

27th February, 1922

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

SECOND SESSION

OF THE
LEGISLATIVE ASSEMBLY, 1922



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LEGISLATIVE ASSEMBLY.

Monday, 27th February, 1922.

The Assembly met in the Assembly Chamber at Eleven of the Clock.
Mr. President was in the Chair.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir William Vincent (Home Member) : I lay on the table a revised statement giving the information promised in reply to a question by Mr. K. Ahmed, on the 31st September, 1921, regarding the average salary of officers of the Indian Civil Service in 1911 and 1921, to be substituted for the statement laid on the table by me on the 11th January, 1922.

The statement laid on the table on the 11th January, 1922, did not include the exchange compensation allowance drawn by the officers of the years of service in question who were on duty on the 1st July, 1911; the present statement has been corrected on this account. The average rates of salary on the 1st July, 1921, include overseas pay, judicial pay and duty allowance when drawn; they also include personal pay sanctioned for certain officers to protect them from loss of emoluments on the introduction of the new scale. They do not include exchange compensation allowance still drawn by a few officers who were eligible to receive exchange compensation allowance when the new scale was introduced and who have been permitted to continue to draw exchange compensation allowance under the existing orders in order to obviate an actual reduction in their emoluments; the number of these officers is not known to the Government of India and they will gradually cease to draw exchange compensation allowance as their emoluments increase under the new scale.

Revised statement showing the average salary of officers (on duty) of the Indian Civil Service of 5, 10, 15, 20 and 25 years' service on the 1st July, 1911, and 1st July, 1921.

Years of service.	(a) Average salary on 1st July, 1911.	(b) Average salary on 1st July, 1921.	REMARKS.
25	3,141	3,116	
20	2,558	2,500	
15	1,857	2,043	
10	1,312	1,515	
5	828	935	

(a) Including exchange compensation allowance.

(b) Including overseas pay and judicial pay.

(2559)

The Honourable Sir William Vincent : On the 24th January last, in reply to a question by Mr. K. C. Neogy, I promised to lay on the table a statement of the suggestions which the Government of India recently made to Local Governments with the object of securing some measure of uniformity in the sentences passed on persons convicted under the Seditious Meetings Act and Part II of the Criminal Law Amendment Act. At the same time I was careful to state that I could not give a guarantee that our instructions would be published in full. I now lay on the table a statement which gives the general purport of these instructions.

Statement of suggestions made to Local Governments by the Government of India with a view to securing greater uniformity in the treatment of persons convicted under the Seditious Meetings Act, and the Criminal Law Amendment Act, Part II, in different provinces.

1. The sentences awarded for similar offences in different provinces and even in different courts in the same province vary very greatly. The Government of India recognise that in some localities the severe sentences, passed on a few leaders and others who were arrested immediately after the Act of 1908 was brought into force, have had the effect of checking the activities of the volunteers altogether, at any rate for the time being. On the other hand, in some places many of the persons convicted have been released under the orders of the Local Government before they have served the full term to which they had been sentenced. The Government of India would be glad if Local Governments would consider whether it is not possible to have the sentences already passed carefully examined in order to secure some uniformity, and also to ensure that where the penalties awarded are unduly severe they are reduced. Leaders who are responsible for the present condition of affairs, and are in fact promoters of the campaign against the Government, of course deserve more severe punishment than their immature and ignorant followers. It is, of course, within the competence of the Local Government to reduce or commute any sentence where such a course is desirable.

2. The question of awarding sentences of rigorous imprisonment to many of these offenders also requires consideration. Although they recognise the danger that a universal rule of simple imprisonment for all persons convicted under the Act of 1908 and under the Seditious Meetings Act might tend to increase the number of those who court arrest, the Government of India believe that, in many cases, sentences of simple imprisonment or even fine would meet the requirements of justice; but, where sentences of rigorous imprisonment are required, the Government of India think that many of the offenders of this character might not unreasonably receive different treatment from that accorded to ordinary criminals in the matter of labour, food, clothing and other privileges. They believe that in many provinces this practice is followed.

3. As to persons under trial, it would probably meet all requirements if the Public Prosecutor was to make it clear that, in the case of minor offenders, Government were anxious to vindicate the authority of the law rather than to see the offenders punished with excessive severity, and, where the accused are mere lads who have clearly been carried away by youthful enthusiasm, a fine, or even a warning where a promise of amendment is forthcoming, might be more suitable than a sentence of imprisonment. But where a fine is inflicted every effort should be made to realize it.

QUESTIONS AND ANSWERS.

EXEMPTION OF MEMBERS OF LEGISLATURE FROM OPERATION OF INDIAN ARMS ACT, 1878.

220. *Rai Bahadar Bakshi Sohan Lal : Will Government be pleased to state what action, if any, has been or is intended to be taken on the Resolution of the Honourable Lala Sukhbir Sinha adopted in the Council of State

held on 26th March, 1921, 'that all members of the Assembly and the Council of State be exempted from the operation of the prohibitions and restrictions contained in the Indian Arms Act, 1878.'

The Honourable Sir William Vincent : In accordance with the undertaking given by me in the course of the debate on the Resolution, Local Governments were consulted on the subject. They are practically unanimous in their condemnation of the proposal to extend the list of exemptions in the manner proposed.

I may add that, on the 8th February, Government accepted a Resolution moved in this Assembly for the appointment of a Committee to examine and report on the Indian Arms Rules, 1920. The recommendation embodied in the Resolution passed by the Council of State will be referred to that Committee.

INCREASE IN NUMBER OF COACHING VEHICLES.

221. * **Mr. N. M. Joshi :** With reference to the answer to question No. 234, printed at pages 2061—62 of the official report of the Legislative Assembly Debates, Volume II, No. 25, will Government kindly state whether any, and if so, what, steps are being taken to increase the number of coaching vehicles so as to restore the ratio of vehicles to passengers to that obtaining in 1895 or 1905?†

Colonel W. D. Waghorn : In 1905 the number of passengers carried was 237,542,000 and the number of coaches was 20,438. Thus each vehicle carried on an average 11,622 passengers per annum. In 1920-21, 30,165 coaches carried 445,04,000 passengers or an average of 14,762 passengers per coach. It is estimated that in order to reduce the average number of passengers per coach to that obtaining in 1905, 8,150 additional coaches will be required. The provisional programmes submitted by the Agents provide for more than 4,500 coaches in the next five years, but as prices are falling, it is probable that considerably more will be procured.

This matter is under further examination and will be taken up with the Agents.

EXEMPTION OF RAILWAY COMPANIES FROM PREPARATION OF STATISTICS.

222. * **Mr. N. M. Joshi :** With reference to the note 'Railways not shown do not prepare these statistics' occurring at the top of the Appendix 13 to the Administration Report on the Railways in India for 1919-20, will Government kindly say on what principle Railway Companies are exempted from the preparation of such statistics?†

Colonel W. D. Waghorn : The general principle underlying the exemption accorded to certain metre and narrow gauge railways from the preparation of the statistical returns referred to by the Honourable Member is that their value is not commensurate with the labour and expense involved.

The Analysis of working is, however, submitted in respect of certain narrow gauge railways, as the main railway administrations working them compile it for their own use.

†Question put on behalf of Mr. Joshi by Rai G. C. Nag Bahadur.

Dr. H. S. Gour: Sir, the Honourable Sir Godfrey Fell has asked me to give him a little time to prepare a reply to this question No. 223.† With your permission, I will ask this question next time.

THE EAST INDIAN RAILWAY STRIKE.

224. * **Beohar Raghubir Sinha:** (a) Will the Government be pleased to inform this House of the causes underlying the recent East Indian Railway strike?

(b) In what areas or localities the strike is confined?

(c) What measures are being adopted for the amicable settlement with the strikers and for relieving the inconvenience of the passengers?

(d) In what stations troops, if any, have been deputed?

(e) What are the duties entrusted to them?

(f) Will the Government issue any instructions in order to avoid any excesses or abuse of power?

Colonel W. D. Waghorn: (a) The pretext for the strike was an alleged assault on an Indian fireman, but there is every reason to believe that the real cause of the strike was purely political. The strikers did not even put forward any demand of an economic nature until the strike had been in progress for several days.

(b) The strike extends practically all over the East Indian Railway system but Indian staff only are affected.

(c) Every attempt has been made to bring the strikers to a reasonable frame of mind. Two independent inquiries have been held into the truth of the alleged assault on the fireman, and it has been established that the story of the assault was a gross misrepresentation. The finding has been published

† 223. (1) Is it a fact that the Military Works authorities have organized a service for temporary non-regular and Civilian officers, and the same has been sanctioned by the Secretary of State for India?

(2) Is it a fact that the number of such officers is to be about 249?

(3) That their minimum monthly emoluments are fixed at Rs. 150 and maximum at Rs. 1,250 with an annual increment of Rs. 50 with a month's bonus and two months' leave on full pay for each year's approved service?

(4) That their contract of service is nominally for 3 years, subject to six months' notice on either side extensible indefinitely thereafter?

(5) That the Director of Military Works is authorized to fix the initial pay of the incumbents?

(6) And that the several officers have been recommended for employment on the initial pay of Rs. 1,200 and none has started with the minimum pay fixed?

(7) Is it a fact that all officers so employed are Europeans and not a single Indian has yet been employed though the service was expressly non-denominational?

(8) Will the Government be pleased to state how many Indians applied for this service and why their applications were rejected?

(9) What are the qualifications of those engaged and those rejected?

(10) Is it a fact that some Indians who have already been in the service, and their services dispensed with through no fault of their own, have not been re-employed to any of these vacancies, but have been offered re-employment on a lower scale of salary and on more unfavourable terms?

widely among the strikers but without result. It is feared that grave inconvenience to the public is inevitable, but the responsibility lies with those who have fomented this strike for reasons entirely unconnected with the welfare of the strikers.

(d) and (e). Troops are stationed at most of the important stations along the line. Their duty is to guard the stations, to prevent sabotage and to see that loyal workers are not intimidated.

(f) The Government see no reason to apprehend any excesses or abuse of power and do not propose to issue any special instructions.

Mr. K. Ahmed : Is it not a fact that the railway people are not satisfied with the magisterial inquiry and that they demand an inquiry by one Indian lawyer, three railway officers and three of the railway employees?

Colonel W. D. Waghorn : I have not received any intimation of that demand.

Mr. K. Ahmed : Was there not any communiqué published recently in the papers with the authority of the Government of India or with that of the Magistrate?

Colonel W. D. Waghorn : It is quite possible, but I am not aware of the communiqué to which the Honourable Member refers.

Mr. K. Ahmed : Is it not a fact, Sir, that the Anglo-Indian officers working in the railways always are not friendly with the Indian workers? Is not that also one of the causes of the present strike?

Colonel W. D. Waghorn : Sir, I must object to the insinuation that is made by the Honourable Member in regard to the treatment of Indians by other officers of the railway.

Mr. K. Ahmed : Is not that one of the causes of the strike, Sir?

Colonel W. D. Waghorn : May I ask the Honourable Member to repeat his question?

Mr. K. Ahmed : Is not that ill-feeling on the part of Anglo-Indian officers one of the causes of the strike?

Colonel W. D. Waghorn : The cause of the strike was an alleged assault which has been disproved after two reports have been made, one by the police and another by the Magistrate.

THE GORAKHPUR TRAGEDY.

225. ***Beohar Raghubir Sinha :** (a) Will the Government be pleased to issue an authorized statement as to the Gorakhpur tragedy?

(b) What measures the Government have adopted or are going to adopt for the relief of the sufferers and the safety of the law-abiding citizens?

The Honourable Sir William Vincent : (a) The Honourable Member is referred to the communiqué issued by the Local Government which appeared in the press on 7th February last.

(b) The relief of the families of those who were killed will undoubtedly receive full consideration from the Local Government which is primarily concerned. Information regarding the measures taken for the protection of law-abiding citizens has been given in the communiqué mentioned above.

Mr. K. Ahmed : Is it not a fact that the volunteers had been debating with the Sub-Inspector of Chauri Chaura saying, 'How is it and why is it that you treated the volunteers badly on the previous day, that is the *hat* day? Will you explain the reason?'

The Honourable Sir William Vincent : I am afraid I have not that complete information about the action of the volunteers which the Honourable Member has; the only information I have is that derived from communications which I received from the Local Government. I believe that the whole question will subsequently come under judicial investigation, as I understand that certain persons have been arrested.

Mr. K. Ahmed : But the Sub-Inspector did apologize for his conduct of the previous day. Was he asked by the authorities to explain his conduct?

The Honourable Sir William Vincent : Was that the Sub-Inspector who was subsequently killed?

Mr. K. Ahmed : No, Sir, that was not the Sub-Inspector who was subsequently killed. On account of his past conduct on the previous day, this matter was developed. Was he censured or was he dismissed?

The Honourable Sir William Vincent : I have no information on the point.

AMALGAMATION OF EXCISE AND SALT ESTABLISHMENTS IN BIHAR AND ORISSA.

226. * **Babu Baidyanath Prasad Sinha :** (1) Will the Government be pleased to state why the proposal made by the Government of India in 1913 and the sanction accorded by the Secretary of State for India in 1914 for the amalgamation of the Excise and Salt establishment in Bihar and Orissa has not yet been acted upon?

(2) Has the attention of Government been drawn to the reply given by Mr. Sifton, on behalf of the Government of Bihar and Orissa, to a question put in the meeting of the Legislative Council of that province held on 22nd November, 1921, on this subject?

(3) Has the Government of India been recently addressed on this subject by the Government of Bihar and Orissa; and if so, will the Government be pleased to lay on the table a copy of the letter and reply given to the said Government?

(4) Will Government be pleased to state if they are prepared to give effect to the aforesaid changes from the 1st April next, which is likely to give some financial relief to the Provincial Government concerned?

(5) If the answer to the above be in the negative, will Government be pleased to state the reasons?

Mr. A. C. Chatterjee : (1) The transfer of the preventive work in Bihar of the Northern India Salt Revenue Department to the provincial Excise Department was postponed on account of the war. Bihar is the home of an

important saltpetre industry and as it was essential to develop the output for munitions purposes, it was considered inadvisable to effect a transfer of control during the war.

(2) Government are aware of the reply given by Mr. Sifton on behalf of the Government of Bihar and Orissa in the meeting of the Legislative Council of that province held on the 23rd (not 22nd) November, 1921.

(3) Not officially, but a demi-official inquiry has now been received whether the question may now be taken up again.

(4) and (5). The question will be examined, but it will be impossible to effect the transfer until the consequent financial arrangements between the Central and the Provincial Governments are settled; and there is no hope of a decision by 1st April next.

UNSTARRED QUESTIONS AND ANSWERS.

POST OF DEPUTY INSPECTOR OF SCHOOLS IN THE PROVINCES.

271. **Mr. Syed Nabi Hadi:** Will the Government be pleased to state in which of the provinces of India the post of Deputy Inspector of Schools in the Education Department is provincial one and in which not?

Mr. H. Sharp: Deputy Inspectors of Schools in Bombay are in the Provincial Educational Service, in Bengal, Burma, Central Provinces and Assam they are in the Subordinate Educational Service. There are no educational officers designated 'Deputy Inspectors of Schools' in any other Province. In the Punjab, Bihar and Orissa and the North-West Frontier Province there are District Inspectors of Schools in the Provincial Educational Services.

PRESSURE OF WORK IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, CENTRAL REVENUES, DELHI.

272. **Mr. B. H. Jatkar:** (1) (a) Is it a fact that the office of the Deputy Accountant General, Central Revenues, Delhi, has been running under chronic arrears for the last two years and the clerks have been forced to work beyond office hours?

Is it a fact that several had to proceed on leave on medical grounds and at one time during 1920 and 1921 about one-third of the establishment was on medical leave, and during the short life of about 9 years of the office of about 55 clerks five fell victims to phthisis out of which two died; three fell into swoon in office and several others to some other chronic diseases?

(b) Will the Government be pleased to lay on the table a statement showing the number of men who proceeded on leave on the plea of ill health and the total period of such leave granted during the years 1920 and 1921 along with number of men and period of leave granted on grounds other than medical?

(2) (a) Is this also a fact that holidays under Negotiable Instrument Act even are being stopped (not because of the fault of the Establishment but because of the deficiency of the strength) irrespective of religious importance;

(b) privilege and casual leave are generally granted only when one falls down and even pay for leave more than three days was deducted in certain cases by appointing substitutes who were not put on absentees work and the cost even could be met against other vacancies ?

(3) Will Government be pleased to issue instructions not to extend office hours beyond the limit fixed for the Account and Audit offices and that leave should be given sparingly as notified in Finance Department Resolution No. 1367-C. S. R., dated 29th July, 1920, and consider to compensate the incumbents who have suffered hardships ?

The Honourable Sir Malcolm Hailey : The information required has been called for and will be supplied to the Honourable Member as soon as received.

AMENDMENT OF STANDING ORDER.

