this amendment. In these circumstances, I would submit that the argument of the Law Member that some uncertainty would be removed, has got absolutely no force; for he

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now admits that if the law is retained as it is, then the interpretation of any other section would not be different. I would therefore submit that these words should be retained.

**Mr. D. F. Mulla** (Bombay : Nominated Non-official) : Sir, I rise to oppose the amendment. In the first place I want to remove a misimpression that the Transfer of Property Act does not apply in Burma. The whole Act was extended with effect from December 1924 to the whole of Burma with the exception of certain specified areas.

**Mr. President** : What about Dr. Gour's book ?

**Mr. D. F. Mulla** : Perhaps, Sir, my Honourable friend has an old edition of Gour in his hands. It was said that a solemn pledge was given by the Government of India years and years ago since they first took up the reins of administration in their hands. I take it that the reference is to the Charters of the Supreme Courts that were established in India where it is stated that the Hindu law was in certain matters to be applied to Hindus and the Muhammadan law to Muhammadans. You find the same provision in the Government of India Act of 1915 : and not only there ; but in almost every Civil Courts Act you will find a section to say that, so far as the law of marriage, succession, adoption, etc., is concerned, the courts ought to be guided by the rules of Hindu law. All that is a reference entirely to personal law as distinct from property law ; it has got nothing to do with property law at all. So far as the property law applicable to Hindus and Muhammadans is concerned, their law has been entirely superseded by the provisions of the Transfer of Property Act commencing with Chapter III, which deals with sales of immovable property. Where is the Hindu law of sale now ? Where is the Hindu law of mortgage ? Where is the Hindu law of gift except in certain matters ? Where is the Hindu law of exchange ? And for the matter of that, where is the Muhammadan law of sale or the Muhammadan law of exchange or of mortgage ? Therefore, that pledge related entirely to the personal law of Hindus and Muhammadans. As regards the personal law of Hindus, that has been unaltered. The law of succession, the law of marriage, the law of adoption, the law of maintenance, the law of guardianship—the Government of India has not touched it, except so far as the Guardians and Wards Act is concerned as to certain matters of procedure. But the personal law remains intact, and we are not at present concerned with the personal law at all. We are concerned entirely with the law of property, and the only reason why, when passing the Act of 1882, the words “Hindu” and “Buddhist” were introduced was because there were certain sections of the Act which did not apply to Hindus at all ; and those were sections 13, 14, 15 and 16, because it was held that you cannot make a gift to an unborn person, and that was the reason why these sections did not apply. That rendered it absolutely necessary to say that, so far as this chapter was concerned, nothing contained in the chapter was to be affected by the Hindu law, and that is in fact what was stated by Dr. Whitley Stokes when he presented the Report of the Select Committee. It was read out by my Honourable friend, Mr. Aney :

“The Committee had declared that nothing in Chapter II should be deemed to affect any rule of Hindu, Muhammadan or Buddhist law. It did not, in his opinion

affect any such rule, otherwise than by putting Natives as regards their power to make settlements on unborn persons, on the same footing as Europeans.”

And if you cannot make a gift to an unborn person at all, there is no room for the operation of the rule against perpetuities, which is referred to in the speech of Dr. Whitley Stokes.

Now, so far as the Muhammadans are concerned, the rule now is entirely the same as it was in 1882. A Muhammadan cannot make a gift to an unborn person ; but as regards Hindus, the law was changed, first in 1914 so far as the Madras Presidency (excluding the City of Madras) was concerned. Then came the Hindu Disposition of Property Act, 1916, which extended to the whole of British India except where the Madras Act of 1914 applied. Then came the Madras Act of 1921, which applied to the town of Madras. So, the position is that, so far as the Hindus are concerned, Hindus now can make a gift to an unborn person, subject to the conditions which are mentioned in section 14 of the Transfer of Property Act. But so far as Muhammadans are concerned, their case stands on a different footing. What then is the use of saying “if you drop the word ‘Hindu’, drop also the word ‘Muhammadan’ ?” What is the use of saying that ? The two systems of law as they are to-day are entirely different. Therefore the sentimental argument that, by dropping the word “Hindu” you will be creating communal legislation is, I submit.....

**Mr. D. V. Belvi** : That was not the argument.

**Mr. D. F. Mulla** : Out of respect to those gentlemen who said so, I used the word “argument”. I submit therefore that that contention cannot stand.

Then again as regards Muhammadans, there are other considerations why the word “Muhammadan” should stand. Gifts *in futuro* are not recognised by Muhammadan law ; contingent gifts are not recognised by Muhammadan law ; conditional gifts are not recognized by Muhammadan law. Are then the two systems of law so akin, that if you omit the word “Hindu” or the word “Buddhist”, you must also omit the word “Muhammadan” ? With respect, I submit, not.

This Bill, Sir, was first considered by an expert committee and that committee consisted of three Hindus and one Parsee who himself is half a Hindu. Then it was referred to a Select Committee consisting of three Hindus and three Muhammadans. There was not a word of dissent, not so far as the expert Committee was concerned, not a note of dissent so far as the Select Committee was concerned.....

**Mr. M. A. Jinnah** : There were four Hindus on the Select Committee.

**Mr. D. F. Mulla** : Yes, there were four Hindus on the Select Committee. Thank you for the information. Then, 35 opinions were received, out of which 25 are in favour of omitting the word “Hindu”. Out of the remaining seven, four are halting, and out of the remaining three, they seem to proceed upon an entire misconception of the meaning of section 2, clause (d). Section 2, clause (d), does not say that the Chapter is not to apply at all to Hindus and Muhammadans. All that it says is that it is not to affect any rule of Hindu or Muhammadan law. So that, the preponderance of opinion is in favour of dropping the word “Hindu”. Sir, I listened with close attention to what was stated by

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my Honourable and learned friend, Mr. Aney, that a committee had been appointed consisting of three gentlemen, namely Mr. Justice Madgaonkar, Mr. Kane and Mr. Gharpure, and that they were against the omission of the word "Hindu". But, Sir, no reason is given. And how, Sir, as a man of reason, can I accept anything which is not based upon reason?

**Mr. M. S. Aney :** No case has been made out. That is the reason.

**Mr. D. F. Mulla :** I take it, Sir, that following the advice of my learned friend the Committee must have said to themselves, "The burden lies on Government to prove their case, and therefore let us sit and resolve that no case is made out".

Then there was a point made by one of my friends, that if a Hindu makes a gift to a widow and by the same document makes a gift to a son, so far as the gift to the widow is concerned, it will pass a limited estate, and so far as the gift to the son is concerned, it will pass an absolute estate. As regards that, all I say is that there is a conflict of opinion upon the point and the law is not at all clear.

The question then is whether the word "Hindu" should be retained or not. I do not very much rely upon the ground that it is superfluous. I rely particularly on the ground that in law it is highly desirable that there should be certainty. So far as the Hindu law is concerned, it was given to the Hindus by their great Law Givers some centuries ago, and so far as I am concerned, I am proud to say that the system is such as could be adapted to the requirements of modern life. So far as my Hindu friends are concerned, do they not want certainty so far as the power of disposition of property is concerned? Do they want their titles to be clouded in a fog? I say, Sir, that if you keep the word "Hindu", there is only one class of persons who will benefit by it, and I will tell you who it is. What is that which has hitherto been going on? A suit brought by one Hindu against another, and the question is raised whether a particular section of Chapter II of the Transfer of Property Act, does or does not apply to Hindus, and reliance is placed on section 2 (d). This involves an enormous waste of money. That has been going on for the last several years in almost every case, and I can say with certainty that in every case in which the point was raised, it was held that the particular section applied. That being the case, if you omit the word "Hindu", there will be certainty of title and certainty of law. No doubt, if you retain the word "Hindu" it will leave the door wide open for litigation; it will leave the door open for the exercise of the ingenuity of a class of persons who go by the name of lawyers. (Laughter.) For these reasons, Sir, I oppose the amendment.

**Mr. M. A. Jinnah :** Sir, I have only one justification for intervening in this debate on this amendment.....

**Mr. President :** Would the Honourable Member like to continue after lunch?

**Mr. M. A. Jinnah :** I shall not take more than five minutes, Sir. I promise you it will be five minutes and no more. I do not wish to enter into the justification for this amendment, because a complete answer has been given, based on reasons and arguments by the Honourable the Law

Member and my friend Mr. Mulla whom, I must congratulate for making such a powerful and lucid explanation. (Applause.) Sir, I have no respect for my friend Mr. Aney when he says that people will understand that you are favouring the Mussalmans and ill-treating the Hindus if you omit the words "Hindus" and "Buddhists". My friend also, in excitement, said, that if you drop "Hindus", you should drop "Muhammadans" also. I never expected that my friend Mr. Aney would advance such an argument. We were not concerned with the Hindu-Moslem question at all, and there was no idea of showing any disrespect or partiality to anybody. As a matter of fact, so far as I was concerned, I entirely left it to the Hindu Members to decide, and I said that personally I was convinced that the arguments were very powerful and that it was in the interests of the community itself, as Mr. Mulla pointed out, to secure certainty of title. As I said, I was not going to press the point even if I thought it was good for my Hindu friends if they had stoutly resisted it or opposed it. That is my position in this House to-day.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammedan Urban) : Sir, I want to.....

**Mr. President :** Does the Honourable Member wish to speak?

**Pandit Motilal Nehru :** Yes, Sir.

**Mr. President :** The House stands adjourned till Five Minutes to Three.

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President in the Chair.

**Pandit Motilal Nehru :** Sir, I rise to support the amendment of my Honourable friend Mr. Aney, and in doing so, I must make myself perfectly clear as to why I am doing it. I do not subscribe to the argument based on the sentimental ground that by removing the word "Hindu" we shall incur the displeasure of the Hindus and that retaining the word "Mussalman" will show that there was some favour done to the Mussalmans by the Indian Legislature. I am supporting that amendment purely as a lawyer and not as a Hindu, and I say that the provision in the Bill is not a safe provision for any Legislature to pass.

It is said that the object of the amendment is to avoid superfluity—that is No. 1—and that the amendment secures certainty—that is No. 2. Both very laudable objects no doubt and recognised as very valid reasons for the amendment. But are we quite sure that these words are so superfluous as they have been made out? Now, Sir, I have very carefully followed the speeches of the Honourable the Law Member, or I may say, the Honourable the Law Members, past and present, and I have been looking in those speeches for something which would show that such an exhaustive examination of the provisions of Hindu law has been made by the various expert Committees which have considered this Bill or by the Select Committee as to entitle them to say :

"We know the whole Hindu law on the subject and on the basis of that knowledge we can say that there is nothing in Chapter II of the Transfer of Property Act which infringes any rule of Hindu law."

[Pandit Motilal Nehru.]

Unless they are in a position to say so, they cannot claim that these words are superfluous.

In the course of the speeches of my Honourable friends, reference has been made to the rule of Hindu law that a gift in favour of an unborn person is not valid under that law, and it has been said that since the Hindu law on that point has been modified by statute, nothing remains which will bring the Hindu law into conflict with the statute law as contained in Chapter II of the Transfer of Property Act. It will be convenient briefly to deal with the history of that question. There are two rules of Hindu law which have been recognised time after time, beginning from the well-known Tagore case down to very recent times, even after the passing of the Hindu Disposition of Property Act. One of those rules is that a gift in favour of an unborn person is not known to the Hindu law and is invalid, and the other is that you cannot postpone the vesting of property under the Hindu law beyond the close of a life in being—I am repeating the very words of the Privy Council—and that rule has been followed ever since the case reported in 6 Moore's Indian Appeals, Surajmani Dasi's case and in a long string of cases up till last year. That being so, when it was felt by certain Hindus that it was an unnecessary limitation of the right of making a gift or transfer not to make it in favour of an unborn person—and in certain instances it certainly appeared to be very unnatural that a man should not make a gift in favour of the son or grandson of a relation who was not born then but was likely to be born at some future time—they came up to the Legislature to ask for a modification of the Hindu law on that point. Now, if you get the Legislature to say that in future the Hindu rule of law that no gift shall be valid if it is made in favour of an unborn person is to be abrogated, you must conform to some rule of the law of property which imposes a similar restriction on grounds of public policy. Well, that rule is the English rule against perpetuities, and to those who wanted the Hindu law to be modified in that respect, namely, that the gift might be made to an unborn person, it was said and properly said that you are now going out of the pale of Hindu law and must conform to some other law governing gifts. It was for this reason that, when the Legislature recognised the right of the Hindu to make a gift in favour of an unborn person, it imposed the restrictions contained in sections 13, 14 and other sections of the Transfer of Property Act and the corresponding sections of the Indian Succession Act. That is to say, the Hindu law of perpetuities being quite different to the English law of perpetuities, which has been incorporated in the Transfer of Property Act and the Indian Succession Act, if you want to escape the Hindu law, the only other alternative is that you must conform to the other rule of law of general application, because you cannot be allowed to make a transfer which is unknown to every system of law under the sun. It must come under some law, and therefore in the Hindu Disposition of Property Act it was laid down :

“ Subject to the limitations and provisions specified in this Act, no disposition of property by a Hindu, whether by transfer *inter vivos* or by will, shall be invalid by reason only that any person for whose benefit it may have been made was not in existence at the date of such disposition.

The limitations and provisions referred to in section 2 shall be the following namely :—

(a) in respect of dispositions by transfer *inter vivos*, those contained in sections 13, 14 and 20 of the Transfer of Property Act, 1882,.....”

which enacts into a statute law the English law of perpetuities. Therefore since the passing of that Act, the Hindus who make either gifts or bequests in favour of unborn persons are subject either to section 14 of the Transfer of Property Act, or the corresponding section 101 of the Indian Succession Act, and they must not go beyond the limits imposed by the rule against perpetuities. But there is no case law, there is no statute law which has in any way modified the original Hindu law rule that no vesting of the estate shall be valid if it is delayed beyond the close of a life in being. Remember that the English rule of law goes further. The two rules are entirely different. Therefore I say that the rule of Hindu law has not been entirely abrogated by the Hindu Disposition of Property Act, and that is the only Act which has interfered with the original Hindu rule of law on the subject. That is one thing, but when you come to say that nothing contained in Chapter II of the Transfer of Property Act, a chapter which consists of something like 40 or 45 sections, affects any rule of Hindu law, you undertake to say that you have examined all the corresponding rules of Hindu law, and you are convinced that there is nothing in those rules which conflicts with the rules laid down in the sections of the Transfer of Property Act. Now, that is a claim which I submit no lawyer in his senses would ever make. It is impossible for anybody to anticipate the rules of Hindu law which may or may not be applicable to the vast variety of transfers of property. It was said by the Honourable Mr. Mulla that personal law is one thing and the law of property is another. Now, it is well known that personal law affects property. What is the Hindu law of gifts and wills if it is not the personal law of the Hindu? Are not the laws of gifts and the laws relating to wills laws of property as well? My Honourable friend is quite right in saying that, so far as the Hindu law of gifts to unborn persons is concerned, that part of the personal law of the Hindus has been substituted by statute law in India. But to say more than this is to make a claim which cannot be substantiated because you have to examine every provision of the Hindu law of gifts and wills and study other ways in which property may pass from one hand to another before you can make such a claim. As the law stands now, it does not work any hardship. I do not see where is the reason for this big claim being put forward and this House consisting perhaps of half a dozen lawyers passing this Bill which will have the effect of abrogating all conceivable rules of the Hindu law on the subject of gifts and wills. Now, it has been held by the Privy Council, and it is established law, that the law of gifts and the law of wills under the Hindu law are co-extensive. Can anybody say that no case will ever arise in future where some other rule of Hindu law, other than the rule against perpetuities and other than the rule against unborn persons, will be called in aid by one of the litigants either to support or defeat transfer? I submit that it cannot be said that these words are superfluous. What is the harm if section 2 of the Transfer of Property Act is allowed to remain as it stands. What is the trouble? That section simply says that nothing in the second chapter shall be deemed to affect any rule of Hindu, Muhammadan or Buddhist law. Now, it was said by the

[Pandit Motilal Nehru.]

Honourable Mr. Mulla that the practice has become so frequent for people to come and say, "Oh, well, the Transfer of Property Act does not apply to the Hindus". If people say that, they do not know what the law is and they ought to be told that that is wrong. All that the law says is that if there is a rule of Hindu or Muhammadan law or Buddhist law which is established to be contrary to the provisions of Chapter II, this Chapter will not affect it. The burden of establishing that there is a rule of Hindu law which is not the same as the rules contained in Chapter II of the Transfer of Property Act is upon the man who says that that chapter does not apply. It is not enough to say that Chapter II does not apply. It only says that, if there is a rule of Hindu law which is in conflict with any of the sections of Chapter II, that rule will not be affected by anything that is said in Chapter II. If you leave it at that, you leave the person who in future comes after the passing of the Hindu Disposition of Property Act, to say, "Well, I am not governed by section 14 or any of the other sections mentioned there". You will say to him "Where is the rule of Hindu law, produce it" and if he produces only these two rules you can confront him with the Hindu Disposition of Property Act and say that they are no longer applicable to Hindus. Why do you close the mouth of a litigant for all time to come—to rely upon some rule of Hindu law which may be thoroughly inconsistent, for aught we know, with the rules contained in Chapter II? Why should there be such a bar before the case actually arises? Now, we have heard from the Honourable the Law Member the two canons which are to guide legislation in these matters, namely, avoidance of superfluous words and the making of the law a certainty. We know that centuries have rolled by and no one has yet succeeded in making the law certain, and nobody will ever succeed in making it certain. Of course the aim is a very laudable one and we must keep it in view. It seems to me that the only certainty about it is the certainty about our ignorance of all the provisions of the Hindu law. For the rest, everything remains as it was.

It is on these grounds that I submit that it will be very unsafe for this House to pass a law which may have far-reaching effects which no Honourable Member can pretend to anticipate at this moment. All practical purposes are served when you say that nothing contained in the Act in Chapter II shall affect any rule of Hindu law which has not already been affected by such law. To me it appears that instead of trying to delete the words "Hindu" and "Buddhist" from that section, the proper course would have been to incorporate the Hindu Disposition of Property Act into the Transfer of Property Act as applying of course only to Hindus. However, that is not my business, and I am not here to improve the drafting or to include things that have been left out. Let me point out that when the Hindu Disposition of Property Act was passed, no such exaggerated claim was made by this Legislature. They confined themselves to the point. The disposition in favour of an unborn person was made legal. What did this House say? This House said, "If you are taking it out of the Hindu Law, sections 13, 14 and 20 will be applicable". It did not take it upon itself to say that all the rules of the Transfer of Property Act would apply, or that the whole of Chapter II would apply; and yet all that is said now as justifying the

omission of the word "Hindu" is that now, after the passing of that Act, gifts to unborn persons can be made, and the rule of perpetuity has also been changed. If this is a valid reason, then the proper thing for this House at the time of passing the Hindu Disposition of Property Act would have been to say that, from this moment, gifts in favour of an unborn person shall be valid, and Chapter II of the Transfer of Property Act shall apply. But what they said was that these three sections would apply and no more, and they left everything else to Hindu law as it was and for the Court to determine what it was and how far it came in conflict with any of these rules. Therefore I say that it would be very unwise to make such a sweeping change as is involved in the deletion of the words "Hindu" and "or Buddhist" from this section. You must leave it as it is. The cases we have so far concerned ourselves with, the cases that come to our knowledge, are cases which are governed by the Hindu Disposition of Property Act.

These are my grounds, Sir, upon which I ask this House to be very careful and abstain from taking a leap in the dark. It should confine itself to the actual purpose and that actual purpose is served by the section as it stands in the existing Act. Then as to the voting, I submit that this is not a matter on which there need be any party voting or any mandate or a matter which the Hindus should make a Hindu question or the Muhammadans should make a Muhammadan question; in fact the Muhammadans have got nothing to do with it, as it does not affect them at all. The whole point is whether this is an amendment which has been so clearly made out to be necessary that you must go against the feelings and the opinions of the Honourable Members who have already spoken against the amendment. I submit that no such strong case has been made out. Of course I do not associate myself with any such sentiment as has been expressed by certain Honourable Members about the Hindus taking it ill or with their interpretation of section 8. I quite agree with the Honourable the Law Member and Mr. Mulla in their interpretation of section 8, but I take my stand on the ground, which has also been urged by previous speakers, that no necessity has been made out for the removal of these words as is claimed, and I submit that that claim is wholly without foundation and cannot be justified.

**Mr. M. R. Jayakar:** Sir, I rise to oppose the amendment of my Honourable friend, Mr. Aney, and to support what has been put before us by the Honourable the Law Member. I very much regret, Sir, that I have got to oppose the amendment, firstly, because it proceeds from an esteemed friend from whom I very rarely differ; secondly, because it has been supported, in a powerful speech, by another esteemed friend, the last speaker with whom it is always a pleasure to agree at least on non-political questions. (Laughter.) I beg the Honourable House to view this question from the cold and dispassionate point of view of the lawyer. I am very sorry, Sir, that a red herring was drawn across our path by Mr. Aney by giving a turn to the question as if the Muhammadan was retaining certain privileges and the Hindu was dropping them. I claim to be as staunch a Hindu as Mr. Aney, and speaking from that point of view, I beg of my Honourable friends that they will not look at this question as if it was a matter of rivalry between the Hindu and the Muhammadan. The only question is—and I may be permitted to state it even at the risk of repetition—whether the retention of the words



[Mr. M. R. Jayakar.]

“Hindu” and “or Buddhist” is desirable; and secondly, as some Honourable Members have said, whether it is likely to cause any harm if they are allowed to remain. My answer categorically to both these questions is that it is undesirable, and that it will cause most positive harm, and that it is desirable in the year of grace 1929 to do away with these words occurring in the Act of 1882. The technical aspect of the case has been put before the House by both my learned friends, the present and the past Law Member, and the simple question is, as the Honourable Pandit Motilal Nehru put it, whether, in dropping these words, we are incurring any risk at all from the point of view of the future development of the Hindu law. I claim to know that law a little, and my answer is in the negative. My Honourable friend, Pandit Motilal Nehru, put it very strongly when he said that no lawyer in his senses can say so. He observed:

“No lawyer in his senses can ever say that the rules of Hindu law are so well known in 1929 that we could say with accuracy and safety, there is no harm in deleting these words.”

I am a lawyer in my senses and claim to say that the rules of Hindu law being no different from the rules contained in Chapter II, these words may be safely deleted. I hold that position, Sir, and I am prepared to sit down with any Member of this House and examine section after section of that chapter and convince him, as my Honourable friend Mr. Mulla has said, that the rules of English law being after all the rules of commonsense happen to be practically the same as the rules of Hindu law. This is a matter of great congratulation for Hindus that the Hindu sages of ancient times promulgated centuries ago rules relating to the holding of property which are practically identical with the rules of English law evolved much later. So far from being humiliated or frightened as a Hindu lawyer I am rather proud that whereas other communal systems of law in India contain archaic rules which cannot possibly find a place in present day civilized systems of law the rules of Hindu law happen to be identical with the rules of English law and equity which are contained in Chapter II. I think that is a commendable feature of Hindu law and nothing derogatory to it. Therefore, Sir, the point that Honourable Members have to consider is whether in dropping these words we are doing anything derogatory to Hindu law or harmful to its future development.

I am entirely at one with my Honourable friend, Pandit Motilal Nehru, when he says that this House should do nothing in a hurry which will have the effect of arresting the further progress and development of the Hindu law. I am very keen about it, and if I could see like my Honourable friend the slightest harm not only to the exalted position of Hindu law but to its possible development in the right direction, I would be the first man to oppose the motion the Honourable the Law Member has put before us. But I am convinced, and I wish to convey to the House my conviction, that there is no such fear. On the contrary I feel that to allow these words to remain will not lead to any benefit to Hindu law, but, on the contrary,—and that is the point which laymen will bear in mind—it will cause an amount of unnecessary litigation. As a practising counsel I often claim a share of the expenses of such litigation; and, if I were looking only at my own interest, or that of my fraternity, I would certainly say, “Let these words remain. They will swell the

coffers of lawyers.” As an instance I may mention that five days ago before I left for Simla this time, if the House will allow a personal reference, I advised an eminent solicitor in Bombay, that, on a certain section in Chapter 2, a possible litigation might arise on the ground that the rule of Hindu law was different from the rule embodied in that section. I however added a note that I personally saw no chance of success except for the uncertainty of the law and of the judicial mind. It is this feature which we have to consider here as legislators, and not as practising lawyers,—whether we are now allowing words to remain which will cause unnecessary litigation? If one scans, as I have done very often, the daily cause list of the Bombay High Court, one will find, and I am pretty accurate in my figures, that about 50 to 60 per cent. of the litigation is due to the complexities and uncertainties of the Hindu law. Nobody can gainsay that.

One of the features which every Legislative House has to bear in mind as an ideal is that the law of property should be made as clear and universal as possible. I am one of those who believe that a day will soon come when there will be one clear and simple law of property for all communities. Unfortunately, the law of the Muhammadan community happens to be different, and we cannot alter it until Moslems themselves desire that their law should be altered by legislation. I am sure that some day our successors here will do that. But until that is done their law will continue to be different on the three or four important points which were so clearly put before this House by my Honourable friend Mr. Mulla. Therefore, chapter second of the Act in question cannot apply to Muhammadans. But the Hindu law is not different. That is a very good feature. My Honourable friend Pandit Motilal Nehru said that the Hindu law of perpetuities is different from the English law of perpetuities. With great respect, I beg to differ. There is only one law of perpetuities and that is the English law. I know a little of Hindu law, and I can assure my Honourable friends that the Hindu law recognises no doctrine of perpetuities at all. The doctrine of perpetuities, stated in brief, is this that it does not allow property to be hung up or prevent it from coming into the market beyond a certain period of time. That is the principle of the English law of perpetuities. It had its origin in a country like England where the land is limited. If I were free to legislate today, I would say that in a country like India, where there are hundreds and hundreds of acres of land awaiting cultivation, and where it is in consequence necessary that land should be allowed to remain in the hands of one man or family from generation to generation, in order that they cultivate it thoroughly, we should have exactly the contrary law from the rule against perpetuities which is applicable to England where land is limited, and where it is in consequence necessary to bring it as often in the market as possible. Exactly, the contrary rule ought to prevail in India. But that is not the point now, rightly or wrongly that rule of English law has been made applicable to Hindus, as my Honourable friend opposite remarked, for the last 60 years. Even under modern legislation it has been made applicable to Hindus by a statute, namely, by the Setalvad Act of 1915. The material points on which the Hindu law was different in 1882 the date of the Transfer of Property Act were, speaking briefly, three.

One rule of Hindu law, which was contrary to English law, was that gifts could not be made to unborn persons. There, again, my own

[Mr. M. R. Jayakar.]

opinion is that the rule as stated is not a proper deduction from the texts of the Hindu law, but that principle was laid down years ago in a celebrated case by the Privy Council. A Hindu therefore could not give any property to a person who was not born at the time of his death. Another rule of Hindu law was that when property is given to a class of persons, even if certain members of that class cannot take, those who can take will take. This rule of the Hindu law was contrary to the English doctrine. And the third point was whether the English rule of perpetuities should be made applicable to Hindus. These are the three salient points on which the Hindu law differed in the year 1882, and therefore the legislators of those days enacted the wise provision that special rules of Hindu Law, if any, were saved from the operation of Chapter II.

Now, as my Honourable friend Sir Brojendra Mitter pointed out, all these three points on which the Hindu law differed from rules in Chapter II in the Transfer of Property Act have been met and provided for, some in a separate statute, *e.g.*, the statute which was passed at the instance of Sir Chimanlal Setalvad a few years ago under which gifts to unborn persons are now allowed, provided they do not offend against the rule against perpetuities, and another section of the Transfer of Property Act and the Indian Succession Act, not material for our present purposes. The rule about some members of a class taking their interest, the rule has now been altered so as to suit Hindu sentiment. Therefore the only question now is, "Is there any important rule of Hindu law which, we think, should be saved from the operation of Chapter II in the interest of the further development of the Hindu law?" My answer is clearly in the negative. What is important in this connexion to note is that judicial decisions and rulings during the last 45 years in British courts in India and in the Privy Council have not disclosed any more difference between the Hindu law and law contained in Chapter II of the Transfer of Property Act. Surely, 46 years is long enough for the purpose of discovering these differences. As my Honourable friends are aware, judicial activity has been very great during these 46 years.

Texts have been looked into. The whole field of Hindu law has been examined, through texts and translations, and it is a sure and practically safe position for this House to take that, if during these 46 years in British India and the Privy Council no rule of Hindu law has been found which is contrary to the principles contained in Chapter II. I say it is fairly safe for us to say that there is no such rule of Hindu law which being contrary to the provisions of Chapter II requires to be saved. But it was suggested by Pandit Motilal :

"Who knows there may be a rule of Hindu law lying secreted somewhere in texts which are not yet translated, buried somewhere in Smritis which have not yet been found."

That is a possible argument. As against this, one has to consider very carefully the question whether, by the retention of the words in question, we will not leave behind a prolific source of litigation. I can assure this House that if we leave these words as they are in the old Act, we will be adding to the uncertainty of Hindu titles. I am one of those who hold that the titles of Hindu men and women cause a considerable amount of vexatious litigation. Those who are in legal practice will agree that I

am right. Even under existing law in cases in which *e.g.*, a Hindu woman is concerned, counsel cannot very seldom give definite opinion because the rules are so complex and uncertain, on which the titles depend. There may be *e.g.*, some distant reversioner in the seventh or the eighth degree lying in the depths of distant and unknown places, and he may come forward and say, "I am the nearest reversioner, and none other." Therefore, I say that Hindu titles are more especially uncertain than others and cause litigation. Although a practising lawyer, I hold strongly the view that Hindu money should not be unnecessarily wasted in litigation. I am convinced and I am sure those who, like me, are daily witnesses to the enormous volume of Hindu litigation are convinced that this Legislature should take all steps to stop this enormous waste of money which goes on in litigation because of the uncertainty of the Hindu law.

**Pandit Motilal Nehru :** I do not want to interrupt the Honourable Member. May I ask him to point out how the new amendment which is now proposed will affect the rights of a reversionary heir? (Laughter.)

**Mr. M. R. Jayakar :** There is no occasion for laughter. I did not say that the amendment would affect the rights of a reversioner. I was mentioning that titles in Hindu Law are already uncertain, and we will be adding to the uncertainty of Hindu titles if we do not clear this particular point now under discussion. My Honourable friend will fail to trip me by the jugglery of his interruption. I know the Hindu law quite as well as he does. What I was mentioning, possibly the point escaped the attention of my Honourable friend in his anxiety to trip me, was that the uncertainty of the Hindu law was already very great and I mentioned the reversioner's right as one instance which causes that uncertainty. The point is that we shall be adding to that uncertainty considerably more by leaving a loophole. My Honourable friend says "who knows there may be a contrary rule of Hindu law." That is the argument of my Honourable friend. "Who knows." "There may be a rule of Hindu law somewhere in some text which may be affected by Chapter II." I take his words and say that it is exactly this feeling that will cause the uncertainty and consequent litigation. The solicitor will say to his client the purchaser, in the words of my Honourable friend, "who knows there may be a contrary rule of Hindu law in texts lying somewhere laying down a contrary rule. So beware." Therefore, I am on safe ground even as a layman in asking this House to remove this uncertainty and oppose the amendment. It is the duty of this House to see that money is not unnecessarily wasted on litigation by their failing to remove what is sure to be a fruitful source of unnecessary, harassing and extravagant litigation.

**Mr. President :** The question is :

"That clause 3 of the Bill be omitted and consequential amendments be made."

The Assembly divided :

AYES—26.

Aney, Mr. M. S.  
Ayyangar, Mr. M. S. Sessa.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Das, Pandit Nilakantha.  
Iyengar, Mr. A. Rangaswami.

Kelkar, Mr. N. C.  
Kunzru, Pandit Hirday Nath.  
Lahiri, Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Mehta, Mr. Jamnadas M.  
Misra, Mr. Dwarka Prasad.

## AYES—26—contd.

Mitra, Mr. S. C.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Naidu, Mr. B. P.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Rao, Mr. G. Sarvotham.

Singh, Mr. Gaya Prasad.  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganaud.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.  
Yakub, Maulvi Muhammad.

## NOES—65.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Haye, Mr.  
Abdul Matin Chaudhury, Maulvi.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Ayangar, Mr. V. K. Aravamudha.  
Badi-uz-Zaman, Maulvi.  
Bajpai, Mr. R. S.  
Birla, Mr. Ghanshyam Das.  
Bower, Mr. E. H. M.  
Bray, Sir Denys.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Cramer, The Honourable Sir James.  
M. P. Ghulam Kadir Khan.  
Dakhan, Khan Bahadur W.  
Farookhi, Mr. Abdul Latifi Saheb.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Ghuznavi, Mr. A. H.  
Gidney, Lieut.-Colonel H. A. J.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Jinnah, Mr. M. A.  
Jogiah, Mr. V. V.  
Kariar Singh, Sardar.  
Keanne, Mr. M.  
Lindsay, Sir Darcy.

Mitra, The Honourable Sir Bhupendra Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.  
Mukharji, Rai Bahadur A. K.  
Mukherjee, Rai Bahadur S. C.  
Mulla, Mr. D. F.  
Munshi, Mr. Jehangir K.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Purshotamdas Thakurdas, Sir.  
Rainy, The Honourable Sir George.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Shervani, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Rai Bahadur S. N.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin, Tut, Mr.  
Tirloki Nath, Lala.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yamin Khan, Mr. Muhammad.

The motion was negatived.

**Mr. President :** The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

**Mr. President :** The question is :

“ That clause 4 stand part of the Bill.”

**Mr. M. R. Jayakar :** Sir, I have an amendment.

**Mr. Lalchand Navarai** (Sind : Non-Muhammadan Rural) : Sir, I oppose the whole clause. I object to this clause being made part of this Bill. This clause refers to the last paragraph of section 3 of the Transfer of Property Act, and as it stands at present it reads thus :

“ A person is said to have notice of a fact when he actually knows that fact or when, but for wilful abstention from inquiry or search which he ought to have made, or

gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 29 ”.

Now, Sir, the proposed amendment to this paragraph is this :

“ In section 3 of the said Act, for the last paragraph containing the definition of ‘ notice ’ the following shall be substituted, namely :—

‘ A person is said to have notice of a fact when he actually knows that fact, or when, but for wilful abstention from an inquiry or search which he ought to have made, or gross negligence, he would have known it ’.”

Then, Sir, an explanation has been added to this clause which runs thus :

“ Where any transaction relating to immoveable property has been effected by a registered instrument, any person acquiring such property or any part of, or share or interest in, such property shall be deemed to have notice of such instrument as from the date of registration ”.

Now, it will be observed that the first difference between the old part and the new one is that the words “ when information of a fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, 1872, section two hundred and twenty-nine ” are deleted. I have no objection to that at all, but then I submit that, to make registration a notice at all events and always is what I object to. Those who are conversant with the environments and conditions in the mofussil—in villages and rural parts of the country—are aware that to make mere registration notice will operate very hardly upon people. Apart from the many difficulties that prevail in many rural areas, there is no facility I submit, in the registration offices for knowing whether a particular document has been registered or not. There is no facility in many of the registration offices in the mofussil to get a ready reference to a particular document having been registered. The practice in most parts of the country is this : when you go to a sub-registrar and say that you want to know whether a particular document has been registered, the reply always is that it is not easy to give an answer ; that he has no index or indices to which a reference could be made readily, and that without expense and delay, the information could not be got. The practice is that they ask one rupee for a search for each year. You can imagine what happens when one goes to find out whether a particular document has been registered before or not the reply is given “ We have to wade through water and dive deep into the ocean of registers to find out whether it has been registered or not.” Take it for the sake of argument that there is a very old document, about 60 or 70 years old, no one knows whether it is registered at all, and when you go and ask for the information you are asked to deposit Rs. 60 in order to find out whether it has been registered ; and even then it is not easy to find it out. Other difficulties also arise. Even the sub-registrar himself is not able to find it out so soon and the difficulty with him is this. It is a well known fact that in villages and in many towns there is no city survey or town or village survey. Therefore the houses are not numbered at all, and when you register a document, which is not marked with a number, it is not easy to find out whether a particular house has been sold or disposed of before or not. Therefore it is difficult for the sub-registrar to find out from the boundaries only whether a particular document really applies to a particular property. In other words, it is very difficult to identify the property from the property that has been already disposed of. These difficulties arise not only with regard to illiterate persons,

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but also literate. It will be very hard to make mere registration notice with regard to illiterate people because they do not know what registration is or what will be the effect of a particular document having been registered beforehand. Even with literate people these are the difficulties that I have pointed out; and until India makes all registration offices possess indices of such a nature that you can find out at a glance what document has been registered, until that time, it will be premature to pass this clause.

As regards arable land also the same difficulties arise. Arable land is no doubt surveyed during settlement operations and the lands are numbered; but there again there are lands at places where there is no settlement at all—unsettled lands—and there they do not give any number and the same difficulty arises as in the case of houses. Therefore as regards arable land also there is the same difficulty.

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Now, the reason given for this attempt to amend the law is contained in Appendix B—Notes on Clauses; and there it is said that notice, as defined in section 3, includes both actual and constructive notice, and as there is a conflict of decisions whether the registration of a document under the Indian Registration Act is of itself constructive notice of a transaction entered into by that document it has become necessary to make this amendment. The High Courts of Bombay and Allahabad hold that it is; the Madras High Court held that registration does not amount to notice in any case. It was observed that, if the Legislature desired to regard registration as notice, it would have said so in express words. In some cases the Calcutta High Court took the same view as the Madras High Court.

Now, Sir, the reason given for this enactment is that there is a difference of opinion between the High Courts. I say that that is a point in favour of my contention. The High Courts differ not only in law but on facts with respect to this, and I submit that this is not a question of law on which we are removing diversity of opinion, but a question of fact; and I say it is a question of fact on this ground: that these High Courts have held the effect of registration differently at different places as a matter of fact depending upon the circumstances of each case and the facilities that are available in different parts of the country with regard to finding out the old documents from the registration offices. Therefore the very fact that there is a divergence of opinion on this even among the High Courts shows that it should be left to be decided by each High Court in every case that comes before it as a question of fact. I would rely for my contention upon the ruling of a very eminent lawyer and judge—Sir Lawrence Jenkins who was a well-known Judge of the Bombay High Court and who also had the experience of the Calcutta High Court. What he has said is this:

“ Apart from authority, I should have thought that with regard to statutes applicable to this country, the proposition involved is not one of law but of fact, and that as each case arises it should be determined whether, in that individual case, the omission to search the register taken together with other facts, amounts to such gross negligence as to attract the consequence which results from notice, and it may well be said that this test will serve to reconcile the apparent conflict of views that at first sight the cases suggest.”

It is only a conflict at first sight, Sir, and I submit that it is a question of fact and should be left to the courts to decide. Sir, this is not the only ruling. This view is continued to be taken in the Calcutta High Court and is followed in 48 Cal. 1. We find, Sir, in the placitum to the ruling, the Court in *Manindra Chandra Nand v. Troyluckho Nath Burat* held,—

“ That having regard to the statutes applicable in this country the proposition involved is not one of law but of fact,”—

the same thing that Sir Lawrence Jenkins said.

Then, Sir, I submit, that those who belong to the presidency towns may not be able to appreciate the difficulty that is felt by people in the villages where there are no registration facilities, because in presidency towns there are registration offices and there may be facilities to find out certain documents at a moment's notice. But I appeal to the House, and to those Honourable Members who belong to presidency towns in particular, to consider the condition of the rural population in India in regard to this matter.

Then, Sir, it was urged that the view of the Bombay High Court was that registration was notice. But there also the same distinction has been made in 45, Bombay, at page 173, by Justice Heaton. This is what he says:

“ There seems to be a good deal of misapprehension about registration and its effect as notice. Registration does not necessarily give notice to anybody of anything. But if a registered document is so indexed that an inquirer anxious to ascertain whether there are documents relating to a property which he proposes, for instance, to buy, can find from the index documents relating to that property, then it will be held that he has notice of those documents; because if he made the inquiry, which as prudent man he ought to make, then they would come to his notice.”

I submit, therefore, Sir, that the conflict in the law would not necessitate a drastic measure like this to be applied generally to the whole of India. I do not wish to take much time of the House, but I submit that the Select Committee have realised one difficulty at least. I do not know whether this point was pressed on them or whether they considered the point that there are not adequate registration facilities in a large number of villages where there are no registration offices, but they have realised at least one difficulty, and that is in regard to cases where documents are not registered in a district other than the one in which the property is situate. That is an additional circumstance, Sir, which supports my case about the difficulty not only of finding out certain relevant documents but also of going to other places to find out the same, because when one goes to the office of the registrar, he has not only to look through the records of the office where the property is situate, but he has also to search the records of another registration office if a memorandum has been recorded under section 66 of the Registration Act. Now, the Select Committee say:

“ It has been pointed out that the provision that the registration of a document amounts to notice from the date on which it is registered, will cause difficulty in a case in which the document has not been registered at the place where the property is situate. This objection has some force.”

It will be observed, Sir, that the Select Committee have not considered the point that I have placed before the House, but they have merely

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considered from what date it should have effect. Then, further on, the Select Committee say :

" We have, therefore, added at the end of Explanation I the following words :— or if the instrument has been registered under sub-section (2) of section 30 of the Indian Registration Act, 1908, from the earliest date on which a memorandum thereof has been filed by any Sub-Registrar under section 66 of that Act."

Therefore, Sir, I submit that the addition of another paragraph suggested by the Select Committee does not remove the objection that I have brought forward, and I therefore appeal to the House not to accept this amendment without serious consideration.

**Mr. M. S. Sesha Ayyangar :** Sir, the whole of this clause is unexceptionable, excepting Explanation I to which I take objection. Coming as I do from Madras, the Madras and the Calcutta views have always been that registration by itself is not sufficient notice. Now, the High Courts in these provinces take up the English view ; even in England it is found that the system of public registry is still imperfect, and there the law is that registration is not by itself sufficient notice. The American practice is, however, quite different. There they hold that registration is by itself notice. Bombay and Allahabad stick to this view. I do not know why the Select Committee were enamoured of the American practice in preference to the English practice, and I am in entire agreement with my friend Mr. Navalrai when he said that registration is not, after all, a question of law but of fact. He was, while on this point, referring to a decision of the Privy Council, but unfortunately omitted to read the relevant portion therein. I am referring to the Privy Council decision in *Tilakdhari v. Khedan Lal*, I. L. R. 48 Calcutta, page 1, where it has been held that registration by itself will not operate as constructive notice to the world at large, though in certain cases, having regard to the peculiar circumstances thereof, it may be tantamount to notice. This is what their Lordships say in their decision :

" Whether registration is or is not notice in itself, depends upon the facts and circumstances of each case, upon the degree of care and caution which an ordinarily prudent man would necessarily take for the protection of his own interest by search into the common registry..... It is a question not of law but of fact "

Sir, I would hesitate to give my assent to Explanation I unless the Honourable the Mover gives the House cogent reasons why he should deviate from the very healthy principle enunciated by their Lordships of the Privy Council. Sir, in this connection I am not unconscious of the relaxation, as I said already, of the rigidity of this rule by providing in the italicised portion of this Explanation that,

" if the instrument has been registered under sub-section (2) of section 30 of the Indian Registration Act, 1908, from the earliest date on which a memorandum thereof has been filed by any Sub-Registrar under section 66 of that Act "

No doubt, there is some relaxation of the rigidity in the rule, but the relaxation of the rigidity of the rule would not certainly enable any one to accept the principle of the rule itself. Sir, I can also emphasise the fact that in this country registration is very imperfect, and there are not sufficient registration offices to provide easy facilities for all people resident in the villages to register their documents. Sir, this is a continent of villages, and as there are not enough registration offices, it will be very difficult, it will be a great hardship upon the litigant public of the villages

to enunciate and follow the provision that registration by itself is sufficient notice. Therefore, Sir, for these reasons I oppose the Explanation I to clause 4.

**Mr. N. C. Chunder :** Sir, on the question of registration being notice, I frankly confess that I still keep an open mind. It is a very difficult problem. So far as Calcutta is concerned, it really makes no difference whether registration is made notice or not, because it is notice already. If anybody buys property in Calcutta and omits to search the registers which are very well kept, ordinarily, he will at once be affected with negligence, and therefore with notice. But so far as the mofussil is concerned, for the first time I was surprised to hear from my friend Mr. Navalrai—and that was confirmed by my friend Mr. Belvi,—that there is no maximum amount fixed in Bombay for searching the indexes for a particular property. In Bengal the maximum amount is Rs. 20 for any particular name or any particular property. In any case, Sir, this Explanation is not being given retrospective effect, and that is a good thing. There has been a glaring omission, and I understand that my learned friend Mr. Jayakar is going to get that amended, but whether even with that amendment the Explanation, as it will then stand, will work hardship on the people in the mofussil or not, I have no means of knowing. But I can describe to you the practice in the registration offices in Bengal. There they keep two sets of books for indexes. Mr. Navalrai said that it is very difficult to gather information from the indexes. It may be because one does not know how many indexes are kept. Each document is indexed not merely according to the number or description of properties, but also according to the names of the persons who either execute that document or who claim any benefit under that document. If proper indexes are kept, these can be searched, and a maximum fee is fixed in Bengal. Therefore, if this Explanation becomes a part of the law, it will not cause great hardship in Bengal in any case, and as it is not going to have any retrospective effect, I hope Government will take steps to see that the searching facilities are very much improved. One thing which can be said against giving the doctrine of notice so far as registration is concerned a sort of statutory rigidity is that in cases of small properties where people are buying properties worth Rs. 20 or Rs. 50 or Rs. 100, for them to spend Rs. 20, the maximum which is fixed in Bengal, even that may be a large enough item, while, on the other hand, the law as it has now been settled by the Privy Council in *Tilakdhari Lal's* case, 47 Indian Appeals, stands thus : whether registration will or will not be notice is a question of fact, and it depends on whether there has been any negligence on the part of the purchaser or not. In other words, whether the purchaser has made proper inquiries, which include in the circumstances of the case supposed whether the purchaser was bound to make any inquiries. No Court, even though Courts do sometimes give foolish decisions, will ever give a decision like this, that while you are buying property worth Rs. 100 or Rs. 80, you must spend Rs. 20 on searching for encumbrances in the registration offices. So, whether the law should be left in its present condition of elasticity, or whether it should be given a statutory rigidity, that will be for the House to decide, but in deciding that, we have to take into consideration the fact that, in the mofussil, especially if the facts are as they have been stated by Mr. Belvi and by Mr. Navalrai, it would be simply ruinous to poor purchasers or to holders of land in the mofussil if they could not sell their

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lands unless the purchaser satisfied himself by searching the registration offices. It might cost the purchaser Rs. 60, or 80 or even more, because there may be joint offices, and in each case you would have to pay Rs. 60. In that view of the case the poor vendors will get few buyers, because, after all, when a man buys a property, he takes into account all the costs that he will have to incur in buying that property. The incidence of all these expenses that are incurred naturally falls on the vendor, and if the facts are as they have been stated and if we do not get any contradiction of those facts, then I submit that the House will be well advised just for the present to omit Explanation 1 altogether.

**The Honourable Sir Brojendra Mitter :** It is the very Privy Council decision in Tilakdhari Lal's case which is the occasion for the change proposed. The law, as has now been settled by the Privy Council, is this, that whether registration is or is not notice depends upon the facts and circumstances of each case, upon the degree of care and caution which an ordinary prudent man will necessarily take for the protection of his own interest by searching the registers kept under the Registration Act. The result of that has been that in every case when the issue of notice or no notice is raised long litigation follows, and in view of that, the late Dr. Rash Behari Ghosh says :

“ The test laid down by the Privy Council inevitably leads to much perjury and litigation.”

Before the Privy Council decision there was a considerable conflict of opinions in the different High Courts. While that conflict has been set at rest by the Privy Council decision, the effect of that decision is much perjury and litigation. In order to avoid that, the Bill provides that registration should be notice in all cases.

One objection raised is that there is difficulty of search, and other objection is, in case of small properties, that the cost of search is disproportionate to the value of the property. As regards the difficulty of search, that is a matter which can be easily remedied by amending the rules under the Registration Act ; that has got nothing to do with the Transfer of Property Act. If this clause is passed by the Legislature here, then, having regard to the change, it will be incumbent upon the Provincial Governments to revise their registration rules in order to make searches easy of accomplishment.

**Mr. N. C. Chunder :** Will they make them ? Registration is a transferred subject.

**The Honourable Sir Brojendra Mitter :** It is a transferred subject. If the present Bill is passed, then it will be incumbent on all Provincial Governments to revise their registration rules—rules as regards search, rules as regards fee, and all the other rules relating to searches.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : That might take years.

**The Honourable Sir Brojendra Mitter :** That is no reason. Because the Provincial Governments might take a long time in revising their registration rules, is that any reason why a salutary rule which is expected to have the effect of avoiding ruinous litigation and perjury—is that a sufficient

reason why such a provision should be postponed ? Is it suggested that the rules regarding search should be revised first and then the law should be amended here in the Transfer of Property Act ? I do not think that any Honourable Member will make that suggestion.

As regards the point which was made by Mr. Sesha Ayyangar or by Mr. Navalrai—I forget which—that there may be irregularities or mistakes in registers, and if a transferee is affected with notice of anything contained in such registers he may be seriously prejudiced. Mr. Jayakar has tabled an amendment and I am going to accept that amendment making provision for irregularities and mistakes.

**Mr. M. A. Jinnah :** What is that amendment ?

**The Honourable Sir Brojendra Mitter :** The amendment which has been tabled is this :

“ After Explanation 1 to clause 4 of the Bill, the following proviso be inserted :

‘ Provided that :

- (1) the instrument has been registered and its registration completed in the manner prescribed by the Indian Registration Act of 1908 and the rules made thereunder,
- (2) the instrument has been duly entered or filed as the case may be in books kept under section 51 of that Act, and
- (3) the particulars regarding the transaction to which the instrument relates have been correctly entered in the indexes kept under section 55 of the Act ’.”

If this amendment is accepted by the House, then that will meet the case of mistakes and irregularities. As regards small properties to which my Honourable friend Mr. Chunder referred, Mr. Sesha Ayyangar has got two amendments, which, as I have already said, I will accept. In that case small properties will be excluded from compulsory registration. There will then be no hardship on purchasers of small properties. Now, the first objection raised is the irregularity or mistakes in registers. The second objection is the difficulty of search and the third objection is with regard to small properties. If the amendments of Mr. Sesha Ayyangar and Mr. Jayakar are accepted, then all these objections will be met.

**Mr. Lalchand Navalrai :** What about the expenses of search ?

**The Honourable Sir Brojendra Mitter :** That is a matter for the Provincial Governments to make rules under the Registration Act.

**Mr. Lalchand Navalrai :** What guarantee is there that the Provincial Governments will do it.

**The Honourable Sir Brojendra Mitter :** That is not a matter for us to consider now. I will make my position clear. At the present moment, all transfers of the value of more than Rs. 100 have to be registered. If exorbitant expenses are incurred under the present law, we cannot help it. In so far as the value of property, in respect of which registration is made compulsory, is concerned, we are making no change. It will be the same as now. If there be any hardship at the present moment, we cannot here do anything by way of affording relief. All we are doing here is this. In respect of properties of a higher value than Rs. 100, registration which is now compulsory will be notice. That is all that is proposed now. If there be facilities for search, then even under the present law it is notice. If there be no facilities under the present law, then under the Privy Council decision, it may not be notice. That is the state of things now. Therefore, whenever that question of notice or no notice arises under the



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present law, protracted litigation is always the result. If you make registration notice, all that litigation will be avoided. Thus it is a beneficent proposal. It saves small properties. It makes provision for mistakes and irregularities. As regards the revision of rules under the Registration Act, that is a matter for the Provincial Governments, which we cannot deal with here. For these reasons I submit that the proposal in the Bill should be accepted by the House.

**Mr. M. A. Jinnah :** When we adopted this clause, the Honourable the Law Member will remember that he gave us to understand that the Government of India would take steps, as far as it lay in their power, to see that the Local Governments would make rules under the Registration Act, but his statement to-day.....

**The Honourable Sir Brojendra Mitter :** I was talking of this House. We cannot in this House do anything. Undoubtedly, if this Bill is passed, the Government of India will take every step to impress upon Provincial Governments that their rules under the Registration Act require revision. So far as the Government of India are concerned, the attention of Local Governments will be drawn to the matter without delay.

**Mr. M. A. Jinnah :** I may tell the House that some of us in the Select Committee were compelled to come to the conclusion that registration should be notice. I do not wish to add anything to what the Law Member has said. As regards small properties, if this House will exclude small properties from registration, then that argument goes. Then really nothing is left except this, that the House should leave the people to litigate on a question of fact whether the purchasers had notice or no notice. It means long trial, evidence on both sides and lots of expense and costs. Having regard to the Privy Council case, if the property is registered, then in 99 cases out of a hundred, the Court will start with the presumption of notice. Therefore, instead of leaving the matter to be litigated in each case, is it not better that we should put an end to all this by treating registration as notice? After a great deal of consideration, we came to the conclusion that this course should be adopted.

**Mr. Lalchand Navalrai :** Has the Honourable Member considered the question of cost of searching out whether there is any previous document registered?

**Mr. M. A. Jinnah :** The only expense is the expense of search. We considered that at great length. We made inquiries both as regards presidency towns and the mofussils, and we were told that in most places there is a system of registration, and the cost of search is very small. It is said that the cost of search is high. How high is that?

**Mr. N. C. Chunder :** It is Rs. 20 in Bengal.

**Mr. M. A. Jinnah :** You are searching as a pleader or solicitor for a purchaser. You want to see whether the property has been dealt with previously. You go to the Registrar's office to search, merely to see from the register whether that property has been dealt with prior to your buying it. Surely you will try to ascertain what would be the cost of the search of that. It cannot be more than few rupees. (*Cries of "No, no."*)

**Mr. Lalchand Navalrai :** Excuse me when I say that, if it is not known whether the property has been dealt with, you may have to search for a number of years backwards and pay one rupee for each year's search.

**Mr. M. A. Jinnah :** Supposing you should pay a rupee a year—and I take it that generally 40 years' title is good title, and in some cases you may go as far back as 40 years. (*An Honourable Member :* "Even more".) I should have thought 30 years is enough.....

**Mr. N. C. Chunder :** The Calcutta practice is to go back up to 1865.

**Mr. M. A. Jinnah :** Well it may be, and I agree that there is the question of the cost of search. I will only say that we were not able to get any information that the cost was so heavy as the Honourable Member now points out to me. We were under the impression that the cost of search was very small. (*An Honourable Member :* "It is not".) Well in that case I again say this. I would appeal to the Honourable the Law Member to see that some redress is given for the purpose of search and to see that this heavy cost is reduced. But there is no other cost that I can think of. Either then, have this and pay Rs. 30 or Rs. 40 (at most it comes to that), or have a law suit and have pleaders on both sides, go on with your case, call witness after witness, which will lead to inconvenience to parties, to protraction of trial, to cost, but you will have to choose between these. Otherwise I see no remedy. And I know this perfectly well that, in so far as Bombay is concerned, there is no objection to the legislation.

Now, there is only one more point. The Honourable Member said that there is no facility for registration. Now that also we considered at very great length and we were told, at least by those Members serving on the Committee who were representatives of Commerce, that in all provinces now the system is being introduced and is growing. Now if you have got a register, and the register is kept according to the rules, and you search that register, and if there is no reference made to that property, then surely you cannot be said to have had notice. If it is there and you neglect to notice it, then you have notice; but if it is not in there, or if a book is not kept at all—in some parts of the Honourable Member's district there is no register kept—if no such register is kept, then you cannot be said to have notice.....

**Mr. Lalchand Navalrai :** The Honourable Member did not follow me. I did not mean that no registers are kept, but that there are so many registers kept and there is no index to show it at a glance and so the Registrar has to go through all the registers and therefore the charge will be very heavy.

**Mr. M. A. Jinnah :** The only answer I can give is that in that case I have no doubt that the Government of India will look into this matter and will urge upon the Local Governments to improve the keeping of their records.

**Mr. Lalchand Navalrai :** That is putting the cart before the horse.

**Mr. M. A. Jinnah :** It is not putting the cart before the horse. The very fact that the Legislature is going to pass this Bill, the very fact that

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the Government of India are responsible for it, and the very fact that the Government of India have given an undertaking on the floor of this House that they are going to see to it, I say that is sufficient for my purpose, and I say that the Government will carry it out, and if they do not carry it out, then surely the remedy is in your hands and you can certainly move this Legislature to act in whatever manner you like in the future.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th September, 1929.

## LEGISLATIVE ASSEMBLY.

Wednesday, 11th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## MEMBER SWORN :

Mr. Herbert William Emerson, C.I.E., C.B.E., M.L.A. (Home Secretary).

## QUESTIONS AND ANSWERS.

## RECRUITMENT FROM ENGLAND IN 1924 OF TWO SIGNAL INSPECTORS FOR THE EAST INDIAN RAILWAY.

346. \*Lieut.-Colonel H. A. J. Gidney : (a) Is it a fact that in 1924 on the East Indian Railway two Signal Inspectors were recruited from England on a temporary agreement of three years ?

(b) Were they confirmed in their appointment and, if so, when ?

(c) Were any subordinates in the Signals Department promoted to the Superior Railway Service during the period 1924 and till these two covenanted men were confirmed ?

(i) If so, how many ?

(ii) If not, did the Agent of the East Indian Railway obtain the sanction of the Railway Board before thus increasing the cadre of the Department ?

(iii) If not, what action do the Railway Board intend to take ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 346, 347, 348, 418 and 419 together. A full report of the circumstances was called for from the Agent of the East Indian Railway and reached the Board only yesterday. I hope to be able to give my Honourable friend a full reply within the next few days.

## NUMBER AND QUALIFICATIONS OF ASSISTANT SIGNAL INSPECTORS ON THE EAST INDIAN RAILWAY.

†347. \*Lieut.-Colonel H. A. J. Gidney : (a) How many Assistant Signal Inspectors are there on the East Indian Railway ?

(b) What are the special qualifications possessed by the two covenanted men and which are not possessed by Assistant Signal Inspectors recruited locally that called for their recruitment on covenanted service ?

(c) Were any of the Assistant Signal Inspectors ever allowed to officiate for any period as Signal Inspectors ?

†For answer to this question, see answer to question No. 346.

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- (i) If so, who were they ?  
 (ii) What were the reports of the officer in charge on their work ?

#### RECRUITMENT FROM ENGLAND OF TWO SIGNAL INSPECTORS FOR THE EAST INDIAN RAILWAY.

†348. \*Lieut.-Colonel H. A. J. Gidney : (a) How many of the total cadre (grades 1 and 2) of Signal Inspectors excluding the two covenanted men referred to in the two preceding questions are :

- (i) covenanted men ;  
 (ii) locally recruited ; and  
 (iii) promoted from the grade of Assistant Signal Inspectors ?  
 (b) Is it a fact that the training which candidates have to undergo before their appointment as Assistant Signal Inspectors now and for the past decade is and has been more rigorous than that underwent by the men mentioned in part (a) (iii) ?  
 (c) Did the Agent, East Indian Railway, make any efforts at recruiting from among his worthy subordinates before confirming or continually employing the two covenanted Inspectors ?

#### PURCHASE OF PATENT TYPES OF ENGINES FOR INDIAN RAILWAYS.

349. \*Pandit Nilakantha Das : (a) Are any patent types of engines purchased for use on Indian Railways ? If so, what are they ?  
 (b) Which countries and firms supply them ?  
 (c) What is the justification for the purchase of patent types in each case ?

The Honourable Sir George Rainy : (a) While a number of locomotives purchased by Indian Railways incorporate certain patented features, Government understand that it would not be correct to describe any as patent types. Such locomotives as the Mallet, Kitson Meyers, Garratt, Sentinel and Clayton types probably include more patented features than the ordinary types of locomotive in service.

(b) Of the types mentioned above the Kitson Meyers, Sentinel and Clayton types are, it is understood, manufactured exclusively in Great Britain. The Garratt type is manufactured in Great Britain and on the Continent of Europe, and Mallets all manufactured in Great Britain, on the Continent of Europe and in America.

(c) I am afraid it is impossible for me to give a detailed answer to this question. The types of locomotives above referred to have features which make them suitable for special operating conditions, e.g., an articulated locomotive makes it possible to provide larger tractive effort with a lower axle load, and is peculiarly suitable for sections of railway with heavy grades.

Pandit Nilakantha Das : I wanted to know whether there were any advantages in the patent types of the articulated locomotives. Will the Honourable Member please enlighten me on this point ?

†For answer to this question, see answer to question No. 346.

The Honourable Sir George Rainy : Yes, Sir. When a locomotive is of a special kind, such as the articulated kind, it is common knowledge that it is probable that there would be more patent features than in an ordinary engine, just because it is a little out of the ordinary run.

#### TYPES OF ENGINES USED ON INDIAN RAILWAYS.

350. \*Pandit Nilakantha Das : (a) Are there patent and non-patent types for one specification or one kind of service in the engines used on railways in India, e.g., Garret for articulated engines ? If so, in which case are such types used and with what justifications ?

(b) Which railways use articulated engines and in what numbers in each case ? What is the price of each type of articulated engine ? And which are the countries and firms from which each type is purchased and for what price in each case ?

(c) Have the tenders been called for for articulated engines all over the world ? If so, will Government be pleased to give a description in each case of tender and its acceptance ?

The Honourable Sir George Rainy : (a) If the Honourable Member is using the word "specification" in the technical sense in which it is used on railways, the answer is that, generally speaking, locomotives are purchased against one general specification, which specification is amplified as necessary in particular specifications to cover whatever variations from the general specification are necessary. The Honourable Member is no doubt aware that it is common practice to specify certain patented fittings on engines.

(b) and (c). There are articulated engines in use on the North-Western, Assam Bengal, Burma and Bengal Nagpur Railways. I am trying to collect whatever information is readily available and shall communicate with the Honourable Member later.

#### NATURE OF GOVERNMENT CONTROL OVER COMPANY-MANAGED RAILWAYS IN REGARD TO PURCHASES.

351. \*Pandit Nilakantha Das : What is the control of the Railway Board or Government in the case of Company-managed railways (e.g., the Bengal Nagpur Railway) in regard to the purchase of articles without calling for tenders, or the favouring of patentees or others by purchasing their articles at a higher price ? Have any such cases been discovered in audit ? If so, will Government be pleased to give a description in each case, especially in cases of the universal sleepers and Garret engines ?

The Honourable Sir George Rainy : I am afraid it is impossible for me to give a general answer to the first part of the Honourable Member's question. The control exercised by Government over Company-managed railways is based on the contracts existing between the Government and individual Railway Administrations. Copies of these contracts are in the Library of the House. Any failure of the Railway Company to carry out the terms of the contracts, either in procedure or in incurring expenditure, would be taken up by the Government Examiner of Accounts and a record of important cases of that character will be found in the appropriation accounts of the Indian Railways. With regard to

the second and third parts of the question, I am informed that Audit Officers have not called attention to the cases which I think the Honourable Member has chiefly in mind, namely, the universal sleepers and the Garret engines, and so far as the Garret engines are concerned, I am not aware of any reason why they should do so.

**Pandit Nilakantha Das :** My question particularly was if there is any control over the purchase of articles of Company-managed railways. Is there any such control provided in the contracts? That is my specific question.

**The Honourable Sir George Rainy :** I cannot answer the Honourable Member's question fully if he means what are the exact powers of control. But I am quite prepared to say this that, if the Government of India found that a practice was growing up of not calling for tenders in cases where obviously tenders ought to be called for, or if it was found in the case of any article in general use that there was reason to believe that patented articles were being purchased where an unpatented article would serve the purpose equally well, and was cheaper, then without any doubt we should make inquiries on the subject and ascertain the facts, and I have no doubt that our powers of control, whatever exactly they may be, are quite sufficient to deal with such cases.

#### MANUFACTURE OF LOCOMOTIVES IN INDIA.

352. **\*Pandit Nilakantha Das :** (1) What are the attempts being made to manufacture locomotives in India?

(2) How many locomotive manufacturers are there in England, Germany, America, Belgium, Japan and other countries?

(3) What number of locomotives are produced on the average in each such country?

(4) What is the smallest number of locomotives manufactured in a single factory in any country which keeps on going without a loss?

**The Honourable Sir George Rainy :** (1) As far as Government are aware, locomotives are manufactured in India only by the Bombay, Baroda and Central India Railway at Ajmer.

(2), (3) and (4). Government have no information.

**Pandit Nilakantha Das :** May I ask the Honourable Member whether the Government of India are prepared to ascertain if a locomotive firm can be run in India and had there been collected any information to that effect by the Railway Board?

**The Honourable Sir George Rainy :** I am afraid we have no information about that. I cannot answer these questions.

**Pandit Nilakantha Das :** Is the Honourable Member prepared to give any subsidy or bounty or guarantee for purchase if any private company wanted to manufacture locomotives?

**The Honourable Sir George Rainy :** I think, Sir, as regards the manufacture of locomotives the matter rests where it did after the report of the Tariff Board was submitted in 1924. The Tariff Board then recommended that it was not desirable to protect the manufacture of locomotives in India.

**Pandit Nilakantha Das :** May I know if this information was collected even when the Tariff Board inquired into the matter?

**The Honourable Sir George Rainy :** I was a member of the Tariff Board at the time, Sir, and I do not recollect that we had before us anything like such complete information as the Honourable Member has asked for.

**Mr. Jamnadas M. Mehta :** What has happened to the manufacture of locomotives at Ajmer by the Bombay, Baroda and Central India Railway? Is it continuing now?

**The Honourable Sir George Rainy :** It is continuing at present.

**Pandit Nilakantha Das :** Is it only for the locomotives or for the locomotive parts?

**The Honourable Sir George Rainy :** If the Honourable Member refers to the railway workshop at Ajmer, I think it was about 20 years ago or more that they began to manufacture locomotives, and they have continued to do so ever since. The Government have recently instituted an investigation to ascertain whether the manufacture of locomotives at Ajmer can be justified on economic grounds and that investigation is not yet complete.

**Pandit Nilakantha Das :** In view of that, will the Honourable Member make an effort to collect the information required in parts 2, 3 and 4?

**The Honourable Sir George Rainy :** I am very doubtful whether, without the kind of inquiry which the Tariff Board might make, we can get accurate and reliable information on this point. It is a very difficult question to investigate what is the minimum number of locomotives per annum which makes an economic unit. The Tariff Board have always found that it was a matter that required very close investigation. Now, practically the Government of India are not in a position to carry out that kind of investigation.

**Mr. Jamnadas M. Mehta :** Do Government suggest that, though locomotives have been manufactured at Ajmer for nearly 20 years, and although the Government have got a predominant interest in the Bombay, Baroda and Central India Railway, and though they are the exclusive proprietors of the Rajputana-Malwa Railway, they still do not know whether the locomotives are being manufactured at economic prices?

**The Honourable Sir George Rainy :** The Honourable Member may take it for granted that, if we already knew it, we should not have ordered an investigation.

**Mr. Jamnadas M. Mehta :** Is there any reason why they did not know it?

**The Honourable Sir George Rainy :** That question, I think, might be addressed to my predecessors.

#### PURCHASE OF RAILWAY MATERIALS IN INDIA.

353. **\*Pandit Nilakantha Das :** (a) Will Government be pleased to give a list of imported railway materials which can be manufactured and

are being manufactured in India, *e.g.*, cast-iron sleepers and parts of under-frames, with an explanation in each case as to why the entire demand was not purchased in the indigenous market ?

(b) Is there any agency to see that purchases for Indian railways are directed as far as possible to materials produced in India ? If so, what is that agency, and has there been any report of such efforts ?

(c) Why is not the Indian Stores Department used in our railway purchases in India ? What is the advantage of making purchases through Agents of railways ?

**The Honourable Sir George Rainy :** (a) I am afraid that the statement asked for by the Honourable Member could not be prepared without an expenditure of time and labour altogether disproportionate to its value.

(b) State-managed railways are required to send copies of all indents for the purchase of stores from abroad to the Indian Stores Department ; and these indents are scrutinized at monthly meetings by representatives of the Railway Board and the Indian Stores Department in order to see that they do not contain any item which can be purchased in India.

(c) This question has been discussed many times during Budget debates on the floor of this House and I think my Honourable friend will find the information he requires in speeches made by the Honourable Sir Charles Innes and by myself on this subject.

#### FUNCTIONS OF THE CONSULTING ENGINEER FOR RAILWAYS.

**354. \*Pandit Nilakantha Das :** (a) What is the function of the Consulting Engineer for Railways ?

(b) What has made it necessary for the Consulting Engineers to have a branch in India in future ? Cannot the functions of the Consulting Engineers be taken over by the Inspection Department of the Indian Stores Department ?

(c) Have Government prepared any estimate of the expenditure incurred on account of the Consulting Engineers as compared with that which would be incurred if the Inspection were taken over by the Indian Stores Department ?

(d) What is the percentage charged by the Consulting Engineers ? What is the percentage charged by the Inspection Department of the Indian Stores Department ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Presumably the Honourable Member is referring to the Consulting Engineers to the Government of India, who are consulted by most railways (including all State-managed railways) on engineering subjects. The post of Consulting Engineer for Railways was abolished a long time ago, and the functions of that post were quite different.

(b) The necessity for the establishment of a Branch of the Consulting Engineers in India has been fully set out in the Government of India's Resolution No. S.465, dated the 28th November, 1928, published in the Gazette of India, dated the 1st December, 1928, and I would refer the Honourable Member to that Resolution.

As regards the second part of the question, while the Inspection Branch of the Indian Stores Department acts as Consulting Engineers to some extent, its main function is inspection of stores purchased either by the Indian Stores Department, or by other bodies such as the Railways, who may require inspection to be done. It is not equipped to act as Consulting Engineers in a general way and not equipped for consultation work on railway projects.

(c) and (d). The Consulting Engineers do no inspection in India. The Indian Stores Department charges 1 per cent. on the contract value of the stores it inspects.

**Pandit Nilakantha Das :** Does the Honourable Member refer to the Consulting Engineers for Railways who have opened a branch in India and who were given instructions to see whether the articles of purchase were to the specifications recommended by the various specification committees ?

**The Honourable Sir Bhupendra Nath Mitra :** I have said that they are not the Consulting Engineers for Railways. They are Consulting Engineers to the Government of India. I have also said that they have established a branch of their firm in India. If the Honourable Member wants more information on this subject, I would refer him to the memorandum placed before the Standing Finance Committee, dated the 14th January, 1928, with reference to which that body accorded their approval to the establishment of the branch of the firm in India.

**Pandit Nilakantha Das :** May I know if there is any firm of Consulting Engineers for Railways in England ?

**The Honourable Sir George Rainy :** Not to my knowledge.

#### TYPES AND COST OF STEEL AND CAST-IRON SLEEPERS IN USE ON INDIAN RAILWAYS.

**355. \*Pandit Nilakantha Das :** (a) Excluding the types sanctioned by the Permanent Way Specification Committee, how many other types of (i) steel and (ii) cast-iron sleepers are there in use on Indian railways for various sections of rails ?

(b) What are the advantages of these various types and what is the price of each as compared with the Railway Board types ?

(c) For how many years have the universal type steel and cast-iron sleepers been in use on Indian Railways, and what is the price and quantity purchased each year ? Are they used by any other railway than the Bengal Nagpur Railway ?

(d) How does the price of the universal sleepers both steel and cast-iron compare with the sleepers of the Railway Board type ?

**The Honourable Sir George Rainy :** (a) and (b). Steel and cast-iron sleepers have been in use on Indian Railways for about half a century, during which a vast number of types have been introduced. Many such types were discovered to be defective in some respects, and have since been removed from running lines, but they are still to be found in obscure sidings. The types vary from steel to various combinations of steel and cast-iron. The Honourable Member will understand

that the collection of the information asked for by him would involve great labour and time, as the drawings and records connected with the introduction of many of the types have been destroyed. The steel sleepers which survive to this day may generally be classified as the pea-pod type, sub-divided according to the nature of the fastenings used, such as keys, with or without auxiliary gibs, bolts and nuts with rail clips, etc. The surviving cast-iron sleepers may be divided into the pot type and the plate type, each having its adherents among the different Indian Railways, and each sub-divided into many different varieties. It is impossible to pronounce upon their relative advantages, as experts themselves differ upon the subject. The prices vary generally according to the weight, which itself is governed by the axle-loads which the sleeper is designed to carry. Speaking generally, the Railway Board types are somewhat cheaper, strength for strength.

(c) Government are not aware of any steel sleeper called the "Universal". The Universal type cast-iron sleeper was introduced in 1925. It has been mainly used by the Bengal Nagpur Railway, but is now under trial by some other railways. The number purchased by the Bengal Nagpur Railway in 1925-26 and in following years has been 800, 11,000, 32,000, 268,000 and 97,000. The price for the light type (which amounted to a quarter of the total number purchased) was Rs. 9 each and for the heavy type was Rs. 10½.

(d) The Railway Board's standard sleepers cost at present Rs. 8½ to Rs. 9 each.

**Pandit Nilakantha Das :** Does the Honourable Member say that there is no "universal type" of steel sleepers?

**The Honourable Sir George Rainy :** I said that the Government were not aware of any steel sleeper called the "universal sleeper". There is a "universal" cast-iron sleeper.

#### PURCHASE OF STEEL AND CAST-IRON SLEEPERS BY THE BENGAL NAGPUR RAILWAY.

356. \***Pandit Nilakantha Das :** (a) Have sections 43, 47 and 73 of the Contracts relating to the Bengal Nagpur Railway system been fully and properly observed in the case of the purchase of the universal type of sleepers, both steel and cast-iron?

(b) Will Government be pleased to lay on the table all documents and correspondence regarding the tenders, if any, for the purchase of the universal type of sleepers?

(c) Is there an audit report in the case of purchase of the universal type of sleepers? If so, will Government be pleased to lay the report or reports on the table?

**The Honourable Sir George Rainy :** (a) No breach of these sections regarding purchase of sleepers has, so far as I am aware, been brought to the notice of Government by the Auditor concerned.

(b) These papers are not before Government and the question of laying them on the table does not arise at present.

(c) I am not aware of any such report.

#### PURCHASE BY THE BENGAL NAGPUR RAILWAY OF UNIVERSAL SLEEPERS PATENTED BY FORMER EMPLOYEES OF THAT RAILWAY.

357. \***Pandit Nilakantha Das :** (a) Is it a fact that the universal sleepers are contemplated in the patents Nos. 11281, 11282 and 11283 of 1926 granted to Messrs. R. D. T. Alexander, Henry William Joyce, and David Leslie?

(b) Is it also a fact that the three patentees referred to in part (a) above are and were Civil Engineers in the employ of the Bengal Nagpur Railway—Mr. R. D. T. Alexander—the Chief Engineer and other two assistants of the Bengal Nagpur Railway?

(c) Is it a fact that those Civil Engineers—the patentees—have arranged with Henry Williams, Ltd. and Burn & Co. for the manufacture and supply of those universal sleepers?

(d) Has the firm, Henry Williams, Ltd., any connection with the patentee, Henry William Joyce?

(e) Is it a fact that the universal type of steel sleepers is exclusively manufactured and supplied by Messrs. Henry Williams, Ltd.?

**The Honourable Sir George Rainy :** Sir, with your permission, I propose to answer questions 357 to 360 together.

The Honourable Member was good enough to call my personal attention some time ago to some of the points raised by these questions. The information in my possession, however, is still incomplete, and a full report has been called for from the Agent. As soon as it is received, I will send the information asked for to my Honourable friend, and a copy will be laid on the table of this House.

**Pandit Nilakantha Das :** May I know in this connection whether the Honourable Member inquired particularly into question 357 (d), and if he has got any information at all?

**The Honourable Sir George Rainy :** I have got some information, but I would rather not make an incomplete statement on this subject. I have no desire to withhold any information from the House and I have promised to lay on the table of this House a copy of the full statement that I hope to send to the Honourable Member.

**Pandit Nilakantha Das :** Sir, in this connection I may be permitted to draw the attention.....

**Mr. President :** The Honourable Member must ask a supplementary question.

**Pandit Nilakantha Das :** Has the Honourable Member noticed paragraph 65 at page 31 of the Report of the Accountant General, Railways, for 1927-28, under the heading, "Land leased at nominal rates" in which it is stated in sub-paragraph (4) :

"A certain firm has been given a lease at annas 8 per 1,000 square feet per mensem of 2,97,870 square feet of land, whereon it has erected workshops which are not used exclusively for work done on behalf of the Bengal Nagpur Railway. The recurring loss to the Railway in this case comes to about Rs. 52,000 per annum."

Also in the first paragraph it is stated :

"There is no evidence of a compensating gain in the shape of lower rates, since some of the contractors who have been given the use of railway lands at a nominal



for action on the lines indicated in the second portion of the Honourable Member's question does not arise.

**TYPES AND COST OF INDIGENOUS AND IMPORTED POINTS AND CROSSINGS USED ON INDIAN RAILWAYS.**

363. \*Pandit Nilakantha Das : (a) How many types of points and crossings are used on the Indian Railways ?

(b) Are they also made of cast steel, and if so, what is the percentage ?

(c) Is there any specification of points and crossings, and if so, what are they ?

(d) What is the annual average requirements of points and crossings of each railway and what percentage of the points and crossings have been purchased from indigenous sources year after year in each railway for the last five years ? Which Indian firm or firms manufacture and supply these points and crossings ?

(e) What are the prices paid both in India and England for each type of points and crossings ?

Mr. P. R. Rau : (a) Government have no information, but the number must be very large. The Railway Board are at present standardizing nine sets each for 115 lb., 90 lb., 75 lb., 60 lb. and 50 lb. rails, altogether 45 sets approximately. It is proposed that these standards should be used in future on State-managed railways.

(b) Crossings used to be made of cast steel, but the practice has been given up.

(c) Yes. I can supply a copy to the Honourable Member, if he desires.

(d) No information is available on this point. But so far as I know all sets ordered to the new standard designs have been obtained from firms in India. Points and crossings are manufactured by most of the Indian firms undertaking railway track work (such as Henry Williams, Limited, Burn and Company, Rishardson and Cruddas, and others).

(e) As I have already stated, the standard points and crossings introduced by the Railway Board have not, so far as is known, been ordered from England. The Indian prices vary for each set, and in each tender according to the current price of the raw materials : it is considered that the collection and tabulation of the prices from the different railways would involve an amount of expenditure and labour incommensurate with the value of the information obtained.

**METHOD OF CALCULATION OF PRICE OF IMPORTED SLEEPERS, TIE BARS, KEYS AND COTTERS.**

364. \*Pandit Nilakantha Das : (a) Regarding the purchase of steel and cast-iron sleepers, tie bars, keys and cotteners, is it a fact that tenders are called for f. o. r. destination ?

(b) Is it a fact that orders are placed with Indian manufacturers f. o. r. destination and with European manufacturers f. o. b. their own ports and in their own money (*vide* Indian Trade Journal 28th March, 1929, page 713 and *ibid*, 18th April, 1929, page 147) ?

(c) Is it a fact that discrepancies long after purchase have sometimes got to be adjusted in exchange as well as customs duty of certain articles purchased in European markets (*e.g.*, tie bars, keys and cotteners, which have been by mistake paying 10 per cent. *ad valorem*, may in future be calculated at Rs. 26 and 37 per ton with retrospective effect) ?

(d) Who will pay the money if in future more is to be paid on account of duty or exchange—Government or the supplier ?

(e) Do Government propose to demand tenders f. o. r. destination in Indian money from foreign manufacturers also ?

The Honourable Sir George Rainy : (a) and (b). Orders placed with European manufacturers are usually placed f. o. b. at a European port. Large orders placed with Indian firms are usually placed f. o. r. at the manufacturing centre, and only in exceptional cases is the order placed f. o. r. destination, as for example when the goods require to be inspected before being taken over, and inspection at the manufacturing centre cannot be arranged. The Honourable Member's question has drawn my attention to the possibility that in such cases a comparison of the prices of Indian and imported articles may be unfair, because the railway freight from an Indian port to destination would usually be calculated at railway material rates and the freight on the Indian articles at ordinary commercial rates. I have asked the Railway Board to examine the question and advise what action should be taken.

(c) If the rate of customs duty on a particular article is varied between the time when the order is placed and the time of importation, it is obvious that the actual price may be higher or lower than the calculated price. Variations in the course of exchange may also have a similar result. I cannot accept the suggestion that the 10 per cent. duty assessed on the tie bars, keys and cotteners, is not the rate of duty actually imposed by the existing law.

(d) If by the contract of sale the price of the imported article is fixed in sterling f. o. b. a European port, the gain or loss arising from variations in the rate of customs duty or in the exchange accrues to or falls upon Government and not upon the supplier.

(e) With the introduction of the rupee tender system, contracts for the purchases of imported articles will be made in rupees. If the price is fixed c. i. f. an Indian port, variations in the exchange will not affect the price paid by Government, but changes in the customs duty will still do so. I think it unlikely that orders for imported articles will often be placed f. o. r. destination.

Pandit Nilakantha Das : Then am I to understand that Government are not going to arrange that they will quote prices,—as I understood it,—prices f. o. r. destination even in the case of imported articles ?

The Honourable Sir George Rainy : I think it is very unlikely. It has not specifically come before the Government of India to decide what the practice will be when the new system comes into force and I am giving my own personal opinion that it is unlikely that this system will be adopted.

rent were paid exactly the same rates as other contractors who had not been provided with railway land by the Bengal Nagpur Railway."

**Mr. President :** What is the Honourable Member's question ?

**Pandit Nilkantha Das :** My question is, has the Honourable Member noticed this ? And may I suggest that it is the same Henry Williams, Ltd. ?

**The Honourable Sir George Rainy :** I had not personally noticed this particular paragraph, but my Honourable friend Mr. Rau tells me that it has been noticed by the Railway Board, and I understand that instructions on that particular point have been issued.

**CONDEMNED STEEL SLEEPERS OF THE BENGAL NAGPUR RAILWAY ALTERED AND RE-SUPPLIED TO THE RAILWAY AS UNIVERSAL SLEEPERS.**

†358. **\*Pandit Nilkantha Das :** (a) Is it a fact that the Bengal Nagpur Railway, as per a private contract, supplies so-called condemned steel sleepers to Henry Williams, Ltd., who in turn after making some slight alterations supply back those very sleepers to the Bengal Nagpur Railway as universal steel sleepers ? If so, what is the price per ton paid to Henry Williams, Ltd., for those additions and alterations in the so-called condemned sleepers ? What is the price per ton of the universal sleepers made therefrom ? What is the quantity of these steel sleepers supplied year after year by Henry Williams, Ltd. ? How many years had the so-called condemned sleepers been used before they were supplied to Henry Williams, Ltd., to be made into universal steel sleepers ?

(b) Was the price f. o. r. destination or f. o. r. manufacturing firm ? What is the price f. o. r. destination in each case compared with the price of Railway Board sleepers ?

**QUANTITY AND PRICE OF UNIVERSAL CAST-IRON SLEEPERS SUPPLIED BY MESSRS. BURN & CO., AND BENGAL IRON, LTD.**

†359. **\*Pandit Nilkantha Das :** (a) Is it a fact that universal cast-iron sleepers are supplied exclusively by the combine of Messrs. Burn & Co. and Bengal Iron, Ltd. ? What is the quantity purchased year after year from them and for what price ? What is the price as compared with Railway Board sleepers ? Are tenders called for for universal type cast-iron sleepers ?

(b) Is the price f. o. r. destination or f. o. r. manufacturing firm ? What is the price calculated as f. o. r. destination in each case compared with the price of Railway Board sleepers there ?

**PURCHASE FOR THE BENGAL NAGPUR RAILWAY OF STEEL AND CAST-IRON SLEEPERS BY MR. R. D. T. ALEXANDER.**

†360. **\*Pandit Nilkantha Das :** (a) Is it a fact that the Controller of Stores is entrusted generally with all sales of scrap and purchase of stores in the Bengal Nagpur Railway ?

(b) Is it also a fact that the supply of condemned steel sleepers to Henry Williams and the purchase of cast-iron and steel universal sleepers

†For answer to this question, see answer to question No. 357.

are entrusted not to the Controller of Stores but exclusively to the Chief Engineer, Bengal Nagpur Railway, Mr. R. D. T. Alexander, one of the partners of the patentees of these sleepers ?

**EXTENT OF BUSINESS ENTRUSTED TO MESSRS. HOARE MILLER & CO., BY THE BENGAL NAGPUR RAILWAY.**

361. **\*Pandit Nilkantha Das :** (a) What business of the Bengal Nagpur Railway is entrusted to Hoare Miller & Co. ?

(b) Are tenders called for for the supplies entrusted to Hoare Miller & Co., if any ? Has Hoare Miller & Co. any connection with R. Miller, Esq., Chairman of the Home Board of the Bengal Nagpur Railway ?

(c) What is the extent of the business entrusted to Hoare Miller & Co. by the Bengal Nagpur Railway ?

(d) What is the reason for getting the Mayurbhanj State Railway entrusted to the Bengal Nagpur Railway, sub-managed by Hoare Miller & Co. ?

(e) Are Hoare Miller & Co. a commissioned agent so far as the Mayurbhanj State Railway is concerned ? If so what is the commission paid to them year after year ?

(f) Are Hoare Miller & Co. entrusted with the management of any other Railway in India ?

**Mr. P. R. Rau :** (a), (b) and (c). Government have no information, but have called for a report.

(d) and (e). The Railway is the property of the Mayurbhanj Railway Company, of which Messrs. Hoare Miller and Co. are the Managing Agents. The line is worked by Government through the agency of the Bengal Nagpur Railway Company. The Mayurbhanj Railway Company are allowed, subject to certain conditions, Rs. 6,000 per annum to meet office expenses, and the Managing Agents' remuneration for the administration of the Company. They are also allowed actual expenses in connection with Directors' fees, Directors' and Managing Agents' travelling expenses, legal expenses, audit of office account, printing, advertising, stamps, etc.

(f) No.

**ENCOURAGEMENT OF PRODUCTION OF RAILS BY MESSRS. TATAS.**

362. **\*Pandit Nilkantha Das :** Is it a fact that rails are purchased at Rs. 135 per ton in England as against Rs. 110 paid to Tatas ? If so, have the Railway Board made any attempt to encourage Tatas for supplying more rails than they are now doing at a price more than Rs. 110 not exceeding Rs. 135 per ton ? Have the Tatas been asked if they can increase their output of rails if they are given Rs. 135 per ton for the quantities purchased outside India ?

**Mr. P. R. Rau :** The Railway Board have a contract for the supply of 50 to 100 lb. rail sections with the Tata Iron and Steel Company for 7 years at Rs. 110 per ton. Orders are not placed abroad for these rail sections unless Tatas are unable to manufacture them, and as Tatas' capacity is considerably in excess of the current demands, the necessity

DISCHARGE ON THE EXPIRY OF HIS LEAVE OF BABU BANKIM CHANDRA MUKHERJEE FROM THE EASTERN BENGAL RAILWAY.

365. \*Mr. S. C. Mitra : (a) With reference to the reply to Mr. Joshi's question, No. 927, in the Legislative Assembly on the 25th September, 1928, will Government please state if it is a fact that Babu Bankim Chandra Mukherjee was forced to avail himself of all the leave due to him, and that after the expiry of the leave he was discharged? If so, will Government be pleased to state the reasons for which the Agent, Eastern Bengal Railway, stated that he was discharged with a month's notice in terms of the service agreement?

(b) Will Government be pleased to state if the terms of the service agreement apply to employees engaged before the introduction of the service agreement? If not, will Government be pleased to state the reasons for which Babu Bankim Chandra Mukherjee should not be exempted from the operation of the service agreement? Is it not the fact that he entered the Railway Department on the 16th August, 1905, i.e., long before the service agreement was introduced?

(c) Is it a fact that Babu Bankim Chandra Mukherjee's request for communicating to him the charges and faults for which he was so dealt with was not granted by the railway authorities? If so, why?

Mr. P. R. Rau : (a) The appeal of Babu Bankim Chandra Mukherjee shows that he was given the option of taking the leave due to him and resigning thereafter, or of being discharged in accordance with the conditions of service.

(b) The service agreements embody conditions of service which existed prior to their introduction.

(c) I would refer the Honourable Member to the reply given by Mr. Parsons on the 25th September, 1928, to question No. 927 by Mr. N. M. Joshi.

REASON FOR THE EXCLUSION OF THE RAILWAY BOARD FROM THE SCOPE OF THE PUBLIC SERVICE COMMISSION AND NATURE OF TECHNICAL WORK DONE BY CLERKS IN THAT OFFICE.

366. \*Mr. S. C. Mitra : (a) Is it a fact that the Railway Board is not within the scope of the Public Service Commission? If so, why?

(b) Is there any technical work for the clerks in the office of the Railway Board?

(c) If the clerks are required to do technical work, will Government be pleased to state the nature of the work?

Mr. P. R. Rau : (a) Yes, the reasons for this are stated in the reply I gave on the 5th instant to part (c) of the Honourable Member's starred question No. 218.

(b) and (c). Many clerks in the Railway Board's Office are required to deal with work for which previous experience and training in accounts and finance, or of the work of the several operating departments of a railway are essential.

NAMES AND PREVIOUS EXPERIENCE OF STAFF RECRUITED TO THE RAILWAY BOARD BETWEEN 1ST JANUARY AND 1ST AUGUST, 1929.

367. \*Mr. S. C. Mitra : (a) Will Government be pleased to state the number of persons newly recruited in the Office of the Railway Board from the 1st January, 1929, to 1st August, 1929, with the names and previous office experience in each case?

(b) Will Government be pleased to state the number of applications received by the Railway Board from the 1st January, 1929 to 1st August, 1929, with names and previous office experience in each case? Is it a fact that the Railway Department recruited less experienced men during this period? If so, why were not the applications from the better experienced men considered?

(c) Is it a fact that Railway Department recruited their staff according to their whims?

Mr. P. R. Rau : (a) No permanent appointments were made. A statement giving the information required in regard to temporary and officiating appointments is laid on the table.

(b) and (c). It is impossible to say at present what was the total number of applications received, as no note was kept of every such application. The main criterion of recruitment adopted by the Board was suitability and availability at the time the vacancy arose.

The question of preparing, with the help of the Public Service Commission, a list of suitable candidates from which temporary vacancies may be filled is at present under the consideration of the Railway Board

*List of acting appointments in Railway Board's office filled by recruitment between 1st January, 1929 and 1st August, 1929.*

| Names.                 | Date of appointment. | Date of termination of appointment. | Previous experience.                                                                                 |
|------------------------|----------------------|-------------------------------------|------------------------------------------------------------------------------------------------------|
| 1. Anup Singh ..       | 3-1-29               | ..                                  | Currency Office, Lahore; N. W. Railway; Military Works Department; and Accountant General, Railways. |
| 2. B. K. Gupta ..      | 14-1-29              | 13-3-29                             | Nil (appointment terminated).                                                                        |
| 3. F. C. Edwards ..    | 14-1-29              | 23-3-29                             | Ditto.                                                                                               |
| 4. M. L. Chatterjee .. | 14-1-29              | 1-4-29                              | Finance, Legislative, Army and Central Board of Revenue. (Transferred to Central Standard Office.)   |
|                        | 3-5-29               | 24-7-29                             |                                                                                                      |
| 5. Shah Mohammad ..    | 15-1-29              | 1-4-29                              | Nil (appointment terminated)●                                                                        |
| 6. B. N. Batra ..      | 17-1-29              | 27-2-29                             | Nil Do.                                                                                              |
| 7. Ramji Das ..        | 28-1-29              | ..                                  | Nil                                                                                                  |
| 8. Raja Ram ..         | 18-3-29              | ..                                  | Meteorological Department, Government of India.                                                      |
| 9. Ghulam Mohammad     | 18-3-29              | 1-4-29                              | Department of Industries and Labour (appointment terminated).                                        |
|                        | 22-5-29              | 1-7-29                              |                                                                                                      |
|                        | 22-7-29              | 30-7-29                             |                                                                                                      |
| 10. M. N. Pande ..     | 18-3-29              | 1-4-29                              | Nil Ditto.                                                                                           |

| Names.                 | Date of appointment. | Date of termination of appointment. | Previous experience.                                                                                                         |
|------------------------|----------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 11. V. B. Narain ..    | 3-4-29               | ..                                  | Home Department.                                                                                                             |
| 12. P. C. Gupta ..     | 15-4-29              | ..                                  | N. W. Railway.                                                                                                               |
| 13. Harbans Lal ..     | 1-5-29               | ..                                  | Lloyds Bank.                                                                                                                 |
| 14. Miss Brooks ..     | 14-5-29              | 15-7-29                             | Public Service Commission. (Transferred to P. S. Commission.)                                                                |
| 15. K. L. Banerjee ..  | 22-5-29              | 1-7-29                              | Nil (appointment terminated).                                                                                                |
| 16. Jan Mohammad ..    | 3-5-29               | ..                                  | Indian Stores Department, Indian State Forces, Meteorological Department, A. G. Railways and Quartermaster General's Branch. |
| 17. V. Krishnaswamy .. | 3-5-29               | ..                                  | Salt Revenue Department, Madras, and Simon Commission.                                                                       |
| 18. Din Dyal ..        | 1-6-29               | ..                                  | Audit Office, E. I. Railway and Railway Clearing Accounts Office.                                                            |
| 19. N. V. Pathe ..     | 8-6-29               | ..                                  | Assistant in Charge, Tata Sons, Ltd. Bhopal Electric Supply Co., Director of Industries, U. P. Government.                   |
| 20. Fateh Singh ..     | 12-6-29              | ..                                  | Simon Commission, Director of Civil Aviation.                                                                                |
| 21. V. S. Shastri ..   | 17-6-29              | ..                                  | Examiner of Local Funds, Madras, Railway Clearing Accounts.                                                                  |
| 22. Rajindra Singh ..  | 22-6-29              | ..                                  | N. W. Railway.                                                                                                               |
| 23. R. S. Kapoor ..    | 5-7-29               | ..                                  | N. W. Railway from 10th September 1923.                                                                                      |

NAMES AND PREVIOUS EXPERIENCE OF CLERKS RECRUITED TO THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

368. \*Mr. S. C. Mitra : (a) Will Government be pleased to state the strength of the Office of the Controller of Railway Accounts and what percentage of clerks therein were recruited without examination ?

(b) If any clerks were recruited without examination, will Government be pleased to state their names and previous experience in each case ?

Mr. P. R. Rau : (a) and (b). The permanent clerical strength of the Office of the Controller of Railway Accounts is 30. This office has not been and will not be normally recruited for by examination but by transfer of experienced men from other railway accounts offices. Of the number employed at present, 24 were transferred with their work from the Accountant General, Railway's Office, four from other railway accounts offices, one from the Office of the Audit Officer, Indian Stores Department, and one from the Postal Department.

REVISION OF THE PAY OF RAILWAY SCHOOL TEACHERS.

369. \*Kumar Ganganand Sinha : (a) Will Government be pleased to lay on the table a copy of the instructions issued to the Railway Administrations regarding the revision of pay of the railway school teachers ?

(b) To what Railway Administrations have the instructions been issued and when ?

(c) Will Government be pleased to state how far those instructions have been carried out by each of the Railway Administration which have been addressed on the question ?

(d) Is it a fact that in Bihar the provincial basis of pay will serve to reduce the amount of the existing annual increment of the pay of railway school teachers ?

(e) If the answer to part (d) is in the affirmative, how do Government propose to deal with this and similar other cases ?

Mr. P. R. Rau : (a) and (b). A copy of the instructions has been placed in the Library of the House.

(c) The last letter on the subject issued only in August, and I am unable to give a reply to this question at present.

(d) and (e). Government have no information. If such instances arise they would be considered according to the merits of each case but the general principle adopted in such cases is to apply the revised scales to future appointments and to permit existing incumbents to elect to remain on the old basis of pay if they prefer to do so.

ISSUE OF INSTRUCTIONS TO THE AGENT, EASTERN BENGAL RAILWAY, REGARDING THE RECRUITMENT OF ANGLO-INDIANS.

370. \*Kumar Ganganand Sinha : (a) Will Government be pleased to state whether they have issued any instruction to the Agent, Eastern Bengal Railway, with reference to his Memorandum regarding the recruitment of Anglo-Indians ?

(b) When was the instruction issued ?

(c) Will Government be pleased to lay a copy of it on the table ?

(d) Has the Agent of the Eastern Bengal Railway modified his instructions on the subject ?

(e) If so, will Government be pleased to lay on the table a copy of his orders ?

(f) Till what time are these instructions to be followed ?

(g) Was any Railway Administration other than the Eastern Bengal Railway addressed on the subject ? If so, which, and with what results ?

Mr. P. R. Rau : (a), (b), (c), (f) and (g). A copy of the letter issued to all State-managed railways on the 23rd May, 1929, is placed on the table.

(d) and (e). Government have no doubt that the Agent of the Eastern Bengal Railway is following their instructions in this matter and they do not think it necessary to call for a copy of his orders.

COPY OF LETTER No. 2395-E., DATED THE 23RD MAY, 1929, FROM THE SECRETARY, RAILWAY BOARD, SIMLA, TO THE AGENTS, NORTH-WESTERN, EAST INDIAN, EASTERN BENGAL GREAT INDIAN PENINSULA AND BURMA RAILWAYS.

I am directed to invite attention to the following communications from the Railway Board :

(i) Letter No. 447-E. of 19th April 1923.

(ii) Letter No. 2395-E. of 4th February 1926.

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(iii) Letter No. 7298-E., dated 20th October 1928.

The Government of India have reason to believe that their policy as regards the recruitment of subordinate establishments on the Indian Railways is not always clearly understood by Railway Administrations, with the result that Agents have sometimes issued circulars which, taken by themselves, are calculated to give an erroneous impression of that policy. They have therefore asked the Railway Board to issue fresh general instructions which will prevent unnecessary misunderstanding and embarrassment for the future.

2. The general principles to be followed are these :

- (1) No branch of the railway services should be reserved for any one class or community, but members of all classes or communities possessing the necessary qualifications should be eligible for appointment to any branch.
- (2) In order to secure adequate representation of minority communities, the rule is that, where recruitment is conducted by means of competitive examinations, one-third of the vacancies should be reserved for the redress of marked communal inequalities. Where recruitment is carried on otherwise than by competitive examination, steps should be taken to prevent an undue preponderance of any class or community.
- (3) Whatever method may be employed to redress communal inequalities or to prevent an undue preponderance of any one class or community, the efficiency of the services must be maintained, and no candidate should be admitted who does not possess the qualifications laid down as the minimum necessary for the work to be done.

3. The application of these principles to the Anglo-Indian community presents peculiar difficulties. Owing partly to reasons which are a matter of history and partly to the special aptitude displayed by members of the community for certain branches of railway work, a very high proportion of the appointments in these branches have for a number of years, been filled by Anglo-Indians. It appeared to the Government of India that this was a case which called for special treatment. The principles which in their opinion must be followed are these :

- (1) In those branches of the service in which a preponderant share of the appointments has fallen to Anglo-Indians in the past, opportunities must be given to members of other communities to show their fitness.
- (2) Whatever the qualifications considered necessary in order to justify the appointment of a candidate to a particular branch of the service may be, they must be the same for all.
- (3) No step should be taken which would produce a sudden and violent dislocation in the economic life of the Anglo-Indian community, and
- (4) In order to avert this danger, care must be taken, in the preparation of schemes for recruitment to the subordinate railway services, not to impose conditions which would in effect seriously restrict the opportunities of employment on the Indian Railways which Anglo-Indians at present enjoy.

4. It is important that undue stress should not be laid on any one aspect of the Government of India's policy in this matter. It is clear that to reserve in perpetuity a privileged position or a high proportion of appointments in any branch of the railway services for any one class or community would be contrary to all sound principle. It is inevitable that, as time goes on, a large number of members of other communities should be admitted to those branches of the service which have hitherto been manned mainly by Anglo-Indians, and the Government of India desire that steps should be taken to give members of other communities a chance of showing their fitness. But the change should be brought about gradually and slowly.

#### REDUCTION OF RAILWAY RATES ON FODDER.

371. \*Kumar Ganganand Sinha : Has the question of reducing the railway rates on fodder been considered by the Indian Railway Conference Association ? If so, with what results ? How does the question stand at present ?

Mr. P. R. Rau : Yes. The Indian Railway Conference Association have reported that the majority of railways already carry fodder at

low special rates, and have asked railways to bear in mind the recommendations of the Royal Agricultural Commission regarding this commodity. Government are making further inquiries into the matter.

#### INTRODUCTION OF STAFF BENEFIT FUND AND RULES OF FINE FUND ON INDIAN RAILWAYS.

372. \*Kumar Ganganand Sinha : (a) Will Government be pleased to state which of the Railway Administrations has accepted the suggestions of the Railway Board regarding the Staff Benefit Fund and in what manner each of them is carrying them out so far ?

(b) What is the amount of Fine Fund in each Railway Administration and what is the contribution from revenue in each case ?

(c) Will Government be pleased to lay on table a copy of the model rules on the subject ?

Mr. P. R. Rau : (a) The Staff Benefit Fund has not yet been started on any railway. Government are still in correspondence with Railway Administrations on the subject.

(b) A statement showing the amount at credit of the Fine Fund of each railway on the 31st March, 1929, is laid on the table. No contributions from revenue are made to the Fine Fund.

(c) These rules are only in a draft form at present. When they are in their final form, they will be laid on the table.

Statement showing the amount at credit of the Fine Fund of Class I Railways on 31st March, 1929.

| Railway System.                          | Amount at credit on 31st March, 1929. |
|------------------------------------------|---------------------------------------|
|                                          | Rs.                                   |
| Assam Bengal .. .. .                     | 1,925                                 |
| Bengal and North Western .. .. .         | 29,673                                |
| Bengal Nagpur .. .. .                    | 45,030                                |
| Bombay, Baroda and Central India .. .. . | 79,115                                |
| Burma .. .. .                            | 49,125                                |
| Eastern Bengal .. .. .                   | 23,091                                |
| East Indian .. .. .                      | 6,48,782                              |
| Jodhpur .. .. .                          | 11,461                                |
| Great Indian Peninsula .. .. .           | 3,39,826                              |
| Madras and Southern Mahratta .. .. .     | 1,45,332                              |
| Nizam's Guaranteed State .. .. .         | 34,852                                |
| North Western .. .. .                    | 2,03,468                              |
| Rohilkund and Kumaon .. .. .             | 45,862                                |
| South Indian .. .. .                     | 1,59,628                              |
| Total .. .. .                            | 18,17,170                             |

VALUE OF (a) INDIGENOUS AND (b) IMPORTED STORES PURCHASED BY RAILWAYS.

373. \*Kumar Ganganand Sinha : Will Government be pleased to state (i) the value of railway stores purchased in India, classing them into (a) indigenous and (b) imported and (ii) those purchased abroad, specifying the country from which they were purchased ?

Mr. P. R. Rau : I would refer the Honourable Member to the Annual reports by the Railway Board on Indian Railways. Information for the year 1927-28 will be found in Volume II, Appendix A, pages 182—185 of the Report for that year. I am sorry particulars of the country of origin of imported stores are not available.

ORIGIN AND METHOD OF SETTLEMENT OF STRIKES OCCURRING SINCE APRIL, 1929.

374. \*Kumar Ganganand Sinha : Will Government be pleased to state the number of strikes that took place since April 1929 up to date, and briefly mention how each of them originated and developed ? How many of them have been settled and how ? How many of them are yet unsettled, and in how many cases was use made of Trade Disputes Act ?

The Honourable Sir Bhupendra Nath Mitra : The attention of the Honourable Member is invited to the Press communiqué of the 21st August, 1929, publishing statistics of industrial disputes in British India for the quarter ending the 30th June, 1929, a copy of which will be found in the Library. Details in respect of subsequent strikes will appear in the next Quarterly Statistics, a copy of which will be sent to the Honourable Member when published. So far, the Trade Disputes Act has been made use of only in respect of the Textile Mills Strike in Bombay.

RECRUITMENT OF MECHANICAL AND ELECTRICAL ENGINEERS FROM STUDENTS OF THE ENGINEERING DEPARTMENT OF THE BENARES HINDU UNIVERSITY.

375. \*Kumar Ganganand Sinha : (a) Will Government be pleased to state whether they have examined the course of training in the Engineering Department of the Benares Hindu University with a view to come to a decision regarding the recruitment of mechanical engineers and electrical engineers from among students qualified in that University ?

(b) If so, when, how, and with what results ?

(c) If the answer to part (a) is in the negative, will Government be pleased to state reasons for the same ?

Mr. P. R. Rau : (a) and (b). The syllabus of the Engineering College degree course of the Benares Hindu University was recently examined. The recruitment to the Mechanical Engineering and Transportation (Power) Departments of State-managed railways is being arranged by training Special Class Apprentices in accordance with the

prescribed regulations. The age limit for appointment as a Special Class Apprentice is 19 years, and graduates of Universities will not, therefore, ordinarily be eligible for appointments in these Departments after the training of the first batch of Special Class Apprentices has been completed. Meanwhile a certain number of appointments to these Branches will be filled in India by selection on the recommendation of the Public Services Commission if suitably qualified persons are available. Graduates of the Benares University, who have had some practical experience, will be eligible for such appointments.

Electrical Engineers required by the State-managed railways are recruited as and when there are vacancies, and graduates of the Benares University are eligible for appointment, provided they fulfil certain conditions regarding practical experience.

†376\*.

LIST OF UNDER-TRIAL PRISONERS UNDERGOING A HUNGER STRIKE, WITH PARTICULARS OF THEIR PRESENT CONDITION AND GRIEVANCES.

377. \*Kumar Ganganand Sinha : (1) Will Government be pleased to lay on table a statement showing :

- (a) the list of under-trial prisoners who have been or are undergoing hunger-strike ;
- (b) the period of strike in each case and the strikers' present condition ;
- (c) the grievances for which they have resorted to hunger-strike ;
- (d) the extent to which their grievances have been remedied ; and
- (e) the specific grievances which have not been remedied so far ?

(2) Will Government be pleased to state what further action they propose to take in this matter ?

The Honourable Sir James Crerar : (1) A statement has been laid on the table containing the desired information regarding under-trial prisoners who have recently been or are now on hunger-strike in the Punjab and Delhi Provinces. Government have not yet received similar information from other provinces, but will supply the Honourable Member with it, when received. Statement laid explains the action taken by the Punjab Government and the Government of India.

(2) In regard to the re-examination of the rules relating to under-trial and special class prisoners, the Government of India await the proposals of Local Governments whom they have asked to report with as little delay as is possible.

†This question was withdrawn by the questioner.



State

| 1<br>Name.                 | 2<br>Period.                                                                    | 3<br>Present Condition.                                                                                                                                                                                                                                                                            |
|----------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Jatindra Nath Dass ..   | 55th day. Persists in refusing to take any nourishment.                         | He has lost 37 lbs. weight since admission in jail. He is extremely weak and exhausted on account of inanition. Refuses any medicine or nourishment. Condition grave.                                                                                                                              |
| 2. Vejoi Kumar Sinha ..    | 14 days. Took food on 2nd September. Resumed hunger-strike on September 6th.    | Has lost 7 lbs. weight since admission in jail. The state of health from day to day depends largely on the opportunities of the jail officials to administer food. When the officials are able to administer food, the state of health is as satisfactory as can be expected in the circumstances. |
| 3. Jatindra Nath Sanyal .. | 51 days. Took food on 2nd September. Resumed hunger-strike on September 6th.    | Has lost 14 lbs. weight since admission in jail. Otherwise as for No. 2.                                                                                                                                                                                                                           |
| 4. Kanwal Nath Tiwari ..   | 51 days. Ceased to hunger-strike on September 2nd.                              | Has lost 24 lbs. weight since admission in jail. He is slightly weak. Otherwise condition satisfactory.                                                                                                                                                                                            |
| 5. Surindra Nath Pandey.   | 51 days. Ceased to hunger-strike on September 2nd.                              | Has lost 16 lbs. weight since admission. State of health otherwise satisfactory.                                                                                                                                                                                                                   |
| 6. Mahabir Singh ..        | 51 days. Ceased to hunger-strike on September 2nd.                              | Has lost 19 lbs. weight since admission. State of health otherwise satisfactory.                                                                                                                                                                                                                   |
| 7. Kishori Lal ..          | 51 days. Ceased to hunger-strike on September 2nd. Resumed it on September 6th. | Has lost 12 lbs. weight since admission in jail. Otherwise as for No. 2.                                                                                                                                                                                                                           |
| 8. Gaya Parshad ..         | 51 days. Ceased to hunger-strike on September 2nd.                              | Has lost 22 lbs. weight since admission in jail. Otherwise state of health satisfactory.                                                                                                                                                                                                           |
| 9. Ajai Kumar Ghosh ..     | 51 days. Ceased to hunger-strike on 2nd September. Resumed it on 6th September. | Has lost 14 lbs. weight since admission in jail. Slightly weak. Otherwise as for No. 2.                                                                                                                                                                                                            |
| 10. Sheo Varma ..          | 51 days. Ceased to hunger-strike on 2nd September. Resumed it on 6th September. | Has lost 29 lbs. weight since admission in jail. He is extremely weak as a result of inanition.                                                                                                                                                                                                    |

ment.

| 4<br>Grievances for which they have resorted to hunger-strike.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5<br>Extent to which the grievances have been remedied.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 6<br>The specific grievances which have not been remedied.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The reason originally given by Nos. 1 to 13 for their hunger-strike was their desire to effect an improvement in the treatment of political prisoners, among whom they included prisoners convicted in the Punjab Ghadr Conspiracy Cases, 1915-1917, and the Kakori cases. Nos. 2-15 abandoned their hunger-strike on the 2nd September but Nos. 2, 3, 7, 9, 10, 14 and 15 resumed it two or three days later. The reasons given for their resumption are that Jatindra Das, one of the accused in the Lahore Conspiracy Case has not been unconditionally released, that is to say the case against him has not been withdrawn, and that Bhagat Singh and Dutt</p> | <p>Nos. 1-15. In so far as the treatment of the accused in the Lahore Conspiracy Case is concerned, the Honourable Member is referred to Punjab Government communiqués, dated the 6th and 9th of August, 1929, copies of which are attached. In so far as the re-examination of the rules relating to under-trial and special class prisoners is concerned, the Honourable Member is referred to the communiqué of the Government of India, dated August 10th, and to the Government of India letter No. D. 2789, dated the 17th of August, 1929, to Local Governments. The copies of these documents are attached.</p> | <p>In regard to the grievances originally set forth by the under-trials in the Lahore Conspiracy Case, Government have declined to accept the principle that persons committed of offences, in which the motive is political, shall be entitled, regardless of the offence for which they are convicted, to special privileges. In regard to the grounds on which the hunger-strikers in the Lahore Conspiracy Case state that they have resumed their strike, the Punjab Government have refused to release Jatindra Das unconditionally that is to withdraw the case against him, but have made it known that they will not oppose his release on bail. The Punjab Government have also refused to allow Bhagat Singh</p> |

| 1<br>Name.                | 2<br>Period.                                                                    | 3<br>Present Condition.                                                                                                                  |
|---------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 11. Jai Dev Kapur ..      | 51 days. Ceased to hunger-strike on 2nd September.                              | Has lost 26 lbs. weight since admission in jail. Slightly anaemic as he had attacks of malarial fever. Otherwise condition satisfactory. |
| 12. Sukh Dev ..           | 24 days. Ceased to hunger-strike on 6th August.                                 | State of health good.                                                                                                                    |
| 13. Agya Ram ..           | 44 days. Ceased to hunger-strike on 2nd September.                              | Has lost 14 lbs. weight since admission. State of health satisfactory.                                                                   |
| 14. Convict Bhagat Singh. | 81 days. Ceased to hunger-strike on September 2nd. Resumed it on 6th September. | Slightly weak having lost 15 lbs. weight since his admission in jail. Otherwise as for No. 2.                                            |
| 15. Convict B. K. Dutt .. | 81 days. Ceased to hunger-strike on September 2nd. Resumed it on September 6th. | Weak having lost 17 lbs. weight since his admission into jail. Otherwise as for No. 2.                                                   |
| 16. Chattr Bhuj ..        | 13th July to 23rd July, 1929.                                                   | Does not arise ..                                                                                                                        |
| 17. Muni Raj ..           | 13th July to 23rd July, 1929.                                                   | Does not arise ..                                                                                                                        |

| 4<br>Grievances for which they have resorted to hunger-strike.                                                                                                                                                                                                 | 5<br>Extent to which the grievances have been remedied. | 6<br>The specific grievances which have not been remedied.                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| are, as convicts convicted in another case, confined in a different Jail from that in which the other under-trial prisoners are confined. Nos. 16 to 17 are supposed to have gone on hunger-strike in sympathy with the accused in the Lahore Conspiracy Case. | Nos. 16 and 17                                          | and Dutt, who are convicts in another case, to be confined in association with the other under-trials, since it is an important principle of jail administration that under-trials should be segregated from convicts. |
| ..                                                                                                                                                                                                                                                             | Does not arise.                                         |                                                                                                                                                                                                                        |
| ..                                                                                                                                                                                                                                                             | Ditto.                                                  |                                                                                                                                                                                                                        |

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LEGISLATIVE ASSEMBLY.

[11TH SEPT. 1929.]

LETTER No. D-2789, DATED THE 17TH AUGUST, 1929, FROM MR. H. W. EMERSON, C.I.E., C.B.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

I am directed to address you on the subject of the re-examination by Local Governments of the rules relating to under-trial prisoners, and to the classification of, and the privileges granted to, convicted prisoners, and in this connection I am to enclose a copy of a *communiqué* issued by the Government of India on the 10th August, 1929.

2. In regard to the general character of the examination, I am to say that the Government of India attach great importance to the ascertainment of non-official opinion, and especially of the views of non-official visitors of jails. While they are content to leave to the discretion of Local Governments the manner in which such opinion should be obtained, they desire that no cause should be given for complaint that sufficient opportunity was not afforded for the expression of the views of representative non-officials interested in the question. If, however, the Local Government have recently carried out an enquiry into these matters and have on record the evidence of non-officials, it will be necessary only to supplement the record in such manner and to such extent as will attain the above object. It is the wish of the Government of India that the examination be undertaken and completed with as little delay as is consistent with a thorough review of the various issues involved. They consider that it is very desirable that the rules of the various provinces should be as uniform as possible, and in order to facilitate a comparison of the existing rules the Government of India will shortly forward to Local Governments copies of the relevant rules framed by the Local Governments relating to under-trial and special class prisoners. It is not, however, the intention of the Government of India that the object of the review should be limited to the introduction of changes based on a comparison of the rules now in force in various provinces. They contemplate that decisions will be reached on particular issues which may involve amplification and amendment of the existing rules. Some of the issues which are likely to arise are indicated below, but the Government of India do not regard them as exhaustive, and have no doubt that other points will be raised during the course of the examination. In regard both to under-trial and convicted prisoners, the rules as amended must be consistent with the safe custody of prisoners and the maintenance of jail discipline, and in regard to convicted prisoners they must be consistent with the principles of penal detention.

3. In regard to under-trial prisoners, the Government of India consider that the rules adopted should, where possible, be at least as liberal for prisoners of similar social standing as those which may be ultimately adopted for special class convicts. The main questions which appear to require review relate to diet, conveyance and accommodation. In regard to the first item, it is for consideration, firstly, whether the diet, in accordance with proscribed scales, of under-trial prisoners, should not be in all cases a charge on Government, and, secondly whether one or more special scales should be proscribed for under-trial prisoners, whose standard of living is definitely superior to that of the ordinary convict. As regards the second item, the Government of India recognise that the conveyance of under-trial prisoners is a matter of police rather than jail administration, and that the issues involved extend beyond the question whether special consideration should be paid to under-trial prisoners of social standing. The question is admittedly a difficult one and it may not be practicable to lay down hard and fast rules, but the Government of India are inclined to think that the discretion given in this respect to police authorities might be more clearly defined. It appears in particular to be desirable, that, in cases of conveyance of under-trial prisoners of social position by rail, sanction should be given to a fairly liberal scale of diet money, and to accommodation of a class higher than the 3rd class.

In regard to the conveyance of an under-trial prisoner between the jail and the court, the Jails Committee appointed by the United Provinces Government have drawn attention in paragraph 382 of their report to the waste of time and the embarrassment or inconvenience caused to under-trial prisoners when they have to be escorted on foot. They have accordingly recommended that where lock-ups are at a considerable distance from the courts, prison vans should be provided if this provision does not already exist. The Government of India commend this suggestion for the consideration of local Governments. Since, however, financial considerations may delay the introduction of this reform, it is a matter for examination whether, subject to adequate arrangements being made for the safe-custody of the prisoners, the police authorities should not be instructed to provide special means of conveyance for under-trial prisoners of good social standing in cases where prison vans are not available.

The problem of better accommodation of under-trial prisoners raises questions of new expenditure, which in some provinces may be on a considerable scale. For this

reason it is probable that improvement in this direction can only be gradual. None the less the Government of India consider it desirable that the question of accommodation should be included within the scope of the re-examination, with the object of introducing, as financial resources permit, the reforms that may be found to be desirable. The observations of the Jails Committee of the United Provinces on this question are contained in paragraphs 384 and 385 of their report, and relate to the complete separation of under-trial prisoners by night and the more careful segregation by day, in order to prevent contamination by association with convicts or with other under-trial prisoners, whose previous record or alleged offences indicate depraved habits or tendencies. A further question for consideration is whether under-trial prisoners of good social standing should be provided with simple furniture, such as is allowed in some provinces to special class convicts, and, if so, whether it should be supplied at their own or at Government expense.

4. In so far as the suggestions made in the last two paragraphs relate to the privileged treatment of under-trial prisoners of good social standing, they raise the question of their classification for this purpose. Since the assumption must be made that under-trial prisoners are innocent until they are proved to be guilty, the nature of their alleged offences cannot be adopted as a criterion for the purpose now in question although it can, as suggested above, be adopted with propriety for the purpose of segregation of under-trial prisoners *inter se*. A suitable and perhaps the sole criterion for the grant of additional privileges to under-trial prisoners would appear to be the social status, education and character of the prisoners. No formal classification would seem to be necessary so long as the person is in police custody, and the requirements of the case would probably be met by the grant of discretionary powers to the police, combined with careful supervision by administrative officers that the powers are properly used. As soon, however, as an under-trial prisoner is committed to the custody of the jail authorities, a formal classification would be necessary, and it is a matter for consideration as to what authority should be responsible for the classification. It might be desirable to confer the necessary powers either on the District Magistrate or on the Superintendent of the Jail in consultation with the District Magistrate and the exercise of the powers might be subject, if this is considered desirable, to the confirmation of local Governments.

5. So far as the enquiry is concerned with convicted prisoners, it should be limited to the review of the rules relating to special class prisoners and should not include general questions of classification, e.g., the separation of casual and habitual offenders. Within the scope of the examination as thus defined, the three main subjects for enquiry will be :

- (1) The criteria for classification.
- (2) The classifying authority.
- (3) The privileges to be granted to special class prisoners.

6. With regard to the criteria to be adopted, I am to invite attention to paragraph 2 of the *communiqué*, in which are stated the tests now employed. I am to lay particular stress on the fact that the Government of India regard as fundamental the principle of differentiation between offences for the purpose of classification and are unable to contemplate any deviation from this principle which would introduce the criterion of motive regardless of the offences committed. Subject to this essential condition, the general questions that are likely to arise in this connection would appear to be the following :

- (a) Whether it is necessary or desirable to make classification depend, as in the Bombay Rules, on the nature of the imprisonment to which the convict is sentenced, namely, whether it is simple or rigorous ; or whether the nature of the offence regardless of the punishment inflicted should be uniformly adopted as a criterion.
- (b) If the nature of the offence is uniformly adopted, whether the list of offences, the commission of which exclude persons from classification as special class prisoners, should be extended in some directions and restricted in others. For instance a question for consideration will be whether the list should include, as in the Bengal rules, the following offences :
  - (1) The possession of bombs or other explosive substances or being concerned in their manufacture where there is a presumption that they are intended to be used subsequently to endanger life or property.
  - (2) The illegal possession of arms where there is a similar presumption.

On the other hand, the further question will arise as to whether it is necessary to include in the list all offences against property, or whether it is practicable to curtail the list by the inclusion of certain specific offences only.

- (c) Whether in place of the general description of offences by categories it is practicable and desirable to substitute a specific list of offences, stating the section of the I. P. C. or other enactments, conviction under which will exclude from classification as a special class prisoner.

7. With regard to the authority responsible for classification, the existing rules show considerable diversity in regard to the original authority, but it is probable that a fairly uniform standard is secured by the fact that the original classification is either subject to the confirmation of the Local Government or is submitted in the form of a recommendation for the orders of the local Government. The questions for consideration in this connection would appear to be the following :

- (a) Whether the system of confirmation by the local Government should be uniformly adopted.
- (b) Whether the rules should specifically provide for an application to the Local Government by a convict in regard to whom no recommendation has been made or order passed classifying him as a special class prisoner.
- (c) Whether the rules should specifically provide for action by a Local Government, on its own motion in cases where no reference is made by the original classifying authority.
- (d) Whether there are defects in the administration of the existing rules which are capable of remedy.

8. In regard to the privileges to be granted to special class prisoners, the desirability of uniformity to which reference is made in paragraph 2 above will indicate the scope for revision in accordance with the principles which are at present accepted. The further question will arise as to whether it is desirable to extend those principles in certain directions, and in this respect the following points will require examination :

- (a) In regard to diet whether it is practicable and desirable to fix one or more scales, superior to the ordinary scale and to be provided at Government expense, for those classified, in accordance with the criteria adopted, as special class prisoners, the scale varying according to the further classification, if necessary, of the prisoner as determined by his previous mode of living. If the answer is in the affirmative the further question will arise as to whether the scale or scales should include all the reasonable requirements of a prisoner, or whether he should be allowed as at present to supplement it from outside the jail. Another matter for consideration will be whether the existing rules provide sufficiently for variation in the diet.
- (b) The question as to what extent other privileges, which special class prisoners may now enjoy at their own expense, should be provided at the expense of Government.
- (c) The question as to whether the rules in regard to accommodation and separation from other convicts require revision.

9. I am to request that on the completion of the re-examination of the rules, the views of the local Government may be communicated, with as little delay as possible, to the Government of India. The course that will be then adopted by the Government of India will depend to a large extent on the measure of uniformity represented by the proposals of the various local Governments and for this reason I am unable at the present stage to indicate the procedure which may be followed.

#### GOVERNMENT OF INDIA COMMUNIQUE, DATED 10TH AUGUST, 1929.

The Government of India make the following announcement for the information of the public.

The Punjab Government in a communiqué, dated 6th August, 1929, have stated certain facts relating to the treatment of prisoners in the Punjab. In view of the public interest which has recently been evoked in regard to the rules relating to under-trial and convicted prisoners, the Government of India consider

#### QUESTIONS AND ANSWERS.

it desirable to supplement the information contained in that communiqué by reference to certain general aspects of the question.

2. Subject to legislation by the Indian Legislature, prisons and prisoners are a reserved provincial subject. The last revision of the rules was made by the various local Governments as a result of a Conference convened by the Government of India in 1922 attended by representatives of all the Provinces, at which a thorough examination was made of the subject. The rules are based on certain broad principles which, while allowing for differences of details between province and province, have secured a large measure of uniformity throughout British India. In the classification of convicts as special class prisoners the two criteria adopted are:—firstly, the character of his offence; and secondly, the social status, education and character of the prisoner. The rules framed by most of the local Governments provide that if the status, education and character of a convicted person merit the grant of privileges not accorded to the ordinary prisoner, he may be classified as a special class prisoner, provided that the offence for which he has been convicted does not fall within certain categories. The offences, the commission of which excludes a convict, whatever his station in life or motive may have been, from the privileges of a special class prisoner are broadly, those against property or involving violence, or the abetment of such offences, or the seducing of soldiers or police from their allegiance, or those committed in connection with political movements by persons who have been hired for the purpose. A convict whose offence does not fall within any of these categories is eligible for classification as a special class prisoner whatever the motive of his offence may have been, provided that his status, education and character merit such classification. On the other hand, no person convicted of any of the above offences can be so classified whatever may have been his motive. The principle of discrimination between offences for the purpose of inclusion within, or exclusion from, the benefits of the rules of convicted persons was adopted after very careful examination of the various considerations involved. The Government of India regard this principle as fundamental and they are unable to contemplate any deviation from it which would introduce into the rules of classification the criterion of motive, regardless of the offence committed.

3. A convict, who is classified as a special class prisoner, is entitled to certain privileges, the general nature of which, subject to differences of detail, has been stated in the communiqué of the Punjab Government.

4. As regards under-trial prisoners the rules show some local variations; but effect has been generally given to the following provisions:—Under-trial prisoners are separated from convicts, and a further separation is made between those under-trial prisoners who have previously been convicted of an offence and those who have not. Under-trial prisoners are not subjected to more restraint than is necessary for their safe custody, the maintenance of discipline, and the enforcement of jail rules. They are allowed to retain their own clothing, bedding, and eating and drinking vessels. They are permitted to purchase books or to obtain them from friends and they may supplement the prison diet by purchase or from private sources. They are granted all reasonable facilities for interviewing and communicating, either orally or in writing, with their relatives, friends and legal advisers. They are not required to labour; but they may, if they so wish, follow a trade and receive the earnings thereof.

5. The Government of India trust that the above statement will remove any misconception that may be present in the mind of the public in regard to the existing rules. At the same time they are conscious of the fact that public opinion is disquieted to whether these rules are sufficiently liberal in some directions, and they consider it proper that a re-examination of them should be made with the view of ascertaining and remedying any defects that may be found to exist. Such a re-examination in any case would have been necessary in the near future as a consequence of the report of the Jails Committee constituted in June, 1928, by the Government of the United Provinces to enquire into and report on the jail administration of those provinces. Their report, which is now under the consideration of the Local Government, raises various questions relating to the classification and privileges of convicted under-trial prisoners, and to the classification and privileges of convicted prisoners, and since any changes in the rules which the Local Government might desire to make would be referred to the Government of India, the opportunity would then have been taken of consulting other local Governments in regard to the issues raised. In order that the consideration of the general question may

be expedited, the Government of India have decided to request local Governments to re-examine, with as little delay as possible, the rules relating to under-trial prisoners, and to the classification of, and the privileges granted to, convicted prisoners. Local Governments will be requested to consult non-official opinion in such manner as they may consider to be desirable and the Government of India hope that leaders of public opinion will assist Local Governments with their views.

**APPOINTMENT OF A MUSSALMAN SECRETARY TO THE INTERMEDIATE BOARD OF EDUCATION TO BE PRESIDED OVER BY MR. KITCHLEW, AN OFFICER OF THE JAIPUR STATE.**

378. \***Maulvi Muhammad Yakub** : (a) Is it a fact that an Intermediate Board of Education is being appointed at Ajmer ?

(b) Is it also a fact that Mr. Kitchlew, an officer of the Jaipur State, is to be appointed as the President of this Board ?

(c) If so, will the Government be pleased to state why an officer of an Indian State is appointed to administer the education of British subjects ?

(d) What arrangements have been made to protect the interests of the Mussalmans on this Board ?

(e) Do Government propose to consider the desirability of appointing a Mussalman as the Secretary of this Board ; if not, why not ?

**Sir Denys Bray** : (a) and (b). Yes. A Board of High School and Intermediate Education has been constituted with Mr. Kitchlew as the Chairman.

(c) Though Mr. Kitchlew happens to be at present in the service of an Indian State, he is a retired officer of the Indian Educational Service with about 30 years service in the United Provinces Educational Department. Moreover, though the Board is to have its headquarters in Ajmer, it is to control the education not merely in Ajmer-Merwara, but throughout Rajputana, Central India and Gwalior.

(d) Steps are being taken to secure the services of a suitable Muslim for the Board.

(e) It would clearly be improper to allow any consideration save educational qualifications to operate over the selection of the Secretary, at any rate in the first instance.

**ADMINISTRATION OF THE EDUCATION DEPARTMENT AT AJMER.**

379. \***Maulvi Muhammad Yakub** : (a) Is it a fact that the Mussalmans of Ajmer are not satisfied with the present administration of the Education Department at Ajmer ?

(b) Is it a fact that the Head Master of the Moinia Muslim High School at Ajmer is a Hindu gentleman ?

(c) Is it a fact that the Assistant Superintendent of Education at Ajmer is also a Hindu gentleman ? What are his educational qualifications and what university degrees does he possess ?

**Sir Frank Noyce** : (a) No expression of dissatisfaction has been brought to the notice of the Local Administration.

(b) No.

(c) The Assistant Superintendent of Education is a Hindu M.A., B.Sc. of the University of Allahabad.

**TRANSFER OF THE RAILWAY CLEARING OFFICE FROM DELHI TO LUCKNOW.**

380. \***Maulvi Muhammad Yakub** : (a) Is it a fact that those responsible for the public health of the city of Delhi are now definitely of opinion that, unless the extra pressure caused by the railway employees on the population of the city is removed, the health of the city is bound to be affected ?

(b) Is it also a fact that, in order to remove this pressure on population, the question of building railway quarters at Safdarganj, a place seven miles from the city is being seriously considered ?

(c) Has it been estimated whether this project will involve a very big capital outlay ?

(d) What is the reason for Government not proposing to shift the Railway Clearing Office from Delhi to Lucknow ? Can the office not be located in the Central office building of the old Oudh and Rohilkhand Railway now lying vacant ?

**Mr. P. R. Rau** : (a) and (b). The Delhi New Capital Committee have expressed the hope that the Railway Board will fix an early date for the completion of quarters for the clerks of the Railway Clearing Account Office so as to ensure relief of pressure in the Delhi City as soon as possible, and not to bring any more railway clerks to Delhi, until quarters have been provided for them. The question of building quarters has engaged the attention of Government for a considerable time, but the chief difficulty has been that of obtaining a suitable site for the colony. Safdarjang was one of the sites suggested, but it was not considered suitable for various reasons.

(c) The cost depends partly on the site selected, and the type and number of quarters finally decided upon. At a rough estimate I would put the cost at about 25 lakhs, assuming we build 1,000 quarters.

(d) Delhi has been selected in preference to Lucknow on grounds of efficiency and economy. I might add that there is no difficulty in Delhi as regards office accommodation ; nor is the building in Lucknow referred to by the Honourable Member now lying vacant.

**APPOINTMENT OF MUSLIM OFFICERS IN THE RAILWAY BOARD.**

381. \***Maulvi Muhammad Yakub** : (a) What is the total number of permanent officers in the Office of the Railway Board and how many of them are Mussalmans ?

(b) What steps do Government propose to take to appoint a sufficient number of Muslim officers in the Office of the Railway Board to protect the interests of the Muslim nationals ? If not, why not ?

**The Honourable Sir George Rainy** : (a) 17 permanent officers, one of whom is a Mussalman, and a second Mussalman have very recently been appointed.

(b) I am sure that the Honourable Member realises the difficulty of staffing any particular office on communal lines, if efficiency is not to be  
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sacrificed. Government are aware, however, of the importance which Muslims attach to the employment of members of their community on the staff of the Railway Board. It is always their desire to make sure that the claims of important minority communities are not overlooked when vacancies have to be filled.

**Maulvi Muhammad Yakub :** What steps have been taken to see that this desire is fulfilled ?

**The Honourable Sir George Rainy :** I think I have already answered that question : I said that a second Muslim had very recently been appointed.

#### GRIEVANCES OF MUSLIMS OF THE LOCAL FUND ACCOUNTS OFFICE, LAHORE.

382. **\*Maulvi Muhammad Yakub :** (a) Has the attention of Government been drawn to a printed open letter addressed to Sir M. Frederic Gauntlett, Auditor General in India, by the "Aggrieved Muslims" of the Local Funds Accounts, Punjab, Lahore ?

(b) What action, if any, was taken to investigate into and redress the grievances contained in this letter ? If not, why not ?

**The Honourable Sir George Schuster :** The letter has been referred to the Accountant General, Punjab, whose reply is still awaited.

#### NUMBER OF MUSSALMAN OFFICERS AND CLERKS IN THE HEAD OFFICE OF THE AUDITOR GENERAL IN INDIA.

383. **\*Maulvi Muhammad Yakub :** (a) What is the total number of (i) permanent officers, and (ii) permanent clerks, in the head office of the Auditor General in India, and how many of them are Mussalmans ?

(b) Was the Government of India's Circular of 1925 about the representation of minority communities in the Central Services, sent to the Office of the Auditor General in India ? If so, what effect was given to it in the said office, and how many Mussalmans were appointed since then ? If not, why not ?

**The Honourable Sir George Schuster :** (a) (i) Nine officers, of whom none is a Mussalman.

(ii) The permanent strength of the clerical (including supervising) staff is 105. The number of Muhammadan clerks at present employed is seven, including two who are officiating in deputation vacancies.

(b) A copy of the orders in question was sent to the Auditor General. They apply to a service as a whole and not to any particular office to which members thereof are posted. The postings of Government servants to individual offices are not governed by communal considerations. The fact that there is at a particular moment no Muslim officer in a particular office is therefore of no real significance. There are at present 13 Muslims out of a total of 167 officers in the Indian Audit and Accounts Service. Of these 5 have been appointed in the last three years against 18 of all other communities taken together in the same period.

#### HIGH DEATH RATE IN THE TOWNS OF BEAWAR AND AJMER.

384. **\*Rai Sahib Harbilas Sarda :** Has the attention of Government been drawn to the Hindi book, "Beawar ki Bheeshan Mirthyn Sankya" (Alarming death rate in Beawar) by Vyas Tansukh Vaid, describing the insanitary conditions of Beawar and disclosing the fact that the death-rate in the towns of Beawar and Ajmer in Ajmer-Merwara is abnormally high ?

**Sir Frank Noyce :** Government have not seen this book.

#### HIGH DEATH RATE IN THE TOWNS OF BEAWAR AND AJMER.

385. **\*Rai Sahib Harbilas Sarda :** (a) Is it a fact that while in Delhi, Agra, Muttra, Lucknow, Ahmedabad and Baroda births exceed deaths, in Ajmer and Beawar on the contrary, deaths exceed births ?

(b) Is it a fact while in Delhi there are 75.7 deaths as against 100 births, in Agra 70.8 deaths against 100 births, in Muttra 84.3 deaths for 100 births, in Lucknow 83.5 deaths against 100 births, in Baroda 92.8 deaths against 100 births ; there are 110.3 deaths against 100 births in Beawar and 152.3 deaths against 100 births in Ajmer ?

**Sir Frank Noyce :** With your permission, Sir, I shall answer questions 385 to 391 together. Information is being collected and will be supplied to the Honourable Member.

#### EXCESS OF DEATHS OVER BIRTHS IN BEAWAR.

†386. **\*Rai Sahib Harbilas Sarda :** Is it a fact that in Beawar with a population of 22,362 souls, deaths exceeded births during the decade preceding 1921, A. D. by 3,865 or 17 per cent. of the total population ?

#### DECREASE OF BIRTH RATE AND INCREASE OF DEATH RATE IN BEAWAR.

†387. **\*Rai Sahib Harbilas Sarda :** Is it also a fact that the birth-rate in Beawar has gone down from 38.82 in 1922-23 to 34.68 in 1926-27 while the death-rate has gone up from 34.88 in 1922-23 to 42.79 in 1926-27 ?

#### EXCESS OF DEATHS OVER BIRTHS IN AJMER.

†388. **\*Rai Sahib Harbilas Sarda :** Is it a fact that in Ajmer during the last 14 years since 1915-16, deaths have every year exceeded births ?

#### HIGH DEATH RATE OF BABIES BORN IN AJMER.

†389. **\*Rai Sahib Harbilas Sarda :** Is it a fact that in Ajmer, taking the average for five years, 1922-23 to 1926-27, out of every 1,000 babies born, 448.5 died in the first year.

#### HIGH CHILD AND INFANT MORTALITY IN BEAWAR.

†390. **\*Rai Sahib Harbilas Sarda :** Is it also a fact that in Beawar with its dry climate, average mortality (below 10 years) for seven years,

†For answer to this question, see answer to question No. 385.  
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1921 to 1928, was as heavy as 662.11 per thousand and infantile mortality during the first year of birth, 408.04 ?

#### BAD SANITARY CONDITION OF AJMER.

†391. \***Rai Sahib Harbilas Sarda** : (a) Is it a fact that in Ajmer, the Municipal Committee reported in 1922-23 that the " Sanitation of the City of Ajmer could hardly be worse than it is " ?

(b) Will Government be pleased to state what effective measures have been taken by the Municipal Committee, Ajmer, or the Government to remove this reproach, and whether there has been any appreciable improvement in the death-rate of Ajmer ?

#### INVESTIGATION OF THE CAUSES OF THE HIGH DEATH RATES IN AJMER AND BEAWAR.

392. \***Rai Sahib Harbilas Sarda** : Do Government propose to take any action to investigate thoroughly the question of deaths exceeding births year after year in the City of Ajmer and the Town of Beawar, and to recommend measures to be taken to put a stop to the present sad state of affairs disclosed by the book " Beawar ki Bheeshan Mirthyu Sankya " ?

**Sir Frank Noyce** : When Government are in possession of full statistics regarding births and deaths in the City of Ajmer and the Town of Beawar, they will consider, in consultation with the local authorities, what action, if any, is necessary.

#### ENFORCEMENT OF VILLAGE LABOUR WITHOUT REMUNERATION TO GUARD THE RAILWAY LINE NEAR AJMER DURING THE PASSAGE OF THE VICEROY'S SPECIAL.

393. \***Mr. Gaya Prasad Singh** : (a) Has the attention of Government been drawn to a report published in the " Young Rajasthan " of Beawar, dated the 8th August, 1929, in which it is stated that, when the special train of H. E. the Viceroy passed through Ajmer about the 5th August last, a number of villagers from the surrounding villages were forced to guard the railway line on the previous night for 12 hours on the system of *Begar*, without being paid anything, and that they were not even allowed to go and take their food ?

(b) Has the attention of Government been drawn to the " Arya Martand " of Ajmer, dated the 8th August, 1929 in which the same allegation has been made ?

(c) Is it a fact that at the instance of the Superintendent of Police, the Commissioner of Ajmer-Merwara issued orders to the tehsildars and revenue officials to warn headmen of villages to comply with the station officer's demands to guard the railway line during the passage of the Viceregal Special ?

(d) Under what law were the villagers forced to guard the railway line, without being paid any remuneration ? Is the system of *Begar* legal in British India, or in Ajmer-Merwara ? If not, do Government propose to institute an inquiry into the matter, and put a stop to this practice ?

†For answer to this question, see answer to question No. 385.

**Sir Denys Bray** : (a), (b) and (c). Yes.

(d) Owing to the inadequate number of village chowkidars in Ajmer-Merwara, it has been customary to ask the village headmen to assist the police on the rare and obviously very special occasions when Viceregal trains pass through the district, but the question is now under examination.

With regard to the system of *begar* generally, I would refer the Honourable Member to the replies given to the Honourable Mr. V. J. Patel on the 11th February, 1924, and to the Honourable Sir Ibrahim Jaffer in the Council of State on the 12th September, 1927.

**Mr. Gaya Prasad Singh** : I want to know, Sir, if the system of *begar* is legal in the province of Ajmer-Merwara ?

**Sir Denys Bray** : I would refer the Honourable Member to the answers that I have just quoted in my answer. It is legal in special and rare circumstances, as, for instance, in emergencies arising from floods and so forth.

**Mr. Gaya Prasad Singh** : Under what law can villagers be forced to work on occasions of the passage of Viceregal trains ?

**Sir Denys Bray** : On such occasions under the law of common sense. (Laughter.)

**Mr. Gaya Prasad Singh** : May I take it then that there is absolutely no law on the subject ?

**Sir Denys Bray** : The law of common sense in such emergencies is surely overriding, ?

**Pandit Hirday Nath Kunzru** : May I ask the Honourable Member when floods have occurred in Ajmer-Merwara during the last fifty years ? (Laughter.)

**Sir Denys Bray** : Touché ! (Laughter.)

**Mr. Gaya Prasad Singh** : May I ask whether it is proposed to examine this question and abandon the system of forced labour ?

**Sir Denys Bray** : I have told the Honourable Member that the question is under examination.

**Mr. Gaya Prasad Singh** : For how long has it been under examination ?

**Sir Denys Bray** : The Honourable Member's question very properly prompted it.

**Mr. Gaya Prasad Singh** : I am glad to hear this.

#### DEFENCE IN A CIVIL SUIT BY THE PUBLIC PROSECUTOR OF AJMER-MERWARA OF A SUB-INSPECTOR OF POLICE ACCUSED OF ASSAULTING A VILLAGE HEADMAN.

394. \***Mr. Gaya Prasad Singh** : (a) Is it a fact that last year on the occasion of the passage of the Viceregal special train, a Sub-Inspector of Police assaulted the headman of a village, and was found guilty by a court, and he was fined for the offence ?

(b) Is it a fact that in a civil suit brought by the said headman against the Sub-Inspector of Police, the Public Prosecutor of Ajmer-Merwara has

been engaged to defend the Sub-Inspector ; and that he is considered to be on duty whenever he is required to attend court in connection with the case ?

**Sir Denys Bray :** (a) and (b). Yes. The reason why the Public Prosecutor has been instructed to conduct the case is that under section 42 of the Police Act, 1861, the Sub-Inspector having been criminally prosecuted is *prima facie* protected from being sued for damages on the same facts in a civil court. As the case is *sub judice*, it would obviously be improper to say more.

#### ESTIMATED AND ACTUAL COST OF THE KANGRA VALLEY RAILWAY PROJECT.

395. **\*Diwan Chaman Lall :** (a) Will Government be pleased to state when the Kangra Valley Railway project was sanctioned, and the estimated cost of the project ?

(b) Will Government be pleased to state whether detailed traffic, engineering and geological surveys were carried out and scrutinised before the project was sanctioned ?

(c) Will Government be pleased to state whether the sanction of the project was in any way influenced by the demands of the Punjab Government ?

(d) Is it a fact that the Kangra Valley Railway project was not considered remunerative ?

(e) Will Government be pleased to state the number of times the original estimate was revised together with the periods of such revision and the amounts ?

(f) Will Government be pleased to state whether an undertaking was given to the Secretary of State at any stage that the estimate would not be exceeded ?

(g) Is it a fact that the actual expenditure did exceed all the estimates ?

(h) Is it a fact that under existing orders Agents of Railways are not permitted to incur expenditure on works beyond the amount of the sanctioned estimate and the allotment in the budget without the previous sanction of the Railway Board ?

(i) Is it a fact that expenditure on the Kangra Railway project exceeded the sanctioned estimate and the amount allotted in the budget without the previous sanction of the Railway Board ?

(j) What disciplinary action has been taken or is contemplated if the answer to part (i) be in the affirmative ?

**The Honourable Sir George Rainy :** (a) An estimate amounting to Rs. 134 lakhs was sanctioned in February, 1926.

(b) No.

(c) I would refer the Honourable Member to part (6) of the reply given to Mr. Abdul Haye's question No. 203 on the same subject on the 5th September last.

(d) It was considered that the Kangra Valley Railway would not prove remunerative without a guarantee from the Punjab Government.

(e) Revised estimates were received in March, 1928, amounting to Rs. 217½ lakhs, and in November, 1928, amounting to Rs. 301 lakhs.

(f) In reply to an inquiry from the Secretary of State, the Government informed him, on the 24th December, 1925, that the estimate of 134 lakhs was not likely to be exceeded.

(g), (h) and (i). Yes.

(j) The whole question is under my personal consideration at present.

#### COMMUNICATION TO THE OFFICIALS CONCERNED OF NOTES ON PAY ATTACHMENT ORDERS RECORDED IN THEIR CHARACTER ROLLS.

396. **\*Maulvi Muhammad Yakub :** Is it a fact that a note of each 'Pay Attachment Order' received from courts on account of debts, etc., is recorded by the Head of the Department in the Character Sheet of the official concerned ? If so, is a copy of such 'unfavourable' note communicated to the official so affected ; if not, will Government be pleased to state reasons ?

**The Honourable Sir James Crerar :** The information asked for is being obtained and will be supplied to the Honourable Member in due course.

#### RULES PERMITTING THE GRANT OF SECOND CLASS RAILWAY FARE TO LADY CLERKS DRAWING LESS THAN RS. 200 PER MONTH.

397. **\*Maulvi Muhammad Yakub :** (a) Is it a fact that lady clerks in receipt of a monthly emolument of less than Rs. 200 are entitled to 2nd class railway fare on their move or transfer ? If so, will Government be pleased to furnish the House with a copy of rules, etc., permitting such concession to lady clerks only ?

(b) Do Government propose to modify the rules so as to enable the male clerks also to draw the same concession ? If not, why not ?

**The Honourable Sir James Crerar :** (a) Yes. The orders will be found in the form of a note to Supplementary Rule 18 in the compilation of rules published by the Posts and Telegraphs Department, a copy of which will be found in the Library of the House.

(b) No, Sir. Government do not consider that it is necessary to extend to male clerks a concession which was given to lady clerks in consideration of their sex.

#### NECESSITY FOR THE TRAFFIC OFFICER OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO PROCEED TO DELHI DURING THE WINTER.

398. **\*Maulvi Muhammad Yakub :** (a) Will Government be pleased to refer to paragraph (i) of starred question No. 226, answered on 8th September, 1928, and state why the services of the Traffic Officer, Wireless, are considered necessary at Delhi whenever the Director of Wireless is required to proceed on tour or even during the presence of the Director of Wireless there ?

(b) Who is in charge of the Wireless Branch at Simla during the absence of the Head of the Branch and the next senior officer ; if a most

junior officer, is he empowered and available to dispose of cases of other nature in addition to that of his own without consulting the senior officers referred to at part (a) above on the phone ?

(c) If answer to the second part of (b) above be in the negative, will Government be pleased to state who is responsible for the delay in the disposal of ordinary, early, urgent and immediate cases of purely traffic matters by sending them every day from Simla to Delhi to the Traffic Officer, Wireless, for disposal and return files back to Simla ?

(d) Are Government prepared to regularise this kind of irregularities, delays and unnecessary labour in the disposal of Government work and if not, state reasons ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The facts are not as stated by the Honourable Member. The Wireless Traffic Officer is not summoned to Delhi whenever the Director of Wireless goes on tour, but only as special circumstances may from time to time require.

(b) The Director of Wireless remains in charge of the Wireless Branch whether in Simla or not, and in accordance with the usual practice the next senior officer at Simla disposes of cases or refers them to higher authority at his discretion or under the orders of the Director of Wireless.

(c) Government are not aware that any unnecessary delay occurs.

(d) Government do not admit these allegations and are therefore not prepared to take any special action in the matter.

#### GRANT OF HELP TO INDIANS WHO HAVE RETURNED TO INDIA FROM SOUTH AFRICA.

399. **\*Mr. Rafi Ahmad Kidwai :** (a) Are Government doing anything to help the repatriates from South Africa to settle in occupations for which they are best suited ?

(b) Are there any officers appointed by Government to look after the interest and welfare of the repatriates from South Africa after their landing in India ? If so, what are their duties ?

(c) Is it a fact that a large number of repatriates from South Africa, finding conditions in India not satisfactory to themselves, have emigrated to Malaya and Fiji ?

**Sir Frank Noyce :** (a) Yes.

(b) Such officers have been appointed. Their duties are to look after repatriates and their personal property immediately upon their return from South Africa, to arrange for their despatch to their homes, and, if possible, to find them employment for which they may be suited.

(c) No. So far as is known, only 62 repatriates have emigrated to the Federated Malay States, and none to Fiji.

#### REPORTED HELP TO MEMBERS OF THE INDIAN CENTRAL COMMITTEE BY MR. J. COATMAN.

400. **\*Mr. Rafi Ahmad Kidwai :** (a) Has the attention of Government been drawn to the report in the Press that the services of Mr. J. Coatman have been secured by two members of the Central Committee co-operating with the Statutory Commission to write a minute of dissent on their behalf ?

(b) Has Mr. J. Coatman accepted the work himself with the permission or approval of the Government of India or have the latter placed his services at the disposal of the two members ?

(c) Have Government given any instructions to Mr. J. Coatman about the policy to be adopted in this minute of dissent on important constitutional and communal questions, or will he be free to advocate his personal view or the point of view of the two members ?

(d) Will Mr. J. Coatman receive any remuneration for this work ? If so, will he be paid this remuneration by the Government of India or by the two members concerned ?

**The Honourable Sir James Crerar :** (a) Yes.

(b), (c) and (d). The report is entirely without foundation and these questions therefore do not arise.

#### NUMBER OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF OF THE FOREIGN AND POLITICAL DEPARTMENT.

401. **\*Maulvi Abdul Matin Chaudhury :** Will Government be pleased to lay on the table a statement showing separately the number of Hindus, Mohamedans, Sikhs, Europeans and Anglo-Indians, Indian Christians and other communities in the clerical staff of the Foreign and Political Department ?

**The Honourable Sir James Crerar :** With your permission, Sir, I propose to reply to questions Nos. 401-408 together. I would refer the Honourable Member to the printed statements showing the communal composition of the clerical staff in the various offices of the Government of India on the 31st December, 1928, of which copies have been placed in the Library. These contain all the information he wants except in regard to :

(i) the offices mentioned in items (3) to (7) of question No. 406, and

(ii) those mentioned in items (2) to (5) in question No. 407.

Information in regard to these is being collected and will be forwarded to the Honourable Member in due course by the Departments of the Government of India concerned.

#### NUMBER OF MEMBERS OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF OF CERTAIN OFFICES.

†402. **\*Maulvi Abdul Matin Chaudhury :** Will Government be pleased to lay on the table a statement showing separately the number of Hindus, Mohamedans, Sikhs, Europeans and Anglo-Indians, Indian Christians and other communities in the clerical staff of the following offices under the Government of India :

- (1) Home Department,
- (2) Office of the Private Secretary to the Viceroy, and
- (3) the Public Service Commission ?

†For answer to this question, see answer to question No. 401.

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF  
OF CERTAIN OFFICES.

†403. \*Maulvi Abdul Matin Chaudhury : Will Government be pleased to lay on the table a statement showing separately the number of Hindus, Mohamedans, Sikhs, Anglo-Indians and Europeans, Indian Christians, and other communities in the clerical staff of the following offices under the Government of India :

- (1) Commerce Department,
- (2) Railway Board, and
- (3) Commercial Intelligence Office ?

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF  
OF CERTAIN OFFICES.

†404. \*Maulvi Abdul Matin Chaudhury : Will Government be pleased to lay on the table a statement showing separately the number of Hindus, Mohamedans, Europeans and Anglo-Indians, Sikhs, Indian Christians and other communities in the clerical staff of the following offices :

- (1) Education Department (Imperial Secretariat),
- (2) Medical Directorate,
- (3) Agricultural Adviser,
- (4) Director General, Archaeology,
- (5) Surveyor General of India,
- (6) Director General, Botanical Survey of India,
- (7) Director, Zoological Survey of India, and
- (8) Keeper of Imperial Records ?

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF  
OF CERTAIN OFFICES.

†405. \*Maulvi Abdul Matin Chaudhury : Will Government be pleased to lay on the table a statement showing separately the number of Hindus, Mohamedans, Europeans and Anglo-Indians, Sikhs, Indian Christians and other communities in the clerical staff of following offices under the Government of India :

- (1) Army Head Quarters,
- (2) Adjutant General's Branch,
- (3) Quarter Master General's Branch,
- (4) Master General Supply Branch,
- (5) Military Secretary's Branch, and
- (6) Royal Air Force ?

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF  
OF CERTAIN OFFICES.

†406. \*Maulvi Abdul Matin Chaudhury : Will Government be pleased to lay on the table a statement showing separately the number of Hindus,

†For answer to this question, see answer to question No. 401.

Mohamedans, Sikhs, Europeans and Anglo-Indians, Indian Christians and other communities in the clerical staff of the following offices :

- (1) Department of Industries and Labour (Imperial Secretariat),
- (2) Director General of Posts and Telegraphs,
- (3) Post Master General, Bengal,
- (4) Post Master General, Bihar,
- (5) Post Master General, United Provinces,
- (6) Post Master General, Bombay,
- (7) Post Master General, Madras,
- (8) Director General of Observatories,
- (9) Central Stationery and Stamp Office, Calcutta,
- (10) Central Form Stores,
- (11) Central Printing Office, Delhi.
- (12) Government of India Press, Calcutta,
- (13) Government of India Press, Aligarh,
- (14) Government of India Press, Simla,
- (15) Government of India Press, Delhi,
- (16) Central Publication Branch, Calcutta, and
- (17) Indian Stores Department ?

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF  
OF CERTAIN OFFICES.

†407. \*Maulvi Abdul Matin Chaudhury : Will Government be pleased to lay on the table a statement showing the number of Hindus, Mohamedans, Sikhs, Anglo-Indians and Europeans, Indian Christians, and other communities in the clerical staff of the following offices :

- (1) Finance Department,
- (2) Pay and Account Office (Miscellaneous Central Depts., Calcutta),
- (3) Pay and Account Office (Survey of India),
- (4) Pay and Account Office (Allahabad),
- (5) Pay and Account Office (Delhi Civil Administration),
- (6) Calcutta Mint,
- (7) Bombay Mint,
- (8) Currency Office, Bombay,
- (9) Currency Office, Madras,
- (10) Currency Office, Lahore,
- (11) Currency Office, Cawnpore,
- (12) Currency Office, Rangoon,
- (13) Currency Office, Karachi, and
- (14) Calcutta Paper Currency Office ?

†For answer to this question, see answer to question No. 401.

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES IN THE CLERICAL STAFF  
OF CERTAIN OFFICES.

†408. \*Maulvi Abdul Matin Chaudhury : Will Government be pleased to lay on the table a statement showing separately the number of Hindus, Mohamedans, Europeans and Anglo-Indians, Indian Christians, and other communities in the clerical staff of the following offices :

- (1) Auditor General,
- (2) Director, Army Audit,
- (3) Audit Officer, Indian Stores Department,
- (4) Accountant General, Railways,
- (5) Accountant General, Central Provinces,
- (6) Accountant General, Bihar and Orissa,
- (7) Accountant General, Madras,
- (8) Accountant General, Bengal,
- (9) Accountant General, Bombay,
- (10) Accountant General, Punjab,
- (11) Accountant General, Central Revenues,
- (12) Comptroller, Assam,
- (13) Accountant General, Posts and Telegraphs,
- (14) D. A. G., Posts and Telegraphs (Postal Branch),
- (15) D. A. G., Posts and Telegraphs (Telegraph Branch),
- (16) D. A. G., Posts and Telegraphs (Nagpur),
- (17) D. A. G., Posts and Telegraphs (Delhi),
- (18) D. A. G., Posts and Telegraphs (Madras),
- (19) Chief Auditor, North Western Railway,
- (20) Chief Auditor, East Indian Railway,
- (21) Chief Auditor, Great Indian Peninsula Railway,
- (22) Chief Auditor, Eastern Bengal Railway, and
- (23) Examiner of Government Press Accounts ?

IMPORT AND SALE AT A LOW PRICE OF AUSTRALIAN WHEAT IN INDIA.

409. \*Sardar Kartar Singh : (a) Is it a fact that Australian wheat worth about Rs. 35 crores has been imported into India this year and that the said wheat is selling at Bombay at the rate of Rs. 3-7-0 per maund ?

(b) Is it a fact that practically no freight is charged for bringing the wheat from Australia to India ?

(c) Are Government aware that this large importation of Australian wheat has materially affected the price of Indian wheat throughout India and that the cultivators have been forced to sell their wheat at a very low price ?

(d) Is it a fact that Indian wheat this year is fetching less price than even gram ?

†For answer to this question, see answer to question No. 401.

(e) Have Government realised the consequences of this large importation of Australian wheat into India and are Government aware that consequent to the general fall in the price of wheat the zamindars have not, in most places, been able to pay the Government demands ?

(f) Is it a fact that, on account of the inability of the zamindars to pay, due to this extraordinary fall in the price of the wheat, the Government officers have felt greater difficulty in the realization of Government dues this year than in the previous years ?

Sir Frank Noyce : (a) From January to July, 1929, 630,000 tons of Australian wheat, valued at Rs. 891 lakhs, were imported into British India. Official quotations for Australian wheat at Bombay are not available. Special inquiries, however, show that it is selling at Calcutta at Rs. 5-2-0 per maund.

(b) The freight charge on wheat from Australia to India is 22 to 25 shillings per ton.

(c) The prices of Indian wheat per maund which were prevailing at Calcutta, Bombay, Karachi and Lyallpur at the end of last month were :

|          | Rs. A. P. |    |        |
|----------|-----------|----|--------|
| Calcutta | ..        | .. | 5 12 0 |
| Bombay   | ..        | .. | 5 7 5  |
| Karachi  | ..        | .. | 5 0 6  |
| Lyallpur | ..        | .. | 4 8 3  |

The price of wheat at Lyallpur in April of this year was Rs. 6-5-6 per maund and steadily declined as the new crop came on the market. The Indian wheat crop of 1927-28 was only 7½ million tons as against a five years' average of 9½ million tons. The final estimate of the crop for 1928-29 was 8.4 million tons. The average requirements of India for internal consumption are approximately 8½ million tons, compared with which a net import of 629,000 tons during the period April 1st, 1928, to the end of August, 1929, is relatively very small. The fall in prices since the beginning of April of this year appears to be mainly due to the Indian crop of 1928-29 more nearly approaching the requirements for internal consumption.

(d) The price of Indian wheat is lower than gram at Bombay and Karachi but higher at Calcutta.

(e) & (f) Government have no information, but, as already pointed out, the fall in wheat prices which, according to the most recent information, are tending to recover, has been due far more to the new crop coming on the market than to unusually large imports of Australian wheat.

ADVANTAGE TO THE IMPORTER OF AUSTRALIAN WHEAT OF THE PRESENT  
HIGH RATE OF EXCHANGE.

410. \*Sardar Kartar Singh : Is it a fact that an importer of wheat into India gets an advantage of 12½ per cent. on account of the present high rate of exchange ?

The Honourable Sir George Schuster : The answer to the question, as I understand it, is in the negative.

ADOPTION OF MEASURES BY THE GOVERNMENT OF INDIA TO ENABLE INDIAN  
WHEAT TO COMPETE WITH IMPORTED WHEAT.

411. \*Sardar Kartar Singh : (a) Have Government opened experimental farms at several places in India to produce wheat ? Can Government afford to sell the wheat produced at these farms at the rate of Rs. 3-7-0 per maund ? If not, why not ?

(b) What facilities are afforded by the Australian Government to their farmers that they are able to sell wheat at the rate of Rs. 3-7-0 per maund in India ? Are the Government of India prepared to give the same facilities to Indian farmers so that they may be able to compete with the foreigners ?

(c) Are Government prepared to afford relief to Indian farmers by reducing the land revenue and water rates so that they may be able to hold their own against the Australian farmers ?

(d) If Government cannot see their way to reduce the land revenue and water rates, have they considered the advisability of imposing a heavy duty on foreign imported wheat with a view to afford relief to the agriculturists of India ?

(e) Have Government considered the advisability of stopping the import of Australian wheat into India ?

Sir Frank Noyce : (a) Government farms are merely for the production of seed of superior quality of wheat. They are not run on a commercial basis and the seed produced in them is sold to cultivators at the lowest rate which will secure that it is used for seed instead of for domestic consumption. The price at which it is sold is, therefore, no guide to the price at which the cultivator can afford to sell his wheat.

(b) Government have no information that Australian wheat has been sold at as low a price as Rs. 3-7-0 per maund. The latest quotation is Rs. 5 2-0 per maund at Calcutta.

(c) This is a matter for Local Governments.

(d) & (e) No. The imports of foreign wheat into India have, in recent years, only been of importance, in the years 1921-22, 1928-29 and the early part of 1929-30 and, in each case, this has been due to the wheat crop of the preceding year in India being a partial failure.

SCHOOLS FOR THE SONS AND WARDS OF THE GOVERNMENT OF INDIA STAFF  
IN SIMLA.

412. \*Mr. S. C. Mitra : (a) Is it a fact that schools have been provided for the education of the sons and wards of the European staff of the different State Railways at different places ?

(b) Is it a fact that such schools are maintained from the Central revenues ? If so, will Government be pleased to state the reasons why no schools are maintained from the Central revenues for the sons and wards of the Government of India staff in Simla ?

(c) Will Government be pleased to furnish a statement of the European schools maintained out of Railway revenues showing the amount of grant given to each ?

Sir Frank Noyce : (a) and (c). I would refer the Honourable Member to the Report on the expenditure of the railways on the education of the children of employees in 1925-26, copies of which are in the Library.

(b) That Report also shows the extent to which railway schools are maintained from railway funds which are Central Revenues. Facilities already exist for the education of the children and wards of the Government of India staff in Simla. Grants are made from Central Revenues towards the maintenance of certain schools which have been established by private bodies for this purpose.

NUMBER AND QUALIFICATION OF TEACHERS AND FEES CHARGED IN THE  
LADY IRWIN GIRLS' SCHOOL, SIMLA.

413. \*Mr. S. C. Mitra : (a) Will Government be pleased to state the number of teachers in the Lady Irwin Girls' School, Simla ?

(b) Will they be pleased to state the number of L. T.'s and B. T.'s out of the total number of teachers engaged in the School ?

(c) Is it a fact that very few of the total number of teachers in the School are trained teachers ? If so, why ?

(d) Is it a fact that the school fees for the students of the Lady Irwin Girls' School have been raised since the beginning of the year ?

(e) Are Government aware that the raising of the fees have hit hard the poorly paid staff of the Government of India ?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state what steps they propose to take to alleviate the hardships of the parents of the students of the said School ?

(g) If the answer to part (e) be in the negative, do Government propose to inquire into the matter from the Associations of the Secretariat and attached offices staff ?

Sir Frank Noyce : (a) There are at present nineteen teachers and one vacant post.

(b) Out of the nineteen teachers two are B. A., B. T.'s.

(c) Six are trained teachers. There are very few trained women teachers in India.

(d) Yes.

(e), (f) & (g). The matter will be re-examined.

GRANT OF FINANCIAL AID TO THE LADY IRWIN GIRLS' SCHOOL IN SIMLA.

414. \*Mr. S. C. Mitra : (a) Are Government aware that the Lady Irwin Girls' School is deteriorating in staff owing to the Government grant being insufficient to meet the requirements of the School ?

(b) If the answer to part (a) be in the affirmative, do Government propose to make an annual recurring grant of Rs. 20,000 to the said School for improving the condition of the School ? If not, why not ?

(c) If the answer to part (a) above be in the negative, do Government propose to inquire into the matter ?



**Sir Frank Noyce :** (a) No.

(b) Does not arise.

(c) An application for an increased grant-in-aid to the school is under consideration.

#### DIFFICULTIES OF THE MOVING STAFF OF THE GOVERNMENT OF INDIA FOR WANT OF A MOVING SCHOOL FOR THEIR CHILDREN.

415. **\*Mr. S. C. Mitra :** (a) Is it a fact that there is no moving school for the sons and wards of the moving staff of the Government of India ?

(b) Are Government aware of the difficulties and hardships of the moving staff of the Government of India for want of such a school for their children ?

(c) If the answers to parts (a) and (b) be in the affirmative, what steps have Government taken so far to redress the grievances of the staff in this direction ? If not, why not ?

(d) Are Government aware that there is great dislocation of education of the children of the Government of India moving staff for about six months in a year ?

(e) Is it a fact that in the schools of Simla children are compelled to finish their course for 12 months in about six months of the year ?

(f) If the answers to parts (d) and (e) are in the affirmative, what steps do Government propose to take to remedy those difficulties ?

**Sir Frank Noyce :** (a) Yes.

(b) and (c). The Government of India have already asked the Government of the Punjab to explore, in consultation with the Chief Commissioner of Delhi, the possibility of making special arrangements at the Government High School, Simla, for the children of the moving staff of the Government of India so as to enable these children to undergo, whilst at Simla, the same courses of study as are taught in the schools in New Delhi ?

(d) and (e). No.

(f) Does not arise.

#### RECRUITMENT OF STENOGRAPHERS THROUGH THE PUBLIC SERVICE COMMISSION.

416. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Public Service Commission have on their list a few passed stenographers who have not yet been provided with permanent appointments ?

(b) Is it also a fact that in some Departments of the Government of India and attached and subordinate offices a few unpassed stenographers have been entertained ? If so, why ?

(c) Is it a fact that in the Office of the Imperial Council of Agricultural Research there will be a few vacancies of stenographers in the near future ? If so, is it a fact that there has been a proposal to recruit unpassed men from outside to fill up those vacancies ? If so, why ?

(d) Are Government aware that recruitment of unpassed men is affecting adversely the interests of those who have passed the Public

Service Commission test but have not yet been permanently absorbed in any of the Departments ? If so, do Government propose to issue necessary instructions to the several Departments to recruit only passed men so long as they are available ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The information is being collected and will be furnished to the Honourable Member in due course.

(c) There is, I understand, one post of stenographer vacant at present. Owing to the fact that the Vice-Chairman of the Council has not yet taken over formal charge, no definite decision has been reached in regard to the recruitment of the staff of the Council Secretariat through the Public Service Commission ; but there is good reason to suppose that the decision will be that the staff shall be so recruited.

(d) I understand that the claims of the passed stenographers on the list of the Public Service Commission are always considered before unpassed stenographers are newly recruited or allowed to officiate. When the information asked for in part (b) of the question has been collected, it will be considered whether any fresh instructions are necessary.

(There are six men on the Public Service Commission list awaiting permanent employment.

#### AMOUNT OF WORK DONE AT THE BRANCH POST OFFICE AT OUTSHAHI AND SUB-POST OFFICE AT SONARANG.

417. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a statement showing separately the amount of the different kinds of work, such as letters, registration, savings bank, insurance, money orders, etc., done by the branch post office at Outshahi in the district of Dacca and the sub-post office at Sonarang, in any particular month, say January, 1929 ?

(b) Is it a fact that the Outshahi post office has to serve about six different villages ? Is it a fact that it has got only one postman ? If so, is it a fact that he has to work from 7 A.M. to 7 P.M. daily ? Is it a fact that in the past there have been several representations from the postman as well as from the public of the locality to increase the number of postmen ? If so, with what result ?

(c) Is it a fact that the income of the Outshahi Post Office has been for several years past much more than that of a sub-post office ? If so, will Government please state if they propose to raise the status of the Outshahi Post Office to that of a sub-office ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) to (c). The information required is being collected and will be furnished to the Honourable Member in due course ?

#### PROMOTION AS SIGNAL INSPECTORS OF ASSISTANT SIGNAL INSPECTORS TRAINED AT THE JAMALUPUR WORKSHOPS.

†418. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that the Signals is the only Department on the East Indian Railway in which

†For answer to this question, see answer to question No. 346.

Assistant Inspectors are not considered fit for promotion to Inspectorships ?

(b) If so, is the reason of their alleged unfitness due to want of ample training in the Jamalpur Workshops ? If so, do Government propose to change the training staff at these workshops and give suitable training to the Assistant Signal Inspectors, so as to avoid any further recruitment of covenanted men ?

(c) Is it a fact that Government is spending a large sum of money in training men in India for these appointments ? If so, how do Government justify this expenditure and yet pronounce these trained men unfit ?

#### PROMOTION OF 20 PER CENT. OF SUBORDINATES IN THE SIGNAL DEPARTMENT ON RAILWAYS.

†419. \*Lieut.-Colonel H. A. J. Gidney : (a) Are the recommendations of the Central Railway Advisory Committee for the promotion of 20 per cent. subordinates in India to official grade being observed in the Signal Department ? If not, why not ?

(b) Do Government propose to give an assurance to this House that, if the two Inspectors are still retained on a temporary basis, they will be discharged, or, be employed in such a manner as not to block the promotion of the Assistant Signal Inspectors trained in the Railway Workshops, and that adequate opportunities will be afforded in future to the latter men to show their worth and capability to act as Signal Inspectors ?

#### REPORT ON THE INDUSTRIAL POSSIBILITIES OF THE NORTH WEST FRONTIER PROVINCE.

420. \*Mr. Abdul Haye : (1) Is it a fact that an official of the Department of Industries, Punjab, was deputed by the Government of India last year to investigate and report upon the industrial possibilities of the North-West Frontier Province ?

(2) When was the report of the said officer submitted to the Government of India ?

(3) Have Government considered that report ? If so, with what result ?

(4) Do Government propose to establish a separate Department of Industries in the North West Frontier Province ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (1) An Industrial Surveyor whose services were borrowed from the Department of Industries, Punjab, was appointed by the Chief Commissioner, North West Frontier Province, for six months with effect from the 16th July, 1928, to undertake an industrial survey of the Province as a preliminary to the preparation of a programme for the expansion of technical and industrial education in that territory.

(2) The report has not yet reached the Government of India.

(3) Does not arise.

(4) No such proposal has been made by the Local Administration.

†For answer to this question, see answer to question No. 346.

#### ESTABLISHMENT OF A CIRCUIT COURT AT DELHI.

421. \*Mr. Abdul Haye : (1) Was there any proposal before Government to establish a circuit court at Delhi to hear and dispose of appeals from the Delhi Province pending in the High Court of Judicature at Lahore ?

(2) Were the Honourable Judges of the Lahore Court consulted, and did they favour this proposal ?

(3) Will Government please state how the matter stands at present ?

The Honourable Sir James Crerar : The Honourable Member is referred to the answer given by the late Sir Alexander Muddiman to Sir Hari Singh Gour's question on the subject in the Legislative Assembly on the 25th January, 1926, which is published in Volume VII, No. 3 of Assembly Debates, page 148. The matter has not again been brought before the Government of India.

#### NUMBER OF LOCAL TRAFFIC SERVICE MEN TO BE PROMOTED TO THE SUPERIOR TRAFFIC SERVICE.

422. \*Pandit Hirday Nath Kunzru : (a) Are Government aware that Mr. Parsons stated on the 19th February during the last Railway Budget debate that, in order to abolish the Local Traffic Service as early as possible, the Agents of the Railways concerned would be asked "to report ..... in the order of their preference the names of the men whom they considered fit for promotion to the Superior Service" ?

(b) Have the reports of the Agents been received ? If so, will Government please state separately for each of the railways concerned what is the total number of Local Traffic Service men, how many of them are to be promoted to the Superior Service, and how many of the latter are direct recruits ?

Mr. P. R. Rau : (a) Yes.

(b) The reports of Agents have been received, and the number of Local Traffic Service men in the different railways is as follows :

|                |    |    |    |
|----------------|----|----|----|
| Eastern Bengal | .. | .. | 4  |
| East Indian    | .. | .. | 9  |
| North Western  | .. | .. | 11 |

As I explained in answer to a question by Mr. Neogy on the 4th, the whole question of the number of promotions to be made in 1929-30 and the selection of the men to be promoted is under the consideration of the Railway Board.

#### TOTAL NUMBER OF INDIANS RECRUITED TO THE SUPERIOR TRAFFIC SERVICE IN THE CURRENT YEAR AND NUMBER PROMOTED FROM THE LOCAL TRAFFIC SERVICE.

423. \*Pandit Hirday Nath Kunzru : (a) What is the total number of posts in the Superior Traffic Service for which Indians have been recruited this year ?

(b) How many of them have been filled by promoted Local Traffic Service men ? How many of these men were directly recruited to the Local Service ?

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**Mr. P. R. Rau :** None have been recruited this year.

**Pandit Hirday Nath Kunzru :** Is the Honourable Member aware that Mr. Parsons stated during the last Railway Budget that about 36 per cent. of the vacancies will be recruited from the Local Traffic Service men ?

**Mr. P. R. Rau :** As I said in reply to a question by Mr. Neogy on the 4th, at the time Mr. Parsons made that reply it was intended to promote four in 11 vacancies likely to arise in the course of the year, but since then the matter is being further considered.

**Pandit Hirday Nath Kunzru :** Do I understand that no direct recruitment has been made to the Superior Service ?

**Mr. P. R. Rau :** No.

APPOINTMENT TO THE SUPERIOR TRAFFIC SERVICE OF A SUBORDINATE IN THE TRANSPORTATION AND COMMERCIAL DEPARTMENTS OF THE EAST INDIAN RAILWAY.

424. **\*Pandit Hirday Nath Kunzru :** (a) Is it a fact that a subordinate in the Transportation and Commercial Departments of the East Indian Railway has recently been appointed to the Superior Service with effect from the 1st October, 1928 ?

(b) Was he officiating in the Local Traffic Service ?

(c) Were there no permanent men in the Local Traffic Service who were considered fit for promotion ?

**Mr. P. R. Rau :** (a) and (b). Yes.

(c) Taking all the facts into consideration he was considered the most suitable man for promotion at the time.

**Pandit Hirday Nath Kunzru :** Considering the fact that the Agents of the various railways have already reported that there are a number of men in the Local Traffic Service fit for promotion, may I know why their claims have been passed over in favour of a man who was a subordinate in the Transportation and Commercial Departments of the East Indian Railway ?

**Mr. P. R. Rau :** The policy of the Government has been explained many times on the floor of this House. It is that when vacancies which ought to be filled by promotion arise, the claims of all subordinates, including the Local Traffic Service, will be taken into consideration, and those vacancies cannot be considered as reserved for Local Traffic Service officers only.

**Pandit Hirday Nath Kunzru :** Are the Local Traffic Service men, who had been promised recruitment to the extent of 20 per cent. into the superior posts in 1921, to have preference over the subordinate service men or not ?

**Mr. P. R. Rau :** I have already explained that the policy of the Government is that the claims of all subordinate service officers will be considered, and that one particular section of those officers will not be given any preference.

**Pandit Hirday Nath Kunzru :** Does it mean that the rights accorded to the Local Traffic Service men in 1921 have been wiped out ?

**Mr. P. R. Rau :** I have nothing further to add to the reply I have given or to the statements made by Mr. Parsons on the floor of this House.

**Pandit Hirday Nath Kunzru :** Is the Honourable Member aware of the rules under which recruitment to the Local Traffic Service took place in 1921, that is, the rules promulgated in 1921, regarding the establishment of the Local Traffic Service ?

**Mr. P. R. Rau :** I am not aware of those rules. I am afraid my memory is not as good as that of my Honourable friend.

**Pandit Hirday Nath Kunzru :** As the Honourable Member is dealing with the subject and it has now come before the House, are we not entitled to know whether the rules under which the Local Traffic Service men are recruited are to be observed or not ?

**The Honourable Sir George Rainy :** I will certainly undertake to look into the matter and especially to examine the point as to any rights that may have arisen owing to the orders passed in the year 1921.

PROCEDURE FOLLOWED FOR PROMOTION TO THE SUPERIOR TRAFFIC SERVICE.

425. **\*Pandit Hirday Nath Kunzru :** (a) With reference to the statement made by Mr. Parsons on the 19th February during the last Railway Budget debate regarding the selection of Local Traffic Service men and members of the subordinate service for promotion to the Superior Traffic Service, will Government please state when they began consulting the Public Service Commission and what is the exact procedure followed by them in the matter ?

(b) Did the Public Service Commission interview the candidates concerned last year or had they to depend on the files sent to them by the Railway Board ?

**Mr. P. R. Rau :** (a) The Public Service Commission have been consulted since 1927. The Public Service Commission are supplied with:

1. A list of the men it is proposed to promote.
2. A statement of supersessions, if any, which would be involved in the proposed promotions.
3. The records and confidential reports of all the men concerned.

(b) I understand the Public Service Commission did not interview the candidates last year. They act in accordance with rule 6 of the Public Service Commission (Functions) Rules which are the statutory rules on the subject.

**Pandit Hirday Nath Kunzru :** Will the Honourable Member repeat the last part of his answer ? I did not hear him.

**Mr. P. R. Rau :** I understand the Public Service Commission did not interview the candidates last year. They act in accordance with rule 6 of the Public Service Commission (Functions) Rules which are the statutory rules on the subject.

**Pandit Hirday Nath Kunzru :** Does the Honourable Member refer to the rules for promotion from one post to another post ?

**Mr. P. R. Rau :** Will the Honourable Member kindly repeat the question ?

**Pandit Hirday Nath Kunzru :** Is the Honourable Member referring to the rules relating to the promotion of men from one post to another post ?

**Mr. P. R. Rau :** I am referring to rule 6 of the Public Service Commission (Functions) Rules.

**Pandit Hirday Nath Kunzru :** Is that the rule relating to the promotion of a man from a lower post to a higher post ?

**Mr. P. R. Rau :** It refers to recruitment made by promotion to any permanent post in all-India or Central Services.

**Pandit Hirday Nath Kunzru :** Are those rules required in the case of promotion of men to higher posts ?

**Mr. P. R. Rau :** I take it that this is a question of promotion to the Superior Traffic Service, which is a Central Service.

**Pandit Hirday Nath Kunzru :** Are the Public Service Commission required to give any opinion under the rules ?

**Mr. P. R. Rau :** The Railway Board always send up such cases to the Public Service Commission for opinion.

**Pandit Hirday Nath Kunzru :** As apart from the rules relating to the Public Service Commission ?

**Mr. P. R. Rau :** I am afraid I cannot give an answer to that question as regards the functions of the Public Service Commission. I do not recollect what are the particular functions of that body.

**Pandit Hirday Nath Kunzru :** Would the Railway Board be entitled to interview the candidates personally or not ?

**Mr. P. R. Rau :** The Railway Board ?

**Pandit Hirday Nath Kunzru :** I mean the Public Service Commission.

**Mr. P. R. Rau :** If the Commission so desires. The Railway Board would not object to the interview of the candidates.

**Pandit Hirday Nath Kunzru :** Have they been informed of that, or are they under the impression that their business is only to consider the file or files sent to them ?

**Mr. P. R. Rau :** I take it that is entirely for the Commission to decide.

**Pandit Hirday Nath Kunzru :** What were the rules which were communicated to them on the subject ? Under what rule is their opinion asked for in this matter ?

**Mr. P. R. Rau :** So far as I know, that is the practice of the Railway Board. I cannot say off hand what is the particular rule under which we have acted in this matter.

**Lieut.-Colonel H. A. J. Gidney :** In view of the answer given by the Honourable Member, do I understand that the selection by the Public Service Commission depends entirely upon the recommendation of the head of the Department concerned ?

**Mr. P. R. Rau :** The Public Service Commission are judges of their own procedure.

**Lieut.-Colonel H. A. J. Gidney :** That does not answer my question, Sir. Do I understand that the acceptance by the Public Service Commission of a candidate depends entirely on the recommendation of the head of the Department concerned ?

**The Honourable Sir James Crerar :** I think that is a matter of general principle and I may be permitted to reply. I have already, as a matter of fact, replied on this particular point to the Honourable and gallant Member. The reply is this. When a reference is made to the Public Service Commission under the rules which permit of an optional reference, as quoted by my Honourable friend, it is entirely for the Public Service Commission to make such recommendation, having regard to the facts in their possession, as they consider proper, and they are not bound by the recommendation of any authority whatsoever.

**Lieut.-Colonel H. A. J. Gidney :** By what recommendation are they bound ?

**The Honourable Sir James Crerar :** My reply is, they are not bound by any recommendation whatever, but only by their own judgment and conscience in the matter.

**Pandit Hirday Nath Kunzru :** The Public Service Commission not having interviewed candidates, on what recommendations have their opinions been based so far ?

**The Honourable Sir James Crerar :** The Public Service Commission have constantly interviewed candidates. Whether they interviewed candidates in this particular instance I do not know. But as my Honourable friend has said, the Public Service Commission, within the terms of their functions rules, are judges of their own procedure and of the particular action they take in a particular case.

**Mr. B. Das :** Is the Honourable the Home Member aware that the Public Service Commission is always guided by departmental experts, who always cross-examine the candidates, and the Public Service Commission is very often influenced by them ?

**Mr. President :** Order, order.

#### INTRODUCTION OF A NEW LAW IN BELGIAN CONGO REQUIRING INDIANS TO GIVE FINGER PRINTS FOR THE PURPOSE OF IDENTIFICATION.

426. **\*Pandit Hirday Nath Kunzru :** (a) Is it a fact that the Government of Belgian Congo have recently passed a law under which Indians will be required to give finger prints for purposes of identification ?

(b) If so, why has this new procedure been introduced and what are the documents for which finger prints are required ?

(c) Have the Government of India received any representation on the subject from the Indian Association, Dar-es-Salaam ?

(d) What action do Government propose to take in the matter ?

**Sir Denys Bray :** Government have no information on the subject beyond that contained in a representation, dated 12 Noon. the 4th August last, from the Indian Association, Dar-es-Salaam, on receipt of which His Majesty's Government were at once addressed.

**NUMBER OF OFFICERS IN A UNIVERSITY TRAINING CORPS BATTALION HOLDING KING'S COMMISSIONS AND NATURE OF COMMISSION HELD BY PLATOON OFFICERS.**

**427. Pandit Hirday Nath Kunzru :** (a) Has the attention of Government been drawn to the article "U. T. C. Again" in the *Servant of India* of the 8th August, 1929?

(b) What is the prescribed number of officers holding the King's Commission in a University Training Corps battalion? Will platoon officers hold the King's or the Viceroy's Commission?

**Mr. G. R. F. Tottenham :** (a) Yes, Sir.

(b) The authorised establishment of officers for a battalion of the University Training Corps is 26—all of whom, including the platoon commanders, are eligible for the grant of senior grade commissions. The procedure at present prescribed for the submission of recommendations for the grant of these commissions is a lengthy one and I am afraid has resulted in some delay. Government therefore propose to place the matter before the next meeting of the Central Advisory Committee, to see whether the system cannot be improved. I hope that the meeting will be held this month.

**UNSTARRED QUESTION AND ANSWER.**

**INDIANISATION OF THE GEOLOGICAL SURVEY OF INDIA.**

**167. Mr. K. C. Neogy :** (a) To what extent is the principle of Indianisation being applied to the Geological Survey of India?

(b) Are the claims of Sub-Assistants for promotion to the grade of Assistant Superintendents regularly taken into consideration? If so, how many have been so promoted since the reorganisation of the department in 1921, and how does the number compare with the total number of vacancies that have been filled since that date?

(c) Are Sub-Assistants generally allowed to officiate in temporary vacancies in the grade of Assistant Superintendents?

(d) What is the difference in the nature of work generally done by Assistant Superintendents and Sub-Assistants, so far as field duties are concerned?

(e) What are the considerations that determine the number of Assistant Superintendents and Sub-Assistants, respectively, employed in the Geological Survey of India?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Recruitment to the Geological Survey of India is now ordinarily confined to Indians; a European may only be recruited if no qualified Indian candidate is forthcoming.

**UNSTARRED QUESTION AND ANSWER.**

(b) Assistant Superintendents belong to the Superior service and Sub-Assistants cannot claim promotion to that service as of right. They are however eligible for appointment to the grade of Assistant Superintendents in competition with candidates for direct appointment. The number of Sub-Assistants so appointed is one against 17 vacancies that have occurred since 1921.

(c) and (e). The attention of the Honourable Member is invited to the reply given by the Honourable Mr. (now Sir) A. C. McWatters to parts (c) and (a), respectively, of his unstarred question No. 553 on the 24th September, 1928.

(d) The more difficult and responsible field work is entrusted to the Assistant Superintendents.

**THE TRANSFER OF PROPERTY (AMENDMENT) BILL.**

**Mr. President :** The House will now resume further consideration of the Transfer of Property (Amendment) Bill, clause by clause. The question is :

"That clause 4 stand part of the Bill."

**Mr. M. R. Jayakar** (Bombay City: Non-Muhammadan Urban): Sir, I move :

"That after Explanation 1, Clause 4 of the Bill, the following proviso be inserted :

"Provided that :

- (1) the instrument has been registered and its registration completed in the manner prescribed by the Indian Registration Act, 1908, and the rules made thereunder ;
- (2) the instrument has been duly entered or filed, as the case may be, in books kept under section 51 of that Act, and
- (3) the particulars regarding the transaction to which the instrument relates have been correctly entered in the indexes kept under section 55 of that Act."

Stated briefly, the principle of the amendment is that registration is notice only when the registration has been duly made, and not when the registration is faulty for some reason as specified in sub-clauses (1), (2) and (3) of my amendment. As Honourable Members are aware, the rule is now for the first time made applicable to the whole of India that registration is notice. I have great doubts myself about the advisability of applying this rule in the present state of illiteracy in the country, as was pointed out by my Honourable friend Mr. Lalechand Navalrai. The rule has to be very cautiously adopted. Speaking of my own province, the rule of registration being notice has been prevalent in that province for a number of years, but its success requires that the processes of registration should be made as complete and perfect as possible. I am in complete agreement with the views propounded by Mr. Lalechand Navalrai in this behalf, and I note with satisfaction the assurance given to this Honourable House by the Government of India that they will take early steps to see that the rules in this behalf are revised, and the methods of registration are improved and perfected. My amendment intends to secure this. Honourable Members are aware that there may be mistake in registration about names, etc. The registration may be made

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in the wrong book or under a wrong name. In such cases registration will not be notice. It will be notice only in those cases where the matter required to be registered is registered duly in the proper books and in the proper place. I am therefore suggesting this amendment in order that the hardships which may be caused by the application of the rule that registration is notice may be mitigated to some extent.

**The Honourable Sir Brojendra Mitter** (Law Member) : This amendment is intended to cover possible mistakes and inaccuracies in registration. It is a salutary amendment and I accept it.

The motion was adopted.

**Mr. President** : The question is :

“ That clause 4 as amended stand part of the Bill.”

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : I suggest, Sir, that Explanation 1 to clause 4 may be put separately, in view of the opposition to it.

**Mr. President** : Explanation 1 has been amended now.

**Mr. M. S. Sesha Ayyangar** : The earlier portion of the Explanation stands.

**Mr. President** : Is it the desire of Honourable Members to ask for a division on that ?

**Mr. M. S. Sesha Ayyangar** : I submit to the Chair that Explanation 1 no doubt stands amended, but it remains there as it is. It was against that that the whole opposition was made yesterday. I do not know if it is not desirable to put that separately.

**Mr. President** : If there is a general desire on the part of the House to ask for a division, I am prepared to put it separately. Otherwise it will be only taking up the time of the House.

The question is :

“ That clause 4 as amended stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

**Mr. President** : The question is :

“ That clause 6 stand part of the Bill.”

**Mr. D. F. Mulla** : (Bombay : Nominated Non-Official) : Sir, I move :

“ That in clause 6 of the Bill, for the word ‘ Explanation ’ where it occurs for the first time, the word ‘ paragraph ’ be substituted, and for the *Explanation* the following paragraph be substituted :

“ In this section ‘ living person ’ includes a company or association or body of individuals, whether incorporated or not, but nothing herein contained shall affect any law for the time being in force relating to transfer of property to or by companies, associations or bodies of individuals.”

The Select Committee has added an explanation to section 5 of the Act. Section 5 defines “ transfer of property ”. It defines transfer of property as an act by which one living person transfers property to another

living person. The Select Committee added an Explanation which runs thus :

“ In this section, living person includes a company or association or body of individuals, whether incorporated or not.”

Now, Sir, this is too important an amendment to be included in an Explanation. Hence it is proposed to omit the word “ Explanation ” and to have it in a separate paragraph, paragraph 2. At the same time, with a view to save any special law relating to companies or associations, the proposed words have been added, beginning with the words “ nothing herein contained ” and ending with the words “ bodies of individuals ”.

**The Honourable Sir Brojendra Mitter** : Sir, I accept this amendment.

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 to 13 were added to the Bill.

**Mr. President** : The question is :

“ That clause 14 stand part of the Bill.”

Does the Honourable Member (Mr. Mulla) wish to move his amendment ?

**The Honourable Sir Brojendra Mitter** : Sir, may I explain that that refers to the supplementary Bill, not to this Bill.

Clauses 14 to 16 were added to the Bill.

**Mr. M. S. Sesha Ayyangar** : Sir, I move that sub-clause (c) of clause 17 of the Bill be omitted. Sir, this amendment only restores the original provision of the Act which runs thus :

“ In the case of tangible immovable property, of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property.”

It is a question of policy. This has stood the test of time. It has been found to be convenient. I submit, Sir, that it is not worth while for a purchaser or seller of property worth Rs. 15 to go to the registration office to get it registered. I may say we had an indication yesterday from the Honourable the Law Member that he was prepared to accept this amendment. Sir, I move.

**The Honourable Sir Brojendra Mitter** : Sir, I accept this amendment.

The motion was adopted.

Clause 17, as amended, was added to the Bill.

**Mr. President** : The question is :

“ That clause 18 stand part of the Bill.”

**Mr. D. F. Mulla** : Sir, I beg to move :

“ That in sub-clause (b) of clause 18 of the Bill, for the words ‘ or any person claiming under him with notice of the non-payment ’, the words ‘ any transferee without consideration or any transferee with notice of the non-payment ’ be substituted.”

This clause, Sir, relates to vendor's lien ; and it is proposed by this amendment to give an unpaid vendor the right to proceed against the property not only in the hands of a transferee with notice of non-payment, but also in the hands of a transferee without consideration.



**The Honourable Sir Brojendra Mitter :** Sir, I accept this amendment. The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 was added to the Bill.

**Mr. President :** The question is :

“ That clause 20 stand part of the Bill.”

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in sub-clause (c) of clause 20 of the Bill the word ‘ and ’ occurring at the end of paragraph (i) be omitted and the following paragraph be added :

‘ (iii) after the words ‘ or partly in lieu of interest ’, for the word ‘ and ’ the word ‘ or ’ shall be substituted ; and ”.

This, Sir, relates to a usufructuary mortgage. The word “ and ” which stood there was a slip for “ or ”. All that it is proposed to do is to substitute “ or ” for “ and ”.

**The Honourable Sir Brojendra Mitter :** Sir, I accept this amendment.

The motion was adopted.

Clause 20, as amended, was added to the Bill.

**Mr. President :** The question is :

“ That clause 21 stand part of the Bill.”

**Mr. M. S. Sesha Ayyangar :** Sir, I wish to move :

“ That in sub-clause (c) of clause 21 the words beginning with the words ‘ the second paragraph ’ and ending with the words ‘ the property and ’ be omitted.”

**Mr. President :** Order, order. The Honourable Member has not passed on that amendment to the Chair, and I cannot allow him to move it at this stage.

**Mr. M. S. Sesha Ayyangar :** I have got it in writing, Sir. I shall pass it on.

**Mr. President :** What is the position of the Government ?

**The Honourable Sir Brojendra Mitter :** Sir, the position is this. This clause (c) related to mortgages of property of the value of Rs. 100 or under, but it contains some other provisions also. Notice was given of an amendment to omit the whole of this clause. I agreed to accept the amendment in so far as it relate to the value of the property but so as not to affect the rest of that sub-clause. Now the fresh amendment which my Honourable friend is asking for leave to move is that the portion relating to the value only be allowed to be moved. That is the position. If the amendment as it stands on the paper be moved, it will make the whole section meaningless. That is the trouble, Sir.

**Mr. President :** The Honourable Member has no objection ?

**The Honourable Sir Brojendra Mitter :** I have no objection, Sir.

**Mr. President :** Unless previous intimation is given to the Chair, how is the Chair to know that an Honourable Member wishes to substitute one amendment for another ?

**The Honourable Sir Brojendra Mitter :** I am sorry, Sir.

**Mr. M. S. Sesha Ayyangar :** I am sorry, Sir. I crave your permission to move it in some other form, otherwise the amendment as it stands on the paper now is perfectly unintelligible.

**Mr. President :** Will the Clerk at the table get it ?

**Mr. M. S. Sesha Ayyangar :** I beg to move, Sir :

“ That in sub-clause (c) of clause 21 the words beginning with the words ‘ the second paragraph ’ and ending with the words ‘ the property and ’ be omitted.”

Sir, on principle, this stands on the same footing as clause 17. I move.

**The Honourable Sir Brojendra Mitter :** Sir, I accept the amendment.

The motion was adopted.

Clause 21, as amended was added to the Bill.

Clauses 22 to 26, were added to the Bill.

**Mr. President :** The question is that clause 27 stand part of the Bill.

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural) : Sir, the amendment which I wish to move runs as follows :

“ That for clause 27 of the Bill the following be substituted :

‘ In section 63 of the said Act for the words ‘ at the same rate of interest ’ the words ‘ with interest at the rate of 6 per cent. per annum ’ shall be substituted ’.”

I am afraid that every Member of this Assembly has not got before him the text of the Transfer of Property Act. I find that in our Library here there are very few copies of the Act available, and it is a matter to be regretted that Government have not taken precautions to supply the Honourable Members with copies of the Act. I am told that copies were struck off (about 50 or so) of the sections which are intended to be amended together with the original sections standing in parallel columns, but unfortunately Members have not been supplied with those copies. It is necessary to look into the wording of section 63 of the Transfer of Property Act in order to understand what my amendment is. I had better read the text of the section for the information of the House. Section 63 of the present Transfer of Property Act runs thus :

“ Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled as against the mortgagee to such accession.

Where such accession has been acquired at the expense of the mortgagee, and is capable of separate possession or enjoyment without detriment to the principal property, the mortgagor desiring to take the accession must pay to the mortgagee the expense of acquiring it. If such separate possession or enjoyment is not possible, the accession must be delivered with the property, the mortgagor being liable, in the case of an acquisition necessary to preserve the property from destruction, forfeiture or sale, or made with his assent, to pay the proper cost thereof, as an addition to the principal money, at the same rate of interest.”

I need not read the rest of the section. My amendment relates to the last line of the paragraph which I have just now read. It is stated in the Transfer of Property Act, as it now stands, that the mortgagor has to make good to the mortgagee the cost of the accession at the same rate of interest. Now, the Honourable Member in charge of the Bill wishes to make it clear as to what the mortgagor should be called upon to

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pay. Clause 27 says that the mortgagor should be asked to pay the mortgagee the cost of the accession, together with such interest as is stipulated in the mortgage-deed itself, or, if no stipulation is to be found, then interest at the rate of 9 per cent. should be charged. My submission is that it should not be made a matter of difficulty to a mortgagor to redeem his mortgage. The path to redemption should be as smooth as possible. I know of mortgage-deeds in this country in which the rate of interest stipulated is generally very high. I have known of cases in which the rate of interest was as high as 24 per cent. I have known of numerous cases in my part of the country where the rate of interest was 15 per cent. I think that it will be very hard upon a mortgagor if he is called upon to pay interest on the amount of money that was spent by the mortgagee on the accession to the mortgaged property at the rate of 15 per cent., or even at the rate of 12 per cent. We know that mortgagors are generally needy people and they borrow money because they are in a necessitous condition and, therefore, I submit that they should be called upon to pay interest at the usual rate at which courts award interest. We know that according to the Civil Procedure Code, future interest is awarded generally at the rate of 6 per cent. We also know that in the case of negotiable instruments under certain circumstances interest only at the rate of 6 per cent. is allowed to the holder of the negotiable instrument. There is no reason why the rate should not be 6 per cent. in this case also. Perhaps it may be said in opposition to my amendment that, in asking this House to go behind the terms of the stipulation contained in a mortgage-deed, I am asking the House to go back upon the terms of the original contract. But, after all, we are here to look after the interests of the large mass of the people and we must see that redemption is made as easy as possible. My amendment is very simple and I hope the Honourable Member in charge of the Bill will be good enough to accept it.

**The Honourable Sir Brojendra Mitter :** Sir, I oppose this amendment. There are two objections and I shall state them *seriatim*. If this amendment is accepted, then whatever may be the rate of interest agreed upon by the parties and mentioned in the instrument is to be given the go-bye, and interest at the rate of 6 per cent. is to be allowed to the mortgagee. If Honourable Members will look at paragraph 3 of section 63, they will find that in the case last mentioned the profits, if any, arising from the accession shall be credited to the mortgagor. So, the mortgagor is getting credit for all profits arising from the accession, which has been acquired at the expense of the mortgagee and is not capable of separate possession. Now, in such cases the question is what ought to be reasonable interest which the mortgagee ought to get. If Honourable Members will look at section 72 they will find that 9 per cent. is the rate which the Transfer of Property Act provides in similar cases when there is no agreed rate. Section 72 deals with salvage. If a mortgagee is bound to spend money on saving the property, then he gets interest on that money at the rate of 9 per cent. This is what the section says :

“ may, in the absence of a contract to the contrary, add such sum to the principal money at the rate of interest payable on the principal, and, where no such rate is fixed in the mortgage-deed, at the rate of nine per cent. per annum.”

Therefore the policy of the Transfer of Property Act is that when extra money is properly spent by the mortgagee he is to add that to the principal and that extra money carries the same rate of interest as the principal money. If there be no agreement on the subject, then 9 per cent. is the interest which is allowed. That has been the policy of the Transfer of Property Act since 1882. No one has objected to this rate of interest as being excessive and, as a matter of fact, 9 per cent. in this country is not an excessive interest on securities. So, my first objection is that it would be inconsistent with a similar provision with regard to salvage which is embodied in section 72.

My second objection is this. If the mortgagee is compelled to spend money for the benefit of the property which enures to the mortgagor and the profits of which go to the mortgagor, then it is not unreasonable that he should get interest at the same rate as the principal sum was carrying. Besides, in the absence of an agreement the mortgagor is not really paying 9 per cent. because all the time he is getting the profits from the accession. He will be paying less than 9 per cent. and that only in the absence of a contract. On these grounds, I oppose this amendment.

**Mr. N. C. Chunder** (Calcutta : Non-Muhammadan Urban) : Sir, it is true, no doubt, that under section 72, nine per cent. is stated to be the rate which is to be paid to the mortgagee in case the deed is silent as to the rate of interest. But, as a matter of fact, that rate is an anomalous thing because, under the Interest Act, if no rate is fixed in any document where interest has to be paid for the money entered therein, then the interest is to be calculated under the Interest Act, unless the Court otherwise allows a higher rate of interest, at six per cent., and it has been the universal practice of the courts in allowing interest, to fix it at six per cent. whenever interest is decreed in any case independently of a contract. Therefore, six per cent. is the rate of interest usually known in the market and is usually known in the courts as the court rate of interest. In this case, the expenses that have been incurred were unforeseen. The mortgagor had no means of knowing that he would be saddled with all these expenses ; the profits may be great or may be nil. Whatever it is, it is very hard lines on the mortgagor in this country, especially where under a deed he is made to pay very high rate of interest. I have seen mortgages carrying 36 per cent. I am told that in the mofussil 50 per cent. would not be unthinkable. So, in these circumstances I would appeal to the Honourable the Law Member to consider whether he should not fix the rate of interest at nine per cent. on those expenses over which the mortgagor had no control, neither had the mortgagee. Six per cent. would be the most equitable rate, but even if he cannot agree to six per cent., if he wants to keep the rate the same as in section 72, I should think that he might at least accept nine per cent. and not allow the contract rate which may be very much higher.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I support the amendment to clause 27 of the Transfer of Property (Amendment) Bill. It appears to me that the words “ same rate of interest ” are ambiguous and indefinite. Section 63 nowhere says any amount of interest that the man has to pay, so that it may justify a refer-

[Mr. Lalchand Navalrai.]

ence at the end of the section, "that in case of accession, the interest would be at the same rate". In other words, section 63 does not clearly show what interest has to be paid. Now, it is being interpreted that "same rate of interest" would mean the contracted rate of interest. This is not clear from the section at all. It may be an interpretation that might be put upon it. Therefore, it is very necessary that the rate of interest should be fixed. So far as the interest is concerned, I think it would be only reasonable that the court interest should be allowed. No doubt section 72 allows nine per cent., but that is no bar to making the interest payable at a lesser rate. But if the Honourable Member thinks that he cannot, under any circumstances, reduce it to six per cent., I would suggest that nine per cent. might be allowed. That is very reasonable.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, the last speaker said that the words of section 63 are not quite clear and the interpretation put upon it is that it must be the same rate of interest as the contracted rate of interest. That is very reasonable and the amendment makes it quite clear. Clause 27 of the Bill before us makes it quite clear and there is no doubt about it at all. What is made very clear is this, that where you have a rate of interest fixed by the contract, then the same rate of interest should be allowed. In the absence of any rate being fixed in the contract, nine per cent. is the rate allowed. Now, I ask the Honourable Members to realise the position of the mortgagee who will be running away with the rate of interest provided in the contract, in case of accession, or if no rate is provided will be running away with nine per cent. It does seem, at first sight, a high rate of interest. Therefore, I quite appreciate the desire of the Honourable Member to prevent the mortgagee from exorbitating a very high rate of interest. But on the other hand, I think the Honourable Members have not appreciated this position : that if you prevent the mortgagee from getting what is the current rate in this country, or getting the rate which is fixed by the contract—twelve or fifteen per cent., a very high rate of interest, I admit—if you prevent him from getting his contract rate, or nine per cent. in the absence of a contract, and tie him down to six per cent., do you realise that the mortgagee may create difficulties in acquiring the accession because it would not pay him to spend money and then at the end give all the profits to the mortgagor and get six per cent. interest. Do you think you will be rendering a service to the mortgagor ? I am very doubtful about it. Therefore, you must look at it from both sides and if you make any change, being under the impression that you are helping the mortgagor, you might find cases in which you would be doing him great injury because the mortgagee would not care to acquire any accession with difficulties. I will read out section 63 to the House. Section 63 says:

"Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled, as against the mortgagee, to such accession."

Therefore he becomes entitled to that accession and as the Honourable the Law Member pointed out, in the case last mentioned, profit, if any, arising from the accession shall be credited to the mortgagor. Now, if you therefore tie down the mortgagee's interest to six per cent. interest, I think you might do very great injustice to the mortgagor's interest.

Therefore, I would urge upon this House, that however much you may desire—and I quite appreciate the feeling—that you must cut down the rate of interest, it cuts both ways. Therefore I would prefer to give the mortgagee the contract rate, or nine per cent. which is the current rate. That was the original intention of section 63, but the words of that section are not very clear. The words are,

"as an addition to the principal money, at the same rate of interest",

and that means that addition becomes principal and that the same rate of interest as the contract rate should be allowed on such an addition. I quite agree that my Honourable friend can argue like what he did in a court of law, but I think 999 judges out of 1,000 would decide against him.

**Mr. D. F. Mulla** : Sir, there is one misapprehension which I propose to remove. My Honourable friend Mr. Chunder said that, under the Interest Act, if there is no express stipulation for the rate of interest, the rate of interest fixed under the Act is 6 per cent. per annum. Sir, it is nothing of the kind. The Interest Act does not deal at all with the rate of interest. All that the Interest Act provides for is this, that if there is no stipulation as to the rate of interest in a particular document, in that case it is competent to the promisee to give intimation in writing to the promisor that from a particular date he will charge interest, and in that case it is open to the court to award interest to the promisee at such rate as the court thinks proper.

Then as regards 6 per cent., it is only interest on judgment that is awarded at 6 per cent., but as regards mortgages the rule laid down by the Privy Council and followed by all the High Courts in India is to allow interest at the contract rate to the mortgagee up to the date on which the amount is paid to him.

**Mr. President** : The question is :

"That for clause 27 of the Bill the following be substituted :  
'In section 63 of the said Act for the words 'at the same rate of interest' the words 'with interest at the rate of six per cent. per annum' be substituted.'"

The motion was negatived.

**Mr. President** : The question is :

"That clause 27 stand part of the Bill."

The motion was adopted.

**Mr. President** : The question is :

"That clause 28 stand part of the Bill."

**Mr. D. V. Belvi** : Sir, the amendment which I wish to move runs thus :

"That in sub-clause (2) of clause 28 of the Bill for the words 'with interest at the same rate as is payable on the principal, or, where no such rate is fixed in the mortgage-deed, at the rate of nine per cent. per annum' the words 'with interest at the rate of six per cent. per annum' be substituted."

Sir, I do admit that the reasoning which was applicable to my amendment in the case of clause 27 applies to a great extent in this case also. But I submit that we can differentiate the case which is embodied in clause 28 from the case embodied in clause 27. It is proposed to add

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[Mr. D. V. Belvi.]

a new clause to section 63 of the Transfer of Property Act which relates to improvements to mortgaged property made by the mortgagee. The previous clause,—clause 27,—referred to the case of acquisition of accession to the mortgaged property. In this clause provision is sought to be made for the expenses of the mortgagee in making improvements to the property mortgaged. The clause runs thus :

“ Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage been improved, the mortgagor upon redemption shall, in the absence of a contract to the contrary, be entitled to the improvement ; and the mortgagor shall not, save only in cases provided for in sub-section (2), be liable to pay the cost thereof ”.

Then sub-clause (2) says :

“ Where any such improvement was effected at the cost of the mortgagee and was necessary to preserve the property from destruction or deterioration or was necessary to prevent the security from becoming insufficient, or was made in compliance with the lawful order of any public servant or public authority, the mortgagor shall, in the absence of a contract to the contrary, be liable to pay the proper cost thereof as an addition to the principal money with interest at the same rate as is payable on the principal, or, where no such rate is fixed in the mortgage-deed, at the rate of nine per cent. per annum, and the profits, if any, accruing by reason of the improvement shall be credited to the mortgagor ”.

Now, it was argued by the Honourable the Law Member in his opposition to my amendment to clause 27, that the stipulated rate of interest must not be departed from. I submit that the stipulation contained in the mortgage-deed refers only to the rate of interest on the mortgage-money. I do not suppose that the mortgagor anticipates at the time he enters into the mortgage transaction that there will be any improvements made to his property by the mortgagee and he never contracts at that time to pay interest at the stipulated rate on the amount that may be so spent thereafter. The stipulation only refers to the rate of interest on the principal money. The stipulated rate is not necessarily the rate at which interest is to be paid on the amount that the mortgagee chooses to spend subsequently. This is a thing which must be borne in mind by the House.

Then, Sir, it is said that interest at 9 per cent. per annum is the policy of the Transfer of Property Act. I do not suppose that this policy of the Transfer of Property Act is to override common sense. It is not as if the Transfer of Property Act is something like the laws of the Medes and Persians and is not to be changed at all. We are sitting here as legislators to legislate for the benefit of the people. What is the use of saying that simply because section 72 of the Transfer of Property Act contains a provision allowing interest at the rate of 9 per cent. under certain conditions, therefore 9 per cent. should be taken as the invariable rate in all cases ? I fail to understand that there is any policy underlying the Transfer of Property Act. I am told that 9 per cent. is the usual rate of interest in this country. What interest does Government pay on deposits in the Savings Bank ? What interest does it pay on securities ? Does it pay even 6 per cent. ? What does it pay on postal certificates ? Why should it be forgotten that there are numerous cases in which interest is paid at a much lower rate even than

6 per cent. ? And 6 per cent. is not a small rate of interest to be charged to the mortgagor on whose property improvements are made, sometimes without his knowledge and sometimes with his knowledge, and sometimes even against his will. Mortgagors are generally illiterate people. Mortgagees are, as a rule in most cases, people who are able to read and write. Any recitals that are suitable and convenient to the mortgagee are inserted in the mortgage-deed, and if the mortgagor is to be called upon to pay interest at a high rate, even on a small sum of money that may be spent by the mortgagee for making certain improvements, it will really be a hard case for the mortgagor.

On these grounds I commend this amendment to the House. The House must see that their hands are not tied down to any definite policy underlying this Act, and each section should be examined on its merits.

**The Honourable Sir Brojendra Mitter :** Sir, I oppose this amendment. I am on still stronger grounds on this amendment than I was on the last. In this case the improvements are not fanciful or capricious or extravagant improvements made by the mortgagee, but they are in the nature of salvage. If the Honourable Members will look at the wording of paragraph 2 they will find :

“ Where any such improvement was effected at the cost of the mortgagee and was necessary to preserve the property from destruction or deterioration, or was necessary to prevent the security from becoming insufficient or was made in compliance with the lawful order of any public servant or any public authority ”.

In these cases only the mortgagor will have to pay interest on the outlay. These are really not improvements, but in the nature of salvage, as the mortgagee is saving the property. At this stage I must say that I am thankful to my Honourable and learned friend Mr. Jinnah for drawing the attention of the House to the consideration that it is in the interest of the mortgagor himself that the property should be preserved. Supposing a municipal authority makes a requisition that certain improvements should be carried out, and in default, what happens ? The municipality itself carries out those improvements and charges the cost against the owner of the property. Or, if the security becomes insufficient, the mortgagee may say that he will not wait for the due date but will immediately bring the property to sale. Is it to the interest of the mortgagor that the public authority should execute improvements at the cost of the mortgagor ? Is it to the interest of the mortgagor that the mortgagee, instead of waiting for the due date, should straight away go to court and bring the property to sale ? It is in such cases only that the mortgagee will be entitled to get the money which he has spent back from the mortgagor and will be entitled to interest,—not in a case of fanciful or capricious or extravagant improvement. It is entirely in the interest of the mortgagor that the mortgagee should spend that money ; and if he does spend that money, why should he be deprived of the contract rate of interest, or if there is no contract rate, why should he be deprived of 9 per cent. which, as my Honourable friend Mr. Jinnah pointed out, was the current rate of interest in this country ?

**Pandit Thakur Das Bhargava** (Ambala Division : Non-Muhammadan) : Sir, the point at issue is not whether interest should be allowed ;

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the point at issue is whether the rate of interest should be the same as was stipulated in the original contract or whether it should be 9 per cent. or 6 per cent. I submit there may be cases in which an improvement is made in consequence of, or in compliance with the lawful order of any public servant or public authority. In that case it appears that the one safeguard which was provided in section 63, that the accession is to be made with the assent of the mortgagor, is absent in the case of an improvement. The mortgagor does not accede or consent to the improvement being made; the improvement is being made in spite of him; and it may happen that if interest is calculated at the stipulated rate of interest, the interest charges will be much more than the actual value of the property. Suppose the stipulated rate of interest is 18 per cent. or 25 per cent.; in that case the interest would amount to a much greater sum than perhaps the original amount of money which was secured by the mortgage, and it would be very difficult for the mortgagor in the circumstances to redeem his property. Suppose a well is sunk or other kinds of improvement are effected which save the property from deterioration. In such cases the amount secured by the mortgage may prove to be almost insignificant as compared to the amount which must come to the mortgagee by this section. I would submit that the argument used by Mr. Jinnah would only apply to cases in which it is to the interest of the mortgagor to have that improvement made; but it may happen that, though it may be to the interest of the mortgagor originally to have them made, the ultimate amount which may grow up may be such that it may not be within the competence of the mortgagor to redeem the property at all. So that, the real point at issue is that if the rate of interest is 9 per cent., it will be acceptable to the House; but if these words, "at the same rate" are allowed to continue in this section, then hardship will really accrue to the mortgagor. Therefore I submit that, as the mortgagor did not contemplate at the time of the mortgage that he would have to pay for improvements which would be made in spite of him, at a rate which was stipulated at the time of the mortgage, he should not be mulcted in the same rate of interest. On the contrary, if either 6 per cent. or 9 per cent. is secured to the mortgagee, it will be a safe investment for him, and it will repay him rather more than he would be repaid by advancing the amount in the ordinary way. Therefore it is only right that this rate should be either 6 or 9 per cent.; and these words, "at the same rate of interest as is payable on the principal" should be deleted.

**Mr. N. C. Chunder :** Sir, the issue has been very clearly stated by Pandit Thakurdas Bhargava. The real issue in the present instance is what should be the rate of interest? One thing which has not been noticed in this particular case, in the case of section 63-A, which differentiates it from the case in section 63 is this: in section 63-A it is a question of improvement, while in section 63 it is a question of accession—accession which everybody can see. It is a physical thing, which everybody can see, while in section 63-A the mortgagor may not know that any money has been spent on improvement, or that anything has been done by the mortgagee until he goes to redeem the mortgage. The question will not arise till the question of redemption is raised. That is one great difficulty. Supposing a municipal requisition is made—I will take an extreme instance—suppose a requisition is made that the

house has become dangerous and therefore it has either to be pulled down or reinstated, and the mortgagee reinstates it; he spends money. The mortgagor may know nothing about it, because the mortgagee is in possession. Notice will be served on the mortgagee, who is in possession, and who spends the money, and ultimately the mortgagor, when he comes to redeem the property, finds that he has got to foot a bill of say Rs. 10,000 or Rs. 15,000, carrying interest it may be at the rate of 18 or 15 or 24 per cent. Is it equitable that he should be allowed to do that and to charge the mortgagor a very high rate of interest, while on the other hand if the mortgagor had been informed that the municipality had required the owner of the house to pull it down or reinstate it, he might have borrowed the money, even on his personal credit at 12 per cent. This is a case which is entirely different from the case in section 63; and if in any case a rate of interest ought to be fixed, it should be in 63-A. Again, the circumstances which are mentioned in 63-A. are really the circumstances which are implied in section 69 of the Indian Contract Act. Now, if I have a policy, and if I pledge it with my learned friend over there, and if my learned friend has to pay the premia in order to keep the policy alive, he will not be entitled to charge me the rate of interest which he is charging on the loan; he will be given such rate of interest as the court gives; and so far as Calcutta is concerned, I can assure you that it has been invariably the practice of the Calcutta Courts to grant only 6 per cent. interest. This case is therefore distinguishable from that in section 63, and I hope that at least in this case the Honourable the Law Member will fix the rate of interest at 9 per cent., if he cannot accept 6 per cent. as proposed by Mr. Belvi.

**Mr. D. F. Mulla :** Sir, I beg respectfully to point out that there is no question of consent here at all, so far as section 63-A. is concerned.....

**Mr. N. C. Chunder :** Nor of notice to the mortgagor either.

**Mr. D. F. Mulla :** Well, the position is this. The mortgagor is the owner of the house; probably he lives in the house; the house is about to tumble down; does the mortgagor require notice?

**Mr. D. V. Belvi :** Suppose he does not live in the house?

**Mr. D. F. Mulla :** Suppose he does not live in the house. There are two persons who are interested in the property: there is the mortgagor who is interested in the property, and there is the mortgagee who is interested in the property. Which of the two is more interested? The answer is, the mortgagor. Therefore it is to the interest of the mortgagor to know whether his property is coming down or not; and if he does not care to know, why should we have any sympathy for him? If he does care to know, the position is that he may, if he likes, make the necessary repairs.....

**Mr. N. C. Chunder :** Supposing it is a question of relaying the drains.

**Mr. D. F. Mulla :** Probably that will be something which neither the mortgagor nor the mortgagee will know about; the municipality

[Mr. D. F. Mulla.]

will know about it and give notice to both the parties under the Municipal Act ; therefore that question does not arise.

**Mr. N. C. Chunder :** Under the Municipal Act the owner is the person who receives the rent.

**Mr. D. F. Mulla :** With very great respect to my learned friend, under the Municipal Act the owner is not necessarily one who receives the rent ; the occupier also is there ; so if the mortgagor is not to be found and if he is hiding, it is quite sufficient if the municipality gives notice to the occupier under the Municipal Act. Having done with these interruptions, I come to the point. The real point is this. As I said, there are two persons interested. There is the mortgagor and the mortgagee ; and I take it that, in the ordinary course, it is the mortgagor that will first come to know that the property is tumbling down. Then there are two courses open to him. He may, at his own cost and at his own expense, do the necessary repairs. If he has not got the money, the only course open to him is to go and borrow ; borrow on what ? On the security of another mortgage. At what rate of interest ? At such rate of interest as the new mortgagee may demand. Why then, so far as the improvements are concerned, should the position of the mortgagee in this respect be in any way different from the case in section 63 which provides for accession ? On the other hand, as I pointed out, under this section the case of the mortgagee is much stronger than the case of the mortgagor. Nobody compels the mortgagor to consent to the repairs being made. He is perfectly entitled to make the repairs. This section

1 P.M. does not say that he is debarred from making repairs if he is inclined to make the repairs. But if he has no money, he will have to go and borrow the money at a very high rate of interest, 40 or 50 per cent., which was mentioned just now by one of my learned friends.

**Mr. President :** The question is :

“ That in sub-clause (2) of clause 28 of the Bill for the words ‘ with interest at the same rate as is payable on the principal, or, where no such rate is fixed in the mortgage-deed, at the rate of nine per cent. per annum ’ the words ‘ with interest at the rate of six per cent. per annum ’ be substituted.”

The Assembly divided :

AYES—24.

|                              |                                 |
|------------------------------|---------------------------------|
| Abdul Haye, Mr.              | Mehta, Mr. Jamnadas M.          |
| Ayyangar, Mr. M. S. Sessa.   | Mitra, Mr. S. C.                |
| Badi-uz-Zaman, Maulvi.       | Moonje, Dr. B. S.               |
| Belvi, Mr. D. V.             | Mukhtar Singh, Mr.              |
| Bhargava, Pandit Thakur Das. | Naidu, Mr. B. P.                |
| Chunder, Mr. N. C.           | Neogy, Mr. K. C.                |
| Das, Mr. B.                  | Phookun, Srijut T. R.           |
| Iyengar, Mr. A. Rangaswami.  | Rao, Mr. G. Sarvotham.          |
| Kartar Singh, Sardar.        | Shafee Daoodi, Maulvi Mohammad. |
| Kidwai, Mr. Rafi Ahmad.      | Shervani, Mr. T. A. K.          |
| Lahiri Chaudhury, Mr. D. K.  | Sinha, Kumar Ganganand.         |
| Lalchand Navalrai, Mr.       | Sinha, Mr. Siddheswar Prasad.   |

NOES—52.

|                                     |                                       |
|-------------------------------------|---------------------------------------|
| Abdul Aziz, Khan Bahadur Mian.      | Mitter, The Honourable Sir Brojendra. |
| Abdul Matin Chaudhury, Maulvi.      | Mody, Mr. H. P.                       |
| Abdul Qaiyum, Nawab Sir Sahibzada.  | Mukharji, Rai Bahadur A. K.           |
| Anwar-ul-Azim, Mr.                  | Mukherjee, Rai Bahadur S. C.          |
| Ayengar, Mr. V. K. Aravamudha.      | Mulla, Mr. D. F.                      |
| Bajpai, Mr. R. S.                   | Noyce, Sir Frank.                     |
| Bower, Mr. E. H. M.                 | Philip, Mr. J. Y.                     |
| Bray, Sir Denys.                    | Porter, Lieut.-Colonel L. L.          |
| Chalmers, Mr. T. A.                 | Price, Mr. E. L.                      |
| Chatterjee, The Revd. J. C.         | Purshotamdas Thakurdas, Sir.          |
| Cosgrave, Mr. W. A.                 | Rafique, Mr. Muhammad.                |
| Covernton, Mr. S. H.                | Rainy, The Honourable Sir George.     |
| Crerar, The Honourable Sir James.   | Rau, Mr. P. R.                        |
| Emerson, Mr. H. W.                  | Roy, Mr. K. C.                        |
| Ferrers, Mr. V. M.                  | Roy, Mr. S. N.                        |
| French, Mr. J. C.                   | Sarda, Rai Sahib Harbilas.            |
| Ghazanfar Ali Khan, Mr.             | Sarma, Mr. R. S.                      |
| Ghuznavi, Mr. A. H.                 | Schuster, The Honourable Sir George.  |
| Gidney, Lieut.-Colonel H. A. J.     | Siddiqi, Mr. Abdul Qadir.             |
| Hira Singh, Brar, Sardar Bahadur,   | Singh, Rai Bahadur S. N.              |
| Honorary Captain.                   | Stevenson, Mr. H. L.                  |
| Jawahar Singh, Sardar Bahadur       | Stewart-Smith, Mr. D. C.              |
| Sardar.                             | Sykes, Mr. E. F.                      |
| Jayakar, Mr. M. R.                  | Tin Tut, Mr.                          |
| Jinnah, Mr. M. A.                   | Tottenham, Mr. G. R. F.               |
| Jogiah, Mr. V. V.                   | Winterbotham, Mr. G. L.               |
| Keane, Mr. M.                       |                                       |
| Mitra, The Honourable Sir Bhupendra |                                       |
| Nath.                               |                                       |

The motion was negatived.

Clause 28 was added to the Bill.

Clauses 29 and 30 were added to the Bill.

**Mr. President :** The question is :

“ That clause 31 stand part of the Bill.”

**Mr. D. V. Belvi :** Sir, the amendment which I wish to move runs thus :

“ That after sub-clause (2) (e) of clause 31 of the Bill the following be added :

‘ (f) In the case of a lease of immovable property other than buildings, the lease shall not be for a longer period of time than five years ’.”

Sir, in clause 31 it is proposed to add to the present Transfer of Property Act a new section as section 65-A. The proposed new section runs thus :

“ (1) Subject to the provisions of sub-section (2), a mortgagor, while lawfully in possession of the mortgaged property, shall have power to make leases thereof which shall be binding on the mortgagee.

2. (a) Every such lease shall be such as would be made in the ordinary course of management of the property concerned, and in accordance with any local law, custom or usage.

(b) Every such lease shall reserve the best rent that can reasonably be obtained, and no premium shall be paid or promised and no rent shall be payable in advance.

(c) No such lease shall contain a covenant for renewal.

(d) Every such lease shall take effect from a date not later than six months from the date on which it is made.

(e) In the case of a lease of buildings, whether leased with or without the land on which they stand, the duration of the lease shall in no case exceed three years, and



[Mr. D. V. Belvi.]

the lease shall contain a covenant for payment of the rent and a condition of re-entry on the rent not being paid within a time therein specified."

I need not read the rest of the proposed new section. This is a new provision of law. To make myself intelligible, I will take an instance. Suppose A mortgages his property to B, and A, the mortgagor, wishes to lease the property. He may do so, provided the interests of the mortgagee are not in any way prejudicially affected. The proposed new section says that, in the case of house property, the lease may not be for more than three years, but in the case of agricultural land or other land, there is no period of time here laid down. Suppose that a mortgagor wishes to defraud his mortgagee by passing a permanent lease of the mortgaged property to another man, what will be the effect? The mortgagee will bring a suit to recover his money and he will get a decree. He will try to execute the decree in order to realise his money. The man who purchases the property, that is, the equity of redemption in the execution of the decree, will be only entitled to get the rent stipulated in the permanent lease. For aught I know, the mortgagor may receive from the permanent lessee an amount of money privately. This will be something like defrauding the mortgagee. The mortgagee may not be able to get the full amount of his money because what will be put to sale at the court auction will be the equity of redemption, and the man who takes the equity of redemption will have no right to get the actual physical possession of the property. He will step into the shoes of the original mortgagor, and as such he will be entitled only to get the rent which was stipulated in the permanent lease. Why should there be a special provision concerning house property, and why should there not be a period of time fixed in the case of landed property? There is no reason why a lease concerning a house should not be for more than three years, but in the case of landed property the law should not lay down any limit of time whatever. It seems to me that it is very likely that if the mortgagor is allowed to enter into a lease with anybody, we can imagine cases in which it will be possible for the mortgagee to be defrauded. It is open to the mortgagor to redeem the mortgage first and then to enter into any agreement of lease with any one he pleases. But so long as the mortgagee is not satisfied, so long as the mortgage is subsisting, the mortgagor should not be permitted to lease the property for an indefinite length of time. There may not necessarily be a permanent lease; there may be a lease for a very long period of time. The mortgagor may grant a lease for 50 years, and the man who purchases the equity of redemption in the court sale will have to wait until the long period of time stipulated in the lease runs out. This will surely be a very hard case on the mortgagee who wants to realise his money. The thing is so very obvious that I do not see why a limit of time was not laid down in this new section in the case of landed property, and why it should have been laid down in the case of house property. I fail to understand the distinction which is sought to be made in this new clause by the Honourable the Law Member. I hope I shall get a satisfactory explanation in opposition to my amendment. I am sure my amendment will be opposed because it seems to be the settled policy of the Government to carry this Bill as it stands. They think that, whatever has been done by them must be accepted by the House, and as they have a majority on

their side, they hope that every amendment will very easily be thrown out. Nevertheless, I shall have the satisfaction of hearing what they have to say in opposition to my amendment.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : They have already accepted two or three amendments.

**The Honourable Sir Brojendra Mitter** : I oppose this amendment. I entirely agree with my Honourable friend Mr. Belvi that the mortgagor should not be allowed to give long leases or permanent leases. That is the danger which is frightening him and he wants to know why no provision has been made in respect of immovable property other than buildings. Those who have had any practice in places like Calcutta or Bombay know that very often mines are mortgaged. Would you confine a mining lease to five years? When a mine is mortgaged, if the mortgagor's hands are tied to grant a lease not exceeding five years, no lease will be taken at all. The mortgagor will suffer and the mortgagee's security will deteriorate. Take agricultural leases. I can speak of Bengal. No person will take a five years' agricultural lease in Bengal. Therefore, if the mortgagor has got a right to let out the mortgaged property.....

**Mr. D. V. Belvi** : Bengal is not the whole of India. In my own part of the country 5-year leases are numerous.

**The Honourable Sir Brojendra Mitter** : I know Bengal is not the whole of India. I am only telling you my experience of Bengal. It is to meet all manner of cases that we have to make a general provision. There is enough safeguard in sub-clause (2). Sub-clause (2) says :

"Every such lease shall be such as would be made in the ordinary course of management of the property concerned, and in accordance with any local law, custom or usage."

If you put a limit upon the power of leasing to 5 years, that would be denying to the mortgagor the right which by this clause is being given to him, because, as I say, in cases of mines, in cases of agricultural lands, he would not be able to exercise the right at all. As against the extravagant exercise of the right which is being given to him, sub-clause (2) has been enacted; he cannot grant a lease which is outside the ordinary course of management. In the ordinary course of management, if it be found that not less than 30 years' lease would be taken by anybody, he should be entitled to grant a lease for 30 years, as in the case of mining leases, or agricultural leases. If the usual practice in any particular part of the country be that no agriculturist will take a lease for less than 12 years or 15 years, the mortgagor should be entitled to grant such a lease. In order to protect both the mortgagor and the mortgagee, it has been provided that the mortgagor is to conform to local custom and usage and may grant a lease in the ordinary course of management. He should not be tied down any further. Therefore the safeguard is there and the liberty is there. We have considered the case in the interest of the mortgagor as well as of the mortgagee. It is in the interest of both that the mortgagor should have a free hand conformable to local custom and usage. Therefore I submit that to limit it to five years would be defeating the whole object of this section.

**Mr. M. A. Jinnah :** I do not want nor am I determined that this Bill should pass through this House as it stands if any sound grounds are made out in support of any amendment. May I add a few words to what the Honourable the Law Member has said. Under sub-clause (3) it is entirely in the hands of the mortgagor to regulate the granting of the leases. I will read that sub-clause. It reads :

“ The provisions of sub-section (1) apply only if and as far as a contrary intention is not expressed in the mortgage deed ; and the provisions of sub-section (2) may be varied or extended by the mortgage-deed and, as so varied and extended, shall, as far as may be, operate in like manner and with all like incidents, effects and consequences, as if such variations or extensions were contained in that sub-section.”

Therefore it is open to the mortgagor when he is mortgaging his property to stipulate expressly in the mortgage-deed as to the authority of the mortgagee to grant leases. If he does not do that, still the interests of the mortgagor are protected to the extent the Honourable the Law Member has stated. What more do you want ?

**Mr. President :** The question is :

“ That after sub-clause (2) (c) of clause 31 of the Bill the following be added :

‘ (f) In the case of a lease of immovable property other than buildings, the lease shall not be for a longer period of time than five years ’.”

The motion was negatived.

Clause 31 was added to the Bill.

Clause 32 was added to the Bill.

**Mr. President :** The question is :

“ That clause 33 stand part of the Bill.”

**Mr. D. V. Belvi :** Sir, I move :

“ That in clause 33 of the Bill for all the words occurring after the words ‘ the same kind of decree under section 67 ’, the following be substituted :

‘ may sue to obtain such decree on any one or more of his mortgages, in the absence of a contract to the contrary, notwithstanding the fact that the principal money of all his mortgages has become due ’.”

Section 67-A is a new section which is proposed to be added to the Transfer of Property Act. It says :

“ A mortgagee who holds two or more mortgages executed by the same mortgagor in respect of each of which he has a right to obtain the same kind of decree under section 67, and who sues to obtain such decree on any one of the mortgages, shall, in the absence of a contract to the contrary, be bound to sue on all the mortgages in respect of which the mortgage-money has become due ”.

I shall ask Honourable Members of this House to read another clause of the present Bill, namely, clause 25. There they will find this :

“ A mortgagor who has executed two or more mortgages in favour of the same mortgagee shall, in the absence of a contract to the contrary, when the principal money of any two or more of the mortgages has become due, be entitled to redeem any one such mortgage separately, or any two or more of such mortgages together.”

This clause 25 says that if a man passes in favour of another man more mortgages than one, it should be open to him to redeem any one or more of the mortgages according to his convenience. That is a very salutary principle of law. That is undoubtedly in the interests of the mortgagor. There should be no consolidation of mortgages. The amendment which I propose asks that a similar concession should be held out to the mortgagee. If a man takes more mortgages than one of the same property,

and from the same man, and if he finds that all his mortgages have become payable, then it should be open to him to bring a suit on one of the mortgages or on two ; and he should not be compelled to bring a suit for all the monies which are due to him on the several mortgages into which he has entered. Why should a mortgagee be compelled to bring a suit on all his mortgages ? Sometimes a mortgagee may find that it is not likely that he will realise the whole of the money that is due to him if he brings a suit on all the mortgage bonds. Suppose I take a mortgage of a property which I believe is worth only Rs. 30,000 in the market. My mortgage charges on the property may amount to Rs. 50,000. Why should I be compelled to bring a suit on all my mortgages, the amount of which aggregates to Rs. 50,000. It should be open to me to bring a suit and obtain a decree against the mortgagor on the mortgage transactions which I choose. Now, if the mortgagee is not to be permitted to bring a suit on some of the mortgages only, it means that he will have to pay court fees on the total amount of the monies that become payable to him under the several mortgages he holds. The court fees may amount to a very large sum of money, and after getting a decree, he may not be able to realise the whole of his money. I have read the notes to the several clauses which the Honourable the Law Member has been very kind to provide to Members of this House in the case of this Bill. I find that the only reason given is that, if the mortgagee is allowed to bring a suit on some of the mortgages only, the proper value for the property may not be fetched by the sales and the mortgagor will be put to a loss. It is not unreasonable that the mortgagee should ask that he should be given a decree on some of his mortgages only. There is no hardship on the mortgagor. There is no reason why, in the case of a mortgagor, he should be permitted to redeem some of the mortgages only and the mortgagee not allowed the same privilege. I have not been able to see what difference there is between these two cases. In the one case, provision is made for the convenience of the mortgagor ; in the other case no provision is made in the interests of the mortgagee. It seems to me that this is an invidious distinction which is sought to be made by this new provision. This is not to be found in the existing Transfer of Property Act, but this new provision is now sought to be incorporated into it. I submit that the amendment which I have moved may be accepted by the House.

**The Honourable Sir Brojendra Mitter :** Sir, I oppose this amendment. I think my Honourable friend is under a misapprehension as to the purpose of these two sections. Section 61 gives the mortgagor the right to redeem different mortgages separately. That is entirely in the interest of the mortgagor, as my Honourable friend has himself said. Section 67-A (new section, clause 33) is also in the interest of the mortgagor, and there is no difference of treatment between the mortgagor and the mortgagee in this instance. Probably my Honourable friend is aware that the Privy Council recently observed that the Transfer of Property Act as it stood led to a multiplicity of mortgage suits in this particular respect. What we are providing for is this. If the money has fallen due on all the mortgages, then the mortgagee will not be able to hold up some of the mortgages and sue on one or more, that is to say, bring as many suits as there are mortgages. What after all is the mortgagee's right ? The mortgagee lent money to the mortgagor on security. All he is interested in is to get his money back with interest. If all the mortgages have fallen due,

[Sir Brojendra Mitter.]

then what reason is there that he should hold up some of the mortgages, bring a suit on one of the mortgages and go on harassing the mortgagor with regard to the other mortgages. Why should he not be compelled to bring his suit on all the mortgages and thus avoid a multiplicity of suits and thereby save harassment? All he is interested in is to get his money back. He can do so by bringing one suit or different suits; but why should he be allowed to bring several suits when he can bring one suit? When he gets his money, he has no further interest in the property. That is from the point of view of the mortgagor. We propose to give relief to the mortgagor that he should not be needlessly harassed. At the same time no prejudice is caused to the mortgagee. All his mortgages have fallen due. He gets his money in one suit.

Then, Sir, look at it from another point of view. Supposing he brings his suit on one mortgage and the property is brought to sale. The property will be sold subject to the other mortgages. The result will be that the property will not fetch a proper price. If the property is sold free from all the mortgages, then it is reasonable to suppose that it would fetch a proper price; but if it is sold subject to mortgages which are due and which can be enforced at any moment, then that property is not likely to fetch anything like its proper value. Therefore, Sir, it is in the interest of both the mortgagor and the mortgagee, that where it is possible to bring one suit, the mortgagor should bring one suit. Thus it is both on the ground of relief to the mortgagor as well as on the ground of its being beneficial to both the mortgagor and the mortgagee that this provision has been made. Sir, I oppose the amendment.

**Mr. President :** The question is :

“ That in clause 33 of the Bill for all the words occurring after the words ‘ the same kind of decree under section 67 ’, the following be substituted :

‘ may sue to obtain such decree on any one or more of his mortgages, in the absence of a contract to the contrary, notwithstanding the fact that the principal money of all his mortgages has become due ’.”

The motion was negatived.

Clause 33 was added to the Bill.

**Mr. President :** The question is :

“ That clause 34 stand part of the Bill.”

**Mr. D. V. Belvi :** Sir, the amendment which I propose is intended to make the intention of the framers of the Act clearer. I will read only a part of clause 34 :

“ The mortgagee has a right to sue for the mortgage-money in the following cases and no others, namely :

(a) where the mortgagor binds himself to repay the same ; ”

I wish to move :

“ That in clause 34 (a) of the Bill after the word ‘ himself ’ the word ‘ personally ’ be inserted.”

The object of the framers of the Bill seems to be that, where a mortgagor binds himself to pay the mortgage money, that is, takes a personal responsibility of making good the mortgage-money, then his heirs, his

legal representatives or his assigns should not be bound to fulfil that condition personally. Now the framers of the Bill want to make it clear by the word ‘ himself ’. But it seems to me that that is not sufficient. If we add the word ‘ personally ’, the point will be clearer still. No other man will incur a personal liability for paying the mortgage money than the mortgagor himself. Who should be personally liable to pay the money to the mortgagee? Only the mortgagor and nobody else—not his heirs, not his legal representatives, not his transferees. It may perhaps be said that the word ‘ himself ’ makes it clear, but I do not think it is as clear as it should be. ‘ Himself ’ is certainly the object of the transitive verb ‘ binds ’ and anyone not knowing the object of the framers may say that the thing is not quite clear. This is a mere verbal amendment and I do not think there is any difficulty in accepting it if the Honourable Member in charge of the Bill has a mind to accept it.

**The Honourable Sir Brojendra Mitter :** Sir, I oppose this amendment. I would have accepted it gladly if necessary. It is not necessary and the acceptance of it would lead to a drafting monstrosity. ‘ Himself ’ means himself and nobody else; therefore, ‘ personally ’ is not needed. The Select Committee considered this clause very carefully and they added a proviso which makes the position perfectly clear :

“ Provided that, in the case referred to in clause (a), a transferee from the mortgagor or from his legal representative shall not be liable to be sued for the mortgage-money.”

Now there these people are not liable to be used. People who are left over are the legal representatives of the mortgagor. But it is well known that legal representatives are only liable to the extent of the property in their hands. That being so, where is the ambiguity? My Honourable friend's object was to make clear something which was ambiguous. What is ambiguous about the word ‘ himself ’? ‘ Himself ’ excludes everybody else.

**Mr. President :** The question is :

“ That in clause 34 (a) of the Bill after the word ‘ himself ’ the word ‘ personally ’ be inserted.”

The motion was negatived.

Clause 34 was added to the Bill.

Clause 35 was added to the Bill.

**Mr. President :** The question is :

“ That clause 36 stand part of the Bill.”

**Mr. D. V. Belvi :** Sir, I move :

“ That clause 36 of the Bill be omitted.”

This is a very important clause. Honourable Members will kindly cast a glance at this clause, which is a very long one. I will give the substance of this clause. The object of this clause seems to be to empower a mortgagee to sell privately mortgaged property. I think that is the main object of this clause. Now, by referring to the notes on the clauses which have been given by the Honourable Member in charge of the Bill, I find that reference is made to an old Act of the year 1886. The present section 69 of the Transfer of Property Act should be looked into, which runs as follows :

“ A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling, in default of payment of the mortgage-money,

[Mr. D. V. Belvi.]

the mortgaged property, or any part thereof without the intervention of the Court, is valid in the following cases and in no others, namely :

- (a) where the mortgage is an English mortgage, and neither the mortgagor nor the mortgagee is a Hindu, Muhammadan or Buddhist, or a member of any other race, sect, tribe or class from time to time specified in this behalf by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette ;
- (b) where the mortgagee is the Secretary of State for India in Council ;
- (c) where the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karachi or Rangoon.

But no such power shall be exercised unless and until—

- (1) notice in writing requiring payment of the principal money has been served on the mortgagor, or on one of several mortgagors, and default has been made in payment of the principal money, or of part thereof, for three months after such service ; or
- (2) some interest under the mortgage amounting at least to five hundred rupees is in arrear and unpaid for three months after becoming due.

When a sale has been made in professed exercise of such a power, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised ; but any person damaged by an unauthorised or improper or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances, if any, to which the sale is not made subject, or after payment into Court under section fifty-seven of a sum to meet any prior incumbrance, shall, in the absence of a contract to the contrary, be held by him in trust to be applied by him, first, in payment of all costs, charges and expenses properly incurred by him as incident to the sale or any attempted sale ; and, secondly, in discharge of the mortgage-money and costs and other money, if any, due under the mortgage ; and the residue of the money so received shall be paid to the person entitled to the mortgaged property or authorised to give receipts for the proceeds of the sale thereof.

Nothing in the former part of this section applies to powers conferred before this Act comes into force.

The powers and provisions contained in sections six to nineteen (both inclusive) of the Trustees' and Mortgagees' Powers Act, 1866, shall be deemed to apply to English mortgages, wherever in British India the mortgaged property may be situate, when neither the mortgagor nor the mortgagee is a Hindu, Muhammadan or Buddhist, or a member of any other race, sect, tribe or class from time to time specified in this behalf by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette."

It is evident from this section that this power of sale is confined under the existing law to English mortgages and not to other kinds of mortgages. It seems to me that it is attempted by the Bill to extend this power to other mortgages. Here provision has been made in the existing Act that this power shall not be extended to mortgages to which the parties are either Buddhists, Hindus or Muhammadans. It seems to me that this safeguard is sought to be taken away by the enactment of this new provision. Sir, it seems to me that it will be very dangerous to the people of this country if a mortgagee is allowed to sell the mortgaged property privately without going to the court. My amendment is this, that in no case should a mortgagee have power to bring the mortgaged property to sale privately.

**Mr. N. C. Chunder :** But if clause 36 is omitted, how will that affect clause 35.

**Mr. President :** Does the Honourable Member wish to withdraw his amendment ?

**Mr. D. V. Belvi :** In these circumstances, I think, I should withdraw my amendment.

**Mr. President :** The question is :

"That leave be given to the Honourable Member to withdraw his amendment."

The amendment was, by leave of the Assembly, withdrawn.

Clause 36 was added to the Bill.

Clauses 37 to 55 were added to the Bill.

**Mr. President :** The question is :

"That clause 56 stand part of the Bill."

**Mr. D. F. Mulla :** Sir, I beg to move :

"That for clause 56 of the Bill the following clause be substituted :

'56. In section 107 of the said Act, after the words 'by delivery of possession' where they first occur, the following paragraph shall be inserted, namely :

'Where a lease of immovable property is made by a registered instrument, such instrument or, where there are more instruments than one, each such instrument shall be executed by both the lessor and the lessee'."

Sir, this amendment is no more than a transposition of words.

The clause as it stood before the proposed amendment ran thus :

"A lease of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by registered instrument."

And then come, Sir, the words which it is now proposed to transpose. Those words are :

"and such instrument or, where there are more instruments than one, each instrument shall be executed by both the lessor and the lessee."

Then there is a second paragraph which runs thus :

"All other leases of immovable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession."

It is after this paragraph that these words ought to have occurred. It is merely a question of transposition.

**The Honourable Sir Brojendra Mitter :** Sir, I accept the amendment.

**Mr. President :** The question is :

"That for clause 56 of the Bill the following clause be substituted :

'56. In section 107 of the said Act, after the words 'by delivery of possession' where they first occur, the following paragraph shall be inserted, namely :

'Where a lease of immovable property is made by a registered instrument, such instrument or, where there are more instruments than one, each such instrument shall be executed by both the lessor and the lessee'."

The motion was adopted.

Clause 56 as amended was added to the Bill.

Clauses 57 and 58 were added to the Bill.

**Mr. President :** Clause 59.

**Mr. D. V. Belvi :** Sir, I beg to move :

"That in clause 59 (b) of the Bill for the words 'a reasonable time' the words 'within three months' be substituted'."

[Mr. D. V. Belvi.]

Sir, we have been told by the Honourable Member in charge of the Bill more than once that his object is to leave nothing uncertain. Here is a provision which he wishes to enact but which is vague. "A reasonable time" may be interpreted by courts in different ways. One court may say, it is six months, another might say it is two months and so on. Instead of having this vague expression, it is much better to have a definite period of time, such as is suggested in my amendment, so that it may be known to litigants what they have to prove and what they have to expect.

**The Honourable Sir Brojendra Mitter :** Sir, I oppose this amendment. I am for "a reasonable time". Originally the proposal was for a fixed period; then it was pointed out in the Select Committee that a fixed period might be insufficient to remedy the breach. For instance, the covenant is for repairs or to add a storey to an existing house. On breach of that covenant, forfeiture is incurred. In such a case, in order to give relief against the forfeiture a *locus poenitentiae* should be given to the lessee. That is the underlying principle of the Bill. If you are going to give a *locus poenitentiae* to the lessee, he must have a reasonable time to carry out what he covenanted to do. Three months, or two months or six months may not be enough for that purpose. After considerable discussion on this matter, we came to the conclusion that the provision in the English law which gives "a reasonable time", should be embodied in this Bill.

**Mr. President :** The question is :

"That in clause 59 (b) of the Bill for the words 'a reasonable time' the words 'within three months' be substituted".

The motion was negatived.

Clause 59 was added to the Bill.

**Mr. President :** Clause 60.

**Mr. D. F. Mulla :** Sir, I beg to move :

"That in clause 60 of the Bill after the words 'such other party is liable to him or any person claiming through', the words 'or under' be inserted".

Sir, the words of the clause in the Bill are :

"If any party to an exchange or any person claiming through or under such party is by reason of any defect in the title of the other party deprived of the thing or any part of the thing received by him in exchange, then unless a contrary intention appears from the terms of the exchange, such other party is liable to him or any person claiming through....."

Now the words that I propose to insert after this are,

"or under",

so that the clause would read,

"..... or any person claiming through or under him for loss caused....."

**The Honourable Sir Brojendra Mitter :** I accept the amendment.

**Mr. President :** The question is :

"That in clause 60 of the Bill after the words 'such other party is liable to him or any person claiming through' the words 'or under' be inserted."

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move the next amendment which runs as follows :

"That in clause 60 of the Bill after the words 'if still in the possession of such other party' the words 'or his legal representative or a transferee from him without consideration' be added".

In the Bill as originally drafted there was this omission. The whole object of the present amendment is to supply that omission.

**The Honourable Sir Brojendra Mitter :** I accept the amendment.

**Mr. President :** The question is :

"That in clause 60 of the Bill after the words 'if still in the possession of such other party' the words 'or his legal representative or a transferee from him without consideration' be added".

The motion was adopted.

Clause 60, as amended, was added to the Bill.

Clauses 61 to 64 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. President :** Sir Brojendra Mitter.

**The Honourable Sir Brojendra Mitter :** Sir, if you will permit me, I shall make the next motion, that is, that the Bill be passed on Monday next.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Mr. President in the Chair.

# THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

**The Honourable Sir Brojendra Mitter (Law Member) :** Sir, I beg to move :

"That the Bill to supplement the Transfer of Property (Amendment) Act, 1929, as reported by the Select Committee, be taken into consideration."

Sir, the Select Committee did not make any substantial alteration to the Bill which was referred to them, and I need not therefore say anything further.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 13 were added to the Bill.

**Mr. President :** The question is :

"That clause 14 stand part of the Bill."

**Mr. D. F. Mulla (Bombay : Nominated Non-Official) :** Sir, I beg to move :

"That to clause 14 of the Bill the following new sub-clause be added :

'(4) In Schedule III to the same Act, after the figures and comma '116,' the figures and comma '117,' be inserted'."

Schedule III which is referred to in the amendment is Schedule III of the Indian Succession Act, 1925. There was an omission in that Schedule and the omission is proposed to be supplied by the amendment.

LSCPB(LA)

**The Honourable Sir Brojendra Mitter :** Sir, I accept the amendment.

**Mr. President :** The question is :

“ That to clause 14 of the Bill the following new sub-clause be added :

‘ (4) In Schedule III to the same Act, after the figures and comma ‘ 116,’ the figures and comma ‘ 117,’ be inserted ’.”

The motion was adopted.

Clause 14, as amended, was added to the Bill.

**Mr. President :** The question is :

“ That clause 15 stand part of the Bill.”

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That clause 15 of the Bill be re-numbered as sub-clause (1) of that clause and in the sub-clause so re-numbered, the words ‘ Save as provided in sub-section (2) ’ be inserted at the commencement and that to the same clause the following sub-clause be added, namely :

(2) Notwithstanding anything contained in section 9 of this Act, in the Presidency of Bombay and such other territories as the Governor General in Council may, by notification in the Gazette of India, specify in this behalf, a suit by a mortgagee for foreclosure or sale on a mortgage by deposit of title-deeds may be instituted within two years from the date of the commencement of this Act, or within sixty years from the date when the money secured by the mortgage became due, whichever period expires first ; and no such suit instituted within the said period of sixty years and pending at the date of the commencement of this Act, either in a Court of first instance or of appeal, shall be dismissed on the ground that the twelve years’ rule of limitation is applicable ’.”

This amendment relates to a mortgage by deposit of title deeds. As to mortgages of this kind there has been a conflict of opinion between the various High Courts of India. It has been held by the High Court of Bombay that a mortgage by deposit of title deeds stands on the same footing as an English mortgage. On the other hand it has been held by the High Courts of Calcutta and Madras that a mortgage by deposit of title deeds is no more than a charge. If it stands on the same footing as an English mortgage the period of limitation is 60 years, as provided by Article 147 of the Limitation Act. On the other hand, if it is merely a charge, the period of limitation is 12 years as provided by Article 132 of the Limitation Act. What is proposed to be done is to put a mortgage by deposit of title deeds on the same footing as a charge, following in this respect the view taken by the High Courts of Calcutta and Madras. So Article 132 is proposed to be amended by adding in it a clause to the effect that a suit on a mortgage by deposit of title deeds will be governed by this Article and the period of limitation will be 12 years only. But in Bombay it has been held that it stands on the same footing as an English mortgage with the result that it was decided about three months ago by the High Court of Bombay that a suit by such a mortgagee may be brought at any time within sixty years from the date when the mortgage money becomes due. With a view to give a chance to such a mortgagee in Bombay, it has become necessary to make the proposed amendment, and the effect of the proposed amendment is to give a period of two years from the date of the passing of the Bill to the holder of such a mortgage, and if the period of 60 years expires before the period of two years, then the suit will have to be brought within that period. In fact, what is proposed to be done now

is what was done several years ago when the new section 31 of the Indian Limitation Act was enacted.

**The Honourable Sir Brojendra Mitter :** Sir, I accept the amendment.

**Mr. President :** The question is :

“ That clause 15 of the Bill be re-numbered as sub-clause (1) of that clause and in the sub-clause so re-numbered, the words ‘ Save as provided in sub-section (2) ’ be inserted at the commencement and that to the same clause the following sub-clause be added, namely :

‘ (2) Notwithstanding anything contained in section 9 of this Act, in the Presidency of Bombay and such other territories as the Governor General in Council may, by notification in the Gazette of India, specify in this behalf, a suit by a mortgagee for foreclosure or sale on a mortgage by deposit of title-deeds may be instituted within two years from the date of the commencement of this Act, or within sixty years from the date when the money secured by the mortgage became due, whichever period expires first ; and no such suit instituted within the said period of sixty years and pending at the date of the commencement of this Act, either in a Court of first instance or of appeal, shall be dismissed on the ground that the twelve years’ rule of limitation is applicable ’.”

The motion was adopted.

Clause 15 as amended was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir Brojendra Mitter :** Sir, I pray that the next motion which stands in my name may stand over.

#### THE INLAND STEAM VESSELS (AMENDMENT) BILL.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadian Rural) : Sir, I beg to move that Mr. T. A. Chalmers, Mr. J. Y. Philip and Mr. S. C. Mitra be appointed to the Select Committee on the Bill further to amend the Inland Steam Vessels Act, 1927. This has been necessitated by the resignation of one and absence of two members of the Committee as originally constituted.

The motion was adopted.

#### THE HINDU CHILD MARRIAGE BILL.

**Mr. President :** The House will now resume further consideration of the following motion moved by Rai Sahib Harbilas Sarda on the 29th January, 1929 :

“ That the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be taken into consideration ”.

**Mr. H. P. Mody** (Bombay Millowners’ Association : Indian Commerce) : Sir, I do not know whether it will be regarded as a piece of effrontery on the part of one who does not belong to any of the communities which will be affected by this Bill, if I speak on the motion before the House. But I am not going to concede that the question we have to decide is one



[Mr. H. P. Mody.]

which is either the property or the special concern of any one class or community. I think it must be regarded by everybody here as widely affecting the interests of Indians of every class and persuasion. It is therefore a matter of very considerable regret that it should have evoked such vehement opposition in a section of the people and that attempts should be made on the floor of this House to block the motion ; because with great deference to my Honourable friend, Pandit Madan Mohan Malaviya, I cannot but think that those who are pressing for the transfer of this Bill to the Delhi Session have no other idea, with honourable exceptions of course, than to wreck the measure.

Now, Sir, no one denies that religion is sacred, no one refuses a certain measure of sanctity even to religious practices. I do not know how far the Bill before the House affects either the religion or the religious practices of any one community or class, for the simple reason that I am not familiar with the precepts of any religion other than my own. But I think it may be advanced as an indisputable proposition that many so-called religious practices are nothing else but exereescences on religion, and have as much to do with true religion as the rules of a ladies' debating society have got to do with the constitution of a State. I, therefore, think that those who drag religion into this business must assure themselves and this House that they are standing on unassailable ground. What I want to ask them is : Is it doing any honour to the great law-givers of any community to suggest by implication—as my Honourable friends do—that when they laid down certain practices and customs they intended them to be so wooden and inelastic as to be incapable of harmonising with the conditions of present-day life, and that these great law-givers, if they had been alive today, would have continued to sanction customs and practices, which were good enough, perhaps two thousand years ago, but which are hopelessly archaic and out of keeping with the spirit of modern times ?

I have even less patience with another argument which was advanced in the course of this debate, and that was that we should hold our hands until such time as the mass of the people were educated to a sense of what was good for them. I have heard nothing more amazing than that. Every bureaucrat, whether sun-dried or not, since creation began, has employed this very same argument for the purpose of withholding power and privilege from the people, and if this philosophy or argument were to hold good, then, I submit, Sir, that we would still be in the stage of sending up petitions to a benign government for the redress of our grievances. In the social field, things would be even worse. India would still be in the middle ages ; and practices like those of *suttee* and infanticide would still be prevailing amongst us. Therefore, I want to ask, with great respect, those of my friends here who have advocated or supported the blocking of this measure, how they can reconcile this particular argument with their political principles.

My Honourable friend, Mr. Neogy, flourished in our face the other day a mass of letters and telegrams from various known and unknown constituents of his. Sir, permit me to tell my friend that I was not unduly impressed by the performance ; and I doubt very much whether he himself was. My Honourable friend, Mr. Price, said the other day that Mr. Neogy was a man of great sincerity and earnestness ; and I think every Member of the House must agree with that ; but I cannot get rid

of the suspicion that, when Mr. Neogy was on his legs and advocating so vehemently the cause of orthodoxy, he was talking with his tongue in his cheek. (*An Honourable Member* "Why"?) I do not think that conservatism or orthodoxy can be allowed to sweep back either the tide of political progress or social reform. I want to ask my friend Mr. Neogy and others of his way of thinking, what have the orthodox got to show for their orthodoxy ? What was their attitude in 1891 when the age of consent was first raised ? Did they not offer vehement opposition ? Are they prepared to stand up in their places today and defend that attitude ? I was very glad to note the other day my friend, Mr. Kelkar, courageously avowing that he was one of those who opposed that measure, but that he was no longer prepared to defend that position. Therefore, I want to say to the orthodox people and those who are voicing their opinions in this House :

"You may indulge in your orthodoxy as much as you like ; but when it comes to a question of your orthodoxy being placed above national interests, I say 'Hands off'."

Here is a practice which has been condemned on all hands and which has been admitted as sapping the growth and vitality of the Indian people ; and for anybody to get up here and say that, because a certain section of the people is opposed to it, therefore this legislature must keep away from it, seems to me perfectly amazing.

One or two of my friends contended that this legislature has no business to deal with matters of social reform in the teeth of opposition from a certain section of the people. What are we here for ? Are we here merely to hurl abuses at our friends on the Treasury Benches ? I do not deny that it is first-class sport and perfectly legitimate ! But I think we are here for something else too. We are here to serve national interests, and I say most emphatically that national interests demand that this Bill should be passed into law immediately.

**Mr. D. C. Stewart-Smith** (Bengal : European) : Sir, it is with some diffidence that I venture to address you on a subject of such far-reaching importance as this, and moreover on a matter which does not appear at first sight to be of any particular interest to the constituents whom I have the honour to represent. My excuse for intervening in this debate is that the Bill has created a far more definite interest among English people in Calcutta than is probably realised, and of that interest I have received convincing proofs. I do not wish it to be thought for one moment that such interest is confined merely to philanthropic and missionary circles where approval of such measures as this may be taken for granted. This Bill has evoked a very definite interest among the ordinary rank and file of English people in my constituency, who view with cordial approval this bold step which has been taken on behalf of Indian children by the Honourable Member for Ajmer-Merwara and his friends. It has been said in some quarters that we non-official Europeans should not take any part in a discussion of this nature, that it is a matter solely for Indian sentiment, and the less we have to do with their social customs the better. Now, at first sight this may appear to be a very plausible argument. But I venture to suggest that it will bear closer scrutiny. We are summoned here not only to voice our opinions on matters which touch our own interests. As I understand it, we are called here to give our assistance to such measures as we think will be beneficial to the people of this country. An attitude of aloofness at this moment might be interpreted as an attitude of indifference,

[Mr. D. C. Stewart-Smith.]

an attitude which I may assure you that none of us here share. When we are confronted with a measure such as this, which has been carefully thought out and widely advertised, which has been put forward by responsible Indians inspired solely with the idea of curing a social evil, we should be failing in our duty to our constituents if we did not render to such reformers all the assistance which lies in our power.

Sir, it has been argued that this is a religious matter and therefore cannot properly be discussed here. I am quite incompetent to discuss the religious aspect of this matter, but I find it difficult to believe that there can be found anywhere the divine sanction to an interference with a girl below the age of fourteen. Put shortly, this Bill asks us to protect girls throughout India up to the age of 14. Is there any one who can deny, even in the name of religion, that such a reform as this would have a widespread effect on the health of the women of India and upon the sturdiness of the generations to come? It is not a religious matter that we are discussing; it is a national one, and one which contains a measure of far-sighted patriotism which every lover of this land will warmly welcome.

Sir, I am well aware that this Bill, if passed, may to some extent remain a dead-letter owing to the difficulty of detecting breaches of the law. Now, those who fear this result and use it as an argument against the Bill are too faint-hearted and are too easily discouraged. Many laws are difficult to enforce. As I understand it, what the Rai Sahib and his friends require is a law behind them, which they can use if need be; what they want is a weapon which they can use with effect and even severity against those who would contract child marriages with their evil consequences of early pregnancy or lifelong widowhood. At present such reformers are quite powerless. Let us, therefore, give them a weapon even though they may find that weapon difficult to use, because as popular education spreads in this country the need for this weapon will become more recognised.

And, finally, Sir, it has been argued that we cannot cure social evils by legislation. I for my part would say that it is only by legislation that you can cure such evils, and I will give two conclusive examples, one in England and one in India. The removal of child labour from the mines and factories in England was due to legislation initiated by Lord Shaftsbury in the teeth of opposition of factory owners and wage earners alike. In India the custom of *suttee* was put an end to by legislation about a century ago. No, Sir, public education, admirable though it is, was not considered the remedy for child labour in factories or for the burning of widows. It is only by placing a law upon the Statute-book, a law fortified with adequate penalties, that you can bring home to a nation the evils from which it suffers.

Sir, I have detained the House long enough. I want the Mover of this Bill and his friends to know that many English people in my corner of this land, and I believe throughout India, wish him well in his great reform and desire to accord him not only their applause but also all the assistance that lies in their power.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, I do not think it would be proper for me, representing as I do an important community like the Hindu community, to which I belong, to give a silent vote on this important matter. Sir, I have heard many speeches in favour

of this Bill, but I cannot understand whether the motion as it stands today is for the consideration of the Bill or for the postponement of the measure. Sir, I stand for postponement, because I feel strongly that this is a measure which should not be rushed through so hastily. Bearing in mind the fact that I am a student of politics still, I feel that this sort of legislation, which interferes with our social affairs, should not be rushed through, but I should like to tell those friends of mine who have just spoken on child mortality and the evil consequences of child marriages, that there are different schools of thought on the subject. Now, Sir, I can cite some evidence to prove the falsity of the idea that infantile mortality is due to child marriage. A reference to the Census Report of 1911, of Bengal, Bihar and Orissa will show that in districts, where the percentage of child marriage is the highest, infantile mortality is least although the general mortality is very high. Take for instance the two districts where the percentage of child marriages is highest, namely Darbhanga and Bhagalpur. The number of married girls between the ages of 5 and 10 is for the district of Darbhanga as high as 565 per 1,000 and for the district of Bhagalpur 435 per 1,000. In both these districts infantile mortality is as low as about 13 per cent., although the rate of general mortality is about 35 per cent. In the districts of Balasore, Jalpaiguri and Darjeeling where the number of married girls between the ages of 5 and 10 is only 56 per 1,000, 52 per 1,000 and 17 per 1,000, respectively, and although the rate of general mortality is not higher than about 35 per cent., the rate of infant mortality is in the case of Darjeeling as high as 22 per cent.; and in Balasore and Jalpaiguri the rate goes up as high as 27 per cent. In Burma, where there is no child marriage, the rate of infant mortality is higher than that in Bihar and Orissa where child marriage prevails to a much greater extent than in any other part of India. I quote this from the Census Report for 1921. In lower Burma the rate of infantile mortality is about 24 per cent. In Chile it is about 32 per cent., in Hungary 30 per cent., in Russia 25 per cent. The general average for India is 20 per cent.

Now, Sir, with your permission I should like to quote the opinion of one whom every well wisher of the country holds with great esteem and regard, I mean Dr. Besant. This is what Dr. Besant says :

"Early marriage is best, both physically and morally; it guards purity, softens the affections, trains the heart and preserves physical health; it teaches thought for others, gentleness and self-control; it makes man gentle and woman brave from the contact of their differing natures. The children that spring from such marriage,—while not following each other too rapidly,—are more vigorous and healthy than those born of middle-aged parents, and in the ordinary course of nature the parents of such children live long enough to see them make their start in life, to aid, strengthen and counsel them at the beginning of their career."

Now, Sir, I should like to give the medical opinion on this important matter given by Mr. Lyon on puberty and motherhood. This is from Gallabins' *Midwifery*, page 45 :

"The first menstruation is the usual sign that a girl has become capable of conception and child bearing."

Now, Sir, there are also other authorities who hold that child marriage does not constitute a grave crime. With the permission of the House, I can quote some statements to prove that many Europeans themselves think that child marriage for India is good. Mr. Ellen Key, in Chapter VIII, page 311, says :

"It is evident to every thoughtful person that a real sexual morality is almost impossible without early marriage; for simply to refer the young to abstinence as the

[Mr. D. K. Lahiri Chaudhury.]

true solution of the problem is, as we have already maintained, a crime against the young and against the race, a crime which makes the primitive force of nature, the fire of life, into a destructive element."

(*An Honourable Member* : "Is he advocating child marriage?"). Certainly. (At this stage there were several interruptions). I am a student and I have no objection to girls being married at any time of their life, but I object to this sort of legislation. It should have been the duty of the Government to remain neutral on this subject and to allow the representatives of the people here to decide the matter. But that thing is far off and the Government has already made a statement that they will support the Bill. I do not know what will be the effect of this legislation.

I should also state that my Honourable friend Mr. Jayakar, in his eloquent speech, made a statement that he is a student of Vedanta wherein it is said that when lions roar the jackals run away. But that doctrine does not apply here, because in Vedanta there is no marriage and things of that sort.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : I was only translating an ancient sanskrit text.

**Mr. D. K. Lahiri Chaudhury** : I know a similar text from the Gita which says :

*"Jabanartha udopane sarbata sanplutodake*

*Taban Sarbeshu Vedhesu Brahmanashya Bijanata"*.

which means :—as when there is flood all round there is no necessity of well ; so whole customs laid in whole Vedah are futile to that Brahman who has the real perception of conception. If the Honourable Member had studied Vedanta he would not have made that eloquent speech. The Smrithis are concerned with child marriage and not the Vedanta. He has nothing to do with a student of Vedanta here ; but it is only the Smrithis which discuss marriages and that Smrithis should not be neglected.

I want to say this that this Bill may be kept pending for three months so that we can try and come to a settlement with those who oppose it. Formerly I was really against the principle of the Bill, but now I agree with it, but at the same time I should like to see a settlement about those matters which raise controversial issues. My Honourable friend Mr. Jayakar said, "You could wait for three years more". He said if he could get a chance, he had no objection to waiting for three years. If so, why not wait for three months?

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : What will happen after three months?

**Mr. D. K. Lahiri Chaudhury** : In those three months I will consult with those who object to the provisions of the Bill and try to convince them of the effect of this legislation. This custom of marriage has been prevailing for thousands and thousands of years in this country.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : For two years the Bill has been before the public.

**Mr. D. K. Lahiri Chaudhury** : You can wait for 200 years. I can wait for ten years, but that is not possible and I am asking only for three months' time.

**Mr. G. D. Birla** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Will you support us then?

**Mr. D. K. Lahiri Chaudhury** : I can wait for three months. I may support it after three months, provided my constituency agrees.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province : Nominated Non-Official) : If you can convince your constituency!

**Mr. D. K. Lahiri Chaudhury** : I will try to convince my constituency whether we can have this sort of legislation or not. If this Bill is carried over to the Delhi Session, most of the Members and also the Mussalmans will come to terms and we can settle the matter ourselves as to what can be done with the Bill. So, I support the motion for postponement and oppose consideration.

**Mr. A. H. Ghuznavi** : (Dacca Division : Muhammadan Rural) : I would be failing in my duty if I did not oppose this Bill, and I will give you my reasons. It is two years now exactly to this day that my Honourable friend Rai Sahib Harbilas Sarda introduced his pet Bill, which he then called the Hindu Child Marriage Bill, and what he then said was that it must apply to the Hindus only. And the reason that he gave, to quote his own words, was that he wanted 'to put a stop to child widowhood'. With your permission, Sir, I will only read a few lines from his opening speech in moving that Bill. He said :

"The primary object of this Bill is to put a stop to child widowhood. No country in the world except this unhappy land presents the sorry spectacle of having in its population child widows who according to the customs of the country cannot remarry. Enforced widowhood is a feature peculiar to the Hindu society."

There is no Mussalman widow..

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : Question.

**Mr. A. H. Ghuznavi** : I say Mussalman widows can be remarried. (*An Honourable Member* : "That is another matter"). There is no enforced widowhood. The law enjoins that the widow should be married at once.

**An Honourable Member** : Not enjoins. It permits.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Not at once

**Mr. A. H. Ghuznavi** : Now, my point was that the Mussalman community should not be included in this Bill at all. (*An Honourable Member* : "Why?"). It was originally intended for the Hindu widows. Why do you drag the Mussalmans in in this Bill? (*An Honourable Member* : "Poor Mussalmans!").

**Mr. T. A. K. Shervani** : Because you are as cruel to girls as the Hindus.

**Mr. A. H. Ghuznavi** : Probably in your province.

(There were several interruptions).

**Mr. President** : Order, order.

**Mr. A. H. Ghuznavi** : Sir, it will be thus seen that the intention of the Mover was nothing beyond stopping the child widowhood which exists in the Hindu Society.

**Revd. J. C. Chatterjee** (Nominated : Indian Christians) : Question.

**Mr. A. H. Ghuznavi** : At that time the Government were not sure whether this measure would be acceptable to the Hindus, inasmuch as such legal restrictions on the marriageable age would encroach upon their personal law. Sir, the Honourable the Home Member moved that the Bill be circulated for eliciting public opinion. He said :

"Legislation, however, well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it was intended. Legislation which is passed without due consideration may have consequences very remote from those which were intended".

But my friend would not agree to the circulation of this Bill, and in his zeal for the passage of the Bill did not want to send it for circulation. I warned the House at that time that to refer the Bill directly to the Select Committee would be lamentable inasmuch as it affected the Hindu community as a whole and it would not be fair not to elicit public opinion on a momentous measure of this kind. I was emphatically of opinion that in a measure of this kind public opinion should not be ignored, but no heed was paid to those who demanded circulation ; and the Mover succeeded in getting the Bill referred to the Select Committee. Then, Sir, the Government by its executive order circulated the Bill for eliciting public opinion, and the opinions Government received left no room for doubt that the Bill, as it then stood, was not wanted by the public.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) : Question.

**Mr. A. H. Ghuznavi** : Just wait a minute. I am coming to that. I have got the materials before me. The Select Committee threw out the original Bill and evolved another Bill which was circulated for collecting public opinion, and the second Select Committee made their report on the 13th September, 1928. Now, Sir, out of the 18 members of the second Select Committee only three were Muslims, and let us examine what they said in their minute of dissent. My Honourable friend Maulvi Muhammad Yakub said :

"I sign the Report subject to the observation that an over-whelming majority of the Mussalmans, including eminent and distinguished ulennas, is strongly against the application of this Bill to the Muslim community on the ground that it intereferes with religion."

My Honourable friend Muhammad Rafique said :

"The principle of the Bill affects the personal law of the Mussalmans, and therefore it should not be applicable to the Mussalmans at all. I am therefore of opinion that the Mussalmans should be exempted from the operation of the Bill."

As regards Mr. Yusuf Imam, he is only a Mussulman by name. (*Cries of "Withdraw" from all parts of the House.*)

**Mr. President** : I think the Honourable Member must withdraw that observation.

**Mr. A. H. Ghuznavi** : I withdraw that, Sir. As I have already said, the original Bill was thrown out by the Select Committee and a new Bill was evolved which, to my utter amazement, brought all the nationalities within its clutches and penalised marriages of girls under a certain age. Their Report came as a tremendous shock to the Mussulmans, for the

simple reason that it not only affected their personal law, but that the question of widowhood did not arise in their case, as Islam enjoins widow marriage. To bring the Mussulmans within the purview of the Bill was absolutely unwarrantable. This Bill was ultimately taken into consideration in the Delhi Session early this year, but on the 25th June, 1928, Government appointed a committee to report on the Age of Consent, and the Government were, therefore, not willing to proceed with this Bill till the Report of the Age of Consent Committee was available. That Report was out on the 26th August last. Barely a week had elapsed and the Bill was taken into consideration in this House. Unfortunately illness prevented me from being present in this House on the 4th and 5th September and deprived me of the opportunity of listening to the interesting debate which took place in this House in connection with this Bill. Sir, as I said, I oppose this pernicious Bill. I oppose it because I do not believe that social reform can be effected by legislation. I oppose it because it infringes the Muslim personal law and encroaches upon the Muslim religion ; I oppose it because it is the mandate of my constituency ; I oppose it because the opinion of the dumb millions is wholly against it ; I oppose it because the Muslims as a whole do not want it. And.....

**Mr. T. A. K. Shervani** : Question.

**Mr. A. H. Ghuznavi** : I am a Muslim first and an Indian afterwards. (*Cries of "Shame".*) I oppose it because the original Bill did not touch the Muslims and Muslims should not have been included ; I oppose it because it would be a menace to the peace of the society ; I oppose it because it will inevitably result in endless prosecutions, police *zulum* and untold hardships on the people ; I oppose it finally because the orthodox, the non-orthodox, the reformers and the non-reformers, in fact none want it.

Now, Sir, no less than 29 Members of this House represented to the Home Member on the 13th September, 1928, that they were opposed to this Bill. With your permission, Sir, I will read that document :

"To

The Honourable The Home Member,

Government of India,

Simla.

SIR,

We the undersigned members of the Legislative Assembly are strongly opposed to Rai Sahib Harbilas Sarda's Hindu Child Marriage Bill as it strikes at the root of the most cherished and sacred institutions of Hindus and Muslims and penalises what is lawful under the personal laws of Hindus and Muslims.

We therefore request you to help us in opposing this measure which affects our law and religion and against which orthodox public opinion has expressed itself or, at least, to maintain the oft-proclaimed neutrality in matters of religion by abstaining from voting on the Bill.

We have the honour to be,

SIR,

Your most obedient Servants,"

Well, Sir, the signatories were Srijut Dharendra Kanta Lahiri Chaudhury, Mr. Isma'il Khan, Mr. Abdul Qadir Siddiqi, Maulvi Abdul Matin Chaudhury, Mr. Fazal Ibrahim Rahimtulla, Nawabzada Ashrafuddin Ahmed,

[Mr. A. H. Ghuznavi.]

Nawab Sir Sahibzada Abdul Qaiyum, Mr. Duraiswamy Aiyangar, Haji Abdoola Haroon, Haji Choudhury Mohammad Ismail Khan, Mr. W. M. P. Ghulam Kadir Khan Dakhan, Mr. Illahibakhsh Bhuto, Mr. Aney, Lieutenant Muhammad Nawaz Khan, Dr. Suhrawardy, Mr. Anwar-ul-Azim, Rai Bahadur Tarit Bhushan Roy, Nawab Sir Zulfiqar Ali Khan, Mr. M. K. Acharya, Mr. Muhammad Rafique, Maulvi Sayyid Murtuza Sahab Bahadur, Mr. Abdul Latif Sahib Farookhi, Khan Bahadur Syed Rajan Baksh Shah, Maulvi Badi-uz-Zaman, Maulvi Muhammad Shafee Daoodi, Mr. Sesha Ayyangar, Mr. Belvi, Mr. A. H. Ghuznavi and Mian Mohammad Shah Nawaz (Laughter.) What has since happened to my Honourable friend Mian Mohammad Shah Nawaz?

**Mian Mohammad Shah Nawaz** (West Central Punjab : Muhammadan) : Anyhow it was not the same Bill.

**Mr. President** : Order, order. The Honourable Member may now conclude his speech.

**Mr. A. H. Ghuznavi** : I was asking my friend what has happened since that. He has now made a somersault on the floor of this House. Sir, I was not here to listen to his cock and bull story about the conditions prevailing in Bengal. It must have been amusing to listen to him, to listen to a man who knew as much about Bengal as the man in the moon. ("Hear, hear".) I should like to throw out a challenge to my friend.....

**Mian Mohammad Shah Nawaz** : Become a member of the Committee

**Mr. A. H. Ghuznavi** : You resign your seat and seek re-election in the Punjab on this Marriage Bill.

**Mian Mohammad Shah Nawaz** : I will, if all the Muslim Members of the Assembly who support or oppose the Bill will resign and seek re-election.

**Mr. President** : Order, order. I hope the Honourable Member will now conclude his observations.

**Mr. A. H. Ghuznavi** : Well, Sir, as regards the Age of Consent Committee, I will, with your permission, read what the *Madras Mail*, in a sub-leader, has said about it. It is an Anglo-Indian paper, not an orthodox Hindu paper but a pure and simple Anglo-Indian paper:

"An orthodox correspondent asks whether it is necessary for the Age of Consent Committee to continue its inquiries in view of the speeches made by its President and other prominent members favouring drastic changes in the existing law. These speeches, in the view of our correspondent indicate that the majority of the Committee has already made up its mind about its ultimate recommendations and is seeking, not so much to find the facts, as to build up a case in support of its views," and so on and so forth. I have not much time to go on and quote the whole.

**Mr. E. L. Price** (Bombay : European) : It is from a correspondent.

**Mr. A. H. Ghuznavi** : I will now only quote, Sir, from the Report of the Age of Consent Committee what Maulvi Muhammad Yakub has said. I shall quote only one or two passages; I will not be long:

"Interference with tenets of religion or furthering limitations where not one is placed by religion cannot be allowed to pass under the cover of the progressive nature

of Islam. For those who consider religion a mockery it is very difficult to understand a religious man's attitude towards religious beliefs and sentiments. The life of a Mussalman from cradle to grave is a series of religious performances and therefore any foreign element which interrupts or puts limitations on these performances cannot be tolerated from the Muslim point of view."

Sir, here is a *Fatwa* signed by 74 ulemas throughout India. This *Fatwa* is signed by 74 ulemas. They have condemned this measure. They say it infringes the Muhammadan personal law, and they appeal to the Mussalman Members of this House to enter an emphatic protest against the Bill. I was very glad, Sir, to read in the papers that my friend, Mr. K. C. Neogy, had entered an emphatic protest on behalf of the Hindus of Bengal. My friend, Mr. Kelkar, will bear him out, for he knows how, at a meeting presided over by him only the other day at Dacca, an overwhelming majority opposed this measure. Mr. Neogy and I, Sir, come from the same Division in Bengal. He represents the non-Mussalman constituency and I the Mussalman constituency. The mandates of our constituency are vehemently to oppose this measure, and we are in our duty bound to carry them out, and we shall do so to the best of our ability. My Honourable and esteemed friend, Mr. K. C. Roy, gave his whole-hearted support to the Bill and is reported to have said that he welcomed the Bill, that he thought Mr. Neogy had evidently been misled by the orthodox tyranny of Bengal, but that the Bengal Government faithfully and correctly represented the entire Province, and so on. Well, Sir, I accept that and I shall show that the Bengal Government has opposed this Bill.

**Mr. President** : Order, order. The Honourable Member should have taken the hint I gave him.

**Mr. A. H. Ghuznavi** : I ask for only two minutes more, Sir. The Bengal Government says :

"In reply, I am to say, that some selected Bar Libraries and recognised Associations and certain selected officers were consulted and copies of the replies received are enclosed for the information of the Government of India. It will be seen that most of the Associations are opposed to the proposed legislation as affecting religious rights and usages."

**An Honourable Member** : What is it?

**Mr. A. H. Ghuznavi** : The Bengal Government's Report.

**An Honourable Member** : Your brother is in that Government?

**Mr. A. H. Ghuznavi** : My brother was not then in the Bengal Government.

"But apart from the considerations as to the object or the practical effect of the proposed legislation, the way in which that object is sought to be gained is open to grave criticism. The Governor in Council considers that there are very strong objections to the proposal to invalidate any marriage which has taken place."

The Government of Bengal further say :

"In reply, I am to say that three District Judges, 18 recognized Associations, 7 Bar Associations and the incorporated Law Society of Calcutta were consulted in the

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matter and copies of the replies received from the Indian Christian Association, the Buddhist Association of Chittagong, the Hillmen's Association of Darjeeling, the Marwari Association, the Jain Svetambari Terapanthi Sabha, the European Association, Calcutta, and the Bar Association of the 24 Parganas, Tipperah, Dacca, Midnapore, are forwarded for the information of the Government of India. From the replies received, it appears that the preponderating majority of opinion is against any legislation on the subject, and only a minority of ardent social reformers are in favour of it. The Governor in Council is of opinion that the Bill may be dropped."

Now, I come to the European Group. Last September Sir James Simpson and Colonel Crawford gave me to understand that the European Group was going to support me to throw out this Bill.

**Lieut.-Colonel H. A. J. Gidney** (Nominated : Anglo-Indians) : You were lobbying yourself.

**Mr. A. H. Ghuznavi** : That is not lobbying.

**Mr. President** : Order, order : The Honourable Member must take the hint.

**Mr. A. H. Ghuznavi** : I will finish in one minute, Sir. I appeal to the Treasury Benches. I appeal to Sir James Creer personally. Sir, this is a matter which affects the Mussalmans and the Hindus. Therefore, do not be in a hurry ; do not side with one party or the other ; abstain from voting on this Bill. Let us divide in this House without official Members. Do not give a mandate to the nominated Members. Let them vote as they like.

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : You do not want any guidance.

**Mr. A. H. Ghuznavi** : No, I do not want any guidance.

**The Revd. J. C. Chatterjee** : Then why did you quote the opinion of the Government of Bengal ?

**Mr. President** : Order, order. Mr. Shah Nawaz.

**Mian Mohammad Shah Nawaz** : On a point of personal explanation, Sir. It is true that nearly a year ago I was persuaded by my friend the Honourable Mr. Ghuznavi to sign the 'precious' document which he still holds in his possession on the assumption that the evils of early marriage and early consummation and early maternity did not exist amongst the Mussalmans of Bengal. The Age of Consent Committee, of which I was the member, has, however, unanimously found that the evil of early marriage and early consummation very largely prevails amongst the Mussalmans of Bengal, who form 42 per cent. of the total Muslim population in India. The Committee has further found that the evil also prevails amongst Muslims of other provinces though in a lesser degree. The Committee has further recommended that the only effective remedy to remove the evil is to penalize marriages of girls below fourteen years of age. In the face of these undeniable facts and findings

I would have been guilty of dishonesty if I had paid attention to the document signed by some Muslim Members of the Assembly on the basis of assumptions which are found entirely untrue. There is nothing in Islamic laws which would stand in the way of the present legislation. Whether in the next election I am elected to the Assembly or not, I care not. I feel I have done my duty without fear and doubt.

**Mr. T. A. K. Shervani** : Sir, I did not intend to take part in this debate at this stage and wanted to express my view on the amendments which stand in the name of some of my friends, to the effect that Musalmans should be excluded from the operation of the contemplated Act. But I do so now, because, by the speeches of certain Musalman Members, an impression has been created that Musalmans in a body or a big majority of them are against this Bill. Sir, I am convinced that this is not the fact. (Hear, hear.) And my conviction is not based on arrogance, the arrogance of those persons who come forward and say that they are the only representatives of Musalmans and denounce those who happen to oppose them. This conviction of mine is based on ascertained facts. The whole country was given an opportunity, and this Bill has been before the country for the last two years. Several opportunities were allowed and, after all, a Committee was appointed which made a tour round the whole country. The tour was notified in all the papers, English as well as vernacular, and persons came and expressed their views before the Committee. The majority of the Musalman witnesses who appeared before the Committee were in favour of the Bill, and that is the only ascertained opinion before this House. The only plea which has been put forward by Honourable Members on the other side is that many Muhammadans did not come forward to express their opinion.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : That is what the Committee says.

**Mr. T. A. K. Shervani** : I will come to the Committee later on. The only conclusion which can reasonably be drawn from this attitude of Musalmans is that they are indifferent to the Bill.

**Mr. M. K. Acharya** : They have no confidence in the Committee.

**Mr. T. A. K. Shervani** : Honourable Members are at perfect liberty to hold one view or the other. But I feel really exercised when I hear from the mouth of learned friends that this measure is against our religion. I believe and say here on the floor of this House that this Bill is in exact accord with the true principles of the Islamic law of *Mash-rûq*. (Applause.) Some friends have come forward and asserted that this Bill is against our religion, but if they had taken the trouble of reading even the note of dissent of Maulvi Muhammad Yakub, they would have come to the same conclusion to which I have come, and I came to that conclusion long before it. I will not enter into the details of the Muhammadan law because this is not the suitable occasion for it and I will wait for the Honourable Members who propose the exclusion of Musalmans from the operation of the Bill when they move their amendments. But at this stage I may say that, so far as the holy book of the Musalmans is concerned, it never contemplated child marriage. The holy book says :

"*Fankahoo Ma Tah hakum Minannesui.*"

"Marry from among women, those whom you like best."



[Mr. T. A. K. Shervani.]

That is the only verse which directly bears upon the question and there are two most significant words, upon which I lay particular emphasis and to which I wish to draw the attention of the House. I invite the attention of the House to the word "*fankahoo*". It is not said "*unkahoo Ahanukum wa Bautukum*", etc. It says "*fankaho*", that is to say, it leaves the marriage of a person entirely to the person who wants to marry. In other words it contemplates marriage of a person by the person himself. Now you say, "No", and say that a person can marry any other person which apparently is not contemplated in the verse quoted above. The second word which is the most important word in this verse is the word "*nissa*" and I challenge my Honourable friends over there to find any Arabic quotation in which the word "*nissa*" is used for Sileyah (a child). The word *nissa* is always used in Arabic for a full grown up woman. This is what the Holy Koran says, still my Honourable friends come forward and say it is against Islam. I do not stop here; this debate will continue, and I ask my Honourable friends who oppose this Bill to find any *hadis* which recommends child marriage.

Hadises are of two kinds, *Hadis bilqual* and *Hadis bilfeal*, and it is the recognised principle of Islam that the acts of Prophets are not always binding on his followers. So, I ask my Honourable friends here to find out a single *hadis bilqual* which recommends child marriage. I now turn to *fiqa*. In *fiqa* there is no doubt that Muslim (*faqih*s) have allowed the marriage of a minor. But how did it come about? For this we will have to go to the history. We find throughout the Islamic law that there were certain customs prevalent amongst pre-Islamic Arabs. And from amongst those customs, the customs which were against equity and justice and which were repugnant to the principles of Islam were prohibited. Those customs which were not such were not interfered with. We find among the pre-Islamic Arabs the custom of marrying children, whether they were minors or majors only with the permission of their parents or guardians; the rule of *familea patestos* was fully in vogue. That was the pre-Islamic custom in Arabia. When Islam came, it abolished the marriage of a major by a father or grandfather or any other relation. But, so far as marriages of minors were concerned, Islam did not interfere. So, as a matter of fact, this marriage of minors is not based on Islamic principle. It is a remnant of the pre-Islamic Arab custom. My Honourable friends come forward and say that it offends against Islamic religion. I wish to submit that Moulvi Mohammad Yakub has really taken great pains and has given us, if we care to read his notes, the entire relevant texts on the question. I congratulate him for his labours and for the great pains which he has taken. But I do not agree with the conclusions he has arrived at. My reasons are obvious. My Honourable friend Maulvi Muhammad Yakub, in his note of dissent, simply says that it is the consensus of opinion among the Muhammadans. Practically all the Muhammadan witnesses who appeared before him did agree that *fiqa* could be changed. But some say that *fiqa* could be changed only by a Muhammadan King. I do not endorse that view, because, if I endorse that view, I will be in awful difficulties. I cannot afford to go out of the protection of the Legislature of this country, so long as I am residing in this country. There are only two alternatives open for meeting:

either to leave the Islamic law entirely to the mercy of a judge or a bench of judges, or bring it within the purview of this Legislature. The advantage in this Legislature is that we are so many representatives of Mussalmans here, and we can very well discuss the matter among ourselves as well as with members of other communities, and also with the members of the Government. But if you take Islamic law out of the purview of this Legislature, the only result will be that as we live in this country, our cases must go to the courts, and instead of the Legislature enacting certain measures for the Mussalmans, the Islamic law will be absolutely in the hands of one or two judges, as has been the case hitherto. For example, there was not a single branch of Muslim law so well developed as the law of *Waqf* at the time when the British took up the administration of justice into their hands. But in fifty years time the whole law of *waqf* has been changed beyond reorganisation by the Indian courts, and Mussalmans were compelled to come to the Legislature for rescue. Take the law of pre-emption. That law was recognised by the Government of this country. But with what result? There were more conflicts in the rulings on pre-emption than on any branch of law, and the result was that the entire law of pre-emption had been mutilated by the time the Legislature came to its rescue. That is about my own province.

**Nawab Sir Sahibzada Abdul Qaiyum :** Will it remain in the hands of a few judges or in the hands of a few irresponsible Mullahs?

**Mr. T. A. K. Shervani :** While I say all this, I do not concede to the Legislature the power or authority to interfere in my religion without my consent. But at the same time I will never advise Muhammadans to take their personal law entirely out of the hands of the Legislature of the country. Certain personal remarks were made by an Honourable Member on Dr. Hyder while he was speaking. I do not hold any brief for my Honourable friend Dr. Hyder, but, I may remind my Honourable friend Maulvi Muhammad Shafee Daoodi for his benefit that Dr. Hyder represents a constituency which had been the centre of Muslim thought and opinion for the last fifty years. I further remind my Honourable friend Maulvi Sahib that Dr. Hyder represents a more enlightened constituency than my Honourable friend Muhammad Shafee does. (Laughter.)

**An Honourable Member :** In politics?

**Mr. T. A. K. Shervani :** In politics, in religion, in wealth, in culture I further remind my Honourable friend that Dr. Hyder represents a constituency which consists of many more Muhammadans than the constituency from which my Honourable friend Maulvi Sahib hails. It is very easy in this House to come forward and say, "I am the person who represents Mussalmans and nobody else", but such assertions must be the outcome of arrogance and not taste.

Now, at this late stage, I do not want to take much of the time of this Honourable House. I waited and waited in vain to get some light thrown on the question by a person like my Honourable friend Maulvi Muhammad Shafee Daoodi, who is called a Maulvi, and who has at least for 16 or 17 years given out to his clients and courts, in which he practised, that he knows Muhammadan law, how this innocent measure is against the tenets of Islam.

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It is really curious that, when the question of fees comes up my lawyer friends come forward and say that they know Muhammadan law, they are the experts; but when there comes the question of Sarda's Bill, they say they do not know Muhammadan law and cannot express any opinion unless they consult the ulemas. The question before the House is a pure question of Muhammadan law, and I am entitled to give a better opinion on this question than those whose primary business in life is not law. It is my every day business, while an Alim might come across a case or two in the course of a year or two. My friend Mr. Ghuznavi comes armed with 74 opinions, but should we accept the opinions as the last word until we are assured that Islam enjoins child marriage. I again assert that, so far as Islam is concerned, it has never recommended child marriage. We do respect certain individual Alims for their learning and erudition, but we should not accept a verdict without authority from the books of Shorah. So far as individual opinions of Alims are concerned, I have tried to ascertain and I assure the Honourable Members of this House that, up till now, the only objection to this Bill is that this country is not *Dar-ul-Islam* but *Dar-ul-Herab*, and this Legislature cannot effect a change in Islamic law. I challenge any one who asserts that proposition to prove that according to the tenets of Islam India is not *Dar-ul-Islam* but *Dar-ul-Herab*. I maintain and I say here on the floor of this House that India is *Dar-ul-Islam* and not *Dar-ul-Herab*.

**Nawab Sir Sahibzada Abdul Qaiyum :** Including Kadian ?

**Mr. T. A. K. Shervani :** There are unguided persons in Islamic countries also, it does not become *Dar-ul-Herab* thereby.

I further maintain that the change of law is not confined to a Muslim king; there was a time when there was no king at all, and still rules of *Piqah* were changed. They have been changed from the earliest times, and I can give many examples of the rules of *Piqah* having been changed. They were changed even in the time of the Khalifs. To quote one example, the punishment for fornication in Islam was stoning to death and Hazrat Ali, the fourth Kaliph abolished it. The rules of law have always been changed and they are being changed here in India every day. It is for us to choose once for all whether the change should depend on the whims and fancies of a judge or two or on the Legislature with our free consent. Every sane man will choose the latter course. With these words, Sir, I support the original motion. In a private meeting of Mussalmans I said that I was indifferent whether the Bill was postponed or not, but when we have reached to this stage of the debate, I oppose the amendment also proposed by my friend Mr. Acharya.

**Mr. M. Keane** (United Provinces : Nominated Official) : Sir, I thank you for giving me this opportunity of saying a few words. I trust I will not offend against the clock. The fact is that my Honourable friend Rai Sahib Harbilas Sarda asked me to speak on this measure and as it coincided with my own wishes also, I am on my feet. The Rai Sahib of course knows exactly how my vote is likely to go. But I want to say this, that we in these benches,—at any rate in the back benches,—have from time to time wished to be in a position to express our opinions regarding this measure. At one time

or another, and for various reasons, we were not in that position. In fact the Rai Sahib and others did to some extent,—benevolently, I admit,—but they did taunt us with a doubt whether we were opposed to the measure or in favour of it, or were only indifferent. After the speech which the Honourable the Home Member made the other day,—a speech which I may say the whole House felt was nobly done,—after that speech, there can be no doubt as to our opinion and the position that we take up. We are not opposed to the Bill; we are not indifferent to it. We strongly, unhesitatingly, unconditionally believe that the Bill has very great advantages; that there is urgent necessity for it, and above all, I may say we believe in the righteousness of the Bill. When Mr. Acharya moved his dilatory motion the other day I thought that once more we were to be in for the usual futile discussion; but since then the House has unmistakably shown that they have no intention to be put off by any dilatory motions. They have shown that they are determined now to face the issue before them; and the issue is very clear. It is not a light issue; it is a great issue; it is the very gravest issue that can face a people,—the welfare of its own rising generations, the welfare of the young mothers that are the custodians of their race, the young mothers whose privilege and function it is to hand on the torch to the future. That is the issue before this House, and the House is obviously now determined to deal with the issue once for all. Mr. Acharya undoubtedly spoke with the very greatest eloquence, and I should be one of the very last to under-estimate in any way the sincerity, the fervour and the belief that underlies his speech, and the same, of course, I can say of my Honourable friend Pandit Malaviya over there. We should be very ungrateful, I feel, if we did not recognise, and give public expression to that recognition too, the very great help that Pandit Malaviya gives to all reform movements although he stands firmly for orthodoxy. The open mind that he displays towards advance and reform is an encouragement and help to all of us who believe thoroughly in this particular reform.

I admit that Mr. Acharya, with his eloquent ways, is liable to carry along opinion on his side. At the same time it is to be remembered that we cannot today deal quite with this question as if there were nothing else but ancient texts, and I think myself that Mr. Neogy, his neighbour, felt that. Mr. Neogy comes to us, persuasive, intensely modern, a man of the world speaking to men of the world, not relying at all on the ancient shibboleths, Shastras and Smritis and all the other unpronounceable words that we have heard so much about. He relies entirely on the very post-Vedic Excellencies in Council, and he quotes the Governor of Bengal, the Governor of Madras, the Governor of the Punjab, and the Governor of Bihar and Orissa. I confess, Sir, as he mentioned them, that I was myself very much impressed, and I went at once to see the opinions of these authorities on whom he relies; and when I got the papers, I must say that I was somewhat surprised on seeing the first page of the first opinion of paper No. I. Now, Sir, I have sat here many a day and how often have I not been told from those benches that the elected representatives of the people are the repositories of all the wisdom of the people, that they alone have any right to speak for the people, that they are the interpreters of the convictions of the people (*An Honourable Member* : "Sole interpreters"), and Mr. Neogy is one of the prime exponents of that particular view; and yet Mr. Neogy overlooked, forgot, possibly ignored, the very first opinion that appeared in the papers that my friends were good enough to lend me. I have the opinion here, and I do not think any one has

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so far quoted it. I need not delve particularly deep in order to find the opinion of those people on whom our friends opposite lay such wonderful stress—and Mr. Neogy in particular. It reads thus :

“ The Secretary to the Government of Madras—(Madras of course being the protagonist of this particular anti-movement)—“ to the Secretary to the Government of India, dated the 18th April 1928, on the Child Marriage Bill : Sir, I am directed to state that the following Resolution was carried at the meeting of the Madras Legislative Council held on March 28 ”—(not *His Excellency in Council*, but the *Madras Legislative Council*)—:

“ “ This Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years, respectively, is necessary ”. ” (Hear, hear.)

And, Sir, this pernickety Secretary goes on to add :

“ I am to add that the motion was carried without amendment or division, the Government Members remaining neutral when the Resolution was put to the House.”

And there, Sir, is the first opinion. Mr. Neogy lightly skipped it and went on to the Governor of the Punjab.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : May I point out to the Honourable Member that what I was quoting was the opinion of the Government of Madras, and he will find in that very opinion that they refer to their previous opinion to which they say they stick ?

**Mr. M. Keane** : Mr. Neogy, having forgotten his old friends, the representatives of the people, now wishes to rely on the Government. (Laughter.) His next Government is the Government of the Punjab, on whose opinion he laid very great stress. I think he did that possibly because, at that time, Sir Malcolm Hailey, whose reputation as an administrator none can ignore, was Governor of the Punjab. During my life—and I am getting old—there are two things that I have always kept before me : two simple points. When I hear a quotation made, unless it is quoted indeed very fully, I go and find the original authority ; that is one thing. The other is the very ordinary one “ Always hear the other side ”. Well, I got out the opinion of the Governor of the Punjab—and not only his opinion but also that of his Government, of his Ministers and Members as well. The opinion is thus very briefly put. After giving a number of the opinions collected, paragraph 2 says :

“ I am to say, that though there are great practical difficulties about the Bill—(he admits that frankly, as we all do)—yet, in the view of the Governor in Council it is a great improvement on the previous measure, and it has his approval both in the matter of the general principle and of the limits of age suggested. The Ministers of His Excellency ”—(elected by the people)—“ The Ministers of His Excellency’s Government are also in general agreement on the principles of the Bill.”

**Mr. K. C. Neogy** : Proceed further.

**Mr. M. Keane** : I shall pause here for a moment to point out that the Government of the Punjab recognised the practical difficulties.....

**Mr. K. C. Neogy** : That is exactly the point I was referring to on that occasion.

**Mr. M. Keane** : We shall have to deal with the administration of this measure, but I am prepared to say that, though it will not be an easy Bill for us to administer, and though there will be difficulties, I will engage that we will administer it. I know that we shall have to walk warily.

I know that we shall have to walk delicately ; but I will engage that, where it is necessary to go slow, we will not be hasty, and where it is necessary to go fast and where faltering would be a sin, we will press it home. (Hear, hear.) There will be difficulty, of course, but we will do our best.

I will not further deal with that particular point—the opinions of the Governments. Mr. Neogy has not attempted to suggest that the United Provinces, Bombay and Central Provinces Governments were against the Bill (*Mr. K. C. Neogy* : “ I did not refer to these Provinces at all ”.), and he was inclined to leave a wrong impression—not intentionally—that the Punjab Government was against the Bill.

I do not wish to say too much on the attitude of some Mussalman Members. It has come to me as a surprise and a very great disappointment.....

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Because they do not support the Government ?

**Mr. M. Keane** : The opinions given now by some Mussalman Members are not, I admit, at all what I had understood were the opinions that they held, and what I believe were originally their opinions. My friend, Mr. Ghuznavi, a short while ago quoted with very great relish and very great approval the opinion of my friend, Maulvi Muhammad Yakub ; and he taunted my friend behind with having changed his views. Mr. Shah Nawaz gave an absolutely convincing answer to that. He said :

“ I waited for the evidence ; I was convinced by the evidence ; the evils were proved to me and I was not ashamed to be honest and change my opinion.”

Mr. Ghuznavi called that a somersault. Was there no somersault then in the opinion of our friend, the Maulvi, whom Mr. Ghuznavi quoted so fully, so carefully, and so approvingly ? Maulvi Muhammad Yakub not only agreed in Select Committee to Mussalmans being included in the Bill, but he also agreed to the age being raised from 12 to 14. And, Sir, not only that, but his agreement was so full that amid a forest of minutes of dissent, he was one of the few who had no minute of dissent. Afterwards he comes and says, “ The Ulemas say otherwise. I therefore changed my opinion ”. No evidence : only the word “ Ulema ”.....

**Maulvi Muhammad Yakub** : I have never said that I changed my opinion.

**Mr. M. Keane** : I am quoting from the Report of the Second Committee, and from that I understand that Maulvi Muhammad Yakub is opposed to the Bill. It may be, Sir, that he agrees with the Bill, but yet opposes it ; I cannot say. (Laughter.)

**Maulvi Muhammad Yakub** : Let the Honourable Member read my note carefully and then he will find out my opinion.

**An Honourable Member** : What is your opinion ?

**Mr. M. Keane** : I will leave that point, it is no place, I admit, for me or for my friends on this side to enter into a controversial discussion of Muslim law. All I would say in a general way is that I have always been led to suppose, and I believe it is true, that the first modern Law Giver to give woman her proper place legally and otherwise was their own Holy Prophet. I can hardly believe, whatever be the details of theology, that a measure like this would not have his approval, and when I see that a country like Egypt, which has always been considered, by us at

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any rate, as a very orthodox Muslim country, has a similar marriage law, and that Turkey also, a great Muslim country, has a marriage law fixing the age higher than 14, I cannot believe that there is any Muslim dogma against the fixing of a minimum marriage age. Dogma is something that must be universally applicable to a faith. I myself belong to a branch of the Christian Church where dogma rules very largely, but no Catholic could be ignorant of the dogmas of his faith, yet my friend Mr. Yakub, I am surprised to find, supported in Committee something which only now apparently he discovers was or is contrary to the dogmas of his faith. That is a thing which surprises me. My friend over there, Mr. Shervani, seemed to me to give a very full answer from the Muslim point of view; it is not for us to judge the matter. I will only add this, that I was surprised when I heard my friend, Mr. Ghuznavi, in his powerful speech, say—at least he left me with that impression,—that so long as this Bill was confined to the Hindus he was prepared to support it. That is to say, he was prepared to support the Bill, knowing that it would be to the moral and physiological advantage, I take it, of the Hindu community, and it was only when the Bill was applied to Mussalmans, that he was prepared to oppose it, even though the same moral and physiological advantages were applicable to them. Surely, it is also worth applying to no less than 70 millions of Muslim people. (An Honourable Member: “What about widowhood among Mussalmans?”) I am not speaking of widowhood, I am speaking about all the results of early marriage. I will leave that particular point of Muslim faith. I consider that my friends Mr. Shervani, Dr. Hyder and others have fully dealt with the question.

There is only one other point that I would care to make, and it is this. There is a tendency, it seems to me, amongst some Members,—Mr. Belvi voiced it the other day,—he voiced the feeling—that it was not for Indians over there or here to listen to the talk of people like Miss Katherine Mayo and other outside people. We here in India should say what is good for ourselves; we should not bother about the opinions of Miss Mayo and others,—that is what I understood him to say. Now, Sir, I think myself that that attitude of mind in the modern day is entirely a wrong attitude. If India is to take her place in the stream of the world's life, it has got to come into line with the world. Time and distance have been annihilated. People cannot now, as they did in olden days, hide behind their mountains or live within their seas. There is no isolation now. The age of isolation is gone. The whole world is a whispering gallery, and if you do anything that offends against the moral sense of the world it must fall.

**Mr. M. A. Jinnah:** Sir, the first and foremost question that I put to myself as a Member of this Legislature is whether child marriage is an evil in this country or not; is it a crying evil or not? Is it human that thousands and millions of girls should be married at a very tender age which must sap their womanhood? Sir, I do not think, whatever may be the controversy on this point, on the plea of humanity, that there is a single Member in this House who can contemplate with equanimity and would not deplore and condemn the grave evil and the inhuman practices which are daily taking place in this country. Is it or is it not a fact? Sir, I entirely agree with my friend Mr. Shah Nawaz. I was myself unaware of the extent and the degree of evil that existed among the Mussalmans.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

When the debate was going on on previous occasions, my friend Pandit Malaviya corrected me because I happened to say that so far as the Mussalmans were concerned, the evil did not exist to such an extent. And when he corrected me I was taken aback, but I had not the facts and figures, which we have since obtained. Therefore, although in my Presidency the evil does not exist to the extent that we now know it did exist, yet there are other parts of India where this evil does exist. Now, Sir, if that is a fact, and I take it that it is an established fact, then the next question that we have to consider is this. Are we going to tackle this horrible evil? I ask my friend Mr. Ghuznavi to answer this. Are we precluded from dealing with this evil? Sir, I do not pretend to be an Ulema, and I am not one. Nor do I pretend to be an authority on theology. But I do know one thing, that during the last 30 years of my fairly active practice in Bombay, I always understood that marriage law had nothing to do with religion as such; that marriage was a contract according to Muhammadan law, pure and simple. Now, if I am right that marriage is a contract, pure and simple, will Honourable Members point out to me a text of which I am not aware? I repeat that marriage is a contract according to Muhammadan law. Can that be challenged? If anybody contradicts me on that, he has yet to learn the Muhammadan law. But the question is this, whether there is any text which makes it obligatory on Mussalmans that they should get their daughters married before the age of 14. (Some Honourable Members: “No, no.”) There is no text. On the contrary, as far as I have been able to understand,—and here Maulvi Muhammad Yakub supports the proposition which I am going to place before the House in his very excellent note—on the contrary, the Muhammadan law defines the age of puberty as 14. (Some Honourable Members: “Fifteen.”) I am not taking the text, I am taking now the Muhammadan law as it is written by the Anglo-Indian text-writers. (An Honourable Member: “Fifteen.”) I beg to differ. The age of puberty is 14. However, if it is 15 it supports me more. Very well, I will accept that if you like because it supports me more. Now what does Maulvi Muhammad Yakub say?

“Islam thus generally seems to favour marriages after the age of discretion, but it sometimes happens that special circumstances and the well-being of a girl herself make it imperative that her marriage should be performed at an early age. Islam, therefore, did not fix any age for marriage and marriages of minor boys and girls were kept permissible.”

Therefore, I am not convinced that this Bill in any way militates against the rule of civil laws applicable to marriages amongst Mussalmans, I agree with my Honourable friend over there—I congratulate him upon his maiden speech. I cannot believe that there can be a divine sanction for such evil practices as are prevailing, and that we should not, for a single minute, give our sanction to the continuance of these evil practices any longer. How can there be such a divine sanction to this cruel, horrible, disgraceful, inhuman practice that is prevailing in India?

Sir, I am convinced in my mind that there is nothing in the Koran, there is nothing in Islam which prevents us from destroying this evil. If we can do it today do not wait till tomorrow. I fully recognise the orthodox opinion. I fully appreciate the orthodox sentiments, the orthodox feelings both of the Mussalmans and of the Hindus. Sir, whether certain practices have any sanction divine or religious or not, usages and customs grow up, and when any social reform is suggested which goes to destroy the usages and the practices to which the people are used and upon which they

[Mr. M. A. Jinnah.]

have looked as semi-religious usages and practices, it is always known all over the world that those people who have got deep sentiments, deep convictions, strong opinions, always resent, and they believe that it is destroying the very root of their social life or religion. Always the social reformer is face to face with this orthodox opinion having behind it this conviction, this sentiment, this feeling which is perfectly understandable and to some extent legitimate. But are we to be dragged down by this section for whom we have respect, whose feeling we appreciate, whose sentiments we regard,—are we to be dragged down and are we to be prevented in the march of progress, in the name of humanity, I ask you? And Sir, as far as my own constituency is concerned, that is, Bombay, I have no mandate from them. This measure has been before this House for a long time, this measure certainly has been discussed in the Press and on the platform; but my constituency has not given me any mandate whatsoever of any kind, and therefore, perhaps I am very happy and perhaps I am in a better position than my Honourable friends who probably are afraid that they may have to face their constituencies in the future, and that they may have some trouble, or some of them may have got some mandates. But, Sir, I make bold to say that if my constituency is so backward as to disapprove of a measure like this then I say, the clearest duty on my part would be to say to my constituency, “You had better ask somebody else to represent you”. Because, after all, you must remember that public opinion is not so fully developed in this country, and if we are going to allow ourselves to be influenced by the public opinion that can be created in the name of religion when we know that religion has nothing whatever to do with the matter,—I think we must have the courage to say, “No, we are not going to be frightened by that”.

Sir, I do not wish to go further into the details of this Bill because I hope that this House will reject this motion which is really a dilatory motion. I tried to understand what good will come out of this if the House now agrees either to the postponement of this measure or delays in passing this measure. I have not yet been able to understand what is the object of it. I asked my Honourable friend Dharendra Kanta Lahiri Chaudhury,—for whom I have great respect, and although he opposes this Bill I admire his speech because he took up a very courageous, strong and admirable stand—I asked him why he wanted time and his reply was the first opportunity that I had of getting some definite reason for the postponement—and he said that he wanted to go back to his constituency and consult them and therefore he wanted three months. Surely, I appeal to my Honourable friend over there, has not his constituency had enough time, has not this question been agitated in this House for the last two years, and what will you gain by postponement unless you want to strengthen your opposition, unless you want to frighten the Government more?

**Mr. M. K. Acharya :** Is that a crime?

**Mr. M. A. Jinnah :** No, perfectly legitimate. I do not want the Government to slip away again. It is after a great deal of trouble that I have the pleasure of seeing the Government in this frame of mind, which was echoed by my Honourable friend Mr. Keane there. The Government is not always ready to take risks in matters of this kind. I hope the policy has changed, I welcome it, and I say that, by taking up this attitude towards this measure, the Government, although foreign, has proved that it is national in its spirit so far as this matter is concerned. In the past the

Government policy was, “We have enough trouble. We have got the agitators who are making our lives miserable already. Why should we undertake a measure which will make our loyal subjects who always support us, who look upon us as *ma-baps*—the orthodox who are quite content and satisfied—why should we undertake this extra trouble, this extra burden upon our heads to improve your people?” That was their attitude, but I am glad that that policy has been exploded, and I hope for ever, and I hope that

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Government will in future side with us in the matter at any rate concerning social reforms we are working so that we may help India to take her place among the great nations of the world. We are looking forward to a great India and a great nation. This is after all a small move. It is not going to be the end of all our troubles or evils that exist, nor is it going to be our salvation. It is only the beginning. If you take your courage in your hands and if Government do their duty to help us in the onward march of progress to secure the welfare of the people of India, I say, then, India will not have to ask for self-government. It will come to us.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : I had no intention of taking part in this debate and I was keeping myself silent all the time when this debate was going on. Now, Sir, certain circumstances have forced me to say a few words, so that my action, while voting, may not be misjudged. I am one of those who supported Dr. Gour's Civil Marriage Bill from the very beginning. I was always for any progressive law which came before this House. I do not like on this question to be guided by my personal inclination. As far as my personal views are concerned, I am totally in favour of fixing the age for the girls who are to be married and I think 14 years is a reasonable age. Whatever my views may be on the question of the restriction of the age of marriage for boys, I do not say a word about that at this stage, because I shall have a chance of explaining it at a later stage. I am sorry that Mr. Jinnah has gone out now. I got up to speak only after hearing Mr. Shervani and Mr. Jinnah. We the Mussalman Members received telegrams and letters from the Jamiat-ul-Ulma and from different Ulema associations. They are of opinion that this Bill is against the principles of Islam. When we got these telegrams we collected in your room, Sir, in the room of the Deputy President and we invited every Mussalman to attend. No one was left out. Some Members held the view that this Bill was not against the tenets of Islam. Others held the view that this Bill infringed on the religious rights of Islam, and it was decided that the Mussalman Members could not express their view unless they heard fully the ulemas who were of opinion that the Bill was against the tenets of Islam. When these opinions were expressed we came to the unanimous conclusion that the consideration of this Bill should be postponed in order to see whether we would be convinced by the ulemas or whether we would convince them, and we should voice the opinion arrived at after discussion with the ulemas, in the Legislative Assembly when the Bill comes up for consideration. Now, Sir, the first Mussalman Member who spoke on this Bill, Mr. Abdul Haye, made it clear that the Mussalmans had unanimously decided to get the Bill postponed, and I am sorry that, after Mr. Abdul Haye had spoken, two Members, who were a party to that agreement, backed out. One of them is Mian Shah Nawaz. On the 5th of this month, he got up and said that the consideration of this Bill should be taken up at once. Mr. Shervani and Dr. Hyder did the same.

(At this stage Mr. President resumed the Chair.)



[Mr. Muhammad Yamin Khan.]

I do not want to discuss the question whether this Bill is against the principles of Islam or not. I am simply giving expression to the opinion that I shall be voting simply in accordance with the decision we have arrived at.

I do not mind, Sir, whether certain Members back out, but as a conscientious Member and a conscientious Mussalman, I must stick to the word which I have given; and even if all of them back out, I shall stick to my place and shall vote for the postponement of this Bill. I wanted to make my position clear so that it may not be misunderstood when I vote for further postponement.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to support the motion before the House and to oppose the amendment of the Honourable Member from Madras, Mr. Acharya. Sir, as one who condemned the Government's attitude during the last Delhi Session, when the Honourable the Home Member advocated the postponement of further consideration of the Bill, I hasten today to congratulate the Home Member on the attitude which he has taken up on behalf of Government. I also hasten to offer a word of congratulation to the Honourable Member from Calcutta, who promises well to be an acquisition to the European Benches. Mr. Stewart-Smith's speech, Sir, has impressed me more than many of the speeches that we have heard on this debate in the past, and I do hope—(Mr. M. K. Acharya was going to interrupt)—everything at the right time, don't interrupt me please—and I do hope that the sentiments which he put forward today will always be the guiding sentiments of my friends on the European Benches in all matters which concern the welfare of India. (Applause.) I must now, Sir, refer to a little disclosure which my Honourable friend from Calcutta, Mr. Ghuznavi, seemed to have made, perhaps innocently. Mr. Ghuznavi said, to my great surprise, that my friend, Sir James Simpson, had indicated to him last Delhi Session that Members of the European group would join him in getting this Bill postponed. I hope, Sir, that that information given by Mr. Ghuznavi to this House is incorrect. I am sure that, in the interest of my friends on the European Benches, if there was any understanding of that nature, none will dislike it more than my friend, Sir Darcy Lindsay, the Leader of the European Group. (Sir Darcy Lindsay : "Hear, hear".)

When this Bill was ushered in, Sir, about two years back, I happened to have had the misfortune, as it then appeared, to advocate that the Bill be circulated for opinion. I was then reminded by that great Nationalist whose absence we all deplore, the late lamented Lala Lajpat Rai, that any delay in carrying forward this very necessary measure was—and he deliberately used the word—"a crime". If, Sir, according to the late lamented Lala Lajpat Rai my motion that the Bill as it was originally introduced be circulated for opinion was a crime, I submit that it is a greater crime today for my friends on these Benches to advocate that there should be avoidable delay in the further progress of this Bill.

Sir, I represent here in this House a constituency which is mainly interested in commerce and industry. My constituency has given me no mandate in connection with this Bill and whatever I say hereafter I propose to say in my personal capacity as a Hindu and as one who is interested in the further progress alike of Hindus and of all nationals living in India.

I am very much inclined, Sir, seriously to notice—I say it with all

deference—the very eloquent appeal which my Honourable friend, Mr. Ghuznavi, made to this House, and to follow up the few perorations with which his speech was punctuated. In fact I would make that the main theme of my remarks hereafter but for one word of my friend, Mr. Ghuznavi, which makes me feel that I should not notice him in my speech at all. Mr. Ghuznavi said—and it pained me at any rate to hear it—that he was a Mussalman first and an Indian afterwards. If that is confirmed, I propose to leave the Honourable Member to his opinions, and not to notice his views before this House any further. This House should have nothing to do with persons who say that they have a narrower outlook than what should be the outlook of an Indian as inhabiting this great land. We can at times understand a European, Sir, saying that, but I cannot understand a person born here, bred here, a person who must die here, saying that he is something higher than an Indian. I do hope, Sir, that my Honourable friend, Mr. Ghuznavi, will think it right to revise his outlook hereafter.

I wish now, Sir, to say a word regarding the attitude that my Honourable friend, Mr. Shah Nawaz, has taken on this question. I have greatly admired the spirit, Sir, with which he has, as has been alleged, turned round. A strong man, Sir, will turn round and admit his mistake when facts and figures are put before him, and all honour to Mr. Shah Nawaz for having said (Applause) on the floor of this House that what he learnt on the Age of Consent Committee has made him change his previous opinion. We do not want persons in this House, Sir, who take up the attitude : "I said this at first (probably in ignorance); I stick to it because I refuse to be convinced". I do hope that the House will agree with me that the Honourable Member from the Punjab, Mr. Shah Nawaz, deserves extreme consideration for his close study of the subject and for the courage of conviction with which he is facing today his own fellow Members on the Central Muslim Benches.

Now, Sir, I propose to say a few words to my friend from Madras, Mr. Acharya (Hear, hear.) He, Sir, appears to me to have put forward the opinion of the orthodox Hindus in this House very ably, and with all the emphasis that he can. I admire him for his very able advocacy of the orthodox Hindu opinion. Before I proceed further, I wish however to express my regret that my friend should have been carried away in his enthusiasm for advocacy of orthodox opinion. He has deliberately chosen to criticise both the personnel and the very able Report of the Age of Consent Committee.

**Mr. M. K. Acharya** : I am sure I do not regret it.

**Sir Purshotamdas Thakurdas** : You may consider it a great *punya* (merit) and not regret it. Act according to your lights. I won't quarrel with you. But I, Sir, admire greatly the self-sacrifice and the devotion which the various Members of that Committee gave to that very difficult task (Applause.) Sir Moropant Joshi has worked hard and in earnestness to put before his countrymen a document which will carry weight and conviction (Hear, hear.), and I wish particularly to refer to those two good ladies who rendered such splendid work on that Committee. I particularly wish to name Mrs. Brijlal Nehru for whose anxiety to get at the orthodox opinion I can vouch and give an assurance to this House. Mrs. Brijlal Nehru accompanied me to one of the strongholds of orthodox opinion in Bombay especially to get at the opinions and sentiments of those who held views as strong as Mr. Acharya's. Let us have differences of opinion regarding this question, but, Sir, let us not be carried away



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so much as to overlook the services of these ladies ; and this is the first time that an Indian lady has taken upon herself to travel over the length and breadth of India to find out what is the plight of her sex in this matter. I wish to pay my tribute to all that she has done in this connection and I do hope that Government will always find for future Committees ladies of the capacity, sincerity and the will to work of Mrs. Brijlal Nehru. I am afraid I am not able to speak equally eloquently about the other lady on the Committee. It is due to my misfortune not to have known her, but I also couple her name with what I have said about Mrs. Brijlal Nehru.

Now, Sir, my friend Mr. Acharya and those for whom he spoke here take their stand on this. They do not say that it is good for young girls to be married under the age of 14. They do not say that it is to their benefit physically that they should be married early. All that I have heard them plead is that their religion and Shastras enjoin early marriage. I am a Hindu although I may not be as religious a Hindu as others are. But I do know this, that I have great faith in my Shastras because they enjoin nothing which I cannot reconcile with my common sense. I am not learned in the *Shrutis* or the *Saṁhitās*. I believe in and I have read a little of the *Gita*. I have the greatest veneration for it. But if Mr. Acharya tells me that the Hindu Shastras enjoin child marriage, though common sense tells me that it is bad for our daughters and grand-daughters, that it is playing havoc with their constitutions and is ruining the future hope of India, then I say that there is either something wrong with the scriptures that you are quoting to me, or you are misinterpreting the Shastras. Sir, Napoleon Bonaparte said : "The hand that rocks the cradle rules the land". Do you want your womanhood to get weaker and weaker from year to year and from generation to generation ? What is the good of asking me to abide by your Shastras when from year to year and generation to generation we find our womanhood going down and down steadily ? It needed no Miss Mayo to tell us that child marriage is bad for India. We knew it. All that I and many like me were waiting for was the day when the Government would take courage in both their hands and say, even though a hundred years after Lord William Bentinck said to himself about the stoppage of the *Sati*, that this practice is wrong and we will help you to stop it. It is now for this Assembly, consisting of the representatives of the people to say to the Government : "Bravo ! come and help us to carry this legislation through". Sir, if we were dealing with anything less sacred, less important, and less cherished than the future womanhood of India, I would have the patience even to reason with my friend and try to understand the Shastras. But knowing as I do from my personal knowledge how much we suffer owing to girls of 5, 6, 8, 10 and 12 years being married, who are not girls of families which are illiterate, but whose parents are cultured and are educated, under this one misguided, if I may say so, religious belief, I say, Hindu as I am, that I refuse to believe that the Shastras could be saying what you say they do. My common sense tells me that I must stand out for this measure. My only regret is that it was not introduced two years earlier than today.

Sir, this Honourable Member hails from Madras. Only four weeks ago I was travelling from Madras to Bombay and there is a station on the railway line called Tungbhadra which my friend cannot forget. At that station, when my train stopped, a Hindu lady came up and gave me this

pamphlet containing a picture with the words, "Marriage or marriage". There is a small poem attached to it which summarising it says : "A Hindu father is giving his daughter, 12 years old, to a Sub-Judge 54 years old, and the Hindu father thinks that he is reserving some space for himself in heaven". (*Cries of "Shame"*.) The poem ends by saying that it is only *Santa* the young girl of 12 who saw the vision in which she was clasping the hand of a skeleton. I present this to Mr. Acharya. This was not given to me by a non-Hindu. This was not given to me by a Christian Missionary. Sir, this was given to me by a Hindu lady, Shrimati Sumati Bai, B.A., L.T. Are we going to tolerate a day longer than we can help instances like these ? No religion can say that you should satisfy gods, for the purpose of reserving a place in heaven, by such practices. I can understand a religion saying that man should fast at certain intervals. We eat too much and it does us good to fast. I can understand a religion saying that you should observe the Ramzan, but I cannot conceive of a religion saying that you should marry your girls at the age of 11 or 12 especially so when there is enforced widowhood in a community.

Sir, we are told that the Hindu marriage is not a contract but it is a sacrament. I believe in it and I respect it. The day the Hindu looks upon marriage as a contract I will regret. But let us respect that sacrament, in every aspect and let those who give *Kanya Dan*, those who make *Dan* of their daughters whom they have brought up with loving care for 10 or 11 years, take every possible precaution that the risk of widowhood is avoided as far as possible. I will illustrate this by a few words. I was told by an esteemed friend who came on the orthodox deputation that there was a misunderstanding about the position of the Brahmin community of Madras. The Madras Brahmin says that, although he gets his daughter married at the age of 10 or 12, you are mistaken if you think that the marriage is consummated at that age. I ventured to ask that respected friend that if marriage did not mean consummation, how do we interfere with your custom if we say that you should not get your girls married until they are 14 years of age which you yourself, orthodox leaders, admit is about the correct minimum age when consummation should take place.

Mr. M. K. Acharya : We are agreeable to that.

Sir Purshotamdas Thakurdas : Then support this Bill. I ask, Sir, why in these days of cholera, plague and a hundred and one other diseases, when a man's life, an Indian's life especially, is at a pretty low ebb, I ask why expose the dearest of your dearest in this world to the risk of widowhood for a day longer than you can help. Why not get the girls married at 14 which is about the time when you want them to enter the *grahasthashram*. We are told that the Shastras say that marriage must be pre-puberty. I say you must re-read the Shastras or if you cannot do that, you must find a way out of this. My point is that the Shastras cannot possibly say, expose your children to any risk more than you can help. To those amongst whom widow marriage is prohibited, I say that they should be grateful to this House if it enacts against the idea of marriage till after the age of 14.

One word more, Sir, and I have finished. It is exactly about a hundred years since the great Lord William Bentinck forced—there was no question then of taking the views of the people of India then—forced upon Indians the abolition of *Sati*. I am sure that if the opinion

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of Indians were then sought by that great Englishman, gentlemen like my Honourable friend Mr. Acharya in those days must have come forward and said that religion was in danger and that Government should not interfere with religion. (*Honourable Members* : "They did.") All the greater honour to Lord William Bentinck then. None today in this House ventures to say that Lord William Bentinck interfered with Hindu religion by abolishing *Sati* in 1829. Similarly if only we non-officials think less of our constituencies and do what our conscience dictates is right and what we think we owe to the womanhood of this land, then within a few months—and it will not take years—the House will be remembered with gratitude by India for the day when they took their courage in both their hands and fixed this very modest age as the minimum age at which girls may be married and not below that age.

Finally, I should like to ask my Honourable friend one question. Can he quote to me any other civilised country in the world, any other civilised, self-respecting set of people who think of marrying their daughters when they come out of their nursery and should be at school? Is it not too late in the day today when we men read Shakespeare, Bacon and what not, to think that you are committing a great act of *punya* (merit) by giving your daughters in marriage at 11 and 12? I say, Sir, that every side of the House and every set of people, Hindus, Muhammadans, Parsis, Jews and Christians, all will welcome this measure and ought to be anxious to see this put on the Statute-book.

**Lieut.-Colonel H. A. J. Gidney** : I rise whole-heartedly to support the Bill moved by my Honourable friend Rai Sahib Harbilas Sarda. As a medical man, with 35 years experience behind me, I consider that I have a better title to speak on this much needed reform than a school master like Mr. Acharya, however learned he may be in the Vedas and the Shastras.

**Mr. M. K. Acharya** : I never quoted them here.

**Lieut.-Colonel H. A. J. Gidney** : Sir, had women been present on the floor of this House to plead their own cause, I tremble to think what would have been the fate of Mr. Acharya (Laughter), or what reception Maulvi Mohammad Shafee Daoodi would have received at their hands for his ungallant reflections on their fashions. But, Sir, in the absence of those who are the real sufferers and are the party most vitally affected by the projected reform, the task of remedying the great evil of child marriage lies primarily with such of us Members as have felt and known the dangers and difficulties of the prevailing system; and I venture to say that I yield to none in my solicitude for the welfare, the development and social reform of India and in my knowledge of the question before the House.

Before I proceed to deal with the medical aspect of this question, I have one matter to which I must make reference. It refers to my Honourable friend Mr. Neogy. Mr. Neogy with an altogether admirable ingenuity has succeeded in stifling the voice of his conscience under the weight of a monumental edifice of a thousand pre-paid post cards. Ready to snatch at any straw in his desperate opposition to this Bill, he referred to a resolution that was passed at the all-India Medical Congress last December. He quoted the Editor of the *Medical Review of Reviews*.

The Editor of this paper is an orthodox Hindu and he has circulated a letter on which my Honourable friend Mr. Acharya has apparently pinned his faith. This Editor stated that that resolution was passed at the fag end of the day and in a thin House. I was present at that discussion, and as Executive Member of the all-India Medical Congress, I desire on the floor of this House to repudiate that statement. (Hear, hear.) Let me inform Mr. Neogy and this House that this resolution was discussed most fully by all the medical men and women who attended the Congress. True, there was an invitation to the delegates to attend Sir Jagadish Bose at his experiments, but that did not in any way interfere with the deliberation of the Congress which took place after that function, and was very fully attended. Mr. Neogy's ignorance of facts is proof, if proof were needed, of the apathy which exists in his province towards this much needed reform. The resolution was passed by a large gathering of medical men and women, and after a very prolonged discussion of the subject, and the criticism in the *Medical Review of Reviews* is a wholly distorted one. Not only that. Might I tell Mr. Neogy that Dr. Deshmukh, one of the most eminent medical men in Bombay, and who was the President of the all-India Medical Congress, has recently issued a notice to the Press supporting the Sarda Bill. Furthermore, does my Honourable friend Mr. Neogy realise that the entire medical profession, with few exceptions, men and women, official and non-official, numbering many thousands, who are daily witnesses to the miseries attendant on child birth, unanimously support this Bill?

Now, Sir, I wish to direct my attention to the Mover of this dilatory motion—Mr. Acharya. Mr. Acharya is an orthodox Hindu whose views are entitled to the greatest respect. He stated that this reform was necessary. But he went further and said that he was not satisfied with the facts and figures and that he wanted further facts, that he desired to postpone this measure so as to appeal to the country and to get further facts and figures. For him the evidence given before this House by my Honourable friend Dr. Hyder was not sufficient.

**Mr. M. K. Acharya** : Sham.

**Lieut.-Colonel H. A. J. Gidney** : For him the weighty evidence placed before the House by the Age of Consent Committee is inadequate—unconvincing. What does he as a school master know about the evidence? Has he read the Report? For me as a medical man, these statistics are the most convincing proofs of the necessity of this social reform. But it appears that my Honourable friend Mr. Archarya has read very carefully the circular issued by Dr. Sen Gupta on which he is pinning his faith and so he wants further facts and figures. I have gone carefully through Dr. Sen Gupta's report, and as a medical man, I can only describe the inferences and issues he has drawn on the back cover page as entirely unjustified and contrary to the evidence that was given before the Age of Consent Committee, and as a medical man I repudiate the *bonâ fides* of that circular. That circular has been issued to satisfy orthodoxy not a much needed social reform and peril.

Sir, Mr. Acharya wants further figures. If he is a true seeker of the truth and if his mind is open to conviction, I would invite him to pay a visit to the women's hospitals at Delhi,—one city will be quite enough for my purpose. He will there see rows of beds occupied by his own country women. He will see children between the ages of 11 and 13 who

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have either undergone Caesarian operation for child birth or are awaiting such operation.—young girls, stunted and ill-developed, who, instead of playing with toys and dolls, have been burdened with indecent haste, with the pains and dangers of motherhood. Does Mr. Acharya realise what a Caesarian operation means to a girl mother? Does he know that if any patient faces death, she does? And what about the issue of a child mother of 11 or 13? Sir, I go further and say that the total number of Caesarian operations done in Delhi is, I believe, more than the total number of such operations done in the whole of the hospitals in the United Kingdom put together. If that is not enough evidence for the opponents of this social reform, then I should allow Mr. Acharya and his friends to stew in the juice of their own stubborn prejudice. Mr. Acharya puts me in mind of a politician with 20th century ideas, demanding highly formed 20th century political institutions, but as far as social reform is concerned he lives in the 12th century. Has this House realised that, if Mr. Acharya's motion is carried, it will only be sending a message to Miss Mayo that she was right in all she said in her book? And there is no doubt she is supported by the Report of the Age of Consent Committee. As further evidence to convince the opponents of the Bill let me quote what Mrs. Brij Lal Nehru, a member of the Committee, says:

“ My heart aches at the thought of the sufferings of the girl wife. Our whole Report is a plea on behalf of these victims of blind custom and usage ”.

That is the view of one of the most intelligent Indian women today. If that does not appeal to the House, nothing will.

Then, Sir, one has only to refer to the statistics in the Age of Consent Committee's Report to find pages upon pages of monumental evidence, showing the opponents of this Bill the dangers and the death rate of both mother and child attendant upon child marriage, unparalleled in any other civilised country. And yet we have witnessed the sorry spectacle of two sons from Bengal, Mr. Amar Nath Dutt and Mr. Neogy, coming to this House to oppose this Bill. Fortunately for this House, we have only one Mr. Amar Nath Dutt and wisdom will not die with him. As for Mr. Neogy, I am surprised that, student of history that he is, he should have come here in the face of the Age of Consent Committee's Report to oppose this Bill. Has Mr. Neogy read the Age of Consent Committee's Report? If he had he would have noticed that Bengal, his Province, is the worst offender in child marriages. That its birth-rate is the lowest in India and that over 52 per cent. of its infantile mortality happens within one month of birth. A most damaging damnable evidence against Bengal.

It is all very well, Sir, for the opponents of this Bill to fall back on their religious precepts, but there is a world of difference between theory and practice, and whereas religious precepts are a question of faith—these figures are based on actual happenings, cold facts, of your women and your children dying by slavishly following what their religion demands—“ child marriages ”,—facts that even the most extreme opponents of this Bill cannot lightly brush aside.

In support of his dilatory motion Mr. Acharya quoted two speeches of the Honourable the Home Member, and he said that in his 1927 speech the Home Member asked for postponement to elicit further evidence, etc., that was on the Child Marriage Bill. The other speech referred to the

postponement of another reform measure,—the Divorce Bill. But he forgot to mention that whereas one Bill referred to the making of marriages the other dealt with the breaking of marriages, two totally different considerations and quite different and inapplicable to Mr. Acharya's dilatory motion.

Might I in passing suggest to those who oppose this measure that India, with its centuries-old civilisation and culture, its religion and philosophy, worthy of our highest respect, has unfortunately hitherto shown a lamentable lack of material powers which have characterised the Western peoples; and if India is to take a place of honour amongst the other nations, she must pass this Bill, for the time has come for her to rejuvenate herself in the stream of living experience and to make a bid for a place of honour among the nations of the world. This Bill is but one of the many symptoms which we see around us of a growing national consciousness. And I think it is not a mere accident that two of the greatest living men in the country, Mahatma Gandhi and Pandit Motilal Nehru, have given their whole-hearted support to this measure. Nor is it a small victory for the new spirit that is abroad in the land that the Government should have departed from their usual attitude of neutrality in such delicate matters and declared themselves openly in favour of the Bill, as the Home Member did the other day in one of the most eloquent speeches we have heard in this House. I congratulate the Home Member on his excellent speech which came from deep conviction.

It was therefore, Sir, with great regret that I listened to the latter part of the speech of Pandit Madan Mohan Malaviya. While he went out of his way to accord support to the principle of the Bill, he supported its postponement. The curious part of his speech was the mental agility he displayed, and which smaller people find it very difficult to follow, when he connected the plea of postponement with a wholesale condemnation of British rule in this country. We who have frequently had the pleasure of hearing the Honourable Pandit in many of his “ rolling periods ” have never ceased to wonder at the dexterity with which he is always able to drag in the plea of foreign domination (like King Charles' head) whenever the backwardness of India is in question. But never have we received a more instructive object lesson in the futility of that plea than in this connection. I yield to none in admiration of the great work the Pandit has done for his country but I beg of him to remember that he, as an enlightened man living in the 20th century and demanding the most advanced political institutions, would be guilty of inconsistency and a betrayal of the trust which the people repose in him if he accomplished the postponement of this measure even for three months. The Pandit's attitude puts me in mind of a politician suffering from a socio-political squint who has one eye fixed on the political aspect of the question and the other on the orthodox aspect, and between the two I fear he has lost his focus of central vision and so in his desire to satisfy orthodoxy is prepared to delay the passing of this Bill. For what are the facts? It is not the illiterate masses who are today resisting the passage of this Bill but the educated Members of this House representing various parts of the country, who forgetful of their high mission as custodians of the people are sacrificing their enlightened principles at the altar of obscurantism.

Reference has been made by Sir Purshotamdas Thakurdas to the outcry that followed legislation when *Suttee* was abolished a century ago. This raised a great outcry, but of the two evils *Suttee* or child marriage,

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the latter is the greater. Because in *Suttee*, the ignorant brave wife, in being burnt on the funeral pyre of her dead husband, meets with a sudden death whereas with child marriage, the child mother endures a life-long lingering misery of injured parts, ruined health and a slow painful death, outside the fact that child marriage is sapping the life of the nation.

Sir, we have heard enough of foreign domination from the opposite Benches ; but if there is one thing that cannot be placed at the door of foreign domination, it is the practice and the ill effects of child marriage, and it is absurd for any politician to attempt to lay this at the door of Government. To quote the words of Mr. Snowden, " It is ridiculous and grotesque ". I appeal to the opponents of this Bill to realise their sense of duty both to their women and country ; and as I do so my eyes naturally fall on Dr. Moonje whom I look upon as one of the few constructive politicians of this House. (Hear, hear). The work he is doing is one of great practical value and importance to India. It is not aerial politics of which we see so much in this House, but sound solid work that he is doing for the nation. Now, Dr. Moonje's aim and object—and he is straining every nerve to attain it—is to improve the physique of the youth of this country so that they will develop into healthy strong men capable of defending their own country and forming their own army. Dr. Moonje, I am sure, will not disagree with me when I refer to the large number of Indian youths who are rejected for the Army and for Sandhurst due to physical defects ; and I believe I am right in saying that Dr. Moonje's one idea is to remedy this state of physical deterioration by introducing a system of physical training which he demands must be taught in all Indian schools and colleges.

**Mr. B. Das :** What about physical starvation ?

**Lieut.-Colonel H. A. J. Gidney :** That exists only in Bihar and Orissa from where my friend comes. Now, if India desires an army of well developed men and desires to defend herself effectively, her sons must be the issues of mothers who are well developed. How can you expect a child mother to produce a vigorous child such as the Indian Army will demand for her defence and to maintain her position among the rest of the nations of the world ? If India is desirous of taking her place amongst the other nations of the world, and if this House is convinced that the practice of child marriage is at the root of this physical deterioration of our rising generations there should be no hesitation in condemning it and passing this Bill. The mischief must be dealt with at its source and the first step must be to put an end to this " grave and corroding evil ", in the words of Sir James Crerar.

Before I sit down, Sir, I think I can best conclude by using the words that appeared on one of the placards displayed by Indian ladies we saw in front of the Assembly Chamber on the first day we discussed this measure. It is in those words I would ask the House, especially those who oppose this Bill, to remember that this Bill is moved, " in the interests of humanity and India's womanhood " and that it is " custom and not religion which is to blame for pre-puberty marriage " and its evil effects.

One word more and I have finished. Here is a measure of social reform for which enlightened India is crying out, but which orthodox

India is trying to stop. Is India to lag behind the rest of the civilised world on the road of progress ? Can India reasonably demand Dominion status and yet cling to what orthodoxy demands in relation to child marriages ? In this House going to accept this dilatory motion ? If it does it will stand condemned in the eyes of the rest of the world. But if this Bill is passed—and I hope it will be—then the name of Rai Sahib Harbilas Sarda will go down to posterity as one of India's greatest social reformers (Hear, hear), and the future generations of Indians, both men and women, will see and appreciate the fruits of the tree which Rai Sahib Harbilas Sarda has planted in the garden of India's social reform, and his name will be praised and blest by one and all. (Applause.)

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muham-madan Urban) : Sir, at this fag end of the day I rise just to say a few words, as I do not wish to record a silent vote on an important question like this. My views are very well known and I do not think I am at all called upon to explain them to this House. But I wish to make a confession ; and that is this : that along with other Honourable Members of this House I have received numerous opinions and numerous representations, both for and against the Bill, and I confess that they both received the same treatment from me. Both have found a place of safety where they remain unread ; and why ? It seems to me, and it has seemed to me all these two years that this controversy has been raging, that it is the silliest possible question which any two men or two women can sit down to discuss seriously. When I see what I can by the use of my eyes, do I need to be told what the doctors think of it, what the Shastras say about it, or what the Smritis or Srutis lay down in regard to it ? I have seen the havoc that this custom plays every day of my life for the last 68 years. Do I need any further proof of the mischief that is being wrought by this wicked diabolical custom ? I confess, Sir, again that I have no patience to hear any arguments either for or against the Bill. I say that those who argue in favour of the Bill are wasting their time which they could occupy with something better, as a thing like this needs no argument. As for those who argue against the Bill, I credit them with having conscientious scruples as they call them and a genuine belief that there are religious injunctions in favour of the custom. To them, so far as I am concerned, my answer is this. I am not what is known as an orthodox Hindu, but I claim to be as good a Hindu as any other Hindu. I do not believe that there can be any injunction in the Shastras to countenance a fiendish custom like this, and I further say that, if there is such a sanction, the Shastras have no use for me, and I have no use for them. In that frame of mind, Honourable Members will now realise that it was unnecessary for me to pay any attention whatever either to the representations in favour or against this Bill. It may be said that I am prejudiced. Well, yes. If a life-time of observations means prejudice, I certainly am prejudiced. I have heard earnest appeals thrilling speeches in this House today—unfortunately I was not present during the previous debate on this measure—but while listening to these speeches today the wonder has grown upon me as to where was the necessity for these able men to make all these very learned speeches and all these very earnest appeals. It seems to me as if all the learned men in the world had put their heads together to prove that two and two make four. The practice is so obviously inhuman that anybody who calls himself a man would naturally be staggered at what he sees with his own eyes.

L8CPB(LA)

[Pandit Motilal Nehru.]

Now, Sir, I belong to a very small community of Kashmiri Brahmins.

They are very small in number ; they are about 5,000 all over India, barring Kashmir. During the last twenty years in that community, without the aid of any legislation, there has been a regular fight against this custom, until we have now reached the stage where marriages of girls are more frequent at the age of 20 than at the age of 15. I have always been of opinion that a reform of this character must be left to public opinion. Knowing what we in our small community have accomplished without legislation, on one occasion, I refused to move a similar social measure on that ground. I agree in the principle that social reform comes with better effect and quicker and with less opposition if it comes from within than if it is imposed from without. But when a measure like this is brought before this House, what is one to do. I mean no disrespect to my friend Mr. Sarada when I say that my first feeling was one of amusement at his Bill. I thought it was an attempt to gain cheap notoriety, and said to myself, "Here is a social reformer who wants legislation on a most obvious thing ; he comes to the Assembly to have a law against a custom which every school boy condemns." But when I see the reception which this measure has received from what is known as the orthodox community, I feel that my friend Mr. Sarada was quite right in bringing this measure before this House. But whether he was right or wrong, once the measure is before us, what is our plain duty ? That is the one question which Honourable Members have got to answer. What is our plain duty to ourselves, to our children and to our country ? I do not think, Sir, that that question admits of any answer except this, that this Bill must be passed with as little delay as possible. I need not remind the House that today the eyes of the whole world are upon this House. We are going through a test, which, if we successfully pass, will justify our claim to rank amongst the civilised nations of the world.

**Maulvi Muhammad Yakub :** But you have got 14 as the minimum.

**Pandit Motilal Nehru :** And if we reject this minimum, I would ask my friend, the Deputy President, what would the world say ? These people have not got the courage to fix the marriageable age of girls even at 14. I ask that if this measure is not passed by this House, what will the world think of us ? If I were left to myself, I would fix the minimum age at 18 for girls and 24 for boys, but now that we have 14, I take it as the first step, and I say that if we do not accept that, we shall go into deeper depths of degradation than we can possibly imagine in the eyes of the other nations of the world.

**Several Honourable Members :** The question may now be put.

**Mr. President :** The question is that the question be now put.

The motion was adopted.

**Mr. President :** The original motion was :

"That the Bill to regulate the marriages of children amongst Hindus, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved :

"That the consideration of the Bill be postponed in view of the late publication of the Report of the Age of Consent Committee, and in view of the desirability of assessing, with the help of adequate evidence, the real value of that portion of the Report which deals with the marriage laws and customs obtaining among Indian communities."

The question is that that amendment be made.

The motion was negatived.

**Mr. President :** The question is :

"That the Bill, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. President :** The question is that clause 2 stand part of the Bill.

**Mr. M. K. Acharya :** Sir, May I move the amendments that stand in my name ?

**Mr. President :** Which amendments ?

**Mr. M. K. Acharya :** My amendments on clause 2.

**Mr. President :** I think Mr. Sesha Ayyangar has got an amendment to clause 2.

**Mr. M. K. Acharya :** I have got amendment also, Sir. If it is the desire of the House that we should go into a detailed discussion of the clauses today—I should thank you for giving me this opportunity—may I proceed, Sir ?

**Mr. President :** The Honourable Member is entitled to move his amendment.

**Mr. M. K. Acharya :** Sir, I was just about to say that, in sending up the two amendments printed as No. 15 and No. 24 standing in my name, my intention was....

**Mr. President :** Which amendment does the Honourable Member move ?

**Mr. M. K. Acharya :** I am moving the first, namely No. 15 and referring to the other, namely No. 24, because the two go together. And my idea was that, although I should move them separately for the purposes of debate and for the purposes of being voted upon, yet I should explain them together, in order if possible to offer in my own humble way some constructive suggestions to make the proposed legislation more efficient. I am anxious, Sir, at this stage to say nothing which will generate heat or which will give vent to any controversial remarks. In fact, I am as serious as anybody else in this House or elsewhere that we should do everything in our power to remove evils which are well-defined and well ascertained by methods that are safe and sound ; and therefore, Sir, I feel that I should express my great regret that some remarks which I made at an earlier stage of this debate, some of them at least, have been misunderstood and an intention was ascribed to me, repeatedly ascribed to me, I was told that I wanted to wreck the Bill. Such is not my intention. (An Honourable Member rose to make an interruption.) I am sorry I gave my hysterical friend over there cause....

**Mr. President :** Will the Honourable Member come to the amendment ?

**Mr. M. K. Acharya :** The amendment, Sir, is this. I propose :

"That for sub-clause (a) of clause 2 of the Bill the following be substituted :

" 'child' means a person who, if a male, is under twenty years of age, and if a female, is under fifteen years of age '."

[Mr. M. K. Acharya.]

I formally move it, Sir. I may explain, and I think it is my duty to explain, how I have come to this conclusion. I desire to crave the indulgence of the House to put my case clearly, because on this and on the other amendment to the next sub-clause depends my whole case, so if I can take the House with me and if I can succeed in getting these two amendments accepted, I venture to believe that all of us will feel glad that we have carried a piece of legislation through, for which we may well be entitled to the thanks of posterity. As I said, I would beg of my friends not to side-trick me by interrupting me in the course of my trying to make myself clear. I am at a great disadvantage. I am not a gifted eloquent speaker; I am not a *persona grata* in the House; and so, in the discharge of my duty, I must crave the indulgence of the House.