Mr. President : The Assembly will remember that when the report of the Select Committee on the Standing Orders was taken into consideration on Monday, the 13th February, the Assembly passed an amendment moved by Sir Vithaldas Thackersey. It was an amendment of Standing Order 61, sub-clause (1), to which it was proposed to add as sub-clause (c) the following :

‘With the permission of the President may authorise another Member who has balloted for the same Resolution and whose name stands lower in the list of business the same day to move the Resolution in which case the latter Member may move it.’

It has been found that that amendment is not in a convenient form, and it has been proposed to me that it should be redrafted in the following form and added as a proviso :

‘Provided that the Member may, with the permission of the President, authorise any other Member, in whose name the same Resolution stands lower in the list of business, to move it on his behalf and the Member so authorised may move accordingly.’

I have simply to acquaint the Assembly that the amendment will be made in the Standing Order in that form. No change of substance has been made in the original amendment as carried by the Assembly.

THE INDIAN INCOME-TAX BILL.

Secretary of the Assembly : With your permission, Sir, I lay on the table the Bill to consolidate and amend the law relating to Income-tax and Super-tax, as passed in the Legislative Assembly and amended by the Council of State.

The Honourable Sir Malcolm Hailey (Finance Member) : With your permission, Sir, I desire to move :

‘That the amendments made by the Council of State in the Bill be taken into consideration.’

If the House will glance at the list of these amendments they will see that nos. 1, 2, 3 and 5 are in effect drafting amendments. No. 4 is the only amendment of any substance at all.

The motion was adopted.

Mr. President : The question is :

‘That this Assembly do agree with the Council of State in the following amendment :

‘That in clause 2 (1) (b) (iii) for the words ‘when he does not keep a shop or stall for the sale of such produce not being the produce of his land’ the following words be substituted, namely :

‘in respect of which no process has been performed other than a process of the nature described in sub-clause (ii).’

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I have some doubts about this amendment which I wish to place before the Honourable the Finance Member for his explanation. As far as omitting the words ‘when he does not keep a shop, etc.’ goes, it is in consonance with my view expressed on the last occasion. I thought the clause was unnecessary and I am glad to see that clause has been removed. But I am doubtful about the addition of this new clause :

‘In respect of which no process has been performed other than a process of the nature described in sub-clause (i).’

The difficulty I feel is this. If Honourable Members will turn to sub-clause 2, (b) (ii) they will see it is as follows :

‘The performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market.’

Now, being familiar with cocoanut plantations I put that case first, because I myself own a large plantation of cocoanut trees and know the difficulties of cocoanut growing. Sub-clause (2) (b) (ii) says ‘produce fit to be taken to market’. Now, take the case of cocoanut leaves which are taken from the trees and we then employ our farm servants to convert them or weave them into mats for purposes of roofing huts. Is that process a process for making the leaves ‘fit to be taken to market’? It is a very difficult question to decide, because the leaves can be sent as they are to the market without this process of conversion into mats. Take again the outer shell of the cocoanut. We draw fibre out of it, employing our farm servants for this purpose. Suppose I sell that fibre? Take again the inside or kernel of the cocoanut. When we break the cocoanut we break it into two cups. There is a large demand for these cups from rubber plantations. Supposing I sell the cup or kernel, or these leaves after they have been woven into mats so as to sell them in these forms, can it be contended that these are all processes for making ‘produce fit to be taken to market’? Then, again, take paddy. I get a large quantity of paddy and I keep my own mill. Instead of selling the paddy as paddy, I convert it into rice and sell the husk separately and the rice separately. Am I doing a thing which will come within the scope of this clause? Again, take sugarcane. I crush the sugarcane and sell the juice or convert it into jaggery and sell it in that form. Am I complying with the provision contained in this clause? Similarly, there are so many processes which we adopt which I am afraid cannot be aptly described as merely processes for making the produce ‘fit to be taken to market’, because, taking the case of sugarcane, for instance, the cane itself can be taken to market without doing any of these things. So also with paddy. So also with wheat. Supposing I convert wheat into flour, supposing I were to use my farm servant for that purpose, and sell the flour—am I doing a thing which can correctly be said to make the wheat ‘fit to be taken to market’? I am afraid that, by the introduction of this clause, this qualifica-

[Rao Bahadur T. Rangachariar.]

tion, this proviso, you will be forcing the agriculturist to sell the things as he receives them; he cannot make those economic processes which he is accustomed to do, because the whole value of the produce becomes liable to income-tax. The object of this is to exempt agricultural income from taxation under the Income-tax Act; but I do not know what the Mover of this amendment had in mind, what processes he had in mind, when he introduced this clause in order to qualify the question of sale. I sell my produce in the most economic form I can. If, for instance, I convert my cotton and keep a spinning mill and convert the cotton into yarn or into cloths, that may be a different thing. But these processes which I have described: for instance, take plantain cultivation—we cultivate plantains; we convert the plantain leaves into cups which are very frequently used; and the leaves are dried and sent out; the green leaves are sold as they are sometimes, but I make economic use of these leaves by making use of these processes, by employing servants on my farm in hours when they are not employed in actual cultivation, and sell them. Can it, for one moment, be contended that this is not income from agriculture? Therefore, it requires a great deal of attention. I do not know how the Government proposes to do, whether they propose to convert these processes into processes by which you want to bring that income under the income-tax category, or whether they want to exempt the processes which I have described; and, if so, what safeguards the Government proposes to give in that direction in order to exempt such processes from being treated as processes other than that of making the produce fit for being taken to the market. These are the practical difficulties which I feel in accepting this clause and I would therefore ask for information on the point.

Beohar Raghubir Sinha (Central Provinces : Landholders) : Sir, I associate myself with the remarks made by my Honourable friend, Mr. Rangachariar. I have to say that I prefer this amendment made in the Council of State to what was made in the Assembly, though the addition of the words 'not being the produce of his land' to the words 'when he does not keep a shop or stall for the sale of such produce' in the Assembly, was a very necessary and important addition. But, to my mind, it appears that it was very difficult to ascertain what quantity of grains kept in the shop for sale were the shop-keeper's produce from his land and what quantity was not his own produce. So there would always have been disputes on this point. Now, the clause as amended by the Council of State would relieve the disputes just apprehended; but I have only some misgivings, as has been said by Mr. Rangachariar, *viz.*, whether turning *dhan* or paddy into rice or gram and other cereals, such as arhar, urd, moong or masur into dal, comes within the meaning of sub-clause (ii). I think dals should not be taxed. Now again, gur or jaggery, the product of sugarcane, should not be taxed, as in the villages sugarcane has not so much market value as gur and cane-juice. These points must be made clear either by adding a clause by way of explanation or in the rules made under sub-clause (ii). So that, there would be no possibility of the misinterpretation of the clause. These are the only observations that I have to make.

Mr. G. G. Sim (Joint Secretary, Finance) : Sir, as Mr. Rangachariar has himself admitted, this amendment was made in order to carry out the object that he himself had in view when he supported the amendment that was made in the Assembly, in order to provide that in cases where a cultivator keeps

a shop for the sale of the produce of his own land, he should not be liable to the tax. The reason for the amendment taking this particular form is simply this, that it was desired to make it perfectly clear that, where a person sold the raw produce of his land after it had been worked up by a process other than the processes described in sub-clause (ii), it should still be the case that the profits of the working up are profits liable to income-tax, otherwise it would not be possible, for example, to tax the profits from running a sugar-cane factory where the owner of the factory gets the cane from his own land. Similarly, in the case mentioned by Mr. Rangachariar, where a man has a rice-milling factory we must still tax the profits of the milling. There is no difficulty at present experienced in separating off, in these cases, the purely agricultural from the industrial profits. The rule that has always been enforced is this, that where a man works a factory which is entirely supplied from the produce of his own land, we deduct as a business expense the whole value of the raw material, that is to say, the value that it would fetch in the open market; that is, the price that it would fetch if he sold the produce to another factory is deducted as a business expense. No difficulty has ever been experienced in working that rule. I am afraid that I know nothing whatever about the question raised by the Honourable Member about his cocoanuts. I have never come across any case of assessment of cocoanut profits to income-tax. And I do not know whether the Honourable Member's plantation is so large that if he subtracts from the profits which he gets from the cocoanuts the value of the raw cocoanuts, that is, the price they would fetch in the open market, the amount would be very great. I am sorry that as regards that specific point I can give no definite information.

Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, the omission of the words 'keeping a shop or stall', I think, will lead to considerable danger, that is, the danger of people who are not intended to be made liable to the tax being made liable. There was something definite when we had the words 'shop or stall'. It meant that a villager who carried his produce after some kind of conversion to a town where he had a stall would not be liable to be taxed. Now, the omission of these words makes it much wider; if he sells the produce of his own land, at his own house, after some conversion, as detailed by my Honourable friend, Mr. Rangachariar, he might be made liable to be taxed; when we had those words, we had one definite place where at any rate he would be liable to pay the tax. Now, the omission of those words makes it more general—that is, the sale by a cultivator of produce raised or received by him, in respect of which no process has been performed other than a process of the nature described in sub-clause (ii), means sale anywhere; therefore, the exception becomes much wider. As for the argument that no difficulty has been experienced till now, that does not give any comfort. The class of people who would be affected by this clause are the people who ought to be carefully protected: they would be the villagers. It is all very well for tradesmen and others living in towns who can take care of themselves. It is the villagers that will get into trouble. A man has got his agricultural produce, which he converts before sale, and he sells it in his own place. The question has been raised as to whether he will be taxed on the difference between the sale price and the actual price of the raw produce. We have to enter into minute calculations. Therefore, I think the omission of the words 'shop or stall' has made the Bill more stringent.

[Rao Bahadur C. S. Subrahmanayam.]

In regard to work of an Industrial character, that is, where the sugarcane is crushed and juice is extracted, there again we get into a very vague sphere, because what is industrial conversion? It is a common practice with men who grow sugarcane in villages to convert the sugarcane juice into jaggery; that is, he crushes the cane on the land and sends the juice to the nearest place where it is converted into jaggery. Now, will it apply to the sale of jaggery or will it not? That is a specific question which my Honourable friend, Rao Bahadur Rangachariar, put, and no answer has been given to that. The only comforting answer that has been given is that no difficulty has been felt. If the income-tax officers go and charge upon the sale price of this jaggery or on various other things which my Honourable friend detailed with which we are all familiar, what is going to be the position of the poor cultivator? 'Shop or stall' at any rate prevented a tax being levied on produce sold on the farm, but now this makes it a little wider. I think it is a very serious change which the other Chamber has introduced, and I cannot understand why the Government should have allowed such a sweeping change to be made in that clause after it was discussed here and the amendment had been passed. We know we fought over that amendment. We wanted to restrict the scope of the sale in the shop or stall by making it perfectly clear that the tax should be only on such produce not being the produce of the land. After the decision arrived at here, it requires some very strong explanation why the clause was allowed to be altered in the other Chamber which affects a class of people who are not really represented there. This clause would affect the ordinary *ryot* in the villages, and it is for that reason we are very anxious that provisions which would encroach upon the agricultural income of smaller men ought to be very carefully worded and properly safeguarded. Therefore I oppose this amendment which was proposed by the other Chamber.

The Honourable Sir Malcolm Hailey: The Honourable Member asked why when the clause had already been amended here it was allowed to be amended in another sense in the Council of State. I was unaware . . .

Mr. N. M. Samarth (Bombay: Nominated Non-Official): I could not hear that humorous remark.

The Honourable Sir Malcolm Hailey: The Honourable Member asked why it was allowed to be amended in another sense in the Council of State, and it is news to me, Sir, that we have such power either here or in the Council of State that we can dictate what form an amendment should take.

Then, Sir, the Honourable Member suggested that this is a wide and sweeping change. He has suggested that he and his friends find it essential to stand up for the interests of the small cultivator and land owner otherwise not represented. That Mr. Rangachariar has also expressed doubts on this clause is, I think, a sufficient proof that there are other and perhaps even more vocal interests affected as well as the small cultivator, and are perfectly well equipped to defend those interests. Now, have we effected a wide and sweeping change as suggested by the Honourable Member? Under clause 2 special processes of manufacture always were taxed. We have introduced no change at all in that respect. All we have done is to bring clause (iii) strictly into line with clause (ii). As I have pointed out, if any one were under the existing Act to engage in any special process of manufacture other than that ordinarily employed by a cultivator to bring his produce to the

market, he was taxed on the profits derived from that special manufacture even though it were employed on his own produce. Let me take the case of tea. That is a somewhat vexed case which has formed, as several Honourable Members here know, the subject of much discussion and of decisions in the High Courts. The profits of the special processes employed to fit tea for sale in the market were according to one of the High Courts taxable under sub-clause (ii). We have, therefore, introduced no change at all in this respect. Special processes were taxable before, special processes will be taxable now. The fear that Mr. Rangachariar felt that he would be charged tax on the whole produce of his cocoanuts and not merely on the profits of any special process of manufacture which he may employ on his produce, has, I think, been dispelled by Mr. Sim. We do not propose now, and we never did propose, any change in the law or any interpretation of the law that would have the result of making a man pay tax on the profits derived from his own produce as such. The tax would be simply imposed on such profits as he derived from any special processes of manufacture and nothing more. Now, I put it to the Honourable Member who has just spoken whether he knows of any case in which the small cultivator whom he seeks to protect employs such special processes of manufacture as are likely to render him liable to taxation. I know of no such case. I have spent half of my official life in agricultural districts and I know of no such case, nor have I ever heard of such a case, and, to my mind, the fear the Honourable Member has expressed is really perfectly illusory. We have had to put this amendment simply in order to make it perfectly clear that where, for instance, a tea garden raised its own tea and then manufactured it for sale, then the profits of the special processes of manufacture should be liable to taxation. Or again, where a large sugar company raised its own sugarcane and then manufactured the produce for the market in a commercial form, then in spite of the fact that it was using its own sugarcane, the profits derived from the process of manufacture should be liable to taxation, and that is the sole reason why this amendment was put forward in the Council of State. Other members who have spoken have recognised that the omission of the words 'shop' and so on, is an improvement. It does not give a wider scope for taxation than the original form of the sub-clause; it extends the scope of the exemption, not of taxation. This amendment was put in simply, let me repeat these words, to bring sub-clause (iii) into direct line with clause (ii), and it has the result of providing that where a man engages in any special process of manufacture, the profits derived from that process and from nothing else shall be liable to taxation.

Bhai Man Singh (East Punjab : Sikh) : Sir, I am sorry to say that I have not been able to follow the line of argument adopted by my Honourable friend, Sir Malcolm Hailey. The Honourable the Finance Member has definitely stated that only the special processes of manufacture will be taxed and not the original produce. The other important statement he has made is that he has known of no agriculturists who are resorting to such processes of manufacture in regard to their agricultural produce which become liable to taxation under the new clause. In regard to this statement, Sir, I have to submit that everybody who has any knowledge of village life would know that lots of agriculturists make *goor* out of their sugarcane

The Honourable Sir Malcolm Hailey : Are they taxed?

Bhai Man Singh : Whether they are taxed or not, I cannot say.

The Honourable Sir Malcolm Hailey : Are they taxed? That is the point.

Bhai Man Singh: I cannot say whether they are taxed or not, but take the Bill as it stands. There is nothing to stop an Income-tax Officer from taxing them. We have to see whether actually, under the present wording of the Act, they are taxable or not. Surely, if a zemindar who has paid land revenue for his sugarcane only makes *goor* out of that sugarcane and sells it in the market, this process does not strictly come under clause (ii) which simply says 'fit to be taken to market.' People actually take sugarcane also to the market for sale, so this does not strictly come under sub-clause (ii). Again, I should think that if we take out the juice from sugarcane, that is *ras*, even that is a process that does not strictly come within the process of making it fit to be taken to the market, and that also can be taxed under the present wording of the Act.

Again, Sir, I should like to know what is there in the wording of the Act itself to show that the whole produce itself will not be taxed over again, and it is only the produce derived from the process of manufacture that will be taxed? If you read the words of the Act as they would stand according to this amendment, I think it would read like this :

'The sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, in respect of which no process has been performed other than a process of the nature described in sub-clause (ii).'

Whenever any other process is performed in respect of any produce, the whole of the sale money is to be taxed over. A man has received, say, 50,000 maunds of wheat from his land, but by a manufacturing process of grinding he makes it into flour. He sells that flour in the market for a certain price. I should like to know where is the provision in the Act to show that the whole of the sale produce including the total price which he has realised is not taxable under the present words of the Bill? Is there any provision to show that a reduction will be made for the price of the wheat which was the produce of his own land and that it is simply the profits which he has realised from the manufacturing process that will be taxed? I submit that I have got perfect sympathy and that I am perfectly at one with the view that if a manufacturing process on a larger scale is carried on like the one mentioned by my Honourable friend, Mr. Rangachariar, *e.g.*, if a man makes yarn out of his cotton, then surely that should be taxed, and if you find that it does not come within the present words of the Act, you could have it. But, for the sake of bringing in such rare instances you are making the words of the Act so very doubtful that every petty zemindar can be taxed under it for the real produce of his land simply because he changes its shape a bit, simply because, instead of sending raw cotton to the market, he sends ginned cotton. We could even say he performed the process of ginning with his own small handy ginning machine called Belna. My Honourable friend, Chaudhuri Shahab-ud-Din, has suggested that instead of sending *dhan* a man can husk it on a small scale in his own farm and then sell rice in the market. 'Would it not be taxable? I should submit with due deference that there is absolutely nothing in the words of the section which excludes such small processes of making *goor* or ginned cotton or *ras*, etc., and there is also nothing in the words of the Act to show that only the profits of manufacturing processes are to be taxed and not the produce itself. There is no provision for both these contingencies, and in the anxiety to tax the big mill-owners who may also be big landowners, we have made a provision which may act prejudicially to the interests of lots of poor agriculturists. I cannot say whether in the past Income-tax Officers have

or have not been making that mistake, but they are liable to interpret it like that, and there is nothing in the Act itself to stop them from making that use of the words of the section. Therefore I submit that the remedy would be much worse than the evil we are trying to remove. Therefore, I oppose the amendment as made by the Council of State.

The Honourable Sir Malcolm Hailey : With your permission, Sir, I should like to clear up one point that has been raised. If the processes to which the Honourable Member refers are not processes of manufacture, then they obviously do not come within sub-clause (ii) at all. He says that they are not processes of manufacture; if so, they are excluded by sub-clause (ii).

His second point is with regard to the possibility of taxing small landowners. I think he will realise that unless any specific process of manufacture brings in a profit by itself which amounts to Rs. 2,000, then it cannot be liable to taxation at all. That, I think, ought to clear his mind of any possibility that the great bulk of agriculturists can possibly be affected by this. Unless the special process of manufacture earns in itself Rs. 2,000 then of course it cannot be liable to taxation.

The third point is that we do not specifically by the Act protect from taxation the produce of a man's own land. Well, Sir, there has never been any doubt on this particular point. Our rules make it perfectly clear that in applying sub-clause (ii), the actual produce of a man's own land or the value of it shall be entirely excluded in any question of taxation. That rule, I can give the House an assurance, will be repeated. The Honourable Member says, 'Who will prevent the Income-tax Officer from applying this rule so as to assess everybody on their own produce?' Well, Sir, if he wants an assurance on that point, I will tell him, I will. We have the power to issue rules. We have issued rules already and we will make it perfectly clear that that is the interpretation of the Act. If the Honourable Member has any doubt whatever about it—I have none but he has no doubt—our rules will make it perfectly clear that the actual value of a man's own produce must be excluded in calculating the assessment. I hope that that assurance will satisfy him.

Mr. G. Bridge (Assam : European) : Sir, I have been connected with tea plantations for 47 years and I have tea gardens and I have manufactured tea there, but for 47 years or more the manufacture has never been taxed. It is very difficult to assign the value of tea after it has been manufactured and before it has been manufactured, that is, the value of the green leaf before the manufacture. Through all these years we have also been considered as cultivators and we have not been taxed. It is only, I believe, in the last year or so that Government has thought that it should be taxed, and I cannot see how to assign the value of the tea after it has been manufactured and before it has been manufactured. The green leaf is only being roasted and made into tea for keeping purposes. I consider that it will be very difficult indeed for Government to tax the manufactured portion of tea from the cultivated. Therefore, I think that it ought not to be taxed, as it comes under the head—pure cultivation. That is my view, and the planters' view, I think, Sir.

J. Ramayya Pantulu Garu (Godavari cum Kistna : Non-Muhammadan Rural) : It seems to me, Sir, that the discussion that has been going on for the last few minutes is more or less irrelevant. I find that my friend, Mr. Rangachariar's difficulties arise really under item (ii) of sub-clause (b).

[J. Ramayya Pantulu Garu.]

That lays down that, where an agricultural produce undergoes certain processes in order to make it marketable, it is not to be liable to be taxed. The amendment made by the Council of State is only to introduce this clause into item (iii). The amendment made in item (iii) by the Council of State only introduces the clause which has already been enacted in item (ii), and inasmuch as item (ii) has already been passed by both the Houses, it seems to me that this discussion is irrelevant. Now, the points raised by Mr. Rangachariar are really those of interpretation to be settled by the assessing officer. It seems to me that the real test in the matter is whether the agricultural produce as it is received from the farm is saleable as it is or not. If there is a market for the raw produce as received from the farm, I suppose that any process which it may undergo in order to enhance its value will have to be taxed. But, in that case, I think the assessing officer, if he is reasonable, will tax only the additional value that is imparted to the article by the processes which it undergoes, and not the entire value of the article including the value of the raw produce. Take, for instance, the case of sugarcane. If there is a demand for sugarcane as cane in the neighbourhood of the place where it is grown. I would suppose that the manufacture of that cane into jaggery for the purpose of enhancing its value would be *pro tanto* liable to tax. Take a similar case, the case of indigo. In my own part of the country they grow indigo leaf largely, and generally it is sold in the raw state. But sometimes there are merchants who buy the leaf and manufacture it into indigo and export it for sale. Then it is liable to tax but the sale of the leaf is not liable to income-tax. It seems to me that the real test in such cases is whether you can sell the raw produce as you receive it without making it undergo any process. If you can sell it as it is, it seems to me that any process which the produce is made to undergo for the purpose of enhancing its value may be considered by the assessing officer as a process entitling him to assess the additional value imparted to the article by the process. But, whatever that may be, it is really a point of interpretation, and I do not see how by any amendments we can make here we can avoid the difficulty arising out of that.

As regards the point raised by my Honourable friend, Mr. Subrahmanayam, it seems to me that he is mistaken as to the scope of the amendment made by the Council of State. It really restores to the cultivator the advantage which he was taken away by the amendment made in this House, namely, that if he sells the produce of his land, he will not be liable to tax unless he keeps a shop for the purpose of selling similar produce which is not received from his lands. Well, this removes that restriction, and to that extent it seems to me that it benefits the cultivator rather than restricts his privilege.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadian) : The difficulties that have been pointed out by the previous speakers as regards the amendment proposed by the Council of State are really difficulties which surround the interpretation of the previous clause, clause (2). This clause reads as follows :

'the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market.'

Honourable Members will find that the sole question which concerns this clause and the subsequent clause proposed to be inserted by the Council of State depends upon the meaning of one word, and that word is 'produce'. When is the produce of the land not the produce of that land, but something else? So long as it remains the produce of the land and its identity is not transformed beyond recognition into something different, it remains the produce of the land despite the process to which it may have been subjected. I take an instance. The cultivator grows paddy in the field. He removes the husk and the rice is sold in the market. That is the produce of his land. He converts his rice into flour. That is not the produce of his land, because it has altered its identity. Put a little water into that flour. It becomes starch. That is not the produce of his land. It may then undergo various other changes and become a manufactured article. You might make biscuits with it, you might make different other articles with it. That does not remain the produce of the land. The question, therefore, is one of degree. What is the alteration made to the produce of the land so as to convert it into an entirely different article? Take, for instance, the case of tea referred to by my Honourable friend from Assam. The tea planter grows tea in the fields. He roasts it, then tins it and sells it in the market. It is tea which is the produce of his land, but if he was to extract juice from it or make tannin or other manufactured products, it will cease to be the produce of his land, and therefore it will come out of clause 2 to which I have adverted. Now, Sir, take the case of sugarcane. So long as the sugarcane remains sugarcane, it is, of course, the produce of his land, but the moment the grower extracts juice of sugarcane and converts it into jaggery, it is not the produce of his land. My friend, Bhai Man Singh, would be using the language somewhat too widely if he was to say, 'I grow sugar and jaggery on my land'. All he can say is that sugar and jaggery come out of the produce of his land. I therefore think that jaggery and sugar, which are manufactured products from sugarcane which he grows on his land, would be subject to tax under clause 2, and therefore also subject to tax under clause 3. The Honourable Sir Malcolm Hailey said that, if the profits of the manufacture be more than Rs. 2,000, the manufacturer would be liable to tax. I submit that is not the crux of the case at all, and I venture to submit that the Honourable the Finance Member has misunderstood the very purport of the Act of which he is the chief sponsor. The question is not what is the quantum of profit that he makes. The question is: When does the agricultural produce cease to be an agricultural produce and become an industrial product? That, I submit, is the underlying principle of clause 2 and it is continued in clause 3. Now, advertent to the amendment suggested by the Council of State, they have cut out the words, 'when he does not keep a shop or stall for the sale of such produce'. That enlarges the scope of clause 3, and the agriculturist need not in the slightest degree be afraid of the cutting out of those words, because, even if he keeps a shop or stall in which he sells his produce, he would be exempt from this tax.

The clause, then, which is sought to be inserted by the Council of State simply takes us back to clause 2, and all the difficulties which have been pointed out by the Honourable Mr. Rangachariar and the subsequent speakers are not difficulties which have been created by the amendment suggested by the Council of State but are difficulties which underlie the construction of clause 2, which, I submit, is no longer open to

[Dr. H. S. Gour.]

discussion in this House. I, therefore, submit that, so far as this amendment of the Council of State is concerned, it should be accepted.

Mr. Darcy Lindsay (Bengal : European) : I move that the question be now put.

Mr. President : The question is :

‘That this Assembly do agree with the Council of State in the following amendment :

‘That in clause 2 (1) (b) (iii) for the words ‘when he does not keep a shop or stall for the sale of such produce not being the produce of his land’ the following words be substituted, namely :

‘in respect of which no process has been performed other than a process of the nature described in sub-clause (ii).’

The motion was adopted.

Mr. President : The question is :

‘That this Assembly do agree with the Council of State in the following amendment :

‘That for the *Explanation* to clause 4 (2) the following *Explanation* be substituted, namely :

‘*Explanation* :—Profits or gains accruing or arising without British India shall not be deemed to be received or brought into British India within the meaning of this subsection by reason only of the fact that they are taken into account in the balance sheet prepared in British India.’

The motion was adopted.

Mr. President : The question is :

‘That this Assembly do agree with the Council of State in the following amendment :

‘That in the *Explanation* to clause 10 (2) (iii) for the words ‘a Mutual Benefit Society as defined by rules made under this Act’ the words ‘such Mutual Benefit Societies as may be prescribed’ be substituted.’

The motion was adopted.

Mr. President : The question is :

‘That this Assembly do agree with the Council of State in the following amendment :

‘That in clause 15 (2) for the words ‘any male member’ the words ‘any adult male member’ be substituted.’

Rao Bahadur T. Rangachariar : Sir, I am very sorry I have to oppose this amendment. This amendment has been made by the Council of State on a misconception and a misapprehension. The misconception is in relation to the legal position of a Hindu undivided family. The misapprehension relates to the view that they have taken that this is a peculiar advantage which is given to the undivided Hindu family. The well-known view as regards the joint Hindu undivided family is that every male member born in the family acquires by birth an interest in the family properties. It is an undefined interest. No member can predicate what his exact interest in the family is, and the position is that every acquisition made by any member of the family belongs to the family and that is why the Income-tax Act takes the joint Hindu undivided family as one person for the purpose of assessing the income of that family to income-tax. We do not object to such a course being pursued. The Income-tax Act also recognises that where an assessee incurs expenditure in the shape of insurance

of the assessee or his wife he shall be entitled to a deduction. That is the general rule, as Honourable Members will see, which is contained in section 15 as it is. Section 15(1) says :

'The tax shall not be payable by an assessee in respect of any sums paid by him to effect an insurance on his own life or on the life of his wife.'

The assessee in clause (.) may be an infant himself. We all know that infants inherit business on which income-tax is leviable. Therefore, if the assessee is an infant and if his life has been insured, he is entitled to the benefit of that exemption under clause (1), so that any assessee, if he is an infant assessee, whether he be an European or a Muhammadan or a Hindu or a Parsi, is entitled to the benefit of that clause, because 'person' includes infants also and an assessee may be an infant; so that if an infant has insured his life, then he is entitled to the benefit of the protection of this rule. Clause 2, as amended by this Assembly, extended that benefit to the infant assessee in the Hindu undivided family. Therefore it was idle to suggest to the Council of State that this is a privilege which is accorded to the Hindu family and which is not accorded to others. That is the misapprehension on which the Council of State has proceeded. In the case of the Hindu undivided family each member is an assessee, and therefore it is not correct to say that any benefit is accorded to the assessee's child because the child or the infant is the assessee himself. I quite agree that the law should not extend this protection to the case of the assessee's child. Confine it to the assessee and his wife. I am agreeable to that.

But in giving this protection, as we did in this Assembly to the infant assessee in the undivided Hindu family, we were not giving anything new, or any new privilege which other communities do not enjoy. Every community enjoys it. It is a mistake to say that it is a special privilege. It is on that ground that I see the Honourable the Finance Member induced the Council of State to accept this amendment. On the other hand, you are only extending the privilege which you give to every assessee to the undivided Hindu family. It is but reasonable that when you take his income into account, as I have already pointed out when this was debated in this House, you should exempt expenditure incurred on him. As is very common in undivided Hindu families, especially in trading families, boys from 12 to 18 assist their parents and brothers in running the business on which the income is liable. Probably, branch businesses are run by infants. Their income is taken into account in calculating the amount of the income of the family for the purpose of assessment. He is an assessee himself. He is as much interested in the property of the family as other adult members of the family. When you are inclined to give this exemption to adult members of the family, on what reason can you separate one member of the family from the other? An infant member does not cease to possess interest in the family property. His interest is equal with that of the adult member. Now, you are willing to allow the exemption in the case of a joint family of 10 or 12 adult members. If 10 or 12 adult members insure their lives you are willing to extend the protection of the exemption. But suppose a joint family consists only of two infant brothers. That very often happens. That family is liable to income-tax also, and if the mother insures the life of the infants you will not give the exemption. Now, what is the reason on which you are going to refuse this benefit or privilege, which you extend to others, to the infant assessee in a Hindu undivided family?

[Rao Babadur T. Rangachariar.]

That is the way in which the whole question has to be looked at. Why should the Council of State be asked to interfere in a matter like this? It is not a matter which is going to affect the finances of the country. I ask why should the Council of State take upon itself or be advised to take upon itself this course of overruling the considered decision of this House on a matter like this which is based on principle? Where this House has done something which is wrong in principle, by all means let this Council of Elders take it upon themselves to correct us. (Laughter.) Have we erred so egregiously in extending this privilege to an infant assessee? Let us not forget that he is an assessee. Let us not mislead ourselves into the belief that he is not an assessee. He is as much an assessee as an adult member. He is as much an assessee as infant assesseees of other communities. Keeping that in view, I ask, have we erred so egregiously that this House of Correction should take it upon itself to correct us? (Laughter.) I say it is a matter which ought not to have been taken up like this and I do not think this conflict should have been brought about. It is a matter on which we are bound to stand by our decision. We have only done the right thing, and I am very sorry indeed that the Council of State has been induced to accept this change. I, therefore, strongly oppose this amendment.

The Honourable Sir Malcolm Hailey: I would remind the House that, when we originally debated this point, the House itself had some doubt on the subject. If Mr. Rangachariar will turn to the list of votes, he will find that the numbers were as nearly as possible equal.

I turn now to the definite argument which he has advanced to-day in regard to this particular amendment. He did not advance it when he originally put forward his proposition and the brilliant thought has, I think, struck him since then. It is a brilliant thought, but not a very sound one. What is his argument? His argument is this, that under clause 15 (1)—and I would ask Honourable Members to turn to that clause—an assessee may himself be an infant. Now, since the members of a Hindu joint family are all equally shareholders in the family, they are in theory also equally assesseees. Consequently, as an assessee may be an infant under clause 15 (1) and has certain privileges under that clause, an infant assessee in the Hindu joint family should have similar privileges. That, I think, is his argument. Sir, in a Hindu joint family, I understand, all male children born in the family are equal shareholders. Consequently, even grand-children are equal shareholders. That is so. (*Cries of 'Yes, that is so.'*) Consequently, Sir, the analogy between clause 15 (1) and clause 15 (2) is not in any way as complete as he would suggest. It is quite clear that whereas you cannot obtain any relief in respect of premia paid on the life of an infant son, Mr. Rangachariar would give that relief to the Hindu joint family on premia paid on the life even of a grandson. Yet he can still pretend that he only wants equal privileges for both. The case, I put, Sir, shows that the analogy which he has set up, or attempted to set up, breaks down entirely. It remains a fact that we have, following our own previous procedure and following the law of every civilised country, except I think one State in Australia, not provided for the relief from income-tax of premia paid on the life of a minor. In England, when they debated the case recently, it was proposed to remove from the existing law even the relief granted in respect of premia paid by the head of a

family on his own life or on that of his wife; they did not do so, but they materially reduced the relief. We, following the English law as it originally stood, have retained the relief in full. We have merely refused to follow the example of the one isolated State in the world to which I have referred and to give relief on premia paid on the life of an infant. We are, therefore, fully in accord with the income-tax law of the whole civilised world in this respect.