You may ask me how I have come to twenty and fifteen years. Well, Sir, I think that, in a matter like this, we should try to be guided by what we consider to be fairly reliable authorities. I am sure I can say with confidence that I have not in this House either dared or cared to quote what all the Smrithis say, or "Simitries" as my Honourable friend over there called them. In fact, I have held that this is not the place where we can discuss them; and in the case of Mussalmans also I do not think this is the place where the Islamic law should be discussed. Therefore, for myself, if I have tried to make any suggestions as I am now trying to make—I am trying to take my stand not on the Srutis or the Smrithis, not on the Dharmasastras or other olden books, but I am trying to take my stand upon something which would appeal better to this House, upon scientific investigations, not simply upon the report of this House or of that meeting, not upon the resolutions of conferences, nor upon telegraphic messages sent to us, not even upon the hasty resolutions of this Provincial Legislature or that Legislature. Sir, this is a matter most vitally affecting the future generations of this country, so I am taking medical opinion on the subject; and I can assure my Honourable friend, Colonel Gidney, that I have been trying to get as many statistics as possible from medical people. I have been trying, ever since I supported the Rai Sahib's Bill two years ago, to read more and more, to study carefully the opinions of psychologists, of those who have written on sex psychology, on sex biology, on the relationships between the sexes, not from the standpoint of the Koran, not from the standpoint of the Hindu Shastras, but of the investigations, scientific investigations that have been carried out....

**Mr. President :** The Honourable Member was given the fullest latitude when he moved his amendment on the main motion. He must now speak to the present amendment only.

**Mr. M. K. Acharya :** How can I explain myself unless I....

**Mr. President :** The Honourable Member is not relevant. He is not speaking to his amendment.

**Mr. M. K. Acharya :** I am trying to show how fifteen and twenty years are respectively....

**Mr. President :** The Honourable Member must be strictly relevant to the amendment which he has moved.

**Mr. M. K. Acharya :** I am endeavouring, to the best of my ability, to show how, so far as I am able to make out, fifteen for and twenty for the boy will be....

**Mr. President :** The Honourable Member has not said a word in favour of his amendment. The Honourable Member must strictly himself to the amendment which he has moved.

**Mr. M. K. Acharya :** I am just trying to place before you, House why I am for putting at 15 and why I am for putting at ages for marriage consummation and unless you have a little patience I am putting my arguments....

**Mr. President :** I have enough patience. The Honourable Member knows that I allowed him one hour and a half and more when he moved his main amendment, and I am not going to allow Honourable Member to speak at length on these amendments. They must confine themselves strictly to the amendments.

**Mr. M. K. Acharya :** Sir, these are my points. I am sorry they should be hard on me, but I submit to your ruling. I will try to say that psychology, physiology, biology, eugenics, all these sciences, all the scientific conclusions of those who have investigated these lines, are leading me to the conclusion that the proper marriage for a girl, the proper minimum age for consummation is 15, and the proper minimum age is 20 for the boy. I do not make statements of my own; and I am anxious to place before the authorities on which I rely, namely, the psychological, physiological and other scientific authorities. As I said, I have been reading a number of the latest scientific books; and I thought that in such an important matter like this, it is my duty to place before the House the opinions and authorities....

**Mr. President :** The only point that is relevant is why the age should not be fourteen but that it should be fifteen. Anything that the Honourable Member says in favour of that will be relevant.

**Mr. M. K. Acharya :** That is exactly what I am trying to say to you, namely, that not only in my own opinion....

**Mr. President :** If the Honourable Member thinks that I will waste the public time to be wasted, he is very much mistaken. I had allowed the Honourable Member one hour and a half in moving his amendment, and I must restrict him to his amendment now. (Honourable Members : "Hear, hear.")

**Mr. M. K. Acharya :** If you want me to sit down I am ready to sit down....

**Mr. President :** If the Honourable Member has nothing to say, he may resume his seat.

**Mr. M. K. Acharya :** No; I do not want to inflict myself on the House and yet as a humble Member of this House I am entitled to protest. If you want me to sit down, I am ready to sit down; I am at your disposal. I am trying to adjust, at a moment's notice, all my thoughts and materials that I have gathered, and that I want to place before the scientific authorities in support of my contention. Probably, if I am taken again next day, I may rearrange my materials and put



[Mr. Muhammad Yamin Khan.]

what will be the consequences. After recognising this principle which causes a hardship on the constitution of the girl, it must be admitted that a protection is necessary and that protection must be given by making the action penal.

Another point which can be argued on behalf of making this a penal law is this that, when the age of consent outside marital relations is 14 years, under the Indian Penal Code, the husband should not be allowed to have sexual intercourse with his wife who is below the age of 14. This protection was sought to be given by other kind of interference or in some other way, as was originally suggested by the Honourable Mover of this Bill, but it was deemed to be undesirable. But the same effect is being created by punishing the parents in other ways, and the age is indirectly raised to the same age as it would be for extra-marital relations.

Now, Sir, in the case of a girl, there are certain ways which the medical jurisprudence provides for finding out whether the girl has been raped or not. If the sexual intercourse has been had with a girl of less than 14 years of age, it can easily be found out. If, however, the rape has been committed by the husband, he cannot be punished but only the parents of the girl are liable to be punished. These were the two principles which led to this conclusion that this action should be penalised. But in the case of the boy I find that you have got no law whatsoever which can prohibit him, if he is less than 18 years of age, from having sexual intercourse with any woman above 14 years of age. When you cannot stop him from doing that unlawfully, why should you have a penalising section put in this Bill to punish the parents for allowing him to do the same thing lawfully which you cannot stop him from doing unlawfully? In the case of a girl, you stop her if she is less than 14 years of age from having sexual intercourse with any man, and the man is to be punished for rape. But in the case of a boy of less than 18 years of age, if he goes to a certain public woman, you cannot stop him. This action will be much more injurious than allowing him to do the same thing lawfully which he is not stopped from doing unlawfully. It may be a desirable thing that no boy should get married before he attains the age of 18; it may be a very laudable object. There are many other laudable things, as for instance, stopping drinking in excess. That is supposed to be a bad thing; but we cannot stop it. If people choose to drink we cannot stop them. It may be morally as bad as visiting women unlawfully. But you are not punishing this. The same may be said about prostitution, which is supposed to be very bad because it has got very bad moral effects, but you are not stopping it by legislation. You are not penalising it. My objection to penalising the marriage of a boy below 18 years of age is only on this ground that he can do the same thing unlawfully and you cannot stop him from doing unlawfully the same action if he so desires. It may be very desirable that he should be advised, for his own sake, not to do that, but you punish the guardians if they stop him from doing something which they consider to be wrong. No jurist in his senses can make an action an offence which he cannot stop in other ways because the man is forced by nature to do it. The same objection has risen from my friend Maulvi Mohammad Shafee Daoodi, and the same line has been adopted by certain Ulemas about this Bill, namely, that this Bill takes away the

liberty of action of a boy who is capable of understanding certain things. You take away his liberty and you encourage him to do a sinful act. Nothing can be against the religion which does not encourage a man to do a sinful act, and it is considered to be a sinful act if a man has a sexual intercourse with a woman who is not his wife. Now, if a boy cannot control himself, then you encourage him to do unlawful things, which means that you encourage a sin, and anything which encourages a sin is really irreligious. That has been the objection raised by the Mussalmans and the Muslim Ulemas, that encouragement of an action which might lead to the committing of a sin should not be passed by this Legislature. I should like to quote on behalf of this plea, the words of Ameer Ali and of the Ulemas and the Imams from the Abbaside time right up to now. They are all unanimous on this point that the age of puberty is reached after the completion of the age of 15 years both in the case of a boy and a girl. When a boy attains the age of puberty after the completion of the fifteenth year, no father or the Sovereign can stop him from contracting a valid marriage, because his natural desire cannot be stopped and no legislation can come in his way if he feels it a necessity to have recourse to sexual intercourse, and by stopping him lawfully in that action, it encourages him indirectly to do it unlawfully. Ameer Ali has described it in the following terms:

"Among the Hanafis and the Shias, the children are emancipated from the right of *Jabar* on attaining puberty. An abuse of the paternal authority among the followers of these two sects is impossible where the children are adult and discreet. Should a father persist in refusing his consent to the marriage of his adult daughter, she can validly enter herself into a contract of marriage even against his will and without his consent. Nor can the father indefinitely abuse his authority by systematically refusing his consent to the marriage of his child. Such cases are necessarily rare, Islamic law being opposed to monasticism or celibacy."

Now, Sir, this commentary refers not only to the case of boys, but even to the case of girls. A girl can contract a marriage against the will of her father, if her father refuses to allow her to get married after she attains puberty, because in Islam there is freedom of action given once a man has attained the age of discretion, that is, has attained puberty. As soon as he has got an inclination for an action and the consequences of which he can understand, then putting any stop to that or penalising him from doing that act, will be against the principles of the laws of all civilised nations. It is not at all civilisation. My Honourable friend Mr. Jinnah might say that it would be very desirable that the girl should be protected before she attains the age of 14. But may I ask him, is it civilisation to put a restraint on the freedom of action of a boy at the age when he has attained puberty? You are talking about freedom in all things, and at the same time you want to impose restriction on the freedom of action of a boy who, in the natural course, wants to enjoy his own rights. Will that be consistent with the progressive ideas of a nation? It will not be consistent with any law of any progressive nation in the world. Islamic law, when it progressed to its zenith, gave entire freedom of action. Islam did not want to put a stop to any natural desire of a boy. It did not want to stop the promptings or inclinations which nature has provided a boy with. That is my second objection to this. Although I know that there will be very few cases, very rare cases, when a boy below 18 will get married, yet even in those cases to penalise the boy will be inconceivable to any jurist. I will give you one example by which you can

[Mr. M. K. Acharya.]

before you in the space of ten or fifteen minutes. (*A Voice* : " And all your authorities ? ")

I am sorry I made the mistake of reading very many books by scientific authorities. If you want to restrict me in this way, I am at your mercy. In justice to my cause I want to convince my colleagues, as it is my duty to try to convince them....

**Mr. President** : Will the Honourable Member speak to the amendment ?

**Mr. M. K. Acharya** : Firstly, the question as to when a girl becomes fit to be married or when a boy becomes fit to be a husband is in my humble opinion a matter for scientific investigation. Now a number of scientific investigators have made this clear, that there are two natural ages before we come to what we call the legal age of marriage. There is the psychological age of desire and also the biological age of fitness. When we want to deal with this question of the age of marriage, we have to take into account the fact that marriage is an aspect of life which is partly psychological, partly physiological, partly biological and partly ethical.

**Mr. President** : Order, order. Will the Honourable Member say why he thinks the age should be 15 and not 14 ? I have not heard him say one word on this subject.

**Mr. M. K. Acharya** : I am coming to that, Sir. When we consider the psychological age and the biological age, we come to this conclusion, namely that 15 is the better age so far as marriage in the sense of consummation is concerned.

**Mr. President** : I now inform the Assembly that Mr. Acharya is persisting in irrelevance.

**Mr. M. K. Acharya** : I do not hear you, Sir.

**Mr. President** : I have drawn the attention of the Assembly to the fact that the Honourable Member is irrelevant and persists in irrelevancy.

**Mr. M. K. Acharya** : I am sorry to hear that remark. If the Chair does not want to hear me I shall sit down.

**Mr. President** : Will the Honourable Member withdraw his remarks ?

**Mr. M. K. Acharya** : Yes, I withdraw them. I am entirely in your hands. I shall proceed or sit down just as you command me.

**The Honourable Sir James Crerar** (Home Member) : I am not quite sure if the Honourable Member has clearly understood the purport of your observation, when you called the attention of the House to his persistence in irrelevance. Perhaps the Honourable Member will understand the matter more fully if he realises that the Honourable the President has got the power, under rule 16, to call upon a Member to resume his seat if he fails to act up to the observations of the Chair. I think the House and the Chair have been very patient to the Honourable Member, and I trust that, after the admonition which you have just given him, he will act upon it.

**Mr. M. K. Acharya** : I am sorry if I said anything which was inconsistent with the decorum of the House. I am the last man to say anything of that kind. I greatly deplore it. I was trying to make out that this

point of minimum age of marriage is to be determined by what happens to be fairly well recognised and accepted rules of the science of physiology. Now, when a girl and a boy are brought together into the marital union, it means that it will affect their whole course of life, not only physically, but physiologically and biologically. Therefore we have to realise what the proper period for the girls and the boys will be when they will be physically and mentally well developed in order to produce results in life, which will be to the best advantage of them both individually and also of the community at large. That is a question which a Legislature will have to determine if it is to fix upon any minimum age. It is not a question of how many say the age should be 11 or 12 or 13 or 14. I was trying to find out what explanation the Select Committee gave for fixing the age at 14, but I am sorry I did not get much information on that point. Therefore the House is not in a position to know how the Select Committee arrived at the conclusion that 14 is the proper age.

**Mr. President** : Will the Honourable Member explain why the age should be 15 ? He has not said one word on that so far.

**Mr. M. K. Acharya** : I wish to point out that the Select Committee has not given any reason why they consider 14 as a very good age.

**Mr. President** : Therefore it should be 15 ?

**Mr. M. K. Acharya** : Because I think 15 is a better age. In the absence of any definite reasons on behalf of 14, I prefer 15. I consider the weight of medical evidence and physiological evidence and biological evidence is in favour of 15. I would prefer 15 to 14. That is exactly my argument. My humble research leads me to that conclusion, because it is admitted on all hands that in India a girl attains her puberty some time between 12 and 13 or between 13 and 14. The Age of Consent Committee, in an Appendix to their Report, deal with this question of the age of puberty in India. They admit that there is a consensus of opinion that puberty in India is between 13 and 14. Then naturally you will want some time to elapse before the girl becomes quite fit to take up the responsible duties of a wife. If 14 is the age of puberty or the age of the first appearance of menstruation, then naturally one year at least will have to elapse before the girl is declared to be fit, before her parents could send her over to her husband in order that she may be the wife of the husband and the chief member of his household. There is also a lot of evidence to show that immediately after puberty a girl is not fit to have consummation celebrated, and it is best that consummation is postponed for some time. That also is what obtains in a large part of the Madras Presidency with which I am conversant. A girl generally after puberty is kept in her father's home for at least one year. She is sometimes kept for two years, but never for less than six months. If the girl attains puberty by 13 or 14, then she will require another year before she can enter upon her duties in her new home and in course of time become the mother of children. Therefore, Sir, a certain period, 14, is too low. The parents are anxious to give a girl away to one whom they consider to be a very desirable match, and naturally they will be tempted to get the girl married as soon as she is 14 so as not to transgress the law. On the other hand if fifteen, which I consider the right age, is adopted as the minimum age for consummation, then parents will have a longer time, and I for one should have thought that there was

[Mr. M. K. Acharya.]

not going to be any great opposition from those conversant with scientific, physiological and biological reasons (Laughter).....

**Mr. President :** Order, order. I have ruled more than once that speeches on these amendments must not be long. I had given sufficient indulgence to the Honourable Member when he moved his main amendment, and I would now ask him to conclude his observations.

**Mr. M. K. Acharya :** Sir, I move the amendment that stands in my name, with this humble protest that I have not been given a fair chance.....

**Mr. President :** Order, order. Will the Honourable Member withdraw those remarks ?

**Mr. M. K. Acharya :** If you want it, I will withdraw.

**Mr. President :** The Honourable Member must be respectful to the Chair. What does he mean by saying, "If you want it, I will withdraw" ?

**Mr. M. K. Acharya :** If I am not allowed.....

(Cries of "Order, order.")

**Mr. President :** Order, order. Will the Honourable Member unconditionally withdraw the words he has used, without any comment ? Is the Honourable Member prepared to withdraw them ?

**Mr. M. K. Acharya :** Yes, Sir, I withdraw those words. (Applause.)

**Rai Sahib Harbilas Sarda :** Sir, I rise to oppose the amendment moved by the Honourable Mr. Acharya. It is difficult to take him seriously, Sir, when he moves this amendment. (Applause.) All the time he has been insisting, on pre-puberty marriages, and fifteen years is certainly a post-puberty age, not a pre-puberty age. Moreover, when in amendment No. 28 he proposes that "the solemnisation of marriage, as distinct from consummation, of any girl below fourteen years of age, shall not be deemed to be child marriage as defined above", I do not think this amendment is consistent with that and I cannot take him seriously. Sir, I oppose the amendment.

**Mr. Mukhtar Singh** (Meerut Division : Non-Muhammadan Rural) : Am I in order, Sir, to move amendment No. 18 standing in my name ?

**Mr. President :** No. This amendment must be disposed of.

**The Honourable Sir James Crerar :** Sir, I entirely associate myself with the remarks which have fallen from the Honourable Member in charge of the Bill. I do not think that this amendment should be accepted as I consider that for us to follow the provisions in the Bill would be the wiser course.

**Mr. President :** The question is :

"That for sub-clause (a) of clause 2 of the Bill the following be substituted :  
" 'child' means a person who, if a male, is under twenty years of age, and if a female, is under fifteen years of age."

The motion was negatived.

**Mr. Muhammad Yamin Khan :** Sir, I move the amendments which stand in my name on Nos. 16 and 17 jointly.

**Mr. President :** One by one, please.

**Mr. Muhammad Yamin Khan :** Sir, it will have no meaning, I think, if I do not include them jointly. If the first is not carried, then I will not move the second.....

**Mr. President :** I would advise the Honourable Member to move his first amendment. If that is carried, he might move his second amendment ; otherwise he might drop it.

**Mr. Muhammad Yamin Khan :** Sir, I move :

"That in clause 2 (a) of the Bill the words 'a person who, if a male, is under eighteen years of age, and if' be omitted."

The object, Sir, of my moving this amendment is that a child would mean a female under fourteen years of age. This will be the effect of my amendment if it is carried. My object, Sir, is solely to be guided by the principles of criminal law. I have listened to many speeches and I have not heard a single Member here in this House advocating the necessity for fixing any particular age for the marriage of boys. All the speakers have referred in their speeches to their great desire to protect girls below the age of fourteen. All Members here are united on that point, but no case has been made out by any Member for the necessity for protection in so far as boys are concerned ; and neither has it been pointed out that there is any evil at present existing in this country which requires a penal law to be enacted in order to protect boys from getting married below the age of eighteen. Is there any justification, Sir, for punishing the parent of a boy if he marries him when he is below the age of eighteen ? It may be a very desirable thing and a good case may be made out that no boy should get married before he attains the age of eighteen, but no justification can be shown that the boy's parents should be punished if the boy is married when he is below the age of eighteen. In fact, amongst educated classes, a boy never gets married until he leaves the school or until after he finishes his studies. But this question whether one thing is desirable or not is totally different from the question whether it should be made penal if in an exceptional case a boy gets married below the age of eighteen. In England, Sir, the age limit for the boy is fourteen years. (An Honourable Member : "That has been revised".) (Another Honourable Member : "It is sixteen years".) Now, Sir, here the point is that at present it may be desirable to punish the parents of girls on two principles. The first principle is, as has been pointed out by all speakers in this House, that it causes cruelty and hardship to the girl if she is allowed to live with her husband before she is fourteen as a wife, and it is said to be very undesirable that she should become a mother before attaining the age of fourteen because that would tell on her constitution, and because any children born would be weak. It is said that protection is required in the case of the girl who has got no will-power, and therefore it is sought to penalise the action of the parents because they should not exercise their power and influence on a child of less than fourteen years to make her go and live with a young man as his wife, and in this way inflict injury on her person. Therefore, it is deemed to be desirable to punish this act of the parents or the guardians who give away their daughters, who cannot speak in their own case whether they like to live as wives of a particular individual or not. In India the custom is that the girl has got no voice in the matter of her marriage and when she is below 14 years she does not understand whether she is going to live as a wife and

[Mr. Muhammad Yamin Khan.]

judge whether it will cause hardship upon these boys or not. Supposing there is a Muslim boy or a Hindu boy who has attained 17 years of age, and who is very wealthy and who has attained puberty. Supposing he is so minded as to get himself married to a girl of 16 years of age. Supposing this boy, who desires to get himself married has no father but only his mother as his guardian, who is a *pardanishin* woman. Can she refuse to give permission to the boy to get himself married? If the boy persists in getting himself married, the mother at the worst may not say anything either for or against the marriage and may keep quiet. Supposing a *kazi* or a Brahmin priest officiates at the ceremony of marriage. Can you punish the *kazi* or the priest for having officiated at the marriage ceremony, simply because the boy persisted in getting himself married? You are not punishing the boy by this Bill, you are only punishing the parents of the boy or the people who joined in performing that ceremony.

Now, Sir, I will give you another example. Take the instance of that same boy of 17 years of age. He starts squandering his money and he gets into bad society and he starts visiting public women where there is the danger of his, not only squandering money, but also contracting some disease so that his health will be undermined. The mother, finding out that the boy is ruining himself and that he requires some protection and that he cannot be stopped in his actions of committing these unlawful things except by getting him married, so that he can be weaned away from bad society by the influence of his wife, wants to get the boy married to save him both monetarily and constitutionally. If this mother, finding out that this is the only solution left, advises that this boy should be married to stop him from ruination, then do you think of punishing the mother simply because she is trying to save her son, his constitution and property? You cannot punish a *parda* lady because she has no opportunity of coming out among the public and controlling her son. You should not inflict a punishment in these rare cases which might come before the courts.

Now, I will cite another instance.

**Mr. President :** I cannot allow the Honourable Member to proceed in that way. I cannot allow him to go on citing instances. The Honourable Member knows that I have already ruled that the speeches on amendments should be brief. The Honourable Member has really taken half an hour. The Honourable Member must conclude his speech now.

**Mr. Muhammad Yamin Khan :** I will try to finish soon. This is not an amendment which I have moved at random ; this is an important amendment.

**Mr. President :** That is why I allowed the Honourable Member great latitude till now.

**Mr. Muhammad Yamin Khan :** There is a conflict of opinion on this point. I have to deal at length and bring round a lot of people to appreciate my view-point. If this amendment is accepted, it will remove a great portion of the objections against this Bill. That is why it is necessary for me to make those Honourable Members understand who have not given their full thought to this question. I, as is my

nature, have not gone about to canvass votes for my amendment. I have not tried to get at Honourable Members in private, and so this is my only opportunity to convince them about the reasonableness of my amendment. As I was submitting, Sir, in these rare cases, there will be real hardship caused to the poor mothers. It is desirable not to make this an offence and penalise it. If there is any other method by which we can stop the marriage of a boy below 18 years of age, it would be acceptable to me. But I cannot for a moment think of making it penal and punishing the parents of the boy for doing a thing which he cannot be stopped from doing by the Legislature or by the Government by enacting this Bill. I am therefore opposed to the inclusion of boys in this Bill.

When my Honourable friend Mr. Jinnah was speaking I had an exchange of words with him. He said that the age of puberty for a girl was 14 years. I was asserting that the consensus of opinion of all Muhammadan doctors of law has been unanimous that it was on the completion of the age of 15. It is after that, that a girl might become independent according to Islamic law. As soon as they attain the age of puberty, that is after the completion of the 15th year, nobody is responsible for their actions except themselves, and nobody, no State, no father or mother could interfere in their actions. On account of

these two great objections, and as I find that the time of the House is very limited, I will not dilate more on this. I hope I have made it clear that there are many other instances which I could quote, and by which I could illustrate my objections to the boys being included in this case. But as I have no time, I will not give those illustrations and will confine myself to what I have said.

**Rai Sahib Harbilas Sarda :** Sir, I oppose this amendment. The object of the mover of this amendment is to define a child as a female under 14 years of age. Sir, this is a Child Marriage Bill, and both males and females under a certain age are children. The Bill provides for the marriage of both male and female children, and consequently it is necessary that the Bill should define a male child as well as a female child whose marriages below a certain age would be penal.

The Honourable Mover said that he had heard many speeches and they were on the question of protection of females but that he had not heard anybody say anything about fixing the age of the boy who is to be married, and that no reasons had been given why 18 should be fixed or that any age at all should be fixed so far as marriages of boys are concerned. Sir, if he had read the Statement of Objects and Reasons which I attached to my Bill he would have found that I had stated therein that :

“ The second object of the Bill by laying down the minimum marriageable age of boys and girls is to prevent, so far as may be, their physical and moral deterioration by removing the principal obstacle to their physical and mental development ”.

There is thus a reason why it is necessary to fix the minimum age for the marriage of a boy also, and that reason is :

“ so far as possible, to prevent his physical and moral deterioration by removing the principal obstacle to his physical and mental development ”.

The Mover said, Sir, that amongst the Mussalmans, the boy is at liberty to marry after reaching 15 years of age. I have only to say

[Rai Sahib Harbilas Sarda.]

that fixing a minimum marriageable age does not contravene any provision of Muslim law. Muslim law does not enjoin anywhere that a boy, as soon as he reaches the age of 15, should be married.

Sir, I oppose the amendment.

**Maulvi Mohammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, may I request you to adjourn the House to allow Muhammadan Members to say their prayers ?

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : And there is a rule that the Assembly will sit from 11 to 5.

**Mr. President** : Sir James Crerar.

**The Honourable Sir James Crerar** : Sir, I have something to say on this amendment, and I regret very much to find myself in, I hope temporary, disagreement, with my learned friend Mr. Yamin Khan. It is true that, though he himself recognises that the case of the female child under the system of child marriage is the most serious and demands remedy, I do not think, as the Honourable Member in charge of the Bill, observed, that the Honourable Member was correct in saying that no one had ever made any demand for the similar fixation of age in the case of a boy. Indeed those who have read some of the voluminous literature on the subject, cannot fail to observe that very much emphasis has been laid on the fact,—and I have no doubt coming from those who are familiar with the facts, with a great deal of cogency,—that the marriage of boys when they ought to be devoting all their energies to education or learning a trade for their life work, constitutes a severe handicap. And though the grounds of physical deterioration may not be quite so acute or so direct as in the case of the girl, they are in the total result a very great injury to the national life. I do not dispute the instances which my Honourable friend quoted of hardship, though I think perhaps what he referred to as grave hardship might perhaps be more properly called some temporary and individual inconvenience. Taking the question, however, in the sum of its national significance, I have little hesitation myself in holding that those who press for limitation of the age on the boy partner to a marriage are acting on sound lines.

**Mr. President** : The question is :

“ That in clause 2 (a) of the Bill the words ‘ a person who, if a male, is under eighteen years of age, and if ’ be omitted.”

On Mr. President declaring that the “ Noes ” had it, a division was called for by Mr. Amar Nath Dutt.

**Mr. President** : I think the division is frivolously called for and I must disallow it.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th September, 1929.

## LEGISLATIVE ASSEMBLY.

Thursday, 12th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### CONDITIONS OF EDUCATION IN AJMER-MERWARA.

428. **\*Maulvi Muhammad Yakub** : (a) Is it a fact that a Committee—Primary Education Committee—appointed by the Government of India visited Ajmer to inquire into the conditions of education in Ajmer-Marwara ?

(b) Is it also a fact that nearly all the Muslim witnesses gave evidence that the Education Department of Ajmer-Merwara is predominated by Hindu spirit ?

(c) Is it a fact that, although the court language in Ajmer-Merwara is Urdu yet systematic efforts have been and are being made by the Education Department to train teachers in the Normal School in Hindi as their first language ?

(d) Will Government please say if they issued instructions to the Education Department to teach Hindi as first language in preference to Urdu ? If so, when ; if not, why is importance attached to Hindi and why is Urdu neglected ?

**Sir Frank Noyce** : (a) Yes.

(b) The Committee has not yet reported to Government.

(c) and (d). Inquiries are being made and the information asked for will be furnished to the Honourable Member later.

**Rai Sahib Harbilas Sarda** : Is it not a fact that both Hindi and Urdu are court languages in Ajmer-Merwara, and that complaints and petitions written in Hindi and filed in the Courts are accepted just as those written in Urdu ?

**Sir Frank Noyce** : I should not like to give an authoritative reply to my Honourable friend's question ; but I believe the facts are as he states.

**Rai Sahib Harbilas Sarda** : Is it not a fact that the Normal School has been in existence in Ajmer for the last fifty years, and that Hindi has always been the first language taught in it ?

**Sir Frank Noyce** : I cannot tell the Honourable Member how long the Normal School has been in existence, but it has been in existence for a considerable time, and I believe it is a fact that Hindi is the first language taught in it.

**Rai Sahib Harbilas Sarda** : Is it not a fact that in the primary schools in Ajmer-Merwara, Hindi has been the first language taught in

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the district ever since the British Government established the public school system of education in Ajmer-Merwara ?

**Mr. President :** The Honourable Member should give notice of such questions.

**Dr. B. S. Moonje :** What is meant by the words "Hindu spirit" in part (b) of the question to which an answer has been given by the Honourable Member ?

**Sir Frank Noyce :** I think that that question might be more fitly put to the Honourable Member who asked the original question. My reply has been that the Committee has not yet reported to Government.

**Dr. B. S. Moonje :** The question put is that the Department is "predominated by Hindu spirit". The Honourable Member must have understood its meaning before replying to it. I should therefore like to know what is meant by it and what the Honourable Member understood by it. That is why I am asking this question : does it mean that educationally competent men are not to be taken on the Committee if they happen to be Hindus and not Muslims ?

**Sir Frank Noyce :** The original question was "Is it also a fact that nearly all the Muslim witnesses gave evidence that the Education Department of Ajmer-Merwara is predominated by Hindu spirit ?" I am obviously not in a position to reply to that until I have seen the evidence of the Muslim witnesses : that has not yet been received by Government.

**Maulvi Muhammad Yakub :** Will the Honourable Member take the trouble to read the evidence and draw his conclusions from that ?

**Sir Frank Noyce :** I shall study the evidence very carefully in due course.

#### ANTI-ISLAMIC LITERATURE IN THE LIBRARY OF THE NORMAL SCHOOL, AJMER.

429. \***Maulvi Muhammad Yakub :** (a) Is it a fact that during the examination of Mirza Abdul Qadir Beg, M.A., LL.B., Pleader, Ajmer, by the Primary Education Committee, it transpired that the library of the Normal School which is an institution maintained by Government from public revenues, is full of anti-Islamic literature ?

(b) Is it a fact that the following books were found in the said library :—

- (1) "Allah Miyan ke Hathkande",
- (2) "Quran ka pol",
- (3) "Rasool ki pothi" ?

(c) Is it a fact that such anti-Islamic literature in the library of a Government institution was purchased from public revenues ?

(d) Will Government please state who purchased such books and which officer sanctioned the purchase of such books and who passed the purchase bill for payment ?

(e) Will Government please state whether they propose to take action against the educational officers who purchased such books ?

**Sir Frank Noyce :** (a) The library certainly had some literature of a propagandist character.

(b) Of the books mentioned, the only one produced was entitled "Allah Miyan ke Hathkande". Nothing is known about the other two books mentioned, but inquiries are being made.

(c) and (d). Inquiries are being made.

(e) This will be considered when the inquiries have been completed.

**Mr. Gaya Prasad Singh :** Is that first book proscribed, may I know ?

**Sir Frank Noyce :** I cannot say.

**Rai Sahib Harbilas Sarda :** Is it also a fact that "Mother India", containing an attack on the Hindu religion and customs, was placed in the library during the time of the late Muslim Headmaster, who is now under suspension ?

**Sir Frank Noyce :** I do not know, but I shall be glad to make inquiries in connection with the other inquiries that are being made.

#### PROMOTION OF MUNSHI GAYA PRASAD, DEPUTY INSPECTOR OF SCHOOLS, AJMER-MERWARA.

430. \***Maulvi Muhammad Yakub :** (a) Is it a fact that Munshi Gaya Prasad, the Deputy Inspector of Schools, Ajmer-Merwara, has recently been promoted to the grade of Rs. 150—200 ?

(b) Is it a fact that this grade now held by this official did not exist, but a lower grade was raised for him specially and he was appointed to it ?

(c) Is it a fact that this official is merely a vernacular middle-trained man and does not know English at all ?

(d) Will Government please state how many non-gazetted posts of Rs. 200 or over are there in the Education Department of Ajmer-Merwara to which trained graduates in the Ajmer-Merwara cadre can aspire ?

(e) Will Government please state what is the number of trained graduates holding posts in the Education Department of Ajmer-Merwara with salaries below Rs. 150—200 ?

(f) Is it a fact that this Munshi Gaya Prasad, Deputy Inspector of Schools, is the same official about whom an interpellation was made in the Assembly in 1926 when he was a Sub-Deputy Inspector ?

(g) Is it also a fact that the Government's answer was that there was no proposal to give him a higher grade ?

(h) Will Government please state the grounds on which there was no proposal in 1926 to raise Munshi Gaya Prasad's grade and the grounds which necessitated the raising of his grade in 1928 ?

**Sir Frank Noyce :** (a) No ; the new grade is Rs. 100—10—200.

(b) The reply to the first part is in the affirmative and to the second in the negative. For administrative reasons the pay of the post was revised.

(c) and (f). Yes.

(d) Eight.

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(e) Nine.

(g) The question asked in 1926 was whether it was proposed to promote him to a higher post carrying a monthly pay of Rs. 600, and the answer was in the negative.

(h) Please see replies to (b) and (g).

**Rai Sahib Harbilas Sarda :** Is it a fact that the Primary Education Committee, when it went to Ajmer-Merwara and inspected the schools throughout the district, found Mr. Gaya Prasad a most competent officer ?

(No answer was given.)

**ALLEGATIONS AGAINST MUNSHI GAYA PRASAD WHEN IN CHARGE OF THE CENTRAL GIRLS' SCHOOL, AJMER.**

431. \*Maulvi Muhammad Yakub : (a) Is it a fact that about ten years ago, when Mr. Miller was Inspector of Schools in Ajmer-Merwara, the charge of the Central Girls School, Ajmer, was taken away from the said Munshi Gaya Prasad ?

(b) Is it a fact that this charge of the Girls' School was taken away by the special order of Colonel Patterson, the then Director of Public Instruction and Commissioner of Ajmer-Merwara ?

(c) Is it a fact that the order of Colonel Patterson for taking away this charge was the result of his personal visit to the Girls' School with Mr. Miller for inquiry into certain allegations made against the conduct of this official in his dealings with the Girls' School ? If so, will Government please state what was the nature of those allegations ?

(d) Is it a fact that the said Munshi Gaya Prasad, Deputy Inspector of Schools, is under the direct control of Mr. P. B. Joshi, Assistant Superintendent of Education, and his promotion from his original grade to the grade of Rs. 150—200 was supported by Mr. Joshi ?

**Sir Frank Noyce :** (a) and (b). Yes.

(c) There is no record of any such inquiry.

(d) The answer to the first part is in the affirmative. As regards the second part, recommendations of officers regarding the personnel serving under them are confidential.

**COMPLAINTS BY LADY TEACHERS OF THE CENTRAL GIRLS' SCHOOL, AJMER, AGAINST MR. P. B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AND MUNSHI GAYA PRASAD.**

432. \*Maulvi Muhammad Yakub : (a) Is it a fact that the Assistant Superintendent of Education not long after his appointment to his present post visited the Girls' School in the company of Munshi Gaya Prasad, which was followed by a protest on the part of certain lady teachers to the Superintendent of Education ? If so, what was the nature of the complaints against the officers named above ?

(b) Is it a fact that during 1928 there was a strike in one section of the Girls' School, Ajmer ?

(c) Is it a fact that in a section of the local Hindi Press certain allegations were made against the conduct of Mr. P. B. Joshi, Assistant Superintendent of Education, in connection with that strike ?

(d) Is it a fact that in reply to the allegations of the Hindi Press, the Assistant Superintendent of Education, Mr. Joshi, also made a statement to the Press in the course of which he said that the public has nothing to do with his private life ?

(e) Will Government please state whether they took any notice of the Press statement of Mr. Joshi. If not, will Government please state why no action was taken ; and if any action was taken, what was the action taken ?

**Sir Frank Noyce :** The information asked for is being collected and will be supplied to the Honourable Member later.

**INSTRUCTIONS ISSUED BY THE PRESIDENCY POSTMASTER, CALCUTTA, REGARDING INSURED PARCELS.**

433. \*Mr. S. C. Mitra : (a) Is it a fact that the Presidency Postmaster, Calcutta, has issued a Memorandum No. A.J.-161 under date 14th August, 1929, containing instructions that insured parcels, inside the insured parcel bags closed by the local town sub-offices, will not be required to be checked at the time of opening of the parcel bags or for sorting, etc. ?

(b) If so, will Government be pleased to state whether the Presidency Postmaster has any authority to issue such orders and whether they are against the Manual Rules ?

(c) Will Government please state who will be responsible for fraud or losses occurring in such transactions ?

**The Honourable Sir Bhupendra Nath Mitra :** Inquiries are being made and the result will be communicated to the Honourable Member in due course.

**PAY OF THE SUB-POSTMASTER, HATKHOLA POST OFFICE.**

434. \*Mr. S. C. Mitra : (a) Will Government be pleased to state how many clerks or sorting postmen there are in the Poona City Post Office and the Hatkhola Post Office in Calcutta ?

(b) Is it a fact that the pay of the Sub-Postmaster of the Poona City Post Office has been raised to the grade of Rs. 250—350, while that of the Sub-Postmaster, Hatkhola Post Office, is still in the grade of Rs. 160—250 ?

(c) If the reply to part (b) be in the affirmative, will Government please state the reason for this difference, and whether Government contemplate raising the pay of the Sub-Postmaster, Hatkhola Post Office ?

(d) Is it a fact that the pay of the Deputy Sub-Postmaster of the Hatkhola Post Office is still in the time-scale of pay, while that of the Sub-Postmaster, Intally Post Office in the same town, where there is a less number of clerks, is on the selection grade ? If so, will Government be pleased to state on what principle selection grade posts are fixed in post offices ?

(e) Is it a fact that this anomaly was brought to the notice of the authorities long ago by the local Postal Union? If so, what action has been taken by the Department? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :**

|                                  | Clerks. | Sorting postmen. |
|----------------------------------|---------|------------------|
| (a) Poona City Post Office . . . | 33      | 9                |
| Hatkholah Post Office . . .      | 20      | 3                |

(b) The reply is in the affirmative.

(c) The reason for the difference in the pay of the Sub-Postmasters, Poona City and Hatkhola is the disparity in the responsibilities of the two posts, as indicated by the figures given in my reply to part (a) above. As regards the latter part of the question, the Honourable Member is referred to the Director General's demi-official letter No. 325-Est. B.128, dated the 25th January, 1929, to Rai Bahadur Tarit Bhushan Roy, a copy of which has been placed in the Library of the House.

(d) The reply to the first part of the question is in the affirmative. As regards the second part, the Honourable Member's attention is invited to the reply given in this House to Mr. Amar Nath Dutt's unstarred question No. 290 of 6th March, 1929.

(e) Yes, the matter is still under consideration of the Director General.

#### INCREASE OF THE NUMBER OF TOWN INSPECTORS OF POST OFFICES IN CALCUTTA.

435. \***Mr. S. C. Mitra :** (a) Will Government be pleased to state how many Town Inspectors of Post Offices there are in Bombay and in Calcutta?

(b) Is it a fact that the number of Town Inspectors in Bombay is much larger than that in Calcutta? If so, what is the reason for this difference?

(c) Do Government contemplate increasing the number of Town Inspectors in Calcutta? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :** (a) 11 in Bombay and 9 in Calcutta.

(b) As the Honourable Member will see from my reply to part (a) of his question, the number of Town Inspectors in Bombay is only slightly in excess of the number in Calcutta, the difference being accounted for by the fact that the work is heavier in Bombay than in Calcutta.

(c) No, because the number of Town Inspectors in Calcutta is at present adequate for the duties which they have to perform.

#### UNSUITABLE BUILDINGS OF THE BOWBAZAR AND COLOOTOLAH POST OFFICES.

436. \***Mr. S. C. Mitra :** Will Government be pleased to state if they have received any complaints that the condition of buildings in which the Bowbazar and Colootolah Post Offices are located is very bad, and that the public and the postal employees are much inconvenienced thereby? If so, will Government be pleased to state what steps they propose to take in the matter?

**The Honourable Sir Bhupendra Nath Mitra :** Representations have been received regarding the Bowbazar Post Office, where the accommodation for the public and staff is somewhat restricted, but the building is otherwise well-suited to the requirements of the Post Office, being very centrally and conveniently situated for all purposes. Negotiations had been entered into with the landlord to extend the building, but the Director General has just learnt from the Postmaster General that the landlord has since withdrawn his offer. Fresh efforts will be made to secure a suitable building.

As regards the location of the Colootolah Post Office building, no complaints have been received.

#### REPORT OF MR. G. V. BEWOOR, A POSTMASTER GENERAL, ON THE TIME-TEST OF THE POSTAL DEPARTMENT.

437. \***Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that they appointed Mr. G. V. Bewoor, I.C.S., a Postmaster General, to examine the time-test of the Postal Department? If so, will Government be pleased to publish, for the information of the House, his full report and recommendations?

(b) Will Government be pleased to state whether they have examined the report and accepted the same? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The reply to the first part of the question is in the affirmative. As regards the second part, Government have not yet decided whether the report shall be published or not.

(b) The report is still under the consideration of the Director General and his views have not yet reached Government.

#### NUMBER OF CLERKS IN THE REGISTRATION PACKET SORTING DEPARTMENT OF THE CALCUTTA GENERAL POST OFFICE.

438. \***Mr. S. C. Mitra :** (a) Will Government be pleased to state how many clerks are there, in the Registration Packet Sorting Department of the Calcutta G. P. O.?

(b) Is it a fact that this important Department has been placed in charge of a time-scale clerk?

(c) Is it not a fact that the Postal Enquiry Committee recommended that a Department or office with five clerks or more should be placed in charge of a selection grade Supervisor? If so, why is this Department still left in charge of a time-scale official?

**The Honourable Sir Bhupendra Nath Mitra :** (a), (b) and (c). The information is being collected and will be furnished to the Honourable Member in due course.

#### INTRODUCTION OF A CONTRACT SYSTEM FOR TREASURY WORK IN CERTAIN POST OFFICES IN BENGAL AND ASSAM.

439. \***Mr. S. C. Mitra :** (a) Is it a fact that Government contemplate having treasury work done by the contract system in certain post offices of Calcutta and of Bengal and Assam?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how they will provide for the officials who are at present performing these duties?

(c) Will Government please state further when the contract system will come into vogue?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given on 12th March, 1929, to part (c) of his question No. 1918.

(c) Tenders have been called for, but at present it is not possible to state the precise date from which the new arrangements will come into force.

**APPOINTMENT BY THE PRESIDENCY POSTMASTER, CALCUTTA, OF WOMEN CLERKS ON HIGHER PAY THAN MALE CLERKS IN THE CALCUTTA GENERAL POST OFFICE.**

440. **\*Mr. S. C. Mitra :** (a) Is it a fact that the present Presidency Postmaster, Calcutta, has appointed many women clerks in the Calcutta G. P. O. since his assumption of office? If so, will Government be pleased to state how many women clerks there were before his taking over charge of the Calcutta G. P. O. and how many have been appointed during his régime?

(b) Is it a fact that the scale of pay of the women clerks is much higher than that of male clerks? If so, will Government be pleased to state the reason for the employment of so many women clerks on higher pay instead of male clerks?

(c) Is it a fact that there are many Hindu and Muslim candidates who are waiting for confirmation and are being superseded by these women clerks?

(d) Is it also a fact that these women clerks are directly made permanent and that, before confirmation, they are not required to appear in the examination for post office clerks? If so, will Government be pleased to state why this special preference is given to the women clerks when the male clerks are subjected to this examination?

**The Honourable Sir Bhupendra Nath Mitra :** Information is being collected and will be supplied to the Honourable Member in due course.

**INCREASE OF SELECTION GRADE CLERICAL APPOINTMENTS IN THE GENERAL POST OFFICE, CALCUTTA.**

441. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state (i) the number of clerks in the Bombay and Calcutta G. P. Os., (ii) the number of appointments in the grades of Rs. 350—650, Rs. 250—350, and Rs. 160—250 in these two offices?

(b) Is it a fact that the number of selection grade appointments is much higher in Bombay than in Calcutta?

(c) If the reply to part (b) be in the affirmative, will Government please state the reason for this difference?

(d) Do Government propose to increase the number of selection grade appointments in the Calcutta G. P. O.? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :**

(a) (i). Bombay General Post Office and Town Sub-Offices 1,123  
Calcutta General Post Office and Town Sub-Offices .. 1,426

(ii) Appointments in the grade of

|                  | Rs. 350—650. | Rs. 250—350. | Rs. 160—250. |
|------------------|--------------|--------------|--------------|
| Bombay .. .. .   | 7            | 14           | 90           |
| Calcutta .. .. . | 8            | 14           | 91           |

(b) No.

(c) and (d). Do not arise.

**INCREASE OF SELECTION GRADE APPOINTMENTS IN THE DEAD LETTER OFFICE, CALCUTTA.**

442. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state whether the percentage of selection grade appointments in the Dead Letter Offices in Bombay and Madras is much higher than that in Calcutta?

(b) If the reply to part (a) be in the affirmative, will Government please state the reason for such low percentage of selection grade appointments in the Calcutta Dead Letter Office and whether they contemplate increasing the number of selection grade appointments in that office?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The Honourable Member is referred to the reply given in this House to Mr. Amar Nath Dutt's unstarred question No. 286 on the 6th March, 1929.

**REPLIES FROM RAILWAY ADMINISTRATIONS *re* RACIAL DISTINCTIONS IN SUBORDINATE RAILWAY ESTABLISHMENTS.**

443. **\*Pandit Hirday Nath Kunzru :** (a) With reference to the statement made by Mr. Parsons in the debate on racial distinctions in the subordinate railway establishments in February last, have further replies been received from the Agents of any Railways? If so, will Government be pleased to lay them on the table?

(b) Are there any Railway Administrations from which no replies have been received as yet?

(c) What action have Government decided to take in view of the replies already received?

**Mr. P. R. Rau :** (a) Copies of replies received from railways have been placed in the Library of the House.

(b) No.

(c) The replies received from Railway Administrations are being carefully examined with a view to eliminating any instances of racial distinction that still remain. The policy of Government in this matter has been explained by the Honourable Sir George Rainy in the course of the budget debates in February last.

**Pandit Hirday Nath Kunzru :** Is it a fact that the replies of the various Railway Administrations have been in the hands of Government for more than six months ?

**Mr. P. R. Rau :** I am not quite sure of that.

**Pandit Hirday Nath Kunzru :** Will the Honourable Member admit that they have been in the hands of Government for many months ?

**Mr. P. R. Rau :** They have been in the hands of Government for some time.

**Pandit Hirday Nath Kunzru :** When do Government then propose to issue orders ?

**The Honourable Sir George Rainy :** I think that the case will probably be ripe for orders at a very early date.

#### SALARIES OF TEACHERS IN RAILWAY SCHOOLS.

444. **\*Pandit Hirday Nath Kunzru :** (a) Are Government aware that the Honourable the Railway Member made the following statement with regard to railway schools in concluding the general discussion on the last Railway Budget :

"It is our intention that, without waiting for the transfer of the schools, the pay of the existing teachers in the railway schools should be raised to the level prevailing in the province in which the school is situated. As regards the higher English schools maintained by the East Indian Railway, we have already issued specific orders to that effect ; we have still got to issue orders about the remainder."

(b) Have specific orders been issued to railways other than the East Indian Railway ? If so, will Government please lay on the table a copy of the instructions issued to them ?

(c) Have the scales of salary of teachers in the East Indian Railway High Schools been raised in the manner directed by the Railway Board ? If not, why has there been so much delay in carrying out the orders of the Railway Board ?

**Mr. P. R. Rau :** The Honourable Member is referred to the reply given yesterday to starred question No. 369 by Kumar Ganganand Sinha.

**Pandit Hirday Nath Kunzru :** Are we to understand that the orders of the Railway Board with regard to the raising of the salaries of the teachers in the East Indian Railway High Schools have not yet been given effect to ?

**Mr. P. R. Rau :** The instructions of the Railway Board were that the orders should be given effect to from the 1st April 1929.

**Pandit Hirday Nath Kunzru :** Why has the salary not been raised to the scale proposed by the Railway Board ?

**Mr. P. R. Rau :** I am not aware that the orders have not been given effect to. The final orders of the Railway Board were issued only in August last.

#### TRANSFER TO LOCAL GOVERNMENTS OF SCHOOLS MAINTAINED BY THE EAST INDIAN AND OTHER RAILWAYS AND STATUS OF THE SAME.

445. **\*Pandit Hirday Nath Kunzru :** (a) With reference to the reply given to starred question No. 390 on the 4th February, 1929, will Government please state whether the Local Governments concerned have agreed to take over the schools maintained by the East Indian and other Railways ? If so, what are the terms of transfer ?

(b) Will the schools maintained by the East Indian Railway for Indian children be regarded as Government or aided schools ?

(c) What is the status of schools maintained by the East Indian Railway for European and Anglo-Indian children ?

**Mr. P. R. Rau :** (a) The general question is still under correspondence with the Local Governments. The terms of transfer for particular schools have not yet been discussed.

(b) and (c). The Honourable Member presumably refers to the present status of schools maintained by the East Indian Railway.

The number of Indian schools is 13 of which two are Primary, six Middle and five High. All of these receive grants from the Railway, and all but three from the Local Government. The number of European schools is 22, of which 21 are Primary and one High School. All these receive grants from railway funds and all except two receive grants-in-aid from the Local Government.

**Pandit Hirday Nath Kunzru :** May I ask whether these schools are regarded as Government schools or not ?

**Mr. P. R. Rau :** Not yet.

**Pandit Hirday Nath Kunzru :** Is the Honourable Member aware that it was stated some time ago by his predecessor in this House that the East Indian Railway teachers were Government servants ? How does he say then that these schools are not Government schools ?

**The Honourable Sir George Rainy :** That schools are the property of the East Indian Railway, and the East Indian Railway belongs to the Government, and I do not think that there can be any doubt that they are Government schools in that sense.

#### PROCEEDINGS OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

446. **\*Pandit Hirday Nath Kunzru :** (a) Did the Honourable the Railway Member state on the 21st February, 1929, that he would discuss with the Central Advisory Council whether its proceedings should be kept confidential ?

(b) Has the Council met since then ? If so, what is its decision on this point ?

**Mr. P. R. Rau :** The answer to part (a) of the question is in the affirmative, and to the first part of (b) in the negative. The subject is on the agenda of the next meeting of the Central Advisory Council.

**ALLEGED DESECRATION OF CERTAIN MOSQUES BY AN ARCHÆOLOGICAL OFFICER.**

447. \*Maulvi Muhammad Yakub : (1) Are Government aware that there is great unrest among the Muslims of Delhi on account of the desecration of certain mosques by an Archæological Officer ?

(2) Is it a fact that the Director General of Archæology has taken no action to pacify the feelings of Mussalmans in spite of many representations on the subject having been made to him direct and through the authorities at Delhi ?

(3) Is it a fact that the Archæological Department has appointed Hindu chowkidars to look after protected mosques in Delhi while no Muslim chowkidar has ever been appointed to look after a Hindu shrine ?

(4) If the answer to part (3) is in affirmative, will Government please state who is responsible for this, whether the Director General of Archæology or his circle officer ?

(5) Do Government propose to make a thorough inquiry into the matter immediately, independent of the Director General of Archæology and his staff, and remove all grievances ?

Sir Frank Noyce : (1) Representations have been received by the Director General of Archæology in India and the Chief Commissioner, Delhi Province, from certain Muhammadan bodies and individuals.

(2) No. The Director General has made careful inquiries into the charges brought against the Archæological Officer referred to in the representations, and finds them to be unsubstantiated, and the whole agitation to be due to the fact that the officer was compelled, in the course of his official duties, to object to encroachments upon and disfigurements to certain monuments protected under the Ancient Monuments Preservation Act.

(3) and (4). All appointments of chaukidars to protect monuments in Delhi are made by either the Public Works Department or the Horticulture Department of the Delhi Province.

(5) Government have instructed the Director General to make further personal inquiries into the case on the spot in Delhi at the beginning of this cold weather. The Director General will consider any representations which may then be put forward and will examine to what extent it is possible to secure that only Muhammadans are appointed as chaukidars to Muhammadan, and only Hindus as chaukidars to Hindu, monuments respectively.

**MAINTENANCE AND REPAIR OF OLD MONUMENTS NEAR DELHI.**

448. \*Maulvi Muhammad Yakub : (a) Have Government seen the open letter addressed to the Chief Commissioner, Delhi, published in the local newspaper, the *Al Aman* of Delhi, dated 13th August, 1929, regarding the wretched state of certain old monuments in the neighbourhood of Delhi ; and will Government please state what steps, if any, the Director General of Archæology has hitherto taken or proposes to take for the maintenance and repairs of these relics of the past ?

(b) Will Government please state how many monuments the Director General of Archæology visited during his stay at Delhi during the last cold

season and what steps he took for the repair of these monuments ; and if not, why not ?

Sir Frank Noyce : (a) Yes. Only six of the ten monuments mentioned in the letter are protected under the Ancient Monuments Preservation Act ; all these are properly looked after.

(b) The Director General of Archæology in India is not immediately responsible for the maintenance of any of these monuments, but he personally visited 84 out of 130 protected monuments in Delhi Province during his stay at Delhi last cold weather.

**ACADEMIC AND ARCHITECTURAL QUALIFICATIONS OF THE SUPERINTENDENT, BRITISH MONUMENTS, AGRA, AND THE ARCHÆOLOGICAL SUPERINTENDENT, WESTERN CIRCLE.**

449. \*Maulvi Muhammad Yakub : (1) Will Government please state the academic and architectural (especially Muhammadan architecture) qualifications of the present Superintendent, British Monuments, Agra, and the Archæological Superintendent, Western Circle, Poona ?

(2) Will Government please state if it is consistent with their policy to have two architects or two scholars in any one circle of the Archæological Department ? If not, why were two architects employed in the Agra and Western Circles and two scholars in the Central Circle of the Archæological Department ?

Sir Frank Noyce : (1) The present Superintendent, Northern Circle, Agra, is a Matriculate of the Allahabad University. The present Superintendent, Western Circle, Poona, passed the final Theoretical Examination of the Sibpur Civil Engineering College. Both were Government of India architectural scholars for three years, part of which period they devoted to the study of Muhammadan architecture under a qualified architect.

(2) Postings are decided upon in accordance with the special needs of the several circles, which may, from time to time, require to have two officers attached to them. Of the three cases referred to, the postings of two architects in the Western Circle and of two officers with scholastic qualifications in the Central Circle were purely temporary arrangements ; the former was required in connection with the training of a junior officer, and the other resulted from the taking of disciplinary action against an officer of the Department. It is not a fact that two architects have been or are employed in the Agra Circle.

**PLACING OF MUHAMMADAN MONUMENTS UNDER HINDU OFFICERS.**

450. \*Maulvi Muhammad Yakub : (a) Will Government please state how often they have placed the charge of Muhammadan monuments under a Hindu Officer and of Hindu monuments under a Muhammadan Officer since the inception of the Department ?

(b) Have Government ever considered the desirability of dividing the work between Hindu and Muhammadan Officers where such officers exist in any one circle so that they may look after their monuments independent of each other ?

**Sir Frank Noyce :** (a) Such postings have often been made and necessarily so, since each circle contains monuments of all kinds, pre-historic, Hindu, Muhammadan, Buddhist, British, etc.

(a) On careful consideration the suggested arrangement is neither desirable nor practicable.

**SUPERSESSION OF SENIOR INDIAN OFFICERS OF THE POLICE FORCE IN THE NORTH WEST FRONTIER PROVINCE.**

451. **\*Mr. Muhammad Ismail Khan :** (1) Are Government aware that great discontent is prevailing among the Indian Officers of the Police Force in the North West Frontier Province owing to a large number of junior officers superseding senior men ?

(2) Will Government be pleased to place on the table a statement showing :

- (a) the names of the junior Police officers who have superseded senior men in that Province ;
- (b) the dates of commencement of their service ;
- (c) the special reasons necessitating the supersessions ;
- (d) the names of the senior Indian Police Officers who have been superseded ;
- (e) the dates of commencement of their service ; and
- (f) the special reasons justifying their deprivation from promotion ?

**The Honourable Sir James Crerar :** (1) No.

(2) Government do not consider that it would be in the public interest to lay a statement on the table containing the information asked for. Nor are they prepared to state the reasons necessitating the selection and supersession in particular cases, as promotions are made after considering the personal records of officers, which are confidential.

**CONSTRUCTION OF A MOTOR ROAD BETWEEN THY AND NATHIA GALI, AND GRANT OF FACILITIES FOR THE ERECTION OF BUNGALOWS AND SHOPS AT NATHIA GALI.**

452. **\*Mr. Muhammad Ismail Khan :** (1) Will Government be pleased to state :

- (a) the special reasons which have so far prevented Government from constructing a motor road between Thy and Nathia Gali, and
- (b) the special reasons which have so far necessitated the deprivation of the public of the North West Frontier Province from building bungalows, houses, shops, etc., for residential, trade, and other purposes in the Nathia Gali hills similar to those in other hill stations in India ?

**Sir Denys Bray :** (a) Lack of funds and the greater need for other roads of greater importance.

(b) The scarcity of possible building sites most of which are already taken up.

**COMMUNAL REPRESENTATION IN GOVERNMENT SERVICE IN THE NORTH WEST FRONTIER PROVINCE.**

453. **\*Mr. Muhammad Ismail Khan :** (1) Will Government be pleased to state if it is a fact that no proportion of communal representation in Government service has yet been fixed by the Local Administration in the North West Frontier Province, notwithstanding the fact :

- (i) that in November, 1925, the gentry of Peshawar and Kohat Districts had submitted memorials to the Local Government on the subject, and
- (ii) that the Honourable the Chief Commissioner had, in reply to a provincial address, declared in November, 1925, that he contemplated to fix a proportion ?

(2) Will Government be pleased to state the reasons which necessitated a departure to be made in that province from the established policy of Government generally adopted by all Local Governments in India ?

**Sir Denys Bray :** With your permission, Sir, I will answer this and the next question together. Both have been referred to the Local Administration and the information asked for will be sent to the Honourable Member in due course.

**UNEMPLOYMENT OF EDUCATED MOSLEMS IN THE NORTH WEST FRONTIER PROVINCE.**

†454. **\*Mr. Muhammad Ismail Khan :** (1) Will Government be pleased to state if it is a fact :

- (a) that the principal residents of the District of Hazara in a public meeting held on the 16th August, 1929, in the Juma Mosque at Abbottabad, unanimously signed an application addressed to the Honourable the Chief Commissioner, dealing with the question of unemployment and its remedy and brought to his notice the accumulation of thousands of Matriculates and others in the district who cannot secure Government service owing to the preponderance of non-Muslims and non-residents of the province in Government offices in the district, and requested him to fix a proportion of communal representation in Government service in the province, and as suggested by the Industrial Officer, whose services had been borrowed from the Punjab to submit a report regarding the present industries in the province, to open industrial schools in the country ; and
- (b) that similar applications were also submitted by the residents of other districts to the Local Government on the subject ?

(2) If answers to part (1) are in the affirmative, will Government be pleased to state whether the legitimate demands of the people of the Province have been considered and acceded to ?

†For answer to this question, see answer to question No. 453.



## EXCESSIVE PREVALENCE OF TUBERCULOSIS IN ABBOTTABAD.

455. \*Mr. Muhammad Ismail Khan : (1) Will Government be pleased to state if it is a fact :

- (a) that the Cantonment of Abbottabad has been infested with tuberculosis for some years ;
- (b) that a large number of tuberculosis patients come to Abbottabad from different parts of the Punjab and North West Frontier Province every year in the summer, and rent houses and mix with the people in the town without any precautionary measures being taken by the civil and medical authorities there to have the houses occupied by them thoroughly disinfected, or to enforce some sort of restrictions compelling the patients to live in a particular area specially provided for them as a sanatorium with a view to check the spread of the disease in the town ?

(2) Do Government intend to have a house to house search made in the towns of Kohat, Bannu, and Dera Ismail Khan, as was done in Peshawar, and declare the extent to which the disease exists therein at present ?

Sir Frank Noyce : The necessary information has been called for and will be supplied to the Honourable Member on receipt.

†456.\*

## COMPLAINTS AGAINST THE HONORARY MAGISTRATES IN THE PESHAWAR TAHSIL OF THE PESHAWAR DISTRICT.

457. \*Mr. Muhammad Ismail Khan : (1) Is it a fact that there are four Honorary Magistrates, with powers under section 30 of the Code of Criminal Procedure, in the Peshawar Tahsil of the Peshawar District ; and one with First class powers ? Is it also a fact that two of them are father and son, and two others uncle and nephew ?

(2) What are their qualifications, and does any one of them speak English ?

(3) Is it a fact that previous to their becoming Magistrates one of them was a Sub-Inspector of Police, another a Jamadar in a Militia Corps, a third a Subedar in the Frontier Constabulary ?

(4) Is it a fact that all these Magistrates try the cases which occur in the areas in which they and their relations reside and have their vested interests ?

(5) Is it also a fact that one Magistrate has, since his appointment, purchased a lot of landed property within the area under his jurisdiction ?

(6) Have Government received complaints from people residing in those areas against the abuse of their powers by the Magistrates ? If so, what action has been taken ?

(7) Does this system prevail any where else in India ? When was it introduced in the North West Frontier Province, and when in each district ?

†This question was withdrawn by the questioner.

(8) Is it a fact that all these Magistrates hold their courts in their villages, which are at inconvenient distances from Peshawar, and that under-trial prisoners are marched from and to the headquarters every day handcuffed and heavily fettered ?

(9) Is it a fact that proposals have been made to make these Magistrates hold their courts in Peshawar Cantonment ? If so, why has no action been taken so far ?

Sir Denys Bray : With your permission Sir, I shall answer questions Nos. 457 to 460 together. I have called for the information and will impart it to the Honourable Member later.

## REFUSAL OF A FIRST CLASS HONORARY MAGISTRATE IN THE PESHAWAR DISTRICT TO TRY CASES IN A LOCALITY OTHER THAN HIS OWN.

†458.\*Mr. Muhammad Ismail Khan : (a) Is it a fact that one Honorary Magistrate, First Class (Arbab Sher Ali Khan) was till recently in charge of cases occurring within the area in which he lived ?

(b) Is it also a fact that arrangements were made by the Deputy Commissioner, Peshawar, that he should try cases of a different locality from his own and that the said Magistrate has declined to work ? If so, why ?

(c) Does this system prevail any where else in India to the extent to which it has been recently extended in Peshawar ?

## GRANT OF HONORARY MAGISTERIAL POWERS IN PESHAWAR CITY TO A CAPTAIN IN THE INDIAN ARMY.

†459.\*Mr. Muhammad Ismail Khan : (a) Is it a fact that a Captain of the Indian Army in active service has recently been given honorary magisterial powers in the Peshawar city as a member of the local Bench ?

(b) What place is supposed to be his headquarters with respect to his military duties, and where does he ordinarily reside ?

(c) How does he perform his magisterial work ; and does it not interfere with his military duties ?

(d) Is there any other example of this type in the rest of India ? If not, what special reasons were there to burden this officer with double duties ?

(e) What are his qualifications for his magisterial work ?

## TOTAL NUMBER OF HONORARY MAGISTRATES IN THE NORTH WEST FRONTIER PROVINCE IN CERTAIN YEARS.

†460. \*Mr. Muhammad Ismail Khan : (a) Will Government please state the total number of Honorary Magistrates in the North West Frontier Province and their powers in each case, in 1901, 1919 and 1929 ?

(b) If there is any increase, are there any special reasons for it ? If so, what ?

†For answer to this question, see answer to question No. 457.  
L9CPB(LA)

**PERIOD FOR WHICH THE FINANCIAL COMMISSIONER OF RAILWAYS IS APPOINTED.**

461. \***Mr. K. C. Neogy** : (1) Will Government be pleased to state what is the period for which the following officers of the Finance Department are appointed :

- (a) The Secretary, Finance Department,
- (b) Financial Adviser, Military Finance, and
- (c) The Financial Commissioner of Railways ?

(2) If the period in the case of the Financial Commissioner of Railways is not the same as for the others, will Government be pleased to state the reasons for the difference ?

**The Honourable Sir George Schuster** : (1) (a) and (b). Three years in each case.

(c) No period has been fixed.

(2) The omission appears to have been accidental, and the question of fixing a period of tenure is now under consideration.

**ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.**

**The Honourable Sir George Schuster** (Finance Member) : I beg to move that this Assembly do proceed to elect a Member to the Standing Finance Committee to fill the vacancy caused by the resignation of his seat on the Assembly by Colonel J. D. Crawford.

The motion was adopted.

**Mr. President** : I may inform the Members that for the purpose of election of a Member to the Standing Finance Committee, the Assembly office will be open to receive nominations up to 12 noon on Saturday, the 14th September, 1929, and that the election, if necessary, will be held in this Chamber on Monday, the 16th September, 1929.

The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

**STATEMENT OF BUSINESS.**

**The Honourable Sir James Crerar** (Leader of the House) : With your permission, Sir, I should like to make a statement as regards the probable course of Government business in the week beginning September, the 16th. Honourable Members will of course understand that any statement which I can make at the present moment must be liable to be qualified in consequence of the course of the debate on the motion which I am about to move in connection with the Bill to amend the Code of Criminal Procedure. The first item of business on Monday, the 16th, will be the holding of the election to fill the vacancy on the Standing Finance Committee. Thereafter, the Honourable the Law Member will move for the passing of his two Bills in connection with the amendment of the law relating to Transfer of Property, with which the House has been concerned this week. On the motion that each of these Bills be passed,

formal drafting amendments consequential on amendments already accepted will be moved. Thereafter, a Railway Supplementary Demand will be placed before the House. Such Government time as is not required on Monday, the 16th and Wednesday, the 18th for the transaction of Government business will be made available for the continuance of the proceedings on the Child Marriage Bill of Rai Sahib Harbilas Sarda.

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.**

**The Honourable Sir James Crerar** (Home Member) : Sir, I move that the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose (Insertion of new section 540-B) be taken into consideration.

I should like at the outset to express the deep sense of regret with which Government find themselves compelled to bring this Bill before the House. I cannot affect to deny that the Bill is one which may naturally provoke a considerable amount of controversy, and I hope the House will believe me when I say that Government would have been glad if they had been able to refrain from moving in this matter, which, as I say, will be naturally one of some controversy, as it is very far from their desire to do anything which might in any way disturb the harmony which has so fortunately prevailed, in spite of natural differences of opinion on some specific matters which have come before the House, during the course of this Session. It is only a very strong compulsive sense of duty which has brought Government to this decision. They felt that one of their gravest responsibilities was involved and that, whatever the result might be it was impossible for them to decline that responsibility. They were desirous, at the same time, to take the earliest possible opportunity to ask, as I submit they are entitled to ask, the House also to take its own share in that duty and in that responsibility. Some time ago, the probable necessity of seeking some such remedy as is proposed in this Bill became apparent. The situation which set up that possibility was examined from day to day and from week to week with the greatest care and the greatest anxiety both by the Government of the Punjab and by the Government of India. At one time, there were some grounds for hope that the particular contingencies which were apprehended might cease to exist. Unfortunately these hopes, in spite of the most consistent efforts on the part of the Local Government immediately concerned in this direction, have, in the end, been disappointed, and we have taken the earliest opportunity, since that became clear, to lay this measure before the House. The circumstances I have referred to have brought to light the fact that there is a lacuna in the criminal law ; that contingencies may arise, and indeed have arisen, for which that law does not provide, and that the lacuna to which I have referred is not merely a theoretical one but one which has received a definite and practical illustration. Now, Sir, in what I have to say, I shall not even approach the fringes of any thing which can be regarded as a matter which is *sub judice*. The measure which I have laid before the House has no reference whatsoever to, and has no possible bearing whatever upon, the merits of any trial now pending or any that may hereafter arise. It is a general proposition. It relates to a point of criminal procedure which has no possible relation to the guilt or innocence of any accused person.

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Now, Sir, I must concisely inform the House what are the circumstances to which I have already referred. I will quote, in the first instance, a passage from an order passed by the High Court of Lahore on an application which was made to them to which I shall have subsequent occasion to refer. They say :

"The Magistrate is conducting an inquiry into various serious charges under section 302 read with sections 109 and 120-B of the Indian Penal Code and also under sections 121, 121-A, 122 and 123 of the Indian Penal Code against sixteen persons."

Those charges, I need not remind the House, are charges of murder, of conspiracy to murder, of waging war against the King, of conspiracy to do so, and other very grave charges. The trial therefore was one of very great importance. Now what happened was this. Before the actual commencement of the magisterial inquiry, two of the accused entered upon a hunger-strike. Subsequently thirteen others of the accused, at various times, also entered upon a hunger-strike. Moreover, though the defence in this case was at one time entrusted to eight counsel, the briefs of those counsel were withdrawn and at one time no less than thirteen of the sixteen accused were on hunger-strike and incapable of appearing before the court. In these circumstances, an application was made to the High Court, Lahore, to authorise the inquiring Court to appoint counsel for the accused in order that section 540-A of the Criminal Procedure Code might apply. The High Court in their order, in which they carefully examined the law, found that it was not in their power to authorise the Court to appoint or themselves to appoint any counsel without the consent of the accused. That, then, may be taken as an authoritative statement of the law as it stands. In consequence of this, the trial, which is as I say a very important trial and in which 400 witnesses have already been cited and a large number more have yet to be cited, has been unable to proceed and is now unable to proceed. Well, Sir, I anticipate that one of the first questions that will be asked of me is that, before Government proceeded to seek a remedy by an amendment of the law, "was there no other possible solution which might have been attempted?" I can only suppose that question to mean, ought not Government in these circumstances to comply with the demands of the accused, who decline to be represented by counsel, and who have rendered themselves incapable of appearing before the Court? Now, I wish to say, in the first instance, that it is my sincere and genuine belief that the local authorities have been throughout actuated by a very genuine desire to terminate a state of affairs which, whatever the grounds and whatever their consequences may be, is a state of affairs which no one can fail to deplore. The local authorities, both the jail authorities and the Punjab Government, have done all in their power to approach the matter from that point of view. But they have not been successful, and the question now arises—a question on which I must be perfectly frank with the House—"What were the demands made by the accused persons in this case, and what were the reasons why the Punjab Government, with whose conclusions the Government of India entirely concurred, were unable to comply with them?" Well, Sir, the original demand made in justification of the course taken by the accused was that "political prisoners" should receive certain preferential treatment; and we were left in no manner of doubt as to what was meant by "political prisoner". By a "political prisoner" was clearly meant, not only any person charged with, but

also any person who had been convicted of, any criminal offence, whatever its character, if he claimed that his motive was of a political character. It is impossible to have any misconception on that point, because two particular cases were quoted as instances of political offenders. The first was the well-known Lahore Conspiracy case of 1915 and 1917 and the other was the Kakori Conspiracy case.

Now I must ask the House to bear with me for a few minutes while I remind them of some of the salient characteristics of those two cases. In the first, that is to say the Lahore Conspiracy case of 1915-1917, besides a number of attempts at dacoities, there were five dacoities committed by the conspirators in 1915. In the first of these, the dacoits assaulted a number of villagers and brutally murdered one of them. In another, bombs were thrown, one of the villagers was killed, and a number of them were seriously injured. In the remaining dacoities, all the dacoits were armed with pistols and other dangerous weapons. Besides these, a number of murders were committed in pursuance of a conspiracy. A sub-inspector was shot dead and a head constable was seriously wounded and other murders were committed at Anarkali Bazaar, Lahore, and there were other murders at Jagatpur, Padri and Walla Bridge. In the Kakori Conspiracy case, four dacoities were committed in pursuance of this conspiracy (Bamrauli, Bichpuri, Dwarkapur and Kakori). Firearms were used in all. At Bamrauli one villager was shot dead and several others received bullet wounds. The dacoits decamped with loot worth about five thousand rupees. At Bichpuri the dacoits brutally tortured a boy in order to make him reveal the place where valuables were concealed. One villager was shot dead and another wounded. The dacoits not only killed one villager but wounded four others. The fourth outrage was the train dacoity, which resulted in the murder of one passenger and the looting of about Rs. 4,500. I recall these deplorable instances, not because I wish to lay a catalogue of horrors before the House, but in order that the House may clearly understand what the demand was and why we found ourselves unable to comply with it. Offences of that character, whatever their motive may be alleged to have been, are offences which cannot possibly be regarded as specially venial offences. It is impossible to make any concession in the case of offences of that character. Nevertheless, the Punjab Government and the Government of India thought it reasonable to make concessions where it was possible, and also to reassure public opinion in the matter. I would remind the House of the communiqué which was issued by the Government of India and the letter which was subsequently addressed to Local Governments by which a re-examination has been instituted of the conditions applicable to under-trial and special class prisoners. The Punjab Government, as the House is already aware, in view of the probable length and the strain of the trial, sanctioned special diet for the prisoners if required on medical grounds. In the case of one accused, whose physical condition was very bad, the Punjab Government made it known that, if an application for bail was made on his behalf, they would not be prepared to oppose it. Advantage was not taken of that announcement. On the contrary, I understand that the primary cause alleged for the very regrettable resumption of the hunger-strike has been that a particular prisoner has not been unconditionally discharged; that is to say, that the prosecution case against him has not been withdrawn. I do not think that any Honourable Members in this House, having regard to the facts

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which I have explained, will be prepared to say that the Government of the Punjab were unreasonable on that point or that they could take any other course.

I do not wish to detain the House at any undue length, and I must content myself, at any rate for the present, with that summary statement of the facts. But the result has been a complete dead-lock, a paralysis of justice. There is the further probability or, at any rate, the very likely possibility of other cases in future being affected in the same manner. I would also like to lay before the House this consideration, that in a case of this kind where a large number of accused are concerned, a certain number of them may not adopt this particular expedient, which has so far resulted in holding up the course of the trial. These co-accused may be persons who may perhaps have a reasonable hope of acquittal or who, at any rate, may have reason to hope, if they are convicted, that the punishment inflicted upon them may not be very severe. But surely it is an injustice to them that their opportunity of having a judicial pronouncement on their guilt or innocence should be indefinitely delayed?

Now, Sir, I turn to the remedy that this Bill, in the state of affairs which I have described, proposes. It is this, that if any accused person, by his own voluntary act, is incapable of appearing before the Court and declines to be represented by counsel, the Court has a discretion, in the special circumstances, to dispense with his presence. I would, however, particularly invite the attention of the House to the proviso at the end of the Bill, the effect of which is practically, to all intents and purposes, to eliminate retrospective effect from the Bill. That is to say, if this Bill is enacted, the Magistrate will be unable to pass an order unless the accused person has repeated the act or course of conduct, after the commencement of the Act, which has rendered him incapable from appearing before the Court. Now, a point which I should particularly like to emphasise, because I feel there has been some misapprehension with regard to it, is this, that, by this Bill, Government do not seek in any way whatever to enlarge the executive powers. The power which this Bill will confer will lie entirely within the discretion of the Court, and over that discretion the Executive Government have no control whatever. However, I understand that a feeling is entertained in some parts of the House that it would be an improvement of the Bill if it were provided that a reference, instead of being made to the Court of the Magistrate, should be made to the High Court. If that feeling is generally held, I myself will be prepared to accept some provision of that character, but I would like once more to emphasise my point, that this Bill in no way extends or enlarges the executive powers of the Executive Government.

I imagine, Sir, that it may be contended that this Bill traverses some general principles of criminal jurisprudence. Sir, I submit to the House that the first and most fundamental rule of criminal jurisprudence is that the law shall prevail, that in every civilised country, every man is entitled to the protection of the law, and that every man who is accused of an offence shall be called upon effectively to answer it. I submit that there is nothing in this Bill which is anything but an affirmation of that principle. It is, I submit, the duty of every man to obey the law, and it ought to be his duty, as it is his interest, to support it. The rule of law

is essential to every civilised country and the rule of law must be effective. I maintain that the provisions of this Bill are not only in conformity with that principle, but merely re-affirm and support it. It is subject to that principle that other salutary rules of criminal law exist. It is a salutary principle that every man shall be deemed innocent until he is proved guilty and that principle obviously implies and pre-supposes effectual means by which his guilt or innocence may be established. It is also a provision of the law, that the accused person must have a fair hearing in a fair trial, and for that reason he must be represented either in person or by counsel. The intention of the present law, I submit, is to give those remedies to the accused. If he voluntarily deprives himself of them, then surely the case bears a different aspect. It is that aspect of the case that I ask the House to deal seriously with. It must be remembered that in any criminal proceedings, there are always two parties, the accused person and some other aggrieved person, the complainant, or the Crown, representing the people. Both parties are equally entitled to justice. It is to meet that end that this Bill is desired. I shall doubtless be told that this legislation is unprecedented. I submit also that the circumstances in which the necessity arises are unprecedented. It will probably be argued that this legislation is proposed on the basis of only a single case, but I should like to point out that here a definite *lacuna* in the law has been proved to exist; there is a definite defect in our criminal procedure. If conduct directed to exploit that defect is allowed to succeed, there is little doubt, and there have already been definite indications, that the example will be followed in many cases in future to the gravest detriment of the public interest, amounting to nothing less in serious cases of this kind than the paralysis and impotence of the law.

Now, Sir, I have submitted this matter to the House as one of urgency. I myself could not contemplate, without the gravest apprehensions, the consequences of any long delay in enacting this measure. As I have already informed this House, the probable necessity of undertaking this legislation was present to our minds several weeks ago. We held our hands as long as we had any hopes that it could by any conceivable turn of events be dispensed with, and we have now placed it before the House. We have done so in compliance, as I say, with a very keen sense of our own duty in the matter, though we should have been very glad to be relieved of this necessity. It is not only the Executive Government of the country which is responsible for the due administration of justice. The responsibility of the Legislature is not less great.

I ask this House to deal with this matter in an entirely unprejudiced manner, and to recognise that the Government are confronted with a situation for which some solution must be found. We have anxiously explored every possible solution, and we have come to the conclusion that no solution other than that propounded at present is possible. On that basis, I venture to appeal to the House to treat this matter dispassionately, without prejudice, with a fair recognition of the facts. The matter, I say, is one which we are bound to regard as urgent, and it is for that reason that I move this motion for consideration of the Bill. But if a feeling prevails in the House that a more proper course would be to refer this Bill to a Select Committee reporting at an early date, as I understand there is an amendment to that effect on the agenda, if that is the

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wish, then I can assure the House that Government will be prepared to accept it.

Let me once again renew my appeal to the House to deal with this matter without prejudice, impartially and with a fair and just recognition of the facts which have compelled Government to lay it before the House. If it will do that, I have every hope that this measure will be approved by the House and duly enacted. (Applause.)

**Mr. President :** The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose (Insertion of new section 540-B), be taken into consideration ”.

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the Bill be circulated for eliciting public and legal opinions thereon ”.

Sir, the Honourable the Home Member himself admitted at the outset that this was a controversial Bill. Of course, he has given his own version of the controversy and his own side, and he should therefore be prepared to hear our version, our side of the controversy over this Bill. The amendment that I have moved is, to put it frankly, a dilatory motion in the sense that I do want time and more time for this Bill. I want time for this Bill for two reasons. In the first place, this Bill starts, for the first time, a very great question of principles of jurisprudence. Therefore we cannot proceed with the Bill in this offhand fashion. I am of opinion that a large mass of legal and judicial opinion will have to be collected and laid before this House before we could proceed with this Bill. That is my first reason. My second reason, and perhaps an equally important reason, is that I want to get this Bill off from its associations with the Lahore case and the present strike. Of course, as the Honourable the Home Member has said, this Bill has no bearing whatever upon the merits of the Lahore case. I quite admit that. Throughout my speech, if I make a single reference by a single word to the merits of that case, whenever I shall be speaking of the Lahore case, I may be supposed to have more in my mind the particular strike of the accused in the Lahore case than anything else.

Sir, the reason why I want time for this Bill is this. Under other conditions, in other circumstances and in other times, I think in one aspect of the view, there is something to be said in favour of the Bill. I am giving my opinion only as a layman, and it is after all a tentative opinion for the moment. But in one view of it, I think the Bill is not a bad one. It is for this reason. If for the moment one can forget the Lahore case and the strike, then I think this Bill gives some measure of the much-needed relief to certain imaginable or conceivable co-accused in cases where the trial is unnecessarily prolonged not for their own fault, but for the fault of the other co-accused.

We all know that adventure makes strange bed-fellows, but so also does misfortune ; and we know that in a number of cases, owing to the excessive zeal of the police, a number of accused, innocent people, are harvested together, put upon a joint trial, and then what happens ? In many cases it is found that the accused have no common defence ; each one wants to defend himself in

his own way and quite rightly and legitimately. And in the end we find that sometimes some of the accused are let off. Here is a case in which there is no common purpose, no common binding between the different accused, and yet, owing to the action of Government and the police, these unfortunate people are brought in, and if in such a case some one of the accused does voluntary acts to disable himself from attendance from the court, it naturally prejudicially reacts upon the interests of the other accused. And I will mention instances of cases like this. I will mention gang dacoity cases, cases of riots, cases of unlawful assemblies and so on. These are typical cases of prosecutions in which a number of people are indiscriminately put up together. And therefore in my view, if this Bill were passed and put on the Statute-book, it might give indeed a measure of relief in certain conditions to co-accused. And I venture to say that if this Bill, from the pure judicial point of view and conception, had been brought before this House a few months earlier, or if it is again brought up a few months later, it will certainly stand a better chance than it has to-day. But after all, I give my opinion as a mere layman, and my lawyer friends say that my view is not right. The Bill, whenever it is brought, will necessarily offend against a first class principle of jurisprudence, namely, the accused must be present in court and must hear his trial. We should really like to know what are the provisions on this point in other countries in cases of a similar nature. We should like to have the opinions of the Bar Councils, of pleaders and barristers and the legal profession generally, and also of the courts. I know that the Bill has arisen out of one particular decision of the Lahore High Court, but my view is that, even if this Bill were to be put tomorrow before the Lahore High Court, I am not quite sure that the Judges would say that the principle of this Bill is quite right. I do not think they have specifically suggested this thing which is contained in this Bill, though of course they gave their decision on other matters in this particular affair.

Now, Sir, my second point is this. I do not want Government to take advantage of this Bill for this particular case. A number of months passed after the accused in this case were arrested. Government did not proceed to try them for a number of months. That means that they do not care so much for time. They may as well wait for a few months more,—why not ? After all, the struggle of these hunger strikers is such a struggle that it is bound to end one way or the other very soon ; it cannot be prolonged indefinitely. But it may be said here that Government are in a hole and they find themselves in difficulty. To that my simple answer is that the Sphinx must solve its own riddle ; who else can read it ? Let the prosecution stew in its own juice. I have absolutely no sympathy for the prosecution in this matter. If the prosecution has taken a few months already, let it take a few months more and nothing will be lost thereby. But I am sure that Government cannot come to this House and seek a remedy from the legislature in this matter. But then I am not quite thoughtless in this matter, for I can suggest to Government some concrete proposals for getting out of this difficulty. As I have said they can stay their hands for some time,—that is one solution. By some efforts eleven of the accused have already been successfully weaned out of the hunger strike. Who knows that by efforts and in time, if some concessions are made to the accused, they may not give up their

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hunger strike and take their trial? That is a possibility, but that can be achieved and realised only if Government stay their hands and postpone the prosecution for some time.

My second suggestion is, split up the case, and that is a thing which is not unheard of. There are about 17 accused in this case and it is not necessary that all of them should be put up for trial together. When there are absconders in a particular case, Government do split up the trial, and that may be done in this case too. It may be said that these hunger strikers have brought on the strike voluntarily, but my suggestion to Government is to treat them as absconders and proceed with the case against those who are in a position to be brought to court. And there is enough material to go on with the case. To a useful question put yesterday by my friend Mr. Ganganand Sinha, a statement was laid on the table of the House by the Honourable the Home Member. I have scanned that statement and what do I find? Out of the 17 accused, 11 are not hungerstriking at the present time. Two have already been sentenced to transportation,—Bhagat Singh and another. What more do you want to get out of them, unless you want to humiliate them by putting a stigma on their heads and sending them to the scaffold? Then, one man is already on the point of death, and even the medical men have given up his case as hopeless. So how many remain? Only three; and as I have already said, if efforts are made, surely there is a chance of these three people also being persuaded to follow the example of the other eleven accused and take their trial after giving up the strike. As I have said, the struggle of these hunger strikers cannot go on endlessly; it must come to an end sooner or later. It is a struggle between two forces. There is the force of the will power of these people who are on hunger strike, and on the other hand there is the force of the medical people in the jail who are trying their best to forcibly feed these people. And I was surprised to find from the statement that, though some of the accused have gone on hunger strike for 80 days and more, they have lost in some cases only 14 lbs. and in some cases only 20 lbs. in weight. That is inexplicable to me; but my point is this: that one of the two forces must win in the end. Supposing the force of hunger strike succeeds, those people will die and get out of this world and Government will be rid of them. Supposing on the other hand that the force of forcible feeding succeeds in the end, it will end in these people being produced before the court. Therefore, this struggle, I contend, is not a struggle that will go on endlessly; and therefore there is no necessity in my opinion for Government to bring in a Bill of this kind at this moment as if all hopes were lost.

Now, Sir, supposing these cases are split up, there may be two cases: there will of course be delay and there will be expense; but time is not of the essence of the matter with Government, nor is cost; and I have suggested that, by withdrawing even at this moment the prosecution against certain of the people, they can get a solid block of people to proceed against in one case. Why cannot they do it? Take off the case from those who are recalcitrant, who are not reasonable, and the others might be persuaded to give up their hunger strike. Now, Sir, withdrawing cases, even at an advanced stage, is not a thing unknown to Government. Have they not created a first class scandal in Sind by

withdrawing a case after the Magistrate had committed the accused to the Sessions? They have withdrawn the case within the Sessions court at the last moment. (Maulvi Muhammad Yakub: "Shame"). That is what has appeared in the press: they have withdrawn the case—the fact is there—and let me remind the House that the charge in that particular case was abduction and murder.

**Mr. Abdul Haye** (East Punjab: Muhammadan): That was done in deference to this House, I believe?

**Mr. N. C. Kelkar**: Have I said one word of blame of the Government? I simply want them to follow that example in this particular case. If it was right in that case, let it be followed in this particular case, and let the case be withdrawn against a few of the accused, so that you will get a solid block of people against whom you can go on and finish the case. I have merely stated one argument for not allowing the Government to have this Bill.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): I object to the Honourable Member's statement. How much does the Honourable Member know about that case?

**Mr. N. C. Kelkar**: It is not necessary. Nobody has corrected me in so far that the case has been withdrawn. It has appeared in the papers.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): It has not been withdrawn; only the Government have decided to apply to withdraw.

**Mr. Lalchand Navalrai**: May I state the facts? An application for withdrawal was made, and the application was considered by the Government, and they ordered withdrawal; but the Public Prosecutor, Karachi, was against withdrawal. He however applied to the court for a withdrawal. The court said that it was in the power of the court to allow withdrawal or not, and therefore on the 2nd September, when an application was made, the court kept it for orders till the 9th September, and it is not known whether the court has allowed the withdrawal or not.

**Mr. N. C. Kelkar**: My friend appeared in the case and of course he knows better about it.

**Mr. Lalchand Navalrai**: I was not the pleader during the withdrawal application.

**Mr. N. C. Kelkar**: However that may be, my point is this: I have simply suggested the withdrawal of the case which is not impossible or a thing not to be contemplated. I do contend that the case should be withdrawn against a few who are recalcitrant, and the case may be proceeded with against those who have ceased to hunger-strike; the case against them can go on.

I have given two reasons. I come now to the third and, in my opinion, the greatest reason for not allowing Government this Bill; and my reason is that I cannot allow the strikers to be made victims of this Bill. I cannot allow these present strikers, at any rate, to be made victims of this Bill which has arisen out of their own strike. It is due to them that they should not be made the first victims of this Bill, whoever else may be at any other time. The Bill may pass after the end of



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this case and prove useful, as I have said, in other conditions. But it is unfair to pass this Bill while this strike is going on. And why do I say that is due to them? I shall give my reasons as to why they should not be made the first victims of this particular Bill. This House will remember that the hunger strikers have raised a first class political issue in the matter of the jail treatment of prisoners and racial discrimination. Now, how have they done it? Let the House again remember this. How have they raised this first class issue? Not like ingenious lawyers sitting in their arm chairs, in their consulting rooms comfortably; not like dilettante or amateur theorists in criminology sitting in their comfortable libraries....

**Mr. M. A. Jinnah :** Nor like journalists in their editorial sanctum!

**Mr. N. C. Kelkar :** No; in none of these ways has this first class issue been raised; but they have raised the issue under the hardest of jail conditions. This must be remembered to their credit, and therefore I say that they ought not to be made victims of a Bill of this type.

Now, Sir, coming to the hunger strike itself, I quite admit that the merits of a hunger-strike may be debatable; there may be two sides to it. However, is a hunger strike suicidal? Certainly it cannot be called suicidal, because we know that Mahatma Gandhi himself went on hunger strike for twenty days and would not take any food during the period. Mahatma Gandhi is not a sinful man to go and commit suicide. So it must have another aspect, and therefore I contend that it cannot be called suicidal. (*An Honourable Member :* "That was penance".) Call it strike, call it penance; you may describe what Mahatma Gandhi did as penance and you may describe the act of these people as a hunger strike; but after all hunger is common to both cases; therefore you must not apply the description of "suicidal" to this strike.

My next point is that, even supposing it is suicidal, you must remember that it is not for avoiding the trial. If the strike was intended to avoid the trial, I could understand that; but in this case, the strike is not intended to avoid the trial, but as a protest—a positive, practical, active protest—against certain racial discriminations and bad treatment in jail. They are fighting a political battle of this Assembly, and why do I say that their object is not to escape this trial? Because apparently from the accounts, some of these fellows seem to be very bold. It is not as if they shirk the consequences of the trial; some of them are prepared for, who knows what may come, transportation for life, or even to go to the scaffold. So in the case of such bold people, we cannot presume that they resort to the hunger strike simply to avoid the consequences of this trial. They do it with some definite objective. It is not mere sentiment that is at the back of this strike; it is no mere morbid sentimentality, but there is some clear object and purpose and also acute intelligence behind the strike. After all, you and I know that a hunger strike is no joke, and therefore we need not scoff at it, much less should we censure or condemn it. Take the strikers at least as seriously as they take themselves. The fact is that they are prepared to give their lives; but mind you, only they are concerned to sell their lives as dearly as possible. They want to get as much out of this Government by their hunger strike as it is possible for them to get even under these hard conditions. What

is the price they demand? They do not want acquittal from the case, or escape from the case. What they demand is recognition of the self-respect of political prisoners engaged in a national struggle. That is the price they demand for their strike; and in these circumstances, how is it possible that they should fail to win sympathy from the public and from the Members of this Assembly? Every sort of suffering in this world is bound to win sympathy. Take the case of Terence MacSwiney. Ultimately he died, but did he not win the approval, or at least the sympathy—not the approval but the sympathy—of the whole world? And did he not, along with that sympathy, also push forward his own cause of Irish freedom? The world knows that. In this connection I read in yesterday's *Times of India* a leader about it. It runs as follows: "When MacSwiney died, Archbishop Mannix and the other Roman Catholic clergy joined the long procession from Southwark to Euston Station, the clergy authorised the solemn Requiem in Cork Cathedral."

If it were a case of suicide, sinful suicide, then, these people would not have expressed any sympathy for the man. They were aware that he did not undergo a hunger strike for any selfish purpose, but had at the back of his mind a great national purpose, and therefore such great respect was shown to him. As I have said already, in the end some people will be found guilty and some people will be found innocent, but it is also possible, and you must take that fact into consideration, that, whatever happened at Lahore,—I am not referring to the facts, part of it may relate in the long distance to what happened to Lala Lajpat Rai....

**Mr. President :** Order, order.

**Mr. N. C. Kelkar :** All right, Sir. My point is that, if Government are expecting any sympathy from us for the Bill, I will say this, and I will refer to a thing which happened in this House at any rate. When a first class full dress debate was raised in this House over the attack on Lalaji, there was not one single man from the Government Benches who expressed any one word of censure about the conduct of the police who beat Lalaji. (*An Honourable Member :* "Shame".) And why should they expect now a word of censure from us, or a word of condemnation or criticism of the hunger strikers in the Lahore case? Government say: "You are sensible people, you are reasonable people, you know that the law must go on and so on." We tell them at once that they will not get one word of sympathy from us, but certainly words of sympathy will be addressed from this House to the hunger strikers who, as I have said, have raised a first class political issue.

Having said this about hunger strikes, I will say, in a general kind of philosophical way, that it is not for me or for this House to characterise these hunger strikes in one way or the other. We need not deny them the meed, I will not say necessarily of praise, but at least of sympathy, which is due to these brave people, these brave young boys, some of them very fine boys in every sense. Who can fail to sympathise with them in these troubles of theirs? Now, what is the difference between these people and those who sit in this House? It may be that they have not our patience and our perception of the realities and the possibilities of the political situation in this country. But, on the other hand, can they not say, "You people in the Assembly have not got our courage and

[Mr. N. C. Kelkar.]

our idealism," ?—It is perfectly open to them to say that. Each of us takes his own consequences. They go to jail for their opinions, they also go to the scaffold, and what do we do ? We reap the ignominy of going to the Councils and placidly preaching constitutional agitation for ages in and ages out. Supposing, before the forum of the world, some of these people were present and also some of us in the Assembly were also present there,—you know generally in foreign countries people put to us the question, "You are three hundred millions of people in India. Why don't you win political freedom for yourselves ?" Let each one of us give our answers. We say : "We are preaching, agitating and teaching people constitutional agitation". And what would one of these people say ? They would say, "We have given our lives; we are prepared to give our lives."

**Mr. President :** Order, order. This is hardly relevant.

**Mr. N. C. Kelkar :** All right. I will leave that. But looking at the theoretical aspect of the question, I will say this, that in this particular instance, at any rate, they are trying to solve a first class political issue. As for the Lahore hunger strikers, I do not think we have so far got any first-hand statement of what they want. But fortunately I find in the *Bombay Chronicle* a full statement from another hunger striker, not in the Lahore case but in the Mianwali Jail. And as it contains and gives everything in detail, I hope the House will bear with me if I read a few lines from that statement which is responsibly made before a magistrate. In the first place, he says that he is a follower of Gandhi and a non-violent non-co-operator, and in the end he says that he has not gone on this hunger strike in order to avoid labour. He says he is prepared to do any amount of labour as far as he can. Why did he go on hunger strike then ? He gives his reasons :

"It is a fact that I am on hunger strike since August 4 and the reason for this is that I am not given the food which should be given to me as of right. The political prisoners in this country have a long-standing grievance against the Government that their status as political prisoners is not recognised officially. It is but meet that they should be designated as political prisoners in the official correspondence.

Their second grievance is that a European prisoner, be he a thug, dacoit, or a cheat, is given butter, cake and tea. Fresh vegetables are sent for from the bazars if such are not available in the jail garden. But the case with the Indian political prisoners is quite different. Even if they are special class prisoners, they are not given these facilities. They get wheat and gram, and most ordinary vegetables. They are also supplied oil. . . . . The European wards are airy, well-ventilated and well-furnished and they have separate kitchen and baths attached to them. Compare them with the barracks for Indian political prisoners, which are neither well-ventilated, nor they have got doors to protect the inmates from cold and wind, etc.

The condition of cells for Indian ordinary prisoners is still worse. They are generally damp, dark and dingy and are made to clean urinals and latrines during the night time. The prisoners are compelled to keep drinking water and their religious books in the same cell wherein are placed urinals, etc. These are the cells in which the ordinary political prisoners have to pass their nights even in the months of June, July and August."

Then he gives certain details into which I need not go,—that Indian political prisoners are given *rethas*, while soap is supplied to the Europeans.

He goes on to say :

"It is a pity that while the European prisoners are placed in the Central Jail, Lahore, the special class political prisoners are put in Mianwali, the *Kalapani* of the Punjab.

These grievances have been brought to the notice of the Government many a time before. . . . ."

This is the most important—

"These grievances have been brought to the notice of the Government many a time before, but no heed whatsoever so far has been paid to them, and so we have felt compelled to resort to this extreme step of hunger strike till these grievances are redressed in a manner acceptable to the political intelligentsia of the country."

This, in brief, is the statement that was made before a magistrate by a hunger striker, who is on his trial for hunger strike. I do not know what are the facts in that particular case ; he may be corroborated or he may not be corroborated. That is a matter for inquiry. But I say independent testimony to these complaints comes from other quarters also, and in that respect I will mention the Report of the United Provinces Jail Committee. There we know that the European Chairman and the Indian members have differed on a number of points. That means that, though the Cardew Jail Committee of 1922-23 did make certain recommendations and did not make certain recommendations and assumed that that was the last word on the subject, I do contend that these present facts show that the issue is a live one even now.

This point has been brought out saliently in the reports and dissenting minutes in the United Provinces Jail Committee's Report by people like Pandit Jagat Narain and others. If the issue was a fanciful one, Government would not have entered upon this inquiry, and the very fact that they have entered upon this inquiry shows that a grievance did exist. They have now asked the different Provincial Governments for a Report. My point is—why did not they do this earlier ? Did they not know from the press and other sources that the political prisoners were already suffering from that complaint ? Why did they wait till the hunger strikers forced that step on them ? They should have done it earlier. From that I conclude that Government find themselves in a difficulty which is of their own creation, and then they have come to the Legislature with a Bill like this. Even this inquiry is a partial success for the hunger strikers. That is my next point. They have raised a first class political issue and to whom is this credit due ? Not to us that are sitting in the Legislatures comfortably. We have not succeeded in raising that issue so far, and compelling Government to make this inquiry. Remember that it is the hunger strikers, under their hard jail conditions, that have driven Government to make this inquiry. This partial success is due to the hunger strikers themselves. Now, hunger strike is of course a new method. It is a new method of agitation, and in the present political situation it is not to be discarded simply because it is a new method. In this connection I was amused to find the other day an interesting story written by Mr. G. K. Chesterton. It relates to a Club of Queer Trades. I was amused to find out what that Club could be. I found out this. There was a Club. One of the conditions of the membership was that the candidate who aspired to be a member of that Club ought to follow an honest living in the first instance. The second condition, and the more important, was that he must have found out for himself a new and original method of earning his livelihood, a method which was not followed by others. That is the point of the story. Taking, this as a parallel, the politicians in India,—the Indian fraternity of politicians—are a club of queer trades. Of course it is not a trade. It is sound practical business, unselfish practical business. Now, in this club of queer trades which was

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started 75 years ago, we find that, from time to time, political agitators and workers in this country have been finding their own new original methods of agitation, all having at the back of their minds a common object, namely, the winning of political freedom for India. Who started the game? First the loyalists started it with flattery. Then came the moderates on the scene. They invented the method of argument and statistics. They hoped that Government would be persuaded by them. Then came on the scene the neo-extremists, who invented the method of blunt speaking and abuse. Then came the extremists, who invented the method of going to jail within certain limited conditions. Lastly we have now the revolutionaries and people of that type, who have invented the method of giving their lives by going on hunger strikes. In that way each member of this political fraternity has been inventing for himself a new and original method of political agitation. The whole thing is a club of queer trades. The object is common. What is the use of saying that the hunger strikers are doing something sinful, suicidal, morbidly sentimental and so on? Have any of these critics got the courage these brave boys have got to live under their hard jail conditions and to create such first class political issues with partial success at least? In short my point is that it would be absolutely unfair and scandalous for the Assembly to vote for this Bill at all. Government have themselves created this muddle. We in this Assembly must have the courage to give these hunger strikers at least negative assistance.

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : Sir, I beg to move the amendment that stands in my name :

"That the Bill be referred to a Select Committee consisting of the Honourable Sir James Crerar, the Honourable Sir Brojendra Mitter, Mr. D. F. Mulla, Maulvi Muhammad Yakub, Mr. D. C. Stewart-Smith, Mian Muhammad Shah Nawaz, Mr. Fazal Ibrahim Rahimtulla and the Mover, with instructions to report by Monday, the 16th September 1929, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Why did you omit Mr. Kabiruddin Ahmed?

**Mr. K. C. Roy** : He did not offer himself, nor you. I request, Mr. President, that you will permit me to add the name of my Honourable and gallant friend, Colonel Gidney. He is a medical man of great reputation, having practical experience of hunger feeding.

I was greatly relieved to hear Mr. Kelkar. He did not oppose the principle of the Bill.

**Mr. B. Das** : He did not touch it.

**Mr. K. C. Roy** : He thought that there are merits in the Bill and he went on to divide the issues involved into three sections. If he will sit on the Select Committee, the issues could be clearly thrashed out. Now, Sir, I frankly confess that I am not satisfied with the composition of my Select Committee. I invited some of the prominent Members. They say that their objection is to the principle of the Bill. What is the principle of the Bill? The principle of the Bill, as far as I can make out, is this, that the Government seeks power to hold an inquiry or trial when the accused's absence arises from his own voluntary action.

This is the only principle to which most of my Honourable friends on the other side have objection. But, Sir, the point which is uppermost in my mind is that this point which arises out of the whole hunger strike is not an imaginary thing; it has actually taken place. It has shown a grave defect in our criminal law, which it is the bounden duty of this House to remedy ("Hear, hear" from the Official Benches) and if we fail in our fundamental and primary duty, I feel that we as a Legislature have no right to exist here. (Hear, hear.) My friend, Mr. Kelkar, has asked me one very pertinent question: what has been the practice in another country? And he has himself referred to the hunger strike of Mr. MacSwiney. Sir, I have tried to look up the facts, and what do I find? I find that most of the Irishmen who went on hunger strike, did so after conviction. The case that has arisen in Lahore, the merits of which I shall not go into, is without parallel in the history of the world. Will this House deny Government the right to place their case before the House as well as before the Select Committee? Sir, if we deny that right, we shall deny ourselves the elementary right of a Legislature. ("Hear, hear", from the Official Benches.) Then, Sir, I am a great believer in Select Committees. I have served on Select Committees with the Honourable Mr. Jinnah who is not here.

**Mr. Gaya Prasad Singh** : They are like Beecham's pills?

**Mr. K. C. Roy** : You know, Mr. Gaya Prasad Singh, what Select Committees can do and undo.

**Mr. B. Das** : What about the Public Safety Bill?

**Mr. K. C. Roy** : You took it to Select Committee and the Committee improved the Bill.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Rai Sahib Harbilas Sarda's Bill in its present form is the outcome of a Select Committee.

**Mr. K. C. Roy** : Why not? Not one but two Select Committees. (Laughter.) Sir, I am a great believer in Select Committees,—and in most countries measures of legislation and important administrative problems are solved in Committees, and not on the floor of the open House.

My Honourable friend, Mr. Rangaswami Iyengar, will not deny it? (Laughter.)

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I should like to know what it is before I deny or accept.

**Mr. K. C. Roy** : You will have your chance. Sir, I believe that, for a Bill of this sort, the best forum for discussion is the Select Committee where Government can lay all the papers. I can recall the Select Committee which, only last cold weather, dealt with the Trade Union Bill. (Mr. K. C. Neogy : And the Public Safety Bill.) They orientated the whole measure, and my friends will not also forget the Contempt of Courts Bill, the Prophets Protection Bill and Leaflets Bill. All these Bills were remodelled not on the floor of the House, but in Select Committees. Sir, Mr. Kelkar wants to elicit political and legal opinion. I ask him one question. Is there anybody more authentic, more representative than this House to give the political and legal opinion that

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[Mr. K. C. Roy.]

Mr. Kelkar wishes? If Mr. Kelkar had complained that he had not got the views of the Provincial Governments and the High Courts, he might be on stronger ground. If he had complained that he had not the opinions of other Judges, he might be on still stronger ground. But when he wishes to elicit political and legal opinion, he cannot find a more authentic body of men than the Members of this House. (Applause.) They are the final and ultimate judges of all legislation; and speaking for myself, I should sooner rely for political opinion upon the Front Opposition Benches than upon any other body outside the House.

Now, Sir, there is very little for me to say. I do not wish to go into the question of the hunger strike. Hunger strike as a political instrument is an innovation; and it has been foisted on India. I want the House to realise that fact, and it may extend. So I think it is our duty to look into the defects of the existing criminal law and do our best in Select Committee to model the Bill according to the wishes of the representatives of the people of the country and bring it back before the Legislature. (Hear, hear.) Sir, my position is this, that hunger strike as a political weapon is right enough, but there may be many who have been on hunger strike, who are not probably guilty of a crime, who may be called co-accused and the sooner we can find a remedy for their trial, the better for all concerned. Sir, I have considered this Bill with care, and I have come to the inevitable conclusion that Government have been compelled to bring this Bill before the House under circumstances which have been fully explained by the Honourable the Leader of the House, and every sentence that he has said I know from my experience to be perfectly correct and true.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) : Then why do you want a Select Committee?

**Mr. K. C. Roy** : The Select Committee has not only to look into the statement of facts of the cases, but has to examine every detail of the Bill, as Mr. Jamnadas Mehta knows so well. Let us, Sir, brush aside prejudice. It does not matter whether it is a Government measure or a private measure. Let us brush aside all consideration of the case which is now before the public. Let us brush aside the fact whether this Bill will have retrospective or prospective effect. All these considerations can be fully discussed by the Select Committee; and if some of the Front Benches will agree to serve, I am quite sure that we shall be able to produce a Bill worthy of acceptance by the Front Benches of this House. Sir, I move my amendment. (Applause from Official Benches.)

**Mr. President** : The Honourable Member has added two names, Colonel Gidney and Mr. K. Ahmed?

**Mr. K. C. Roy** : No, Sir. Colonel Gidney is the only one.

**Mr. B. Das** : Does that mean that you are disowning Mr. Kabeer-ud-Din Ahmed?

**Mr. Abdul Haye** : Sir, I rise to support the amendment of my Honourable friend, Mr. Kelkar. (Loud applause.) Sir, it is after great deliberation that we on this side of the House have decided to support this amendment. We realise that at this stage we cannot permit the Government to place permanently on the Statute-book of this country a measure of this nature. Sir, our national poet, has said :

*Qarib hai yār roz-i-mahshar chhipegā kushon kā khūn kiunkar,  
Jo chup rahe, i zabān-i-khanjar luhā pukāreā āstīn kā.*

**An Honourable Member** : What does it mean?

**Mr. Abdul Haye** : I will render it in English. It comes to this. The poet says that the day of judgment is quite near, and it will not be possible for you to hide your guilt. If the sword with which you have committed the murder will not give evidence, your sleeve stained with blood will expose you. Sir, this couplet was quoted by the Honourable Mr. Justice Mahmood when, sitting on the Bench of the Allahabad High Court, he ruled that, under whatever disabilities an accused person may be, no judgment against him could be passed in his absence. (Hear, hear.) But, Sir, we also realise that at this juncture the Government have got some justification in bringing forward this measure, and we are therefore prepared to examine the question, and we want time for that. The Honourable the Home Member, by virtue of this Bill, seeks to provide for those cases where an accused person has, by his own voluntary act, rendered himself incapable of remaining before the court.

My friend, the Honourable Mr. Kelkar, has suggested a course of action for the consideration of the Government and he says that it is open to the prosecution to split the case into two, i.e., to proceed with the trial of those who are fit to make their defence and are fit to remain in the court, and postpone the case of others who are not in a fit state of health. I understand, the position of the Government is that they do not want to split the case into two. They want to expedite the case by trying it as one case and by proceeding with it forthwith, no matter whether a person is able to remain in the court or not. I will point out, for the information of the Government, that if their object is not to split the case into two.

**The Honourable Sir James Crerar** : It cannot be done for practical reasons.

**Mr. Abdul Haye** : If you say that the case cannot be split into two, you are exhibiting hopeless ignorance of the law. Even if this measure is carried today before 4 o'clock, even if this Bill becomes the law of the land, does the Honourable the Home Member realise that, under the law as it stands, it is obligatory upon the court to split the case into two in such cases? I believe, Sir, that the Government have rushed to this Assembly with this Bill while their mind was in a state of confusion. They have entirely ignored that cases of this nature are already provided for. They have not cared to read the present section 540-A. I will read that section before this Honourable House, and I will show that, in the presence of that section, no legislation of this nature can be undertaken. It would be *ultra vires*. My second point is that it is obligatory upon the courts, under such circumstances, to split the case into two, or to adjourn the entire case—there is no third alternative. The section runs thus :

“(1) At any stage of an inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaining before the Court (all the conceivable cases are covered by this section), he may, if such accused is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings direct the personal attendance of such accused.”

**The Honourable Sir James Crerar** : If he is represented.

**Mr. Abdul Haye** : Kindly have patience and listen to what clause (2) says :

“(2) If the accused in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks

[Mr. Abdul Haye.]

fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up for trial separately.”

So the law as it now stands is that, in a case of this nature, where a man is incapable of remaining before the court, whether by visitation of God or by his own voluntary act, the court has got only two options, namely, either to adjourn the case when the court is of the opinion, that, within a short time the accused will be in a fit state of health to stand his trial, or to order that such an accused be tried separately. Now, if this provision is already on the Statute-book and if you also carry your measure through this Legislature today, your magistrates and judges will be handicapped and they will not be able, in view of section 440-A, to try the case as one case. Under section 540-A, there are only two courses open to them, either to split the case into two or to postpone it.

Now, Sir, we have serious objections against the proposed legislation, and if this Bill is not circulated for eliciting public opinion thereon, it will be our painful duty to oppose it, and oppose it tooth and nail. You say that you recognise that every accused person has got a right to be heard. You further say that you are not taking away that right from him, but that it is he who is voluntarily denying to himself that right. I realise that position, but the law should not be inconsistent. I would cite the analogy of an absconder, a man who, after committing a serious offence, chooses to run away and is not available for he cannot be arrested. Does he not deliberately and voluntarily try to avoid the process of law? Is an absconder in any way better than hunger striker? I maintain, Sir, that a hunger striker may be an honest man, may be a patriot, but surely a man who has absconded is a coward and a dishonest fellow. You have not so far brought forward any measure, you have not asked this Legislative Assembly to make a law that this dishonest and coward absconder should be proceeded against in his absence. (Hear, hear.) If against an absconder you cannot have *ex parte* proceedings, if you cannot pass judgment in his absence, how can you pass judgment against a man who is not in a fit state of health to stand his trial, no matter how deliberately he may have courted that condition?

The law about an absconder is contained in section 512. It authorises the court to record evidence in his absence with a view only to preserve that evidence and no further. When he is apprehended he has got to be brought before the court and the witnesses have to be summoned and examined in his presence, and he is to be afforded an opportunity of cross-examination. Section 512 only enables the court to record and preserve the evidence, and that evidence can only be available in case a certain witness is dead or is otherwise not available. I am perfectly willing to help you if you want to preserve the evidence against the hunger striker to be used in case the witness is not available, but certainly you cannot pass judgment in his absence. It may be said that, in the case of an absconder, why should you pass a sentence when the man is not available to undergo imprisonment or punishment. That is not good logic. Your point today is

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that the process of law should not be hindered, that cases should be expedited and not allowed to hang fire. Now, Sir, I have known cases where men have remained absconders for twelve years and more. During this whole course, the courts never proceeded to pass order of conviction against them. If an absconder

is not available to undergo imprisonment or undergo punishment, I ask in all sincerity, is a man lying on a death-bed, one who is not capable of remaining in court, is he in a fit state of health to go to jail and undergo imprisonment? I implore the Government to accede to this request, which is made by Honourable Members on this side of the House, to stay their hands and to allow us to give more consideration to this question. If you are not willing to grant this, I have already made it plain that it will be our duty to oppose it. There is one further reason, Sir, which I would like to add as to why we want this measure to be postponed at this stage. We all know that in these days, in another place, and in another country, the Assembly of the League of Nations is in session. Our delegates, the Honourable Sir Muhammad Habibullah and his coadjutors, are taking a keen and very interesting part in the deliberations of that Assembly.

**Honourable Members :** Whose delegates?

**Mr. Abdul Haye :** No matter whose delegates they are. If in this Session this measure is carried through, if this Bill is placed on the Statute-book as an Act, and the news is conveyed to the Assembly of the League of Nations over the cables, I am afraid, the Assembly of the League of Nations may ask Sir Muhammad Habibullah and other delegates of the Government of India to withdraw from the Assembly sittings. I want to save them this humiliation, and I hope the House will agree to this.

**Sir Darcy Lindsay** (Bengal : European) : I desire on behalf of the Group I represent to say that we support the amendment, moved by my Honourable friend Mr. Roy, to refer the Bill for the consideration of a Select Committee. I entirely agree with my Honourable friend Mr. Roy in what he said about the good work that can come out of a reference to Select Committee. I cannot see any particular point in delaying this measure at this stage, as is recommended by my Honourable friends Mr. Kelkar and Mr. Abdul Haye. It appears that a position has arisen which requires immediate attention. The interests of the country as a whole demand this measure, and it is on those considerations that we desire to support the Bill. In supporting the Bill, we take into consideration the point that the Honourable the Home Member put before the House as to the grave injustice done to the accused who may be proved innocent. These men are to be kept lingering in confinement so long as it suits a hunger striker to delay the trial. I also take into consideration the hardship to the witnesses in the trial. In this particular matter to which reference has been made, namely, the Lahore case, we are told that a very large number of witnesses are cited. I regard it as a hardship to those men to be kept in suspense as to when they will be called upon, week after week and possibly month after month. I go even further and plead for the hunger strikers themselves and all those who wish to resort to this measure to enforce certain views of their own. I understand from my Honourable friend Colonel Gidney that the measures that have to be taken against hunger strikers, that is forcible feeding, tend to the creation of great discomfort, almost amounting to torture. It is to save these men against this, Sir, that I think a measure of this nature is very necessary.

As regards the law, I am no lawyer, but I do think that I am blessed with a certain amount of common sense. It appears to me that, if there is a defect in the law, there is no reason why it should not be remedied. We have frequently before us amendments of the law, and I take it that this is an amendment of that nature. My Honourable friends Mr. Kelkar and

[Sir Darcy Lindsay.]

Mr. Abdul Haye in a sense gave their approval to the principles of the Bill.

Mr. N. C. Kelkar : No, no.

Sir Darcy Lindsay : They say there are quite good points in it, but they do not wish it to be brought forward at the present moment because it implied that it is connected with a case now pending. It was only yesterday, Sir, that my Honourable friend Mr. Jinnah gave great praise to the Honourable the Home Member for the reasonableness of his attitude in connection with the Child Marriage Bill.

Mr. M. A. Jinnah : Only with that particular measure. I do not withdraw what I said.

Sir Darcy Lindsay : He said that it was a national measure in the interests of India, and he hoped that the Honourable the Home Member would carry on with that good policy. Now, I ask my Honourable friend Mr. Jinnah if this is not a measure which carries forward that good policy.

Mr. M. A. Jinnah : I do not think my Honourable friend is quoting me correctly. I said this : if the Government will carry on that policy towards social reforms in this country, it will not only be welcome, but it will help India to go forward.

Sir Darcy Lindsay : I appeal to my Honourable friend Mr. Jinnah to look at it from the correct perspective and consider whether it is not advisable to give and take in these matters, and when the Honourable the Home Member comes forward with a perfectly reasonable proposal for the better Government of India, I ask my Honourable friend to give his support to it.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : Sir, I had no intention to inflict a speech on the House on this measure, but the utterance of Sir Darcy Lindsay compelled me to rise to my feet and to say what I have to say, not only of his speech but also of the measure which is before us. Sir Darcy Lindsay complained that he was possessed of common sense. (Laughter.) I have always considered that Sir Darcy Lindsay is possessed of very superior sense. But the only unfortunate part of it all is this, that in supporting lost causes, he misapplies that superior sense that he possesses, and this is one of the lost causes to which he has lent his support today. I say so for this reason. Sir Darcy Lindsay says that his common sense compels him to say that if there is a defect in the law, then we must remedy it. I want to ask Sir Darcy Lindsay, if there is a defect in the Government, what will he do ?

An Honourable Member : Remedy it.

Diwan Chaman Lall : There is obviously a defect in the Government. The Honourable the Home Member, in a speech in which he attempted to reason fairly well, suggested that there was a *lacuna* in the law. I suggest there is a *lacuna* in the Government, and my reason for suggesting that is a very simple one. Why are the Government in this very difficult position today, that they have to bring before this House a measure which is condemned by every decent lawyer in this country ? Why ? Simply because they have not come up to the expectations that the public entertain of them. It was a very simple matter. I hold in my hand a statement that

was made,—I understand it was never actually handed over to the Honourable the Home Member,—a statement made at the time when this hunger strike was resorted to by two of the leading members who are engaged in this strike, Mr. Bhagat Singh and Mr. Dutt. And what do they say ? With your permission Sir, I intend to read that statement, and after having read it, I want to ask every Honourable Member present whether the majority of those demands, the totality of those demands, are such as could not be conceded by Government or by any civilised government. The letter is as follows :

“ Sir,

We, Bhagat Singh and B. K. Dutt were sentenced to life transportation in the Assembly bomb case, Delhi, on the 19th May, 1929. As long as we were under-trial prisoners in the Delhi Jail we were accorded very good treatment and were given very good diet ; but since our transfer from that jail to Mianwali and Lahore Central Jails respectively we are being treated as ordinary criminals. On the very first day we wrote an application to the higher authorities asking for better diet and a few other facilities and refused to take jail diet. Our demands were as follows :

(1) We as political prisoners should be given better diet and the standard of our dietary should at least be the same as that of European prisoners.”

(Interruption by Colonel Gidney.)

If Colonel Gidney will only possess his soul in patience I will deal with him in a minute. (Laughter.)

“ It is not the sameness of diet that we demand but sameness in the standard of diet. (2) We shall not be forced to do any hard or undignified labour at all. (3) All books, other than those proscribed along with writing materials should be allowed to us without any restriction. (4) At least one standard daily paper should be supplied to every political prisoner. (5) Political prisoners should have a special ward of their own in every jail provided with all necessities as those of the Europeans, and all the political prisoners in one jail must be kept together in that ward. (6) Toilet necessities should be supplied to us, and (7) better clothing.

We have explained above the demands that we made. They are most reasonable demands. The jail authorities told us one day that the higher authorities would comply with our demands. Apart from that they handle us very roughly while feeding us artificially, and Bhagat Singh was lying quite senseless on the 10th June, 1929, for about 15 minutes after forcible feeding, which we request to be stopped without further delay.

In addition we may be permitted to refer to the recommendations of the United Provinces Jail Committee by Pandit Jagat Narain and Khan Bahadur Hafiz Hidayat Hussain. They have recommended the political prisoners to be treated as better class prisoners.”

Then they add a postscript which has been quoted by the Honourable the Home Member :

“ By ‘ political prisoners ’ we mean those people who are convicted of offences against the State ; for instance, people who were convicted in the Lahore Conspiracy Case, 1915-17, the Kakori Conspiracy Case and the sedition cases in Bengal ”.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : What is the date of that letter ?

Diwan Chaman Lall : It was published in the *Tribune* of the 14th July, 1929. Nearly two months have elapsed since this letter was published. Now, I want to ask the Honourable the Home Member, will he kindly tell me what exactly there is in this document to which any reasonable man can take any exception ? Will he also further inform this House, whether, at the time when these demands were made, if the Government of India or the Government of Punjab had taken their courage in their hands and said that they would meet the situation by



[Diwan Chaman Lall.]

granting these legitimate and just demands, would the trouble have got to the stage that it has got to at the present moment? As I said, it is not a defect in the law; it is due to a defect in the system of Government under which we are living in the Punjab, that this situation has arisen. Far be it from me to say anything against the Punjab Government. Their souls are really past praying for, also their intelligence. If faced with a situation like this, they could turn round and say:

"You complain about differential treatment being meted out to you and to Europeans, we will concede this point; we will examine the broader issue later on, but as far as this particular issue is concerned we are quite prepared to concede the point that you are making and we will proceed with the case thereafter."

Can any Honourable Member on the Government Benches turn round and tell me that, if that had been done at that time, the trouble would not have been put an end to? And let me be perfectly clear about the position. It was not the original demand of any of these prisoners, and it has not been at any time the demand of any of these prisoners, that they should resort to some sort of device in order to get out of this trial. Nobody has yet imputed that particular motive to any of these people. All that they are hunger-striking for at the present moment is this, that they want better treatment from Government; they want to abolish this differential treatment that exists, treatment of one sort meted out to an Indian under-trial prisoner and treatment of another sort meted out to a European under-trial prisoner. Even if they are convicted prisoners it makes no difference. Would the system of Government have come to a stand-still if these seven demands that were made in this document had been conceded by the Punjab Government? It is too late in the day to discuss the purely technical legal issue. The issue is one which is purely and entirely human. Why did not the Punjab Government and the Home Department of the Government of India look upon from that point of view at that period?

I come now to the second point. What is the actual trouble at the present moment? An allegation has been made that five members of the Jail Committee appointed by the Punjab Government went down to interview these hunger strikers, and an allegation has been made in the press that a definite undertaking was given to these hunger strikers that Jatin Das would be released.

**The Honourable Sir James Crerar:** That statement has been subsequently modified in the press.

**Diwan Chaman Lall:** What statement is the Honourable the Home Member referring to?

**The Honourable Sir James Crerar:** It was said that an undertaking was given in regard to unconditional release. I am not aware as to what actually transpired, but I subsequently saw it stated in the press that no such suggestion was made by the Jail Inquiry Committee.

**Diwan Chaman Lall:** The Honourable Member did not hear what I said. In my statement I never mentioned the words "unconditional release". I said that a statement appeared in the press that five members of this Committee went down to interview the hunger strikers and they gave them an undertaking that they would recommend the

immediate release of Jatin Das. I am sure the Honourable the Home Member, knowing the facts as he does, is not going to contradict me on this score; it has not been contradicted so far and that statement remains. I have seen other statements too in which it has been stated that a promise was made of unconditional release, but I am not basing my case upon that. I am basing my case upon a statement which has not been contradicted so far in the press, either by Government or by any member of the Jail Committee.

**The Honourable Sir James Crerar:** Sir, may I remind the Honourable Member that the Punjab Government made it known that, if an application for bail in the case of this particular prisoner were made, they would not oppose it?

**Diwan Chaman Lall:** Sir, the Honourable the Home Member is anticipating me; I am coming to that. If that statement was made, what was the action taken? What does the recommendation to Government of immediate release mean? Does it mean release on bail? It cannot obviously mean release on bail. If the Honourable Member postulates the independence of the judiciary, if he postulates that he has no right and that he cannot interfere with the judgment of the judiciary, then it cannot mean an undertaking to release the man on bail, because the release of a man on bail is a matter which is entirely within the competence of the trying magistrate. (Applause.) It is not within the competence of Government, and how then can they interpret the statement of the Jail Committee members about the immediate release of Jatin Das to mean that there should be a release on bail? The immediate release of Jatin Das recommended by the Jail Committee can mean only one thing, and that is his unconditional release from jail and from the case in which he is an accused.

Now, Sir, I should like the Honourable the Home Member to direct his attention to this. He as well as Government can get out of this difficulty by conceding these legitimate demands. Personally I consider they are very legitimate and humane, these demands of the hunger strikers. But he has a greater duty to perform, a duty which, under different circumstances, was once performed a couple of years ago by one of his colleagues, Sir George Rainy, in which he thought that a promise had been given in a particular matter which involved the payment of something like Rs. 16 lakhs to strikers, and because he considered that a promise had been implied, he stuck to his promise and the payment was made. I say that this recommendation of the members of the Jail Committee should be considered to be an implied promise, a promise which the Government must implement if they want to do the honourable thing by the members of the Jail Committee as well as by the public. And I ask them to do the right thing in this matter and implement the promise implied. It is not for me to go into the technicalities of the law and to point out how this particular clause that is sought to be inserted in the Criminal Procedure Code—540B—should not be and is not worthy of being placed on the Statute-book. As my friend, Mr. Abdul Haque pointed out quite clearly, the law is there already; you are empowered under 540A already. If you find that any particular under-trial prisoner is not capable of being placed before the court or brought to the bar, then you can try him separately. You have the right to do so; and if you have the right, I ask, what do you mean by bringing in this legislation

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which goes against all the declared canons of jurisprudence? For what is it that the Government ask us to do? They ask us to provide this: that they themselves shall be the prosecutors; that they themselves shall appoint the defence counsel and thereby be the defence themselves; and that they shall take evidence against the accused in open court, but without giving the accused any right whatsoever (*An Honourable Member*: "Shame".) of testing the validity or the correctness or truth of the evidence that is produced against him. That is exactly the situation which would arise, and I ask the Honourable Member not to press this point. I ask Honourable Members to remember, that if Government do press this point, they realising that the situation is not the creation of Bhagat Singh and Dutt, or of the hunger strikers in Lahore, but is entirely the creation of the Government of the Punjab—I do not know how far the Government of India are responsible in regard to this matter—they should do the right thing and not be allowed to do the wrong thing by placing this particular section on the Statute-book. What does it mean? If a man who voluntarily, by a voluntary act of his, or a course of conduct that he pursues, puts himself in this position, that he cannot be brought before the Court, then the Government can proceed to try him in spite of the fact that he is not present to defend himself. I want to ask the Honourable Member one question. Here we are dealing with a case in which the men refuse to take food. Suppose a man overeats himself by a voluntary course of conduct and thereby is unable to be present before the court, is this section going to apply to him?

**The Honourable Sir James Crerar**: He could be represented by counsel.

**Diwan Chaman Lall**: Supposing one of the under-trial prisoners exposes himself, takes his shirt off and exposes himself to the bitter north wind that blows in the Punjab and sometimes at Lahore, and catches double pneumonia, is that a voluntary course of conduct?

**The Honourable Sir James Crerar**: No.

**Diwan Chaman Lall**: The Honourable Member says "No". Can he point out to me where the "no" would come in, if this section is passed by this House? Where would it come in? Is it or is it not a voluntary course of conduct? I am merely pointing out one or two ridiculous aspects of this particular section.

I do appeal to the House, realising not only the technical importance of rejecting this measure, but realising the human aspect of the whole problem which has been so desperately, so foolishly, so absurdly and idiotically mismanaged by the Punjab Government—I ask every Member here, whose vote is not tied, to reject this particular provision that the Government of India is seeking to place upon the Statute-book.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Mr. Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): I am grateful to you, Sir, for giving me this opportunity to take part in

this debate. (*An Honourable Member*: "Louder please".) It may be in the minds of certain Honourable Members here that perhaps the back-benchers have not got any interest whatsoever in any measures, whether good, bad or indifferent. Perhaps there may be some truth in their contention, but nevertheless, I think it will be very necessary on our part to make our position clear,—the position of certain Members of the Central Muslim Party, who practically on important occasions keep the balance of decision in this House. So, Sir, being actuated by that idea, I am on my feet.

I have listened with very great interest to what Mr. Kelkar in support of his motion had to say, and also to what Mr. Abdul Haye said with regard to the Bill itself. It appears to me that it would have been a very good idea if, after clauses 1 and 2 of the Bill, it was stated "Notwithstanding anything contained in section 540A of the existing Criminal Procedure Code" to clarify the ambiguity and a great many points which have been made by my friend Mr. Abdul Haye would have fallen flat and would have taken away much of the cogency with which he couched his remarks. Going a little further, I also think that sub-section (3) of section 540B of the present Bill seems to be redundant because there is also section 537 of the existing Criminal Procedure Code and I think the way it is worded is sufficient to meet the point raised by sub-section (3) of this Bill. I said to my Honourable friend Mr. Roy that when balanced minds meet together they will be able to bring out some improvement in the sections of this Bill. That is my submission so far as this Bill is concerned.

Another reason which actuates me to say a few words in this connection is this. Mr. Kelkar has pleaded that the example which these hunger strikers are setting up will help him to liberate the country or will make his country as free as Ireland. Personally, I do not think that that is the right course for any honourable and peaceful man to follow, because my creed, my religion, is peace and as such I do not think that I could support that part of Mr. Kelkar's contention. There is also another reason why I am willing to refer this Bill to a Select Committee. Here, in the very body of the Bill, under section 540B there is a clause which runs as follows:

".....in consequence of a single act or series of acts done or course of conduct pursued by him after his arrest, has voluntarily rendered himself incapable of remaining before the Court....."

This is a very ambiguous sort of clause and it requires explanation. The Select Committee will be able to make it more explicit and clear. There may be some force in the statements made by Diwan Chaman Lall with regard to the treatment accorded to people who happen to be in jail. But my experience is of course otherwise—I have been a visitor of a jail in my part of Bengal. If there is something wrong which requires remedy, it is the duty of the non-official visitors, who go over there from year to year on behalf of the public, to suggest the ways in which the thing complained of requires improvement. To make a certain action of a particular jail officer or officers in any particular place a grievance or for that matter a political weapon, it seems to me that we cannot be a party to that sort of agitation. I understand that both the Governments of the Punjab and the United Provinces have appointed, as the result of the agitation of our friends here and also in the press, two Committees to inquire into the grievances of the

[Mr. Anwar-ul-Azim.]

people who happen to be His Majesty's guests. But without being disrespectful to those people who call for status, those gentlemen who say that they are fighting for the freedom of their country, I should say this that they should have realised in their minds, before they brought themselves into the clutches of the law, what sort of treatment and comforts they would have while they happen to be inside the jail. If that is their own voluntary choice, I do not think that really honourable men, as they claim themselves to be, should make any grievance whatsoever of what is being done there. I have never heard that by hunger strikes any political concession has been gained by any body in any part of the world. People will surely misjudge them and will say that they are shirking their ordeal and making cowards of themselves. If any body says, "Release them unconditionally like Colins and others", they will be hampering the ordered progress of this country towards responsible self-government, which we all covet. With these few words I support the amendment of Mr. K. C. Roy.

**Mr. R. S. Sarma** (Bengal : Nominated Non-Official) : Mr. President, it is a very difficult effort for a new Member to make his first speech in this Honourable House and the climax of that discomfiture is reached when one has to address this House on such a contentious measure, a House which is perhaps still under the spell of the impassioned eloquence of my Honourable friends Diwan Chaman Lall and Mr. Abdul Haye. I hope that this House will give me some indulgence to place before them my view with regard to this Bill. I desire to support the amendment of my Honourable friend Mr. K. C. Roy for referring this Bill to a Select Committee and to oppose strongly the amendment of Mr. Kelkar. My support of this amendment for referring this Bill to a Select Committee implies my unequivocal support to the principle underlying this Bill. In lending my support to this Bill, I do not pretend to speak as a person that can claim either to be a lawyer or a jurist or a great leader or as my friend Mr. Chaman Lall is, a leader, a politician and a lawyer rolled into one. But as long as law is not divorced from common sense, I venture to submit to this House that no reasonable man can have any doubt as to the necessity of the proposed enactment. Diwan Chaman Lall, in his impassioned speech, diverted our attention from the real issue before this House, and side-tracked us by irrelevant considerations. He imported a lot of emotion into his speech on this Bill, which is a very very dry one indeed.

In spite of the legal technicalities that the Honourable Mr. Abdul Haye introduced in his speech, to me a layman, the thing appears to be very simple and it is this. So long as the Government has not abdicated or otherwise been replaced, by means and methods either violent or non-violent, it must carry on the administration of justice. Nobody can doubt that any Government would be failing in its elementary duty and in its fundamental obligations to society, if it allowed the machinery of the administration of law to break down or to be paralysed and wrecked by the very simple device of an accused in a case choosing to render it impossible for law to function. I shall illustrate my point. If a gang of about 20 criminals conspire, and commit dacoity and are arrested, all that they have got to do to evade trial is for every one of the gang to try in turn to have a hand in the game of postponing the trial by making himself unfit to appear in a court of law and the Court will be compelled to abandon the trial unless the robbers condescend to desist from obstructing the course of

justice and are pleased to decide that they have no objection to be tried by a court of law.

It is the easiest of all performances in the world to cloud the issue by referring to platitudes, such as liberty of the subject, or the fundamental right of every accused to be present at the trial. If Honourable Members who indulge in such platitudes are the unfortunate victims of a heinous crime, and the perpetrators of that crime are arrested, and these people take it into their heads to have recourse to these devices, and by a pre-concerted plan render the administration of justice impossible by making themselves unfit to attend the trial, then I think Mr. Chaman Lall and others who are of his way of thinking will have a better appreciation of the other side of the picture.

There is another point which the Honourable the Home Member made with regard to this Bill, namely, the question of delay. We in Bengal, who have had experience of political trials, know what inordinate delays in trials mean. Everybody knows that these inordinate delays are subversive of fair trial. So long as the accused go on practising the congenial game of absenting themselves, what happens to the witnesses? The longer the delay, the greater the opportunities to seduce witnesses, the larger the scope for intimidation. There is also the danger of the failure of justice, by witnesses finding it impossible to be able to give a long and connected narrative of events, in view of the lapse of time.

With regard to this Bill, I cannot understand what objection any reasonable man can have. How can it be said that the position of the accused is rendered in any way difficult by the provisions of the Bill? The accused is allowed a full opportunity to attend, and if he does not choose to avail himself of his opportunity by his own voluntary Act, I do not think, Sir, that anybody can have the face to say that the provisions of the Bill will operate harshly upon the accused. Mr. K. C. Roy pointed out this morning that these devices such as hunger strikes are getting more and more popular, and everybody knows that the success achieved by these Indian MacSwineys will tend to increase their number. A new situation has really arisen, and this new device has got to be met. If a gang of accused claim the power to paralyse the administration of law by their own voluntary acts, I think every law-abiding citizen has the right to expect this Government to introduce legislation to fight this new menace.

The Honourable the Leader of the Opposition, in the course of his eloquent address in winding up the debate on the Sarda Bill yesterday, made these striking observations. I am quoting him from memory. He said that "The eyes of the whole world are upon this House, that the House is on its trial and to the extent they helped in the passing of that legislation, to that extent they would rise in the estimation of the peoples of this world." Those words are still ringing in our ears and they are true today as they were yesterday, as true of the present Bill as they were of the Sarda Bill. No legislature, with a reputation for sane and sober statesmanship and alive to its responsibilities for the administration of law and order, can throw out a measure so simple, yet so necessary.

In conclusion I want to refer to one point to which Mr. Chaman Lall made reference in the course of his speech. He said that no decent man, who is not tied to the Official Benches, will fail to go to the same lobby as Mr. Kelkar. This canard about non-official nominated Members

[Mr. R. S. Sarma.]

being tied to the Official Benches is absolute rubbish. I may point out to Mr. Chaman Lall that the non-official nominated Members are unfettered, and that they vote according to the best of their judgment, and if he says that we are tied to the Official Benches, let me remind him that our ties are like silken threads compared to the chain of triple steel in which the unruly Swarajist followers are held by their party leader.

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Sir, all great men have hobbies ; and my Honourable friend Sir James Crerar being a great man has his own hobbies. His principal hobby at the moment seems to be to appear before this House as the central figure in a series of legislative stunts of a sensational and unconstitutional nature. (Laughter.) During the last twelve months Sir James Crerar has, on several occasions, stood up before this House with a solemn face and has urged on this House the grave and emergent necessity for enacting the Public Safety Bill. Only the other day my Honourable friend the Home Member had to admit that the Public Safety Bill has been a dead letter. Now, Sir, I ask the Government of India if they have enhanced their reputation for political or administrative sanity by insisting on placing on the Statute-book the Public Safety Bill by means of an Ordinance in the teeth of public opposition, and then being forced to admit that this odious legislation has been proved to be unnecessary ? (Applause from the Non-Official Benches.)

Sir, every human being is liable to err ; even the august personages who constitute the Government of India are liable to err, although they may not be prepared to admit it. We thought, however, Sir, that the Government of India would benefit from past experience and that they would seriously consider every aspect of the case before they came again before this House with legislation of a similar nature ; but in that we have been disappointed.

Sir, once again the Government of India approach this House with a Bill unparalleled in the history of Criminal Jurisprudence. I assert, and I think my Honourable friend the Law Member will admit, that it is the basic principle of the Criminal Jurisprudence of every civilized country that no accused can be tried and convicted *ex parte* in his absence unless he is represented by his counsel. The only argument which I have been able to discover from the brief and unconvincing Statement of Objects and Reasons is that unless this Bill is placed on the Statute-book, there will be delay and defeat of justice in a number of cases. My Honourable friend, Mr. Abdul Haye, has read out to the House section 540A of the Criminal Procedure Code. That section, Sir, makes ample provision for the trial of several co-accused when one or more of them are incapacitated from attending court whether by their own voluntary acts or by any other circumstance. Now what is the necessity of trying to draw this fine distinction between incapacity to attend court brought about by an accused person's own voluntary acts and incapacity brought about by circumstances beyond his control ? The fact remains that the Criminal Procedure Code makes ample provision for a trial under these circumstances. Sir, I am not convinced that the Government of India themselves believe in the necessity of the measure they have brought before the House on the grounds which they have advanced.

Now, Sir, having arrived at that premises, I must prove the matter further, and in doing so I am forced to the irresistible conclusion that the

main object which has actuated the Government of India in bringing this Bill before the House is not because they are afraid of the delay or defect of justice, but because they are seriously alarmed at the consequences, the far-reaching consequences to the country of these hunger strikes. ("Hear, hear", from the Non-official Benches.)

Sir, the Government of India are fully alive to the fact that it is not every hunger-strike which can appeal to the country ; in order that a hunger-strike may appeal to the country, certain factors must be complied with. The man must have a good cause and he must believe in his cause, the man must have a brave and self-sacrificing spirit, and the man must feel that he has public opinion behind him in the fight he is putting up. Now, Sir, the real fear of the Government of India is that if hunger-strikes are resorted to in these series of political prosecutions, they are calculated to stimulate public opinion, to focus public opinion on the grievances of India, to arouse every section of the people of India to a fuller and more vivid realisation of the humiliating and degraded condition in which Indians are living at the present moment. (Applause.)

Sir, turning now to my Honourable friend Mr. Sarma, I congratulate him on two things : his maiden speech and his extremely well-fed appearance. (Laughter.)

**Sir Denys Bray** : Order, order.

**Mr. Jehangir K. Munshi** : Sir, my Honourable friend Mr. Sarma has tried to argue that if ordinary criminals resort to hunger strikes, the administration of justice will be brought to a standstill. I wonder, Sir, if my friend Mr. Sarma has ever observed a fast for 48 hours ?

**Mr. R. S. Sarma** : I have often done that.

**Mr. Jehangir K. Munshi** : Well, then, appearances are deceptive. (Laughter.) Now, the whole point which Mr. Sarma has tried to make out is that hunger-strikes will be frequently resorted to by ordinary criminals. But I repeat, Sir, that no man will resort to hunger strike unless he has a good cause and believes in his cause, unless he has a noble spirit, and unless he feels that he has got public opinion and sentiment behind him in the cause that he is fighting for. (Hear, hear.) There is absolutely no analogy between the case of the ordinary criminal and these brave, unfortunate men who starve themselves to death for a good cause and who commend public support and sympathy. Sir, I do not think the Government of India would for one moment adopt the novel and puerile arguments advanced by Mr. Sarma. The Government of India have made it clear that the object of this Bill is to deal with the situation created by the hunger strikers in the Lahore alleged conspiracy case, who have got the country behind them in the fight which they are putting up against the treatment meted out to them in jail based on the utterly indefensible principle of racial discrimination. (Applause.)

**Mr. Jamnadas M. Mehta** : Sir, I rise to oppose the motion for consideration made by the Honourable the Home Member, and also the amendment for a Select Committee moved by my Honourable friend, Mr. K. C. Roy ; and I do so not only on behalf of myself but on behalf of the whole of the Congress Party which is determined to oppose this Bill, lock, stock and barrel. I am equally opposed on principle to the circulation of this Bill, because I do not think it needs any circulation at all. It is, on the face of it, so outrageous a measure that no section of the public could possibly be in its favour, and therefore any circulation of the Bill would

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be a mere waste of time. But if there are people in this House and outside who have any doubt on the matter, then we are willing that the amendment for circulation is passed. But, Sir, the Congress Benches are definitely convinced that public opinion is bound to resist this attempt at the curtailment of the elementary rights of the accused in a criminal case. Sir, I congratulate the Government on the latest recruit they have got in the person of Mr. Sarma. (Hear, hear.) I congratulate Mr. Sarma also on his maiden speech and on his eloquence, which I think however might well have been used in a better cause than supporting a Government dead to all

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sense of human feeling. Sir, my friend Mr. K. C. Roy, in moving for a Select Committee, said that Government were compelled to resort to this measure, and that circumstances were unparalleled and there was no other way but to have a legislation of this kind. Mr. Abdul Haye and other friends have conclusively established that, if Government really wanted to proceed with the trial, then there is abundant provision in the Criminal Procedure Code as it stands today and that there is nothing to prevent them from going on with the trial against those accused persons who are still capable of being brought before the Court. But it appears that the Government are not satisfied with that; they want to proceed with this trial against all the accused at one and the same time. And it is for this purpose that they are prepared to trample under foot the rights of the accused in criminal cases. My Honourable friend Mr. K. C. Roy said that this is an unparalleled case. I submit, Sir, that it is both unparalleled and unparalleled. If my friend has not forgotten the suffragettes' agitation in England only 20 years ago, he will find that the suffragettes were being arrested and sent to jail where they went on hunger-strike. Dozens of suffragettes were on hunger-strike in England about 20 years ago, not once or twice but several times, and the judiciary never for a moment suggested that because these women were on hunger strike....

**The Honourable Sir James Crerar :** They were on hunger-strike after conviction.

**Mr. Jamnadas M. Mehta :** Not always; however I am coming to cases of hunger strike before conviction. The judiciary never for once suggested that special measures should be taken for the purpose of preventing this hunger strike. And, whenever a suffragette was on hunger strike, she was released, but if necessary after she got better, she was again arrested. The Honourable the Home Member thinks that there is no parallel of hunger strike before conviction. I will make him a present of the celebrated Saccho-Vanzetti case in America which lasted for seven years. In India the hunger strikes are not yet three months old. In the celebrated Saccho-Vanzetti case the Government of America and the judiciary combined to send two innocent workers to the electric chair and murdered them. Saccho and Vanzetti both went on hunger strike, not only after conviction but during the retrial motion and not for a day or two but for 33 days. I will ask the Honourable the Home Member to refer to a book called "Boston" written by Upton Sinclair and, although it is supposed to be a novel, there is no doubt, as anybody who reads the book will find, that so far as references to Saccho and Vanzetti are concerned, everything stated in the book has actually happened, and whatever is written in "Boston" about Saccho and Vanzetti personally is correct. On page 489, under Chapter "Laws delays" it is stated that Saccho rebelled in the jail. Because he did not

get the kind of work which suited his dignity, as he thought it, Saccho declared what he called a "hungry-strike". Being an Italian, he did not know the English term. He said: "I am on hungry-strike". And for 33 days he did not touch food. What happened then? There was no corresponding the Honourable Sir James Crerar to bring a legislative measure to see that because the accused was hunger-striking, his presence must be dispensed with, and the Court should proceed with the inquiry or the trial in his absence. Although there was a Judge, who was, according to this book, hard-hearted, and trampled under-foot all the traditions of a judicial office, when Saccho hunger-struck for 33 days, the Sheriff, in charge of the jail, refused under the circumstances to take the responsibility of bringing Saccho from the jail to the court. They did not pass any measure, which at once released the Executive from the obligation to present the evidence against the accused in his presence and to give him the fullest right of cross-examination. There were more occasions than one of hunger-strike on the part of these two prisoners. Yet never have we heard that there was any demand in America, that the presence of these people should be dispensed with and that the trial should proceed in their absence; does the Honourable Member and those who support this Bill realise that the possibilities are, if you proceed with a trial against an accused in his absence, that it may result, indeed, it is almost always bound to result in a conviction, in the absence of anybody to contradict the evidence and to cross-examine the prosecution witnesses? As the opposite side evidence is given on each, and there is nothing to contradict it, the court will be ordinarily bound to accept it. There is no lawyer to defend the accused and there is no evidence that can be produced. In such conditions the only inevitable conclusion of the trial would be the conviction of the accused, and if that conviction is for murder or for State offences, the chances are that one or more persons would be deprived of their lives, and yet it would be done under the forms of judicial procedure and in the name of justice. Is the House prepared to countenance this? Government are here to demand a power which may lead to the conviction and the judicial murder of human beings who have had no occasion to stand their trial. Why does Government want such a power? Cannot Government go on with the trial against those who are not hunger-striking? Has not Government already realised that these hunger-strikers are standing out for a principle? They have made their terms already clear. They want that they should be given decent treatment befitting civilised people while they are under trial.

**The Honourable Sir James Crerar :** That is not the whole demand.

**Mr. Jamnadas M. Mehta :** That is the main demand, and they protest against the discriminations that are made in the treatment of the European under-arrests and Indian under-arrests. I remember having read the Bombay Jail Code and the several cases which happened in 1921. I have also read of horrors of the Vizapur jail and the discrimination that was made between the Indian prisoners and the European prisoners. It will be remembered that European prisoners were given chairs, tables, tea, milk, towel and soap and many other articles of a like nature at public expense. One would have thought that these were not convicts, prisoners or criminals, but State guests having a rest-cure in a sanatorium. Now, what is the demand that the Indian hunger-strikers are making? They say: "Give us reasonable and civilised terms while we are under trial and make no discrimination". If the Europeans can be given a certain



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standard of life irrespective of whether they have used violence or not, irrespective of whether they are criminals or not, I cannot understand why the same treatment could not be given to the Indians under trial. Why should they be compelled to go on hunger-strike to the extent of 40, 50, 60, 70 and even 80 days, in a matter where no question of principle is involved? Here are cases of hunger-strike unparalleled in the history of the world. Even the hunger-strike of Mr. MacSwiney lasted only for 63 days; but these young men are dying for a cause, and for a principle and it is to our infinite shame that we find our own countrymen sitting behind the Government Benches and asking for a reference of this Bill to the Select Committee, talking through their hats and comparing these young men with brigands and robbers. What is it that these young boys demand? Why, Sir, this Bill could be rolled up in a minute and the hunger-strike would be over in another minute if the Government would simply accede to the reasonable requests which they want as civilised human beings. In the last Session, Bhagat Singh and Dutt were in the House at Delhi. After the last Session they were convicted in the famous Assembly bomb case. The House has already passed a Resolution condemning their violent action. But it should not be forgotten, that, even though they were guilty of criminal offence, for which the House rightly condemned them, even though nobody who has any regard for the non-cooperation movement of Mahatma Gandhi will ever stand up for violence, the entire responsibility for whatever happens in this country, whether violent or non-violent, rests and must rest on those Benches opposite and on them alone. What does this Bill amount to? Under the forms of law, Government want the power to take human lives. That is nothing more and nothing less than the object of the Bill. Bhagat Singh may be a criminal; Dutt may not be a criminal. We do not know whether the rest of the hunger-strikers are criminals or not; but these young men will ever remain enshrined in the memory of this country after every one in this House is wiped out owing to the splendid self-sacrifice that they are offering today on a matter of principle. There is nothing more that a man can give for any cause. They are giving away the most precious possession of man, namely, their lives. They are surrendering their lives at the altar of what they consider to be their duty. If Government were wise in their time, if Government will only understand the springs of human action in the right spirit, they would immediately grant the demand of the hunger-strikers. There is nothing unreasonable, nothing wrong in their demand. It is only obstinacy, cussedness and the prestige of this Government which prevent them from acceding to the reasonable demands of these persons and ending this most unfortunate controversy. I agree with Mr. Sarma in saying that the whole world is looking at us, the whole world is watching whether the Indians are a nation of cowards and sycophants or whether, even in their present degraded condition, they have the courage to say, "No" when occasion demands. I hope the House will prove by its vote that, degraded as we are, we cannot stand the outrage that is being contemplated against these heroic young men, and I hope the House will stand united and will say, "No", in no uncertain terms to the motion of the Government. Sir, I oppose.

**Mr. H. W. Emerson** (Home Secretary): Sir, several Honourable Members, during the course of the debate, have referred to the fact that this Bill is unnecessary because the existing law provides the machinery

by which these accused can be brought to trial. I am not concerned with the legal aspects of the case, nor am I competent to discuss them. But there are certain facts concerned with that statement that it is necessary to explain to the House. Section 540 A (2) of the Code of Criminal Procedure provides that, when one of the accused is not present himself and is not represented by counsel, the Court may split the trial up and proceed against those accused who are present, or may adjourn the case. Honourable Members have asked me why is this course not pursued in the present case. Now, at one time or another, fifteen of the sixteen accused produced before the Court have been on hunger strike. The largest number that has been on hunger strike at one time is 13. At the various hearings of the case, sometimes six have been absent, sometimes five, sometimes four and so on. But those accused who have been absent on various days have varied from hearing to hearing and it has never been possible to predict that on a certain date those accused would be present who were present on the previous hearing. Moreover, a hunger strike involves artificial feeding, and the hunger strikers have it in their power by resistance to that artificial feeding to make themselves incapable of attending a hearing. Thus, where you have a large number of accused, it is possible for them so to ring the changes as to make it impracticable to proceed against any of them. The difficulties in the present case are particularly great because of the large number of accused and because of the large number of witnesses. The prosecution has already filed a list of 450 witnesses, whom they intend to call, and I understand that it is probable that 200 more will be added to that number. Now it is true that, under the existing law, we can go on and have ten separate trials or even sixteen separate trials, but from the practical point of view, it is not possible to produce 650 witnesses in sixteen different trials.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Are all the witnesses to be produced in each case?

**Mr. H. W. Emerson**: I believe the case against all the accused is practically the same. It may be said that this was the state of affairs before the suspension of the hunger-strike; but that now, there are only eight on hunger-strike and eight are taking food. My Honourable friend Mr. Abdul Haye suggested that the case should proceed against the latter block of accused. The answer again is that there is no guarantee whatsoever that today or tomorrow or the next day one or more of those eight will not join the hunger-strikers. In fact, they have given a statement to the Punjab Government that, in certain circumstances, such a course would be pursued. I hope, therefore, that Honourable Members will be satisfied that, from a practical point of view, the remedy provided by section 540 of the Criminal Procedure Code is in fact no remedy at all.

Several Honourable Members on the other side of the House have put forward the argument that this Bill is unnecessary, because a remedy is to be found in another direction. My Honourable friend Mr. Chaman Lal read out the petition of Bhagat Singh and Dutt, published in the *Tribune* of July 14; he and other speakers maintained that there was nothing unreasonable in their demands; the Punjab Government by a stroke of the pen could have accepted them, and in refusing to make that



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stroke they are guilty of the situation that now exists and are responsible for any consequences that may result.

The Honourable Mr. Jamnadas Mehta said the same thing, only I think, in his case, he attributed the present situation to the cussedness of the Government of India. (*A Voice* : "Is there any doubt?")

However, Sir, I wish to satisfy this House that these demands, simple though they may appear, involve vital principles. There are three issues raised. First of all there is the question as to whether the demands of Bhagat Singh and Dutt are reasonable as applied to themselves; secondly, there is the general treatment of political prisoners; and thirdly, there is the racial question of the differentiation between European and Indian prisoners.

The issues raised cover a wide field, but it is only fair to Government that the case should be fully put, and if I have to deal in some detail with these matters, I am sure the House will have forbearance with me, having regard to the deep interest in these questions which they have evinced. If we take the demands of Bhagat Singh and Dutt, we can I think separate them according to their character and according to the persons to whom they are to apply. In regard to their character, the claims are briefly, that they should receive the same treatment as European prisoners. They should be allowed newspapers, furniture, books and so on. If these demands were claimed for special class prisoners I myself would be inclined to say that they are perhaps a little extravagant in some directions, and that they require some modification; but I would not say that they were totally unreasonable. It is when we come to the second aspect, namely, the class of prisoners to whom those privileges are to be applied, that Government must definitely join issue with those who argue that their acceptance would be only a reasonable gesture.

Mr. Chaman Lall this morning read out the petition of these prisoners and it is only necessary for me to repeat the footnote for the benefit of the Honourable Members of this House :

"By 'political prisoners' we mean all those people who are convicted for offences against the State; for instance, the people who were convicted in the Lahore Conspiracy cases, 1915—17, the Kakori Conspiracy case and sedition cases in general."

**Diwan Chaman Lall** : Does the Honourable Member deny that they are political prisoners?

**Mr. H. W. Emerson** : I will deal with you faithfully later.

The Honourable the Home Member gave a brief description of the Ghadr Conspiracy Case of 1915—17 and the Kakori Conspiracy Case of 1925. It was a feature of those cases that the victims were usually peaceful, harmless villagers. Whatever may have been the sins of omission and commission on the part of Government, those villagers had no concern with them. Another feature of the cases was the brutality of the offences committed, and in this connection I will read a very short extract from the appellate judgment in the Kakori Case of the Chief Court of Oudh :

"On the 9th March, 1925, a similar armed dacoity was committed in Bichpuri. The victims on this occasion were Toti, a well-to-do cultivator with a holding of some 36 acres, his brother Bihari and their wives and children. A gang of over 15 men raided their house between 9 and 10 p.m. Some of the members of the gang were in

possession of fire-arms. The dacoits used considerable violence on the inmates and employed torture. One of them seized Toti's young son, placed the edge of a knife at his throat and threatened to cut his throat if Toti did not disclose where his money and valuables were concealed. The boy was not, however, seriously injured. Toti was nearly throttled, the point of a knife was placed against each of his eyes and he was threatened with blindness if he did not give up his property. He was not blinded, but he received a cut under one eye. Finally a cloth soaked in oil was inserted between his eyes. The cloth was then set alight."

These, Sir, are some of the offences committed by these persons for whom it is claimed that special privileges should be granted. In this very case a reduction of sentence was pleaded before the Chief Court of Oudh on the ground that these robberies were committed, not for the personal gain of the robbers, but solely in order to obtain funds for the furtherance of a cause which they had at heart. This is what the learned Judges said :

"It appears to us that the distinction in gravity between the act of a man who shoots because he desires to kill another and a man who shoots to kill because he desires that another man should not interfere with his committing a robbery, is too fine to form the basis for a difference in sentence; and we can find nothing to make the robbery of inoffensive people, such robbery being accompanied by murder, appreciably excused by the fact that the perpetrators desired funds for the purpose of conducting revolutionary propaganda."

This House looks with suspicion at the Executive; but we have here the opinion of the highest judicial tribunal to which the accused could appeal.

The demands of Messrs. Bhagat Singh and Dutt, including as they do a reference to the Kakori and Ghadr conspiracy cases, leave no manner of doubt as to what they involve. But briefly, they amount to this : that no matter how lowly may be the origin of a political prisoner, no matter how humble may be his social status, no matter what atrocities he may commit or what loss of life and property he may inflict on innocent persons, nonetheless, if he is able to prove that his motive was political, he is to be given privileges denied to the ordinary criminal whose crimes are not sanctified with the halo of political motive.....

**An Honourable Member** : What happens to Europeans?

**Mr. H. W. Emerson** : I intend to deal later with Europeans. I will first of all deal with political prisoners. Now, Sir, do my Honourable friends suggest that the Punjab Government were to come to a decision of the kind stated above, and without a moment's hesitation, and merely to get themselves out of a temporary difficulty, they were to surrender vital principles? It is the duty of Government to examine and redress grievances where those grievances are reasonable, but it is equally their duty to refuse to surrender vital principles.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Of racial discrimination for under-trial prisoners.

**Mr. H. W. Emerson** : ....when they are extorted by the methods of blackmail. I have said that it is the duty of Government to examine grievances where they are reasonable; and in this connection I should like to say a few words about the general question of political prisoners. Government are conscious of the fact that this matter is a subject of deep and genuine concern to Members of this House, and to a large section of the public. They know that there is a belief abroad that the Government of India and Local Governments treat their political prisoners in a manner which is much less liberal than similar prisoners are

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treated in other countries. I would like to remove the misconception that exists in this matter, and at the same time to attempt to explain the policy of Government. We do not recognise in our jail rules the class of political prisoners; we recognise the class of special class prisoners, which is wider than that of political. We say that, provided a man has not committed certain offences, which, for the sake of brevity, I will call excluded offences, and provided that his status, education and manner of living are such as to justify certain privileges, then we do not care whether he has committed that offence with a political motive or a religious motive or a personal motive; we give him those privileges.

**An Honourable Member :** A wrong statement.

**Mr. H. W. Emerson :** There are two criteria : firstly, the nature of the offence, and secondly the character, status, and education of the prisoner. The excluded offences are, broadly speaking, those which involve violence or abetment of violence or which involve offences against property, or seducing of soldiers or police from their allegiance, and offences committed on hire in pursuit of political causes, that is to say, a political offender who is paid to commit an offence. That is broadly speaking....

**Diwan Chaman Lall :** Do you know of any cases like that? May I ask the Honourable Member if he is prepared to substantiate that statement that there are politicians who are paid to commit crimes?

**Mr. H. W. Emerson :** The statement I made was that such offences were included in these offences that are excluded from special consideration. I made no statement that such offences were committed.

**Diwan Chaman Lall :** Is the Honourable Member prepared to withdraw that statement?

**Mr. H. W. Emerson :** Those, Sir, are the excluded offences. A prisoner who is classed as a special class prisoner enjoys certain concessions denied to the ordinary prisoner. He is allowed to wear his own clothing; he has accommodation separate from other prisoners; he is allowed to supplement his diet by purchase from outside; he is given no labour unsuited to his previous position in life, and he is allowed to associate with persons of his own class. Now, the common statement made is that those privileges which we give are first of all illiberal in their character, and secondly, that they are applied only to a small section of the class of prisoners who get similar benefits in other countries. We have been at pains to ascertain what is the practice in other countries; and we chose England, France and America as being the countries in which political prisoners were likely to be treated more liberally than anywhere else. In England a Bill was moved in 1908 and again in 1912 to provide facilities for political prisoners. The Bill made no progress, and the attempt has not been renewed since 1912. Neither the law in England nor the rules of jail administration take any account of political motive.

The Prison Act of 1898 provides that prisoners shall be divided into three classes. In the first division are included persons whose character, antecedents and the nature of their offences warrant such inclusion. But

it is very rarely that prisoners are included in that division, and many of those who are included are persons who have not sent their sons or daughters to school as the Compulsory Education Act requires. About 1912 these statutory rules were liberalised by a measure, which is often referred to in the Indian Press as the Churchill Rule. It was introduced by Mr. Winston Churchill when he was Home Secretary, and the occasion on which he introduced it was the situation created by the activities of the suffragettes. The suffragettes were occasionally guilty of technical felony; they sometimes broke a window; occasionally caused a fire, and so on; and in order to mitigate the rigours of imprisonment of persons of that class, Mr. Churchill introduced the rule. It laid down that the privileges should not be given in any case which involved dishonesty, cruelty, indecency, or serious violence, and they should be given only to persons of good character. Here, again, a certain number of suffragettes benefited, but there was, and still is, a great prejudice against allowing to prisoners the benefits of the rule. Where privileges are given, as for instance, to first class misdemeanants, they are on the lines of those given in India. In one or two respects they are more liberal, for instance, an interview is allowed once a fortnight instead of once a month, a letter is allowed to be written once a fortnight instead of once a month. In other ways, they are less liberal. For instance, the English first class prisoner has to pay for any menial services rendered to him by another prisoner; under our rules those services are free. In one very important respect our rules are far more humane than those of England. In England a first class misdemeanant is confined in practically solitary confinement. He is allowed to associate with persons of the same class for one hour a day, but it is rare that there are any persons of his class in the same prison. It practically amounts to this, that he is confined in solitary confinement. Our rules definitely give the right of association not for an hour a day, but continuous association with other first class prisoners. I think, therefore, that Government can justly claim that our rules, as they stand at present, are more liberal than the English rules.

Now, with regard to France, there are no statutory rules and the practice varies in accordance with the Government in power. But no prisoner convicted of any crime involving violence is eligible for any of the privileges, and the privileges are confined to what would be called in India political prisoners guilty of the less serious offences. Again, the privileges are very similar to those granted in India; they are certainly not more generous. In America....

**Mr. President :** Is the Honourable Member going to deal with every country?

**Mr. H. W. Emerson :** Only America, Sir. In America there are no rules at all; they do not recognise political motive.

On behalf, therefore, of our existing rules, I put forward three claims. Intolerant as they are stated to be, firstly, their liberality has no parallel in the previous history of this country, whether under Hindu, Muhammadan or Sikh rule; secondly, they have no parallel in the present history of neighbouring countries; and thirdly, we have been unable to ascertain any Western country in which the rules are more generous than here. But that is not all. Government recognise that there is uneasiness about these rules; and they do not claim that they are perfect. If

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there are any defects in them, we desire that those defects should be put right, and with that end in view we have addressed Local Governments and have asked them to re-examine the rules relating not only to special class prisoners but also to under-trial prisoners. Our letter dated the 17th August is not confidential, and I should be glad to give a copy to any Member who so desires. I think that any Member who reads the terms of that letter will admit that it is framed on as generous lines as it is possible to frame it, with the vital reservation that we do not accept the claim that a man should be given these privileges, whatever his offence may be, merely because he had a political, religious or other motive.

Now, there are many points raised in that letter, and I am not going to weary the House by explaining them, but I will just take one or two of the more important points in which I believe that Honourable Members are specially interested. First of all, there is the question which is agitating the minds of a large number of people, that there is a big difference between the scale laid down for the ordinary prisoner, the ordinary cultivator or labourer, and that fixed for the European. Now, so far as under-trial and special class prisoners are concerned, we have suggested to Local Governments that it is a point for consideration whether one or more scales ought not to be introduced at Government's expense, varying according to the mode of life of the prisoner concerned. Then, another important point in which Members I think are interested is the question as to whether our excluded offences are not too wide in scope. We have invited Local Governments to examine that question and to see for instance, whether it is necessary to include all offences against property. I have no doubt they will also consider whether it is necessary to include those offences committed by hired persons in pursuance of a political movement—offences which several Honourable Members say do not exist and never have existed. We have asked Local Governments to pay particular regard to public opinion, and in our communiqué, dated the 10th August we invited leaders of public opinion to assist Local Governments with their advice. I have no doubt that as a result of the re-examination of the rules, our final rules will be far more liberal than any that are to be found in any other country in the world.

Now, Sir, I come to the most difficult and unpleasant part of my subject—the question of the differentiation between Europeans and Indians. For some reasons I regret that this matter has been introduced into this debate, because racial prejudices are apt to warp the judgment and to cloud the issues. For other reasons I am glad that the opportunity has been given of trying to examine the essentials of the problem. We have, I think, to maintain a proper sense of proportion in this matter. We have to realise what the dimensions of the problem are. Yesterday I ascertained from the Punjab Government what was the proportion of European prisoners to the total number of prisoners confined in the jails of the province. I was told that there were 13 European prisoners out of a total of 21,000. As one Honourable Member has said, the question of number does not affect the principle. That is quite true, but as practical and reasonable men (and we are all practical and reasonable men), when we come to search for a solution, we have to pay some regard to the number. My next point is that I would like to endorse some of the observations of Sir Louis Stuart in the Report of the Jail Inquiry Committee. Sir Louis

Stuart is the Chief Judge of the Chief Court of Oudh and he was the Chairman of the Committee. I feel certain that every European in the House will wholeheartedly endorse what Sir Louis Stuart said. This is what he stated :

“ I have always held the view that an offence committed by a European is in no way palliated by the fact that he is a European. I consider that the offence is aggravated by that fact.”

And then he went on to say that the differentiation in treatment was purely on questions of health. He takes the reasonable line that an important principle of jail administration should be to give to every person, to whatever race he may belong, facilities sufficient to keep him in a reasonable standard of health ; but that, in the interests of the taxpayer, no further facilities should be given. Now, what is this differentiation between the European and Indian prisoner ?

I think it will assist the House to grasp what is rather a confusing subject, if I make it clear that the differentiation occurs in the basic jail rules ; that is to say, there are different basic scales of diet laid down for the ordinary prisoner and for the European prisoner. When we come to the additional privileges granted to under-trial prisoners, to the additional privileges granted to special class prisoners, there is no distinction whatsoever. The rules are exactly the same. It is in the basic treatment that the differentiation exists.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : They do not want any additional privileges, because the ordinary scale of diet of European prisoners include all these and other special privileges.

**Mr. H. W. Emerson** : I cannot agree with the Honourable Member there.

**Mr. President** : The Honourable Member speaks from experience. (Laughter.)

**Mr. H. W. Emerson** : In that case, Sir, I gladly accept the Honourable Member's statement. It is not, I believe, argued that the rules for the treatment of European prisoners provide facilities which are excessive having regard to the maintenance of their health.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : How do you define the word “ European ” in this connection ?

**Mr. H. W. Emerson** : The Honourable Member has asked me a question to which in any case I was going to give an answer. The rules relating to Europeans in the jail manuals of most of the provinces apply to any one, whether European or Indian, who has adopted the European mode of life. That, Sir, is the answer to the Honourable Member's question. I have seen no evidence to show that the facilities granted to Europeans are excessive in regard to a reasonable standard of health. In fact, so far as the scale of diet is concerned, it is less liberal than that given in English prisons to ordinary prisoners. Now Honourable Members wish that, whatever differentiation there is should be swept aside (*Some Honourable Members* : “ Yes, yes ”), and the fact that the Punjab Government has not swept it aside is one of the reasons why their action has been condemned. Now there are two ways in which you can sweep away these

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[Mr. H. W. Emerson.]

differences. You can either level up or you can level down. If you level down and fix the standard of the ordinary Indian prisoner for the European, well, that unquestionably means death to the European. (Mr. T. A. K. Shervani : "So far so good".) (Another Honourable Member : "What is the harm"?) And I cannot believe that Honourable Members wish to urge Local Governments to a course of action which would involve the very inhumanity which they are condemning in another connection. (Mr. A. Rangaswami Iyengar : "Confine it to Indians themselves.") The other remedy is to level up ; and that is the demand in Bhagat Singh's statement. Now, for the case of the Punjab, I have made a calculation in order to find out how much it would cost to level up. To level up would involve additional expenditure of just about 40 lakhs a year. (Mr. T. A. K. Shervani : "But not 53 crores.") Perhaps I have acquired the habit of looking through the provincial end of the telescope ; but Honourable Members have to remember that, under the Government of India Act and the Devolution Rules, the administration of jails, subject to legislation by the Central Legislature, is a provincial subject and that supply is voted by the Provincial Legislative Council. Provincial Legislative Councils are jealous of any encroachment on their authority, and I am quite certain that the Punjab Legislative Council would protest, and protest most strongly, if the Government of India made to them the suggestion—(An Honourable Member : "Try once")—that, in order to have the gratification of seeing 21,000 prisoners having the same food as 13 Europeans, additional taxation to the extent of 40 lakhs a year should be imposed upon them ! (An Honourable Member : "Then level it down.") Therefore, I do not think that this alternative solution is possible. Does it therefore follow that there is no solution ? I do not think so. I think attention has been so devoted to the racial side of this question that it has diverted thought from the essentials of the problem ; that is to say, the real difficulty is that the jail rules do not at present provide sufficient scales varying with the different standards of life of different Indian prisoners. So far as special class and under-trial prisoners are concerned, we have invited the attention of Local Governments to this matter, and I would suggest that if Honourable Members wish to achieve the object they have at heart, they and their friends should represent their views as strongly as they can to the Local Governments who are now carrying out a re-examination of the rules.

There is just one other matter to which I should like to refer before I sit down. It has been said that, whatever the Punjab Government may have done in the first instance, at all events they showed lack of statesmanship and of humanity, when they refused to release Jatindra Das unconditionally. Diwan Chaman Lal tried to make the point that the Punjab Government ought to have honoured the undertaking given by members of the Jail Committee ; but according to Diwan Chaman Lal's own statement, the only undertaking that members of that Committee gave was that they would recommend his immediate release to the Punjab Government. Whether it was their intention to recommend his unconditional release or his release on bail does not appear to me to be a matter of primary importance. Whatever may have been their intentions, both the Punjab Government and the Government of India

appreciate the efforts they made, the great trouble they took to end the hunger-strike, and I can assure Honourable Members that, when the news reached Simla that the strike was ended, members both of the Punjab Government and the Government of India were as pleased as any Member of this House. I would also remind Honourable Members that, from the beginning of the strike, the Punjab Government, from the head of the Province downwards, have been doing their utmost to find a solution ; and if when, in consequence of the efforts of the Members of the Jail Sub-Committee that solution appeared to have been found, they were unable to accept it, then you may be perfectly certain that the decision was not reached without the most careful and anxious thought. What was the position ? The Punjab Government had two courses before them. One was to withdraw the case against Das ; the other was the course they took, to make it publicly known that they would not oppose an application for bail. (An Honourable Member : "Very generous !") The reason why they could not withdraw the case will I think be obvious to Members of this House. Even if it be assumed that a particular accused is perfectly innocent or rather I should say that the case against him is ultimately not proved—for an accused is of course assumed to be innocent until he is proved to be guilty.....

Mr. M. A. Jinnah : Then you ought to withdraw.

Mr. H. W. Emerson : I gladly withdraw my first remark—so long as there is a case against him there could be no other decision because if Government in the circumstances in question were to withdraw a case against one accused in a conspiracy where there is a large number of accused concerned, then I think it is clear that both in that case and in similar cases they would give a direct incentive to accused persons to follow exactly the same course as had been followed in the case in question.

I would just like to say one more word. I have said that the Punjab Government have for weeks been doing their utmost to find a solution, and they have had the assistance of various non-officials, to whose efforts they owe a debt of gratitude. If they have failed, it is largely because the outside influences against them were too strong. I do not mean to suggest that there has been any deliberate movement on the part of anyone to encourage these people in their hunger-strike, but the exaltation of them into heroes and martyrs in the Press and on the platform can have only one effect, and if Honourable Members desire that the hunger-strike should not continue, I think the best way to attain that end is.....

Several Honourable Members : To pass this Bill !

Mr. H. W. Emerson : ....not to glorify them. I can understand your feelings of admiration and of sympathy.

Mr. President : Order, order. The Chair has no feelings.

Mr. H. W. Emerson : I can understand the feelings of Honourable Members, which are of sympathy and admiration for the sufferings which the accused are undergoing, and I appreciate the anxiety that something should be done, if possible, to bring this strike to an end before any of the unfortunate youths who are now suffering should die. So far as Government are concerned, and I refer particularly to the Punjab

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[Mr. H. W. Emerson.]

Government, I am quite certain that they will pursue every measure that is possible within reason and without the violation of fundamental principles in order to attain that end. (Loud Applause from Official Benches.)

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadian) : How will this Bill achieve that object ?

(Mr. M. A. Jinnah rose to speak.)

**Mr. President** : If the Honourable Member is going to take long, I would advise him to speak on the next day.

**Mr. M. A. Jinnah** : I do not know how long you propose to sit.

**Mr. President** : I propose to sit till half-past four and I leave it entirely to the Honourable Member to choose whether he should speak today or the next day.

**Mr. M. A. Jinnah** : I am, Sir, entirely in your hands. If you think that you must adjourn the House by half past four, I should certainly not be able to bring my remarks to a close during the time that will be at my disposal. But if you wish that I should continue now and if I cannot finish, as I am sure I shall not be able to, then I shall continue my speech the next day ; or I will sit down now, Sir.

**Mr. President** : I am in the Honourable Member's hands.

**Mr. M. A. Jinnah** : Then I should rather continue, Sir. (Applause.)

Sir, one is placed somewhat in a difficult position when one has got to deal with a speaker like the last one. It was his maiden speech, and it is the tradition of this House, that when a Member makes his maiden speech, he is in a privileged position and is not to be attacked. Whatever reasons or grounds, therefore, he may have given me for criticising him, I will not wish to depart from that tradition which, I think, ought to be maintained in this House. But I would say this that in his concluding portion he remarked that the Honourable Members may have admiration and sympathy for the accused in the Lahore case. I think I am speaking on behalf of a very large body of people when I say that, if there is sympathy and admiration for the accused, it is only to this extent, that they are the victim of the system of Government. (Hear, hear.) It is not that we approve or applaud their actions if they are guilty, which still remains to be proved. If they are guilty of the offences of which they are charged, then I am sure it is not that we admire them or approve of their actions, but, on the contrary, I am sure a large body of thinking people feel that these young men, whatever be the provocations, are misguided in resorting to actions for which they now stand charged.

Now, Sir, the Honourable the Home Member asked the House that we must approach this question without prejudice, and impartially. Sir, I am sure the Honourable the Home Member himself tried his best to follow the same principle, but has he been able to apply the same principle when he brought this Bill before the House ? Do the facts justify that ? The last speaker, whom I am not going to attack, almost gave away the case in his concluding remarks when he said that the only way to break the hunger-strike is to pass this Bill.

Well, I am not concerned at present so much with regard to the account that is given by the Honourable Member with regard to the treatment in jails of various classes of prisoners, but one thing is clear and it is this. From the statement that was issued by Bhagat Singh and Dutt what is an admitted fact now even from the speech of the Honourable Member who spoke last is that they were not given the treatment—not on racial grounds—but according to the standard and the scale which is laid down for Europeans in the matter of diet and bare necessities of life. It is not a mere question that they want to be treated as Europeans. As a matter of fact, according to the admission and the definition given by the Honourable Member who spoke last on behalf of the Treasury Benches, so far as I know, Bhagat Singh and Dutt wear topees, and their figures appeared in shorts. Therefore they ought to have been treated as Europeans. The Honourable Member in reply to a question said that whether the man is a European or an Indian—and he accepted the definition of my Honourable friend Mr. Neogy that if one wears a topee, then one is a European for the purpose of jail rules—then why should you not treat Bhagat Singh and Dutt who wear topees and European clothes as such for the purpose of treatment in jails. Why do not the Punjab Government give them the treatment that they are entitled to at once and be done with ? They wear topees and they are entitled to that treatment.

What do they say in their statement which was read out ? This is what they say :

“ We, Bhagat Singh and Dutt, were sentenced to life transportation in the Assembly bomb case, Delhi, on 19th May, 1929. As long as we were under-trial prisoners in Delhi jail we were accorded very good treatment and we were given good diet. But since our transfer from the Delhi jail to Mianwali jail and Lahore Central jail,”

which is represented by the Honourable Member who spoke last—the Punjab seems to be a terrible place.....

**Mian Muhammad Shah Nawaz** (West Central Punjab : Muhammadian) : Don't go there.

**Mr. M. A. Jinnah** : I won't. To continue what they say :

“ we are being treated as ordinary criminals ”.

So, in Delhi they received very good treatment and in the Punjab they are treated as ordinary criminals. Surely, Sir, if the Government of the Punjab was not wanting in statesmanship, if the Government of the Punjab had any brains, they would have found a solution to this question very easily and long ago. But, Sir, it is a question—the more I examine it and the more I analyse it, I find—it is a question of declaration of war. As far as the Punjab Government is concerned, the Government do not merely wish to bring these men to trial and get them convicted by a judicial tribunal, but Government goes to war against these men. They seem to me in this frame of mind : “ We will pursue every possible course, every possible method, but we will see that you are sent either to the gallows or transported for life, and in the meantime we will not treat you as decent men.” Sir, the whole spirit behind this is that and nothing else. I do not for a moment wish to say that the Government are not bound ; in fact, it is their bounden duty, to prosecute those people that commit offences. I do not wish to say that the Government should not do everything in their power to see that their convictions are secured. But may I ask, with whom are you at war ? What are the resources of these few young men who according to you have committed certain offences ? You want to prosecute them, and after due trial, you want to secure their convictions.



[Mr. M. A. Jinnah.]

But before they are convicted, surely this is not a matter on which there should be this struggle, that you should not at once yield to their demands for bare necessities of life. After all, so far as the Lahore case prisoners are concerned, surely they are political prisoners and under trial. You ask me what is a political prisoner. It is very difficult to define a political prisoner. It is very difficult to lay down any particular definition. But if you use your common sense, if you use your intelligence, surely you can come to the conclusion with regard to the particular case and say, here are these men who are political prisoners, and we do not wish to give them proper treatment. We want to give them treatment as under-trial prisoners. If you had said that, the question would have been solved long ago. Do you wish to prosecute them or persecute?

Sir, I do not wish to base my opposition to this Bill on this issue of bad treatment, because this is only one aspect of the issues, or rather one aspect of the Bill before us. This Bill has got to be looked at, as far as I can see, from three points of view. The first from the point of view of criminal jurisprudence, second, political point of view or the policy of the Bill and third, treatment to the accused when they are under trial. I think it will be admitted, I think even the Honourable the Home Member conceded that by the Bill which he has brought before the House, he is introducing a principle in the criminal jurisprudence of a very unprecedented character. I do not think, Sir, there is any system of jurisprudence in any civilised country where you will find such a principle in existence as is involved in this Bill. Some of the Honourable Members who are not lawyers might not have appreciated fully the implications of this Bill. This Bill not only dispenses with the presence of the accused at the trial, but I will give you a picture as to what will happen under this Bill. Under this Bill the Government will apply to the Magistrate before whom the inquiry is going on and say :

“Here is a law which we have secured from the Legislature. Now the accused have voluntarily made themselves incapable of attending the courts and therefore you have to dispense with their presence”.

The inquiry will then proceed *ex parte* before the Magistrate. Evidence will be led oral and documentary, which will go without being tested by cross-examination. The documentary evidence will go without being even seen by the accused, against whom it is produced, and how will you identify the accused in their absence? Then we know, and particularly those who are lawyers would know, that when the Magistrate has concluded the recording of the evidence for the prosecution, under section 209 of the Criminal Procedure Code, he must ask the accused whether he has any explanation to offer with regard to the evidence which is recorded by him against the accused. It is after that statement is made, that the Magistrate has got the power either to commit or discharge the accused. That statement of the accused under section 209 is absolutely obligatory. It is not the choice of the Magistrate. The Privy Council has laid down that an omission in that regard would vitiate the whole trial. Under this Bill the accused will not be there to give any explanation to the Magistrate with regard to the evidence that has been already recorded *ex parte*.

Then, Sir, we come to important sections. Under section 287, that statement again will have to be made before the Sessions Court. There also the accused will not be present. The evidence before the Sessions Court

will be recorded *ex parte* and if it is a jury, the jury will be asked to return their verdict. If it is a case of assessors, they will be asked to express their opinion, and the Judge will pass his judgment or sentence as the case may be. I ask the Honourable the Home Member and I ask the Honourable the Law Member of the Government of India whether that will be a trial or a farce?

**The Honourable Sir Brojendra Mitter** (Law Member) : Not a farce.

The accused can always go before the Court if he chooses to. (Laughter.)

**Mr. Gaya Prasad Singh** : But what about the evidence that has already been recorded in his absence?

**Mr. M. A. Jinnah** : I am very glad that the Honourable the Law Member has given me a reply. Then you want by this Bill really to break the hunger-strikers. (Laughter and Applause.) You want this House to give you a Statute laying down a principle generally in the criminal jurisprudence for this particular case, so that you may use it for breaking the hunger-strike in the Lahore case. Remember, you have no other case that you can cite. One swallow does not make a summer. It is the Lahore case. Well, you know perfectly well that these men are determined to die. It is not a joke. I ask the Honourable the Law Member to realise that it is not every body who can go on starving himself to death. Try it for a little while and you will see. Sir, have you heard anywhere in the world, except the American case, which my Honourable friend Mr. Jammadas Mehta pointed out, an accused person going on hunger-strike? The man who goes on hunger-strike has a soul. He is moved by that soul and he believes in the justice of his cause; he is not an ordinary criminal who is guilty of cold-blooded, sordid, wicked crime.

Mind you, Sir, I do not approve of the action of Bhagat Singh, and I say this on the floor of this House. I regret that rightly or wrongly youth to day in India is stirred up, and you cannot, when you have three hundred and odd millions of people, you cannot prevent such crimes being committed, however much you may deplore them and however much you may say that they are misguided. It is the system, this damnable system of Government, which is resented by the people. You may be a cold-blooded logician : I am a patient cool-headed man and can calmly go on making speeches here, persuading and influencing the Treasury Bench. But remember, there are thousands of young men outside. This is not the only country where these actions are resorted to. It has happened in other countries, not youths, but grey-bearded men have committed serious offences moved by patriotic impulses. What happened to Mr. Cosgrave, the Prime Minister of Ireland? He was under sentence of death a fortnight before he got an invitation from His Majesty's Government to go and settle terms? Was he a youth? Was he a young man? What about Collins? So what is the good of your putting forward this argument? You have got a situation which you have got to meet, not by introducing and enacting measures which go to the root of the fundamental principles of criminal jurisprudence, and lightly saying, “Oh! but it is common sense!” Law is common sense: it is not the common sense of one individual.

**Mr. President** : I hope the Honourable Member is not inconvenienced when I ask him to resume his speech at the next meeting.

**Pandit Madan Mohan Malaviya** : Sir, cannot we go on for another 15 minutes?



**Mr. President :** What is the idea of going on for another 15 minutes ? I can understand the House asking me to sit till 6 o'clock, but there is no idea in sitting for another 15 minutes only.

I think this Bill is very controversial and is bound to take long, and the last day of the Session is the 26th. Unless I am prepared to sit, and the House is also prepared to sit, on Fridays and Saturdays, it will be impossible to close the Session on the 26th. I know several Honourable Members want that the Session should close on the 26th. I have therefore decided at least to sit on Saturdays. The House stands adjourned till Saturday morning.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 14th September, 1929.

## LEGISLATIVE ASSEMBLY.

*Saturday, 14th September, 1929.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### MOTION FOR ADJOURNMENT.

#### ACTION AND POLICY OF GOVERNMENT *re* THE ACCUSED UNDER TRIAL IN THE LAHORE CONSPIRACY CASE.

**Mr. President :** There are no questions today and I therefore call upon Pandit Motilal Nehru to ask the leave of the House for the adjournment motion of which he has given notice.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : Mr. President, I beg to ask for leave of this Honourable House to make the motion of which I have given notice to you. It is to move the adjournment of the House to discuss a definite matter of urgent public importance, namely :

“ The situation arising out of the action and policy of the Government regarding the treatment of the accused under trial in the Lahore Conspiracy Case which has already resulted in the death of Jatindra Nath Das and is endangering the lives of other hunger-strikers in the said case.”

I beg to ask, Sir, that leave be granted.

**The Honourable Sir James Crerar** (Home Member) : The Government have no objection, Sir.

**Mr. President :** The matter proposed to be discussed is in order, and I intimate that leave is granted and that the motion will be taken up at 4 p.m., or, if the Honourable the Leader of the House has no objection, at any earlier hour at which the business of the day may terminate.

#### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL— *contd.*

**Mr. President :** The House will now resume further consideration of the following motion moved by the Honourable Sir James Crerar on the 12th September, 1929 :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose (insertion of new section 540-B), be taken into consideration.”

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, when the House last adjourned I was dealing with this Bill from the point of view of criminal jurisprudence, and I brought to the notice of the House what would be the position if this Bill was passed, so far as the trial and proceedings of this particular case or any other case under it was concerned. It is quite clear as I said, that the trial will be a travesty of justice. Let us consider the point further. The trial would proceed in

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the absence of the accused. I ask the Home Member, is there a Judge or jury who would feel that they were administering law or justice in that case? The moment this Bill is passed, the prosecution can go before the Court and say: "Here is a voluntary act of the accused person; he has or they have incapacitated himself or themselves and we ask you now to proceed *ex parte*". Remember, Sir, that in a particular case that procedure may be adopted from the very start. Even the plea of the accused may not be recorded, guilty or not guilty. Then the Judge will be asked to proceed to empanel a jury and the jury will be empanelled: you will have a Judge on the Bench and the jury by his side. What will they do? They hear the *ex parte* evidence, oral and documentary. I ask the Home Member, I ask this House, what would you consider of that Judge, what would you think of that Judge or jury, sitting there solemnly, seriously proceeding with a charge of murder, going through this farce as His Majesty's Court—what conclusion do you think any jury can come to under those circumstances? That prisoner stands already condemned. What is the good of this farce? I say that no Judge who has got an iota of a judicial mind or a sense of justice can ever be a party to a trial of that character and pass sentence of death without a shudder and a pang of conscience. This is the farce which you propose to enact under this procedure. I say this, that if ever there was a conscientious Judge and he was strong enough, if he had a judicial mind, and if he had any independence, let me tell you, that, in spite of this provision of yours, he would say, "True, the law has to be administered; I am obliged to make the order that the trial shall proceed *ex parte*; but I realise and I feel that it will be a travesty of justice and I cannot be a party to it, and I shall therefore adjourn this case until further orders". Have you considered that? I suppose you have not. It seems to me, Sir, that the great and fundamental doctrine of British jurisprudence, which is incorporated and codified in the Penal Code and the Criminal Procedure Code, has very wisely not made such an absurd provision in the criminal law of this country and I am not satisfied that there is a lacuna in our system of criminal law.

The Home Member said that it is a well-known doctrine and a fundamental doctrine of criminal jurisprudence that the man is taken to be innocent until he is proved to be guilty. May I remind him of another doctrine which goes to the very root of the criminal jurisprudence, or for the matter of that of even civil law, that no man is to be condemned until he is given a hearing. Sir, I think there cannot be the slightest doubt that we are now engaged in considering a cardinal principle, a principle of very vital and paramount character, to be introduced into the criminal jurisprudence of this country. It must be admitted that this is a most revolutionary, unheard of, unprecedented change that is proposed in our criminal jurisprudence. I know the Home Member will tell me, "Yes, the doctrine is that no man shall be condemned unless he is heard and until he is given a hearing; but here it is the voluntary act of the accused, and if he chooses not to go there and insist upon his being heard, it is his fault". Sir, this is not a new question; it has been considered in England and there is a long history about it and behind it and you will find that in old days there was the strictest formality observed as to the recording of the plea of the prisoner. And if the prisoner was mute of malice, that

is to say, if he refused deliberately to open his mouth when he was arraigned in a court of law and when the question was put to him as to whether he pleaded guilty or not,—he had to make his plea and there are cases where he refused to speak, and the old law was,—even England has advanced—in that case he was condemned and executed or must be committed to imprisonment....

**Mr. E. L. Price** (Bombay : European) : Torture.

**Mr. M. A. Jinnah** : I am glad that you are up to date. I know that. I am only dealing with this one point that he used to be executed or committed to prison. Further, when it was thought that that was rather a serious thing that, because a man was mute of malice he should be condemned to death or imprisonment, then comes the point of my learned friend over there, who I understand is a member of the Bar, that they resorted to torture. Torture for what? That he should make his plea, not that an *ex parte* trial should proceed—that is what you want to do here by this Bill, that *ex parte* trial should proceed. The old law was then altered, because the result of the torture was that some of them died and the form of torture was the most cruel form of torture, and I will read to you a passage from Stephen's "History of Criminal Law":

"If he was accused of felony, he was condemned, after much exhortation, to the *peine forte et dure*, that is, to be stretched, naked on his back, and to have 'iron laid upon him as much as he could bear and more', and so to continue, fed upon bad bread and stagnant water on alternate days, till he either pleaded or died."

But they did not proceed *ex parte*. Then the old form of trial was trial by ordeal. That was done away with because the plea that a prisoner had to put forward was in a particular form. When he was asked he had to say that he wanted to be tried "By God and by my country". That was the trial by ordeal. That was done away with and in 1827 by a Statute and it was enacted that in such cases a plea of not guilty should be entered. Now, Sir, before that Statute was passed there is one case which I will bring to the notice of this House and which will illustrate how much importance was attached to the form and the procedure even in olden days. Of course, my Honourable friend Sir Darcy Lindsay will say that matters of this kind can be decided by the common sense of a single individual such as himself. Sir, I must remind him, for he is a man of peace, and especially when we get old we love peace, and common sense is sometimes regulated by that state of mind—I will remind him, and I think the House will agree with me, that law is nothing but the essence of common sense, that law is the concentrated essence of experience, of knowledge, of practice of centuries and generations, and even Sir James Stephen will point out to you that, when these rules, when these forms have been laid down as the essence of common sense and experience of generations they are not lightly to be departed from.

What do we find in this House now? Have we not got forms and are we not slavishly following them? Some of them would appear to the strangers in the gallery or any outsider to be most absurd and against common sense at first sight. If any one passes across between you and the speaker he will be guilty of a gross breach of the forms of this House and you would call him to order at once. Why is that? Without meaning? Without reason? Without experience? What common sense is there? Why should the man not pass across? It is therefore no use

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treating these matters lightly and saying that we have got to decide everything by the common sense of an individual. The instance that I was going to refer to is this. In one case :

“ Mr. Pike produces some evidence to show that in the early part of Edward I's reign, people who refused to put themselves on their trial were executed. . . . ”

Better, people who refuse to put themselves to trial,—execute them, rather than go through the farce of an *ex parte* trial ; much better :

“ . . . but this practice was opposed to the Statute which provided that ‘ notorious felons ’ and which openly be of evil name and will not put themselves in inquests of felonies that men shall charge them with before the justices at the king's suit, shall have strong and hard imprisonment, as they which refuse to stand to the common law of the land. ”

Then he cites a case which I think will interest the House. He says this :

“ ‘ But this is not to be understood of such prisoners as be taken of light suspicion. ’ According to Barrington this meant that the prisoner who refused to plead was to be starved till he died, but not tortured—(so they improved later on)—and he quotes in proof of it a pardon granted in the reign of Edward III to a woman who ‘ *pro eo quod se tenuit mutam* ’ was put in ‘ *areta prisona* ’ and there lived without eating or drinking for forty days, which was regarded as a miracle. ”

Well, Sir, I know that there is a passage which is likely to be quoted in this House in Stephen's “ Digest of Criminal Procedure ”. It is a curious thing that the Government of India who have hardly given this House even seven days notice and call upon this House to endorse a vital, cardinal principle of a novel or unheard of character, do not possess in their Library even an edition of the Law of Criminal Procedure by Stephen of later date than 1883. And they seriously ask this House, “ The Government case is that they find that a deadlock is created. The law is paralysed, and in fact, even the Government of India might tumble down altogether, and we therefore call upon the Legislature to come to our rescue—we admit it is unprecedented, we admit it is unheard of, we admit it is unknown to any system of jurisprudence ; but you as a responsible body—would you not endorse this Bill straightaway within these few days notice ? ” You do not possess in your Library an edition of a textbook which is the standard book except of the year 1883 ! And it is a tall order to ask the House to pass the Bill now and here. I will read the passage now which is likely to be quoted, and I want the House not to be misled by it. But before I do so, I will request the Law Member to consider what I am going to submit. That is a branch of the law which comes under the category of contempt of court, and we know that the King's Bench in England and the Supreme Courts in India, who have inherited the jurisdiction under the Charter, have got unfettered powers to deal with cases of contempt. That is the one branch of the law which is neither codified nor restricted by any law. It is entirely left to the Supreme Court or the High Courts in India to deal with cases of contempt as they think proper. That is a branch which comes under that doctrine of law of contempt of court and even there while the Courts have asserted that they have the power to refuse to hear the party who is guilty of contempt of court, the footnote says that it has never been done in a criminal case. I will read to you what it says :

“ The prisoner has a right to be present at the trial so long as he conducts himself properly, but the Court may, in its discretion, permit his absence in cases

of misdemeanour, and may proceed with the trial in his absence in cases in which he has pleaded to an indictment or information in the High Court (Queen's Bench Division).

If a prisoner so misconducts himself as to make it impossible to try him with decency, the Court, it seems, may order him to be removed and proceed in his absence.”

The footnote says this :

“ I have never known or heard of this being done, but Lord Cranworth (then Rolfe, B.) threatened to have Rush removed from Court, at his trial for murder at Norwich in 1849, if he persisted in a singularly indecent and outrageous course of cross-examination, I have heard from eye-witnesses an account of a trial before Shree, J. (then acting as Commissioner) at Dorchester, where the prisoner (a convict at Portland, tried for the murder of a warder) behaved with such desperate violence that it was necessary to fasten him down with chains and straps. He was not, however, removed from the Court, and it is obvious that in capital cases, or indeed, in any trial involving severe punishment, almost any measures, short of removing the prisoner, should be resorted to. ”

The *raison d'être* of this principle is very different and requires no more words to understand it. Now, Sir, I shall not weary the House with any further legal quotations. I am driven to think, the object of Government in bringing in this Bill is political, but if their real object is to supply a lacuna, not for the purpose of this particular case, but in the general interest of the country and the administration of justice, if that is their object, let them remove this case from their mind, for Heaven's sake. Come to us dispassionately and without prejudice. Let them tell us that they find a lacuna and that it is necessary to make some provision. If that is their object, then their honest and straightforward course is to come before the House and place all the facts before us. Now, I do not admit for a moment that there is a lacuna and I do not admit that such a principle should be introduced in the criminal jurisprudence of our country especially and admittedly when it does not exist anywhere else. I am prepared to assume that you honestly and sincerely believe that it is necessary in the interests of the people and the administration of justice that some such measure of the kind should be introduced. Then your honest course is to go slowly. Pause and consider. Let those outside this House who are competent to speak express their opinion. What are you going to lose ? What is the harm that will be done ? Remove from your mind this Lahore conspiracy case. But if you say that this course will cause you inconvenience and that you want this instrument now and at once, then I say that I am not satisfied with your plea and I can't support it, nor am I satisfied with the version that you have placed before the House about your difficulties. I am not going to give you this power standing on the floor of this House today now and here. Sir, can you imagine a more horrible form of torture than hunger-strike ? If rightly or wrongly these men are inflicting this punishment upon themselves and thereby you are inconvenienced, is that any reason why you should ask us to abandon one of the cardinal principles of criminal jurisprudence ? If these young men pursue this course, and I am sorry to hear that one of them has died, what will happen ? Is this a matter which can continue indefinitely ? Certainly not. As I say, I am not satisfied with the version that you have placed before this House. I understand that some of the prisoners are not on strike. If you are solicitous and anxious that the trial should proceed and should not be delayed, then split up the trial. Proceed against them and bring home the guilt to them if you can. I am told that it means expense. I am told that 400 witnesses are going to be

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produced and 200 more may be added. Now I appeal to the common sense of the House and not only of Sir Darcy Lindsay. Can you imagine that 600 witnesses are necessary to prove the case against each one of the accused? And, Sir, I ask, is it not an amazing fact that, in order to prove this case, 600 persons should have been cited as witnesses? Well, Sir, it may seem a joke and it may seem that I am making fun of the statement made to this effect, but the first impression that one gets is that, when a case cannot be proved without the testimony of 600 witnesses, that case is a very bad case. (Hear, hear.) Therefore I say that it is open to Government to split up the case. You think of expense? But are we here to abandon this cardinal principle because it is going to cost some money to Government? Is that the reason? Is that a plea which can be accepted by any responsible Legislature? Well, Sir, I was told that some of them hunger-strike for a short time and then they get better for a little while and again they start, and so it goes on. Sir, I cannot understand the anxiety of the Government to proceed with this trial when these men are inflicting the greatest possible punishment upon themselves by prolonged fasting? Is it your fault? Does it mean that you are not treating them properly and therefore you are compelling them to resort to these extreme methods? Well, then, I appeal to you with all the emphasis I can command, do not be vindictive. Show that you are fair, generous, that you are willing to treat these men decently. At any rate before they are released or sentenced, give them proper treatment. What treatment do they want? What is it that bothers them? Do they want spring mattresses? Do they want dressing tables? Do they want a set of toilet requisites? No, Sir, they ask for nothing but bare necessities and a little better treatment. I ask you in all decency, why you cannot concede this small thing? Well, Sir, if this Bill is passed, perhaps I might ask the Honourable Member when he goes to Court how would he base his application? Will he base his application on the point that the period of a hunger-strike which has already taken place for a short period is not to be counted? Or is it to be counted? Supposing I tried to put myself in the position of a Judge when the application is made that the presence of the accused in this case should be dispensed with, because by their own voluntary act they have rendered themselves incapable. Now from what period shall I take the disability? From the period after this Statute is passed? Shall I disregard the disability which has already taken place before the passing of the Act? Supposing something else happens to these men on hunger-strike and they do not get well for two or three months. Will the trial not be delayed? Do you think, you can avoid considerable delay even if the Bill is passed, but further can you give a guarantee, that all the prisoners will be well enough in the course of these two or three months from now to stand their trial, even if they abandon hunger-strike? When you say that this Bill will not have retrospective effect, how is it going to work? Then will you give them notice that in view of the fact that this measure is passed, if you do not cease your hunger-strike from today and if you are not better within two or three months as you ought to be, then we shall apply to the Court that your presence will be dispensed with and we shall proceed *ex parte*? Does it not come to this, that you want to carry this Bill, you want to have this Bill placed on the Statute-book and then you want to give notice to the prisoners that, unless they cease their hunger-strike within a certain period, you are going to proceed *ex parte*? Under that

threat you think these prisoners will cease their hunger-strike? Can you give the House that assurance and if they do not cease their hunger-striking, what will you do? You will proceed *ex parte*? Just imagine the absurdity of the whole position.

Sir, now I have finished from the point of view of the jurisprudence. I do not wish to go into details so far as their treatment is concerned. I have in the course of my speech already indicated their grievances and how they can be met. But there is a political aspect of this Bill and the policy underlying this measure. I think the Honourable the Home Member must admit that this is not a measure which is only brought here for the purpose of putting the law in order. Sir, it reminds me of a story, an old Persian story. A man got stomach-ache because he had eaten some very rotten bread. So he went to the doctor and told him that he had stomach-ache. The doctor said, yes, and he promptly started treating his eyes. Then he said, "What have my eyes got to do with my complaint?" Then the doctor said, "Well, if you had eyes, you would never have got stomach-ache because you would not have eaten rotten bread". Similarly I would say to the Honourable the Home Member, "Have you got eyes? Well, if you had, you would never have got this stomach-ache". Now will you open your eyes? (Laughter.) Will you have a little more imagination? Have you got any statesmanship left? Have you got any political wisdom? This is not the way you are going to solve the root cause of the trouble. You may temporarily, provisionally get over this particular trial. But now let us see what is the real cause of the trouble. I ask this House to consider this. Is there today in any part of the globe a civilized government that is engaged day in and day out, week in and week out, month in and month out, in prosecuting their people? You have read the daily papers for the last six or eight months. You will find prosecutions in Bengal, prosecutions in Madras, prosecutions in the Punjab, prosecutions all over the country. In fact I am afraid you will soon have to open a new Department and to have an additional Member to manage these prosecutions if you go on at this rate and in this way. Do you think that any man wants to go to jail? Is it an easy thing? Do you think any man wants to exceed the bounds of law for the purpose of making a speech which your law characterises as a seditious speech, knowing full well the consequences, that he may have to go to jail for six months or a year? Do you think that this springs out of a mere joke or fun or amusement? Do you not realise yourself, if you open your eyes, that there is resentment, universal resentment against your policy, against your programme?

Then, Sir, what has happened so far as this House is concerned? What have you done since 1924 with regard to the protests that we have made session after session? Have you accepted the proposal or suggestion of any reasonable section of this House? I do not wish to go into the details, Sir, but what has been the attitude of the Government towards this House and the country outside over the constitutional reforms since 1924, leave alone the past prior history? The reply is: "We have appointed the Simon Commission and we must await for its Report". Well, the Simon Commission was not accepted by this House—but that does not matter. This is the answer in regard to the constitutional reforms. What has been your answer with regard to the Indianisation of the Army? You appointed a Committee to go into that very important question; I attach more importance to it than to any other question. What have you

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done with the unanimous Report of the Sken Committee which was endorsed by this House, without a division, the responsible House as you call it today and to which you appeal today in the name of "responsibility"? This House endorsed that Report without a division. What have you done with it? The attitude of Government had been an amazing one. The Army Secretary stood there on the floor of this House last session and said: "We cannot get even 20 suitable candidates". Sir, the apparent untruth of that statement is enough to condemn the Government. You cannot get 20 young men out of 300 odd millions of people who are suitable candidates for the King's Commission. Then, there are many other matters. What has been your attitude always? Don't you think that, instead of trying to proceed with an iron hand and pursuing a policy of repression against your own subjects, it would be better if you realised the root causes of the resentment and of the struggle that people are carrying on? Don't you think that it is high time that you made your position more clear? I understand that there is something in the atmosphere—I hope it is true—that some satisfactory announcement is going to be made in Parliament very soon, when it meets next which I trust will satisfy this House and the people. Do you want to prepare an atmosphere for it, or you do not? Do you want reconciliation between the Government and the people or you do not? Don't you think that these difficulties and troubles of yours are of a temporary character? They are an obstruction in the trial of this particular case which can be managed by other methods, but that is a very small matter when you compare it with the bigger issues which are awaiting the decision of the Government, this House and the country.

Sir, the Honourable Member asked, what are the Government to do? I think I understood the Honourable Member aright when he said that the Government have no other course. What are the Government to do? They are, therefore, compelled to bring this Bill. Now, let me tell you that your course is to open your eyes, have more imagination, do not be guilty of bankruptcy of statesmanship, do not merely sit there as if the wheels of the Secretariat must not be clogged at any cost, but try and understand the root cause and deal with the situation as politicians, as statesmen and not as bureaucrats, who can see no other way but to come forward before this House and ask for more statutory powers the moment any difficulty arises. You have got several courses open to you. The first and the foremost course open to you is this. Give these men decent treatment, and I think you will get over your difficulty. At least I hope so. If you do not, you will, at any rate, be exonerated in the eyes of the public and at the Bar of public opinion. Behave as a human and decent Government, and that is enough for you. I am not going to urge upon the Government to withdraw prosecution cases against men if they have evidence enough to bring home to them their guilt. So try that netter treatment first. Secondly, if you do not succeed, split up the trials. Try those with whose trial you can proceed, and leave the rest. After you have made it clear to them that you stand for a decent treatment being given to them and they still wish to torture themselves and follow that course, then you cannot help it; and I venture to say that it will not last very long or indefinitely. And the last words I wish to address the Government are, try and concentrate your mind on the root cause and the

more you concentrate on the root cause the less difficulties and inconveniences there will be for you to face, and thank Heaven that the money of the taxpayer will not be wasted in prosecuting men nay citizens who are fighting and struggling for the freedom of their country.

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, I express my gratitude to my Honourable and learned friend Mr. Jinnah for bringing this debate from the foggy atmosphere of politics into the pure atmosphere of law, because, after all, the Bill before the House deals with a technical branch of the criminal law. I am glad that my learned friend has raised important legal issues based upon fundamental principles of criminal jurisprudence. I will join issue with him in some of the matters and opinions which he has expressed. I shall confine myself, Sir, purely to the legal aspect of this Bill, leaving the political aspect to be dealt with by other speakers. There has been a great deal of misapprehension, as I gathered from the debate which took place on the last occasion, with regard to the aim and scope of the Bill. There has been a great deal of misapprehension also with regard to the fundamental principles of criminal jurisprudence upon which its provisions are based. I shall endeavour, Sir, as briefly as I can, to remove those misapprehensions and I beg of this House to consider the legal aspect, as distinguished from the political aspect of the Bill dispassionately and bring to bear upon it their calm judgment. Sir, this is a Bill which seeks to amend a particular provision of the Criminal Procedure Code, relating not merely to trials but to inquiries also. Recent events have disclosed certain defects in the existing procedure. My learned friend Mr. Jinnah disputes that proposition. I shall show that the defect does exist. The aim of the Bill is to remedy that defect, and the scope of the Bill is limited to the particular defect which recent events have disclosed. Neither the aim, nor the scope goes any further. The House will pardon me if I draw its attention to certain broader principles of jurisprudence before I come to this particular Bill. I shall do that very briefly. In law, as all lawyer Members of this House are aware, there are two broad divisions, substantive law and adjective law. Substantive law defines rights and duties, adjective law prescribes the machinery for enforcing those rights and duties. This is of course elementary. My learned friend Mr. Rangaswami Iyengar is laughing, but every one here is not an acute lawyer like him. I will not take more time than is absolutely necessary to elucidate what I am going to say later. The broad division of law is into substantive and adjective law. Substantive law defines rights and duties, and adjective law or procedure provides the machinery. Substantive law is not being dealt with by this Bill at all. In criminal law, substantive law is that which defines offences and prescribes punishments. This Bill has got nothing whatsoever to do with substantive law. Its scope is limited to the machinery. My submission is that there is a defect in the machinery and this Bill has been designed to supply that defect.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural): Perhaps you want to break that machinery.

**The Honourable Sir Brojendra Mitter**: I could not hear what the Honourable Member says. Now, Sir, the House will realise that procedure exists merely for the sake of substantive law. It has no independent existence. If under substantive law a certain act or course of conduct amounts to an offence, then it is the duty of the State to bring the offender

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to look through the machinery or the procedure which the Criminal Procedure Code provides. I am talking generally. There are particular procedures in particular cases ; I am not dealing with them. Now, in the matter of this general procedure, a fundamental principle has been referred to by several speakers and by my Honourable friend Mr. Jinnah in particular. And that fundamental principle, in the words of Mr. Jinnah, is that, "No man is to be condemned until he is given a hearing". That is how he enunciated the principle. Sir, I do not accept the principle in those terms. In my submission, the true principle is this, that no man is to be condemned until he has been given every opportunity of being heard. That is the principle. A man must be given an opportunity, not that he must be heard. Many prisoners are not heard. Any one familiar with criminal trials knows that in every session, there are dozens of accused who go undefended and are convicted unheard.

**Mr. M. A. Jinnah :** That is not the point. We are dealing with dispensing with the presence of the accused.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : The accused is there.

**The Honourable Sir Brojendra Mitter :** I am not talking of the presence of the accused. I am talking of being heard or unheard.

**Mr. A. Rangaswami Iyengar** (Tanjore cum Trichinopoly : Non-Muhammadan Rural) : They are being heard.

**The Honourable Sir Brojendra Mitter :** I shall explain what I mean. The true principle is this, that you must give the accused every opportunity of being heard and of defending himself. If he avails himself of the opportunities, well and good. If he does not avail himself of the opportunities, he has no right to complain.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Have Star Chamber methods then !

**The Honourable Sir Brojendra Mitter :** I have been in charge of Calcutta sessions trials for many years. I know from my own experience that at every session, more than half the prisoners never defended themselves, never took the slightest interest in the proceedings and the cases were heard *ex parte*.

**Mr. A. Rangaswami Iyengar :** *Ex parte* !

**The Honourable Sir Brojendra Mitter :** *Ex parte* means that the prosecution evidence goes untested by cross-examination. That is *ex parte*.

**Mr. A. Rangaswami Iyengar :** It does not mean that. *Ex parte* means that the party is absent.

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : What the Honourable the Law Member says is not the legal meaning.

**The Honourable Sir Brojendra Mitter :** What I am saying is this, that there are every day cases in the courts where the accused is not heard.

**Mr. Gaya Prasad Singh :** But the accused is present.

**The Honourable Sir Brojendra Mitter :** He is given an opportunity to be heard, he is given an opportunity to defend himself, but he does not avail himself of that opportunity.

**Mr. M. A. Jinnah :** That is not *ex parte*.

**The Honourable Sir Brojendra Mitter :** It may not be according to you. (Laughter and Applause.) Let us not quarrel over words. I am dealing with the principle, the principle which my Honourable friend Mr. Jinnah laid down, that is that "No man is to be condemned until he is given a hearing".

**Mr. M. A. Jinnah :** I made that statement, and then I gave the answer, that in this particular case, it would be urged that the accused had incapacitated themselves by their own voluntary act.

**The Honourable Sir Brojendra Mitter :** Sir, what I submit is this. The true principle is that every accused must be given every opportunity of being heard. He must be given every opportunity of defending himself. That is to say when the prosecution witnesses are examined, the accused should be given every opportunity to have the evidence tested by cross-examination, either by himself or by counsel of his own choice. If he does not avail himself of that opportunity, is the prosecution to be abandoned ? The whole question is this. Does this Bill outrage or violate the fundamental principle that the accused should not be denied the opportunity of being heard ?

**Mr. President :** What about the man who absconds ?

**The Honourable Sir Brojendra Mitter :** Wait, I am coming to the absconder presently. The question of absconders was raised by one of the speakers, and I shall have my say in the matter. Sir, under sub-clause (4) of clause 2 of the Bill, it is provided that :

"No order under sub-section (1) dispensing with the attendance of an accused shall affect his right to attend or to be represented by a pleader at any subsequent stage of the proceedings."

Therefore this Bill provides that the accused, notwithstanding the order dispensing with his attendance, can always, if he so chooses, come before the Court and defend himself and take part in the proceedings.

There is nothing to prevent him from doing that. It is not like a civil case where, when once an order is made that

12 Noon. a case should go undefended, the defendant can never come and defend.

**Mr. M. S. Aney** (Berar Representative) : Is that a correct statement of law ?

**The Honourable Sir Brojendra Mitter :** Yes. This Bill has made provision for the accused coming before the Court at any stage he chooses ; not that he is shut out from defending himself ; not that he is denied the opportunity of availing himself of any procedure in the court, any rule of evidence that he may choose to adopt in his own defence. He is not denied anything. All that this Bill does is this, that if an accused deliberately refuses to avail himself of the opportunities which the Criminal Procedure Code gives him, then he has to thank himself if the trial goes on in his absence. That is all that this Bill says.



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Sir, I will now deal with the case of the absconder. Under the Criminal Procedure Code, an absconder cannot be tried, under the Criminal Procedure Code an absconder cannot be convicted, under the Criminal Procedure Code, no judgment can be passed upon an absconder. All that the Criminal Procedure Code provides in the case of an absconder is this, that certain rules of evidence have been framed under which evidence may be taken in his absence; and that is, to use legal language, for perpetuation of testimony. It is for that purpose and that purpose only that, in the case of an absconder, you may record evidence in his absence. Beyond that you cannot take any other step against an absconder.

**Mr. President :** Why not? He is given an opportunity to defend himself but he does not avail himself of it.

**The Honourable Sir Brojendra Mitter :** Because there is another cardinal principle of criminal law, and it is this, that there cannot be a trial of an absent person. (*Cries of "Hear, hear" and Laughter.*) There absence means this: the man has not been under arrest, the man has not been in custody. A man who is not in custody cannot be tried. That is one of the fundamental principles of criminal jurisprudence, and it is by virtue of that principle that you cannot try an absconder. There are several principles underlying criminal law, and the principle which applies to an absconder is this, that a man who has not been arrested cannot be brought to trial, and it is by virtue of that principle that an absconder cannot be convicted or cannot be sentenced. Courts never act in vain. It is quite different from the position when a man is under arrest on the allegation that he has committed an offence; he is then before the Court; he is in the custody of the Court, although he may not be physically present.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Where do you get all this?

**Mr. President :** Order, order.

**The Honourable Sir Brojendra Mitter :** The case of a person who has been arrested and brought before the Court is entirely different. Once he has been brought before the Court, then the principle enunciated by my learned friend Mr. Jinnah, subject to the modification which I have suggested, applies.

**Mr. M. R. Jayakar** (Bombay City: Non-Muhammadan Urban): What if the prisoner absconds from jail custody after he is brought to Court once and kept in jail pending completion of trial.

**Mr. Gaya Prasad Singh:** He must be on bail?

**The Honourable Sir Brojendra Mitter :** Even when a person is on bail he is under the control of the Court. A man must be either in physical custody or under control. Once a man is in the custody or under the control of the Court, it is then and then only that the Court can try him and the Court can convict him or acquit him or deal with him, but not a man who is not under the custody or control of the Court. In the case of a man who escapes from jail custody, as my Honourable and learned friend Mr. Jayakar puts to me, he ceases to be under the control of the Court and therefore the Court cannot deal with him.

**Mr. Abdul Haye** (East Punjab: Muhammadan): Then you put a premium on dishonesty and cowardice!

**The Honourable Sir Brojendra Mitter :** I do nothing of the sort.

Sir, section 512 of the Criminal Procedure Code was referred to in connection with the case of an absconder. Now, section 512 comes in Chapter 41 which deals with special rules of evidence and does not deal with trial at all. Section 512 says this:

"If it is proved that an accused person has absconded and there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of"

—not the Court "trying" but the Court "competent to try" him. That makes it quite clear—

"may in his absence examine the witnesses, if any, produced on behalf of the prosecution and record their depositions."

That is to say, the competent Court and not the trial Court. That is the distinction between the absconder and the man who is under arrest.

**Mr. Gaya Prasad Singh :** Please read further on.

**The Honourable Sir Brojendra Mitter :** It is not necessary for the purpose of my argument, but if there is anything against my contention, as is insinuated in the interruption, I shall read it and deal with it:

"Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged"

—that supports my contention. That shows that he cannot be brought to trial until he is under arrest—

"if the deponent is dead or incapable of giving evidence, or his attendance cannot be procured without an amount of delay, expense and inconvenience which, under the circumstances of the case, would be unreasonable."

That shows the circumstances in which the evidence may be used against him, although that evidence may not have been tested by cross-examination. That is a special provision, a rule of evidence in the case of absconders. As I said, that section is based upon the principle of perpetuation of testimony, because otherwise that testimony may be lost.

**Mr. M. A. Jinnah :** Preservation of testimony.

**The Honourable Sir Brojendra Mitter :** Very well, preservation of testimony. Sir, in the language of the law it is called perpetuation of testimony and I was using the legal phrase, but I shall willingly adopt the popular phrase, as suggested by my Honourable friend Mr. Jinnah, preservation of testimony.

Now, Sir, having said so much, I proved, with your leave, to show that there is a lacuna in the procedure. Sub-clause (1) of section 540-A deals with the presence of the accused either in person or vicariously by pleader. This is sub-clause (1) of section 540-A:

"At any stage of the inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaining before the Court, he may, if such accused is represented by pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused."

I know, Sir,.....

**Mr. Amar Nath Dutt** : I know that you know.

**The Honourable Sir Brojendra Mitter** : Then what is the use of interrupting me ? You will only prolong the agony.

**Mr. Amar Nath Dutt** : But I want you to say it.

**The Honourable Sir Brojendra Mitter** : I know all that, and as I have stated it will only be prolonging the agony if Members constantly interrupt me. I am not going to sit down by reason of these pointless interruptions.

**Mr. Amar Nath Dutt** : No, no; I know that.

**The Honourable Sir Brojendra Mitter** : Now, sub-clause (1) deals with a person who is either present himself or vicariously. Sub-clause (2) deals with a person who has no pleader :

“ If the accused in any case is not represented by pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.”

That deals with the case where an accused is absent and is not represented by pleader. This section deals with a case of unavoidable absence ; it does not deal with a case of avoidable absence, and that is where the lacuna comes in. Mark the difference between “ is incapable ” and “ has voluntarily rendered himself incapable ”. A person who, by his voluntary act, is absent, is absent for an avoidable cause ; but 540-A deals with the case of a person who is absent for an unavoidable cause ; he may not be represented by pleader owing to poverty or any other cause. That is my reading of the law. You may accept or may not accept it. I know that political prejudice may prevent Honourable Members opposite from accepting it. If they will keep their prejudices aside, their legal sense will be entirely with me. I know that. What I am submitting is this ; that the lacuna consists in a provision for avoidable absence ; 540-A has provided for unavoidable absence, but avoidable absence has not been provided for. This lacuna is sought to be filled by the present Bill.

It is said that trial of an accused in his absence is unprecedented. I admit it ; I admit that it is unprecedented and unusual ; but my submission to you, if you will consider my submission in your calmer moments, is this : that that is not an inflexible rule of law, but if I may so express it, a rule of prudence ; and that is why Sir James Stephen, in his book on Criminal Procedure, says as follows. May I have the book, please ?

**An Honourable Member** : It has been returned.

**The Honourable Sir Brojendra Mitter** : It is my book ; it has not been returned to me ; very well, I have got an extract in my notes.....

**Mr. M. A. Jinnah** : May I inform the Honourable Member that for the moment the book has been taken away by the reporter.

**The Honourable Sir Brojendra Mitter** : I have got an extract here.....

**Mr. President** : Order, order ; one of the two Honourable Members must resume his seat.

**The Honourable Sir Brojendra Mitter** : Sir, I plead want of practice. In article 302 of his well-known book on Criminal Procedure, Sir James Stephen lays down this proposition ; that the prisoner has the right to be present so long as he conducts himself properly, but the Court may, in its discretion, permit his absence in cases of misdemeanour, and may proceed with the trial in his absence in cases in which he has pleaded to an indictment on any occasion in the High Court. My learned friend, Mr. Jinnah, said that this refers to a contempt of Court. That does not affect my argument that, whether it is contempt of Court, or falls under some other division of the criminal law, nevertheless it is a criminal offence ; and in a criminal offence, it may be permissible, in certain circumstances, to go on with the trial in the absence of the accused. That is all I say. I do not put it any higher than that.....

**Mr. M. A. Jinnah** (Sir Brojendra Mitter still standing) : Are you providing for that now ?

**Mr. President** : Is the Honourable Member prepared to give way ? If the Honourable Member is prepared to be interrupted, he must resume his seat.

**The Honourable Sir Brojendra Mitter** : I am very sorry that I have been guilty on more than one occasion of this irregularity, but as I pleaded, it is entirely due to want of practice ; probably the next Session will find me behaving much better. (Laughter.)

**Mr. President** : Ignorance of the law is no excuse. (Laughter.)

**The Honourable Sir Brojendra Mitter** : I bow to that, Sir ; but ignorance of procedure may be condoned. Sir James Stephen goes on to say :

“ If a prisoner so misconducts himself as to make it impossible to try him with decency, the Court, it seems, may order him to be removed and proceed in his absence.”

All that I am submitting is this : the normal procedure is that you must proceed in his presence, but there may be circumstances—I am not dealing with the circumstances now—there may be circumstances now—there may be circumstances—which is within the bounds of possibility—when the Court may proceed with the case in his absence.....

**Mr. D. V. Belvi** (Bombay Southern Division: Non-Muhammadan Rural) : After his plea is recorded.

**The Honourable Sir Brojendra Mitter** : I do not put my case any higher than that, and therefore my submission is this : that the necessity for the presence of an accused at a trial is not an inflexible rule of law. It has been found generally to be a good rule of prudence, which ought, in normal circumstances, to be complied with ; but in abnormal circumstances it is permissible, according to the principles of English criminal jurisprudence, to proceed with the trial in the absence of an accused.

**Mr. M. A. Jinnah** : Only in the case of contempt.

**The Honourable Sir Brojendra Mitter** : If you extend it to the offence known as contempt, is there anything in principle why it should not be extended to other offences ?

**Mr. M. A. Jinnah :** It has not been done so far, as it is founded on a different principle.

**The Honourable Sir Brojendra Mitter :** I know it has not been done, for the simple reason that the circumstances with which we have to deal never arose in any other country.

**Mr. M. A. Jinnah :** They did ; my point is they did arise before ; I quoted those cases from Stephen's History of Criminal Law and Procedure.

**The Honourable Sir Brojendra Mitter :** You are talking of the Middle Ages. (Laughter.) I have pointed out, that there is a lacuna in the criminal procedure as it exists, the lacuna being that it does not provide for the case of avoidable absence, when a person refuses to be present. In this connection, I may draw the attention of the House to a section in the Criminal Procedure Code which deals with pleas. I refer to section 272. If the accused refuses to, or does not plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and try the case. I am referring to it only for the purpose of drawing the attention of the House to the case of refusal of the accused to plead.

That has been provided for. If the accused refuses to plead, then he is to be deemed to have pleaded not guilty and the trial will proceed. Here, we are providing, if he refuses to be present.....

**Mr. M. A. Jinnah :** He ought to be acquitted according to that rule.

**The Honourable Sir Brojendra Mitter :** I do not see that. What we are providing for is this. The Criminal Procedure Code has already provided for the case where the accused refuses to plead, and here we are providing for the case where the prisoner refuses to go to Court, to be present in Court, or refuses to be represented by pleader. That is the case we are providing for. Now, Sir, it may be said that it is not fair that the accused should go unrepresented. That is a point on which I want to make one observation. That is a matter for the Select Committee. If it be the sense of the House that provision should be made for the representation of the accused in every case when he is absent, I am prepared to meet my Honourable friends and accept the suggestion and make proper provision for representation. Sir, you can take a horse to the water, but you cannot make him drink. You can offer to pay for a pleader of his own choice, but if he refuses to engage any pleader, what are we to do ? Is the trial to be defeated by reason of such recalcitrant attitude ? Is the administration of the law to come to a standstill because a determined person refuses either to be present or to engage a pleader when the Crown may be prepared to pay for that pleader ? I say, in such a case, the law requires amendment. There is that lacuna which impedes the course of justice. There is that lacuna which is likely to bring about a deadlock in the trial. Administration of justice is one of the most important parts of the foundation upon which every ordered society is established. When there is such a lacuna, it is the duty of the Government when such lacuna is discovered as has been disclosed by recent events—it is the duty of the Government to come to the Legislature and confidently ask the Legislature to assist them in

filling that lacuna. Banish all political prejudice from this Bill, consider it calmly and dispassionately as a measure seeking to fill a gap in the law, and then I am sure, if you exercise your judgment on those considerations, freed from political passions or political prejudices,—I am sure you will unanimously pass this measure. (Applause.)

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, previous speakers on this side of the House have characterised this Bill as an unparalleled and unprecedented measure. To my mind it is nothing short of an outrage on any Legislature to be asked to consider a Bill of this kind. I have just had the benefit of listening to a solemn lecture which I have long ceased to be accustomed to during the last forty-five years ever since I left the class room. That came from the Honourable the Law Member.

**The Honourable Sir Brojendra Mitter :** Sir, it was my misfortune, not my fault.

**Pandit Motilal Nehru :** But I do not know which is to be more regretted, the misfortune of the Law Member or his fault, because in the present case both the elements are present. It is his misfortune to select a place and an occasion to say things which are not at all suitable to that place or occasion, and it is his fault that he does not know what the law is. Well, I will take up the challenge of the Honourable the Law Member and show that there is absolutely no foundation for the distinction which he makes between avoidable and unavoidable absence nor for the interpolation of words into a Statute which the framers did not use on any principle of the criminal jurisprudence of India or England or any other part of the world.

Sir, I shall deal with the Honourable the Law Member as I come to the points which he has raised. Let me first deal with the avowed object of the Bill. For that purpose I shall ask the House just to refer to the Statement of Objects and Reasons which is a very short and sweet document. It is said :

“ The Code of Criminal Procedure, 1898, contains no provision by which an inquiry or a trial can continue in the absence of an accused if he is not represented by counsel.”

I ask the Honourable and learned Law Member, is there any system of jurisprudence in the world, which does contain a provision by which an inquiry or a trial can be continued in the absence of the accused person ? I submit that there is no precedent for it in any known system of criminal jurisprudence. And this is what is said to be a lacuna ! These principles are centuries old. People have been tried for hundreds of years but it was given after all these centuries to the present Government and to the present Law Member to discover that there was this lacuna in the Criminal Procedure Code of this country. Then, what is the evil that is sought to be removed ? The Statement of Objects and Reasons proceeds :

“ It is, therefore, possible for an accused person to bring the administration of justice to a standstill by a voluntary act by which he renders himself incapable of attending Court.”

The same has been the experience elsewhere and as I shall presently show it certainly was the experience, if not in England, at least in the neighbouring island of Ireland, and yet it never occurred to anybody

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either in England or elsewhere to suggest the removal of this lacuna in the law of the country. The chief object of the Bill is this :

“ The provisions of this Bill are intended to prevent the delay and defeat of justice.”

Well, if it were said that the object is to delay and defeat justice, it would be more appropriate. And what is the remedy ?

“ Empowering Judges and Magistrates to proceed in the absence of an accused, even if he is not represented by counsel.”

That is to say, by doing a thing which is not warranted by any system of law or jurisprudence. Those are the reasons and those are the objects. I submit that not one of them is such as should have been placed before any legislature.

Much has been said about the cardinal principles and the fundamental rules of criminal jurisprudence and criminal law. I now take up the argument of my Honourable friend, the Law Member that there is an omission which he supplies by reading the word “ unavoidable ” in section 540-A, and after making that interpolation, he says, here is the law which provides only for “ unavoidable ” absence. In the first place, I ask this House to make no such assumption of the existence of a lacuna as the Law Member wants us to make, and secondly I ask the House to read the section as it stands.

It is opposed to every canon of construction either of civil or criminal law to read into the law words which are not there. You cannot restrict the ordinary meaning of the words and take them to mean something not warranted by their grammatical construction or dictionary meaning.

Now, let us examine these fundamental and cardinal principles. The first is admitted by the Law Member. It is that you cannot begin a trial in the absence of an accused. He must either be present himself or must be brought before the Court before the trial can commence. I need not cite any authority for that proposition because I take it that it is admitted by the Honourable the Law Member, but there is a whole series of sections in the Code of Criminal Procedure dealing with this point. There are four forms of procedure. The first relates to inquiries into cases triable by Sessions Judges and High Courts. The second to summons cases, the third to warrant cases, and the fourth to trial before the Sessions Court or the High Court. Separate Chapters of the Criminal Procedure Code deal with these various kinds of trial or inquiry, and the opening section of each Chapter lays down that the Court shall begin the proceedings when the accused appears or is brought before the Court. That is principle No. 1. The second principle, which has been conceded by my friend, is that the accused must be given an opportunity to be heard. We are not concerned with that in this case. But there is a third principle. What is to happen if the accused ceases to attend the Court while the proceedings are going on ? The Legislature has not ignored that contingency. That very contingency is provided for in section 540-A, clauses (1) and (2). Now, if clause (2) of that section is read without the commentary of my learned friend and without the interpolation of words which he finds it convenient to read into that section, then it covers exactly the present case. Here is a case where there has been an incapability to remain before the Court, the cause being immaterial. You have got two

courses open. Either a separate trial of those incapable of attending may be ordered and the trial of those who are capable of attending continued, or the whole trial may be postponed. These are the only two courses. Now, it is sought to introduce a third course, *viz.*, that the Court may do away with the presence of the accused as well as of that of his counsel or pleader—a contingency which is neither contemplated by the law of India nor by the law of any other country. The essential condition of a trial is that you must confront the accused with his accuser before you can sentence him or even before you can proceed against him. That is why every accused has got to be present, if the proceeding is to be a trial. Every witness who comes into the box and every little piece of evidence that is tendered against him must be adduced in his presence. The commencement of the trial needs the presence of the accused. The continuation of the trial equally needs the presence of the accused. If there is incapability to remain in attendance, from whatever cause arising and there is no pleader to represent the accused, there can be no trial at all unless we read section 540-A, as the Law Member has done, with additions and subtractions of his own. I trust nobody in this House will lend himself to such a course.

Another fine argument is advanced in the case of absconders. It is said that the accused must be under the custody or the control of the Court. Now, there is no provision of law under which any evidence can be adduced against an absconder or the case can be proceeded with without him, until he appears sooner or later. All that can be done is to have recourse to proceedings in the nature of perpetuation of evidence. I congratulate the Law Member for the use of the correct legal term “ perpetuation of testimony ”. Now, Sir, the whole point of the analogy of the absconder put forward by my Honourable friend Mr. Abdul Haye has been missed by the Law Member. The point of his argument is this. Here is a man who, by his own voluntary act, in order to save his skin, does something which is in itself an offence and defies both the executive officers and the Court. He effects his escape and remains in hiding and never comes before the Court. The machinery of the law is held up. Nothing can be done until this man appears again. If there is any apprehension of some of the witnesses dying before the accused appears, then their statements are taken down and those statements are, in the words of Mr. Jinnah, preserved, not perpetuated. All that can happen is that those statements can be used against the accused when the accused appears if the witnesses have died meanwhile. Nothing can be done on those statements. No order can be made on those statements. It is only when the accused appears that these statements can be used against him, but if the witnesses are all available everything else that has gone before counts for nothing and cannot be referred to.

It is only then that the trial begins. Well, what my Honourable friend Mr. Abdul Haye says is, here are men who have not rendered themselves incapable to attend to save their skin but who are sacrificing themselves for a very noble object. You cannot deal with them, and the law says you shall not deal with them. Why do you invent this internal machine in order to deal with them ? That is the point, because, without inventing this machine you cannot touch them. That is a patent fact. Now, Sir, let us examine the argument and see what it comes to. The Government say that, so far as the existing provisions concerning trials are concerned, we cannot carry on this trial and therefore we want additional

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powers. If they were honest enough, as my Honourable friend, Mr. Jinnah has pointed out, they would say, "Well, we want some sort of power, some sort of procedure which will take the place of a trial because we cannot try these men". It is impossible for you to come and say, "Let us try a man without complying with the fundamental, with the very essential condition, namely, the presence of the accused. Now my Honourable friend, the Law Member, said that, if the remedy is to appoint, to take power to appoint, a pleader for a man who has not appointed a pleader, then he is willing to meet us half way; and he said that he would give the Courts the power to inflict a pleader upon an unwilling client who, most probably, has no confidence in this pleader and to whom he does not wish to entrust his case. That, Sir, is the favour that the Law Member is willing to grant. I have here, Sir, a pronouncement by one of the distinguished Judges of England in the case of *Reg. v. Yscuado* which was referred to in this very case by the Lahore High Court. In this case the prisoner was indicted for wilful murder. When he was called upon to plead, no word or sign could be elicited from him, and the jury were sworn to try whether he stood mute of malice or by the visitation of God. The jury found that it stood out of malice. Then it was suggested by the prosecution that, under the peculiar circumstances of the case, counsel should be assigned to the prisoner and one of the counsels present at once volunteered to defend him. The prisoner was asked whether he wished to have the services of counsel to defend him, but no reply was given.

**The Honourable Sir Brojendra Mitter :** Sir, I think the Honourable the Pandit has misunderstood me. What I said was that the Crown would be prepared to pay for a pleader of his own choice, that is, the choice of the accused, not against his wish. I never suggested that. That was a misapprehension.

**Mr. Amar Nath Dutt :** That is tainted money.

**Pandit Motilal Nehru :** I am very glad, Sir, that my Honourable friend admits that Government have no right to force a pleader upon a client who does not wish to have him.

**The Honourable Sir Brojendra Mitter :** I fully accept that.

**Pandit Motilal Nehru :** I quite appreciate the force of the great offer, the liberal offer that he has made. Nobody however has gone to him begging money to pay for pleaders. He knows that these people are being defended by a Defence Committee which has ample funds at its disposal.

**The Honourable Sir Brojendra Mitter :** I was not thinking of this case or that case. I was thinking generally of the provisions of the law.

**Pandit Motilal Nehru :** It is this case which has brought the Government before this House and if anything does not apply to this case, we can reserve it for future consideration. (Laughter.) Now, Sir, my whole point is this, that I cannot conceive of a trial either being commenced or being continued without the presence of the accused or the presence of his lawyer where his personal attendance can be dispensed with. Now there is one instance to the contrary which has been given and that is from Stephen's "Criminal Procedure". Mr. Jinnah has

pointed out that that was in the exercise of the Common Law jurisdiction which the Presidency High Courts had inherited from the Supreme Courts and that that Common Law jurisdiction had its origin in an ancient and obsolete rule no longer followed. Now the present Bill, if passed into law, is not going to apply only to those courts which have inherited their jurisdiction from the Supreme Courts.

**Mr. M. A. Jinnah :** Sir, may I point out to the Honourable Member that it is not only that, but that this Bill is not going to bring the party before the Court and the question of contempt of Court does not arise here.

**Pandit Motilal Nehru :** That is exactly what I am saying. I say, even so, that procedure which has been mentioned by Stephen in his book will not apply to any part of India except in cases of contempt when tried by the High Courts which have inherited jurisdiction from the Supreme Court.

**The Honourable Sir Brojendra Mitter :** Sir, all I submitted was that the principle was not unknown, not unheard of.

**Pandit Motilal Nehru :** We are now, Sir, passing a law of general application and we must exclude from consideration all special cases and special applications of special rules. Now if that is so, then my challenge stands. I want to ask, can there be any trial under any system of law, or can a trial be continued without the accused being present except when the presence of the accused who is represented by a pleader is dispensed with under the provisions of section 540-A? Well, I submit, Sir, it is a misnomer to call a proceeding, a trial at which the accused is not present either personally or by pleader. Whether it is by his own voluntary act that he has incapacitated himself from appearing, or whether it is by a visitation of God is immaterial. The law makes no distinction whatever because in no case can there be a trial without the presence of the accused. When you say there can be a trial without the accused, you go again all notions of criminal law. Under the pretence of removing a lacuna in the law, you sap the very foundation of criminal justice. You may ask us for any special executive powers that you may need, but do not slander the principles of criminal jurisprudence. There is no justification for asking any Legislature to so amend the law that it ceases to answer to the description of any law whatever. Sir, if that well-known expression of my colleague, the late Mr. C. R. Das, was ever applicable to any law, namely, a lawless law, it certainly is applicable to the measure which is now before this House.

I will leave the legal aspect of the case at that and will now deal briefly with the facts and circumstances which have induced the Government to come before this House to ask for special legislation. Previous speakers have used strong language and indulged in severe condemnation of the Government for their action or inaction in this matter. That I submit is fully deserved by the Government, but there is another aspect of the case which appeals to me more, and it is that the present action of the Government excites more pity and commiseration than anger. The Government comes before the House and says: "We have blundered; we have not done our duty; we have blundered in our treatment of these accused people. The matter has gone so far and we are in such a mess now that we come to this House to help to extricate us from that mess by some sort of a special procedure which, whether known to the law or unknown to the law, will save us". That is the position. The

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only answer to this position can be : You have done these things in spite of repeated warnings of this House. I will not go into the long history of these warnings because my Honourable friend Mr. Jinnah has already referred to them. By your persistent conduct you have brought all these things upon yourselves, and you have to take the consequences ; we cannot help you. That is the plain answer. But have the Government done their duty ? They say, they have. By the courtesy of the Honourable Mr. Emerson I am provided with certain papers, which show the exact nature of the demand of the accused. Much has been said on the floor of this House as to the reasonableness of those demands. In opening the debate, the Honourable the Home Member relied upon the extravagance of the demands, which, he said, were made not only for themselves by the present accused people, but also for the convicts in the Kakori case and the Ghadr case, and in order to impress the House both the Honourable the Home Member and the Honourable Mr. Emerson read a long list of the most violent and diabolical crimes that could be imagined which these men were found guilty of. And it was said that the demand made by the Kakori prisoners and the Ghadr prisoners was for preferential treatment, and that it was a demand which was far too extravagant to be looked at. That is not my reading of it. It is true that the letter or the application which was read by the Honourable Mr. Chaman Lal does mention the Kakori case and the Ghadr case, but, I take it, as only illustrating the general principle. When we look at the demand, we have to see what these prisoners want for themselves. Can it be pretended that if all that these prisoners wanted for themselves had been conceded and this special treatment had been withheld from the Kakori and the Ghadr prisoners, still these Lahore prisoners would not have broken their hunger-strike ? There can be no suggestion of that kind. But, in point of fact, the real demand of these people was a very reasonable and a very simple one. Now, the first is a letter or application of the 17th June, 1929, by Bhagat Singh in which he puts his demand like this :

" My demands are—special diet, including milk, ghee, rice and curd. No forcible labour. Toilette soap, oil, shaving, etc. Literature, history, economics, political science, poetry, drama or fiction."

He wants something to read, something to live upon, some decent food and something to keep himself clean ; some soap and water and towel. That is the first demand.

Then Dutt, his co-accused, in another letter without date says this :

" My demands are the following : Better food, including loaf and milk in the morning ; rice, dal and vegetables and curd and sugar in the noon ; and bread, meat and *chatni* at night. No labour ; all kinds of literature and papers ; toilette, including soap, oil, comb and bath. Better accommodation ; and civil dress. I used to get all these things in the Delhi jail before and after my conviction from the jail expenses."

Honourable Members will remember that the Honourable the Home Member said when some other Member was speaking, that all these concessions were made when these men were under-trial prisoners, but here is the statement of this man Dutt who says :

" I used to get all these things in the Delhi jail before and after my conviction from the jail expenses."

I will not read all the other papers I hold in my hand, but will go to the very last which must have been received about the 7th or the 8th of September. It is dated the 6th September. This is directed to the Chairman, Punjab Jail Inquiry Committee and Members of the Hunger-Strike Sub-Committee. It is most important to know what is the version of these accused persons in regard to what the Jail Inquiry Committee or rather the Jail Sub-Committee, which visited them, actually promised them when they induced them to break the strike as the Jail Inquiry Committee say, or suspend it, as the strikers put it. It is not a very long document and I shall read it. I see it is not signed by anybody, but I find that it was sent through the Jail Superintendent. So there can be no mistake that one or more of these people must have vouched for this document.

" Dear Sirs,—We beg to bring the following to your kind notice :

- (1) That we did not abandon hunger-strike, but merely suspended it pending the decision of the Government. We think we made this point clear to you, and further repeatedly requested you to make it clear to the public and the Government alike. We are surprised to note that this point has not been even mentioned in the Press statement given by the members of the Hunger-Strike Sub-Committee as published in the *Civil and Military Gazette*, dated the 4th September, 1929. However, we hope you will do so at the earliest opportunity.

- (2) We suspended the hunger-strike, but only on the assurance "

—this is important. This is what they claim was the assurance given to them—

" that you and the remaining members of the Inquiry Committee will make unanimous recommendations practically meeting all our demands to our satisfaction. One of us pointed out to you that Government in most of the cases in the past did not accept such recommendations of the Inquiry Committees as it did not serve their purpose, and as an instance cited the glaring instance of the Skeen Committee. He feared that the recommendations of your Committee as well might be treated in the same manner."

" In reply you said that you had consulted the Local Government before coming down to us, and that you were therefore in a position to assure us that Government would not do so in this case.

It was on this clear and most important assurance that we agreed after full nine hours discussion to suspend the hunger-strike.

Besides you gave us further assurance that in compliance with our strong desire comrade Jatindra Nath Das would be released immediately and unconditionally, in view of his critical state of health. Secondly that our demands as under-trials, the most important of which was to keep all of us together (including Comrades Bhagat Singh and Dutt) in a general association barrack, would be accepted by the Government within a day or two."

These are the three points upon which, according to these men, a definite assurance was given to them and thereupon they suspended the hunger-strike. The letter proceeds :

" But our fears came true when, despite the strong and unanimous recommendations of all the members of the sub-committee, the Government did neither agree to release Comrade Das nor to keep Comrades Bhagat Singh and Dutt with us. Thus we have been furnished with immediate proofs of the fact that the Government does not care for your recommendations, and we hope you will excuse us when we say that we believe that all the Government wanted was to exploit your individual positions as public men in getting hunger-strike broken. We may further mention that before we suspended our hunger-strike we carefully considered how far we could rely on the promise of the Inquiry Committee. On that, Comrades Bhagat Singh and Dutt suggested that the present occasion would serve as a test case. Now that we find that the Government has not paid any heed to even two of the most ordinary recommendations of yours."



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—that shows the spirit in which the Government is working. It is not that they have given a long list of impossible demands. Every one of their conditions is quite reasonable. What they say here is that the Government have not heeded even two of the most ordinary recommendations of the Sub-Committee. They continue—

“we have been forced to resume hunger-strike immediately.”

Now comes the most important part of it, as to what they intend to do :

“The condition of Comrade Das is now absolutely hopeless, and if the Government thinks that after his death we will shirk our duty it is a fatal mistake.”

Unfortunately, as we all know Jatin Das is no more :

“Let us all state that we are all prepared to share his fate. For the sake of convenience, however, and keeping the idea of continued fight in view, we are dividing ourselves into two groups, the first of which is resuming hunger-strike at once. It is resolved that, as soon as a member of the first group meets his death, one member from the second group will come forward, to fill the gap. We have arrived at this decision in full realisation of its gravity. There is no other proper and honourable course left to us now but to follow in the footsteps of our Comrade Das. We regard our cause as just and honourable, which any fair Government would have conceded without forcing the necessity of such a serious step. We repeat that we are going into this fight with a firm conviction that nothing can be more glorious and honourable than to fight till death for a just and noble cause. In conclusion we feel that we fail in our duty if we do not express our heart-felt thanks for the sincere interest and great trouble that you have taken to uphold our cause before the Government.”

These are the demands that were made by these men, and this is the character of the men whom you do not want to treat properly. What is the answer that the Government give? The Government say, “Well, these men want to have the privileges of political prisoners. We recognise no such category as political prisoners. All that we know is first division, second division, and so on”. How are those classes determined? Those classifications are made according to the mode of life, the position in life, education and things of a like nature. But the species known as the political prisoners is a thing which the Government cannot conceive. Examples are given of the jail rules prevailing in England, in France and in America, and it is said that even in those advanced countries there is no such thing as “political prisoners”. There are prisoners of the first division, the second division, and so on. Now, Sir, there is an initial fallacy underlying all that argument. Is there anything analogous between India on the one hand, and England, France and America on the other? Are the people of England, France and America struggling for their liberty against an alien occupation? It is in India that we are thus struggling. The political situation in India is one which cannot be found in France, America or England, unless you take the Reds or the anarchists in those countries who are called criminals. Even against the anarchists and the Reds in those countries, have they asked for a law such as the one you are asking this House to sanction? There is no doubt that the Reds have been compelled to leave the country and otherwise been summarily dealt with. But when it came to a trial, there is not a single case which anybody can cite in which a man was tried in his absence as is sought to be done under the provisions of the Bill. I agree with my Honourable friend Mr. Jinnah, who said that it would be more in accord with common sense if the Government had asked for executive authority to deal with these people in a certain way, and then the House might consider whether the Government deserved to have that authority or not.

When you come to the classification based upon social status, the position in life and the manner of living, what does it come to? You are prepared to give preferential treatment to a miserable wretch who, for his own benefit, through sheer dishonesty, commits a disgraceful offence, such as theft, robbery, embezzlement, and so on. So long as he is a bank director, or manager who has been living in a princely style, you think he deserves to have special treatment in the jail. But when it comes to the case of selfless patriots, they have, according to you, no station in life, and are men in low positions in life. According to us they really occupy a station in life, life far above that of an ordinary human being. And when it comes to the question of these noble souls, who suffer not for the pleasures of their flesh, but who sacrifice their flesh for the well being of others when it comes to the case of such people, you deny them a fair treatment. You think that when a robber or a thief who lived well and who, in order to live well got the means of doing so by doubtful means and is detected and sent to jail, then he deserves to be treated better than these selfless patriots, who have nothing to gain for themselves, who have no axe to grind, and who simply offer themselves as a sacrifice to better the conditions of their fellow prisoners. They do not ask you not to try them. They do not want you to release them or to withdraw the case against them, except in the case of the late Jatin Das whose condition of health undoubtedly demanded that he should have been released. They only demanded necessary conveniences. The Government decided that these offences, for which they were being tried, were offences of such a serious nature that there could be no question of the withdrawal of the case. They decided that these men must be left to their fate, but a conviction and sentence must be secured before they die. I should like to know what you want to do with them. What would it matter if these hunger-strikers died a day or two before their conviction or a day or two after their conviction? Will it be enough for the Government to have the satisfaction of securing a conviction against these people? Is that the reason why this House has been approached for this law? Conviction or no conviction, these men have declared that they are not going to stop their hunger-strike. If they do they would do so of their own accord, but the threat of conviction will not force them to stop the strike. Two of them are convicted in another case, it is true, but they are under trial in this case. I submit that when a person is an under-trial prisoner there is no occasion to go into the offence with which he is charged, because it is admitted both by the Honourable the Home Member and the Honourable Mr. Emerson that the presumption is that he is not guilty. It is on that presumption that you deal with him. If that is so, where is the necessity of your citing a long list of the offences which were proved to have been committed in the Kakori case?

**Mr. H. W. Emerson** (Home Secretary) : Sir, may I just, with your permission, correct a misapprehension? Under-trial prisoners are never classed as special class prisoners, but only convicted persons. All under-trials are assumed to be innocent whatever the nature of the offence charged against them, and whatever may be their status and education, and so on. There is no distinction made between under-trials on the ground that the offences with which they are charged happen to be of a certain character.

**Pandit Motilal Nehru** : I am very grateful to the Home Secretary. I never misunderstood him on that point. What I said was exactly what he said just now, that there is no distinction made, and yet they are not

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allowed even the comforts of an ordinary European convict who, according to Government, have better ways of living and whose health is more delicate than that of these people, and for various other considerations. But so far as this hunger-strike is concerned, the question arises what is to be the attitude of Government? As I said, France and England and America are not at all analogous cases. Let us take an analogous case, the case of Ireland. In Ireland the first case of hunger-strike was that of Thomas Ashe. That was in 1916, and after five days of fasting, he was reduced to the very last stage of weakness. Forceful feeding was resorted to and on the sixth or the seventh day he actually died in the hands of the prison doctor. There were others also who were on hunger-strike and why? Exactly upon the same grounds and for the same cause as these people at Lahore are now on hunger-strike. I will beg your forbearance to read a few passages from this book that I have in my hand. It is a recent book in two volumes, "The Life of Michael Collins". This is what happened in Ireland, I am reading at page 164 of Volume I :

"In August Thomas Ashe, Austin Stack, and Fionan Lynch were arrested and tried by court-martial on the charge of making speeches calculated to cause disaffection."

Mind you, Sir, this is a court-martial, with far more drastic powers than ordinary criminal courts :

"A number of Volunteer officers were also arrested on the charge of illegal drilling. It had now become the practice of Volunteers or Sinn Feiners, when charged before an English court, whether military or civil, to refuse to plead or to recognise the right of their captors to try them. In this case Thomas Ashe was sentenced to a year's imprisonment, Lynch to eighteen months and Stack to two years."

The three leaders were imprisoned in Mountjoy Prison with about 40 others. And now the fight which had been started in Lewes was renewed. The prison authorities endeavoured to subject the men to the same treatment as criminals. They resisted and asserted their right to be treated as prisoners of war, or, at least, as political prisoners. The English authorities, with stubborn obtuseness, persisted in the attempt to classify these men with thieves and murderers; and, all other means of protest having failed, the prisoners went on hunger strike on September 20th. Austin Stack was their elected leader.

The prison authorities, confronted with this revolt, resorted to the cruel device of forcible feeding. The hunger-strike, and the circumstances that had given rise to it, stirred public feeling in Ireland profoundly. Even those, who had no sympathy with Sinn Fein, sympathised with the men's demand to be treated as political prisoners. A huge meeting of protest in Dublin was followed by similar meetings all over the country, and there were daily demonstrations outside Mountjoy Prison.

On the 25th of September, after five days of hunger-strike, Thomas Ashe was removed to the Mater Hospital in a sinking condition, and he died a few hours later. The death of this brave and gifted young man thrilled the Irish people with grief and indignation."

What happened was this :

"The death of Ashe resulted in the victory of the hunger strikers. Two days later the English authorities in Ireland conceded the claims of the prisoners and a new series of rules for the treatment of 'political prisoners' was introduced. The men then desisted from their hunger-strike."

So the class of political prisoners did exist in Ireland. Next I will read two or three sentences from the verdict of the jury at the inquest on the body of Ashe:-

"We censure the Castle authorities for not acting more promptly, especially when the grave condition of the deceased and other prisoners was brought under their notice on the previous Saturday by the Lord Mayor and Sir. J. Irwin."

That the hunger-strike was adopted against the inhuman punishment inflicted, and as a protest against the men being treated as criminals and demanding to be treated as political prisoners in the first division.

We condemn forcible or mechanical feeding as an inhuman and dangerous operation, which should be discontinued.

We tender our sympathy to the relatives in this sad and tragic occurrence."

Then what followed is this :

"Stack, Lynch and the other prisoners were removed to Dundalk about this time. Here fresh complaints led to another hunger-strike, as a result of which all the prisoners were released on November 17th."

This was war time. The great war was then going on. I have reason to believe that one of the reasons now assigned for this kind of treatment is that this was done under pressure of war. But we know for a fact that this Irish trouble continued till the year 1921, long after the close of the war. The conflicts between the Sinn Feiners, or the Irish Republican Army on the one hand, and the Royal Irish Constabulary, the Blacks and Tano and the regular English force on the other hand, the various acts of violence and arson committed by both sides in the name of reprisals continued until sometime in May or June 1921 when there was no pressure of war conditions. But although these men were guilty of the gravest crimes according to the English laws in force in Ireland they were, according to themselves, only doing what any people would have done situated as they were. They were taken, more often than not, before the military courts. But never was a trial of these men,—even by a court-martial,—conducted without the presence of these men.

I shall not go further into this point. My submission is this : There is no justification for the Government not to have conceded the demands of these men at once. As it now turns out, there was nothing extravagant in those demands so long as these men were only under-trial prisoners, in those demands so long as these men were only under-trial prisoners, pre-though it was first said that their demands were extravagant and preposterous, I think I have established to the satisfaction of the House that they were nothing of the kind. They merely wanted the same treatment as was extended to European prisoners; these not being granted they went on hunger-strike. Now it is said by Government, "We cannot apply the general rules to under-trial prisoners; we are not concerned with convicts here. The Bill deals with under-trial prisoners only." Every body knows the distinction between under-trial prisoners and convicted persons. But while dealing with under-trials, all that the Home Member and Mr. Emerson did was to cite rules relating to convicts and not to under-trial prisoners. I have yet to see the rules obtaining in England, France and the United States, which apply to under-trials, and which are more rigorous than those adopted here by the Indian Government. My point is simply this, that there is no precedent, no warrant in law for a measure like this to be brought before the Assembly, and that what the Government want is not an improvement of the law to provide for an omission; but to ride rough-shod over the very first principles of criminal jurisprudence, and that is a thing which I do hope this House will not tolerate.

Now, Sir, when we come to the difficulty in which the Government find themselves, I submit that they do not deserve any sympathy whatever at the hands of this House. They have brought it all on themselves by stubbornly and arrogantly refusing the most reasonable demands of a set of people whom they knew were not serving any purpose of their own, but

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simply wanted in the interest of their fellow-prisoners and incidentally for themselves, to be allowed only such privileges as you allow to every European convict, whatever may be the offence he has committed. You say that you apply the same rules to persons who are not Europeans if they come up to the same standard. Sir, I have no respect for the man or for his mode of living or for his colour or for his station in life if he has been convicted of theft or embezzlement or some such disgraceful crime. On the other hand, I have every respect for the man who—it may be he is misguided, it may be he has acted as I would not have acted—has acted under the best of impulses and in the fullest belief that he was acting for, and in the cause of, his country. I should certainly take off my hat to him, and I should not even look at the other man, however high his position in life may have been. Therefore, there has been no reason shown to justify this Bill. The remedy is only this : forsake your fetish worship of prestige ; look at things as they are ; try to meet the legitimate demands of these men. Sir, the sort of crime alleged against these men may be very deplorable, but is not the last of the kind ; there may be other cases of such crime. You will only be multiplying those cases by the treatment which you are according to the accused in this case. You are certainly not preventing such crime by the treatment you are giving to these people.

For all these reasons, I submit that there is no occasion for this House to pass this law, and I may mention that I am not only opposing the motion of the Home Member, but also the other two motions, namely, the motion for circulation and the motion for reference to Select Committee ; but if it is the desire of the other Members of the House, then out of consideration for their opinion we shall vote with those who ask for the circulation of this Bill.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Mr. E. L. Price :** Sir, I rise to support the amendment of Mr. K. C. Roy and to oppose the dilatory motions. Mr. Kelkar seemed to me entirely to miss the factor of time in the administration of justice. I suggest to Mr. Kelkar that from the earliest times the matter of delay in justice has been admittedly the denial of justice. This was recognised so far back as 1215 A. D. and in the *Magna Charta* the Barons rightly extorted from the King that to no man would he *deny*, to no man would he *delay*, justice. Now, Diwan Chaman Lall, unlike Mr. Kelkar, had no constructive proposals to make. He devoted himself to a great *strafe* of, I understand, the Punjab Government, delivered however to the Government of India. I learnt the other day from a slight alteration that took place in this part of the House that the baiting of the Treasury Benches was a "legitimate sport". All I can say is that Diwan Chaman Lall had undoubtedly a good run, and I am sure he enjoyed his lunch the better. But I suggest, however, that he always talks to the Government Benches as Hamlet talked to that unfortunate woman his mother. And if he must continue in the strain of high tragedy, it would be rather pleasant for Members of this House if he could vary the play. I should like to hear him very much in the role, say, of Romeo. Or he might temporarily abandon high tragedy and try

comedy, and I recommend in that respect the little play "The two Gentlemen of Peshawar". Sir, Mr. Jamnadas Mehta also had his little bit of "legitimate sport", and, like Diwan Chaman Lall, he had no constructive proposals to make. But I did catch this from him, and I should like to thank Mr. Jamnadas Mehta for making the physical effort necessary to make himself heard in this part of the House—a courtesy that we do not often enjoy from those Benches. Sir, he made this admission, that the responsibility is on the Government. Quite so, Sir. But does he suppose that, in coming up here, he takes no part in that responsibility also ? I suggest essentially he does, and that, where he finds it necessary radically to turn down Government proposals in any emergency, there is a moral obligation on him not merely to turn them down but to propose alternatives.

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : Concede the demands. That is the alternative.

**Mr. E. L. Price :** Mr. Jinnah did not err that way, because he did suggest an alternative to Government, and, as I understood it, his alternative was that Government in order to meet the wishes of those prisoners under trial who wish to go on hunger strike, and to meet the quite legitimate case of those prisoners who do not want to hunger-strike, should re-arrange the charges, and proceed now only against those who were not hunger-striking. But the objection to that course seems to me to be this, that in any case where the Government have joint charges against a number of accused, it would finally leave to the prisoners under trial the right to dictate to the prosecution the procedure and joinder of charges. Mr. Jinnah unfortunately has not come. I put it to Mr. Jayakar that it would not be a fair course for any prosecution—let me take even a civil case. It is not fair to the plaintiff that the defendant should be allowed to say how the plaintiff's case should be put forward. I say distinctly it is not fair to the prosecution that those prosecuted should be allowed to dictate the procedure and joinder of charges, and if my Honourable friend Mr. Jayakar likes to answer that I should be glad to hear him.

Sir, Mr. Jinnah delved into English law, its old barbarities, and it seemed rather research *ad hoc*, an expression which I believe is highly unpopular in this House. But I think he missed the point of that barbaric procedure. The whole thing was that the "Majesty of the Law" refused to put up with anything like contumaciousness on the part of the prisoner. The law said he must plead. If he refused to plead, then *peine forte et dure*,—I believe it was only formally abolished by statute in the beginning of the nineteenth century,—he was tortured, if necessary, to death, or till he did plead. But at a later era, of course, it became possible for the judge to say that when he did not plead at all or was mute, he was pleading "not guilty", and that is the law now. Sir, the point of this was the insistence of the law that it would not be trifled with. If there was a thing that had to be done by the prisoner, he must do it or suffer, and in many cases the suffering was terrible. Members of this House seem to be tremendously impressed by the physical courage of hunger strike. I cannot say that of myself. I happen to be an Englishman, and some countrywomen of mine adopted this trick, for trick it is, to avoid the consequences of their misdeeds some sixteen years ago. As a matter of fact, this hunger-striking did not affect their trials as far as I can remember any more than it did MacSwiney's. It affected their imprisonment. The British are a practical people and they were prepared

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to meet a little contingency like that. They recognised that forcible feeding was a loathsome and nasty procedure in the case of men, and that in the case of women it was simply unthinkable. So what did they do? The lady who committed some silly anti-social act, something like obstructing the traffic, or making false fire alarms, breaking windows, and things like that,—she was promptly sentenced by the magistrate, but she refused to pay the fine and went to gaol. The hysteria that had driven her to the police court, in gaol turned into sulks, and she sat there and would not eat her breakfast. When this went on for some time and her health looked like being impaired, they promptly let her out, and the poor girl ran back to her mother. Mother comforted her and fed her well, and after a few days she became as healthy and robust as ever. Then the heavy hand of the police came on her again and led her back to gaol to do a few more days. I believe there were some suffragettes that took about six months to do a month's imprisonment. But at all events, whatever happened, the hand of the law was not stayed. The trial was held, the sentence carried out. And I consider, if we look back to the essentials of things, that you will find that in England law insists on taking its course. I have noticed that there is a tendency to rag in this House everything that is English; but there is one English thing that they are prepared to die in the last ditch for and that is the principles of English law. (*An Honourable Member*: "English law is borrowed from Roman law.") It does not matter where it comes from. These principles as they understand them are held so dear by my friends here, that they are prepared to die in the last ditch to maintain them. I found it difficult to get the relevant books in the Library, possibly Mr. Jinnah had been there before me, but I found the Norwich murder case to which he referred, in another book, Archbold's 28th Edition. In that case, I take it, the Judge said to a prisoner who was making himself rather disgusting, "My man, if you do not behave yourself you will be taken to the cells and this trial will proceed without you." But things did not go to that extremity. I cannot find a case in which they did. Mark you, the judge in England is not so much bound by code law, is not so much driven to seek verbal formulae as in India. He is working on the system of old common law which is a matter not of verbiage but of principles. The Judge in that case was taking the line, "Whatever you may do my man, I am commissioned by His Majesty for gaol delivery and nothing shall deter me from carrying out my duties". The fact that things were not pushed to extremities is no argument at all against the judge's stand but for it. He was carrying His Majesty's Commission for gaol delivery and I believe that no English judge would tolerate the obstruction of justice by means of a trick done by a prisoner. He would not allow it. *Fiat justitia ruat cælum*. Now, Sir, we have come to a practical position in India where we find a revival of the old feminine trick in a new form. (*Honourable Members*: "Try it and die".) These interruptions are extremely irrelevant. It is not a question of my dying, or of my wilfully making myself unfit for any of the obligations of life. I have never done so. I have always tried to keep myself fit for my obligations. But, Sir, we have come to a practical position in which justice is flouted. It is impossible to carry on the trials owing to the feminine, sulky trick adopted by prisoners under trial. In these circumstances Government come to the House in the exercise of a statutory right, nay, I think

it is an obligation. They ask Members of this House to consider their proposals. The law must follow circumstances, must be made able to meet all contingencies.

I believe Government are quite open to accept alternative suggestions, if sensible alternative suggestions are put forward. Here is a possible one. It happened the other day a woman tried to flout the law in France by standing "mute of malice", but they solved the difficulty by appointing counsel against her will; at all events without her consent, to represent her at the trial. Now, Sir, there was an Honourable Member who laid great stress on the absconding of a man. I quite agree with the principle—No prisoner, no trial. In the same way in a coroner's inquest, no corpse, no quest. But having once viewed the body, the coroner and his jury are not compelled to abide with the malodorous corpse all the time. So long as it is established that there is a corpse, the inquiry goes on. But if an actual prisoner in custody, by a trick, evades coming into court, I certainly consider that he should not be allowed to benefit by his performance, still less to put the other co-accused to disability, who may very well have a chance of winning their freedom. Sir, the necessity of carrying on with justice in civil cases is clear enough. Now, suppose these legal gentlemen were appearing in a case, and the defendant, by some new trick, tried to evade service, or by any other new and unforeseen procedure to prevent the plaintiff getting justice, every one of them would at once say, "The law is defective and must be amended". They would say, as has been repeatedly said, that the latent defects of the law should be remedied as soon as they become patent. And that is exactly the position now. Sir, I am not defending Government. I have no use for a Government that does not defend itself. Government can defend itself. I am simply speaking here as one of the public, a Member of this body, a citizen, and I demand that the law shall be enabled to take its course. I refuse to have anything to do with palliating a trick which has got the object of defeating the administration of justice.

**Mr. M. R. Jayakar**: Sir, I rise to support the amendment moved by my Honourable friend Mr. Kelkar. I should have liked to go further and entirely oppose this Bill. But like my Honourable friend, Pandit Motilal Nehru, I am quite agreeable to the middle course suggested by the amendment of Mr. Kelkar. If it is supported by the bulk of the non-official Members in this House, I shall certainly do likewise. Sir, I do not propose to follow the Honourable Member who spoke last. I do not propose to reply to his disquisitions on law, because, among other things, they are old-fashioned. I would rather follow a more up-to-date exponent of the law, the Honourable the Law Member. (Hear, hear.)

**Mr. Amar Nath Dutt**: Is he very young?

**Mr. M. R. Jayakar**: I understand, Sir, that the Honourable Member who spoke last was called to the Bar some years ago. But judging by what he has stated before this House, he has apparently not been pursuing his legal studies during the intervening years, Sir, a little learning is a dangerous thing. He used words like "latent", "patent" and "researches *ad hoc*". Sir, when he used those words I felt as if the shadow of his former knowledge had remained with him but the substance had gone. Sir, I wish to leave the Honourable Member who spoke last severely

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alone so far as his legal disquisition is concerned, I only wish to say that, when he has finished his career as a businessman in this country, it will be time for him then to think of legal disquisitions. It is dangerous to confuse avocations. But there is another aspect of the Honourable Member's speech which is more general and on which I wish to reply to him. Sir, speaking of the hunger strikers, the Honourable Member used an offensive expression. I am very sorry he permitted himself to use it three or four times. Possibly he did not realise what he was saying. He said that these hunger strikers, for whose incarceration this Bill has been devised by Government, were practising "feminine tricks". As I proceed with my argument, I propose to show to my Honourable friends that the purpose of this Bill is nothing more nor less than the incarceration of the persons who have been practising hunger strike.

My Honourable friend, the Law Member, seems to have persuaded himself that this Bill is based on sound legal principles. Sir, I do not agree with my Honourable friend. One of the anomalies which I noticed when I first came to this House, Sir, was the distinction between the Home Department and the Legislative Department. I marvelled at that distinction. I asked myself what is the function of the Legislative Department and of the Home Department. I felt that there ought to be one Department which looks after legal questions. I was told of a distinction in their functions—and that distinction came very clearly to my mind today when my Honourable friend, the Law Member spoke. I was told that the Home Department looked after the *political* aspects of legal questions and my Honourable friend, the Law Member's Department looked after their dry *legal* aspect. On this basis the distinction was justified. The effect of that distinction was brought home to me today when my Honourable friend, the Law Member spoke. When I heard him, I felt as if the real political aspects of this Bill had completely escaped him. He wanted to persuade this House that this was a purely legal measure, designed for no purpose except to supply and fill in certain lacunae which exist in the law. I am surprised that my Honourable friend should have so easily been deceived. Well, it is a most extraordinary way of filling in lacunae to destroy the very structure and foundation of the system which is sought to be made more complete. Lacunae, Sir, are gaps and omissions and these have always to be filled in in such a way as not to destroy the substratum, the very structure and edifice, which is being rendered more complete. If my engineer, Sir—to illustrate by analogy—said to me, "I want to supply certain lacunae in your bathroom", a window for instance or an electrical geyser, or tiles or things of that kind which are wanting in my bathroom, and if, in the name of supplying these omissions, he started destroying the bathroom itself, I would promptly ask the engineer to go away. Sir, in the name of lacunae—and it is a very specious phrase which I want my Honourable friends to guard against—the Government today are destroying the first principles of criminal jurisprudence. Before I proceed with this argument further, I just want to refer to a question which I left half-touched with reference to what my Honourable friend, Mr. Price, spoke. Whether we agree or whether we do not agree, I hope Honourable Members will realise this, that to speak of the people who are practising hunger strike as if they were practising a trick, and withal a "feminine trick", is to misuse words. Sir the Honourable Member who used these insulting words does not realise that India may be politically subject, but she has not lost her

self-respect yet. (Hear, hear.) I was surprised and struck by the temerity of my Honourable friend in referring in the way he did to the young man who died yesterday. He died slowly, inch by inch; one hand gone paralysed for want of sustenance, another hand gone atrophied for want of nourishment, one foot gone, another foot gone, and the last of nature's precious gifts, eye-sight, gone; the fire of those orbs slowly quenched, inch by inch, not by the sudden and merciful death of the guillotine, but with the slowness with which nature builds or destroys. Oh, the anguish of this slow torture! And yet, my Honourable friend, opposite, well-fed as he is, says of this young student in the presence of so many of his countrymen that he practised a feminine trick. (*Loud cries of "Shame, shame, shame."*) Sir, I and many of my friends here may not share the political views of those who are practising the hunger strike. But that is not the question here. The question is what was the reason for which the hunger strike was taken up. That is a question, and from the way in which these boys took up the question and boldly agitated it at the sacrifice of life, no sensible Indian can withhold his sympathies. I am deeply grieved, Sir, that a Member of the European Benches, a Group for which I have always had the utmost cordiality and friendliness during the three years I have been in this House, and whose desire and endeavour ought to be, as is ours on this side of the House, not to insult the feelings and sympathies of their associates,—I say, that for a new Member of that Group, who has not been in this House for more than two weeks to get up and use such expressions even before the body of the young student is burnt is an insult to the feelings of the Indian Members in this part of the House.

**Mr. E. L. Price :** Sir, on a point of personal explanation, if I make a description of the act of one or two or three individuals in a country of over 300 millions, can I be said to insult the whole country?

**Some Honourable Members :** You do, you do.

**Mr. M. R. Jayakar :** I will not pursue this unpleasant matter. All I will say is that my Honourable friend, Sir Darcy Lindsay the Leader of that group, after this debate is over will mention silently into the ears of Mr. Price that he sinned against the good manners and decorum of this House. (Hear, hear.) I will leave the matter there.

My Honourable friend, the Law Member, was unfortunately led into two or three errors. He said that this is merely a procedural change. He went into a very long disquisition, and I do not wish to follow him into his distinction between adjective law and substantive law. Sir, as I listened, I was reminded of the days when I was learning law in the Government Law School in Bombay. The Honourable the Law Member talked about his experience of the Calcutta Sessions Court. I know he was a great figure at the Bar in Calcutta. His experience of the Sessions Court must also be very wide. But may I ask him one simple question? Will he and the Honourable the Home Member be more frank about this Bill? I wish the Government Benches had said in so many words: "This is, speaking frankly, a lawless law, but the circumstances of the country today demand it". I can understand that argument if it is so frankly put. "Yes, it is rather an extraordinary piece of legislation, but so are also the political circumstances of the country. Extraordinary circumstances demand extraordinary measures". If such a plea were made out on behalf of the Government



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Benches, I could have understood it. I will not accept it, but I will certainly give the Government the credit of being absolutely frank with this House. The plea then would be, "Today the circumstances of this country have become extraordinary; there is a defiance of the law everywhere and Government think that this spirit must be checked. The latest manifestation of that spirit is the hunger strike and Government want to get at it by any means they can. If this House does not give them the power, they will seek it elsewhere". If such a frank statement of the position were to be made, we would at least give credit to the Government that they were frank. But the Honourable the Law Member gets up and tries to cloak this measure with legal soundness. He ignores the wide terms of the Bill:

"If any accused...has voluntarily rendered himself incapable of remaining before the Court, the Judge or Magistrate may, whether such accused is represented by a pleader or not, dispense with his attendance and proceed with the inquiry or trial in his absence."

Does the Law Member justify this provision on any rational principles of law? He really takes my breath away. I do not wish to tell the Government in detail where this Bill has gone wrong and can be improved. I do not think that is my business, but may I ask the Honourable the Law Member to turn to the Statement of Objects and Reasons, where he will find that the reason and principle of this Bill are stated as follows:

"It is, therefore, possible for an accused person to bring the administration of justice to a standstill by a voluntary act by which he renders himself incapable of attending Court. The provisions of this Bill are intended to prevent the delay and defeat of justice by empowering Judges or Magistrates to proceed in the absence of an accused."

If the Bill is brought to frustrate such intention, is it not a very curious omission that there is not a single word in this section speaking of the intention to defeat and obstruct justice? If I were to comment on the details of the flaws of this Bill, I would take an hour to point out mistakes in the phraseology of the section, but without proceeding to do all this, may I ask my friend opposite how is it that the most material thing, namely, the intention of obstructing the trial and defeating the ends of justice has not been mentioned in the section? The onus is on the prosecution to make out that intention, but not a word has been said about it. The only words are: "has voluntarily rendered himself incapable of remaining before the Court". There are no words, e.g., to the effect that the Judge is to be satisfied, for reasons to be recorded in writing, that such voluntary incapacity has been caused with the intention to obstruct and delay the trial. Well, I can imagine many cases where a man may voluntarily make himself incapable without having any such intention in his mind. Supposing a man overeats himself and thereby voluntarily renders himself incapable of being present owing to indigestion. Another man may go out and expose himself and get pneumonia, and by his voluntary act render himself incapable of attending the trial. Is this section to be applied to such a man because the words are loose and wider than they need be? I do not wish to go into the legal side of this matter, but may I ask the Honourable the Law Member, who has a great reputation at the Bar and even here, whether he does not agree that the whole phraseology of the Bill is hopelessly defective?

Again my Honourable friend spoke as if he was speaking without the Criminal Procedure Code being before him, and he referred to a certain

section (section 512), and he laid down what I thought to be an astounding proposition, if I may say so, while he was speaking. I put to him the analogy of the case of an accused person who is arrested, brought to trial before the Court, but before the trial is completed, somehow or other manages to abscond. What happens in such a case? Does not section 512 apply? If so, why cannot the same principle be made applicable to hunger strikers? My Honourable friend replied that section 512 was not intended to cover the case of such an absconder at all, but only that of an absconder never brought to trial. Well, I must say with great respect that I was surprised at his explanation. Is there any other section in the Criminal Procedure Code which covers the case of a person who is arrested, brought to trial and then absconds from jail custody before the trial is completed? There is no other section to cover such a case and all cases of absconders, at whatever stage, must fall within section 512. I shall therefore take the liberty of differing from the Honourable the Law Member. But what is more important in this connexion is sub-section (2) of that section. I wish it had not escaped the attention of my Honourable friend the Law Member. I wish to invite the attention of the Government Benches to the provisions of that section. Indeed, it ought to serve as a warning which the Government should remember in these days. That sub-section refers to the case of an accused who is *unknown*, which is politically a far less serious case than that of the hunger strike. Of course, if we accept my Honourable friend Mr. Price's estimate of the hunger striker, then I have nothing to say. But I take the view, that from the point of view of the citizens' rights, the case of a hunger striker is far more serious than the case of the unknown offender. And yet how does the law deal with the unknown offender? I will just read that section without making my remarks too technical:

"If it is proved that an offence punishable with death or transportation has been committed by some person or persons 'unknown'—"

Honourable Members will mark the precaution that follows—

"the High Court may direct that any Magistrate of the First Class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence." The words are "the High Court". No subordinate Judge or Magistrate is given the power not only of not convicting the man, but even of recording evidence against him in his absence. This is the safeguard which is provided in the Criminal Procedure Code even in the case of an unknown accused who cannot be found. The framers of the Criminal Procedure Code laid it down that, even for the limited purpose of proceeding to record evidence against the unknown accused in his absence, the prosecution has to go to the High Court and take its direction before it can proceed one step further. Yet, in the present Bill, which practically permits the whole trial to go in the absence of the accused, the High Court is not at all spoken of. It is only a judge or a magistrate who is empowered. It may be a Second Class Magistrate, or even a Third Class Magistrate. The subordinate judicial official often under the thumb of the executive is given the power of convicting the accused in his absence, without the intervention of the High Court. I am, therefore, surprised, Sir, that the Honourable the Law Member should have found it possible to satisfy his legal conscience. My Honourable friend, Pandit Motilal Nehru, pointed out a circumstance which I just wish to touch. Honourable Members are aware that a typical summary trial in modern jurisprudence is a court martial trial. And yet even in this form of trial, a drastic provision like the present Bill



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does not exist. This will appear from the King's Regulations, Army and Army Reserve, 1928, paragraph 647 of which says :

"An accused person for trial will be examined by a medical officer on the morning of each day the Court is ordered to sit, and the Commanding Officer is responsible for ensuring that no accused person is brought before the Court Martial if in the opinion of the medical officer he is unfit to undergo his trial."

I have looked into this compilation carefully, and summary as the trial is, I do not find any provision here, Sir, that if any soldier accused, by his voluntary act, renders himself incapable of attending the court, the court can proceed in his absence and convict him. Therefore I submit, Sir, that there is not much of legal soundness in this Bill. Speaking frankly, in my opinion, it is purely a political measure.

My Honourable friend, the Home Member, will excuse me if I uncloak the true intent of this Bill. The whole attempt is, under the cover of legal process, to get at the hunger strikers and to put a stop to such strikes. The Government are afraid that if this spirit of strikes were to spread, it would become very difficult to conduct trials. I can understand that apprehension, but the difficulty of justifying this measure on that ground is that its drastic provisions are based upon one instance only, namely, that of Lahore, and that too arising from causes not beyond the remedial power of Government. It cannot be said that the hunger strikers' object is to obstruct the trial. That may be the effect of their behaviour, but the intention is very different. Government should therefore have waited until other clearer cases arose and the necessity became more apparent. It is here pertinent to ask, when Government ask us to help them to punish the hunger striker by drastic means, what is the grievance of the hunger striker. Honourable Members are all aware—and I do not wish to go into details—that their main grievances are such that every Indian Member on this side of the House will sympathise with them, whatever shade of political opinion he may belong to. An attempt was made in this House to show that these young men, some of whom are very bright spirits, are fighting for a selfish purpose. May I here say—though some of us may not agree with their political views—that if India today were a self-governing country these intrepid and brave men would have been the material out of which were created captains of ships and commanders of armies. (Hear, hear.) I am therefore sorry that even some responsible persons made an attempt to prove that these young men were seeking some personal benefit for themselves. The Honourable Member (Mr. Emerson) who has recently come from the Punjab, and who made a speech on this question, is—fortunately for him—immune from harsh criticism on the ground that he spoke for the first time in this House. I shall therefore deal with him gently and say that if the manners and tone which he introduced into this House are indicative of the temper and methods of the Punjab Government, I am indeed very sorry for that Government. (Hear, hear.) With these words, I shall leave him. I shall respect the sentiment that an Honourable Member who makes his maiden speech should be immune from drastic criticism. But I cannot help saying this, that it is a futile attempt on the part of the Government to try to make out that these young men were wanting something for their own selfish comfort, that these men who are voluntarily laying down their lives were asking for some little conveniences here and there. It is an absolute travesty of the true facts to say so. How does this grievance arise? I want my Honourable friends

to realise that. These young men are fighting for a principle. They say, and I want my Honourable friends to note this, that as long as Government maintain in their jails racial discrimination of a most extraordinary character, their strike will go on.

Referring to this racial discrimination, may I say that I remember, when I was a young boy just out of school, I came across the Jail Manual which applies to the Bombay Presidency, and young as I was then—who knows similar things have possibly happened to other boys—the iron went into my soul when I read of these racial distinctions in the Jail Manual. These young men have been provoked by this racial discrimination, they are not asking for comforts from selfish motives. They ask these on account of the principle involved in the question. I am just reading from the statement of B. K. Dutt. He says :

"I must mention that when a European breaks the ordinary law in order to fulfill his selfish motive, he gets all kinds of privileges in the jail, he will get a well ventilated room with electric fittings, the best food, such as milk, butter, toast, meat, etc., good clothing, while we are deprived of such things."

This is the point. I wish the Government had the imagination and intelligence to understand it in the right spirit. It is a mistake to suppose that these young men are asking for any selfish comforts. They say that they are making this matter a test question. I can assure my Honourable friends opposite that no Indian, whatever his political views may be, will ever withhold his sympathy in their fight on that question, whether he is a Congressman, or a Nationalist or an Independent. It is the question of all questions. I wish the Government would realise the significance of this question. They cannot lightly dismiss it, as the Honourable Member from the Punjab did with the remark, : "Oh, it is a racial question". I could not understand the relevancy of his remark that the Europeans in this House would agree with his sentiments. Of course they would. But the Government are not governing Europeans alone in this Country.

(Mr. H. W. Emerson rose to intervene.)

**Mr. M. R. Jayakar :** I refuse to give way to my Honourable friend. He did not show yesterday the courtesy of giving way to many Members on the Front Bench on this side.

**Mr. B. Das :** He does not know what courtesy means.

**Mr. M. R. Jayakar :** Although my Honourable friend, Mr. Rangaswami Iyengar, got up several times to ask questions. Mr. Emerson refused to give way and I wish to imitate his manners. The point is this. As long as this racial distinction exists, it will create great embitterment. What is this distinction, Sir? I do not want to go into details on this point, because it may become the subject of the next adjournment motion. May I here refer to the Report of the United Provinces Jail Inquiry Committee? This is a Committee, which as Honourable Members are aware was not made of revolutionaries. There were three members, one an Indian, one a Muhammadan and the Chairman a European. I am quoting from the latest Report, showing that in 1929, this vestige of a barbaric code of jail rules, which possibly started a century ago, still

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prevails. I can understand the Government having these rules a century ago when they were consolidating their rule in this country by race superiority. But these rules exist even now in the year of grace, 1929. I ask whether there is any Indian Member here who is so degraded that he will not show the utmost resentment when he listens to what I am sorry to read to him. Why do Government still persist in this barbaric racial discrimination? I can assure the Honourable the Home Member that, if there is any question in this country on which Indians of all classes feel the greatest resentment, it is the question of race stigma. The sooner Government do away with this distinction, the better for them. Sir, I may go further and say that, if Government had come to this House with clean hands, if the Honourable Member had got up and said: "Yes we have totally done away with race distinction between Europeans and Indians in jail discipline," this measure would have had some support. This racial distinction is not based on any rational principle, such as standard of living. It is pure race arrogance. Government want us to help them, but as Government have not come with clean hands, they cannot have our support. Government stand thoroughly discredited. They have pursued vile methods of racial discrimination. Government cannot therefore get the help of this House. My Honourable friends will excuse me if I read something which may stir up feelings. I have no desire to do so, but I cannot avoid it. The Jail Committee, I mentioned above, say in their Report:

"No self-respecting Indian can agree to any differential or special treatment being meted out to any one in Indian jails on the ground of his race, creed or colour, and if he finds that such treatment is sanctioned by the Government, then it is his duty to raise his voice in protest, even if his cry may be a cry in the wilderness and nothing may come out of it."

This was not the view of any political agitator, but of a sedate Committee of two members, one of whom was a Muhammadan and the other a Hindu. The Honourable Member from the Punjab said yesterday that a European is defined as a man who has adopted European manners. May I tell him,—possibly he does not know,—that in many places in this country the word "European" is interpreted so as to give the benefit of these humane jail rules to Chinese silk hawkers who wear a topee, and to white complexioned loafers? Is that the definition of a European? It has now come to this practically, and I will say so frankly for the benefit of the Honourable Member from the Punjab,—the sole test is in practice the presence or absence of a certain quantity of pigment in the skin of the individual. Let him accept this definition of the term European and I shall thank him for his frankness. May I further point out to him what this Committee says, that these humane provisions are common to European and Eurasian prisoners. My Honourable friend Colonel Gidney will forgive my referring to the Eurasian community. May I know what is the principle under which Europeans and Eurasians are classed together in the same category? What is it except the absence of pigment in the skin, in other words, the white complexion? That is the plain truth. It is a pure apotheosis of the white complexion.

Now what are the privileges? Sir, let us look at the prison menu of

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the European and Indian prisoners. This is the menu of the Sunday and week day diet of European prisoners:

|           | Chota Hazri.                                | Breakfast.                                              | Dinner.                                                   |
|-----------|---------------------------------------------|---------------------------------------------------------|-----------------------------------------------------------|
| Sunday .. | One cup tea, three slices bread and butter. | One plate dal and rice, a slice of bread with jagree.   | Three meat cutlets, vegetables, one loaf, one cup of tea. |
| Monday .. | One cup tea, three slices bread and butter. | One plate dal and rice, three slices bread with jagree. | One plate mutton curry, one loaf, one cup of tea.         |

And so it goes on inclusive of Irish stew on some week days. Now coming to Indians you will find that their diet is chapatis, 14 *chataks*, dal, one *chatak*, vegetables, three *chataks*, oil, chilli and salt. Then an improved diet is given; it is not very much of an improvement.

The Honourable Member from Punjab asked, "Do you want the Europeans to die in this country, even if they are murderers?" I should like to ask him, "Do you want the Indians to die, if they are murderers?" If an Indian commits an "excluded crime",—I am quoting his expression,—and is not accustomed to live on jail chapatis, do the jail authorities want him to die on the rough food supplied to him? I am taking my Honourable friend's own argument. He says, "Do you want that a European murderer should die?" I ask him, "Do you want an Indian murderer to die?"

Well, now we will look at the *clothing* of a European prisoner.

In summer—2 coats, 2 pants, 2 garha shirts, 1 mattress, 1 pillow, 1 pith helmet, 1 blanket, 2 pairs white socks and so on. Then there are nearly 20 articles for the winter of a better character.

Now the Indian's clothing is, one kurta, one langot (Laughter), one jangiah, one cap, one tikoni, one towel and one blanket.

In winter, two blankets and one *blanket coat*, whatever that may mean.

Furniture for Indians,—one *moonj* matting, two earthen pots for answering the calls of nature in a corner of the same cell. (*Cries of "Shame, shame!"*)

Look at the cells for Europeans and their furniture:

"Europeans are kept in separate cells. These cells have verandahs on both sides":

which even my hotel here has not got. (Laughter.)

"the sanitary arrangements are not in the cell proper where the prisoner sleeps and works. It has a cot, one water stand, two small tables, one jug of water and one aloe fibre matting, besides the articles of bedding mentioned in list E and one lamp or lantern for reading. On our visits to jails we saw these things with our own eyes inside cells occupied by Europeans.

The Indian prisoners generally sleep in Association Barracks.

They are allowed only two blankets and one *moonj* matting and sleep on raised platforms arranged in straight lines. When placed in cells two earthen pots are placed close to them on the ground for the purpose of answering the

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*calls of nature. The cell contains nothing else but one matting and even that cannot be used during the day time.*

Comment on this state of affairs is needless. All that I can say is that, if this Government has any sense left, even now, let them remove this discrimination. The Honourable Member from the Punjab said, "Oh, but we have issued a circular to the Provincial Governments." I was wondering whether I should read from that circular which I obtained through the courtesy of the Honourable Member from the Punjab, but as he has himself said that there is nothing confidential in that circular, I take the liberty of referring to a few sentences before I close. That is a circular which no doubt has gone from the Government of India to the Provincial Governments. Before I read that circular, I just want to make one brief comment. From one end of that circular to the other there is not one suggestion that the Government of India think that these racial distinctions as such should go. The circular talks of many things, of standards, of tests, of classifications, but there is not one word in this circular, which suggests that the Government of India look with abhorrence upon the racial discrimination which I have referred to. In brief what the circular says is this :

"Subject to legislation by the Indian Legislature, prisoners and prisons are a reserved provincial subject. The last revision took place in 1922. In the classification of convicts as special class prisoners, the criteria adopted are"—

of which the Honourable Member from Punjab made a great deal, "the character of his offence, social status, education and the character of the prisoner."

But the Honourable Member will agree that reasonable as these criteria, standards and classification may appear to be, they are not applied to Europeans. Every European automatically, whatever his crime,—it may be murder, it may be theft, it may be the most heinous of all crimes involving the greatest moral turpitude—whatever his social status, education and character, gets these privileges. The iron goes into our soul when we find that automatically, every European, irrespective of his social status, irrespective of his crime, irrespective of anything else, by reason of his mere complexion, is entitled to be treated as a superior person. I would therefore suggest to Government that they should remove all these distinctions and adopt one simple common test, applicable to all, Indians and Europeans alike, which takes note of all the circumstances, the nature of the offence, the education, social position and habits of the offender, etc. If one such principle is made applicable to all the subjects of His Majesty in this country, a considerable amount of irritation would be avoided. If Government want to exclude certain graver offences or the motives of offences, let Europeans also be subjected to the same rules. If it is thought desirable that offences which involve violence or moral turpitude should prevent offenders from getting light treatment, regardless of their social position, habits or manner of living, let this rule be made applicable to Europeans too. Let not a European murderer get things which an Indian murderer does not get. Have some such reasonable rules and classification. I am quite agreeable that there should be a strict classification based on the nature of the crime, on the social standing, previous habits and surroundings of the offender. But whatever tests Government adopt, let them apply them to all offenders ; do not make any distinction of colour. Whatever value complexion may have in the matrimonial market, it is not a

rational principle to be adopted in jail rules. The hot rays of the merciful sun are responsible for the colour of the skin. Nothing in culture, nothing in civilisation is responsible for it. Let the Government accept my suggestions and this irritation will disappear. Even yesterday when we heard some members on the Government Benches, no clear assurance was given by them that these distinctions as such will go. All that the Government spokesmen said was that they had made a reference to the Provincial Governments, a reference in which no condemnation or disapprobation is expressed of this obnoxious principle. The attention of Provincial Governments should have been pointedly drawn to the irritation this distinction has caused, and they should have been asked to find ways and means of removing it.

Before I conclude I wish to say this. Let Government show more wisdom. They may of course give effect to the law of the land. I am one of those who have always held the view that the law must prevail. But let the law be just and humane. Let the Government on the one hand punish those who are proved to be guilty, but let them on the other hand examine what is really at the bottom of this widespread defiance of the law. If they merely go on punishing those who are guilty, it is only a partial remedy. Let them examine the causes which really make so many young men defiant. I find, Sir, that Government have been guilty of so much unwisdom of late and that when I turn to my morning newspapers, morning after morning I read of some prosecution or other. The other day I read of a prosecution in my Honourable friend the Law Member's province, Bengal, and an ugly rumour outside says that the Advocate General of Bengal was not consulted when these prosecutions were started. Is this a fact ? Whereas Government are coming down with a heavy hand upon those who break the law, they are not applying their mind at all to the solution of the prime mischief. I say to the Government in all earnestness : supplement the efforts that Lord Irwin is said to be making in England. I hear that he is making his best efforts in England in order that the political situation in this country may be eased. Supplement his efforts ; try and create in this country, before it is too late, an atmosphere of peace and goodwill which will bring success to his efforts. If Government cannot do that, at least let them not create a contrary atmosphere ; if they cannot help, let them not hinder. Let Government remember that the Labour Leader in England is expected to make before long a statement relating to India. Let Government here not add to the difficulties which may prevent the acceptance of that statement in India. The Government must help and co-operate in the proper spirit to create good will and harmony during the next two or three months, so that when the statement is made, this country may be in a fit atmosphere to accept or reject it on its merits. If Government are strong, let them not be vindictive. I submit, Sir, that if Government are actuated by the spirit I have suggested, let them withdraw this Bill or at least accept Mr. Kelkar's motion for consultation.

Mr. M. Keane (United Provinces : Nominated Official) : Sir, Mr. Jayakar is always frank. Ever since I have heard him speak in this House, the one principal notable characteristic of his speech is frankness. I am glad that he came out into the open today, because honestly after hearing my Honourable friend, Mr. Jinnah, and my Honourable friend, Pandit Motilal Nehru, and others speaking with reference to the Bill on the direct legal issue which is before the House, as distinct from the

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political aspect of it, I think genuinely I never heard a weaker case made out by the Opposition. (Laughter from the non-official Benches.) Alone the Law Member seemed to me to stand up against that bowling and he played it all round the wicket and carried his bat easily. It is enough to make one a cynic to hear all this discussion regarding the legal merits of this Bill. Frankly and openly it is political issues that are involved here; every one in this House knows it. There is not one who does not know that legally there is not a single thing to be said against this Bill. (Laughter.) There is a political issue and there is a sentiment abroad that makes it difficult to deal with this measure; and I sympathise very genuinely with Honourable Independent Members in this House who have to deal with this measure in face of this sentiment. It is not easy to follow reason alone. It is a bold spirit who can always afford to follow reason alone. I know and every one knows that in every country, in every age, men who have been prepared to lay down their lives for a cause have always been able to command the overflowing sympathy of their fellow countrymen. The man in the street is not able to assess the reasons and the causes and circumstances that surround each case; he cannot see what is inside the case; what he does know or thinks he knows is that men are prepared to lay down their lives for love of their country—and greater love than that no man can show.—That is the difficulty in dealing with this measure. There is a sentiment abroad which it is difficult for Honourable Independent Members to ignore. Every one a short time ago spoke of Bhagat Singh and Dutt; and every one is aware that our streets were full of processions and shoutings in commemoration of Bhagat Singh day. The young men who engaged in those processions were not thinking of the rights and wrongs of the case; their attitude was entirely different; they had only one thought, and that was that Bhagat Singh and Dutt had struck a blow, some blow; and they were not critical in their appreciation. That attitude of mind is what I would call the school boy's attitude of mind, the attitude of mind of the school boy or the fanatic or possibly of the knave which likes to fish in troubled waters; but that is not the attitude that this House should adopt towards this measure. It is not the attitude of legislators or thinkers; their attitude must be a very different one. They are faced with a problem of government. If the school boy attitude regulates their vote, all I can say is that they are not voting on the issue, that their vote is a fraud and a sham.

And what is the issue? This Government, every Government, is charged with the administration of the country and the protection of the law-abiding; they are required to help the law-abiding and to punish the law-breaker. To the State there is only one question, the crime. To the State, murder is murder, no matter with what motive it is committed; that is the issue before this House. Where crimes are committed, where murders are committed, is the offender to escape? I cannot deal in detail with all that was said by those who have spoken already, I must take little by little parts of their arguments. Consider the way in which this case has arisen. A murder or political assassination was committed. One murder. The police constable who tried to seize the murderers was also murdered. A conspiracy was detected, bombs and revolvers were discovered. They are the facts before the State and they are the facts

that the State has to deal with. Eventually certain young men are arrested and they are put on their trial. That was the position reached. A *prima facie* case is put up against them; they are put on trial, and are to be tried as quickly as possible. That is the essence of the duty of the court. All that the court has to do, as the Honourable the Law Member pointed out this morning, is to give an accused every opportunity of meeting the *prima facie* case that is put up against him. I need not point out that the courts cannot force the accused to prove his innocence. They give him every opportunity, as the Honourable the Law Member said, and he must take those opportunities. If he fails to take them, the law must find a means of proceeding with trial. Surely that is the elemental matter in the whole thing. The law must find an opportunity of proceeding with the trial, and it is to find that opportunity that this Bill is brought forward, a sensible, reasonable Bill, to fill a definite lacuna in the law. If political issues were not involved in it, there could be no objection.

Various alternatives have been suggested to the Bill. Mr. Kelkar said, "Oh, well, release two or three of them." Men may be accused of murder, assassination, conspiracy, collection of arms, and still Mr. Kelkar will say, "Because they have refused to go before the Court—I do not care under what circumstances they have refused to appear.—release them." No system of Government will stand by such a process, and all I can say is this that you yourselves who may be the followers of this Government, cannot afford to have a precedent like that. No system of law can stand on that principle. Then, Mr. Jinnah, Mr. Kelkar and many others have suggested the expedient of splitting up the case. My Honourable friend Pandit Motilal Nehru read out to the House this morning the action that the prisoners themselves proposed to take to prevent that splitting up. I think Honourable Members will remember that in their own letter to the Punjab Jail Inquiry Committee they have pointed how they will reduce this very splitting up process to an absurdity. They simply say:

"Let us all state that we are all prepared to share his fate. For the sake of convenience, however, and keeping the idea of continued fight in view, we are dividing ourselves in two groups, the first of which is resuming hunger-strike at once."

It is resolved that, as soon as a member of the first group meets his death, one member from the second group will come forward, to fill the gap."

Therefore this process will continue indefinitely. (An Honourable Member: "How long will it last?") I understand that one of the hunger strikers has been hunger-striking for 83 days. There are 16 of them. Can you multiply for yourselves?

Mr. A. Rangaswami Iyengar: When he dies what happens? The prosecution drops.

Mr. M. Keane: Pandit Motilal Nehru made a very great point in regard to that letter from the prisoners. He accused the Government or they did of a definite breach of faith, and the letter was read out by my Honourable friend the Pandit. Now, I have in my hand a copy of the reply which is being published or has been published in the papers from the Chairman of the Punjab Jail Inquiry Committee, Lala Duni Chand. He takes one by one the points made by the hunger strikers, with whom he, at any rate, cannot be accused of being out of sympathy. His reply

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is this. Let us see whether there was the breach of faith, which was so much stressed by the speakers on the other side. What he says is this :

"Dear friends, Hitherto beyond doing my duty as a member of the Jail Inquiry Committee I did not think it proper on my part to give publicity to my views with regard to what has happened after the cessation of hunger-strike at our instance, even though the varied and conflicting comments of the Press tempted me to do so, but now that I have received a letter presumably censored and passed by the Superintendent, Borstal Institute, from the under-trial prisoners of the Lahore conspiracy case, I have thought it necessary to reply to you and at the same time to publish it. I feel that, in doing so, I am not infringing any rule of propriety that I should observe as a Member of the Jail Inquiry Committee. I would reply to the questions raised by you *seriatim*.

1. It is quite true that you had from your point of view merely suspended the hunger-strike, but in my opinion there is hardly any difference between the suspension and the abandonment of hunger-strike as you could resume hunger-strike at any time.....

2. It is quite true that it was after full discussion with you as to the concessions that the Government was prepared to grant and even after disclosing to you precisely what the Jail Inquiry Committee had secured for you tentatively that you had agreed to give up hunger-strike. It was at the end of our deliberations with you that you had brought in the question of the release of Mr. Jatindra Nath Das. So far as the concessions other than those of the release of Mr. Das and the association of Messrs. Bhagat Singh and Dutt with other under-trial prisoners of Lahore conspiracy case are concerned, you do not say that they have been withheld or even whittled down."

(At this stage Mr. President resumed the Chair.)

That is to say, the Jail Inquiry Committee said that, barring those two concessions, that is, the release of Das and the association of Messrs. Bhagat Singh and Dutt,—the prisoners do not say that the other concessions had been denied to them or whittled down. In regard to these two concessions about which they stated that there had been a breach of faith, Lala Duni Chand says :

"So far as the unconditional release of Mr. Das and the association of Messrs. Bhagat Singh and Dutt with others are concerned, we had not arrived at any understanding with the Government before we left Simla, though we knew the mind of Government as to all other concessions."

I need not read the whole letter ; it is a very long one, but that much answers the charge of breach of faith which has been so freely made against the Government. The Government of the Punjab were prepared to accept the recommendations of the Jail Inquiry Committee on certain matters, if recommendations of such a nature were made, but Lala Duni Chand definitely says that there was no authority whatever from the Government of the Punjab to make any statement that Das would be unconditionally released.

In regard to the other concessions about food, clothing and so on (I do not know what they were), they had the authority of the Punjab Government behind them, and so far as the Government of the Punjab are concerned, there was no breach of faith.

**Mr. B. Das :** Why did they not send this to the Press ?

**Mr. M. Keane :** It has been sent to the Press. This is the letter of Lala Duni Chand. I expect it will appear in today's or tomorrow's papers.

Now, Sir, another point was made in regard to absconders. It was urged as a strong point. Mr. Abdul Haye was the first to raise it. It seems to me that the question of the absconder is exactly a point in favour of this Bill, and I will tell you why. It is contended to be a universal principle of jurisprudence that no use can be made of any evidence recorded if the prisoner is not present, and yet in the case of absconders it is definitely provided that, in certain circumstances, evidence recorded in their absence can be made use of. If the witnesses die or if they are too far away or cannot be discovered, their evidence may be made use of. The principle is there already. Whether it is perpetuation of evidence, or as Mr. Jinnah prefers, preservation, you can use the evidence though the accused were not present. It looks to me that the case of the absconders is a double edged sword, with the sharper edge against the Opposition.

Mr. Jinnah said that no Court will trust evidence recorded in the absence of the accused and come to any conclusion. He said that such a trial would be a farce. Surely Mr. Jinnah cannot have forgotten that in dozens and dozens of cases in our own times, the accused have refused to plead or give an answer and yet the case was carried on. (*An Honourable Member* : "Is that absence of the accused ?") The point is whether the accused had the opportunity of answering the case. The men it is true were there, but they refused to answer. They were blind and dumb, and yet the trial in those cases was not a farce.

I confess I did not understand Mr. Jayakar's point that the clause as it stood did not mention the intention. To have intentions inserted in clauses of procedure is surely rather unusual. The absence of an expression of intention in the clause seems to me to be a point of no significance at all.

Mr. Jaykar's speech was almost entirely devoted to the question of racial discrimination. I gathered that Mr. Jaykar was practically prepared to support the Bill : he frankly admitted that there was a lacuna.

**Mr. M. R. Jayakar :** I never said that. I said that if Government frankly stated that it was lawless law but that if it was justified by the political circumstances of the case it would be a frank statement.

**Mr. M. Keane :** Mr. Jayakar did not say so in so many words, but the impression left on me was that the Bill in itself was not one to fuss about. He did however lay great stress on the question of racial discrimination. He said that the Government of India letter to Local Governments did not explicitly deal with that question. I cannot deal with that subject now, as I have only two or three minutes left. The Government of India letter says that, in regard to under-trial prisoners, the Government of India consider that the rules adopted should, wherever possible, be at least as liberal for prisoners of similar social standing as those which may be ultimately adopted for special class convicts. As far as I can make out, the rules do require revision and in the course of that revision this question will no doubt have to be considered. Whether the question has been put to Local Governments in so many words I do not know. Possibly Mr. Jayakar is correct there. But I take it that there must be some adjustment in regard to the scales of diet which it



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will be necessary to introduce and the persons to whom they will apply. Whether the word "European" is to be used or not I do not know. I think myself that this question will have to await the consideration of the reports of the Local Governments which are now coming to the Government of India. It is quite obvious that Honourable Members feel strongly on it, and Mr. Jayakar had the pulse of the House with him when he dealt with that question. It is a question which Government must very carefully consider. I cannot pledge the Government in any way, but it is obvious that Mr. Jayakar made out a case which deserves full consideration. The hour for the adjournment motion has come and I think I have dealt with most of the more important points mentioned in the course of the debate.

### MOTION FOR ADJOURNMENT.

THE ACTION AND POLICY OF GOVERNMENT *re* THE ACCUSED UNDER TRIAL IN THE LAHORE CONSPIRACY CASE.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-4 P.M. (which the House has granted me leave. I have already read the motion to the House—to draw attention.....  
(Muhammadan Urban) : Sir, I rise to move the motion for

**Mr. President :** The motion is that the House do now adjourn.

**Pandit Motilal Nehru :** I am sorry. The motion is that the House do now adjourn for the reasons stated by me early in the morning. For the benefit of Members who were not present this morning, I will repeat that the motion arises out of the action and policy of the Government regarding the treatment of the accused under-trial in the Lahore Conspiracy Case, which has already resulted in the death of Jatindra Nath Das and is endangering the life of the other hunger-strikers in the said case.

Sir, the speeches that have been made in the course of the day have covered much of the ground of this motion. I do not wish to inflict another long speech upon the House. So far as I am concerned, I have dealt at length with the policy of Government and have given the reasons why this House should censure Government by passing this motion. Sir, it is not a charge of breach of faith against the Government of India or against the Government of the Punjab or any other Government. The charge is that the Government have shown an utter lack of the human element which should always guide them in a case like this. The charge is that the Government have stood still while human life was ebbing away, that they were not taking the steps which it was their very clear duty to take. Sir, I gave the history of this hunger-strike earlier in the morning. The hunger-strike began in the middle of June, and Jatindra Das died on the 61st.—(An Honourable Member : "63rd"),—on the 63rd day of the strike. For days and days the news came that his life was ebbing away, that at any moment he might breathe his last, the news came that there were other hunger-strikers who were in a very precarious condition, and what was the Government doing all this time ? It is said, Sir, that Nero fiddled while Rome was

burning. Our benign Government has gone one better than Nero. It is fiddling on the death-beds of these youngmen, misguided they may be, but patriots they are all the same ! They are watching their precious lives pass away by inches ! What have they done ? It is said they have appointed a committee, they have issued a communiqué explaining the position, and they have followed it up with a circular which my Honourable friend, Mr. Keane, was about to read when he was stopped. I do not want to inflict those documents upon the House. When there was time for action, when there was time for Government to realise that these devoted, high-souled men, however long they may have been hunger-striking, would not surrender their principles, what did Government do to save their lives ? I have already read, Sir, from the "Life of Michael Collins" as to how the English Government in Ireland was prepared to save life at any expense, even at the cost of letting convicts go without serving out their sentences. It is not a question, Sir, of sections or of procedure or of substantive or adjective law. It is, Sir, a question of humanity, of the elementary duty of a Government to save life, to save the lives not only of those who seek its protection, but also of those who want to destroy their own lives. But, Sir, Government did nothing. It is now admitted in this House that the demands, in so far as they related to personal comforts, were not very unreasonable ; but various reasons were given as to why those demands were not conceded. Up to this hour, Sir, we do not know that Government have come to any conclusion as to which of those demands are to be granted and which of them are not to be granted. We are not told what the findings of the Jails Committee are. They have not been published. We are not told what order Government have passed or are going to pass ; and in this dilly-dallying and shilly-shallying one valuable life has already been lost. Others are on the verge of extinction, and yet Government are still considering the question as to what should be done in the circumstances. I submit that, if this is not a case for censure upon Government, there can be no other. Sir, I do not wish to take any more time of the House as I have the right of reply and I shall avail myself of that right if necessary. Sir, I move.

**The Honourable Sir James Crerar** (Home Member) : Mr. President, I have often observed that the Mover of a motion for the adjournment of the House has a considerable advantage over those who have to reply, because he has the initiative in the matter. It is very frequently by no means easy for Government, on whom it is proposed by this procedure of the House to pass a vote of censure, to know what case they will be called upon to meet ; and I confess that, even with the advantage of the brief explanation of the grounds on which the Honourable and learned Pandit proposed to move this motion, it was still very largely a matter of speculation to me what precisely would be the case I should be called upon to meet. I should like, however, in the first instance, to say this, that the occurrence which has been the immediate occasion of this motion is a matter which Government do sincerely deplore. Whatever may be the circumstances which resulted in this young man finding himself where he did, whatever the grounds on which he took the rash resolution which unfortunately has terminated his life, all those circumstances cannot fail, having regard to the human aspect of the case which the Honourable Pandit accuses Government of neglecting—an accusation which I



[Sir James Crerar.]

cannot for a moment admit,—having regard to all those things, I say no one can fail to deplore what has occurred. I think, Sir, though I have frequently had the misfortune to be engaged in controversy with Honourable Members opposite, they have always done me the justice, which I am happy to acknowledge, or at any rate I flatter myself that it is true, that, however much we may differ in opinion, they have been prepared to do me the justice of attributing to me honesty and candour in anything I have had to say. I ask the House, Sir, to accept that assurance on my own behalf and on behalf of Government today.

The circumstances to which I have referred, which immediately led up to the position which ultimately has eventuated as it has eventuated, are matters on which I cannot now speak—whatever the facts, whatever the merits may be, they have been removed from any earthly tribunal, and I cannot refer to them, though they might indeed have a very direct bearing on the case to which I have to reply. I will deal only with the specific charge that the Honourable and learned Pandit has seen fit to bring against Government in this case. He said that they have shown a disregard of the human aspect of the case, and that, though for weeks the possibility was not unexpected, they took no action. The Honourable and learned Pandit did not specifically say what action he wanted Government to take. I understand he proposes to refer to it in his reply. It would have been of greater advantage to me if he had stated that while making his motion. I cannot admit, Sir, that the Government of India or the Local Government failed to take a humane aspect of the question. I know personally that the Government of the Punjab and many of its officers watched the progress of the case with the deepest concern. I know that non-official visitors to the jail, who were allowed the freest access to the accused under-trial, have paid the highest tributes to the sympathy and the consideration with which the medical and other officers of the jail carried out their extremely difficult duties. (Applause from Official Benches.)

Sir, my time is limited. As I said, I have not had the opportunity of hearing from the Honourable and learned Pandit what action Government ought to have taken.

**Pandit Motilal Nehru :** It has been clearly indicated all through the debate today from morning to this hour that the plain duty of Government was to accede to the demand of these two accused persons.

**Several Honourable Members :** To remove the racial distinctions.

**The Honourable Sir James Crerar :** I shall reply on that point. I take it that the particular demands with which the Honourable Pandit says Government ought to have complied were certain adjustments in what I may call jail comforts. Secondly, the unconditional release of this particular prisoner in question, and, thirdly, I take it, the demand which was made for the association of the convicted with the under-trial prisoners. On the first point, I have already informed the House how matters stand. It has been fully explained in the communiqué of the Punjab Government. So far as jail comforts are concerned, I do not think that, on a close examination of the case, the Honourable and learned Pandit will find good grounds for any allegation of lack of human interest, for any allegations of failure to

take action on the part of the Local Government, which is primarily concerned, or of the Government of India, which is indirectly concerned. The other two points remain. Government ought to have complied with the demand that an under-trial prisoner charged, as I must in this context re-affirm, with very grave offences should be discharged from the case, that is to say that the prosecution should be withdrawn. I maintain, Sir, that the Punjab Government went as far as was possible, having regard to their responsibilities in making it known that they would not oppose an application for bail. The withdrawal of the prosecution against a prisoner against whom very grave charges are pending is a demand which, I think, even the Honourable and learned gentleman from Bombay emphatically said was one with which the Government could not properly be called upon to comply.

**Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) :** It does not arise now.

**The Honourable Sir James Crerar :** It does distinctly arise from what the Honourable and learned Pandit has just said. I shall deal with one more point. The last point was this that the under-trial prisoners should no longer be segregated from the convicted prisoners, who are also under-trial prisoners. Sir, it is a very well-established principle of jail administration, and as a general principle I think it will be regarded by the House as humane, proper and salutary, that unconvicted prisoners shall in no case be associated during their confinement in jail with convicted prisoners. On that principle the Punjab Government found themselves unable to comply with that demand, and I venture to say that the principle being a sound one, a sane one and a salutary one, the Punjab Government would have departed from their duties if they had complied with it.

Sir, I do not wish to overstep the period allotted to me, and I have only one or two sentences more to say in conclusion. It has been implied, though it has not been specifically asserted, in the Honourable Pandit's indictment that Government were blind to or unappreciative of or unable to comprehend the assertion of a principle, a principle, which, as I think, he himself was not prepared to contend, had been acted upon in a manner of which he could approve, but nevertheless a question of principle. I am not concerned to deny that there was a question of principle involved. But I must tell the Honourable and learned Pandit and this House that Government also was standing for a principle. That principle is that it is their duty to vindicate the authority of the law, to secure that every man and society itself shall have the protection and the remedy from the law to which they are entitled, and, further, that there is an obligation resting upon every man who may be accused of infringing the law, of answering for it effectively. That, Sir, was the principle on which, in the whole history of this case, Government have been standing and I say that it is a principle which any conceivable Government of this country, whether Swarajist or whatever the future may confer upon this country as a national government, will be at least as closely concerned as the present Government to assert and vindicate.

**Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) :** Sir, I am sorry that I have to join with Mr. L10CPB(LA)

[Pandit Madan Mohan Malaviya.]

Honourable friend Pandit Motilal Nehru in expressing censure of the action of Government and the policy which they have pursued in relation to the hunger-strikers at Lahore, which has resulted in the death of one young man which we most deeply lament, and which threatens the death of several others. The Honourable the Home Member has failed to understand the reasons which justify this censure. That is a matter of greater grief to me. There are cases when a man does not fully realise beforehand the evil which may result from his action or inaction, but when a distressingly sad event like the death of the high-souled young man in question has taken place, we should have expected the Honourable the Home Member and those who are responsible with him for the action and policy which they have pursued in this connection, to feel remorse for what has taken place owing to their failure to do the right thing. I submit, Sir, that they have been guilty of betraying a want of human sympathy with those under-trial prisoners at Lahore. In the first instance, I wish them to remember what the character of these under-trial prisoners was. They are not ordinary criminals. They are persons who—however much one may condemn any act of violence of which they might be proved to be guilty—they are persons who are not prompted by any sordid selfish motive. They are, every one of them, persons who are inspired by a high sense of patriotism and a burning desire for the freedom of their country. (Hear, hear.) I submit that Government should have taken note of this fact and that they should have come to the conclusion early that the character and motive of the men who are accused of a crime should count in judging what treatment should be extended to them. (Hear, hear.) They will of course receive the punishment that they may have earned for any act of violence. But even in dealing out punishment to them, the Courts and the Government have yet to remember that they are not ordinary criminals who are prompted by sordid personal motives. This is the first mistake that the Government made. They failed to give due consideration to the fact that these men who have been brought together for trial at Lahore are men of high ideals, and possessed of a high sense of national self-respect. They are not persons who wanted to run away from the trial. Not one word has been said throughout the discussion to the effect that any of these men wanted to run away from or avoid or delay the trial. They had specific grievances in relation to their treatment as under-trial prisoners and they stated them in letters addressed to the officers of Government. The first of these letters that I have before me is the one which was addressed by Bhagat Singh. It was written on 17th June. What did he say in it? The letter was addressed to the Inspector General of Prisons, Punjab. He said :

"I have been sentenced to life transportation in connection with the Assembly bomb case, Delhi, and I am obviously a political prisoner. I got special diet in Delhi jail, but since my arrival here, I am being treated as an ordinary criminal. Therefore, I have gone on hunger-strike since the morning of June 15, 1929. My weight has decreased by 6 lbs. less than my weight at Delhi jail in these two or three days. I wish to bring to your kind attention,"

note the word "kind",

"that I must get special treatment as a political prisoner, my demands being special diet (including milk and ghee, rice and curd, etc.), no forcible labour, toilet (soap, oil, shaving, etc.), literature of all kinds (History, Economics, political, science, poetry, drama or fiction, newspapers). I hope you will very kindly consider what I have said and decide favourably."

The second letter was from B. K. Dutt. He wrote :

"I want to let you know and the higher authorities that I demand the following things on the ground of being a 'political prisoner'. After the bomb incident in the Assembly, Lord Irwin in his last speech said that, 'these bombs were not directed towards any individual but towards the institution'. Again Mr. Middleton in his judgment mentioned that, 'These persons (Dutt and Bhagat Singh) used to enter the Court with the cries of 'Long live Revolution', 'Long live proletariat', etc., which shows clearly what sort of political idea they cherish. In order to put a check in propagating these ideas I transport them for life.'

Again I must mention that when a European breaks an ordinary law in order to fulfil his selfish motive, he gets all kinds of privileges in the jail. He will get well ventilated room with electric fittings, best food (such as milk, butter, toast, meat, etc.), and good clothing, while we politicals are deprived of such things. The comments of Lord Irwin and Mr. Middleton are sufficient to prove that we are politicals, and on this ground I demand that we (Bhagat Singh and Dutt) should be treated as politicals. I must get better food as it is necessary to keep a man's health."

He does not want it for the love or pleasure of it.

"At the same time I must get all kind of literature and newspaper in order to discuss the different politics. People call us rash, misguided and impatient youths. So we must be given a fair chance of studying the various books in order to see that whether we are really impatient, misguided youths or not, whether our line of work is wrong or right. My demands are as follows :

- (i) better food, including loaf and milk in morning, rice, dal with ghee and vegetable and curd and sugar in the noon, and bread, meat and chatni at night,
- (ii) no labour,
- (iii) all kinds of literature and newspapers,
- (iv) toilet, including soap, oil, comb and barber, etc.,
- (v) better accommodation,
- (vi) civil dress.

I used to get all these things in Delhi jail before and after my conviction from the jail expenses. But here I am deprived of all those things, that is why I have begun hunger-strike since 14th June 1929. My comrade Bhagat Singh in Mianwali jail is also on hunger-strike for these very reasons, and I will not give up my hunger-strike till the Government accedes to our (I and Bhagat Singh) demands.

Expect an early reply and will gladly discuss over this matter with any Government officer who ever comes to me."

I ask the House to note the attitude of these two young men as disclosed in these letters. They show how anxious they were to have the matter considered in a humane way by those who were in power. What response did the Government make? What did Government do in response to these appeals? I want to know if Government made any response to these requests that these two young men had made. I find a third letter was addressed on 8th August, 1929, by Gopal Singh, B.A., "Kaumi", special class prisoner, Mianwali jail, to His Excellency the Governor of the Punjab. He said :

"I beg to bring the following facts to your notice."

It is a long letter and I will not read the whole of it. He said in it :

"The position and the treatment of the political prisoners has been the subject of discussion since a very long time. Times and again protests in various forms and ways have been made to demonstrate their resentment against the

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cruel, humiliating treatment to which the political prisoners are subjected, and the racial prejudice which keeps the machine of the law and the force of the Government pitched against them. The political prisoners after all are not actuated by selfish motives of personal gain, avarice, rivalry, jealousy or enmity. They are the people who, affected by the special conditions of their country and inspired by the divine motive of love, devote their lives to sacrifice, service and suffering. They are what Jesus Christ said: 'The salt of the earth,' and if the powers-that-be have their reasons to differ from their ideas or actions it is enough to put them in detention. But it does not behove the powerful party to ill-treat, disrespect, humiliate or insult them. The Government ought to treat them honourably and respectfully as is the case in all civilised countries inhabiting the surface of the globe. An example of how the political prisoners are treated by the civilised Governments is furnished by France....."

After reciting the facts of the case which I omit, the letter proceeded:

"That is the latitude given and the treatment shown to political prisoners in those countries. But here in India we find that, contrary to this, the political prisoners are paid special attention in jails, victimised, maltreated and insulted.

In the great years of the non-co-operation movement as a result of the pressure from the public a 'special class' was created....."

Then he gives a description of the special class prisoners, and continues:

"Now, every political prisoner, be he special or ordinary is given the following diet which is given to the ordinary criminal:

(1) wheat flour during the summer for six months, (2) mixed wheat and gram flour during the six months of winter, (3) bad, rough and inferior vegetables from jail fields in the morning, (4) dal of mash or mong, or grams or moth or masur in the evening, (5) one-fourth chhatak of oil in all for both the meals, (6) parched grams two chhataks for the breakfast."

"Accommodation: There is no special arrangement. They are kept in the ordinary barracks and unventilated, small and narrow cells. At night they have to use those very cells as latrines and urinals. They have no fans, no special kitchen arrangements they are given. No beds are provided for them. Their beddings consist of ordinary and rough blankets and they have to sleep on earthen berths called khadis. No shoes are supplied to them. Their clothings consist of ordinary shirts whose sleeves do not cover the arms till the wrists but stop short at the elbows, pyjamas which do not cover full legs. They are given only one chhadar which is taken back during the winter and that too is not long enough to cover the body while sleeping. The warm shirts which are supplied to them during the winter are ugly ones which deform him and make him look like a bear. The Sikhs whether political or ordinary prisoners are not supplied pyjamas even in the winter."

"As compared to this an ordinary European prisoner surely of a lower type and actuated by mean selfish motives and convicted of theft, fraud, pick-pocketing, rape, adultery, desertion and (or) murder is given the following diet: bread, butter and tea for the breakfast in the morning. Half a seer meat to be cooked daily. Rice for dinner. Bread, meat and vegetables in the evening. Besides superior and costly vegetables like peas, dhingri, cabbages, turnips, and potatoes are specially bought for them from the bazaar."

"Besides this food arrangement special European wards well comparable to bungalows are specially built for them. In Lahore where generally all European prisoners are kept, the buildings are furnished with electric lights and fans. A separate kitchen, a separate store room, a separate dining room furnished with benches and tables is provided to them, and an arrangement for games like tennis is made. Every European prisoner is provided with an iron bed and a decent bedding and every room for them is furnished with a long table. They get canvas shoes, good shirts, trousers and hats are provided for them, and in winter they are given decent warm pantaloons and coats. They get soap, brushes, trays, table lamps and other necessities of life. This is the vast difference in

the treatment accorded to an ordinary European prisoner and a political prisoner. This surely is galling and disgusting."

Then he goes on to say:

"The Government instead of taking a hint of the nation's feeling from it has launched on a policy of repression and has started cases against the dying hunger-strikers as if hunger-strike was not itself a sufficient suffering. As examples of this in the Borstal Institute, Lala Ram Krishan has been sentenced to two months' rigorous imprisonment for this so-called offence, and here our comrade Master Kabul Singh 'Gobindpuri' who is on strike since the last 19 days, has been proceeded against under this very section, and his case is still going on. This is pouring oil over troubled waters (Sic) and (adding) insult to injury. We could not long remain silent spectators of this and the attitude of the Government has forced me to join the grim struggle and throw my life in danger. I therefore had no course left to me but to go on hunger-strike. Accordingly I am on hunger-strike from Sunday, i.e., the morning of the 4th of August, 1929."

Now, Sir, I ask the Honourable Member and the whole House to consider how very reasonable the attitude of these young men was. I am not here to vouch for the truth or the accuracy of everything which the writers of these letters have said, but I take it that the statements made by them of the differences in treatment are fairly, if not quite, correct. And, I again ask every Honourable Member of this House to consider how very reasonable the attitude of these young men was. Is there any word in it to show any contumacy? Is there any word in it to show that they wanted to delay their trial or to defeat justice? Is there anything to suggest that they were playing a "dirty trick",—which one of the previous speakers degraded himself by ascribing to them today? There is nothing of the kind. They are honourable young men, prompted by a desire to free their country, as every honest and honourable man ought to desire to free his country. They are therefore prompted by the very best of motives. They are men of education, possessed of very high ideas, and therefore when they are required to stand their trial, they do stand their trial. They do not want to run away from it. They are willing to take the consequences of the action upon which they have embarked. But they do want fair treatment as under-trials and as political prisoners. That is the main ground of their contention. It is that principle for which they have suffered. It is that for which one of them has sacrificed his life.

Sir, the Honourable the Home Member and his Secretary laid much stress upon the fact that Bhagat Singh and Dutt asked that Jatindra Nath Das should be unconditionally released. But at what period did they ask that Jatin Das should be unconditionally released? It was certainly not at the very commencement of their hunger strike. Dutt commenced his hunger strike on the 14th June; he addressed a letter within a day or two to the Government. Bhagat Singh commenced his hunger strike on the 15th June; he addressed a letter to the Government on the 17th June. Another prisoner addressed a similar letter later on when he joined the hunger strike. I ask the Government, what action did they take upon these letters? Was it not the duty of the Punjab Government and the Government of India to consider the requests made in them and either to explain to the writers why the differences they complained of were upheld, if there was any justification for them, or to accede to their demands? If the Government had acceded to their requests, the fatal deplorable time would not have come when Jatin Das was brought near unto death. It was during that long period which preceded it that Government failed to

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do their duty, that the Government of the Punjab ignominiously failed to respond to the appeals of these young men, which they did their utmost to enforce by undergoing the intense suffering of a long continued hunger strike. But the Government remained callous. After the under-trials had undergone much suffering, the Punjab Jail Inquiry Committee happened to come to certain conclusions regarding the treatment of political prisoners. They thought they should intervene to end the hunger strike. It was not the Government of the Punjab which showed any anxiety to end the hunger strike. The Punjab Jail Inquiry Committee went to interview the under-trial prisoners at Lahore; they told them that their demands would be conceded; they told them that they had seen the Governor and that their demands had been agreed to by him, and they were thereby induced to abandon or suspend the hunger strike. It was at this stage, Sir, that knowing that Jatin Das was dying Bhagat Singh and Dutt asked that Jatin should be unconditionally released. It was not at any earlier stage that they made that demand. It was at the last stage when the Government by their callousness and failure to do their duty as human beings had allowed Jatin Das to reach that hopeless condition, when Jatin Das had been brought to the door of death, it was then that these young men—Bhagat Singh and Dutt—urged that Jatin Das should be unconditionally released. Was it wrong of them to do so? They showed themselves more humane in making that request than Government showed themselves in refusing it.

**Mr. President :** Order, order.

**Pandit Madan Mohan Malaviya :** Sir, may I have a minute or two more?

**Mr. President :** I am afraid I cannot allow the Honourable Member to proceed further.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to offer my tribute of tears to the memory of the great departed. We have today met in this House not like on other occasions. We have assembled here today under the shadow of a great national calamity. I wish the Government had the heart to feel instead of being callous to all our sufferings and keeping us in bondage. But it is idle to expect any sympathy from the Government in our struggle for freedom and emancipation from bondage, though this struggle for freedom on the part of the MacSwiney of India ought to have appealed at least to generous-minded men and lovers of freedom. I do not yield to anybody in my appreciation of the candour and honesty of that gentleman named Sir James Crerar, but I have no faith in the candour and honesty of Sir James Crerar as Executive Councillor, for he is the limb of a vicious system which wants to keep one-sixth of the human race in subjection.

Sir, I charge Government with murder of Jatindranath Das, who laid down his life to vindicate the elementary right of political prisoners in India. Government knows of what material these young men are composed of and you will pardon me, Sir, if I remind you of a story of the first Indian Governor, who said that it was Barin's bomb that had given him his special saloon and made him Governor of a province. It is not all the political agitation, all the vociferation which we make here that they are afraid of. They know what we are worth and they prize us at our proper value. But they

know that these men who risk their lives, who would die from day to day and inch by inch, these men who have imbibed in their own lives the immortal teaching of the Geeta :

“Achehedyoyam adahyoyam akledyoshosha eba cha.”

These men who have imbibed in their heart of hearts this teaching, they are the real dangers of such inhuman institutions as foreign rule in Aryavarta, the sacred land of the five rivers where the Rishis of old preached the highest philosophy and practised in life the highest religion and culture, which is still the admiration of the world.

Sir, I characterise the Government of India and the Government of the Punjab as so many murderers, or how could they remain so callous and indifferent when the Angel of Death was flapping its wings within the hearing of these light-hearted revellers? There is no court of justice to sit in judgment over them in this world and I do not know whether they believe in their religion, whether they believe in the teaching of Christianity that a day of judgment will come one day. If they do not believe, as I take it, they do not believe, and it is not a Christian Government that we have in this country, still they will have to appear before the bar of history and humanity as murderers, and the day will come when they will have their dues.

Sir, I charge them as murderers. Why? Because this was an avoidable calamity: they could have avoided it, but they would not. I am reminded of a saying that those whom the Gods want to destroy, first deprive them of their senses. This is one instance of that, and I shall live in that hope, that after depriving the Government of their senses they will precipitate their end and that end is coming.

Sir, the sufferings of these hunger-strikers have been viewed with such callous indifference by Government that they ought to be ashamed; at least they ought not to have used language which at this moment would have hurt the feelings of Indians. If they had real statesmanship in them, they would have acted otherwise. All these doings of the Government of India and of the Punjab Government, their callous indifference to the sufferings of these young men, show that they want to carry on the administration without the least consideration of the feelings of those whom they happen to rule in this country, and that they will not have any voice raised against their actions and misdeeds; but that every one of us should submit to whatever they might do and that we must applaud and at times give our sanction to such legislation as they may be pleased to bring forward. I warn them that they should not expect this. They ought to have taken their lessons from the year 1905, the year of the partition of Bengal. But, Sir, it is useless for us to point out the path they should follow in such cases, because I know that they will not follow the righteous path, for robbers and freebooters do not do so, neither do murderers. I only remind them in the words of one of their poets which I read when I was a boy of eight or ten, with slight variation :

“England shall perish, write that word in the blood she has spilt,  
Perish hopeless and abhorred.”

Deep in ruin as in guilt.”

And I beg to conclude with the prophetic words of our own poet, Rabindranath :

“Bhojha tor bhari hole  
Dubbe tarikhan.”

[Mr. Amar Nath Dutt.]

"The vessel will sink when the load of sin is great."

Let me tell you to your face that you are destined to be drowned for your sins of omission and commission and "*tor dhwaja dhulaê lutbê*". "Thy flag will be laid in the dust."

**Sir Denys Bray** (Foreign Secretary) : Sir, I decline to follow the last speaker. His outrageous language I shall treat with the contempt that it deserves. After his fire and fury it is indeed time that the still small voice of reason, of reasoning, of reasonableness should be heard. Ordinarily I should shrink from such a debate ; partly because under the shadow of a tragedy one's spirit is subdued to the silence of thought, partly also because, as Foreign Secretary, I have long held myself aloof from controversy in this House that I might assist in the insensible growth of a tradition that shall keep foreign affairs out of the dust and distortions of party politics. But today I feel that there is a duty upon me. For amongst other failings I am cursed with a defect which will for ever handicap me in party politics. There is upon me the curse of inability to see one side of the question only and to remain blind to the other. There is in me an impulse to see both sides and to try to draw both to a practical unity. And whatever the perplexities of this most unhappy business, one thing surely stands out, stark and clear, and that is that there are and have been two sides and that both clamour for recognition. (Hear, hear.)

I, Sir, have no more knowledge of it beyond what you and I have read in the papers, or you and I have heard during the debates. But across the history of hunger-striking it is writ large that this self-torture can only be self-imposed by those who—whatever God's judgment on their cause may be—themselves believe in the fiery justice of it. There is left in me not a shade of a shadow of a doubt that this unfortunate young man has gone to his death for a cause in which he burningly believed. And we are told that the blood of the martyrs is the seed of the Church.

But look at the other side. The blood of the martyrs is surely a very slippery foundation on which to build your Halls of Justice. Look at Government's position,—faced with the discovery of a newly-invented lacuna in the law, with a theoretical possibility of the paralysis of the whole legal system, confronted with demands for immediate and far-reaching jail reforms—revolutionary some of them in character, some of them possibly beyond Government's direct control—on pain and penalty of the ultimate self-destruction of under-trial prisoners in their jails. Now, Sir, let me confess it. It was not until I heard that these demands went far beyond under-trial prisoners, and were to extend to men convicted of most brutal and abominable crimes under the cloak of politics, that I myself realised how impossible it was for Government to announce a summary acceptance of them, and how essential it was that Government should at once institute a searching inquiry with Local Governments into the whole of this most difficult and complex question. And I was reminded, as one of the speakers spoke, of one obvious difficulty—the very defining of what is a political offence. An offence, so it would seem from what he said, is political so long as it is not actuated by purely selfish motives. Are we to treat with such leniency those ghastly murders which have in times past been so frequent on the Frontier ? Are we to treat the Ghazi, actuated as he is by a motive at least as high as patriotism, actuated as he is by a mistaken belief in the dictates of his very religion—are we thus to treat him ?

Given, Sir, these two aspects of the case, is this motion not strangely mistimed, utterly belated ? We knew these facts, you, Sir, and I, and the whole House, the very day we met. If it is a practical aim we have in view, ought not this motion to have been brought at the very first hour of our very first meeting, when we knew that this unhappy life was hovering on the brink, and knew also that Government were seeking every possible road out of the tragedy ? Of course, if the aim of this motion is not practical but sentimental, the matter is very different. But let me not be mistaken. I myself regard sentiment as one of the greatest forces in the world, one of the most potent forces for good,—unregulated, a very potent source of danger in public life. Now, there is perhaps scant danger in allowing sentiment full play in a small homogeneous community or small homogeneous State, for its homogeneity is itself a potent counteracting force. But India,—India, this microcosm of nations and races and cultures and religions, so various and so varying in sentiment,—can India dare give sentiment full play on its march to its future ? I cannot conceive it.

I am again free to admit that, to banish sentiment at the dictates of practical wisdom, would be equally dangerous. And drawing as I am to the close of the span of my allotted time, this would be the way I should attempt to bring the two aspects to a practical unity ; this would be for me the conclusion and the consolation of the whole matter. From out this tragedy must spring a stirring of the conscience, of people and Government alike, that shall lead on to a searching scrutiny into the whole philosophy of our jail régime. (Applause.)

**Several Honourable Members** : Let the question be now put.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I should like to say that I fully realise the feelings of Honourable Members in this House on the matter which is now under consideration, and it will be my endeavour, in the very few words which I propose to say, to avoid any possible word which can in any way embitter those feelings (*An Honourable Member* : "Already embittered")—feelings which are already embittered—I fully realise it,—and to abstain from any utterance which can be described in any way as provocative.

Honourable Members will probably realise that much the easiest course for myself, a non-official European, in this matter would be to sit silent and at the end of the discussion to record what the Honourable Mr. Jayakar so aptly described the other day as a silent vote. But I feel, and those other Members of the European Group for whom I am speaking also, feel that, as an independent group in this House, our attitude might be open to misinterpretation unless we explained very briefly how we stood. As we see it, Sir, we find it impossible to believe that any Government, not entirely bereft of its senses, could possibly provoke a controversy of this magnitude without having first explored every possible avenue by which it could have been avoided. That would apply even if we were not in a particularly important stage in the history of this great country. And can it be honestly held by any Member of this House that the present Government would be likely to present to the opposing political parties a plank of this magnitude and of this importance if they had been able to find any way out of their difficulty without sacrificing principles which they felt must at all costs be upheld ? That, Sir, was the first thing which occurred to us in our consideration of this question. And we have come to the conclusion, from all



[Mr. G. L. Winterbotham.]

that we have heard from the Government Members and from all that we have been able to discover by our own inquiries—and here I should like to emphasise that whatever Honourable Members may think of this small Group, we are independent, we are not tied to Government and we do, to the best of our abilities. . . . (*An Honourable Member* : “ Question ”.) (*Another Honourable Member* : “ Vote with us ”.) Sir, I have already made it plain that it is impossible for this Group to vote with them, and let me tell my Honourable friends that we have come to the conclusion that in this matter Government have not incurred the blame of this Honourable House. It seems to us, as I was saying, from all that we have heard and from our independent inquiries, which in spite of interruption of Honourable Members, are still independent. (*An Honourable Member* : “ Protesting too much ”)—we are not tied to the Government. . . . (*An Honourable Member* : “ Government are tied to you ”). . . . our conclusion is that Govern-

5 P.M.

ment have throughout been actuated by, what I have always understood was, another basic principle of the law, which I do not think has been referred to—I am not a lawyer—namely, the greatest good of the greatest number. I believe that it would be wrong for responsible people in this House to take up the attitude that Government have been deaf to the call of humanity and have instituted this legislation purely against individuals (*An Honourable Member* : “ Which legislation ? There is no legislation before the House now ”.) I was talking of the legislation which was before the House early in the afternoon. It is not before the House now. In these circumstances I should like to make it perfectly plain that we do not consider Government blameworthy, and we feel it our duty to accord our support to this Government just in the same way as, under similar circumstances, we should feel it our duty to accord our support to any other Government, if we happened to be represented in any Assembly under a new constitution, composed of Honourable Members who sit on the opposite side of the House today.

**Sir Purshotamdas Thakurdas** (*Indian Merchants' Chamber* : *Indian Commerce*) : I rise to speak on this motion after careful consideration and I support the motion before the House. I fully agree with the Honourable the Foreign Secretary that the subject before the House is one of a very grave character, and I feel that nothing should be said or done by this House on this occasion which can possibly put a premium on crime from whatever motive it may be committed. It is one tragedy that the House deplores by this motion ; but there is one more tragedy behind this tragedy, which to a certain extent clouds the issue, the main principle for which the late Mr. Jatindra Nath Das gave his life. It is to my mind a great pity that it was Bhagat Singh, the person who was responsible and guilty of throwing a bomb in the House at Delhi, who took up this cause and ran to the point that he did. I feel that nothing should be done here by responsible non-official representative Members which can possibly make it felt by young men outside that they have only to do something in a similar direction in order to be styled martyrs. Although I do not lag behind my other Honourable friends here in appreciating the sacrifice Mr. Jatindra Nath Das has made and the strong will-power he must have had when he went through the pangs of starvation to death, I do feel that it is up to this House, and especially to the non-official side of the House, that nothing which is said or done today will give the younger generation, with perhaps

lesser equipment than Das, a stimulus to make experiments in this direction. If therefore, Sir, I rise to support the motion before the House, it is for another reason. It is for the purpose of telling the Treasury Benches candidly and frankly that, while I am against putting a premium on crime, from whatever motive it may be committed, we will not stand any vindictiveness which they may show in their policy towards prisoners who are styled political prisoners. I stand out, for that Sir, and I stand out firmly. No more humiliation should be piled on these unfortunate, misguided young men than that piled on them by the Criminal Procedure Code and the sentences of the Courts. I feel that it is up to every self-respecting Indian, whatever his political creed, frankly to say to Government on this occasion, that while we are anxious to avoid the contagion spreading, we are more anxious still that Government should not give any more cause to these misguided men by their repressive policy, for which, it may be, the subordinates and the Provincial Governments are directly responsible, but for which the fullest responsibility must eventually be taken by the Treasury Benches opposite.

Sir, I have in my hand a copy of a letter which Bhagat Singh wrote in June last to the Inspector General of Prisons. His requests have been mentioned before the House several times—special diet, no forcible labour, toilette, literature of several kinds, history, political economy, etc. These are the four things which he asked for. I understand that the Government of India, after protracted consideration, did eventually grant these requests. (*Honourable Members* : “ No, no ”.) I speak subject to correction. If they did grant any of these requests, it is up to Government to tell us today whether they granted these requests to the fullest extent, or if partially, to what extent. Further what I would like to know is what prevented them from granting these requests at an earlier stage to avoid a tragedy which not only we deplore but the Treasury Benches also, as the Home Member has told us today, deplore equally and sincerely. That, to my mind, is an issue on which I would like information. I would also like Government to realise that however much they may dislike these crimes done with political motives, if the atmosphere which the policy of the Government has created during the last few months—even a year—continues, nothing can put a stop to these efforts of our young men, except a substantial change in that policy. Until then, it is up to law-abiding citizens of India, to see that our young men are not misled by anything that we may say here. It is still more incumbent on the Treasury Benches to secure that they shall not provoke these men to any action of this nature. None, Sir, regrets the unenviable position of the Government today more than a person like me, belonging to the Indian mercantile community. But what we feel is that the Government have not been either responsible to us or responsive to any suggestions, requests, or appeals which we have made in the past ; and it does touch the bottom of the hearts of Indians when they find that a young man of 25 was so stirred, misguided or not, as in every sense of the word, to have sacrificed his life for what he thought was due to him. We need not necessarily endorse the aspect of his case which could not be investigated. In fact, as far as this prisoner was concerned, he was under-trial. I suppose he will not now, after death, be considered in legal parlance to have been guilty. The Government Benches and my friends on the Benches on my left should not be surprised if Indians in this House one after the other get up to say that Government should take adequate steps to ensure that nothing further of a provocative nature is done in this



[Sir Purshotamdas Thakurdas.]

direction until the political situation settles down. I repeat, therefore, Sir, that the lesson of this motion is, at least, as far as I am concerned, that, while Government have all the powers they need for the purpose of dealing adequately with these misguided youths—(An Honourable Member: “What? Not misguided?”) I mean misguided in the eyes of Government. Let them not go out of their way a single inch more to pile any extra humiliation on or put any further handicap on these unfortunate men.

I am told that it is very difficult for Government to decide who are actuated by political motives and who are not. I am aware that at times some of these men are so carried away that they do take to methods which are extreme. But at the same time, for practical purposes, it can not be difficult for the Executive to understand who are the men who are actuated by the moral turpitude of the ordinary criminal and who by a high purpose such as impulsive patriotism. And I repeat that if this lesson is taken by the Treasury Benches here, this motion before the House will not be in vain.

**Several Honourable Members:** The question may now be put.

**Mr. H. W. Emerson** (Home Secretary): Sir, after speaking the day before yesterday at inordinate length on the subjects raised in this debate, I hoped that I had finished with the subject; and I deplore as much as any Member of this House the circumstances which have disappointed this hope. I find it a little difficult to reconcile some of the arguments advanced on the other side of the House. At one time I find that it is the personal position of the hunger strikers, their personal demands that are put forward, and Government are asked, “Why did you not satisfy those demands?” At another time I find that it is the political issues and racial discrimination that are put forward,—the treatment of political prisoners and the racial discrimination shown against them. To my mind the issues are inseparable. From the moment that Bhagat Singh wrote the letter from the Mianwali Jail dated June 14th, the question was not one of personal demands; it raised the general issues. For myself I have never had any doubt that the young man whose death we deplore was ready to sacrifice and did sacrifice his life for a cause which he believed to be just. His determination to die, his steadfast refusal to take food or help from his friends rendered it particularly difficult for them to deal with his case. But, Sir, as the Honourable the Home Member has indicated, during his life he was the first to recognise that the jail officials and the medical attendants—and in particular I would mention Dr. Chopra—had done everything that was humanly possible in order to save him. Whatever may be the responsibilities which you think Government did not discharge, it is only fair to the medical and jail officials to recognise, as I am sure will be recognised, that no part of the blame attaches to them. Now, Sir, it has been asked, why was there this delay in taking action? As I have said, it was clear from the first that the demands of the persons concerned could not be isolated from the general demand. (An Honourable Member: “Why not?”) (Mr. M. A. Jinnah: “From a general demand for what?”) For the better treatment of political prisoners and the removal of racial discrimination. Now, Sir, issues of that nature are very properly brought before Government by the force

of public opinion. They are discussed in the Provincial Councils and on the floor of this House. Unfortunately there are very few of our institutions which are perfect; there are few in regard to which an under-trial prisoner would not be able to point out that something was wrong—something wrong with our land revenue system, something wrong with something wrong with our land revenue system, something wrong with the constitutional form of Government—something wrong in our jail administration. (An Honourable Member: “There is certainly something wrong in the Punjab.”) And if, Sir, the principle on which Government are to act is that, whenever an under-trial prisoner puts forward demands on the ground that some institution is defective, that the defects should be put right, Government should take immediate action without any inquiry, then, Sir, I do not think it would be possible for any system of Government to continue. I have said that we do recognise that Jatindra Das died for a principle. It seems to me that the present situation has arisen out of a clash of principles. It is assumed that the Punjab Government and the Government of India have pursued a course out of perversity and blindness to the consequences and in disregard of all feelings of humanity. It would have been an easy course for them to take the path of least resistance, to have accepted the demands as soon as they were made, and thus to have avoided the odium and the bitterness of feeling which the course taken was bound to produce. If with their eyes open—and I can assure the House that for the last two months the situation produced by the hunger-strikers at Lahore has been the cause of the gravest anxiety to the Punjab Government and to the Government of India,—and knowing what the consequences might be, they pursued a certain course of action, I think Honourable Members of the House can believe that they did it because they believed in a principle.

**Several Honourable Members:** What principle? Is it the principle of prestige and racial discrimination?

**Mr. H. W. Emerson:** The principle was that Government, as trustees of their successors....

**Several Honourable Members:** Whose trustees?

**Diwan Chaman Lall:** That would do for the Punjab Government; it will not do for the Legislative Assembly.

**Mr. H. W. Emerson:** The principle was that Government, as trustees of their successors and of society, could not yield to a demand of this kind, involving as it did very great issues, without a thorough examination of the question by the Local Governments who were primarily concerned. Sir, I have been in close touch with the Punjab Government for the past few months and I know the deep concern of the head of the province in this matter. I know he has taken every course short of the sacrifice of what is regarded....

**Mr. President:** Order, order: the Honourable Member should not bring in the name of the head of the province.

**Mr. H. W. Emerson:** Every effort has been made by the Punjab Government and the help of non-officials has been elicited in order to find a solution. That solution, I hope, will be found. I must have made myself singularly obscure day before yesterday if the interpretation put upon some of my observations is the one that was conveyed to the House by my Honourable friend Mr. Jayakar. I realise most keenly that there

[Mr. H. W. Emerson.]

are problems to be solved, that public opinion is resentful of the treatment of certain classes of prisoners and that it is offended by the differentiation between Europeans and Indians. I believe those questions are questions which demand solution, and I believe that as a result of the examination by Local Governments, we shall be on a very long way towards a satisfactory solution. I would ask Honourable Members, as I asked on Thursday, if the event which we deplore is to have a practical result—and surely that is the best memorial you can give to the deceased,—to press their views and to ask their friends to press their views on Local Governments.