Sir, I will not go again into all the substantive arguments that were used on the last occasion or in the Council of State on this particular question. They are, I think, perfectly well known to Honourable Members. Here let me repeat one fact; it is a fact that goes to the root of the whole matter. Why do we grant this exemption? We grant it, following the argument used by Mr. Gladstone very many years ago, when the exemption was first granted in England, because, when a wage-earner dies, there is a definite capital loss to the family, and it is to our interest to protect the family from that loss by inducing the head of the family to insure his life. That is the sole reason why we and other civilised countries give this exemption. Sir, if you do give the exemption in favour of an infant, even though he may be a shareholder in a Hindu joint family, then you are giving to that family an advantage which the principle I have enunciated does not justify, because when a small child dies, whatever the real loss to the family may be, there is certainly not that specific economic loss which follows the death of the head of the family, or his wife. I have re-stated this principle because it seems to me to establish a convincing argument. I should like to have left the case at that as a matter of pure reason, but Mr. Rangachariar has gone further. He has demanded what right the Council of State has to interfere in a matter which is not a matter affecting the finances of the country? Well, Sir, if they had interfered in a matter which affected the finances of the country, many Members here would rightly or wrongly have joined in that objection. They cannot do so, because the Council of State has interfered purely on a matter of principle, purely in order to get our law into exact accord with the law of other civilised countries, and on that ground alone.

Now, Sir, may I add one word as to how we stand now in regard to this Bill. We have an unfortunate difference with the Council of State on the subject. But, Sir, this is not a taxation Bill. It adds nothing to our revenues. Indeed, as the Honourable Member will, I am sure, admit, in regard to administration it eases the burdens on the tax-payer. It is not a Government Bill, for, though it has been put forward by Government, I have known of no measure of late years which might so truly and honestly be described as a non-official measure. My Honourable friend, Mr. Sim, has no doubt given his assistance in this matter throughout, but the deliberations have been carried out by non-officials, the Joint Committee which finally settled the form of the Bill was presided over by a non official and was almost entirely non-official in character, and it has been drawn up in the interests of the tax-payer and not in the interests of Government. Finally, in this particular point which we are now discussing there is no question of revenue at all concerned.

And, Sir, let me say this. I have described the character of this Bill. I impressed, or tried to impress, on the House before what it really is. The Bill has been drawn up entirely in one spirit, namely, to aid in the greater correctness of assessment, the greater ease of collection, greater justice all round. If by persisting in this difference—a difference on

[Sir Malcolm Hailey.]

really quite a minor point—you now substantially delay the passing of this Bill, my honest belief is that you really will be injuring the cause of the tax-payer.

Rao Bahadur T. Rangachariar : You might have told the Council of State that.

The Honourable Sir Malcolm Hailey : The Council of State is after all entitled to some voice in the legislation. All that the Council of State has done is to differ from you on one small point. The whole of the rest of the Bill has been accepted without alteration. Now, as the case stands, do you desire further to delay this measure? It is a measure of great advantage to the general tax-payer throughout the country. If we cannot proceed now with the Bill; we cannot proceed with the publication of those rules which every body, commercial interests and the general tax-payer alike, have been demanding. I put it to the House that this is not a matter in which Government is very greatly concerned. We should like these improvements made; but we are not going to lose any money if this Bill is not passed. As Finance Member I can perfectly well say to the House, 'Leave it alone if you like, we shall get our money nevertheless'; but as a tax-payer, I should like to see this Bill passed and I deprecate any long delay in bringing it into force—not on behalf of Government but purely in the interests of the tax-payer.

Dr. H. S. Gour : Sir, I was very much surprised to hear the Honourable the Finance Member declare that the Income-tax Bill was not a taxation Bill.

The Honourable Sir Malcolm Hailey : No, it is not.

Dr. H. S. Gour : It is a Bill which is intended to levy a direct tax on incomes . . .

The Honourable Sir Malcolm Hailey : No.

Dr. H. S. Gour : And the fact that it is a consolidating Bill and is not actually passed like a Finance Bill does not in any way make it the less a taxation Bill in the general sense of the term.

The second point raised by the Honourable the Finance Member was that, if this question is once more sent back to the Council of State, it will involve delay. Now, I submit, Sir, that, if any delay takes place, the responsibility must rest on the shoulders of the Honourable the Finance Member. It was he who instigated the Council of State.

The Honourable Sir Malcolm Hailey : No, no.

Dr. H. S. Gour : It is he who is responsible for this amendment which the Council of State has sent down to this House.

It has been said by the Honourable the Finance Member that in all civilised countries the head of a family is allowed a certain exemption for the reasons which he has given; but the Honourable the Finance Member, cannot be unaware of the fact that a Hindu undivided family stands on an entirely different footing to the families in other countries, and the income-tax is levied not upon each individual of a joint Hindu family but upon a whole

family, which is regarded as a corporation. The Honourable the Finance Member a few minutes ago gave us the illustration of a tax being levied upon an income of Rs. 2,000 or more. May I give this House another illustration? If two members of a joint family, called A and B, each has an income of Rs. 1,000 a year, they would both be exempt from the income-tax if they are not members of a joint Hindu family; but because they happen to be members of a joint Hindu family, both A and B would be conjointly liable to pay income-tax. Their position, therefore, is anomalous and unique. Now if in this case both A and B are minors, who is the head of the family? They are both coparceners. Hindu law does not recognise coparcenary rights to commence with the attainment of the age of majority. It recognises the right not only from the date of birth but from the date of conception, and the fact that a Hindu coparcener is a minor or is an adult is a matter of no consequence as regards the definition of his rights. The question, therefore, is—Is this clause in consonance with Hindu law or with the accepted notions of coparcenary rights in Hindu families? The clause, when it was inserted by this House, was the subject of prolonged discussion. It went up to the 'House of Correction' and there the Honourable Elders said: 'We will insert the word 'adult'.' But they have given no reason, and judging from the report of the debate in that House . . .

Mr. President: The Honourable Member is not entitled to refer to proceedings in another House.

Dr. H. S. Gour: I submit, Sir, that so far as the insertion of this word 'adult' is concerned, it follows no practice of Hindu law, it is not in accord with the accepted canons of general taxation, and is, I submit, not even in accord with the broad principles of equity. I, therefore, invite the House to throw out the amendment proposed by the Council of State.

The Honourable Dr. T. B. Sapru (Law Member): Sir, I do not wish to make a long speech, but there are just one or two points which I should like to elucidate. I must very strongly and unreservedly differ from the statement which has been made by my Honourable friend, Dr. Gour, that this is a Bill of taxation. It is nothing of the kind. Whatever truth there might be in criticism of that character with regard to income-tax Bills of former times, I am quite sure that that criticism is absolutely wide of the mark when we remember the character and the purpose of this Bill. It is not a Bill imposing any taxation in the slightest degree. It is a Bill which provides a machinery for taxation, and it is a Bill which lays down certain principles.

Dr. H. S. Gour: It is not a torture, but an instrument of torture!

The Honourable Dr. T. B. Sapru: I am rather surprised that an acute and astute lawyer like my Honourable friend, Dr. Gour, should confuse the machinery of taxation with taxation itself.

Then the second point I wish to bring to the notice of the Assembly is that this amendment was made, I understand, not at the instance of the Honourable the Finance Member, but at the instance of a member of the Select Committee from the other House.

Lastly, I would say that, while I am not quite familiar with what may happen down in the South or in other parts of India, I should be very much

[Dr. T. B. Saprū.]

surprised to know that it is usual or customary in Northern India—at any rate that part of Northern India with which I am most familiar—to get insurance effected on minor children.

Well, I have not come across a single case which has gone to any court of law; I cannot also think of a single case within my knowledge where insurance has been effected on minor children. It may be that a custom like that might grow up in the future. But we must bear in mind that, so far as Northern India is concerned at any rate, it does not exist and we shall be providing for a possibility of the future, and not for circumstances which exist at the present moment.

Mr. N. M. Samarth: Sir, my only point is that if, as the Honourable the Law Member says, there are not in Northern India or in any other part of the country many minors who are insured, then there would surely be no loss to the general tax-payer by accepting the amendment which we made and rejecting the amendment which the Council of State has made. I mean, there would be no loss if very few minors are insured. But, as a matter of fact, I know that there are some men who send out their young boys to England or Europe for study and they insure the lives of those boys although they are minors; and, in point of fact, the money goes out of the earnings of the man who sends them. Why should you prevent that premium being deducted because the person who has been insured is a minor? If the total amount is very small, surely there should be no objection on the part of the Finance Member to allow this proposal of ours. So far as the reasons given in the other House are concerned, they have been sufficiently answered by the two Members who have spoken, Mr. Rangachariar, and in a way by Dr. Gour; and I strongly ask this House, whatever the consequences may be, in a matter of this kind to stand by their guns and to reject this amendment.

Mr. Darcy Lindsay: Sir, I cannot understand my Honourable friend Mr. Rangachariar's objection to what in my opinion is a very necessary amendment of the Bill. I am talking, Sir, as an insurance man, and I can tell the House that throughout the world companies view with very grave concern the attempts that are made to insure the lives of children of tender age. It is regarded as a gamble by interested third parties; it is not an insurance, as Sir Malcolm Hailey has explained, to make provision for the family on the decease of the wage-earner. This insurance on the life of a child is, I maintain, a gamble that ought to be discouraged in every possible way. I may say, Sir, that my company and—I may safely assert—the very large majority of insurance companies throughout the world do not countenance the insurance on children below the age of 18. I cannot therefore realise why the members of the Hindu undivided families should wish to encourage such insurance amongst their own children. My Honourable friend, Dr. Gour, talks of equity. Where would be the equity in allowing an infant Hindu joint family member to obtain relief from income-tax on life insurance premia when infants of all the other communities does obtain that relief? Sir Malcolm Hailey has explained that in clause 15(1) it is clearly laid down that it is only the father or mother that can obtain relief on their life insurance premium. I do not know whether my Honourable friend, Mr. Samarth, has great experience of insurance; he also referred to parents wishing to insure their children who proceed to Europe for training.

But is it only the children of the joint Hindu families that proceed to England for training? Why then this special concession to the one community? But, Sir, on the main grounds I referred to at the commencement of my speech, I say it will be a most dangerous precedent to permit any encouragement of the insurance of children, and on these grounds I support the amendment.

Chaudhri Shahab-ud-Din (East Central Punjab : Muhammadan) : Sir, there is a little doubt in my mind which has prompted me to stand up and put it before this Honourable House. I will make my meaning clear by stating a case as an illustration. Suppose there are two minor brothers, Muhammadan by religion, carrying on business or trade and living jointly. They are not the members of a joint Hindu family, but yet they are joint for all practical purposes. Suppose at the same time there are two minor brothers, members of a joint Hindu family, who are working on the same lines, and both sets of these two brothers are neighbours. Now, under clause 15 (1), I think, the Muhammadan brothers, if they were to insure their lives, will be exempt from paying income-tax so far as the premia paid by them are concerned; but I see that the Hindu brothers, simply because they happen to be members of a joint Hindu family, will not be entitled to the same exemption under clause 15 (2). This difference to my mind requires an explanation from the Honourable the Finance Member. I think the law should be uniform where it can be. I do not see why people who are similarly circumstanced should be treated differently by the two sub-clauses of clause 15 of the Bill. This is the only remark I had to make; and, if I am satisfied on this point, I shall be only too glad to vote in favour of the amendment; otherwise I would not only oppose it myself, but will ask the Members of the House to oppose it strongly, because it is not supportable on principle.

Mr. G. G. Sim : Sir, I only wish to refer to the point raised by the last speaker. Under clause 15 (1), if two Muhammadan brothers living together have a joint business they will not get any allowance under clause 15 (1). On the contrary they would be treated as an unregistered firm and would get no allowance whatsoever on account of insurance premia, whether they were adults or minors. Under clause 15 (2) two undivided Hindu brothers would get the exemption if they were adults; but in the case put by the Honourable Member, the two Muhammadan brothers would receive no allowance on account of any insurance premia.

Rao Bahadur C. S. Subrahmanayam : Sir, the argument that the joint Hindu undivided family is getting a special benefit or claiming a special benefit is based on certain fallacies. One fallacy which I wish to tackle is this. The Honourable Mr. Darcy Lindsay said why should minor members of this family claim an exemption while minor members of other communities cannot. The answer is simple. The sons of a European do not get any right in the property of the European. They have absolutely no right in the property of their father. So also with regard to the sons of Musalmans. Whereas in the case of Hindus of joint families every male child of a member has got a right, which can be enforced in a Court the moment a child is born; so that legally each member is owner of a certain share of the profit; and, therefore, if that right was ordinarily enforced as it can be enforced, and as at times it is enforced, then there would be a separation of the family into so many small parts, and each of the divided parts will not be liable to the income-tax. The joint Hindu family therefore contributes to the coffers

[Rao Bahadur C. S. Subrahmanayam.]

of the State because in the aggregate it becomes liable to the minimum tax, as also to the higher grade of tax. That point has been clearly explained by my friend, Dr. Gour. Therefore, to say that the Hindu joint family claims any special privilege is not correct. On the contrary, it contributes more by being joint and pooling together the resources of each of the members of the family into one sum and adds to the coffers of the State. Well, the claim which is now made on behalf of the Hindu joint families follows logically from sub-clause (1) of section 15 as explained by my Honourable friend, Mr. Rangachariar. Therefore, I want to dispel the idea that the members of the Hindu joint family do claim a special privilege in regard to exemption of premia on insurance. The case of tender children no doubt raises some difficulty, but that is not the way to deal with it. 18 is the age of majority. From 15 to 18, strictly speaking, persons may be minors in the eye of the law, but in the matter of carrying on business, they are all as good as adults over the age of 18. No doubt, insurance companies may hesitate to accept the lives of tender children of, say, 5 and 6. We all know that the percentage of deaths at this age is much larger than in other stages of life, but that argument cannot apply right through to the age of 18. We made this claim on the ground that the joint Hindu family enables the State to levy higher rates of taxes, and therefore it is on the ground of clause 1 that each member of a joint Hindu family ought also to have the privilege to have his life insured and his premia exempted.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, one of the points raised by the Honourable Sir Malcom Hailey in favour of the amendment is that there will be no specific loss to the family by the death of a minor. Sir, it has been said by many members already, and it is by now apparent that in a Hindu family even the minors give help to the head in earning and augmenting the family income, and how can it then be said that his death.....

The Honourable Sir Malcolm Hailey: May I rise to a point of order, Sir? I am very loath to interrupt the Honourable Member. What I said was that the death of a child is not the same economic loss as the death of the head of a family.

Mr. K. B. L. Agnihotri: All right, Sir, even in that case there would be some economic loss to the family. Insurance is generally effected in the case of Hindu minors to make provision for their education after a certain age, and with the idea that after they have received their education they would certainly add to the income of the family which will be an additional source of income to the State. Therefore, I submit that the premium paid on such insurance should not be liable to taxation. Sir, it has also been said by many of my friends that there will be no gain of income to the State if we pass such an amendment. The Honourable Dr. Sapru said that there are very few persons who insure the lives of their minor children and there would be no loss to Hindu families in allowing the amendment to remain as proposed by the Council of State. I do not then understand the need of such amendment. When the time comes, and when we find that there is a distinct loss to the State on account of such premia being exempted, we may then put in an

amendment to this section. Till then there is no necessity, and the proposed amendment is superfluous. In answer to the question put by my Honourable friend, Mr. Lindsay, who says that insurance is regarded as a gamble by interested third parties. I submit it is not so and is solely done for the purpose of providing for education to children at a certain age. There are only a few forms of insurance in regard to minor children that are accepted by the Insurance Companies, and all those forms are intended to provide for the future education or marriage of children. The Insurance companies do not in case of death pay the whole amount insured for but only the premia paid. This cannot be a gamble. I therefore oppose the amendment proposed by the Council of State.

Mr. Manmohandas Ramji (Indian Merchants' Chamber and Bureau : Indian Commerce) : Sir, I have to make only one observation and it is this. There is another case in which it is quite necessary for Hindus to insure the lives of adults of the age of 11 or 12. There is a system of marriage among Hindus, and, in case of death, the widow has to be provided for, and it is for that reason that insurance has to be effected.

Then, again, another point which my Honourable friend, Mr. Lindsay, brought out was that parents do not generally encourage the insuring of children's lives. Well, if that is the case, then, as one interested in the insurance business, he ought to bring in a Bill making it illegal to insure the lives of minors or children. The Insurance Companies can and do accept such risks, and, therefore, it is futile to say that, because they think that it is a risk, they do not insure their lives. But, then, it is quite legal to insure children's lives.

Mr. President : The question is :

* That the Assembly do agree with the Council of State in the following amendment :

' That in clause 15 (2) for the words 'any male member' the words 'any adult male member' be substituted.'