**Pandit Madan Mohan Malaviya :** And allow many more young men to die in the interval.

**Mr. President :** Order, order.

**Mr. H. W. Emerson :** Sir, the Punjab Government have already appointed their Committee and that Committee has come to its tentative conclusions. Some members of it went down to Lahore. The concessions which they tentatively proposed were given from the day the hunger-strike was stopped, about the 7th September, to the under-trial prisoners. And in the letter that my friend Mr. Keane read, Lala Dunichand, who is a member of the Committee, says, in effect to the hunger-strikers, that they went on hunger-strike to get certain demands of prisoners recognised; that the committee had come to provisional conclusions, that the Punjab Government and the jail officials had given effect in anticipation to those recommendations so far as those prisoners were concerned and that the prisoners had expressed themselves as satisfied. The Honourable and learned Pandit asked, I think, when was a solution going to be found? In reply, I would say that the effect of the inquiry carried out by the Punjab Government has been recognised by a member of the Sub-Committee, a member who I do not think is ordinarily prejudiced in favour of Government, to be satisfactory. I myself see no reason why in regard to other provinces the results should not be equally good and why we should not, within a few months or sooner, if possible, arrive at a satisfactory conclusion. There will be no delay on our part in finding a solution of these questions which are so much disturbing the public mind.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I do not think that an Honourable Member who speaks for the second time in this House is entitled to the consideration and courtesy that he is entitled to when he speaks for the first time. Sir, when Mr. Emerson was speaking the other day and today, I seemed to have been transported back to 1919, when from my seat in the Visitors Gallery of the old Imperial Legislative Council at Simla I listened to the debate on the Punjab atrocities. At that time, doughty Punjab officials, worthy predecessors of the Honourable gentleman who has just sat down, tried to defend an indefensible case. No doubt, the O'Dwyers and Dyers have left the shores of India, but, if at any time it is necessary for the Government to put into practice the policy which was initiated by them in those days, I have no doubt that Government will not want for officers of the proper stamp to carry that out. Sir, Mr. Emerson said that the hunger-strikers did not put forward a demand for the redress of their personal grievances. All honour to them that they did not, that they had the

courage to stick out for the redress of general grievances. I think they deserve our tribute of respect for the fight which they have put up in the interests of a great principle for which they are fighting. I may tell Mr. Emerson this, that in putting forward that general demand, they have the fullest support of the non-official Indian section of this House. The Honourable Member said that, "Here was a clash of principles". Certainly a clash of principles, when the Honourable Member is not prepared to yield on the question of racial discrimination. Certainly this clash of principles will continue so long as officials of the stamp of Mr. Emerson continue to be in India. The Honourable Member said that this matter of hunger-strike had been the greatest concern, not merely of the Punjab Government, but also of the Government of India. May I know from the Honourable Member as to why it is that the situation in the Punjab alone had been attracting so much attention of the Home Department of late? In reply to a question which was put by my Honourable friend Kumar Ganganand Sinha the other day relating to under-trial prisoners who have gone on hunger-strike in the different parts of India, the Honourable the Home Member said that particulars only of the Punjab cases were available, and as for the rest of India, the Government had no information and were awaiting replies from the Local Governments. There must be something peculiar to the Punjab cases that they had attracted this much of attention at the hands of the Government of India. When I say this, I am reminded of certain statements that appeared in the Press to the effect that these under-trial prisoners used often to be told that they had better remember that this was the Punjab. Is it because this was happening in the Punjab that the Government of India had been taking so keen an interest in the matter?

As an unworthy representative of the province which has been honoured by the birth of Jatindra Nath Das, I wish to pay my tribute of respect and homage to the memory of that illustrious son of Bengal. Sir, no word of regret that may be expressed on the floor of this House will restore Jatin Das to life. Sir, I know another illustrious son of Bengal is at this very moment on the point of death in similar circumstances. I refer to Satindra Nath Sen, a name which is a household word in Eastern Bengal, an illustrious patriot, a selfless worker in the cause of the country, who is not unknown to many of us here. Sir, he has been on hunger-strike for about 114 days now, with a very short interval. How is it that the Government of India do not possess any information about that matter? Sir, it is not for any heinous offence that he is being tried. He has been rotting in jail for the last four months awaiting trial of a proceeding under section 110 of the Criminal Procedure Code. Repeated applications for release on bail made were turned down. Impossible conditions have been laid down by those in authority, for sureties. The latest telegram that I hold in my hand says this :

"The Magistrate considers all unfit to control, prayer for reduction of surety from twenty thousand rejected."

When sureties are brought forward, the first objection taken is that they have not sufficient financial standing. When solvent people come forward this lack of financial standing cannot hold good; it is then said, "You cannot control the movements of this man". And what is the present condition of this man? One of the latest telegrams about his condition appeared in the Press a few days ago. According to that

[Mr. K. C. Neogy.]

report, the condition of Satindra Nath Sen is worsening from day to day, and he is determined to die if his grievances are not redressed. The latest one which appeared in yesterday's paper says that he remained unconscious for some time and it was with difficulty that consciousness was restored. What are the grievances of Satindra Nath Sen? The Honourable the Home Member does not know; perhaps he does not care to know. But from the papers that I have in my possession it seems that he also is fighting for a very noble cause and he is prepared to lay down his life for it.

**Mr. President :** Is he in the Lahore jail?

**Mr. K. C. Neogy :** He is not. But this case illustrates the callous policy that has been actuating the Government in dealing with political prisoners generally, and that is my only excuse for referring to this particular case.

**Several Honourable Members :** The question may now be put.

**Mr. President :** Pandit Motilal Nehru.

**Pandit Motilal Nehru :** I do not wish to say anything.

**Mr. President :** The question is :

“That the Assembly do now adjourn.”

The Assembly divided :

AYES—55.

Abdul Haye, Mr.  
Abdul Matin Chaudhury, Maulvi.  
Aney, Mr. M. S.  
Ayyangar, Mr. M. S. Sessa.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghanshyam Das.  
Chaman Lall, Diwan.  
Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Farookhi, Mr. Abdul Latif Saheb.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Iyengar, Mr. A. Rangaswami.  
Jamnadass, Seth.  
Jayakar, Mr. M. R.  
Jinnah, Mr. M. A.  
Jogiah, Mr. V. V.  
Kartar Singh, Sardar.  
Kelkar, Mr. N. C.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navabhai, Mr.  
Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jamnadas M.

Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Munshi, Mr. Jehangir K.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Pandya, Mr. Vidya Sagar.  
Phookun, Sriji T. R.  
Purshotamdas Thakurdas, Sir.  
Rafique, Mr. Muhammad.  
Rang Behari Lal, Lala.  
Rao, Mr. G. Sarvotham.  
Sarda, Rai Sahib Harbilas.  
Shervani, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Ranaujaya.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.  
Triloki Nath, Lala.  
Yusuf Imam, Mr.

MOTION FOR ADJOURNMENT.

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NOES—47.

Abdoola Haroon, Haji.  
Abdul Aziz, Khan Bahadur Mian.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Abdullah Haji Kasim, Khan Bahadur Haji.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bower, Mr. F. H. M.  
Bray, Sir Denys.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Cosgrave, Mr. W. A.  
Crerar, The Honourable Sir James.  
Dakhan, Khan Bahadur W. M. P.  
Ghulam Kadir Khan.  
Emerson, Mr. H. W.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.  
Jawahar Singh, Sardar Bahadur Sardar.  
Keane, Mr. M.  
Lindsay, Sir Darcy.  
Mitra, The Honourable Sir Bhupendra Nath.

Mitter, The Honourable Sir Brojendra.  
Mukharji, Rai Bahadur A. K.  
Mukherjee, Rai Bahadur S. C.  
Mulla, Mr. D. F.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Singh, Rai Bahadur S. N.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yakub, Maulvi Muhammad.  
Yamin Khan, Mr. Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 16th September, 1929.

## LEGISLATIVE ASSEMBLY.

Monday, 16th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### ABOLITION OF SERVANTS' COMPARTMENTS ON RAILWAYS.

462. \*Mr. D. C. Stewart-Smith : Will Government please state whether the Railway Board have taken any decision on the question of the abolition of servants' compartments in their coaching stock ?

Mr. P. B. Rau : The question is being considered at present.

#### PARTICULARS OF AGRICULTURAL AND INDUSTRIAL EXHIBITIONS, ETC., HELD BY GOVERNMENT DURING THE LAST TEN YEARS.

463. \*Mr. Siddheswar Prasad Sinha : Will Government be pleased to state, (i) the number of industrial and agricultural exhibitions, fairs, shows, and demonstrations held by Government during the last 10 years, (ii) the expenditure incurred on each of them, and (iii) the number of persons that visited each of them ?

The Honourable Sir Bhupendra Nath Mitra : With your permission, Sir, I shall take questions Nos. 463 and 464 together.

The Government of India have no information ; and as in Governors' provinces " industries " and " agriculture " are transferred subjects, the Government of India do not consider that they would be justified in asking Local Governments to collect it. If in these circumstances the Honourable Member desires the information in respect of Local Administrations, it will be obtained and furnished to him.

Mr. Siddheswar Prasad Sinha : Will the Honourable Member obtain the information ?

The Honourable Sir Bhupendra Nath Mitra : I shall obtain the information in respect of Local Administrations, if that is the desire of the Honourable Member.

#### AMOUNT OF GOVERNMENT GRANTS TO EXHIBITIONS AND PARTICIPATION OF GOVERNMENT OFFICIALS THEREIN.

†464. \*Mr. Siddheswar Prasad Sinha : Will Government be pleased to state the amount spent in giving subsidies, grants, or contributions to industrial or agricultural exhibitions, fairs, shows or demonstrations held through non-official agencies during the last three years ?

(b) Have Government prohibited their officers from participating or co-operating with any of these ? If so, for what reasons ?

†For answer to this question, see answer to question No. 463.

PROHIBITION OF GOVERNMENT OFFICIALS FROM PARTICIPATION IN EXHIBITIONS ORGANISED BY THE INDIAN NATIONAL CONGRESS.

465. \*Mr. Siddheswar Prasad Sinha : Is it a fact that the Government of India have issued an order to all Local Governments prohibiting their Departments and officers from participating in exhibitions organised by the Congress ?

(b) Do Government propose to start industrial and agricultural exhibitions at places where annual Congress meetings are held for the agricultural and industrial uplift of the country ? If so, at what cost ?

The Honourable Sir James Crerar : (a) I would refer the Honourable Member to the reply given by me on the 2nd September to Mr. Gaya Prasad Singh's starred question No. 7 on the subject.

(b) This is a matter entirely within the discretion of Provincial Governments. The second part of the question does not therefore arise.

CASES TRIED UNDER THE CRIMINAL LAW AMENDMENT ACT AND PUNISHMENTS AWARDED.

466. \*Mr. Siddheswar Prasad Sinha : Will Government be pleased to state the number of cases tried under the Criminal Law Amendment Act passed by this Assembly on the 19th September 1927, stating punishments awarded in each case ?

The Honourable Sir James Crerar : I lay on the table a statement giving the information asked for so far as it is available.

*Statement of Prosecutions instituted since the passing of the Criminal Law Amendment Act, 1927, and the punishment awarded in each case.*

| Serial No. | Province. | Prosecutions.                                                                                                                                                                       | Punishment awarded.                                                                                                                                                                         |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Bombay .. | Editor, Printer and Publisher of the <i>Major</i> newspaper of Poona for two articles published in that paper in April, 1928.                                                       | Convicted under section 292, I. P. C., and acquitted under section 295-A.                                                                                                                   |
| 2          | Do. ..    | Editor, Printer and Publisher of the <i>Aftab-e-Islam</i> newspaper of Ahmedabad for an article published in that paper in March, 1928, entitled "Tasteful Biryani".                | Convicted under sections 292 and 295-A, I. P. C., and sentenced to 3 months' rigorous imprisonment and a fine of Rs. 300.                                                                   |
| 3          | Do. ..    | (i) Chimanlal Revashanker Joshi, Editor and Publisher, and (ii) Ambelal Paragji Desai, printer of the <i>Hindu</i> of Surat for certain articles and notes published in that paper. | (i) Mr. Joshi was found guilty under section 295-A and was sentenced to 4 months' rigorous imprisonment and a fine of Rs. 300 in default a further term of 4 months' rigorous imprisonment. |

| Serial No. | Province. | Prosecutions.                                                                                                                                                                               | Punishment awarded.                                                                                                                                              |
|------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           |                                                                                                                                                                                             | (ii) The printer Ambelal Paragji Desai was convicted and sentenced to 2 months' rigorous imprisonment under 295-A. On appeal to the High Court he was acquitted. |
| 4          | Delhi ..  | Swami Chida Nand, General Secretary of the All-India Hindu Shudhi Sabha and editor-printer-publisher of the <i>Shudhi Samachar</i> of Delhi for a series of articles offensive to religion. | Convicted under section 295-A, I. P. C., and sentenced to six months' rigorous imprisonment.                                                                     |

NOTE.—The results of three other cases which have been tried or are under trial are not yet known.

Mr. Siddheswar Prasad Sinha : Will Government state if they have received any representations from the Arya Samaj, Delhi, or any other institution regarding the book called "A Critical Study of the Life and Teachings of Swami Dayanand" by Mr. Durrani ?

Mr. President : How does that question arise ?

†467.\*

AMOUNT OF CONTRIBUTION TO THE RAILWAY POLICE ON THE BENGAL AND NORTH WESTERN RAILWAY MADE BY THE GOVERNMENT OF BIHAR AND ORISSA.

468. \*Mr. Gaya Prasad Singh : (a) Are Government aware that the Government of Bihar and Orissa have to pay about Rs. 4,00,687 per year for "Railway Police" ?

(b) Is it a fact that, prior to 1919, the cost of the "Railway Police" used to be divided between the Railways and the Local Government in the proportion of 7/10th, and 3/10th, the Railway paying 7/10th, but this rule did not apply to the Bengal and North Western Railway ? If so, why ?

(c) Is it a fact that, after an inquiry in 1918, the Government of India made a new arrangement, under which from 1921-22, the Bengal and North Western Railway paid the Government of Bihar and Orissa only Rs. 14,000 per year, as contribution to the Railway Police ; whereas the said Railway Company used to pay Rs. 19,000 per year formerly ? And have Government received "strong representations" from the Government of Bihar and Orissa with respect to a more equitable adjustment in this matter ?

†This question was withdrawn by the questioner.

(d) Has the attention of Government been drawn to the following statement made on behalf of the Government of Bihar and Orissa in the Local Legislative Council on the 22nd March 1929 :

" There is a long-standing rule in the Civil Accounts Code that services rendered to commercial departments, and to Government commercial undertakings shall be charged for..... it does seem fair to this Government that the Government of India or the Company (i.e., the Bengal and North Western Railway Company), which gets the profits should not evade payment for services rendered, which enable them to earn them ; and it does seem hard that this Province should receive no portion of the profits, and should be made to pay for a part of the agency instrumental in procuring them ?

(e) Will Government be pleased to say if they propose to bring about a more equitable settlement of contribution in this matter ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The facts are as stated, except that the system of payment by Railway Companies of seven-tenths of the cost of the entire Railway Police applied to the Bengal and North Western Railway also.

(c) It is a fact that, from 1921-22 onwards, the Bihar and Orissa Government have received only Rs. 14,000 as contribution towards Railway Police, whereas prior to 1921, they received Rs. 19,000. The reason is that, prior to 1919, Government maintained and paid for all police on a railway system and recovered from the Companies seven-tenths of the total charges. The amount of Rs. 19,000, referred to by the Honourable Member, was the seven-tenths share of the total charges on police payable by the Bengal and North Western Railway. With effect from 1919 a new system was introduced, under which the railways had to meet all charges in connection with the " Watch and Ward " staff, while Government took over entire financial responsibility for Crime and Order Police, but it was considered reasonable that the Companies should pay to Government, during the currency of their contracts, fixed annual sums equivalent to the difference between what they were paying before and the total cost of watch and ward, the actual sum to be determined in consultation with the Companies when this sum payable by the Company came to be determined, the Bengal and North Western Railway objected to payment of their share of the cost based on the revision of pay which was sanctioned after 1906. Eventually the contribution of the Railway came to be fixed at Rs. 30,000 and this was distributed to the Local Governments on the basis of the mileage traversed by the Railway in their provinces. The proportionate share payable to the Bihar and Orissa Government on this basis was Rs. 13,978. Representations have been received from the Bihar and Orissa Government on the subject.

(d) Yes.

(e) The matter is under consideration. But the question is an intricate one and it will take some time before a settlement can be reached.

#### NATURE OF FACILITIES TO BE ACCORDED BY GOVERNMENT TO A PARTY OF ENGLISH SCHOOL BOYS TOURING INDIA.

469. \***Mr. Gaya Prasad Singh :** Is it a fact that, under the auspices of the Public Schools Empire Tours Committee, London, a party of English school boys will come out on tour in India ? If so, how many of them are

coming out, and when ? Do Government propose to provide any facilities to them ? If so, what ?

**Sir Frank Noyce :** Yes. The party, which is expected to number from 35 to 40, is expected to arrive at Bombay on the 29th November, 1929. The question whether the party should be given any special railway facilities is under consideration.

**Mr. Gaya Prasad Singh :** Do Government propose to provide any facilities at all—apart from railway facilities ?

**Sir Frank Noyce :** So far as I know, the only question at present under consideration is whether the party should be given any special railway facilities.

#### RECRUITMENT THROUGH THE PUBLIC SERVICE COMMISSION OF THE STAFF OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.

470. \***Mr. Muhammad Rafique :** Will Government be pleased to state if it is a fact that all the Departments of the Government of India resort to the Public Service Commission for filling up vacancies in their Departments ? Is it a fact that the Legislative Assembly Department does not get its staff through the Public Service Commission ? If so, why should the Department be an exception to the general rule followed in all other Departments ?

**The Honourable Sir James Crerar :** The normal procedure is as indicated by the Honourable Member. Under rule 5 of the Legislative Assembly Department (Conditions of Service) Rules, 1929, which were published in Part I of the Gazette of India, dated the 31st August, 1929, the ministerial staff of the Legislative Assembly Department may be recruited either from among persons already in Government service or from among persons, who are recognised as qualified by the Public Service Commission.

#### FACILITIES FOR THE BOOKING OF RAILWAY PARCELS IN MULTAN CITY.

471. \***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (a) Are Government aware that in Multan City (Punjab) a branch booking office has been opened in Kup by the Railway Department, but parcels are not booked in this office either on tickets or otherwise ?

(b) Do Government propose to consider the advisability of starting booking of parcels at this office also ?

**Mr. P. R. Rau :** (a) Yes.

(b) I am bringing this question to the notice of the Agent of the North Western Railway, as this is a matter within his competence.

†472—478.\*

#### CONSTRUCTION OF A RAILWAY BETWEEN HAZARIBAGH AND STATION ROAD HAZARIBAGH TOWN.

479. \***Mr. Ram Narayan Singh :** Will Government be pleased to state the stage at which the proposal for constructing a railway line

†For questions Nos. 472—478 and their answers, see at the end of starred questions for the day.



between the Hazaribagh Road Station and the town of Hazaribagh stands at present? Has the line been surveyed and finally sanctioned?

**Mr. P. R. Rau :** The Survey report has not yet been received from the Agent, East Indian Railway.

#### USE OF DEONAGRI SCRIPT FOR NAMES OF RAILWAY STATIONS IN THE CHHOTA NAGPUR DIVISION.

480. **\*Mr. Ram Narayan Singh :** (a) Are Government aware that the Chhota Nagpur Division is a Hindi speaking area and has *Deonagri* for its script?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons why the names of railway stations on the East Indian and Bengal Nagpur Railways passing through the Chhota Nagpur Division are written in English, Urdu and Bengali characters only and not in *Deonagri*?

(c) Do Government propose to remove this difficulty as soon as possible?

**Mr. P. R. Rau :** I am referring the matter to the Agents of the East Indian and Bengal Nagpur Railways for their consideration and shall communicate later with the Honourable Member.

#### PROVISION OF A RAILWAY STATION AT BIJAULIA.

481. **\*Mr. Ram Narayan Singh :** (a) Are Government aware that the junction of the Chandit-Barkakhana Railway line and the Hazaribagh-Ranchi Road near Rangirh is a most suitable place for having a railway station for the convenience of the people there?

(b) Is it the intention of Government to make a village called Bijaulia near aforesaid junction, a railway station? If so, what are the reasons for the delay?

(c) Are Government aware that trains stop at Bijaulia to allow passengers to leave or catch the trains there even now, but there is no place nor any means to protect the passengers from the rain and the sun?

(d) Do Government propose to have a regular railway station there at an early date and to remove all the aforesaid troubles?

**Mr. P. R. Rau :** The matter is being referred to the Agent, Bengal Nagpur Railway, and a further communication will be made to the Honourable Member in due course.

#### AGRICULTURAL EXPERTS IMPORTED BY THE GOVERNMENT OF INDIA.

482. **\*Pandit Nilakantha Das :** (a) Has the attention of Government been drawn to the comments under the heading "Foreign expert not wanted" in the *Hindustan Times* of Delhi, dated 2nd September, 1929 (page 10)?

(b) Will Government please make a statement on the subject as to how many experts, on which branches of agriculture or otherwise are being imported, on what pay and covenant, and when?

**Sir Frank Noyce :** (a) Yes.

(b) The Imperial Council of Agricultural Research has under consideration the recommendation of the Royal Commission on Agriculture regarding the use of the cinematograph in the propaganda work of the Agricultural Departments, but the Council, as at present advised, has no intention of getting a Cinematograph Expert from abroad for this purpose. The only expert whom it is at present proposed to import is Expert Adviser to the Council in Animal Husbandry and Veterinary matters. He is being recruited on a five years' engagement on a salary of Rs. 2,500—125—2,750, plus overseas pay of £13-6-8, and the usual Provident Fund terms for specialist appointments.

#### DISPOSAL OF TIME-EXPIRED MINING CONCESSIONS AND PROSPECTING LICENCES.

483. **\*Mr. G. L. Winterbotham :** Will Government be pleased to state when they will announce their decision upon the question of the disposal of time-expired mining concessions and prospecting licences by auction or tender regarding which views of Local Governments and Administrations were sought in Government of India (Department of Industries and Labour) letter No. M-110, dated the 15th of December, 1926?

**The Honourable Sir Bhupendra Nath Mitra :** Further consideration of the proposal to amend the Mining Rules in order to give power to Local Governments to dispose of time-expired concessions by auction or tender has been postponed pending the revision of the existing constitution of India as a result of the recommendations of the Statutory Commission on Reforms.

#### CASES REFERRED TO THE RAILWAY RATES ADVISORY COMMITTEE.

484. **\*Sir Purshotamdas Thakurdas :** (a) Will Government be pleased to state how many cases were referred to the Railway Rates Advisory Committee since the Committee was established, and on how many cases the Committee has submitted its report to the Government of India?

(b) Will Government be pleased to state on how many cases, reported on by the Railway Rates Advisory Committee, Government have passed orders and how many await decision of the Government of India?

(c) Will Government be pleased to place on the table a list of cases on which the Railway Rates Advisory Committee has reported and which await the decisions of the Government of India, giving the date of the report of the Rates Advisory Committee in each case?

(d) Will Government be pleased to state the total net cost incurred by the Railway Rates Advisory Committee since its inception?

**The Honourable Sir George Rainy :** (a) 28 cases have been referred to the Railway Rates Advisory Committee, six of which were subsequently withdrawn. The Committee has submitted its report on 13 cases.

(b) Government have passed orders on six of the cases reported on by the Railway Rates Advisory Committee. Seven cases await the decision of the Government.

(c) I lay on the table a list of cases with the information asked for by the Honourable Member.

(d) The approximate net cost of the Railway Rates Advisory Committee, since its inception in May, 1926, up to the 31st March, 1929, has been Rs. 4,46,000.

*Cases on which the Railway Rates Advisory Committee have submitted their reports and which await Government decisions.*

| Serial No. | Subject.                                                                          | Date of R. R. A. C. Report. |
|------------|-----------------------------------------------------------------------------------|-----------------------------|
| 1          | Rates for cotton full-pressed from stations in the Central Provinces to Calcutta. | 1-2-29                      |
| 2          | Rates for cotton full-pressed from the Punjab to Calcutta ..                      | 22-1-29                     |
| 3          | Rates for raw materials for the manufacture of glass ..                           | 9-2-29                      |
| 4          | Rates for Myrabolams from stations in the Central Provinces to Calcutta.          | 27-9-28                     |
| 5          | Rates for piecegoods from Sholapur to <i>via</i> Delhi (for Amritsar)             | 28-1-29                     |
| 6          | Rates for piecegoods from Sholapur to Delhi .. ..                                 | 28-1-29                     |
| 7          | Rates for medicines manufactured in India .. ..                                   | 8-2-29                      |

**Mr. Vidya Sagar Pandya :** May I know how long it has been taken for Government to decide on the questions submitted to the Railway Rates Committee in the past ?

**Mr. President :** That question is too general and, too vague. If the Honourable Member wishes to ask a question regarding a particular case, he might do so.

**Mr. M. S. Aney :** What is the average duration of the time taken by the Railway Board in considering any application for referring a particular case to the Railway Rates Tribunal or Committee ?

**The Honourable Sir George Rainy :** I think I must have notice of that, because my mathematical ability is not capable of making a rapid calculation of the average time taken.

**Mr. Vidya Sagar Pandya :** May I quote the case of the Coimbatore firm in the matter of rates for cotton from Coimbatore to various stations ?

**The Honourable Sir George Rainy :** I think that case is still pending before the Advisory Committee.

#### CONSTRUCTION OF A BRIDGE OVER THE CHENAB NEAR CHINIOT.

485. **\*Mr. Muhammad Rafique :** (a) Will Government be pleased to state the date when the construction of a bridge over the Chenab river near Chiniot, District Jhung, was undertaken and commenced ?

(b) What was the estimated cost of construction of this bridge and what was the stipulated period of completion of the work ?

(c) Who was the officer supervising the work ?

(d) Were any tenders invited for the construction of this bridge ?

(e) What was the lowest tender, and if tenders for different kinds of works were invited, what were the lowest tenders in each case ?

(f) Is it a fact that the foundation work of constructing and plugging the wells was entrusted to a private contractor who did not submit any tender ? If so, what was the amount of his tender ?

(g) If the answer to part (f) is in the negative, what is the name of the contractor who was entrusted with the construction work of the bridge, and what was the amount of his tender ?

(h) Did this contractor finish his work within the stipulated time ?

(i) Were the contractors asked to deposit any earnest money as penalty in case the work was not completed within the specified time ? If so, what was the amount ? If not, why was no earnest money taken ?

(j) Is it a fact that the contractor who was given the construction of the foundation wells could not complete his work in time ?

(k) Is it a fact that the work was taken over from him by Government ?

(l) Is it a fact that no penalty was realised from him nor was his deposit, if any, forfeited for the breach of the contract ?

(m) Is it a fact that his materials lying on the spot were purchased from him by Government ?

(n) Is it a fact that this contractor did not pay hundreds of coolies their daily wages ?

(o) Who was the officer who managed all this transaction of giving the work and of cancelling the remaining work ?

(p) Is it a fact that Government have sustained substantial loss on account of his failure ? Is it a fact that, but for his work, the bridge would have been near completion ?

(q) How long is it since Government took the work in their own hands ?

(r) Is it a fact that the work of construction has been suspended for some time past ? If so, why ?

(s) Is it a fact that this delay on the part of Government is causing great inconvenience to the people of the districts ?

(t) When is the work supposed to be completed ?

**Mr. P. R. Rau :** (a) February, 1928.

(b) Rs. 19½ lakhs, including the steel work. The stipulated period for completion of the contract work, i.e., excluding the steel work, was 22 months.

(c) Since the commencement of the work it has been supervised by three different officers.

(d) Yes.

(c) Rs. 6,40,000 for all work excluding the steel work. As the steel work is to consist of second-hand girders taken out of the main line, this work was not to form part of the contract.

(f) No.

(g) Mr. Bhagwan Das Mehra. The amount of his tender was Rs. 7,00,000.

(h) The work was taken away from the contractor before the end of the stipulated time.

(i) Yes, Rs. 10,000.

(j) It was considered most improbable that he would be able to complete his work in time.

(k) Yes.

(l) As it was necessary to ensure the safety of the works before the commencement of the flood season, the contract was prematurely terminated as already stated before a technical breach of contract on the part of the contractor actually occurred. No penalty was, therefore, deducted.

(m) Yes.

(n) Government have no information.

(o) The Chief Engineer, Construction, North Western Railway.

(p) No substantial loss has been incurred but certain indirect losses are bound to accrue, the amount of which cannot at the moment be ascertained. The bridge would have probably been nearer completion if the contractor's work had been carried on more expeditiously.

(q) Seven months.

(r) Only so far as it is necessary to suspend such work during the flood season.

(s) Government have no information.

(t) June, 1931.

#### CAUSE OF CAPSIZING OF A BOAT IN THE CHENAB RIVER NEAR THE CHINIOT BRIDGE.

486 \***Mr. Muhammad Rafique :** (a) Is it a fact that recently a country boat carrying 150 men and women capsized near the bridge over the Chenab river near Chiniot ?

(b) Is it not a fact that the overturning of the boat was due to big heavy ropes suspended from over the bridge ?

(c) Who was responsible for suspending the ropes ? Was any man stationed to signal to the boatmen of the danger ahead ?

(d) Have the Railway Board made any inquiry into the matter ?

(e) Has any compensation been paid to the relatives of the dead ?

(f) What was the actual number of lives lost, and what was the amount of money carried by these men ?

(g) What precautionary measures have been taken by Government for the non-recurrence of such a tragedy ?

**Mr. P. R. Rau :** (a) A ferry boat licensed by the District Board capsized while crossing the river. Government have no information as to the number of people it was carrying at the time.

(b) to (g). I understand an inquiry into the accident is being conducted by the local authorities and I am unable to reply to these parts of the question at present.

#### PROVISION OF A RAISED PLATFORM AT CHINIOT RAILWAY STATION AND OTHER FACILITIES.

487. \***Mr. Muhammad Rafique :** (a) When do Government contemplate the construction of a raised platform at the Chiniot Railway Station ?

(b) Is it a fact that there is no light on the station in the early hours of the morning when the first train leaves for Chak-Jhumra ?

(c) Is it a fact that the lavatory tanks in the train are never filled with water ?

(d) Is it a fact that the intermediate and the third class compartments are never cleaned ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to answer this and the next question together. Inquiries are being made from the Agent, North Western Railway and the information will be communicated to the Honourable Member on receipt.

#### PROVISION OF A WAITING SHED AND SUITABLE DRINKING WATER AT CHAK-JHUMRA RAILWAY STATION.

488. \***Mr. Muhammad Rafique :** (a) Is it a fact that there is no place where the intermediate and third class passengers can take shelter during the summer days at Chak-Jhumra ?

(b) Do Government contemplate the construction of a shed on the platform of Chak-Jhumra Station ?

(c) Is it a fact that there is no arrangement for drinking water at Chak-Jhumra Station and the earthen *gharas* used for drinking water are not cleaned for months ?

#### INCONVENIENCE CAUSED BY ABOLITION OF THE POST OF TALLYMAN AT RAM-KRISTOPORE GOLA SIDING.

489. \***Mr. Muhammad Rafique :** (a) Will Government be pleased to state if the post of the tallyman at Ramkristopore Gola siding has been abolished ?

(b) Is it a fact that the abolition of this post has caused great inconvenience to the rice merchants of Ramkristopore ?

(c) Is it a fact that after the post was abolished there have been numerous cases of shortage and pilfering of rice bags ?

(d) When was the appointment of the tallyman first made and when did it cease ? What are the reasons which led to the abolition ?

†For answer to this question, see answer to question No. 487.

(e) Is it a fact that a representation was made by the local rice merchants to Government for renewal of the appointment? If so, what action has been taken in the matter?

(f) Is it a fact that the mill-owners in the neighbourhood enjoy the service of tallymen? If so, what are the reasons for such differential treatment?

(g) Do Government propose to consider the desirability of appointing a tallyman at the Rankristopore Gola siding?

**Mr. P. R. Rau :** I would refer the Honourable Member to the reply given by Mr. Parsons to a similar question asked by Rai Bahadur Tarit Bhusan Roy on the 11th February, 1929, and to the information sent to him in Railway Department letter No. 1465-T. of the 12th February, 1929, a copy of which is in the Library.

#### PROMOTION OF SUBORDINATES OF THE RAILWAY ACCOUNTS SERVICE.

490. **\*Mr. S. C. Mitra :** (a) Is it a fact that according to the Memorandum of the Financial Commissioner of Railways, the promotion of the subordinates of the Railway Accounts Service will be made by him on the recommendation of the Controller of Railway Accounts by selection?

(b) Why are Government not following a policy under which all such promotions are made by a non-interested body such as the Public Service Commission in order to stop all jobbery?

(c) Are Government prepared to direct the Public Service Commission to examine the cases of all Accountants and Assistant Account Officers on State Railways for promotion to the gazetted rank and to the Superior Railway Accounts Service immediately?

**Mr. P. R. Rau :** It has always been intended that promotions of subordinates to the Railway Accounts Service will be made by the Financial Commissioner of Railways after consultation with the Public Service Commission. The promotions recently gazetted were so made.

#### PROVISION OF A HOSTEL FOR INDIAN APPRENTICES IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

491. **\*Mr. S. C. Mitra :** (a) With reference to their reply to my starred question No. 824, in the Legislative Assembly on the 26th February, 1929, will Government please state how the proposal for the provision of a hostel for the Indian "A Grade" apprentices in the Bengal Nagpur Railway Workshops at Kharagpur now stands?

(b) Pending the provision of such a hostel, do Government propose to consider the advisability of reserving for the Indian "A Grade" apprentices now employed at the workshops there a portion of the existing hostel for Anglo-Indian and European apprentices at Kharagpur? If not, why not?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 491 to 496 and No. 537 together.

I am obtaining information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on receipt.

#### INDIAN APPRENTICES CONFIRMED IN THE RAILWAY WORKSHOPS AT KHARAGPUR.

†492. **\*Mr. S. C. Mitra :** With reference to their reply to my starred question No. 822 in the Legislative Assembly on the 26th February, 1929, Will Government please furnish the following information :

- (1) the number of Indian "A Grade" apprentices confirmed in the Bengal Nagpur Railway Workshops at Kharagpur, since Government answered my question ;
- (2) their names ;
- (3) the workshops in which they have been and are attached to ; and
- (4) the dates of their starting and confirmation in the Kharagpur Workshops ?

#### INCREMENTS OF INDIAN APPRENTICES CONFIRMED AT THE RAILWAY WORKSHOPS AT KHARAGPUR.

†493. **\*Mr. S. C. Mitra :** With reference to their answer to my starred question No. 821, in the Legislative Assembly on the 26th February, 1929, will Government please state whether the entire probationary period of service of the "A Grade" Indian apprentices on confirmation in the Bengal Nagpur Railway Workshops at Kharagpur is allowed to count towards their usual annual increments in view of the fact that they "have displayed keenness" in learning their work? If not, why not?

#### PROVISIONS OF THEORETICAL TRAINING FOR CERTAIN INDIAN RAILWAY APPRENTICES AT KHARAGPUR.

†494. **\*Mr. S. C. Mitra :** Is it a fact that there is no arrangement for theoretical training for the Indian "A Grade" apprentices attached to the Loco. Department of the Bengal Nagpur Railway Workshops at Kharagpur? If not, why not?

#### RATES OF PAY OF EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES AT KHARAGPUR WORKSHOPS.

†495. **\*Mr. S. C. Mitra :** Will Government please state whether it is a fact that the Anglo-Indian and European Apprentices, who are recruited with Indians on the result of the same qualifying examination and test, for training in the Bengal Nagpur Railway Workshops at Kharagpur, are given higher rates of subsistence allowance? If so, what is the reason for this discrimination?

#### TRAINING AND APPOINTMENT OF EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES AT RAILWAY WORKSHOPS AT KHARAGPUR.

†496. **\*Mr. S. C. Mitra :** (a) Is there any distinction in the manner of training given to the Indian "Grade A" apprentices and that of the Anglo-Indian and European apprentices in the Bengal Nagpur Railway Workshops at Kharagpur? If so, what is the distinction observed?

(b) If the answer to part (a) is in the negative, will Government please state whether Anglo-Indian and European apprentices are given better appointments with higher rates of pay, and if so, why?

†For answer to this question, see answer to question No. 491.

## GRIEVANCES OF INDIANS IN TANGANYIKA.

497. \*Mr. Gaya Prasad Singh : (a) Are Government aware of the resolutions passed at the Tanganyika Indian Conference held at Dar-es-Salaam on the 2nd/3rd April, 1929, and published in the *Tanganyika Opinion* of the 5th April, 1929, at page 12 ?

(b) Are Government aware that the Tanganyika Indian community are opposed to the inclusion of Tanganyika in "any scheme of Federation or Closer Union" in East Africa ?

(c) Are Government aware that Indians are not recruited to higher posts in the Government services in Tanganyika, their recruitment being restricted only to the clerical cadre ?

(d) Do Government intend to take up this matter of the appointment of Indians to higher services with the Colonial Office to make the necessary arrangements in the future ? If not, why not ?

Sir Frank Noyce : (a) and (b). Yes.

(c) So far as Government are aware the facts are as stated.

(d) Yes.

## INDIAN TRADE WITH TANGANYIKA.

498. \*Mr. Gaya Prasad Singh : (a) Have Government seen the leading article in the *Tanganyika Opinion* under the heading "Tanganyikan Trade" at page 7 in its issue dated the 19th April, 1929 ?

(b) Have Government noted that the Indian trade in exports to Tanganyika is considerably reduced in the year 1928 as compared with the previous year ?

(c) Have Government noticed two other leading articles in the *Tanganyika Opinion*, one under the heading "Indo-Colonial Trade" in its issue of the 15th August, 1929, at page 2, and the other article under the heading "Indian Settlement" in its issue of the 19th April, 1929, at page 11 ?

(d) Will Government please state the reasons that have led to such a long delay in the matter of the appointment of Trade Commissioners in the Colonies ?

(e) Do Government propose to give effect to the recommendations of the Meek Trade Mission ? If so, when ?

The Honourable Sir George Rainy : (a) Yes.

(b) The Government note the figures quoted in this article, indicating that imports from India into Tanganyika decreased in value in the calendar year 1928 by a little more than 5 per cent., as compared with the previous year. I may, however, mention that the Indian sea-borne trade accounts, which are for fiscal years, show a steady increase in exports from India to Tanganyika since 1926-27. These figures are as follows :

|         |    |    |    |    | Rs.          |
|---------|----|----|----|----|--------------|
| 1926-27 | .. | .. | .. | .. | 43.42 lakhs. |
| 1927-28 | .. | .. | .. | .. | 50.01 lakhs. |
| 1928-29 | .. | .. | .. | .. | 53.94 lakhs. |

(c) Yes.

(d) The Scheme for the appointment of Indian Trade Commissioners abroad was placed before the Standing Advisory Committee for the Commerce Department two days ago. Now that the opinion of the Committee has been received, the Government will lose no time in coming to a final decision.

(e) The Trade Mission made several recommendations, some for the consideration of the Government and others for consideration by the Cotton Textile Industry. I lay on the table a copy of a letter which the Government of India recently addressed to the Bombay Millowners' Association, which explains the attitude of the Government towards the principal recommendations of the Mission.

LETTER No. 1509-C. (69), DATED SIMLA, THE 19TH AUGUST, 1929, FROM MR. H. A. F. LINDSAY, C.I.E., C.B.E., I.C.S., JOINT SECRETARY TO THE GOVERNMENT OF INDIA, TO THE SECRETARY, THE MILLOWNERS' ASSOCIATION, BOMBAY.

"I am directed to refer to your letter No. 1068/50, dated the 31st May, 1929, in which you submitted for the consideration of the Government of India the views of your Association on the Report of the Indian Trade Mission, and in reply to state as follows.

2. With regard to the first recommendation of the Mission for the appointment of Indian Trade Commissioners at Mombasa, Durban and Alexandria, I am to explain that this proposal is being considered along with those submitted by the High Commissioner for India in London for the appointment of similar officers in Europe and the United States of America. The whole scheme is an important one involving considerable expenditure and is being carefully examined in all its aspects. This examination will necessarily take some time, but the Association may rest assured that no undue delay will take place in coming to a decision and issuing the necessary orders on the subject.

3. The second recommendation deals with improvements to be made in the finish, packing, sampling, making up, etc., of goods for export. In this connection it is stated by the Mission that Indian exporters fall short of the standards set by their competitors, and that Indian exporters would find it to their great advantage to meet the requirements of the various markets in these respects. The Government of India note that the recommendations of the Mission on these points are receiving the detailed consideration of your Association as regards both the home and export markets, and they will be glad to know in due course the conclusions arrived at. They also note that the third recommendation of the Mission, namely, that a combined selling organisation should be established by millowners as a means of accelerating India's export trade, is receiving the earnest attention of your Association, that a system of co-operative buying of Iraq cotton has already been agreed upon by a number of Mills spinning finer count yarns and that some progress has been made in the blanket and grey goods trade with East Africa and in the yarn trade with Egypt and the Levant. The Government of India are glad to learn of the progress already made, and will be interested to hear in due course what further progress is possible on the same or similar lines.

4. The fourth recommendation deals with the question of the establishment of a combined bleaching, dyeing and printing plant in Bombay with Government assistance. This is a matter which concerns the Department of Industries and Labour, and the relevant extract from your letter has been forwarded to that Department for consideration.

5. A further communication will be addressed to you in regard to paragraph 5 (2) of your letter concerning import duties on Indian cotton piece-goods in East Africa, Iraq and Egypt. I am however to invite a reference to this Department letter No. 539-T., dated the 11th May 1929, in which the result of the representations already made to the Portuguese Government in respect of the duties levied in Portuguese East Africa was communicated to your Association.

6. The views of the Association on the extent of the possible markets for Indian piece-goods have been noted."

RESOLUTIONS PASSED BY THE EAST AFRICAN INDIAN NATIONAL CONGRESS  
AT MOMBASSA.

499. \*Mr. Gaya Prasad Singh : Has the attention of Government been drawn to the Resolutions passed at the Mombassa Session of the East African Indian National Congress held in April, 1929, and published in the *Tanganyika Opinion* dated the 26th April, 1929, at page 8-B, and of the 3rd May, 1929, at pages 4 and 9 ? Has any action been taken on any of those resolutions ? If so, what action ?

Sir Frank Noyce : The reply to the first part of the question is in the affirmative. As regards the second and third parts, the attention of the Honourable Member is invited to the reply to the short notice question asked by Pandit Hriday Nath Kunzru on the 10th instant. The Resolutions passed, which relate to the Hilton Young Commission's Report, have been under very careful consideration, and the Honourable Member may rest assured that the views and wishes of India will be duly brought to the notice of the authorities.

MEMORANDUM OF THE TANGANYIKA INDIAN ASSOCIATION AT DAR-ES-SALAAM.

500. \*Mr. Gaya Prasad Singh : Has the attention of Government been drawn to the Memorandum of the Tanganyika Indian Association at Dar-es-Salaam presented to Sir Samuel Wilson and published in the *Tanganyika Opinion* in its issue of the 10th May, 1929, at pages 8, 9, 10 and 11 ? Have Government taken any action on the lines indicated in it ?

Sir Frank Noyce : The reply to the first part of the question is in the affirmative. The matter is under consideration.

RACIAL DISCRIMINATION ON BOARD THE STEAMSHIP "KHANDALLA."

501. \*Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the correspondence published in the *Tanganyika Opinion*, dated the 5th July, 1929, at page 12, under the heading "Awful Mismanagement on 'Khandalla'...." and another correspondence in its issue of the 6th August, 1929, at page 2, under the heading "Colour Bar on 'Khandalla'..." ?

(b) Are Government aware that S.S. 'Khandalla' is a B. I. Steamer plying between Bombay and Durban ?

(c) Are the dining arrangements on board the S.S. 'Khandalla' inspected by a Medical Officer of the British India Steam Navigation Company ?

(d) Can Government throw any light on the principle followed by the British India Steam Navigation Company in regulating the dining tariff ?

(e) Are Government aware of the racial discrimination which exists on board the steamers ; and do Government propose to take steps to remedy it ?

The Honourable Sir George Rainy : (a) Government have seen the articles referred to.

(b) Yes.

(c) to (e). Inquiries are being made and the result will be communicated to the Honourable Member.

RACIAL DISCRIMINATION AGAINST INDIANS BY THE GOVERNMENT OF  
CONGO-BELGE.

502. \*Mr. Gaya Prasad Singh : (a) Have Government seen the letter in the correspondence column under the heading "Race Discrimination in Congo-Belge" and a leading article under the heading "The Toll of Colour" both published in the *Tanganyika Opinion*, dated the 5th August, 1929, at page 2 ?

(b) Have Government received any representations from the Indian Association, Dar-es-Salaam, and if so, what steps have Government taken or propose to take in this matter of racial discrimination by the Government of Congo-Belge against Indians ?

(c) Have Government addressed any reply to the Indian Association, Dar-es-Salaam, on the subject ; and, if so, to what effect ?

Sir Denys Bray : I have not been able to obtain a copy of the paper, but from the answers we have just heard, I have ascertained whether I can obtain it. Government have no information on the subject beyond that contained in a recent representation from the Indian Association, Dar-es-Salaam, on receipt of which His Majesty's Government were at once addressed.

Mr. Gaya Prasad Singh : Why did you not ask me for a copy ?

REPRESENTATION OF INDIANS IN THE LEGISLATIVE COUNCIL AT TANGANYIKA.

503. \*Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to a leading article published in the *Tanganyika Opinion* dated the 7th August at page 2 under the heading "Council Nominations" ?

(b) Is it a fact that out of the 10 unofficial members under the Tanganyika Order in Council only 3 Indian members have been nominated to the Legislative Council, while 7 are European members ? Do Government propose to take steps to redress this injustice to Indians ?

Sir Frank Noyce : (a) Yes.

(b) As regards the first part of the question, Government have no information beyond what has appeared in the newspapers. With regard to the second part, Government are considering the whole position in connection with the Hilton Young Commission's Report, with a view to bring this matter also to the notice of the authorities.

APPOINTMENT OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES OF  
THE GOVERNMENT OF INDIA.

504. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that as a result of the 1926 Examination, 18 candidates were declared qualified for the First Division of the Imperial Secretariat and attached offices out of which only 2 were Muslims ?

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(b) Is it a fact that one of these, Mr. Abdur Rahim, has since been appointed to the Indian Audit and Accounts Service ?

(c) If answer to part (b) is in the affirmative, will Government please state the total number of Muslim candidates hitherto qualified for the First Division, excluding Mr. Abdur Rahim ?

(d) Will Government state how this number will be adequate to meet the communal requirements of the several Departments of the Government of India and the attached offices ?

**The Honourable Sir James Crerar :** (a) Nineteen candidates have been declared qualified, of whom three are Muslims.

(b) Yes.

(c) The total number of Muslim candidates hitherto qualified is 57.

(d) As I recently stated in answer to another question, the percentage of Muslims in the Secretariat has increased greatly during recent years, and I anticipate a further improvement during the next few years as the result of the orders issued by the Government of India.

#### APPOINTMENT OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES OF THE GOVERNMENT OF INDIA.

505. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that the Public Service Commission have been asking the Departments of the Government of India and their attached offices to make their own arrangements owing to the paucity of Muslim candidates qualified for the First Division ?

(b) Is it a fact that the Departments and their attached offices are unable to redress their communal inequalities as there is a paucity of Muslim candidates qualified for the First Division ?

(c) If answers to parts (a) and (b) are in the affirmative, are Government prepared to take any steps, in accordance with the promise contained in the Home Department Notification No. F. 160/27-Public, dated the 22nd March, 1927, so as to enable the Departments of the Government of India and their attached offices to meet their communal requirements ?

**The Honourable Sir James Crerar :** (a) If the question refers to permanent appointments, the answer is in the negative.

(b) The Public Service Commission have not yet exhausted their list of qualified Muslim candidates who are available for nomination to permanent vacancies.

(c) Does not arise.

#### RESOLUTION OF A BAR CONFERENCE AT LAHORE re APPLICABILITY OF SECTION 30 OF THE CRIMINAL PROCEDURE CODE TO THE PUNJAB.

506. **\*Mr. Abdul Haye :** (a) Are Government aware that a Bar Conference was held at Lahore in March last ?

(b) Were copies of the resolutions, passed at the said Conference, forwarded to Government ?

(c) Is it a fact that the Bar Conference has, by means of a resolution, urged that section 30 of the Criminal Procedure Code should not in future apply to the Punjab and for this purpose the Criminal Procedure Code should be amended ?

(d) Is it a fact that section 30 of the Criminal Procedure Code was made applicable to the Punjab when it was a non-regulated province ?

(e) Do Government propose to bring forward an official Bill early for making the necessary amendment in the Code of Criminal Procedure ?

(f) If the answer to part (e) is in the negative, will Government please state reasons ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) Copies of some of the Resolutions passed have been forwarded to Government.

(c) Government have not received a copy of this Resolution.

(d) An answer in the affirmative is substantially correct, though to attain complete historical accuracy, some further elaboration not appropriate in an answer to a question would be necessary.

(e) No.

(f) The matter is one for the Local Government to consider in the first instance. The power conferred upon certain Local Governments by section 30 is discretionary.

#### GRANT OF A PASSPORT TO MOHAMED NASIR OF NOWSHERA.

507. **\*Mr. Abdul Haye :** (a) When, by whom and under what circumstances was a passport granted to Mohamed Nasir of Nowshera, who is reported to have made an attempt on *ex*-King Amanullah Khan's life in Italy ?

(b) Is Mohamed Nasir a British Indian subject ? If not, what is his nationality ?

**Sir Denys Bray :** I have ascertained from His Majesty's Consul at Venice that the Italian authorities recently arrested two British Indians, one of whom was Muhammad Nasir, holder of a passport issued in Peshawar in 1925, and the other B. Chandra Bose, holder of a passport issued in Rangoon in 1924, on the ground that their conduct was suspicious, and ordered their deportation to India. I have no information of the nature of the suspicion entertained by the Italian authorities against them, but am pursuing the inquiries further. There is nothing in my information to suggest that there has been any attempt on the life of *ex*-King Amanullah in Italy.

#### NOTICES AND ADVERTISEMENTS PUBLISHED IN NEWSPAPERS BY THE GOVERNMENT OF INDIA.

508. **\*Mr. Siddheswar Prasad Sinha :** (a) Do Government publish notices and advertisements in newspapers ? If so, with what object ?

(b) If the reply to part (a) be in the affirmative, will Government please state the number of notices and advertisements published during last

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3 years, the number and names of papers in which they were published, and the cost and object of such publications ?

**The Honourable Sir James Crerar :** (a) Yes—mainly to call for tenders, or to invite applications for posts, or to publish as communiqués information on subjects of general interest to the public.

(b) Government are not prepared to collect this information.

#### SUPPLY OF GOVERNMENT REPORTS, ETC., TO NEWSPAPERS.

509. **\*Mr. Siddheswar Prasad Sinha :** (a) Will Government be pleased to state the number of newspapers that are supplied with copies of Government Reports, Gazettes, and communiqués free of cost (specially the newspapers in Bihar and Orissa, if any) ?

(b) What is the object of these supplies ?

(c) What is the criterion which makes a newspaper eligible for this concession ?

(d) Is it the intention of Government to subsidise newspapers by giving them notices, etc., for publication, or by supplying them with free copies of some Government publications ?

**The Honourable Sir James Crerar :** (a) The publications of the Government of India are supplied, free of cost, to newspapers on the basis of a standing distribution list drawn up by the Director of Public Information, with such modifications as may be considered necessary to meet the special needs of each Department. The number of newspapers at present borne on the standing distribution list is 26, one of which is published in Bihar and Orissa.

Copies of Press communiqués issued by the Government of India are supplied only to those newspapers who have representatives at the headquarters of the Government of India and have been admitted to the Press Room of the Government of India. It is not the practice to supply newspapers with copies of Press communiqués by post.

(b) For the convenience of newspapers and in order to keep the public in touch with the activities of the Government.

(c) In regard to the supply of Government reports, etc., the criterion is the circulation of the newspaper ; in regard to communiqués, the practice is explained in the reply to part (a) of the question.

(d) No, Sir.

#### PUBLICATION OF CONFIDENTIAL DOCUMENTS BY NEWSPAPERS.

510. **Mr. Siddheswar Prasad Sinha :** (a) Has the attention of Government been drawn to the Bihar and Orissa Government's letter No. 1029-G, published in the *Searchlight* of Patna of the 26th June last ?

(b) Are Government sure that the same procedure has been adopted by other Local Governments when newspapers have published " Confidential Documents " ?

(c) If the reply to part (b) be in the negative, are Government prepared to issue a circular letter prohibiting such procedure as they did by Mr. Haig's circular No. D-4181, with a view to make the action of all

Local Governments uniform ? If not, will Government state the special reasons for issuing Mr. Haig's circular ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) and (c). The matter is within the discretion of Local Governments, with which the Government of India do not propose to interfere.

**Mr. B. Das :** May I inquire, Sir, if the Honourable the Home Member considers that the steps taken by the Bihar and Orissa Government are quite proper in this matter ?

**The Honourable Sir James Crerar :** I think, Sir, that is a question of opinion.

**Mr. B. Das :** May I ask the opinion of the Government of India whether they approve of the steps taken by the Bihar and Orissa Government ?

**The Honourable Sir James Crerar :** I think, Sir, the Honourable Member is not entitled to ask me for an opinion.

**Mr. Siddheswar Prasad Sinha :** Is it a fact that the document referred to in the letter of the Bihar and Orissa Government was the Report of the Local Government submitted to the Simon Commission ?

**The Honourable Sir James Crerar :** I must have notice of that question. I have no information.

**Mr. B. Das :** Have the Government of India taken similar action in any case to that taken by the Bihar and Orissa Government for publishing confidential documents ?

**The Honourable Sir James Crerar :** I should not like to give a definite answer to that question without an opportunity of ascertaining the facts.

#### APPOINTMENT OF MR. K. M. HASSAN, AS DEPUTY DIRECTOR OF LABOUR (RAILWAYS).

511. **\*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that Government are contemplating the appointment of a Deputy Director of Labour (Railways) ?

(b) Is it a fact that Government are contemplating the appointment to this office of Mr. K. M. Hassan, Statistical Officer of the East Indian Railway ?

(c) Is it a fact that Mr. K. M. Hassan, Statistical Officer of the East Indian Railway, was at one time serving as Assistant Traffic Superintendent on the North Western Railway ?

(d) Is it a fact that this officer was made to resign on pain of removal from service ?

(e) Will Government please state the grounds of his resignation and all facts relating thereto ?

(f) Is it a fact that this officer appealed against this decision to the highest authorities and that these appeals were rejected ?

(g) Is it a fact that this officer was re-appointed on the personal recommendation of Sir Michael O'Dwyer (in consequence of a personal

interview) and for "meritorious" services during the martial law regime at Amritsar?

(h) Will Government state the nature of these "meritorious" services?

(i) Is it a fact that this gentleman appeared as a witness in certain martial law cases against the accused?

(j) Will Government please state what special qualifications are possessed by this gentleman in regard to Labour matters?

(k) Are Government aware that the rumour of the appointment of Mr. Hassan as Deputy Director of Labour is causing indignant protest among the rank and file of the workers on State Railways?

**The Honourable Sir George Rainy :** (a) The Honourable Member is presumably referring to the post of Deputy Director of Establishment which it is proposed to create. It will not fall within the duties of the incumbent of the post to deal with labour questions.

(b) Government have appointed Mr. Hassan to this post.

(c) Yes.

(d) Yes, in April 1918.

(e) It was held that he was guilty of gross insubordination for having brought serious charges against a senior officer which were unfounded.

(f) Yes.

(g) Mr. Hassan was not reappointed on the personal recommendation of Sir Michael O'Dwyer, but in consideration of commendable conduct during the disturbances at Amritsar in April, 1919.

(h) Mr. Hassan made heroic efforts to save the life of Mr. Stewart of the National Bank. He also did his best to persuade the rioters from destroying property in the railway city booking and parcels office. His action saved a considerable amount of Government property. He prevented the destruction of the Octroi Office and Octroi Superintendent's house, and gave shelter to the Octroi Superintendent and his family in his own house.

(i) Yes; the Commission, in the course of their judgment, remarked that they considered "his conduct had been very creditable throughout".

(j) As already stated, he will not be concerned with labour questions. Having worked in District Office and the Headquarters Office of the Traffic Department and as Assistant Agent of a Railway, Mr. Hassan possesses greater experience of establishment questions than most officers of the requisite seniority for the post of Deputy Director, Establishment.

(k) No.

**Mr. D. K. Lahiri Chaudhury :** Will the Honourable Member state whether Mr. Hassan is acting as a Government spy, and whether he is giving information to the police against his colleagues?

**The Honourable Sir George Rainy :** I have no information on that point, Sir.

**Mr. K. Ahmed :** Is the Honourable Member, Mr. D. K. Lahiri Chaudhury, entitled to put such a question without any authentic information received by him? Is he entitled to put such a defamatory question contrary to the Rule and Standing Order of this Assembly? Honourable Members must realise their responsibility when putting questions, and from my experience of the Assembly during the last nine years this sort of question has not been allowed.

**Mr. D. K. Lahiri Chaudhury :** The Honourable the President has allowed the question.

**Mr. K. Ahmed :** That may be on account of oversight. I am bringing to the notice of the Honourable the President.....

**Mr. D. K. Lahiri Chaudhury :** Is the Honourable Member entitled to say that it was by oversight that the President ruled this question in order?

**Mr. K. Ahmed :** A question of this description is not allowed in the House of Commons and, in this Assembly also we have got precedents when it was not allowed.

**Maulvi Muhammad Yakub :** Is it a fact that the case which resulted in Mr. Hassan's resignation was the result of a private squabble between him and the District Traffic Superintendent over purely social matters? Is it also a fact that the District Traffic Superintendent was also degraded to an Assistant Traffic Superintendent and transferred to the Eastern Bengal Railway?

**The Honourable Sir George Rainy :** I have not gone into the merits of the previous case. When Mr. Hassan was reappointed to Government service in 1918, quite clearly the understanding must have been that the past was wiped out. Therefore I have not attempted to go into the merits of the case on account of which Mr. Hassan was originally discharged.

**Maulvi Muhammad Yakub :** Is it also a fact that the Octroi Superintendent, whose life and property Mr. Hassan saved during the martial law days, was a Hindu gentleman?

**The Honourable Sir George Rainy :** I am quite prepared to take that from the Honourable Member.

**Maulvi Muhammad Yakub :** Does such humanitarian act disqualify a person who is otherwise qualified for promotion in Government service?

**The Honourable Sir George Rainy :** No. Once Mr. Hassan was reappointed to the Railway Service, he became eligible for any appointment for which his experience and qualifications fitted him.

**Mr. Muhammad Rafique :** Is it a fact that Mr. Hassan was specially selected for the post of Assistant Agent in 1924 and, later on, as Statistical Officer for both the East Indian Railway and the late Oudh and Rohilkund Railway?

**The Honourable Sir George Rainy :** I know he was specially selected as a Statistical Officer in the East Indian Railway. I have no information about the earlier appointment mentioned by the Honourable Member.

**Mr. Muhammad Rafique :** Is it a fact that Mr. Hassan's evidence during the martial law days was confined to a murder case only committed near his house and nothing else?

**The Honourable Sir George Rainy :** I am afraid I cannot answer that question without notice.

**Mr. Muhammad Rafique :** May I ask whether the service sheets of the officers of the Railway Department are open to inspection by the Members of this House ?

**The Honourable Sir George Rainy :** I should imagine not. If the Honourable Member will draw my attention to any facts suggesting that it is so, I shall certainly look into the matter.

**Mr. Muhammad Rafique :** Are not the questions sufficient to draw your attention to this fact ?

**Mr. President :** Maulvi Muhammad Yakub. (Next question.)

**Diwan Chaman Lall :** I wanted to put some supplementary questions on this question, Sir.

POLICY OF GOVERNMENT *re* APPOINTMENT OF MUSSALMANS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

512. **\*Maulvi Muhammad Yakub :** (a) Will Government be pleased to state fully, definitely and unequivocally their policy and attitude about the appointment of the Mussalmans in the various Departments of the Government of India, including the Department of Industries and Labour ?

(b) Will Government be pleased to state clearly and precisely what really they meant by placing the Muslim nationals in India in the category of minority communities ? Is it the intention of the Government of India that seven crores of Mussalmans should be treated in the same manner and receive the same, or even smaller, share in the Central services as other small minorities in the country ?

(c) Will Government be pleased to state if the intention and the policy underlying the Home Department Memorandum No. F. 176/25, dated the 5th February, 1926, will be carried out if in the name of minorities all the concessions and employments would go to small minorities in this country to the exclusion of the Muslim nation ?

(d) Will Government be pleased to state if the Memorandum mentioned in part (c) has succeeded in securing for the Mussalmans an adequate share in the Central services, and especially in the different branches of the Department of Industries and Labour ?

(e) If the answer to part (d) is in the affirmative, will Government be pleased to state how many permanent appointments, excluding the peons, were made in all the Departments under the Government of India since the publication of that memorandum, pointing out particularly the appointments in the various branches of the Department of Industries and Labour, and how many of them were given to the Mussalmans, Sikhs and other minorities ?

(f) If the answer to part (d) is in the negative, do Government propose to make a thorough inquiry about the attitude of the different heads of different Departments of the Government of India towards the Mussalmans, and provide sufficient methods and means which would ensure the Mussalmans their adequate and proper share in the Central services and the different grades and classes thereof ?

**The Honourable Sir James Crerar :** (a) and (b). It would not be possible to answer the Honourable Member's questions fully within the

compass of reply to questions, and I must, therefore, refer him to the full statements of policy made by Sir Malcolm Hailey on this subject in the Legislative Assembly on the 10th March, 1923, and by the late Sir Alexander Muddiman in another place on the 2nd March, 1925.

(c) The reply is in the negative.

(d) As I stated in reply to question No. 282 on the 10th instant, the percentage of Muslims in the Secretariat has nearly doubled between 1911 and 1927 and there is no reason to think that the Memorandum has failed to promote its object.

(e) A statement showing the number of permanent appointments made to the clerical staff of the Secretariat from February 1926, to the end of 1928, to communities is laid on the table.

(f) I have already informed the Honourable Member that I shall be glad to receive any suggestions he may have to offer.

*Statement showing the number of permanent appointments, etc., made in the clerical staff of the Departments of the Government of India from December 1926 to end of 1928.*

| Departments.                            | Number of permanent appointments including confirmation of officiating and temporary men filled otherwise than by promotion or confirmation of men already holding permanent posts in the office.* | Number of appointments in the previous column filled by |              |                              |        |                    |                    | Remarks. |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--------------|------------------------------|--------|--------------------|--------------------|----------|
|                                         |                                                                                                                                                                                                    | Hindus.                                                 | Muhammadans. | Europeans and Anglo-Indians. | Sikhs. | Indian Christians. | Other communities. |          |
| 1. Army ..                              | 21                                                                                                                                                                                                 | 11                                                      | 6            | 2                            | 1      | 1                  | ..                 |          |
| 2. Commerce ..                          | 4                                                                                                                                                                                                  | 2                                                       | ..           | 1                            | ..     | ..                 | 1                  |          |
| 3. Education, Health and Lands.         | 4                                                                                                                                                                                                  | 4                                                       | ..           | ..                           | ..     | ..                 | ..                 |          |
| 4. Finance ..                           | 16                                                                                                                                                                                                 | 13                                                      | 2            | ..                           | 1      | ..                 | ..                 |          |
| 5. Foreign and Political.               | 16                                                                                                                                                                                                 | 6                                                       | 5            | 4                            | 1      | ..                 | ..                 |          |
| 6. Home ..                              | 13                                                                                                                                                                                                 | 9                                                       | 4            | ..                           | ..     | ..                 | ..                 |          |
| 7. Industries and Labour.               | 14                                                                                                                                                                                                 | 8                                                       | 3            | ..                           | 1      | 2                  | ..                 |          |
| 8. Legislative ..                       | 2                                                                                                                                                                                                  | 2                                                       | ..           | ..                           | ..     | ..                 | ..                 |          |
| 9. Military Finance.                    | 19                                                                                                                                                                                                 | 13                                                      | 3            | ..                           | 2      | 1                  | ..                 |          |
| 10. Railway Department (Railway Board). | 28                                                                                                                                                                                                 | 17                                                      | 7            | 3                            | ..     | 1                  | ..                 |          |
| Total ..                                | 137                                                                                                                                                                                                | 85                                                      | 30           | 10                           | 6      | 5                  | 1                  |          |

\*Appointments made in one office of persons already holding permanent appointment in another office should be included.

**Maulvi Muhammad Yakub :** The statements made by Sir Malcolm Hailey and the late Sir Alexander Muddiman referred generally to the representation of minorities, while my question refers specifically to the policy of the Government relating to the share of Mussalmans in the Government services. Therefore the statements to which my Honourable friend refers do not apply to this question. I want an answer to my question.

**The Honourable Sir James Crerar :** I think the statements of policy to which I have referred apply to all minorities.

**Maulvi Muhammad Yakub :** Am I to understand that the Government propose to put the seven crores of Mussalmans on the same footing and in the same category as other small communities in this country ?

**The Honourable Sir James Crerar :** I am sure the Honourable Member will realise that I could not possibly reply to his answer by a full affirmative or negative.

REVERSION FROM THE PATNA HIGH COURT TO DISTRICT WORK OF A MEMBER OF THE BIHAR AND ORISSA JUDICIAL SERVICE.

513. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that a member of the Bihar and Orissa Judicial Service was appointed to a Judgeship of the Patna High Court, at the beginning of this year ?

(b) Is it a fact that it has been decided to revert him to district work now ? If so, why ?

(c) Do Government propose to appoint another member of the Bihar and Orissa Judicial Service to this post ? If not, why this change of policy ?

**The Honourable Sir James Crerar :** (a) An officer of the Bihar and Orissa Judicial Service was appointed to act as an Additional Judge of the Patna High Court from the 1st December, 1928, till the commencement of the High Court's vacation of 1929. He was not appointed to a permanent judgeship.

(b) The period for which he was appointed has expired and he has therefore reverted. On appointment he was informed that, if future vacancies occurred, he would have no claim to supersede judges who were senior to him. At the time he was appointed several judges senior to him were on leave.

(c) Government are not yet aware whether the appointment will be continued. For the answer to the second portion of this question, the Honourable Member is referred to the last portion of my answer to (b).

**Mr. Gaya Prasad Singh :** Are Government aware that a member of the Indian Civil Service who was appointed on the Patna High Court Bench at the same time has not been reverted to district work ?

**The Honourable Sir James Crerar :** I am unable to say whether the Honourable Member's information is correct or not.

**Mr. Gaya Prasad Singh :** It is correct. I can give you the name of the Judge. His name is Mr. James.

Are Government aware that at present there is not a member of the Provincial Judicial Service on the Bench of the Patna High Court ?

**The Honourable Sir James Crerar :** I believe that that is the case.

PAY OF MINISTERIAL ESTABLISHMENT OF CIRCLE OFFICERS OF THE ARCHÆOLOGICAL DEPARTMENT.

514. **\*Kumar Ganganand Sinha :** (a) Is it a fact that the memorial submitted by the ministerial establishment attached to the Circle offices of the Archæological Department for the revision of their scales of pay was not at all considered by Government ? If so, what are the reasons ?

(b) Is it a fact that, before 1927, Provincial Archæological Offices were under the administrative control of the respective Local Governments, under whom the Superintendents were supposed to serve ?

(c) Had not then the ministerial officers an opportunity to move the Government of India through the Local Governments for granting time-scales of pay similar to what had already been granted by the Local Governments and also a chance of receiving the support of the forwarding authorities ?

(d) Since the Director General of Archæology in India has been made the controlling and administrative authority of the Provincial Offices, has not this opportunity been lost ?

(e) Is it not the result that they are neither treated as entitled to the Provincial scales of pay nor on the same basis as the Central Offices ?

(f) Do Government propose to make necessary arrangements for further inquiries into the matter ?

**Sir Frank Noyce :** (a) Government received no memorials except from the ministerial establishment of the Superintendent, Archæological Survey, Eastern Circle. As those memorials received full consideration, the latter part of this portion of the question does not arise.

(b) No.

(c) Yes, but there was, of course, no certainty that petitions so forwarded would receive the support of Local Governments.

(d) The procedure is the same as before, except that petitions now reach the Government of India through the Director General instead of through the Local Governments.

(e) In fixing rates of pay, regard is had to rates of pay prevailing locally for analogous work, as well as to rates of pay granted for such work in other Central Departments.

(f) No.

CONTRIBUTION FROM INDIA TO THE APPEAL ISSUED ON BEHALF OF SIR RONALD ROSS.

515. **\*Lieut.-Colonel H. A. J. Gidney :** Is it a fact that the Standing Finance Committee has approved of the Government's proposal to pay £2,000 as India's contribution in response to the appeal recently issued in

England by eminent medical men to set Sir Ronald Ross free from financial difficulties ?

**Sir Frank Noyce :** Yes.

**Lieut.-Colonel H. A. J. Gidney :** With reference to my question, will the Honourable Member kindly inform this House whether it is a fact that during the Great War many Generals received gratuities ranging from £20,000—£50,000 for meritorious services rendered during the War which meant the taking of thousands of lives ?

**Sir Frank Noyce :** The Honourable Member is evidently in full possession of the answer to his question.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether the Government of India is prepared to increase their donation from £2,000 to Rs. 200,000 for an officer who has been the means of saving millions of lives in India ?

**Sir Frank Noyce :** The amount was fixed after very careful consideration of all the facts of the case.

**Mr. Jamnadas M. Mehta :** Is this amount to be submitted to the Assembly for a supplementary grant, or is it to be used by reappropriation ?

**Sir Frank Noyce :** I should like to have notice of that question. I can only say off-hand that the proposal has been approved by the Standing Finance Committee, but I cannot say whether the amount is being met by reappropriation or not.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member be prepared to recommend to Government an increased donation from £2,000 to rupees two lakhs ?

**Sir Frank Noyce :** It is not for the Secretary of a Department to make recommendations of that kind to Government.

#### SERVICE RENDERED TO INDIA BY SIR RONALD ROSS.

516. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that Sir Ronald Ross has rendered invaluable and distinguished service to India in regard to his research work on malaria ?

(b) Is it a fact that his research work has been the means of saving the lives of millions of malarial stricken people in India and elsewhere ?

**Sir Frank Noyce :** (a) Yes.

(b) There is no doubt that his discovery of the method of transmission of malaria infection has proved of immense benefit not only to India but to humanity.

**Lieut.-Colonel H. A. J. Gidney :** Arising out of that answer, will the Honourable Member state whether the Government of India, in accepting the great service rendered by Sir Ronald Ross, will show their appreciation by making a donation of two lakhs ?

**Sir Frank Noyce :** I have already answered that question.

#### AMOUNT OF MILITARY PENSION PAID TO MAJOR ROSS.

517. **\*Lieut.-Colonel H. A. J. Gidney :** Is Major Ross in receipt of a military pension ? If so, what is the amount ?

**Sir Frank Noyce :** Yes. The pension is at a basic rate of £430 per annum. This rate is subject to alteration on account of a rise or fall in the cost of living as compared with the year 1919 and at present Sir Ronald Ross is drawing about £410 a year.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member state whether he is prepared to recommend an increased pension to Sir Ronald Ross ?

(No answer was given.)

#### TRANSHIPMENT ARRANGEMENTS FOR THROUGH BOOKED RAILWAY PASSENGERS.

518. **\*Mr. E. L. Price :** Will Government be pleased to state whether any effort is made to enable air-mail letters to catch rail connections at junctions where transhipment is necessary ? If so, why are not similar efforts made on behalf of through-booked passengers ?

**The Honourable Sir Bhupendra Nath Mitra :** Air mails are usually conveyed along with inland mails by the regular mail trains. These trains can be detained for a limited time at junction stations when necessary to ensure connections being made. In four exceptional cases where the ordinary mail service is not used for air mails, the Railway Administrations concerned have agreed to detain certain trains for longer periods to connect with passenger trains carrying air mails. Passengers who have booked through on both mail and passenger trains have the benefit of any detentions which take place. Government do not contemplate any indiscriminate extension of these detentions in favour of through booked passengers travelling by ordinary or slow trains, as this would disorganise all railway time tables and would cause inconvenience to the travelling public in general.

**Mr. E. L. Price :** I want to ask a supplementary question on that, Sir. The answer was not quite clear to me. Am I to understand that the railways do not care whether through-booked passengers get their connections or not ?

**The Honourable Sir George Rainy :** No, Sir. The Honourable Member was good enough to draw the attention of the Railway Department to a case in which apparently serious inconvenience was caused to through booked passengers. I shall do my best to see what the causes were and to ascertain whether it may be possible to issue instructions which will prevent such inconvenience in future. But I am pretty sure that the remedy does not lie in an indiscriminate detention of the connecting trains. If we are to find a remedy it must be in some other way.

**Mr. B. Das :** Is it a fact that the air mail never arrives in India at the correct time and so it is difficult for the Railway Department to connect railway trains to the air mail ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not think the Honourable Member's impression is correct. At the same time before I can give the Honourable Member a categorical answer I should require notice of that question. For the present I have given him an answer with reference to my recollection of the facts of the case.

**Mr. B. Das :** Is the Honourable Member aware that recently one air mail went down and there was consequently no connection with the railway ?



**The Honourable Sir Bhupendra Nath Mitra :** That is a different matter altogether—the air mail going down and being destroyed and its arriving at Karachi late.

**TIME TAKEN FOR MAILS TO REACH SIMLA FROM CERTAIN STATIONS.**

519. **\*Mr. E. L. Price :** (a) Will Government be pleased to state the time it takes mails at present to reach Simla from Delhi, Lahore, Ambala and Kalka ?

(b) Is no improvement possible ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The time occupied in the transit of mails to Simla varies from 13 to 14½ hours in the case of Delhi, from 12 to 15 hours in the case of Lahore and from 7 to 9 hours in the case of Ambala, according to the particular mail trains by which the posts are carried to Kalka. The transit from Kalka of mails originating there is, approximately, six hours.

(b) An acceleration could be secured only at a cost wholly disproportionate to the volume and importance of the mails involved.

**Mr. E. L. Price :** Would it not be possible to get the morning mail in the morning before breakfast ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid not, without incurring an amount of expenditure wholly disproportionate to the volume and importance of the mails involved.

**Mr. E. L. Price :** Am I to understand that the Simla mails are of no importance ?

**The Honourable Sir Bhupendra Nath Mitra :** I never made any such suggestion, Sir. I said that the expenditure would be disproportionate to the volume and importance of the mails involved.

**Mr. E. L. Price :** Ah ! (Laughter.)

**LENGTH AND FREQUENCY OF TRAINS ON THE NORTH WESTERN RAILWAY.**

520. **\*Mr. E. L. Price :** (a) Will Government be pleased to state whether passenger trains on the North Western Railway are made up so large that they require two locomotives to pull them and often far exceed the length of existing platforms ? If so, why ?

(b) Has the question been considered whether coaching traffic would be as economically and more conveniently catered for by more frequent trains, of length not exceeding that of platforms ?

**Mr. P. R. Rau :** I am inquiring into the matter and will let the Honourable Member have the information in due course.

**Mr. E. L. Price :** Does that apply to both (a) and (b).

**Mr. P. R. Rau :** Yes.

**Mr. E. L. Price :** My question has not been answered.

**Mr. P. R. Rau :** It obviously depends on circumstances. There are limits beyond which either course would be uneconomical.

**Mr. E. L. Price :** I am afraid I cannot hear that.

**Mr. President :** Will the Honourable Member repeat his answer ?

**Mr. E. L. Price :** I do not think the answer was worth catching anyway. (Laughter.)

**Mr. B. Das :** Is that a proper expression for the Honourable Member to say that the answer was not worth catching ?

**APPOINTMENT OF LOCAL MUSLIMS TO OFFICES OF THE ROYAL AIR FORCE IN THE NORTH WEST FRONTIER PROVINCE.**

521. **\*Mr. Muhammad Ismail Khan :** (a) Will Government be pleased to state the total number of clerks serving at present in all the Offices of Royal Air Force in the North West Frontier Province and the number of Muslims among them ?

(b) Will Government be pleased to state what steps they propose to take to reconcile the disproportion, and whether non-Muslim and non-resident clerks are imported for service in those offices in preference to local qualified Muslims ? If so, why ?

**Mr. G. R. F. Tottenham :** (a) I supplied the Honourable Member with information on this subject last May, but owing to a mistake the figures for Quetta also were included. The correct figures are 34, of whom 11 are Muslims.

(b) Government do not consider that the proportion of Muslims is unreasonable. The units of the Royal Air Force are liable to move from station to station and there is therefore no question of importing outsiders or of fixing the establishment on the basis of the population of any particular station.

**Nawab Sir Sahibzada Abdul Qaiyum :** May I know what is considered to be the minority community in the North-West Frontier Province. Is it the Mussalman or non-Mussalman ?

**Mr. G. R. F. Tottenham :** I must have notice of that question.

**Nawab Sir Sahibzada Abdul Qaiyum :** I simply want to know which is the minority community in the North-West Frontier Province, the Muslim or non-Muslim ?

**Mr. G. R. F. Tottenham :** I do not think that is a proper question to put to the Army Secretary.

**APPOINTMENT OF MUSLIMS IN MILITARY GRASS AND DAIRY FARMS.**

522. **\*Mr. Muhammad Ismail Khan :** (a) Will Government be pleased to state the total number of clerks serving in the Military Grass, and Dairy Farms, and of Assistant Supervisors, and Overseers in India, and the number of Muslims among them ?

(b) Will Government be pleased to state what steps they propose to take to prevent the preponderance of members of one community in the Department, and for increasing the number of Muslims according to their due share of communal representation on their population basis in India ?

**Mr. G. R. F. Tottenham :** (a) and (b). I lay on the table a statement giving the information asked for by the Honourable Member.

|                                                              | Number of<br>Indians. | Number of<br>Muslims. |
|--------------------------------------------------------------|-----------------------|-----------------------|
| (i) (a) Clerks .. .. .                                       | 208                   | 43                    |
| (b) Supervisors, Assistant Supervisors and Overseers .. .. . | 154                   | 45                    |

(ii) I would refer the Honourable Member to part 2 (a) of the statement laid on the table on the 30th January, 1929, in reply to his question No. 289. The orders referred to are still being observed.

#### COMMUNAL REPRESENTATION IN APPOINTMENTS IN THE PROVINCES AND THE CENTRAL DEPARTMENTS.

523. **\*Mr. Muhammad Ismail Khan :** Will Government be pleased to state whether they have authorized Local Governments in India to fix the proportion of communal representation in their respective Provinces, and prohibited some of the Departments under the Government of India to abstain from reserving a fixed proportion for a particular class, and if so, why ?

**The Honourable Sir James Crerar :** The Government of India have not adopted the practice of fixing the proportion of communal representation in the Services or in the offices under their control. The policy of the Government of India, as has been explained on many occasions before, is to prevent the preponderance of any one class or community. No instructions have been issued to Local Governments in the sense suggested by the Honourable Member.

#### REPRESENTATION OF THE MUSLIM COMMUNITY OF PESHAWAR ON THE PESHAWAR CANTONMENT BOARD.

524. **\*Mr. Muhammad Ismail Khan :** (a) With reference to the reply given by Government to my question No. 253, asked on the 25th February, 1929, will Government be pleased to state whether the Muslim nominated member of the Peshawar Cantonment Board is a permanent resident of Bannu or of Peshawar Cantonment ? If he is a resident of the former, will Government be pleased to state how such a member can be considered to represent the Muslim community of the Peshawar Cantonment ?

(b) Do Government propose to consider the protests submitted by the Muslim community against him, and when his term of his office expires, to see that a suitable Muslim of the Cantonment is appointed ?

**Mr. G. R. F. Tottenham :** (a) and (b). Government have no information regarding the permanent place of residence of the member in question, nor have they received any protests against his nomination from the Muslim community of Peshawar Cantonment. As, however, the member was nominated by the Local Administration with the concurrence of the General Officer Commanding-in-Chief, the Command, I will forward a copy of this question and answer to the Local Administration for such action as they may consider necessary.

#### APPOINTMENT OF MUSLIMS OF THE NORTH WEST FRONTIER PROVINCE AS TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

525. **\*Mr. Muhammad Ismail Khan :** (a) Will Government be pleased to state the total number of Traffic Inspectors sanctioned by the North

Western Railway Administration for the Punjab and the North West Frontier Province last year, and the number of Muslims of the North West Frontier Province appointed ?

(b) What were the considerations on which the appointments had been given to the non-Muslims, and Muslims in both the Provinces ?

**Mr. P. R. Rau :** There are 36 posts of Traffic Inspectors on the North Western Railway. These are not allotted by provinces. Promotions to these posts are regulated by fitness for the duties of Traffic Inspector and not by considerations of community or domicile.

#### APPROPRIATION OF A BUNGALOW IN PESHAWAR CANTONMENT.

526. **\*Mr. Muhammad Ismail Khan :** (1) With reference to the appropriation of Bungalow No. 2, Roos Keppel Lane, Peshawar Cantonment, will Government be pleased to state if it is a fact :

(a) that the date of the service of notice of appropriation was as far back as the 9th November, 1926, and

(b) that the payment of arrears of rent was considerably delayed by Government ?

If so, why ?

(2) Do Government intend to issue instructions to the authorities concerned to pay the rents more promptly in such cases ?

**Mr. G. R. F. Tottenham :** 1. (a) Yes, Sir.

(b) I have no information whether there was any delay on the part of the local authorities. I am making inquiries and will inform the Honourable Member of the result.

2. Government cannot undertake to issue instructions until they know whether there is any need to do so.

#### PROPORTION OF MUHAMMADANS RECRUITED BY THE RAILWAY ADMINISTRATIONS IN SIND AND IN THE PUNJAB.

527. **\*Mr. Muhammad Ismail Khan :** (1) Is it a fact that the Bombay Government fixed a proportion in Government service for the Muslims ?

(2) If the answer to part (1) be in the affirmative, will Government be pleased to state whether the Railway Administration of the North Western Railway in Sind admits Muslim candidates in the same proportion for training in the various branches of the service ? If not, why not ?

(3) Is it a fact that the Railway Administration in the Punjab are also not admitting Muslims for training in the various branches of the service in accordance with the proportion fixed by the Provincial Government for Muslims in Government Services ?

**Mr. P. R. Rau :** Railway Administrations are expected to follow the policy laid down by the Government of India in this matter, and not the practice of the Local Governments in the provinces through which the railways may pass. The Agent, North Western Railway, has been instructed in regard to the policy of the Government of India to prevent a preponderance of any one community in railway services, and Government have no

reason to believe that this policy is not being followed on the Railway. This policy does not require recruitment from provinces or particular communities in any fixed proportions.

PROPORTION OF MUSLIMS EMPLOYED BY THE POSTAL DEPARTMENT IN THE NORTH WEST FRONTIER PROVINCE.

528. \*Mr. Muhammad Ismail Khan : (1) With reference to the reply given by Government to starred question No. 608 on the 19th February, 1929, will Government be pleased :

(a) to place on the table a copy of the standing orders issued by the former Post Master General, Punjab and North West Frontier Province giving his reasons for the recruitment of 80 per cent. Muslims in the Department and stopping further recruitment of 'non-Muslims in the North West Frontier Province till the percentage of the former reached a reasonable limit, and

(b) to state the ground on which the standing orders under reference have been cancelled ?

(2) Will Government be pleased to state why the claims of the 95 per cent. population in that province are being overlooked in the Postal Department, and what steps do Government propose to take to prevent the preponderance of non-Muslims in this Department ?

The Honourable Sir Bhupendra Nath Mitra : (1) (a) The orders referred to are no longer in force, and Government do not consider that any public interest would be served by laying a copy of them on the table.

(b) The orders were cancelled as they were not in conformity with the general policy of Government as regards recruitment.

(2) Government do not admit that the claims of Muslims in the North-West Frontier Province are being overlooked in the Postal Department. They have already issued such orders as they considered necessary to prevent the preponderance of any one class or community in Government service and are not at present prepared to take any further steps in the matter.

Mr. Gaya Prasad Singh : Do Government propose to prohibit the admission of non-Muslims into public schools and colleges so that the supply of qualified non-Muslim candidates for services under Government may be cut off at the very root ? (Laughter.)

The Honourable Sir Bhupendra Nath Mitra : I shall require notice of that question. The answer will have to be given not by me but by my friend representing the Education Department.

Nawab Sir Sahibzada Abdul Qaiyum : May I know how the principles laid down in the circular referred to, regarding the special representation of the minority communities in the services are enforced and how those principles are carried out in the provinces where the Muslims happen to be in the majority ?

The Honourable Sir Bhupendra Nath Mitra : In the case of the Central services the Muslim community is taken as constituting one of the minority communities throughout India.

Nawab Sir Sahibzada Abdul Qaiyum : Then does it mean that the Mussalmans in the North-West Frontier Province will be entitled to only one-third in Government services in their own Province ?

The Honourable Sir Bhupendra Nath Mitra : I am afraid my Honourable friend is under some misapprehension. The reservation of one-third for minority communities is intended to guard against the preponderance of any class or community in Government services. There is no bar to the Mussalmans in the North-West Frontier Province or in any other province securing a larger share of the appointments if they succeed in getting through the ordinary channel of recruitment of subordinates in the Postal Department.

Nawab Sir Sahibzada Abdul Qaiyum : But if they are only one-third in the whole of India, then do I understand rightly that in respect of the services which are dealt with by the Central Government they will always be treated as a minority community, whether they are in the North-West Frontier Province, Baluchistan, or the Punjab and Bengal ?

The Honourable Sir Bhupendra Nath Mitra : For the purposes of preventing the preponderance of any class or community in Government services, they are treated under the existing orders as a minority community in the Central services in all parts of India.

Nawab Sir Sahibzada Abdul Qaiyum : Then do I understand that the principles of the Nehru Report are being followed in the matter of services from to-day ?

The Honourable Sir Bhupendra Nath Mitra : I do not know, Sir. In fact the orders of the Government of India were issued long before the Nehru Report saw the light of day.

Nawab Sir Sahibzada Abdul Qaiyum : May I know, Sir, if I am not right in understanding that the orders of the Government of India in this respect were simply to reserve for the minority communities one-third of the appointments which are directly dealt with by the Government of India at the centre and not in the outlying provinces where these services were to be dealt with like ordinary subjects in those provinces ?

The Honourable Sir Bhupendra Nath Mitra : The Postal Department, Sir, is a Central service, and the orders of the Government of India refer to Central services. There is no question of non-transferred subjects in the matter.

Nawab Sir Sahibzada Abdul Qaiyum : Is it not a fact that by the appointment of a separate Postmaster General, the Punjab and the North-West Frontier Province are constituted into a separate circle or Province for the purposes of these services ?

The Honourable Sir Bhupendra Nath Mitra : I think the Honourable the Home Member has already said that that fact constitutes no difference according to the orders of Government now in force, and I think he has also said that if any Member of the House has any representations to make to him in regard to the modification of those orders,

he will be pleased to consider such suggestions carefully. That being so, I submit that these supplementary questions do not arise.

**Nawab Sir Sahibzada Abdul Qaiyum :** Do I understand that the clerical establishment and the peons and dak runners will have to be imported into the North-West Frontier Province in order to keep up the principle of one-third for the minority communities ?

**The Honourable Sir James Crerar :** Sir, perhaps I may be allowed to answer that question as it is one of general application. The question of the interpretation to be placed on the term "minority community" in its application to a province like the North-West Frontier Province is by no means an easy one and is at present under consideration.

#### EMPLOYMENT OF MUSLIMS IN THE MILITARY ENGINEERING SERVICE OF KOHAT.

529. **\*Mr. Muhammad Ismail Khan :** (a) Is it a fact that in the Military Engineering Service of Kohat, non-Muslims preponderate ?

(b) What steps do Government propose to take to prevent this preponderance ?

(c) Is it a fact that Government have issued orders that in the case of this service, the proportion fixed for the Muslims is not to be adhered to ? If so, what justification is there for this deviation from the ordinary rule ?

**Mr. G. R. F. Tottenham :** (a) In February last, 41 Muslims and 49 non-Muslims were serving in the Military Engineering Services in the Kohat District from the rank of Sub-Divisional Officer downwards.

(b) In view of the figures I have just given, I do not think any action is called for.

(c) Government have certainly not issued any such orders. The second part of the question does not arise.

#### CONSTITUTION OF KANARESE-SPEAKING DISTRICTS INTO A SEPARATE PROVINCE.

530. **\*Mr. D. V. Belvi :** (a) Will Government be pleased to state if they are aware of the fact that the Legislative Councils of Madras and Coorg have recently passed Resolutions recommending the constitution into one separate Province and administrative unit of the Kanarese-speaking districts of the British Karnataka ?

(b) Have the Governments of Madras and Coorg forwarded copies of the Resolutions to the Government of India together with their remarks thereon ?

(c) Will Government be pleased to lay on the table copies of the Resolutions and the remarks of the Provincial Governments, if any ?

(d) Is it a fact that in the last Sessions of the Bombay Legislative Council all the elected Members from the four Kanarese-speaking districts in the Bombay Presidency unanimously voted in favour of the unification of the British Karnataka under one administration ?

(e) Will Government be pleased to state if they are prepared to institute an inquiry into the question either by appointing a small committee or otherwise at an early date ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) No.

(c) ~~Does not arise.~~ I shall be glad to place the proceedings in the Library when received.

(d) I have no official information.

(e) Government do not consider that such an inquiry would be advantageous.

#### LACK OF USUAL AMENITIES ON THE RAIPUR-DHAMTARI-RAJIM BRANCH OF THE BENGAL NAGPUR RAILWAY.

531. **\*Pandit Dwarka Prasad Misra :** (a) Will Government be pleased to state whether it is a fact that there are no arrangements for lighting the compartments in the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reason ?

(c) Will Government be pleased to state whether it is a fact that there are no latrines in the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state the reason ?

(e) Will Government be pleased to state whether it is a fact that even in summer there are no arrangements for drinking-water on the stations of the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state the reason ?

(g) Will Government be pleased to state whether it is a fact that there are no proper platforms on the Bhatgaon and Manakehowree Stations of the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(h) If the answer be in the affirmative, will Government be pleased to state the reason ?

(i) Will Government be pleased to state whether the trains on the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway are run in time ? If not, why not ?

(j) Were the trains on this line run in time in the months of March and April 1929 ? If not, why not ?

**Mr. P. R. Rau :** With your permission, Sir, I shall answer this and the next question together.

Inquiry has been made from the Agent, Bengal Nagpur Railway and the information will be furnished to the Honourable Member on receipt.

### LACK OF DRINKING WATER FOR RAILWAY EMPLOYÉES AT RAIPUR STATION.

†532. \***Pandit Dwarka Prasad Misra** : Will Government be pleased to state whether it is a fact that there are no proper arrangements for the supply of drinking-water to the Railway employees at the Raipur Station on the Bengal Nagpur Railway ? If not, why not ?

### ABOLITION OF SERVANTS' COMPARTMENTS ON RAILWAYS.

533. \***Mr. T. A. Chalmers** : Will Government please state whether the Railway Board have taken any decision on the question of abolition of servants' compartments in coaching stock ?

**Mr. P. R. Rau** : The question is being considered at present.

### TRAINING OF INDIANS ON BRITISH RAILWAYS.

534. \***Kumar Ganganand Sinha** : (1) Will Government be pleased to state :

- (a) the total number of Indian students for whom the High Commissioner for India obtained permission for practical training in the Traffic and other branches of British Railways during the period 1923 to 1926 ; and
- (b) their names with the period of training each underwent and with what railway or railways ?
- (2) How many of them are appointed on the Indian Railways in the (a) Superior Service, the (b) Local Service, and the (c) Subordinate Service ?
- (3) Is it a fact that no English Railway takes an Indian unless he is sent by the High Commissioner who determines the period of training ?
- (4) Is it a fact that some of the students distinguished themselves in their training as well as in the Transport Department of the London School of Economics and Political Science, University of London ?
- (5) What is the number of such candidates with their names ?
- (6) Do Government recognise such qualifications ?
- (7) Is it a fact that the High Commissioner did not allow many such students to undergo training for a period more than a year, though they wanted it for a further period, on the plea that there was a long waiting list of Indians who wanted to have training ?
- (8) Is it a fact that the British Railways take a very limited number of Indians and demand a heavy premium ?

**Mr. P. R. Rau** : (1), (2) and (7). I am endeavouring to collect whatever information is readily available and shall communicate with the Honourable Member later ; but I am afraid it will be almost impossible to get information about subordinate services. Meanwhile my Honourable friend can obtain a certain amount of information on the subject from the various Reports of the Indian Students Department

†For answer to this question, see answer to question No. 531.

(now called Reports on the work of the Educational Department) issued by the High Commissioner for India, copies of which are in the Library.

(3) Government are not aware that this is the case. One the other hand, the High Commissioner has stated that he does not desire to be the sole channel for admitting Indian students to educational facilities in England.

(4) and (5). The Honourable Member is referred to the Reports I have mentioned already for the names of Indian students who have obtained distinctions in England.

(6) The qualifications recognised by Government are contained in the regulations for the recruitment in India for the Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishment of State Railways, copies of which are in the Library.

(8) Government have no direct information on the subject, but obviously no railway can take an unlimited number of students, and I understand the taking of a premium in such cases is the ordinary practice in the United Kingdom and other countries. The Honourable Member will find in the Reports I have referred to that, in some cases the High Commissioner did succeed in obtaining training for some students without the payment of a premium.

### EMPLOYMENT ON INDIAN RAILWAYS OF INDIANS TRAINED IN ENGLAND.

535. \***Kumar Ganganand Sinha** : (1) Did the Government of India consult the High Commissioner when the rules for the future recruitment to the Superior Railway Traffic and Commercial services were framed in 1926 ?

(2) When two years' practical training on a British Railway was made compulsory in order to appear at the competitive examination during 1926 and 1927, did Government inquire of the High Commissioner whether such candidates were forthcoming ?

(3) Is it a fact that on this score many such Indians were barred from even taking a chance at the examination ?

(4) Is it a fact that though some of such Indians were nominated by the Local Governments as qualified, they were not allowed by the Public Service Commissioners to compete on technical grounds ?

(5) Is it a fact that there are numerous officers on Indian Railways in the Superior or Local service with such training for a year or less who were appointed direct ? Will Government be pleased to state broadly the circumstances in which they were so appointed and whether such appointments are usually made now ?

(6) Is it a fact that officers are granted study leave out of India to have such training on British Railways or a course at the London School of Economics ?

(7) Are Government aware that many such qualified Indians coming back to India after training in England do not find any employment ? If so, how are Government going to solve the problem ?

(8) Has the High Commissioner been asked not to allow any more Indians to undergo such training, when the policy here has been changed ?

(9) Are Government prepared to direct the Public Service Commissioners to examine carefully at once each of the cases of those Indians who are unemployed or had to accept subordinate service on their return, and make provision for them suitably so that they may be taken in those superior services of the Department for which they have qualified themselves?

(10) Are Government prepared to ask the Company-managed railways to give preference to such deserving Indian candidates in their railways?

**Mr. P. R. Rau :** (1) No.

(2) The Honourable Member is mistaken in thinking that such training was compulsory in the case of candidates appearing for the competitive examination in 1926 and 1927. The ordinary rule was that all candidates should hold a degree of an Indian or British University which involved a study of mathematics and natural science subjects, or have passed the Associate Membership examination of certain engineering institutions. But as a special case, for the examinations held in 1926 and 1927, candidates who had obtained railway traffic training in the United Kingdom for not less than two years were declared eligible for admission to the competitive examination, although they did not possess any of the ordinary qualifications required under rule. This was done at the suggestion of the High Commissioner to meet the case of students who were then undergoing traffic training in England.

(3) I am not quite clear what the Honourable Member means exactly by this question. It is a fact that candidates who neither possessed the ordinary qualifications nor, in the alternative, obtained two years training were debarred from appearing at the examination.

(4) Government understand that there was one candidate nominated by a Local Government, but rejected by the Commission as not eligible under the rules since he had less than two years training and did not possess the educational qualifications necessary.

(5) As I have already explained, persons who had the necessary academic qualifications described in my reply to part (2) of this question, were eligible for selection even if they had no training. Government are not aware of any persons appointed to the superior or Local Service purely by reason of their having received training for the short period of a year or less, and apart from other qualifications, but are making inquiries on the point.

(6) The circumstances in conditions under which study leave is granted to Government servants will be found in Appendix No. 9 of the Compilation of the Fundamental Rules and Supplementary Rules issued by the Accountant General, Posts and Telegraphs, a copy of which is in the Library.

(7) and (10). I presume that by the expression "such qualified Indians" the Honourable Member means persons who have had some kind of training in England. Government are aware that there is a number who are unemployed, but regret they are unable to offer employment to these men in preference to men with better educational qualifications or to ask Company-managed railways to do so. In this connection I would refer the Honourable Member to the memorandum

on the subject placed by Mr. Parsons before the Standing Finance Committee for Railways in July 1928, which will be found on page 49 of Volume V, No. 2 of the proceedings of that Committee.

(8) Government do not consider it necessary or desirable to put any obstacle in the way of persons who desire to obtain such a course of training.

(9) A course of practical training cannot be, and has not, so far as I am aware, ever been, recognised as being of itself an adequate qualification for appointment to the Superior Revenue Establishment of State Railways.

**REWARD GRANTED TO MR. RAHMAN, A RAILWAY GUARD, FOR SAVING THE LIFE OF A WOMAN ATTACKED BY A PANTHER.**

536. **\*Mr. S. C. Mitra :** (1) Has the attention of Government been drawn to an article in the *Civil and Military Gazette*, dated the 15th January, 1928, regarding the incident of a railway guard saving the life of a woman attacked by a panther near Patiala?

(2) Will Government be pleased to state whether any award was granted to Mr. S. A. Rahman the hero of the tragedy?

(3) Is it a fact that he was awarded only Rs. 50 by the North Western Railway as an appreciation and Rs. 125 from His Highness the Maharaja of Patiala?

(4) Is it also a fact that His Highness had promised to consider the question of awarding a rifle to the hero?

(5) Will Government be pleased to state the grade in which Mr. Rahman is working at present?

(6) Are Government prepared to consider the question of granting some material benefit to Mr. Rahman to encourage their railway employees?

**Mr. P. R. Rau :** (1) Government have not seen the newspaper in question but are aware of the incident from other sources.

(2) Yes.

(3) and (4). The reply is in the affirmative so far as the Railway is concerned. As regards the award by His Highness the Maharaja of Patiala, Government regret that they have no official information on the subject.

(5) Mr. S. A. Rahman is a grade II guard.

(6) It is not proposed to grant any further material benefit to Mr. Rahman for his act.

● **RULES FOR RECRUITMENT OF EUROPEAN AND ANGLO-INDIAN APPRENTICES IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.**

†537. **\*Mr. S. C. Mitra :** (a) Will Government please state whether there is any system of recruiting Anglo-Indian and European apprentices in the Bengal Nagpur Railway Workshops at Kharagpur? If so, in what respects does it differ from the system of recruiting Indians?

†For answer to this question, see answer to question No. 491.



(b) Will Government please place on the table a copy of the rules for the recruitment of Anglo-Indian and European apprentices in the Bengal Nagpur Railway Workshops at Kharagpur?

#### RECRUITMENT OF INDIAN TRAFFIC APPRENTICES ON THE GREAT INDIAN PENINSULA RAILWAY.

538 \* **Mr. S. C. Mitra :** (a) Will Government be pleased to state when the system of recruiting Indian Traffic Apprentices was first introduced on the Great Indian Peninsula Railway?

(b) How many of these were recruited?

(c) What were their qualifications?

(d) How many of them have completed their training, and what appointments are those who have completed their training, holding, and what is their pay?

(e) What is the maximum scale of pay up to which they can rise in the ordinary course?

(f) Is it a fact that these recruits are being, or already have been, trained in all branches of railway work? If so, do Government propose, in the interest of economy, to select some of them for training in England in preference to the recruits who are annually recruited by the Railway Board for the various Superior Services?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to this and to the following question together. I am making inquiries from the Agent of the Great Indian Peninsula Railway and will communicate with the Honourable Member on receipt of the reply.

#### RECRUITMENT OF INDIAN TRAFFIC APPRENTICES ON THE GREAT INDIAN PENINSULA RAILWAY.

†539. \***Mr. S. C. Mitra :** (a) Is there any system of recruiting Anglo-Indian and European Traffic Apprentices in vogue on the Great Indian Peninsula Railway? If so, in what respects does it differ from the system of recruiting Indians?

(b) If there is no difference, is it a fact that the appointments of Station Superintendents, Loco. Foremen, and other appointments of similar status have been filled by Anglo-Indians and Europeans? If so, how? How many such appointments have been filled by Anglo-Indians and Europeans since the inception of the system of recruiting Indian Traffic Apprentices?

#### FUNCTIONS AND COST OF THE CASH AND PAY SECTION OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

540. \***Mr. S. C. Mitra :** (a) Will Government please state what was the arrangement for the disbursement of pay to the Railway Clearing Accounts Office staff in the year 1928?

(b) Is the same arrangement still continuing?

†For answer to this question, see answer to question No. 538.

(c) If reply to part (b) is in the negative, what is the present arrangement?

(d) What were the circumstances which compelled the officials to change the previous arrangement?

(e) Was the previous arrangement found unsatisfactory in any way? If so, in what respects?

(f) What was the monthly cost which Government used to incur for the disbursement of the pay to the staff of the Railway Clearing Accounts Office prior to the creation of the Cash and Pay section?

(g) What is the monthly cost of the present arrangement?

(h) Are Government aware that by the discontinuance of the former arrangement a separate Cash and Pay section had to be created?

(i) Are Government also aware that under the new system one Cash and Pay Officer on Rs. 500 a month, one pay clerk on Rs. 100 a month and one chaukidar have been appointed and in addition to this, extra expenditure for the maintenance of this section is being incurred?

(j) Will Government please state whether the financial effects of the case were considered by the competent financial authority when it was decided to abolish the previous system and to introduce the present one, and was that officer fully satisfied that the scheme which he was sanctioning was economical?

(k) Will Government please state what are the functions of the newly created Cash and Pay section in the office of the Railway Clearing Accounts Office?

**Mr. P. R. Rau :** (a) The arrangement in force in 1928 was that the Chief Cashier and Treasurer of the North Western Railway arranged for the disbursement of pay of the Railway Clearing Accounts office staff.

(b) No.

(c) and (k). At present arrangements have been made in the office itself for disbursement of pay. There is a Pay and Accounts Officer with a small staff who, in addition to disbursing pay to the staff of the Clearing Accounts Office, the Statutory Audit Office and the Chief Publicity Officer, is responsible for the check and maintenance of all the cash accounts relating to the establishment and contingent charges of these offices and for the work of the general section of the Clearing Accounts Office.

(d) and (e). The previous arrangements were purely temporary and not altogether satisfactory. The Railway Clearing Accounts Office had nothing to do with the administration of the North Western Railway, and it was obviously undesirable for them to depend on the services of the Treasurer of that Administration.

(f) The Chief Cashier and Treasurer was paid Rs. 150 per month merely for the disbursement of pay, and I understand he had claimed that this was insufficient.

**Mr. M. A. Jinnah :** May I request the Honourable Member to speak up because we cannot hear a single word in this part of the House.

**Several Honourable Members :** Speak up, please.

**Mr. P. R. Rau :** (g), (h) and (i). The present arrangement has involved the creation of the post of Cash and Pay Officer on Rs. 300—25—500 a month, a pay clerk on Rs. 100 per month and a peon.

(j) Yes. I should add that the proposals were approved by the Standing Finance Committee for Railways when they considered the general question of the separation of Accounts from Audit in September last.

#### DISTRIBUTION OF PAY OF THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

541. **\*Mr. S. C. Mitra :** (a) Are Government aware that an office order has been issued by the Director, Railway Clearing Accounts Office, that sub-heads in charge of each sub-section should receive the total amount of pay for the staff working under them in the presence of their Superintendents for distribution ?

(b) Are Government aware that there is a general discontentment among the sub-heads who protested against this office order on the ground that it enjoined upon them to perform the duties of the pay clerks ? If so, do Government propose to consider the question of reverting to the previous system ? If not, what steps do Government propose to take in order to redress the grievances of the staff which is called upon to do the work for which some one else is being paid ?

**Mr. P. R. Rau :** (a) The facts are as stated by the Honourable Member I understand. The arrangement is similar to one in force in the Office of the Chief Accounts Officer, East Indian Railway for some years.

(b) The answer to the first part of the question is in the negative and the second part, therefore, does not arise.

#### OFFICE HOURS OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

542. **\*Mr. S. C. Mitra :** (a) What are the working hours in the Railway Clearing Accounts Office ? Do they include recess period, and if so, what is the duration of the recess period ?

(b) Is it a fact that the working hours which include recess period of the clerical staff in all Government offices as well as those under the Railway Administration are as a rule six hours daily ? If so, why has an increase in the working hours of the Railway Clearing Accounts Office been made ?

(c) Is it also a fact that the staff of this office is invariably called upon to work up to 6 and 7 p.m. daily ? If so, do Government propose to consider the advisability of bringing down the working hours in that office to those of the other Government offices, and also see that not only an office order is issued to this effect but the grievances of the clerical staff are really redressed ?

**Mr. P. R. Rau :** (a) and (c). I will refer the Honourable Member to the answer to his starred questions Nos. 668 and 669 on 19th February last.

(b) The working hours are not fixed. They vary from office to office according to local conditions.

#### CONFIRMATION OF THE TEMPORARY CLERICAL STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

543. **\*Mr. S. C. Mitra :** (a) Will Government please state whether the confirmation of the temporary clerical staff employed in the Railway Clearing Accounts Office is being delayed although the Secretary of State sanctioned its permanency in April, 1929 ? If so, why ?

(b) Do Government propose to ask the authorities concerned to expedite the matter ?

**Mr. P. R. Rau :** Orders were issued recently confirming the temporary staff referred to.

#### RACIAL CLASSIFICATION OF CLERKS' QUARTERS IN SIMLA.

544. **\*Mr. S. C. Mitra :** (a) Is it a fact that the single clerks' barracks on the Cart Road at Simla are called "Indian clerks' barracks" and those at Summer Hill are called "European clerks' barracks" ?

(b) Is it a fact that the single men's barracks at New Delhi are classified as "Orthodox" and "Unorthodox" chummeries ? If so, why in the case of the Simla quarters has a racial colouring in classification been given ?

(c) Is it a fact that there is no bar for an Indian to get an unorthodox chummary room at New Delhi, but that at Simla the Summer Hill quarters are exclusively reserved for Europeans and Anglo-Indians ? If so, why ? Do Government propose to remove the racial discrimination in the classification of quarters at Simla as well ?

(d) Is it a fact that the present Indian clerks' barracks on the Cart Road are not properly looked after by Government and that they are in a miserable state of repair ? Is it also a fact that there is no satisfactory arrangement for kitchen, etc., therein ?

(e) Is it a fact that the roof of the railway goods shed facing the Indian clerks' barracks is utilised by the railway authorities for storing coal, potato, etc., causing thereby considerable inconvenience to the tenants of the Indian clerks' barracks ? If so, do Government propose to take necessary steps to remove this inconvenience ?

(f) Is it a fact that the tenants of the clerks' barracks are not allowed to keep their guests or even near relatives for more than fifteen days in their rooms ? If so, why ? Do Government propose to take necessary steps to remove this hardship ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) and (c). Yes. I would refer the Honourable Member to the reply given by me on 5th September, 1929 to part (c) of his starred question No. 222.

(d) No. During the past few years large sums have been spent on special repairs and improvements to these buildings and they are now in as good a state of repair as can be reasonably expected.

There is not a separate kitchen for each room, but several kitchens separated from the main building are provided. Each of these is shared by two or more clerks. This arrangement has been in force since the buildings have been used for their present purpose, and has worked well.

(e) Yes ; but Government are not aware of any inconvenience caused to the tenants of the barracks by the storage of the articles referred to.

(f) Yes ; because the rooms in question are not considered big enough to be occupied permanently by more than one adult. This restriction has been made to avoid overcrowding, and is in the interests of the clerks themselves.

#### DUTY ON IMPORTED OIL AND TINPLATES.

545. \***Mr. Gaya Prasad Singh** : (a) Are Government aware that the virtual owners of the Tinplate Company, Golmuri, Jamshedpur, are the Burma Oil Company ?

(b) Is it a fact that the imposition of the protective duty levied on imported tinplates was strongly opposed by the Welsh Plate and Sheet Manufacturers' Association ?

(c) Is it a fact that the Burma Oil Company is a foreign company ?

(d) Is it a fact that a duty of one anna only per gallon is levied on the products of the Burma Oil Company, while a duty of  $2\frac{1}{2}$  annas is levied on other imported oils ? If so, why should there be this disparity ?

(e) Do Government propose to abolish the duty on imported tinplates ; and lower the duty on imported oil to the level of one anna per gallon ?

**The Honourable Sir George Rainy** : (a) The attention of the Honourable Member is invited to paragraph 222 of Volume I of the Tariff Board's Report regarding the continuance of the protection to the Steel Industry (Statutory Inquiry, 1926) a copy of which was supplied to him in January, 1927.

(b) Yes.

(c) The Company is registered in Great Britain.

(d) An excise duty of one anna a gallon is levied on kerosine produced in India and a customs duty of  $2\frac{1}{2}$  annas a gallon on imported kerosine, but the Company produces many other articles besides kerosine. This difference in the rates of duty has existed since 1922. The great majority of articles subject to customs duty pay no excise duty if produced in India, and there is nothing abnormal in the difference between the rates of excise and customs duty on kerosine.

(e) It would be contrary to the public interest for Government to make any statement as to its intentions regarding the imposition or removal of duties in reply to questions in this House. The Honourable Member may have an opportunity of raising the question of the duty on tinplate on the 24th of this month.

**Diwan Chaman Lall** : May I ask the Honourable Member whether the difference in the duty imposed on imported oil and the oil produced by the Burma Oil Company has been in existence since 1922, and if that is the only justification for the disparity ?

**The Honourable Sir George Rainy** : Sir, I said that the difference between the rate of customs duty and the rate of excise duty had continued since 1922.

**Diwan Chaman Lall** : May I ask the Honourable Member whether because it has been continued since 1922, therefore that is sufficient justification for the disparity to continue still further ?

**The Honourable Sir George Rainy** : Sir, I did not use the statement I made as an argument in any way.

**Diwan Chaman Lall** : Then, why is there this disparity ?

**The Honourable Sir George Rainy** : It seemed to me that the information might fairly be placed at the disposal of the House.

**Diwan Chaman Lall** : May I ask the Honourable Member whether, in view of the fact that recent events have brought the name of the Burma Oil Company to the public notice a great deal and in an adverse light, he will be prepared now to reconsider the position in regard to the disparity in the duty imposed ?

**The Honourable Sir George Rainy** : I think the Honourable Member has not heard my answer to the last clause of the question, when I said that it would be contrary to the public interest for Government to make any statement as to its intentions regarding the imposition or removal of duties in reply to questions in this House.

**Mr. President** : Order, order : I understand Mr. Chatterjee was not present in the House when his questions were called. He now represents that his rail motor was 20 minutes late for no fault of his. I will, therefore, allow him to put his questions now.

#### PROHIBITION OF OPIUM SMOKING IN THE PROVINCES.

472. \***The Revd. J. C. Chatterjee** : (a) Will Government be pleased to state how many Provincial Governments have appointed special committees to inquire into the causes of excessive consumption of opium in areas under their jurisdiction and for the purpose of suggesting remedial measures ?

(b) How many of these committees have made their reports ?

(c) Is it intended to make these reports available to the public and, if so, when ?

(d) Have any of the Provincial Governments forwarded the reports of their committees to the Government of India and, if so, what action are Government taking to put an end to the excessive consumption of opium in the various "black spots" of the country ?

(e) Have the Government of India arrived at any clearly defined policy in regard to the internal consumption of opium in India, with a view to bringing it into line with the policy of all civilised Governments, namely, the prohibition of the sale of opium except on the production of a medical certificate ?

**The Honourable Sir George Schuster** : (a) Six Local Governments. The Governments of Bengal, Bombay, Madras, Bihar and Orissa and the Central Provinces appointed special committees of inquiry, but the

United Provinces Government arranged to conduct inquiries through their existing Excise-Licensing Boards.

(b) All excepting the Bombay Committee.

(c) It is for the Local Governments concerned to decide whether the Reports should be published or not. The Bengal Government have already published the Report of their Committee, and I understand that the Government of Bihar and Orissa intend to do likewise.

(d) Yes, copies of all the Reports have been received by the Government of India. Excise being a Provincial Transferred Subject, action on the Reports will be taken by the Local Governments. The Government of India however propose to convene a conference for the purpose of collating and comparing the results obtained, before the Local Governments pass orders on the Reports.

(e) The Honourable Member's attention is invited to the Government's Resolution No. 4, dated the 17th June, 1926, published in Part I of the Gazette of India of the 19th June, 1926, which contains a complete statement of their internal policy in regard to opium. A copy will be supplied to the Honourable Member.

**The Revd. J. C. Chatterjee :** May I ask the Honourable Member as to when it is intended to convene that Conference and whether any information is available as to the composition of its delegates ?

**The Honourable Sir George Schuster :** Since the Honourable Member put his question, I have been devoting my attention to this matter. The delay in calling the Conference is due to the delay in the receipt of the Report from the Bombay Government. In view of the fact that the proposal to collect reports was made some time ago, I think that it is high time that the Conference was called, and I propose to take steps to expedite the calling of it so far as I can. I am not in a position, however, at the moment to state any definite date or to give the Honourable Member any information as to who will attend the Conference, but I should be pleased to furnish him with information as soon as I am in a position to do so.

**Mr. B. Das :** Is it not a fact that some of the Provincial Governments depend entirely for their existence on the revenue derived from the sale of opium, especially the province of Bihar and Orissa ? And in view of the fact that Government are going to call a conference, will Government consider the alternative proposition whether they can supplement the income of the Provincial Governments so that they can reduce the consumption of opium in those territories ?

**The Honourable Sir George Schuster :** I think the Honourable Member's statement to the effect that Provincial Governments depend for their existence on revenue from opium is perhaps an exaggeration.

**Mr. Gaya Prasad Singh :** Quite so.

**The Honourable Sir George Schuster :** The question of the relations between the Central Government and the Provincial Governments in the matter of finances and of supplementing the revenues of the Provincial Governments, which now suffer from lack of revenues, is of course, a question which will have to receive very serious consideration

in the near future. I am afraid, I cannot give the Honourable Member any more definite statement at the moment on that matter.

#### PAY OF POSTMEN IN DELHI.

473. **\*The Revd. J. C. Chatterjee :** (a) Have Government received representations from the Delhi Provincial Postmen and Lower Grade Staff Union requesting that, owing to the high cost of living in the capital city, they should be given the same rate of pay as that sanctioned for postmen in Bombay and Rangoon ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state what action they propose to take in the matter ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Government understand that the Director General, Posts and Telegraphs, has received a copy of the proceedings of a meeting held by the Union in question containing, among others, the request mentioned by the Honourable Member. But as the Union has neither applied for, nor been accorded, official recognition, no action is being taken on its representation.

#### INCREASE OF HOUSE-RENT ALLOWANCE FOR POSTMEN IN DELHI.

474. **\*The Revd. J. C. Chatterjee :** (a) Is it a fact that postmen in Delhi are paid an allowance of Rs. 5 per mensem and the lower grade staff an allowance of Rs. 2 per mensem for house-rent ?

(b) Are Government aware, that, owing to the difficulties of housing accommodation in Delhi, it is impossible to get any houses at these rates, especially in the winter months, when landlords demand very much higher rates ?

(c) In view of the representations made on this subject by the Delhi Provincial Union of Postmen, do Government propose to increase the house-rent allowance ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes, except boy messengers who do not get any house-rent allowance.

(b) The allowance paid by Government is not intended to cover in full the actual expenditure incurred.

(c) The Honourable Member is referred to the reply just given to his starred question No. 473.

#### HARDSHIPS re CASUAL LEAVE OF POSTMEN ATTACHED TO THE DELHI POST OFFICE.

475. **\*The Revd. J. C. Chatterjee :** (a) Is it a fact that the staff of reserve postmen attached to the Delhi Post Office has been recently withdrawn or reduced ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state, what arrangements are made for the grant of casual leave to postmen ?

(c) Have Government received representations from the Delhi Provincial Union of Postmen and Lower Grade Staff pointing out the hardships suffered by them in the matter of obtaining casual leave ? If so,

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will Government be pleased to state, what action they propose to take on these representations ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Government understand that the staff of reserve postmen attached to the Delhi Post Office has recently been withdrawn and that there has, in consequence, been difficulty in granting casual leave to postmen. This withdrawal seems to have been due to a misunderstanding of the orders of Government revising the pay of reserve and probationary postmen ; but further inquiries are being made in the matter, the result of which will be communicated to the Honourable Member in due course.

(c) The Honourable Member is referred to the reply just given to his starred question No. 473.

#### GRANT TO POSTMEN IN DELHI OF AN EXTRA DUTY ALLOWANCE FOR DELIVERY OF FOREIGN MAILS.

476. **\*The Revd. J. C. Chatterjee :** (a) Is it a fact that postmen in Bombay and Calcutta are given an extra duty allowance for the delivery of foreign mails ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state why a similar allowance is not given to postmen in Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes. The allowance is paid as overtime pay.

(b) Government understand that the grant of similar allowances at other places, including Delhi, is under the consideration of the Director General.

#### GRANT OF GRAIN COMPENSATION ALLOWANCE TO POSTMEN.

477. **\*The Revd. J. C. Chatterjee :** Is it a fact that grain compensation allowance, granted to other civil employees, is not given to postmen ? If so, will Government be pleased to state the reasons why postmen are refused this concession ?

**The Honourable Sir Bhupendra Nath Mitra :** It is presumed that the Honourable Member is referring to the case of postmen in Delhi. The condition governing the grant of grain compensation allowances to employees of the Postal Department is that they must be in at least as difficult a position, economically, as the employees of the Local Government for whom such grain compensation allowance has been sanctioned. It is understood the Director General has held that the postmen at Delhi do not satisfy this condition and they are not accordingly eligible for the concession.

#### EJECTION OF INDIAN CLERKS LIVING IN GOVERNMENT QUARTERS IN KAITHU,

478. **\*The Revd. J. C. Chatterjee :** (a) With reference to starred question No. 1214, put by Mr. Siddheswar Prasad Sinha on the 22nd March, 1929, and the reply given to my supplementary question by the Honourable Sir B. N. Mitra stating that, so far as he was aware there was no reservation of quarters for Anglo-Indian and European staff in Simla, will Government be pleased to state if it is a fact that some Indian clerks residing

in Government Quarters at Kaithu, Simla, have been ordered to vacate their quarters as these quarters are meant for Europeans ?

(b) Is it a fact that in some cases these Indian clerks have occupied these quarters for several years past ?

(c) Is it a fact that some of them have begged to be allowed to retain these quarters till the end of the present Simla season, but have been refused this concession ?

(d) If the answer to parts (b) and (c) are in the affirmative, will Government be pleased to state what are the reasons for this ejection of Indian clerks who have been living in the Kaithu quarters ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government are only aware of one case of the nature indicated, that is a case in which an Indian clerk who has occupied quarters in Kaithu for the past few years applied to be re-allotted his quarters next year. The application was not accepted by the Superintending Engineer, as it had come to his notice in the meantime, that this clerk, although making a statement each year to the effect that he was a European, was actually an Indian. The quarters in question are meant for Europeans, *vide* reply given by me on 5th September, 1929, to part (c) of question No. 222 and to part (a) of question No. 223.

(b) No case other than that of the clerk mentioned above is known.

(c) Government are not aware of any such case. The clerk referred to above, has been permitted to retain his quarters until the end of this season. He was not asked to vacate them, hence no question of his having to beg to be allowed to remain in them till the end of the present season ever arose.

(d) Does not arise.

**The Revd. J. C. Chatterjee :** May I ask if the Honourable Member now withdraws the answer which he gave to my last supplementary question ?

**The Honourable Sir Bhupendra Nath Mitra :** The answer which I gave to his supplementary question referred mainly to quarters at Delhi, as I think I brought out clearly in those answers to supplementary questions. My recollection is that, at the end of my answers to the supplementary questions then asked by the Honourable Member, I requested him to put down his questions relating to Simla separately.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### CADRE IN OFFICES OF POSTMASTERS GENERAL AND IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

168 **Mr. Jamnadas M. Mehta :** (a) Is it a fact that before the Report of the Postal Inquiry Committee was out, offices of some Postmasters General were split up into separate cadres A and B on account of the secretariat nature of their work, along with the Director General's Office, where the scale of pay was from Rs. 50--100, which has since been revised to Rs. 80--250 and Rs. 100--300 ?

(b) If the reply to part (a) is in the affirmative, in what offices were these cadres formed ?

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(c) Why has the status of these offices been levelled down as a result of the inquiry referred to above? Is it a fact that the circle offices were altogether outside the scope of inquiry of the Committee?

(d) When do Government propose to right the wrong done to these offices?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The facts as stated by the Honourable Member are not quite correct. It is a fact that, prior to the publication of the Report of the Postal Committee of 1920, two separate cadres A and B were introduced in the offices of some of the Postmasters General, but it is not correct to say that these cadres were created along with similar cadres in the Director General's Office. The Office of the Director General had these cadres since long before. The scale of pay in the Director General's Office was not raised from Rs. 50—100 to Rs. 80—250 and again to Rs. 100—300. From the 1st March, 1921, the grades of Rs. 50—100, Rs. 100—150 and Rs. 150—200 were amalgamated into one grade on Rs. 80—250. From the 1st August, 1927, this grade has been raised to Rs. 100—300.

(b) Before the issue of the Report of the Postal Committee, A and B cadres had been formed in the Offices of the Postmasters General of Bombay, Bengal and Assam, Bihar and Orissa, Burma, Central Circle and Madras.

(c) There has been no change in the status of these offices nor is it a fact that circle offices were outside the scope of the inquiry of the Committee.

(d) Does not arise.

#### RECRUITMENT OF SUPERINTENDENTS OF POST OFFICES.

**169. Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state the number of candidates allowed to appear at the examination for the appointments of Superintendents of Post Offices, each year during the last five years?

(b) How many of them were selected from the Director General's Office, the Circle Offices and the Post Office proper, each year during the last five years?

(c) How many of them were direct recruits each year during the same period?

(d) Is it a fact that departmental men have not for some years been allowed to appear at the examination, as there are many passed candidates?

(e) If the reply to part (d) is in the affirmative, will Government please state the necessity for continuing direct recruitment of Superintendents?

**The Honourable Sir Bhupendra Nath Mitra :** (a) 26 in 1924, 24 in 1925, 14 in 1926 and 9 in 1927. No examination was held in 1928.

| (b)                              | 1924 | 1925 | 1926 | 1927 |
|----------------------------------|------|------|------|------|
| Director General's Office ..     | 1    | 6    | 2    | 1    |
| Circle Offices ..                | 3    | 1    | 2    | 1    |
| Other branches of Post Office .. | 17   | 10   | 3    | 2    |

(c) 5 in 1924, 7 each in 1925 and 1926 and 5 in 1927.

(d) No.

(e) Does not arise. In any case Government cannot discontinue the present arrangement about direct recruitment of probationary Superintendents as they consider that to maintain the efficiency of the Department it is necessary to take in a certain number of direct recruits.

#### TRANSFER OF POSTAL OFFICIALS IN THE BOMBAY CIRCLE.

**170. Mr. Jamnadas M. Mehta :** Is it a fact that the Postal Stock Depot, the Postal Press and Departmental Buildings in the Bombay Circle have been in charge of a Manager and an Assistant Postmaster General belonging to the same community for the last several years? If so, do Government propose to consider the advisability of transferring them?

**The Honourable Sir Bhupendra Nath Mitra :** Yes, but Government have no grounds for thinking that the fact that the officers belonged to the same community has been prejudicial to the interests or efficiency of service, and see no reason to consider their transfer on such grounds. The Assistant Postmaster General in question has, however, recently been transferred in the ordinary course.

#### EXTENSION OF SERVICE OF POSTAL OFFICIALS BEYOND 55 YEARS OF AGE.

**171. Mr. Jamnadas M. Mehta :** Has the attention of Government been drawn to an article headed "A question of principle" against the grant of extension to men over 55 years of age at page 3 of the General Letter, dated the 25th July, 1929, of the Bombay Presidency Postal and R. M. S. Association? If so, what action do Government propose to take in the matter?

**The Honourable Sir Bhupendra Nath Mitra :** Government have seen the article in question. In their opinion there is no adequate reason for altering a service rule of long standing and general application which was introduced after due consideration of all relevant factors.

#### GRANT OF HOUSE RENT TO SUBORDINATE POSTAL OFFICIALS IN BOMBAY.

**172. Mr. Jamnadas M. Mehta :** (a) With reference to their reply to my question No. 544 of 15th February, 1929, will Government please state whether they have by now come to know of the expiry of the Rent Act in Bombay from January, 1929, and whether they have received any representations from the postal clerical class in Bombay asking for the grant of house-rent?

(b) If the reply to part (a) is in the affirmative, will Government please state whether the question of the grant of house-rent to their subordinates in Bombay has been considered by them and if so, with what result?

(c) Will Government please state the principle on which the grant of house-rent to officers of the Posts and Telegraphs Department is regulated and that on which the same is denied to their subordinate clerks who have also to pay exorbitant rents in Bombay?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The reply to the first part of the question is in the affirmative. With regard to the latter



part, Government understand that the Director General, Posts and Telegraphs, has received from the All-India (including Burma) Postal and Railway Mail Service Union a representation on behalf of the postal clerks in Bombay asking for the grant of house-rent allowance.

(b) A representation for granting house-rent to the clerical staff of the Customs, Income-tax and Salt Departments in Bombay was considered and rejected by the Central Board of Revenue. The proposal submitted by the All-India (including Burma) Postal and Railway Mail Service Union was also rejected by the Director General, Posts and Telegraphs. The question in respect of the other establishments in Bombay was not raised.

(c) Gazetted officers of the Posts and Telegraphs Department are on all-India scales of pay, and in places where house-rents are exceptionally high are given house-rent allowances to assist them to meet such special local conditions. The clerical staff, on the other hand, draw local rates of pay and these rates have been fixed after full consideration of the cost of living, including the cost of house-rent, in the places to which they relate.

#### TRANSFER OF POSTAL OFFICIALS IN BOMBAY.

173. **Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state whether the Posts and Telegraphs Departmental orders, as also those issued from time to time by the Director General, require that in the interest of service Assistant Post Masters General, Superintendents of Post Offices, Assistant Postmasters, Head Clerks of the Postmaster General's offices and General Post Offices should be transferred from place to place after every three years?

(b) Has the attention of Government been drawn to the article in the Bombay Presidency Post and R. M. S. Union's General Letter dated 25th July, 1929, re transfers of Assistant Postmasters General? If so, will Government be pleased to state why, as stated therein, the decisions of the Conference were set aside and the Departmental orders were observed more in their breach than in their observance?

(c) Are the orders referred to above carried out in the case of Head Clerks and clerks in the Postmaster General's office and the General Post Office in Bombay and in the case of Superintendents of the Bombay Circle?

(d) If the reply to part (c) is in the affirmative, from what date, and if it is in the negative, what forbids their transfers?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The orders relating to the periodical transfer of certain classes of officials do not apply to Assistant Postmasters or Head Clerks in General Post Offices, nor is the tenure of office the same for all classes to whom the orders apply. The tenure of office in the case of Assistant Postmasters General and Investigating Inspectors is 5 years, and 3 years in the case of the other officials to whom the orders apply.

(b) Yes. The orders were duly given effect to, except in the case of two of the Assistant Postmasters General of the Bombay Circle for the reason stated in my reply to part (b) of the Honourable Maulvi Muhammad Yakub's starred question No. 1369, dated the 2nd April, 1929. These two officers have, however, since been transferred.

(c) and (d). The orders referred to do not apply to the clerks in a Circle office or the Head Clerks and clerks other than the appointment clerk in a General Post Office. So far as the Superintendents of the Bombay Circle are concerned, the orders have been carried out on different dates after the completion of the period prescribed for their tenure of charge of a Division. The Head Clerks in the Postmaster General's Office, Bombay, to whom the orders also apply have not yet been transferred on administrative grounds. The appointment clerk of the Bombay General Post Office is not yet due to be transferred.

#### TRANSFER OF POSTAL OFFICIALS.

174. **Mr. Jamnadas M. Mehta :** (a) Is it a fact that transfers of Postal officials were restricted on account of financial stringency during the last few years? If so, will Government please state whether this was observed in the case of the Postal Superintendents of the Bombay Circle, viz., Messrs. Jussawala, Lalkaka and Khan?

(b) How long was each of these officers in charge of one division only during the last ten years and what amount of travelling allowance was drawn by each of them on each transfer? If their transfers were frequent, will Government be pleased to state why they were so made in the face of Director General's orders restricting the same on account of financial stringency?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The reply to the first part of the question is in the negative. The second part does not therefore arise.

(b) Government understand that the transfers of these officers in the past ten years have not been frequent, and have in all cases been ordered by the responsible authorities in the interests of the public service. They do not possess all the detailed information asked for by the Honourable Member, and in view of what is stated in the preceding sentence they do not propose to collect the information.

#### METHOD OF FILLING POSTS IN THE PRINTING AND STATIONERY DEPARTMENT, CALCUTTA.

175. **Mr. S. C. Mitra :** (a) Will Government be pleased to state whether it is a fact that a large number of posts which fell vacant or were created in the Printing and Stationery Department in Calcutta during 1928 and 1929 were filled up by promotions, (i) in some cases on grounds of seniority in preference to merit and educational qualification, (ii) in some cases on grounds of educational qualification in preference to merit and seniority, and (iii) in some cases on merit (having no previous appreciation recorded to that effect) in preference to seniority and educational qualification?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether it is a fact that in cases of filling up permanent and officiating vacancies in that department the seniority in the Gradation List is not followed? If not, why not?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to state the circumstances under which (i) uniformity of

principle was not adopted in all cases, and (ii) there was no change in the nature of duty imposed on the clerks in majority of cases after promotion ?

(d) Do Government propose to inquire into the matter and see that justice is done in all cases by observing uniformity of principles in filling up vacancies (permanent and officiating) by promotions in that department ?

**The Honourable Sir Bhupendra Nath Mitra :** The attention of the Honourable Member is invited to the reply given by me to his question No. 153 on the 2nd September, 1929.

#### SUPERINTENDENT OF THE CENTRAL STATIONERY OFFICE.

**176. Mr. S. C. Mitra :** (a) Will Government be pleased to refer to unstarred questions Nos. 204 to 210 ; starred questions Nos. 353 to 356 ; unstarred question No. 329 ; and unstarred questions Nos. 560, 562 (c), 563, 564, 567 and 568 in the Legislative Assembly Debates, Vol. III (1928) and say whether any inquiry has since been made and whether replies to those questions were furnished to Mr. S. C. Mitra ?

(b) If the answer to part (a) above be in the affirmative, will Government be pleased to place the connected papers on the table ?

(c) If the answer to part (a) be in the negative, will Government be pleased to state when it is expected that the inquiries will be finished and replies to the questions mentioned in part (a) above furnished ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). The replies to the questions referred to by the Honourable Member were duly furnished to him, and copies were placed in the Library of the Legislature.

(c) Does not arise.

#### SYSTEM OF RECRUITMENT TO TELEGRAPH ENGINEERING BRANCHES.

**177. Mr. Gaya Prasad Singh :** (a) Was sanction accorded by the Government of India (Department of Industries and Labour) in their letter No. 103, P. T., dated 18th April 1927, to the introduction of the new system of recruitment and training for appointment to the Telegraph Engineering Branches ?

(b) In this connection did Government approve of the holding of an examination for the Engineering Supervisors already in the Department ? Are Government aware that the examination was not held by a Board but by a single examiner in September 1927 ? Were any rules framed to prevent candidates from enlisting support from persons of influence ?

(c) Are Government aware that on the ground that this would be the last examination held for the Engineering Supervisors for training for subsequent appointments to the grade of Deputy Assistant Engineers, the Indian Telegraph Association requested the Director General of Posts and Telegraphs to have the papers revalued ?

(d) Were the papers re-valued by the Director General ?

(e) If the reply to part (d) is in the negative, what were the reasons for not complying with the request from such a representative Association ?

(f) How many Indians and Anglo-Indians passed out in the final Deputy Assistant Engineers examination of 1928 ? Is it a fact that there was a preponderance of one community over the other in the results of the examination ? If so, what is the reason ?

(g) Is it a fact that six temporary Anglo-Indians who had not passed any departmental examinations prior to their appearing for the competitive examination in 1927 were admitted to the training for appointment as Deputy Assistant Engineers, while Indians are debarred from appearing in the examinations on the ground that they are temporary ?

(h) Do Government propose to admit five Indians to complete the nineteen vacancies set apart for the Engineering Supervisors recruited according to the old system ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) If, as is presumed, the Honourable Member is referring to letter No. 107-P.T.E. (not No. 103), dated 18th April, 1927, introducing revised rules for the recruitment and training of Engineering Supervisors, the reply is in the affirmative.

(b) Replies to the first and the second parts of the question are in the affirmative. The reply to the third part is in the negative. No such rules were considered necessary.

(c) Yes.

(d) No.

(e) The Director General was unable to accede to the proposal in the absence of any cogent reasons.

(f) 14 Anglo-Indians were successful in the final examination in 1928. The only Indian\* who passed the preliminary examination held in September, 1927, failed to qualify in the examination held at the end of a six months' training course in the Office of the Electrical Engineer-in-Chief, and was therefore not permitted to appear in the final examination. The answer to the second part is in the affirmative. The only reason which Government can think of is the obvious one that the Anglo-Indians were more proficient than the Indians in the subjects in which they were examined.

(g) The reply to the first part of the question is in the affirmative. As regards the second part, both Indians and Anglo-Indians holding temporary posts were equally eligible to appear in the examination subject to their fulfilling certain general conditions.

(h) No. All future recruitment will be carried out according to the new system referred to in my reply to part (a) of this question.

#### ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

**Mr. President :** I have to inform the Assembly that up to 12 noon on Saturday, the 14th September, 1929, the time fixed for receiving nominations only one nomination, namely, that of Mr. E. F. Sykes has been received for election to the Standing Finance Committee. As only one candidate is required for the Committee, I announce that Mr. E. F. Sykes has been declared to be duly elected to the Standing Finance Committee.

\* Mr. Malik.

# PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that two petitions as per statement laid on the table have been received relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February, 1927, by Rai Sahib Harbilas Sarda.

*Petitions relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February 1927.*

| Number of signatories. | District or Town. | Province. |
|------------------------|-------------------|-----------|
| 100                    | Hoogly ..         | Bengal.   |
| 101                    | .....             | Bengal.   |

# THE INDIAN INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to present the Report of the Select Committee on the Bill to amend the Indian Income-tax (Provident Funds Relief) Act.

# THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL-- contd.

**Mr. President :** The House will now resume further consideration of the following motion moved by the Honourable Sir James Crerar on the 12th September, 1929 :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose (Insertion of new section 540-B) be taken into consideration ”.

Sir James Crerar.

**The Honourable Sir James Crerar** (Home Member) : Sir,....

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : On a point of order, Sir. Is the Honourable Member, Sir James Crerar, replying to the debate, because there are certain Honourable Members of this House who are anxious to speak on this motion before he replies ?

**Mr. President :** I have called upon the Honourable Sir James Crerar to make a statement.

**Mr. K. C. Neogy :** I should like to know under what particular rule or Standing Order is it permissible for the Honourable Member to make a statement at a stage when a particular motion is under the consideration of the House ?

**The Honourable Sir James Crerar :** I am speaking on the amendment for circulation of the Bill. In that connection I should like to make a statement regarding the position of the Government.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Even if the Honourable Member is not allowed to do so under the Standing Orders and Rules ?

**Mr. M. Keane** (United Provinces : Nominated Official) : He can speak on the amendment and then speak again on his original motion. There is an amendment before the House now.

**Mr. President :** Under what rule ?

**Mr. M. Keane :** On every amendment, every Member is allowed to speak.

**Mr. President :** Under what rule ?

**Mr. M. Keane :** Under the ordinary rules and Standing Orders.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : The Honourable the Home Member is entitled to speak on the motion that the Bill be circulated for eliciting public and legal opinion.

**Mr. President :** Under what rule ? The Honourable the Home Member has made a motion that the Bill be taken into consideration. He has got a right of reply. But he cannot speak more than twice. In any case, he is not entitled to make a statement as he wishes to do under any rule or Standing Orders.

**Mr. M. A. Jinnah :** Since then an amendment has been moved, and surely the Honourable the Home Member can speak on that amendment ?

**Mr. President :** I should like to know under what rule or Standing Order.

**Mr. K. C. Neogy :** I understood the Honourable the Home Member was not speaking on any particular motion or amendment that is on the agenda, but that the Honourable Member was seeking to make a statement, which is quite different.

**Mr. President :** I have been told that if I allow the Honourable Leader of the House to make a statement at this stage it would facilitate public business, curtail the debate and save public time. I have always exercised the power vested in me in such cases, and I propose to exercise that power in this case, and will exercise that power so long as I am in this Chair.

**Mr. M. Keane :** Sir, if I may be permitted to answer your question, I should like to point out that the power of the Chair is contained in Standing Order 32 which says that, after the Member who moves the motion has spoken (in this case Mr. Kelkar), other Members may speak on that motion in such order as the President may call upon them.

**Mr. President :** That does not give the Honourable Member who has moved the original motion the right to speak at this stage. He can only speak on his motion when he moves it and then ultimately speak by way of reply that is how we have always interpreted our Standing Orders of reply that is how we have always interpreted our Standing Orders. I understand. But when the Chair is convinced that, by adopting this course, he would help the House in facilitating public business, saving the public time and in curtailing the debate, the Chair has got the power to call upon any Member to speak at any time.

**Maulvi Muhammad Yakub :** May I know if it is allowed under the inherent powers of the Chair ?

**Mr. President :** Under the unwritten law of this House. (Hear, hear.)

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : On a point of order, Sir, the House is in possession of a certain motion....

**Mr. President** : Order, order. I have already given my ruling.

**The Honourable Sir James Crerar** : Mr. President, I am grateful to you for giving me this opportunity of explaining to the House the conclusions to which Government, after very careful and anxious consideration of the views and arguments which have been advanced in the course of the debate, have arrived. I desire, in the first place, to acknowledge the moderation and the temperance of the language which has been used by the principal speakers in the course of this debate and their obvious unwillingness to use a recent unfortunate occurrence in order to cloud the real issues before the House by any considerations of passion or prejudice. I desire also to acknowledge, in the amplest terms, the sympathy and support of those who have appreciated the responsibilities of Government and the considerations which moved them to bring this measure before this House, and who have been willing to give all the assistance which is in their power. A grave and weighty appeal has been made to Government and, in what I have to say, I hope I shall be able to make it clear that it is the earnest desire of Government to respond to that appeal to the utmost extent in their power. To arguments urged with temperance and moderation we cannot, and indeed we have no disposition, to close our minds or our ears, or to fail to appreciate the sincerity and depth of feeling which have inspired them.

I think, Sir, that, reviewing the whole course of the debate up to this point, and eliminating some incidental points of controversy which have arisen, I may say that there have been two main streams of argument advanced which may be grouped under the head of two main contentions. The first of these contentions is that, though there may be some justification for the Bill, nevertheless it touches on some very fundamental issues. Some Honourable Members have expressed the doubt whether a sufficient concrete proof of its necessity and urgency has yet been adduced, and the view has been expressed in many quarters that this measure ought not to be placed permanently upon the Statute-book without a fuller measure of deliberation and consultation with public opinion. The second contention, or the second class of contentions, I would endeavour to summarise and comprehend as follows : that while the House would not extend its sympathy and approval to acts which are directed only to impede or defeat or delay the ends of justice, many Honourable Members take a different view of and place a different interpretation upon what has occurred. They regard it as a protest against what has been represented as harshness, inequality and injustice in the treatment of under-trial and of convicted prisoners. They contend that, if the grievances alleged were removed, it is at least possible that the necessity for this legislation might also be removed ; and I think that some Honourable Members went further and were prepared to say that, if this did not prove to be the case, after prompt and serious efforts were made to deal with the problem from that point of view, if they were convinced of that, they would then be prepared materially to modify their attitude towards this Bill.

Now, Sir, I propose to deal briefly in the first place with the second of these contentions, and I would remind the House once more that the administration of jails is a provincial subject, subject no doubt to the

superintendence, direction and control of the Governor General in Council. Nevertheless, the direct and primary responsibility for the administration of this subject lies quite definitely upon the Local Governments, and it is they who have to bear the whole financial burden of that administration. Therefore, whatever steps we take in this matter, I submit to the House that we must be scrupulously careful not to invade to any undue extent a sphere of administration which has been definitely made over to the Local Governments. I do not think any Member of the House would be prepared to endorse the proposition that it would be wise to prejudice or in any way restrict the measure of decentralised administration which has already been conferred upon the provinces and provincial Governments for the management of their own affairs. Well, Sir, I will advert very briefly to the fact that we have addressed the Local Governments in this matter in terms of which the House is aware, and several provinces have already appointed Committees in pursuance of the letter we addressed to them. It is our intention to summon a conference of provincial representatives as soon as that can possibly be arranged, but the Honourable Member from Bombay, Mr. Jayakar, in his powerful and incisive speech raised very definitely a particular issue. He alluded to what he described as racial discriminations in the Jail Rules, and I could not but appreciate the fact that that particular aspect of the question was one which made a very deep impression upon the House. I should like to say at this stage that the real basis which underlies the rules to which the Honourable Member referred was really something different in intention from racial discrimination. The principle is really one of equalisation of penalty, having regard to the fact that the previous standard of living of a person in prison will either mitigate or render more severe the character of his punishment accordingly as his standard of living is greatly above or below the normal average standard in the jail. The principle therefore is not one really of racial discrimination ; it is one of equalisation of penalty ; and as I have already pointed out to the House, these rules are applicable in most provinces to Indians who come within that category. However, I do not want....

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : On a point of order, Sir, I think you permitted the Honourable the Home Member to make a statement ; but he is really taking advantage of that opportunity to reply to the whole debate. I submit that it is not right for him to do so, mainly because he is now summing up the debate in a manner which I do not accept to be correct.

**The Honourable Sir James Crerar** : Well, Sir, I have no intention of pursuing further any matter of argument ; I shall restrict myself to stating, as briefly as I can, the conclusions at which the Government have arrived, and the attitude which they now take on the general question before the House. We know that there is a strong feeling in the House that, whatever action is to be taken should be taken with promptitude, and I have every desire to do the utmost I can to comply with it. I would therefore say that it is our intention, having regard to the questions which have been raised with regard to alleged racial discrimination and which, as Mr. Jayakar observed, were not specifically and in so many terms contained in our letter to the Local Governments,—we will now put them specifically to the Local Governments and the views which have been expressed in this House on that point will be

[Sir James Crerar.]

communicated to them. I trust that it will be possible to call a conference of Local Governments at an early date, but I appreciate that the House would like something done at an earlier date than that, and I am therefore prepared to go further.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : On a point of information, Sir, may I know from the Honourable the Home Member whether, in communicating to the Provincial Governments the views of this House, the Government of India will also communicate what their views on the matter are ?

**The Honourable Sir James Crerar** : That, I think, would be anticipating considerations which must come up later ; and perhaps if the Honourable Member will wait till I proceed further on this point, I can explain the matter more fully. I would remind the House that, in addressing Local Governments, we particularly requested them to ascertain non-official opinion in the matter ; and we hoped that leaders of non-official opinion would give the Local Governments the benefit of their views. We propose to take the same course ourselves and I should be glad to invite—and I hope the invitation will be accepted—leaders of various parties in this House to confer with me and communicate to me any concrete suggestions they have to make in this matter ; and these I will undertake to communicate with the least possible delay to Local Governments. At a later stage, when the views of the Local Governments have been received—and they will be expedited as much as possible—I propose, if my invitation is accepted, to seek further consultation on the lines I have suggested.

Now, Sir, I propose to resume the question of legislation very briefly. I have only this to say—I will not enter into matters of argument—nor do I propose to reply to the arguments which have been used on the legal aspect of the question,—I must only say this : that Government, after having listened very carefully to the debate, feel bound to maintain their opinion that there is a deficiency in the law and that that deficiency ought to be remedied. (*Mr. E. L. Price* : “Hear, hear.”) We still retain the view that the provisions of the Bill do not conflict with any principles of justice and fair-play (Hear, hear). The accused will always have the option of exercising their rights. Nevertheless I do not deny, and I have never denied, that there was an important principle involved. The view has been expressed that a very grave measure of emergency ought to be established before this Bill should be permanently enacted. There is some room to hope, Sir, that the degree of urgency which was at first apprehended is not so grave as it then was. Nevertheless I cannot conceal my own view that it is not by any means eliminated. In deference, however, to the views which have been so forcibly expressed in this House regarding the necessity for more deliberation and more consultation, Government are prepared to agree, if that is the wish of the House, to the circulation of the Bill, so that the matter may, if necessary, be considered next Session. But I do not wish to leave the House under any misapprehension or to give cause hereafter for a charge that I have not been completely candid with them. I must make an express reservation. Government remain unaltered in their determination to oppose indefinite impediments to the course of justice (*Mr. E. L. Price* : “Hear, hear.”) It is their duty to maintain peace and security, to protect the public in all its lawful

avocations and also to protect its own officers in the discharge of their duties. If, therefore, any contingency should arise in the interval before this House meets again which cannot brook delay, I must make it perfectly clear that there can be no limitation or qualification on the discretion of the authority in whom the necessary powers are vested ; and we must ourselves retain the liberty, if our advice is sought, to advise whatever action may be necessary to meet any situation that may arise. We sincerely trust that no such contingency and no such necessity will arise, and that all who are in a position to do so will use their influence, wherever and in whatever manner they can, to this end ; and in that connection I should like to refer to the wise words of counsel which fell on that point from Sir Purshotamdas Thakurdas during the course of the debate on Saturday.

These, Sir, are the immediate reasons which have weighed with Government in agreeing to the circulation of this Bill.

But there are other reasons to which also due weight has to be attached. I should like to refer in particular to the words of studied moderation used by the Honourable and learned gentleman from Bombay, Mr. Jinnah, when he referred to the general political situation and the great tasks that confront us in the immediate future. That was a consideration, Sir, which you also laid before the House at the commencement of this Session. I hope the House will believe me when I say that we were not unmindful of those considerations when we decided to lay the Bill before the judgment of the House. Nor are we unmindful of them now. Those considerations are of the gravest and most weighty character. We realise that, if anything can be done to remove all feelings of mistrust and suspicion, if anything can be done to substitute for them the spirit of reason, moderation and common effort, it is incumbent upon us, as it is also incumbent upon this House and upon responsible political opinion throughout the country, to do their utmost to promote it.

In coming to a conclusion, therefore, that we would agree to the circulation of this Bill, I beg the House to remember that that grave and weighty consideration was present to our minds.

**Maulvi Muhammad Yakub** : I move, Sir, that the question be now put.

**Mr. President** : I think that it is the general sense of the House that the question be now put.

The original motion was :

“That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose (Insertion of new section 540-B) be taken into consideration”.

Since which an amendment has been moved :

“That the Bill be circulated for eliciting public and legal opinions thereon.”

The question is that that amendment be made.

**Mr. E. L. Price** (Bombay : European) : No.

**Mr. President** : Does the Honourable Member desire a division ?

**Mr. E. L. Price** : No, Sir.

The motion was adopted.

**Mr. President** : I must congratulate the House on the result.

## THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

(POINT OF ORDER *re* ADMISSIBILITY OF AMENDMENTS.)

**Mr. President :** With regard to the next motion which stands in the name of the Honourable the Law Member, I should like to say a few words about the difficulty I feel as regards the procedure to be followed and also as regards the admissibility of a large number of amendments which he has put down on paper.

As regards the procedure, the Honourable Member wants to move that the Bill as amended be passed. He also at the same time wants to move a large number of amendments to his own motion. I do not know whether it would not be a more correct procedure that he should ask some other Member of Government, or more properly, Mr. Mulla, who has studied the subject, to move those amendments instead of himself moving them. That is so far as the procedure is concerned.

With regard to the admissibility of those amendments, the Honourable Member knows the procedure of this House. At the Third Reading he can only move formal or consequential amendments to the amendments already passed. I am not sure on reading those amendments, that all of them are really formal or consequential amendments on the amendments which have already been carried. I would, therefore, like him to consider that aspect of the matter, and if there is no hurry, he might put down his motions tomorrow or the day after. I leave it entirely to him. He shall have to satisfy the Chair on every amendment that it is really a formal or consequential amendment which could not have been made at the consideration stage.

**The Honourable Sir Brojendra Mitter** (Law Member) : I accept your suggestion that the matter may stand over till tomorrow.

**Mr. President :** Tomorrow is a non-official day.

**The Honourable Sir Brojendra Mitter :** Then the day after tomorrow. Meanwhile, I can satisfy you, Sir, that every one of these amendments is either formal or consequential or both formal and consequential. There is no amendment of substance which has been laid down, and all these formal and consequential amendments arise out of the amendments which the House has passed.

**Mr. President :** If they arise out of the amendments already passed, the Chair will take no objection, but I feel some difficulty. I would ask the Honourable Member to examine those amendments once again and satisfy himself.

**The Honourable Sir Brojendra Mitter :** I shall do that, and I hope to satisfy you that all the amendments are either formal or consequential. Anyhow, I accept your suggestion, and I shall move these motions day after tomorrow.

**Mr. President :** That applies to the second Bill also ?

**The Honourable Sir Brojendra Mitter :** Yes, Sir.

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## DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I beg to move :

“ That a sum not exceeding Rs. 28,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March 1930, in respect of Companies' and Indian States' share of surplus profits and net earnings.”

This, Sir, is in a sense a formal motion, and it is not necessary for me to make a speech. The amounts payable to Railway Companies and Indian States are regulated under the terms of the existing contracts and are determined according to the working results of the previous year. The detailed reasons for the necessity of the extra amount asked for are given in the paper already circulated to the House, and they were considered sufficient by the Standing Finance Committee for Railways when they considered this demand.

**Mr. President :** The question is :

“ That a supplementary sum not exceeding Rs. 28,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1930, in respect of Companies' and Indian States' share of surplus profits and net earnings.”

The motion was adopted.

## THE HINDU CHILD MARRIAGE BILL—(contd.)

**Mr. President :** The House will now resume further consideration of the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, clause by clause.

The question is :

“ That clause 2 stand part of the Bill.”

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I beg to move the amendment that stands in my name, No. 22 :

“ In clause 2 (a) for the word ‘ fourteen ’ the word ‘ eleven ’ be substituted ”.

Sir, in this connection.....

**Mr. Mukhtar Singh** (Meerut Division : Non-Muhammadan Rural) : Sir.....

**Mr. President :** The Honourable Member is a little late.

**Mr. Mukhtar Singh :** All I want to know is whether the amendment of Mr. Yamin Khan which we were discussing the other day was passed or rejected by the House.

**Mr. M. S. Sesha Ayyangar :** In moving this amendment, I am particularly aware that we have discussed at length the principle underlying this amendment. Therefore, with your kind permission, I shall try to be as brief as possible in presenting my case on this occasion.

In the first place, I want to premise, by bringing to the notice of this Honourable House, that there is a distinction between *Kanyadan* and

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*Garbadan*. *Kanyadan* is making the gift of a girl to a bridegroom in marriage; *Garbadan* is the consummation ceremony which usually takes place some time after the girl attains age, perhaps long after the *Kanyadan* ceremony. If that distinction is borne in mind, I consider that the House will take kindly to the amendment that I have moved. Sir, in moving this amendment I want to bring to the recollection of this Honourable House the idea of the Honourable Mover when he introduced this Bill in the first instance. He actually said that 11 would be the proper age to fix for a girl to be married because that he thought, and rightly thought, would really conciliate the orthodox view of this country. Next, I would refer the House to the Minute of our revered leader, Pandit Madan Mohan Malaviya, attached to the Report of the Select Committee. He said this:

“I urged that the age should be fixed at 11 so that a law to restrain child marriages might be passed with the unanimous support of all sections of the community.”

Later on, he said:

“If even 12 is fixed as the age marriages below which shall be punishable, it is possible that a section of orthodox opinion will be reconciled to it. But in view of the fact that marriage is a religious sacrament among Hindus, and in view of the belief which has prevailed on the question of the age of marriage among them for a very long time, to make a marriage above the age of 12 and below the age of 14 punishable by law will be a violent interference with the Hindu religion which I consider it my duty strongly to oppose.”

In dealing with the question of fixing the marriage age at 11, we are concerned not so much about the actual age of the girl but about the principle whether post-puberty marriage is to be compelled by law, or pre-puberty marriage as sanctioned by the Shastras should continue to be allowed. If for a moment the Government or this Assembly would say that they can prescribe the age after which only girls ought to mature and if they can enforce it, I should have no objection to conform to any age which may be prescribed by this Legislature. But that would obviously be a foolish venture, because no Government, no legislature is competent and powerful enough to say definitely that no girl in this country shall become of age before 14. If that is found to be an impossible task to attempt against nature, which would depend upon the climatic conditions of the several portions of this vast country,—if that is found to be an impossible task, I submit to the House it must be equally futile to fix the age of a girl at which alone she ought to be married. The Report of the Select Committee on clause 2 says:

“We considered a suggestion that the minimum age to determine whether a female is a child for the purposes of sub-clause (a) should be reduced to 11 and another suggestion that it should be reduced to 12 years. The Committee, however, were emphatically of opinion that any such reduction would nullify the whole object of the Bill.”

I am really unable to understand the reasoning of the Select Committee when they made that statement. If it is conceded that they want to shut out, or to put down, or to penalise all pre-puberty marriages, I certainly can appreciate the significance of this statement. But without going to that length, without saying so definitely, simply to say that the reduction of the age to 11 or 12 would be to nullify the object of the Bill is a thing which really passes my comprehension.

Sir, I said at the outset that I am urging this amendment of mine upon the House only for this particular reason, that we who believe in Shastric injunctions—I am presenting the orthodox view to the House in a most humble manner—if we believe and if you concede that we are equally honest in speaking out our convictions to the House—if we believe that our Shastric injunction restrain post-puberty marriages for *Dwijas* and make it absolutely necessary to indulge in pre-puberty marriages, then the question for consideration will simply be this, what is the age, what is the safe limit of age within which marriages may properly be forbidden by this Legislature if it is inclined to. With a view to solving this difficulty I have been at some pains to analyse the Report of the Age of Consent Committee which I am told is a very precious document. I shall not dispute the truth or the accuracy of that statement, because it is possible that there are a few passages here and there in that Report in which unanimity of opinion there may not be; but all the same it contains very many statistics and figures upon which we can base our case or draw our own conclusions. And from the very close and careful analysis that I have been able to make from this standpoint, I find these things. There are 14 areas on which they have concentrated their attention, and so far as the age of puberty is concerned, in the Punjab they find the age to be from 12 to 16; in the North-West Frontier from 13 to 15; in Delhi from 12 to 13; in Ajmer-Merwara 13 or 14; Bombay from 12 to 15; in Deccan and Karnatak from 12 to 15; Gujrat 12 to 14; Sind 13 to 15; Madras 12 to 14; Assam 12 to 14; Bengal 11 to 13; Bihar and Orissa 12 to 14; the United Provinces 12 to 15; the Central Provinces and Berar 12 to 13. So that the House will readily find that the lowest age at which puberty takes place in girls is 11 in Bengal and the highest is in the Punjab where it extends to 15 or even 16. We are trying to legislate for the whole of India. We are not excluding any province from the category of the areas to which this Act may apply. If we are bent upon legislating for the whole of this vast country, if we place all these provinces on the same footing, and if for a moment you concede to me my honest conviction that it must be pre-puberty marriage—that we feel for so much—if you concede these two positions, it at once follows that if 11 is the lowest limit at which puberty occurs in Bengal, and if we legislate for the whole of India, I submit that 11 must be the minimum age at which marriage must take place if I take it the House really feels for our honest convictions. I quite feel the weight of feeling ranged on the opposite side. I quite realise and appreciate that a large section of this House really wants to fix the age of marriage of girls regard being had to the very many data that have been collected by the Age of Consent Committee. I quite appreciate the feeling with which some of my Honourable friends spoke on the last occasion when they dwelt on the atrocities which have been noted down in the Age of Consent Committee's Report. I quite appreciate that view point; but my present task will be to see these two view points reconciled, and reconciled in a way that will offer the least resistance to the conscience of the orthodox community, who are keen on having the marriages of their girls celebrated before the girls reach puberty.

If from an analysis of the Report, I am able to show conclusively to the House that the age at which puberty begins, at least in Bengal, is 11 and that it varies from 11 to 16 for the whole of India, then I submit that would be a paramount consideration in the fixing of the age at 11. (An Honourable Member: “What is the average?”) It varies from

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11 to 16. The stand I am taking is simply this. If at least in one province for which you are making this law, the age of puberty is 11 and if you want to reconcile that actual fact with the attitude of the orthodox section in this country who want to have their marriages performed according to the Shastric injunctions before the girl attains puberty, it readily follows that 11 is the age which we must really fix. Then, Sir, I find that, in five at least out of the 14 provincial areas into which the Age of Consent Committee carried their investigations and deliberations, namely, the Punjab, Delhi, Ajmer-Merwara, wherefrom the Honourable the Mover hails, Bengal and the Central Provinces and Berar,—and I am very much pained to note it,—pre-puberty congress has occurred. Sir, this is a thing entirely foreign to the minds of people coming from my part of the country. We cannot even imagine of a single case of the kind occurring in Madras, as has been recorded by the Age of Consent Committee in the case of these five areas to which I have referred. If there are brutal husbands I am sorry for them. (*An Honourable Member*: “It is a question of degree only.”) The age of Consent Committee has not recorded a single instance from Madras. It is not a question of degree at all. My position is this. If unfortunately these things have come into prominence in some areas, I think, we, who may call ourselves saints in this matter, ought not to be classified with these brutal husbands that exist in some parts of the country and placed on the same category with them, simply because we happen to be under one Government and one uniform law is to govern us all. Is it our sin that we, saints in this matter, should be placed in the same category as these brutes that exist in some parts of upper India? If there are a few stray cases here and there where husbands have misbehaved and maltreated their wives, I humbly submit to the House there is absolutely no reason whatsoever to classify us along with them and legislate for us all together in the way that this Bill seeks to do.

In this connection I would also bring to the notice of the House what is recorded in pages 336 and 337 of the Age of Consent Committee's Report. There, the House will find a statement showing the age of menstruation of girls among the different communities in India. It says :

“ Among natives of warm climates menstruation occurs earlier than among natives of temperate climates.”

In the next paragraph you find :

“ In the class of pure native Hindus and Mohammedans but chiefly the former the greatest percentage of dates for first menstruation occurs between the 12th and 14th years, amounting to 65.7 of the whole class.”

I would invite the attention of the House again to page 337. The House will note that only two per cent. of the entire number of girls that first menstruate reach their age of puberty below 11. So that, if you fix the minimum age at 11, that covers, from the orthodox point of view, about 98 per cent. of the girls in this country who conform to the orthodox custom. Only two per cent. of the girls reach their age below 11. That would be a very small fraction and negligible in considering this broad aspect of the case. If you omit this insignificant fraction of two per cent., you will find that 98 per cent. of the girls reach their age from 11 upwards. That would be another consideration why 11 must be the minimum age.

Then, Sir, there is also an appendix appended to this Report, which is appendix XI. Here also we are given statistics about a Vaidic family. I may tell the House that a Vaidic family is a family which conforms to our ancient Hindu ideals and which lives an orthodox life. From an examination of this analysis given in Appendix XI, we find that, in the case of the Vaidic family which observes the Shastric injunctions, there is absolutely no evil of the kind that has been put down as the strongest ground for the enacting of this law. That is an incontrovertible position which emerges out of this analysis. That conclusively shows that in the Vaidic family which conforms to orthodox customs and to pre-puberty marriages, absolutely none of the evils complained of by the Age of Consent Committee exists.

When I made my general speech on the Bill, I brought to the attention of the House certain scientific things ascertained about this matter. I would not repeat all of them, but I would bring to the notice of the House that Western sociologists are also in favour of the age of 11 and early marriage. I will briefly refer to two or three authorities on this subject. Frederick Pincott says :

“ Everything tending to the peace and well being of society has been long since reduced by the Hindus to well ordered rules deduced from the unchanging facts of nature. Any introduction among them of our crude ideas can only result in mischief and tend to bring the Hindus to the same chaotic scramble of antagonistic interest which is the characteristic of our own disgraceful social muddle.”

He also says that all parties are united in the opinion that the Hindu married life is an exceptionally happy state, and this is the clearest proof of the excellence of the system, and the severest condemnation of those who are seeking to unsettle it.

The Rev. J. Tyssul Davis is also of the same opinion. He says that the Hindu ideal of marriage is “ a highly evolved one ”, and Mr. Otto Rothfield in his “ Women of India ” says the same thing :

“ In general it may be said that the Hindu rules of marriage are, in the ordinary sense of happiness, as conducive to the happiness of the spouses as the fast-transforming systems of modern Europe ; and their happiness is less self-centred and more altruistic.”

I submit, Sir, I am also supported by the view of Western sociologists, and I might also, in this connection, bring to the notice of the House the very Hindu law of marriage which is in force in this country. I have got an analysis made for me by a commentator and he describes the periods of marriage as four periods ; for the Brahmana he says the age does not extend to beyond eleven, for the Kshatriya not beyond the first menstruation period, for the Vaishya not beyond the first menstruation period, and for the Shudra there is no mention. For the first three castes the utmost limit to which marriage can be postponed is definitely eleven in the case of the Brahmana and in the case of the others till the occurrence of the first menstruation. So eleven is the safe limit to which we can carry our legislation. I submit that all these texts clearly lay down eleven as the proper age of marriage. Sir, I may also bring to the notice of this House a very able statement made by Rai Kalicharan Sen Bahadur from Gauhati. He is also in favour of eleven, and he gives excellent reasons, but I shall not repeat them. I will only read his statement

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regarding eleven, and even when he is inclined to fix eleven as the marriage age, he is for asking Government to make a promise for he says :

" If any age above eleven years be fixed for marriage, I hope the reformers will extract a promise from the Government that it shall establish poor houses, maternity homes and orphanages as occasion will arise."

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, on a point of order, is it permissible that the Leader of the House, whose vote would seem to determine this question, should be absent when such cogent arguments are being put forward for the amendment ?

**An Honourable Member** : He has made up his mind already.

**Mr. President** : The Leader of the Opposition is also under the same disability, is he not ?

**Mr. Amar Nath Dutt** : He is free in this matter.

**Mr. President** : Mr. Sesha Ayyangar.

**Mr. M. S. Sesha Ayyangar** : I would suggest that the Central Legislature should fix the age at eleven and give the local Legislatures power to increase it, so that each province may be able to adopt the age that is most suitable for it because a measure which may be all right in one province may act too oppressively in another. Then, Sir, he also says :

" We do not base our opinion on religious grounds. We are aware that some people who follow the Shastraic injunctions will be hit by the proposed legislation but we believe that if eleven is fixed as the minimum age, it will not be too oppressive."

Sir, in this connection I might warn the House against making an experiment in this matter. I need not particularly lay stress on the fact that religion is a sphere which one must hesitate to encroach upon and we must be very cautious in treading upon the sacred religious ground, and if at all we want to make an experiment by fixing the age for the marriage of girls, then that experiment should be made very cautiously. In this connection I would beg leave to read a statement made by a very great authority in my part of the country on these matters, and this is what he says :

" Whatever we may do in a spirit of light-hearted experimentation—I know that these are days of science and that hence the only rational and regnant method is that of observation and experiment, of rather experiment and observation, i.e., suicidal experiment and callous and amused observation by others—, we must not apply light-heartedly the method of experimentation in the realm of sacred things or in the realm of such social institutions as bear not only on the immediate present but have effects on the past generations and repercussions on the generations to be, and as relate not only to the welfare, supposed or real, of the persons whom we see about us, but relate also to the welfare of those very persons in their future existence."

Sir, these are pregnant words, and I ask the House calmly to consider whether, in making this new experimentation, we should not go rather slowly, and whether the modest amendment that I have moved, to fix the age at eleven, is based on any irrational basis and whether it is at all opposed to medical testimony. I would also ask the House to consider if the age I have proposed is not the correct age, having regard to the opinions I have quoted of Western sociologists. Sir, I might also say—in fact it has been said by so many eminent critics—that to restrict the age of marriage for girls to 12, 13 or 14 is quite arbitrary and has nothing like a Shastraic or medical basis. So I submit that on all these grounds my amendment should be accepted by the House.

**Kumar Ganganand Sinha** (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Sir, on a point of order, may I move the amendment which stands in my name on the paper, now ?

**Mr. President** : Mr. Sesha Ayyangar rose to move his amendment, and I did not see the Honourable Member get up to move his....

**Kumar Ganganand Sinha** : Supposing, Sir, the amendment moved by my Honourable friend, Mr. Sesha Ayyangar, is negatived, shall I be entitled to move my amendment ?

**Mr. President** : The Honourable Member must protect his own interest. He should have risen in his place when I put the question that clause 2 stand part of the Bill. The only Member who stood up was Mr. Sesha Ayyangar and therefore I called him.

**Kumar Ganganand Sinha** : With due deference to you, Sir, I did get up.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I did see Kumar Ganganand Sinha get up, Sir. I think, Sir, the first amendment to be taken up was that relating to eleven, and that if that is lost, we should go on to the amendment fixing twelve as the age, and if that is lost, to the amendment fixing the age at thirteen.....

**Mr. President** : I accept the Honourable Member's word and, if there is a general desire on the part of Honourable Members to move their amendments, I will also allow Kumar Ganganand Sinha, Mr. Belvi and Mr. Mukhtar Singh to move their amendments.

**Kumar Ganganand Sinha** : Sir, I rise to move :

" That in clause 2 (a) of the Bill, for the word ' fourteen ' the word ' twelve ' be substituted."

**Mr. M. S. Aney** (Berar Representative) : May I ask whether you want the amendments in favour of the age of eleven to be discussed and voted by the House before any amendment with regard to any other age is taken up ?

**Mr. President** : I propose to take the amendments favouring 12, 13, 14 and 16 all together, and after allowing a general debate on them, I will put one by one to the vote.

**Mr. Amar Nath Dutt** : What about my amendment, Sir ?

**Mr. President** : Your amendment is ridiculous. (Laughter.)

**Mr. Amar Nath Dutt** : But on that ground it cannot be rejected ?

**Mr. President** : The Chair has got the power to disallow it.

**Mr. Amar Nath Dutt** : An amendment can be rejected on the ground that it is frivolous, but before that, you will, Sir, hear me ?

**Mr. President** : I have already decided the point; it is not necessary to hear the Honourable Member.

**Kumar Ganganand Sinha** : Sir, I crave your indulgence and the indulgence of the House in dealing with my amendment at some length, because I feel that on this amendment largely hangs the fate of the Bill. There is a considerable body of opinion which would accept the principle of the Bill but would not be prepared to beyond a certain age ; the

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maximum of the minimum marriageable age is, I submit, according to a large number of people 12.

**Mr. E. L. Price** (Bombay : European) : Shame !

**Pandit Madan Mohan Malaviya** : Learn manners.

**Kumar Ganganand Sinha** : I am as anxious, Sir, as any Member of this House for the smooth working of this legislation. If this Bill, when passed into law, is not successfully worked, I shall be very sorry. I would therefore ask the House to realise that the soundest policy, the statesman-like policy, that it should follow in this connection, is the policy of least resistance. Let it satisfy itself how when the Bill is carried and becomes a law, it will carry along with it the support of a large number of people who will be affected by this law, and vote for the Bill in that form.

Sir, my Honourable friend Mr. Sesha Ayyangar has referred to the orthodox view in this matter. I would venture to say that, even if the minimum marriageable age is brought to 12, the orthodox opinion will be reconciled to it. He has quoted the opinion of my esteemed and Honourable colleague, the leader of the Nationalist Party. In the course of the debate on the 15th September, 1927, he made that point clear. He said :

“Mamu, the greatest of our law-givers, laid it down that a man of 30 years ought to marry a girl of 12 years, and I want that the marriageable age should be raised to 12 years, not as the latest age of the marriage of a girl but as a great advance, an enormous advance, upon the position that exists today.”

That is the spirit with which we should look at the question. It is no use putting an age which will not be acceptable to a large number of people on various grounds, such as the ground of religion, the ground of the existing custom, handed down from generation to generation for thousands of years, and so on, because the legislation may in that case be either extremely coercive or a dead-letter. But if you put an age which will be acceptable to them, you ensure the success of the Bill which you are going to pass into law. What is the position ? We are launching upon a scheme for social reform. We are making it a penal offence to do certain things which the society had been practising from time immemorial without let or hindrance : and in doing so, our chief object is to see that the practice is given up more by the realisation of the evil consequences than by the fear of punishment. I consider the piece of legislation primarily as a measure of immense educational value which will give active help to the movement for the stoppage of the pernicious system of child marriage. I confess, I would have never given support to the Bill if I had not considered it to be a measure which would stop a system more widespread and injurious to the national interests than the occasional highhandedness of the local authorities. Such being the case, I think the lesser the number of the people who will oppose the measure, the greater will be the measure of success which will attend this legislation. I feel that the age as it now stands will not be acceptable to what is called the orthodox opinion, and especially to the people who belong to the higher classes. They will oppose it for the reason of age alone, even if they may agree to the principle of the Bill. I do not argue whether they will be right or wrong. But their feeling is there. The House must realise that the people who belong to the higher castes are

the leaders of society. The general multitude will go with them ; and if they take a certain standpoint, they will be followed by the multitude that surrounds them. That being the case, I think we must proceed by slow and gradual steps and we must fix the age at a figure to which they can be reconciled at the present moment. After the public opinion is ripe, and I hope it will be after a certain number of years, you may raise the age of the marriage and as the public opinion grows go on increasing it. But, not now. Look at the history of the Age of Consent Bill. Formerly there was no law on this point. You had it raised to 10. Then you had it raised from 10 to 12. There was a good deal of opposition to it, still the public opinion was behind it. And now the Age of Consent Committee has recommended 15 years. I am sure that if the age of consent is raised to 15 years, there will not be much opposition even from the orthodox section of the community. As a matter of fact, from the talks I have had with and from the opinions I have seen of most of the members of the orthodox community, about the age of consent being raised to 15, I venture to think that they will have no objection.

**Mr. President** : But Mr. Sesha Ayyangar is in favour of 11.

**Kumar Ganganand Sinha** : That is not the age of consummation. I was referring to the Age of Consent Committee's Report. If we pass the law, in spite of the opposition that we see today to the marriage age, I think the authorities that will be called upon to administer the law will be faced with very great difficulties as it will stiffen the back of the opposition. If we have the law at 12, I think those who will otherwise oppose the Bill will gladly work it as they will be actuated by the motives of the prevention of child marriage alone. I consider, Sir, that, even if we pass the law at 12, it will be a great advance on what the conditions are today. We have seen that although marriages largely take place now between the ages of 13 and 15, girls of even 5, 6, 7, 8, 9, 10, 11 and 12 are married. You will, by passing this law, stop that practice, and it may be hoped that, if you pass the law with 12 as the minimum marriageable age now, in the census of 1941 you will find that not one marriage has taken place of girls below the age of 12. It may be that, if in the meanwhile the public opinion grows, you may again raise the age of marriage according to its demands. The result then will be further satisfactory. In actual practice, you will see that, when the law stands at 12, the marriages before the age of 14 will not take place. There are very many difficulties in the way of the marriage being celebrated earlier than 14, even though the law stands at 12. When the law is at 12, the parents of the girl will not think of marriage generally till the girl has completed 12 years. After that, they will think of marriage. Naturally, there will be so many difficulties in getting a bridegroom, not to speak of other difficulties, that for all practical purposes, they will not be able to marry their girls before they attain 14 years of age. Dr. Ducourie Ghose, who is one of the Registrars of Marriages among the Brahmos and is the author of the “Nubile Age of Females in India”, draws our attention to the fact that though the Act of 1872 prescribes 14 years as the limit, yet marriages seldom take place under sixteen years. If we draw an analogy from the state of things existing in the Brahmo society, I think if the law penalises all marriages under 12, then we can safely say that generally the marriages will take place after 14 years.

Then, Sir, if marriages are celebrated at a very late age, it is apprehended that that will change the very aspect of Hindu society. The people

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in this country, a very large number of them, do not favour the change in society according to the Western lines. They take pride in their society as it exists today. Of course they are alive to certain drawbacks in the society. They want to improve, but they do not want any rash change. They do not want that it should be changed after the Western societies. The latest publications about the state of society in America—I particularly mean “Unhappy India” by the late lamented Lala Lajpat Rai and “Uncle Sham” by Kanhayalal Gauba—have filled the minds of Indians with prejudice against the Western mode of living and Western societies. They would far better be called backward and remain in the society in which they are, than try to imitate the West and help their society to become like the one depicted in those books. That, Sir, is one of the genuine apprehensions in the minds of the orthodox community in this country, and it stands in the way of their advocating any higher age of marriage than 12. It may be that there are parts in this country, there are communities in this country in which late marriages are celebrated, but that does not, I submit, dispose of the objection of the rest of the people, which comprise perhaps more than fifty per cent. of the population, who are not governed by those same social rules. They feel that the marriageable age at this moment should not be fixed at more than 12 years of age. That is the reason why the Hindu Maha Sabha has not gone beyond 12 years, the Sanatan Dharam Sabha has not gone beyond 12 years; our revered Leader, Pandit Madan Mohan Malaviya in spite of his strong views for the prevention of child marriages, has not gone beyond 12 years.

Sir, the Age of Consent Committee is of opinion that frequent revision of marriageable age is not desirable. I confess I have not been able to follow that part of their argument. When it was possible to revise the age of consent at least two or three times, I do not see what can prevent us from revising the minimum age of marriage from time to time in accordance with the demand of public opinion. I took some pains to see what the opinions of the different parts of this country were with regard to the age clause in this Bill. I find that there is considerable volume of opinion who favour the minimum age to be fixed at 12 years. For example, the Chief Commissioner of Coorg thinks that it is expedient to fix the age for girls at 12 as a first step. The Chief Commissioner, Ajmer and Merwara, thinks that the age for girls should be fixed at 12 years, at the outset. Then the Governor in Council of Bengal is of the same opinion. The Jain Svetambari Tirpanthi Sabha suggests that the age should be 12. The Vice-Chancellor of the Allahabad University, Mr. Gopinath Kaviraj, and Justice Nanavati think that the age should be 12. The Government Pleader of Gauhati would support the Bill if the age limit for girls were reduced to 12 years. The conservatives and the orthodox people in Madras suggest that the age for girls should be fixed at 12. The Advocate General, Madras, is of the same opinion. Justice Mepherston of the Patna High Court considers 14 and 12, respectively, as the proper ages for boys and girls. The Local Government of Bombay are in favour of 14 years, but a majority of those consulted hold the view that the age limit for girls should be 12 years. The Bhagini Samaj suggests 16 and 21 as age limits of girls and boys, respectively.

**Mr. President :** That does not support your position. You can read only those passages which support you.

**Kumar Ganganand Sinha :** Later in the paragraph, I find opinion favouring 12. Now, Sir, these are the opinions received in support of the age of 12 from the different parts of the country, and you might have noticed that from every part of the country there is a section of opinion that favours the age of 12, and the section is, I submit, a very influential one.

Sir, one of the chief objections to marriage at any age below the age of 14, which has been fixed by the Age of Consent Committee, is that the early marriage will lead to early consummation, and it is evident that all those evils of early marriage which we decry can be brought about only by early consummation. So far as early consummation is concerned, I have stated, Sir, that even orthodox opinion does not object to the age of consummation, that is, the age of consent, being raised to 15 as recommended by the Age of Consent Committee. But marriage is looked at from a somewhat different standpoint from that of consummation. It is looked upon as a sacrament and as such it would be a violation of the sacrament if the marriage is not performed at an early age. If the recommendations of the Age of Consent Committee are accepted, early consummation will not take place even if marriages are celebrated at the age of 12. With this belief I am moving the amendment which I have read.

Then, Sir, if you look at the age fixed in the different Native States, you will see, as is given in page 344 of the Age of Consent Committee's Report, that of six Native States as many as three have fixed the minimum age at 12, one at 8 and the other two at 15. So, you will see that the public opinion in a majority of them is for 12 years.

Then, Sir, I am particularly anxious about my own province. If you take various communities among whom early marriage is practised in my province, less than one-fifth of the population are affected if the marriageable age is fixed at 12. Any higher age will touch a larger proportion and in that case it may be difficult to check the volume of discontent. My Honourable friend Mr. Kelkar said that when the marriages take place at ages varying between 5 and 12, you will be coercing some people if you fix the marriageable age at 12. Well, to that I would only say that if you fix the marriageable age at 14 you will be coercing the bulk of the people who marry. Here at page 337 of the Age of Consent Committee's Report, you will find that the bulk of girls attain puberty between 12 and 14 years of age and they are married generally at or before that age.

**Mr. President :** Then why not support Mr. Sessa Ayyangar ?

**Kumar Ganganand Sinha :** My point is, Sir, that the maximum limit to which orthodox opinion can go is 12 years. Eleven years may be a very safe age, but the maximum to which they can go is 12 years. And if you see the observations of the Age of Consent Committee, you will find that, even in Madras, people would not object to 12 years, if that is made law. So for the prevention of this evil, I would go to the maximum limit to which orthodox opinion can go. Sir, we must realise that we cannot leave everything to law. Much has to be done by educative propaganda, and as I have stated, it is because I look upon this Bill as helpful to that propaganda that I welcome it most. I consider that the absence of any acute hostility to the law will be a most useful method of carrying on this educative propaganda; hostility to the measure will retard it. We have an ignorant and credulous mass. The change should not be so sweeping

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as to goad them to take up arms against it in despair. Sir, lately we have seen the effects of sweeping changes in social matters in our neighbouring country of Afghanistan. I think such a thing will not be allowed to take place here. We want the law to be effective, and we can succeed only by following the line of least resistance. For these reasons, Sir, I move the amendment.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock. Mr. President in the Chair.

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural) : Sir, the amendment which stands in my name runs thus :

"That in clause 2 (a), for the word 'fourteen' the word 'thirteen' be substituted."

I must state very frankly that my personal opinion is that the age should not be below fourteen. I have already told the House more than once that in my own family I have observed that limit of age and God willing I mean to observe it hereafter. But at the same time I remember the fact that the piece of legislation which we wish to enact is a piece of legislation which is likely to affect a very large number of orthodox people, people who conscientiously believe that their religion requires them to get their daughters married before they attain their puberty. It is only with that object present to my mind that I have placed this amendment before this House, something which is a golden mean between the ages of twelve and fourteen. If the House likes to accept this golden mean for the present and satisfy at least some people, it will be politic and wise.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But will the orthodox people accept thirteen ?

**Mr. D. V. Belvi** : I do not know. It is true that in this House we have been told by two learned gentlemen, one the leader of my party, Pandit Motilal Nehru, and the other my learned friend, Mr. Jayakar, that they profess something like contempt for our religious books. One gentleman has said that he has consigned to the waste paper basket the recommendations in favour of this Bill and also the protests against the Bill. The other has told us that, what is stated in the Shastras is not to be found in the Vedanta, and that all those old authorities are absolute rubbish. I am not talking to people who hold those views. But I believe that I must respect the opinion of a very large number of people in this country who may be right or who may be wrong but who conscientiously believe that their religion tells them to do something. We are bound to respect their scruples.

Now, for the benefit of my European friends and others who have not read the original Shastras in Sanskrit, I wish to read just a few lines from a book which is written by a gentleman who knows India intimately—I am going to read from a book written by Sir Herbert Risley—"The

People of India". This quotation, which I am going to read, might perhaps throw some light on the religious opinions of the Indian people so far as the marriage of Hindu girls is concerned. I know nothing about the Koranic law, about the marriage obtaining among the Muhammadans ; I know nothing about it. This is what the author says :

"In no department of life is the contrast sharper between the East and the West, the stationary and the progressive societies, the races of India and the nations of Europe. The first point which strikes an observer is the almost universal prevalence of the married state. In Europe sentiment and prudence hold divided sway, and the tendency on the whole is rather towards a decline in the number of marriages. In India neither of these motives comes prominently into play. Religion, on the other hand, which in the West makes in the main for celibacy, throws its weight in India almost wholly into the other scale. A Hindu man must marry and beget children to perform his funeral rites, lest his spirit wander uneasily in the waste places of the earth. If a high-class Hindu maiden is unmarried at puberty, her condition brings social obloquy on her family, and on a strict reading of certain texts entails retrospective damnation on three generations of ancestors."

That, Sir, is what is stated by Sir Herbert Risley in his book. This may perhaps weigh with some Members of this House. I know the House is not in a mood to listen.....

**An Honourable Member** : He is no authority on a Shastric matter.

**Mr. D. V. Belvi** : I do not profess to be an authority on Shastras ; I have already said that in my own family I observe fourteen as the age and I say that society is prepared to tolerate and put up with a gentleman like me ; but society is not prepared to take a law from you forcibly ; that is my point. Now that the House has made up its mind to pass this social legislation against the consent of the people, I believe.....

**An Honourable Member** : Not against their consent.

**Mr. D. V. Belvi** : I do assert it and I assert it thrice. I submit that those who believe that this legislation is in consonance with the opinion of the masses of the people are without doubt living in a fool's paradise and they will find it out very soon. But that apart, I have already referred to this age limit that I propose as a golden mean. I merely want to enable this House, if they are so minded, to accept my amendment, and in placing it before the House I hope the House will take it for what it is worth.

**Mr. Mukhtar Singh** : Sir, I beg to move :

"That in clause 2 (a) of the Bill, for the word 'fourteen' the word 'sixteen' be substituted."

At the very outset I beg to state that I am a believer in the Shastras and the Vedas and I belong to the school of thought which believes that the minimum age for girls to marry is sixteen and for boys twenty-five. When I rise to move my amendment, I believe conscientiously that I am doing something which it is my duty to perform and there are other reasons for doing this. The latest pronouncement that has been placed before us is the Age of Consent Committee's Report, and therein it has been laid down that the minimum age at which the girls should be married should be fourteen. But I would like to point out that, if you read page 178, you will find that the age of 14 for marriage of girls is not the result of their considered opinion, but is the result of a compromise. I shall read their words and that will convince the House that, according to the Members of this Committee, the age for marriage should be not less than sixteen for girls. They say, Sir, on page 178 as follows :

"It was also suggested that we should straightaway go to 16 as the minimum for marriage as the dissatisfaction amongst the more conservative people will be just



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the same at 14 or 16, both being post-puberty ages. We, however, fully realise the difficulties and the intensity of feeling of the latter class and think that the least age we can recommend as a definite step towards the ideal of 16 cannot be less than full 14 years. We expect that some time will be taken in arranging matches after 14 and some further period may elapse before actual consummation takes place. Like all compromises the age limit of 14 may not satisfy either of the parties. We feel however that once 14, the age of puberty, is passed, the Rubicon will be crossed and the limit of 16 automatically reached, so as to render legislation for further advance unnecessary."

This clearly shows, Sir, that when I am moving my amendment, I am voicing the opinion of the Members of the Age of Consent Committee. Again, Sir, at page 172 of the Age of Consent Committee's Report, it is said :

"The educated women have almost unanimously declared for advance in the age of consent to and for a law of marriage at 16 at least".

Now, this is also a point in my favour, which clearly proves that 16 is the minimum age which the educated ladies consider to be a proper age at which girls should be married.

There is another point, Sir, looking at the whole question from a practical point of view. I would like to refer the House to the Census Reports, which clearly bring out that, even today more than 50 per cent. of marriages take place after the age of 15. That shows that if we are to legislate on the marriage law, we ought not to put the age at anything less than 16 years.

Sir, it has been stated by some Honourable Members that there is an orthodox opinion which will be against child marriage. I would refer to page 27 of the Report in which they say that the custom of early marriage is more prevalent among the lower castes than among the higher ones. That clearly shows that those people who indulge in child marriages are not the higher castes, but they belong to lower castes, and those people have no regard for religious sanction.

My friend Kumar Ganganand Sinha said, "Let us legislate and fix the minimum age of 12, and then public opinion would come round and a time might come when the orthodox opinion also would be with us". I submit, Sir, that, during the last thirty years, there has been practically no improvement in this matter.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

I may in this connection refer Honourable Members to page 28 of the Age of Consent Committee's Report :

"In spite of all the agitation for early marriage, the reform societies do not appear to have had much practical effect so far even within their own circles, much less upon the masses."

This clearly shows, Sir, that the idea of slow progress should not appeal to the House, and we should fix the marriageable age at not less than 16.

I would submit, Sir, that, according to the  
3 P.M. Shastras, there are two ideas amongst the people ; one is that there should be pre-puberty marriages, and the second is that there should be post-puberty marriages. If you are going to enact a law which will clearly go against pre-puberty marriage, I do not understand why we should not fix the age at 16 instead of 14, when the medical

authorities and the Shastras also propound that the marriageable minimum age of girls should be 16. When you know full well that, in enacting this law, you go against the orthodox people who believe in pre-puberty marriages, why should you fix 14 and not 16 ? (*An Honourable Member* : "Why not a higher age" ?) It has been asked why should not the age be higher. Personally I would not be sorry for it, because according to our Shastras 16 is the minimum age and 24 is the maximum age for girls.

Some Honourable Members quoted the authority of medical opinion to the effect that there is no harm if consummation takes place below 14. I would submit that according to our own Ayurved the greatest authorities are Sushruta and Bagbhatta, and both of them hold that the minimum age should be 16. .... It says :

*Panchvinsho Tato Varshe Pumanaritu Shodashe.*

*Samatwa Gataviryo tan Janiyat Kushalo Bhishak.*

Not only this, but it also further on lays down that, if there happens to be pregnancy before the age of 16, miscarriage will take place and if a child is born it will not live long, and even if it lives, it remains very weak. That is the medical authority on the point. That must satisfy some of our Hindu brethren that 16 is the minimum age when marriage should take place. I am told that there is a difference between marriage and *Garbhadhana Sanskars*. I admit these are two definite *Sanskars*. One is known as the *Garbhadhana Sanskar* and the other is known as marriage "*Bibaha*". *Garbhadhana* is also known as *Chaturthi Karam* "*Chaturthi Karma*".

**Mr. M. S. Aney** : No, that is the sole difficulty.

**Mr. Mukhtar Singh** : Therefore I maintain that, after the fourth day of marriage, the *Garbhadhana* should take place, and therefore you cannot, according to our own Shastras, differentiate between marriage and consummation of marriage. Then again, according to our Shastras, *Garbhadhana* is a ceremony not only to be performed once but always, and therefore you cannot say that the *Garbhadhana* ceremony or *Sanskar* is a different thing from marriage. Therefore we cannot fix the age of consent at a higher age while we can keep the marriageable age at 12 or even lower.

There is another point which I consider to be very very important. According to Hindu Law or the Shastras, once a marriage is always a marriage. If it is so is it then not necessary that, when a marriage takes place, the boy and the girl should know their duties, and they should be able to understand the consequences that are to follow ? If you marry a minor girl and if the Shastras declare, according to certain gentlemen, that marriage should take place before 12 when the boy or girl may not know what marriage really means, I would submit that we would be practically forcing one section of people. This means that girls ought to have no voice in their marriage and yet they should be bound for all times to come.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Do the boys have a voice ?

**Mr. Mukhtar Singh** : Certainly they have.

**Mr. B. Das** : That is news to me.

**Mr. Mukhtar Singh** : I may be allowed to state that, according to the *mantras* that are recited at the time of marriage, the boys and girls should

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be of sufficient age to understand the meaning of marriage. There is a *mantra* which runs as follows :

*Om, Omo, Aham Asmi Sa Twam Sa Twamsyamo Aham....etc.*

It clearly means, "I understand what is meant by marriage and knowingly I enter into the contract". That means that marriage is to take place at a time when the boys and girls understand what is the meaning of marriage. I would be very much obliged if any Honourable Member who speaks against this amendment will say whether these words can mean any thing else. That means clearly, just as you have the words in the ordinary deeds "Ba-raza-o-raghat-i-khud", that the marriageable age according to the Hindu Shastras, according to the highest authority of the Vedas, ought to be at a time when boys and girls can understand what they are doing. Unfortunately, to-day these *mantras* are not recited by the husband and the wife. That is our misfortune. In accordance with the Shastrie injunction they ought to be recited by both the husband and the wife. There are other injunctions in the Smritis also that a girl ought to wait at least for three years after the first menstruation takes place. That will bring the age to 16.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : At least for three years ?

**Mr. Mukhtar Singh** : At least for three years, that is how we render the translation of that Sloka.

**Pandit Nilakantha Das** : It is strange.

**Mr. Mukhtar Singh** : It is a well known principle of Hindu Shastras that only *Brahmacharins* and *Brahmacharinis* can enter into the second stage of *Grihastha*. May I inquire what will be the age for a *Brahmacharini* if it is not 16. ....

**Mr. M. S. Aney** : What is the age for a *Brahmacharin* ?

**Mr. Mukhtar Singh** : 25 years.

**Mr. M. S. Aney** : When does the *asram* of *Brahmacharin* begin ?

**Mr. Mukhtar Singh** : The *asram* of *Brahmacharin* begins from 6 to 11.

**Mr. M. S. Aney** : Is he a *Brahmacharin* then ?

**Mr. Mukhtar Singh** : At the time of marriage one should be a *Snatak* (one who has finished his educational career), and according to Manu himself he ought to have read at least one Veda. No Hindu has a right to marry unless he had read at least one Veda. May I inquire whether all these injunctions are meant only for the boy and not for the girl, and if so, may I inquire, are the girls not allowed to educate themselves to read the Vedas and to read the Smritis ? If they are, may I ask, if they are married at the age of 11, whether there is a chance for reading. ....

**Mr. M. S. Aney** : Why not educate them after the marriage ?

**Mr. Mukhtar Singh** : I see. I consider that the southern part of India is the only place where we can say that the Hindu culture has remained up to date what it ought to have been. (*An Honourable*

*Member* : "Question ?") Even among the southern country I do not find that there are schools where girls can, after their marriage, educate themselves.

**Mr. M. S. Aney** : There are.

**Mr. Mukhtar Singh** : May be, but at least, so far as I know, girls are never allowed to go to schools after they are married. If we consider that education is necessary for boys as well as for girls, I cannot understand how anybody can stand up and say that the girl should be married at the age of 11 or 12 or even at 14. I have tried to show that on account of these reasons the marriageable age of girls to be 16 and not 14 or 12. There are other reasons also which I consider to be very important. Suppose we decide today that the marriageable age ought to be 12 and that the age of consummation should be 15. May I inquire if the orthodox Hindus will not be much more injured if the husbands are punished on account of the rape with their wives ? To me it seems inconceivable that there can be a rape by the husband. According to my reading, according to my light, according to the very *Samskar*, the *Vivaha-Samskar*, marriage takes place only for this purpose and there are *mantras* which are recited at the time of the marriage showing that one of the ideals of marriage is procreation. ....

**Pandit Nilakantha Das** : According to which commentary does it show that ?

**Mr. Mukhtar Singh** : It is not a question of commentary. If my Honourable friend knows Sanskrit, and I understand he does, he cannot translate the *mantras* in any other form. I read that *mantra* for him :

*Indra-agni Ghyawa Prithivi Matarishtha,  
Menria-varuna Bhago Ashurnoma,  
Brahspatir Maruto Brahma Soma,  
Imam Narim Pujaya vardhyantu.*

The words *Imam narim pujaya vardhyantu* cannot mean anything else. What is marriage for ? Marriage is known to be the repayment of a debt known as *Pitri rin*. That very clearly shows that marriage takes place for the sake of procreation.

**Pandit Nilakantha Das** : Immediately to repay it ?

**Mr. Mukhtar Singh** : I challenge my Honourable friend or any other Member to show me any Smriti or any other Shashtra which say that if consummation takes place after marriage but before the age of 15 or 16, it is penal. If it is not so in the Shastras, I believe that marriage is meant only for this purpose—at least that is one of the main ideals of marriage. You do not find in the Shastras that when a *Garbhadhan* takes place after marriage but before the age of 16 or 15 it is penal or that it is a sin. If it is not a sin, I cannot understand what is meant by saying that consummation must take place afterwards and that marriage should take place before.

Then, there is another point. It is impossible to conceive that the marriage of a girl should take place at the age of 11, while consummation should take place at the age of 16. Let us take it, for the sake of argument, that that is possible. What will be the difference at the time of consummation between the ages of the boy and the girl ? Hardly a difference of three or four years. (*An Honourable Member* : "Why ?") It cannot be the difference of nine years at any rate.

L11CPB(LA)

[Mr. Mukhtar Singh.]

You cannot marry a girl of 11 to a boy of 20. (*An Honourable Member* : "Why not?") (*Another Honourable Member* : "It is done in Madras?") If it is done in Madras, I say it is impossible for the simple reason that a boy who marries a girl of 11 at the age of 20 will not wait to consummate the marriage for four or five years even if he be under the guardianship of an ideal person like Mr. Acharya. It is an impossibility unless there be exceptional causes which may force him to do so.

There is one other point which is an important one, and it is an economic one. In towns and villages the Hindu marriage costs very much. Speaking of my own province, Sir, I can say that many families have been ruined on account of the cost incurred at the time of marriage.

**Mr. M. K. Acharya** : How will this Bill remove it?

**Mr. Mukhtar Singh** : I shall tell you how. If there are a girl of 16 and a boy of 25 and they are going to be married, then they will not allow their parents to contract debts and to ruin themselves, as they understand the value of money at that age. By the time the consummation takes place, the interest on the amount spent would be very very high. I may refer my friend to a book by Mr. Darling on the peasantry of the Punjab, and you will be convinced that what I have stated is absolutely correct. Now, Sir, I have tried to show that there are people who conscientiously believe that 16 is the proper age, and if conscience is to be taken into consideration, they have a right to be heard. When you bring a law on the Statute-book, that will be a clear indication to the people outside that this House considers that 14 is the marriageable age and this will prevent the reformer from achieving success in his efforts in raising the age of marriage to 16. My Honourable friend Kumar Ganganand Sinha quoted the late lamented Lala Lajpat Rai. For his edification I will quote what he said.

**Kumar Ganganand Sinha** : About Western society?

**Mr. Mukhtar Singh** : I will quote him as an authority on Eastern society. He said : "If I have my way I would raise the marriageable age of girls to at least 16". That is the opinion of Lala Lajpat Rai. The greatest man in our country, Mahatma Gandhi, has wired that the minimum age should be 18. So, Sir, when I move my amendment, I have the greatest people on my side and I hope this House will pass my amendment.

**Pandit Thakur Das Bhargava** (Ambala Division : Non-Muhamadan) : Sir, I rise to support the age given in the Sarda Bill. We have just heard a speech from my friend Mr. Mukhtar Singh that 16 should be the marriageable age, and if a person marries his daughter below this age, then that man should be sent to jail. That is the amendment which my friend has moved. I will explain why the Age of Consent Committee fixed the age of 14 unanimously. The Preamble to the Sarda Bill reads thus :

"Whereas it is expedient to restrain the solemnisation of child marriages."

While agreeing in the main with the arguments advanced by my friend, I may submit that wisdom and caution both demand that such an age for a penal law should be fixed as would be acceptable to the majority, an age which would be regarded as workable by the majority

of the people. Personally I have no objection to fixing 16. As the Committee have pointed out in their Report, they have arrived at 14 as the compromise age. As has been pointed out by my friend Kumar Ganganand Sinha, if the age is fixed at 12, then one or two years will be spent in finding the bridegroom and arranging the marriage. Similarly, if the age is fixed at 14, as the Age of Consent Committee point out, then one or two years will be taken in solemnising the marriage. Thus, the age of the girl will be about 16 at the time when she goes to the home of her husband. It is true that the proper age for the marriage is not 14. I realise that, and from the evidence before the Age of Consent Committee, the Committee could not have come to the conclusion that 14 was the proper age. As remarked on page 178, 14 was regarded as a compromise age. My own objection to my friend's amendment is that his age would be too abrupt. We know that people are marrying their girls at the ages of from 1 to 10 and that more than 42 per cent. of the girls in this country are married when they are below 15. A perusal of the statistics given in the Age of Consent Committee's Report (page 96) would show that, under the age of five also, there were 2,18,463 girls married, and the number of girls married below the age of ten were 20,16,687, whereas the number of girls married between ten and fifteen was 63,30,207. If the number of widows is added, then, as Honourable Members will find from the Report, about 42.2 per cent. of the girls are married below the age of fifteen. For such people, Sir, as have been marrying their girls below the age of five and ten this change to fourteen will also be rather abrupt, whereas for those who have been concealing the puberty of their girls, for those who have passed Resolutions that the marriageable age should be increased, but who in practice do not observe those Resolutions, this age will be regarded as a sort of help, and it is in this hope that the Age of Consent Committee decided to stick to the age of fourteen instead of sixteen. As regards those who advocate the age of twelve, I have to submit this that I can understand the mentality of those who think that, in social matters, Government should not interfere—not that I am in sympathy with that, for I understand that in other matters Government have already interfered. Even now, the law of consummation at thirteen is an act of interference with the Hindu law and the Muhammadan law as propounded by orthodox people; but leaving that question aside, I want to know from those who advocate a marriage law at all whether they are not playing with the religious notions of those who believe religiously that they should marry their daughters below the age of ten. As a Member of the Age of Consent Committee, I had occasion to roam over the whole country and I came across a class of people numbering not thousands but lakhs who thought religiously that if they did not marry their daughters at the particular time when they got the opportunity they would be committing a sin. There are people in the Bombay Presidency who believe that their daughters should be married irrespective of their age. If the age of the daughter is even less than one year and no husband can be found for her, they think it is their duty to marry her to a garland of flowers. But let me be quite clear. They think that they are religiously bound to do so, otherwise they will be incurring sin. Exactly in the same way is the case with those orthodox people who believe that they would be committing a sin if they do not marry their daughters before puberty. As between the two, I do not see any difference, Sir. (*Mr. M. K. Acharya* :

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“ Very sorry ”.) I am sorry for those to whom it was pointed out when they appeared as witnesses before the Age of Consent Committee and they had to admit—I am referring specifically to Mr. Acharya, and he had to admit that if this proposition is pursued, logically, he will have to come to the conclusion that no one set of persons has a right to force that opinion upon another set of persons (*Mr. M. K. Acharya* : “ Quite right ”.) Therefore, when Mr. Acharya supported this Bill at the time it went to the Select Committee, I think he was perfectly wrong. (*Lieut.-Colonel H. A. J. Gidney* : “ Hear, hear ”.) Mr. Acharya said that he (*Mr. M. K. Acharya* was going to interrupt) represented the opinion of his wife. . . . . (*Mr. Deputy President* : “ Do not listen to him ; go on ”.) He made a statement in this House when the Bill was referred to the Select Committee to the effect that he had consulted the ladies of his family and his wife particularly—whom even at this age he was pleased to call “ the good, old lady ” (*Mr. M. K. Acharya* : “ I say that now also ”.) (Laughter.)—expressed to him that opinion and I beg to ask him, what has happened to that opinion ? Sir, the Leader of my Party made an impassioned speech in this very House and made out conclusively a case for marriage legislation for the whole of India, and it was at his instance that all other communities were included in this Bill. That aspect being settled the question now is this, below what age marriage should not be permitted ? As regards that, we have heard the speech of Mr. Mukhtar Singh, who belongs to one class of thought among the Hindus, and we have heard the speeches from Mr. Sessa Ayyangar and other gentlemen, who represent the other school of thought and support the age of eleven or twelve. I want to know how is this tangle to be solved ? (*Mr. M. S. Aney* : “ In the way the Committee has found ! ”) It can only be solved in the way the Committee has solved it. (*Mr. M. S. Aney* : “ I did not use those words ”.) I thank him for that. According to the Shruti, it is absolutely clear that youthful maidens were married in Vedic times and I challenge everybody in this House (though I am not a great Pandit) to quote anything from the Shrutis, from the Vedas, to show that child marriages were countenanced in the Vedic times. And the Vedas are regarded as the revealed books of the Hindus. I unhesitatingly declare that he will be a bold man who will accept this challenge of mine. As regards the Koran also, I make bold to say the same. As regards the Smritis and the other books, of my fellow-brethren, the Muhammadans, I would submit that they have got a family resemblance. At Lucknow a Muhammadan gentleman, who was a practising lawyer, quoted before us from one book saying that those parents are fortunate whose daughters menstruate at the house of their husbands. Similar quotations were placed before us when we went to Madras and other places, so that there is a family resemblance in the Smritis and some books of the Muhammadans. But I will just quote before this House the opinions of two very respectable and orthodox people to show how orthodox but not extremely orthodox gentlemen look at these Smritis and other books. I will quote the opinion of the Secretary of the All-India Sanatan Dharma Sabha, Mr. Ramakant Malaviya the son of our revered Leader, Pandit Madan Mohan Malaviya. He appeared before us and he said that in his opinion the age of fifteen was the proper age for marriage. It will be idle to say that he did not consider

the point of view of the orthodox people. He considered the question of consummation also, and in respect to both matters his clear opinion was that, whatever the Shastras said, fifteen should be regarded as the proper age. Now, he is not an impatient idealist, he is not a man who can be said to be irresponsible. Similarly I will quote the opinion of Mr. Tufail Ahmed, a pleader. He also said the same, that the Muhammadan law does not countenance the marriages of minors, and in his opinion, even if anything was to be found in Muhammadan books except the Koran which led to the belief that a parent was undoubtedly authorised to marry a minor girl, and the present law would curtail his liberty, in his opinion the marriage age should be fixed at not less than fifteen. Therefore, my submission is that, considered from the point of view of the Shastras alone, the revealed books of the Hindus and of the Mussalmans do not countenance early marriages at twelve.

Now, Sir, it really pains me to find that among my Honourable friends who are arrayed against this age of fourteen I find people whom I respect very much. Now, Sir, I do not suppose any body would think that it would delight anybody's heart that, on an occasion of festivities in a Hindu or Muhammadan house, the parents or the husband should be sent to jail. Nobody can take delight in a contingency like this and those of my friends who think that their religious susceptibilities are not being respected in this House will certainly give us the credit that we respect their sentiments very much.

**Mr. M. K. Acharya** : You will send them to jail.

**Pandit Thakur Das Bhargava** : My friend asks, why should there be a penal clause ? I would respectfully submit to him to remember section 87 of the Indian Penal Code, whereby the principle of the law is laid down that no man shall be allowed to hurt another. And a boy and a girl, before the age of 18, cannot submit themselves to any sort of injury without their consent. I want to ask my friend if he wants to revert back to the *Patria potestas* of the Roman law. Does he want to revert back to those times, when the law declared that the woman shall always be under tutelage ? While she is a young girl, she will be under the tutelage of her father, then under the tutelage of her husband, and then subsequently under the tutelage of her sons. I submit to him that the times have changed and he cannot stem the tide of time. Sir, I am rather amused that gentleman after gentleman has got up in this House and said that his personal opinion was that the age should not be less than 14 and that it should be 16, and yet as their constituents did not want it to be 16 they would subordinate their views to the views of their constituents. May I respectfully ask these gentlemen whether they took the opinion of their constituents in any constitutional manner.

Now, Sir, Mr. Belvi said that he would not be representing his constituency aright if he gave his vote in favour of 14. May I respectfully ask him if he took a referendum, if he went to all the voters and then came to the conclusion that more than half the voters wanted less than 14.

**Mr. D. V. Belvi** : No legislation on social matters is required.

**Pandit Thakur Das Bhargava** : I understand that he has given an amendment for 13, and I believe that he will vote for it at least. Did he take a referendum from all the electors to the effect that they do not

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want such social legislation? My friend is too optimistic. I will read from page 96 of the Report, where statistics are given. Hundreds of years of social reform have not been able to effect any appreciable change in the sentiments of the people. On page 96 you will find that, in spite of great activities on behalf of the social reformers, the custom of early marriage has not seen its last in this country. (Mr. M. K. Acharya made an interruption.) Now, Sir, I know that gentlemen can make interruptions in this way, but let them make intelligent interruptions. I know of certain gentlemen who are Members of this House, who said that they did not believe in social reform. They do not believe in legislation; they do not want any law from the foreign Government. That was the only stand taken by them. I have no quarrel with them, but I do not agree with them. As regards others, may I remind my friend Pandit Nilakantha Das that his opinion before us was that the least age for marriage should be 16.

**Pandit Nilakantha Das :** It is so still, so far as I am personally concerned.

**Pandit Thakur Das Bhargava :** Then he was asked, if the age was raised to 16, would there be any sort of agitation. His reply was that the reformers were too strong. Six or seven per cent. of the people might make an agitation, but he said "We can stand it because we are the leaders of the people". If it is true that six or seven per cent. of the members of the constituency of my friend are in favour of child marriage and 93 per cent. are not, may I ask him if he is justified in going towards the side of those who are voting for 12? Sir, I do not want to take much time of the House, although I can go on still further quoting examples of those gentlemen who appeared before us and were.....

**Pandit Nilakantha Das :** May I make a personal explanation, Sir? I have not opened my mouth on this Bill. My friend has perhaps referred to my evidence before the Age of Consent Committee which has not yet been published. But what he says has exactly happened. I cannot say I am personally against measures to stop child marriage. So far as my constituency is concerned, this measure practically does not affect it. It is a very small minority there which is affected by it. But as legislators in this House, and not as radical reformers, which is not our business here, in a penal measure like this we should see that if a majority or even a substantial minority in the country will have to be adversely affected by the measure, we cannot but be very careful. This is, however, what I gave out to my friend in private conversation.

**Pandit Thakur Das Bhargava :** I am glad of the explanation which is given by my friend because it supports my case all the more. My friend, according to himself, is a representative of a constituency in which this Bill will not penalise people. According to himself, a greater number of the residents in his constituency will not be affected by this Bill. Now, Sir, may I humbly ask him under what canon does he want to vote with those who advocate the age of 12 years. His constituency wants that he may vote for more than 12; for 16, with what face can he vote with those who advocate 12? I leave him there.

Then, another question was raised, and my friend Kumar Ganganand Sinha made a great point of it, that the people in general do not want

more than 12. May I remind him that the consensus of opinion of all the ladies that appeared before the Age of Consent Committee was that they wanted 16 to be the minimum age. (*An Honourable Member :* "What about orthodox ladies?") Then, as regards the fact whether the ladies who appeared before us were orthodox or not, I will only refer to the argument of my friend Mr. Sesha Ayyangar who was pleased to say in the opening part of his speech that the orthodox ladies live in pardah and therefore their opinion cannot be known. If their opinion cannot be known according to him, I want to know how Kumar Ganganand Sinha and Mr. Sesha Ayyangar came to know of their opinions. Then, Sir, it is also not true that the Age of Consent Committee did not make any effort to find the opinions of orthodox ladies. We went to villages to find out the opinion of the ladies there. We visited a certain village in Madras where we asked the ladies to sit on one side and the men to sit on the other side. We asked the opinions of the ladies and the men were also hearing the evidence. All these ladies said that they wanted a marriage law according to which the age should at least be fixed at 14. The men said, "The ladies know nothing; and we know better. If you penalise us, then we may be put to some trouble". We had Madrassi gentlemen with us as interpreters and there was no difficulty in finding out their view points. In every province we made it a point to visit the villages, and I can assure the House that the village people are in favour of a Bill like this. It is wrong to say that the majority of the orthodox opinion does not want this Bill. (*Voices :* "Question?") It is very easy to say "Question", but the Report of the Age of Consent Committee is before you. You got four Members of this Assembly on to this Committee and they have submitted a unanimous Report. You abused the Government the other day and said that the Sken Committee's Report had been shelved. But this is a Report which has been submitted to you by four men who belong to this House and six others, and all of them have submitted a unanimous Report. I cannot understand why this Report should be given a go-bye and thrown into the waste paper basket, only for the reason that it does not, according to some, represent extreme orthodox opinion.

**Mr. Deputy President :** Have the Government taken any notice of this Report?

**Pandit Thakur Das Bhargava :** I know what the Government are doing. On this occasion, I am forced to congratulate the Government on their attitude towards this Bill. But I must say that it is due to force of circumstances that the Government have been compelled to accept this Report and this Bill. This Government was alive to the evil effects of child marriage all these years. When they stopped *Suttee*, why did they not stop child marriage? My charge against the Government is that it moves when it is too late in the day. When the Government was forced by public opinion in India and abroad, they have taken up this attitude. All the same, I congratulate the Government on the attitude they have taken up on this Bill. Even if the Government have not sent in any amendments to this Bill which the Committee recommended, I submit that I have sent in amendments, and I hope the House will accept them and pass them. At this stage, I may join hands with my Honourable friend Kumar Ganganand Sinha in asking the Government to see that this Bill is worked properly. If we pass this Bill, then it would be a pious wish of this House that child

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marriage should go away. If we are serious about this Bill, the Government should consider the recommendations that have been made by the Committee to give effect to the provisions of this Bill. The Government should remember that they are penalising the marriages of people who are illiterate and who belong to the depressed classes and who are in all stages of development. It is the clear duty of the Government to first see that the provisions of the Bill are known to each and every person in the country. It is the duty of Government to make propaganda about the evil effects of child marriage. The Government have so far not done this and the Government have been guilty of a great wrong to this country by their supineness and indifference towards the evils which they could always see all round unless they waywardly shut their eyes all along.

Now, Sir, in this connection may I submit one word? When I am asking this Government to do its duty, it behoves me and all those who belong to my school of thought to do our little bit in spreading the knowledge about the evil effects of child marriage and in co-operating with the Government in this matter. There are certain sections of the people who think that, though the Government are doing the right thing, yet they do not want to support the Government in this matter. May I humbly lay at the feet of my Honourable friend Mr. Amar Nath Dutt the evidence which he gave before the Age of Consent Committee in this connection?

**Several Honourable Members :** Read it.

**Pandit Thakur Das Bhargava :** He said as regards age that it must be 16 for girls and 24 for boys.

**Mr. Amar Nath Dutt :** But not by legislation of this Government.

**Pandit Thakur Das Bhargava :** Let us consider this dispassionately. Well, my Honourable friend will excuse me if I do not give any weight to his words, because he does not stick in public to what he says in the evidence before the Committee. Did he not say that every Bengali home is suffering from the evil effects of early consummation?

**Mr. B. Das :** The evidence has not been published.

**Pandit Thakur Das Bhargava :** Am I to understand it is confidential, because it has not been published?

**Mr. Amar Nath Dutt :** You should not misquote me.

**Pandit Thakur Das Bhargava :** Before I decided to refer to the evidence of Mr. Amar Nath Dutt, I had asked some Members who had previously served on other Committees as to whether I was entitled to state before the House the opinions of witnesses who appeared before the Committee, and they assured me that I could refer to the evidence. It is only then that I made bold to express the views given by Mr. Amar Nath Dutt. It is unfortunate that people do not stick to their opinions once given. (Hear, hear.) One of us asked my Honourable friend, Mr. Dutt, as to what he had done in the matter of social reform all these years because he was against legislation by a foreign Government. And the reply which he gave us was that he had done precious nothing.

**Mr. Amar Nath Dutt :** I am not a professional social reformer.

**Pandit Thakur Das Bhargava :** Then again one of us asked him while he was in the witness-box if he hoped that he could attain Swaraj when a large number of girls died at an early age. When this question was put he said that it was not the duty of those who claimed Swaraj to be a party to the social swaraj of giving the daughters of India their rights at least in the matter of marriage and that it was not on physical progress that he relied but political battles have to be fought by words and arguments and not by strength of arm and that he did not believe in the proverb "A healthy mind in a healthy body". (Laughter and applause.)

**Mr. Amar Nath Dutt :** It is a deliberate falsehood.

**Pandit Thakur Das Bhargava :** I am extremely sorry that my Honourable friend is rather nervous today.

**Mr. Amar Nath Dutt :** No, Sir, I am bold enough to stand up and meet my Honourable friend and point out where he is making false statements.

**Pandit Thakur Das Bhargava :** I am responsible for each and every word of what I say.

**Mr. Amar Nath Dutt :** As it is no offence to tell lies here, it is very easy to speak like that, which is nothing but the responsibility of an irresponsible youth.

**Pandit Thakur Das Bhargava :** This is the state of things which I deprecate most strongly, that is that gentlemen who are convinced in one way about the marriageable age of girls should vote in another way when it comes to a question of voting in the House. May I also remind the House that, when the Bill came before the House in 1925, the attitude which Mr. Amar Nath Dutt then took up was quite different and his present attitude is not in consonance with his past. If you just study the proceedings of the House in 1925, it would appear that he was in favour of the age of 14 or perhaps even 16 in the matter of consummation of girls. (*Mr. D. K. Lahiri Chaudhury :* "What has consummation to do with this Bill?") Now my Honourable friend Mr. Lahiri is entirely mistaken if he thinks that this marriage law has nothing to do with consummation. This is the main ground upon which we built our case. I submit, Sir, that if you want to stop early consummation, if you want to stop the evils of pre-puberty consummation and consummation soon after puberty, you must soon pass this law. No law of the age of consent could be successfully worked unless it has got this backing of marriage law. If the law of age of consent at 13 was worked successfully in all its rigour, I think not one deputation, but hundreds of thousands of deputations will have to come not only from Madras but from all parts of the country and they will display a state of things which will be most disgusting.

I will respectfully submit to the House to visualise the position of every husband who had a wife below 13. As soon as she goes to her husband's place and meets her husband, in every case the husband would be prosecuted. I cannot consider this contingency with equanimity or the present state of things as satisfactory. This law fixing the minimum age of marriage is a sort of restriction upon human liberty but to a much smaller degree than the law of the age of consent. I submitted a note to the Age of Consent Committee's Report to the effect that I think every person should look forward to the day when the



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law of marriage would be rigorously enforced and the law of the age of consent will not be rigorously enforced. I wish we had no occasion to have recourse to that. And I think every Honourable Member of this House will agree with me when I say that you may not have a law of consent but you must have a law of marriage.

Sir, I have submitted in brief the reasons which led us to come to the conclusion that 14 was the least age of marriage to which we could agree. I will therefore submit that the age of 14 should be accepted.

**Sardar Bahadur, Honorary Captain Hira Singh, Brar** (Punjab Nominated Non-Official) : Sir, much has been said about child marriage on the floor of this House, and there is very little left which may now be urged. I get up to support the amendment moved by my Honourable friend Mr. Mukhtar Singh. Sir, I will ask this House, does it think that at 14 years of age these little girls are fully developed and will produce a strong and healthy nation? On the one hand we want to produce a healthy, strong and well-built nation, and on the other hand we do not want to drop our ancient customs. Dr. Moonje and other friends like to give military training to the future generation. I wonder what will be the good of that military training for children of 12-year-old mothers. We want children who will carry 60 pounds on their shoulders, and walk 30 miles a day. Will the girls who are married at 12 or 14 years of age produce such children? The question of selecting cadets for Sandhurst comes up every day, and these cadets are to be bachelors before they are selected for Sandhurst. Their age for selection is fixed at 18 years. I think a high percentage of 18-year-old children in certain parts of India are fathers of half a dozen children. Now, Sir, if we want to build a good nation and want the boys to undergo military training and want to see them take their place in the same ranks with the other nations, I am sure the Members of this House would like to raise the age to a little more than 14. Of course 14 years is a little better than 12 or 13; but why not increase the age to the limit of 16? This age we ought to have raised a generation ago. It has been already too late because we cannot get the proper material to take the place of the officers, particularly the commissioned ranks of the Army. I am sure Dr. Moonje and other admirers of the boys who should take the place of the officers in the various services in the Army will go forward and raise the age still higher than 14.

Then there is the saying that, "When a child has fallen you should make a hole in her ears while she is crying." As  
4 P.M. we are going through this Bill, why not raise the age now? We require of our boys a good body and a good build. If we look round this House we find that several races who marry at a mature age are better built than those whose children are married at an early age. A strong built boy is not only a pride to his parents, but a pride to his family and to his nation. If we leave the age only at 14, I am sure that after 10 or 20 years we will repent that we did not fix it higher than 14, because there will not be very much improvement among the children.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Why not make it 18?

**Sardar Bahadur, Honorary Captain Hira Singh, Brar** : Those who would like to have still better children will marry at 18. At any rate if the age is fixed at 16 there will be better children.

**Mr. Muhammad Rafique** (Calcutta and Suburbs : Muhammadan Urban) : Do you get better children at a higher age?

**Sardar Bahadur, Honorary Captain Hira Singh, Brar** : Undoubtedly. Look at the other nations. It is just like a photograph. When you have got a well-developed person, you get a good photograph. But if you take a child's photograph, you produce another child; you cannot produce a well-grown up and fully developed man out of that young photo. If we look at the figures here we find men of 55 with broad chests and good physique, whereas if you look at the other end you find very weak and narrow-chested persons.

**Mr. Muhammad Yamin Khan** : Why not suggest eighteen now?

**Sardar Bahadur, Honorary Captain Hira Singh, Brar** : I shall leave 18, 19 and 20 alone for the present. I think there are many Members here who will marry their daughter at 18 or 20, or even more than that. The higher the age you fix, the better the children you produce. The lower the age you fix the more puny the children you get. If you cannot get rid of this uxorious custom it is nobody's fault.

Then comes the question of attack and defence. You cannot expect defence from a little child, who is afraid of a little rocket bursting miles away; what you should do is to produce men who will stand rockets and shells bursting on their heads and yet have strength and nerve and a strong moral. You cannot produce good nerve and a good body from a child girl of fourteen years. I admire the brains of my friends from the South and East no doubt, but it would make me doubly proud if I saw those heads on well-built bodies. It would then be a great improvement. Now, the heads are too big and the bodies too small. It is all right for office work and for literary work, but no good for out-door work and for fighting other nations and defending our own country in the field.

**Diwan Chaman Lall** : Good for the civil service.

**Sardar Bahadur, Honorary Captain Hira Singh, Brar** : In my country I can tell you that we have to deal with Pathans. My Muhammadan friends like Mr. Yamin Khan may quote passages from the Koran and other books—I do not know anything about that; but I think the Kabuli Mussalmans are more orthodox than Hindustani Mussalmans and they do not marry their daughters until they are 20. I have personally seen it myself that their girls are not married till they are 20; and if my friends, Mr. Rafique and Mr. Yamin Khan will come to the North West Frontier, they will see the body and physique the Pathans possess, with whom their Punjabi friends have to fight. You will then see the difference and you will then judge the value of a good body. You cannot value it unless you go to those places.

I do not know and I cannot quote anything from the Shastras, but this much I can say, that we are very late already in raising this age limit; and we will still be very late if we do not raise the age now to 16 or 17. It does not matter to many of us here, but it does matter to those who always come forward and ask "Why cannot we get this and that?", where it is a question of good physique and a well-built body. When other nations

[Sardar Bahadur, Honorary Captain Hira Singh, Brar.]

are breeding their animals and cattle and their transport animals, we must at least pay our full attention in this matter and we must produce at least as good boys, if not better, as those produced by other races. I think that, for the honour and pride of our future generations, we should support this motion and raise the age from 14 to 16.

**The Revd. J. C. Chatterjee** (Nominated : Indian Christians) : Sir, I rise to oppose all the amendments for the lowering of the marriage age and to support the age as given in the original Bill of my Honourable friend, Rai Sahib Harbilas Sarda. Sir, it seems to me, after listening to the long debates on the subject, that there are two main reasons urged by the opposition against fixing the age at 14, and in support of lowering it to 11 or 12. The first argument that has been brought forward by Member after Member is that the lower age is more in accordance with the injunctions of holy books. So far as I can understand Mr. Sesha Ayyangar, he has laid great stress on the score that it will be more acceptable to religious-minded and orthodox people that the age should be lowered to 11. I am in a great dilemma over this subject. In the first place it has been maintained again and again that the mere fact of this House taking up legislation on this subject was against the religious views of orthodox people. Some people would exempt communities from the operation of this law, because they think that it is interference with their religion. Other people want the marriage age to be brought down to 11, because they say any age higher than that would be against the tenets of their religion. There is another gentleman who wants to lower the age for the sacrament of marriage to as low as 10, because he says any attempt to raise the age above 10 goes against his religion. The very fact, Sir, that this House has accepted the principle of the Bill and sent it to Select Committee is to my mind proof, that the House was prepared to say : "We paid great attention to the views of people who think that it is against their religion that such and such age should be fixed, but the fact that we sent it up to Select Committee shows that we accept the principle that this House has the right to legislate on the question of marriage in a practical, common-sense and above all in a humanitarian way, and that whereas we must go slow and pay due attention to the views of people who have got religious objections (which I rather think are prejudices due to custom and sometimes to superstition) that we should respect them as far as we can go. We must therefore accept the position that this House has the right to legislate on marriage which is not only a religious sacrament but also a social institution and contract, in as humanitarian, practical and sensible a way as befitting the customs and requirements of the modern age." Having said that, Sir, I think it is now too late in the day to try and plead that the dictates of religion prevent us from going forward, and because some people think religion demands it. As a matter of fact there is great divergence of opinion on the subject—some people think that religion lays down the marriage age and other people say it does not—I cannot go into the religious controversy—because I am not competent to do so. But I do say that there is great divergence of opinion among theologians. Anyway this House has, by its action in sending the Bill to Select Committee, and by the subsequent debate, shown that we cannot agree to drop this Bill or alter its provisions merely because certain people think that their religion requires it. I say that it is too late for such a course and

we must proceed with this Bill in a practical common-sense way, paying such attention as we reasonably can to the views of the other side. I submit that the fact that we are putting the age at 14 and not 16 is a great concession to those who hold the orthodox point of view, and I believe that if we go any lower than that, we are ruining the Bill.

Then the second main reason in support of a lower age urged in the course of the debate is, from my point of view, an unfortunate one. It has been said that, in order to preserve society and to preserve the purity of our girlhood and womanhood, girls should be married before puberty. In support of that view, we had quotations from certain writers from the west, books, which I consider unfortunate, to prove that in countries where the marriageable age is high there is great lack of chastity and so forth. Sir, I do not claim to speak on the subject of the morals of other countries. But I would only say that I have had my share of travel. I have travelled throughout the length and breadth of the United States of America, and a great deal about the state of society in this country has been said in the House. I have visited a good many places on the Continent of Europe. While I cannot deny that there are lapses from the moral code in those countries, I must also say that there is much virtue and a high moral standard exists. The standards of purity in England and America are as high as those in any other country. If we look for evil, we can find it anywhere. Have we got no evil behind the purdah in this country ? When we marry our little children who cannot understand what marriage is, is it not in itself a lowering of moral standards ? After all, if we are going to buy morality and purity at the cost of imprisoning little children, just as we put birds into a cage and keep them secure, then what choice or liberty of action is left to them ? What is the use of purchasing purity at that price ? I therefore submit, that at least on these two grounds we cannot agree to the lowering of the marriage age.

Then, again, Sir, if you put down the age at 11 or even at 12, I should be forced to vote against the Bill entirely, and that for this reason. 14 is the age which is considered in the majority of cases in this country to be definitely a post-puberty age. But 11, 12 and even 13 are doubtful ages. It is most difficult to tell the difference between the ages of 11, 12 or 13. It will be quite easy for a man to marry his girl at 11 and say that she was 12 or 13. But 14 is a stage which you can distinguish more easily. It is quite possible to determine if a girl is 14 but if the marriage age is fixed below 14, it will be somewhat difficult to find out if she is 11, 12 or 13.

Another reason why I want this Bill to stand as it is, is that the girls of our country may become educated and fit wives.....

**Mr. M. K. Acharya** : Is that higher age prevalent anywhere ?

**The Revd. J. C. Chatterjee** : I do not know anything about Madras.

**Mr. M. K. Acharya** : Anywhere in India ?

**The Revd. J. C. Chatterjee** : I shall leave Mr. Acharya alone for the present. One of the reasons why I feel that 14 should be fixed as the minimum is to enable our girls to proceed with their education. I have been recently travelling on a certain Committee which has been gathering evidence on the question of education of girls, and I find that, even in

[The Revd. J. C. Chatterjee.]

advanced provinces like Ajmer-Merwara or Delhi, where the marriageable age is not so low as in Madras, witnesses after witnesses have urged that it is impossible to bring compulsory education into force if the marriageable age of girls is to remain at 10 or 11, as it will be a great handicap in the way of the education of these girls. Even in these parts, it is unfortunately true that the system of early marriage is one of the greatest obstacles to the education of girls. This therefore is a very strong reason why the minimum marriageable age should be fixed at 14.

Then again, Sir, I believe that, if the House were to pass this Bill as it stands and not tinker with it, we should be killing two birds with one stone. Before long, we shall probably have an Age of Consent Bill brought up in this House. We have had a Committee sitting on this measure, and it seems to me, Sir, that there is going to be another great controversy on that Bill. I think we can save the controversy if we now fix the marriage age at 14. So far as the law regarding the age of consent goes at any rate, so far as the cases occurring within the relationship of marriages are concerned, the law must remain a dead-letter, and if it is not a dead-letter, it is bound to be a very unpleasant and disagreeable measure. I said so, in my evidence before the Age of Consent Committee, and I believe that the solution of the problems was not to be found in a law for the age of consent but for the raising of the minimum age of marriage. If we agree to the age of 14 as the minimum marriage age for girls we shall then have solved to a great extent this very difficult problem of early marriages. This is another reason why I think that we should not tinker with the present measure, because we shall again arouse the same controversies, we shall have a deputation from the South and deputations from many other places. Therefore if we fix the age at 14, we shall be solving, to some extent, two great difficulties at the same time.

Finally, Sir, I sincerely wish I could support the amendment of my friend, Mr. Mukhtar Singh. I wish, Sir, I could say that the minimum marriage age should be 16. So far as my constituency is concerned, they would welcome 16. In fact 16 is the minimum age at which marriages are contracted for girls in my community. But I do believe that it will not be politic at this time to press the higher age, for the very simple reason that we do not want to stiffen opposition to the other provisions of the Bill. I feel we should proceed slowly.....

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province : Nominated Non-Official) : Then why not leave the fixing of the exact age of marriage to the vote of the elected Members ?

**The Revd. J. C. Chatterjee** : My reason for that is that the Government Members have also great responsibility, and so far as I am concerned I represent a community.....

**Nawab Sir Sahibzada Abdul Qaiyum** : That is about the principle which is accepted by the Government and may be carried out by them, but the fixing of the exact age may be left to the vote of the elected Members.

**The Revd. J. C. Chatterjee** : I am sorry I cannot agree with my friend. I do not see that the elected Members alone have any special

knowledge of this subject. I believe every Member of this House has got an equal responsibility over a social question which vitally affects the welfare of the country which he either administers or lives in. Therefore, for these reasons, I support the age which has been put down in the Bill.

**Dr. B. S. Moonje** (Nagpur Division : Non-Muhammadan) : Sir, it is not very pleasant to have to speak on a subject on which friends differ so much as to appear to run at each others throats, a subject on which Leaders whom we respect have ranged against each other. At the same time, I feel that one has to do his duty, and I, as President of the Hindu Mahasabha, have got to do my duty in this matter. The Hindu Mahasabha finds India clearly divided into two parts—the Northern India above the river Narbada and Southern India, south of the river Narbada. Broadly speaking, Northern India above the river Narbada is in favour of raising the minimum age even to 20, though in some cases they want 18 and 16. (*An Honourable Member* : “What about Bengal?”) The Southern India, in which I include also Bengal, is in favour of not raising the minimum age of marriage above 12 years of age. (*An Honourable Member* : “Do you include Bombay?”) Under the circumstances, I, as President, am not bound by the opinions on either side. Under the circumstances I should trust to my own conscience and I shall vote according to it. My conscience is also of two kinds. (Laughter.) One conscience is the medical conscience, as developed by my study of the allopathic and ayurvedic systems of medicine, and it says that no girl ought to be a mother of a child until she is 18, and that no man ought to aspire to be a father until he has attained the age of 25. But there is also some such law as idealism to be tempered with practicalism. *Vyavahar-anulomo Dharma*. That is what Chanakya has said, that is the dharma,—that is, that idealism is to be tempered with practicalism. And what is practicalism in respect of the idealism of this Bill, looking at it purely from the Hindu point of view? One has to admit it in shame, but the fact is there that the Hindu of today is weak, docile, meek and submissive to aggression and force. (*An Honourable Member* : “Question?”) (*Another Honourable Member* : “Servile.”) My Honourable friend says servile, but fortunately the agitation of the last forty years of the Congress has removed that trait of servileness. That is the practical fact before the 22 crores of Hindus today. We have seen the fact, the most humiliating fact two months ago in Bombay, of 12 lakhs of Hindus being cowed down by 4,000 Pathans. We are seeing the actual abduction of girls taking place daily in East Bengal. That is the fact that stares one in the face and we have to take notice of that. Therefore, I feel that I should not allow my medical conscience to prevail, weighing profits and losses in the balance and taking all facts into consideration. Fortunately or unfortunately, we have to live as neighbours with peoples of another community whose standards of sexual morality and manner of observing them particularly in respect of the womenfolk of the Hindu community are different from ours. That fact has to be taken into account and that is one of the facts which has made me temper my idealism with practicalism.

As regards the Dharma Shastras I am not a Pandit, but I have carefully studied the Dharma Shastras. I am not proficient in Sanskrit literature, but I know Sanskrit and can write and read it and I may assure my Honourable friends, whether they belong to the orthodox class or whether they belong to the reformed class,—I assure by Honourable friends

[Dr. B. S. Moonje.]

that, throughout the history of the ten thousand years or more of Hindu culture in India, every sort of experiment in sociology and systems of marriage has been tried. No orthodox man who has studied his Dharma Shashtra and the Dharamshastrie History of the Hindu culture as seen in the Puranas can come and say that there was no time in India when there was not even the system of marriage based on civil contract, and that there was no time in India when marriages used to take place above 16. In those days these kinds of marriages were regarded as absolutely according to the Dharma Shastras. Those who have studied the Puranas, those who have studied particularly the Mahabharata will see the reason why eventually opinion has veered round to the fact that marriages, if we stick to our conceptions of sexual morality, and our conceptions of the sexual circumstances under which marriages ought to take place, should be performed about the time of puberty. Well, the best thing that our Dharma Shastras have said is that the marriage of a girl should take place about the time of puberty, and if the father and the mother do not perform the marriage of the girl at the time she should wait for three years after she has attained puberty and then the girl is free to find a husband for herself without caring for the parents. That is the general position of the Dharma Shastras at the present moment, and no orthodox man can say, that if we pass this Bill here even as it is, it is going to offend the Shastras. But the custom is there and to those who are born and bred up in that custom as I am, the pang of the wrench is naturally excruciating....

**Pandit Thakur Das Bhargava :** Is it going to offend the Srutis ?

**Dr. B. S. Moonje :** This is not the time nor the place where Dharma Shastras ought to be debated upon. I know of circumstances, and my Honourable friend knows of them too well, when we, modern people, drafting the sections of the Indian Penal Code in modern language, find, that when a section is taken before the Judge, two lawyers of equal eminence stand against each other giving their own interpretations of the section, as we have seen friends here fighting and running at each other's throats. So, the question here is not one of the interpretation of the Dharma Shashtra or the Smriti or the Veda. The question is entirely and purely one of what is practical and what will be to the practical good of the society as it is today. At least that is the point of view from which I look at it.

My Honourable friends are enthusiastic over this Bill, and want to have the Bill passed as it is—I would not be very sorry if the Bill is passed, provided they understand their responsibility. Their responsibility is, as I say, this. After this Bill is passed, if the number of abductions of Hindu girls increases, they ought to be the first to go and give adequate protection to them where they take place. It won't do to approach the Government praying for protection, and particularly, for the Hindu, it won't do praying for protection at the hands of the Government. We, mostly Hindus, have been agitating for Swaraj and Independence. What right have you then to go to the Government and approach them praying for protection where you cannot protect your own girls ? What right have you to say that the Government ought to do its duty if it is not bent on doing its duty ? As our duty is to agitate for Swaraj and Independence, so the Government's duty is, so long as it is the Government of

the land, to give adequate protection even to the man who works for Independence and to the man who works for Swaraj—to both of them equally. But what right have you to ask the Government to do its duty ; what right have you to claim protection from the Government, when you do not do your duty ? Therefore, I am laying this responsibility upon the shoulders of those who are so enthusiastic—I tell them, “Look here, if by passing this Bill by your enthusiasm, abductions increase, yours ought to be the first responsibility of giving adequate protection to those poor helpless girls.”

Some persons with quite good intentions have taken me to task and feel rather surprised that I should have risen to support the amendment of my friend, Kumar Ganganad Sinha for fixing the minimum age of marriage of girls at 12. They have been finding me rather inconveniently enthusiastic over army matters and yet they find that these two things cannot be reconciled....

**Lieutenant-Colonel H. A. J. Gidney :** Impossible.

**Dr. B. S. Moonje :** My Honourable friend Colonel Gidney says that it is impossible to reconcile them. The pity of it is that the more elderly he grows the more his enthusiasm gets the better of his reason, for my friend ought to know that the class of men who are known as Europeans and Englishmen in whom he aspires to be immersed so that he may lose his worthy identity but who still spurn him aside, have the minimum age of marriage of their girls according to their law, fixed at 12.

**Lieutenant-Colonel H. A. J. Gidney :** I do not aspire to that class at all. The speaker evidently envies the European his lot. You had better make sure of your law.

**Dr. B. S. Moonje :** So far as I know, that was the law of Englishmen hardly six months ago—I doubt if it is not the law even now. Up to six months ago, the minimum age of marriage of English girls was 12.

**Pandit Thakur Das Bhargava :** Now, it is 16.

**Dr. B. S. Moonje :** My lawyer friend assures me that it is now 16. Now, up to a short time ago the minimum age of marriage was 12 for the great English race which has acquired an Empire over which the sun never sets. (*An Honourable Member :* “There are no marriages at that age.”) If with the minimum age of marriage at 12 they were able to defeat the great German race, why can't you do the same ?

**Pandit Thakur Das Bhargava :** What is the percentage of marriage at that age ?

**Dr. B. S. Moonje :** Does my friend Pandit Bhargava mean to say that, if an Englishman could attain that stage of development under the law of the minimum age of 12, he is incapable of that ? He is not confident of his own self. The Hindu Mahasabha is confident and will carry on an agitation. Do not lose your confidence. The Hindu Mahasabha will enable you to attain that development. From the point of view of pure merit, I do not say that the Bill should not be passed, but take care that your enthusiasm does not get the better of your reason and practicality. Now, my appeal both to my Hindu friends and my Muhammadan friends is this—are you going to give up your own civilization and take to the standards of marriage as they exist in Europe, or are you prepared to stick to your own standards of morality applauded on all hands and sanctified by the heavy traditions of valour and gentlemanliness of ages past.

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**Diwan Chaman Lall :** May I ask the Honourable Member, if he will permit me, whether there is any town in Great Britain, as there is a town in India, Dharbhanga, where, out of 1,000 girls of between 5 and 10, 565 are married ?

**Dr. B. S. Moonje :** I appeal to calm reason. You have to make up your mind one way or the other, whether you will stick to your own morality, or adopt the standards of morality as they exist in European countries. I am not going to deal with it in detail as everybody is aware of it—and my Honourable friend Diwan Chaman Lall very much more than all of us combined. The ideal of our Dharma Shastras would have been the ideal of the whole world if we had been self-reliant and independent. Our philosophy of the Vedas and the Upanishads has appealed to the best brains of Europe, and I am sure that our sociology also will appeal to the best brains of Europe.

I have an appeal to make to the Government and the Honourable the Home Member. I quite understand Government not being prepared to lay themselves open to the charge of being called reactionary by their opposition in the case of a law which makes for social progress. I am obliged to the Home Member for the support he has given to the Bill. Once in a life-time Government have come to the support of a non-official Bill which makes for the real progress of the nation. Having thus vindicated their position before the bar of public opinion of the world, would it be too much to ask them to remain neutral as to the question whether 18 or 16 or 14 or 12 or 10 should be the minimum age, and to leave the subject to the common sense and patriotism of the people who are sitting here and whom it concerns most vitally ? There will be occasions when the *bona fides* of the Government will be tested. I am glad that this time they stand vindicated before the public opinion of the world. It is time for them now to say, "Now, Gentlemen, this is your domestic question ; we are not going to impose upon you our standards of morality and culture that prevail in Europe. It is for you, Hindus and Mussalmans to think it out patriotically, from the point of view of idealism *versus* practicalism and the greatest good of your future generations and vote as you deem best". I trust my appeal will not go in vain. I support the amendment of my friend Kumar Ganganand Sinha.

**Several Honourable Members :** Let the question be now put.

**Mr. Deputy President :** I think there are still several Honourable Members to speak. The House will now adjourn till 11 o'clock, tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th September, 1929.

## LEGISLATIVE ASSEMBLY.

Tuesday, 17th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### MEMBER SWORN :

Mr. John Reginald Trevor Booth, M.L.A. (Government of India : Nominated Official).

### QUESTIONS AND ANSWERS.

#### LABOUR SITUATION IN GOLMURI.

546. **\*Mr. Gaya Prasad Singh :** Are Government aware that the labour situation in Golmuri is extremely bad ? And have Government received any representations from the Indian Chamber of Commerce, or other bodies and individuals, regarding the present labour situation in Golmuri ? What steps have Government taken, or do they propose to take to bring about a settlement of the trouble there ?

**The Honourable Sir Bhupendra Nath Mitra :** Government are aware that there have been labour troubles in the Tinplate Company's works at Golmuri. They have received representations from certain bodies, including the Indian Chamber of Commerce, Calcutta, who have been informed that under section 3 of the Trade Disputes Act, 1929, the question whether a Board of Conciliation or a Court of Inquiry should or should not be constituted in connection with the strike rests entirely within the discretion of the Local Government.

**Mr. Gaya Prasad Singh :** Sir, are Government aware that the Bihar and Orissa Legislative Council carried an adjournment motion the other day by way of censure upon the Local Government for their attitude in this strike ?

**The Honourable Sir Bhupendra Nath Mitra :** I have seen a report to that effect in the papers, Sir.

**Mr. Gaya Prasad Singh :** Are Government aware that the Local Government is taking sides with the Company in this matter ?

**Mr. President :** Order, order.

**Diwan Chaman Lall :** May I ask the Honourable Member whether it is not a fact that the Local Government sent a Commissioner to inquire as to the feasibility of setting up a Court of Inquiry or a Board of Conciliation ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no information on that point, Sir.

**Diwan Chaman Lall :** May I ask the Honourable Member why if the facts are correct, the Government of India did not make a representation to the Local Government asking them to set up a Board of Conciliation or a Court of Inquiry in regard to this matter ?

**The Honourable Sir Bhupendra Nath Mitra :** I have already stated that the matter is one in regard to which the discretion rests solely with the Local Government under the provisions of the Trade Disputes Act.

**Mr. Ghanshyam Das Birla :** Is it a fact that the Bihar and Orissa Council has passed a vote of censure on the Government ?

**Mr. Gaya Prasad Singh :** Are Government aware that section 144 of the Criminal Procedure Code is used against the strikers but not against the Pathans who are employed by the Company ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no information on that point, Sir.

**Diwan Chaman Lall :** Has the Honourable Member the latest information in regard to the strike situation at Golmuri ?

**The Honourable Sir Bhupendra Nath Mitra :** I have seen the account given by the Member of the Bihar Council in charge of this particular subject in the provincial Legislative Council in connection with the motion for adjournment. I dare say that in due course we shall receive some official information from the Local Government.

**Diwan Chaman Lall :** Do I take it that the Honourable Member does not intend to use his good offices with the Local Government in order to bring about a settlement of the situation ?

**The Honourable Sir Bhupendra Nath Mitra :** I am pretty sure that the whole question will be raised in this House in connection with the Resolution which is coming on on the 24th, and I prefer not to express any opinion on the question now.

**Mr. B. Das :** Do I take it that the Government of India cannot interfere in the trade dispute at Golmuri, because the Local Government takes cover under the Trade Disputes Act and do not want to appoint a Conciliation Board ?

**The Honourable Sir Bhupendra Nath Mitra :** That is the position, Sir. The power under the Act rests with the Local Government. The Government of India have undoubtedly certain powers of superintendence, etc., but so far they have thought it undesirable to exercise those powers.

**Mr. B. Das :** May I inquire if the Honourable Member considered whether he was giving too much power to the Local Government when he passed this Trade Disputes Act ?

**The Honourable Sir Bhupendra Nath Mitra :** Well, Sir, that Act was passed by this House, not by me.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he has any information as to why the Local Government refused to act in this matter when they were asked to do so by a large number of representative bodies throughout India ?

**The Honourable Sir Bhupendra Nath Mitra :** The spokesman of the Local Government has fully explained their position in the matter in

the course of the debate on the motion for adjournment in the provincial Legislative Council the other day.

**Pandit Hirday Nath Kunzru :** Have Government called for a report from the Local Government on this matter ?

**Mr. Gaya Prasad Singh :** Has the Honourable Member asked the Local Government for a report ?

**The Honourable Sir Bhupendra Nath Mitra :** We have been in constant communication with the Local Government in regard to the matter.

**Pandit Hirday Nath Kunzru :** What is the latest report which the Local Government have sent to the Government of India ?

**The Honourable Sir Bhupendra Nath Mitra :** That, Sir, is embodied in the statement made by the Honourable Mr. Whitty in the Bihar and Orissa Legislative Council in connection with that particular debate.

**Pandit Hirday Nath Kunzru :** Do the Government of India propose themselves to take any further action or to suggest any further action to the Local Government ?

**The Honourable Sir Bhupendra Nath Mitra :** That is a matter which is still engaging the consideration of the Government of India.

#### HEALTH OF BOYS IN MUNICIPAL BOARD PRIMARY SCHOOLS IN DELHI.

547. **\*Lala Rang Behari Lal :** (a) Will Government be pleased to state if it is a fact that, after the introduction of compulsory primary education in Delhi, the health of boys in Municipal Board primary schools has gone down, so much so that a very large number have consumptive tendencies and a similarly large number have defective eyes ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the causes of this trouble, and what steps, if any, have been taken to check the growth of the disease ?

**Sir Frank Noyce :** (a) Compulsory primary education has, since 1926, been gradually introduced and is now in force in six of the nine areas of the Delhi Municipality. Systematic medical inspection of school children was started in 1928. Medical examination in that year showed that 7.4 per cent. of the children examined were suffering from enlarged glands generally of tuberculous origin ; that 35.8 per cent. suffered from trachoma, and 11.4 per cent. from a slight, and 20.3 per cent. from a serious, degree of defective vision. There are no figures for the period prior to 1928 with which comparison could be made and it is impossible to say whether the health of school children has been improving or deteriorating.

(b) In view of the answer to (a), this question hardly arises, but it may be stated that special hours have been set apart in the Civil Hospital for the treatment of Municipal school children, and efforts are being made to ensure that children who require treatment shall receive it. The present school buildings are often unsuitable and overcrowded, but Government are informed that the Committee are doing what they can to improve the accommodation.



GRANT OF AN ALLOWANCE TO OFFICERS OF THE PUNJAB GOVERNMENT  
SERVING IN DELHI.

548. \*Lala Rang Behari Lal : (a) Will Government be pleased to state if at the time of the creation of the Delhi province there was an understanding that the Punjab Government would lend officers for ten years ? Does the same understanding still continue ?

(b) Do these officers get any special allowance for serving in Delhi ? If not, are Government prepared to consider the question of allowing them a special allowance ?

The Honourable Sir James Crerar : (a) The answer to the first part of the question is in the negative. The second part does not arise.

(b) No allowances are given for service in Delhi as such, but special allowances have been sanctioned for specific reasons and in particular cases. The Government of India do not consider that there is sufficient reason for revising the existing arrangements.

NUMBER OF RESIDENTS OF DELHI APPOINTED TO THE PROVINCIAL CIVIL  
SERVICE OF THE DELHI PROVINCE.

549. \*Lala Rang Behari Lal : (a) Will Government be pleased to state the number of residents of Delhi who have been taken in the judicial and executive line of the Provincial Civil Service from the time of the creation of the Delhi Province up to date ?

(b) Have Government found this number to be adequate for the province ?

The Honourable Sir James Crerar : (a) and (b). Local Governments of Governor's provinces control recruitment to their respective provincial services. The Government of India have no information of the total number of inhabitants of the Delhi Province who have been admitted to the provincial services of the different provinces, but since the creation of the Delhi Province, 24 inhabitants of that Province have been admitted to the Punjab Civil Service, 10 on the executive and 14 on the judicial side.

ESTABLISHMENT OF A CIRCUIT COURT AT DELHI.

550. \*Lala Rang Behari Lal : (a) Will Government be pleased to state if there is any truth in the information that a Circuit High Court will be established in Delhi from 1930 ?

(b) Is it a fact that the establishment of a Circuit High Court in Delhi has the approval of the Honourable the Chief Justice and other Judges of the Lahore High Court ?

(c) If the answer to part (a) be in the negative, do Government propose to consider the advisability of establishing a Circuit High Court in Delhi ?

The Honourable Sir James Crerar : I have nothing to add to the answer given to Mr. Abdul Haye's question No. 421 on the subject on the 11th September.

EMPLOYMENT OF OFFICERS OF THE ARMY IN INDIA RESERVE OF OFFICERS  
ON DUTIES OF REGULAR ARMY OFFICERS.

551. \*Nawab Sir Sahibzada Abdul Qaiyum : (a) Will Government be pleased to state if any officers of the Army in India Reserve of Officers, other than Government servants, have ever been called to service other than that referred to in para. 26-A of Regulations for the Army in India Reserve of Officers ? If so, under what other regulations has the employment been ordered or made ?

(b) If no other regulations exist, are Government prepared to modify the restriction in Appendix F so as to enable such officers, if they so desire, being employed freely, like other Regular Army Officers, on any special or ordinary duties under the Army Department of the Government of India or at Command Headquarters, if they possess the necessary qualifications and experience for the performance of such duties in order to relieve the Indian Army Officers for their more important and purely military duties ?

Mr. G. R. F. Tottenham : (a) Yes. Owing to a shortage of regular officers, a few officers of the Reserve have been employed temporarily with the Indian Signal Corps, and also certain others have been called up for service with irregular corps under the Foreign and Political Department. These officers were obtained by calling for volunteers, and it was not necessary to make use of any particular regulations.

(b) I am not sure that I understand the Honourable Member's question. If the suggestion is that certain regular officers attached to Army Headquarters and Command Headquarters are not now engaged on important and purely military duties, I can assure him that this is not the case. When occasions arise on which the services of officers of the Reserve can be usefully employed on part time military duties, the provisions of Appendix 'F' of the Regulations have been found adequate for the purpose, and Government do not see any grounds for modifying them. If, however, the suggestion is that officers of the Reserve could be employed permanently on duties now performed by regular officers, the answer is that this would practically amount to opening a new field of recruitment for the regular Army and there would be no justification for retaining the officers themselves in the Reserve.

PERIOD OF TRAINING FIXED FOR ARMY IN INDIA RESERVE OF OFFICERS.

552. \*Nawab Sir Sahibzada Abdul Qaiyum : Are Government aware that the period of training fixed for the Army in India Reserve of Officers, as per para. 20 of their Regulations, is considered short and inadequate, particularly in the case of officers belonging to the categories other than 2, 3 and 6, and do Government propose to increase their training period to at least 30 days, particularly in the case of categories other than 2, 3 and 6, if these officers so desire ?

Mr. G. R. F. Tottenham : Government recognise that the periods of training fixed for some categories of Army in India Reserve officers might with advantage be extended. They do not, however, propose at present to introduce any change in this respect, firstly, owing to the considerable extra cost involved, and, secondly, because many officers

of the Reserve cannot spare more time from their civil employment than they do at present for military training.

#### EXTENSION OF RAILWAY CONCESSIONS TO THE ARMY IN INDIA RESERVE OF OFFICERS.

553. \*Nawab Sir Sahibzada Abdul Qaiyum : Is it a fact that all captains and subalterns serving with the Army in India, including those of staff services and Departments, and regular Officers of the Royal Air Force, not above the rank of Flight-Lieutenant, and Indian officers and sub-assistant surgeons with the honorary rank of Captain or Lieutenant, when travelling by rail at their own expense, are, on production of leave concession voucher Form D, allowed to travel 1st class on payment of 2nd class fares ? If so, do Government propose to extend this concession to the Army in India Reserve of Officers ?

Mr. G. R. F. Tottenham : The answer to the first part of the question is in the affirmative. The same concession is admissible to an officer of the Army in India Reserve while he is actually serving with the Army, but not at other times. Government see no reason to alter the present rule.

#### BRIBERY IN VILLAGE POST OFFICES.

554. \*Dr. B. S. Moonje : (a) Will Government please state if it is a fact that the Honourable Additional Judicial Commissioner of Nagpur, (C. P.) in his judgment on the 26th November, 1928, in criminal appeal No. 2133 of 1928, upholding the conviction, has cast aspersions to the effect that postal stamp marks on post-cards, which were exhibits in defence, could be easily secured by anybody by bribing menials at village post offices; and whether the towns of Chhindwara, a district headquarters, and of Chandur, a tahsil headquarters, are mere villages as the Honourable Additional Judicial Commissioner remarks ?

(b) Have Government made any inquiries in the matter and, if so, will Government be pleased to lay the results of the inquiries on the table ?

(c) If bribery is so rampant in such village post offices, what steps have Government taken or do they propose to take to root out the hated system of bribery ?

The Honourable Sir Bhupendra Nath Mitra : (a), (b) and (c). Inquiries are being made and the result will be communicated to the Honourable Member in due course.

#### FIELD MANŒUVRES OF THE INDIAN TERRITORIAL FORCE AND UNIVERSITY TRAINING CORPS.

555. \*Dr. B. S. Moonje : (1) Will Government please state if field manœuvres of Territorial Forces and Officers Training Corps in England are ever held ?

(2) If so, how many manœuvres were held during the last five years ?

(3) Are such manœuvres held of the Indian Territorial Forces and the University Training Corps ? If so, how many such manœuvres were held during the last five years and, if not, why not ?

(4) Is it a fact that the regular Army participates in such manœuvres in England ? If so, does the Indian Army similarly participate in the manœuvres of the Indian Territorial Forces ?

(5) Do Government propose to hold an All-India manœuvre of the Indian Territorial Forces ?

Mr. G. R. F. Tottenham : (1) to (4). Organised manœuvres are not held specially for the Territorial Army and Officers Training Corps in England. Units of the Territorial Army and Officers Training Corps go into camp for about a fortnight every year, during which field operations are sometimes carried out in conjunction with regular troops, if there are any stationed in the neighbourhood. Similarly, the training of Indian Territorial Force units is performed in an annual camp and when regular troops are available they are used to assist the Territorial units in carrying out elementary field operations.

(5) I am afraid that the distances in India, the expense entailed in carrying out field operations on a large scale and the stage of development so far reached by the Indian Territorial Force make it quite impossible to contemplate holding Territorial manœuvres in this country on the scale suggested by the Honourable Member.

Dr. B. S. Moonje : Has the Honourable Member seen in the papers that the Territorial Forces in England are taking part in general manœuvres ?

Mr. G. R. F. Tottenham : Yes, Sir ; I have seen that. It is not strictly correct to call them Territorial manœuvres. They were manœuvres in which the Territorials and the Regular Army both took part.

Dr. B. S. Moonje : Will the Honourable Member say if a similar arrangement could be made in India ?

Mr. G. R. F. Tottenham : As I have explained, when the Territorial units of this country go into camp, the Regular units in the neighbourhood do take part in the operations which are performed by the Indian Territorial Force.

Dr. B. S. Moonje : What I want to know is that, if there are regular manœuvres of the Regular Army, will the Territorial Forces be allowed to take part in them ?

Mr. G. R. F. Tottenham : Government will consider that point.

#### NOMINATION OF CADETS FROM UNIVERSITY TRAINING CORPS IN INDIA.

556. \*Dr. B. S. Moonje : Are Government aware that in addition to the cadets admitted half-yearly on the results of the competitive examination, a certain number are also admitted on the nomination of Headmasters of approved schools maintaining contingents of the Officers Training Corps ? If so, do Government propose to introduce a similar system of nominations from the University Training Corps of India, as one of the means of adding to half-yearly recruitments through competitive examinations as at present prevailing for the filling up of yearly vacancies which remain mostly unfilled ?

**Mr. G. R. F. Tottenham :** In the first part of his question I assume that the Honourable Member is referring to the practice in England. If this is the case, the answer is in the affirmative ; except that the nomination of the Headmaster does not absolve the boy from passing the examination. Government do not propose to introduce a similar system in India chiefly for the reason that the majority of the Principals and Headmasters of educational institutions in this country can have had little or no opportunity of coming in contact with Army life and of knowing its requirements, and it is not desired to reduce the vacancies available by open competition in favour of any particular institutions.

**Dr. B. S. Moonje :** Does the Honourable Member mean to say that the students who have been recommended by the Headmasters are also required to pass the competitive examination ?

**Mr. G. R. F. Tottenham :** Yes, Sir ; they have to pass the competitive examination as well. The privilege given to Headmasters at home was of distinct value at a time when the number of boys who qualified for Sandhurst was greater than the number of vacancies at the college. That is to say, when a large number of boys qualified themselves for admission to the college and there were not sufficient vacancies to take them. In that case, the nomination by the Headmaster was useful. That position no longer obtains at home and any boy who qualifies for Sandhurst is now practically certain of getting a vacancy.

**The Revd. J. C. Chatterjee :** Are Government aware that there are certain Headmasters and Principals of Colleges in this country who have got experience of military life and have been officers in His Majesty's Army ? In their case, are Government prepared to attach special value to their recommendations for the nomination of cadets ?

**Mr. G. R. F. Tottenham :** I am aware of that fact, but I have given the answer already in the answer to the main question. I have said that it is not desirable to reduce the number of vacancies available by open competition in favour of any particular institutions.

**The Revd. J. C. Chatterjee :** In view of the fact that the vacancies which are available for open competition are not, as a rule, filled in, is it not possible to fill them by means of such recommendations ?

**Mr. G. R. F. Tottenham :** No, Sir. As I have already explained nomination does not absolve the boy from passing the competitive examination either in England or anywhere else. If the Headmaster were to nominate a boy, he would still have to go up for the competitive examination.

**The Revd. J. C. Chatterjee :** What I meant to say was whether Government are prepared to attach special value to the recommendations made by such Headmasters and Principals who have had a good record of military life themselves ?

**Mr. G. R. F. Tottenham :** There is no provision in an open competitive examination for attaching special importance to recommendations from anybody.

**The Revd. J. C. Chatterjee :** There is some provision so far as the *viva voce* examination goes, where special marks are allotted for the candidate's general capabilities. In view of that, should not special

consideration be shown to candidates who are recommended by competent Headmasters and Principals ?

**Mr. G. R. F. Tottenham :** The school record is certainly taken into consideration, but I do not think it is possible for Government to discriminate between the recommendations of one Headmaster and another.

**Dr. B. S. Moonje :** Will the Honourable Member say if the information is correct that boys recommended by the Headmasters are not required to pass through Sandhurst and are taken directly into the Commission ?

**Mr. G. R. F. Tottenham :** No, Sir. The boys who are nominated at home are required to compete in the open examination and pass through Sandhurst exactly like any other boys.

**Pandit Hirday Nath Kunzru :** Have Government tried to establish officers' Training Corps at schools or colleges in India by instituting.....

**Mr. G. R. F. Tottenham :** I do not think that question arises out of the answer I have already given.

**Pandit Hirday Nath Kunzru :** The Honourable Member said that Headmasters of schools here were not in a position to nominate boys. I want to know whether Government themselves have provided them with opportunities to nominate boys ?

**Mr. G. R. F. Tottenham :** I was merely stating an existing fact, which is that the Principals and Headmasters of Educational institutions in this country do not, as a rule, possess the knowledge of Army requirements which the Headmasters of schools and colleges at home do possess.

**Pandit Hirday Nath Kunzru :** May I know whether members of the Officers' Training Corps are taken as officers in the Supplementary Reserve in England without being asked to pass any examination ?

**Mr. G. R. F. Tottenham :** I must ask for notice of that question.

#### INTRODUCTION IN THE CENTRAL PROVINCES LEGISLATIVE COUNCIL OF A BILL FOR PHYSICAL TRAINING, ETC., OF STUDENTS.

557. \***Dr. B. S. Moonje :** (a) Are Government aware that in 1925, Dr. B. S. Moonje, when he was a member of the Central Provinces Legislative Council had given notice of a Bill to provide for physical training, military drill and rifle practice for the Central Provinces school students and that the Governor General had held that the Bill fell within the scope of section 80-A (3) (e) of the Government of India Act, that is, that the Bill sought to regulate a Central Subject and that he had therefore refused to grant the necessary sanction ?

(b) Are Government aware that Dr. Moonje, after he became a member of this Assembly, had given notice of a similar Bill to provide for physical training, military drill and rifle practice for Indian boys attending educational institutions, and that previous sanction was refused to the Bill here also on the ground that, in so far as the training proposed by the Bill was to be carried out by the Provincial educational authorities, the measure was one which should be introduced in a Provincial Council ?

(c) Are Government aware that thereafter a similar Bill with suitable modifications was again sought to be introduced in the Central Provinces Legislative Council by Mr. V. V. Kaliker, B.A., LL.B., M.L.C., who had given notice of the Bill on 30th October 1928, and that he was informed in November 1928 that previous sanction is required for the Bill and that "action is being taken in respect of the requisite sanctions?"

(d) Are Government aware that, though nearly 11 months have passed the matter has not yet been definitely settled as to whether the necessary previous sanction will or will not be granted?

(e) In view of the reply given to Dr. Moonje that "in so far as the training proposed by the Bill was to be carried out by the provincial educational authorities, the measure was one which should be introduced in a Provincial Council", will Government please state if they propose to grant the necessary sanction to the Bill of Mr. V. V. Kaliker, M.L.C., of which he has given notice in the Central Provinces Legislative Council?

**The Honourable Sir Brojendra Mitter :** (a) Government are aware of the Bill submitted by Dr. Moonje when a Member of the Central Provinces Legislative Council. Sanction was refused by the Governor General to that Bill not, as suggested in the question, because the Bill regulated a Central Subject, but because it regulated a Central Subject in a manner not acceptable to the Government of India.

(b) The reply is in the affirmative.

(c) The Honourable Member is presumably referring to a communication addressed to Mr. Kaliker by the Local Government. On this point the Government of India have no information.

(d) and (e). The Government of India first became aware of Mr. Kaliker's Bill on receiving a letter dated the 5th January, 1929, from the Government of the Central Provinces. The matter has been under the consideration of the Departments of the Government of India concerned, and in view of the importance of the principles raised in the Bill it has been decided to address all Local Governments before making any recommendation to the Governor General.

**Dr. B. S. Moonje :** Eleven months have already passed. How much more time will the Government of India take to decide whether the previous sanction is or is not necessary, and if it is necessary, whether it should or should not be given?

**The Honourable Sir Brojendra Mitter :** The Government of India, as I have already said, have decided to address Local Governments before making any recommendation to the Governor General. It follows that, until the Government of India receive replies from the Local Governments, no action could be taken.

**Sardar Kartar Singh :** Is the legal point to be considered or is it something else?

**The Honourable Sir Brojendra Mitter :** It is not the legal point, but it is the matter of policy that has to be considered.

**Dr. B. S. Moonje :** Is the objection based on the ground that it is a Central Subject or that it is a Central Subject regulated in a particular

manner? I shall give the Honourable Member the reply which I received from the Central Provinces Government :

"I am to say that your Bill requires the previous sanction of the Governor General under section 80-A (3) (c) and (e) of the Government of India Act".

That was the reply I received. I should like to know how these clauses apply to this Bill?

**The Honourable Sir Brojendra Mitter :** Section 80-A (3) (e) of the Government of India Act says, "regulating any Central Subject". The answer I gave was that sanction was refused because it regulated a Central Subject in a manner not acceptable to the Government of India.

**Dr. B. S. Moonje :** My point is which is the Central Subject that is regulated and how it is regulated.

**The Honourable Sir Brojendra Mitter :** The Central Subject is "control of arms and ammunition". If the Honourable Member would look at the Devolution Rules, Schedule I, part I, item 32, he will find that "control of arms and ammunition" is a Central Subject.

**Dr. B. S. Moonje :** Does the Honourable Member know that it is already provided that the subject of granting licenses to Rifle Associations should be entrusted to Local Governments by Rule 32 of the Arms Act? (Hear, hear.)

**The Honourable Sir Brojendra Mitter :** I am not aware of that. If the Honourable Member wants any further information on the subject, I should be obliged if he will give notice.

**Dr. B. S. Moonje :** I should like the Honourable Member to consider it from that point of view.

**The Honourable Sir Brojendra Mitter :** Yes.

**Mr. Gaya Prasad Singh :** But the notice of a question would require ten days' time?

**The Honourable Sir Brojendra Mitter :** Then wait till the Delhi Session.

**Pandit Hirday Nath Kunzru :** Are Government aware that a Resolution dealing with the physical training of students and their instruction in the use of rifles was passed in the last Session of the Legislative Assembly?

**The Honourable Sir Brojendra Mitter :** Yes.

**Pandit Hirday Nath Kunzru :** Are Government aware that that Resolution was passed with the consent of Government?

**The Honourable Sir Brojendra Mitter :** I am aware of that.

**Pandit Hirday Nath Kunzru :** When did the correspondence with the Local Governments begin?

**The Honourable Sir Brojendra Mitter :** That I am not in a position to say off-hand, because I have not got the dates in my head.

**Pandit Hirday Nath Kunzru :** Perhaps the Army Secretary will give the dates.

**Mr. G. R. F. Tottenham :** That Resolution was accepted by the Government of India in the Department of Education, Health and Lands. (Laughter.)

**Pandit Hirday Nath Kunzru :** As we have got a representative of the Department of Education, Health and Lands in this Assembly, will he throw some light on the point ?

**Sir Frank Noyce :** In giving a reply to this question, I am forestalling the answer which is shortly to be given to a similar question on the subject. The Local Governments have recently been addressed in regard to that part of the Resolution which relates to the introduction of compulsory games and physical training. They have yet to be addressed with regard to that part of the Resolution which relates to the encouragement of the use of miniature rifle ranges.

**Pandit Hirday Nath Kunzru :** Why have the Local Governments not been addressed on a subject on which the Legislative Assembly laid so much stress ?

**Sir Frank Noyce :** That really is a question for the Home Department (Laughter) which, I understand, proposes to address them shortly

**Pandit Hirday Nath Kunzru :** This House has the significant good fortune of having the Honourable the Home Member also in its midst and I am sure he will be able to give us final reasons for not dealing with the subject till now.

**The Honourable Sir James Crerar :** The matter is one which requires very careful consideration and the Government of India has not yet finally arrived at a conclusion as to the terms in which the Local Governments should be addressed.

**Mr. Gaya Prasad Singh :** Why not pass it on to the Foreign Secretary ? (Laughter.)

**Pandit Hirday Nath Kunzru :** Is the Honourable the Home Member aware that that Resolution was passed with the consent of the Government of India during the last Session ?

**The Honourable Sir James Crerar :** Yes, Sir.

**Pandit Hirday Nath Kunzru :** Was not then the object of the Resolution accepted by the Government of India ? If so, what is it that is engaging the consideration of the Government now ?

**The Honourable Sir James Crerar :** I should not like to give the Honourable Member a reply on the spur of the moment, because the matter is one of great complexity. If the Honourable Member gives me notice, I shall be glad to consider the terms of my reply.

**Mr. Gaya Prasad Singh :** But the Resolution was passed with the consent of the Government.

**Pandit Hirday Nath Kunzru :** May I know whether the principle of the matter is being considered, or whether the Home Department is engaged in evolving a suitable scheme for reference to the Local Governments ?

**The Honourable Sir James Crerar :** We are considering the terms in which the Local Governments could be addressed in a manner which will cover the whole question adequately.

#### APPOINTMENT OF SIKHS TO THE RAILWAY CLEARING ACCOUNTS OFFICE.

558. **\*Sardar Kartar Singh :** (a) Is it a fact that there are 25 officers in the senior grade of the Railway Clearing Accounts Office and that there is not a single Sikh ?

(b) Is it a fact that there is no Sikh gazetted officer in this office ?

(c) Is it a fact that there is no Sikh accountant even ?

(d) To show that steps are being taken to safeguard the Sikh interests in the Railway Clearing Accounts Office since the issue of the Home Department Memorandum No. F. 176/25-Estts., dated the 15th March 1926, will Government be pleased to state the number of Sikhs taken in this office as against Hindus and Muhammadans ?

**Mr. P. R. Rau :** (a) There are 7 Gazetted Officers in the Railway Clearing Accounts Office.

The answer to part (b) is in the affirmative and to part (c) in the negative.

(d) Government regret that, for reasons already stated in the House, they are unable to give figures of the communal composition of individual offices, but I may assure the Honourable Member that the rules for recruitment of staff in the Railway Accounts Department make provision to prevent the preponderance of any one community in that Department. These rules were promulgated in consultation with the Standing Finance Committee.

#### APPOINTMENT OF SIKHS AS ENGINEER SUPERVISORS IN THE TELEGRAPH DEPARTMENT.

559. **\*Sardar Kartar Singh :** (a) Is it a fact that an examination for Engineering Supervisorship in the Telegraph Department was held recently at different centres ?

(b) If so, (1) how many Sikhs applied for the examination, (2) how many of them were permitted to compete, and (3) how many of them were selected for appointment ?

(c) In view of the fact that there is not a single Sikh in the Service, do Government propose to take a sufficient number of Sikhs ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) (1) Fourteen, of whom only eleven appeared before the Selection Board.

(2) Five, of whom only one actually appeared at the examination.

(3) The results of the examination have not yet been declared.

(c) The rules framed for the examination reserve 30 per cent. of the vacancies to be filled by Government by nomination, with reference to the results of the examination. In filling these vacancies the interests of the Sikhs and of other minority communities will be given due consideration by Government.

## PERCENTAGE OF SIKHS IN THE RAILWAY BOARD.

560. \*Sardar Kartar Singh : Will the Government be pleased to place on the table a statement showing the percentage of Sikhs, Muhammadans, Hindus and Anglo-Indians in the Railway Board office on the 1st April, 1929, as against the previous year ? If there is a decrease in the percentage of Sikhs what are the reasons therefor ?

Mr. P. R. Rau : I am laying the required statement on the table. The decrease in the percentage of Sikhs is due to the discharge of one man for misconduct.

*Statement showing the percentage of Sikhs, Muhammadans, Hindus and Anglo-Indians in the Railway Board on the 1st April, 1928, and 1st April, 1929.*

| Community.            | 1st April 1928. | 1st April 1929. | Remarks. |
|-----------------------|-----------------|-----------------|----------|
| Sikhs .. .. .         | 3.25            | 2.5             |          |
| Muhammadans .. .. .   | 15.44           | 15.00           |          |
| Hindus .. .. .        | 65.04           | 66.66           |          |
| Anglo-Indians .. .. . | 9.75            | 9.16            |          |

## RULES FOR RECRUITMENT TO THE RAILWAY AUDIT AND ACCOUNTS SERVICE.

561. \*Sardar Kartar Singh : (a) Have any rules for recruitment in the Railway Audit and Accounts Service been framed ? If so, will Government please place a copy of them on the table ? If not, how is recruitment to this service being made ?

(b) Do Government propose to consider the advisability of holding competitive examinations for this service and for other subordinate accounts services ? If not, why not ?

Mr. P. R. Rau : (a) Recruitment to the Railway Accounts Service is to be partly by direct appointment by competitive examination in India conducted by the Public Service Commission and partly by promotion from the subordinate grades. In the latter case the selection for promotion will be made in consultation with the Public Service Commission. The rules for the examination were issued in a Finance Department Resolution of the 25th July, 1929, published in the Gazette of India of the 27th July, 1929.

(b) Recruitment to subordinate establishments will be made as stated in the rules issued with the Railway Board's circular No. 5565-F. of the 31st July, 1929, a copy of which is in the Library of the House. All first appointments to the subordinate establishments, except the transfer of qualified men from other Government Departments or Railways will be made by competitive examination. Thereafter promotions to higher ranks will be subject to passing the departmental examination and will be by selection, depending on merit and seniority.

## PROPORTION OF SIKHS IN THE IMPERIAL POLICE SERVICE IN THE PUNJAB.

562. \*Sardar Kartar Singh : (a) What is the proportion of Sikhs as against Hindus, Muhammadans and Europeans in the Imperial Police Service in the Punjab ?

(b) If the percentage of Sikhs is far less than their share, do Government still propose to give the next vacancy to a Muhammadan ? If so, why ?

The Honourable Sir James Crerar : (a) The proportions are as follows :

|                     |              |
|---------------------|--------------|
| Europeans .. .. .   | 75 per cent. |
| Muhammadans .. .. . | 13 per cent. |
| Hindus .. .. .      | 3 per cent.  |
| Sikhs .. .. .       | 4 per cent.  |

(b) It will be observed that Sikhs constitute 20 per cent. of the Indian members of the service. The Government of India have not laid down any definite percentage for the representation of minority communities, and there is no proposal before them to give the next vacancy to a member of any particular community.

## APPOINTMENT OF SIKHS AS SUPERINTENDENTS AND ASSISTANT SECRETARIES IN CERTAIN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

563. \*Sardar Kartar Singh : Will Government be pleased to state if it is a fact that the Sikh community has no representation in the Superintendent's and Assistant's grades in the Commerce Department, Industries and Labour Department, Army Department, Home Department, Legislative Department, and Legislative Assembly Department ? If so, do Government propose to take steps to check the preponderance of other communities and appoint Sikhs in the future vacancies to give them their adequate share in these grades ? If not, why not ?

The Honourable Sir James Crerar : The reply to the first part of the Honourable Member's question is in the affirmative. As to the second part, vacancies in the grade of Superintendent are ordinarily filled by departmental promotion. As explained recently in this House, the measures adopted by Government to redress communal inequalities refer to fresh recruitment and not to departmental promotions, which must continue to be regulated by considerations of seniority and merit. As regards the Assistants' grade, the new scheme of recruitment sanctioned last December provides for the recruitment of external candidates direct to the First Division for half of the vacancies which occur, and this will provide an avenue for the employment of members of minority communities, including Sikhs, in accordance with the principles already laid down by Government.

## ABSENCE OF SIKHS IN CERTAIN GOVERNMENT OFFICES.

564. \*Sardar Kartar Singh : (a) Is it a fact that there is no Sikh in the Office of the Controller of Railway Accounts ?

(b) Is it also a fact that there is no Sikh in the Office of the Controller of Railway Audits ?



(c) If the replies to parts (a) and (b) are in the affirmative, how do Government justify the absence of Sikh representation on the staff of these offices ?

**Mr. P. R. Rau :** (a) No. There are two Sikhs on the staff.

(b) I presume the Honourable Member is referring to the office of the Director of Railway Audit which was known as the office of the Accountant General, Railways, before the separation of accounts from audit. There were, I understand, three Sikhs in that office, of whom two were among the staff transferred to the office of the Controller of Railway Accounts in April last with the accounts work transferred under the new system. The third was selected to join the Training School of Accounts in Calcutta. At present there is no Sikh in the office of the Director of Railway Audit.

(c) As I explained in answer to a question put by my Honourable friend Maulvi Muhammad Yakub the other day, it is impossible for each individual office, particularly when the clerical staff employed is small, to be recruited on communal lines.

#### RECRUITMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

565. **\*Sardar Kartar Singh :** (a) Is it a fact that the Director General, Posts and Telegraphs, issued to his subordinate offices a general letter No. A.M.-516/12-27, dated the 22nd November, 1927, on the subject of representation of minority communities and that these orders referred to fresh recruitments ?

(b) Will Government be pleased to state the exact number of officiating, temporary and permanent vacancies which occurred in the office of the Director General as well as in the Amritsar, Lahore and Jullundur Divisions since the issue of the above letter, and how many of the posts were given to Sikhs ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Information is being collected and will be supplied to the Honourable Member in due course.

#### NUMBER OF SIKHS APPOINTED TO CERTAIN POSTS IN THE NORTH WESTERN RAILWAY.

566. **\*Sardar Kartar Singh :** Will Government be pleased to state how many vacancies amongst clerks, T. T. Inspectors and Audit Inspectors have been filled up by the Chief Auditor, North Western Railway, since 1st April, 1928, and how many of them have gone to Sikhs as against other communities ?

**The Honourable Sir George Schuster :** The information has been called for and will be furnished to the Honourable Member as soon as it is received.

#### MILITARY SCHOOLS AND COLLEGES IN INDIA.

567. **\*Dr. B. S. Moonje :** (a) How many military schools and colleges, if any, are there in India ?

(b) Where are they situated ?

(c) What is the curriculum of literary and military education in them ?

(d) Are the final examinations of these schools and colleges recognised by any of the Universities, and, if so, what are the standards to which they are equivalent ? If not recognised, and if a boy passing the final examination chooses not to enter into the Army, how are his educational qualifications computed for civil avocations ?

(e) What average monthly or yearly charges has a student in these schools and colleges to pay for his education ?

(f) Which of them are open to the general public and which of them only to the sons and wards of men already serving in the Army ?

**Mr. G. R. F. Tottenham :** (a) Three.

(b) The Prince of Wales' Royal Indian Military College is situated at Dehra Dun and the two King George's Royal Indian Military Schools at Jhelum and Jullundur.

(c) The curriculum of the Dehra Dun College is based on the syllabus of the Entrance Examinations for the Army, Air Force and Indian Marine. The syllabus of the Jhelum and Jullundur Schools is arranged so as to give a boy a general education up to the ordinary 8th Standard.

So far as literary education is concerned, no purely military subjects are included in the curriculum of any of these institutions. In fact the education can only be called military to this extent, that the boys have a military career in view, and the general policy and discipline of the College and Schools are directed towards the development of soldier-like qualities.

(d) The Dehra Dun diploma examination, which all cadets take before going up for the Army Entrance examination, is the same examination as that for the Chiefs' Colleges diploma. It has been recognised by almost all the Universities in India as equivalent to their Matriculation or corresponding examination. The Final examination of the King George's Military Schools is equivalent to and carries with it the advantages of the " Vernacular Final " examination.

The second part of the question does not arise.

(e) The fees for an ordinary boy at Dehra Dun are Rs. 1,500 per annum. Soldiers' sons are eligible for admission at reduced fees, according to their financial circumstances, at the discretion of His Excellency the Commander-in-Chief.

The normal fees at Jhelum and Jullundur are Rs. 7-8-0 a month. Fatherless boys and boys whose fathers are in receipt of a 50 per cent. or higher disability pension are educated free, provided that their total pension is less than Rs. 30 a month.

(f) The Dehra Dun College is open to the general public. The King George's Schools are only open to the children of men who have served in the Army.

**Dr. B. S. Moonje :** Is the Honourable Member aware that on an average a student has to spend about Rs. 300 per month for his education in the Dehra Dun College ?

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**Mr. G. R. F. Tottenham :** As I have said, the fees at the College amount to Rs. 1,500 a year. There are of course other incidental expenses, which parents have to defray on behalf of their boys, such as clothes, holiday expenses, and so on, but our information is that the total cost to a parent should not in any case exceed Rs. 2,000 a year.

**Dr. B. S. Moonje :** Does this fee of Rs. 1,500 a year also include his boarding and lodging charges ?

**Mr. G. R. F. Tottenham :** Yes, Sir.

**Dr. B. S. Moonje :** If there is nothing military about these schools and colleges, why are they called military schools and colleges ?

**Mr. G. R. F. Tottenham :** Because they are military schools and colleges and they cannot be called anything else. If the Honourable Member will have patience, I think I might be able to explain at greater length later on when.....

**Mr. President :** Order, order. I am sorry to have to say that, for some time past, the Honourable Member from Madras, Mr. M. K. Acharya, is not observing the decorum of this House. He goes in and out of the Chamber unceremoniously and I hope it is not deliberate.

**Mr. M. K. Acharya :** No, Sir. I have been bowing when going out and coming in.

**Dr. B. S. Moonje :** If there is nothing specially military about these schools, why is their expenditure borne on the military budget and why should not they be treated as ordinary schools ?

**Mr. G. R. F. Tottenham :** They are military schools, as I said.

**Dr. B. S. Moonje :** In what way ?

**Mr. G. R. F. Tottenham :** As I have explained in the answer to part (c) of the question, these schools are intended to train boys for the Army. They are paid for by the Army, they are run by the Army, and the boys in the schools go into the Army. Therefore they must be called military schools.

**Sardar Kartar Singh :** Are all the successful boys admitted into Sandhurst ?

**Mr. G. R. F. Tottenham :** The boys who wish to go to Sandhurst have to pass an examination for admission to that College.

**Sardar Kartar Singh :** Are those who pass the examination sent to Sandhurst ?

**Mr. G. R. F. Tottenham :** Those who pass for Sandhurst are sent to Sandhurst, those who pass for Cranwell are sent to Cranwell, those who pass for Woolwich are sent to Woolwich and those who pass for the Royal Indian Marine, are sent to training institutions for that purpose.

**Dr. B. S. Moonje :** In that way all the schools and colleges in India can be called military colleges, because any student from any school or college can appear at the competitive examination for Sandhurst. In that way cannot all schools and colleges in India be called military schools and colleges ?

**Mr. G. R. F. Tottenham :** No, Sir, unless they are particularly designed to train boys for that particular examination, and unless they are paid for from Army funds.

**Dr. B. S. Moonje :** In what particular way are they trained for the Army when the curriculum does not contain any subject pertaining to the Army ?

**Mr. G. R. F. Tottenham :** They are trained, as I have explained, by the policy and general system of discipline of the school, which is directed towards the development of soldier-like qualities in the same way in which public schools at home train boys for that purpose.

#### GAZETTED POSTS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

568. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government be pleased to state the names and numbers of gazetted posts which occurred in the Delhi P. W. D. in year 1929 ; and the names, educational and technical qualifications, present age, present and past pay of the persons appointed or promoted to the gazetted posts in the Delhi P. W. D. in 1929 ?

(b) How many of the above mentioned gazetted posts have been given to Muslims ?

(c) Are the persons appointed to gazetted posts in the Delhi P. W. D. taken into provincial services ?

(d) Are the persons appointed in the Delhi P. W. D. in 1929 to gazetted posts the residents of the Delhi Province ?

(e) What are the names and qualifications of the candidates belonging to the Delhi P. W. D. only who also applied for the gazetted posts which occurred in the Delhi P. W. D. in 1929, with the positions they were holding in the P. W. D., Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) A statement giving the particulars asked for is being supplied to the Honourable Member separately.

(b) None.

(c) No Provincial Service has yet been created for the Delhi Public Works Department.

(d) Mr. Tandan is the only resident of the Delhi Province.

(e) A statement giving the information asked for is being supplied to the Honourable Member separately.

#### CREATION OF TWO POSTS OF ARCHITECTURAL ASSISTANTS IN THE DELHI PUBLIC WORKS DEPARTMENT.

569. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that two posts of Architectural Assistants have been created in the Delhi P. W. D. in 1929, and two draftsmen promoted to these posts ? If so, will Government please state if they ever appointed Architectural Assistants during the construction of the New Capital at Delhi ?

(b) What is the amount of P. W. D. budget this year for the construction of the New Capital buildings ?

(c) How much additional expenditure per month do Government incur by the creation of these two posts of Architectural Assistants in the Delhi P. W. D. ?

(d) What are the duties of the Architectural Assistants just created in the Delhi P. W. D. and what is the use of these posts ? Do they know estimating and designing of buildings ? If so, will Government be pleased to lay on the table the estimates and designs they prepared this year ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes. No such posts have been created in the past.

(b) The gross figure is Rs. 1,23,56,000 against which recoveries amounting to Rs. 51,90,000 are anticipated.

(c) Rs. 1,074 per mensem.

(d) Their duties are to assist the Architect both in the Drawing Office and on the works, and one of the objectives is that they may be fitted to become Assistant Architects in due course.

They are not estimators, but are acquainted with the work of designing buildings. They have been only recently appointed and have not as yet prepared complete original designs. In any case Government cannot place on the table of the House estimates and designs except where any public advantage is likely to be gained thereby.

**APPOINTMENT OF MESSRS. KASARWALA AND YAJNIK AS ARCHITECTURAL ASSISTANTS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

570. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that Mr. K. P. Kasarwala and Mr. S. C. Yajnik, draftsmen in the P. W. D., Delhi, have been promoted to the post of Architectural Assistants in the year 1929 on Rs. 530 and Rs. 550 per mensem ? If so, will Government be pleased to state what was their pay when they were promoted to the post of Architectural Assistants ?

(b) Will Government be pleased to lay on the table a statement showing the length of service and pay of each draftsman in the P. W. D., Delhi, senior to Messrs. Kasarwala and Yajnik ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes. Their pay prior to their appointment as Architectural Assistants was Rs. 270 per mensem each.

(b) A statement giving the information required is being supplied to the Honourable Member separately.

**ARCHITECTS AND DRAFTSMEN APPOINTED TO THE PUBLIC WORKS DEPARTMENT, DELHI.**

571. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that the post of Mr. Russell, Chief Architect, Delhi, is being brought under reduction to save money in the Drawing Branch ?

(b) Will Government be pleased to state how many Architects have been appointed in the P. W. D., Delhi, in 1929 ?

(c) Is it a fact that Mr. Kasarwala and Mr. Yajnik moved the Chief Architect, Delhi, to call Bombay men in their vacancies on high pay ?

(d) Will Government be pleased to state the names, age and pay of the draftsmen appointed in the vacancies of Mr. Kasarwala and Mr. Yajnik in P. W. D., Delhi, in 1929 ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No.

(b) One.

(c) No.

(d) Mr. Shroff, age 49 years, pay Rs. 300 ; Mr. Suther, age 31 years, pay Rs. 280.

**RATES OF PAY OF ARCHITECTURAL DRAFTSMEN IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

572. **\*Mr. Abdul Latif Sahib Farookhi :** Will Government please state the number and the minimum and maximum rates of pay of Architectural draftsmen (excluding estimators) in the P. W. D., Delhi ? Do they all prepare tracings ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The number of Architectural Draftsmen is 12, and the minimum and maximum rates of their pay are Rs. 75 and 300 per mensem, respectively.

(b) They are all expected to prepare tracings, if called upon to do so, but this work is usually given to junior men.

**ALLEGED HARASSMENT OF A CHRISTIAN DRAFTSMAN BY MR. KASARWALA IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

573. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that Mr. Kasarwala harassed one Mr. Joseph, a Christian draftsman (Record Keeper) of the Chief Architect's Branch, P. W. D., Delhi, got his promotion stopped and made him to go on long leave ?

(b) Is it a fact that Mr. Kasarwala is annoying a Christian draftsman, Mr. Dhairyam Mudaliar, Officiating Superintendent in the Architect's Branch, P. W. D., Delhi, and is trying to get the draftsman reduced or reverted to the Madras Presidency ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). No.

**CIRCULARS ISSUED BY THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, DELHI.**

574. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that the Chief Engineer, P. W. D., Delhi, issued a circular that no P. W. D. employee could seek an interview for explaining grievances without getting definite permission of his superiors ?

(b) Is it a fact that the Chief Engineer, P. W. D., Delhi, issued a circular in July-August 1929 that no P. W. D. employee could individually represent his case for promotion and special pay ?

(c) Is it a fact that the Chief Engineer, P. W. D., Delhi, issued a circular in August, 1929, that a medical certificate should be produced for more than two days sick leave ?

(d) Is it a fact that in the P. W. D., Delhi, lower officers are oppressing their subordinates and do not allow them to go to higher authorities to represent or to seek interviews for their grievances ?

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(e) Is it a fact that the Delhi Chief Engineer's circulars have been a great nuisance and harassment among the P. W. D. staff ?

(f) Will Government be pleased to state the rules under which such orders are issued by the Chief Engineer, P. W. D., Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) No, the circular merely said that such representations were to be deprecated.

(c) Yes.

(d) and (e). Government have no information, nor do they propose to take any action which may interfere with the disciplinary control of the Chief Engineer over his staff.

(f) There are no rules. The Chief Engineer issues his orders in his capacity as head of the Department.

SERVICE AND QUALIFICATIONS OF THE CHIEF SUPERINTENDENT, CENTRAL OFFICE, PUBLIC WORKS DEPARTMENT, DELHI.

575. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that the Chief Superintendent, Central Office, P. W. D., Delhi, has been called from the Indian Stores Department, Government of India ? If so, will Government be pleased to state (a) if he has served elsewhere in the P. W. D., (b) if he is a passed Accountant, and (c) the length of his service in the P. W. D., Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** Yes.

(a) He has not served elsewhere in the Public Works Department.

(b) No.

(c) 14 months.

NUMBER OF MUSLIMS APPOINTED AS TEMPORARY ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, IN DELHI.

576. **\*Mr. Abdul Latif Sahib Farookhi :** With reference to the reply to question No. 101, dated 12th March, 1929 in the Council of State, will Government be pleased to state how many posts of temporary Engineers occurred in the P. W. D., Delhi, and how many Muslim Engineers were appointed as temporary Engineers ? If none, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** Seven temporary engineers are at present employed in the Delhi Public Works Department. None of them is a Muslim. Of these, six men have been employed in the Delhi Public Works Department for periods varying from 16 to 5 years, and only one man has been engaged since the issue of the Home Department orders of 1927 granting certain concessions to minority communities in connection with future recruitment into Services under the Central Government.

NAMES AND PAST PAY OF CERTAIN SUBORDINATES IN THE PUBLIC WORKS DEPARTMENT, DELHI.

577. **\*Mr. Abdul Latif Sahib Farookhi :** Will Government be pleased to state the names and the present and past pay of the work-charged subordinates whose services were brought into the regular establishment in

1929 on the recommendation of the Executive Engineer, 6th Division, P. W. D., Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** Mr. Mohd. Usman ; present pay on the regular establishment Rs. 157 *plus* a conveyance allowance of Rs. 15 ; past pay on the work-charged staff Rs. 171 inclusive of a conveyance allowance of Rs. 15.

CONTRACT FOR WOOD-PANELLING OF GOVERNMENT HOUSE, DELHI.

578. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that the Executive Engineer, 6th Division, P. W. D., Delhi, gave the work of wood-panelling in the Government House without any tender to S. Sundar Singh, Contractor ?

(b) Is it a fact that the Executive Engineer, 6th Division, P. W. D., Delhi, was asked to call for tenders for the wood-panelling in the Government House by the higher authority of the P. W. D., Delhi ? If so, will Government be pleased to state the rate paid to S. Sunder Singh, Contractor, and the rate offered in the lowest standard ? What is the difference between these two rates and how much money in excess has been paid to S. Sundar Singh, Contractor ? Who is responsible for this loss of Government money ?

**The Honourable Sir Bhupendra Nath Mitra :** The information is being collected and will be supplied to the Honourable Member later.

CONTRACT FOR THE EXTENSION OF THE MIDDLE SCHOOL, NEW DELHI.

579. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that the Executive Engineer, 6th Division, P. W. D., Delhi, has given the work of extension of the Middle School, New Delhi (now to be changed to Civil Hospital, New Delhi), to S. Sundar Singh, Contractor ?

**The Honourable Sir Bhupendra Nath Mitra :** No. The work was given to the lowest tenderer who was not S. Sundar Singh. S. Sundar Singh obtained the contract for the staff quarters attached to the hospital as being the lowest tenderer for these quarters.

NUMBER OF CONTRACTS GRANTED TO S. SUNDAR SINGH.

580. **\*Mr. Abdul Latif Sahib Farookhi :** Will Government be pleased to state how many contracts are in the hands of S. Sundar Singh, contractor in the wood workshop, P. W. D., Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** 13.

COLLAPSE OF CERTAIN QUARTERS UNDER CONSTRUCTION IN NEW DELHI.

581. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that a complete *chajja* of menial quarters in Body Guard Lines fell down during construction in July-August 1929, and one waterman died and the legs of two labourers were broken and many men were injured ? If so, will Government state the names of the Engineers in charge of the construction and what action has been taken against them ?

**The Honourable Sir Bhupendra Nath Mitra :** A portion of a newly erected *chajja* of the menials' quarters fell owing to an exceptionally severe

storm which occurred while the masonry was "green", and two men and one woman were injured in consequence. The injuries to one man proved fatal.

The names of the Engineers in charge are :

Sub-Divisional Officer—Mr. M. S. Mathur.

Executive Engineer—Mr. T. S. Malik.

No action was taken against them. There is no reason to believe that they were in any way to blame.

#### RESOLUTION REGARDING PREFERENTIAL TREATMENT ON THE SCORE OF WAR SERVICE.

582. \*Mr. Abdul Latif Sahib Farookhi : Will Government be pleased to lay on the table a copy of the Resolution issued for preferential treatment to be accorded for civil employees on the score of War services ?

The Honourable Sir James Crerar : There are two resolutions, one of the 8th August, 1919 and the other of the 15th September, 1921—copies of both the resolutions have been placed in the Library of the House.

#### QUESTIONS ABOUT THE PUBLIC WORKS DEPARTMENT ASKED IN THE LEGISLATIVE ASSEMBLY.

583. \*Mr. Abdul Latif Sahib Farookhi : Is it a fact that S. Shujaat Ali, Upper Subordinate, P. W. D., Delhi, was asked by the Chief Engineer, Delhi, in September, 1928, to explain about the P. W. D. questions asked in the Legislative Assembly in February and September, 1928 ?

The Honourable Sir Bhupendra Nath Mitra : S. Shujaat Ali was asked in September, 1928, to explain, with reference to a question asked by the Honourable Mr. Mahmood Suhrawardy in the Council of State on the 17th of that month, the disclosure or leakage of the information on which the question was apparently based.

#### STOPPAGE OF PROMOTION OF SAYAD SHUJAAT ALI, UPPER SUBORDINATE, PUBLIC WORKS DEPARTMENT, DELHI.

584. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that Sayad Shujaat Ali was told in S. E.'s No. 0459-E., dated 3rd May, 1929, that he was considered unfit for the post of Sub-Divisional Officer in the Delhi P. W. D. ?

(b) Is it a fact that Sayad Shujaat Ali, Upper Subordinate, was informed in C. E.'s Notification No. 0366, dated 13th May 1929 that his promotion was stopped for a year and there would be a further effect of this stoppage of promotion in the Delhi P. W. D. ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Yes.

#### SUPERSESSION OF SAYAD SHUJAAT ALI.

585. \*Mr. Abdul Latif Sahib Farookhi : Is it a fact that B. Gurdatt Singh and B. Din Diyal, Upper Subordinates junior to Sayad Shujaat Ali, have been promoted to the post of Sub-Divisional Officers in 1929 in the Delhi P. W. D. ?

The Honourable Sir Bhupendra Nath Mitra : At the time of their appointment to the charge of Sub-Divisions, both Babus Gurdatt Singh and Din Diyal were senior to S. Shujaat Ali in the matter of pay, but junior to him as regards length of service.

#### STOPPAGE OF PROMOTION OF SAYAD SHUJAAT ALI.

586. \*Mr. Abdul Latif Sahib Farookhi : Will Government be pleased to lay on the table the copies of proposals made to stop the promotion of Sayad Shujaat Ali, Upper Subordinate, P. W. D., Delhi, along with the copies of the notice given to Sayad Shujaat Ali to explain about the Council questions and the proposal making him unfit for the post of S. D. O. ?

The Honourable Sir Bhupendra Nath Mitra : No proposals of the nature referred to have been received by Government. Government are not prepared to comply with the request contained in the latter part of the question.

#### PROMOTION OF UPPER SUBORDINATES IN THE PUBLIC WORKS DEPARTMENT, DELHI.

587. \*Mr. Abdul Latif Sahib Farookhi : Is it a fact that B. Diwan Chand, Upper Subordinate, P. W. D., Delhi, is senior to B. Din Diyal, S. D. O. ? If so, will Government be pleased to state the reasons for not appointing B. Diwan Chand as S. D. O. ?

The Honourable Sir Bhupendra Nath Mitra : Yes. Appointments to the post of Sub-Divisional Officer are made by the Chief Engineer by selection and of the two officers mentioned, B. Din Dayal was considered by him to be the more suitable.

#### TECHNICAL STAFF OF THE PUBLIC WORKS DEPARTMENT, DELHI.

588. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that clerks of the Establishment Section, Central Office, P. W. D., Delhi, submitted a proposal in writing re the pay, rank, etc., for the technical staff to be appointed in the Delhi P. W. D. ?

(b) Is it a fact that the proposal of the establishment clerk for the technical staff is accepted by the Chief Engineer, P. W. D., Delhi, without any alteration and objection ? If so, will Government please state if he has authority to do so ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Government have no information, nor do they propose to call for any information in regard to a matter relating to the internal procedure of the office of the Chief Engineer.

#### LACK OF TECHNICAL KNOWLEDGE BY THE P. A. TO THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, DELHI.

589. \*Mr. Abdul Latif Sahib Farookhi : Is it a fact that the P. A. to the Chief Engineer, P. W. D., Delhi, is not a technical man ? If so, will Government be pleased to state how he understands the work of technical staff ?

**The Honourable Sir Bhupendra Nath Mitra :** The Personal Assistant to the Chief Engineer is not a technical man and does not, therefore, deal with the work of technical staff.

MEMOIRS PUBLISHED BY ARCHÆOLOGICAL OFFICERS.

590. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government please lay on the table a statement showing the number of memoirs published by each and every one of the Archæological Officers ?

(b) Is it a fact that when several of the gazetted officers of the Archæological Department did not publish any memoir, some of the non-gazetted members of the Epigraphical Branch of the Archæological Department were asked to contribute articles for publication as memoirs ?

(c) Is it also a fact that memoirs submitted for publication by some of the Archæological Officers have not yet seen the light of the day, and if so, why were they not published ?

**Sir Frank Noyce :** The information asked for is being collected and will be supplied to the Honourable Member later.

APPOINTMENT OF A MUHAMMADAN IN THE AGRA CIRCLE OF THE ARCHÆOLOGICAL DEPARTMENT.

591. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government please state the number and religion of the men dismissed by the Superintendent, Archæological Survey, Muhammadan and British Monuments, Agra Circle, since the date of his taking over charge of the Circle ?

(b) Are Government aware that there is not a single Muhammadan Head Clerk in any of the Archæological Offices ?

(c) Is the post of the Head Clerk in the Agra Circle lying vacant, and if so, do Government propose to consider the desirability of offering it to a Muhammadan ?

**Sir Frank Noyce :** (a), (b) and (c). Inquiries have been made and the information asked for will be supplied to the Honourable Member later.

DEPUTY DIRECTOR GENERAL OF ARCHÆOLOGY FOR EXPLORATION.

592. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government lay on the table a statement of the work done by the Deputy Director General for Exploration during his tenure of three years, and state how many new sites he explored during this period ?

(b) Will Government please state when the term of the present Deputy Director General of Archæology for Exploration expires, and whether the three years' period fixed for the Deputy Director General of Archæology will also apply to the Deputy Director General of Archæology for Exploration ? If not, why not ?

(c) Do Government intend that all Archæological Officers should be given chances to work as Deputy Director General of Archæology for Exploration ? If not, why not ?

**Sir Frank Noyce :** (a) The information asked for is being collected and will be supplied to the Honourable Member later.

(b) The term of office of the present Deputy Director General of Archæology for the Exploration expires on the 10th November, 1929. The three years' period of tenure fixed for the post of Deputy Director General of Archæology applies also to the post of Deputy Director General of Archæology for Exploration.

(c) Yes, the claims of all officers are considered when appointments are made to this post. The latter part of the question does not therefore arise.

ACADEMIC QUALIFICATIONS OF THE DEPUTY DIRECTOR GENERAL OF ARCHÆOLOGY.

593. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government please state the academic qualifications of the present Deputy Director General of Archæology, and why he was selected to fill the post in preference to other senior officers in the Department ?

(b) Will Government please also state how they regulate promotions to the posts of Deputy Directors General of Archæology and Superintendents of the Circles ?

(c) Are promotions in the Archæological Department regulated by seniority or by merit ?

**Sir Frank Noyce :** (a) The present Deputy Director General of Archæology is an Associate of the Royal Institute of British Architects. He was selected for the post, because he was considered better qualified for it than any other officer who was available for appointment.

(b) and (c). Appointments to the posts of Director General and Deputy Director General of Archæology are made by merit. The tenure of the appointment of Deputy Director General of Archæology is ordinarily three years. Promotions to Superintendentships of Circles are normally regulated by seniority, but regard is paid in the case of these posts also to considerations of merit.

PURCHASE BY THE AJMER-MERWARA EDUCATION DEPARTMENT OF A CINEMA MACHINE FROM J. NATH AND SON.

594. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that a cinema machine with its accessories was purchased for Rs. 5,000 by the Ajmer-Merwara Education Department in the financial year 1927-28 ?

(b) Is it a fact that the said machine was purchased from J. Nath and Son, Ajmer ? If so, which Government officer ordered J. Nath and Son to supply the machine ?

(c) Did the Government officer concerned give the order to J. Nath and Son for the machine orally or in writing ? If in writing, will Government please place on the table a copy of the said order ?

(d) Will Government please inquire and state whether J. Nath and Son purchased the said machine from a Lahore firm ? If so, will Government please state why, in the interest of economy, the Ajmer-Merwara Education Department did not purchase it direct from the Lahore firm ?

(e) Are J. Nath and Son dealers in cinema machines ?



(f) What was the name of the person who, on behalf of J. Nath and Son, signed the acknowledgments of receipt of money paid by Government for the cinema machine?

(g) Did Government consult some mechanical and cinema experts, other than those connected with the selling firms to satisfy themselves that the machine was purchased economically?

**Sir Frank Noyce :** With your permission, Sir, I shall deal with questions 594—597 together. The information asked for in these questions is being collected and will be supplied to the Honourable Member later.

#### CINEMA PURCHASED FOR SCHOOLS IN AJMER-MERWARA.

†595. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government please put on the table a list of the schools in Ajmer-Merwara where the cinema machine referred to in the previous question was used, giving against each school the dates on which the cinema demonstrations took place in it?

(b) Do Government find that the use made of the cinema justifies the expenditure which its purchase entailed?

(c) Is it a fact that money for the purchase of the cinema was provided by reappropriation from the sums allotted for the five-year programme? If so, will Government please state why the money was not utilised for the purposes for which it was demanded by Government and voted by the Assembly in that year's budget estimates of the five-year programme?

#### PURCHASE OF BOOKS FROM J. NATH AND SON BY THE AJMER-MERWARA EDUCATION DEPARTMENT.

†596. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that the Ajmer-Merwara Education Department purchased books for the libraries of the vernacular secondary schools from J. Nath and Son, Ajmer? If so, which Government officer gave orders to J. Nath and Son for the supply of the books and what was the total amount of money spent by Government on the purchase?

(b) Is it a fact that the said books purchased from J. Nath and Son could be purchased direct from publishing firms in India? If so, will Government please inquire and state whether the books could be purchased by the Government at a less cost directly from the publishing firms than the cost incurred by the purchase through J. Nath and Son?

(c) Will Government please state whether estimates for the said supply of books were called for from various book-sellers in Ajmer before orders for the supply were given to J. Nath and Son? If so, from which book-sellers?

(d) Are J. Nath and Son dealers in books?

(e) What was the name of the person who, on behalf of J. Nath and Son, signed the acknowledgments of receipt of money paid by Government for the said supply of books?

†For answer to this question, see answer to question No. 594.

#### PURCHASE OF FURNITURE FROM THE PROCLAMATION MANUFACTURING COMPANY BY THE EDUCATION DEPARTMENT, AJMER.

†597. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that furniture for the vernacular schools was purchased by the Ajmer-Merwara Education Department from the Proclamation Furniture Manufacturing Company, Ajmer? If so, which Government officer gave orders to the said company and what was the total expenditure incurred in the purchase?

(b) Were tenders called for from various firms in Ajmer before giving orders for the supply to the Proclamation Furniture Manufacturing Company? If so, from which firms?

(c) Will Government please state why orders were given for the supply to the Proclamation Furniture Manufacturing Company in preference to other firms?

(d) What was the name of the person who, on behalf of the Proclamation Furniture Manufacturing Company, signed the acknowledgments of receipt of money paid by Government for the supply referred to in part (a)?

#### RIGHTS OF OWNERS OF BUNGALOWS IN CANTONMENTS.

598. **\*Mr. Muhammad Ismail Khan :** (1) With reference to the reply given by Government to my unstarred question No. 254, on the 25th February, 1929, will Government be pleased to state whether the assurance given by Lord Reading to the Deputationists in 1922 was in the following terms:

“The next question referred to by you concerns the non-interference in the rights of the owners of bungalows in Cantonments to live in their bungalows themselves. About this, I assure you that in the amended House Accommodation Act which is at present under the consideration of my Government no interference has been allowed to be made in the rights of the owners of bungalows which they enjoy at present under Section 11 (c), and that according to the new law, too, the owners of bungalows will continue, as heretofore, to enjoy their rights of living in their bungalows themselves.”

If so, will Government be pleased to state the real object of the proposed amendment of the House Accommodation Act requiring owners of bungalows to give six months' notice to the Officer Commanding the Station of their intention to live in their bungalows themselves, when the owners will not be allowed to live in them if they are required for the residence of military officers?

(2) Will Government be pleased to state if, under the circumstances mentioned in part (1) above, the proposed amendment by the Secretary, Army Department, is not actually a marked departure from Lord Reading's assurance?

**Mr. G. R. F. Tottenham :** (1) The Honourable Member has not quoted Lord Reading's reply quite correctly. As he was informed in answer

†For answer to this question, see answer to question No. 594.

to his unstarred question No. 254 of the 25th of February, 1929, what Lord Reading actually said was :

“ That owners of houses in cantonments, who were at that time protected under section 11 (c) of the House Accommodation Act, would not be deprived of that protection.”

As a member of the Select Committee on the Bill to amend the House Accommodation Act, which is at present before this House, my Honourable friend is no doubt aware that the amendment originally proposed in the terms he has quoted has been dropped in favour of a simpler amendment, which is designed to make it clear that all existing occupants of their own houses will be protected, but only *bona fide* residence, as distinct from temporary occupation, will confer exemption in future.

(2) Neither the amendment originally proposed nor the amendment now proposed constitutes a departure from the terms of Lord Reading's assurance.

#### RULES FOR THE GRANT OF BUILDING LAND IN CANTONMENTS.

599. \***Mr. Muhammad Ismail Khan** : Will Government be pleased to place on the table a copy of the rules in force in the Bengal Army Presidency, showing their application to the Punjab also, on the subject of the specific condition on which Cantonment lands had been granted to grantees by Government for the purpose of building bungalows for the use of military officers, etc. ?

**Mr. G. R. F. Tottenham** : A copy of the rules has already been placed in the Library. The attention of the Honourable Member is invited to pages 5-6 of these rules.

#### QUALIFICATIONS OF MR. INAYETULLAH KHAN.

600. \***Mr. Muhammad Ismail Khan** : With reference to the reply given by Government to my starred question No. 658, on the 19th February, 1929, will Government be pleased to verify and state why the following qualifications possessed by Mr. Inayetullah Khan had been omitted in the statement placed on the table ?

- (a) He was the first Indian who in the course of five years earned four honours, rewards, and scholarships ;
- (b) He worked as Assistant Secretary to the Government of India, Education Department, for two years ;
- (c) Before his appointment as Assistant Secretary he filled the appointments of Principal, and Vice-Principal, of the Islamia College for four years ;
- (d) He was recommended by the Chief Commissioner of the North West Frontier Province in 1919 for the post of Assistant Secretary, Education Department, and
- (e) while Principal of the Training College, he also worked as Inspector of High Schools, and Registrar of Departmental Examinations in the North West Frontier Province.

**Sir Frank Noyce** : With your permission, Sir, I shall deal with questions Nos. 600—602 together. The information asked for is being collected and will be supplied to the Honourable Member later.

#### NON-APPOINTMENT OF MR. INAYET-ULLAH KHAN AS DIRECTOR OF PUBLIC INSTRUCTION, NORTH-WEST FRONTIER PROVINCE.

†601. \***Mr. Muhammad Ismail Khan** : (a) Will Government be pleased to state if it is a fact that Mr. Inayetullah Khan's experience of educational problems in the North West Frontier Province extends over about 16 years ?

(b) When the officiating appointment of Director of Public Instruction of that Province had fallen vacant in 1922, was it given by Government to an Officer who had only about six years service in the Indian Educational Service in preference to Mr. Inayetullah Khan who was at the time in the Province ?

(c) As a result of incapacity was that Officer either compelled to resign the service or did he resign voluntarily ?

(d) Since Mr. Inayetullah Khan took charge of the Government High School at Peshawar, did the number of students double, while in the history of the School relating to the last fifteen years in which generally European Head Masters held charge of the same, the number of students did not exceed 170 ?

(e) Were the results of examinations in Mr. Inayetullah Khan's time very satisfactory as compared with those in that of European Head Masters ?

(f) Did he introduce the system of imparting theology in his school, and, did the Education Department subsequently sanction its introduction in all schools in the Province ?

(g) Had the Government of India, after Mr. Inayetullah Khan had refused to sign the usual agreement with the Secretary of State, declared that the Local Government would, doubtless, consider his claims to the appointment of Director of Public Instruction in the North West Frontier Province when it fell vacant and advised Mr. Inayetullah Khan to sign the agreement ?

#### NON-APPOINTMENT OF MR. INAYETULLAH KHAN AS DIRECTOR OF PUBLIC INSTRUCTION, NORTH-WEST FRONTIER PROVINCE.

†602. \***Mr. Muhammad Ismail Khan** : (a) Have the Government of India made recommendations to the Government of the North West Frontier Province regarding the claims of Mr. Inayetullah Khan to the appointment of Director of Public Instruction in the Province ?

(b) Had his claims to the appointment of Director of Public Instruction in the North West Frontier Province been overlooked when Mr. Carna had succeeded Mr. Jones in 1921, when Mr. Towle succeeded Mr. Carna in 1922, when Mr. Geach had succeeded Mr. Towle for seven months, when Mr. Tydeman succeeded Mr. Towle who proceeded on leave in 1925, and when Mr. Orgill succeeded Mr. Towle in a leave vacancy in 1928 ?

(c) Will Government be pleased to state why Mr. Inayetullah Khan was deprived of well-earned promotion ?

† For answer to this question, see answer to question No. 600.

LEGALITY UNDER THE CANTONMENTS (HOUSE-ACCOMMODATION) ACT OF A NOTICE SERVED ON THE OWNER OF A BUNGALOW.

603. \***Mr. Muhammad Ismail Khan** : With reference to part (b) of the reply given by Government to question No. 252 on the 25th February, 1929, will Government be pleased to state whether the notice dated the 9th November, 1926, served on the owner of Bungalow No. 2, Roos Keppel Lane, was in conformity with the provisions of Articles 7 and 12 of the Cantonments (House-Accommodation) Act? Have Government consulted the Military Advocate General as to legality of this notice?

**Mr. G. R. F. Tottenham** : The answer is in the affirmative. Government have not consulted the Judge Advocate General because there was no doubt about the legality of the notice.

ENACTMENT OF A JUVENILE SMOKING ACT.

604. \***Rai Sahib Harbilas Sarda** : (1) Have the Government of India under consideration any legislation for prohibiting the selling of *bidis*, cigarettes or other smoking mixture to children below 14 years of age?

(2) Are Government aware that a Juvenile Smoking Act has been passed by the Central Provinces Legislative Council and that the Bombay Corporation has also recommended the enactment of similar legislation for Bombay?

**Sir Frank Noyce** : (1) The answer is in the negative. The matter is primarily one for the consideration of Local Governments.

(2) The Government of India have no information as to whether the Central Provinces Juvenile Smoking Bill has yet become law or as to any recommendation on the subject by the Bombay Corporation. I may, however, state for the Honourable Member's information that Juvenile Smoking Acts have been passed in Assam, Bengal and the Punjab.

RULES TO PREVENT THE ADULTERATION OF GHEE.

605. \***Rai Sahib Harbilas Sarda** : Does the Ajmer Municipalities Regulation provide for rules to be made to prevent adulteration of food-stuffs sold within municipal limits in Ajmer, Beawar and Kekri? If so, have any rules been made to prevent adulteration of pure ghee with the so-called *banaspati* or vegetable ghee? If not, do Government propose to do so now?

**Sir Frank Noyce** : The reply to the first two parts of the question is in the negative. As regards the third part, the Honourable Member's attention is invited to section 141 of the Ajmer-Merwara Municipalities Regulation, 1925, in which a penalty has already been prescribed for selling any article of food or drink which is not wholly of the nature, substance or quality of the article demanded by the purchaser.

**Mr. K. Ahmed** : Has the Honourable Member seen in the newspapers a copy of the Resolution forwarded by the Calcutta Corporation to the Government of India recommending that the sale of vegetable and adulterated ghee in the markets should be restricted as being injurious to health and as having no nutrition in it?

**Sir Frank Noyce** : No, Sir. I have not seen it.

ALLOWANCES OF FIRST CLASS POSTMASTERS FOR INSPECTING POST OFFICES.

606. \***Rai Sahib Harbilas Sarda** : (a) Is it a fact that prior to the 1st February, 1928, First Class Postmasters used to be given the actual expenses incurred by them in inspecting the Post Offices under their control?

(b) Is it a fact that from the 1st February, 1928, the allowance admissible to First Class Postmasters for inspecting the Post Offices under them was fixed at Rs. 4 a mile, but the Government of India orders actually reached the First-Class Postmasters about the middle of March, 1928?

(c) Was any representation made by some of the Postmasters that they were actually out of pocket as retrospective effect was given to the revised orders? If so, do Government propose to pay the Postmasters the actual expenditure incurred by them?

**The Honourable Sir Bhupendra Nath Mitra** : (a) Yes.

(b) It is a fact that Government orders introducing the revised rates with effect from 1st February, 1928, were issued on 15th February, 1928, and were received by the Postmasters concerned through the Heads of Circles generally about the middle of March, 1928. As regards the rates of allowance fixed by these orders, the Honourable Member is referred to the reply given by me in this House to Mr. Anwar-ul-Azim's starred question No. 86 on the 3rd September, 1929.

(c) Government understand that such a representation was made to the Postmaster General, United Provinces, by six Postmasters of the United Provinces Circle, but no individual representation has reached either the Director General or Government. Such representations, if and when received by Government through the proper channel, will be given due consideration, but it cannot now be stated what final orders will be passed on them.

POST OFFICE GUARANTEE FUND.

607. \***Rai Sahib Harbilas Sarda** : (a) Will Government be pleased to state what the amount of Post Office Guarantee Fund was when the separate existence of the Fund was abolished?

(b) Is it not a fact that the Fund was built up solely by the contributions of Post Office employees?

(c) Will Government be pleased to state the amount of interest that would have accrued under the rules on the money from the date of the abolition of the Fund up to the end of March, 1929?

(d) Will Government please state what amount of compassionate gratuity was paid during the said period showing separately, to (1) purely Postal and Railway Mail Service employees, and (2) employees of the Telegraph Branch?

(e) What was the total amount of compassionate gratuity paid to the employees of other Departments of the Government of India during the same period?

**The Honourable Sir Bhupendra Nath Mitra** : (a) The amount at credit of the Fund was Rs. 10,75,654 when it was closed on 1st April, 1926.

(b) Yes.  
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(c) Roughly Rupees 1½ lakhs.

|                                   |       |    | Rs.    |
|-----------------------------------|-------|----|--------|
| (d) Postal and R. M. S. employees | ..    | .. | 46,196 |
| Telegraph employees               | ..    | .. | 12,669 |
| Other employees                   | ..    | .. | 1,015  |
|                                   |       |    | <hr/>  |
|                                   | Total | .. | 59,880 |
|                                   |       |    | <hr/>  |

(e) Rs. 64,927.

#### RENTING OF SHOPS ON THE GOMTI BRIDGE, JAUNPORE.

608. \***Mr. Abdul Haye** : (a) Are Government aware that the shops on the Gomti Bridge, Jaunpore, which used to be let out for the last so many years are now not to be let out under the recent orders of the Archaeological Officer at Agra ? If so, will Government please state the reason for issuing these orders ?

(b) Is it a fact that the tenants were prepared to pay higher rents on condition that they should not be turned out ?

(c) Is it a fact that the Collector, Jaunpore, suggested to the Archaeological Officer to let these shops out through District Officers ?

**Sir Frank Noyce** : (a) Yes, because if they are leased, it is impossible to keep this bridge, which is a protected monument, in a state befitting its archaeological, architectural and historical importance.

(b) and (c). Yes, but in view of what is stated above, their offers could not be availed of.

#### USE OF AIRCRAFT IN PALESTINE.

609. \***Mr. Abdul Haye** : (a) Did Government send in any protest to His Majesty's Government against the use of aircraft in Palestine from which the Arabs were recently fired upon ?

(b) Are Government aware that the Muslims of India are greatly agitated over this treatment accorded to their co-religionists in Palestine ?

**Sir Denys Bray** : As stated in my answer to Maulvi Muhammad Yaqub's question on the 4th September and also in the Foreign Office communiqué of the 10th September, His Majesty's Government are being kept fully apprised of the deep concern felt by the Indian Muslims over events in Palestine. As regards the use of Aircraft, the Government of India have so far no information beyond the fact that the Royal Air Force assisted in the speedy restoration of order. The Honourable Member may be sure that this and other forces were employed solely for the prevention of disorder and further bloodshed.

**Mr. B. Das** : Is the Honourable Member aware that non-Muslim Indians also have equal sympathy with the Muslim Indians over the problem of Palestine ?

**Sir Denys Bray** : I am well aware, Sir, that there is very general sympathy, not of course confined to the Hindus. (Hear, hear.)

**Mr. K. Ahmed** : Are Government aware that a sum of Rs. 500 was subscribed by a Hindu gentleman of the name of Mr. Bajaj, I think, from Peshawar and that the money was transmitted to alleviate their suffering ?

**Sir Denys Bray** : Not, I am sorry to say, through myself.

#### EVIDENCE OF THE AGE OF CONSENT COMMITTEE.

610. \***Mr. Abdul Haye** : (a) Do Government propose to publish the evidence recorded by the Age of Consent Committee ? If so, when will it be made available to the Members of the Indian Legislature ?

(b) If the publication of the evidence is not intended, will Government please state their reasons ?

**The Honourable Sir James Crerar** : (a) Yes, Volumes I and II have been published, and Volumes III, IV and VI are expected very shortly. The other volumes will be published as soon as possible. Copies of the volumes which have been printed have been placed in the Library of the Legislative Assembly, and the rest will be placed there in due course. Copies will be supplied to any Honourable Members who may ask for them.

(b) Does not arise.

**Mr. Vidya Sagar Pandya** : Are Government prepared to supply these volumes of evidence free of cost to Members of the Assembly as recommended by the Finance Committee ?

**The Honourable Sir James Crerar** : The matter was considered, I understand, at a recent meeting of the Standing Finance Committee, and it was decided, with the concurrence of the Honourable the Finance Member, that any Member of the Legislature who asked for a copy of the evidence volumes should be supplied with them.

**An Honourable Member** : Free ?

**The Honourable Sir James Crerar** : I think that was the intention.

#### APPOINTMENT OF A JUNIOR DRAFTSMAN AS A COMPUTER IN THE PUBLIC WORKS DEPARTMENT, DELHI.

611. \***Mr. Abdul Haye** : (a) Is it a fact that with effect from 1st April 1929, the post of a Computer (equal in status to an Assistant Engineer, Provincial) was created on the recommendation of the Chief Architect, P. W. D., Delhi, to assist him in designing the structures proposed by him ?

(b) Is it a fact that a junior draftsman has been appointed as Computer while an Engineer and some senior draftsmen were available for appointment ?

(c) Will Government please state why a mere draftsman has been appointed in preference to an engineer ?

(d) Is it a fact that the newly appointed Computer is not at present assisting the Chief Architect in his designs but is only doing his previous duty of estimating ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) The facts are not as stated by the Honourable Member. The post of Computer was not

created on the recommendation of the Chief Architect to assist him in his designs, but on the recommendation of the Chief Engineer to assist the Assistant Quantity Surveyor, who is in charge of the General, as distinguished from the Architectural, Drawing Branch of the Chief Engineer's Office, and who is mainly concerned with estimating.

(b) No, a senior draftsman was appointed. It is not clear to which Engineer the Honourable Member is referring.

(c) The man appointed was considered by the Chief Engineer to be the most suitable for the post.

(d) The Honourable Member is referred to the reply to part (a) of this question. The man is not employed only on his past work of estimating.

#### REPLACEMENT BY HINDUS OF MUHAMMADAN CHOWKIDARS OF MONUMENTS IN DELHI.

612. \*Mr. Abdul Haye : (a) Is it a fact that most of the protected monuments in Delhi are of Muslim origin ?

(b) Is it a fact that the present Superintendent of Archaeology is a non-Muslim ?

(c) Is it a fact that the Superintendent of Archaeology removed most of the Muhammadan chowkidars of these monuments and replaced them by Hindus ?

(d) Is it a fact that this caused considerable resentment and dissatisfaction amongst the Muslims, who made representations to the Chief Commissioner of Delhi and the Director General of Archaeology ?

(e) Will Government please state what action they have taken in the matter ? If no action has been taken, will Government please state their reasons ?

Sir Frank Noyce : (a) and (b). Yes.

(c), (d) and (e). The Honourable Member is referred to the answer given to parts (3), (4) and (5) of question No. 447 on the 12th September, 1929.

#### NUMBER OF BIHAREES AND ORIYAS APPOINTED AS SUPERINTENDENTS OF POST OFFICES IN BIHAR AND ORISSA.

613. \*Mr. Siddheswar Prasad Sinha : (a) Will Government be pleased to state the number of Biharees and Oriyas appointed as Superintendents of Post Offices since the creation of Bihar and Orissa as a separate province ?

(b) Will Government please state the number of Superintendents of Post Offices ? How many of them are Biharees ?

The Honourable Sir Bhupendra Nath Mitra : (a) 3 Biharees and 1 Oriya.

(b) 179, of whom 4 are Biharees.

#### SALE OF CALVES BY MILITARY DAIRY FARMS.

614. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that Government have agreed to sell calves of some military dairy farms after rearing them for 2 months from their birth ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state (i) the name of the Association to which they have agreed to sell the calves, (ii) the names of the dairies of which the calves have been agreed to be sold, and (iii) the terms and conditions of such sale ?

(c) Are Government prepared to sell calves of the remaining dairy farms under them, if any, on the same conditions ?

Mr. G. R. F. Tottenham : (a) Yes, as an experiment at one dairy only.

(b) (i) The Shri Mahajan Association, Ltd., Bombay.

(ii) The Government Military Dairy Farm, Kirkee.

(iii) I lay a statement on the table showing the terms and conditions of sale.

(c) Not at present, Sir. Government propose to wait and see the results of the present experiment before proceeding further.

The conditions of the sale of calves are :

- (a) The Shri Mahajan Association, Ltd., should deposit with the Assistant Controller of Dairy Farm, Southern Circle, Jubbulpore, Government paper to the face value of Rs. 1,000 by way of security and in token of their good faith.
- (b) The Association should take over all live calves reserved for them, irrespective of their condition, on or before the 60th day after birth and to pay at the rate of Rs. 30 per calf.
- (c) The Director of Farms will have the right to reimburse Government by deduction from the security deposit of the Association up to Rs. 30 per calf for each calf specially reserved for the Association and for any reason left alive on his hands after the 60th day from the date of its birth.
- (d) The Association will be informed by the Manager, Military Dairy, Kirkee, on the 1st and 15th of every month what numbers of calves have been reserved for the Association since the last report.
- (e) If a calf reported to the Association as having been reserved for them dies before the expiry of 60 days, the Association will pay for the keep of the calf at the rate of annas eight per day from the date of birth to the date of death.

The Association has agreed to take over the male and female calves of cows only for the present.

#### THE HAJ INQUIRY COMMITTEE.

615. \*Mr. Siddheswar Prasad Sinha : (a) Will Government be pleased to state when the Report of the Haj Inquiry Committee is expected to be published ?

(b) Will Government please state (i) the total estimated cost of the Committee, (ii) the amount spent up to the end of the last month, and (iii) the amount spent on allowances of the President and each member separately, and on the witnesses ?

**Sir Frank Noyce :** (a) The Report of the Committee is expected to be ready for submission to the Government of India by the end of November next and will be published as soon as possible after its receipt.

(b) (i) Rs. 2,03,150.

(ii) Rs. 1,01,522-10-9.

|                                                                      |    |    |        |    |   |
|----------------------------------------------------------------------|----|----|--------|----|---|
| (iii) The Honourable Mr. H. B. Clayton, C.I.E.,<br>I.C.S. (Chairman) | .. | .. | 11,825 | 6  | 0 |
| Khan Bahadur Haji Abdoola Haji Kasim,<br>M.L.A.                      | .. | .. | 8,463  | 5  | 0 |
| Seth Haji Abdoola Haroon, M.L.A.                                     | .. | .. | 5,246  | 13 | 0 |
| The Honourable Sir Ebrahim Haroon Jaffer                             | .. | .. | 6,445  | 9  | 0 |
| Mr. Fazal Ibrahim Rahimtullah, M.L.A.                                | .. | .. | 5,537  | 14 | 0 |
| Mr. Hasanally P. Ebrahim                                             | .. | .. | 8,085  | 0  | 0 |
| Haji Chaudhury Mohd. Ismail Khan, M.L.A.                             | .. | .. | 8,833  | 14 | 0 |
| Maulvi Mohd. Shafee Daoodi, M.L.A.                                   | .. | .. | 7,911  | 7  | 0 |
| Maulvi Syed Murtuza Sahib Bahadur, M.L.A.                            | .. | .. | 8,221  | 5  | 0 |
| Khan Bahadur Makhdum Sayed Rajan<br>Bakhsh Shah, M.L.A.              | .. | .. | 7,390  | 8  | 0 |
| Witnesses                                                            | .. | .. | 3,657  | 15 | 0 |
| Total                                                                | .. | .. | 81,619 | 0  | 0 |

These figures include the Chairman's salary for the period 27th March to 30th June, 1929, and halting allowance up to the 31st August, 1929, and remuneration and halting allowance of members as well as the travelling allowance drawn by them whenever they did not avail themselves of the reserved railway accommodation to which they were entitled. The salary of the Chairman for July, 1929, amounting to Rs. 3,300, was drawn by him during the current month. The figures relating to the cost of reserved railway accommodation up to the 31st August, 1929, are not known at present.

**Mr. Gaya Prasad Singh :** Is there any other seat vacant on the Committee, Sir ?

**An Honourable Member :** Do you want it ?

**Mr. Ghanshyam Das Birla :** Sir, in view of the large expenditure incurred on these committees and commissions, will the Government consider the desirability of reducing the allowances of Members on future committees and commissions ?

**Sir Frank Noyce :** That is a question for the Honourable the Finance Member.

**Mr. Ghanshyam Das Birla :** Will the Honourable the Finance Member give me an answer to this question ?

**The Honourable Sir George Schuster :** I am afraid I must ask the Honourable Member to repeat his question. I was thinking of something else.

**Mr. Ghanshyam Das Birla :** In view of the large expenditure incurred on these committees and commissions, will the Government consider the desirability of reducing the allowances of Members who are either working now, or who will in future be appointed to such committees or commissions ?

**Mr. Jamnadas M. Mehta :** Reduced to what level ?

**The Honourable Sir George Schuster :** If the Government have any evidence before them of an opinion in this Assembly on that subject, they will certainly give due weight to an expression of that opinion. Speaking for myself as Finance Member, I should of course welcome anything which would tend to reduce the cost of these committees and commissions of inquiry. I think I may say that it is becoming quite a serious matter in the cost of carrying out the work of Government. Again, speaking for myself, I should take it as evidence of a very commendable public spirit if there were to be an expression of a general desire on the part of non-official Members of this House for reducing the rates paid to members of committees and for restricting the travelling and other expenses to a minimum. I do not think I can say any more on the subject now, but if the Honourable Member has any suggestions to make on the matter, I should be very pleased to discuss them with him.

**Mr. K. C. Roy :** Is the Honourable the Finance Member aware that any further reduction of the allowances given to Members of committees and commissions will result in the exclusion of the poorer Members of the Assembly from serving on such committees and commissions in future ?

**The Honourable Sir George Schuster :** I am aware, Sir, that the question is not at all a simple one, and the consideration which has just been given voice to by my Honourable friend, Mr. Roy, will have to be weighed very fully in deciding upon any policy in this matter. It would of course lead to very undesirable results if, in trying to cut down expenditure, we were to confine the ability to serve on these committees to Members in possession of large private means. I am sure every one will recognise that. But I still think that there is room for economy in this matter without leading to the undesirable result suggested by my Honourable friend.

**The Revd. J. C. Chatterjee :** Is it open to Members appointed to committees and commissions to forego their allowance or to take a smaller allowance if they so desire ?

**The Honourable Sir George Schuster :** It is of course possible for any Member of a committee to take action of that kind, but I am sure my Honourable friend will recognise that that may lead to very invidious results. Although I know that it often happens that Members who are in possession of large private means feel some compunction in accepting fees, I also know that, in certain particular cases, they have felt themselves constrained not to make an offer to forego them because they have felt that they would be placing other members of the committee in an unfair position.

**Mr. Ghanshyam Das Birla :** In view of the fact that the Assembly Members are paid at the rate of Rs. 20 per day as allowance, and if in



spite of this lower allowance, we are in a position to get the best brains of India, may we not expect, if we reduce the allowance of the Members of these committees and commissions, to get as good men for them?

**The Honourable Sir George Schuster :** I think the fact which has just been mentioned by my friend is extremely relevant in a consideration of this question.

**Mr. Ghanshyam Das Birla :** May I inquire what steps Government propose to take to ascertain the view of the Assembly on this point?

**The Honourable Sir George Schuster :** I think that if it is a question of giving expression to un-official opinion in this Assembly, the steps that can be taken are steps which are well known and which are open to my friend opposite. It is quite possible for him to give notice of a Resolution on the subject, and I should think that that will be the most proper means for raising a discussion on this whole question.

**Mr. Ghanshyam Das Birla :** Will the Government be prepared to give time in case some non-official Member cares to move a Resolution of that nature? Will Government be pleased to give a day for the discussion of this question?

**The Honourable Sir George Schuster :** Does my Honourable friend ask for a day for the discussion of this question during this current Session?

**Mr. Ghanshyam Das Birla :** Yes, Sir.

**Nawab Sir Sahibzada Abdul Qaiyum :** Will Government be pleased to consider the desirability of not paying any allowances to Members of this House when appointed to committees except their actual travelling expenses?

**The Honourable Sir George Schuster :** I think, Sir, that it would be going rather too far to say that that would be our attitude in the matter. I think we all must recognise that there are certain Members of this House whom it is very desirable to have as Members of committees and commissions who could not afford to serve on such committees and commissions unless they received some remuneration beyond the recovery of their actual out of pocket expenses.

**Mr. E. L. Price :** I want to ask the Honourable the Finance Member whether it is a fact that these allowances are paid right up to the moment that the Report is signed? That seems to be unnecessary.

**Mr. Gaya Prasad Singh :** Are Government aware.....

**Mr. President :** Order, Order.

**The Honourable Sir George Schuster :** I am not quite sure that I understand the purport of the question put by my friend Mr. Price. As far as I know, the daily allowances are only paid for the actual days on which service is given. I think it is highly probable that, in the last two or three days before a Report is actually signed and submitted, such service will be given, because a committee will certainly be occupied in considering its Report and signing it during the last two or three days. I think that supplies the answer.

**Mr. Gaya Prasad Singh :** Are Government aware, I want to ask only one question, Sir.....

**Mr. President :** Order, order. This is now degenerating into a debate and I must intervene. Only one question put by Mr. Birla has not been answered, I think, and that is, whether Government are prepared to give time during this Session to consider and discuss this question.

**The Honourable Sir James Crerar :** Sir, there is still a pretty heavy programme of work before the House, and I doubt myself whether an extension of the Session in order to consider this particular matter which, though a very important question, is not one of immediate urgency, is a suggestion which the House would generally desire should be complied with. If the question is whether time should be allowed in the ensuing Session for this matter, I cannot, of course, give a definite engagement, but I can say this that it will receive very careful consideration having regard to the business at the time before the House.

#### INTRODUCTION OF COMPULSORY PHYSICAL TRAINING IN SCHOOLS AND COLLEGES.

616. **\*Mr. Siddheswar Prasad Sinha :** (a) Will Government please state what steps they have taken for introducing compulsory physical training in schools and colleges of the provinces directly administered by them?

(b) How many, and which of the provincial Governments have accepted the principles of Dr. Moonje's Resolution passed by this Assembly on the 15th February, 1929?

**Sir Frank Noyce :** (a) Local Administrations have been addressed.

(b) Local Governments have been addressed in regard to the introduction of compulsory physical training, games and drill, but have not yet had sufficient time in which to report the action, if any, taken by them in this direction. They have not yet been addressed in regard to the provision of miniature rifle ranges and the encouragement of their use, but it is proposed to do so shortly.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### EMPLOYMENT OF MUSLIMS IN CERTAIN OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

178. **Mr. Muhammad Ismail Khan :** (1) Will Government be pleased to state the total number of clerks serving at present in the offices of the District Headquarters, and in those subordinate to them including those of Executive Officers in the North West Frontier Province and the number of Muslims among them?

(2) Will Government be pleased to state how they propose to reconcile the disproportion, and whether the claims of the qualified local Muslims are given due consideration when filling up vacancies?

(3) Will Government be pleased to refer to Army Department Establishment Officer's Circular Memorandum No. 33346/1 (A.D.), dated

the 19th November, 1926, addressed to all Heads of Military Departments on the subject of measures to be adopted for securing appointments of minor communities in the Government of India Secretariat Offices, and in those subordinate to them, and to state whether the Government had considered the treatment to be meted out to a majority community in a Province like the North West Frontier Province?

(4) Will Government be pleased to state whether they propose to give more posts in the military offices to the non-Muslim minority community in the Province or to limit the future filling up of vacancies to Muslims of the country?

**Mr. G. R. F. Tottenham :** (1) The Honourable Member is referred to the figures I gave him in my letter of 8th May, last and in the reply given on the 16th September to part (a) of his starred question No. 521.

(2) Yes, but most of the military clerical appointments in the North West Frontier Province are held by men who are liable to be transferred to any part of India, and recruitment cannot therefore be made entirely on a local basis.

(3) and (4). I would refer the Honourable Member to the reply given in this House on the 11th March, last by the Honourable Sir B. N. Mitra to starred question No. 984.

#### NUMBER OF NON-MUSLIM HIGH SCHOOLS AND TEACHERS IN THE NORTH WEST FRONTIER PROVINCE.

**179. Mr. Muhammad Ismail Khan :** (1) Are Government aware that the grievances of the Muslims of the North West Frontier Province have been recently published in several issues of vernacular newspapers on the subject of inconsiderate treatment meted out for a long time to the Muslims by the Education Department of the Province in the way of appointments of a large number of non-Muslim teachers, and the apportionment of a smaller number of High schools for Muslims in the Province?

(2) Will Government be pleased to state :

- (a) the number of non-Muslim teachers who are working in the rural, and urban schools separately ;
- (b) the consideration or special policy determined by the Local Government necessitating the appointment of non-Muslim teachers as a special case in preference to Muslims to deal with an entirely Muslim community in the country ; and
- (c) the number of Hindu and Muslim High schools existing in the Province ?

**Sir Frank Noyce :** (1) Yes, but it is not correct that a large number of non-Muslim teachers have been appointed or that Government High Schools, which are not sectarian, have been apportioned on a communal basis.

(2) (a). The information asked for is being collected and will be supplied to the Honourable Member later.

(b) No such policy exists.

(c) There are six Hindu and five Muslim aided High Schools.

#### EMPLOYMENT OF MUSLIMS IN THE TELEPHONE DEPARTMENT, NORTH WEST FRONTIER PROVINCE.

**180. Mr. Muhammad Ismail Khan :** (1) Will Government be pleased to state :

- (a) the total number of Operators now working in the Telephone Department of the Frontier Province ;
- (b) the number of Muslims and non-Muslims of the North West Frontier Province among them ; and
- (c) the number of Muslims and non-Muslims of other Provinces ?

(2) Do Government intend to consider the long-standing grievances of the local Muslims of the country as regards their claims to their proper representation in the Department consistent with their majority of population in the Province, and take such action in the matter as may pacify them ?

**The Honourable Sir Bhupendra Nath Mitra :** (1) (a). (69).

(b) 34 Muslims and 14 non-Muslims.

(c) 10 Muslims and 11 non-Muslims.

(2) The figures given in reply to part (1) of the question do not indicate that the Muslims have any grievance on the score of inadequate representation in the Telephone Branch of the Department in the North West Frontier Province and Government do not propose to take any action in the matter.

#### EMPLOYMENT OF MUSLIMS IN CERTAIN OFFICES OF THE NORTH WESTERN RAILWAY.

**181. Mr. Muhammad Ismail Khan :** (1) Will Government be pleased to state the total number of clerks serving at present in the Offices of the (a) Agent, North Western Railway, Lahore, (b) Audit Officer, North Western Railway, Lahore, and (c) Divisional Superintendent, North Western Railway, Rawalpindi, and the number of Muslims in each of the above Offices ?

(2) Will Government be pleased to state how they propose to adjust the serious disproportion of posts held by Muslims in the above-mentioned Offices ?

**Mr. P. R. Rau :** (1) Government regret that, for reasons already explained, they are not prepared to furnish figures of communal representation in individual offices.

(2) The Agent, North Western Railway, is aware of the policy of Government to prevent the preponderance of any particular community in railway service, and Government have no reason to believe that this policy is not being followed on the North Western Railway.

#### GRIEVANCES OF OWNERS OF LAND IN THE BED OF THE BISLA LAKE, AJMER.

**182. Rai Sahib Harbilas Sarda :** (a) Is it a fact that great hardship is caused to owners of land in the bed of the Bisla lake at Ajmer by allowing water to collect in the lake for some months and then letting it flow out when the time for cultivating the land is passed ?

(b) Have any representations been made to Government in the matter? If so, do Government propose, in view of the representations made by cultivators, not to let water collect at all in the lake or, to restore the lake and keep it full like the Anasagar lake all the year round?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government are not aware of any great hardship caused to owners of land in the bed of the Bisla Lake in Ajmer by allowing four feet of water to collect in the lake to assist water levels of surrounding wells between June and the middle of October every year.

(b) No serious representation has been received by Government since the order to store water was given in 1921, but very recently two petitions were received by the Commissioner, Ajmer, one asking for water to be let out and the other for a longer period of storage. Both were replied to the effect that water would be retained till the middle of October as usual. Government do not propose to disturb the existing order of things.

#### RESOLUTION RE THE ESTABLISHMENT OF PANCHAYATS IN VILLAGES—*contd.*

**Mr. President :** The House will now resume further discussion of the following Resolution moved by Mr. K. V. Rangaswami Ayyanger on the 3rd September, 1929 :

“ This Assembly recommends to the Governor General in Council that he do appoint a mixed committee of officials and non-officials to examine the rural conditions obtaining in the various Provinces, and to recommend ways and means for establishing in each village, or group of villages with a population of not less than 1,000 inhabitants, an efficient Panchayat which will mainly be elected on the audit franchise system, and possess sufficient legal powers and financial resources for administering all village concerns, such as agriculture, minor irrigation and forests, cottage industries, village sanitation, education, co-operation, trade and banking, and for deciding civil and criminal suits up to a certain limit, subject only to the general control and technical advice and appellate jurisdiction of district and provincial officers and courts of law.”

There are, as Honourable Members will notice, two amendments tabled, one by Mr. Mukhtar Singh and the other by Mr. M. K. Acharya. As regards the amendment of Mr. Acharya, I understand that he has already spoken to the original motion and I feel some difficulty in admitting his amendment at this stage. If he will kindly explain how he is in order, I will consider.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : I thought, Sir, that the amendment differed from the original Resolution in curtailing the scope of the inquiry suggested in the Resolution and in trying to meet some of the points raised by the Government Member in replying to the debate that day. That is how I think it improves and amends the original Resolution.

**Mr. President :** My difficulty is this. The Honourable Member was responsible for this Resolution at the last Session. He gave notice of this Resolution this Session and he supported it whole-heartedly at the last meeting. I believe he was responsible for the wording of the Resolution, and now, after having spoken to the original motion, he gives notice of an amendment. That is the difficulty in which I am placed, and therefore

I should like the Honourable Member to explain how I can rule that amendment in order. I do not consider this to be a legitimate use of the procedure of this House.

**Mr. M. K. Acharya :** I leave it to you, Sir.

**Mr. A. Rangaswami Iyengar** (Tanjore, *cum* Trichinopoly : Non-Muhammadan Rural) : May I also draw your attention to the Standing Order at page 117 where you find :

“ If notice of such amendment has not been given two clear days before the day on which the Resolution is moved, any Member may object to the moving of the amendment.”

Now, Sir, this amendment has been given notice of after the Resolution was moved at the last meeting, and it is quite open to any Member of this House to object to the moving of this amendment....

**Mr. President :** Is the Honourable Member taking objection to the moving of this amendment?

**Mr. A. Rangaswami Iyengar :** Yes, Sir.

**Mr. President :** I desire to inform Honourable Members that the recognised Parliamentary practice is that, when a Member speaks to the original motion without moving any amendment and resumes his seat, he is not entitled at any further stage to rise to move an amendment, and that practice I am bound to follow. I think it is a salient rule of Parliamentary practice, and apart from the objection taken by Mr. Rangaswami Iyengar, I think on this ground and on this ground alone I cannot allow the Honourable Member to move his amendment. Mr. Mukhtar Singh.

**Mr. Mukhtar Singh** (Meerut Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That for the original Resolution the following be substituted :

“ This Assembly recommends to the Governor General in Council (a) to immediately rehabilitate in villages within the territories under its direct control the panchayats on an elective system based on a sufficiently broad franchise and equip them with legal powers and funds sufficient for the administration of village concerns, *viz.*, village sanitation, disease of livestock, minor irrigation, forests, cottage industries, primary education, co-operation, petty civil and criminal cases, registration of births, deaths and marriages and the like, and (b) to formulate in consultation with Local Governments and lay down a uniform policy for Provincial Government to build up such autonomous panchayats on an elective basis based upon a sufficiently wide franchise in all the provinces of India (specially where such institutions do not exist), directing the Local Governments to appropriate sufficient funds from the provincial revenues for such panchayats to function properly and if Local Governments are unable to cope with the demands for funds, to apportion sufficient funds for the purpose from the Imperial revenues.”

The Resolution, as originally drafted, makes it necessary for the Government to institute a Committee of Inquiry. That is the first thing that I have eliminated in this amendment. The second thing which differentiates this amended Resolution from the original Resolution is that it has been divided into two parts. When the original Resolution was moved, objection was taken by some of the Members that it was a transferred subject and therefore it would not be within the province of this Government and to give effect to this Resolution. In order to meet that objection, I have divided this Resolution into two parts. The first part deals with the areas

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administered directly by the Imperial Government and the second part lays down the general policy for the Local Governments after consultation with them.

Sir, when the present Government assumed the governance of this country, we know very well that there were panchayats in existence practically in every village. Each village was administered by the elders of the village or the community of that village. In spite of invasions from outside and times of distress, this institution could not be wiped off, but during the regime of the present Government, it has practically disappeared. I may be excused for quoting from a paper written and signed by Mr. A. H. A. Simcox, dated the 24th April, 1922. This is what he says :

"The Indian village system has lived and prospered through many fierce attacks. It is still living in spite of the insidious erosion of modern life. There is probably not a man in the Government of India who would not willingly preserve and strengthen it, and yet it is in greater danger from the British Government than it was from Mohammed of Ghazni or Aurangzeb. Unwillingly and unwittingly, we have dealt it many shrewd blows, and are doing so yet. The more damage we do to it, the worse for us and for India, for it is the strongest foundation of Indian social life."

This will clearly show that the necessity for the village panchayats is recognised not only by the political agitator as the Government calls him, but also by Englishmen themselves. The necessity for the village panchayats was recognised by the Decentralisation Commission also. There is a point which pains me very much when I find that the present Government tried to disorganise the organisations that existed in this country, and I consider that this is the greatest charge against the Government, that they did not allow the old institutions to prosper. As far as the panchayats are concerned, I may be allowed to say that the village accountant who is known as the *patwari*, the village headman who is known as the *lumbardar* and the village watchman who is known as the *chaukidar* were the necessary persons in a village. These three exist even today with this difference, that the accountant, the village headman and the watchman in olden days were paid by the village people, and today they are paid by the Government. This makes a very great difference. Formerly the *patwari*, the headman and the watchman knew that they were the servants of the village and today they understand, and quite rightly that they are the servants of Government. I may be asked what does it matter? From my point of view, it matters very much. If you go to a village, you will find that the village *patwari* is responsible for more than 75 per cent. of the litigation in the village. It may be all right so far as the Patwari Manual goes but we know as a matter of fact that many of the revenue and civil cases are due to a wrong entry in the papers. Similarly, the village watchman does not consider himself to be the servant of the village. He thinks that he is the servant of the police and the Criminal Intelligence Department. The same is the position of the village headman. That is why the panchayats of today are mostly the panchayats of the community or the panchayats of religious people. They do not and cannot have the same force of public opinion that they used to have. The village panchayat was an institution which appealed to the heart of the people and the panchayats that the Government have appointed in certain villages do not appeal to the heart of the people. That makes the whole difference. I would submit that Government should realise this difference and institute these village panchayats accordingly. I may be told that it was for the Provincial Governments to take steps in

this matter. I would point out that the Decentralisation Commission was a Royal Commission and they laid down certain principles which were necessary for the Government to follow. In order to give effect to these recommendations, the Government ought to have enacted an Imperial Act and thus ought to have initiated a uniform policy for all the Local Governments. But the Government did not do so and this is why it has been found necessary to move this Resolution in this Assembly. The first principle laid down by the Commission was that the panchayats should be formed on an elective basis and that the elections should be held, not in accordance with any complicated rules, but in an informal meeting of the inhabitants of the village. This recommendation has not been followed and today we find there are different rules in different provinces. If you take the United Provinces Panchayat Act, you do not find the elective principle there. It is the Collector who appoints the panchayat, and it is the Collector who fills the vacancy. The very idea of election is taken away. The result of it is that those people who have a voice in the village are not elected as panches as they are generally the people who do not care to see the officials and the whole thing becomes a failure. The second principle laid down by the Commission was that these panchayats should not be asked to levy taxes but this recommendation too has not been followed. Take for instance the case of Madras and the Punjab and you will find that in both these provinces the Government has given powers for taxation. This has been done for obvious reasons. The Government do not want to spend a pie from their treasury, but still they want these panchayats to prosper. Unless they have sufficient money, how can the village people find the money for village improvements, for education, for sanitation and other things? The Government want to say: "Here we have given you local self-government. You govern your own village and tax the people". So that from the very beginning the panchayat becomes unpopular. This was the point guarded against by the Decentralisation Commission's Report. That has not been given effect to. There are also other points which clearly show that the points which were raised before the Decentralisation Commission have not been given effect to. Therefore from my point of view it is quite necessary for the Government of India to lay down their policy by an uniform legislation.

The amended Resolution has been split up into two parts. The first part asks the Government to introduce the system in the area administered by themselves directly. As far as I know, Sir, there are no panchayats in the North-West Frontier Province, in Ajmer-Merwara and in Delhi. That clearly shows how far the Government have trust in these institutions. The Central Government ought to have, at least by their own conduct, created model institutions in the area administered directly by themselves. This they have not done, and that is why the first part of my Resolution demands that the Government should show to the Local Governments that panchayats should be instituted in every village, and that a uniform policy is followed in the entire area under their control.

The second thing that I demand is that the Government should consult all the Local Governments and then lay down a clear policy stating in what way these panchayats should work. I have tried, Sir, to go through all the different pieces of legislation in the different provinces, and I find that practically in every province there is difference in the legislation. Take, for instance, Bombay. There, no judicial or criminal powers are

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given to the panchayats, and the same is the case in Madras ; though it was clearly laid down by the Decentralisation Commission in their Report that the Government should give these powers to these panchayats. That Sir, is necessary. If no power is given, how will they be able to administer peace and prosperity for the people ? I may be told perhaps that, in olden days, there was no act of legislation to regulate the working of these panchayats successfully. I submit, Sir, this will not be a proper reply to the question. We know that in olden days village communities had public opinion, and by the force of public opinion, they could very well administer what they wanted to administer. What is the position today ? The times have changed. Even the Government of India do not care for public opinion. How then can public opinion be regarded in a village unless and until powers are granted by the Legislature ? It has been said that the village people are not taking the initiative themselves and that they have to be practically asked by the officials in what way they should do their work. I consider, Sir, that if that has happened, it is all due to the method of administration that we have adopted. If we have not allowed the old institution to grow, we cannot say that the people have no initiative. We have not educated them, we have not given them the Western ideals of administration, and we have taken from them the ideals that they had before them in the olden times. Sir, the people were more educated then than they are today. Last Session I quoted certain figures to show that, in old India, people were more educated than they are today ; and if education has not gone higher up than 8 per cent. or even less than that, it is the duty of Government to see that education should spread. The greatest income of Government is from land revenue, and, Sir, only a very small amount out of that is spent on education in villages. The Government will not be correct in saying that, if the people want certain improvements, they ought to pay for them. When the people have already paid much more than a poor man should pay, then I submit it is for the Government to see that ordinary things that a State is bound to provide are provided. Education is the first thing to be provided for these villages ; and as far as I know, excepting the Punjab, these village panchayats have nothing to do with education. In the Punjab too there is no special amount of money placed at their disposal. I know that cess, levied along with land revenue, is assessed for running the district or the local boards. But in the first place that amount is very very small considering the work they have to do, and in the second place the amount spent on education, even out of the district boards' funds is very very small. The Government give very small grants for the dissemination of education. As for instance year before last the United Provinces Government granted, if I remember aright, the sum of three lakhs for the whole of the province for compulsory education. When you introduce compulsory education and give a very small amount of money, it is impossible for the people to create facilities for compulsory education. I submit that compulsory education can not be successfully introduced unless you create an atmosphere in which the village people may be able to understand the value of education.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : May I ask the Honourable Member if it is not a fact that about Rs. 80,000 have been given by the Local Government to the Meerut District Board alone for education ?

**Mr. Mukhtar Singh** : Not for compulsory education. I was speaking about compulsory education. The District Board of Meerut was the first

to apply for compulsory education and yet they have been allowed to introduce compulsory education only in six villages.

**The Revd. J. C. Chatterjee** (Nominated : Indian Christians) : May I ask my Honourable friend if there is any distinction drawn in the matter of grants given by Government as between primary education and compulsory primary education ? Can it not also be used for compulsory primary education ?

**Mr. Mukhtar Singh** : The grant given for compulsory education is a distinct grant from the grant for primary education.....

**The Revd. J. C. Chatterjee** : You mean it is earmarked as such ?

**Mr. Mukhtar Singh** : Yes, it is so. The grant allotted for primary education is hardly enough to meet the expenditure involved in running the ordinary schools which are already in existence....

**Mr. President** : Order, order. The Honourable Member should know that we are discussing a Resolution and not a Bill.

**Mr. Ghazanfar Ali Khan** (Central Provinces : Nominated Official) : Sir, I had no intention of intervening in this debate, but I am convinced that I would be failing in my duty as Official Member for the Central Provinces if I omitted to enter a very strong protest against the violent attack made on the officials of that province by the Honourable Mr. Aney in his speech on the 3rd September. He not only roundly accused the local officials of apathy in this important matter, but he went further and asserted that they deliberately hindered the establishment of panchayats from sordid and selfish motives. Mr. Aney said that they considered the panchayats as a nuisance and a potential rival to their own authority. I am paraphrasing his words. I have not got his exact words but that is the gist of what he said. (Voices : "Louder please".) Sir, I have no hesitation in characterising these sweeping charges against a large body of officials as grossly exaggerated, if not entirely devoid of foundation. I may inform the House that similar charges were made against the officials in the course of a debate in the Central Provinces Legislative Council on a Resolution moved in March, 1925 by Mr. Y. M. Kale, also from Berar, recommending that instructions should be issued to all Deputy Commissioners that they should take active steps to encourage the establishment of village panchayats. It was urged that the attitude of Deputy Commissioners and other local officers towards this movement was one of suspicion, obstruction and hostility. A curious feature of the debate was that all the speakers, without exception, were representatives of the Berar Division, of which my Honourable friend Mr. Aney is a representative in this House. Now, I happened to be in charge of that Division during the greater part of the year 1925, and before I took over the charge, I spent about four months at Amraoti, the headquarters of the Division, partly as the Deputy Commissioner of that district. I therefore submit that I am in a position to speak on this matter from intimate local knowledge. But before doing so, I will read out to the House the comment on Mr. Kale's Resolution by the Conference of Commissioners held at Pachmarhi in June 1925. This is what the Commissioners said :

"It was there pointed out that a former Minister for Local Self-Government had held that village panchayats could only be established satisfactorily by non-official agency and that the proposal now to place responsibility for initiative in this connection upon the district officer was a definite reversal of the previously accepted policy ; that in certain districts Deputy Commissioners, who had been in full sympathy with

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proposals for establishing village panchayats, had had to complain of lack of support from local bodies ; and that, in two instances, district councils had definitely declined to give their support to the movement. Finally, it was urged that the main obstruction to progress was the apathy of the people for whom an administrative panchayat constituted an entirely novel experiment ; and that, in the form in which the Village Panchayat Act was finally passed, administrative functions, to which villagers are unaccustomed, were given special prominence, with the result that the new panchayats found little or no support in traditional respect for the indigenous institution which was designed for the settlement of disputes."

And the Local Government in their Resolution on this Report say :

"The most important is the proposal made for the appointment of a provincial panchayat officer. This recommendation involves to some extent a departure from the policy hitherto pursued of leaving the initiative in regard to the working of the Act to non-officials and discouraging the establishment of panchayats by official enterprise."

That was the avowed policy of the Government which was adopted in deference to the opinion of the then Minister.

I now turn to my personal experience of Berar. I may mention that all the Deputy Commissioners in that Division were imbued with a very keen desire to support the movement as far as lay in their power, *vis-a-vis* the policy laid down by a former Minister. But their efforts in this direction were largely frustrated by two main causes beyond their control, namely, the apathy of the people and the almost ineradicable factions which divided the larger villages into hostile camps. The then Deputy Commissioner of Amraoti, the late Mr. Armitage, who was an officer of great energy and initiative, addressed himself to the question of accelerating the progress of the movement as soon as he took over charge. That was in 1925 when I was Commissioner, Berar. But after a few months' practical experience of the local difficulties due to the causes mentioned above, he was obliged to relax his activities.

Sir, my experience is not confined to Berar. During the five years, 1924-28, I held charge of three out of the five Divisions in the province, and I regret to say that the same causes militated against the development of the institution in the other two Divisions also. In Chattisgarh all the Deputy Commissioners happened to be Indian gentlemen of proved ability, zeal and energy. Although I wrote to them as soon as I took over charge and urged on them the desirability of furthering the growth of the movement, they were unable to achieve any appreciable measure of success owing to these difficulties.

Another cause which contributed to this unfortunate result was the fear entertained by the villagers that village panchayats involved additional taxation. As pointed out by the Commissioners' Conference, special prominence was given to administrative functions which necessitated expenditure on sanitation and other needs of the village, and the villagers were naturally averse to taxing themselves for these objects of which they were not fully appreciative. Thanks to the recommendations of the Village Panchayat Committee, this drawback has now been removed to a large extent. I may mention that the Provincial Government make initial grants to the newly formed panchayats to enable them to provide the necessary equipment in the shape of books, furniture, etc.

A whole-time provincial officer has been appointed in accordance with the unanimous recommendation of the Committee. This does not by any means indicate any apathy on the part of the Provincial Government or

of the local officers in the past. The object of the appointment is briefly stated on page 7 of the Report. It says :

"But the appointment of a whole-time provincial officer will be a visible sign of Government's approval of the establishment of panchayats if the village people will but consent to have them. Moreover such an officer will be of practical assistance in the districts. To give the experiment a fair trial, it is clearly desirable, in the earliest stage, that some one should make a special study of the difficulties which beset its introduction ; that this expert should go from district to district, giving to one the benefit of experience gained in another, co-ordinating the system of work, stimulating local effort, advising district officers and local bodies, and where local workers lack experience, himself persuading villagers to submit to panchayats and guiding the panchayats after they are formed. His functions will, of course, be advisory and not executive."

He will be under the control of the Deputy Commissioners, whose powers have not been in any way impaired. The incumbent of the post is a Provincial Service officer who had previous experience of the movement in a Feudatory State, in Central India. Although the majority of the members of the Committee were non-officials, I can find nothing in their Report impugning the good faith of the Provincial Government or the local officials in this matter. Surely this is significant. Had there been any truth in the assertion of my friend Mr. Aney that the Provincial Government and the local officers deliberately hindered this movement, the non-official members would undoubtedly have mentioned the fact.

Sir, before I sit down, I wish to make one observation on the Resolution before the House. I entirely endorse the opinion of the Honourable Sir Frank Noyce that an all-India committee cannot possibly grapple with a problem of this magnitude, having regard to the immense diversity of conditions prevailing in the different provinces. Obviously, the proper course is that adopted by the Central Provinces Government, namely, the appointment of a Provincial Committee in those provinces where the movement is not progressing satisfactorily.

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Sir, I rise to support the amended Resolution. The original Resolution has already been read by you, soon after it was moved. I will now read the amended Resolution.

**Mr. President :** It has already been read.

**Mr. Lalchand Navalrai :** Then, I submit that I support the amended Resolution and my reasons are these. The first difference that I find between the original and the amended one is with regard to the appointment of a Committee for the purpose of investigation into this question. I am against the Committee from this point of view, that committees are always tardy and take a very long time to come to a conclusion. They are besides expensive. It was only today at question time that it was urged that the committees are always very expensive and their cost should be curtailed. I would therefore submit that this question might be gone into by the Central Government itself, and that would be easy enough since there are certain Acts in each Province regulating the panchayat system which can be gone through, and certain suggestions of Committees which were appointed in different provinces could be investigated into by the Government of India. What I do therefore submit is that the Central Government should take up this question in their own hands and make a uniform policy to revive these panchayats and to keep them on a solid and substantial basis. We were not formerly without panchayats. It is well known that those panchayats



[Mr. Lalechand Navalrai.]

were all self-supporting and self-sufficient. The system was elective. It is well known that these panchayats and the heads of the pauchayats called *Mukhis* used to be selected by the people of the village, and the whole village administration and authority were in their hands. The villagers had their pastures, for cattle and certain lands to cultivate. They maintained their own *Mahrars* and watchmen and at the time of harvest, these panchayats were paid contributions in order to defray these expenses. The panchayats were getting on well, but those days are gone, they have now got deteriorated. I submit it is not the fault of the people, but that of the Government—due to their undue interference in the affairs of the old panchayats. The fact is that the district and taluqa officers arrogated to themselves the powers of the panchayats and brought them to ruin. The object of this Resolution is to ask the Government to revive the panchayats on the old system and to constitute them in such a manner that they may be carried on without official interference. The panchayat system is the basic principle of self-government. It is, I say, the backbone of all reforms, and if these panchayats are not revived, I do not know what these reforms that are coming will do to us. (Hear, hear.) I would therefore urge that it is very important that the Central Government should pay all attention to their consolidation. The old panchayats used to do criminal as well as civil work, and they also discharged social and other functions. The remnant that however remains is that the panchayats have now some control in social matters only. There again, I submit they are exposed to dangers and get jeopardised many times when they exercise those powers. The unwritten law of these panchayats is that they could excommunicate a man who is a member of their panchayat and who has in any way misbehaved or done any social wrong. But what is the danger? Those who are in touch with courts know how the powers of the panchayats, even in social matters, are set at naught. As soon as a panchayat passes a resolution excommunicating a certain member, they are dragged into courts for defamation and have no protection. We know how many panchayats are dragged into court and made to dance attendance from day to day, with the result that they are forced to come down and compromise with the complainant or wait the weary length of the criminal proceedings which eventually end either in conviction or acquittal. I therefore submit that, even in social powers, there is great interference, and it is high time that these panchayats were placed on a better basis, not only socially but also politically. My own view is that in social and other matters, their powers should be supreme without interference from any outside body.

Now, Sir, public opinion on this question has matured long since, and I know it was in 1908-09, when the Government was awakened and they appointed the Decentralisation Commission which went into this question of panchayats and decided that the system should be revived on such basis that it could be made workable. When this Commission sent in its Report in 1909, what did the Government do? They did nothing, as I find from the information collected. They did nothing up to 1920 and it was only in that year that the slow process came to an end and the Provincial Governments were asked to pass enactments in regard to the creation and constitution of the panchayats. The Bombay Presidency passed an Act, No. 9 of 1920, though I should say to the great misfortune of Sind, the Government of Bombay treated Sind so callously and negligently as not

to enforce it in Sind. They introduced it only in the northern, southern and the central divisions of the Presidency. They did not apply it to Sind. Up to this time nothing has been done in Sind towards this reform. I am very sorry for it, and I hope early steps will be taken to form panchayats in Sind. The Bombay Act was passed in 1920, and a similar one was passed in the Central Provinces, and I believe in other Provinces as well, but I am open to correction on this point. Though the Bombay Presidency passed an Act which was more advanced and much wider than in other places, yet all the same it had its own defects. By section 7 of Act IX of 1920, it was provided:

“that subject to the foregoing provisions and such rules as may be made by the Governor in Council, elections shall be made in each village by adult male residents living therein.”

That means that the elective system with a wide franchise was introduced there, but again the wholesomeness of it was whittled down by the provisions of section 3 whereby they provided the procedure as to how election was to be initiated. Section 3 says:

“On application in writing being made either by the district local board after previous notice to the Collector or by the Collector after previous notice to the district local board, the Commissioner may by notification declare any area to be a village for the purpose of this Act.”

Thus, Sir, the power has not been given to the public to ask for the area being declared a village for the purposes of this Act.

Then, Sir, subsequent to this Act, a Committee was appointed, because this Act was absolutely unworkable. That Committee was appointed by Resolution No. 5428, dated the 24th June, 1925, to examine the question of the future of village panchayats, and what did that Committee recommend with regard to this section? In paragraph 2 of their Report they said:

“The villagers themselves should be given a voice in the question of instituting a panchayat and therefore a provision should be introduced on the lines of section 5 of the Central Provinces Village Panchayat Act, 1920, so that the Collector or the Commissioner could move on the application of 20 adult residents of a village.”

Now, Sir, this Committee also gave their opinion as to how these panchayats had been carried on in those places where this Act had been applied, and I say they had not been carried on properly. This is what is contained in paragraph 3 of that Report:

“At our first meeting after a short general discussion of the terms of reference, we recorded our opinion that, apart from a few exceptional cases, the village panchayats are not flourishing but on the contrary they are likely to disappear unless special measures are taken to revive them, and that such measures should take the form of sub-conventions, the bestowal of more responsibilities, and the grant of judicial and criminal powers in suitable cases.”

Now, Sir, I am open to correction by my Honourable friends from Bombay, but my information is that these recommendations have not up till now been put into force.

I say, Sir, these panchayats, as they are constituted at present, will never be workable, because difficulties and impediments have been placed in their way, which have been recognised even by the Decentralisation Committee and other Committees. The first hindrance is with respect to the imposition of a leviable tax. The Decentralisation Committee said at page 244, paragraph 718:

“We consider essential to the popularity and efficiency of the panchayat system that it should not be associated with any new form of local taxation, for the evidence shows that the imposition of taxation of this character has made such bodies as the existing unions and sanitary committees unpopular.”

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[Mr. Lalchand Navalrai.]

It may be asked, Sir, how are these panchayats to be carried on then. I say, Sir, the panchayat question relates to the villages, and from the villages the revenue comes to the Imperial Government by way of assessment of land tax, and it is therefore the duty of the Government to see first of all that these poor men who till that land and give that revenue to the Government are looked after first from the Imperial revenues.

In the Report of the Decentralisation Committee they say—paragraph 719 :

“The panchayats’ revenue should be derived from the following sources :

(1) the assignment to it of a portion of land cess levied for local board purposes in the village. We have had evidence that many villages do not now receive any material advantage in return for the share of this cess which they now pay”.

Again, Sir, it is said in paragraph 720 :

“ Finally, it is most desirable that the work of the panchayats should be free from the interference of the Local Governments' subordinates ”

We know, Sir, how much they torment the village people and the heads of the panchayat. Men of this class have their own reasons for opposing any real local control.

This proves, Sir, that taxation is an impediment, and that should be removed. Then there is the control of the officers to which I have already referred. I will further submit that these panchayats should also be given sufficient funds for the purpose of carrying out drainage. The drainage question, Sir, is one which has been attracting the attention of the public at the present moment. Those who know of the heavy rains and the floods that have been devastating Sind, Punjab, Assam, the Central Provinces and other places know fully well that it is the drainage system that is responsible for these villages being drowned. There is absolutely no drainage system in villages and towns, and it is the first duty of the Central Government to see that the drainage system in the provinces is attended to. What is the state of things at present? When there is heavy rain, the ponds and depressions in the towns and villages get filled up, and if to them are added the floods, what happens? The water rises and all the villages and towns get submerged. It is only then—too late—that the Government think of doing something. They begin to spend thousands and lakhs of rupees for the purpose of making and protecting bunds, but these bunds give way and a calamitous condition follows.

**Mr. President :** Order, order. The Honourable Member is exceeding his time limit.

**Mr. Lalchand Navalrai :** Sir, I was just going to finish and I will require less than a minute now. I will just conclude by observing that, for these questions it is very necessary that the Central Government should take the formation and revision of panchayats into their own hands. In that case there will be uniformity of the system. Otherwise, one Government may be tardy, another lax and nothing will be done and we will remain where we are. This reform is a very necessary reform and we will therefore support the motion whole-heartedly.

**Pandit Thakurdas Bhargava** (Ambala Division : Non-Muhammadan Rural) : Sir, the amended Resolution as it stands demands two things : first, that in the territories directly administered by the Government of

India, the panchayat system should be rehabilitated. So far as that is concerned, I tried to find out if there were any panchayats in Ajmer-Merwara and Delhi, and I could not find that any such system of panchayats was working in these provinces. As regards the latter portion of the amended Resolution, it would appear that though the subject is a provincial one, yet the amended Resolution seeks to recommend that a uniform and central policy be formulated in consultation with the Local Governments, and that sufficient funds be provided with a view to work these panchayats. It cannot be gainsaid that the entire fault lies at the door of the Government. The Government killed these indigenous institutions and true Nemesis lies in the fact that they should try to rehabilitate them. In fact the Report of the Decentralisation Committee has clearly pointed out that such institutions did exist and that it is the clear duty of the Government to rehabilitate them. In paragraph 696 of the Report they pointed out :

“The Indian villages formerly possessed a large degree of local autonomy, since the native dynasties and their local representatives did not, as a rule, concern themselves with the individual cultivators, but regarded the village as a whole, or some large landholder, as responsible for the payment of the Government revenues, and the maintenance of local order. This autonomy has now disappeared owing to the establishment of local, civil and criminal courts, the present revenue and police organisation, the increase of communications, the growth of individualism, etc., etc.

Nevertheless the village remains the first unit of administration; the principal village functionaries—the headman, the accountant, and the village watchman—are largely utilized and paid by Government, and there is still a certain amount of common village feeling and interests."

Now, today it might be regarded as simple pedantry on my part to refer to the old history of these village panchayats.

1 P.M. Suffice it to say that the old indigenous system of panchayats worked very well and was rightly regarded as the basic foundation for a complete system of self-government. I submit that the village organisation is the unit and foundation for any complete system of self-government, and unless and until the foundations are stable and strong, it is idle to think that we shall have the superstructure of self-government in its full measure. In this connection I would read from the book "Ancient Law" by Sir Henry Maine. Speaking of Indian village communities he says :

"It is an organised society, and besides providing for the management of the common fund it seldom fails to provide, by a complete staff of functionaries, for internal government, for police, for the administration of justice, and for the appointment of taxes and public duties."

Having cleared the ground, I would like to see how the Government of India have been discharging their duties in this connection during the last ten years. After the Report of the Decentralisation Commission was out and their recommendations were fully considered, the Government of India issued a Resolution in 1915, and then again in 1918. After that, during the course of the last ten years, I understand no inquiry has been made by the Government of India to find out how those Resolutions were given effect to in the various provinces. Going through the latest legislative Acts of the different provinces, we find that, though an attempt was made in the last ten years to give some sort of shape to the underlying idea of the recommendations of the Decentralisation Committee, yet the attempts have unfortunately failed to achieve the result which those recommendations contemplated. Taking the Bombay Act, I find that even the Preamble of that Act shows that the Government did not want to

[Pandit Thakur Das Bhargava.]

evolve an autonomous village in the Bombay Presidency. All that the Preamble says is this :

" In order to afford an opportunity of providing the requirements of water-supply, sanitation and other works of public utility with the object of encouraging the people to take an interest in local self-government,"

Now, Sir, under this Act, as has been pointed out by several speakers before, no criminal or civil powers were given to the village people ; and then again no powers were given to these village panchayats to impose any sort of cess or local taxation. Here, Sir, with due deference, I beg to differ from the recommendation of the Decentralisation Committee when they say that no powers of local taxation should be given. So far as the elective system is concerned, I have to congratulate the Bombay Government on their providing that every male resident of the village will be given the right to vote ; but, Sir, barring this good provision, all that I find in the Bombay Act is the very negation of local self-government. Under the Bombay Act, the powers of control are vested in the district boards, and the village panchayat is a sort of a department of the district local board instead of being an autonomous unit of administration. The Bombay Act only provides that the village panchayat is a subordinate department of the district local board, and all the powers of control are vested in the local board. The Madras Village Panchayats Act proceeds on a similar basis, and I have no hesitation in saying that these two Acts do not contain any elements for development on right lines. Coming, however, to the United Provinces Act, I find that that Act deals more with legal powers and less with administrative powers ; and the village fund, as provided by the United Provinces Act, is one which it will be difficult to collect and utilise. The supervision imposed by the United Provinces Act is much too great, and cannot leave proper scope for ordinary village panchayats to develop. Coming to the Act of my own province, I would submit that the Act as such is certainly an improvement on all the other Acts, and it provides ample scope for development ; but whereas it supplies ample scope for development, what do we find in practice ? Mian Abdul Aziz, the Deputy Commissioner of the district from which I come, made a speech in this connection in this House the other day and I congratulate him on that speech. But you will find Sir, that if the facts as detailed forth by the Honourable Member are true, they disclose a state of things at which any government worth its name should hide its face in shame. He said—and I shall quote his exact words :

" If I were a cynic, I could say that those human dwelling places were really not fit for cattle and it was hardly fair to human beings to be compelled to live there."

If that depicts the real state of things, I cannot find a greater denunciation than this. When on the last occasion he made a speech in the last Session at Delhi, he was pleased to observe that, in the Hissar district, there were people who non-co-operated with vegetables, meaning thereby that the mentality of those people was such that they would not, though it was to their benefit, grow vegetables instead of grain on account of their pride of birth and so forth. Now, you find that the habits of these people and the mentality of these people, if what Mian Abdul Aziz has said is absolutely true, show that the Government have not done their duty. He has put a question to this House as to how these village panchayats are to be worked and he has supplied the reply himself. When he said that the higher strata of society was not for the development of these village

panchayats, I think he was certainly wrong ; but when he spoke of going to the village people in a spirit of service and asking them to do the right thing and stimulating their imagination, I think he was laying his finger on the right point. The complaint which he made, and very rightly made, was that the funds at the disposal of these village panchayats were not sufficient. This was the complaint made by Mr. Kelkar also, and I also think that the real complaint is that these village panchayats do not get sufficient funds, and they cannot work properly. I quite agree with the Report of the Decentralisation Committee when they say that, even now, the village people are such that they can evolve the ancient form of self-government which they had in times of yore in their midst. The Decentralisation Committee said at page 238 :

" Some witnesses hold that the disintegration of the village communities which has taken place under our administration has gone so far that it is not possible to reconstitute them as reliable entities in any scheme of local self-government. There is, however, a large and strong body of opinion in favour of enlisting the help of the people in local administration in villages, by the establishment of administrative village councils which should bear the time-honoured title of panchayat. . . . . We are of opinion also that the foundation of any stable edifice which shall associate the people with the administration must be the village, as being an area of much greater antiquity than administrative creations such as taluils, etc., etc."

Sir, I submit that, even now, in the villages, on account of the ancient culture of India and on account of the religious-mindedness of the people, we find that the people respond nobly to all sincere efforts at progress and that they are amenable to all good influences, and are thus capable of evolving the best system of government known to mankind, but it is the apathy of Government which is really responsible for the non-establishment of these panchayats. My Honourable friend, Mr. Aney brought this out very forcibly in his speech on this Resolution the other day, and today we have heard from the last but one speaker that the Government have rightly done their duty in this matter. In this connection, may I ask my friend Mian Abdul Aziz, who said the other day something about the Hissar district, consisting of 1,008 villages, as to how many new panchayats have come into existence during his term of three years in that district. Twenty years after the issue of the Report of the Decentralisation Commission, only 38 panchayats have been brought into existence in the district of Hissar, and out of them 18 during the term of three years' regime of my friend Mian Abdul Aziz. I should really congratulate him on the work that he has done. Does not this demonstrably prove, Sir, that the Government have not done their duty by the people in regard to the establishment of these panchayats ? On the other hand, this Government have reduced and ground down the people to such a state of misery that they have lost all power of understanding what is good and what is bad for them. They do not understand what is to their benefit. Then again, the Government take away such a large amount of money from them that very little is left for those people even to make both ends meet. I therefore submit that the essential requirement is that the Local Governments should give sufficient funds to these bodies, and if the Provincial Governments are unable to cope with the demand, then it is up to the Imperial Government, which takes so much in taxes from the people, to return the money back to those people so that they may prosper and evolve these self-governing institutions which make for peace and prosperity.

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Sir, I do not know whether I shall be allowed to speak for long. . . .

**Mr. President :** Only 15 minutes are allowed.

**Pandit Nilakantha Das :** There is, it appears, a danger of want of a quorum in the House. But I must say that this is a subject which is *prima facie* very alluring, because it speaks of panchayats, a name which is so famous in the ancient history of the world, and especially of India, and in our studies of ancient law, we heard much about these panchayats, I mean, village communities. The village panchayats were thriving under a system in India which I am afraid is daily being destroyed. I am sure many of us are under the impression that we have come here to have some constitution under which we shall run our own Government. I do not know if many of us realise whether the constitution in which we are being trained, rather spoon-fed, is one which is being evolved from within the country itself. In India all institutions were evolved from villages, and our real life was in the village. Now, the system is quite topsy-turvy. In everything that we think of, we imagine placing ourselves under conditions obtaining in countries across the ocean, where the system of culture is something quite different from our own system, a system which is Indian and is the best suited for India. We now try to impose things on our people, and that from above. We are imitating things every day from the West, and I do not know whether, in the existing state of affairs, in our fatherland, which is a vast agricultural country, and where the real life is still to be found in the villages alone, such imitation can ever be assimilated.....

**Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) :** You have got your central offices at the headquarters in the provinces.

**Pandit Nilakantha Das :** There should be central offices, but there are central offices and central offices. Central offices may be the apex of a synthesis of village units or it may be that, analytically, things may be forced down into villages from cities and central places. There are two ways of getting the very self same thing in appearance. That does not matter. That which comes I am afraid cannot be avoided. We are destined to imitate without assimilating, and we will have to submit to our lot. But coming to village panchayats I was not much enamoured of the Resolution as it was expounded by the Mover the other day, but after hearing the speech in support of the amendment of my friend Mr. Mukhtar Singh, I feel that I should make the best of a bad case. I have not studied the panchayat system as it exists in the different provinces of India. I do not know if it exists in the North West Frontier Province, and if it exists there, I do not know in what form it exists. Perhaps it does not exist there. But I know something of the panchayat system which is called the Chaukidari Panchayat as it exists in the province which I should formally call mine in this House. I expected to hear something from the representative of this province, Rai Bahadur Shyam Narayan Singh, but unfortunately he does not care to enlighten us in matters of importance when there is need for such enlightenment. However, I know the chaukidari village panchayat system in Bihar has existed for a very long time. It is a sham something, planned, promulgated and artificially kept up by those who apparently never care to understand Indian life or culture. Now, as the political life in India is growing this village panchayat system has come to be an organised system of espionage. It is nothing less than that. That system of espionage is being run at the cost of the chaukidari taxpayer. The villager pays the taxes and that too with much reluctance. He knows

only that the system is one of paying fresh taxes. He pays them in order to be relieved of the difficulty and harassment of his household articles being attached and sold away as often happens in case of non-payment. He pays the tax, and that is all he knows about the village panchayat system. (Mr. K. Ahmed made an interruption.) I am a little bit hard of hearing so far as my Honourable friend is concerned. The villager knows that much alone. It is also a fact that the appointment of the panchayat whosoever's duty it might be under the law, is made not by the District Magistrate but by a raw Deputy Magistrate or a Sub-Deputy Collector, as he is called in our province. I speak of the practice.

**Mr. K. Ahmed :** That is not correct.

**Pandit Nilakantha Das :** He goes and makes a report that the villagers have elected such and such people as panchayats, whereas the villagers do not know anything about it at all ; as a matter of fact, they do not know that they have got any right at all to select the panchayats. The chaukidars who are employed are appointed practically by the local police, with the sanction of the raw Deputy Collector or Sub-Deputy Collector, and the villagers who pay for these chaukidars have not got a word to say about what they do. Once it actually happened that some crops were stolen from a villager's fields. He approached the police and complained that the chaukidar did not keep watch. He was told that the chaukidar was not the guard of the things in the fields, but that he was to keep a guard over the *mohalla*. When there is a theft in the *mohalla* itself I do not know how much the chaukidar is paid, and through the chaukidar the Thana police too, so that there may not be any further trouble in the village due to police inquiry and all that sort of thing.

Thus I submit that you are practically breaking the ancient village life. When this is the state of things, it can well be imagined why litigation increases. Why there are parties and factions in villages, and police rule reaches every door. Our new village panchayat should therefore be based on the beautiful system of the village community, the remains of which can still be traced. Even now if you go into our villages and look into the remains of the old village community system, what do you find ? There are commune lands in the villages including pasture lands, and those lands which are still there, unprotected by any law ; any man,—the zemindar or any big man—can encroach upon those lands. The pastures are gone and the beautiful village irrigation system is now out of repairs completely. No village panchayats look after it. It is not their duty. You know, like the present Sind, Assam and many other places, Orissa perhaps yields to very few provinces in India in the matter of her floods. But do you know how these floods actually submerge villages there in Orissa ? It is because the ancient system of irrigation planned and protected under the time-honoured system of village communes has now been abandoned. Any Member who is interested may come with me and I shall show him the very village from which I come and he will see how things were all right and how those embankments and canals, which are there even now, the remnants of the past, have been neglected and spoiled. Under the present village chaukidari system they are all practically abandoned. Nobody looks into the sanitation, or education of the villages. It is only, as I have said, a system of police espionage, and we realise that there are so many chaukidars, an army of them, in the district, only when a Governor or any such big official comes, for then these village chaukidars

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have to guard the railway line for days and nights, and I don't know what provision there is for guarding even the *mohallas* or the villagers' houses when such an official comes, and for days villages are without a *chaukidar*. (*An Honourable Member* : "But they guard your house also, don't they?") I did not hear you. That is the use of the *chaukidari* panchayat made by the Local Governments. I know that we must evolve this aspect of our national life through these our national institutions. The Central Government should take an interest in evolving that system of village panchayat and not the system which would carry the police espionage to the doors of the villagers only to destroy life and organisation in the village. It should not be done by putting things from above. The institution must grow from within and must be synthesised in our coming national constitution.

I am very glad that there has not been want of a quorum and I submit that the Central Government, if it is going to give place to a national government, should take an interest in that beautiful system of village communities in a land where the population is purely agricultural and where industrial cities will not very easily grow and change the entire atmosphere of our culture and constitution. I therefore support this motion, with a recommendation that the Central Government should take an interest in village communities.

*An Honourable Member* : Let the question be now put.

*Sir Frank Noyce* (Secretary, Department of Education, Health and Lands) : I may say at the outset that I am glad that the Honourable Mover of this amendment has divided it into two parts, as I am in a position to give him more satisfaction in regard to the first part of his amended Resolution than in regard to the second. I must, however, point out to him that it is hardly possible for the Governor General in Council to rehabilitate immediately a thing which does not exist. Honourable Members opposite are, so far as I have been able to discover in the short time at my disposal, since I learnt of this amended Resolution, perfectly correct in stating that there are no panchayats in the North West Frontier Province or Delhi. The reason, I understand, is that the Punjab Village Panchayats Act, which was passed in 1922, has not yet been extended to those provinces. Again, so far as I know, there are no village panchayats in Baluchistan or Coorg. Whether Baluchistan is a favourable ground for experiments in this direction I am not in a position to say, though I imagine no Member of this House will suggest that the other directly administered province which has not been mentioned, I mean, the Andamans, would afford a suitable field for experiment. (*Mr. Lalchand Navalrai* : "What about Sind?") It is news to me that Sind has been taken over by the Central Government. I am dealing with directly administered territories, and Sind is not a directly administered territory. (*An Honourable Member* : "What about Ajmer-Merwara?") I have not yet come to Ajmer-Merwara. The Honourable Member is quite right in reminding me of it. In the Ajmer-Merwara Rural Boards Regulation, there is no provision for the constitution of panchayats. In regard to this part of the Resolution I can assure the House that the Government of India will be very glad to consult Local Administrations on the possibility of introducing into the directly administered areas, legislation for the constitution of village panchayats more or less on the lines of those which are in force in the major

provinces. I must, however, add that, judging from the second part of the amended Resolution, financial considerations will be involved. My Honourable friend Mr. Khan has told us that the Central Provinces Government make grants to enable village panchayats to start their work. How far we should be able to do that in the directly administered territories remains to be seen. A Primary Education Committee is just now sitting to deal with the educational problems of Ajmer-Merwara, Delhi and the North West Frontier Province and if its recommendations are to be carried into effect, considerable expenditure will probably be involved. Again my Honourable friend, Mr. Sarda, is crying out for improvements in sanitation in Ajmer-Merwara and, as the Royal Commission on Agriculture has pointed out, a very great deal can be done for agriculture and co-operation in the directly administered provinces. How much, after all these demands have been met, would be left for village panchayats, remains to be seen, but I can assure the House that the matter will be carefully considered.

Now, Sir, as regards the second part of the amendment, I really have very little to add to what I said at the outset. The resolution has been changed in form but not in substance and the new form in which it has been put is no more acceptable to the Government of India than that in which it was originally placed before this House. Instead of an all-India Committee, the Government of India are now asked to formulate, in consultation with Local Governments, and lay down a uniform policy for Provincial Governments. I am sorry to see that, in spite of the arguments which have been adduced on this side of the House, Honourable Members opposite are still in favour of laying all Provinces on a Procrustean bed. When I was listening to the speeches from the Benches opposite, I wondered whether I was sitting in this Assembly in the year 1929 or in the year 1919. Great stress has been laid on the recommendations of the Decentralisation Commission, but some of my friends opposite seem to have forgotten what has happened since then, and especially the important constitutional changes which have taken place. It is hardly for me, one of the most junior Members of this House, to instruct the House on the constitutional position. Under the terms of this Resolution the Government of India are asked to direct Local Governments to appropriate sufficient funds from Provincial revenues. What power, I ask, have the Government to direct Local Governments to set aside any part of their revenues for objects over which the Government of India themselves have no power whatsoever of supervision, direction or control. Again, Sir, the Government of India are asked, if Local Governments are unable to cope with the demand for funds, to apportion funds for the purpose from Imperial revenues. It is, I understand, an accepted principle that the Government of India are not in a position to spend Imperial revenues on purely provincial subjects. It is for this reason that I am compelled to oppose the amended Resolution, except to the extent which I have just indicated. I can assure the Honourable Mover of the amendment and also the Mover of the Resolution, who is not in his place today, that I personally have great sympathy with the objects they have at heart and, if I may strike a personal note, I may say that, when I was in charge of a division in Madras, I did my very best to help the panchayats in that division which were struggling into existence, some of which, I am glad to say, are now in a very flourishing condition. Before I sit down, there is an analogy which I should like to draw from the co-operative movement. That movement was started with great hopes and great enthusiasm. It has conferred, and I am convinced will continue to



[Sir Frank Noyce.]

confer, great benefits on the rural population of India. At the outset, the provinces vied with each other in the progress they could show in the number of their societies but what is the position today? In no less than four provinces, committees of inquiry have had to be appointed recently to inquire into the defects which have revealed themselves in the course of time. I have no doubt that those defects can be put right but in two provinces at least, it is going to be uphill work.

The point I wish to make, Sir, is that. If the Government of India were to formulate what Honourable Members call a uniform policy, they would be giving what may be described as an artificial stimulus to the formation of village panchayats and there is a grave risk that in the course of ten, fifteen or twenty years time, the provinces may find themselves compelled to constitute committees of inquiry into the defects which have revealed themselves in the panchayat movement. I submit for the consideration of this House that, not only from the point of view of the constitutional position but from the point of view of the soundness, stability and strength of the panchayat movement, it is desirable that the provinces should develop in this matter on their own lines. The Panchayat Acts were passed, most of them, nine or ten years ago. The provinces have been developing on their own lines during that period. What hope is there now of inducing them to adopt a uniform policy laid down by the Government of India without any consideration of the diversities of local conditions? If the amended Resolution were accepted, the Government of India could not formulate a satisfactory policy without a detailed inquiry into the local conditions. From that point of view, the original Resolution appeals to me more than the amended one. If the provinces want help, want outside experience as regards the steps they should take to foster the growth of the panchayat movement, it will be easy for them to get it. The provinces I have mentioned which established committees of inquiry into the progress of co-operation, went outside for help and advice. The Co-operative Committees in Madras and Burma,—Honourable Members who come from the Punjab will be glad to know,—sought advice from the Punjab and obtained it. I may express the hope that, if Local Governments want similar help in regard to panchayats, they will turn to my own province which has as flourishing a co-operative panchayat movement as any other. For these reasons, Sir, I regret that I must oppose the amended Resolution.

**Mr. President :** The original question was that the following Resolution be adopted :

"This Assembly recommends to the Governor General in Council that he do appoint a mixed committee of officials and non-officials to examine the rural conditions obtaining in the various Provinces, and to recommend ways and means for establishing in each village, or group of villages with a population of not less than 1,000 inhabitants, an efficient panchayat which will mainly be elected on the Adult Franchise system, and possess sufficient legal powers and financial resources for administering all village concerns, such as agriculture, minor irrigation and forests, cottage industries, village sanitation, education, co-operation, trade and banking, and for deciding civil and criminal suits up to a certain limit, subject only to the general control and technical advice and appellate jurisdiction of District and Provincial officers and Courts of Law."

Since which the following amendment has been moved :

"That this Assembly recommends to the Governor General in Council (a) to immediately rehabilitate in villages within the territories under its direct control the panchayats on an elective system based on a sufficiently broad franchise and equip them with legal powers and funds sufficient for the administration of village concerns, viz., village sanitation, disease of livestock, minor irrigation, forests, cottage industries, primary education, co-operation, petty civil and criminal cases, registration of births,

deaths and marriages and the like, and (b) to formulate in consultation with local Governments and lay down a uniform policy for provincial Governments to build up such autonomous panchayats on an elective basis based upon a sufficiently wide franchise in all the provinces of India (specially where such institutions do not exist), directing the local Governments to appropriate sufficient funds from the Provincial Revenues for such panchayats to function properly and if local Governments are unable to cope with the demands for funds to apportion sufficient funds for the purpose from the Imperial Revenues."

The question I have now to put is that that amendment be made.

The motion was negatived.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

**Mr. President :** I will now put the original Resolution standing in the name of Mr. K. V. Rangaswami Ayyangar.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadian Urban) : May I be permitted, Sir, to withdraw it. My friend Mr. Rangaswami Ayyangar, when he left for Madras, had authorized me to be in charge of the Resolution with your permission. With the assurance that Sir Frank Noyce has given that he would send copies of the debate to the Provincial Governments for their consideration, I am perfectly satisfied ; and if permission is given to me to withdraw the Resolution, I will withdraw it.

**Mr. President :** The Honourable Member can have permission to move a Resolution according to the Standing Orders.

**Mr. Jamnadas M. Mehta :** I am entirely in your hands, Sir.

**Mr. President :** The question I have to put is that the following Resolution be adopted :

"This Assembly recommends to the Governor General in Council that he do appoint a mixed committee of officials and non-officials to examine the rural conditions obtaining in the various Provinces, and to recommend ways and means for establishing in each village, or group of villages with a population of not less than 1,000 inhabitants, an efficient panchayat which will mainly be elected on the adult franchise system, and possess sufficient legal powers and financial resources for administering all village concerns, such as agriculture, minor irrigation and forests, cottage industries, village sanitation, education, co-operation, trade and banking, and for deciding civil and criminal suits up to a certain limit, subject only to the general control and technical advice and appellate jurisdiction of district and provincial officers and courts of law."

The Assembly divided :

AYES—35.

|                                   |                                       |
|-----------------------------------|---------------------------------------|
| Abdul Matin Chaudhury, Maulvi.    | Kunzru, Pandit Hirday Nath.           |
| Abdullah Haji Kasim, Khan Bahadur | Mehta, Mr. Jamnadas M.                |
| Haji.                             | Misra, Mr. Dwarka Prasad.             |
| Acharya, Mr. M. K.                | Mitra, Mr. S. C.                      |
| Aney, Mr. M. S.                   | Moonje, Dr. B. S.                     |
| Belvi, Mr. D. V.                  | Mukhtar Singh, Mr.                    |
| Bhargava, Pandit Thakur Das.      | Munshi, Mr. Jehangir K.               |
| Birla, Mr. Ghanshyam Das.         | Murtuza Saheb Bahadur, Maulvi Sayyid. |
| Chunder, Mr. N. C.                | Naidu, Mr. B. P.                      |
| Das, Mr. B.                       | Neogy, Mr. K. C.                      |
| Das, Pandit Nilakantha.           | Rang Behari Lal, Lala.                |
| Dutt, Mr. Amar Nath.              | Rao, Mr. G. Sarvotham.                |
| Farookhi, Mr. Abdul Latif Saheb.  | Sarda, Rai Sahib Harbilas.            |
| Jayakar, Mr. M. R.                | Shervani, Mr. T. A. K.                |
| Jogiah, Mr. V. V.                 | Sinha, Kumar Ganganand.               |
| Kartar Singh, Sardar.             | Sinha, Mr. Rajivaraman Prasad.        |
| Kelkar, Mr. N. C.                 | Tok Kyi, U.                           |
| Kidwai, Mr. Rafi Ahmad.           | Yusuf Imam, Mr.                       |



## NOES—33.

|                                       |                                   |
|---------------------------------------|-----------------------------------|
| Abdul Qaiyum, Nawab Sir Sahibzada.    | Mukherjee, Rai Bahadur S. C.      |
| Ayengar, Mr. V. K. Aravamudha.        | Noyce, Sir Frank.                 |
| Bajpai, Mr. R. S.                     | Pai, Mr. A. Upendra.              |
| Booth, Mr. J. R. T.                   | Philip, Mr. J. Y.                 |
| Bower, Mr. E. H. M.                   | Porter, Lieut.-Colonel L. L.      |
| Chalmers, Mr. T. A.                   | Price, Mr. E. L.                  |
| Cosgrave, Mr. W. A.                   | Rainy, The Honourable Sir George. |
| Covernton, Mr. S. H.                  | Rau, Mr. P. R.                    |
| Crerar, The Honourable Sir James.     | Roy, Mr. K. C.                    |
| Ferrers, Mr. V. M.                    | Singh, Rai Bahadur S. N.          |
| Hira Singh, Brar, Sardar Bahadur,     | Stevenson, Mr. H. L.              |
| Honorary Captain.                     | Stewart-Smith, Mr. D. C.          |
| Keane, Mr. M.                         | Sykes, Mr. E. F.                  |
| Lindsay, Sir Darcy.                   | Tin Tut, Mr.                      |
| Mitra, The Honourable Sir Bhupendra   | Tottenham, Mr. G. R. F.           |
| Nath.                                 | Winterbotham, Mr. G. L.           |
| Mitter, The Honourable Sir Brojendra. | Yakub, Maulvi Muhammad.           |
| Mukharji, Rai Bahadur A. K.           |                                   |

The motion was adopted.

**Mr. President :** I understand the Honourable Member (Mr. Anwar-ul-Azim) in whose name the next Resolution\* stands does not desire to move it. I, therefore, call upon Mr. Jayakar to move his Resolution.

## RESOLUTION RE MILITARY SCHOOLS.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) :  
Sir, the Resolution that stands in my name runs as follows :

"This Assembly recommends to the Governor General in Council that the Military Schools that have been started in India for the sons and wards of Indian soldiers and officers of the Army be thrown open to all Indian boys, irrespective of caste, creed or family connections, and that they be allowed admission into such schools subject to their passing the prescribed examination for ascertaining their fitness to be trained for recruitment as non-commissioned officers and for the Viceroy's Commission."

Sir, at this time of the day, I do not propose to take a long time over this Resolution. The Resolution is perfectly clear. It recommends to the Governor General in Council that the military schools which at present exist in the country for the training and the recruitment of non-commissioned officers and for the Viceroy's Commission, and which have so far been restricted only to certain classes of individuals should be thrown open to all the boys in India. Sir, this Resolution is only another attempt to get for the middle classes of India opportunities of military training. It is a counterpart of other Resolutions which have been moved in this House and under some of which the Indian Sandhurst Committee sat with reference to the training of Commissioned officers. It is a counterpart of that motion. This Resolution is concerned with inferior military officers. Whatever the historical reason for restricting these schools to certain classes might have been at one time, into which I do not propose to go and raise any controversies, it is necessary that they should be thrown open now to all. The Resolution suggests that in the widening and enlargement of a liberal policy which the Government of India should adopt, these schools should be thrown open to all the middle class boys who may wish to qualify themselves.

\*"This Assembly recommends to the Governor General in Council that he be pleased to abolish the export duty imposed on raw hide in India."

Viewed as such, I do not think that even the worst opponent of Indian ambitions for military life can say that it is an extravagant claim. The claim, as the Resolution puts it, is a very modest one, and I do not propose to raise any controversy on this question. The basis of that claim is that there exists in this country abundant material for military training. I do not agree with the Government Benches when they say that they do not find cadets for the superior military services in the country. The non-official opinion in India is that there is abundant material and energy in the country which has to be harnessed in order that the defence of the country, when the time comes, may be made more easy. During the short time at my disposal, I shall refrain from doing one thing, namely, going into excursions of my own. I propose to restrict myself to more or less the authoritative opinions which have been expressed by those who made the unanimous report of the Indian Sandhurst Committee. There I am on perfectly safe ground. That Committee, as the House is well aware, went into all the important considerations, although its inquiry related to another purpose, namely, the commissioned ranks of the Army. It has gone into the whole question of military training for Indian boys, and brought up an amount of material which I propose to use for supporting this Resolution. One of the witnesses who was examined before that Committee put forward an aspect of this question which is very material from my point of view. That witness is no less a person than Sir Prabhaskar Pattani, an administrator of a very high order, who at one time was an Executive Councillor of the Bombay Government and who has adorned many administrative offices in Indian States. The Skeen Committee, at page 12 of their Report, state what Sir Prabhaskar Pattani said as regards this aspect of the question, viz., the necessity of developing all the available talent in the country with a view that India should play its proper part as a Member of the Empire. It is stated at page 12 of the Report :

"Sir Prabhaskar Pattani in his evidence has stated the other and wider aspect of the matter :

"My point of view is not from the point of view of Indianisation against Europeanisation. I am only treating it as an Imperial question. It is in the interest of the Empire itself that every component part, every limb of the Empire should be equally strong so that no weak limb or organ, no weak part of the body should be so weak as to hamper the whole of the body in the event of a great danger."

I submit these are very weighty words proceeding from a person who has qualified himself by experience and training to take a dispassionate and large view, not necessarily a political view, but a very comprehensive and national view of the question.

There is another reason which the Skeen Committee referred to in another part of their Report, at page 39, and that is also a very important consideration, to which I invite the attention of the Government of India. The Committee refer to the necessity of harnessing all the Indian talent in this connection in anticipation of a contingency which may arise in case another war breaks out. The Committee recommends that the Government of India should immediately start on a clear policy and take advantage of the material which exists in this country with a view that they may not be found wanting and unprepared when that contingency occurs.

This is what the Skeen Committee say :

"We think military opinion will agree that it would be an immediate necessity if war on a considerable scale were to break out. If that is so, then it is obvious that

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it would be better to have military colleges already in being and fully organised than to be dependant upon improvisation after the emergency has arisen."

Then going into further details on this question the Report says :

"On these grounds alone we think that it would be in the judgment of many a sound policy to lay the foundations of an Indian military college as soon as possible, and so commence without delay not merely the building of the college structure but the buildings also of the tradition and sentiments which in India as in England would be indispensable to the achievement of success. The process is one which takes time and the start should not be postponed."

This is the opinion of the Skeen Committee, and it is entitled to very great weight.

The next question, which arises and which has often been debated in this House whenever any military question crops up and disappointing answers are given by the Government, is whether the experiments which have been made in this connection so far have been successful. That is certainly a legitimate test to apply, whether the experiments for giving facilities for military training which have so far been made have proved successful, so as to encourage the hope that, if those facilities were increased, better results would follow. On that point again, I have the opinion of the Sandhurst Committee entirely in favour of my view. Referring to this question and the success which the Dehra Dun Military College, has achieved, this is what the Sandhurst Committee said :

"The success achieved at that institution in developing the qualities specially required in an aspirant to a Commission is amply shown by the records of the Dehra Dun, when asked whether from his point of view any difference was apparent in the outturn of that particular type of institution in India, 'Dehra Dun an easy first, the rest nowhere'."

Therefore I am on entirely safe ground when I say that there is reason to hope that, if the Government of India would courageously march forward and not be restrained by idle fears, the experiment is bound to prove more and more successful.

Speaking of this Dehra Dun institution, Sir, it is the experience of everybody who has anything to do with military education of the young that that institution is too costly for the ordinary middle class Indian on whose behalf my plea is raised. I am asking for cheapening military education. That is one of the objects I have in view. It is the decided opinion of experts that the middle class population of India cannot afford to keep their sons in the Dehra Dun College, though it is situated in India, because the expenses of education in that college are prohibitive. To take the figures which are available in the Skeen Committee's Report it is said that for a soldier who enjoys certain concessions in fees for his children at Dehra Dun the total expense is Rs. 5,000 for educating his son ; for a non-soldier civilian, it is double that amount, i.e., Rs. 10,000. That is only for educating the boy in India. Then when he proceeds to Sandhurst, without doing which his education is not complete, the expense is Rs. 7,000 for a soldier who gets a concession, and Rs. 11,000 for a civilian who does not get any concession. Therefore, for a civilian, the total expense of educating his son so as to get a Commission will be Rs. 21,000, minimum, and for a soldier it will be Rs. 12,000, minimum. I ask my Honourable friends to realise how many people in India can afford to put their children at Sandhurst or at Dehra Dun. Therefore my plea is that a cheaper method ought to be

found by throwing open all the schools, where education can be more cheaply given.

Another reason which is very weighty in my opinion and to which I wish to invite the attention of the Government of India is that the facilities and opportunities of training young Indians in England by their very nature are limited. Honourable Members are aware that it is the apprehension of the universities and colleges in England, even on matters not connected with military questions, and in places like Oxford and Cambridge, that by an inundation of Indian students in a particular college, the characteristics and the atmosphere of that college would be destroyed. Every college can therefore only take a certain minimum amount of foreign material. If it proceeds beyond that minimum, there is a danger of the atmosphere of that college losing its traditional characteristics. This may be a wrong or right view,—I am not concerned with that. But the rule exists under which only a few Indian students can find accommodation in English colleges and schools. So great an authority as the Skeen Committee, sympathetic as it was to Indian wishes and aspirations, had to take serious note of this view. This is what that Committee stated at page 39 of their Report :

"In every educational institution there comes a time when the authorities responsible for its efficiency must decide to set a limit to the further acceptance of foreign students for fear lest the character of the institution may be changed. This point of view was clearly expressed in 1921 by Sir Theodore Morrison, K.C.S.I., Principal of the Armstrong College,"

He stated :

"I beg the Committee to realise that no university can absorb more than a limited, and rather small number of foreign students. A university is a corporate body with traditions and a certain characteristic tone. It has a personality which is distinctive, of which it is proud and which it desires to retain. This personality would be destroyed or distorted by the influx of a large number of strangers and no university would tolerate this transformation."

This is the prevailing view in England. Honourable Members who are concerned with sending their sons to England are aware of the great difficulty they find in getting admission into a good school or college, the plea always being that no school or college in England can afford to take beyond a certain minimum number of Indian students. I am not at the present moment concerned to characterise this claim as just or otherwise ; but it does exist, and it is a powerful plea urged on behalf of British universities and colleges and it has found a place even in the sympathetic Report of the Indian Sandhurst Committee. Now, the percentage which the British universities and colleges will accept is 5 per cent. of Indian students in a college, 30 cadets at Sandhurst, 12 at Woolwich. The House can well imagine therefore what a small percentage of Indian military students can be absorbed in English schools and colleges. A vast amount of material has therefore to be trained in this country. Consequently, I submit that if the Government of India do really intend to prepare India for taking up her own defence, as they must some time do,—it lies in the hands of the Government of India to delay or accelerate that day—wisdom requires that the beginning should be made at once. It should not be delayed, otherwise we may come to a catastrophe when India may find herself absolutely unprepared for an emergency. This demand has gone up from the non-official Benches from time to time ; it has no doubt so far fallen on unwilling and deaf ears. It has been urged by the Indian National Congress for forty years. For forty years the cry has gone up that there is plenty of fighting material in this country ; we have here so many tribes, so

[Mr. M. R. Jayakar.]

many races who have spent their whole life-time in fighting. Government are not here dealing with uncivilized or uncultured races amongst whom the tradition for fighting cannot be said to exist. Government are dealing with a country which has got a great military past. And yet we find that the Government of India are still unwilling to face the issue. One has only to refer to the answers that Mr. Tottenham gives every day to non-official questions. Still the Government of India are fighting shy of the problem. They ignore the great problem before them—and I say that that is the problem of problems—how to intertwine the ambitions of the middle classes with the military defence of the country. It is no use Government saying “Oh, we give facilities to a few loyal and soldierly families.” That is only a part of the question; the more important part is now that large middle class, from which the educated community comes, can be trained for military careers. That is the great problem before the Government of India; and the sooner they apply their mind to it the better for the Government and for the defence of the country.

In a somewhat pessimistic tone, the Skeen Committee note the several attempts which have been made by non-official Indian opinion to obtain recognition of this view. I say in a somewhat pessimistic tone, because the Skeen Committee, after noticing all that had been done for so many years by Indian Nationalists, express their opinion in the following terms, (page 6) :

“For more than forty years the exponents of the political and national aspirations of the Indian people had demanded insistently on the platform of the Indian National Congress and elsewhere that the Indians should be given an opportunity of service in the Indian Army equal to those enjoyed by their British fellow-subjects. But this demand has so far met with no substantial response from Government.”

That, Sir, is the decided opinion of the Skeen Committee, which cannot be described as a body of political agitators.

To note, for the benefit of my Honourable friends, only three instances of these demands which are the most recent, I may remind the Honourable Members that the predecessor of this House in 1921 passed a very important Resolution on the 28th March. Honourable Members are aware that that House was very different in constitution, personnel and temper from this House. That House was far more friendly to Government than this House can be under present conditions. Even that House passed a Resolution in 1921—the date seems almost ante-diluvian and that Resolution has not at all been carried out by the Government of India. That was a Resolution moved from the same point of view from which my Resolution is being moved today, namely, to harness and utilize the traditional military talent of the middle classes in this country. I will only read the material part of that Resolution for the information of this House. Resolution No. 7, passed on the 28th March, 1921 :

“This Assembly recommends to the Governor General in Council that the King Emperor's Indian subjects should be freely admitted to all arms of His Majesty's military, naval and air forces in India and the ancillary services and the auxiliary forces,—and that every encouragement should be given to Indians, including the educated middle classes, subject to the prescribed standards of fitness, to enter the Commissioned ranks of the Army.”

I do not want to go into other details. Honourable Members who are curious will find the terms of that Resolution fully set out at page 7 of the Skeen Committee's Report. Government have so far taken no notice

of the requirements of that Resolution, although the matter is nearly eight years old. Somewhat impatient, the same House passed, on the 4th July, 1923, another Resolution asking the Government to give effect to its previous Resolution. When that was not done, ultimately on the 19th February, 1925, a Resolution was passed by the successor of that House by which the Indian Sandhurst Committee was appointed. On that Committee sat many important men, who cannot be described as anti-government. They made a unanimous Report and that Report has been before the Government for a long time and the Government have taken practically no action on that. Therefore, Sir, the time has now come when, once more, the attention of the Government should be drawn to this question, at least so far as the non-commissioned ranks and the Viceroy's Commission are concerned. I am therefore asking them to throw open all military schools which have so far been restricted only to certain classes. I have purposely avoided expressing any adverse or condemnatory opinion upon the policy of Government in restricting admission to these schools so far. After all, I am very glad that at least one section of Indians, of loyal and military antecedents, should have received the benefit of these schools. I have no quarrel with the policy which Government have followed so far. I am concerned with the future, and I want to carry the Government with me, if I can, if at all the Government is capable of being carried with us on military questions. I have therefore put my plea in a very moderate way in order that it should find acceptance at the hands of Government. I am not however sure whether I shall succeed. Sir, I move.

**Mr. President :** There are two amendments on the paper, one by Dr. Moonje and the other by Mr. Misra. I am not quite sure whether those amendments are not outside the scope of the original Resolution and therefore I should like to hear the Honourable Members if they have got to say anything. At the same time I should like to express an opinion that Members had better confine themselves to the one issue raised by Mr. Jayakar.

**Dr. B. S. Moonje** (Nagpur Division : Non-Muhammadan) : Sir, the object of the Resolution is to have military schools for the training of the Indian boys. ....

**Mr. President :** To throw open the present schools to boys of all classes and communities.

**Dr. B. S. Moonje :** There are two schools at present in India already established, and therefore my first view was to throw open these schools to the public. Afterwards I learned, in reply to certain questions asked this morning, that Government do not intend to throw open those schools to the public, and therefore, desiring not to leave any loophole to the Government to escape their responsibility, I thought at the last moment of giving notice of this amendment, so that that amendment might be added at the end of the original Resolution. Through a little oversight, it was put down as an amendment that was to be substituted for the original Resolution; but the intention was that, if the Government were to make it an excuse,—in order that there might be no loophole—this amendment might be added at the end of the Resolution. I should like to know the position of the Government in this matter before deciding whether I should insist upon the amendment or not.

**Mr. President :** There is no question of his insisting on his amendment : the question is whether the Honourable Member's amendment is in order.

**Dr. B. S. Moonje :** As I have said, the object of the original Resolution was to have military schools for the training of Indian boys, and I believe if this amendment is added at the end of the Resolution it will be perfectly in order.

**Mr. G. R. F. Tottenham (Army Secretary) :** Sir, our view in this matter is that we ought to go strictly by the rules and Standing Orders of the House. The rules lay down that a Resolution shall raise substantially one definite issue, and the Standing Orders also lay down that an amendment to be in order must come within the scope of the original Resolution. Now, the scope of the Resolution as proposed by the Honourable the Mover is simply whether certain military schools which are now reserved for particular classes should be thrown open to the general public. That, Sir, is the issue before the House, and it seems to me that the amendment which my Honourable friend wishes to move raises an entirely different issue which relates to the question of starting more schools either of the same character as the existing schools or possibly of a somewhat different character. I must say that it seems hardly fair either to Government or to other Honourable Members who have succeeded in drawing later Resolutions in the ballot that the scope of this very restricted Resolution should be enlarged in this way.

**Mr. President :** How is it unfair to Government ?

**Mr. G. R. F. Tottenham :** In this way, Sir. We do not know what form of schools my Honourable friend Dr. Moonje has in mind, and it is difficult therefore to prepare our replies.

**Mr. President :** When was this amendment on paper ?

**Dr. B. S. Moonje :** Three days ago.

**Mr. G. R. F. Tottenham :** I received notice of this amendment late on Saturday night, but I do want to make it clear that Government have no desire to stifle discussion on this important matter or to shirk the issue in any way. I am quite prepared, when my time comes, to give a statement of the views of Government on this important matter and to indicate to what extent Government will be able to meet the wishes of Honourable Members opposite. But I would suggest, Sir, that it would be better if the amendment on the paper were not moved and if Honourable Members so wish, they might bring out the points they have to make in their speeches without moving a formal amendment which seems to be in contravention of the rules and Standing Orders.

**Pandit Hirdaynath Kunzru (Agra Division : Non-Muhammadan Rural) :** Sir, perhaps the difficulty which confronts you in this connection is this. The Resolution moved by my friend Mr. Jayakar asks that boys in general should be allowed to be trained in the military schools at Jhelum and Jullundur in order that their fitness may be ascertained for recruitment as non-commissioned officers and Viceroy's Commissioned officers. Dr. Moonje's amendment, on the other hand, asks for the establishment of a military school where Indian boys between the ages of 12 and 18 years could be given military training. At first sight, Sir, it seems as if the two purposes are entirely different, but it must be remembered that the military schools at Jhelum and Jullundur receive boys at tender ages....

**Mr. President :** Not between 12 and 18 ?

**Pandit Hirday Nath Kunzru :** Much earlier than 12. I further think that all the boys who are trained there cannot be absorbed in the Army either as non-commissioned officers or as Viceroy's Commissioned officers. Therefore, it is clear that the principal object of the Resolution moved by Mr. Jayakar is that opportunities should be given to Indian boys in general and not merely to the sons of Indian officers for receiving military training.....

**Mr. President :** That is not the object. The object is quite clear. One definite issue has been raised that the existing schools should be thrown open to all classes of people.

**Pandit Hirday Nath Kunzru :** The only point that remains to be considered, in my opinion, is whether it would be proper to move an amendment to Mr. Jayakar's Resolution asking that if the present schools cannot be thrown open to boys in general, other schools should be started for the purpose.

**Mr. President :** That is a different proposition. You may move another Resolution for that purpose, but you cannot have it in this Resolution.

**Pandit Hirday Nath Kunzru :** We are all of course subject to the ruling given by you, but it seems to me that the object of both the Resolutions being general training, it ought to be permissible for us to say at this stage that if Government find some difficulty in throwing open the schools at Jhelum and Jullundur to boys in general, they should start other schools which will have the same purpose in view.

**Mr. President (to Mr. Tottenham) :** Perhaps the Honourable Member has no objection if Honourable Members in their speeches refer to that matter ?

**Mr. G. R. F. Tottenham :** Not at all.

**Mr. President :** That settles the question. Dr. Moonje can speak on the original Resolution and can refer to these matters without moving his amendment.

**Dr. B. S. Moonje :** Sir, My object in moving such a Resolution and also in giving notices of Bills for compulsory military training and rifle practice has been described in greater detail in one of my speeches in this House. In short, the world situation as regards the defence of a country has so changed, that if India wants to remain unaffected by foreign aggression, she has to be prepared for her defence. That is one point. The second point is that the Government must understand now that the changes in the world situation have been great that if they think that in the event of another emergency occurring just as it occurred 10 or 12 years ago, the British people alone, without the trained co-operation of the Indian intelligentsia, will be able to cope with the defence as they have been able to do in the past, they are entirely mistaken. That is my second point. It is, therefore, why I thought it wise often and often to bring this subject forward on the floor of this House. My idea is that every attempt must be made to make India self-sufficient and self-contained, so that.....

**Mr. President :** The Honourable Member is raising a wider issue. The question is whether the existing schools should be thrown open to all classes.

**Dr. B. S. Moonje :** I am just coming to the point raised by Mr. Tottenham as to what forms of schools we want. The forms of schools that we want for the training of our boys could not be better described than what have been established in certain countries of the world. I take Japan as my model. The social conditions in Japan were almost identical with the social conditions of India, and I take their school as a model because knowing their own social disabilities, they have taken very intensive measures to convert the whole nation into a military nation. I may say, here in brief, what those methods were by which Japan turned out to be a first class military power. The military education in Japan is organised as follows :

"Military preparatory schools located at Tokyo, Heroshima and Mumamoto are the lowest ladder in the scale of education for candidates aspiring to become officers....."

**Mr. President :** I think the Honourable Member is going far beyond the necessities of the case. The question of the defence of India as a whole is not raised by this Resolution. It is a very simple issue, viz., whether the existing schools should be thrown open to all classes of boys, and I think the Honourable Member is not justified in traversing beyond that.

**Dr. B. S. Moonje :** We have found it difficult to fill up the very few vacancies for the King's Commissions in the Army that are thrown open yearly for Indians, and the complaint generally is that the boys that appear at the competitive examinations are not the right sort of boys. We might differ in that, but at least the contention on the part of the Government is that the boys that appear for these competitive examinations are not of the right sort. We do not want to provide an excuse to the Government to say, after these schools are thrown open, that the boys who appear at these examinations are not suitable. There are no schools available at present in India for the training of all classes of Indians and the only schools that are before my eyes are those at Jhelum and Jullundur. Therefore, unless Government are prepared to take a broader view and to say, that, if these schools cannot be thrown open to the public, they are prepared to start one model school at least for the whole of India, so that the provinces may follow their example—I think that our exercise of the right that has been given to us of competing for the King's Commissions in the Army will fail to achieve its end and there will always be a standing grievance or complaint on both sides—the Government complaining that boys of the right sort are not available and the people complaining that even though the boys are fit for Commissions, the selecting officers do not think that they are the right sort of people that ought to go up for these competitive examinations. It is for these reasons that I had given notice of the amendment that in case the Government feel difficulty in throwing open the military schools at Jhelum and Jullundur to the public the Government should start a model military school at an early date for Indian boys, irrespective of their caste creed or previous family connections with the army, to serve as a model to follow to the Provincial Governments. In short, I may say, that we want Government military schools for the training of our boys, whatever they may be. I hope that the Government will feel inclined to help us and co-operate with us in organising national defence and in establishing a system of military education in India with its own traditions and its own curriculum of education. With these few words I support the Resolution.

**Mr. M. S. Aney** (Berar Representative) : It is a pity that the Resolution, as it is moved, is circumscribed in its scope and that the broader question cannot be discussed. I shall confine myself only to that narrow aspect of the case which is under discussion now. In the first place, I should like to know what is the reason for the Government to initiate military training only for certain classes of boys and not keep the two existing institutions open to all boys who can avail themselves of that training. That is my first question to the Honourable the Army Secretary. The idea in making a limited start of that character seems to be that Government will not be able to find, in other classes, boys competent enough to take advantage of the military training. Unless there is that idea underlying the Government's policy, there is no meaning in the fact that in the two schools which they have started admission should be strictly restricted to boys of particular officers only. It is not true that because certain persons have had the advantage of working as officers in the Army for some time therefore their progeny would be fit for taking up a military career. That sort of proposition does not appeal to me, and it ought not to appeal to anybody who has studied the military traditions of the Indian people as a whole. There are other people in this country who have had a brilliant record of a military career in their past history and if proper avenues for military training are given to these classes, there will be no dearth of candidates who will be fit for recruitment as commissioned officers or officers getting the Viceroy's Commission. If we really want to have our Army officered by Indians, it is necessary that Indians of all classes should be admitted into these schools, and unless the Government have got any serious objection to the admission of other classes of boys, there is no reason why they should not accept this Resolution. The burden of proof is really on the Government to show what is the proper reason for their confining the scope of admission to boys coming from particular classes only. It is the taxpayer that is spending the money on these schools, and that money should be utilised as far as possible without prejudice to any class of the Indian population as such. Military training is a necessity not only for the sons of those who have served or are at present serving in the Army, but it is a necessity, in my opinion, for every future citizen of this country. Of course, Government cannot make provision for every body today and the Resolution also does not throw that burden upon Government. It makes a very modest demand, and I believe that, if the existing two institutions could be broadened by Government so as to allow for the admission of a large number of boys of other classes out of whom they can have a reasonable number of recruits which they want every year, Government will find, in the near future, that they will have to start similar institutions in other parts of India to satisfy the growing requirements of military training in this country. The charge that the people of this country are not generally fit for a military career holds good today because of the restricted opportunities which the Government have created in the country in the matter of military training and military careers, and the Resolution is intended not only to secure admission of boys of other classes to these two institutions but also to prove, within a short time, that this country has really got abundant materials which can be worked up into military officers of the proper type. With these words I support the Resolution.

**Sardar Bahadur Honorary Captain Hira Singh, Brar** (Punjab : Nominated Non-Official) : Sir, in my humble opinion the Honourable



[Sardar Bahadur Honorary Captain Hira Singh, Brar.]

Mr. Jayakar moves this Resolution from the wrong end. These two schools at Jhelum and Jullundur were opened as a war memorial in order that the sons of those Indian officers and non-commissioned officers who were actually killed on active service might be given education. In other words they may be called charitable military schools. Now, I may be asked what sort of war services were rendered by the fathers of these boys in the schools at Jhelum and Jullundur. The parents of these boys were actually killed on active service. To throw open these schools to other boys seems to me rather a difficult question. If the Honourable Member had asked that more schools of this type should be started under the supervision of experts, that would have been more suitable. I was a member of the Skeen Committee. We found that no preparatory schools existed in India for feeding the recruitment to the King's Commission. Dehra Dun is the only one and it is not the sort of thing my Honourable friend Mr. Jayakar wants.

Mr. President : Mr. Jayakar ?

Sardar Bahadur Honorary Captain Hira Singh, Brar : In the first place many Honourable Members in this House do not know how the Indian Army is constituted and how it is recruited. The present scheme for providing an opening for the boys in these schools is very unsatisfactory. I doubt myself if these boys will be received later on in the Indian Army. It is 15 years ago now when their fathers or near relations were killed on active service. Since then a long time has passed, and there has been a great change in the Indian Army. Probably when these boys join, they will not find any British or Indian officer who knew their fathers. To put in outside men into the Indian regiments as non-commissioned officers would create a lot of discontent and resentment. To talk about giving them the Viceroy's Commission is a long way yet. If you put into a Rajput Regiment a non-commissioned officer who does not belong to the same class, I wonder how it will be received by the rank and file. I do not think the outside boys will be received with great enthusiasm. The rank and file will not like it, because the soldiers already in service expect their promotion. However, that is a matter for the authorities to decide. To put in any other class of boys as non-commissioned officers or Viceroy's Commissioned officers in the Rajput, Gurkha, Pathan or Sikh regiments is absolutely out of the question.

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : Why ?

Sardar Bahadur Honorary Captain Hira Singh, Brar : I will tell you. I think, then, it will be better if the constitution of the Army is changed. If you try to persuade the Army Council in India and in England to change the constitution of the Army, then will be the time to bring such a Resolution as that moved by my Honourable friend Mr. Jayakar.

Diwan Chaman Lall : There will be no necessity then.

Sardar Bahadur Honorary Captain Hira Singh, Brar : I do not know who can change the constitution of the Army. I do not think the Government of India can change it. Suppose the Indian Army is organised for A, B, C and D, and you want to shove in X, Y and Z, how are you going to do that ? It is meant for A, B, C and D.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Very good reasoning !

Sardar Bahadur Honorary Captain Hira Singh, Brar : The reasoning is here. You want to keep the discipline of the Army. When you are in the Army, you know what the difficulties are in the caste battalions. You have to win the confidence of the soldiers. These two schools are worked on a class platoon system—so many Mussulman platoons send their boys to Jhelum, so many Dogra platoons to Jullundur and so on. These schools are not meant to take outsiders. The admission to these schools of outsiders would not do any good. How are you going to fit them in ? There is no room there. Everything is cut and dried—so many Indian officers, so many Mussulman officers, so many Rajputs and so on. If the Government can increase the number of non-commissioned officers and Viceroy's Commissioned officers, then surely you can put them in the other classes. But if that cannot be done, then this Resolution cannot be given effect to. As for the new preparatory schools, I believe my Honourable friend, the Army Secretary, will be prepared to supply the staff for these preparatory schools, but that is a provincial concern. That is what is my experience. (Mr. K. C. Roy : "What do these schools teach ?") They teach a little drill, the A. B. C., of reading and writing, mathematics, a little geography, a little about their country, a little about their forefathers' traditions—things which may be useful to them in the Army. I do not find myself, Sir, in a position to support this Resolution, and with these words I oppose the motion.

Pandit Dwaka Prasad Misra (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, in view of the fact that you have ruled Dr. Moonje's amendment to this Resolution out of order, I feel that my amendment is much more objectionable, and therefore, I shall content myself with making a few observations on the Resolution moved by my Honourable friend from Bombay. To me, Sir, the essential point in that Resolution seems to be the emphatic protest that it has entered against the new system of caste which has come into existence during the British regime. As for the speech of my Honourable friend, Captain Hira Singh who has just resumed his seat, I only take that to be a speech made by a Member of the Military caste for the preservation of his own caste in this country. (Hear, hear.) I do not think the House should attach any more importance to it. Sir, this division of Indian society into military and non-military classes has produced two evils in this country. The first and more obvious evil is that it has been sapping the manhood of India all these years, and the speeches of my Honourable friends, Mr. Jayakar and Dr. Moonje have drawn pointed attention to it. My purpose, in rising to speak in support of this Resolution, is to focus the attention of this House on another aspect of the evil, less obvious but even more injurious to the future of the country. If we exclude about 60,000 British soldiers from the Indian Army, we find that this Army is composed of about 1,60,000 Indian soldiers. If we scrutinise these figures on "provincial basis" we find that about three-fifths of these soldiers are recruited from the province of the Punjab. To some Honourable Members, on the first sight, this may appear a small thing, but I would like the House to realise that if we are really to have democratic self-government in this country it would be impossible without democratic self-defence. If our friends on the Treasury Benches are really sincere to the promise made by England



[Pandit Dwarka Prasad Misra.]

in the year 1917, by which we find them swearing piously in season and out of season, I say, Sir, it is for them to democratise the national defence of this country. It may be said that other provinces of India are not martial enough to furnish their quota to the Indian Army, I emphatically deny this charge.

**Mr. President :** The Honourable Member is talking on the general question of the defence of India ; he is not talking on this Resolution.

**Pandit Dwarka Prasad Misra :** I think, Sir, I am confining myself most strictly to the Resolution of my Honourable friend, and I am only pointing out another aspect of the evil to which our attention has been drawn by the Mover.

Sir, my Honourable friends from the Punjab may feel that my suggestions will affect adversely the interests of the people of the Punjab, but I would like to say to my Honourable friends coming from the Punjab, that even in the real interests of the Punjab, this evil must be remedied. The population of the Punjab, Sir, is only about one-fourteenth of the population of India, and the Punjab lies today, as it always lay, on the direct route of the possible invaders. I, therefore, repeat that the interests of the Punjab as well as of the whole country demand that this provincial disproportion in the Army should be remedied. Now, Sir, the only way to remedy this evil is to abolish this new caste system of military and non-military people which has been introduced by our present rulers. The day that we abolish this division of Indian society into military and non-military classes, that very day the Indian Army will begin to be democratised, and we will find men coming from all the provinces to play their part in national defence. Sir, it is by now quite obvious that the majority of Honourable Members in this House welcome the first step in the social reform taken by Government. May I hope that the Government will prove their sincerity by taking another step in the matter of this social evil by throwing open the doors of Jhelum and Jullundur Military Schools to the general public and abolish this new caste system which denies a military career to the vast majority of the Indian population ? With these few words, Sir, I support the Resolution of my Honourable friend, Mr. Jayakar, which seeks to remedy the evil to the extent its scope permits it to do.

**Lieut.-Colonel L. L. Porter (Madras : European) :** Sir (Applause). I should like to say a few words with reference to the formation of these schools. There is no doubt that the two schools that now exist, the one at Jhelum and the other at Jullundur, are entirely for the use of the sons and relations of men who served as soldiers during the Great War, and I do not see how these schools could be opened to anybody else. All the same, Sir, I think the idea of starting schools on somewhat the same lines as these schools is a very sound one (Applause.) There is no doubt that, if you want to create a class of men of the same physique and the same stamp that have served in the Indian Army, it will not do to put the boys into school and educate them only in books ; I think that if a school of this type were started, very great stress during the education of the boys will have to be laid upon the physical part of the training. As far as I understand, in these two schools, the one at Jhelum and the one at Jullundur, the boys are taken in from the ages of ten to sixteen and they

are given practically a sound literary education which qualifies them to earn their promotion if they eventually go into the Army, or such education as, if they do not go into the Army, is going to be of use to them, and also that a certain number of the staff in these schools is of a military character. With regard to the training of other races in India for military service, I do not see, Sir, why this should not be done, or why any distinction should be made.

There are no doubt certain difficulties that must arise when you start a school and where you have men perhaps of different castes in the same school whom it may be very difficult to closely associate together. It might, therefore, possibly be necessary to start schools down in other parts of India, which would not exactly be caste schools, but where there would be some division of a local kind between men of different castes. If the schools were to be started and the boys in these schools were well and physically trained, then I think the next step towards starting military education and training in the country would be perhaps to start cadet corps. If a cadet corps was started for boys, say of over 16 years of age, then these cadet corps could be attached to Territorial Battalions. (Hear, hear.) If this was done, the cadets from the school would be attached to a Territorial Battalion, which probably is very largely formed out of men from their own district or their own part of the country ; so that a great many difficulties which would arise if boys were to be sent to a great distance for training from one province to another would be overcome.

With regard to the physical training, which I think is the chief part of all military education, that is to say, to turn out hefty fellows to undertake military service, it might, of course, be made compulsory on very much the same lines as it was in my own old days when I was at school in England. The compulsion there was probably of a different sort from what we find now. If we did not roll up say to football, we got the stick. It worked well and I do not think it was objectionable. I do think that to these schools would have to be attached some sort of men with military training who would be able to keep discipline going in the schools. I also think that some care would have to be taken in choosing athletic instructors, who would teach these boys not only the physical training but the games which form so very large a part of physical training. That is all I have to say on this Resolution.

**Sardar Kartar Singh (East Punjab : Sikh) :** Sir, I am sorry that I have to oppose this Resolution. This Resolution is very unhappily worded, and I do not think that it conveys and will carry out the object of my Honourable friend Mr. Jayakar. The reason for restricting these schools to the sons of the Indian soldiers and military officers was that they had shed their blood in the Great War. These schools were opened at a time when the Government wanted to reward these ex-soldiers, and it is not dignified on the part of the Members of this House to grudge the favour shown to the sons of Indian soldiers and military officers. There are at present only two schools—one at Jhelum and the other at Jullundur. They are hardly sufficient to meet the needs of the sons of the Indian soldiers and Indian military officers. If these schools were to be thrown open to all the people of India, then it would mean that we would deprive the sons of Indian soldiers from getting admission into them. I do not

[Sardar Kartar Singh.]

think that that is the object of my Honourable friend in moving this Resolution. He does not want that the sons of Indian soldiers should be deprived of the present privilege and should not be admitted into these schools. What he wants is that some more schools should be opened. He should have framed his Resolution in such a form, therefore, that the Government would have been induced to open more schools in different parts of the country, so that the sons of all Indians might get a chance of getting military training. The language which my friend has adopted for wording his Resolution is not good. It will not be effective; it will not give a chance to all the Indians to send their sons to these schools because the accommodation there is limited, and only a very few boys will get the chance of joining them. And the result of the admission of these boys would be that the sons of the Indian soldiers and ex-military officers who have shed their blood, who have lost their arms and legs, in the Great War would be deprived of their rewards. These schools were opened as a reward for the services done by the military people. Supposing the Government, instead of opening these schools, had given a larger amount of pensions to these military soldiers and officers, so that they might educate their sons, would my friend then have said: "Do not give them this extra pension"? This is a part of the reward for service which they rendered during the war, and we should not grudge it.

My friend Mr. Misra said that there was a class war. I do not agree with him there. It is simply a means of rewarding the services done by the fathers and relations of these students. Sir, the time has come when the Government should open more schools and should give a chance to Indians for military training in order that they may be able to qualify themselves for military service. But, Sir, the Resolution will not give the Indians this chance and I submit that my friend should withdraw it and bring forward another Resolution in the form which was suggested by my friend Dr. Moonje. That is the sort of Resolution which would have the support of the whole House, but the Resolution as it stands now cannot have the support of the whole House because, by passing it, you are forcing the hands of the Government of India to deprive certain people of their rightful due. I submit, Sir, that this House should be the last to adopt such a course. My friend, Colonel Porter, said that it is not easy to get qualified and physically fit boys for these schools. Sir, the sons of military soldiers have got this advantage that they do possess good physique and consequently they are better fitted to join these schools. The sons of other people also can qualify themselves and can get military training and also can acquire good physique if they are properly trained. But there are 33 crores of people inhabiting India and I do not think that these two schools would be sufficient to accommodate them. So, our demand should be that several such schools should be opened for our boys. Therefore, I oppose the Resolution because it is not happily worded, and is liable to give an impression to Indian soldiers and military officers that the Members of this House feel jealous of them and grudge the favour shown to their sons.

**Mr. G. R. F. Tottenham:** Sir, I am labouring under two disadvantages. The first is that this is the first occasion on which I have ever attempted to make a serious speech, either in this House or anywhere else. Here, however, I feel sure that I can rely on the indulgence of the House. My

second difficulty is perhaps even greater. As I said just now, the form of the Resolution left no doubt whatever in my mind as to what the intention was, and it seemed to me that it would not be very difficult to deal with. The trend of the debate, however, has shown that what Honourable Members really have at heart is a matter that goes considerably beyond the scope of the actual wording of the Resolution, and there has been a desire to discuss wider issues. The Honourable the Mover of the motion took up most of his speech in referring to the recommendations of the Skeen Committee, the success that the college at Dehra Dun had attained, the expenses of Dehra Dun, the expenses of Sandhurst and the difficulties of education at Home for Indians. He also referred to certain Resolutions which were passed by this House in 1921 and subsequently, and to other matters of that kind, all of which relate primarily to the question of the method by which Indians of all castes and creeds should enter the commissioned ranks of every branch of the Army. That, Sir, is quite a different matter and a much larger matter.

**Mr. M. R. Jayakar:** My Honourable friend has misunderstood the trend of my argument. I did not refer to a single recommendation as such of the Skeen Committee. I used only the opinions of that Committee for the purpose of proving that the time has come when military training ought to be cheaply provided for the middle classes of India.

**Mr. G. R. F. Tottenham:** I quite realise that. I perfectly understood the intention of the Honourable Member's speech, and I hope I shall give him some satisfaction. I was merely pointing out that the debate had gone into wider channels than I had originally anticipated. I do, as I said before, want to give the House the impression that Government are distinctly sympathetic in this matter, and it will be my honest endeavour to give the House an explanation of the existing facts and an indication of what the Government can do to meet what we think to be the wishes of the House.

The Resolution proposes that certain schools which are now reserved for the sons of Indian officers and men should be thrown open to Indians of all castes and creeds, irrespective of family connections and so on; and my first duty is to explain why it is that the Government of India regret that they cannot accept this Resolution, as it stands. As certain Honourable Members have already said, there are only two military schools in India which answer the description given in the Resolution. Those schools have only been in existence for the past four or five years. Before that, there were no schools at all. They are entirely an innovation. These schools are the King George's Royal Military Schools at Jhelum and Jullundur. There are no other schools which have been started for the purpose of training the sons of Indian officers and men for entry into the non-commissioned and Viceroy's commissioned ranks of the Army. The Dehra Dun College, to which the Honourable the Mover and other Honourable Members have referred, is quite a different institution, which is already open to Indians of all castes and creeds, irrespective of their family connections. Therefore, I take it that we are strictly concerned only with the King George's schools at Jhelum and Jullundur. These schools are entirely military schools. They are run by Army officers; they are paid for from Army funds; the boys there are the sons of Indian officers and men, and the boys themselves are under an obligation to join the Army when they leave the school. There is no question, as my Honourable friend Pandit

[Mr. G. R. F. Tottenham.]

Hirday Nath Kunzru seems to think, that some of these boys will not be taken into the Army after they pass out. Every boy at the King George's schools at Jullundur and Jhelum must go into the Army. He is under an obligation to do so.

Now, I may say that the Army is proud of these two schools, and I think we are rightly proud of them. As I have said, they were started some four or five years ago. The first generation of boys has not yet passed out of them, but they have proved a success already, and I may repeat here an invitation that has been given before on the floor of this House. Government are anxious that Honourable Members of this House should go and visit these schools and see the good work that they are doing. If any Honourable Member would like to do so, we shall be glad to make all arrangements for him. I am glad that my Honourable friend Dr. Moonje is going to pay a visit to these schools in the very near future. I wish he had done so before.

Now, it may interest Honourable Members to hear certain facts about these schools. There has been, I think, a little misapprehension about them. The Jhelum school is confined to Pathans, Baluchis and Punjabi Muhammadans. The Jullundur school is confined to Sikhs, Dogras and Punjabi Hindus. Both these schools have just reached their full strength; Jhelum, 330 and Jullundur, 244. The Jhelum school cost six lakhs to build and the Jullundur school cost about 4½ lakhs. Each of them costs about Rs. 80,000 a year to run, irrespective of the cost of maintaining the buildings. There is no entrance examination for these schools. The boys are taken in at an early age, at the age of 10 to 11, by nomination from the units concerned. They remain in the school for five years. The literary education given in the school, as I explained this morning, has nothing military about it whatever. It is simply a general education up to the ordinary eighth standard, and the final examination of the school is equivalent to the "vernacular final" examination. On leaving the school the boys are under an obligation to join the units which have nominated them, and thereafter their progress in the Army is entirely a matter of merit. But, of course, we do hope that the education they have received will help them towards early advancement, including the grant of the Viceroy's Commission at an early age, selection later on to be sent to the newly opened Kitchner College at Nowgong and possibly later still selection for the annual batch of Viceroy's Commissioned officers who are sent Home at Government expense to Sandhurst, as what is known as "Y" cadets, with a view to obtaining the King's Commission. I might add that the fees at the schools are extremely low—they are only Rs. 7/8/0 a month and, in many cases, the boys get in entirely free. As I have said already, the boys are not taught any specifically military subjects, such as military science, tactics, surveying and so on. They are too young for that. That will come later on. But the most important feature of all is the tone and the spirit of the school. The whole system of discipline, the whole atmosphere and the combined efforts of the staff are all directed towards the development of character, initiative, smartness, self-reliance and all the qualities which go to make a good soldier and an efficient leader of men. The success of the schools in this respect is rendered possible largely on account of the fact that they are boarding schools and not day schools.

# MILITARY SCHOOLS.

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Now, Sir, I have yet to show why it is that these particular schools cannot be thrown open to the general public. The immediate reason is that they are definitely war memorials. They are the most fitting tribute that the Army could devise to the memory of those Indian officers and men who gave their lives for their country—and for my country also—in the Great War.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Are only the sons of those who died in the War admitted ?

**Mr. G. R. F. Tottenham** : The buildings were constructed from a fund which owes its existence to the generosity of the Princes and Ruling Chiefs of India.

**Pandit Madan Mohan Malaviya** : Are only the sons of those officers who died in the War admitted into these schools ?

**Mr. G. R. F. Tottenham** : No, Sir ; the sons of officers or soldiers who are serving in the Army are admitted.

**Pandit Madan Mohan Malaviya** : How is it a war memorial then of the limited character you claim it to be ?

**Mr. G. R. F. Tottenham** : The point is that the schools themselves are a memorial to those who died in the war. The buildings were paid for out of a fund which was collected as a war fund for that purpose. I feel sure that the House will respect the objects to which that fund was devoted, and I hope that they will agree that the character of these particular schools should remain as it is.

Now, Sir, if that is accepted by the House, I have actually disposed of the narrowest interpretation of the Resolution, but I am conscious of a feeling that I have not said enough. The fact that these schools are war memorials and therefore cannot be thrown open to the general public does not really answer the wider criticism of our policy, that is to say, our Army policy, of confining our schools to the sons of soldiers. It is true, Sir, that the Army contemplate extending these schools as and when funds permit, and I have already shown that they are by no means cheap. Our intention is very shortly to open a school for Jats and Rajputs ; we hope later on to open a school for Mahrattas in Bombay and so on ; and our hope eventually is that we shall have about a thousand boys under education in schools of this kind, but of course boys drawn from the classes which are recruited at present for the Army. That, Sir, I think is a programme on which we may have just cause for congratulating ourselves in the Army when we complete it. But I am still aware that it does not meet the wishes of my Honourable friends opposite. They want us to open schools for those who are not at present recruited for the Army. Well, Sir, I should like the House for a minute to consider the facts as they are. It has often been explained before on the floor of this House that the Army is at present constituted on a class system under which we recruit men only of particular classes.

**Pandit Madan Mohan Malaviya** : Which is an evil.

**Mr. G. R. F. Tottenham** : We know that there are many races in India who are not recruited at present but who would make good soldiers. But it is our duty, and I submit it is the duty of the Commander-in-Chief of any

[Mr. G. R. F. Tottenham.]

army, to recruit not only good material, not even the better, but the very best, and that is why we have been unable, and we are unable at present, to recruit those classes that my Honourable friends opposite would wish us to recruit. That is the situation purely from the Army point of view, and assuming that that system remains,—and I am only considering the facts as they are,—there are I think two conclusions we must draw. The first is that the duty of the Army, taken by itself, is primarily towards its own people, the people who have served it faithfully; and the second conclusion is that the Army budget cannot afford to spend money on educating boys for whom, when they have been educated, we cannot find a place in the Army. That, Sir, as I said, is the position looked at purely from the Army point of view. I admit that it leaves the wider question unsettled. If Government say that they sympathise with the desire of Indians of all classes and creeds to fit themselves for the defence of their country, then I admit it is up to Government to do something to help them. I am now, I think, in danger of trespassing outside my own boundaries and of referring to matters relating to the general educational system of the country, matters with which my Honourable friend the Education Secretary would be better qualified to deal. But what I say is this: let the Army schools alone; let the Army complete their programme of military schools. There is no doubt that the money is being well spent and usefully spent; and let us consider quite separately what can be done about the wider question.

Well, Sir, that brings me to my Honourable and gallant friend Dr. Moonje. What is it that Dr. Moonje wants? He recognises, I think, that our King George's schools should be allowed to go on as they are. He recognises that, even if other schools are started on the same lines, it may not be possible for us to guarantee to the boys in those schools an Army career. But I do not think he minds that. What he wants is to get something done. He does not mind whether the boys get into the Army immediately, but he does want Indians generally to have an opportunity of fitting themselves for the defence of their country, so that when the time comes, India may have material to call upon with which to found a national army. For this purpose he suggests that the Government of India should start a model school for the Provinces to follow if they wish. I am still not quite clear as to what the exact character of that school is and perhaps it would be going outside the scope of the Resolution if I were to deal with that matter here. But whatever it is that Dr. Moonje wants, or that other Honourable Members want, whether it is a model school for the education of Indians up to the standard of non-commissioned officers, or whether it is a model college for training boys to take the Sandhurst and other Army examinations, I say, Sir, that the models are there. They are before the country already. The Army, in fact, has given the country a lead in this matter. If you ask us to design a model school or a model college, we can only point to the King George's schools or to the Dehra Dun College, according to what you want, and say, that is our idea of a model school or a model college. We know that these are costly institutions, but if you want a good thing you must pay for it; and the question is, is it for the Army budget, is it even for the Government of India to provide the money for more of these schools and colleges? And that, Sir, brings me to the conclusion of the matter. Government realise that there

is a genuine feeling among Honourable Members in this House, firstly, that some practical step should be taken to give boys of every caste and creed an opportunity of fitting themselves for a military career, and secondly, that the most practical way, in their opinion, of doing so would be by starting and founding a number of schools all over the country. Now, the Government view is that, although education is necessary for any programme of that kind, you cannot attain the objects that Honourable Members have in view by providing educational facilities alone. Literary education never did, and never will, make a soldier by itself; games, physical drill, rifle practice, by themselves, are equally useless. It is the spirit behind these things that matters, and no Government in the world, with the best will in the world, can produce that spirit unaided. They can help it: if it appears they can encourage it. But that spirit must be the offspring of public opinion and the outcome of a genuine desire on the part of the people themselves and especially of the rising generation to fit themselves for an Army career. Home life and home discipline are just as important as, if not more important than, school life and school discipline; and surely if that desire is present in the country at large, it must express itself. No government can stop it expressing itself, and the door is wide open.....

**Pandit Hirday Nath Kunzru:** What door?

**Mr. G. R. F. Tottenham:** Education is a provincial transferred subject under the control of Ministers elected by the people, and it is through that door—through the Provincial Governments and Provincial Councils—that Honourable Members must make this demand felt. Let Dr. Moonje continue the efforts that he has made and is making in his part of the country. Let other Honourable Members make similar efforts in their own parts of the country, and we on our side of the House will be prepared to do what we can to help. I take it the position is that there are certain features about our military schools which appeal to Honourable Members of this House, which they think are admirable and which they consider should find a place in schools all over the country. Well, Sir, if that is the position, we on our side are quite prepared to help; we can bring these features of our schools prominently to the notice of Local Governments; we can draw their attention, if you like, to the feeling on the subject as expressed by Honourable Members in this House; and we can inform them that, if they decide to start schools of that kind themselves, we shall be prepared to do what we can in the way, for instance, of providing military instructors or providing for inspection by military officers and so on. There is only one stipulation that we must make, and that is that we cannot guarantee to take boys from these schools, if the Local Governments wish to start them, into the regular Army. We can suggest that use should be made of the Indian Territorial Force and the suggestion made by my friend, Colonel Porter, about cadet corps might be useful in this connection. We can also take a special interest in the schools and do what we can to make them a success. But beyond that I do not think we can go.

Now, Sir, I think I have said enough, or I hope I have said enough, to show that, if there is a genuine feeling on the other side of the House in this matter, there is also a genuine desire on this side of the House

[Mr. G. R. F. Tottenham.]

to help ; and in particular I should like to say a word to my Honourable friend Dr. Moonje. We all know Dr. Moonje's sincerity and singleness of purpose ; we admire him for it and we wish there were more men like him. And I particularly do not wish that he should carry away the impression that in this matter—because we have been unable to accept his amendment in so many words—his effort has been in vain. What Dr. Moonje and men like him are trying to do is a big thing no less a thing than the reformation of a nation—and that must take time. But Dr. Moonje and men like him have sown the seed and that seed is bound to bear fruit ; it has not fallen on stony ground and I say that it will bear fruit.

Finally, Sir, I would appeal, if I may, to the Honourable the Mover of this motion and ask him whether he can see his way, in view of the assurances I have given him.....

**Mr. M. R. Jayakar :** What assurance has the Honourable Member given beyond pious hopes and blessings ?

**Mr. G. R. F. Tottenham :** The assurance that we shall bring this matter to the attention of Local Governments and do our best to help them if they wish to start schools themselves. I would ask him if he would on that assurance be prepared to withdraw his Resolution. If not, Sir, I regret, and I regret very sincerely, that I must oppose it.

**Mr. President :** It is getting late and I think that Honourable Members who wish to speak may do so at the next meeting.

**Pandit Madan Mohan Malaviya :** Sir, it is a very important matter and I should like that the debate should continue for some time longer.

**Mr. President :** I am entirely in the hands of the House and I am perfectly prepared to sit if necessary till 9 o'clock.

**Pandit Madan Mohan Malaviya :** Sir, the questions raised are of such importance that I ask the indulgence of the House at this hour for a short while. In the first instance I want to make it clear that the policy which the Army Secretary has enunciated is out of date now. That policy would have been very suitable if India was not going to have self-government, but India is going to have self-government and it is going to be responsible for defending the whole country through the hands of Indians. If my friend would bear that fact in mind, if the Army Department would keep that fact before its mind, then I think they would be able better to appreciate the needs of the situation and to understand the opinions and feelings of those of us on this side who want a satisfactory and adequate provision made for imparting military education in the country. Now, personally I feel that, as soon as we get power, which I hope and trust we are going to get next year,—as soon as we get power, one of the first things that we shall take in hand will be the creation and development of an Indian army officered by Indians. For that purpose we shall have to follow the example of the civilised powers of the world, and of England in the first instance. The system of education provided for in England is not that there are a few—two or three—selected schools for preparing boys to be admitted for training as officers for the Army, but that in all the district—the county schools of England—students are afforded an opportunity for preliminary military training, and these students are not drawn from any particular class. The military class as such has ceased to exist in

England ; they are drawn from all classes ; and those students, who have benefited well by the military exercises and training provided for them in the county schools and show themselves to be competent to be picked up and sent to a central institution for military training, are so sent up. When we have to build up our organisation for national defence, we shall have to have recourse to the same system, namely, that in every district school, in every high school in the country, there should be a sufficient measure of military training given to our boys.....

**Mr. President :** Order, order : what the Honourable Member will do when he gets Swaraj is not relevant ; the question raised by the Resolution is a narrow one.

**Pandit Madan Mohan Malaviya :** I am coming to that very soon ; this is absolutely necessary ; the road must be properly laid before.....

**Mr. President :** I must ask the Honourable Member to be relevant and to confine himself to the Resolution.

**Pandit Madan Mohan Malaviya :** Certainly, Sir, I am confining myself to the Resolution, as you will see in a minute. I say that the system I have indicated would be the right system for us to adopt. In that case, the question of having two schools, like the Jhelum and Jullundur schools, will have to be looked at in a different light. I am standing here to support the Resolution in order to point out the evils which attach to this system of continuing two such schools confined to the sons of soldiers who either died in the war or who are serving in the Army to-day. That it is not a war memorial in the sense in which it was claimed by the Army Secretary is clear from the answer he gave to my question that it is not only the sons of those who died in the war who are taken into these schools but also the sons of those who are serving in the Army at present. Therefore I submit that it should be regarded as a school for providing military training to students of all castes and classes. I have a very special objection to the schools being confined to the sons of those who died in the war, because it is a wrong to them and a wrong to the country. It is a wrong to the country because they are brought up in a special class atmosphere ; the Baluchis and the Pathans and others being as one class and centred in one place and the Rajputs and Dogras and others being educated in another place. In the India of the near future, we want to train patriots in the first instance. No soldier is worth his salt unless he is a patriotic man. In the Japanese Army they say that a soldier who is lacking in patriotism is no good to the army ; and we want to fight against this principle of class selection, and of Mussalmans being centred in one place and Hindus being centred at another place. We want that they should be brought up together in the same institution under the same rules, play in the same play grounds and sit in the same classes and work and develop that sense of patriotism upon which the future of India rests. I, therefore, object to this system of selection from particular classes only and their being educated apart at particular centres. I also object to it because this system is a wrong to the students. Under it our students cannot get that advantage of association with fellow students of other classes and communities and develop the best in them by competition. And, Sir, as intelligence is not the monopoly of any particular class, so is the military spirit not the monopoly of any particular class. The sons of very fine soldiers have proved to be quite the reverse, and the sons of



[Pandit Madan Mohan Malaviya.]

very ordinary men have proved to be very capable soldiers. The right course to follow, therefore, is to throw open these schools to all classes. I do not want to shut out the sons of any soldiers who have served the King. I want that they should be admitted, but it does not follow that, because they are admitted, others should not be admitted. If the schools are insufficient for the purpose, let there be more schools started. Let every son of a soldier who fought or died in the war receive admission there. Perhaps the fact of his being the son of a gallant soldier would be a circumstance which would give him preferential admission. I should not object to it. But beyond that let the sons of other classes also have a chance.

It must be remembered that this confining of selection of soldiers to particular classes is not a sound policy to follow for any country. In Japan there was a Samurai class, but they threw open the army to all classes of people, and the experiment has succeeded immensely, and the Japanese army of today is a most powerful body. In India too we have instances of a similar policy to guide us. The army of Guru Gobind Singh did not consist entirely of the then fighting classes. He did not confine his army to Kshatriyas or Rajputs. He took men from all classes of people and trained them and made the Khalsa a powerful body. In the same way, when Shivaji Maharaj raised his army, he did not confine the selection only to Marathas. He picked up his soldiers from all classes of people, Brahmans, Rajputs, Marathas, and so on, and with an army so raised he was able to re-establish Hindu dominion in the greater part of the country. Therefore, Sir, for the India of the future, of the near future, it is an evil practice that military schools should exist for particular classes only and that students of those classes should be educated separately from students of the other classes. I therefore urge that the Army Department should revise its policy, and if they find that the schools are not sufficient to admit the sons of the brave soldiers who laid down their lives in the service of the King and of those who are now serving as also of those young men who desire to serve the King and the country, then the number of such schools should be multiplied. Money shall be found. The money is not found from the War Memorial Fund alone. The Government of India is supplying the money for keeping up these schools, and the Government of India must supply more money for keeping up more schools for military education in future, but the schools should not be confined to sons of particular classes, because it is an evil both to them as well as to the country. You may train up soldiers in such schools who will be very dutiful, very smart, very active and very efficient soldiers, but if they lack patriotism, they will not be soldiers of whom the India of the near future will have need. The India of the future will have need for soldiers who are imbued with a spirit of patriotism. Therefore, I think, Sir, that this policy ought to be revised, and the schools, even though they are only two in number, should be thrown open as a matter of principle to students of other classes also, and that the insufficiency in the number of schools should be made up by establishing other schools to provide military education to those young men who pass the prescribed tests and who desire to adopt a military career.

**Several Honourable Members :** Sir, the question may now be put.

**Mr. President :** The question is that the question be now put.

The motion was adopted.

**Mr. M. R. Jayakar :** Sir, I have very little to add to what I said before, except that the answer which came from the Army Secretary was extremely disappointing. Sir, two points have been urged in the course of this debate, first that these schools which have been already established in the country cannot be thrown open to outsiders. I am told that they cannot be so thrown open for two reasons which have been given by the Army Secretary, one, because they are a War Memorial, whatever that may mean, because they have been founded for the purpose of commemorating the services of those who fell in the war. A pertinent question went up from this Bench, from my Honourable friend Pandit Malaviya, whether these schools were confined to the sons of those who fell in the war. The answer was "No". If so, I cannot understand, Sir, how the War Memorial character of these institutions will be destroyed if they are thrown open to the sons of people who do not belong to the families who fell in the war. Well, may I point out to the Army Secretary, if he is ignorant of the fact, how India contributed to the expenses of the war? He is perhaps not aware that the predecessor of this House voted for the War 150 crores on one occasion. This large amount this poor country gave for the war, in which it was only distantly interested. Surely, if so, the people of this country are entitled to the fullest benefits of any War Memorial that might have been raised in this country. I submit, Sir, that it is a sufficient ground in this behalf that this country has given its munitions, men and money for the purposes of the War. I was waiting for some one to tell me whether there is anything in the rules and regulations or in the constitution of these schools which prevents a departure, but not one word has been suggested to that effect.

The other ground mentioned was that Indian Princes have contributed to the expenses of these schools. May I know if these Princes have contributed on the distinct condition that the schools should not be thrown open to boys of the middle classes? If not, I should like to know if there is anything in the constitution or charter or regulations of these schools which prevents them from being thrown open to outsiders. On the wider issue involved in my Resolution, I expected that although Government might not be able to accept my Resolution for some technical reason,—and none has been given,—they would at least be able to satisfy this part of the House by stating what their general policy on the question is; and I must say, Sir, that the statement of the Army Secretary has been most disappointing. I was surprised when he made an appeal to me to withdraw this Resolution. If anything, Sir, his speech made me more firm in pressing this Resolution. His reply is full of pious hopes and blessings. He says that Government are aware of the general desire of the House; Government will be prepared to meet it. After having said that, I asked him what his practical proposals were. His practical proposals were, "Government will provide military instructors if schools are started, but Government will not guarantee to take up boys for military careers from these schools". Then he went on adding insult to injury when he said that Government could not create the spirit. The spirit must be created apparently by the people; if the desire is there, the door will open. He wound up with very pious blessing, "Let Dr. Moonje go on casting his seeds; they won't fall on stony soil; some day they will bear fruit".—I



[Mr. M. R. Jayakar.]

am quoting his words, Sir. I therefore submit, Sir, that it is a most disappointing answer. Government do not extend the least hope that they are going to do anything in the way of a practical programme. The Army Secretary further stated. "Government are looking on with great sympathy and *eventually*"—one qualification—"when funds permit,"—another qualification—"Government will think of starting some schools". And he mentioned Bombay, from which place I come, as one of the places which is going to be honoured in the future with a school of this description. This is the answer which the Army Secretary gave. But what is really provoking, and that is the point to which I would invite his particular attention, was this. He suggested there was no military spirit; the spirit has to be created; Government cannot do it. When I heard these words, I felt extremely amused. Let me tell him that the spirit is there, and if he will permit me, I will give one incident of which I was myself a witness. The difficulty is that Government by their policy are diverting all this incipient martial spirit of our young men into channels of revolution and murder. ("Hear, hear" from the Swarajist Benches.) I will mention to this House the instance of the courage and nerve of one young man who later on committed a political murder, with whom I came into contact. I do not justify political murders, but the point I desire to make out is different. The Honourable Member suggested that there is no spirit and it has to be created by the Indians themselves....

**Mr. G. R. F. Tottenham :** I never said that the spirit was not there. I merely said that, if the spirit was there, it should surely find expression through certain channels.

**Mr. M. R. Jayakar :** The implication behind that statement is this, that there is not sufficient spirit in the country; if there were, it would have found expression. I am right in putting this interpretation, relying on the general trend of the Army Secretary's statement. His speech distinctly conveyed to the House the impression that the spirit is not there in sufficient measure; people must create it; Government cannot do so; if the spirit is there it will express itself; if it is not there, it cannot express itself.

**Mr. G. R. F. Tottenham :** No, Sir.

**Mr. M. R. Jayakar :** Sir, I will not proceed further with this unpleasant topic. I may tell him that I have myself seen some instances of the spirit he wants. Honourable friends must likewise have seen a number of such instances. I said I came across a political murderer. In his time he was having great ambitions of a career of valour and prowess. He eventually died on the gallows as a political murderer. The general policy of the Government turns these men into political murderers because Government won't give any scope and opportunity for their interperity and courage. This young man was of such iron nerve and will that he had to be roused from deep sleep at 6 o'clock and led to the gallows after a few minutes. He was fast asleep! When he once met me, he said, "Will you tell me to do anything which will show you my courage and iron nerves?" In those days there was no electric light in my house. There was a lamp burning with a ball burner. He said, "Will you be satisfied if I hold the chimney in my hand?" And in a moment, without flinching he held the chimney fast until his flesh was burnt and we had to extricate

him. This iron will I have been a witness to, and I am sure my Honourable friends can vouch for several such young men whom Government turn into political revolutionaries and murderers. And yet in the presence of all this incipient material in the country, the Army Secretary says that, if the spirit is there it will find expression; let Dr. Moonje go on, his seeds won't fall on stony ground, and they will bear fruit some day; in the meanwhile Government will look on, at best providing instructors if necessary, but will not guarantee to take a single boy for the purpose of giving him a military career. My surprise, Sir, is that, at the end of such a disappointing speech, he should ask me, "Will the Honourable Member withdraw his Resolution?" May I tell him that the Honourable Member will do nothing of the kind.

**Mr. President :** The question is :

"That the following Resolution be adopted :

"This Assembly recommends to the Governor General in Council that the Military Schools that have been started in India for the sons and wards of Indian soldiers and officers of the Army be thrown open to all Indian boys irrespective of caste, creed or family connections, and that they be allowed admission into such schools subject to their passing the prescribed examination for ascertaining their fitness to be trained for recruitment as Non-Commissioned Officers and for the Viceroy's Commission."

As many as are of that opinion will say "Aye".

(Cries of "Aye".)

As many as are of the contrary opinion will say "No".

**Mr. E. L. Price :** "No".

**Mr. President :** Division.

(After the Division Bell was rung, Mr. President put the question again.)

As many as are of the same opinion will say "Aye".

(Cries of "Aye".)

As many as are of the contrary opinion will say "No".

(There were no cries of "No".)

The "Ayes" have it. I am sorry the Honourable Member, Mr. Price, is not a free agent.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th September, 1929.

L12CPB(LA)

LEGISLATIVE ASSEMBLY.

Wednesday, 18th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

HINDUS AND MUSSALMANS APPOINTED TO POST OFFICES IN THE BHAGALPORE  
DIVISION.

617. \*Mr. Siddheswar Prasad Sinha : (a) Will Government be pleased to state the number of appointments of Hindus and Mussalmans separately, made in the Post Offices of the Bhagalpore division during the years 1921, 1922 and 1923 : stating also reasons, if no member or only a few members of any particular community were appointed ?

(b) What is the name of the officer who made these appointments ?

The Honourable Sir Bhupendra Nath Mitra : Government do not possess the information, nor do they propose to collect it as in their opinion no public purpose would be served by examining past records relating to events which happened six to eight years ago.

BARRING OF INDIANS FROM THE LOCO DEPARTMENT OF THE BENGAL AND NORTH  
WESTERN RAILWAY.

618. \*Mr. Siddheswar Prasad Sinha : With reference to the reply to my starred question No. 1085 of the 18th March, 1929, will Government now state if it is a fact that the Bengal and North Western Railway has a standing rule barring Indians from apprenticeship in its Loco. Department ?

Mr. P. R. Rau : The Agent, Bengal and North Western Railway, reports that there is no such rule. I should add that this information was communicated to my Honourable friend in Railway Board's letter No. 7919-E. of the 3rd May, 1929, which has presumably not reached him.

SHORTAGE OF CATTLE FODDER.

619. \*Mr. Siddheswar Prasad Sinha : (a) Are Government aware that shortage of fodder is one of the chief reasons for the deterioration of Indian cattle ?

(b) Will Government be pleased to state what action they have taken or propose to take to stop or to decrease export of oil-cakes and other articles of fodder from this country ?

( 1011 )

**Sir Frank Noyce :** (a) Insufficient feeding is one of the causes of the unsatisfactory character of cattle in many parts of India.

(b) Government, as at present advised, do not propose to take the action indicated. The only cattle food other than oil cakes and oil seeds which is exported in any important quantity is rice bran, the average exports of which amount to 236,000 tons per annum, practically the whole of which is exported from Burma. Export restrictions on the exports of oil cakes, oil seeds and rice bran would be prejudicial to the interests of the growers of oil seeds and rice, without sufficient compensating advantage to the consumers of fodder. In this connection, the Honourable Member is referred to paragraph 87 of the Report of the Royal Commission on Agriculture, a copy of which will be found in the Library of this House.

#### SLAUGHTER OF COWS FOR THE ARMY.

620. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that on the 3rd July, 1805, General Lake, the then Commander-in-Chief of India, issued a general order prohibiting slaughter of cows in the lands of Braj ?

(b) Is it a fact that cows are now slaughtered or caused to be slaughtered by Government themselves in Muttra for the food of British soldiers in contravention of that order ?

**Mr. G. R. F. Tottenham :** (a) and (b). I have been unable to trace the order quoted, but I think the Honourable Member must be aware that the practice to which he refers is not confined to Muttra, nor is it a novel departure. It has been in existence for many years all over India.

#### EXPORT OF MANURES FROM INDIA.

621. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that several manures such as Amo. Sulph., fish manures, etc., are exported from this country at a lower price but imported at a comparatively higher price ?

(b) If the reply to part (a) be in the affirmative, are Government prepared to levy prohibitive duties on such manures or devise other effective measures to stop their export ?

(c) Is it a fact that the Government of India sent in a memorandum to the Royal Commission on Agriculture to the effect that no duty should be levied on manures exported from India ? If so, why ?

**The Honourable Sir George Rainy :** (a) A statement is laid on the table which will show that the declared values of imported manures are generally lower than the values of the corresponding exports.

(b) Does not arise.

(c) The answer to the first part of the question is in the negative. The second part does not therefore arise.

Statement showing the average declared value per ton of manures imported into and exported from India.

|                            | 1926-27.         |                | 1927-28.          |                | 1928-29.         |                | April 1929.      |                | May 1929.         |                | June 1929.       |                | July 1929.       |                |
|----------------------------|------------------|----------------|-------------------|----------------|------------------|----------------|------------------|----------------|-------------------|----------------|------------------|----------------|------------------|----------------|
|                            | Imports.         | Exports.       | Imports.          | Exports.       | Imports.         | Exports.       | Imports.         | Exports.       | Imports.          | Exports.       | Imports.         | Exports.       | Imports.         | Exports.       |
| Muriate of Potash          | Rs. a.p. 117 4 2 | Not ex-ported. | Rs. a.p. 119 14 0 | Not ex-ported. | Rs. a.p. 116 3 9 | Not ex-ported. | Rs. a.p. 116 3 7 | Not ex-ported. | Rs. a.p. 116 11 0 | Not ex-ported. | Rs. a.p. 121 2 3 | Not ex-ported. | Rs. a.p. 117 8 6 | Not ex-ported. |
| Nitrate of soda            | 166 9 0          | Do.            | 153 5 5           | Do.            | 144 8 9          | Do.            | 170 4 8          | Do.            | 160 1 5           | Do.            | 148 2 1          | Do.            | 145 7 5          | Do.            |
| Sulphate of ammo-<br>nia.  | 177 5 0          | 165 1 10       | 164 1 4           | 170 2 6        | 158 9 0          | 205 0 0        | 161 0 0          | ..             | 149 3 10          | ..             | 152 0 0          | ..             | 153 8 2          | ..             |
| Fish manures and<br>guano. | 101 8 4          | 124 6 5        | 89 8 6            | 122 7 3        | 83 14 9          | 119 14 8       | 87 7 6           | 117 7 8        | 102 6 4           | 103 14 6       | 83 5 1           | 111 0 8        | 80 2 0           | 117 11 0       |
| Hor meal                   | 180 7 8          | 160 0 0        | 208 8 0           | 162 8 9        | 137 5 10         | ..             | 139 14 9         | ..             | ..                | 142 10 0       | ..               | 140 3 4        | ..               | 134 11 3       |
| Bones and bone<br>meal.    | Not im-ported.   | 97 12 2        | Not im-ported.    | 99 10 1        | Not im-ported.   | 100 2 10       | Not im-ported.   | 94 5 9         | Not im-ported.    | 93 10 6        | Not im-ported.   | 97 15 6        | Not im-ported.   | 104 6 10       |

## COMPETITION OF STEAMER COMPANIES WITH THE EASTERN BENGAL RAILWAY.

622. \***Mr. K. C. Neogy** : (1) (a) Are Government aware that the authorities of the Eastern Bengal Railway had occasion, a few years ago, to place on record their considered opinion as to how the interests of the Railway were being prejudicially affected by the activities of the two Steamer Companies working under agreement with the Railway ?

(b) Is it a fact that the said authorities came to the following, among other, conclusions :

"While outwardly cordial, our relations with the steamer companies have not always been such as to produce a good understanding, our policy being one savouring more of concession than an equitable division of traffic, doubtlessly the outcome of a desire to show that we have no intention of crippling private enterprise. While the Railway has shown every desire to work fairly and amicably and with a view to the general good, the same can hardly be said of the steamer companies whose policy throughout has savoured of filching—unscrupulous it may seem, but desirable in the interests of the shareholders if they are to obtain a steady dividend."

(c) Is it a fact that on the same occasion the said railway authorities recorded the following observation :

"The steamer companies, not being barred from showing undue preference, can and do guarantee space to large despatchers in a way that the Railway cannot do ..... There is no doubt that this affects the railway traffic adversely."

(d) Is it a fact that the said authorities referred to the system of rebates granted by the two steamer companies, particularly on jute traffic, which "places the Railway at a disadvantage" ?

(e) Is it a fact that, with particular reference to tea traffic, the said authorities referred to the system of block rates imposed by the two steamer companies which was characterised by the former as "a bit of sharp practice" ?

(f) Is it a fact, as stated by the said Railway authorities, that the steamer companies "can quote any rates without regard to maxima or minima, and are not obliged to give notice as railways are bound to do to their give consignors free passes, warehouses free of rent, and other concessions which railways cannot do" ?

(2) (a) Is it a fact that certain authorities of the Eastern Bengal Railway, on the same occasion, on a review of all circumstances, thought that, if the Eastern Bengal Railway were provided with a fleet of steamers, it could "fight the steamer companies by itself, and still show a profit on the working" ?

(b) Has the question been considered whether the financial position of the Assam Bengal Railway could also be improved if it were permitted to run certain steamer services in conjunction with its railway service ?

**The Honourable Sir George Rainy** : It is quite true that in the past, particularly about the year 1911, the authorities of the Eastern Bengal Railway have criticized the action of the River Steamship Companies and expressed the view that the interests of the railway were prejudiced thereby. But I have been unable to trace in the records of the Railway Board the communications from which my Honourable friend has drawn

his quotations, and I am therefore unable to reply to clauses (a) to (c) of part (1) of this question or to clause (a) of part (2).

(1) (f) The statement quoted, whether made by the railway authorities or not, appears to be correct.

(2) (b) Not by the Railway Board or the Government of India so far as I am aware.

**Mr. K. C. Neogy** : Is the Honourable Member in a position to state whether the position has been improved since 1911 ?

**The Honourable Sir George Rainy** : I do not quite understand what the Honourable Member means by "the position".

**Mr. K. C. Neogy** : The Honourable Member has stated that, so far back as 1911, the railway authorities entertained some apprehensions with regard to the competition of steamer companies. That is what I understand the purport of his answer to be. If that be so, have the Railway Board inquired as to whether this particular position has improved since 1911 ?

**The Honourable Sir George Rainy** : So far as the relations between the Eastern Bengal Railway and the River Steamship Companies are concerned, I think the position has greatly improved.

**Mr. K. C. Neogy** : Will the Honourable Member make inquiries from the Eastern Bengal Railway as to whether the facts stated in this question of mine are correct or not ?

**The Honourable Sir George Rainy** : I think, Sir, before I give any undertaking as to making further inquiries from the Eastern Bengal Railway, I am entitled to ask the Honourable Member to inform me and the House as to the source of his quotations.

**Mr. K. C. Neogy** : I will certainly inform him if the Honourable Member desires.

**The Honourable Sir George Rainy** : If he will do so, I will consider the matter.

**Mr. B. Das** : Did the Honourable Member call for by wire from the Eastern Bengal Railway such records as might throw light on the subject instead of asking Mr. Neogy to state what his source of information was ?

**The Honourable Sir George Rainy** : I did not refer to the Eastern Bengal Railway with regard to this question.

**Mr. B. Das** : Is it the practice of the Railway Board to get a copy of every minute passed by every railway ? If that is not the case, will the Honourable Member ask the Eastern Bengal Railway to furnish him with information on the matter ?

**The Honourable Sir George Rainy** : I am quite unable to accept the Honourable Member's opinion as to the duties of myself and of the Railway Board in this connection.

## TERMINUS STATION AT GOALUNDO GHAT.

623. \***Mr. K. C. Neogy** : (a) Will Government be pleased to state the amounts annually spent, during the last five years, by the Eastern Bengal

Railway in meeting the cost of shifting the terminus station at Goalundo Ghat and constructing temporary railway lines, owing to changes in the position of the river Padma ?

(b) Has any portion of the said cost been met by the steamer companies who exchange traffic at the said terminus station ? If so, in what proportion ?

**Mr. P. R. Rau :** (a) The amounts spent annually in the years 1925-26, 1926-27 and 1927-28 were Rs. 1,39,258, Rs. 32,981 and Rs. 42,122, respectively. The amounts for the years 1924-25 and 1928-29 are being ascertained and will be furnished to the Honourable Member later.

(b) Not directly, but ghat charges are levied on through traffic by the Railway and the Steamer Companies to meet the cost of ghat shifts. Such charges as are collected by the Steamer Companies are credited to the Railway. The charges collected for the three years, 1925-26, 1926-27 and 1927-28 were approximately Rs. 64,000, Rs. 78,000 and Rs. 81,000, respectively.

MEMORIAL FROM THE LINO. AND MONO. OPERATORS OF THE GOVERNMENT OF INDIAN PRESS, CALCUTTA.

624. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state whether it is a fact, that in January, 1929, the Lino. and Mono. Operators, Government of India Press, Calcutta, submitted a memorial to the Government through the proper channel stating their legitimate grievances ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to lay on the table a copy of the said memorial ?

(c) Will Government be pleased to state what action, if any, they have taken or propose to take in the matter ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) and (c). Government do not propose to place a copy of the memorial on the table. The matter is still under their consideration.

PAY OF THE LINO. AND MONO. OPERATORS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

625. **\*Mr. S. C. Mitra :** (a) Is it a fact that all Government servants (in Government offices and factories) have got a fixed monthly pay with yearly increment according to a certain fixed scale ?

(b) Is it a fact that salaries of the Lino. and Mono. Operators of the Government of India Press, Calcutta, are subject to fluctuations every month ?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state the reasons thereof ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No, but a number of Government servants receive fixed monthly pay regulated according to scales which provide for annual increments.

(b) and (c). The monthly earnings of the Lino. and Mono. Operators fluctuate according to their outturn. They are on a fixed scale of pay with

annual increments, but each man is granted a bonus when his monthly outturn exceeds a certain limit, and deductions are made from the pay when the average outturn over three consecutive months falls below a prescribed minimum.

PAY, HOURS OF WORK, ETC., OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

626. **\*Mr. S. C. Mitra :** Will Government be pleased to lay on the table a comparative statement showing the working hours, pay and yearly increment of the Lino. and Mono. Operators, the Computers, and the ordinary clerks of the Government of India Press, Calcutta, at present and before the 15th July, 1920 ?

**The Honourable Sir Bhupendra Nath Mitra :** The statement desired by the Honourable Member is being compiled and will be supplied to him.

PAY OF READERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

627. **\*Mr. S. C. Mitra :** (a) Is it a fact that subsequent to the revision held in 1920 eight junior readers of the Government of India Press, Calcutta, were placed in the grade of Rs. 45—3—75 along with nineteen revisers ?

(b) Is it a fact that a revision was again held in 1924 and Mr. F. D. Ascoli placed the readers in the grade of Rs. 60—4—100 ?

(c) Is it a fact that subsequently by the revisions held in July, 1928, the revisers have been placed in the grade of Rs. 60—4—100, the same grade as that of a junior reader ?

(d) (i) Is it a fact that work of a reader differs fundamentally from that of a reviser and entails greater responsibility and care than that of a reviser ; and (ii) is it a fact that this was admitted by the Honourable Sir B. N. Mitra in his reply to question No. 274 in the Legislative Assembly on the 30th January, 1929 ?

(e) Is it a fact that a distinction is observed between the revisers and the readers in the Bengal Government Press ?

(f) If replies to parts (a), (b), (c), (d) and (e) be in the affirmative, will Government be pleased to state the reasons for doing away with the distinction between the two classes in the Government of India, Press, Calcutta ?

**The Honourable Sir Bhupendra Nath Mitra :** (a), (b), (c). Yes.

(d), (e), (f). I have nothing to add to the reply given by me to the Honourable Member to his starred question No. 274 on the 30th January, 1929.

PAY OF READERS IN THE GOVERNMENT OF INDIA PRESS.

628. **\*Mr. S. C. Mitra :** (a) Is it a fact that a memorial was submitted to the authorities concerned in May, 1928, by the junior readers of the Government of India Press ?

(b) Is it a fact that a reply was given thereto in February, 1929, to the effect that the memorial was receiving consideration ?

(c) If replies to parts (a) and (b) be in the affirmative, will Government be pleased to state what steps Government have taken or intend taking in the matter ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The attention of the Honourable Member is invited to the reply given by me to part (a) of his question No. 270 on the 30th January, 1929.

(b) and (c). Government have no information, but are inquiring into the matter.

#### RULES OF THE WORKS COMMITTEE OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

629. \***Mr. S. C. Mitra :** (a) Is it a fact that there is a Works Committee in the Government of India Press, Calcutta ?

(b) Is it a fact that the management have hitherto followed certain rules in the conduct of the said Works Committee ?

(c) Is it a fact that the present Manager is ignoring rules 6 (1) (B), 14 and 15 ?

(d) If replies to parts (b) and (c) be in the affirmative, will Government be pleased to inquire and state reasons therefor ?

(e) Will Government be pleased to lay on the table a copy of the 7th and 8th general meeting of the said Works Committee held in July and August, 1929 ?

**The Honourable Sir Bhupendra Nath Mitra :** An inquiry is being made and the result will be communicated to the Honourable Member in due course.

#### PROMOTION OF READERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

630. \***Mr. S. C. Mitra :** (a) Is it a fact (i) that no fixed procedure is followed in the promotion of the Readers in the Government of India Press, Calcutta, and (ii) that it depends all on the will of the authorities ?

(b) Will Government be pleased to lay on the table a statement showing the date of appointment, qualifications, certificates and testimonials received for efficiency and good conduct from the authorities from time to time, period of service, promotions received during the period of service, and the last one year's attendance of the present Readers in the Government of India Press, Calcutta ?

**The Honourable Sir Bhupendra Nath Mitra :** (a), (i) and (ii). The attention of the Honourable Member is invited to the reply given by me to his starred question No. 278 on the 30th January, 1929.

(b) Government do not consider that any useful purpose will be served by collecting the information.

#### PAY OF PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

631. \***Mr. S. C. Mitra :** (a) Is it a fact that the piece-workers of the Government of India Press, Calcutta, submitted a memorial to the Honourable Mr. McWatters, the then Member-in-charge, Department of Industries

and Labour, Government of India, through the proper channel, with reference to the orders dated 21st June, 1928, passed by the Department of Industries and Labour and communicated to the Manager, Government of India Press, through the Controller by the Deputy Secretary to the Department of Industries and Labour ?

(b) Is it a fact that the Honourable Sir Bhupendra Nath Mitra had a talk on the subject in February last with Sjt. S. C. Mitra, M.L.A., and Sjt. Kishori Lal Ghosh, late Secretary of the Press Employees' Association ?

(c) Is it a fact that as a result of that conference, (i) the Resolution in the Assembly which was then in session standing in the name of Sjt. Mitra regarding the said orders of 21st June, 1928, and the employees' memorial thereon was withdrawn ; and (ii) the Honourable Member agreed to consider the matter and take necessary steps ?

(d) If replies to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state the steps that have been taken ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Yes.

(c) The Honourable Member is fully aware that there was no formal conference. In the course of the conversation which took place between him and me, I stated that the memorials, when they reached me, would receive my careful consideration. What led him to withdraw his Resolution is more than I can say.

(d) I have dealt personally with a number of memorials and some of them are still under my careful consideration.

#### ALLEGED ACCEPTANCE OF BRIBES BY MAHOMED ASAN, A CHECKER IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

632. \***Mr. S. C. Mitra :** (a) Is it a fact that the Government Servants' Conduct Rules as well as the Civil Service Rules and Regulations make provision for peremptorily dispensing with the services of any Government servant who may be found taking bribes ?

(b) Is it a fact that Mahomed Asan, a checker in the Government of India Press, Calcutta, takes bribes from the employees ?

(c) Is it a fact that (i) this fact was brought before the Works Committee of the said Press in July, August and September, 1926 ; and (ii) that the truth of the allegation was established thereat ?

(d) If replies to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state whether the case of the said Mahomed Asan has been dealt with ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No Government servant can be dismissed from his appointment on a charge of misconduct otherwise than after due inquiry.

(b), (c) and (d). The matter will be looked into and the result communicated to the Honourable Member in due course.



## ILLNESS OF A GALLEY PROOF PRESSMAN.

633. \***Mr. S. C. Mitra** : (a) Is it a fact that on 15th August last a galley proof pressman of the Government of India Press fell down senseless in the chamber of the Assistant Manager ?

(b) Is it a fact that the authorities on the spot did not take any steps in the matter, the man being taken to his place at last by his co-workers ?

(c) Is it a fact that the Secretary of the Press Employees' Association, Calcutta, telegraphed to the Member-in-charge, Department of Industries and Labour, and the Controller of Printing and Stationery to the Government of India, on the 16th August, 1929, and sent a letter also to them on the 20th August, 1929 regarding this incident ?

(d) Will Government be pleased to lay on the table a copy of the telegram and the letter of the Secretary of the Press Employees' Association, Calcutta ?

(e) Will Government be pleased to state what steps Government have taken or intend taking in the matter ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) and (b). Government have ascertained that the galley proof pressman reported to the Press doctor that he was suffering from toothache and asked for a few days' leave. The doctor treated him, but refused to recommend leave. After a few hours, the man walked into the Assistant Manager's office room and fell down. His heart and pulse were immediately examined by the Press doctor who found nothing wrong and declared that the man was malingering. On a subsequent examination by the authorities of the Medical College Hospital, it was found that the proof pressman had an alveolar abscess and that his tooth required extraction.

(c) A telegram and a letter were received by me from the Secretary of the Press Employees' Association. Similar communications were probably received by the Controller of Printing and Stationery.

(d) A copy of the telegram and the letter will be furnished to the Honourable Member.

(e) In view of the facts explained in reply to part (a), Government do not propose to take any further action.

## EARNINGS OF DISTRIBUTORS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

634. \***Mr. S. C. Mitra** : (a) Is it a fact that the earnings of the distributors of the Government of India Press, Calcutta, are diminishing day by day ?

(b) Is it a fact that the distributors in the Government of India Press were formerly represented in the Works Committee of the Press ?

(c) Is it a fact that they are not now represented there ? If so, why ?

**The Honourable Sir Bhupendra Nath Mitra** : Inquiries are being made and the results will be communicated to the Honourable Member in due course.

## MEMORIAL FROM CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

635. \***Mr. S. C. Mitra** : (a) Is it a fact that the compositors, distributors, and binders of the Eastern Bengal Railway Press submitted a memorial to the Government of India on the 10th May last ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to lay on the table a copy of that memorial ; and also state what they have done or intend to do with regard to the matter ?

**Mr. P. R. Rau** : Government have received a copy of a memorial, dated the 23rd May. The Agent, Eastern Bengal Railway, has been requested to deal with this expeditiously. Government do not consider that there is any advantage in laying a copy of the memorial on the table till they have considered and passed orders on it.

## EARNINGS OF BINDERS IN THE EASTERN BENGAL RAILWAY PRESS.

636. \***Mr. S. C. Mitra** : (a) Is it a fact that while the earnings of the binders in the Government of India Presses are increasing, the same people in the Eastern Bengal Railway Press are getting their earnings diminished day by day ?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state the reasons therefor ?

(c) Will Government be pleased to state whether the binders in the Eastern Bengal Railway Press are in inferior service and whether their brethren in the Government of India Press are not ? If so, why ?

(d) Will Government be pleased to lay on the table a comparative statement showing the highest and lowest income of the binders in the Government of India Press and the Eastern Bengal Railway Press for the last two years ?

**Mr. P. R. Rau** : The information required is being obtained and the Honourable Member will be communicated with when it is received.

## RECRUITMENT OF THE MINISTERIAL STAFF OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

637. \***Mr. S. C. Mitra** : (a) Is it a fact that the pay, prospects and conditions of service of the ministerial staff of the Imperial Council of Agricultural Research are the same as those obtaining in any other Secretariat Department of the Government of India ? If so, will Government be pleased to state why the ministerial staff of the Council has not been recruited from among those who have passed the Public Service Commission examination as is the case with every other Department ?

(b) Is it a fact that the question of recruitment of the ministerial staff of the Imperial Council of Agricultural Research from among those who have passed the examination of the Public Service Commission is still under consideration while all the appointments have already been filled up ? If so, will Government be pleased to state why this question was not decided before any appointment was made ?

(c) Is it a fact that a decision on this question has been deliberately postponed to enable the Vice-Chairman to appoint some of his own men, who have not passed the Public Service Commission examination?

**Sir Frank Noyce :** (a) Yes ; because the Council is not as yet required to recruit its ministerial staff only from among those who have passed the Public Service Commission Examination.

(b) Yes ; because the intention was and is to give the Council as much freedom as possible in regard to its internal administration, and the question as to whether it should recruit its staff through the Public Service Commission or not was not taken up till after the inaugural meeting of the Council, by which time the greater portion of the Council's existing staff had been recruited.

(c) Certainly not ; as will be seen from the answer given by the Honourable the Home Member to the Honourable Member's question No. 416 answered on the 11th September.

**DIRECT RECRUITMENT OF A STENOGRAPHER TO THE VICE-CHAIRMAN OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.**

638. \***Mr. S. C. Mitra :** (a) Is it a fact that the Vice-Chairman of the Imperial Council of Agricultural Research has offered the post of his stenographer to one of his own men from Madras who has not passed the Public Service Commission Examination, while a number of suitable applicants who had passed such examination were available in Simla and, if so, why?

(b) Is it a fact that the man who has been so appointed is a relative of the Vice-Chairman of the Council?

(c) Will Government be pleased to lay on the table of the House a copy of the original application of the man in question, and also state his qualifications, number of years' service, pay and prospects of that man in his present appointment, and whether he is in Government service or not?

**Sir Frank Noyce :** (a) Yes ; the post is really that of Personal Assistant to the Vice-Chairman, and in an appointment of this nature it is obvious that the Vice-Chairman should be in a position to choose a man who suits him. The Honourable Member, I may be permitted to point out, seems to be entirely wrong as to his facts. The Public Service Commission have not yet held any examination, so that neither the man appointed nor any one else could have passed the examination that was never held. Perhaps the Honourable Member is referring to the Staff Selection Board Examination ; if so, the last examination was held in 1924, and candidates with the Staff Selection Board qualifications available are all men of inferior educational qualifications, being either middle school men or matriculates.

(b) No ; the man the Honourable Member is objecting to is a non-Brahmin while the Vice-Chairman is a Brahmin.

(c) No, but I will gladly supply the information the Honourable Member seeks. Mr. Parthasarathi Mudaliar is a B. A. of the Madras University ; he has knowledge of shorthand and typewriting and is at present employed under the District Board, Tanjore. The latter is his first appointment and he has held it for the last two years.

**RECRUITMENT OF THE STAFF OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.**

639. \***Mr. S. C. Mitra :** Is it a fact that a number of men who have not passed the required examination of the Public Service Commission have been appointed to the Imperial Council of Agricultural Research, while men with better qualifications who had passed such examination were available, and if so, why?

**Sir Frank Noyce :** The answer to the first part of the question is in the affirmative. Whether, if selection had been restricted to only such men as had passed the examination of the Public Service Commission, better qualified men could have been obtained is a matter of opinion.

**VISIT TO HYDERABAD OF THE VICE-CHAIRMAN AND SECRETARY OF THE COUNCIL OF AGRICULTURAL RESEARCH.**

640. \***Mr. S. C. Mitra :** (a) Will Government be pleased to state the object of the recent visit of the Vice-Chairman and the Secretary of the Council of Agricultural Research to Hyderabad?

(b) Will Government be pleased to lay on the table of the House a statement showing details of the work done by both these officers during the visit in question and the cost to Government of that visit?

**Sir Frank Noyce :** (a) and (b). Hyderabad being the first Indian State to express its readiness to co-operate with the Council and offer a generous donation to its funds, it was thought that it would be fitting if these two officers visited the State not only as an act of courtesy but also to explain the aims and objects of the Council to the authorities responsible for the development of agriculture in the State and to ascertain from them in what ways the Council could be of help to the State Department of Agriculture. No definite schemes of work were discussed, but the free and cordial exchange of views on both sides has paved the way for fruitful co-operation between the Council and the State Department of Agriculture in the future. Advantage was taken of the visit to inspect the Osmania University, the State Agricultural Farm recently started at Himayat Sagar, and other State institutions. The Vice-Chairman and the Secretary would, in any case, have had to attend an annual meeting of the Indian Central Cotton Committee at Bombay, as also a conference with the Bombay Minister of Agriculture at Poona, about the time when the visit to Hyderabad was decided upon, and, therefore, the latter involved merely a slight change in route. The extra cost involved in the travelling allowance of both these officers and their staff amounted to Rs. 516-10-6.

**ORDNANCE TECHNICAL SCHOOL AT ISHAPORE.**

641. \***Mr. S. C. Mitra :** (a) Is it a fact that there is an Ordnance Technical School at Ishapore established in 1928 ; and several students, who are sons and relatives of the employees of the local and neighbouring ordnance factories and residents of the neighbouring places and also from different other places have taken their admissions to this Technical School? If so, will Government please state the number of boys who have been admitted in this school since it was started and what is their existing number at present?

[18TH SEPT. 1929.]

(b) What are the numbers of the teaching staff engaged for both practical and theoretical training of the students of this school, and what are their qualifications ?

(c) Is it a fact that the training is given to the students of this Technical School according to the requirements for their employment in the ordnance factories, and the Works Manager of the Rifle Factory, Ishapore, is the Principal of this school ? If so, does he take any class in this Technical School and supervise the practical training of students ? If not, why not ?

**Mr. G. R. F. Tottenham :** (a) Yes. The numbers are 133 and 97, respectively.

(b) Four. The Superintendent has passed the Intermediate Arts examination and full Student Apprenticeship of the Rifle Factory, Ishapore. He has also served as Improver for one year. The Fitting Supervisor has passed the Trade Apprenticeship course of the Rifle Factory, Ishapore. The Carpentry Supervisor is a selected first class craftsman from the Rifle Factory and the Instructor for English is a graduate of the Calcutta University.

(c) The training given to the students of the School is elementary instruction in the use of tools for wood working and metal working and in the principles of these trades. The training is not peculiar to the needs of boys destined for employment in ordnance factories, but it does produce boys suitably equipped to continue their training as boy artisans in these trades.

The Works Manager of the Rifle Factory is not the Principal of the School, but he takes a great interest in it in his spare time, and its success is very largely due to him.

The second part of the question does not arise. The answer to the last part is that it would be impossible for him to combine the duties of Principal with those of Works Manager.

#### EMPLOYMENT OF STUDENTS OF THE ORDNANCE TECHNICAL SCHOOL, ISHAPORE.

642. **\*Mr. S. C. Mitra :** Is it a fact that Government have given a pledge in the rules of the Ordnance Technical School, Ishapore, to employ most of the students in the neighbouring ordnance factories on their completion of three years' course and obtaining a proficiency certificate therefrom ? If so, will Government please state, the nature of appointments that will be offered to the students of the Ordnance Technical School, Ishapore, on completion of their trainings and obtaining a proficiency certificate from that school ?

**Mr. G. R. F. Tottenham :** The answer to the first part of the question is in the negative. The second part does not, therefore, arise.

#### PROVISION OF A HOSTEL FOR STUDENTS OF THE ORDNANCE TECHNICAL SCHOOL, ISHAPORE.

643. **\*Mr. S. C. Mitra :** Is it a fact that there is no hostel attached to the Ordnance Technical School, Ishapore ? If so, are Government prepared

to consider the advisability of providing a hostel for the students of this school ?

**Mr. G. R. F. Tottenham :** Yes. A hostel is not considered necessary as most of the students of the school are relatives of the factory employees and live in the neighbourhood.

#### EMPLOYMENT OF GRADE A APPRENTICES IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

644. **\*Mr. S. C. Mitra :** (a) With reference to the answer to my starred question No. 820, in the Legislative Assembly on the 26th February, 1929, regarding Grade "A" Apprentices in the Bengal Nagpur Railway Workshops at Kharagpur, will Government please state why the number of recruits, viz., 26, shown in column 2 of the statement (Annexure "B") against the year 1928 does not tally with the total figure under 1928, viz., 19, in the statement (Annexure "C") furnished with the reply to my starred question No. 823, in the Legislative Assembly on 26th February, 1929 ?

(b) What were the grounds on which the recruits were discharged after they were retained for two years and more than two years in the case of recruits shown against the year 1924, three years and more in the case of four recruits shown against the years 1925 and 1928 in column 4 of the statement (Annexure "B") mentioned in the reply to my starred question No. 820, in the Legislative Assembly of 26th February, 1929 ?

(c) Were all these recruits, referred to in part (b) above, confirmed before they were discharged ?

(d) If the answer to part (c) is in the negative, will Government please state, in how many different branches or departments in the Railway Workshops at Kharagpur were they employed and tested, and what was their subsistence allowance at the time of their discharge ?

(e) Will Government please obtain and furnish the names and the addresses of all these discharged recruits shown in the statement (Annexure "B") at the time they were recruited ?

(f) How is it that during the five years (1924 to 1928 inclusive) only seven recruits against a total number of seventy-seven (*sic.*) shown in the statement mentioned in the answer to my starred question No. 820, in the Assembly of 26th February, 1929 (Annexure "B") have been employed and that only in the appointments of Improvers, on Rs. 45 per mensem only ? Do Government propose to direct the Agent, Bengal Nagpur Railway, to investigate into the matter, and redress the long-felt grievances of the Indian recruits, from "A" Grade Apprentices and also of the Indian "A" Grade Apprentices in particular ?

(g) How many Anglo-Indian and European recruits were employed from apprentices of their grade during this period of five years in the various capacities in the Kharagpur Railway Workshops and what was the pay at which they started and what is the pay they are drawing now, and what was their designation at the time of their first appointment and what is their designation at present ?

**Mr. P. R. Rau :** I have called for the information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable

Member on its receipt. As regards part (a) of the question, however, I may add that the discrepancy is probably to be explained by the fact that the figures in Annexure C required only to the Loco. and Carriage Departments, while those in Annexure B were for all the railway workshops, including, for instance, the electrical shops. The fuller explanation that I have called for from the Railway Administration will, I hope, satisfy the Honourable Member on this point.

#### CONSTRUCTION OF A DIRECT ROAD FROM NEW DELHI TO RAMJAS COLLEGE.

645. \*Mr. S. C. Mitra : (a) Are Government aware that Ramjas College is the nearest College for the residents of New Delhi, but owing to the absence of a direct road between New Delhi and that College, the parents of the students residing in New Delhi experience considerable difficulty in sending their boys to this College ? In view of this difficulty, do Government propose to instruct the local authorities concerned to construct a direct road from Raisina to the Hill on which the institution is situated ?

(b) Is it a fact that Government give financial aid to the Delhi local authorities for the development of Quraul Bagh known as the western part of Raisina ? If so, how is it that this important part of the scheme of linking the College with Raisina by means of a short and suitable road has not so far been undertaken ?

Sir Frank Noyce : The necessary information has been called for and will be supplied to the Honourable Member on receipt.

#### THE SIR HARCOURT BUTLER SCHOOL AND THE LADY IRWIN SCHOOL, SIMLA.

646. \*Mr. S. C. Mitra : (a) Will Government please state whether the Sir Harcourt Butler High School and the Lady Irwin School in Simla are moving schools ? If not, do Government propose to make them moving schools ?

(b) Are these schools under the management of the Local Government ?

(c) Is the expenditure Imperial and Provincial ? If it is shared by both, what is the proportion of the Imperial to the Provincial contribution ?

Sir Frank Noyce : (a) and (b). The answer to the first part of the first question is in the negative. As the Sir Harcourt Butler High School is a school under private management, which is recognised and aided by the Punjab Government and with which the Government of India have nothing to do, and as the Lady Irwin School for Girls is also under private management, Government are unable to give effect to the suggestion of the Honourable Member.

(c) The expenditure on account of the grant-in-aid to the Lady Irwin School is met from Central Revenues.

#### ALLOTMENT OF QUARTERS IN SIMLA TO MEMBERS OF THE LEGISLATURE.

647. \*Nawab Sir Sahibzada Abdul Qaiyum : (a) Will Government please state on what lines the allotment of quarters to Members of the Legislative Assembly are made now ?

(b) Is there a permanent division of quarters between the Council of State and the Legislative Assembly ? If so, with whom does the allotment rest in each case ?

(c) What were the lines on which the allotments of the Assembly quarters were made this time, especially with respect to the allotments of the orthodox quarters at Longwood and Cart Road ?

(d) Does the bringing of families by Members give any preferential rights to them in the allotment of these orthodox quarters ?

(e) Is the necessity of making special arrangements for diet, etc., and entertaining a largish establishment on medical grounds by Members in bad health, also considered a reason for preferential rights to Members asking for separate orthodox quarters ?

(f) If no consideration is made in the cases mentioned in part (e) does it mean that the bringing of a family is more important than the coming up of a person in indifferent health for attending the Assembly meetings up here in Simla ?

The Honourable Sir Bhupendra Nath Mitra : With your permission, Sir, I propose to answer questions Nos. 647, 649 and 650 on behalf of the Legislative Assembly Department.

(a) and (c). In allotting quarters to Honourable Members, preference is given to two or more applicants who are willing to share one quarter. When several Members apply separately for the same quarter, the allotment is made by ballot.

(b) No permanent division has been made. After the constitution of a separate Assembly Department a division on a temporary basis was made by agreement between the Secretaries of the two Houses, who make the allotments of quarters.

(d), (e) and (f). The answer is in the negative.

Nawab Sir Sahibzada Abdul Qaiyum : Are there any fixed rules on the subject, and could they be laid on the table ?

The Honourable Sir Bhupendra Nath Mitra : I think I have said that there are no fixed rules, but I would suggest to the Honourable Member that if he wants any further information he should make inquiries from the Secretary of the Legislative Assembly Department. I am sure he will recognise that it is not possible for me to give offhand, on the floor of the House, information regarding the procedure followed by the Secretariat of the Legislative Assembly.

Nawab Sir Sahibzada Abdul Qaiyum : Will it not be more useful if rules are framed and circulated for the information of the Members so that they may not have to raise questions in the House every now and then ?

The Honourable Sir Bhupendra Nath Mitra : I dare say the Legislative Assembly Department will consider that point, and in that connection they will probably also consider the recommendation which was at one stage made by the Committee of the Central Legislature regarding the formation of a Standing Committee to deal with questions of this sort.

#### RENTS OF QUARTERS OF MEMBERS OF THE LEGISLATURE.

648. \*Nawab Sir Sahibzada Abdul Qaiyum : (a) Will Government please state on what consideration the rents of various quarters have been

reduced? What rents were charged for the various quarters before and to what amounts have they been reduced now?

(b) Is it a fact that some of the quarters at Summer Hill, when occupied by one Member in the past, were charged for at Rs. 110 each and that the same quarters, when now occupied by one Member, are to be charged for at Rs. 148 each, on the ground that each "set of quarters" is meant for two Members?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The Government of India, with the approval of the Secretary of State, have agreed to grant to Members of the Legislature, when occupying Government quarters on duty, the concessions permissible under rule 45-A of the Fundamental Rules. This accounts for the reduction in rent recently made.

The rents now charged and those previously charged are shown in the statement which is laid on the table.

(b) No. The rent previously was Rs. 220 per mensem per set of quarters, or Rs. 110 per mensem per Member, if the set was occupied by two Members. (The quarters are considered large enough for two Members.) The present rent is Rs. 148 per mensem per set, or Rs. 74 per mensem per Member if occupied by two Members.

*Statement showing the rents of quarters of the Members of Indian Legislature in Simla.*

| Particulars of quarters.                                   | Rent as now charged.                         | Rent as previously charged.                 | Remarks.                                                                      |
|------------------------------------------------------------|----------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------|
| <i>Longwood New Block—</i>                                 | Rs.                                          | Rs.                                         |                                                                               |
| Quarters Nos. 33-36, 38-45 and 47-54 ..                    | 66 p. m. each.                               | 145 p. m. each.                             |                                                                               |
| Quarters Nos. 37 and 46 ..                                 | 70 ..                                        | 155 ..                                      |                                                                               |
| <i>Longwood Range—</i>                                     |                                              |                                             |                                                                               |
| Quarters Nos. 18-21 and 23-25 ..                           | 70 ..                                        | 155 ..                                      |                                                                               |
| <i>Cottages—</i>                                           |                                              |                                             |                                                                               |
| Nos. 26-27 ..                                              | 136 ..                                       | 300 ..                                      |                                                                               |
| Nos. 28, 29 and 30 ..                                      | 68 ..                                        | 150 ..                                      |                                                                               |
| Nos. 31-32 ..                                              | 136 ..                                       | 300 ..                                      |                                                                               |
| <i>Cart Road—</i>                                          |                                              |                                             |                                                                               |
| Quarters Nos. 1-8 ..                                       | 98* ..                                       | 150 ..                                      | * These figures are approximate and subject to approval by audit authorities. |
| Quarters Nos. 9-20 ..                                      | 97* ..                                       | 140 ..                                      |                                                                               |
| <i>Summer Hill—</i>                                        |                                              |                                             |                                                                               |
| Each set of quarters intended for occupation of 2 Members. | Rs. 148* p. m. per set or Rs. 74 per Member. | Rs. 220 p. m. per set or Rs. 100 per Member |                                                                               |

(Mr. President called upon Mr. Siddheswar Prasad Sinha to put his question No. 651.)

**The Honourable Sir Bhupendra Nath Mitra :** Sir, there are other questions of Nawab Sir Sahibzada Abdul Qaiyum which I have to answer.

**Mr. President :** I thought the Honourable Member had answered them.

**The Honourable Sir Bhupendra Nath Mitra :** I have not yet answered question 649.

**Mr. President :** The Honourable Member said that he would answer questions 647, 649 and 650 together.

**The Honourable Sir Bhupendra Nath Mitra :** I am sorry if I made myself misunderstood.

**Mr. President :** Sir Abdul Qaiyum.

"SETS OF QUARTERS" FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.

649. **\*Nawab Sir Sahibzada Abdul Qaiyum :** What is meant by the term "Set of Quarters" as used in the Legislative Assembly Department Circular, with respect to the Summer Hill quarters? Does it apply to each quarter and does each of these quarters provide enough accommodation for two Members, with two sets of private servants and separate kitchen arrangements? Is the present single lavatory and bath room arrangement meant for two Members?

**The Honourable Sir Bhupendra Nath Mitra :** Each block at Summer Hill consists of separate quarters and the term "set of quarters" means one such separate quarter. Each such quarter is a double quarter with sufficient accommodation for at least two Members, and is intended to be shared by at least two Members.

DIVISION OF QUARTERS BETWEEN MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

650. **\*Nawab Sir Sahibzada Abdul Qaiyum :** (a) Do Government propose to earmark the Summer Hill quarters for Members of the Council of State and the quarters at Longwood for Members of the Assembly, which will be more convenient for both in view of the situation of their respective Chambers?

(b) Are there any special and distinct rules about the allotment of these quarters and will Government be pleased to supply a copy of the same to each Member?

**The Honourable Sir Bhupendra Nath Mitra :** (a) There is no such proposal before Government. All the Longwood Range quarters, and four out of the five cottages in Longwood have been reserved for Members of the Assembly this year. The unorthodox quarters in Longwood Hotel, New Block, have been divided in suitable proportion between the Legislative Assembly and the Council of State.

(b) There are no prescribed rules governing the allotment of quarters to Honourable Members.

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**Maulvi Muhammad Yakub :** Are Government aware that there is a lot of grumbling among the Members of the Legislative Assembly on account of this dyarchy in the allotment of quarters to them ?

**The Honourable Sir Bhupendra Nath Mitra :** So far as I am aware, there is no dyarchy.

**Maulvi Muhammad Yakub :** Are Government aware that quarters are allotted to the Members during the non-Assembly Session by the Public Works Department, and during the Assembly Session by the Assembly Department ? This is what dyarchy means.

**The Honourable Sir Bhupendra Nath Mitra :** If my Honourable friend was referring to that system, it is quite possible that there is what he styles dyarchy, but the Legislative Assembly Department refused to have anything to do with the allotment of quarters to Members who did not come here to attend the meetings of the Legislative Assembly. I think the Legislative Assembly Secretariat is probably justified in taking that attitude. That being the position, when Members come to Simla outside the regular Session, somebody has to make the allotment, and the Public Works Department is at present making the allotments.

**Maulvi Muhammad Yakub :** But why is this difference made when a Member is attending the meetings of the Assembly and when he is attending the meetings of some special committees appointed by the same Assembly ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not know, Sir ; but that is the present arrangement.

**Mr. President :** Order, order. I think the Honourable Member is quite wrong in saying that the Legislative Assembly Department refused to have anything to do with the allotment of quarters to Honourable Members when they come to attend meetings of Committees. (Loud Applause.) However, I am looking into the matter and will ask the Secretary to make a representation to the Honourable Member.

**The Honourable Sir Bhupendra Nath Mitra :** I should like to add, Sir, that my information is to the contrary, and I shall be pleased to show the papers in my possession.

**Mr. President :** I am just informed by my Secretary that that is not so.

#### ENTRAINMENT OF PILGRIMS AT TEMPORARY STATIONS.

651. **\*Mr. Siddheswar Prasad Sinha :** With reference to the reply to my starred question No. 885 of 4th March, 1929, will Government please state the objection they have to allow only those pilgrim passengers, to entrain at the temporary stations, who though holding tickets for a further journey, are allowed to alight there ?

**Mr. P. R. Rau :** I would invite the Honourable Member's attention to the reply sent to him by the Railway Board on the 29th June, 1929. The main objection is that the provision of facilities for selling tickets at these temporary stations, which are only open for 14 days in the year, involves a considerable expense which is not justifiable.

**Mr. Siddheswar Prasad Sinha :** The Honourable Member says that facilities will have to be provided for selling tickets on those stations, and the railway authorities will not be justified in doing so in view of the considerable expense it involves. But what objection can there be for allowing only those passengers who hold tickets for a longer journey but are allowed to break their journey and alight at these temporary stations to perform a compulsory religious ceremony for a few hours ?

**Mr. P. R. Rau :** I shall consider that point, Sir.

#### CONTRACT FOR COOLIES AT GAYA STATION.

652. **\*Mr. Siddheswar Prasad Sinha :** (a) With reference to the reply to my starred question No. 593 of 19th February, 1929, will Government be pleased to state (a) the methods of registering the names of intending contractors, (b) the qualifications making a person eligible for selection, (c) the number of applicants from among which the present contractor of coolies at Gaya was selected, and (d) the name of the officer who made the selection ?

(b) With reference to part (a) will Government be pleased to state :

(i) If there is any scale of fee to be paid by the coolies to the contractors ? If so, what is the scale for Gaya ?

(ii) Are the scales fixed periodically ? If so, when was it last fixed for Gaya, and for what period ?

(iii) What punishment is awarded to contractors if they overcharge the coolies ?

(iv) How many cases of overcharge have been found in Dinapore Division during the last three years, and what punishment was awarded in each case ?

(v) For what period and when was the present man given the contract at Gaya ?

**Mr. P. R. Rau :** I am collecting the information required and will let the Honourable Member have it in due course.

#### ISSUE OF CHEAP RETURN TICKETS ON RAILWAYS.

653. **\*Mr. Siddheswar Prasad Sinha :** (a) Will Government please state how, by issuing third class ordinary return tickets at one and a half fares, fraudulent travelling will be increased when it is not so done by week-end return tickets at one and a quarter fares ?

(b) What are the reasons for not issuing third and intermediate class return tickets at single fares as is done in cases of first and second class tickets during Durga Puja, Christmas, Easter and Moharram ?

**Mr. P. R. Rau :** (a) A single ticket has the date stamped on it and can only be used on that date. The return half of an ordinary return ticket can have no date stamped on it and is available on any date for a long period ahead and if it is not given up it can be used several times. The chance of week end return tickets being used more than once is minimised as the period during which they are available is short.

(b) The main reason for the issue of reduced return tickets during holiday periods is the anticipation of an increase in the number of passengers sufficient to more than compensate for the reduced fare. The



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#### QUESTIONS AND ANSWERS.

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(b) The main reason for the issue of reduced return tickets during holiday periods is the anticipation of an increase in the number of passengers sufficient to more than compensate for the reduced fare. The

question of these reductions is carefully considered by Railway Administrations from time to time and the reductions made, if any, necessarily vary on different railways according to local conditions on each railway. Owing to the volume of ordinary lower class traffic however, if the same reduction for those classes were made as for the upper classes, it is feared that the loss on the ordinary traffic would not be made up by the gain on the additional traffic obtained and the final result would, it is estimated, be a considerable loss in revenue.

**Mr. Vidya Sagar Pandya :** In the case of first and second class passengers, the concession is given and the tickets are actually issued and the Government are thus able to base their calculations on the actual number of tickets issued. But in the case of third class passengers, return tickets have never been issued. I would like to know what basis or authority Government have to say that there will not be increased traffic if third class return tickets are issued during these periods ?

**Mr. P. R. Rau :** It is only an estimate. The ordinary passengers travelling by upper classes are comparatively small in number, while the number of lower class passengers is ordinarily very high, and the additional traffic secured will bear only a small proportion to the ordinary traffic.

**Mr. Vidya Sagar Pandya :** Sir, that is begging the question ; it has never been tried.

**Mr. P. R. Rau :** As I have already said, it is an estimate made by the railways.

**Mr. Siddheswar Prasad Sinha :** Will the Honourable Member say how the difficulties arise only with regard to third class passengers and not with regard to the higher class passengers ?

**Mr. P. R. Rau :** Is the question with regard to (a) or (b) ?

**Mr. Gaya Prasad Singh :** It arises out of the Honourable Member's answer.

**Mr. Siddheswar Prasad Sinha :** I am referring to (a).

**Mr. P. R. Rau :** The only answer to that question is that ordinarily it has been found that the practice of fraudulent travelling is more prevalent among the third class passengers than among the higher class passengers.

**Diwan Chaman Lall :** May I ask the Honourable Member whether it is not a fact that third class return tickets are issued for servants of higher class passengers and there is no fraud committed by them ?

**Mr. P. R. Rau :** I must ask for notice of the question.

**Diwan Chaman Lall :** If it is a fact that no fraud has been noticed in connection with third class return tickets issued to servants, on what does the Honourable Member base his impression that there would be fraud if third class return tickets are issued to ordinary third class passengers ?

**Mr. P. R. Rau :** That is a hypothetical question.

**Diwan Chaman Lall :** May I ask the Honourable Member to direct his attention not to hypothesis but to the facts of the case ?

**The Honourable Sir George Rainy :** The Honourable Member began his question with an "if" ; hence a certain suspicion arises that it is hypothetical.

**Diwan Chaman Lall :** It seems to me that the Honourable Member's answer is a hypothetical one. May I ask him whether he did not say that it was the presumption of the Railway Board that there would be fraud and that he had no facts to go upon ?

**Mr. P. R. Rau :** An answer may be hypothetical. It depends on the question.

**Diwan Chaman Lall :** Is it not a fact that the answers of the Railway Board are always hypothetical ?

**Mr. P. R. Rau :** That depends upon the question.

**Mr. A. Rangaswami Iyengar :** Is it not a fact that in some railways third class return tickets have been issued in the past and that there has been no trouble ?

**Mr. P. R. Rau :** I think that is a fact.

**Mr. A. Rangaswami Iyengar :** Then why do the Railway Board hesitate to apply the same principles to the railway in question ?

**Mr. P. R. Rau :** It is a matter for consideration as regards each railway with regard to local conditions.

**Mr. A. Rangaswami Iyengar :** Is it to be taken that there is more fraud in some areas and less fraud in some other areas with regard to third class passengers ?

**Diwan Chaman Lall :** Do I take it that the Railway Board possess an open mind and a blank mind in regard to this matter ?

**The Honourable Sir George Rainy :** I should be prepared to say that I have an open mind, but not a blank mind. Obviously the matter interests the House and therefore I will look into it.

**Mr. Gaya Prasad Singh :** The Bengal and North-Western Railway do not issue third class return tickets. Are the third class passengers travelling on the Bengal and North-Western Railway more prone to commit fraud in the matter of return tickets ?

**Mr. President :** The Honourable Member has promised to look into the matter.

#### NUMBER OF CASES OF ABDUCTION, RAPE, ETC., IN CERTAIN YEARS.

654. **\*Mr. Siddheswar Prasad Sinha :** (a) Will Government be pleased to state the number of cases of abduction, enticement, rape and other offences against the modesty and honour of women in each province of British India separately for the years 1926, 1927 and 1928 ?

(b) Are Government aware that in some provinces these offences are committed by organised gangs and for definitely set purposes ? If so, what steps have been taken for their prevention ?

**The Honourable Sir James Crerar :** (a) I would refer the Honourable Member to the returns of cognisable crime in Statement A, Part I of

the Annual Police Administration Reports of the provinces for the years mentioned.

(b) I have no information that would suggest that in certain provinces the offences in question are committed by organised gangs for definitely set purposes. It is for the Local Governments to take such action as is necessary and I have no reason to think that they are not fully alive to their responsibilities in this matter.

#### STRIKE OF TINPLATE WORKERS AT GOLMURI.

655. \*Mr. Ram Narayan Singh : (a) Are Government aware of the fact that almost all the employees, about 3,000 in number, of the Tinsplate Company of India, Ltd., at Golmuri, near Jamshedpur, in the Province of Bihar and Orissa, have gone on strike since the 7th April, 1929 ?

(b) Has there been any correspondence between the Central Government here and the Bihar Government in connection with this strike, and if so, will Government be pleased to place the same correspondence on the table ?

(c) Is it a fact that a deputation consisting of Messrs. M. Daud, V. V. Giri, W. R. Naidu and J. N. Mitra waited on the Honourable Sir B. N. Mitra on the 5th July, 1929, during his last visit to Jamshedpur and prayed for his intervention in this matter ?

(d) Will Government be pleased to state whether the Honourable Member did anything in this matter, and, if not, why not ?

(e) Is it a fact that the Union of workers at Golmuri represented the whole situation of the strike to the Chief Secretary to the Government of India on the 6th August, 1929, and if so, with what result ?

(f) Are Government aware of the fact that the said Union of workers at Golmuri has also represented the whole situation of the strike to the Right Honourable Mr. Wedgwood Benn, the Secretary of State for India, on the 6th September, 1929 ?

(g) Has there been any correspondence on the subject between the Government of India and the Secretary of State for India, and if so, with what object and result ?

(h) Are Government aware that the local officers of the Government of Bihar and Orissa now stationed at Golmuri in connection with the strike there have been openly helping the Tinsplate Company in every possible way and that against the strikers ?

(i) Will Government be pleased to inquire into the allegations mentioned above ?

(j) Are Government aware that the strike in the Tinsplate Company at Golmuri is developing into an all-India question and that there has already been a sympathetic strike at Budge Budge in Bengal ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. Of the strikers, some subsequently resumed work and others have been replaced by new hands.

(b) Government do not consider that it would be in the public interest to place on the table a copy of the correspondence which has taken place

between the Central Government and the Government of Bihar and Orissa in connection with this strike.

(c) No deputation waited on me, but I had an informal talk with the gentlemen referred to by the Honourable Member.

(d) I endeavoured to ascertain the position by informal conversation with both parties and to give such advice as might help some of the men who were out of employment to secure employment at the works.

(e) A letter addressed to the " Chief Secretary to the Viceroy " was received from the Golmuri Tinsplate Workers' Union. The Union was informed that under section 3 of the Trade Disputes Act, 1929, the question whether a Court of Inquiry or a Board of Conciliation should or should not be constituted in connection with the strike rested entirely with the Local Government.

(f) Government have no information.

(g) Yes ; some correspondence took place between the Secretary of State and the Government of India in connection with a question in the House of Commons relating to the matter and also in connection with a deputation which the Secretary of State received from the Trade Union Congress General Council.

(h) The Government of India have no information beyond what they have seen in the press reports of the debate on the motion for adjournment in the Bihar Council early this month.

(i) The Government of India do not propose to interfere in a matter which is essentially the concern of the Local Government.

(j) Government are not aware that the strike in the Tinsplate Company at Golmuri is developing into an all-India question. The strike of oil workers at Budge-Budge is said to have been brought about partly in sympathy with the Tinsplate Workers' Strike.

#### STRIKE OF STUDENTS OF THE INDIAN SCHOOL OF MINES, DHANBAD.

656. \*Mr. D. V. Belvi : Will Government be pleased to state :

(a) If they are aware of a general strike of the students of the Indian School of Mines at Dhanbad from 5th June, 1929 to 18th June, 1929 ;

(b) If the Principal of the said School then closed the school indefinitely and thus virtually declared a lock-out ; and

(c) If Government made or propose to make an inquiry into the causes of the strike ?

The Honourable Sir Bhupendra Nath Mitra : Sir, I propose, with your permission, to answer questions Nos. 656 and 657 together. The information asked for by the Honourable Member will be found in the statement regarding the temporary closing of the Indian School of Mines, Dhanbad, during June, 1929, supplied to Mr. K. C. Neogy on the 4th September, 1929, with reference to his starred question No. 105. A copy of the statement is available and will be placed in the Library of the House.

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LEGISLATIVE ASSEMBLY.

[18TH SEPT. 1929.]

**Mr. Gaya Prasad Singh :** Are Government aware that one of the main causes of the strike is the absence of suitable careers for the students after the completion of their studies in the school ?

**The Honourable Sir Bhupendra Nath Mitra :** The Government are aware of that fact, Sir.

**Mr. Gaya Prasad Singh :** What steps have Government taken to give the students suitable careers after they have finished their studies in the school ?

**The Honourable Sir Bhupendra Nath Mitra :** Obviously it is not possible for Government to guarantee suitable careers to boys. The Government can only provide a certain amount of education and training.

**Pandit Madan Mohan Malaviya :** If Government are aware that the education provided there does not secure a career to students, is it not time that Government undertook, on a larger scale, some scheme of technical and industrial education so that employment may be found for the boys after they have undergone training in the school ?

**The Honourable Sir Bhupendra Nath Mitra :** I have failed to grasp the full force of my Honourable friend's question. Here Government are trying to provide technical education on a small scale and these students feel that they have not got sufficient careers before them. If education were to be given on a much larger scale, it seems to me that there would be greater difficulty in the matter of providing careers for those students.

**Pandit Madan Mohan Malaviya :** Does not that show that there is need for different kinds of industrial and technical education ?

**The Honourable Sir Bhupendra Nath Mitra :** I am not quite sure whether that question is really relevant to the question to which I have already given an answer.

**Maulvi Muhammad Yakub :** Do the Government propose to make the students common carriers or water carriers ? (Laughter.)

**The Honourable Sir Bhupendra Nath Mitra :** I have undoubtedly grasped the wording of my Honourable friend's question, but I do not understand to which students he is referring. Does he refer to the students mentioned by my Honourable friend Pandit Madan Mohan Malaviya or to the students now being educated in the Dhanbad School of Mines ?

**Maulvi Muhammad Yakub :** I mean the students of the Dhanbad School of Mines for whom Government are not prepared to provide any other career suitable for them ?

**The Honourable Sir Bhupendra Nath Mitra :** My Honourable friend is under a misapprehension. How can Government provide appointments and careers for anybody and everybody ?

**Maulvi Muhammad Yakub :** Then, why do not Government open technical schools ?

(No answer was given.)

GRIEVANCES OF THE STUDENTS OF THE INDIAN SCHOOL OF MINES, DHANBAD.

†657. **\*Mr. D. V. Belvi :** (a) Has the attention of Government been drawn to a leading article under the heading "Broken Pledge" and to a letter "Story of Broken Pledges" published in the *Bombay Chronicle* in its issue of the 6th June, 1929 and to a leaderette under the caption "Dhanbad School of Mines" in the same newspaper in its issue of the 24th June, 1929 ?

(b) Were the allegations made in the said leading article, the leaderette and the correspondence on which they were based ever contradicted by the authorities of the school ?

(c) Have Government made any inquiry into the alleged grievances of the students of the school ?

(d) If they have, what is the result of the inquiry ?

(e) If not, do they propose to make an inquiry ?

NUMBER OF MINES AND COLLIERIES IN BRITISH INDIA.

658. **\*Mr. D. V. Belvi :** Will Government be pleased to state :

(a) the total number of mines and collieries in British India ; and

(b) the number of collieries and mines owned by Britishers and other foreigners in British India ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The number of coal mines and of mines other than coal mines worked under the Indian Mines Act in British India during the year 1928, was 556 and 1,392 respectively.

(b) Government have no information and regret that they cannot undertake to collect it as it would involve an amount of time and labour disproportionate to the result.

EXAMINATION AND TRAINING OF STUDENTS AT THE INDIAN SCHOOL OF MINES, DHANBAD.

659. **\*Mr. D. V. Belvi :** (a) Is it a fact that only such students as have passed at least the Intermediate Science examination or an equivalent test are allowed to appear for the entrance examination of the Indian School of Mines at Dhanbad, that a selection is made out of those that pass the entrance examination, and that the selected students have to undergo theoretical and practical training for at least four years in the school of mines at an annual cost of about Rs. 1,000 ?

(b) Is it a fact that, out of the 120 students in the schools about 40 students are post-graduates ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) I would refer the Honourable Member to the Prospectus of the School which gives the required information and a copy of which is available in the Library of the House.

(b) Of the 118 students at present in the School, 23 are graduates.

†For answer to this question, see answer to question No. 656.

## COST OF THE STAFF OF THE INDIAN SCHOOL OF MINES, DHANBAD.

660. \*Mr. D. V. Belvi : Will Government be pleased to state the amount of public money spent on the maintenance of the staff of the Dhanbad School of Mines, and if it is a fact that there are about 30 monthly scholarships in the school each of about Rs. 100 ?

The Honourable Sir Bhupendra Nath Mitra : The estimated cost on account of pay of the superior and subordinate staff of the School for the current financial year is Rs. 1,20,800. There are 17 scholarships tenable at the School varying from Rs. 40 to Rs. 100 per month.

## PROSPECTS OF STUDENTS OF THE INDIAN SCHOOL OF MINES, DHANBAD.

661. \*Mr. D. V. Belvi : (a) What is the average salary on which a graduate or the holder of a diploma from Great Britain, of the same qualifications as successful students of the Dhanbad school, starts on his service in British India ?

(b) Is any proposal or scheme pending before Government at present for improving the prospects of the successful students of the Dhanbad school ? If so, will the proposal or the scheme be laid on the table ?

The Honourable Sir Bhupendra Nath Mitra : (a) The question is too indefinite to enable me to give a precise answer. It is not possible for me to say what exact diploma or degree of a particular institution in Great Britain is equivalent to the Certificate or the Associateship of the Indian School of Mines and the starting pay of an officer appointed to a service in India does not depend on the nature of the diploma or degree which he holds.

(b) The attention of the Honourable Member is invited to paragraph 4 of the statement placed in the Library of the House in reply to Mr. K. C. Neogy's starred question No. 105 of the 4th September, 1929.

## NUMBER OF INDIANS IN THE MINES DEPARTMENT, ETC.

662. \*Mr. D. V. Belvi : (a) Is it not a fact that the Government of India have opened the school of mines at Dhanbad for training Indian students for employment as officers in the Provincial services and also in the Imperial Geological Survey of India and the Department of Mines, as stated by Sir Henry Hayden in his evidence before the Public Service Commission in 1913 ?

(b) What is the total number of officers at present in the State Collieries, the Geological Survey of India and in the Indian Mines Department, respectively ? How many of them are Indians in each of these Departments ?

The Honourable Sir Bhupendra Nath Mitra : (a) The School has been established with a view to provide training for the professions of Mining Engineer and Geologist and also to help to solve the problem of recruitment of young men of this country for the Geological Survey of India and the Indian Mines Department.

(b)

|                               | Total No.<br>of Officers. | No. of Indians. |
|-------------------------------|---------------------------|-----------------|
| State collieries ..           | 30                        | Nil             |
| Geological Survey of India .. | 36                        | 16              |
| Indian Mines Department ..    | 10                        | 3               |

## SPEECH OF HIS EXCELLENCY THE VICEROY AT THE INDIAN SCHOOL OF MINES, DHANBAD.

663. \*Mr. D. V. Belvi : Will Government be pleased to lay on the table a copy of the speech of His Excellency the Viceroy delivered at the opening of the Indian School of Mines, Dhanbad, on the 9th December, 1926 ?

The Honourable Sir Bhupendra Nath Mitra : A copy of the speech has been placed in the Library of the House.

## COST TO INDIA OF THE GARRISON IN PERSIA SAFEGUARDING THE INTERESTS OF THE ANGLO-PERSIAN OIL COMPANY.

664. \*Mr. D. V. Belvi : (a) Is any amount of money annually spent from the Indian Treasury on a garrison in the Persian Gulf to safeguard the interests of the Anglo-Persian Oil Company ? If so, what is the total amount ?

(b) Does India get any return for her money ? If so, how ?

Sir Denys Bray : (a) Not a pie.

(b) Does not arise.

## SHORT NOTICE QUESTION AND ANSWER.

## PROHIBITION OF THE BURNING OF THE BODY OF A DECEASED HINDU IN THE BELGIAN CONGO.

Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to a letter from the Administrateur Territorial of Belgian Congo to Mr. Chhotalal Kurji of Kigoma, published in the daily *Tanganyika Opinion* of the 27th August, 1929, in which it is stated that the "incineration of deceased is prohibited in the Belgian Congo. The followers of Hindu religion are buried in a place reserved to the Asiatic population" ?

(b) Are Government aware that this order is an outrage on the religious rites and ceremonies of the Hindus ?

(c) Have Government taken any steps, and do they propose to take any now, to have this order rescinded at as early a date as possible ?

Sir Denys Bray : (a), (b) and (c). Yes.

I am indebted to the Honourable Member for drawing my attention to this extraordinary affair yesterday. His Majesty's Government have been requested by telegram to impress on the Belgian authorities the gravity of their order and the urgency for its cancellation.

Mr. Gaya Prasad Singh : Sir, I thank the Honourable Member for taking steps so promptly, but may I know whether the result of this representation will be communicated to me or to the House in any way ?

Sir Denys Bray : I shall see that it is communicated to the public.

Mr. Gaya Prasad Singh : Thank you.

## UNSTARRED QUESTIONS AND ANSWERS.

### OVERPAYMENT OF A MONEY ORDER BY THE POSTMASTER, IGATPURI POST OFFICE.

183. **Mr. N. C. Kelkar :** (a) Will Government be pleased to state whether a telegraphic money order was overdrawn by the Postmaster, Igatpuri Post Office, on the 28th April, 1927, and an excess of Rs. 445 was paid to one Mr. Sandford Bilimora ?

(b) Is it a fact that the Postmaster immediately communicated by wire and by letter with the different officers of the Department for the recovery of the amount overpaid to the payee ?

(c) Is it a fact that no action whatsoever was taken by the Department to recover the amount ?

(d) Is it a fact that money orders were passing through the same post office payable to Mr. Sandford to the extent of nearly Rs. 900 after the incident ?

(e) Is it a fact that the Postmaster General, Bombay, refused to apply the provisions of the Post Office Act for the recovery of the amount ?

(f) Is it a fact that the case was allowed to drag on for 22 months before the Director General issued his decision for the recovery of the difference from the Postmaster ?

(g) Is it a fact that the Postmaster was refused permission to recover the amount from Mr. Sandford by instituting civil proceedings against him ?

(h) If the answer to part (g) be in the affirmative, do Government propose to request the Director General to reconsider his decision, to refund the amount recovered from the said Postmaster and to apply the provisions of the Post Office Act for the recovery of the loss sustained by the Department from the payee ?

**The Honourable Sir Bhupendra Nath Mitra :** Government have no information on the subject, but inquiries have been instituted and the result will be communicated to the Honourable Member in due course.

### APPOINTMENTS OF STAMP VENDORS.

184. **Mr. N. C. Kelkar :** Will Government be pleased to state whether it is a fact that an assurance was given to the Standing Finance Committee, when the pay of stamp vendors in post offices was revised, that the question of converting their appointments into superior service would be taken up by Government ? If so, will Government be pleased to lay on the table their decision in the matter ?

**The Honourable Sir Bhupendra Nath Mitra :** In the memorandum placed before the Standing Finance Committee in January, 1928, in connection with the revision of pay of stamp vendors, it was stated that new recruitment for this class of officials would be confined to postmen if the service was made pensionable, a question which would be taken up for separate examination. The question is under consideration, and no decision has yet been arrived at.

( 1040 )

### THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

**The Honourable Sir Brojendra Mitter (Law Member) :** Sir, I beg to move that the Bill further to amend the Transfer of Property Act, 1882, for certain purposes, as amended, be passed.

**Mr. D. F. Mulla (Bombay : Nominated Non-Official) :** Sir, I beg to move :

“ That in clause (2), the words beginning with the words ‘ for the words ’ and ending with the words ‘ be substituted, and ’ be omitted.”

This has relation to paragraph 3 of section 54. Paragraph 3 related to voluntary registration ; by the Bill it was proposed to be omitted. It is now to be restored.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in clause 5, the words beginning with the words ‘ for the words ’ and ending with the words ‘ be substituted, and ’ be omitted.”

This amendment stands on the same footing as the first amendment.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That clause 17 be omitted.”

The effect of the omission will be to restore the original section 54 relating to sale in its entirety.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in clause 20, sub-clause (a) be omitted and sub-clauses (b), (c) and (d) be re-lettered as sub-clauses (a), (b) and (c), respectively.”

This, Sir, has reference to the definition of “ mortgage money ” and the words “ if any ” which occurred in the original section and which were omitted are not proposed to be restored by this amendment.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in clause 21 :

(1) sub-clause (a) be omitted, and

(2) sub-clauses (b) and (c) be re-lettered as sub-clauses (a) and (b), respectively.”

In sub-clause (a), the words “ Where the principal money secured is one hundred rupees or upwards ” were omitted. They are now proposed to be restored. They have reference to section 59 which deals with execution of mortgages.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in clause 23, sub-clause (c) be omitted and sub-clauses (d) and (e) be re-lettered as sub-clauses (c) and (d), respectively.”

This, Sir, has reference to section 60 which deals with redemption, and by the Bill the words “ (where the mortgage has been effected by a registered instrument) ” were sought to be omitted. They are now proposed to be restored.

The motion was adopted.

( 1041 )



[18TH SEPT. 1929.]

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in clause 27, the words ‘ in the mortgage deed ’ be omitted.”

This clause has reference to section 63 which deals with accretion, and since voluntary registration has now been restored, it is necessary to omit these words in the mortgage deed.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in clause 28, the words ‘ in the mortgage deed ’ be omitted.”

This has reference to the new section 63A which deals with improvements to mortgaged property and the proposed amendment stands on the same footing as the last.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in clause 38 :

(i) sub-clause (d) be omitted,

(ii) in sub-clause (f), the words ‘ in the mortgage deed ’ be omitted, and

(iii) sub-clauses (e) and (f) be re-lettered as sub-clauses (d) and (e), respectively.”

This has reference to section 72 which deals with the rights of mortgagees. The words “ in the mortgage deed ”, which were added in the clause, are now proposed to be omitted.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I beg to move :

“ That in sub-clause (d) of clause 45, after the words ‘ to execute and ’ the words ‘ and brackets ’ (where the mortgage has been effected by a registered instrument) be inserted.”

This has reference to section 83, which deals with money deposited by a mortgagor in court and the words have to be inserted because voluntary registration has now been restored.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I move :

“ That clauses 18 to 64 be re-numbered as clauses 17 to 63.”

The amendment, Sir, is a formal one.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I move :

“ In clause 63, so re-numbered, for the words, figures and brackets beginning with the figure ‘ 2 ’ and ending with the figures ‘ 63 ’, the following words, figures and brackets be substituted, namely :

‘ 3, 4, 9, 10, 15, 18, 19, 27, 30, clause (c) of section 31, sections 32, 33, 34, 35, 46, 52, 55, 57, 58, 59, 61 and 62 ’.”

The motion was adopted.

**Mr. President :** The question is :

“ That the Bill, as finally amended, be passed.”

The motion was adopted.

## THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I move that the Bill to supplement the Transfer of Property (Amendment) Act, 1929, as amended, be passed.

**Mr. D. F. Mulla** (Bombay : Nominated Non-Official) : Sir, I move that :

“ In clause 6, in proposed new Rule 11—

(a) in sub-rule (a) (i), for the words ‘ fixed in the mortgage-deed, or, if no rate has been so fixed ’, the words ‘ payable on the principal, or, where no such rate is fixed ’ be substituted ; and

(b) in sub-rule (a) (iii), for the words ‘ fixed in the mortgage-deed, or, if no rate has been so fixed ’, the words ‘ agreed between the parties, or, failing such rate, at the same rate as is payable on the principal, or failing both such rates ’ be substituted.”

This, Sir, has reference to Order XXXIV, rule 11, which is proposed to be inserted in Order XXXIV. It relates to interest, and both these amendments are consequential amendments.

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I move that :

“ In the Schedule, in clause 1 (i) of Forms Nos. 3, 5, 7 and 7-A, for the words ‘ as provided in the mortgage-deed or, if no rate has been fixed ’, the words ‘ at the rate payable on the principal or where no such rate is fixed ’ be substituted.”

The motion was adopted.

**Mr. D. F. Mulla :** Sir, I move that :

“ In the Schedule, in clause 1 (iii) of Forms Nos. 3, 5, 7 and 7-A, for the words ‘ fixed in the mortgage-deed or, if no rate has been so fixed ’, the words ‘ agreed between the parties, or, failing such rate, at the same rate as is payable on the principal, or failing both such rates ’ be substituted.”

This stands on the same footing as the last amendment.

The motion was adopted.

**Mr. President :** The question is that the Bill, as finally amended, be passed.

The motion was adopted.

## THE HINDU CHILD MARRIAGE BILL—contd.

**Mr. President :** The House will now resume further consideration of clause 2 of Mr. Sarda's Bill and the four amendments moved on Monday last.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I rise to support the amendment of my friend Kumar Ganganand Sinha that the word “ twelve ” be substituted for the word “ fourteen ” in the clause in question. I crave the indulgence of the House while I try to state my reasons for supporting the proposal. I wish the House to take note of what this amendment means, and of what it does not mean. It does not mean that the Bill will not be passed. It does not mean that the evil of early marriages will be left undealt with ; but, it means, that the question of the age which should be prescribed as the age a marriage below which will entail penal consequences

( 1043 )

[Pandit Madan Mohan Malaviya.]

should be further considered. Now, Sir, I wish to ask the House to remember that this legislation is meant to affect the whole of British India, an area nearly as large as Europe minus certain portions of it. There are in it various grades of society, communities at various stages of progress; and therefore in passing legislation, a violation of which is to carry penal consequences, the House is justified in considering what age would be most suitable in the circumstances of the case for the country as a whole. If the matter was to be dealt with province by province, opinion prevailing in the provinces would undoubtedly be a great help and guide to the Legislature. But as it is, in a vast country like India, the various provinces being in different stages of progress, the matter assumes a more difficult aspect; and I submit that the House has, by this time, learned sufficiently that in different provinces the stages at which this question stands differ. For instance in the Punjab and in Sind, the age at which puberty discloses itself is higher than it is in Madras and Bengal and Bombay. Therefore what may be a perfectly legitimate and reasonable proposal in certain parts of the country will not be equally legitimate and reasonable in other parts; and I ask the House not that they should for that reason drop the Bill, but that they should very carefully consider what is the proper maximum age that should be fixed in a Bill of this character.

I submit that the age of consent and the age of marriage are different in many countries. This is a legislation in which for the first time a Legislature is not only fixing the marriageable age, but also laying it down that if a person marries below that age, or if anybody assists in bringing about a marriage below that age, he will be visited with penal consequences.

This is the first time, Sir, in the history of the world, so far as I am aware, that penal provisions are being attached to a departure from the age of marriage fixed by Statute. In no country that I am aware of have any such provisions ever before been attached to the infringement of the age of marriage fixed by law.....

**Mr. Abdul Haye** (East Punjab : Muhammadan) : You have got it in Egypt.

**Pandit Madan Mohan Malaviya** : In no country, Sir, that I am aware of,—excepting possibly the one that my friend now mentions, of which I have not sufficient information,—have any penal provisions been attached to an infringement of the age of marriage fixed by law. Where the age of marriage is fixed, if a person marries before that age, the marriage is held to be null and void. But it is not prescribed anywhere that if a man marries before the age fixed by law, or if a man officiates at or helps in the performance of a marriage before the age fixed by law, he shall be visited with penal consequences of imprisonment or fine or both. I request the House to bear this fact in mind in considering the amendment before the House.

Secondly, Sir, I wish the House to remember that in this country this custom or practice of early marriages has come down from a very long time. The hesitation of the Government so long to fix the age of marriage by law has been due unquestionably to the fact that in this

country, as everybody is aware, marriages at early ages have been common for a very long time past. When you find that these customs have come down from a very long time, when you remember that education is yet very far from being universal, that very great ignorance prevails in the land, that 90 per cent. of the people are still steeped in ignorance, when you also remember that it is the humblest classes among whom marriages at very early ages are very common and that they will be most affected by this Bill, and also that hitherto no such serious step as it is proposed to take now by this measure has ever yet been taken in any other country, then, I submit, the case for caution becomes strong. You are going to enact for the first time a penal provision in a country where these customs have prevailed for a very long time, in a country where the people are still very ignorant, where no adequate efforts have been made to educate them in the evils which flow from early consummation or early marriages, and I submit, therefore, that it is the duty of the Legislature very carefully to consider what should be the maximum age that should be prescribed in this first legislation in this direction. Now, Sir, the question before the Assembly at this moment is whether that age should be 14, or whether, as my friend Kumar Ganganand Sinha has urged, it should be 12. In favour of the lower age, I submit, in addition to the considerations which I have placed before the House, there are many others. In many other countries which are more advanced in the modern sense of the word, and which cannot be condemned by any Western writer or speaker as backward or wanting in civilization, the age of marriage fixed by law is below 14. A statement of the age of marriage which obtains in other countries is given in Appendix XB at page 343 of the Age of Consent Committee's Report. I find from it that the minimum age, subject to no exception, which is fixed in Great Britain, Greece, Hungary, Irish Free State, Italy, New Zealand, South Africa, Uruguay and Venezuela is 12 years. It has been said that, in England, there has been legislation under consideration to raise this age from 12 to some higher figure.....

**Mr. E. L. Price** (Bombay : European) : To 16.

**Pandit Madan Mohan Malaviya** : In England they are now considering raising the age from 12 to 16. But that is coming, Sir, in the year of grace 1929. Up to this time the legal age of marriage in England has stood at 12. I submit, it still stands at 12 in Greece, Hungary, Irish Free State, Italy, New Zealand, South Africa, Uruguay and Venezuela. Now, I submit, Sir, that these countries cannot be condemned as backward in civilization, and if these countries have thought it fit to keep the legal age of marriage at 12 for all these centuries, it is not an unreasonable proposition, at least an entirely unreasonable proposition to ask the Legislature of India, in view of the totality of circumstances existing in this country, to fix the age of marriage at 12 in the first instance. This does not mean, Sir, that people will be compelled or encouraged to marry at 12. It does not mean that those who have received modern education and hold advanced ideas and who marry their daughters or grand-daughters at the ages of 14, 15, 16, 17 or 18 will cease to marry them at those ages and begin to marry them at 12. It only means that those many lakhs of our humble countrymen who have been marrying their girls at 4, 5, 6, 7, 8, 9, 10 or 11 will be helped to postpone the date of marriage to 12. It means that the large number of children who are likely to suffer from marriages being contracted below the age of 12 will be saved from the evils of such marriages. It means that, for the first time, the Legislature will proclaim

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to the Indian world that no marriages should take place below the age of 12. It will, therefore, be a perfectly appropriate measure to adopt in the first instance.

I may remind the House that the British Indian Government for the first time laid down the age of 10 as the age of consent in 1860. Before 1860 there was no law made by the British Government in India prescribing the age of consent. In 1860 the age of consent was fixed at 10. 31 years after that period, the Government raised the age of consent to 12, and again after a long period, in 1925, the age of consent was raised to 13. Now, Sir, in this matter of fixing the age of marriage, the Legislature ought to follow the same cautious procedure, namely, they should not fix, what in the circumstances of the country is a high age in the first instance; they should proceed cautiously. If the Legislature will fix the age at 12 on this occasion, it does not mean that the matter cannot be considered a few years later. It can be considered later when public opinion will have been better educated, when educative propaganda will have prepared the minds of the people in a better way to understand the evils arising from early marriages. The matter can certainly be considered again, but it is important that, by this first legislation fixing the age of marriage, a shock should not be caused to large sections of the community.

It may be objected, Sir, that the age of marriage and the age of consent should not be very different. I may mention that I am in favour of the age of consent recommended by the Age of Consent Committee, that is 15 years. I will support that proposal if I am here at the time when that measure comes before the House.

The age of consent being fixed by law at 15, I submit, gives stronger reason in support of the proposal which I am at present pleading for before the House. It may be said that these ages should not be different, but that is not supported by the experience of other countries. In many countries the ages of consent are much higher than the ages of marriage. With a few exceptions, the age of consent fixed by law is everywhere higher than the age of marriage. I will mention a few instances. They are to be found at page 340 of the Report of the Age of Consent Committee. For instance, in Switzerland, the age of consent varies in different cantons from 12 to 16. In France it is 13 as it is in India; in Belgium it is 15; in Germany it is 14; in Italy it is 13 as in India; in Spain it is 12; in Sweden it is between 13 and 15; in the British Dominions, New South Wales, 17; Queensland 17, Tasmania 17, Iowa 17; Indiana 16, and so on. So we find that the ages of marriage and the ages of consent fixed by law in the different countries vary and that the age of consent is fixed at a higher figure than the age of marriage. I submit that protection is given by the existing penal legislation which relates to the age of consent, to all girls up to the age of 13, and it will be given to girls up to the age of 15 if the recommendation of the Age of Consent Committee is carried, as I have no doubt it will be carried in this House. The proposal that the age of consent should be raised affords great protection and legitimate protection to all tender girls, and that protection being provided by penal legislation, there is greater reason why the age of marriage should not be fixed at too high a figure.

Sir, there are other reasons why the age of marriage should not be fixed too high. I have mentioned what ages obtain in Europe and America and other countries. I beg now to mention that in many of the Indian States which have legislated on this subject, the age of marriage has been fixed at 12 years. You will find this in the Appendix to this Report. For instance, in Indore the age of marriage for girls is 12 years; in Kotah it is 12 years; in Mysore it is 8 years; in Baroda 12 years. In Bikaner, which is not mentioned here, but about which I have information, it is 12 years also. So that you have the States of Indore, of Kotah, of Mysore, of Baroda, and of Bikaner,—all these Indian States have fixed the age of marriage at 12.... (An Honourable Member: "Mandi".) Last year it enacted 15. Kotah has 12 years, Rajkote has enacted 15 years for females. Baroda, my Honourable friend tells me, has accepted a higher age. I am told that Baroda has not yet accepted a higher age, but that it is under consideration to raise the age above 12. I say that Baroda has acted wisely, that Indore has acted wisely, that Bikaner has acted wisely and so also Kotah, in fixing 12 years as the marriageable age in the legislation which they have passed. And this age has stood in Baroda for many years. Therefore, I submit, in view of the totality of circumstances, with these instances of so many European countries fixing the marriageable age at 12, with so many Indian States fixing the marriageable age at 12, it is not unreasonable to ask this Legislature to fix that age at 12.

There are two classes of people who will be particularly affected by this legislation. Among a number of people the age of marriage is already above 12. They will not be affected by this legislation, but there are two classes of persons who will be. The largest class which will be affected is what we describe as the depressed classes. The other large section which will be affected is the orthodox people who believe that, according to the Shastras, it is incumbent upon them to bring about the marriage of their girls before they begin to menstruate, though the period of consummation is in these cases postponed to a much later date. First, then, to take up the depressed classes. I invite the attention of the House to the statement contained at page 27 of the Age of Consent Committee's Report. In paragraph 57, the Members of the Committee say:

"According to the Census of 1921 the Chamars (depressed class) who form 1,140,000 of a total Hindu population of 9 millions, get 175 out of every 1,000 girls married before the age of 12. The Rajputs who are nearly two millions married 98 of their girls below that age. The Kumhars with a population of 574,000 married 135 girls, the Kanets married 138 girls, the Lohars 124 girls and the Julahas 121 girls below 12. The custom of early marriage is thus seen to be more largely prevalent among the menial castes than among the higher ones."

That is with regard to the Punjab. Let us see what is stated at page 33 in regard to the Delhi Province. It is said:

"The Marwaries appear to marry their girls below 12 and the Jains after 14. As regards Muslims, it seems that their girls are married at about the age of 13 or 14. The lower classes amongst them however effect child marriages which are sometimes performed at 3, 4, 7 and 8 years of age."

That is, the lower classes amongst the Mussalmans will be affected by the change. That shows what is the state of things in the Delhi Province. Let us see now what obtains in other Provinces. In Bombay it is stated at page 37:

"The age of puberty in the Presidency ranges from 12 to 15. The age is slightly lower for Gujerat and higher for Sindh, within these limits. The practice of *Anu*

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or *Garbhadhan* or *Ritu-shanti* generally prevails in many parts of the country and actual consummation is usually postponed till puberty. Among the lower castes, consummations before puberty are not however uncommon, in some castes."

So that there also it is the lower castes who are the victims of this custom to a great extent.

You have it stated at page 38, that :

"As education is spreading and social reform is making advance, the age of marriage is rising steadily."

But education is not spreading much among the lower castes. In the Deccan and Karnatak the same story is repeated. In the Deccan it is stated in paragraph 99:

"In rural areas, there has been a tendency for the age of marriage to rise. It appears that the depressed classes are the worst offenders in this respect. They marry their girls at the age of 2, 4 or 6. The backward classes in general effect the marriages of their girls before 10. For the remainder of the population, the average age of marriage is between 10 and 11, while the Indian Christians marry at about 14 or 16."

In Gujerat also we hear the same story. In paragraph 108 of the Report, the Committee say :

"These remarks apply more particularly to the town of Ahmedabad. Among them the marriage age does not appear to be below 13. Agricultural and artisan classes, Audich Brahmins, Ghanchies, Kunbis and Kolies marry early and so also do the lower classes of Muslims. The marriage age for the girls of these classes is anywhere between 4 and 10."

They tell you the reason for this. It is stated in paragraph 109 of the Report. It is this :

"If once a partner is offered and rejected, the panchayats ostracise the person rejecting and he stands the danger of having no offer at all in future. As a result he has to marry his daughter at an early age."

So, the custom is seated deep among the people. I submit that all these cases show that it is the depressed, the more humble and backward classes, of our people that suffer most from the evils of early marriage ; it is they advance the age all at one to 14 will be a very shocking legislation to them. I submit we are not justified in inflicting such a high standard at one stroke upon those classes who have not received any education, and who are still under the governance of their caste panchayats. If we have any real sympathy with these classes we ought to proceed slowly. I am not suggesting that we should encourage them to continue marrying early. I am only pointing out that, situated as these people are, it will only be a merciful consideration to them if, in their case, the marriage age is not fixed beyond 12, at least in the first instance.

The other classes of persons who will be affected by the proposed legislation are the orthodox people, the higher caste Hindus particularly in Madras and Bengal. Now, an important fact to remember in the case of Madras particularly is that which is recorded on page 53 of the Report. The Committee say that :

"Madras is one of the provinces in which the custom of early marriage is least prevalent, a fact which may cause considerable surprise to those who have been impressed by the volume of the opposition proceeding from that part."

That applies not merely to the Brahmins and Kshatriyas, but also to the humbler classes or castes as they are unfortunately called. Even among them early marriages are seldom heard of before the age of 10. So that Madras stands in the for-

tunate position of not being much afflicted by the evil of marriages being celebrated of girls below ten. We find there the orthodox people also following the practice of marrying their girls before the age of puberty which sets in in some cases in the twelfth year and in the largest number of cases after 12. In only 12 per cent. of cases according to an Appendix given in this Report do girls menstruate before the period of 12. In 88 per cent. of cases they menstruate after the age of 12, some in the 13th, some in the 14th and some in the 15th and some even in the 16th year. The Brahmins, the orthodox people and the higher castes, including non-Brahmins also, marry their daughters just before the age of puberty, between the ages of 10 and 12. Now, this practice has not been productive of those evil results which we all deplore in the case of marriages of tender girls in other provinces. In Madras, though the marriage ceremony is celebrated at the ages of 11, 12 and 13, the actual *gauna*, when the wife goes to live with the husband, is postponed to the age of 15 or 16. That is why, though the custom of marriages before puberty is said to prevail in Madras almost universally, the evil results of early marriages have been largely absent from the Presidency of Madras. I will read one passage in this connection. It is on page 56 of the Report. It shows what is claimed, and rightly claimed, for this custom, which obtains in Madras under which the marriage takes place before puberty, but the actual living of the husband and the wife together is postponed for a period of 3 or 5 years in some cases. Diwan Bahadur T. R. Ramachandra Aiyar, of the Madras Bar, says :

"In the case of Brahmins, from time immemorial, for the past thousand years, marriages have continued to take place before puberty and consummations after puberty, and the Brahmin community is physically, morally, intellectually and spiritually as good as, if not better than, any other community."

That is a point which the Madras orthodox community press upon the attention of this House. I submit that you have to take into account the custom which has come down among them from a long time. Every system has its advantages and disadvantages. The system of late marriages prevalent in Europe and America has some advantages, but no Member sitting in this House will deny that it has its disadvantages also, which are pressing themselves more and more upon the attention of parents and guardians, of the manhood and womanhood of those countries. I think most Members of the House are aware that the disadvantages are pressing themselves very hard upon the attention of speakers, philosophers, doctors and other persons in those countries. Therefore it would not be wrong on the part of this Assembly if it hastens slowly and legislates cautiously.

If it will allow this custom of marriages about or after the age of twelve to continue and raise the age of consent to fifteen, that would afford a very solid, very substantial, very real protection to girls of tender age; but if marriages after twelve are not banned, if marriages are allowed to take place after twelve, it will enable those who believe in this custom which has come down for ages that girls should be married about the time that they attain puberty, to continue this custom with its concomitant, the postponement of the actual period of consummation for three or five years,—it will enable them to live under the custom and to continue to gain all the advantages which for ages have accrued from them. I venture to think, Sir, that if this House will consider the matter in the cold light of reason, without undue passion or feeling, it will recognise

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that this custom of marriages about the period of puberty, with the concomitant of the period of consummation being delayed for three or five years, has also a great deal to be said in its favour. I am sure all my European friends and all my Indian friends who have lived in this country are aware that, under this custom that has prevailed in Madras and in several other parts of the country, we have not had the worst evils of early marriages to complain of. I do not claim that there have been no cases of departure from the correct rule, because lapses from the right rule occur in every country, and every reasonable man will make allowance for them. But I claim with great respect and humility that this custom of marriages taking place about twelve and the *gauna* taking place at fifteen or sixteen has had its good side, that morality has not been adversely affected by it, but on the contrary has reached a high degree, that the happiness of the people, according to the experience of those who have lived under it, on the whole has been as great if not greater than under the system under which marriages take place late. I submit therefore that in their case also it is not unreasonable to ask the Legislature to show consideration for their feelings.

I also submit, Sir, that the amendment I support is prompted by an earnest desire to see that the reform which this legislation aims at should succeed. No one will dispute that for the success of such a measure carrying penal consequences with it the greatest amount of co-operation and public support is needed. I think most of my friends here will agree with me that this legislation will either be worked rigidly or will not be worked. If it is enforced rigidly, it will lead to much evil in many cases, and people will be unwilling to start prosecutions and to support them. It will be likely therefore by its very severity to fail in its object. If on the other hand the age is fixed at twelve and if the people's sympathies are enlisted, the largest measure of co-operation is likely to be secured by the educative propaganda, which the Age of Consent Committee have recommended and which I very strongly support, to be carried on throughout the country, through the panchayats and other bodies for educating the people in the evils of the present system. If we shall ask them to operate in popularising a moderate measure, the chances are that we shall get the largest measure of co-operation from the public. I submit, Sir, marriageable age to the extent that is desired, but if the age is fixed at fourteen, and if a man, because he has married or allowed his son or grandson who has officiated at such a marriage, are to be prosecuted and imprisoned or fined, then the result will be that there will be a very strong agitation against the measure; and, Sir, as often happens in such cases, those who will oppose the measure will probably get more support than those who will be in favour of it. In the result, in many places it will be urged that the Legislature and the Government had interfered with the personal law of the people by this legislation. It is not a question in a case like this of a majority of people holding one view and a minority holding another view: it is a question of a personal law. If I have inherited a personal law, I am entitled not only under this Government but under all civilised Governments to be protected in the exercise of my personal law so long as it does not offend against morality, and I submit therefore that, even if

there is a large volume of public opinion in favour of the higher age of fourteen, or even of fifteen or sixteen, which some of my friends have advocated, the Legislature will not be right in the existing circumstances in laying down that age of fourteen or any higher age as the age below which a marriage will carry penal consequences. I submit, the Legislature is only justified in fixing such an age as is likely to meet with general support. We should also remember that this is not the last time that the Legislature is asked to deal with a social question like this. The Legislature, I expect, will be enlarged, and will be much more representative of the people than it is today when the further reforms come into effect a year hence or so. That Legislature which will represent all classes and communities of the people in a larger measure than this Legislature does, will be better able to take up a question like this and to amend the Act if the united sense of the representatives of the people leads them to think that it should be amended. Two years or four years or six years is not a long period in the history of a country. While we secure protection to children up to the age of twelve, the question of raising the age above twelve can, I submit, with reason be left to the discretion and sense of duty of the Legislature which will succeed this Legislature. I therefore think, Sir, that no wrong will accrue even to the cause of social reform. On the contrary, the cause of social reform stands to gain by public sympathy, by the sympathy of the largest number of people being secured in favour of this reform. That sympathy is much more likely to be secured if the age of twelve is substituted for the age of fourteen in the section which we are discussing, and for that reason I very strongly urge that the amendment of my Honourable friend Kumar Ganganand Sinha should be accepted.

Now along with this the only other matter to which I have invited attention is the need of a large measure of education. So long as the people remain steeped in ignorance as they are at present, to inflict a measure like this upon them—I submit it will be nothing but an infliction—will certainly give rise to strong feelings, and we ought to place ourselves, the Members of this Assembly, in the position of the men who will be affected by it. I have mentioned two classes, Sir, the orthodox class and the backward classes. Among the orthodox class the feeling is strong that their personal law is being interfered with. That feeling will rankle in their minds.

They will carry on agitation against it and we should not treat that agitation lightly. It is not given to any Member representing a popular constituency to say that he does not care what opinions they entertain. If he thinks so, he had better sit at home and not undertake to represent the people. Those who have undertaken to represent the people have to remember that, among those whom they represent, there are various classes and grades of people, at different stages of progress, and they ought to be tender in considering the sentiments of them all. Those who hold the orthodox belief are as genuine, as honest, as sincere, as any Member of this Assembly. We have no right to disregard their personal feelings and opinions. Those who are in the backward classes are in a much more pitiable condition. They have not received the benefit of education. To a very large extent they live in an unprotected state of society. Their rights are at present disregarded; in fact, they are supposed to possess very few rights. Therefore, if they have, according to a custom which has come down from ages, married their girls at tender ages for reasons

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which have commended themselves best to their communities, I submit that, while we are justified in asking them to raise the marriage age to a certain standard, we are not justified in proposing too high a step. It will be a very difficult thing for them to accept that high standard at once. And, Sir, bearing in mind the circumstances which exist in the country, the absence of a birth register for a number of years, the finding out of the ages of the girls will be a matter of great difficulty. The Age of Consent Committee also draw attention to this fact. In paragraph 44, page 20, they say :

"The difficulty in ascertaining the age of the girl is another impediment to the efficient working of the law. Excepting the literate classes, few people can give the correct age of the girl; and when cases come to court, the oral evidence of the witnesses regarding age is likely to be uncertain. The registration of births, excepting in a few places, is defective, particularly in rural areas. It is not certain that all births are registered; the name of the child does not appear in the register; and there is no sequence of birth given regarding the particular child entered therein. All these things tend to make the ascertainment of the age of the child difficult and uncertain. No doubt, medical evidence and X-ray apparatus may help to overcome these difficulties, but doctors often differ."

They speak of the X-ray apparatus being resorted to, but even this apparatus, should the Court think it fit to subject a girl to it, does not ensure a determination of the exact age.

Now, Sir, I submit that, in view of these difficulties, a law like this which makes it penal for anybody to marry before the age fixed by law, will be very hard in its operation if it is put into effect. On the other hand, if the public sympathy is ensured and enlisted, it will be quite easy, in the course of the next few years, to get the ideas established in the minds of the people that marriages up to the age of 12 are prohibited, and that girls should not be married until they have completed their twelfth year. This, I submit, will be a great advance, and in the totality of the circumstances existing in this country, I very earnestly commend the amendment of my friend to the Members of this Assembly.

**The Honourable Sir James Crerar** (Home Member) : Sir, I propose to say only a very few words at this juncture in the debate in order very concisely to explain why the Government support the age proposed in the Bill. It will, of course, be quite apparent, and that obvious fact has been reflected in the discussions on this clause, that the age fixed in the Bill is a matter of the most vital importance to the Bill. The age adopted by the Select Committee was adopted after very careful consideration. Honourable Members will observe that in the Report of the Select Committee the matter was dealt with in the following terms :

"For girls we considered the ages of eleven, twelve and fourteen, and finally, came to the conclusion that we should adopt the age of fourteen. We recognise that these ages will be regarded by many people, whose opinion is entitled to great weight, as being too high; but we also recognise that there is a strong body of opinion, particularly among those who advocate social reform, which will not willingly accept any lower age."

That opinion was confirmed in stronger words in the Report of the second Select Committee which said :

"The Committee, however, were emphatically of opinion that any such reduction would nullify the whole object of the Bill."

The same views have been strongly expressed in the report of the Age of Consent Committee after a very careful examination of the whole question.

Now, Sir, the case for reducing the age from that proposed in the Bill could not, I think, have been more persuasively or more powerfully argued than it has been argued by Pandit Madan Mohan Malaviya. I cannot follow the Honourable Pandit in his comprehensive and learned argument, and I propose to deal only with a few points which seem to me to be the salient points. The Honourable Pandit emphasised very strongly that when, for the first time, you introduce penal legislation for a thing which hitherto has been exempt from penal legislation, very great caution is necessary. Now, I submit that a very great deal of caution has been exercised in the preliminary point of the age proposed in the Bill. The Honourable Pandit, with justification, emphasised the necessity for caution for not making too precipitate an advance. That has been recognised and not only in respect of the age. I would invite the attention of the House to the fact that this consideration has been given full effect to in the nature of the penalties proposed. It has been given effect to in such provisions as that in the case of a fine inflicted under clause 3 of the Bill, the Court shall not be empowered to impose imprisonment as an alternative penalty. In particular, it has been recognised in the careful provisions regarding the jurisdiction of the Courts which shall have power to deal with these cases. It has been recognised in the very strict provision for preliminary inquiry, and so forth. The Criticism has, indeed, been made in many quarters that these safeguards are so extreme that they will go a great way to make the Bill ineffective. I am not prepared to accept that conclusion myself, but I do think it is a very strong indication that the Honourable Pandit's point for the necessity of caution in the introduction of penal legislation has been very fully considered and been very effectively carried out. (Applause.) Another point on which the Honourable Pandit laid emphasis was the long intervals at which the age of consent has been modified in the Indian Penal Code, from 1860 to 1925. That, Sir, is perfectly true. It is perfectly true and I think the Honourable and learned Pandit is aware that that very fact has been the ground of very strong attacks upon the Government. I, myself, have been an advocate, and incurred much criticism therefor, of caution. But I do not think that, having regard to the present state of public opinion in India—I do not suppose the Honourable Pandit himself would argue that—the long intervals which have occurred in the past ought in future to be interposed between the various stages of the promotion of social reform by legislation. I would suggest,—it is at any rate my own view of the matter,—that, even in the course of the last four or five years, there has been so material a change in public opinion, so great an awakening of the public conscience in these matters, that, realising as we must, that in order to bring legislation of this kind into full practical effect, there must be a large body of public opinion behind it—I would suggest that during the last four or five years, there has been a sufficient awakening of the public conscience, a sufficient advance in public opinion to justify the Honourable Mover of this Bill in asking the House to accept his proposed legislation. I do not desire to detain the House at any further length. The issues which have been raised on this particular point of the age to be accepted in the Bill have been discussed at very great length, and I restrict myself,



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as I say, to touching on only one or two salient points which persuade me at any rate that it would be unwise to change the quite avowed compromise which finds its place in the Bill as it stands.

Several Honourable Members : The question may be now put.

Mr. President : The question is :

"That the question be now put".

The motion was adopted.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, I should like to say a few words in reply. If you think it is not necessary, I shall sit down.

Mr. President : The Honourable Member is entitled to say whether he supports the amendments or opposes them.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : What becomes of my amendment ? I support it.

Rai Sahib Harbilas Sarda : I am opposing all the amendments. While I appreciate the motives, which the Honourable Members who have tabled these amendments have in their minds, while I am perfectly convinced that they think that it is in the best interests of the community that they propose these amendments, I am very sorry that I am unable to accept any of these amendments.

Mr. President : The question is :

"In clause 2 (a), for the word 'fourteen' the word 'eleven' be substituted".

The Assembly divided :

AYES—2.

Ayyangar, Mr. M. S. Sesha.

Dutt, Mr. Amar Nath.

NOES—72.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Haye, Mr.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghanshyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chaman Lall, Diwan.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Iyengar, Mr. A. Rangaswami.  
Jamnadass, Seth.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Jogiah, Mr. V. V.  
Keane, Mr. M.  
Kelkar, Mr. N. C.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.

Lalchand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jamnadas, M.  
Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Mitra, The Honourable Sir Bhupendra Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.  
Moonje, Dr. B. S.  
Mukharji, Rai Bahadur A. K.  
Mukhtar Singh, Mr.  
Mulla, Dr. D. F.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rao, Mr. G. Sarvotham.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarua, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Mr. Gaya Prasad.

NOES 72—contd.

Singh, Mr. Narayan Prasad.  
Singh, Rai Bahadur S. N.  
Sinha, Mr. Siddheswar Prasad.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.

Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

The motion was negatived.

Mr. President : The question is :

"That in clause 2 (a) of the Bill for the word 'fourteen' the word 'twelve' be substituted".

1 P.M.

The Assembly divided :

AYES—19.

Acharya, Mr. M. K.  
Ayyangar, Mr. M. S. Sesha.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Ghuznavi, Mr. A. H.  
Jamnadass, Seth.  
Jogiah, Mr. V. V.  
Kelkar, Mr. N. C.  
Labiri Chaudhury, Mr. D. K.

Malaviya, Pandit Madan Mohan.  
Misra, Mr. Dwarka Prasad.  
Mohammad Ismail Khan, Haji  
Chaudhury.  
Moonje, Dr. B. S.  
Naidu, Mr. B. P.  
Neogy, Mr. K. C.  
Singh, Mr. Gaya Prasad.  
Sinha, Kumar Gangnand.  
Sinha, Mr. Rajivaraian Prasad.

NOES—68.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Haye, Mr.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghanshyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chaman Lall, Diwan.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Iyengar, Mr. A. Rangaswami.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Kartar Singh, Sardar.  
Keane, Mr. M.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lalchand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jamnadas M.  
Mitra, Mr. S. C.

Mitra, The Honourable Sir Bhupendra Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.  
Mukharji, Rai Bahadur A. K.  
Mukhtar Singh, Mr.  
Mulla, Mr. D. F.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rao, Mr. G. Sarvotham.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarua, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Mr. Narayan Prasad.  
Singh, Rai Bahadur S. N.  
Sinha, Mr. Siddheswar Prasad.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

The motion was negatived.

Mr. President : The question is :

"That in clause 2 (a) of the Bill, for the word 'fourteen' the word 'thirteen' be substituted."

The motion was negatived.

1056

LEGISLATIVE ASSEMBLY.

[18TH SEPT. 1929.]

**Mr. President :** The question is :

“ That in clause 2 (a) of the Bill, for the word ‘ fourteen ’ the word ‘ sixteen ’ be substituted ”.

The motion was negatived.

**Mr. President :** We now come back to the original motion. The question is :

“ That clause 2 stand part of the Bill ”.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I beg to move the following amendment :

“ That for sub-clause (b) of clause 2 of the Bill the following be substituted :  
‘ child marriage ’ means the lawful living together under some recognised ceremony or declaration, as man and wife of parties of whom either is a ‘ child ’, but does not include the marriage sacrament as distinct from consummation of a girl not under ten years of age ’.”

I consider it may duty to place this definitely before the House. The House has just accepted the age of fourteen as the minimum statutory age of marriage and I consider that it is the duty of this House to define what exactly is meant by marriage, because whatever may be the case in other countries, here we do understand the word marriage in more senses than one. In the Madras Presidency to which I have the honour to belong, we generally, especially the Hindus, mean by the word marriage what we call in Sanskrit the *Vivaha Samskara* or the sacrament of marriage, and the marriage is not followed by consummation for a number of years. Therefore it would be quite open to say that a girl is married or had her marriage performed at 12 or 13 ; while another may say that the girl was not married at 12 or 13, but only had her marriage sacrament or *Vivaha Samskara* performed at that age. Therefore, Sir, instead of going to the law courts, and leaving it to the Judge to decide what the meaning of marriage is, I think it is better to decide here once and for all what marriage means ; and my own humble submission is that marriage means some ceremony on or immediately after that date leading to the lawful living together as man and wife of parties either of whom is a child, but should not include the marriage sacrament as distinct from consummation ; and if that be so defined I would submit that marriage sacrament as a sacrament must be exempted ; and my submission is for two reasons : firstly, and I attach the greatest weight to that reason and I beg of all Honourable Members of this House to give their most serious consideration to it, this House has no right, this Government has no right, absolutely no right whatever to interfere in the religious sacrament of any class of His Majesty's subjects ; the sacrament may be sane or insane according to the view of some ; but in the sacramental portion of it, in the religious portion of it, neither Government nor this House has any right to interfere ; and if I or the community to which I belong are so stupid as to follow a bad custom, it is open to others to go and persuade us to go back on it ; but this House and the Government cannot legislatively, through a penal law, tell that community that they have no right to follow a certain sacrament. That, Sir, is my first and strongest reason, that this Government or this House has no right to interfere with a purely religious sacramental portion of marriage as performed by a Muhammadan, Hindu, Christian or any other subject of His Majesty. Secondly, on what I call the rational ground, even if this Government or this House had the right, which they

**Mr. Amar Nath Dutt :** The Punjab Government has said.....  
(Interruptions from Honourable Members). I belong to the same province to which the Honourable Advocate General belongs, and if I have not got the same amount of courage and grit as he has, at least I can follow in his footsteps and ignore these interruptions. Sir, what objection can there be to an amendment like this I fail to understand, unless as I have said, people are swayed away by feelings of their own importance ; and I think in a House like this, where reason is not always.....

**Mr. President :** Order, order : I cannot allow the Honourable Member to cast aspersions on the House.

**Mr. Amar Nath Dutt :** In a House like this I do not wish to say more than this, that I think my amendment will commend itself to the approval of all reasonable men.

**The Revd. J. C. Chatterjee** (Nominated : Indian Christians) : After listening to the trend of the debate, I am convinced that the moving of my amendment\* will not be in the national interests and so I request your leave not to move it.

**Mr. President :** No leave is necessary : the Honourable Member need not move his amendment.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : On a point of order, may I ask, if Mr. Chatterjee does not move his amendment which is similar to Mr. Kelkar's amendment No. 5, what will be the effect on Mr. Kelkar's amendment ? Will he be entitled to move it or not ?

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural) : The amendment which I wish to move runs as follows :

“ That in sub-clause (3) of clause 1 of the Bill, for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1932 ’ be substituted.”

The House will see that I desire that the people of the country should be given a sufficient period of time to understand the provisions of this Bill. It has been stated in this House more than once that ours is a very large country, that there are more than thirty crores of people in it, and that there are people of various opinions. Most of them, at least ninety per cent. of them, are absolutely illiterate. It is necessary to give the people sufficient time to be acquainted with the provisions of this penal measure. We are legislating here for people who include hill tribes and men who scarcely ever come to towns. It is for people of all grades that we are legislating, and therefore I do not think that a period of two years will be long enough, and therefore I request that there should be no hurry in enforcing this penal measure. I know that some of my friends are in a great hurry to enforce this measure all at once, but I think that they should be satisfied when this Bill passes into law and they should give reasonable time to people to get acquainted with the provisions of this measure. I do not think that a longer or more elaborate argument is necessary in support of such a simple proposition as I am placing before this House.

\* “ That in sub-clause (3) of clause 1 of the Bill, for the words and figures ‘ the 1st day of April 1930 ’, the words and figures ‘ the 1st day of January 1931 ’ be substituted.”

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural) : I do not believe that there is any sense in this amendment simply because my Honourable friend says that he is representing the hill tribes in this Assembly ; he represents a constituency.....

**Mr. President** : Order, order : what is the Honourable Member doing ?

**Mr. K. Ahmed** : I am making a speech on the amendment moved, Sir.

**Mr. President** : He is not in order in making a speech unless he has been called on to do so ; he is now a Front Bencher and ought to behave himself.

**Mr. N. C. Kelkar** (Bombay Central Division: Non-Muhammadan Rural) : Sir, I move:

“ That in sub-clause (3) of clause 1 of the Bill for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1931 ’ be substituted.”

My friend, Mr. Belvi has already moved his amendment to prolong the date of operation of this Bill to 1932. He is of course reasonable, but I think I am more reasonable still. A witty friend of mine has described my amendment as a measure of matrimonial moratorium. But I think that there is more of alliteration than of truth in it. But even supposing that it is a kind of moratorium, I think that it is necessary for saving the credit of all concerned—of those who have supported the Bill, and those that have almost come to bankruptcy by having their efforts to get useful amendments made defeated, and also in the interests of the Government, because they have already drawn a very large draft upon their credit with the people by trying to thrust this penal legislation upon them. So I say that, in the interests of all concerned, this little moratorium is necessary. But I think I have got other very good grounds for moving this amendment. In the first place it is a golden mean between two opposite extremes : on the one hand we have here Mr. Sesha Ayyangar who is going to move that the date of operation of this Bill be postponed to 1933 ; and on the other hand I know of certain friends of mine who are so impatient over this Bill that they would like to support the Governor General if he would issue an ordinance and bring the Bill into operation as soon as it is passed here—they are impatient even over the little delay that is provided for in the Bill.

But, Sir, there is another reason of mine for this amendment and that is simply an arithmetical reason. If you look to clause 1 of this Bill as passed by the Select Committee, we find the first section reads :

“ This Act may be called the Child Marriage Restraint Act, 1928.”

And the same Select Committee says that it shall come into force on the first day of April 1930. That means that the Select Committee with its own hands is giving a saving period of fifteen months for the operation of the Bill before the Act comes into operation ; and in my amendment I think I am asking for precisely the same period of delay and nothing more. What I am doing is no more than what the Select Committee at one time did intend. This House has, through the proceedings on the Bill, affected and even professed to treat the Select Committee Report as sacrosanct ; and I hope that in this matter at any rate they will treat that Report as sacred and not interfere with its intentions as I have just expressed them, namely, that of giving a period of fifteen months at least before this Act comes into operation.

[Mr. N. C. Kelkar.]

is on the occasion of the Census. Of course, the census will be coming a month or two later than January 31st, but I hope, if I put it to Government, it will be relevant that they will take that occasion to instruct each enumerator to tell each one of the members of the family, when he is going to take the enumeration details from the people in the country, that such and such an Act has been passed already and that they should beware how they contract the marriages of their daughters and sons thereafter. All this knowledge is necessary for the public and for the masses especially in the mofussil, because no one knows what the attitude of the Government and the law courts will be if this Bill is passed and put into operation immediately. There may be judges who may take the view that, once they begin with deterrent punishment, it will be half the battle won. Others may take the view that the law courts may begin with administering the Act in a gentle manner, but the Government have so far expressed no opinion as to what their policy will be in the matter. Therefore, I may assume the worst, and assuming the worst I must say that these 15 months are absolutely necessary for the contents of this Bill to filter down to the masses. For these reasons I say that this amendment should be supported whole-heartedly so that the masses might know all about the provisions of this Bill.

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I beg to move:

“ That in clause 1, sub-clause (3) for the figures ‘ 1930 ’ the figures ‘ 1933 ’ be substituted.”

I hope, I am not less reasonable than my friends Messrs. Belvi and Kelkar. There is another ground, in addition to the one urged by the previous speakers, in favour of this amendment. I may bring to the notice of the House that, when the Bill was introduced in 1927, the figure “ 1930 ” was inserted in this clause, thereby it can be clearly understood that the Honourable the Mover was really serious in giving at least three years’ time for the Bill to become law after it had been passed.....

**Mr. President** : He thought it would take three years to pass the Bill !

**Mr. M. S. Sesha Ayyangar** : I am only adding three years from now and put it as 1933 ; and I adopt also the arguments of my friends Messrs. Belvi and Kelkar. I would also add to them by saying that the principles underlying this Bill, the drastic provisions contained in the Bill and the penalties imposed by the Bill, are so very comprehensive that really three years’ time and somewhat more than that will be necessary for the people to make themselves familiar with the provisions of this Bill so that no one in this country may be taken unawares when this Bill becomes operative. Therefore, I beg to move the amendment.

**Mr. Amar Nath Dutt** : May I move my amendment, Sir ?

**Mr. President** : Is there any amendment ?

**Mr. Amar Nath Dutt** : Yes, Sir ; the last one.

**Mr. President** : That is not on this subject. The question is :

“ That in clause 1 (3) for the figures ‘ 1930 ’ the figures ‘ 1933 ’ be substituted.”

The motion was negatived.

## THE HINDU CHILD MARRIAGE BILL.

1243

Now, it may be said that the public has had notice owing to the fact that this Bill was hanging fire for the last fifteen months ; but, Sir, I must say that notice of the Bill is not notice of the Act, if I may use a somewhat legal phrase ; and there is very good reason for my saying so. It is not only technically that I am saying it, but there is a very good reason for it. For one year no doubt the people have known that the Sarda Bill was before the Assembly, but people have got a very good idea as to what chances there are for private Bills in this House, and therefore when they came to know simply that there was such a Bill before the Assembly, they did not like to take it very seriously ; and if I may put it perhaps more plainly, I must say that my friend, Rai Sahib Harbilas Sarda would have had absolutely no chance of carrying this Bill through if Government had not come to his help and rescue and given him the grace of the necessary days for piloting the Bill through the House.

Now, something has thus happened which is absolutely unprecedented. And how can we expect the people to credit the Government with these intentions to help Mr. Sarda in this matter over this Bill ? They usually suppose or are under the impression that there is absolutely no chance for any lengthy private Bills in this House, and they might have therefore easily rested on their oars, expecting all along that such a lengthy and contested Bill could not be passed in the Assembly with one or two days at best that might be otherwise devoted to it. Therefore, again I say that the notice of this Bill is certainly not the notice of the Act.

Then, looking at it from another point of view, after all, what will be lost if we give the people one year or 15 months to reconcile themselves to the new situation that is created by the Bill ? A lot of propaganda, it is admitted on all hands, will have to be done before people even know that such an Act has come into being and that they must obey the Act. Primarily, I think it is the duty of this Government to carry on all the necessary propaganda for allowing this Bill to filter down to the lowest masses, and I should certainly feel thankful if Government would do for this Bill at least as much propaganda as they did for securing the War Loan. I do expect that they will do even a little more propaganda for this Bill among the masses than they did at the time of securing the War Loan, because certainly this Bill is more important to the public than the War Loan for which they did a good deal of propaganda. Now, what is the ordinary procedure by which people come to know of the Bills that are passed in the Legislature ? These are published in the Government Gazettes. How many people are there in this country who read the Government Gazettes and who can understand the vernacular translation that is made of these Acts in the Government Gazettes ? After all, they have got to go to their own friends and relations to understand what is passing in the country and what is happening in the country, and it is not through the Government Gazette, but through their own friends and relatives, that people will ultimately, in the mofussil at any rate, come to know that such an Act has been passed, and that its penal provisions are so and so and so. Therefore, I say that here is an instance in which very great propaganda is needed, and in the first instance it will be the duty of the Government to carry on this propaganda very effectively so as to educate the people properly. Though I am suggesting the 1st of January 1931, I may in passing refer to one great opportunity which Government will be getting for making this propaganda, and that

L16CPB(LA)

- (d) whether Government are prepared now to issue orders extending the benefit to Circle Offices and the Dead Letter Offices under Fundamental Rule 27 with retrospective effect as was done in the case of their co-workers in the Traffic Branches ?

Mr. P. G. Rogers : (a) Yes.

(b), (c) and (d). An inquiry will be made and the result will be communicated to the Honourable Member in due course.

## BURIAL OF A MOSLEM WATER CARRIER FROM THE NEW DELHI COMBINED HOSPITAL.

199. Mr. Abdul Haye : (a) Is it a fact that a Moslem water carrier, an employee of the New Delhi Gymkhana, was admitted as an indoor patient in the New Delhi Combined Hospital in June last where he died, and that no arrangements for his burial were made for two days ?

(b) Is it a fact that, during this period, several co-religionists of the deceased approached the Hospital authorities and asked for the dead body but the same was not delivered for two days ?

(c) Will Government please state who was responsible for this delay in the disposal of the dead body ?

(d) Is it a fact that there is no Moslem doctor in this Hospital ?

Sir Frank Noyce : (a) A Moslem water carrier in the service of the Imperial Delhi Gymkhana Club died on the morning of the 4th June, 1929, in the New Delhi Hospital. It is not a fact that no arrangements were made for his burial for two days. The body was buried at Government expense within 28 hours of death, as neither the Club nor certain co-religionists who had asked to be allowed to make arrangements for burial, did so in time.

(b) No. The co-religionists who offered to bury the body were given permission, but failed to make arrangements.

(c) The answer is apparent from the reply given to parts (a) and (b) of the question.

(d) Yes.

## PROPORTION OF MUSLIM OFFICERS EMPLOYED IN CLASS I RAILWAYS.

200. Mr. Abdul Haye : (a) Are Government aware that on 1st April, 1928, the proportion of Muslim officers to the total number of officers employed in Class I Railways was only 3 per cent. ?

(b) Is it a fact that in the year 1927-28, 96 vacancies of officers were filled on Class I Railways and only 3 of them were given to Muslims as brought out in the statement at page 60 of Railway Board Report on Indian Railways, Volume I ?

(c) Are Government aware that, out of 75 officers attached to the Agency Departments of Class I Railways, there are only two Muslims ?

(d) Are Government aware that in the year 1927-28 the proportion of Muslim officers to the total number of the officers on the Great Indian Peninsula Railway was reduced from 2.4 to 1.6 per cent. ?

L16CPB(LA)

22

Now, it may be said that the public has had notice owing to the fact that this Bill was hanging fire for the last fifteen months ; but, Sir, I must say that notice of the Bill is not notice of the Act, if I may use a somewhat legal phrase ; and there is very good reason for my saying so. It is not only technically that I am saying it, but there is a very good reason for it. For one year no doubt the people have known that the Sarda Bill was before the Assembly, but people have got a very good idea as to what chances there are for private Bills in this House, and therefore when they came to know simply that there was such a Bill before the Assembly, they did not like to take it very seriously ; and if I may put it perhaps more plainly, I must say that my friend, Rai Sahib Harbilas Sarda would have had absolutely no chance of carrying this Bill through if Government had not come to his help and rescue and given him the grace of the necessary days for piloting the Bill through the House.

Now, something has thus happened which is absolutely unprecedented. And how can we expect the people to credit the Government with these intentions to help Mr. Sarda in this matter over this Bill ? They usually suppose or are under the impression that there is absolutely no chance for any lengthy private Bills in this House, and they might have therefore easily rested on their oars, expecting all along that such a lengthy and contested Bill could not be passed in the Assembly with one or two days at best that might be otherwise devoted to it. Therefore, again I say that the notice of this Bill is certainly not the notice of the Act.

Then, looking at it from another point of view, after all, what will be lost if we give the people one year or 15 months to reconcile themselves to the new situation that is created by the Bill ? A lot of propaganda, it is admitted on all hands, will have to be done before people even know that such an Act has come into being and that they must obey the Act. Primarily, I think it is the duty of this Government to carry on all the necessary propaganda for allowing this Bill to filter down to the lowest masses, and I should certainly feel thankful if Government would do for this Bill at least as much propaganda as they did for securing the War Loan. I do expect that they will do even a little more propaganda for this Bill among the masses than they did at the time of securing the War Loan, because certainly this Bill is more important to the public than the War Loan for which they did a good deal of propaganda. Now, what is the ordinary procedure by which people come to know of the Bills that are passed in the Legislature ? These are published in the Government Gazettes. How many people are there in this country who read the Government Gazettes and who can understand the vernacular translation that is made of these Acts in the Government Gazettes ? After all, they have got to go to their own friends and relations to understand what is passing in the country and what is happening in the country, and it is not through the Government Gazette, but through their own friends and relatives, that people will ultimately, in the mofussil at any rate, come to know that such an Act has been passed, and that its penal provisions are so and so and so and so. Therefore, I say that here is an instance in which very great propaganda is needed, and in the first instance it will be the duty of the Government to carry on this propaganda very effectively so as to educate the people properly. Though I am suggesting the 1st of January 1931, I may in passing refer to one great opportunity which Government will be getting for making this propaganda, and that

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**Mr. President :** The House will now resume discussion of clause 1 of the Child Marriage Bill.

The question is :

“ That clause 1 stand part of the Bill.”

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural) : Sir, the amendment which I have the honour to move runs as follows :

“ That in sub-clause (3) of clause 1 of the Bill for the words and figures “ the 1st day of April 1930 ” the following be substituted :

“ such day as the Local Government of a Province or Presidency, with the approval of the majority of the elected Members of the Local Council may determine, and in case of centrally administered area, the Governor General with the approval of the elected Members of the Council of State and the Legislative Assembly may determine ”.

It would not have been necessary for me to make any speech on this amendment, had it not been that the House has been carried away by its reforming zeal. Be that as it may, I feel it my duty to move this amendment which will at once show to the people at large and also to the world whether certain people or a certain section of the people want legislation in this matter or not. There are various opinions about this Bill and the Bill as passed has hardly even satisfied the zealous supporters of social reform. A handful of men and the heterogeneous representatives of the various sections of our community think that they have a right.....

**Mr. President :** Order, order. I am afraid I cannot allow the Honourable Member to go into the merits of the Bill. The Honourable Member must confine himself to the amendment before the House, which is that if the Bill is passed, it should come into operation under certain conditions. The Honourable Member cannot go into the question whether the Bill should be passed or not.

**Mr. Amar Nath Dutt :** I am not going into that question, Sir. I am going into the question whether the several provinces of this vast country should have one law ; because we have the opinion of at least one Provincial Government that conditions vary in different parts of the country. In fact India is a vast continent, almost the size of Europe, excluding Russia. If that is so, I think no one here, at least none of my Honourable friends who come from across the seas, will ever think that they can have one law for the whole of Europe. As I have said before, owing to climatic variations and other conditions in India, puberty in different provinces appears at different ages. It has been admitted that this Bill is mainly aimed against pre-puberty marriages. We are not concerned with that, but as I have submitted, conditions vary in different parts of the country and that being so, it would be better if we leave it to the consideration of the people of those particular provinces and the views set forth by the elected Members of their Legislatures. I think no reasonable men can object to this unless they think that they are a superior body of men with superior heads on their shoulders and also a superior right to coerce people of the various provinces. Sir, in this view I am backed by the opinion of certain Provincial Governments. (An Honourable Member : “ No ”) Punjab, if you care to read the Report.....

**An Honourable Member :** What about the Punjab ?

( 1240 )

[18TH SEPT. 1929.]

**Mr. President :** The question is :

“ That in clause 2 (a) of the Bill, for the word ‘ fourteen ’ the word ‘ sixteen ’ be substituted ”.

The motion was negatived.

**Mr. President :** We now come back to the original motion. The question is :

“ That clause 2 stand part of the Bill ”.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I beg to move the following amendment :

“ That for sub-clause (b) of clause 2 of the Bill the following be substituted :

‘ child marriage ’ means the lawful living together under some recognised ceremony or declaration, as man and wife of parties of whom either is a ‘ child ’, but does not include the marriage sacrament as distinct from consummation of a girl not under ten years of age ’.”

‘ I consider it may duty to place this definitely before the House. The House has just accepted the age of fourteen as the minimum statutory age of marriage and I consider that it is the duty of this House to define what exactly is meant by marriage, because whatever may be the case in other countries, here we do understand the word marriage in more senses than one. In the Madras Presidency to which I have the honour to belong, we generally, especially the Hindus, mean by the honour to what we call in Sanskrit the *Vivaha Samskara* or the word marriage marriage, and the marriage is not followed by consummation for a number of years. Therefore it would be quite open to say that a girl is married or had her marriage performed at 12 or 13 ; while another may say that the girl was not married at 12 or 13, but only had her marriage sacrament or *Vivaha Samskara* performed at that age. Therefore, Sir, instead of going to the law courts, and leaving it to the Judge to decide what the meaning of marriage is, I think it is better to decide once and for all what marriage means ; and my own humble submission is that marriage means some ceremony on or immediately after that date leading to the lawful living together as man and wife of parties either of whom is a child, but should not include the marriage sacrament as distinct from consummation ; and if that be so defined I would submit that marriage sacrament as a sacrament must be exempted ; and my submission is for two reasons : firstly, and I attach the greatest weight to that reason and I beg of all Honourable Members of this House to give their most serious consideration to it, this House has no right to give their assent to a law which would interfere with the religious sacrament of any class of His Majesty’s subjects ; the Government has no right, absolutely no right whatever to interfere in the religious sacrament of any class of His Majesty’s subjects ; the sacrament may be sane or insane according to the view of some ; but in the sacramental portion of it, in the religious portion of it, neither the Government nor this House has any right to interfere ; and if I or the Government which I belong are so stupid as to follow a bad custom, it is open to others to go and persuade us to go back on it ; but this House and the Government cannot legislatively, through a penal law, tell that community that they have no right to follow a certain sacrament. That, Sir, is my first and strongest reason. That this Government or this House has no right to interfere with a purely religious sacramental portion of marriage as performed by a Muhammadan, Hindu, Christian or any other subject of His Majesty. Secondly, on what I call the rational ground, even if this Government or this House had the right, which they

NOES—69—contd.

|                                           |                                      |
|-------------------------------------------|--------------------------------------|
| Iyengar, Mr. A. Rangaswami.               | Pandya, Mr. Vidya Sagar.             |
| Jawahar Singh, Sardar Bahadur Sardar.     | Philip, Mr. J. Y.                    |
| Jayakar, Mr. M. B.                        | Price, Mr. E. L.                     |
| Jogiah, Mr. V. V.                         | Rainy, The Honourable Sir George.    |
| Kartar Singh, Sardar.                     | Rang Behari Lal, Lala.               |
| Keane, Mr. M.                             | Rao, Mr. G. Sarvotham.               |
| Kidwai, Mr. Rafi Ahmad.                   | Rau, Mr. P. R.                       |
| Kunzru, Pandit Hirday Nath.               | Roy, Mr. K. C.                       |
| Lalchand Navalrai, Mr.                    | Roy, Mr. S. N.                       |
| Lindsay, Sir Darcy.                       | Sarda, Rai Sahib Harbilas.           |
| Mehta, Mr. Jammadas M.                    | Sarma, Mr. R. S.                     |
| Misra, Mr. Dwarka Prasad.                 | Schuster, The Honourable Sir George. |
| Mitra, Mr. S. C.                          | Shah Nawaz, Mian Mohammad.           |
| Mitra, The Honourable Sir Bhupendra Nath. | Siddiqi, Mr. Abdul Qadir.            |
| Mitter, The Honourable Sir Brojendra.     | Singh, Mr. Gaya Prasad.              |
| Mody, Mr. H. P.                           | Singh, Mr. Narayan Prasad.           |
| Moonje, Dr. B. S.                         | Singh, Rai Bahadur S. N.             |
| Mukharji, Rai Bahadur A. K.               | Sinha, Mr. Siddheswar Prasad.        |
| Mukhtar Singh, Mr.                        | Stevenson, Mr. H. L.                 |
| Mulla, Mr. D. F.                          | Stewart-Smith, Mr. D. C.             |
| Munshi, Mr. Jehangir K.                   | Sykes, Mr. E. F.                     |
| Nehru, Pandit Motilal.                    | Tin Tut, Mr.                         |
| Noyce, Sir Frank.                         | Tottenham, Mr. G. R. F.              |
| Pai, Mr. A. Upendra.                      | Winterbotham, Mr. G. L.              |
|                                           | Yusuf Imam, Mr.                      |

The motion was negatived.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

**Mr. President :** Mr. Yamin Khan.

(The Honourable Member was absent.)

**Mr. President :** Mr. Das.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : I beg to move the amendment standing in my name :

“ That to clause 2 of the Bill the following be added :

‘ (e) ‘ widower ’ means a male who has lost his wedded wife by death ’.

‘ (f) ‘ widow ’ means a female who has lost her wedded husband by death ’.”

This amendment is a consequential amendment to the amendment to clause 4 of which I have given notice and I hope Honourable gentlemen who seem to be in a reforming spirit will accept that amendment to clause 4 when I move it. This amendment.....

**Mr. President :** The best course for the Honourable Member is to move his amendment when clause 4 is reached.

**Mr. B. Das :** I will accept that and I shall move it if you give me permission then.

**Mr. M. S. Sessa Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : I beg to move :

“ That to clause 2 the following be added at the end :

‘ The affidavits of the parents or the guardian or respectable relations of the child, male or female, will be *prima facie* evidence of the age of the child in question ’.”

L13CPB(LA)



[Mr. M. S. Sesha Ayyangar.]

This amendment only provides for the machinery of ascertaining the real age of the child in question whenever there is unfortunately a prosecution coming up. Medical experts are clear on the point that it is difficult to fix, with any amount of certainty, the ages between 11 to 16 or 17. This House, having accepted the age of 14, in the case of the girl and the age of 18 in the case of the boy, it becomes really difficult in a prosecution to ascertain with any amount of certainty the ages of the parties concerned. Unfortunately this Bill also provides for the arraigning as accused of those persons who are most competent to speak to the age of the child in question. The parents and guardians will be arraigned as accused in cases laid under this Bill; and it is a well-known principle of criminal jurisprudence that persons arraigned as accused cannot be examined on oath; and the best available testimony would be only the affidavit of the parent or guardian. Now, there might be cases where very respectable relations of the child in question happen to be officials in Simla for instance. It might be very undesirable and perhaps inexpedient to drag them from the giddy heights of Simla to a Court somewhere in Tinnevely and to examine them in the course of the prosecution. In that case, the very position that they occupy in Simla would be *prima facie* warrant for accepting their affidavits as evidence of the age of the child in question. This would obviate the necessity for examining them on oath. So far as the first two classes are concerned, they are precluded from being examined on oath under the Criminal Procedure Code. So far as the third category of persons is concerned, if they happen to be far away and outside the jurisdiction of the Court, in such cases, the affidavits of those persons should be *prima facie* evidence as to the age of the child in question. That is why I say, "respectable relations of the child, male or female". I hope the amendment will be acceptable to the House.

The motion was negatived.

**Mr. M. S. Sesha Ayyangar :** Sir, I move :

"That to clause 2 of the Bill the following be added :

'The solemnisation of marriage as distinct from consummation, of any girl below fourteen years of age shall not be deemed to be child marriage as defined above.'

Sir, a part of this amendment was covered by Amendment No. 24 moved by Mr. Acharya. But there is another category of cases which is outside the operation of that amendment and that is why I am moving this. In moving this amendment, the same reasoning is adopted, but I would submit a few words. This would afford a reasonable reconciliation of the two opposite schools of thought on this question; and I was wondering as to why it was that the Honourable Mover of this Bill was so insistent upon his Bill, and I find.....

**Rai Sahib Harbilas Sarda :** On a point of order, Sir.

**Mr. President :** I have already allowed Mr. Sesha Ayyangar to move this amendment.

**Mr. M. S. Sesha Ayyangar :** In paragraph 76 of the Age of Consent Committee's Report, as regards the practice that prevails in Ajmer-Merwara, wherefrom the Honourable Mover hails, I find that, soon after marriage is performed, it is a common practice there to lock up the husband

and the wife in a room for a night. That no doubt leads to very abnormal and very undesirable results. Being accustomed to that sort of thing in his own place, I thought the Honourable Member was very keen on passing this Bill. But so far as Madras, wherefrom I come, is concerned, I may tell the House that the consummation ceremony is entirely distinct from the marriage sacrament or the betrothal or *kanyadhanam* as it is called. This fact is borne out by the Report of the Age of Consent Committee itself. In Madras, Sir, we have got a very healthy state of things and that is testified to by the Report of the Committee itself. We are entirely free there from the custom of pre-pubertal congress of the bride and the bridegroom before they are scientifically and medically fit to submit themselves to that operation; and this fact has been commented upon by my Honourable friend and leader Pandit Madan Mohan Malaviya this morning. Having fixed the age at 14, I hope the House will take to this amendment kindly and allow it to be passed. That would certainly conciliate a very large section of orthodox opinion which I have the privilege to represent in this House. Sir, in this connection I have to correct a certain statement made by the Honourable the Home Member when he said that he had really behind him the greater section of the people, when he supported this Bill. I would only refer him to one of the opinions which he has got in his hand; I refer to page 61 of Paper No. 3, in which the Collector of Madras has given his opinion. I am only reading, with your permission, two sentences from this :

"I find that not only orthodox and conservative communities object with all the force of which they are capable to the Bill, but moderate enlightened opinion is equally opposed to the root principle of the Bill. Those who have replied (Muslims of Labhai and Rowthar persuasion) also object strongly to the Bill on principle. The proposal for legislation to restrict the marriageable age of boys and girls emanates from a small band of social reformers who to my mind are long ahead of their time and clearly command no genuine following. The possible bad results of the existing system are a far less evil than the vital shock that a reform on these lines would give to the religious conscience of practically the whole of India."

Sir, I submit therefore that at least, so far as Madras is concerned, the mass mind is opposed to this Bill, and the best way of making this Bill workable and of conciliating the orthodox section, would be to accept this amendment which would make the Bill proceed with the least resistance.

The motion was negatived.

Clause 2 was added to the Bill.

**Mr. President :** The question is :

"That clause 3 stand part of the Bill."

**Mr. M. S. Sesha Ayyangar :** Sir, I beg to move :

"That for clause 3 of the Bill the following be substituted :

'Whoever, being a male above eighteen years of age and below twenty-one, knowingly contracts marriage (a) with a girl aged less than ten shall be punishable with fine which may extend to five hundred rupees, (b) with a girl aged between ten and fourteen shall be punishable with fine which may extend to one hundred rupees.'

Sir, in moving this amendment I have virtually adopted the opinion of the House in having fixed the age at fourteen, but I have tried to discriminate by this amendment between two classes of cases. One is, where the girl is aged less than ten. In that case no doubt it requires a heavier punishment than the one which the House would be inclined to give to persons who may marry girls between ten and fourteen, which is less

[Mr. M. S. Sessa Ayyangar.]

heinous. I want, with the permission of the House, to make some differential treatment between these two classes of cases. One no doubt is a gross case of misbehaviour, but the other is not so heinous, and therefore it is that I propose differential treatment, because it is a question of the offences varying only in matters of degree and there is also one other merit. The second portion of my amendment seeks to produce an excellent educative value also, if you want to make this Bill popular; for example, making it punishable with a lenient punishment would have an educative value which would go far towards conciliating that class of people by dealing with them, in the initial stages of the operation of this Bill, in a sympathetic manner, dealing with them leniently. It is therefore that I move this amendment.

The motion was negatived.

**Mr. Amar Nath Dutt** : Sir, I move :

“ That in clause 3 of the Bill, the words ‘ being a male above eighteen years of age and below twenty-one ’ be omitted ”.

I think it is useless to adduce any argument here in this House, constituted as it is. If we are to take a census of the men that come here as representatives of the people, we will find that no less than 40 are nominated, and of the remaining 104 more than 40 belong to communities other than the great Hindu community.

**Mr. President** : Will you kindly come to the amendment ?

**Mr. Amar Nath Dutt** : The majority of the Members are not Hindus, but if you take into account, the number of Hindus and the number of Muhammadans opposed to this Bill, you will find the number to be higher than the supporters and that most of the supporters who style themselves Hindus have no place in Hindu society.

**Mr. President** : Including yourself ?

**Mr. Amar Nath Dutt** : No, Sir, certainly not.

**Mr. President** : You had better come to the amendment.

**Mr. Amar Nath Dutt** : Sir, I move my amendment, as it is my duty to move it.

The motion was negatived.

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural) : Sir, the amendment which I wish to move runs as follows :

“ That in clause 3 of the Bill for the words ‘ and below twenty-one ’, the word ‘ knowingly ’ be substituted ”.

Now every criminal lawyer will admit that it is necessary in a criminal case to prove the element of intention. A young man may perhaps be led into marrying a girl without knowing that she was less than the prescribed age. In such a case there would be no offence, but in order to make the law precise and clear I move my amendment so that, if a man commits

the offence knowingly, wilfully, and deliberately, then only he should be punished. That, Sir, is the main reason I urge in support of my amendment.

**Mr. M. S. Aney** (Berar Representative) : Sir, I think the House will

3 P.M.

perhaps see the reasonableness of the amendment which my Honourable friend, Mr. Belvi, has moved. Just consider the position, Sir, of the boys who are to be married. Most of them are in colleges learning somewhere, and marriages for them are settled by their parents. The boy has to accept the age of the girl with whom he is to be married and all other information given to him either by his parents or by somebody else. It may be that the girl may not be of the age which is required by this law, and yet this boy may believe or may take that information to be true. Under these circumstances, unless there is the word “ knowingly ” there is every danger that the boy will be run in for an offence which he never meant to commit and which he has never intended to commit. To obviate that difficulty and unnecessary prosecution of the boy, this amendment has been moved. I believe the Honourable Mr. Belvi's suggestion will receive careful consideration at the hands of those who want this law to be reasonably administered and to be reasonably understood also. Sir, I support the amendment.

**Mr. President** : Will Mr. Kelkar move his amendment ?

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadan Rural) : Yes, Sir. I beg to move :

“ That in clause 3 of the Bill after the words ‘ twenty-one ’ the words ‘ knowingly or having reason to believe ’ be inserted ”.

Sir, Mr. Belvi's amendment is confined to the word knowingly, and my amendment takes the matter a little further.

The question involved here is a matter of jurisprudence. The prosecution ought to take upon itself the burden of proving that the boy who contracts child marriage must know, in the first instance, that he is doing so. But it will sometimes be difficult for the prosecution to prove that the boy had a positive knowledge that he was contracting child marriage. Therefore, I am making it a little more easy for the prosecution to prove by circumstantial evidence, if not by positive knowledge, that the boy knew that he was contracting a child marriage. It may be sometimes difficult to prove positive knowledge, but it may not be so difficult to prove the circumstances by which it can be brought home to the boy and to the conviction of the Court that the boy had good grounds to believe that he was contracting a child marriage. My amendment, therefore, carries the matter a little beyond Mr. Belvi's amendment and gives the prosecution one more chance to do the same thing by proving, by circumstantial evidence, that the boy knew that he was contracting a child marriage. I think it is an elementary principle of jurisprudence and the burden of proof must be borne by the prosecution itself. Therefore I have inserted the words, “ knowingly or having reason to believe ”.

**Mr. E. L. Price** : It does not make English.

**Mr. N. C. Kelkar** : The accuracy of English is left to you, the English people; we are not concerned with it. It is quite enough for our purpose if we make our meaning quite clear. I will leave the matter there. Everybody knows what I mean by my amendment. I hope the House will not ride

[Mr. N. C. Kelkar.]

rough-shod over these minor amendments and will be in a mood to accept at least this amendment.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : Sir, I also wish to support this amendment of Mr. Belvi. I prefer the amendment of Mr. Belvi to the amendment of Mr. Kelkar.

**Mr. President** : The Honourable Member opposes the amendment of Mr. Kelkar and supports the amendment of Mr. Belvi.

**Mr. Gaya Prasad Singh** : Yes, Sir. I support the amendment of Mr. Belvi because I think it is preferable to the amendment of Mr. Kelkar. My reasons for doing so are that the circumstances in which most of our boys are married are such that there must be some safeguards left in order to protect them from the operation of this clause. Some of the students are, at the time of their marriage, reading in schools and colleges and in most of such cases their parents or their guardians arrange marriage on their behalf and it is not possible for the boys to know exactly the age of the girls. So, if a safeguard is inserted here, it will be statutory, and put upon the prosecution the onus of proving that the boy "knowingly" contracted a child marriage, and that he knew the age of the girl. It is very necessary to put in a safeguard like that, and I do not think my Honourable friend, Rai Sahib Harbilas Sarda, or the Government will have any objection to putting a clause like that.

**Mr. President** : How do you know ?

**The Honourable Sir James Crerar** : Sir, I have only one or two words to say in regard to these amendments. In the first instance, with regard to Mr. Kelkar's amendment, I share the difficulty which has been felt in some quarters of the House as to what the words "knowingly or having reason to believe" refer to. It seems to me that it hangs entirely in the air and it would be a very difficult matter for construction. Apart from that, when we come to the question of the insertion of the word "knowingly", I feel myself that, in the circumstances of each case, in regard to any person who comes into a court on a charge under this Bill, the burden of proof should lie upon him.

**Mr. E. L. Price** : Hear, hear.

**Mr. Amar Nath Dutt** : Is the Honourable the Home Member aware, that bridegrooms generally are not allowed to see the bride till after the marriage ? That is the social custom of the orthodox Hindus at least, who have not gone out of the pale of orthodoxy.

**Rai Sahib Harbilas Sarda** : I am sorry, Sir, I cannot accept these amendments. I cannot accept Mr. Kelkar's amendment because it throws on the prosecution the impossible burden of proving whether the accused "knowingly" did it or whether he had reason to believe it. Consequently, I cannot accept it.

**Mr. President** : The question is :

"That in clause 3 of the Bill after the words 'twenty-one' the words 'knowingly or having reason to believe' be inserted."

The motion was negatived.

**Mr. President** : The question is :

"That in clause 3 of the Bill for the words 'and below twenty-one', the word 'knowingly' be substituted."

The Assembly divided :

AYES—21.

Aney, Mr. M. S.  
Anwar-ul-Azim, Mr.  
Ayyangar, Mr. M. S. Sessa.  
Belvi, Mr. D. V.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Ghuznavi, Mr. A. H.  
Iyengar, Mr. A. Rangaswami.  
Jannadass, Seth.  
Jogiah, Mr. V. V.

Kelkar, Mr. N. C.  
Mohammad Ismail Khan, Haji  
Chaudhury.  
Mukhtar Singh, Mr.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Neogy, Mr. K. C.  
Singh, Mr. Gaya Prasad.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.

NOES—58.

Abdul Aziz, Khan Bahadur Mian.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghaushyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chaman Lal, Diwan.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Jinnah, Mr. M. A.  
Kartar Singh, Sardar.  
Keane, Mr. M.  
Lalchand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jannadas M.

Mitra, The Honourable Sir Bhupendra  
Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.  
Mukharji, Rai Bahadur A. K.  
Munshi, Mr. Jehangir K.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Shervani, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Rananjaya.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

The motion was negatived.

**Mr. M. K. Acharya** : Sir, I do not move my amendment No. 36.\*

**Mr. Amar Nath Dutt** : Sir, I beg to move :

"That in clause 3 of the Bill for the word 'thousand' the word 'hundred' be substituted."

Sir, I do not understand the reason that led the Honourable Mover of this Bill to fix the fine at rupees one thousand, except that it was his own salary when he was in judicial service. There are people who draw less than Rs. 100, and I appeal to the Honourable Mover to accept this amendment.

\* "That in clause 3 of the Bill after the words 'contracts a child marriage' the words 'or the guardian responsible for such child marriage' be inserted."

**Mr. M. K. Acharya :** Sir, I do not move my amendments Nos. 38\* and 39†.

**Mr. N. O. Kelkar :** Sir, I beg to move :

“ That in clause 3 of the Bill for the words ‘ one thousand rupees ’ the words ‘ two hundred and fifty rupees ’ be substituted ”.

This clause applies to persons who are of very early age in life. A man who is over 18 and below 21 is generally a man who has no means of his own and he is perhaps being more sinned against than he is a sinner. If he is punished with a fine of Rs. 1,000, perhaps he will be ruined all his life because he is just on the threshold of his life. Economically he cannot be self-supporting at the time when the punishment is sought to be inflicted upon him. Therefore I do not want that the maximum punishment should be so heavy as is prescribed in the Bill, and I want to make the punishment as light as possible and reduce it to Rs. 250.

**Mr. M. S. Sesha Ayyangar :** I do not want to move my amendment No. 41.‡

**Mr. President :** The question is :

“ That in clause 3 of the Bill, for the word ‘ thousand ’, the word ‘ hundred ’ be substituted ”.

The motion was negatived.

**Mr. President :** The question is :

“ That in clause 3 of the Bill, for the words ‘ one thousand rupees ’, the words ‘ two hundred and fifty rupees ’ be substituted ”.

The motion was negatived.

Clause 3 was added to the Bill.

**Mr. President :** Clause 4. **Mr. Acharya :**

**Mr. M. K. Acharya :** Sir, I beg to move :

“ That clause 4 of the Bill be omitted ”.

Sir, this clause refers to punishment with respect to a male above twenty one years of age. I thought that—perhaps my lawyer friends would know better—I thought that in the eye of law all persons above the age of 18 were accepted to be major and they were held to be responsible for whatever act they did. Therefore, I think for the first time in this Bill a distinction is sought to be drawn between majors between the ages of 18 and 21 and those above the age of 21. A higher punishment is sought to be imposed on those who are above 21 years of age, and it seems to me that that is a distinction which is not very reasonable. Of course in awarding fine the Magistrate will take care whether he should impose a low fine or a heavy fine according to the age and circumstances of the supposed culprit. In any case imprisonment of this kind seems to be awful and it may be necessary, according to some people, to pass this into law ; but those who want the law to work smoothly will consider how far it is desirable to send them to jail and make heroes of them. Therefore in that view I move

\* “ That in clause 3 of the Bill, for the words ‘ one thousand rupees ’, the words ‘ two hundred rupees ’ be substituted.”

† “ That in clause 3 of the Bill, for the words ‘ one thousand rupees ’, the words ‘ two hundred rupees ’ be substituted.”

‡ “ In clause 3 for the words ‘ one thousand ’ the words ‘ five hundred ’ be substituted.”

that clause 4 of the Bill be omitted in the interest of humanity and of wisdom.

**Mr. President :** The question is :

“ That clause 4 of the Bill be omitted ”.

The motion was negatived.

**Mr. M. S. Sesha Ayyangar :** Sir, I beg to move :

“ That for clause 4 of the Bill the following be substituted :

‘ Whoever, being a male above twenty-one years of age, contracts a marriage (a) with a girl less than eight shall be punishable with simple imprisonment which may extend to one month, (b) with a girl aged between eight and fourteen shall be punishable with fine which may extend to two hundred rupees ’.”

In moving this amendment, I beg to observe that, though I am against imprisonment being given in these cases, yet in this amendment I support imprisonment in the case of marriages with girls less than eight because I consider that to be a heinous offence. Therefore, in that case, I provide for imprisonment which may extend to one month. But in the latter category of cases I have suggested only a fine of two hundred rupees, because, as I said, some preferential treatment is necessary in considering this class of cases. The House will also consider that it will take some time for the law to diffuse into the villages, and until that stage is reached, the House must take care to see that the law must be known throughout the length and breadth of the country, after which we may provide for greater punishment for this class of cases. I submit that this amendment may be accepted.

The motion was negatived.

**Mr. M. S. Sesha Ayyangar :** Sir, my previous motion having been negatived, I beg to move :

“ That in clause 4, the words ‘ with simple imprisonment which may extend to one month, or ’ be omitted ”.

I move this only with the view of saying that, at least in the beginning of the operation of this Act, let us take care to see that we do not visit offenders with any kind of imprisonment. With that view I beg to move it.

The motion was negatived.

**Mr. B. Das :** Sir, I beg to move :

“ That to clause 4 of the Bill the following sub-clause be added :

‘ (a) Whoever being a widower above forty years of age marries any woman who is not a widow shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both ’.”

Sir, this amendment of mine is the acid test of the reformers. Sir, I have known Rai Sahib Harbilas Sarda for many years ; I knew him when he introduced his Bill and wanted to confine the marriage of Hindu children to 12. Since he has been thrown into the good company of Sir James Crerar and his following, my friend the Rai Sahib has completely changed and he is now a mad reformer.

**Mr. President :** The Honourable Member should confine himself to the amendment.

**Mr. B. Das :** Sir, this Bill wants to prevent early widowhood, but what about the young girls who will become widows even when they are

[Mr. B. Das.]

married at the age of 14? What will happen when men of 40, 50, 60 and even 70 are married to young girls of 11? I think everybody in this House is aware of that particular incident in Benares when an old man of 72 married a young girl of 11, and all the men of India were condemning the action of that particular man. I know the Muslims have no such prohibition to the marriage of widows in their society. But I am speaking here not as a Hindu but as a non-Muhammadan Indian, because I am sorry to find that this Bill of my Honourable friend has roused a lot of communal feeling in this House. I saw similar feeling exhibited in this House when the Resolution about reforms for the North West Frontier Province was discussed here, and this Bill has evoked similar communal feeling here (*Cries of "No, no"*). That is my opinion and my view and I stand by my opinion.

**Mr. President :** Will the Honourable Member speak to the amendment?

**Mr. Das :** Sir, although there is a Widow Re-Marriage Act, that does not help the widows. I am not in a position to bring widows to the gate of the Assembly Chamber to convince Members of their case. But I may say that it is an injustice to young girls to be forced to marry a man who is above 40 years. Any man above 40 years, if he enters matrimony, must seek widows.

**Mr. Amar Nath Dutt :** What was your age when you married?

**Mr. B. Das :** My age was 38 when I married; and had I been above 40 I would have married a widow.

**An Honourable Member :** You cannot get widows.

**Mr. B. Das :** There are enough widows; you have only to look at the Report and the list in which my friend Pandit Thakur Das Bhargava and my friend Maulvi Muhammad Yakub have classified the widows. I hope the reformers will come and give their full support, and I know Government will support this amendment because their predecessors were parties to the Widow Re-Marriage Act. Sir, if this House accepts this amendment of mine, it will have to accept the consequential amendments which I have put down on the paper but about which I did not speak, about the definition of widow and widower. The reason for my amendment is this: that we are living in modern days and we find that the school of free love has sprung up. Probably there is nobody on this side of the House who belongs to the school of free love; but there may be somebody on that side of the House who may belong to that school of free love.....

**Mr. President :** What has that got to do with the amendment?

**Mr. Das :** All of us are aware of the commotion created by Miss Pankhurst about the school of free love.....

**Mr. President :** Order, order: the Honourable Member is wholly irrelevant.

**Mr. B. Das :** Sir, I only want to say this. I think somebody might question what widow and widower means, and for that purpose I wanted to define those words. That is all. I commend my amendment to the support of the House, especially the reformers.

**Pandit Nilakantha Das :** On a point of order, Sir, is this amendment within the scope of the Bill?

**Mr. President :** The question is:

"That to clause 4 of the Bill the following sub-clause be added:

"(a) Whoever being a widower above forty years of age marries any woman who is not a widow shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both."

The Assembly divided:

AYES—4.

Das, Mr. B.  
Dutt, Mr. Amar Nath.

Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.  
Ayangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chaman Lall, Diwan.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Kartar Singh, Sardar.  
Keane, Mr. M.  
Lalchand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jamnadas M.

Mitra, The Honourable Sir Bhupendra Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.  
Moonje, Dr. B. S.  
Mukharji, Rai Bahadur A. K.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rau, Mr. P. R.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Singh, Rai Bahadur S. N.  
Sinha, Kumar Ganganand.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

The motion was negatived.

Clause 4 was added to the Bill.

**Mr. President :** The question is:

"That clause 5 stand part of the Bill."

**Mr. M. K. Acharya :** Sir, I am not moving my amendment\*.

**Mr. M. S. Sesha Ayyangar :** Sir, I move:

"That clause 5 be omitted."

Clause 5 reads thus:

"Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage."

Sir, I beg to mention to the House that this is rather a serious amendment. What the clause aims at is to cast the net rather too wide

\* "That clause 5 of the Bill be omitted."

[Mr. M. S. Sesha Ayyangar.]

and to bring under the operation of this Bill all persons who perform, conduct or direct any child marriage. In fact, these words "perform, conduct or direct" are not defined in the Bill. So these are very indefinite and comprehensive words, which, if only the blackmailer chooses to do so, will enable him to bring under the category of this section all sorts of persons as offending against this section. That is the first ground. Secondly, it widens the scope of the Bill somewhat unnecessarily, because what the House seeks in enacting this measure is to prevent the evils which the House wants to set right; but why cast the net too wide and bring in persons who, after all, may not have offended really against this law? So that it would be unnecessarily widening the scope of the Bill. It would also give rise to a multiplicity of criminal proceedings against many persons. Already the House has definitely set its face on the age 14, and as I have already said, the age being somewhat difficult even for medical experts to determine, I already visualise a great vista of perjury. Why should you unnecessarily and vexatiously multiply criminal proceedings against people who may be brought under this Act? It also places a great premium on blackmailers. There may be very many prosecutions unnecessarily undertaken only with a view to blackmail. It also places people under a great obvious disadvantage by the addition of this clause. For these reasons, Sir, I move the amendment.

**Mr. President :** The question is :

"That clause 5 be omitted".

The motion was negatived.

**Mr. N. C. Kelkar :** Sir, I beg to move :

"That for clause 5 of the Bill the following be substituted :

'5. Whoever knowingly or having reason to believe, performs or conducts or directs any child marriage shall be punishable with fine which may extend to five hundred rupees.'

Sir, this is the next best thing I am trying to get after the rejection of the last amendment. The Bill seeks to throw the net rather too wide, in my opinion. This clause obviously applies to priests and such other people who take part in a marriage. Now, the question is, should not the moloch of this Bill be content with the victims of the boy, his parents or guardians, etc.? Must it necessarily victimise also an innocent priest who is called in to officiate at a ceremony when he is not supposed to know exactly what the age of the girl is? I think this is very unfair to the priests and other people who take part in the marriage. Under this section also managers who are entrusted with the functions and duties of carrying out the preparations for the marriage will come in. The question is whether they should be penalised. After the rejection of the last amendment, I am seeking to make it a little more easy for the priests and others who will be taking part in a marriage. I want to take away the provision about the substantive punishment and I want to substitute only a fine up to Rs. 500. In deserving cases that should be deterrent enough and therefore I move my amendment.

**Pandit Thakur Das Bhargava :** Sir, I beg to move :

"That in clause 5 of the Bill, after the word 'Whoever', the words 'knowing or having reason to believe that either of the contracting parties to a marriage is a child' be inserted."

This amendment and the amendment of my friend Mr. Kelkar have something in common but his amendment is more general, whereas in the amendment moved by me the House will see that the knowledge or reason to believe, which are to be proved, have reference to the fact whether either of the contracting parties to a marriage is a child or not. In this connection, I would submit that I agree that those who perform, conduct or direct any child marriage should come within the ambit of the law and should not be allowed to go scot free, because, in a proper case, it may be that the priest or the Qazi himself may have instigated the marriage or may have conducted or directed it with the full knowledge that either of the contracting parties to the marriage was a child. But my experience shows that, in Hindu marriages, it is not the family priest alone who conducts or directs the marriage. Generally speaking, in a marriage there are four or five people who conduct or direct the marriage operations. Among the Muhammadans also, who observe purdah, more strictly than the Hindus, the Qazi comes in and he does not see the face of the wife. He may be any person, and it is not necessary that a particular Qazi or a family Qazi, if there is one, should be called in. According to Muhammadan law every person is competent to celebrate a marriage; similarly, among Hindus also any Brahmin or set of Brahmins can celebrate the marriage. It may happen that the family priest of the bridegroom may not be taken where the marriage is celebrated, and even if he is taken, the family priest of the girl may not know the age of the girl, and in respectable families who even now observe purdah, the family priest of the bridegroom is not supposed to know the age of the girl. Under these circumstances, I think, if you do not insert these words, the law will be laying the net rather too wide. Moreover, it is an accepted canon of criminal law that the burden of proving "knowing or having reason to believe" lies on the prosecution.

In regard to clauses 3 and 4 and the next clause 6, I can understand that the boy who is above the age of 18 and below, is supposed to know the age of the girl, whereas a priest who may be unconnected with the family is not supposed to know the age of the girl. Under these circumstances, I submit that these words should be inserted, especially when the words "conducts or directs" are not defined. Further, under the law of abetment, intention or knowledge has to be found. Under section 107 of the Indian Penal Code a person is said to abet who instigates, or enters into a conspiracy or intentionally aids. In the present clause the element of knowledge or having reason to believe is absolutely wanting. It may be said on the other side that the last words of the clause, "unless he proves that he had reason to believe that the marriage was not a child marriage" give the men some sort of protection. When the Bill was in the Select Committee I raised an objection and asked that a positive knowledge or reason to believe might be required to be proved, but it was not accepted and these words were inserted. That is why I have written in my minute of dissent that the words I have recommended should be inserted. The accepted canons of criminal law will be offended against if, in this case, the burden of proof is thrown upon an innocent man. I therefore move that these words be inserted.



**Mr. Amar Nath Dutt :** I beg to move :

"That in clause 5 of the Bill for the words 'performs, conducts or directs' the words 'is actually instrumental in bringing about' be substituted".

My reason for moving this amendment is this. The words here are, "Whoever performs, conducts or directs". Now, in the performance of a marriage—my Honourable friend behind me expressed a pious hope, let them all go to jail—there are at least half a dozen priests officiating at these functions. (*An Honourable Member* : "Special jails will have to be built".) Besides, I do not know what is the custom in the Bombay Presidency ; at least my reformer friends in Bengal will bear me out, there is a ceremony called the "*Chanlatola*"—at least I hope the Honourable the Law Member knows it.

**The Honourable Sir Brojendra Mitter :** It is no part of the marriage ceremony.

**Mr. Amar Nath Dutt :** How are we to discriminate what is part of the marriage ceremony and what is not when it takes place at the same time and at the same place, while *mantras* are recited. (*An Honourable Member* : "Not the same house and not the same place".) Sometimes the bridegroom is taken from this place to that place, and that is part of the marriage. And even the barber who is there with only a jar of water can be convicted according to my Honourable friend. Many of my friends have no experience of village life, but I have ample experience of it, and also I have some glimpse of the life lived in the former metropolis of India. Formerly bridegrooms used to be carried in palanquins. The palanquin-bearers can also be said to "perform" because they take the bridegroom to the bride's place and bring him back to his own house. All these things form part of the marriage and they are not separable. If they are separable, we ought not to have in the Bill "Whoever performs, directs or conducts", but those words are there. "Directs". What is meant by directing ? I may say, "Get your son married" and that is directing. There is village opinion, there is public opinion in the society which may say, "You ought to marry your girl or son". That is also directing. So, instead of having such clumsy wording, I have put down, following in the footsteps of the reformers whose Veda is the Age of Consent Committee's Report,—I have put down in unambiguous language the real intention of the section, by substituting the words "is actually instrumental in bringing about". Then he cannot but be the guardian or the father.

Then, again, in *Boubhat* ceremony hundreds of people are invited ; that is part of the marriage also, and any one taking part in that dinner or in the dinner which is given on the day of marriage, are liable to be prosecuted. Again, you have the *asirbad* ceremony before the actual marriage takes place. Therefore, I submit that the clause should be more clear and unambiguous, if it is really intended to prosecute the people who are really responsible for child marriages. Let them be prosecuted and punished, and for that purpose I have made it clear by my amendment.

**Mr. M. S. Aney :** When I was reading this Bill, I became convinced that the members of the Select Committee were more concerned with the question of fixing the age than with anything that they might draft in the Bill. They were simply satisfied when they fixed a certain age, and

after that was done, the other matters which were incorporated in the Bill were not matters for serious consideration to them.

As my Honourable friend Mr. Amar Nath Dutt has put it, it is perfectly true that, so far as the Hindu marriage is concerned, it consists of more than one ceremony beginning with the *Vagdan* ceremony, which begins just before the actual marriage takes place, and ending with the *Barat* ceremony when the girl is taken to the house of the bridegroom. There are five or six ceremonies, and we do not know which is the ceremony intended by this Bill in this clause ? (*An Honourable Member* : "Any one would do.") (*Another Honourable Member* : "All.") (*An Honourable Member* : "Even dinner ?") Has my Honourable friend any idea of how many persons are invited for each of these ceremonies ? (*An Honourable Member* : "You need not invite them all"). A number of persons are invited for witnessing the *Vagdan* ceremony and they pronounce their blessing. It is their duty to pronounce their blessing. Are they to be supposed to have taken part in the conduct of that marriage ? (*An Honourable Member* : "No.") How do you say "No" ? Was it not possible for you to find out a language that... (*An Honourable Member* : "What word should be used ?") (*An Honourable Member* : "The words are clear.") They conduct the ceremony on account of having chanted some *mantras* and can that ceremony be said not to have been conducted by them at all ? In fact, it is the Brahmins who conduct the ceremony by reciting *mantras*, and you cannot say they are not conducting the ceremony. (*An Honourable Member* : "They are conducting.") According to the intention of the clause, the ceremony should be one which is essential for the validity of the marriage, or one which will make a marriage irrevocable. If so, you ought to have explicitly stated it and it is not a thing which can be understood by using the general word "marriage". Therefore, by keeping the words so vague, you are involving a number of persons who could not be expected to know the age of the girl or of the bridegroom. Any one of them could be brought within the category of offenders under this clause, particularly because the word "marriage" is not defined. When an Honourable Member tried to make a distinction between betrothal and marriage, he was ridiculed by the House, and it was said that the meaning of the word marriage was obvious. But many persons do not know what the marriage of a Hindu means and what the marriage of a Mussalman means. Each one has an idea of marriage in his own mind according to his own conception. Therefore, I really feel that some words at least, which would require knowledge, on the part of those persons who conduct or perform or take any part in any marriage, of the ages of the bridegroom and the bride, must be added. From that point of view, the amendment moved by my Honourable friend Pandit Thakur Das Bhargava seems to be a very eminently reasonable proposition, and the House should see that it is accepted.

**Mr. President :** The question is :

"That for clause 5 of the Bill the following be substituted :

'5. Whoever knowingly or having reason to believe, performs or conducts or directs any child marriage shall be punishable with fine which may extend to five hundred rupees'."

The motion was negatived.

**Mr. President :** The question is :

“ That in clause 5 of the Bill, for the words ‘ performs, conducts or directs ’ the words ‘ is actually instrumental in bringing about ’ be substituted ”.

The motion was negatived.

**Mr. President :** The question is :

“ That in clause 5 of the Bill after the word ‘ whoever ’ the words ‘ knowing or having reason to believe that either of the contracting parties to a marriage is a child ’ be inserted.”

The motion was negatived.

**Mr. President :** Mr. Amar Nath Dutt.

(The Honourable Member was absent.)

**Mr. D. V. Belvi :** I do not think I should move any of the amendments in the present mood of the House. (The Honourable Member remained seated while speaking.)

**Mr. President :** Will the Honourable Member get up and speak ?

**Mr. D. V. Belvi :** I do not want to move any of my amendments, except one.

**Mr. M. S. Sesha Ayyangar :** I move :

“ That in clause 5, the words ‘ unless he proves that he had reason to believe that the marriage was not a child marriage ’ be omitted ”.

The absurdity of this clause is apparent. Just now we have been fighting for the fact that the onus must lie on the prosecution to prove. That fell through just now. The clause as it stands represents an abnormal state of things of throwing the onus on the accused ; and I do hope that the House, even in its present mood, will accept this amendment at least.

The motion was negatived.

**Pandit Thakur Das Bhargava :** I do not propose to move amendment No. 64\*.

Clause 5 was added to the Bill.

**Mr. President :** The question is :

“ That clause 6 stand part of the Bill ”.

**Mr. N. C. Kelkar :** I am not moving my amendment†.

**Mr. Amar Nath Dutt :** I move :

“ That in sub-clause (1) of clause 6 of the Bill the words ‘ or permits it to be solemnised, or negligently fails to prevent it from being solemnised ’ be omitted ”.

I submit that these words have been introduced negligently, not knowing what would be their consequences, by those who are responsible for drafting this Bill. Little need be said about their drafting skill. In order that the House may appreciate the meaning of my amendment, I would read clause 6 :

“ Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised, etc., etc.”

I know people are punished for words which are defamatory or seditious, but here you want to penalise other words. I was not aware up till now that any other words were penal. Of course genius has grown ! The enactment is clumsily worded and no sensible man will credit you with intelligence or common sense.....

\* “ That in clause 5 of the Bill, the words ‘ unless he proves that he had reason to believe that the marriage was not a child marriage ’ be omitted.”

† “ That clause 6 of the Bill be omitted.”

**Mr. President :** What have I got to do with it ?

**Mr. Amar Nath Dutt :** You might have ruled this out. Although it is not within the four corners of the Standing Orders, the President has got inherent powers. I hope, Sir, the House will accept the amendment I have moved.

The motion was negatived.

**Pandit Thakur Das Bhargava :** I beg to move :

“ That in sub-clause (1) of clause 6 of the Bill the words ‘ or negligently fail to prevent it from being solemnised ’ be omitted ”.

There is a difference between this amendment and the amendment moved by my friend Mr. Amar Nath Dutt. My amendment is more restricted in its scope. Proviso 2 to the clause reads thus :

“ For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that, where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnised.”

The upshot of this provision is that the burden of proving that a parent or guardian has negligently failed to solemnise the marriage will be always thrown on the accused. The words “ negligently failed to prevent the marriage from being solemnised ” are too vague. They do not convey any special significance to the parent or guardian whose want of act is sought to be controlled. It may happen that there may be a dispute between the father and mother of the boy or the girl and one of them may agree to the marriage and the other may not. It may happen that one of them succeeds in getting the boy or girl married. The burden will be on the accused. The accused will not be able to show that he did his very best to prevent it. After all, we know how the defence evidence in criminal cases is treated. Then again it may happen that the father is not in his house. He might have gone away to some other town or village or he may have left the country. Even then it can be argued that he negligently failed to perform his duty. So far as the positive acts of a guardian go, the words “ who does any act to promote the marriage or permits it to be solemnised ” are wide enough. The phrase “ who does any act to promote ” is wider than the word “ promote ” and the phrase “ permits it to be solemnised ” is by itself so wide that it really covers all possible cases of any positive act. I would therefore submit that we are really making the law rather too wide, thereby enmeshing a number of persons who may be absolutely innocent. In these circumstances, I beg to move that these words may be deleted.

The motion was negatived.

**Mr. President :** Mr. Sesha Ayyangar :

**Mr. M. S. Sesha Ayyangar :** I am not moving it, Sir.

**Mr. Amar Nath Dutt :** Sir, I move :

“ That in sub-clause (1) of clause 6 of the Bill the words ‘ with simple imprisonment which may extend to one month, or ’ be omitted.”

I appeal once more to this House to accept the amendment. (Laughter), though I believe that the House was not serious when it introduced a Bill like this. The Honourable the Home Member was also not serious.....

**Mr. President :** Order, order. The Honourable Member must speak to the amendment.

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**Mr. Amar Nath Dutt** : I have read the amendment, Sir, and I am addressing the House. Of course, if you do not want some oratorical efforts...

**Mr. President** : Go on.

**Mr. Amar Nath Dutt** : What is the use of having imprisonment? With your jail rules and jail codes, if you think you will be able more to tyrannize the people who oppose your methods of Government, you are welcome to do it, but before that you should also acquaint people with what rules prevail in your jails, and that, if they go to jail, they will be treated in one way if they are black-skinned, and if they are white-skinned, in quite a different way. (*Mr. K. Ahmed* : "What difference is there?") Many people have not actual experience of jail life and they should be apprised of what it is. Namely, that in their jails there is racial discrimination in the jail code about treatment, food and raiment. So I appeal to my Honourable friends on this side, who pose as ardent reformers and who, I believe, have been carried away by their reforming zeal, not to perpetrate this outrage upon the orthodox community. I hope they will at least appreciate why imprisonment ought not to be inflicted. I hope the House will see its way to support my amendment.

The motion was negatived.

**Mr. President** : Mr. Belvi.

**Mr. D. V. Belvi** : I am not moving my amendment\*, Sir.

**Mr. Amar Nath Dutt** : Sir, my amendment runs : (*An Honourable Member* : "Why move it?")

**Mr. President** : Go on.

**Mr. Amar Nath Dutt** : My candid friend was advising me not to move it, but the Chair has ordered me, and I must obey the Chair. Sir, I move :

"That in sub-clause (1) of clause 6 of the Bill, for the words 'one thousand rupees, or with both' the words 'one hundred rupees' be substituted."

The arguments which I adduced previously in favour of the reduction of the fine apply *mutatis mutandis* to this amendment, and I hope the House will accept this amendment.

The motion was negatived.

**Mr. President** : Mr. Amar Nath Dutt.

**Mr. Amar Nath Dutt** : I do not move No. 72†, Sir.

**Mr. M. S. Sesha Ayyangar** : Sir, I beg to move :

"That clause 6 (2) be omitted."

That clause reads thus :

"For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that, where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnised."

I submit to the House, Sir, that the absurdity of this clause is apparent. Suppose a boy's father is staying in Madras and his son is studying in the Delhi University. The son is a minor of the age of seventeen. He con-

\* "That in sub-clause (1) of clause 6 of the Bill, the words 'with simple imprisonment which may extend to one month, or' be omitted."

† "That the proviso to sub-clause (1) of clause 6 of the Bill be omitted."

tracts a child marriage in Delhi. How is the father ordinarily expected to know that his minor boy in Delhi, while pursuing his scholastic studies there, has contracted a child marriage? It is for the prosecution to prove in these cases that the guardian who had charge of the child was committing a child marriage offence. Instead, this clause 6 (2) makes the onus rest on the father to prove the contrary, and he has to start with the initial presumption against him that he knew that the child had contracted a child marriage as I, in moving my amendments, have to face the initial dead weight of Government strength. Sir, to make the guardian start with the dead weight of this presumption is not fair, and we ought to tone down the rigour of the Bill against the dead weight of Government. I submit that, at least this sub-clause (2), the House will agree in eliminating.

**Mr. President** : The question is :

"That clause 6 (2) be omitted."

The Assembly divided :

AYES—22.

Aney, Mr. M. S.  
Ayyangar, Mr. M. S. Sesha.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Ghuznavi, Mr. A. H.  
Iyengar, Mr. A. Rangaswami.  
Jogiah, Mr. V. V.  
Kartar Singh, Sardar.  
Kelkar, Mr. N. C. :

Lalchand Navalrai, Mr.  
Malaviya, Pandit Madan Mohan.  
Misra, Mr. Dwarka Prasad.  
Mukhtar Singh, Mr.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Neogy, Mr. K. C.  
Singh, Mr. Gaya Prasad.  
Sinha, Kumar Gangauand.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.

NOES—57.

Abdul Aziz, Khan Bahadur Mian.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Birla, Mr. Ghanshyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur.  
Honorary Captain.  
Jamnadass, Seth.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Keane, Mr. M.  
Kunzru, Pandit Hirday Nath.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jamnadas M.  
Mitra, The Honourable Sir Bhupendra Nath.  
Mitter, The Honourable Sir Brojendra.

Mody, Mr. H. P.  
Mukharji, Rai Bahadur A. K.  
Munshi, Mr. Jehangir K.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Rananjaya.  
Singh, Mr. Narayan Prasad.  
Singh, Rai Bahadur S. N.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tit, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

The motion was negatived.

L13CPB(LA)

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : May I draw your attention to the fact, Sir, that it is now half past four ?

**Mr. President** : Order, order.

Clause 6 was added to the Bill.

**Maulvi Mohammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, I am not moving the amendment\* standing in my name because.....

**Mr. President** : It is not necessary to give reasons.

Clause 7 was added to the Bill.

**Mr. President** : The question is :

“ That clause 8 stand part of the Bill.”

**Pandit Thakur Das Bhargava** : I beg to move :

“ That in clause 8 of the Bill, for the words ‘ Presidency Magistrate or a District Magistrate ’ the words ‘ Magistrate first class ’ be substituted.”

Sir, I understand that the number of cases which will come under this Act will be fairly great, and I do not think any District Magistrate would be able to cope with the work which he will have to discharge if the number of cases is very large. The second reason that I wish to advance in this connection is that the cases under this Act will be very simple ; only two questions will arise in respect of the offences under this Act. The first question will be about the *factum* of the marriage, which will not be difficult to prove in many cases and will be an admitted fact in a number of cases. The other question will be about the age, which will be the only question that will remain for decision. Even now the first class Magistrates decide many cases in which the question of age does arise, *e.g.*, Magistrate, who will be an Indian, will not be able to judge of the equities of a case of the nature. I, therefore, submit that this amendment be accepted.

The motion was negatived.

Clause 8 was added to the Bill.

**Mr. President** : The question is :

“ That clause 9 stand part of the Bill.”

**Mr. Amar Nath Dutt** : Sir, my amendment runs as follows :

“ That in clause 9 of the Bill after the word ‘ complaint ’ the words ‘ of the lawful guardian of the child ’ be inserted.”

Sir, clause 9 runs as follows :

“ No Court shall take cognisance of any offence under this Act save upon complaint made within one year, etc., etc.”

I want to add after the word “ complaint ” in the above clause, the words “ of the lawful guardian of the child ”. I want to add these words for this reason. It is only persons who are interested in the welfare of

\* “ That after clause 6 of the Bill the following new clause be added :

“ Notwithstanding anything contained in clauses 5 and 6 of the Bill, no Muslim father or grand-father will be liable to any punishment under the Bill for performing the *Nikah* or the matrimonial contract of his daughter or grand-daughter below 14 years of age.”

their children, it is only these men who are to see whether there has been any violation of this law. My Honourable friends who are not lawyers may not be aware, and I beg to inform them, that any one can set the criminal law in motion. That being so, it will give a handle not only to the system of blackmailing, as has been apprehended by several of us, but also to wreak private vengeance, and destroy the peace of society by attempting to victimise families of respectable neighbours. The jackals whose tails have been cut will try to drag respectable families to the category of cut-tail jackals. So, Sir, the only person that should be entrusted with the task of lodging a complaint under this law should be.....

**An Honourable Member** : The person who commits the offence.

**Mr. Amar Nath Dutt** : Well, my Honourable friend says, should be the man who commits the offence under clause 6 of the Bill. Of course my Honourable friend's zeal for social reform will induce him to say anything and everything and insinuate also many things. But he ought to remember that there are men who make penance for their own sins. He ought to remember, as a Hindu son and also as a Hindu father, that there is such a thing as *prashnit*. Ardent follower as he is of Mahatma Gandhi, he should have known that Mahatma Gandhi practises penance not only for his own sins but also for the sins of others. I think it should not sound strange to my Honourable friend if there are people who commit sins but who would have their sins expiated. So far for the interruption of my Honourable friend.

My reason for this amendment is this. You say, you are more interested in the well being either of the minor girl or the minor boy. This reminds me of that old old saying which says that one who professes to love a child more than its mother is a witch. Do not go that length so that your action will be characterised as that of a witch who commits manifold injuries upon human society. If this amendment is not passed the clause as it stands will destroy the peace of orthodox homes and will destroy the purity of society. I am not speaking of those homes where there have been a straying away from orthodox society.

With these words, I beg to submit that these words “ of the lawful guardian of the child ” should be inserted.

**Mr. President** : The question is :

“ That in clause 9 of the Bill after the word ‘ complaint ’ the words ‘ of the lawful guardian of the child ’ be inserted ”.

The motion was negatived.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Sir, I beg to move :

“ That in clause 9 of the Bill for the words ‘ one year ’ the words ‘ three months ’ be substituted ”.

Sir, my amendment is a simple one and my reasons also are simple. The Government of Bihar and Orissa, the province from which I come, say that in their opinion the Bill when passed into law will be set in operation only by blackmailers, if at all by any one. I am not a lawyer myself. I do not know the real significance of many of the clauses of the Bill.

**Mr. President** : The question is why the sentence should be three months and not one year.

**Pandit Nilakantha Das :** I am giving my reasons. There are certain clauses which are very objectionable and it appears that, as soon as a complaint is lodged against a man, he is convicted. All the burden of proof is on the accused. Therefore for these reasons, that a father or a guardian should be protected from the hands of blackmailers and that they should not be harassed for so long a time as one year, it is for these reasons that I move the amendment. If the period is one year, then a Damocles sword will be hanging over their heads for the length of a whole year.

**Mr. President :** The Honourable Member does not mind three months ?

**Pandit Nilakantha Das :** If there should be any period at all, it may be three months.

**Mr. President :** Why not support one month as proposed by Mr. Amar Nath Dutt in his amendment ?

**Pandit Nilakantha Das :** That would be much better. Three months was what I said in my note of dissent in the Select Committee and it is only with that idea I put in my amendment.

**Mr. President :** Let Mr. Amar Nath Dutt move his amendment.

**Pandit Nilakantha Das :** I think three months being a compromise between one month and one year may be better acceptable to the House than one month or one year. That is my idea in moving this amendment in preference to Mr. Amar Nath's.

**Mr. Amar Nath Dutt :** Sir, I beg to move :

" That in clause 9 of the Bill for the words ' one year ' the words ' one month ' be substituted "

Sir, people who are engaged in the profession of law need not be reminded that, in civil law, there is such a thing as the law of limitation. People whose practice is solely confined to criminal courts will probably also recall that there is such a thing as a stale prosecution. Now, what are stale prosecutions ? We know that that depends upon the whims of a particular judge. When it is the case of sedition brought forward under the orders of my Honourable friend over there, probably the courts will have sixty years' time as limitation. But when it is a question of an offence committed by loyalists and the victim is a poor Congress worker, probably the Courts will think that the limitation should be a week. The courts will say, " Oh, you did not complain earlier ". Ordinarily those who practise in criminal courts know that even if a complaint is late by two or three days, the courts demand an explanation as to why the complainant is late in laying the complaint. My Honourable friends over there—at least those who have got criminal practice in mofussil courts—will bear me out, at least that is the practice in every court in Bengal, that you must file a complaint on the day of occurrence ; if not then on the next day. Unless you do so, the magistrate will invariably demand an explanation, and my Honourable friend over there, who holds the Commerce portfolio, may have had some experience of this in his earlier years of service. One has invariably to explain why one filed the complaint after such a lapse of time. In fact I can tell, you, Sir, that my Honourable friend over there would not have admitted any complaint after the lapse of seven or eight days. He would have asked for a police inquiry. He

would have said that there must have been some motive as to why this case was brought so late and he would have dismissed the complaint under section 203.

**Mr. President :** That will do.

**Mr. Amar Nath Dutt :** You will ask the House to use its discretion and vote in favour of this amendment.

**Mr. President :** The question is :

" That in clause 9 of the Bill for the words ' one year ' the words ' three months ' be substituted "

The motion was negatived.

**Mr. President :** The question is :

" That in clause 9 of the Bill for the words ' one year ' the words ' one month ' be substituted "

The motion was negatived.

**Mr. M. S. Sesha Ayyangar :** Sir, I beg to move :

" To clause 9 the following be added at the end :

" No one is entitled to complain unless he is a resident of the locality in which the marriage has taken place or he belongs to the sect or sub-sect to which the parties to the marriage belong "

Sir, this is a very necessary amendment. Clause 9 no doubt restricts the time within which complaints can be lodged, but it does not restrict the person who is entitled to complain. It is a cardinal rule of criminal jurisprudence that any one is entitled to complain in respect of any offence committed. The Criminal Procedure Code lays down certain specified persons who are entitled to complain in certain circumstances. For instance, the husband alone is entitled to complain about the adultery of his wife. So in cases under this Act I want to restrain the classes of person who should be entitled to lodge a complaint. I shall at once make the absurdity of the present rule apparent by giving an instance. Suppose a marriage takes place in far-off Tinnevely. Is a person resident in Simla entitled, as a matter of course, to complain about that marriage ? That would leave a loophole for blackmailers to indulge in any kind of prosecution and also to a person who may be willing to injure his friend at such a long distance. Therefore, it is, in order to minimise the chance of irresponsible prosecutions being indulged in, that I want to restrict by this amendment the class of persons who will be entitled to complain. For that I am making provision for two classes of people. If he happens to be a resident of that locality there is a fair presumption that he knows something about the ages of the persons contracting the marriage. That would be *prima facie* some warrant for assuming in a court of law that that man at least having some knowledge of the local state of affairs comes with a fairly good case to start with. Then I also extend it to a person belonging to the sect or sub-sect to which the parties to the marriage belong. I want to shut out irresponsible people not belonging to that sect and knowing nothing about the contracting parties from indulging in frivolous, malicious and irresponsible prosecutions. I submit this is a very healthy amendment which, at least being the last of my amendments, the House would be willing to accept.

**Mr. President :** The question is :

“ That to clause 9 the following be added at the end :

‘ No one is entitled to complain unless he is a resident of the locality in which the marriage has taken place or he belongs to the sect or sub-sect to which the parties to the marriage belong ’.”

The Assembly divided :

AYES—15.

Aney, Mr. M. S.  
Ayyangar, Mr. M. S. Sesha.  
Belvi, Mr. D. V.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Ghuzuavi, Mr. A. H.  
Jamnadass, Seth.  
Kelkar, Mr. N. C.

Mohammad Ismail Khan, Haji  
Chaudhury.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Neogy, Mr. K. C.  
Singh, Mr. Gaya Prasad.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.

NOES—59.

Abdul Aziz, Khan Bahadur Mian.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghanshyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Hussain Shah, Sayyed.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Kartar Singh, Sardar.  
Keane, Mr. M.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jamnadas M.  
Mitra, The Honourable Sir Bhupendra  
Nath.

Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.  
Mukharji, Rai Bahadur A. K.  
Munshi, Mr. Jehangir K.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rao, Mr. G. Sarvotham.  
Rau, Mr. P. B.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Shervani, Mr. T. A. K.  
Singh, Mr. Narayan Prasad.  
Singh, Rai Bahadur S. N.  
Sinha, Kumar Ganganand.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yamin Khan, Mr. Muhammad.  
Yusuf Imam, Mr.

The motion was negatived.

Clause 9 was added to the Bill.

**Mr. President :** The question is :

“ That clause 10 stand part of the Bill.”

**Pandit Thakur Das Bhargava :** Sir, I do not propose to move my amendment.\*

Clause 10 was added to the Bill.

“ That clause 10 of the Bill be omitted.”

**Mr. President :** The question is :

“ That clause 11 stand part of the Bill.”

**Pandit Thakur Das Bhargava :** Sir I beg to move :

“ That clause 11 of the Bill be omitted.”

This clause 11 provides for security to be taken from the complainant whenever he brings a complaint, irrespective of the fact whether the court thinks that the complaint is well founded or otherwise except for reasons to be recorded by the court. The previous sections, sections 8 and 10, in my opinion provide ample safeguards against frivolous or vexatious complaints. Section 8 has provided that it is only the District Magistrate or the Presidency Magistrate who shall take cognizance of a complaint, and section 10 has gone further and made a preliminary inquiry compulsory. Even there it has to a certain extent changed section 202 and it is only a first class Magistrate who is competent to make the inquiry under section 10 ; so that before the accused is summoned on, the complaint will have passed through two sieves, first of all the District Magistrate must have examined the complainant under section 200, and subsequent to that a preliminary inquiry must have taken place either at the hands of the District Magistrate himself or by a first class Magistrate. After all that, to insist that security should be taken from the complainant is to insist, in my opinion, rather too much. So far as the success of this Act is concerned, as I submitted two or three days back, unless and until Government provide the machinery for working this Act, this Act will remain as a pious wish of this House. In that connection I have tabled two other amendments, and I shall move them at the proper time ; but I fail to see even if these amendments are not carried, why obstacles should be placed in the way of those who have public spirit in this matter and who are actuated by the best of motives to restrain these people from solemnising child marriages. This clause 11 puts a sort of obstacle in the way of such persons and I submit that placing of such an obstacle in the way is quite unnecessary and is to be deprecated. Even now the provisions of section 250 of the Criminal Procedure Code and sections 182 and 211 of the Indian Penal Code are quite sufficient in the matter and they themselves serve as a check against frivolous complaints. A question like this was considered by the Age of Consent Committee, and at page 138 their opinion will be found. They also oppose any provision of this nature, and as I have submitted that, although I am also in favour of providing safeguards which have already been provided in this Act, I am strongly opposed to making this Act absolutely inoperative. I want to know if there are people who have got that public spirit that they will come forward and deposit one hundred rupees or more. If there are people like that, why should child marriage remain in this land ? In my humble opinion these safeguards, which have already been provided for, are quite sufficient and we should not insist on a handicap of this nature.

**Mr. Amar Nath Dutt :** Sir, I rise to oppose this amendment. This is the first time I have to oppose an amendment, at least with respect to this Bill. I am surprised that the zeal for reform of my friend should carry him farther than what was suggested by the Select Committee. He says, “ Any one who has any public spirit in him will support him in all these things.” If by public spirit he means doing away with our old social institutions, if by public spirit he means doing away with all that is held



[Mr. Amar Nath Dutt.]

sacred by a certain section of our community and trampling under foot their sacred beliefs, if by public spirit....

**Mr. President :** Please come to the amendment.

**Mr. Amar Nath Dutt :** Sir, I oppose it ; I was just replying to him. These social reformers, I believe, are fifty years ahead of the times. With their new Veda, the Age of Consent Committee's Report, they might have waited for fifty years and allowed us to die before they came with such outrageous laws and amendments.

**Mr. President :** The question is :

"That clause 11 of the Bill be omitted."

The motion was negatived.

**Mr. B. Das :** Sir, I beg to move....

**Mr. M. Keane** (United Provinces : Nominated Official) : Sir, on a point of order, will it be in order for Mr. Das to move any amendment after the decision that the House has just come to, that clause 11 should stand part of the Bill ? The House has now decided that clause 11 shall not be omitted in any circumstances.

**Mr. B. Das :** Yes ; but it can be amended.

**Mr. M. Keane :** No. Clause 11 shall stand as it is : that is the decision of the House—that clause 11 as it stands will remain.

**Mr. President :** The House has decided that clause 11 shall not be deleted but in what form it should remain is another question.

**Mr. M. Keane :** You could not have put clause 11 if it were still in embryo form ; we could not have taken any decision on it : we decided on clause 11 in the form in which it is now before the House and the House, I understand, has decided that it shall remain.

**Mr. President :** All that the House has decided is that clause 11 shall not be omitted ; it has not yet decided that clause 11 as it stands should remain.

**Mr. B. Das :** I move, Sir :

"That in sub-clause (1) of clause 11 of the Bill, for the words 'At any time after' the words 'Prior to' shall be substituted."

This clause, Sir, provides against frivolous complainants and blackmailers. I want to simplify the process and the work of the District and Sub-Divisional Magistrates ; by this amendment and the subsequent amendments which I have put down I want to lighten their burden. In the volume of opinions that have been supplied to us we find various people are of opinion that the blackmailers only will prosper from the Sarda Bill. As I come from the province of Bihar and Orissa, I shall quote the opinion of the Governor in Council over this matter. Sir, on page 36 of Paper No. II, "Opinions on the Hindu Child Marriage Bill", the following are the conclusions of the Governor in Council acting with the Ministers who are our popular representatives. I will read the relevant portion only :

"A further difficulty is that the complaint necessary to put the law into motion will be made not by one whose object is to protect the child wife, but generally by some enemy of the family of the husband or wife, and an unlimited field for extortion

and corruption will be thrown open. Finally, the difficulty of proving the husband's or wife's age in these cases is notorious, and if the law is put into motion at all extensively, the courts will be flooded with extra work, the cost of which will be far greater than any benefit secured. On the whole, the Local Government are of opinion that the Bill, if passed into law, will remain a dead letter unless it is put in force by blackmailers."

Sir, I come from the province of Bihar and Orissa and I stand by the opinion of the Government of that province, that it will enhance the work of the courts and also increase the cost if the blackmailers bring in as many cases as they like. Of course, I may ask the Honourable the Home Member if he has circulated the Report of the Age of Consent Committee to the Provincial Governments and has got any opinion on it from them. He has supplied no other opinions of the Local Governments except what have been circulated on the Report of the Select Committee on the Hindu Child Marriage Bill. I am quite sure the Local Governments still hold that opinion. There is not one who will be in favour of unnecessarily increasing the cost of prosecution. In fact, I find that, although the Government of the Punjab have approved of the principle of the Bill, they want some reserve power to enforce that particular law in that particular area. If that be the case, I do not see why my Honourable friend the Home Member should be in such haste. He has not consulted the Local Governments as to what will be the cost if the Sarda Bill is enforced. Who is going to bear all these costs, the Provincial Governments or the Central Government ? Is the Central Government going to finance all costs of prosecution and also all cost of propaganda in order to bring to the notice of the furthestmost village in a district the object of the Sarda Bill when it is passed into law and becomes Sarda Act ?

**Pandit Thakurdas Bhargava :** What has that got to do with the amendment ?

**Mr. President :** The Honourable Member is wholly irrelevant.

**Mr. B. Das :** My purpose is that the magistrates should not be influenced by backstair gossips, and so, whenever anybody wants to complain against another, he must deposit the money, and before the magistrate hears the alleged complaint from the complainant, he should ask him to deposit the money. Whenever anybody goes and makes a complaint in a court of law, he has to deposit a certain amount, before the District Magistrate or the Sub-Divisional Magistrate looks into the complaint. Why should not such a procedure be introduced in these cases also ? I feel that this Bill will benefit the lawyers and the doctors.

**Mr. President :** The question is :

"That in sub-clause (1) of clause 11 of the Bill for the words 'At any time after' the words 'Prior to' be substituted."

The motion was negatived.

**Pandit Thakur Das Bhargava :** Sir, I beg to move :

"That in sub-clause (1) of clause 11 of the Bill, for the words 'shall, except for reasons to be recorded in writing' the words 'may for reasons to be recorded in writing' be substituted."

The words in clause 11 run thus :

"At any time after examining the complainant and before issuing process for compelling the attendance of the accused, the Court shall, except for reasons to be recorded in writing, require the complainant to execute a bond, with or without sureties", etc.

1086

LEGISLATIVE ASSEMBLY.

[18TH SEPT. 1929.]

[Pandit Thakur Das Bhargava.]

This means that it is compulsory on the courts to ask the complainant in every case to furnish security.

**An Honourable Member :** Except for reasons to be recorded in writing.

**Pandit Thakur Das Bhargava :** That is only for reasons which are to be recorded the court may in certain cases be exempt from asking a complainant to deposit security.

5 P.M.  
Now, Sir, a perusal of this section will show that the preliminary inquiry shall have been completed before the process is issued, and under section 202, the court shall have to find that there is a case against the accused before issuing a summons or a warrant. Therefore, as soon as a court finds that there is a good case, it shall be obliged to ask for the security unless there are reasons to the contrary. A more logical course would have been this. As soon as a court finds that there is a case, unless there are reasons to the contrary, it should not ask for a security of this kind. After all, what is the security? The security is for the purposes of section 250. Now, in ordinary cases, this provision in section 250 comes into operation when the court believes or comes to the conclusion that the complaint was frivolous or vexatious. I do not know of any law in which the court starts with the presumption that the complainant has come before the court with unclean hands. Therefore, I submit that a presumption of this sort is certainly not justified, when a complainant comes before a court and makes a statement on oath it must be believed. There is no reason why the court should come to an initial conclusion that the complaint which is laid before it is frivolous or vexatious. I do not see why this deposit should be made compulsory. With these observations I leave the amendment in the hands of the House.

**Mr. Amar Nath Dutt :** Sir, only one word will dispose of the arguments of my friend Mr. Bhargava, and it is this, that any one, a rich enemy can set up a pauper to institute a complaint.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 11 of the Bill for the words ‘ shall, except for reasons to be recorded in writing ’, the words ‘ may, for reasons to be recorded in writing ’ be substituted.”

The motion was negatived.

**Pandit Nilakantha Das :** Sir, the amendment that stands in my name reads thus :

“ That in sub-clause (1) of clause 11 of the Bill, the words ‘ except for reasons to be recorded in writing ’, be omitted.”

My reasons for making this amendment are obvious. I do not think that any one should be exempt from depositing money or giving sureties.

**Mr. B. Das :** Sir, I will say only one word. My reason for giving notice to omit that particular clause is that cases will happen when the complainant will leave the province for another province, and it will be very difficult to get any money from him. Therefore, the deposit should be taken at the time of receiving the complaint. That is the reason why I move my amendment, which reads :

“ That in sub-clause (1) of clause 11 of the Bill, the words ‘ except for reasons to be recorded in writing ’ be omitted.”

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 11 of the Bill the words ‘ except for reasons to be recorded in writing ’ be omitted.”

The motion was negatived.

**Pandit Nilakantha Das :** I beg to move :

“ That in sub-clause (1) of clause 11 of the Bill for the words ‘ to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees ’ the words ‘ to deposit in cash rupees two hundred and fifty ’ be substituted.”

The complainants may try to avoid in various ways this Rs. 100 security, and as my Honourable friend Mr. B. Das has stated, they may run away to a Native State, or the complainant may be a bad man and he may throw all the burden on his sureties who perhaps had not known what they stood surety for. So, I propose that a cash deposit of not Rs. 100 but of Rs. 250 should be demanded from the complainant. This is intended to frighten or punish those who come to the court with clandestine intentions. I hope this salutary amendment will be accepted.

**Mr. B. Das :** I beg to move :

“ That in sub-clause (1) of clause 11 of the Bill for the words ‘ for a sum not exceeding one hundred rupees ’, the words ‘ for any sum which shall not be less than one hundred rupees but may extend to one thousand rupees ’ be substituted.”

Sir, I do not wish to say much on this amendment, seeing that the House is not in a mood to consider it.

I have to say only one thing, I do not want that the complainant should be treated as the favourite child of the Honourable the Mover of the Bill or of the Government. I would like to see the complainant punished on the same scale as one who performs a child marriage.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 11 of the Bill for the words ‘ to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees ’ the words ‘ to deposit in cash rupees two hundred and fifty ’ be substituted.”

The motion was negatived.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 11 of the Bill for the words ‘ for a sum not exceeding one hundred rupees ’, the words ‘ for any sum which shall not be less than one hundred rupees but may extend to one thousand rupees ’ be substituted.”

The motion was negatived.

**Mr. President :** Mr. Nilakantha Das. Next amendment. (No. 90)\*.

**Mr. Nilakantha Das :** That, is consequential.

**Mr. B. Das :** I beg to move :

“ That to clause 11 of the Bill the following new sub-clause be added :

“ (3) If the complainant is proved to have lodged false information the trying magistrate shall forthwith order prosecution of the complainant who shall be punishable with rigorous imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.”

Clause 11, as it is drafted by the Select Committee, provides for the execution of a bond by the complainant.....

\* “ That sub-clause (2) of clause 11 of the Bill be omitted.”

**Mr. President :** The Indian Penal Code provides for false complaints.

**Mr. A. Rangaswami Iyengar :** The Penal Code provides seven years and why do you want one month ?

**Mr. B. Das :** I do not know what the Penal Code says. I would only suggest that, if the Penal Code covers this, it should be incorporated in this Bill. The Bihar and Orissa Government has stated that there are blackmailers, and the complainant should not be let go with merely a deposit of Rs. 100, and it is with that object I have put down this amendment.

**Mr. A. Rangaswami Iyengar :** That is unnecessary.

The motion was negatived.

**Pandit Nilakantha Das :** I beg to move :

“ That at the end of the Bill the following new clause be added :

‘ Nothing in this Act shall apply to a case of child marriage where the girl married is not below 12 years of age and where any one of the contracting parties or their parents or guardians has obtained the sanction of the principal court of civil jurisdiction upon an application made prior to the solemnisation of the marriage stating the circumstances under which he is compelled to solemnise the marriage the non-performance of which would mean hardship to the girl or her family ’.”

The necessity of this saving clause struck me even when I was sitting on the Select Committee....

**Mr. President :** It struck you ? Were you hurt ?

**Pandit Nilakantha Das :** That appears in my minute of dissent to the Report of the Select Committee, and this amendment is in substance a copy of what I said in my minute of dissent. Several cases of hardship will actually arise if this Act be put in operation and it is necessary to protect such cases. I have mentioned some of them also in my minute of dissent. Whatever may be the object of the reformers in having this penal Act in this form, we have not come to a stage when the boys and girls will choose their own mates and perform their own marriages and will be themselves responsible for anything happening before and after marriage. Rightly or wrongly, in imitation of the west assimilated or not, we look forward to a state of things where practically the boys and girls will perform their own marriages, but that stage is not yet come. Now you make the parents and guardians responsible not only for the marriage, but you have also penal clauses provided against them in this Act. Honourable Members should realise that girls even before their 14th year may be suddenly required to be married in haste. Otherwise it may mean ruin to the girl as well as her family. Other less emergent cases but no less important for the legislator here may however be well provided for. Suppose a man has two or more daughters and he is a poor man. He is working in Simla and Delhi and his home is in Barisal. We know what a daughter's marriage means especially to a Bengali gentleman. He saves Rs. 2,000 or 3,000 in some ten years and goes home. Let us suppose he has got three daughters, one of the age of 15, another of the age of 13 and a third of the age of 12.

**Mr. Amar Nath Dutt :** You are not a Bengali. You belong to Orissa.

**Pandit Nilakantha Das :** He wants to marry them together.

**Maulvi Muhammad Yakub :** Marry them together ?

**Pandit Nilakantha Das :** Yes. That is possible. Now, the man takes two months' leave and wants to marry them in one year, he can marry them in one day—that is possible. (*An Honourable Member :* “ Suppose the third one is 11 years old ”.) Then, is it not proper, when we are just beginning to have this penal legislation, that we should make some provision for such hard cases ? Otherwise the father and mother will be ruined. They will be unable to marry their other daughters and our Fundamental Rules of service will not allow the man leave of two months the next year.

My friends on the other side know best how it will be difficult for such a father to find the money to marry his daughters one after the other and to get privilege leave or whatever you call it. I have cited only one instance of a hard case and there are several other hard cases of varied characters. Suppose for instance....

**Mr. President :** Will the Honourable Member come to the amendment ?

**Pandit Nilakantha Das :** If the Chair is reluctant to hear instances.....

**Mr. President :** Order, Order. The Honourable Member is not relevant. He must confine himself to the particular points which he has raised by his amendment.

**Pandit Nilakantha Das :** I simply want to protect such cases where there will be hardship to the parents as well as the girls, and instances, I submit, are not irrelevant. I suggest that even if a girl be 12 years of age, the parent should be able to apply to the principal court of civil jurisdiction and get permission to marry that girl under exceptional circumstances, which I am illustrating. I know no amendment will be accepted and the entire Bill will be thrust down the unwilling throats of a substantial section not only in the country but even in this House. That is why the Chair is in haste to go through this Bill....

**Mr. President :** Order, Order. What is the meaning of the Honourable Member's statement that the Chair is in haste. The Chair is prepared to sit till 8 o'clock. What is the Honourable Member's insinuation ?

**Pandit Nilakantha Das :** I made no insinuation. What insinuation can there be but the fact that the Bill is being run through in haste on account of Government support. If I give no more instances, I have nothing more to say.

**Mr. President :** The Honourable Member must not refer to the Chair in those terms. Has he finished ?

**Pandit Nilakantha Das :** Yes. Thank you.

**Mr. A. Rangaswami Iyengar :** My friend Pandit Nilakantha Das has put forward this amendment and has cited one instance in which a genuine hardship exists, not only in the province of Bengal but also in my province of Madras. So as to avoid any misunderstanding, Sir, I may say at the outset, that what I plead for is not for exemption for those who believe in this reform. I am one of those who believe in this reform and will do my very best to forward it as everybody knows in this House. I am pleading for those who have genuine hardship in carrying out this penal law. Now, Sir, the Age of Consent Committee

[Mr. A. Rangaswami Iyengar.]

has gone into this matter very carefully, and if I may say so, the substance of their opinion is really in favour of the exemption. The Committee was equally divided on this matter and the Chairman did not think it right to give his casting vote against the amendment but merely said that he made no recommendation. With your permission, I shall read this passage :

"Some of the members of the Committee consider it essential that the marriage law, when enacted, should provide for exemptions permitting marriages of girls below the prescribed age only in cases where the interests of the girl herself require such a marriage to be effected. In such cases, the District Judge should have the power to grant the exemption, conditional on securities being taken for separate living, custody and maintenance of the girl till the statutory age of consent is reached. As the Committee is equally divided on the question of exemption or no exemption, and as there is also a diversity of opinion as to whether exemption should be granted only in case of girls beyond a prescribed age, the Committee makes no recommendations on the point."

Now, Sir, so far as the latter part of the observations of the Age of Consent Committee are concerned, Mr. Nilakantha Das has confined his amendment only to cases of girls and therefore to that extent I can claim the authority of the members of the Committee in favour of the exemption now asked for. Rai Bahadur Kanhya Lal makes this matter even clearer. I do not wish to weary the House with long extracts. We are putting forward a very important scheme of marriage reform and all of us in this House have practically agreed that this reform should be brought about, and the only question is how best we shall enforce it. I do not say anything on the amendments that have been put forward or the divisions that have been taken, but the most curious part of the present situation is that the Government which took so much time from the last Session to examine the provisions of this Bill and who actually got an adjournment on this matter have taken absolutely no interest in any of the amendments moved. They have had nothing to say on the amendments. They want to carry through the Bill as it is because they have agreed to support the Bill. I entirely agree that this Bill ought to be supported, and every effort should be made by this House to carry the principles and the purposes of this Bill to execution, but it is necessary that this Government should examine its provisions carefully. I appeal to Government to consider this particular exemption that has been brought forward by Pandit Nilakantha Das, having regard to the fact that the Age of Consent Committee have very nearly accepted the principle of this amendment, and I would beg of them to accept this amendment and see how it works.

**Mr. N. C. Chunder** (Calcutta : Non-Muhammadan Urban) : Sir, Pandit Nilakantha Das's amendment has received the support of Mr. Rangaswami Iyengar ; but the opinion that Mr. Rangaswami Iyengar cited was in regard to a case where, in the interest of the girl, the civil court might give permission ; but Pandit Nilakantha Das's amendment relates to the interest of the parent of the girl.

**Mr. A. Rangaswami Iyengar** : Hardship to the girl or her family ?

**Mr. N. C. Chunder** : The point is whether he is compelled to solemnise the marriage. If Mr. Nilakantha Das's amendment was accepted, the primary thing which the court will have to look into is whether the

parent is compelled. I do not know whether it means physically or morally, (*An Honourable Member* : "Financially.") or financially. Assuming that the courts have arrived at certain decisions after trying a number of cases of this description and have come to a working rule as to what is meant by being compelled, still the court will have to see whether the father is compelled to marry the girl. It may be that the compulsion is owing to some hardship to the girl or to the girl's mother or to the girl's sister. Whatever it is, the primary thing to be considered is not the interest of the girl but that of her father. Therefore, to quote the Report of the Age of Consent Committee in support of Mr. Nilakantha Das's amendment will be as good or as effective as quoting say, a rule of Muhammadan law in support of a point of Hindu law. The two things are entirely different. They are looked at from two different points of view ; and even the illustration which my Honourable friend, Pandit Nilakantha Das, gave was one where the interest of the girl was not considered but the interest of the parent of the girl. He has got three daughters to marry and he can pass off two ; why not let him have the third taken off his hand ? That is the sort of argument that my Honourable friend gave. Therefore, I say, Sir, that the Report of the Age of Consent Committee has got nothing to do with it, and if anything, my Honourable friend's amendment ought to be opposed.

**Mr. M. S. Aney** (Berar Representative) : Sir, while supporting this particular amendment of my Honourable friend, Pandit Nilakantha Das, Mr. Rangaswami Iyengar had already pointed out to the House that that amendment had the support of the Age of Consent Committee itself. I would particularly invite the attention of Honourable Members to the opinion and recommendations made by Pandit Kanhya Lal in regard to this matter in his dissenting minute he wrote :

"My recommendations are :

- (1) That in any law fixing a minimum age of marriage a provision should be made empowering the District Judge, on previous application, to grant a dispensation for the performance of the marriage before the prescribed age, where the interests of the girl or her future happiness, welfare or safety urgently require it ;
- (2) That where the District Judge grants such dispensation or permission, he should have power to impose such terms, conditions or restrictions with or without security or sureties as to the separate living, custody and maintenance of the girl after marriage till she attains the prescribed age, as he may consider expedient or necessary, and also to rescind or vary the same from time to time."

(*Mr. A. Rangaswami Iyengar* : "Page please ?")

Page 230.

- (3) That the order of the District Judge granting or refusing the permission in such a case shall not be open to appeal except with the leave of the Judge passing the order ;....."

Pandit Kanhya Lal, who made the foregoing recommendations, we were told by the Honourable the Home Member the other day, was appointed to this Committee as the representative of the orthodox community. Now, Sir, when this motion for consideration was moved, certain Members insisted that the Bill should be re-committed to Select Committee in view of the recommendations made by the Age of Consent Committee itself. This House wisely or unwisely rejected that amendment and they are now proceeding to consider the Bill clause by clause. It is up to this

[Mr. M. S. Aney.]

House, Sir, that the Committee's recommendations should be duly considered by them and they should seek to give effect to them by providing in this Bill something in the nature of a safeguard on the lines of the recommendations made by Pandit Kanhya Lal himself. People conversant with the life which members of a joint-family have to live can easily conceive of certain cases in which it would be convenient, or it would be highly in the interests of the girl herself, to have the marriage celebrated some time before the age prescribed. Such circumstances are not at all inconceivable. I would not like to take the time of this House by trying to place before this House instances after instances where this will be desirable. My friend, Mr. Nilakantha Das, has given one instance. That may not be very pertinent. In fact, my friend, Mr. N. C. Chunder has based his objection on the nature of the particular instance which Mr. Nilkantha Das has related to show that the clause which he is trying to insert here is not so much in the interest of the girl as in the interest of her guardian. But, Sir, very often the interest of the girl herself may require that she should be married before the prescribed time, as otherwise there will be nobody to look after her and find out a proper bridegroom for her. What will you do, Sir, in the face of such instances? Suppose, Sir, for instance, that there is a father who is the only guardian of that girl and that father is in a precarious state of health, and is not likely even in the opinion of competent doctors to survive at all till she attains fourteen years of age and there will be nobody left behind to look after her. Is she to be left to the tender mercies of the distant relatives who may like to rob the girl of the estate if any left by her father rather than look after her happiness? Under such circumstances it shall be the duty of the father to see that the girl is suitably married to a proper bridegroom. But is there no provision in the Bill for that? A circumstance like that, Sir, can easily be conceived of. There should be some provision made in this Bill to enable the guardians of that girl to get her married: and in the absence of any other amendment, I think the amendment moved by Pandit Nilakantha Das is the only one, which at any rate will go some way to give the relief in this direction. Although I think it might have been better worded and better phrased also, in the absence of anything else, I think here is one amendment which does seek to carry out the recommendations of the Age of Consent Committee and particularly the recommendation made by Pandit Kanhya Lal, who voiced the interests of the orthodox community, and for this reason that recommendation ought to carry great weight even with Honourable Members on the Government Benches. I therefore strongly support the amendment of my Honourable friend, Pandit Nilakantha Das.

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, I oppose this amendment. There is an insidiousness in this amendment which I want to point out to this House. The purpose of the amendment is that in special cases there should be exemptions. That is the substance of the amendment. But once you make exemptions in special cases you make it possible for any man with a long purse to come under the exemption. (Some Honourable Members: "No, no". An Honourable Member: "How?") I will tell you how. (Mr. Amar Nath Dutt: "Your courts are like that".) I will tell you how. I have sufficient

experience of the courts to know how these things can be done. An astute lawyer can always make out a good case, a special case, if you have got money enough. By accepting this exemption you will stultify yourself, the House will stultify itself because the House has deliberately rejected 12 years and has adopted 14 years. Once you make an exception in favour of 12 years in special cases, all that is necessary is to make out a special case. A man with a long purse will go to a cunning lawyer and the cunning lawyer will say, "Well, a special case has got to be made out in terms of the section. Have you got evidence of this sort, that sort and the other sort?" Of course evidence will be forthcoming, affidavits will be placed before the court, and any number of affidavits can be procured with a long enough purse. The judge will have no option but to make the order. I am stating, Sir, the experience of courts. When a special case has got to be made out, it can always be made out if you go to an astute lawyer and if you have got a long enough purse. Therefore, Sir, I submit that there is grave danger in our accepting this amendment because in practice the exception will be the rule.

**Pandit Thakurdas Bhargava**: Sir, a reference has been made to what the Committee said in their Report. It runs thus:

"As the Committee is equally divided on the question of exemption or no exemption, and as there is also a diversity of opinion as to whether exemption should be granted only in case of girls beyond a prescribed age, the Committee makes no recommendation on the point."

The House will observe that, so far as the question of exemption was concerned, the Committee was equally divided, but so far as the question whether exemption should be granted only in the case of girls of a prescribed age, the Committee was divided in its opinion, but not equally divided. As a matter of fact, I will not be guilty of disclosing any secret when I submit to the House that the majority of the members of the Committee were of opinion that if the age was prescribed, say, at 12, then exemption should be granted.

**Maulvi Muhammad Yakub**: No. You were not present on the day when this matter came before the Age of Consent Committee. You were not in Mussoorie that day; I was present in the Committee.

**Pandit Thakur Das Bhargava**: Sir, I cannot afford to be contradicted on a matter of fact and I positively assert that I was present at the time when this decision was come to. So far as the question of exemption is concerned, we were equally divided; but when the question came before the Committee if a girl whose age was more than 12 years, then the majority of the Committee was in favour of giving these exemptions. I would also refer to the opinion given by Mr. Kadri. He has written a separate note and he has supported Rai Bahadur Pandit Kanhaiya Lal in this matter. The note is given at the end and the words are these:

"I agree with Panditji in thinking that it would be advisable to give exemptions in appropriate cases under the Marriage Law."

The reason why the Committee agreed has been pointed out by Pandit Kanhaiya Lal on page 221 of the Report:

"During the course of our inquiry in rural areas, a pathetic appeal was addressed to us by some village people, asking what would happen to their daughters if they were sick or dying, and there was legislation, forbidding marriage before the prescribed age."

[Pandit Thakur Das Bhargava.]

Then, again, I would not be doing my duty if I did not place before the House that many Muhammadan gentlemen and some Hindu gentlemen, who were examined as witnesses by this Committee, gave it as their considered opinion that in hard cases exemption should be allowed.

Now, Sir, the amendment before the House relates to girls who are not below 12 years of age, so that it follows that the question of exemption would only arise in respect of girls above 12 and below 14. In these cases the principal court of civil jurisdiction shall decide one question, namely, whether it is in the interests of the girl herself that she should be married. Now, this question is really in some cases not very difficult to decide. If we look to the laws obtaining in some of the Indian States we will find that such exemptions have been provided in many States. On page 224 (paragraph 57) of Pandit Kanhaiya Lal's note, the House will see :

"In the marriage laws, enacted in the Indian States like Baroda, Indore, Rajkot and Mandi, a provision has been made for the grant of license or exemption on previous application, where the parents or guardians are, owing to old age or disease, not likely to live to perform the marriage till the girl attains the prescribed age, and there is no other guardian or relative fit and willing to undertake that responsibility in the event of their death, or where other equally unavoidable difficulty is likely to arise."

Now, Sir, there may be many circumstances which may compel a parent to come to the civil court and ask for an exemption in such cases. It will be rather long if I begin to give examples of such hard cases. Suffice it to say, that this exemption clause has worked very well in the Baroda State, and even now in the Act of Baroda State, from which some of the provisions relating to this Act have been taken, this provision is to be found. I do not think there is any room for apprehension, as has been expressed by the Honourable the Law Member, when he said that an astute lawyer, if he had got a client with a long purse, would be able to get from the principal court of jurisdiction an exemption of this sort. Sir, this is casting an aspersion on the integrity of the court, or at least the capacity of the court of original jurisdiction. A District Judge is a very responsible officer and exercises a very great responsibility. In the Punjab, the District Judge is generally the Sessions Judge, and is competent to pass the sentence of death, subject only to the confirmation of the High Court.

I would therefore submit that the present amendment, though not happily worded and though rather wide, has to be accepted in the absence of any other amendment. I would also submit that, considering the general opinion of the country, I am perfectly satisfied that a provision of this nature will conciliate the opposition to this Bill and at the same time it will be a very salutary rule of law, which will provide for hard cases.

**Mr. N. C. Kelkar :** Sir, much of what I wanted to say on this point has already been said, in particular, by Pandit Thakurdas Bhargava. There are two more points I wish to make. The first point is this, that this was an idea originally embodied in Mr. Sarda's own Bill when it was first introduced. I do not think he will deny it if I put it to him. Now, unfortunately, he has become a slave in the hands of the Select Committee and is anxious to win the Bill at any cost. He is not prepared to go against the wishes of the Select Committee. But if he has any convictions

of his own, I do think that he will stand up and say : "I accept this amendment whatever may have been the fate of other amendments." I cannot sympathise with him in this matter when he is going against his own convictions by not supporting this amendment and accepting it. In his own old Bill the exemption related to even a lower age, and now when an exemption is being asked in respect of a girl of 12 he is not going to accept it.

**Rai Sahib Harbilas Sarda :** May I explain my position, Sir ? My original Bill was a civil measure and there the object was to make the marriage invalid. That was a very drastic provision, and in order that that drastic provision might be given effect to, I had provided there, that in cases of conscientious objection a lower age might be provided. I provided for no exemptions. The present Bill, however, has nothing to do with making a marriage invalid. The whole case is different, and therefore the provision that I incorporated there does not apply in the present case.

**Mr. N. C. Kelkar :** The principle has hardly been affected by the change in the nature of the Bill. After all, there will be hard cases. He will admit that when he contemplated that provision, he referred not so much to the civil effect of the marriage as to the particular hardships that would be caused, and I think those conditions apply to this Bill also.

**Rai Sahib Harbilas Sarda :** Not at all. I provided for conscientious objection.

**Mr. N. C. Kelkar :** My next point is that, when it is convenient, the Baroda Act is taken as a model, but it has not been followed in this particular instance. When it was put forward in this House that the penalty should be confined only to fine and not substantive imprisonment, it was pointed out that in Baroda this remedy failed and the Baroda Government is now thinking of introducing, for the first time, simple imprisonment as a punishment. Now, I should like to ask, if the Baroda Act can be a good model so far as the introduction of substantive sentence is concerned, why should it not be a good model for allowing the exemptions that have been asked for in this particular amendment ? Of course, the amendment might have been better worded, but that is not the point. We must all sympathise with the principle mentioned therein.

Now, with regard to the allegation made by the Honourable the Law Member that long purses and ingenious lawyers would defeat the purpose of the Act by making too much of exemptions. I am really sorry that he is casting reflections upon his own judiciary. Why should he think so lightly of his own judiciary ? Why should he think that his own judiciary might be defeated by a combination of long purses and ingenious lawyers ? I can of course take his testimony on this point when he says that intelligent lawyers are prepared to prostitute their intelligence for long purses. That is another matter. I can take that description of his, but I cannot take his testimony when he says that there are no judges in this country who will defy not only long purses but even defeat ingenious lawyers. In that respect, as proof of what I say, I will just refer to Appendix XII of the Age of Consent Committee's Report, in which statistics are given about applications for exemption asked for and granted, and the ratio of total exemptions to total offences and the



[Mr. N. C. Kelkar.]

total convictions. If one will dispassionately read this Appendix, one will find that, after all, the applications for exemptions and the grant of exemptions have never been treated, even in Baroda, in as light a manner as is sought to be made out, and certainly they were not treated light-heartedly by the judiciary. In that respect, I will read to the House a few figures which will convince in my opinion both the House and the Honourable the Law Member that it is not trifled with by anybody, and that it is only in very serious cases that such applications are put forward and exemptions are granted and I am sure it will also convince the House that there must be certain loopholes left here for hard cases. Now, here are the figures given in the Baroda Administration Report for the years 1915 to 1924 :

"In 1915-16, the number of applications was 60 and the percentage of rejections, 31½ per cent. There were 4,837 cases of offences under the Act and 91.4 per cent. of convictions."

What do these figures show ? Do they show that the number of applications are made lightly to courts or that the exemptions are given light-heartedly by courts ? Certainly not.

Then take the succeeding years :

"In 1916-17, the number of applications for exemption was 331, the percentage of rejections, 5.7 ; the number of offences under the Act, 7,407 and the percentage of convictions 81.5."

What does that show ? That the number of applications for exemption is not very large. Now to come to the succeeding years :

"In 1917-18, only 19 applications.

In 1918-19, only 20 applications.

In 1919-20, only 27 applications.

In 1920-21, only 6 applications.

In 1921-22, only 237 applications."

Perhaps so many applications were necessitated from the point of view of religion.

"In 1922-23, only 11 applications.

In 1923-24, only 7 applications.

In 1924-25, only 12 applications."

Well, what do these figures show ? And all these years, the number of prosecutions has varied from 4,000 to 15,000. That means that the law is being enforced very rigorously without any light-heartedness by the judiciary, and along with that, these figures also show that the number of applications for exemptions is also not very considerable, and that even when applications are made, the proper authority deals with those applications in a considerate and proper spirit. That entirely refutes the allegation made by the Honourable the Law Member in this matter. Therefore, I think some such provision as is recommended in the amendment is necessary.

**Kumar Ganganand Sinha** (Bhagalpur, Purnea and Santhal Parganas : Non-Muhammadian) : Sir, I rise to support the amendment moved by my Honourable friend Pandit Nilakantha Das. Much has already been

said in support of this amendment by many previous speakers and I would therefore confine myself to one or two observations in this connection. My Honourable friend, Mr. N. C. Chunder, thought that this amendment sought to give protection to the parents, and on that ground he did not favour the amendment. I would draw his attention to para. 52 of the note of Rai Bahadur Pandit Kanhaiya Lal, one of the eminent members of the Age of Consent Committee, in page 221 of the Report. He records the experience of his inquiry and says :

"During the course of our enquiry in rural areas, a pathetic appeal was addressed to us by some village people, asking what would happen to their daughters, if they were sick or dying, and there was legislation, forbidding marriage before the prescribed age. They asked whether the *Panches* or the *Sarkar* would provide for the protection of their girls and arrange for their marriage after their death, or pay the cost of a caste dinner to enable them to be readmitted into the caste and get married, if perchance they went wrong. Very little has been done during the last hundred years to give the masses the benefit of general education, or to teach them by active social propaganda that it was to the interest of their progeny that the marriage of girls should not be celebrated or consummated at an early age ; and if they still believe and follow the practices, which have been in vogue for centuries, does it stand to reason that we should try to restrain them by penal measures from following those practices without any serious attempt to meet or mitigate the difficulties or hardships, they have pointed out ? Economic considerations weigh heavily with these people ; and their argument and appeal deserve to be considered with sympathy rather than with scornful indifference."

I would also appeal to the House to look at the matter with sympathy and consideration and not with scornful indifference, as the Pandit describes it.

**Mr. N. C. Chunder** : You may go to the District Judge to make an application in the guardianship.

**Kumar Ganganand Sinha** : It has been stated by the previous speakers, that in the Indian States which have enacted marriage laws, such exemptions have been provided for in the legislation. Now, that is with regard to India. I find that even in advanced countries of Europe, like France, Germany, Hungary, Italy, Belgium, Czecho-slovakia, Denmark, Finland, Iceland, Norway, Poland, Roumania, Sweden, Switzerland and other countries and coming nearer home in Japan, there are provisions in the marriage laws for such exemptions. I think that if the Select Committee did not make this provision, it was really a shortcoming in the Bill and it should be provided for in this legislation. If I may be permitted to quote only one or two sentences from the note of Pandit Kanhaiya Lal, I would be really telling my mind to this House on this question. In para. 58 of the Note, the Pandit says :

"In the course of our enquiry, we came across a large body of influential opinion, which favoured marriage legislation with a due provision for the grant of exemptions in exceptional and urgent cases ; and even some witnesses, both Hindu and Muslim, who were opposed to marriage legislation, agreed that that legislation was likely to be more acceptable if such a provision was made to cover suitable cases."

Sir, I venture to think that, in spite of the fact that the House has thrown out the amendment for twelve years, if the House passes this amendment it will mitigate to a very large extent the rigour of the law. Both the Muhammadian members of the Age of Consent Committee, Maulvi Muhammad Yakub and Khan Bahadur Mahabub Mian Imam Baksh Kadri, agree with the note of Pandit Kanhaiya Lal with regard

[Kumar Ganganand Sinha.]

to the exemption clause. I think, Sir, that when the Age of Consent Committee's Report is being cited for so many purposes, in support of this Bill, it will be followed also in this connection and the House will agree to the exemption clause.

**Mr. President :** As this turns out to be an important amendment, I should not like to have a division taken tonight. I should like the further discussion to continue tomorrow.

The House will now adjourn.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th September, 1929.

# LEGISLATIVE ASSEMBLY.

Thursday, 19th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## SHORT NOTICE QUESTIONS AND ANSWERS.

### SIR SAMUEL WILSON'S REPORT ON EAST AFRICA.

**Pandit Hirday Nath Kunzru :** With reference to my short notice question on the 10th September regarding Sir Samuel Wilson's Report on his mission to East Africa, are Government now in a position to give the House any further information on the subject ?

**Sir Frank Noyce :** The Government of India are informed that Sir Samuel Wilson's Report will be published simultaneously in England and in East Africa on October 5 and are arranging its publication in India on the same date.

As to the Hilton-Young Report, the tentative decisions arrived at by the Government of India after consulting the Emigration Committee and the leaders of the various parties in the House were sent to the Secretary of State for India and will be laid on the table of the House. It is now intended to convene a meeting of the Emigration Committee at an early date to see if anything more should be done before Sir Samuel Wilson's Report is published. After the publication of Sir Samuel Wilson's Report, it will be necessary to consult the standing Emigration Committee on the Report soon after the publication of the Report, so that His Majesty's Government may be at once informed of our views on it. It is not possible that His Majesty's Government should defer consideration of the issue until the Legislative Assembly meets next Session, but it is most unlikely that any decision will be reached in Parliament before the Legislative Assembly has had an opportunity to record its views.

**Pandit Hirday Nath Kunzru :** May I know whether this decision has been arrived at after considering the request of the Government of India to give the Assembly time to consider Sir Samuel Wilson's Report ?

**Sir Frank Noyce :** The date of publication of the Report has been fixed by His Majesty's Government. The Government of India's advice was that the Report should be published at a time which would give the Assembly an opportunity to discuss it before a final decision was taken.

**Mr. A. Rangaswami Iyengar :** May I know if the Home Government have given the Government of India an undertaking that they will not come to any final decision on the Hilton-Young Report or Sir Samuel Wilson's Report before the Assembly could express its views upon them in the next Session ?

**Sir Frank Noyce :** I think, Sir, that question is answered in the last part of the reply which I have given, which is that it is most unlikely that any decision will be reached in Parliament before the Legislative Assembly has had an opportunity to record its views.

**Mr. A. Rangaswami Iyengar :** That is only an expression of opinion. I am asking whether as a fact the Government of India have been informed by the Home Government that they will not take any decision before the Assembly has had an opportunity of arriving at a decision ?

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**Sir Frank Noyce :** I have given the Honourable Member all the information I am at present in a position to give him.

**Mr. A. Rangaswami Iyengar :** Am I to take it then that no such undertaking is in the possession of Government ?

**Sir Frank Noyce :** As I have said, Sir, I have given the Honourable Member all the information I am in a position to give him.

COMMUNICATION TO THE SECRETARY OF STATE *re* THE HILTON-YOUNG COMMISSION'S REPORT.

**Sir Purshotamdas Thakurdas :** Will Government be pleased to put on the table a copy of their communication to the Secretary of State for India in connection with the recommendations of the Hilton-Young Commission Report regarding the East African problem ?

**Sir Frank Noyce :** I have placed on the table of the House a copy of the telegram which the Government of India despatched to the Secretary of State for India on the subject on the 19th March, 1929.

**Sir Purshotamdas Thakurdas :** May I ask whether that telegram contains the opinion of the Governor General in Council ?

**Sir Frank Noyce :** Certainly, Sir. The Honourable Member will himself see what it contains in the course of the next few minutes.

**Sir Purshotamdas Thakurdas :** I want to make sure now before I see it, because, as the Honourable Member knows, after seeing it there will be no time to put supplementary questions.

TELEGRAM P., TO THE SECRETARY OF STATE FOR INDIA, LONDON, No. 1124-S., DATED THE 19TH MARCH, 1929.

*Immediate.*—Hilton-Young Report has been examined and we now submit our views on main points. It is an eminently fair document and we earnestly hope that its basic principles will be accepted by His Majesty's Government and that High Commissioner will be deputed to conduct inquiries and consultations in terms suggested by Commission. Our comments are as follows :—

(a) *Closer Union.*—Size and influence of European settlers in Kenya create apprehension that in any scheme of closer union their political ideals will profoundly affect policy of central authority established to co-ordinate administration and policy in matters of common interest. For this reason plan of political coalescence, immediate or future, which would reduce three territories of Kenya, Uganda and Tanganyika to provinces of unified State exercising both executive and legislative powers (cf. page 221 of Report) is open to objection from Indian stand-point. But we are not opposed to appointment of Governor General to co-ordinate native policy and administration of services like Customs and Transport, on the understanding that it is recognised that, (1) such step is not prelude to full-fledged political federation ; (2) Indians are adequately represented on General Advisory Council which Commission recommend should be set up in East Africa [(3) (a) page 289 of Report] ; and (3) headquarters of Governor General are located at centre free from racial animosities. Further if Governor General is appointed, his instrument of instruction should lay due emphasis on duty to enforce inter-racial justice in impartial spirit and with firm hand.

It is also suggested that Indian point of view be represented on Advisory Council proposed to be set up in London, and unofficial Indian representatives should be asked to participate in periodical conference, which Commission suggest should be held in London [(5) (a) and (6), page 289 of Report].

(b) *Native Policy.*—We gladly accept principle of paramountcy of native interests subject to condition that in practice principle should not be interpreted and applied to discriminate against immigrants of a particular race.

(c) *Land settlement.*—Indian settlers should be free to share on equal terms with Europeans in any scheme of land settlement that may be inaugurated by Government of Tanganyika after setting apart land to meet requirements of natives. Whatever position may have been in past, in future Indian demand for land settlement in Tanganyika and probably also in lowlands of Kenya is bound to be substantial. It

is not suggested that financial facilities offered by His Majesty's Government to settlers from Great Britain should be extended to Indians.

(d) *Association of immigrant communities in responsibilities and trusteeship of Government.*—We should like to emphasise that such association should not be confined to representatives of European settlers only, but should include representatives of all immigrant communities.

(e) *Kenya Legislative Council.*—Chairman's proposals are not acceptable to us, but we welcome majority report as opening door to satisfactory settlement of vexed question of common *versus* communal electoral roll. Civilisation test is also approved in principle. On question of replacing four officials by four members nominated to represent native interests, stress should, we think, be laid on need for treating Indians as eligible to represent natives. It is, however, suggested that, if extension of experiment of replacing more officials by such representatives at some future date is contemplated, effect of such extension on Indian representation should be carefully examined.

(f) We agree to appointment of High Commissioner for local investigations and discussions, recommended by Commission, but attach great importance to allowing Government of India to send representative to East Africa to assist local Indians presenting their views to High Commissioner.

This is in continuation of our telegram No. 144-Os., dated the 14th ultimo.

THE HINDU CHILD MARRIAGE BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PUBLIC PETITIONS.

**Maulvi Muhammad Yakub** (Chairman, Committee on Public Petitions) : Sir, I have the honour to lay a Report of the Committee on Petitions. There are 98 petitions, bearing 46,134 signatures, relating to the Child Marriage Bill. All these petitions are against the Bill.

BILLS PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

**Secretary of the Assembly :** Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table the following Bills which were passed by the Council of State at their meeting held on the 18th September, 1929 :

- (1) A Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose.
- (2) A Bill further to amend the Indian Cotton Cess Act, 1923, for certain purposes.
- (3) A Bill further to amend the Indian Registration Act, 1908, for a certain purpose.
- (4) A Bill further to amend the Burma Salt Act, 1917, for certain purposes.
- (5) A Bill further to amend the Guardians and Wards Act, 1890, for a certain purpose.
- (6) A Bill further to amend the Indian Succession Act, 1925, for certain purposes.

STATEMENT LAID ON THE TABLE.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour) : Sir, I beg to lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending the 30th June, 1929.

## HIGH COMMISSION

## INDIA STORE

ABSTRACT OF CASES in which tenders for Stores demanded by the Central  
tion of the goods demanded, were accepted on the grounds  
greater facility of inspection,

## HALF-YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders  
British

| Stores ordered.           | Contract Number.     | Name of Contractor.                       | Amount<br>of<br>Contract.            |
|---------------------------|----------------------|-------------------------------------------|--------------------------------------|
|                           |                      |                                           | £ s. d.                              |
| Copper firebox<br>plates. | H. 3899/6449/3-1-29  | Linley & Co.                              | 777 10 6                             |
|                           | H. 3900/6449/3-1-29  | W. Roberts & Co., Garston<br>(1928), Ltd. | 462 10 0                             |
|                           |                      |                                           | 1,240 0 6<br>(British).              |
| Paper, unsensitized       | H. 4187/7445/28-1-29 | Basted Paper Mills Co., Ltd.              | 38 19 2<br>(British).                |
| Paper binding             | H. 4543/7487/16-2-29 | Smith & McLarin, Ltd.                     | 58 15 0<br>(British).                |
| Wire, electric            | K. 512/221/7-5-29    | Thomas Bolton & Sons,<br>Ltd.             | 27 2 10<br>(British).                |
| Axles, crank              | K. 1085/1364/24-6-29 | Carters (Merchants), Ltd.                 | 2,091 8 6<br>(Czecho-<br>Slovakian). |
|                           | K. 1086/1364/24-6-29 | Steel, Peech & Tozer, Ltd.                | 2,868 0 0<br>(British).              |
|                           |                      |                                           | 4,959 8 6                            |

## ER FOR INDIA.

## DEPARTMENT.

Government, other than the lowest complying with the technical descrip-  
of superior quality, superior trustworthiness of the firm tendering,  
quicker delivery, etc.