The Assembly then divided as follows :

AYES—33.

Abdul Quadir, Maulvi.
Abdul Rahim Khan, Mr.
Akram Hussain, Prince A. M. M.
Bradley-Birt, Mr. F. B.
Bray, Mr. Denys.
Bridge, Mr. G.
Bryant, Mr. J. F.
Carter, Sir Frank.
Chatterjee, Mr. A. C.
Crookshank, Sir Sydney.
Dalal, Sardar B. A.
Dentith, Mr. A. W.
Faridoonji, Mr. R.
Fell, Sir Godfrey.
Habibullah, Nawab Khwaja.
Hailey, the Honourable Sir Malcolm.
Hullah, Mr. J.

Innes, the Honourable Mr. C. A.
Kabraji, Mr. J. K. N.
Kamat, Mr. B. S.
Keith, Mr. W. J.
Lindsay, Mr. Darcy.
McCarthy, Mr. F.
Muhammad Hussain, Mr. T.
Muhammad Ismail, Mr. S.
Percival, Mr. P. E.
Renouf, Mr. W. C.
Sapru, the Honourable Dr. T. B.
Sharp, Mr. H.
Sim, Mr. G. G.
Waghorn, Colonel W. D.
Wag, Mr. T. A. H.
Zahiruddin Ahmed, Mr.

NOES—36.

Abul Kasem, Maulvi.
 Agarwala, Lala G. L.
 Agnihotri, Mr. K. B. L.
 Ahmed, Mr. K.
 Asjad-ul-lah, Maulvi Miyan.
 Barua, Mr. D. C.
 Bhargava, Pandit J. L.
 Cotelingam, Mr. J. P.
 Das, Pandit R. K.
 Gajjan Singh, Sardar Bahadur.
 Gour, Dr. H. S.
 Gulab Singh, Sardar.
 Iewar Saran, Munshi.
 Jatkar, Mr. B. H. R.
 Mahadeo Prasad, Munshi.
 Manmohandas Ramji, Mr.
 Man Singh, Bhai.
 Misra, Mr. P. L.

Mudaliar, Mr. S.
 Nag, Mr. G. C.
 Nayar, Mr. K. M.
 Neogy, Mr. K. C.
 Ramayya Pantulu, Mr. J.
 Rangachariar, Mr. T.
 Rao, Mr. C. Krishnaswami
 Samarth, Mr. N. M.
 Sarfaraz Hussain Khan, Mr.
 Sarvadhikary, Sir Deva Prasad.
 Shahab-ud-din, Chaudhri.
 Shahani, Mr. S. C.
 Singh, Babu B. P.
 Singh, Rana U. B.
 Sinha, Babu Ambika Prasad.
 Sinha, Beohar Raghubir.
 Subrahmanayam, Mr. C. S.
 Subzposh, Mr. S. M. Z. A.

The motion was negatived.

Mr. President: The question is :

‘That this Assembly do agree with the Council of State in the following amendment :

‘That in clause 24 (2) :

(a) after the words ‘income, profits or gains’ the words ‘of the year in which the loss was sustained’ be inserted; and

(b) the words ‘in the year in which the loss was sustained’ be omitted’.

The motion was adopted.

THE INDIAN PORTS (AMENDMENT) BILL.

The Honourable Mr. C. A. Innes (Commerce and Industries Member) :
 Sir, I move for leave :

‘To introduce a Bill to regulate the employment of child labour in ports in British India.’

I do not think, Sir, that I need detain the House very long over this little Bill. It is not a Bill of any great importance. The House will remember that last March they recommended to the Governor General in Council that we should ratify the Draft Convention adopted by the International Labour Organisation at the Washington Conference for fixing the minimum age for the admission of children to industrial employment. Article 6 of that Convention prescribes that in India children under 12 years of age shall not be employed in the transport of passengers or goods or mails by rail or in the handling of goods at docks, quays and wharves, but excluding transport by hand. We have no machinery at present by which we can make that prohibition effective, and therefore, in consultation with Maritime Local Governments, we propose to take the necessary power by a slight amendment of the Indian Ports Act. The amendment does not carry us very far. It merely prohibits the employment of children under 12 years of age at piers, jetties, landing places, etc., in all processes which involve the use of machinery. But, Sir, we have decided to introduce this little Bill in order to render effective the pledge which we have given to the League of

Nations, and I think that every one in this House will recognise that when we do make an undertaking of this kind to the League of Nations, we should carry out that undertaking. That, Sir, is the reason why I am introducing this small Bill.

The motion was adopted.

The Honourable Mr. C. A. Innes (Commerce and Industries Member) : I now introduce the Bill.

RESOLUTION *RE* INDIA'S PARTICIPATION IN THE BRITISH EMPIRE EXHIBITION.

The Honourable Mr. C. A. Innes (Commerce and Industries Member) : I beg to move, Sir, the following Resolution :

'This Assembly recommends to the Governor General in Council that necessary steps should be taken and funds provided to enable India to participate on an adequate scale in the British Empire Exhibition to be held in London in 1924.'

I do not propose to detain the House with any long and detailed description of the origin and progress of the idea of holding a British Empire Exhibition. The idea was first conceived by the late Lord Strathcona as far back as 1913, but the outbreak of war prevented the scheme from coming to fruition. It was revived in 1919, and it was first intended that the Exhibition should be held in 1921, but it soon became evident that the date so fixed was inconveniently early. The Government of India, for instance, when they were consulted in 1919, felt that beyond arranging for a display of Indian timbers they could not participate officially in an Exhibition to be held in 1921. They felt that within the time allowed to them all that they could do would be to bring the Exhibition to the notice of the general public in India and to manufacturing firms.

But in 1920 affairs took a different turn. It was decided to postpone the date of the Exhibition, and the whole scheme assumed a much more ambitious form. His Majesty's Government decided warmly to support the

1 P.M. Exhibition, and a public meeting, held at the Mansion House under the presidency of the Right Honourable the Lord Mayor of London, cordially and unanimously endorsed the proposal. In 1920, therefore, the question was reconsidered in India. It was discussed in April and November of that year at two Conferences of Directors of Industries, and at those Conferences the opinion was unanimously expressed that India should participate in the Exhibition on a scale befitting her place in the Empire. In the meantime His Majesty the King-Emperor had consented to become the Patron of the Exhibition and His Royal Highness the Prince of Wales to be the President of the General Committee. His Majesty's Government obtained the authority of Parliament, by a special Bill, to participate in the Guarantee Fund to the extent of £100,000, in June, 1921, His Royal Highness the Prince of Wales made a public appeal to India and the Dominions to co-operate cordially in the Exhibition. In response to that appeal Sir William Meyer, the High Commissioner, at a public luncheon promised that India would do all she could to make the Exhibition a success. The arrangements were entrusted to a General Committee of which His Royal Highness the Prince of Wales is the President and of which Mr. Montagu and Sir William Meyer are Vice-Presidents.

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The actual arrangements are in charge of an Executive Council. The Right Honourable Lord Morris is the Chairman of that Council, and India is represented by Sir Louis Kershaw of the India Office and Mr. Chadwick, the Indian Trade Commissioner.

I now propose to put before the House a general outline of the scheme which I invite them to approve, but before doing so, it is necessary to add, by way of introduction, an explanation of the present position of the Government of India in this matter. In 1920, before the present constitution came into being, it was our provisional view that India should not stand out in this great Exhibition, and that if she did participate she should participate on a worthy scale. But before we could promise participation on such a scale, it was clearly necessary for us to be assured of the support of the Provinces. In January, 1921, accordingly, we invited the views of the Provincial Governments, and though one Province has since signified its inability to incur any expenditure on the Exhibition, every Government and Administration replied to our inquiry that India should participate officially. Since the receipt of those replies it has been our intention to take the earliest possible opportunity of placing the matter before the Assembly, but we have been prevented from doing so by two causes. The first of these is that the Executive Council of the Exhibition for obvious reasons determined that, it could make no official announcement as to the date of the Exhibition until they had been able to raise the guarantee fund to a sum of one million pounds sterling. This sum was reached only in January last, thanks to a special appeal issued by His Royal Highness the Prince of Wales to the great cities of England. The second cause was the uncertainty whether those Dominions and India whose co-operation was particularly desired would agree to the suggested postponement of the Exhibition from 1923 to 1924. We were consulted on this suggestion and expressed ourselves in favour of it. In fact, the postponement to 1924 has been made very largely at the instance of India. We were particularly impressed with the necessity of adequate time in which to make our preparations, and moreover we had to bear in mind the fact that Provincial Governments like ourselves would have to obtain the concurrence of their Legislatures before they could make the necessary provision in their Budget Estimates. We have just been informed that the date of the Exhibition has officially been postponed till 1924, and it will be held from May to October in that year.

The scheme I wish to place before the House is this. With the exception of Burma, which has expressed a desire to be a self-contained unit, all Provincial Governments are unanimously of opinion that India should be represented at the Exhibition as a whole. This view is also held very strongly by the Exhibition authorities, and is one in which I think all who are in favour of participation will agree. If the Exhibition is to be impressive and worthy of India, it must show the best that India can produce in every class of article displayed. If it is to attain the highest effect, the Indian portion of the Exhibition should be contained in buildings and courts forming a symmetrical and harmonious whole, while the individual characteristics of Provinces and Indian States participating may be preserved by the allotment to them of separate courts, giving them scope for the display of individuality in the matter of decoration and for the exhibition of industries and crafts peculiarly their own. If this result is to be achieved, it is

necessary that the Central Government should, in the first place, make themselves responsible for the buildings required for the Indian portion of the Exhibition. A very fine site at Wembley Park has been secured on the outskirts of London. The authorities of the Exhibition have provisionally allotted to India a ground space covering 100,000 square feet in a position which is admitted to be the best site in the Exhibition. This site will be assigned to us free of charge, but we shall be required to pay for any buildings that we may erect upon it. By the agreement which the Exhibition authorities have made with the Body which will ultimately take over the ground, that Body has no claim to any buildings which may be erected on it, but we shall be at liberty to dispose of our buildings at the close of the Exhibition in any way we please. We shall not be entitled to any share in the ordinary gate money, but we are not required to contribute towards the guarantee fund. We shall be permitted to charge special fees for entrance to special side-shows or branches. In addition to the cost of erecting our buildings, we shall have to meet such charges as water, gas, electricity and the like. The items of expenditure on the Exhibition will comprise the erection and decoration of the buildings and other incidental expenses which I have mentioned, together with the cost of moving the actual exhibits from India to London. There is one more item to be taken into consideration. It is essential for us to employ some one to organise the exhibits for the whole of India, assist and advise the participating Provinces, States and private exhibitors in the matter of selection, despatch and arrangement of their exhibits and to conduct negotiations with the Exhibition authorities and with architects, decorators and contractors.

The exact method of dividing the cost will be settled in detail later, but as a working basis we suggested last year to Provincial Governments that the Central Government should meet the cost of this special officer or Commissioner and of the buildings, and that the Provincial Governments, States and private exhibitors should pay for the collection and transmission of their exhibits and should also pay to us rent for the portion of the buildings occupied by them, together with a share of the incidental charges connected with electricity, lighting and the like. This suggested division of the cost has met with the general approval of Local Governments and is, I think, the most reasonable arrangement which we could make.

The House will no doubt want to know exactly what liability this Exhibition will involve, and I may explain that that is precisely the reason why I am moving a separate Resolution on the subject instead of merely making a demand for a grant. The demand for a grant would merely show the expenditure which will be involved next year, and I think it is essential that before the Assembly commits itself to the Exhibition, it should know clearly what its liabilities are, that is to say, the sums which will come up for payment in subsequent years. I regret, however, that I am not in a position to give at the present stage very definite figures. The Exhibition authorities have given us a rough estimate of 15 shillings a square foot for the buildings, which includes erection of the buildings themselves and external and internal decoration. We cannot, however, estimate the extent of the buildings to be erected until we know exactly how many participants there will be and what their requirements are. We learn, however, from Sir Louis Kershaw, who is our representative on the Executive Council of the Exhibition, that we shall not be required to pay any large portion of the initial cost of the buildings during the

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next financial year. We shall, however, be justified in estimating the total initial cost on buildings at £110,000, against which we shall eventually be able to set off the rent charged to participants and the proceeds obtained from the disposal of the buildings at the close of the Exhibition.

We have up to the present, pending the approval of the House to our proposals, taken no steps towards the selection of a Commissioner. Having regard to the duties that will devolve upon this officer, it is clear that we require some one possessing exceptional qualifications. He should be a man possessed of organising ability, wide imagination and tact and experience in dealing with men. It will naturally not be easy to secure the kind of man we require and we do not know how much money we will have to pay, but we have provisionally provided at present for a pay of Rs. 2,800 a month. In addition, of course, we have to make a small provision for travelling allowance, staff, contingent expenditure and the like. It is most desirable that this Commissioner, if the House decides to participate in this Exhibition, should be appointed at a very early date. Until he has studied the arrangements in consultation with the Exhibition authorities in London, we shall be able to make little progress.

It is in our own interests and those of the provinces who will participate that an estimate of the final cost to each participant should be prepared as soon as possible. No orders can be placed for buildings until the participants are able to tell us what their requirements will be, and before they can estimate, they need advice which can only be given to them by an officer who has gone into the arrangements with the authorities on the spot. Our proposal is, therefore, that if it is decided to participate in this Exhibition, the Commissioner should be selected without delay and should take over his duties from 1st May this year. After a month or so spent on familiarising himself with the scheme as presented to us and working out his own plans, he should proceed to England for about three months to study the arrangements there. He should then return to India with all the information necessary to enable him to draw up complete estimates, explain details to intending participants and help them to organise their exhibits. The total cost on account of the Commissioner, his staff and travelling and other allowances which will fall within the next financial year, are estimated at Rs. 26,000 to be spent in India and £700 to be spent at Home. It is not possible yet to estimate the initial cost of the work to be done on the Exhibition ground, nor to say when we shall be required to pay for the buildings to be erected, but we should make some provision on that account in the next year's Budget estimates, and I propose to ask the House to include a sum of £10,000 for this purpose in the estimates for 1922-23. The total amount required to be placed in next year's Budget will then be £10,700 for expenditure in England and Rs. 26,000 in this country. During the years 1923-24 and 1924-25 we shall have to meet the total cost of the buildings, for which it is proposed that we should obtain a return in the shape of rent and of the disposal price at the conclusion of the Exhibition. We shall also have to pay for the Commissioner whose services will be extended from beyond the first year.

I do not wish to detain the House by entering into a more detailed explanation of the case which I have endeavoured to lay before it.

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders) : What is the total liability ?

The Honourable Mr. C. A. Innes : I will come to that later. I should like to say a few words about the object of the Exhibition. To quote from the statement made by the Executive Council of the Exhibition, it aims, in the first place, at taking stock of the resources of the Empire, and at showing how those which are as yet undeveloped or only partially utilised can be converted into wealth. Greater production is urgently required. The war left the world very much poorer. There is a scarcity of almost all the necessities of life, of foods, of materials, of many of the substances which keep our factories busy. Not until supplies are brought into a more equal ratio with the world's demand can the cost of living be reduced to any appreciable extent and the nations enabled to enjoy once again the comforts and conveniences which were theirs before the war. The second object of this Exhibition, as stated by the Council, is to make the people of the Empire better known to one another ; to show how they work and how they play ; what are their principal sources of wealth ; what are the natural features of the land they inhabit ; the nature of their schools and their factories ; the houses they live in. Nothing of the kind on so large and comprehensive a scale has ever been undertaken before. Thirdly, there is to be a very important scientific side. A number of committees are being formed among men of the highest distinction in all branches of research and practice. These committees will arrange displays calculated to arouse public interest in all efforts to conquer disease and unhealthy conditions of existence. Housing and sanitation will be given especial prominence. A far reaching attempt to better the conditions under which man lives and to check all influences hostile to his well-being will be set on foot. Fourthly, the Exhibition will enable established industries to show what they have to offer, and new industries to attract attention by proving what they can do. Experience shows that Exhibitions are of undoubted value as a means of direct advertisement to many trades and to countries which are desirous of pushing their products.

In our own case, we have considered with particular care whether in the present financial circumstances we are justified in asking the House to commit themselves to an expenditure which, spread over three years or so, may, taken as net expenditure, that is to say, allowing for recoveries in the shape of rent and the disposal price for buildings, amount to some Rs. 15 lakhs. We have no hesitation in making this request. The material advantages of this Exhibition are likely to be great. It will be the first great Empire Exhibition since 1886, and it may be as long again before there is another Exhibition on as great a scale. It affords an opportunity of demonstrating to the Empire and to the world the progress which India has made, her resources and her potentialities, and it will be unwise to let slip that opportunity. But, personally, I attach more importance to other considerations. The Exhibition aims at being a great Empire Exhibition and His Royal Highness the Prince of Wales has publicly appealed to India and the Dominions to co-operate. We understand that all other parts of the Empire have agreed cordially and whole-heartedly to support the Exhibition. It will be visited by people from all parts of the Empire and all parts of the world, and I should not like them to look in vain for representation of the greatest part of the Empire, namely, India. When they come there, they will find all the Colonies and the Dominions represented on a scale worthy of those Colonies and Dominions, and personally I should not like them to find India absentee.