30TH JUNE, 1929.

for foreign made goods, have been set aside wholly or partially in favour of  
tenders.

| Lowest Tender<br>not<br>accepted.      | Reason for acceptance.                                                                                                                                                                                                                                                                                |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £ s. d.<br><br>1,069 14 0<br>(German). | Some of the plates were required immediately and the balance by March<br>and April 1929. The four lowest tenders offered delivery which did<br>not meet the indent requirements. The order was therefore placed<br>with the two firms who were next lowest.                                           |
| 24 5 0<br>(German).                    | The paper was required immediately. The delivery offered by the<br>lowest tenderer was far too long and the next lowest tender was<br>therefore accepted.                                                                                                                                             |
| 45 0 0<br>(Belgian).                   | The paper was required in India not later than the end of March 1929.<br>The lowest tenderer offered delivery which would not have met<br>the indent requirements. The order was, therefore, placed with the<br>next lowest tenderer.                                                                 |
| 26 0 10<br>(German).                   | The accepted tender was the better offer, having regard to the cost of<br>inspection abroad.                                                                                                                                                                                                          |
| 4,832 16 6<br>(Czecho-Slovakian).      | The axles were required immediately. The four lowest tenderers<br>offered very long delivery. It was therefore decided to divide the<br>order, part being given to the lowest tenderer and the balance to the<br>fifth tenderer, who, out of 16 tenderers, was the lowest offering quick<br>delivery. |

## PART B.—Cases in which the discrimina

| Stores ordered.                     | Contract Number.     | Name of Contractor.           | Amount of Contract.        |
|-------------------------------------|----------------------|-------------------------------|----------------------------|
|                                     |                      |                               | £ s. d.                    |
| Enamel white                        | H. 3886/4374/2-1-29  | Lewis Berger & Sons           | 73 2 6                     |
|                                     | H. 3887/4374/2-1-29  | Denton & Jutsum               | 116 5 0                    |
|                                     |                      |                               | 189 7 6<br>(British).      |
| Stands, signalling telescope.       | H. 4317/5999/5-2-29  | W. Ottway & Co., Ltd.         | 300 0 0<br>(British).      |
| Rolling shutters                    | H. 4438/5148/11-2-29 | Arthur L. Gibson & Co., Ltd.  | 114 6 5<br>(British).      |
| Chains                              | H. 4456/7728/12-2-29 | Thomas Perrins                | 185 18 3<br>(British).     |
| Compasses, dividers                 | H. 4533/7772/15-2-29 | W. F. Stanley & Co., Ltd.     | 108 6 8<br>(British).      |
| Putties                             | K. 246/8198/17-4-29  | Fox Bros. & Co., Ltd.         | 10,591 5 0                 |
|                                     | K. 247/8198/17-4-29  | Astrachans, Ltd.              | 3,647 7 11                 |
|                                     |                      |                               | 14,238 12 11<br>(British). |
| Slide Rules                         | K. 394/4/29-4-29     | W. F. Stanley & Co., Ltd.     | 303 6 8                    |
|                                     | K. 393/4/29-4-29     | Cooke Troughton & Simms, Ltd. | 442 3 0                    |
|                                     |                      |                               | 745 9 8<br>(British).      |
| Locomotive boilers, cylinders, etc. | K. 1006/4138/17-6-29 | Nasmyth, Wilson & Co.         | 31,119 10 0<br>(British).  |

tion is between British firms only.

| Lowest Tender not accepted.      | Reason for acceptance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £ s. d.<br>146 5 0<br>(British). | The Indenting Officer asked for supply of 300 gallons of a proprietary brand of enamel. Tenders were, however, invited, when the samples submitted were found to vary considerably in quality. With the concurrence of the Indenting Officer the order was divided equally between the lowest tenderer and another manufacturer in order that two qualities might be practically tested with a view to determine whether superiority of quality justified the use of the higher priced article. |
| 293 2 6<br>(British).            | The stands were required in India as soon as possible after 1st April, 1929. The lowest tenderer offered delivery which would not have met the indent requirements. The order was, therefore, placed with the next lowest tenderer.                                                                                                                                                                                                                                                             |
| 107 2 0<br>(British).            | Accepted on the grounds of the superior design of the shutters offered which represented more than the difference in price between the two quotations.                                                                                                                                                                                                                                                                                                                                          |
| 182 8 9<br>(British).            | Accepted on the ground of earlier delivery, as immediate supply was required by indenter.                                                                                                                                                                                                                                                                                                                                                                                                       |
| 94 15 10<br>(British).           | The order was placed with the second lowest tenderer in order to obtain the delivery required.                                                                                                                                                                                                                                                                                                                                                                                                  |
| 14,189 13 9<br>(British).        | 95,100 pairs of putties were required to reach India from 1st July, 1929 to 31st December, 1929. The delivery offered by the lowest tenderer would not have complied with the indent requirements. It was therefore decided to divide the order, giving the larger portion to the lowest tenderer.                                                                                                                                                                                              |
| 717 12 0<br>(British).           | The order was divided between the two lowest tenderers to secure the required delivery.                                                                                                                                                                                                                                                                                                                                                                                                         |
| 31,000 0 0<br>(British).         | The delivery offered by the lowest tenderer was too long to be considered. The order was, therefore, placed with the next lowest tenderer.                                                                                                                                                                                                                                                                                                                                                      |

## PART C.—Cases in which the discrimina

| Stores ordered. | Contract Number.    | Name of Contractor.                              | Amount of Contract.               |
|-----------------|---------------------|--------------------------------------------------|-----------------------------------|
| Insulators . .  | H. 4809/7835/7-3-29 | Porzellan-Industrie-Aktiengesellschaft Berghaus. | £ s. d.<br>3,675 0 0<br>(German). |
| Copper plates . | K. 275/8079/18-4-29 | Berg-Heckmann Selve A.G.                         | 1,236 8 0<br>(German).            |

tion is between foreign firms.

| Lowest Tender not accepted.       | Reason for acceptance.                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £ s. d.<br>3,600 0 0<br>(German). | The insulators were required in India as early as possible after 1st April, 1929. The delivery offered by the lowest tenderer was unduly long. The next two lowest tenderers quoted equal prices. One of these, however, had refused to give facilities for practical training of Indian students and was consequently passed over, the order being placed with the other tenderer. |
| 1,225 4 9<br>(French).            | The order was placed with the second lowest tenderer in order to obtain the delivery required.                                                                                                                                                                                                                                                                                      |



## STATEMENT OF BUSINESS.

**The Honourable Sir James Crerar** (Leader of the House) : Sir, with your permission, I should like to make a statement about the probable course of Government business during next week. On Monday, the 23rd instant, motions will be moved to take into consideration and also to pass the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes. The Report of the Select Committee on this Bill was presented to this House last Monday. On Wednesday, the 25th, the House will proceed to deal with the Supplementary Demands for Grants for expenditure of the Central Government (excluding Railways) for 1929-30. Thereafter two Resolutions—one regarding the formation of a Standing Committee for Roads, and the other on the subject of the Draft Convention regarding the machinery for fixing minimum wages in certain trades, of which the Honourable Sir B. N. Mitra has given notice, will be taken up. On the same day motions will be made for taking into consideration and passing the following Bills which were passed by the Council of State :

1. A Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose.
2. A Bill further to amend the Indian Cotton Cess Act, 1923, for certain purposes.
3. A Bill further to amend the Indian Registration Act, 1908, for a certain purpose.
4. A Bill further to amend the Burma Salt Act, 1917, for certain purposes.
5. A Bill further to amend the Guardians and Wards Act, 1890, for a certain purpose.
6. A Bill further to amend the Indian Succession Act, 1925, for certain purposes.

Copies of all these Bills have been laid on the table of this House today.

### THE HINDU CHILD MARRIAGE BILL—*contd.*

**Mr. President** : The House will now resume further discussion of the amendment of Pandit Nilakantha Das to clause 11 of the Child Marriage Bill. But I understand that the amendment seeks to add a further clause to this Bill after clause 11. Therefore it is necessary that I should put clause 11 first to the vote and allow further discussion of that amendment afterwards.

The question is :

“ That clause 11 stand part of the Bill.”

The motion was adopted.

Clause 11 was added to the Bill.

**Mr. President** : The House will now take up Pandit Nilakantha Das's amendment.

**Mr. E. L. Price** (Bombay : European) : Sir, I want to oppose this amendment. A number of communications which I got concerning this

## THE HINDU CHILD MARRIAGE BILL.

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Bill asked me to support the age of 16 years. I had to refuse because I think we cannot rely on the support of Government for anything but 14 years ; and the real struggle, which is renewed over this amendment, is between the ages of 14 and 12.

Sir, those who are supporting this Bill look upon the inclusion of the age of 12 under the circumstances as being a stultification of the whole Bill. We kept out 12 from the front door ; they tried to pass it in through the window. We barred the window, and they are now trying to get it in through the back door. But I insist that the supporters of the Bill must guard all points of entry and keep out this fatal 12.

It seems to me, Sir, rather hard on Members who have stuck to their task through numerous divisions that Mr. Iyengar should reproach them for not talking. It seemed to us on this side that we could best serve the interests of the Bill by not adding to the wave of verbiage that proceeded from the obstructionists.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : I wanted you to apply your brain to the clauses.

**Mr. E. L. Price** : Thank you ! Sir, there is the difficulty of reasoning with the unreasonable, of placating the implacable, and of trying to remove prejudices that we know are ineradicable and have shown themselves so at every moment of the debate since the Bill was put before us for consideration, at the first meeting. Besides, Sir, how are we to know that the so numerous amendments put up from that side of the House are really serious ? I think I heard you, Sir, describe one of them as “ frivolous ” ; and I certainly heard a Member yesterday saying “ I am really serious this time ”, which is a pretty clear implication that on other occasions he had not been serious.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : The Chair told you the other day that you were not a free agent ; you must remember that too.

**Mr. E. L. Price** : When the Honourable the Law Member yesterday represented what this amendment really would signify, when at last he spoke, he was assailed, not with argument, but with abuse. He had made it clear what this amendment would mean. Rich people can easily arrange affidavits ; they can hire a senior member of the bar to put those affidavits before the court, and there is every likelihood that that senior member will get attention. But what about the child ? Is the child going to be represented ? Is anybody going to put up an affidavit on her behalf—poor kiddy ? No ! The thing goes *ex parte* by default of the helpless child. The Honourable Pandit Malaviya represented yesterday that the habits as to these juvenile marriages affect the depressed classes also. If they do so, it seems to me it is quite obvious they do so as a result of the bad example set them by the higher castes ; and if you are going to do anything for the depressed classes in this matter, you have got to stop the bad example at the top, not allowing it a new method of carrying on and making, in fact, one law for the rich and another law for the poor. At the present time there is no legal justification for the marriage at 12. It is an evil custom and you want to eradicate it ; but if you permit this addition to the Bill, you actually introduce into the Bill that was ordained to prevent a bad custom, legal sanction for that bad custom.

[Mr. E. L. Price.]

Sir, the Honourable Pandit Motilal Nehru, when he first spoke, told us that the eyes of the world were on this Assembly. Letters and Press cuttings I have received by the air-mail seem to indicate that what the Honourable the Pandit said was perfectly correct. The eyes of the world are on this Assembly over this matter. It can be easily measured actually in terms of money, because newspapers will only pay for the cablegrams that interest their readers—quite obviously their readers are interested : There never was a time when the Press of the world outside India published so many cablegrams on any matter in India as they are doing over the Sarda Marriage Bill. I say this, Sir : adopt this amendment and legalise by the back-door the marriage at 12, and you bring this Assembly into contempt ; you paralyse social reform and you cover the best friends of India with confusion.

**Mr. President :** Before we proceed further, I wish to inform the House that I have just received notice of an amendment which is a very long one, from Mr. Mukhtar Singh on the same question. It has not been possible to distribute copies of the amendment at this late stage ; but if there is a general desire in the House that I should allow the Honourable Member to move his amendment, I shall have no objection.

**Maulvi Muhammad Yakub** (Rohilkund and Kamaon Divisions . Muhammadan Rural) : Let us know what this amendment is.

**Mr. President :** It is a lengthy amendment.

**Honourable Members :** Notice.

**Mr. President :** The Honourable Member had a long time before him to give notice of an amendment of this character. How can there be any intelligent discussion on this amendment all at once on the spur of the moment, when Honourable Members have got no copies before them in time to understand what the amendment is ?

**Mr. Mukhtar Singh** (Meerut Division : Non-Muhammadan Rural) : May I be allowed to read it ?

**Mr. President :** Is there a general desire in the House to have this amendment moved ? (*Cries of "No."*)

**Mr. Mukhtar Singh :** Unless the House knows what the amendment is like, how can the House say whether they want it or not ?

**Mr. President :** I shall read the amendment to the House, and the House can then make up its mind whether it wants this amendment to be moved or not. The amendment is :

" That at the end of the Bill the following new clause be added :

' No marriage of a girl above the age of 12 years shall be deemed to be a child marriage within the meaning of this Act, if the parent or guardian solemnising the marriage has, prior to such solemnisation, obtained the sanction of the District Judge of the place where the girl ordinarily resides.

The District Judge, on application being made by the parent or guardian of a girl above the age of 12 years, stating the circumstances under which such parent or guardian deems it essential in the interests of the girl to marry her before the statutory age, shall inquire into the circumstances and, if he comes to the conclusion that the proposed marriage before the statutory age is in the best interests of the girl herself in so far as :

(a) there is no probability of the celebration of the proposed marriage within one year after the girl comes of the statutory age, or

(b) it is likely that the parent or guardian of the girl will not, owing to old age or infirmity, survive till she comes of age and there is none else fit to take care of her, or

(c) there are other unavoidable difficulties of a like nature justifying the grant of such sanction,

the court may grant the sanction, provided the applicant furnishes security to the satisfaction of the court in respect of such conditions as separate living, custody or maintenance of the girl till the statutory age of consent, as the court in its discretion deems fit to impose."

Honourable Members have heard the amendment. Is it the general desire of the House to have this amendment ? (*Cries of "No, no."*) I am afraid I cannot allow this amendment at this stage.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I heard the speeches in support of this amendment made from this side of the House yesterday and I went back home satisfied that this amendment need not be made in the original Bill ; but after hearing the speech of the last speaker, Mr. Price, I recalled to mind the community he comes from, and it struck me that there is something in this amendment which may benefit that community though not the other communities who have so far advocated it. I will explain why.

The reasons given yesterday were similar to those that were mentioned in the proposed amendment of Mr. Mukhtar Singh which has just been disallowed. They were want of means, old age of the parents, the possibility of there being no near relation when the girl attains the age of 14. All these reasons did not appeal to me at all, but I have been thinking whether there can conceivably be a case where it would be in the interest of the girl herself to be married under special dispensation. Now, it occurs to me that that would happen in a case where a man misbehaves with a girl of over 12 years of age and not quite 14. Now consider the consequences for a moment. So far as the Hindu law is concerned, of course her marriage is out of the question, and in that case the girl is doomed for ever. But now look at the question from the point of view of others than Hindus. If there has been such a case of misbehaviour, what is the best thing in the interest of the girl to do, if, as might happen, she conceives and bears a child. What will be the best thing in her interest to do in such a case ? She is less than 14 and she is more than 12. Cases of this kind have occurred in England, as we know from the Reports, and will occur in the future in all parts of the world. Now, let us consider the position of the girl herself, the poor kiddy, as Mr. Price styled her. She is of course to be pitied, but is that enough ? Should not the law leave some room for her to come back into decent life and not to remain for ever and ever under the stigma of a disgraceful motherhood, for which probably she was not responsible ? In a case like that, I think, the only course to adopt is to solemnise the marriage technically, to make the couple to go through the form of marriage, provided of course the two parties are consenting, and thus save the bitter consequences of a life of shame for the poor girl. If that is not done, the man who has offended against the rule as to the age of consent, will be tried and sentenced and after serving out the sentence, take no notice of the girl who will be left helpless. If she is a Hindu girl, she will in any case be discarded from society with nobody to look after or care for her. But so far as the non-Hindus are concerned, I

[Pandit Motilal Nehru.]

think that there is a way to save that girl and that is to marry her under special dispensation, but that, I submit, would be impossible unless you have a provision to that effect in the Bill itself. Now, that, Sir, is what has occurred to me as the only possible case in which it may be said that the solemnisation of the marriage of a girl under 14 would be for her own benefit. I would, therefore, submit that as this Act is of general application and is not confined to Hindus, we must not overlook the interests of non-Hindus. I would therefore support the principle of this amendment in the interest of the girl and the girl alone and of no other....

**Mr. President :** Will the Honourable Member move his amendment ?

**Pandit Motilal Nehru :** I don't move any amendment. I simply support the principle of the amendment before the House in the special case I have mentioned.

**The Honourable Sir James Crerar (Home Member) :** Sir, I should like to say a few words at this stage to explain the reasons why, for my own part, I feel it necessary that this amendment must be opposed. It is indeed, as an Honourable Member who preceded me argued, a somewhat veiled attempt to defeat a decision at which this House, after very prolonged debate and mature deliberation, has arrived.

Now, Sir, I think the House would be extremely unwise and would, I think, put themselves in an extremely ambiguous position if they lent their support at this stage to an amendment which completely negatives or defeats their previous decisions, subject only to a qualification which, as I shall endeavour to establish, would make the case even worse. I submit that it is extremely important in the case of any law, more particularly in the case of any penal law, and more particularly still in the case of a penal law newly enacted in a sphere which has hitherto not been the subject of penal law, that that law should be clear, that its application should be precise and the principles on which it is administered should be uniform. Now, what does this amendment propose to do ? It proposes to place in the hands of hundreds of District Judges throughout India the substantial decision in each case as to what the law means, what is the principle behind it, and in what manner it ought to be applied and administered. I say, Sir, that it is an essentially vicious feature of the amendment. It makes the law uncertain, it deprives it of uniformity and it delegates in point of fact to an individual judicial officer what is the duty of the Legislature, namely, to lay down the principle of the Bill. What then would happen ? It might very well happen that, in cases of a similar character, you would obtain the most diverse decisions from the various District Courts throughout India. It might even happen that cases occurring in one district would be dealt with and decided on entirely different principles from similar cases in adjoining districts, according to the prejudices or the idiosyncracies of particular District Judges.

It is alleged, Sir, on behalf of those who supported this amendment, that it would go far to promote the popularity of the Bill. I venture to suggest, on the contrary, that it would have a completely opposite effect. The fact that different views were held by different Judges,

that the law was uncertain, that there was no uniformity, in its application, and that the actual determination of its principles was left to individual judgments would, I think, in course of time, lead to such diversities, such irregularities, such inequalities of operation as would raise a very great measure of unpopularity and discontent on a Bill which otherwise in a very short time, as I venture to hope, would be accommodated to the social system. (*Several Honourable Members on the Swarajist Benches : "No, no."*)

**Mr. A. Rangaswamy Iyengar :** Not as you have framed it.

**The Honourable Sir James Crerar :** So, what I urge is that if my prediction in any way approximates to the fact, then this House will either have to re-call the decisions at which they have already, with so much deliberation, arrived, or if this amendment is enacted, they will have to repeal it.

**Pandit Motilal Nehru :** On a point of explanation, Sir. I did not and had no intention of moving any amendment by a change of the wording. I simply threw out a suggestion to those sides of the House which might probably be affected if the principle of this amendment was not recognised. So far as I am concerned, I do not propose any amendment, nor do I support the amendment as it stands on the paper.

**Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) :** I have very carefully considered the merits of this amendment, and since yesterday evening I have had considerable time to apply my mind from all the points of view which were urged before this House yesterday and this morning by my esteemed friend Pandit Motilal Nehru. From the thought that I have been able to devote to this amendment, and with all the weight of Pandit Motilal Nehru's comments, I am compelled to come to the conclusion that in its present form, even from the point of view that Pandit Motilal Nehru has put forward, this amendment ought to be opposed. I am aware that the considerations which Pandit Motilal Nehru has mentioned are of a very grave character, and I expect that, before this law is put into force, we shall have to provide before long for the beneficial working of this Act a provision of the description that Pandit Motilal Nehru has in view. In fact, such a provision will be in a line with what other countries have provided, especially those where the marriageable age is high like 16 to 21 years and where the marriage is regarded as void if it is solemnised before that age, which this Bill does not do. All these countries, for the proper working of their matrimonial laws like the present Bill, have been compelled to resort to a provision like the one which Pandit Motilal Nehru has mentioned. But I submit with great respect to Pandit Motilal Nehru that the amendment, as it is worded and even with the modification which he has suggested, will not be useful for that purpose. (*An Honourable Member : "You suggest one."*) I am not suggesting one because it is difficult to do so off hand so as to provide for all the complexities of the case. But I do consider that it is a very grave consideration, and my opinion is that, before long, it would be necessary to have a carefully worded amendment so as to secure the object that my Honourable friend has in view.

The wording of the present amendment is far too wide for that purpose. First of all, if we take the analogy of those countries which

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have got a law like the amendment before us, its most distinguishing feature is that it is generally the supreme Court and sometimes the Crown advised by that court that generally takes measures to legitimatise the marriage,—not an inferior official like the District Judge. The power has always rested in the highest tribunal of the country which takes the necessary measures. I submit that the power given by this amendment to the District Judge is placed far too low for the purpose of any useful working of this amendment. My second objection is that the wording is far too wide, even accepting the modification that Pandit Motilal Nehru has mentioned. The words are : “the non-performance of which would mean hardship to the girl or her family”. First, I take the wording of this amendment as it stands. “Hardship to the girl or her family”. I can imagine several cases which will fall within these words, which can not be protected. Let us take the words, “hardship to the family”. Suppose a case occurs before the District Judge, where the facts are as follows : “The plea is that an I. C. S. husband is available for the girl at the age of 13. He has recently come from England, he is in a hurry to find a wife and is not going to wait until the girl is 14. He is in a hurry to marry, and it is a very desirable choice, no dowry, the man is intelligent and attractive and in every respect desirable. The father of the girl comes before the District Judge and argues that not to marry the girl in those circumstances is a positive ‘hardship to the girl or her family’.” The word in the amendment is “hardship”,—though not the kind of hardship that my Honourable friend Pandit Motilal Nehru has in view, it is a different kind of hardship. Take another case. Supposing an orthodox parent came to a District Judge and said : “My community has decided that if I do not accept their choice of a husband or marry the girl at the age and in the manner the caste *jamat* wants me to do, I shall have to pay a fine of Rs. 500, which my caste *jamat* may impose”. In such a case, not to perform the marriage is “a hardship to the family”. The District Judge will be very often persuaded to grant the application because the matter complained of falls within the meaning of the word “hardship”. But the most extravagant case was suggested by my Honourable friend Pandit Nilakantha Das yesterday. He practically gave to the House extreme instances which show in what way, in some cases, this amendment may come to be interpreted. His case was this : a man has three daughters ; he has very short privilege leave. He is allowed short leave to go to his province to solemnise the marriage, and he will not be allowed any extension of leave. In such a case it would be a “hardship” not to get all the three girls of 9, 11 and 14 years married together. Look at the absurd lengths to which the meaning of the word “hardship” will be taken in the cases cited by Pandit Nilakantha Das. He says that such cases ought to be protected. A father goes from the Punjab to the Deccan to solemnise the marriage of one daughter, he has no time to go there again within the next three years because he won't obtain leave. He has no money to spend for each separate marriage. Therefore it is suggested that, in such a case, protection ought to be given by enabling the father to marry the daughter who is above 14 along with those who are below 14. In other words, to put the matter pointedly before the House, what would be an offence in a single instance should cease to be so when part

of a series ; what is an offence in the case of one marriage ceases to be so in the case of three marriages solemnized together.

These are some of the difficulties which are sure to arise if we allow the word “hardship” to remain. At the same time, from my experience of the Hindu Law and from what I see clearly before me, the point which Pandit Motilal Nehru has put before the House deserves serious consideration, namely, that in certain cases,—an occasion may arise when we may have to make provision to have the marriage performed before the prescribed age limit. That is a very grave consideration, and I think that a proper amendment carefully worded would have to be brought before the House, restricting protection to the specific case that Pandit Motilal has in view. The man who has contact with a girl at the age of 13 is an offender, but the girl may have to be protected by solemnizing the marriage, if certain contingencies arise ; but I do submit that the House should not pass this amendment in a hurry, widely worded as it is. As my Honourable friend Mr. Price pointed out, this amendment tries to take a coach and four through the provisions of this measure and may let in all manner of exceptions by the backdoor. The meritorious purpose of the Bill is likely to be defeated by our accepting the amendment, worded as it is, in a hurry, but I ask the Government to apply their minds seriously to the weighty considerations which Pandit Motilal Nehru has placed before us and bring in a properly worded amendment. I shall certainly support it at the right time.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, on behalf of those whose views I have been trying to voice in this House I desire just to make a few observations. I have tried to follow the arguments which have been advanced so far and I must candidly admit that I do not ardently desire the amendment that is now before the House. I do fear that there may be more cases protected by this amendment than deserve to be protected. I am glad my friends begin to perceive the law will work hard on some. I am glad to see that already sanity is returning and I hope that it will completely return sooner than most people expect. But whatever we do, let us do it frankly and candidly. I do not believe that those whose views I represent would care to have an amendment like this, that they would go to the District Judge and beg of him to permit a marriage. I do not think any self-respecting man would care to resort to that course. I am very glad that the Honourable the Leader of the Congress Party has let the cat out of the bag. I know that when this law is passed, in a few years we shall be getting social conditions in India very much like those obtaining in very many “civilised” countries. Parental authority will be disregarded. Girls will begin to make their own choice in their own way. Such cases must come of indiscreet love episodes. That is what you are providing for by this Bill and I believe that a situation will soon come when we shall have to change the law in all seriousness. Suppose a girl of 12 or 13, without the knowledge of her parents, commits some misdemeanour with a boy of 17 or 18, the parents will want to hush it up and get them married and, as the Honourable the Law Member put it, it is not the girl of a poor family that will get the benefit of this. The rich man's daughter will be able to employ a good lawyer to go before the District Judge and plead all sorts of justifications. The poorer children, who may better deserve protection, will not get the benefit of the law.

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[Mr. M. K. Acharya.]

They may not even have the necessary means to go before a District Judge ; and so they will not get the protection which they deserve. I therefore feel that the deserving cases that will be protected will be so few and the cases that do not deserve to be protected but will get the protection will be so many that it is very dangerous to have an amendment of this kind. As my friend the President of the Hindu Sabha declared, you are deliberately going in for a new change in the Hindu social order. There will be abductions and seductions and things of that kind. My friend, the Editor of the *Hindu*, has been carried off his feet in trying to make out a case for this amendment. If we are going to penalise marriages before 14, let us do it frankly, knowing all the immoral consequences that will follow and not protect ourselves in a manner which is unworthy of the House and unworthy of the country to which I have the honour to belong.

**Mr. M. Keane** (United Provinces : Nominated Official) : I should like to say a few words by way of supplement to the statement of general principles and difficulties that was enunciated by the Home Member. When the Bill originally came before the House, Honourable Members will remember that there was a proposal that marriages solemnised before the age mentioned in the Bill should be held to be void. That met with so much opposition that the provision had to be dropped. It seems to me that, in dropping that particular provision, a solution was already given to the difficulty which the Honourable Pandit Motilal expressed this morning. In the circumstances referred to, it will be open to the parties still to solemnise the marriage. The amendment provides, that the court should first be approached to give its sanction to such a marriage. If the court is willing, in such circumstances, to give its sanction to the marriage, the same court or any other court, if the marriage did take place, would not be prepared to view with severity the solemnisation of such a marriage, and at the same time it would safeguard us against what I consider would be a dangerous principle that of inserting in the Bill that the court may give its sanction to circumstances which were in themselves reprehensible, circumstances in which the man concerned must have been guilty of the gravest crime which we know. We would safeguard the principle of refusing sanction in such circumstances without preventing the solemnisation of marriage, that is to say, the marriage would not be invalid, but the Act would still remain and the offence would remain. The man would not be punished severely for the performance of a marriage which the court, according to the amendment, would have been ready to condone from the very start. That is a practical consideration which I think we ought to keep before our minds in dealing with this amendment ; and furthermore, Sir, I think that, if we did allow an amendment of this sort to be inserted in the Bill, we should to some extent be condoning, and more, encouraging, reprehensible relations between the different sexes at ages below the age in the Bill. That is a principle that we should resist to the very utmost, so that from the two points of view, the point of view of principle and of practical difficulty, I think it would be far better to let the Bill stand as it is ; solemnisation of the marriage, though due to circumstances which in themselves are worthy of condemnation, will stand valid, and if the case comes before a court, no court will be willing to punish it with

severity. These are the practical considerations, Sir, that I would like to put before Honourable Members before they are carried away by the argument of the Honourable the Pandit. (Cheers.)

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I pity the Mover of this amendment for the way in which his humble efforts to mitigate the evils of vindictive legislation have been interpreted by different Members. I regret the interpretation that has been given to this amendment by bringing in the instance of a certain community who are very few in number in this country, and a very ugly charge has been made against that community to which I do not subscribe. It is, Sir, at all times very undesirable for one community to pick out the dirty spots of another community and hold them up to ridicule by posing as their friend and urging that the amendment should be negated on that ground. I support Pandit Nilakantha Das's amendment. He, Sir, is not only a social reformer himself, but his province also supports this legislation. In spite of that fact, when a man like Pandit Nilakantha Das comes forward with an amendment like this, it deserves to be considered carefully by this House. Sir, I am very sorry that, in this matter, two gentlemen who happen not only to hail from my province but also happen to belong to the same caste as myself, have put forward arguments against the amendment. The argument of the Honourable the Law Member has been that, by a rich man, the provisions of this salutary amendment can be defeated with the help of astute lawyers. I do not know whether it will please the Honourable Members on the opposite Benches, and especially the Leader of the House, when they hear such remarks against the administration of Justice in this land, namely, that an astute lawyer always diverts the course of justice. If that is the machinery that has been put in this country in the sacred name of law and justice, I beg to observe that the sooner that machinery goes away or, if it does not go away, the sooner it is replaced by something better, the better for this country. But I do not think that the Honourable the Law Member was very serious when he submitted such arguments before this House, for he ought to have been aware, during his pretty long practice at the bar, with his ability, with his forensic skill and advocacy, in how many cases he has been able to divert the course of justice. Probably he was saying something in which he did not believe, but as the Government want to oppose this amendment, some argument, some clever argument and the argument of an astute lawyer was needed, however unacceptable. No sensible man I think will place the least faith upon an argument like that, and I think even the newest member of the judiciary in this land will not be misguided by the arguments of astute lawyers. Another gentleman from Bengal has been very hard upon my poor friend when he attempted to ridicule, without advancing any argument on his behalf, the idea of compulsion, and he wanted to know what compulsion is. It were better if he had not said things like that. Sir, gentlemen marrying their own daughters below ten years of age come and castigate real social reformers like Pandit Nilakantha Das ! These are sights for the Gods to see ; and if I am not disclosing any secret, I may tell you that, when there was a comparison of how each of us had married our own daughters, and when I gave out that I did not marry my own daughter below fourteen (Hear, hear), and when I asked my friend, " Why did you marry your daughter at less than ten years of age ? ", he said, " I was compelled ". Compulsion—and what kind of compulsion ! My



[Mr. Amar Nath Dutt.]

Honourable friend, Mr. Jayakar, with his toleration and liberality of views, has shown his sympathy for those unfortunate kiddies who mis-behave themselves at the age of twelve and would try to find a place for them in society. I sympathise with him. I also believe that derelicts of society, as soon as they make amends, should be taken back into society. But at the same time, when he ridicules the idea that if a father gets an I. C. S. husband for his daughter, it would be a case of hardship if the father is not allowed to marry the girl at an age below fourteen, he is wrong. Mr. Jayakar and his friends who roll in wealth, who have ample resources, who can purchase bridegrooms for several lakhs of rupees for their daughters, fail to remember that everyone is not rolling in wealth, and that, not to speak of lakhs, even a few thousands are too much for poor men like Pandit Nilakantha Das and ourselves; and he ought to have at least tried to consider, tried by his imagination to place himself in the position of people like ourselves who cannot afford to lose an I. C. S. son-in-law when we can get him, were it not for this rule. As for the former Member from Bengal who said that he was compelled, well, I ask, why was he compelled? Was it not because he got a rich son-in-law? Sir, I will not reply to the many observations that have been made and the many abuses that have been hurled at the devoted head of Pandit Nilakantha Das, characterising this amendment as frivolous.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Nobody characterised it as frivolous.

**Mr. Amar Nath Dutt** : Mr. Price called it frivolous. Sir, I will not use the same language which members of other communities have used towards the members of the Indian communities, both Hindus and Mussalmans. They have called it an evil custom, but before characterising any custom as evil, they ought to have been careful enough to know what custom this amendment wants to do away with and to safeguard against. But they would not apply their minds to the amendment itself. It is because cases of hardship do occur, which compel a man of this world to act, that he has asked the House to consider his amendment. I was also surprised to hear from the Leader of the House that different courts will interpret this section in different lights. I believe my Honourable friend at least sat on the Bench of a District Court for some time. If he did so, I would like to call to his memory how many times he failed to appreciate the true meaning of a law enacted by this Legislature? Is the wording of the amendment so bad as it has been described to be? It should be remembered that this amendment has been drafted by a layman. But what about the draft of the original Bill, which has been done by so many lawyers and which shows an unhappy specimen of legislative draftsmanship? Sir, they ought to have been ashamed of that draftsmanship before blaming my friend, who is, after all, a layman. Be that as it may, the position that has been taken that different courts will take different views of this amended section, is untenable. Is not there a superior court of appeal sitting over them to have the laws enunciated for the guidance of the subordinate courts if they vary in their interpretation? But I forget that, when it suits them, they become oblivious of all facts and try to say things which are not correct and impose them upon unwary Members

of this House who would not discriminate between right and wrong. Sir, I am sorry also that the Honourable the Leader of the House had no faith in the wisdom and the administration of justice of the subordinate judiciary of this land. I do not know if he has faith even in the High Courts of this country or in the Privy Council; but because a certain Judge may not be able to appreciate clearly meaning of a certain section, is that any reason why it should be rejected? He stands self-condemned by condemning his own judiciary and also by condemning their intelligence. Be that as it may, I submit that the reasons advanced by the Honourable the Mover of this amendment are quite cogent and people who are not deaf to all reasoning and are not blind to all sense of decency in this matter will support this amendment.

**Mr. President** : The question is :

“ That at the end of the Bill the following new clause be added :

‘ Nothing in this Act shall apply to a case of child marriage where the girl married is not below 12 years of age and where any one of the contracting parties or their parents or guardians has obtained the sanction of the principal court of civil jurisdiction upon an application made prior to the solemnisation of the marriage stating the circumstances under which he is compelled to solemnise the marriage the non-performance of which would mean hardship to the girl or her family ’.”

The Assembly divided :

AYES—24.

Aney, Mr. M. S.  
Ayyangar, Mr. M. S. Sesha.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Iyengar, Mr. A. Rangaswami.  
Jannadass, Seth.  
Jogiah, Mr. V. V.  
Kelkar, Mr. N. C.  
Lahiri Chaudhury, Mr. D. K.  
Malaviya, Pandit Madan Mohan.

Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Murtuza Saheb Bahadur, Maulvi Sayyid  
Naidu, Mr. B. P.  
Neogy, Mr. K. C.  
Rang Behari Lal, Lala.  
Singh, Mr. Gaya Prasad.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Rajivaranjan Prasad.  
Sinha, Mr. Siddheswar Prasad.

NOES—62.

Abdul Aziz, Khan Bahadur Mian.  
Acharya, Mr. M. K.  
Anwar-ul-Azim, Mr.  
Ayangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Birla, Mr. Ghanshyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Bray, Sir Denys.  
Chalmers, Mr. T. A.  
Chaman Lall, Diwan.  
Chatterjee, The Revd. J. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.

Kartar Singh, Sardar.  
Keane, Mr. M.  
Kunzru, Pandit Hirday Nath.  
Lalchand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Mitra, The Honourable Sir Bhupend Nath.  
Mitter, The Honourable Sir Brojendra  
Modv, Mr. H. P.  
Mukharji, Rai Bahadur A. K.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. V.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rao, Mr. G. Sarvotham.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.



NOES—62—*contd.*

Schuster, The Honourable Sir George.  
 Shah Nawaz, Mian Muhammad.  
 Shervani, Mr. T. A. K.  
 Siddiqi, Mr. Abdul Qadir.  
 Singh, Kumar Ranaujaya.  
 Singh, Mr. Narayan Prasad.  
 Singh, Rai Bahadur S. N.  
 Stevenson, Mr. H. L.

Stewart-Smith, Mr. D. C.  
 Sykes, Mr. E. F.  
 Tin Tut, Mr.  
 Tottenham, Mr. G. R. F.  
 Winterbotham, Mr. G. L.  
 Yamin Khan, Mr. Muhammad.  
 Yusuf Imam, Mr.

The motion was negatived.

**Pandit Thakur Das Bhargava** (Ambala Division : Non-Muham-  
 madan) : Sir, I beg to move :

“ That after clause 11 of the Bill the following new clause be added :

- ‘ 12. (1) Whenever any person accused of an offence under sections 3, 4 and 6 of the Act is convicted and the Court is of opinion that it is necessary to prevent the husband from consummating the marriage or cohabiting with the wife before the completion of the statutory age of consent the Court may order him to execute a bond with or without sureties for a sum proportionate to his means.
- (2) The bond to be executed shall bind the person convicted under section 3 or 4 of the Act to abstain from consummating the marriage and cohabiting with his wife till the statutory age of consent, and the person convicted under section 6 to be responsible for such abstention by his son or ward as the case may be and to that end impose such conditions as the Court considers suitable for instance separate living, custody and maintenance of the wife.
- (3) If any person ordered to execute a bond fails to comply with such order, he shall, unless he is already in prison, be committed to prison and kept imprisoned until such time as he complies with the order or the statutory age of consent of the girl-wife is reached.
- (4) Imprisonment for failure to execute a bond shall be simple.
- (5) Sections 122, 126, 126-A and 406-A of the Code of Criminal Procedure shall apply as far as may be to sureties of such bonds ’.”

Sir, in moving the amendment, I have followed the recommendations of the Age of Consent Committee which they have made in this particular at page 182 of the Report. They say :

“ We recommend that the court trying a case of contravention of the marriage law be empowered to require the offender or conviction to execute a bond, with or without sureties, for separate living, custody and maintenance of the girl and for preventing the husband from consummating the marriage before she completes the statutory age of consent, and that the provisions of sections 122, 126, 126A and 406A of the Code of Criminal Procedure be extended so as to make them applicable, as far as may be, to sureties in cases of breach of marriage law. Consequent upon the above recommendation in respect of separate living, custody and maintenance of girls and similar recommendations made elsewhere, we recommend that suitable aid and encouragement be afforded to the establishment of institutions giving protection to girls dealt with under such recommendations ”.

Now, Sir, the reasons for this recommendation of the Age of Consent Committee are obvious. Whatever may the other effects of early marriage, one effect which appeals to every right minded man is that, in many cases there is early consummation, and the evil effects of early consummation need not be detailed before the House now. If a husband is subsequently convicted under the Age of Consent law, the hardship to himself, to the family and to the girl is obvious. In this connection, with your permission, I will read out from one of the dissenting minutes to the Report of the Age of Consent Committee.

This is from page 247 of the Report :

“ Let the reader visualise in his imagination the condition of a devoted and pious girl wife of 15½, pregnant with a child and expecting delivery, while the husband is being hauled up for misbehaviour with the prospect of being sent to jail. Where is a girl who will not be tempted in such circumstances to have recourse to miscarriage to conceal the evidence of her person? What girl would not prefer suicide to save her lord from the consequences of an act which is supposed to have injured her and in which she participated as a result of the concurrence of the parents of the couple in uniting them before holy fire into indissoluble communion? It is said that the condition of a mother in her pregnant state affects the whole tenor of the future of the child. If it is true, the reader has to draw on his own imagination to divine how the unfortunate child of such union, the result of which is the incarceration of the father in jail with the mother brooding during her pregnancy over her misfortune and cursing herself and the offspring for it, will be affected.”

“ What one would expect in the ordinary wife is clear. The period of the stay of the husband in jail will be a period of great torture to the girl wife at home. If the husband is fined, the fine shall come out of the share of her bread and the milk of her young babe. Day in and day out, the mother-in-law and other relations will curse the young lady for having brought trouble on the family. This inauspicious lady will hardly find comfort at her father's. But the death of the husband in jail opens a chapter which few hard-hearted people will be able to read with equanimity.”

Now, Sir, it is clear that, so far as offences under the penal law relating to the age of consent are concerned, it is indisputable that such offences are very difficult of detection and of proof. And if this House wants that the evil effects of early consummation should be obviated, then it is necessary to provide that in case of conviction a bond should be taken from the offending accused to postpone the consummation and cohabitation with his wife. An analogous provision is to be found in section 106 of the Code of Criminal Procedure where, on conviction in respect of certain offences, the courts are competent even today to ask for such bonds. Wherever it is the policy of law to prevent recurrence of any offence, it always insists that bonds of this nature should be taken. The Age of Consent Committee in their Report have recommended that as a corollary to the law of the Age of Consent, the courts should be armed with such powers on the occasion of conviction under the Age of Consent law. They further recommended, as I have read out from their Report, that in the case of breach of marriage laws also, the courts should be so armed. It can be said that this provision will involve too much of interference with human liberty and will place certain restrictions on them, which will be very unpleasant to the people in general. But my submission is that, if you are going to have a penal law, then you have to place a certain amount of restriction upon human liberty, and I maintain that the restriction sought to be placed upon human liberty by this provision will be much less than the restriction which would be placed by having recourse to the law relating to the age of consent. Out of two evils the House has to choose which is the smaller evil. To give an illustration, Sir, suppose a girl of ten has been married to a man of 30. In a case like this the husband can be sent to jail and he can be made to undergo simple imprisonment for one month at the most. After that is done the husband and the wife live together and all those difficulties which beset the prosecution in a case under the age of consent law will be there. The offence of marital misbehaviour will be most difficult to prove, because the girl will not give evidence and the relations will not give evidence. The actual fact of consummation will be most difficult to prove, as I have submitted, and therefore girls so circumstanced will not be protected.

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Now, Sir, I do not think that breaches of the law of marriage will be very few, at least in the first years of the operation of this Act. In regard to such breaches, unless and until we have a provision of this nature in the Statute-book, it will be most difficult to insist that husbands will not cohabit with wives below the age of 15. I would therefore submit that, considering the question from all sides, this provision is one which is on the line of least resistance. If the provision of the consent law is enforced in its rigidity, I am quite sure that the measure of dissatisfaction and disaster in the country will be much greater than if this proposed measure is put into practice.

As regards the bonds, Sir, I have taken the phraseology from section 106 of the Criminal Procedure Code. So far as I could, I have followed the very words, because, as you know, these words have been the subject of judicial interpretation. The provision in paragraph 3 may seem to be a bit hard, but I do not know how it could be altered. Under the circumstances I have kept it in the form in which it is found in the amendment. The imprisonment provided is simple, but it is always within the competence of the accused to give a bond of this nature and get his release. In these circumstances I submit that this amendment should be accepted by the House.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, I oppose this amendment. The object of the amendment is to prevent consummation or cohabitation before the completion of the statutory age of consent. My first objection is that the amendment is not necessary, because we have already got the law of consent, and therefore no further measure is necessary for that purpose. Sir, the premise or the circumstances under which the court has to act under the amendment is, "When the Court is of opinion that it is necessary to prevent the husband from consummating the marriage or cohabiting with his wife before the completion of the statutory age of consent". If you use the phrase "When the Court is of opinion", you imply that the court has got to judge of the facts and come to a decision. But in this case there is no room for the court to exercise its judgment, because the law has fixed the age of consent and has defined the offence in that behalf. Therefore, the phrase, "When the Court is of opinion", etc., is meaningless.

My first objection to this amendment therefore is that it is unnecessary, and secondly, that it is meaningless. The third objection is this : the court has to order the execution of a bond directing the husband to abstain from consummating the marriage ; it will be absolutely infructuous, because in order to enforce a bond you will have to inquire into matters which are impossible of inquiry, unless by some inquisitorial process you pry into the innermost life of the people, which no Legislature ought to encourage. And since the enforcement of the bond would be infructuous, I object to the proposal on the ground that the Legislature ought not to impose upon the court a duty which the court cannot, in ordinary circumstances, perform. There is a well-known principle, Sir, that courts do not act in vain. If you pass this amendment you will be asking the court to do something which it is impossible for the court to do, and therefore the order will be in vain. My objection therefore is on the grounds that it is unnecessary, secondly that it is meaningless,

thirdly that it is impossible of enforcement, and lastly, that, even if it be possible of enforcement, it will be much too inquisitorial.

**Mr. President** : The question is :

"That after clause 11 of the Bill the following new clause be added :

- ' 12. (1) Whenever any person accused of an offence under sections 3, 4 and 6 of the Act is convicted and the Court is of opinion that it is necessary to prevent the husband from consummating the marriage or cohabiting with the wife before the completion of the statutory age of consent, the Court may order him to execute a bond with or without sureties for a sum proportionate to his means.
- (2) The bond to be executed shall bind the person convicted under section 3 or 4 of the Act to abstain from consummating the marriage and cohabiting with his wife till the statutory age of consent, and the person convicted under section 6 to be responsible for such abstention by his son or ward, as the case may be, and to that end impose such conditions as the Court considers suitable for instance separate living, custody and maintenance of the wife.
- (3) If any person ordered to execute a bond fails to comply with such order, he shall, unless he is already in prison, be committed to prison and kept imprisoned until such time as he complies with the order or the statutory age of consent of the girl-wife is reached.
- (4) Imprisonment for failure to execute a bond shall be simple.
- (5) Sections 122, 126, 126A and 406A of the Code of Criminal Procedure shall apply, as far as may be, to sureties of such bonds."

The motion was negatived.

**Pandit Thakur Das Bhargava** : Sir, I beg to move :

"That after clause 11 of the Bill the following new clause be added :

- ' The Government shall, for the proper and efficient working of the provisions of this Act, make rules or authorise the Local Governments to make rules, providing among other matters :
- (a) for the compulsory registration of marriages enjoining upon the contracting parties in case they are not minors and upon parents and guardians if the contracting parties are minors to report within a prescribed time the factum of such marriage,
- (b) for prescribing the form of registers and reports and particulars to be contained in such reports and registers.
- (c) for issue of marriage certificates free of charge or at nominal charge to the person reporting,
- (d) for grant of copies from such registers and reports, and
- (e) for authorizing officers in charge of such registration to make complaints in suitable cases of infraction of such rules and the provisions of this Act."

In making this amendment I have followed the suggestion given by the Age of Consent Committee in paragraph 329 of their Report wherein the subject matter of this amendment has been discussed by them. They recommend as follows :

"that an accurate marriage register in a prescribed form be kept, through an administrative department of Government, containing details of marriages, including the ages of the couple, and that it be made obligatory by law on parties and guardians of parties to the marriage, either personally or through authorised agents, to report the same to a prescribed local authority :

That the officer keeping the register of marriages be empowered and also be charged with the duty to complain of any breach of the marriage law, or any omission to report a marriage or of a false entry in the details required in the registration of marriages, to the nearest magistrate having jurisdiction to try such cases, after such preliminary inquiry as he thinks fit to make.

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We also recommend that the registers of marriage be permanently retained, and that certificates of marriage be issued to the parties concerned free of cost, when the marriage is reported."

Sir, even before the Report of this Committee saw the light of day, as a Member of the Select Committee I brought it to the attention of the Select Committee that there should be some provision in this Bill for registration of marriages and empowering the Registrars of Marriages to make complaints. But unfortunately that suggestion did not find support and I could only put in my dissenting note. In the Baroda State where this law relating to marriage was perhaps first enacted, there is a system of registration of marriages, and as soon as a report is made to the *Nyayadhish*, he considers such report as a complaint on which he exercises jurisdiction. Automatically, as soon as a report of a marriage is made and it is found out by the Registrar that an offence has been committed in relation to any of the provisions of the Act, he sends a report and the report is treated as a complaint. The way in which this provision has been successful in Baroda has emboldened the Age of Consent Committee to make this suggestion, and I think this is one of the few constructive suggestions that the Committee have made in regard to the proper and efficient working of this Act. Now, in regard to the discussion of this Bill, I have seen that the Mover as well as the Government have taken up an attitude that not a comma is to be changed in the Bill. May I tell them this? That this amendment does not seek to make any change at all, but that it only adds another clause to the Bill. Sir, the amendment moved by Pandit Nilakantha Das was opposed by the Government and other Members of the House on the ground that they are not going to allow any the smallest loophole for any person who is accused of an offence like this and who can be convicted under the law to look askance at the Bill. I am in entire agreement with the principle that every case of infraction of the provisions of this Act should be brought to court and that this Bill should be rigorously enforced. But, Sir, after going through the provisions of the Bill which have been passed by the House, I cannot refrain from remarking that the provisions that we have so far passed do not reflect great credit upon us. Some of them are mutually conflicting. I find a provision that every person is entitled to complain so far as offences under this Act are concerned : and whereas that right is given in one clause, it is practically taken away when great insistence is laid by other provisions of the Bill that every person who comes with a good case should deposit security to the extent of Rs. 100. Now, Sir, I presume that when the entire community is not imbued with sympathy with this Bill, it will sometimes happen—perhaps it will happen in many cases—that it will be the enemy alone who will move the provisions of this Act, because the provision contained in clause 11 will debar many public-spirited men from poking their noses into other people's affairs, when to start with the court shall make an initial presumption that the case which is brought before it is false or frivolous. If an enemy wants to move this law, he will go to a law court and he will try to harass the accused in every possible way ; all the disadvantages which flow from private prosecutions will be found in the operation of this Act...

**Mr. President :** The Honourable Member is now going through the whole Bill.

**Mr. Amar Nath Dutt :** And he did not support us at that time.

**Pandit Thakur Das Bhargava :** I am only submitting, Sir, that unless and until the amendment I have proposed is accepted, there is no provision in the Bill for the automatic working of this Bill. The acceptance of this amendment of mine is the acid test of the sincerity of the Government. If the Government want that a feeling should go abroad that the Government have passed this law, I think the feeling will be ill-founded and I think the Government are not justified in taking the credit of being a party to the passing of this law, unless they accept this amendment. My amendment provides that the Government will make rules for the automatic working of this Act and that a public officer will be entitled to make complaints. Unless and until the Government undertake to have complaints of this sort made by their own officers and to defray the expenses of the prosecution, the Government will not be discharging their duty.

**Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) :** What about your personal income at the profession? Will you not be a loser thereby?

**Pandit Thakur Das Bhargava :** I am generally very happy when interruptions come from my friend, Mr. K. Ahmed, because they generally tend to amuse some of my friends ; but if, in a matter of this importance, my friend has got such a light heart, I have nothing but pity for him. Sir, I might clear the ground at this stage as to what I mean by registration.

Let not some of my friends think that I am in favour of civil registration of marriages of Hindus and Mussalmans. The registrations which is mentioned in my amendment only means reporting after the marriage has taken place just as the births and deaths are reported....

**Mr. K. Ahmed :** You have got the Kazi's Act.

**Pandit Thakur Das Bhargava :** Unfortunately the Kazi's Act does not extend to the whole of India, nor does it enjoin upon every person to have compulsory registration. The suggestions contained in my amendment is that, in every case, there should be a registration after the marriage has taken place, and as soon as the registration has taken place, the Registrar should compare that report with the entry in the Birth Register and see for himself if the law has been broken. If he finds that the law has been broken, it will be easy for him to find out what the age of the girl is and then he shall lay the complaint before a competent officer, and the case will run its course.

Now, Sir, clause 8 of the Bill provides for preliminary investigation. What will be the preliminary investigation without a Marriage Register or a good Birth Register? I know that, so far as the accuracy of these registers goes, it differs in different provinces. The Age of Consent Committee took great care and trouble in finding out the accuracy of Birth and Death Registers in the various parts of India, and they came to the conclusion that at present they are not regularly kept. They have made recommendations in this behalf more for the efficient working of the marriage law than for the efficient working of the consent law, and my own submission is that, unless and until you have this Register and also this provision for automatic complaints to

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come before the courts, this law will not work well and in many cases malefide complaints against accused will come to courts to the harassment of the accused, in spite of the provisions contained in clauses 8 and 11. After all, if I go to a court of law and submit to the court that the age of the girl is 13 instead of being 14, the court cannot make me liable for a statement of that nature, because after all I can plead that this is my information and I have no means of finding out the age of the girl. It is therefore necessary, in the interest of the efficient working of this Act, that my amendment should be accepted and that the Government should make rules in relation to matters which are mentioned herein. If however the Government cannot make rules for the whole of India on a uniform basis, then they should delegate their powers of rule-making to the Local Governments who will make rules in consonance with their own requirements and the facilities which they at present have for the registration of births and deaths.

Then, again, Sir, even if this principle of automatic working of the Act is not accepted by the Government, I would humbly ask them as to how they visualise, the prosecutions will succeed in the absence of the registration of marriages and the accurate registration of births? How will they help the courts to come to a correct finding on the question of the age of the girl or of the boy unless upon the basis that there is a marriage report and an entry in the Birth Register. In a case of a breach of the marriage law also, under this Bill the relations of the accused will not be disposed to go against the accused. It will be those people who will have the fullest information about the age of the girl, and a stranger cannot be expected to be accurate in this matter.

**Mr. K. Ahmed :** Why did not all your colleagues agree with you in the Committee in this matter?

**Pandit Thakur Das Bhargava :** My friend is sadly mistaken in thinking that my colleagues did not agree with me in this matter. He is perhaps more mistaken in other matters, because I do not think he has taken the trouble of reading this Report, otherwise he would have found that, so far as the main recommendations are concerned, not a single Member dissented, and I cannot congratulate the Government when they accept the recommendations of this Committee when it suits them and do not care for other recommendations which would really help the efficient working of this Act.

Now, Sir, I know what the objection of the Mover to this amendment is. He is of opinion that, after this Act has worked for a year or two, there will be time enough to see how this Act is to be worked in future. With great humility and with great deference to him, I beg to submit that when you want to enact a penal law, you must be absolutely clear in your minds how the law is going to work. It would not do to say that, as you had no time you could not accept the amendment. If you have no time now, I do not think you will ever find the time to accept an amendment of this character. If the Government is really anxious that every case of infraction should come before the courts, then this is the really only way which the Committee, after 10 or 11 months of labour, have been able to find out. I therefore submit, Sir, that this amendment should be accepted by the House even if the Government do not accept it.

**The Honourable Sir James Crerar :** Sir, I fully appreciate the excellent intensions which have inspired the Honourable Member in moving this amendment, but I regret that I find it necessary to oppose it. The reasons why I do so are that I consider it premature and unnecessary and also, if I may say so, somewhat misplaced and misconceived. In the first place, a measure of this character is not an appropriate place for provisions relating mainly to the administrative question of registration. I do not deny for a moment that if we had a complete compulsory system of registration of births, deaths and marriages throughout India, it would be very valuable for many purposes,—it would be valuable incidentally for purposes of this Bill. But there are very strong practical reasons against it. In the first instance, the question of registration is, as Honourable Members are aware, not only a provincial subject, but a transferred provincial subject, which is under the control of Ministers. It is certainly true that it is subject to legislation by this House, but only under certain restrictions. It is subject to legislation by the Indian Legislature in respect of such classes as the Indian Legislature may determine. Now, that particular provision which gives jurisdiction to the Indian Legislature to legislate in respect of certain classes, doubtless has reference to certain Acts already on the Statute-book which provide for the registration of marriages of Parsis, Indian Christians and Brahmo Samajists, but my Honourable friend's proposal would extend this legislation or statutory orders to all classes. There is, therefore, to my mind, some preliminary doubt whether this House could legally legislate in the matter at all. But there are even stronger reasons why they could not properly legislate. The Honourable Member has referred to the recommendations of the Committee of which he was an important Member. I venture to say that the colleagues of my Honourable friend on the Committee seem to me to have grasped the administrative aspects of the question somewhat more fully than the Honourable Member himself. They say, for instance :

“The question what agency should undertake the work of registering marriages has been discussed by several witnesses. We have not however the material before us to make specific recommendations on the subject. It is possible that it may vary in different provinces and that some existing department of a local Government may be empowered to discharge this duty.”

If we were now to impose upon the provinces, without consultation with them and without giving them any opportunity of considering the matter in all its bearings, we should, I think, whether we have got the legislative authority or not, be invading very unduly what is a provincial subject, which is subject to provincial conditions which we here are not fully in a position to take account of. It would necessarily involve a great deal of expenditure and a very great extension of the existing establishments. Further, as the Committee themselves have recognised, it may very well be that, in some provinces, the particular machinery to be adopted may be different in some respects from the machinery in other provinces. In short, I submit that we have not before us, as the Committee themselves have admitted that they had not, sufficient material to enable us to come to a conclusion. Furthermore, even if we had that material, we should be acting very unwisely if, at this stage, we took any final determination in the matter when the whole question, along with other questions, has already been referred to Local Governments for their opinion and for their careful consideration. I think, for the present, the House will be well advised to leave it at that, and it will be extremely unwise now to endeavour to come to any conclusions

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at this stage which would necessarily be uninformed and which would necessarily fail to take account of important provincial conditions which are really essential to a proper and effective disposal of the question.

**Mr. M. S. Aney** (Berar Representative) : My Honourable friend Pandit Thakur Das Bhargava has rightly laid stress on this point of the registration of marriages in moving his amendment. In urging the House to accept the amendment, he has particularly drawn attention to the recommendations of the Age of Consent Committee. They are contained in paragraphs 325 to 329 of the Report. The Honourable Sir James Crerar has tried to show that the Committee themselves did not think that there were sufficient materials before them to make any definite recommendations. If the amendment of my Honourable friend is properly read by the Honourable the Leader of the House he will find that the points on which the Committee felt doubtful have been left out by him to be covered by the rules to be framed by the Government of India (*Pandit Thakur Das Bhargava* : "Or by the Local Governments.") or by the Local Governments. On those points as regards which the Committee could not make any definite recommendations my Honourable friend also does not want this House to commit itself to any particular position. He only wants this House to commit itself to one particular thing, namely, that a register of marriages should be kept. On that point there has been no difference of opinion so far as I can see from the Report among the members of the Committee, and if my Honourable friend the Home Member agrees that such registration is an indispensable condition for the proper working of the Act about which he is so anxious, and if he agrees that it is also the opinion of this Committee, then I think that there is no option left to him but to accept this amendment. I also want my Honourable friend Pandit Thakur Das Bhargava to note that this Bill is not being supported by the Government on seeking inspiration from the Report of the Age of Consent Committee. On the other hand, the Age of Consent Committee has taken its inspiration from the Report of the Select Committee on the Bill. Only on those points which the Select Committee had already recommended, we find that the Government are very enthusiastic about the Report of the Age of Consent Committee, and they hold it up before the House and say, "Here is a practically unanimous Report and the Honourable Members of this House must accept it." But in matters which the Select Committee have not considered, the Government think this Report to be only a document which requires to be seriously considered by themselves before they can come to any conclusions whatever. It means this, that, on points which the Select Committee of this House have considered and have come to conclusions and the Government find a corroboration of those conclusions in this Report, they are prepared to accept the recommendations of the Age of Consent Committee, but in other matters they think that the Members of the Age of Consent Committee had not sufficient materials before them, and therefore the Government can not accept their recommendations and must come to independent conclusions after making independent inquiries. That is the meaning of the attitude of the Honourable the Leader of the House. I want that to be brought to the notice of the Members of the Age of Consent Committee who have been very enthusiastic and vociferous in asking this House to accept their

recommendations *in toto*. I support the amendment of my Honourable friend.

**Mr. President** : The question is :

"That after clause 11 of the Bill the following new clause be added :

'The Government shall for the proper and efficient working of the provisions of this Act make rules or authorise the Local Governments to make rules providing among other matters :

- (a) for the compulsory registration of marriages enjoining upon the contracting parties in case they are not minors and upon parents and guardians if the contracting parties are minors to report within a prescribed time the factum of such marriage,
- (b) for prescribing the form of registers and reports and particulars to be contained in such reports and registers,
- (c) for issue of marriage certificates free of charge or at nominal charge to the person reporting,
- (d) for grant of copies from such registers and reports, and
- (e) for authorizing officers in charge of such registration to make complaints in suitable cases of infraction of such rules and the provisions of this Act."

The motion was negatived.

**Pandit Thakur Das Bhargava** : I beg to move :

"That in section 60 of the Indian Christians' Marriage Act (XV of 1872) for the word 'thirteen' the word 'fourteen' be substituted."

I need not make any speech in support of this amendment. It is sufficient to point out that at present in section 60 the word "thirteen" appears, and as soon as this Bill is passed by this House, unless a change is made, there will be a conflict between this law and the Indian Christians' Marriage Act. For this purpose I move, in accordance with the recommendations of the Age of Consent Committee, that this amendment be accepted.

**Mr. M. S. Aney** : Where is this to come ? I do not know what my Honourable friend wants the House to do.

**The Honourable Sir James Crerar** : I have only one or two observations to make upon this amendment. It has already been decided to take up matters consequential to the Bill if it is passed, and I think that it would be more convenient to take them up separately. The present amendment is hardly appropriate to the context of the Bill. I may point out further that the Act fixes the age at sixteen for males, and it is a matter for consideration whether the section should not be amended in both cases, namely, the ages of 18 and 14 respectively in place of sixteen and thirteen, whereas the Honourable Member has concentrated on only one age. In view of the fact that it is intended to take up the matter separately, I hope the Honourable Member will not press his amendment.

**Pandit Thakur Das Bhargava** : I do not press this amendment.

**Mr. President** : The question is :

"That leave be given to Pandit Thakur Das Bhargava to withdraw his amendment."

The amendment was, by leave of the Assembly withdrawn.

**Mr. President** : The question is :

"That clause 1 stand part of the Bill."



**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : I beg to move :

“ That after sub-clause (2) of clause 1 the following be inserted :

‘ It does not apply to Brahmans and such other communities in which post-puberty marriages are forbidden by their religion or custom or both ’.”

In moving this amendment, I may submit to the House, after a close scrutiny of the scriptures that we Hindus consider to be sacred, that pre-puberty marriages are compulsory according to the religious law at least in the case of the Brahmans. In the scheme of life of the Brahmans, marriage plays an important part, because it is only family life that can give the necessary physical environment for the birth of saints, sages and seers ; and I would reiterate my honest conviction that we Members of this House, who live from day to day and do not ordinarily see beyond our noses, cannot possibly ignore or reject such a time-honoured, sanctified and religious attitude towards life. This amendment of mine has been necessitated by two or three important facts which I cannot help recounting. The first is unfortunately our hereditary talent for inner dissensions, giving the world a babel of voices, so far as Hindus are concerned. The second is the grim determination of the Government, which they shewed, in voting down every one of the amendments moved in this House. To me it appears the tyranny of the State has become really intolerable. It is imponderable, it is intangible, it is invincible, it is invulnerable, and it has become intolerable. Another fact which has necessitated this amendment is this. Unfortunately most Honourable Members, including our theatrical leaders always look to the plaudits of the Press, and they look upon the Press as their God and the Editor, as their Prophet. Now these three things have really necessitated my moving this amendment. I would also submit to the House that, in moving my amendment, I have got some support from the Age of Consent Committee's Report. I would refer the House to paragraph 128 : Talking of cases in the Madras Presidency, the Committee say :

“ If girls between 5 and 12 are taken into consideration, we find that among the Kapus 338 out of 1,000 are married, while 200 among the Telugu Brahmans, 62 among Tamil Brahmans and 177 among the Komatis are in the married state. The population of Tamil Brahmans is 500,000, of Telugu Brahmans 520,000 and of Komatis about 400,000. The Mala (depressed class Telugu) has 107 of his girls in a married state between the 5th and the 12th years, while his brother in the South, Pariyan (Adi Dravida) marries only 38 of them. The former has a population of 1½ millions and the latter 2½ millions.”

From this the House will understand the extent of the prevalence of the custom of early marriage and the reasons for its prevalence. The Committee further say :

“ It may be stated as a general proposition that, except among the Brahmans and the Komatis, there is no argument based on religious injunctions or Shastras which can be advanced to justify pre-puberty marriages in other castes. They are merely in the clutches of inexorable custom which operates as rigorously among them as religious sanctions elsewhere.”

That is why I have put in this amendment, the words “ forbidden by their religion or custom or both ” ; and in this connection I would only quote the pathetic and sincere and most earnest appeal made by a leader of my Brahmin community in Madras :

“ It is the part of wisdom to think well and choose a middle course. The other communities in India, nay, the nations of the world, stand to gain and not to lose by

intensifying the Brahmans in their ideals of Brahmacharya, Grahastya and Yoga. Otherwise a fine type built up in the course of millenia will soon be as dead as the dod. Enter the new law—Exit the ancient type.”

“ It will be a very sad day when the mass mind of India is led to believe that, after all, their religion is going to be determined and can be interfered with by the votes of this Assembly.”

The motion was negatived.

**Maulvi Mohammad Shafee Daoodi** : (Tirhut Division : Muhammadan) : I beg to move :

“ That after sub-clause (2) of clause 1 of the Bill the following be added :

‘ (3) It shall not apply to the Mussalmans ’.”

I know in what mood the House now is. Still I wish to say what I have got to say on this subject. The Bill affects, and I say vitally affects, the personal law of the Muslims. I take it that every Member knows that the marriage institution of the Muslims comes within the category of personal law, and we have got to see whether this law affects the Mussalmans and their marriage institution. For that purpose we have got to go into the marriage law of the Muslims. The House knows that the Muslims have a codified law and all that relates to marriage has been enunciated in a manner which no one can doubt. The law of Islam is a rule of life which is given in unequivocal terms by the Creator himself for the Universe. A Muslim carries that rule of life wherever he goes. It may be India, China or any other place. It is a rule of life conveyed to mankind in a manner which cannot be doubted by even the worst enemy of Islam. It has come down to us in the most sacred manner all these 1,400 years almost. The marriage laws of the Muslims are definite and unequivocal. Marriage under the Muhammadan law is not only a civil contract but a sacrament and an act of piety, a meritorious act for which people are to be rewarded in the next life. The general law on that question is that every Muslim of sound mind who has attained puberty may enter into a contract of marriage (Hear, hear.), but minors who have not attained puberty may be validly contracted in marriage by their respective guardians. Puberty in India is presumed, in the absence of evidence, on the completion of the age of fifteen years. As to the various kinds of guardians, the laws are different. When the marriage of a minor is contracted by the father or father's father, the contract is valid and binding except where the father or father's father had acted negligently or wickedly, that is to say, the contract had been to the manifest disadvantage of the minor. (Hear, hear.) In the latter case the contract is voidable at the option of the minor on attaining puberty. While in the case of marriages of minors brought about by other guardians, the minor has the option of repudiating the marriage on attaining puberty. This right of repudiating the marriage is lost only when, after attaining puberty and after being informed of her right of repudiation, she does not repudiate without unreasonable delay. In the case of the male the right continues until he has ratified the marriage either expressly or impliedly or by payment of dower or by cohabitation. From what I have said just now it is I think clear to Honourable Members who are willing to understand my point that sufficient safeguards have been provided when a marriage by a guardian has been contracted wickedly. I need not dwell on this part of the case in more detail because my Honourable friends might have read the Honourable Maulvi Muhammad Yakub's Note in the Report of the Age of Consent Committee. He has quoted chapter and verse for



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the purpose of showing how the present marriage legislation interferes with the law of Islam. At page 278, paragraph 15, the Honourable Members says : (*An Honourable Member* : "What about paragraph 14 ?") I am reading paragraph 15 on that page :

"Nevertheless the fact remains that under the Muhammadan law the marriage of minor girls can be contracted by the father and grandfather as well as by other guardians, and by fixing an age of marriage by legislation they will be deprived of that right. There can be little doubt that under certain special circumstances the exercise of such a right serves also the best interests of the girls concerned."

He has given only one particular case in his note, that of a father on his death-bed. That is an extreme case that he has quoted, but my experience of Muslim society is that about 50 per cent. of the marriages of girls have to be contracted in the special circumstances under the age of fourteen, and this is the class to which most of the Honourable Members of this Assembly belong. The special circumstances of course are due to many reasons. I think every family which has got a tradition behind it knows how difficult it is to get a suitable bridegroom. (*An Honourable Member* : "Is that the tradition ?") For that reason and for many others about fifty per cent. of the marriages are contracted earlier. (*Mr. K. Ahmed* : "Is that a virtue ?") But there is one thing which is strictly guarded against, and that is consummation at an early age. Among Mussalmans, so far as my knowledge goes, the consummation never takes place before the girls attain mature age,—in my part of the country I know it is after fifteen. I do not know other parts of the country so well and I have not been on the Age of Consent Committee, but so far as I know from the communications from the different parts of India by now it appears that their sole objection is to the fixation of the marriage age, and I find that my Honourable friends here in this House are not going to make any distinction between the age of marriage and the age of consummation. Muslim society, as far as I am aware, has got sufficient safeguards for not allowing consummation to take place till the girl has undoubtedly attained the age of puberty. I do not think that Honourable Members here would contend that *Nikah* itself causes deterioration of the health of the girl or the boy. I have heard it said that this *Nikah* ceremony is performed with so much publicity that it is easier to catch people there than to catch them when consummation takes place. I have read the reasons given in the Report, as to why they have recommended the fixation of the age for marriage. I am not convinced at all by the arguments which have been advanced by the members of the Age of Consent Committee in that behalf.

**The Revd. J. C. Chatterjee** (Nominated : Indian Christians) : May I ask the Honourable Member whether that is the experience of the poorer classes of Muhammadans also ? Can he honestly say that these safeguards and provisions are operative among them in actual fact ?

**Maulvi Muhammad Shafee Daoodi** : I do say that the poor class amongst Mussalmans also, although they marry their girls at an early age, take care that their girls do not leave their house unless they have attained a certain age. Of course, age differs amongst different societies. Among the lower classes they allow the girls to leave their house at an earlier age than is the case with the educated persons who know when girls should be allowed to go from the house of their parents. That is my reply to my friend.

**The Revd. J. C. Chatterjee** : Is it not the case that in many cases they marry their girls long before their puberty ?

**Several Honourable Members** : Never.

**Maulvi Muhammad Shafee Daoodi** : I should say that there are fewer cases of consummation before puberty amongst the Mussalmans.

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : And what is your source of knowledge ?

**The Revd. J. C. Chatterjee** : Do you deny that there are cases of marriage before puberty ?

**Maulvi Muhammad Shafee Daoodi** : I do not say that there are absolutely no cases of marriage before puberty, for, after all, they are also human.

**The Revd. J. C. Chatterjee** : When you say "there are fewer cases", where is the comparison ? With whom are you comparing in numbers ?

**Maulvi Muhammad Shafee Daoodi** : What I cannot understand is this. Whether the Honourable Members sitting with comfort on cushioned chairs are more solicitous of the health of the girls than their father or father's father and other relations. That is really very surprising to me. (*Mian Mohammad Shah Nawaz* : "What is the custom ?") I am coming to custom also. My friend Mr. Shah Nawaz told us the other day that in September, 1928, he was not aware that such an evil custom was also prevalent amongst the Mussalmans and therefore he signed the document asking the Honourable the Home Member not to proceed with this legislation. It was, only during the course of a year that the experience of my Honourable friend taught him that the evil custom existed to such an appreciable degree that there ought be legislation, that there must be a penal clause and that such delicate relations of human life should be encroached upon by the courts. I cannot understand that he has been so innocent a year before and has become so wise a year after. However, that is not my experience. I have read this Report which has been in our hands for some time. It was very difficult to read the whole of it and to digest it during the short period especially when we have got many other things to do. I have been however, able to go through the Report. It says that the marriages are performed between the ages of 10 and 15 at the latest. Between these ages, the Report says, the marriages are the largest in number. I believe that that is true, but they ought to know that the statistics give us the number of marriages between the ages of 10 and 15 and marriages among the Mussalmans are generally performed between the ages of 13 and 15—mostly at the ages of 14 and 15 and rarely at the age of 13. The consummation is not allowed by any parent, if he can help it, earlier than the age of puberty, which is generally known to be between 13 and 14. I can understand that the age of consent or the age of consummation can be raised to any limit that the doctors may advise or that the experienced people may declare.

**Pandit Thakur Das Bhargava** : Will that not go against the Muhammadan law ?

**Maulvi Muhammad Shafee Daoodi** : If you find that the girl is molested, and that she might have to undergo physical injury on

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account of this consummation, then certainly the State has got a right to enter into that question and find out the best way of protecting the girl from the physical injury.

**Mr. T. A. K. Shervani :** So the State has got the right to interfere.

**Maulvi Muhammad Shafee Daoodi :** I do not think it is a very astonishing proposition. The State has certainly got the right to interfere when it finds that some physical injury has been done to the body of a girl either in the name of religion or social custom. (Hear, hear.) But you have got to come to the definite conclusion that there is physical injury perpetrated on account of a certain custom. I submit that it is for this reason that, whenever the question of the age of consent has been raised on the floor of the House, no Mussalman Member raised his voice against it. The State has certainly got the right to see that girls should not be molested even by their husbands before a certain age if there is overwhelming evidence as to that age.

**Mr. K. Ahmed :** Have you ever applied for an injunction under section 144 before a Magistrate ?

**Maulvi Muhammad Shafee Daoodi :** No such occasion has come to me. I want to make it quite clear that my objection to this law is that it provides a penalty for the marriage of girls and boys under a particular age. I would not object to another Bill being brought before the House by means of which the age of consent might be raised to any limit which might be considered necessary in the interests of the girls.

What I find, Sir, is this, that when Rai Sahib Harbilas Sarda felt for these unfortunate girls who, according to him, were "tortured", he tabled a Bill in 1927. This is what he said in the Statement of Objects and Reasons :

"The object of the Bill is twofold. The main object, by declaring invalid the marriages of girls below 12 years of age, is to put a stop to such girls becoming widows. The second object, by laying down the minimum marriageable ages of boys and girls, is to prevent, so far as may be, their physical and moral deterioration by removing a principal obstacle to their physical and mental development."

Now, this Bill received the sanction of the Governor General before its introduction. When a Governor General hears from a Hindu that there is no widow marriage in that community, that thousands and thousands of young children are widowed in that community and are not allowed to remarry, I can well understand that the Governor General would agree to give his sanction to the introduction of such a measure. This was how my Honourable friend Mr. Sarda got the sanction of the Governor General. I would also surmise that in his community post-puberty consummation is not rare. (Interruption.) Perhaps I may be mistaken. My idea however, is that Mr. Sarda must have pointed out to the Governor General that there is physical and moral deterioration amongst the boys and girls of his community because soon after marriage they are entitled to have consummation and they cannot prevent consummation. A simple marriage ceremony would not deteriorate physically either a boy or a girl. It is consummation at an early age which goes to deteriorate the physical well-being of the children. Whatever that may be, it is under these two conditions that

Mr. Sarda obtained the sanction of the Governor General. He said very clearly in his first Bill that, "It shall apply to Jains, Sikhs, Brahmos, Arya Samajists and the Buddhists." But when this Bill emerged from the Select Committee it was made applicable to Mussalmans also. The way in which it was made applicable to Mussalmans is to be found in the first Select Committee's Report. It is said there :

"The Bill, as introduced, applied to Hindus, Jains, Sikhs, Brahmos, Arya Samajists and Buddhists and was a measure relating to the validity of marriage. As we propose to amend the Bill by making it a measure imposing criminal penalties on participants in a child marriage, it seems invidious that it should be restricted to these particular communities, since child marriages do occur, though not so frequently in other communities. We propose, therefore, that the amended Bill should be general in its scope and apply to all classes and communities in British India."

**Mr. President :** How long does the Honourable Member propose to take ? I should like to continue for ten minutes, if the Honourable Member is prepared to finish his speech by that time.

**Maulvi Mohammad Shafee Daoodi :** I will take more, Sir.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

**Maulvi Muhammad Shafee Daoodi :** Sir, I have told you how the Mussalmans were dragged into this Bill and how it was made applicable to them. There is a provision in the Government of India Act in regard to such questions and that is this :

"It shall not be lawful without the previous sanction of the Governor General to introduce at any meeting of either chamber of the Indian Legislature any measure affecting

(L) the religion or religious rites and usages of any class of British subjects in India."

I think it is very clear that the power of allowing questions like this to be introduced in the Assembly is vested in the Governor General ; and in this particular case when Rai Sahib Harbilas Sarda got his sanction, it was expressly on the understanding that the Bill related to Hindus which included Sikhs, Jains, Brahmos, Arya Samajists, etc. I do not think this Bill could by any stretch of imagination be made applicable to the Mussalmans as well, because the Select Committee have made a recommendation to this House in that behalf. I find that during the debates in this House in January 1929, this question came up incidentally and at that time the Honourable the Home Member was pleased to say that the original Bill which was introduced by Rai Sahib Harbilas Sarda had received the sanction of the Governor General. So far so good. Later on he says :

"The House interpreted the general intention of that Bill to be to regulate child marriage and it was I think with that intention that the Bill was submitted for the sanction of the Governor General."

The words speak for themselves, and I need not comment on such an obvious error of judgment which has been committed by the Honourable Home Member in that connection. He says further :

"I infer" mark the word "infer" "and I think that it is with that intention that the Governor General granted sanction. My own view therefore would be that no further sanction is necessary and that the point of order regarding absence of sanction of the Governor General is not at this stage tenable."

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I need hardly say that this opinion of the Honourable the Home Member will not make lawful what is unlawful in itself, and no amount of argument adduced in support of this contention can be considered sufficient if it contravened the express provision of the Government of India Act. My contention is that the interpretation put by the Honourable the Home Member does not make the provisions of this Bill applicable to the Mussalmans even if it is passed by this Assembly. I think the real defect in the Bill will remain and certainly advantage will be taken of it.

Now, Sir, I find that there has been legislation in several provinces of India which makes the marriage institution sacred to the Mussalmans, and that legislation can not interfere with it. Here I will quote Act XII of 1887, for Bengal, the United Provinces and Assam, where this is laid down in section 37 :

"The civil courts of these provinces shall decide all questions relating to succession, inheritance, marriage or any religious usage or institution by the Muhammadan law in cases where the parties are Muhammadans except in so far as such law has by legislative enactment been altered or abolished."

Then again for Madras you find the Madras Civil Courts Act, III of 1873, which says in section 16 :

"All questions regarding succession, inheritance, marriage or any religious usage or institution shall be decided, in cases where the parties are Muhammadans, by the Muhammadan law or by custom having the force of law, and in cases where no express rule exists, the court shall act according to justice, equity and good conscience."

Then again I find for the Punjab as well as the North West Frontier Province, there is a provision enacted by the Punjab Laws Act IV of 1872, section 5, and the North Western Frontier Regulation 7 of 1901. This provision is as follows (I will not quote the whole thing but only the material portion) :

"In questions regarding succession, marriage, etc., the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, except in so far as such law has been altered or abolished by legislative enactment."

In the case of Ajmer-Merwara, Regulation III of 1877 lays down almost the same thing. In the province of Oudh the provisions of the Oudh Laws Act XVIII of 1876, section 3 are the same as in the Punjab. In the Central Provinces again it is enacted in the Central Provinces Laws Act XX of 1875, that in questions regarding inheritance, marriage, etc., the rule of decision shall be the Muhammadan law where the parties are Muhammadans. It appears to me that the Muhammadan law of marriage has been held to be sacred by all these laws of the different provinces in India from time to time.....

**Mr. President :** Every law is sacred.

**Maulvi Mohammad Shafee Daoodi :** Yes, it is if it has got the force of law, Sir. It is for this reason, I submit, that even when this very important Committee, the Age of Consent Committee, was appointed, the Government were anxious not to make its scope very wide, but to limit it and confine it to questions which really were within the domain of the State, that is the Government of India. The terms of reference of this Committee related only to the age of consent and to nothing else, not to the age of marriage. They have transgressed the scope of their terms I should think, and have thereby come to the conclusion that there

should be a penalty for marriage at a certain age. The reasons given by the Members of that Committee have been read by me with close attention in order to find out whether there is anything which can convince me of the soundness of their conclusions. I find that the only thing which strikes one is that they say that this age of consent, or section 375, applying to marital relations has been in existence for so many years and has not improved the position very much in India. But a reply to this has been given by an Honourable esteemed member of that Committee itself—Mrs. Brijlal Nehru. She has endeavoured in her note to make it clear as to how this evil, wherever it exists, can be remedied, and what would be the effective method of doing it. I would quote this from page 242 of the Report, where she says :

"That work of this kind is essentially that of social reform and can best be done by non-official bodies. These, it is presumed, will consist of the leading social reformers of the locality. In the towns at any rate, there should be no dearth of them. The example of the towns will spread inevitably into the villages."

Later on at page 244, paragraph 31, she says :

"The fate of men is in their own hands. It is the men and women who can make or mar the destiny of their own country. If they are not ready to work, to put up a fight against the evil, to spare no pains to achieve the desired reform, they cannot get it by passing a thousand laws."

**Mr. President :** This applies to all communities.

**Maulvi Mohammad Shafee Daoodi :** Certainly, Sir. I made my position clear the other day ; but if my friends go wrong I am not bound to go wrong ; that is my position ; I made it very clear the other day that my fellow countrymen are absolutely wrong in invoking the aid of the Government Benches for passing a law on their own countrymen in regard to social reform. I would quote one more passage from her note.....

**Mr. President :** The only question now before the House is why the Muslim community should be excluded from the operation of this law.

**Maulvi Mohammad Shafee Daoodi :** I am replying to that part. My friends have accused me that I did not want to eradicate this evil of child marriage from the Muslims. I am showing them that this evil can be removed in other ways more effectively than the way they are suggesting, and I am further showing them that, because the method suggested interferes with my liberty and with my personal law, therefore I do not like that this law should apply to my community, thereby proving that I am not against the eradication of the evil but only against the method which is being adopted in this House. I hope, therefore, Sir, that you will allow me to quote the very useful suggestion made by the same esteemed lady at page 232, paragraph 1, of this Report where she says :

"We have also given ample reasons to show that there are certain inherent difficulties on account of which it is nearly impossible for this law to be as effective as other penal laws. If any drastic measures are devised—(These, Sir, are the words of a lady of motherly affection for the girls more than we can presume ourselves to be)—to make it effective, the harassment caused will be so great, in the present conditions of India, where there is a marked disparity between the legal status of men and women and the latter's condition is so helpless, that the remedy will be worse than the disease itself."

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I know my friends have the Report very well, more often than I have, but I have realised the importance of the pronouncement of this eminent lady, while I should say that my friends in their zeal in supporting the motion, which is the fashion of the day, are forgetting the real significance of this question. I feel, and very strongly feel, that a very great mistake is being committed to-day; the result of it of course will be out some time after; here we seem to be actuated by some motive or other, and finding that there is the solid support of the Official Benches, we join with them and shut out all that is put forward to improve the nature of the Bill. I submit, Sir, one other aspect of it. My friends had not realised the consequences of the penal clauses of this Bill; and it was for this reason that they wanted so many loopholes. I would submit very plainly that the Official Benches were perfectly right in ignoring all that they put forward by way of amendment, because, after all the mentality of the Officials in this respect, I should say, is absolutely different from ours. When you make the action penal, you must make it as plain as possible.....

**Mr. President:** These are not reasons for the exclusion of the Muslim community. I would ask the Honourable Member to be more relevant.

**Maulvi Mohammad Shafee Daoodi:** I think that this applies equally to the Muslim community and therefore I was going to suggest that it appears to me that my Hindu friends have willingly—I do not know whether by a majority of their own or by the help of the Government Benches—consented to the enactment of this piece of legislation. Therefore, Sir, I submit that they have not realised the consequences.....

**Mr. President:** Never mind about it. The Honourable Member had better speak of the Muslim community.

**Maulvi Mohammad Shafee Daoodi:** Mussulmans, after all, are human beings just as the Hindus are. There is no distinction whatever between Hindus and Muslims so far as the general question is concerned.....

**Mr. President:** The amendment seeks to make a distinction.

**Maulvi Mohammad Shafee Daoodi:** The amendment does not make any distinction. If I fail to convince my Hindu friends that they should not have a law of this kind and I am not here to impose my will upon my friends, what else can I do? If they are willing to have this legislation for their own community, how can I convince them that they should not have it? I am afraid, Sir, if you are under the impression that I am seeking to make a distinction between Hindus and Mussalmans, I do not know what others will think of me. I have on the very first day made it absolutely clear that I am not against the eradication of this evil if and where it exists. I have been doing it and will continue to do it as long as I am alive. But I must protest against the method which my friends are adopting in eradicating this evil.....

**Mr. President:** I would ask the Honourable Member to leave them alone and talk on the amendment.

**Maulvi Mohammad Shafee Daoodi:** I was going to say, Sir, that the mentality of the Officials is absolutely correct on this point, that

whenever we pass a penal law we must know that law is law, it will not differentiate between this case and that case. When you pass it you are bound to apply it as rigorously as possible. I have heard some of my friends saying, "Why are you afraid? This law is simply for the education of the community; it will be a sort of propaganda; people will not be harassed by it; not so many cases will come up before the courts", and things of that kind. But I do not hold that view. I believe that if we once say that this is the law, we must apply it to every case. I would not leave anybody, be he a *Rajah* or a *Praja*. That is the mentality of the Officials, and it is for this reason that they are opposing all the amendments, although they appear to be reasonable to many of us.

You will probably remember, Sir, that in a matter of this kind I told this House some time before that the social customs and the religious practices of the Hindus and Mussalmans differ in many respects so widely that it is not proper for a Muslim to interfere with the social customs and religious practices of the Hindus, and likewise, I expected that my Hindu fellow countrymen would not interfere with the social customs and religious practices of the Muslims. The Muslims are more in need of this convention; because we in this House are only 30 or 32 in number, and any measure which is brought in by a Member of this House which consists of 145 Members might be passed in spite of the protest of all the 32 Muslim Members put together. That is the reason, Sir, why I made this suggestion some time before, and I have been reiterating it all the time. Now, in this particular matter when I found the Official Block was solid in its support of this Bill, I thought there was no help unless I approached them and justified my ground by appealing to them for non-intervention. Then I put in an application which was signed by 15 Members of the Assembly—one was absent that day although he had agreed with our view—so there are 16 Members out of 32 who have agreed on the point as far as my knowledge goes. This is what we said in our application:

"The marriage institution of the Muslims is within the category of their personal law, and legislation on any aspect of this institution is an invasion thereof. Sarda's Bill as at present before the Assembly aims at making an offence of what is permissible according to *Shariat*, that is the Islamic law. This is obviously an unwarranted encroachment on the personal rights of a Muslim. It is therefore clear that the Bill should not apply to Mussalmans. Since the Bill is before the Assembly, they have received numerous communications from recognised Muslim Associations and well known theologians calling upon us to oppose the passage of this Bill. The resentment and the agitation amongst the Muslims is very great. As representatives of the Muslim community in this House we desire to acquaint you with the real situation. In the circumstances we request the Government to adhere to their time-honoured policy of non-intervention in this matter."

I have not received any reply to this. I do not know what has been the result of this application by 16 Muslim Members.....

**Mian Mohammad Shah Nawaz** (West Central Punjab: Muhammadan): Some have retracted from the position they then took up.

**Maulvi Mohammad Shafee Daoodi:** I did not like to give the names in the first instance, but since my friend is interrupting me by saying that some have retracted from the position they had taken up, then, I feel bound to give the names now:

(1) Mr. Abdul Latif Sahib Farookhi, (2) Maulvi Sayyid Murtuza Saheb Bahadur (*An Honourable Member*: "Have you retracted?")

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(Maulvi Sayyid Murtuza Sahib Bahadur : "No, certainly not.") (3) Haji Abdulla Haji Kasim, (4) Myself, (5) Haji Abdoola Haroon, (6) Khan Bahadur W. M. P. Ghulam Kadir Khan Dakhan, (7) Mr. Muhammad Rafique, (8) Mr. A. H. Ghuznavi, (9) Haji Chaudhury Mohammad Ismail Khan, (10) Mr. Anwar-ul-Azim, (11) Mr. Muhammad Ismail Khan, (12) Maulvi Muhammad Yakub, (13) Sayyed Hussain Shah, (14) Maulvi Badi-uz-Zaman, (15) Mr. Abdul Matin Choudhry (*An Honourable Member* : "He has retracted.") (16) Mr. Abdul Haye. (*An Honourable Member* : "No, no. He is a supporter.")

The last gentleman agreed with us but was not present at the time of the signature, and as we were afraid that the Bill would be passed very soon, we sent up the application to the Honourable the Home Member without waiting for the gentleman who was absent. So, Sir, we gave our application to the Honourable the Home Member three or four days ago. Thereafter it transpired that there were several other gentlemen wanting to join us when we made the formula slightly different.....

**Mr. Rafi Ahmad Kidwai** : Who drafted it ?

**Maulvi Mohammad Shafee Daoodi** : And that formula is :

"We, the Muslim Members of the Assembly, are of opinion that any change in the personal law of Muslims of India should depend on the Muslim votes only of the Legislature, and that Government should start the convention of not voting for or against a change unless it is sure that the side on which it is voting represents the view of a majority of the Muslims of that Legislature."

This was also signed by many of the Muslim Members of the Assembly. But as I was busy here I could not know the result of it.

**Khan Bahadur Mian Abdul Aziz** (Punjab : Nominated Official) : Do Muslim elected Members represent the Muslim women's point of view ?

**An Honourable Member** : Not the nominated Members.

**Another Honourable Member** : Whose draft is it ?

**Mr. President** : Order, order.

**Maulvi Mohammad Shafee Daoodi** : I think those who are putting this question from that side are those who did not want to sign any of these, and if I give out their names, I think they will be satisfied that they are not to blame for it. They are Mr. Abdul Qadir Siddiqi and Mian Mohammad Shah Nawaz. My submission at the end is that this amendment of mine should not be decided by the votes of the majority of this House.....

**Mr. President** : That is not the rule.

**Maulvi Mohammad Shafee Daoodi** : That is not the rule, but I have appealed to the Government Benches, by means of that written application, three or four days ago, and they had by now sufficient time to make up their minds. I appealed to my esteemed friends, the Leaders here of the Hindu community also, Pandit Madan Mohan Malaviya, Mr. Kelkar, Dr. Moonje, gentlemen whom I considered to be responsible leaders of the Hindu community. I appeal to them here again as I have appealed to them as well as to others outside the House—I have appealed to them not to interfere with a matter which concerns the personal law of the

Muslims. I shall recapitulate in a few words my submissions. It is permissible for a Mussalman to give away his daughter under 14 in *Nikah*, i.e., in marriage. It is permissible, and no law should make it not permissible. To lay down a law against it, to punish a man who does a permissible act is certainly going against the *Shariat* of Islam. Secondly, if you are afraid of the physical deterioration of the girls, I should say I am as solicitous, of the physical well-being of girls as any other Member of this House. I hope you will give me that much credit. But I believe that the *Nikah* ceremony, which is quite distinct from consummation, is not a thing which deteriorates the physical well-being of either the girl or the boy. Therefore I say that the evil which you say has compelled you to legislate on this question does not arise by marriage alone. Thirdly, the evil of early consummation, if it does exist, and I know it does exist in India to a certain extent, can be eradicated more by the device which has been recommended by Mrs. Nehru in her report than by this sort of legislation. Further, I may state that this legislation is halting, because so many amendments have come from my Hindu friends showing that they are not wholeheartedly in favour of the Bill as it stands. If it is so halting, I think you will not get the support of the country when it is passed. It will remain, I am afraid, a dead letter as other laws are said to remain a dead letter on the Statute-book. I am, of course, convinced that you can eradicate the evil by methods of propaganda, education and that sort of thing and I would join hands with my Honourable friends in eradicating the evil by such methods. It must be very clear that the Muslim community as a community is not going to lag behind in the matter of eradicating that evil. But this is not the way of doing it. I therefore hope that my Honourable friends will accede to my request and allow this motion of mine to be decided by the votes of the Muslim Members alone.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, in rising to speak on this amendment, I wish to explain my attitude towards this Bill. I wish to make it quite clear that Islam does not only, not enjoin child marriages, but Islam definitely is in favour of marriages after puberty or at an advanced age. I wish also to make it clear that, neither myself nor other Muslim Members of this House, who are not supporting this Bill, as it stands at present, are in favour of early marriages. In fact, I myself, and those who think with me, do not consider that the age of 14, as is proposed by this Bill, is quite an appropriate and proper age for marriage and consummation.

When this Bill was first introduced in this House by the Honourable Rai Sahib Harbilas Sarda, I lent my humble support to it, considering the horrible conditions of the Hindu girl widows depicted by the Honourable Mover of the Bill and other speakers. I had also the honour of sitting on the Select Committee on the Bill, and in the Select Committee when the Honourable the Home Member, on behalf of the Government, brought out the draft of quite a new Bill in the form in which it stands now, I must confess that I never had any idea of the religious point of view, and I raised no objection to the Bill assuming the form given to it by the Honourable the Home Member. I supported it in its present form on the floor of this House and on that occasion I definitely stated :

"Mussalmans are not in any way behind any community in the matter of social reforms, so long as they do not interfere with their religion."

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I also made it quite clear at the time, when I said :

“ I do not want Government to interfere in any religion in India.”

(Interruptions from Honourable Members.)

Interruptions like these would not do. I am speaking in my strain. I had not the slightest idea on that occasion that the persons who are in a position to speak on the religious point of view would be opposed to it. A man who has respect and reverence for the theologians of his religion is entitled to more honour and respect at the hands of Honourable Members of this House than those who make a mockery of religion and have no respect for their religious leaders. When the proceedings of the Assembly were published, the first Mussalman, who raised objection against the Bill from the Muslim point of view, was no less a gentleman than Maulana Muhammad Ali, a graduate of the Oxford University, a gentleman under whose banner my friend Mr. Shervani had the honour of working for several years. Subsequently prominent theologians and ulemas, with one or two exceptions, raised their voice against the provisions of this Bill being applied to the Mussalmans. I then tried to study the question more thoroughly, and after giving it my full consideration, I have come to the definite conclusion that Muslim religious opinion is against the Bill, and those who are in a position to speak on Muslim law consider it an interference in religion. In my note appended to the Report of the Age of Consent Committee I have tried my best to explain their point of view, which, put in a nutshell, runs as follows :

“ Islam is a self-contained and self-sufficient religion. We have got a complete set of our own codified laws and in socio-religious matters, like marriage, divorce, succession and religious family trusts, we want to be governed by our own personal laws.”

This Muslim point of view, as explained by me, is also supported by another Muslim member of the Committee, namely, Khan Bahadur M. I. Kadiri, retired District Judge of the Bombay Presidency, and now the Chief Judicial Officer of the Junaghad State. This is what he says :

“ I have had the advantage of going over the notes put up by my learned colleague Maulvi Muhammad Yakub. I agree in the main with the opinion expressed by the Maulvi Sahib regarding the religious aspect of the question connected with the proposed marriage and consent legislation.”

Mr. Rafi Ahmad Kidwai : Very good certificate !

Maulvi Muhammad Yakub : Perhaps better than yours. It will thus be seen that two out of the three Muslim members of the Age of Consent Committee held the same view as regards the Muslim religious point of view. I have no quarrel with those who admit that they cannot speak on this Bill from the religious point of view of Hindus and Muslims, but certainly it is highly objectionable on the part of Muslims on the floor of this House to discard and denounce the considered and weighty opinions of the ulemas and theologians of their faith. I was really surprised to see that some of my friends here have lightly brushed aside the weighty and sound pronouncement of ulemas like Molana Mufti Kifayat-ullah Saheb, President of the Jamiat-ul-Ulema, Maulvi Ahmad Saied Saheb, and Molana Moulvi Husain Ahmad Saheb, President of the Theological Academy at Deoband, whose opinions they held in the greatest respect only a few years ago, and at whose *fatwa* some of them suspended their practice. (An Honourable Member : “ Did you also suspend ? ”) I did not. And I should like, on this

occasion, to congratulate my Honourable friend Mr. Keane for having taken his Muhammadan law from my friend Mr. Shervani, and I hope the day will come soon when he will take his political ideas also from him on the floor of this House.

Now, Sir, only as recently as the 11th August last, Maulana Husain Ahmed delivered his presidential address at Moradabad, from the platform of the United Provinces Jamiat-ul-Ulema, and he announced in clear and definite terms that the provisions of this Bill were an interference with the *Shariat* or the Muslim law.

Mr. Yusuf Imam : You walked out on that occasion.

Maulvi Muhammad Yakub : I was not present in Moradabad at that time. I was on the Public Accounts Committee in Simla. My Honourable friend should ascertain his facts before interjecting. Since this Bill was taken up in this House, we have been receiving a large number of telegrams, letters and proceedings of Muslim meetings denouncing the Bill and asking us to vote against its application to the Mussalmans. I will refer to the most important ones. One is from Maulvi Kifayat-ullah, President of the Jamiat-ul-Ulema, in which he says that the present marriage bill is an interference with the Muslim law, and he calls upon the Muslim Members of this Assembly to oppose it. There is another weighty telegram which I received only last night. The telegram runs as follows :

The following Resolution was passed under my Presidentship and I am authorised to communicate the same to you. Resolution moved by Maulana Kutb-ud-din Mohammad Abdul Wali supported by Shamsul-ulama Maulana Nasir Hussain Saheb Mujtahid, Maulana Inayat-ullah, Farangimahel, Shamsul-ulama Maulana Ibn-i-Hasan, Mujtahid and Shamsul-ulama, Maulana Sibte Hasan. (Laughter.) It is not a matter for laughter. I have not sold my community for a few pice. (Hear, hear.) I have never sold my community.

An Honourable Member : But some have sold their country.

Mr. T. A. K. Shervani : Will the Honourable Member utter those words outside the House ?

Maulvi Muhammad Yakub : If the occasion comes, I will. I do not mean any insinuation against any particular gentleman. What I meant to say is that there are certain people in this country, who have sold their country and community. This is the Resolution :

“ Resolved that this meeting of the Sunni and Shia Ulemas and Muftis is strongly of opinion that the Bill to fix the age of marriage and consummation is against the Islamic law and constitutes a direct interference with religion and asks the Mussalman Members of the Assembly to oppose the passing of the Bill and also expects that, if this Bill be passed into law with the support of the majority, Government would not give their assent and allow it to be put into effect against Mussalmans because the Mussalmans will under no circumstances accept a law which interferes with their *Shariat*. Najmul Hasan, Shamsul-ulama, Mujtahid.”

These are weighty opinions and they are from prominent persons. They are not children, they are not fame-hunters, and it would be a cursed day in the British history if the Government of India lightly brushed



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away the opinions of gentlemen like these. This is another telegram from Rangoon. It says :

" Muslim mass meeting presided over by grand Mufti unanimously disapprove the Sarda Marriage Bill as it contravenes the Muhammadan law and the Victorian declaration. Requested Government to exempt from the Bill if passed."

Then there is another telegram from Madras, which says :

" Anjuman Islamia, Madras, highly appreciate your strong protest against Sarda Bill. Spare no pains to exempt Mussalmans."

Then this is a telegram from the Mussalmans of Benares :

" We, the Mussalmans of Benares, emphatically disapprove of the Sarda Bill. We believe that the Bill is a clear interference with the religious freedom of the Mussalmans and therefore strongly condemn it."

There are also other telegrams from Benares and other places in which similar feelings have been expressed. In the face of this opposition, Sir, as a humble follower of the faith of Islam, I feel it my bounden duty to give expression to the views of the Mussalman public in this country, and as a representative of the Mussalmans in this House, I feel it my duty to give emphatic expression to their views. Sir, I wish also to take this opportunity to join in offering my humble quota of tribute to the eloquent, forceful and powerful speech which the Honourable the Home Member delivered the other day in support of this Bill. How much do I wish that he would have shown the same power of eloquence, force and determination on other occasions, when his advocacy was so much needed by the Government of India as their representative in this House. (Hear, hear.) But I feel it my duty to submit, with all the determination and earnestness at my command, that, in making that pronouncement, he was deviating from the time-honoured policy of the Government of India, namely, non-interference in religious matters and the personal laws of the people of this country.

**Mr. M. K. Acharya :** Hear, hear.

**Maulvi Muhammad Yakub :** This policy of the Government of India has been repeatedly given expression to on the floor of this House. As far back as 1922, when Sir Hari Singh Gour wanted to create an innovation in the marriage law of this country, the distinguished predecessor of my Honourable friend, the Home Member here, Sir William Vincent, said :

" The Government of India, fully realising the danger of weighing down either one side of the balance or the other, by the official vote, have decided to follow the policy, which I understand is approved by the last speaker, and to be absolutely neutral in a matter which really affects the non-official Members of this Assembly more directly than it does the Members of the Government. The fact is that in a matter of this kind by which religious sentiment is largely affected Government cannot be too careful of its attitude."

Then, again, Sir, in 1925 when this Bill was first introduced by my Honourable friend, Rai Sahib Harbilas Sarda, the late lamented Sir Alexander Muddiman, the then Home Member of the Government of India, said :

" But the desire to go forward, at any rate of the Home Member, must be restricted by the caution which is necessary in dealing with a measure like this affecting the social life of the people."

The Honourable Sir James Crerar himself, when speaking on this very Bill in 1927, said :

" But one of the responsibilities, and a very heavy one, on the Government of India, is to ensure that where measures, undoubtedly impinge very deeply upon the religious ideas and social customs of very considerable sections of the population, all legitimate interests and all legitimate opinion should be carefully, fully and fairly ascertained. Another part of the responsibility which rests upon the Government of India is to see, as far as in them lies, that such measures as are proposed are readily conducive to the end to which they are directed."

Proceeding, the Honourable Sir James Crerar said :

" I confess that a note of caution seems to me to be a wise counsel. I think that, before the House proceeds to consider this Bill in greater detail, it ought to pass the motion which I moved for further eliciting further opinions thereon. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended. Legislation which is passed without due consideration may have consequences very remote from those which are intended."

These are words of wise counsel which were uttered, by three successive Home Members of the Government of India, on a measure like this. In making such a bold departure from this policy, I am afraid the Government of India are adopting a very hazardous and dangerous course, the disastrous consequences of which cannot be expressed in too strong language. Sir, the Government of India seemed to be so very nervous of a handful of communists in India that they twice, unsuccessfully, attempted to legislate Bill like the Public Safety Bill, and the hunger-strikers Bill, but it is wonderful that they do not seem to pay any heed to the general and strong opposition which this Bill has evoked in the country. Hundreds of petitions, containing hundreds of thousands of signatures, opposing this Bill have been placed on the table of this House and a majority of the Mussalman Members of this House have tried to convey the opinion of their co-religionists to the Government. Only the other day a memorandum, signed by 15 Mussalman Members of this House, was placed in the hands of the Honourable the Home Member but it had no effect. Recently the Honourable the Home Member declared, on the floor of this House, in connection with the hunger-strikers Bill, that, in deference to the views, so forcibly put forward in this House, he agreed to the circulation of a Bill which the Government of India considered so urgent and so necessary. I fail to understand why he has turned a deaf ear to the opinions so forcibly expressed in this House about this Bill.

At this late stage of the Bill I wish to make another fervent appeal to the Government and warn them against the consequences which may arise as a result of the passing of this Bill, against the wishes of the masses. (Loud applause from Members against the Bill.) And once the masses of the country come to realise that Government have deviated from their policy of non-interference in the personal laws of the people, the resentment and disaffection will be so great that all the resources of the country, and all the forces, that are at the command of the Government of India, will hardly help them to keep the peace of the country. The upheaval in Afghanistan must be a lesson to the Government of India. (Hear, hear.) Blessed is the man who takes a lesson from the mistakes and misfortunes of others. Sir, even if this Assembly does rush to pass this Bill into law, I still hope that an experienced Viceroy like Lord Goschen will never accord his consent to the Bill and will not allow the future historian of India to say that the first Act of intervention in the personal laws of the

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country was adopted in his short régime, which would certainly shake the very foundations of British rule in India.

**Pandit Nilakantha Das :** Can the name of the Viceroy be mentioned in this connection, Sir ?

**Maulvi Muhammad Yakub :** If the names of heretics, and martyrs like Jatindra Nath Das can be mentioned in this House, I do not see any reason why the name of the Viceroy cannot be mentioned in this House.

With these words, Sir, I make another appeal to the Government of India. As I have said already, I am not in favour of early marriages. We do not want early marriages. But I warn the Government that they should not turn a deaf ear to the united and strong opinion of the religious heads of this country, of both the communities. I warn them to be very cautious and think twice and thrice before they go into the lobbies to vote on the last reading of this Bill. (Applause.)

**Mr. T. A. K. Shervani :** Sir, I rise to oppose the amendment put forward by my erstwhile colleague Maulvi Mohammad Shafee Daoodi and I do so in spite of the fact that the opinion of my erstwhile leader has been quoted in the House. I revere and respect Maulana Muhammad Ali still as my elder brother.

**Maulvi Muhammad Yakub :** But not as your leader ?

**Mr. T. A. K. Shervani :** I followed him in politics so long as I considered his politics to be correct politics ; but I never recognised him as my religious head.

**Maulvi Muhammad Yakub :** But Government think that his policy even then was wrong. And this is why you did not follow him and preferred to follow the Government.

**Mr. T. A. K. Shervani :** While opposing the amendment, Sir, I do not propose to start with vituperations like my friend over there and finish with quotations and assumptions. I will try to put before the House the true rules of Muhammadan law and the condition of Muhammadan society as it exists here and elsewhere. I think that is the attitude which ought to have been adopted by the Honourable Members who spoke before me. Sir, in my previous speech I tried to show to the House what is true Muhammadan law on the point. (*An Honourable Member :* "As you understand it.") Certainly as I understand it, and as everybody else ought to understand it, and I will quote, if necessity arises, the text from the Hadises and from Koran, and will show that the law is that which I assert is the law. But before doing so, I must say that I was really astonished when I listened to the arguments advanced by my friend Maulvi Muhammad Shafee Daoodi. He admitted in so many words, on the floor of this House, that an early marriage is an evil and it must be eradicated. My learned friend said he was prepared to eradicate that evil but he says that he is ready to eradicate the evil, but as that evil is sanctioned by Islam, therefore that evil must continue for the time being without any interference by this House ; but I respectfully differ from my friend because, according to my belief, Islam can never sanction an evil. That is my reading of Islam. (*A Voice :* "He never said that.") He admitted it in so many words, and the report of his speech will be there. He may strike off this passage now, but my friend Maulvi Mohammad Shafee Daoodi did say, that early marriage is an evil.

**Maulvi Mohammad Shafee Daoodi :** I said that early consummation is an evil.

**Mr. T. A. K. Shervani :** I knew that correction would be made but that would be an after-thought. However, let us see what Islam says in the matter. I have heard two learned speakers on the amendment, but they have quoted no authority except the authorities of certain telegrams.

**Maulvi Muhammad Yakub :** The Mussalmans themselves are the authority on the Islamic law.

**Mr. T. A. K. Shervani :** The same Mussalmans who called western education *kufr*. As regards following the Fatwas, it is a question of choice between myself and Maulvi Muhammad Yakub. I followed the Fatwas of ulemas when the Fatwas tried to eradicate an evil, but I do not follow the Fatwas of the ulemas of my learned friend when they instigate us to perpetuate an evil. That is the difference between my learned friend and myself.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.) (Loud Applause on Mr. Deputy President taking the Chair.)

I followed ulemas, Sir, when to follow ulemas entailed some sacrifice. But certain gentlemen—I will not refer to you, Sir, out of respect for the Chair—but say certain gentlemen follow the ulemas when following them does not demand anything but, on the other hand, secures elections. However, I do not want to waste the time of the House and will come directly to the question in issue.

(At this stage there was loud conversation going on among all the Members.)

**Mr. Deputy President :** I hope Honourable Members are not in a holiday mood.

**Mr. T. A. K. Shervani :** Sir, I will do my best to convince the House about my point of view by quoting yourself. So far as Koran is concerned, I quoted the other day the only verse about *nikah*. So far as *hadis* is concerned, I would quote yourself.

**Mr. Deputy President :** Then follow me.

**Mr. T. A. K. Shervani :** Sir, I would have followed you gladly if you had given the right lead. If you had stuck to your real conscientious opinion, I would have implicitly followed you.

**Mr. Deputy President :** The Chair never gives a wrong ruling.

**Mr. T. A. K. Shervani :** It is not your rulings but that of others. You do not rule, Sir, but follow. Sir, you quoted in your note of dissent :

"*la tankehol bikra hatta tastammar wala tunkah-us-sayyab hatta tastazzana.*"

That is the *hadis* which has been quoted by you. When translated, it means, do not marry a virgin unless she gives her consent to you by inclination. The word used is *tasta ammara* and not *tastazza*. *Tasta ammara* means not only consent, but consent with inclination. These are the words quoted by you, Sir, in your note of dissent. In the face of this *hadis*, I ask my Mussalman friends whether they can oppose this Bill and ask for the exemption of Muhammadans. If you cannot find another *hadis* which recommends pre-puberty marriage, you must follow this *hadis* which does

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not make exception in favour of anybody. In the absence of any other *hadis* to the contrary, it is incumbent upon you to follow it.

So far as the opinions of the ulemas are concerned, I also received a telegram from the President of *Jamiat Ulema*, and in reply I addressed a long letter to him. I told him why I support this Bill. I told him that, as I was a lawyer, I presumed that I knew Muhammadan law and that I was going to follow it until I was convinced that my opinion was against Muhammadan law. I also mentioned the authorities on which I based my opinion. I reminded him again to send me a reply. My letter must have reached him on the 8th, and today is the 19th and still I have not got any reply. I have got the acknowledgment of my letter with me and it was intimated in that letter that after two or three days they were going to send me a detailed reply but none has come up till now.

**Mr. K. Ahmed :** Then get an adjournment of the House.

**Mr. T. A. K. Shervani :** Several of my Honourable friends got together certain Maulvis and brought them to me. I discussed the entire point with them and they had to agree.....

**An Honourable Member :** No, no.

**Mr. T. A. K. Shervani :** Listen to me. They did agree that there was not a single verse in Koran, there was not a single *hadis bilqual*, which recommended pre-puberty marriage. The Maulvis themselves admitted that before my Honourable friend Maulvi Mohammad Shafee. I will repeat again, there is not a single *hadis*, there is no verse in the Koran, which directly sanctions pre-puberty marriage. What did those Maulvis say? They said that this is the existing law and, therefore, this existing law must not be interfered with.

(At this stage Mr. President resumed the Chair.)

Well, Sir, my answer to my Honourable friends is that the existing law in the Punjab amongst Mussalmans is that women do not inherit land which is against Shariat. If that law is to be brought in accordance with the Shariat, the Punjabis can put forward the same argument and say, "Do not interfere with this practice; this is our personal law." Amongst the Cutchi Memons and among the Khojas, Hindu law still prevails.

**An Honourable Member :** No, no.

**Mr. T. A. K. Shervani :** Why? It does amongst a section of Memons. I can quote rulings to that effect to satisfy my Honourable friend. Hindu law does still prevail among them. They can come forward and say in the same way: "Although it is against the tenets of Islam, although it is an evil, so far as the Shariat is concerned, yet we must continue the evil, because this is our personal law." I am against the prevailing custom of child marriage because the custom which is in vogue now is not an Islamic custom, it is an evil which we have borrowed from others and it is against the very spirit of Islamic law. I beg of the Mussalman Members to eradicate the evil which cannot be countenanced by the Islamic law.

**Mr. K. Ahmed :** What is the law in Turkey?

**Mr. T. A. K. Shervani :** I am coming to that. My Honourable friend Maulvi Muhammad Yakub quoted some opinions—I do give him credit for collecting them—His thoughts are generally other people's opinions. I do not follow other people's opinions and form my own when I can do so.

**Maulvi Muhammad Yakub :** I am the spokesman of my constituency.

**Mr. T. A. K. Shervani :** My Honourable friend quoted the opinions of certain Maulvis. He got hold of certain Maulvis to support him, and surely that support does count, especially when the elections are coming nearer.

**Maulvi Muhammad Yakub :** Well, do not run to the Maulvis when your election comes.

**Mr. T. A. K. Shervani :** My Maulvis are above petty politics. I did never trouble them, nor will trouble them for my election. But on this question I count on the support of bigger people, large minded people, thinking people of all Islamic countries in the world.

**Maulvi Muhammad Yakub :** That we know.

**Mr. T. A. K. Shervani :** I am supported by Turkey, not by the Turkey of Mustapha Kemal, but by the Turkey of a hundred years back when the Khalif ruled over it. I am supported in my opinion by Egypt, not by the Egypt of today but by Egypt when Sheikh-ul-Islam ruled so far as Shariat was concerned.

**Maulvi Muhammad Yakub :** They are all Islamic countries. They can do so, but not here in India which is not an Islamic Government!

**Mr. T. A. K. Shervani :** Why do you go to their courts to get decisions on Islamic law. I am supported in my view by practically the entire Muslim world. Go to Afghanistan, go to Persia, go to Arabia itself and you will not find pre-puberty marriages there.

**An Honourable Member :** Is there a law there like this?

**Mr. T. A. K. Shervani :** Because no necessity ever arose for it. There would have been no necessity for any law here in India if you had not gone against the principles of Islamic law. Sir, I oppose this amendment because Muslims of India have gone against the practice of Mussalmans and against the tenets of Islam. A cry is raised that this law militates against the principles of Islam and the tenets of Islam. I respectfully submit that it does not. It does not in any way interfere with the institution of marriage as such. It does not declare that a marriage will be void; it keeps the marriage intact.

**Maulvi Mohammad Shafee Daoodi :** It is a State interference in the institution of marriage.

**Mr. T. A. K. Shervani :** It does not lie in the mouth of my Honourable friend now to say so, especially after he had admitted and confirmed and reiterated it when I interrupted him that the State could interfere and that it had every right to remove the evils. I support this Bill because, whatever the existing law allows, Islam does not allow it. What does *Fiq* say? *Fiq* puts the person of minor persons under the guardianship of *Wali* in the same way as *Fiq* puts the property of minors under the supervision of guardians.

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If a guardian misbehaves and abuses his trust with regards to property the State has got the right, and no system of law can go on even for a day if the State has not got the right to put the guardians straight. I say protect the person of minors in the same way. Instances have been quoted in the Report of the abuse of power by guardians. There are 2,64,000 girls under ten years of age who have been married by these guardians. What more proof do you want of the misbehaviour of these guardians and of the fact that they are not discharging their trust honestly and according to Shariat? When the state of affairs is such that 2,64,000 parents act against the tenets of Islam, I feel justified in supporting the Bill and I ask every right-thinking Muhammadan to support it. The Honourable Member from Rohilkund says that the public opinion is against it, but when you analyse the public opinion, you find that, when the Honourable Member says public opinion, he means himself. Some gentlemen have come forward and said on previous occasions also that there were millions of people behind them; the whole Muslim world was behind them and these assertions were not made once or twice but many times, and always the lie had been given to them. But habit is habit and still they come forward and assert the same thing that the entire Muslim world is behind them. Although I do not agree with the views held by my friend Mr. Neogy on the Bill, still I do agree with him on the principle enunciated by him that when you are a representative either you must follow the opinion of your constituency, or if it is against your conscience, you must resign your seat. But none of the Muslim constituencies as such have so far expressed their opinion and although ample opportunity was given to them to express their opinions they have not done so. I may acknowledge, in fairness, that I have received yesterday and today about six telegrams from Benares but the telegrams tell their own tale. There was not a difference of a comma or a full-stop in all those telegrams although they were sent by different people. (Laughter.) Exactly the same words in all the six.

Sir, it is asked, why are the Muhammadans dragged in? I myself like that dragging in and I congratulate my friend Mr. Yakub for it. It was not the Government, not the Hindus, but he himself who dragged in the Mussalmans.

**Maulvi Muhammad Yakub :** I never did, and I emphatically deny it.

**Mr. T. A. K. Shervani :** Sir, while this Bill was put before the House for the first time, my Honourable friend Mr. Yakub got up and said that, when there was a question of social reform, the Muhammadans were always neglected. These were the exact words, if my memory does not fail me, uttered by my friend on the floor of this House.

**Maulvi Muhammad Yakub :** But I never said that religion should be interfered with.

**Mr. T. A. K. Shervani :** Probably then it was not the season of religion. Those persons who hold seasoned views can very well change them according to the exigencies of weather, but it is difficult for those persons who hold opinions according to their convictions to change them to suit even an election propaganda. Personally, I do not care for elections. Election or no election, mandate or no mandate, I must stick to

my opinion and do whatever I think best for my constituency—especially when my constituency does not give me any mandate.

Now, Sir, let me take up the question of State interference. So far as interference by the State is concerned, I can answer both my friends Mr. Yakub and Mr. Shafée Daoodi by words not mine but of my friend Mr. Yakub himself. He says in his Report :

“ I will venture to say that in the eyes of every reasonable man or woman the pledges contained in the Queen's Proclamation must be read with a two-fold reservation.”

(A Voice : “ That is Lord Lansdowne ”.)

**Maulvi Muhammad Yakub :** Is that my view? Please don't misquote me. I never wrote that.

**Mr. T. A. K. Shervani :** Yes, I am sorry, (Laughter), but you quote it as an authority. I leave it at that. Maulvi Muhammad Yakub has accepted the Report in its entirety. He does not say that the Muhammadans should be excluded. He says that the law should be passed but it should be left to the different Local Governments to proclaim this law in those provinces. This is what he says :

“ My second and chief recommendation is that in case the Marriage Bill is passed into law by the Assembly it should not apply automatically to the Mussalmans but power should be given to the Provincial Governments to apply the Act to the Mussalmans ”, etc.

Thus he is not against the law and the principle of the law, but he cannot give his whole-hearted support because of the fear of some Maulvies. That is his chief fear, and that is the chief reason why he is not to-day in favour of the Bill.

Sir, my Honourable friend Mr. Shafée Daoodi's chief argument was that Muhammadan law is a codified law. I do not know what he means by “ codified law ”. I have not seen any code so far. He further says that there is a codified law and a perfect law, and therefore no interference should be allowed or tolerated in that law. My respectful submission is that the reason why I support this Bill is that the Muhammadan law has certain restrictions. If guardians misbehave we have got a remedy under our law, but we have got no authority at present to set the misbehaving guardians right so far as marriages of innocent minors are concerned.

I ask my Honourable friend, have you ever interfered in undesirable marriages or can you interfere? My grievance is that, while there are provisions in Muhammadan law to check guardians, we have got no machinery to enforce those provisions; and unless we have got the power of the Legislature behind us, we cannot enforce them, and that is why I want this law. If guardians misbehave and marry these children to their disadvantage the law must provide for intervention. If the guardians are wicked, if they are profligate, if they are spendthrift, and give their daughters or sons in marriage, it will not be binding on the children according to the Shariat. In the name of the custom of the country, you have tied ropes round the neck of the children, the rope of custom, the rope of seclusion, the rope of bondage, in which you keep the children. Remove these ropes from round their necks, and I will then say that you do not require any law of the kind by this Legislature. But what is the state of affairs? If my friends who support the amendment

[Mr. T. A. K. Shervani.]

honestly make efforts and try to find out cases, they will find out a considerable number of cases where the marriages are not happy marriages. Poor women suffer in seclusion and they cannot come out; they are not allowed to come out to proclaim their rights and get redress from the courts, under the present custom of the community.....

**Maulvi Mohammad Shafee Daoodi** : If I may interrupt, I would say this : My Honourable friend knows that there have been attempts on the part of Mussalmans to adopt the institution of *kazi* for the purpose of settling these marriage questions.

**Mr. T. A. K. Shervani** : We have had very bad experiences of these *Kazis* so far as *Nika* registers are concerned, and I am not prepared to have any more experiment of that kind. I do not mind Muhammadan judges learned in law, but no more *Kazis* of this type. How they behaved is well known to everybody and I for one am not going to be a party to the reinstatement of those *Kazis*.

**Maulvi Mohammad Shafee Daoodi** : You seem to have contempt for yourself ?

**Mr. T. A. K. Shervani** : My friend can use all my phrases against me whenever he likes, and I know he is going to do it, still I say that I am not going to entrust my personal law into the hands of the type of *Kazis* who misbehaved themselves in the past when they had certain powers. You may call it contempt or anything you like. However the fact remains that the law which should have been available to these poor children, especially the girls, is not made available, and it will not be available until there is a Statute behind them.

In short, I support this Bill because the present custom of early marriage is against the tenets of Islam, because the evil is prevalent here in India, and because that evil cannot be stopped out unless we have the force of legislation behind us. So far as the principle about the State interference enunciated by my learned friends Maulvi Mohammad Shafee and Maulvi Muhammad Yakub is concerned, I entirely agree with that principle and I have said so in my previous speech and I say again that no Government, this or any other future Government, has any right to impose its will upon any community, especially as regards its personal law and religion, without the consent of that community; but I for one give my consent to this measure, for I do think that this present legislation is in accordance with the Muhammadan Law and this is why I support the Bill and oppose the motion of my friend, Maulvi Mohammad Shafee Daoodi.

Sir, an Honourable Member of this House the other day stigmatised another Honourable Member of this House by saying that he was a Muhammadan in name. I do not like the Honourable Member pretend to know anything about the beliefs and faiths of other people. I am not concerned with his pretensions, but I will not allow him to deny the facts. Facts are facts. Mr. Ghuznavi says that the evil of early marriage is not to be found amongst the Mussalmans. I presume that when he made that statement he had not read even the Report of the Age of Consent Committee. The Report gives him the lie.

**Mr. A. H. Ghuznavi** (Dacca Division : Muhammadan Rural) : I have and I can prove it.

**Mr. T. A. K. Shervani** : I assure my learned friend that the evil is there rather worse in Bengal.....

**Mr. K. Ahmed** : What do you know about Bengal ?

**Mr. Amar Nath Dutt** : Don't you talk of Bengal here.

**Mr. T. A. K. Shervani** : I do not know whether my learned friend has got any special licence to talk about Bengal to the exclusion of others.

Now, one of the objections raised by Maulvi Yakub is the competency of this Legislature. On this point again I seek support from my learned friend, Maulvi Muhammad Yakub. Koran says "La takulurriba" "Do not take interest." But my learned friend sought an amendment of the law, that divine law, by saying "Take interest, but not more than the amount of the principal." And he put forward a Bill to that effect.

**Maulvi Muhammad Yakub** : That is not correct; I never did anything of the kind.

**Mr. President** : The Honourable Member should not make repeated interruptions in that way.

**Maulvi Muhammad Yakub** : But he is misquoting and misrepresenting me, Sir.

**Mr. T. A. K. Shervani** : There was a Bill about interest in which he said that interest should not accumulate more than the principal. That was his suggestion and I am quoting him correctly. Not only that, Sir, Islam says that there should be no hindrance so far as the performance of *farz* is concerned. There are certain things which are enjoined upon Muhammadans and one of them is *Haj* on those who are capable. This Government brought forward a measure under which every Haji had to deposit a certain amount of money and travel through a certain company and my friend supported it. Is that not interference in the way of *Haj* ?.....

(Maulvi Muhammad Yakub rose to interrupt.)

**Mr. President** : The Honourable Member ought to know that he should not constantly interrupt the speaker in that way.

**Maulvi Muhammad Yakub** : But my friend is misrepresenting me, Sir.

**Mr. T. A. K. Shervani** : These are some of the instances, Sir, in which my learned friend not only tolerated the interference of this Legislature in the religion and religious observances, but he put forward measures and supported measures which do interfere in religion.

**Maulvi Muhammad Yakub** : On a point of personal explanation, Sir.....

**Mr. President** : The Honourable Member cannot make a personal explanation unless the Honourable Member speaking gives way.

**Mr. T. A. K. Shervani** : I always tolerate the interruptions of my friends, Maulvi Muhammad Yakub and Mr. Amar Nath Dutt, and I do rather enjoy them. The truth is bitter. But when my friends say that I have no right to talk about Bengal, or religion, there I demur. Their attitude throughout has been that nobody except themselves has got a right to speak as if one had monopolised entire Bengal to himself and

[Mr. T. A. K. Shervani.]

the other the entire religion. But what does Bengal say? I have here a document.....

**Mr. Amar Nath Dutt :** It is a manufactured document.

**Mr. President :** Order, order. The Honourable Member is not entitled to talk in that way; if he wants to give any personal explanation, he must wait till the Honourable Member finishes.

**Mr. T. A. K. Shervani :** I have a resolution placed in my hands just now in which Mr. Amar Nath Dutt has been disowned.

**Mr. K. Ahmed :** Disowned by whom?

**Mr. Amar Nath Dutt :** It is a forgery and a fabricated document.

**Mr. President :** Order, order; if the Honourable Member wants to make any explanation, he is entitled to do so after the Honourable Member who is speaking resumes his seat.

**Mr. T. A. K. Shervani :** Now, Sir, there remains one more point. My friend Maulvi Mohammad Shafee Daoodi said that he had no objection to State interference, and his only objection was that the Legislature makes it penal what the Shariat has permitted. Well, I would have agreed with him if he had used the word Feka instead of Shariat, because Shariat, I may say for the information of my Honourable and learned friend, has got a different meaning. Shariat and Feka are not one and the same thing. If my friend had used the word Feka, I would have agreed with him, but if by the word "Shariat", he means Shariat, I may again tell my friend that this legislation does not interfere with Shariat. Now, with regard to Feka, when the evil exists, and my friend admits that it does exist, then Fikah must change and it has been changed before. If it must change then it can be only by this Legislature. The Legislature had to choose one of the two courses, either to enact civil legislation as was originally proposed, or penal legislation. Well, in the case of civil legislation, there would have been greater interference according to the beliefs and ideas of my learned friends. Therefore, naturally the Government have chosen the lesser evil.

My Honourable and learned friend further says that the State has got a right to interfere. When the State has got a right to interfere, if it has such right, it is exercising this right in protecting the young innocent children from the hands of unscrupulous and cruel guardians, including fathers and grandfathers. That is the only thing which the Legislature is doing. It is not interfering with the marriage law at all; it leaves the marriage law absolutely intact. It only punishes the miscreants. It simply says, "Do not marry your young children because you are not enjoined by your personal law to do so."

My Honourable and learned friend Maulvi Muhammad Yakub has quoted certain Maulvis, but he forgot to quote one of the Maulvis, a very learned and eminent Maulvi, although my friend has mentioned him in very reverential terms in his Report, but he does not quote him here. This is what my friend says on page 281 of the Report:

"Maulana Sayed Sulaiman, an eminent and learned theologian and historian of the day, who could not appear before the Committee, owing to certain pressing engagements, has written to me saying that in his opinion the weight of Muslim authorities is in favour of performing the *Nikah* (nuptial contract) after the boy and the girl have reached an age of discretion."

Another grievance of my friend Maulvi Mohammad Shafee Daoodi is as he says that, so far as consummation is concerned, he is not against the restriction, but he is against the interference in *Nikah*. But the rule of Muhammadan law is that *Nikah* is a personal contract between man and woman. He read out to the House the law on the point. The quotations which he put forward were from Amir Ali's book, but my friend left out the very cogent sentence of Amir Ali that *Nikah* is a purely personal contract under Muhammadan Law and I want this measure on the Statute-book because the parents and guardians deprive 2,64,000 minds of the right which has been given to them by Islam, i.e., to choose their own mates. They usurp the right which is given to every Mussalman by Islam, and it is the duty of the State to relieve those persons from this tyranny by which the guardians tie them for ever with a person whom they did not choose for themselves and which is in contravention of "*Faukahoo-ma Tale hokum*." Look at the question from an ethical point of view, view it from a religious point of view, view it from a social or biological point of view, or from any point of view (*An Honourable Member* : "Common sense point of view")—yes; the common sense point of view, but not from a nonsensical, or shall I say, the bigoted point of view, and you will find that this measure is a most salutary measure. Be whatever you please, but do not be a bigot. Well, my friends here may differ from me, but my own idea is that bigotry in religion is a degradation of a lofty ideal. (Hear, Hear.) Sir, I oppose the amendment.

**Mr. A. H. Ghuznavi :** Sir, I am thankful to you for giving me an opportunity of expressing once more my view on this important matter. Sir, I oppose the Bill, but support the amendment which has been so ably moved by my friend Honourable Maulvi Mohammad Shafee Daoodi. That amendment says that the measure shall not apply to Mussulmans, and I shall presently show to the House that no case has been made out that Mussulmans should be included in this Bill. I will demonstrate fully that absolutely no case has been made out that Mussulmans should be included in this Bill. Sir, as I said the other day, neither the Hindus nor the Mussulmans want this Bill. They do not want this Bill, and I will prove from the opinions that have been received that no province has accepted this Bill as a good Bill.

I believe, Sir, that my friend Mr. Shervani, who is not here just now, will agree that my friend the Honourable Mr. Yakub rightly said that in Islam the performance of *Nikah* or nuptial ceremony is considered meritorious and an act of piety in the eyes of the Shariat, and any limitation placed on its performance is considered a violation of the sacred injunctions of the Islamic law. I hope that my friend Mr. Shervani will accept that principle. Interference with the tenets of religion, or furthering limitations where not one is placed by religion, cannot be allowed to pass under cover of the progressive nature of Islam. But, Sir, for those who consider religion a mockery, it is very difficult to understand a religious man's attitude towards religious beliefs and sentiments. Sir, the life of the Mussalman from the cradle to the grave is a series of religious performances, and, therefore, any foreign element which interrupts or puts limitations on these performances cannot be tolerated from the Muslim point of view. No doubt, there are certain laws and enactments which somewhat involve a violation of the canons of Islamic law, but, Sir, that does not create in any way an estoppel against the Muslim objection to further interference.



[Mr. A. H. Ghuznavi.]

Sir, two wrongs do not make one right. Islam is a self-contained and self-sufficient religion. As my Honourable friend said, we have got a complete set of our codified laws and in socio-religious matters like marriage, divorce, succession and religious and family trusts we want to be governed by our own personal laws. Sir, the treaty by which Shah Alam, the Emperor of India, delegated to the East India Company the civil administration of this country reserved the right of the Mussalmans to be governed according to the law of their religion, and the British Government as the successor of the East India Company is bound by that treaty and undertakings of the East India Company.

Sir, I will demonstrate conclusively on the floor of this House that no case has been made out to include the Mussalmans, as I said the other day, in this pernicious Bill.

**Mr. T. A. K. Shervani :** That is only an assumption, not proof.

**Mr. A. H. Ghuznavi :** I am coming to that. But before I proceed further, I should like to make a few observations in regard to the statement of my Honourable friend Mian Mohammad Shah Nawaz which he made the other day. According to the *Hindustan Times* of the 14th instant, my Honourable friend is reported to have said :

"Mr. Shah Nawaz amused the House by pointing out that he was persuaded by Mr. Ghuznavi last year to sign that precious document of 29 Members against the Bill by telling him that the child marriage evil did not exist in Bengal."

Well, Sir, I am very sorry that he made this statement. I never induced him to sign.....

**Mian Mohammad Shah Nawaz :** Both you and Sir Zulfiqar Ali Khan.

**Mr. A. H. Ghuznavi :** I will demonstrate that that is not true from the document that you signed.

**Mian Mohammad Shah Nawaz :** You know perfectly well that I signed it the last of all. The document will show that. You still say that the evil does not exist in Bengal.

**Mr. A. H. Ghuznavi :** Will my Honourable friend allow me to proceed ? I want to show that you were not induced to sign that document by my saying that that evil did not exist in Bengal, because you were not a Member of the Age of Consent Committee.....

**An Honourable Member :** Members can be induced.

(There were several other interruptions also.)

**Mr. President :** Order, order.

**Mr. A. H. Ghuznavi :** Let us see what the document that he signed says. It says :

"We, the undersigned Members of the Legislative Assembly, are strongly opposed to Rai Sahib Harbilas Sarda's Child Marriage Bill as it strikes at the root of the most cherished and sacred institution of Hindus and Mussalmans and penalises what is lawful under the personal law of the Hindus and the Mussalmans."

You are a counsel and an eminent lawyer of the Punjab. You must have signed this after reading the document. You say there that it touches the Muslim personal law and the Hindu personal law. Where is the statement there that you thought that Bengal had not that evil ?

**Mr. President :** Order, order.

**An Honourable Member :** You must address the Chair.

(At this stage Mian Mohammad Shah Nawaz tried to interrupt the Honourable Member.)

**Mr. A. H. Ghuznavi :** This is becoming too personal. I will leave the matter at that.

Now, Sir, as I have said, no case has been made out to include the Mussalmans. In support of that I will read to you a few passages from the Age of Consent Committee's Report. My Honourable friend Maulvi Muhammad Yakub in his note of dissent at page 278, said :

".... Under the Muhammadan law the marriage of minor girls can be contracted by the father and grandfather as well as by other guardians, and by fixing an age of marriage by legislation they will be deprived of that right."

Then he says at page 279 :

"Moreover marriage under the Muhammadan law is not only a civil contract but also a sacrament and an act of piety, the performance of which is considered as meritorious deserving of *Sawab* or reward in the next world."

At page 280 he says :

"It is therefore evident that mere performance of *Nikah* or nuptial ceremony is meritorious and an act of piety in the eyes of Shariat and any limitation placed on its performance may be considered as a violation of the sacred injunctions of Islam and therefore of the treaty between Shah Alam and the East India Company."

This is important at page 281 :

"Maulana Mufti Kifayatullah (who also could not give evidence) and Maulana Ahmad Said, President and Secretary respectively of the Jamit-ul-Ulma-i-Hind, hold a contrary view. They consider any enactment, which interferes with the rights of the parents and other guardians to contract marriages of minor children, as an interference with the Islamic law and unacceptable to the Mussalmans generally. They are of opinion that it would be undesirable to enact a law fixing an age for marriage. The Ulmas of Deoband, who have got a big following in India, also hold the same opinion ; and a large majority of other Muslim theologians, who appeared before the Committee as witnesses, also considered the enactment of such a law as opposed to the Shariat."

Sir, I now come to page 282, which is very important :

"The Muslim opinion being so meagre on the record, it does not justify us to draw any conclusion on its basis. Only 166 Mussalmans, throughout the whole country, have taken any part in the inquiry ; out of them 104 sent in their written statements but they were not examined orally. Only 36 presented themselves for oral examination. The number of Mussalman witnesses who did not send in any written statement but were examined only orally is 26. The Committee is certainly not responsible for this paucity of Muslim evidence. Every effort was made to secure the opinions of prominent Mussalmans, including some of the well-known theologians, but unfortunately they were not available at the time to give the benefit of their views to the Committee. The fact remains that the Muslim point of view is not sufficiently represented ; and I do not think it would be proper and safe to introduce a measure of vast social and religious importance, until additional Muslim opinion, especially that of distinguished theologians, is placed on record."

Then he says :

"It may be pointed out here that the figures, showing the prevalence of early marriage amongst the Mussalmans, are not conclusive enough. They roughly indicate the age of married girls between 10 and 15."

**An Honourable Member :** That is only an opinion.

**Mr. A. H. Ghuznavi :** He has given that opinion after the evidence he has heard. I hope my Honourable friend Mr. Shervani will take this down. Then he says :

"No authentic figures however are available to show those numbers. It cannot be concluded therefore on the basis of the statistics available that the evil of early marriage is extensive and widespread amongst the Mussalmans."

**Mr. T. A. K. Shervani :** Read page 65 of the Report.

**Mr. A. H. Ghuznavi :** That is for you to read. Then he says :

“ In any case I am strongly of opinion that a marriage law would entail great hardship on the public unless exemptions are provided to suit special cases.”

Then he goes on to say :

“ My first recommendation is that additional Muslim evidence should be brought on record before the Marriage Bill comes up before the House for final disposal. My second and chief recommendation is that, in case the Marriage Bill is passed into law by the Assembly, it should not apply automatically to the Mussalmans, but power should be given to the Provincial Governments to apply the Act to the Mussalmans in a province where the Local Council by a three-fourths majority of its Muslim Members passes a Resolution to that effect. This procedure is not a novel one ; a similar method was adopted as regards the law relating to the filing of accounts of Muslim charitable properties.”

So far as the Islamic law is concerned which touches their personal laws, we will accept what the Ulemas tell us, and we will not listen to the Muslim lawyers, however eminent they may be, who make religion a mockery.

Sir, protests are pouring in from my constituency, and the public bodies are asking us to fight to the end to demolish this offensive Bill, and if proof is wanted, I would throw this challenge to my reformer friends. Postpone this Bill till the Delhi Session ; bring motions in the Provincial Councils ; and I shall accept this Bill if three-fourths of the Mussulman Members in the Local Councils are in favour of this Bill. I am sure the Mussulman Members in the Local Councils do not want this Bill.

The Bill was not wanted by us, and I shall demonstrate before this House, province by province, what has been said by Muslims in the provinces.

Now, Sir, the European Group seems to be jubilant over this legislation because it does not touch them in the least. My Honourable friend Mr. Price in his maiden speech, which was full of pathos and assurances, spoke of his whole-hearted sympathy for this measure. My friend Mr. Stewart-Smith went a step further. According to the *Hindustan Times*, he assured the Mover that the Bill had evoked the keenest interest amongst the European community in Calcutta. I will just show what that keenest interest was. For the edification of my friend I shall read what the European Association of Calcutta have said.

**Mr. President :** Will the Honourable Member go on.

**Mr. A. H. Ghuznavi :** Yes, Sir. The European Association says :

**Mr. President :** Has that anything to do with the question of the exclusion of Muhammadans ?

**Mr. A. H. Ghuznavi :** Yes, Sir, from this I will show you that, even when they were giving their opinion....

**Mr. President :** The question is whether the Muhammadans should be excluded or not.

**Mr. A. H. Ghuznavi :** I want to make out, Sir.....

**Mr. President :** Order, order. Whatever the Honourable Member will say regarding the exclusion of Muhammadans will be relevant, but he is not entitled on this amendment to offer general criticism of the Bill as a whole.

**Mr. A. H. Ghuznavi :** I accept your decision, Sir. I will not now take province by province—I will leave that for the next occasion. All I would say is that from the reports that I have quoted I think I have made out a case that the Mussalmans should not be included in this Bill. With these words, Sir, I support the amendment which my Honourable friend has moved.

**Mr. Abdul Qadir Siddiqi (Central Provinces: Muhammadan):** Sir, I oppose the amendment moved by my Honourable friend, Mr. Shafee. (Cheers.) Sir, the Honourable Member admits that if the Consent Bill is passed and the limit is enhanced for the consummation of marriage, my friend will have no objection. May I ask my friend, is it not a fact that the consummation of marriage is regulated by religion and is it not a right conferred by the Koran and Shariats ? If a right which is conferred by religion and which is based on *Nikah*, which is a religious ceremony and a very important one, if a right conferred under it can be interfered with by this Legislature, why is this Legislature not competent to postpone the conferring of that particular right ?

**Maulvi Mohammad Shafee Daoodi :** Better ask yourself that question.

**Mr. President :** Order, order. The Honourable Member must know that Mr. Siddiqi is making his maiden speech. Mr. Siddiqi.

**Mr. Abdul Qadir Siddiqi :** What I say is that if the Legislature merely says that acquisition of a particular religious right should be postponed till a particular age, that amounts to this, that the conferment of the right should be postponed till a particular limit of age is reached. If after the conferment of the right it can be suspended, I do not know why the conferment of the right should not be postponed by this Legislature ; and I therefore think that, according to my friend, Mr. Shafee, this Legislature is entitled to pass this Bill. Sir, the greatest stress, that was laid on the ground of religion by the previous speakers, was on the fact that the Ulemas are against it. I have also the same respect for the Ulemas as my other friends claim to have, but I would say this. When any question is a mixed question of religion, social rules or politics, then we are not so much bound by the opinion of the Ulemas. This question is not a pure question of religious fact. It is based on certain facts, social as well as political, and in such matters, it has been the practice of my Honourable friends, who are against the Bill, and also of other Mussalmans, not to follow the Fatwa of the Ulemas. I would remind my Honourable friend, Mr. Shafee, of the Resolution passed by the Ulemas at Gaya in 1922 laying down that no Muhammadan should go to the Councils and the Assembly.

**Mr. K. Ahmed :** But they have come all the same.

**Mr. Abdul Qadir Siddiqi :** I am perfectly sure my friends have disregarded such Fatwa ; not only the Honourable Mr. Shafee but all other friends, who are opposing the Bill today, disobeyed the Fatwas of the Jamiat Ulema, a body which was much larger than those whose telegrams were received or who met at Moradabad. I am not blaming my friends for disobeying the Fatwa, but I conclude from their action that,

[Mr. Abdul Qadir Siddiqi.]

when the question is a mixed question of religion, politics and social rules, as it is here, then we can disregard the Fatwa of the Ulemas. My opinion is that this Bill does not at all interfere with religion.

5 P.M. Had it been interfering with the vital principles of my religion, Sir, I do not think I would have hesitated to oppose it, but as my Honourable friend Mr. Shervani has already stated, it is not a question of interference with religion; on the contrary it is quite in accord with the tenets of our religion, and I, Sir, whole-heartedly support the Bill. The last speaker read out extracts from the note of Maulvi Muhammad Yakub and stated that there are fewer cases of early marriage amongst Muhammadans. I would ask my friend to read the Report again; there he will find that no less than 2,60,000 marriages of girls were performed before they attained the age of ten. This sacrifice of 2,60,000 girls is sufficient proof that the evil exists, and the remedy must be found for it. My Honourable friend, Mr. Shafee, tries to prove that all these marriages do not mean that consummation necessarily follows. But if he will read the Report, he will find that many cases have come to light of consummation before puberty; and he must know that there are many other cases which never come to light. If that is the state of affairs, is it not a proper thing, as a precautionary measure, to stop such marriages so that there may be no occasion for that evil which he admits is an evil? My friend stated that in some parts there is a habit of having only *nikah* which is followed by another ceremony called the *Rukhsati*, when the consummation is made. But I would remind my friend that this custom is confined only to some of the upper classes in Upper India. It may also prevail among some classes in Madras. But the classes for whose benefit this law is specially to be enacted are the poor or illiterate masses who do not observe that custom.

They have their marriage and everything at the same time if both are of sufficient age. At the same time, if the marriage is of children, there is no restriction among the poorer classes of not sending the girl to the house of the husband before she attains the age of puberty. Therefore, this measure is very necessary to safeguard against the possible early consummation.

Sir, I was also a signatory to the famous document which was quoted by Mr. Ghuznavi in his last speech and also to-day. I at that time really believed that the custom of early marriage did not exist among the Mussalmans in the Central Provinces and especially in the place from which I come. I hardly then knew that early marriages were performed among the Mussalmans. I was therefore of opinion that this measure should not be applied to the Mussalmans. But after reading the report of the Age of Consent Committee which has been before all of us and seeing that this custom prevails in nearly all the provinces, although it is much more prevalent in Bengal, I have come to the conclusion that there is no reason why my community should not have the benefit of this measure by putting it on the Statute-book of the country. I therefore oppose the amendment proposed by my Honourable friend Maulvi Mohammad Shafee Daoodi. (Applause.)

Mr. K. Ahmed : I move that the question be now put.

Mr. President : The question is that the question be now put.

The Assembly divided :

AYES—63.

Abdul Aziz, Khan Bahadur Mian.  
Ahmed, Mr. K.  
Ayangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghanshyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Jamnadass, Seth.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Keane, Mr. M.  
Kelkar, Mr. N. C.  
Lalchand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Misra, Mr. Dwarka Prasad.  
Mitra, The Honourable Sir Bhupendra  
Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.  
Mukharji, Rai Bahadur A. K.  
Mukhtar Singh, Mr.  
Nehru, Pandit Motilal.

Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Preece, Mr. E. L.  
Purshotamdas Thakurdas, Sir.  
Rainy, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rao, Mr. G. Sarvotham.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Rananjaya.  
Singh, Mr. Narayan Prasad.  
Singh, Rai Bahadur S. N.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Siddheswar Prasad.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

NOES—23.

Abdoola Haroon, Haji.  
Abdul Matin Chaudhury, Maulvi.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Abdullah Haji Kasim, Khan Bahadur  
Haji.  
Acharya, Mr. M. K.  
Ayyangar, Mr. K. V. Rangaswami.  
Badi-uz-Zaman, Maulvi.  
Belvi, Mr. D. V.  
Dutt, Mr. Amar Nath.  
Farookhi, Mr. Abdul Latif Saheb.  
Ghuznavi, Mr. A. H.  
Ismail Khan, Mr. Muhammad.

Kidwai, Mr. Rafi Ahmad.  
Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jamnadas M.  
Mohammad Ismail Khan, Haji Chan-  
dhury.  
Moonje, Dr. B. S.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Rafique, Mr. Muhammad.  
Shafee Daoodi, Maulvi Mohammad.  
Sinha, Mr. Rajivaranjan Prasad.  
Yakub, Maulvi Muhammad.  
Yamin Khan, Mr. Muhammad.

The motion was adopted.

Mr. President : The question is :

“ That after sub-clause (2) of clause 1 of the Bill the following be added :

“ (3) It shall not apply to the Mussalmans ”.

The Assembly divided :

AYES—16.

Abdoolah Haroon, Haji.  
Abdul Matin Chaudhury, Maulvi.  
Abdullah Haji Kasim, Khan Bahadur  
Haji.  
Acharya, Mr. M. K.  
Ayyangar, Mr. K. V. Rangaswami.  
Badi-uz-Zaman, Maulvi.  
Belvi, Mr. D. V.  
Dutt, Mr. Amar Nath.

Farookhi, Mr. Abdul Latif Saheb.  
Ghuznavi, Mr. A. H.  
Ismail Khan, Mr. Muhammad.  
Mohammad Ismail Khan, Haji Chaudhury.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Rafique, Mr. Muhammad.  
Shafee Daoodi, Maulvi Mohammad.  
Yakub, Maulvi Muhammad.

NOES—71.

Abdul Aziz, Khan Bahadur Mian.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghanashyam Das.  
Booth, Mr. J. R. T.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Croker, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.  
Iyengar, Mr. A. Rangaswami.  
Jamnadass, Seth.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Keane, Mr. M.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lalehand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jannadas M.  
Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Mitra, The Honourable Sir Bhupendra Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.

Moonje, Dr. B. S.  
Mukharji, Rai Bahadur A. K.  
Mukhtar Singh, Mr.  
Muunshi, Mr. Jehangir R.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Pandya, Mr. Vidya Sagar.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Preece, Mr. E. L.  
Purshotamdas Thakurdas, Sir.  
Rainy, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rao, Mr. G. Sarvotham.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Shervani, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Rananjaya.  
Singh, Mr. Narayan Prasad.  
Singh, Rai Bahadur S. N.  
Sinha, Kumar Gangnanand.  
Sinha, Mr. Siddheswar Prasad.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd September, 1929.

## LEGISLATIVE ASSEMBLY.

Monday, 23rd September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### MEMBER SWORN.

Mr. Philip Graham Rogers, C.I.E., M.L.A. (Director General of Posts and Telegraphs).

### QUESTIONS AND ANSWERS.

#### ALLEGED AFFLICTION WITH LEPROSY OF A MACHINE FOREMAN IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

665. \*Mr. S. C. Mitra : (a) Is it a fact that persons suffering from infectious and contagious diseases are not allowed to continue in service in Government offices ?

(b) Is it a fact that Esak, a machine foreman in the Government of India Press, Calcutta, is suffering from leprosy ?

(c) Is it a fact that, in spite of his disease, he is still working in the Press ?

(d) Will Government be pleased to state (i) if the said Esak has been medically examined ; and (ii) if so, when, where and what has been the opinion of the medical authorities ?

(e) If replies to parts (b) and (c) be in the affirmative, will Government state the reasons therefor ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, if they are declared unfit for further service by a competent medical authority.

(b) No.

(c) Does not arise.

(d) A medical certificate of fitness submitted by him on the 16th March, 1928, indicated that he suffered only from severe burns. He was sent for further medical examination to the Professor of Surgery, Medical College, Calcutta, who also certified that he was fit for duty.

(e) Does not arise.

#### INCREASE OF ABDUCTION CASES IN BENGAL.

666. \*Mr. Siddheswar Prasad Sinha : Has the attention of Government been drawn to resolution No. 6 of the Bengal Provincial Hindu Conference held at Dacca in the last month in regard to the alarming increase of the cases of abduction, enticement, rape and other offences against the

modesty and honour of women by organised gangs with a set purpose, and also containing a suggestion to make the law for these offences stiffer, and to make whipping compulsory in all such cases? If so, do they propose to take any action to remedy the evil?

**The Honourable Sir James Crerar :** The Government of India have not received a copy of the resolution referred to, but they have seen a Press report to the effect that resolutions were passed calling upon Government to take "precautionary and punitive measures" for the detection and conviction of offenders, and for "the permanent eradication of the evil" and urging that whipping should be made compulsory in cases of rape, indecent assaults and similar cases. As I stated to the Honourable Member in reply to his question No. 654 on the 18th instant, I have no reason to think that the Local Governments are not fully alive to their responsibilities in the matter.

#### FORCIBLE REMOVAL OF A RAILWAY PASSENGER TRAVELLING WITHOUT A TICKET.

667. \***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a case reported in the *Amrita Bazar Patrika*, dated the 21st August, 1929, in which the Special Railway Magistrate of Allahabad has made the following remarks in course of his judgment :

"I have made a careful and critical study of the provisions of the Indian Railways Act to determine whether a railway servant is authorized by law to eject or remove a passenger forcibly while travelling in a railway compartment without a proper pass or ticket; and I have arrived at this conclusion that the railways do not derive this power from the legislature which has purposely withheld it with a view to avoid accidents".

(b) Are Government aware that, in the course of his judgment, the Special Railway Magistrate refers to section 113, and section 132 of the Railways Act, under any of which such a person should be dealt with?

(c) Have Government received a copy of this judgment?

(d) Is it a fact that crewmen, or other railway employees on the East Indian Railway, and on other railways, are instructed to, and do, eject or remove a passenger forcibly while travelling in a railway compartment without a proper pass or ticket; and are Government aware that a constable who was so removed by a crewman lost his life as a result of an accident at Allahabad Station recently?

(e) Will Government please state what railways have issued instructions to their employees to eject or remove such passengers from the compartments; and under what law?

(f) Do Government propose now to issue orders asking Railway Administrations to withdraw such instructions? If not, why not?

**The Honourable Sir George Rainy :** Government have seen the newspaper article referred to, and the Agent of the East Indian Railway has been asked for a copy of the judgment and for a full report on the matter. On receipt of the Agent's report, the Railway Board will consider what further action should be taken. I shall communicate later with the Honourable Member.

Regarding part (d) of the question, the orders to crewmen on the East Indian Railway are to prevent passengers entering a carriage without a proper ticket, and, if a passenger is found in a train without a

proper ticket, to recover the fare and penalty. In the event of a passenger not having any money or refusing to pay, he is to be handed over to the station staff to be placed before a Magistrate.

It is reported that recently a constable, who was found by a crewman without a ticket, subsequently purchased one from the booking office, and attempted to board the train while in motion. His foot slipped and he fell under the train and died from the result of the injuries received.

#### GRANT OF KING'S COMMISSIONS TO INDIAN OFFICERS OF THE ROYAL GARHWAL RIFLES.

668. \***Mr. Gaya Prasad Singh :** (a) Will Government be pleased to say how many Indian Commissioned Officers are there in the Royal Garhwal Rifles? And how many of them have been given King's Honorary Commissions since 1918?

(b) Have Government given King's Commissions, other than Honorary to any Indian Commissioned Officer of the Royal Garhwal Regiments?

(c) Have Government given direct Indian Commissions to sons of Indian Commissioned, Officers or soldiers of the Royal Garhwal Rifles. And did any of them offer for such Commissions?

(d) How many sons of Garhwali soldiers or officers have been sent to the Royal Military College, Dehra Dun?

(e) What was the approximate total number of Garhwali soldiers that were sent to Europe during the German War; and how many of them were killed and wounded?

**Mr. G. R. F. Tottenham :** (a) 70, of whom one is an Honorary King's Commissioned officer.

Honorary King's Commissions were first granted in 1920, since when five such commissions have been granted to Indian officers of the 18th Royal Garhwal Rifles.

(b) No, Sir.

(c) The answer to the first part of the question is in the negative. There is no record at Army Headquarters of any applications from Garhwalis for direct Viceroy's Commissions.

(d) Two. One of these is the son of a pensioned Subedar Major of the 18th Royal Garhwal Rifles and another the son of an officer of the Tehri-Garhwal State Forces. I am glad to say that both these boys were successful in the last Army and Air Force Entrance Examination and will proceed to Sandhurst next January.

(e) The approximate numbers are 2,461 and 1477, respectively.

#### CARRIAGE OF MAILS TO HILL STATIONS BY CONTRACTORS.

669. \***Mr. Gaya Prasad Singh :** (a) What are the hill stations in Northern India to which mail is carried in motors by contractors, and what is approximately the annual cost of carrying mails to those hill stations separately?

(b) Are tenders invited for such contracts? If so, for how many cars are contracts given?

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(c) When were the contracts given last in each case? Were the lowest tenders accepted in each case?

(d) How many contractors were new, and how many old, when the contracts were given last time in each case?

**Mr. P. G. Rogers :** (a), (b) and (c). The hill stations in Northern India, to which the conveyance of mails by motor contract is made, are Kasauli, Sabathu, Dalhousie, Dharamsala, Kulu, Murree, Srinagar and Tanmurg (for Gulmurg) in the Punjab : and Rajpur (for Mussooree), Chakrata, Lansdowne, Nani Tal, Ranikhet and Almora in the United Provinces of Agra and Oudh. A statement is being furnished to the Honourable Member giving him the approximate annual cost of the service to each of the hill stations separately. The information asked for in parts (b) and (c) of the Honourable Member's question is also included in the statement.

(d) When the contracts were last entered into, seven new, and eight former contractors were engaged.

#### TRAVELLING ALLOWANCE OF COMMISSIONED OFFICERS OF THE INDIAN MEDICAL DEPARTMENT.

670. \***Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that Commissioned Officers of the Indian Medical Department employed in State Railways in general, and the North Western Railway in particular, are not considered as officers of 1st grade for purposes of travelling allowance?

(b) Is it a fact that, in reply to an inquiry on this subject made by the Agent, Eastern Bengal Railway, on the 22nd June, 1922, the Railway Board, in their letter No. 927/22, dated 25th August, 1923, stated that Commissioned Officers of the Indian Medical Department are 1st grade officials and that they are eligible for advantages attached to their military rank?

(c) If the answer to part (b) be in the affirmative, do Government propose to issue orders to all the other State Railways, including the North Western Railway, drawing the attention of the respective Administrations to this fact?

(d) Will Government please state why these officers are denied the privilege of taking eight months' furlough continuously on average salary?

**Mr. P. R. Rau :** (a), (b) and (c). In their letter dated the 25th of August, 1922, to the Eastern Bengal Railway, the Railway Board ruled that Commissioned Officers of the Indian Medical Department employed on State Railways should in future correspond in status to officers of the local State Railway services and be treated as officers of the 1st grade for purposes of travelling allowance. The Agents of the North Western Railway and Oudh and Rohilkhand Railways were also informed of this decision. Government understand that these orders are being followed on the North Western Railway and have no reason to believe that they are not being applied on other State-managed railways also on which Commissioned Officers of the Indian Medical Department are employed. The attention of the Agents of all State railways will, however, be drawn to the decision of 1922.

(d) Because the leave rules to which they are subject do not provide for the grant of such furlough. In this connection, I would invite the Honourable Member's attention to Army Department letter 7605/1 (D. M. S.), dated the 9th August, 1929, in which the position was explained to him.

#### SALE AT A REDUCED PRICE OF GOVERNMENT QUININE FOR MALARIA.

671. \***Lieut.-Colonel H. A. J. Gidney :** (a) Are Government aware of the enormous mortality in India from malaria?

(b) Is there an enormous excess stock of Government quinine?

(c) Have Government under consideration the question of selling the drug at a reduced price so as to make it available to all? If not, are they prepared to consider the question?

**Sir Frank Noyce :** (a) Government are aware that the number of deaths in India from malaria is large.

(b) The excess stocks are considerable, but can hardly be described as enormous.

(c) Government will consider the question in connection with the recommendation made by the Royal Commission on Indian Agriculture for the Imperialisation of the provincial cinchona departments; that recommendation is already under examination.

#### LETTER ISSUED BY THE AUDITOR GENERAL TO ACCOUNTS AND AUDIT OFFICES.

672. \***Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that a letter No. 6-N.G.E.-94-Pt., dated the 28th February, 1929, was issued by the Auditor General to all the Accounts and Audit offices under his administrative control?

(b) If the reply to part (a) is in the affirmative, was a copy of this endorsed to the Financial Commissioner of Railways?

(c) If the reply to part (b) is in the negative, will Government be pleased to state why a copy was not supplied to him, and whether it is a fact that most of the establishment serving under the Auditor General, has recently been transferred from the Auditor General's administrative control to the Financial Commissioner of Railways?

(d) If the reply to part (b) is in the affirmative, will Government be pleased to state if the copy was endorsed to all the heads of the Departments under the control of the Financial Commissioner of Railways, and if so, whether the proposals contained therein were given effect to?

**The Honourable Sir George Schuster :** (a) The number and date of the letter quoted by the Honourable Member are incorrect. If he is referring to letter No. 6-N.G.E.-94-E.-28, Part II, dated the 8th January, 1929, the reply is in the affirmative.

(b) No.

(c) The circular letter contains instructions to heads of Accounts and Audit Offices under the control of the Auditor General for the recruitment of members of minority communities in the Audit Department. The Financial Commissioner of Railways and the offices under him are



not under the Auditor General's control. It is a fact that a portion of the establishment, formerly under the control of the Auditor General, has been transferred to that of the Financial Commissioner, in connection with the separation of accounts from audit on the State Railways; and it will now be for the Financial Commissioner, Railways, to issue his own orders on the subject, as may be necessary, for application to the establishments under his control.

(d) Does not arise.

#### RECRUITMENT TO A NEW SECTION IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

673. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that a new section by name the Late Register Section has been opened in the Railway Clearing Accounts Office?

(b) How many men have been taken into that section and how many out of them have been newly recruited, showing the figures direct or outsiders and transferred from other offices or branches separately?

(c) If transferred from other branches of the existing office, how many new men were taken in their posts in those branches and how many of them are Mussalmans?

(d) Were these posts advertised or was any examination held?

(e) Were there no passed candidates on the list of candidates who passed the recent examination conducted by the Controller of Railway Accounts?

Mr. P. R. Rau : (a) No new section has been opened in the Railway Clearing Accounts Office, but some staff has been employed as an experiment to test the possibilities of preparing rate registers. This work has no connection whatever with the Railway Clearing Accounts Office.

(b) Altogether 57 men are employed for conducting the experiment, 23 of these men were newly recruited and 34 transferred from other offices.

(c) The number of new men employed in the Railway Clearing Accounts Office in the vacancies caused by the withdrawal of experienced men for the experiment is 31, of whom 8 are Muhammadans.

(d) No.

(e) These are purely temporary posts and have been sanctioned for a period of six months, and were filled by the Director of the Railway Clearing Accounts Office. The examination held by the Controller of Railway Accounts was for the selection of permanent staff, and the list of candidates who were not selected for permanent appointments was not circulated to other offices. I shall consider whether this should be done in future in order to enable offices subordinate to the Controller of Railway Accounts to select candidates for temporary vacancies.

#### APPOINTMENT OF MUSLIMS TO ACCOUNTS OFFICES UNDER THE FINANCIAL COMMISSIONER OF RAILWAYS.

674. \*Mr. Abdul Latif Sahib Farookhi : (a) Was an examination conducted by the Controller of Railway Accounts for recruitment in the

Accounts offices under the administrative control of the Financial Commissioner of Railways? If so, how many Muslim candidates appeared for that and how many of them passed?

(b) Were any of them provided with a post?

Mr. P. R. Rau : (a) Yes. 25 Muslim candidates appeared for the examination, of whom only 4 were considered to have passed.

(b) All four were offered appointments, but three of them accepted the offer.

#### DESTRUCTION IN THE OFFICE OF THE RAILWAY BOARD OF A PAMPHLET CALLED "IN THE OFFICE".

675. \*Mr. Abdul Latif Sahib Farookhi : (a) Has the attention of Government been drawn to a pamphlet by name "In the Office"?

(b) If the reply to part (a) is in the negative, did the Railway Board authorise the then General Clerk (Ranpart Rai) and duty to destroy such literature before submission to the officers? If not, what steps do Government propose to take so that all the *dak* may reach the officers safely?

Mr. P. R. Rau : The reply to both parts of the question is in the negative.

#### DISCLOSURE OF RAILWAY ACCOUNTS EXAMINATION PAPERS.

676. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that recently the examination to be held by the Controller of Railway Accounts was postponed on account of the question papers being disclosed? If so, will Government be pleased to state who was responsible for making the papers public?

(b) Are Government aware that the paper for the Traffic Accounts for which Rai Bahadur Faquir Chand was the examiner was known to certain persons in the Railway Clearing Accounts Office?

(c) Did Mr. Teluram solve the paper himself and distribute it to others? If so, what action have Government taken or propose to take against them?

Mr. P. R. Rau : It is a fact that an examination to be held by the Controller of Railway Accounts had to be postponed on account of some of the question papers being known before the date of the examination. The investigation into the responsibility for such leakage is, I understand, not yet complete, but the Controller of Railway Accounts informs me that he is convinced that the allegations against the Officers named are baseless.

Mr. Gaya Prasad Singh : What steps do Government propose to take to prevent unauthorised leakage of information from their offices which is subversive of discipline?

Mr. P. R. Rau : I shall not be in a position to reply to that question till the investigation has been completed.

# PAY OF AN OFFICE BOY IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

677. \*Mr. Abdul Latif Sahib Farookhi : Is it a fact that one office boy was recruited on Rs. 60 in the Railway Clearing Accounts Office when the pay of the clerks is only Rs. 40 and the candidates for clerkships are required to have passed in the first division whereas there is no necessity for having passed even the Matriculation examination for office boys ?

Mr. P. R. Rau : The answer is in the negative.

# ALLOTMENT OF QUARTERS TO PRESS EMPLOYEES.

678. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that about eight years ago, 21 quarters in the Indian clerks barracks were placed at the disposal of the Press for allotment to the Press employees ? If so, is there any principle according to which allotment of these quarters is made to the Press employees ?

(b) Is it a fact that since these quarters were placed at the disposal of the Press, some employees of the Press are in occupation since the very beginning and the allotment made in the beginning has continued up to this time ? If so, will Government please state under what circumstances these men have continued to hold these quarters ?

(c) Is it a fact that some of the employees drawing salaries, ranging from about Rs. 80 to Rs. 200, are occupying two quarters each ? If so, will Government be pleased to state reasons for this ?

(d) If the answers to the above questions be in the affirmative, do Government propose to consider the advisability of making some rules according to which the allotment of the quarters should be made in future ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. Allotments are made after taking into account considerations of pay, length of service, exigencies of press work and also individual cases of hardship at the time of allotment.

(b) Yes. Owing to the limited number of quarters, there is likely to be considerable contention and dissatisfaction among the staff if allotments are changed annually, and to avoid this it has been considered desirable to make no change unless quarters are vacated on account of death, transfer, retirement or other causes.

(c) Accommodation has been allotted to the stationery keeper and the assistant section holder in order to ensure their residing within reasonable distance from the Press, their attendance being necessary during pressure of work and during emergencies. Two rooms have been allotted to each of these two officers as their status entitles them to larger accommodation than is provided by one room.

(d) The existing arrangement is considered suitable, and Government do not propose to make any change, but I am prepared to consider any concrete proposals which are likely to satisfy the majority of the staff concerned.

# RECRUITMENT TO THE SIGNALLING BRANCH OF THE TELEGRAPH DEPARTMENT.

679. \*Mr. M. S. Sesha Ayyangar : With reference to the report of the Standing Finance Committee (Item 18, page 340 of the 24th January, 1929) and to the Memorandum issued in August, 1928, will Government be pleased to furnish :

- (1) the number of candidates from outside ;
- (2) the number of counter-clerks ; and
- (3) the number of postal signallers to be taken to the Signalling Branch of the Telegraph Department for (a) General Service, (b) Station Service ?

The Honourable Sir Bhupendra Nath Mitra : The numbers are now being settled in consultation with the financial authorities.

# RECRUITMENT OF TELEGRAPHISTS.

680. \*Mr. M. S. Sesha Ayyangar : (a) With reference to clauses C, D and E of paragraph 5 to item I of the Memorandum issued in August, 1928, regarding the recruitment of Telegraphists, will Government be pleased to state whether they propose to remove the age restrictions for those counter-clerks who have learnt signalling privately and select them for the Signalling Branch ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to grant such exemptions to outsiders also ?

Mr. P. G. Rogers : (a) No.

(b) Does not arise.

# HOLIDAYS FOR SUBORDINATES OF THE TELEGRAPH DEPARTMENT.

681. \*Mr. M. S. Sesha Ayyangar : (a) With reference to the reply to question No. 529 by Mr. Anwar-ul-Azim regarding the public holidays given in the Assembly on the 30th September, 1928, will Government be pleased to state whether those holidays also refer to the subordinates of the Telegraph Department ?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to consider and grant the holidays as enjoyed by the Government servants in other Government offices ?

(c) With reference to the reply to question No. 31 put by Mr. M. K. Acharya given in the Assembly on the 31st January, 1927, will Government be pleased to state whether they propose to fix the Dipavali and Ramzan days as telegraph holidays ?

The Honourable Sir Bhupendra Nath Mitra : (a) Question No. 529 by Mr. Anwar-ul-Azim was replied to on the 13th September and not on the 30th September, 1928, as stated. Some of the public holidays, viz., New Year's Day, Good Friday, the King's Birthday and Christmas Day, are telegraph holidays.

(b) Government do not propose to increase the number of telegraph holidays.

(c) As the days on which Ramzan and Dipavali are observed differ in different parts of India, Government do not consider that it would be practicable to declare them as telegraph holidays.

#### PRINCIPLES OF SELECTION OF STATION SERVICE TELEGRAPHISTS FOR GENERAL SERVICE.

682. \*Mr. M. S. Sesha Ayyangar : (a) With reference to communication No. Staff-A-0193/28, dated the 3rd January, 1929, from the Director General, Posts and Telegraphs, will Government be pleased to state the principles that have been adopted in the recent selection for General Service from the Station Service Telegraphists ?

(b) Will the Government be pleased to state whether all the men selected will be transferred to General Service immediately, and, if so, when ?

Mr. P. G. Rogers : (a) No selection has yet been made.

(b) Does not arise.

#### RESOLUTION OF THE INDIAN TELEGRAPH ASSOCIATION CONFERENCE.

683. \*Mr. M. S. Sesha Ayyangar : Will Government be pleased to state whether they have received a copy of the resolutions passed in the Indian Telegraph Association Conference held in the third week of July, 1929, and if so, will Government be pleased to state whether they propose to consider them favourably and grant the demands prayed for early ?

The Honourable Sir Bhupendra Nath Mitra : Government understand that a copy of the proceedings of the Conference referred to by the Honourable Member has been received by the Director General. The proposals will receive due consideration from Government when they are received with the Director General's recommendations.

#### SUPERSESSION OF INDIAN SUPERINTENDENTS IN THE ARMY DEPARTMENT AND ARMY HEADQUARTERS.

684. \*Maulvi Muhammad Yakub : (a) Will Government please state whether any Indian Superintendents in the Army Department Secretariat and at Army Headquarters have been superseded by Europeans for promotion, permanent or acting, to posts of Assistant Secretary or Officer Supervisor, respectively, in the last two years ? If so, what is the number of such Superintendents ?

(b) Will Government please state the names of the Indian Superintendents, so superseded, and their educational qualifications, as well as the names of the Europeans who have been promoted, or brought from outside, over the heads of the Indian Superintendents in question, and their educational qualifications ?

Mr. G. R. F. Tottenham : (a) So far as permanent appointments are concerned, the answer is *nil*. In two leave vacancies (one of Assistant Secretary and the other of Officer Supervisor) European officers have been selected in preference to Indians after considering the qualifications of all concerned. In the first case there were four Indian Superintendents who were affected, and in the second case there was one Indian Superintendent, but as I have explained before, both these classes of appointment are filled by selection and no one has a right to them.

(b) Government are not prepared to give the names or to publish the qualifications of the men referred to.

Mr. A. Rangaswamy Iyengar : Were Europeans selected, because they were Europeans ?

Mr. G. R. F. Tottenham : No, Sir.

#### POST, OF ESTABLISHMENT OFFICER, ARMY HEADQUARTERS.

685. \*Maulvi Muhammad Yakub : (a) Will Government be pleased to state when the appointment of the Establishment Officer for Army Headquarters was created ?

(b) What are the emoluments of that appointment ?

(c) Has the appointment ever been held by an Indian ?

(d) Are Government prepared to consider the advisability of appointing a junior Indian Civil Service officer to the post, when it next falls vacant ?

Mr. G. R. F. Tottenham : (a) In April 1921.

(b) Rs. 1,500—50—1,750.

(c) No, Sir.

(d) Government will no doubt consider all possible candidates for the post when the time comes. It is desirable, however, that its holder should have a knowledge of the working of the Army Headquarters offices.

#### NUMBERS OF HINDUS AND MUSLIMS EMPLOYED IN ARMY HEADQUARTERS.

686. \*Maulvi Muhammad Yakub : (a) Will Government please state the total number of educationally unqualified clerks who have been employed in the Army Headquarters and central military offices during the last one year and how many of them are Hindus and how many Muslims ?

(b) Will Government please state how many pensioners were re-employed at the Army Headquarters and central military offices during the last one year and how many of them were Hindus and how many Muslims ?

Mr. G. R. F. Tottenham : (a) The information is being collected and will be furnished to the Honourable Member separately.

(b) Two pensioners have been re-employed. They were both Hindus.

**Mr. Muhammad Rafique :** May I, with your permission, Sir, put the questions standing in the name of Mr. Abdul Haye ?

**Mr. President :** Yes.

**NUMBER OF MUSLIMS APPOINTED AS PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.**

687. **\*Mr. Muhammad Rafique** (on behalf of Mr. Abdul Haye) : Will Government please state how many persons have been recently appointed as Permanent-Way Inspectors on the North Western Railway and how many of them are Muslims ?

**Mr. P. R. Rau :** For reasons already explained, Government regret that they are not prepared to supplement with figures for individual offices or posts the information in regard to communal representation in railway services given in the Annual Administration Report on Indian Railways.

**REPORTS OF PROVINCIAL COMMITTEES CO-OPERATING WITH THE SIMON COMMISSION.**

688. **\*Mr. Muhammad Rafique** (on behalf of Mr. Abdul Haye) : (a) Will Government please state whether they intend to publish the Reports of the various Provincial Committees appointed to co-operate with the Simon Commission ?

(b) If so, when will these printed Reports be made available to the Members of the Indian Legislature ?

**The Honourable Sir James Crerar :** (a) The publication of the Reports of the various Provincial Committees appointed to co-operate with the Simon Commission is a matter for the Committees themselves to decide.

(b) Copies of these Reports, as they are received by the Government of India after publication, will be placed in the Library of the Legislative Assembly. Copies have so far been received from Bengal and the Punjab and have been placed in the Library.

**RECENT FLOODS IN THE PUNJAB AND NORTH WEST FRONTIER PROVINCE.**

689. **\*Mr. Muhammad Rafique** (on behalf of Mr. Abdul Haye) : (a) Will Government please make a full and up-to-date statement regarding the havoc and loss of life and property caused by the recent floods in the Punjab and North West Frontier Province ?

(b) What steps have the Local Government and the Government of India taken to grant relief in the affected area ?

(c) What loss and damage has been caused to the Railway by these floods ?

**Sir Frank Noyce :** (a) and (b). A statement containing the latest information available regarding floods in the Punjab and North West Frontier Province is laid on the table. Complete reports cannot be expected until a careful survey of the damage has been made, communication with isolated places restored and the people who left their homes have returned to them. The grant of relief in the affected areas is a

matter for the Local Government and the local Administration respectively and the action they have taken in this direction as regards the floods in the Dera Ghazi Khan District and those in the North West Frontier Province is described in the statement. Further information on the subject will be obtained and furnished later. I may, however, add for the Honourable Member's information that the Board of Management of the Indian People's Famine Trust have sanctioned a grant of Rs. 1,25,000 for the relief of distress in the Punjab. No application for a grant from the Board has so far been received from the North West Frontier Province.

(c) The information is being collected and will be furnished to the Honourable Member in due course.

**PUNJAB.**

**I.**

*Report on the floods in the Dera Ghazi Khan District, dated August 20, 1929.*

The average rainfall in the Suleman hills in the tribal area adjoining the British district of Dera Ghazi Khan is about 12 inches at Fort Munro. In the district proper at Dera Ghazi Khan the average annual rainfall varies from 3 inches in the south to 6 inches in the north. On the night of the 25th July, 14 inches of rain fell at Fort Munro in one day, and at the same time in Dera Ghazi Khan town 6½ inches fell in 13 hours, and as far as can be gathered, this downpour in the plains was general throughout the district. It will be seen that in one day both in the hills and in the plains the downpour was double the average annual rainfall.

2. As a result of this torrential rain, hill torrents which are many in number broke with irresistible force right through the network of embankments in the hill torrent country adjoining the foot-hills and swept over the canal irrigated area adjoining the Indus, carrying everything before them, and converting a great part of the canal area into an enormous lake. In the Dera Ghazi Khan tahsil, the force of the torrent may be gauged by the fact that the Manka canal, which stretches for 50 miles between the tail of the hill torrent embanked terrain and the western limit of the canal area, was breached in no less than 915 places, receiving the full force of the torrents.

3. In 1917, a similar downpour visited Fort Munro, which tore away the roads and swept irresistibly through the district, but the damage done in 1917 was not so great as has been done this year for two reasons, first the exceptional rains in the plains that caused the canal area to swim with water before the advent of the hill torrents, and secondly the bursting of the hill torrent flood into the already saturated tract at night causing great confusion, alarm and loss of life.

4. On receipt of information from the Deputy Commissioner at the beginning of August that the new town of Dera Ghazi Khan, which was re-built some 17 years ago on the old town being washed away by the river, had come within an ace of destruction, the Honourable Member for Revenue proceeded from Simla to inquire into the extent of the disaster which has now overtaken the district of Dera Ghazi Khan. In Dera Ghazi Khan an attempt was made to appraise the loss by means of the revenue staff, and on the 13th of August reports from various circles in the tahsil indicated that, in addition to the loss of 157 lives, damage has been done to property to the extent of at least eight lakhs, mainly by way of destruction of house property, though thousands of cattle are reported to have been drowned. This is an estimate of one tahsil only. There are three other tahsils. No detailed information is available regarding the northern tahsil, Sanghar, but it is known that on the Sanghar torrent one village has been wiped out, and 317 houses destroyed in another big village. Further north in the tahsil, the Vahoa torrent has caused damage to a dozen villages, which lie in its course, most of these villages having been, by an irony of fate, left high and dry for the last three years owing to insufficient flow from the hill torrent which serves them. It may perhaps be mentioned that, for the past three years, the hill torrent area throughout the district has not obtained anything like its normal cropping owing to inadequate flow from the hill torrents, and this disaster comes at a time when food supplies in the district and the resisting powers of its inhabitants are at their lowest ebb. Even in the canal tracts in which the inundation canals afford supplies from the river in the summer, the main crop, rice, has been for the last two or three years very severely damaged by the growing rice borer pest.

5. South of the Dera Ghazi Khan tahsil is the Jampur tahsil, the southern part of which was swept away by the Kaha hill torrent, the discharge of which on the morning of the 26th of July has been estimated at between 50 and 70 thousand cusecs. The waters of three hill torrents impinging on the canals in the south of the Jampur tahsil and carrying everything away with them, swept through the Qutab circle of the Rajanpur tahsil for a length of 30 to 35 miles before they breached the eastern most canal to drain slowly into the river. No estimates have been received of the damage done in the Rajanpur tahsil for the simple fact that all the villages in this tract of at least 30 miles by 8 to 10 miles are marooned, and the Sub-Divisional Officer up to the 13th of August has only succeeded in getting information to the Deputy Commissioner that the big towns are safe and there has been no loss of life, a statement which requires further verification. It is estimated that, on this one night and day, the torrents brought down three lakhs cusecs into the district. With the Indus still in flood, the difficulty of draining off these huge lakes of water needs no explanation.

6. A further disadvantage in the present floods has been the time of their coming. The present floods have come at a time when no kharif sowings are possible in the canal tract, and in the hill torrent country where the heavy rain rather than the spates has made large areas culturable, the kharif sowing time is passing and indeed will be at an end by the 25th of August or a few days later. The demand for seed may be gauged from the fact that jowar is selling at 2 to 2½ seers a rupee, or more than treble the ordinary price, but any rabi cropping in the hill torrent country is out of the question, and in the canal tract it remains to be seen whether it will be possible to extend rabi sowings on the swamped and sodden areas.

7. In the past winter, owing to acute scarcity in the hill area beyond the regular administrative border, the Punjab Government sanctioned a grant of Rs. 30,000 out of the Provincial Famine Fund for the building of tanks and by way of relieving destitution. On receipt of the news of the present flood, Rs. 2 lakhs of *taccavi* were placed at the disposal of the Deputy Commissioner, and the same is being distributed partly for seed and partly for cattle, but mainly for relief of distress. A second sum of Rs. 2 lakhs *taccavi* is being allotted for the purchase of seed for the replacement of cattle and partly for the rehabilitation of damaged wells. It is also proposed to allot a sum of Rs. 50,000 from the Provincial Famine Fund for the relief of destitution and provision of fund in the areas swept by the floods. A sum of probably Rs. 15,000 will be granted by the Provincial Red Cross Society. There is no jowar or bajra (staple foods) in the district, and except in Rajanpur, there is no rice. There is a certain amount of wheat in the district, but the intensity of the present distress will be prolonged till the harvest in the Pachahd ripens about Xmas, unless the present rice crop in places where its maturing is still possible, comes to the rescue, and there is reasonable hope that the efforts of the Canal Department will succeed in maturing the rice in favourable localities.

8. The rabi revenue outstanding 1½ lakhs is being suspended, and the desirability of converting this suspension into a remission will be considered when further details are available. It should be explained that, in the canal tracts in the south-western Punjab, and particularly in the Dera Ghazi Khan District, the country people do not live for the most part in nucleated villages, but pursue their cultivation in scattered hamlets with the well as a unit. The loss of houses and property would have been much less if the villages were nucleated as in the Punjab proper as regular villages are places of refuge, while outlying hamlets built anywhere on the site of the well simply disappear with the flood of this kind.

9. Information subsequently received estimates the loss of life in the Sanghar tahsil at 14, and the loss in the way of damage to houses and grain at Rs. 2½ lakhs. Little information is available about the loss in cattle. In the Jampur tahsil, no lives seem to have been lost, and the estimated loss is put at 2½ lakhs, including the loss to standing crops which, in the southern part of the tahsil, seem to have been irretrievably drowned. For Rajanpur the rest is still silence.

## II.

*The Report on the recent floods in the Indus, Jhelum and Chenab rivers, dated September 5th, 1929.*

### *Indus Flood.*

*Attack.*—Lowlying areas were flooded and no estimate of losses is as yet possible. It is known however that three lives have been lost, and there has been much damage to property, crops and walls. Heavy rain locally caused a lot of houses to collapse. In

addition to damage in the riverain proper, the Malakmala band burst and destroyed 500 houses in three villages without giving the villagers time to save their household effects.

*Mianwali.*—The whole of the extensive riverain area was swept by the flood, demolishing habitations and sweeping away cattle. The Deputy Commissioner wired on the 29th August, "No help possible for some villages in the Kacha, as boats from Kala-bagh cannot be sent owing to heavy floods", and again on the 2nd September, "Boats can now ply and people are being brought down from trees—several villages have been washed away".

*Dera Ghazi Khan.*—The Dera Ghazi Khan District has been in imminent danger, but though various groynes and smaller bands collapsed, the main embankments held. The damage from the present flood has been comparatively insignificant and nothing to what was feared. This district, as has already been reported, was devastated by hill torrent floods in July this year.

### *Jhelum flood.*

*Jhelum.*—The Commissioner, Rawalpindi, writes on the 1st September that the damage inflicted is much greater than last year. In the town itself great havoc was wrought, and there is 4—6 inches of silt deposited everywhere. The Civil Station was partly submerged. Communication to Pind Dadan Khan is cut off, but the town is reported to be in ruins. Many villages in the Jhelum riverain have been washed away, and the Commissioner's estimate on the analogy of last year is that 160 villages are involved in greater or less degree. Most of these villages are still inaccessible. Some loss of life is reported, and it is feared there will be more when the full effects of the flood are at present.

*Gujrat.*—The Chenab Flood was not so serious, though three villages have been totally destroyed in the Phalia tahsil and 27 partially damaged. The Jhelum flood totally destroyed 11 villages in the same tahsil as well as one village opposite Jhelum. It is only from Gujrat that some definite information has been received of number of villages involved. In other districts the disaster does not admit of any such computation at present.

*Shahpur.*—Certain areas in the Shahpur District which lie low always receive the full force of floods in the Jhelum damage. The damage done in Shahpur by last year's floods was very extensive. Up to the present little official information has been received. The present flood has far exceeded last year's flood and the latest telegram can only report that the flooded areas are still out of reach and such reports as have been received show immense damage to property. The damage to house property has been unparalleled.

*Jhang.*—The Jhang riverain has also been swept by the Jhelum and Chenab floods. It is estimated that the damage in all tahsils will be considerable.

### *Combined Indus and joint Chenab and Jhelum floods.*

*Muzaffargarh.*—This district is sandwiched in between the Indus and Chenab. It was freely swept by Indus floods in 1924. The full force of the Indus flood reached Muzaffargarh on the 31st August and protective embankments and bands right down the western front breached one after another. There are now at least five breaches open, through which water is pouring down to the south. The railway line from Mahmudkot to the north has been breached in several places, and the line to Ghazi Ghat has gone. The Punjab Government arranged to send 13 pontoons and a detachment of 100 Sappers to Muzaffargarh to rescue marooned people, and the pontoons have done good rescue work from 1st September onwards. Many deaths are reported, and at Leiah on the 2nd September it was telegraphed that about one thousand people, mostly women and children, were rescued in a deplorable condition.

The joint Chenab and Jhelum flood on the other side of the district rose above last year's level on the 2nd September and overtopped the railway line from the Chenab bridge to Muzaffargarh. Telegraphic information of 4th September is that though the Chenab has begun to fall, a breach on the Chenab side is responsible for an inundation which is converging on the incoming waters from the Indus in the neighbourhood of Shahr Sultan, 35 miles south of Muzaffargarh town. There is 40 miles of peninsula, south of this anticipated junction, which is in danger of being blotted out, and it includes the most fertile tract in the district.

6. The Gujrat, Jhelum, Shahpur and Jhang districts were visited last year with a similar affliction, though on a lesser scale. The riverain people in Mianwali and

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LEGISLATIVE ASSEMBLY.

[23RD SEPT. 1929.]

Muzaffargarh are notoriously poor and indeed, the economic condition of the Muzaffargarh district has in recent years attracted the special attention of the Punjab Legislative Council as a backward and impoverished tract. The people have no reserves and little stamina, and the present flood is a cataclysm, the like of which has never been experienced before.

### NORTH WEST FRONTIER PROVINCE.

#### III.

*Reports as to floods in the North-West Frontier Province, dated 30th and 31st August and September 2nd, 1929.*

On 29th August, 1929, river at Attock rose nine feet higher than during recent Shyok flood, causing heavy backwash at Nowshera. Road was breached on both sides of Attock bridge. Flood in Indus was accentuated by floods in Swate Kabul rivers tahsil and bungalows at Nowshera north of Mall evacuated. Road was also breached east and west of Nowshera, but railway embankment still intact, though threatened in neighbourhood of Akora railway bridge between Nowshera and Mardan reported unsafe: heavy flood in Swat river caused inundation on island between Khiali and Charsadda bridge completely cutting off Charsadda. Same villages have been destroyed but no loss of life so far reported. Abbottabad has been completely cut off on both sides. Due to collapse of railway and road bridges Kunar river at Garhi Habibulla has changed its course and gone north of road bridge cutting through village and removing large sections of road. Flood reached Dera Ismail Khan at 16-00 hours on 28th and up to 21-00 hours on 29th has risen two feet higher than level reached during recent Shyok flood and slightly higher than record of 1924 although bund under action of flood. So far as is known at present, no damage has been done, and there has been no loss of life. Flood has slightly fallen since six hours 29th August. Latest reports from Peshawar are that flood in Swat river has almost subsided, but floods at Nowshera were still high on 29th. Revenue Commissioner visited flooded areas in order to ascertain action necessary to provide immediate relief for sufferers from flood in Peshawar District. Relief in form of food, medical attendance and blankets were supplied to villagers in flooded areas. Flood situation Dera Ismail Khan on 31st August: Protective Bund at Dera Ismail Khan has undergone very severe test from longitudinal face scour undermining of apron and wave action against bund slope but appears to have stood test although scour outside apron 15 to 5 feet inner part of apron remains intact. As result of warning inhabitants of Khanu Khel nine miles east of Paharpur were isolated some of the villagers and eight policemen spent 24 hours up trees. Although no loss of life reported so far communications most difficult and unreliable and casualties are feared. Every effort made by means of rafts and jalas to rescue Khanu Khel from Paharpur. At Dera Ismail Khan water has subsided to 17.5 and steamer is making up stream with small boats for evacuation and all M. E. S. flat-bottomed boats have been pressed into service. Relief parties have also been detailed from Paniala to work south-east along foot Khaisor Hills in direction Bilet which is worst area at present reported for immediate relief measures. Posts with grain, firewood, etc., being established at point above present water level in northern area and similar depots will be opened in southern tract round Parea. Rafts from Paharpur have rescued 140 stranded villagers, one woman reported drowned and considerable loss of cattle feared. The Chief Commissioner visited most badly affected area in Peshawar district on the 2nd September, namely between Abazai and Charsadda. Damage and suffering serious several villages having practically disappeared. For instance 120 out of 126 houses and 46 jaribs of land and 600 jaribs of standing crops have gone. Amount required for taccavi is being worked out by Revenue Commissioner. Meanwhile further immediate measures to utterly destitute being necessary, fifteen thousand rupees were placed at disposal of Deputy Commissioner as an advance. A meeting of local gentry at Town Hall Peshawar for the purpose of starting relief fund was held on the 1st September, 1929, and, in spite of very short notice and absence in Hills of many leading citizens, a subscription of Rs. 2,500 was collected on spot. Further meetings were also arranged. Reports from Dera Ismail Khan mere reassuring. Villages were flooded but not swept away. Danger at Abazai and Amandarra including training works over. Heavy repairs necessary but works can function. Heavy expenditure will be required to restore communications in Hazara and elsewhere. Local Officers and Zaildars been working splendidly. Very little if any loss of life.

Mr. E. L. Price : May I ask, Sir, if nothing is granted for Sind ?

Sir Frank Noyce : Yes, Sir : Rs. 1,25,000, the same as for the Punjab.

Mr. E. L. Price : Thank you.

### DECREASE OF MUSLIMS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

690. \*Mr. Muhammad Rafique (on behalf of Mr. Abdul Haye) : (a) Will Government please state if it is a fact that, since 1924, the number of Muslim permanent first, second and third division clerks, stenographers, and Superintendents in the Department of Education, Health and Lands has considerably decreased ?

(b) Will Government please give the number of these clerks, stenographers and Superintendents for 1924 and 1929 ?

(c) If there is a fall in the number of Muslim clerks, stenographers and Superintendents in this Department, will Government please state the cause ?

Sir Frank Noyce : (a) Seven first division assistants and three third division clerks are now employed as against nine and five respectively in 1924. There is no decrease in the number of Superintendents, second division clerks or stenographers.

|                             | 1924 | 1929 |
|-----------------------------|------|------|
| (b) Superintendents         | nil  | nil  |
| Assistants (first division) | 9    | 7    |
| Clerks (Second division)    | 9    | 9    |
| Clerks (Third division)     | 5    | 3    |
| Stenographers               | 1    | 1    |

(c) The decrease is due to the fact that two Muslim Assistants were transferred to service under the Punjab Government and two clerks to the office of the Inspector General of Forests, Dehra Dun.

### RECRUITMENT OF SEAMEN BY THE PENINSULAR AND ORIENTAL AND BRITISH INDIA STEAMSHIP COMPANIES.

691. \*Mr. S. C. Mitra : Will Government be pleased to state :

- (1) whether they are aware of the system of recruitment of seamen in the Peninsular and Oriental and the British India lines of ships ;
- (2) whether the system is essentially different from the system of recruitment on other lines ;
- (3) whether it is a fact that the crews are recruited without the medium of the shipping brokers ;
- (4) whether some subordinates of the two shipping companies favour the Bombay Seamen's Union with orders for supply of crews ;
- (5) whether Government is aware of any illegal gratifications and other corrupt practices on the part of one Ligorio Pereira, a clerk of the Peninsular and Oriental Steam Navigation Company, and some persons of the above Union ; and
- (6) if so, what steps do they propose to take in order to check the evils ?

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**The Honourable Sir George Rainy :** I assume that the Honourable Member's question relates to the state of affairs in Bombay :

- (1) Yes.
- (2) Yes. The Peninsular and Oriental Steam Navigation Company and the British India Steam Navigation Company maintain registers of serangs and butlers in their regular employ and these leading ratings are selected at the Companies' offices by their own officers. The lower ratings are also recruited by the Companies' officers with the aid of the leading ratings. In the case of the other shipping companies, an employment register of serangs and butlers is maintained at the Shipping Office and these ratings are selected by the Company's officers at an open muster held at that office. The lower ratings are recruited by the Company's officers with the aid of the leading ratings.
- (3) It is believed that the broker has been largely eliminated as an intermediary in the selection of the crews.
- (4), (5) and (6). Government have seen allegations to this effect in a pamphlet published by the Social Service League, Bombay, but they did not find sufficient reason to institute inquiries.

#### CHARGE FOR A DUPLICATE CERTIFICATE ISSUED TO SEAMEN.

692. **\*Mr. S. C. Mitra :** Will Government be pleased to state :

- (1) what fee is generally charged in the case of seamen for a duplicate certificate of service which is issued when the original is defaced, torn or lost ;
- (2) whether the duplicate can be issued free of cost also as is provided in the foot-note on certificates of discharge issued under section 43 of Act I of 1859 ;
- (3) whether the discretion to charge any fee or issue the duplicate free of charge is vested in the Shipping Master ; and
- (4) why so much latitude is given to him ?

**The Honourable Sir George Rainy :** With your permission, Sir, I will answer questions No. 692, 693 and 695 together. The information asked for by the Honourable Member is being collected and will be supplied in due course.

#### FEES CHARGED FOR RENEWAL OF CERTIFICATES OF SEAMEN.

†693. **\*Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) what fee is charged in the case of seamen when the certificate of service is "renewed for a next higher issue" ;
- (b) whether any receipt is passed for issue of a renewal certificate ;
- (c) the number of renewal certificates issued during the official year 1927-28 ;

† For answer to this question, see answer to question No. 692.

- (d) the total amount of fee realised during the year on that account ;
- (e) whether any complaints regarding levy of higher fees have been made by the seamen to the Shipping Master, Bombay ; and
- (f) if so, what action was taken by him thereon ?

#### APPOINTMENT OF A PRINCIPAL OFFICER TO SUPERVISE SHIPPING OFFICES.

694. **\*Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) whether it is a fact that, consequent on the transfer of the control of Shipping and Navigation from the Local Governments to the Government of India from 1st April, 1929, they have had under contemplation the appointment of a Principal Officer to supervise the working of Shipping Offices at various ports in India ; and
- (b) (i) whether the Principal Officer's appointment has been made, and, if so, (ii) the name of the incumbent, (iii) his qualifications, (iv) the date from which he has taken charge, (v) his office address, (vi) the period during which he is on tour during the year, and (vii) when he is required to be in Bombay on his duty of supervision ?

**The Honourable Sir George Rainy :** Government have no proposal under contemplation for the appointment of a Principal Officer to supervise the working of Shipping Offices at the various ports in India. Under the scheme for the centralisation of the mercantile marine administration, the coasts of India will be divided into districts based on the major ports of Aden, Karachi, Bombay, Madras, Calcutta and Rangoon, and each district will be placed in charge of an officer to be called the Principal Officer, who will be the chief executive officer of the Government of India in the district in all matters relating to mercantile marine administration. He will also exercise general supervision over the whole of the district staff administering the Merchant Shipping Acts, including the Shipping Masters. Principal Officers have so far been appointed at Calcutta and Rangoon only. Both these Officers are Captains in the Royal Indian Marine.

#### FEES CHARGED FOR RENEWAL OF DISCHARGE CERTIFICATES OF SEAMEN.

†695. **\*Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) whether the fee of Rs. 2 (two) for renewal of a discharge certificate is excused in some cases of seamen at the discretion of the Shipping Master, Bombay, as per the footnote in the discharge certificate form ;
- (b) the number of cases of such free renewal certificates issued during the calendar years 1927 and 1928 ;
- (c) whether it is a fact that there is a considerable number of cases in which more than Rs. 2 per renewal has been paid by seamen ;

† For answer to this question, see answer to question No. 692.

- (d) whether such cases of extra payments have come to the knowledge of the Shipping Master ; and  
 (e) if so, what action was taken by him ?

#### DISCHARGE OF CREWS OF MERCHANT SHIPS.

696. \*Mr. S. C. Mitra : Will Government be pleased to state :

- (a) whether it is a fact that the crews of certain merchant ships are discharged in six weeks, while they have been signed on for six months and are willing to serve for the full period ;  
 (b) the number of such cases of discharge of crew during the calendar years 1927 and 1928 ; and  
 (c) whether any crews have been specially remunerated for such premature discharge and, if so, the names of the ships, the classes of crew, their number and the total amount of such remuneration ?

**The Honourable Sir George Rainy :** The information asked for is being collected and will be furnished to the Honourable Member as soon as possible.

#### LOCATION OF THE BOMBAY SHIPPING OFFICE.

697. \*Mr. S. C. Mitra : Will Government be pleased to state :

- (a) the reasons for removing the Bombay Shipping Office from Princess Dock to the present site ;  
 (b) the period during which it was situated in the former place ;  
 (c) whether they have heard of any inconvenience caused to seamen by the office being located in the present premises ;  
 (d) whether there is any proposal to re-accommodate it in its former place ; and  
 (e) if the answer to part (d) is in the negative, whether, and if so when they propose to make proper seating arrangements for seamen in the present premises of the Shipping Office ?

**The Honourable Sir George Rainy :** (a) The Shipping Office was removed in 1927 from the Branch Customs House at the Princess Docks to the ground floor of the Development Department building, because the Branch Customs House was considered unsuitable for a Shipping Office. The latter office is situated at a considerable distance from the offices of the various shipping companies, the Banks and the Main Customs House and is in a very noisy locality. Moreover the Customs Department wanted the accommodation for its own use.

(b) For about 6½ years.

(c) No.

(d) No.

(e) Instructions have been issued for the early construction of a pucca waiting shed for the use of seamen visiting the Shipping Office.

#### RECRUITMENT OF CREWS BY THE PENINSULAR AND ORIENTAL AND BRITISH INDIA STEAMSHIP COMPANIES.

698. \*Mr. S. C. Mitra : Will Government be pleased to state :

- (a) whether it is a fact that, unlike other shipping companies, the crews in the Peninsular and Oriental and British India lines are recruited directly by the Companies' officials themselves without the shipping brokers' intervention ;  
 (b) whether the shipping brokers get less commission on advances they make to the crews of the Peninsular and Oriental and British India lines than in other companies ;  
 (c) if so, what are the rates of commission in either case ;  
 (d) whether it is a fact that, even the advances to crews in the Peninsular and Oriental and British India lines are, of late, made by the Companies themselves without the medium of the brokers ; and if so, whether the services of the brokers are entirely dispensed with by the two Companies ; and  
 (e) the approximate annual gain to the Companies in the form of brokers' commission ?

**The Honourable Sir George Rainy :** I assume that the Honourable Member's question relates to the state of affairs in Bombay :

- (a) The crews required for the vessels belonging to the Peninsular and Oriental Steam Navigation Company and the British India Steam Navigation Company are recruited very largely by the Companies' officers without the intervention of the broker.  
 (b) to (e). Government have no information, but the points raised will be examined at the first convenient opportunity.

**Mr. K. Ahmed :** Are Government aware that the Clow Committee recommended five or six years ago that the broker system should be abolished and that officers for recruitment should be appointed ?

**The Honourable Sir George Rainy :** Government are certainly acquainted with the recommendations of the Clow Committee.

**Mr. K. Ahmed :** But is it not a fact that the abolition of the broker system was recommended some years ago ?

**The Honourable Sir George Rainy :** I am afraid I must ask for notice. The details of the Clow Report are not sufficiently clear in my mind at the moment to enable me to answer my Honourable friend's question.

**Mr. K. Ahmed :** But the broker system is a nuisance, and in view of the fact that the Honourable Member is not aware of it, will he expedite the matter and bring the facts to the notice of the Whitley Commission ?

**The Honourable Sir George Rainy :** I have not the least doubt that the facts will be brought to the notice of the Whitley Commission. I am sure the Honourable Member himself is in a position to secure that result.

**Mr. Jamnadas M. Mehta :** Will that be for the benefit of the country ? (Laughter.)

## RULES FOR THE ALLOTMENT OF CLERKS QUARTERS IN DELHI.

699. \***Mr. S. C. Mitra** : (a) Is it a fact that the Delhi clerks' quarters allotment rules provide that a man who is in occupation of any quarter on the 1st January is able to establish his lien for the future ?

(b) Why was this particular date fixed for the purpose ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) Yes, provided that he is in occupation of a quarter of his proper class.

(b) Because the lien is only established if the clerk is in occupation for the major portion of the season.

## RULES FOR THE ALLOTMENT OF CLERKS QUARTERS IN DELHI.

700. \***Mr. S. C. Mitra** : (a) Is it a fact that the Delhi allotment rules provide for the surrender of quarters in some cases ?

(b) Are such quarters allotted to other clerks who want them ?

(c) Are they allowed to retain their liens on such quarters if they occupy them before 1st January ?

(d) Do they retain their lien if they occupy them after 1st January ?

(e) If the reply to part (d) be in the negative, will Government please state the reasons ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) Yes.

(b) Yes.

(c) Yes.

(d) No.

(e) The reason is given in the reply to part (b) of the Honourable Member's question No. 699.

## INSUFFICIENT QUARTERS FOR CLERKS IN NEW DELHI.

701. \***Mr. S. C. Mitra** : (a) How many men of the Government of India attached and Secretariat offices, who move from Simla to New Delhi, and who wanted D and C type quarters could not be provided with quarters last winter ?

(b) Did Government make any arrangements to accommodate them in Delhi ?

(c) Is it a fact that private accommodation in New Delhi is not sufficient and very expensive ?

(d) Did Government give any relief to those who could not be provided with quarters ?

(e) Is it a fact that such men who made their own arrangements in New Delhi were not given any house rent although they had to pay much more than what they have to pay for Government quarters ?

(f) What steps do Government propose to take in future to remove the difficulties of their migratory establishments in the matter of residential accommodation ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) 523 (excluding single men).

(b) No.

(c) Yes. Private accommodation is more expensive than Government accommodation.

(d) Yes, a monthly house-rent allowance was granted subject to certain conditions to those clerks who lived outside New Delhi.

(e) Yes.

(f) 150 more quarters are under construction and the position generally is under review.

## PROVISION OF QUARTERS IN NEW DELHI FOR CLERKS OF THE ARMY DEPARTMENT.

702. \***Mr. S. C. Mitra** : (a) Is it a fact that the Army Headquarters offices will be located in New Delhi next winter ?

(b) Will those clerks who occupied quarters in Old Delhi last winter be able to get quarters in New Delhi ?

**Mr. G. R. F. Tottenham** : (a) Yes.

(b) Some will.

## ALLOTMENT OF QUARTERS TO NON-MIGRATORY CLERKS IN NEW DELHI.

703. \***Mr. S. C. Mitra** : (a) What percentage of the total number of D type quarters in New Delhi were allotted last winter to the non-migratory staff ?

(b) Is it a fact that no provision was made for the accommodation of the local Public Works Department staff when the number of quarters to be built was decided and the quarters were built for the requirements of the Secretariat and attached offices ?

(c) If the reply to part (b) is in the affirmative, why are so many quarters given to the local staff and the migratory staff compelled to go without quarters ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) 64 per cent.

(b) Yes.

(c) Under the rules governing allotment, the local staff have as much right to quarters as the migratory staff.

## QUARTERS FOR OFFICIALS AND CLERKS IN NEW DELHI.

704. \***Mr. S. C. Mitra** : (a) Is it a fact that almost all the migratory officers who require quarters at New Delhi are provided with them ?

(b) Is it a fact that most of the high paid officials are provided with Government residences and that many of the low paid clerks are left to make their own arrangements ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) No. There is a serious shortage of accommodation which has resulted in many officers

having to share accommodation with others or to make private arrangements in other ways.

(b) It is recognized that the shortage of clerks quarters is even greater than that of officers quarters.

#### PROVISION OF QUARTERS FOR CLERKS IN NEW DELHI.

705. **\*Mr. S. C. Mitra :** (a) Is it a fact that some of the clerks of the Government of India belong to far off provinces such as Madras and Assam ?

(b) Are all of them provided with quarters at New Delhi ?

(c) If not, what steps do Government propose to take to remove their grievances ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) No.

(c) The position generally is under review, but there is no idea of according preferential treatment to clerks who belong to far off provinces.

#### QUARTERS FOR CLERKS IN NEW DELHI.

706. **\*Mr. S. C. Mitra :** (a) What is the number of migratory clerks who have applied for quarters in New Delhi for the next winter season ?

(b) How many of them will be provided with quarters ?

(c) What were the figures in respect of parts (a) and (b) last year ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) 1,303 excluding single men.

(b) 711 excluding single men, for 176 of whom there is accommodation leased to the Secretariat Association and others.

(c) (a) 1,255 (b) 657.

#### ELECTRIC LIGHTS IN "D" CLASS QUARTERS IN NEW DELHI.

707. **\*Mr. Siddheswar Prasad Sinha :** With reference to the reply given to my starred question No. 1301, dated the 28th March, 1929, will Government please state whether an electric point has now been provided in the godown room of "D" Class quarters in New Delhi ? If not, when will it be done ?

**The Honourable Sir Bhupendra Nath Mitra :** The electric points in the godown room of the "D" class quarters have not yet been provided. The matter is still under consideration.

#### FEES IN SCHOOLS IN DELHI PROVINCE.

708. **\*Mr. Siddheswar Prasad Sinha :** With reference to my starred question No. 1212, dated the 22nd March, 1929, will Government please state what action has been taken regarding the raising of the limit of income for payment of double fees in the schools in the Delhi Province ?

**Sir Frank Noyce :** The Chief Commissioner, Delhi, was addressed in the matter and he has intimated that the scale of fees in Delhi is regulated by the orders contained in the Punjab Education Code, which has been adopted for use by the Administration. At present there is no proposal under consideration to revise the grades of fees in schools in the Punjab and there has been no move in that direction in Delhi.

#### SHORTAGE OF CLERKS' QUARTERS IN NEW DELHI.

709. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that more than half of the members of the ministerial establishment of the Government of India migratory offices who had applied for allotment of Government quarters in New Delhi for 1928-29 had to make their private arrangements in New Delhi and Delhi city for want of sufficient number of Government quarters ?

(b) If so, what steps have Government taken since the last year to remove this inconvenience ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No.

(b) Does not arise, but I would refer the Honourable Member to the reply given to part (f) of question No. 701.

#### SHORTAGE OF CLERKS' QUARTERS IN NEW DELHI.

710. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the office of the Director General of Posts and Telegraphs and certain other offices have recently been transferred from other places to New Delhi ?

(b) If so, had Government taken the requirements of residential accommodation for them into consideration when constructing the quarters in New Delhi ?

(c) What percentage of them had, during the last winter, to go without quarters ?

(d) Is it a fact that as a result of no provision having been made for residential accommodation of most of the non-migratory offices at present in New Delhi there is a great shortage of quarters ?

(e) Do Government propose to construct more quarters to accommodate all non-migratory office establishments in a separate area leaving all the existing quarters for the migratory staff for whom they were primarily constructed ? If so, when ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes. Portions of these offices have recently been brought to New Delhi.

(b) To a partial extent only.

(c) The information has been called for from the local authorities and will be communicated to the Honourable Member in due course.

(d) Yes. For this and other reasons.

(e) The position generally is under review.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member state whether it is a fact that the inadequacy of accommodation for the staff of the Telegraph Department has been under the consideration of the

Government for many years, and may I ask how many more years do Government intend to wear its cap of consideration before coming to a decision in the matter ?

**The Honourable Sir Bhupendra Nath Mitra :** I did not quite catch the Honourable Member's question. If he is referring to the Telegraph Department generally, I submit that that does not arise out of the main question. If he is referring to the office of the Director General, Posts and Telegraphs, that office was moved to Delhi within the last two years.

**Lieut.-Colonel H. A. J. Gidney :** I submit, with all respect to the Honourable Member, that the office of the Director General, Posts and Telegraphs is part and parcel of the entire Department.

**Mr. President :** That is not a question.

**Lieut.-Colonel H. A. J. Gidney :** The question refers to the staff accommodation for members of the Telegraph Department under the Director General's office.

**Mr. President :** Mr. Siddheswar Prasad Sinha.

#### GRANT OF HOUSE RENT TO CLERKS NOT PROVIDED WITH GOVERNMENT QUARTERS IN NEW DELHI.

711 **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that Government have under consideration the question of renewing the old practice of allowing house rent to those clerks who, for want of Government quarters, have to make their private arrangements for residence in New Delhi ?

(b) Are Government aware that those who make their own arrangements in New Delhi have to pay much more rent than 10 per cent. of pay charged for Government quarters ?

(c) Do Government propose to sanction house rent allowance for such clerks who have to make their private arrangements in New Delhi during the ensuing cold season ?

**The Honourable Sir James Crerar :** (a), (b) and (c). It has been decided to grant house rent allowance to those clerks who, owing to the insufficiency of Government accommodation, have to make their own arrangements for residence in private houses in New Delhi.

#### MEDICAL ATTENDANCE FOR CLERKS IN NEW DELHI.

712. **\*Mr. Siddheswar Prasad Sinha :** With reference to the reply given to my starred question No. 1216 in the Legislative Assembly on the 22nd March, 1929, will Government please state what progress has since been made to improve the arrangements for medical attendance for Government employees in New Delhi ?

**Sir Frank Noyce :** The detailed scheme for providing both Old and New Delhi with an up to date hospital, which will provide ample accommodation for all classes, is being worked out and it is hoped that the work will be started shortly.

The New Dispensary for New Delhi is nearly completed.

#### MEDICAL ATTENDANCE FOR CLERKS IN DELHI AND SIMLA.

713. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the names and addresses of the medical officers specially appointed for the Government of India employees at Delhi and Simla are not communicated every season to the various offices and the Associations of the establishments concerned ?

(b) Are Government aware that the doctors in question are not usually present at their houses and dispensaries at the fixed hours and are often out for private practice ?

(c) Do Government propose to issue instructions that the doctors should always be present at their fixed places at the fixed hours ?

(d) Will Government please lay on the table a statement showing the names of the doctors specially appointed for attendance on different classes of Government servants at Delhi and Simla, stating the rules for their consultation, and the hours and places where they are required to be on duty ?

**Sir Frank Noyce :** (a) The names and addresses of the medical officers specially deputed to attend the Government of India clerks who reside in Delhi City are communicated each season to the several Departments of the Government of India for the information of those concerned. Similar information for Simla is communicated to the offices concerned whenever there is a change of incumbents.

(b) No.

(c) No instructions are necessary, as the medical officers concerned are always present at fixed places during fixed hours, except when they are called out on urgent work.

(d) Information is being collected and will be supplied to the Honourable Member in due course.

#### PROVISION OF A SCHOOL FOR THE EDUCATION OF THE SONS AND WARDS OF THE MIGRATORY STAFF OF THE GOVERNMENT OF INDIA.

714. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the sons and wards of some of the Government of India employees could not secure admission in the Government School, Simla, in April and May, 1929, on account of overcrowding in the school ?

(b) Is it also a fact that the matter had to be reported to the higher authorities and it was with their intervention that the students were admitted ?

(c) If replies to parts (a) and (b) be in the affirmative, what steps have Government taken to prevent the recurrence of such trouble ?

(d) Do Government propose to start an additional school (moving between Delhi and Simla) to overcome overcrowding and other troubles in connection with the education of the sons of the migratory staff of the Government of India ?

**Sir Frank Noyce :** (a) Yes.

(b) The matter was reported to the higher authorities who already had under consideration arrangements for a larger admission of pupils.

As a result of these arrangements a number of additional pupils were admitted to the school.

(c) and (d). The matter is under consideration.

PROVISION OF FACILITIES FOR THE EDUCATION OF THE CHILDREN OF THE  
MIGRATORY STAFF OF THE GOVERNMENT OF INDIA.

715. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that Simla and Delhi are under the jurisdiction of different Universities, and the Matriculation text books at both the places are different ?

(b) If the reply to part (a) be in the affirmative, what steps have Government taken or do they propose to take to afford necessary facilities for the education of the children of their employees moving between Delhi and Simla ?

(c) Are Government considering the question of making special arrangements at Simla for the preparation of Matriculation students for the Delhi University ? If not, why not ?

Sir Frank Noyce : (a) The answer to the first part of this question is in the affirmative. As regards the second part, the books prescribed in some subjects are different.

(b) and (c). The matter is under consideration.

The Revd. J. C. Chatterjee : Are Government aware that the University of Delhi have nothing whatever to do with the conduct of the Matriculation examination ?

Sir Frank Noyce : I really do not know.

GRANT OF INCREMENTS TO CLERKS FOR PAST TEMPORARY SERVICE.

716. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that all those temporary men in the Government of India Secretariat who were confirmed in their appointments in 1924 were granted increments for their past service ?

(b) Is it also a fact that some other temporary men with equal or longer service who were confirmed after 1924 for no fault of their own, but for the individual circumstances of the Department in which they were employed, were not allowed similar increments ?

(c) Have some clerks in the Army Department been recently granted increments for their past temporary service ?

(d) If replies to parts (a), (b) and (c) be in the affirmative, do Government propose to extend the same concession to clerks in other offices confirmed after 1924 to remove the anomaly ?

The Honourable Sir George Schuster : (a) and (b). When the time-scales of pay were introduced in the Government of India Secretariat in 1919, it was laid down that temporary employees should remain on a fixed rate of pay and should not begin to count service for increments until they were confirmed. Since, however, during the war many employees had been retained on a temporary footing for long periods, and in view of the fact that the principle of counting temporary service towards increments had been allowed in the case of men who were holding

permanent appointments in the Secretariat on the 1st December, 1919, it was decided in 1920 that some concession of this kind might be extended, in individual cases of special hardship, to temporary men also on the occasion of their being confirmed. This was intended to be a special temporary exception to the ordinary rule referred to above, and was stopped on the fixation of the permanent strength of the Departments after consideration of the recommendations of the Retrenchment Committee and the introduction of leave reserves in Departments generally in 1924.

(c) The fixation of the strength of the Army Department, however, was more difficult than that of the civil Departments for the expansion during the war had of course been much greater. It was always recognised therefore that this Department must be regarded as a special case and be kept under continuous review for a long period. The result was that, in the case of the Army Department, an unusually large proportion of posts was kept on a temporary footing for a long period. In 1924, on the occasion of the fixation of the strength of the other Departments, to which I have already referred, it was thought that sufficient knowledge was available at least to fix a minimum strength below which the Department could not be reduced. A number of the temporary posts were therefore made permanent ; and the concession referred to in my answer to part (b) was extended to the men confirmed on that occasion. But this minimum was considerably below the actual strength at the time, and a large number of temporary posts were still maintained. In 1928 a second attempt was made to fix the regular strength, and some more permanent posts in excess of the 1924 minimum were added. On this occasion the Government of India, recognising that facts had in the end demonstrated that it would have been justifiable to make the posts in question permanent in 1924 took the view that the employees affected should not be prejudiced by the decision having been deliberately deferred. They were therefore given the same concession that they would have got in 1924.

(d) Government do not consider that any question of anomaly arises because, as I have explained, special circumstances made it impossible to fix the strength for the Army Department in 1924 as definitely as was the case with the civil Departments. Government consider that the ordinary rule in all ordinary cases should be adhered to and that no undue hardship is involved, but if the Honourable Member has in mind any individual case of special hardship analogous to those I have mentioned and if he will give me particulars I shall be glad to have it examined.

RECKONING OF SERVICE OF CLERKS RETRENCHED AND RE-EMPLOYED.

717. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that, as a result of the late Inchcape Committee's Report, some qualified men having long temporary service were retrenched and were allowed travelling allowance to their homes as on transfer ?

(b) Is it a fact that some of the retrenched men were again taken in service after a short period ?



(c) If the reply to parts (a) and (b) be in the affirmative, is it the intention that any interval between the date of retrenchment and re-employment in the case of the clerks referred to in part (b) should be included for the purpose of increment, pension and leave? If not, why not?

**The Honourable Sir James Crerar :** (a) and (b). Yes.

(c) As regards increment and leave, individual cases were dealt with on their merits at the time. As regards pension, the general rule is that temporary service does not count; but in cases of long temporary service the question of allowing it to count in whole or in part for pension is one which could only be considered on its merits when the officer actually retires. Government do not consider that any general instructions are now called for.

#### RECRUITMENT OF CLERKS FOR THE FIRST DIVISION OF THE SECRETARIAT.

718. \***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that those candidates who had appeared for second division of the Secretariat offices in the examination held by the late Staff Selection Board in 1922, and had obtained a certain percentage of marks, were afterwards declared qualified for the first division?

(b) Do Government propose to extend the same concession to those who appeared in the 1926 examination for the first division and obtained the same percentage of marks?

**The Honourable Sir James Crerar :** (a) Departmental candidates in the 1922 examination who obtained enough marks were declared qualified for the first division, even though they appeared for the second division.

(b) No. The 1926 examination was competitive.

#### LIQUIDATION OF THE "INDARPRAST STORES", DELHI.

719. \***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that a limited company under the name "Indarprast Stores" was started in Delhi in 1921 and went into liquidation after working for about two years?

(b) Is it a fact that more than six years have since elapsed but the liquidators have not so far been able to liquidate the transactions of two years?

(c) Have Government any control over such liquidations to save the public from fraud and misappropriation? If so, what action do Government propose to take in the matter?

**The Honourable Sir George Rainy :** Inquiry is being made from the Local Administration and a reply will be sent to the Honourable Member in due course.

#### PROVISION OF A CONVENIENT MORNING TRAIN FROM SANGLA TO LAHORE.

720. \***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that there is no train running from Sangla which reaches Lahore at about 9 o'clock in the morning—the time at which most of the passengers have to come to Lahore to attend offices and courts?

(b) Is it a fact that a motor lorry service is running on that section between Chuharkana and Lahore and that railway earnings have decreased as most of the passengers travel in the lorries in the morning?

(c) In order to provide facilities to passengers and in the interests of railway revenues, do Government propose to alter the time of train No. 27/48 Down or start a new local train to reach Lahore before the court time? If not, why not?

**Mr. P. R. Rau :** The information required is being obtained and will be furnished to the Honourable Member on receipt.

#### NEW PENSION RULES OF THE GOVERNMENT OF INDIA.

721. \***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the Government of India started the drafting of new pension and gratuity rules in or about 1921?

(b) Is it a fact that the rules have not yet been issued? If so, what is the present stage?

**The Honourable Sir George Schuster :** I can best reply to the Honourable Member's question by taking both parts of it together. When the Fundamental Rules were being compiled out of the Civil Service Regulations, in and about 1921, the pensions portion of the Civil Service Regulations was reserved for separate treatment, and the Fundamental Rules were published without a pensions chapter. A pensions chapter for the Fundamental Rules was in due course prepared and sent to the Secretary of State for sanction, but he withheld his sanction owing to developments meantime which culminated in the promulgation in 1926 of the Civil Services (Governors' Provinces) Delegation Rules. Under those Rules the power to make pension rules for all but the All-India and Central Services was transferred from the Secretary of State to the Governments of Governors' Provinces, and that draft pensions chapter became a mere model which they might or might not adopt as they saw fit. The question remained whether the Secretary of State should apply the draft pensions chapter to the balance of Government servants; but that course was likewise not adopted owing to the further development that the Secretary of State proposed to transfer to the Governor General in Council the power to make rules determining the conditions of service of all the remaining Government servants with the exception only of the All-India Services. It is expected that that proposal will soon be carried out; meantime the pensions chapter in the Civil Service Regulations continues in force with such modifications only as the Governments of Governors' Provinces may have made in the exercise of the powers which they acquired in 1926.

#### EXPEDITING THE DELIVERY OF LETTERS IN SIMLA.

722. \***Mr. Siddheswar Prasad Sinha :** (a) What is the time of the first postal delivery in Simla and at what time does the train carrying the mails reach Kalka?

(b) Is it not possible to bring the mails from Kalka to Simla by motor earlier than at present?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The first delivery at Simla is timed for 10-30 A.M. The train carrying the mails issued by this delivery arrives at Kalka at 2-25 A.M.

(b) Yes, but the employment of additional motors for the purpose would involve an expenditure out of all proportion to the volume and importance of the mails carried.

#### EARLIER DELIVERY OF MAILS IN NEW DELHI.

723. **\*Mr. Siddheswar Prasad Sinha :** (a) What is the time of first postal delivery in New Delhi and at what time does the mail reach Delhi City Railway Station ?

(b) Is it not possible to distribute the mails earlier in New Delhi than at present ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The first delivery in New Delhi is made at 8 A.M., and the mails arriving at Delhi Main Station up to 4-45 A.M. are included in it.

(b) An earlier delivery is not practicable without entailing hardship on the staff, nor have any representations been received that the present hour is inconvenient.

#### SQUARES AND INDIAN CLERKS' QUARTERS IN NEW DELHI.

724. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that some of the squares in New Delhi are without light and grass ?

(b) Is it a fact that some of the Indian clerks quarters are not properly repaired and furnished before the date of occupation notified to the Estate Officer ? If so, do Government propose to instruct the officers concerned to attend to such things properly ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) In all cases the Squares in the Clerks' Quarters in New Delhi have lights on the roads which run through them, but lights are not provided in the grassed areas of the Squares. All the Squares have been grassed.

(b) A few cases have occurred in which it has not been possible to finish the annual repairs and to furnish the quarters properly, owing to the hot weather tenants of the quarters having failed to vacate the quarters on the due date. Every effort is made to have the quarters ready in time.

#### CLERICAL STAFF OF THE GENERAL POST OFFICE, BOMBAY.

725. **\*Mr. M. S. Aney :** (a) Is it a fact that the Postmaster General, Bombay, has ordered retrenchment in the clerical staff in the Bombay General Post Office by keeping the appointments vacant as recommended by Rai Bahadur Ganguli and that the Presidency Postmaster, Bombay, has carried out these orders ?

(b) Is it a fact that simultaneous recommendations of that officer supported by the Presidency Postmaster and the Postmaster General, Bombay, have been turned down by the Director General ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state whether they propose to reconsider the recommendations of

the officer specially appointed by them and sanction the appointments ? If the reply be in the affirmative, when ? If the same be in the negative, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes, out of sixty appointments recommended for reduction, twelve have so far been kept vacant.

(b) A proposal for 18 additional selection grade posts was made by the Special Officer, while the Postmaster General, Bombay, asked for five such additional appointments. The case was carefully examined by the Director General who was unable to accept either proposal as he did not consider that there were adequate grounds to justify the creation of these additional selection grade appointments.

(c) I shall look into the matter, though I cannot obviously hold out any hope that the Director General's decision will be modified.

#### INCREASE OF SELECTION GRADE POSTAL APPOINTMENTS IN BOMBAY.

726. **\*Mr. M. S. Aney :** (a) Will Government be pleased to state whether a representation for an increase in the number of selection grade appointments showing full justification for each such appointment was submitted by the Honorary Secretary of the Bombay Postal Union in the year 1923 ?

(b) Is it a fact that the Postmaster General, Bombay, had assured the Honorary Secretary from time to time that the question was being sympathetically considered ? If so, will Government be pleased to state whether, and when, they propose to review the question in detail and sanction the required appointments to fill up all the important charges enumerated ?

**Mr. P. G. Rogers :** (a) A representation addressed to the Director General was received in 1923 from the Honorary Secretary, Bombay Postal Clerks' Club. I am not prepared to admit that full justification was shown for each appointment.

(b) The Postmaster General, Bombay, has assured the Secretary that the question was being considered. Some additional supervisory appointments in the selection grade have since been sanctioned. Others are under consideration and will be sanctioned if found justified, and as funds permit.

**Mr. M. S. Aney :** Within what time, Sir ?

**Mr. P. G. Rogers :** As funds permit, Sir.

#### PROHIBITION OF INDIAN ADVOCATES FROM PRACTISING IN BURMA.

727. **\*Mr. Sarabhai Nemchand Haji :** (a) Are Government aware of the fact that the Bar Council of Burma framed a rule prohibiting the Advocates of other Indian High Courts from practising in the subordinate courts of Burma without obtaining express permission of the presiding Judge in every case ?

(b) Are Government aware that the Bar Councils have no power to make rules with regard to subordinate courts ? If so, was the attention

of the Burma Bar Council drawn to the rule being *ultra vires* of its powers and the necessity for cancelling the same ?

(c) Has the attention of Government been drawn to a statement made by Earl Winterton in the House of Commons promising an inquiry regarding the said rule made by the Burma Bar Council ?

(d) Has the Government of Burma been addressed on this point ? If so, will Government be pleased to lay on the table any reply that may have been received ?

**The Honourable Sir James Crerar :** The Honourable Member is referred to the answer given by me on the 10th September, 1929, to starred question No. 259 asked by Mr. K. C. Neogy.

#### LAND REVENUE LEGISLATION.

728. **\*Mr. A. Rangaswami Iyengar :** (a) Will Government be pleased to make a statement as to the progress made in regard to the steps taken by Provincial Governments to give effect to the Joint Parliamentary Committee's recommendation in 1919 regarding Land Revenue legislation ?

(b) Will Government be pleased to make a statement on the exact scope and objects of the Conference of Land Revenue Members of the Provincial Governments, and the conclusions arrived at by the said Conference ? Will Government be pleased to lay on the table a copy of the proceedings of the said Conference ?

(c) Have the Government of India received reports or memoranda from Provincial Governments regarding the present and proposed methods of Land Revenue settlements and their revision ? If so, have the Government of India taken any action on the same ?

(d) Will Government be pleased to state what is the cause of the delay in publishing the Resolution that was announced to be issued shortly regarding Land Revenue legislation ?

**Sir Frank Noyce :** (a) A statement giving the information asked for is laid on the table.

(b) The attention of the Honourable Member is invited to the Press communiqué issued on the 15th May, 1929, a copy of which was placed on the table of the House on the 4th September, 1929, in reply to the Honourable Mr. Kelkar's starred question on the subject. The Government of India regret their inability to lay on the table a copy of the Proceedings of the Conference, which were confidential.

(c) None, other than those which were involved in the fresh legislation in pursuance of the Joint Parliamentary Committee's recommendation regarding land revenue legislation.

(d) As Land Revenue is a provincial subject, the announcement that the Resolution would be issued shortly was perhaps too optimistic. No Resolution could be issued without asking Local Governments to see it, to examine it, and to offer suggestions regarding it, if they so desired. Then, the subject is such that it impinges on a number of other Departments, and it was only right that those Departments should be consulted. The delay in part, but in part only, has been due to changes in administration, and, finally, to the Assembly being in session.

*Statement showing the progress made by Provincial Governments in the matter of embodying the principles of Land Revenue Assessment in Statute.*

Bills have been passed by the Legislative Councils of the Punjab, the United Provinces and the Central Provinces. Legislation has not been considered necessary in Bengal and Bihar and Orissa, as large territories in these provinces are under permanent settlement. In Madras and Assam attempts to secure legislation regarding assessment of land revenue have not proved successful. In Bombay a Bill is under preparation, and it is expected that it will be introduced in the local Legislative Council in February, 1930. In Burma, on account of its special local conditions, the Local Government has, after careful consideration, decided to postpone for the present the introduction of revenue legislation.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, when the Government of India expect to be able to issue the Resolution on the subject ?

**Sir Frank Noyce :** In view of the explanation I have given in reply to part (d) of the Honourable Member's question, I hesitate to make any statement on that point.

**Mr. A. Rangaswami Iyengar :** Are Government aware that the Bombay Government have suspended settlement operations pending the enactment of land revenue legislation in that province ?

**Sir Frank Noyce :** I believe that is so, Sir, but I hardly see how it affects this question.

**Mr. A. Rangaswami Iyengar :** May I know if the Government of India, when they addressed Local Governments, considered the question of suspending existing settlements pending the enactment of land revenue legislation in their provinces ?

**Sir Frank Noyce :** I am not in a position to say what was the nature of the communications which passed between the Government of India and the Local Governments on this subject.

**Mr. A. Rangaswami Iyengar :** I am asking, Sir, whether the Government of India have considered the question of suspending the existing settlements pending the enactment of revenue legislation in the provinces.

**Sir Frank Noyce :** I should like to have notice of that question, Sir.

**Mr. Jamnadas M. Mehta :** Have the Government of India advised the Provincial Governments to follow the example of the Government of Bombay ?

**Sir Frank Noyce :** The Honourable Member, Sir, is evidently anxious to ascertain in advance the contents of the Resolution which the Government of India are about to issue. I am sorry I am not in a position to supply that information.

**Mr. A. Rangaswami Iyengar :** I am asking, Sir, as the Honourable Member says that this matter is going to take such a long time in investigation and formulation of conclusions by the Government of India, whether they have considered the question of asking Provincial Governments to suspend settlements, pending the enactment of legislation on lines which their Resolution may hereafter lay down.

**Sir Frank Noyce :** I have not given the Honourable Member any grounds for the inference that the Government of India are proposing either themselves to introduce any legislation on the subject or to ask Local Governments to do so. As regards the first part of his question,

I can only say that every effort will be made to issue the Resolution as soon as possible.

**Mr. A. Rangaswami Iyengar :** I am again asking—I regret I have not got my answer—whether the Government of India have considered the question of asking Local Governments to suspend settlement operations pending legislation?

**Sir Frank Noyce :** I am not in a position to give the Honourable Member that information.

**Mr. A. Rangaswami Iyengar :** Will the Honourable Member furnish me with the information subsequently?

**Sir Frank Noyce :** No, Sir.

**Mr. A. Rangaswami Iyengar :** I want to know why, Sir,—why the Government of India are not prepared to furnish me with the information which I want.

**Sir Frank Noyce :** The Government of India are hoping shortly to issue a Resolution on the subject and that will contain all the information that the Honourable Member requires. I am not in a position to give any information on the subject in advance of the issue of that Resolution.

**Mr. A. Rangaswami Iyengar :** I was asking the Honourable Member some time ago what time he would take. He now says, the Government of India will shortly issue a Resolution. When I ask for time, he will not give me the time. I therefore ask whether, pending the time they will take over this Resolution, they have considered the question of asking Local Governments, or would consider the question, of suspending settlement operations.

**Sir Frank Noyce :** Government do not propose to issue any instructions to Local Governments; they will issue a Resolution shortly.

**Mr. Jamnadas M. Mehta :** What exactly is the connotation of “shortly”? Since the recommendation of the Joint Parliamentary Committee, ten years have elapsed. Is that not short enough?

**Sir Frank Noyce :** The statement I have placed on the table shows the action which has been taken by Provincial Governments on the Joint Parliamentary Committee’s recommendations.

**Mr. M. S. Aney :** Have the Government of India received a representation from the people of the Central Provinces to the effect that, pending the enactment of new legislation, the settlement operations should be suspended in their provinces?

**Sir Frank Noyce :** I am not in a position to answer the Honourable Member’s question off-hand. All I can say is that no such representations have come to my own notice. Whether they are in the office or not, I cannot say, but I should be happy to inquire and let the Honourable Member know.

#### FACILITIES FOR APPRENTICESHIP OF CADETS OF THE “DUFFERIN”.

729. **\*Mr. K. C. Neogy :** Will Government be pleased to state what facilities they propose to afford to the cadets of the “Dufferin” to undergo their apprenticeship course on sailing vessels after they have completed their three years’ training next year on the “Dufferin”?

**The Honourable Sir George Rainy :** With your permission, I will reply to questions Nos. 729 and 730 together. Eleven shipping companies have agreed to accept as apprentices cadets who have completed the course of the Training Ship. With a view to assist such cadets in securing apprenticeships, the Captain Superintendent of the Training Ship is in communication with the shipping companies on the subject, and it is hoped that it will be possible to place most, if not all, of the cadets as apprentices.

#### FACILITIES FOR APPRENTICESHIP OF CADETS OF THE “DUFFERIN.”

†730. **\*Mr. K. C. Neogy :** Are Government in communication with the various shipping companies to admit a certain number of cadets of the “Dufferin” on their steamers as apprentices? If so, will Government be pleased to state if all the cadets are likely to be absorbed by the companies as apprentices?

#### RECRUITMENT OF INDIANS TO THE ROYAL INDIAN MARINE.

731. **\*Mr. K. C. Neogy :** (a) What is the total strength of superior appointments in the Royal Indian Marine in India?

(b) How many vacancies occur every year in the superior appointments in the Royal Indian Marine in India?

(c) How is the number of vacancies determined?

(d) Have Government laid down any percentage of recruitment of Indians for appointments in the Royal Indian Marine as in the Indian Civil Service? If so, what is the percentage of vacancies proposed to be reserved for Indians every year?

**Mr. G. R. F. Tottenham :** (a) The total strength of King’s Commissioned officers of the Royal Indian Marine is 126.

(b) and (c). The number of vacancies varies each year, and depends on the number of casualties and retirements. The Honourable Member will, however, realise that, with such a small cadre, the number of vacancies a year is never likely to be large.

(d) Yes. One-third of the vacancies is reserved for Indians, provided that suitably qualified candidates are forthcoming.

#### SYSTEM OF RECRUITMENT FOR THE ROYAL INDIAN MARINE.

732. **\*Mr. K. C. Neogy :** Are Government aware that under the present system of recruitment, the cadets who join as apprentices on board the vessels to complete their sea service will be unable to compete for the Royal Indian Marine appointments within their age limit and that they will have no facilities for higher literary studies on board the ships when working as apprentices?

**Mr. G. R. F. Tottenham :** With your permission, Sir, I propose to answer questions Nos. 732, 733 and 734 together.

Under the existing rules, entry to the Executive Branch of the Royal Indian Marine is regulated entirely by open competitive examinations

† For answer to this question, see answer to question No. 729.

held in England and in India ; and neither the training ships in England nor the Indian Mercantile Marine Training Ship "Dufferin" in India have any means of direct entry. The attention of Government has been drawn to the possible disabilities under which the cadets of the "Dufferin" may suffer in competing at the open examinations in India and they are examining the question of altering the conditions in such a way as to give them a better chance of securing commissions in the Royal Indian Marine.

#### RECRUITMENT TO THE ROYAL INDIAN MARINE OF CADETS OF THE "WORCESTER" AND "CONWAY".

†733. \*Mr. K. C. Neogy : (a) Will Government be pleased to state how many cadets are recruited every year in the Royal Indian Marine directly from the "Worcester", "Conway" and other British training ships ?

(b) Will Government be pleased to state whether the same privileges of direct entry into the Royal Indian Marine have been extended to cadets of the "Dufferin" as are enjoyed by the cadets on the training ships in England ?

(c) If the answer to part (b) be in the negative, are Government prepared to consider the desirability of putting the cadets of the "Dufferin" on a footing of equality with their compeers on the British training ships in the matter of direct entry into the Royal Indian Marine ?

#### COMPETITIVE EXAMINATION FOR ENTRY INTO THE ROYAL INDIAN MARINE.

†734. \*Mr. K. C. Neogy : Are Government aware that the present system of competitive examination for entry into the Royal Indian Marine conducted by the Army authorities does not give the cadets of the "Dufferin" an equal chance with those competing direct from the Universities as a part of the training of the cadets is in vocational subjects which are not included for the competitive examination ?

#### SCHOLARSHIPS FOR TRAINING ABROAD IN MARINE ENGINEERING.

735. \*Mr. K. C. Neogy : (a) Will Government be pleased to state how many candidates have been selected this year for scholarships for training abroad in marine engineering ?

(b) How many of these scholarships have been reserved for cadets of the "Dufferin" ?

(c) What safeguards do Government propose to provide in the case of candidates who would be recruited from the colleges to ensure that, after granting them scholarships to go abroad, they will continue the sea-going profession ?

The Honourable Sir George Rainy : (a) Three scholarships have been awarded this year for training in Marine Engineering in England.

(b) None of these scholarships was reserved for cadets of the "Dufferin".

† For answer to this question, see answer to question No. 732.

(c) The scholars have not been required to give any undertaking that they will adopt the sea as their profession. It is, however, expected that, having been trained as Marine Engineers, they will seek employment as Engineers on sea-going vessels.

#### FAILURE OF PLANTS FOR THE ELECTRIFICATION OF JAIPUR, RAGMALL AND JHANSI.

736. \*Mr. Ram Narayan Singh : (a) Will Government be pleased to state whether the Indian Stores Department purchased three plants for the electrification of Jaipur, Ragmall and Jhansi, and if so, what is the history of these plants since the day of the purchase till today ?

(b) Is it a fact that these plants are not working satisfactorily, and, if so, has the matter been inquired into and has any action been taken against the officers responsible ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) The Indian Stores Department made contracts for electrical power plants for Jaipur and Jhansi. In neither case has the contract been completed. No contract has been made for such a plant at Ragmall. Part of the plant at Jaipur and Jhansi proved defective at the official tests and was rejected by the Indian Stores Department. The defective part of the plant at Jaipur has now been partially replaced by the contractor and the entire portion will be offered for official test in a short time. The replacement of the Jhansi plant is still under consideration, a decision having been postponed until the arrival of the contractor's representative from England. As already stated, the contract in neither case has been completed, and the Government still retains the rights provided for therein.

(b) Does not arise.

#### DIFFERENCE IN PAY OF SHORTHAND WRITERS IN THE SECRETARIAT AND IN ATTACHED OFFICES.

737. \*Mr. Ram Narayan Singh : (a) Will Government be pleased to state their guiding principles in fixing the pay and also the grade of a post at the time of its creation ?

(b) Is it a fact that the qualifications necessary for a post, the nature and the volume of the work to be discharged by the holder of the post and also the standard and cost of living prevailing in the locality are the basic principles which Government generally follow in prescribing the pay and prospects of a post at the time of its creation ?

(c) Is it a fact that the shorthand writers of both the Secretariat and the attached offices of the Government of India are required to possess the same qualifications, have to discharge duties of the same volume and nature and have also to maintain the same standard and cost of living ?

(d) Is it a fact that the shorthand writers of the attached offices have, in addition, to deal with technical questions ?

(e) If the answer to part (c) be in the affirmative, how is the difference in the scale of pay obtaining for the shorthand writers of the Secretariat and the attached offices explained ?

(f) Is it a fact that men recruited by a common examination for the customs, the Indian Audit and Accounts Service and Military Accounts Services are on equal scales of pay on the principle of equal pay for equal qualifications? If so, why is not the same principle followed in the case of shorthand writers of the Secretariat and attached offices?

(g) Are the Stenographers in the Government of India Secretariat who are attached to Joint Secretaries and Honourable Members in receipt of monthly allowances of Rs. 50 and Rs. 150, respectively?

(h) Do the conditions justifying the above allowances exist in the case of stenographers attached to the heads of the attached offices who rank with Secretaries and Joint Secretaries? If not, why not?

**The Honourable Sir James Crerar :** (a) The general principle is that salaries should be regulated by the criterion that so much and so much only should be paid as is necessary to enable Government to obtain suitable recruits and maintain them in such comfort and dignity as will protect them from temptation and keep them efficient throughout their service.

(b) The factors mentioned by the Honourable Member are comprised in the principle mentioned above.

(c) The initial qualifications required are the same, but the duties and responsibilities are not.

(d) Shorthand writers are not required to possess any technical qualifications beyond an adequate knowledge of shorthand and typing.

(e) It is explained by the difference in responsibilities.

(f) It is a fact that the three services mentioned are recruited on the results of a common examination, but a common examination does not imply equal pay. In the case of the stenographers in question, a Committee examined the matter four years ago and came to the conclusion that the distinction should be maintained.

(g) The reply is in the affirmative.

(h) No, because broadly speaking the work and responsibilities are heavier.

#### MEMORIAL FROM STENOGRAPHERS OF ATTACHED OFFICES.

738. \***Mr. Ram Narayan Singh :** (a) Is it a fact that Government received a memorial from the stenographers of the attached offices for the extension of the Secretariat scale of pay to them?

(b) Will Government be pleased to lay on the table a copy of the said memorial with their orders thereon?

**The Honourable Sir James Crerar :** (a) Yes.

(b) I am not prepared to place a copy of the papers on the table.

#### IDENTIFICATION OF ATTACHED OFFICES WITH THE SECRETARIAT.

739. \***Mr. Ram Narayan Singh :** Will Government be pleased to give a detailed history of the origin of the attached offices and also the

reasons that stand in the way of their being identified with the Secretariat in all respects?

**The Honourable Sir James Crerar :** As regards the request contained in the first part of the Honourable Member's question I am afraid it would entail an amount of research and labour which Government would not be justified in undertaking. As to the second part, a Committee, which examined the matter fully some years ago, made it clear that differential treatment was justifiable in the case of the staff of the Secretariat owing to the more arduous nature of the work and the special conditions of service.

#### CADRES OF ASSISTANTS AND CLERKS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

740. \***Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that the posts of assistants and clerks in the various Departments of the Government of India are not and have never been treated as in the same cadre?

(b) Was the question of constituting the establishments of all or some of the Departments of the Government of India into one cadre ever considered and, if so, when and with what results?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The question of combining the Upper Division appointments of the various Departments into a single cadre was examined in 1922 but was not proceeded with because of the practical difficulties involved and the strong objections expressed by many of the Departments consulted.

#### APPOINTMENT OF MUSSALMANS AS ASSISTANT SURGEONS ON STATE RAILWAYS.

741. \***Khan Bahadur Haji Abdulla Haji Kasim :** (a) What is the number of Assistant Surgeons in the State Railways? How many posts of Assistant Surgeons are held by Mussalmans?

(b) Did the Railway Board fill in any posts of Assistant Surgeons since 1926? If so, have they considered the claims of qualified Muslim candidates for the posts and taken up any Muslim candidate? If they have not, on what grounds were the applications of Muslim candidates rejected?

(c) Do the Railway Board propose to take steps to see that there is a just and proper representation of Mussalmans in the Medical Department?

(d) Do Government propose to see that qualified Mussalmans are duly represented in the reorganised Medical Service of the North Western Railway?

**Mr. P. R. Rau :** Government regret that, for reasons which have previously been explained, they are not prepared to give figures of communal representation in individual offices or branches of railway service. Posts of Assistant Surgeons are not filled by the Railway Board, but by the Railway Administrations. The Agents of all railways, including the North Western Railway, are aware of the policy of the Government of India to prevent preponderance of any particular community in the railway services, and Government have no reason to believe that this policy is not being followed by Railway Administrations.



# APPOINTMENT OF MUHAMMADANS IN THE COMMERCIAL AUDIT BRANCH.

742. \*Maulvi Muhammad Yakub : (a) Is it a fact that there is not a single Muhammadan gazetted officer in the Commercial Audit Branch ?

(b) What steps have Government taken to reduce the communal inequality in this Branch in the superior and inferior grades ?

(c) Do Government propose to take some senior Indian Civil Service Muhammadan officers in that Department and also some Muhammadan probationers of the Indian Audit and Accounts Service for training there ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 742 to 744 together.

Inquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

# APPOINTMENT OF A MUHAMMADAN ACCOUNTANT GENERAL.

†743. \*Maulvi Muhammad Yakub : (a) Is it a fact that the Indian Audit and Accounts Service has been completely Indianised ?

(b) Is it a fact that there is not a single Muhammadan Accountant General in India ?

# PROPORTION OF MUHAMMADANS IN THE SUBORDINATE ACCOUNTS SERVICE.

†744. \*Maulvi Muhammad Yakub : Are Muhammadans being taken as probationers in the Subordinate Accounts Service in the ratio of one-third ? If not, why not ?

# INADEQUACY OF WAITING AND GOODS SHEDS AND WATER SUPPLY AT ONGOLE STATION.

745. \*Mr. B. P. Naidu : (a) Is it a fact that the third class waiting shed and the goods shed at Ongole Station on the Madras and Southern Mahratta Railway are incommensurate for the present traffic needs at that station ? If so, will Government be pleased to state when improvements will be effected to these sheds ?

(b) Are Government aware that the water-supply at Ongole Railway Station is not sufficient ? If so, what steps do they propose to take for improving the same ? Do they propose to consider the possibility of getting enough water through pipes from Gundlakamma river, which is only about four or five miles from the station ?

Mr. P. R. Rau : (a) and (b). Government have no information. These are matters which lie within the competence of the Agent, and can most suitably be taken up by the Local Advisory Committee.

# GRANT OF THE PRIVILEGES OF THE PRESS ROOM TO THE VERNACULAR PRESS.

746. \*Mr. B. P. Naidu : Will Government be pleased to state if the privileges attached to the Editors' Table have been granted to the Vernacular Press, including weeklies ? If not, why not ? If any applications were received for that purpose, how were they disposed of ?

†For answer to this question, see answer to question No. 742.

The Honourable Sir James Crerar : If the Honourable Member is referring to the privileges of the Press Room of the Government of India, I may explain that copies of Government of India reports, notifications and the Gazette of India (Part I) are supplied to those representatives of newspapers stationed at the headquarters of the Government of India who are admitted to the Press Room. A representative of the vernacular Press has been admitted to the Press Room of the Government of India.

If the Honourable Member is referring to the free supply of Government of India publications to the Press, I would invite his attention to the answer given by me in this House on the 16th September, 1929, to Mr. Siddheswar Prasad Sinha's question No. 509 on the subject. Since 1927 applications have been received from four vernacular papers for the free supply of Government of India publications, but on ground of economy such supply is restricted to newspapers with a large circulation, and as none of the newspapers in question satisfied this condition it was not possible to accede to the applications.

# APPOINTMENT OF THE LIBRARIAN OF THE IMPERIAL SECRETARIAT LIBRARY.

747. \*Mr. Abdul Haya : (a) Is it a fact that the clerks working in the Imperial Secretariat Library are part and parcel of the clerical cadre of the Department of Education, Health and Lands, three posts being borne on the roster of the second division and one post on the roster of first division clerks, and thus classed as second and first division posts in the gradation list of that Department ?

(b) Is it a fact that the clerks and assistants constituting the clerical cadre of the Department of Education, Health and Lands, are recruited from the candidates who have passed the late Staff Selection Board or Public Service Commission examination ?

(c) Is it a fact that second division clerks employed in the Department of Education, Health and Lands, Library Branch (besides their training in the library science), are equally eligible for an upper division post in the Department ?

(d) Is it a fact that the post of an upper division clerk (Librarian) in the Library Branch (previously held by a Muslim) fell vacant, which as a rule was subject to the same recruiting conditions as are other posts in the upper division plus training in the library science ?

(e) Is it a fact that, amongst the applicants for this post, there was a Muslim candidate who, besides being a B.A., LL.B., had passed the upper division examination of the Staff Selection Board ; had worked as a second division clerk in the Imperial Secretariat Library ; had on previous occasions officiated as Librarian of this Library and had passed the Government of India test in the library science ?

(f) Is it a fact that the Department of Education, Health and Lands, instead of appointing this candidate, asked the Public Service Commission to advertise for the post ?

(g) Has there ever been a previous case in which a vacancy in the upper division borne on the regular cadre of a Department, however technical, was advertised in this manner ?

(h) Is it a fact that the candidate to whom the Department has now sent their offer is a non-Moslem who has not passed the required Staff Selection Board or Public Service Commission examination for the upper division in which this vacancy is?

(i) Are Government prepared to reconsider their decision and appoint a superior and better qualified candidate belonging to a minority community?

**Sir Frank Noyce :** (a) Yes.

(b) Yes.

(c) Yes, provided that they are qualified by examination held by the Public Service Commission for the Upper Division.

(d) Yes. But recruitment for the Librarian's post, which requires special technical qualifications, is made by the Public Service Commission.

(e) Yes. The candidate officiated as Librarian only on one occasion for a brief period. There is no Government of India test in library science.

(f) Yes. It is no longer open to Departments to recruit candidates for posts requiring special or technical qualifications, without reference to the Public Service Commission.

(g) Not in the Department of Education, Health and Lands, in which the only technical post in the Upper Division is that of Librarian.

(h) Yes.

(i) No. The candidate who was considered by the Public Service Commission most suitable has been appointed on probation to the vacancy, which is at present temporary.

#### DEVELOPMENT OF THE INDIAN MERCANTILE MARINE.

748. **\*Sir Purshotamdas Thakurdas :** Will Government be pleased to state if they propose to take, before the Delhi Session, any steps for the development of the Indian Mercantile Marine?

**The Honourable Sir George Rainy :** Addressing the annual meeting of the Associated Chambers of Commerce in December last, His Excellency Lord Irwin referring to the Coastal Traffic Reservation Bill spoke as follows :

"But I think that I am correct in saying that the main impulse behind the Bill I have referred to is not a mere desire to secure for Indian capitalists the profits which now are made by British companies. Rather it is an ambition—and who shall say that it is an unworthy ambition?—that India should have its own mercantile marine and that the ships of that mercantile marine should be officered as well as manned by Indians. The problem then as I see it is whether we can help India to realise this ambition without resort to methods of confiscation, and I should like you to regard it from this point of view. Stated in this way the problem may be less difficult. I hope indeed that a solution may be found in a spirit of co-operation and goodwill, and I commend this to your consideration. For as the political progress of India seems to me the logical and necessary outcome of the political genius of the English people, just so should British and Indian industry and commerce work together, as allies rather than antagonists, for India's commercial and industrial advancement."

It is the earnest hope of the Government of India that, as stated by His Excellency, a solution of this difficult question may be found in a spirit of co-operation and goodwill, and they would be reluctant to proceed

upon other lines, until it was clear that there was no hope of an amicable settlement. They have therefore decided to bring the matter specially to His Excellency Lord Irwin's attention on his return to India in the hope that a full and frank discussion between the representatives of all the interests affected might lead to mutual understanding and agreement, and that the good offices of Government might contribute to a solution of the question of an adequate participation of Indian shipping in the coastal and overseas trade of India.

2. The possibility that an agreed settlement might in the end prove impossible must, of course, be faced. In that case, a situation would be created which Government could not ignore, and it would be necessary to explore fully the question by what means the obstacles in the way of the development of Indian shipping could be removed. In particular, the possibility of preventing the ruinous rate-wars which from time to time break out upon the coast and the desirability of legislation to bring under control the system of deferred rebates and other trade practices which tend to restrict the freedom of the shipper would have to be examined, and also the question how far direct financial assistance by Government to Indian shipping could justifiably be given. These questions are full of difficulty, and the final outcome cannot now be predicted, but Government would be ready to set on foot the necessary inquiries directed towards the development of an Indian Mercantile Marine.

**Mr. M. R. Jayakar :** Will Government be pleased to state by what time they expect the result of the Conference to be made known to the public?

12 NOON.

**The Honourable Sir George Rainy :** I think, Sir, I cannot add to the statement I have just made. The matter will be brought specially to the attention of His Excellency Lord Irwin on his return to India, but the action then to be taken will rest largely in His Excellency's hands, and I am afraid I am not in a position to amplify what I have said.

**Mr. K. C. Neogy :** Is it expected that the result of this Conference will be available to the public well in advance of the next Delhi Session?

**The Honourable Sir George Rainy :** I think, Sir, that I can answer that question to this extent, that for obvious reasons any prolonged delay in initiating any discussion that may take place is very much to be deprecated, and I am quite sure that the importance of this consideration will be present to the minds both of the Government of India and of His Excellency.

**Mr. Jamnadas M. Mehta :** What is meant by the phrase "all interests"?

**The Honourable Sir George Rainy :** I am afraid I cannot amplify further what I have said.

**Mr. Jamnadas M. Mehta :** Surely there ought to be some meaning for the phrase "all interests".

#### SHORT NOTICE QUESTION AND ANSWER.

SALT OF DIRTY SALT FROM KHARAGHODA AND SHORTAGE OF STOCKS OF SALT AT SAMBHAR.

**Sir Purshotamdas Thakurdas :** 1. (a) Will Government be pleased to state if dirty salt from Kharaghoda, which was being sold in Ahmedabad

and Kaira in 1926-27, and about which protests were officially made by the Ahmedabad Municipality, the public in Nadiad and the Palanpur State, is being put on the market again in some of the areas in Guzerat ?

(b) If the reply to the above be in the affirmative, will Government be pleased to issue orders forthwith that no salt be offered for sale from Kharaghoda in Guzerat except salt of the average standard quality ?

2. (a) Will Government be pleased to state the quantity of salt destroyed at Sambhar on account of floods during the last July ?

(b) Is it true, that, as a consequence, the stock of salt at Sambhar is not sufficient to meet the normal demand on the source till the end of September, 1930, when the next season's output will be ready for issue ?

(c) If the answer to (b) is in the affirmative, will Government be pleased to state what steps they have taken or propose to take to supply salt from other sources for the areas ordinarily consuming Sambhar salt, and thus prevent a shortage of stocks, and the danger of profiteering by dealers ?

**The Honourable Sir George Schuster :** 1. (a) The salt produced at Kharaghoda in 1921 was of an inferior kind since it was powdery and became mixed with dust at the time of storage. Great difficulties were experienced in selling it, and in 1926 the price was reduced to three annas a maund. But the reduction in price failed in its object as the merchants refused to purchase it. Moreover, certain municipalities objected to its sale on the ground that a portion of it was mixed with sand and dirt. An experiment was then made of sifting it, and in September last, an agreement was made with a contractor for five years in which he contracted to sift the salt and to sell the sifted salt at the ordinary rate of four annas three pies a maund, his remuneration being nine pies a maund for sifting and five pies a maund as commission. In February last a proposal of this contractor that he should also be allowed to sell the salt unsifted, at three annas a maund, to any of his customers who might be willing to take it was accepted, commission being allowed at five pies a maund. Very little unsifted salt has been issued and the quantity of sifted salt which has been sold is comparatively small.

(b) I am arranging for an immediate inquiry to be made regarding the disposal and quality of this salt and am also issuing instructions that none of this salt, which has not been sifted, shall be sold pending the result of the inquiry. I would add that it is entirely at the option of purchasers to take this salt or not, and that there are ample stocks of good salt at Kharaghoda which any one desiring to do so may purchase. At the same time, I agree with what I understand to be the implication of the Honourable Member's question, that the Government ought not to offer for sale for human consumption any salt regarding the fitness of which for human consumption there is any doubt, even although it is purely voluntary on the part of the buyer whether he takes the salt or not.

2. (a) An exact figure cannot be given until the stocks have been cleared, but it is estimated that over 10 lakhs of maunds of salt have been destroyed.

(b) Yes.

(c) Sambhar salt is consumed chiefly in the United Provinces and North Behar. In the eastern districts of the former and in the latter it meets with competition from the similar salt produced at Kharaghoda in the Bombay Presidency and the adjoining source at Kuda and from the rock salt of Khewra in the Punjab although the freight on these classes of salt has been considerably higher than that on Sambhar salt owing to the great distances involved. There is an adequate supply of salt at Kharaghoda and Kuda (without touching the accumulated stocks of old salt referred to in part 1 of the question), and for present purposes an unlimited supply at Khewra. The Bombay, Baroda and Central India, the North Western and the East Indian Railways have been approached and have, I am glad to say, given very valuable concessions. The Bombay, Baroda and Central India Railway has agreed to reduce by  $3\frac{1}{2}$  annas a maund the rate on the salt despatched from Kuda to stations on its narrow gauge line east of Muttra. The North Western Railway will reduce its freight on Khewra salt to stations east of Saharanpur by 1 anna 7 pies a maund and a further reduction will be given by the East Indian Railway from Saharanpur to stations on the Oudh and Rohilkhand section of its line. The amount of the reduction to the various stations is being worked out and will, it is hoped, be announced shortly. The concession given by the Bombay, Baroda and Central India Railway will be limited to three months within which period it is hoped to be able to despatch to the United Provinces and Behar the whole of the good salt at Kuda amounting to  $6\frac{1}{2}$  lakhs of maunds and  $4\frac{1}{3}$  lakhs of maunds of Kharaghoda salt, since salt from the two sources will be issued in the proportion of three maunds of the former and two of the latter. Issues from Kharaghoda and Kuda will commence on October, 24th, and will be under the control of the Commissioner, Northern India Salt Revenue, who will work in close consultation with the Collector of Salt Revenue, Bombay. The Government of India trust that the measures which have been adopted will be sufficient to protect the public interests and to prevent undue profiteering by salt traders. They will continue to watch the situation closely and will be ready to take further action if necessary.

**Sir Purshotamdas Thakurdas :** Regarding the Honourable Member's reply to (1) (b), do the Government of India realise that when they allow inferior quality of salt to be put on the market, dealers are likely to mix it with superior quality, especially when the difference is as much as one anna per maund and thus pass on to the consumer something which is below the standard quality of salt ?

**The Honourable Sir George Schuster :** I think that it is quite likely that the Honourable Member may be correct. That will be gone into in the inquiry which I have asked to be undertaken. I can quite appreciate the Honourable Member's point.

**Mr. N. C. Kelkar :** Is there any rule that beyond a certain period heaps of old salt should not be preserved but destroyed ?

**The Honourable Sir George Schuster :** I am afraid I have not sufficient knowledge of the chemical and other effects of storage on the quality and composition of salt to answer the Honourable Member's question off-hand, but I will look into the matter.

**Mr. Gaya Prasad Singh :** Do I understand that salt from the Kuda salt works is allowed to enter into the United Provinces and North Bihar ?

**The Honourable Sir George Schuster :** That is the intention of the programme which I have just announced.

### UNSTARRED QUESTIONS AND ANSWERS.

#### PAY OF STAFF OF THE CURRENCY OFFICE.

**185. Mr. S. C. Mitra :** Will Government be pleased to state whether it is a fact that the Controller of Currency received a deputation of representatives of the Currency office employees in May, 1919, and promised an *ad interim* relief to the whole of the Currency office staff in the shape of allowances at rates varying from 5 to 20 per cent. over the then prevailing rates of pay, viz., Rs. 35 to Rs. 100 ? If so, was the relief referred to granted ? If not, why not ?

**The Honourable Sir George Schuster :** I propose to reply to questions Nos. 185 to 189 and 192 together.

The records of the past ten years relating to the matters to which the Honourable Member has referred are being carefully examined in order to provide a full and accurate reply to his questions. Naturally this must take some time ; but information will be sent to my Honourable friend as soon as possible.

#### PAY OF STAFF OF THE CURRENCY OFFICE.

**†186. Mr. S. C. Mitra :** Will Government be pleased to state whether the increase of pay sanctioned in April, 1920 for the Currency Department employees was intended to be commensurate with the enhanced cost of living compared as between 1915 and 1919 ? If so, will Government please furnish a statement showing the gradual rise in the cost of living as well as in the revised pay of the Currency office staff during the corresponding years ?

#### PAY OF STAFF OF THE CURRENCY OFFICE.

**†187. Mr. S. C. Mitra :** Will Government be pleased to state whether it is a fact that in November, 1921, Mr. (now Sir) McWatters addressed the Government in the capacity of the Controller of Currency suggesting a revision of pay for the Currency office staff to meet the existing increased cost of living ? If so, will Government please lay on the table the recommendations made by the said Controller of Currency ? Will Government also state whether the recommendations were accepted *in toto* ? If not, why not ?

#### DEBTS CONTRACTED BY CURRENCY OFFICE EMPLOYEES.

**†188. Mr. S. C. Mitra :** Will Government please state if it is a fact that the Controller of Currency submitted a note to the Government in December, 1921, reporting therein that a good many of the Currency office

† For answer to this question, see answer to question No. 185.

employees had run into debt ? If so, what steps were taken by Government to meet the situation and what relief was sanctioned ?

#### PAY OF STAFF OF THE CURRENCY OFFICE.

**†189. Mr. S. C. Mitra :** Will Government be pleased to furnish a statement showing what immediate benefit was derived from the revision of pay sanctioned in June, 1924, by such Currency office employees who, according to the length of service, reached the maximum of the clerical grade in January, 1920 ? And what immediate benefit would they have derived had the recommendations of the Controller of Currency of November, 1921, been sanctioned *in toto* at the time ?

#### NUMBERS ON NEW DESIGN OF CURRENCY NOTES.

**190. Mr. S. C. Mitra :** (a) Will Government please state the reasons why, in the new design Rs. 100 notes, the serial letters and numbers have been printed in smaller types than those in the old design notes of the same denomination ?

(b) Why have the numbers been printed in the four corners ? Why have they not been printed at the same positions and in larger types as in the old pattern of notes of the same denomination ?

(c) If there are no specific reasons, do Government propose to modify the printing arrangements accordingly ?

**The Honourable Sir George Schuster :** (a) and (b). The 100-rupee notes of the present design are much smaller than the old notes both for reasons of economy and because small notes are more convenient for the public to handle. At the same time, the opportunity was taken of introducing a more elaborate pattern and colour scheme as a protection against forgery. Consequently there is no room for four sets of numbers on each note, and it does not seem necessary that each half should bear more than one number. When the new note was originally printed in England, the figures were small and printed on a dark ground so that they were difficult to read. This has been altered in the notes printed at Nasik, which have larger figures printed on a light green background, so that they can be read easily. Any trouble which arises is due to the undesirable practice of cutting notes. When notes are carelessly cut, the number on the right half is occasionally mutilated, but the remedy lies in the abandonment of the practice of cutting notes, i.e., in the hands of the public themselves.

(c) No alteration is contemplated for the reasons stated in the preceding answer.

#### CURRENCY NOTES REFUND RULES.

**191. Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table the objections raised against the Currency Notes Refund Rules which came into force from the 1st July, 1927, by many different public bodies and forwarded to the Government ?

† For answer to this question, see answer to question No. 185.

(b) Will Government be pleased to state the principles underlying the arrangement that while the claims on mismatched notes of Rs. 50 and Rs. 100 denomination will be paid, the claims on similar notes of Rs. 5 and Rs. 10 denominations will be refused?

(c) Will Government please furnish a statement showing the number of mismatched notes of Rs. 5, Rs. 10, Rs. 50 and Rs. 100 denominations tendered at the Currency offices in each quarter since the introduction of the new Refund Rules, i.e., July, 1927?

**The Honourable Sir George Schuster :** (a) Copies of the communications received from different public bodies are laid on the table.

(b) The attention of the Honourable Member is invited to the Government of India, Finance Department Resolution No. F.20-XI-F., dated the 15th October, 1925 (published in the Gazette of India, dated the 17th October, 1925) which explains the object of the new rules. As was then explained, the main object is to discourage the practice of the cutting of notes, which had been proved by the repeated experience of the Currency Department to lend itself to the commission of fraud, and which also involved considerable expenditure on currency office establishments to minimise delay in the examination of divided notes. As, however, for practical reasons the habit of remitting money by half notes had to be recognised to some extent, for the time being at any rate, the new rules were framed on conservative lines and payment was refused only on half or mismatched notes of denominations not exceeding Rs. 10, on the ground that the cost of remitting sums under Rs. 50 by money order is small. A similar restriction was also in force under the old rules in the case of notes of Re. 1 and Rs. 2½ denominations and the new rule extended the same principle to the denominations of Rs. 5 and Rs. 10.

(c) As under the new rules, mismatched notes are not recognised as such, but are looked upon as *two separate half notes*, entries in respect of their receipt at Currency offices are made on this basis and the separate registers to record the receipts of mismatched notes prescribed under the old rules have been discontinued. As claims on half notes when the other halves are reported missing are recorded in the same way, it is not possible to furnish the figures required by the Honourable Member for mismatched notes.

**No. 1.—LETTER FROM THE CHAMBER OF COMMERCE, HAPUR, No. 54, DATED THE 5TH NOVEMBER, 1925.**

My Chamber has learnt from the papers that the Government propose to make some changes in the rules concerning the G. C. Notes. The proposed changes as given in the papers mostly concern the dividing of notes in parts on which restrictions are to be put.

In this connection I respectfully venture to submit that the restrictions proposed will cause a great deal of hardship to the business community and the general public and the currency note circulation which is just gaining its former popularity after the great war will again receive a set back.

The business people generally remit money by insured postal letters enclosing half notes in them and remitting the second halves on receipt of acknowledgment of the first halves, thus ensuring the safety of the remittance. But under the proposed change if one halves are lost the owner is entitled to recover only the half value of the notes, the balance to be subject to the rules governing lost G. C. Notes. As for smaller notes they are in every day use and change hands so frequently and are handled by so many ignorant and uneducated people that

very soon they are torn in four and the proposed rules will not allow any payment for such notes. It will not be out of place to mention here that even under the present rules the village people are not generally willing to receive payment in G. C. Notes.

The proposed rules will cause further inconvenience to the trade and the public especially in smaller localities, where no other means of remittance exist. The inconvenience and hardship thus caused to the public will certainly react on the circulation of G. C. Notes and my chamber believes the Government does not propose to restrict the circulation of G. C. Notes.

Under the circumstances my Chamber is of opinion that it will be in the interest both of the public as well as the Currency to engage more staff for the detection of notes other than genuine ones than to put restrictions on the present practice and rules regarding circulation and payment of G. C. Notes.

No doubt my Chamber belongs to a very small town and it is not aware what opinion other bigger and more important bodies (which by the way may not feel the inconvenience to the same extent as we do owing to banking and other facilities) hold on the subject, but belonging to a small town puts us in better touch with the general ignorant public than the bigger bodies can claim and it is in this capacity that I have ventured to approach you on the subject. I hope our views though coming from a comparatively small and unknown body, will receive due consideration at the hands of the Government before any final decision is arrived at.

**No. 2.—LETTER FROM THE CHAMBER OF COMMERCE, BOMBAY, No. 2831-377 OF 1925, DATED THE 6TH NOVEMBER, 1925.**

I have the honour to refer to your letter No. F.20-XI-F., of the 15th ultimo, on the subject of certain proposed amendments in the Currency Notes (Refund) Rules, 1921.

2. In reply I am directed to say that while my Committee are in general sympathy with the objects which it is sought to effect by means of the proposed amendments they desire to put forward the following observations for consideration by the Government of India before final action is taken in the matter.

3. In the first place my Committee desire to point out that the habit of using notes on a large scale is of comparatively recent growth in this country and that any attempt to discourage the practice of cutting, which they understand is very general, may tend to impair public confidence in notes particularly in up-country districts where there are no banking facilities. As Government are well aware the general acceptance of notes by the Indian public was only achieved with difficulty, and my Committee fear that the proposed amendments, conservative though they may be, will endanger their popularity.

4. But there is a further consideration which carries even greater weight with my Committee. Indian Currency is extensively used in countries outside India, e.g., East Africa, Aden and Iraq. In the latter country my Committee are informed that the law provides that cut notes only may be transmitted through the post. Moreover there is no Currency Office in Iraq and my Committee understand that the note issue often gets into a deplorably dirty condition with the result that mutilated notes are by no means uncommon. If therefore obstacles are placed in the way of meeting claims on cut and mutilated notes the use of Indian Currency will certainly be discouraged in Iraq, in which country it has only been established since 1916 and this in its turn may prove a hindrance to trade with that country.

5. My Committee would be glad to know whether this question of the use of Indian Notes outside India has been fully considered by the Government of India and I am to express their opinion, in the absence of further information, and pending the further growth of banking facilities in India, that the proposed rules would appear to be premature.

**No. 3.—LETTER FROM THE UPPER INDIA CHAMBER OF COMMERCE, CAWNPORE, DATED THE 19TH NOVEMBER, 1925.**

I am directed to refer to your No. F.20-XI-F., dated the 15th October, forwarding for the information of this Chamber a copy of a Resolution No. F.20-XI-F. of L16CPB(LA)

the same date issued by the Finance Department on the subject of the amendment of the Currency Notes (Refund) Rules published in the *Gazette of India* under Notification No. 3201-F., dated the 24th November 1921.

While my Committee are prepared to assent to the proposals now put forward such assent must be modified by the observation that these proposals will tend greatly to discourage the practice of sending notes by post.

Under present conditions there are many places in India to which Banks or banking facilities have not yet penetrated and unless the measures now proposed are carefully regulated and unless the procedure to be adopted is, in the words of the Resolution "considerate and cautious" they will gravely interfere with financial operations in the country.

My Committee are not without an apprehension that one result of the measures proposed will be to depreciate, to a moderate extent, the value of the Government Currency Note and they would not be surprised if the levy of a permanent discount on Government Currency Notes comes to be a normal feature of banking in India in the near future.

No. 4.—LETTER FROM THE PUNJAB CHAMBER OF COMMERCE, No. 793-148—25, DATED THE 3RD DECEMBER, 1925.

With reference to your letter No. F-20-XI-F., dated the 15th October last, forwarding for the information of this Chamber a copy of the Resolution No. F-20-XI-F., dated 15th of October, 1925, on the subject of the amendment of the Currency Notes (Refund) Rules, 1921, the proposed amendments have been considered by the Managing Committee of this Chamber.

The Committee appreciate the views of the Government on the subject, but they consider that the facilities for cheap remittance in this country are not at present sufficiently universal to justify rules framed to discourage the making of remittances by half notes. It is considerably cheaper, under certain circumstances, to make remittances to many mofussil stations by half notes, and until there are greater facilities for remittance by other methods, the Committee consider that measures framed to discourage this long standing practice should not be passed.

This Chamber is opposed to the proposed amendments in the Currency Notes (Refund) Rules, 1921.

No. 5.—LETTER FROM THE MILLOWNERS' ASSOCIATION, BOMBAY, No. 1419-148, DATED THE 8TH DECEMBER, 1925.

I have the honour under directions of my Committee to address you on Government Resolution No. F-20-XI-F., dated the 15th October, 1925, in connection with the proposed amendments of Currency Notes Refund Rules.

2. My Committee note that the object of the proposed amendments is to discourage the cutting of notes, which practice, in Government's opinion, lends itself to the commission of fraud. It is also stated in the resolution that in view of the facilities for cheap remittance which are given by Government and the Imperial Bank, by means of Bank transfers, currency transfers, money orders and postal insurance of notes to the value of Rs. 2,000 the proposed amendment will not seriously inconvenience the public.

3. I am directed to point out that the general public have a decided preference for making remittances by Currency Notes rather than by the other procedures mentioned by Government. The reasons are not far to seek. Bank facilities are not available everywhere, and besides the rates for money orders and the commission charged for bank drafts, etc., make it difficult for the general public to avail themselves of these facilities and lead them to remit money by currency notes cut into halves. It is my Committee's considered opinion that the rates for money orders should be substantially reduced so as to make this system of remitting money more popular among the general public. My Committee have little doubt that a reduction in the rates for money orders will in the long run bring in larger revenues to Government by increasing the number of money orders.

4. In my Committee's opinion, the proposed innovations in the most popular system of making remittances will not be received favourably by the small remitters unless Government first popularise the money order system by effecting reductions in the existing rates.

5. As stated above, Bank facilities are not available everywhere and when hundies can not be obtained, merchants have to send currency notes. The post office will not accept any insurance for over Rs. 2,000 and when remittance of, say, Rs. 5,000 has to be made the sender will have to make three insured packets. This will seriously inconvenience the receiver who has to take delivery from the Post Office.

6. In my Committee's opinion the best course for Government to adopt it to make the new rules applicable only in the case of currency notes of lower denominations than Rs. 100, and even that only after the existing rates for money orders are sufficiently reduced so as to make the small remitter favourably inclined towards this system of remitting money.

No. 6.—LETTER FROM THE MARWARI ASSOCIATION, CALCUTTA, No. 143-1925, DATED THE 10TH DECEMBER 1925.

I am directed by the Committee of the Marwari Association to submit the following representation with reference to the proposed amendment of the Currency Notes Refund Rules, 1921, published in a recent issue of the *Gazette of India* together with a Resolution of the Finance Department.

It is proposed that no claims on half of mismatched Notes of the denominations of Rs. 5 and Rs. 10 will be admitted and that on half Notes of the denominations of Rs. 50 and upwards, only half value of the Note will be paid at a currency office fourteen working days after its presentation, but if full value is claimed on a half Note, payment will not be made till after the lapse of 5 or 8 years.

The object underlying the proposed changes is to discourage the practice of cutting currency Notes which has been prevalent in the country with the sanction of law since the very introduction of paper money. In sanctioning the practice, the Government, my Committee believe, was actuated by the sole desire to provide a cheap and convenient and safe means of remittance by post and messenger and to popularise currency Notes which, in the absence of banking facilities, were essential to the economic progress of the country. The system of paying the full value of Note shortly after the presentation of half Notes, which has acted as an effective check against theft in course of transmission by post and otherwise, was also, evidently devised with the same object in view, with the result that Notes have become very popular. Thus it is no exaggeration to say that the practice of cutting Notes has proved an important factor in increasing the circulation of Notes and thereby in developing the trade and commerce of the country.

It cannot however yet be said that the object which the Government had in view in permitting the cutting of Notes has been fully attained. While there is still a great room for development in the trade and commerce of the country and industrially the country is still very backward, banking facilities still continue to be inadequate and for want of a cheaper, more convenient or safer means of remittance, the people specially those engaged in trade, commerce and industries, still find themselves under the necessity of cutting Notes for remittance either by post or by messenger. If, in such circumstances, the refund rules are amended as proposed, the cutting of Notes will become extremely risky, theft will become very easy and, for remitting money people will have to resort mostly to the postal insurance system which, although safe is expensive and troublesome and not convenient to the largest users of Currency Note namely, the commercial people, who have constantly to remit large sums of money while travelling, as a safeguard against loss by theft or otherwise, but it will not be safe to do so if the rules are amended as proposed and for these reasons, my Committee feel they cannot too strongly urge the desirability of letting the rules remain as they are.

In urging the withdrawal of the proposal to amend the refund rules, my Committee do not lose sight of the fact that the universalization of Currency Notes of certain denominations and the expansion of circulation of Notes have made the examination of divided Notes somewhat more difficult than before; but that difficulty is not insurmountable and all that is needed to cope with the situation is to appoint some additional staff or to establish some more currency centres. It will entail some additional expenditure of money to meet the cost of the increased establishment, but having regard to the fact that the proposed restriction against the cutting of Notes is calculated to affect their circulation by shaking popular confidence in them and consequently to progress and development of the trade, commerce and industries of the country all



my Committee submit that it will be false economy to allow the question of some additional cost to stand in the way of the appointment of a larger establishment which is so necessary in the larger interests of the country. As regards the argument put forward in support of the proposed restriction against the cutting of Currency Notes that it lends itself to the commission of fraud, my Committee fear they cannot agree with this view. Their experience is, as has been stated in a previous paragraph, that it rather minimises the temptation to dishonesty and the possibility of theft.

In the opinion of my Committee, it will be time to consider the question of amending the Currency Notes Refund Rules on the lines proposed when the country is amply provided with facilities for cheap and safe remittance and the system of paying by cheques can be more widely resorted to. My Committee are aware that steps have already been taken in this direction, but a great deal yet remains to be done and it is therefore premature to think of amending the Refund Rules. The circulation of Notes still requires to be encouraged to help forward the growth and development of the trade, commerce and industries of the country and nothing should be done which may have a restrictive effect upon circulation.

In conclusion, I am therefore to express the hope that in the best interests of the country, Government will see their way to withdraw the proposal for the amendment of the Currency Refund Rules, 1921.

No. 7.—LETTER FROM THE KARACHI INDIAN MERCHANTS' ASSOCIATION, No. 11-26, DATED THE 15TH JANUARY, 1926.

Under the direction of my Committee, I beg to convey to you the following resolution passed by them, which speaks for itself, and to request you to see that the contemplated idea of the Government to abolish the system of cutting currency notes into halves is not given effect to.

"That this meeting of the Karachi Indian Merchants' Association have heard with surprise the contemplated idea of the Government to abolish the system of cutting the currency notes into halves. This proposal, if adopted, will not only hamper the trade immensely but that an extra premium and risk will be imposed upon the mercantile community by their having to make remittances through other means."

"This meeting also records its protest for not consulting this Association in a matter so important and concerning the merchants of Karachi."

"That the copies of this be sent to the Finance Member to the Government of India, the Commissioner in Sind, Indian Merchants' Chamber, Bombay and to the Press."

No. 8.—LETTER FROM THE INDIAN MERCHANTS' CHAMBER, No. T.100, DATED THE 18TH JANUARY, 1926.

I am directed to send hereby the views of the Committee of this Chamber on the subject of the amendments of the Currency Notes (Refund) Rules published in the *Gazette of India* under Resolution No. F.20-XI-F., dated the 15th October, 1925, in reply to your letter No. F.20-XI-F., dated the 15th October, 1925.

My Committee have very carefully considered all these Rules. The proposed amendments may well be divided into two parts—one relating to the 5 and 10-Rupree Notes and the other to the 50 and 100-Rupree Currency Notes.

With regard to the first part, my Committee beg to point out very strongly that the proposed changes in the said Rules will interfere with the further popularity of the Currency Notes. In their opinion facilities provided at present for sending half pieces of Currency Notes through Post should be continued as the business community finds the same very useful.

With regard to the second part, the Committee in particular would like to draw the attention of the Government to the following words in their resolution:

"In short the effect of this change is to make it easier for the public to obtain half value on a half note but to make it more difficult for them to obtain full value on half note."

The effect of this change, in the opinion of my Committee, will be a great encouragement to dishonesty and thefts because the ease of encashment now to be provided will be a great temptation to those into whose hands half pieces of Currency Notes fall

to misappropriate the same. It will no doubt increase the risk of cutting Currency Notes but will also increase the chances of thefts and fraud as shown above.

My Committee therefore beg to urge upon the Government in view of all these circumstances the desirability of continuing the old practice which has been found to be suitable to the circumstances of the country and which has contributed to the popularity of Currency Notes. It is true that in other countries there is no practice, to be found of cutting Currency Notes excepting East Africa, Aden and Iraq, but the circumstances there are different, and these facilities have been in vogue in this country for many years without any serious inconvenience or loss to the Currency Department, so far as my Committee are aware.

At the same time, my Committee would beg to draw attention to another point.

Under the existing rules the period for recovery of the amount of the claim of a lost Note appears to my Committee to be rather too long and they would, therefore, suggest that efforts may be made to modify the regulations in this regard so as to shorten it as much as possible.

No. 9.—LETTER FROM THE SOUTHERN INDIA CHAMBER OF COMMERCE, MADRAS, No. G.53, DATED THE 28TH JANUARY, 1926.

My Committee have considered carefully the amendments proposed to be made in the Currency Notes (Refund) Rules 1921.

My Committee fully appreciate the difficulties experienced under the existing Rules, but are unable to concede either that there is any organised attempt to commit fraud at present, or that the existing rules by reason of their inherent defect allow of such fraud, or that the currency offices have been defrauded in spite of all possible scrutiny. Neither are my Committee convinced, that the examination of divided notes entails, as stated in the above mentioned Resolution, the expense of much time and care and consequent delay and inconvenience.

Considering the fact that businessmen all over India have been long accustomed to that form of Remittance of Notes by post both on the score of economy and of convenience, and considering that the difficulties do not call for such a drastic remedy as is proposed, my Committee are disposed to think that Government would not be well-advised in bringing the amended rules into force before banking and credit facilities are available in all small towns and villages. I am therefore directed to request that the proposed amendments may be withdrawn.

No. 10.—LETTER FROM THE BUYERS AND SHIPPERS CHAMBER, KARACHI, No. 281, DATED THE 3RD FEBRUARY, 1926.

With reference to the amendment of the Currency Notes (Refund) Rules published in the *Gazette of India*, dated 15th October, 1925, I am directed by my Chamber to address you as under:

The mercantile community have well appreciated the facility of sending by post half pieces of Currency Notes and if this be put a stop to, there will be a great inconvenience to the trade and my Chamber fail to understand why it has been proposed to adopt such a course specially as the long existing practice of cutting Currency Notes has not so far ever proved to be prejudicial to the interests of the Currency Department.

Further my Chamber regret they cannot subscribe to the principle of making it easier for the public to obtain half value on a half note and making it more difficult for them to obtain full value on half Note. On the very face of it, it is quite obvious that as an immediate effect thereof, half Notes will begin to be cashed for half value in the bazar. Thus such a course is bound to serve as an indirect encouragement to the non-bona fide holders of half notes owing to ease of encashment with no possibility of risk whatsoever.

My Chamber will here impress upon the Government the desirability of continuing the old practice so far found to be quite suitable.

However, my Chamber will invite the attention of the Government to please shorten the period for recovery of the amount of a lost Note as far as is possible, prescribed period being rather too long.



are objections to the practice of remitting by cut notes. But in existing circumstances the practice cannot, in their opinion, be dispensed with. It is a necessary evil which must be tolerated for some time longer. Bankers might certainly be expected to support the proposals for restricting the practice. For a Bank would naturally like to see cutting prohibited, or discouraged, in view of the extra work involved in the matching and piecing together of the half notes. But Banking opinion in Calcutta is clearly against the contemplated restrictions, recognising as it does that in many instances there is no satisfactory alternative way of remitting; and this view is supported by the up-country branches of the Banks.

5. Mercantile opinion is also, for the same reason, opposed to the contemplated restrictions. The practice of remitting by half notes is general among mercantile houses and banks in Calcutta; and very large sums are involved. For instance, remittances to tea gardens are commonly made in this way; and, if the practice is restricted, tea agency houses will be placed in considerable difficulty in the matter of financing some of their estates. In many other branches of business it is also usual to remit by half notes, as being the most convenient and least expensive method. One instance which has been mentioned is the purchase of silk in the cocoon-producing districts of Bengal. There are no Banking facilities in these districts; and the only currency office available is not often in a position to disburse large sums. It follows that remittance by half notes is unavoidable. Numerous other cases might be quoted; but the extent to which the practice is followed will be evident from the fact that during last year one Calcutta firm remitted a sum of no less than Rs. 16 lakhs by half notes to tea gardens, collieries, etc. Of this amount Rs. 14½ lakhs covered remittances ranging from Rs. 5,000 to Rs. 35,000.

6. When remittances are made on this scale by one firm it is obvious that the aggregate amount remitted by all the firms and banks must be, as the Committee have already indicated, very large indeed. The firm mentioned, like many other firms, only resort to half notes when no other means of cheap and expeditious remittance—whether provided by the Government or by bankers—is available. As is the general practice they avail themselves of such facilities as are offered by the Government and by the Imperial and other banks. And they have also made arrangements in one district to take over cash collections from the local post office in exchange for a cheque on Calcutta. They suggest—and the Committee agree with them—that an extension of this practice would probably be welcomed by merchants, and that similar facilities might be arranged with the railways. But even if the fullest advantage is taken by remitters of these alternative methods it is nevertheless clear to the Committee that the practice of sending half notes will still have to be permitted. For the particulars which they have quoted show clearly that the time has not yet arrived when it can be restricted without causing grave inconvenience to the mercantile community. To send whole notes insured to their full value would be both expensive and troublesome; and the remittance by money-order of large sums is not a practicable proposal.

7. Not only is remittance by whole notes expensive and troublesome, but there is also considerable risk attached to it. For instance, a member of the Chamber has cited a case where an insured packet containing whole notes was sent from Calcutta to a colliery. It was delivered to an authorised servant of the addressee at the Post Office some four miles from the colliery. It showed no signs of having been tampered with. But upon the cover being opened it was found to contain loose paper only. A clean receipt had been, however, given for it; and the sender was accordingly precluded from making any claim on the Post Office or on the Insurance Company. Remittance by whole notes is also objectionable in that, in the event of a shortage, it is impossible to fix responsibility; and suspicion is apt to rest on the despatching staff or on the recipient.

8. Finally, the Committee would urge that if it is a convenience and an advantage to the public to cut notes, as it admittedly is, no obstacle ought to be placed in their way. Nor should they be penalised by the deferred payment of half notes as is now proposed. The wide circulation and general acceptance of currency notes throughout the country, and particularly in the outlying districts, is of the utmost importance. Notes are now-a-days becoming popular, and every effort should be made to increase their popularity, and so to accustom the public, to the use of instruments of credit as opposed to the practice of hoarding. But the present proposals will, the Committee believe, tend to detract from this developing popularity; and they consider that this is an objection which altogether outweighs the advantages which the Government expect to derive from the restrictions. As they have already pointed out, the time has not yet come for discouraging or prohibiting a means of remittance which is so useful and so

popular. Discouragement and prohibition ought only to follow a wide extension of alternative facilities for cheap remittance. But the present proposals make no advance in that direction. They will merely increase the risk attendant upon what is in fact an essential method of remittance. The Committee, therefore, recommend strongly that the proposals should be withdrawn.

No. 16.—LETTER FROM THE SECRETARY, NORTHERN INDIA CHAMBER OF COMMERCE, LAHORE, TO THE GOVERNMENT OF THE PUNJAB, No. F.20/28, DATED THE 29TH MARCH 1926.

I have the honour to refer to your No. F.20-XI-F, dated 15th October 1925, and enclosure and to state that my Committee have carefully considered the proposed amendments to the Currency Notes (Refund) Rules, 1921, and whilst they sympathise with the object of the proposed amendments they consider that the facilities for remittances referred to in the Resolution are entirely inadequate to counterbalance the inconvenience and hindrance to trade which would result if the present rules were altered, and are therefore not prepared to support the amendment.

2. It appears to my Committee that in framing the amendments the case of large business concerns and remittances between big towns only have been taken into consideration. The Imperial Bank of India have at present 178 Branches but they will never have, and cannot be expected to have, branches at a very large number of small towns where considerable sums of money are dealt with. This applies specially to the Punjab and the North-West Frontier Province which are entirely agricultural and have large produce markets scattered all over the Provinces.

3. The Post Office offers two methods of remittance:

(a) By Money Order—

This is restricted to certain offices, costs Re. 1, per centum and not more than Rs. 600 can be remitted in one Money Order. This is of no value therefore for the remittance of large sums of money,

(b) By Insured Post—

The rate for this is 2 annas per cent. plus postage and registration charges. The amount that can be remitted is restricted to Rs. 2,000 in any one packet. It will therefore be seen, that to remit any large amounts by this method would entail a considerable amount of extra labour. It will also be seen from cases reported in the press from time to time that this method of remittances is not entirely a safe one, as the responsibility of the post office is limited according to the rules, to—

“Where there is no visible damage to the cover or Seals, it being understood that the sender must so pack the letter or parcel that its contents cannot be touched without visible damage as aforesaid, being caused.”

4. As against the above methods of remittances, we have the one at present in vogue of sending half notes by post. This is by far the safest and quickest, and the cost is infinitesimal. There are no restrictions, except the size of packets, and the cost is infinitesimal. There are no restrictions, except the size of packets, as to the amount that can be sent at any one time to any post office. This appeals specially to all classes from the big firms to the smallest shopkeepers and private individuals wherever they may be resident. The cost of all remittances under present conditions of business is an important item, and this cheap method has helped business, and my Committee consider that until equally cheap and safe methods of remittances can be offered that Government should not interfere with progress by adopting the proposed amendments.

5. In conclusion my Committee ask that before the proposed amendments are considered Government should explore the possibility of cheapening remittances and increasing facilities by—

(a) The Imperial Bank of India reducing their remittance Charges and granting freer facilities to non-constituents.

(b) By utilizing the sub-treasuries.

- (c) By reducing the charges of post office and increasing the amounts that can be despatched in any one Money Order or insured package.

No. 17.—LETTER FROM THE ASSOCIATED CHAMBERS OF COMMERCE OF INDIA AND CEYLON, No. 263-A. C., DATED CAWNPORE, THE 8TH JULY 1926.

I am directed to advert to your letter No. F.120-XI-F., dated the 15th October 1925, and to inform you that the majority of Chambers of Commerce in India are opposed to alteration of the Refund Rules, 1921, in regard to payment of claims on behalf of mismatched halves of cut Currency Notes.

The facilities for transferring money from the larger Indian cities to towns, mines, plantations and agricultural estates in the mofussil are insufficient to meet the requirements of Commerce and Industry, and the public would be very seriously inconvenienced if the restrictions outlined in your letter referred to above were imposed. Bankers and merchants consulted on the subject see no alternative to the practice of remitting money in halves of currency notes to trading and industrial concerns away from the larger Indian cities, and obstacles ought not therefore to be placed in the way of those who resort to the practice. The wide circulation and general acceptance of currency notes throughout the country, particularly the notes of small denominations, is of the utmost importance, as tending to accustom the public to the use of instruments of credit in preference to minted coin, and discouraging hoarding of the precious metals. The proposals contained in your letter would tend to detract, from the developing popularity of currency notes, and this objection outweighs the advantages which Government expect to derive from the proposed restrictions. The time has not yet come for discouraging or prohibiting a means of remittance which is so useful and so popular, and there is reason to apprehend that curtailment of the privilege of cutting notes will cause a permanent discount on currency notes in places where they at present circulate at par or at a small premium.

I am further directed to remind you that Indian Currency Notes are used in countries adjacent to India. In Irak the law provides that whole notes shall not be remitted by post, and Indian trade in that country, as also in Baluchistan, South Persia, the Persian Gulf, Aden, Somaliland, and the East Coast of Africa would be seriously hampered if obstacles to meeting claims on cut-notes were imposed in India.

This Association will be glad to be informed whether the Government of India still contemplate any alteration of the Refund Rules, 1921, and whether means cannot be found for further popularising the use of currency notes, particularly of the smaller denominations, so as to foster their use and discourage the hoarding of minted coin.

No. 18.—LETTER FROM THE SECRETARY, BENGAL CHAMBER OF COMMERCE, CALCUTTA, No. 1623-1927, DATED THE 8TH JUNE 1927.

I am directed by the Committee to acknowledge the receipt of your circular letter No. F.4-(XV)-F.127, dated the 20th May 1927 enclosing copies of the Finance Department's notification of 19th idem publishing certain amendments in the Currency Notes (Refund) Rules which are to come into force as from 1st July 1927. The proposal to give effect to these amendments was the subject of letter No. 1005, dated the 31st March 1926, from the Chamber, to the Government of India, Finance Department, in which the Chamber gave expression to the very strong objection taken to them by the mercantile community of Calcutta.

2. It is a matter of considerable regret to the Committee that the Government of India should have proceeded with the alteration of the refund rules notwithstanding the reasoned protest submitted by the Chamber. The object is to discourage the cutting of notes, and the Government of India recognised that exception could be taken to the amendments on the ground that, if they were adopted, the risk of remittance of notes by post would be increased; but Government considered that the public would not be seriously inconvenienced if notes were never cut for remittance by post in view of the facilities for cheap remittance now offered by the Government and the Imperial Bank. The Chamber explained at considerable length that the mercantile public of Calcutta were unable to accept the Government's view, and that on the contrary they would

with equal force to any payment, half or full, to the present claimant, if refund is to be made on the principle that only a lawful holder should receive value. It is no justification for asking the present claimant to accept only half the value in full and final settlement of his claim. If the other halves of the notes, having been altogether lost or destroyed, are never presented the Government do not pay to anyone half of their indebtedness on the notes in question. If at a future date the other halves are presented by some one who establishes his claim to the *entire notes*, will Government pay such person full value or half value? If only half value is paid it would mean that half the value is paid to the lawful holder of the entire notes and the other half has been paid to one who was not the lawful holder and had therefore no claim. It is difficult to believe that this could have been the real intention of the framers of the rules. My Committee, therefore, would strongly urge the Government of India to suitably amend the rules with a view to remove this anomaly. A claimant on half notes, who satisfies the currency authorities that he was the last lawful holder of the *entire notes*, may be paid half the value *on account*, the payment of the other half being deferred for a period of say, 5 years. The claim may be duly advertised. If during this period the other halves are presented by some other person, the first claimant must be duly informed and given an opportunity to contest the right of entire notes was accepted by the currency authorities and the presumption must be that the second claimant is not a lawful holder. If within 5 years the other halves are not presented, they should be taken to be lost entirely, the balance of the value should be paid to the first claimant and no further claim in respect of those notes should be admissible under any circumstances from any person. If this suggestion is not acceptable to the Government, my Committee would recommend that the claimant, who satisfies the currency authorities that he was the lawful holder, may be given the option to receive no payment immediately, but to receive payment in full after the expiry of a period of five years, if, his claim having been duly advertised, no other claimant appears during this period.

My Committee hope that the matter will receive the careful attention of the Government of India and that the refund rules will be suitably amended.

No. 21.—LETTER FROM THE SOUTHERN INDIA CHAMBER OF COMMERCE, No. G.296, DATED THE 6TH APRIL 1929.

I am directed to draw the attention of Government once again to the unnecessary loss and difficulties caused to merchants by the new rules introduced in Notification No. F.4(XV)-F.27, dated the 19th May 1927 imposing special restrictions in refunds on half and mismatched currency notes of the denomination of Rupees five and ten. My Committee have been repeatedly protesting against the new rules since the draft rules were first referred to them and it is understood that Government have received similar proof of the hardship from both Indian and European Chambers of Commerce in other Provinces. The Government have not so far been in a position to rescind the rules that have provoked such widespread protest, and my Committee are led to think that Government have derived considerable advantage from the new rules so as to desire to know the extent of benefit the new rules have done to the Government and whether the Government propose to rescind them in view of their extreme unpopularity.

#### PAY OF SHROFFS.

†192. Mr. S. C. Mitra : (a) Will Government be pleased to state whether it is a fact that they do not propose to revise the scales of salaries of the shroffs because no difficulty is being experienced by them in getting recruits for the shroffing department of the Currency offices on the existing scale of pay as stated by the Honourable Member in his reply to question No. 700 (b) in the last Session of the Legislative Assembly?

† For answer to this question, see answer to question No. 185.

If so, is it a fact that the present revised scales of salaries for the shroffs are due to difficulties arising in getting recruits?

(b) Is it not a fact that the scale of pay is based on living wages (irreducible minimum) and standard of living? If so, why is the same consideration being denied to the shroffs?

(c) If the reply to part (b) be in the negative, will Government be pleased to submit statistics of living wages of the different provinces?

(d) Will Government be pleased to state if there is any difference between the employees of the State Railways and those on the non-pensionable footing handling His Majesty's valuables on the Treasurer's side of the Currency offices in respect of faithful service? If not, why is no reward in the shape of gratuity given to the latter?

#### INCREASED HOUSE RENTS IN BOMBAY.

193. Mr. Jamnadas M. Mehta : (a) Are Government aware of a resolution passed by the Municipal Corporation of Bombay in a recent meeting requesting Government to re-introduce the Rent Act in Bombay in view of the abnormal increases in rents of residential buildings?

(b) Is it a fact that, on the request of the Bombay Postal Union, the General Secretary of the All-India (including Burma) Postal and Railway Mail Service Union had approached the Director General for the grant of a suitable house rent allowance for the clerical staff in post offices in Bombay?

(c) Are Government prepared to consider sympathetically the question of granting a house rent allowance?

The Honourable Sir Bhupendra Nath Mitra : (a) Government have no information.

(b) The Honourable Member's attention is invited to my reply to part (a) of his unstarred question No. 172 given on the 16th September, 1929.

(c) As I have already explained to the Honourable Member in my reply to part (c) of his unstarred question referred to above, the factor of high rents has already been given full consideration in fixing the rate of pay of the clerical staff of the Bombay General Post Office, and Government do not therefore propose to grant any house rent allowance to such staff.

#### PROFESSIONAL LETTER-WRITERS IN POST OFFICES.

194. Mr. Jamnadas M. Mehta : (a) Is it a fact that professional letter-writers were allowed to work on post office premises free of any fees with the obligation to sell stamps to the public?

(b) Is it a fact that the Presidency Postmaster, Bombay, had invited tenders in the year 1926 for the provision of professional letter-writers at various sub-offices in Bombay by contract?

(c) Is it a fact that, on a representation from the Honorary Secretary of the Professional Letter-Writers' Association, the orders were modified and that an annual license fee was fixed for each post office and the same men were allowed to continue as professional letter-writers?

(d) Is it a fact that in the year 1929 the Presidency Postmaster, Bombay, had departed from this procedure and had again invited tenders for farming out the work by contract?

(e) Is it a fact that tenders were offered only in the case of four post offices out of 60?

(f) Is it a fact that one Sangar Khan, whose tender has been accepted for the Byculla Post Office, was previously convicted by a court of law, and that the second tenderer was bound over for good behaviour?

(g) Is it a fact that, under the old system, there was not a single case of an undesirable person being appointed as a professional letter-writer before the introduction of the contract system?

(h) If the replies to the above be in the affirmative, do Government propose to issue orders for the appointment of professional letter-writers by issuing licenses to be held as long as the person concerned is of good behaviour?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No, except at Bombay until 1927.

(b) No. In 1927.

(c) Arrangements renewable from year to year were made with the writers on certain conditions, but no assurance was held out that their tenure would be continuous.

(d) Yes.

(e), (f) and (g). Government have no information, nor do they propose to make any inquiries in regard to a matter which rests entirely with the discretion of the Postmaster General.

(h) Government do not propose to issue orders on the lines indicated. But a copy of the question and this reply will be forwarded to the Postmaster General, Bombay, for such action as he may consider necessary in the case.

#### PAY OF STAFF OF THE ADEN POST OFFICE.

**195. Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state if it is a fact that the revision in the year 1925 which was sanctioned for Bombay was not extended to the Aden Post Office staff?

(b) Is it a fact that the Aden Post Office staff are Rs. 10 per month behind the clerical staff in Bombay?

(c) Is it a fact that simultaneously with the revision of the year 1926 the local allowance at Aden was reduced by Rs. 10?

(d) Is it a fact that the locally recruited staff is not given free housing accommodation?

(e) Is it a fact that the staff had submitted a representation on all these points? If so, do Government propose to reconsider their decision?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) No. The scales of pay for both Aden and Bombay have been identical since March, 1927.

#### UNSTARRED QUESTIONS AND ANSWERS.

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(c) The compensatory allowance was reduced from Rs. 30 to Rs. 20 for permanent staff and raised from Rs. 15 to Rs. 20 for reserve clerks. The existing incumbents of the former class, however, continued to receive Rs. 30.

(d) Yes. After reviewing the position, it was decided that there was no justification for the grant of free quarters to locally recruited staff.

(e) Government understand that representations from locally recruited clerks, in connection with the withdrawal of the concession of free quarters only, were received by the Postmaster General, Bombay, and were disposed of by him. No representations to higher authority have been received.

#### REPORT ON POSTAL TIME-TESTS.

**196. Mr. Jamnadas M. Mehta :** (1) (a) Will Government be pleased to state the date on which Mr. G. V. Bewoor, the officer appointed to inquire and make his recommendations on the postal time-test, submitted his report?

(b) Is it a fact that Mr. Tarapada Mukerjee, General Secretary of the All-India (Including Burma) Postal and Railway Mail Service Union, who was associated with Mr. Bewoor in the inquiry agreed with Mr. Bewoor in his report?

(c) When is it proposed to give effect to the recommendations?

(2) (a) Is it a fact that the following branches of work were outside the scope of the inquiry entrusted to Mr. Bewoor :

(i) Accounts Branch ;

(ii) Foreign Exchange ;

(iii) Office of the Superintendent of Post Offices and Railway Mail Service ;

(iv) Inspector of Post Offices ; and

(v) Postmen and village postmen.

(b) Do Government propose to appoint a Committee, like the Bewoor Committee, to inquire into and prepare time-tests for the above-mentioned branches of work?

**The Honourable Sir Bhupendra Nath Mitra :** 1. (a) 31st January, 1929.

(b) Yes.

(c) Government are unable to state precisely when effect will be given to such recommendations of the Special Officer as may be accepted by Government.

2. (a) Yes.

(b) No time-test Committee was appointed, nor is the appointment of a Committee to prepare time-tests for the branches of work referred to in part 2 (a) of this question at present under the consideration of Government.

#### CHARGES OF THE PUNJABI MOTOR SERVICE COMPANY IN AJMER-MERWARA.

**197. Rai Sahib Harbilas Sarda :** (a) Are Government aware that the Punjabi Motor Service Company enjoys a monopoly to ply motor lorries L16CPB(LA)



on hire between Nasirabad-Kakri and Deoli in Ajmer-Merwara and charges at the rate of 9 pies per mile, while in places where there is no monopoly in Ajmer-Merwara, the charge is only 3 pies per mile ?

(b) Are Government aware that the monopoly given to the Punjabi Motor Service Company and their exorbitant charges have resulted in hardship and great discontent among the people of the areas concerned ? Has the attention of the Government been drawn to the agitation in the District and in the Press of the Province ?

(c) Are Government aware that the people induced another company to ply its lorries between Nasirabad and Kekri by another route *via* Bhinai, but that the Commissioner of Ajmer-Merwara cancelled its permits within a week, on the plea that the road was unfit for motor traffic ?

(d) Is it a fact that the inhabitants of Kekri, Bhinai, Deoli cantonment, and other localities concerned submitted several representations to the Commissioner of Ajmer-Merwara against the exorbitant rates charged by the Punjabi Motor Service Company, and prayed for a cancellation of the monopoly or a reduction in its fares ?

(e) How much do Government pay annually to the Punjabi Motor Service Company for carrying the *dāk* ?

(f) Will Government state the reasons for giving a monopoly for plying lorries to one particular company not belonging to Ajmer-Merwara ?

(g) Are Government aware that, in other parts of Ajmer, companies are working with profit while charging only 3 pies a mile ? What are the grounds on which Government permits a monopoly to this Punjabi Motor Company, while it charges 9 pies a mile ?

(h) Do Government propose to redress this grievance of the people concerned at once by either cancelling the monopoly or permitting the Company to charge only 3 pies a mile ? If not, will Government give reasons why it is bound to continue the monopoly and allow the people of the province to be exploited by an outside company ?

**The Honourable Sir Bhupendra Nath Mitra :** The necessary information has been called for from the local authorities and will be communicated to the Honourable Member in due course.

#### PAY OF CERTAIN GRADES OF POSTAL OFFICIALS.

198. **Pandit Nilakantha Das :** Will Government be pleased to state :

(a) whether under their order No. 11-P.T.E., dated 8th March, 1928, in the Department of Industries and Labour, they have conceded the benefit of officiating service in the grade of Rs. 175—10—225 under Fundamental Rule 27 ;

(b) whether prior to 1924 the Postmaster General's Office and the Dead Letter Office at Bombay had a grade of Rs. 170—10—225 in Traffic Branches ;

(c) whether officials in Circle Offices and Dead Letter Offices were ordered by the Director General to be granted the benefit of officiating service in the grade of Rs. 170—10—220 under Fundamental Rule 32 and the Audit Office has declared the rule inapplicable ;

(d) whether Government are prepared now to issue orders extending the benefit to Circle Offices and the Dead Letter Offices under Fundamental Rule 27 with retrospective effect as was done in the case of their co-workers in the Traffic Branches ?

**Mr. P. G. Rogers :** (a) Yes.

(b), (c) and (d). An inquiry will be made and the result will be communicated to the Honourable Member in due course.

#### BURIAL OF A MOSLEM WATER CARRIER FROM THE NEW DELHI COMBINED HOSPITAL.

199. **Mr. Abdul Haye :** (a) Is it a fact that a Moslem water carrier, an employee of the New Delhi Gymkhana, was admitted as an indoor patient in the New Delhi Combined Hospital in June last where he died, and that no arrangements for his burial were made for two days ?

(b) Is it a fact that, during this period, several co-religionists of the deceased approached the Hospital authorities and asked for the dead body but the same was not delivered for two days ?

(c) Will Government please state who was responsible for this delay in the disposal of the dead body ?

(d) Is it a fact that there is no Moslem doctor in this Hospital ?

**Sir Frank Noyce :** (a) A Moslem water carrier in the service of the Imperial Delhi Gymkhana Club died on the morning of the 4th June, 1929, in the New Delhi Hospital. It is not a fact that no arrangements were made for his burial for two days. The body was buried at Government expense within 28 hours of death, as neither the Club nor certain co-religionists who had asked to be allowed to make arrangements for burial, did so in time.

(b) No. The co-religionists who offered to bury the body were given permission, but failed to make arrangements.

(c) The answer is apparent from the reply given to parts (a) and (b) of the question.

(d) Yes.

#### PROPORTION OF MUSLIM OFFICERS EMPLOYED IN CLASS I RAILWAYS.

200. **Mr. Abdul Haye :** (a) Are Government aware that on 1st April, 1928, the proportion of Muslim officers to the total number of officers employed in Class I Railways was only 3 per cent. ?

(b) Is it a fact that in the year 1927-28, 96 vacancies of officers were filled on Class I Railways and only 3 of them were given to Muslims as brought out in the statement at page 60 of Railway Board Report on Indian Railways, Volume I ?

(c) Are Government aware that, out of 75 officers attached to the Agency Departments of Class I Railways, there are only two Muslims ?

(d) Are Government aware that in the year 1927-28 the proportion of Muslim officers to the total number of the officers on the Great Indian Peninsula Railway was reduced from 2.4 to 1.6 per cent. ?

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(e) Are Government aware that on 1st April, 1928, the proportion of Muslim upper subordinates to the total number on Class I Railways was only 3.8 ?

(f) Are Government aware that in the year 1927-28 the proportion of Muslim upper subordinates to the total number on the Assam Bengal, Bombay, Baroda and Central India, Rohilkhand and Kumaon and South Indian Railways was actually reduced ?

(g) Are Government aware that there is not a single Muslim Superintendent in the offices of the Railway Board, the Agent, North Western Railway and all the Divisional Superintendents of the North Western Railway ?

(h) If the answers to the above are in the affirmative will Government please state how they reconcile this state of affairs with the pledges so often given by the Government that 33 per cent. of all new posts are reserved to redress communal inequalities in Government services ?

(i) Will Government please state if they are prepared in actual practice to take any effective measures for the redress of these inequalities ?

**Mr. P. R. Rau :** The answer to clauses (a) to (f) of the question and to the first part of clause (g) is in the affirmative. Government are not aware of the present position in the offices mentioned on the North Western Railway. As regards clauses (h) and (i), in the three years from 1925 to 1928 the total percentage of Muslim officers on Class I Railways has risen from 2.3 per cent. to 3 per cent., and that of subordinates from 3.1 per cent. to 3.8 per cent. The policy of Government to prevent preponderance of any one community, which includes the reservation of 33-1/3rd per cent. of posts filled by competitive examination for qualified members of minority communities, came into effect only comparatively recently, and changes in the communal composition of the railways as a whole must necessarily be somewhat slow.

#### LACK OF MUSLIM OFFICERS IN CERTAIN RAILWAY OFFICES.

201. **Mr. Abdul Haye :** (a) Are Government aware that there is not a single Muslim officer in the offices of Director of Railway Audit, Chief Auditors, North Western Railway, East Indian Railway, Eastern Bengal Railway, Burma Railways, Railway Clearing Accounts Office and all the Government Examiners on Company-worked railways ?

(b) Is it a fact that not a single Muslim officer has ever been posted in the office of the Accountant General, Railways, during the whole life of that office, while over a dozen Hindu officers were appointed there, from time to time, as Deputy and Assistant Accountants General ?

(c) Will Government be pleased to state if it is a fact that not a single Muslim accountant has ever been promoted to the rank of Assistant Audit Officer in the Railway Audit Department during the whole history of that department ?

(d) If the answer to part (c) is in the affirmative do Government propose to investigate the causes of this state of affairs and remove them ?

(e) Will Government be pleased to state if it is a fact that nearly sixty men have passed Part I of the Subordinate Railway Accounts Service examination held in May last and not one of them is a Muslim ?

(f) Will Government be pleased to lay on the table a statement showing :

(i) the number by communities of officers, accountants and clerks selected for the Chief Auditor's Office, North Western Railway, Lahore, which was started in April last ; and

(ii) the number of officers, accountants and clerks by communities appointed in permanent or temporary vacancies after the formation of that office up-to-date ?

**The Honourable Sir George Schuster :** Inquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

#### APPOINTMENT OF MUSLIM OFFICERS IN RAILWAY ACCOUNTS OFFICES.

202. **Mr. Abdul Haye :** (a) Is it a fact that there is not a single Muslim officer or Superintendent in the office of the Controller of Railway Accounts whereas there are three Hindu officers and a large number of Hindu Superintendents attached to that office ?

(b) Do Government propose to consider the advisability of posting at least one Muslim officer and two Muslim Superintendents in that office ?

(c) Will Government please state if it is a fact that not a single Muslim officer or Superintendent has ever been appointed in the Railway Clearing Accounts Office, Delhi ?

(d) Do Government propose to appoint at least one Muslim officer and two Muslim Superintendents in that office ?

(e) Will Government please state if it is a fact that the number of Muslim accountants in the office of Chief Accounts Officer, North-Western Railway, is very small and the non-Muslim element preponderates ?

(f) Is it a fact that certain non-Muslims who had not passed the Railway and Subordinate Accounts Service examination have been appointed as Superintendents in the office of the Chief Accounts Officer, North Western Railway ?

(g) Are Government prepared to keep in view the paucity of Muslim accountants and extend similar concessions to Muslims who deserve special treatment ?

**Mr. P. R. Rau :** (a), (c) and (e). Government regret that, for reasons already explained to the House, they are unable to supply information about the communal composition of individual offices.

(b), (d) and (g). The policy of Government to prevent undue preponderance of any one community in the public service is known to the Controller of Railway Accounts, under whose control all these offices are.

(f) I understand there is no Superintendent at present in the office mentioned who has not passed the Subordinate Accounts Service Examination.

#### TRAVELLING ALLOWANCES OF CREWMEN.

203. **Mr. Amar Nath Dutt :** Will Government be pleased to state whether the travelling allowance of Rs. 15 of the crewmen on the East Indian Railway is a consolidated one or whether they are only entitled to it

for the period during which they have to travel? If the latter, will Government state reasons for not granting a consolidated travelling allowance to the crewmen?

**Mr. P. R. Rau :** The information has been called for from the Agent. On receipt of the reply I shall communicate with the Honourable Member.

#### LEAVE OF CREWMEN ON THE EAST INDIAN RAILWAY.

**204. Mr. Amar Nath Dutt :** Will Government be pleased to state whether any rules have been framed as regards casual and privilege leave of the crewmen on the East Indian Railway?

**Mr. P. R. Rau :** The information has been called for from the Agent. On receipt of the reply I shall communicate with the Honourable Member.

#### HOURS OF DUTY OF CREWMEN.

**205. Mr. Amar Nath Dutt :** Will Government be pleased to state the number of hours for which the crewmen are required to be on duty during a week? Is it a fact that they get only 60 hours rest in the course of a week? If so, do Government propose to increase the hours of rest? If not, why not?

**Mr. P. R. Rau :** I am collecting the information for the Honourable Member and will send it to him in due course.

#### PERMANENCY OF THE SERVICE OF CREWMEN.

**206. Mr. Amar Nath Dutt :** When do Government propose to make the service of the crewmen permanent?

**Mr. P. R. Rau :** The crew system is at present in an experimental stage. The matter will be considered if and when it is decided to adopt the crew system as a permanent arrangement.

#### ORDERS FROM THE INDIAN STORES DEPARTMENT FOR THE KUMARDHUBI ENGINEERING WORKS.

**207. Mr. Amar Nath Dutt :** Is it a fact that the Kumardhubi Engineering Works receive orders from the Indian Stores Department?

**The Honourable Sir Bhupendra Nath Mitra :** It is a fact that the Kumardhubi Engineering Works receive orders from the Indian Stores Department.

#### PAY OF ASSISTANT STATION MASTERS ON THE BENGAL NAGPUR RAILWAY.

**208. Mr. Amar Nath Dutt :** (a) Is it a fact that in the Bengal Nagpur Railway the pay of the Assistant Station Masters in Class III (80—5—120) or IV (60—5—100) desiring promotion to Station Masters' grade, Class VIII (52—4—80) was reduced owing to the scale of pay of the former being higher than that of the latter?

(b) Is it a fact that some Station Masters in the Bengal Nagpur Railway were made Assistant Station Masters on higher pay and they are asked to revert to lower pay, if they ask to be appointed Station Masters? If so, will Government be pleased to state whether such

anomalies exist in other Indian Railways? If not, will Government be pleased to state whether they took any steps to prevent such anomalies? If not, why not?

(c) Is it a fact that Assistant Station Masters in large stations with higher pay are asked to revert to lower pay if they desired promotion to Station Masters' grade even after serving 10 years as Assistant Station Masters in big stations? If so, will Government be pleased to state whether such a practice obtains in any other Indian Railway?

**Mr. P. R. Rau :** I am obtaining the information and will communicate with the Honourable Member on receipt.

#### FIRMS RECEIVING STATE PROTECTION, BOUNTIES AND SUBSIDIES.

**209. Mr. Amar Nath Dutt :** (a) How many firms in India are now receiving from the State :

- (1) protection ;
- (2) bounty ; and
- (3) subsidy ;

and on which items?

(b) What are the amounts of protection, bounty, or subsidy in each case?

(c) Is there any report as to how far they have progressed by such protection, bounty or subsidy?

(d) Will Government be pleased to state what definite steps have been taken by the firms receiving State protection, bounty or subsidy to improve the condition of labour in wages, training, housing and other like facilities?

(e) Will Government be pleased to state what definite steps have been taken by the firms receiving State protection, bounty or subsidy to encourage Indianisation in management and the employment of technically trained Indians in service?

(f) Will Government be pleased to state what definite steps have been taken by the firms receiving State protection, bounty or subsidy to cheapen production in this country?

**The Honourable Sir George Rainy :** (a). (1) Protection has not been granted to any particular firm but to the following industries :

- (i) the Iron and Steel Industry,
- (ii) the Paper Industry, and
- (iii) the Match Industry.

(2) and (3). No firms in India receive at present any bounty or subsidy from Central revenues.

(b) The Honourable Member's attention is invited to Part VII of Schedule II to the Indian Tariff Act, 1894, as amended, copies of which are available in the Library. This shows the amount of tariff protection afforded to the industries named.

(c) So far as the iron and steel industry is concerned the Honourable Member is referred to the Tariff Board's Report on the Statutory Steel

Enquiry, Chapters II and XIV of Volume I and Chapter II of Volume VIII. Copies of both volumes were supplied to the Honourable Member on publication.

No information is readily available as to the effect of protection on the paper industry.

As regards the match industry, the protective duty being the same as the original revenue duty, the advantage enjoyed by the industry remains the same as before.

(d), (e) and (f). The Government of India have no information.

#### CONSTRUCTION OF THE DACCA-ARICHA RAILWAY.

210. **Mr. Amar Nath Dutt** : (a) Has the attention of Government been drawn to resolution No. 41 passed at the annual meeting of the All-India (including Burma) Postal and R. M. S. Union, Dacca Branch, held at Manikganj on 4th August, 1929, and published in its monthly organ *Samitee* for August, 1929, urging the early construction of the Dacca-Aricha Railway for safety and facility of the mails for Manikganj from Dacca and Calcutta sides ?

(b) Will Government be pleased to state when the construction work of the Dacca-Aricha Railway line, already sanctioned, is expected to be completed and when the mails from Calcutta and Dacca are expected to be carried on this line ?

**Mr. P. R. Rau** : (a) Yes.

(b) I would refer the Honourable Member to the reply given by the Honourable Sir George Rainy to Mr. K. C. Neogy's question No. 61 on the 3rd September, 1929.

#### RULES IN THE POSTAL DEPARTMENT FOR SENDING COMMUNICATIONS FREE ON POSTAL SERVICE.

211. **Mr. Amar Nath Dutt** : (a) Are Government aware that, under rule 90 (3) of the Post Office Manual, Volume 1 (old edition), postal officials are prohibited from sending communications relating to leave, transfer, leave allowance, fund subscriptions, etc., free on postal service ?

(b) Is it a fact that subordinate employees of the Post Office Department are required to submit such communications through their immediate superiors and that the latter while they can forward such communications to the sanctioning officers free on postal service are, under the operation of rule 90 (3) cited above, themselves debarred from the privilege, while sending such communications relating to their individual cases to their superior officers ?

(c) Has the attention of Government been drawn to the representation made by the Honorary Secretary, All-India Union, Dacca Branch, No. P.R.-10, dated the 5th November, 1928, pointing out the inconsistency of the rule and urging its relaxation which has been published in the *Samitee* of last July issue ?

(d) Is it a fact that, under the spirit of a letter issued by the Director General, Posts and Telegraphs, referred to in the Dacca Secretary's letter, the rule has been relaxed in its operation in all postal and R. M. S. divisions except in the Dacca Division where the Superintendent, Mr. N. Banerjee, has issued a special order rigidly enforcing the rule on his subordinates specially prohibiting them from sending such communications free on postal service ?

(e) Is it a fact that Mr. N. Banerjee himself infringed his own ruling by sending his application for casual leave to the Deputy Postmaster General, Dacca Range, during the last Puja holidays free on postal service ?

(f) Do Government propose to relax the rule in case of officials in active service ?

**Mr. P. G. Rogers** : (a) Yes. The prohibition is repeated in the current Posts and Telegraphs Manual.

(b) Yes.

(c) No. Government have not seen the representation referred to.

(d) The provisions of the rule have nowhere been relaxed. The reason for drawing special attention to the orders in the Dacca Division was their frequent infringement.

(e) No.

(f) The answer is in the negative.

#### EMPLOYMENT OF RELATIONS AND NOMINEES OF MR. A. N. ROY, DEPUTY POSTMASTER-GENERAL, BENGAL AND ASSAM.

212. **Mr. G. Sarvotham Rao** : (a) Will Government be pleased to state whether there are any relations and nominees of Mr. A. N. Roy, Deputy Postmaster General of Bengal and Assam, who are on the list of candidates for employment in the Postal Department in Bengal and Assam ? If so, what is their number and when will the list be exhausted ?

(b) Will Government be pleased to state whether there are any relations of Mr. A. N. Roy, still waiting in the list of candidates maintained at (1) Alipur H. O. Division, (2) Hooghly Division, (3) Presidency Division, and (4) Calcutta General Post Office ? If so, what is their number ?

(c) Will Government be pleased to lay on the table a full list of learners sent to the T. T. classes during the past 18 months by the Postmaster General of Bengal and Assam ? Are any of the men sent from Alipur, Calcutta, Hooghly Division, Murshidabad Division, Midnapur Division, Nadia Division and Presidency Division, either relations or nominees of Mr. A. N. Roy ? If so, how many ?

(d) Are there any relatives or nominees of Mr. A. N. Roy, who are working in the Nadia, Calcutta, R. M. S., C., E. and N. Divisions ? If so, how many ?

(e) For how long has Babu Gangesh Chandra Bhattacharji been working as Post-Master, Krishnagar ? How long did this particular officer work as head clerk of the Superintendent's office, Nadia Division ? Is he in any way related to Mr. A. N. Roy ? Is it a fact that as a result of inspection of the Krishnagar H. O. by an independent officer during

Mr. A. N. Roy's absence from office, the Post-Master General passed orders transferring Babu G. C. Bhattacharji for unsatisfactory work? Did Mr. A. N. Roy after resuming office put up a long protest against the order in support of Babu G. C. Bhattacharji?

(f) Is it a fact that a junior officer still on probation and occupying a position at the bottom of the list was posted as Postmaster, Barrackpur? Is it a fact that there were over 200 men senior to him? Has the order been cancelled? If so, why? Was the junior man a nominee of Mr. A. N. Roy?

(g) Is it a fact that Mr. A. N. Roy has been holding appointment in the Circle throughout his whole career? If so, why?

Mr. P. G. Rogers: The information necessary for complete replies to unstarred questions Nos. 212 and 214 is being collected and will be communicated to the Honourable Member in due course.

#### EXPERIMENTAL POST OFFICES.

213. Mr. G. Sarvotham Rao: Is it a fact that no experimental post offices have been sanctioned from April this year? Will Government be pleased to state the number of refusals with reasons for such refusal?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part of the question is in the negative.

As regards the second part, the provision of funds for opening new offices in the Budget for 1929-30 had to be restricted owing to the financial position of the Department, and this must have led Postmasters General to refuse requests for opening new offices. Government have no information about the number of such cases; and in view of what has already been stated, they do not consider that any useful purpose would be served by making inquiries.

#### EMPLOYMENT OF BABU JATINDRA NATH BOSE, CONTINUOUSLY FOR SEVERAL YEARS IN THE BENGAL AND ASSAM POSTMASTER GENERAL'S OFFICE.

† 214. Mr. G. Sarvotham Rao: Is it a fact that Babu Jatindra Nath Bose has been in charge of the Bill and Accounts Branch of the Bengal and Assam Postmaster General's Office for several years? Is it a fact that, whenever any question of his transfer to any other branch arises, the Office Superintendent puts up his protests? Is it a fact that Babu Amar Nath Bose is a brother of Babu Jatindra Nath Bose?

#### TRANSFER OF AN OFFICER OF THE OFFICE OF THE POSTMASTER GENERAL, BENGAL AND ASSAM.

215. Mr. G. Sarvotham Rao: Is it a fact that one officer of the personal staff of the Postmaster General of Bengal and Assam has been transferred after a short interval and compelled to take leave? If so, why? Has Mr. B. B. Bhattacharji, S. Hooghly, been transferred to Dacca Division? If so, why?

† For answer to this question, see answer to question No. 212.

Mr. P. G. Rogers: It is presumed that the Honourable Member refers, in the first part of his question, to Mr. N. K. Dutt, who was transferred after holding the appointment of Assistant Postmaster General for one year and four months. He was not, however, compelled to take leave, but did so to suit his own convenience. As regards Mr. Bhattacharji, the facts stated by the Honourable Member are substantially correct. The transfers of both officers were within the competence of the Postmaster General, Bengal and Assam, and were made in the interests of the public service.

#### LADY CLERKS APPOINTED IN THE POSTAL DEPARTMENT IN BENGAL.

216. Mr. G. Sarvotham Rao: Is it a fact that several lady clerks in the General Post Office cadre in Bengal have been appointed? If so, will Government be pleased to state the number of such clerks, their ages and qualifications?

Mr. P. G. Rogers: There are seven lady clerks employed in the G. P. O. at Calcutta:

|             | Age. | Qualifications.                                             |
|-------------|------|-------------------------------------------------------------|
| No. 1 .. .. | 47   | Typist.                                                     |
| No. 2 .. .. | 40   | Clerk (transferred from Madras Circle).                     |
| No. 3 .. .. | 36   | Typist.                                                     |
| No. 4 .. .. | 33   | Typist.                                                     |
| No. 5 .. .. | 30   | Knowledge of packing goods.                                 |
| No. 6 .. .. | 27   | Shorthand Typist (Passed Senior Cambridge and High School). |
| No. 7 .. .. | 32   | Typist.                                                     |

#### AMALGAMATION OF THE DARJEELING-SIKKIM-TIBET POSTAL DIVISION WITH THE JALPAIGURI DIVISION.

217. Mr. G. Sarvotham Rao: (a) Is it a fact that the question of abolition of the separate division named Darjeeling-Sikkim-Tibet and its amalgamation with the Jalpaiguri Division was finally decided in the Director General's Office on the recommendation of two Postmasters General? Is it a fact that Mr. Raha made his recommendations after a careful personal inspection of the work of Darjeeling-Sikkim-Tibet Division? Did the Director General of Post Offices accept the recommendations finally? If not, why not?

(b) Is it a fact that the officer holding at present the charge of the division is against the abolition and is supported by Mr. A. N. Roy, Deputy Postmaster General? Is it a fact that the division has got no work to justify the cost of maintenance of the staff? What is Mr. Raha's report? Do the mere numbers of sub-offices indicate the real amount of post office work in a division like Darjeeling-Sikkim-Tibet? Is it a fact that all post offices are combined offices in this division?

Mr. P. G. Rogers: (a) The question of the abolition of the Darjeeling-Sikkim-Tibet Division and its amalgamation with the Jalpaiguri Division, was finally decided by the Director General on the reports of three Postmasters General. Mr. Raha made his report after personal inspection

of the work of this Division. The Director General has accepted the recommendation of the present Postmaster General of Bengal and Assam Circle, who reported on the question last. The Division has not yet been abolished.

(b) Government have no information whether the officer now holding charge of the Division is against its abolition and is supported by Mr. A. N. Roy. The Division was not created by Sir Geoffrey Clarke to provide for Mr. Grange. It is not a fact that the Division has no work to justify the cost of maintaining the staff. Mr. Raha reported that, in his opinion, the postal work did not justify a separate postal Division and that, although engineering, the entire work did not justify a whole-time officer. He also stated that on the abolition of the Division and its amalgamation with the Jalpaiguri Division, the latter would be a very heavy Division and he recommended a special pay to the Superintendent of the Jalpaiguri Division. The mere number of sub offices does not indicate the real amount of post office work. It is not a fact that all post offices are combined offices in this Division.

COMPLAINTS AGAINST MR. D. F. TAWSE, ASSISTANT SUPERINTENDENT OF CREWS, EAST INDIAN RAILWAY.

218. **Mr. Amar Nath Dutt** : (a) What are the qualifications of Mr. D. F. Tawse, Assistant Superintendent of Crews, East Indian Railway ?

(b) Is it a fact that there are several complaints of favouritism and ill-treatment of subordinates by Mr. D. F. Tawse ?

(c) Do Government propose to inquire into these charges against Mr. Tawse and try to find out the reasons of favouritism, if any ?

**Mr. F. R. Rau** : Mr. D. F. Tawse has been chosen for his present appointment by the local Railway Administration, who are fully competent to judge of his qualifications. The Honourable Member's question has been forwarded to the Agent, for disposal.

COMPLAINTS AGAINST MR. M. A. H. SHIRAJI AT HOWRAH STATION.

219. **Mr. Amar Nath Dutt** : Is it a fact that one M. A. H. Shiraji has been all along posted at the Howrah Station ? If so, why ? Have any complaints been received that he ill-treats poor passengers ?

**Mr. P. R. Rau** : Government have no information. The posting of staff is a matter within the competence of the local Administration to whom it is presumed any complaints of ill-treatment would be made direct.

COMPLAINTS AGAINST S. GOPAL, ASSISTANT LINE INSPECTOR, EAST INDIAN RAILWAY.

220. **Mr. Amar Nath Dutt** : Are Government aware that one S. Gopal, an Assistant Line Inspector on the East Indian Railway, treats the passengers harshly and even cruelly ? If so, will Government be pleased to state why he is still retained in service ?

**Mr. P. R. Rau** : Government have no information. Complaints of ill-treatment would presumably be made direct to the Local Administration who are fully competent to deal with the matter.

MOTION FOR ADJOURNMENT.

TREATMENT OF BUDDHIST MONKS IN JAILS IN BURMA.

**Mr. President** : The Honourable Member from Burma, Mr. Munshi, desires to ask leave of this House to move the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance. Honourable Members are aware that it is desirable and also necessary that we should get through the Sarda Bill today, and if we allow the adjournment motion to break through the ordinary business of the Assembly today, it may not be possible to finish the Sarda Bill. I would, therefore, suggest to the Honourable Member from Burma whether he should not agree to take up this motion tomorrow.

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Sir, I would be the last person to stand in the way of the Child Marriage Bill, and I gladly accept the suggestion of the Chair. I only hope that advantage will not be taken of this to say tomorrow that the motion is not urgent.

**Mr. President** : If any objection is taken on that score, the Chair will protect the Honourable Member.

THE INDIAN INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Provident Funds Relief), as reported by the Select Committee, be taken into consideration.

I do not think it is necessary for me to expound in detail the nature of the amendments introduced in Select Committee, as they are very clearly explained in the Report of the Select Committee. Also in view of the urgency of other business before the House, and in view of the explanations which I have already given about this Bill, I do not propose to go over the ground again or deal with the main objects. I would only like to say this ; that I wish on this occasion to acknowledge the great assistance which I have received from the representatives both of the Indian Chambers of Commerce and the representatives of the Associated Chambers of Commerce in working out this very complicated and difficult piece of legislation. The Bill is a short one and has not attracted much public attention ; but I venture to say that, taking all the matters which have come before the House this Session, the results of this Bill will be more felt in the shape of definite benefit to some of the poorer classes of this country than the results of any other business which the Assembly has discussed.

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir George Schuster** : Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.



THE HINDU CHILD MARRIAGE BILL—contd.

**Mr. President :** The House will now resume discussion of clause 1 of the Child Marriage Bill.

The question is :

“ That clause 1 stand part of the Bill.”

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, the amendment which I have the honour to move runs as follows :

“ That in sub-clause (3) of clause 1 of the Bill for the words and figures “ the 1st day of April 1930 ” the following be substituted :

“ such day as the Local Government of a Province or Presidency, with the approval of the majority of the elected Members of the Local Council may determine, and in case of centrally administered area, the Governor General with the approval of the elected Members of the Council of State and the Legislative Assembly may determine.”

It would not have been necessary for me to make any speech on this amendment, had it not been that the House has been carried away by its reforming zeal. Be that as it may, I feel it my duty to move this amendment which will at once show to the people at large and also to the world whether certain people or a certain section of the people want legislation in this matter or not. There are various opinions about this Bill and the Bill as passed has hardly even satisfied the zealous supporters of social reform. A handful of men and the heterogeneous representatives of the various sections of our community think that they have a right.....

**Mr. President :** Order, order. I am afraid I cannot allow the Honourable Member to go into the merits of the Bill. The Honourable Member must confine himself to the amendment before the House, which is that if the Bill is passed, it should come into operation under certain conditions. The Honourable Member cannot go into the question whether the Bill should be passed or not.

**Mr. Amar Nath Dutt :** I am not going into that question, Sir. I am going into the question whether the several provinces of this vast country should have one law ; because we have the opinion of at least one Provincial Government that conditions vary in different parts of the country. In fact India is a vast continent, almost the size of Europe, excluding Russia. If that is so, I think no one here, at least none of my Honourable friends who come from across the seas, will ever think that they can have one law for the whole of Europe. As I have said before, owing to climatic variations and other conditions in India, puberty in different provinces appears at different ages. It has been admitted that this Bill is mainly aimed against pre-puberty marriages. We are not concerned with that, but as I have submitted, conditions vary in different parts of the country and that being so, it would be better if we leave it to the consideration of the people of those particular provinces and the views set forth by the elected Members of their Legislatures. I think no reasonable men can object to this unless they think that they are a superior body of men with superior heads on their shoulders and also a superior right to coerce people of the various provinces. Sir, in this view I am backed by the opinion of certain Provincial Governments. (An Honourable Member : “ No ”) Punjab, if you care to read the Report.....

**An Honourable Member :** What about the Punjab ?

( 1240 )

THE HINDU CHILD MARRIAGE BILL.

1241

**Mr. Amar Nath Dutt :** The Punjab Government has said..... (Interruptions from Honourable Members). I belong to the same province to which the Honourable Advocate General belongs, and if I have not got the same amount of courage and grit as he has, at least I can follow in his footsteps and ignore these interruptions. Sir, what objection can there be to an amendment like this I fail to understand, unless as I have said, people are swayed away by feelings of their own importance ; and I think in a House like this, where reason is not always.....

**Mr. President :** Order, order : I cannot allow the Honourable Member to cast aspersions on the House.

**Mr. Amar Nath Dutt :** In a House like this I do not wish to say more than this, that I think my amendment will commend itself to the approval of all reasonable men.

**The Revd. J. C. Chatterjee** (Nominated: Indian Christians) : After listening to the trend of the debate, I am convinced that the moving of my amendment\* will not be in the national interests and so I request your leave not to move it.

**Mr. President :** No leave is necessary: the Honourable Member need not move his amendment.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : On a point of order, may I ask, if Mr. Chatterjee does not move his amendment which is similar to Mr. Kelkar's amendment No. 5, what will be the effect on Mr. Kelkar's amendment ? Will he be entitled to move it or not ?

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural) : The amendment which I wish to move runs as follows :

“ That in sub-clause (3) of clause 1 of the Bill, for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1932 ’ be substituted.”

The House will see that I desire that the people of the country should be given a sufficient period of time to understand the provisions of this Bill. It has been stated in this House more than once that ours is a very large country, that there are more than thirty crores of people in it, and that there are people of various opinions. Most of them, at least ninety per cent. of them, are absolutely illiterate. It is necessary to give the people sufficient time to be acquainted with the provisions of this penal measure. We are legislating here for people who include hill tribes and men who scarcely ever come to towns. It is for people of all grades that we are legislating, and therefore I do not think that a period of two years will be long enough, and therefore I request that there should be no hurry in enforcing this penal measure. I know that some of my friends are in a great hurry to enforce this measure all at once, but I think that they should be satisfied when this Bill passes into law and they should give reasonable time to people to get acquainted with the provisions of this measure. I do not think that a longer or more elaborate argument is necessary in support of such a simple proposition as I am placing before this House.

\* “ That in sub-clause (3) of clause 1 of the Bill, for the words and figures ‘ the 1st day of April 1930 ’, the words and figures ‘ the 1st day of January 1931 ’ be substituted.”

[23RD SEPT. 1929.]

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural) : I do not believe that there is any sense in this amendment simply because my Honourable friend says that he is representing the hill tribes in this Assembly ; he represents a constituency.....

**Mr. President** : Order, order : what is the Honourable Member doing ?

**Mr. K. Ahmed** : I am making a speech on the amendment moved, Sir.

**Mr. President** : He is not in order in making a speech unless he has been called on to do so ; he is now a Front Bencher and ought to behave himself.

**Mr. N. C. Kelkar** (Bombay Central Division: Non-Muhammadan Rural) : Sir, I move :

“ That in sub-clause (3) of clause 1 of the Bill for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1931 ’ be substituted.”

My friend, Mr. Belvi has already moved his amendment to prolong the date of operation of this Bill to 1932. He is of course reasonable, but I think I am more reasonable still. A witty friend of mine has described that there is more of alliteration than of truth in it. But I think supposing that it is a kind of moratorium, I think that it is necessary for saving the credit of all concerned—of those who have supported the Bill, and those that have almost come to bankruptcy by having their efforts to get useful amendments made defeated, and also in the interests of the Government, because they have already drawn a very large draft upon their credit with the people by trying to thrust this penal legislation upon them. So I say that, in the interests of all concerned, this little moratorium is necessary. But I think I have got other very good grounds for moving this amendment. In the first place it is a golden mean between two opposite extremes : on the one hand we have here Mr. Sessa Ayyangar who is going to move that the date of operation of this Bill be postponed to 1933 ; and on the other hand I know of certain friends of mine who are so impatient over this Bill that they would like to support the Governor General if he would issue an ordinance and bring the Bill into operation as soon as it is passed here—they are impatient even over the little delay that is provided for in the Bill.

But, Sir, there is another reason of mine for this amendment and that is simply an arithmetical reason. If you look to clause 1 of this Bill as passed by the Select Committee, we find the first section reads :

“ This Act may be called the Child Marriage Restraint Act, 1928.”

And the same Select Committee says that it shall come into force on the first day of April 1930. That means that the Select Committee with its own hands is giving a saving period of fifteen months for the operation of the Bill before the Act comes into operation ; and in my amendment I think I am asking for precisely the same period of delay and nothing more. What I am doing is no more than what the Select Committee at one time did intend. This House has, through the proceedings on the Bill, affected and even professed to treat the Select Committee Report as sacrosanct ; and I hope that in this matter at any rate they will treat that Report as sacred and not interfere with its intentions as I have just expressed them, namely, that of giving a period of fifteen months at least before this Act comes into operation.

Now, it may be said that the public has had notice owing to the fact that this Bill was hanging fire for the last fifteen months ; but, Sir, I must say that notice of the Bill is not notice of the Act, if I may use a somewhat legal phrase ; and there is very good reason for my saying so. It is not only technically that I am saying it, but there is a very good reason for it. For one year no doubt the people have known that the Sarda Bill was before the Assembly, but people have got a very good idea as to what chances there are for private Bills in this House, and therefore when they came to know simply that there was such a Bill before the Assembly, they did not like to take it very seriously ; and if I may put it perhaps more plainly, I must say that my friend, Rai Sahib Harbilas Sarda would have had absolutely no chance of carrying this Bill through if Government had not come to his help and rescue and given him the grace of the necessary days for piloting the Bill through the House.

Now, something has thus happened which is absolutely unprecedented. And how can we expect the people to credit the Government with these intentions to help Mr. Sarda in this matter over this Bill ? They usually suppose or are under the impression that there is absolutely no chance for any lengthy private Bills in this House, and they might have therefore easily rested on their oars, expecting all along that such a lengthy and contested Bill could not be passed in the Assembly with one or two days at best that might be otherwise devoted to it. Therefore, again I say that the notice of this Bill is certainly not the notice of the Act.

Then, looking at it from another point of view, after all, what will be lost if we give the people one year or 15 months to reconcile themselves to the new situation that is created by the Bill ? A lot of propaganda, it is admitted on all hands, will have to be done before people even know that such an Act has come into being and that they must obey the Act. Primarily, I think it is the duty of this Government to carry on all the necessary propaganda for allowing this Bill to filter down to the lowest masses, and I should certainly feel thankful if Government would do for this Bill at least as much propaganda as they did for securing the War Loan. I do expect that they will do even a little more propaganda for this Bill among the masses than they did at the time of securing the War Loan, because certainly this Bill is more important to the public than the War Loan for which they did a good deal of propaganda. Now, what is the ordinary procedure by which people come to know of the Bills that are passed in the Legislature ? These are published in the Government Gazettes. How many people are there in this country who read the Government Gazettes and who can understand the vernacular translation that is made of these Acts in the Government Gazettes ? After all, they have got to go to their own friends and relations to understand what is passing in the country and what is happening in the country, and it is not through the Government Gazette, but through their own friends and relatives, that people will ultimately, in the mofussil at any rate, come to know that such an Act has been passed, and that its penal provisions are so and so and so and so. Therefore, I say that here is an instance in which very great propaganda is needed, and in the first instance it will be the duty of the Government to carry on this propaganda very effectively so as to educate the people properly. Though I am suggesting the 1st of January 1931, I may in passing refer to one great opportunity which Government will be getting for making this propaganda, and that

[Mr. N. C. Kelkar.]

is on the occasion of the Census. Of course, the census will be coming a month or two later than January 31st, but I hope, if I put it to Government, it will be relevant that they will take that occasion to instruct each enumerator to tell each one of the members of the family, when he is going to take the enumeration details from the people in the country, that such and such an Act has been passed already and that they should beware how they contract the marriages of their daughters and sons thereafter. All this knowledge is necessary for the public and for the masses especially in the mofussil, because no one knows what the attitude of the Government and the law courts will be if this Bill is passed and put into operation immediately. There may be judges who may take the view that, once they begin with deterrent punishment, it will be half the battle won. Others may take the view that the law courts may begin with administering the Act in a gentle manner, but the Government have so far expressed no opinion as to what their policy will be in the matter. Therefore, I may assume the worst, and assuming the worst I must say that these 15 months are absolutely necessary for the contents of this Bill to filter down to the masses. For these reasons I say that this amendment should be supported whole-heartedly so that the masses might know all about the provisions of this Bill.

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I beg to move :

“ That in clause 1, sub-clause (3) for the figures ‘ 1930 ’ the figures ‘ 1933 ’ be substituted.”

I hope, I am not less reasonable than my friends Messrs. Belvi and Kelkar. There is another ground, in addition to the one urged by the previous speakers, in favour of this amendment. I may bring to the notice of the House that, when the Bill was introduced in 1927, the figure “ 1930 ” was inserted in this clause, thereby it can be clearly understood that the Honourable the Mover was really serious in giving at least three years’ time for the Bill to become law after it had been passed.....

**Mr. President** : He thought it would take three years to pass the Bill !

**Mr. M. S. Sesha Ayyangar** : I am only adding three years from now and put it as 1933 ; and I adopt also the arguments of my friends Messrs. Belvi and Kelkar. I would also add to them by saying that the principles underlying this Bill, the drastic provisions contained in the Bill and the penalties imposed by the Bill, are so very comprehensive that really three years’ time and somewhat more than that will be necessary for the people to make themselves familiar with the provisions of this Bill so that no one in this country may be taken unawares when this Bill becomes operative. Therefore, I beg to move the amendment.

**Mr. Amar Nath Dutt** : May I move my amendment, Sir ?

**Mr. President** : Is there any amendment ?

**Mr. Amar Nath Dutt** : Yes, Sir ; the last one.

**Mr. President** : That is not on this subject. The question is :

“ That in clause 1 (3) for the figures ‘ 1930 ’ the figures ‘ 1933 ’ be substituted.”

The motion was negatived.

**Mr. President** : The question is :

“ That in sub-clause (3) of clause 1 of the Bill for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1932 ’ be substituted.”

The motion was negatived.

**Mr. President** : The question is :

“ That in sub-clause (3) of clause 1 of the Bill, for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1931 ’ be substituted.”

The Assembly divided.

AYES—20.

Acharya, Mr. M. K.  
Aney, Mr. M. S.  
Ayyangar, Mr. K. V. Rangaswami.  
Ayyangar, Mr. M. S. Sesha.  
Belvi, Mr. D. V.  
Cosgrave, Mr. W. A.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Ferrers, Mr. V. M.  
Ghuznavi, Mr. A. H.

Jogiah, Mr. V. V.  
Kelkar, Mr. N. C.  
Lahiri Chaudhury, Mr. D. K.  
Malaviya, Pandit Madan Mohan.  
Mohammad Ismail Khan, Haji Chaudhury.  
Mukherjee, Rai Bahadur S. C.  
Naidu, Mr. B. P.  
Neogy, Mr. K. C.  
Roy, Mr. S. N.  
Sinha, Mr. Rajivaranjan Prasad.

NOES—53.

Abdul Aziz, Khan Bahadur Mian.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhargava, Pandit Thakur Das.  
Bower, Mr. E. H. M.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Covernton, Mr. S. H.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Kartar Singh, Sardar.  
Keane, Mr. M.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lalehand Navalrai, Mr.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jamnadas M.  
Mody, Mr. H. P.  
Moonje, Dr. B. S.  
Mukharji, Rai Bahadur A. K.

Mukhtar Singh, Mr.  
Munshi, Mr. Jehangir K.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Purshotamdas Thakurdas, Sir.  
Rang Behari Lal, Lala.  
Rau, Mr. P. R.  
Roy, Mr. K. C.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. R. S.  
Shah Nawaz, Mian Mohammad.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Ram Narayan.  
Singh, Rai Bahadur S. N.  
Sinha, Mr. Siddheswar Prasad.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yamin Khan, Mr. Muhammad.  
Yusuf Imam, Mr.

The motion was negatived.  
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**Mr. President :** The only remaining amendment\* is that standing in the name of Mr. Amar Nath Dutt. I want to know from the Honourable Member how that amendment is in order, because the effect of the carrying of that amendment by the Assembly would be that the House would stultify itself by going back on its own decision which it had arrived at on the motion of Mr. Sesha Ayyangar which sought to exclude Brahmins and certain other communities. I should have thought that Brahmins and certain other communities mentioned by Mr. Sesha Ayyangar were Hindus.

**Mr. Amar Nath Dutt :** The part does not include the whole and I am moving this amendment for the whole of the Hindu community.

**Mr. President :** The whole includes the part.

**Mr. Amar Nath Dutt :** But the part does not include the whole.

**Mr. President :** And, therefore, if the amendment is carried as it stands, it would apply to the part and to that extent the Assembly would go back on its own decision.

**Mr. Amar Nath Dutt :** Am I to understand, in that case, that such amendments are not to be allowed? Though the smaller amendment was not carried, it may be that the House may agree to the bigger thing....

**Mr. President :** It was quite open to the Honourable Member to move this amendment at the time when Mr. Sesha Ayyangar moved his amendment with regard to particular classes of Hindus. If I now allow the House to discuss this amendment, it means that the House is asked to go back on its decision to that extent.