[Mr. C. A. Innes.]

I am one of those who think that there is nothing of greater importance at the present juncture than that we should do everything which lies in our power to uplift the status of India in the Empire and the world. India's reputation, I am glad to say, stands particularly high in the League of Nations (Hear, hear.) Mr. Chatterji, when he came back from Geneva a short time ago, was able to tell us that India has gained a reputation for carrying out her undertakings, and, as I said, in the Council of the League of Nations India is consolidating her position every day. We now hope that we shall secure recognition from the Council of the League of Nations as one of the eight chief industrial States in the world, and what I feel, Sir, is that if we are not represented at this Exhibition, we shall lose an opportunity of proving our status both within and without the Empire.

Now, Sir, that is my case. I have stated it as fully and frankly as I could. I do not disguise from myself for a moment that our financial position is not good and I do recognise that it is a matter of careful consideration whether at this time we are justified in incurring this expenditure. But, Sir, after giving the matter my most careful consideration, I have deliberately come to that conclusion. It is not the material advantages that I am looking to; it is not the orders which we expect to get; but, Sir, what I feel is this; that it is up to us now to prove that India is as great a country as any other part of the Empire. What I feel, Sir, and what I wish this House to take into consideration now is this: that, if this Exhibition, which is the biggest Exhibition which has been held in London since 1886, is held in 1924, and, if it is an Exhibition in which every Colony and every Dominion is fully and worthily represented, then I do hope that this House will agree with me that, though it may cost 15 lakhs spread over three years, India should not stand aloof.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan, Urban); Sir, I desire to give this motion very strong and cordial general support.

Any one visiting England is impressed with the utter lack of facilities for bringing the economic case of India before the British public and, through the British public, the world public. The vast offices and agencies that the Dominions and Colonies have in London for this purpose are a striking land-mark there, and arrest attention; you go in and know all about the Dominions and the Colonies and their economic conditions and everything else connected with them. Three matters recently came under my observation, in particular, which made me hope that some day it would be possible for India to have a self-contained organisation like the Colonies and the Dominions have in England, and the proposed Exhibition will afford the opportunity and the nucleus. Take the case of the neglected timber of south-western India, which Sir William Meyer has taken up as decorative timber with promising effect for the English market. I visited a leather exhibition and there I found a little stall, away in the obscurity of the background, where leather, manufactured in India and sent over to England, was extorting the admiration of people accustomed to high-class tanning for a long time. Then I heard of inquiries from Canada as to whether India could not send over pottery to Canada where there was a considerable demand. Inquiries like this, which could be satisfactorily answered if there was a proper agency in England, are many. The Trade Commissioner and the High Commissioner

for India between them are doing a great deal, but when opportunities like this come, it would be worse than folly not to fully and more than fully avail ourselves of them.

I do realise, Sir, that we are passing through a financial crisis of a very serious character and ought to be very careful; at the same time, from the high-grade points of view which the Honourable Mr. Innes has put before us, as well as from the point of view of practical business, it is of the greatest importance that India should, as a matter of expediency and business as well as for higher political, economic and moral reasons, be adequately represented at an Exhibition like this where all the world's eyes will be turned and where India must be well in evidence if it is to be in evidence before the world. We are all naturally wanting the trade balance to be in favour of India. How are we going to secure that unless we can bring home to the consumer abroad the great possibility in India not only with regard to raw materials but also of finished articles, a great deal of which can be advantageously sent over to other countries? We have heard about the education, the food, and the housing branches of the proposed Exhibition. With regard to every one of these, India could give a fairly good account of itself in an Exhibition like this. Mr. Sharp might organise an educational exhibition which would create impressions which would not be altogether unfavourable to Indian education. With regard to housing, this is a question of great importance in England, where they cannot have even a small house for £500 or £1,000. When I told people interested in the new garden suburbs, that in India we can get houses for Rs. 200 for the poor, they opened their eyes in wonder. And we can give them points in cheap food and clothing. All these are questions, the details of which need not and cannot be gone into on an occasion like this, but can be sufficiently dealt with in properly constituted committees. Even with regard to scientific instruments, I am sure we could send over a consignment of instruments that will create a good impression. From Dacca muslins to the microscope and mathematical instruments will be quite a long range, and imagination will have free play, if things are properly handled, within the financial limits that Mr. Innes has indicated to us and which, if adhered to, would be a good investment. We have got to be careful that the financial responsibilities do not become heavy, but between the provinces and the Central Government we ought to be able to give a good account of ourselves in England without prohibitive cost. And the least that we can do now is to give general support to the Resolution which the Honourable Mr. Innes has just moved.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I am afraid I cannot share in the very optimistic views put forward by my friend, Sir Deva Prasad Sarvadhikary, as regards the net result which is likely to accrue to this country by our participating in this costly Exhibition. Not that I stand up to oppose this Resolution. It requires very careful consideration before we commit ourselves and the country to the cost of it. I think that the proposal ought to be seriously examined by a Committee of this House before the Assembly is asked to vote for it.

Now, Sir, what is the object of taking part in an Exhibition? It is to advertise our goods. Are we able to produce goods for our own market, let alone for other countries? Sir, I have some experience of the Victoria Technical Institute in Madras which exists for promoting indigenous industries in that province. (*A voice: Not industries but art.*) No, as it is, we

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are not able to produce enough to meet demands. We have orders from America, from Japan, from England, outstanding for twelve months, and we are not able to turn out the necessary articles now.

My Honourable friend, Sir Deva Prasad Sarvadhikary, said that India could give a good account of itself. Well, of what industries or industrial products that our country has established are we to be so proud? Are there so many products that we can supply the three hundred millions of the country and also send out things all over the world? Are we not importing goods, small goods and large goods, from other countries and exporting our raw products in large quantities? It is quite true, in leather and hides we are able to give a good account of ourselves; but in what way—when the hides are tanned here and sent over there and then come back to us in the shape of boots and shoes for which we pay 100 per cent. or 200 per cent. over the cost price? Establish factories yourselves. We want so many boot factories all over the country, and we have not established one. And then to talk of how proud we are of our industrial advancement in this country is really astonishing. We had an Industries Commission which sat all over the country and produced a report. We are still having committees and reports. Where are your technological institutes? How are our countrymen going to take advantage of this Exhibition? Are you going to send students over there to learn the various modes and methods adopted in other countries? Is that going to be part of the programme? I did not hear anything about that in the elaborate details given to us by the Honourable Mr. Innes. I did not hear of any proposal for sending over there Indians to get themselves trained, to get themselves acquainted with the methods of manufacture which are followed there and all the other things which are most valuable for educating the Indians in these matters so as to fit them to take a part in the industrial development of their country. There is a great deal of money needed for starting schools. I may mention one instance. We have been talking of starting a Mining School in this country. A Principal has been appointed, and an Assistant Principal has already come out without a school being in existence. We are starving for want of funds to establish such a school. We are not able even to put aside 10 lakhs for this purpose, and here we are asked to embark on expenditure, we are asked to commit the country to large expenditure on a thing of this sort. I do not under-rate the moral or political side of it. I quite appreciate that side; but when I think of the poor part which my country can play at this Exhibition, I feel depressed, I feel sad, and not at all proud of the share we can take in this Exhibition. We have a lot to do yet in developing the indigenous industries of this country. Sir Deva Prasad Sarvadhikary spoke of Dacca muslins. Well, how many orders can we execute for these muslins? How many yards can be produced in Dacca? How many of us are able to produce Dacca muslin? What is the use of saying we can produce this or that unless we can re-establish mills and factories all over the country and produce in quantities, not only enough for home consumption but for consumption abroad? What is the good of our saying that we can take part in this Empire Exhibition? It is quite true that India is a part of the Empire. In that sense we are bound to take part in it, but as I have already said, we have to consider this question very carefully. We are passing through a grave financial crisis. We do not know how we are going to make revenue and expenditure meet, and so long as you are not able to do that and

your wits are exhausted in that direction, I do not think we should rashly embark upon sentimental efforts of this kind. I do not want to throw much cold water but I do want all of us to think carefully about this whether really the game is worth the candle.

Mr. B. S. Kamat (Bombay Central Division: Non-Muhammadan Rural): Sir, I am not surprised at the attitude shown by my Honourable friend, Mr. Rangachariar, towards the Resolution moved by the Honourable Mr. Innes, for the simple reason that he happens to belong to the fraternity of lawyers. If he had been a business man I think he would have supported this Resolution with the greatest alacrity.

To a commercial man or to a man who has the slightest notion of industrial development, I believe this Resolution must appear to be well worthy of the heartiest support. I believe every man of business knows that the first principle of success in business is not only the art of production but also the art of marketing, and when we have grasped the importance of marketing our goods, I believe there can be no two opinions that the first essential of successful advertisement and marketing is exhibition in fresh markets.

Now, Mr. Rangachariar referred to one or two points. He asked, have we got enough goods produced in this country to go round the world? I believe that is not the right way of looking at things at all. There are certain articles which, if they fetch a better price outside India, if they fetch a better price abroad in any country, I think the manufacturers would be well-advised in sending out of India, provided they enrich the country by export. And if it is contended that the articles of Indian manufacture are not up to the mark, my reply is, the Exhibition which we have in view is exactly the remedy we want for the present state of things. It will indicate to our manufacturers how to produce better goods and how to market them. I can give you one little instance which will convince anyone of the advantages of showing your goods in a foreign market and also of inducing manufacturers to turn out new goods at a cheaper price. While in America, I looked at some show-cases at a draper's, and I found all varieties of ladies' hats sold at tremendous prices. Some of these ladies' hats could be made by Indian manufacturers, if only they could be shown the patterns and materials they are made of, and in a very short time - perhaps in a couple of months - I was sure the Indian manufacturers would be able to turn out ladies' hats exactly to those patterns, at perhaps one-third of the prices which were shown in the windows. If Indian manufacturers could see these things in foreign countries, mark what materials they are made of and how they are made, it would be quite easy for them to manufacture such things themselves. That, I believe, would be of the greatest advantage to artisans in India.

Of course this postulates one thing, and that is a point I wish to bring to the notice of the Honourable Mr. Innes. If the Exhibition is to be a great success, it is not only necessary to send out exhibits from India. It is not only necessary to appoint an organiser who knows only England perhaps, or a few Indian articles. But if the scheme is to be of any use, it will be absolutely necessary for the Government of India to send a few Indian selected manufacturers to this Exhibition in order that they might see the various articles from the Dominions and from England exhibited in this great Empire Exhibition, and also watch, inquire and find out what articles they can manufacture easily on their return to this country at cheaper prices, so that they could

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send the same articles abroad, either to England, America, or the Colonies, and make money out of similar manufacturing processes. Let not my Honourable friends in this House run away with the idea that every such article to be manufactured requires high mechanical skill or mechanical equipment. There are a thousand and one things which we buy from Germany or from other countries which could, after a little training, be manufactured in this country. Many of such articles we use every day of our lives. If our manufacturers could be shown new patterns and processes by which these things are turned out, they would soon be able to manufacture them here. And this can be achieved by the Government of India if, when sending these exhibits, they will also send a few representative manufacturers from the different Provinces to this world Exhibition.

One more point, and it is this,—It will be necessary also to appoint provincial committees in order to select the typical and representative articles of fine art to be displayed in this world Exhibition. Probably the organising officer who is appointed by Government will see to it; but the standard of taste in articles of art, as seen by a foreigner, is one thing, and the standard of fine art, as judged by an Indian, is another. It will be advisable, therefore, for the Government of India to appoint provincial committees in order to assist this organising officer in the selection of goods which the Government of India will send to this world Exhibition. I think this world Exhibition has a commercial value; it has also a political value as my Honourable friend, Mr. Innes, put it. If we are absentees in a world Exhibition like this, India will go by default. If, on the other hand, we can show our raw products and works of art, I believe we shall grow in the estimation of the Dominions and other countries which will be represented in this Exhibition. For the political uplift as well as for raising the commercial status of India, I have no doubt it is absolutely indispensable that we should send out our products and certain finished articles, as also a few manufacturers from this country to this world Exhibition.

Mr. Manmohandas Ramji Indian Merchants' Chamber and Bureau (Indian Commerce): I also rise to support the Resolution. It is by exhibition that a great deal of progress can be made. There is no doubt about that. I need cite only one instance. When in 1906 we launched the Swadeshi Stores in Bombay we were selling money purses at a price of 5 annas and they were very coarsely made. We made an attempt to improve upon that and, within the course of six or eight months, we persuaded the manufacturers and got money purses which were very superior, and, after one year, an Australian traveller came to visit our stores; he was surprised to see these money purses at the price they were selling and he said that, if we sent those purses to his place, they would fetch very good remunerative prices. That goes to show that, if there is an exhibition, our produce can be shown commercially and also our manufacturers can come to know the real advantages and the real direction in which they ought to move. Of course, when there is an exhibition, there is every chance that persons interested in the produce of the land will be persuaded to go there to exhibit their own articles and they will be interested in comparing their articles with the other world productions, and therefore it will be a great advantage to India to be represented there. My friend, Mr. Rangachariar, pointed out that in this critical financial position we ought to be very careful about spending this

huge sum of Rs. 15 lakhs; But I can point out that, if India is properly represented in that Exhibition, Rs. 15 lakhs would probably bring Rs. 150 lakhs by way of gaining experience and knowledge.

Sir Frank Carter (Bengal: European): I move that the question be now put.

Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I quite disagree with my friend, Mr. Rangachariar, in that mournful homily he gave to this House. We may be this year in financial stress; but that is not a reason for not joining in an endeavour which is undoubtedly productive of great benefit. The question is not simply whether we are industrially as good as the most advanced countries of Europe or America. The question simply is, are we to shut ourselves out from this Exhibition? Is it not our duty to show to the world what India is capable of with its limited industrial development as it is called, that India is capable of showing to the world the high attainments in arts and such industries as it has been carrying on for centuries? The art work of India, the craftsmanship of India has really attained a superior position in the world of art and craft. That position will be enhanced, will be more widely known, if we get an opportunity of exhibiting, say, our ivory work or brassware or carpets and so many other things which India is noted for. I am very sorry that my friend should go and take up an extremely narrow and insular attitude in this matter and strike the first discordant note in a matter in which we should all unanimously support the Resolution that has been put forward. What is Rs. 15 lakhs if you take the millions of other items on which we incur expenditure year after year and month after month? Rs. 15 lakhs would not suffice to build an Arts college. Therefore to say that in a big affair like this, a matter of a world Exhibition, Rs 15 lakhs is too much and to ride that horse of economy and that horse of financial stringency which does not seem to apply to many of our other concerns, I think, is very, very disappointing. Now, it is not a case of a lawyer or tradesman or contractor or a member of any of the other professions, which are open to the people; the question of arts and the encouragement of arts and the wide publicity that ought to be given to the art work of India ought to be the concern of every one here; and therefore the sum that is proposed is certainly modest if we take the general revenues of the whole of India. We often forget in dealing with these subjects what we do in our own affairs; whenever an ordinary celebration takes place in our homes, it takes away a substantial part of a man's income; and when the State enters upon matters of ceremonial, I suppose we must allow it a certain latitude of pomp and show. But this is not a case of pomp and show; this is a case where we want to advertise our art work, craft work, that is going on in this country. My learned friend referred to the Victoria Technical Institute. I am very familiar with it, though I have not the honour of being on its management or any such thing. I make a visit to it every time I happen to go to Madras. Well, it collects art work from all parts of the Presidency, things which people would otherwise not be able to see in one place. Shop-keepers may keep things here and there, but all the workmanship from various parts of the country, from Ganjam and Vizagapatam down to Tutucorin, are exhibited there. It gives you in one view the fine things, the slender mats of Tutucorin, the southern most place in Madras and the fine ivory and ebony work of Vizagapatam and Ganjam in the north and the carpets in the various districts.

[Rao Bahadur C. S. Subrahmanayam.]

I mention only a few : there are other things such as Madura cloths. That institute no doubt is an institute managed by Government or partially managed by Government with a high staff ; it may or it may not be paying.

Rao Bahadur T. Rangachariar : No high staff there ; the pay is only Rs. 150.

Rao Bahadur C. S. Subrahmanayam : Well, I have no knowledge about it ; but it is not run as a shop or on a commercial basis ; it is run more as a place where superior work, not ordinary work, is accepted. Ordinary chairs and tables and ordinary brass work are not allowed to be accepted : and no art collection would allow such things to be so taken ; that would be doing what an ordinary shop-keeper does every day. Another fallacy of my Honourable friend's speech lies in the fact that he is mixing up two things—what an ordinary shopman does and what an artistic Exhibition or Exhibition of arts and crafts is intended for.

The ordinary shop-keeper only deals with goods which are in common demand, and he has nothing to do with art-ware. Art-ware is a special thing, and what is done in Exhibitions is that only such goods as are not handled by the ordinary trade are exhibited. Therefore, the opposition started by my Honourable friend is entirely wrong, and I think we should give our whole-hearted support to the demand which has been made by the Commerce Member.

Mr. President : If the Assembly wishes to continue the debate, we may now adjourn.

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 was in the Chair.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : Sir, while we have listened with very great interest to the debate on the Resolution moved by the Honourable Mr. Innes, we think that the Honourable Member might be given a little more time to work out details of the actual gross cost and net cost to the Central Government by our participation in the British Empire Exhibition. Many of us think that we should join heart and soul in this Empire Exhibition, but the straitened condition of our finances deters us from actually making commitments before we are in a position to say what would be the actual cost of the buildings and other things next year, the year following and in the last year of the Exhibition, or rather in the last year 1923-24. The Honourable Mr. Innes would perhaps take time to give us the figures necessary for the construction of buildings and the collection of other materials, and we should also like to know on what scale the other Colonies of the Empire such as Canada, Australia and South Africa, are going to contribute to this Exhibition. The Budget will be published the day after to-morrow, and this question might suitably come up after the Budget figures are announced to the House. I, therefore, request, Sir, that further discussion on this Resolution do stand adjourned *sine die*.

Mr. President : The question is that this debate be now adjourned.

The Honourable Mr. C. A. Innes: Sir, I am entirely in the hands of the House, and if the House would prefer that this debate should be taken on rather later, when they have had an opportunity of hearing what our exact financial position is and when I have had a further opportunity of working out in as great a detail as possible the exact extent of our liabilities in connection with the Exhibition, I have no objection at all. But I must explain that I think it will be rather difficult for me to get any information regarding the scale on which the other various overseas Dominions propose to participate in the Exhibition. All I can say on that point is that at the public luncheon which was held in July 1921, Canada, Australia, South Africa and New Zealand, through their representatives at that luncheon, all announced their intention of taking part wholeheartedly in the Exhibition and doing everything they could to make the Exhibition a success. But whether I shall be able to ascertain exactly how much money they propose to spend is, I think, very doubtful.

Mr. President: The question is that this debate be now adjourned.
The motion was adopted.

RESOLUTION *RE* PROHIBITION OF TRAFFIC IN MINOR GIRLS.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : Sir, the motion that stands in my name reads as follows :

'This Assembly recommends to the Governor General in Council to be so pleased as to enact a law prohibiting the wholesale traffic in minor girls for immoral purpose ostensibly intended as *Devadasis* but in reality used for indiscriminate immoral purposes.'

Sir, I need hardly apologise to the House for bringing this question once more before the Assembly. Only the other day we had a discussion on the subject of endorsing the Convention which the League of Nations recommended for our acceptance. That was a more general motion. The Resolution I wish to move to-day is of a very much more restricted character. Honourable Members of the House will see that it is not my object to move for a general suppression of the vice of immorality. Even if that had been my object, it would be impossible, because I do not think that we can make people moral by an Act of Parliament. Nor is it my purpose to ask this House to adopt any drastic measures on a large scale for the purpose of combating the evil of general immorality. What I propose this afternoon to do is to ask the House's concurrence to the suppression of an evil of a specific character connected with certain institutions in this country. Honourable Members will observe that in certain parts of India the evil of prostitution has been going on for a very long time and is associated with the ceremonial observances in certain temples. It has become an established part of the accepted usage in that part of the country. In certain parts of the Bombay Presidency and in the southern Presidency of Madras, we have what is commonly known as *Devadasis*. A very short description of *Devadasis* will probably interest the House :

'In the Madras Presidency, there is an ancient custom of dedicating young girls to the *Pagodas* as *Dasis* variously called as *Aradhins*, *Baoris*, *Bhawanes*, *Devadasis*, *Jogins* or *Murtis*, or maids and dancing girls, but who, it is notorious, are used for the purpose of prostitution. Both *Dasis* and dancing girls are dedicated to the temple by the performance of certain ceremonies after which they cannot marry but lead the lives of life-long prostitutes. They are called *Devadasis* or dancing girls of the temple, and by custom they claim a

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right to vote on or veto the admission by dedication of new *Dasis*. It appears that after dedication girls pass through a period of novitiate during which they learn singing and dancing. The dedication is accompanied by the registration of their names as belonging to the *Pagoda*. The order in which the several acts of dedication may be performed would appear to be these: (i) application by the minor's guardian for permission to dedicate; (ii) acceptance by the *Pagoda* authorities; (iii) her registration on the *Pagoda* list from which she commences to draw her pay; (iv) tying of *botti* a ceremony of nominal marriage with the idol called *Basvi*;—consigning her to life-long spinsterhood; fifthly, period of novitiate during which she learns singing and dancing; sixthly, dancing at *pagoda* ceremonials, and, of course, prostitution for which there is no starting point.

Mr. K. G. Badge : (Bombay Central Division : Non-Mohammadan Rural) : What is the name of the book ?)

Dr. H. S. Gour : My friend asks me what is the name of the book. It is a book on the Penal Law of India, 2nd Volume, paragraph 3608. (Mr. T. Rangachariar : 'Is that a quotation or is it your own?') It is a very short description, a short summary of the existing practice culled from books and from local inquiry, and I may mention, Sir, that before quoting it to this House I submitted it to the opinion of two of my friends who hail from that part of the country where this practice is rampant, and they have assured me that it is a correct description of the *Devadasis* as given in the book.

Now, Sir, the question is not a question of any religion or sect. It is a question of common morality, and it is on that ground that I ask the support of this House. Honourable Members will find that some years back, in 1906 and 1907, the Government of India addressed a letter to the Provinces concerned and asked them to report on the growth of this evil. The Collector of Dharwar reported to the Government of Bombay that in the quinquennium 1901—1905, 876 minor girls had been decoyed from their homes and consigned to this life of infamy. The Collector of Belgaum said that within his jurisdiction, 836 cases had been so decoyed and the Collector of Bijapur reported that 911 girls had been seduced from his district. Consequently, these three Collectors, reporting in 1908 (I am giving the figures for 1901—1905), were able to say that no less than 2,623 girls had been seduced from their homes for this purpose. Now, that was the state of affairs in three districts of the Bombay Presidency and there are other districts from which the reports were not then available. But I have no doubt that if seduction on this large scale is going on, the number of girls, who must have been decoyed and dedicated to the temples for the purpose of prostitution, must be very large indeed. As I have said at the opening, I am not here concerned with the general question of prostitution. I am here concerned with one short question which belongs to the *Devadasis* or the *Murlis* and it is only that evil that I desire this House to deal with. A long series of cases of the Bombay and Madras High Courts have established the rule that these girls who are taken away from their homes when they are either 6, 8 or 11 years of age, and in all cases before attaining the age of puberty, go through a form of marriage with the deity and thereafter become *Devadasis* or the wedded brides of the shrine. They are incompetent thereafter to revert to the life of a householder. They are incompetent to marry and for the rest of their lives they must devote their services to the institution and to all persons who visit that institution. In a case reported in the Madras High Court. I.L.R. 15, Madras, page 75—(Mr. T. Rangachariar : 'There was a Full Bench case after that.') (An

Honourable Member : 'There is something more recent.',—evidence was given and Mr. Justice Parker opens his judgment with the following words:

'The evidence shows that a girl who is dedicated as a *Basavi*, becomes incapable of contracting a marriage which would be recognised as valid by the laws and customs of her caste, that she is at liberty and is expected to have promiscuous intercourse with men generally and that she and any children born to her inherit in her father's family only.'

In the Madras Census Report of 1911, paragraph 67, we have the following statement:

'In Southern India, a girl may marry an arrow, or a tree, perhaps to escape the reproach of attaining puberty unmarried. She may marry an idol which generally implies that she becomes a prostitute.'

Now, Sir, there can be no doubt that it is revolting to all human feeling that a girl as soon as she is 6, or 8 or 10 years of age, and in a majority of cases before she attains her puberty, should be exposed to this lifelong vice and that at a time when she is unable to decide for herself, when she is under the influence of her parents and guardians, those very guardians and parents should dedicate her to a life of immorality. Honourable Members will find that the recruitment of this unfortunate class is made in the following manner. The retired *Devadasis* cast about for fresh recruits. If they have daughters of their own, they dedicate them to the temple as a matter of custom. If they have no daughters of their own, they adopt them and after adoption they then dedicate them to the temple. In many cases girls are purchased for a price, and in the reports which were sent to the Government of India in 1912 and 1913, we find that as much as Rs. 2,000 was paid as the price of an infant girl.

What we suggest, Sir, is that some measure should be taken by the Government of India to stop this evil and that girls during their minority, during their tender years before they attain puberty, when they have neither the intelligence to perceive the nature and effect of the action of their parents and guardians, nor the capacity to visualise the life of shamelessness to which they are consigned by those whose duty it is to protect their honour, should not be sent to these temples and thereafter made *Devadasis* and exposed to promiscuous intercourse by visitors to the temples.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Am I right in thinking that the Honourable Member means to say that these are allowed in the temples?

Dr. H. S. Gour: If the vice had merely affected the girls themselves, it would in all conscience be an appalling one. But instances are on record when they communicate disease and visitors suffer lifelong pain and often they are themselves the victims of this promiscuous intercourse. I do not wish to exaggerate the evil. If I have done so, it is entirely unintentional.

Rao Bahadur T. Rangachariar: In ignorance.

Dr. H. S. Gour: I only desire to call the attention of this House to a practice which I venture to think is no longer in accordance with the growing national sentiment of the people in this country and which is and never was tolerated by our religion. I am perfectly certain that whatever may be the reasons which actuate my Honourable friend, who has been interrupting me, so far as the ultimate conclusion is concerned he and I are at one: We

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both desire to protect young children from being exposed to this constant menace upon their honour and we are anxious that the legislator should do his duty in stamping out as far as possible this source of national contamination. I do not wish, Sir, to say one single word more than is necessary for the purpose of ensuring the acceptance of my Resolution. I have studiously avoided going into details, but I do desire that, whatever may have been the history of this institution and whatever may have been the causes and whatever may have been the mischief of this malpractice in the past, Honourable Members of this House will join in concerting a plan to see that in future our society will be purged of this evil. I do not for a single moment ascribe this practice to the orthodox creed, to the heterodox creed or to any creed at all, and I do not wish to suggest that this practice is tolerated by the good sense of Hinduism. All I suggest is that it is a practice which obtains in certain parts of this country, and I only desire Honourable Members to take note of a fact which is a fact. Having done this I shall have discharged my duty. How this practice grew and under whose sanction it is allowed to continue, are matters of no moment. All that the Honourable Members of this House should concentrate their attention upon is to see that this practice is put an end to by an Act of legislation, because unless legislation intervenes, there is no other method for putting an end to this practice. I do not for a moment, Sir, doubt that any Member of this House will countenance a practice which lays down that young girls are free to be bought and sold and to be adopted for the purpose of immorality and that they should be married to an idol and after that custom should prohibit their marriage and consign them perforce to a life of shame. What Member of this House who respects his religion, whose *Smritikars* have laid down the exalted morals which constitute the philosophy and creed of Hinduism, can for one moment tolerate this intolerable wrong which is being perpetrated in the guise of religion. I feel Sir, that this is not a question in which Hinduism or Muhammadanism or any other religion comes in conflict. This is, I submit, a principle upon which there cannot be two opinions. We all feel here as Members of this House that we are in charge of the lives of those young girls who live in this country and who are entitled to the protection of law, who are entitled to be protected by their parents and guardians and I submit that if they fail to do their duty, nothing should deter or daunt us from ourselves doing our duty. Nothing, I submit, Sir, that can be said or will be said with regard to this being an ancient practice will ever weigh with the Members of this House in countenancing this palpable, this manifest wrong from which the minors of this country suffer. When I gave notice of this Resolution, some of my esteemed orthodox friends came to me and said that my Resolution is much too limited. They appealed to me to enlarge its terms, because they said: 'Our young children are exposed to this grave menace'. Boys are decoyed, stolen and dedicated to this sanctuary, which should be resorted to for purposes of worship and reverence, but which is being used as a pretext for purposes which cannot but be denounced as grossly immoral. (Cries of 'Boys'.) Some of my Honourable friends say 'boys'. Well, I am not referring to boys in connection with my Resolution, but, when I refer to boys, I am referring to what has been stated to me as an evil of another character, but affecting the young lives of our children. I am informed that a large number of people take away young boys and afterwards these boys are used for purposes which are certainly not decent or moral. But I

am not dealing with that question. Members here will speak for themselves. I am here continuing my Resolution, as I have said, to one singular practice which obtains in this country, which cannot be denied, and which is a social evil. In parts of India, a very large number of women are attached to temples, live within their precincts and they are used for immoral purposes by persons who resort to the temples. (Cries of 'No, no'), (Mr. B. S. Kamat : 'Are you quite sure they do it in the precincts of the temple?') (Another Voice : 'On information, is it?') A very large number of girls are dedicated to idols and, after their dedication, they are used for promiscuous immoral purposes. Some Honourable Members object to my saying that they are used within the precincts of the temples. I want their support and, if they think that that detail is wrong, I am prepared to withdraw it. (Hear, hear.) (A Voice 'Do it'.) I have not come here to affront anybody's religious susceptibilities ; I am here, Sir, to vindicate a cause on which I feel, and feel strongly. It may be that the information that has been given to me is, in point of detail, inaccurate, and I ask the Honourable Members to overlook it ; but what I ask the Honourable Members to unanimously support is my Resolution which invites them to lend their assistance to the suppression of an evil, the existence of which cannot be doubted.

With these words, Sir, I move my Resolution.

Rao Bahadur T. Rangachariar : Sir, it is very easy to pose as a moralist and, especially on a Resolution like this, it is very difficult for one to speak against it. But I am emboldened to speak on this occasion because of the gross ignorance which has been exhibited by the Mover of the whole subject. I am quite in agreement with my Honourable friend that some steps may be necessary to be taken, and I have therefore asked in my amendment that the Local Governments and the Indian Associations concerned should be consulted before action is taken. I said that my friend is grossly ignorant of the subject on which he has dared to come forward before this Assembly and it gave me great pain, Sir, when I read what he stated the other day when I was absent on this matter. He stated deliberately :

'It is scandal, a national scandal, that young girls are decoyed in large numbers and taken to places sacred to religious purposes and there these girls are used for grossly immoral purposes.'

It is a calumny, a base calumny, utterly false and it is all due to the ignorance of the Honourable Member, because, as he himself confesses, he has spoken of provinces with which he has nothing to do and I do not know if, as a Hindu, he has ever honoured a temple with his presence. (Laughter.) Sir, I have a great deal to do with temples in my part of the country. I am on the board of supervision of a very important temple in Conjeeveram, a well known temple, and I know the affairs of these temples very closely and intimately. Most of the temples have come under my jurisdiction as a wakil in consequence of the religious disputes which often arise between the various sects in my province. Therefore, I can speak with some authority and personal knowledge, whereas my friend has to rely on information which he cannot disclose, which he dare not disclose. I can well imagine a missionary preaching some other religion holding forth in the way in which my Honourable friend has indulged in to-day. It gives me great pain to hear a person who professes to be a Hindu talk in that ignorant way in which my Honourable friend has spoken. It is quite true that these unfortunate girls do lead

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 a life of prostitution. Nobody gainsays that fact; but to say that they are decoyed into temples and dedicated to lives of prostitution by the temples, I say is the very reverse of the truth.

Now, the question we have to consider is whether the law, as it is, affords sufficient protection, whether it has to be strengthened in the direction of remedying the evil. Sir, I know in my province it has become absolutely difficult, after the Government of my province took earnest steps to enforce the sections of the Penal Code, to get enrolment of dancing girls in temples. Many a temple which had 12, 13 or 14 dancing girls attached to them, many important temples that had revenues, now go without any dancing girls. From the year 1890 to the year 1895, these sections of the Penal Code were rigorously enforced against the trustees of temples, and, when these girls are dedicated, that is the ceremony which is called dedication, then the High Court rules that the presumption will be that they are dedicated to a life of prostitution, and, therefore, trustees, who enrol these girls under the age of 16, have been prosecuted, convicted and fined; and, after that, it is impossible in my province for the trustee of a temple to dedicate a girl to the temple, when she is under 16.

Above the age of 16, the religious tenets prohibit their enrolment. A girl to be dedicated according to the rules which have been observed from time immemorial must be a virgin, and therefore they took care when this practice was instituted to dedicate girls under the age of 14. No temple authority would ever think of dedicating a girl to the temple who is above 14. Now the law has stepped in and said that if girls under 16 are dedicated to a temple, the trustees are liable to prosecution and several cases of trustees being successfully prosecuted have taken place and their conviction confirmed on appeal to the High Court. The matter has, I am glad to say, taken a very desirable turn indeed in my Province.