**Mr. Amar Nath Dutt :** May I point out to you that at the time when amendments were being moved the Chair was calling upon every Member in whose name the amendments stood at that time. Unfortunately my amendment was on a separate paper and I was.....

**Mr. President :** That does not alter the rules or the law.

**Mr. Amar Nath Dutt :** That is quite true, but we have not the power here to question anything done by the Chair in the matter of calling Members and so on. We were on the horns of a dilemma. We would either be called to order by the Chair or.....

**Mr. President :** I would ask the Honourable Member to be more deferential in referring to the Chair.

**Mr. Amar Nath Dutt :** I am not casting any aspersion.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) : I submit that the question of the application of the Bill to various communities was on the agenda, and if Mr. Sesha Ayyangar's amendment was narrower than the amendment of my friend Mr. Amar Nath Dutt, it is only right that the wider amendment should be discussed first and the narrower one later on.

**Mr. President :** It was open to Mr. Amar Nath Dutt to get up and say "I want to move my amendment".

\* "That after sub-clause (3) of clause 1 of the Bill the following be added :  
(4) It shall not apply to the Hindus."

**Mr. Jamnadas M. Mehta :** The Chair is seized of the fact that there is a wider amendment and the order is in the hands of the Chair.

**Mr. President :** Every Member is expected to protect his own interests.

**Mr. Jamnadas M. Mehta :** There is also the interest of the House.

**Mr. President :** I will not allow anything to be done which would stultify the House itself. If we allow this amendment and supposing the House goes back on its own decision, the House will be stultifying itself.

**Mr. Amar Nath Dutt :** What about my other amendment, Sir.

**Mr. President :** I will now put it to the House.

The question is:

"That in sub-clause (3) of clause 1 of the Bill for the words and figures 'the 1st day of April, 1930' the following be substituted:

'such day as the Local Government of a province or Presidency, with the approval of the majority of the elected Members of the Local Council may determine, and in the case of centrally administered areas, the Governor General with the approval of the elected Members of the Council of State and the Legislative Assembly may determine'."

The motion was negatived.

**Mr. Amar Nath Dutt :** I call for a division.

**Mr. President :** Those who are in favour of the motion will stand in their places.

(Only about 2 or 3 Members stood.)

Those against :

(As a large number of Members stood up, the Chair declared that the request for a division was frivolous.)

**Mr. Amar Nath Dutt :** May I take it that my amendment has been disallowed?

**Mr. President :** Yes.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : I rise to move that the Bill, as amended by the Select Committee, be passed. In doing so, I do not propose to traverse the whole ground covered by the Honourable Members in this House during the seven days debate this Session.

As regards the religious aspect of the question, I would only say that the Vedas are the highest religious authority amongst the Hindus and the Vedas inculcate adult marriage. (*Some Honourable Member* : "No".) They do, the Vedas,—Rig Veda and Atharva Veda,—say that brides should choose their husbands, and no girl of 1, 2, or 3 or 8 is in a position to choose her husband.

**Mr. President :** What is the Honourable Member doing?

**Rai Sahib Harbilas Sarda :** I have moved, Sir, that the Bill as amended by the Select Committee be passed.

**Mr. President :** Before he does that, I must put clause 1 to the vote. Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. President :** Rai Sahib Harbilas Sarda.

**Rai Sahib Harbilas Sarda :** I move that the Bill, as amended by the Select Committee, be passed. I was saying, Sir, that the Vedas inculcate adult marriage. Dr. Moonje has stated that the Shastras in different times prescribed 12, 14 and 16 years as the marriageable age for girls. He has divided India into two parts, Southern and Northern India, and by some manipulation of medical topography,—because he is a doctor,—he has included Bengal in Southern India. Now, as regards the Madras Presidency, the collection of opinions which the Government have received clearly shows that the Madras Presidency is in favour of the Bill. 97 per cent. of the people of that Presidency are non-Brahmins.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muham-madan Rural) : No.

**Rai Sahib Harbilas Sarda :** If my friend is prepared to throw over-board everything that is authoritative, the Census Reports and others, he is at liberty to do so. 97 per cent. of the population unanimously supports the Bill, and of the remaining 3 per cent., the opinions show that a majority of them are in favour of the Bill. I will give you one instance. Mr. Williams, Joint Magistrate at Guntur, says that he consulted 22 respectable people of the district and of these 22, 13 were Brahmins. Of the 13, only 3 were against the Bill, and 10 were in favour of it. Sir, I am receiving telegrams daily from every part of the Madras Presidency demanding that the Bill be passed at once. I will refer to only one of them. It is about a meeting promoted by Sir Sivaswamy Aiyer and Diwan Bahadur Rangachariar. Both these Brahmin gentlemen are well known to Members of this House. A public meeting was held under the presidency of Sir Sivaswamy Aiyer and a resolution was passed that the Bill should be passed at once, and the telegram says that this was attended by many orthodox Brahmins. It reads :

“ To-day's public meeting presided over by Sir P. S. Sivaswamy Aiyer and led by Diwan Bahadur Rangachariar, the Honourable V. Ramdas, T. R. Venkatrama Sastri and other Brahmin orthodox leaders have accorded its whole-hearted support to the policy and principles of the Child Marriage Bill.”

But the complete crushing answer to the opponents' objection is the fact that the Madras Legislative Council has unanimously passed the following Resolution :

“ This Council recommends to Government that it may be pleased to communicate to the Government of India that, in the opinion of this Council, legislation raising the marriageable age of boys and girls to at least 21 and 16, respectively, is necessary.”

There was not one single dissentient voice, though there are many eminent Brahmins as Members of the Council.

As regards Bengal, much has been made of the fact that the Provincial Hindu Conference at Dacca refused to accord its support to this Bill. Those who are acquainted with the circumstances of that Conference know the peculiar condition in which this was done. But, here is the opinion of the Bengal Provincial Hindu Sabha. The Secretary of the Provincial Bengal Hindu Sabha wires :

“ Bengal Provincial Hindu Sabha in general meeting unanimously passed resolution supporting Sarda Bill.”

And my Honourable friend, Dr. Moonje, the President of the All-India Hindu Mahasabha, will not disown the Bengal Provincial Hindu Sabha. The telegrams which I have received every day, almost every hour, during the last few days

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that meetings have been held in different towns of Bengal and many by ladies in Eastern Bengal and all unanimously demand that the Bill should be passed, and say that those who say that East Bengal does not want the Bill, do not represent the opinion of that province. (Hear, hear.) I have received telegrams from almost every part of India, Sir, asking when the Bill is going to be passed. They show that people in the different parts of India are anxiously waiting to see that the Bill is passed.

Sir, I come now to the charge brought against me by my Honourable friend, Mr. Kelkar. Speaking on the amendment of the Honourable Pandit Nilakantha Das for making exemptions in cases involving hardship, he said :

“ That first point is this that this was an idea originally embodied in Mr. Sarda's own Bill when it was first introduced. I do not think he will deny it, if I put it to him. The Honourable Member unfortunately is in the hands of the Select Committee. If he has convictions of his own, he will stand up and say, ‘ I accept this amendment, whatever the fate of other amendments.’ I cannot sympathise with him over this matter when he is going against his own convictions by not supporting this amendment.”

My answer to my Honourable friend is : I deny that this idea as supposed by Mr. Kelkar was embodied in the original Bill. I deny that I am going against my convictions. My Honourable friend was not right in saying that, if I had any convictions of my own, I would have accepted the amendment. There is no connection whatever between the amendment proposed by the Honourable Pandit Nilakantha Das and the provision which I made in clause 6 of my Bill. That clause reads as follows :

“ The Magistrate of the district shall grant a licence for the marriage of a Hindu girl to her guardian, who files a written application for the grant of such licence with an affidavit swearing to the fact that the girl has completed her eleventh year, and that the guardian conscientiously believes that the tenets of the religion which the girl professes enjoin that the girl should not be kept unmarried any longer.”

This clause, Sir, provides for the conscientious objector. The objection is founded on religious tenets. The amendment supported by Mr. Kelkar has nothing to do with the “ conscientious objector.” It provides for cases in which guardians are compelled to solemnise a marriage the non-performance of which would involve a hardship to the girl or her family. Hardship to the girl or to the family, for instance, the illness of a guardian or the lack of means, is certainly not the same thing as a conscientious objection. I am sure, Sir, that had it not been for the annoyance caused to my Honourable friend by the House summarily rejecting all his amendments, or had he had the provision of my Bill, which I have just quoted, before him at the time he was speaking, he would not have been unfair to me. He has today objected, Sir, that Government gave me several days which were reserved for official business for this Bill and that this was a very peculiar thing and was not warranted. Probably, the Honourable Member will remember that when during the last Session Government voted for the postponement of this Bill, they promised the House that in the Autumn Simla Session they would provide sufficient time for the passing of this Bill and would place at the disposal of the House as many days as necessary in order to see that this Bill was passed. No one can therefore complain that Government, in fulfilment of that promise, are giving all the facilities necessary for the passing of this Bill.

A word, Sir, with regard to what fell from the Honourable Pandit Madan Mohan Malaviya. Sir, he is the Leader of the Party to which I belong.

[Rai Sahib Harbilas Sarda.]

I have the highest respect for him, as I am sure everybody else in the House has, for his high sense of duty and sincerity of purpose, his undoubted patriotism, and for the great services he has rendered to this country. It gives me pain to differ from him. It was a little disappointing to see him use all those great oratorical gifts with which God has endowed him in support of a dilatory motion. And only the other day in mellifluous accents, in those soft, persuasive tones, so characteristic of him and which we all admire, he moved for lowering the marriageable age of girls. Much as I should like to follow him, Sir, I feel that more powerful than his eloquence are the tears of the child widows, the woes of the child wives, the sufferings of the victims of this evil custom that call for justice and that beckon us to the path where lies our duty to the women of our country and our motherland. It is, however, a matter of some satisfaction that I do not differ from him in this Bill on any important matter of principle. He supports the Bill; he does not want that the Bill should be wrecked, he wants that it should be passed. He only differs in a matter of detail; he wants that the minimum marriageable age of girls which is fixed in this Bill at fourteen should be reduced to twelve.

Sir, he said the other day that for the first time in the history of the world penal legislation in respect of the marriage age was being passed in this country. Is this, Sir, not a concession to orthodox opinion? When the Bill was first introduced, no penal clauses were attached to it. But the orthodox people would not have it. In other countries where marriage legislation has been enacted, the legislation is far more drastic. In those countries, marriages contracted below the minimum marriageable age are void. It is not so in this country. Even when this Bill is passed, the marriages of girls of two and three and eight will still remain marriages, and will not be held to be void, which is not the case in other countries. Consequently, Sir, it serves no purpose to compare the marriageable age fixed in this Bill with the marriageable ages fixed in other countries.

It is a matter of satisfaction, Sir, that all the Honourable Members of this House recognise the evil of child marriage. There may be a difference of opinion with regard to the method to be pursued, and the measures to be employed to remedy this evil.

A request was made by one of the Honourable Members that Government should not vote for the Bill but should remain neutral. That request, Sir, is tantamount to a demand that Government should not perform its primary function, which as everybody knows is to protect an individual or a class of its subjects from the invasion of his or its rights by another; and, Sir, when Government finds that this evil exists on a very large scale, Government is bound to interfere. The Honourable the Home Member in the brilliant speech which he delivered on the 4th September in this Assembly on this Bill said:

"The first and the most reasonable conclusion, the inevitable conclusion in reference to the particular contents of this Bill, is that there exists a great and a corroding evil in this country which is clamorous for a remedy. That evil, Sir, is one which afflicts, in the first instance, the most defenceless, innocent section of the community, those who have the greatest claims for our protection. The evil is not only limited to that. It is not merely the large number of young girls who year by year either die or sustain serious bodily injury; but those who are acquainted with the case, those who have studied the evidence, those more particularly who have come into contact with the practical facts and the practical consequences, cannot contemplate them without—

I put it no higher than this—the most serious searchings of mind, heart and conscience. It is not merely that generation after generation of young girls should be exposed to or should suffer from these evils, but there are dangers to the future generations of the country from which, if the country is not willing to adopt a remedy, it will undoubtedly suffer in its most vital and important interests."

And he concluded by saying:

"We are convinced that this evil exists; we are convinced that the measure of Rai Sahib Harbilas Sarda is, at any rate, a first step in the direction of seeking a practical remedy. Where we find so great an evil and where we find a promising remedy, we feel that we must support what we think to be right. I trust, Sir, the great majority of this House will concur in that view. I trust they will concur in the view that this measure is a measure in the right direction and that it is their duty to support it with their suffrage."

I take this opportunity to offer my grateful thanks to the Honourable Sir James Crerar for the very eloquent, able and closely reasoned speech in which he announced the fullest support of Government to this measure. That announcement has been received from one end of the country to the other with satisfaction and thankfulness. (A voice: "With horror.") It reminds me of a line of Shakespeare. The greatest of the poets says:

"That the divine quality of mercy is doubly blessed; it blesseth him who gives as well as him who takes."

The support of Government to this measure is also doubly helpful—it will help the people to get rid of a widespread and a corroding evil, and it will also help Government inasmuch as it will strengthen the bonds between the Government and the people, as the people think that the Government is trying to help them in remedying this evil. In giving this support, the Honourable Sir James Crerar has therefore done a service to the Government.

Sir, in order to show with what intense anxiety and almost breathless suspense, people in different provinces of India are waiting to see this Bill passed into law, I will read a few lines from a telegram which I have received. It is from Montgomery. Rai Bahadur Ram Rakha Mal wires:

"Kindly accept and convey all concerned sincerest gratitude and congratulations on Government's just wise support for wealth and honour, nay, life-giving and nation-building Sarda Bill, for which millions helpless minor daughters, sisters and sons, now sacrificed at altar of superstition like old Sutte will bless all supporters for saving them from ruination by atrocities on minors which are cognizable offences like grievous hurt or rape under every civilized constitution."

Then he goes on to say that he is sending a cheque of Rs. 500 for a certain purpose.

Several Honourable Members: What purpose?

The Honourable Sir James Crerar (Home Member): May I say, Sir, that I have returned the cheque with many thanks for the donor's intentions.

Rai Sahib Harbilas Sarda: He says that the names of all supporters to this Bill should be engraved on a column in the Assembly. That is, however, a matter with which I have no concern. I have quoted the telegram to show that the country appreciates the support given by Government to the Bill.

This Bill, Sir, is a very moderate and a very mild measure. Moderate as it is, it will go a long way to rehabilitate this country in the world opinion. Only the other day, we read a telegram published in the Pioneer and other papers saying that the Observer of London, a powerful paper,



[Rai Sahib Harbilas Sarda.]

says that the welcome given to the Child Marriage Bill in the Assembly shows that a new India is in the making. In this connection, Sir, I will read to the House a passage which gives the opinion of one who is entitled to the highest respect and consideration. That passage will show that child marriage and forced widowhood, *pardah* and other similar customs have been reacting against the liberties of our nation. I read from a book called "The India we served", by Sir Walter R. Lawrence, where he describes an interview between the Prince of Wales and Mr. Gokhale :

" Mr. Gokhale was the ablest Indian of his time. He was just then President of the Indian Congress and was newly arrived from Benares, where he had made an important speech which had interested the Prince. 'I gather', said the Prince, 'that you think that the people of India would be happier if they were governed by Indians rather than by the British. I may be wrong, for I can only read by their eyes, but my impression is that the people I have seen are fairly happy. Are you sure that they would be happier if you changed the present system of Government?' 'I cannot say, Sir, that they would be happier, but at any rate they would feel a pride in thinking that they were managing their own affairs, and taking their place among the self-respecting nations of the world.' 'Ah,' said the Prince, 'I can quite understand that ambition, but how can you achieve this while the women of India remain as they are at present in the unenlightened dark background?' Mr. Gokhale admitted that this was the blot, the weak point in the Progressive Programme."

This Bill, Sir, is the first step towards removing that blot. The Prince of Wales is now our King-Emperor. In conclusion, I ask the Honourable Members to remember the times we are living in and act accordingly. When India was self-contained, when it was more or less isolated, when steamships, telegraphs, railways and airships had not conquered distances and broken the barriers, behind which India lived a sheltered and independent life, when these had not pulled her out of her isolation into the full blaze of publicity and exposed her to force emanating from all quarters of the world, much of what is evil passed without doing her serious material or moral injury. But things have changed now and the impact of foreign influences is not only disintegrating our life but, unless we fortify ourselves with all the strength that we can command and get rid of the evils which are eating into the vitals of our nation, they will shatter our society into pieces. It is absolutely necessary that every man, woman and child in this country should grow to his or her full growth and be able to work without shackles for the good of the country till we reach the goal which we have set before ourselves. I beg you gentlemen to brush aside all objections, sacerdotal or profane, ancient or modern, based on tradition or custom, which stint our growth, or stand in the way of our achieving our goal. Listen not, gentlemen, to antediluvian notions which have spent their force; stick not to the worn out dead ideas, but live in the present, the living present, and fix your eyes steadfastly on the future, the glorious future of our country which we must achieve if we are to prove ourselves true and worthy offspring of our worthy forefathers, whose bones lie mingled in the dust of our sacred land and call upon us to uplift our country from the slough of degradation, wretchedness and slavery into which our own deeds, our own sins of commission and omission have thrown her.

Sir, I move that this Bill be passed.

**Maulvi Sayyid Murtuza Saheb Bahadur** (South Madras : Muhammadan) : Sir, seeing that a mighty drama has been enacted in this House in connection with this Bill, the Government being the chief actors thereof, I do not propose to inflict any speech on the House, but I want

to make a statement on behalf of the elected Muslim Members who are dead against the Bill which undoubtedly tampers with our personal law. We are fully convinced that this measure, if passed by a non-Muslim majority, will be an infringement of our *shariat* (Islamic law) which we regard as more important than any legislation made by this House. In this connection, I cannot help expressing the view that we are being subjected to the tyranny of the majority in this House. Need I bring to your notice, Sir, that when I rose to meet the arguments put forward by my Honourable friend Mr. Shervani, and to explain to him and to the House the religious point of view, an additional dramatic turn was taken.....

**Mr. President** : Order, order. The Honourable Member is not entitled to reflect on the vote of this House, namely, the acceptance of closure by this House.

**Maulvi Sayyid Murtuza Saheb Bahadur** : There can be no Parliamentary objection, Sir.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Any Member of the House is entitled to express his opinion upon a decision of this House. I do not think it is wrong.

**Mr. President** : It is the rule of Parliamentary practice that no Member is entitled to reflect on the vote of the House.

**Pandit Madan Mohan Malaviya** : I submit that that should not be the practice of this House.

**Maulvi Sayyid Murtuza Saheb Bahadur** : I wanted simply to refer to the fact that an additional dramatic turn was given by the part which the Government played in successfully making Mr. K. Ahmed a tool in their hands. (Laughter.) I do not criticise the decision of this House. I am only criticising the action taken by the Government. The Government have already treated our oral and written representations with contempt, and they have displayed a spirit of intolerance by carrying the motion for closure and thus depriving the Muslim Members of the right of expressing their opinion on such a momentous question, that too, knowing full well that an overwhelming majority of the Muslim public is opposed to the Bill. We have therefore decided that the only self-respecting course open to us is not to take any part in the further discussion either by speeches or by votes, but to allow the Government to carry the day with them in the teeth of Muslim public opposition. Before concluding my remarks, Sir, I will quote one couplet of that famous Persian Poet, Saadi, who says :

" *Ai zabardast zairdast azar*  
*Garm ta kai bimanad een bazaar.*"

which, when translated, means :

" Oh ! tyrant, you take delight in oppressing the helpless who are now under you. You should realise that this kind of business, this state of affairs cannot be kept up long". (Hear, hear.)

With these remarks, Sir, I beg your permission to withdraw myself from the Chamber for the present.

(The Honourable Member then walked out of the Chamber.)

**Mr. President** (while the Honourable Member was in the process of walking out) : When will the Honourable Member come back ? After this Bill is finished ?

**Maulvi Sayyid Murtuza Sahib Bahadur** : I may come back then only.

**Sardar Kartar Singh** (East Punjab : Sikh) : Sir, I rise to support the motion that the Bill be passed. Before submitting my reasons, I may at once clear the ground by saying that my community will remain substantially unaffected by the Bill, for in my province, i.e., the Punjab, especially among the Sikh community to which I have the privilege to belong, post-puberty marriages are more common than child marriages, and my duty to my country in this connection is my only excuse for my participation in this debate. As a practical man concerned more with the hard facts of actual life than with an academic discussion of what our forefathers in the past considered to be right or proper according to the circumstances of the time in which they lived, I cannot but express my surprise that, in this House, gentlemen of erudition and learning who have always advocated the application of reason and rationalism to every measure that has come up here for discussion should have raised the cry of religion in danger against a measure which is intended to improve the race physically, morally and intellectually, and which is admitted on all hands to be necessary for this purpose on medical grounds. Sir, the world has had enough of the exploitation of the name of religion for maintaining the established order of things, and every rational society has come to one and the only proper conclusion that religion proper as distinguished from ceremonial and superstitions has really very little to do with matters of detail relating to secular life. I maintain, Sir, that in marriage matters, the only principle of religion involved is that sexual intercourse between persons not married to each other is a sin. It necessarily follows, therefore, that true religion prescribes restraint upon the gratification of sexual desire and it is, I humbly submit, nothing short of a perversion to exploit the name of religion for the purpose of enabling persons of undeveloped physique to indulge in this gratification, simply because the offsprings of child marriages attain precocious puberty. The question as to the age at which people should marry and other matters of detail such as prohibitive degrees and so on are mere matters of details which every community and society has to decide in the light of reason and medical science and with which religion as such has, in my humble opinion, no real connection. I, therefore, submit that the cry of religion in danger has no force. I feel fortified in this view by the fact that I have been told by my Hindu and Muhammadan friends that neither the Vedas nor the Holy Koran say anything against post-puberty marriages ; rather they favour such marriages.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Is not the Honourable Member criticising the decision of the House ?

**Mr. President** : Order, order.

**Sardar Kartar Singh** : As far as Smritis are concerned, they cannot be said to contain the commandments of God, and it is also doubtful whether they can be looked upon as books of law as distinguished from mere compilations of custom in vogue at the time of their preparation.

The point is however not of importance. The real point, as I have already submitted, is that, even if they are supposed to contain laws, these laws have in my opinion outlived their utility, and a change in them is long over due, and as a matter of fact laws contained in the Smritis have on many points, particularly in regard to the succession, been long superseded by custom. I take this opportunity of reminding the Honourable Members of this House, and I take particular pride in this fact, that no culture in the world has probably produced more free thinkers than Hindu culture. In the domain of spiritual philosophy itself it has produced six different schools of thought. It is really surprising that the descendants of such free thinkers and tolerant people, even in matters relating to strict religion, should raise the cry of religion in danger against this Bill simply because some of the *Smrithikaras* considered it proper to enjoin pre-puberty marriages on account of the circumstances of the time in which they lived. The Bill therefore should be judged on its merits and not in the light of what is contained in the Smritis. The present Indian nation is perfectly entitled to have a Smriti of its own according to modern conditions of the country.

As far as Islam is concerned, it is a clear principle of Muhammadan law that any pre-puberty marriage of a girl by a person other than her father or grandfather can be repudiated by her on attaining puberty unless she has already ratified it by consenting to consummation. I take it to mean that Islam is not in favour of pre-puberty marriages. It is true that father and grandfather have the power to give the girl in marriage before puberty, but this provision of Muhammadan Law is only an enabling one and does not enjoin the pre-puberty marriage of a girl on any father or grandfather. This power was moreover given to them because they were considered to be the best custodians of the interests of their minor daughter or granddaughter and was to be exercised in their interests. Experience has however shown that pre-puberty marriage is not in their interest and therefore any interdiction of them cannot be said to be opposed to true Islam.

Sir, I have so far made an attempt to show that this Bill, if passed into law, would not offend against any religion.

The next argument advanced is that the masses are not in favour of the Bill and that this House has no moral right to inflict it upon them and that its advocates are not their true representatives. My Honourable friend Mr. Belvi has even gone to the extent of indulging in a quotation from Burke and has compared them to half a dozen grasshoppers making a noise in the forest while the masses are compared to hundreds of big animals resting under the oak. Sir, we on this side of the House have been too long accustomed to hear an argument like this from the Treasury Benches in reply to our demand for political reforms to take it seriously. An argument like this is always advanced by the changers and should not deceive anybody as to its motive. Could slavery in England have been abolished if Parliament had decided to wait for a demand for its abolition from slave dealers before legislating on the point ? Did the masses ever demand the abolition of Sutte and female infanticide, and did they ask for the creation of this House ? Have they even now asked for further advance for the reforms ? Do they know what Dominion Status is, which is at present the most lively political issue in the country ? The answer must be an emphatic No.

[Sardar Kartar Singh.]

Merged in ignorance and superstition, they are not in a position to know what a baneful influence child marriage is exercising upon the development of the future generation, and they cannot therefore demand its abolition. It is for us and us alone to prevent them from doing what is baneful to themselves. It is not only in our power to do so but also our duty. In all climes and ages, reforms, whether social, political or economical, have always been demanded and introduced by men of light and learning, and it is idle to expect the contrary in the matter under discussion.

The Bill therefore should be considered, not from the point of view of the evil practice among the masses on the point at issue, but from the point of view of its utility to the people at large. And I have not yet heard a single word against its utility, except a hint from my Honourable friend Dr. Moonje that it might lead to an increase in abductions of minor girls. Even those gentlemen who have advocated the cause of child marriage are unanimously against pre-puberty consummation. I take it therefore to be the sense of the House that pre-puberty consummation should not be allowed. As a matter of fact the Indian Penal Code has raised the age of consent to 14 years and there does not seem to be any serious objection to its being further raised to 16. If that is so, I as a practical and commonsense Punjabee am unable to appreciate the insistence on pre-puberty marriage upon what appears to me to be merely sentimental grounds. This insistence ignores the fact that the performance of marriage before the age of consummation involves the risk of widowing the bride even before consummation in a society in which widow re-marriage is not popular and is therefore capable of doing a lot of harm to the country without any corresponding good. This point was certainly in favour of my friend Mr. Mukhtar Singh's amendment, but I have also to consider the fact that the presentday boys and girls are the offsprings of child unions, and as such peculiarly prone to precocious puberty. I am therefore of opinion that it would not be safe in the present state of society to raise the marriageable age to 16 at once, and we must proceed cautiously in the matter. I have therefore decided to vote for the age fixed in the Bill itself, not because I consider it to be the ideal minimum but because I want to be cautious.

I do not propose to discuss the question of economic waste caused by early marriage, but cannot help submitting that they unduly interfere with the education of both boys and girls, which interference means a national loss.

Now I come to the question of abductions raised by my Honourable friend Dr. Moonje. He has not, in his speech, stated who the abductors are and what the causes of abduction are, and my Honourable friend will correct me if I am wrong, but I take it that the abductors belong to communities who do not practise early marriage and are therefore sexually and physically stronger than the males of the communities to which the abducted girls belong and which probably practise child marriage resulting in precocious puberty in females and sexual weakness in males. The only way to meet the evil is to remove the root cause, viz., child marriage, and not to leave things as they are. Nor has my Honourable friend stated the percentage of child widows among the abducted girls, and I venture to think it must be fairly high. Prevent

child widowhood and precocious puberty among females and make the race physically stronger by raising the marriageable age and the abductions will automatically cease. The abductions referred to by him therefore are in my opinion a further and stronger argument in favour of this Bill.

My friend Dr. Moonje wants Indians to be a self-reliant nation. He wants that Indians should be made fit for military service and that they should be given military training. He also wants that the military schools at Jhelum and Jullundur should be thrown open to all Indian boys, irrespective of the fact whether they be sons of Indian soldiers or not. May I ask him if he expects that the products of child marriages could ever be efficient officers in the Army? If he wants that Indians should become fit to defend their country and if he wants the future generations to be strong and healthy, he should support the age given in the Bill. As an experienced medical man, he has told us that girls should not become mothers before they are 16 years old. Then he should rise equal to the occasion and vote for 14 as the minimum marriageable age for the girls.

The only other point to which I should like to refer is that some Honourable Members have, in a bantering tone, asked the advocates of the Bill whether they want to follow Eastern or Western culture in its entirety. While doing so, they probably wanted to convey a warning against what they believe to be the craze for an apish imitation of Western life. My reply is that no society contains only angels and therefore none is free from defects. Abuse is no argument, and to adopt such a course serves no useful purpose. Instead of wasting time in such scurrilous attacks upon each other, retain what is best in Indian culture and supplement it by what is best in the other.

With these remarks I do whole-heartedly support the motion that the Bill be passed.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

**Mr. B. P. Naidu** (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I feel not a little nervous to speak on this occasion, for mine is a cry in the wilderness. We are about to place on the Statute-book a piece of legislation which is acknowledged to be the first large step in social reform in this country. This legislation has had a chequered career. It began with eleven years as the age limit and it is about to end with fourteen years. It began as a civil law, but it is to end as a criminal law. So, whichever way you look at it, it is an extraordinary piece of legislation, which is going to affect the vast millions of India either for good or for evil. Sir, if we only think of the ruthlessness with which all the amendments that have been moved by various Members of the House have been thrown out one after another, with machine-like precision and regularity, we cannot but feel that, lo! here is really an extraordinary law, which was made untouchable by the zealous guardians of social reform. Like every other question which has provoked a large controversy, this question has many aspects to be considered. The penal provisions of the Act and

[Mr. B. P. Naidu.]

the application of them are the most important. They have naturally evoked considerable opposition, and the best efforts of those that wanted to mitigate the severity of punishments by deletion of the clause relating to imprisonment and by reduction of fine in the several cases proved futile.

Sir, this House is now launching on this country a law which radically affects the sentiments and social customs of the land in a manner never heard of before. It is legislating for a people who are mostly illiterate and who do not know what Government is and what its functions are and who are solely guided by age-long custom, and whose respect for it cannot be got rid of except by means of education. The whole ground has been so ably and lucidly traversed by the Bhishma of the House, I mean the Honourable Pandit Madan Mohan Malaviya, the other day, that it is unnecessary for me to go in detail into the several reasons why it is inadvisable to have legislation of this radical character. The main reason, as I have already pointed out, is that the people of the country are mostly illiterate and it will take some time before they emerge out of the strong grip of custom; and when we are dealing with such people, we must move slowly and steadily but not hurl thunderbolts on them and force on them, all at once, a new state of things to which they have not been accustomed, and a sudden restriction of the liberties they have been enjoying for ages past. They have to be gradually put in the way and a reform aimed at, step by step, by means of a natural process has a better chance of being understood by the people and followed without much offence to their feelings and without much dissatisfaction. Sir, this view, I am sorry to note, has had a very cold reception at the hands of the Government and those over-enthusiastic reformers who would see the whole country rid of child marriages in one day. However much we, some of us here, may be in favour of stamping out the evil of child marriage in this country, the above attitude is one which we cannot understand. We think it rather tends to injure the cause which is so dear to our hearts. Let me refer to the experience of others in this matter. Mysore started with 8 and Baroda has 12. We, in British India, are not better situated than the people there; when those States have observed caution in the matter of this legislation, why should we here disregard it? To me, Sir, it is a most inexplicable position. If we look at Appendix XII of the Age of Consent Committee's Report, we note that Baroda is having, year after year, a steady course of prosecutions, even with 12 years as the age limit, and the offences have not in any way diminished till now. This one fact ought to counsel us to considerable caution, which, unfortunately, has not been the case with us now.

Sir, the Honourable Mr. Keane, while speaking the other day on this Bill, remarked that the Government knew how to administer the law when the Bill was passed. Whatever might be his meaning thereby, judging from our past experience of this Government, I cannot entertain any high hopes that this law will not be enforced rigorously but will be preserved, on the other hand, safely in the archives of the Government of India as a dead letter. Sir, if the latter be the idea, it would not have been pushed through this House with this energy, not giving any quarter even to the most reasonable exemption clause moved by my friend, Mr. Nilkantha Das, and approved by my Honourable Leader, Pandit

Motilal Nehru. It took away our breath to hear Mr. Jayakar opposing that eminently reasonable amendment, which finds a place in every one of the statutes on this subject in the Indian States, and advancing the astounding argument that provision will be made later on as we gain experience, as if it is not the duty of a legislator to foresee things and legislate in advance. Sir, I expected very much that the Bill, when it came out of the hands of this House, would be shorn of many of its objectionable features and presented to the country at large as a most practical and acceptable instrument of reform. But I am grievously disappointed. The law, as it has been now shaped, has all the potentialities for developing into a huge instrument of tyranny and oppression and is liable to be abused in several ways. Much as I desire—and I yield to none in that regard—that this blot on our social life, the evil of child marriage, should be relentlessly effaced, I feel that it my painful duty not to support this Bill in its present form.

**Lala Hans Raj** (Jullundur Division : Non-Muhammadan) : Sir, I rise to support this Bill. (Hear, hear.) I shall be as brief as possible as the time at our disposal is limited.....

**Mr. President** : Plenty of time.

**Maulvi Muhammad Yakub** : There is no time limit now.

**Lala Hans Raj** : The speeches I have heard in this House from the Honourable Members posing as Pandits and Maulvis of their respective religions have, I must say, shaken my faith in their religious books, for which I had great respect, on which they wish to take their stand. It would have been more instructive and helpful to the House, if these exponents of religious ideas had given reasons on which those quotations are based, instead of repeating the *Ayats* and *Mantras* from their holy books.

There cannot be any dispute that early marriage stands in the way of proper education, and I hope that both the Maulvis and Pandits will admit that we cannot rise as a nation as long as there is insufficiency of all-round education. I cannot imagine how, by some magic wand, these religious luminaries will finish the education of children before the age of ten or twelve years.....

**Maulvi Muhammad Yakub** : Will they finish at fourteen?

**Lala Hans Raj** : Much better. The natural consequence of good sound education will be that our children will claim independence in the matter of marriage. I may mention that I honestly believe that intermarriages encourage unity, which is a great need of India, and intermarriages can only be possible when there is enough education among the coming generation. There is no need to give instances where intermarriages have brought about unity in two communities. There might be some friends in the gallery above who would bear me out on this point.

The other aspect of these intermarriages is economic. We have been hearing so much of the loathsome system of dowry in Bengal and other parts of the country, which in some cases have driven sensitive girls to end their lives, because their parents could not arrange for the dowry asked for by the would-be sons-in-law. When the boys and girls are asked for by the would-be sons-in-law and have a voice in selecting their educated and they use their discretion and have a voice in selecting their better halves, the question of dowry eliminates itself. I know of quite

[Lala Hans Raj.]

a number of intermarriages among the upper middle class people where no dowry was given. I may also mention that this will break the caste system too, which is admitted to be a great curse for India.

In my opinion, Sir, these intermarriages will help to wipe out the word 'abduction' from the Indian legal dictionary, which creates so much bad blood among the two major communities of India. I may touch here on the argument put forward by my friend Dr. Moonje against this Bill, that the Muhammadans abduct Hindu girls, and that this Bill, if passed, will encourage such abductions. My advice to him is that we should treat our girls better and give them greater freedom to select their partners. Naturally, this Bill will help in improving the lot of girls and consequently there will be no abductions and no trouble then. There is the adjoining independent territory of Afghanistan, which is more populated by Muhammadans, but rarely do we hear of cases of abduction of Hindu girls by Muhammadans there. Nor do we hear of such cases in the North West Frontier Province. If anybody doubts my statement, my Honourable friend the Nawab Sahib from the Frontier will bear me out.

My next point in favour of the Bill is that, by passing this legislation, we will have more unfettered patriots like the martyr Das and lions of the type of Bhagat Singh and Dutt, who are all unmarried.

Now, Sir, as to the working of the Bill, I fear no difficulty. I come from the Punjab and from a district adjoining to which there is the enlightened State of Kapurthala, which I understand has had a somewhat similar law for the last five years. Its broad-minded, educated and well-travelled ruler is a Sikh Prince, and the Prime Minister, who has to carry out the law, is a Muhammadan, and the population in the State is mostly Muhammadan. I had a talk with Diwan Abdul Hamid, the popular Prime Minister of the State, and he told me that no difficulty was experienced in its working, and the Muhammadans and Hindus have had no complaints against the working of the law.

Last of all, Sir, I see a change in the angle of vision among the Government Benches, and this fills me with the hope that the prophecy of our worthy Pandit Madan Mohan Malaviya, that India will get Swaraj in 1930, is going to be fulfilled. The help extended by Government to support this Bill and the acceptance of the amendment of Mr. Kelkar, to circulate the Hunger Strike Bill is a clear dawn of Swaraj. I hope the Government will continue this co-operation with us, which they have so recently begun.

With these remarks, I support this Bill as strongly as I can.

**Nawab Sir Sahibzada Abdul Qaiyum** (North West Frontier Province: Nominated Non-Official) : Sir, I am glad to see that this measure of reform, like a frail barge, has crossed a very tempestuous and stormy sea of obstruction and criticism in this House and is nearing the shore. I hope that this measure will be passed into law before the House rises today. It shall have my humble support. (Applause.) But, Sir, I would not like to record a silent vote on this occasion. I also trust that the Bill will not meet the fate of a similar measure moved by Sir Hari Singh Gour, and that we shall really find it on the Statute-book before long.

3 P.M.

Sir, this measure, as I have said on a previous occasion, is a very useful one, and I, according to my belief and intelligence, do not consider it against the tenets of Islam. (Applause.) I, however, do look upon it as the curtailment of our social liberties and the taking away of certain rights and privileges that we have been enjoying for some generations, or in other words it interferes with our personal laws, but if those rights and liberties are misused, I do not see why we should not put a stop to such misuse. (Applause.)

Sir, it is not enjoined on us, according to our law, to contract early marriages. It is only permissible, and permissible under certain very strict conditions, just like the permission to marry four wives instead of one. But if one will only go into the text of the Holy Book where this permission is granted, I am sure that you will not find a single man in one lakh of people who could fulfil the conditions laid down therein for marrying more than one wife. In practice, Sir, that permission is availed of by luxurious people only. The permission for marrying more than one wife is, as I have said, very limited, and the word used in the Koran for it is "taa'dilu".

**Maulvi Muhammad Yakub** : Sir, is the Honourable Member relevant in talking of four marriages in connection with this Bill?

**Nawab Sir Sahibzada Abdul Qaiyum** : I will not enter into a discussion with my friend Maulvi Muhammad Yakub on this or any other point. I know that there are honest differences of opinion on this question, and I will not blame any person if he holds a different view from the view that I hold. All that I crave for is the indulgence of my Mussulman friends to give me an opportunity to express my personal views on the subject.

But, Sir, there is one thing which I cannot really understand or follow, and that is the extraordinary hurry and the great zeal and enthusiasm in certain quarters to push the Bill through. Perhaps they have found a favourable opportunity to support a piece of useful legislation and they are anxious and really earnest to see it through. (Answer: "That is so".) But I thought there ought to be no great hurry about it. As a matter of fact, the Bill as originally introduced has altogether changed in its shape, aspects and application. The large number of amendments brought in by Members of this House and the very long discussions we have had on them show that the Bill is not yet as perfect as it ought to be. One would have, in the ordinary course, expected some additions or alterations to or omissions from the Bill after the receipt of the Report of the Age of Consent Committee, but I do not see that a single word from the Bill has been expunged or added to as the result of the laborious work of the Committee and the voluminous Report which has been submitted by that Committee. When I was listening to the various arguments brought in support of the numerous amendments by the Members of the House, some of them appealed to me as suggesting a great improvement, and I wondered why they did not receive sufficient consideration. I will particularly refer to the very eloquent speech made by my friend Pandit Malaviya Sahib. He thought that a greater unanimity could be obtained on a lower age of 12, but that was not acceptable to the majority of this House. But what I fail to understand is that an amendment brought in by my Honourable friend over there,

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[Nawab Sir Sahibzada Abdul Qaiyum.]

in favour of raising the age to 16, was also similarly ignored. If we are trying to raise the age for some useful purpose and if we are prepared to go against the wishes of the orthodox sections in this House, however insignificant these may be, then why not go straight for the higher age of 16 and bring in a real improvement in the situation? Similarly, an amendment was introduced by my Honourable friend Mr. B. Das confining the marriage of elderly people to widows only. But some of the Honourable Members in the House only laughed at it and ridiculed the amendment, while I should have thought that it was a very useful measure for finding husbands for the poor child widows who were condemned under the present system. That amendment also deserved a much better consideration than the House gave it. My Honourable friend Pandit Thakur Das Bhargava said that the very object of the Bill would be frustrated if the security condition was allowed to remain in the Bill. No notice was taken of that either. So it looks as if the Bill, as it has emerged from the Select Committee, is something like gospel truth and that it should not be touched in any way, not even as the result of the Age of Consent Committee's Report!

**Pandit Nilakantha Das :** On a point of order, Sir. Is this not criticising the decision of the House?

**Nawab Sir Sahibzada Abdul Qaiyum :** These were some of the observations that I wanted to make, not that I did not look upon the Bill as a necessary or useful measure, but if we had been given another three or four months it would have given us an opportunity of considering the Bill more thoroughly in the light not only of the Report of the Age of Consent Committee, but also of the evidence if made available to us. In that case, as Pandit Malaviya Sahib said, there might have been a greater unanimity of opinion about this reform. However, that stage has now passed and I hope that this measure, however defective it may at present be, will be passed. My worthy friend Mr. Jayakar said that whatever defects there might be in the Bill or whatever defects might come to light as the result of its working could well be removed by the introduction of amending Bills. I hope that that will be the case.

Now, Sir, as I have said before, I do not consider this Bill against the tenets of Islam, but I certainly consider it a violation of our personal rights and also of the rights of other minorities. We thought that the rights of minorities were safe by some unwritten law or custom in this House and we believed that nothing in the personal law of a minority community would be changed without the consent of three-fourths of the Members of that community. But if this joint voting becomes the rule of the day, one does not know where one's private rights will be. Perhaps, the orthodox Hindus, the Mussalmans and other minority communities will be nowhere if a coalition like the one that is at present working behind this Bill were to be formed and interfere with their personal laws. It is this which makes me a little suspicious and frightens me of the consequences of this procedure, because somebody may take it into his head and it may be that next time my Honourable friend Maulvi Muhammad Yakub might bring in a measure prohibiting polygamy! Though I shall be supporting him on that occasion, still the Members of my minority community may not like it and that is my fear about the procedure that has been adopted in hurrying this measure through this House. I do not

want to take up the time of the House any more, but I hope that the Bill will receive the support of the majority of the Members, if not, of the whole of this House.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I should like to make a few observations before this Bill becomes law, but I shall try to be as brief as I can be.

The first question that is sometimes asked is whether this Legislature is competent to enact a law of this nature, as it is said that legislation of this nature impinges upon the social and domestic life of the people. With regard to that, I will say that legislation like the Bill which we have under consideration exists on the Statute-books of almost all civilized countries in the world, including, I understand, Turkey and Egypt. There are other laws, Sir, like the Prevention of Juvenile Smoking, Temperance, and so on. These are also laws which affect the domestic and social life of the people; but they find a place on the Statute-books of some of the provinces in the country, and outside it. On our own Statute-book we have such legislation as the *Suttee* Abolition Act, the Hindu Widows Remarriage Act, the Freedom of Religion Act, the Age of Consent Act, and so forth. From all these considerations it appears to me that there is certainly no objection to legislation like the Bill which we have under consideration being discussed and passed by a body such as this House. Apart from politics the greatest practical achievement of the League of Nations lies in the social and moral work which it has been able to accomplish. It has passed resolutions raising the age of consent, preventing traffic in girls, suppressing disease, limiting the use of intoxicants to medicinal purposes, regulating child labour, limiting hours of work, preventing dissemination of obscene publications, and on many other details affecting health, hygiene and morals. In this connection, I shall read to the House just one quotation from the American Professor, Scott Nearing, in his book, "Social Adjustment". This is what he says :

"In a large community, maladjustment, (*i.e.*, social maladjustment) can be removed only by concentrating public opinion in the form of legislation. Among large groups, public opinion may relieve maladjustment temporarily; but permanent reform can be effected only through legislative expression."

In some of the Indian States, such as, Mysore, Baroda, Rajkote, Kashmir, Gondal, Indore, Limbdi, Mandi and others, such legislation exists, and it is therefore no valid criticism to say that this House, constituted as it is, is not competent to pass legislation like this.

Coming to the Bill itself, I may say that it can be looked at from three points of view—from the point of view of the girl herself who is the party most vitally interested, from what has been called the religious point of view, and from the medical point of view. With regard to the first point, I am sorry to see that the Government of India, with a singular lack of chivalry and imaginations, have not thought it fit to nominate a lady Member to this House, who should have been able to give the House an expression of opinion of the sex most vitally concerned in this matter. I asked a question in the Delhi Session, and I repeated my question here; but the reply was the usual legal quibble indulged in by my Honourable friend the Law Member, who said that the Government of India have no power to make a nomination like that. The other day, when the Bill known as the Hunger Strike Bill was under discussion, they brought out



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Mr. Emerson with the express object of assisting the passage of that legislation. When that legislation was out of the way, Mr. Emerson also disappeared. What was the difficulty in nominating a qualified lady Member to assist us?

Mr. K. Ahmed : Why do you not vacate?

Mr. Gaya Prasad Singh : If a qualified lady Member was available, she ought to have taken her place in this House.

Now, Sir, I must at the outset clear my position by saying that this Bill, if it is passed into law, will not affect my community very greatly, because in my community, the Kshatriya or the Rajput community, early marriages are not common. In times of old, the Kshatriyas had an institution called the *Swayamvar* ceremony. As its name implies, that was a ceremony in which the girl used to choose her own bridegroom. A number of eligible bridegrooms were collected together, and the girl had to choose her own husband. In my community early marriages are not common, and the Report of the Age of Consent Committee, so far as Bihar and Orissa is concerned, will bear me out. I am very pleased to see in the *Hindustan Times* of the 23rd instant that in this city of Simla the Rajput Sabha passed a resolution strongly supporting the principle of the Child Marriage Bill and favouring the fixation of the minimum age for the marriage of girls at 14 and for boys at 18. It is well known that infantile mortality is greater in India than in other countries. It is double that of the United Kingdom, Denmark and Germany, three times that of Norway and Sweden, about five times that of America, and nine times that of Switzerland. I will here make one remark. Some of our ardent social reformers, in their anxiety to support the Bill, have gone out of the way and depicted the evil as being very deep-rooted and widespread. I deny that accusation. Child marriage exists in India and I am here to lend whatever support I can to the eradication of that evil; but it is not quite correct to say that consummation immediately follows marriage in all parts of the country and to the same extent. I will give you an instance, Sir, of how a girl of tender age was subjected to cruel treatment at the hands of her husband. This case came up before the Allahabad High Court last year, and I will give one quotation from the judgment. The husband was 34 years of age, and the child wife was only 11 years of age. His Lordship in the course of the judgment said :

" This appeal exposes in a marked degree the evil effect of the pernicious custom of early marriages which unfortunately prevails among the lower classes in this country. A man aged 34 years was married to a child of 11 years about a year ago. Her parents, who cannot under the existing law be touched at all, have exhibited an almost incredible callousness in not only getting the marriage performed, but in sending the girl to her husband's house to live with him. One cannot use too strong a language to condemn such reprehensible conduct. The result has been what might well have been feared by any man of sense. On a night when the other inmates happened to be away from the house, the child wife was raped by her husband. The medical evidence to sexual intercourse."

Further on the judgment says :

" Partly due to modesty and partly to her being under the control of her husband's relations, the girl does not admit what was done to her, and has been tutored to put forward the defence that she got hurt by falling on a peg on which a goat used to be

Whether instances of this kind are common or not, we as Members of this Legislature have a responsibility cast upon us to see that such things do not occur. My Honourable friend Rai Sahib Harbilas Sarda complimented the Honourable the Home Member on the brilliant speech which he made the other day. While I give my own praise to the Honourable the Home Member for the speech which he delivered on that occasion, I must qualify it by saying that we should like to hear this sort of speech from him on occasions when political questions are also under discussion. I do not want that the speech of the Honourable the Home Member, or for the matter of that the speech of any other Honourable Member who supports the Bill, should go out into the world as a confirmation of the exaggerated accounts depicted by globe-trotters like Miss Mayo in her book. Having said so, I shall now come to what is called the religious aspect of the question. Sir, to my mind, religion leads to the moral, physical and material progress of the community or race, and anything which militates against this object should not be supported on the score of religion. I can hardly believe that this ancient religion of *Aryavarta*, emanating as it does in the dim distant, pre-historic past, from the pure fountain of the Vedas, could be so callous, so indifferent to the welfare of children that it would have prescribed a rule of law which would be so injurious to them both physically, mentally and in other respects. I shall give a quotation to show that child marriage, which is followed by early consummation, was unknown in Vedic times. In this connection I am going to give a quotation from the "Atharva Veda" which is an authority of the highest standing :

" *Brahmacharyena Kanya  
Yuvanam bindyatay patim* "

The meaning is that after preserving Brahmacharya, when a girl attains youth, she should desire marriage.

Then, Sir, Shusruta who is a great medical authority in "Yayur Veda", says :

" *Chatasro bastha sharirasya bridhir yaubanam, sampurnta, Kinchit parihanishchete, tatra shorashat bridhi, apanch bing shater, yauvanam ; achatwaringshat sampurnata ; tatah kinchit parihanishchate.* "

The meaning is there are four stages of the body. Up to 16 years it is the stage of development, up to 25 years is youth, up to 40 is the stage of completion of the organs, and after that the stage of decay. Further on he says :

" *Panch binsket tato barshe, puman nari tu shorashe,  
Smatwa gat virjan tan janiyat kushalobhi shak.* "

A boy of 25 years of age and a girl of 16 years have their semen equally developed, and then conception is for the good of both. There is only one quotation which I should like to give because it is said to be a matter of religion and medicine mixed up together.

" *Un shorash barshayam apraptah panch binshteem ; yadya dhate puman garbha Kukshitha sa bipadyate ; yato wa n-chiranjiwe yawet durwalendriyah, tasmait atyant balayam garbhadhanam n-Karayet.* "

It means that if a girl of less than 16 years of age conceives by a man of less than 25 years of age the pregnancy results in abortion. If a child is born, it would not live long. If it lives, it shall be a weakling all its life. Therefore conception should not be allowed in early ages.

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Sir, I now come to what has been spoken of as the medical point of view. My Honourable friend Mr. Neogy quoted the opinions of a few doctors in support of early marriage. (*An Honourable Member* : "But he has been disowned by the Ladies' Association at Dacca.") Now, Sir, I refuse to believe that the enlightened medical opinion of Bengal or elsewhere is not convinced that child marriage, followed by early consummation, is pernicious to the health of the girl. I refuse to believe that a proposition like the one advanced by my friend could come from the medical authorities of Bengal. I have got in my hand a book which shows what certain eminent doctors consider fit to be the minimum marriageable age for girls ; and in this I find that Dr. Chandra Coomar Dey fixes the minimum marriage age for girls at fourteen years, Dr. Charles at fourteen years, Babu Nobin Krishna Bose, at fifteen years, Dr. A. V. White of Bombay at fifteen or sixteen years. Dr. Mahendra Lal Sircar at sixteen years, Dr. Norman Chevers at sixteen years, Dr. D. B. Smith at sixteen years, Dr. Ewart at sixteen years, Dr. J. Fayter at sixteen years, Dr. S. C. G. Chakravarty, at 16 years.

Dr. Chevers says :

"For the sake of safe child-bearing and healthy offspring marriage ought to be seldom allowed till the 18th year, the 16th being minimum in exceptional cases."

Dr. Nobin Krishna Bose says :

"Our girls should not be married before they have attained at least the eighteenth year of their age. Before this period their system would not bear with impunity the drain which maternity must establish on it."

Dr. Mahendra Lal Sircar, a name which is very well-known in Bengal, if not the whole of India, says :

"It is a grievous mistake to suppose that the female who has just begun to menstruate is capable of giving birth to healthy children."

The late lamented Mr. Kheshab Chunder Sen in his Town Hall speech once said :

"The medical authorities in Calcutta unanimously declare that sixteen is the minimum marriageable age of girls in this country."

So late as July last, the Fourth Imperial Social Hygiene Congress was held in London under the Presidency of Dr. Drummond Shields, Under Secretary of State for India. Some papers were read on the occasion, and medical opinions were elicited on some of these points under discussion. Now Dr. A. S. Parks, of University College, London said :

"From the physiological point of view the most suitable age for marriage for a female was during early maturity which, hospital statistics seemed to show, occurred between the ages of fifteen and twenty."

There are other medical authorities also on this point, but I am not going to tire the House by reading them. Sir, when a girl is married very early in her life, her education suffers ; and it must be recognised that not only on grounds of health and physical development, but also on grounds of mental and moral development of the girl, the marriageable age should be deferred to a somewhat later period. There are just one or two further observations I wish to make. While supporting the Bill to this extent, I am constrained to say that there are one or two points left with regard to the Bill which, I was sorry, were not agreed to by Government. Clause 3 says that :

"Whoever being a male above eighteen years of age, and below 21, contracts a child marriage shall be punishable with fine which may extend to one thousand rupees."

Now, in our social system the custom generally prevails that the boy who is very often in school or college does not see the girl before marriage ; and if the father or mother arranges that marriage for him, and afterwards it turns out that the age of the girl was a little bit below fourteen, the prescribed age, I could quite understand the father being punished, but the punishment extends to the son. This is hardly just and fair. I wanted to insert some reservation in the Bill that the knowledge must be brought home, the knowledge that he married the girl knowing her to be below fourteen years of age must be proved before the boy could be punished. But the Government did not think it proper to accept this amendment. To that extent, Sir, I feel that this Bill is defective. The other point is this, that no exception has been made in cases of real hardship. I will not use the word "hardship" because if I do so I will draw upon myself the wrath of my Honourable and esteemed friend, Mr. Jayakar.

**Pandit Nilakantha Das** : Why are you afraid of him ?

**Mr. Gaya Prasad Singh** : But he seemed to agree that a clause must be inserted in the Bill which would give power to marry a girl between the ages of 12 and 14, in exceptional circumstances, under the written authority of the District Judge. I hope Government will give their consideration to this point ; and, when the Bill goes to the other House, they might probably think it worth their while to introduce some such clause to meet exceptional cases.

With these words, Sir, I support this Bill. (Applause.)

**Mian Mohammad Shah Nawaz** (West Central Punjab : Muhammadan) : Sir, I rise to support the motion of my noble and esteemed friend Rai Sahib Harbilas Sarda, who has earned his laurels from the Indian people as a whole. I support the passage of this Bill with the fullest responsibility and without any fear of doubt, despite the orthodox criticism, despite the unfair attack on me and on the honesty of the other Members of the Age of Consent Committee, and despite the threat to create agitation in the country which need not frighten us. I presume that it is but natural that there should be some opposition to a change in the long established custom of the country. I am afraid some of the Honourable Members can be placed in that groove of social customs from which it is not easy to get out. They are accustomed to a practice which has been in existence for a long time, and, although the evil may be sapping the framework of the society from generation to generation, they do not feel it because their feelings have become blunt. If it is true, and it is true, that the early marriage, early consummation and early maternity are harmful to the framework of the society and that the early maternity leads to the degeneracy of the race, then I see nothing either in the Hindu religious text or in Muslim religious laws which stands in the way of the present legislation. The orthodox people and these followers have no right whatsoever, divine, religious or personal, to treat their women as they please ; they have no right to keep them in their present miserable state ; and they have no right to sacrifice them at the altar of social custom. I do not under-estimate the sincerity and the zeal with which they have put forward their views but there need be neither invention nor exaggeration. Some of these learned and holy men are wondering whether the present legislation would not be in their own interest. There

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is so much diversity of opinion amongst the Pandits and the Maulvis that no definite conclusion can be drawn from the orthodox opinion.

Now, Sir, my learned friend the Honourable Mr. Ghuznavi, who has now walked out, made an attack upon me. As he is not in the House, I will not make a counter attack; but he did say that, so far as Bengal was concerned, the story of early marriage and early maternity was a cock and bull story. Sir, such an irresponsible statement I have seldom heard on the floor of this House. As doubt has, however, been expressed whether the evil custom of early marriage and early maternity does exist among the Mussalmans, I shall read to the House very briefly some of the evidence which was placed before the Age of Consent Committee. First of all, I would invite the attention of the Honourable Members to the percentages of early marriage which prevailed throughout India among the Hindus and the Muhammadans. Those percentages are given on page 95 of the Report of the Age of Consent Committee. They run as follows:

| Province.                            | Percentage of girls under 15 affected or likely to be affected by early marriage. | Percentage of Hindus. | Percentage of Musalmans. |
|--------------------------------------|-----------------------------------------------------------------------------------|-----------------------|--------------------------|
| All India .. .. .                    | 42.2                                                                              | 48.4                  | 37.01                    |
| Assam .. .. .                        | 26.3                                                                              | 27.6                  | 34.1                     |
| Bihar and Orissa .. .. .             | 52.4                                                                              | 62.4                  | 49.9                     |
| Bengal .. .. .                       | 55.5                                                                              | 63.8                  | 51.7                     |
| Central Provinces and Berar .. .. .  | 56.9                                                                              | 62.8                  | 31.8                     |
| Bombay .. .. .                       | 54.4                                                                              | 61.3                  | 26.6                     |
| North West Frontier Province .. .. . | 12.6                                                                              | 19.2                  | 12.01                    |
| Madras .. .. .                       | 24.3                                                                              | 26.07                 | 12.6                     |
| Punjab .. .. .                       | 24.7                                                                              | 37.1                  | 18.8                     |
| United Provinces .. .. .             | 53.1                                                                              | 55.5                  | 40.7                     |

Sir Darcy Lindsay (Bengal : European) : We have read all this.

Mian Mohammad Shah Nawaz : Many Honourable Members have not read them. Please have patience with me. These figures conclusively show that the evil of early marriage prevails more in Bengal than anywhere else among all the people of the province. I am very anxious to prove this fact because the matter is very important and I desire to show Committee to prove that the evil of early marriage and early consummation with the consequential result of early maternity does prevail amongst the Mussalmans. On page 67, the Report of the Age of Consent Committee, dealing with the Province of Bengal, runs as follows :

"The evidence before the Committee confirms the inference which may be drawn from the census figures. It is admitted on all hands that the practice of early marriage is widely prevalent throughout Bengal. Witnesses may praise or condemn the system and may refer to the advantages or disadvantages accruing from it, but the fundamental fact is undeniable, nor is it questioned, that early consummation almost inevitably follows early marriage amongst both Hindus and Muslims. Nor are the deleterious

consequences of such early consummation seriously challenged except by a few witnesses, among whom are, surprisingly enough, some medical men. It is also established from the evidence that pre-puberty consummation are common and that violations of the Law of Consent occur in many cases."

Again, Sir, on page 65 the Report says :

"The evidence leaves no doubt that the evil of early consummation is very widely prevalent in the Province and among large classes who are following it according to custom and tradition and that the predominance of public opinion, both Hindu and Muslim, is distinctly in favour of an advance by a Law of Marriage and an increase in the age of Consent. It has only to be added that the birth rate in Bengal is the lowest of all Provinces in India being 27.4 per mille, that infantile death rate is 21.4 of the total deaths and that 52.1 per cent. of these infants die within one month of their birth."

Mark these words—52 per cent. of the infants die within one month of their birth.

The Muslim evidence is summarised on pages 68-69. I deem it my duty to place all that evidence before the House, as briefly as I can, because doubt has been raised that the evils of early marriage and consummation do exist amongst the Mussalmans of Bengal. The point is very important and, in spite of the desire of some Honourable Members that I should finish soon, I shall not do so. This is what they say :

"All other witnesses are strongly in favour of an advance. Mr. Nur Ahmed, Chairman of the Chittagong Municipality, suggests 15 or 16 as the age of Consent, would favour marriage at 14 and feels that the fixation of a minimum age of marriage will more suit public opinion. Khan Bahadur Muhammad Ismail, M.L.C., is strongly of opinion that consummation of marriage would be safe only after the completion of the 16th year and urges the need for propaganda explaining the evils of early consummation. Witness was in a position to cite any number of cases that had come to his notice where the girls had broken their health by cohabitation before or immediately after attainment of puberty. Mr. Azizul Haq, M.L.C., is personally in favour of a Bill like that of Rai Sahib Harbilas Sarda, and feels that every well-wisher of the country will welcome it. He is of opinion that nothing in the Muslim scriptures is against a law of marriage and that Muslims will not be affected at all, because public opinion amongst them is confined to the opinion of the few who can be persuaded. Mr. M. Kazimuddin Ahmad would have the age of consent raised to 16. Maulvi Mohammad Quassim would have the age of Consent beyond 16, would like to strengthen the penal law and thinks that marriage ought not to be performed before the girl has reached her 14th year. According to the witness cohabitation before and soon after puberty occurs in many instances. He is clearly of opinion that a law of marriage would not be against Muslim scriptures. Mr. Jalaluddin Hasimi, M.L.C., states that would not be against Muslim scriptures exist though only among Muslims of lower social order, would have girls married after 16, and thinks marriage legislation would be more effective. The minimum age of consent according to him should be 15 years. When asked if the Maulvis and Mullas will consider the enactment of such a law as an interference with their religion, witness stated that he did not think so and that in all the papers conducted by Muslims, except one, they have raised no objection. The arguments of the paper which objected were met with. Khan Bahadur Maulvi Wasimuddin Ahmed, Chairman, District Board, Pabna, states that cohabitation before puberty is to be found among the low classes, and that cohabitation before 13 is not infrequent. During his experience, professional and otherwise, he came across many cases of cohabitation before puberty with the consequences of permanent injury to the health of the girl. The witness was of opinion that there should be legislation fixing the minimum age of marriage at 13 with exemptions in hard cases. According to the minimum age of marriage, Deputy Magistrate, cohabitation often takes place. Maulvi Abdul Sabhan Muhammad, Deputy Magistrate, cohabitation often takes place. He thinks a law of marriage would be more effective. Mr. A. F. M. Rahman, I.C.S., proposes prohibition of marriage of girls below 13. The witness thinks that fixing a minimum age for girls would be more acceptable. Public opinion would revolt against this also in the beginning but it will subside soon, and the law would help to educate public opinion in the long run. All things taken together the witness preferred

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This is the evidence of Mussalmans of Bengal. Can any reasonable man say that the Committee have not arrived at the correct conclusion? It is all nonsense to say that it is a story of cock and bull. It is a story of a province where cocks and bulls exist. It is a province where cruelty and pre-puberty consummation have been very common, and that province should be ashamed of it. The evidence reveals the terrible and black state of affairs. It was necessary to consider the evidence in detail as the province contains the largest percentage (42.14 per cent.) of Muslim population in India and as there was some misapprehension as regards the extent of the evil and the state of opinion on the subject. From this evidence it is clear that the Muslim opinion in Bengal is generally in favour of a law of marriage and an increase in the age of consent, and according to that opinion neither of the laws is against the Muslim scriptures. Again I desire to prove from the evidence that was placed before the Committee that the evil custom of early marriage and early maternity does prevail amongst Muslims of other provinces. Coming to the province of the Punjab, the Age of Consent Committee finds that the evil of early marriage and early maternity is not decreasing but increasing in that province. The notable witnesses are Mr. Justice Agha Haider, Judge of Lahore High Court, the Honourable Malik Firoz Khan Noon, Minister for Local Self-Government, Nawab Muhammad Hayat Khan, Deputy Commissioner, Lyallpur, Sheikh Sirajuddin, Deputy Commissioner, Jhang, Malik Zaman Mehdi, Deputy Commissioner, Mianwali, Mian Abdul Aziz, Deputy Commissioner, Hissar and Khan Bahadur Khavaja Ghulam Sadiq, Chairman of Amritsar Municipality. All these witnesses say that the only remedy is to penalise marriages, and that there is no other effective remedy. They are clearly of opinion that the present legislation is not against the tenets of Islam. The only orthodox witnesses who appeared before the Age of Consent Committee were Mr. Din Muhammad and Dr. Mufti Mohd. Sadiq, both of whom said that penalising marriages and fixing the minimum age of marriage both for boys and girls were not against the religious laws of Islam. They were however in favour of raising the age of consent to 14 years.

The two witnesses who were really against the law of marriage were Nawab Sir Umar Hyat Khan and Mr. Din Muhammad, M. L. C. In face of this evidence some Honourable Members have got the audacity to say

Coming to the North West Frontier Province, the evidence is unanimous that such a marriage law is necessary and there is no dissenting voice except one. The Judicial Commissioner, Maulvi Saiduddin, Khan Bahadar Mohammad Akbar Khan, District Judge, Bannu, Nawabzada Muhammad Nazir, District Judge, D. I. Khan, Khan Sahib Mir Ahmad Khan, Vice-President, Peshawar Municipality, Khan Bahadar Sadullah Khan, Assistant Commissioner, almost all the Muslim judicial and executive officers of the Province are unanimous in their opinion about fixing the minimum age of marriage which they think as the only effective remedy to remove the evil and such legislation is not against the tenets of Islam.

I now come to Sind. Out of 23 Muslim witnesses who had placed their views before the Age of Consent Committee, there was only one witness who was against this legislation. I am sorry he is absent now. He is the Honourable Haji Abdoola Haroon, M. L. A. He said that legislation was not advisable. He, however, admitted that there was nothing in the Islamic law which will prohibit the penalising of marriages, though he said that Maulvis and others would say that it was an interference with the religious law of Muslims.

I now come to the Muslim evidence from Madras. I see that Maulvi Sayyid Murtuza Saheb is not here. I wish he were present here to hear the very words of the ladies of India who are subjected to this evil and unhealthy custom and who are sacrificed at the altar of this pernicious custom of early marriage and early consummation. Indian women are victimised and tyrannised, and they seek redress and justice at the bar of this House. Can any one who has any sense of responsibility in him deny justice to them? Will not the same words which Sayyid Murtuza Saheb said be repeated to him? Will not those noble women, sitting in the galleries and outside in the public, who are watching the proceedings in this House, say to Maulvi Sayyid Murtuza Saheb and to his friends of his way of thinking: "Oh! you tyrants you have been tyrannising over us, we shall not hear you any more, we shall not have anything to do with your nonsense hereafter"? I will not attack the Honourable Member who is absent. I am not going to take any mean advantage of his absence. I may tell him that the evidence from Madras is in favour of this legislation penalising the marriage below a certain age. Mr. Bazlullah Khan, the Director of Industries, and Mr. Zynuddin, the District and Sessions Judge, are all in favour of the fixing of the age for marriage.

It remains only to be added that the Madras Legislative Council un-  
animously passed a Resolution in 1928 recommending 16 as the minimum  
age of marriage. There was not a single dissenting voice. No Muslim  
Member of the Madras Council raised his voice against this Bill. Even  
the orthodox Muslim opinion, though against the present evil, clearly  
said that a Muslim ruler is not prevented to enact a law of marriage in the  
interest of Mussalmans. They failed to give any argument why the exist-  
ing Government could not do so. The Muslim evidence from the United  
Provinces is somewhat conflicting, but the weight of the opinion is in  
favour of the Bill (See page 83 of the Report). Men like the Honourable

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Mr Justice Vazir Hasan and Sir Syed Sadullah Khan, although against the present legislation on other grounds, are clearly of opinion that Islamic religious laws are not against a law of marriage. I have already told you, Sir, that when I joined this Committee I started with a bias in my mind against the Bill and I thought the evil did not exist among the Muhammadans. But I have heard most shocking and most deplorable evidence. I have seen with my own eyes mothers aged 11 and 12, and I do not wish to see that misery again. And here on the floor of this House there are some orthodox Members or some who are ready to follow the opinion of some of these orthodox people, who say that the evil does not exist. Can any man challenge the findings of the Committee with facts and figures? Sir, I come now to the religious aspect of the question. I am dealing with the Mussulmans only. I am not dealing with the Hindus, because the bulk of the Hindus are in favour of the Bill.

Now, the religious point of view of the Mussulmans is this. We know that the Koran does not enjoin any age for marriage; we know that the Hadis say that a Moslem girl should be married after the age of discretion. I have already referred to the law in Egypt, where by a law passed in 1923 the marriage of boy below the age of 18 or a girl below the age of 16 was made absolutely unlawful, and the same was the case in Turkey, where a contract of marriage between boys and girls below the age of 15 was made unlawful. But my Honourable friend Maulvi Muhammad Yakub says that those are Muslim countries; a Mussulman king can make the law but this foreign Government has no business to interfere with the Muhammadan law at all. The point, Sir, has no force; it is a deliberate absurdity. We have the customary law of inheritance, laws regulating adoption and many other laws being enforced in the Punjab. The Oudh laws Act 1876, the Oudh Estates Act 1869 have altered the Muslim law.

**Mr. Muhammad Yamin Khan:** What about the rights of women in the Punjab?

**Mian Mohammad Shah Nawaz:** The people of the Punjab have erroneously deprived their daughters of the right of inheritance in the presence of sons. I do not defend them at all.

Sir, I am going to give you an instance which is directly in point to which I think even Maulvi Muhammad Yakub cannot give a cogent reply, and it is this. In China the Mussulman population amounted on the 11th November 1925, prohibits the marriage of boys and girls below 16. That law is applicable to four or five crores of Mussulmans and there is no Moslem ruler in China. The Mussulmans of China have accepted this law without dissent. Sir, I do appeal to the Members of this House to pass this Bill without dissent. The Bill is before India; it is now fortified by the Report of the Age of Consent Committee and favoured by the blessings of the Government of India and the Leader of the House and the Leader of the Opposition. Sir, I have given expression to these views because I have felt deeply and because I have found that the misery of women was very great. I have found that they have been tyrannised and victimised by an evil and unhealthy custom, and I do hope that this House will do them justice and pass this Bill by an overwhelming majority. Sir, I support the motion of my Honourable friend Rai Sahib Harbilas Sarda.

**Sir Darcy Lindsay:** Sir, I desire to join with my Honourable friend Sir Abdul Qaiyum in giving my whole-hearted support to this Bill, and I am echoing the sentiments of the Members of my Group,—many of whom, I regret to see, are not here now (Laughter),—in saying that we regard this measure as of extreme national importance to India and as saving the lives of thousands of children and saving hundreds of thousands of children from great suffering. It has been said, Sir, on the floor of the House that the eyes of the world are on India in regard to this measure, and I am very proud to think that India through the action of this Assembly is likely to rise to the occasion and pass this great measure into law. Sir, the success of the measure will very largely depend on the whole-hearted support that is given to it by its well-wishers and the country at large in explaining to the people who are affected by the Bill the beneficial effects of its various clauses. Opposition and even indifference to it will largely nullify the good that we hope to achieve. Where there is a genuine desire to help the people to understand the lasting benefits of the measure, I am perfectly satisfied, the people of the country will bless the action of the Assembly in bringing it into law. We all hope that thereby will be created a happier India. It is a great feature, to my mind, that this Bill is passing through the Assembly without any amendment. Numerous amendments on all the clauses have been before the House, and it is most illuminating to find that very small support that has been accorded to any of them. Even the very last amendment, the very last ditch, was an effort made by my Honourable friend Mr. Kelkar and two or three others to postpone the date on which the Bill shall become law. My Honourable friend Sir Abdul Qaiyum referred to this matter. He seemed to be inclined to the view that the period might be extended. I, Sir, hold very strong views the other way because I see, in my humble opinion, the great dangers that any such postponement would have brought about.

In the first place it might be regarded by the opponents of this Bill as a weakening of our position. Secondly, had the measure been postponed until the 1st January 1931, it would have very possibly created a great many marriages that would otherwise not have happened below the age of fourteen at which age the Bill aims. It is well known that the cold weather is the period when most marriages are effected in India, and if we are to go through another cold weather, that is, the cold weather of 1930, there will be—as was said to me in Delhi when I voted for the postponement of the consideration of this Bill to the Simla Session, that I was responsible for creating—another one hundred thousand widows. If there is any truth in that statement, I say that, had we agreed to this amendment of my Honourable friend, Mr. Kelkar, we would have been responsible for creating possibly two hundred thousand widows.

In conclusion, Sir, I would like to pay my tribute to Rai Sahib Harbilas Sarda for his noble-hearted efforts and those of his many helpers in bringing this Bill before the House and carrying it to a successful issue. (Hear, hear.) The names of Rai Sahib Harbilas Sarda and his helpers, including many ladies, will go down to history as great reformers.

**Mr. N. C. Chunder** (Calcutta: Non-Muhammadan Urban): **Mr. President,** I have no desire to intervene in this debate with a view to criticise the critics of this Bill. I have no desire to waste the time of the



[Mr. N. C. Chunder.]

House in flogging a dead horse. But, if I want to take my share in the debate, it is because I want to remove a misapprehension and a misunderstanding which has been created all over the House, and that is, that Bengal is opposed to Rai Sahib Sarda's Bill. Nothing could be more false than that. (Hear, hear.) I challenge anybody to come and hold a meeting in the capital of Bengal, in the city of Calcutta, against this Bill. An attempt was made to hold a meeting; nobody knew that the meeting was going to be held as a public meeting or that the organisers of that meeting were going to publish it broadcast to the world at large that at a public meeting in Calcutta it was decided that Rai Sahib Harbilas Sarda's Bill ought to be thrown out or something of that kind. Somehow or other two hours before the meeting was held, information leaked out, and the meeting, which was summoned to condemn the Bill, unanimously passed a resolution in support of that Bill, and that happened only the other day. I read it in the paper which was received at Simla only yesterday.

Not only that, Sir, Mr. K. C. Neogy said that some doctors of Calcutta had given their evidence which went against the Bill. Well, Sir, a Medical Conference sat in December and at the All-India Medical Conference a certain resolution was passed by an overwhelming majority supporting the principles of Rai Sahib Harbilas Sarda's Bill. Mr. K. C. Neogy quoted some unknown medical journal—at any rate it was unknown to me till I found it in the report of his speech and presumably it was also unknown to Colonel Gidney a doctor in Calcutta—well, he quoted a medical journal where it was said that that meeting was not rightly held, there was some irregularity of procedure and things of that kind. But I hope, Sir, that Mr. K. C. Neogy will accept this statement of Acharya Praphulla Chandra Roy as to what happened at that meeting, and I shall read out to him what Acharya Roy said about the meeting. It can be found at pages 225 to 228 of Vol. VI—the Evidence before the Age of Consent Committee. He said :

"I attended the Doctors' Conference : Dr. Deshmukh presided and there were about three hundred to four hundred doctors present and there was discussion. One or two doctors said that the age of puberty should be the test for consummation. But almost all the other doctors were of the other opinion. Dr. Deshmukh said that simply because you have learned to write, do you think you will be able to write anything? Simply because puberty has been attained, do you think a girl is fit for consummation : that is not the case. Puberty does not show that a girl is fit for maternity. That Conference decided the age of consummation at sixteen."

So, Sir, whatever the editor of the Medical Review of Reviews might say, I doubt whether even Mr. K. C. Neogy will have the courage to say that Acharya Praphulla Chandra Roy's statement is not to be accepted and that the statement of an unknown editor of an unknown paper should carry any weight with this Assembly or any other body of reasonable men.

Then, Sir, I am asked about Babu Amar Nath Dutt. The less said about him the better. (Laughter.) He is not here and so I am not going to refer to anything that he said in this House : I am not going to reply to a word of what he said about myself personally, because I am not on my defence. But let me read out to you, Sir, and through you to the House what Babu Amar Nath Dutt said when he was giving evidence before the Age of Consent Committee at Delhi, on the 11th October, 1928.

His written statement appears on page 1. Question No. 11 that was put to him was as follows :

"During your experience, professional or otherwise, have you come across cases in which cohabitation before puberty or after puberty but before full physical development of a girl resulted in injury to her health or body or prejudicially affected her progeny, if any? Give details of age and injury sustained."

In answer to that question Mr. Amar Nath Dutt, B.A., B.L., M.L.A., Advocate, Calcutta High Court, on the 13th August wrote :

"The general weak health and various female disorders which is so common among the Bengali women is due to cohabitation before full physical development and there is hardly a Bengali home which is free from it. The instances are too numerous for a detailed description."

Then, Sir, in answer to question No. 20, this is what he said. Let me read question No. 20 first :

"Do you consider that penal legislation fixing a higher age of consent for marital cases is likely to be more effective than legislation fixing the minimum age of marriage? Which of the two alternatives would be in consonance with public opinion in your part of the country?"

This is what Babu Amar Nath Dutt, B.A., B.L., M.L.A., Advocate, said :

"No, there is really no public opinion in the matter. I would prefer the latter alternative, fixing the age of marriage."

Then, Sir, in answer to question No. 21, which ran as follows :

"Would you prefer to rely on the strengthening of the penal law to secure the object in view, or on the progress of social reform by means of education and social propaganda?"

Babu Amar Nath Dutt, B.A., B.L., M.L.A., Advocate said this :

"I prefer the latter, that is to say, education and social propaganda, but considering the indifference of the general public in the matter, the strengthening of the penal law is desirable."

There is more of it.

Our friend Mr. Satyendra Chandra Mitra, who unfortunately is not in his place here just now,—he came here in the morning, fell ill and went back,—put to Mr. Amar Nath Dutt this question in cross-examination :

"You are opposed to any legislation in social matters, but in reply to question No. 21 you say that the strengthening of the penal law is desirable."

This is what Mr. Amar Nath Dutt said in his reply :

"I am for prevention by some method. I would prefer penal laws in the circumstances."

Mr. S. C. Mitra asked him then :

"In one or two answers you state that you do not want any State legislation in social matters, and you state that you do not want it in any stage."

Mr. Amar Nath Dutt's answer was :

"Considering that we are bound to remain under this alien rule for some time due to a class of our countrymen, till they undergo a change, I think we must accept this evil of social legislation."

He talked in another strain here. Why he did so, I leave it to the House to imagine. It certainly was not because there was any change of public opinion in the meantime. Not a single well advertised meeting has ever been held, even in the small town of Burdwan where Mr. Amar Nath Dutt resides, where Rai Sahib Harbilas Sarda's Bill has been condemned.

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[Mr. N. C. Chunder.]

I challenge him to produce any telegram from any Member of the Legislative Council of Bengal, barring of course a few gentlemen in North Bengal like Babu Jogendra Chandra Chakrabutty and one or two others who are well known Members of the Brahman Sabha,—I challenge him to produce a single letter from any representative Bengalee in Burdwan showing me that he or she condemns this Bill. Sir, I represent here a city,—unfortunately only one section of the people of that city I represent, the Non-Muhammadans, but I represent here, Sir, the Non-Muhammadans of a city which is the biggest city in India, and there is not a single district in India whose people are not represented in that city. I received, Sir, only one telephonic communication from a gentleman of the name of Babu Manmohan Bhattacharjee, who was at one time tutor of Babu Brajendra Kishore Acharya Choudhury, informing me that he wanted to see me in connection with the Sarda Bill. I know, Sir, that he is one of the great leaders of the Brahman Sabha. I told him that if he thought he would be able to persuade me against it he was mistaken, because, Sir, I realise every day of my life the evils of early marriage and it was not possible for anybody, not even Pandit Madan Mohan Malaviya, for whom I have the highest respect, probably higher than I have for any living person in India, to persuade me to his view. Even Pandit Malaviya, I can assure you, will fail to convince me that the system of early marriage ought to be allowed to continue a day longer than it can be helped.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I had no desire to take part in the debate at this stage, because I have been sufficiently long in this House to realise the utter futility of anything that may be said on his particular occasion, I mean the Third Reading stage. Members have already made up their minds ; amendments have been debated upon, and it is a useless waste of time to engage in a lengthy debate on this particular occasion.

But, Sir, after hearing some of the Honourable Members who have preceded me, I have to join in this debate. I have no desire to assume to myself the oracular authority to speak on behalf of Bengal which my friend, Mr. Chunder, has done. It is a pity that his great interest in this measure did not induce him to be present at the earlier stages of this Bill. If he were present on the day that the first motion was under discussion, I mean the Second Reading, he would have followed what exactly was said by me. I never attempted to create any impression that entire Bengal was opposed to this measure. I do not pretend to know or to speak anything about places about which I am not competent to speak. What I did on that occasion was to seek to interpret, as truly as I could, the opinion in my constituency. And after all that has been said on previous occasions and on the present, I maintain that my withers are absolutely unwrung.

Sir, my Honourable friend Mr. Chunder has referred to meetings in Calcutta. He has particularly referred to a recent meeting in Calcutta. We have received conflicting reports about it. This at least is clear that the protagonists of the two opposing sections could not express their views in an absolutely non-violent manner. The police had to be called in, and I have also seen a rather philosophical defence of the use of force on such occasions attempted in a particular newspaper in Bengal.

My Honourable friend, Mr. Nirmal Chunder Chunder, has assumed that no representative Bengali has ever spoken or expressed his opinion otherwise against this Bill. I am going to draw his attention to the opinion of a body with which he is more familiar than I am, a body to whose opinion I think he would attach some importance. I am referring to the opinion of the Bar Library Club of the Calcutta High Court. It is a body sacred to the Barristers ; it is a body which is worthily represented in this House by two Members, the Honourable the Law Member and my Honourable friend Mr. Kabeer-ud-Din Ahmed. (Laughter.)

**Mr. N. C. Chunder** : There is Mr. Stewart-Smith. Why do you omit him ?

**Mr. K. C. Neogy** : I am sorry I did not know that there was a third. Expressing their opinion on the original Bill, this is what the Bar Library Club stated :

“ The Bar has carefully considered..... ”

Mind you, it is the English Bar, or at least what is called in Calcutta the English Bar, consisting of Europeans and Indians,—Indians, all of whom had been to England and some of whom hold very cosmopolitan ideas about marriage.

(*An Honourable Member* : “ It is about the original Bill.”) Yes, I will ask my Honourable friends to be a little patient. It is for them to say how much of it applies to any Bill which seeks to effect social legislation.

“ The Bar has carefully considered them and I am now directed to forward the opinion thereof as follows. While fully conscious of the evils which the present Bill aims at and appreciating the object with which it has been introduced, the Bar is of opinion that legislation should not be undertaken as it is sure to raise a storm of protest throughout the land as interference with the religious tenets and deep-rooted sentiments of the vast majority of the orthodox Hindu population.”

It does not at all take away from the importance of this statement.....

**Mr. K. Ahmed** : What is the date ?

**Mr. K. C. Neogy** : The date is December, 1927. The Honourable the Law Member was the President of this Bar at that time.

**Mr. N. C. Chunder** : Mr. S. K. Sen gave evidence, do you know ?

**Sir Darcy Lindsay** : Is it the Bar or the Club ?

**Mr. K. C. Neogy** : It is the Bar Library Club. My Honourable friend will pardon me. He does not know the organisation of the Calcutta Bar and I do not think even my Honourable friend Mr. Nirmal Chunder Chunder will contest the proposition that the Bar Association, which is confined to the members of the English Bar in Calcutta, is known as the Bar Library Club and it is in that name that they are consulted by the Government and it is in that name that they give their opinions to Government on all important measures. I will not encroach upon the constituency which is represented by my Honourable friend Mr. Nirmal Chunder Chunder beyond mentioning this particular fact. I would only refer to what a prominent member of the Calcutta Bar stated. I do not know whether my Honourable friend Mr. Nirmal Chunder Chunder would consider him to be a representative Bengali ; he holds a high judicial position ; I mean Mr. Justice P. R. Das, between whom and orthodox Hinduism there is absolutely nothing in common. This is what he stated,  
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not upon the original Bill, but upon the Bill as it at present stands, and as it is going to be enacted into law. He said :

"I am wholly opposed to the Bill. It is my deliberate conviction that social legislation may serve as eye-wash ; but it has no effect whatever on the people. If the legislation be in advance of the social and moral consciousness of the people, then it will be disobeyed in practice, without any one being the wiser for it. If it be the other way, then legislation is not needed."

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I take it you are not personally against it.

**Mr. K. C. Neogy** : I will tell my Honourable friend what my exact position is and he need not be so impatient. I will now come to my own constituency. I take it that one is entitled to speak on behalf of one's constituency in this House and that one's authority will not be challenged unless any Honourable Member can show that what one has stated the facts to be are absolutely incorrect upon definitely ascertained evidence. Now, Sir, when I spoke on the first occasion, some of my Honourable friends were disposed to question the genuineness of the letters that I had received in response to my appeal to my constituency to let me know what they thought about the matter. My Honourable friend Mr. K. C. Roy wanted to see the correspondence.

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : I did not want to see the correspondence.

**Mr. K. C. Neogy** : But you wanted to know who wrote those letters. I would have been very glad to send the whole mass of the letters that I had received to my Honourable friend. If I was sure that he knew the vernacular of his ancestors sufficiently well for the purpose of understanding the correspondence. But, Sir, I would leave it there. I would refer to another test, and here I am going to refer to certain bodies, whose opinions I take it are entitled to some amount of respect in this House, and whose opinions particularly members of the legal profession would not make light of. There are seventeen district and sub-divisional Bar Associations in my constituency. Mind you, the Bar Associations are the places where anybody who wants to hold a conference or a congress would first go to for the purpose of interesting people in any good cause. They are the centres of all kinds of beneficent public activities and serve as barometers of public opinion. There are, as I have said, seventeen district and sub-divisional Bar Associations in my constituency. Of these 16 have so far expressed their opinions on this Bill. Of this number, 11 are opposed to the very idea of legislation in this matter ; 3 are equally opposed, but are prepared to accept 12 as the minimum marriageable age for girls if legislation be inevitable ; 2 have not specifically protested but say they are prepared to accept 12 as the age for girls. Apart from these Bar Associations there are several influential bodies known as the Mukhtears' Associations representing a great body of legal practitioners in the mofussil. Nine Associations of Mukhtears in my constituency, very important bodies, have expressed their views. (*An Honourable Member* : "What about indigenous Kavirajes ?") Out of these, 7 are entirely opposed to this measure, one is prepared to agree to 12 as the age for girls if legislation is inevitable, protesting all the same against this measure, and one says that the age of 12 can be agreed to for girls. Here are the original papers and I should be pleased to place them at the disposal

of any Honourable Member who wants to scrutinise them and satisfy himself as to the genuineness of these messages.

**Mr. K. Ahmed** : Personally you are not opposing the Bill, are you ?

**Mr. K. C. Neogy** : My Honourable friend, Mr. Gaya Prasad Singh, referred to the medical opinion in Bengal. What he was reading from was a publication about half a century old. I myself had a copy of it, but I have thought it safer to rely upon more modern medical opinion. He was also referring to certain opinions given expression to at the Empire Social Hygienic Conference. If my Honourable friend would do me the honour of reading out the entire extract from the *Pioneer*, which I am sure he had in his mind, he would have seen that those very experts whom he has quoted confess that the questions about puberty are baffling, that the facts and circumstances relating to one country cannot be applied to another, and that climate and various other factors have a good deal of influence on questions affecting puberty, marriage and motherhood.

Coming now to the Bengal medical opinion. My Honourable friend Mr. Chunder has contemptuously referred to a medical journal as being absolutely obscure. I am not a medical man myself and I do not think it incumbent upon me to take up the cudgels on behalf of any medical journal, but here is a statement which has been published in the papers, and which I understand has been signed by over 60 medical men in Calcutta, and two of the signatories, I dare say, would not be regarded by my friend Mr. Chunder as obscure. One is Dr. J. N. Maitra, Chairman of the Health Committee of the Calcutta Corporation who was also the Secretary of the All-India Medical Conference in 1928. The other is Dr. Bamandas Mukherjee, Examiner in Midwifery and Gynaecology to the Calcutta University and Visiting Surgeon to the Chitta Ranjan Seva Sadan, which is a very well-known women's hospital. I am not going to go through the whole of this statement, but the view which they put forward is certainly worthy of some amount of consideration at the hands of this House. I am really sorry to see my friend Mr. Chunder seeking to ridicule the medical opinion which is opposed to this measure. This section of medical opinion does not favour child marriage. What they say is that we should ascertain facts on which a scientific inquiry can proceed, we have not got those facts ; no scientific inquiry has yet been made ; for Heaven's sake stay your hands ; let us have an expert inquiry in preference to an inquiry of the type that we have had in the Age of Consent Committee. This is the main purport of this opinion. They refer to other factors also. It may be that the doctors differ in this particular case.

**Lieut.-Colonel H. A. J. Gidney** (Nominated : Anglo-Indians) : They are only 60 out of 6,000.

**Mr. K. C. Neogy** : Are you authorised to speak on behalf of the rest ? My Honourable friend, Sir Darcy Lindsay, expressed his gratification that no amendment to this Bill had been accepted. Sir, my Honourable friend is not in touch with the mofussil of the country. If he were, he would have been the first man to say that some of the amendments that were tabled were of a very essential character and the non-acceptance of them would make the task of those who would be called upon to administer this measure very, very difficult. It is all very well that the protagonists of this measure have a very large majority in this House and this

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measure is going to be passed into law in a few days. But is it necessary for them also to assert that the whole country is behind them? Would it not be right on their part to be a little more charitable to those who differ from them on this particular occasion? I appeal to them to be more tolerant when the deepest sentiments of the people are involved in a delicate matter of this kind. There is a good deal of room for honest differences of opinion, and this will be apparent from some of the opinions, which I have already read out. They are from men who would not ordinarily support orthodoxy in this country. I would mention to you one more view, and that is the opinion of the organ of the Adi Brahma Samaj of Calcutta which was established by Raja Ram Mohun Roy. An editorial comment which appeared in this paper has been sent to me with a personal letter from the Editor. I may tell this House that the joint Editors of this paper are well-known members of the Brahma community in Calcutta. One is Dr. B. L. Chaudhury and the other is K. N. Tagore. In an editorial note, this journal says that it is opposed to the idea of social reform by legislation. So I say it ought to satisfy the supporters of this measure that they are passing this measure into law. Is it necessary for them to suppress, to ridicule the opinion that may be held in opposition to them? Sir, as I said on the last occasion I have my sympathy certainly with the underlying object of this measure; but the issue before me is this—Am I entitled to impose my opinion on an unwilling people by legislative coercion with the help of the vote which I exercise in their name in this House?

**Mr. R. S. Sarma** (Bengal : Nominated Non-Official) : Mr. President, I have been unfortunately forestalled by my friend, the Honourable Mr. Chunder, who cleared a misapprehension which I myself wanted to remove. The speeches of my Honourable friends, Mr. M. K. Acharya and Mr. Sessa Ayyangar, on the one hand and the speeches of Mr. Ghuznavi and Mr. Amar Nath Dutt on the other, have unfortunately created the impression in this House that the strongest opposition to this progressive legislation has emanated from the provinces of Madras and Bengal. Madras is the province of my birth, and Bengal the province of my adoption, and though I shall not be rash enough to incur the displeasure of my friend, Mr. Neogy, by claiming to speak on behalf of Bengal as Mr. Neogy did.....

**Mr. K. C. Neogy** : I never did that. A nominated Member has probably greater authority to speak in the name of Bengal than anybody else.

**Mr. R. S. Sarma** : I say that I do not want to incur Mr. Neogy's displeasure, because I found him questioning the representative character of Mr. Chunder who represents Calcutta in this Assembly.

**Mr. K. C. Neogy** : I never did that.

**Mr. R. S. Sarma** : You did.

**Mr. K. C. Neogy** : Never.

**Mr. R. S. Sarma** : However that may be, I have been sufficiently in touch with the trend of public opinion in Bengal and Madras to be able to understand exactly the views and opinions of the majority of the people in those two provinces. Public opinion in a matter of this character and in all important matters is ascertained by two well-defined

means, the Press and the platform. (Hear, hear.) As regards the Press, the entire Press of Madras and Bengal.....

**Mr. K. C. Neogy** : No, no, not in Bengal.

**Mr. R. S. Sarma** : Except for a small weekly paper which my friends flourished before the House!

**Mr. K. C. Neogy** : There are scores of papers in the mofussil which the Honourable Member is not in a position to understand because he does not know the vernacular.

**Mr. R. S. Sarma** : I am only concerned with papers of importance known to every Member of the House; I cannot take into account every small paper in the mofussil. With regard to Madras, there is no other organ of public opinion which can claim to speak with greater authority or can claim to be a better spokesman of the views and wishes of Southern India than the *Hindu* of Madras. (*An Honourable Member* : "Question.") The lead that that paper has given to this measure and the ample support given by the editor of that paper, who is also a distinguished Member of this House, is I think the last word on the subject as to what may be taken to be the views of Southern India on this important question. (*An Honourable Member* : "Certainly not.") Dogmatic assertion is no argument, Sir. Then, with regard to Bengal, there has not been a single question for the last 20 years in which papers like the *Statesman* and the *Liberty*, having such divergent views on all other questions, are unanimously agreed as on this particular question, viz., the necessity of legislation of this character. I believe the *Liberty* is a paper to which my friend, Mr. Amar Nath Dutt and occasionally my friend, Mr. Neogy, owe allegiance.

**Mr. K. C. Neogy** : What? Nothing of the kind.

**Mr. R. S. Sarma** : With regard to public opinion, my friend, Mr. Chunder has told you just now as to what Hindu Bengal thinks about this measure. With regard to what Muhammadan Bengal thinks, I will just read only one sentence from a leader of Muhammadan public opinion who has written to the *Statesman* what Moslem Bengal think of the attitude which Mr. Ghuznavi, representative of Bengal Muslims, has taken in this connection. He says :

"Whatever the *Fatwawallas* may say, Islam does not and cannot sanction the diabolical practice of child marriage. Mr. Ghuznavi's having changed into a true Muslim is a vote-catching move, and it is hoped that nobody will mistake it for the enlightened opinion of Muslim Bengal."

I am very sorry to quote this, and to refer to this in the absence of Mr. Ghuznavi, but the House knows that he is absent by his own voluntary act. (*An Honourable Member* : "He is on hunger strike.") Of course, clever as they are, Mr. Ghuznavi and Mr. Amar Nath Dutt have combined business and pleasure with patriotism, and by a dramatic show of walk out, have kept the afternoon free to attend the football match. No patriotic Bengali can afford to be away, Sir, when Mohan Bagan are playing. (*An Honourable Member* : "Mr. Amar Nath Dutt is here.") With regard to general public opinion in Bengal two meetings held in Bengal, one in the Albert Hall in Calcutta, and the other last week in Dacca, give the lie direct to the libellous insinuation that the people of Bengal are against this progressive legislation being put upon the Statute-book; and I think, Sir, Bengal would be judged in this House more by the part played by the two illustrious Members on the Treasury Benches, Sir Bhupendra Nath Mitra and Sir Brojendra Mitter and by the attitude taken by the two non-official Bengalis, Mr. K. C. Roy and Mr. N. C. Chunder. One word more and I

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shall finish. The Deputy President, in his speech last week, warned this House of the evil consequences of this measure, and he went on to say that this particular legislation would land Government in a catastrophe and that the historian of the future would have something drastic to say about the Viceroy who put his seal of approval to this measure. I think, Sir, it is going to be the other way about. When in consequence of this great progressive legislation, the social disgrace and evil of child-marriage and child-widows in this country has been eradicated root and branch from the soil, and when India, thus made strong and virile, takes her place among the free nations comprising the British Commonwealth, when we will have in effect self-government and Dominion Status, as a result of the improvement in the moral and physique of the manhood and womanhood of the race as a result of this legislation, I think, Sir, that not only the name of His Excellency the Viceroy who put his seal of approval on this measure will be remembered by millions of men and women who may have benefited by this legislation, but generations of my grateful countrymen will cherish with loving gratitude the name of a Home Member who shewed great courage and vision in initiating a bold and vigorous policy ensuring that no longer shall the dearest children of the soil of India be crucified on the matrimonial cross.

**Maulvi Muhammad Yakub :** The Government will also be remembered for nominating you to this Assembly ?

**Several Members :** The question may now be put.

**Mr. M. K. Acharya :** Sir, to lament their lot is a privilege that is always cheerfully accorded by the victors in every fight to the vanquished ; and that is the only privilege that I today, looking ahead as carefully as I can to the woes that are ahead of us, seek at your hands. I admit, Sir, that we have been defeated on the floor of the House not by the superiority of argument but by the superiority of numbers (Hear, hear),—not by the logic that has been brought to bear upon the subject but by the very lack of logic, by the very fact that scientific data, on which our conclusions should be based, have been ignored. The logic, Sir, that has won today is the logic of the Government bloc, the logic that is winning today is the logic of the European Group. We bow to the logic of numbers ; but, Sir, may we not be spared the humiliation, in this land of sages where there have always been noble souls who said :

“ They are slaves who dare not be,  
In the right with two or three.”

may we not be spared the humiliation of being told by the many that have erred, that the error of the many is going to be the law for all time to come ?

**Mr. K. Ahmed :** Follow the majority.

**Mr. M. K. Acharya :** No, Sir. It is humiliating to be told that this is the last word on this subject. We have been told that from Bengal, from the United Provinces, from the whole of Madras, opinions have come which are entirely in favour of this legislation. Sir, it is not self-respectful to any Member of this House to indulge in such hyperbole. It might be very well for some newspaper scribblers to say that this or that is the last word on any subject ; but, Sir, responsible people ought to be careful in making such statements. I just got a telegram from some place in the Cuddappah or Kurnool district, I suppose, which was put into my hand just when Rai Sahib Harbilas Sarda was talking. Does that telegram, Sir, congratulate the Home Member, does it congratulate Government ?

“ Government morality and honour at stake ”—that is what this telegram says, and from every corner (*An Honourable Member :* “ Is the telegram from a man or woman ? ”) the same story comes. Sir, what a childish question. I should ask my talented friend, Mr. Jayakar, to study the principle of what is called the law of the bipolarity of sexes carefully.

I should ask him to learn that :

“ For Woman's Cause is man's ; they rise or fall  
Together, dwarfed or godlike, bond or free.”

It is childish to talk of man's tyranny over woman, or woman's tyranny over man. Such talk is unworthy of any cultured society. My own impression is that very often it is woman who tyrannises over man, and not man who tyrannises over woman. (Laughter.) Mr. Jayakar probably himself has experienced it at some time. Sir, the Bill is going, I know, to be passed ; I know that it will be as easy to bid the Himalayas move away further north as to ask this House not to vote for this Bill : and so I bow to the inevitable. Let Rai Sahib Harbilas Sarda congratulate himself ; by all means I shall congratulate him too—not on his sound arguments but on his strong numbers. Let him remember that the Bill that is being passed today is very different from the Bill which he originally drafted. His original Bill was a veritable lamb compared to the tiger that is now being sprung upon the country. Let the honour or dishonour be divided between the Honourable Rai Sahib and the Honourable Sir James Crerar ; for, but for the solid bloc of the Government's forty or fifty votes, and but for the solid bloc of the European Group comprising ten votes, this Bill would not have so much as progressed to the stage of being taken into consideration. Let us not therefore talk in an impractical manner. Opinions in favour of the Bill may have come from here and there. Opinions will come when the Government want them. They will come in abundance when a mighty Government on which the sun never sets wants them. Sir, opinions can be got by thousands without any difficulty. But if you are honest, you must admit that Sir Sivaswamy Aiyar and Diwan Bahadur T. Rangachariar, though very great and good citizens of Madras, are not religious heads. They are no more competent to speak on religious matters than I am competent to speak about what is happening in Iceland. Therefore let us not allow our prejudices to override the truth. I am prepared to admit that, among the English educated people of India, 90 per cent. are perhaps in favour of the Bill ; and I put the blame at the door of the Government which has enslaved our intellects. We, the English educated Indians, merely cram second-hand knowledge which is thrust down our throats ; and we repeat parrot-like what others say. We have lost all independent inquiry, original thinking, original philosophy and original thought, which could stir the whole world. Some of my friends have been talking cheaply of education for girls. Are they not satisfied with the education that we men have had and which has made machines and slaves of us ? I do not know where my friend the Revd. J. C. Chatterjee has had his education ; I do not know if he has any educational ideals. I believe in his education ; I do not know if he has any educational ideals. I believe in that education which gives us the nerve to fight, and the heart to aspire to the highest ideals, which gives us that higher culture by means of which even in a minority of one man will dare to fight against overwhelming odds. This Government, by imparting its present education to us, has enslaved our mentality ; and you want to give this dirty education to my sisters and daughters. Sir, I will not give them this dirty and stupid education. (*Voices :* “ Question.”) I will not give them this beastly education. Sir, even in England great scientists, great educationists, have

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raised huge protests against the education that is being given in England. They say that education in England is most mechanical ; that it is responsible for a lot of economic and moral evils all over England. The same is the case in America. And these gentlemen here still talk about giving the present machine-making English education to our girls.

**The Revd. J. C. Chatterjee :** What education did you receive ?

**Mr. M. K. Acharya :** I also received the same machine-making education of which I am ashamed, honestly ashamed ; but, in spite of that education, because I still happen to have one little drop of my ancient sires' blood which says that one should even die for truth, so I am speaking against the Bill.

I am ready, Sir, to admit that we have been defeated. We have been condemned without a fair trial. We wanted calm consideration. But the great Leader of the Congress Party, who is going to be the Premier of the Commonwealth of India after the 31st December, said that this question was the silliest possible question to be talked about, and we should not bother ourselves about it ! Another mighty scion of the law declared : " We are the highest tribunal and we should deliver judgment without looking into any evidence." He would not condemn the worst criminal, he would not have the most unreasonable hunger-striker tried in his absence, but he is prepared to convict thousands and thousands of his countrymen who have been following an excellent ancient custom without looking into the evidence against them ; and the House agreed to his dictum ! (To Mr. M. R. Jayakar.) Yes, you will not allow one single to convict thousands and thousands of people as being guilty of the most damnable tyranny and wickedness against the whole womankind of India without having full evidence before you. Some of us, Sir, were not satisfied with the inquiry and Report of the Age of Consent Committee. The House has agreed to it. But the Honourable the Home Member, in the name of his mighty Government, spoke of the Committee as an ideal Committee and of their Report as an ideal report, and then the majority in the House, like the Roman citizens of Shakespeare, cried, " We will be satisfied ; let us be satisfied " ! When the Government, instead of holding the scales impartially, decided to throw their whole strength on one side, what could we do ? I had received protests from every part of the country, from all Hindu religious heads of any importance. Government had received them too ; but Government chose to ignore them completely. Against such obstinate opposition we felt : " Ours not to reason why ! ours but to do and die " ! Yes, Sir, we are ready to die before the tyranny of the majority, but our cause will not die. Truth does not die ; conscience does not die, and the spirit of India will never, never be killed.

Sir, I was bombarded by some of Mr. Sarda's heroes and heroines at the doorway, and in my room ; and though by Dr. Hyder I was told that I had no eyes to see what he saw, no ears to hear what he heard and no heart to feel what he felt, I too felt the persuasive logic of their lips and eyes. But I knew that they were in the wrong and I was in the right, and that is the reason why I did not agree to their request to support the Bill. Now, I will make bold to say that ours is the highest ideal of marriage on earth, and I wish the whole of Europe and the whole of America would

copy it. Our marriage system seeks that a girl of 11 or 12 and a boy of 17 or 18, should be brought together in a healthy environment in which they may be helped to grow together in age and in love till their hearts are twined into one indivisible whole, and remain so till death itself parts them only here on earth, not in heaven above. That is our ideal ; I claim it is the highest ideal of marriage. It has been followed in India in spite of all apparent drawbacks. That ideal you are penalising today. That ideal you are killing, trampling under foot today. It does not matter to me whether there are going to be 3,000 widows or 3,00,000 widows when this sacred ideal is going to be trampled under foot. You may perhaps prevent three lakhs of child-widows by this legislation ; but you will also, by this legislation, give room within the next ten years, to three million unmarried women wandering about the streets, who will be either the victims of abductions and seductions or aggressive parties thereof. I am glad that the Leader of the Congress Party and the Deputy Leader of the Nationalist Party have both admitted that cases will arise when, in the interests of the girl herself, we shall have to relax this age limit of 14. Cases of sexual misbehaviour of girls and boys are sure to arise ; because as love laughs at locksmiths, so does lust laugh at legislators.

Now I will put this question to the European Members of this House. Have you studied the vital statistics of England ? What is the present morality of European society, of English society ? I will give some facts and figures. The numbers of illegitimate children, of those who are openly labelled as illegitimate, were as follows :

|      |         |        |
|------|---------|--------|
| 1922 | .. .. . | 34,138 |
| 1923 | .. .. . | 35,000 |

and so on for every succeeding year, out of a total of some 700,000 to 600,000 births. That is to say, one child out of every 23 or 24 born is openly labelled as illegitimate. That is the morality of England. What steps have you taken to prevent this state of affairs in your own country ? Sir, virgin widowhood is no danger to society as compared to what these huge armies of " unmarried " women are perpetrating. The scientists of England and America deplore the growing degradation. It has come to England and America that women want sexual intercourse without marriage ; this in the West that women want marriage without maternity. Such a calamity has never at best they want marriage without maternity. Such a calamity has never happened in India ; but by passing this legislation you are paving the way for it. What is happening in the " civilised " countries of the West will also happen in India, through these " civilising " legislation of yours. You cannot kill nature, which is the same everywhere. You cannot destroy human nature ; you cannot prevent sex instinct. Penalising sex-craving has never worked in any country of the world, and it will never work. Therefore, you are only undermining the old moral foundations of Indian society.

It is not that I do not want reform. I want sane reform. I want strong Indians, and more than physically strong Indians ; I want Indians who are morally, and spiritually, not only intellectually even, the greatest in the world. I do not care for physical strength alone. I want it by all means, but only as a complement to high thought and noble culture. I want highly cultured Indians in large numbers. Are they going to be produced by this Bill, when the whole of our society is going to be corrupted by this evil legislation ? Do you think you can evolve a highly cultured race out of this Bill ? Look at the degradation rampant in America and



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France. Are we going to get through this Bill anything like the race of which we can well feel proud? Here is a great trust of the noblest human culture handed to us; but we are trampling it under foot. This House is destroying that culture, and I only hope that posterity will not hold us all equally responsible for it. I hope they will excuse us. This House has declared that they would penalise the highest ideal of marriage. They would put their heel upon that ideal. They would not allow any father to say, "My daughter will be married when she is 12 or 13 to a boy who is 16 or 17; and if need be I take full responsibility for seeing that there is no consummation before she attains 15 years of age." Well, Sir, this ideal the House would not allow to be followed. The ideal that the House has before it is only one of carnal pleasure. The House knows only the carnal side of marriage, not its higher, spiritual side. The House would allow a girl only after a particular age to be married to a boy after a particular age? But can any legislation say that a woman shall become a mother at any particular age. This is the insane legislation which is sought to be imposed upon the country. My friends talk cheaply of female education. But what is their ideal? Here is a book written by Dr. Mayrick Booth, one of the latest writers upon sex problems; and there are suggestions in it as to the kind of education which should be given to girls so as to qualify them for their great sex duty, for their great biological duty, for their duty to society. What is that duty? A girl's most sacred duty is to become wife and mother. The proper work of a woman is maternity. That is the great duty of a woman. The best scientific opinions of both Europe and America agree in the view that the education of a girl should be such as to qualify her for motherhood, for the great duty of motherhood. That is the true ideal of female education. The learned author of that book bemoans that the present education in England is not conducive to it; he bemoans that there are hundreds and thousands of unmarried girls who go into offices and sell their labour cheap in competition with the boys, and force the boys to be thrown out of work, and to remain bachelors. He bemoans the unmarried state of these girls. The result, as he says, is this vicious circle of young men without work and young women without marriage. This is going on from day to day. The result is that the whole Anglo-Saxon society is in a chaos. He tells us what is happening there. He gives innumerable statistics to show that maternity is going down in England. Maternity is going down in America among the sport-loving adolescent women. Everywhere in Europe it is going down. Even 10 per cent. of adolescent women in the West are not fit for maternity; they do not bear children; all this on account of the pernicious ideals that are now prevalent all over Europe. He comes to the conclusion that, unless great endeavour is made to inculcate saner, more scientifically sound ideals of sex-relations, the Anglo-Saxon race will soon come to an end. I will commend the following pitiful remark to the notice particularly of Mr. Price and Sir Darcy Lindsay:

"What is happening to the domestic life of the Anglo-Saxon race? It is the same tale wherever the English tongue is spoken: more hotels, fewer homes, more divorces, fewer children."

That is what is going to happen to the English educated people of India also. Among us also will be more hotels, fewer homes, more divorces and more loose sexual connections, more unholy sexual alliances and unions, and lesser and fewer children. That is what we are paving the

way for by enacting this measure. We are the guilty persons who are parties to such a crime. The false, unwholesome ideal of my friends seems to be that a girl should be old enough and free enough to say whether she will marry, and if so, when and whom she will marry. This is utterly unscientific, unbiological. In Europe, this false ideal, which was based on the superficial utilitarianism of the Victorian period is resulting in the gradual extinction of femininity. And in Europe and America thoughtful writers of both sexes have begun to declare that a girl has no right to say that she will marry only when she likes and whom she likes, and as she likes. That is not in conformity with the higher organic view of society, with the real basic principle of society, which says that a girl should become a mother of the race. The race demands that every girl should become a mother. That is the highest principle of sociology, that is the highest principle of inter-sex moral law, that is the highest principle on which is based the foundation of all civilised human society. Every woman, every man, is an organic limb of the race. No man, no woman has a right to live for himself or for herself. This is the organic theory of society, based on what is called the philosophy of the unity of all life. This is the teleological view of human society that all are parts of one organic whole, each having a function of his or her own, all functions tending towards the growth and consummation of the whole. According to this view of life and society, every boy and girl, as far as possible, should become married, for the perpetuation of the race. This is what the latest western scientists say. But in India, in modern India, we hear the diabolical philosophy that a girl must be old and mature enough to make her decision after examination and trials as to who would best suit her as a husband; that she must be free to say when, how and whom she will take as her husband. This same wicked creed has produced most baneful results in America. The same pernicious results are happening in Europe, and unfortunately both these Continents are getting into a state of terrible degradation. The thoughtful writers of England, of Austria, of Germany, all have begun to deplore the present conditions of society there. Yet we "educated" people in India have become the intellectual dustbins of Europe and America, and want to pick up the crumbs and the refuse that are thrown out by the West.

Mr. K. Ahmed: Then, why do you ask for Home Rule?

Mr. M. K. Acharya: Life is more serious than can be wasted upon the Honourable Member—Sir, I am sorry to have to speak about this measure. I do certainly want legislation, but legislation on sane lines. I want reform on sane lines; that is why I say that we must not allow consummation before 15 years of age. But we must allow, if possible we must help and give facilities for a girl of 11 or 12 or 13 to enter into the sacrament of matrimony with a boy of 17 or 18. That is the high ideal of Hindu culture, but we are penalising that today. I am not going to waste the time of the House now at this late stage by reading out the innumerable telegrams that I have received against the Bill. How many telegrams have I got? How many telegrams has the Honourable the Home Member got? He must know it. He has got innumerable telegrams from respectable leaders of religion all over India. He has got telegrams from every man who has at least half a dozen as his following. The Honourable Member himself admitted on the floor of this House, how many telegrams, how many representations, and how many memorials were received for and against this measure. Let us not therefore, in a fit of



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frenzy, magnify either the one side or the other. I have come to this conclusion after great deliberation, that the bulk of the English educated people are not independent thinkers; unfortunately they are only second-rate parrot-like repetitioners of what is being loosely said in other countries. They want legislation, not on rational lines, nor on lines suited to the genius of the Indian nation. But the bulk of the country is going to decide the fate of every Member who is voting in favour of this measure. The bulk of the country will decide as to who should be returned to the next Assembly. The bulk of the country will follow their long-recognised leaders, whether Hindu or Muhammadan. A large proportion of them will not admit the false ideal that every girl has the right to say that she will marry when she likes, whom she likes. The large bulk of the people in this country would not like their girls to defy parental authority and home discipline. The bulk of the people in this land are still fortunately wedded to the old ideal that their girls shall not fall into degradation, that a girl when she is 16 or 17, when sex passions are dominant in her, is not the fittest and best person to choose her partner in life, and qualify herself for motherhood. She is not the fittest to say whether she will marry, whom she will marry and when she will marry. Our ideal has been of discipline, of control, of subordinating youthful whims to the experience of elderly people. Every girl must take the advice of her parents. Every boy and girl must obey the wishes of his or her parents. Every such discipline has been prevailing in India that we have been spared the degrading spectacle found in the West. America is now on the stepping stone of ruin and peril. In England great thinkers are despairing as to what is going to happen to Anglo-Saxon society if the present conditions were to continue any longer. In India we have come to the same stage. We with our high ideals and noble culture have withstood the onslaughts of countless invading creeds, and God willing we shall stand the onslaughts inroad into our ideals by the enactment of this measure. I have no doubt that sooner, much sooner than most of us think of, this legislation will be amended so as to be made more sane and more fitting with the highest national ideals and the culture of India. For :

“ The One remains, the many change and pass,  
Heaven's light for ever shines, earth's shadows fly.”

Amidst all the numerous changes that are being wrought in our midst, the one eternal culture of India, the one eternal supremely universal religion of India which has linked the Siva and Sakti together—the Apollonian and the Dionysian as western scientists would call the two aspects today—that supreme religion which has linked Sri and Narayana into the One Holiest Existence—the religion that has welded indivisibly the father and the mother, the wife and the husband for all time, through all earthly births and deaths—the Culture of that indissoluble Unity which is the stepping stone to the higher Unity that pervades all this Universe—that will remain, and this legislation is bound to pass away.

**Pandit Nilakantha Das :** Sir, I had no mind to take part in this debate, but I must make it clear at the outset that I was very vehemently in support of the principle of this Bill and so I am now. My constituency is also generally in favour of the principle of the Bill and one of the reasons is that my constituency particularly is not much affected by this Bill. Except Brahmins and two or three small castes, no other caste marries early, and even when there is early marriage, there is no consummation

before the girl attains her 14th or 15th year. But when I found that the Bill was proceeded with from stage to stage I was considering whether I should subscribe to the scope of the Bill without thinking twice. It was said by the author of the Bill, when he first introduced it in this House, that his main object was to eradicate the evils of child widowhood and early or pre-puberty marriage or consummation. These two things are really social evils. Anything else that is aimed at in this Bill is not exactly against any particular social evil but with a view to enforcing something which we may call social reform among the people, a substantial section of which I now find is unwilling to accept it.

But I must say that I am not like many of my friends on this side of the House against social legislation. Shastras have been quoted on both sides, but as I have stated, my humble study of the Shastras tells me that they appear contending to the uninitiated. When we speak of Hindu religion, I say it is a misnomer. I never believe that there is anything like Hindu religion. By religion we understand a preached religion, which has got a book which is revealed, and practically it is the word of one man who preached that religion. Hindu religion therefore is a misnomer. I believe in Hindu culture. It is a culture where all stages of the development of the human soul are comprehended. Even the pantheistic teachings of the Vedanta are as much Hinduism as the worship of stocks and stones by the savage. So this culture you may find in our Shastras and you cannot find any hard and fast rules for all time to come and for all climes and all people. It is an interpretation according to *adhi-kara* as it is called, the capacity of the man interpreting that will give you the true interpretation of the Shastras; and in fact I find that there has been legislation from time to time and marriage has been regulated. It was I believe about the 12th century that, for some reasons, our *Smritikaras* forbade post-puberty marriage. I do not know whether those conditions have so vanished today that we can go even two or three years after puberty in marrying our girls.

I did not understand my friends congratulating the Honourable the Home Member for his support and some of them characterising that support as the advent of a national government. I do not know that on any national measure, on any measure which we consider national, Government was ever so very enthusiastic, and I cannot understand, even on the present occasion, what can be at the back of all this enthusiasm. In this Bill we actually go forward to a measure of social reform, and we look forward to a time, as some of my friends have said, when girls will choose their own husbands and boys will choose their own wives. But so long as that stage does not come by education of our villagers or by any other means planned by our national Government, I do not understand how we can raise the age two or three years beyond the age of puberty and still make the parents and the families responsible for the marriage of young men and young girls. I do not know what is the actual age of puberty in Northern India, in the Punjab or in up-country. But I know that in the torrid heat of the south as well as in temperate and delicate Bengal, twelve is the age of puberty.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

I can understand that in towns and cities from where most of my Honourable friends come to this House and where there are educational institutions and other things, a father can give his daughter in marriage

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after 14, but I do not understand how in the villages where there is no education, the father or the family can be responsible for the girl after she attains the age of puberty. Of course the time may come when measures of social reform may advance to that extent and we may look upon that age, or even after that, as the marriageable age, but at present I do not understand how we can make the parents responsible, and not only responsible, but make it a criminal offence and send them to jail for marrying their children before 14.

Do you not understand the life in the villages? Do you not realise how there will be many cases where rightly or wrongly the father will be compelled to give his daughter in marriage at once? I do not know—the main idea of the 12th century as I understand it was that the marriageable age should be so fixed and the marriage so performed before the girl had any sex impulse. Now, you are making it two or three years after she gets the sex impulse; and I am sure human nature is human nature, and you know the conditions in the villages; there is no education, nothing of the kind; and sex impulse always goes hand in hand with sex experience in some cases at least in this land as it is so common in the West, and this will result in many cases in marriage after sex experience. Do you not feel that, in such cases, the fathers will be compelled to marry their daughters? In cities conditions of society may be different, but in villages, generally people will not risk this, whereby families and not girls alone may be ruined. The result will be that there will be the strictest of purdah in your villages after this Bill is passed into law and after it is promulgated. I know in my society, Karans who are just below the Brahmins, marry their girls after puberty, and I know, at the same time, that their purdah system in Orissa is the strictest of all. You must either have purdah under the present conditions in villages, or you must marry just when a girl is on the verge of attaining puberty. Which do you choose?

I do not understand how, in the scope of the Bill, nothing was provided as a safeguard: everything—every bit of reasonable amendment—was thrown out in a measure like this by which we expect social reform. If you are to pass legislation, legislative measures like this must go hand in hand with the stage to which the people have attained, perhaps a little in advance if possible. You cannot introduce a measure like this, a penal measure: in your frenzy of what you call social reform. This is not a social conference. This is a Legislative Assembly. Make real crimes like forced widowhood of the child or pre-puberty consummation of marriage penal by all means. I cannot subscribe to introducing measures of what you call reform at the point of the bayonet like this.

My friends have quoted measures of social legislation. But as I understand them, none but the measure regarding *suttee* was a penal measure; they were civil measures, and you could have made this a civil measure like the others. But by the present provision, the father will have to go to jail and the mother will have to go to jail (*An Honourable Member*: “Certainly not.”) or be subjected to fine, I beg your pardon. As regards *suttee*, if you were to compare this with that measure, it would be like saying that milk is beef. If milk be beef, then this measure can be compared with the measure against *suttee*.

So, Sir, I say that, when we were going to fight against social evils such as widow marriage and pre-puberty consummation, we have perhaps

unwarily come to something which I am sure will not only be unpalatable in our villages among the vast population there, but will also create something which, if realised in effect, perhaps none of my friends on this side of the House will like. It is a cultural setback as I may call it, measures of reform in this subject land are yet of doubtful genuineness, so long as our mentality is one of slavish and unassimilated imitation. Moreover forcing measures like this with the help of an alien bureaucracy is nothing less than a crime—a heinous offence, I may say, against our hoary and liberal culture. For it is evident even in this House itself, not to speak of penalties of courts later on, that with forty or fifty votes on those Benches, this measure is being forced down our unwilling throats. (*Cries of “No.”*) I repeat it and I say that we could not get even a comma or a semi-colon altered. It is a very dangerous thing. I cannot conceive of it. I could understand the Government approving of the principles of the Bill for fear of public opinion. If they did that, it was perhaps a part of their duty and I do not deny that much; but when they force this measure on us and compel us to swallow it, root, trunk, branch, leaf, twig and stem—nothing left out—nothing changed—I cannot follow the attitude of Government. When we were considering the measure, we did not give them an undertaking that, whatever emerged from the Select Committee, we would swallow the whole thing as it was. But we are now forced to swallow it. If we analyse the votes, we find that, besides those fifty votes, perhaps on very small occasions you have got a majority of non-official elected Members—representatives of those that are concerned, those that are affected.

**An Honourable Member**: You never exceeded twenty!

**Pandit Nilakantha Das**: 20 or 24 I do not mind; but from 61 if 50 is deducted it means 11. Whatever that may be, it should have been considered thoroughly and the scope of the Bill should have been modified so that the people could swallow it even if it still would have been like a bitter pill in some instances. I would not mind that much of bitterness, but I am sorry this Bill is going to be passed into law as it is; and I should have been very glad to support the Bill as I am in favour of the principles of the Bill, but under the circumstances I am sorry to have to say that I shall not be able to give my support to it, which would mean not supporting the principle now, but supporting the entire Bill as it is.

**Mr. Deputy President**: I think the Honourable Member will realise that this is a time when we should give every Member a chance to say a few words. I do not want that any Member should think that he had not got a chance and I hope that the Honourable Member will finish soon.

**Pandit Nilakantha Das**: I have finished, Sir.

**Honourable Members**: The question may now be put.

**Sir Purshotamdas Thakurdas** (*Indian Merchants' Chamber: Indian Commerce*): Sir, I rise to join the chorus of congratulations to the Honourable Member from Ajmer-Merwara on his having succeeded in piloting this Bill through the House. If I remember it correctly, this is the first non-official Bill, of a contentious character, which has successfully gone through this House in its various stages, and I believe that the Honourable Member in charge himself will agree that he could have done little, but for the very whole-hearted support which the Government promised him and which they have accorded so usefully. The best wish that I can

[Sir Purshotamdas Thakurdas.]

now extend to this Bill is that it may be introduced in the Council of State this very Session at Simla and that, before many weeks are over after the end of this month, it may receive the assent of His Excellency the Viceroy and Governor General.

None, Sir, is more conscious of the many defects of this Bill ; I do not think any one of the supporters of this Bill will be so rash as to claim that it is a perfect measure in any sense. There are many omissions which will require attention, and there are many other restrictions which may have to be put on in course of time as experience teaches us what is Wanting in the Bill, but there is no doubt about this, that as the foundation, this Bill is good enough to enable the Indian Legislature to lay a true and lasting foundation.

A good deal, Sir, has been said indicating suspicion of the Government support to this Bill. I can understand the mentality of those colleagues of mine who will suspect Government support, whether it be for a good cause or for a bad cause ; but I have no hesitation in this case in saying,—and I say it with all conviction—that Government could not have withheld their support to this Bill at this very late hour. The fact that the Government did not give support to this Bill of the Honourable Member in charge a year ago, we all deplore. The Government were over cautious. In the last Delhi Session they almost tried our patience, and whilst we are grateful to the Government for the support that they have given now, I do not think there is the slightest room for any suspicion. On the other hand, Government deserve from this side of the House cordial appreciation, and it is our sincere wish that they may extend their support with equal cordiality for equally good causes, hereafter.

The Third Reading, Sir, of a Bill is generally looked upon as an occasion for Members, if they choose to do so, to take a short review of the debate on the earlier readings of the Bill. I do not propose to take much time of the House in this connection. I know that many of us perhaps would like to leave the Chamber as early as possible, but I cannot help referring to a few remarks made by some Honourable Members in the course of the debate today. In this connection, turning first to my Honourable friend Mr. Neogy, I can assure him that there is not one of the supporters of the Bill who really rejoices at what some call their victory in this matter, and I feel that there are many who will agree with me that we regret, and feel it is a misfortune of the country, that there must be differences of opinion on this important measure. To me, personally, Sir, it is a matter of great regret that I have on this occasion to differ from some of my esteemed friends with whom I generally agree and for whose opinions I have the very highest respect. To name only a few, I will name my Honourable friend Mr. K. C. Neogy from Bengal, Messrs. Kelkar and Aney, and my esteemed friend Mr. Belvi, with whom I have been in the Legislature, either Provincial or Central, ever since 1916. There is not the slightest question of doubting the *bona fides* or the honesty of purpose of any of these esteemed friends. It is perhaps, as my friend Mr. Acharya said, my misfortune, that receiving as I have done English education, I cannot see with the same glasses as Mr. Acharya would like to put on, but if my Honourable friends will extend to us, who support this Bill, the same *bona fides* and honesty of purpose which we credit them with, we need not have the bickerings over what one side or the other said, bickerings as to who has

the country behind him and who has not. Sir, now that the Bill is going to be passed, let all put their strength together and see that the measure goes through with general goodwill. I do not claim, Sir, that I have the country behind me in what I am saying. I will not even claim that I have the whole of Bombay city behind me in what I am saying ; I do not even suggest that I have the whole of my community behind me. I dare say those who oppose this Bill may be reflecting the opinions of the masses, according to their lights, more accurately than I can do : but the fact is, the constitution is there, the House is there, and the procedure is laid down. The House did its best to call for opinions, once, twice. It referred the Bill to a Select Committee.

(At this stage Mr. President resumed the Chair.)

The divisions on this Bill having been what they have been what is the good now of saying that we still have not the country behind us in this matter ? What is the good of minimising the effect of this Bill ? I ask what is the good of doing that when you, and the most leading of you, all admit that you do not consider that child marriage does any good to the young girl ? Even my Honourable friend Dr. Moonje, President of the Hindu Maha Sabha, said that, for all purposes, of the physical welfare of a girl, the age of 12 is not the right age for marriage but other considerations made him plead for 12 and oppose 14. Now when this Bill is, as it is likely to be within a few hours, a *fait accompli* as far as this House is concerned, may I appeal to my friends, from whom it was my misfortune to differ, to sink all differences of opinion and try and help Government to see that, should this Bill bring about any hardship on any member of the society, such handicaps shall be as few as possible, and should this Bill be the right measure, then it will have Godspeed and all the benefits which some of us look forward to flow from it.

Nobody can say, Sir, that the discussion on this Bill has been any but the most exhaustive. Both sides have expressed their opinions freely and frankly, so why should we not give our whole-hearted support to this measure at this stage so that it may have a fair trial ? If, after all, the apprehensions of some Honourable Members prove to be correct, there is always room for an amendment, an amendment which, I am sure, the Honourable the Home Member will consider very sympathetically. But in the meantime, please do not put spokes in the wheel of this Bill, especially when you know that there is in this House a very substantial majority in favour of it. You will at least concede that, though some of you may differ from us, there are in the country, shall I say lakhs or may I be allowed to say, millions, who hold the same opinion on this subject as some of us hold. I appeal, therefore, Sir, to both sides of the House not to wail or weep, nor to run away with the idea of victory. Let us both feel a little diffident, but now that this Bill is going to be passed, let us do our best to see that it will be as great a success as it deserves to be.

Sir, my Honourable friend from Madras, Mr. Acharya, took me to the land of the Rishis. Not being conversant with that part of Indian history, I do not propose to disturb him in the dreamland which he painted before us. But I am very much reminded of what the Honourable Member from the Central Provinces, Dr. Moonje, said that even Chanakya, if I followed his authority, says that idealism is to be tempered with practicalism. May I venture to ask Mr. Acharya from Madras whether his idealism is being tempered by practicalism when he pleads what he did plead ? But that,

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Sir, was not the most serious part of what he said. What I am afraid rather irritated me was this. He said that those who happen to differ from him and support the Bill were suffering from, what Mr. Acharya chose to call, effects of enslavement. I am sorry I have to criticise the Honourable Member in his absence—he does not happen to be here now. I strongly protest against this allegation of “enslavement” hurled at us who vote for the Bill. Are we voting for this Bill in order to support the Government? No, we claim we have the support of Government because of the strength of our convictions. It is the other way round, Sir, in this case, and it is because that public opinion has been so clear and strong on this question that the Government have for once decided to follow public opinion. What is the good of saying that we are suffering from the effects of enslavement in this matter? May I venture to ask, Sir, if it is not Mahatma Gandhi who has pronounced himself in favour of something better and a stricter measure than this, as far as the age is concerned? Is he suffering from the effects of enslavement? Sir, is Mr. Vallabhai Patel, whom we affectionately call Sirdar Vallabhai Patel, suffering from that enslavement? Is Dr. Rabindranath Tagore, who has this morning given his opinion in the public Press and who has strongly supported the Bill,—is he suffering from enslavement? No, Sir. The word has been wrongly used, and I present it back to the Honourable Member from Madras. It is his enslavement of what he believes to be a Shastraic doctrine which prevents him from seeing independence amongst us who vote for this Bill.

Sir, one word more about Mr. Acharya and I will leave him. Mr. Acharya said, if I followed him correctly, that his ideal of society is that every girl should marry and bear children. I need not go to America and Europe; I need not think of the alleged vices there. There is enough in our own homes and in our own country to engage our fullest attention. An Indian father compelling an Indian girl to marry—what for? Not a Shastraic injunction. Selling of girls for monetary consideration, giving of girls aged 13 or 14 not to young men, but to grown up old men of 55 and 60—if Shastras say anything of that sort, I am not afraid to say that the India of today won't have any more to do with these Shastras; that they do not serve us adequately in our contemporary times. If Mr. Acharya thinks that, to allow a girl to select a husband of her own choice is outside the Shastras, I only wish to ask him why was there a Swayamvara for Sita? Perhaps, the Shastra that Mr. Acharya had in view and the Shastra of which I have a little knowledge are two different Shastras. I propose to stick to mine, and I can in all conscience say that this measure is the right measure for India today. It is not a day too early; on the other hand, any one day's delay deliberately made in putting this measure on the Statute-book would be a crime against the people of India. (Applause.)

Several Honourable Members : Let the question be now put.

Pandit Madan Mohan Malaviya : Sir, I am not amongst those who suspect the motives of any Member of this House. I recognise that every Member who has supported the Bill has done so with the best of motives, with the most honest of convictions. I do not blame the Members on the Government Benches for voting for the Bill merely under the command

of the Honourable the Home Member. I believe that, if not all, most of them have got convictions that way. Nor do I blame Members on this side of the House who have supported the Bill, or accuse them of anything but the best and the most disinterested of motives in adopting the attitude that they have adopted. But I do deplore that, in dealing with a measure of this delicacy, in dealing with a measure which very seriously affects the tenderest interests of a large section of the people—that in dealing with such a measure the House should not have shown greater considerateness towards those who are to be affected by the Bill. I do not agree with my Honourable friend Sir Purshotamdas Thakurdas in the description he has given of the supporters of this Bill. Those who have received the benefit of western education, or modern education, those who have understood the benefits of social reform, are already marrying their daughters and grand-daughters at late ages, not merely at 14, but beyond 14, at 15, 16, 17, 18, 20 and sometimes even beyond that. Not a single one of them will be led by the passing of this measure to change his attitude and to marry his or her daughters and grand-daughters early. There is therefore no reason to say that the passing of this measure with a lower age will be a disaster to the cause of social reform. What you have to think of, and what I submit is the most important thing to be thought of in this connection, is how the proposed measure will be received by those who have hitherto married, of the masses of men, particularly the most backward classes of our countrymen who have hitherto married their daughters at very tender ages, at ages much below 12, and by those who believe that they should marry their daughters and grand-daughters about the period that they attain puberty. It is these people whose cases have to be considered, and I submit with great regret that, in considering how the measure will affect these people, Members who have supported the Bill have, in my humble judgment—I say it with regret, I say it with respect, but I do feel it my duty to say it—that my Honourable friends who have supported this measure as it is, have not shown that considerateness towards those humble individuals who have for ages lived under the customs that obtain among them. They will be told tomorrow or the day after, or a week hence by publication in the Gazette of India, which will not reach them, which they will not hear about, that the marriages which they have performed for ages, for all the time that they can think of,—that those marriages are banned now, that if they marry their daughters and grand-daughters as they have been marrying them till now, they shall be handed over to the policeman and they will be prosecuted—those who marry and those who help to marry under the present law. I submit that is an aspect of the question which deserved more consideration.

I need not remind the House that I have from the beginning recognised the necessity of legislation on this matter. I have from the very beginning urged that the age should be fixed at 12. I am not going to argue the point over again; I have already submitted to the House all that occurred to me for consideration. I had not the good fortune of having been able to persuade Members of this House either on that side or on this that there was abundant reason for fixing the marriageable age at 12. But I do feel, in view of all the speeches that have been made today, and in view of the fact that the Bill is going shortly to be passed. I do feel it my duty not only to my countrymen outside who have no voice here, but also to my friends on either side of the House, to tell them to think yet, to pause yet

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for a moment, to think what the measure means to the bulk of those who will be affected by it. I am not advocating that the matter should be left where it is. I have only urged from the beginning that in a matter of this delicacy, which touches the most vital interests of the community, which touches the humblest of our people, we should proceed cautiously, we should hasten slowly. We should recognise the need of carrying the people with us. We are living in an age of democracy. We are anxious to have democratic institutions. This is a democratic institution. At this moment when a big change is going to be effected, when we are looking forward to a very big change in the constitution of the Government of the country, where the franchise will be exercised by millions more of people, as some of us hope, than it is exercised today, what is the principle upon which legislation should proceed? Should it be a disregard of the wishes of the people, an utter contempt for the wishes and the opinions of those who may be affected by a measure, or should it be a reasonable regard for them? Some of us may hold very advanced views. We are perfectly justified in advocating those views before our humbler countrymen in whom we are interested. But I ask any Member of this House to say whether he is justified in forcing by law his own ideas of social reform, of the age at which marriages should take place, down the throats of a large section of the people who do not yet believe in it as some of us do? To them it will not be a matter for arguing whether the Government and the Legislature was competent to force the change upon them. They know and believe that their marriage law is a personal law which has come down from ages, from generation to generation. They have lived under these laws and have both prospered and suffered under them. I grant that there has been much evil under the system of child marriages. I am as anxious as my friends on either side of the House that these evils should be done away with, but I am anxious that, in removing one evil, I should not be perpetuating another evil, and I feel that the Legislature, in exercising its authority in the matter of social reform, should carry the general consent of the community with it. The way in which this Bill has been pushed through, the way in which the various amendments intended to soften the rigour of the proposed law have been dealt with, the way in which the amendment to fix the marriageable age at 12 instead of at 14 was dealt with, the way in which even the amendment for prolonging by eight months the period at the end of which the Bill should come into force was rejected,—all this has filled me with sadness and I regret to say that in passing the Bill in the form in which it stands, this House is abusing the power of legislation which it possesses at this moment. I do not wish to say more. Though I am in favour of raising the marriageable age and am anxious to eradicate the evils of early marriages as much as any other man, it will be my duty to oppose the Bill as it stands.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I thank you, for the opportunity you have given me to express my views on a legislative measure of this importance, as I am very anxious not to give a silent vote but to make my position clear.

I have long felt that there are innumerable advantages, in a substantial rise in the marriageable age of girls. But I do not propose to dwell at any length on them as these are well known. I would say only

one thing as that would bear any amount of repetition, and that is, it has the advantage of saving about 3 lakhs of Hindu girls from virgin widowhood.

From a health point of view also, there is a good deal to be said in favour of the Bill. On this subject also, I do not like to take up the time of the House as this aspect also has been often discussed and that time of the House as this aspect also has been often discussed and that threadbare. There is overwhelming medical opinion on the deleterious effects of early maternity below the age of 16 years. The figures collected by the Age of Consent Committee from hospitals and maternity and child welfare leagues support this opinion.

I know it is stated as the view of some people that the evil effects of early maternity and the large maternal death rate in this country are due to economic causes. On a matter like this we may consult our own experience. My experience is that early marriage and consequent early maternity have proved, even in many well-to-do families, a bane to society, and made child mothers fall a prey to diseases such as tuberculosis and nervous debility and the like.

The subject of child marriages mostly concerns women. I understand that the orthodox deputation from Southern India stated to His Excellency the Viceroy that the Age of Consent Committee made no genuine attempt to ascertain the opinion of Indian ladies and that 99 per cent. of them would shudder at the thought of post-puberty marriages. I am surprised to read this statement. I have a high regard for some of the members of the deputation, and with great deference. I say the deputation was under a great delusion in this matter. With due deference, I may assure the members thereof that most of our women who can lay any claim to any education or intelligence, are strongly in favour of the principle of this Bill. The members are probably not aware of the fact, that women's associations, all over the country, All-India-Women's Conference, with 22 constituent conferences, have, with one voice, denounced child marriages. It is a pity that there are no women representatives in this House, and I am sure, if there were women, in our places to-day, in this Assembly, instead of men, the principle of the Bill would have been supported by an overwhelming majority.

Coming next to the orthodox opinion about religion being in danger, Sir, I cannot agree with it. I am one of those who have a high regard for my religion and its injunctions, and I cannot believe that the Hindu religion which is one of the most liberal, tolerant and catholic of the religions of the world, can ever prohibit late marriages for our children.

The orthodox deputation, I am told, Sir, stated that Hindu Law was based on Dharma Shastras which in turn conformed with the Vedas, and hence, they were binding on all Hindus. I agree with them, and I say that Vedas are the bedrock of Hindu Shashtra and Hindu religion.

Let us therefore see what the Vedas, the authority of which is accepted by all Hindus, say on the subject of Hindu marriages with regard to age. Vedas consist of two parts : one is "Vidhis" or injunctions and the other is *Veda Lingas* or Vedic incidents.

What are stated in Veda Vidhis, or injunctions, are mandatory and we should invariably follow them. The injunctions, say, for instance,



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“ commit no adultery ”, “ don’t drink wine ”, and “ do your *sandhya* daily ” and the like.

“ *Na para daraan gacchaith*  
*Na suraan pibarth*  
*Aharaha sandhyam wupaseeta.* ”

What are referred to in Veda Lingas are that from which inferences can be drawn on certain matters, such as, ritual at marriages and recital of marriage *mantras*, from which inferences can be drawn. These Veda Lingas are next in importance only to Veda Vidhis or injunctions as authorities, and next to these Veda Lingas are Smriti texts which are *Rishi Vakyaamsa*, i.e., the sayings of Rishis. With respect to the marriageable age of girls, we have mention made in all the authorities, viz., Veda Vidhis, Veda Lingas and Smriti texts. The Rig Veda is considered the foremost of the Vedas. Let us therefore take Rig Veda first. The fourth *mantra*, of the 35th *Sutra*, in the second *Mandala*, of this Veda—which is the Vidhi portion, says :

“ *Thasmeraa yuvati yo yuvanum*  
*Murmujyamanaha Pariyenti apaha.* ”

It means a “ *Yuvati* ” shall take as her husband a “ *Yuva* ” just as rivers take to the ocean, and “ *Yuvati* ” is defined in dictionaries and *Shastras* as :

“ *Aashoda saath Baalaa*  
*Aathrimsatho yuvathe* ”,

meaning a female under 16 years is called a “ *Baalaa* ” and one under 30 years a “ *Yuvati* ”.

There is another injunction or *Vidhi*, in the same Veda which is the 3rd *Mantra*, 37th *Sutra*, and 55th *Mandala*, and reads as follows :

“ *Vadhuriyam pathimichchyanthe yate.* ”

It means this woman goes desiring a husband. This lends support to what is previously stated, because no female goes desiring a husband unless amorous desires spring in her, i.e., after puberty.

In Atharvana Veda it is said :

“ *Brahmacharyena Kanyaa*  
*Uvanum vindathai pathim* ”,

meaning a *Kanya* who is celibate shall take a young man as her husband, and Vyasa Smriti defines ‘ *Kanyaa* ’ as,—

“ *Rutusaataa thu ya suddhaa*  
*Kanyaeti abhi daayathai* ”,

meaning one who attained puberty and is pure is called *Kanyaa*.

The fact that ‘ *Brahmacharyena* ’ qualifies “ *Kanyaa* ” must necessarily mean a woman who has attained puberty—otherwise, there is no meaning in saying, a *Kanya* who has been observing “ *Brahmacharya* ”, or celibacy.

There is, thus mention—nay sanction—if not a mandate—in favour of post-puberty marriages in the Vidhis or injunctions-portion of the Vedas which are mandatory.

In the Report of the Age of Consent Committee, I find that several other *mantras* are quoted from Rig Veda and Atharvana Veda, and I therefore content myself with those I have already referred to. One thing is certain so far as I was able to ascertain, and that is, that there is nothing in the Vedas advocating child-marriages.

Coming next to the marriage *mantras*, we find ample proof in favour of pre-puberty marriages. The word, “ *Kanya Dana* ” itself shews that the female given in marriage, is a *Kanya*, meaning, a woman who has attained puberty, as per the definition given in *Vyasa Sutras* already referred to. In the second part of the marriage ceremonies, *Panigrahana*, which includes *Saptapathi*, the most important part of the marriage ceremony, refers to solemn promises made by the bride and bridegroom, one to the other. These shew that they must have attained the age of discretion. In the *Grahaprevasa Mantras*, i.e., the third part of marriage, the bridegroom introduces to the bride, his parents, brothers, sisters, and other near relatives, and puts her in possession of the house and cattle which were the wealth in those days, and says :

“ *gruhaadhikaarum prayechchaait* ”,

meaning, I give you the mastery over the house. In the last ceremony of marriage, *Garbhadana*, the *mantras* recited leave no doubt that the couple are entering on the phase of “ *Samavesa* ”, or sexual intercourse.

Coming to the Smriti texts, *Yajur Veda* says that Manu Smriti, is the best authority in Kaliyuga :

“ *Ya dwai kiuchena Manuravatu*  
*thath bhaishajum* ”.

It seems whatever little Manu says, it is medicine, i.e., it is very important.

There is no question that its paramount authority is admitted on all hands.

And then Manu says to the father that a *Kanya* may remain at home all her life if necessary, but she should not be given away to a “ *Gunaheena* ”, a person devoid of virtues :

“ *Kamaa maranaanthum thishtaith,*  
*Gruhy Kanya Arthumapi*  
*Na cha yenaam prayachchyaith*  
*Guna heenaya Kurhichith !* ”

and he says to the daughter, if her father does not give her away for three years after puberty, she may choose a suitable husband, and to add force to what he said, he further stated that she or her husband could not incur any sin by reason of the absence of *Kanyaa Dana* by the father, one of the essential ceremonies of marriage.

There are other Smritis which favour post-puberty marriages. Vriddha Gautama says :

*Kanyaacha akshatha yoni syaath,*  
*Kuleena pitru mathruthaha*  
*Braahmaa the shu vivahaishu*  
*Parineethaa yadhaa vidhi*  
*Sa prasisthaa vararohaa*  
*Suddha yonchi visishyathai*

That woman is the best for *Brahma* marriage who is a *Kanyaa*, and *Akshatayoni* (meaning one not having had sexual intercourse). This also shews that the best marriage is that of a *Kanya*, i.e., a woman who attained puberty.



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Another Smirti is "Jaimini Sutra", which says :

"Vindaitha Anagnikaam".

i.e., "A female who attained puberty should be married."

Gobhila Gruhyaparisista says :

"Rutumathi thu Anagnikaa

Thaam prayechchath Anagnikaam

meaning 'Anagnikaa' is one who attained puberty ; that 'Anagnikaa' should be given in marriage."

Bruhat Parasara says :

"Sthriyaascha Purushasyaapi yatra

Wubhayaha bhavath Vruthihi

Thatra Dharmarthha Kaamaa syuhu

Tha dadheena paraspara yatcha thwami

Prasvaida subhagaam dhaa tha

Subham ichchen

Samudwahath."

Wherever a man and a woman love and woo each other, there is Dharma, Artha, and Kam.

One should marry a girl who had attained puberty.

Bodhayena Smriti also shews that pre-puberty marriage is admissible.

I do not wish to multiply quotations from other authorities.

I do not mean to say that there are no authorities in the Shastras against post-puberty marriages, but I submit that these are not so authoritative as those quoted by me from Vedas, Marriage Mantras, Manusmirti and the like.

I would ask this House, Sir, is it not meaningless in these circumstances to perform pre-pubescent marriages, chanting the same Vedic Mantras which contemplate post-puberty marriages ?

In this connection, I may state that I have long supported the late marriages and advocated the same both in the Press and on the platforms. I have encouraged post-puberty marriages both among my friends and in my family circle and my kith and kin. I and my family suffered on this account by reason of excommunication from society. So that, all my predilections, inclinations, and religious beliefs about the Shastric doctrines and advantages from it are in favour of the principle of the raising of the marriageable age.

Having given all my reasons why I am whole-heartedly in favour of the principle of raising the age advocated by the Bill, I must own that there are some features of the Bill which make me waver. One of the chief reasons is, the appeal made to me by the orthodox people. They say this. There is a large section of Hindus who sincerely believe that Shastras are against post-puberty marriage,—a view, Sir, which I am unable to accept. They feel that they would be committing a heinous sin by the performance of such marriages. They ask, where is any moral or other right, for a secular legislature to impose its will on them and tell them that they should disobey what they believe to be the injunctions of Dharma Shashtra and abjure their traditional religious

belief or they would be treated as criminals and sent to jail. They say that they believe in the utility, nay sanctity, of early marriages as earnestly and with as much as, if not with more sincerity than the supporters of the Bill, and ask, is it right, is it just to punish them for their honest convictions and opinions. It is this aspect of the case and a few provisions of a reactionary character that made me waver and hesitate, in respect to the support which I had intended to give to this measure.

I hoped that the Mover and framer of the Bill and the Government which has been supporting the Bill, would bring to bear on their judgment greater statesmanship than they have exhibited on the present occasion, and try their best to proceed not only with great caution, but also on lines of least possible resistance in entering on this necessary and important but drastic and unpopular social legislation. Instead of doing this, they introduced into the Bill certain objectionable provisions, and thereby incensed and exasperated the people and alienated the sympathy and support of some at least of those who ardently desired to support a measure of this useful character. There are mainly three kinds of provisions to which I take objection. One is, the provisions introduced into clauses 5 and 6, and the like. For instance, clause 5 makes all those who perform, conduct, or direct child-marriages punishable with imprisonment or fine or both. This means the *purohit*, or the priest, who officiates at the marriage, is also included in the clause. The inclusion of the priest, who comes merely at the bidding of the master of the house to perform the marriage and earn thereby his daily bread, is to say the least, cruel. If he attempts to inquire into the age of the parties especially of the girl, he will be considered to be impertinent and stands a chance of losing his job. Next, to throw the burden on him to prove that he had no reason to believe that the marriage was not a child-marriage, looks to me as a piece of legislation which is altogether reprehensible. Again, in clause 6 (2), the presumption inserted with reference to negligent failure of parents or guardians of a minor to prevent a child-marriage, is equally objectionable. In effect, these clauses, threw the burden of proving innocence on the accused—a thing, which is unknown to any principles of criminal law and altogether subversive of the fundamental principles of criminal jurisprudence.

Sir, I appeal to the experience of my lawyer friends here and ask whether the placing of the burden on the accused does not mean practically a foregone conclusion of his guilt and conviction. I have some experience of criminal cases both in the Sessions Court and subordinate criminal courts, having been at the bar for over 35 years, conducting, among others, criminal cases, both as Public Prosecutor and as defence vakil. In my experience I never found an accused being acquitted on the strength of defence evidence except perhaps in 3 or 4 per cent. of the cases. It is taken by the judge almost in all cases that the defence evidence is of no consequence however reprehensible may be that practice. In this state of things the provisions referred to virtually mean conviction of the accused.

The second objection of mine relates to the penal clauses, especially those providing imprisonment. The punishment for violation of the

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offences is simple imprisonment for one month, fine of Rs. 1,000, or both in certain cases, and fine only of Rs. 1,000 or 500 in certain other cases. I am unable to subscribe to such heavy penalties at any rate at this stage of the country where this law will come to the villagers, even to most of the townsmen, as a great surprise. Most of the laws passed by us here, as a fact, are unknown to the vast majority of the people except to lawyers and a few others. In penalising marriages under a certain age what the Legislature has been doing, is to penalise, what the people in general consider, a legitimate right. In this state of the country great responsibility rests on the Government and the leaders of public opinion to bring home to the people a knowledge of the law and the consequences of its violation. India is a vast country consisting of innumerable towns and villages inhabited by persons full of illiteracy. Most people have not realised the gravity of the evils of early marriages and they believe in their sacred character. In my opinion it will take five years or more to give wide publicity to this change in the law.

Sir, the Age of Consent Act was passed about 40 years ago and yet the Report of the Age of Consent Committee says that the law is still unknown to most people. If in the present state of affairs, when people do not look upon early marriages as anything criminal or reprehensible, drastic and severe punishment, such as imprisonment and heavy fines be provided and imposed, I fear that instead of making the remedy effective, it may result in great harassment. The object can be obtained best by raising more the moral sense of the people than by nominal punishment for at least a few years until the law is made widely known, and thereby, illiterate people are to some extent at least educated, by means of prosecutions, which do not work great hardship if punishment by way of small fines be imposed and by propaganda such as the one suggested by the Age of Consent Committee in paragraphs 330 to 332 of their Report. In the meanwhile the mere payment of a nominal fine even will serve as a piece of education and a preliminary broadcasting of the knowledge of this measure. I know, Sir, this nominal punishment which I advocate will not check effectively the performance of early marriages. But it cannot be said that the prosecutions and small fines under the law will have no great moral and educative effect and will not reduce the number of early marriages to some extent.

Further there are a number of people who are in favour of post-puberty marriages and there are some who perform these marriages on the sly, i.e., without disclosing that puberty was attained. This legislation would help them. One other advantage is that, by reducing the punishment and making it nominal for some time, the chance of bringing offences under the law to justice will considerably improve. If even after all this propaganda the evil continues or the measure threatens to be a dead letter, then the Legislature may have recourse to severer punishment as in the contemplated legislation with respect to the Age of Consent.

These reasons apply not only against punishment provided in the Bill, but also with respect to sub-clause (3) of clause 1 in respect to the

Act coming into force on the 1st day of April 1930. In order to give a wide publication to the Act it should be made to come into force after a sufficiently long time has elapsed so as to enable Government to broadcast the provisions of the Bill among the people by extending the period of bringing the Act into force by at least two years.

For these reasons and on account of certain mischievous provisions in the Bill, I am constrained to oppose the Bill as it is though I quite support the principle of the Bill. I know this attitude of mine will displease some of my best friends and disappoint those near and dear to me at home. But I am sorry I cannot support the Bill in its present form.

**Several Honourable Members :** The question may now be put.

**Mr. M. S. Sesha Ayyangar :** Sir, rising as I do at this late hour, I shall be very brief. The time has come for congratulations. I congratulate the Honourable Mover of this Bill in having got his Bill passed almost. He will excuse me—because I do not mean any disrespect to him—when I say that he, being a dissenter from the traditional religion, has really wreaked his vengeance upon the traditional religion by getting this Bill passed. I congratulate the Treasury Benches and the Honourable the Home Member and the European Section of this House for this reason that they have, by supporting this Bill, successfully deflected our activities towards the attainment of Swaraj by creating a civil war amongst all the communities and amongst several political parties of this country. I congratulate my politically-minded friends also in that they have, by their support of this Bill, really forced the Government to incur the odium of the masses, for I am sure they will certainly, in working out this Bill, necessarily incur the odium of the Indian masses. To that extent, I congratulate the politically-minded section of this House. Sir, the House may remember that the Honourable Mover wanted to make this a civil Bill and also to make the marriage invalid under certain circumstances. The Select Committee thrust upon him this unenviable position that this Bill must be a penalising Bill and that it must not only apply to Hindus and other sections for whom he demanded that the Bill ought to come into force, but also to my Muslim friends. And, Sir, it was the turn of the Government to add to the stringent nature of this Bill by voting down, as they did, every one of the amendments that we on this side of the House thought fit to move on this Bill either as necessary or reasonable. So, Sir, I am in the circumstances forced to remind the House of what occurred exactly 230 years ago in England. I am reminded, Sir, of that obnoxious Statute of 1699 which disfigured the English Statute-book. Edmund Burke in his Bristol address makes an excellent reference to this. Burke says that this legislation was enacted in 1699 by which the saying mass was forged into a crime (exactly the same thing that is happening here today), punishable with perpetual imprisonment. Burke goes on and describing the manner in which that Bill was passed says :

“ The party resolved to make the king either violate his principles of toleration, or incur the odium of protecting Papists. They therefore brought in this Bill and made it purposely wicked and absurd that it might be rejected. The then court party discovering their game, turned the tables on them and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original authors. They, finding their own ball thrown back to them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of two parties, neither of whom intended to pass, what they hoped the other would be persuaded to reject.

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went through the legislature, contrary to the real wish of all parts of it, and of all parties that composed it. In this manner these insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow creatures."

Sir, that exactly is the situation that is happening in this House now. Sir, I might also say that this Bill, as Burke said, really places a premium upon blackmailers, upon the real pests of human society who would voluntarily and willingly disturb household peace. There in England also, in the working out of that Act for sometime, all these ugly features were found to exist, and I rely on the extent of similarity for this reason because just as that ugly wicked Act of 1699 was repealed very soon after, I hope that this Bill also, when it becomes law will be repealed very soon.

Sir, in this connection my Honourable friend Mr. Gaya Prasad Singh said that, by raising the marriage ages of our children, our posterity would grow intellectually greater, morally greater and physically greater. I would reply to his remarks by reading a few sentences from the pamphlet which I hold in my hand :

"Early marriage, as we have it today, was in the recent centuries prevalent throughout the West, even England. It was prevalent in the ancient world. It has been in vogue in this country from time immemorial. If they talk of it as the cause of physical degeneracy and intellectual downfall, the following queries arise naturally : Are the modern peoples of Europe physically stronger than their ancestors of the 16th century ? Draw to your aid the findings of the 'The Royal Commission on Physical deterioration'. Are they morally better ? Take help from the Report of 'The Royal Commission on Venereal diseases'. Are they intellectually better—we mean, the average man of today, in spite of all advancement in science and art which is due to the endeavours of a few, not of the people at large ? Arthur Russel Wallace's 'social environment' will give a fair answer to this."

Sir, I might also say in this connection that it pains me very much to see that the Government, with all their might and weight, have supported this Bill. It really comes to this, that the Government are voluntarily wounding the religious susceptibilities of a vast section of people of this vast country. Can the Government afford, Sir, to trample under their feet the religious susceptibilities of a vast section of people of this vast country ? Let *ex-King Amanulla* of Afghanistan answer that question. (Laughter.) Sir, I might also be permitted to bring to the notice of this House that, soon after the speech made by the Honourable the Home Member, saying that there is a corroding evil and that the Government have set their faces against it by supporting this measure, already I see evidence, at least in my part of the country, of huge mass meetings held—because I speak from the telegrams and other communications that I have received—from the pundits, from the high priests of religion and from the Swamiji of the Ahobilam Mutt to which I have the privilege to belong. From His Holiness downwards, there have been mass meetings held at least in my constituency and elsewhere ; and they have already made known their determination to repel this lawless law and face the consequences of this pernicious religion-killing law. Sir, I oppose this motion.

**Mr. Amar Nath Dutt :** Sir, I do not wish to take much of the time of the House during the Third Reading of this Bill, for whatever was necessary for me to say I tried to clear up at the time when I spoke when the Bill was being considered by this House. I feel it my bounden duty

to submit before this House my observations about the Bill as it has emerged after the various clauses have been voted upon and when it is about to become the law of the land. My Honourable friend Mr. Jogiah has been pleased to show to you, one by one, the absurdities of all the clauses of the Bill that is going to be passed. I have observed before that this Bill does not indicate either much intelligence or good legislative draftsmanship. In fact the veriest junior would have drafted a better Bill, making safeguards and provisions better than what is contained in the Bill. I only wonder how the Honourable the Leader of the House could see his way to support a Bill like this. I am also sorry that the Honourable the Law Member too has not raised his voice of protest against the draftsmanship of this Bill. If this Bill is not repealed sooner or later, it will go down to after generations, and the Honourable the Law Member of the time would be deemed to be the author of this Bill. Who would care to remember Rai Sahib Harbilas Sarda or the Honourable Sir James Crerar ? People will take it that the Honourable Sir Brojendra Mitter was the author of the Bill.

**Mr. President :** He is a Member coming from Bengal. He is a Bengal man.

**Mr. Amar Nath Dutt :** Yes, Sir. I feel a legitimate pride that Bengal intellect has to be requisitioned for higher intellectual work. (Interruption.) I am accustomed to interruptions from my Honourable friends. I do not care because my young friends have been carried away by their zeal for reforms. Let them have that pleasure. Sir, I listened to the speech of my Honourable friend Sir Purshotamdas Thakurdas—he is not here at the present moment—I listened to his impassioned appeal very carefully, and I find that there was a genuineness in his conviction which led him to support this piece of legislation, which we on this side do not believe to be necessary. I quite sympathise with him, but I could not agree with him when he asked us to co-operate with the Government or co-operate in carrying out the intentions of this measure. My reasons are these, and I must make my own standpoint clear. I hear some of my young friends have alluded to my personal views. I do stick to those opinions. I am against early marriage, but I am opposed to any interference by the Legislature in social and domestic affairs. I believe we have no right to thrust our own view-point upon others, because one need not be so cocksure that he is infallible and the others are wrong. The mentality which leads one to flout others' opinions is intellectual slavery and nothing less than that.

Sir, I am also sorry that a book has been read before this House and upon which many of the supporters of this Bill have relied as their textbook, namely, the Age of Consent Committee's Report. But in every page of it, if you go through it, you will find misstatements, misreports. For one thing I can tell this House that it is mentioned there that I said that I was in favour of legislation. I say that I never said that, and it is a falsehood. (*Pandit Thakur Das Bhargava* : "You wrote it.") Can you show the written memorandum to me ? I challenge anybody to show me from my evidence that I supported legislation. I know this evidence has been edited by interested individuals and the less said about them the better. But I do not think I deserve the treatment which has been meted out to me by Honourable Members of this House by attempting to misreport me and misinterpret my views. (*A Voice* : "You are hit

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because you hit others.") I do not know whether I have hit anybody save and except when my Honourable friend Mr. Nilakantha Das tried to elucidate what compulsion is, I tried to explain that compulsion by the example of a gentleman. If that has enraged him, let him have his say.

Sir, I have already said that my Honourable friend Sir Purshotamdas Thakurdas has given us credit for our *bona-fides*, and we on our part do not deny them the credit for their *bona-fides*. But there is difference between us and it is this. You believe that when people want to reform society it is necessary that we should avail of all the powers that we have in order to make society accept what we believe ought to be social reform. I submit that, with this view of social reform we entirely differ; and if our hot-headed social reformer friends were a little patient, they would feel the same to be their moral defeat.

I have only observation to make about Sir Purshotamdas Thakurdas's impassioned appeal when he introduced the words "land of the Rishis" not very seriously in his speech. We should not speak of our own motherland in that way and should not speak lightly of it. This ancient Aryavarta is the sacred land of the Rishis. People may say that they do not believe in it; but even my friend Mr. Jogiah, who is an out and out social reformer, quoted from Vedic texts. I do not also go with Sir Purshotamdas Thakurdas when he quoted the opinion of three great men of this country at the present moment who are in the limelight. But he also might have seen that there are other great men who are against this measure. At least we have one of them on this side of the House, a patriot who has been serving his country from before we joined the political movement, whose name is honoured throughout the length and breadth of this vast continent, I mean our revered colleague, Pandit Madan Mohan Malaviya.

Sir, my friend Mr. Jogiah was pleased to observe that three lakhs of girl widows will be saved by this. Then why not introduce widow-remarriage? Why do you fight shy of that? These are matters of social reform, not of legislation. This Assembly is a political institution where we have come for political service and nothing else. My friend has been pleased to quote some opinion of the All-India Women's Association. Will it surprise my friend if I say that since some ladies convened some meetings sending their representations supporting this Bill, it has aroused also the orthodox masses and we have been receiving letter after letter from various associations and various meetings in Bengal led by ladies who ask us to oppose the Bill till the last. (A voice: "Where are those letters?") Do you want to see them? I received some of them only yesterday. (Laughter.) In one of those letters which I received yesterday there are certain observations about our educated ladies which I will not quote here, but I hope my friends will not be misled by those siren voices.

Then, Sir, somebody was saying that a cry has been raised of religion in danger and that that is a false cry. I do not know whether it lies in our mouth to say that religion is not in danger. We who have not studied the Vedas properly as we ought to do, and those who have not the same burning faith in the ancient religion of our forefathers, have no right to say when religion is in danger and when it is not. I beg to submit that we must do away with that issue. It cannot however be denied

that there is a volume of opinion against this legislation: A handful of us who have taken to western methods of living do not represent either the masses or the best intellects among the orthodox classes. Let us not be deluded by that sense of overweening self-esteem. I was pained Sir, when my friend, the Honourable Mr. Jogiah, referred to people whom he characterised as the lower section of the community.....

Mr. V. V. Jogiah: I never said that.

Mr. Amar Nath Dutt: I hope I am wrong, but if I heard him correctly.....

Mr. V. V. Jogiah: I may assure you that you are wrong.

Mr. Amar Nath Dutt: I will take that assurance and shall say no more about it. I would ask practical-minded Members, as idealism and practicalism have been differentiated by Sir Purshotamdas Thakurdas, I appeal to them, is it possible to work this legislation when we have no birth register or marriage register? I hope I may be permitted here to refer to one instance. I had occasion to go to a friend of mine yesterday evening and I saw his daughter, and when her age was inquired into, I was surprised to hear she was sixteen, although she looked like an urchin of ten or eleven. (Laughter.) This is the difficulty in cases like these. It is all very well for you to laugh; I have been bearing all this, and I shall continue to do so, and you may laugh to your heart's content....

Mr. Jumnadas M. Mehta: You called the girl an urchin! (Renewed Laughter.)

Mr. Amar Nath Dutt: I thank you for your correction. I admit I have very little knowledge of English literature and I bow to every one who has got deeper knowledge of that literature than I have, though I know what it is worth.

Let us now look at clause 2 of the Bill which defines a child. I do not know if here my knowledge of English will be challenged. Probably they are masters of English, but we know that, after 15 or 16, a boy is not called a child at all, at least in India. But here a child has been defined to be any one below 18 years, which is the age of majority. (Laughter.) Child marriage has been defined to be such a marriage. Then "minor" has been defined to be a person of either sex who is under 18 years of age. What was the necessity for this definition when we have a definition in the Indian Majority Act?

As regards clauses 3 and 4, you will see a definition of offence which is hardly needed.

In clause 6 we have punishment about which amendments were proposed but which of course were not accepted. After that we have matters of procedure. This is the law which you are going to enact.

Before I conclude, let me quote the words of a great saint from a letter, a copy of which has been sent to me and which I received in the hall this morning.

Mr. T. A. K. Shervani (Cities of the United Provinces: Muhammadan Urban): Is it a genuine copy?

Mr. Amar Nath Dutt: Yes, it is.

"Hindu community following Varnashrama order possesses unique features of its own and which is extremely original from all civilised countries. They sincerely believe

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on strong philosophical grounds that the social and religious originality aims at the preservation of a particular spiritual race of humanity, the preservation of a particular helping factor in critical times when spirituality is in danger through social or political revolution and preservation of purity of blood and the mental structure of an original character. Never in the past a legislation was demanded to effect social reforms seriously affecting the religious sacrament of a particular faith. All such reforms were introduced without aid and interference of the rulers by social reformers and religious heads. Never was an attempt made for us to be controlled by an interference on the part of the Government. We are already fettered from all sides and this new fetter to the orthodox Hindus who are numbering more than two-thirds of the entire population, this fetter of the Child Marriage Bill, will make the country too hot to live in. If you have the slightest sense of responsibility, as I am sure you have, if you do not wish to act beyond the sphere of your legitimate activities then it is high time that you withhold your support to the Bill and try to get it rejected."

With these words, Sir, I once more appeal to the Members of this House to reject this Bill.

**Mr. K. V. Rangaswami Ayyangar** (Madras : Landholders) : Sir, you will perhaps remember the day when Lord Chelmsford held our Council meeting till one o'clock at midnight when the Rowlett Bills were passed. You and I were there together. Now you are presiding and if I solicit you to adjourn the House to another day in order to have a leisurely discussion on this subject, I do not know if you will listen to me. At that time, Sir, you and I took Lord Chelmsford to task for sitting late till one o'clock at midnight. If I should seek a favour at your hands now to adjourn the meeting for another day in order to have a fuller discussion on the subject and allow more speakers to have their say, I do not know whether you will concede this request. If you cannot do so I shall have my brief say on the subject now. Perhaps it is not your wish too to adjourn the sitting.

Sir, I was pained to read from the proceedings of the Assembly the other day that the Leader of the Opposition made a remark that he was so impatient with the opposition to the Bill that he would not even condescend to look into the papers and petitions of the people and the proceedings of public meetings that had been sent to him. Sir, I am very sorry that leaders should be so impatient as not even to care to look into the petitions and prayers submitted by the people who naturally thought that, if they appealed to the Honourable the Leader of the Opposition their grievances would be redressed. I am really pained, Sir, to see the impatience displayed by the Leader of the Opposition in this important matter, a matter which affects large classes of people, when he is at least expected to look into all the papers, prayers and petitions submitted to him by the people. Here are people who are impatient of those who have strong belief in their Shastraic texts and in their commandments. I have heard the other side also very patiently, and if at all I rise at this late hour, it is because of the deep sense of duty which has impelled me to say a few words on this matter of momentous importance, both in the interests of the Government as well as of the people. Sir, I can understand the Arya Samajists and others of their way of thinking who say that there is no such commandment in our *Shastras* and that the interpretation of the text is different, but I cannot have patience with those who hold that the texts and commandments in our *Shastras* are to be rigidly followed and that this Bill should be supported against the injunctions of the *Shastras*. Sir, I may tell the House what the law at present is

When the Right Honourable Mr. Srinivasa Sastri, about fifteen years ago, introduced an enabling measure in the Madras Legislative Council, it was understood that, if a South Indian Brahman performed a post-puberty marriage, that marriage would become invalid and that his progeny would not inherit the patrimony. It was in order to validate such post-puberty marriages that the Right Honourable Mr. Srinivasa Sastri sought to enact an enabling measure in the Madras Legislative Council. As the law stands at present, you will not admit a post-puberty marriage in a South Indian family, and the heirs of the parties contracting such a marriage will be denied patrimony. But now, what is the present measure before the House, Sir? It is not an enabling measure at all. Now, instead of having an enabling measure, our friend Rai Sahib Harbilas Sarda is imposing on us a penal measure. This is reform with a vengeance!

Sir, as the House is aware, England offers a place to every school of thought. Even a revolutionary, even Mazzini sought asylum in England, but according to this Bill, one who sincerely believes that post-puberty marriage is against his religion has no place under the British Government; he is to be sent up to prison for obeying the commands of his religion, which he sincerely believes is the only right thing to do and disobeying it is sinful—Sir, apart from the merits or demerits of the Bill, is this the kind of law that you propose to enact? Should not such a man, who conscientiously believes that post-puberty marriage is against his religion, get protection at the hands of the British Government? Is he to be penalised by being sent to prison for obeying the commands of his religion, for believing in his religion? Sir, I do not propose to speak on the merits or demerits of post-puberty marriages. We Tamilians in the South have got a custom of betrothal in the first instance; it is not a nuptial ceremony. Betrothal does not mean the living together of the husband and the wife; it is only a sort of contract between the parent or guardian of the bride and that of the bridegroom. After the betrothal is over, when the girl attains puberty, she is sent to her husband to live as his wife. Now, Sir, I cannot see any logic so far in the present measure before the House. The other day our friend Mr. Shah Nawaz said that the contract becomes illegal if it is contracted between minors. It is not contracted between minors, because it is the father or guardian of the boy or girl that contracts a settlement. As between the ripe experience of my friend Rai Sahib Harbilas Sarda (with his 70 years experience) and of his grand-daughter of 14 years, I think I should place greater reliance and confidence in the ripe experience of Mr. Harbilas Sarda in the selection of a husband for his grand-daughter than on that of a child of 14 years.

Then, again, Sir, Mr. Shah Nawaz spoke the other day of the illegality of the contract. Where is the illegality?...

**Mian Mohammad Shah Nawaz** : I never said that....

**Mr. K. V. Rangaswami Ayyangar** : It is the parent that enters into the contract. If a 14 years girl enters into a contract, can that become

7 P.M. legal? A parent can give a boy in adoption legally. Do you suggest that a parent of ripe experience, knowing men and things, knowing worldly affairs, is likely to make an undesirable contract, a contract which is likely to mar the welfare of his son or daughter? He certainly







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Twelve years is the minimum age of marriage in England, and I cannot see how you can impose an age of more than 12 in India. India is a tropical country, and girls attain puberty two years at least before they attain puberty in England, and yet 12 is the minimum age fixed in England. That is not penalised in England and yet you are going to penalise the age of 12 in India. I beg of you not to do so in this country. As I have said, England could not give asylum to one who feels it his duty to marry his daughter before puberty! They are already building pavilions in the free French and Dutch territories where they can give effect to their honest convictions much better than in the British territories. If British India cannot harbour such conscientious and honest people, then it is far better that they colonise in foreign States and marry their girls there as their *Shastras* dictate. We have no Defenders of Faith. Pay don't be destroyers of it. It is said that *Suttee* was abolished and nobody raised a voice of protest against it. I do not pretend to defend *Suttee*. Now suicide is only another name for *Suttee*. I do not pretend to defend it, but what I say is this, that in one form or another human misery asserts itself and the ways of *Dharma* only lead to happiness ultimately. Please allow us to keep our customs in our hands. *Dharma* was not dictated by a malicious or vicious saint bereft of humane feelings. The test of a custom lies in the product. We have seen the products of post-puberty marriages and they are in no way better than a Srinivasa Iyengar of Madras or Seshiah Sastri of Pudukotta who were born of the girls wed as per the prevailing marriage customs. Apply the test to a custom and find out the result of the product thereof. I am yet to find any caste, following post-puberty marriages, more intelligent, more courageous or with better moral instincts than people belonging to castes of pre-puberty customs.

I must conclude my speech by reading some portions of an appeal addressed to the Government:

"You are incurring a great responsibility by lending your sympathy and support to this Bill, which is part of a movement for assimilating all Indian institutions, customs and manners to those of your own—which is all that reform amounts to in India today, be it social or political—but all under the force of blind imitation and without any calm consideration of how your institutions work among your own people. In doing so, you are also violating your solemn pledge of religious neutrality.

May I respectfully call upon you to accept my humble challenge that the system of late marriages is not at all a desirable system and that the one you now propose to penalise is not only scientific sociology, but is alone helpful to the Highest Purpose of Religion? Because, it first stabilises the family compact at an age when alone the seeds of sweet stability could be sown, and thereby enables the social, inter-social and universal compacts to be reared in logical and harmonious succession.

No doubt every custom requires suitable working conditions. The custom of pre-puberty marital settlement can be no exception. But the duty and responsibility of maintaining these conditions is with Government and if that Government should, in the first instance, let these conditions go into disrepair, and then set about to abolish the custom itself and even to penalise it, instead of repenting and making amends for its neglect—is it not a ridiculous phenomenon of which every decent Government should be ashamed? And if an unmothered woman is only half a woman and if that is the curse of the West today, is not the discouragement of that "husbanding" by the penalisation of a custom which alone ensures the universality of wife-ship for women, not yet exist.

Further, have you no responsibility in the matter? Is not the Government the physician to the body-politic? And does the doctor exist merely to make up and

administer whatever medicine the majority, rather the most clamorous, of his patients prescribe? Or, has he the duty to diagnose the disease himself and prescribe the remedy on his own undivided and sacred responsibility? And to repeat, will you condescend to prove before an unprepossessed tribunal, acting according to judicial procedure:

- (a) that the system you are being urged so heartlessly and even heedlessly to penalise, is wrong and,
- (b) that the policy you have already announced with reference to it is either wise or courageous?"

With reference to the Members of the Assembly the appeal says:

"We granted you that suffrage, and we did so without even getting a pledge from you, as we might have done, namely, that you will not initiate or support any important measure without consulting those who put you in power and convincing the meanest among them of their need. Some of us now stand before you as candidates for a patient hearing, and you deny even that. Do not treat us lightly or reject us summarily. Whatever be our strength or status, give our representation your calm, leisurely and unbiased consideration.

Do you want the Indian woman to be a copy of the Western woman today? Are you not particular that the marriage state should be normal, and, if possible, the universal, institution for girls? The various forces at work, economic, intellectual, educational and political, are tending in that direction. Do you want to hasten that tendency and bring it to a culmination? And are you prepared, as you must be when marriage becomes an optional institution, to give girls the same rights of inheritance to ancestral property as the boys? This would mean encouraging girls to seek marriages less, which again would mean the greater need for treating girls in the same way as boys in respect of all matters, personal and public—thus constituting a vicious circle. Are you prepared for all that? Else, take note that the abolition of the puberty barrier for marriage, that is, the final marital settlement, not the consummation, will have that effect, whether you intend it or not.

Are you not aware that among people in the West, who do not insist upon marital settlement long before puberty or upon consummation immediately after it, and who, by dint of economic and political power, are the veritable lords of the creation today, the experiences of sex life have been such that a whole literature has grown up, which is most shocking to contemplate—but a literature based, unfortunately, on hard facts and stern logic—no fancy, no emotion.

To make a small extract out of many choice and apposite ones—Judge Ben Lindsey estimates that at least 45 per cent. of high school girls have had intercourse with men before they leave school.

If that is so among people who are now the master nations of the world, what should it be among us whose bodies are at their mercy and whose intellects are under their monitorship, if their system are introduced into our midst?

And if the author of the aforesaid literature and the deeper thinkers among those nations recommend the very systems of early marriage and early consummation, now in force among us, at least among some communities, and that on grounds of actual or *a posteriori* experience as well as of *a priori* sociological and scientific reasoning, is it up to us to ignore their hard earned lessons, to legalise the infraction of such a system having the force of law in the country, which we once attempted to do, and now to penalise its practice?"

As for the pre-puberty marrying communities already in India, there are the Hindus and non-Hindus whose physical and material condition in no way differs from that of the communities who contract post-puberty marriages—thus proving that the marriage system has nothing to do with whatever unsatisfactory conditions may exist in India today. I would ask you to note, Sir, that though the practice of the former is to make the marriage settlement only along with the marriage consummation, *i.e.*, after puberty, their *ideal* is not of optional but of *universal* marriage for their girls, for which the parents and guardians are to bear the initial and the final responsibility. Further, the anxiety of

[Mr. K. V. Rangaswami Ayyangar.]

the parents and guardians in those communities to get their girls married as early as they can, and the eternal fear they groan under that no danger to purity or reputation may occur to their unmarried grown-up girls is known to them, and is too obvious to need any special stressing. In concluding I have to repeat what I said before if you only permit me to do so.

**An Honourable Member :** Go on.

**Mr. K. V. Rangaswami Ayyangar :** If you are impatient, Sir.....

**Mr. President :** Order, order. Why did the Honourable Member use that expression? Has the Chair given any occasion for it?

**Some Honourable Members :** No.

**Mr. President :** Why did the Honourable Member use that expression?

**Mr. K. V. Rangaswami Ayyangar :** I have got only one sentence. (Laughter.)

**Mr. President :** The Honourable Member must withdraw that expression.

**Mr. K. V. Rangaswami Ayyangar :** I withdraw that word, Sir. Now I have only to add by way of conclusion that in a matter such as early marriage and early consummation regarding which well-informed and scientific opinion, even in the West, is tending towards a more and more favourable verdict, a Government that stands for the expression of the enlightened conscience of the day should hesitate to bring to bear the physical force of penal legislation. If, Sir, the familiar Shakespearean couplet may be quoted more by way of a reverent reminder than anything else :

" Oh, it is excellent

To have a giant's strength ; but tyrannous  
To use it like a giant."

**Several Honourable Members :** The question may now be put.

**Mr. President :** I take it no other Honourable Member wants to speak now?

**Mr. D. K. Lahiri Chaudhury :** I move, Sir, that the question be now put. (Laughter.)

**Mr. President :** Mr. Sarda.

**Rai Sahib Harbilas Sarda :** Sir, I rise to say only a few words before the debate closes. I wish to tender my heartfelt thanks to all the Honourable Members of this House who have supported the Bill as well as to those who have opposed it—to the supporters because they have given me great help in seeing this measure pass into law, and to the opponents for the great courtesy they have shown to me. I fully believe, Sir, that those who have opposed the Bill are actuated by the same honesty of purpose and high sense of duty as those who have supported the Bill. I give them the credit for good intentions in the same way as I do to those who have supported the Bill. I must also, Sir, take this opportunity to thank the Honourable Mr. Shervani and Mian Shah

awaz for the great support that they have accorded to this measure on behalf of the community which they, along with other Members, represent in this House. Sir, I thank Honourable Members once more. With these few words I commend this measure to the favourable decision of the House.

**Mr. President :** The question is :

" That the Bill, as amended, be passed."

The Assembly divided :

AYES—67.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhargava, Pandit Thakur Das.  
Bower, Mr. E. H. M.  
Bray, Sir Denys.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Chunder, Mr. N. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Cramer, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Gidney, Lieut.-Colonel H. A. J.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Iyengar, Mr. A. Rangaswami.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jayakar, Mr. M. R.  
Kartar Singh, Sardar.  
Keane, Mr. M.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lalchand Navatral, Mr.  
Lindsay, Sir Darcy.  
Mehta, Mr. Jambadas M.  
Mitra, The Honourable Sir Bhupendra  
Nath.  
Mitter, The Honourable Sir Brojendra.  
Mody, Mr. H. P.

Mukharji, Rai Bahadur A. K.  
Mukhtar Singh, Mr.  
Munshi, Mr. Jehangir K.  
Nehru, Pandit Motilal.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Purnotamdas Thakurdas, Sir.  
Rai, The Honourable Sir George.  
Rang Behari Lal, Lala.  
Rau, Mr. P. R.  
Rogers, Mr. P. G.  
Roy, Mr. K. C.  
Roy, Mr. S. N.  
Sarda, Rai Sahib Harbilas.  
Sarma, Mr. B. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Shah, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Rananjaya.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Ram Narayan.  
Singh, Rai Bahadur S. N.  
Sinha, Mr. Siddheswar Prasad.  
Stevens, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. E. F.  
Winterbotham, Mr. G. L.  
Yusuf Imam, Mr.

NOES—14.

Abdul Matia Chaudhury, Maulvi.  
Acharya, Mr. M. K.  
Ayyangar, Mr. K. V. Rangaswami.  
Ayyangar, Mr. M. S. Seshu.  
Bevi, Mr. D. V.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.

Jogiah, Mr. V. V.  
Kelkar, Mr. N. C.  
Lahiri Chaudhury, Mr. D. K.  
Mahaviya, Pandit Madan Mohan.  
Naidu, Mr. B. P.  
Neogy, Mr. K. C.  
Sinha, Mr. Rajivaranjan Prasad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 24th September, 1929.  
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LEGISLATIVE ASSEMBLY.

Tuesday, 24th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

GRIEVANCES OF THE POSTAL STAFF EMPLOYED IN CUTCH STATE.

749. \*Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state whether they have received representations from the postal staff employed in the Cutch State limits, on the subject of their grievances regarding the present policy of the Government, reducing substantially the compensatory allowance which was granted to these officials since 1914, and raised periodically since with a view to save them from heavy loss caused by the difference between the exchange rate for Cutch coins, as *stabilised* by Government and *that* actually prevailing in the market ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state what action has been taken in the matter ?

(c) If the answer to part (a) be in the negative, do Government propose to consult the Director General, Posts and Telegraphs, on this question ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). I understand that representations addressed to Government from the postal staff employed in Cutch have recently been received by the Director General of Posts and Telegraphs. They will be considered by Government on their receipt from that officer.

(c) The representations, together with such recommendation as the Director General may make when forwarding them to Government, will receive due consideration.

COMPENSATORY ALLOWANCE TO EMPLOYEES OF BRITISH DEPARTMENTS IN CUTCH.

750. \*Mr. Jamnadas M. Mehta : Is it a fact that all the British Departments in Cutch, such as the Political Agent's office, Ecclesiastical Department and the Post Office used to get a compensatory allowance until lately or are still getting it (with the exception of the Post Office), solely on the basis of Kories 380 for 100 rupees—the rate fixed permanently by the British Government in 1870, and that, the Postal Department is the only one now singled out for a departure from the established policy ?

The Honourable Sir Bhupendra Nath Mitra : The Political Agent's Office in Cutch was abolished in 1925. The officials employed in that office, when it was in existence, were not given compensatory allowance on the basis of kories 380 = Rs. 100. They were paid in kories obtained

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through the Cutch Durbar as a special concession. Of the Ecclesiastical Department, there is only one official employed in Cutch at present, namely, the caretaker of an old cemetery. The compensatory allowance for post office officials was formerly fixed on the basis of 380 kories = Rs. 100. This basis has now been abandoned.

**Mr. Jamnadas M. Mehta :** What is the present basis ?

**The Honourable Sir Bhupendra Nath Mitra :** It is a varying scale.

**Mr. Jamnadas M. Mehta :** Varying on what ?

**The Honourable Sir Bhupendra Nath Mitra :** On the comparative cost of living.

**Mr. Jamnadas M. Mehta :** Has the attention of the Government been drawn to the observations of the employees on the question of exchange ?

**The Honourable Sir Bhupendra Nath Mitra :** I think, Sir, I have already said that the representations of the employees when they reach Government will receive due consideration.

**Mr. Jamnadas M. Mehta :** Do Government realise that the allowance is based on exchange and that there is no fixed salary for these officers ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no desire to pursue the discussion on the floor of this House. I have already said that I understand certain representations have been made by the employees and that when these representations reach me they will receive due consideration.

#### COMPENSATORY ALLOWANCE TO EMPLOYEES OF THE POST AND TELEGRAPH DEPARTMENT IN CUTCH.

751. **\*Mr. Jamnadas M. Mehta :** (a) Are Government aware that the basic principles on which the Cutch compensatory allowance was originally sanctioned in 1914, and was deliberately raised year after year, till 1928, have always rested on the " difference between the standard rate of exchange, viz., Kories 380 for 100 rupees and the prevailing exchange rate " ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether any expert inquiries on the spot were made into this matter before launching the present policy of suddenly reducing the Cutch allowance by 65 per cent., and setting aside the fundamental rule invariably pursued so far ?

(c) Will Government be pleased to state whether the list of commodities the prices of which as they prevail in Bhuj are ascertained by the Government comprises all the items of expenditure which an officer or employee is always called upon to meet ?

(d) If the list does not include inevitable items of expenditure such as medical aid, educational facilities for children, domestic labour, transport, travelling, recreation, etc., etc., will Government be pleased to state whether they have considered the question of restoring immediately the said allowance to its former level, to the officials of the Post and Telegraph Department ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) An enquiry was made by one of the Assistant Postmasters General, Bombay. The result of the enquiry was carefully examined by the Government of India, who decided that the allowance should be fixed at 33 per cent. of pay and travelling allowance, with effect from the 1st January, 1928. As a matter of fact, this answers more fully the supplementary question which the Honourable Member asked me a little time ago. A further examination of the position was made by Government during 1928, and the allowance has been fixed at 25 per cent. with effect from the 1st January, 1929.

(c) The commodities, the prices of which were examined, were those staple commodities which ordinarily enter into the average domestic budget of the class to which the officials concerned belong.

(d) It was unnecessary to include the items of expenditure mentioned by the Honourable Member. All that was needed was a comparative basis and this was ensured by the enquiries made with regard to certain essential commodities. Government do not consider that the formula adopted by them is defective. But, as I have already said, any representations made by the employees affected will receive due consideration when these representations reach Government.

#### COMPENSATORY ALLOWANCE OF POSTAL OFFICIALS IN CUTCH.

752. **\*Mr. Jamnadas M. Mehta :** (a) Are Government aware of the speech made by His Excellency the Viceroy, Lord Irwin, on the occasion of his last visit to Cutch State, in November, 1927, wherein His Excellency stated in unequivocal terms the devastating effects of a high exchange ?

(b) If the answer to part (a) be in the affirmative, were any expert inquiries made by Government to prove that the depreciation of rupees owing to the high exchange value of the Kories in Cutch has no genuine bearing on the economic life and prosperity of persons resident in Cutch, who earn their livelihood in rupees ? If so, what ?

(c) Will Government be pleased to state how, and with what change of circumstances, very soon after the said authoritative statement by His Excellency the Viceroy, the Government of India found justification for sanctioning a cut of 65 per cent. at a stroke, in the Cutch compensatory allowance, granted to Postal officials in Cutch ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) & (c). The Honourable Member is referred to the answers given to parts (b) to (d) of his question No. 751 to which I have just replied.

#### RULES REGARDING THE INTERPRETATION OF NON-ASIATIC DOMICILE.

753. **\*Mr. K. C. Neogy :** (a) What were the rules regarding the interpretation of " non-Asiatic domicile " for purposes of determining the eligibility of officers for certain benefits under the Lee Commission recommendations on the date when these recommendations were first given effect to ?

(b) Has any alteration been made in the said rules since ? If so, when, why, and to what effect ?

(c) Is it a fact that officers who were not eligible for the aforesaid benefits under the original rules, have been made eligible under the later rules ?

(d) If the answer to part (c) be in the affirmative, what is the number of officers in the different services belonging to this category?

**The Honourable Sir James Crerar :** (a) A copy of the rules as they originally stood has been placed in the Library of the House.

(b) Yes. In October, 1927, rule 10 of these Rules was amended by the Secretary of State as the original rule was defective. The amended rule will be found in the reprint of the Rules issued in 1928, a copy of which is in the Library.

(c) Yes, some officers who were ineligible for the concessions under the original rules became eligible for them under the amended rules.

(d) Full information is not available and will have to be collected. This will be done and the information supplied to the Honourable Member in due course.

#### SCALES OF SIMLA HOUSE RENT ALLOWANCE.

754. **\*Sardar Kartar Singh :** (a) What necessitated the creation of two scales in the Simla House Rent Allowance?

(b) Do all the new entrants in the Government of India get the new rate of allowance which is much higher than the old rate?

(c) Have the private landlords fixed their rates of rents according to the grant of allowance to individuals?

(d) Are those clerks who are under the old rules of the Simla House Rent Allowance getting private houses cheaper than the newly appointed men? If not, what is the reason for such discrimination?

(e) Do Government intend to do away with this and let only one scale prevail?

(f) If the reply to part (e) be in the negative, what are the reasons?

**The Honourable Sir James Crerar :** (a) & (b). The necessity for the creation of an alternative scale is explained in the Home Department Memorandum No. F. 887-22-Ests. of the 11th March, 1924, of which I shall be glad to send the Honourable Member a copy if he so desires.

(c) & (d). Government have no precise information in the matter.

(e) & (f). Government do not at present propose to take the action suggested; but the Memorandum, already referred to, contains a provision regarding the review of the orders at intervals and the desirability of such a review will be considered in due course.

#### OLD AND NEW RULES OF SIMLA HOUSE RENT ALLOWANCE.

755. **\*Sardar Kartar Singh :** Is it a fact that if a clerk, who is under the old rules of Simla House Rent Allowance, is allotted a Government quarter, he has to pay something from his own pocket? If so, what is the justification for that?

**The Honourable Sir James Crerar :** It may happen that a clerk who elected to remain under the old rules of the Simla Allowances Code might have to pay in rent something over and above the allowance received. On the other hand it also happens that sometimes the rent paid is less than the

allowance received. In any case it was open to all concerned to elect the new rules if they so desired. Under these rules they would receive either quarters free of rent or an allowance which would in no case exceed the rent actually paid for their quarters.

The allowances under the old rules was a fixed sum irrespective of the rent actually paid.

#### \* HOLIDAYS FOR CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

756. **\*Sardar Kartar Singh :** (a) Will Government please place on the table all the correspondence in respect of grant of more holidays in the Government of India?

(b) Is it a fact that this question has been under consideration for long?

(c) Why do Government not let the Government of India clerks enjoy as many holidays as the Local Government's clerks do?

(d) What are the difficulties that stand in the way of Government in removing this inequality?

**The Honourable Sir James Crerar :** (a) Government do not think that this is necessary.

(b) The question has been raised from time to time.

(c) and (d). The matter is under consideration and Government hope to arrive at a decision after the present Session is over.

#### DELAY IN THE ALLOTMENT OF QUARTERS IN NEW DELHI.

757. **\*Sardar Kartar Singh :** (a) Is it a fact that the requirements of the Departments of the Government of India for Delhi and Simla quarters are called for by the 1st of July at the latest?

(b) Is it a fact that in Simla allotment of quarters for the following year is received in the beginning of August while that of Delhi quarters is received in the end of September?

(c) Is it a fact that the Estate Officer, Delhi, intentionally delays so much to avoid any sort of representations over this point?

(d) Are Government aware that those who fail to get Government quarters do not get sufficient time to arrange for their accommodation at such a late hour?

(e) Are Government aware that in certain cases they have to leave their families behind in Simla and take them down when they have made their arrangements and thus have to incur double expenses?

(f) In case it is not feasible to send allotment early, do Government propose to consider the advisability of calling for the requirements earlier than hitherto and send the allotment by the first week of August? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The Departments of the Government of India have to intimate their requirements of quarters for officers at Delhi by the 1st July, and at Simla by the 1st September; and in the case of clerks by the 1st July in both cases.

(b) The allotment of quarters in both places is made as soon as possible after the above dates.

(c) Government have no reason to believe that there is any deliberate delay.

(d) and (f). Government have received complaints about the late allotment of quarters in Delhi and are now considering the question of altering the date for the submission of applications from 1st July to 1st June or earlier. This will give unsuccessful applicants more time to make arrangements for private accommodation.

(e) Government have no information.

#### HOURS OF WORK OF RUNNING STAFF ON RAILWAYS.

758. \*Mr. V. V. Jogiah : (a) Is it a fact that Government propose to exclude from the contemplated legislation to introduce a 60 hour-week and weekly rest-day, the entire running staff on Railways who are paid on an overtime and mileage basis on the ground that any restriction on their working hours would curtail their emoluments ?

(b) Are Government aware that this caused widespread discontent in the running staff ?

(c) Do Government propose to see in connection with this legislation that overtime is not made obligatory on the running staff and that it is left to them to choose whether they will have rest or money ?

(d) Is it a fact that it is proposed to exempt the staff, whose work is essentially intermittent, from the benefits of this scheme ?

(e) Is it a fact that station masters are considered for this purpose as officers doing duties of an intermittent character ? Is it a fact that station masters are required to be on duty always at the station ?

The Honourable Sir George Rainy : (a) Yes, at the commencement and pending further examination of the question.

(b) On the contrary Government understand that their decision is welcomed by the majority of the running staff.

(c) There are serious practical difficulties in bringing only a part of the running staff under the proposed rules ; but the point raised by the Honourable Member will be considered.

(d) Yes.

(e) The work of station masters at some stations is essentially intermittent and it is proposed to exclude such staff from the rules relating to the 60 hours a week duty and the weekly day of rest. Station masters whose work is not essentially intermittent will come under the rules.

#### FREE RAILWAY PASSES GRANTED TO THE TEA CESS COMMITTEE.

759. \*Mr. V. V. Jogiah : (a) Is it a fact that free 1st and 2nd class passes are granted to the representatives of the Tea Cess Committee who go about on the Madras and Southern Mahratta Railway lines ? If so, what is the object in granting these free passes ?

(b) Are these free passes granted with the object of promoting the sale of any particular brand of tea, or is it with the object of popularising tea-drinking on the Madras and Southern Mahratta Railway line ?

Mr. P. R. Rau : (a) & (b). 10 representatives of the Tea Cess Committee are granted passes over sections of the Madras and Southern Mahratta Railway. The Agent, Madras and Southern Mahratta Railway, reports that the reason for the grant of the passes was to improve the supply, preparation and serving of tea for the benefit of passengers.

#### ABSENCE OF RETURN TICKETS ON CERTAIN RAILWAYS.

760. \*Mr. V. V. Jogiah : (a) Are Government aware that no return tickets are issued on the Madras and Southern Mahratta Railway ?

(b) Are Government aware that no six or eight-monthly return tickets are issued on the Bengal Nagpur Railway ?

(c) Is it a fact that no week-end return tickets are issued on the Bengal Nagpur Railway, the Madras and Southern Mahratta Railway and the South Indian Railway ?

(d) If the answer to parts (a), (b) and (c) be in the affirmative, do Government propose to direct the issue of return tickets, ordinary, six or eight-monthly, and week-end on the above railways ?

Mr. P. R. Rau : (a) Certain return tickets at reduced fares are issued on the Madras and Southern Mahratta Railway, the details of which are given in the Time Table of that Railway.

(b) Yes.

(c) Week-end return tickets are issued on all these railways (the Bengal-Nagpur, Madras and Southern Mahratta and South Indian Railways) between certain stations.

(d) The Honourable Member is referred to the reply given by Mr. Parsons to a similar question No. 758, asked by Mr. Siddheswar Prasad Sinha on the 25th February, 1929, in the Legislative Assembly.

#### REMODELLING OF ANARA STATION AND CONSTRUCTING STAFF QUARTERS ON THE BENGAL NAGPUR RAILWAY.

761. \*Mr. V. V. Jogiah : (a) Is it a fact that the remodelling of the Anara Station yard and constructing staff quarters on the Bengal Nagpur Railway was undertaken at a cost of Rs. 40 lakhs ?

(b) Is it a fact that the work was entrusted to contractors, but no good and valid agreements were drawn up between the contractors and the Railway Company ?

(c) Were there any disputes between the contractors and the Railway authorities as to the rates fixed for the work or the satisfactory progress of the work or both ?

(d) Did the Railway Company thereupon pay the contractors Rs. 67,000 more than the agreed rates and ask them to go ahead with the work ?

(e) Did the contractors not accept this sum and claim heavier compensation ?

(f) Was a retired railway engineer appointed as an arbitrator by mutual consent to settle the disputes between the parties ? If so, was the appointment made with or without the knowledge or sanction of the Railway Board ?



(g) Is it a fact that the arbitrator gave an award for Rs. 4,64,000 and that the Bengal Nagpur Railway Administration filed a suit disputing the award and ultimately entered into a compromise by paying Rs. 3,80,000 to the contractors?

(h) Is it a fact that the arbitrator was of opinion that the delay in the execution of the work and all the trouble was due to faulty planning, organisation and control of the Railway?

(i) Has the Administration inquired into the matter as to whether the arbitrator's opinion is correct? If it is correct, what steps were taken or are proposed to be taken to prevent a recurrence of similar mistakes in the future?

**Mr. P. R. Rau :** (a) The cost of the works was Rs. 34½ lakhs.

(b) The work was entrusted to a contractor on a schedule of rates agreement which is understood to be a proper legal document.

(c) Yes.

(d) On the representations of the contractor, the Railway Company, after due consideration, paid for some items of works at rates higher than those given in the schedule, to the extent of Rs. 67,000.

(e) Yes. The contractors claimed about Rs. 15½ lakhs.

(f) Yes. The sanction of the Railway Board to put the case to arbitration was not applied for.

(g) Yes. The Railway Administration took legal opinion and were advised that there were errors of law apparent on the face of the award and that it ought to be set aside, but no suit was filed, as meanwhile a compromise was arrived at.

(h) Yes.

(i) Yes. The Administration did not accept the opinion of the arbitrator as correct, but Government are not quite satisfied that the delay in carrying on the work referred to by the arbitrator was not a cause of part at least of the final payment that had to be made to the contractor. Government have asked the Administration to take active steps to tighten up control and prevent a similar occurrence in future.

### THIRD AND INTERMEDIATE CLASS ACCOMMODATION ON THE CONTINENTAL EXPRESS FROM PESHAWAR TO MANGALORE.

762. **\*Mr. V. V. Jogiah :** (a) Are Government aware that serious inconvenience is caused to lady passengers on account of the absence of a through 3rd class compartment for ladies only on the Continental Express which runs between Peshawar and Mangalore? Do Government propose to take steps to see that this grievance is remedied?

(b) Are Government aware that a through intermediate bogie carriage has not been provided for on the Continental Express which runs between Peshawar and Mangalore for the convenience of intermediate class passengers? Do Government propose to take steps to see that this omission is supplied?

**Mr. P. R. Rau :** (a) No complaints to this effect have reached the Railway Board, but inquiries are being made from the Railway Administrations concerned.

### QUESTIONS AND ANSWERS.

(b) It is not possible to provide an intermediate class carriage on this through service as the railways over which it passes do not all provide an intermediate class.

**Mr. V. V. Jogiah :** Is it not a real inconvenience if a third class compartment is not reserved for ladies?

**Mr. P. R. Rau :** We are already making inquiries from the Railway Administrations as to whether any steps can be taken to improve the situation.

### RACIAL DISCRIMINATION ON RAILWAYS.

763. **\*Mr. V. V. Jogiah :** (a) Has the attention of Government been drawn to the articles on 'Racial Discrimination on Railways' which appeared in the *Indian Labour Journal* for October and November 1928 and January, February and July, 1929?

(b) With reference to the statement made by the Financial Commissioner of Railways on the floor of this House last autumn, will Government be pleased to state what steps have been taken to "eliminate all traces of Racial Discrimination in Railways"?

**Mr. P. R. Rau :** (a) Government have seen the articles referred to.

(b) I would refer the Honourable Member to the reply given by me on the 10th instant to part (c) of starred question No. 443, by Pandit Hirday Nath Kunzru.

### CATERING ON THE BENGAL NAGPUR RAILWAY.

764. **\*Mr. V. V. Jogiah :** (a) Has the attention of Government been drawn to the article "Catering" on the Bengal Nagpur Railway in the *Indian Labour Journal* for June, 1929?

(b) Are Government prepared to take any steps in the matter?

**Mr. P. R. Rau :** The article referred to have not been seen by Government. I am endeavouring to obtain a copy, and if I succeed, shall communicate later with the Honourable Member.

### HARDSHIPS OF MEN OF THE AUXILIARY FORCE ON RAILWAYS.

765. **\*Mr. V. V. Jogiah :** (a) Has the attention of Government been drawn to the hardships experienced by men of the Auxiliary Force, India, on Railways referred to in the *Indian Labour Journal* for April and May, 1929?

(b) Will Government be pleased to define the relation between the Auxiliary Force, India, and the Railways?

**Mr. G. R. F. Tottenham :** (a) No, Sir.

(b) Certain units of the Auxiliary Force are constituted for railway areas. In relation to these units the Railway Board take the place of the Local Government and perform the functions that would, in regard to other units, be performed by the Local Government under the Auxiliary Force Act.

## CONDITIONS OF SERVICE OF RAILWAY MEN.

766. \*Mr. V. V. Jogiah : (a) Will Government be pleased to lay on the table the memoranda submitted by State Railway Administrations, in respect of conditions of service of Railway men, either to the Railway Board or to the Royal Commission on Labour ?

(b) Will Government be pleased to state what facilities have been afforded to the Trade Unions representing workers of the State industrial establishments to enable them to elicit statistical information, from the respective Administrations, relevant to the evidence that may have to be submitted before the Royal Commission ?

(c) Do Government propose to see that both the employers and the employees belonging to State industrial establishments are furnished with copies of evidence or memoranda that may be submitted to the Royal Commission on Labour in connection with respective establishments, so as to enable both employers and employees to correct or supplement such evidence or memoranda as may be necessary ?

The Honourable Sir Bhupendra Nath Mitra : (a) Memoranda submitted to the Royal Commission on Labour will be treated as confidential until such time as they are published. Government cannot therefore comply with the request made by the Honourable Member.

(b) Railway Administrations will be instructed to meet all reasonable requests made by Trade Unions for statistical information.

(c) It is for the Commission to decide to whom particular Memoranda or written statements submitted to the Commission are to be made available.

## GENEVA WEEKLY REST-DAY AND WASHINGTON HOURS CONVENTIONS.

767. \*Mr. V. V. Jogiah : (a) Will Government be pleased to announce the probable date when they propose to proceed with legislation concerning the Geneva Weekly Rest and Washington Hours Conventions ?

(b) Are Government prepared to appoint a competent authority for each of the Conventions so as to admit of equal employers' and employees' representation ?

The Honourable Sir George Rainy : (a) Legislation will be proceeded with when the Report of the Select Committee, to which the Indian Railways (Amendment) Bill was recently referred by this House, is received. I hope that the Committee will be able to report in the next Session of the Assembly.

(b) I do not think, Sir, that it would be proper for me to make any statement on the floor of the House as to the form the legislation might take while the Bill is before the Select Committee.

ACTION OF STATE RAILWAYS *re* THE GENEVA AND WASHINGTON CONVENTIONS.

768. \*Mr. V. V. Jogiah : Will Government be pleased to lay on the table a statement showing the action taken by various State Railways in respect of shortening hours of duty of railway men to conform to Washington and Geneva Conventions, in each year, after ratification of the said Conventions ?

## QUESTIONS AND ANSWERS.

Mr. P. R. Rau : I am calling for whatever information is readily available and a statement will be laid on the table when it is received.

## CONSTITUTION OF WELFARE COMMITTEES, STAFF COMMITTEES AND STAFF COUNCILS.

769. \*Mr. V. V. Jogiah : Will Government be pleased to lay on the table a copy of the constitution of Welfare Committees, Staff Committees and Staff Councils on the various State Railways, together with a copy of the annual report of each of the respective bodies, during the last year ?

Mr. P. R. Rau : I am calling for such information as is readily available and will make it available to the House when it is received.

## QUARTERS FOR RAILWAY EMPLOYEES.

770. \*Mr. V. V. Jogiah : Will Government be pleased to furnish a statement containing the list of various types and number of quarters provided to each class of railway employees and the percentage of each class of staff provided with railway quarters, together with a statement of average expenditure incurred in the construction of each type of quarter on each of the State Railways ?

Mr. P. R. Rau : I would refer the Honourable Member to the reply given by Mr. Parsons to his starred question No. 317 on the 11th September, 1928.

## BLOCKAGE IN PROMOTION OF RAILWAY EMPLOYEES.

771. \*Mr. V. V. Jogiah : Is it a fact that the Railway Board has conducted an inquiry in regard to the number of employees barred at the maximum of their grades on the railways, and, if so, will Government be pleased to lay on the table a statement showing the number of posts fixed for each grade of railway service, the number of men blocked on the maximum of grades for want of vacancies in higher grades, and the average number of years of such barring in the maximum of each grade, on each of the State Railways ?

Mr. P. R. Rau : The Railway Board have not yet made any comprehensive inquiry on the subject, but they propose to examine the question after certain more urgent matters relating to the service conditions of employees have been attended to. Meanwhile they have caused an investigation to be made by Agents in certain cases of this nature on individual railways.

## NUMBER OF RAILWAY EMPLOYEES DEPRIVED OF GRATUITY.

772. \*Mr. V. V. Jogiah : Will Government be pleased to state the number of railway servants who were deprived of their gratuity in each of the last three years on the State Railways ?

Mr. P. R. Rau : Information on the subject is being obtained and will, on receipt, be furnished to the Honourable Member.

**DURATION OF SERVICE AND PAY OF RAILWAY EMPLOYEES IN WORKSHOPS AND CLERICAL ESTABLISHMENT.**

773. \***Mr. V. V. Jogiah** : Will Government be pleased to state the average duration of service of railway employees belonging to workshops and clerical establishments, respectively, and also the average pay drawn by each class of staff at the time of retirement on each of the State Railways ?

**Mr. P. R. Rau** : I am obtaining such information as is readily available and shall supply it to the Honourable Member when it is collected.

**REPORT ON THE WORKING OF CERTAIN ACTS AFFECTING EMPLOYEES.**

774. \***Mr. V. V. Jogiah** : Will Government be pleased to lay on the table a copy of the report on the working of the Employers' and Workmen's Disputes Act, 1860 ; the Apprentices' Act, 1850 ; the Factory Act, 1922 ; the Trade Unions Act, 1926 ; the Trade Disputes Act, 1929 ; Employers' Liability Act, 1880, and the Workmen's Compensation Act ?

**The Honourable Sir Bhupendra Nath Mitra** : The Government of India publish annual statistics and notes on the working of the Indian Factories Act and the Workmen's Compensation Act. Copies of these publications will be found in the Library of the House. The Government of India do not receive any reports on the working of the Employers' and Workmen's Disputes Act or the Apprentices' Act. In the case of the Indian Trade Unions Act, which came into force on the 1st June, 1927, reports were received from the Local Governments for 1927-28, but owing to the scanty material available from these reports, it was considered that there would not be any advantage in publishing a consolidating report. The Trade Disputes Act came into force only on the 8th May, 1929, and the question of a report on its working does not yet arise. The Employers' Liability Act, 1880, is a British Statute which does not apply to India.

**STRIKES AND LOCKOUTS OF STATE INDUSTRIAL ESTABLISHMENTS.**

775. \***Mr. V. V. Jogiah** : Have Government submitted full information in respect of the extent of strikes and lockouts on the State industrial establishments, in answer to question No. 123 in the schedule of subjects mentioned by the Royal Commission on Labour in India, and if so, will Government be pleased to lay on the table a copy of the statement submitted to the Commission ?

**The Honourable Sir Bhupendra Nath Mitra** : The Commission's schedule of subjects and covering letter have been forwarded to all Departments concerned with State industrial establishments. They have been asked to submit their replies direct to the Commission by the 25th September, 1929. It is not the intention of the Government of India to prepare a consolidated statement dealing with item No. 123 of the schedule of subjects. The latter part of the question does not arise.

**ARRANGEMENTS FOR REPLYING TO QUESTIONS CONCERNING THE LEGISLATIVE ASSEMBLY DEPARTMENT.**

776. \***Mr. Muhammad Rafique** : (a) Will Government be pleased to state if any arrangements have been made for replying to the questions

concerning the Legislative Assembly Department ? If so, what arrangements have been made ?

(b) Is it a fact that questions concerning the Legislative Assembly Department have been asked ? If so, will Government be pleased to state who will reply to the questions ?

(c) If no arrangements have been made, do Government propose to consider the desirability of making some arrangements at an early date ?

**The Honourable Sir James Crerar** : (a), (b) and (c). Such questions concerning the Legislative Assembly Department as could be answered only by the Secretary of the Assembly have been ruled out by the Honourable the President ; but the Secretary has been directed that any Member desiring to have any information on any matter concerning the administration of the Department will be entitled to get such information on his writing to the Secretary. As regards questions which could be answered by the Leader of the House or any other Member of Government, necessary arrangement has been made, and such questions have been admitted by the President and answered on the floor of the House.

**PAY OF LOWER DIVISION CLERICAL APPOINTMENTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.**

777. \***Mr. Abdul Latif Sahib Farookhi** : (a) Is it a fact that lower division clerical appointments in the Government of India Secretariat and attached offices carry respectively a scale of pay Rs. 100—8—300—25—350 and Rs. 75—4—115—4—155 ?

(b) Is it a fact that some of the candidates who were declared by the late Staff Selection Board qualified for lower division clerical appointments in the Secretariat were provided for in the lower division of the attached offices instead of the Secretariat ? If so, why ?

(c) How many such candidates are still working in the lower division of the attached offices, and since when have they been there ? Why have they not so far been provided for in the Secretariat ? Is it a fact that persons, who similarly qualified themselves long after such candidates did, have all been provided ?

(d) Is it a fact that the Public Service Commission have refused to keep the names of such candidates who have attained the age of thirty on the list of candidates still to be provided for in the lower division of the Secretariat ? If so, who else then will provide such candidates with the appointments for which they are duly qualified ?

(e) Do Government realize the financial loss to which such candidates have so far been put and will be put so long as they continue to remain in their present places ? Are Government going to compensate them for this loss ? If not, why not ?

(f) What steps do Government propose to take in the cases of such candidates and when ?

**The Honourable Sir James Crerar** : (a) Yes, except that the scale in most attached offices rises to Rs. 175 per mensem.

(b) Yes. There have not been enough vacancies in the Secretariat, and consequently candidates have been offered the opportunity to accept vacancies in attached offices instead.

(c) About 22. I am not able to say how long they have been employed in attached offices. The reason why they have not been provided for in the Secretariat has been stated in answer to part (b).

The reply to the concluding portion is in the negative.

(d) Yes. There is no bar to such candidates obtaining appointments in the Government of India Departments provided the sanction of the Head of the Department is obtained; but on the other hand they have no claim to appointments.

(e) Candidates who fail to secure appointments in divisions for which they are qualified are no doubt worse off than if they had secured them. In view of the fact, however, that all candidates were definitely given to understand, before they entered for the examination, that no guarantee of ultimate appointment could be given, no claim to compensation arises.

(f) Does not arise.

PURCHASE OF ANTI-ISLAMIC BOOKS FOR THE LIBRARY OF THE NORMAL SCHOOL, AJMER.

778. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that the books (1) "Allah Mian ke Hathkande" by Sajjan Singh, Updeshak, Bhatiya Shuddhi Sabha, and (2) "Patiton ki Shuddhi" by Ram Chandra Shastri, were purchased at Government expense for the library of the Government Normal School, Ajmer? Are Government aware that these books contain attacks on Islam?

(b) Is it a fact that the book No. (1) in part (a) was purchased from the Prakash Pustakalaya, Ajmer, named after Mr. Prakash Chandra, son of Lala Kanahiyya Lal, the then Headmaster of the Normal School, Ajmer?

(c) Is it a fact that the book No. (2) in part (a) was purchased from the Arya Sahitya Mandal?

(d) Does the responsibility for the purchase of the books mentioned in part (a) rest with Lala Kanahiyya Lal, the then Headmaster of the Government Normal School, Ajmer, now a Government pensioner? If not, who is responsible for the said purchase?

(e) Do Government propose to take any action against the officer responsible for the purchase of the books mentioned in part (a)?

(f) Do Government propose to order the removal of these books from the library of the said school?

Sir Frank Noyce : With your permission, Sir, I shall deal with questions Nos. 778 and 779 together. The information asked for is being collected and will be supplied to the Honourable Member later.

PURCHASE OF ANTI-ISLAMIC BOOKS FOR THE LIBRARY OF THE NORMAL SCHOOL, AJMER.

†779. \*Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that "Vichitra Jiwan", a book written by Pt. Kalicharan, was purchased for the library of the Government Normal School, Ajmer, at Government expense?

(b) Are Government aware that the book mentioned in part (a) contains libellous remarks on the life and character of the holy Prophet Muhammad?

(c) Was the book purchased from the Arya Sahitya Mandal?

(d) Does the responsibility for the purchase of the book rest with Lala Kanahiyya Lal, the then Headmaster of the Government Normal School, Ajmer, now a Government pensioner? If not, who is responsible for the said purchase?

(e) Do Government propose to take any action against the officer responsible for the purchase of the book?

(f) Do Government propose to order the removal of the book from the library of the said school?

CONDITIONS FOR NATURALISATION IN THE CASE OF DR. SUDHINDRA BOSE.

780. \*Mr. Gaya Prasad Singh : (a) With reference to my starred question No. 164 of the 5th September, 1928, regarding the ban placed upon Dr. Sudhindra Bose, is it a fact that the Home Department (Political) of the Government of India wrote to Dr. Bose on the 15th August, 1928, that one year's continuous residence in India before the date of application for a certificate of naturalisation is necessary?

(b) Is it a fact that, last year, when Dr. Bose visited India, he was not allowed to stay in this country for more than six months, although he applied to stay here for a longer period? If so, will Government please state how it is possible for Dr. Bose to comply with the condition laid down in the letter of the Home Department referred to in part (a) above?

(c) Is it a fact that another condition laid down in the letter under reference was "residence in His Majesty's Dominions for a period of four years within the last eight years before the application (for naturalisation) is made"? If so, are Government aware that Dr. Bose is a Professor in the State University of Iowa (United States of America), and it is not possible for him to comply with this condition without throwing up his appointment?

(d) Is it a fact that the last condition laid down in the Home Department letter to Dr. Bose was that the Government of India must satisfy themselves that the applicant "is of good character", before a certificate of naturalisation can be granted to him?

(e) Are Government prepared to grant facilities to Dr. Bose to come and stay in India for a period long enough to satisfy the conditions laid down in the Home Department's letter referred to in (a) above?

† For answer to this question, see answer to question No. 778.

**The Honourable Sir James Crerar :** (a), (c) and (d). A letter was addressed to Dr. Bose on the 13th August, 1928, in answer to a request for information as to how he could be naturalized as an Indian citizen. The conditions stated are those required under the law as contained in the British Nationality and Status of Aliens Act, 1914.

(b) It is not a fact that Dr. Bose applied for permission to remain in India for more than six months. He made a request that, when he next came to India, he should be allowed to do so without restriction. The second part of this question does not arise.

(e) The question will receive careful consideration if and when Dr. Bose applies for the facilities referred to and he has been informed accordingly.

#### PROMOTION TO THE UPPER DIVISION OF SECOND DIVISION CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT.

781. **\*Mr. Abdul Haye :** Will Government please state how they determine seniority for the promotion of second division clerks to the upper division in the Government of India Secretariat, whether from the date of their admission into Government service or from the date of their passing the examination?

**The Honourable Sir James Crerar :** I would refer the Honourable Member to the reply given by me to starred question No. 882 on the 6th September, 1927, and also to the reply given in another place to question No. 197 on the 30th March last.

#### REPRESENTATION OF MOSLEMS ON THE COURT OF THE UNIVERSITY OF DELHI.

782. **\*Mr. Abdul Haye :** (a) Will Government please state what is the total number of members of the Court of the University of Delhi?

(b) What number of such seats are reserved for nomination by Government?

(c) Is it a fact that some time ago the Moslem Association of Delhi made a representation that the Moslem community was not adequately represented on the Court and that more Moslems should be nominated by Government?

(d) Is it a fact that, since then, Government have further reduced the number of nominated Moslems by one?

(e) If the answer to part (d) is in the affirmative, will Government please state to what community that seat has been allotted and whether that community was not already represented on the Court?

**Sir Frank Noyce :** (a) 108.

(b) None, but the Governor General in his capacity as Chancellor of the University nominates fifteen members of the Court.

(c) Yes.

(d) and (e). Government have no power of nomination.

#### CHARGES OF BRIBERY AND CORRUPTION AGAINST CERTAIN OFFICERS OF THE NORTH WESTERN RAILWAY.

783. **\*Mr. Abdul Haye :** (a) Is it a fact that Mr. R. K. Sidhva, a member of the Local Railway Advisory Committee, Karachi, addressed a circular letter some time ago to certain officers of the Railway Board, the Agent and certain other officers of the North Western Railway charging certain officers of the Karachi Division, including the Divisional Superintendent, with corruption and bribery, and stating that he was prepared to substantiate his allegations?

(b) Was any action taken on Mr. Sidhva's letter and was he afforded any opportunity to state the definite charges and prove them? If so, with what result? If not, why not?

**The Honourable Sir George Rainy :** Government have not seen the letter referred to, but have seen a letter from Mr. Sidhva which appeared in the *Daily Gazette*, Karachi, of December 4th, 1928. This contained only general allegations and Government were advised that it was not actionable.

#### SUPPLY TO NEWSPAPERS AND NEWS AGENCIES OF ADVANCE COPIES OF THE HONOURS LIST.

784. **\*Maulvi Muhammad Yakub :** (a) Will Government please state the names of the news agencies to whom the 'advance proof copies' of the Extraordinary Gazettes of India containing the New Year's and Birthday Honours are supplied?

(b) Will Government please name the news agencies who applied for such Gazettes but were refused?

(c) Will Government please state the names of the newspapers to which the 'advance proof copies' of the Extraordinary Gazettes of India containing New Year's and Birthday Honours are supplied?

(d) Will Government please give the names of the newspapers who applied for the above Gazettes but were refused?

(e) Will Government please state if the news agencies and newspapers that are on the approved lists of the Government of India are extended equal treatment?

**Sir Denys Bray :** (a) and (b). The only news agencies that I have been able to trace as having been given and having been refused advance copies of the Honours List are the Indian News Agency and the Free Press of India, respectively.

(c) and (d). The collation of similar information regarding newspapers would involve research wholly disproportionate to the value of the result, but no newspaper as such receives an advance copy at present.

(e) Ordinarily yes; but in this very special case of the Honours List, which is of course not the sole property of the Government of India, it has been thought advisable to restrict the advance copy system to the narrowest limits compatible with due publicity.

**Mr. Gaya Prasad Singh :** May I know why the application from the Free Press of India has been refused?

**Sir Denys Bray :** I think my Honourable friend will find the answer in my reply under (e).

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NEWS AGENCIES AND NEWSPAPERS GIVEN FINANCIAL SUPPORT BY THE GOVERNMENT OF INDIA.

785. \*Maulvi Muhammad Yakub : (a) Will Government please name the news agencies to whom financial support is given by Government (i) for propaganda work, and (ii) in a businesslike manner ?

(b) Will Government please name the newspapers that get publicity remuneration from the Public Information Bureau of the Government of India ?

The Honourable Sir James Crerar : (a) and (b). Government subscribe to the telegrams of the Indian News Agency and Reuters on ordinary commercial terms. No subsidy is given to any news agencies or newspapers for propaganda or publicity purposes.

PRACTICE OF NOMINATING AN OFFICIAL AS PRESIDENT OF THE DELHI MUNICIPAL COMMITTEE.

786. \*Maulvi Muhammad Yakub : Will Government please state when the Delhi Administration propose to stop the practice of nominating an official as President of the Municipal Committee of Delhi ?

Sir Frank Noyce : The Honourable Member's attention is invited to the reply given by me to Mr. Abdul Haye's question No. 290 in this House on the 10th September, 1929. It is proposed to examine the question in consultation with the Chief Commissioner of Delhi.

ACCIDENTS CAUSED BY TRAMS IN DELHI.

787. \*Maulvi Muhammad Yakub : (a) With reference to question No. 288 of the 23rd February, 1928, will Government please state what action they propose to take against the Delhi tramways for such a great number of deaths by injuries inflicted by the trams in the city of Delhi ?

(b) Will Government please state if they propose to stop the running of trams in the narrow and traffic-ridden old bazars of Delhi to prevent further accidents resulting in death ?

The Honourable Sir Bhupendra Nath Mitra : Inquiries have been made and a reply will be furnished to the Honourable Member in due course.

PROHIBITION OF ENTRY OF NEWSPAPER REPORTERS TO THE DELHI KOTWALI.

788. \*Maulvi Muhammad Yakub : Will Government please state if the Delhi Kotwali is a prohibited area for newspaper reporters ? If so, why ?

The Honourable Sir James Crerar : I understand that newspaper reporters in search of police information are received daily by a selected police officer at the offices of the Senior and of the Additional Superintendent of Police, but that they are not allowed to enter the Kotwali police station.

ARTICLE IN THE *Daily Congress* OF DELHI ABOUT THE POLICE.

789. \*Maulvi Muhammad Yakub : Has the attention of Government been drawn to an article of the *Daily Congress* of Delhi of the 14th September, 1928 (page 1), and of the 17th September, 1928 (page 6) ? What action was taken by Government against the Police ?

The Honourable Sir James Crerar : I have seen the article of the 14th September but not that of the 17th. I understand that an inquiry has been held into the matter and have asked for full particulars. I will communicate the result to the Honourable Member in due course.

PROPORTION OF INDIANS APPOINTED AS STATION SUPERINTENDENTS, GUARDS, ETC., ON THE GREAT INDIAN PENINSULA RAILWAY.

790. \*Kumar Ganganand Sinha : (a) Will Government please state what is the number of (1) Station Superintendents, (2) Guards, (3) Yard Controllers, and (4) Loco. Foremen, on the Great Indian Peninsula Railway ?

(b) Into how many classes are these divided, and what is the proportion of Indians to Anglo-Indians and Europeans in each class ?

(c) Will Government please state if any system of *direct* recruitment exists for filling up these appointments on this Railway ? If so, what is it ? Does it apply to Indians, and Anglo-Indians and Europeans alike ?

Mr. P. R. Rau : I am making inquiries from the Agent, Great Indian Peninsula Railway, and shall communicate the information to the Honourable Member when it is received.

PROVISION OF WAITING SHEDS AND OTHER AMENITIES AT NEW DELHI STATION.

791. \*Kumar Ganganand Sinha : (a) Are Government aware that passenger traffic at the New Delhi Railway station is much greater than it used to be at the Delhi Sadar Station ? If so, why is there delay in providing regular shelters on the platform for passengers who have to wait sometimes for a long time to catch trains ?

(b) Is there any waiting room in the station for *purdah nashin* ladies ? If not, why not ?

(c) Why have the railway authorities so far failed to provide a refreshment stall on the platform ?

Mr. P. R. Rau : Inquiry is being made from the Agent, North Western Railway, and the information will be furnished to the Honourable Member on receipt.

PAY OF TIME-SCALE TOWN INSPECTORS OF POST OFFICES IN FIRST CLASS HEAD OFFICES.

792. \*Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state when the pay of time-scale Town Inspectors' appointments in First Class Head Offices was raised to the lowest selection grade pay of Rs. 160—10—250 ?

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(b) How many more Government orders have been issued since then for filling up those appointments?

(c) Will Government be pleased to state why so many different orders were issued—one superseding or modifying the other?

**The Honourable Sir Bhupendra Nath Mitra :** (a) With effect from the 1st September, 1927, the pay of the lowest selection grade of the clerical service in the Post Office was raised to Rs. 160—10—250 and from the same date the same rate of pay was sanctioned for posts of Town Inspectors in First Class Head Offices.

(b) Two, viz., 11-P.T.E., dated 15th September, 1927, and 14-P.T.E., dated 2nd October, 1928. A copy of the former letter is in the Library, and a copy of the latter was laid on the table of the House on the 28th January, 1929, when I replied to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 98.

(c) The reasons for issuing these orders are stated in the letters, and I do not propose to take up the time of the House by reading out the relevant extracts from them.

**Mr. Jamnadas M. Mehta :** Is it true that only these two orders were issued?

**The Honourable Sir Bhupendra Nath Mitra :** I have nothing to add to the reply which I have already given to the Honourable Member.

**Mr. Jamnadas M. Mehta :** Is it a fact that some more orders were issued in addition to the two mentioned by the Honourable Member?

**The Honourable Sir Bhupendra Nath Mitra :** I have nothing to add.

**Mr. Jamnadas M. Mehta :** Is it because of unwillingness or ignorance?

**The Honourable Sir Bhupendra Nath Mitra :** It is because what I have stated is the truth.

**Mr. Jamnadas M. Mehta :** Then may I ask the Honourable Member whether there are orders or communications dated the 16th December, 1927, 15th December, 1927, 11th February, 1928, 14th March, 1928, in addition to the two orders which the Honourable Member mentions?

**The Honourable Sir Bhupendra Nath Mitra :** The only Government orders issued are the two which I have mentioned.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member contend that what I have mentioned above are not Government orders?

**The Honourable Sir Bhupendra Nath Mitra :** I have no knowledge of them. I have already said that there are two Government orders issued in the case.

**Mr. Jamnadas M. Mehta :** Is it not true that there was an order issued on the 11th February from the Director General of Posts and Telegraphs in addition to the orders mentioned by the Honourable Member?

**Mr. President :** The Honourable Member has already said that he does not know of any other orders.

# DUTIES OF TOWN INSPECTORS OF POST OFFICES IN FIRST CLASS HEAD OFFICES

793. **\*Mr. Jamnadas M. Mehta :** (a) Is it a fact that Town Inspectors' appointments on selection grade pay in First Class Head Offices are really new appointments with additional duties and responsibilities?

(b) Is it a fact that the duties of Town Inspectors in First Class Head Offices, before the new selection grade appointments were created and the pay was raised, were not identical with the duties of Town Inspectors now and that it was only after the pay was raised that the duties were made identical with those of Sub-Divisional Inspectors? Will Government state in detail the difference between the two sets of duties before the creation of the new appointments?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Technically they are new appointments with additional duties and responsibilities. But, really they are old appointments with certain duties added and pay increased.

(b) When the pay of the appointments of Town Inspectors was raised, it was intended that they should be required to perform all the duties allotted in the rules to Inspectors of Post Offices. Owing to the discretionary power allowed to Heads of Circles under the Post Office Manual in the case of the Town Inspectors of Calcutta, Madras, Bombay and Rangoon, it is possible that some of these at any rate used to exercise larger powers than those specified in the chapter of the Manual dealing with Town Inspectors. The Director General has for some time been in correspondence with Heads of Circles in regard to a clear definition of the powers of Town Inspectors, and as soon as a settlement has been arrived at in the matter, a statement detailing the duties of Town Inspectors in future and in the past will be supplied to the Honourable Member.

**Mr. Jamnadas M. Mehta :** Why does the Honourable Member say that they are technically new appointments?

**The Honourable Sir Bhupendra Nath Mitra :** Because they are technically new appointments. I am afraid I cannot paraphrase that expression.

**Mr. Jamnadas M. Mehta :** May I draw the attention of the Honourable Member to the order of the 15th September, 1927, in which it is said "and the fact that they are in effect newly created posts"—not technically : in effect means substantially?

**The Honourable Sir Bhupendra Nath Mitra :** No, Sir. In fact the words "in effect" there have the same sense as the word technically, used by me in the course of my reply.

**Mr. Jamnadas M. Mehta :** Words have apparently changed their meaning in the Industries and Labour Department. But what I wanted was a reply as regards the two sets of duties before the creation of the new appointments—not what Government subsequently might do by manipulation. The Honourable Member has not replied to that question.

**The Honourable Sir Bhupendra Nath Mitra :** I refuse, with your permission, Sir, to answer a question which contains an insinuation of manipulation.

**Mr. Jamnadas M. Mehta :** There is no insinuation in the question itself ; there is an insinuation deducible from the reply that the Honourable Member gives ; the Honourable Member has not replied to my question.

**Mr. President :** The Honourable Member would be well advised to move a Resolution on the subject. I have been noticing for some time past that the Honourable Members have been debating this question. They are not entitled to do so by means of questions and answers. There should be a Resolution for that purpose.

**Mr. Jamnadas M. Mehta :** But that is the fault of the Department, not mine, if they cannot give a proper reply. Sir, it is no use asking questions if replies are not given.

†794\*—800\*.

#### HOLIDAYS FOR POSTAL SIGNALLERS.

801. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that the postal signallers are not allowed to enjoy the postal holidays ?

(b) Is it a fact that they work exactly like departmental telegraphists on postal holidays, but that they are not remunerated like the departmental telegraphists ?

(c) Is it a fact that their non-signal fellow workers of the same office enjoy postal holidays while the signallers do not ?

**Mr. P. G. Rogers :** (a) Not exactly. Postal signallers enjoy all post office holidays which are also telegraph holidays. As regards the additional post office holidays referred to in clause 2 of the Post and Telegraph Guide, only some postal signallers do not enjoy them.

(b) The answer to the first part is in the negative and to the second part in the affirmative.

(c) No ; even on post office holidays there are some non-signaller postal clerks who have to be on duty.

#### HOLIDAYS IN THE TELEGRAPH DEPARTMENT.

802. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that the Telegraph Branch is closed on all Christian holidays but not on Hindu and Muhammadan holidays ? If so, why ?

(b) Will Government be pleased to state the reasons why only Christian holidays are being allowed to be availed of by both the combined and departmental hands whereas Hindu and Muhammadan religious holidays are not so allowed to be availed of ?

**Mr. P. G. Rogers :** (a) No, the Telegraph Branch is not closed on all Christian holidays.

(b) Does not arise.

†These questions were not put by the questioner.

#### PAY AND ALLOWANCES OF POSTAL SIGNALLERS.

803. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that postal signallers are not specially remunerated for postal holidays ?

(b) Is it a fact that the pay and allowances of the telegraphists are much higher for their special technical qualifications than that of the Telegraph Departmental clerks ?

(c) Is it a fact that the pay of postal signallers and postal clerks are the same, although the signallers have some special technical qualifications ? If so, will Government be pleased to state the reasons for such differential treatment between the postal signallers and the departmental telegraphists ?

(d) Do Government propose to grant suitable allowances to the postal signallers for work on holidays and special technical qualifications ?

**Mr. P. G. Rogers :** (a) Yes.

(b) The pay and allowances of telegraphists are higher than those of Telegraph Department clerks not only on account of their special technical qualifications but also for other reasons.

(c) The reply to the first part is in the affirmative. With regard to the latter part, attention is invited to part (b) of the reply given in this House on the 26th September, 1921, by Colonel Sir Sidney Crookshank to Mr. Jatkar's unstarred question No. 41.

(d) As regards allowances for work on holidays, the Honourable Member is referred to the reply given to unstarred question No. 120 by Khan Bahadur Sarfaraz Hussain Khan on the 2nd September, 1929, in this House. Government do not consider that the technical qualifications of postal signallers are such as to justify the grant of any special allowance.

#### GRANT OF FACILITIES TO POSTAL SIGNALLERS TO QUALIFY FOR OTHER POSTS.

804. **\*Mr. Amar Nath Dutt :** Is it a fact that postal signallers are not spared to be attached to the Accounts Branch and the Correspondence Branches of the Head Post Office and the office of the Superintendent of Post Offices so that they cannot get any training in those Branches to qualify like clerks to pass the Account's Examination and Inspector's Examinations ? Do Government propose to offer necessary facilities to postal signallers to enable them to qualify for the Accounts examination and Inspector's examinations ? If not, why not ?

**Mr. P. G. Rogers :** There is nothing in the rules to prevent a postal signaller from being attached to work in the Accounts Branch or the Correspondence Branch of a Head Post Office or the office of the Superintendent of Post Office, nor have I any reason to suppose that the facts are as stated by the Honourable Member. I am not therefore convinced of any necessity for offering to postal signallers special facilities to enable them to pass the examinations referred to by the Honourable Member, and do not propose to take any steps in the matter.

the Administrative Officer, Vizagapatam Harbour, and will communicate it to the Honourable Member on receipt of it.

**PURCHASE OF SECOND-HAND MACHINERY FOR THE VIZAGAPATAM HARBOUR SCHEME.**

810. \***Mr. V. V. Jogiah** : Is it a fact that, in connection with the Vizagapatam Harbour Scheme, the Engineer-in-Chief purchased second hand machinery of considerable value ? If so, did he receive sanction from the administrative officer prior to purchase, or from the Railway Board ?

**Mr. P. R. Rau** : According to the information in possession of the Railway Board, second-hand machinery has been purchased by the Engineer-in-Chief, but the value is not known. The fact that the machinery was second-hand is not in itself a reason why higher sanction should be obtained.

**FERRY PURCHASED IN CONNECTION WITH THE VIZAGAPATAM HARBOUR SCHEME.**

†811. \***Mr. V. V. Jogiah** : Is it a fact that, in connection with the Vizagapatam Harbour Scheme, the Harbour authorities purchased a ferry for passenger and vehicular traffic ? What is its cost ? When was it purchased ? What were its earnings up to the 1st September, 1929 ? How long has it been running ? Did the old one become unserviceable ? If so, was it because it became useless or superfluous ? What is the cost of the landing stage ?

**WORK DONE BY THE SUCTION DREDGER "VIZAGAPATAM".**

812. \***Mr. V. V. Jogiah** : Will Government be pleased to lay on the table a statement showing :

- Number of hours of actual dredging done by suction dredger, "Vizagapatam" from 4th August, 1928, to 4th August, 1929 ;
- Number of hours of stoppage due to breakdown, overhauls, and other causes, with remarks on continuous stoppage, if any ;
- Quantity actually dredged between 4th August, 1928, and 4th August, 1929, and the quantity required to be dredged ;
- Actual expenditure as compared with output per cubic yard ; and
- Any large fluctuation in outturn between month and month suitably explained ?

**Mr. P. R. Rau** : I am laying on the table a statement giving the required information.

| Number of hours of actual dredging from 5th August, 1928, to 10th August, 1929. |        | Number of hours of stoppage due to breakdown, overhauls and other causes. | Quantity actually dredged between 5th August, 1928, and 10th August, 1929. | Actual expenditure as compared with output per cubic yard. |           | Among large fluctuation in outturn between month and month suitably explained.                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------|--------|---------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fortnight ending                                                                | Hours. |                                                                           |                                                                            | Expenditure.                                               | Output.   |                                                                                                                                                                                                                                                                                                                                       |
|                                                                                 |        |                                                                           | C. ft.                                                                     | Rs.                                                        | C. Yards. |                                                                                                                                                                                                                                                                                                                                       |
| 18-8-28                                                                         | 71     | 37                                                                        | 910,700                                                                    | ..                                                         | ..        | Dredging was carried out for one day during a fortnight on account of inspection and over-haul.                                                                                                                                                                                                                                       |
| 1-9-28                                                                          | 6      | 102                                                                       | 68,400                                                                     | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 16-9-28                                                                         | ..     | ..                                                                        | ..                                                                         | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 20-10-28                                                                        | 240½   | 31½                                                                       | 2,817,700                                                                  | ..                                                         | ..        | No dredging done during a fortnight. Dredging work stopped owing to floods for 3 days.                                                                                                                                                                                                                                                |
| 3-11-28                                                                         | 108    | 72                                                                        | 1,331,500                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 17-11-28                                                                        | 124    | 83                                                                        | 1,888,800                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 1-12-28                                                                         | 182    | 16                                                                        | 2,535,700                                                                  | ..                                                         | ..        | Due to quarterly over-haul for 27 days and to dredging hard material. The dredger had to be shifted for fresh cuts and pumps because less efficient on account of wear.                                                                                                                                                               |
| 15-12-28                                                                        | 179    | 19                                                                        | 2,595,500                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 29-12-28                                                                        | 151½   | 10½                                                                       | 2,685,000                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 9-2-29                                                                          | 173½   | 24½                                                                       | 1,513,500                                                                  | ..                                                         | ..        | Dredger stopped due to pump failure on the 29th July and was laid up for extensive overhaul. The quantity dredged since the commencement of operations has been 52 million c.ft. as compared with 58 million c.ft. required to complete the work in August, 1921, and 44 million c.ft. required to complete the work by August, 1922. |
| 23-2-29                                                                         | 173    | 25                                                                        | 2,034,600                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 9-3-29                                                                          | 138    | 60                                                                        | 1,261,300                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 23-3-29                                                                         | 160    | 20                                                                        | 2,935,700                                                                  | ..                                                         | ..        | ....                                                                                                                                                                                                                                                                                                                                  |
| 6-4-29                                                                          | 118½   | 61½                                                                       | 2,354,500                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 20-4-29                                                                         | 179½   | 18½                                                                       | 2,719,600                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 11-5-29                                                                         | 202½   | 13½                                                                       | 2,474,600                                                                  | ..                                                         | ..        | ....                                                                                                                                                                                                                                                                                                                                  |
| 25-5-29                                                                         | 121    | 77                                                                        | 2,040,350                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 22-6-29                                                                         | 207    | 36                                                                        | 3,129,650                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 6-7-29                                                                          | 178    | 20                                                                        | 3,098,750                                                                  | ..                                                         | ..        | Dredger stopped due to pump failure on the 29th July and was laid up for extensive overhaul. The quantity dredged since the commencement of operations has been 52 million c.ft. as compared with 58 million c.ft. required to complete the work in August, 1921, and 44 million c.ft. required to complete the work by August, 1922. |
| 20-7-29                                                                         | 148    | 50                                                                        | 2,246,400                                                                  | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| 10-8-29                                                                         | 53     | 64                                                                        | 781,700                                                                    | ..                                                         | ..        |                                                                                                                                                                                                                                                                                                                                       |
| Total ..                                                                        | 2,914  | 842                                                                       | 41,423,950                                                                 | 3,36,100 or Re. 0-3-6 per c. yard.                         | 1,534,220 |                                                                                                                                                                                                                                                                                                                                       |

†For answer to this question, see answer to question No. 809.

## BONUS EARNED BY THE DREDGING STAFF AT VIZAGAPATAM.

813. \***Mr. V. V. Jogiah** : What is the amount of bonus earned by the dredging staff and what is the reason for not fixing a monthly bonus rate ?

**Mr. P. R. Rau** : I am making inquiries from the Administrative Officer, Vizagapatam Harbour, and will communicate the information later to the Honourable Member.

## REMOVAL FROM THE TRAIN AT HARDA OF PASSENGERS TRAVELLING WITHOUT TICKETS.

814. \***Mr. Gaya Prasad Singh** : (a) Has the attention of Government been drawn to a report from Nagpur and published in the *Hindustan Times*, dated the 12th September, 1929, (page 5), in which it is stated that six passengers were taken down at Harda Railway Station, on the ground that they were travelling without tickets ; and consequently they had to walk along the railway line, with the result that a tragedy occurred near Khirkiya Railway Station, resulting in the death of four or five persons ?

(b) Do Government propose to make an inquiry, and find out if the above account is substantially correct ?

(c) Under what section of the Railways Act were the passengers dealt with, and removed from the compartment in which they were travelling ? And why were the provisions of section 113 or section 132 not applied to them ? Has any action been taken in the matter ? If so, what ?

**The Honourable Sir George Rainy** : (a) and (b). Government have seen the extract referred to and have obtained a report from the Agent of the Great Indian Peninsula Railway in this matter. I must state, in the first instance, that the inference in the newspaper report that this deplorable tragedy was the result of any blameworthy action on the part of the railway officials is incorrect ; it was a pure accident. The facts are as follows : six passengers were removed from 12 Up train at Khirkiya station on the 27th August as they had no tickets and no money to purchase tickets. They proceeded to walk to Khandwa along the railway line and were overtaken by a train while on a bridge. The driver had whistled when approaching the bridge, but unfortunately they could not get across and the driver could not stop in time to prevent an accident. One man was killed and three of the party were seriously injured, one of whom has since died. It is reported that there is hope that the others will survive.

(c) The question whether it is lawful for a railway officer to remove from a railway carriage a person who has no ticket and is unable or unwilling to pay the fare and penalty has, as the Honourable Member is aware, been raised in a recent decision in an Allahabad Court, and as soon as a copy of the judgment is received, the question what further action is necessary will be considered.

## COST OF THE ROYAL COMMISSION ON LABOUR.

815. \***Mr. Gaya Prasad Singh** : Will Government be pleased to state what the approximate estimated expenditure of the Royal Commission on Labour is ?

**The Honourable Sir Bhupendra Nath Mitra** : A provision of Rs. 2,25,000 has been included in the budget estimates for 1929-30 on account of the expenditure on the Royal Commission on Labour. It is too early yet to form an estimate of the total expenditure that will be incurred on account of the Commission.

**Mr. Gaya Prasad Singh** : Do Government desire to keep in view the recommendation of the Standing Finance Committee and the generally expressed desire of this House with regard to the emoluments paid to the Members of Committees and Commissions ?

**Mr. President** : What is the generally expressed view of this House ?

**Mr. Gaya Prasad Singh** : An application or Resolution signed by many Members of this House has, I understand, been submitted.....

**An Honourable Member** : No.

**The Honourable Sir Bhupendra Nath Mitra** : So far as the Royal Commission is concerned, the emoluments of the Members have already been fixed by the Secretary of State.

## "UNIVERSAL" STEEL SLEEPERS SUPPLIED TO THE BENGAL NAGPUR RAILWAY BY MESSRS. HENRY WILLIAMS, LTD.

816. \***Pandit Nilakantha Das** : With reference to the statement promised by the Honourable Sir George Rainy in reply to my starred questions Nos. 357 to 360 this Session, will Government please state :

(a) What is the quantity of the so-called condemned steel sleepers supplied to Henry Williams (India), Ltd., up to date by the Bengal Nagpur Railway ?

(b) What is the quantity of the universal steel sleepers (i.e., steel sleepers referred to in the patents quoted in question No. 357) received by the Bengal Nagpur Railway from Henry Williams (India), Ltd., in return up to date after making the alterations referred to in my starred question No. 358 ?

(c) What is the quantity of those patented steel sleepers purchased from Henry Williams (India), Ltd., by the Bengal Nagpur Railway up to date besides the quantity referred to in part (b) ? What is the price of these sleepers ?

(d) Were the above patented sleepers used by the Bengal Nagpur Railway before Henry Williams (India), Ltd., came into existence ? If so, from where were they got, and which were the firms who supplied them and how were they purchased, by public tender or by private arrangement ?

(e) Are any other railways using these sleepers ? If so, which are they, and what quantity (and at how much cost) have they used up to date ? Were they purchased by means of public tender or not ?

**The Honourable Sir George Rainy** : With your permission, Sir, I will reply to questions Nos. 816, 818, 819 and 821 together. The information asked for will be included in the statement I have promised.

**INSPECTION OF UNIVERSAL CAST IRON SLEEPERS MANUFACTURED BY THE  
BENGAL IRON COMPANY AND MESSRS. BURN AND CO.**

817. \***Pandit Nilakantha Das** : Will Government be pleased to state whether the universal cast iron sleepers manufactured by the Bengal Iron Co., and Burn & Co., are inspected by the Controller of Inspection of the Indian Stores Department, who inspects all other sleepers ?

**The Honourable Sir George Rainy** : The Agent, Bengal Nagpur Railway, reports that universal cast iron sleepers are inspected by the Controller of Inspection, Indian Stores Department. I would add that the statement in the last part of the question is incorrect. Only metal sleepers manufactured by commercial firms in India are inspected by the Indian Stores Department.

**LEASE OF LAND AND A RAILWAY SIDING TO MESSRS. HENRY WILLIAMS (INDIA),  
LIMITED.**

†818. \***Pandit Nilakantha Das** : With reference to the statement promised by the Honourable Sir George Rainy in reply to my starred questions Nos. 357 to 360 this Session will Government please give the following information ?

- (a) Do the extracts quoted by me in my supplementary question from the Report of the Accountant General, Railways (page 31, para. 65) refer to Henry Williams (India), Limited ?
- (b) Is it a fact that the land referred to in part (a) was enclosed with a boundary wall and provided with a railway siding just after the formation of Henry Williams (India), Ltd., and was rented out to them on a nominal rent ?
- (c) What was the cost of the boundary wall and the railway siding, and with the cost and interest thereon added to the loss on rent already calculated by the Accountant General, Railways, [referred to in part (a)] what is the total loss to the Bengal Nagpur Railway ?
- (d) Were any siding charges realised from Henry Williams (India), Ltd. ? Is the lease on land a long lease ? If so, for how many years, and with whose sanction was it entered into ?

**LARGE CONTRACTS PLACED WITH MESSRS. HENRY WILLIAMS (INDIA), LTD.,  
BY THE BENGAL NAGPUR RAILWAY.**

†819. \***Pandit Nilakantha Das** : Is it a fact, (i) that the firm of Messrs. Henry Williams (India), Ltd., is a private limited liability company of which the total paid-up capital (preference and ordinary shares together) is only Rs. 3,16,500 ; .

(ii) that the firm has issued other ordinary shares valued at Rs. 5,38,000 as fully paid-up for considerations otherwise than in cash ;

(iii) that Messrs. L. Greenham, Agent (now retired), Bengal Nagpur Railway, Henry William Joyce, Charles Williams Anderson, F. N. Slane, R. M. Hughes—all engineers of the Bengal Nagpur Railway—together with

†For answer to this question, see answer to question No. 816.

other members of their family (namely, Miss Enid Joyce, Mr. Eric Joyce—Minors—and Jane Elizabeth Anderson) have been connected with the firm ; and

(iv) that big contracts worth crores of rupees have been and are being placed with them by the Bengal Nagpur Railway from the date of the formation of the firm, by private arrangement without calling for tenders ?

**VALUE OF RAILWAY ORDERS PLACED WITH MESSRS. HENRY WILLIAMS, LTD.,  
IN INDIA AND IN ENGLAND.**

820. \***Pandit Nilakantha Das** : (a) What are the quantities and the value of the railway orders placed by the Bengal Nagpur Railway and other railways, if any, up to date for various articles with, (1) Henry Williams (India), Ltd., and (2) Henry Williams (Darlington), Ltd., with details as to how much in value was on tenders and how much was by private arrangement ?

(b) What, if any, is the connection between Henry Williams (India), Ltd., and Henry Williams (Darlington), Ltd. ?

(c) What, if any, is the connection between officers of the Bengal Nagpur Railway and Henry Williams (Darlington), Ltd., as well as Henry Williams (India), Ltd. ?

(d) What has been the loss, if any, to the Bengal Nagpur Railway on account of the private orders referred to in part (a) ?

**The Honourable Sir George Rainy** : (a) The information asked for, so far as the Bengal Nagpur Railway is concerned, will be included in the statement I have promised. I do not find sufficient reason to ask for information from other Railway Administrations.

(b) I will see whether the information can be obtained, but the Government of India are not in a position to insist on the disclosure of the relations between two private firms.

(c) I will ascertain whether any officer now serving on the Bengal Nagpur Railway is interested in either firm.

(d) I cannot assume at this stage that there has been any loss.

**Pandit Nilakantha Das** : With reference to part (b) of this question, if it is found out that the suggestion contained in my question is correct, will Government kindly take the trouble to inquire into the relation between the two private firms ?

**The Honourable Sir George Rainy** : Is this with reference to clause (b) ?

**Pandit Nilakantha Das** : Yes. If my suggestion proves correct, will Government kindly inquire.....

**Mr. President** : That is a hypothetical question.

**Pandit Nilakantha Das** : Sir, in question No. 819 there is the suggestion that it is not, what may be called, a private firm for our present purposes, I mean the firm of Messrs. Henry Williams (India), Ltd. Will the Honourable Member kindly take the trouble to include this also, i.e., Henry Williams (Darlington), Ltd., in the statement which the Honourable Member in charge has promised ? I refer to answer to part (b) ?

**The Honourable Sir George Rainy :** The only point I am anxious to guard is this. I am quite willing to make all the inquiries on the point that I can, but in the last resort I cannot compel the two firms to tell me what their relations are, but the information may be obtainable otherwise.

LOSSES ENTAILED IN CONNECTION WITH MESSRS. HENRY WILLIAMS, LTD.

†821. \***Pandit Nilakantha Das :** (a) Who will be responsible for the losses in rent, boundary wall, railway siding and purchases referred to in my previous questions ?

(b) Will the loss be recoverable ? If so, how and to what extent ?

REFUSAL TO PAY THE GRATUITY OF A DECEASED LOCO. CHARGEMAN ON THE GREAT INDIAN PENINSULA RAILWAY.

822. \***Mr. V. V. Jogiah :** (a) Is it a fact that one Mr. Arnold Duckett, a loco. chargeman on the Great Indian Peninsula Railway died after having put in about 22 years' service, bequeathing the amount of gratuity due to him to his brother ?

(b) Is it a fact that the brother of the deceased applied to the Agent, Great Indian Peninsula Railway, for payment of the said gratuity on the strength of Letters of Administration obtained from a court of law, but the Agent refused payment of the same to him ?

(c) Will Government be pleased to ascertain and state on what grounds the payment was refused ?

(d) Are there any rules justifying the action of the Agent ? If so, do Government propose to amend the rules and pay the brother of the deceased man ?

**Mr. P. R. Rau :** (a), (b) and (c). Under the Railway Gratuity Rules the amount payable on account of gratuity is not deemed to be included in the estate of an employee and cannot therefore be bequeathed. As an act of grace, it is paid, if an employee dies during service, to his widow and, failing the widow, to his dependent children.

(d) The amendment of the rules will be considered.

SUPPLY OF MILK IN DELHI CITY.

823. \***Lala Rang Behari Lal :** (a) Will Government be pleased to state if their attention has been drawn to the resolution of the Delhi Medical Association regarding the supply of milk to the Delhi City, passed in the beginning of this month and published in the papers ? If so, what action do Government propose to take in the matter ?

(b) Do Government propose to consider the advisability of extending the Punjab Food Adulteration Act to the Delhi Province ?

**Sir Frank Noyce :** (a) Government have seen in the Press the resolutions passed by the Association on the 29th August, 1929. It is understood they are under the consideration of the Medical Officer of Health, Delhi. I may state, for the Honourable Member's information, that, with the object of improving the milk supply of the city, the

†For answer to this question, see answer to question No. 816.

Municipal Committee of Delhi has recently framed certain bye-laws regarding the stabling of milch cattle and has also sanctioned the appointment of a qualified analyst. The Committee is also equipping a laboratory for the purpose of the examination of milk and other food-stuffs and has under its consideration draft bye-laws for the control of milk shops.

(b) The matter is under the consideration of the Local Administration.

DEATHS FROM CONSUMPTION IN DELHI.

824. \***Lala Rang Behari Lal :** (a) Will Government be pleased to state if it is a fact that out of the total number of female deaths recorded in Delhi during the past year a very large percentage was due to consumption ?

(b) What steps, if any, do Government propose to take in the matter ?

**Sir Frank Noyce :** (a) Of the 4,315 deaths of females in the Municipality of Delhi in 1928, 419 were from phthisis. The percentage of deaths from this cause was thus 9.7.

(b) The matter is primarily one for the consideration of the Municipal Committee, which is alive to the situation. A slum clearance scheme, for which a grant has been given by the Government of India, is in progress. Considerable efforts are also being made through the medium of health centres and health visitors to educate the people in elementary principles of hygiene and public health. An application for a grant-in-aid towards the opening of a tuberculosis dispensary at Hauz Kazi has been received by Government and will be considered in connection with the budget estimates for 1930-31.

SCHEME FOR NEW ROADS FROM NEW DELHI TO DELHI CITY AND CIVIL LINES.

825. \***Lala Rang Behari Lal :** (a) Will Government be pleased to state if at the time of the planning of the Capital at Delhi there was a scheme for laying out four roads passing through the Delhi City and connecting New Delhi with the City and the Civil Lines ? If so, will Government be pleased to state if that scheme has been abandoned ?

(b) In view of the insanitary condition of the city of Delhi and the high rate of mortality, do Government propose to consider schemes for opening out the city ?

**Sir Frank Noyce :** (a) The Delhi Town Planning Committee in 1913 suggested two roads to serve as through routes of communication between the New City and Civil Lines. Of these one has already been constructed, namely, the Burn Bastion Road. The other has not been considered in detail owing to want of funds.

(b) Government are fully alive to the importance of the subject, and various schemes to improve the sanitation of the city and to remove congestion are under consideration. The Government of India have already sanctioned a grant of Rs. 17,29,000 to acquire certain slums in Saddar Bazar, to build model houses for the poor and to improve the water supply of the city. A five years' programme of sanitary improvements has been drawn up and will be carried out as funds permit. New areas outside the city, especially towards the west, are being developed.

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## EXTENSION OF DELHI CITY.

826. \*Lala Rang Behari Lal : (a) Will Government be pleased to state if there was a proposal to extend the city of Delhi towards the South and utilise the land lying between New and old Delhi for the purpose ? If so, will Government be pleased to state how long it will take for the scheme to mature ?

(b) If there is no such proposal, will Government be pleased to state, what, if any, are their proposals for the extension of the Delhi city ?

Sir Frank Noyce : (a) In the original layout of New Delhi a large area of land south of the city in Delhi was allocated for city extension, but the city has actually extended itself in a westerly rather than in a southerly direction. The new hospital will, however, be erected on a large site in this area, while another portion will be occupied by the Government of India Press and Press quarters. The greater part of the remaining land available will probably be required for residences for clerks. All these schemes will, however, to some extent serve the purpose of city extension by relieving pressure within the city or otherwise.

It has recently been proposed that the wall between the Delhi Gate and the Ajmer Gate should be pulled down and the land lying between the city wall and the Circular Road utilised for the purpose of open clearance. The view taken by the Local Administration, however, is that it would be better to lay out this area as a park.

(b) Proposals are under consideration for utilising, for extension purposes, a considerable area in Paharganj and Multani Dhandra which is at present undeveloped and somewhat insanitary.

The Western Extension (Karaul Bagh) where there is still much room is also receiving attention and development in that direction will probably be rapid as soon as funds are available for water supply and drainage. Plans for extension are in progress in Shidipura, where model dwellings will shortly be erected for the relief of pressure in the crowded suburbs.

"A" GRADE APPRENTICES CONFIRMED IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

827. \*Mr. S. C. Mitra : Will Government please state whether the "A" Grade apprentices in the Bengal Nagpur Railway Workshops at Kharagpur, who have so far been confirmed to date and enrolled as regular apprentices, and their parents or guardians were allowed to fill in the forms A and B, referred to in para. 4 of the enclosure (Annexure A) to Government's answer to my starred question No. 819, in the Legislative Assembly on the 26th February, 1929 ? If not, why not ?

Mr. P. R. Rau : I am obtaining the information required from the Agent, Bengal Nagpur Railway, and will communicate it to the Honourable Member on receipt.

APPOINTMENT OF SIKHS TO THE MILITARY ACCOUNTS DEPARTMENT AND THE IMPERIAL CUSTOMS SERVICE.

828. \*Sardar Kartar Singh : (1) Will Government be pleased to state what is the total number of posts in (a) Military Accounts

Department, (b) Imperial Customs Service, and the number of posts held by Hindus, Muhammadans and the Sikh community, respectively, in them ?

(2) Is it a fact that a number of posts in the above services are reserved every year in order to adjust communal inequalities, arising out of the result of the competitive examination ? If so, are any posts thus reserved for the Sikh community ?

(3) Are Government aware that a number of Sikh candidates have been qualifying themselves in the examination for the services ?

(4) Will Government be pleased to state why no Sikh has been selected for the above services, and what steps they now intend to take to safeguard the rights of the Sikhs in future ?

The Honourable Sir George Schuster : (1) The total number of posts in the Military Accounts Department is 59. Of these, 15 are held by Hindus, 4 by Muhammadans and 1 by a Sikh. The total number of posts in the Imperial Customs Service is 36. Of these, 8 are held by Hindus, 2 by Muhammadans and none by Sikhs.

(2) The Military Accounts Department and the Imperial Customs Service are two of the services to which recruitment is made on the results of a combined competitive examination : the other services being the Indian Audit and Accounts Service and, with effect from the current year, a new service called the Indian Railway Accounts Service. The announced policy of Government would require that two-thirds of the vacancies filled by direct appointment in each of these services in any year should be filled by open competition and that the remaining third should be reserved for the redress of communal inequality, if any, among those appointed to the posts filled by open competition. It is not the policy to earmark any of the reserved proportion of posts as reserved for a particular community ; nor is there any mathematical ratio which Government has undertaken to maintain between the various communities. No posts therefore are definitely reserved for the Sikh community as such.

(3) In the four combined examinations to which I have referred, the total number of appointments made each year to the Indian Audit and Accounts Service, the Military Accounts Department and the Imperial Customs Service, whether by open competition or by nomination, has varied from 9 to 12 ; and the total number of candidates who appeared at the examination has varied from 70 in 1925 to 213 in 1928. The number of Sikhs who appeared at the examination was 2 in 1925, 3 in 1926, 3 in 1927 and 6 in 1928. The highest place secured by a Sikh examinee was 49th in 1925, 36th in 1926, 52nd in 1927 and 46th in 1928.

(4) No Sikh has secured appointment to the Military Accounts Department or the Imperial Customs Service by open competition ; and none has secured appointment on the communal basis, because candidates of other communities were considered to have a superior claim to the only vacancies that have been reserved for communal appointments in these services, namely, one in the Military Accounts Department in 1925 and another in the same service in 1928. The appointment of Sikhs in future to these services will depend :

(a) upon their success in securing vacancies by open competition ;  
and

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- (b) upon the application to candidates, who at any rate reach the qualifying standard, of the policy which I have outlined in the answer to part (2) of the Honourable Member's question.

My Honourable friend is probably aware that two Sikhs have been appointed by nomination to the Indian Audit and Accounts Service in accordance with the policy laid down; one in 1926 and one in 1928.

#### PAY OF STAFF OF ATTACHED AND SUBORDINATE OFFICES OF THE GOVERNMENT OF INDIA.

829. \*Mr. Abdul Latif Sahib Farookhi : (a) Will Government please state why in 1920, the scales of pay sanctioned for the Superintendents, assistants and clerks employed in the attached and subordinate offices of the Government of India were not uniform?

(b) Is it a fact that the attached and subordinate offices have since memorialised for the revision of their pay on a uniform basis?

(c) Is it a fact that in some of the attached offices a certain number of assistants on the Army Headquarters scale has been added, and if so, will Government please state why the same class of appointments have not been sanctioned for other offices?

(d) Will Government please state in which of the attached and subordinate offices the benefits of the revision sanctioned in 1920 were given to the members of the office establishment, and why, to those, who were not in the office on the date from which the revision was sanctioned or were holding temporary posts or were on probation on that date?

(e) Do Government propose to consider the desirability of sanctioning a uniform scale of pay for all the attached and subordinate offices?

The Honourable Sir James Crerar : (a) The reason is that the importance, duties and responsibilities of the various attached offices are not similar.

(b) Yes.

(c) Yes. The reason for the differentiation has already been given in reply to part (a).

(d) I am afraid I have been unable to follow the question, but I shall be glad to have the matter examined if the Honourable Member will elucidate it.

(e) The answer is in the negative.

#### DIFFERENCE IN PAY OF ASSISTANTS AND CLERKS IN THE SECRETARIAT AND IN ATTACHED AND SUBORDINATE OFFICES.

830. \*Mr. Abdul Latif Sahib Farookhi : Will Government please state why the pay of the assistants and clerks in the attached and subordinate offices is lower than or equal to the pay of second division and routine clerks in the Secretariat, respectively, and what steps do Government propose to take to remove this anomaly?

The Honourable Sir James Crerar : I would refer the Honourable Member to the reply given by the late Sir Alexander Muddiman to question No. 943 on the 15th September, 1925. In view of the nature of that reply, Government do not consider that any action is necessary.

#### NUMBER OF MUSLIMS APPOINTED AS CLERKS TO ROYAL AIR FORCE UNITS.

831. \*Mr. Abdul Latif Sahib Farookhi : Is it a fact that several vacancies for Indian clerks were created in all Royal Air Force units in India in 1926, and were filled by the Headquarters, Royal Air Force? If so, will Government please state how many out of them were offered to Muslims and how many to non-Muslims?

Mr. G. R. F. Tottenham : The answer to the first part of the question is in the affirmative. 15 appointments were offered to Muslims and 26 to non-Muslims.

#### NUMBER OF MUSLIM CLERKS APPOINTED IN UPPER DIVISION VACANCIES OF CERTAIN AIRCRAFT DEPÔTS.

832. \*Mr. Abdul Latif Sahib Farookhi : Is it a fact that five upper division vacancies were sanctioned by the Government of India for Indian clerks in the Aircraft Part, Lahore, Aircraft Depot, Karachi, Nos. I, II and III wings, Peshawar, Risalpur and Quetta, respectively, and were filled by the departmental candidates by the Headquarters, Royal Air Force? If so, will Government please state how many departmental Muslim clerks were appointed to these vacancies?

Mr. G. R. F. Tottenham : Yes. One was a Muslim clerk.

#### NUMBER OF MUSLIM CLERKS AT THE HEADQUARTERS OF THE ROYAL AIR FORCE.

833. \*Mr. Abdul Latif Sahib Farookhi : Will Government please state :

- (1) the number of Indian clerks in the Headquarters, Royal Air Force and the number of Muslims amongst them ;
- (2) the number of menials in the Headquarters, Royal Air Force, and the number of Muslims in them ; and
- (3) the number of clerks in the Royal Air Force formation in India and that of Muslims amongst them?

Mr. G. R. F. Tottenham : (1) 35 and 7, respectively.  
(2) 35 and 6, respectively.  
(3) 92 and 30, respectively.

#### RULES GOVERNING LEAVE, PROMOTION, ETC., FOR THE STAFF OF THE ANGLO-ARABIC COLLEGE, DELHI.

834. \*Mr. Abdul Latif Sahib Farookhi : (a) Will Government be pleased to state whether it is a fact that there are no rules governing leave, promotion, etc., for the staff employed in the Government Anglo-Arabic College, Delhi?

(b) If the reply to part (a) is in the affirmative, do Government propose to take immediate steps and instruct the authorities concerned to frame rules to that effect?

Sir Frank Noyce : (a) The Anglo-Arabic College in Delhi is not a Government institution. It is under private control. Government under-

stand that there are rules governing leave. They have no information regarding the promotion of the staff.

(b) Does not arise.

**Mr. Abdul Latif Sahib Farookhi :** Will Government get the information regarding the College ?

**Sir Frank Noyce :** Government could do so, but this is a private institution, and unless Government have reason to believe that the administration of the institution is unsatisfactory, they see no reason to call for information.

**Mr. Abdul Latif Sahib Farookhi :** Do Government believe that the management is satisfactory ?

**Sir Frank Noyce :** Government are satisfied that the management of the institution is satisfactory and that it is in a flourishing condition.

**Mr. Abdul Latif Sahib Farookhi :** The Honourable Member just now said that he has no information, and how are Government satisfied without information ?

**Sir Frank Noyce :** I said Government had no information in regard to particular points. I did not say that they had no general information in regard to the condition of the College.

#### RULES FOR THE MANAGEMENT OF THE ANGLO-ARABIC COLLEGE, DELHI.

835. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that the Principal of the Anglo-Arabic College, Delhi, obtains the formal sanction of the official president of the Managing Committee of that College before any question is discussed by the Committee ? If so, do Government propose to take action to change this rule ?

**Sir Frank Noyce :** Government are informed that the answer to the first part of the question is in the negative ; the second part does not arise.

#### DUTIES AND FUNCTIONS OF THE MANAGING COMMITTEE OF THE ANGLO-ARABIC COLLEGE, DELHI.

836. **\*Mr. Abdul Latif Sahib Farookhi :** What are the duties and functions of the Managing Committee of the Government Anglo-Arabic College, Delhi ?

**Sir Frank Noyce :** The Anglo-Arabic College in Delhi is under private control, and Government are not directly concerned with the duties and functions of its Managing Committee.

#### COMPLAINTS AGAINST MR. WALKER, PRINCIPAL OF THE ANGLO-ARABIC COLLEGE, DELHI.

837. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Are Government aware that Mr. Walker, the Principal of the Anglo-Arabic College, is discourteous in dealing with his subordinates ?

(b) Is it a fact that, since his appointment, practically the whole staff of the school and college has been changed and there is great discontent among the staff ?

(c) Are Government aware that Mr. Walker is against the retention or employment of any of his teachers or professors who belong to Delhi ? If so, why ?

**Sir Frank Noyce :** (a) and (c). No.

(b) Government are informed that the answer is in the negative.

#### REJECTION BY THE PUNJAB AND THE UNITED PROVINCES OF APPLICATIONS FROM TRAINED TEACHERS FROM DELHI.

838. **\*Mr. Abdul Latif Sahib Farookhi :** Will Government be pleased to state whether, if trained teachers or professors employed in aided schools or colleges in Delhi apply for appointments in the Punjab or United Provinces, their applications are rejected on the ground that they belong to Delhi ? If so, what do Government propose to do in order to remedy this hardship ?

**Sir Frank Noyce :** Government have no information. This question might more properly be asked in the Legislative Councils of the provinces concerned.

#### APPOINTMENT AND DISMISSAL OF STAFF OF THE ANGLO-ARABIC COLLEGE, DELHI.

839. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Will Government be pleased to state the total number of teachers and professors who were on the staff of the Anglo-Arabic College, Delhi, before the appointment of Mr. Walker and who are still in service in the same institution ? How many were removed from service and for what reasons ? How many resigned and for what reasons ?

(b) Does the Principal of the Government Anglo-Arabic High School take orders of appointment or dismissal of the staff of the college or school from the Managing Committee ? In how many cases has he acted of his own accord and ignored the Committee and why ?

**Sir Frank Noyce :** (a) Government have no detailed information regarding the appointment and removal of teachers in schools under private control, of which the Anglo-Arabic College, Delhi, is one.

(b) Government are informed that the appointment and dismissal of teachers in the Anglo-Arabic High School, Delhi, rests with the Committee of Management. They have no further information.

#### PAY OF THE PRINCIPAL OF THE ANGLO-ARABIC COLLEGE, DELHI.

840. **\*Mr. Abdul Latif Sahib Farookhi :** Is it a fact that the previous Principal of the Anglo-Arabic College, Delhi, used to get a smaller pay than the present Principal ? If so, for what reasons was a higher paid man appointed in a poor Muslim institution ?

**Sir Frank Noyce :** Government are informed that the pay of the present Principal is higher than the pay of the former principal. Appointments vest in the Managing Committee and not in Government.

## EXPENSES OF THE ANGLO-ARABIC COLLEGE, DELHI.

841. **\*Mr. Abdul Latif Sahib Farookhi** : Is it a fact that the Anglo-Arabic College, Delhi, was unable to meet the monthly expenses from the grant-in-aid when a less-paid Principal was working? How are the expenses of the College now met?

**Sir Frank Noyce** : Government are informed that the answer to the first part of the question is in the negative; they understand that the expenses of the College are met by fees, subscriptions including interest on endowments, and Government grant.

## DEVELOPMENT OF THE ANGLO-ARABIC COLLEGE, DELHI.

842. **\*Mr. Abdul Latif Sahib Farookhi** : Do Government propose to consider the desirability of helping the Anglo-Arabic College, Delhi, to become a full-fledged College in near future? If not, why not?

**Sir Frank Noyce** : The Delhi University has already granted to the Institution recognition as a Degree College, teaching up to the B.A. pass standard. 3rd and 4th year classes have already been opened.

## REMOVAL OF THE FORT FROM SHWE DAGON PAGODA HILL.

843. **\*U. Tok Kyi** : (a) Is it a fact that the Shwe Dagon Pagoda Hill will remain as a fort?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state why the arsenal has been removed to Mingaladon since December last?

(c) Is it a fact that the late Lord Rawlinson stated in the Council of State that the cessation of the Shwe Dagon Pagoda to be in military occupation was contemplated?

(d) Is it a fact that the utilization of religious edifices for military purposes goes against the International Convention?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state the reasons which led them to the decision that the Shwe Dagon Hill should remain as a fort?

(f) Are Government aware that the Shwe Dagon Pagoda is regarded by the Buddhist public as the holiest of all religious buildings in Burma and that the said decision has provoked intense resentment throughout the country?

(g) If the answer to part (f) be in the affirmative, do Government propose to remove the fort to Mingaladon as they have done in the case of the arsenal?

**Mr. G. R. F. Tottenham** : (a) to (g). No part of the Shwe Dagon Pagoda Hill is in military occupation. The land on which the Pagoda stands was made over in 1908 to the Pagoda Trustees by a deed of grant, subject to certain conditions. The Trustees have held the land on these terms ever since without complaint and it is not proposed to alter the existing position nor to make any change in the conditions.

The Arsenal was moved to Mingaladon to remove it from the vicinity of the Pagoda.

## PROMOTION TO COMMISSIONED RANKS OF THE INDIAN MEDICAL DEPARTMENT.

844. **\*Lieut.-Colonel H. A. J. Gidney** : (a) Is it a fact that promotions in the Commissioned ranks of the Indian Medical Department are regulated by vacancies?

(b) Is it a fact that in August 1917, the Government of India in the Army Department by their letter No. 11789, dated the 9th August, temporarily increased the cadre of Commissioned Officers?

(c) Is it a fact that according to the letter referred to in part (b) the cadre of Captains in the Bombay establishment of the Indian Medical Department was increased to seven?

(d) Will Government please state whether the Government of India order granting this temporary increase was in force on the 2nd November, 1917? If not, will Government please place on the table a copy of the Government of India Order or Army Instructions, India, cancelling their letter No. 11479, dated the 9th August, 1917, before the 2nd November, 1917?

**Mr. G. R. F. Tottenham** : (a) Promotion to the ranks of Lieutenant and Captain is regulated by vacancies, but promotion to the rank of Major is made after three years' satisfactory service in the rank of Captain.

(b) Yes.

(c) Yes.

(d) Yes, but this temporary increase was originally granted in order to relieve a block in promotion in the Bombay establishment. This object was achieved by filling a vacancy that occurred in that establishment on the 25th August, 1917, and thereafter the orders were held in abeyance until the issue of Army Instruction No. 176 of 1918, which enabled the temporary increase in the number of commissions to be utilised in any of the three Residential Establishments.

## REFUSAL OF PROMOTION TO CAPTAIN ALMEIDA OF THE INDIAN MEDICAL DEPARTMENT.

845. **\*Lieut.-Colonel H. A. J. Gidney** : (a) If the answers to parts (a) and (d) of the previous question be in the affirmative, was Lieutenant Almeida promoted to the vacancy created by Captain Roderigues becoming supernumerary? If not, why not?

(b) Will Government please state if there is anything in Captain Almeida's record of service of such a nature as could deprive him of a due promotion?

(c) Is it a fact that as a result of this omission on the part of the authorities concerned, Captain Almeida did not attain his Majority before he retired on the 31st January, 1921, and thereby incurred financial losses in the matter of his pension?

(d) Do Government propose to remedy this injustice?

**Mr. G. R. F. Tottenham** : In view of the answer I have given to the previous question, the Honourable Member will realise that Captain Almeida had no claim to promotion in the vacancy that arose on November 2nd, 1917. It is a fact that Captain Almeida did not eventually qualify for a Major's pension, but I can assure the Honourable Member that

Government have already considered his case very fully, and they regret that the rules preclude them from granting him any special concession.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether the Government of India in the Army Department have submitted Captain Almeida's case to the Secretary of State for consideration and when they did this, did they recommend his case to the Secretary of State?

**Mr. G. R. F. Tottenham :** The answer to the first part is that the Government of India have submitted his case to the Secretary of State. I did not catch the second part of the Honourable Member's question.

**Lieut.-Colonel H. A. J. Gidney :** Did they recommend his case to the Secretary of State?

**Mr. G. R. F. Tottenham :** They made certain recommendations, yes.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member be good enough to resubmit his case to the Secretary of State for further consideration?

**Mr. G. R. F. Tottenham :** The Secretary of State has already passed orders on this case and I do not think it would be proper for us to make any further recommendation. The most I could do to meet the Honourable Member's wishes would be to send a copy of his question and of this reply to the India Office and draw their attention to the facts of the case. I am prepared to do that.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member recommend his case?

**Mr. G. R. F. Tottenham :** I am afraid the Government of India cannot add to the recommendations they have already made.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member reiterate the recommendations?

**Mr. G. R. F. Tottenham :** I will draw attention to the previous recommendations.

#### VERIFICATION OF THE RECEIPT AND ISSUE OF STORES AT LILLOOAH, EAST INDIAN RAILWAY.

846. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Will Government please state whether the receipt, issue and accounting for stores at Lillooah, East Indian Railway, was verified during the years 1923-24 and 1924-25? If so, on what dates?

(b) Were such verifications posted to the audit ledgers of the respective years? If not, why not? If so, on what dates?

**Mr. P. R. Rau :** I am endeavouring to obtain the information required by the Honourable Member.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member state whether he is really in a position to obtain true and correct information on this point and in this Department?

**Mr. P. R. Rau :** I hope so, Sir.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member state whether the Stores Accounts in the E. I. R. have for years been and are in a chaotic condition and that no reliable records have been available for years?

**Mr. P. R. Rau :** They have been in a condition approximating to chaos.

**Lieut.-Colonel H. A. J. Gidney :** Is there any improvement today in that chaotic condition?

**Mr. P. R. Rau :** Steps are being taken to improve it and I believe it has improved since last year.

#### PAY OF TELEGRAPH MASTERS.

847. **\*Lieut.-Colonel H. A. J. Gidney :** (1) Is it a fact :

(a) that the pay of a Telegraph Master starts from Rs. 275—10—325 ;

(b) that the emoluments of a Baudot (Telegraphist) Supervisor invariably come up to Rs. 290 including his allowances as recently revised ;

(c) that the duties of a Baudot Supervisor consist mainly of attention to the apparatus ;

(d) that the pay of Class I Clerks is Rs. 250—20—350 ;

(e) that many Baudot Supervisors and Class I Clerks receive greater emoluments than a Telegraph Master in the Telegraph Department ;

(f) that no revision of the pay of the Telegraph Masters has been made ever since 1920 ; and

(g) that the question of this revision has been under the consideration of the Government of India ever since 1923 ?

(2) Are Government aware that Telegraph Masters do not even reach the maximum pay granted to clerks, and do Government propose to take immediate steps to remedy this defect and revise their scale of pay?

**The Honourable Sir Bhupendra Nath Mitra :** (1) (a) Yes, but in the case of General Service Telegraph Masters only.

(b) No ; only when the Baudot Supervisor is a General Service telegraphist drawing the maximum pay of his scale.

(c) Yes.

(d) Except for four posts, the pay of Class I clerks is not Rs. 250—20—350.

(e) The fact is not as stated by the Honourable Member. I would refer him to the replies to parts (b) and (d) above.

(f) No revision of the pay of Telegraph Masters has been made since May, 1921.

(g) No.

(2) The answer to the first part is in the affirmative so far only as the four clerical posts referred to in my reply to part (d) above are concerned. Government do not, however, consider that this is any defect in the relative scales of pay of clerks and Telegraph Masters, as a number of Telegraph Masters can rise to much higher rates of pay on promotion to posts of Deputy Superintendents, etc., and they do not, therefore, propose to take the steps suggested by the Honourable Member.

**Lieut.-Colonel H. A. J. Gidney :** I thank the Honourable Member for his reply, but I did not hear half of it. May I ask the Honourable Member to repeat the latter part ?

**The Honourable Sir Bhupendra Nath Mitra :** Will the Honourable Member kindly speak up ? (Laughter).

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member reply to parts (f) and (g) of question No. 847.

**The Honourable Sir Bhupendra Nath Mitra :** (f) No revision of the pay of Telegraph Masters has been made since May, 1921. (g) No.

**Lieut.-Colonel H. A. J. Gidney :** Is it a fact that the duties and responsibilities of a Telegraph Master are greater than those of a Baudot supervisor or a class I clerk ?

**The Honourable Sir Bhupendra Nath Mitra :** Sir, the duties of the various classes of officials are different and it would be impossible for me to gauge the precise volume and extent of the responsibilities and duties of these different classes. (*Lieut.-Colonel H. A. J. Gidney :* "Will the Honourable Member kindly speak up ?") (Loud Laughter.) But the position is this. The class I clerk does not ordinarily get up 250—20—350, but there are four appointments on that rate of pay to allow for promotion to deserving clerks towards the end of their service. The Telegraph Master ordinarily rises to a maximum pay of Rs. 325, but if he is considered to be efficient he has prospects of promotion to the grade of Deputy Superintendents and to the second and first division of the superior service and he can end with a pay of Rs. 1,500.

**Lieut.-Colonel H. A. J. Gidney :** Supplementary question, Sir. Is the revision of the pay of Telegraph Masters under the consideration of the Government of India ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid the Honourable Member did not listen. I have again to repeat the answer which I have already given to part (g) of his question. The answer is in the negative.

#### PAY OF OFFICERS OF THE RAILWAY SIGNALS DEPARTMENT, EAST INDIAN RAILWAY RECRUITED IN ENGLAND AND IN INDIA.

848. **Lieut.-Colonel H. A. J. Gidney :** (1) Is it a fact :

(a) that the Superior Railway Signals Department, East Indian Railway, is a cadred service and consists of both Europeans and Indians and that promotion is effected by annual increments of pay ;

(b) that recruitment into this Service is effected both in England and India ;

(c) that officers recruited in England are engaged on a much higher initial salary than those recruited in India ;

(d) that owing to the fact that such officers receive a higher salary they are *ipso facto* placed in a higher position on the cadre than officers recruited in India, even if the latter have more years of service to their credit ; and

(e) that as a result of this practice officers who are recruited in India find themselves superseded by junior officers recruited in England on a higher scale of pay ?

(2) If the answers to part (1) are in the affirmative, do Government propose to put an immediate stop to this practice ?

**Mr. P. R. Rau :** 1. (a) The cadre of the Signal Department, East Indian Railway, consists of a Deputy Chief Engineer, Signals, Assistant Signal Engineers, Senior scale, and Assistant Signal Engineers, Junior scale ; and of both European and Indian Officers. The scales of pay for each class of post are incremental, increments being given annually for approved service, up to the maximum of the scales.

(b) Yes.

(c) No. The initial salary of officers, whether engaged in England or in India, is fixed according to age and qualifications.

(d) No. I understand there are no officers at present who have been placed in a higher position than the date of entry into the service justifies.

(e) Does not arise.

2. Does not arise.

**Lieut.-Colonel H. A. J. Gidney :** Is the Honourable Member aware that, on the East Indian Railway quite recently, some officers were appointed to the Railway Signals Service and placed on the cadre higher than those recruited locally ?

**Mr. P. R. Rau :** My information does not bear out that, Sir.

**Lieut.-Colonel H. A. J. Gidney :** Then your information, Sir, is not correct. Is it a fact that similar conditions obtain in the State Railway Medical Service ?

**Mr. President :** What similar conditions ?

**Lieut.-Colonel H. A. J. Gidney :** Conditions under which men are recruited in England and come out on a higher pay and are placed higher up in the cadre.

**Mr. President :** The Honourable Member has already said that he does not bear him out.

**Lieut.-Colonel H. A. J. Gidney :** Is it a fact that the Government of India in the Railway Department subscribe to the policy adopted of placing officers recruited in England in a higher place on the cadre than officers recruited in India ?

**Mr. President :** Order, order. Mr. Munshi.



## MOTION FOR ADJOURNMENT.

## TREATMENT OF BUDDHIST MONKS IN JAILS IN BURMA.

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Sir, I ask for leave to move the adjournment of the House to discuss a definite matter of urgent public importance, namely :

"The situation arising out of the action and policy of the Government refusing the use of the yellow robe to Burman Buddhist Monks, who are imprisoned in the jails of Burma—and more particularly Burman Buddhist Monks convicted of political offences in Burma—which has already resulted in the death of U. Wazaya in consequence of prolonged hunger-strike and which is likely to involve further loss of life."

**The Honourable Sir James Crerar** (Home Member) : Sir, I have no objection.

**Mr. President** : The motion is in order and as no objection is taken I intimate that leave is granted and that the motion will be taken up for discussion at 4 o'clock.

## RESOLUTION RE WITHDRAWAL OF PROTECTION FROM THE TIN-PLATE INDUSTRY.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Sir, I move that :

"This Assembly recommends to the Governor General in Council that he may be pleased to undertake an amendment of the Steel Protection Act, 1927, with a view to withdraw the protection granted thereunder to the tin-plate industry in India."

My Resolution is very simple and my reasons also will be simple. The issue is that the protection which is continuing in the case of the tinplate industry in India, that is, particularly the Tinsplate Company at Golmuri, Jamshedpur, which is the only tinplate industry in India should be withdrawn. This Tinsplate Company was started in 1920 and began work in 1922. By 1924 all the six mills that are now working were in perfect working order. Then they wanted protection at the hands of the State and the Tariff Board held an inquiry. It was found that there were various objections for which any protection to the industry should not be given, but as it was also found that especially in war-time tinplate cannot be imported from America or Wales, where this is generally manufactured, it was contemplated that the Golmuri Tinsplate concern should be turned into a national industry, and therefore there was a proposal for protection. At first the protection was Rs. 60 per ton, and then it was raised somehow to Rs. 85. Now from 1926 it has stood at Rs. 48 per ton. But this is not all. The taxpayer loses much more on account of this industry ; because our duty on the metallic tin was Rs. 555 per ton and only because of protecting this tinplate industry in India it stands now at Rs. 250 per ton. This is the protection now accorded to the tinplate industry.

But when we come to consider the character of the industry, we find that this is owned by external capital. This is the first thing that attracts notice. At first Rs. 75 lakhs was the capital. Out of this sum two-thirds were issued in the name of the Burma Oil Company and one-third in the name of the Tata Iron and Steel Company. With both these Companies the Tinsplate Company entered into contracts. The Burma

Oil Company under the contract agreed to purchase all the production of this tinplate concern, for they wanted it for their tins and canisters for their petrol and oil. The Tata Iron and Steel Company under their contract have to sell them, i.e., find customers in the Tinsplate Company, for their own production. It was said that this Golmuri Tinsplate Company was a subsidiary concern of the Tatas on account perhaps of this customership as well as the one-third shares. With the Tatas the contract was that the Tatas would sell off iron ingots, or bars, out of which the plates for the tinplates are made, at a certain fixed price, perhaps the cost price, and when the accounts were adjusted, if there was any loss, Tatas would bear half the loss,—and if there was a profit, of course, Tatas would take half of that profit. But this has not yet come about. This profit has been taken away by other means.

It is interesting to know how and by what means the profit is absorbed. The Tinsplate Company was originally started on account of some exchange difficulty, or because of high post-war prices, with machinery and other things purchased from foreign countries at an abnormally high capital investment. The original share capital authorised and issued was Rs. 75,00,000. Normally this would have been approximately the sum required for the concern. But on account of the high prices of machinery, etc., all these Rs. 75 lakhs, were not considered enough, and at once Rs. 125 lakhs of debentures were authorised at ten per cent. This is very abnormal. The debentures are for Rs. 125 lakhs, but we do not yet know—it is confidential still—actually to what extent they were issued or utilised in the concern. But in the accounts I understand the whole sum of Rs. 125 lakhs appears. In fact much less has come to use. Somehow, roughly, it may be estimated that about 150 lakhs is the amount that is spent on the concern. Out of this, 125 lakhs, or whatever was issued actually, was purchased by the Burma Oil Company. The Burma Oil Company was assured of 10 per cent. profit, which is called interest on the capital of 125 lakhs year after year, whereas the share capital was either starved for want of profit or bore actual loss. Thus the Burma Oil Company is practically the owner of the concern and they are in receipt of all the profits, which practically come to 8 or 8½ per cent. on their capital investment. It is 10 per cent. on the debentures, but actually it comes up to 8 or 8½ per cent. on the capital actually issued by the Burma Oil Company. And, Sir, according to a statement of the Tata's, they have thought it better to write off the one-third of the shares which they purchased in the beginning, and one of their members who is on the Directorate of the Tinsplate Company practically takes no interest in it. This is the position.

Then, Sir, when protection was granted to this Company, it was stipulated or at least clearly understood, among other things, that they would employ Indian labour. The recommendation of the External Committee in this connection is also clear, of which you, Sir, for some time were a member. They said that, according to the Fiscal Commission's Report and the recommendation of this Assembly, facilities for the technical training of apprentices should be stipulated in every case, especially where external capital is invested in this country. I submit, Sir, that in the case of the Tin Company, it is *de facto*, though not completely *de jure*, external capital. Besides, Sir, in several of their statements to the Tariff Board, this Tinsplate Company have themselves

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practically given the undertaking that they would gradually replace the Welsh labour by Indian labour. It will be difficult to understand this bit of difference, which appears to be so simple. Sir, a labourer who is recruited from Wales or other foreign countries gets Rs. 750 a month. Apparently, they were not satisfied with this amount and therefore in 1923 they struck work and demanded bonus and leave for going home. Both these concessions were at once granted. The bonus comes to Rs. 500 or Rs. 600 a month per man. Therefore their emoluments now come up to Rs. 1,300 per head. The Indian labourer, for doing the same sort of work, used to get, until the time of the strike, that is till April last, Rs. 212 per day, or Rs. 80 to Rs. 85 per month. Sir, we pay a foreign labourer Rs. 1,300 a month, and the Indian labourer, for doing the same sort of work, is paid only Rs. 85 a month. Sir, the Company was expected to be self-supporting, and it was also expected that our labourers would be able to take charge of the technical work in about five or seven years' time, after which no protection will be necessary. The Tinplate Company themselves admit that the period of three years may be said to be the period for the training of labour (*vide* page 66, Evidence before Tariff Board, Volume VII). They also speak of other things, such as, the reduction of imported staff and so on in that connection, evidently as grounds for claiming protection from the State. Then, it may well be said that a period of three years is at least necessary for the training of a man, and for that training we are looking forward every day so that we may employ Indians in place of Welshmen. Our protection will then have achieved the task of making the industry national. When the second inquiry was made, it was said that, to some extent, they reduced their foreign staff. In 1924 it was something like 85 and now the figure stands at 58.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : That is a wrong figure ; it now stands at 42.

**Pandit Nilakantha Das** : It may be 42 now ; I am thankful to my friend for correcting me. But whatever may be the number, it was not perhaps thought advisable to go on with this process of reducing the imported staff and recruiting Indian labour. We may or may not entirely blame the capital here. For foreign as it is, it is not to its interest to look to temporary profit alone. To continue productive investment must be its outlook. But in our industries, it must be admitted, capital is not directly responsible for dealing with labour. The thing which is mostly responsible is the management, which is between the capital, on the one hand, and the labour on the other. They are practically the irresponsible masters of the situation in big concerns. In the present case, the management has to draw upon the vast resources of the Burma Oil Company, from whom they have obtained a *carte blanche* and to whom they can explain anything they like and that in any manner. When the Company was approached by some gentleman of note during the last strike, he was told that there were men on the spot, meaning the management, and that the management were to deal with the case as they liked. Sir, for reasons obvious, this management is not there to see that the Indian labour should thrive. All this much vaunted solicitude for training Indian labour, and replacing Welshmen by

trained Indians was, it appears, only a means for securing the protection for a good number of years.

When this was the state of things, and when the protection was recommended by the Tariff Board and was actually given in 1927, discontent began to manifest itself among the labourers, who felt they had a right to better wages and better conditions of service and living. But the management, as usual, did not like that discontent or that any demand should come from the side of labour. The labourers gradually formed themselves into a Union and that was perhaps a red rag to a bull.

I do not like to enter into details of this labour trouble, for it has been well discussed in the Bihar Council, which was perhaps the appropriate place for it. We have to deal here only with principles, not details. What were those troubles, and what were those grievances that were not actually satisfied ? I will not deal here with any close details. But it is a fact that, after the Union was formed, the hitch came and before the Union was registered, there was a strike. I do not like to enter into personalities, but I know it for certain that there are men, and it is also reasonably apprehended that there are officers, of the Government in league with those men who are, to a great extent, responsible for various labour troubles and for demoralising and crushing labour for all times to come. This is the case in Jamshedpur, if not anywhere else. But I do not like to enter into these details. The fact is, as I have said, that, before the Union was registered, there was a strike.

**Mr. G. L. Winterbotham** : The fact was that the Union was recognised by the Company before it was registered.

**Pandit Nilakantha Das** : It was recognised by the Company, but it was apprehended that, in their dealings, the Union perhaps did not behave like proper school children and that they wanted to get registered and put forward their demands. It was recognised only in name, and as the course of events will show, leaders of the Union and officers themselves wanted interviews, but those interviews have been persistently refused.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhamadan) : Even their letters were left unanswered.

**Pandit Nilakantha Das** : Yes, even their letters remained unanswered. Whatever that be, soon after the nominal recognition and before the strike, the Union wanted to put forward certain demands and then the real trouble came. That was a red rag to the bull, as I said. What happened ? They said : "Yes, we shall think of it, we shall meet your President, we shall do this and we shall do that". Meantime, it was found that Gurkhas were recruited and they were instructed to serve as black legs in case a strike came. This exasperated the people, and as far as my information goes, the people were so suspicious of the attitude of the management that, in spite of their own leaders, they began to strike work. Then, naturally and justifiably the leaders also joined them. That was the position, and after that there was a strike. We have read of many gentlemen, Mr. Daoood and Mr. Giri and many other gentlemen wanted to approach the management for a settlement, but the management proved obdurate. My Honourable friend Sir Bhupendra Nath Mitra also met some of the labour leaders unofficially. But I do

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not know what transpired in that interview. I know it full well that no attempt till now has been successful to bring the management to any conciliation. I wish to give out one of my personal experiences in this case which has not yet been published. Even before the leaders approached the management, just when Mr. Homi was out of manipulating everything, as it has been given out in the Bihar Council, and as I know as a matter of fact—Mr. Homi was the real instrument in the hands of the authorities as well as the management to manipulate labour, to demoralise them—just after Homi was thrown out of the Presidentship—in fact he was compelled to resign—I was the first man to approach the management. I approached Mr. Layshon, the General Manager, and there was also another man, Mr. Price, Mr. Russel, or some one whose name I forget. I approached them personally, privately and unofficially. I told them that the situation was very dangerous. I reminded them that the steel protection was given on the undertaking that they would train and pay Indian labour adequately, and that they would replace the highly paid technical and overhead staff by trained Indian labour. That was the only thing which would make the concern self-supporting and profitable. That could only justify the protection granted by the State. What were they doing now? They could crush the labour for the present. But the discontent would remain. Were they alive to the effects of such a situation? These people out of some grievances had gone on strike. They were entitled to a sympathetic hearing and careful consideration. But the management proved obdurate. I found they were vindictively out for victimisation. I should have much liked, as I actually told them, that the management took the labourers back into their works at once, and then, I told them, I would stand surety for bringing about a conciliation board of inquiry even to punish those who would be found guilty, if any. I said, "You should not victimise them; you should not dismiss them or turn them away without notice". That was a time when 300 or 400 new men were recruited. I pointed out to them how useless would be these new men for the promotion of the industry. I knew what the Tariff Board thought about this industry. I knew that it was a technical industry requiring technical knowledge in which the training was not easy. I realised how the management had trained men at the cost of the taxpayer, and how any show of new recruits would not meet the situation. I suggested in my conversation that they might employ even 5,000 or 6,000 new men in place of 3,000 old hands. What would it matter? What would it mean? It is not the number, but the training that matters to the industry, as well as to the taxpayer. The taxpayers are the men who would any day stand up and say, "Why should this Company be provided money at our expense? Why should this Company be given protection?" I indicated that they did not look forward to this danger. This labour unrest, I told them, was a very grave situation and they ought not to handle it and deal with it in the shabby manner in which they were attempting a solution. But I came back from the interview with the impression that the Company wanted to put down the unrest with the aid of the vast resources of Burma Oil Company, which were all at the back of this Tin-plate Company, and thus the management wanted to crush and demoralise labour by everything in their power. That was my experience.

Since then, Pathans or Afghans have been recruited ostensibly to guard the company's interests, but in fact to terrorise the strikers. Here is a photograph, Sir, printed in *the Liberty* of Calcutta, dated the 27th of last month. (The Honourable Member showed the group photograph). The name of this group photograph is here, "Messrs. Price and Henderson of the Tinplate Company fraternising with the Pathans". Here you may see, Sir, how these European members of the management appear in *Pagri*, the head-dress of the Pathans, with whom they are making merry. Many of us read in the papers what these Pathans are doing to keep up what you may call the prestige, or the interested *Zid* of the management.

On the side of the labour everything is peaceful. Even in the last week of August, when on the picketing of the strikers, the new recruits came out in sympathy, and practically the works were again empty, I know it for certain that even that picketing was absolutely peaceful. I challenge any man to deny it. Then the Pathans and the police had their way, and what is the state of things now? As I read in one of the statements of my esteemed friend Pandit Jawaharlal Nehru, things are not only much worse, but savage brutality is being practised upon the labourers by the management. They have been driven out of their houses,—their hovels,—the water supply is cut off, and there are various other savageries which I hope will be read in this House in the course of this debate. No, I think, I should myself read the whole thing out, and I crave your indulgence, Sir, for a few minutes more, for the document is important. This is what he writes on the 20th September :

"I returned from Jamshedpur this morning. It is evident there that the Government is helping the management of the Tinplate Company in every possible way. Armed police go up and down the *bustee* partly to terrorise the strikers and partly to help in recruiting new men. Police lorries with policemen in cars before and behind carry these new men to the works. There is absolutely no question of force being offered to these workers by the strikers, yet there is always this imposing array of police. Several cases have been instituted against the strikers, I am told, on trumped-up charges. The Chief Cashier who joined the strikers last month is being prosecuted by the Company on a charge of embezzlement of a small sum. Many strikers have been ejected from their quarters....."

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, is the Honourable Member referring to cases which are now *sub-judice*?

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : He is only mentioning the fact that there are cases.

**The Honourable Sir George Rainy** : He has expressed an opinion as to the nature of the cases, and I submit that if these cases are *sub-judice* it is improper to refer to them in that way.

**Pandit Nilakantha Das** : I was only saying that this case has been instituted for embezzlement of a small sum. There is no reflection. Continuing, he says :

"Many strikers have been ejected from their quarters. Most amazing of all, the Company have stopped the water-supply from some of the strikers' quarters. As there are no wells, the suffering caused by cutting off the water can well be imagined. The whole thing is a most shameful exhibition of how employers and Government combined to crush the poor workers. Some of the workers who joined the strike have been forced to rejoin by starvation. Over two thousand are still holding out, and this is happening because the employers and the Government will not agree even to an inquiry or to a discussion. The Trade Disputes Act, which contains a multitude of

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most objectionable clauses, also contains clauses relating to the settlement of labour disputes by Government intervention; yet Government refused to intervene or apply the Act. It is obvious that both the employers and Government are afraid of any inquiry and hence they avoid it."

This is the whole letter, but I shall read out a telegram which I received today as to how the position stands at the present moment. This telegram is dated the 24th :

"656 old hands resume. 1940 new hands working, of which 1540 appointed by Company after 23rd August. Total strikers 3940 including new hands going strike on 23rd."

On the 23rd all the new and old hands came out and there was a cry for conciliation, but still the Company did not agree to it. The management proved as obdurate as before, and I do not understand what reason there was for taking new recruits and raw hands even after the adjournment motion was passed and the Local Government censured in the Council.....

**Mr. President :** Order, order. The Honourable Member must know that he is allowed to speak for 30 minutes only.

**Pandit Nilakantha Das :** Yes, Sir, I will finish in a minute. They are always recruiting new men and there are, I apprehend, very cogent and immediate reasons for such an activity. Meals, lunch, tiffin, and sweetmeats are being freely provided in the company's premises to the new recruits to keep them back from picketers. People are being sent to distant parts of the country, even to the Punjab and Assam to recruit men. All this is being done at the expense of the Company, pampered as it is, by the protection of the poor taxpayer. Thus the interested members of the management have got to handle, not thousands, but good lakhs of money under what you may call emergency account. This much of suggestion, I hope, is enough to convince the House, why the members of the management should immediately feel interested to continue these troubled conditions as long as they can.

With these words, Sir, I move that this protection be withdrawn as in all ways it is going to prove a dead loss to the taxpayer.

**Mr. G. L. Winterbotham :** Sir, in effect this Resolution asks the House to condemn the Tinsplate Company of India, firstly for its treatment of its workers and its failure to make progress in the process of Indianisation of its workers, and secondly for its conduct of the strike which most unfortunately broke out in the earlier months of this year. Now, Sir, I am at one with the Honourable Mover of this Resolution in not desiring to enter into the merits of this strike. My reason for that is that I do not consider that any individual or any assembly of persons,—not even this Assembly of persons,—is in a position to discuss the merits of a strike until those merits have been determined by a proper tribunal; and I hold that the only proper tribunal to establish the merits of any strike is a Court of Inquiry appointed under the Trade Disputes Act. (*Cries of "Why did not they agree to it?"*) If Honourable Members will have patience to hear me, they will then understand my point of view. For this reason, Sir, which I have given, I entirely fail to understand the attitude of the Bihar and Orissa Government in this matter. (*Hear, hear.*) The relevant portion of the Honourable Mr. Whitty's

speech in the Bihar and Orissa Council on the motion of adjournment moved the other day reads as follows :

"The situation up to the middle of May had offered no opportunity for the intervention of Government and neither party wanted it. From the 12th May up to the 23rd when it became evident that the number of workers was increasing and that the Company might be able to carry on without the old labour, applications for intervention became numerous. Those from the side of labour in Golmuri itself were generally vague in terms,—but from the recognised labour leaders requests were made for the appointment of a Conciliation Board under the Trade Disputes Act. Government being aware of all the facts, did not consider that there could be any benefit either from a Conciliation Board or from a Court of Inquiry."

Now, Sir, it is not for me to criticise the action of the Bihar and Orissa Government, and I fully realise that they are the responsible Government on the spot who have the handling of this matter. But it is open to me to record my opinion that any person or any Government who takes up the attitude that no good can result from a Court of Inquiry under the Trade Disputes Act is ignoring the benefit to the parties concerned and the benefit to public opinion of having the merits of the strike determined by an impartial tribunal. (*Hear, hear.*) And I make no secret of my view,—and I speak with a full knowledge of my responsibility as representing a large number of employers in this country,—that the Bihar and Orissa Government have done a great disservice both to employers and to employees and to the general public in not taking advantage of the machinery which has been set up by this House for dealing with trade disputes. (*Hear, hear.*) The danger to employers and to employees is only too obvious, and I do not want to emphasise it. Those are my views, and I believe that they are the views of a very large portion of the non-official Members of this House. Take the case of the recent strike in Bombay. We had there a strike which affected not three thousand workers, but a lakh and fifty thousand. We had there a strike affecting the oldest Indian national industry and the peace, happiness and prosperity of a big city. What was the position? The labour leaders—so called—were adamant—they wanted nobody's interference. The Millowners' Association were so certain of their case that they did not think that any good could result from a Court of Inquiry. Public opinion in effect forced the Government of Bombay to set up a Court of Inquiry under the Trade Disputes Act and perhaps the Honourable Member who represents the Bombay Millowners Association will at a later stage tell the House whether he considers that any good has come out of that Court of Inquiry. The point, Sir, is that it is vitally necessary to satisfy public opinion when a serious trade dispute exists, and in order to satisfy that public opinion, the proper way is to make use of the machinery provided by the Legislature.

But, Sir, although I do not propose to discuss the merits of this strike, that does not mean that the case of the Tinsplate Company must go by default; and if, in spite of what I have said, the House still desires to discuss the merits of the strike, I trust that you will give an opportunity to Honourable Members behind me, who are fully conversant with the facts.

Now, Sir, on the question of the treatment of its labour by the Company. I am largely dependent on information provided to me, in which I can only say I have the fullest confidence. Following the example of the Tata Iron and Steel Company, the Tinsplate Company has

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done its share towards making Jamshedpur a model industrial settlement and has provided quarters for its employees on the most modern lines....

**Diwan Chaman Lall :** How many ?

**Mr. G. L. Winterbotham :** If the Honourable Member will kindly have patience we will come to that.

**Mr. President :** The Honourable Member is not entitled to interrupt unless the Honourable Member speaking gives way.

**Diwan Chaman Lall :** Will the Honourable Member give way to me ?

**Mr. G. L. Winterbotham :** I shall give way to any Honourable Member if what I am going to say does not cover what they are asking.

**Diwan Chaman Lall :** I say it is incorrect to make that statement that they have provided quarters for all the workers.

**Mr. G. L. Winterbotham :** I did not say that they have provided quarters for all the workers.

**Diwan Chaman Lall :** They have provided only three hundred quarters.

**Mr. G. L. Winterbotham :** The Company has provided quarters for its employees on the most modern lines, laid out according to up-to-date town-planning ideas. A total of 326 Indian quarters has so far been built, each of them being self-contained inside a walled compound, and all but a few equipped with water-borne sanitation. In addition, 724 houses have been erected by employees themselves on land provided by the Company, and under a scheme whereby the Company lends money to help in their construction. The growing desire amongst the employees to bring their wives and families to the station has resulted in an increased demand for more quarters. To meet this, the Company decided last year to put up a further 80 quarters during 1929-30, but the construction of these has been held up owing to the strike. A pure filtered water supply is provided for all residents, and the neighbourhood is kept scrupulously clean by adequate sanitation staffs. I will not detail at length all the arrangements in connection with sanitation and education. Inside the factory, working conditions are as good as it has been possible to make them. The most difficult condition to meet was of course the heat, which in Jamshedpur frequently reaches a shade temperature of 120 degrees during the hot weather. To overcome this, the Company spent a great deal of money in providing lofty buildings, water-cooled floors and a water-cooled air system, with such success that no days have ever been lost owing to excessive heat, despite the fact that shut-downs through this cause are quite common even in the much more temperate climate of America. Hours of work in the factory are in accordance with the most advanced ideas. I do not think I need deal with this point in detail, because I want to reach what I consider to be even more important points. Wage rates have always been at a high level, comparing favourably with other industries. At the Annual General Meeting of the shareholders of the Tata Iron and Steel Co., held on 27th September, 1928, Mr. N. B. Saklatvala claimed that the average wages for the whole of the staff of the Steel works, which was about Rs. 40 per head per month,

was higher than that paid in any industry in India. It is interesting to record that, in March, 1929, which was the month preceding the strike, the average pay of all uncovenanted employees at the Tin-Plate Works, excluding coolies, was Rs. 40-6-0, and including coolies, who number about 300, the average was Rs. 37-13-0. All except the monthly-rated hands are paid weekly in accordance with approved welfare principles, and each man gets his full wages paid into his own hand, and not through a contractor or third party. The factory has been operated practically without a break since the start, so that regular wages have been the rule, and at times when it has been closed down temporarily through shortage of steel or for repairs, or at Christmas, the labour has always been paid half wages. In 1928, when the steel works were on strike, and the factory had to work half time for four months, the labour was paid full wages, as it was felt that they ought not to suffer from so prolonged a stoppage through no fault of their own.

Now, Sir, I think that is sufficient to show that there can be no indictment against the Company for their treatment of the staff in normal times. We then come to the question of Indianisation. The actual figures which I have in my hand are that there were in 1923, 88 covenant-ed men : that figure has been reduced successively in the intervening years to 42 at the present stage. The Honourable Member made a great point of the wages of a Welsh tinplate worker at Golmuri being Rs. 1,300 as against Rs. 80 for an Indian doing the same work. Is not that in itself the greatest inducement to any Company to substitute Indian for Welsh workers ? If it is not in the eyes of the Honourable Mover of the Resolution, all I can say is that he has not much experience in the running of companies. We are all of us anxious to reduce our overhead charges and it seems to me that the figures which I have quoted show that there has been a substantial measure of Indianisation during the years in which this Company has been in operation.

Sir, I know that my time is limited, but I do hope that I shall be allowed to say a few words on the progress of the Company under the protection afforded to it. After an exhaustive inquiry by the Tariff Board, a protective tariff was introduced in 1924, the customs duty on imported tinplates being raised from Rs. 40 to Rs. 60 per ton. Two years later it was increased to Rs. 85 per ton, but was reduced again, as from the 1st April 1927, by the Steel Industry Protection Act, 1927, which this Resolution seeks to amend, which fixed the duty at Rs. 48 per ton, that is, Rs. 8 per ton over the ordinary revenue duty of Rs. 40 per ton which existed before protection was introduced. In their 1926 Report.....

**Pandit Nilakantha Das :** What about metallic tin ?

**Mr. G. L. Winterbotham :** I am not an expert in metallic tin : I leave that to the Honourable the Commerce Member to deal with. The Tariff Board discussed fully in their Report for 1926 the prospects of the tin-plate industry, and it is instructive to see how actuals have compared with estimates, and how far the Tin-plate Company has deserved the protection granted to it by the Legislature.

The Tariff Board estimated that the future price of tinplates would be Rs. 369 per ton and based their recommendations accordingly. Actually the price in 1927 averaged only Rs. 350, and in 1928 only Rs. 340



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per ton. This fall in prices might have been disastrous had not the production of the factory outstripped all estimates. Designed originally to produce 28,000 tons per annum, nearly 30,000 tons were produced in 1925, and no less than 41,521 tons in 1927. Even this figure would in all likelihood have been exceeded in 1928, had not the prolonged strike in the Steelworks occasioned a loss of almost two months' production. As it was, over 36,800 tons of finished tinplate were produced in 1928.

This phenomenal increase in production was made possible by the provision of additional equipment, and the adoption of the latest methods of manufacture, following on a visit made by the General Manager of the Company in 1926 to America.

Now, Sir, on the question of the finances of the Company, it is perfectly true that the financial results have not so far been good, but last year a profit would probably have been earned had it not been for the strike already referred to. The Honourable the Mover of the Resolution referred to the Company making profits at the expense of the tax-payer. Sir, not one pie of profit has been made. (*An Honourable Member* : "What about debentures?") On the contrary, very large losses have been incurred, and it might equally well be argued that the Company has been in existence so far solely for the benefit of labour. The references which the Honourable the Mover of the Resolution made in his statement to the Burma Oil Company regarding the initiation of the Company was substantially correct, but he does not draw correct inferences. He draws a picture before the House of the Company taking 125 lakhs worth of debentures at 10 per cent., and he adds the debentures and the shareholders' capital together and says that the Company is making good on the money invested. Does the Honourable Member know.....

**Mr. President** : I am sorry to interrupt the Honourable Member. He must now conclude his observations.

**Mr. G. L. Winterbotham** : Sir, may I have one minute? Actually, in addition to having to write off 57 lakhs of the capital cost, the Burma Oil Company have given up 30 lakhs of debenture interest. If the Honourable Member will make a small calculation he will find what that represents.

Now, Sir, about the danger in discussing the question of withdrawal of protection before the House. Protection is given to encourage a national industry. Only recently, just yesterday, I saw a telegram from the Managing Director of the Burma Oil Company saying that, at the cost which they have paid, they will be quite ready to hand over to any national body their share in the Tin-plate Company. Here lies the danger in the Resolution before the House. The House gives protection for one cause and takes it away for another, and the danger is, that if the present Tin-plate Company is succeeded by Indian nationals in the management of the concern, you will be depriving them, by this Resolution, of the protection which has enabled the present Company to create a national industry and to save crores of rupees from going out of the country in purchasing Welsh tinplates, and you will also deprive future companies of getting the same benefits. I say, Sir, that the Resolution is unhappily worded. It is a danger to one of India's national industries to pass this Resolution, and I think that the House will be well advised to express

their views on the unfortunate affair of the strike in some other amended Resolution which will not contain the danger which this one does.

**Mr. Fazal Ibrahim Rahimtulla** (Bombay Central Division : Muhammadan Rural) : Sir, I beg to move that for the original Resolution the following be substituted :

"This Assembly recommends to the Governor General in Council to convey to the Government of Bihar and Orissa the opinion of this House that it is desirable to appoint a Court of Inquiry under the Trade Disputes Bill in regard to the dispute in the tin-plate industry."

**\*Mr. A. Rangaswami Iyengar**, (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : On a point of order, Sir. We had the text of the amendment which Mr. Fazal Ibrahim Rahimtulla wishes to move only last night. I object to this amendment on the ground, in the first place, of want of due notice under Standing Order 65. I also object to it on the ground that it goes beyond the scope of the original Resolution. So far as the want of notice is concerned, the Standing Order is there, and I need not trouble the House by reading it. It rests with you, Sir, to say whether the circumstances are such that you should suspend the Standing Order. I see no reason why notice of this amendment should not have been sent in earlier. Then, Sir, it throws a surprise upon us, because with proper notice we would have been in a better position to discuss the whole question.

In the next place, as rightly pointed out by one of the speakers who preceded me, the scope of the Resolution is that it seeks to ask the Government to withdraw protection to the tin-plate industry on the ground of misfeasance and malfeasance on the part of the Tin-plate Company, first of all in the treatment of labour, secondly in regard to its failure to take proper steps for the Indianization of its expert workers, and also on the ground of mismanagement by which it has brought great distress on account of the strike which has gone on for months resulting in great hardship to labour. Therefore, Sir, I submit, on both these grounds, this amendment is out of order.

**Mr. G. L. Winterbotham** : On a point of order, Sir.

**Mr. Fazal Ibrahim Rahimtulla** : As regards the first point, I would leave it to you, Sir, to decide because it is a question of time, and whether, looking to the fact that I was ill and I was not in the House, and looking also to the importance of the question involved, you would suspend the Standing Order and allow us to discuss this amendment.....

**Mr. President** : I cannot lightly take the step suggested. If the Honourable Member leaves it to me, I see no reason why I should suspend the Standing Order. Therefore, the second point does not arise.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Sir, as one who has had some experience of labour troubles both recently and in the past, I desire to offer a few observations on the motion before the House. I am sorry, Sir, that I am unable to support the Resolution as it stands, and it is a thousand pities that it should have been placed before the House in the way in which it has been, and that it should not have been brought forward in some more acceptable form. Sir, the Resolution does not state any reasons why the protection which was given by this House to the tin-plate industry should be withdrawn.....

\* Speech not revised by the Honourable Member.



**Mr. President :** There can be no reasons in the text of the Resolution.

**Mr. H. P. Mody :** Very well, Sir. I did not suggest that that was the fault of the Resolution or that the Honourable Mover was to be blamed for it. What I was trying to say was that the reasons which are to be deduced are to be found in the speech of the Honourable the Mover.

The Honourable the Mover started by talking about the financial position of the Company, their policy with regard to Indianisation, and also as to what they have done with their capital, how they acquired debentures, and he suggested more or less that the Company had ceased to be a national concern and was foreign in its composition. Now, Sir, I do not attach very great importance to that part of the Honourable Member's speech for the reason that the real reason underlying this proposition was brought out in the course of his remarks on the troubles that had taken place in the tin-plate industry. I am entitled to state that the real reason for which this proposition has been brought before this House is that certain labour troubles have overtaken the tin-plate industry, and my Honourable friend and those who agree with him are of the opinion that the tin-plate industry is at fault and therefore the protection granted to it should be withdrawn. Now, Sir, my submission is that it is a most

dangerous principle to hold that the moment there is a dispute between an industry and the labour it employs, any protection which has been given to that industry should on that account be withdrawn. I regard it as a pernicious principle.

My next objection to the course proposed by the Honourable Mover is that this is not the place to decide whether capital is right or labour is right in the dispute in question. A regular machinery for the investigation and settlement of trade disputes has been provided by the legislation passed by this very House, and this certainly is not the forum for the ventilation or adjudication of labour grievances. (*An Honourable Member :* "The Bihar and Orissa Government does not appoint a Committee.") I am sorry that my Honourable friend Mr. Winterbotham should have allowed himself to be drawn by the line of argument adopted by the Honourable Mover of this Resolution into a discussion of the rights and wrongs of this dispute. I say, Sir, that that aspect of the question does not trouble me at all, and I do not propose to deal for a single moment with the question as to who is in the right and who is in the wrong for the simple reason that I am not in a position to decide it, and even if I was, in my opinion this is not the place for a discussion of that character.

**Mr. G. L. Winterbotham :** That is precisely my point.

**Mr. H. P. Mody :** If it was precisely his point, I wish my Honourable friend had not allowed himself to be led into an enumeration of what the Tin-plate Company have done for their employees or have failed to do for them, because the danger of that would be that some other Honourable Mover will get up and immediately controvert such statements. I venture to submit, with great respect to you and to the House, that a discussion of the rights and wrongs of the question here is entirely beside the point.

**Mr. G. L. Winterbotham :** On a point of personal explanation, Sir. The information I gave regarding the treatment by the Tin-plate Company

of its workers was in order to meet the point made by the Honourable Mover of the Resolution and it referred to normal times. I never said a word about the strike or the merits thereof, and I still do not intend to do so.

**Mr. H. P. Mody :** Whatever the reason my Honourable friend had for entering into that aspect of the question, I do not propose to be drawn into it. I say, whether the treatment meted out by the Tin-plate Company to its workers was excellent or execrable, I am not concerned with that aspect of the question at all. The point, so far as this particular Resolution is concerned, is that protection was given on the ground of national interests, and those who want to withhold that protection must come forward and establish that it is in the national interests that that protection should no longer be continued. I submit that that is the only relevant question so far as this particular Resolution is concerned.

Now, Sir, I do not want to go into the merits of that question at any length. All I want to submit is this. Here is an industry which employs 3,000 and odd workers ; which prevents to a considerable extent the imports of tin-plates ; and which keeps the wealth earned by the joint efforts of capital and labour in the country itself to a considerable extent ; and it is up to the House to consider whether, on a consideration of all those factors, it is prepared to say that it is in the national interests that this protection should be withheld.

That is one aspect of the question. The next aspect is the one which has been referred to by the Honourable the Mover and by my Honourable friend Mr. Winterbotham, and that is the part played by the Bihar and Orissa Government in this business. My Honourable friend Mr. Winterbotham said that he had no intention of criticising that Government. Sir, I have every intention of criticising that Government, and I deliberately state that that Government showed an absolute ineptitude in dealing with the situation. (*An Honourable Member :* "Use a stronger word.") You will permit me a minute or two to refer to what took place in precisely similar circumstances in Bombay only very recently. Lest my own part in that affair might be misunderstood, let me tell this House quite frankly that I was not at all in favour of the appointment of a Court of Inquiry—I confess that at once,—my reason being, Sir, that I thought—and I am glad to find that the Court of Inquiry has vindicated the position I took up—I thought we were dealing not with trade unionists but with people who were out for trouble and who were living on trouble. That was my reason. But what did the Bombay Government do ? The Government were not worried about what I thought or what my Association thought about the appointment of a Court of Inquiry. The Bombay Government did not pause to take into consideration the objections advanced by the labour leaders as well with regard to such appointment. They appointed a Court of Inquiry partly in response to public opinion, expressed emphatically in many quarters, and partly because the Trade Disputes Act exists for that very purpose. But what do the Bihar and Orissa Government do ? They sit in their arm-chairs and say, "After taking all the facts into consideration, we are of the opinion that no good will come out of a Court of Inquiry or a Board of Conciliation." I say this is not their business. If it was their business, why is the Trade Disputes Act there ? The Trade Disputes Act is there

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for the purpose of investigating the claims of conflicting parties with regard to the rights and wrongs of the situation, and for the Bihar and Orissa Government to take up the position that, because on investigation they find that a solution is not in sight, therefore they should not appoint a Court of Inquiry or a Board of Conciliation, seems to me to be the very limit of ineptitude. The consequences of that attitude have been somewhat serious, and I do not mind giving expression to my views on that matter. In the middle of May, representations went up from the spokesmen of labour to the Bihar and Orissa Government for intervention in the dispute. At that time, from the little study that I have given to this question, I find that less than a thousand new men had been taken into the tin-plate works. If the appointment had been made and the Court of Inquiry had expeditiously conducted an investigation into the labour dispute, then, in all probability, the present situation by which some 3,000 men are now out of work would not have arisen. Therefore, I say that the responsibility of the Bihar and Orissa Government in this business is very serious indeed. If the Court of Inquiry had been appointed, the present position would not have arisen. It would merely have been a case of reinstatement of perhaps a thousand men, but they allowed time to elapse. As I have said, they sat in their arm-chairs deciding which party was in the right, and the result of it was that, within a certain period it came about that most of the 3,000 men who are now employed on the works happened to be new men, and that is how this present difficult situation has arisen.

As I have said at the beginning of my remarks, it is a very great pity that this Resolution should not have been brought in a form which would have compelled the Bihar and Orissa Government to agree to a Court of Inquiry. I am afraid I cannot understand their obstinacy in the face of a Resolution moved in their own Council. The effect of a Resolution brought forward in this House would have been, I submit, very considerable, and therefore I say that it is a matter of very great regret that the present Resolution is of such an extreme character that I for one at any rate cannot support it, and it is possible that other Members who are also of the same opinion will not support it. By all means criticise the Bihar and Orissa Government, bring pressure to bear upon them and have a Court of Inquiry. The function of the Trade Disputes Act is precisely to ascertain which party is in the right and then to try and bring about a settlement. My Honourable friend Mr. Winterbotham asked me to state publicly whether I thought, in spite of my opposition, that the Court of Inquiry appointed in Bombay had done any good. So far as my Association is concerned, I may say that it has not done any good to us for the simple reason that the strike had been brought to a finish before the Court of Inquiry had concluded its deliberations: but so far as public opinion is concerned, and I include the Bombay Government in that category,—so far as public opinion is concerned, it certainly has done a certain amount of good in that it has clearly established which party was in the right. To that extent it is essential that even now, whatever the fate of this Resolution may be, the Government of Bihar and Orissa should immediately appoint a Court of Inquiry, and whatever the attitude my friends on the Treasury Benches may take up on the Resolution before the House, I ask them to see to it that they bring to bear upon the Bihar

and Orissa Government all the influence they have over Provincial Governments and compel them to adopt the course which the Legislature has laid down as the only possible course under the circumstances. (Applause.)

**Diwan Chaman Lall** : I think we have been getting away from the real subject of the debate. (*An Honourable Member* : "Speak up.") I am certain that my Honourable friend over there will be able to hear me in a minute. What is the subject of the motion moved by my friend Mr. Nilakantha Das ? Mr. Winterbotham says, "Do not let us discuss the strike". Mr. Mody says, (I took down his words) "This is not the forum for discussion of the rights and wrongs between capital and labour". He further goes on to say, "Let us by all means bring pressure upon the Government and upon the Company but let us not debate this question on the floor of this House". Mr. Winterbotham says, "Do not let us discuss the strike". I say, "Why not" ? Is it or is it not a fact that the consumers of this country and the taxpayers of this country have had to put their hands in their pockets and dole out money to a Company which is a foreign Company. I will prove it to Honourable Members. We have subsidised a foreign Company under the false and fictitious plea that it is a national concern, working in the interests of this country. Now, if it is proved that that Company has been guilty of the grossest violence to all standards of decency existing as between employer and worker, if it can be proved that that particular Company has so mismanaged its own finances that, according to the Tariff Board's Report, it has lost over 50 lakhs, and according to their own statement 87 lakhs out of the 125 lakhs capital which they raised originally, and if it can be proved that, in the course of their behaviour towards the workers, several thousands of the latter are starving, have been threatened with ejection from their quarters, have been even denied the ordinary necessities of human life such as water for drinking purposes, there being no wells there, (*cries of "Shame"*) ; if a company can treat Indian workers like this while it treats its Welsh imported employees on a different scale, is it or is it not a ground for Members of this Assembly to discuss the merits or the demerits of the strike ?

**Mr. G. L. Winterbotham** : The Honourable Member is asking the House to make an *ex parte* statement. He has not got with him the facts of the case. He is asking the House to accept the facts as stated by him. I say that I want the facts established by an impartial tribunal.

**Diwan Chaman Lall** : I am amazed at Mr. Winterbotham's audacity. He charges me with possessing no facts whatsoever in regard to this matter. He takes up a document and reads it to the House, a document containing facts as he alleges them to be, in regard to the treatment of the employees. He himself does not wait until the report of an impartial tribunal is given to the world before he puts his signature to the interments contained in that document. (*Mr. Winterbotham rose to inter-* rupt.) I will not give way to the Honourable Member any more. He had not the courtesy to give way to me. Now, as for my friend Mr. Mody, I could well imagine his perturbation in a matter like this. He said—and I was amazed that an Indian should say a thing like that—that this is a national concern and that because it was a national concern, therefore protection was given to this concern. He said, "Prove to me that it is not in the national interest, and I am prepared to vote with you

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to withdraw the protection". That is what Mr. Mody said. Now, I want Mr. Mody to sit down calmly and quietly at the luncheon table at the Cecil Hotel, when he goes back to lunch, and ask himself what particular national concern is being served by the protection that is being given to this Tin-plate Company. Will he tell me?

Is it or is it not a fact that the Burma Oil Company—a foreign company—owns this Tin-plate Company? Is it or is it not a fact that two-thirds of the capital invested in this Company is owned by that Company? Is it or is it not a fact that 125 lakhs worth of debentures at 10 per cent. were invested in this Company by the Burma Oil Company? And is it or is it not a fact that the Tatas held one-third of the shares, and that this sum has practically been written off by them? So this is a concern which serves the purposes of the Burma Oil Company, and according to the statement of the Welsh manufacturers which they placed before the Tariff Board, this Company is utilising this protection in order to down its rivals in the oil trade, and Members of this Assembly have been misled under the false plea of protecting national interests into giving protection to a foreign concern of this nature.

**Mr. H. P. Mody :** Were not these considerations before the House when it recently sanctioned a measure of protection to this industry? Has the position altered in the least since, on the last occasion, this House endorsed a measure of protection to this industry?

**Diwan Chaman Lall :** If the Honourable Member had read the debates on that occasion, he would have remembered that there were certain Members here who were against this policy of "indiscriminate" protection. I did not vote for it myself, and I think that every Member who voted for it was wrong in doing so, and he must realise it now after the events of the last few months—that he has done a great injury to his own country by voting for protection for this industry. The actual facts of the situation are that the tin-plate workers at Golmuri demanded decent terms and decent conditions of work. The conditions were as follows:

"The daily rated staff here are not entitled to any holidays, sick or privilege leave pay, and the monthly rated men get 14 days privilege and 5 days sick leave during the year, whereas the European staff are entitled to one month's leave with pay and also full pay for sick period and six months leave for every three years service for going home. The Covenanted staff get Bonus on the outturn of production whereas the same privilege is denied to Indian workers. Though the Company has been in existence for the last seven years, it has made no provisions of Provident Fund and other benefit service rules that exist in all other organised industries in India."

Mr. Winterbotham said that these workers get the same conditions as the workers at Tatanagar. He is mistaken.

"The neighbouring industry here, that is the Tata Iron and Steel Company, have introduced Provident Fund, Bonus, leave and service rules in their Works for workers engaged in sheet mills doing similar works and they have better rates of wages than that of the Tin-plate Company."

Here is a statement which has been published to the wide world. Has anybody contradicted that statement? My friend said "The Tin-plate Company provides houses for its employees". I say it is a false statement, and I challenge him to deny me. There are 5,000 workers and they have provided only 330 houses. I hold a photograph in my hand of these

houses. If any Honourable Member wants to have a look at it he is welcome. He can see for himself the type of house provided. Let Mr. Winterbotham have a look at this photograph and say whether he would like to live in the kind of house provided for these workers. He said: "Oh, look at the treatment that is meted out". I hold in my hand another photograph. A man called Syed Ali Munshi was actually murdered as he was picketing under the orders of the Union. He was murdered because of a false cry that had been set up that he had been kidnapping people. He was set upon and murdered on a false cry, set going by the Pathans, who had been engaged by the Tin-plate Company to break the strike, and this is the Company which has a tender heart for its employees, according to Mr. Winterbotham. Here is a statement by Pandit Jawaharlal Nehru, whose sincerity and selfless work for the workers in this country there is no man in this country who can challenge. Can my country turn round and say that, if a statement is made by Pandit Jawaharlal Nehru and his signature is put upon it, that that statement is not to be treated as gospel truth by the people of this country? I have never seen a statement made by that man to this day which has not on it the impress of utter truth and sincerity.

And what does he say? He went down himself. He has been down there twice as far as I know. He says:

"The chief cashier of the Company who joined the strike last month is being proceeded against by the Company on a charge of embezzlement of a small sum. Many strikers have been ejected from their quarters and, most amazing of all, the Company has cut off the water-supply from some of the strikers' quarters." (*Cries of "Shame, shame."*) "As there are no wells, the suffering caused by cutting off the water can well be imagined. The whole thing is a most shameful exhibition of how employers and Government combine to crush the poor worker. Some workers, who had been on strike, have been forced to rejoin by starvation. Over 2,000 are still holding out. And all this is happening because the employers and the Government will not agree even to an inquiry or to a discussion."

Now, Sir, that is the testimony than which no better testimony is available for the people of India, from Pandit Jawaharlal Nehru, and yet my Honourable friend would have us believe that the tin-plate employers are treating their employees in a perfectly justifiable manner. I myself was approached by the workers of the Tin-plate Company in the month of May. They asked me to intervene and approach the Bihar Government and they sent me a wire, and they asked me to obtain from the Bihar Government a decision as to the setting up of a Conciliation Board or a Court of Inquiry. I wired down to the Bihar Government, it was a long telegram. I got no reply. I sent a second telegram, a long telegram, and yet I got no reply. I had kept on pressing them with reply-prepaid telegrams, which have never been acknowledged to this day by the Bihar Government—and I hope their revenues are richer for the reply-paid telegram I sent. But eventually they woke up to the necessity of doing something and they wrote to me to say that they were going to appoint a Commissioner who was going down there himself in order to find out the necessity of setting up a Board of Conciliation or a Court of Inquiry. What was the result? Before the Government of Bihar sent him down—the gentleman was one Mr. Dane I think—they said, "We do not know who wants a Court of Inquiry, we do not know who wants a Board of Conciliation", and so on, until I was forced to expose them and to send a statement to the Press that, on behalf of the workers, I had approached them

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several times and that they had absolutely ignored my communications. And what was the result? The result was this:

"Sir, in reply to your letter (No. so and so), and in continuation of my telegram (No. so and so) informing you that the Divisional Commissioner was proceeding to Jamshedpur to inquire whether the strike at the Golmuri Tin-plate Works is a proper case for Government intervention, I am directed to say that, after careful consideration of the Commissioner's report, His Excellency in Council is fully satisfied that the appointment of a Conciliation Board in this dispute, under the Trade Disputes Act, 1929, would be infructuous, and that in the circumstances of the present case, a Court of Inquiry under the Act would equally serve no useful purpose."

I want to ask the Members of the Government, why? Do they recall how, when the debate was going on on the Trade Disputes Bill, time and again we, from this side of the House, and I particularly, got up and suggested to them not to put in a provision making it possible for the workers to ask for a Court of Inquiry or a Board of Conciliation only when two parties combine to ask for it? We said, "Leave it to the choice of either party", and yet Government did not agree with me. My Honourable friend, Sir Darcy Lindsay, and others of his way of thinking also did not agree with me. Here was a case in which a dispute was apprehended and had been apprehended for weeks, and grievances after grievances had arisen and brought to the notice of the management, and they paid absolutely no heed to the grievances, and yet when a case for a Court of Inquiry or a Board of Conciliation was made out, why was it not appointed? I see my Honourable friend, Mr. Winterbotham, nods and agrees with me. Well, if the Honourable Member agrees with me, let him also agree with me that a Company of this kind, which treats its workers in this manner, has no right to any sort of assistance given out of the public funds. I cannot see the morality of assisting a Company of this nature. Now there were thirteen cases that arose before the strike was declared. There was first of all the reduction of the days of work per week to three. Tata's employees are given five days' pay for three days' work. Here they were only given three days' pay. Six of the active workers of the Union were dismissed summarily when Mr. Homi intervened and an agreement was reached, but that was broken. Then another executive councillor of the name of Mr. Samad was also dismissed because he was an active worker. Then came the strike of Mr. Samad's shift and certain negotiations were carried on. Mr. Homi, on behalf of the employers, promised that Mr. Samad would be got back to work. Mr. Samad was never got back to work, and that was another term broken.

**Mr. President:** Order, order. The Honourable Member has no time left to go through that catalogue.

**Diwan Chaman Lall:** With your permission I will just take one or two minutes more. Most of these instances happened before this strike was declared. Why did not the Bihar Government set up a Board of Conciliation or a Court of Inquiry? I want a reply from the Government. No doubt the Honourable Member over there, Sir Bhupendra Nath Mitra, went down to this particular place, Golmuri, and had informal conferences. But what was the result? The Bihar Government remained adamant even when a vote of censure was passed in the Bihar Council against them. In view of all these circumstances, what is the clear duty

of Honourable Members of this House? Their clear duty, Sir, is to do something tangible in order to assist the workers at Golmuri, and the only thing that they can do is to declare to the wide world that they are not going to allow the consumers and taxpayers of India to be mulcted, to have to pay large sums of money for the benefit of a concern which has no more decency than to treat its workers, thousands of them, in the manner in which it has treated them. All that the Legislative Assembly can do is to make its declaration felt by passing this Resolution and withdrawing the protection given to the Tin-plate Company, because I consider that that Company does not deserve the assistance of any Indian, of any honest man, and because I consider that that Company has obtained its protection under false pretences, by stating that it is a national concern when it is not a national concern. Further, Sir, I hold that that Company does not need protection because it has so mismanaged its internal affairs, both financial and labour affairs, that we should be very chary of proceeding to give it the assistance it has demanded. We should declare that, unless and until that Company is prepared to treat its workers in a decent manner and behave towards the workers as they demand that the employers should behave towards them, no protection or assistance should be given by the Central Government. Sir, it is a matter of grave regret to me that any Member of this House should be found opposing a Resolution of this nature in view of the fact that a grave situation has arisen in Golmuri and the only thing we can do is to declare to the wide world what we mean, namely that we stand by the workers, by passing a vote of censure by means of this Resolution. I hope, Sir, that every Member will look upon it from this point of view, namely, that the only attempt that we can make now is to pass this Resolution and bring it to the notice of the Government that, as far as this concern is concerned, it has forfeited the confidence of the Members of this Legislative Assembly. (Cheers.)

The Assembly then adjourned for Lunch till Twenty-five minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-five Minutes to Three of the Clock, Mr. President in the Chair.

**Mr. President:** I saw Mr. Price rising two or three times. He has got an amendment on paper, but that amendment, I am afraid, is outside the scope of this Resolution.

**Mr. E. L. Price (Bombay : European):** Sir, with all respect, the Resolution raises the fiscal question and I only want to put it in its proper place.

**Mr. President:** I am afraid the scope of the Resolution is very limited. The Honourable Member wants to raise the whole fiscal policy of this country, which I cannot allow.

(Several Honourable Members rose to speak.)

**Mr. President:** Are Government going to speak?

**The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour):** Do you want me to speak, Sir?

**Mr. President:** Yes.

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**The Honourable Sir Bhupendra Nath Mitra :** I should, Sir, at the outset like to say a few words about the attitude of the Government of India towards labour generally. I have on several occasions mentioned in this House that the Government of India have full sympathy with the real interests and legitimate aspirations of labour. This sympathy is not what may be called lip-deep. In the last 10 years the Government of India have passed, with the help of this House, a number of enactments intended to foster the welfare of labour, and quite recently they have persuaded His Majesty's Government to appoint a Royal Commission to investigate the conditions of labour in all its aspects. Those who have seen the list of various items into which that Commission will investigate must have realised that the investigation is going to be a very thorough one. Further, Sir, I have said on several occasions in this House that the Government of India welcome the growth of genuine trade unions in this country and their development on wholesome lines. And here, again, the fact that the Labour Commission will have on it three trade unionists, two of whom are well known in this country—I am referring to Mr. Joshi and Diwan Chaman Lall—as well as a trade unionist from England, shows that, so far as they are concerned, they welcome the development of trade unions in this country on wholesome lines.

**Mr. President :** What about Mr. K. Ahmed ?

**The Honourable Sir Bhupendra Nath Mitra :** I am very sorry, Sir, I forgot to mention the name of my friend Mr. K. Ahmed, who though he is not an active trade unionist at the present moment, has been the founder of the Seamen's Union in Calcutta.

Now, Sir, unfortunately the trouble in this country has been that trade unions have been dragged into the whirlpool of politics, (A voice : "Question ?") and there is a danger of labour being exploited by political parties. I have, for making that statement, the support of no less a person than Mahatma Gandhi. However, I have no desire to dilate on the point. Now, Sir, the position at Golmuri has unfortunately been complicated by that political feature. Here, again, I do not want to say more on the point than I must say, because I went to Jamshedpur about the end of June and I had an informal discussion with several labour leaders there. I see that they are treating this informal conference as more or less confidential and in the note on the Golmuri Tin-plate workers strike by Pandit Jawaharlal Nehru which has been circulated among the Members of this House, I see that the incident is referred to very briefly. It is stated :

"I saw unofficially Giri, Doud and Mitra. Commissioner Dain and Homi were also present. Homi at this interview opposed the labour case."

That being so, I have no desire to dilate on what was discussed or what I heard at that particular informal conference. But, Sir, these facts are well-known. At the early stages of the strike of the Tin-plate workers, when it was undoubtedly of the nature of a trade dispute, an attempt was made by the President of the Labour Union, who was then Mr. Homi, to bring about a settlement. He managed to persuade the representatives of the employers to concede substantial concessions to the employees ; and, in spite of this and against his advice, the workers went on strike, and there is reason to believe that one of the causes which led to that unhappy result was political influence.

**Several Honourable Members :** Question ?

**The Honourable Sir Bhupendra Nath Mitra :** Well, Sir, several Members have interjected "Question". As I have said, unfortunately it is not possible for me to disclose everything that I know, but I shall say this, that in a statement which was published in a bulletin of the Tin-plate Workers Union shortly after I left Jamshedpur, the following statement was ascribed to Mr. Homi :

"There is no strike in the Tin-plate Works and the Company is running the works as usual."

Well, if that statement is correct, and according to my personal information that statement is correct, then the strike had ceased to be an economic or trade dispute. The employees or the ex-employees had at the time, when they went on strike, managed to secure a substantial amount of concessions, and that is admitted in this note by Pandit Jawaharlal Nehru also, which has been circulated among the Members of this House.

**Mr. Gaya Prasad Singh :** But the Company failed to make good their promise.

**The Honourable Sir Bhupendra Nath Mitra :** I do not think that is correct in regard to all matters. I cannot find anything to that effect in this document. I know that in regard to certain matters like the re-employment of one or two dismissed persons, the allegation has been made that the Company failed to give effect to whatever assurances had been given. But there is no question, at least I have not seen it, stated anywhere in this document, that the Company withdrew the concessions they had promised to make to the workmen in regard to pay, bonus or Provident Fund. The position in the Tin-plate Works sometime after the middle of April was this : A large number of the old employees refused to come back to work. But at that time there was at Jamshedpur a large body of workmen not wholly unskilled but who had previously worked in the Tata Works, and who had been thrown out of employment by the retrenchment which took place in those works last year. As soon as the Tin-plate Works opened again sometime about the end of April, only a small portion of the old workers returned to work and a large number of these unemployed men sought employment in the works and were taken in. The Company, therefore, in a short time managed to secure its full complement of something like 3,000 workmen.

**Pandit Nilakantha Das :** Were all of them employed in tin-plate work ?

**The Honourable Sir Bhupendra Nath Mitra :** As I have said, they were not wholly unskilled labourers because they had been employed for some time in the Tata Works. The fact that they possessed sufficient skill to pick up the ordinary work of a workman in the Tin-plate Works is established by the fact that, by the end of July, the outturn at the Tin-plate Works had reached the normal outturn before the strike, that is about 3,500 tons a month. The average output in the year 1927 was 3,500 tons a month against an estimated outturn of 3,000 tons. The outturn in February and March, 1929 was over 3,500. I went down to as low as 925 in April owing to the strike, but in August it had gone up to 3,670 tons. Then, Sir, the strike started again about the end of August. Here again my personal impression is that this was due more to political influences than to actual economic causes.



**Mr. A. Rangaswami Iyengar :** What is all this political influence ? I want to know exactly what it means. This is referred to again and again.

**The Honourable Sir Bhupendra Nath Mitra :** I have already said, Sir, that I do not want to be offensive to any of my Honourable friends on the other side.

**Mr. Gaya Prasad Singh :** Why does the Honourable Member make a statement which he cannot substantiate on the floor of this House ?

**The Honourable Sir Bhupendra Nath Mitra :** But the present position is that there are something like 3,200 men working in the Tin-plate Works; of these, 847 are old hands, and these old hands include a considerable number of Sylheti Mussalmans who have rejoined during the last few days. The outturn has again gone up to the pre-strike standard. These are the facts which I can give in connection with the so-called strike with reference to the information in my possession.

I shall now say a few words in regard to the action of the Bihar and Orissa Government in not appointing a Court of Inquiry under the Trade Disputes Act.

**Mr. Ram Narayan Singh** (Chota Nagpur Division: Non-Muhammadan) : Then you support that Government.

**The Honourable Sir Bhupendra Nath Mitra :** It is not for me to make any apology on behalf of the Government of Bihar and Orissa. They have already given their reasons in full in the debate which took place in the Bihar and Orissa Legislative Council quite recently.

**Mr. Siddheswar Prasad Sinha** (Gaya cum Monghyr : Non-Muhammadan) : It was carried in the Council.

**The Honourable Sir Bhupendra Nath Mitra :** I shall simply mention certain facts. I think some of the Honourable Members raised the question : "Why did not the Local Government appoint a Court of Inquiry when the strike took place in April ?" My Honourable friends apparently overlooked the fact that the Trade Disputes Act did not come into force till the 8th May, 1929. The further question has been asked : "Why the Government of Bihar and Orissa did not appoint a Court of Inquiry after the strike, even several months after the strike ?" In this connection my Honourable friends from Bombay, Mr. Winterbotham and Mr. Mody, have referred to the happenings in Bombay. Mr. Mody was good enough to admit that, at the outset, he was not in favour of the Court of Inquiry, but now that the Court of Inquiry has been appointed and has given its verdict, he is fully pleased with it. That is Mr. Mody's view. But I saw the other day an Indian News Agency telegram from Bombay of the 19th of this month that gives the views of the other party to the dispute. The telegram runs as follows :

"The Girmi Kamgar Union has opined that the Strike Enquiry Committee's report was intended to be utilised as a sinister campaign to discredit the Union."

However that does not matter. The point perhaps is that the Court of Inquiry would have satisfied public opinion. I think that is the point on which stress was laid by my Honourable friend Mr. Winterbotham. I have already referred the House to the reasons given by the Bihar and Orissa Government in their Legislative Council, and I think one of those reasons is that there was no public opinion in the province which demanded this Court of Inquiry. It must also be remembered that the number of

employees involved was only 3,000 against a number of over a lakh involved in the trade dispute in Bombay. I can quite appreciate the attitude of Local Government when they feel that no useful purpose would be served by ordering a Court of Inquiry in every case, in a case where the number of workmen involved is only 3,000.

**Mr. H. P. Mody :** Is that what the Trade Disputes Act says ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall come to the Trade Disputes Act pretty soon.

**Mr. Gaya Prasad Singh :** Does that Act mention any number ?

**The Honourable Sir Bhupendra Nath Mitra :** It does not, but I shall come to the point soon.

I was dealing with the other argument given by the Local Government,—in the Honourable Mr. Whitty's speech in the Bihar and Orissa Council,—namely that no useful purpose would have been served by invoking the aid of the Act ; and that is also supported by reference to the fact that if a Court of Inquiry had been appointed, and if, on the basis of its findings, the new employees had to be got rid of, that would not have led to any solution of the problem. The further point they make is that no representative of the workmen at the earlier stages asked for a Court of Inquiry. My friend Diwan Chaman Lall said a little while ago that he had written to the Bihar and Orissa Government, but I really do not know what his status in the matter was. So far as I know he was not a recognised official of that particular Trade Union at Golmuri.

**Diwan Chaman Lall :** Sir, on a point of personal explanation, may I inform the Honourable Member that I was authorised by the Executive Committee of the Union to communicate with the Bihar and Orissa Government and ask them to appoint a Board of Conciliation.

**The Honourable Sir Bhupendra Nath Mitra :** That may be so, but why did not the Executive Committee of the Union at Golmuri communicate direct with the Government of Bihar and Orissa ? I have a good deal of information about my Honourable friend's activities, but unfortunately the trouble at present is the same everywhere in the labour world in India. It is difficult to find out who is the leader today and where he is tomorrow. My Honourable friend's interjection reminds me of a demonstration made at a particular place against him the other day.

**Diwan Chaman Lall :** Is the Honourable Member supporting the Communists now ?

**The Honourable Sir Bhupendra Nath Mitra :** I am not supporting anybody now ; I am simply referring to facts.

Now, Sir, I think some of the Honourable Members have said that the Government of India must compel,—I think that was the word used,—the Bihar and Orissa Government to appoint this Court of Inquiry even now. My Honourable friends have overlooked the provisions of the Trade Disputes Act. That Act leaves absolute discretion in the matter with the Local Government,—I am referring to section 3 of the Act,—and the Government of India have no power under the provisions of that Act to compel a Local Government to take any particular line of action.

**Mr. A. Rangaswami Iyengar :** What about the Government of India Act ?



**The Honourable Sir Bhupendra Nath Mitra :** I have referred to the provisions of the Government of India Act on a previous occasion. Under the Government of India Act the Government of India have the powers of superintendence, direction and control, but it is at any rate open to doubt whether they can use those powers to override the clear provisions of a particular Act. Moreover those powers in my opinion are not to be lightly used, and I am pretty sure that my Honourable friend over there, with his ideas of provincial autonomy, will not support an use of those powers on every conceivable occasion. In fact that is probably the reason why Mr. Nilkantha Das, in moving his Resolution, did not at all touch on that aspect of the case. It is, if I may say so, a very debatable point.

My friend Diwan Chaman Lall said, in the course of his speech, that he wanted some provision to be inserted in the Trade Disputes Act which would compel a Local Government to utilise the provisions of the Act relating to the formation of Courts of Inquiry and Boards of Conciliation on application from either party. Well, Sir, during the lunch interval 3 P.M. I turned up the proceedings of this House on that particular occasion and I found that my Honourable friend had neither the courage nor the patience to move any such amendment on the floor of the House.

**Diwan Chaman Lall :** The Honourable Member, Sir, is perfectly well aware of the fight that went on in the Select Committee on this particular point. That fight was conducted by me, and it was the Honourable Member over there who would not concede this point which was raised by me.

**The Honourable Sir Bhupendra Nath Mitra :** I am not sure that the Honourable Member is correct in disclosing what happened in the Select Committee, particularly as it does not appear in the proceedings of the Select Committee. In any case, if the Honourable Member did press this point in the Select Committee, I did not constitute the only other member of that Committee. If, in spite of his protestations, the Select Committee did not accept the amendment proposed by him, I am not responsible for that. The Select Committee was a Committee of this House. Later on if the House passed the Act without the amendment for which my Honourable friend seems to have a certain amount of preference, there again the blame does not rest with me but with this House.

Now, Sir, apart from what I have said I have nothing more to say on behalf of the Government of Bihar and Orissa. As I have said, they have already dealt with the matter more fully in their own Legislative Council.

**Mr. J. Y. Philip (Bengal: European):** Mr. President, Sir, I had intended to speak at some length on the history and merits of the strike, but as I gather that it is not the desire of the House that the debate should proceed on those lines, I have decided to confine myself to a few items raised by Diwan Chaman Lall. The first point that I wish to deal with is the question of the eviction of the strikers from their houses. It has been stated that the Company started evicting the strikers from their quarters. The position is as follows. No man holding a regular permit has been evicted although hundreds have been occupying the quarters without paying the due rent since the strike started. Four cases have been instituted but no result is expected for some weeks. The only persons

evicted have been men found occupying the houses without permits and who are therefore trespassers.

The next point related to dismissals. I may say, Sir, that I have taken considerable trouble both in Calcutta, and since I came to Simla, to get accurate statistics relating to the strike. With regard to dismissals the position is as follows. In January the number was 4, in February 3 and in March 7. Now, Sir, I do not think that any one will consider that, in view of the number of employees at Golmuri, the number of dismissals was excessive.

The next point related to the Pathan watchmen. Criticism has been levelled at the Company for employing these men. They were recruited to protect loyal workers from the so-called "peaceful picketers". The duty of these Pathan watchmen has been simply to watch and report, and since their appointment practically all the assaults have ceased.

Now, Sir, the only other point regarding which I wish to speak is the amazing statement referred to by Diwan Chaman Lall and contained in the paper circulated to us this morning.

I refer to the statement that the Company cut off the strikers' supply of water. Last evening, through my revered leader, Sir Darcy Lindsay, a rumour reached me that Pandit Motilal Nehru had received news to the effect that the strikers' water supply had been cut off. I could not believe that the statement was correct and last evening I wired the managing agents of the Tin-plate Company to ascertain the truth. With your permission, Sir, I shall read out their reply:

"Statement that strikers water supply cut off by company incorrect. Facts are that on Thursday evening the inhabitants of village near factory found water supply off and without reporting to company complained to Deputy Commissioner in Jamshedpur, three miles away. He informed company who early Friday morning found a valve shut by persons unknown and opened it again, thus remedying trouble. Company has had greatest difficulty in maintaining water supply to villagers as strikers have recently prevented all town water staff from working."

I am aware, Sir, that my statements, like those of Mr. Chaman Lall, will be regarded as *ex parte*; and until such time as his statements and the statements made on this side of the House can be examined by a Court of Inquiry or other similar body, I fear that neither side will agree as to the correctness of the other's statements. With these few remarks, Sir, I oppose the Resolution.

**Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban):** Sir, I think all the facts bearing upon this Resolution have been brought out from this side of the House and also the opposite side. It would not have been necessary for me to intervene in this debate at all as all the materials are practically now before the House, and if I rise to say a few words, it is simply to emphasise the fact that this is not merely a party Resolution, that it is not engineered by Bihar politicians, but that the great Indian National Congress is behind it and fully supports it. Honourable Members might have noticed from the papers that I have circulated among them, that it was under the orders of the Working Committee of the Indian National Congress that its General Secretary took the trouble to go to the spot and conduct personal inquiries. The result of those inquiries he has embodied in a report which I have made available to all the Honourable Members of this House.

[Pandit Motilal Nehru.]

Now, Sir, on the one side, certain allegations have been made of gross ill-treatment of the workers at the hands of the Agents of the Tin-plate Company. On the other side there has been a very faint denial of those allegations. What I wish the House to confine its attention to for the present is the object of the Resolution and its scope. I must, however, before I enter into that, congratulate the non-official Benches on both sides on the unanimous and unqualified condemnation of the policy of the Bihar and Orissa Government. (Hear, hear.) It was, however, left to the Honourable Sir Bhupendra Nath Mitra to defend that Government. Of course gentlemen on the Official Benches in this House must, in the very nature of things, be the official apologists for all officials, and specially those of the Local Governments; and therefore it was his duty to say that he at least could appreciate the ways and doings of the Bihar Government. He said that the Bihar Government had to deal with only three thousand men and that it was nothing like Bombay, where there was a very large number of men concerned. He was asked whether the Act attached any importance to numbers and whether it laid down any particular number to be the standard under which Government must not act. The reply was that he was coming directly to the provisions of the Trade Disputes Act, but when he did come to those provisions, all he said was that it was a matter entirely for the Local Governments. Well, Sir, we might pass over the justification and the defence put forward by the Honourable Sir Bhupendra Nath Mitra on behalf of the Bihar Government. I am quite content to take the opinion of the non-official Members of this House on the question.

Now, Sir, I come to the scope of the Resolution. The Resolution asks for the necessary action to be taken by the Government of India to withdraw the protection that has been accorded to the Tin-plate Company under special circumstances; and in the course of the debate on that Resolution it has become necessary to deal with the treatment which the Tin-plate Company has been according to its workers. The Resolution does not, in terms, ask for any action to be taken under the Trade Disputes Act for the simple reason that it is not for the Government of India or for this House to initiate the proceedings under that Act. But on the facts disclosed in the course of the debate I say that it is the duty of the Government of India to ask the Government of Bihar and Orissa to do their duty, which they have so far neglected to do. But that is not all. That is only a side question which comes up in the debate, although it is a most material question for the sufferers, who have been out for more than five months on strike. Now, coming to the withdrawal of the protection, I submit that no stronger case could possibly have been made out for the withdrawal of any protection granted to any industry. Honourable Members will remember that the protection granted to this particular industry was not solely on the merits of this particular industry. It so happened that it was in the nature of an offshoot of the Tata Iron and Steel Works; it fulfilled a double purpose: the first was that a new industry was introduced into the country in which the labour of the country could find employment and which would supply in course of time the wants of the country.

The second purpose was that, by giving protection to the Tin-plate Company, the purchasers of at least a part of the production of the Tata

Steel and Iron Works were brought to their very door. If the Tata Steel and Iron Company made silly contracts with them and in the result stood to lose, that is neither here nor there. But the fact remains that the one-third of the capital which the Tatas had subscribed is now absolutely worthless,—it has no value whatever,—and the Tatas have assured the General Secretary of the Congress that they have actually written off that capital in their books. Well now, what remains? The one element which could be considered to have rendered this industry a national industry was its connection with the Tatas. The remaining two-third subscribers are all foreigners, and the only title to protection is the employment of Indian labour. The Tatas' share in the capital of the Company is now practically extinct—they are of course technically shareholders and they have technical rights to nominate Directors and so on, under the regulations,—but in the circumstances they would hardly feel called upon to exercise those rights, because they can bring them no good at all. Therefore, the only thing that remains is the question how national labour is benefited.

Now, Sir, my Honourable friend Mr. Winterbotham entered a very strong defence for the Tin-plate Company and denied the charge that they were inflicting sufferings upon the poor Indian workers and paying extravagant wages to the Welsh workers to earn profits. He showed by facts and figures that no profits had been made up to this day, and then he said,—I have got his very words here,—“The Company is in existence not for its own profit but for the benefit of labour”. Well, I must say that there the Honourable gentleman has laid it on too thick for this House. To say that the Burma Oil Company has not acquired shares in the Tin-plate Company for its own profit, but simply for the good of Indian labour is an astounding assertion to make. Is it a charitable association or a philanthropic association? Do you expect us to believe that the sole object of their travelling far afield from America to India and acquiring shares in this industry is to benefit Indian labour? That cannot deceive anybody.....

**Mr. G. L. Winterbotham :** Sir, I am afraid the Honourable and learned Pandit is slightly misquoting me. What I said was that as up-to-date no profits had been made, it might be said that the company has been in existence, so far, solely for the benefit of Indian labour.....

**Pandit Motilal Nehru :** That is to say they do not claim it, but you give them credit for it.

**Mr. G. L. Winterbotham :** Yes.

**Pandit Motilal Nehru :** That will do. Now, throughout the debate I have not heard,—even from Mr. Philip who made a special reference, to ascertain the various facts brought out in the debate, to the Tin-plate Company,—we have not heard one word of contradiction of the state of things described in the note which I have circulated to the Members. There is no contradiction of the fact that, ever since the beginning of the strike, numerous attempts were made on behalf of the men to approach the management through different channels, but they invariably turned a deaf ear to all such representations.

Now, as to the Pathans, it is said, “Oh, well, they are there for the protection of the loyal workers”. What are the police doing? Are the police not at the entire disposal, as is alleged by personal observation

[Pandit Motilal Nehru.]

in that note, of the Company? We know the significance of employing men whose business is to subvert law and order for the ostensible purpose of assisting the police or protecting private individuals. We have had enough experience of the employment of Pathans in Bombay and in other parts of India, and it is now too late in the day to convince even a child that a strong Company like the Tin-plate Company would go out of its way to import Pathans, to hobnob with them, to encourage them in various other ways, for the innocent purpose of keeping order in their factories. Is there any answer to the charge that the police are actually helping the Company, that the police go out taking lorries with them to recruit new workers, guarded by a police car in front and a police car behind the lorry? Is there any answer to the allegation made in that Report that when there was a free fight between the Pathans and the strikers with the usual weapons of war that are used in these cases, namely brickbats and stones, these strikers were charged by the Police, followed to their very homes, and some of them beaten inside their homes? There were numerous other cases of brutal treatment. I am not going into the history of the strike. I quite admit and agree that it is immaterial to do so for the purposes of the present Resolution but the treatment of the strikers is a most essential consideration bearing on the Resolution. If the strikers are treated in the manner alleged, I ask what answer is there to the demand of the withdrawal of protection?

My Honourable friend Mr. Mody said, it was a very dangerous principle, whenever there was any strike or labour trouble to come to this House and say that protection should be withdrawn from the industry concerned. I say if we are not to come to this House which granted protection and ask for its withdrawal, where else are we to go? It is this House which gives protection, and it is this House alone which can withdraw protection.....

**Mr. H. P. Mody :** Because there is a strike, therefore you must withdraw protection?

**Pandit Motilal Nehru :** I thought that even a millionaire, and a mill-owner had some human feeling. Was the strike in the Tin-plate Company, on the facts disclosed, just a mere strike? When you go to a Tribunal to get justice, you lay your facts before it. By this Resolution the Congress Party has come to this Tribunal, and it has laid the facts before the House, and if these facts which are uncontradicted mean anything, they afford eloquently testimony to the extreme lengths the employers have gone in ill-treating their employees. It is said that it is a mere strike. This is a strike, Honourable Members will bear in mind, which embraces Hindus, Mussalmans, Christians, Sikhs and others; it includes the whole staff not merely the manual labourer, but also clerks, accountants, and others.

**Mr. President :** Will the Honourable Member now conclude his observations?

**Pandit Motilal Nehru :** I will conclude at once. I have no desire to detain the House at any length, and I will not ask the grace of the Chair for even a minute. I will simply sit down with this remark, that I hope and expect that every Member of this House, at least every non-official Member, will vote in favour of this Resolution.

# WITHDRAWAL OF PROTECTION FROM TIN-PLATE INDUSTRY.

**An Honourable Member :** Let the question be now put.

(The Honourable Sir George Rainy rose in his place.)

**Pandit Nilakantha Das :** May I ask, Sir, whether I have a right of reply before or after?

**Mr. President :** The Honourable Sir George Rainy.

**The Honourable Sir George Rainy :** I can assure my Honourable friend that I do not think having regard to considerations of time that you will permit me two speeches before 4 O'clock. I think, Sir, that the debate to which we have listened to-day has been one of more than the usual interest, and that for different reasons. All of us on the Government Benches quite clearly must have been impressed by what fell from two or three speakers on the Benches to my right. But my Honourable friend Sir Bhupendra Nath Mitra has already dealt with that aspect of the case and what I propose to do in the few remarks that I shall make is to deal with the other side of the question, that is not the labour side but what perhaps I may call the tariff side of the question.

Now, several reasons have been placed before the House by speakers sitting opposite to me in order to justify their proposal that the protection given to the tinplate industry should now be withdrawn. Let me take first the argument that the Tinplate Company is a foreign company. That was dwelt upon both by the Honourable Pandit and by my Honourable friend Diwan Chaman Lall, and it seemed to me that perhaps the argument came more appropriately from the former than from the latter. The impression which some of the utterances to which I have listened in this House of my Honourable friend Diwan Chaman Lall is very much this, that capitalists of any nation are all equally to be condemned, and therefore when I heard him making the question of the nationality of a company depend upon the nationality of its shareholders, I half exclaimed to myself, "Is Saul also among the Prophets?" and I am not sure how "Prophets" should be spelt in that connection. (Laughter.) My Honourable friend Pandit Motilal, if he will allow me so to call him, and indeed he has never given me any reason to call him anything else—my Honourable friend put this point before the House, namely, that since Rs. 25 lakhs which the Tata Iron and Steel Company invested in the Tinplate Company is now practically worthless and has been written down by that Company to nil in its balance sheet, and therefore, so far as capital was concerned, it could not be said that there was any Indian national element in the Company. It is quite true, I believe, that since 1927, when the Steel Industry Protection Bill became law, the capital has been written down. But I think, and I speak from a pretty full knowledge of the circumstances, that in 1927, at the time the Tariff Board reported and before the Act became law, it would have been clear to anyone who was at all acquainted with the circumstances that there was very little prospect of either the Tata Iron and Steel Company or the Burma Oil Company, the only two shareholders, receiving any appreciable dividend on their ordinary capital. Certainly, the protective duty that was then imposed by the Act was not large enough to hold out much prospect of a high return to either of them. But I think my Honourable friend the Pandit overlooked another point in connection with this tinplate industry. I presume that what he contemplates is that, if the protection is withdrawn, the Tinplate Company

[Sir George Rainy.]

will have to shut down and the effect on the Tata Iron and Steel Company would be that they would have to find a market for 40,000 or 50,000 tons of steel per annum which at present is taken over and manufactured by the Tin plate Company. I do not think that that is a matter which the Tata Iron and Steel Company would regard as at all negligible.

I will pass on, Sir, to one other argument, sometimes explicitly stated and sometimes implied in what the speakers said. It was implied that owing to the protective duty the consumers and the tax-payers of this country were contributing large sums to the profits of this foreign company. Now, the point made by my Honourable friend Mr. Winterbotham was just this, that whatever may happen in the future, the tax-payers and the consumers have not contributed to profits because there have been no profits. All that they have been asked to do so far is to contribute towards the reduction of losses, and had there been no protective duty, the losses would have been even higher than they have actually been.

These are the arguments put forward to-day, which might have been put forward—some of them were put forward—in 1924 and 1927, and again in 1926 when the question of supplementary protection came before the House. On these three several occasions the House, knowing the facts, approved the grant of protection to the tin plate industry and on no single occasion in those three years was a division challenged. Therefore, in so far as the case for the withdrawal of protection is based upon the arguments which I have been criticising, Honourable Members are criticising the action taken by this House and by the Legislature as a whole on three different occasions. I will come therefore to what is new in the case put forward today.

I think reference has been made by one speaker to questions connected with oil, but apart from that, the case against the Tin plate Company has been based entirely on its relations with its labour. Now, Sir, I want on that point to read one passage from the Report of the Tariff Board in 1926. I was not a member of the Board at that time, the Report was submitted by Sir Padamji Ginwala and his colleagues on the statutory inquiry. This is what they said :

“ We have made a careful examination of the general conditions of Indian labour at Golmuri. The average scale of wages compares favourably with that paid to similar classes of labour in other industrial centres. In addition to this, excellent housing arrangements have been made by the Company at its own expense. About half the labour is accommodated in well built houses, most of which are provided with water-borne sanitation and the rents charged are moderate.

The remainder of the workmen live in houses built by themselves partly with their own money and partly with money advanced by the company. There is ample supply of filtered water for the whole population, free medical treatment which is provided not only for the workmen and their families but for all applicants ; arrangements for the education of the children have been made in conjunction with the Tata Iron and Steel Company.”

Now, Sir, nobody will say that Sir Padamji Ginwala and his colleagues were likely to be prejudiced in favour of the Tin plate Company. No one has ever attempted to impugn their impartiality, and I claim emphatically that the record of the Company in relation to its labour is a good record. Therefore, it comes back to this that all that can be

alleged against the Company dates back only to January last and to the strike which broke out in April. That is really what it comes to. I can divide what has been said on that point under three heads. In the first place, particular actions or alleged actions of the Tin-plate Company have been condemned. The Honourable Pandit said that only a very faint denial had been offered from this side of the House to the many statements of fact contained in the pamphlet which he so courteously circulated to us yesterday. Now, Sir, I received that pamphlet when I got home from this Assembly at a quarter to nine last night and it is not quite reasonable to expect me to verify, and either confirm or contradict, every statement of fact contained in that pamphlet. It strikes me, indeed, as a new way of conducting debate in this House to circulate all your statements of fact the night before and, unless people are in a position to challenge them on the opposite side the following day, to claim that the House should accept them as gospel truth. Surely, that is not quite reasonable.

**Pandit Motilal Nehru :** My point was that this subject was before the House for a number of days and that these were the points which would naturally arise.

**The Honourable Sir George Rainy :** I quite admit that the Resolution has been before the House for a number of days and Members have no doubt done their best to acquaint themselves with the facts, but I think my Honourable friend put his claim a little too high. My Honourable friend Mr. Winterbotham, and other speakers also, drew attention to the undesirability of deciding this important matter on one-sided statements. Now, clearly the narrative in the pamphlet is a one-sided statement. I do not deny that some of the statements it contains appear to be perfectly correct, but in the nature of the case it must be in the main and on the whole an one-sided statement. Now, I think that if the House on the strength of statements of that character were to come to a definite decision that the protection formally given by an Act of the Legislature should be withdrawn, it would be setting a most undesirable and unfortunate precedent. Another point was this that as a result of the action of the Company, the training of Indians, to which Members of this House attach very great importance, would be very seriously retarded. Admittedly that must be the result. There must be some retardation. But my Honourable friend Sir Bhupendra Nath Mitra pointed out that, in spite of the fact that some of the new labourers were not as efficient as the old, nevertheless in the month of August the output of the works had gone up to over 3,600 tons, which is a higher average rate of production than the company has yet attained in any one complete year. That, I think, shows that the retardation is by no means so serious as my friend the Honourable the Mover would have us believe. Finally, the point taken was that the whole attitude of the company since the outbreak of the strike towards its labour was unreasonable. Now, assuming it to be so for purposes of argument, still I maintain that it is not a reason why the protection afforded by the Steel Industry Protection Act of 1927 should be withdrawn from this industry. That argument implies a conception of what a protective tariff means and the way in which it is possible to work—a conception which I believe to be fundamentally mistaken. The point was considered by the Select Committee in 1927 as appears from their report. On the question whe-

[Sir George Rainy.]

ther special conditions should be imposed on firms enjoying the benefit of protection, they say :

"We considered but were unable to accept a suggestion for the amendment of the Bill so as to include provisions for securing the welfare of labour, for the limitation of dividends and so on. We think that the difficulties in the way of incorporating provisions of this kind in this Bill are insuperable."

Subsequently, my Honourable friend Diwan Chaman Lall moved an amendment for the introduction into the Bill of provisions of that kind, relating to provident fund, maternity and housing. That provision was negatived without a division. Now, Sir, that meant and must mean that the House did not attach conditions to the grant of protection, for if the Legislature desired that firms enjoying protection should comply with certain conditions, in common fairness those conditions should have been laid down beforehand ; you cannot turn round subsequently and say, "You have not been behaving nicely, and you shall not get protection any more". It is utterly impossible to attract capital to industries under any system of that sort. That, Sir, is the point that I wish to bring to the notice of the House. Naturally, I am deeply interested in the success of the policy of discriminating protection because I have been associated with it personally from the start and I do warn the House that it is a most dangerous thing, if you mean business, to create an impression that protection may be granted or withheld according to what people will feel to be caprice and not a reasoned policy steadfastly adhered to. For that reason, Sir, I would appeal to the House not to commit itself to the approval of a principle which I am convinced is thoroughly unsound. In particular, I would appeal to those who feel, as some speakers have felt, that the action of the Bihar and Orissa Government in not appointing a Court of Inquiry was very difficult to justify. I should be very sorry if a single vote was influenced by the feeling that because the Bihar and Orissa Government have been wicked, therefore it was right to punish the Tin-plate Company for the question, however you may condemn the attitude.

**Mr. President :** Order, order. The Honourable Member is exceeding his time-limit.

**The Honourable Sir George Rainy :** I shall only complete the sentence, Sir. The result would be that the vote of any Member who is influenced by considerations of that kind would have been influenced by a minor and trivial matter and not by any solid ground of principle.

**Several Honourable Members :** The question may be now put.

**Mr. President :** The question is that the question be now put. The motion was adopted.

**Mr. President :** The question is that the following Resolution be adopted. (Pandit Nilakantha Das rose in his place.) Does the Honourable Member wish to reply ?

**Pandit Nilakantha Das :** I shall finish in two minutes, Sir.

Sir, though in course of the debate there have arisen so many points for reply, for want of time, I wish to make only one point clear. The issue that the protection should be withdrawn rests upon one reason amongst

other reasons which is purely economic in its character and that is that the Tariff Board recommended protection on the express understanding that this technical industry should, in course of time, be manned by trained Indians who would replace very high paid foreigners. The Company, in their statement, say that it took three years to train the first batch of technical men. If, then, by freaks or *zid* like this from time to time they disband all trained labour and take new labour at their will, and keep out the trained men at the point of the bayonet, we do not see how we can continue this protection which we are giving. This is the main point at issue for which I propose that this assistance should be withdrawn. This is the only issue, that they should either give an undertaking to take in all the workers whom they have trained ; otherwise the protection is unnecessary and it is a loss to the tax-payer. My friend, the Honourable Sir Bhupendra Nath Mitra, gave some figures which show that, even after the strike in August, the outturn came to 3,650 tons that month. But I think the figures which were supplied to him are misleading, for they perhaps include, as far as I can say, scrap as well as good articles which are all put together ; together, they might come to this figure, but the output, as it should be calculated, has never reached the normal production since the day of the strike and there is no likelihood of its reaching that figure. Therefore I propose for this amongst other reasons to withdraw this protection.

**The Honourable Sir Bhupendra Nath Mitra :** That is the outturn of tin plate.

**Pandit Nilakantha Das :** That ? the scrap ?

**Mr. President :** The question is that the following Resolution be adopted :

"This Assembly recommends to the Governor General in Council that he may be pleased to undertake an amendment of the Steel Protection Act, 1927, with a view to withdraw the protection granted thereunder to the tin-plate industry in India."

The Assembly divided :

AYES—51.

Abdul Matin Chaudhury, Maulvi.  
Acharya, Mr. M. K.  
Aney, Mr. M. S.  
Ayyangar, Mr. K. V. Rangaswami.  
Ayyangar, Mr. M. S. Sessa.  
Badi-uz-Zaman, Maulvi.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Chaman Lall, Diwan.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Farookhi, Mr. Abdul Latif Sahab.  
Ghuznavi, Mr. A. H.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Ismail Khan, Mr. Muhammad.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. R.  
Jogiah, Mr. V. V.  
Kartar Singh, Sardar.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lahiri Chaudhury, Mr. D. K.  
Lalehand Navalrai, Mr.  
Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jannadas M.

Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Mohammad Ismail Khan, Haji Chaudhury.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Munshi, Mr. Jehangir K.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Rafique, Mr. Muhammad.  
Rang Behari Lal, Lala.  
Sarda, Rai Sahib Harbilas.  
Shafee Daoodi, Maulvi Mohammad.  
Shah Nawaz, Mian Mohammad.  
Shervani, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Ranajaya.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Siddheswar Prasad.  
Yakub, Maulvi Muhammad.  
Yusuf Imam, Mr.



## NOES—42.

Abdul Aziz, Khan Bahadur Mian.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Bajpai, Mr. E. S.  
 Bower, Mr. E. H. M.  
 Bray, Sir Denys.  
 Chalmers, Mr. T. A.  
 Chatterjee, The Revd. J. C.  
 Cosgrave, Mr. W. A.  
 Covernton, Mr. S. H.  
 Crerar, The Honourable Sir James.  
 Ferrers, Mr. V. M.  
 French, Mr. J. C.  
 Ghazanfar Ali Khan, Mr.  
 Gidney, Lieut.-Colonel H. A. J.  
 Hira Singh, Brar, Sardar Bahadur  
 Honorary Captain.  
 Jawahar Singh, Sardar Bahadur Sardar.  
 Lindsay, Sir Darcy.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Mitter, The Honourable Sir Brojendra.  
 Mody, Mr. H. P.

Mukharji, Rai Bahadur A. K.  
 Mukherjee, Rai Bahadur S. C.  
 Noyce, Sir Frank.  
 Pai, Mr. A. Upendra.  
 Philip, Mr. J. Y.  
 Porter, Lieut.-Colonel L. L.  
 Purshotamdas Thakurdas, Sir.  
 Rahimtulla, Mr. Fazal Ibrahim.  
 Rainy, The Honourable Sir George.  
 Rau, Mr. P. R.  
 Rogers, Mr. P. G.  
 Roy, Mr. S. N.  
 Sarma, Mr. R. S.  
 Schuster, The Honourable Sir George.  
 Singh, Rai Bahadur S. N.  
 Stevenson, Mr. H. L.  
 Stewart-Smith, Mr. D. C.  
 Sykes, Mr. E. F.  
 Tin Tut, Mr.  
 Tottenham, Mr. G. R. F.  
 Winterbotham, Mr. G. L.  
 Yamin Khan, Mr. Muhammad.

The motion was adopted.

RESOLUTION *RE* STIPENDS OF THE MEMBERS OF THE CARNATIC FAMILY.

**Mr. President :** Mr. Kabeer-ud-Din Ahmed will take half a minute to move his Resolution and I call upon him to do so.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Sir, I beg to move :

“ This Assembly recommends to the Governor General in Council that the stipends of the members of the Carnatic Family which were discontinued on account of their participation in the Khilafat movement be restored to them with retrospective effect.”

Sir, in moving this Resolution.....

**Mr. President :** Order, order : The Honourable Member will not have to ballot again. That is the advantage in moving his Resolution.  
 Mr. Munshi.

## MOTION FOR ADJOURNMENT.

## TREATMENT OF BUDDHIST MONKS IN JAILS IN BURMA.

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Sir, I move :

“ That the House do now adjourn to discuss a definite matter of urgent public importance, namely, the situation arising out of the action and policy of the Government refusing the use of the yellow robe to Burman Buddhist monks, who are imprisoned in the jails of Burma—and more particularly Burman Buddhist monks convicted of political offences in Burma—which has already resulted in the death of U Wizaya in consequence of prolonged hunger-strike and which is likely to involve further loss of life.”

Sir, I do not propose to detain the House at any great length on this motion. The facts which have necessitated this motion are well known to this House. I shall only refer to a few facts to explain the situation

## TREATMENT OF BUDDHIST MONKS IN JAILS IN BURMA.

which led to the hunger-strike. Al Wizaya, Sir, was a great Burman patriot. He was a Buddhist priest. In Burma the fight for liberty and progress, which is characterised by officials as political agitation, is carried on mostly not by laymen, not by lawyer politicians, who are so obnoxious to the Government of India, but by Buddhist monks and priests who are called *Pongyis*. As the House probably knows, a Buddhist monk or priest cannot own property, he cannot have any earthly possession ; and all that this body of selfless patriots have fought for is the progress and freedom of their motherland.

**Mr. K. Ahmed :** Why do they take to politics ?

**Mr. Jehangir K. Munshi :** Because they wish to free their country from the present conditions.

Sir, Al Wizaya was charged more than once under section 124-A of the Indian Penal Code for delivering “ seditious ” speeches. We all know what the phrase “ seditious speeches ” means. The political history of India of the past 20 years shows the ever-changing interpretation to which courts have placed on this particular section when applying it to “ seditious ” speeches. What now meets with approval would not have been tolerated a few years ago and would then have resulted in certain prosecution and conviction. I will cite one instance. Only the other day my Honourable friend Sir James Crerar stated on the floor of this House that he admired the “ studied moderation ” of the speeches delivered by Mr. Jinnah and Mr. Jayakar. Sir, the able and forceful speeches delivered by these two Honourable Members are still fresh in our minds. One sentence in Mr. Jinnah’s speech stands out in my memory. He referred to “ this damned system of Government ” being responsible for violent political crime in this country. We have now reached a stage when these sentiments are regarded as “ studied moderation ”. Two years hence there will be a further change in the official angle of political vision, and two years hence the “ seditious ” utterances, for which this great humble patriot went to jail and laid down his life, will also be characterised as statements of “ studied moderation ”. Now, Sir, after Al Wizaya had been convicted of one offence under section 124-A, he was once again charged with another offence under the same section ; and when he was undergoing his trial for this second offence he was denied the use of the yellow robe ; and after he had tried every constitutional means of having his grievances redressed, he went on hunger-strike. He did not do it in a hurry. He did not do it as a political gesture. He did it because there was no other way open to him to enforce his religious rights. (Hear, hear.) To enforce his religious rights this unfortunate man put himself to untold suffering and torture day after day gradually losing mental and bodily strength. When he was in this condition, he was tried and convicted for another offence under section 124-A. When he was being tried for the second offence he was not in a fit condition to be removed from his cell. He was not in a fit condition to attend the court, but the learned Sessions Judge, resourceful judicial officer that he was, did not wait for the Hunger-Strike Bill. He removed himself and his court to the prison and he held his court in the prison. That, Sir, was one of the greatest mockeries ever perpetrated in India. The mockery of a trial took place in the Rangoon

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[Mr. Jehangir K. Munshi.]

Central Jail. This unfortunate man, who was not in a fit condition to stand, who could not understand what was being said to him, who could not answer any question, who could not possibly cross-examine the evidence which was led against him, this unfortunate man had to undergo this mockery of a trial in the jail. A sentence of six years transportation was given to this monk. Six years transportation given to a man tried when he was practically on the verge of death. (*Cries of "Shame, shame"*.)

Now, Sir, what was the demand, that this Burman Buddhist monk made? He was not raising questions which were raised in the Lahore conspiracy case. He reduced his demand to one straight, simple and basic issue, his religion and his God. A Burman Buddhist monk must wear his yellow robes on certain days. All that he asked was that he and other Burman Buddhist monks imprisoned in the jails of Burma should be allowed to wear the yellow robes, not even every day, but during those two days in the month when it is incumbent on them to fast and offer certain prayers.

Sir, there is at present in Burma, fortunately for the people of Burma, an Indian Inspector General of Prisons, Colonel P. K. Tarapore, I.M.S., a very able prison administrator and an enthusiastic jail reformer, a most sympathetic man who combines a robust sense of justice and humanity with a strict sense of jail discipline. I believe, Sir, that this Indian Inspector General of Prisons backed up the demand of Al Wizaya that he should be allowed the use of the yellow robe in prison in order to comply with the dictates of his religion and his duty to God. But the Government of Burma turned a deaf ear to all appeals. The Government of Burma turned down the recommendation made by this Indian Inspector General of Prisons, with the result that Al Wizaya continued his hunger-strike—all for his religion, mark you, Sir, I ask the House to make a careful note of this, all for his religion, and for no other issue. Then when he had practically lost consciousness, when he had practically lost all his senses, when one after another his limbs refused to function, when the man, although not dead, did not yet know that he was alive, then and then alone the august Government of Burma came down from their high pedestal and restored to him his yellow robe, restored the yellow robe to this man, Sir, who was lying almost as a corpse on his bed. When the Government of Burma restored the yellow robe to this unfortunate man, they realised that no human remedy, no human endeavour could make the man come to life once again.

I wish to give to the House another aspect of the suffering of this unfortunate man. We have all read that he observed hunger-strike for 162 days. The House can very well realise that no human being can be alive after a prolonged hunger-strike for 162 days. He was forcibly fed. Here also, Sir, I have to make a statement, for which although I have no official authority, I challenge the Government of India to deny that the Indian Inspector General of Prisons expressed himself strongly against this brutal and most inhuman method of forcible feeding. By this method of forcible feeding, he was kept alive till the very organs which were tortured in the process of this forcible feeding refused to function. (*Cries of "Shame, shame"*.)

Before I proceed further I wish to make it perfectly clear that I have no official authority or information with regard to the statements made about the Inspector-General of Prisons; these statements are based on general information available to the public from various un-official sources.

Now, Sir, what is the demand that I lay before the Government of India? It is not an extravagant demand, it is not an unfair demand, it is not an unreasonable demand; it is a simple request to respect the religious wishes, the religious dictates of a particular class of His Majesty's subjects ("Hear, hear" and Applause.) I stand to-day for no spectacular glory, I stand to-day for no political triumph, I want to appeal to the House with all the earnestness on my part that House should grant the right to Buddhist monks to wear the yellow robes in consonance with the dictates of their religion. All that I want from the Government of India is an assurance on two points (1) that all Burman Buddhist monks imprisoned in the jails of Burma will be allowed to wear the yellow robes, and (2) that the conditions of treatment in the jails of Burma will be investigated along with the conditions prevailing in the jails of other provinces, an investigation which, I understand, is already proceeding. The Government of India are ready to concede the second point; but I understand that they refuse to concede the first point without consulting their masters, the Government of Burma. Well, Sir, Burma has not yet been separated from India. Although the administration of jails is a provincial reserved subject, the Government of India cannot wholly divest themselves of their responsibility for the administration of jails in British India. The Government of India claim that they are responsible for the maintenance of Law and Order in the whole of British India. I am equally their duty and their responsibility to see that the jails in every province in British India are administered properly and humanely and that the treatment given to prisoners in jails meets with the approval of this House and not merely the approval of the Burma Government. ("Hear, hear" and Applause.)

Now, Sir, what is the position of the Government of Burma? The Government of Burma seem to think that because the Bay of Bengal separates them from this House they can do as they like. They think that nobody can question their action; they feel that nobody can interfere with their despotic autocracy. Sir, it is up to this House now to give the Government of Burma an answer in no unmistakable terms that, so long as this House is in existence and so long as Burma forms part of British India, this House will always stand as the bulwark of defence and protection between the people of Burma and the despotic autocracy of the Government of Burma. ("Hear, hear" and Applause.)

Now, Sir, what are the issues involved in this motion? Not only the narrow, although very important, issue of censure but a much bigger constitutional issue is involved. This House will today tell the Government of Burma how it proposes to deal with the Province of Burma so long as she remains a part of British India. In this connection I shall read to the House a few short extracts from the Memorandum presented by the Government of Burma to the Simon Commission urging the separation of Burma from India. The Burma Government's motive is obvious. After separation such questions cannot be raised in this House.

[Mr. Jehangir K. Munshi.]

the people of Burma must be left for ever to the tender mercies of the Government of Burma. This is what the Memorandum says :

" Most of the important questions affecting the Indian Empire are discussed in the Indian Legislature, particularly in the Indian Legislative Assembly. This Assembly is composed of 143 Members, and Burma is represented by one official and four elected Members. Thus the representation of Burma is too weak to exercise any influence in the Assembly."

Well, Sir, it is for this House now either to say that this remark is justified, or to give the lie direct to it. Is this House going to neglect the interests of Burma because the Bay of Bengal separates it from India? Is this House going to neglect the interests of Burma because she is represented in this House only by four Members?

Some Honourable Members : No, no.

**Mr. Jehangir K. Munshi :** My Honourable Muslim friends, who are always fighting for the rights of minorities and for the redress of the grievances of minorities, how are they going to treat today this question relating to the Burman minority in this House? Sir, the Government of Burma go on to state :

" The Assembly quite properly devotes much time to such questions as infant marriage, age of consent and the Devadasi problem, but none of these questions affect Burma."

" It is difficult therefore, to get representative Burmans to stand for the Assembly and those who are elected often have not sufficient inducement to make the long and tiresome journey to Simla and Delhi. The present Governor of Burma,"

I particularly want to draw the attention of the House to these remarks :

" The present Governor of Burma knows from personal experience that usually the greater part of a Session and sometimes the whole Session will go by without the appearance of the characteristic Burmese dress in the Assembly. From the nature of things Burma has not, and never can have, any effective voice in shaping policy in the Indian Legislature."

These, Sir, are the words of His Excellency Sir Charles Innes. Sir, the House today will record by its vote whether these words, uttered by the Government of Burma and adopted by His Excellency Sir Charles Innes as being his own conviction and opinion, are well deserved, or whether they are a libel on this House. Sir, I remind my friends in this House that there is a population of one million Indians in Burma, and that the future of these one million Indians depends on the friendly relations between Indians and Burmans. Their future depends on how this House and the Indian elected Members of this House treat Burma and the Burmans. This vote today is not merely going to determine the question of censure on Government for the inhuman treatment of this particular prisoner or the unreasonable refusal of the yellow robe. It goes further. This House will today tell Burma how it will deal with Burmese questions when they come up before this House in spite of Burma's inadequate representation here. Sir, I move the adjournment of the House. (Loud and prolonged applause.)

**The Honourable Sir James Crerar (Home Member) :** Sir, I must confess that, when I first received notice of the Honourable Member from Burma's intention to move the adjournment of the House, I speculated on the precise issues which I should be called upon to meet. It appeared to me that the wider issue relating to the treatment of jail prisoners which has already been fully discussed at great length would not presumably

be brought in and I should not be called upon to deal with that matter. From the revised terms of the Honourable Member's motion I anticipated that I should be called upon to deal with the particular causes which led to the hunger-strike and the unfortunate decease of the prisoner in question. I did not anticipate that I should be called upon to deal with a very large constitutional question, and I doubt whether in the time at my disposal it will be possible for me to follow that Honourable gentleman into that constitutional ground.

The real issue before the House as set out in the motion is I think the particular causes which led to the hunger-strike and to the decease of the prisoner. Now, Sir, that matter is one which has very direct reference to local circumstances and local conditions; and I doubt very much myself whether, without intimate local experience of those special circumstances and conditions, it is possible for us to arrive at an informed judgment in the matter. However, Sir, as my time is limited I shall deal as briefly as possible with the actual facts of the case.

There is one point on which I touch with the utmost reluctance, and I do so because the Honourable Member has raised the point, and if I did not deal with it myself, it would leave the House with a wrong idea as to the actual facts. The prisoner in question had several convictions against him, and in the carrying out of the last sentence he was treated with exceptional consideration, the original sentence of rigorous imprisonment being commuted to one of simple imprisonment. He was then charged once more with an offence, as the Honourable Member has explained, under section 124A. It was not a technical offence under that section. It was an offence which, I think everyone will agree, was a grave one. In point of fact it was an incitement to the assassination of Government officials and to the use of the bomb. He was tried and convicted, with the concurrence of all the Burman assessors, and when the Honourable Member adverted to the fact that he was sentenced to a term of six years he did not mention the fact that the Local Government commuted it to half that period.

**Mr. Jehangir K. Munshi :** Almost the whole of it was commuted; he will not serve the remaining five years now.

**The Honourable Sir James Crerar :** I was saying that the Local Government commuted it to three years.

Now, Sir, the terms of the Honourable Member's motion would undoubtedly convey an impression to this House that the sole demand which has been made, and which the Local Government found themselves unable to comply with, was the wearing of the yellow robe. That, Sir, is not the case. The hunger-strike was started on a complaint as regards diet, and that complaint was promptly remedied. The Superintendent of the jail was authorised to give whatever diet was necessary on medical grounds. It was then that two demands were made, only one of which the Honourable Member has referred to. The first related to the wearing of the yellow robe and the second related to a fast.

**Mr. President :** Order, order. All that the Honourable the Mover wants is an assurance from Government that the Buddhist monks would be allowed to wear the yellow robe. If the Honourable Member restricts himself to that alone the matter will be much simplified.

**The Honourable Sir James Crerar :** My point, Sir, was this. I think the motion calls attention to the actual causes of the hunger-strike, and I cannot, without leaving the case incomplete, omit any reference to one of the two demands made with which the Local Government were unable to comply. I shall deal briefly with it and it is this, that all monks convicted of offences should be allowed, in addition to wearing the yellow robes, to fast in a particular shrine, which I understand is known in Burmese as a *thein*.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, will the Honourable Member give us the date when that demand about the yellow robe was first made ?

**The Honourable Sir James Crerar :** I believe, Sir, it was made somewhere about the middle of April, but I cannot give the exact date. But my point is, and I think the House will agree that it is a practical point and one which I ought to make clear, that the second demand which was equally insisted upon, was that all convicted Burmese monks should be allowed to fast in *theins*. Now the Government of Burma, having taken the advice of persons conversant with the principles of the Burmese religion, found,—they were considering the possibility of erecting temporary shrines of this character,—that it is prescribed that such shrines must be of a permanent character, they must be endowed by a layman and must be, as I understand, under ecclesiastical jurisdiction. In other words, these were conditions which were practically impossible of fulfilment.

**Mr. Jehangir K. Munshi :** Sir, is the Honourable Member suggesting that the Government of Burma were prepared to provide a *thein* if a founder could be had and if a Burman Buddhist layman could be found to endow it ?

**The Honourable Sir James Crerar :** My information is that the Burmese Government did examine the possibility of providing temporary *theins* and found it impossible to provide them.

**Mr. Jehangir K. Munshi :** They rejected the proposal summarily and contemptuously.

**The Honourable Sir James Crerar :** That is not my information. Sir, I hope the House will understand the impracticability of the second demand, because it was quite impossible for the Burmese Government to provide shrines of that character and satisfy the essentially necessary religious conditions in every jail in Burma or indeed in any jail in Burma. Now, Sir, I will deal more specifically with the question of the yellow robe. The point, I submit, is really not political question ; it is a religious and administrative question, and the question is this ; whether clerics who have offended against the law are to be treated in any manner differently from laymen. That is not a contention, which, on the various occasions on which prison conditions in India have been rigorously scrutinised, has ever to my knowledge been advanced. There is no such pressure in India, and I think Honourable Members will agree that, if a claim could be advanced to be treated in a special manner on the ground of a special sacerdotal position or character by any one who said he was a Sadhu or Fakir, it would be a practical impossibility. Nor indeed in England is there any provision for the treatment of a clerical offender in any way different from a lay offender. I cannot see in what manner that course could be justified. The issue that present itself to us is really that. It

is really a question whether special rules of treatment can properly be applied to persons who claim a clerical character as distinct from the ordinary layman ; and there are special reasons peculiar to Burma—I confess I do not speak as one thoroughly conversant with Burmese conditions—and I regret very much that the Honourable Member who used to sit opposite is unfortunately absent from us to-day because he could speak with far greater authority than I can—I understand that, having regard to the rules of the Buddhist monkhood, the nature of the obligations, moral and religious, which a Buddhist monk takes on himself when he enters the monastic order, is of a character which is quite impossible to be carried out in jail. For example, I understand that a Buddhist monk must beg his food, “ by the labour of his feet ”. Now, I say it is a very regrettable circumstance that any member of a monastic order should be an offender against the law and be confined in jail, but I think it is clear to the House that if those are, as I am assured they are, the absolutely inevitable and unavoidable conditions of complying with the rules of the order, any one who becomes an offender against the law and is confined in a prison cannot possibly, under any conceivable system of jail administration, be allowed to fulfil them. And I am told further that there is nothing in the tradition of the country which would support such a claim. I am told on the best authority that, during the regime of the Burmese Kings, a monk who became an offender was deprived of his priestly robes and was treated as an ordinary offender. There are no means.....

**Mr. Jehangir K. Munshi :** Will the Honourable Member state his authority for that proposition ?

**The Honourable Sir James Crerar :** Yes ; the authority is a memorandum which was prepared many years ago, in 1890, by a learned Burmese who was then, I understand, the Oriental Translator to the Burmese Government, and I have no doubt that he wrote his memorandum after a very careful scrutiny of the records of the Burmese Kingdom. But, Sir, I do not want to urge that point too far. There are now provisions, which I understand in that regime did not exist at all, by which if a monk satisfies the conditions of eligibility as a special class prisoner, he is and can be allowed to wear his yellow robes ; but as a general proposition the distinction between a clerical offender and a lay offender is one to which I confess I can find no precedent either in England or anywhere else.

I cannot, Sir, at this stage, as I have already occupied the time at my disposal, embark upon the constitutional question raised by the Honourable Member. Indeed, I venture to think that it is really irrelevant to the implications of this motion, and I trust that, because I pass it over in silence, it will not be concluded that I was not prepared to give a reply. But I do not wish to trespass either upon the rules of relevance or upon the patience of this House.

**Pandit Madan Mohan Malaviya :** Sir, I rise to support the motion of adjournment and I do so with great regret. I have heard the speech of the Honourable the Home Member with full attention, and I am sorry to find that he has not seen his way to accept the recommendation contained in the motion. He said that the offence of sedition was a grave offence. Yes, it is. But I wish that he and every member of the Civil Service

[Pandit Madan Mohan Malaviya.]

serving in India should revise his idea of what is sedition now in view of the declaration which has been made that India is on the way to responsible government. Much of what was sedition a few years ago ceased to be sedition when that announcement was made. When India is crying out against the existing system of Government and is asking for the establishment of full Dominion Status at the earliest period possible, it is time that members of the Civil Service and all foreigners serving in India should revise their opinion as to what constitutes sedition.....

**The Honourable Sir James Crerar :** I regret very much to interrupt the Honourable and learned Pandit, but I do not think he quite correctly represents what I said. I was not speaking in general terms, but I explained that the particular offence in point, for the reasons which I gave to the House, was a specially grave offence.

**Pandit Madan Mohan Malaviya :** What was the offence ? Was it not under 124A ?

**The Honourable Sir James Crerar :** It took the form of an incitement to murder Government officials and the employment of the bomb.

**Pandit Madan Mohan Malaviya :** I do not know that that would come in under 124A, that would be a different offence. But I have not got before me the speech upon which this deceased patriot of Burma was convicted, and I am therefore not in a position to reply to my Honourable friend fully. But I take it that Mr. Wizaya was tried under section 124A, and I submit that every Burman, every Indian is entitled to condemn in the strongest possible terms the existing system of administration (Hear, hear) which is a foreign bureaucratic system of administration, and I am not surprised that, in Burma, which was taken possession of only recently, there should be more patriots found to denounce the existing system than there are to be found in India. I submit all honour should be paid by every Englishman, by every Britisher, by every lover of liberty, to the man who stands up and has the courage to denounce this foreign administration and who desires that this country should once more become a self-governing country. In that view, every man who is convicted of a political offence like that which falls under section 124A, namely that of condemning the existing system and advocating the establishment of self-government, ought to be treated by our British fellow subjects with respect and sympathy. If a man has actually been guilty of murder or any other violent crime of that character, I can understand that his treatment as a prisoner should be of a somewhat different character ; but for entertaining and expressing the opinion that his country should once more be free, as it was before the British entered it, no Indian and no Burman should be condemned, and certainly ought not to be treated like an ordinary felon. If this religious monk felt the impulse within him—I am told he was a patriot of burning patriotism, and all honour to his memory for having been such a patriot—if this patriot felt that, though he was sent to jail under the law which was administered in that country by Britishers who had no right to enter his country, if he felt that he should speak against the existing system, and if he was convicted for it, let him bear the punishment which the law of the land as it is now administered there inflicts upon him ; but for God's sake, for the sake of everything fair and just, let him be treated like a man who ought to be respected because

the manhood in him has not been entirely destroyed by living under this system. And, what did this monk ask for ? Special diet ? My Honourable friend mentioned that that was the first demand, and he said that that was complied with. I hope it was complied with without a hunger-strike. The second demand was that he should be allowed to wear the yellow robes which the Burman monks wear,—on two special days in the month. He evidently felt, and he had reason to feel, that though he had spoken against the existing system of administration, he had not, in doing so, offended his God or injured his country, and he did feel that he should not for that reason be deprived of his right to follow the particular method and form of worshipping his God on two specially sacred days in the month, and to feel that though a prisoner he was still a devotee and a worshipper of God in the manner that was traditional in his country. The yellow robes were dear to him, not because they brought him any bodily comfort, but because they were the insignia of his having dedicated himself absolutely selflessly to the service of his motherland and his people, and I submit, Sir, that the moment the demand to wear his yellow robes was made, it should have been complied with. Political prisoners, prisoners who have been condemned for having spoken against the existing systems of Government, have been treated better in all civilized countries, and political prisoners are being certainly treated much better in England than they are in India. It is right that they should be so treated, and I submit that, whoever it may be, whether a monk or a non-monk, who ever has been convicted under section 124A for having expressed opinions against the existing system of Government, and has not been found guilty of murder or any other similar violent crime,—such a man should never be treated as this Burman patriot was treated. I submit Government would have lost nothing if they had acceded to the request made by the said monk, because he would still have been under the jail discipline, but he would have felt the satisfaction that, though he had offended against the law enacted by foreigners who had no right to enter his country, he was none the less a thoroughly honourable man, as honourable as any man ever born anywhere.

Sir, the Honourable the Home Member made much of the second demand made by this patriot that he should be allowed to fast for two days in the month in a temple. I submit, Sir, a political prisoner like the deceased patriot should have been allowed that privilege. In England you allow prisoners to go out occasionally on parole for several days at a time for humane considerations. Why did you not make the very limited special concession that the monk asked for ? If the man wanted to go out of the jail to enjoy any pleasure, if he wanted to go out for any ordinary selfish or personal purpose, such a request might well have been refused. But what did he want to do ? He merely wanted to go for a short time to a place which he regarded as holiest on earth, he wanted to go to a temple to pray on two days in a month. I submit, Sir, nothing wrong would have happened, no grave consequences would have followed if his prayer was granted. You allow a prisoner who has been convicted and is undergoing imprisonment to go out of the jail, to go to a court of justice, in order to stand a second charge if one is brought against him. Why did you not allow this monk, who was a man devoted to worship, why did you not allow him to go out under proper guard to one of the temples twice a month to enable him to have the inspiration and solace of religion in his imprisonment.....

**Mr. President :** I do not want to interrupt the Honourable Member, but so far as I have been able to understand the Honourable the Mover, he wants merely that his demand, that the religious monks be allowed yellow robes, should be complied with, and that the Government should give an assurance in that behalf.

**Mr. Jehangir K. Munshi :** And that demand the Burma Government refused.

**Pandit Madan Mohan Malaviya :** Quite true, Sir, but I refer to the other demand also because the Honourable the Home Member dwelt on it. That is my justification for referring to it here. I submit, Sir, that the second demand also could and should have been dealt with and disposed of satisfactorily. Sir, I appeal to all my friends, Englishmen, Scotchmen, Irishmen, whatever country they may belong to, who are in the service of the Government of India, to look at this question in a more sympathetic spirit, to begin to feel a respect for the Indian or the Burman, or whoever it may be in India, who has a patriotic instinct, who feels a patriotic impulse to speak out against the existing system of Government, to honour him as a patriot, to respect him for his views as a freeman, and not to try to condemn him to imprisonment, and then when he has been so condemned, refuse to him the right to use his symbols, or his dress, which are connected with his religion. In this part of the country also unfortunately we had a similar case—the case of Sardar Kharak Singh. You remember, Sir, Sardar Kharak Singh was sentenced to imprisonment on a charge of sedition, and he was required to put aside his Akali Sikh turban. He refused to do so and when he was compelled to do so, he declined to wear any cloth except his *kach*. The authorities then permitted him to wear his turban. But his fellow prisoners were not allowed to wear Gandhi caps. The Sardar protested, but the Government did not accede to his request. He then again gave up wearing any clothes and remained naked in the coldest winter of the Punjab for over three years; he underwent all this suffering as a protest against the attitude of the then Punjab Government. (*Cries of "Shame, shame"*.) We have had such cases before, we have had enough of such cases. So I ask my friends on the Government Benches to change their view, to change their angle of vision, to begin to think that India is going to be a free country next year, that Indians are going to be a self-governing people, and to prepare for that day by taking a broad attitude, and win our applause instead of our condemnation by the action that they take in cases like the one we are now considering.

**Mr. D. C. Stewart-Smith** (Bengal : European) : Sir, one of the Members from Burma has drawn our reluctant attention to the death of a Burmese convict after a prolonged hunger-strike. I say reluctant attention, for I believe that many of us had hoped that the question of hunger-striking would not arise again to disturb the equanimity of the present Session.....

**Mr. Jehangir K. Munshi :** Why not ?

**Mr. D. C. Stewart-Smith :** Some few days ago the House carried a motion for adjournment against the Government and registered its protest against certain forms of jail treatment. We are now asked to do almost the same thing over again. I am not at all satisfied that constant repetition adds to the value of these protests, neither am I convinced that they are a satisfactory substitute for the ordinary business of the House.

realise that they are meant to demonstrate a principle and they achieve their purpose, but they risk their value when they become too frequent.

It appears, Sir, that this monk was convicted in 1926 and again in 1929 for making seditious speeches and for incitement to violence. Now, I am not really concerned with the nature of his offence for Mr. Munshi has told us that this is not a political gesture but solely a religious one. That makes my task very much easier and pleasanter. Now, Sir, this man made three demands, and you have asked us to confine our attention to one, namely, the demand that he should have been allowed to wear the yellow robes. I understand, Sir, that the privileges in regard to dress are only allowed to special class prisoners. Can it clearly be said that a man who incites to violence should be treated as a special class prisoner ? (*An Honourable Member :* "Yes, certainly.") I can hardly believe it. An under-trial prisoner is allowed to wear his yellow robe, but as a convict he is not. In the present case I understand that the Government allowed him to wear his yellow robes while he was in hospital.....

**Mr. Jehangir K. Munshi :** They put it down on his death bed.

**Mr. D. C. Stewart-Smith :** Is it right that men who have been convicted of serious offences should be allowed to wear in jail the dress of men dedicated to a life of holiness ? It will bring religion into contempt. I feel that, if they are allowed to wear the robes of a monk, religion will be in danger of disrespect which we must guard against.

Now, Sir, I do not think that Government should make a special provision for priests as opposed to laity. I believe that Government do make provision in jails for adequate religious observances and I am told that in Burma there are pagodas in the jails and that monks are allowed to perform religious offices there for those prisoners who profess that faith.

**Mr. Jehangir K. Munshi :** Does the Honourable Member approve of that after the "serious" offence committed by that convict ? Should he be allowed to worship or offer prayers at all ? (*Laughter.*) (*An Honourable Member :* "There is more reason.")

**Mr. D. C. Stewart-Smith :** I feel that it is almost impossible for Government to decide who were priests and who were not. If they gave to Burmese monks certain privileges in jail, then they would have in honour bound to extend those privileges to all other castes and creeds in India, and the difficulties which would arise would be so many as to become insuperable.

If this motion raises the general question of treatment in jails, I would submit that that has already been done some days ago very exhaustively. As I have said before, I do not think that any such repetition would be either useful or desirable. But if it is said that it does not raise the question of the general treatment of prisoners in jails, then is not this a matter for the Local Government ? The members of the Burma Legislative Council have that knowledge of local conditions which we lack, and are they not much better qualified than we are to deal with the difficulties of the situation and others like it ?

**Mr. President :** Is the Burma Legislative Council in session ?

**Mr. D. C. Stewart-Smith :** I am sorry I cannot say. The case of this monk is based purely on religious grounds and not on political grounds, and it is mainly a question of dress. I feel, Sir, that the question of dress



[Mr. D. C. Stewart-Smith.]

must be uniform throughout all prisons. (*An Honourable Member* : "Why ?") Because, if every man is allowed to dress as he pleased, surely that would create a position of impossibility. (*An Honourable Member* : "You have a uniform dress for Europeans as well ?") To comply with such demands as are made now would become a precedent which would in future become so binding that Government would never be free from future embarrassment. It is because I feel that there must be some finality to the concessions which Government make to prisoners who have been convicted of serious or any other offences that I feel bound to oppose the motion before the House. (Applause.)

**Mr. Fazal Ibrahim Rahimtulla** (Bombay Central Division : Muhammadan Rural) : Sir, I rise to support the motion of adjournment so ably moved by my Honourable friend Mr. Munshi, and I am glad to inform the House that my Party has unanimously decided to support that motion. I was waiting to hear the speech of the Honourable the Home Member on the motion of adjournment moved by my Honourable friend. Mr. Munshi's motion was divided, as I understood, into two parts. The first part was a request to Government for an assurance that the Burmese monks would be allowed to wear the yellow robes, and the second part was—it was not meant for Government but an appeal to Members to vote with him because in case the Government's policy is of this character, what will happen when the constitutional reforms are granted. The Home Member, instead of giving a straight answer, first of all, pleaded want of time, and secondly, he said that owing to want of time he could not possibly discuss the question of constitutional reforms. I had thought that one minute would be sufficient for the Government Member to give us an answer, and he had fifteen minutes before him. And what do we find ? We find that his answer is neither here nor there. Now, my Honourable friend Mr. Stewart-Smith, who spoke on this issue, has also misunderstood it. We are not discussing the question of hunger-strike at all. We are discussing the policy of Government in interfering with religious questions. That is the question, and I cannot understand how it can possibly be confined to the Local Government only even if the Local Council was sitting. It is a question for the British Government. Are they pledged to neutrality in British India or not ? or are they going to have religious interference ? I say, with all the authority at my command, that Government must think twice before making any sort of religious interference with the people in India, and I think the Honourable the Home Member should have come forward on the floor of this House and said that they adhered to the policy of neutrality. He has not told us what objection there is on the part of the Government to acceding to this simple request. Mr. Stewart-Smith, though he tried to defend the Government on a wrong cause, has also not solved this difficulty, except the long harangue that we were repeating the same argument and that we are wasting the time of the House. I say that we are not wasting the time of the House. Let us understand, once for all on the floor of the House, what is the policy of Government. Government must clearly give us to understand that they will not interfere with the religious susceptibilities or religious questions in this House or outside. This is the only question on which my friend Mr. Munshi has moved his adjournment motion, and if the Home Member had replied on that there would have been no debate and I think the matter would have been sufficiently and satisfactorily settled. Mr. Munshi has repeatedly mentioned it to the Home

Member on the floor of this House that he wants nothing more and nothing less than an assurance that they will accede to the request. Instead of that, we find the Home Member quoting a memorandum of 1890. We are not concerned with memorandums of so early a date. We want to put this question. Are you going to interfere with the religious rites and matters connected with the people living in India ? Let us have an answer to that, and then we will decide. Otherwise it will be very difficult for the Government to carry on the administration. I assure you that if you are going to change your policy, then the result will be very disastrous, and I hope, Sir, that Government will be well advised, even now, to ask some officer of theirs to make a statement that they will comply with the request, the very modest and reasonable request of my friend Mr. Munshi.

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : Sir, I support the motion which has been proposed by my friend Mr. Munshi. I listened with great attention to the speech of the Honourable the Home Member. The Honourable the Home Member would not give any definite reply to the straight question put by Mr. Munshi, the real question involved in the motion. The only reason which I could make out from the speech of the Honourable the Home Member was that the demand was unreasonable. My chief grievance against this Government is that Government's reasonableness differs with different individuals and with different communities. I have got some experience of jail life, and although I am a back number, I may tell the Honourable the Home Member that the same sorts of demands are quite reasonable in one case and they are stigmatised as unreasonable in other cases. While I was in jail I first asked the jail authorities to allow me to offer my Friday prayers together with certain Muslim fellow prisoners. My request was refused. Then I asked them to allow me to offer congregational prayers on the last Friday of Ramzan. That request was refused. I asked the Superintendent of the Jail to allow those Muhammadans who keep fast to work only for half a day. My request and the requests of my Mussalman fellow prisoners was refused. I asked the Superintendent why he allowed the priest to come to the jail every Sunday and allowed the European prisoners to congregate for prayers. The answer of the Superintendent was, and it was a very straightforward answer, "Well, when you say that you forget that you have not attained swaraj yet". Although the words were different, I regret to say that after nine years the mentality of the Honourable the Home Member is the same, Sir.

The simple question before us is whether a person who belongs to a religious order ought to be allowed to wear certain robes, the insignia of that order, or particular fast days, and whether this request is reasonable. Sir, go to any jail in India and you will find that the European prisoners wear hats and suits, a particular kind of clothes different in shape and cut from those of other prisoners. While I see that it is reasonable for a European to demand clothes in jails which ought to be cut after the pattern he is used to and get them simply because he is used to wear those clothes, if a monk in a jail makes a similar request to wear his yellow robes to which he is used, with an additional reason that it is an insignia of his order and that too only on particular feast days, it is called unreasonable. As I said before, the only reason is that we cannot enforce our will. I am sorry to say that all these things would have been settled if, in 1921, Mahatma Gandhi

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[Mr. T. A. K. Shervani.]

had not ordered us to conform to the jail discipline and rules strictly. We did observe the discipline and the result is that in 1929 a *Pongyi* has to die for his robes because a collous Government considers his request unreasonable.

The second question raised is why should there be such a difference between an ordinary criminal and a political offender. My answer is that political offences are offences simply because certain individuals hold ideals different from the ideals of the present day Government. It is only a difference in ideal and a question of time. It is a matter of history that the Government of today are seditionists of tomorrow, and that seditionists of today are the Government of tomorrow; and I ask the Government, in their own interest, to differentiate between political offences and other offences; you do not know what may happen tomorrow. I leave the question there. It is said that the offences which involve violence must not be treated leniently. But for that purpose provisions are made in the Indian Penal Code, which inflict more severe punishments on persons convicted of crimes involving violence. That distinction has been already made. Why should the Government over and above that punish persons more severely by treating them as ordinary criminals? The matter is quite clear. If you give a man five years' imprisonment and treat him like a man with a much lower standard of life, then you are punishing him not with five years' imprisonment but with ten years or still more, you punish him both extensively and intensively. Where is the justification for that? If a man commits violence, sentence him by all means for any term you consider just, but if a man belongs to a particular status, if he has lived in greater comforts than his fellow prisoners, by treating him just like other prisoners, the Government inflict a severer punishment upon him than he deserves—and therein lies my objection. Sir, here was a case, a man was on hunger-strike for 162 days, but this wooden Government would not move. They put the demanded robes on him when he was on the point of death. If they had done the same thing a month before, that would have saved the life of a fellow being. But the Government will never do a thing with good grace. The incidents are coming in quick succession. Two deaths have already occurred, and many cases are to follow. I ask the Government, in the interests of the country, in their own interests, in the interests of the peace of India, to open their eyes as well as heart more quickly in the matter. Otherwise, if Government will not do it willingly, we will force the Government to do it. The matters cannot be left where they are. The sooner Government realize it the better for all concerned.

**Mr. S. N. Roy** (Home Department : Nominated Official) : Sir, I am very grateful to you for giving me an opportunity of speaking on this motion. On an occasion like this when the sympathies of Members are very naturally aroused over the death of a prisoner by reason of his self-imposed privation, it is always difficult even for experienced speakers to address this House. Much more difficult then is it for me who am addressing it for the first time. But I am fortified by the thought that this House has always been indulgent to beginners and by the hope that they will extend the same indulgence to me. (*An Honourable Member* : "Speak like an Indian".) It was said a little while ago that the question before us is not one of hunger-striking but merely of allowing *Pongyis* to wear their yellow

robes. Well, Sir, if that had been the only question, I do not think it could have come up here in the form of a motion for adjournment. It is because a hunger-striker has died by reason of the fact that his yellow robes were not given to him, that it has been possible for the Honourable Member to bring this motion up before this House at all. Otherwise he would have had to bring it up as a Resolution—and he knows very well that that Resolution would not have been admitted. Therefore, it is necessary for me to correlate this debate to the actual facts of the situation; and with regard to those facts I am afraid, from what I have heard during this debate from the Members who have preceded me, that there is a considerable amount of misapprehension. It is necessary for me therefore to traverse the old ground to a certain extent. Now, Sir, it is not a fact that this *Pongyi* whose name I find it somewhat difficult to pronounce was tried for a second time while he was already serving out his sentence for another crime. The facts are that in 1926 he was convicted for sedition. (*An Honourable Member* : "For how many years"?) For 1 year and 9 months. Then he went on hunger-strike, on the ground, it is perfectly true, that he had not been allowed to wear his yellow robes. We was then sent—and this is important because it shows to what extent the attempt was made to meet his wishes—to the central jail in Midnapore in Bengal and there he was allowed to wear his yellow robes. He served out most of his sentence there, and was then sent back to Burma and was released on the 28th of February after he had served out his full term. (*An Honourable Member* : "What year"?) This year. Then, fifteen days later, on the 15th March, he addressed a meeting—and this is not the doing of a person who was on his death-bed—of 3,000 people, of whom the majority were I gather *Pongyis*. At that meeting he made a highly seditious speech, inciting, as the Honourable Sir James Crerar mentioned, people to murder officials and to overthrow the existing Government by means of bombs and the use of *daos*. Well, he was again run in for sedition for that speech. He was tried and he was convicted some time, I believe, in July.....

**Mr. Jehangir K. Munshi** : How and where was he tried? In what condition was he tried?

**Mr. S. N. Roy** : So far as my information goes, when the trial began his condition was not bad.

**Mr. Jehangir K. Munshi** : And when it ended, what was his condition?

**Mr. M. R. Jayakar** : Does the Honourable Member suggest that he had served out his first sentence and had got out of jail when he made that speech?

**Mr. S. N. Roy** : Yes, Sir. He could only have made a speech to 3,000 people under those conditions. He was released on the 28th February and he made his speech on the 15th March. Well, after this speech he was, as I said, charged again for sedition under section 124-A. He was tried by a Judge and four assessors, and the assessors unanimously found him guilty. The Judge sentenced him to six years' rigorous imprisonment, which the Local Government commuted to three years.

**Mr. N. C. Chunder** : He was tried inside the jail?

**Mr. S. N. Roy** : For a part of the time.

**Mr. M. S. Aney** (Berar Representative) : Is it a fact that the jail was turned into a court ?

**Mr. S. N. Roy** : I have no full information on that point, but I believe that it is a fact that, for part of the time, the trial was conducted in the jail. In the early stages of the trial, while he was an under-trial, he did not go on hunger-strike on the ground that he had not been allowed to wear saffron-coloured robes.

**An Honourable Member** : Why was the trial held in jail if he was at liberty to come out ?

**Mr. S. N. Roy** : I am not quite sure as to at what stage this was so.

**An Honourable Member** : That is the most important point.

**Mr. S. N. Roy** : The trial was held in jail at some stage, but I have not got full information as to exactly when and where the trial took place. In the early stages, when he was an under-trial prisoner, I presume he did not get bail, but when he was an under-trial prisoner he was allowed his yellow robes ; and he went on hunger-strike because he had not been given special diet. That special diet was sanctioned for him.

(An Honourable Member was going to interrupt Mr. Roy.)

**Mr. President** : Order, order. It is very unfortunate that the Honourable Member has chosen this particular subject for his maiden speech, but I must ask Honourable Members not to interrupt him.

**Mr. S. N. Roy** : I will try and give Honourable Members as much information as I can.

**An Honourable Member** : Please be definite in your statements.

**Mr. S. N. Roy** : While he was an under-trial prisoner, he went on hunger-strike because he was not given special diet. Then, when that diet was sanctioned for him, he made two demands which were that, whatever the offence with which *Pongyis* are charged, they should be allowed to wear their yellow robes while in prison on certain festival days and they should be allowed to fast twice a month. Those were the two demands that were made, but the Government of Burma were unable to accede to them.

**Several Honourable Members** : Why ?

**Mr. President** : Order, order.

**Mr. S. N. Roy** : I am coming to that. I want to make it perfectly clear that these demands had nothing to do with political motives or political offenders. As the Honourable the Mover of the adjournment motion said, the demands were based purely on religious grounds. When the Honourable Pandit referred to it, he talked about sedition as not being a great offence and said that people charged with sedition should not be treated like other jail prisoners. The question does not arise in this case because this *Pongyi* was not claiming these concessions as a political prisoner. His ground was quite different ; he wanted that all *Pongyis* irrespective of the offence for which they were convicted should be allowed to wear the yellow robe. Therefore, the political issue does not arise at all. It was purely a demand made on religious grounds.

As far as the second demand is concerned, namely, that they should be allowed to fast twice a month, as the Honourable Sir James Crerar has said, the Burma Government felt that they could not accede to this demand for the reason that the fast must be kept in a special place called *theins*. The fast must be observed in a *thein* and that *thein* must be permanent ; it must be on a site exempt from revenue and perpetuity ; it must be on a site granted by a layman and there must be a formal grant of this site and it must be under ecclesiastical jurisdiction. These are the conditions under which a *thein* can be built and without a *thein* this fast cannot be kept. Now, Sir, I do feel that it was not very unreasonable for the Burma Government to have said that these were demands which they could not possibly agree to because it meant that, either they would have to build these *theins*.....

**An Honourable Member** : What did they actually say ?

**Mr. President** : Order, order.

**Mr. S. N. Roy** : It meant either that these *theins* should be built in every jail, or that these prisoners should be released twice a month in order to be able to keep their fast in this particular kind of shrine. The Burma Government refused to agree to it. With regard to the other question, namely, of wearing the yellow robes, the Burma Government also felt that they could not agree to it because it meant agreeing to a principle which would be capable of wider application and which would be very difficult to apply because.....

**Mr. President** : I am constrained to ask the Honourable Member to conclude his observations. He has already taken 20 minutes.

**Mr. S. N. Roy** : I shall conclude my remarks soon, Sir, but I just want to say one thing. What is the demand which the House is being asked to agree to ? Is it a demand that reasonable religious facilities should be given to all prisoners ? If that is the demand, then these facilities are already given. As a matter of fact, in all the Burmese jails, pagodas exist and *Pongyis* are allowed to go to these pagodas to give religious instruction. It was a recommendation of the Jail Committee of 1919 that such religious facilities should be allowed and as far as we know they are allowed, and that is a principle which Government have accepted. If, however, the demand is that spiritual leaders, people who are priests or belong to a religious order, should as such get all the facilities they want, then it is a principle which I think the House would want to consider very carefully before it agrees to it and I doubt if the House would accept it without much fuller consideration than is possible on an inadequate debate on a motion of adjournment. It involves a very large principle. It means that you have got to extend these facilities to all communities, to Fakirs, to Sadhus, to Maulvis, to Mullas, to Pirs. It would be impossible to say really who should not be allowed these facilities when they claim them. If, on the other hand, as I gather from my Honourable friend, the demand is merely that all *Pongyis* should get this concession of wearing yellow robes, then I submit to this House, with all respect, that this is a matter entirely for the Burma Government to decide. I should just.....

**Mr. President** : Order, order. I am afraid I cannot allow the Honourable Member to proceed further. He has far exceeded his time limit.

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I crave your indulgence and the indulgence of the House to address it for a few minutes only. The observations read out by the Honourable the Mover of this motion from the speech made by His Excellency the Governor of Burma in regard to the treatment which subjects and matters arising in Burma receive at the hands of this House are observations which I am sure will not be accepted by any Member of this House. I stand here, Sir, to dissociate myself and my party, and not only my party in this House but the whole of the Congress organisation, from those observations, and I am sure that it is not true in regard to the other parties also. The affairs of Burma are just as near and as dear to us as the affairs of any other part of India, and I do not want it to be understood for a moment that the affairs of Burma, whenever they come up before this House, will not receive exactly the same treatment as the affairs of any other part of India would.

As to merits of this motion, I submit that this is a much worse case than the case of Jatindra Nath Das, which was the subject of the other adjournment motion. The facts have been dealt with and I do not want to repeat them. I congratulate my Honourable friend Mr. S. N. Roy on his maiden speech and I can only express my regret that he was not able to finish his observations within the time at his disposal. I do not wish to criticise what he has said, but I think it was rather hard on him to be entrusted with the part of the case assigned to him. It was for some senior Member of Government to have taken it up. We are still in doubt as to how it came about that this gentleman, who was tried and sentenced, had served out his sentence and been then released from the jail, is tried in the jail for a new offence of sedition committed after his release. He finds himself somehow or other in the jail not as an under-trial prisoner, because he had evidently been long enough on hunger-strike in the jail to be reduced to the condition in which he was found when he was actually brought before the court. We are not informed whether all this happened in the jail or partly in the jail and partly outside the jail. These are matters which, I submit, the Treasury Benches ought to have explained more fully. But, as I have said, the case is a very simple one. There was the man who for 163 days was allowed to die by inches. To say that it was the special concern of the Burma Government is no defence or justification of the Government of India. If simply on account of the distance of Burma or on account of the division of subjects into provincial and imperial they did not take sufficient interest in it it was their fault and their action is not justifiable. I would, in this connection, remind the House of the story of the old woman who went to Tamur Lane with a complaint. Tamur Lane was king to her and talked to her and said : " Now, good old woman, how do you expect me to look after my kingdom which extends over such a vast expanse of the world ". The old woman said, " Then hand over your Government to some one else who will know how to do it. If you are not fit for it, you have no business to call it your domain or your kingdom ". What is the explanation given here ? We find complete ignorance as to what has happened in the case of this man. I submit, Sir, that if for nothing else it is for this absence of information, which is tantamount to neglect of duty, and for that alone the Government is liable to a vote of censure.

**Some Honourable Members** : The question may be now put.

**Mr. E. L. Price** (Bombay European) : Sir, I do not want to indulge in any criticism of the matter that has been put before this House. But I would like to try and keep one issue clear. I am confused by what has been put forward by Honourable Members, Mr. Fazal Ibrahim Rahimtulla, Mr. Shervani and again by the Honourable Member Mr. Roy. Sir, in the world, in India there are very many religions, and among those religions there are essentially two classes, the layman and the religious, the man who is making a vocational profession of his faith and leading a religious life. Now, Sir,.....

**Pandit Madan Mohan Malaviya** : Not receiving a salary.

**Mr. E. L. Price** : No, Sir. I am trying to get very clear the issue as you will presently know. We have heard from Mr. Shervani how in certain people, certain Christians, get ghostly comfort every Sunday in the jails. I have no doubt, and I think we have been told, that there are adequate jail arrangements for ghostly comfort in all religions for those who are laymen. But the professed religious man is in a different position. For him it is not matter of ghostly comfort ; he leads a religious life and he means to lead that life all the time, as I understand it. For him it is not a thing for Friday or Saturday or Sunday, it is for every day and all day. Now, Sir, to my mind, this is the problem, and it is the more important in that the Honourable Member, Pandit Madan Mohan Malaviya, intimates that he will be responsible for the solution of this problem next year. The problem is this. Can you evolve a jail administration which will allow prisoners to lead the religious life ? That, Sir, is the problem.

**An Honourable Member** : Why not ?

**Mr. E. L. Price** : It absolutely puzzles me, because from what I know and have seen of the every day administration of jails, I cannot conceive any jail administration that can possibly be compatible with all the forms of religious life performed and lived by members of a monastic or other such society. If the recommendation is that there has to be such a jail system evolved, I suggest that it should be left to the Honourable Pandit to take charge of the problem.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I wish to address a few words on this important question to the House, having regard to what my Honourable friend Mr. Price has said. This time I happen to be partially in agreement with his views. I shall begin by congratulating my Honourable friend, Mr. Roy, on his maiden speech in this House, although I do wish that he had reserved his maiden speech for a more felicitous occasion than the present one. Sir, the issue has been somewhat confused. The issue which is really involved in this motion is a very simple one, and that issue is, are jail rules and discipline to be administered and enforced with sympathy, imagination and intelligence or with callousness. That is the real issue. (Hear, hear.) I do, think, Sir, that the issue, as stated by my Honourable friend Mr. Fazal Ibrahim Rahimtulla, is a little too wide of the mark. It is nobody's contention that all religious privileges should be allowed to people who, in the words of my Honourable friend Mr. Price, have made religion their profession or their lives' business. The real issue is as I have stated ; it is no use dignifying it into a principle ; it is a simple plain issue, and it will appear so when the facts are understood in their true light. Here was a little concession wanted by this poor Buddhist monk to wear robes not on all days in the

[Mr. M. R. Jayakar.]

month but on certain fast days which I understand from my Honourable friend were just a few days during the month.

**An Honourable Member :** Two days.

**Mr. M. R. Jayakar :** Only two days. It is always very easy to dignify a simple matter into a principle. Sir, I am here reminded of a friend with whom I was once dining. His child was used to have four spoonfuls of rice at night but on that particular evening the poor child felt more hungry than usual and wanted six spoonfuls. The father refused, saying a principle was involved. Thus a painful chastisement ensued in which the guests had to intervene. What is this principle that is really so much made of? My Honourable friend Sir James Crerar, if he will permit me to say so, used very big expressions. He said, if a religious man wants a "special treatment"—I am using his very expression—are we to allow it? It is very easy, Sir, to dignify a small request into a question of principle especially when one does not want to grant it. Look at the facts, Sir. I will not go further into controversial question, but the fact remains, of which no explanation has been given by Mr. S. N. Roy, that if the monk was set at liberty having served out his sentence for the first offence, how came he to be tried in jail for his second offence? No explanation has been offered and the matter looks to me very suspicious. But we will for the present leave that matter alone and turn to the other question, namely, that for obtaining this little concession of wearing the yellow robes for two days in the month, this poor Buddhist monk had to go without food for five and half months and ultimately die. Let my Honourable friends view this fact in the proper perspective. What was he asking for? A trifle. A little more intelligent, sympathetic and tactful interpretation of jail rules, without callousness, would have allowed him the concession he asked for without making all this fuss. It is indeed unthinkable that a man should have to remain without food for 5½ months and ultimately die for the purpose of getting this small indulgence. Government may call it a privilege, but it is a really a deprivation, and not a privilege. He was not asking for a luxury, it is a deprivation that he wanted to give up the thick and ample clothing which the present jail rules allowed him and don the somewhat scanty and sparing clothes of his order. He was not asking for any luxury or comfort. I ask, Sir, why should jail rules be so callously interpreted as to require 5½ months' torture and eventual death as the price of a small concession. This is the real issue as I have presented it and not as my Honourable friend Mr. Fazal presented it. We want to make sure that the Government will bring more sympathy, imagination and intelligence into the working of jail rules, and not cause loss of human life so light-heartedly. That is the principle involved in this issue, not the large principle stated by Mr. Fazal which may be somewhat difficult of acceptance. Supposing, Sir, a Christian prisoner wants to retain his crucifix on his person and is he to be driven to five or six months' hunger-strike for obtaining that little indulgence? Another man wants to keep his rosary. Has he to die for it? Are Indian jail rules to be administered in so hard and iron handed a manner, that there is no scope for a little mercy, charity and indulgence, except at the price of death by self-torture? Is this the spirit in which a wise Government treats its prisoners? Supposing a Muhammadan wants to keep with him a copy of the Koran or a Hindu wants to retain a pocket

edition of the Bhagvat Gita, are our jail rules to be made so inflexible that the poor man has to sacrifice his life by the slow torture of hunger before he can obtain a merciful indulgence? Let Government not lose their sense of proportion. The heavens would not have fallen if the little concession which the poor monk asked for had been granted. Therefore, I want my Honourable friends to vote on the basis of the only real issue involved in this question, namely, whether we are going to allow Government to administer jail rules with humanity, sympathy, imagination and intelligence or with blind callousness and cruelty, which sets little value on human life.

**Several Honourable Members :** The question may be now put.

**Mr. Jehangir K. Munshi :** Sir, I do not propose to detain the House for more than five minutes.

Sir, during the six years that I sat as a Member of the Burma Legislative Council and during the last two years that I have been a Member of this House, I have listened to and witnessed many feeble efforts from the Official Benches, but I have never listened to or witnessed a feebler performance than the one to which my Hon'ble friend Sir James Crerar has treated this House to-day. He knows very little of what is happening in Burma; he knows very little of what happened when this man was dying inch by inch during the past five months; and the few facts which he has got from the Government of Burma are incomplete and inaccurate.

Sir, the Honourable the Home Member has tried to divert the debate into channels which were not embraced by my motion. Since he has done so, I may be permitted to refer to two other matters. I may tell the House that the refusal of the Government of Burma to give this little concession which was demanded purely on religious grounds is not due to any difficulty presented by the jail regulations or jail policy, but it is part of a deliberate policy of repression. The Government of Burma want to break what they consider to be the political agitation of the Burman Buddhist monks; and in doing so they have adopted the most unworthy means of hitting the Buddhist monks in their dearest spot,—their religion. And I assert here that this and this alone is the reason which has actuated the Government of Burma in adhering to its policy of refusing the use of the yellow robe to Buddhist monks in order to crush all political movements in Burma.

Sir, I wish to tell the House, and more particularly my Moslem friends sitting on my left, that at the present moment there is another Burman Buddhist monk convicted of a political offence who has also been hunger-striking for more than 20 days on the same grounds. He has been asking for the yellow robe to satisfy his religious demands. The Government of Burma have refused him that yellow robe. He is not dead yet; 20 days of hunger-strike have elapsed and the Government of Burma still persists in their refusal of the yellow robe to this monk....

**Mr. President :** This is a new matter which the Honourable Member is introducing at this stage.

**Mr. Jehangir K. Munshi :** Very well, Sir. I bow to your ruling; but wish that the yellow robe may be restored to this monk who is on hunger-strike before it is too late.

Sir, I do appeal to my friends of the Central Muslim Party sitting on my left to note that the demand of the Burman Buddhist monks is based

[Mr. Jehangir K. Munshi.]

purely on religion. Burmans form a minority community in the Indian Empire. (Turning to the Central Muslim group) Are you going to vote against them? Are you going to tell the Burman Buddhists that you have no respect for their religious sentiments? Are you going to tell the Burmans that because they are a minority community they are going to be trampled upon in this House?

Sir, I appeal to every section of the House to express their support and sympathy for Burmese aspirations by supporting this motion for adjournment of the House. (Applause.)

(The Honourable Sir James Crerar rose to speak.)

**Mr. Jehangir K. Munshi :** On a point of order, Sir, has the Honourable Member any right of reply?

**Mr. President :** Yes, with the permission of the Chair, he can speak a second time.

**The Honourable Sir James Crerar :** Sir, I only want to make two points very briefly because I feel that there has been a great deal of misapprehension in the matter, and I wish to make them in the briefest terms and the smallest possible compass. The first is this that, although the debate has to a large extent turned upon the question of the treatment of persons convicted of offences with political motives, that in point of fact never arose on the demands made. The demand of this prisoner was solely that this concession should be granted to convicted monks and for no other reason. That raises the second point which was made by Mr. Price and which I do not think has been fully appreciated by the House and it is this. Mr. Jayakar appealed for an intelligent application of the jail rules, and with that appeal I myself have every sympathy. But there is a difficulty inherent in any proposal by which you should attempt,—as Mr. Price has pointed out,—to enable any one who has offended against the law to carry out the precepts and the injunctions of an ascetic religious life while he is undergoing imprisonment for an offence against the law. That, Sir, is a real practical difficulty, and it is one which I think no amount of sympathy can possibly surmount.

**Mr. President :** The question is :

“That the House do now adjourn.”

The Assembly divided :

AYES—47.

Abdul Matin Chaudhury, Maulvi.  
Acharya, Mr. M. K.  
Aney, Mr. M. S.  
Ayyangar, Mr. K. V. Rangaswami.  
Belvi, Mr. D. V.  
Bhargava, Pandit Thakur Das.  
Chaman Lal, Diwan.  
Chunder, Mr. N. C.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Farookhi, Mr. Abdul Latif Saheb.  
Haji, Mr. Sarabhai Nemchand.  
Hans Raj, Lala.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. R.

Jogiah, Mr. V. V.  
Kartar Singh, Sardar.  
Kelkar, Mr. N. C.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lahiri Chaudhury, Mr. L. K.  
Lalchand Navalrai, Mr.  
Mahaviya, Pandit Madan Mohan.  
Mehta, Mr. Jammadas M.  
Misra, Mr. Dwarka Prasad.  
Mitra, Mr. S. C.  
Mody, Mr. H. P.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Munshi, Mr. Jehangir K.

AYES—47—contd.

Murtuza Saheb Bahadur, Maulvi Sayyid.  
Naidu, Mr. B. P.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Purshotamdas Thakurdas, Sir.  
Rahimtulla, Mr. Fazal Ibrahim.  
Rang Behari Lal, Lala.  
Sarda, Rai Sahib Harbilas.  
Shervani, Mr. T. A. K.

Siddiqi, Mr. Abdul Qadir.  
Singh, Kumar Ranajaya.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Siddheswar Prasad.  
Yusuf Imam, Mr.

NOES—46.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Ayyangar, Mr. V. K. Aravamudha.  
Bajpai, Mr. R. S.  
Bhuto, Mr. W. W. Illahibakhsh.  
Bower, Mr. E. H. M.  
Bray, Sir Denys.  
Chalmers, Mr. T. A.  
Chatterjee, The Revd. J. C.  
Cosgrave, Mr. W. A.  
Covernton, Mr. S. H.  
Crerar, The Honourable Sir James.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Ghazanfar Ali Khan, Mr.  
Ghuznavi, Mr. A. H.  
Gidney, Lieut.-Colonel H. A. J.  
Hira Singh, Brar, Sardar Bahadur,  
Honorary Captain.  
Jawahar Singh, Sardar Bahadur Sardar.  
Keane, Mr. M.  
Lindsay, Sir Darcy.  
Mitra, The Honourable Sir Bhupendra Nath.

Mitter, The Honourable Sir Brojendra.  
Mohammad Ismail Khan, Haji Chaudhury.  
Mukharji, Rai Bahadur A. K.  
Mukherjee, Rai Bahadur S. C.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Philip, Mr. J. Y.  
Porter, Lieut.-Colonel L. L.  
Price, Mr. E. L.  
Rainy, The Honourable Sir George.  
Rau, Mr. P. R.  
Rogers, Mr. P. G.  
Roy, Mr. S. N.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Shah Nawaz, Mian Mohammad.  
Singh, Rai Bahadur S. N.  
Stevenson, Mr. H. L.  
Stewart-Smith, Mr. D. C.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Tottenham, Mr. G. R. F.  
Winterbotham, Mr. G. L.  
Yamin Khan, Mr. Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th September, 1929.

LEGISLATIVE ASSEMBLY.  
Wednesday, 25th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

COVENANTED SUBORDINATES RECRUITED FOR RAILWAYS.

849. \*Lieut.-Colonel H. A. J. Gidney : How many covenanted subordinates have been recruited into (i) State Railways and (ii) Company-managed railways during the last three years in the grades of (a) Foremen in Railway Workshops, and (b) other classes ?

Mr. P. R. Rau : The information has been called for from the railways and will be communicated to the Honourable Member.

LEAVE RULES FOR STATE RAILWAYS.

850. \*Lieut.-Colonel H. A. J. Gidney : Will Government please state if they have arrived at any decision regarding the new leave rules pertaining to the State Railways ?

Mr. P. R. Rau : The drafting is practically complete now and Government hope to be able to issue the rules shortly.

APPOINTMENT OF A COMMISSIONER OF INDIAN MEDICAL QUALIFICATIONS AND STANDARDS.

851. \*Dr. B. S. Moonje : (a) Will Government please state if any decision has been arrived at in the matter of creating a new appointment of Commissioner of Indian Medical qualifications and standards ?

(b) Is it a fact that under section 4, clause 1, of the British Medical Act, 1886, the General Medical Council has no authority on its own accord to refuse to continue recognition of Indian medical degrees ?

(c) Is it a fact that the General Medical Council has made a suggestion for the appointment of a Commissioner of Indian Medical qualifications and has threatened to refuse to accord recognition to Indian Medical degrees unless their suggestion is complied with ?

(d) Are Government aware that the General Medical Council cannot of itself refuse to recognise Indian Medical degrees but can only move the Privy Council to adopt such a course ?

(e) Are Government aware that the Privy Council cannot authorise the General Medical Council to refuse to recognise the Indian Medical degrees unless occasion is given to the Indian Universities concerned to show cause why the General Medical Council should not refuse to recognise their medical degrees ?

(f) Has any of the Universities of India thus been called upon to show cause as mentioned above ? If so, which are the Universities ?



(g) Are Government aware that inspection of Indian Medical examinations has been made this year on behalf of the General Medical Council? If so, will Government please state if the report of the inspection bears out the alleged unsatisfactory standard of Indian Medical examinations?

(h) If the standard of the Indian Medical examinations is not unsatisfactory, do Government intend to yield to the demand of the General Medical Council for the creation of a new post of a Commissioner of Indian Medical qualifications and standards? If so, why?

**Sir Frank Noyce :** (a) The Government of India propose to create the appointment of a whole-time Commissioner of Medical Qualifications and Standards on a temporary footing for a period of one year in the first instance.

(b), (d), (e) and (f). The Honourable Member appears to be under the misapprehension that clause 4 of the Medical Act, 1886, applies to Indian Medical degrees. The registration of practitioners with Indian degrees is regulated by Part II of the Act. Under section 13 of the Act, if the General Medical Council refuses to recognise an Indian degree, an application may be made by the aggrieved party to the Privy Council, who may, if they think fit, after considering the application and after communication with the General Council, order the Council to recognise the degree.

(c) It is for the applicant to satisfy the General Medical Council that a medical degree, granted by an Indian University, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery in the United Kingdom. In the opinion of the General Medical Council, the only satisfactory solution of the difficulties of inspection of medical colleges and qualifying examinations of Indian Universities, until an all-India Medical Council is constituted, is the appointment by the Government of India of a whole-time Commissioner of Medical Qualifications and Standards.

(g) The medical examinations of the Universities of Madras, Bombay, Patna, Rangoon and the Punjab were supervised this year by Inspectors appointed on behalf of the General Medical Council. The Government of India have not seen the inspection reports as they are not submitted through them.

(h) Does not arise.

**Dr. B. S. Moonje :** Had the Government of India reason to believe before this proposal for the appointment of a Commissioner of Indian Medical Qualifications and Standards was made that the medical education and medical examinations conducted in India were not satisfactory?

**Sir Frank Noyce :** It is difficult to answer that question, Sir. As I shall probably have a fuller opportunity of explaining the position later on this morning, all I can say now is that the General Medical Council wish to satisfy themselves that the standard of examinations is satisfactory.

**Dr. B. S. Moonje :** I did not quite follow what the Honourable Member said. Will he kindly repeat what he said?

**Sir Frank Noyce :** The Government of India are aware that the General Medical Council wish to satisfy themselves that the standard of examinations is satisfactory.

**Dr. B. S. Moonje :** Were the Government of India themselves satisfied that the medical education and medical examinations conducted in India were not satisfactory?

**Sir Frank Noyce :** The Government of India have had no opportunity of arriving at an opinion on such a technical matter as that.

**Dr. B. S. Moonje :** So the Government of India did not know that the medical education and medical examinations in India were satisfactory or not, or that they were being properly conducted or not. Were they so ignorant as all that?

**Sir Frank Noyce :** I am certainly not in a position to answer that question, Sir. I can only repeat that the inspection of medical education and medical examinations in India is undertaken at the instance of the General Medical Council.

**Dr. B. S. Moonje :** Supposing the Government of India came to know that the result of the inspection of medical education and medical examinations in India by the Inspectors appointed by the General Medical Council was satisfactory, would the Government still be prepared to accept the threat or ultimatum?

**Mr. President :** That is a hypothetical question.

**Dr. B. S. Moonje :** I am just quoting from the Inspection Reports, Sir, that the examinations are quite satisfactory, and it is upon that I based my supplementary question, and not on hypothesis.

**Sir Frank Noyce :** Neither the Medical Council nor the Government of India are in a position without inspection to guarantee that the examinations will continue to be satisfactory.

**Mr. President :** Is not this question coming up today?

**Dr. B. S. Moonje :** Yes, Sir.

**Mr. President :** Then why ask supplementary questions now?

#### UNEMPLOYMENT IN INDIA.

852. **\*Dr. B. S. Moonje :** (a) Are Government aware that there is acute unemployment both among educated and uneducated classes in several provinces in India?

(b) What steps have Provincial Governments taken to ascertain the extent and intensity of the unemployment in their respective Provinces, and also to find work or employment for the unemployed?

(c) Has the attention of Government been drawn to the report and recommendations of a Departmental Committee, appointed to suggest a solution for the unemployment prevalent among the middle classes in the United Provinces, a report of which has been published in newspapers?

(d) Will Government please state whether similar attempts, if any, have been made in any other province and if so, with what result?

(e) Do Government propose to ascertain the real extent of unemployment in India, through their own Departments, or do they propose to instruct the Provincial Governments to take steps to find out the number of the unemployed, both educated and uneducated, in their respective provinces, and to start unemployment bureau on the lines suggested by the United Provinces Committee?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The Government of India are aware that there is unemployment among the educated classes in several provinces, but they have no reason to believe that either at the present time or normally, unemployment, as it is known in Europe, is a feature of the Indian industrial system.

(b) Certain Local Governments appointed Unemployment Committees, namely, Bengal, Madras, the Punjab and the United Provinces. The reports of these Committees have been published. A report on Middle Class Unemployment has also been published by the Labour Office, Bombay.

(c) Yes.

(d) As stated in my reply to part (b) of the question, Committees were appointed in Bengal, Madras and the Punjab. In the case of the last two provinces and the United Provinces, the Government of India have not received any information regarding the action taken by the Local Governments concerned on the recommendations made in the Committees' reports. As regards Bengal, it is understood that some of the recommendations made by the Committee have been accepted by the Local Government.

(e) The Government of India have already addressed Local Governments on the subject in their letter dated the 26th May, 1926, which has been published, asking them that the matter should receive their most careful consideration.

#### CASE AGAINST SETH POPATLAL SHAH OF BANOSA.

853. **\*Dr. B. S. Moonje :** (a) Are Government aware of a criminal case against Seth Popatlal Shah of Banosa (Berar) decided by the 1st Class Magistrate of Bhusaval on the 3rd July, 1927?

(b) Does the Magistrate say in the judgment that some of the railway servants have admitted that the compartment of the accused was overcrowded?

(c) Has not the Magistrate taken this admission to be true?

(d) If the Court has found it to be true what action have Government taken against the Great Indian Peninsula Railway under section 93 of the Railway Act?

**Mr. P. R. Rau :** Presumably the year 1927 is a mistake for 1929. On seeing newspaper reports of this case last month, Government called for a report from the Agent of the Great Indian Peninsula Railway. I shall address the Honourable Member later on the result of further investigations into the matter.

**Dr. B. S. Moonje :** May I know whether Seth Popatlal Shah of Banosa was convicted or acquitted?

**Mr. P. R. Rau :** I cannot say, Sir, till I receive the Report.

#### DISCONNECTED ALARM SYSTEM IN A COMPARTMENT OF A TRAIN ON THE GREAT INDIAN PENINSULA RAILWAY.

854. **\*Dr. B. S. Moonje :** Are Government aware of the fact that, on the 2nd May, 1929, the 2 Up Nagpur Mail was running between Nandura

and Bhusaval with one of its compartments having its automatic alarm system disconnected? If so, do Government propose to take action against the Great Indian Peninsula Railway for the infringement of the Railway Act by running a passenger carriage when the alarm in it was not in working order? If not, why not?

**Mr. P. R. Rau :** Government have received no report on this matter. The Agent of the Great Indian Peninsula Railway has been asked to submit a report and I shall communicate later with the Honourable Member.

#### OVERCROWDING OF RAILWAY COMPARTMENTS.

855. **\*Dr. B. S. Moonje :** (a) Will Government please inquire and state at how many places railway trains, on account of their being overcrowded, were stopped by passengers by pulling the alarm chain, since last March?

(b) Are Government aware that a train was stopped between Bombay and Poona on 1st April, 1929, one between Wathar and Sangli on 22nd April, 1929, and one at Godhra on 29th May, 1929? Is it a fact that, on all these occasions, the railway authorities had to reduce overcrowding in the compartments?

(c) Are Government aware that the railway authorities had not paid any attention to complaints regarding overcrowding till the passengers pulled the alarm chain? Have Government taken any action against companies concerned under section 93 of the Railway Act?

**Mr. P. R. Rau :** Information is being obtained and communicated to the Honourable Member.

#### PROVISION OF AN ALARM SYSTEM IN CENTRAL PROVINCES RAILWAYS.

856. **\*Dr. B. S. Moonje :** (a) Are Government aware that alarm chains are not provided in the trains on the Yeotmal, Murtizapur and Murtizapur-Elichpur lines of the Central Provinces Railways?

(b) Do Government propose to bring the matter to the notice of the Administration of the Central Provinces Railways and to see that provision is made at an early date for such means of communications, as are required under section 62 of the Indian Railway Act?

**Mr. P. R. Rau :** (a) Yes.

(b) The provision of such means of communication on these narrow gauge railways is not considered necessary, the speed of trains being low and the stations near each other.

#### COLLECTION OF A MINIMUM AMOUNT OF EXCESS FARES BY TICKET COLLECTORS.

857. **\*Dr. B. S. Moonje :** (a) How many ticket collectors on the Great Indian Peninsula Railway line from Bhusaval to Nagpur were fined for poor collection of excess fares in the month of July?

(b) Is it laid down anywhere that the efficiency of ticket collectors will be judged on their collecting excess fares every month, which must not be less than a fixed minimum? If so, are Government aware that it

leads to all sorts of corrupt practices and offers an inducement to ticket collectors to harass, and also practice blackmailing on, poor ignorant passengers ?

**Mr. P. R. Rau :** (a) I am sending a copy of the question to the Agent of the Great Indian Peninsula Railway and, on receipt of his reply, will communicate with the Honourable Member.

(b) The Railway Board are not aware that any railway has laid down a fixed minimum of excess fares that every ticket collector should collect, and consider it most improbable that any railway should have done so.

**Dr. B. S. Moonje :** Does the Honourable Member know that there is an impression among the ticket collectors that, if they do not show good collections, they are considered inefficient ?

**Mr. P. R. Rau :** That impression must be incorrect.

**Mr. Gaya Prasad Singh :** That impression is absolutely correct, Sir. Are Government aware that on the Bengal and North Western Railway an order has been issued by the railway authorities saying that, if the travelling ticket examiners do not collect a specified sum of money every day, their wages for that day will be forfeited, and that they are liable to be dismissed ? I brought this matter to the notice of the Agent, Bengal and North Western Railway.

**The Honourable Sir George Rainy :** I am indebted to the Honourable Member for drawing my attention to this, and we will certainly make inquiries.

**Mr. Gaya Prasad Singh :** Thank you, Sir.

#### GRANT OF BONUSES AND LOANS ON THE POST OFFICE INSURANCE FUND.

858. **\*Dr. B. S. Moonje :** (a) Are Government aware that private Insurance Companies offer bonuses to their policy-holders and, if need be, even grant them loans on the security of their policies ?

(b) Do Government offer such facilities to the policy-holders of the Post Office Insurance Fund ? If not, do Government propose to consider the advisability of making such provisions ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Government declare periodically, when the working of the Postal Life Insurance Fund justifies it, simple reversionary bonuses on policies taken out in the Fund. They do not grant loans on the security of policies.

It is not proposed to make any change of the nature suggested in the rules of the Fund.

#### QUALIFYING EXAMINATION FOR SECOND AND THIRD DIVISIONS IN THE GOVERNMENT OF INDIA SECRETARIAT.

859. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Public Service Commission will shortly hold a qualifying examination for men holding substantive appointments in the 2nd and 3rd divisions in the Government of India Secretariat and attached offices ? If so, when ?

(b) What are the conditions laid down by the Public Service Commission for the said examination ?

(c) If any clerk employed in the Railway Board's office or in the Contracts Directorate, Army Headquarters, fulfils the conditions prescribed by the Commission, can he appear at the examination ? If not, why not ?

**The Honourable Sir James Crerar :** (a) The Public Service Commission will hold a qualifying examination in November, 1929, for men holding permanent appointments in the offices for which the Commission recruit, and for men holding temporary appointments in those offices, if they have already qualified for the divisions in which they are working temporarily.

(b) Candidates are required to be under 35 years of age and must not have appeared and failed twice already for the division for which they are competing.

The conditions admit to the examination 2nd division clerks and 3rd division clerks who have passed the Intermediate or equivalent examination, with the exception that, in attached offices, where there are only two divisions, no 2nd division clerk who has not already qualified for the 2nd division Secretariat or has not passed the Intermediate, or equivalent examination, will be admitted without the special recommendation of his Department.

(c) The Public Service Commission do not at present recruit for the Railway Board's office nor for the Contracts Directorate, Army Headquarters. Clerks employed in those offices do not, therefore, fulfil the conditions prescribed for the examination. The Railway Board desire, however, to recruit in future for purely clerical posts through the Public Service Commission and this matter is under consideration.

#### PROMOTION TO SECOND DIVISION OF QUALIFIED CLERKS IN ARMY HEADQUARTERS.

860. **\*Mr. S. C. Mitra :** (a) Is it a fact that a number of men employed in the Branches of the Army Headquarters, including the Contracts Directorate, are qualified for 2nd division appointments but have been confirmed in the 3rd division owing to paucity of vacancies in the 2nd division ? If so, what is their number and when are they likely to be promoted to the 2nd division ?

(b) Will Government please state whether the men employed in the Contracts Directorate who are already qualified for the 2nd and 3rd division appointments are likely to be promoted to the next higher division in the near future ? If so, when ? If not, do Government propose to allow these men to sit for the next qualifying examination ? If not, why not ?

(c) Is there any bar to these men qualifying for the next higher division ?

**Mr. G. R. F. Tottenham :** (a) Yes. Ten. Their promotion to the second division depends upon the occurrence of vacancies and their fitness for the work required of 2nd division clerks.

(b) They will be promoted to the next higher division when vacancies occur for which they are considered suitable. It is impossible to say when this will be.

(c) They cannot sit for the departmental qualifying examinations, because the establishment of the Contracts Directorate is recruited independently of the Public Service Commission.

There is nothing, however, to prevent them from sitting for the competitive examinations of the Public Service Commission provided that they are qualified to do so.

PREPARATION OF SPECIAL APPRENTICES AT KHARAGPUR WORKSHOPS FOR TRAINING IN THE UNITED KINGDOM.

861. \*Mr. S. C. Mitra : (a) Is it a fact that Mr. H. L. Cole, O.B.E., Chief Mechanical Engineer, Bengal Nagpur Railway at Kharagpur (now on leave), recruited some Indians as Special Apprentices in the Kharagpur Railway Workshops, with a view to prepare them for training in the United Kingdom and thereafter to appoint them in the superior posts of the Loco. and Carriage Departments of the Bengal Nagpur Railway ?

(b) If the reply to part (a) is in the affirmative, will Government please state whether it is a fact that those Indian Special Apprentices were subsequently discharged, no sooner had Mr. H. L. Cole, gone on leave, and if so, what were the reasons for their discharge ?

(c) Will Government please state their (1) names, (2) qualifications, (3) age and (4) addresses (at the time of recruitment) ?

Mr. P. R. Rau : With your permission, Sir, I propose to answer questions 861, 862 and 863 together. The required information is being obtained from the Bengal Nagpur Railway, and will be communicated to the Honourable Member later.

TRAINING IN THE UNITED KINGDOM OF THE KHARAGPUR RAILWAY WORKSHOPS.

†862. \*Mr. S. C. Mitra : (a) Will Government please state if there is any chance for any one being sent to the United Kingdom for training from amongst the existing "Grade A" Apprentices in the Kharagpur Railway Workshops ? If not, why not ?

(b) Has any "Grade A" Apprentice, or any other kind of apprentice, or any one outside these categories been sent to the United Kingdom for training by the Bengal Nagpur Railway ? If so, what are the names of these men and what were their qualifications, previous to their selection for training in the United Kingdom ?

TRAINING OF "GRADE A" APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

†863. \*Mr. S. C. Mitra : (a) Is it a fact that European and Anglo-Indian apprentices of the Kharagpur Railway Workshops have to sit for the Board of Control Examinations, held under the supervision of the Bengal Engineering College, Sibpur ? If so, why are the "Grade A" (Indian) apprentices at the workshop not given training to enable them to sit for these examinations ?

(b) Do Government propose to instruct the Railway to make the training of the "Grade A" and European and Anglo-Indian apprentices uniform in all respects, i.e., both practical and theoretical ? If not, why not ?

†For answer to this question, see answer to question No. 861.

APPOINTMENT OF A JUNIOR ASSISTANT TO HOLD CHARGE OF A NEW BRANCH IN THE FINANCE DEPARTMENT.

864. \*Sardar Kartar Singh : (a) Is it a fact that a junior Assistant has been appointed to hold charge of a new Branch in the Finance Department ?

(b) Will Government please state the reasons why a junior Assistant was selected in preference to his seniors ?

(c) What is the name of the Assistant and does he possess any special qualifications which led to his superseding his seniors ?

(d) Will Government please state his religion, educational qualifications and the number of years' service he has had, and also what posts he has held during that period ?

(e) Do Government propose to consider the claims of senior men when the question of permanent appointment to the post arises ?

The Honourable Sir George Schuster : I presume that the case to which the Honourable Member refers is one in which an Assistant half-way up the cadre of the Finance Department has been placed in charge of a new temporary sub-branch in the Finance Department called the "Schedule Branch" on his time scale pay plus a special pay Rs. 25 per month. If so, I can inform the Honourable Member that all the implications contained in his question as indeed is apparent from what I have already said, are misleading, and I can also inform him that I have personally satisfied myself that the appointment is in all respects in order. Beyond this I do not propose to furnish any detailed information, for I submit, Sir, that to seek information of a personal kind relating to subordinate officials is a use of the right of interpellation which is not in the public interest.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS.

865. \*Sardar Kartar Singh : (a) Will Government please state the number of Sikhs employed in the office of the Director of Contracts, Army Headquarters ?

(b) Has any of them been transferred to another office during the past year ? If so, was the vacancy thus caused filled in by a Sikh ? If not, why not ?

(c) What steps do Government propose to take to maintain the proper share of Sikhs in this Office ?

Mr. G. R. F. Tottenham : (a) Two.

(b) Yes, temporarily for three months. He was not replaced by a Sikh.

(c) The policy of Government is to prevent the preponderance of any single class or community, but not to prescribe a fixed percentage for each class or community. Sikh applicants are considered on their merits when vacancies occur.

EMPLOYMENT OF SIKHS IN THE INDIAN STORES DEPARTMENT.

866. \*Sardar Kartar Singh : (a) Will Government please state the number of Sikhs employed in the office of the Indian Stores Department ?

(b) How many of them were transferred to other offices during the last six months ?

(c) Were the vacancies thus caused filled in by recruitment of new Sikhs ? If not, why not ?

(d) What steps do Government propose to take to maintain the proper share of Sikhs in this Office ?

**The Honourable Sir Bhupendra Nath Mitra :** Presumably the Honourable Member refers to the office of the Chief Controller of Stores, Indian Stores Department. If so, the answer is as follows :

(a) Ten.

(b) Three temporarily. None has been transferred permanently.

(c) No. A temporary clerk already employed in the office was absorbed in the first vacancy ; the second vacancy was filled by the appointment of a member of another minority community possessing the qualifications required for the post ; and the third vacancy was not filled.

(d) The claims of Sikhs, among members of the other minority communities, to appointments in the Indian Stores Department, will continue to receive due consideration at the time of recruitment.

#### EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR OF COMMERCIAL AUDIT, NEW DELHI.

867. \*Sardar Kartar Singh : (a) Will Government please state the number of Sikhs employed in the office of the Director of Commercial Audit, New Delhi ?

(b) Has the question of securing the proper representation of Sikhs in this office ever engaged the attention of Government ? If so, with what results ?

(c) What steps do Government propose to take to satisfy the claims of Sikhs in this office ?

**The Honourable Sir George Schuster :** Inquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

#### EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR OF PUBLIC INFORMATION.

868. \*Sardar Kartar Singh : (a) Will Government please state the number of Sikhs employed in the office of the Director of Public Information ?

(b) Did the only Sikh employed in this office resign his post last year ?

(c) When did the present Officiating Director first join this office as Deputy Director ?

(d) Since then how many vacancies have occurred in this office, and how many of them have been filled by Hindus belonging to the United Provinces ?

(e) What steps do Government propose to take to satisfy the claims of Sikhs in this office ?

**The Honourable Sir James Crerar :** (a) None, at the moment.

(b) Yes.

(c) 1st January, 1927.

(d) Since that date there has been one permanent vacancy and one new appointment was created. To neither of these was any Hindu from the United Provinces appointed. One Hindu with special qualifications has been appointed to a temporary vacancy.

(e) Government will consider in the future, as they have considered in the past, the claims of all communities.

#### EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

869. \*Sardar Kartar Singh : (a) Will Government please state the number of Sikhs employed as Upper Division assistants and Second Division clerks in the office of the Director General, Indian Medical Service ?

(b) Is it a fact that there is no Upper Division Sikh assistant in that office ?

(c) Has the question of securing the proper representation of Sikhs in this office ever engaged the attention of Government ? If so, with what results ?

**Sir Frank Noyce :** (a) One Sikh is employed as a clerk.

(b) Yes.

(c) No, but if in future at the time of recruitment there is inadequacy of representation, action in accordance with the policy of Government will be taken.

#### SIKH HOLIDAYS IN THE GOVERNMENT OF INDIA SECRETARIAT.

870. \*Sardar Kartar Singh : (a) Is it a fact that the question of grant of more holidays in the Government of India Secretariat is under consideration ?

(b) If so, do Government propose to include two holidays for the Sikhs, i.e. Guru Nanak's Birthday and Guru Gobind Singh's Birthday as closed holidays ?

(c) If the answer to part (b) be in the negative, will Government please say why ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) and (c). The suggestion will receive careful consideration.

#### SHORTAGE OF "B" CLASS CLERKS' QUARTERS IN PHAGLI, SIMLA.

871. \*Mr. Siddheswar Prasad Sinha : (a) With reference to my starred question No. 1326, dated the 28th March, 1929, will Government please state why the number of "B" class quarters in Phagli (Simla) is so small as 60 while the required number is 300 ?

(b) Is it a fact that the demand for the quarters is increasing every year and the supply is far short of the required number ?

(c) Do Government propose to consider the question either of providing more quarters at Simla, or locating more offices at New Delhi throughout the year ?

**The Honourable Sir Bhupendra Nath Mitra :** (a), (b) and (c). It is admitted that there is a shortage of "B" class quarters in Phagli and that the demand for quarters of this class increases almost yearly. The question of constructing additional accommodation is under the consideration of the Government of India.

PERMANENT LOCATION AT NEW DELHI OF THE INDIAN STORES DEPARTMENT.

872. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that, for several years, Government have been considering the question of locating the Indian Stores Department permanently at New Delhi? If so, with what result?

(b) Is it a fact that there is shortage of accommodation for offices in Simla?

(c) Is it a fact that there is also a shortage of residential accommodation in Government quarters in Simla?

(d) Do Government propose to expedite the question of the permanent location of the Stores Department and other attached and subordinate offices at New Delhi?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The question of the permanent location of the Indian Stores Department at one place has been considered since the Department was created. For administrative convenience it has been thought necessary that the Indian Stores Department should be in close touch with the Department of Industries and Labour, with the Railway Department (Railway Board) and Army Headquarters until some time after the revised Stores Purchase Rules have been introduced and are in operation.

(b) and (c). The reply is in the affirmative.

(d) The question of the permanent location of the Indian Stores Department will be settled in due course as explained in the reply to part (a) of the question. As regards other attached and subordinate offices, the position is that 12 such offices were located permanently in New Delhi prior to 1928 and since then four additional offices have been so located. The permanent location of no other attached or subordinate office in New Delhi is under consideration.

ACTION AGAINST CLERKS FOR INDEBTEDNESS.

873. **\*Mr. Siddheswar Prasad Sinha :** (a) Do Government take action under the Government Servants Conduct Rules against those clerks of the Government of India against whom attachment orders or complaints of indebtedness are received?

(b) Have Government invited the attention of all the Departments to rule No. 16 of the said Rules and impressed upon them the necessity for taking action under it whenever necessary?

**The Honourable Sir James Crerar :** (a) Yes, Sir, when they consider action to be necessary.

(b) No. The rule quoted by the Honourable Member is well known.

HEALTHINESS OF NEW DELHI FOR SUMMER RESIDENCE.

874. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that one of the reasons brought forward in favour of the move is that New Delhi is not healthy in summer months?

(b) Will Government please state the death rate in New Delhi from October 1928, to March 1929, and from April 1928, to September 1928?

(c) Was there any epidemic in New Delhi during the current summer season?

(d) Has anyone in New Delhi died of sun-stroke in the current summer season?

(e) Did Government ever give an undertaking to the effect that they would consider the question of staying permanently in New Delhi when the new Secretariat building was completed? If so, how far has the question been considered during the last three years; and with what results?

(f) Are Government aware that there is a general feeling among the clerks that the education of their children is suffering on account of the move?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The death rate in New Delhi for the period October, 1928—March, 1929 was 9.53 *per mille* and that for the period April, 1928—September, 1928 was 10.10 *per mille*.

(c) and (d). The information asked for is being collected and will be supplied to the Honourable Member.

(e) No.

(f) Government received certain representations, pointing out that a longer stay than five months in New Delhi would mean that the education of the children of the Secretariat staff would suffer.

**Mr. K. Ahmed :** May I know what was the highest temperature at Delhi last summer when people had sunstroke?

**The Honourable Sir James Crerar :** I must ask the Honourable Member to give me notice of that question.

**Mr. G. L. Winterbotham :** Is it a fact that conditions in New Delhi during the summer months are any worse than in the other cities in the plains, such as Bombay and Calcutta?

**Mr. K. Ahmed :** Is it a fact that the highest temperature was 120 degrees last year in New Delhi?

**Mr. Siddheswar Prasad Sinha :** With regard to part (f) of the question, will the Honourable Member state what steps Government have taken for the education of children?

**The Honourable Sir James Crerar :** I think that the question of arrangements for facilitating the education of the children of the Secretariat staff, is under consideration, but I must ask for notice of the question.

ELECTRIFICATION OF THE KALKA-SIMLA RAILWAY.

875. **\*Mr. Siddheswar Prasad Sinha :** Have Government under consideration the question of the electrification of the Kalka-Simla Railway? If so, what is the present stage of the scheme?



**Mr. P. R. Rau :** Government have decided to postpone the investigation of this scheme for the present.

#### EXTENSION OF THE KALKA SIMLA RAILWAY TO NARKANDA.

876. **\*Mr. Siddheswar Prasad Sinha :** (a) Have Government under consideration the question of the extension of the Kalka-Simla Railway Line to Narkanda ?

(b) If the reply be in the affirmative, when is the work likely to be started and completed, and at what cost ?

**Mr. P. R. Rau :** The extension of the Kalka-Simla Railway to Narkanda has been under examination, but the survey report has not yet been received. It is probable, however, that it will not be a remunerative line and the prospects of its construction are very remote.

#### CONNECTION OF THE KALKA SIMLA RAILWAY WITH THE NEW KANGRA VALLEY RAILWAY.

877. **\*Mr. Siddheswar Prasad Sinha :** Have Government under consideration any proposal for connecting the Kalka-Simla Line with the newly laid Kangra Valley Railway Line ?

**Mr. P. R. Rau :** No.

#### SHORTAGE OF CLERKS' QUARTERS IN NEW DELHI

878. **\*Mr. Siddheswar Prasad Sinha :** (a) What is the total number of Indian clerks' quarters in New Delhi and of the applicants for quarters (including the non-migratory clerks already occupying their quarters), for the ensuing winter ?

(b) How many more quarters do Government propose to construct in New Delhi to meet the requirements ; and when and where ?

(c) Do Government propose to sell land in New Delhi to clerks and private persons on an instalment basis for encouraging the construction of private houses to supply the demand ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The total number of Indian clerks' quarters in New Delhi is 1,278 married quarters and 104 single quarters. The total applications for married quarters is 2,129. Applications for single quarters are sent to the Secretariat Association who lease these quarters.

(b) 150 quarters are under construction now, and the whole question of the further construction of clerks quarters is under the consideration of the Government of India.

(c) No proposal for selling land in New Delhi to clerks and private persons on an instalment basis is being considered by the Government of India. Government are inclined to think that such an arrangement is not likely to encourage the construction of private houses. In approved cases clerks can, however, obtain building advances from Government which they repay by instalments.

**The Revd. J. C. Chatterjee :** Are there any quarters for clerks working in the Railway Clearing Office at Delhi ?

**Mr. P. R. Rau :** No. The question is under consideration at present.

**The Revd. J. C. Chatterjee :** Is it a fact that Government promised to supply quarters for them at Kingsway by this cold weather ?

**Mr. P. R. Rau :** The site originally selected at Kingsway was not considered quite healthy by our medical advisers. The difficulty, as I explained to the House the other day, is that of selecting a suitable site.

**The Revd. J. C. Chatterjee :** When is it likely to select a suitable site ?

**Mr. P. R. Rau :** I wish I could say.

**The Revd. J. C. Chatterjee :** Are Government aware that the delay in selecting a site for quarters for these large numbers of Indian clerks is causing them very great hardship ?

**The Honourable Sir George Rainy :** I quite agree with the Honourable Member that it is important that a decision should be arrived at in this matter as soon as possible. I know the matter is engaging the special attention of the Railway Board and I will give my personal attention to it also, so that it may be settled as soon as possible.

**The Revd. J. C. Chatterjee :** Can Government give me any assurance as to when they are likely to take action in the matter ?

**The Honourable Sir George Rainy :** I am afraid I cannot be more definite than I have been. I cannot indicate a definite date.

**Mr. Jamnadas M. Mehta :** Is it merely a question of site, or also of money ?

**The Honourable Sir George Rainy :** No. I should think it is mainly a question of site.

**Maulvi Muhammad Yakub :** If it is so difficult to find a suitable site in Delhi, why do not Government consider the question of transferring the Clearing House from Delhi to Lucknow ? (Laughter.)

**Mr. Gaya Prasad Singh :** Which is so near to Moradabad ?

**Maulvi Muhammad Yakub :** We will provide a suitable site there.

#### PROVISION OF A MUSEUM AND ZOOLOGICAL GARDEN IN NEW DELHI.

879. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that all important cities in India have got a museum, a zoological garden and public gardens ?

(b) What steps do Government propose to take to provide these things in New Delhi ? If not, why not ?

**Sir Frank Noyce :** (a) Most cities of importance in India possess public gardens, and some of them have a museum and zoological gardens as well.

(b) New Delhi already possesses public gardens. A small museum has already been established, and a project for the building of a large museum is under consideration. There is no proposal at present for the establishment of a zoological garden.

**The Revd. J. C. Chatterjee :** Is this museum open to the public ?

**Sir Frank Noyce :** Yes.

**An Honourable Member :** May I know where it is located ?

**The Revd. J. C. Chatterjee :** Are any steps taken to popularize it ? So far as I know, no one in the city knows about it.

**Mr. E. L. Price :** May I ask a supplementary question ? Is not a museum rather superfluous when the whole city is a museum ? (Laughter.)

#### PROVISION OF A TRAMWAY FROM NEW DELHI TO DELHI CITY.

880. **\*Mr. Siddheswar Prasad Sinha :** Will Government be pleased to state if the proposal to connect New Delhi by tramway with Delhi City has been dropped ? If not, how does the matter stand at present ?

**The Honourable Sir Bhupendra Nath Mitra :** No proposal to connect New Delhi by tramway with the Delhi City has been put before Government.

#### CIVIL AND CRIMINAL CASES AGAINST RESIDENTS INSTITUTED BY THE NEW DELHI MUNICIPAL COMMITTEE.

881. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the New Delhi Municipal Committee institutes civil and criminal cases against residents without first serving any notice or giving them any opportunity to explain ?

(b) How many cases were instituted against the residents of New Delhi by the Municipal Committee during the last year, and how many of them were dismissed ?

**Sir Frank Noyce :** (a) No.

(b) The information asked for is not readily available. Only one register of cases is maintained which includes all cases whether against residents of New Delhi or against outsiders.

#### CONSTRUCTION OF MORE SHOPS IN NEW DELHI.

882. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that at the time of the last allotment of Municipal shops in New Delhi in September, 1928, 135 tenders (excluding the previous lease-holders) were received for the shops, and that out of them, only one succeeded in securing a shop and 134 had to go without any ?

(b) Is it a fact that the rent of the Diaz Square shops realised in 1927, was about Rs. 5,000 and in 1928, Rs. 10,000 ?

(c) Is it a fact that since the construction of the shops, their rental value has always been rising at the time of every change in the lease ?

(d) Do Government propose to construct more shops in New Delhi to meet the demand and to increase their revenue ? If not, why not ?

**Sir Frank Noyce :** (a) The total number of shops was 80 and the total number of tenders received (including those of the old tenants) was 214. All the old lessees were given the option of remaining on, with

the exception of one shopkeeper who had contravened the terms of his previous lease.

(b) Yes.

(c) Yes.

(d) Government do not propose to construct more shops in New Delhi, but it is understood that the New Delhi Municipal Committee propose to do so as early as possible.

#### RESTRICTIONS ON THE SALE OF CERTAIN ARTICLES BY DIFFERENT CLASSES OF SHOPS IN NEW DELHI.

883. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that general merchandise shops in New Delhi are not permitted to sell *atta*, etc., in them which is meant for *bania* shops and that the latter are not allowed to sell tinned provisions, etc., which are meant for the former ?

(b) Is it a fact that the Diaz Square shops in New Delhi are classed as *bania* shops ?

(c) Is it a fact that the Diaz Square shops sell tinned provisions also ? If so, why ?

(d) Do Government propose either to remove the distinction or to enforce the restriction on *bania* shops also, just as they do in the case of general merchandise shops ?

**Sir Frank Noyce :** (a) No.

(b) Yes.

(c) Yes. There is now no distinction and both general merchandise shops and *bania* shops can sell the same commodities if they so wish.

(d) Does not arise.

#### CONSTRUCTION OF UNORTHODOX QUARTERS FOR JUNIOR CLERKS IN SIMLA AND NEW DELHI.

884. **\*Mr. Siddheswar Prasad Sinha :** Have Government under consideration the question of constructing unorthodox quarters for those employees of the Government of India in New Delhi and Simla, whose pay is less than Rs. 225 ? If so, how does the matter stand at present ?

**The Honourable Sir Bhupendra Nath Mitra :** 50 unorthodox quarters for clerks whose pay is less than Rs. 225 have just been commenced in Delhi. The Government of India are not at present considering the question of building more quarters for European clerks in Simla. The question regarding the construction of additional quarters for Indians is under consideration.

#### RESTRICTIONS ON THE SALE OF CERTAIN ARTICLES BY SOME SHOPS IN NEW DELHI.

885. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that, in the allotment of shops in New Delhi, a distinction is made between shops for *bania* stores and shops for general merchandise, etc. ?

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(b) Is it a fact that the general merchandise shops can sell tinned butter, tinned cheese, Cocogem, etc., but are not allowed to sell pure ghee?

(c) Will Government please state why they impose this restriction in respect of ghee and not in respect of Cocogem?

(d) Do Government propose to consider the desirability of removing this restriction? If not, why not?

**Sir Frank Noyce :** (a) There is no distinction between the *bania* shops and the shops for general merchandise as regards the articles that may be sold.

(b) to (d). Do not arise.

#### PUBLICATION OF THE BYE-LAWS OF THE NEW DELHI MUNICIPALITY.

886. \***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the Delhi Municipality publishes its bye-laws in the form of a book for the information and guidance of its residents?

(b) Is it a fact that the New Delhi Municipality does not publish its bye-laws in a consolidated form? If not, why not?

**Sir Frank Noyce :** (a) Yes.

(b) The New Delhi bye-laws relating to building, drainage and water supply have been published in book form. It has not been thought worth while to bring out a complete edition of all the bye-laws in a consolidated form as any such edition would be out of date before it was published. It must be remembered that the New Delhi Municipal Committee is still in its infancy and that new bye-laws are continually being framed.

#### IMPOSITION OF A TERMINAL TAX ON GOODS ENTERING NEW DELHI.

887. \***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the New Delhi Municipal Committee is considering the question of imposing a Terminal Tax on all goods entering its area? If so, when?

(b) Is it a fact that a double tax will be levied on goods that have to pass through Delhi city before entering New Delhi—one for Delhi city and one for New Delhi?

**Sir Frank Noyce :** (a) and (b). The position is that it is intended that the Civil Lines, Delhi City and New Delhi shall be considered as one unit for the purposes of collection of Terminal Tax. The necessary preliminaries are now under consideration.

#### SUPERSESSION OF CERTAIN CLERKS IN THE MEDAL SECTION OF THE ARMY DEPARTMENT.

888. \***Maulvi Muhammad Yakub :** (a) Is it a fact that Mr. W. C. Debenham, now Assistant Secretary, Army Department, on resuming charge as Officer-in-Charge, Medal Distribution, appointed the following persons as Assistants on Rs. 140 per mensem:

- (1) Mr. A. C. Swarries, a cousin of Mr. Debenham, then a routine clerk on Rs. 50 in the office of the Director General, Indian Medical Service.

(2) Mr. T. J. Baptist, nephew to Mr. P. P. Hypher, then Superintendent, Army Department.

(3) Mr. Moti Lal De, then Retired Cashier, Army Department.

(b) Is it a fact that Mr. H. S. Massih was senior to both Mr. Swarries and Baptist? If so, why were not his claims considered on making the appointments and why was a retired cashier given an appointment for the second time to the detriment of the interests of the persons already in service?

(c) Is it a fact that, after the revised establishment of the Medal Section of the Army Department was sanctioned, Mr. A. C. Swarries was promoted from Rs. 140 per mensem to Rs. 250 per mensem in supersession of (i) Mr. T. J. Baptist who was senior to him in service and grade, (ii) Mr. C. A. Roy Chowdhry, M.A., (iii) Mr. B. B. Sur, B.A., B.L., (iv) Mr. G. C. Banerjee, B.A., (v) Mr. J. N. Ghosh, B.A., and (vi) Mr. P. Nath, B.A.? If so, will Government please state the reason?

**Mr. G. R. F. Tottenham :** (a) The reply is in the affirmative.

(b) and (c). The Honourable Member is asking for information regarding decisions taken about 12 years ago and Government are not prepared after so long an interval to discuss the details of the action then taken. I can assure him, however, that all the appointments were made on the basis of the respective merits of the individuals concerned.

#### ALLEGATIONS AGAINST MR. P. K. SETT OF THE MEDAL SECTION, ARMY DEPARTMENT.

889. \***Maulvi Muhammad Yakub :** (a) Is it a fact that a representation was made by the Muslim Association, Calcutta, in 1925, to the Army Secretary, in respect of injustice to and maltreatment of Mr. P. K. Sett then Assistant-in-charge, Medal Section? Was an inquiry made into the matter? If not, why not?

(b) Is it also a fact that one Mr. Shyama Charan Chatterjee, an employee in the Medal Section, submitted a memorial to His Excellency the Viceroy, regarding the injustice to, and maltreatment of, the said Mr. P. K. Sett? Was that memorial forwarded to His Excellency the Viceroy or was any inquiry made into the complaints contained in the memorial? If not, why not?

**Mr. G. R. F. Tottenham :** (a) The Honourable Member appears to have been misinformed. I have been unable to trace any such representation.

(b) A lengthy memorial complaining of injustice and maltreatment by Mr. Sett—and not the injustice to, and maltreatment of Mr. Sett—was received and fully inquired into in 1925. The allegations made in it were found to be baseless.

#### DISCHARGE OF MR. A. K. GHOSE FROM THE MEDAL SECTION, ARMY DEPARTMENT.

890. \***Maulvi Muhammad Yakub :** Is it a fact that one Mr. A. K. Ghose, who had put in six years' service in the Medal Section, was discharged because he failed to pass the examination of the Public Service

Commission, held in 1926, while other employees much junior to Mr. Ghose, who had also failed in that examination, retained their posts?

**Mr. G. R. F. Tottenham :** No, Sir. Mr. A. K. Ghose was discharged on reduction of establishment, because he had shown himself to be less efficient than those who were retained.

#### EMPLOYMENT OF UNPAID CANDIDATES IN THE MEDAL SECTION, ARMY DEPARTMENT.

891. \*Maulvi Muhammad Yakub : (a) Can Government retain unpaid candidates in the Secretariat? If so, under what rules?

(b) Is it a fact that certain candidates were retained unpaid by the Medal Section of the Army Department in 1919-20 and were afterwards discharged without any remuneration?

**Mr. G. R. F. Tottenham :** (a) I would refer the Honourable Member to the reply given by the Honourable the Home Member to Mr. S. C. Mitra's starred question No. 216 on September 5th.

(b) Certain men were employed without pay in the Medal Section in Calcutta in 1919-20 under a misapprehension of the Officer-in-Charge and without authority, but they were not discharged without remuneration. As soon as the matter was reported, all of them were paid for the full period of their employment.

#### PRIVATE BUSINESS RUN BY MR. N. C. DAS, ASSISTANT-IN CHARGE, ARMY DEPARTMENT RECORDS, CALCUTTA.

892. \*Maulvi Muhammad Yakub : (a) Are Government servants permitted to carry on private business or trade while in service?

(b) Is it a fact that one Mr. N. C. Das, Assistant-in-Charge, Army Department records, Calcutta, has got a stationery shop and runs a hotel under bogus names? Do Government propose to hold an inquiry into the matter and take necessary steps? If not, why not?

(c) Are there any rules permitting the grant of rewards in the form of cash to persons already in Government service?

(d) Is it a fact that Mr. N. C. Das was awarded Rs. 500 as a reward in 1926? What were the special meritorious services for which this grant was made to him?

(e) Does Mr. Das submit a report of his daily work as required in the case of other men of the Department? If not, why not?

**Mr. G. R. F. Tottenham :** (a) Not without the sanction of the competent authority.

(b) The Government of India have no information, but inquiries will be made. It would facilitate the inquiry if the Honourable Member would be so good as to supply me with the details of the information on which his question is based.

(c) Yes. Fundamental Rule 46.

(d) In 1928 (not 1926) Mr. Das was granted an honorarium of Rs. 500 for the continuous assistance he had given to the Mint in connection with the inscription of names and other details on medals from 1923

to 1926. The work was done in addition to his own duties, and made it necessary for him to work beyond office hours as well as on Sunday and holidays. The honorarium was given on account of the laborious rather than the meritorious nature of the work.

(e) No clerk in the Army Department is required to submit a report of his daily work.

#### EXEMPTION OF SENIOR CLERKS OF THE MEDAL SECTION FROM THE PUBLIC SERVICE COMMISSION EXAMINATION.

893. \*Maulvi Muhammad Yakub : (a) Is it a fact that the Home Department exempted senior clerks of the Medal Section from the Public Service Commission examination? If so, why was this concession not given effect to and why are these clerks forced to appear for the next departmental examination?

(b) Is it a fact that certain clerks of the Medal Section of the Army Department have been allowed to appear for the Public Service Commission examination in different divisions while others have been refused this privilege?

(c) Have all the retrenched clerks of the Medal Section and of the Army Canteen Board been granted permission to appear for the examination? If not, why not?

\* **Mr. G. R. F. Tottenham :** (a) No, Sir, the Home Department ruled that the clerks might remain in their existing appointments without examination, if the Army Department recommended such a course. The Army Department did not recommend this course, firstly because they were satisfied that justice would be done by giving the clerks special facilities to appear at a qualifying examination, and secondly because they did not wish to take on their permanent establishment several unqualified clerks who would be ineligible for employment in any other part of the office.

(b) Those clerks who are educationally qualified are being allowed to sit for the 1st and 2nd divisions, the remainder for the 3rd division.

(c) The only retrenched clerks of the Medal Section who are being allowed to appear at the qualifying examination are those who have been retrenched since the concession was sanctioned. As regards the retrenched clerks of the late Army Canteen Board, I would refer the Honourable Member to the reply given by Mr. Mackworth Young to starred question No. 191 on the 14th February, 1928.

#### DISCRIMINATION SHOWN IN REGARD TO CERTAIN CLERKS IN THE MEDAL SECTION, ARMY DEPARTMENT.

894. \*Maulvi Muhammad Yakub : Is it a fact that one Mr. M. L. Bhatnagar, routine clerk, Army Department, was exempted from the Public Service Commission examination and retained in service after having failed in the examination, while Mr. Habit Khan, who was in the service for the last ten years, was discharged because he failed in the examination? Why was this discrimination made between Mr. Bhatnagar and Mr. Habit Khan?

establishment, made in the Institute since 1928, and by whom they were filled ?

**Sir Frank Noyce :** (a) The percentages mentioned by the Honourable Member are roughly speaking correct in the case of the clerical and subordinate (technical) establishments of the Forest Research Institute.

(b) and (c). A statement giving the information required by the Honourable Member is laid on the table of the House. It shows that 79, out of a total of 150 technical establishment posts, were held by men without academic qualification ; but all the men in question are thoroughly efficient manual workers, and have now been in Government service for many years.

(d) The attention of the Honourable Member is invited to the reply given to part (d) of question No. 272 asked in this House on the 20th February, 1928.

(e) 44 appointments have been made to the clerical and subordinate technical establishments since 1928 ; of the persons appointed, 35 were Hindus, 6 were Muhammadans, 2 were Christians, and 1 was a Sikh.

The following table shows the qualifications of the technical and clerical establishment :

| Examinations.                                                        | Hindus.    | Muham-<br>madans. | Christians. | Sikhs.   | Total.     |
|----------------------------------------------------------------------|------------|-------------------|-------------|----------|------------|
| <b>I.—Technical Establishment.</b>                                   |            |                   |             |          |            |
| Master of Science ..                                                 | 6          | ..                | ..          | ..       | 6          |
| Bachelor of Science ..                                               | 11         | ..                | ..          | ..       | 11         |
| Bachelor of Arts ..                                                  | 4          | ..                | ..          | ..       | 4          |
| Intermediate of Science ..                                           | 8          | ..                | ..          | ..       | 8          |
| Intermediate of Arts ..                                              | 4          | ..                | ..          | ..       | 4          |
| Matriculation ..                                                     | 6          | 2                 | ..          | ..       | 8          |
| Diploma of Agriculture ..                                            | 1          | ..                | ..          | ..       | 1          |
| Electrical and Mechanical Engineering ..                             | 1          | ..                | ..          | ..       | 1          |
| Mechanical Engineering ..                                            | 1          | ..                | ..          | ..       | 1          |
| School Leaving Examination ..                                        | 10         | ..                | ..          | ..       | 10         |
| English Middle Examination ..                                        | 2          | ..                | ..          | ..       | 2          |
| Nil ..                                                               | 72         | 2                 | 4           | 1        | 79         |
| Matric and S. L. C. ..                                               | 2          | 1                 | ..          | ..       | 3          |
| Entrance ..                                                          | 1          | ..                | ..          | ..       | 1          |
| Vernacular Final Examination ..                                      | 3          | ..                | ..          | ..       | 3          |
| High School Examination ..                                           | 7          | ..                | ..          | ..       | 7          |
| Diploma of Government Central Wood Workshop Institute of Bareilly .. | ..         | 1                 | ..          | ..       | 1          |
| <b>Total ..</b>                                                      | <b>139</b> | <b>6</b>          | <b>4</b>    | <b>1</b> | <b>150</b> |

| Examinations.                            | Hindus.   | Muham-<br>madans. | Christians. | Sikhs.    | Total.    |
|------------------------------------------|-----------|-------------------|-------------|-----------|-----------|
| <b>II.—Clerical Establishment.</b>       |           |                   |             |           |           |
| Bachelor of Arts ..                      | 1         | ..                | ..          | ..        | 1         |
| Matriculation ..                         | 8         | ..                | ..          | ..        | 8         |
| Matric and School Leaving Certificate .. | 7         | ..                | ..          | ..        | 7         |
| School Leaving Certificate ..            | 8         | 2                 | ..          | ..        | 10        |
| Entrance ..                              | 6         | ..                | 1           | ..        | 7         |
| English Middle Examination ..            | 3         | ..                | ..          | ..        | 3         |
| Nil ..                                   | 6         | 2                 | ..          | ..        | 8         |
| Intermediate of Arts ..                  | 1         | ..                | ..          | ..        | 1         |
| Admission Examination ..                 | 1         | ..                | ..          | ..        | 1         |
| High School Examination ..               | 1         | ..                | ..          | ..        | 1         |
| <b>Total ..</b>                          | <b>42</b> | <b>4</b>          | <b>1</b>    | <b>..</b> | <b>47</b> |

#### CLERKS' QUARTERS IN NEW DELHI.

900. \***Mr. S. C. Mitra :** Will Government be pleased to state :

- what is the total number of each type of clerks' quarters in New Delhi, viz., A, B, C and D, at the disposal of the Estate Office on 1st September, 1929 ;
- the names of the offices (migratory or non-migratory) which are entitled to these quarters ;
- the total number of clerks in each of the offices (migratory or non-migratory) who are entitled to the 'A', 'B', 'C' and 'D' types of quarters for clerks in New Delhi ;
- how many quarters of each description the respective offices (migratory or non-migratory) are entitled to on the *pro rata* basis ;
- the total demand of the clerks' quarters for each type, office by office, both migratory and non-migratory, for the coming winter ; and
- how far has this demand been met by the Estate Office ?

**The Honourable Sir Bhupendra Nath Mitra :** Three statements giving the information required will be furnished to the Honourable Member.

#### GRANT OF A SEPARATION ALLOWANCE TO CLERKS NOT PROVIDED WITH QUARTERS IN NEW DELHI.

901. \***Mr. S. C. Mitra :** Will Government be pleased to state whether it is a fact that the clerks of the Government of India Secretariat who are required to move between Delhi and Simla are given a separation allowance if they are forced to keep their family away on account of their not being provided with Government quarters at Delhi ?

### TIFFIN ROOM IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

905. \*Mr. S. C. Mitra : (a) Is it a fact that the tiffin room intended for the use of Christians employed in the Government of India Press, Simla, has been utilised as a mosque by the Assistant Manager and the Head Clerk, and great discontent prevails among the Christian employees on this account ?

(b) If the answer to part (a) is in affirmative, do Government propose to issue instructions to the Manager to take immediate steps to make the room available for the use of the Christian employees ?

The Honourable Sir Bhupendra Nath Mitra : It has been ascertained that there were originally four tiffin rooms in the Government of India Press, Simla, but that, by mutual arrangement, two of these were made into a prayer room leaving two tiffin rooms, one for the joint use of Muhammadans and Christians and one for Hindus. No discontent has ever been expressed by the Christian employees on this account.

### OFFICE HOURS DURING THE WINTER OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

906. \*Mr. S. C. Mitra : (a) Are Government aware that the working hours of the Offices of the Government of India at Simla are from 10-30 A.M., to 4 P.M., during the winter months, but in the case of the employees in the Government of India Press, Simla, the hours of attendance are fixed from 9 A.M. to 6 P.M. ?

(b) If the answer to part (a) is in affirmative, do Government propose to take into consideration the trouble and the inconvenience experienced by the poor employees during the winter months and make a reduction in the number of hours as a special case ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). I believe that the office hours are generally as stated by the Honourable Member ; and the hours of work of the industrial hands of the Government of India Press, Simla, on week days, excepting Saturdays, are also as stated. Government do not propose to make any reduction in them at present.

### FILLING PERMANENT AND OFFICIATING APPOINTMENTS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

907. \*Mr. S. C. Mitra : (a) Is it a fact that, at the time of filling up the vacant posts and making officiating arrangements in leave vacancies, no consideration is given to the attendance, conduct, pay and service, etc., and that a number of senior claimants have been superseded by junior hands in the Printing and Office clerical staff in the Government of India Press, Simla, during the last three years ?

(b) Do Government propose to make a full inquiry into the matter and issue instructions to the Manager, Government of India Press, Simla, to maintain a proper list arranged in order of seniority for the purpose of making permanent or officiating appointments in future ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Government have no information. If the Honourable Member will bring to my

personal notice any specific case or cases, I shall be glad to inquire into the matter.

### APPOINTMENT OF MEN UNDER TRAINING IN PRINTING IN ENGLAND.

908. \*Mr. S. C. Mitra : Will Government be pleased to state as to how many men now under training in England in the printing line are likely to return to India after the completion of their studies and to which presses of the Government of India they are proposed to be allotted and on what appointments ?

The Honourable Sir Bhupendra Nath Mitra : Altogether four State scholarships have been awarded by the Government of India for training in England for the study of printing and allied arts. One of the scholars has recently returned to India, and a proposal to appoint him to a suitable post in one of the Government of India Presses is under consideration. The other three will also doubtless return to India at the end of their training, but it is too early to consider what particular appointments, if any, should be offered to them.

### MEDICAL INSPECTION OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

909. \*Mr. S. C. Mitra : (a) Is it a fact that a Sub-Assistant Surgeon is supposed to call at the Press thrice a week to attend on and report the general health of each and every employee of the Government of India Press, Simla, for which he receives an extra allowance from Government ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to furnish a copy of the Inspection Report of each individual ? If no such record has been kept, do Government propose to ask the Manager to explain the reason ?

The Honourable Sir Bhupendra Nath Mitra : (a) With a view to afford medical facilities to such employees of the Simla Press as are in need of medical aid, Government have arranged that a Sub-Assistant Surgeon should visit the Press on alternate days. The doctor is not required to attend and report on the general health of each and every employee of the Press.

(b) Does not arise.

### PROVISION OF QUARTERS OR ALLOWANCES TO EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

910. \*Mr. S. C. Mitra : (a) Are Government aware that the present building of the Government of India Press, Simla, is situated at a distance of two miles from the city, on account of which great inconvenience is experienced by the employees, more particularly during the rains and snow and on occasions when they are required to work till late in the night ?

(b) If the answer to part (a) is in the affirmative, do Government propose to consider the advisability of:

- (1) constructing quarters, as in the case of the employees of the Delhi Press, somewhere near the Press building,



**Mr. G. R. F. Tottenham :** The reply to the first part of the question is in the negative. As a result of the Staff Selection Board's examination held in 1922, Mr. M. L. Bhatnagar was declared qualified for employment as a routine clerk in the Army Department Secretariat. The other clerk referred to in the question failed three times in the examination, and was therefore declared unfit for permanent employment in any Department.

#### EXEMPTION FROM EXAMINATION OF CERTAIN CLERKS OF THE MEDAL SECTION, ARMY DEPARTMENT.

895. **\*Maulvi Muhammad Yakub :** Do Government propose to exempt those clerks of the Medal Section who were appointed before the introduction of the Staff Selection Board from the Public Service Commission examination ? If not, why not ?

**Mr. G. R. F. Tottenham :** No, Sir, for the reasons given in my reply to question No. 893.

#### REDUCTION OF PAY OF CERTAIN CLERKS IN THE MEDAL SECTION, ARMY DEPARTMENT.

896. **\*Maulvi Muhammad Yakub :** (a) Will Government be pleased to state the reasons why the pay of certain clerks of the Medal Section of the Army Department was substantially reduced when they were removed from Calcutta to Delhi without any fault on their part ?

(b) Is it not a fact that in their letter No. 99-C.S.R. of 1923, addressed to the Accountant General, Punjab, the Finance Department, intimated that the pay of the clerks who hold continuous temporary or permanent appointments could not, under any circumstances be reduced ? If so, why was the pay of the clerks in the Medal Section reduced ?

**Mr. G. R. F. Tottenham :** (a) Certain appointments in the Medal Section were converted from a temporary to a permanent basis with effect from the 24th September, 1926. The holders of the temporary appointments had not passed the Public Service Commission examination and consequently could not be confirmed in these permanent appointments. In consequence of their long connection with the Medal Section, they were, however, allowed to officiate in the permanent appointments with a view to confirmation if they passed the next examination. As they were only officiating, their pay had to be restricted to the rates prescribed by rule for that class.

(b) The Honourable Member probably refers to Finance Department letter No. 99-C.S.R. of 1926 (not 1923), which rules that a Government servant who, on the abolition of a temporary post held substantively by him, is appointed to another post, either temporary or permanent, is entitled to have his initial pay regulated with reference to the pay drawn in respect of the post which was abolished. This is not quite the same as the interpretation placed upon the letter by the Honourable Member.

#### EMPLOYMENT OF RETRENCHED CLERKS OF THE MEDAL SECTION, ARMY DEPARTMENT.

897. **\*Maulvi Muhammad Yakub :** Do Government propose to employ the retrenched clerks of the Medal Section of the Army Department preference to those who have been holding temporary appointments in various Branches of the Army Headquarters since November, 1928 ?

**Mr. G. R. F. Tottenham :** Four of the retrenched clerks of the Medal Section are at present employed temporarily in various Branch of Army Headquarters. Applications from the others will be considered and dealt with on their merits, but the recent introduction of a leave reserve in all the main Branches of Army Headquarters has greatly reduced the chances of temporary employment in future.

#### NUMBER OF MUSSALMANS IN THE MEDAL SECTION OF THE ARMY DEPARTMENT.

898. **\*Maulvi Muhammad Yakub :** (a) What was the total number of Mussalmans in the Medal Section of the Army Department and how many of them were retrenched ?

(b) What is the total number of clerks in the Medal Section of the Army Department and how many of them are the relations of P. K. Sett Assistant in charge, Medal Section ?

(c) Is it not a fact that Messrs. R. R. Sett and S. C. Sett, relations of Mr. P. K. Sett, were retained in service while others who were senior to them were discharged under the retrenchment process ?

**Mr. G. R. F. Tottenham :** (a) When the Medal Section was at its greatest strength in 1923, there were four Mussalman clerks, three of whom have since been retrenched.

(b) The present strength of the Medal Section is 12, none of whom are relations of Mr. P. K. Sett.

(c) Yes, but not because of their relationship to Mr. P. K. Sett. Neither of them is now in the Medal Section.

#### PERCENTAGE OF HINDUS AND MUHAMMADANS EMPLOYED IN THE FOREST RESEARCH INSTITUTE.

899. **\*Maulvi Muhammad Yakub :** (a) Is it a fact that the percentage of Hindu and Muhammadan employees in the Forest Research Institute is over 90 and below 10, respectively ?

(b) Will Government please state the qualifications of the present employees, both clerical and subordinate (technical) at the Institute ?

(c) Is it a fact that the majority of the subordinate technical staff possesses no qualifications while some have only read up to the middle standard ? If so, how do Government justify on grounds of efficiency the present disproportionate representation of minority communities ?

(d) Will Government please state if they propose to take some immediate and efficacious steps to set these matters right, and if so, what steps ?

(e) Will Government please state the number of clerical and subordinate technical appointments, both on the temporary and permanent

- (2) allotting to them the quarters previously occupied by the employees of the Foreign and Political Press, Simla, for so long as the construction is not completed, and

- (3) allowing house-rent allowance and conveyance charge if quarters cannot be provided ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government are aware that some inconvenience is caused to the employees by reason of the fact that the Press is situated at some distance from the town.

(b) (1) and (3) Not at present.

(b) (2) No.

**COMPARATIVE COST OF MECHANICAL AND HAND COMPOSITION AND SCALE OF CHARGES FOR THE FORMER.**

911. **\*Mr. S. C. Mitra :** (a) Is it a fact that the present system of mechanical composition by means of linotype and monotype machines is much more expensive than the old system of hand composition ? If not will Government be pleased to furnish a statement showing the cost per page by hand composition during the financial year 1915 to 1920, and by Linotype and Monotype machines separately, for the financial years 1922 to 1927, in the Government of India Presses at Simla, Calcutta, Delhi and Aligarh ?

(b) Is it a fact that the cost of the mechanical composition on linotype and monotype machines is charged at the rates of hand composition which has no comparison with the mechanical composition and thus the figures given by the Simla Press in the Annual Reports cannot be taken as accurate ? Will Government be pleased to state what procedure is adopted in all the other Presses of the Government of India for charging the mechanical composition on linotype and monotype machines and under what scale, as the rates given in the Printing Office Hand Book are only for hand composition and cannot possibly be applied to mechanical composition ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Inquiries are being made and the results will be communicated to the Honourable Member in due course.

**PROMOTION OF ASSISTANT SECTION HOLDERS IN THE GOVERNMENT OF INDIA PRESSES.**

912. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that, after the Report of the Piece Workers Enquiry Committee, 1922, presided over by the late Sir Vithaldas D. Thackersay, orders were passed by Government to the effect that vacancies of section-holders in the Government of India Presses would be filled alternately from compositors and assistant section-holders ?

(b) Is it a fact that at present in the Delhi Press one operator and two compositors are officiating as section-holders ? If so, why has no chance been given to assistant section-holders who are entitled to alternate vacancies under the orders of Government ?

(c) Is it a fact that the assistant section-holders before accepting their present appointments in the Rs. 40—4—80 scale held posts of compositors on class pay of Rs. 60—65 and Rs. 80—85 and they were made to start from Rs. 40 per mensem ?

(d) Is it a fact that assistant section-holders accepted low pay after great sacrifice to better their prospects held out to them by Government ? If so, what steps do Government propose to take to safeguard the rights of the present incumbents ?

(e) Has there been any change in the Government orders referred to above ? If not, do Government propose to inquire why the Manager of the Delhi Press has not carried out the orders of Government ?

**The Honourable Sir Bhupendra Nath Mitra :** (a), (b) and (e). According to the orders of Government, vacancies in the grade of section-holders are to be filled alternately from assistant section-holders and duly qualified senior compositors. It has, however, been brought to the notice of Government that it is not always practicable to adhere strictly to these orders, and the question whether these orders require any modification is engaging the attention of the Controller of Printing and Stationery.

(c) and (d). Government have no information, but they are inquiring into the matter.

**WORKS COMMITTEE OF THE GOVERNMENT OF INDIA PRESS, DELHI.**

913. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that elections to the Works Committee in the Delhi Press are not held according to rules ?

(b) Is it a fact that sufficient notice is not given to the workers to elect their representatives ?

(c) Is it a fact that in the last election intimation that an election would be held was given to the workers only a few minutes before the election ?

(d) Is it a fact that a wrong date was printed in the notice ?

(e) Is it a fact that other irregularities are committed ? Do Government propose to inquire and state the reason for these irregularities ?

(f) Is it a fact that authority to inflict punishment has been delegated by the Manager to the members of the Works Committee ? If so, is it a fact that a large number of men have been punished ?

**The Honourable Sir Bhupendra Nath Mitra :** An inquiry is being made, and the result will be communicated to the Honourable Member in due course.

**DISTRIBUTION OF WORK BY SECTION-HOLDERS IN THE GOVERNMENT OF INDIA PRESS, DELHI.**

14. **\*Mr. S. C. Mitra :** (a) Are Government aware that favouritism and petty oppression is practised by the section-holders in the Delhi Press in the distribution of work to piece-workers ?

(b) Are Government aware that serious discontent prevails amongst the piece-workers on account of unfair distribution of work by section-holders ?

(c) Is it a fact that a large number of compositors have made repeated representations to the Manager of the Press against the unfair distribution of work by section-holders, but no action has been taken by him against the section-holders concerned ?

(d) Is it a fact that the Piece-workers' Enquiry Committee, 1922, brought this matter of unfair distribution prominently to the notice of Government ? If so, is it a fact that strict orders were passed by Government to prevent favouritism and petty oppression by Foremen and section-holders ?

(e) Is it a fact that the piece-work system, except in the case of the favoured few, causes extreme trouble and allows starvation wages only owing to unfair distribution of work ? If so, do Government propose to abolish the system and introduce fixed pay for compositors, distributors, impositors and pressmen in the Government of India Press, Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No.

(b) Government are not aware of any such discontent.

(c) Government have no information.

(d) The answer to both parts of this question is in the affirmative.

(e) The reply to the first part of the question is in the negative. The second part of the question does not arise.

#### SUPERSESSION OF CLERKS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

915. \***Mr. Abdul Qadir Siddiqi :** (a) Is it a fact that some clerks were newly appointed in the Railway Clearing Accounts Office on a pay higher than that of the men who were already in service in the office ? If so, why ?

(b) Is seniority in this branch of service determined by the pay of the official or the period of service ? If the former, why are the claims of the old servants overlooked ?

**Mr. P. R. Rau :** (a) The pay of the new recruits in the Railway Clearing Accounts Office is fixed under the rules of recruitment of subordinate establishment in the Railway Accounts Department approved by the Standing Finance Committee for Railways. A copy of these rules is available in the Library of the House. Under these rules, candidates who obtain more than a fixed percentage of marks in the competitive examination get a higher starting salary.

(b) The question of determining the seniority of the staff of the Railway Clearing Accounts Office is still under the consideration of the Committee which has been appointed for the purpose.

#### GRIEVANCES OF EMPLOYEES IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

916. \***Mr. Abdul Qadir Siddiqi :** (a) Is it a fact that one Mr. Smith has been placed on special duty to inquire into the grievances of the men serving in the Railway Clearing Accounts Office and to prepare a seniority list ?

(b) If the reply to part (a) be in the affirmative, will Government please state why the men have been asked to appear before Rai Bahadur Fakeerchand in that connection ?

(c) Did some men of the Great Indian Peninsula Railway object to submitting their grievances in the presence of Rai Bahadur Fakeerchand ? If so, what was the reply to their objection ?

**Mr. P. R. Rau :** (a) No.

(b) I understand no men have been asked to appear before the officer named.

(c) The answer to the first part of the question is in the negative and the second part does not arise.

#### CIRCULATION OF OFFICE ORDERS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

917. \***Mr. Abdul Qadir Siddiqi :** Is it a fact that in the Railway Clearing Accounts Office, office orders are circulated only to the sub-heads and not to the clerks who are generally affected by them ? Do Government propose to inquire and remove this complaint ?

**Mr. P. R. Rau :** I understand the circulation of Office Orders referred to by the Honourable Member is not limited to sub-heads.

**Mr. K. C. Neogy :** With your permission, Sir, I shall put the questions standing in the name of Mr. B. Das.

#### EXTENSION OF CONTRACTS OF COMPANY-MANAGED RAILWAYS.

918. \***Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Will Government be pleased to state whether any of the Company-managed railways have had their terminations of the contract, and the provisions to come into effect thereon, renewed and revised ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to name these railways and specifically mention in each case the period of extension of termination in each case ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) A statement giving the information in regard to the five State-owned Company-managed railways is laid on the table.

*Statement showing periods of extension of terms of contract already granted to the State-owned Company-managed Railways.*

| Name of Railway.                    | Period of extension of term of Contract.                  |
|-------------------------------------|-----------------------------------------------------------|
| Assam Bengal .. .. .                | 10 years (from 31st December 1921 to 31st December 1931). |
| Bengal Nagpur .. .. .               | 37 years (from 31st December 1913 to 31st December 1950). |
| Bombay, Baroda and Central India .. | 11 years (from 31st December 1930 to 31st December 1941). |
| Madras and Southern Mahratta ..     | 30½ years (from 30th June 1907 to 31st December 1937).    |
| South Indian .. .. .                | 35 years (from 31st December 1910 to 31st December 1945). |

PENAL PROVISIONS AND THE CONTRACT WITH THE BENGAL NAGPUR RAILWAY.

919. \*Mr. K. C. Neogy (on behalf of Mr. B. Das) : (a) Is it a fact that in paragraph 89 of the original Contract of the Bengal Nagpur Railway (main contract dated the 9th March, 1887), the following penal provision occurred :

"The Secretary of State may also, if default be made by the Company in duly paying any sum or sums payable by the Company under the 36th or 38th section of this Contract or in the construction and completion in conformity with this Contract or in the construction and completion in conformity with this Contract of the undertaking or any of the Stations or other works thereof or in due equipment pursuant to this Contract of the undertaking or any part thereof with rolling stock machinery or plant or in case there shall be any breach on the part of the Company (whether by act, omission or default) of any of the stipulations or provisions of this Contract or in case the undertaking or any part thereof at any time in the opinion of the Secretary of State be in course of gross mismanagement by the Company or be worked at a loss as shewn by the revenue account and have been so worked for not less than three half-years continuously down to the time at which the Secretary of State shall give to the Company the stipulated notice of termination under this present power terminate this Contract by giving to the Company in England six calendar months' previous notice in writing of the termination of this Contract."

(b) Will Government be pleased to state what were the reasons that led the Secretary of State in 1912 to cancel this penal provision for terminating the Contract by six calendar months' notice for gross mismanagement (Contract dated the 5th November, 1912—No. 7, page 58) ?

The Honourable Sir George Rainy : (a) Yes.

(b) There is nothing on record showing the reasons for the change.

Mr. K. C. Neogy : Do I take it that the Government of India were not consulted before this change was made ?

The Honourable Sir George Rainy : They were not consulted about this particular change.

REMOVAL OF THE PENAL CLAUSE FROM THE CONTRACT OF THE BENGAL NAGPUR RAILWAY.

920. \*Mr. K. C. Neogy (on behalf of Mr. B. Das) : (a) Will Government be pleased to state if the Government of India in 1911-12 advised the Secretary of State to remove the penal clause from the Contract of the Bengal Nagpur Railway ?

(b) Will Government be pleased to state the opinion held by the then Railway Board (1910-12) on this point ?

(c) Will Government be pleased to lay on the table all correspondence that passed between the Railway Board (Government of India) and the Secretary of State at the time ?

(d) Was the Finance Member of the Government of India during 1910-12 consulted on the removal of this penal clause and if so, will Government be pleased to state his opinion on the subject ?

The Honourable Sir George Rainy : (a) No.

(b) The question was not before the Railway Board and consequently no opinion could be expressed by them.

(c) & (d). This point was not a subject of discussion between the Secretary of State and the Government of India.

CONTRACT WITH THE BENGAL NAGPUR RAILWAY.

921. Mr. K. C. Neogy (on behalf of Mr. B. Das) : (a) Is it a fact that under the Contract of 1887 the Bengal Nagpur Railway system could have been acquired by Government in 1913 or every succeeding tenth year by giving to the Company a notice of 12 calendar months ?

(b) Is it a fact that the revised Contract of 5th November of 1912 which deleted the passage on penal acquisition specified that the Contract with the Bengal Nagpur Railway can be terminated in 1950 or every fifth year thereafter on a notice of 12 calendar months ?

(c) Will Government be pleased to state the comprehensive grounds that led them to hand over unconditionally the management of this Company-managed railway system for another 38 years ?

The Honourable Sir George Rainy : (a) & (b). Yes.

(c) It was apparently considered at the time that it was desirable in the interests of the State to continue the existing system of management on terms less favourable to the Company. Among the terms was the reduction of the guaranteed interest from 4 to 3½ per cent., and of the share of the surplus profits of the Company from ¼ to the proportion their capital bore to the Secretary of State's capital. These were taken as £3 million and as £15½ million, respectively, on the 31st December, 1910.

Mr. E. L. Price : Is it not a fact that the more railways already in being you buy up, the fewer new railways you can build ?

The Honourable Sir George Rainy : I think I must ask for notice of that question.

PENAL PROVISIONS IN CONTRACTS WITH COMPANY-MANAGED RAILWAYS.

922. Mr. K. C. Neogy (on behalf of Mr. B. Das) : (a) Will Government be pleased to state if there were penal provisions in the original contracts of other Company-managed railways, e.g., the Bombay, Baroda and Central India, the Madras and Southern Mahratta and the South Indian Railways whereby the Contract of management could be terminated by six months' notice for gross mismanagement as in the main Contract of the Bengal Nagpur Railway in 1887 ?

(b) How many such penal provisions still operate and how many have been deleted as was done in the case of the Bengal Nagpur Railway ?

(c) Will Government be pleased to state the reasons that led them to make these alterations in the main contracts ?

The Honourable Sir George Rainy : There was no penal clause in the original contract of the Bombay, Baroda and Central India Railway, but there were such clauses in the contracts of the Assam Bengal, Madras and Southern Mahratta and South Indian Railways. The penal clause in the Madras and Southern Mahratta Railway contract was deleted in a supplemental contract, dated the 26th June, 1908. The correspondence relating to this supplemental contract does not throw any light on the reasons that led to the deletion of the penal clause.

DIRECTORS OF THE BENGAL NAGPUR RAILWAY.

923. Mr. K. C. Neogy (on behalf of Mr. B. Das) : (a) Will Government be pleased to state if the present Managing Director of the Bengal Nagpur Railway was a former Member of the Railway Board ?

(b) How many former Members of the Railway Board have so far served as Directors on the Bengal Nagpur Railway and what are their names?

**The Honourable Sir George Rainy :** (a) Yes.

(b) Two. Sir T. R. Wynne and Sir Ernest Bell.

**Mr. M. S. Aney :** Was the Managing Director of the Bengal Nagpur Railway a member of the Railway Board during the time when this alteration in the contract was brought about?

**The Honourable Sir George Rainy :** I could not answer that without notice, I am afraid.

#### ACCEPTANCE OF DIRECTORSHIPS OF COMPANIES BY RETIRED HIGH OFFICIALS.

924. **Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Will Government be pleased to state if retired high officials—such as Governors of Provinces and Members of the Railway Board—are permitted to be Directors of companies working in India?

(b) Will Government be pleased to make a statement on the principles that are laid down by the Secretary of State for India and the Government of India to guide high officials of State in this matter?

(c) Is it a fact that a few years ago Sir Reginald Craddock, a former Chief Commissioner of the Central Provinces, was working as a Director of a few manganese companies in the Central Provinces that were taken over from the Germans during the War?

**The Honourable Sir James Crerar :** (a) and (b). I would refer the Honourable Member to the Home Department Resolution No. 1140, dated the 21st April, 1920, published in Part I of the Gazette of India of 24th April, 1920.

(c) Yes.

#### LOSS ON PIG IRON ON THE EAST INDIAN RAILWAY.

925. **\*Pandit Nilakantha Das :** With reference to para. 115 (page 60) of the Report of the Accountant General, Railways, on the Railway Appropriation Account, will Government please state whether the difference of Rs. 50 per ton on 34,000 tons of pig-iron was borne by the East Indian Railway Company or by Government? If it was borne by Government, why?

**Mr. P. R. Rau :** Before the termination of the contract with the East Indian Railway Company, an investigation into the stores balances of that Railway was undertaken, and it was proposed by Government that the book value of stores found surplus to current requirements, among which the pig iron referred to by the Honourable Member was included, should be written down to current market rate by a charge to revenue before the termination of the contract. The Company demurred to this proposal, basing their objection on a different interpretation of the relevant clause of the contract, and it was clear that the dispute would have to be referred to arbitration. Under the contract the share of the surplus profits accruing to the Company was only  $\frac{1}{100}$ , and even if the proposal had been accepted, and the difference debited to the revenues

of the undertaking, the difference in the Company's surplus profits would have been negligible—about Rs. 12,000. The sum at stake being so very small, and no time remaining for arbitration proceedings in view of the imminent winding up of the Company, Government decided not to press their claim on the point.

#### COST OF CAST-IRON SLEEPERS MANUFACTURED AT JAMALPUR.

926. **\*Pandit Nilakantha Das :** (a) What is the manufacturing cost of cast-iron sleepers made at Jamalpur? Is it Rs. 55-7-4 per ton, excluding the cost of pig iron? If not, what is it? How does it compare with the market price?

(b) Are the sleepers manufactured by the Railway at the Jamalpur Workshop inspected by the Indian Stores Department? If not, why not?

**Mr. P. R. Rau :** (a) The manufacturing cost of cast-iron sleepers at Jamalpur in 1928 was reported to be about Rs. 17-12-0 per ton, excluding the cost of pig and scrap iron. The total cost, including materials, was about Rs. 79-8-0 per ton. This is somewhat above the present market price, on account of the price charged by firms for pig iron.

(b) No. As the Jamalpur shops are under the control of the East Indian Railway Administration, it has not been considered necessary to have such an inspection.

#### SALE OF WROUGHT IRON AND STEEL SCRAP ON THE NORTH WESTERN RAILWAY.

927. **\*Pandit Nilakantha Das :** (a) Is it a fact that Mr. Bailey, the Controller of Stores, North Western Railway, sold 11,000 tons of wrought iron and steel scrap at Rs. 6-11-0 per ton last year?

(b) Is it a fact that this price of Rs. 6-11-0 per ton was about one-fourth of the market price?

(c) Is it a fact that the quantity of 11,000 tons was not in stock at the time when the sale was made, and the Railway delivered the materials long after the sale was made?

(d) Is it a fact that the man in whose name the sale was made was not the man who took delivery, but some other firm paid for and took delivery of the materials?

**The Honourable Sir George Rainy :** (a) 10,000 tons of heavy iron and steel scrap was sold in 1928, at Rs. 5-11-0 per ton f.o.r. Lahore. This scrap consisted of large pieces, such as boilers and underframes, which would have to be cut up by the user at heavy expense. The scrap was sold by tender and the highest offer was accepted. Ten offers were received.

(b) No. The highest tender was accepted.

(c) It was estimated that approximately 11,000 tons were available, but on delivery being made by weighment, the quantity delivered was 10,000 tons. Delivery took several months to effect. The conditions of tender stated that the quantity 11,000 tons was approximate.

(d) No.

## CONTRACT FOR RAILS WITH THE TATA IRON AND STEEL COMPANY.

928. \*Pandit Nilakantha Das : (a) In continuation of my starred question No. 362, this Session, will Government be pleased to state when the contract with the Tata Iron and Steel Company, Ltd., for rails was made ?

(b) What are the minimum and maximum quantities ?

(c) Will Government please supply a copy of the contract ?

(d) What was the price of rails which Government were paying to foreign manufacturers at the time when the contract was made with Tatas for rails ?

(e) What was the price paid by Company-managed railways for the same at that time ?

(f) Have Government ever purchased rails at Rs. 110 per ton or under from foreign countries before or after the contract made with Tatas ?

The Honourable Sir George Rainy : (a) to (c). A copy of the contract, which gives all the information required by the Honourable Member, is laid on the table.

(d) & (e). Before the contract with the Tata Iron and Steel Company was made, the orders for rails purchased abroad were placed by each Railway Administration separately, and not by the Railway Board. The information asked for is not therefore on record in the Railway Board's office. But my Honourable friend will find full information as to the prices paid by the Railway Administrations for imported rails during the years 1921-22 to 1925-26 on pages 101 to 124 of Volume V of the Evidence recorded by the Tariff Board in the course of the statutory inquiry into the steel industry in 1926. The Tariff Board came to the conclusions, after considering not only the prices for rails then ruling, but also the probable trend of prices in the next few years, that for the purpose of estimating the protection required by the Indian steel industry, the landed prices, without duty, of imported rails, should be taken on Rs. 105 a ton. With the addition of the ordinary 10 per cent. duty, this would mean a price of Rs. 115 a ton.

(f) Not since the War so far as I am aware.

One Rupee  
Stamp  
Paper.

THIS INDENTURE made the sixteenth day of October one thousand nine hundred and twenty-eight BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (which expression shall be taken to mean and include the said Secretary of State for India in Council and his successors in office and assigns) of the one part and THE TATA IRON AND STEEL COMPANY, LIMITED, a Company duly registered under the Indian Companies' Act, 1882, and having its Registered Office at Bombay House, 24, Bruce Street, Fort, Bombay, hereinafter called "the Company" which expression shall be taken to mean and include the said Tata Iron and Steel Company, Limited,—their representatives and permitted assigns except where the context requires another or different meaning of the other part : WHEREBY it is agreed as follows :—

1. The Company shall for a period of seven years commencing from the First Day of April one thousand nine hundred and twenty seven supply to the Railway Board of the Government of India (hereinafter called the Board), upon the terms and subject to the conditions hereinafter contained, rails and fishplates rolled at the Steel Works of the Company at Jamshedpur in India and of such sections not being lighter than 40 lbs. nor heavier than 100 lbs. per yard as may from time to time be required by

the Board. The quantity of fishplates to be supplied shall not exceed the full quantity necessary for use with the rails supplied, namely, one pair of fishplates for each rail, plus an additional 5 per cent. of such full quantity.

2. Subject to *Force Majeure* as hereinafter defined the Company shall supply to the Board in each Government financial year during the continuance of this agreement such rails and fishplates as the Board shall require them to supply up to a maximum of 200,000 tons of rails with fishplates in the proportion as specified in clause 1 thereof.

3. The Board shall purchase from the Company during the continuance of this agreement not less than 90 per cent. of the total requirements of the railways mentioned in the Schedule hereto of rails and fishplates in each Government financial year, subject to clause 7 hereof, and subject to the maximum mentioned in clause 2 hereof.

4. The Board shall notify to the Company not less than 4 months before the beginning of each Government financial year, during the continuance of this agreement, the estimated requirements of rails and the corresponding fishplates in the proportion specified in clause 1 during such financial year.

5. The Board shall make monthly indent on the Company for their actual requirements giving at least three months' notice of each month's requirements. Such indents shall be limited to not more than 1/10th or less than 1/14th of the annual requirements.

6. If on account of *Force Majeure* the Company is unable in any month or year to deliver the quantity required, the Company shall give notice in writing to the Board as soon as possible, specifying the quantity which the Company will be unable to deliver and the Board shall thereupon have the option of ordering elsewhere such quantity as the Company is unable to deliver as aforesaid or of granting to the Company an extension of the time to deliver such quantity.

7. If for any reason other than those mentioned in clause 18 hereof, the Company shall fail to deliver in any month the quantity of rails or fishplates in accordance with the provisions of clause 5 hereof, then and in any such case, the Board shall be at liberty to purchase from other sources and at the risk and on the account of the Company rails or fishplates equivalent to such quantity which may be short delivered and the Company shall pay to the Board the difference between the price payable hereunder and the price paid by the Board after making due allowance for any variation in the cost of transport arising by reason of the fact that such rails or fishplates will not have been delivered free on rail at Tatanagar.

8. Such quantity of rails and fishplates as the Board may order from elsewhere under the provisions of clause 7 shall *pro tanto* reduce the maximum tonnage deliverable under this agreement unless the agreement is terminated on account of default, when no further supplies will be taken from the Company.

9. All rails and fishplates shall be delivered by the Company to the Board free on rail at Tatanagar.

10. Subject to the provisions of clause 14 hereof the Board shall pay the Company for the rails and fishplates duly passed, accepted and delivered free on rails at Tatanagar, at the following rates per ton :—

Rs. A. P.

|                                                                                                                                                                                                |     |   |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|---|
| 1. (a) For all rails less than 40 feet in length and (b) for rails of 40 feet length up to a tonnage in any year not in excess of 20 per cent. of the total tonnage ordered during the year .. | 110 | 0 | 0 |
| 2. (b) For rails of 40 feet length in excess of 20 per cent. of the total tonnage ordered during any year, and                                                                                 |     |   |   |
| (b) For all rails exceeding 40 feet but not exceeding 45 feet in length ..                                                                                                                     | 112 | 8 | 0 |
| 3. For fishplates ..                                                                                                                                                                           | 148 | 0 | 0 |

11. All rails and fishplates supplied under this agreement shall be manufactured and supplied in all respects in strict accordance with the Board's specifications for steel rails and fishplates for State-worked lines hereunto annexed subject to such modifications in the said specifications as may be introduced during the period of this agreement by the mutual consent of the parties hereto.

The said rails and fishplates shall be marked with the initials of the Company, the month and year in which they are rolled and the section of rails. Each rail



and fishplate shall be marked with the number of the cast from which it is produced.

12. The process of manufacture shall be either that known as the Basic Open Hearth or the Duplex Basic Open Hearth. The rails shall be not less than 50 lbs. nor more than 100 lbs. per yard and shall be supplied in standard lengths varying from 36 feet and upwards not exceeding 45 feet, but the Company shall be at liberty to supply 10 per cent. of rails shorter than these standards lengths by length which shall be multiples of 3 feet subject to no rails being shorter than 27 feet.

13. All rails and fishplates shall prior to delivery on rail trucks be inspected and passed by the Government Metallurgical Inspector at Jamshedpur or any other Inspector appointed by him in accordance with the provisions of the specifications hereunto annexed. The Company shall provide free of charge all tools and labour required by the said Inspector for the inspection of the said rails and fishplates, but subject as aforesaid the charges of the said Inspector for the inspection and passing of the rails and fishplates shall be borne by the Board.

14. Notwithstanding anything contained in this agreement it is hereby expressly agreed that provided the terms and conditions of supply offered by the Company (in the opinion of the Board whose decision shall be final) are as good as those obtainable elsewhere and the Company have not made any default under this agreement the Board shall during the continuance of this agreement give the option to the Company for the supply during the period of this agreement of their requirements of rails and fishplates of the specifications detailed in clause 11 hereof for the Railways specified in the Schedule hereto over and above the 90 per cent. of their actual requirements specified in clause 3 hereof. In the event of any such additional rails and fishplates being purchased as aforesaid the provisions of this agreement so far as the same are applicable (and have not been varied by the terms and conditions of supply offered by the Company as aforesaid) shall apply to the supply of such rails and fishplates.

15. Orders from the Board for rails and fishplates shall receive priority over all orders received by the Company from its other customers for rails and fishplates.

16. The Board shall pay to the Company 90 per cent. of the invoice value of rails and fishplates supplied and passed under this agreement against delivery of railway receipts and the balance of 10 per cent. within one month after receipt of the material at the destination specified by the Board.

17. The Company shall not be liable to for any shortage, loss or damage which may be incurred during the transit of the said rails and fishplates, it being expressly agreed that the responsibility of the Company shall cease on its delivering in rail trucks at Tatanagar the said rails and fishplates in good condition after being passed as aforesaid and the weight given in the Company's invoice shall be conclusive evidence of the amount delivered if it does not vary by more than 1 per cent. from the weight shown in the relative Railway Receipt.

18. If by reason of any strike, lockout, failure on the part of any Railway Company to supply sufficient wagons to carry essential raw materials to and finished products from the works, fire, breakdown or accident to machinery (not due to the Company's neglect), riots, war, insurrection or restraints imposed by Government, Act of Legislature or other authority or by reason of any other cause of whatsoever nature beyond the control of the Company (all of which were hereinbefore referred to as *Force Majeure*) the Company shall be unable to deliver to the Board its requirements, either wholly or in part, the Board shall be entitled to proceed under clause 6 hereof, but shall have no claim against the Company in damages or otherwise by reason of such non-delivery.

19. If by reason of the failure of the Company to supply any rails under this contract for a period of not less than four consecutive months it shall become evident to the Board that the Company will be unable satisfactorily to fulfil its obligations during the remaining period of the contract, whether the inability be due to insolvency of the Company or to arrangements with its creditors, not being in respect of shares or debentures, or to the winding up of the Company not merely for the purpose of reconstruction or to any other cause, the Board shall be entitled to terminate the agreement and recover on demand any loss suffered in consequence from the Company provided that failure due to *Force Majeure* shall not be regarded as failure for the purposes of this clause.

20. The Company shall not assign or sublet all or any part of this contract without the written sanction of the Board.

21. Any dispute between the parties to this agreement regarding either the interpretation of the agreement or any dispute arising in connection with this agreement, the settlement of which is not hereinbefore provided for, shall be submitted to the arbitration of two persons, one to be appointed by each party and arbitration proceedings shall be conducted according to the provisions of the Indian Arbitration Act, 1899.

IN WITNESS WHEREOF P. H. Maflin being the Secretary to the Railway Board on behalf of His Excellency the Governor-General-in-Council acting in the premises for and on behalf of the Secretary of State for India in Council has hereunto set his hand and seal and The Tata Iron and Steel Company, Limited, have hereunto caused their common seal to be affixed the day and year first above written.

SIGNED SEALED AND DELIVERED }  
by the abovenamed Secretary to the Railway Board in the presence of

(Sd.) P. H. MAFLIN,

16-10-28.

(Sd.) CHAMBA RAM,

Assistant, Railway Board's Office,

16-10-28.

THE COMMON SEAL OF THE  
TATA IRON AND STEEL COM-  
PANY, LIMITED, was hereunto  
affixed pursuant to a Resolution of  
the Board of Directors of the Com-  
pany passed at a Meeting of the  
Directors held on the seventh day of  
August, 1928 in the presence of



(Sd.) J. D. GHANDY,

Directors.

(Sd.) LALUBHAI  
SAMALDAS,

of  
The Tata Iron  
and  
Steel Company  
Limited.

TATA SONS, LIMITED, Agents,  
By their Constituted Attorney,  
(Sd.) R. MATHER.

#### SCHEDULE.

*Names of Railways referred to in clause 3 of the Contract.*

North Western Railway.  
Great Indian Peninsula Railway.  
East Indian Railway.  
Eastern Bengal Railway.  
Bengal Nagpur Railway.  
Bombay, Baroda and Central India Railway.  
Madras and Southern Mahratta Railway.  
South Indian Railway.  
Burma Railways.  
Assam Bengal Railway.  
Bengal and North Western Railway.  
Rohilkund and Kumaon Railway.  
Jodhpur Railway.

(Sd.) R. MATHER.

## CAST STEEL CROSSINGS.

929. \*Pandit Nilakantha Das : (a) In continuation of my starred question No. 363 of this Session, will Government be pleased to state why the use of cast steel crossings has been given up in India ?

(b) Will Government please furnish a copy of the specification for cast steel crossings suitable on Indian Railways ?

(c) How does the price of each set of points and crossings made out of steel rails of the same type vary in cases of different Railways (i.e., if different Railways pay different prices for the same type of points and crossings, then what is exactly that difference in case of each type) ? And how is that difference in prices explained considering that prices of rails out of which they are made remain stationary ?

(d) Are the purchases of points and crossings made from Richardson and Cruddas, Henry Williams, and Burn and Co., by private arrangement or by tender ?

The Honourable Sir George Rainy : (a) Cast-steel crossings were not found to be so satisfactory as the ordinary built-up crossings.

(b) No specification for cast-steel crossings for use in India has been prepared.

(c) The price quoted by a firm for points and crossings will depend on many factors, such as the size of the order, the date of required delivery, the amount of work already in hand or on order from the firm's works, and so on. The manufacture of points and crossings requires special expensive machines, and the output will depend on the number of such machines which the firm has available. Obviously if the machines are short of work, the firm will tender a low price, while if there is plenty of work on hand the price will be high, or the period of delivery quoted will be long. For these reasons it would serve no purpose to state the difference in price charged for points and crossings to different railways as requested by the Honourable Member.

(d) Government have no information, but inquiries will be made and I will communicate the result to the Honourable Member later.

## NUMBER OF POSTS ALLOTTED TO MUSLIMS IN THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

930. \*Pandit Thakur Das Bhargava : (a) Is it a fact that the present sanctioned strength of the ministerial staff of the Imperial Council of Agricultural Research is twelve ? If so, is it a fact that out of these twelve posts five have been reserved for the Muslim community ?

(b) Is it a fact that according to the orders of the Home Department only 33 per cent. of the total establishment should be reserved for the Muslim community ? If so, will Government be pleased to say why a higher percentage than that laid down by the Home Department has been reserved for the Muslim community in the office of the Imperial Council of Agricultural Research ?

(c) Is it a fact that a deputation on behalf of the Anjuman-i-Islamia, Simla, waited on the Honourable Sir Muhammad Habibullah in connection with communal representation on the staff of the Imperial Council of Agricultural Research ? If so, will Government be pleased to state

whether four posts, instead of three due to them under the orders of the Home Department, were reserved for Muhammadans in the office of the Imperial Council of Agricultural Research as a result of this deputation ?

Sir Frank Noyce : (a) The answer to the first part of the question is in the affirmative and to the second part in the negative.

(b) All that the Home Department Memorandum referred to by the Honourable Member seeks to ensure is that a minimum of 33 per cent. of the total establishment should be reserved for the redress of communal inequalities. It is not meant that, if qualified candidates are forthcoming, a larger percentage of members of minority communities should not be employed. In the present case, the number of vacancies which should be reserved and which has, in fact, been reserved, is four.

(c) Government have no information as regards the first part of this question. The second part does not therefore arise.

## RECRUITMENT OF A MUHAMMADAN STENOGRAPHER IN THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

931. \*Pandit Thakur Das Bhargava : Is it a fact that the Muhammadan stenographer appointed to the Imperial Council of Agricultural Research has resigned his appointment, and that every effort is now being made to recruit another Muhammadan stenographer for this vacancy who has not passed the required examination of the Public Service Commission ? If so, will Government be pleased to state why a passed stenographer of any other community should not be appointed to this post ?

Sir Frank Noyce : The Muhammadan stenographer on the staff of the Secretariat of the Imperial Council of Agricultural Research was, at his own request, reverted to his permanent post. In accordance with the policy enunciated in the Home Department memorandum mentioned in the answer just given, it has been decided to offer this vacancy to a Muhammadan and there is every prospect that a suitable Muhammadan will be obtained for the post.

## GATE SERGEANTS IN WORKSHOPS OF THE NORTH WESTERN RAILWAY.

932. \*Pandit Thakur Das Bhargava : Is it a fact that the posts of Gate Sergeants in the Workshops of the North Western Railway have always been filled by Europeans ? If so, why ?

Mr. P. R. Rau : The post of Gate Sergeant on the North Western Railway has in the past been filled by a European, but it is not reserved for Europeans. The Agent, North Western Railway, has explained that it was considered desirable, in making past appointments, to have an ex-service man of good education for the post. The Railway Board are instructing him that, at the next vacancy, the most suitably qualified person, irrespective of race, should be appointed.

## ORDER BY THE CHIEF MEDICAL OFFICER OF THE NORTH WESTERN RAILWAY.

933. \*Pandit Thakur Das Bhargava : (a) Have Government seen the North Western Railway Chief Medical Officer's Medical Order M. D. O. No. 53, dated 21st June 1928 ?

(b) What is the justification for such a stringent order in respect of such men ?

(c) Does the same or similar rule apply to officers falling sick at outstations ?

**Mr. P. R. Rau :** (a) Yes.

(b) I would refer the Honourable Member to the reply given by Mr. Parsons on the 20th February, 1929, to starred question No. 678, asked by Mr. Gaya Prasad Singh.

(c) Yes.

COMPENSATION AWARDED TO HEIRS OF SOLDIERS KILLED IN THE ACCIDENT AT PESHAWAR.

934. \***Pandit Thakur Das Bhargava :** (a) Has any compensation been awarded to the heirs of the soldiers and officers of the 17th Poona House who died as a result of the accident of the Aeroplane shooting at Peshawar on the 23rd January 1929 ? If so, what is the amount ?

(b) How many persons out of the injured were disabled and what compensation has been granted to them ?

(c) Is it a fact that these soldiers and officers were on duty when the accident happened ?

(d) Was Risaldar Tulsiram of Gudha Tehsil, Jhajjar District, Rohtak, killed in the same accident ?

(e) Have Government given any lands to the heirs of the said Risaldar Tulsiram ? If not, do Government propose to grant lands to his heirs by way of compensation ?

**Mr. G. R. F. Tottenham :** (a) Yes. They have been given the family pensions and special gratuities mentioned by Mr. Mackworth Young in reply to starred question No. 470, dated the 11th February, 1929.

(b) Nine men were injured, but I do not know how many of them have actually been invalided. Government sanctioned special disability pensions at field service rates for those who might be invalided, and I will inform the Honourable Member separately of the actual amounts that have been paid.

(c) Yes.

(d) Yes.

(e) No, Sir. The heirs have already received a gratuity of Rs. 1,200 in addition to family pension, and there is no land available for distribution.

ATTITUDE OF GOVERNMENT ON THE EAST AFRICAN QUESTION.

935. \***Mr. K. C. Neogy** (on behalf of Mr. B. Das) : With reference to the Government communiqué, issued on the 11th September, regarding the Indian Delegation from East Africa and their interview with the Honourable Sir Fazl-i-Husain, will Government be pleased to state if the promised conference of the leading Members of the Indian Legislature, and the Standing Emigration Committee and also the Indian delegates of East

Africa took place ? If so, will Government be pleased to make a statement as to the attitude of Government on the whole of the East African question ?

**Sir Frank Noyce :** The answer to the first part of the question is in the affirmative. As regards the second part of the question, the telegram of the 19th March, 1929, laid on the Council table shows that Government have already, in conformity with the views pressed upon it by the Emigration Committee and the leaders of parties, formed its own views. The Government have now again had the benefit of a similar meeting, but I regret that I am not at present in a position to make the statement asked for by the Honourable Member, as the question is under correspondence with the Secretary of State.

NOMINATION OF A REPRESENTATIVE OF THE GOVERNMENT OF INDIA TO THE EAST AFRICAN DELEGATION.

936. \***Mr. K. C. Neogy** (on behalf of Mr. B. Das) : Have Government accepted the suggestion put forward by the East African Delegation for the nomination of a representative of the Government of India to accompany the East African Delegation to England ?

**Sir Frank Noyce :** The Honourable Member perhaps knows more about the East African Delegation than I have been able to gather from the Delegation itself. As soon as the personnel and plans of the proposed East African Delegation are finally settled and intimated to Government by the Delegation, Government will duly arrive at a decision.

EAST AFRICAN MANDATED TERRITORIES.

937. **Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Are Government aware that at the League of Nations meeting at Geneva the Right Honourable Mr. Henderson made a statement that, whatever action the British Government would take on the East African Mandated Territories would be first placed before the Mandate Commission of the League of Nations, and only when approval of that Commission had been secured that decision would be promulgated ?

(b) Will Government be pleased to state what statement the representative of the Government of India did make on that occasion as regards safeguarding of the rights and privileges of Indian residents settled in Tanganyika Territory ?

(c) Will Government be pleased to state whether the delegate of the Government of India at Geneva and the Government of India themselves have nothing to say in regard to the position of Indians in the East African Mandated Territory and if it was under the instructions of the Government of India that Sir Muhammad Habibullah took to the vow of silence at the League of Nations sitting ?

**Sir Frank Noyce :** (a) & (b). Government have no information beyond what is in the possession of the Honourable Member. The proceedings of the Assembly of the League, when received, are placed in the Library and it will be open to the Honourable Member to find the answers to these parts of his question.

(c) I would refer the Honourable Member to the reply I have given to his question No. 935.

## CONCESSION RATES ON RAILWAYS ALLOWED TO THE MILITARY DEPARTMENT.

938. \***Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Will Government be pleased to state if the railways allow special "military rates" to the Military Department?

(b) Is this concession mutual? Do the railways receive any special concession from the Army Department?

(c) Are Company-managed railways bound to give these concession rates to the Military Department?

(d) Will Government be pleased to state the loss of revenue per annum (i) to the State Railways, and (ii) to the Company-managed Railways on account of these special concessions in rates and freights to the Military Department?

**Mr. P. R. Rau** : (a) Yes.

(b) No.

(c) Company-managed railways are bound to give the same special rates to the Military Department as State-managed railways.

(d) The arrangements by which military traffic is carried at special uniform rates have been in existence for a long time. These arrangements provide for the payment by Government at vehicle rates for the movement of troops and military stores, the primary object of the arrangement being (i) simplification, so as to dispense with the necessity for counting large bodies of men and weighing baggage and stores, and to provide a system suitable for application to the special conditions that would obtain in the event of mobilisation, when a sudden change of procedure would lead to confusion and delay, and (ii) to secure to railways a reasonable return on the traffic by fixing an average rate. In 1908 an enhancement of the rates was made on representation from railways that the then existing rates were too low, the enhanced rates being framed to give a reasonable return on the traffic to railways. In 1923, a further enhancement was made on account of the increased working expenses on railways. To ascertain the difference in revenue involved in consequence of the special rates allowed for military traffic would be a very lengthy and costly undertaking.

**Mr. K. C. Neogy** : Is the Honourable Member in a position to give a rough idea of the financial value of these concessions?

**Mr. P. R. Rau** : No, Sir.

## CONCESSION RATES ON RAILWAYS.

939. \***Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Will Government be pleased to state whether Departments of the Government of India other than the Military Department or any of the Provincial Governments receive any concession in rates and freights on railways and, if so, what are they?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if any concession in return is received by the railways?

**Mr. P. R. Rau** : (a) Special rates are charged to the Postal Department for the carriage of mails. Certain railways quote special rates for Local Governments for stone for road-making and canal works.

(b) I am not aware of any general concessions received in return by all railways, but to give a complete answer to the question, I would have to consult each Railway Administration.

## RATES CHARGED BY RAILWAYS FOR TOURS OF HIGH OFFICIALS.

940. \***Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Will Government be pleased to state if the railways charge any concession rates

(i) for Viceregal tours;

(ii) for the tours of Provincial Governors; and

(iii) for the tours of the Commander-in-Chief when he travels in trains over their railway lines?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the loss in revenue to the State per annum in each case?

(c) Do the Honourable the Railway Member and Members of the Railway Board receive any concession rates when they travel over these Railways?

(d) When railway officers travel in their saloons over the Railways, is the cost of such travels computed and debited to the respective heads on administration or operation?

**Mr. P. R. Rau** : (a) The rates charged for the tours mentioned are detailed in paras. 98 and 104 of Indian Railways Coaching Tariff No. 6, a copy of which has been placed in the Library of the House. The rates chargeable to the public are detailed in paras. 96 and 103 of the same book.

(b) The basis on which these rates have been fixed is different from the basis on which public tariff rates have been fixed. Most of the stock used in these tours is not the property of the railway but owned and maintained by the Departments concerned. The rates are not therefore strictly comparable, and it cannot be said that there is necessarily any loss involved.

(c) Journeys of the Honourable the Railway Member are charged at rates shown in para. 98 of the Coaching Tariff referred to in part (a) above. The Members of the Railway Board travel, as other railway officers do, on free passes.

(d) No.

## LOSS OF LIFE, ETC., CAUSED BY FLOODS IN THE NORTH WEST FRONTIER PROVINCE AND BALUCHISTAN.

941. \***Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Will Government be pleased to state what is the total loss (i) in human lives, (ii) in cattle, (iii) in crops, and (iv) in property, during the recent floods in the North West Frontier Province and Baluchistan?

(b) Will Government be pleased to state what precautionary steps—both preventive and palliative—were taken by the Government in the flood-affected areas directly under the Government of India immediately after the floods?

(c) Did any of the officers of the Government of India—the Consulting Engineer or any of the other expert engineers—visit these flood-affected areas and, if so, did they submit any reports on the causes of floods and their remedies?

(d) Will Government be pleased to lay on the table all such reports and also make a statement on the causes of these floods and the remedial measures they propose to adopt to prevent a recurrence of such floods in the North West Frontier Province?

**Sir Frank Noyce :** (a) and (b). As regards the North West Frontier Province, I would refer the Honourable Member to the statement laid by me on the table on the 23rd September in reply to starred question No. 689. Later reports confirm that there was no loss of life in the administered districts, but over a hundred lives, I regret to say, were lost in the tribal country, mostly in the Swat State. Detailed reports from Baluchistan are still awaited, but we know that the kharif crops have been seriously damaged by floods.

(c) The Chief Engineer of the North West Frontier Province accompanied by the local engineers visited the affected areas, and the Chief Commissioner's review of their reports is awaited.

(d) Government propose to lay on the table any reports or information likely to be of interest to the House.

#### EMBANKMENTS AND DRAINAGE OF RIVERS IN THE NORTH WEST FRONTIER PROVINCE.

942. **\*Mr. K. C. Neogy** (on behalf of Mr. B. Das) : (a) Will Government be pleased to state if they have in the North West Frontier Province any special division of engineers to look after the embankments and drainage of rivers?

(b) If the reply to part (a) be in the negative, will Government be pleased to describe the present system of administration of the Irrigation, Embankment and Drainage Department in the North West Frontier Province?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No.

(b) The officers of the Irrigation Department in the North West Frontier Province deal with questions relating to embankments and drainage.

#### PROPORTION OF DIFFERENT COMMUNITIES IN THE IMPERIAL SECRETARIAT CLERICAL ESTABLISHMENT.

943. **\*Mr. Mukhtar Singh :** (a) Will Government be pleased to state the rules under which the proportion of different communities in the Imperial Secretariat clerical establishment is regulated?

(b) Is it a fact that Anglo-Indians are not counted, for this purpose, as belonging to a minority community?

(c) If the reply to part (b) be in the affirmative, why and under what orders?

**The Honourable Sir James Crerar :** (a) I would refer the Honourable Member to the reply given to starred question No. 523 on the 16th instant, in which it was explained that no such proportions are fixed by the Government of India.

(b) No. Anglo-Indians are treated as a minority community for the purposes of recruitment to the Secretariat.

(c) Does not arise.

#### PERCENTAGE OF HINDU CLERKS IN THE EDUCATION DEPARTMENT.

944. **\*Mr. Mukhtar Singh :** (a) Will Government be pleased to state the total strength and the proportion of the minority and non-minority communities in the clerical establishment of the Education Department?

(b) Do Government propose to consider the advisability of raising the Hindu percentage to 66 per cent. of the total strength?

**Sir Frank Noyce :** (a) A statement giving the information desired by the Honourable Member up to the 31st December, 1928, will be found in the Library of the House.

(b) Departmental promotion is regulated by seniority and merit; fresh recruitment is made in accordance with the policy of Government which provides for the adoption of measures to ensure the representation in due proportion of the various communities and the Hindu community may rest assured of being adequately represented in the clerical staff of the Government of India.

#### EXTRA PAYMENT FOR WORKING OUT OF OFFICE HOURS IN THE EDUCATION DEPARTMENT.

945. **\*Mr. Mukhtar Singh :** (a) Will Government please state the amounts which are paid to their staff in the Finance Department when they have to work out of office hours up to a late hour, and the circumstances under which they are paid?

(b) Do Government propose to consider the advisability of extending the same concessions to the members of the Education Department?

**The Honourable Sir George Schuster :** (a) There are two classes of payments which might be covered by the Honourable Member's question. First, small bonuses are given at the conclusion of the budget season to the men of the Budget, Expenditure and Issue Branches in the Finance Department, who have to pass through exceptionally strenuous times during that season. This class of work is entirely exceptional and is confined to the Finance Department. All night work is often involved. Secondly, it has recently been found necessary to make small payments to men required to work up to exceptionally late hours in connection with the work of the Standing Finance Committee, on nights following the meetings of the Committee as a result of the Committee's own request that a summary of their proceedings should be communicated to the Press daily. These payments merely represent reimbursements for certain out of pocket expenses in the way of rickshaw hire, etc.

(b) If similar circumstances were to arise in the Education Department, consideration would be given to the establishment of a similar

practice. I must, however, point out that circumstances in the Finance Department are of a special nature and that the conditions applying to the payments of the first class to which I have referred in the previous part of my answer can hardly arise in the case of other Departments.

RECOMMENDATIONS REGARDING APPOINTMENTS BY MR. E. W. GRINDAL IN THE PUBLIC WORKS DEPARTMENT, DELHI.

946. \*Maulvi Muhammad Yakub : Is it a fact that Mr. E. W. Grindal in his 12 years' service as Chief Superintendent and Personal Assistant to the Chief Engineer, Public Works Department, Delhi, dealt with the cases of subordinates and Sub-Divisional Officers and made his proposals for their appointments in the Delhi Public Works Department ?

The Honourable Sir Bhupendra Nath Mitra : No. As Chief Superintendent and Personal Assistant to the Chief Engineer, his duties were to note on proposals, but it was no part of his duties to initiate proposals for the appointment of subordinates and Sub-Divisional Officers.

NUMBERS OF QUALIFIED SUBORDINATES AND SUB-DIVISIONAL OFFICERS APPOINTED IN THE PUBLIC WORKS DEPARTMENT, DELHI.

947. \*Maulvi Muhammad Yakub (a) Will Government be pleased to state the respective numbers of qualified subordinates who have passed the sub-overseer's or overseer's examination from a recognised college or University and S. D. Os. (who are engineers by recognised examination) appointed from 1917 to 1924 in the Delhi P. W. D. ?

(b) Will Government be pleased to state the number of subordinates and S. D. Os. appointed during the Chief Superintendentship and Personal Assistantship of Mr. E. W. Grindal from 1917 to 1924 ?

The Honourable Sir Bhupendra Nath Mitra : (a) The number of qualified subordinates appointed from 1917 to 1924 and now in the service, who passed the sub-overseer's or overseer's examination, or the equivalent of these, of a recognised college or University is 33. The number of Sub-Divisional Officers who are members of the regular establishment, appointed as such from 1917 to 1924, is 10.

(b) The total number of subordinates and Sub-Divisional Officers appointed from 1917 to 1924 was 69 and 10, respectively.

APPOINTMENT BY MR. GRINDAL OF SUBORDINATES AS SUB-DIVISIONAL OFFICERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

948. \*Maulvi Muhammad Yakub : With reference to replies to questions Nos. 24 and 25 in the Council of State on 8th February, 1928 (Vol. I, No. 4), regarding removing of Assistant Engineers and posting subordinates in their places in the Delhi P. W. D., will Government be pleased to state (a) whether it is a fact that Mr. E. W. Grindal, late Chief Superintendent and P. A. to the Chief Engineer, Delhi, was the first P. A. who introduced this system of posting subordinates as S. D. Os. in the Delhi P. W. D., and (b) if Mr. E. W. Grindal is an Engineer ?

The Honourable Sir Bhupendra Nath Mitra : (a) The reply is in the negative. The reply to question No. 25 of the 8th February, 1928, to which the Honourable Member has referred, clearly states the reason for

the practice in Delhi, which was the usual practice in the Public Works Department throughout India prior to the formation of the Provincial Engineering Services which were composed, in the first instance, largely of subordinates.

(b) No.

QUALIFICATIONS OF CERTAIN SUBORDINATES APPOINTED IN THE PUBLIC WORKS DEPARTMENT, DELHI.

949. \*Maulvi Muhammad Yakub : Will Government be pleased to lay on the table the copies of proposals made by the P. W. D. authorities for the appointments of B. Raghbir Singh, subordinate, Dehra Dun Division and B. Ramchand, subordinate, 8th Division, B. Nand Lall, S. D. O., 9th Division, B. Ram Chand, S. D. O., Sanitary Circle, and B. Udho Ram, S. D. O. (under suspension) in the Delhi P. W. D. ? What are their qualifications ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member's meaning is not clear. The persons named were appointed in the ordinary way many years ago. The 3rd and 5th of those named were Roorkee trained Lower Subordinates. The others were qualified by practical experience.

EMPLOYMENT OF SUBORDINATES AS SUB-DIVISIONAL OFFICERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

950. \*Maulvi Muhammad Yakub : Are Government aware that the engineers who are in charge of sub-divisions in the Delhi P. W. D. felt it derogatory to deal with subordinates (working as S. D. Os.) and the P. W. D. authorities did not listen to them ?

The Honourable Sir Bhupendra Nath Mitra : Government have no knowledge of any such feeling.

TREATMENT OF ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

951. \*Maulvi Muhammad Yakub : Is it a fact that the Engineers (S. D. Os.) in the Delhi P. W. D. are compelled to stand like subordinates (S. D. Os.) before the Executive Engineer and other authorities of the Delhi P. W. D. ?

The Honourable Sir Bhupendra Nath Mitra : The reply is in the negative.

EMPLOYEES GIVEN SPECIAL PAY IN THE PUBLIC WORKS DEPARTMENT, DELHI.

952. \*Maulvi Muhammad Yakub : Will Government be pleased to state the number of Muslim clerks, draftsmen, subordinates and engineers in the Delhi P. W. D. who have been given special pay in the year 1929 ?

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**The Honourable Sir Bhupendra Nath Mitra :** It is understood that the Honourable Member refers to posts in the Public Works Department, Delhi. The numbers are :

|              |       | Muslims. | Hindus. |
|--------------|-------|----------|---------|
| Clerks       | .. .. | 4        | 15      |
| Draftsmen    | .. .. | -        | -       |
| Subordinates | .. .. | 1        | 1       |
| Engineers    | .. .. | 1        | 1       |

**QUALIFICATIONS OF CERTAIN ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

953. \*Maulvi Muhammad Yakub (a) Will Government be pleased to state the technical and educational qualifications of Mr. Uttam Singh, Officiating Executive Engineer and B. Gurdit Singh, S.D. O., upper subordinate of Dehra Dun Division, P. W. D., Delhi ?

(b) On what pay was Mr. Uttam Singh, Offg. Executive Engineer, appointed in the Delhi P. W. D. ?

(c) Has Mr. Uttam Singh served elsewhere before joining the Delhi P. W. D. and how long ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Mr. Uttam Singh was a matriculate and completed the course of civil and mechanical engineering at the City and Guilds Institute, London, in 1915. Mr. Gurdit Singh has passed the IX Class and is a practical engineer.

(b) Rs. 600 per mensem.

(c) Yes, for many years from 1915 onwards.

**REDUCTION OF MUSLIM DRAFTSMEN IN THE RAILWAY BOARD.**

954. \*Maulvi Muhammad Yakub : With reference to reply to question No. 162 in the Council of State on 19th March, 1929 (Vol. I, No. 13) will Government be pleased to lay on the table the proposal made by the Railway Board authorities for the reduction of three Muslim draftsmen Mr. Ahmed Ali, Mr. Amir Husain and another after questions Nos. 162 and 163, dated the 19th March, 1929, in the Council of State ?

**Mr. P. R. Rau :** The position is that certain posts of temporary draftsman in the Standardization Drawing Office were brought under reduction, and four of the temporary employees were discharged as the least efficient. These included one Hindu, and the three Mussalmans named by the Honourable Member.

**REDUCTION OF MUSLIM DRAFTSMEN IN THE RAILWAY BOARD.**

955. \*Maulvi Muhammad Yakub (a) Will Government be pleased to state the number of Sikh Draftsmen, Hindus and Muslims in the Railway Board (Drawing Branch) ?

(b) Is it a fact that the Sikh Superintendent of the Drawing Branch Railway Board, does not allow Hindus and Muslims in his branches and has reduced three Muslim Draftsmen ? If so, will Government kindly state what action has been taken in the Railway Board to remove the class monopoly ?

**Mr. P. R. Rau :** (a) Sikhs 6.

Muslims 4.

Hindus 2.

(b) The answer to the first part of the question is in the negative. There has been no reduction in the Railway Board Drawing Branch. The Honourable Member apparently refers to the Central Standards Drawing Office (formerly known as Standardisation Drawing Office) in which the services of 1 Hindu, 3 Muslims, and 1 Sikh have been dispensed with since February last. The present relative strength of these three communities in that drawing office is Hindus 7, Muslims 6, Sikhs 4. The last portion of the question does not arise.

**SIKH SUPERINTENDENTS IN THE RAILWAY BOARD.**

956. \*Maulvi Muhammad Yakub : Is it a fact that the Superintendents of Standardisation Branch and Drawing Branch, in the Railway Board, are Sikhs ?

**Mr. P. R. Rau :** There are no Superintendents in the Standardisation and Drawing branches of the Railway Board's office. The Head Draftsmen in these branches are Sikhs.

**ARCHITECTURAL ASSISTANTS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

957. \*Maulvi Muhammad Yakub : Will Government be pleased to state (a) on which date the creation of posts of two Architectural Assistants in the Delhi P. W. D. was sanctioned by the Government of India ; (b) on which date Mr. Kasurwala and Mr. Yajnik, Draftsmen of the Delhi P. W. D., were appointed to these posts ; (c) from which date they have drawn their pay as Architectural Assistants, and (d) whether they have drawn any arrears, if so, why ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) On the 25th February, 1929, with effect from 1st March, 1929.

(b) and (c). 1st March, 1929.

(d) They have drawn pay as Architectural Assistants only from the date of appointment.

**RANK AND ALLOWANCE OF MR. KESURWALA, ARCHITECTURAL ASSISTANT, PUBLIC WORKS DEPARTMENT, DELHI.**

958. \*Maulvi Muhammad Yakub : (a) Is it a fact that Mr. Kesurwala, Architectural Assistant, P. W. D., Delhi, is considered as a Gazetted Officer ?

(b) Is it a fact that Mr. Kesurwala, the Architectural Assistant, P. W. D., Delhi, is still getting the allowance of the post of the Draftsman, Mr. Dana Singh ? If so, why ? Is he eligible to get this allowance ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) He is eligible for, and draws, a special pay for doing certain work, in addition to his regular duties, which was formerly performed by Mr. Dana Singh.

**Maulvi Muhammad Yakub :** What is that 'certain work' ?

**The Honourable Sir Bhupendra Nath Mitra :** I regret I have not got that information at present. But I shall supply it to the Honourable Member.

**SUPERSESSION OF SUBORDINATES BY MR. CHOPRA IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

959. \***Maulvi Muhammad Yakub :** (a) Is it a fact that one Mr. Chopra was appointed as a subordinate in the 9th Division of the Delhi P. W. D. on Rs. 200 per mensem ? If so, when ?

(b) Is it a fact that Mr. Chopra, Subordinate, 9th Division, P. W. D., Delhi, has superseded many subordinates of the Delhi P. W. D. ? If so, will Government be pleased to state how many subordinates were superseded by his appointment on such a high pay ? What are his qualifications (both educational and technical) ?

(c) Is it a fact that Mr. Chopra was recommended in 1924 and before this by the Executive Engineer, 9th Division, to take him as temporary regular subordinate but the Chief Engineer, Delhi P. W. D., refused ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Mr. Chopra was appointed as a subordinate in June, 1929, on Rs. 185.

(b) He is getting more pay than 36 other subordinates. In addition to having practical experience, he is a matriculate and has passed the first examination in civil engineering of the Punjab University in the Upper Division.

(c) Yes.

**Mr. E. L. Price :** Does the Honourable Member understand that, if ever he appoints or promotes a Hindu, he has always got to answer for it to the Deputy President of this House ? (Hear, hear and Laughter.)

**Maulvi Muhammad Yakub :** If Honourable Members who belong to the European community in India will leave our country, then these questions will go away. If the European exploiters of this country will leave India, these questions will not be put. (Hear, hear.)

**Mr. Gaya Prasad Singh :** The Deputy President of this House should not put such communal questions.

**Mr. E. L. Price :** Will the Honourable Member give an answer to my question ?

**The Honourable Sir Bhupendra Nath Mitra :** I am sorry it is not possible for me to answer that question.

**Mr. President :** Mr. Price.

**Mr. E. L. Price :** I beg your pardon, Sir.

**Mr. President :** Any more supplementary questions ? (Laughter.)

**Mr. E. L. Price :** No, Sir.

**APPOINTMENT OF ESTATE OFFICERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

960. \***Maulvi Muhammad Yakub :** (a) Is it a fact that Mr. E. W. Grindal, Central Accounts Officer, P. W. D., Delhi, is getting Rs. 300 per mensem as allowance for the duties of Estate Officer ?

(b) Is it a fact that Mr. Ellis, temporary Engineer, P. W. D., Delhi, is an Assistant Estate Officer under Mr. E. W. Grindal ? If so, will Government be pleased to state why Mr. E. W. Grindal, Accounts Officer, has been given the duties of Estate Officer ? Why has not Mr. Ellis, temporary Engineer, P. W. D., Delhi, been given the direct charge of the duties of Estate Officer ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The reply to the first part is in the affirmative. As regards the second part, the combination of the post of the Estate Officer with that of the Accounts Officer was introduced as an experimental measure, as a large portion of the work of the Estate Officer in connection with the rents and allotment of quarters is intimately connected with the accounts work. The experiment has been a success and has facilitated the disposal of the work. With regard to the third part, the existing arrangement was considered to be the most suitable and the question of appointing Mr. Ellis to the post did not arise.

**WAR CASUALTIES AMONG COMBATANT TRIBES.**

961. \***Maulvi Muhammad Yakub :** (a) Will Government be pleased to state the names of the combatant tribes in British India ?

(b) Will Government be pleased to state the casualties amongst combatant tribes of India in the Great War from 1914 to 1919 and in Afghan troubles from 1919 to 1920 ?

**Mr. G. R. F. Tottenham :** (a) The Honourable Member is referred to the reply given in this House on the 6th September, 1927, to starred question No. 888.

(b) The records of casualties were not maintained in the form desired by the Honourable Member. I can only refer him to pages 176 and 177 of the book entitled "India's Contribution to the Great War", a copy of which is in the Library.

**SHORT NOTICE QUESTIONS AND ANSWERS.**

**DISMISSAL OF MR. N. B. PURANDARE, FROM THE GREAT INDIAN PENINSULA RAILWAY.**

**Mr. M. S. Aney :** (1) Are Government aware that one N. B. Purandare Honorary General Secretary, Great Indian Peninsula Railwaymen's Union, applied for one day's leave without pay to attend to Union work to his immediate superior officer and the said officer refused to grant the same ?

(2) Are Government aware that the said applicant preferred an appeal to the Agent, Great Indian Peninsula Railway, and left to attend to the work of the Union for one day, anticipating that his leave for one day would be sanctioned by the Agent to whom the appeal was already preferred ?

(3) Is it a fact that Mr. Purandare was on return to his work, immediately served with notice of suspension ?

(4) Is it a fact that he was summarily dismissed from service on the 17th of September without being given an opportunity to explain his conduct?

(5) Are Government aware that this summary dismissal of Mr. Purandare from service by the Agent, Great Indian Peninsula Railway, has caused great discontent among the members of the Great Indian Peninsula Railwaymen's Union, and is being treated by them as an act of victimisation by the railway authorities concerned?

(6) Will Government be pleased to state whether they propose to issue instructions to the Agent to stay execution of the order of dismissal and institute an immediate inquiry into the case through some independent responsible officer of the Railway Board, with a view to allay the prevailing discontent among the members of the Union, and secure justice to Mr. Purandare who seems to have been victimised?

**The Honourable Sir George Rainy :** (1) Yes. On the 31st August Mr. Purandare applied for one day's leave without pay for the 5th September in order to visit certain Union centres. The Divisional Superintendent replied on the 3rd September refusing sanction as Mr. Purandare had resumed duty on the 28th August after two months and 12 days' leave.

(2) The applicant telegraphed to the Agent on the 5th September in the following terms :

"Leave without pay for the 5th not sanctioned by Divisional Superintendent. Leaving in anticipation. Solicit favour."

(3) Yes. At the same time he was informed that it was proposed to dismiss him summarily for absence without leave and disobedience of orders, and he was instructed to give in writing as early as possible any reasons he might have to put forward why he should not be summarily dismissed.

(4) No. Mr. Purandare sent his reply arguing against his summary dismissal on the 12th September. His reply was considered by the Agent and he was dismissed on the 17th.

(5) No.

(6) The serious point in this case is that Mr. Purandare after his leave had been refused left his work without leave. Deliberate disobedience of the orders of a superior officer is a grave offence and cannot be treated lightly. The only question is whether the punishment of dismissal is too severe, and in awarding punishment regard must be had to the length of the offender's service and the nature of his record. I have called for information on these points and when I receive it I will consider whether the Agent's order should be confirmed.

**Mr. M. S. Aney :** May I ask whether the order of dismissal passed by the Agent is not, in spirit at any rate, in contravention of the conditions under which the Unions are recognised by Government?

**The Honourable Sir George Rainy :** I do not think so. I am quite willing to look into the point, but to the best of my belief there has been no breach of those conditions.

**Mr. M. S. Aney :** May I further draw the attention of the Honourable Member to the statement made by Mr. A. A. L. Parsons here in

February, 1928, to the effect that no railway will refuse leave to servants for attending Union work?

**The Honourable Sir George Rainy :** I cannot answer that without referring to the reply given by Mr. Parsons, but I cannot remember any such unqualified statement being made. I quite recognise that the facilities which ought to be given to Union officials to attend to the work of the Union is a perfectly fair subject for discussion, but the serious point in this case is, as I have said, that he simply left his work and went away in defiance of the orders of his superior officer.

**Mr. M. S. Aney :** Does the order of the Agent show that the absence of Mr. Purandare from the duty for one day prejudiced the work in any way?

**The Honourable Sir George Rainy :** No, Sir. The report we have received from the Agent does not deal with the point as to whether his absence without leave resulted in actual inconvenience and embarrassment to the Department in which he was working.

**Mr. M. R. Jayakar :** Will the Honourable Member tell this House, if he is in a position to do so, what is the nature of the record of service of this gentleman?

**The Honourable Sir George Rainy :** That is precisely the point on which I have called for further information. I have not got it at present.

**Mr. Jannadas M. Mehta :** Will the Honourable Member also examine the nature of the work which took Mr. Purandare from his duty?

**The Honourable Sir George Rainy :** Yes, Sir. I am quite prepared to consider that point.

#### ADDITIONAL GRANT TO THE ALIGARH MUSLIM UNIVERSITY.

**Manvi Muhammad Yakub :** (a) With reference to the statement made by the Honourable the Finance Member in the course of the budget speech on the 5th March, 1929, have Government received any application from the authorities of the Aligarh Muslim University requesting additional grants?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what decision, if any, has been reached on that application?

**Sir Frank Noyce :** (a) Yes.

(b) The Government are prepared, subject to the acceptance by the authorities of the Aligarh Muslim University of such safeguards as may be considered necessary to ensure the efficient financial and general administration of the University, and subject, also to the approval of the Standing Finance Committee, and to the amount not already voted by this House being voted by it in future years, to sanction the same grants as have recently been sanctioned to the Benares Hindu University, namely :

(i) a non-recurring grant of Rs. 15 lakhs, spread over a number of years, dependent on the ability of the University to spend the amount on approved schemes; and

- (ii) the enhancement of the existing recurring grant from Rs. 1½ lakhs to Rs. 3 lakhs a year with effect from such year as may be fixed by the Governor General in Council.

The Government are further willing to endeavour to make some grant during the current financial year should the University authorities be in a position to satisfy them that money is immediately required for any of the approved purposes mentioned in their application.

#### BILL PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

**Secretary of the Assembly :** Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Provident Funds Act, 1925, for certain purposes which was passed by the Council of State on the 24th September, 1929.

#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, a Message has been received from the Secretary of the Council of State which runs as follows :

"I am directed to inform you that the Council of State have, at their meeting held on the 24th day of September, 1929, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at their meeting held on the 9th September, 1929 :

1. A Bill to provide for the levy of a cess on soft coke despatched by rail from collieries in the provinces of Bengal and Bihar and Orissa ;
2. A Bill further to amend the Indian Boilers Act, 1923, for certain purposes ;
3. A Bill to provide for certain matters in connection with the taking of the Census ; and
4. A Bill further to amend the Calcutta Pilots Act, 1859, and the Indian Ports Act, 1908, in order to vest the control of the Bengal Pilot Service in the Governor General in Council."

#### THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

##### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour) : Sir, I beg to present the Report of the Select Committee to which the Bill further to amend the Indian Patents and Designs Act, 1911, for certain purposes, was referred.

#### DEMANDS FOR SUPPLEMENTARY GRANTS.

##### SALT.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 100 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Salt'."

Sir, I think it is necessary for me to give a short explanation of the reason for putting in this supplementary demand. I informed the House on Monday, in answer to a short notice question put by my Honourable friend Sir Purshotamdas Thakurdas, of the state of affairs which had made it necessary for Government to take certain emergency measures in order to ensure that there should be no shortage of salt in certain markets. I explained then that, owing to the destruction by flood of about 10 lakhs of maunds at Sambhur, Government had to consider means for making salt produced in other centres available for the area usually supplied from Sambhur.

The salt to which I refer will come from Kharagoda, Khuda and Khewra. I also explained to this House that we had been able to make arrangements with the railway companies concerned to offer special reductions in freight so as to enable that salt to be put into the markets generally supplied from Sambhur at competitive prices. I hope that these railway freight concessions will achieve our object without any further assistance on the part of Government ; but it is possible that the Government may find it necessary to give some further assistance in the form of special reductions in the price of salt to be sold in the particular area concerned. In that case it will be necessary to make a grant for their purpose and charge it as expenditure against the Salt Grant. It is impossible to estimate what the amount would be, but it will certainly not exceed one lakh—I am told that probably it would not be more than Rs. 50,000 ; and it may be nothing ; but in view of these circumstances I thought it right to make this token demand in order that the Assembly might be informed of the circumstances. Sir, I move.

The motion was adopted.

##### MEDICAL SERVICES.

**The Honourable Sir George Schuster :** Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 100 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Medical Services'."

In moving this demand, I feel it my duty to inform this House that I am taking a somewhat unusual course. As appears from the notes which have been already circulated to Honourable Members, this particular demand was considered by the Standing Finance Committee and that Committee by a majority of votes—I think the voting was 5 to 4—voted against this proposal. It is unusual in such circumstances for the Government to come forward with the demand. But in this case the circumstances are exceptional. The financial significance of the proposal is negligible. The question of policy involved is very important. We discussed the matter very fully on the Standing Finance Committee, and I think the Members of that Committee will bear me out in saying that they quite appreciated the point of view which I put forward that the question of policy involved in this case was one which ought to be debated on the floor of this House ; but, as they themselves were opposed to the policy, and as the proposal had come before them, they felt themselves unable to refrain from recording an adverse vote. I wish to make this explanation, because I should be the last person who would wish to do anything to weaken the authority of the Standing Finance Committee. Sir, I move.

Dr. B. S. Moonje (Nagpur Division : Non-Muhammadan) : Sir, I move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 100 to defray the charges that will come in course of payment during the year ending the 31st day of March, 1930, in respect of ‘ Medical Services ’ be omitted.”

In view of the questions and answers asked and given this morning I have been confirmed in my view that no case has been made out by the Government for the creation of this new post of a Commissioner of Indian Medical Standards and Qualifications. It seems that the General Medical Council of England made a demand and gave a threat to the Government of India that, if either a medical council is not established in India or this post is not created, they will refuse recognition to the medical degrees of Indian Universities. I am surprised that the Government of India should have fallen an easy victim to this kind of threat. I should have expected that the Government of India would have made inquiries as to the condition of medical education in India and the methods of medical examinations before submitting to the threat. I am positive, by the proofs that I shall immediately quote just now, that if the Government of India had made that kind of inquiry, they would have been quite sure that the system of medical education and the method in which medical examinations are carried out are quite satisfactory ; matters have been proved to be quite satisfactory even to the General Medical Council of England. That is one point. Before accepting what cannot be but a kind of slight on the condition of medical education in India, they did not make this preliminary inquiry to satisfy themselves that the slight was least deserved ; nor, having satisfied themselves after making inquiry afterwards that the medical education in India was satisfactory, have they taken any action yet to appeal to the Privy Council.

(At this stage Mr. President vacated the Chair which was taken by Sir Darcy Lindsay.)

The General Medical Council in England is acting under authority given to it under the Medical Act of England. They have been given authority to refuse recognition to medical degrees where they find that the degrees do not indicate a sufficient standard of medical education, and the Privy Council is acting as appellate authority. Those bodies which conduct these medical examinations have been given a right to appeal to the Privy Council. I should have expected that the Government of India, before yielding to this threat, would have approached the Privy Council, bringing the facts of the sufficiency of our system of medical education and examinations to their notice and stated that the threat of the General Medical Council in England was absolutely baseless and had no foundation in fact. I say the General Medical Council had no reason to doubt the insufficiency of the system of our medical education and, in spite of that, they gave that threat. The whole thing has assumed the simple appearance that one party gives an ultimatum and another party quite submissively accepts that ultimatum and submits to it. I cannot understand when we, in this House, who are the guardians of the Government of India today, aspiring to be the makers of the Government of India tomorrow, are prepared to stand firmly by their side why they should have accepted this ultimatum so submissively and been ready to carry out the bidding, the insolent bidding, of the General Medical Council

of England. (*An Honourable Member* : “ They are their servants.”) From that point of view I am inclined to look at the affair—and it is right that the Indian Universities also have taken it in that light—I cannot but say that this ultimatum is nothing less than a national insult and gratuitous slight to the whole system of medical education in India. India is not a country undeveloped intellectually and scientifically like some other countries of the world. It is known in the world for high intelligence and had developed its own system of medical education, which is said to be the mother of the western system of medical education. India has produced best intellects even in modern times, intellects which can compare with the best intellects of other countries of the world. India has at present a Sir Jagadish Bose and a Sir C. V. Raman, who have made names in the western world. India has got at the present moment practising surgeons and doctors who can stand the test of competition with most people of the Indian Medical Service. I can say from my own personal experience that in a place like Nagpur, where I come from, if there is a difficult operation in ophthalmology, people prefer to come to me rather than go to the high officers of the Indian Medical Service there. (Hear, hear.)

I say this, not because of my personal qualifications, but because there are other medical practitioners in Nagpur to whom people generally go in difficult cases in preference to going to men belonging to the Indian Medical Service and occupying high places in the Service. I might, for the edification of my friend Colonel Gidney, mention an instance that I personally know. About 32 years ago, or a little more than 32 years ago, I was a student in the Grant Medical College in Bombay. I had passed all my examinations at the first shot. There was a friend of mine who could not pass his examination unless he went through it twice or thrice. So he had already spent about 9 years in the Medical College. For the final examination he was preparing to appear along with me. (*An Honourable Member* : “ Is that friend here ? ”) and my Principal, a Colonel, a very experienced surgeon, was so disgusted with my friend that one day he told him, “ Get away from this College ; you are not fit for this profession ; you cannot be of any use in this profession ; you better get away and take to some other profession.” But my friend was not disheartened or discouraged. He had a big purse, and he said that he was not going to leave the medical degree of the Bombay University, and that he would go to England and get an L.R.C.P., L.R.C.S. degree. A gentleman who was not considered fit for the medical profession and could not hope to pass the final examination of the Bombay University at the first shot, a gentleman who had already passed 8 or 9 years in the Medical College attempting unsuccessfully to get through the examination, a gentleman who has had no chance of passing the final examination along with me, went to England and returned to India, in six months before I could take my degree, with an L.R.C.P., L.R.C.S., which is regarded as a higher degree than the degree of the Bombay University or that of any other University in India. When I asked him afterwards how it was that he, who could not hope to pass the L.M.S. examination of the Bombay University, could get the L.R.C.P., L.R.C.S. degrees in six months’ time, he said, “ Oh what is there ? Here the examiners try to know what a student does not know and ask questions on such points but in England the general standard is this : The examiners in England for these degrees only want to know if a boy, if allowed to pass out, would likely be dangerous, and leave the rest to his

[Dr. B. S. Moonje.]

intelligence and study. That is the test there. (Laughter.) They thought that I would not be a dangerous man in this line and granted me the degrees." (Laughter.)

**Nawab Sir Sahibzada Abdul Qaiyum** (North West Frontier Province : Nominated Non-Official) : The Indian system is wrong and bad and requires improvement.

**Dr. B. S. Moonje** : The British Examiners belonging to the Indian Medical Service are certainly not so considerate and reasonable, I thoroughly agree, but the education and the training imparted in the Indian Medical Colleges cannot be said to be in any way inferior generally to that imparted in England. So, my first complaint is that the Government of India, which represent the Indian nation, which represent the Indian intelligence. (*An Honourable Member* : "Question ?") or shall I say, which is taken to represent in the outer world the self-respect incarnate of India, accepted that threat or ultimatum and admitted that the system of medical education and methods of examinations as conducted in India are inferior, and therefore they require to be examined by the Inspectors who have been sent out from England. That, Sir, I say is an insult to our national honour, and we feel that the Government of India has forfeited our confidence to that extent, and we cannot entrust our national self-respect in the keeping of the Government of India. Sir, I am speaking from a larger aspect, and I wish the Government of India would keep this fact in mind before resolving to give effect to the proposal which they have brought forward today.

As regards the actual results of the inspection of our system of medical education and methods of examinations by the Inspectors sent out by the General Medical Council of England, I am surprised at the reply given by my Honourable friend this morning. Government did not seem to have taken even the least care to know the results of the inspection of the examinations held in India before admitting the charge that the examinations and the system of medical education in India are deficient. I will just quote the results of the inspection of the final medical examinations held in India. Take for instance the Bombay University. It is not an inspection held by an Indian but it is an inspection held by a British Officer of the rank of a Lieutenant-Colonel known as Lieutenant-Colonel Dutton, belonging to the Indian Medical Service.....

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : On behalf of the General Medical Council.

**Dr. B. S. Moonje** : That is the point I am making here that an examination was made of the Medical Faculties of the Universities of India by the General Medical Council of England, and the Government of India has been so negligent as not to have made themselves aware of the results of such inspection before accepting the threat or ultimatum. That is the point I am making here.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : Will you give us the Officer's name again ?

**Dr. B. S. Moonje** : Lieutenant-Colonel Dutton belonging to the Indian Medical Service.

**Lieut.-Colonel H. A. J. Gidney** (Nominated : Anglo-Indians) : He does not belong to the Indian Medical Service.

**Dr. B. S. Moonje** : He does belong to the Indian Medical Service, but evidently my friend has forgotten that he also belongs to that service.

**Lieut.-Colonel H. A. J. Gidney** : I tell you again that he does not belong to the Indian Medical Service ; I am telling you a fact.

**An Honourable Member** : He belongs to R. A. M. C.

**Dr. B. S. Moonje** : I do not want to take the time of the House unnecessarily, but for the edification of my friend Colonel Gidney, I will read out his name which is printed here, H. R. Dutton, M.R.C.P., Lieut.-Colonel, I. M. S. General Medical Council, etc., etc. I would request my friend to be careful in contradicting me in future.

**Lieut.-Colonel H. A. J. Gidney** : I am not contradicting.

**Dr. B. S. Moonje** : I can understand differences of opinion, but I cannot understand un-warranted contradiction of facts. The result of the inspection, as reported by Lieut.-Colonel Dutton is like this.

*Bombay University.*

1. Hygiene :

"The standard of questions was good and practical and questions on preventive medicines were asked".

2. Medical Jurisprudence and Toxicology :

"The questions asked were good and practical and a fair standard of knowledge was demanded".

3. Materia Medica and Pharmacology :

"The examination was thorough and satisfactory and the standard of knowledge shown was good".

4. Pathology and Bacteriology :

"The standard of knowledge shown was generally good, especially in Bacteriology".

5. Medicine :

"The whole examination was nicely conducted and a good standard of knowledge expected".

6. Midwifery and Gynæcology :

"The whole examination was well planned and conducted and a good standard of knowledge demanded".

7. Surgery :

"The whole examination was thoroughly practical and well conducted".

Eventually Lieut.-Colonel Dutton, I.M.S., if my friend Colonel Gidney will allow me to proceed without contradiction, says as follows:

"I am of opinion that the final examination for the M.B., B.S., of the Bombay University held under the revised regulations (1923) is 'sufficient' and the recognition of the General Medical Council may be continued".

**Lieut.-Colonel Dutton** further remarks :

"A general desire was evinced that the examination of this University should be of a high standard".



[Dr. B. S. Moonje.]

So much about the Bombay University. Now, let us see what another Inspector on behalf of the General Medical Council says about the examinations held by the Madras University. These are the remarks of Colonel Megaw. (*An Honourable Member* : "Is he also an I. M. S. ?") I could not say that, perhaps our friend Colonel Gidney will be able to tell that.

**Sir Frank Noyce** : I can assure the Honourable Member that he is a member of the Indian Medical Service.

**An Honourable Member** : Colonel Gidney confirmed.

**Dr. B. S. Moonje** : Thanks for the timely assistance, but I am concerned more with his opinion because he is an officer who was deputed as an Inspector by the General Medical Council of England itself which has given us this threat. Colonel Megaw says as regards the Madras University :

"Taking the examination, as a whole, it was conducted on sound practical lines and a high standard of answering was maintained, so that I have no hesitation in recommending the continued recognition of the M.B., B.S., Examination of the Madras University." ("Hear, hear.")

I do not want to tire the House by quoting the reports about the medical examinations of the other Universities in India. They are more or less on the same lines. This ought to give food for thought to my Honourable friend acting on behalf of the Government of India. This ought to warn him that, before accepting that threat, it is his duty to inquire and know as to how things actually stand ; before pocketing the humiliation of the condemnation of the Indian System of Medical Education and methods of examination by the General Medical Council of England it is the duty of the Government of India, as the custodian of the national honour of India, to warn the General Medical Council of England to be sure of their facts, which ought to make the General Medical Council to be respectful towards the Medical Faculties of the Universities of India. I hope my quotations and the information that I have placed before this House will make an impression upon the Government.

(At this stage Mr. President resumed the Chair.)

Now, as regards the question of the creation of the new post, taking for granted, for the sake of argument, that the system of medical examination in India is deficient, is the proposal of the General Medical Council, England, for the appointment of a Commissioner of Medical Standards feasible for the purposes for which the proposal is made ? Is it a practicable and useful proposition ? Will it conduce to the attainment of a high standard of medical education in India ? People using their common sense can understand what an amount of bad blood will be created when an officer who is imported over the heads of all the Universities in India against their wishes comes here and acts almost like a dictator and says to the Universities in India like those in Bombay, Calcutta or Madras, "Your examinations will not do, your system of medical education is bad",—perhaps that University may have a professor, may have a teacher, may have a demonstrator, who is far superior in intelligence, experience and skill to the Inspector sent out from England ! Can you expect that University to submit to the dictatorship of that person, even though he comes clothed with the authority as Inspector from the British Medical Council ? It is impossible, human nature being as it is ; just as individuals have got their sense of self-respect, so the institutions have got their sense

of self-respect, and nobody, and much less a University of long standing, would be able to put up with the insult involved in the affair. If this kind of reasoning is correct, if human nature is as I have described above, do you think that the appointment of this Commissioner would make for efficiency, would make for the attainment of a higher standard in the system of medical examinations in India ? On the other hand it will create friction, it will create bitterness, it will create jealousy, in fact the whole system of medical examination will be upset, and instead of obtaining any advantage we will have to go through a period, if the Government were still to insist upon this appointment, during which the whole medical education in India will be at the lowest ebb possible. That is my opinion, and I am supported in that by the opinion of a responsible body, the opinion of the Bombay University. The Bombay University has considered this proposal and has come practically to the same conclusion to which I have come. I may quote the opinion of the Faculty of Medicine of the Bombay University ; it is as follows in regard to this proposal :

"It is agreed that it will take some time to set up such a machinery and Sir Norman Walker suggests the appointment of a Commissioner of Medical Qualifications and standards as a temporary measure, and observes that the General Medical Council would willingly accept such an official as their visitor and that his regular reports will be of much assistance in determining whether recognition to Indian Degrees could be accorded. The Faculty is strongly opposed to the suggestion of Sir Norman Walker and is of opinion that the appointment of a Central Officer is neither conducive to the dignity nor to the independence of the Universities....."

**Bravo Bombay University.** They have maintained the dignity, the independence and the sense of self-respect of the Indians represented by that Faculty :

".....and would create difficulties and lead to friction, for the Commissioner will occupy a position similar to that of a Dictator to the Universities."

Further, as pointed out by Sir Norman Walker, the General Medical Council appoints three Inspectors,—three different persons proficient in three different departments of medical knowledge. They come here, they examine, and inspect the systems of examinations throughout the several Universities in India. In place of those three Inspectors that are at present being sent out by the General Medical Council, the proposal of the Government of India is to appoint one officer, and that one officer is supposed to be or is expected to be an expert in all the different departments of medical knowledge. He is supposed to be an expert in surgery ; at the same time he is supposed to be an expert in medicine ; in toxicology ; in gynaecology ; in children's diseases ; in so many other departments. At one time when I was a student in the Medical College 35 years ago, it was a common saying in joke that a member of the Indian Medical Service was omnipotent, was omniscient, and, like an amphibious animal, expert both in medicine as well as in surgery, was a person who expected to be regarded as efficient and expert in all the different departments of medical knowledge wherever he might be put. A member of the Indian Medical Service can be today a professor of medicine, tomorrow he can be transferred to toxicology and he becomes a great toxicologist. The third day he is appointed professor of anatomy, and he becomes a great anatomist ; on the fourth day he is appointed a teacher of chemistry and he becomes an expert on chemistry. (*An Honourable Member* : "Subjantewala".) That was thirty-two years ago, when perhaps the medical conscience of Indians on the western pattern had not been sufficiently developed. It could have been said so then, but to say the same thing today on the floor

[Dr. B. S. Moonje.]

of this House with the knowledge that there are Indian practitioners, both as surgeons and medical men, many times superior to many of the officers of the Indian Medical Service is nothing short of arrogant hypocrisy ; it is only people, who are in authority, who are in political domination, that alone can say so and others like us who are in political subordination are expected to submit to it even without a protest. Supposing that we agree to the proposal of the Government of India for the appointment of one person as Commissioner, we have to take it that he must be an expert in all the departments of medical knowledge, and could he be expected to be so ?

It should not be said that I am purely a destructive critic. I am not in the habit of making purely destructive criticism. I have also a constructive suggestion to make. Do you think that the Government of India is at present in a mood to listen to constructive criticism from our side or are they already too much committed ? (*An Honourable Member* : "No".) Will they keep their mind open ? Will they divest themselves of their previous prejudices, of their previous commitments and keep an open mind ? Will they stand before this House with an open mind, absolutely blind to their previous prejudices and previous commitments and take this constructive suggestion of mine ?—And I am sure they will find that there is some merit in that and that it should not be thrown into the waste paper basket. My constructive suggestion is that, instead of appointing one individual as a Commissioner of Medical Examinations,—however high-placed officer he may be, however capable he may be, however skilful he may be,—he could not be supposed to be proficient in all the different departments of medical knowledge—let the medical faculties of all the different Universities in India be asked to appoint one representative each so as to form a Central Board, for the time being before any permanent arrangements could be decided upon, the Central Board representing the medical faculties of the different Universities, so that the Universities may feel that their self-respect has been consulted, that they take a hand in the determination of the system of medical education in the country and the manner of conducting their medical examinations. Instead of one person, you will thus have about 5 or 10 experts in different departments of medical knowledge conducting the examinations and carrying on the duties which this one man is expected to discharge.

I hope the Government of India will give due consideration to this proposal of mine, made with the best of intentions, with the idea of providing for continuous supervision of the system of medical education in India, so that it should be maintained on a level of sufficiency and efficiency.

From all these points of view I have not been able to convince myself that the Government have been able to make out a case for the creation of a new post, and I appeal to Government that, instead of bringing forward such an important proposal at the fag end of the Assembly, when most of our people have left, they should defer this question till the next Session if theirs be the desire to ascertain what the true opinion of the people is on this question. I hope my appeal will not go in vain and I therefore oppose this motion of the Honourable the Finance Member.

**Mr. President** : I think Dr. Moonje has made an appeal to the Government that this motion involving as it does such an important question of policy should not be taken up for discussion at this fag end of the

Session and asked them to postpone its further consideration to the next Sessions.

**Dr. B. S. Moonje** : Particularly as it is not a very urgent matter, Sir.

**The Honourable Mian Sir Fazl-i-Hussain** (Member for Education, Health and Lands) : The appeal that has been made to Government by the Honourable Member who has made such an eloquent speech on this rather dry subject has not fallen on deaf ears. If he imagines that the proposal before the House is one to make a permanent appointment, I am here at once to tell him that, had such a proposal been contemplated by the Department, it would certainly not have obtained my support. I cannot conceive the Government of India embarking upon a proposal to engage a permanent Inspector of Medical Education to go all over India in order to make his reports in due course to the British Medical Council. The position is perhaps not made quite clear to the House on account of this supplementary demand having come by way of a supplementary demand and not as the main theme of discussion enunciating the policy of Government. You will permit me to mention how this little business has come before the House in this way. Almost all the Local Governments, which means Ministers in charge of Medicine and Public Health, have asked the Government of India, as a temporary measure, to appoint this Commissioner for the current year, so that they may have time to consider some constructive scheme under which they could organise provincial medical institutions, in order to so conduct themselves as to maintain the prestige of India and of their provinces, and then be in a position to negotiate with the British Medical Council. It is their desire, when they are trying to do so, that the Government of India may not intervene, and take the position of the British Medical Council, lest they, instead of getting rid of one master, be in the difficult position of having two masters. I trust that this Assembly will not, by any action of its own, create this impression, which I have no doubt would be a wrong impression, on the mind of Provincial Governments that the Government of India or the Assembly in any way are attempting to work out a position in which the Local Governments have to serve, not only the British Medical Council, but also the Government of India and the Assembly. I assure the Honourable Member that the subject that he has mentioned is already under the consideration not only of the Government of India but of all the Ministries of Public Health and Medicine throughout India, and will not be decided without the Assembly having a full opportunity of considering the whole problem on its own merits.

**Dr. B. S. Moonje** : On a point of information. Is it a fact that, before all the Local Governments could give their consent to the proposal to the Government of India, the Government of India itself was committed to the proposal of creating this post.

**The Honourable Mian Sir Fazl-i-Hussain** : I feel doubtful about these points of information and etiquette, and so on, for the present. The position is this, that the Government of India desired to have an institution of the sort just indicated by the Honourable Member on the floor of this House, namely, an all-India organisation on which the Universities would be represented and the profession would be represented. After all the Government of India under the reformed constitution, is not as supreme

[Sir Fazl-i-Hussain.]

as it used to be ten years ago. It has to mind the public opinion of India and also the public opinion as expressed by the Ministers who have elected Legislative Councils behind them. I trust I am not committing any breach of the Government of India etiquette in disclosing these facts. The Government of India did not have their way because the Ministers insisted that they would not have an All-India Medical Council till they were satisfied that it was in the best interests of the country, and on that the Honourable Member in charge in the Government of India had no option but to say, "I hold my hand. I will not decide this matter till I have gone again through the matter with my officers, and possibly after consulting the Assembly and the public opinion. I may be in a position to agree with your request and meet you again to confer with you, in order to arrive at a further stage of this difficult problem."

Therefore, this unfortunate temporary post really is not the creation of the Government of India, but is the creation of circumstances.....

**Dr. B. S. Moonje:** Is it as the result of a threat of the British Medical Council?

**The Honourable Mian Sir Fazl-i-Hussain:** Oh! No; not in the least. It is not the threat of the British Council as much as it is the suspicion, the grave suspicion, of Ministers of the fact that this All-India Medical Council may not be as good a thing as it appears to be on the face of it. Therefore, they said, "We are going to contribute funds (Rs. 3,000 or so a year from each Local Government) in order to employ a man who will be able to certify that everything that is taught in our colleges is good, that our method of conducting examinations is above all suspicion", and therefore they said, "We are going to club together, organise ourselves into a sort of co-operative society", and does the Honourable Member oppose site desire to prevent them from doing so? This grant, I understand, is nothing more than a temporary loan to this co-operative venture of Ministers in India, and will be recouped from contributions from various Provincial Governments. And mind you, they have agreed to do so for only one year. Therefore there is no question of a general policy having been started by the Government of India to the prejudice of the prestige of India or anybody. I can assure the Honourable Member, Sir, that, although I may not have his eloquence to express my regard for the prestige of India, still, in feeling, in sentiment I do not give place to him in this matter. I trust, Sir, I have made it absolutely clear that this little matter of a supplementary grant, which is a temporary loan to various Local Governments' Ministers for the time being, is essentially of a transitory and temporary nature, and that it does not involve any expression of policy in a way that might prejudice the decision of this matter in the future. It is a matter which I trust the Assembly will recognise is as much the concern of Local Governments and their Ministers as either of the Government of India or of this Assembly. We must not show that, in this matter, we dictate to them; we must try to show that, in spite of the fact that medical education is a transferred subject and the setting of the standard is a reserved subject, still we could pull together and pay sufficient regard to the wishes of Ministers even when we do not see entirely eye to eye with them. (Cheers.)

**Dr. B. S. Moonje:** I rise, Sir, on a point of further information, from the Honourable Member. Of course being accustomed for long to what is called the thin end of the wedge, we are not prepared to accept in full what the Honourable Member has said; so I want information on this point. The question as I understand that was placed before the Provincial Ministers was either to have a General Medical Council or to agree to the creation of this post. This third alternative, which I have suggested and which means that the co-operation of all the Universities in India has to be requisitioned in the matter of supervising the medical examinations and medical education in India, was not before them. Is the Honourable Member therefore prepared now to say that no action will be taken until he has brought this suggestion to the notice of all the Ministers, or until another conference of the Ministers is held, and that, before this suggestion is considered by the Ministers, no further action will be taken?

**The Honourable Mian Sir Fazl-i-Hussain:** I should like, Sir, to be quite clear as to what the Honourable Member means by "further action". As for drawing the attention of Local Governments to the Honourable Member's suggestion for requesting each University to elect a representative of its own in order to serve on an all-India institution of the sort contemplated by the Honourable Member, I have not the slightest hesitation in bringing that to the notice of the Local Governments' Ministers in charge of the subject. As for taking no further action, I assure you, Sir, that the Government of India will take no further action than that which I have already outlined, viz., to engage one person temporarily for this year in order to do the work. (*An Honourable Member:* "That is the only proposal before the House".) That is undoubtedly the only proposal before the House, but as the Honourable Member wanted that information, I have supplied it. So far as this interruption is concerned, if you, Sir, say that the debate should proceed, then I shall be prepared to show to the House on the merits, that this temporary arrangement is in no way intended or likely to affect the dignity or prestige either of this House or of the country.

**Mr. M. R. Jayakar** (Bombay City: Non-Muhammadan Urban): Sir, I may be permitted to enter my protest on a question which is, in a way, outside my usual region of knowledge. Sir, I have risen to enter my strongest protest against the proposal which is before the House. I congratulate the Honourable Member who spoke just a few minutes ago on the speech which he has made. I see the Honourable Member leaving the House. I wish that he had remained here to listen to my comments. It is a courtesy which he owes to this House that having made a controversial speech, he should remain to listen to the reply which is based upon his comments. His is a very seductive speech, Sir, and I hope to draw the attention of the House to its seductive character. The Honourable Member who spoke last wanted to justify this proposal on the ground that it was only a temporary measure. But that is no concession to our sentiments and it is not as if in consideration of the feeling of the House he was reducing a permanent proposal to a temporary one. If the Honourable Member will turn to the proceedings of the Standing Finance Committee, it will be more than clear that when the Standing Finance Committee turned down this proposal by a majority as the Honourable Sir George Schuster made clear in his speech, it was only the proposal for a temporary post. There is no question before this House of appointing a

[Mr. M. R. Jayakar.]

permanent individual at all. It is not therefore a fact that the Honourable Member was making a concession to this House in treating his proposal as tentative. But even the temporary proposal is a vicious proposal. I must say, Sir, that I admire the effrontery of that proposal. (Hear, hear.) It is nothing more than an apotheosis of the I. M. S., I do not propose to go into the question of the racial distinction involved in appointing a European I. M. S. officer. I shall only examine the policy underlying the proposal in the dry light of reason and argument. What is the proposal, Sir?

**Mr. President :** Order, order. I should like to know from the Honourable Member for Government whether he really considers it proper that this question of policy, on which the Opposition feel so strongly, should be discussed at this fag end of the Session when the opposition Benches are so thin and whether he would not agree to take this matter up next Session.

**The Honourable Mian Sir Fazl-i-Hussain :** Had I known, Sir, that a discussion on an important question like that would be raised, I can assure you that I would have liked nothing better than a discussion at any stage that the House might have considered more favourable than the present one. But my trouble is this. This is a supplementary demand which has come in the ordinary course (*An Honourable Member :* "It is a token demand.") and not by design.....

**Mr. President :** It could have come earlier?

**The Honourable Mian Sir Fazl-i-Hussain :** Had we known that this subject would be taken advantage of to discuss the question of general policy.....

**Mr. President :** When was it placed before the Standing Finance Committee?

**The Honourable Mian Sir Fazl-i-Hussain :** A meeting of that Committee was held only a few days ago.

**The Honourable Sir George Schuster :** May I make an explanation, Sir? The proposal came up before the Standing Finance Committee, I think, at their second meeting. It was just at the beginning of this month. It was then represented to me by various Members that it was a question which they felt involved an important matter of principle, and they asked that it should stand over in order that they might consult various bodies about it. For that reason, it was delayed. As far as the Standing Finance Committee is concerned, the Government and my Honourable friend's Department brought this proposal up at the earliest possible moment, and it was really in deference to the wishes of the Members that it was held over so long. That, I think, explains one part of the discussion.

**Mr. K. C. Neogy :** (Dacca Division: Non-Muhammadan Rural): May I ask, Sir, what dire results would follow if this officer, instead of being appointed today, were to be appointed in January next?

**Mr. President :** How can he be appointed in January?

**Mr. K. C. Neogy :** In February, Sir.

**The Honourable Mian Sir Fazl-i-Hussain :** How can it be February either? Does the Honourable Member think that a supplementary demand or a token demand made in the month of February and accepted by the House will result in the immediate appointment of the person concerned?

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban): If the individual is waiting, yes.

**The Honourable Mian Sir Fazl-i-Hussain :** Is he waiting? The Honourable Member knows more than I do.

**An Honourable Member :** This House knows more than that.

**Dr. B. S. Moonje :** Why do you not accept my constructive proposal in the meantime?

**The Honourable Mian Sir Fazl-i-Hussain :** I should like you to be a little clearer as to what you would like us to do, because here is a....

**Mr. President :** Order, order: The Chair has only made a suggestion to the Government whether they could not conveniently postpone the consideration of so important a question of policy till the House was more full, that is, till the next Session?

**The Honourable Mian Sir Fazl-i-Hussain :** If, Sir, that is the wish of the House, there will be nothing for me but to bow to it. (Hear, hear.)

**Several Honourable Members :** That is the wish of the House.

**The Honourable Mian Sir Fazl-i-Hussain :** But may I, Sir, through you remind the House that the matter is not quite between me and that part of the House which desires a fuller meeting of the House? It seems to me that we are having a fairly full meeting now, so far as I can see. It is a matter in which the parties vitally concerned are Ministers in charge of the Medical Department, including the medical colleges which are imparting medical education. They are directly concerned in the matter.

**Dr. B. S. Moonje :** We the parents are directly concerned.

**The Honourable Mian Sir Fazl-i-Hussain :** No doubt the Honourable Member may be directly concerned, as he belongs to the medical profession, but the persons directly concerned are those who are responsible for the administration of those colleges and who are responsible to the elected representatives of the people for their due administration. Sir, I may inform the House that members of local Legislatures have as much regard for the privileges of their Houses as the Honourable Members sitting opposite, and they can also act in the same way as the Honourable Members opposite act. If the Minister went wrong in any way, is there any reason to believe that the Members of the Local Council will not take him to task as the Honourable Members are trying to do now? The Honourable Members must remember that the reformed Government is a Government conducted on party lines. Is there any Member present here who can say that the Minister in charge, who is not having the confidence of his party, can have any proposal passed in the Council?

**Several Honourable Members :** Yes; by Government block.

**The Honourable Mian Sir Fazl-i-Hussain :** That would never do. The issue is plain one. I am placing before the Assembly a matter in which

[Sir Fazl-i-Hussain.]

the Local Governments, that is, the Ministers on behalf of their Legislatures are vitally concerned. They have come to a unanimous decision—I believe it is almost unanimous, probably it is quite unanimous—to the effect that they would like to appoint a man for a year in order to settle their differences with the British Medical Council. The Government of India comes into the picture only as an intermediary, as a person collecting these contributions from Provincial Governments. Mind you, Sir, the responsibility of the Assembly by standing in the way of that being done is a very serious one, is an extremely serious one, and, before the House decides either in favour of proceeding with this question or throwing out the demand, it will have to be determined whether the Ministers cannot of their own accord carry on this act. Is there anything to prevent them from agreeing amongst themselves to have an Inspector who would co-ordinate the expenditure on education? Can the Assembly for a moment assume the position that, even in the case of a transferred subject which these Ministers are administering, with the full concurrence of their Legislatures,.....

Several Honourable Members : No, no.

**The Honourable Mian Sir Fazl-i-Hussain :** You may say “No, no,” but I do say “Yes” in the case of many provinces from personal experience. The question is, do you think that it is a matter with which you are directly and primarily concerned to the extent of obstructing the Government of India from trying to carry out the wishes of all the Local Governments put together? This House has nothing to do with medical education. I mean no disrespect to the Honourable Members when I say this, but I am relying on the constitution as it is, and it never does any harm for a higher institution like the Assembly, *vis-a-vis* the local Legislatures, to know that, just as this House not unoften resents what may look like interference from a higher Legislature, say, the mother of Parliaments, the younger sisters of this Legislature may also resent and call this an interference with their business. I wish to impress this point on the House most emphatically in the hope that this matter will not be allowed to develop into a question of the highest constitutional importance between the Provincial Legislatures and the Assembly in which it will be extremely difficult for the Government to.....

**Mr. President :** Order, order. The Chair is not at all concerned with the constitutional aspect of the question so vividly described by the Honourable Member. All that the Chair wants to know is whether the Government are prepared to meet the Opposition in the suggestion that they have made, that the consideration of this question of policy should not be taken up this Session. That is all that the Chair is concerned with.

**The Honourable Mian Sir Fazl-i-Hussain :** I extremely regret my inability to agree to that suggestion, Sir.

**Mr. G. L. Winterbotham :** Will some Honourable Member intimate to the House whether there is not a third party interested in this question? Whether the students who want to get their degrees recognised are not involved in this question and whether, if the appointment of this officer is delayed, there will not be a large number of medical students....

**Mr. President :** Order, order. The discussion would proceed, because the Government do not agree to the suggestion for postponement.

**Mr. M. R. Jayakar :** Sir, the question raised by my Honourable friend Mr. Neogy has not been answered by the Honourable Member in charge of the Department. What dire results would follow if this appointment were deferred till February or March next? That was the question. No answer has been given to it. The Honourable Member has drawn a very lurid picture before this House as if there was a mandate given to the Government of India and to this House by the Local Governments and their Ministers. But may I ask the Honourable Member, is he in a position to state to this House whether the Local Legislative Councils have been consulted on this question? (*Voices :* “Not a bit.”) If they have been so consulted, is there any vote in favour of this proposal? Is there even any vote in favour of the proposal that this question should be referred to the Government of India? My information is that the Local Provincial Councils, of which so much has been made by the Honourable Member in charge, have never been consulted on this point at all. Speaking of the Ministers, to whom the Honourable Member has referred more than once, this House is aware that they turned down the proposal of an All-India Medical Council. That was apparently on the ground that such a Council would interfere with the autonomy of the transferred departments; and yet curiously enough the same body of Ministers gave its consent to the proposal of having an all-India dictator and his autocratic interference. I do not wish to say anything about the Ministers; they are all estimable and honourable men. But, Sir, I cannot understand a body of responsible men who turn down the idea of an all-India Council of Indian medical men on the ground that it would cause an interference with provincial autonomy submitting to an all-India dictator in the person of an I. M. S. European officer. The less we talk of such Ministers the better for this House, and if I may give a tip to the Honourable Member, the less he mentions such Ministers and their views the better for his proposal and its favourable reception in this House. Sir, the point is this, that this money is going to be voted from the Central Legislature in the first instance. A sum of Rs. 39,000 is going to be voted for this officer. My Honourable friend opposite said that the men most directly concerned are the Ministers. I absolutely repudiate that suggestion. The man most directly concerned is the taxpayer out of whose pockets Rs. 39,000 are going to be paid towards the salary and the establishment of this officer. (Hear, hear.) I warn this House not to be drawn out of its usual way of scrupulously examining such proposals on the mere ground which the Honourable Member repeated nearly twenty times, “Oh! the Honourable Ministers of the Provincial Governments all have agreed—so this House must agree and not obstruct”. May I ask if this House is here simply to record the decrees of Local Governments and their Ministers? This House has the right to examine every proposal on its merits, and I propose to do that. I do hope that the Honourable Member will not again frighten us with the mumbo jumbo of Provincial Governments and their decisions.

**The Honourable Mian Sir Fazl-i-Hussain :** He will, if he is permitted.



**Mr. M. R. Jayakar :** This House has got to examine the proposal on its merits. The proposal, Sir, is practically to establish a medical dictator for India. At present, owing to India's dependent condition, the Indian Universities are in this unfortunate position, that whatever the qualifications of their students, the nature of their studies and the depth of their knowledge, their *alumni* have to go England and qualify for an English medical degree to obtain high employment. It is the vicious policy of the Government to give preference to English qualifications. I take it to be a necessary consequence of the dependent position of India. The desire therefore is that the acquisition of British medical degrees should be made more easy by reason of concessions in studies or terms being granted to Indian medical degrees. I entirely agree with what my Honourable friend Dr. Moonje said about the undeserved inferiority attached to Indian degrees, but I will not labour that point. The present arrangement is this, that the British General Medical Council has appointed three Inspectors to test the worth of Indian degrees conferred after proper qualifications. These three Inspectors are, one in midwifery, one in medicine and one in surgery. They examine and report on the worth of the Indian degree. The British Medical Council was up to now satisfied with this arrangement. These three medical Inspectors—autocrats in a way—inspected, examined and pronounced on the efficiency of the medical degrees granted by Indian Universities. Now, the British Medical Council says, "Oh! this arrangement of three medical Inspectors does not suit us. We want to have these three medical Inspectors replaced by one autocrat". And as if to make the proposal more obnoxious to Indians, the British Medical Council wants that autocrat to be a member of the I. M. S.

**The Honourable Mian Sir Fazl-i-Hussain :** It is not there.

**Mr. M. R. Jayakar :** It is stated in the proposal before the Standing Finance Committee that the officer was to be an I. M. S. Officer. May I read it for the benefit of the Honourable Member? Possibly he is not well informed on this point. It is stated that "the intended officer is to be an I. M. S. officer of sufficient seniority and experience." Is the Honourable Member willing to go back on this and state whether he is prepared to appoint a qualified Indian of medical experience? If so, I shall modify, to some extent, my opposition to this proposal in so far as it arises on racial grounds. This is the entire proposal, Sir, and we cannot take away the I. M. S. part of that proposal when we have to judge it on its merits. The proposal, therefore, is that an officer of the I. M. S. should be appointed as the sole authority in India, like Caesar, to control, examine, supervise and pronounce upon the merits of Indian medical degrees. As my Honourable friend Dr. Moonje stated when this proposal went before the Bombay University Senate which happens to be a body consisting of educational experts, professional and businessmen—a very important body of responsible men, they turned it down. The Senate as well as the Syndicate both expressed themselves strongly against the proposal in the following terms :

"The Faculty is strongly opposed to the suggestion of Sir Norman Walker and is of opinion that the appointment of a Central Officer is neither conducive to the dignity....."

Honourable Members will mark these words :

"is neither conducive to the dignity nor to the independence of the Universities and would create difficulties and lead to friction, as the Commissioner will occupy a position similar to that of a Dictator to the Universities. Further, as pointed out by

Sir Norman Walker, the General Medical Council appoints three Inspectors—presumably all of them specialists in their own subjects—one in medicine, one in surgery and one in midwifery. It takes these Inspectors about two years to complete their cycle of inspection. If the suggestion of Sir Norman Walker is adopted in India, all this work will fall on one Commissioner who will have to complete his inspection of all the Indian Universities within an extraordinarily short time to be able to present an annual report. Moreover, such a Commissioner will have to be a specialist in all the three subjects. The task is too great for one individual."

Well, Sir, this is the opinion, the well reasoned opinion, not of political agitators, but of a sedate body of specialists, including the Vice-Chancellor, who is a very important official in Bombay, the leading business and professional men and a number of educational experts. The Honourable Member has not said a word about this expression of opinion. Further I am surprised that this proposal has come up, although it was turned down by the Standing Finance Committee, as the Honourable Sir George Schuster frankly stated. Sir I congratulate him on the frankness of his speech and I am sure if the matter had rested solely with him and if the vested interests which are behind this proposal had not compelled him to bring it before the House we would have seen the last of this proposal long ago. But now that it has come before this House, I submit that it should be unceremoniously turned down. There is no other alternative. The grounds made out are unconvincing. My Honourable friend Mr. Winterbotham stated that students' interests were involved in the question. May I know from the Honourable Sir Fazl-i-Hussain, if the British Medical Council were informed that, having regard to the debate in this House and the strong feeling which the proposal has evoked, and having special regard to the point that you suggested, Sir, from the Chair that a question of this importance ought not to be put before the House when it is nearly completing its Session, that having regard to all these considerations, this proposal cannot be proceeded with until the next Session. The Honourable Member thinks that, if this wish of the House were communicated to the British General Medical Council, that Body would be so unreasonable as peremptorily to say, "No, we hold the pistol at the head of the Indian Universities. Sanction this proposal today. If you postpone it till February, we would cancel all recognition." Is that likely? My answer to the Honourable Member Mr. Winterbotham is this: "the Heavens are not going to fall if we waited till next March." I am quite agreeable to this, Sir, and I wish the Honourable Member once more to consider the suggestion of my Honourable friend Dr. Moonje, namely, that this matter should come before the House when it has more time, larger attendance, and more information. I myself may go back to the University and the medical men of Bombay and ask for more details and I will be better prepared to accept or reject the proposal if it is brought before us in the month of March. But if my Honourable friend will take the risk of rushing the proposal in the present depleted state of the House, my answer will be, we will unceremoniously turn it down so far as we can do so. Sir, as my Honourable friend Dr. Moonje has pointed out, the system of having three Medical Inspectors has gone on for some time. The reports made by these Inspectors have been very favourable. We have no grounds to believe, except the *ipse dixit* of the British General Medical Council in England, that the system has not worked well. I certainly feel the humiliation of a foreign Inspector going over Indian Universities and examining the mental calibre of the students and the quality of the examinations, but as long as India is a dependency, we have to submit to the humiliation. But what is there to show, beyond the mere *obiter*



[Mr. M. R. Jayakar.]

*dictum* of the British Medical Council, that this system has not worked well. I do not wish to tire the House by reading out the reports made by these Inspectors which are very favourable to Indian Universities. Honourable Members must not take it that Indian education has been found wanting by these Inspectors. On the contrary the reports of these Inspectors are a very good testimonial. There is no reason why the system should not be continued for some time more until we evolve an All-India Medical Council. No grounds have been stated to us explaining why this system cannot go on for a short time more, except the peremptory "No" of the British Council. If this system does not work, how will the scheme of having one medical autocrat for the whole of India will work? I want Honourable Members to closely apply their minds to that main question; is it a desirable thing that one officer should sit in Simla or Delhi with a stenographer and control the whole of Indian medical education? His establishment will consist of one stenographer and two peons. His office will be in Delhi and Simla. He will be an I. M. S. officer, not a man drawn from among the people sympathising with and having contact with the people. He will be an isolated individual, a member of the Indian Medical Service, and I am stating nothing derogatory when I say that he will be an isolated individual wrapped up in his own ignorance and superior ideas. He will be working through files and red tape. Do the Honourable Members think that this autocrat will work in harmony with the several Universities of India, each growing up in its infancy and requiring delicate handling? The task is well nigh impossible. I am surprised Sir, that the Department over which an Indian like my Honourable friend presides should not have seen the national aspect of this question, the question of Indian self-respect and the independence of the Universities. This preposterous proposal is before the House and we are asked to sanction Rs. 39,000 a year for it. Honourable Members will not fail to remember that nothing has been shown to prove that so far the progress of Indian Universities has been bad. All University degrees have been recognised by the British Medical Council except those of two, Patna and Rangoon.

**Sir Frank Noyce :** The recognition of the degrees of the Calcutta University was withdrawn for three years.

**Mr. M. R. Jayakar :** My statement was that it was recognised at one time. The only two Universities which have not been recognised are Patna and Rangoon. That statement is correct.

**Sir Frank Noyce :** The new ones.

**Mr. M. R. Jayakar :** That is so. Therefore it is not a case where we can say that the whole system of medical education in India has been proved to be inferior and therefore a drastic remedy is needed. The onus is very heavy on the other side to prove that a proposal, which is *prima facie* obnoxious and impossible to work, should be accepted by this House specially if it costs Rs. 39,000 of the tax-payers' money. I submit, Sir, that the proposal should be rejected.

**Lieut.-Colonel H. A. J. Gidney :** Before I commence to make any comments on the motion that is before the House I desire to tell Dr. Moonje that when he in his speech mentioned the name of Colonel Dutton, I misheard him and thought he said Colonel Duggan, a name more familiar in Bombay than Colonel Dutton. No doubt, Sir, this was due to either my

defective hearing or to the indistinct speech of the Honourable Member which was delivered at some distance. I am sorry that I confused these names and that is the explanation for my intervention, but, here I must ask my friend Dr. Moonje not to misconstrue this error of mine and look upon me in any way as an obstructionist or to think that I have no sympathy with the motion that he moved. I hope Dr. Moonje will accept this as my explanation of my interruption of his speech.

Sir, I have a motion against my name....

**Mr. President :** The Honourable Member knows that it is the same as Dr. Moonje's. The Honourable Member now wants to amend that motion. He should have given separate notice for that purpose, but, I think for the convenience of this debate he had better confine himself to the motion now before the House.

**Lieut.-Colonel H. A. J. Gidney :** Sir, for reasons already communicated to you, I will not move my motion and will speak on the motion of Dr. Moonje. At the outset I wish to assure the House that I yield to no one here, even those on the opposite Benches in their desire to maintain the dignity of the medical profession in India and the prestige of its various medical colleges and Universities. I submit that too much value—too much market—is made of medical education in England and English degrees. I submit that India should not be singled out as the only part of the British Empire from whom it is demanded that she should send her sons to another country for education to qualify for employment in our own country. This is not demanded from any other Dominion; and, therefore, what I have to say on this motion is the outcome of deep conviction and deep thought as a son of India and as a medical man with some administrative experience. Sir, what are the facts of the case? In September, 1921, Mr. Subrahmanayam moved a Resolution in this House protesting against a similar action on the part of the British General Medical Council. That Resolution was discussed at great length in this House and I took part in it. The House in no uncertain terms expressed its disapproval of the distinct discourtesy of the Medical Council conveyed in a curt letter, and it was considered that a revolver was being held at our heads. I have no desire to minimise the position today, for, I consider that a revolver is again being held at our heads and I object to being threatened by anyone even that all powerful body, the British Medical Council; but, when that Resolution was discussed in 1921, what was the standard of medical education in this country? My friend Mr. Jayakar must not think he has a monopoly of intelligence in this House or in this matter. As a barrister, I am willing to accept his opinion on legal matters, but, when he talks on medical questions, I am sorry I cannot accept his opinion, and it seems as if barristers dare to step where doctors fear to tread. Sir, when this Resolution was moved in 1921, the training of midwifery in Indian colleges was the following: Bombay was not up to the standard required by the British General Medical Council, because each student performed only 7 cases of labour and on this he received his degree to practice. In Calcutta each graduate had only done 10 cases of labour. Madras was well up to the standard. Now we come to the Punjab, where 50 students had 23 labour cases divided among themselves to attend, which works out at the appalling rate of less than half a labour case per student, and yet, he was given his degree to practice midwifery. Could anything be more lamentable, more dangerous, more defective? Such was the disgraceful and appalling condition of our mid-

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wifery training in 1921, and that was the reason, Sir, why Sir Norman Walker on behalf of the British Medical Council visited this country to investigate our medical standards. Sir Norman Walker, I may tell this House, is an eminent dermatologist and when I heard that he was coming to India to improve our training in midwifery, I was surprised and hoped he was coming here to eradicate our cursed colour prejudice and to kill our pigmentary handicap as a dermatologist, and as such, I should have welcomed him. But, being an expert on medical standards also, he was eminently fitted for his inquiry.

Sir, in 1922 I had the honour of moving a resolution in this House which, for want of a better term, I called my medical Swaraj resolution. The resolution ran thus :

"This Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee of professional experts half to be obtained from the United Kingdom in consultation with the General Medical Council, and the other half from India, to tour India and to inquire into the training that is obtained in the various medical and surgical institutions, both official and non-official, and to submit recommendations with a view to bringing the Indian institutions, in all respects, on a level with those of the United Kingdom and thereby creating in India a suitable field of recruitment for its entire medical services."

This Resolution, Sir, was discussed at great length and it was this House, especially the opposite Benches, that turned it down. In the course of my speech I said :

"I want to inculcate some national medical pride ; I want to put our house in order, to raise the standard of medical training and make it equal to the very best in Europe ; to demand equal recognition by deserving before desiring ; to improve our training and to get the best staff possible ; to kill the European hall mark and all these distinctions that stand in our way ; to supply our own medical men for the entire medical services, including the Army and civil ; to make the service more popular ; to have it a first class service and open to the best men in the world ; to recruit freely in India, instead of depending on other countries for our medical men ; and to be independent like other Dominion States, to let others come to us, not we to them. To shake off the control of the General Medical Council ; and to have our own General Medical Council. Such is the Nirvana that I am trying to portray ; such is the medical Swaraj that I am trying to put before you to obtain for India and which, I submit, will be obtained by accepting my Resolution."

"There is no use saying with one breath 'we want Swaraj' and in the next 'borrow our medical needs from other countries.' Can we obtain this Nirvana with the present system which is in force in India ? I say emphatically no. It is impossible with the present type of medical men who are coming to India. It merely results in inferior training at the hospitals when compared with the European Schools."

"We must, therefore, look for our future men from and in India, and now is the time to put our schools in order so that within a few years they will be able to supply our medical needs. If I had the choice, I would say that I would rather have best men from India than the mediocres from Europe. India today demands of the very best. She must have that. She cannot supply it herself today, but, I want her to supply it within a few years. She must do so. My Resolution asks and seeks for this, nothing more and nothing less."

Such was the atmosphere in which the discussion took place then. What has happened since ? Since then Sir Norman Walker and a distinguished Officer of the I. M. S., Colonel Dutton, toured India and visited our institutions. They made certain reports on certain institutions and it was brought to the notice of the General Medical Council that the standard of education at some of our Universities was not quite up to the mark as demanded by the British Medical Council. Now, Sir, I have not seen the

reports that were sent to the General Medical Council, but one of the Universities—Bengal—refused to be inspected by Sir Norman Walker and what was the result ? The British General Medical Council, acting under its Parliamentary Statutory rights, declined to recognise Bengal, with the dire result that for over three years medical graduates from Bengal were refused recognition. Recently at a session of the All-India Medical Congress, which I attended, and of which Council I am an executive member, this matter was discussed and it was felt that Bengal had acted unwisely and that steps should be taken to secure recognition. This I understand was acted upon by the University and accordingly, the British Medical Council had consented to recognise all these graduates. That, Sir, was the penalty these graduates paid for the indiscretion of their University, and this is what I fear will result if this House today refuses to recognise the inherent—the Parliamentary—rights the British Medical Council possesses and which action it can repeat if it chuses to do. Does this House consisting of laymen, of politicians, desire to prejudice the future prospects of those of India's medical graduates who want to proceed to England ? Surely this is not the desire of the opposite Benches. Surely we cannot dispute the rights of the British General Medical Council to insist on its standards being maintained. The General Medical Council is anxious that India should have an All-India Medical Council ; the Government of India is also anxious to have an All-India Medical Council ; but the Provincial Governments, in the shape of their Ministers of Health, who assembled in Simla this year, unanimously rejected it. Why ? To my mind for two reasons among others. I may be wrong, but, I think one of these reasons was that they were zealous of their own transferred subject, medicine ; and stoutly resented any interference from the Government of India. The second reason was, I believe, they did not trust the Government of India and no doubt they have reasons for this mistrust. I mean no disrespect, and I have no desire to discredit the Government of India, but I think that in such matters the Government of India have to be very careful before they interfere with a transferred subject like medicine. The All-India Medical Congress and the entire profession in India want an All-India Medical Council. Yet, the Provincial Governments have turned it down. Why ? Surely, it is the duty of Honourable Members to persuade their Provincial Councils to insist on such an organisation. Now, Sir, since we are not going to have an All-India Medical Council what is the next best thing ? The General Medical Council says that till an All-India Medical Council is formed, we must appoint an experienced Commissioner or Inspector of Medical Standards and Qualifications, who will inspect our institutions and report to them on the standards maintained. My friend, Dr. Moonje, for whom I have great respect because he is a constructive politician and not an aerial one, said that because Bombay and Madras were up to the standard required by the General Medical Council, therefore such an Inspector was not necessary. But, he was remarkably silent as regards the standard of medical training that obtains today in the Punjab, Burma, Bihar, United Provinces, Central Provinces and other provinces. He was not in a position to say anything about those places. We do know that Bombay and Madras are well up to standard. But, the British General Medical Council, I understand, feels that Rangoon and Patna and some other provinces are below the standard required and so do not recognise these Universities. They are anxious to do so, but demand an adequate standard which can only be ascertained by the appointment of an Inspector as they suggest.

[Lieut.-Colonel H. A. J. Gidney.]

Sir, I talk as a medical man, and I talk with some considerable feeling of sympathy with Dr. Moonje. I do not talk merely from the point of view of the blood-letting operation which Mr. Jayakar was prepared to indulge in as proof of his injured national feelings. I would be the last man to allow India to be insulted and to be denied an equal place with the rest of the British Empire. But, I am bound to admit that the medical training in some of the provinces of India is not as it should be and is not up to the standard required by the British General Medical Council. Some of the Honourable Members see no reason why Indians should go to England for further degrees and think that our own degrees are good enough. I should have every sympathy with such views if our training were better, and it was to obtain this that I moved my medical Swaraj Resolution in 1922. But, it is our own medical men who want to go to England and it is they who help to develop that pseudo-superiority complex which may attach to an European medical degree, who themselves place a high premium on these degrees and a discount on Indian-obtained degrees, and so, place our Universities under the authority and demands of the British General Medical Council. It is our own Indian doctors and the public who look up to the England-trained man and look down on the man trained in their own country, and this is a reason why we to-day find ourselves under the supervision of the British General Medical Council and whose standard we are bound to comply with.

Now what is the remedy? The General Medical Council has the power and right to say, "I will not recognise nor will I permit students or graduates from India to take their degrees in England till I am satisfied that their training is up to the standards I demand." To take a parallel case, say, I invite my friend Mr. Jayakar to dinner, and in my invitation I demand that he should wear "shorts". Well, if he disregards my demand and comes dressed in long trousers, I have every right to refuse him admission to my house. Similarly, you want the General Medical Council to recognise your training and degrees, but when they exercise their right and say, "Well, if you want that, you must furnish us with evidence that your training is up to our standard and till you do this, be it by an All-Indian Medical Union or Inspectors, I regret I cannot recognise your University". This is exactly the position to-day, and you object to this demand of the British Medical Council. If our training were adequate, I should gladly join you, but, the difference between you and me is that you talk as laymen and legislators defending a political matter as you call it, whereas I, as a medical man, look at it from the medical students' point of view. You may puff up and satisfy your political dignity and refuse the demand of the British General Medical Council, and call it an insult to your national pride; but, of what help is this to the student or the graduate who desires to go to England? These are the sufferers—200 to 300 annually. Do you want them to suffer as they did for three years in Bengal, the result of the Calcutta University refusing to recognise these very demands of the British General Medical Council. Of course, you yourselves as legislators will not suffer. But the students will, and it is therefore in the name, interests and future of the students, I ask you carefully to consider this question before rejecting the supplementary grant wanted by Government—not as indignant politicians and legislators, but as sensible laymen.

**Mr. M. R. Jayakar :** May I know whether the aggrieved party has not the remedy under the Act of going to the Privy Council and whether the Government of India have exhausted those remedies?

**Lieut.-Colonel H. A. J. Gidney :** The Medical Act of 1886 has two parts; one refers to medical institutions in England and the other to institutions abroad—as India. It is not the duty of the Government of India but of the Provincial Government or the aggrieved University to appeal to the Privy Council for redress, but it must not be forgotten that till such time as the appeal has been settled, the British General Medical Council can continue to refuse to recognise students and graduates from that University, thereby penalising a number of students. But let us come down to practical politics. What chance of success would Patna or Rangoon have if they appealed to the Privy Council? Dr. Moonje was rather silent on this point. I say the General Medical Council would not recognise any students or graduates.....

**Mr. M. R. Jayakar :** Is that a reasonable position for the British Council to take?

**Lieut.-Colonel H. A. J. Gidney :** I agree with the Honourable Member that it is not, and I join with him in resenting the revolver that is pointed at our heads. I agree it is not desirable nor is it fair that students trained in Madras or Bombay, where the standard is adequate, should have a pistol held at their heads and be refused recognition by the British General Medical Council simply because the training at Patna is inadequate and it refuses to be inspected by the British General Medical Council. Of course, the British General Medical Council can refuse one province and admit another, but such discriminatory legislation is undesirable, and so it makes this demand of inspection on all provinces alike, and we must accept or reject it. Though a retired officer of the I. M. S., I am not one who thinks that I. M. S. men should have everything, for we have just as good men outside the Service—men of international repute, and I therefore appeal to Honourable Members opposite to realise that there is no desire to make this appointment an I. M. S. monopoly, nor is this a threat. The General Medical Council says, "Your students and graduates come to England for their degree, but before we confer those degrees, we want to make sure that they have undergone certain standards of training in India". If our Universities do not and cannot satisfy that standard, we are at fault, and we cannot object to the demand of the British General Medical Council and charge it of threatening India at muzzle end of a revolver and we have no cause for complaint, nor are we right in confusing this simple plain issue with high politics as a grave constitutional issue. Nor is there any racial discrimination involved in the issue before the House, nor any I. M. S. monopoly. I cannot understand the mentality of some Members who, whenever they disagree with Government, promptly cloak the issue with the garb of a "grave constitutional matter". The issue before the House is a simple one. If we want to secure English degrees we must conform to the standard demanded by the British General Medical Council. If we refuse this, then the British General Medical Council is right when it declines to accept our graduates and there the matter ends.

Then, Sir, a few words about my friend Dr. Moonje's alternative proposal. I look on it as a camouflaged All-India Medical Union. I think, Sir, no time should be lost in coming to a decision because those

[Lieut.-Colonel H. A. J. Gidney.]

students who will pass out next year must be protected and we, as representatives of the country in this House.....

**Dr. B. S. Moonje :** Why not let the present arrangements continue ?

**Lieut.-Colonel H. A. J. Gidney :** Why not protect those students who will pass out next year and till an All-India Medical Union is a *fait accompli*. It is in the name of those students that I appeal to all sides of the House to accept this supplementary demand for an Inspector of Qualifications and Standards and which is a purely temporary appointment. In making this appeal, I desire to make it clear that if I felt the profession in India was being insulted by the demand of the British General Medical Council, I would join you whole-heartedly in opposing it, for I am as zealous of India's pride as you are, but as a medical man I can see no such motive in the demand, nor is this a political issue. To my mind it is an issue of dire necessity. You must either take or leave it on the terms of the British General Medical Council.

**Mr. M. R. Jayakar :** Is the appointment of an I. M. S. a dire necessity ?

**Lieut.-Colonel H. A. J. Gidney :** The I. M. S. is as little a dire necessity in India as is the barrister qualified in England. What I want to impress upon the House is this.

If we are to sanction the appointment of this Inspector some one must be found with the requisite medical and administrative experience, and I really doubt if my friend Mr. Jayakar will be able to suggest any one else who has had as much experience, both administrative and professional, as Colonel Needham, I. M. S. Moreover, he is very familiar with this subject, having devoted many years to a close study of it.

Now, Sir, the alternative suggested by Dr. Moonje is that we should have a Board or Committee representing the various Medical Faculties in the various provinces. As I have already said, this is nothing but a camouflaged All-India Medical Union already turned down. I am, of course, in entire agreement with my friend Dr. Moonje that we must have an All-India Medical Council, and if the provinces refuse this, the Government of India Act empowers the Central Government to create such a Council. But until that is constituted, something must be done to protect our students who will be passing out next March, as also those graduates who desire to proceed to England for study.

I desire to exercise my vote, and before I do so, I desire certain assurances, and in this connection I would ask the Government Member to please listen to me for a minute. I want two assurances from Government. One is that the proposed appointment of Commissioner of Medical Qualifications and Standards in India will be purely a temporary measure, and for one year only, and the other is that Government will assure this House that within a year an All-India Medical Council will be constituted.

Then, Sir, there was another suggestion made by my friend Mr. Neogy from Bengal. He asked that the matter should be postponed till February next, and Mr. Jayakar supported this suggestion. The suggestion is undoubtedly worthy of sympathetic consideration and I should advise the Government Member to do so. But, what will happen to our students and graduates in case the British General Medical Council refuses to extend the period beyond next February or March ?

**Mr. K. C. Neogy :** How many of them go to England ?

**Lieut.-Colonel H. A. J. Gidney :** I should say at least three to four hundred.

**Sir Frank Noyce :** I have ascertained from the High Commissioner that there are 450 Indian students studying medicine.

**Mr. K. C. Neogy :** How many of them are actually medical graduates of Indian Universities ? We are concerned with them and not with all the Indian students studying medicine in England, because several go to England after passing the Intermediate Examination for Medicine.

**Lieut.-Colonel H. A. J. Gidney :** The majority who go to England have already graduated or qualified in this country. Now, Mr. Neogy's proposal is certainly both reasonable and attractive to me. Is it difficult, I ask the Government Member, for him to communicate with the General Medical Council in England and say : " This House stoutly resents the ultimatum it has presented to the medical profession and the Universities in this country ; (I do not admit it is a question of high policy or of grave constitutional importance) ; that the Government of India is anxious to form an All-India Medical Council and that this House also desires it, but, that in view of the strong protests expressed in this House on this important matter, the British General Medical Council should postpone its demand for the appointment of a Commissioner for another year or six months or until such time as an All-India Medical Council is constituted ? " If Government is willing to do this, I whole-heartedly join Mr. Neogy in his request and would urge that it be done rather than refuse this supplementary demand. Sir, this is a matter of practical importance, and I ask every Member of this House to forget politics for the moment. This question has nothing to do with politics. It is a matter of dire necessity, and I urge on all to look solely to the future prospects of the students who will graduate from our colleges before an All-India Medical Council is constituted. What will become of them if we arrive at a hasty conclusion ? I, therefore, appeal to all sides of this House to consider seriously the interests of the students, and in their name I hope the House will pursue a reasonable course, i.e., ask for a postponement of the demand of the British General Medical Council for a year, and failing such an assurance from the Government, to pass this supplementary grant for the appointment of a Commissioner, provided the two assurances I demand from Government are granted.

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President in the Chair.

**Mr. Amār Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : I am grateful to you, Sir, for kindly calling on me to place my views on the subject that is under discussion before the House. Dr. Moonje's grievance is against the proposed creation of a new post of Commissioner of Medical Qualifications and Standards, and he has therefore moved this token cut of Rs. 100 to show our disapproval of such a proposal.

[Mr. Amar Nath Dutt.]

Sir, the education of medical men here has been said to be not inferior in any way to that on the Continent or anywhere else. I may go further and say that medical education in India is superior to medical education of other countries generally. There may be one or two exceptions of medical men who, having qualified themselves in Great Britain or on the Continent, are superior, but it must be remembered that ordinarily graduates passing out of the medical colleges in India are more efficient and skilful than those who come out from the United Kingdom, and consequently people have less faith in the latter than in those who have taken their diplomas in India. That is the case in the town of Calcutta, and as regards the mofussil, I may tell this House that people have ordinarily got more faith in those medical men who have been educated in the Medical College of Calcutta than in those who were educated in London or Edinburgh. Of course, there are some degrees of the United Kingdom which are prized. But that is in order to enter the Indian Medical Service. The first batch of students who went out for the Indian Medical Service when that service was first open to the Indians were all brilliant men, and there was not one in India or elsewhere who could rival them in their knowledge of the science of medicine or surgery. That was not due to their education abroad; it was due to their education here. Though it will not be proper to mention names here, still one can recall to memory the names of students who were ornaments of the Indian Medical Service. The names of Surja Kumar Chuckerbutty and Major Bholanath Bose, are household words in Bengal, and they were educated in the Calcutta Medical College. In this connection the name of another brilliant medical graduate occurs to me, and that is Lieut.-Colonel R. L. Dutt. I can tell Honourable Members on the opposite Benches, who still are not convinced by the cogent reasons advanced by my Honourable friend, Dr.

3 P.M.

Moonje, the reason why Colonel R. L. Dutt went to England. In former days there were no Sub-Assistant Surgeons of the present type; those who graduated from the Calcutta Medical College used to be made Assistant Surgeons and Sub-Assistant Surgeons. From the result of the Medical College examination Assistant Surgeons and Sub-Assistant Surgeons were recruited. Ultimately that distinction vanished, and the Sub-Assistant Surgeons' appointments came to be given to the students of medical schools as now-a-days. In the early sixties, there was that grade of Sub-Assistant Surgeons which was only open to Indians passing out of the Medical College, and Colonel R. L. Dutt, after taking his degree from the Medical College, was offered the post of Sub-Assistant Surgeon and not an Assistant Surgeon. He said he was not going to submit to that, and therefore he went to England and came out, and what a brilliant practice he had in regard to malarial and other diseases! Every one in Bengal knows that, and I do not think there is any name on the rolls of the Indian Medical Service that can compare with Colonel R. L. Dutt. Assuming for argument's sake that education here is not up to the mark which is necessary for the preservation of life in India, I fail to understand why this system has been kept up for such a length of time. Since a Hindu first took up the knife and dissected the body of a dead man in violation of the prescribed rules of his caste with the booming of canons from Fort William in the year 1835, nearly a century has elapsed, and if the Government have not done anything to improve medical education in

India during all this time it is their fault. It must not be forgotten that India had a science of medicine which was far superior to that of any other country in the world and a succession of foreign rulers and foreign occupation of this land has killed that science to a great extent. Slowly the foreigners replaced the Ayurvedic system of medicine during the past century and brought in their own system. If we have been able to hold our own still, it is a great achievement for Indians, and no other nation could have achieved that. Sir, if after a lapse of one hundred years, they say that the medical education in India is not up to the British standard, Government stand self-condemned. Either it is the studied policy of Government not to impart to us all the knowledge that is available according to modern advancement in science, or they are bringing in teachers here who are not qualified to teach the subjects. In either case the Government are to blame. Sir, from whatever standpoint you look at this subject, you cannot but condemn the Government. I am very sorry to do it no doubt, but when necessary we must give expression to our feelings. You have replaced our indigenous system and brought in your own system.

Mr. President: On this motion, it is not relevant.

Mr. Amar Nath Dutt: Well, Sir, they want to create a new post of medical Commissioner.

Mr. President: That is the important point.

Mr. Amar Nath Dutt: When did they discover that such a post was necessary? Was it when they found that some one had to be provided with a post? In this connection, without being irrelevant, you will permit me to tell you a story. There was a favourite wife of a Nawab who insisted on her brother being provided with some appointment. The Nawab could not find any and he asked his ministers to find out some employment for his brother-in-law.

Mr. T. A. K. Shervani (Cities of the United Provinces: Muhammadan Urban): Why a Nawab?

Mr. Amar Nath Dutt: Say a king or a raja. Then the King said to his ministers, "You must find out some employment for my favourite wife's brother". Then he gave the job of counting the waves of the ocean. That was a very comfortable appointment. I do not know whether the Department has in its mind to provide for some near or dear relation of theirs, or anybody who may be in the good books of Government. We as taxpayers of this country have a duty towards our constituents. We cannot take this lying down. You want to provide for some favourite of yours and you ask us to accept the proposal. Why should we, unless you convince us of the necessity of such an appointment? We have told you that it is wholly unnecessary. It will be graceful on the part of Government if they do not thrust this appointment on us. In the Standing Finance Committee we put forward many cogent arguments. Has any one of these arguments been met by the Government? No. They are unanswerable arguments, and they stand on the solid basis of reason and logic. Sir, the Government want to appoint a Commissioner of Medical Standards and Qualifications. What medical standard? I suppose they mean the European system of medicine. I see the Honourable Member in charge of the Department is there. May I know what standard is meant? Probably he knows as much of medicine as I do.

The Honourable Mian Sir Fazl-i-Hussain: A little less!



**Mr. Amar Nath Dutt :** Be that as it may, why should he ask for a post like this. I know that the Honourable Member who holds this portfolio is an Indian, and I sympathise with his position. We are asked to find jobs for members of the ruling race who will come and sit on judgment over our Universities. Without being irrelevant, I may tell you that, when Dr. Sadler came on the University Commission, he found in India a master mind which compelled him to observe, when he found that gentleman, that there was no necessity for bringing him out. His name is well known throughout the length and breadth of this country.

No self-respecting Indian, who has got any respect for his *alma mater* will submit to such scrutinisation of the qualifications of those who graduated from the medical colleges in India. They are as self-respecting as members of the professions of law and engineering. If Government do not realise what we say to them in unmistakable terms, then I can only pity them. We have seen a change to some extent in the attitude of the Honourable Members on the Treasury Benches in the past few days, and I hope they will also consider this in a sympathetic spirit. I hope that that change will grow daily, so that we may be able to meet and discuss together. I ask you not to treat us in the way in which you have been treating us. I appeal to the Honourable the Home Member, because he is the Leader of the House and is the guiding voice. I hope the change of spirit which he has shown will be shared by other Honourable Members holding portfolios, and that they will not inflict this insult upon educated Indians who have taken to the profession of medicine. Of course everything is evident on the face of the objection, which has been made by my Honourable friend Dr. Moonje, to the creation of a new post of Commissioner of Medical Standards and Qualifications. No doubt Dr. Moonje will feel it very keenly, because it means an insult to his profession, as in other professions too people feel this and to remedy which they are obliged or compelled to bring in Bills for introduction. Sir, I hope the time has come when the Government will see the reasonableness of giving us Indians the respect (*An Honourable Member*: "You expect too much.") to which we are entitled, as they also expect the respect which we ought to show to them, and which we have been showing. I congratulate Government on their change of heart, and I hope that will grow more and more.

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : Sir, first of all let me state that I am not a medical man. I nearly became one, and now when I see my friend, Colonel Gidney, I am almost constrained to exclaim, "But for the grace of God, there goes Chaman Lall." (Laughter.) This question that is now before the House is a question which affects chiefly not a layman like myself but the medical profession in this country. But it does affect the layman to a certain extent, as we consider that the dignity of the people of this country is involved in the proposition that has been placed before us by the Honourable Mian Sir Fazl-i-Hussain. What is the proposition? First of all, I would like to ask the Honourable Member—to whom I extend my congratulations for the most excellent and lucid speech which he delivered on this subject (*An Honourable Member* : "Question?")—I repeat again, for the most excellent and lucid speech (*An Honourable Member* : "Question?") which he delivered—the first thing I would like to ask him is this. What is the position of the Government of India in regard to this matter? Is it or is it not a fact that the Government of India themselves are against the principle which is involved in the appointment of this supervisor or dictator or director as the case

may be to look into medical qualifications and standards in this country? If it is not a fact that they are themselves against any such appointment, and if I am challenged by any Member on the opposite side who denies this fact, all that I have to say is to remind Honourable Members opposite of the fact that they were willing to bring in a Bill for the constitution of an All-India Medical Council. I take it that that is a fact.

**The Honourable Mian Sir Fazl-i-Hussain :** It is better to answer that point in a speech, rather than by way of interruption.

**Diwan Chaman Lall :** If that is the position, then why did they resile from that position? The answer that the Honourable Member gave was that they called a conference of Ministers together and that this Conference decided that they would not look at the proposition for the setting up of an All-India Medical Council; and because they would not look at that proposition, therefore they suggested that, until they could themselves provide some sort of machinery, this appointment must be sanctioned. Now I want to ask Honourable Members opposite as to whether there is any urgency for this appointment. If that is the position taken up by the Ministers, why cannot the present state of affairs continue without an appointment of this nature being made? Is there any urgency? The Honourable Member himself, in his speech, stated that this matter would eventually, indeed very soon, be brought before the Legislative Assembly, and that Ministers of various provinces, whose department it is to consider this matter, will again revise their opinion and put forward certain suggestions.

**The Honourable Mian Sir Fazl-i-Hussain :** They may.

**Diwan Chaman Lall :** Now if that is the position, that they are really thinking of revising their opinions, and if it is the case that this matter has got to come before the House—it must be so because the Honourable Member himself stated that this is a temporary measure—well, if it is a temporary measure, then some other measure has to come in its place, sooner or later. This measure is only for one year, therefore after a year, something has got to be done. As to what that is, the Honourable Member will tell us, but if this is the position, where is the urgency for it? Is it or is it not a fact that the Medical Council in Great Britain have decided that, until January or February 1930, they are not going to take any action in regard to medical standards and qualifications in this country? Is that a fact? Then I take it that, until the month of February, 1930, they are not going to take any action. Now if they are not going to take action until February, 1930, I ask the Honourable Member, what urgency is there? Why cannot he wait until the next Session of the Legislative Assembly in Delhi? Why, at the far end of this Session, bring in a proposition which has elicited a great deal of opposition from these Benches? And if there is no urgency, it is possible that the Honourable Member might plead that there is no certainty as to what the Legislative Assembly may do. Well, let us grant that there is no certainty, but that proposition will arise only after February, 1930. I go further than that. I say that the Medical Council in Great Britain cannot take the action which is contemplated by the Honourable Member; and I want to remind the Honourable Member of the provisions of the Medical Act of 1886. Section 13 (2) says :

"If at any time it appears to the General Council that the standard of proficiency in medicine, surgery and midwifery or in any of those subjects or any branch thereof



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required from candidates at the qualifying examinations held by any of the bodies for the time being holding such examination is insufficient, the General Medical Council shall make a representation to that effect to the Privy Council, and the Privy Council, if they think fit, after considering such representation and also any objections thereto made by any body or bodies to which such representations relate, may by order declare that the examinations of any such body or bodies shall not be deemed to be qualifying examinations for the purpose of registration under the Medical Acts and Her Majesty, with the advice of Her Privy Council, if upon further representation from the General Council or from any body or bodies to which such order relates it seems to Her expedient so to do, shall have power at any time to revoke any such order."

**Sir Frank Noyce :** That, Sir, does not apply to India.

**Diwan Chaman Lall :** Does section 4 of the Act apply to India? Of course it does. I am only giving you exactly what the provisions are in regard to the action to be taken by the Medical Council in Great Britain and elsewhere in the Colonies, as well as in India. Now this is what they have to do as far as Great Britain is concerned.

Section 4 (1) says :

"Where the General Council have refused to recognize as aforesaid any colonial or foreign medical diploma, the Privy Council, on application being made to them, may, if they think fit after considering such application and after communication with the General Council, order the General Council to recognise the said diploma, and such order shall be duly obeyed."

Now if that is the position, that the matter has got to come before the Privy Council,—suppose the Medical Council take the action that is contemplated by Honourable Members opposite and representations are made from India, from medical authorities and medical councils in India, to the effect that the action that is being taken by the Medical Council in Great Britain is detrimental to the interests of the medical profession in this country? Is it not a fact that those representations will be duly considered by the Privy Council? And is it not a fact that the Privy Council has the right summarily to order the General Medical Council in Great Britain, preventing them from taking the action that is being contemplated by Honourable Members on the other side of the House?

**The Honourable Mian Sir Fazl-i-Hussain :** That will still need a supplementary demand for engaging counsel there.

**Diwan Chaman Lall :** The Honourable Member need not be afraid of the passing of such a supplementary grant, and I can assure him from this side of the House that, when the matter comes to that stage—it is not likely to come to that stage—there will not be a single Member in this House who will oppose such a supplementary grant. (Hear, hear.) This matter concerns a constitutional right, and the dignity of the medical profession, and the Honourable Member may rest assured that, where the right and the dignity of the medical profession in this country are involved, there will be nobody on this side of the House who will oppose any amount of necessary expenditure in order to vindicate that right and dignity. (Hear, hear.) (There was an interruption.) I did not hear what the Honourable Member said.

**The Honourable Mian Sir Fazl-i-Hussain :** I said this is what is called the litigious spirit.

**Diwan Chaman Lall :** The Honourable Member has had several years' experience of the litigious spirit, and I submit that the spirit with which this proposition is being mooted on the floor of this House shows a spirit

very much akin to the litigious spirit. It shows this—and I am coming to the second point now—that the Honourable Member has not really gone to the merits of this question properly. For, Sir, I urge, first of all, that I have established that there is no urgency in regard to this matter, and that the other side have not shown that there is any such urgency. It is not established that any qualifications that are still being held, or any qualifications that are going to be held until the 30th February, are ever likely to be affected if this measure is not passed by this House. But it might be urged quite conceivably, as it was urged by the Honourable Member in a side issue, which personally, I submit had absolutely nothing whatever to do with the merits of the case—I see that the Honourable Member is not paying attention to what I am saying.....

**The Honourable Mian Sir Fazl-i-Hussain :** I am listening to every word you are saying.

**Diwan Chaman Lall :** The Honourable Member in a side issue, raised a constitutional point. He said that, under the Reforms scheme, there are these transferred departments, and they feel that this House is interfering with the dignity, the liberty and the freedom of the transferred departments, or some words to that effect. Now, I want to ask the Honourable Member whether it is not a fact that, by the appointment of a Director of this nature, there would still be that interference in the liberty and freedom of the transferred subjects? Colonel Gidney says "No".

**Lieut.-Colonel H. A. J. Gidney :** I did not say "No" to you.

**Diwan Chaman Lall :** I thought my friend Colonel Gidney had a great deal more courage than that. (Laughter.) (Lieut.-Colonel H. A. J. Gidney : "Courage for what?") Now, Sir, if it is a fact that the liberty and hard-won freedom of the transferred departments under the Montagu-Chelmsford scheme would still be interfered with if a Director were appointed, then I want to ask the Honourable Member what strength does his argument possess, namely, the constitutional argument that he has raised?

In fact, the proposition that the medical profession has raised, and which proposition this side of the House would be prepared to support, is that an All-India Medical Council should be instituted. We are prepared to support a proposition like that. That would not interfere with the liberty, the freedom and the constitution of the transferred departments. That proposition would be, not the one that the Government of India have raised, namely, that the transferred departments in the provinces should not be adequately and properly represented on the All-India Medical Council, nor that they should not control it, but the proposition from our side of the House would be that each province would be given adequate representation on the All-India Medical Council in order that the money they spend and the work they do should be supervised or controlled by each province. Now, that is the proposition that we would be prepared to listen to. But what is the proposition of the Government? This Director who will be in charge of this business, shall not be responsible to us nor even to the provinces, but he shall be responsible to a body sitting 6,000 miles away. And as to the self-respecting Ministers in the provinces, may I ask, Sir, what do they mean by submitting themselves and their dignity and their self-respect to the dictates of a man who is responsible to a body 6,000 miles away, and why are they not prepared to listen to a proposition of a different nature

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whereby they themselves would be controlling the destiny of an organisation set up by themselves? (Hear, hear.)

Now, Sir, I consider that the constitutional argument raised by the Honourable Member has no force whatsoever, nor has the argument that there was any urgency in regard to this matter. Let me for a minute look at the constitutional position. The Medical Act, as I have said already, was passed in 1886, and from the constitutional position it is perfectly clear that there can be no difficulty whatsoever in continuing without a representative of the Medical Council in charge of the destiny of the medical profession in this country. The history of this question is a very simple one. Every medical man knows the history of this question. The practice in England was that every important branch of the medical profession was responsible for the handing in of a report to the Medical Council. The experts attached to each important institution, in their various branches, were responsible for sending in their reports. What was the system here? The system here was this, that recognition was given by the Medical Council of Great Britain and Ireland, first in 1892, and for a period of 30 years—from 1892 to 1922—that recognition continued. Were there any Visitors and Inspectors appointed in those days? There was not a single Visitor nor a single Inspector on behalf of the Medical Council in those days to look into the working of the medical institutions in this country. And yet the recognition was granted by the Medical Council. Why has the Medical Council suddenly realised the necessity of appointing Visitors and Inspectors? What was the real reason behind it? The real reason, which my friend Mr. Jayakar in a very excellent speech wanted to mention, but said he would not mention, is this, that until the Reforms scheme it was considered by the Medical Council in Great Britain that the control was vested in the European I. M. S. staff in this country, and therefore they were safe in ignoring the necessity of having Visitors or Inspectors in this country. Has the medical profession, or have the medical institutions in this country deteriorated to this extent since 1920, that suddenly the Medical Council has realised the necessity of appointing Inspectors and Visitors? If it is admitted that the reason was purely racial, or that the reason was merely this, that the control had passed from the hands of the European I. M. S. into the hands of the popularly elected Ministers.....

**The Honourable Mian Sir Fazl-i-Hussain :** The reason was the transfer of control from Parliament to the local Legislatures.

**Diwan Chaman Lall :** How that improves matters, I do not know. In fact, it ought to improve matters the other way. If the control has passed from Parliament to local Legislatures, which are on the spot and capable of looking after their own institutions, so much the better. Why should there be a necessity for the appointment of a Visitor or an Inspector? If you grant this proposition that the local institutions, that the Local Governments, are better able to look after their own institutions than an organisation 6,000 miles away, then what is the necessity of the Visitor and the Inspector? You can only prove the necessity of the Visitor and the Inspector if you can show that there has been any deterioration in the standards. If there has been any deterioration, what is the basis of it? What is the Inspector for and what is the Visitor for? Sir, I submit most humbly that the business of the gentleman who is going to be appointed

will be to look into the standards of qualifications, that is to say, the efficiency, or the lack of efficiency, of the medical institutions here. That will be his business. If that is his business, then, unless you can prove that there is today more lack of efficiency than there was before, or that the standards have deteriorated, you cannot justify the appointment of a Visitor or an Inspector. But if you cannot prove any deterioration in the standards, then what is the idea of appointing an Inspector, whose sole object will be to look into the standards of efficiency or the standards of qualifications of the medical institutions in this country? My Honourable friend objected to this. He said that it was due to the passing of the control from Parliament right down to the local Legislatures. May I remind him of the report that was submitted by Sir Norman Walker in 1927, on the 11th July I believe, in which he admitted that the real reason was the passing of the control from the European I. M. S.? (Hear, hear.) May I read it to the Honourable Member?

**The Honourable Mian Sir Fazl-i-Hussain :** It is hardly necessary.

**Diwan Chaman Lall :** The Honourable Member knows it perfectly well, that the report of Sir Norman Walker actually said so. Now Sir Norman Walker was specially deputed to make the report on this very point. Does he or does he not substantiate the charge that I am making? He does substantiate the charge that the necessity arose not merely because of the transfer of the control from Parliament to local bodies.

Now, Sir, I should like to know what this gentleman is going to do. Until this proposition was mooted that this gentleman would be appointed for a short period, for a temporary period, we had the arrangement that three men were in charge of this, one in charge of midwifery, one in charge of surgery and one in charge of medicine, and the reports themselves show that the work was so difficult, so important according to them, that they actually took two years in inspecting the institutions of this country. If three men took two years to inspect the institutions of this country, and were able to report only after two years' inspection as to the standard of efficiency and qualification of the medical institutions, in the name of all that is sensible and all that is decent, I would like to know whether one man is going to do the work of three men and do that in the period of a few months and submit a report that would be worth reading? (Hear, hear.) If this man is going to be appointed for a period of a few months in order to do the work that was being done by three men, who took two years to do that work, if this man is going to be appointed for such a short period, what sort of report can he furnish? Will that report be worth the paper that it is written upon, and if it is not worth the paper on which it is written, I want to ask the Honourable Member opposite what necessity is there for appointing him? He will not be able to visit any one of these institutions and submit a proper report upon the working of the various institutions in this country. It is impossible for any one man to do that throughout the length and breadth of the country within the period of a few months that he will be in charge of this job. If that is the proposition, then again, I ask the Honourable Member opposite, what is the necessity? Is the necessity simply to do what the British General Medical Council says, or is the necessity simply to find a job for one gentleman,.....

**Mr. Jannadag M. Mehta :** Who is migrating from one department to another.

**Diwan Chaman Lall** : . . . . . for one gentleman, who, according to my Honourable friend, is migrating from one department to another ?

**The Honourable Mian Sir Fazl-i-Hussain** : Who is that man ?

**Diwan Chaman Lall** : Well, Sir, we have had the name of Colonel Needham mentioned on the floor of this House a hundred times. It is not the first time that we are hearing his name. We have heard his name from 1924 and onwards. I would like to know, firstly, if there is no urgency, secondly, if the necessity is not shown, and thirdly if it is conceded that he will not be able to do the work, then what remains of the arguments advanced by my Honourable friend ? The constitutional argument has gone by the board, the necessity is not proved, urgency is not proved, expediency is not proved, then what remains ? Why can't my Honourable friend then wait until the next Session of the Legislative Assembly and bring this proposition up then ? Let us take this proposition. The Honourable Member, Sir Fazl-i-Hussain, actually let the cat out of the bag when he was speaking on this subject. He said, "We have no guarantee that this man will be available next year." If he will not be available next year, are there no men who can be made available next year ? Can you not fill his place with equally capable men ?

**The Honourable Mian Sir Fazl-i-Hussain** : I never said this man or that man.

**Mr. Jamnadas M. Mehta** : Some man.

**Diwan Chaman Lall** : All right, some man, if he likes. But if the Honourable Member will read the report of his speech, he will find what he actually said. He will find that he said, "There is no guarantee that this man will be available," or "a man will be available."

**Mr. Jamnadas M. Mehta** : It is a case of now or never.

**Diwan Chaman Lall** : Do I take it that the medical profession is so bankrupt of first class men in this country that you cannot find a single man of the required efficiency and calibre to look after what is, after all, a post of inspection ? I would not be so uncharitable as to suggest that the I. M. S. profession is bereft of a single capable man who can fill this post.

\* **Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Probably the House will agree to make a present of the Honourable Colonel Gidney in order to fill the post.

**Diwan Chaman Lall** : I do consider that it is a very honourable profession. I consider that this profession has done a great deal of good to this country. I consider that some of the best medical men to be found in this country belong to this service, the I. M. S. I will not be uncharitable to this service.

**Lieut.-Colonel H. A. J. Gidney** : Thank you.

**Diwan Chaman Lall** : I merely ask my Honourable friend in his turn not to be uncharitable to this country when he postulates a proposition of this nature, that this man and nobody else, that now and now only and not at any other time, can fill in this office. He is asking us to swallow something that we cannot accept from him.

Now, Sir, I ask my Honourable friends opposite, when they realise the volume of opposition on this side of the House, when they realise that it is a matter of grave principle involved, when they see that the entire Indian medical profession in this country is up in arms against a proposition of such a nature, which is being mooted on the floor of the House, when they realise also that there is no argument of any kind which has been expressed which is capable of carrying any weight with us, and considering that there is neither urgency, nor expediency nor any constitutional issue involved in the rejection of this proposition, when they look upon this matter in this light, then I submit it is for them to take the step and say to us, "Well, we realise that there is a strong feeling on your side of the House ; we realise that there is strong reason on your side of the House, and we are quite prepared to wait for a few months and place the matter before the Legislative Assembly when it meets in Delhi next winter".

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Sir, if I rise to speak on this motion it is more with a view to ask for, and, gather some further information before I make up my mind, than to give the House any useful information myself on the subject matter before the House. I have followed with very close attention the two speeches in support of this motion, and especially the one delivered by the Honourable Mian Sir Fazl-i-Hussain. If I have understood him correctly, he particularly emphasised the fact that this arrangement of one all-India Commissioner on behalf of the British General Medical Council is only a temporary device. He has emphasised it so much, that I would venture to ask the Honourable Member why, when this question was put before the Standing Finance Committee for the first time, the following sentence occurred. I am reading from page 69 :

"It was accordingly proposed to ask the Legislative Assembly for a supplementary grant of Rs. 2,400 for the current year and to include a provision of Rs. 39,000 in the budget estimates of 1930-31."

It is not a question of bridging over the gap of the next six months. It appears to me that the temporary period indicated by the Honourable Member in charge is at least going to be eighteen months from today. If that is so, it ceases to be as temporary a post as was given to understand at least to me, before I read this latter portion of the Standing Finance Committee proceedings. I venture to ask the Honourable Member—and before I ask him that, I wish to assure him that as far as I am concerned, I give him the fullest *bona fides* for being as keen on India's prestige and self-respect being preserved in this question as any one in this House,—whether it is not a fact that the Government of India are not satisfied with the control which the British General Medical Council exercises at present, and are not satisfied with the orders which they give regarding what are to be the qualifications of and handicaps on medical students in India. The present arrangement of three Inspectors for all the Universities and medical colleges, it is agreed, is not adequate. I take it that my understanding is correct, and the Government of India themselves feel that that is not a satisfactory arrangement. It is now suggested by the Government of India that, as a temporary measure, we should agree to one man to control the whole arrangement, until when ? Until, as I have read out, at least the next eighteen months. May I ask, for my own information, whether the

[Sir Purshotamdas Thakurdas.]

Honourable Member expects that the various Provincial Governments, Ministers, and educational bodies, are likely to be unanimous on any scheme before that period has expired? I have heard a good deal about the provincial efficiency, as one Member put it, of Bombay and Madras in regard to medical education. I have also heard something about the comparative backwardness, as somebody said, of Patna and Rangoon regarding medical education. What guarantee is there that all these various bodies and medical experts, etc., in these various Presidencies will agree upon one scheme, by which the Government of India can substitute or replace this one-man control which we are now asked to sanction as a temporary measure? And if these various Provincial Governments and provincial Universities should differ, am I incorrect in inferring that this one-man control may continue for ever? That, Sir, is the reason for the attitude of the opposition, of my Honourable friends to my right, so far as I have been able to understand it. It is not necessary to go into, or to over-emphasise, what is called the racial jealousy in this question. I am one of those who feel that the I. M. S. has had control of the Indian medical education long enough, and I would like non-I. M. S. personnel to be utilised now. But let that not be the main question in this debate. The main question is that Government now ask this House to replace the three Inspectors by a one-man control. They tell us that it is temporary; and Government at the moment ask us to sanction it for a period of six months. But the intention of the Department in the Finance Committee was not six months, but a year and a half at least.

The Honourable Member has told us that there are differences of opinion between the various provincial Ministers; whether the Ministers have or have not consulted their local Councils is a matter which we may leave to them to decide. Prominent Universities, well-conducted Universities, have expressed views strongly against this motion. Government want this House to sanction this temporarily: I am quite prepared to give the fullest weight to their suggestion, but I want to understand whether the Government of India have reason to expect that the various provincial interests will agree upon a common scheme; and if not, do the Government of India propose to force them to come to a common agreement? That may not be feasible, because I heard the Honourable Member speaking quite a great deal about the independence which must be left to Provincial Governments. And should that happen, I venture to ask the Honourable Member, in all earnestness, whether he would not be exposing the whole medical education of this country to the continued control, for a long period, of one man. I therefore feel that, unless and until I know what reply the Government of India have to give to this apprehension of mine, it would be my duty strongly to oppose the motion.

**Mr. K. C. Neogy :** Sir, I am very sorry to find the Honourable the Finance Member associated with this proposal. The Honourable Member himself has said that he realises the seriousness of the step he has taken. He said that it is an unusual step that he has taken. May I tell him that he is asking this House to break a very valuable convention that has been established? May I tell him that, although decisions of this Assembly in financial matters have been over-ruled in the past by virtue of the special provisions of the Government of India

Act, this is the first time that the Honourable Member has asked this House to over-rule the decision of the Standing Finance Committee?

**Mr. Jamnadas M. Mehta :** This is the second time.

**Mr. K. C. Neogy :** Is this the second time?

**Mr. Jamnadas M. Mehta :** In the matter of the appointment of the fifth Member of the Railway Board the decision of the Finance Committee was over-ruled.

**Mr. K. C. Neogy :** I am talking of the Standing Finance Committee for the General Revenues, and I am talking of the convention that has been in operation all these nine years. Sir, even if I were not convinced about the merits of the case against this proposal, I would have voted against it simply because of this particular aspect of the question.

Sir, Colonel Gidney questioned the authority of a barrister from Bombay to deal with this question. Now, Sir, may I tell him that lawyers are sometimes drawn into these controversies even by doctors themselves, and against their own wishes?

**Lieut.-Colonel H. A. J. Gidney :** And vice-versa.

**Mr. K. C. Neogy :** The Honourable and gallant gentleman gave us several of his credentials, and one of those was that he was a member of the Executive Committee of the All-India Medical Conference. I may tell him that on one recent occasion this Executive Committee of the All-India Medical Conference sent me, among others, an invitation to attend its meeting.

**Lieut.-Colonel H. A. J. Gidney :** At my request.

**Mr. K. C. Neogy :** I am very thankful to the Honourable Member, but that shows that the Honourable gentleman himself recognises the value of the advice which lawyers can sometimes give. However, Sir, the Honourable Member, although he induced his friends to give me the invitation, was himself absent from this meeting; and I may tell the House that it was at this very meeting that this particular question was discussed. I may also tell the House that the decision taken at that meeting by the Executive Committee of the All-India Medical Conference was against this particular proposal. I have the advantage of speaking in the presence of one other Honourable Member who was present there. I mean Mr. S. C. Mitra. He also attended that particular meeting on invitation. That was a meeting attended by some very distinguished medical men in Calcutta and it was presided over by no less a man than Sir Nilratan Sarcar.

Sir, the question that has been raised very prominently by the Honourable and gallant Colonel is this: why, when we are discussing this particular problem, should we not bear in mind the interest of the students? He has also told this House that, for a number of years the recognition of the Calcutta University, so far as the British Medical Council was concerned, was withdrawn. May I know from him as to what results followed the withdrawal of that recognition? I am a resident of Calcutta as much as he is. I did not see the doors of the University shut down during these years: I did not see the medical students turned out by the Universities and roaming about the street simply because they could not claim recognition at the hands of the

[Mr. K. C. Neogy.]

British Medical Council of Registration. As a matter of fact, I may tell my Honourable friend that, at that very meeting of the Executive Committee of the All-India Medical Conference, the view that prevailed was that it does not matter whether this recognition is there or not. There are very few people indeed who are affected by the withdrawal of the recognition. The Honourable Secretary of the Education Department gave us a figure of the total number of students that are at the present moment taking their medical education in Great Britain. That is absolutely beside the point. The number that we want to know is of the medical graduates of Indian Universities who go to England for post-graduate studies and who are the people who are really going to be affected; we are not concerned with those students that go straight away from the Intermediate classes here to England and get their admission into some University or other there, for the first time to study medicine. We have absolutely nothing to do with that class.

Now, Sir, what would be the practical effect, supposing this proposal of Government were to stand over till Delhi Session? Let us come to concrete facts. How many Universities would be affected? How many students would be affected if the decision were not taken today but in February? That is the practical point before the House. I do not know whether my Honourable friend, Sir Fazl-i-Hussain is in a position to give me definite information on these points. It is no use talking in a general way about the trouble which is likely to befall the Indian student of medicine. Sir, the great inducement for the Indian students for going to England for prosecuting higher studies in medicine no longer exists at the present moment, because for all practical purposes the door of the Indian Medical Service is shut against them: I do not know when it is going to be opened. But if it is a mere question of acquiring proficiency in medicine, surely there are institutions, which are not inferior, on the Continent where the students can easily go. For instance there are famous medical institutions in Vienna, Paris, Berlin and other places; and besides, we know that, as far as the treatment of Indian students in the British Universities goes, it is not of a very inviting character at the present moment. I for myself would not be sorry to see the number of Indian students going to England diminished.

**Mr. G. L. Winterbotham:** Is it not rather a question of what the students themselves want?

**Mr. K. C. Neogy:** I leave it to my Honourable friend, Mr. Winterbotham, to enter into the minds of the Indian students if he wants to; but I want to remind him of this, that the only authorities who can say that they have got the interests of the students at heart are the Universities. We have got here an opinion that the University of Bombay holds in this matter. I challenge the authority of anybody in this House to support the Government proposal in the name of the students, when particularly we find that a distinguished University like that of Bombay has expressed itself definitely against this proposal. Can it be said that the University of Bombay was absolutely ignoring the interests of its own students? Well, it has been said that, so far as the Calcutta University is concerned, they would not tolerate these visitations. I know the treatment that the Calcutta University accorded

to one of the visitors when he went to inspect the University institutions; they simply refused him permission to inspect their colleges. (Hear, hear.) That is the attitude which has been taken up by the Calcutta University, and can it be said by anybody here that he has got the interests of the Calcutta students better at heart than the University itself?

**Lieut.-Colonel H. A. J. Gidney:** What did they do three years afterwards? They ate their own words and capitulated to the British Medical Council terms.

**Mr. K. C. Neogy:** Three years afterwards they got what they wanted on their own terms.

**Lieut.-Colonel H. A. J. Gidney:** Not on their own terms, and during this period over three hundred graduates were refused recognition in England.

**Mr. K. C. Neogy:** Where?

**Lieut.-Colonel H. A. J. Gidney:** In England.

**Mr. K. C. Neogy:** Nothing of the kind at all; I was told at that very meeting, which the Honourable and gallant Colonel did not attend, in Calcutta, that only a handful of students were affected and that they themselves did not complain. One or two doctors who had secured employment on some coasting vessels found that this question of British registrable qualifications was raised when they touched ports like Singapore; that is, when they went beyond the limits of British India.

**Lieut.-Colonel H. A. J. Gidney:** Shipping companies accept Indian degrees freely. The refusal applied only to members of the I. M. Department, which has since been rectified.

**Mr. K. C. Neogy:** I am stating what I heard at the meeting of the Medical Conference which the Honourable Member himself did not attend. The Honourable gentleman says 300 were refused degrees. Nothing of the kind. The Honourable Member ought to make sure of his facts and he ought to make it a point to attend meetings of the Executive Committee of the Medical Conference of which he is a member.

**Lieut.-Colonel H. A. J. Gidney:** You know why I did not attend: I was ill that day.

**Mr. K. C. Neogy:** Another fact which I was told at that meeting was that, whereas this Medical Council of Registration is so very punctilious about the Indian standards, they are very charitable so far as certain medical institutions in Great Britain are concerned. I was given the names of certain minor medical institutions in Great Britain—the names of certain minor medical institutions in Great Britain—where the number of midwifery cases that fall to the lot of a student is far less than the number of such cases that a student gets in any Indian University, including the Punjab and Calcutta and other Universities; and yet the General Medical Council in England has never raised any objection so far as recognition of the degrees of these institutions is concerned. I expect some information from the Honourable and gallant Colonel on this head.

**Lieut.-Colonel H. A. J. Gidney:** I am not the Registrar, so you had better seek this information elsewhere.

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**Mr. K. C. Neogy** : He accepts my statement, I take it.

**Lieut.-Colonel H. A. J. Gidney** : I certainly do not accept any of your statements.

**Mr. K. C. Neogy** : Now, talking of standards reminds me of another fact, that here are members of the Indian Medical Service who come out to India and none of whom, I think, possesses sufficient experience of tropical diseases ; and yet no objection is taken on behalf of Government to their being allowed to practise in India. If I had my way, I would make it compulsory for them to undergo a sufficient course in tropical medicine before they were permitted to practise in this country ; but that is only by the way. I think we have to get our Central Medical Council set up before we can take any action on these lines.

Now, a good deal has been made of the fact that the Ministers favour this proposal. The Honourable Sir Fazl-i-Husain, in his most persuasive manner, says, " Oh, we are only acting as the bankers of the Provincial Governments ; why are you so much perturbed about it ? " Well, Sir, I do hope that the credit of the provincial Ministers is not so low as not to enable them to obtain a loan from the Imperial Bank of India ; if they choose to do it, let them come together and meet at some central place : I do not mind if you, Sir, permit them the use of the hall downstairs : I do not mind even that. Let them meet and let them come to a general conclusion, and let them appoint the Imperial Bank of India as their bankers—I do not at all mind. But if you come up before us for money—it may be as a short accommodation—even then, I think we are entitled to discuss the merits of this proposal : we cannot merely be registering decrees, as my Honourable friend, Mr. Jayakar, said, of the provincial Ministers. Then again, Sir, reference has been made to the Conference of Ministers. What information about it have we before us at the present moment beyond the statement made by the Honourable Member in charge—and I fully accept that statement ? What detailed information have we at the present moment before us regarding that particular Conference ? The Honourable Member himself has said this is merely a temporary proposal, and the necessity has arisen because of the fact that the Ministers did not support the other alternative that was put before them. Now, we want to know what that other alternative was : it may be that we would be prepared to consider that very favourably ; it may be that there was sufficient ground for the Ministers for not accepting the alternative scheme ; we have absolutely no information on these points. I do not know if there is any insuperable objection to placing the proceedings of that Conference before this House before we are asked to agree to this particular proposal. I feel, Sir, that I would not be conscientiously discharging my duty till I have seen those papers. I have no intention of belittling the Ministers. I am prepared to help them if they deserve our assistance, but before that, I must satisfy myself as to the exact position which they have taken up at this Conference. For all these reasons, Sir, I think that an adjournment is well justified till the Delhi Session.

Sir, the Honourable Sir Purshotamdas Thakurdas has pointed out a very important fact, that the Finance Committee were asked to endorse the scheme not for the temporary period of a few months in the current year, as the Honourable Member in charge gave us to understand, but for a year more. Now, Sir, if the total period contemplated by the Government for which this officer will be appointed amounts to 18

months, would very much be lost if we were to defer the decision of this question, say, for four months from now ? I do appeal to the Government to accede to the very modest proposal which we have made, namely for the adjournment of this debate till the Delhi Session.

**Several Honourable Members** : Sir, the question may now be put.

**Maulvi Muhammad Yakub** : I hope, Sir, you will realise that Honourable Members have been sitting very late in the evenings for the past few days, and I would, therefore, request you kindly to adjourn the House early today.

**Several Honourable Members** : The question may now be put, Sir.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, it seems to me the temper of the House is impatient and wants to get through this business as quickly as possible. I will therefore make a very few remarks only. I have been watching with interest and amusement the battle that has been raging today between the bureaucracy on that side and the bureaucracy on this side,—between those who have been accustomed to have their will implicitly obeyed by the people of India up to this day and those who want to have their will implicitly obeyed by the people of India after the 31st of December 1929. I myself being a representative of those whose lot is only to obey the bureaucracy there or the bureaucracy here,—very often I am unable to say which is the better bureaucracy I am to obey, the white bureaucracy over there or the brown bureaucracy on this side,—I have been trying to make out if really the arguments that have been put forward on either side will help me in coming to any decision ; and I feel only very much perplexed by the arguments.

Sir, if I were asked to state my honest opinion, I believe the whole thing has come out as a result of our slave mentality. We have been anxious to get some recognition from some people far, far away, and the whole trouble has been that we want that our Indian graduates should secure some recognition from Great Britain for the purpose of registration in Great Britain. I do not know why we should have gone into this muddle, why we should have gone on our knees to ask for recognition from Great Britain by some body which probably is composed of all kinds of people, good, bad and indifferent. I know, Sir, that in Madras we have very capable Indian doctors who can beat any doctor from England or from America. I may speak from my personal experience that some very able doctors who have gone to or are from England have told me that there is no one in Madras, or for the matter of that in the whole of India, that can come up to Dr. S. Rangachari in the matter of surgery ; and, mind you, Sir, he is a graduate of the Madras University. Whenever there is a very hard or difficult case in the General Hospital in Madras, which the big European doctors cannot properly handle, they beg of Dr. Rangachari to go and help them. (Hear, hear.) That is, Sir, from my own personal experience. Therefore, I say that all this trouble has arisen from the fact that we wanted recognition for our Indian medical graduates from some body of white men far, far away. There ought to have been established some kind of All-India Medical Council in India itself, which is probably going to be done in course of time ; but this desire to go and plead before somebody else to acknowledge or recognise our medical graduates as worthy of being called doctors,



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of being enabled to be qualified to practise, to get recognition from a foreign country, all this is the result of our woeful slave mentality. I cannot at all understand the logic of some of my friends in this matter who generally take pride in such slave mentality. My friends only last week pleaded that, because in England hundreds of girls become mothers before or without marriage, that because in America companionate marriages take place by thousands, therefore we must have a Marriage Law in order to have similar things in India. Therefore, I ask leaders with such slave mentality, "Why should you object to have an Inspector or Commissioner of Medical Education in India in order to please the medical gods in England or America?" I do not at all understand the logic of some of my friends when they say that, in this matter alone, their national self-respect has been hurt. Self-respect demands that we should not, in all the larger ideals of life, meekly submit to or lightly follow the whims of other countries. I am very much surprised, Sir, that these people should now object when the Honourable Member in charge comes forward and says practically, "You who have been for a long time meekly submitting to us as slaves, meekly as slaves ought to submit to whatever we have been decreeing, so you should submit for a little while more to what we say". The people who are most concerned are the medical men who not only deal with the Western system of medicine, but adopt Western ideals and Western standards. Why they should rebel now I cannot understand. But anyway, I am very glad that my friends do rebel at least in small matters. They, the bureaucracy on this side (Interruption by Sir Purshotamdas Thakurdas.)—I am only a humble servant or slave of the bureaucracy on this side or on the other side,—want to impose something about the arrangements for registration; they want the appointment of an Inspector or Commissioner on Rs. 1,000 or Rs. 2,000 and things of that kind; but these are really matters of detail into which I for one would not condescend to enter. All that I can say is that I am really very sorry that the Honourable Member in charge should have brought this subject on this day, a subject which seems to raise very many issues of very large import. It does not seem to be a simple question of voting a few hundreds of rupees, but involves very many issues of momentous importance, of very large import; and on that account, without going into the merits of the case at all, if we are to solve this question satisfactorily, I would appeal to the Honourable Member in charge to consider whether he could not adjourn the discussion of this subject till next February or March, as was suggested by some speakers who preceded me. But as he has pointed out that the Government cannot put off this question till February or March and that we must have a decision today, I really do not know which way I should vote. Probably my old habit will lead me to obey the bureaucracy that is in power; probably my national self-respect, if I have still any left in this House, may lead me to vote on this side. I am really very much perplexed. I would very much like that the Government should not proceed with this motion today. After all, it is this Government which is responsible for all this muddle. Having created the muddle, they cannot now shirk their responsibility. This is not the first time that the Government of India has got into a muddle; and having created the muddle I

think they should themselves get out of it; they cannot expect me or people like me to go and assist them to get out of a muddle which they themselves have created, and if their reformer friends on this side are ungrateful enough to beat them, I would ask the Government to take the beating cheerfully.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I am strongly in favour of an All-India Medical Council being instituted to advance, where necessary, and to maintain the standard of medical examinations in this country. I say that, not because I have any suspicion that the existing universities do not perform their duties satisfactorily, but because I am anxious that, in all departments of education and science, India should aim at and achieve the highest standard; particularly in the matter of medical education which deals with life and health is it essential that we should not fall below the standard which obtains in other civilized countries. I am, therefore, strongly in favour of the institution of a General Medical Council for the whole of India. I can quite understand the reasons which are urged in favour of it. India stands to the outside world, both to the political and the scientific world, as one unit. The outside world does not recognise Bombay, Bengal, Madras or the United Provinces as different units. It recognises the whole of India as one unit, and it is necessary that the standard of knowledge which our Universities insist upon should, as far as possible, subject to such variations as may be essential, be of a uniform standard; or to put it in another way, that the minimum standard prescribed by any of our Universities should not fall below the minimum standard prescribed by other Universities in the world. I am most anxious that advance in this direction should be rapid and great, and I regret to learn that some of the Ministers who were called to the Conference referred to in this debate objected to the creation of such a Council on the ground that that would take away from them some of the power that belongs to their own provincial spheres. I think that, if some of the Members of this Assembly had been honoured by being invited to that Conference, they might have persuaded the Ministers who objected to this proposal, to look at it in a broader way and possibly to waive their objections and unanimously support the proposal for an All-India Medical Council. I still venture to throw out the suggestion that if such a conference should again be invited I think those Ministers who objected to the creation of such a Council may yet be persuaded to look at the question from a broader standpoint and to accept the proposal which I personally believe is a very sound one and which will make for a satisfactory advance in the direction of our medical education.

But after having said that, I feel that I must oppose the proposal to appoint an I. M. S. officer temporarily as an Inspector of Medical Education to inspect the courses of medical studies and to report on the medical examinations of the Universities in India. I consider that no proposal involving a greater disrespect to the Universities of India could have been put forward. I am sorry that some of our University graduates have to go out to obtain foreign degrees. Personally I have always been of the opinion that we should so raise the standard of our degrees that they shall count as good as any that are conferred by outside Universities. I am happy to be able to say that the first Doctor of Science of the Benares Hindu University—I beg your pardon, the Benares Hindu

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University has the honour of having His Royal Highness the Prince of Wales as its first Doctor of Science—but the second Doctor of Science is Dr. Mata Prasad. He was appointed by the Bombay Government in competition with persons who had foreign degrees and he was sent out to England for further advanced research. He did a great deal of research there under the most distinguished Professors of chemistry in England. But I am glad to say that he did not supplicate for a degree of the University of London. He was proud of the degree of the Benares Hindu University and I am proud of him. (Hear, hear.)

I feel, Sir, that we should encourage our students to honour the degrees of their own *Alma mater* in India. But I do not blame them for hankering after foreign degrees. It is the system of administration that obtains in this country which gives preference to foreign degrees, that compels our students, after having completed their education here, to go to Edinburgh or London or some other place for obtaining an English degree. I submit that this is the reason why several students desire to go to England. I know of a very promising young man, a distinguished Doctor of Medicine of the Lucknow University, who is regarded as a very competent man—he had to go to Edinburgh to obtain an M. R. C. P. degree in order that he might improve the chances of his rise in his service. I submit, therefore, that the governments here, both in the provinces and in the Centre, ought to honour the degrees conferred by Indian Universities and thereby encourage students not to go out to other countries for obtaining a second foreign degree, merely to better their chances in service. I am most anxious that they should go out to all corners of the world to obtain the highest knowledge that is available, to obtain the highest skill that they can acquire; but I am opposed to their going out of India to obtain a second degree merely because, being a British degree, it will ensure to them a better prospect of rising in their profession.

I also think it a misfortune that the British Medical Association should have a voice in regulating the qualifications of our medical practitioners. I cannot understand why it should be necessary to have degrees recognised by the British Medical Association. I do not want British registration for the Indian graduates whom we send out of our Universities. If the University education we provide is not of a sufficiently high standard, I think the sooner our Universities are closed the better will it be for the students and for the country. I do not want British registration of our degrees, but if we want it, and so long as we want it, we will have to submit to their dictation. I submit, therefore, that the right course to pursue is that we should cease to regard British registration as of any value to the medical profession in India.

I submit, Sir, that those who have favoured the proposal of the appointment of an Inspector by an outside body to go about and inspect our University courses and examinations, and to pronounce an opinion on their efficiency or otherwise, have not realised what an insult it means to our Universities. The Universities in India are constituted under Acts of the Legislatures. The Universities have got their Senates and Syndicates. They prescribe the courses of studies and examinations. They prescribe the courses after studying those which obtain in other Universities in the world. Those courses can be altered by them; they

are regularly considered and improved upon or modified according to the knowledge that is growing in the rest of the civilised world. When a University has prescribed its own courses, has offered those courses to its students, has appointed examiners among whom you will find at least one external examiner in every subject—in Benares we have under the Act to appoint an external examiner for every subject which the student is permitted to offer for examination, and we choose for our highest examinations the very best examiners we can,—eminent men like Dr. Donnan from England and Dr. Ostwald from Germany, men who stand at the very top in their departments in the scientific world. After having prescribed the courses, after having given the students all the help for study that we can, after we have had them examined, we confer the degrees on the recommendation of the Senate in an open convocation, and proclaim to the world that the student has satisfied the standard laid down by the University, and I consider it an insult to the University that, after all that, any man from outside our constitution should come and tell us that our standard is not up to the mark. I would close down the University rather than submit the University to such an examination. If the Indian Universities are not discharging their functions properly, it is better that the Government of India should use its influence to close them down rather than allow them to go on conferring degrees which are suspected to be below the standard which obtains in other parts of the civilised world.

Now, Sir, I feel that the moment the gravity of this proposition is realised it will be dropped; I strongly hope that in fairness to the Universities it will be so dropped. I think there is no man in this House who does not recognise that the standard of education obtaining in Berlin, London, Paris and other places in America is higher than it is in India. Every fibre of my soul is anxious that we should raise our standards to the highest pitch. If money were available, there is no standard to which the Indian intellect cannot attain. It is the want of money that stands in our way, and if Universities are to be improved, Provincial Governments and the Central Government ought to find money to enable them to rise to a higher standard. But we must not forget that the standards which have been prescribed have been prescribed after a great deal of care and consideration. The Universities at Calcutta, Bombay, Madras, Lahore and other places have been doing their work for decades. Indian medical men used to be treated as untouchables so far as appointments to medical colleges were concerned. No Indian could be appointed a professor in these medical colleges until a few years ago. Now, happily they are being appointed. For the largest period of the existence of these Universities, the members of the I. M. S. presided over and guided the educational activities of these medical colleges. Did they deliberately prescribe a low standard? That would be a most unjust charge to lay on their heads. I submit that there is no reason to suspect that the medical degrees of India are so very inferior to the medical degrees that obtain in other countries as the correspondence before us suggests. Every University will be happy to invite scientific men—men of eminence—from abroad to inspect its laboratories and equipment, to lecture to its students, to point out to it its deficiencies. Help of that kind would be gratefully welcome. But such men should come to us at our invitation. Here you are bringing in an authority outside the University body to impose its opinion upon us. He may

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be the most distinguished man of science, but if you bring him in against the University's wish, I can not welcome him to the University while I am in charge of it.

**Mr. President :** The Honourable the Deputy President has made a request that I should adjourn the House today at the usual time. If the Honourable Member is going to be long, I should like to adjourn now.

**Pandit Madan Mohan Malaviya :** I shall be very short. I submit that the Government of India must strive to establish a General Medical Council, which will do all it can to promote medical education to a high degree, and I hope that every Member of this House, on this side as well as on the other side, will agree in desiring that the Department of Education will convene another conference of Ministers and others to discuss this question. But I earnestly submit that the proposal before the House to appoint temporarily an Inspector of Medical Education should be rejected and that this dictation of the British Medical Association should be thankfully declined.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 26th September, 1929.

## LEGISLATIVE ASSEMBLY.

Thursday, 26th September, 1929.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

## PAY OF INDIAN SOLDIERS.

962. \***Maulvi Muhammad Yakub :** Will Government be pleased to state what is the pay of an Indian soldier in the regiments in India ?

**Mr. G. R. F. Tottenham :** The Honourable Member is referred to paragraphs 49 to 53 of Pay and Allowance Regulations, Part I, a copy of which is in the Library.

## CIVIL EMPLOYMENT UNDER GOVERNMENT FOR COMBATANT TRIBES.

963. \***Maulvi Muhammad Yakub :** (a) Will Government be pleased to state the number of persons belonging to combatant and non-combatant tribes, province by province, in civil employment under Government ?

(b) Is it a fact that the Government of India have no concession for combatant tribes for obtaining civil employment (superior and inferior both) under Government ? If so, why ? If there is any concession, will Government be pleased to lay on the table a copy of the rules concerned ?

**The Honourable Sir James Crerar :** (a) I am not aware of any distinction between combatant and non-combatant tribes in regard to civil employment under Government. If the Honourable Member is referring to classes now recruited to the Indian Army, it will involve a disproportionate amount of labour to ascertain from each province the number of such men in civil employment, and it is open to doubt whether the information will serve a useful purpose.

(b) Concessions in respect of civil employment have been granted in respect of actual service in the Army during the Great War. These are detailed in Home Department Resolution No. 1099, dated the 8th August, 1919, a copy of which has been placed in the Library.

## MUSLIM ENGINEERS.

964. \***Maulvi Muhammad Yakub :** With reference to reply to question No. 96, dated 12th March, 1929, in the Council of State regarding paucity of Muslim engineers in each province in India, will Government be pleased to state what action has been taken towards increasing the number of Muslim engineers, province by province ?

**The Honourable Sir Bhupendra Nath Mitra :** The Honourable Member is referred to the reply given by Sir Cecil McWatters to the Honour-

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able Mr. Mahmood Suhrawardy's question No. 167 in the Council of State on the 19th March, 1929. The rules alluded to in the last sentence of that reply will be issued shortly.

**EMPLOYMENT OF MUSLIM ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

965. \*Maulvi Muhammad Yakub : With reference to the reply to question No. 105, dated 12th March, 1929, in the Council of State, will Government be pleased to state how many vacancies of temporary engineers or Assistant Engineers or S. D. Os. occurred in the Delhi P. W. D. since 1st March, 1929 ? How many were given to Muslims ? If none, why not ?

The Honourable Sir Bhupendra Nath Mitra : Two vacancies have been filled, to neither of which have Muslims been appointed. One case was that of a temporary promotion in a leave vacancy ; in the other the most suitable candidate was appointed.

**EMPLOYMENT OF MUSLIM ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

966. \*Maulvi Muhammad Yakub : With reference to the reply to question No. 107, dated 12th March, 1929, in the Council of State, will Government be pleased to state what steps have been taken by the Delhi P. W. D. to safeguard the claims of Muslims in the case of temporary engineers or Assistant Engineers or S. D. Os. appointed in 1929 ?

The Honourable Sir Bhupendra Nath Mitra : The claims of all communities are considered when vacancies are being filled.

**EMPLOYMENT OF MUSLIM ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

967. \*Maulvi Muhammad Yakub : With reference to the reply to question No. 101, dated 17th September 1929, in the Council of State regarding Muslim candidates or apprentices for the post of Engineers in the Delhi P. W. D. since 1921, will Government kindly state whether all of them were considered unfit for the post of temporary or Assistant Engineers appointed in the Delhi P. W. D. in 1929 ?

The Honourable Sir Bhupendra Nath Mitra : The answer is in the negative.

**EMPLOYMENT OF MUSLIMS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

968. \*Maulvi Muhammad Yakub : Is it a fact that the higher authorities of the Delhi P. W. D. intentionally debar Muslim candidates from their rights considering them the brethren of a Muslim member (questioner) ?

The Honourable Sir Bhupendra Nath Mitra : The reply is in the negative.

**EMPLOYMENT OF MUSLIMS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

969. \*Maulvi Muhammad Yakub : Is it a fact that class monopoly is at its climax in the Delhi P. W. D. and Officers are compelled to crush the rights of Muslim candidates for the superior service ?

The Honourable Sir Bhupendra Nath Mitra : The reply is in the negative.

**REVERSION TO THEIR OWN PROVINCES OF ENGINEERS ON DEPUTATION.**

970. \*Maulvi Muhammad Yakub : With reference to reply to question No. 155, dated 19th March, 1929, in the Council of State, regarding more than 10 years' deputation from other provinces, do Government propose to revert these engineers to their provinces ?

The Honourable Sir Bhupendra Nath Mitra : The reply is in the negative.

**SERVICE OF INDIANS IN KENYA COLONY.**

971. \*Maulvi Muhammad Yakub : With reference to the reply to question No. 166, dated 19th March, 1929, in the Council of State regarding service of Indians in Kenya Colony recruited from India in 1919 by the military authorities of India, will Government be pleased to state whether the services of men recruited by the military authorities in 1919 for the German East Africa, Civil Administration, under agreement, were permanent ?

Mr. G. R. F. Tottenham : The men served on agreements for various periods and their services were regulated by the terms of their contracts.

**SERVICE OF APPRENTICES.**

972. \*Maulvi Muhammad Yakub : (a) Is it a fact that services of paid or unpaid apprentices are reckoned towards leave and pension under Fundamental Rules ? If so, will Government be pleased to lay on the table the copy of that paragraph of the Fundamental Rules ?

(b) Is it a fact that apprentices are given a lift or promotion upon their confirmation ? If so, under which rule ?

The Honourable Sir George Schuster : (a) It is not the policy of the Government of India to employ unpaid apprentices ; and for the meaning of the word " apprentice " in Government parlance I would refer the Honourable Member to the definition given in rule 2 (2) of the Supplementary Rules framed by the Government of India under the Fundamental Rules. Service as apprentice qualifies for leave as prescribed in Supplementary Rule 292. Pension is not regulated by the Fundamental Rules but by the Civil Service Regulations. Service as apprentice does not qualify for pension except in the cases mentioned in Article 372 of those Regulations.

A copy of the Fundamental Rules, of the Government of India's Supplementary Rules and of the Civil Service Regulations will be found in the Library of the Legislature.

(b) There is no general rule on the subject. Each case or class of cases is dealt with according to the circumstances of the establishment affected.

## EMPLOYMENT OF MUSLIM CLERKS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

973. \*Maulvi Muhammad Yakub : (a) Will Government be pleased to state how many clerks have been appointed in the P. W. D., Delhi, in 1929 and how many of them are Muslims ?

(b) Will Government be pleased to lay on the table a statement showing the names and qualifications of the clerks appointed in the Delhi P. W. D. in 1929 ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The information is being obtained and will be furnished to the Honourable Member.

## EMPLOYMENT OF MUSLIMS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

974. \*Maulvi Muhammad Yakub : (a) Is it a fact that the Chief Engineer, Delhi, asked the Secretary, Muslim Association, Delhi, to forward the applications of Muslim clerks ? If so, will Government kindly state how many applications were sent by the Secretary of the Muslim Association, Delhi, and what action has been taken on them ?

(b) Is it a fact that the Secretary of the Muslim Association, Delhi, asked the Chief Engineer in June-July, 1929, "How many gazetted posts have been given to the Muslims from 1st April, 1929" ?

(c) Is it a fact that the Chief Superintendent, P. W. D., Delhi, wrote to the P. A. to the Chief Engineer, Delhi, why they should give the information to the Muslim Association Secretary, Delhi, and the P. A. to the Chief Engineer urged him to do so ?

(d) Is it a fact that the Chief Engineer, Delhi, replied to the Muslim Association Secretary, Delhi, that three gazetted posts occurred in the Delhi P. W. D. from 1st April, 1929, to 1st July, 1929, and all were given to non-Muslims ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, in reply to a representation by the Association. 38 applications were forwarded. These have been recorded for consideration when vacancies occur, none having occurred since they were received.

(b) Yes.

(c) Government cannot disclose the contents of notes in their offices.

(d) Yes.

## NUMBER OF GAZETTED POSTS IN THE PUBLIC WORKS DEPARTMENT, DELHI, GIVEN TO MUSLIMS.

975. \*Maulvi Muhammad Yakub : Will Government be pleased to state the number of gazetted posts which occurred in the Delhi P. W. D. from 1st April, 1929, up to now and how many of them were given to Muslims ?

The Honourable Sir Bhupendra Nath Mitra : Four vacancies occurred, none of which was filled by a Muslim.

## EMPLOYMENT OF MUSLIM SUB-DIVISIONAL OFFICERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

976. \*Maulvi Muhammad Yakub : Will Government be pleased to state the number of S. D. Os. appointed in the Delhi P. W. D. in 1929 and how many of them are Muslims ?

The Honourable Sir Bhupendra Nath Mitra : One only. A non-Muslim was appointed.

## TRANSFER OF B. DURGA DAS, TO THE PUBLIC WORKS DEPARTMENT, DELHI.

977. \*Maulvi Muhammad Yakub : (a) Is it a fact that B. Durga Das, S. D. O., 6th Division, P. W. D., Delhi, has been dismissed from Punjab Irrigation ?

(b) Is it a fact that B. Durga Das was a subordinate in the Viceregal Lodge, Delhi ? If so, will Government be pleased to state the reason of his transfer to P. W. D., Delhi ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The matter is under inquiry and the Honourable Member will be informed in due course.

## GRAZING OF SHEEP IN THE CENTRAL VISTA, NEW DELHI.

978. \*Maulvi Muhammad Yakub : Will Government be pleased to state the name of the contractor whose sheep graze in Central Vista (P. W. D.), Delhi ? How many sheep are allowed to graze ? Is the contractor paid Re. 1 per sheep per month ? How long has this practice been going on and why ? Has this contract been given on tender ? If not, why not ? When will this contract terminate ? Where is the sheep pen of this contractor in New Delhi ?

The Honourable Sir Bhupendra Nath Mitra : Sheep grazing on the Central Vista was necessary as the soil was poor and continuous mowing without occasional manuring would exhaust the land in time. Sheep do no damage to the trees and nourish the grass. Tenders were called for in December, 1926 and opened in January, 1927. The only tender received was that of Sardar Sahib Sardar Sobha Singh which was accepted. Under it 3,000 sheep are allowed to graze on a rent of Re. 1 per annum, but only 800 are grazing at present. The agreement commenced from 1st February, 1927 and is current for a period of five years. The contractor has been allowed to pen the sheep in Block No. 1.

## EMPLOYMENT OF MUSLIM CLERKS IN THE CENTRAL ACCOUNTS OFFICE, PUBLIC WORKS DEPARTMENT, DELHI.

979. \*Maulvi Muhammad Yakub : (a) Will Government be pleased to state the number of clerks appointed in the Central Accounts Office (P. W. D.), Delhi, in the year 1929 ?

(b) How many of them are Muslims ?

(c) How many applications have been received from Muslim clerks for service in the office of the Central Accounts Officer, Delhi, in the month of August 1929 ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 979 and 985 together.

The information has been called for and will be supplied to the Honourable Member as soon as possible.

APPOINTMENT TO THE CENTRAL ACCOUNTS OFFICE, DELHI, OF A HINDU CLERK  
FROM THE PUNJAB.

980. \*Maulvi Muhammad Yakub : (a) Is it a fact that the Central Accounts Officer, Delhi, proposed to call a Hindu Clerk from the Punjab Irrigation Department and asked the sanction of the Officer on Special Duty (Finance Department) to his proposal ?

(b) Is it a fact that the Officer on Special Duty (Finance Department) gave sanction stating "As the Central Accounts Officer, Delhi, could not get a man of minority community I sanction his proposal" ?

(c) Will Government be pleased to state if the Officer on Special Duty made inquiries on this ?

(d) Did the Central Accounts Officer inform him on the subject ?

(e) How many Muslim candidates are on the register in the Central Accounts Office ?

The Honourable Sir George Schuster : (a) Yes.

(b) The Officer on Special Duty approved the proposal "on the understanding that a suitable candidate of a minority community was not available to fill the post".

(c) and (d). A trained clerk with some actual experience in a Public Works Divisional Office was required for the post and the Central Accounts Officer, Delhi, reported that no suitable candidate of a minority community was available.

(e) The number of approved candidates on the Register in the Central Accounts Office is 64, out of whom 9 are Muslims. None of these candidates has experience in Public Works Accounts.

PUBLICATION OF NAMES OF ENGINEERING INSTITUTES IN THE DISTRIBUTION  
RETURN, PUBLIC WORKS DEPARTMENT, DELHI.

981. \*Maulvi Muhammad Yakub : Will Government be pleased to state the purport of publishing the names of the engineering institutes on page i to iii (abbreviation) of the Distribution Return corrected up to 30th June, 1928, in the P. W. D., Delhi ? Are these institutions chartered or recognised by the governing bodies ? Are the members of these institutions called qualified engineers ?

The Honourable Sir Bhupendra Nath Mitra : Some of the officers employed in the Public Works Department are members, associates or fellows of the various engineering institutions. This is indicated in the body of the publication in which their names appear by means of abbreviations to save time and labour. It is necessary to show in the beginning of the publication what the abbreviations stand for, and this is what the list on pages i to iii of the Distribution Return referred to by the Honourable Member purports to do. Certain of the institutions are chartered, while all are recognised in some shape or form by Government. The fact that an officer is a member, an associate or a fellow of one of the institutions included in the Return does not necessarily mean that he is a qualified engineer.

DOCTORS IN THE CIVIL HOSPITAL, NEW DELHI.

982. \*Maulvi Muhammad Yakub : Is it a fact that there has been no Muslim doctor in the Civil Hospital of New Delhi for many years ? If so, will Government kindly state the length of service of each doctor of the New Delhi Civil Hospital, in Delhi Province ?

Sir Frank Noyce : There was a Muhammadan sub-assistant surgeon in 1923, and a Muhammadan assistant surgeon in 1922. At present the three medical assistants are Hindus. The present assistant surgeon has held his appointment since 18th April, 1926. Of the two sub-assistant surgeons, one joined the hospital in March, 1921 and the other in December, 1923.

ALLEGED ILL-TREATMENT OF MUSLIM PATIENTS BY HINDU DOCTORS AT THE  
CIVIL HOSPITAL, NEW DELHI.

983. \*Maulvi Muhammad Yakub : (a) Is it a fact that Muslim outdoor and indoor patients are ill-treated by the Hindu doctors of the New Delhi Civil Hospital ?

(b) Is it a fact that a Muslim indoor patient (bearer of Gymkhana Club) died in the hospital of New Delhi in June or July, 1929, and that his body was left to fester for more than 30 hours ?

(c) Is it a fact that the Muslim clerks of New Delhi complained and brought the Civil Surgeon, New Delhi, to see the festered body of a Muslim patient ? If so, will Government be pleased to state what action has been taken against these doctors of New Delhi ?

Sir Frank Noyce : (a) No.

(b) A Muslim water carrier in the service of the Imperial Delhi Gymkhana Club died on the morning of the 4th June, 1929, in the New Delhi Hospital. The body was buried at Government expense within 28 hours of death as neither the Club, nor certain co-religionists who had asked to be allowed to make arrangements for burial, did so in time.

(c) The answer to the first part is in the negative. The second part does not arise.

Mr. Gaya Prasad Singh : May I know on what authority the Honourable the Deputy President has made the serious charge against a body of Government officers in part (a) of his question ?

Maulvi Muhammad Yakub : The authority on which my Honourable friend, Mr. Gaya Prasad Singh, puts questions in this Assembly. (Laughter.)

PERMANENT CADRE OF THE PUBLIC WORKS DEPARTMENT, DELHI.

984. \*Maulvi Muhammad Yakub : Is it a fact that the permanent cadre of the Delhi P. W. D. is prepared and submitted for sanction ? If so, will Government be pleased to lay on the table a copy of it ?

The Honourable Sir Bhupendra Nath Mitra : No. Proposals in respect of a permanent cadre for the Delhi Public Works Department are at present under consideration.



## CLERKS APPOINTED TO THE PAY AND ACCOUNTS OFFICE, PESHAWAR.

†985. \*Maulvi Muhammad Yakub : Will Government be pleased to state the number, qualifications and length of service of the clerks sent from the Office of the Accountant General, Delhi and other Offices, to the Pay and Accounts Office, Peshawar, in 1929, and how many of them are Muslims ? What increment has been given to each clerk ? Are these clerks chosen by the Officer on Special Duty himself ?

## CLERKS PROMOTED IN THE GOVERNMENT OF INDIA PRESS NEW DELHI.

986. \*Maulvi Muhammad Yakub : Will Government be pleased to state how many clerks have been appointed or promoted in the Government of India Press, Delhi, in 1929 and how many of them are Muslims ?

The Honourable Sir Bhupendra Nath Mitra : Inquiries are being made and the result will be communicated to the Honourable Member in due course.

## EMPLOYMENT OF MUSLIMS IN THE OFFICE OF THE CONTROLLER OF PRINTING AND STATIONERY.

987. \*Maulvi Muhammad Yakub : Are Government aware that the Personal Assistant to the Controller of Stationery and Printing, Government of India, says to Muslims "No Muslim can enter this Department in a suitable position so long as I am Personal Assistant to the Controller" ?

The Honourable Sir Bhupendra Nath Mitra : There is no post of Personal Assistant to the Controller of Printing and Stationery.

## REPAIRS TO THE MINAL TANK OF DHOLKA.

988. \*Mr. Jamnadas M. Mehta : (a) Has Government's attention been drawn to the unsatisfactory state of repairs of the Minal tank of Dholka in Ahmedabad District which is a protected monument ?

(b) Have Government taken any steps towards repairing it ?

(c) Is it true that the attention of Government had been drawn to this question by the public and Municipality of Dholka for nearly 10 years ?

(d) Will Government please state why nothing has been done so far in spite of the passage of so many years ?

Sir Frank Noyce : (a) Yes.

(b) The Archaeological Superintendent concerned was asked, in July last, to submit a report with a view to necessary conservation measures being put in hand.

(c) So far as the Government of India are concerned, the answer is in the negative. Their attention was drawn to this matter only in 1924.

(d) It has not been possible up to now to carry out any repairs, as certain questions relating to the ownership and the responsibility for the maintenance of the tank were under investigation. The Superintendent, Archaeological Survey, Western Circle, has recently, however, been directed

†For answer to this question, see answer to question No. 979.

to draw up a conservation note for submission to the Director General of Archaeology in India to enable the latter to judge what is necessary in the way of repairs to the monument.

Mr. Jamnadas M. Mehta : Does the Honourable Member realise that the same reply was given in 1924 ?

Sir Frank Noyce : I can assure the Honourable Member that we are much indebted to him for bringing the matter to our notice and that I will take personal steps to see that something is done as soon as possible.

## REPORTED THREATENING BEHAVIOUR OF CERTAIN SOLDIERS AT VICTORIA TERMINUS STATION.

989. \*Mr. Sarabhai Nemchand Haji : (a) Has the attention of Government been drawn to the incident which took place on the 8th of June last at the Victoria Terminus in the Poona passenger train leaving that Station at 10.45 P.M., in which certain soldiers of the Royal Warwickshire Regiment, 2nd Battalion, were reported to have behaved threateningly towards some Indian fellow passengers of theirs, chucking away the luggage of one of the passengers, taking up the seat that he had occupied previously and threatening to throw another out of the window if he dared to take up any further the cause of the injured passengers ? If so, has any complaint been made to the authorities concerned by the aggrieved parties, and what steps have been taken in connection with the same ?

(b) Will Government be pleased to make a statement on the subject, particularly indicating the steps they propose to adopt in future to avoid the repetition of such outrageous incidents to the Indian travelling public ?

Mr. G. R. F. Tottenham : Government have received a report of the incident which differs in many material respects from the account given by the Honourable Member. They understand, that a criminal complaint has been preferred by one of the Indian gentlemen against one of the soldiers concerned ; and it would be improper to make any statement on the subject while this case is *sub judice*.

## APPOINTMENT AS CHIEF ACCOUNTANT, NORTH WESTERN RAILWAY OF A RETIRED ACCOUNTANT GENERAL OF RAILWAYS.

990. \*Mr. B. Das : (a) Will Government be pleased to state if it is a fact that the former Accountant General of Railways, Mr. Hartley, is now working as the Chief Accountant of the North Western Railway ?

(b) Can a Government officer after his retirement, accept again a subordinate position in the very Department of which he was working as the head ?

(c) What salary is Mr. Hartley drawing as the Chief Accountant of the North Western Railway ?

(d) Is Mr. Hartley also drawing his pension since his retirement ?

(e) Do the Service Regulations provide that a State official can retire and occupy a subordinate position under Government after retiring from a high position ?

(f) Has not this action of Government blocked the promotions of junior officers of the Audit and Finance Departments?

**Mr. P. R. Rau :** (a) Mr. Hartley, formerly Accountant General, Railways, is at present Chief Accounts Officer on the North Western Railway and was selected as specially suitable to start the separation of Accounts from Audit on that Railway on account of his vast and varied experience.

(b) Mr. Hartley is now working in a different department from the one from which he retired.

(c) and (d). As Chief Accounts Officer, North Western Railway, Mr. Hartley's pay has been fixed at an amount which, together with his pension, is equal to the pay (*viz.*, Rs. 3,000) which he was drawing immediately before retirement.

(e) I am not aware of any rule which this appointment has contravened.

(f) Mr. Hartley is not holding a post reserved for the Indian Audit and Accounts Service under the present arrangements.

#### IMPORTATION OF VEGETABLE GHEE.

991. **\*Mr. Gaya Prasad Singh :** (a) Have Government seen the article on "Importation of Vegetable Ghee" by Dr. S. N. De in the *Indian Medical Record* of Calcutta, for June, 1929 (page 161)? If so, do they propose to prohibit the importation of the product?

(b) Are Government aware that the so-called *banaspati ghee* is only a mixture of crude animal fat and vegetable oil?

(c) Do Government propose to issue orders that vegetable ghee will not be allowed to come to India, unless "red", "blue" or any other colour is given to it, so that its adulteration with ghee may not be possible?

**The Honourable Sir George Rainy :** (a) and (c). Government have seen the article to which the Honourable Member alludes. They have consulted Local Governments on the subject of the policy to be adopted in regard to the importation, local manufacture and sale of vegetable ghee and have received, through Local Governments, the opinions of health officers, municipalities, Chambers of Commerce and trade associations. The replies are not yet complete.

(b) The answer is in the negative.

**Mr. Gaya Prasad Singh :** When was this matter referred to the Local Governments for opinion?

**The Honourable Sir George Rainy :** Several months ago. I am afraid I do not accurately remember the precise date.

**Mr. Mukhtar Singh :** Has the Government taken any action on the Resolution passed by the Council of State on this point last Session?

**The Honourable Sir George Rainy :** We have not yet received all the replies from Local Governments. Until we receive them, we cannot determine what our course of action is to be.

**Sardar Kartar Singh :** When was the Resolution passed in the Council of State?

**The Honourable Sir George Rainy :** I must ask for notice of that question.

**Kumar Ganganand Sinha :** Do the Government realise the necessity of asking the Local Governments to expedite their replies?

**The Honourable Sir George Rainy :** I will certainly do so.

**Mr. G. L. Winterbotham :** Is it not a fact that the so-called adulteration takes place after importation of vegetable ghee and not before?

**The Honourable Sir George Rainy :** I have no information at present on the point.

**Sardar Kartar Singh :** Is it not a fact that this vegetable ghee is injurious for human consumption?

**The Honourable Sir George Rainy :** The object of consulting the Local Governments was to ascertain the views of those who were qualified to speak on that point as well as on others. Until our replies are complete, I am afraid I cannot make a further statement.

**Mr. K. Ahmed :** Is it not a fact that my Honourable friend's Department has received a copy of the Resolution unanimously passed by the Calcutta Corporation asking the Government to prohibit the import of this vegetable ghee because it is injurious to health?

**The Honourable Sir George Rainy :** I have seen in the newspapers a Resolution passed by the Calcutta Corporation on the point.

**Mr. E. L. Price :** Is the Honourable Member aware that it is forbidden by law to call margarine or any such vegetable product in England by the name of butter or any imitation thereof, and will he not agree that it would be a good thing in India if the name of ghee were especially reserved by law for what is ghee?

**The Honourable Sir George Rainy :** That is a point that will undoubtedly have to be considered very carefully.

**Sardar Kartar Singh :** How long will the Government take to arrive at a decision?

**The Honourable Sir George Rainy :** I have not yet started the consideration of the matter as I have not got all the replies.

#### INVESTIGATION OF COMPLAINTS BY TOWN INSPECTORS OF HEAD POST OFFICES.

992. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state whether rule 315 of Chapter 4 of P. O. Manual, Volume VIII enjoins on the postal Town Inspectors of First Class Head Offices that the complaints received by them (Town Inspectors) direct from the public or communicated by the sub or branch postmasters directly subordinate to them, or sent to them by the Superintendents or the Postmasters, should be gone into with the determination to get to the bottom?

(b) Do the Town Inspectors get, for inquiry, complaints relating to the irregularities committed by the clerks, postmen, lower grade staff and the sub and branch postmasters?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Yes.



## ARTICLES PURCHASED THROUGH THE INDIAN STORES DEPARTMENT.

998. \*Mr. Anwar-ul-Azim : Will Government please lay on the table a statement showing the particular articles which the various Departments, etc., under the Central Government have been instructed to purchase through the Indian Stores Department ?

The Honourable Sir Bhupendra Nath Mitra : I invite the Honourable Member's attention to pages 5-10 of a pamphlet describing the organisation and functions of the Indian Stores Department (a copy of which is available in the Library of the House) where he will find a description of the classes of stores dealt with by that Department. A list of articles which the Railway Department have enjoined should be bought by State Railways through the Indian Stores Department is being sent to the Honourable Member.

The Army Department purchases all textiles supplies for general use and engineering plant for the Military Engineering Service through the Indian Stores Department. The Director General, Posts and Telegraphs, purchases all articles which can be purchased in India through the Indian Stores Department. Other lesser buyers, such as the Northern India Salt Revenue Department, the Andamans Administration and the Public Works Department, Delhi, also make the bulk of their purchases through the Indian Stores Department. The labour involved in detailing all the articles purchased for these authorities would be very great and it is hoped that the information given will meet the purpose of the Honourable Member.

Mr. G. L. Winterbotham : Is it a fact that a sum of six million pounds worth of stores is at present bought through the Director General of Stores, England ? Is it also a fact that all these stores will, when the rupee tender system comes into force, be bought in India under that system ? Will Government consider the advisability of making a definite pronouncement as to their policy with a view to centralise all the purchase of stores wherever possible by the Indian Stores Department ?

The Honourable Sir Bhupendra Nath Mitra : Sir, it is obviously not possible for me to answer large issues like those raised by my Honourable friend in reply to a supplementary question. I should be obliged if he will give me proper notice of that question.

PUBLICATION IN THE *Indian Trade Journal* OF CONTRACTS FOR STORES PURCHASED.

999. \*Mr. Anwar-ul-Azim : Will Government please state if it is a fact that the Indian Stores Department publishes every week particulars of all contracts placed by it in the *Indian Trade Journal* which is published by the Director General of Commercial Statistics ? Do the Posts and Telegraphs Department, the Director of Contracts and the State Railways do the same ? If so, to what extent ? If not, do Government propose to consider the desirability of doing so ?

The Honourable Sir Bhupendra Nath Mitra : I presume that the Honourable Member has in mind contracts for the purchase of stores, and the reply to the first part of his question is in the affirmative.

As regards the other Departments, the position is as follows :—

*Posts and Telegraphs Department.*—No separate contracts are entered into by this Department for the supply of materials and equipment as, with unimportant exceptions, all such supplies are obtained through the agency of the Indian Stores Department and are therefore included in the contracts placed by that Department.

*Director of Contracts.*—All awards of contract to the value of Rs. 100 and over placed by him are notified monthly in the *Indian Trade Journal*, because the number of such contracts does not justify weekly notification.

*State Railways.*—The attention of the Honourable Member is invited to the reply given by my Honourable friend Mr. P. R. Rau on the 4th September, 1929, to Mr. Lalchand Navalrai's starred question No. 132.

## PLATFORMS AT GUDUR JUNCTION RAILWAY STATION.

1000. \*Mr. B. P. Naidu : Is it a fact that the construction of a new building for the railway station at Gudur Junction (Madras and Southern Mahratta Railway) is under contemplation ? If so, do Government propose to avoid the mistake of having low and uncovered platforms at least in the new construction ? If not, do they propose to consider the desirability of immediately raising and covering the platforms at that station, in view of the considerable inconvenience and discomfort the passengers are undergoing day in and day out ?

Mr. P. R. Rau : I am obtaining information on the point from the Agent, Madras and Southern Mahratta Railway and shall communicate it to the Honourable Member in due course.

## TRAINS TO SINGARAYAKONDA RAILWAY STATION.

1001. \*Mr. B. P. Naidu : (a) Is it a fact that, since the Madras-Calcutta mail train, the only up train that passes Singarayakonda Railway Station in the night, is not stopping at that station, up-passengers from there to Guntur, Bezwada and other important places in the North, are kept waiting at that station till the next morning ?

(b) Is it a fact that a special mail peon is taking all the mails from interior places like Kandukur and Kanigiri by the previous evening train from Singarayakonda to Bitragunta for exchanging them at the latter station ?

(c) Is it a fact that when the Calcutta-Madras Mail runs late, the mail peon is prevented from exchanging mails with that train, since he has to come back to Singarayakonda by the early morning passenger train with such mails as he has received, thereby delaying the delivery of mails by one day at Kandukur and Kanigiri ?

(d) Is it a fact that the mail motor bus from Singarayakonda, which reaches Kanigiri at about 10 A.M., is obliged to leave the same immediately afterwards at 12 noon ? Is it a fact that a day's delay thereby occurs to the business and other correspondence of the people at Kanigiri ?

(e) In view of all these difficulties, do Government propose to consider the advisability of stopping both the mail trains at Singarayakonda and spare the public a lot of inconvenience ?

**Mr. P. G. Rogers :** (a) Yes.

(b), (c), (d) and (e). I have no information, but a copy of the Honourable Member's question will be forwarded to the Postmaster General, Madras, who will, if necessary, take the matter up with the Agent, Madras and Southern Mahratta Railway.

#### REPAIRS TO HOUSES IN PESHAWAR APPROPRIATED FOR MILITARY OFFICERS.

1002. **\*Pandit Thakur Das Bhargava :** (1) Has the attention of Government been drawn to an article published in the *Cantonment Advocate* of August, 1929, under the heading "Appropriation of Houses in Peshawar and Extravagant Demands of repairs" ?

(2) Is it a fact that as a preliminary to the appropriation of houses Nos. 9 and 21 in Peshawar Cantonment, the owners have been asked to execute repairs estimated to cost about Rs. 38,000 ?

(3) Is it a fact that even now these houses are occupied by military officers and are in a thoroughly habitable condition ?

(4) Are Government aware that the amount which the owner is asked to spend on the repairs of the two houses will ordinarily be sufficient to entirely re-build the houses with ample accommodation for a military officer ?

(5) Is it a fact that this extravagant demand for repairs has caused great discontent among the house-owners of Peshawar ?

(6) Do Government propose to issue instructions that ordinary repairs should not exceed 6 per cent. of the rental in a year ?

**Mr. G. R. F. Tottenham :** (1) The Government have seen the article referred to.

(2) to (5). The Government have no information but they have called for a report and I will supply the Honourable Member with answers to his question in due course.

(6) Government see no necessity at present to issue any such instruction.

#### HOUSE-TAX IN CANTONMENTS.

1003. **\*Pandit Thakur Das Bhargava :** (1) Is it a fact that under the Cantonments Act of 1924, house-tax on property is charged on its gross rental value ?

(2) Is it a fact that in municipalities such a tax is charged on the "net rental" after deducting from the "gross rental" the amount spent on repairs ?

(3) Is it a fact that the principle laid down by Government is that in the matter of taxation, the cantonments should follow the system prevalent in adjoining municipalities ?

(4) If the reply to part (2) be in the affirmative, do Government propose to issue instructions that house-tax in cantonments be charged on the net rental ?

**Mr. G. R. F. Tottenham :** (1) Yes.

(2) Only in some provinces.

(3) Yes, as far as possible.

(4) The question of providing discretionary powers in the matter is under consideration.

#### ISSUE OF NOTICES IN BAREILLY CANTONMENT BY THE EXECUTIVE OFFICER.

1004. **\*Pandit Thakur Das Bhargava :** (1) Is it a fact that in Bareilly Cantonment "notices" requiring the sanction of the Board under the Act are generally issued by the Executive Officer with the sanction of the President under section 25 of the Cantonment Act, without any reference to the Board ?

(2) Is it a fact that section 25 is intended to be used only in case of an emergency when an immediate action is necessary for public safety and convenience ?

(3) Will Government be pleased to state why such a general use is being made of section 25 in that Cantonment ?

(4) Do Government propose to issue orders to stop this practice ?

**Mr. G. R. F. Tottenham :** The Government of India understand that the facts were as stated by the Honourable Member, but the practice has since been stopped.

#### CONTRACT FOR THE SUPPLY OF AERATED WATERS AND ICE ON THE NORTH WESTERN RAILWAY.

1005. **\*Pandit Thakur Das Bhargava :** (1) Is it a fact that the contract for the sale of ice and aerated water on the branch of the North Western Railway from Lahore to Delhi via Ambala, was given last year to a contractor without auction ?

(2) Is it a fact that, as a result of this arrangement, the travelling public have made several complaints about the inferior supply of aerated water in bottles of old pattern ?

(3) Will Government be pleased to state why such contracts are given without public auction with due notice beforehand ?

(4) Who is the present contractor, since when is he doing this contract, and what are the terms of his contract ?

(5) Are Government aware that "ice men" in railway compartments, are not generally in clean sanitary clothes ? Do Government propose to impose a condition about this in future contracts ?

**Mr. P. R. Rau :** I have called for a report on the point from the Agent of the North Western Railway and will address him later on the subject.

#### ORDERS OF EXPULSION FROM CANTONMENTS UNDER THE OLD CANTONMENT CODE.

1006. **\*Pandit Thakur Das Bhargava :** (1) Will Government be pleased to state how many persons are still under orders of expulsion from L19CPB(LA)

the cantonments of India under section 216 (1) of the old Cantonment Code ?

(2) Has the All-India Cantonments Association approached Government for a general amnesty to all those persons and for the general cancellation of the orders of expulsion made under the old repealed code ? If so, what action have Government taken on this request ?

(3) Is it a fact that one Th. Amar Singh Laxman Singh of Mhow was expelled from Mhow Cantonment in 1922 and has not been permitted to return so far ?

(4) Will Government state the nature of the charge against this man ?

(5) If the charge against him be not of the nature under which expulsion can be ordered under the New Cantonments Act, do Government propose to consider the desirability of cancelling the order of expulsion in the case of this man ?

**Mr. G. R. F. Tottenham :** (1) and (2). The attention of the Honourable Member is invited to the replies given to the Honourable Sir Ebrahim Haroon Jaffer's question No. 122 in the Council of State on the 12th September, 1927, and to unstarred question No. 488 in this House on the 21st September, 1928. A similar reply was given to the All-India Cantonments Association when they approached the Government of India on the subject in May, 1928 ; but no further specific cases have been brought to their notice.

(3) (5). The attention of the Honourable Member is invited to the answer given by Sir Godfrey Fell to question No. 66 on the 10th January, 1922. Government have no information to show that this man was again expelled from the Cantonment in 1922, but I will make inquiries.

#### NOMINATED SEATS ON THE LAHORE CANTONMENT BOARD.

1007. **\*Pandit Thakur Das Bhargava :** (1) Has the attention of Government been drawn to an article headed " Abuse of section 14 in Lahore Cantonment " in the July issue of the *Cantonment Advocate* ?

(2) Will Government state why a nominated seat was given to a Muhammadan, when the Muhammadan community of Lahore had already more than their due share of representation on the Cantonment Board through election ?

(3) Is it a fact that in filling nominated seats the claims of the Sikh community, an important minority community, were ignored ?

(4) Did the Sikhs represent their claims to the Officer Commanding the Station ? If so, how was their representation disposed of ?

(5) Do Government propose to reconsider their distribution of nominated seats with a view to provide a seat for the Sikh community ?

**Mr. G. R. F. Tottenham :** (1) Yes.

(2) to (5). The information asked for is being collected and will be supplied to the Honourable Member in due course.

#### REVISION OF THE ASSAM LABOUR RECRUITING LAW.

1008. **\*Mr. K. C. Neogy :** (a) Have Government under their contemplation a revision of the Assam Labour Recruiting Law ?

(b) Is it a fact that the opinion of tea interests has been obtained on a proposed Bill in this behalf ? If so, will Government be pleased to state the present position of the proposals, and their future intentions in the matter ?

(c) What are the lines which these legislative proposals generally follow ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The answer to the first part is in the affirmative. As regards the second part, the matter is still under the consideration of the Government of India, but they do not anticipate that they will be in a position to introduce a Bill on this subject until the Royal Commission on Labour has reported.

(c) The attention of the Honourable Member is invited to the reply given by me in the Legislative Assembly on the 8th April, 1929, to part (c) of starred question No. 1453 by Pandit Nilakantha Das.

**Diwan Chaman Lall :** May I ask whether any other interests, barring the tea interests were consulted in regard to the proposed amendment of the Assam Labour Recruiting Law ?

**The Honourable Sir Bhupendra Nath Mitra :** I have said, Sir, the matter is still receiving the consideration of the Government of India, and in all probability the Bill on this subject will not be introduced until the Royal Commission on Labour has reported. I am pretty sure that, as my Honourable friend is a Member of that Commission, all interests will receive due consideration in connection with any recommendation that that Commission may make.

**Diwan Chaman Lall :** My question was a simple one. May I ask him whether, in addition to eliciting the opinions of the tea interests, he has taken any steps to elicit the opinion from any other interest so far ?

**The Honourable Sir Bhupendra Nath Mitra :** The Local Governments also have been consulted, and before answering us they must have consulted other interests.

#### SPECIAL SUPPLY OF WAGONS FOR COAL TRAFFIC BY THE EAST INDIAN AND BENGAL NAGPUR RAILWAYS.

1009. **\*Mr. K. C. Neogy :** (a) With reference to the Report of the Committee of Inquiry to investigate the question of special supply of wagons for coal traffic by the East Indian Railway and the Bengal Nagpur Railway during January to March last, will Government be pleased to state whether any attempt was made by the Railway Board, subsequent to the submission of the Report by the Committee of Inquiry, to fix the responsibility among the various officers of the East Indian Railway in regard to the defects in working brought to light by the Committee of Inquiry ? If so, will Government state what action, if any, was taken



on such an examination? Will Government also state if they are satisfied that there was no lack of proper supervision on the part of the Coal Manager of the East Indian Railway?

(b) Is it a fact that the officer now serving as Coal Manager was granted several extensions of his term of office? Is it a fact that a further extension of term in respect of this officer is under the consideration of the Railway Board?

**The Honourable Sir George Rainy:** (a) Yes. The officer held solely responsible for the irregularities admitted the same. He resigned the service, and, there being no proof of any *malafides*, his resignation was accepted.

From the report received from the Agent, East Indian Railway, Government see no reason to hold the Coal Manager responsible for lack of supervision.

(b) The answer to both parts is in the negative.

**Mr. K. C. Neogy:** Did this matter receive the consideration of the Central Railway Advisory Council?

**The Honourable Sir George Rainy:** The Central Advisory Council? No, Sir, it has not been brought before the Council.

**Mr. K. C. Neogy:** Is it intended to bring the matter before them?

**The Honourable Sir George Rainy:** I must apologise to my Honourable friend. The Report of the Committee was laid before the Central Advisory Council at its last meeting. But no particular question as regards the officers concerned was specifically put before them.

**Mr. K. C. Neogy:** Is it intended to invite the opinion of the Central Advisory Council on the action that is proposed to be taken on this Report?

**The Honourable Sir George Rainy:** Yes, Sir. The action that has been taken and is about to be taken on the Report was placed before the Council.

**Mr. M. S. Aney:** Do the Government propose to bring to the notice of the Central Advisory Council any action which they want to take against the officer concerned?

**The Honourable Sir George Rainy:** No, Sir. I think the question of disciplinary action as regards officers is a matter for Government itself, and I know no precedent for placing a matter of that kind before the Council.

**Mr. M. S. Aney:** Do not the Government think that the advice of the Central Advisory Council on that point may be of some use to the Railway Board?

**Mr. K. Ahmed:** It is a matter of opinion.

**Mr. K. C. Neogy:** Does the Honourable Member realise that, apart from the fact of disciplinary action, there is a question about the prevalence of abuse in a particular department of the Railway?

**The Honourable Sir George Rainy:** Certainly, Sir. It was to examine that question that the Committee was appointed and as I have

said the Report of the Committee was placed before the Central Advisory Council.

**Mr. K. C. Neogy:** Is it intended to invite their opinion on this aspect of the Report?

**The Honourable Sir George Rainy:** The only object with which we put questions before the Central Advisory Council is to elicit their opinion.

#### RAILWAY SIDINGS FOR THE COAL TRADE.

1010. **\*Mr. K. C. Neogy:** (a) Are Government aware that there is a considerable volume of grievance in the coal trade with regard to the allotment of siding space and the grant of siding projects for collieries by the East Indian Railway?

(b) Are Government aware that the Coal Manager, East Indian Railway, refused to make available on a railway siding wagon-space for a working colliery in the interest of another colliery which has suspended working for a couple of years?

(c) Is it a fact that a suggestion was made by the Trade in 1921 for appointment of a permanent committee, including representatives of the coal trade, to deal with all siding questions? If so, do Government propose to revive their consideration of such a proposal?

**The Honourable Sir George Rainy:** (a) Government are not aware of any grievances during recent years with regard to the allotment of space on existing sidings or in connection with requests for the construction of new sidings.

(b) Government have no information.

(c) A suggestion to the effect was made in 1921. At that time, mainly owing to lack of permanent way, there was difficulty in meeting the demands for siding accommodation, but the proposed Committee was not deemed necessary or advisable. It is not intended to revive the consideration of such a Committee.

#### THE INDIAN SUGAR COMMITTEE.

1011. **\*Mr. B. Das:** (a) Will Government be pleased to state the constitution and personnel of the Indian Sugar Committee?

(b) Is it a fact that no action was taken on the Report of the Indian Sugar Committee of 1921?

(c) What special points have arisen since then for this new Committee of Inquiry?

(d) Were the various Provincial Governments consulted as regards provincial representation on this Indian Sugar Committee?

(e) Will Government be pleased to state if the Government of Bihar and Orissa were consulted and if that Government recommended any non-official representatives to sit on this Indian Sugar Committee?

(f) Will Government be pleased to state if they, in every case, accepted the recommendations of the Ministers of Agriculture of Provincial Governments?

(g) Will Government be pleased to state the cases where such recommendations have not been accepted and will Government be pleased to give reasons in each case ?

**Sir Frank Noyce :** (a) The Honourable Member's attention is invited to the Press Communique issued by the Imperial Council of Agricultural Research on the 23rd September, 1929, a copy of which has been placed in the Library of the House.

(b) No. The attention of the Honourable Member is invited to the answer given by Mr. Bhore in the Legislative Assembly to Chaudhry Mukhtar Singh's question No. 1178 on the 25th March, 1927. A copy of the statement referred to in that answer, which was subsequently supplied to Mr. Mukhtar Singh, has been placed in the Library of the House.

(c) The attention of the Honourable Member is invited to the Government of India's circular to Local Governments No. 398-A., dated the 8th March, 1929, a copy of which has been placed in the Library of the House.

(d) and (e). No : but the Imperial Council of Agricultural Research, by whom the Committee has been appointed, includes representatives of Provincial Governments.

(f) and (g). As it is not the Government of India but the Imperial Council of Agricultural Research which has appointed the Sugar Committee, these questions do not arise ; but I am in a position to assure the Honourable Member that the views of Ministers of Agriculture of Provincial Governments, who are ex-officio members of the governing body of the Council, have received every consideration.

**Mr. Gaya Prasad Singh :** Are Government aware that the Government of Bihar and Orissa, in the Ministry of Education, have recommended the name of a particular non-official gentleman to sit on this Committee ?

**Sir Frank Noyce :** I believe that is so.

**Sardar Kartar Singh :** Have the Government of India got anything to do with the Imperial Council of Agricultural Research ?

**Sir Frank Noyce :** Yes, Sir.

**Mr. B. Das :** May I inquire why Government went against the recommendation of the Ministry of Agriculture in Bihar and Orissa, and instead of appointing an independent expert like Mr. Sarangdhar Das to the Indian Sugar Committee, appointed the Director of Agriculture of Bihar and Orissa as an expert on the Indian Sugar Committee, thus making it a packed European Committee ?

**Sir Frank Noyce :** I have already pointed out that this is a matter for the Imperial Council of Agricultural Research, which has gone into the question most carefully, and which has power, under its rules and regulations, to appoint any Committee it thinks fit. The Committee was not appointed by the Government of India but was appointed by the Indian Council of Agricultural Research after taking into consideration all the names submitted to them.

**Mr. B. Das :** Will the Honourable Member convey to the Imperial Council of Agricultural Research that this House will not tolerate any packed Committee of so-called departmental experts ?

**Mr. President :** Order, order.

#### RENEWAL OF CONTRACTS OF ROYAL AIR FORCE METEOROLOGISTS.

1012. **\*Mr. B. Das :** (a) Will Government be pleased to state whether they have come to any decision regarding renewal of contracts with the Royal Air Force Meteorologists at present employed separately under the Army Department ?

(b) Will Government be pleased to state if it is not a fact that the Royal Air Force Meteorologists are doing almost similar work as the Meteorological Department is doing ?

(c) What are the reasons for this duplication of work of the Meteorological Department ?

(d) Is it a fact that most of the work done by the Meteorological Department is utilised by the Royal Air Force ?

(e) Will Government be pleased to state if they intend to abolish the posts of the Royal Air Force Meteorologists in the near future ?

**Mr. G. R. F. Tottenham :** (a) No, Sir. The matter is still under consideration.

(b) Both services perform meteorological functions, but the officers of the Royal Air Force are employed on the investigation of phenomena and the collection of data in direct relation to aviation with which the officers of the Meteorological Department are not concerned.

(c) There is no duplication of work.

(d) Certainly, Sir.

(e) No.

#### INDIAN REPRESENTATION ON THE COUNCIL OF THE LEAGUE OF NATIONS.

1013. **\*Mr. B. Das :** (a) Will Government be pleased to state if the Government of India or their delegates to the League of Nations have at any time demanded permanent representation on the Council of the League of Nations ?

(b) Is it a fact that the Indian Delegation to the League of Nations is always taken as part of the British Delegation, and are Government aware that European Powers are often suspicious of the Indian Delegations ?

(c) Will Government be pleased to state if there were ever occasions when the Indian Delegation went contrary to the British Delegation ?

**The Honourable Sir George Rainy :** (a) No.

(b) The Government of India have no information, but they are not disposed to believe that the allegations of the Honourable Member have any substance.

(c) The answer to this part of the question would involve the examination of every debate not only in the Assembly of the League but also in

each of the six committees of the League, a task which Government do not propose to undertake on behalf of the Honourable Member, who has access to the proceedings of the Assembly.

**Mr. B. Das :** Sir, may I point out to the Honourable Member that I did not make any allegation but only stated what the impression of the European Powers is ?

**The Honourable Sir George Rainy :** I do not think that there was any intention to imply that the Honourable Member had made himself responsible for the allegation ; but I am quite prepared to substitute the word " suggestion ".

**Diwan Chaman Lall :** Why is it that the Government of India have never demanded a permanent seat on the Council ?

**The Honourable Sir George Rainy :** I am afraid I must ask for notice of that question.

#### RULES FOR THE INSPECTION OF SUB AND BRANCH POST OFFICES.

1014. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state whether, under Rule 231 of Inspection Report, Questions, an Inspecting Officer (Superintendent or postal Inspector—moffusil or town) is required, in course of inspection of a sub or branch post office, to ask the sub or the branch postmaster and each of his clerks a few questions on the rules in the Post Office Guide and the Post Office Manual and the Inspecting Officer, under the above rule, is required to be satisfied that the aforesaid officials understand rules ?

(b) Does any rule of the Postal Department authorise the sub or branch postmasters or clerks to ask similar questions to the postal Superintendent or Inspector—town or moffusil ?

(c) If the reply to part (b) above is in the affirmative, will Government be pleased to cite the specific rule and supply a copy of the rule for information of the House ?

(d) Under rule 234 of Inspection, is an Inspecting Officer, in course of his inspection, required to certify the fitness or otherwise of the sub or branch postmaster irrespective of the fact of length of service of the sub or branch postmaster or clerks under sub or branch postmaster ? If so, will Government be pleased to state whether the Inspecting Officer (postal Superintendent or Inspector—of moffusil or town) is also superior in rank and qualification to the sub or branch postmasters or clerks whose work and conduct is so certified by the Inspecting Officer ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) and (c). No.

(d) The first part of the question is in the affirmative. As regards the second part, the deduction which the Honourable Member wants to draw does not necessarily follow from the first part. But as I have already stated in replies to other questions, Government have no doubt that, generally speaking, the duties of Town Inspectors have been, and are, of a more responsible character than those of officials on the ordinary time-scale rates of pay.

#### RULES FOR POSTAL INSPECTIONS.

1015. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state whether the Superintendents of Post Offices who have rendered more years service in the Department are allowed to inspect the Offices of the Postmaster General or that of the Director General of Posts and Telegraphs if it so happens that the Postmaster General or the Director General has put in less service in the Department than the Superintendents of Post Office and Railway Mail Service ? If not, why not ?

(b) Had the clerks who rendered more years service in the Department any authority, before or after the year 1920, to certify the fitness and knowledge of the Post Office Rules of the Inspector (moffusil and town) ? If so, will Government be pleased to cite a specific instance in any postal Circle in which this system was followed ? If not, is it not a fact that, by virtue of superior position and qualifications, the Inspecting Officers including the Postal Town Inspectors of the First Class Head Offices, are vested with the power ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Superintendents of Post Offices do not inspect the offices of the Postmaster General or the Director General, because the duties allotted to them do not provide for this work.

(b) The answer to the first two parts of the question is in the negative. In regard to the third part of the question, I would refer the Honourable Member to the reply given to part (d) of his question No. 1014.

#### INSPECTION OF TOWN, BRANCH AND SUB-POST OFFICES.

1016. **\*Mr. S. C. Mitra :** Will Government be pleased to state whether the Postal Town Inspectors of the First Class Head Offices have been inspecting the town, sub and branch offices (both before and after 1920 and September, 1927), in charge of men with longer service ?

**The Honourable Sir Bhupendra Nath Mitra :** The answer is in the affirmative.

#### RULES FOR INSPECTIONS BY TOWN INSPECTORS OF POST OFFICES.

1017. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state whether under rule 306 of the Post Office Manual, Volume VIII (chapter 4) (rule 348, chapter 4 of the old Manual, volume 2), postal Town Inspectors of the First Class Head Offices are required to acquaint themselves with the character of all officials, clerks—senior or junior, sub and branch postmasters and postmen and menials in their jurisdiction of the Town Inspector ?

(b) Is it a fact that they (Town Inspectors) are so required to acquaint themselves with the character of clerks in order to control them effectively ?

(c) If the reply to parts (a) and (b) are in the affirmative, will Government be pleased to state (1) whether the postal Town Inspectors, irrespective of their length of service, have been acting in accordance with the Government rule cited above from the time the rule was in force and

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prior to 1st September, 1927, whether the postal Town Inspectors who so controlled clerks and the branch and sub postmasters on the same scale of pay are in rank and status superior to clerks under the control of the postal Inspectors?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). I understand that Town Inspectors are not required to acquaint themselves with the character of all clerks in their jurisdiction, but only of such officials as are their subordinates. This will also be apparent if the rule quoted by the Honourable Member is read as a whole.

(c) Does not arise.

#### RULES FOR INSPECTIONS BY TOWN INSPECTORS OF POST OFFICES.

1018. \***Mr. S. C. Mitra :** (a) Will Government be pleased to state, with reference to rule 307, chapter 4, Post Office Manual, volume VIII (corresponding to rule 349, chapter 4 of the old Post Office Manual, volume 2) whether it is essential that a postal Town Inspector must possess a practical knowledge of the post office work, as well as a thorough knowledge of the rules in the Manuals and in the Guide?

(b) Is it a fact that his knowledge is so required in order to instruct his subordinates in their duties and also to be able to take charge of a sub or branch post office, if required, as laid down in the aforesaid rule?

(c) If the reply to parts (a) and (b) are in the affirmative, will Government be pleased to state whether the Town Inspectors who are so required to instruct the clerks, old or young, are in status and position regarded as superior to clerks irrespective of length of service of the latter?

(d) Is it a fact that the postal Town Inspectors have been discharging these supervisory duties over the clerks and the postmen and menials for a long time prior to 1st September, 1927, as well as prior to 1920?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The rule lays down that "he should be qualified to instruct his subordinates in their duties", and also that he "should be qualified to take charge of and work a sub or branch office if required".

(c) As the rule stands, the Town Inspector is not required to instruct clerks or other officials. But he should be qualified to instruct his subordinates in their duties, and like any other official who has others serving under him in a subordinate capacity, he is expected to instruct his subordinates in the proper performance of their duties. An official selected for appointment as Town Inspector, must however possess certain special qualifications.

(d) The duties of Town Inspectors are laid down in chapter 4 of the Post Office Manual quoted by the Honourable Member, though there is a qualification at the head of the chapter giving Heads of Circles discretionary powers in regard to the duties of Town Inspectors of Calcutta, Madras, Bombay and Rangoon. I have no reason to suppose that Town Inspectors have not in the past discharged the duties allotted to them in the Manual subject to any subsidiary orders issued by Heads of Circles in the cases specified.

#### RULES FOR INSPECTIONS BY TOWN INSPECTORS OF POST OFFICES.

1019. \***Mr. S. C. Mitra :** (a) Is it a fact that under rule 311, chapter 4 of the Post Office Manual, Volume VIII (rule 353 of chapter 4 of old volume 2), Town Inspectors are required to test the efficiency and honesty of the sub and the branch postmasters?

(b) Is it a fact that they have been so testing the efficiency and honesty of the sub and branch postmasters and the clerks, irrespective of the greater length of service of the latter and also irrespective of age limit of the clerks or sub or branch postmasters from even 1920 and earlier?

(c) Is it not a fact that an officer who is appointed to supervise and control the work of another is regarded by Government as superior in status and rank to the officials whose work and conduct is supervised, irrespective of age and service of the two classes of officials, i.e., supervisory and subordinate?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Presumably so; but it is not possible for me to give an exact reply without undertaking an investigation into the work done by every Town Inspector during the past ten years, particularly as the "N. B." at the head of chapter 4 of the Post Office Manuals referred to clearly stipulates that the rules contained therein "may be modified in such way as the Head of the Circle may consider necessary, in the case of Town Inspectors of Calcutta, Madras, Bombay and Rangoon".

(c) All I am prepared to say is that, generally, the duties of the former are of a more responsible character than those of the latter.

**Mr. Jamnadas M. Mehta :** Does the Honourable Member realise that he is loading the record of the Assembly by incorrect and misleading replies that have been given this morning?

**The Honourable Sir Bhupendra Nath Mitra :** I absolutely refute that suggestion.

**Mr. Jamnadas M. Mehta :** Let him realise it all the same.

#### RULES FOR MEMORIALS FROM MEMBERS OF PROVINCIAL SERVICES.

1020. \***Mr. B. Das :** (a) Will Government be pleased to state if under section 96-B, sub-section 12 of the Government of India Act, the Government of India issued comprehensive rules with the approval of the Secretary of State for India, for the guidance of Provincial Governments in the Gazette of India of 21st and 28th June, 1924 (No. F. 472-II-1-23-Circular, Home Department) Rules of Memorials for a dismissed member of the provincial services?

(b) Will Government be pleased to state, if when a memorial is not dealt under these rules by a Provincial Government, or when a memorial is withheld from transmission to the Governor General in Council or the Secretary of State for India or to His Majesty the King Emperor, what definite machinery Government have under them to exercise a check over Provincial Governments to see that no injustice is done to members of the provincial services?

**The Honourable Sir James Crerar :** (a) The rules contained in the Home Department notification No. F.472/II-1-23, dated the 21st June, 1924, were not issued under section 96B (2) of the Government of India Act.

(b) As provided in Instruction XIII of the Memorial rules, lists of memorials withheld by Local Governments are forwarded quarterly to the Government of India.

#### RULES *re* DISMISSAL OF A MEMBER OF THE PROVINCIAL CIVIL SERVICE.

1021. **\*Mr. B. Das :** (a) Will Government be pleased to state if rule XIV of the Civil Services (Governors' Provinces) Rules lays down the procedure in cases of dismissal, removal or reduction of a member of the Provincial Civil Service ?

(b) What supervision or machinery of control do the Secretary of State and the Government of India exercise to see that *specific enquiry under definite charges* was made by a Provincial Government ?

(c) Is it a fact that rule XIV requires that all evidences against the accused officer and his own evidence contradicting the same should be recorded in his presence ?

(d) Do the Government of India scrutinise every such case when an appeal is laid before the Governor General in Council to see that a proper inquiry was made in the particular case as laid down in rule XIV ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) and (d). The Government of India exercise no supervision over inquiries conducted by a Local Government under rule XIV of the Civil Services (Governors' Provinces) Classification Rules, but they have no reason to doubt that such inquiries are conducted in accordance with the requirements of the rule. In the event of an appeal lying to the Governor General in Council, and of such an appeal being submitted, the question whether the inquiry was conducted in accordance with rule XIV of the Classification Rules would be examined by the Governor General in Council.

(c) No.

#### APPEALS UNDER THE CIVIL SERVICES (GOVERNORS' PROVINCES) CLASSIFICATION RULES.

1022. **\*Mr. B. Das :** (a) Is it a fact that rule 18 of the Civil Services (Governors' Provinces) Classification Rules lays down that, when a public servant drawing a salary above Rs. 500, is dismissed or suspended there is an appeal to the Governor General in Council and thereafter to the Secretary of State ?

(b) How many such appeals have been received by the Governor General in Council ? Will Government be pleased to state the number of appeals they received from affected persons in different provinces and the decisions, favourable or contrary to the petitions, province by province ?

**The Honourable Sir James Crerar :** (a) Rule XVIII of the Civil Services (Governors' Provinces) Classification Rules, lays down *inter alia*

that a member of a Provincial Service or an officer holding a special post, who was appointed by the Secretary of State in Council before the commencement of the Government of India Act, 1919, and who is in receipt of a salary of not less than Rs. 500 per mensem, may appeal to the Governor General in Council, and thereafter to the Secretary of State in Council.

(b) Government do not think that any useful purpose will be served by collecting the information asked for in respect of the class of officers referred to above.

#### LETTER FROM THE SECRETARY OF STATE *re* APPEALS FROM PROVINCIAL CIVIL SERVANTS.

1023. **\*Mr. B. Das :** (a) Is it a fact that the Secretary of State addressed a letter (letter No. S. & G. 1672/24) to the Provincial Governments drawing special attention that appeals from provincial civil servants should not be withheld ?

(b) Is it a fact that the following lines occur in that letter :

"We have had a good deal of trouble with case of.....a provincial civil officer.....who was dismissed for various causes and has since got the ear of various people in Parliament and elsewhere at Home. The point that has given us most trouble is that some of those who have had to deal with the case have not been able to satisfy their consciences that the inquiry that preceded the termination of.....'s service really squared with the orders of the Government of India in respect of the *judicial form and requirements of a personal hearing by the inquiry officer* laid down in those orders.....'s case is at present, at any rate quiescent, and the reason I am now writing to you about is that the Rules under 96-B-2 of Act which have recently been published in India contain (in Rule 14) a reproduction of the nature of a properly constituted court before an officer can be dismissed."

"It, therefore, seems a matter of some importance that the rule should be strictly followed. No doubt it will come to the notice of Local Governments in due course but in view of the difficulty that any error in procedure in dismissal cases makes for us here (and for you too probably), I have thought it worth while to draw your attention to the matter"

(c) Did the Government of India issue any special circulars to the Provincial Governments on this letter ?

(d) Did the Government of India devise any special measures of check to see that proper inquiry in each case is made by a Provincial Government under the rule 14 referred to ?

**The Honourable Sir James Crerar :** (a) No.

(b) The passage referred to was contained in a demi-official letter from the India Office addressed to the Secretary in the Home Department.

(c) A copy of the India Office letter in question was forwarded to Local Governments, also under cover of a demi-official letter.

(d) No ; but rule XIV has been revised to make the position clear, and was published in Home Department Notification No. F.1/3/28, dated the 25th April, 1929.

#### APPOINTMENT OF A PERMANENT INDIAN DELEGATE TO THE LEAGUE OF NATIONS OF GENEVA.

1024. **\*Mr. B. Das :** (a) Is it a fact that at Geneva there are permanent offices of constituent nations to watch the interests of their particular countries at the League of Nations ?

(b) Is it a fact that several British Dominions have their permanent offices at Geneva ?

(c) Have Government considered the advisability of sending a permanent delegate to the League of Nations to watch the interests of India ?

**The Honourable Sir George Rainy :** (a) The Government of India are aware that certain countries have permanent representatives at Geneva, but with the exception of Canada, they have no information whether these countries also maintain permanent offices there. The purpose of maintaining such representatives is understood to be to keep the country informed of what is going on at Geneva and to be of use to delegates, rather than to watch the interests of the country concerned.

(b) Of the British Dominions, Canada and the Irish Free State are known to have permanent representatives at Geneva. Canada also maintains a separate office there but it is not known whether the Irish Free State does so.

(c) The expression "permanent delegate" is not understood. Government have, in consultation with the India Office and the High Commissioner, examined the question of maintaining a representative at Geneva for the purpose of rendering service to Indian delegations, and have reached the conclusion that, for the present, there would be no advantage in doing so.

#### REDUCTION OF PASSENGER TRAINS BETWEEN MOGHALSARAI AND MOKAMEH.

1025. **\*Mr. Siddheswar Prasad Sinha :** (a) Has the attention of Government been drawn to the action of the East Indian Railway authorities in reducing the number of passenger trains running between Moghalsarai and Mokameh from 2 to 1 each way ?

(b) Are Government aware that Dinapore has been chosen to be a suitable place for trains to start and terminate ?

(c) Has Dinapore any other importance except that it is the divisional headquarters of the East Indian Railway ?

(d) Will Government state reasons for giving Dinapore preference over Patna, the seat of the Local Government ?

(e) Will Government state the action they have taken or propose to take to stop such action of the Railway ?

**Mr. P. R. Rau :** The matter is one which is within the competence of the Agent, but a report will be called for and the result communicated to the Honourable Member in due course.

#### EXPENDITURE ON THE ECCLESIASTICAL ESTABLISHMENT.

1026. **\*Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that expenditure on the Ecclesiastical establishment of the Government in the year 1911-12 was 19.15 lakhs ?

(b) Is it a fact that the Incheape Committee unanimously recommended a reduction of 2 lakhs a year in the expenses of the Department ?

(c) Is it also a fact that Sir Purshotamdas Thakurdas, a member of the said Committee, recommended a further reduction of 11.09 lakhs ?

(d) Is it a fact that, in the year 1927-28, the expenditure of the said Department was 33.94 lakhs ?

(e) If any of the facts or figures given in parts (a) to (d) be incorrect, will Government kindly correct them ?

(f) Will Government please state if the recommendations of the Incheape Committee in respect of the Ecclesiastical Department were given effect to ? If so, to what extent and if not, why not ?

**The Honourable Sir George Rainy :** (a) I presume the Honourable Member is referring to the year 1913-14. The expenditure in that year was 19.15 lakhs.

(b) The Committee recommended that the provision for 1923-24 should be limited to 31.83 lakhs, 2 lakhs less than the budget estimate for 1922-23.

(c) Yes.

(d) In 1927-28 Ecclesiastical expenditure charged to Civil Estimates was Rs. 32.29 lakhs, but this amount included an expenditure of Rs. 40,000 on Ecclesiastical works in the United Provinces, which, prior to 1924-25, was debited to the Major Head "Civil Works".

(e) The Honourable Member is referred to the replies to parts (a) and (d) above.

(f) Yes, Sir. The Ecclesiastical expenditure in 1927-28, exclusive of the expenditure on Ecclesiastical works in the United Provinces which in 1923-24 was debited to "Civil Works", was Rs. 31.89 lakhs as against a figure of Rs. 31.83 lakhs recommended by the Indian Retrenchment Committee. The Committee recommended a reduction of 21 in the number of Chaplains. The number actually reduced was 28.

#### PARTICULARS OF ECCLESIASTICAL ESTABLISHMENT AND OF GRANTS GIVEN TO CHURCHES.

1027. **\*Mr. Siddheswar Prasad Sinha :** (a) Will Government please state the number of Bishops, Chaplains, and other officers of the Ecclesiastical Department maintained by them separately for each year during the last three years ?

(b) Will Government please state the amount of grants given to different Christian churches during the last three years, stating (i) the names of the churches, (ii) the amount paid to each of them, and (iii) the purpose of the grant ?

**The Honourable Sir George Rainy :** (a) The figures are as follows :

(i) Bishops, three throughout the period in question.

(ii) Chaplains of the Church of England,

139 in 1926,

140 in 1927,

140 in 1928,

(iii) Chaplains of the Church of Scotland,

18 in 1926,

17 in 1927,

17 in 1928,



(b) The information is being collected and will be supplied to the Honourable Member in due course.

#### MISSION WORK BY OFFICERS OF THE ECCLESIASTICAL ESTABLISHMENT.

1028. \*Mr. Siddheswar Prasad Sinha : (a) Are officers of the Ecclesiastical Department allowed to do mission work ?

(b) Is it a fact that servants of the Government of India are not allowed to be members of the Hindu Sabha ? If so, will Government please state reasons for it ?

The Honourable Sir James Crerar : (a) Chaplains of the Indian Ecclesiastical establishment do not engage in mission work.

(b) The Government of India have not issued any such orders. On the general question of the relations of public servants to political and communal organization, Government consider that it is in the interest of the public service that the activities of Government servants should not expose them to the charge of partisanship, or be the cause of any reasonable suspicion in the minds of any section of the community that their impartiality is impaired thereby.

#### PUBLIC SERVICE EXAMINATION FOR "DEPARTMENTAL CANDIDATES".

1029. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that the Public Service Commission examination for departmental candidates going to be held in November next ? If so, will Government please define the term "departmental candidates" ?

(b) Is there any likelihood of a competitive examination being held simultaneously with the aforesaid examination in order to enable outsiders to qualify themselves for the ministerial services in the Government of India Secretariat ?

The Honourable Sir James Crerar : (a) The answer is in the affirmative. The term "departmental candidates" applies to qualified persons who are already employed in the Government of India Secretariat and attached offices, recruitment for which is made through the agency of the Public Service Commission.

(b) No.

#### ADMISSION OF CERTAIN ANGLO-INDIANS TO THE PUBLIC SERVICE COMMISSION EXAMINATION.

1030. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that employees of the late Army Canteen Board and some other Anglo-Indians who are working temporarily and have not passed the examination of the Public Service Commission have been allowed to appear at the next examination ?

(b) Is it a fact that other temporary unpassed hands who have been working in the same way as the Anglo-Indians have not been allowed to sit at the aforesaid examinations in spite of their applications ? If so, what is the reason for allowing Anglo-Indians and not others ?

(c) Do Government propose to reconsider their cases ?

The Honourable Sir James Crerar : (a) Employees of the late Army Canteen Board and a few employees of certain other offices have been admitted because they were given a guarantee in the past that they would be allowed to appear at the next qualifying examination. This exception is not confined to Anglo-Indians nor to any other community.

(b) Where no guarantee has been given in the past, applications from temporary unpassed clerks have been refused.

(c) No.

#### CANDIDATES PASSED BY THE PUBLIC SERVICE COMMISSION.

1031. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that Mr. Abdul Ghani, a second division clerk in the Army Headquarters, was recently declared fit for employment in the first division of the Secretariat by the Public Service Commission ?

(b) Is it a fact that Mr. Shamoon Ahmad was also declared passed for the first division of the Secretariat ?

(c) Is it a fact that both of them appeared at the last competitive examination of the Public Service Commission held in 1926 ?

(d) How many marks did they obtain ? Were there any other candidates who had obtained more marks but were not declared successful ? If so, will Government state their number, names, and marks ?

(e) If none had obtained more marks than the aforesaid two gentlemen will Government be pleased to lay on the table of the House the marks of all the candidates who appeared at the last examination of the Public Service Commission ?

(f) If the aforesaid two gentlemen were given preference over others, will Government state the reasons for it ?

(g) Is it a fact that others, though obtaining higher marks were not given preference in appointment simply because they belonged to a particular community ?

The Honourable Sir James Crerar : (a) to (c). Yes.

(d) to (g). I would refer the Honourable Member to the Home Department Notification No. F. 160/27-Public, dated the 22nd March, 1927. The name of Mr. M. A. Ghani was later added to the list of Muslim candidates qualified for employment in the Upper Division as he was next in order of merit.

#### COMMUNAL DISCRIMINATION IN THE POSTAL SERVICE IN BIHAR AND ORISSA.

1032. \*Mr. Siddheswar Prasad Sinha : Is it a fact that a circular letter has been issued to the effect that a certain percentage of services in the post offices of Bihar and Orissa should be reserved for members of a particular community ? If so, will Government be pleased to state the reasons or this communal discrimination in the services ?

Mr. P. G. Rogers : The reply to the first part of the question is in the negative, and the second part therefore does not arise.

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## GRANT OF NON-ENTITLED PASSAGES TO INDIANS UNDER ARMY REGULATIONS.

1033. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that under Army Regulations, India, Volume X, European clerks of the Army Headquarters are granted non-entitled or indulgence passages to the United Kingdom and back to India ?

(b) Is it a fact that there is nothing in the rules to prevent the concession from being granted to Indians ?

(c) If the reply to part (b) be in the affirmative, will Government please state whether passages under the rules have ever been granted to Indians ? If not, why not ?

Mr. G. R. F. Tottenham : (a) Yes, provided that spare accommodation is available on transports during the trooping season.

(b) Yes.

(c) No applications for such passages have been received from Indians. In actual practice the concession is now a dead letter because spare accommodation is now practically never available on transports.

## TRANSFER TO DELHI OF THE OFFICES OF THE DEPUTY CONTROLLER OF PRINTING AND STATIONERY AND THE IMPERIAL LIBRARY.

1034. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that the offices of the Deputy Controller of Printing and Stationery and the Imperial Library were located at Calcutta when the Headquarters of the Government of India offices were in Calcutta ?

(b) Is it a fact that most of the other Central Offices have since been transferred from Calcutta to New Delhi ?

(c) When do Government propose to consider the question of transferring these two offices also to New Delhi ?

The Honourable Sir Bhupendra Nath Mitra : (a) The answer is in the affirmative. As regards the office of the Deputy Controller of Printing and Stationery, I may explain that, though there was, at the time when Calcutta was the headquarters of the Government of India, an officer called the Deputy Controller of Printing and Stationery, he had no separate office but worked in the office of the Controller of Printing and Stationery, which has since 1924 been transferred from Calcutta to Delhi. There is now no longer a Deputy Controller of Printing and Stationery, but there is a Deputy Controller of Stationery in charge of the Central Stationery Office at Calcutta.

(b) A certain number of offices of the Government of India have been removed from Calcutta to Delhi.

(c) Government have considered the question of removing the Central Stationery Office and the Imperial Library to Delhi and have decided not to do so.

## SCALE OF PAY OF ARMY HEADQUARTERS CLERKS.

1035. \*Mr. Siddheswar Prasad Sinha : Is it a fact that the Government of India have under their consideration the question of revising the

scale of pay of the Army headquarters clerks ? If so, when is a decision likely to be arrived at ?

Mr. G. R. F. Tottenham : Yes ; but it is not possible to say when a decision will be arrived at.

## LATE HOURS OF WORK IN THE INDIAN STORES DEPARTMENT AND FINANCE DEPARTMENT.

1036. \*Mr. Siddheswar Prasad Sinha : Is it a fact that on account of an insufficient number of hands, the ministerial staff is compelled to work beyond office hours in the Indian Stores and the Finance Departments ? If so, why is not the staff increased nor an extra allowance paid to the clerks working beyond office hours ?

The Honourable Sir George Schuster : As regards the Indian Stores Department, I have ascertained that it is not a fact that the ministerial staff is required to work extra hours on account of their strength being inadequate. As regards the Finance Department, the Honourable Member is correct in his surmise that work in the Finance Department is very heavy indeed ; and there are times in the year, notably during the budget season and the sessions of the Legislature, when to many of the officials of the Department, including the Finance Member himself, it is a physical impossibility for the necessary work to be accomplished between the official hours of 10-30 A.M. to 4-30 P.M. In the last year or so, the Standing Finance Committee and the Legislative Assembly have approved certain increases of staff which the Finance Department, in putting forward the proposals, considered to be fully justified, and on certain occasions, as I explained in my answer to starred question No. 945 yesterday, bonuses or other payments are made to members of the ministerial establishment for overtime work. But in general I can say, and it is with pleasure and pride in the Department that I can say it, the situation is met by a devotion to duty on the part of the staff which has more than once met with recognition from members of this Assembly. The hard work is not only done, but is done willingly and uncomplainingly, and while the point of view which the Honourable Member has put forward must always receive attention, I am afraid it is not practicable to secure that office hours shall always be rigidly observed, or, to prescribe precise and strict conditions as regards overtime work in the circumstances with which we have to deal.

## QUALIFICATIONS OF CERTAIN CLERKS EXAMINED BY THE STAFF SELECTION BOARD IN 1922.

1037. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that some of the men who qualified themselves as clerks, attached offices, in the examination held by the late Staff Selection Board in 1922 have since been declared qualified for higher grades, (e.g., second division Secretariat, 1st division attached offices, etc.), without passing any further examination ?

(b) If the reply to part (a) be in the affirmative, will Government please state the names of such clerks together with their educational qualifications and the reasons for their being so treated ?

The Honourable Sir James Ormerod : (a) Yes ; in three cases.

(b) I am not prepared to disclose the names. The candidates in question appeared in the 1922 examination as outsiders and had entered their  
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names only for examination as clerks in an attached office. As, however, they had the educational qualifications required for higher categories, and had obtained the requisite number of marks, they were declared qualified for those categories.

#### HEAVY RAILWAY TRAFFIC FROM SIMLA ON THE 15TH OF OCTOBER.

1038. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that the Assistant Operating Officer, North Western Railway, Simla, has informed the Government of India that it will not be possible for the Railway Administration to cope with the heavy rush on the 15th of October and on the following days on account of almost all the offices of the Government of India moving on or about the 15th October ?

(b) If the reply to part (a) be in the affirmative, do Government propose to issue instructions to the various offices so that some of them may fix an earlier date to avoid rush on one particular date ?

The Honourable Sir James Crerar : (a) The railway authorities have informed Departments of the Government of India that an extra strain will be placed on the Kalka Simla section of the line from the 7th to 19th October this year, and have asked the Departments to assist the Railway by forwarding their advance records and office equipment at an earlier date if it is possible to do so.

(b) No. The present orders admit of some latitude in the matter of dates.

#### POSTPONEMENT OF THE PUBLIC SERVICE COMMISSION DEPARTMENTAL EXAMINATION.

1039. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that the public Service Commission proposed to hold in November, 1929, an examination confined to departmental candidates for promotion to 1st and 2nd divisions ?

(b) Is it also a fact that, owing to retrenchments in Army Headquarters offices, several permanent 1st and 2nd division clerks have become surplus and are shown as supernumerary ?

(c) Is it a fact that these supernumerary men are not actually required in the grades in which they are shown as supernumerary but are kept only till such time as they can be absorbed in their own or other offices ?

(d) Is it a fact that 1st division supernumerary men, when absorbed elsewhere are to be replaced by 2nd division men and 2nd division supernumerary men by 3rd division men, and that so long as this is not done Government are being put to extra expense ?

(e) Is it a fact that so far there have not been sufficient vacancies in which these men could be absorbed ?

(f) In view of the above, do Government propose to postpone the Public Service Commission examination referred to in part (a) in order that the supernumerary men in the Army Headquarters offices might be absorbed as early as possible and the Government relieved of the extra expenditure on their account ? If not, why not ?

The Honourable Sir James Crerar : (a) to (e). Yes.

(f) No. No examination has been held since 1926, and postponement would be unfair to the men concerned in other Departments.

#### POSTPONEMENT OF THE FORTHCOMING PUBLIC SERVICE COMMISSION EXAMINATION.

1040. \*Mr. Siddheswar Prasad Sinha : (a) Is it a fact that the Government of India offices will open in full in New Delhi not earlier than the last week of October ?

(b) Is it a fact that the move involves a considerable dislocation of work and there is usually accumulation of work after the move ?

(c) If the replies to parts (a) and (b) be in the affirmative, do Government propose, in the interests of office work, that the forthcoming examination of the Public Service Commission for the Government of India offices should be postponed to a later date so that the candidates may have sufficient time after settling in New Delhi to prepare themselves for the examination without interference with their office duties ?

The Honourable Sir James Crerar : (a) The date fixed for the opening of the Government of India offices at Delhi is the 21st October, 1929.

(b) Some temporary dislocation and accumulation of work at the time of the move is I am afraid unavoidable.

(c) Government see no reason to think that the work of the Government of India offices will suffer. In the interests of some of the candidates themselves postponement of the examination is impossible.

#### POSTPONEMENT OF THE FORTHCOMING PUBLIC SERVICE COMMISSION EXAMINATION.

1041. \*Mr. Siddheswar Prasad Sinha : (a) What is the number of candidates likely to appear at the forthcoming Public Service Commission examination for ministerial establishments of the Government of India ?

(b) Is it a fact that there is already a large number of supernumerary men in Army Headquarters offices who have to be provided in permanent vacancies ?

(c) If the reply to part (b) is in the affirmative, do Government propose to consider the desirability of postponing the proposed examination till all or most of the supernumerary men in the Army Headquarters have been absorbed ?

The Honourable Sir James Crerar : (a) It is expected that about 500 departmental candidates will appear at the forthcoming Ministerial Selection Branch qualifying examination of the Public Service Commission.

(b) Yes, they will be treated as supernumeraries until absorbed in vacancies.

(c) No, for the reason already given by me in reply to question No. 1040.

## NUMBERS OF OFFICERS, CLERKS, ETC., IN ATTACHED OFFICES.

1042. \*Mr. Siddheswar Prasad Sinha : (a) Will Government please lay on the table a statement showing the total number of officers, clerks, assistants, stenographers, and Superintendents (including Chief Superintendents) in each of the attached offices of the Government of India ?

(b) Will Government please state the number of men in each of the attached offices employed (i) in Cash Branch (ii) in General Section ?

The Honourable Sir James Crerar : (a) I regret that the information is not readily available and could not be collected without an undue amount of labour.

(b) I understand there are one or more Cashiers in each attached office, according to the amount of work involved. There are General Sections in some, but not in all such offices, as the nature of the work varies. If the Honourable Member wishes to obtain information showing the comparative staffing of these branches, I am afraid the information for which he asks will not help him, since a mere statement of persons employed will be of no value for this purpose without a statement of the work to be done. If he will be good enough to state the object of his question, I will be glad to consider whether the collection of the information will assist him.

## APPOINTMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR GENERAL OF ARCHÆOLOGY.

1043. \*Sardar Kartar Singh : (a) With reference to the reply given to my question on the 5th September, 1929, will Government please state the qualifications of the best Sikh applicants for appointment in the office of the Director General of Archæology ?

(b) How many of them were graduates ?

(c) What are the educational qualifications of men actually appointed in that office during the past three years ?

(d) In what respect were the qualifications of Sikh applicants considered unsuitable ?

(e) Will Government please state the reasons for their decision to appoint a Muslim in the Muslim vacancy in July last ?

(f) Is this principle followed in all offices under Government or was it specifically framed for filling this particular vacancy ?

(g) Will Government please quote an instance in which a Sikh was appointed in a Sikh vacancy ?

(h) In what sort of vacancy do Government propose to appoint a Sikh and when is it likely to occur ?

(i) What steps do Government propose to take to invite applications from suitable Sikhs for this office ?

Sir Frank Noyce : (a) The best of the Sikh applicants were graduates, but none of them had any office experience.

(b) Two.

(c) A statement showing the qualifications of the men appointed during the past three years is laid on the table.

(d) Because they had had no office experience.

(e) Not to let their representation in the Department fall lower, and as a suitable Muhammadan candidate was available, he was appointed.

(f) It is not contrary to the principle of keeping adequacy of representation of communities in mind when filling fresh vacancies.

(g) That would need issuing a circular to collect information on the subject.

(h) & (i). The representation of Sikhs in the Department of Education, Health and Lands is 5.62 per cent., and cannot be said to be inadequate in any way, though in the office of the Archæological Department there is no Sikh.

## Statement showing the qualifications of the men appointed in the office of the Director General of Archæology in India during the past three years

- (1) Shastri, M.A., M.O.L., Trained Librarian.
- (2) Matriculate. Passed the examination held by the Public Service Commission. Knows shorthand and typewriting. Had one year's office experience.
- (3) Matriculate. Passed the examination held by the Public Service Commission. Knows shorthand, typewriting and accounts. Had six years' office experience.
- (4) Matriculate. Knows shorthand, typewriting and accounts. Had five years' office experience.
- (5) Transferred from another Government office where he had three years' permanent service.
- (6) Read up to the Intermediate. Passed the Berlin Standard Examination, which is believed to be equivalent to the B.A. Degree of an Indian University. Knows shorthand, typewriting and German. Had four years' office experience.
- (7) Was appointed in a three months' temporary vacancy in view of his previous experience of work in the office of the Director General of Archæology.

## PROPORTION OF MUHAMMADANS APPOINTED IN THE OFFICE OF THE DIRECTOR GENERAL OF ARCHÆOLOGY.

1044. \*Sardar Kartar Singh : (a) Is it a fact that the assistant in charge of establishment cases in the office of the Director General of Archæology is a Muhammadan ?

(b) When was he appointed ?

(c) Since then how many vacancies have occurred in that office and how many of them have been filled by Muhammadans ?

(d) What was the proportion of Muhammadans in this office prior to his appointment and what is it now ?

Sir Frank Noyce : (a) No.

(b), (c) and (d). Do not arise.

## SHORT NOTICE QUESTIONS AND ANSWERS.

## SHORTAGE OF QUARTERS IN NEW DELHI.

Kumar Ganganand Sinha : Sir, I beg to ask the short notice question of which I have given notice (a) Is it a fact that the move dates

of the Government of India have been fixed earlier this year than last year ?

(b) Is it a fact that more offices are moving to New Delhi this year than last year ?

(c) Is it a fact that, owing to this cause, there is a great dearth of quarters for allotment to assistants and clerks and officers in Departments which have been moving down to New Delhi all along ?

(d) How is it proposed to provide quarters for clerks and others for whom it may be decided at the last moment that no quarters can be allotted ?

(e) Do Government propose to consider the desirability of giving at least three months' notice to clerks and assistants who cannot be given any Government quarters, so that they may be able to make their own arrangements ?

(f) Is it a fact that allotments for the coming Delhi season have not yet been received in Simla in all the Departments though less than a month remains for the move ?

(g) Is it a fact that, last year, the allotments were received very late and thereby great hardship was caused to clerks and others who were not provided with quarters ?

(h) Do Government propose to consider the advisability of allotting quarters in full to those offices which must move down to Delhi of necessity, giving to the other offices the remainder, if any ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) It is a fact that date fixed for the move from Simla to New Delhi will be earlier this year than it was last year.

(b) Yes.

(c) There is a great dearth of quarters for allotment to staff of all grades, and the shortage is of course increased when a larger number of staff move to New Delhi.

(d) Staff to whom quarters cannot be allotted make private arrangements. The question of building additional quarters is engaging the attention of Government.

(e) and (h). Government intend to recast the house accommodation rules and will do all that is possible to ensure that allotments are made in the manner which will cause the least general inconvenience, with due regard to the requirements of the offices whose staff have to be provided for.

(f) I understand that most of the allotments have been made. I have caused instructions to be issued to the Estate Officer to expedite the issue of any allotments still to be made.

(g) I understand that the allotment orders were issued about the 20th September last year. As I have stated, special attention will be paid in recasting the rules to making such provision as is possible to prevent the recurrence of inconvenience of this kind.

REPORTERS APPOINTED FROM ENGLAND FOR THE ROYAL COMMISSION ON LABOUR.

**\*Mr. Jamnadas M. Mehta :** Sir, with your permission I beg to ask the short notice question of which I gave notice : (a) With reference

to the reply to starred question No. 543 in the Legislative Assembly on the 1st March, 1924, will Government be pleased to state whether it is a fact that the Royal Commission on Labour proposes to bring two reporters all the way from England at a cost of nearly Rs. 2,000 each per mensem ?

(b) Will Government be pleased to state why, in spite of the representations made to the India Office, as promised in the reply to part (7) of the question referred to in part (a), English reporters are engaged to report the proceedings of the Commission ?

(c) Do Government propose to protest against the employment of reporters from England at such a heavy cost to the Indian taxpayer and to utilise the service of Indian reporters ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes. The cost will be about Rs. 1,900 *per mensem* for each Reporter while in India.

(b) As the practice in the selection of reporting staff for Royal Commissions is to consult the Chairman's views and to follow them wherever practicable, the Secretary of State was unable to give any undertaking which would limit the choice of the reporting staff. Sanction to the entertainment of the English reporters in the present instance was given by the Secretary of State at the request of the Chairman of the Royal Commission on Labour.

(c) The Government of India have already made a representation to the Secretary of State in this connection, and the latter has agreed to reconsider the question in time before the 1930-31 tour of the Commission, it being too late now to reconsider the terms sanctioned for the English reporters for the 1929-30 tour.

**Mr. Gaya Prasad Singh :** Do Government realise that this Legislature is put in a somewhat awkward position if this matter has to be voted upon ?

12 Noon.

**The Honourable Sir Bhupendra Nath Mitra :** I believe the expenditure is non-votable.

**Mr. Jamnadas M. Mehta :** Does not that imply some reflection upon the Indian reporters whose efficiency is so well-known to every Member of this House ?

**The Honourable Sir Bhupendra Nath Mitra :** That is a question of opinion, but I do not think that any such reflection is intended.

**Mr. Gaya Prasad Singh :** Are Government aware that Sir Malcolm Hailey, in reply to the question referred to by my Honourable friend Mr. Jamnadas Mehta, said, "We believe that the work can be satisfactorily done in India without importing reporters from England" ? Further on, he said, "We have always held ourselves that adequate reporting can be obtained in India".

**The Honourable Sir Bhupendra Nath Mitra :** I have no reason to disbelieve that. I have already explained the reasons which led to the engagement of these particular reporters.

**Mr. Gaya Prasad Singh :** What are the special qualifications of those reporters which are not to be found in the reporters in this country ?

**The Honourable Sir Bhupendra Nath Mitra :** I have never suggested that any special qualifications are possessed by these people.

**Mr. Jamnadas M. Mehta :** They are being engaged because they are Europeans, that is the only reason.

**Diwan Chaman Lal :** Is it the intention of the Government of India to make a strong protest to the Secretary of State against the action taken by him in this matter ?

**The Honourable Sir Bhupendra Nath Mitra :** I have already stated that we have made representations to the Secretary of State on the subject.

**Mr. Gaya Prasad Singh :** Is it not a fact that reporters from England were brought out on the occasion when the Simon Commission came out ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no knowledge of that fact, Sir.

**Mr. Gaya Prasad Singh :** The Honourable the Home Member may be able to enlighten us. He is here.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### INCONVENIENT TIMINGS OF CERTAIN TRAINS.

**221. Pandit Thakur Das Bhargava :** (a) Is it a fact that previously there used to be three trains from Delhi and the Rewari Fazilka section of the Bombay, Baroda and Central India Railway and that since the revision of the time table last year, the connection between the Delhi Express leaving Delhi at 8-25, and the passenger train No. 24 between Rewari and Bhatinda has been discontinued, resulting in great inconvenience to the passengers destined for stations between Rewari and Bhatinda ?

(b) If the reply to part (a) is in the affirmative, will Government kindly state why this connection was discontinued ?

(c) Do Government propose to restore the connection in the near future ?

**Mr. P. R. Rau :** I am afraid it is not possible for Government to take part in the preparation of time tables, but I will send a copy of the Honourable Member's question and of my answer to the Agent of the Bombay, Baroda and Central India Railway for such action as he may consider necessary.

##### BOOKING OFFICES AT DELHI JUNCTION STATION.

**222. Pandit Thakur Das Bhargava :** (a) Are Government aware that there is a general complaint that booking offices are not kept open for issue of tickets at the times fixed by the Railway Administrations ?

(b) Were any instructions issued by any of the Railway Administrations in this behalf during the last two years ?

(c) Have Government taken any action in this behalf against the booking clerks of Delhi Junction during the last two years ?

**Mr. P. R. Rau :** (a) This question has been receiving special attention from the Railway Board, the Central Advisory Council and Railway

Administrations during the last year or two. Special instructions have been issued to railways, and in May last they were asked to submit a report by November next as to what practical steps have been taken to ensure that booking office windows are opened at the times fixed by the Railway Administration.

(b) Yes.

(c) Government are not aware of any special complaints having been made with regard to the arrangements for booking at Delhi Junction.

##### PROVISION OF INTERMEDIATE CLASS ACCOMMODATION ON CERTAIN SECTIONS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

**223. Pandit Thakur Das Bhargava :** (a) Are Government aware that, except in one train, there is no intermediate class accommodation provided on the Bombay, Baroda and Central India Railway on the Delhi-Colaba (metre gauge) section as well as the Rewari to Fazilka section ?

(b) Do Government propose to arrange that intermediate class accommodation be provided in every train running between the above mentioned sections ?

**Mr. P. R. Rau :** I would invite the Honourable Member's attention to the reply given by Mr. Parsons to Rai Bahadur Tarit Bhusan Roy's question No. 233 on the 30th of January, 1929.

##### THIRD CLASS FARES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

**224. Pandit Thakur Das Bhargava :** (a) When were the third class fares last reduced on the Bombay, Baroda and Central India Railway, for distances below 300 miles ?

(b) Is it a fact that the incidence of fare per mile on the Bombay, Baroda and Central India Railway is greater than on the North Western, East Indian, and Great Indian Peninsula Railways in regard to all the classes, for distances below 300 miles ? If so, by what amount ?

**Mr. P. R. Rau :** (a) On the 1st of August, 1928.

(b) I would refer the Honourable Member to the statement laid on the table by me in connection with Mr. Gaya Prasad Singh's question No. 1440 on the 3rd April, 1929, which contains the information which he desires to know.

##### THIRD CLASS FARES ON EXPRESS TRAINS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

**225. Pandit Thakur Das Bhargava :** (a) Is it a fact that 3rd class passengers travelling by Express trains on the Bombay, Baroda and Central India Railway have to pay the fares fixed for mail trains ?

(b) If the reply to part (a) is in the affirmative, will Government kindly state if the rule is the same on North Western, East Indian and Great Indian Peninsula Railways ?

(c) What is the ground of distinction, if any ?



**Mr. P. R. Rau :** (a) Yes.

(b) No.

(c) The fares are not entirely uniform on all railways, owing to the diversity of financial and other conditions.

#### INTRODUCTION OF RETURN TICKET CONCESSION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

**226. Pandit Thakur Das Bhargava :** (a) Is it a fact that no ordinary or week-end return tickets are issued by the Bombay, Baroda and Central India Railway to intermediate and third class passengers?

(b) Are such tickets issued to intermediate and third class passengers on any State Railways?

(c) Have Government ever insisted on the Bombay, Baroda and Central India Railway Administration bringing the concessions to passengers of the various classes into line with those of the State Railways?

**Mr. P. R. Rau :** (a) I presume by ordinary tickets the Honourable Member refers to return tickets at a reduced rate, and the reply is in the affirmative.

(b) Yes.

(c) It is for the Agent to decide whether the issue of such tickets is likely to be profitable. A copy of the Honourable Member's question and of this reply will be sent to him.

#### RECRUITMENT OF ENGINEERS FROM ENGLAND FOR THE NORTH WESTERN RAILWAY.

**227. Pandit Thakur Das Bhargava :** Is it a fact that short-term covenanted engineers were recruited from England and posted to the open section of the North Western Railway, and that their terms of covenant were extended, and is it also a fact that qualified Indian engineers holding Indian and English University degrees could be found in sufficient numbers? If so, will Government please state the reasons and circumstances why the former were recruited and their terms extended?

**Mr. P. R. Rau :** Thirteen short-term engineers from England and nine Indian short-term engineers were recruited mainly for the period from the end of 1925 to the early months of 1927 to enable the railways to cope with the increased programme of new open line works and new construction. Temporary engineers are frequently posted for open line new works and maintenance work to replace temporarily officers in the permanent cadre who are posted to new construction, in order that the latter may obtain experience of this class of work.

Covenants of short-term engineers are occasionally extended when there are vacant posts for which they possess special qualifications.

#### REDUCTION OF MR. BRIJ LAL FROM THE POST OF TICKET COLLECTOR, NORTH WESTERN RAILWAY.

**228. Pandit Thakur Das Bhargava :** (a) Is it a fact that Brij Lal, ticket collector at Lahore Railway Station, was at first transferred to Amritsar as a consequence of his having helped a passenger by

asking a coolie to charge proper dues from him and then he was reduced to the post of a train clerk?

(b) What was the length of service of Brij Lal, ticket collector?

(c) Was the case of the said Brij Lal commented upon in *The Hindu Herald* and if so, was the amount of punishment influenced by the fact of such comment?

**Mr. P. R. Rau :** Government have seen the article which appeared in the *Hindu Herald*. The matter is one with which the Agent of the Railway is fully competent to deal and I am sending a copy of the question to him.

#### ARTICLE IN THE *Hindu Herald*.

**229. Pandit Thakur Das Bhargava :** Has the attention of Government been called to the piece of news contained under the heading "Through the Window" in *The Hindu Herald*, dated 31st August, 1929? Have the Railway authorities taken any action in the matter? If so, what?

**Mr. P. R. Rau :** The reply to the first part of the question is in the affirmative. Regarding the second part of the question, Government have no information, but think it very unlikely that any useful inquiry could have been made by the Railway Administration unless the writer of the newspaper article wrote to the Railway giving his name and was prepared to identify the ticket collector in question.

#### FREE ALLOWANCE OF LUGGAGE FOR INTERMEDIATE AND THIRD CLASS RAILWAY PASSENGERS.

**230. Pandit Thakur Das Bhargava :** (1) Are Government aware that there is a very widespread dissatisfaction about the weight of luggage allowed free for passengers of the third and intermediate classes (15 and 20 seers, respectively) as well as in respect of the rates charged for such luggage?

(2) Have Government seen the comment in this connection appearing in *The Hindu Herald*, dated 31st August, 1929?

(3) Do Government realise that these high freight rates cause great loss to the earnings of the railways and corruption in the subordinate staff of the railways?

(4) Do Government propose to consider this question at an early date?

**Mr. P. R. Rau :** (1) Government are aware that there is a widespread demand for an enhancement in the free allowance of luggage, but it has not been represented to Government that the existing rates charged are unduly high.

(2) Yes.

(3) No.

(4) The question of free allowance is already under consideration. The luggage rates were reduced by 15 per cent. in January last and further reduction is not contemplated at present.

## STAFF OF THE OFFICE OF THE ROYAL COMMISSION ON LABOUR.

231. **Mr. S. C. Mitra :** (1) Is it a fact that the selection of staff for the Office of the Royal Commission on Labour has recently been made ? If so, will Government be pleased to lay on the table a statement giving the names of Superintendents, assistants, clerks, etc., appointed and the different communities to which they belong ?

(2) Is it a fact that the selection of men has been made by the Assistant Secretary of the Commission ?

(3) Is it a fact that Mr. Harbans Lal, a clerk of the Central Board of Revenue on Rs. 120 p. m., has been appointed as Cashier of the Commission on Rs. 300 per mensem ? If so, on what considerations ?

(4) Will Government be pleased to state the names of the Committees and Commissions in which Mr. Green and Mr. Harbans Lal have worked together ? Is Mr. Green entirely responsible for the appointment of Mr. Harbans Lal on the Commission ?

(5) Is it a fact that while Messrs. Green and Harbans Lal were employed on the Hartog Committee, each had a peon employed at his house in Delhi and they continued to draw the usual travelling and daily allowances admissible to them as on tour ?

**The Honourable Sir Bhupendra Nath Mitra :** (1) The selection of the staff has almost been completed, but only a small proportion of the men have been appointed. A statement giving the names of the men appointed or selected and showing the communities to which they belong is being sent to the Honourable Member, and a copy will be placed in the Library of the House.

(2) No. The selection is made in every case by the Joint Secretary to the Royal Commission on Labour.

(3) No selection has yet been made for the post of Cashier. Mr. Harbans Lal is one of the candidates for the post.

(4) Mr. Green and Mr. Harbans Lal have worked together on the following Committees :

The Indian Mercantile Marine Committee,

The Education Committee of the Indian Statutory Commission, and

The Primary Education Committee for Centrally Administered Areas.

The second part of the question does not arise.

(5) The answer is in the negative.

## CONTRIBUTIONS BY INDIAN SOLDIERS TO THE KSHATTRIYA SAMITY.

232. **Mr. Gaya Prasad Singh :** (a) Will Government be pleased to state if it is a fact that some eight or ten years ago, the Commanding Officers of some Royal Garhwal Regiments asked the soldiers and Indian commissioned officers to contribute one month's pay towards the funds of the Kshattriya Samity ? If so, how much money was collected, and to whom was it paid ?

(b) How much of that money is already spent ; and what is the balance left ; and where it is kept ?

(c) What sum out of it has been awarded to sons of soldiers in the shape of scholarships ? And how much is spent in the publication of a newspaper ?

(d) Is the account audited, and made available to soldiers for their information ?

(e) How is the balance of the money, if any, to be utilized ?

**Mr. G. R. F. Tottenham :** The information is being collected and will be furnished to the Honourable Member in due course.

## TRANSFERS IN THE POSTAL DEPARTMENT.

233. **Mr. Gaya Prasad Singh :** (a) Is it a fact that the Government of India have issued orders under No. 77/Pte., dated the 20th October, 1927, that transfers in the Postal Department from a higher to a lower scale of pay should be made only at the request of the official, it being clearly understood that no pressure should in such a case be brought to bear upon the individual concerned who is free to accept or decline the transfer ?

(b) Is it a fact that the Director General, Posts and Telegraphs, in his letter No. E.A.O.-251/28, dated the 23rd June, 1928, has ordered that an official who has passed the Postal Accountant's Examination should not be transferred from a higher to a lower time-scale of pay except with his consent and request ?

(c) Is it a fact that Mr. G. N. Ghose, Accountant, Benares City Post Office, in the scale of Rs. 40—140 was transferred on a lower scale by the Postmaster General, United Provinces Circle, as Accountant, Gazipore Post Office, in the scale of Rs. 35—135 without the official's consent and request, and that even his appeal to re-transfer him back to his original scale was rejected ?

(d) If the reply to points (a), (b) and (c) be in the affirmative, will Government be pleased to state why in contravention of their orders transfers from a higher to a lower scale of pay have been effected in the United Provinces Circle ? Do Government propose to cancel such transfers, restoring the officials to their original scales ?

**Mr. P. G. Rogers :** (a) Yes, the gist of the orders referred to is substantially as stated by the Honourable Member.

(b) Yes.

(c) and (d). The matter is being inquired into and the result will be communicated to the Honourable Member in due course.

## PROMOTIONS TO THE SECOND DIVISION IN THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT.

234. **Mr. Amar Nath Dutt :** (a) With reference to the reply to question No. 369 given in the Assembly on the 22nd March, 1929, regarding the introduction of an examination for promotion to the second division, will Government be pleased to state whether they have come to any conclusions ?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to stop nominations from the Telegraph Master's grade to the second division till a final decision is reached?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No decision has been reached as yet.

(b) The reply is in the negative.

#### TASK WORK MESSENGERS.

235. **Mr. Amar Nath Dutt :** (a) With reference to the reply to question No. 1222 put by Mr. M. S. Sesha Iyengar on the 27th March, 1929, regarding the Task Work Messengers, will Government be pleased to state whether they have issued any orders on the subject?

(b) If the answer to part (a) be in the negative, will Government be pleased to state when they propose to do so?

(c) Will Government be pleased to state how the amount of Rs. 40,000 recommended by the Standing Finance Committee on the 31st January 1928 regarding the task work messengers has been utilised?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Not yet, as the matter is still under consideration and it is not possible to say when a final decision will be reached.

(c) The saving was utilised in reducing the deficit in the Posts and Telegraphs Budget Estimate for the year 1928-29.

#### LOSS SUSTAINED BY TELEGRAPH MESSENGERS IN THE DELIVERY OF MESSAGES.

236. **Mr. Amar Nath Dutt :** With reference to the reply to question No. 176 put by Mr. N. M. Joshi in the Assembly on the 4th February, 1929, regarding the loss sustained by the telegraph messengers in the delivery of messages, will Government be pleased to state whether they have reconsidered and issued orders? If not, when do they propose to do so?

**Mr. P. G. Rogers :** The matter is still under consideration.

#### GRANT OF PENSIONS TO BAUDOT MISTRIES.

237. **Mr. Amar Nath Dutt :** With reference to the reply to question No. 173 put by Mr. N. M. Joshi on the 4th February, 1929, regarding the grant of pensions to Baudot mistries, will Government be pleased to state when they propose to give effect to it?

**Mr. P. G. Rogers :** The matter is still under the consideration of Government and no decision has yet been arrived at.

#### GRANT OF HOUSE RENT ALLOWANCE TO LOCAL SERVICE TELEGRAPHISTS,

238. **Mr. Amar Nath Dutt :** (a) Will Government be pleased to state whether they are aware of the fact that Local Service Telegraphists appointed after 1st March, 1913, are also transferable within the Circle?

(b) Will Government be pleased to state whether transfers are taken into consideration in granting house-rent allowance for Local Service Telegraphists appointed before 1st March, 1913?

(c) If answer to parts (a) and (b) be in the affirmative, will Government be pleased to state the grounds under which they refuse to grant house-rent allowance to the men appointed after 1st March, 1913?

(d) With reference to reply to question No. 1222 (b) put by Mr. M. S. Sesha Iyengar in the Assembly on the 27th March, 1929, regarding the number of Indians and Anglo-Indians, do Government propose to reconsider and grant the said allowance for Local Service Telegraphists appointed after 1st March, 1913?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) No.

(c) The attention of the Honourable Member is invited to part (b) of the reply given on 4th February, 1929 to Mr. N. M. Joshi's unstarred question No. 178.

(d) No.

#### RESOLUTIONS PASSED BY THE MADRAS BRANCH OF THE ALL-INDIA TELEGRAPH UNION.

239. **Mr. Amar Nath Dutt :** With reference to reply to question No. 364 given in the Assembly on the 22nd March, 1929, regarding the decision on the Resolutions passed by the Madras Branch of the Union, will Government be pleased to furnish the same?

**Mr. P. G. Rogers :** A copy of the reply given to Mr. A. Rangaswamy Iyengar, Chairman of the meeting of the All-India Telegraph Union, Madras Branch, is being supplied to the Honourable Member for his information.

#### NUMBER OF INDIANS, ANGLO-INDIANS AND EUROPEANS IN CERTAIN CLASSES IN THE TELEGRAPH DEPARTMENT.

240. **Mr. Amar Nath Dutt :** With reference to the question No. 370 put in the Assembly on the 22nd March, 1929, regarding statistics, will Government be pleased to furnish the information now?

**Mr. P. G. Rogers :** The information was supplied to the Honourable Member in my letter No. S.A.-14/29 (103), dated the 22nd August, last, a copy of which will be found in the Library of the Legislative Assembly.

#### APPOINTMENT OF AN INSPECTOR OF PEONS FOR NEW AND OLD DELHI.

241. **Mr. Amar Nath Dutt :** With reference to the reply to question No. 1403 put by Mr. V. V. Jogiah in the Assembly on the 2nd April, 1929, regarding the appointment of Inspector of peons in New Delhi Office, will Government be pleased to state whether they propose to reconsider the appointment of a permanent Inspector of peons in the above office for first six months and in the Old Delhi Office for the rest of the period?

**Mr. P. G. Rogers :** No such proposal is at present under the consideration of Government.

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**GRANT OF COMPENSATORY ALLOWANCE TO NON-GAZETTED OFFICERS OF THE POSTS AND TELEGRAPHS DEPARTMENT.**

**242. Mr. Amar Nath Dutt :** (a) Is it a fact that compensatory allowance was granted to the gazetted officers of the Posts and Telegraphs Department about six years ago ?

(b) Is it a fact that the case of compensatory allowance for the non-gazetted officers has been under consideration of Government for the last six years, and has not yet been settled ?

(c) If reply to (a) and (b) be in the affirmative, will Government be pleased to state the reasons for delay in the case of non-gazetted officials, and when it is likely to be finally settled ?

(d) Will Government be pleased to name the places for which compensatory allowance will be sanctioned ?

(e) Is it a fact that no compensatory allowance has been sanctioned for the Rangoon Telegraph Office ?

(f) Are Government aware that high cost of living prevails at Rangoon ?

(g) If reply to (b) and (c) be in the affirmative, do Government propose to grant compensatory allowance at Rangoon ? If not, why not ?

(h) With reference to the reply given to the starred question No. 478 (c) of Mr. Abdul Latif Sahib Farookhi on 11th February, 1929, regarding compensatory allowance, will Government be pleased to state if all the subordinate staff of Traffic and Engineering Branches in the Burma Circle of the Telegraph Department have been included in the scheme for compensatory allowance that has been sanctioned ? If not, which of the staff has been excluded ?

(i) Do Government propose to include the names of those thus excluded in any further scheme of compensatory allowance ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes, in 1924, at Bombay, Calcutta, Karachi, Madras and Rangoon only.

(b) No. A general review of existing compensatory allowances granted to low paid subordinates of the Posts and Telegraphs Department was initiated by the Director General in 1926.

(c) I would invite the attention of the Honourable Member to part (c) of the reply given in this House to Mr. Abdul Latif Sahib Farookhi's starred question No. 478 on the 11th February, 1929.

(d) Until the general review now in progress is completed, it is not possible to specify the places for which compensatory allowance will be sanctioned.

(e) No, except in the case of classes of officials whose pay has been fixed with reference to local conditions.

(f) Yes.

(g) It is presumed that the Honourable Member refers to parts (e) and (f), not to (b) and (c). In view of the reply to part (e), this part

does not arise. Compensatory allowances have actually been sanctioned for certain classes of officials at Rangoon where necessary.

(h) and (i). The compensatory allowance scheme sanctioned for Burma applies only to ordinary time-scale clerks and other lower paid subordinates. In this connection I would invite the attention of the Honourable Member to paragraph 5 of the Memorandum, dated the 24th January, 1928, discussed at the meeting of the Standing Finance Committee dated the 31st January, 1928. The cases of other officials will be reviewed later on.

**RECRUITMENT OF CANDIDATES TO THE SIGNALLING BRANCH OF THE TELEGRAPH DEPARTMENT.**

**243. Mr. Amar Nath Dutt :** (a) Is it a fact that the Director General has issued a circular for recruitment of candidates in the Signalling Branch of the Telegraph Department ?

(b) Is it a fact that in working the new rules, a candidate getting a higher place in order of merit in the competitive examination will be superseded by a candidate of another community getting a lower place in the same competitive examination to adjust communal inequalities ?

(c) If reply to (b) be in the affirmative, will Government be pleased to state what will be the proportion or percentage of such communal recruitment, and what will be the basis for the same ?

(d) Will Government be pleased to state if direct recruitment in General and Station services has been started according to the new rules ?

(e) If reply to part (d) be in the affirmative, will Government be pleased to state whether recruitment through schools and homes will be still continued ? If so, how long ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) This may possibly occur.

(c) To the extent of one-third of the vacancies to be filled by direct recruitment from outside the Department. With regard to the basis, the attention of the Honourable Member is invited to part (a) of the reply given on the 3rd September, 1929, to Mr. Anwar-ul-Azim's starred question No. 85.

(d) Recruitment according to the new rules has not yet commenced.

(e) Recruitment through approved schools will definitely cease from the 31st December, 1929.

**RE-EXAMINATION FOR GENERAL SERVICE OF STATION SERVICE TELEGRAPHISTS.**

**244. Mr. Amar Nath Dutt :** (a) Is it a fact that Mr. Sams, the then Director General, in an interview granted to the Station Service Telegraphists at Calcutta, in January, 1929, admitted that there was no necessity for re-examination in signalling and medical tests of the candidates for General Service from amongst those Station Service Telegraphists who had already appeared and been declared fit on the last occasion ?

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(b) Is it a fact that he, on return to New Delhi, intimated that the rules could not be relaxed, and all those telegraphists would have to re-appear for those tests ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state what is the rule referred to above ?

**Mr. P. G. Rogers :** The matter is being inquired into and the result will be communicated to the Honourable Member in due course.

#### NUMBER OF STATION SERVICE TELEGRAPHISTS TRANSFERRED TO THE GENERAL SERVICE.

245. **Mr. Amar Nath Dutt :** With reference to the Director General's communication calling for volunteers from Station to the General Service, will Government be pleased to state :

(a) how many vacancies there were at the time ;

(b) how many Station Service Telegraphists were examined ;

(c) how many have since been transferred to the General Service : and

(d) if reply to (c) be in the negative, the reasons for delay ?

**Mr. P. G. Rogers :** The information is being collected and will be supplied to the Honourable Member in due course.

#### ABSORPTION OF LOCAL AND STATION SERVICE TELEGRAPHISTS IN THE GENERAL SERVICE.

246. **Mr. Amar Nath Dutt :** With reference to the Director General's communication calling for volunteers from Station to the General Service, will Government be pleased to state whether it was under contemplation of the Government to absorb all Local and Station Service men in the General Service ? If not, will Government please state why all the candidates were examined by the Medical Board ?

**Mr. P. G. Rogers :** No. Previous examination by a Medical Board as to the physical fitness of the volunteers for General Service is a condition which is necessary to enable selection to be made.

#### EXAMINATION OF DEPARTMENTAL CANDIDATES FOR GENERAL TELEGRAPH SERVICE.

247. **Mr. Amar Nath Dutt :** (a) Is it a fact that departmental candidates volunteering for General Service were examined in January, 1929 ?

(b) Will Government be pleased to state if travelling expenses and medical fees of these candidates were borne by the Government ?

(c) If reply to part (b) be in the affirmative, what was the total expenditure under those two heads ?

(d) Is it a fact that the candidates in some places were examined in August, 1929 ? If so, do Government propose to allow those candidates, who were temporarily disqualified at the time of their first examination, to sit again for re-examination ? If not, why not ?

**Mr. P. G. Rogers :** (a) and (d). The examination of Station and Local Service telegraphists, who volunteered for General Service, was conducted at different times to obviate any dislocation of work. There is therefore no question of a re-examination.

(b) Yes.

(c) The information asked for is being collected and will be supplied to the Honourable Member in due course.

#### RECRUITMENT OF GENERAL SERVICE TELEGRAPHISTS.

248. **Mr. Amar Nath Dutt :** (a) Is it a fact that advertisements have been issued through newspapers calling for candidates for recruitment in General Service from outside the Department ?

(b) If so, do Government contemplate to absorb all the willing Local and Station Service telegraphists in General Service before any outsider is recruited direct as General Service probationer ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) No. Because in the opinion of Government the arrangement contemplated in the first part of the question will be prejudicial to the efficiency of the Department.

#### APPOINTMENT OF STATION SERVICE TELEGRAPHISTS TO GENERAL SERVICE.

249. **Mr. Amar Nath Dutt :** Is it a fact that there are many Station Service telegraphists who accepted that service because there was no opportunity for them to enter the General Service direct ? If so, do Government propose to give them a chance to exercise their option for General Service, before any outsider is recruited as probationer in General Service ?

**Mr. P. G. Rogers :** Government have no information on the point raised in the first part of the question. In any case the men never had any claim of exercising an option for General Service.

#### RULES FOR RECRUITMENT OF GENERAL SERVICE TELEGRAPHISTS.

250. **Mr. Amar Nath Dutt :** Is it a fact that, according to the new rules of recruitment, departmental clerks are not eligible for appointment in General Service ? If so, do Government propose to modify the rules ? If not, why not ?

**Mr. P. G. Rogers :** The answer to the first part of the question is in the affirmative. The question of allowing departmental clerks below the age of 20 to compete for the examination for the recruitment of General Service telegraphists is under consideration.

#### RULES FOR RECRUITMENT TO THE SIGNALLING BRANCH OF THE TELEGRAPH DEPARTMENT.

251. **Mr. Amar Nath Dutt :** (a) Is it a fact that only 10 per cent. of appointments in the Signalling Branch has been reserved for the sons and relatives of the employees of the Telegraph Department according to the new rules of recruitment ?

(b) Will Government be pleased to state if any such percentage was observed at the time of recruitment through homes and schools ?

(c) Will Government be pleased to state if any such reservation is observed in the clerical vacancies of the Telegraph Department ?

(d) Do Government propose to increase the percentage of such reservation in signalling and clerical vacancies ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) No.

(c) No.

(d) Government do not propose to increase the percentage of such reservations in signalling vacancies. As regards clerical vacancies the question as to whether there shall be any similar reservation, and if so, to what extent, is under consideration.

#### SCALES OF PAY FOR FUTURE STATION SERVICE TELEGRAPHISTS.

**252. Mr. Amar Nath Dutt :** Is it a fact that the scales of pay for future entrants in the Station Service at Cuttack, Muzaffarpur, Ajmer, Indore, Bellary, Coconada, Cochin, Calicut, Mangalore, Nagapatam, Bezwada, Ootacamund, Trichinopoly, Tuticorin and Vizagapatam, have been reduced ? If so, why ?

**Mr. P. G. Rogers :** The reply to the first part of the question is in the affirmative but the reduced scale of pay is not applicable to the existing incumbents. With respect to the second part, the attention of the Honourable Member is invited to the second sentence of part (a) of the reply given in this House to his unstarred question No. 362 on the 22nd March, 1929.

#### TESTS FOR GENERAL SERVICE TELEGRAPHISTS.

**253. Mr. Amar Nath Dutt :** (a) Is it a fact that in the case of transfer of Station Service telegraphists to General Service, they are subjected to signalling and medical tests ? If so, will Government be pleased to state why the same procedure is not observed in case of promotion of D. S. II to D. S. I., D. S. to S. T. T., T. M. to D. S. or S. T. T., General Service to Station service, and T. L. to T. M. (medical only) ?

(b) Is it a fact that the Posts and Telegraphs Manual provides for exemption of Local Service telegraphists from type-writing tests ? If so, why was this rule of exemption not observed in the last examination for recruitment of telegraphists to General Service ?

**Mr. P. G. Rogers :** Yes. In the case of the promotions referred to by the Honourable Member, a medical certificate is unnecessary as there is no change in the conditions of service.

The reply to the first portion of the second part of the question is in the affirmative. As regards the second portion, orders are under issue to exempt volunteers from the Local Service from the typing test in their qualifying signalling examination for transfer to the General Service.

#### RULES FOR RECRUITMENT TO THE SIGNALLING BRANCH OF THE TELEGRAPH DEPARTMENT.

**254. Mr. Amar Nath Dutt :** Is it a fact that clauses 12 (f) and (h) of the memorandum for recruitment in the Signalling Branch require medical certificates twice from a candidate for service in India and Burma ? If so, will Government be pleased to state the reasons for requiring such certificates twice ?

**Mr. P. G. Rogers :** Yes. A preliminary medical certificate is asked for so as to eliminate the obviously unfit. The final examination by a Medical Board is considered necessary in order that the Department may satisfy itself that the probationers selected are really fit for service anywhere in India and Burma.

#### EXAMINATIONS FOR THE SIGNALLING BRANCH OF THE TELEGRAPH DEPARTMENT.

**255. Mr. Amar Nath Dutt :** (a) With reference to the memorandum for recruitment in the Signalling Branch of the Telegraph Department, will Government be pleased to state whether they propose to have the *viva voce* examination before the candidates are allowed to sit for the preliminary examination, as was done in the recent examination for recruitment of Engineering Supervisors, to safeguard the candidates from incurring heavy loss ? If not, why not ?

(b) Do Government propose to reduce the fees in all to Rs. 5 ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No, because the number of candidates for this examination is expected to be far in excess of the number that appeared for the Engineering Supervisors' Examination, and it would not be possible to examine *viva voce* all the candidates who present themselves.

(b) No. Rs. 5 is considered too low a fee to cover the cost of the examination.

#### RECRUITMENT IN THE POSTAL DEPARTMENT OF THE SONS AND RELATIVES OF EMPLOYEES IN THE TELEGRAPH DEPARTMENT.

**256. Mr. Amar Nath Dutt :** Are Government aware that the sons and relatives of the employees of the Telegraph Department are not given the same preference in the Postal Department as the sons and relatives of the Postal employees are given in the Telegraphs ? If so, what are the reasons for such differential treatment ?

**Mr. P. G. Rogers :** If by "preference" the Honourable Member means preference for employment in the Department, the reply to the first part of the question is in the negative and the second part does not arise.

#### RE-INTRODUCTION OF THE POINT-TO-POINT SYSTEM.

**257. Mr. Amar Nath Dutt :** With regard to the reply to unstarred question No. 367 of 22nd March, 1929, will Government be pleased to state whether they propose to take any steps to re-introduce the point-to-point system ? If not, why not ?



**The Honourable Sir Bhupendra Nath Mitra :** The Government of India do not propose to re-introduce the point-to-point system which, as pointed out in the answers to previous questions on this subject, is opposed to the statutory rules regulating pay and allowances. It is considered that the operation of those rules in the matter of fixation of pay on transfer from one scale to another is on the whole fair and reasonable, while provision exists in the rules themselves for rectifying cases in which they would otherwise cause hardship.

**HOURS OF DUTY OF TELEGRAPHISTS IN GREAT BRITAIN AND IN THE EASTERN TELEGRAPH COMPANY.**

**258. Mr. Amar Nath Dutt :** Will Government be pleased to state the comparative duty hours in the Posts and Telegraphs in the United Kingdom of Great Britain as well as in the Eastern Telegraph Company ?

**The Honourable Sir Bhupendra Nath Mitra :** Government have no information.

**OFFICIATING ALLOWANCE FOR HIGHER CLASS WORK IN THE TELEGRAPH DEPARTMENT.**

**259. Mr. Amar Nath Dutt :** Is it a fact that the clerks in classes III and IV in the Telegraph Department are not granted any officiating allowance when they are asked to do work of a higher class ? If so, why ?

**Mr. P. G. Rogers :** An inquiry is being made and the result will be communicated to the Honourable Member in due course.

**PAY OF STATION SERVICE TELEGRAPHISTS.**

**260. Mr. Amar Nath Dutt :** Is it a fact that the qualification, nature and hours of duties of Station Service telegraphists are the same as that of the General Service ? If so, will Government be pleased to state whether they propose to improve the scales of pay of the Station service ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** Part I. Yes.

Parts II and III. No, because the conditions of service of Station Service telegraphists are different in essential from those of General Service telegraphists, and Government do not consider that there is any case for increasing the scales of pay of the former.

**APPOINTMENT OF AN ANGLO-INDIAN AS JUNIOR READER IN THE GOVERNMENT OF INDIA PRESS, SIMLA.**

**261. Mr. Mukhtar Singh :** (a) Is it a fact that a departmental test examination was held by the Manager, Government of India Press, Simla, for the post of a junior reader, and as a result an Anglo-Indian, who was earmarked, has been promoted to the said post ignoring the claims of all others in the office ?

(b) Is it a fact that this vacant post was not advertised in any of the newspapers, thus debarring qualified candidates from outside the office to appear in this test examination ?

(c) Is it a fact that the Manager subsequently issued orders that all the other candidates who passed this examination would have no claims for any future vacancies occurring in that Press ?

(d) If the answer to the above is in affirmative, will Government be pleased to state why the other passed candidates have been deprived of their rights for promotion to vacancies occurring in future ?

**The Honourable Sir Bhupendra Nath Mitra :** I propose to deal with questions Nos. 261 to 263 and 274 together. The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details, which are matters for his discretion.

**PROMOTION OF MR. NUR MOHAMMAD AS A SENIOR READER IN THE GOVERNMENT OF INDIA PRESS.**

**†262. Mr. Mukhtar Singh :** (a) Is it a fact that one, Mr. Nur Mohammad, a junior reader, had recently been promoted to the vacant post of a senior reader in the Government of India Press, Simla ? If so, will Government be pleased to say what are his educational qualifications ?

(b) Was any test examination held by the Manager for filling up the post of senior reader as it was done in the case of a junior reader's post ? If not, why not ?

(c) Will Government be pleased to state whether the post of this senior reader was ever advertised in the newspapers ? If not, why not ?

**SELECTION OF A CANDIDATE FOR THE POST OF SENIOR READER IN THE GOVERNMENT OF INDIA PRESS, SIMLA.**

**†263. Mr. Mukhtar Singh :** (a) Is it a fact that the Manager, Government of India Press, Simla, has advertised in the newspapers for the post of a senior reader in the Press and that numerous applications have been received by him ?

(b) If the answer to part (a) is in affirmative, do Government propose to select a candidate possessing the highest educational and practical qualifications ?

**APPOINTMENT OF MANAGER OF THE GOVERNMENT OF INDIA PRESS, SIMLA,**

**264. Mr. Mukhtar Singh :** (a) Is it a fact that the Manager, Government of India Press, Simla, has recently been appointed as Deputy Controller of Forms, Calcutta ?

(b) Is it a fact that he is still working as officiating Manager in the Simla Press ?

(c) Is it a fact that the post of Manager has thus fallen vacant in the Simla Press ?

(d) Will Government be pleased to state if this post has been advertised in the newspapers ? If not, why not, and whom do they intend to appoint as Manager of the Simla Press and when ?

†For answer to this question, see answer to question No. 261.

**The Honourable Sir Bhupendra Nath Mitra :** (a), (b) and (c). The substantive appointment of Mr. Bruce, Officiating Manager of the Government of India Press, Simla, was that of Assistant Manager in the same Press. He received, from last February, substantive promotion from Assistant Manager of the Simla Press to Deputy Controller of Forms, Calcutta, but was permitted to continue to officiate as Manager of the Simla Press. His substantive appointment as Deputy Controller of Forms does not therefore create any vacancy, substantive or officiating, in the post of Manager of the Government of India Press at Simla.

(d) Does not arise.

APPOINTMENT OF ASSISTANT MANAGER OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

265. **Mr. Mukhtar Singh :** (a) Is it a fact that the post of Assistant Manager in the Government of India Press, Simla, is vacant at present ?

(b) Will Government be pleased to state if they propose to advertise the post in the newspapers and to hold a test examination of all the qualified candidates before the vacancy is filled up ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) No.

EMPLOYMENT OF MR. JAWAHIR KHAN AS ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.

266. **Mr. Mukhtar Singh :** (a) Is it a fact that one Mr. Jawahir Khan, a time-checker in the Government of India Press, Simla, who does not possess any educational qualifications has been allowed to officiate as Assistant Manager ?

(b) Is it a fact that this man was once fined Rs. 5 and was not well-spoken of by the late Manager, Mr. E. G. Aylmer, when he submitted a report against him to the Controller (Mr. Coombs) ?

(c) Is it a fact that this man recently represented to the Controller of Printing and Stationery, India, praying to be confirmed in the post of Assistant Manager in the Simla Press ?

(d) Is it a fact that the Controller, after taking everything into consideration, did not see his way to confirm him in the post of Assistant Manager ?

(e) Will Government be pleased to state if they have received a petition from this man appealing against the decision of the Controller which was submitted by him about a month ago, and if so, do Government propose appointing a well-qualified graduate worthy for the post of Assistant Manager in the Simla Press instead of confirming Mr. Jawahir Khan in that post ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Mr. Jawahir Khan is at present officiating as Assistant Manager.

(b) Government have no information.

(c) and (d). Yes.

(e) Government have received a representation submitted by Mr. Jawahir Khan, which is at present under their consideration.

ISSUE TO EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA, OF ORDERS ISSUED FROM TIME TO TIME BY THE CONTROLLER OF PRINTING AND STATIONERY.

267. **Mr. Mukhtar Singh :** (a) Is it a fact that the orders issued from time to time by the Controller of Printing and Stationery, India, and the Government of India, concerning services, leave, pensions, gratuities, funds, allowances, appointments, etc., are kept secret from the employees by the Manager, the Government of India Press, Simla, and that in very rare cases only a copy out of many orders, is simply pasted on a notice board ?

(b) Will Government be pleased to state whether they propose to issue instructions to the Manager to distribute copies of all the orders issued during the last three years to each and every employee for their information and guidance and follow the same practice in future ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Government have no information, but the Honourable Member's question will be brought to the notice of the Controller of Printing and Stationery for such action as he may consider necessary.

QUARTERS FOR PEONS OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

268. **Mr. Mukhtar Singh :** (a) Is it a fact that some of the peons quarters are being used for some other purposes and some have been allotted to those employees who are not entitled to free quarters ?

(b) Is it a fact that, in one small room, two peons are forced to stay and some have no quarters at all to live in and thus they are put to a lot of inconvenience ?

(c) Do Government propose to issue necessary instructions immediately to the Manager to redress the hardship of these peons ?

**The Honourable Sir Bhupendra Nath Mitra :** Government have no information but are making an inquiry into the matter.

NUMBERS OF CHRISTIANS AND SIKHS EMPLOYED IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

269. **Mr. Mukhtar Singh :** Will Government be pleased to state the number of Christians and Sikhs employed in the Government of India Press, Simla, during the last three years ?

**The Honourable Sir Bhupendra Nath Mitra :** The information is given in the following table :

|            | 1927. | 1928. | 1929<br>(up to August) |
|------------|-------|-------|------------------------|
| Christians | 11    | 13    | 12                     |
| Sikhs      | 5     | 5     | 6                      |

PRIVATE FUNDS CONDUCTED IN THE GOVERNMENT OF INDIA PRESS,  
SIMLA.

270. **Mr. Mukhtar Singh :** (a) Is it a fact that two private funds are running on business lines in the Government of India Press, Simla ?

(b) Is it also a fact that the whole of the fund business is conducted in the office buildings, by the office clerks and in the office hours ?

(c) If the answer to the above is in affirmative, do Government propose to inquire into the matter and put a stop to this business in the office and during office hours ?

**The Honourable Sir Bhupendra Nath Mitra :** (a), (b) and (c). A "B. B. Fund" and a "Monotype Co-operative Thrift and Aid Society" were established in 1879 and 1906 respectively by the employees of the Simla Press. The latter fund is registered under the Co-operative Credit Societies Act. The B. B. Fund was established on voluntary contributions from certain senior assistants of the late Government Central Branch Press, Simla. Subscriptions for this fund are not taken at present from the Press employees, but loans are given to them on interest. The interest realised is distributed among destitute widows and children of deceased employees. Government have already issued instructions that the business of the funds should not be conducted during office hours.

APPOINTMENT OF A TIME-CHECKER IN THE GOVERNMENT OF INDIA PRESS,  
SIMLA.

271. **Mr. Mukhtar Singh :** Is it a fact that strict orders were issued by Government to the effect that the post of time-checker should not be filled up except by a technically experienced man, and, if so, are Government aware that a man who does not possess technical qualifications in the least has been appointed to officiate in this post by the Manager, Government of India Press, quite contrary to Government orders ?

**The Honourable Sir Bhupendra Nath Mitra :** The selection of persons for appointment as time-checker is a matter of administrative detail which is left to the discretion of the Controller of Printing and Stationery.

PIECE-WORK EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

272. **Mr. Mukhtar Singh :** Will Government be pleased to state as to why the pressmen and inkers are employed on piece rates in the Government of India Press, Simla, whereas the whole of the establishment is employed on time-scale of pay ?

**The Honourable Sir Bhupendra Nath Mitra :** I am having the point looked into and will communicate the result to the Honourable Member in due course.

HEATING OF WORK ROOMS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

273. **Mr. Mukhtar Singh :** Will Government be pleased to state what arrangements they propose for installing wall chimneys and providing sufficient fuel for heating purposes in the Government of India Press, Simla, during the months of November to March ? Is it a fact that

the present system of heating the work-rooms with hot water boiler has proved a useless plant ?

**The Honourable Sir Bhupendra Nath Mitra :** Government do not propose to replace the hot water heating plant by wall chimneys as the plant is giving satisfactory results.

APPOINTMENT OF GRADUATES IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

†274. **Mr. Mukhtar Singh :** (a) Is it a fact that there is not a single graduate in the whole of the Accounts Branch and the clerical establishments of the Government of India Press, Simla ?

(b) If the answer to part (a) is in the affirmative, do Government propose to transfer some graduates from other Presses or Departments of the Government of India to the Simla Press ?

PAY OF THE SUPERVISING STAFF OF CURRENCY OFFICES.

275. **Mr. Sarabhai Nemchand Haji :** (1) Is it a fact that the scales of pay of the supervising staff of the Currency Offices have not been revised in the last revision of 1924 ? If so, when do Government propose to revise their scales of pay ?

(2) Is it a fact that the Controller of Currency had promised in 1924 that the scales of pay of the Superintendents would be revised when the scales of the Superintendents' pay in the Accountant General's would be revised ? If so, has the scale of pay of the Superintendents in Currency Offices been revised and if not, why not ?

**The Honourable Sir George Schuster :** I would invite the attention of the Honourable Member to the final replies to questions Nos. 88, 89 and 90 asked by Mr. N. M. Joshi in the Legislative Assembly on the 1st February, 1929, a copy of which is available in the Library of the House. These will give him full information on the subject.

HEAVY DEBITS PAID BY SHROFFS OF THE BOMBAY CURRENCY OFFICE.

276. **Mr. Sarabhai Nemchand Haji :** Will Government be pleased to state whether it is a fact that the Shroffs of the Bombay Currency Office are required to pay heavy debits from their monthly pay ? If so, what was the amount recovered as debits from the Shroffs who worked in defective coins during the last six months from January, 1929 ? What is the pay of these Shroffs who were asked to make good such a heavy debit ?

**The Honourable Sir George Schuster :** As regards the first portion of the Honourable Member's question, I would invite his attention to the final reply to part (a) of starred question No. 700 asked by Mr. M. S. Aney in the Legislative Assembly on the 23rd February, 1929, a copy of which is available in the Library of the House. The rest of the information required by the Honourable Member is being obtained and will be furnished to him as soon as possible.

SCALES OF PAY OF SHROFFS AND CLERKS OF THE BOMBAY CURRENCY OFFICE.

277. **Mr. Sarabhai Nemchand Haji :** Is it a fact that before 1912 scales of pay for the Shroffs and the clerks were identical ? If so, will

†For answer to this question, see answer to question No. 261.

Government please state their reasons for introducing a difference between those two classes ?

**The Honourable Sir George Schuster :** Government are obtaining certain information in order to enable them to reply to the Honourable Member's question. A further communication will be sent to him as soon as possible.

#### PAY OF CLERKS IN CURRENCY OFFICES IN BOMBAY.

278. **Mr. Sarabhai Nemchand Haji :** Is it a fact that there is a difference of Rs. 80 in the maximum, of the scale of pay applied to the clerks in the Currency Office, Bombay and those of the Deputy Controller of the Currency, and if so will Government please state the steps they propose to take to remove this disparity of scales ?

**The Honourable Sir George Schuster :** I propose to reply to questions Nos. 278 and 279 together.

It is a fact that the rates of pay of clerks in the office of the Deputy Controller of the Currency, Bombay, are higher than those in the Currency Office, the reason being that the work required in the former is of a superior character.

#### PAY OF CLERKS IN CURRENCY OFFICES IN BOMBAY.

†279. **Mr. Sarabhai Nemchand Haji :** (a) Is it a fact that the annual increments given to the Currency Office clerks are only Rs. 5 and Rs. 4 while the Deputy Controller of Currency's clerks are given Rs. 8 and Rs. 6, respectively ? If so, will Government please give their grounds for maintaining this divergence in increments ?

(b) Is it a fact that some men formerly working in the Currency Office, Bombay, are now working in the office of the Deputy Controller of Currency, Bombay ? If so, why should they not get the same scale as that of the Deputy Controller of Currency's Office ?

#### PENSION RULES FOR MENIAL SERVICES IN BOMBAY.

280. **Mr. Sarabhai Nemchand Haji :** Is it a fact that the Bombay Government have revised their pension rules for the menial services and accordingly the menials are to get their pay as pension ? Will this rule be applied to the peons and menials in the Currency Office in Bombay ; if so, from what date ?

**The Honourable Sir George Schuster :** The Bombay Government have made a rule under which their menial servants will be entitled to pensions equal to half their average emoluments during the last three years of their service. The rule has not been applied to similar servants of the Government of India. They will continue, until further orders, to draw the temporary increases of pension which were originally sanctioned in 1921, and which, with the approval of the Standing Finance Committee, it has been decided to continue for another two years.

†For answer to this question, see answer to question No. 278.

#### AMOUNT OF FINES COLLECTED FROM THE STAFF OF THE BOMBAY CURRENCY OFFICE.

281. **Mr. Sarabhai Nemchand Haji :** Will Government be pleased to state the total amount collected by way of fines from the staff of the Bombay Currency Office, during the last five years ? Is it utilised for the benefit of the staff ? If not, why not ?

**The Honourable Sir George Schuster :** Inquiry is being made, and a reply will be sent to the Honourable Member in due course.

#### PROVIDENT FUND AND BONUS SCHEME FOR CURRENCY OFFICES.

282. **Mr. Sarabhai Nemchand Haji :** Will Government be pleased to state whether it is a fact that the Honourable the Finance Member had promised to expedite the consideration of the Provident Fund and Bonus scheme ? If so, have Government come to any final decision on the subject ? If not, will they be pleased to state what action they have taken during the last six months to expedite the matter ?

**The Honourable Sir George Schuster :** The Government of India have obtained the approval of the Standing Finance Committee to a proposal that a contributory Provident Fund, on the usual terms, should be instituted for the non-pensionable employees in the Treasurers' departments of the Currency Offices. The proposal will now be placed before the Currency Association, and it is hoped that final orders will be issued before the beginning of the next financial year.

#### GRANT OF GRATUITIES ON RETIREMENT TO EMPLOYEES OF CURRENCY OFFICES.

283. **Mr. Sarabhai Nemchand Haji :** (a) Will Government be pleased to state whether it is a fact that the employees of the State Railways and Port Trusts are given gratuities at the time of retirement ?

(b) Do Government propose to consider the desirability of setting up a similar system of gratuities in the Currency Office ?

**The Honourable Sir George Schuster :** (a) Under the rules of the Railway Department, employees of State Railways may be given a gratuity on retirement as a reward for faithful service. The rules of the Port Trusts of Calcutta, Bombay, Madras, Rangoon, Karachi and Chittagong also allow discretion to the Port Trust Boards to grant, subject to certain conditions, gratuities on retirement to their employees as a reward for good, efficient and faithful service.

(b) Government have recently considered the question and have decided that no such system of gratuities should be set up in Currency Offices.

#### SUBSTITUTION OF PROVIDENT FUND FOR PENSION IN GOVERNMENT SERVICE.

284. **Mr. Sarabhai Nemchand Haji :** (a) Will Government be pleased to state whether they have consulted Local Governments and Service Associations in regard to certain definite proposals regarding the substitution of Provident Fund for pension as stated in answer to starred question No. 132 of Mr. Lalchand Navalrai on the 29th January, 1929 ?

(b) Have they gathered any opinions from any Service Association and Local Governments, and if so, will they please state or lay on the table their views on the subject ?

**The Honourable Sir George Schuster :** (a) A letter was addressed to Local Governments on the subject in July last. The letter contained, *inter alia*, a proposal that, subject to the concurrence of the Local Governments, Service Associations should be consulted.

(b) No opinion on the proposals to which the Honourable Member refers has yet been obtained from any Local Government : I hope to be in a position to give the Honourable Member full information before very long and suggest that after a month or two he should communicate with the Financial Secretary on the subject.

#### GRANT OF EXTENSIONS OF SERVICE IN THE BOMBAY CURRENCY OFFICE.

285. **Mr. Sarabhai Nemchand Haji :** (a) Will Government be pleased to state how many persons from the higher grades were due to retire in the year 1928-29 for having completed the age of fifty-five years or above in the Bombay Currency Office and how many out of these had applied for extension and how many were granted ? If so, will Government be pleased to state whether they have given any consideration to the prospects of immediate juniors when they granted extension to all ?

(b) Will Government please state if it is a fact that extensions are refused especially to persons of higher grades in the offices of the Accountant General and the Commissioner of Income-tax, Bombay, on the ground that the prospects of juniors are thus barred ? If so, do Government propose to issue orders to stop the practice of granting extensions in the Bombay Currency Office ?

**The Honourable Sir George Schuster :** As regards the first portion of part (a) of the question, I would refer the Honourable Member to the reply I gave on the 9th instant to part (a) (iii) of Mr. Jamnadas M. Mehta's starred question No. 264.

As regards the remainder of the question, inquiries are being made and a final reply will be sent to the Honourable Member in due course.

#### ADMINISTRATION OF KIRKEE CANTONMENT.

286. **Pandit Thakur Das Bhargava :** (1) Is there any proposal to place Kirkee Cantonment under the subordination of Poona with regard to cantonment administration ?

(2) If so, what is the nature of the proposal, and what has necessitated it ?

(3) Have the elected members of Kirkee Cantonment Board and other prominent residents of Kirkee protested against the proposal ?

(4) What action have Government taken on the protest ? What are the reasons for the new proposal ?

(5) Do Government propose to keep the proposal in abeyance till the residents of Kirkee have an opportunity to express their views thereon ?

**Mr. G. R. F. Tottenham :** (1) No, Sir.

(2) to (5). Do not arise.

#### ORDER OF THE DEOLALI CANTONMENT BOARD CLOSING CERTAIN WELLS.

287. **Pandit Thakur Das Bhargava :** (1) Is it a fact that in 1918-19, the areas round the Rahgoor Road, Dhondy Road, and Nasik Road were included in the Cantonment, without their being acquired on payment under the law governing land acquisition ?

(2) Are Government aware that these areas have large gardens all irrigated by wells, which also form the source of drinking water to the population of those areas ?

(3) Is it a fact that the Cantonment Board, Deolali, has ordered the closing-down of these wells, on the ground that they are the breeding places of mosquitos ?

(4) Are Government aware that these localities are considered to be the sanitariums of Bombay ?

(5) Are Government aware that there is great discontent and commotion among the population of these areas owing to this order of the Cantonment Board ?

(6) Have Government obtained the expert opinion of health officers that these wells are mosquito-breeding places ? If so, whom have they consulted and with what result ?

(7) Have Government collected statistics of malaria cases in these localities and, if so, how do they compare with the rest of the Cantonment ?

(8) Do Government still require these areas within the Cantonment limits ? If so, for what military purpose ?

(9) Do Government propose to restore these areas to the position they had before the inclusion in the Cantonment ?

**Mr. G. R. F. Tottenham :** I am making inquiries and will let the Honourable Member know the result in due course.

#### LACK OF SUITABLE DRAINS AND OTHER AMENITIES IN CAWNPORE CANTONMENT.

288. **Pandit Thakur Das Bhargava :** (1) Are Government aware that in most parts of Cawnpore Cantonment there are no *pucca* drains ?

(2) What is the malaria-mortality in the Cantonment ?

(3) Is it a fact that in a part of the Cantonment near *Kola Ghat*, having a population of more than 200 people, there is no street-lighting and no sanitary arrangements and no road, *kachha* or *pucca*, to connect the area with the rest of the Cantonment ?

(4) Will Government be pleased to state why the people of this area are deprived of ordinary civic amenities ?

(5) Do Government propose to draw the urgent attention of the Cantonment Authority to the absence of *pucca* drains in the Cantonment and of all municipal amenities in the area specified above ?

**Mr. G. R. F. Tottenham:** The matter is one for the Cantonment Authority to deal with, and I am communicating a copy of the question, and of my reply, to them.

#### PROMOTION OF CERTAIN TOWN INSPECTORS OF POST OFFICES.

**289. Kumar Ganganand Sinha :** (1) Is it a fact that a part sanction of two posts only on the scale of Rs. 100—5—175 was given by the Director General on the recommendation dated June, 1923, made by the Postmaster General, Bombay, for conversion of all the posts of Town Inspectors on the scale of Rs. 100—5—175 ?

(2) Is it a fact that one of these two newly created posts was given to the then-existing seniormost Town Inspector and the other to another then-existing Town Inspector ?

(3) Is it a fact that Mr. J. R. Mehta was the then existing seniormost Town Inspector and that Mr. V. A. De Souza was also the existing Town Inspector at that time and that the latter did not pass the Town Inspector's examination ?

(4) Is it a fact that Messrs. V. H. Karandhikar and M. N. Phatterfold were existing Town Inspectors available at that time with qualification of having passed the Inspector's examination ?

(5) Is it a fact that (i) at that time many officials of the clerical cadre who had rendered greater length of service than the then existing Town Inspectors were available, and (ii) that the two newly created posts were not given to men in the clerical line irrespective of greater length of service rendered by them or to any passed official ?

(6) Is it a fact that the officials mentioned in part (4) who passed the Inspector's examination also did not get these posts ?

(7) Is it a fact that Mr. J. R. Mehta, mentioned in part (3) was subsequently transferred to the other Town Sub-division under P. P. M.'s letter ?

**The Honourable Sir Bhupendra Nath Mitra :** I propose to deal with questions Nos. 289, 290 and 296 together. Complete information on the various questions asked by the Honourable Member is not available at headquarters. Necessary inquiries have been made and complete information, so far as available, will be communicated to the Honourable Member in due course.

#### APPOINTMENTS AND DUTIES OF CERTAIN TOWN INSPECTORS OF POST OFFICES.

**†290. Kumar Ganganand Sinha :** (1) Is it a fact that the Postal Town Inspectors of Bombay in the time scale of pay had to carry on the investigation work ?

(2) If the reply to part (1) is in the negative, will Government be pleased to state whether under P. P. M.'s letter, Mr. J. R. Mehta, mentioned in the previous question (on the scale of Rs. 100—5—175), was transferred to the other sub-division and Mr. P. B. Parek drawing time scale of pay at that time was appointed in the Investigation branch as Inspector and had to make investigation into cases ?

†For answer to this question, see answer to question No. 289.

(3) Under P. P. M.'s memo. was Mr. D. J. Panday, Town Inspector on the time-scale of pay at that time, appointed as Inspector Sadar Sub-division from his post as Investigating Inspector and Mr. G. V. Pradhan, Town Inspector, Dadan Sub-division, transferred to the post of Investigating Inspector in place of the former ?

#### EMPLOYMENT OF CERTAIN OFFICERS ON SPECIAL DUTY WITH THE RAILWAY BOARD.

**291. Kumar Ganganand Sinha :** (a) Will Government be pleased to state whether the following officers are meant for perpetual Special Duty with the Railway Board : (i) Rai Bahadur B. D. Puri, (ii) Mr. Jones, and (iii) Mr. Ghulam Muhammad ?

(b) What total period has each of them been employed on Special Duty ?

(c) What work has each of them done ?

(d) Is it a fact that they are often asked to report on the same matter and that they often disagree with each others conclusions ?

(e) How do Government come to a decision on such subjects ?

**Mr. P. R. Rau :** (a) No, Sir.

(b) Rai Bahadur Puri and Mr. Ghulam Muhammad were each on special duty with the Railway Board for about a year in 1926 and 1927. For other periods on which they were employed on special duty I would refer the Honourable Member to the History of Services of Indian State Railways, a copy of which is in the Library. I am not aware which Mr. Jones the Honourable Member is referring to—there are eight of them in the History of Services. Mr. C. E. W. Jones was on special duty with the Railway Board in connection with the investigation into the expenditure by railways on the education of the children of their employees for about a year from November 1926.

(c) I am afraid it is impossible for me to give details of the work done by each of these officers in the space of an answer to a question in this House.

(d) Not that I am aware of.

(e) Does not arise.

#### INTRODUCTION OF THE SYSTEM OF MECHANISED ACCOUNTING ON THE EAST INDIAN RAILWAY.

**292. Kumar Ganganand Sinha :** During the sitting of the Public Accounts Committee did Mr. Scott point out that the "muddle" in the East Indian Railway Stores Accounts Branch would be remedied by introducing the mechanised system on the lines of that followed on the North Western Railway ? Is it a fact that the "muddle" so admitted accumulated there rather quickly since the introduction of tabulators ?

**Mr. P. R. Rau :** The introduction of the system of mechanised accounting is under contemplation as suggested in the question. No



Tabulators have been used on accounts work on the East Indian Railway so far.

#### HOLLERITH AND POWER ACCOUNTING MACHINES.

293. **Kumar Ganganand Sinha :** (a) Is there any truth in the rumour that Mr. Scott is personally interested in the Hollerith and Power machines and that they are getting preference by turns?

(b) Will Government be pleased to lay on the table a statement showing the comparative cost of work done by machine and the cost incurred when the work was done by clerks?

**Mr. P. R. Rau :** (a) The suggestion in this question is entirely without foundation.

(b) It is too early to prepare a statement of the sort, as it is still in an experimental stage.

#### PROMOTION IN THE RAILWAY BOARD OF CERTAIN OFFICERS RELATED TO MR. HAYMAN.

294. **Kumar Ganganand Sinha :** (a) Will Government be pleased to state the reasons for the promotion of Messrs. Myers, Morgan and Hayman?

(b) How many senior and qualified Indians were superseded by the promotions given to the officers mentioned in part (a)?

(c) Is it a fact that all of the officers mentioned in part (a) are related to Mr. Hayman, a Member of the Railway Board?

**Mr. P. R. Rau :** (a) I do not know what promotion the Honourable Member refers to. The officers referred to were selected for appointment to their present posts in view of their suitability for the work which they are now required to perform.

(b) So far as I know, no supersessions were involved.

(c) No. Only the last named officer is.

#### APPOINTMENTS AND PROMOTIONS OF ANGLO-INDIANS IN CERTAIN RAILWAY OFFICES.

295. **Kumar Ganganand Sinha :** (a) Is it a fact that there has been increasing recruitment of Anglo-Indian officers in the Railway Accounts Service?

(b) Is it a fact that by the promotions of Messrs. Brewster Browne, Jones, Bion, Dewes, Freitas and Cunningham, the claims of several qualified Indian seniors were overlooked?

(c) Is it a fact that the post of an Accounts Officer on State Railways was filled by a man in the Telephone Department, and that a hotel keeper in Simla was appointed as a Cash and Pay Officer of the Railway Clearing Office, both belonging to the Anglo-Indian community?

(d) If the answers to parts (a), (b) and (c) are in the negative, do Government propose to examine and state on what principle promotions and appointments are made in the Departments under Mr. Hayman, Member of the Railway Board?

**Mr. P. R. Rau :** (a) In addition to the officers of the Indian Audit and Accounts Service lent by the Auditor General, the recruitment in the Railway Accounts Service was made from two sources, (1) officers who already held an appointment of a corresponding rank in the Audit and Accounts Department of the East Indian Railway and Burma Railways, and (2) other officers with railway accounts experience, including those promoted from subordinate grades. The number of the latter was 10, of whom only 3 were Anglo-Indians.

(b) The Officers mentioned in the question held the rank of temporary or officiating Assistant Accounts Officers and have not been appointed to the Railway Accounts Service. Their promotion to the rank stated above did not, so far as I am aware, involve any supersession.

(c) The answer to the question is in the negative. An Accounts Officer of the Telephone Revenue Accounting Office, who is an Anglo-Indian, has been appointed as an Assistant Accounts Officer in the office of the Chief Accounts Officer, North Western Railway, but not because he was an Anglo-Indian. The Cash and Pay Officer of the Clearing Accounts Office is not an Anglo-Indian.

(d) The Railway Accounts Department is under the Financial Commissioner of Railways and not under Mr. Hayman. The rules under which recruitment in this Department is made are in the Library of the House.

#### TRAFFIC AND INVESTIGATION WORK IN THE POSTAL DEPARTMENT IN BOMBAY.

†296. **Kumar Ganganand Sinha :** Is it a fact that:

(a) There were two postal City Superintendents in the Town of Bombay?

(b) Whether in 1924-25, the Traffic was placed under the control of one Superintendent and the Investigation in charge of another Superintendent?

(c) Whether five Town Inspectors were under the control of the Superintendent in charge of Investigation irrespective of the pay of the Town Inspectors and six Town Inspectors were placed under the control of the Superintendent in charge of the Traffic?

(d) There were only two posts of Inspectors for Investigation work and that five Town Inspectors were appointed for such work?

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member) : I beg to lay on the table the Report of the Public Accounts Committee on the Accounts for the year 1927-28.

†For answer to this question, see answer to question No. 289.

6. The following table compares the percentage of savings under voted grants with that of the savings in non-voted appropriations :

|                                      | Savings + Excess -- |            |
|--------------------------------------|---------------------|------------|
|                                      | Voted.              | Non-voted. |
| 1927-28.                             |                     |            |
| Expenditure charged to Revenue .. .. | +·58                | +·69       |
| Expenditure charged to Capital .. .. | -3·64               | +66·94     |
| Total Expenditure .. ..              | -40                 | +2·75      |
| 1926-27.                             |                     |            |
| Total Expenditure .. ..              | +5·2                | +1·0       |

7. The most important feature here is that, unlike previous years, there is an excess of ·4 per cent. under voted grants against savings of 5·2 per cent. in 1926-27 and 7·8 per cent. in 1925-26. This result shows that the tendency deliberately to over-estimate voted expenditure as to which previous committees expressed apprehensions has become much less marked.

The increase in the saving under non-voted expenditure was mainly due to the fact that while the budget provided for railway debentures to be renewed as well as those to be discharged, the actuals show only the debentures discharged. This accounts for a saving of over Rs. 2½ crores. We are informed that the question of altering the method of budgeting for these items is under the consideration of the Railway Board.

8. The improvement noticed above is partly due to the system of lump sums introduced in 1925-26 but the persistent over-budgeting which still exists under a number of items which have been brought to our notice in the Appropriation Reports indicate that even more severe pruning is required. As regards provision for pay of establishment and leave salary, we consider that the only way of arriving at more accurate results is to make lump deductions for probable savings on the basis of previous actuals. We are informed that certain provisional orders were issued by the Finance Department to the accounts officers in September 1928 and that that Department propose to issue further orders when the actuals of a few years are available.

9. In view of the large number of cases of defective budgeting which have been brought to our notice by the Auditor General, we consider that there is still scope for improvement in the methods of budgeting. The arrangements made in the Finance Department to have a whole time Budget Officer (who is also Secretary to the Public Accounts Committee) to watch the operation of the budget throughout the year and test its accuracy have been explained to us. This is a step in the right direction; but what is required now is a special effort to work up to a higher standard of accuracy in budgeting in all Departments, and we share the doubts referred to by the Financial Secretary as to whether a mere scrutiny of results within the Finance Department will be sufficient for this purpose. We think that, at least until

higher standard all round has been attained, a more intensive effort may be necessary and that it would be most advantageous if a specially experienced officer from the Finance Department could personally visit all the estimating offices, look into and co-ordinate their work and have occasional conferences with the estimating officers. We are also informed by the Auditor General that his experience of the past few years had been that the Finance Department was under-staffed and that it was absolutely necessary to increase the staff in order to work up to a high standard of efficiency. We agree with the Auditor General and recommend that the Finance Department should be adequately staffed and consider that it is justifiable to err on the side of being over-staffed in the initial stages in order to work up to a high standard of efficiency. We wish also to emphasise the great importance during the initial stages of securing continuity in the staff of the Finance Department which is to be employed on this special work.

10. In the following cases the actual expenditure exceeds the voted grants and an excess vote of the Assembly is accordingly required :

| Item No. | Number of grant. | Grant.                                                                     | Amount voted by the Assembly. | Actual expenditure. | Excess.     |
|----------|------------------|----------------------------------------------------------------------------|-------------------------------|---------------------|-------------|
|          |                  |                                                                            | Rs.                           | Rs.                 | Rs.         |
| 1        | 41A              | <i>Civil.</i><br>General Administration—<br>Miscellaneous ..               | ..                            | 231                 | 231         |
| 2        | 43               | Administration of Justice                                                  | 68,000                        | 68,009              | 9           |
| 3        | 72A              | Miscellaneous Adjustments<br>between Central and<br>Provincial Governments | 3,47,000                      | 3,50,431            | 3,431       |
| 4        | 73               | Refunds .. ..                                                              | 75,58,000                     | 77,15,481           | 1,57,481    |
| 5        | 91               | Commuted value of pen-<br>sions .. ..                                      | 25,73,000                     | 26,79,529           | 1,06,529    |
| 6        | 94               | Loans and Advances bear-<br>ing interest .. ..                             | 8,74,23,000                   | 8,80,35,971         | 6,12,971    |
|          |                  | <i>Posts and Telegraphs.</i>                                               |                               |                     |             |
| 7        | 23               | Indian Posts and Tele-<br>graphs Department ..                             | 10,54,16,998                  | 10,62,25,766        | 8,08,768    |
|          |                  | <i>Railways.</i>                                                           |                               |                     |             |
| 8        | 4                | Revenue—Working Ex-<br>penses—Administration                               | 12,49,00,000                  | 12,69,93,000        | 20,93,000   |
| 9        | 10               | Revenue—Appropriation<br>from Depreciation Fund                            | 10,20,00,000                  | 10,95,11,000        | 75,11,000   |
| 10       | 14               | Revenue—Strategic Lines                                                    | 1,55,10,000                   | 1,56,48,000         | 1,38,000    |
| 11       | 7                | Capital—New construction                                                   | 8,45,44,000                   | 9,90,24,000         | 1,44,80,000 |
| 12       | 8                | Capital—Open Line Works                                                    | 21,02,92,000                  | 21,56,37,000        | 53,45,000   |
| 13       | 15               | Capital Strategic Lines ..                                                 | 95,25,000                     | 95,75,000           | 50,000      |

**REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS  
OF 1927-28.**

**I.—Excess Votes.**

al The following table compares the total grants voted by the Legislative Assembly with the total expenditure against those grants :

(In lakhs of rupees.)

|                                        | Original grant. | Supple-<br>mentary grant. | Final grant. | Actual expenditure. |
|----------------------------------------|-----------------|---------------------------|--------------|---------------------|
| Expenditure charged to Revenue ..      | 1,02,44         | 5,65                      | 1,08,09      | 1,07,46             |
| Expenditure charged to Capital ..      | 26,93           | 5,75                      | 32,68        | 33,87               |
| Total Expenditure ..                   | 1,29,37         | 11,40                     | 1,40,77      | 1,41,33             |
| Disbursements of Loans and Advances .. | 4,82            | 4,93                      | 9,75         | 9,74                |
| Grand Total ..                         | 1,34,19         | 16,33                     | 1,50,52      | 1,51,07             |

2. The following table compares the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations :

(In lakhs of rupees.)

|                                   | Original Appropriation. | Supple-<br>mentary Appropriation. | Final Appropriation. | Actual Expenditure. |
|-----------------------------------|-------------------------|-----------------------------------|----------------------|---------------------|
| Expenditure charged to Revenue .. | 1,12,01                 | 21                                | 1,12,22              | 1,11,44             |
| Expenditure charged to Capital .. | 3,59                    | 1                                 | 3,60                 | 1,19                |
| Total Expenditure ..              | 1,15,60                 | 22                                | 1,15,82              | 1,12,63             |

3. If the total voted and non-voted expenditure is taken, the position is as follows :

(In lakhs of rupees.)

|                                        | Original grant. | Final grant. | Actual Expenditure. |
|----------------------------------------|-----------------|--------------|---------------------|
| Expenditure charged to Revenue ..      | 2,14,45         | 2,20,31      | 2,18,90             |
| Expenditure charged to Capital ..      | 30,52           | 36,28        | 35,06               |
| Total Expenditure ..                   | 2,44,97         | 2,56,59      | 2,53,96             |
| Disbursements of Loans and Advances .. | 4,82            | 9,75         | 9,74                |
| Grand Total ..                         | 2,49,79         | 2,66,34      | 2,63,70             |

4. It will be seen that against grants aggregating 266·34 crores the actual expenditure was 263·70 crores—a saving of 2·64 crores or 1 per cent. against a saving of 10·17 crores or 3·8 per cent. in 1926-27. The savings are made up as follows :

(In crores of rupees.)

|                                           |      |
|-------------------------------------------|------|
| Railway expenditure charged to Capital .. | ·67  |
| Military expenditure ..                   | ·52  |
| Disbursements of Loans and Advances ..    | ·01  |
| Other items ..                            | 1·44 |
| Total ..                                  | 2·64 |

5. The percentage of savings in the final grants for 1927-28 and in the two preceding years are given below for purposes of comparison :

|                                              | 1925-26. | 1926-27. | 1927-28. |
|----------------------------------------------|----------|----------|----------|
|                                              | Rs.      | Rs.      | Rs.      |
| Expenditure charged to Revenue ..            | 3·0      | 2·9      | ·6       |
| Expenditure charged to Capital ..            | 15·5     | 5·8      | 3·4      |
| Total Expenditure ..                         | 4·6      | 3·3      | 1·0      |
| Grand total, including Loans and Advances .. | 6·7      | 3·8      | 1·0      |

These figures show that the improvement in the estimating under the various heads taken as a whole noticed last year has been maintained during the year under report.

11. A brief explanation of each excess is given below :

*Items 1 and 2.*—The excesses are negligible. In the first case the excess was due to the adjustment after the close of the year of the leave salary of an officer on foreign service in Iraq.

*Item 3.*—The excess was due to the adjustment after the close of the year on account of the refund to the Government of Bombay of customs duty paid in cash on stores imported by them during the year 1926-27. The adjustment should have been made in the accounts of 1928-29.

*Item 4.*—The expenditure under this head is of an inevitable nature and the excess was due to certain unforeseen items which had to be incurred towards the close of the year.

*Item 5.*—This was the second year in which commutations were charged to capital and the estimate had to be framed practically in the absence of actuals which are the only guide in framing an estimate under this head.

*Item 6.*—The excess was due to larger expenditure on the Sutlej Valley Project during the closing months of the year. We understand that the question of obtaining more accurate estimates is being considered by the Finance Department.

*Item 7.*—A supplementary grant for Rs. 20,11,000 was obtained from the Assembly in March 1928 but in applying for this grant the Department had to make certain assumptions regarding the extent of the effect of the numerous concessions granted to the staff during the year. The results show that these assumptions were not accurate.

*Item 8.*—The excess was due to the fact that certain economies in administration, which the Railway Board anticipated, were not fully realised and a larger amount was also required for new items of expenditure.

*Items 9, 11, 12 and 13.*—It is admitted by the Railway Department that these excesses signify the breakdown of the system of over-allotment introduced in 1925-26. We are glad to note that the amount over-allotted has been drastically reduced in the budget estimates for 1929-30, the amount over-allotted in that year being only a little over a crore as against 18 crores in 1926-27. We also note with approval the statement made by the Finance Department that the Finance Member has assumed much closer control over capital expenditure than hitherto, and that, as a further measure to prevent over expenditure, the powers of re-appropriation of Railway Agents have been considerably curtailed. We are of opinion that the results of these changes must be carefully watched and that the control of the Finance Department must be rigidly maintained. It is a matter for serious consideration whether the present system according to which the Railway capital expenditure programme for any year is settled

during the preceding autumn and also according to which the Railway budget is presented to the Legislative Assembly before the General Budget, is conducive to the general interests or to the proper information of the Legislative Assembly as to the factors affecting the situation and the issues involved.

*Item 10.*—The total excess under the grant, taking voted and non-voted together, is just under 1 per cent.

12. The total number of voted grants in which there has been an excess is 13 and the total amount requiring the vote of the Assembly is Rs. 3,13,06,420, of which Rs. 2,73,86,000 is due to the system of over-allotment in the Railway Budget. We recommend that the Assembly assent to the excess grants for 1927-28 which the Governor General in Council will place before them for the following sums in respect of the heads referred to in paragraph 10 :

|                                      | Rs.         |
|--------------------------------------|-------------|
| Expenditure charged to Revenue .. .. | 1,14,31,420 |
| Expenditure charged to Capital .. .. | 1,98,75,000 |
| Total .. ..                          | 3,13,06,420 |

13. Rule 52 (2) of the Indian Legislative Rules requires that we should bring to the notice of the Assembly every re-appropriation from one grant to another grant; every re-appropriation within a grant, which is not made in accordance with such rules as may be prescribed by the Finance Department; and all expenditure which the Finance Department have requested should be brought to the notice of the Assembly. We are glad to be able to report that there have been no re-appropriations falling under these categories during the year; nor have the Finance Department requested us to bring to the notice of the Assembly any particular item of expenditure.

## II.—Comments on matters outstanding from previous Reports.

14. We are glad to note that the Auditor General has prepared an Epitome of the Reports of our predecessors from 1923—27 and of the Government orders thereon. We are informed that copies of the Epitome will be supplied to the Members of the Committee and to such other Members of the Assembly as ask for it.

15. We are gratified to learn that the Government of India have issued orders on the following questions which have been outstanding for a long time :

- (a) introduction of the system of token votes,
- (b) formulation of rules to regulate the placing and control of contracts, and
- (c) formulation of general principles to regulate the enforcement of responsibility for losses sustained by Government through fraud or negligence of individuals.

16. The following items included in Appendices II and III may be considered as settled :

*Appendix II.*—Items 7, 8, 10, 11, 14, 15, 16, 23, 25, 29, 34, 35, 39 and 40.

*Appendix III.*—Item 7.

Our observations on some of the outstanding items are contained in the following paragraphs.

17. *Supplementary Demands.*—The Resolution issued by the Government of India on the Report of last year says that steps will be taken to present belated supplementary demands to the Assembly provided that on each occasion the programme of work in the Legislature permits. We consider that it should be accepted as an obligation by the Government that opportunities should be found during the session for the presentation of such demands and that, inasmuch as the voting of grants is the primary function of the Assembly, the excuse that time is not available ought in no circumstances to be accepted.

18. *Reserve at the disposal of the Finance Department.*—Under the arrangement in force at present, when a new item of expenditure is sanctioned and it is not possible to meet it by re-appropriation, funds to cover it are sanctioned from the small reserve at the disposal of the Finance Department and a supplementary grant is obtained from the Legislative Assembly later on. There are thus two grants to cover one item of expenditure and one of them has to be surrendered. Hitherto the practice was to surrender the grant sanctioned by the Legislative Assembly. The Finance Secretary has now agreed with the Auditor General that the correct procedure would be to surrender the appropriation from the reserve ; this procedure will accordingly be followed in future.

We are also informed that the real reason for providing a reserve is that, if there were no reserve and if in any individual case the expenditure could not be met by re-appropriation then a supplementary grant sanctioned by the Assembly for meeting that expenditure would cause an excess over the total budget provision for expenditure during the year. The reserve provides a margin within the limits of which variations are possible without producing an excess over the total Budget vote. The Financial Secretary has agreed to discuss this question further with the Auditor General.

19. *Internal check on Customs Receipts.*—We are informed that with a view to improving the immediate check on appraisements, a large number of superior officers described as Principal Appraisers have been appointed at Calcutta and Bombay from the 1st April 1929 to ensure that every appraisement is scrutinised by a superior officer immediately after the original appraisement and that the results of this experiment are being watched before introducing the scheme in other ports. We are also informed that a scheme drawn up by the officer on special duty in the Finance Department to improve the audit checks and costing about Rs. 3½ lakhs for all the Departments under the control of the Central Board of Revenue is now under the consideration of that Department. We consider that, as a matter of principle, it is desirable that the most effective form of audit should be applied but that the cost must be taken into account. In this particular case, we think it right that the Finance

Department should have an opportunity to study the details of the scheme more thoroughly before making a final recommendation. It is, however, desirable that that Department should arrive at an early decision.

20. *Concessions to firms.*—In connection with a case in which the representative of an important business concern having large business transactions with the Posts and Telegraphs Department had been allowed for some years a free use of the trunk telephone line between two important places as an act of courtesy, our predecessors recommended that such concessions should be given in future only by the Government of India, who should scrutinise the cases jealously and communicate their sanctions to audit. This raises the further question whether Government have any power to waive revenue which it is authorised to levy under a statute. We recommend that the Government of India should consider this question and obtain authoritative opinion on the legal position.

21. *Inventory of Government property.*—We are prepared to accept the general conclusion arising from the Memorandum on the subject furnished to us by the Finance Department and printed as Appendix VI to this Report.

22. *Expenditure relating to Moplah Settlement.*—We are informed that, although it is not feasible to prepare a complete account of expenditure in connection with all the Moplah settlers in the Andaman Islands, it ought nevertheless to be quite possible for the additional expenditure on the 12 villages occupied by Moplah settlers to be shown separately. As this would cover the bulk of such settlers, we recommend that this should be done, as the cost of this settlement is a matter of considerable public interest.

23. *Remedying defects in the machinery for executing repairs to buildings in the Posts and Telegraphs Department.*—We are informed that the decision to transfer the maintenance of these buildings to the Posts and Telegraphs Department was the result of a recommendation of the Public Works Reorganisation Committee that mere maintenance work should not be one of the main functions of the Public Works Department. We shall be glad to have a thorough report next year showing how the new system of making Departments responsible for the maintenance of their own buildings has worked so far as the Posts and Telegraphs Department is concerned.

24. *Contributions to the Posts and Telegraphs Depreciation Fund.*—The Financial Adviser has furnished us with a Memorandum on this subject, which has been printed as Annexure I to the proceedings of our second meeting, in which it has been suggested that, judging from the expenditure hitherto incurred on renewals and replacements, the present contribution to the Depreciation Fund is unduly high. It appears to us that it is incorrect in principle to compare the contribution in any one year with the amount actually spent in that year, as the contribution is intended to meet renewals and replacements at the end of their effective life. Nor can a series of two or three years even provide a decisive test. It is also incorrect to consider the accuracy of the rules regarding depreciation without considering at the same time the accuracy of the other bases of the commercial settlement. For example, if, as is possible, the capital on which the Department is now paying interest

is smaller than what it would be if the whole undertaking had been commercialised from the very beginning and as it will increase as the old assets are replaced by new ones, it might not unreasonably be argued that the contribution to the Depreciation Fund now being paid, even if it were on the high side, which is at least doubtful, might be taken as a set-off against the low amount of interest now paid by the Department on its capital. Further, in considering the commercial position of the undertaking, it is not entirely safe to be guided by present results, for, account must be taken of the inevitable future increase of expenditure due to the numerous concessions as regards pay and allowances, which have recently been sanctioned for the staff. It is questionable whether this increase will be offset by the normal growth of revenue of the Department. A further point, of which account must be taken, is that the basis on which the contribution to the Depreciation Fund has been fixed may produce misleading results. For, when the life which has been assumed for any particular asset is completed, all contributions to the Depreciation Fund in respect of that asset cease although it may actually continue in use; and further when it is actually replaced, the expenditure on its replacement will in practically every case amount to several times the amount available in the Depreciation Fund. As we have not got sufficient information at present to deal with the question as a whole, we suggest that a small committee be set up to consider how far the system of accounting at present in force really provides a true picture of the commercial results of the Department's working, and, as the chief part of this enquiry, to investigate the actual results of the present provision for depreciation and to consider in particular its adequacy having regard to replacements which are likely to be necessary, and to the foundation on which the capital account as it stands at present has been built up.

25. *Credit due to the Posts and Telegraphs Department for railway telegraphs and enhancement of rent due from canal administrations.*—The settlement of these items should be expedited, as the commercial results of the working of the Department can not be ascertained accurately till this and the other outstanding questions regarding adjustments are settled.

26. *Special Officer's report on the system of preparing budget estimates by Railways.*—We are informed that the report has just been received and is under the consideration of the Railway Board. We desire to record, however, that it is very regrettable that the presentation of this report, which was asked for by our predecessors in 1926 and called for ever since, should have been delayed so long. We must also note that it is a somewhat depressing fact that, although we are now informed that most of the recommendations that the special officer has made after three years' study have in the meanwhile actually been introduced, nevertheless it is not possible to observe any substantial improvement. We understand, however, that in the case of certain railways some of the recommendations of the special officer still remain to be introduced and that this is likely to lead to improvements. In view of the long delay that has already occurred, we suggest that such action as remains to be taken on the report should be expedited, so that the improvements may be given effect to in the next budget.

27. *Crew system.*—As the report required by our predecessors comparing the expenditure on the crew system on the lines where it is in force with the recoveries made from passengers travelling without tickets is not yet ready, it is difficult for us to make any final recommendations on the subject, and we therefore desire to have a full report next year on the above and also on the question of the efficiency with which the system is being applied and administered. We also suggest that the Railway Board should consider whether it will not be more appropriate to place the crew system under the control of the accounts department instead of under the traffic department.

28. *Audit on company lines.*—We are informed by the Auditor General that he is not at all satisfied with the present scale of audit on company lines, and that his recommendation to introduce on company lines the same system of audit as is now in force on State lines is now under the consideration of the Finance Department. In view of the serious irregularities which have been brought to our notice in the Appropriation Accounts, we consider that the system of audit on company lines should be strengthened, the actual details being settled by the Finance Department and the Railway Board in consultation with the Auditor General. We are very strongly of opinion that the decision on the question should be expedited.

We find that the explanations given to us by the Railway administration in a number of cases are substantially different from the facts mentioned in the Accountant General's Report, which indicates a lack of co-operation between the Government Examiner and the Company's auditor.

In this connection, we note with great appreciation that as an immediate sequel to our examination of the Railway Department this year, the Railway Board have decided to appoint an officer on special duty to investigate the causes of the irregularities to which our attention has been called, and to devote particular attention to cases which indicate a lack of proper co-operation between the Railway accounts staff and the Government Examiners. Although the audit staff must always preserve an independent position, there is much to be gained by a mutual spirit of helpfulness on both sides and discrepancies in the evidence as to particular cases such as we have noted in our recent examination ought to be avoided. The existence of such discrepancies makes it extremely difficult for this Committee to exercise its function of conducting an impartial examination into all cases. The special enquiry which is now to be conducted will, it is hoped, point the way for improving the present position in this respect and we shall be glad to have a report on the question next year.

29. *Supply of Administration Reports to members of the Public Accounts Committee.*—We accept the suggestion of the Financial Secretary that in future a list of all the Administration Reports available should be circulated to the Members of the Committee simultaneously with the Appropriation Reports, on the understanding that if any member returns the list to the Finance Department marking on it such reports as he requires, the marked reports will be sent to him.



30. We have again devoted our careful consideration to the question of what procedure should be adopted for the discussion of the Annual Report of the Public Accounts Committee in the Legislative Assembly (*cf.*, paragraphs 11 and 16 of Reports for 1925-26 and 1926-27, respectively).

We desire at the outset to state what we conceive to be the position of this Committee in respect of the preparation of its report and of the procedure to be adopted for its discussion in the Assembly. The Public Accounts Committee is a body created by statutory rule and appointed by the Assembly itself, and its report once made must remain in existence and cannot be unmade. The question as to the procedure which should be adopted for the consideration of the Report in and by the Assembly is a question which must ultimately be decided by the Legislative Assembly. We conceive it to be our duty, however, to consider the various alternative proposals which have been suggested and we have taken the memorandum prepared by the Finance Department (annexed as Appendix V to this report) as a basis for our discussion.

The proposals which have come forward in the course of this discussion fall under three main heads :

- (a) That on a motion that "the report be taken into consideration", there should be a general discussion on the report as a whole analogous to that which takes place at the general discussion stage of the budget.
- (b) That in addition, or possibly as an alternative to a motion that "the report be taken into consideration", there should be afforded to the Assembly an opportunity to discuss, on definite resolutions moved, special topics referred to, or recommendations made, in the report.
- (c) That after the motion that "the report be taken into consideration", there should be a further motion that "the report be adopted", and that it should be open to the Assembly to discuss the vote upon amendments moved to the report.

We have in the first place given our very careful consideration to the course outlined in (c), which, according to the report of the last conference of the Presidents and Deputy Presidents of Provincial Legislative Councils, was the line of procedure favoured by that conference. We must of course attach considerable weight to such a recommendation but, nevertheless, we venture to express the view that there are serious objections to this course if it follows the exact form suggested above. It seems to us that it would in practice mean that the Legislative Assembly must commit itself *either* to accepting or rejecting *en masse* every one of the recommendations made in a long report embodying opinions and recommendations on perhaps a hundred points of varying nature, or that the Legislative Assembly should have power to amend the report, in which case it would cease to be the report of the Public Accounts Committee.

As to the latter alternative, we think that the function which the Legislative Assembly would wish and indeed ought to exercise is that of calling the attention of the Executive Government to the matters arising out of the

report to which it attaches special importance, and to the action which it considers ought to be taken on the Committee's recommendations, rather than that of making actual amendments in the text of the report, which, as indicated above, when once made, must remain in existence and cannot be unmade. It must of course be open to the Legislative Assembly to criticise the recommendations of the Committee, but for this purpose it is not necessary that amendments should be moved to the report itself, nor does it seem to us that such action would be appropriate.

For these reasons we have felt that the choice should lie rather between courses (a) and (b).

There is much to be said on both sides. It must be remembered in the first place that the time available for discussion will inevitably be limited (probably to one day), and the question of practical importance is how this limited time can be employed to the best advantage. On the one hand, it may be argued that a general discussion would probably make it possible to cover more ground and bring to light practically all the points to which the Members of the Assembly attach importance; while on the other hand, it may be said that a discussion focussed on certain specific recommendations would be more effective, particularly if this took the form of debate on definite resolutions on which members could express their opinion by voting.

The opinion of our Committee on the choice between these two alternatives has been divided; but we are all agreed that it is desirable to avoid fixing any procedure without ascertaining the views of the Assembly. We further consider that whatever form of procedure may be adopted at the outset it should not be regarded as rigid and unalterable, but rather as experimental, so that it can be varied in the light of practical experience.

Subject to these reservations we put forward the following proposal, *viz.*, that as a practical step it would be best at the outset to establish a convention analogous to that which is observed in settling the order of priority for the discussion of Demands for Grants during the consideration of the Budget. We think it might be possible for each party to consider the procedure which they wish to have adopted as a matter for special decision annually in connection with each individual report. If, for example, the general view in connection with a particular year's report is that it contains recommendations which deserve special and individual discussion, the procedure contained in alternative (b) could be adopted for the year, and the choice of the subjects taken and the order of priority as between them could be settled in the same way as is done in the case of Demands for Grants. On the other hand, if, as is quite possible, on another occasion the balance of opinion is in favour of no more than a general discussion, the procedure provided for in alternative (a) would suffice. We think indeed that the form of the discussion which is desirable is likely to vary according to the nature of each report, but, in any case, if the recommendation which we have made above is accepted, it will provide an elastic method of procedure which, after a few years, is likely to crystallise into a regular and accepted form which has been proved by experience to be appropriate to actual requirements.

We believe that this procedure would secure substantially the same object as that aimed at by those who have advocated alternative (c). We wish to

record, however, that we have also considered a further suggestion which approximates more closely in form to that alternative, and which, if a suitable working convention could be established, might be adopted without involving the objections to which we have called attention above. We think, therefore, that this further proposal should also be considered by the Legislative Assembly. This further proposal is that the report might be treated on the lines on which the King's Speech is dealt with in the House of Commons. The motion for the Address to the King is not touched, but the criticism or suggestion as to Government policy is always added as an addendum thus: "but this House regrets that His Majesty's Ministers have not.....(or urges that steps be taken, etc.....)". The motion in the case of the Public Accounts Committee report might be "That this House adopts the report of the Public Accounts Committee (and recommends to the Governor General in Council to give effect to its proposals) in particular to the following (or with the following modifications), (or conveys to the Governor General in Council its regret that.....)". If this procedure is followed, the objections to which we called attention above in discussing alternative (c) would not arise, provided that it is established as a regular working convention that the "adoption" of the report is automatic, and that the recommendations made by the Assembly take the form of an addendum. In fact, subject to this convention, the procedure would not differ very materially from the other suggestion which we have made, and we suggest that it could be worked on the same plan so far as concerns the settling of the special points which would be selected each year for consideration.

### III.—Comments on general matters arising out of the present Report.

31. Our predecessors last year agreed with the Auditor General that, as experience has shown in England, it is not possible to frame any rigid rule for the interpretation of the term "New Service", but that the application of the term to concrete cases can best be governed by the evolution of a body of case law. In order to help the future committees to evolve such a body of case law, we suggest that the Auditor General should in future years furnish a Memorandum to the Committee giving a collection of all doubtful cases with full details. This year we have had to deal with the specific cases mentioned in paragraphs 31—36.

32. *Erection of a boiler and an electric generating plant at the Ghazipur Opium Factory.*—As it was explained to us that this was only a replacement and not even a new instrument of service, we agree that this need not be treated as a "New Service".

33. *Expenditure of Rs. 4,35,785 on the conversion of the R.I.M.S. "Dufferin" into a training ship against a budget provision of Rs. 1,40,973.*—As the intention from the beginning was to acquire the ship and refit it as a training ship, we consider that this is a case of defective budgeting rather than one of undertaking a "New Service".

34. *Purchase of the Anand Creamery at a cost of Rs. 60,000.*—It has been argued on two grounds that this should not be treated as a "New Service"; first, that as funds were voted by the Assembly for running the Creamery in

1925-26 and 1926-27, no further payment in connection therewith need be regarded as a "New Service"; secondly, that it had merely been taken over by one Department from another, the Creamery having been purchased by the Agricultural Department from the Army Department. As regards the second argument, though theoretically the whole budget (including both voted and non-voted grants) should be considered as a single unit so that an item provided under the vote for one Department need not on strict technical grounds be treated as a "New Service" when it is transferred to another Department, nevertheless, if the transfer is (as in the present case) from a non-voted to a voted Departmental grant, this circumstance does in practice import a new factor which, in fairness to the Legislative Assembly, ought to be taken into account. Moreover, although the transfer of cash was only from one Department to another, it did in fact put the Department receiving the payment into the possession of funds provided for in another budget, which funds, as a result of the transfer, might have been disposed of on a non-voted service without reference to the Legislature. Turning to the first argument, the Standing Finance Committee and the Legislative Assembly had only approved expenditure for running the Creamery, and not for its purchase; the practical result is that while under the arrangement originally contemplated by the Standing Finance Committee and the Legislative Assembly, the Government could have terminated it at any time without loss except the loss incurred on the working during the period approved by them, now that the Creamery has been purchased, it is necessary to consider not only the working loss but also the possibility of a loss on disposal of the undertaking. We therefore consider on both the grounds that this item should be treated as a "New Service".

35. *Installation of an electrolytic silver refinery at the Bombay Mint.*—We are informed that prior to the installation of this refinery, the only means of refining silver at the Mint was by cupelling furnaces which were mainly used for refining silver recovered from drosses and were quite unsuitable for refining large quantities of fairly high touch silver as the losses would be excessive and the cost high and the quality of refined silver would not be good. The new refinery not only refines Government silver but also undertakes work for the bullion merchants and the public. The installation is therefore not a replacement but represents a new manufacturing unit and implies a definite policy on the part of the Government. There is thus a double reason for regarding this as a "New Service". Not only was the plant a new plant and not an extension of the existing plant, but the installation of this new plant involved the adoption of a new policy on the part of the Government. We consider this latter feature to be an important determining factor when considering whether any particular expenditure amounts to a "New Service". We therefore agree with the Auditor General that this ought to have been treated as a "New Service".

36. *Re-armament of the Quetta-Peshin Police.*—We are informed that funds for this purpose were voted by the Assembly in 1926-27 and that the stores were actually supplied in that year, but owing to some delay the debit was raised by the Military Department in the following year. We are of opinion that an item for which money had been voted by the Legislature in a previous year should not be treated as a "New Service" merely because the expenditure was incurred in another year.

37. *Construction of new Railway lines.*—We are glad to note that there is no difference of opinion between us and the Railway Board that a new construction should be regarded as a “New Service” and that a supplementary grant ought normally in every case to be applied for. The Financial Commissioner, however, has represented to us that in some cases it may be legitimate and desirable for the Railway Board to start a new construction without actually obtaining a supplementary grant from the Assembly provided always that the Standing Finance Committee for Railways has approved of the construction. The point made by the Financial Commissioner was that sometimes, owing to special unforeseen circumstances, it may be found impossible to start work on a particular project included in the budget, but that there may be another project equally desirable on which work could be begun immediately, and that if the latter project could not be started till the vote of the Assembly is obtained, a whole working season might be lost and a substantial part of the construction staff left idle. The main question involved is what latitude is to be allowed to the executive to start a new service with the approval of the Standing Finance Committee in anticipation of the approval of the Legislature. We consider that whatever latitude is allowed, the executive should not be allowed to substitute for a project approved by the Legislature another project the full cost of which will be considerably more, although in the particular year in which it is started the expenditure might not exceed the amount already provided for in the budget. We also urge that in all such cases of substituting one project for another, the control of the Finance Member should be rigidly exercised.

Further, when alternative projects are under consideration, particulars of all of these might be given to the Legislative Assembly when the Railway budget is presented, and it might be possible by adding token votes to get approval in advance from the Assembly for power to select one out of the various projects mentioned. We think that the procedure for this purpose ought to be carefully considered and then formulated in definite terms.

38. In the course of our discussions a question was raised whether in the case of construction of quarters and other amenities for government servants the money limit for determining whether the expenditure relates to a “new service”, should not be lower than in other cases. We could not however pursue the point as sufficient information was not available about the particular item of expenditure on which the question was raised. We hope that the report to be furnished by the Auditor General in future years (*vide* paragraph 31 *ante*) will enable succeeding committees to deal with the question.

39. We also suggest that in future the Standing Finance Committee and also the Standing Finance Committee for Railways, when asked to approve of any scheme placed before them, should consider, in the light of the case law promulgated by this Committee, whether the scheme constitutes a “New Service”. In order to enable that Committee to perform this function, the Department of the Government of India responsible for presenting the demand to that Committee should call attention to all the relevant facts and considerations.

40. The Auditor General has suggested, and we entirely agree with him, **Supplementary grants.** that the amount of a supplementary grant should be distributed between the various sub-heads and demand units like that of the original grant.

41. On paragraph 59 of the report of the Accountant General, Posts and Telegraphs, the Auditor General has raised the important point whether **Re-appropriation** re-appropriations should be made in the course of the year as soon as necessity for the expenditure is foreseen or whether lump sum re-appropriations made at the end of the year would suffice. We consider that in order to enable the departmental officers to watch the progress of expenditure with the help of the accounts officers, it is necessary that re-appropriations should be sanctioned as soon as necessity for additional expenditure is foreseen.

42. In the course of our discussions a few cases were brought to our notice **Tele. an. ph. ra.** in which there was a great disparity between the charges levied for telegrams and those levied for the use of trunk telephone lines. In view of the increasing competition between the telegraphs and telephones, we suggest that the Government should consider whether the relative rates of the two should not be revised so as to secure the best possible economic results.

43. The Chief Controller of Stores in evidence before us stated that until **In. St. pa.** the Government departments placed a larger share of their orders through the Indian Stores Department, that department cannot be self-supporting; and that while several departments and especially the Army would be of great importance, the really decisive factor in the situation must always be the Railways. He said in fact that without the bulk of the Railway business, the department could not become self-supporting. In view of these statements we think that the time has come for the Government to adopt a definite and decisive policy in relation to the Indian Stores Department. We wish therefore to record a recommendation that if the Government are satisfied that the department is so organised that it is capable of purchasing stores with efficiency (as regards testing quality, etc.), and economy, on a standard comparable to that attained by the departments when purchasing on their own account, then the Government should issue orders that all stores (other than stores of a special technical nature) required by any Government Department should in future be purchased through the Indian Stores Department; and that if the Government are not so satisfied then they should appoint a committee of the Legislative Assembly to enquire into the present position and working of the Indian Stores Department. We are prepared to recognise that there may be reasons against the immediate universal application of orders such as are envisaged in the first part of our recommendation stated above, and that time may be required for the development of the Stores Department in certain directions, but this admission is not inconsistent with a declaration of policy by the Government such as we have recommended. Moreover, if the Government were to adopt a definite policy, the development of the Department might be greatly accelerated. We received, for example, a very valuable suggestion from the Chief Commissioner of Railways in this matter. He informed us that, except for certain big items the purchase of which has been centralised with the Railway Board, the Railways were prepared to effect purchases through the Indian Stores Department in every case where it was to their advantage to do so—subject always to the reservation that they could not hand over to any outside

agency their responsibilities regarding rolling stock—an exception which we accept as coming under the heading of special technical stores. The Chief Commissioner went on to say that a year ago the Railway Board had agreed to purchase through the Indian Stores Department a number of additional items of stores and that he would be prepared to consider at intervals of six months or a year further additions to the list. The criterion he would apply would be that it must be to the advantage of the Railways to do so, and if there was any doubt about the advantage to be obtained in regard to certain items, he would suggest that for a year or two the Railways should purchase half the quantity of such stores departmentally and half through the Indian Stores Department. He hoped that he would thus obtain a reliable test of the practical efficiency of the latter. If such a practice is applied on a sufficiently large scale and with a genuine and whole-hearted desire to assist the development of the Indian Stores Department, not only by the Railways but by all other Government departments, it might be reasonable to defer further orders until this practical experiment had been completed. But we maintain that the Government should definitely announce their policy to this effect. We further wish to emphasise that, in considering whether the Indian Stores Department operates economically, all the factors which affect the Government of India as a whole should be taken into account. For example, while it may happen that the Army Department purchasing oil on their own account could get oil cheaper than if they were to buy it through the Indian Stores Department, after allowing for the addition of the 2 per cent. commission which the latter charges, nevertheless the financial results to the Government of India as a whole might be better if the purchases were made through the latter Department.

44. Profit and loss accounts and balance sheets of commercial undertakings are at present incorporated in the Appropriation Accounts, but owing to the form in which the accounts are presented, and to the fact that in all cases we are dealing with accounts which are two years old, we can carry out no useful or practical review of the commercial results and efficiency. As it is very material to our task to be able to form an opinion on these points, we recommend that in the case of commercial undertakings, including the Railways, there should be an annexe to the Appropriation Accounts reviewing the general results of the working of the undertakings on the basis of the latest figures available and giving a general account of the business, containing the sort of information which is given in the annual report of a commercial company and in the speech made by the chairman of a public company to the shareholders at the annual meeting. Such reports would in any case be of general interest to the public.

45. The Accountant General, Railways, has brought to our notice a case in which a Railway suffered some loss by the departmental manufacture of bricks. Although we realise that in commercial undertakings mistakes like this in calculating probable savings by departmental manufacture are liable to occur, and although the loss in the particular case was of a relatively small amount, nevertheless an important lesson can be learnt from the incident under review, viz., that when Railways desire to undertake a manufacturing business of this kind, which, is outside their ordinary business, special care should be devoted to checking

the estimates. As there is some danger of the Railway undertakings in India growing to an unmanageable size, any tendency to expand outside their own special task, should be checked. Such expansion is justifiable only on conditions are such that a particular article required by the Railways cannot be obtained on any sort of reasonable terms unless they manufacture it themselves; and the mere prospect of making an ordinary commercial profit should be no inducement for the undertaking of such business. It must always moreover be remembered that it is difficult enough to provide adequate capital for meeting the needs of actual railways, without locking up money in side shows.

46. At present the Railway budget is presented in the Assembly by the Railway Member. Under the Indian Legislative Rules, however, the Budget has to be presented by the Finance Member, and we are informed that the definition of the term 'Finance Member' as given in Rule 2 of the Indian Legislative Rules permits the Governor General to appoint any Member of the Assembly other than the regular Finance Member for a special purpose to exercise the functions prescribed by the rules for the Finance Member. We desire to recommend that when the Governor General exercises this power of appointing any Member as the Finance Member for the purpose of any particular rule in the Indian Legislative Rules, the order of such appointment should be laid on the table of the House. We also suggest that the Railway Board should obtain the opinion of the Legislative Department as to the interpretation of the definition referred to above.

47. A question of great importance which has been raised on several occasions at our meetings is whether the existing convention as regards Railway Finance was intended to exclude the Public Accounts Committee from being consulted or giving advice about the form of the Demands for Railway Grants.

Rule 44 (3) of the Indian Legislative Rules lays down that the Budget shall be presented in such a form as the Finance Member may consider best fitted for its consideration by the Assembly; and it would be in accordance with English constitutional theory and practice that in deciding such matters the Finance Member, if he desired advice or suggestion from outside the Finance Department, should consult the Public Accounts Committee rather than any other body connected with the Legislature. On the other hand, under the Resolution regarding the separation of Railway from General finances adopted by the Legislative Assembly on the 20th September, 1924, the form which the Railway Budget shall take after the separation, the details it shall give and the number of demands for grants into which the total vote shall be divided has to be considered by the *Railway Board in consultation with the Standing Finance Committee for Railways*. While this Resolution clearly gives to the Standing Finance Committee for Railways a definite function in the matter, there is no evidence to show that the Legislative Assembly, in adopting this proposition, took into consideration the further implication of an intention altogether to exclude the form of Railway accounts from the purview of the Public Accounts Committee. In any case, it appears to us that the decision, however strictly interpreted, does not necessarily mean that the constitutional powers of the Finance Member and his right to act, if so desired, in consultation with the Public Accounts Committee are abrogated, and we submit that it would require very definite and explicit decisions based on due

**Presenta-  
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constitutional authority to abrogate such powers and rights. We therefore record the view that even now, that is to say, without any further affirmation from the Legislative Assembly being required, the position is that all changes in the form of Demands for Railway Grants initiated by the Railway Board in consultation with the Standing Finance Committee for Railways may be subject to further consideration by the Finance Member who, before arriving at a final decision, will be entitled to consult the Public Accounts Committee. In expressing this view, we do not at all wish to suggest trenching on the powers or limiting the scope of the Standing Finance Committee for Railways. The main work will still be theirs, and normally, in view of the Assembly Resolution and the convention thereby adopted, the initiation and preliminary consideration of all proposals for changes in the form of Railway Accounts will rest with them. On the other hand, it may on occasions happen that the Public Accounts Committee, while examining the Appropriation Accounts of the Railways, may consider that some change is required in the form of the Demands for Railway Grants.\* In such a case it would be proper for the Finance Member, in deference to the arrangement authorised by the Legislative Assembly in 1924, to ask that the Standing Finance Committee for Railways should consider the suggestions of the Public Accounts Committee, leaving himself the liberty thereafter if he thought it necessary, to make a further reference to the Public Accounts Committee before he came to his own final conclusion.

We believe that in practice the interpretation of the position which we have set out above will provide a satisfactory working arrangement which will be the best in the public interest and will ensure that both the Standing Finance Committee for Railways and the Public Accounts Committee can render to the Government the very valuable services of which they are capable.

L.M.S.  
Dufferin."

48. An estimate amounting to Rs. 2,27,645 was prepared by the Director of the Royal Indian Marine for the conversion of the "Dufferin" as a training ship. The appropriation in the budget for 1927-28 for this work was Rs. 1,40,973. The actual cost of the conversion amounted, however, to Rs. 3,56,373, i.e., an excess of Rs. 1,28,728 or 56.5 per cent. over the estimate, and of Rs. 2,94,812 over the appropriation. The reasons for the excess as given in paragraph 6 of Appendix XIII may be valid, but we must call attention to a very unsatisfactory feature in this case, namely, that the expenditure was actually incurred by the Marine Department in 1927-28 without their giving any intimation of the fact to the Commerce Department. The first notice that the Commerce Department received was in February 1928 through a proof copy of the Demands for Grants for the year 1928-29 sent to them by the Finance Department. This case clearly proves that it is necessary that when one Department of Government employs another to do work for it, there ought to be a proper business arrangement made in order to insure that the Department undertaking the work does not exceed the estimate without the authority

\* A case actually occurred which we quote as an illustration. The Public Accounts Committee in 1926-27 and 1927-28 urged that the Railway Demands for Grants, as presented to the Assembly at the time of the Budget, should conform to the form of accounts presented before the Public Accounts Committee—the latter shewing under each Grant expenses charged to respective Railways. The Financial Commissioner of Railways accepted this suggestion and the demands of 1928-29 were presented accordingly.

of the employing Department. We also suggest that the Auditor General should investigate what precise procedure could be adopted in a case like this to keep the Department responsible for providing the funds informed of the progress of expenditure on the work.

49. A case was brought to our notice in which an officer was placed on special duty for work which was estimated in the first place to last only six months, but actually continued to eighteen months. We consider that it should be possible in the case of temporary employment of an officer on special duty to frame a more accurate estimate of the period required for the special work.

Officers  
special  
duty.

#### IV.—Comments on matters relating to particular departments arising out of the present Report, etc.

##### REPORT OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

###### Grant 18—Salt.

50. We desire to record that an examination of the accounts of the Northern India Salt Revenue Department for 1927-28 reinforces the recommendation made by our predecessors in paragraph 18 of their report of last year. We reserve further recommendations until we have had an opportunity of examining the special full report on the commercial results which will be placed before the Committee next year.

51. We understand that at present no commercial system of accounts is maintained for the Government salt producing sources in Bombay, Madras and Burma. We are of opinion that the commercial system of accounts should be introduced in all Government salt producing undertakings.

###### Grant 47—Meteorology.

52. We desire to have a report next year analysing the services which are rendered by the Meteorological Department to the Royal Air Force and the reciprocal services rendered by the latter in the study of Meteorology, new routes for civil aviation or otherwise. The report should mention specifically those activities which the Department would not have undertaken but for the Royal Air Force. While asking for this report we recognise that meticulous accuracy as regards claims and counter claims during the present experimental period is neither practicable nor desirable.

###### Grant 49—Botanical Survey.

53. In considering the position as regards the large stocks of quinine held by the Government and the policy to be adopted by the Government as regards the production of quinine, it has been suggested to us, first, that the supply and consumption of quinine in the malarial districts of India may not have been developed on a scale desirable having regard to the well-being of the people, secondly, that spurious quinine is being sold in substantial quantities. Further, from our own examination of the position, we have formed the conclusion that, having regard not only to their own financial interests but also to the proper development of medical benefits for the people, it is desirable that



the Government of India should formulate a definite policy as regards the production and distribution of quinine, secondly, that as no such policy can be effectively introduced without some action for encouraging the consumption of quinine, and as this latter side of the matter lies in the hands of the Provincial Governments, the Central Government cannot initiate any effective and businesslike policy without the co-operation of the Provincial Governments. We therefore recommend that the Government of India should investigate this whole question, in consultation with Provincial Governments, without delay.

*Grant 66—Indian Stores Department.*

54. We find that the figures of net loss in the working of the Indian Stores Department, as given in the Administration Report, differ considerably from the figures in the Appropriation Accounts. A memorandum has been circulated to us by the Audit Officer, Indian Stores Department, explaining the differences (Appendix XII). We desire to record that in future the two sets of figures should be prepared on the same lines or at least on a reconcilable basis.

*Grant 73—Refunds.*

55. We suggest that the Finance Department should consider whether, in the case of the non-voted refunds, which represent inevitable items of expenditure, there should be no time limit for the acceptance and sanctioning of re-appropriations and additional appropriations, provided, of course, that the orders are actually passed within the financial year.

*Grant 76—Delhi.*

56. We are informed that at present the Chief Commissioner is solely and entirely responsible for the preparation of the initial local estimates of all fluctuating charges in his budget and does not obtain any assistance or advice on the subject from his Pay and Accounts Officer. It appears to us that the special knowledge and experience of the Pay and Accounts Officer would be of the greatest value to the Chief Commissioner and that without the aid of these the Chief Commissioner can hardly be expected to frame really accurate budgets. We suggest therefore that the Finance Department should enquire into the possibility of improving the present procedure for the preparation of budgets in areas like Delhi where there is a separate Pay and Accounts Officer.

57. We were informed that the expenditure shown under the head 'Agriculture' under this grant relates to the maintenance of gardens in the Delhi city and not to the improvement of agriculture in rural areas. We suggest that this should be made clear in future Demands for Grants and Appropriation Accounts, if possible, by the exhibition of the expenditure under the sub-head 'Horticulture'.

*Grant 78—Andaman and Nicobar Islands.*

58. We suggest that when considering the preparation of accounts of the dairy farm and the slaughter house on a commercial basis, the Auditor General should consider whether any portion of the loss on the working of these undertakings can properly be charged against Army estimates.

*Grants 82 and 83—Expenditure in England under the control of the Secretary of State and the High Commissioner.*

59. We recommend that the persistent over-budgeting under these two grants should be brought to the special notice of the Secretary of State and the High Commissioner.

*Report of the Accountant General, Posts and Telegraphs.*

60. *Paragraph 33 of the Report.*—We consider that the fraud referred to in this paragraph should be taken as an occasion to issue circular instructions drawing attention to the rules requiring the verification of signatures.

*Report of the Accountant General, Railways.*

61. *Paragraph 2 of the Annexure.*—We suggest that a further enquiry should be made regarding this case to fix the responsibility for the loss of measurement sheets. We are also of opinion that an entry should be made in the record of service of the Assistant Engineer concerned, though we recognise that his good conduct since then will naturally diminish the effect of such an entry.

62. *Paragraph 6 ibid.*—We desire that legal opinion should be obtained whether criminal proceedings could have been taken in this case.

63. *Paragraph 9 ibid.*—We are not quite satisfied with the explanation given and we endorse the suggestion of the Financial Secretary that the Railway Board should study the elaborate set of rules drawn up by the Army Department regulating the acquisition, custody and relinquishment of State lands and buildings by Military authorities, and consider whether similar rules could not be introduced for the Railways.

64. *Paragraph 12 ibid.*—We are glad to be assured that, since the separation of Railway Finance, considerations of the budgetary position of the Government of India have not been allowed to govern allocation of expenditure between capital and revenue. As regards the relative responsibility of the Railway Board and the Government Examiner for the allocation of the expenditure between capital and revenue, we think that at the time of the preparation of the budget estimates, the Railway Board should make an attempt to bring up-to-date the allocation between capital and revenue, but that the responsibility for checking the actual allocation when the expenditure is actually incurred should lie on the Government Examiner, to whom all the material necessary for making a correct allocation must be made available.

65. *Paragraph 13 ibid.*—As the explanation furnished by the Manager is not quite satisfactory the attention of the Manager should again be invited to the Accountant General's remarks and a more instructive report should be furnished to the Committee next year.

66. *Paragraphs 11 and 93 of the Report.*—We are informed that though, according to the Government of India Resolution regarding the construction of unremunerative lines on the guarantee of a local Government or other local body, the actual loss in the working of such lines ought to be borne by the local Government or other local body, in practice it is generally necessary to limit the liability of these



bodies to a definite maximum figure of loss based on such estimates as the Railway Board can frame. We understand that in cases of this kind it has not been the practice to prepare detailed estimates of capital expenditure before arriving at an agreement with the local body, as the cost of preparing such estimates would be wasted if such body were subsequently to decline the terms offered to it. We recommend that before entering into any such agreement with a local Government or other local body, especially in cases involving difficult construction, detailed estimates should be prepared on the understanding that if the local Government or the local body did not accept the terms offered by the Railway Board, the cost of preparing such detailed estimates would have to be borne by the local Government or the local body concerned.

As regards the Kangra Valley Railway, we refrain from detailed comment first, because it is acknowledged that the case was exceptional and that the procedure followed in that case ought certainly not to be repeated and, secondly, because the matter is now under investigation by the Railway Board.

67. *Paragraph 12 ibid.*—We are very much concerned to hear from the Controller of Railway Accounts that the state of affairs regarding Stores Accounts on the East Indian Railway is a very bad one and that it has been so for a long time. We hope a radical alteration of the present procedure and the introduction of machines proposed by the Controller will enable him to evolve order out of the present chaos. We shall be glad to have a report on the situation next year.

68. *Paragraph 30 ibid.*—We are informed that the difference in the figures of capital at charge as given in the Administration Report and those given in the Appropriation Accounts is due to the difference in the rate of exchange at which sterling figures have been converted into rupees. We understand that certain proposals of the Auditor General in this connection are still under the consideration of the Railway Board and we recommend that in future an attempt should be made to present the two sets of figures on a uniform basis.

69. *Paragraphs 38 to 40 ibid.*—We recommend that the Railway Board should follow a definite policy of adjusting rates on Company-managed lines to rates on State lines, unless in any special case there are definite economic reasons against such a course.

70. *Paragraph 45 ibid.*—Our attention has been called to the fact that the increase in expenditure on fuel on the Bengal Nagpur Railway is not due to increased consumption but to higher cost of coal. As there was no general rise in coal prices throughout India, this higher cost has been explained to us as being the result of the fact that the coal (which is supplied from the company's own collieries) consumed in 1927-28 was taken from collieries at a greater distance, the increase therefore being due to higher freight charges. This seems to indicate that the prices of coal charged to the railways are dependent on the cost of production and delivery rather than on the fair market price of the coal. We think that the collieries of the company should be treated as an independent commercial undertaking and that the price charged to the

Railways should be a competitive commercial price. This means that a system of proper commercial accounts should be introduced on all collieries worked by Railways and that the loss or profit in working such collieries should be shown separately.

71. *Paragraphs 103 and 104 ibid.*—See paragraph 28 *ante*.

72. We concur in the conclusions and recommendations (*vide* Appendix XX) of the Sub-Committee appointed by us to investigate such of the items in the Report of the Accountant General, Railways, as were not dealt with in detail by the main Committee.

As regards the sub-paragraph to paragraph 8 of the Report of the Sub-Committee we are satisfied that the points raised by us have for the present been adequately dealt with in the letter addressed by the Railway Board to the Agent, B. N. Railway, but we desire to have a full report next year, on the action taken as a result of this letter.

• *Report of the Military Accounts Committee.*

73. We cordially approve of the change made in the current year in the constitution of the Military Accounts Committee, namely, the substitution of the Controller of Civil Accounts as a member of the Committee in the place of the Army Secretary. We also record our appreciation of the efficient and thorough manner in which the Military Accounts Committee has dealt with the Appropriation Accounts. We concur in the conclusions and recommendations of that Committee.

74. We desire to receive a memorandum from the Army Department on their policy as regards purchases of stores through the Indian Stores Department and whether the Army could increase their purchases through that Department.

75. We consider that the result of the examination of the Financial Adviser mentioned in paragraph 54 of the Military Accounts Committee's report should be communicated to us.

*Miscellaneous observations.*

76. In the course of our examination this year we have noticed one or two cases where, owing to oversight, there has been a failure to take action on some of the recommendations of our predecessors. In order to avoid such delays in future, we recommend that as soon as the report of this Committee appears, the Finance Department should prepare lists enumerating the points and recommendations, including those in the proceedings attached to the Report, which concern each Department and circulate them to the Departments concerned for immediate action. The Departments concerned should then report by a fixed date what action they have taken as regards each item and further render supplementary returns at regular periods until all the recommendations have been disposed of to the satisfaction of the Finance Department.

77. We have to note that in some cases the representatives of the departments, who appeared before us, have not always been able to answer our questions with full responsibility. We wish to emphasise our view that the

officer responsible for the control of any department must always include the control of expenditure and accounts as an important part of his own direct responsibility and should be ready, if necessary, to appear before the Public Accounts Committee.

78. We are glad to note the inauguration this year of the practice of the Financial Secretary being present at all our meetings. This is of great value and we consider that it should be adopted as a regular practice.

79. In view of Sir Frederic Gauntlett's impending retirement and of the fact that this is the last session of the Public Accounts Committee that he will attend in his capacity as Auditor General in India, we desire to place on record our great and genuine appreciation of the very valuable service which he has consistently rendered ever since the Public Accounts Committee was instituted—service not only to the Public Accounts Committee but also to the Legislature and the Executive Government. Sir Frederic Gauntlett by his devotion to his duties and by his able maintenance of the efficiency and independence of audit has done much to strengthen the financial control of public expenditure and by the advice and guidance which he has at all times generously given, he has greatly assisted the Public Accounts Committee in developing the exercise of its functions and in fulfilling the important part assigned to it under the constitution.

80. In conclusion we desire to acknowledge the services of our Secretary, Mr. K. Sanjiva Row.

GEORGE SCHUSTER.

T. A. K. SHERVANI.

B. DAS.

CHOWDHURY MD. ISMAIL KHAN.

S. C. MITRA.

GANGANAND SINHA.

ABDUL MATIN CHAUDHURY.

K. C. NEOGY.

MD. YAKUB.

K. C. ROY.

H. A. J. GIDNEY.

*The 26th September, 1929.*

#### MOTION FOR ADJOURNMENT.

REPRESENTATIONS MADE BY THE EAST AFRICAN DELEGATION *re* THE SITUATION IN EAST AFRICA.

**Diwan Chaman Lall** (West Punjab: Non-Muhammadan): Sir, I beg to ask for leave to move the adjournment of this House, notice of which I have already given, to discuss a matter of urgent public importance,

namely, the failure of the Government of India to give a full and satisfactory reply to the recent representations made to it by the East African Delegation.

**The Honourable Sir James Crerar** (Home Member): Sir, the subject is, no doubt, a matter of public importance, but I submit that it is not a matter of urgency and I shall endeavour to explain very briefly why I am of that opinion. The views of the Delegation and of the Standing Emigration Committee have been fully communicated to the Secretary of State for India and are now under his consideration. I submit, therefore, that at this juncture, a motion of this kind, so far from being urgent, would have a prejudicial effect upon the negotiations upon which Sir Muhammad Habibullah is engaged, and it would embarrass not only him but the Secretary of State in their endeavour to secure a favourable consideration of the Indian case. I am authorised to state that the Secretary of State intends to do his utmost to secure that favourable consideration. I submit further that the House would be in a much better position to discuss the whole matter after the publication of Sir Samuel Wilson's Report which, as the House is aware, is shortly to be published. Finally, I am in a position to assure the House that a final decision by Parliament will be postponed until after the Assembly has had an opportunity of debating the matter. I am also in a position to assure the House that every opportunity will be given for a full representation of the Indian case. That, Sir, being the state of affairs, I submit once more that a motion for adjournment at this stage, so far from being urgent, would be calculated to prejudice discussions and negotiations, in the happy result of which Government are at least not less concerned than Honourable Members in any part of the House. (Applause.)

**Mr. K. C. Roy** (Bengal: Nominated Non-Official): I wish to call your attention to page 17 of the Manual of Business and Procedure of this House, paragraph 44 (*iv*), which reads thus:

"The motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given."

There is a notice standing in my name on today's Order Paper, and should you decide that Diwan Chaman Lall's motion is in order, I shall ask your permission to withdraw mine.

As regards urgency, I am not convinced by the advocacy of the Leader of the House. The whole question on which the Delegation from East Africa have made representations to the Government has been discussed by all interested legislative bodies in the British Empire. The British Parliament has discussed it in both its Houses; the Kenya Legislative Council has discussed it; the matter has been mentioned to the Mandates Commission at Geneva; and the only Houses which have been precluded from discussing the matter are the Central Legislature of India. And the Central Legislature of India is vitally interested in the matter.

**Mr. President**: Whose fault is it? Is it Government's fault?

**Mr. K. C. Roy**: It is absolutely Government's fault. They ought to have given us a day. Request was made more than once to the Leader of the House last cold weather, and it was systematically denied, and the Report was taken by backstairs to a Committee, or Conference which is not responsible to this House. The Leader of the House has told us that Sir Muhammad Habibullah is in delicate negotiations with the Colonial Office.

[Mr. K. C. Roy.]

May I ask, what is the brief on which he is negotiating? Is it the brief of the Government of India; is it the brief which was placed before this House the other day by my Honourable friend Sir Frank Noyce? In my opinion, there is not a thing which is more urgent at the present moment than a discussion of the situation in East Africa as raised by the Deputation. I hope, Sir, that you will permit the motion.

**\*Diwan Chaman Lall :** I do not agree with the remarks made by the Leader of the House when he said that he opposed this adjournment motion on the ground that there was no urgency disclosed in the motion which I have placed before the House. The only argument that he advanced in regard to the question of urgency was not based upon the matter of urgency at all, but on the embarrassment that it might cause to the representatives of the Government of India. The whole tenor of his remarks is this, that if this question is debated on the floor of this House, not that there is not an urgency for the debate, but if it is debated upon, then the hands of the representatives of the Government of India, who are now engaged on this matter with the Secretary of State and with the Government in Great Britain, would be tied, and they would be embarrassed in the negotiations they are carrying on. I submit there is nothing in the Standing Orders or the Rules governing the procedure of this House which prevents a motion for adjournment being tabled on the ground that it might cause embarrassment to the representatives of the Government of India. The question is the question of urgency. Is that denied? I submit most humbly that the Leader of the House has not proved his case that there is no urgency with regard to this matter.

**Mr. President :** The Honourable Member has not proved that it is urgent. The burden of proof lies on him, not on the Leader of the House.

**Diwan Chaman Lall :** Objection is taken by the Leader of the House. His objection is that there is no urgency. My Honourable friend Mr. K. C. Roy has definitely stated, and I take it that there can be no reply to the statement that he has made—the urgency is that these negotiations that are being conducted in Great Britain should be conducted in the spirit in which this House wants them to be conducted, and unless and until an opportunity is given to this House to place its views before the representatives of the Government, there will be no possibility of the correct views of the House being taken into consideration by the representatives of the Government who are negotiating....

**Mr. President :** The Leader of the House gives an assurance that no decision will be taken before this House has had a full opportunity of discussing the question.

**Diwan Chaman Lall :** An assurance has been given by the Leader of the House that the views of this House will be consulted before a final decision is taken. But what is going to happen in the interval? What is going to happen in regard to the negotiations now being conducted? What guarantee has the Honourable Member given that the views the Government of India are placing before their representatives in Great Britain are the views which find favour in this House? They have given no guarantee whatever. My Honourable friend Mr. K. C. Roy put a pertinent question, what are the representations that you are making? What

*\*Speech not revised by the Honourable Member.*

are the views that you are placing before your representatives? Are they the views of the East African Indian Delegation, of the Indians settled in East Africa? Are they the views of public bodies in India, or are they the views of your Department? What are the views that you are going to place before the Secretary of State for India? What is going to happen in the meanwhile? What is the sort of lead that you are going to give your representatives? We have seen the sort of lead which the Government of India gave in the past in regard to this matter. It was a perfectly hopeless lead, which satisfied nobody in this country and nobody in East Africa. If the Honourable Member gives me an assurance that the views which are placed before them by public men in this country and by the deputation which met him in regard to this matter will be pressed by the Government of India on the authorities in Great Britain, I am perfectly willing to withdraw this Resolution and await the decision of the House next Session. Until that assurance is given, I submit that it is our right to debate this question in order that the views of this House should be placed before the authorities in Great Britain.

**Sir Darcy Lindsay (Bengal : European) :** I must say that I cannot see how my Honourable friend Diwan Chaman Lall has made out a case of urgency in this matter. I also contend that he has entirely ignored the work of a Committee of this House, that is the Emigration Committee. The Emigration Committee had the assistance of some of the leaders of the House when they met the delegation from East Africa to hear their views. The Committee have expressed their opinions to the Department, and so far as I am aware, the Government of India are in accord and have forwarded those views to the Secretary of State for India. To discuss this question now would in my opinion take away a great deal of the good work that has already been done. I hold the view that it would be most impolitic at this juncture to discuss in any way the matters that are likely to be reported on by Sir Samuel Wilson. We hope that at the next winter Session we shall have full opportunity to discuss the Report in this House. On these grounds I ask you not to allow the adjournment motion.

**Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) :** Sir, I think the House has reason to be grateful to my friend Diwan Chaman Lall for bringing up this motion for adjournment. I may say that I was taken by surprise when I heard about half an hour back that this motion was coming up. But in view of what I have heard just now, and especially from my friend Sir Darcy Lindsay, I do think that this motion will at least clear up the atmosphere. There can be no more urgent reason for discussing this subject today than this. This is the last day, as far as I know, of this Session. After this Sir Samuel Wilson's Report is going to be published about the fifth of next month, and the British Cabinet is likely to take a decision in this important matter about 16th October next. It is perfectly true that the Standing Emigration Committee has submitted to Government their very elaborate opinions on this question. Being a member of that Committee, and being committed to keep things confidential as a member of that Committee, I am not in a position to say anything more, but the House is aware that that Committee worked on the last two Sundays for the best part of four or five hours at a stretch in consultation with the deputation from East Africa, in connection with what should be the opinion of that Committee, as far as the position of Indians in those colonies is concerned. Supposing, Sir, that the

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[Sir Purshotamdas Thakurdas.]

motion which is last today on the paper and I see that there is a rather longish agenda today in the name of my Honourable friend Sir George Schuster, to which my friend Mr. K. C. Roy has given notice of an amendment, is not reached today and does not come up for discussion, then what happens? The country has been in a condition of suspense....

**Mr. President :** Since when has the country been in suspense?

**Sir Purshotamdas Thakurdas :** Ever since the beginning of this question. They do not know what the Government of India has said on this Report.

**Mr. President :** Then you should have brought forward this motion on the opening day of the Assembly.

**Sir Purshotamdas Thakurdas :** A motion would have been tabled much earlier but for the fact that the members of the Standing Emigration Committee came to know only at a later stage that the Government of India had not completely endorsed the opinions expressed by the Standing Emigration Committee in March last.

**Mr. President :** When did they come to know of it?

**Sir Purshotamdas Thakurdas :** About ten days ago.

**Mr. President :** Then why was not the motion brought earlier?

**Sir Purshotamdas Thakurdas :** The Government of India were to revise it.

**Mr. President :** And you knew only this morning that they did not revise?

**Sir Purshotamdas Thakurdas :** What we were told was that the Government of India had wired to the Secretary of State in accordance with the latest decision of the Standing Emigration Committee. Every moment I was told, they were expecting to be able to inform us about it. What is more important is this. The Members of this House know nothing at all about it. Whether the Government are in a position to put that information at the disposal of this House or not is a different thing, but the House should have an opportunity of saying what they want to say.

**Mr. President :** Then why did you come up today?

**Sir Purshotamdas Thakurdas :** Because it is the last day. There is no subsequent day.

**Mr. President :** Every motion for adjournment must come up on the last day?

**Sir Purshotamdas Thakurdas :** Because there is no other opportunity.

**Mr. President :** Why did you not move it yesterday or the day before yesterday?

**Sir Purshotamdas Thakurdas :** We saw this item in the name of Mr. K. C. Roy and we thought we would have an opportunity to raise the discussion on that. It was not reached yesterday. Some Members of this House, including myself, make mistakes at times. I submit, for your information, that we thought at least the whole question would be raised

on Mr. K. C. Roy's amendment. We wanted an opportunity of ventilating our views. It is not a question of this House taking a definite decision, but as was said by one of the Honourable Members in the course of the discussion, it is significant that, while every other part of the British Empire interested in this matter of the Hilton Young Report....

**Mr. President :** I quite see the importance of the question, but what I do not understand is why Honourable Members did not raise it earlier.

**Sir Purshotamdas Thakurdas :** We knew that the whole question could be raised on Mr. Roy's amendment in connection with the tour of the Right Honourable Sastri to Kenya.

**Mr. President :** Honourable Members did nothing during the whole Session, and come up with this matter on the last day.

**Sir Purshotamdas Thakurdas :** The matter is absolutely in your hands. I am not challenging your decision. I am only explaining my point.

**Mr. President :** I should have been perfectly willing to consider this motion if it had come up some days earlier.

**Sir Purshotamdas Thakurdas :** It was felt that we should not avoidably burden the already overburdened business of the House. All I can say is that Diwan Chaman Lall has brought up this point and it is for you to decide. I wish to submit one thing finally. If you feel that it is likely that we shall reach the end of the agenda today, I would suggest that it may not be necessary to have this motion for adjournment discussed at all. We can have our say on Mr. K. C. Roy's cut. If, however, we do not get that opportunity, I feel that, at any rate as far as the non-official Members are concerned, they will have performed their duty by bringing it to your knowledge and suggesting to you that there is an opportunity which may be made available to us before the House adjourns *sine die*, namely, by a motion for adjournment.

**The Honourable Sir George Schuster (Finance Member) :** Sir, the Honourable the Leader has asked me to reply, as I was the Member of Government who was present with my Honourable colleague, Mian Sir Fazl-i-Hussain at the last meeting of the Emigration Committee, and I think that some reference to that last meeting and what has happened since then is pertinent to this discussion. My Honourable friend, Diwan Chaman Lall, has asked, on what brief are Sir Muhammad Habibullah, or any other representatives of the Government of India, who are now in England, speaking? Have they any knowledge of what is the opinion of this House? Now, Sir, I think it is fair to assume that the views which were expressed by the Standing Emigration Committee do represent the views of this House. (*An Honourable Member :* "Not necessarily.") That is an assumption which I would say that it is fair to make, and I would put it to the House that it is a fair assumption. It is not possible for the Government of India, at the present stage, for reasons which I am sure all Honourable Members will appreciate, to make public, the actual telegram which they sent to the Secretary of State. We can state very definitely that every single point, which was made by the representatives of this Assembly on the Standing Emigration Committee, has been communicated to the Secretary of State, so that I think we may take it that the views of, at any rate a very representative Committee of this Assembly, are fully known in London.

[Sir George Schuster.]

Then, Sir, there is one other point to which I would refer. My Honourable colleague has put it to the House that it might prejudice the case if violent statements were made now. Speaking on behalf of Government, Sir, I wish to make it clear that Government do not in any sense want to burke discussion on this subject. They fully recognise the interest which is felt on this subject in the Assembly and indeed they would be anxious that the Secretary of State's hands should be strengthened by an expression of opinion from this House. But, Sir, at the present stage—and I speak with direct knowledge of the issues that are involved and the interests that are involved—we do feel that it might prejudice the handling of the case by our advocates in London if very extreme statements were made. The position of the Indians in Kenya is admittedly an extremely difficult problem. It is a problem which can hardly be solved without goodwill on all sides; and it is very important that, at the present stage, every thing should be done to avoid creating a bitter atmosphere. That, Sir, is our position; and we think it fair to put that position to this Assembly, speaking with one object and one object only in our mind, which is to secure the best practical result, to maintain the best possible chance of obtaining a favourable result for the Indian case. Having said that, Sir, and having reiterated that it is not the desire of Government in any case to burke discussion on this subject, I would leave it to you, Sir, to decide what course of action should be taken. (Applause.)

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) : Sir, as regards the Standing Emigration Committee, it is well-known that it is a purely nominated Committee of this House, and particularly the Congress Benches take no place in nominated Committees.

**Sir Purshotamdas Thakurdas** : May I inform the Honourable Member that Pandit Motilal Nehru and Mr. A. Rangaswami Iyengar were present at the meeting?

**Mr. Jamnadas M. Mehta** : I am referring to the Standing Emigration Committee.

**Sir Purshotamdas Thakurdas** : My Honourable friend may know that these two meetings where the final decision was taken were attended by Pandit Motilal Nehru and Mr. A. Rangaswami Iyengar for no less than a period of three to four hours each time.

**Mr. Jamnadas M. Mehta** : I am simply stating that the Congress Party takes no part in nominated Committees. It struck me from the beginning when this Report was published that Government.....

**Mr. President** : I would like to know from the Honourable Member when the final decision was taken.

**Sir Purshotamdas Thakurdas** : Speaking from memory, Sir, but I think it is fairly accurate, last Sunday. The Honourable the Secretary of the Department will correct me if I am wrong.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Last Sunday, Sir, and Sunday fortnight previously.

**Mr. President** : The decisions were taken in the presence of the Leader of the Opposition and other Members?

**Sir Frank Noyce** : The Leader of the Opposition and Mr. A. Rangaswami Iyengar, to the best of my recollection, were present throughout the most important parts of both meetings.

**Mr. President** : Then why was this motion not brought up before?

**Sir Purshotamdas Thakurdas** : No motion was brought up earlier, because the decision taken on last Sunday was merely the decision of an Advisory Committee : we do not know what the Government of India have done with that advice. We were able to know on last Tuesday or so that they had sent a wire to the Secretary of State, and I am very glad that they had sent a wire to the Secretary of State, and I am very glad to know from the statement of the Honourable Sir George Schuster that the Government of India have wired in full accordance with the recommendations of the Emigration Committee. Do I understand that correctly, Sir?

**The Honourable Sir George Schuster** : No, Sir. (Laughter.) I must re-refer to my own statement. I informed my Honourable friend that we could not, at this stage, make public what the Government of India itself had said; and my Honourable friend, I think, expressed his appreciation that it was impossible for us, at the present stage, to make public what we had said. What I did say was that we had communicated to the Secretary of State every single point and every single recommendation that was made at that meeting.

**Sir Purshotamdas Thakurdas** : The difficulty, Sir, is this. The Emigration Committee made a recommendation. The Government of India have sent a message to the Secretary of State. The House now feels that it ought to be able to say what it wants to, irrespective of what the Government of India have said. That is the whole point. We do hope that the Government of India have said all that we wanted them to say, but we have no information on that point for obvious reasons.

**The Honourable Sir George Schuster** : I think it is rather unfair of my Honourable friend to press the matter any further.

**Mr. President** : Are the Government of India prepared to disclose what they have stated to the Secretary of State?

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour) : They cannot say....

**The Honourable Sir James Crerar** : We are precluded from doing so, Sir, under Standing Orders relating to correspondence.

**Mr. President** : How then can I prevent Honourable Members from expressing their opinion on this question?

**Mr. K. C. Roy** : This, Sir, really arises out of the reply of my Honourable friend Sir Frank Noyce to a question by Mr. B. Das yesterday, saying that he could not give full information regarding the outcome of the representation of the East African Deputation. Really that is the point. It is, I think, based upon the reply given by Sir Frank Noyce to Mr. B. Das only yesterday.

**Diwan Chaman Lall** : I would, Sir, with your permission, say one word in regard to the urgency of the matter, as to why it is that we want today to move this motion. Sir Purshotamdas Thakurdas has given you, Sir, the history of the whole affair. The reason why we are moving this adjournment motion today is plain from the terms of the motion itself,

[Diwan Chaman Lall.]

namely, the failure of the Government to give a full and satisfactory reply. Sir, what was the reply? The reply was given yesterday by Sir Frank Noyce. He gave the reply yesterday which we considered to be absolutely unsatisfactory. That reply was that the Government of India was not in a position to inform the House as to what they are going to do in regard to the deputation that waited on the Viceroy. I realise the difficulty of the Government as to why they are not in a position to inform the House. They say that there are certain Standing Orders that stand in their way. If that is so, we on this side of the House are completely in the dark. We therefore want, in view of the fact that this matter arose only yesterday, to express our opinions in regard to this matter by moving this motion for adjournment.

**Mr. Jamnadas M. Mehta :** I had not yet completed my remarks, Sir, when this discussion began.

**Mr. President :** Will the Honourable Member be able to throw any light on the question?

**Mr. Jamnadas M. Mehta :** My point is that the question of urgency still remains. The Congress Party is not committed to anything that the Standing Emigration Committee might have done, and it is altogether unjustifiable to mention the names of Pandit Motilal Nehru and Mr. Rangaswami Iyengar because they were simply interested spectators. They have expressed their opinion on the floor of this House and it is not right that they should be mentioned as having participated in the discussion.

**The Honourable Sir Bhupendra Nath Mitra :** From the point of the Congress Party the urgency then arose before last Sunday.

**Mr. Jamnadas M. Mehta :** It arose after the reply given by Sir Frank Noyce. We are not concerned with what happened in the Standing Emigration Committee.

**Sir Frank Noyce :** I can assure the Honourable Member that neither Pandit Motilal Nehru nor Mr. Rangaswami Iyengar was an interested spectator.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Are they members of the Advisory Committee on Emigration?

**Sir Frank Noyce :** They were invited to the meeting.

**Mr. Jamnadas M. Mehta :** Not to participate in the discussion, but only to watch it.

**Mr. President :** After listening to the Honourable Members I have come to the conclusion that the matter is really urgent and the House should have an opportunity to discuss it. But my difficulty is that pointed out by Mr. Keshab Chandra Roy, namely, that the motion must not anticipate a matter which has previously been fixed for consideration.

**Mr. Jamnadas M. Mehta :** He has withdrawn it.

**Mr. President :** That won't solve the difficulty. The motion was on the paper yesterday and if the House did not reach it, it was not due to any fault of Government. If the Honourable Members had put some

restraint on themselves yesterday, they could have reached it. But even today I am willing, on a consideration of all the circumstances, to permit discussion of this question. And for that purpose I am prepared to sit as long as possible to enable Mr. K. C. Roy's motion to be reached. In these circumstances, I propose to withhold my consent to the moving of this motion of adjournment.

I hope, in view of what I have said, Honourable Members will help me to get through other business as quickly as possible.

#### THE RESERVATION OF THE COASTAL TRAFFIC OF INDIA BILL.

**Mr. President :** The first business on the agenda is the motion in the name of Mr. Sarabhai N. Haji. With regard to that motion, I just want to make a few observations. The motion is for the consideration of the Coastal Traffic Bill. The Report of the Select Committee has made a unanimous recommendation that the Bill be republished. It has been the practice of this House extending over nine years, that, when a Bill has been reported upon by the Select Committee and that Committee has made a recommendation that the Bill be republished, the only motion that follows is that the Bill be recirculated for the purpose of eliciting public opinion thereon. That has been the practice of this House all these years, so far as I have been able to ascertain. I shall be grateful if Honourable Members can cite any instance in which a Bill, which has been recommended to be republished, has been taken up straight away for consideration. That is a question on which I find some difficulty; but I do not wish to hear the arguments of the Honourable Members today on that point of order. Today I only wish to ask the Member in whose name this motion stands to consider whether he should not take this motion up next Session in view of the statement which, I understand, was made the other day with the approval or, at any rate, with the concurrence of the Member in charge of this Bill—by Sir George Rainy to the effect that, when Lord Irwin returns to India, immediate steps will be taken by Government to convene a conference of all interests concerned to see if some way could not be found out of the difficulty. Unless the Honourable Member wants to prejudice that conference, he should agree to take this matter up next Session.

I know that the preliminary point which has been raised by me will take more than an hour to discuss in this House before I could give any decision. It is a very important point and I do not want to give any decision offhand. I should rather prefer that that question be taken up at the next Session. In view of these observations, I ask Mr. Haji whether he would not really agree to take this matter up next Session?

**Mr. Sarabhai Nemchand Haji** (Bombay Central Division : Non-Muhammadan Rural) : Sir, in view of the remarks that have just now fallen from you in connection with my motion,\* which I understood to be that, because of the various reasons which you mentioned, I should take over this motion to the Delhi Session, I have, Sir, very great pleasure in accepting that suggestion of the Chair.

**Mr. President :** Thank you.

\* "That the Bill to reserve the Coastal Traffic of India to Indian Vessels, as reported by the Select Committee, be taken into consideration."



**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : May I say one word, Sir ?

**Mr. President** : There is no motion before the House.

**Sir Purshotamdas Thakurdas** : If you will give me an opportunity, I have only one thing to say. I understood the Chair to say that the statement of the Honourable the Commerce Member was made with the concurrence of Mr. Haji. As I had something to do in the matter....

**Mr. President** : I should say that it was made with the concurrence of Sir Purshotamdas Thakurdas.

**Sir Purshotamdas Thakurdas** : No, Sir. There is a misunderstanding on the point which I think it is due both to Mr. Haji and myself that I should explain here.

**Mr. President** : I act only on the written information. Sir George Rainy handed over to me two documents which clearly go to show that there was some understanding between Mr. Haji and Sir Purshotamdas Thakurdas on the one hand and the Government on the other.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I should like to say merely this that the responsibility for the statement I made rests entirely on the Government, but I showed it to the Honourable Members whom the Chair has named, and on one or two small points slight changes were made in the wording. In that sense only it was an agreed statement, but for the substance of it the responsibility rests entirely with the Government.

**Mr. President** : That must satisfy the Honourable Member (Sir Purshotamdas Thakurdas).

**Sir Purshotamdas Thakurdas** : If it satisfies the Chair, it also satisfies me.

**Mr. President** : It does not satisfy me at all.

**Sir Purshotamdas Thakurdas** : Then I hope you will let me make a statement at once.

**Mr. President** : I understand Pandit Thakurdas Bhargava does not wish to move his motions\*. Mr. Neogy.

#### THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : I beg to move that the Bill further to amend the Indian Merchandise Marks Act, 1889....

**Mr. President** : Would not the Honourable Member take it up next Session ?

**Mr. K. C. Neogy** : If you so desire, I have no objection.

\* "That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 552), be referred to a Select Committee (the names of the Members to be mentioned at the time of making the motion) and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be....," and "That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of sections 205 and 540-A), be circulated for the purpose of eliciting opinions thereon."

#### THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL.

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**Mr. President** : I am anxious to reach Sir George Schuster's motion, and therefore I would ask the Honourable Member to take up his motion the next Session.

**Mr. K. C. Neogy** : May I make one submission ? I understand that this motion is not going to be opposed by the Government.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : The Government are prepared to accept the motion.

**Mr. President** : Then the Honourable Member might, in a short speech, move his motion.

**Mr. K. C. Neogy** : Sir, I beg to move :

"That the Bill further to amend the Indian Merchandise Marks Act, 1889, be referred to a Select Committee consisting of the Honourable Sir George Rainy, Mr. G. L. Winterbotham, Kumar Ganganand Sinha, Mr. M. S. Sesha Ayyangar, Mr. B. Das, Mr. Fazal Ibrahim Rahimtulla, Mr. Muhammad Rafique, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, according to the present law, importation of goods into India is permitted without the application of any trade mark or the indication of the place of origin of the goods. This enables foreign manufactured goods to be palmed off as Indian manufacture. This Bill seeks to arm the Government of India with authority to make it compulsory that imported goods shall be stamped with an indication of the place of origin in the case of particular classes of goods in regard to which they may publish a notification.

Sir, I move.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : Sir, in view of the fact that the Honourable the Commerce Member has not stated the Government's position in this matter, and as I understood that he would speak, it falls to me to take up one minute and explain that it is only on the distinct understanding that the principle of this Bill applies to goods on importation only, that I am not opposing reference to Select Committee. I understand that the Honourable the Mover agrees to that, that is to say that reference to Select Committee is made on the understanding that the Bill will not be made to apply to goods at the time of sale.

**Mr. K. C. Neogy** : That is hardly a matter of principle. I take it that it is a question of detail which can very well be dealt with in the Select Committee.

**Mr. G. L. Winterbotham** : I take it to be a matter of principle and must make my position plain on the subject.

**The Honourable Sir George Rainy** : Sir, in deference to your appeal that we should be brief in dealing with this matter, I will merely indicate the changes which, if the House accepts the motion for reference to Select Committee, the Government will ask the Select Committee to make. In the first place, Government feel that, if the marking of goods were made compulsory at the time of sale, the legislation would be altogether ineffective. We have not got the necessary machinery to enforce it. Therefore Government will, in Select Committee, move that the marking should only be at the time of importation. In the second place, there is an alternative suggestion which might be considered by the Select Committee. It has been made by the United Provinces Government, namely, that, instead of

[Sir George Rainy.]

making the marking of foreign goods compulsory at the time of sale, a particular mark might be introduced and protected by legislation, which any Indian manufacturer could apply to his goods. I think that that is a suggestion that is very well worth considering, because I believe that it would be far more easy to prevent foreign manufacturers from using the Indian mark than to compel them to mark their goods with indications of origin at the time of sale. Finally, Sir, in the Select Committee, Government will be quite ready to consider and discuss by what method inquiries should be made before any order for compulsory marking is made. The Government have quite an open mind on that subject and will be ready to discuss it fully in the Select Committee.

**Mr. President :** The question is :

"That the Bill further to amend the Indian Merchandise Marks Act, 1889, be referred to a Select Committee consisting of the Honourable Sir George Rainy, Mr. G. L. Winterbotham, Kumar Ganganand Sinha, Mr. M. S. Sessa Ayyangar, Mr. B. Das, Mr. Fazal Ibrahim Rahimtulla, Mr. Muhammad Rafique, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

#### THE SPECIAL LAWS REPEAL BILL.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) :

Sir, I beg leave to introduce a Bill to repeal certain special enactments supplementing the ordinary criminal law.

Sir, in asking for leave to introduce this Bill, I have very few words to submit before the House. Considering that most of these enactments are not at all necessary, as you, Sir, observed—in fact it is the same Bill without any alteration whatsoever—if it was not necessary at that time when you, Sir, introduced the Bill, it is still more unnecessary at the present moment. Probably at that time, Sir, you had some handicap, but at the present moment we have got in the present Home Member a generous, warm-hearted gentleman full of sympathy with our aspirations and struggle for liberty and I hope that this Bill will have a better chance than the Bill which was formerly introduced.

**Mr. President :** Is the motion for circulation of the Bill ?

**Mr. Amar Nath Dutt :** No, Sir, I am only asking for leave to introduce.

**Mr. President :** No speech is necessary.

**Mr. Amar Nath Dutt :** All right, Sir. I move for leave to introduce the Bill.

**Mr. President :** The question is :

"That leave be given to introduce a Bill to repeal certain special enactments supplementing the ordinary criminal law."

The motion was adopted.

**Mr. Amar Nath Dutt :** Sir, I introduce the Bill.

**Mr. President :** Honourable Members do not seem to be fully conversant with the conventions of this House in this matter. One convention is that no motion for leave to introduce a Bill shall be opposed. That convention carries with it a further convention, that no Member shall, on that very day, make any further motion, namely, that the Bill

be referred to a Select Committee, or that it be taken into consideration, or that it be circulated for the purpose of eliciting opinion. I mention this fact because the Honourable Member, Mr. Mukhtar Singh, has put down a motion that the Bill which he seeks to introduce today should be referred to a Select Committee. That motion, I may point out to him, is against the convention which has been established and I hope he will not move it.

**Mr. Mukhtar Singh** (Meerut Division : Non-Muhammadan Rural) : I shall not move it, Sir.

#### THE HINDU WIDOWS' RIGHT OF INHERITANCE BILL.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : Sir, I beg to move for leave to introduce a Bill to secure a share for Hindu widows in their husbands' family property.

The object of the Bill has been clearly stated in the Statement of Objects and Reasons and I do not wish to add anything. Sir, I move.

The motion was adopted.

**Rai Sahib Harbilas Sarda :** Sir, I introduce the Bill.

#### THE INDIAN MAJORITY (AMENDMENT) BILL.

**Kumar Ganganand Sinha** (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Sir, I rise to move for leave to introduce a Bill further to amend the Indian Majority Act, 1875. Sir, this Bill proposes to repeal those provisions of the Indian Majority Act, 1875, which make it possible for a minor to attain majority even at the age of 18 years, and to fix the age of majority uniformly at 21 years. Sir, I move.

The motion was adopted.

**Kumar Ganganand Sinha :** Sir, I introduce the Bill.

#### THE ARYA MARRIAGE VALIDATION BILL.

**Mr. Mukhtar Singh** (Meerut Division : Non-Muhammadan Rural) : Sir, I beg to move for leave to introduce a Bill to finally recognise and place beyond doubt the validation of inter-marriages of Arya Samajists. Sir, I move.

The motion was adopted.

**Mr. Mukhtar Singh :** Sir, I introduce the Bill.

#### THE PREVENTION OF EXPORT OF DRIED MEAT BILL.

**Kumar Ganganand Sinha** (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : I rise to move for leave to introduce a Bill to provide for the protection of Cattle. The object of the Bill is quite clearly stated in the Statement of Objects and Reasons and I have nothing to add.

[Kumar Ganganand Sinha.]

Sir, I move.

The motion was adopted.

**Kumar Ganganand Sinha** : Sir, I introduce the Bill.

#### THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926. Sir, I move.

The motion was adopted.

**Mr. Amar Nath Dutt** : Sir, I introduce the Bill.

#### THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes.

Sir, I have clearly set down the objects of this Bill in the Statement of Objects and Reasons. I would only point out that, under the Imperial Bank Act, the contract is to be renewed very shortly, and no contract should be renewed without the permission of this House. Also the Imperial Bank entered into certain definite agreements which they have not fulfilled about Indianisation and so forth. Sir, I move.

The motion was adopted.

**Mr. B. Das** : Sir, I introduce the Bill.

#### THE ADOPTION VALIDATING BILL.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move for leave to introduce a Bill to remove certain existing disabilities in respect of the power of adoption amongst Hindus. Sir, I move.

The motion was adopted.

**Mr. M. R. Jayakar** : Sir, I introduce the Bill.

#### THE HINDU GAINS OF LEARNING BILL.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move for leave to introduce a Bill to declare gains of learning by a Hindu to be his separate property. Sir, the objects are clearly stated in the Statement of Objects and Reasons. Sir, I move.

The motion was adopted.

**Mr. M. R. Jayakar** : Sir, I introduce the Bill.

#### THE JUDICIAL PROCEEDINGS REGULATION BILL.

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill to regulate the publication of

reports of judicial proceedings in such manner as to prevent injury to public morals. Sir, I move.

The motion was adopted.

**Diwan Chaman Lall** : Sir, I introduce the Bill.

#### THE ABOLITION OF CAPITAL PUNISHMENT BILL.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill to abolish the punishment of death for offences under the Indian Penal Code. Sir, I move.

The motion was adopted.

**Mr. Gaya Prasad Singh** : Sir, I introduce the Bill.

#### THE COURT-FEES (AMENDMENT) BILL.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : Sir, I beg to move for leave to introduce a Bill further to amend the Court-fees Act, 1870, for a certain purpose. Sir, I move.

The motion was adopted.

**Rai Sahib Harbilas Sarda** : Sir, I introduce the Bill.

#### THE HINDU LAW (AMENDMENT) BILL.

**Mr. V. V. Jogiah** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I move for leave to introduce a Bill to make better provision for certain heirs, under Hindu Law, especially with respect to women regarding their rights of inheritance. My reasons have been given in the Statement of Objects and Reasons.

The motion was adopted.

**Mr. V. V. Jogiah** : Sir, I introduce the Bill.

#### THE SONTAL PARGANAS CRIMINAL JUSTICE BILL.

**Kumar Ganganand Sinha** (Bhagalpur, Purnea and the Sontal Parganas : Non-Muhammadan) : Sir, I move for leave to introduce a Bill to provide for the better administration of criminal justice in the Sontal Parganas, by further extension of the Code of Criminal Procedure, 1898, to cases tried therein. I have given my reasons in the Statement of Objects and Reasons and have nothing to add to it.

The motion was adopted.

**Kumar Ganganand Sinha** : Sir, I introduce the Bill.

#### THE MUSSALMAN WAKF VALIDATING (AMENDMENT) BILL.

**Mr. A. H. Ghuznavi** (Dacca Division : Muhammadan Rural) : Sir, I beg to move for leave to introduce a Bill to amend the Mussalman Wakf Validating Act, 1913. As Honourable Members are aware, my little

[Mr. A. H. Ghuznavi.]

Bill is a grandchild of the Honourable Mr. Jinnah. The Mussalman Wakf (Validating) Bill was introduced in the late Imperial Legislative Council to restore the Mussalman Wakf law as it had been understood and was applied by the courts before their decisions were overruled by their Lordships of the Privy Council, who denounced all such wakfs in favour of " *Aul Aulad* " as illusory and obnoxious to the doctrine against perpetuation. The cases in which it was so held will be found quoted in the Statement of Objects and Reasons, to which I would invite the Honourable Members' attention.

As the Validating Act has restored the pre-existing law and removed the cloud of doubt which had been cast upon it for a few years by the Privy Council, it is clear that the Validating Act was never intended to be merely prospective, but being a declaratory Act,—an Act declaratory of the existing personal law of the Mussalmans,—it was necessarily retrospective. But in a series of cases, to which reference is made in my Statement of Objects and Reasons, the High Courts of India have held that this Bill is merely prospective and not retrospective. The wakfs and endowments prior to its enactment are thus practically excluded from its operation, which almost defeats the object for which the Wakf Validating Act was enacted. It is to clarify a doubt which has again been cast upon the position and extent of the Validating Bill and thus to give retrospective effect to the aforesaid Act of 1913 and save wakfs and endowments of considerable value and historic importance from destruction that this Bill has become necessary.

I do hope the Honourable Members will give me the support which my Bill deserves.

The motion was adopted.

Mr. A. H. Ghuznavi : Sir, I introduce the Bill.

#### THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code.

Sir, man-made law has always been harsh on the women-folk. The mother of an unwanted child always gets punished for doing away with the child, but the alleged father always escapes. I want him also to be punished.

The motion was adopted.

Mr. B. Das : Sir, I introduce the Bill.

#### THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I move for leave to introduce a Bill further to amend the Special Marriage Act, 1872.

The motion was adopted.

Mr. M. R. Jayakar : Sir, I introduce the Bill.

#### THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move for leave to introduce a Bill to repeal the Bengal State-Prisoners Regulation, 1818.

The motion was adopted.

Mr. Amar Nath Dutt : Sir, I introduce the Bill.

#### THE INDIAN ELECTRICITY (AMENDMENT) BILL.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Electricity Act, 1910, for certain purposes.

I have given my reasons in the Statement of Objects and Reasons.

The motion was adopted.

Mr. B. Das : Sir, I introduce the Bill.

#### STATEMENT *RE* THE PROPOSED AIR SERVICE FROM KARACHI TO DELHI.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I propose, with your permission, to fulfil a promise which I made on the 4th of this month, in reply to questions asked by my Honourable friends Mr. K. C. Neogy and Mr. Gaya Prasad Singh, when I said that I hoped to make a statement during this Session on the subject of the proposed air service from Karachi to Delhi and future extensions. The revised proposals of the Government of India in regard to the air service between Karachi and Delhi, and their present ideas in regard to the extension of the service from Delhi to Calcutta, and ultimately to Rangoon, were placed before, and explained fully to, the Standing Finance Committee at its meeting of the 20th September, 1929, and full details on the subject will be found in the published proceedings of that Committee, which are now in the possession of Members of this House. That being the position, it is not necessary for me to take up the time of the House by making a lengthy statement on the subject, repeating for this purpose the information placed before the Standing Finance Committee and summarised in their proceedings. Government will now proceed with the particular proposal which has been approved by the Standing Finance Committee for the establishment of a Karachi-Delhi service.

#### RESOLUTION *RE* RECOMMENDATIONS OF THE ROAD DEVELOPMENT COMMITTEE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to move the first of the

1 P.M.

Resolutions which stand in my name in the supplementary List of Business for today, and which runs as follows :

"This Assembly, after taking into consideration paragraphs 70 to 79 of the Report of the Indian Road Development Committee, recommends to the Governor General in Council that :

- (1) The increase in the import and excise duties on motor spirit from 4 to 6 annas per gallon, introduced by the Indian Finance Act for the current year, shall be maintained for a period of five years in the first instance ;

[Sir Bhupendra Nath Mitra.]

- (2) The proceeds of the additional duty during the same period shall be allotted as a block grant for expenditure on road development to be credited to a separate road development account, the unexpended balances of which shall not lapse at the end of the financial year ;
- (3) The annual grant shall be divided as follows :
  - (a) A certain proportion shall be retained by the Government of India as a reserve, and such proportion will be 10 per cent. for the two years ending March, 1931, and the position shall be reviewed thereafter and the balance, if any, on 31st March, 1931, or any subsequent date of review, which is not required for the purposes approved in paragraph 75 of the Report, will be distributed among the provinces in the manner indicated in clause (b) ;
  - (b) Out of the remainder :
    - (i) An apportionment shall be made among the provinces in the ratio which the consumption of petrol in each province bears to the total consumption in India in the preceding calendar year ;
    - (ii) The balance, representing the consumption of petrol in minor provinces and administrations and Indian States, shall be allotted as a lump sum to the Government of India.
- (4) If any part of the amount apportioned to a province in any financial year remains unexpended at the end of that year, it shall be carried over for expenditure in that province in the following year.
- (5) Grants shall be made to each province, up to the amount available for it in each year, for expenditure on schemes approved by the Governor General in Council with the advice of the Standing Committee for Roads. As an exception to this rule, the amount available for Burma, may, for the present, be spent on any scheme of road development that is approved by the Local Government with the concurrence of the local Legislature ; but if at any future time the question of road connection with India becomes a live issue, the position shall be reconsidered.
- (6) A Standing Committee for Roads shall be constituted every year after the financial year 1929-30 consisting of one nominated official Member of the Legislative Assembly, a second nominated official Member, three Members elected by the Council of State from their body, and six Members elected by the Legislative Assembly from their body. The Member of the Governor General's Executive Council in charge of the Department that deals with roads shall be the Chairman of the Committee ; and the members of the Committee who are Members of the Legislative Assembly shall form its Finance Sub-Committee, which will be presided over by the Chairman of the Committee if he is a Member of the Legislative Assembly, and otherwise by the official member of the Committee who is a Member of the Legislative Assembly.
- (7) The functions of the Standing Committee for Roads shall be :
  - (i) To consider the annual budget and accounts of the separate road development account of the Government of India ;
  - (ii) To consider all proposals submitted by Local Governments to the Government of India, for which grants from the road development account are requested ; provided that the function of the Standing Committee will be confined to determining whether the scheme is one for which an allotment from the Central Road Development Account should be made.
  - (iii) To advise the Government of India generally on all questions relating to roads and traffic on roads and, in particular, on :
    - (a) any action to be taken by the Government of India on the proceedings of periodical Road Conferences ;
    - (b) central research in all matters connected with roads, road construction and maintenance ;
    - (c) statistics and intelligence, the preparation and publication of maps, and the collection and dissemination of information relating to road

development, administration and finance in India and in other countries.

All proposals for expenditure from the annual grant, or its accumulated balance, shall be submitted for approval to the Finance Sub-Committee."

The Resolution seeks to obtain the approval of the House to the acceptance by the Government of India of certain recommendations of the Indian Road Development Committee, subject to one modification to which I shall refer presently. The recommendations are those contained in paragraphs 70 to 79 of the Report of the Committee, and they deal with the question of financing of road development from the proceeds of the additional duty on petrol which was imposed in the Indian Finance Act of the current year, and with the procedure to be adopted in that connection.

Clauses (1) and (2) of the Resolution follow the recommendation in para. 71 of the Report. Clause (3) is based on the recommendation in paras. 74 and 75. Sub-clause (b) of that clause follows the recommendation of the Committee. It will be seen from Appendix II to the Committee's Report that the Touring Sub-Committee of the Committee suggested various formulae for the division among provinces, etc., of the proceeds of the additional taxation. The Committee, after considering these various formulae, recommended, in para. 74 of the Report, that the division should be on the basis of the consumption of petrol in the various provinces, etc. As was anticipated by the Committee, the matter is one in which it is not possible to secure unanimity of opinion among the Provincial Governments. Subject to the approval of the House, the Government of India are willing to accept the recommendation of the Committee.

In regard to sub-clause (a) of clause (3) the Committee recommended that one-sixth of the proceeds of the additional taxation should be retained by the Government of India for the purposes mentioned in paragraph 75 of the Report. After discussion with the representatives of Provincial Governments, the Government of India are willing to agree to retain only ten per cent. in the first two years, and to reconsider the position thereafter. The necessary provision has been made in sub-clause (a) of clause (3).

Clause (4) of the Resolution follows the recommendation in the last sentence of paragraph 75 of the Committee's Report.

Clause (5) follows the recommendations in paragraphs 76 to 78 of the Report.

I have already dealt with the provisions incorporated in clause (6) on a previous occasion and do not propose to take up the time of the House further with the matter.

Clause (7) follows the recommendations in the latter part of paragraph 79 of the Committee's Report, except that sub-clause (ii) has been amplified to bring out what appears from paragraphs 76 and 77 of the Report to have been the intentions of the Committee. I may mention in this connection that Provincial Governments are generally opposed to any form of control by the Central Government, or the Central Legislature through its Standing Committee, on expenditure by the Provincial Governments from sums allotted to them from the proceeds of the additional taxation ; and they hold generally that their respective shares should be handed over to them from year to year, leaving them complete freedom to spend the monies in any way they may like on road development. Indeed, one of the Provincial Governments wants to have freedom to spend a portion of its share

[Sir Bhupendra Nath Mitra.]

on general purposes. The Government of India are inclined to think that, as the taxation was voted by this House for a particular purpose, this House would be perfectly justified in assuring itself, through its Standing Committee, that the money is being spent for that purpose. Sub-clause (ii) of clause (7) merely provides for this safeguard, while it protects the Provincial Governments from any interference by the Central Legislature in matters of detail.

In conclusion I should like to mention that the terms of the draft Resolution were discussed with the Standing Committee of the Legislature last week and certain amendments were agreed to unanimously. These are being submitted for the acceptance of the House by my Honourable friend Mr. Jayakar and they will be supported by Government. Sir, I move.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move the amendments which stand in my name. As the Honourable Member has just stated, they represent the unanimous opinion of the Standing Committee on Roads, which was consulted last week. The first amendment runs as follows :

"In clause (2), after the words 'during the same period' the following be inserted :

'after deducting such amounts as may be required for grants-in-aid to users of petrol for aviation purposes according to rules issued by Government, on a scale not exceeding the additional duty on petrol actually consumed for such purposes'."

This carries out the suggestion contained in the Report of the Indian Roads Development Committee that petrol, if consumed for aviation purposes—aviation purposes, not being connected immediately with roads,—should for the present be excluded from the tax levied for road purposes. This amendment carries out that recommendation.

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : Sir, if it is the desire of the House that no remarks should be made on this Resolution, I shall resume my seat. In the circumstances I feel a certain amount of diffidence in rising, but the interests which I happen to represent feel that this is really a very important all-India subject and I would myself, with reluctance, give up an opportunity of stating my views on this occasion.....

**Mr. President** : The Honourable Member is a bit too late.

**Mr. G. L. Winterbotham** : What I have to say deals with the amendment.

**Mr. President** : If that is so, the Honourable Member is entitled to speak.

**Mr. G. L. Winterbotham** : On the question of Mr. Jayakar's amendments, I should like to say that in this matter I and those interests which I represent strongly support the attitude of the Government of India and are inclined to deplore the attitude which we understand has been taken up by the Honourable Ministers from the provinces. This might be said to be a constitutional point of interference with the provinces ; but I would like to let my opinion go on record that that is not a correct way for the provinces to look at the matter. They should, I think, take the view that this is a very large question of all-India importance in which the

best results could only be obtained by the willing co-operation of the Provincial Governments with the Central Legislature ; and I very much hope that, in due course, the representatives of the provinces will come to that view themselves.

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : What about the Ministers ?

**Mr. G. L. Winterbotham** : I am not advocating, as my Honourable friend behind me suggests, the knuckling down of the Provincial Governments to the Central Legislature. Very far from it. What I am advocating is a spirit of co-operation between the provinces and the Central Legislature on a very large and very important all-India question. I maintain that there is no reason why common agreement on these lines should not be reached ; and I very much hope that, in due course, it will be. To take only one instance how can it be said that the provinces should take this money and spend it exactly as they like without any control from the Central Legislature, when the question of competition between roads and railways immediately comes up ? Can it be said that the provinces can fairly claim to receive a grant from this Legislature, which they may proceed to use in the construction of roads in their provinces, which will directly compete with the State Railways ? I put that consideration before the House, as there are other considerations which I want to mention, but I particularly put that consideration before the House, and I hope that, in due course, the attention of the Local Governments will be drawn to this particular aspect and that they will come to see that this Legislature is not seeking to impose its will on the provinces, but is anxious to co-operate with them in a scheme, the benefits of which for India it would be almost impossible to exaggerate.

Sir, I should have liked to make some remarks on the question of financing schemes of road development, but possibly they are not relevant at the present moment, and I will not weary the House at this stage as I know Honourable Members want to get on to the next business. But there is one point which I should like to make, and that is that as we see the problem, that is to say, I and those whom I have the honour to represent, what is wanted in the first stage is a survey of all really important roads in India, so that some really useful programmes can be drawn up by the provinces with a view to co-ordinating the work of road construction throughout India. I very much hope, Sir, that the Roads Committee will bear this very important desideratum in mind and will, at the first favourable opportunity, turn their attention to this particular matter.

Sir, the other points of large importance I would pass over, but I should like to put two or three questions to the Honourable Member who moved the Resolution. Those points are really of minor importance, but they require an answer so that we may know what is the intention of Government. Sir, take the case of Burma. Burma is exempted from any control of the Central Legislature, quite properly, in my opinion, under Part V of the Resolution. But, Sir, if that is conceded, should it not also be conceded that Burma's share of the one-tenth of the whole, which Government propose to keep to themselves, should also be excluded ? The matter may seem a small one, but on the basis of the actual revenue produced by this 2 annas per gallon amounting to one crore of rupees a year—that may be looking ahead two or three years, but I take the figure for the sake of convenient calculation—the amount involved in any one year is Rs. 75,000. Well, Sir,



[Mr. G. L. Winterbotham.]

that is a large amount from the point of view of Burma, and I submit that if Burma is excluded from the control of the Central Legislature, Burma's proportion of the 10 per cent. which Government propose to retain should also be given back to Burma.

There is another point, Sir, in connection with Native States about which I am not quite clear. Under section 3 (b) (ii), it is stated that, "The balance representing the consumption of petrol in minor provinces and administrations in Indian States will be allotted in a lump sum...."

**Mr. E. L. Price** (Bombay : European) : Not for "keeps".

**Mr. G. L. Winterbotham** : As my Honourable friend very succinctly puts it, not for keeps, and I trust that that is not the intention, Sir, and that Native States and minor administrations will be given their allotment from this extra taxation on the basis of the consumption of petrol in their particular States. I should be very grateful if the Honourable Member would make that point clear.

Finally, Sir, there is the question of an expert adviser on this very important question of all-India roads. I do not know what the intention of Government is, but I trust that, out of the 10 per cent. which they are reserving from this additional taxation, they will provide for some really competent technical expert adviser, so that in this all important question they will not be proceeding on the advice possibly of men with merely departmental experience. Sir, this is a fringe of a very large subject, and I should have liked to enlarge on the question at very much greater length, but I think possibly that the points that I particularly desired to make have already been made, and I will not proceed any further.

**Kumar Ganganand Sinha** (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Sir, I should like.....

**Mr. President** : Does the Honourable Member wish to speak on the amendment ?

**Kumar Ganganand Sinha** : I should like to say a few words on this.....

**Mr. E. L. Price** : Shall I not be in order, Sir, if I make a few general observations on the amendment ?

**Mr. President** : Certainly.

**Mr. E. L. Price** : Sir, I shall be very brief. I have seen all this Session, a series of attacks on Provincial Governments, and now Mr. Winterbotham has joined in the game.....

**Mr. G. L. Winterbotham** : That is an entirely unjustified remark. I protest against it.

**Mr. E. L. Price** : So I understood him. I will take one instance. I understand that the Punjab spends a crore of rupees a year on roads ; they stand to get 5 lakhs out of this dole, and they are expected by Mr. Winterbotham to sell their birth-right for a mess of pottage, to part with their provincial autonomy in that matter for 5 lakhs a year....

**Mr. G. L. Winterbotham** : Nonsense.

**Mr. E. L. Price** : I will not give way, Sir. All I can say, Sir, is that I respect the various Provincial Ministers for their objections. And if

they are to have it put across them by this Assembly or by the Government of India acting in the name of this Assembly, and their rights thus infringed, I at least will not stand by in silence.

**Mr. G. L. Winterbotham** : Then vote against the Resolution.

**Mr. M. S. Aney** (Berar Representative) : Sir, I have no desire to detain this House very long, but this is a Resolution which it is difficult for me at least to reply to without being in a position to know what the attitude of the Ministers of the various Provinces is towards the proposals which are now before us for consideration. It cannot be said that this Resolution does not entrench upon the province of transferred subjects, and that being the case, before this Assembly comes to any decision, it is necessary that the Honourable Member should have enlightened this House about the detailed opinions which he might have received from the various Provincial Governments on these points. As my Honourable friend Mr. Price has it, possibly it may be that the Provincial Governments are called upon to sell their liberty for a mere mess of pottage. It is rather a strong term, but those who care for provincial autonomy are perfectly justified in putting the thing as high as my friend has done....

**Mr. G. L. Winterbotham** : You sang a different tune yesterday.

**Mr. M. S. Aney** : I did not speak at all yesterday. Somebody else might have spoken, and my Honourable friend is under misconception. We know perfectly well that this subject deals to a large extent with matters that have been transferred under the constitution, and it is necessary that, on the Committee which is going to control this road development affair in this country, there should be some representatives from the provinces, so that their views may be given due weight before it comes to any decision. I do not want a conference where the resolutions of the conference will be matters of advice and this Committee may accept them or reject them. I want a definite right given to them that their views will be given due weight. There was an amendment to that effect given notice of by my Honourable friend Mr. Kelkar, which could have been of great use in elucidating the point at issue, but unfortunately Mr. Kelkar is not present and it would be difficult for anybody else to move it. So I think this is a matter which it would be better for the Government of India not to press for consideration at this time, but to defer it for further consideration till the next Session. This will also solve another difficulty, in that the discussion will not be unnecessarily handicapped, because it requires to be debated fully in this House before the House can be called upon to come to a final decision, and the advice which you have given to some Members and which they have accepted may properly be given to the Honourable Sir Bhupendra Nath Mitra so far as this Resolution is concerned.

**Mr. President** : I was told that the Resolution was non-controversial.

**Mr. M. S. Aney** : This is controversial, thought the Honourable Member wants it to be taken as non-controversial.

**Mr. E. L. Price** : I want to make no controversy if only those remarks about Provincial Governments and Ministers are withdrawn.

**Mr. M. S. Aney** : I therefore make a suggestion which the Honourable Member may consider for what it is worth, that this question should be held over for further consideration till the next Session. I move that amendment, Sir, with your permission.

**The Honourable Sir Bhupendra Nath Mitra :** Sir, in the course of my speech introducing this Resolution, I think I have mentioned what is the attitude of the Provincial Governments in the matter. I also said that, as the taxation has been voted by this House for a particular purpose, this House would be justified in retaining control only to the extent necessary to watch that the money is spent for the purpose for which it has specifically been raised. Beyond that, it is not intended by this Resolution to impose further control. I doubt very much whether the question is really one of controversy. We have discussed it for quite a long time, not in this House, but in the Standing Committee and with the Ministers. A Committee of the Legislature has examined the matter in its various aspects, and there is a whole paragraph in its Report which deals with this question of control. Further, I do not think there is anything in the existing constitution which stands in the way of this particular form of control being imposed. If the constitution is changed, say, in the next two or three years time, well, this Resolution may also be modified.

**Mr. President :** I was clearly given to understand that this was not controversial. I am sorry to find that it has turned out to be otherwise. Kumar Ganganand Sinha.

**Kumar Ganganand Sinha :** Sir, I also did not think that this motion would raise a controversy. I would, in view of your observation this morning that you would like the business on today's agenda paper gone through rather expeditiously, be as brief as possible. I shall make only one or two observations on this Resolution. During the course of its inquiry, the Indian Road Development Committee found that roads in India were passing beyond the financial capacity of the Local Governments and local bodies and were becoming a matter of national interest which might to some extent be a proper charge on Central revenues. Well, Sir, this state of things in this country was quite in keeping with the state of things prevailing in other countries. If Honourable Members would refer to chapter V of the Report, they would find that the Committee has summarised the position of road development in some of the countries of the world. Formerly, in all those countries, roads were merely a matter of local concern. But with the advance of time it has become a matter of national concern, and Governments are alive to the fact that this new adjustment so far as roads are concerned must be made. In Great Britain, in the United States of America, in Canada, in New Zealand, and even in China, efforts are being made to make roads a national concern. But I quite see that there is some misapprehension in the minds of Honourable Members in this House with regard to the action proposed by the Central Government. Road is a provincial transferred subject. The Ministers are very jealous of their rights. But the whole question is, when the grant is made by the Central Legislature with a view to the road development of India as a whole and the petrol duty from which the grant is going to be made is a source of Central taxation, whether the Central Government should or should not divest itself of the right of suggesting to the Provincial Governments, who are going to spend the grant, how they should spend it. My Honourable friend Mr. Aney wanted to know what the Provincial Ministers wanted. As a member of the Indian Road Development Committee, I had the opportunity of knowing the provincial opinions, and I may tell the House that, wherever we went, each province wanted the matter to be decided in a way which would be more favourable to itself. If you go to Bengal, there is one

formula suggested ; if you go to Bombay, there is another formula suggested ; if you go to Bihar, there is a third formula suggested ; and it was this delicate problem which required the closest attention of the members of the Committee. If you look at the recommendations, you will find that the provinces are given the fullest opportunity of making their needs known to the Central Legislature and to the Central Government, and the power which rests in the Standing Committee of the Central Legislature is simply to see whether the particular object for which the grant is asked by the Provincial Government is or is not one for which a grant can suitably be made. So, this Resolution has restricted the power of the Finance Committee of the Central Legislature and of the Standing Committee on Roads of the Central Legislature to a very limited sphere. I think, Sir, that should satisfy the various provinces. If that does not satisfy them, the only alternative would be to raise the revenue and distribute it among the various provinces. What would that mean ? That would mean that the provinces, irrespective of the consideration whether a particular project is a project which could be called an all-India project, will spend the money according to their provincial programme and there will be no co-ordination in the matter of road development throughout India. That is not the object with which the Committee was appointed. That is not the object underlying the whole scheme which the Committee has recommended. If it is considered by this House that the road system in India should be developed on the lines of an all-India concern, then that can only be done by accepting the proposal that has been put forward. But if it be the intention of the House to dole out to provinces the revenue which they have raised and let them spend it in whatsoever manner they like, that is a different matter, and the House should, in that case, reject the Resolution. That is the whole question which faces us to-day. If this scheme is adopted, it will prevent the different provinces from utilising the newly created Road Development Fund for purely provincial objects, and they will develop the all-India roads within their territory with money which they will get from the Central Government. Sir, in the course of giving evidence, as a matter of fact, no representative of the Local Government seriously contested before the Committee the view that grants from Central Revenues should only be spent on projects approved by the Governor General in Council, on the advice of the Standing Committee on Roads.

**Mr. Anwar-ul-Azim** (Chittagong Division : Muhammadan Rural) : On a point of information, Sir. May I ask whether the Honourable Member was not agreeable to the amendments of Mr. Jayakar when they were discussed in the Committee ?

**Kumar Ganganand Sinha :** I am coming to that. I may tell now that I fully agree with all the amendments.....

**Mr. President :** The Honourable Member might continue after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Kumar Ganganand Sinha :** Sir, when the House adjourned for lunch I was dealing with the point that the principle which will guide the central

[Kumar Ganganand Sinha.]

authority will be to confine the expenditure from central revenues to projects which may be fairly regarded as benefiting India as a whole ; of course with the co-operation of the Provincial Governments. The money allotted, it should be noted, will be spent through the agencies of the Provincial Governments and the Central Government will not look into the details. So the House will see that the Central Legislature has got very limited control over the finances that it votes, and the latitude given to the provinces is to the maximum limit to which it could be given. I venture to submit that, if such a provision would not have been made, it would have been very difficult to co-ordinate the road development policy. The inter-provincial roads would not have received the attention which is due to them. The main principle guiding the recommendations of the Committee is co-ordination of road development policy in India with the co-operation of the Provincial Governments. Sir, if by alluding to other countries I have left any impression in the minds of any Honourable Member that, in effect, the proposal is going to create a centralised Department of the Government which is going to boss over all the Ministers and the Provincial Legislatures, I say at once : ' remove it '. It is exactly the thing we fought against. We recommended road Conferences of Provincial Ministers, and we held that much weight should be attached to the decisions of those road conferences.

There is only one point, Sir, which I want to mention before I resume my seat. I am somewhat apprehensive of the fact that the ten per cent. which has been set apart for the reserve will not be sufficient for the purpose for which the reserve is being created. If Honourable Members will look at paragraph 75 of the Report, they will find what the Committee says on the point :

" Apportionment according to the petrol consumption means that the larger share will go to the provinces in which there are large towns. But the terms of reference to the Committee required consideration of the road system of India as a whole, and it is desirable therefore that there should be a reserve available for special grants where, for some reason, there is need for special aid. Such cases will include projects which are beyond the resources of the Local Government immediately concerned and are of sufficient all-India importance to justify a special grant, or, again, projects which concern more than one province or State, as for instance a bridge over a river on a provincial or State boundary."

But I have submitted to the decision of my colleagues on the Standing Committee because, in the first place, the whole thing is in the nature of an experiment and time alone will show how far our conclusions with regard to details are justified, and secondly because the matter is going to be revised only after two years. So I thought that not much harm would be done by letting things remain as they are for the present. I trust the Provincial Governments will do their best to make the experiment a success and help to complete the development of the road system in India as a whole. This Resolution, I submit, marks the beginning of a new era in the matter of road development—a subject which has received scant attention during many years in the past. Sir, I support the Resolution with the amendments of Mr. Jayakar.

(Mr. Gaya Prasad Singh rose in his place.)

Mr. President : Does the Honourable Member wish to speak ?

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Yes, Sir.

Mr. President : In that case, I would suggest that the Government should agree to take this matter up next Session, as proposed by Mr. Aney.

The Honourable Sir Bhupendra Nath Mitra : I am quite willing to do so, Sir.

Mr. President : The question is :

" That further consideration of this Resolution be postponed to the Delhi Session."

The motion was adopted.

#### RESOLUTION *RE* DRAFT CONVENTION AND RECOMMENDATION OF THE ELEVENTH INTERNATIONAL LABOUR CONFERENCE FOR FIXING MINIMUM WAGES.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to move that :

" This Assembly, having considered the Draft Convention and Recommendation regarding the machinery for fixing minimum wages in certain trades adopted at the Eleventh International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

Diwan Chaman Lall (West Punjab : Non-Muhammadan) : Sir, before the Honourable Member proceeds with his speech, may I make a similar suggestion to him that this matter may also be held over until the next Session, as it is much more controversial than the previous subject ?

The Honourable Sir Bhupendra Nath Mitra : Sir, it is my duty to place the Resolution before the House and therefore I will have to make a speech placing the Resolution before the House. Thereafter I shall leave it to the House, Sir, to decide whether action should be taken on this Resolution also on the lines which the House has decided in regard to my previous Resolution.

At the Eleventh Session of the International Labour Conference, a draft Convention and a Recommendation were adopted on the subject of the creation of minimum wage-fixing machinery for certain trades. The text of the Convention and of the Recommendation will be found in Bulletin No. 421 of the Indian Industries and Labour which was circulated among Members of this House last Delhi Session. Under Article 405 of the Treaty of Versailles the draft Conventions and Recommendations adopted at a Session of the International Labour Conference have to be brought before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, within a year of the closing of the Conference, or in exceptional circumstances within 18 months. The Eleventh Session of the Conference terminated on the 16th June, 1928. Normally, the Government of India would have placed the matter before the Legislature during the Winter Session of 1929, after having previously consulted Local Governments and public bodies. Shortly after the close of the Eleventh Session of the International Labour Conference, it was, however, decided to appoint a Royal Commission to investigate the conditions of labour in India. The Government of India considered it desirable to await the settlement of the scope of the inquiry of the Royal Commission before taking any action in connection with this

[Sir Bhupendra Nath Mitra.]

particular draft Convention and Recommendation of the International Labour Conference ; for, if the particular matter came within the scope of that inquiry, no advantage would be gained by consulting Local Governments, etc., in regard to the particular matter in advance of the general inquiry. The Government of India, accordingly, decided to take advantage of the period of 18 months provided for exceptional circumstances in the Treaty of Versailles before bringing the particular matter before this House. The scope of the inquiry of the Royal Commission has since been announced, and one of the items which they will specifically investigate is the advisability and possibility of a statutory establishment for the minimum wages. Obviously, therefore, the proper course for the Government of India to take in the particular matter is not to ratify the draft Convention or accept the Recommendation for the present, but to await the recommendations of the Royal Commission on Labour.

Now, Sir, those are the reasons which have led me to move this particular Resolution in the House, and so far as I am concerned, I fail to see why the matter should be one of controversy. If the Government of India were at this particular moment to ratify the Convention or to accept the Recommendation, it would be incumbent on them to undertake legislation to give effect to the Recommendation of the Convention forthwith. That the Government of India are not in a position to do, because of the appointment of a Royal Commission on Labour on which my friend Diwan Chaman Lall will sit, and also my friend Mr. K. Ahmed, and that Commission will examine whether it is possible to establish a statutory machinery in India to fix minimum wages. If that Commission, after making its investigations, makes certain recommendations, then will be the time for the Government of India to come to a conclusion whether those recommendations should be given effect to or not, and this House will have ample opportunity of expressing its views on the question. That, Sir, is the simple position and, that being so, I find it rather difficult to understand why the matter should be one of controversy at all. Sir, I move.

**Mr. President :** Resolution moved :

" This Assembly, having considered the Draft Convention and Recommendation regarding the machinery for fixing minimum wages in certain trades adopted at the Eleventh International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

I understand it is the unanimous wish of the House that further consideration of this Resolution should also be postponed till the next Session of this House.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : May I, Sir, ask a question from the Honourable Member, who has moved this Resolution, before you put it to the House? May I know if the Honourable Member is prepared to modify this Resolution to postpone the ratifying of the Draft Convention and the acceptance of the Recommendation till the report of the Labour Commission?

**The Honourable Sir Bhupendra Nath Mitra :** There is no such thing as postponement. Under the procedure of the International Labour Conference we either ratify the Convention within the prescribed period, or we do not ratify it. If we do not ratify it within the prescribed period, it does not mean that we are not going at any time thereafter to take action

on the lines of the particular Convention or Recommendation. It is really what I may call a technical point. We either ratify it within the period or we do not ratify it at all. If we were to ratify it within the period, then it would mean that we must undertake legislation immediately, but, as I have pointed out, it is not feasible to do so. As a matter of fact, even the postponement of the debate to the January Session would mean nothing from the practical point of view, because we should have failed to ratify the Convention within the prescribed time. But, as I have said, if it is the general opinion of the House that the matter is one of any controversy, although I do not agree with that view, and therefore should be left over for discussion in January, Government will have no objection. They have done their duty in the matter.

**Diwan Chaman Lall :** May I say one word, Sir?

**Mr. President :** Does the Honourable Member wish to move that the further consideration of the motion be postponed?

**Diwan Chaman Lall :** Yes, Sir. I move that the further consideration of the Resolution be postponed till the Delhi Session.

**Mr. President :** The question is :

" That further consideration of the Resolution be postponed till the Delhi Session."

The Assembly divided :

**The Honourable Sir Bhupendra Nath Mitra :** With your permission, Sir, I should like to make the position of the Government clear in this connection.....

**Mr. President :** Order, order. During the division time the Honourable Member cannot make a statement.

AYES—17.

Abdul Matin Chaudhury, Maulvi.  
Acharya, Mr. M. K.  
Aney, Mr. M. S.  
Chaman Lall, Diwan.  
Chunder, Mr. N. C.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Kartar Singh, Sardar.  
Mehta, Mr. Jamnadas M.

Moonje, Dr. B. S.  
Neogy, Mr. K. C.  
Shervani, Mr. T. A. K.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Siddheswar Prasad.

NOES—5.

Ahmed, Mr. K.  
Jogiah, Mr. V. V.  
Price, Mr. E. L.

Rahimtulla, Mr. Fazal Ibrahim.  
Yusuf Imam, Mr.

The motion was adopted.

## THE INDIAN TERRITORIAL FORCE (AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, I beg to move :

" That the Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose, as passed by the Council of State, be taken into consideration."

Sir, this is a very small and simple Bill and I hope that it will prove entirely non-controversial. A territorial force, as its name implies, is a force, the units of which are constituted for, and associated with, particular territories or local areas ; and the local areas for which units of the Indian

[Mr. G. R. F. Tottenham.]

Territorial Force are constituted must necessarily be local areas in British India. The subjects of Indian States are entitled to enrol themselves in the Indian Territorial Force, but they cannot enrol themselves in a unit which is constituted for an area in which they do not reside. That is to say, if they reside in their own States, they are technically ineligible for enrolment in the Indian Territorial Force. Some months ago it came to the notice of the Government that a certain number of men who were living in Indian States had been enrolled in certain units of the Indian Territorial Force under a misapprehension of the law. Two alternatives were then open to deal with the situation—either to discharge the men on the ground that they had been illegally enrolled, or so to amend the law as to regularise their enrolment. After due consideration Government decided that the second course would be preferable, but before coming to that decision, they placed the whole matter both before the Central Advisory Committee of the Indian Territorial Force and also before the Standing Committee of the Chamber of Princes. Both those bodies were unanimously in favour of the proposal, and the result is the Bill now before the House. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. G. R. F. Tottenham :** Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### THE INDIAN COTTON CESS (AMENDMENT) BILL.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Sir, I move :

“ That the Bill further to amend the Indian Cotton Cess Act, 1923, for certain purposes, as passed by the Council of State, be taken into consideration.”

This very brief Bill has been necessitated by the fact that, as a result of the recommendations of the Royal Commission on Agriculture in India, the duties of the Agricultural Adviser to the Government of India are being taken over by the Vice-Chairman of the Imperial Council of Agricultural Research. As the Agricultural Adviser is the ex-officio President of the Indian Central Cotton Committee, it is necessary that the Vice-Chairman of the Imperial Council of Agricultural Research should now become President of that Cotton Committee. Opportunity has also been taken to add the Agricultural Expert Adviser to the Council of Agricultural Research to the Indian Central Cotton Committee. I may say that these changes have been welcomed by the Central Cotton Committee which is the body that is solely concerned. Sir, I move.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Sir Frank Noyce :** Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### THE INDIAN REGISTRATION (AMENDMENT) BILL.

**The Honourable Sir James Crerar** (Home Member) : Sir, I move :

“ That the Bill further to amend the Indian Registration Act, 1908, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The short point of this Bill is that section 56 of the Registration Act provides that a Sub-Registrar shall forward to the District Registrar duplicate copies of certain indexes. It has been represented that this duplication involves a great deal of time and trouble and serves no useful purpose. All the Local Governments have agreed in that and it is proposed to amend the Act in the sense proposed by this Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir James Crerar :** Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### THE BURMA SALT (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I move :

“ That the Bill further to amend the Burma Salt Act, 1917, for certain purposes, as passed by the Council of State, be taken into consideration.”

This is a very simple measure the object of which is sufficiently explained in the Statement of Objects and Reasons, and I propose to take no more time in dealing with it.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir George Schuster :** Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### THE GUARDIANS AND WARDS (AMENDMENT) BILL.

**The Honourable Sir James Crerar** (Home Member) : Sir, I move :

“ That the Bill further to amend the Guardians and Wards Act, 1890, for a certain purpose, as passed by the Council of State, be taken into consideration.”

[Sir James Crerar.]

This is merely to provide a legal basis which does not at present exist for the proper auditing of accounts of estates under the Guardians and Wards Act. It has been accepted by all the Local Governments and I hope it will be accepted by this House.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir James Crerar** : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### THE INDIAN SUCCESSION (AMENDMENT) BILL.

**The Honourable Sir James Crerar** (Home Member) : Sir, I move :

"That the Bill further to amend the Indian Succession Act, 1925, for certain purposes, as passed by the Council of State, be taken into consideration."

I do not think I need add to what is stated in the Statement of Objects and Reasons. Briefly, the present Bill is intended to rectify certain drafting oversights in the Consolidating Act of 1925 and the amending Act of 1926, which had consequences which were not then intended. The object of this Bill is to rectify omissions which, I regret to say, escaped the notice of the Government and the Legislative Assembly at the time.

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Schedule was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir James Crerar** : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

#### DEMAND FOR SUPPLEMENTARY GRANT.

##### MISCELLANEOUS.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Miscellaneous'."

**Mr. President** : There are two amendments on paper, one by Dr. Moonje and the other by Mr. K. C. Roy. Dr. Moonje wants to raise a debate on the Banking Inquiry Committee, which has nothing to do with the Demand which the Honourable the Finance Member has made, and therefore his amendment is entirely out of order. I shall therefore call upon Mr. K. C. Roy to move his amendment.

#### *The Right Honourable Sastri's visit to East Africa and the Hilton Young Report.*

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : Sir, I beg to move :

"That the demand for a supplementary grant of a sum not exceeding Rs. 17,000 to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Miscellaneous', be reduced by Re. 1."

My object in moving this amendment, as I have given in the notice paper, is to call attention to the visit of the Right Honourable Srinivasa Sastri to East Africa and also to call attention to the recommendations of the Hilton Young Commission's Report. Sir, the House is aware that the Hilton Young Commission's Report has been before the country for several months and we understood from Sir Frank Noyce yesterday that no final decision has yet been arrived at. I therefore make no apology in bringing the matter to the notice of the House. The attitude of the Members of the House, as shown this morning, has fully convinced me of the deep and abiding interest which they take in the Indians overseas problem as well as in the welfare of the 70 thousand Indians, mainly Muhammadans, who reside in the East African territories. Sir, the importance of the subject has been fully appreciated by the Hilton Young Commission's Report. In page 17 onwards of that Report there are references to the importance of the Indian community to the British Protectorates, the British Dominions and the Crown Colonies in East Africa. In page 26 of the Report, reference is made to the Indian community from the earliest times. This is what the Report says :

"The connection of India with the east coast of Africa is of a very long standing. Several references in the Puranas show that the ancient Hindus had a fairly accurate idea of the locality and its peoples."

It then goes on to describe how the connection between East Africa and India arose from time immemorial. Therefore, Sir, in that part of His Majesty's Dominions our interest is not only ancient but abiding, and will be of a far-reaching character as we progress as free citizens in the British Commonwealth of Nations. I therefore make no apology to the House for bringing it to its notice. My complaint is that this document, which is of the utmost importance to the future progress of the Indian nation in and out of India, has been withheld from discussion by this House or by the Council of State. This valuable document has been discussed in the British House of Commons, not once but twice, the last occasion being on the Colonial Office estimates. It was discussed by the Kenya Legislative Assembly ; it was discussed in the House of Lords ; it was discussed by the Mandatory Commission at Geneva ; but it has been systematically withheld from the purview of this House. The House will remember that, in the inaugural address which Lord Irwin delivered to this House last cold weather, he sketched out the policy which was to be followed in treating this Report, that this Report was to be taken to the Emigration Committee ; and you know the position of that Committee. It was indeed taken to that Committee and the Committee discussed and deliberated over the matter and produced recommendations which were never placed before this House. Such, Sir, is the position so far as the Government of India are concerned. I feel that the Government of India have failed in their duty to take this House into their full confidence,



[Mr. K. C. Roy.]

and the House is fully entitled to an explanation from the Treasury Benches over this matter of the Hilton Young Report.

Sir, there has been a misrepresentation. The misrepresentation has been about the mission of the Right Honourable Srinivasa Sastri to East Africa. We were given to understand that Mr. Srinivasa Sastri was sent in a sort of an ambassadorial capacity, that he was a free agent of the Government of India to negotiate not only with Sir Samuel Wilson and the European community, but also with the Indian community. But, Sir, what do we find? What is the statement made before the Standing Finance Committee? We find that the Department of Education, Health and Lands comes to the Standing Finance Committee for a supplementary grant for Rs. 17,000. What for? Because they say that Mr. Srinivasa Sastri went at the invitation of His Majesty's Government. We should like to see that invitation. The second point mentioned was that he was a representative to help the Indian communities. Did the Indian communities want him there? I have the authority of the East African Delegation to inform the House that the Indian Community did not want him to be there. The third point—and this is the most humiliating—was that Mr. Sastri should be at the disposal of Sir Samuel Wilson if he wished to make any use of him in dealing with the Indian problem. I cannot conceive that a man of Mr. Sastri's standing, of his great services not only to India but to the British Empire, should have been sent on a fool's errand. We should like to know what Mr. Sastri has done in East Africa; we should like to see Mr. Sastri's report placed on the table of this House. I should not like to say a word against Mr. Sastri; he is one who has rendered unique service and has increased our self-respect and prestige throughout the world. (Hear, hear.) I should be the last person to say a word against him; but he was sent on a wrong mission, and I make myself bold to say so. I shall not be doing any injustice to Mr. Srinivasa Sastri if I mention that the Nairobi correspondent of the *London Times* described his mission as a dismal failure, and stated that the mission of Sir Samuel Wilson was a great success. If newspaper testimony is to be of any value, the matter is of the highest importance to this House. I shall leave Mr. Srinivasa Sastri at that.

I shall now take up the Hilton Young Report. Sir Hilton Young took slightly over a year to write that very momentous Report. It is a very valuable contribution to the development of Crown Colony Government and we are proud that one of the authors of that memorable document is sitting now on the Treasury Benches here. (Hear, hear.) It is a strange coincidence that he should be here to-day, and it is a strange coincidence also that I should be making this motion to-day as I did in 1926. Sir, what has the Government of India done? As I said, Sir Hilton Young took more than a year to write his Report; and the Government of India has taken over seven months but still has not been able to arrive at a final conclusion. On this, we are entitled to an explanation. But, Sir Frank Noyce placed the tentative conclusion of the Government of India before the House on the 19th instant. It is a very strange document, and I fail to appreciate how a man of such commendable experience as Sir Purshotamdas Thakurdas, who has had considerable experience of the East African problem, and who has given a good deal

of time to the subject, could have been a party, as a member of the Conference, to such recommendations. I will go over the recommendations one by one. This is how it begins—a most strange beginning for the Government of India:

“The Hilton Young Report has been examined, and we now submit our main points. This is an eminently fair document.”

This is a most unwarranted testimony. Such a testimony has not been borne even by the British House of Lords. Whom did the Government of India speak for? Did they speak for the Members of this House? I deny that it is an eminently fair document. (Hear, hear.) I have carefully scanned the Indian papers, and I have not been able to find any Indian paper praising the Hilton Young Report in the way that the Government of India have done. The utmost tribute that was paid to the Report was by the *Hindu* of Madras, which described it, like the curate's egg, only good in parts. May I ask my friend Sir Frank Noyce to tell me when he wrote that it was an eminently fair document, what he had in mind—the Majority Report or the Minority Report?

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : Does the Honourable Member think that Sir Frank Noyce could have written those words? He was not in his present office then.

**Mr. K. C. Roy** : I stand corrected; but he is the responsible officer to-day here.

**Sir Purshotamdas Thakurdas** : Say, the Secretary of the Department, and I shall have no quarrel.

**Mr. K. C. Roy** : Would you like, Sir, now to hear what the British Parliament thought of this Report? As I said, it was discussed by the House of Lords. Lord Buckmaster described the Report as full of valuable suggestions, and the Archbishop of Canterbury, who also spoke, said that it gave a new orientation to the whole of their Colonial policy. But, Sir, I shall quote textually the words of a very distinguished authority in the colonial world—Sir Francis Lugard, who is now Lord Lugard. He said :

“The chief merit of the Report was that it boldly faced the issue now when they stood on the threshold of new developments in Africa.”

These are the maximum encomiums which were passed on the Report in the House of Lords, and yet the Government of India had the cool courage to describe it as an eminently fair document! I suppose the Government will give an explanation which will satisfy the House on this Report.

The next point that I take is that the Government of India say that they accept the basic principles. May I know what the basic principles are that they have accepted? If the basic principles are the development of the native races or trusteeship, or what is known as the dual policy, or the principle of federation of East African States—then which are the basic principles that they have accepted? I am very sorry that the Government should have committed themselves so far as to say that they have accepted the basic principles of the Report. Even the British statesmen did not do it. I shall presently tell the House what the House of Lords thought of the basic principles. I shall begin with the Under

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Secretary (Lord Plymouth). This is what he says, that some of the Commissioners went beyond their terms of reference and that the British Government was not in a position to accept certain of the conclusions of the Hilton Young Committee on the basic principles. These are his words :

“ To the extent that those principles are merely an amplification of the principles set out in those White Papers (that is, the Devonshire papers) they are, of course, acceptable to His Majesty's Government, but I think I should say that there are certain points in regard to which it may be thought that the Commissioners—not all, but some of the Commissioners—have travelled beyond the principles laid down in those Papers.”

This is how His Majesty's Government accepted the basic principles ! And, Sir, the Government of India go out of their way to say that they accept the basic principles of the Report.

Now, I will come to what Lord Olivier said ; he is a very responsible member of the Labour Party which is now in power. Talking of the native trusteeship, Lord Olivier referred to forced labour and this is what he told Lord Lugard. “ He asked Lord Lugard, when he was at Geneva, to take care that the Committee of Experts set up under the International Labour Organisation went very carefully into the concrete question of whether onerous taxes were placed upon natives and had the effect of forcing them to labour.”

This is how Lord Olivier accepted the basic principles which the Government of India have accepted. So much for the first few lines of the Government of India's views. At all events, whatever may be the view of the Government of India or the Governor General in Council, I must say the Government of India have misrepresented the views of the people of India and of their representatives in this House.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : But you represent the Government of India. You are a nominated Member.

**Mr. K. C. Roy** : There are honest and honourable men among the nominated Members of this House.

Then, Sir, the most important part with which Sir Edward Hilton Young's Commission was charged was to consider the question of federation. Now, what does the Government of India do ? They say this :

“ But we are not opposed to the appointment of a Governor General to co-ordinate that policy ”—

because they had already accepted the basic principles,—

“ and the administration of the services like customs, transport, etc., on the understanding that it is recognised that such a step is not to preclude full fledged political federation ”, etc., etc.

This is the statement of the Governor General in Council here. But, Sir, it is conditional, and everybody knows that the condition which the Government of India propose to impose upon His Majesty's Government is absolutely illusory, and everybody knows the political status and the position of the Government of India *vis-a-vis* Downing Street.

Now, Sir, what is the view of the East African Delegation ? They clearly say that they have opposed this federation on principle, and state that it would be the thin end of the wedges, and would ultimately result

in political federation. Everybody, Sir, who knows the history of British expansion all over the world, also knows that the apprehensions expressed by the East African Delegation are perfectly well-founded and correct. Sir, I am proud to be a citizen of the British Empire, and I believe that, if the solution of race problem is to be found, it is to be found within the confines of the British Commonwealth. I believe in this theory ; I have held that view for many years, and I am very anxious that the clash of colour should be settled as quickly as possible by the Government of India and His Majesty's Government. But, Sir, what will be the net effect of this federation ? If our case is not settled, the moment you permit the federation, it will result in squeezing the people of India out of East Africa. I know, Sir, that systematic efforts have been made and are being made to-day for this purpose. To-day there are strict emigration examinations with a view to the ultimate object of undertaking legislation to prevent Indian immigrants to migrate into East Africa on the ground that they will unduly interfere with the economic development of the native races, which I think, is a clear myth. So much for the closer union, Sir, and if the Government of India have represented, or if the Government think that they have represented Indian public opinion, they are very much mistaken.

Then, Sir, the next point is the native policy. We who are the subjects of a great Government welcome the Devonshire policy, and there will be nothing done either by the Members of this House or by the Indian community outside the House which will in any way deter the growth and progress of the native races in East Africa. Sir, we stand by them in their struggle. We are prepared to support them in their struggle, because there are two laws in East Africa which make them almost slaves of the white races.

Then, Sir, comes the question of land settlement. This is a very old standing problem. I have known it since 1924. When we came back as Members of the Indian Colonies Committee of 1924, we made the proposal ourselves to the Government of India, that they must send an officer of ability to explore the possibilities of Indian colonization in East African territories. What did the Government of India do ? 1924 to 1929 is indeed a very long time, so far as the Colonial Governments go, and to-day what are we going to do ? We are still seriously thinking of doing something so that the Indian settlers may be free to share on equal terms with East Africans in any scheme of land settlement that may be arrived at, after setting apart the necessary land to meet the requirements of the native communities. This is an old problem which has been sadly neglected. If the Government of India had said that they were going to formulate an Indian colonization scheme, and that they were going to provide money to facilitate the emigration of Indian emigrants to East Africa, I could understand it, but this is only an expression of a pious hope which I am not prepared to accept.

Then, Sir, comes the question of the association of immigrant communities in the trusteeship for natives. Pious hopes were expressed by the Government of India that without any recognition of the local conditions in Kenya, Indians would be associated in the discharge of the duties of trusteeship.

[Mr. K. C. Roy.]

Then, Sir, comes the question of Indian representation in the Kenya Legislative Council. Here comes the knotty question of the problem. Everybody knows the history of the Common Roll.

**Mr. E. L. Price** (Bombay : European) : Please speak up.

**Mr. K. C. Roy** : If my friend Mr. Price does not know anything about Common Roll, I am really very sorry. Kenya supplies the key to the whole East African problem, and it was my friend Mr. Srinivasa Sastri who, many years ago, warned us that, "if Kenya is lost everything is lost." Now, what have the Government of India done in this matter? They say that they accept the majority recommendation on the question of a common roll. That means that a common roll is feasible or possible only with the consent of the white community. I fully appreciate the motive of the Government of India there. They are in a very difficult position, and without some degree of consent of the whites, the inauguration of a common roll is not at all possible.....

**The Honourable Mian Sir Fazl-i-Hussain** (Member for "Education, Health and Lands) : Hear, hear.

**Mr. K. C. Roy** : What hear, hear? You will hear a little more. Sir, the lessons of Ceylon cannot be forgotten. You cannot overlook the recommendation of the Donoughmore Commission which has once for all brushed aside the possibility of development of a communal roll in Crown Colonies, and I fear that the Government of India have not taken full notice of the problem, as dealt with by the Ceylon Reforms Commission. They ought to have stood up for the 70,000 Indians in the British territories in East Africa. They have not done so.....

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : How can they stand up against their master?

**Mr. K. C. Roy** : Then, Sir, the Government of India also welcome the appointment of a High Commissioner, as if Sir Samuel Wilson was not enough. What will the High Commissioner do after all? Well, I will leave the Government of India there.

All I can say is that the Government of India have faced the problem in a most half-hearted way. They have not discharged their responsibilities to the Indian people, from whose purse they receive their salaries. They have failed miserably in their attempt to deal with the Hilton Young Report. It is a time that further representations by the Government of India should cease, it is time that Sir Muhammad Habibullah and Mr. Bajpai should come back and that they should be replaced by a non-official Indian Committee, who could represent the grievances of the Indians much better, than by the representatives of the Government of India. I welcome the intervention of His Excellency Lord Irwin. I know he will do his best though the Government of India deputation will fail. Sir, I commend my motion to the consideration of the House.

**Sir Purshotamdas Thakurdas** : Sir, before I speak on the motion before the House, I wish to express, on my personal behalf and on behalf of the Imperial Citizenship Association, our very grateful thanks for your permitting the discussion of this subject and for making it possible for this House to express their opinion on this very momentous question. Sir, I

been requested by Mr. Pandya, the leader of the East African Indian deputation also to convey their grateful thanks to you in particular, and to this House generally, for the opportunity that is being afforded to the House to express its views on the floor of the House.

Sir, the deputation has been here for nearly 20 days. And one can easily understand their extreme disappointment that, in the course of the twenty days they have been here, the Honourable Member in charge has not been in a position to give them any definite assurance, or, indeed, any definite information at all. From the statement made by the Honourable Sir George Schuster it appears that the Government of India feel that they have certain handicaps which prevent them from taking into their confidence either the Assembly or even the Deputation which has come from East Africa to seek the assistance of the Government of India. I do not wish, Sir, to criticise the understanding of the Government of India regarding their responsibilities in the matter. It is for them to carry out those responsibilities and to face them *vis-a-vis* the public here. But I cannot help feeling that, but for your timely intervention today on Diwan Chaman Lal's motion, the Deputation would have left India under the impression that nobody in India, neither the Government nor the Assembly, cared for their cause. You, Sir, have prevented the formation of that impression, and I personally think that our grateful thanks are due to you for that. Further, I am convinced that, in serving our cause in this manner by your decision this morning, you have done a great service to the Government of India. If I may say so, with all deference to the Honourable Members on the Treasury Benches, I am afraid they do not realise what a grave responsibility the Government are undertaking by carrying on negotiations and expressing opinions, all on their own, without telling us, in spite of pressure from us, as to what they are putting forward before the Secretary of State for India, and through him, before the Colonial Office. Should things go wrong, the present personnel of the Government of India would never be excused either by the Indian public or by the Indians in Kenya, whose fate is intimately bound up with the decision of His Majesty's Government at this juncture. I therefore feel that the ventilation of our views today will be appreciated by Honourable Members on the Treasury Benches as being of help to them too. (At this stage Mr. K. Ahmed tried to interrupt the Honourable Member.) I do hope that Mr. Kabeer-ud-Din Ahmed will go and stay in Kenya before he tries to interrupt in this debate, which ought to be taken very seriously.

The Hilton Young Commission's Report was signed some time in 1928, and as far as I recollect, it was issued to the public here in India some time in January 1929. Immediately after the Report was available to the Indian public, there was considerable feeling, almost one of exasperation, against that part of the Report which is called the Minority Report,—I mean the Chairman's recommendations in that Report. I think it is extremely fortunate that, in that recommendation, which the Chairman made, he was alone, and whether we like the Report as a whole or not, this House and the Indians in Kenya cannot withhold their sincere appreciation of the stand taken by Mr. Oldham, Sir George Schuster and Sir Reginald Mant in the Majority recommendations. Whether these recommendations go far enough for our purposes or not is a different matter; but if these three were not there, and I particularly want to mention two, namely, Mr. Oldham

[Sir Purshotamdas Thakurdas.]

and Sir George Schuster, because Sir Reginald Mant was supposed to represent Indian interests on that Commission and he could not have gone against these two—Mr. Oldham and Sir George Schuster—the latter then had no connection with India—deserve particularly well of Indians both here and in Kenya for the stand they took up against the Chairman, Sir Edward Hilton Young. Mr. President, Sir Edward's recommendations, in one word, are reactionary, and I will leave his part of the Report with that one qualification.

The Standing Emigration Committee was asked to consider, or rather to advise the Department, regarding this Report in February 1929. That Committee appointed a Sub-Committee. We were lucky in getting the services of the Right Honourable Sastri at Delhi to help us in our deliberations. I will not take the House through the various stages through which the Emigration Committee passed before they made their final recommendations to the Government. It is not necessary to go into these in detail for the purpose of the motion today before the House. But what was felt, Sir, then was that we, that is, the non-official section on the Emigration Committee, should help the Department in what the Department considered to be the common opinion both of the non-official Members in the Assembly and of the Government of India themselves. Many were the demands from Members like Mr. K. C. Roy and Pandit Hirday Nath Kunzru that the question should be discussed in Delhi on the floor of the House in last February or March. The Department gave us assurances that they were,—as indeed till then they had been,—that they were looking at the whole question from the point of view of the non-official Indian, and we felt, and I take the fullest responsibility for it myself as a member of the Emigration Committee, that we should stand by the Department in what they were trying to do in the best interests both of the Indians in Kenya and of India herself. Certain decisions were arrived at. Those were treated as recommendations to the Governor General in Council. This was about the 20th March, and the non-official Members thereafter either got busy with some more important and more exciting things which happened in the Assembly, or they left Delhi—Members like me left Delhi very soon after that. And it was not until after what happened after the Right Honourable Sastri was deputed by the Government of India to meet Sir Samuel Wilson in Kenya and until we heard from Kenya regarding the failure of that mission of Mr. Sastri, that we really began to wonder as to what attitude the Government of India—the Governor General in Council—could have taken up regarding this question.

I have indicated in short this morning, in the course of the discussion which you very kindly permitted across the floor of the House, as to what happened here when we met in the Standing Emigration Committee this month. I will for the moment, Sir, leave the Government of India and the Standing Emigration Committee with only one remark, that I do hope that the telegram, which the Government of India sent out this week as the opinion of the Governor General in Council, gives a more correct and a more live idea to the Secretary of State regarding what the Emigration Committee and the leaders who were brought together there this time think, than the telegram of last March. None regrets more than I do what Mr. K. C. Roy referred to, that the telegram of last March does not reflect the opinion of the Emigration Committee as it expressed it then.

Now, regarding the fundamental questions involved in this problem, Sir Samuel Wilson was sent to Kenya last May, I presume, in accordance with the recommendation of the Majority Commission that a High Commissioner should be sent there for the purpose of making inquiries on the spot and of conferring with the various conflicting interests there as to how a common electoral roll would affect or benefit either side.....

**The Honourable Sir George Schuster :** Just an explanation, Sir. I would like to tell my Honourable friend that Sir Samuel Wilson was certainly not sent there as the High Commissioner recommended in the Report. It was quite a different role. The British Government have not yet accepted the recommendations of the Report sufficiently to admit the appointment of a High Commissioner.

**Sir Purshotamdas Thakurdas :** I am glad that the Honourable Member has corrected me. What I really meant was that Sir Samuel Wilson was sent, if not actually as High Commissioner, practically to make the inquiries indicated in the Majority Commission's Report. Any way that is what we were told from quarters the responsibility of which I cannot doubt.

Sir, Sir Samuel Wilson was sent on an important mission. So important was the mission that the Government of India thought it necessary to persuade the Right Honourable Srinivasa Sastri, who was not then in the best of health, to go out to East Africa in order to confer with Sir Samuel Wilson. The subject matter before the House today is the Rs. 17,000 expenditure involved in this visit of the Right Honourable Srinivasa Sastri. We have had it definitely from Kenya that within a few days of Sir Samuel Wilson's arrival there he had, to all intents and purposes, given the European settlers to understand that the common roll there was rejected, and that it was not an open question. We have had statements to this effect from representative Indians in Kenya which I must ask the House to accept as authentic. That section of the Europeans there, which is not called the settler—the man who has settled on the land, but the white section engaged in trade and commerce, I mean the commercial European there, had his sense of fairness and justice awakened up by the Majority Report. He was inclined to take a more detached and a more impartial view than the European settler. But soon after Sir Samuel Wilson got to Kenya, the commercial European completely swerved to the other side and joined the settler on the assurance which has done the worst harm to the Indian cause in Kenya, that the British Government is to reject the Majority Report. Naturally, in proportion to the assurance which the white population in Kenya got from this visit of Sir Samuel Wilson was the despondency and the desperation of the Indians increased. Pandit Hirday Nath Kunzru, who was particularly requested to go to Kenya and preside over the Indian National Congress in East Africa, was on the spot during those two or three momentous months. He was actually there when Sir Samuel Wilson was there and, I have it from Pandit Hirday Nath Kunzru that Sir Samuel Wilson gave every possible reason for the inference of the Indian population that the British Government had made up their minds against the common electoral roll. I am sure the Government of India must have got information about all this officially from the Right Honourable Srinivasa Sastri. Am I not entitled to ask the Government of India : "Why still wait and bicker after the sweet atmosphere in which the British Government may see reason, and why insist upon preventing a free discussion of this problem on the floor of this House here ?"

[Sir Purshotamdas Thakurdas.]

Official etiquette is very useful, and I always like to observe it up to a reasonable point. But when official etiquette is a mere sham and when Government keep back officially what we all know to be practically true, I, Sir, am very much inclined to discount the value of official etiquette, and I feel that the Government of India have done a disservice to themselves by preventing till now an open discussion on the floor of this House of this very vital question. Now, Sir, the Majority of the Commission recommended—and their recommendation was a most modest one—and put before the people of Kenya, a common roll as an ideal. They also said that, while they do not expect anything very substantial immediately, after inquiries were made and notes compared and conferences held, they felt that the way to a better understanding and ultimate co-operation between the people interested in Kenya would be very greatly paved. No one can take exception to this. I deliberately called it a modest recommendation. We feel, I personally feel, that what India should insist upon is a common roll now and without delay. We cannot reconcile ourselves to anything else, and the Government of India would be selling away the birthright of Indians in Kenya if they bargained for anything less. A beginning has to be made and as a beginning, I felt that the Majority Report at least gave a ray of hope. Sir Samuel Wilson, instead of making any inquiries, instead of even keeping quiet, is reported to have given the white settlers to understand: "Hold your souls in peace. You may rest assured that the British bayonets will protect your rights. Not only will we help you to preserve your rights, but even to encroach upon the just rights of the Indian settler." That is what it comes to. Now, Sir, this question of a common roll is known in that colony as the communal roll. It is a thoroughly misleading name, by which to call it. It is a racial and not a communal question by any means. It is a question of Europeans *versus* Asiatics, white *versus* black. (An Honourable Member: "Brown.") Yes, white *versus* brown. That is more accurate. Now, I venture to ask a question of those who would have waxed eloquent this morning, if a certain Bill had come up for discussion. They would have mentioned the question of expropriation of the rights of British merchants here and the confiscation of their rights by the Legislature in connection with that Bill. I venture to ask whether this effort at keeping back from the Indian in Kenya what he is entitled to by reason and as a matter of bare justice, and no favour, is not a question of rude and barefaced expropriation of the rights of Indians in that part. It cannot be challenged now that, if East Africa was made accessible and available for civilisation, it was owing to the pioneering done by the Indian. I can, Mr. President, quote passages after passages, not from an Indian politician or Indian business man, but from British administrators of the highest standing, admitting this unequivocally, and today, because the British settler has found that certain parts of Kenya are suitable to him, he now proposes, under some guise or other, to deny the Indians their birthright. If any European in India talks of any measure which may come up before the Legislature hereafter as a measure of confiscation, I shall say out to him: "What the white population is trying to do in Kenya is the worst form of confiscation of which any thinking person ought to feel ashamed." I have before now spoken with considerable feeling on this subject of stifling the Indians and overriding their just rights in Africa. I do not propose to labour the point further today, but I do wish, Sir, to say this, that, as

far as the rights of Indians as citizens are concerned, be it in Kenya, Uganda or any other part, as far as the Government of India and this House are concerned, there is no halfway house at all. We ought to stand up for what is our just right, and what is due to us. Whether we get it or not, whether the atmosphere in London is suitable or not, the fault, the loss, and if I may say so, the disgrace, will be theirs, not ours. But we cannot possibly make any compromise in this matter. We cannot but stand out for what is the just due of a self-respecting person in the civilised world.

Sir, the second question in this Report is the question of a federation. In fact, Sir, the full title of the Commission is a Commission on Closer Union of the Dependencies in Eastern and Central Africa. The question of a federation of Kenya, Uganda and Tanganyika is discussed there. I will, Sir, put in a few words the reasons why India cannot approve of any idea of federation. The future of East Africa cannot be separated from its past. The changes proposed in the Report must therefore be considered with due regard to the feeling which engendered amongst Indians past events in East Africa, particularly in Kenya. This feeling is one of alarm at the probable effect of political developments which contemplate closer union among the three territories of Kenya, Uganda and Tanganyika. The size and influence of the European settlers in Kenya lend colour to the apprehension that, in any scheme of closer union, their political influence will profoundly affect the policy of any central authority that may be established to co-ordinate administration and policy in matters of common interest to all the three territories. It is extremely doubtful whether any mechanical safeguards can prevent the play of psychological forces. The ideal of the majority of European settlers in Kenya is nothing less than the political domination of their class, and the Indian community have grave fears that such domination will be dangerous to their interests. The Government of India should object to any plan of political coalescence, immediate or future, which would reduce the three territories of Kenya, Uganda and Tanganyika to provinces of a unified State, exercising both executive and legislative powers. Sir, the past policy of Great Britain in connection with Indians in this part of the world does not inspire any confidence in us that we should consider the question of a federation, except in a spirit of the gravest suspicion, that it is one more effort at tightening the hold not of the Britisher, but of the whites over the brown—and in the whites are included not only the British white but the Italian, the French, the German and the American.

An Honourable Member: And the Armenian.

Sir Purshotamdas Thakurdas: I say that the Government of India should be very cautious regarding any question of support to this idea of a federation.

The next question, Sir, is the question of replacing Government officials in the Kenya Council by non-officials for the purpose of better representation of native interests. The tragedy, Sir, is that, whenever the British settler in that part wants a greater hold on the administration or wants to do more harm to the Indian, it is always under the excuse of better protection for the natives; what is now suggested is that, in order that the natives' interests be better represented in the Council, in addition to the one representative that they have in a Christian missionary to look after the native interests, they now propose that four Government officials



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members should be reduced and that these should be replaced by four non-officials. I believe, Sir, that the Majority Report did not intend to say "European non-officials". (*An Honourable Member* : "Yes.") I was told that the word "European" crept in by some error. All credit to the Majority members of the Commission if this information of mine is correct. But that does not enable me to look at the proposal with any approval. I have not the least doubt that this will be used, whatever may be the high motive of the three Majority members, for the purpose of increasing the voting power of the non-official Britisher in the Kenya Council. What the Kenya Indians want and what I think the Government of India should press for, is that, in order to represent native interests, natives should be nominated. (Hear, hear.) I hear it said that there are not natives who can be trusted to satisfactorily represent native interests. The Deputation from Kenya informed the Emigration Committee that there would be available not only four, but eight suitable natives if the Local Government want to give them the opportunity. It is, Sir, a repetition of the same old story : "No suitable Indian". Even in India we used to be told some years back that there were no suitable Indians to represent Indian interests, and Indian interests had to be represented by non-Indians. The very fact, Sir, that, on this Commission, India was represented, not by an Indian but by Sir Reginald Mant, is sufficient to show what the mentality of the India Office is in this matter, and therefore I am not surprised when I am told that suitable natives cannot be found in Kenya. The Kenya Deputation desire, and this House should say, and the Government of India should say, that to represent natives and their interests, non-natives should not be appointed but natives themselves. If however, in their wisdom and in their foresight, the Colonial Office find that they still cannot get suitable natives, then restrict this representation to Government officials as heretofore. India cannot agree to non-official Britishers for this purpose. It is no use saying "non-officials" under the pretence that an Indian may be so nominated. An Indian will never be nominated, as long as the mentality of the Britisher is what it is, and it will want a considerable change in the outlook of the local Government in Kenya before Indians are so nominated. Therefore the safest thing to do is, "If it does not suit you to nominate natives to safeguard native interests, maintain the *status quo* namely, the Government official". The Indian cannot trust the non-official Britisher because, after all, there is no guarantee, Sir, that on questions other than those which affect the native, they will not exercise their vote against the Indian and thus increase the *irresponsible* non-official European vote in the Kenya Council.

Sir, I have one small point to refer to ; that is the question of the employment of Indians in the higher services in Kenya. The proportion of Indians in Kenya, perhaps the House may remember, but on this I should like to refresh their memory. At the last census the immigrant population of Kenya was classified as under :

|             |    |    |       |    |               |
|-------------|----|----|-------|----|---------------|
| Europeans   | .. | .. | ..    | .. | 12,529        |
| Arabs       | .. | .. | ..    | .. | 10,557        |
| Indians     | .. | .. | ..    | .. | 26,759        |
| Other Races | .. | .. | ..    | .. | 3,824         |
|             |    |    | Total | .. | <u>53,669</u> |

Out of a total immigrant population of 53,669, 26,759 are Indians and 37,000 are Asiatics—Arabs and Indians. Still in the superior services in Kenya there is not a single Indian. They say they cannot find Indians, or is it not the case that they do not wish to find Indians ? Indeed, Sir, their policy is to keep out Indians. In that connection I should like to read to the House a very short extract from a newspaper called *The Uganda News* which I got by the last mail. The heading is : "Uganda Asiatic Staff : Replacement by Natives : A Government Circular." And, mind you, Sir, in Uganda

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the feelings between Indians and Europeans are not as strained as they are in Kenya. They might develop to that extent by infection, but, at the moment, in Uganda the feelings are better than in Kenya. Still, this is a copy of the latest Circular of the Government of Uganda.

"We understand from reliable sources that the Uganda Government has issued a circular to all departments laying down its future policy in regard to the engagement of Asiatics in the Civil Services. (Says the *Kenya Daily Mail*.) It states that in future all available vacancies which may occur in the present Asiatic staff will be filled by Natives."

Permanent appointments of Asiatics are to be stopped entirely. The circular recommends : "They should be engaged when absolutely necessary and on a temporary basis only".

Government can dispense with these services by giving seven days' notice in writing and without offering any specific reasons."

Mr. M. S. Aney (Berar Representative) : Not 24 hours' notice !

Sir Purshotamdas Thakurdas : Now, Sir, I do not object to this. I say that if they really substitute the son of the soil for the Indian, it would have my approval. But under this pretext what do they do ? The whole idea is to see that the Indian is cleared out of that land, and it is made as difficult as possible for him to stay there. It is therefore with the utmost approval that one can view the request of the Kenya Indian that Indians should have their fair share in the higher services of the Kenya Government. I know that, with the mentality which is now working, this is a bit of a distant cry, but no representation on the subject can be complete unless this is included now. The Government of India may very well endorse this request also of the Kenya Indians.

I have, Sir, finished as far as my comments on the Report are concerned. I will only repeat that, whilst I do not press for any more information regarding what the Government of India has said to the Secretary of State, I do hope that they have put their opinion in unmistakable and unequivocal language, and in a manner which will make us believe, whatever the decision of the British Cabinet may be, that at least our Government stood by us in what we thought was our birthright. Irrespective of the personnel, India will not excuse any Member of the Government of India who may put forward India's case in a lukewarm spirit, or shall I say, feebly. From the statement which we heard on the floor of this House, I have reason to believe that the Government of India have done as well as any Member on the Opposition Benches, would have done if he had an opportunity of expressing his opinion to the Secretary of State.

I will only say one word more, Sir, regarding the importance which Indians in Kenya attach to this matter. It was only yesterday afternoon that the Deputation from Kenya almost compelled Pandit Hriday Nath Kunzru to catch the last train from here in order to sail from Bombay on



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ext Saturday to represent the cause of Indians in Kenya before the Secretary of State for India and the Colonial Office. Pandit Hirday Nath Kunzru presided over the deliberations of the Indian National Congress in Kenya only a few months ago, and he was very unwilling to go because he has not been well. But a keen sense of duty and a keen sense of what he owed to the people who had trusted him by putting him in the Presidential Chair compelled him to leave India with less than ten hours' notice. (Hear, hear.) I do hope that the Government of India will do everything in their power to back Pandit Hirday Nath Kunzru, a person highly respected in his House and a man of very sober views.

The Deputation from Kenya have requested the Government of India to depute somebody on their behalf at this juncture in order that the Secretary of State for India and the Colonial Office may see that it is not only the Indians of Kenya and the non-officials in this House who are fighting for this, but it is also the Government of India. Only a few days back I had occasion to discuss this question at a social function with an Indian chief of very high standing, and I will tell you, without giving out his name, what he said. He said that, if only the Government of India would allow the Ruling Princes to identify themselves and take part in this movement, they would perhaps go further than we non-officials do go. He felt the humiliation so much and, no wonder, Sir, that the Indian Ruling Princes should feel it so much, because almost 40 per cent.—and I am putting it at a low figure—of the people of Kenya and Africa are persons from Indian States in India, most of them subjects of Kathiawar, Cutch and Indian States in the Punjab. None of these has thrived on any favour shown by the British Government. Every one who has prospered there has prospered because he has worked hard and has stood all sorts of vicissitudes and is perhaps slowly reaping the fruits of all the difficulties that his forefathers had to undergo.

Sir, I have very great pleasure in seconding the motion of my friend Mr. K. C. Roy. I wish that it be not pressed to a division because I expect from the Honourable Members on the Treasury Benches a reply which will satisfy us and will enable the Honourable Mover of the amendment to withdraw it.

**The Honourable Mian Sir Fazl-i-Hussain :** Sir, I have to acknowledge with gratitude the help that has been given to Government by the speech which the Honourable Sir Purshotamdas Thakurdas has made on this cut. He has very fully and forcibly put before the House the views which, with his permission I might say, he equally forcibly placed before the Emigration Committee and the leaders of the Assembly, who, at my request, had attended the meeting of the Emigration Committee. I also congratulate him, not only on the forcible and clear speech that he has made, but also, in more or less avoiding to join issues with certain observations which fell from the lips of the Honourable Mr. K. C. Roy, more or less reflecting on the capacity or the ability of the Emigration Committee and the leaders who have been so very kindly helping Government in arriving at decisions on points which are of extreme difficulty as well as delicacy.

I assure you, Sir, that I am not one of those who favour the hush-hush policy even in matters regarding the Indians overseas. As a matter of fact, this hush-hush policy does no good to anybody. It creates an impression that there is something mysterious, or something that Government is

ashamed of disclosing, or that there is something taking place which everybody suspects is going to injure him or is prejudicial to the interests of those most vitally concerned in these matters. Well, Sir, I wish the House to remember the attitude of the Government of India in matters regarding Indians overseas in 1920 and since then, not to go very far back, and I claim that it should be a guarantee of the fact that, unless the Government of India starts upon an absolutely reactionary policy in the year 1929, there is no reason for the Assembly to entertain the least bit of a suspicion or fear that the Government of India will give away the Indian cause in any way. In 1920 the views of the Government of India were published in a despatch and they were made public, and I do not think there is any one in the House who would like a better and a clearer and a more forcible statement of the Indian point of view, and the principles that the Indian Government and India stood for then. I am here, Sir, to state that that declaration has not since been either revoked or modified. In 1923, the Honourable Members will remember, an equally clear and forcible announcement of those rights was made. Let me not tire the House by going in detail, into the various pronouncements of the Government of India, wherein they adhere to those principles and those declarations which have had the approval of leading Indians of all schools of thought.

Then, Sir, may I proceed at once to the Hilton Young Report, because I do not wish to detain the House longer than I can help. In January, 1929, the Hilton Young Report came out. The Department lost no time in studying the Report carefully and in associating, not only Members of the Emigration Committee, but also leaders of various parties of this House, with itself. The Honourable Members requested them, begged them to help, with complete success, and the response was most generous from leaders of all parties of the House. They generously gave up their time to us, and we all know that in Delhi their time is by no means easy to spare. Where the leaders of parties were not able to study the question thoroughly and attend the meeting and advise, they were good enough to depute one of their party, who had studied the question thoroughly, in order to assist Government in the matter. If, Sir, in any Government a happy joint family picture can be painted, it was the picture of the Emigration Committee, leaders of parties of Assembly and the Government of India during the months of February and March, toiling together, working together, and co-operating, as nowhere in political life of any country can be improved upon or surpassed, and why? Because the Indian policy relating to Indians overseas concerns a problem, which cannot be permitted to figure in party politics. In India there are no parties on this question. The Government of India have no views other than the views which the leaders of Indian thought have. Therefore, I trust, and I have no doubt the speech made by Sir Purshotamdas Thakurdas is a good augury for the acceptance of the view, that this matter should be kept entirely outside party politics, and this House should not recognise that there are any parties on this question. A healthy convention like this started by the House, I assure the House, will bear very good fruit indeed for thereby we will be able to help the cause which is nearest to the heart of all of us.

It has been said that perhaps the telegram which Sir Frank Noyce had the pleasure of placing on the table of the Assembly recently does not truly reflect the opinion expressed by the Emigration Committee and the

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leaders who attended the meetings of the Emigration Committee. It is a bulky volume that I have in my possession which, if carefully perused, might enable one to show that, as a matter of fact, the various telegrams received by those Honourable gentlemen, who were helping the Department in securing information from East Africa on the questions under discussion, really amounted to no more than has been put into the telegram. One may be able to show that perhaps, with a difference of a word here or a difference of a phrase there, very substantially the telegram does represent the view expressed by the Honourable Member. But need I, here, Sir, detain the House in deciding whether the telegram does accurately describe those news or not, whether it is too mild or it has gone wrong, for it is a matter which, in a debate like this, it is extremely difficult to determine. What is the position today? And that is the point that Sir Purshotamdas Thakurdas very wisely stressed. Personally, I think the word "tentative" was wisely chosen and since I was not in charge of the Department at the time, I trust that Honourable Members will not consider that I am indulging in self-praise. When I say, "wisely," "chosen," I mean this. By using this word, the Department allowed itself the right to modify those opinions, if necessary after obtaining more facts and other views. It must be remembered that the time at the disposal of the Government of India up to the 19th March was barely a few weeks, and had it not been for the good offices of Sir Purshotamdas Thakurdas and the Right Honourable Sastri, the Government of India might not have been able even to obtain the material that it actually succeeded in obtaining. Therefore, I say, treat that telegram as fairly well representing the views which the Emigration Committee and the Leaders of this House were able to formulate on the material then available to them. Many months have passed and not only many months have passed, but the reception given to the Hilton Young Report—thereby I mean not Sir Hilton Young's Report, but the Report of the Majority which goes under his name—that Report received a very unfavourable reception at the hands of the non-Indian immigrant community in Kenya. Well, Sir, the Emigration Committee and the leaders of the Assembly acted most wisely in advising the Government to adopt the attitude that they are in support in general terms of the Majority Report of the Hilton Young Commission, because otherwise, when the non-Indian immigrant community of Kenya violently opposed the Majority Report, if the Government of India had also opposed that Report, there would have been no difficulty in throwing it into the waste paper basket. Consider for a moment, what is the position of Indians in Kenya today or was in the year 1927 when this Commission was appointed. Their position was so hopeless, as felt by them, that they did not go to serve on the Councils. They successfully boycotted the Councils. The Government of India naturally, from the nature of things, and I have no doubt that even the Honourable Members on the opposite Benches would agree, the Government of India could not possibly encourage that attitude. But at the same time it was felt that that position could not continue for any length of time, and therefore every effort should be made to bring about a settlement. Sir, we all stand for our principles; members of all sections of humanity, unfortunately, have a tendency from times immemorial, to come into clash with each other. Not that I am not prepared to stand by my principles if my opponent will stand by his, but unless both sides are prepared to give in a little here and a little there, to arrive at a solution of the problem is impossible.

**Sir Purshotamdas Thakurdas :** I hope the Honourable Member means in details and not principles.

**The Honourable Mian Sir Fazl-i-Hussain :** Yes, in details, no doubt. But those who have to decide these matters are not the Government of India, mind you, because presently I will show you what the position of the Government of India in this matter is; but those on whom devolves the responsibility of arriving at a decision cannot sometimes arrive at a decision.....

**Sir Purshotamdas Thakurdas :** Not the Government of India, of course?

**The Honourable Mian Sir Fazl-i-Hussain :** ..... cannot sometimes arrive at a decision with which either party is satisfied.

Now, Sir, for a moment permit me to say what I conceive to be the position of the Government of India in matters relating to Indians overseas. The position of the Government of India and of the Secretary of State for India is, according to my way of looking at it, one of advocates. They are there to advocate the cause of the Indians overseas. I would further,—if the Honourable Members would permit me,—associate them in this task of advocating the cause of their brethren overseas. Now what is it that we ought to do? It would be perhaps not in quite good taste for me to say that I have some experience in the art of advocacy. We hear a great deal from our clients, and no advocate can ever succeed in his profession if he does not hear everything that his clients have to say. No advocate can ever make a success of his profession if he does not listen to his clients, and then with the knowledge that he possesses proceed to place his client's case before the judge and the jury. Only the young advocate might proceed to brow-beat the jury or the judge and try to gain some success that way; but no advocate of any experience would try the same art on every jury or on every judge. Therefore if the Honourable Members at times feel that a sentence here or a phrase there is not quite to their liking, I would beg them to remember that perhaps the gentleman who drafted that particular paragraph or that particular letter, with the best of intentions really, wanted to produce a good effect in the interest of the cause he had at heart at the time, not because he intended thereby to give away any principle. The Honourable Sir Purshotamdas Thakurdas stated his points and as he said they are all good points. They are points with which I know the whole of thinking India is in agreement. Therefore it is up to us, knowing what the opinion of India is, knowing what the demands of the Deputation are, to do our best, remembering always that, in doing our best, we have the best interests of the people at heart and have nothing whatsoever to gain by,—I am using a phrase of which I am not at all fond,—in any way trying to sell the birthright of India. Have the Government of India to gain anything? Have they not, on the other hand, to gain everything not only in the matter of their own policy, but also in the matter of their reputation and the good opinion of the public, which no Government can afford to lose? I am, Sir, really most grateful to the Honourable Members who have taken part in the debate and also for the commendable self-restraint which they have shown during the course of this debate.

[Mian Sir Fazl-i-Hussain.]

One word now with reference to the sentiments expressed by Mr. K. C. Roy. I have many a time, from more than one platform, spoken even more strongly than Mr. Roy has done as to the rights of Indians and as to how this clash of colour exists in different parts of the Empire and in different parts of the world. At one time or other in our public lives, all Indians in public life have felt most strongly and most acutely on this subject. Some of us, coming in contact with the harsh realities of this life, begin to moderate our views, not because we feel that those views are wrong, but because of the inevitable clash of various forces over which none of us has any control ; and some of us feel that it is up to us to find a way of settlement and not a way to subjugate our opposite, especially as we Indians have very little with which to subjugate anybody. Therefore I wish that our efforts should be directed not so much to taking up an uncompromising attitude, but in exploring all possible avenues of bringing conflicting interests together with a view to solve them. That is our wish, Sir, and in this wish,—so far as I have been able to appreciate the excellent work that the Standing Emigration Committee has been doing,—we have the assistance of all races, including the white member. As a matter of fact, our European member is no less strong than any Indian in doing his best for the Indians overseas.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Division : Non-Muhammadan Rural) : Sir, it is a matter of real thankfulness that this House has been given an opportunity of expressing its opinion on this very important question. I agree with the Honourable speakers who have preceded me that we ought to approach this question calmly and discuss it dispassionately. I do not wish that any one should utter one word which will prejudice a settlement which we all desire. I do not wish to lay any blame on any party in this connection, and I am willing to acknowledge that everybody who has been concerned in this matter has been looking into the problem sympathetically. But I feel that it is still the duty of this Legislature and of the Government of India that they should express the opinions which are entertained in this country by representative Indians, most unequivocally to the Government in England. Sir, if the Indians had not gone to Kenya, if the Indians had not been there in enormous numbers, this matter would not have engaged our attention ; and if the Government of India were not in a position to intervene in this matter, if the matter were to be settled only by the British Government and the Indians in Kenya, the matter would still have stood in a different position. But the Government of India are intervening, they are required to intervene and they have intervened in this matter. They are expected to represent the views of Indians and to protect the interests of Indians. Therefore while we recognise that their position is a delicate and difficult one, I am sure every Member of the Government of India will agree that they owe it as a supreme duty to Indians that they should stand up unflinchingly for the rights of Indians in Kenya. We wish the Government of India to represent the opinions and wishes of Indians in this respect. We do not wish the Government of India to adopt an attitude which will make a solution of the problem difficult. But we certainly expect the Government of India, and I beg them, to adopt a thoroughly firm attitude in this matter.

Now, what does that attitude demand ? We are aware that the position of Indians in Kenya has been most unsatisfactory. I do not wish to dilate upon that, but now what is the change suggested. There is the Report of the Majority of the Hilton Young Commission and there is the Report of the Minority. We Indians are not satisfied even with the Report of the Majority ; but we recognise that there is in it an element of liberality and a large outlook in dealing with several questions which affect the natives of Kenya. I gratefully recognise it. I recognise that the desire that the interests of the natives of that country should be protected, and that they should be helped to receive education and to rise in every way to be qualified to govern their own country, has been embodied in that Report to the credit of those who took part in framing it. At the same time we feel that though even the Majority have done their best, the best that commended itself to them, we Indians have reasons not to be satisfied with all their recommendations. But on the top of that, when we find that even the recommendations of the Majority of that Commission have been practically cast to the winds in most important matters, our suspicions begin to strengthen. One vital point in the consideration of the whole problem was the election of non-official members to the Kenya Legislative Council by means of a common roll. Another was the question of the federation of the three territories which are at present administered independently of each other into one empire. On the question of the elections to the Kenya Legislative Council the main issue is the question of a common roll. The principle underlying it is clear and simple. The man who is going to have a voice and vote in deciding my fate for good or for evil, must be a man in whose election I have had a voice. If I have no voice in the election of a man who is going to be a legislator over me, I cannot recognise him as one. Therefore the establishment of a common roll was the most vital issue in the discussion of the question of non-official representation in this Legislature in Kenya ; and the Majority of the Hilton Young Commission have earned the gratitude of Indians and of the natives of Kenya by having recommended that there should be a common roll. That is a point on which however sweetly, however reasonably one may put forward his views and arguments, there can be no compromise in principle ; the question of a common roll is of the most vital importance in that connection ; and I acknowledge with gratitude that the Government of India from 1920 onwards, as the Honourable Member in charge has just now reminded the House, have stood out for a common roll. That was their attitude in 1920 and that was their attitude in 1923 ; and that I understand has been their attitude throughout, except perhaps in March last, to which I will come later. We Indians here felt that by adopting that attitude the Government of India was standing by Indians in Kenya, and we were very grateful to them for it. When some of us were invited in March last to discuss this question, we repeated our opinion that a common roll must be insisted on. I am not in a position to disclose, nor have I any desire to disclose the actual wording of the communications of the Government of India to the Secretary of State in 1920 and 1923. But I believe nobody who is in the know will disagree with me when I say that the Government of India in perfectly unequivocal terms stood out for a common roll in those years. Now, Sir, it is not the Government of India alone and we Indians who were anxious that such a common roll should be established. The Majority of the Committee consisted of Englishmen, of Britishers ; and they came independently to that conclusion ; and I venture to say that every Englishman, every Britisher who will approach the problem from a detached and

[Pandit Madan Mohan Malaviya.]

dispassionate point of view, with a desire to do justice to the Indians and the natives of Kenya, would come to the same conclusion. In support of this view I may mention that when the matter was under discussion in the House of Commons in May last, Mr. Johnston speaking on behalf of the Labour Party said :

“ The Secretary of State said that Sir Samuel Wilson went on a perfectly open mission of inquiry ; and Mr. Johnston pointed out that in Kenya there was one European man, woman or child for every two hundred natives. The Labour Party wanted an assurance that there would be no presentation to the House of Commons later on as an accomplished fact of arrangements whereby they were committed to that which was called responsible government but which meant in effect the government of the two hundred by one. The test for the franchise, if it was to be an educational one, should apply to the immigrant settler, Indian and the African native alike, (a common roll). The Labour Party held itself absolutely free to push forward a civilisation franchise on an equality basis, that is to say, that no bar of colour or of caste should be set up in the East African colonies.”

That, Sir, was how an Englishman spoke on this question when the debate came on in the House of Commons ; and I submit that there will be many Englishmen who will echo the same sentiments. Therefore, when we ask the Government of India to adopt an unbending attitude, however courteously, however politely it might be expressed, but when we request the Government of India to adopt an unbending attitude in the matter of this principle of a common roll, I hope we shall not be regarded as unreasonable.

**Mr. K. C. Roy :** With consent or without consent ?

**Pandit Madan Mohan Malaviya :** My friend Mr. Roy asks whether it is to be with consent or without consent. I submit a common roll, if it is to be established, can be established only by legislation in Parliament. Towards that legislation the support of every community in Kenya it is the duty of those concerned to try to enlist. I do not suggest that they should disregard the views of the Europeans there. I do suggest that every possible effort should yet be made to get them to take a larger view, a just view, and to persuade them to agree to a common roll, such as we recommend. I do not despair that success is yet possible in this direction. When the majority of the members of the Commission, which was a British Commission, have reported in favour of a common roll, when other Englishmen have spoken in favour of a common roll, I do not despair that the European settler in Kenya may yet be persuaded to regard a common roll as an essential part of the programme of reform in Kenya. But I submit that, while such an effort to persuade the European settler to take the right view should be made, if it is found that the European settler cannot be persuaded to agree to a common roll, there is only one other alternative which should be placed before him. If he does not agree to a common roll, let the present system of administration continue until the European in Kenya recognises the utility and importance of agreeing to the Indian and the native of Kenya having a share in the franchise which he wants to exercise. I submit that to yield this principle, to weaken the position of the Government of India in the matter of this principle of a common roll would be deplorable on the part of the Indian Government ; and if the Government of India have shown any weakness in representing the views which were expressed to them by us on this question in March last, the Government of India should pull themselves up, recognise that they owe a duty to this House and to the country to correct their position and to press

the demand for a common roll in the strongest and most unequivocal manner. From the very cautious and careful manner in which the Honourable Sir Fazl-i-Hussain proceeded to describe that there may be a sentence here or a sentence there in the despatch of March last in which the Government of India may not have exactly represented the views which were expressed to them by leaders of parties on the Standing Emigration Committee, I suspect there has been something wrong.

**The Honourable Mian Sir Fazl-i-Hussain :** I was not there : but there was nothing wrong in it.

**Pandit Madan Mohan Malaviya :** I shall be glad to know that my suspicion is not well-founded, but I suspect that there has been something wrong, and until the telegram is made available.....

**The Honourable Mian Sir Fazl-i-Hussain :** But the telegram has been published.

**Pandit Madan Mohan Malaviya :** I say that until the cablegram which has been recently sent to the Secretary of State is made available to us, that suspicion will not be entirely removed. The telegram published shows that there has been a weakening in the position taken up by the Government of India. If I am wrong I shall most gladly apologise to the Government of India for entertaining this suspicion. But if I am not, I wish the Government of India even now to adopt an attitude consistent with their previous attitude of past years, and let the British Government know that this Assembly, as representing the people of India, and as being concerned most deeply in the interests of Indians in Kenya, is firmly of opinion that a common roll is a *sine qua non* in any legislative reform in Kenya. I hope, Sir, that the Government of India will take up such a position. This is the first thing which this Assembly desires the Government of India to do. I do not think, Sir, that if there is a little delay in getting the European settlers in Kenya to accept this view, that the matter should be given up as hopeless. I do not think so. I think, in all such matters, compromises take time, settlements require discussion, and I think no Member of this House would want the Government of India to proceed in a hurry so that the compromise might be prejudiced. But the compromise can only be, as my friend Sir Purshotamdas Thakurdas pointed out, in matters of detail. It cannot be in a matter of principle, and this question of a common roll is one of principle which I hope the Government of India will firmly stand up for.

Now, Sir, the second point to which I would invite attention is the question of native interests, because that affects the question of the interests of Indians in Kenya. As almost every speaker has said, I think, Sir, I can in this matter represent the views of all Indians when I say that not one of us desires that we should get any advantage over the natives of Kenya. I think we all desire that the natives of Kenya should have their rights recognised to the fullest extent. (Hear, hear.) We know the pain and the humiliation of living under a foreign Government as a subject people. None of us desires that any mortal man should be placed in that position. We certainly do not want the natives of Kenya to be placed in that position, or that we Indians should enjoy any advantage over them. Therefore, Sir, when it is recommended that to represent the interests of the natives of Africa in the Legislative Council, four officials who occupy seats in it, should be replaced by missionaries or other European settlers in Kenya, we feel that it is a wrong move. Even the suggestion that the additional

[Pandit Madan Mohan Malaviya.]

seats which are to be thrown open to non-officials should be divided half and half between Europeans and Indians is one which I do not approve. I do not know of any class of people living as the natives of the country are living in Kenya, so far as I have gathered from friends who have come here, who, on a matter of their interest, being properly stated to them, even though they are illiterate, even though they do not know how to write, would be incapable of forming and expressing an opinion as to whether a certain proposal is beneficial to them or not. I therefore think that their representation should be through themselves. In this country the Government are anxious that those of my Indian brethren who are called the depressed classes should be represented in the future constitution of the country. We on our side shall be delighted to have representatives of the depressed classes sitting along with us on these Benches, but while we desire that, we know that many of them have not received that high degree of education which we have. And yet we do not want to shut them out for that reason; nor do we wish that the natives of Kenya should be shut out from the Legislature of their country simply because they have not received the benefits of education. Sir, God has been most generous and merciful in dealing with mankind. Literacy is a gift which may be given by man, which may be promoted by our fellowmen, but common sense and reason are the great gifts which God in His mercy has given to humble men as well as to high men, and I believe, Sir, that the Natives of Kenya do possess common sense and can reason, and therefore they ought to be asked to represent themselves.

I say, Sir, this will be to the interest of the Indians also. If the number of non-official European settlers in the Council is increased, we have no assurance that they will be men of large sympathies and broad views. I do not mean to condemn all non-official European settlers or business men because we have in this very House, some fine examples of large-hearted business men working along with us, particularly on this question of East Africa, as the Honourable Member reminded the House, expressing the largest measure of sympathy with Indians and the natives of Kenya. But, Sir, it is always safe to go by the right route, and therefore, I suggest that if the number of official Europeans is to be reduced and the representation of the natives of Kenya is to be increased, it should be through the medium primarily of the Natives, and only if it is found absolutely necessary, through the medium of Indians and that too for a short time.

Now, Sir, I will finish in a minute. Only a few words do I wish to say about the federation question. Indians in Kenya do not like this idea, and I submit that this matter also should be represented by the Government of India, as I believe they have already represented it, firmly in the interests of Indians in that country. A federation is a very tempting picture. When I read the Hilton Young Commission's Report, I admired the ability, the outlook, the imagination and statesmanship which was disclosed in the recommendations for a federation which would create another Empire like the British Empire in India. I admired it. The British Empire in India has grown by fits and starts, it has grown from small beginnings, but here was a picture painted on a large canvas and by a large hand which told you how each brick was to be laid and how the various edifices were to grow, and how power and prosperity were to be developed. I admired it, but, Sir, that picture does not appeal to those who may have to live under the changed constitution in the same manner

in which it appealed to the majority of the Committee. I wish, Sir, that we should remember that even a humble man wants to live in his own cottage as a free man and not to live as a slave in a palace. Therefore, these territories should be allowed to continue to be independent units, and the question of a federation should not be decided upon until the Africans and the Indians in those territories agree to such a federation.

I will not detain the House any more, Sir. I hope that the matter will be considered in all its various aspects which have been pointed out in the very able and comprehensive speech of my Honourable friend Sir Purshotamdas Thakurdas, and that the Government of India will do their duty in this important matter by the Indians in Kenya.

**Sir Darcy Lindsay** (Bengal : European) : Sir, at this late hour I do not propose to go into the merits or demerits of the Hilton Young Report. This is a matter of grave interest to India, and I would like that a great deal more time should be given to the House to discuss a question of such importance. ....

**Mr. President** : There is plenty of time.

**Sir Darcy Lindsay** : I hope, Sir, that we will have an opportunity to discuss this question at the Winter Session, and that we shall also have before us Sir Samuel Wilson's Report. I therefore do not propose to go into some of the questions which my friend Sir Purshotamdas Thakurdas has put before the House today. I would at this stage like to congratulate my Honourable friend Pandit Madan Mohan Malaviya on the very able speech which he has made. Some of the views he has expressed I am in accord with and I congratulate him.

There is one matter which I should like to refer to in connection with what fell from my Honourable friend Sir Purshotamdas Thakurdas. He appeared to think that the telegram of March last did not entirely convey the views as expressed by the Emigration Committee and those who helped the Emigration Committee in arriving at certain decisions. I was a member of that Committee and the Sub-Committee. I have very carefully perused the telegram that was sent by the Government of India as the outcome of our recommendations, and honestly it does appear to me that the telegram conveyed what the Sub-Committee wished the Government of India to put before the Secretary of State. The Honourable Member in charge has said that it may not be word for word, but we were not there to word the telegram. It was only to give the views that we held, and because the Government of India did not press these home with a sledge hammer I do not think there is any reason for the thought that they did not carry out our views. I would also refer to the present telegram. Sir Purshotamdas Thakurdas mentioned that the Delegation who have been here for a number of days have been hanging on tenterhooks as it were as to what the Government of India were going to do, and that the uncertainty has placed them in an awkward position. When a deputation comes before the Government as it came before our Committee, we cannot right off give them yes or no, but I can assure the House that, what the Deputation has put before the Committee was received with the utmost sympathy and a very large measure of support. I personally assured the members of the Deputation that they were going to receive the most sympathetic treatment. I have not seen the telegram that has been despatched and I should prefer not to see it. If the telegram were published, it would give, I won't say our enemies, but those on the other side, a handle to work upon. We have



[Sir Darcy Lindsay.]

had the assurance of the Honourable Sir George Schuster that the telegram that has been sent conveys the views of the Emigration Committee, and I would suggest to the House that we leave it at that. Sir, I, as you know, have very great sympathy with the Indian community in East Africa and anything that I can do to assist them will be gladly done. (Applause.)

**\*Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : I merely rise on behalf of my Party to say a few words in regard to this momentous question. I congratulate the Honourable Members who have spoken on this question for the views which they have expressed and the manner in which they have expressed them. On behalf of the Party I thank you also for having been good enough to give the country an opportunity to place its views and the views of the Assembly before the British Government and the Government of India.

The question raised by my Honourable friend Mr. K. C. Roy is indeed a very important one, and if there is any heat imported into this question, it is not because any one of us feels that we must walk warily in a matter of this nature, but because this matter has been pending for a very long time and the wrongs from which the Indians in East Africa suffer are of a most grievous nature. If a hard word is said here on the floor of this House, Honourable Members will remember that it is because there are wrongs that have not been righted and that it is time that those wrongs were righted of our fellow countrymen in East Africa.

The Honourable Mian Sir Fazl-i-Hussain said that any arrangement that is arrived at must be arrived at by consent. I have seen very little of consent during the last few years in the treatment of Indians in East Africa. I want to know whether it was by consent that the Wood-Winterton agreement was arrived at. I want to know what happened after the Wood-Winterton agreement. Was that given effect to? Far from being given effect to, was a mild, meek and reasonable attitude adopted by the white settlers in Kenya? There was a threat of revolution on their part and the arrangement arrived at was not given effect to. That was not evidence of consent on their part. Then we come to the Hilton Young Report. It has recommended that there should be a common roll, but it has also recommended that there should be a common roll by consent, and I shall deal with that matter in a minute. What is the effect of that Report? Immediately Sir Samuel Wilson went there, I am told by people who were there and with whom he came into contact, that he said that the door was closed as far as the question of a common roll was concerned. That was the opinion of the Colonial Office, and he was apparently voicing the opinion of the Colonial Office when he visited East Africa. Does that mean consent? Is there any evidence of consent with regard to this matter on the part of the white settlers, or even of the Colonial Office? Then we get to the visit of the Right Honourable Srinivasa Sastri. I entirely agree with my Honourable friend Mr. K. C. Roy in paying a high tribute to the work that has been so far done by the Right Honourable Sastri. But here was a man, a great diplomat, a man very highly respected by our countrymen, sent out to East Africa, and what was he faced with? Almost before he went to East Africa, the Colonial Office had informed, I believe, the Government of India that the door regarding a common roll was closed, barred and bolted. What was the good of the Right Honourable Sastri

\*Speech not revised by the Honourable Member.

going there under the conditions? He could achieve nothing because all the good work that he might have achieved in regard to bringing about a settlement in East Africa was nullified by the attitude of the Colonial Office. Does that show consent on the part of the Colonial Office or on the part of the white settlers in East Africa? No. The question is not a question of consent; the question is a question of the Government of India demanding, as a matter of right, that the rights and privileges of the Indians must be recognised, at all costs must be recognised. As Pandit Madan Mohan Malaviya, in his very eloquent speech, stated quite rightly, there are alternatives open to the British Government in regard to this matter. They can turn round and say to the white settlers, "If you do not grant the demands of the Indians for a common roll, then we shall not take a single step towards the advancement of your territories constitutionally". They can take that step, and it is up to the Government of India, and I hope,—I will not say I have not the slightest doubt,—but I hope that the Government of India will take this step reminding the Colonial Office that this demand has got to be conceded which is a matter of principle, of vital principle to the Indian community in East Africa, and that, unless the white settlers in Kenya concede this demand of a common roll, they must not proceed with any constitutional changes that have been contemplated in the Report.

Now, what is the demand of the Indians? A most reasonable demand that any body of men could have put forward. They said, "We give up our demand for an adult franchise and we accept the demand for a civilisation franchise" whatever that might mean. They said, "We are even prepared to accept the proportion of allotment of seats. We are prepared to accept the present proportion"; and they said, "We are prepared to agree to any other reasonable demands that you place before us, but we will not budge an inch from the bedrock of the whole question, namely, a common roll". Are those demands unreasonable I ask? The real substance of the matter is this, that the white settlers do not wish to concede a common roll because they feel that their superiority, their present position of privilege, will be menaced if they have to go round visiting various centres and asking the Indians to support them for election to the Legislative Council. That is the real basis of it. The Indians also realise that, if the common roll is conceded, that will open up the road for them to travel towards complete freedom in that territory. Now, Sir, the next thing that the Indians demand there is the calling of a round table conference. I hope the Government of India

will take note of the Indian demand. I hope they will press upon the Colonial Office that, before they come to any decision, they will call a round table conference of representative Indians in East Africa. In fact, I consider that the Labour Government, according to their own statement, are really pledged to do the right thing by the Indians in East Africa. As Pandit Madan Mohan Malaviya read out the statement made by Mr. Johnston, I want to read it out again. Mr. Johnston said that he was the official Labour spokesman, and he spoke in the absence of Mr. Ramsay Macdonald just a few days before the Labour Government came into power. He said :

"Labour would not be bound directly or indirectly by any arrangement which may shortly be made. We hold ourselves free in every direction to push forward a civilisation franchise on a basis of equality. No colour bar or caste should be created."

Now, apparently Mr. Johnston is visualising a common roll; otherwise he would not have referred to equality and the removal of all colour



[Sir George Schuster.]

great many loose phrases used on this question, such as "the paramountcy of native interests" and the "dual policy". We felt that those phrases had been used often to shelve or shirk difficulties, and that those difficulties must be faced. Therefore we endeavoured to lay down, not only principles of native policy, but practical rules by which they might be applied; and I am sure, from what I have heard in this debate, that Honourable Members will be at one with us in the principles which we sought to set up and defend. I think I may say that the Report was inspired by an ideal, looking forward to the day when the British Empire would be a commonwealth of free nations, where there could be no question of a small minority dominating the natives of the country. We felt that everything must be done with that end in view. I want to bring this point out, because, of course taking that point of view, the Indian problem in these countries, although an important problem, is not the main problem. I would ask Honourable Members to take that into account if they should feel, on reading certain sections of the Report, that we have not pressed and dealt with this issue sufficiently thoroughly, or shown sufficient interest in the question; and I would ask Honourable Members to realise that—that it is the native problem which is the big problem and the Indian problem is in a sense only an additional complication in what is already a very complicated question. The complication in the question is this, that you have, in these territories—or perhaps I should say you have it fully developed in Kenya and to a smaller extent in Tanganyika—you have in these territories the great difficulty created by what we have in our Report described as a "mixed state". You have a small community of 20th century civilisation settled down in the midst of a vast population whom you must put back at the middle ages as regards their civilisation. That, Sir, creates a terribly difficult problem. The small community, with its ideas of representative government, demands representative government, demands the introduction of those political institutions with which it is familiar. How can you meet that demand, which it is very difficult to refuse, without doing injustice to the vast numbers of the native population? That really, Sir, is the problem; and the other side of the question is this, that of course the small immigrant community demands the sort of institutions with which it is familiar, whereas it by no means follows that those institutions will be exactly suitable for the big native population. The Honourable Pandit said, "No responsible government unless you introduce the principle of a common roll". We, as a matter of fact, went much further than that; we said, "no responsible government until the natives themselves can share in that responsibility". I think that that is a principle which we must stand up for, and speaking for myself, I particularly welcome this debate, because I feel that, if you in India give your thought to these problems, you may create a public opinion throughout the Empire which will greatly help towards their solution on the right lines.

I feel, Sir, that this debate has been of great value, and that the statement of policy that has been put forward by this Assembly is going to strengthen the hands of the Government of India in advocating the cause of Indians. I should like just to pick up one thought arising out of the word "advocating", which has already been referred to in the debate. We, on these Benches must definitely accept it as our task to fill the

role. We are in a very definite sense in the position of advocates, advocating one side of the case. It so happens that I myself have also been in the position of a judge in this case; and I am sure Honourable Members will realise how difficult that position was because, although I had no connection with India, I knew that I was coming to India and I had to be very careful that my judgment should not be biased by the knowledge that I might have to sit here and listen to criticisms of our Report in this Assembly. Perhaps indeed one was a little more cautious,—perhaps even deflected in the other direction—than one otherwise might have been by the desire to avoid being influenced by this consideration. As advocates, we can accept the position which has been put forward by my Honourable friend, Diwan Chaman Lal: "You must press for a common roll without qualifications; you must stand out for the principle". But, if Honourable Members put themselves for a moment in the position of the Judge, they would, I think, admit that there are difficulties, seen from this point of view. My Honourable friend Sir Abdul Qaiyum made a reference to difficulties which exist out here. Now, Sir, I would never wish to refer to those difficulties in any argumentative way or with a desire to show that Members on the opposite Benches were in the wrong. But I do think that we should turn our eyes to this country and consider the communal question here just for the purpose of appreciating the difficulties. My Honourable friend Sir Purshotamdas Thakurdas said that, in Kenya, it is really not a communal question but it is a racial one. I admit the distinction, but surely it makes the problem almost worse; it does not make it easier, it makes it harder. Now if we think of the communal conditions here and consider the situation which would be created if an outside authority were to come here and say "You have got to get on to a common roll. Whether the minority community agrees to it or not, you have got to have it", I think Honourable Members will realise that that is hardly a practical way for dealing with the situation. And it is a practical way for dealing with the situation which we want, for I have always tried to look at it from the point of view of how can we find the path which is most likely to lead us to the goal that we desire. And I still feel that, as My Honourable friend Pandit Madan Mohan Malaviya said, we must try to advance, to begin with, by agreement. That at least must be our first endeavour. I do not say that we must weaken our case at all, but we do not want to say anything which would make it impossible to advance along that path of agreement.

And perhaps that might bring me back to the subject of the motion which we are discussing. The motion, after all, merely it seeks to provide Rs. 17,000 for the expenses of Mr. Sastri's visit. Now, in the effort to reach an agreement, I do not think the Government of India could possibly have taken a step which held more promise of hope than to send out a man like Mr. Sastri to East Africa. It has been said in this debate that he went on a fool's errand. It has been asked, "what were the conditions on which he went?" As to this I cannot say for I was not concerned myself with settling those conditions. But I was concerned with very many most interesting talks with Mr. Sastri on the question before he went, and this I can say, that whatever may have been the conditions on which he went, the mere presence of a man like Mr. Sastri in East Africa was likely, and we were justified in so thinking, to improve the situation. I do not think I personally have ever had a greater disappointment than the result of Mr. Sastri's mission. I do not

[Sir George Schuster.]

know that it would be right to say that it was a failure, but at any rate, it was not the success that was hoped for. I must admit that Honourable Members opposite are quite justified in taking the line that, having regard to the complete refusal to consider the reasonable proposals made by our Commission, and having regard to the failure of Mr. Sastri's mission, there is not much hope of a reasonable attitude on the other side. As I say, the Honourable Members have justification for drawing that conclusion. But I would say, let us not give up hope. We may get a different inspiration from London now ; let us still make an effort to reach agreement, for that, after all, is the only way along which we can actually see the path open before us for an advance.

**Mr. K. C. Roy :** May I say a word, Sir, on a point of explanation ?

**Mr. President :** The Honourable Member has no right of reply.

**Mr. K. C. Roy :** I know, Sir, I have no right of reply. The only thing I want to mention is that both Mian Sir Fazl-i-Hussain and Sir George Schuster have put a new construction on the present constitutional position of the Government of India. They say they are only in the position of advocates, but I have always looked upon India as a high contracting party in a transaction of the sort that is going on over Kenya. This is a very important position. The House must take note of the fact that both Sir Fazl-i-Hussain and Sir George Schuster are mere advocates for Indians and are not representatives of a great Indian Empire, which is a high contracting party, in affairs relating to Crown Colony Government. Sir Denys Bray told this House the other day that the Government of India had been asked about the new Egyptian Treaty, and was a signatory to the Kellog Pact ; but a new doctrine has today been enunciated by two responsible Members of the Government of India.....

**Mr. President :** Order, order.

**Mr. K. C. Roy :** Sir, I ask your permission to withdraw my motion.

**The Honourable Mian Sir Fazl-i-Hussain :** Sir, I never meant to say anything to give up any way the position that India has or may aspire to. I at once withdraw any such remark that may be liable to such interpretation.

**Mr. President :** Order, order : The question is :

“ That leave be given to Mr. K. C. Roy to withdraw his motion.”

The motion was adopted.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President :** Order, order : The question is :

“ That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March 1930 in respect of ‘ Miscellaneous ’.”

The motion was adopted.

The Assembly then adjourned *sine die*.

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L21CPB(LA)

[Diwan Chaman Lall.]

bars, and it is now up to the Government of India to tie Mr. Johnston, and through him Mr. Ramsay Macdonald, to the statement made on the 5th May in the House of Commons by Mr. Johnston on behalf of his leader, and to press this point upon the Labour Government, that this is not only according to their principles, but according to their declared policy on the floor of the House of Commons.

Now, Sir, I have only one word to say about the question of consent. No Indian in East Africa, as far as I can make out, is ever likely to agree to the proposition that the common roll should not be put into force except by the agreement of the white settlers in Kenya. There is no possibility, as far as I can make out at the present moment, of the white settlers agreeing to the common roll, unless and until it is brought home to them that the British Government are anxious to stand up and do justice to the Indians in East Africa, and I hope that this point will be adequately pressed by the Government of India upon the British Government and the Colonial Office, namely, that there can be no peace in East Africa and no settlement of this problem, unless and until the common roll is conceded by the white settlers in Kenya.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province : Nominated Non-Official) : Sir, I am glad you have given me this opportunity of speaking on this subject. I shall try to be brief and to the point. I simply want to associate myself with the sentiments and ideas expressed by the Members of this House and say that we are in full sympathy with the Indians in East Africa. We want them to be treated on terms of equality with all other settlers in that country. Sir, my experience of the Emigration Committee, of which I have been a member for the past few years, has assured me of the fact that the Government of India is always ready to support our views and advocate our cause as vehemently as is possible for them under the official etiquette, with the Government at home. As a matter of fact, on many occasions, I have found them more enthusiastic in advocating that cause than some of the members of the Emigration Committee, who, for want of knowledge of local conditions, are unable to advocate the cause fully and satisfactorily. In this particular case, during the past few meetings, which we had of the Emigration Committee, every side of the question was fully discussed by the members of the Emigration Committee as well as by the leaders of the various parties, and especially the Leader of the Opposition and his learned Secretary, who were present there, and I thought that the Government of India's views, as explained by the member in charge, were in all essentials in entire accord with our views on this subject. There was of course this question of common roll, and about that some doubts and suspicions were expressed by some Members of the Emigration Committee, but I thought that, even that point had been fully explained by the Government of India to the Colonial Office. I understand, Sir, that it is not for want of support from the Government of India that the question of a common roll has not been finally settled, but that perhaps the Government in England find the same difficulty about this common roll as the Government of India find in India, in the matter of joint and separate electorates. Some such difficulties are perhaps in the way of the common roll, and it is just possible that the matter may be settled by compromise though our own experience of

matters like this is that it is very difficult to settle these things by compromise. There can be no question of enforcing these things by law even if the constitutional advance of the country is retarded, as there are always fears in the minds of minorities about the safety of their rights and the white settler in East Africa may be feeling the same nervousness or fear. But I still trust that there will be the possibility of coming to some sort of settlement about this, and that even this question will be settled satisfactorily. I entirely and fully join with my Honourable colleagues in this House in advocating the cause of Indians in East Africa.

**The Honourable Sir George Schuster** : Sir, as I am technically responsible for the motion on which this debate has arisen, I feel that perhaps it is appropriate that I should say a few words in reply—and when I say my words will be very few I am sure all Honourable Members will wish the same. I have many times looked forward to the possibility of this Report being debated in this House ; and I could have wished, speaking for myself, that it could have been debated at a time when we had a fuller House, and not as the last item at the end of the Session, when we have been sitting very late for several days running. I think, Sir, from the course of the discussion today, that it is extremely likely that we shall be debating this question again, and therefore I do not propose to deal at all exhaustively with the questions that have been raised.

There have been two kinds of questions raised, first, the attitude of the Government of India, and secondly, the principles recommended in the Report. I should only consider myself at present qualified, or in a position, to deal with the latter question, the principles of the Report. But to do that in any way fully, would take me much longer than would be proper just now, and I would only like to say two things. First, I would ask Honourable Members who are interested in this matter to go very carefully through the Commission's Report, to read it and to study it for themselves in case we are going to debate this question again. I have indeed been greatly flattered by the obvious evidence that both my Honourable friend, Sir Purshotamdas Thakurdas and my Honourable friend, Pandit Madan Mohan Malaviya have read the Report very carefully, and I should like to express my particular thanks to the learned Pandit for what he said about the principles which it embodied.

The second thing that I want to say is this, that the main problem of course with which that Report deals is the native problem ; and I think I may claim that, by taking that line in the Report, by treating our tasks as one which concerned mainly the native problem, merely by doing that, we took a very decisive step. For we had been asked to report on this question of closer union, and that with particular reference to the joint management of railways—economic interests of that kind. We said that all those questions were important, but that they were of entirely minor significance compared to the question of native policy, and we said that the main thing that we had to consider was to provide for some proper co-ordination of native policy in those territories which lie side by side in Africa. We said it would be fatal if Kenya went one way, Uganda went another and Tanganyika another. We said there must be common principles of native policy, and having said this we did make an effort to face the problem. There have been a

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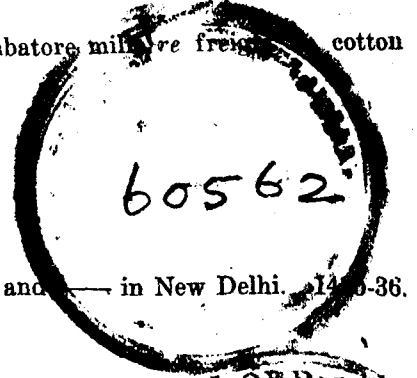
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