Another thing which is a great factor in these matters is the spread of education—the spread of ideas among the people. As my Honourable friend admitted, you cannot make a whole people moral by legislation. What has happened now is that instead of these dancing girls that we used to have before, you have in their place a number of girls who are not dancing girls by caste and other girls who have taken their place who are really prostitutes. But let my Honourable friend go into the streets of Delhi. It will simply open his eyes. Now if his sympathy had been aroused in favour of these unfortunate girls rather than in favour of those girls on whom he has not set eyes and knows nothing about—I could understand that. It is very easy to preach morality and ask Government to interfere; but how are you going to make a nation moral by legislation? Many a great statesman and many a great thinker have tried their wits upon this problem, but have not been able to find a solution to it; and I don't think that in these sexual matters the world is going to get any right solution. It will go on as it has always gone on. I am not saying that nothing should be done, because the State must intervene whenever a wrong is done, and it is a wrong if these girls are seduced, degraded, to a life of prostitution. The law must protect them, and I think our law does protect them. If there are any defects in it, we must leave it to the local authorities to correct them. They have a better knowledge of local conditions. Since the investigations made and the reports called for in 1912-1913 matters have greatly improved. And you now have representatives in the local Councils

who can speak with authority on a matter like this. Here is a matter which concerns Bombay and Madras. I know that this question does not affect the Telegu districts—only the Tamil districts. This question of the dedication of girls affects children in these parts. Don't defame them before you see them; and don't attribute these things to the temples themselves. The original object of these dancing girls was connected with processions—that is to say after the religious ceremonies were over. They do perform certain ceremonies—that is to say, the concluding portion of the ceremonies; but they have nothing to do with any religious ceremonies inside the temple. Therefore this legislation won't affect religion at all. It is a mistake to suppose that the existence of these girls has anything to do with the real religious ceremonies inside the temple. It is only in processions and other such things connected with the temples that these girls come in at all. Therefore no serious harm will be done to the temples themselves or the religious instincts of the people, if some steps are taken to protect these girls.

But we have also to remember that these ancient arrangements were made by our forefathers who knew better than ourselves. Out of the superabundance of their knowledge, they founded a legalised system of control by founding a caste. The progeny of these girls were entitled to a certain status, whereas now illegitimate children are looked down upon. They had certain customs of their own and a certain position in life, while the illegitimate children of prostitutes nobody will look at. Not that I am defending them. I am only pointing out what can be said on the other side. Let us not cry we are the only moral people in the world who can sit in judgment on our forefathers. It is easy to sit in judgment from a platform. However it does not matter. I am not defending them. I am only giving my support to the Resolution of my Honourable friend, Dr. Gour. Only I want to warn him against committing this Assembly and the Government of India to immediate action on a matter like this without consulting the people concerned. The people's representatives are now on the local Councils. Let them have an opportunity of considering this matter. They know best in what direction any improvement can be made; and I therefore, Sir, move the amendment which stands in my name that instead of taking action as suggested at once, they should consult Local Governments and Indian Associations with a view to enact the law required. I don't think my amendment is at all in opposition to the Resolution of my Honourable friend, although I join issue as to the correctness of the statements which he has made about these girls. But I forgive him for what he has stated. I will forgive him for that as he has a good object in view, and, therefore, Sir, I move my amendment:

'Insert the words, 'consult local Governments and Indian Associations with a view to' between the word 'to' where it last occurs in the first line and the word 'enact' in the second line.'

Mr. B. S. Kamat (Bombay Central Division: Non-Muhammadian Rural: Sir, I support the amendment of my Honourable friend, Mr. Rangachariar, that opinions from Local Governments may be invited. With reference to the remarks which have fallen from the Honourable the Mover of the Resolution, my friend from Nagpur is a Doctor of Law and sometimes a law unto himself. I believe he has vitiated the presentation of his case by one or two grave faults. Firstly, both in drafting his Resolution and also in presenting it, by his laboured peroration and the high pitch of

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his voice, I think he has laid himself open to the charge that he has exaggerated and overcoloured the picture. The second fault is, I believe, he has after all dwelt on a partial solution of this great problem by confining himself to the *Devadasis* only. I come from a part of the country where the system of *Devadasis* is still lingering to a certain extent. I am also connected with the Society for the protection of Children, and I think I can give my Honourable friend some information both as regards the system of *Devadasis* and the nature of the dedication and also the extent of the evil. After going into facts we can consider how far the remedy suggested by my Honourable friend, Dr. Gour, is suitable or if there is already a remedy in the law.

Now, Sir, Dr. Gour has by his description created an impression, particularly among my Muhammadan and European friends as if every Hindu temple in the country is full of *Devadasis*. Let me contradict that impression in the first place. Even the figures which he quoted are rather against him. Speaking about Bombay city, I think I am quite right in saying that, as an institution, Bombay city has no institution of *Devadasis* at all, not a single *Devadasi* will be found in the Bombay temples. Similarly in the Deccan districts, Sholapur for instance, Nasik and other places, there is no regular system of converting minors and even grown-up women into *Murlis*, as they are called; in Poona district, there is no doubt a shrine called *Sejuri*, chiefly frequented by men, I believe, of the fisherman class; here unfortunately there is a system prevailing of dedicating girls to the temple. But if we examine the figures which Dr. Gour quoted from the report of the proceedings of the Imperial Legislative Council in 1912 when the Government investigated this question, we find that in five years the district of Dharwar had to report 876 cases of dedication. That gives an average of 175. I do not think the figures justify Dr. Gour's description of 'wholesale traffic.' That wording in his Resolution, I think, is rather inaccurate and over-coloured. I proceed down the Bombay Presidency to a part of the country called the Konkan, on the western coast. There, undoubtedly, it is a fact that certain temples have *Devadasis*, popularly called there *Bharin*. Here the *Bharin* class is unfortunately a class of *Devadasis* who as a side-profession perhaps have recourse to prostitution. But let me assure Dr. Gour that within the precincts of the temple itself there is absolutely no taint of prostitution at all. Unfortunately the class of *Bharins* carry on this profession both as *Devadasis* and prostitutes from generation to generation. The *Bharin* has, according to ancient rights, the privileges of serving and doing menial duty in the temple at the altar; perhaps she is privileged to carry the lamps (something like the practice of carrying the candles in Roman Catholic Churches) and she is entitled to certain perquisites from the collections in the temple or the charity box. The institution of *Devadasis* or *Bharins* was mainly for the purpose of menial attendance at the altar and the temple. That has now degenerated into a worse institution; but a *Bharin* within the temple looks after her own duties and nothing else. The fact however, is, it is the man who tempts the woman and if there is any young rich bachelor in the neighbourhood he is the first man to corrupt the woman. When this *Bharin* has a grown up daughter, she again in her turn is dedicated to the temple for the same duties; and both mother and daughter unfortunately make a living or supplement their living by prostitution. But yet the *Bharin* has a right as it were to serve at the temple and has also a right to perquisites from the charity box or the collections at the altar. The question,

therefore, will arise, if you stop dedication, you will have to stop the right of these women to have these perquisites of the temple. I am not defending, Sir, the institution of dedication. As a social reformer, I undoubtedly hold Government would be justified in interfering to stop this system of dedication to the temple. But what I have to point out both to Dr. Gour and to the Assembly is not to attempt only a hap-hazard or a partial solution of this problem. I wish to draw the attention of the House to facts recently found in Bombay, the Bombay Government at the instance of one legislator recently went into the problem and took a census of prostitutes in Bombay City; and it has been found by a Committee which was appointed by the Government that in Bombay City there were no *Devadasis* as such; yet there are thousands and thousands of minor girls who are turned into prostitutes and they are of all classes and creeds. That Committee, when they took the census with the assistance of the Police Commissioner, found out that in the streets of Bombay there were girls who were doing business of prostitution and they came from all parts of the world; there were Chinese girls, Japanese girls, Armenian girls, Muhammadan girls, girls from the Punjab, from Kashmere, from Rajputana and girls from the South. Now, I ask those who want to solve this problem, are these *Devadasis*? How are these minors decoyed, and enticed into this profession? Not by dedication for one *Devadasi* in a particular district, there are perhaps thousands of girls brought into the streets of Bombay from upcountry and converted into these prostitutes, although they do not go through any ceremony of dedication whatever and have nothing to do with this institution of *Devadasis*. I therefore contend that this problem is a larger one and if you take only the institution of *Devadasis* which is a localised evil only, confined to certain tracts of the country and to certain tribes who carry on the principle of dedication from generation to generation, then you attempt only a partial solution of this problem.

Now, I come to the question of the remedy, My friend, Dr. Gour, who is a learned man in law said that legislation was absolutely necessary. In this respect I refer him to the proceedings of the Imperial Legislative Council wherein he will find that when Government investigated that question, it was pointed out that in the present Penal Code there was provision to stop this dedication. Under section 372 of the Indian Penal Code, I gather dedication might be interpreted as disposal of the girl; and there have been cases both in the Madras High Court and in the Bombay High Court as well in which the High Courts have held that dedication is against the Indian Penal Code, that it is against the existing law, so that the very existing law which we have is ample as far as I can understand it to deal with this evil. Unfortunately the law is not put into practice and it is perhaps a dead letter. What seems necessary to me, therefore, is for Government to see that it does not remain a dead letter. However even assuming according to the interpretation of some lawyers that the ordinary law is not enough or is not strong enough, I am perfectly in favour of having recourse to legislation for the stoppage of this evil. But when Government want to stop immorality and prostitution, it is no use, as my friend Mr. Rangachariar, pointed out, attacking the one hundredth part of the evil which is to be found in temples, but I maintain that the whole problem should be attacked wholesale in a comprehensive manner, so that you eradicate the evil thoroughly. It is no use trying to eradicate the *Devadasi* or the *Bhavis* and flood the whole of the street of Delhi, Calcutta or Bombay or Rangoon with all sorts of minor

[Mr. B. S. Kamat.]

girls who though not dedicated are seduced, or purchased, or are hired out in all the different processes of fraud by brothel-keepers. We have got not only Hindu *Devadasis* to stamp out, but also Chinese girls, Japanese girls, Armenian and Jewish girls, brought from all the different parts of the world into the port of Bombay. I say the evil has to be attacked at the very root and in a radical manner and we have not to look at the evil only from the point of view of the Hindus, or Muhammadans or the purity of the Church. These are the observations which I have to make with reference to the proposal made by my Honourable friend; and I think the best course for the Government is, as Mr. Rangachariar in his amendment has shown, simply to find out from local Governments the nature and extent of the evil and then to apply the remedy.

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders) : Sir, I am really surprised to see that there have been apologists here for the institution of *Devadasis* in India (Cries of 'No apologists'). I am going to explain how an attempt at apology has been made. It has been said that our ancestors, who knew better, must have had some very valid reasons for bringing this institution into being. I have listened very carefully to all that has been said in favour of the institution and in favour of deferring the action that has been proposed by Dr. Gour; but I have not been able to see how the proposal to defer is to be supported. It has been stated by Rao Bahadur Rangachariar that *Devadasis* are attached to temples, but that they do not stoop to any mean practices within the precincts of the temples although outside no doubt they do carry on prostitution. It has been also stated that the prostitution of *Devadasis* would be part of the larger problem of prostitution in general prevalent in India. But according to me it is easier to tackle prostitution when it is practised under the wing of religion. No temple that consents to have *Devadasis* attached to it could be deemed justified in such action. All temples that have *Devadasis* attached to them must indeed be temples of a very low order. And it is easier to secure recognition for the truth of this proposition. No eloquence can vindicate *Devadasis* in a temple. The name of Hindu temple will not be of much avail. To say that such an institution might be allowed to exist because in a mysterious way it subserves some very useful purposes, is, I think, to make a statement which is clearly worthy of condemnation. My Honourable friend, Dr. Gour, has been abused for bringing in this measure. It has been said that his ignorance of the subject is gross, that it is easy for him to preach morality, and that morality is never established by legislation. I say this advocacy is participation virtually in the immorality involved in the institution. Any one who comes forward to justify this institution of *Devadasis* had better think twice before assuming this role, and before making bold to play this role in a House such as this.

It has been said by the Honourable Mr. Kamat that we should be circumspect and wary in our action, and that we must first consult the local Governments, and the Indian Associations. Why? Only because there is the larger evil of the prostitution of Indian, European, Syrian, Armenian and other girls, who are thus victimised, and which in our present order of society we cannot effectively deal with. I have no doubt there is something to be said for the general institution of prostitution, on which the purity of the home in some measure depends. Man has got two principles within

him, the principle of virtue and the principle of vice, which need to be harmonized. As Lecky rightly says, the prostitute serves as a priestess of humanity. I would myself hesitate a good deal before ending the institution of prostitution. But prostitutes that are attached to a temple or a house of God must necessarily disappear. Any reasonable man, any man who lays any reasonable pretence to morality, must support Dr. Gour's measure. I therefore heartily support the measure that has been brought before the House by Dr. Gour.

The Honourable Dr. T. B. Saprú (Law Member): Sir, howsoever much my friends from Madras and Bombay may attack my Honourable friend, Dr. Gour, for what they have been pleased to describe as his ignorance of the customs of their part of the country or of the law obtaining in Madras and Bombay, I do not think that any one in this House, even a conservative die-hard, will deny that Dr. Gour has been actuated by the highest and loftiest purpose in moving this Resolution. (Hear, hear.) As one who in younger days was an ardent social reformer and who, with growing years, has not felt any diminution in that ardour in behalf of Social Reform, I do not hesitate to say without equivocation and without ambiguity that, in my personal capacity, I am entirely in sympathy with Dr. Gour's motion. At the same time, I very well appreciate and realise the anxiety of my friend, Mr. Rangachariar (*Mr. Rangachariar*: 'For what?') that false impressions should not be created with regard to the extent of the evil. I myself believe that no social reformer advances his cause by exaggerating the extent of the evil, but at the same time I would respectfully remind men who think or who hold that the last word on human wisdom or human morality was uttered by their ancestors hundreds of years ago, that it also serves no purpose to close their eyes to the evils as they exist. (Hear, hear.) Fortunately, or unfortunately, I myself have no personal experience of the temples in the South, and I confess that I have no such temptation.

Rao Bahadur T. Rangachariar: Without seeing them?

The Honourable Dr. T. B. Saprú: Therefore, if my Honourable friend, Mr. Rangachariar, will attack me on the same ground on which he attacked Dr. Gour, namely, that I am ignorant of his temples down in the South, well, I will plead guilty to that charge. But, at the same time, I do not think that the problem is one, the extent of which cannot be appreciated by an Indian living in India, moving in Indian society, who has been borne and bred up in Indian traditions (Hear, hear), although he may not have the good fortune or evil fortune of living in Madras or in Bombay. Now it is perfectly true that some times conservative people think that when discussions of this character take place in the public, outsiders who do not belong to the Indian society are apt to run away with the impression that this evil is the normal feature of Hindu life. Well, let me as an Indian and as a Hindu repudiate any such suggestion or any such impression most emphatically. Hindu Society could not have lived these thousands of years if its heart was rotten to the core or if the evil was so rampant as some unkindly critics make it out to be. But let us remember that what is to be found in certain parts of India at the present moment, howsoever it may be discreditable to our modern notions of morality and purity, is, by no means very novel in the history of the world. I will just read out to the House a passage from

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a judgment of a very learned European Judge whose contributions to the Hindu Law are held in the highest respect everywhere in India. I am referring to a judgment of Sir Raymond West, not because it lays down the law beyond cavil ; I am aware that so far as the precise legal issue in that case was concerned, there has been difference of opinion. But I will read a passage to you just to show some parallels on this particular point. Now Sir Raymond West said so far back as the year 1880 as follows :

'The universal dedication of women to one day of promiscuous licence, which Herodotus described as a law of Babylon, is repeated by Biblins several centuries later before the days of Lucian. It was connected with a mode of worship which has been generated in many places by the joint influence of sexual and religious emotion, and which made many ancient temples the chief centres of licentiousness. From Tyre, apparently, the worship of Astarte was conveyed to Corinth, where the temple of Aphrodite with its thousand devotees became the most celebrated home of wantonness. Herodotus was so accustomed to the employment of sacred precincts for what, to him, seemed impure uses, that he thinks it worthy of special record that the Egyptians and the Greeks alone abstain from turning them to such purposes. The sons of Eli copied, in their misconduct towards the female votaries who came to benefit by their ministrations the practices of the neighbouring nations. The rigorous laws of the Jews against unchastity are an evidence and source of their nobler type of character in comparison with the other peoples of Asia Minor though their lapses into sensual idolatry are often recorded and lamented by the Prophets.

'All Syria was at times given up to orgiastic excesses, the infection of which could hardly be escaped by those who were exposed to it. From this region, more than from any other, corruption flowed in upon the Roman ; and if Juvenal's authority may be accepted, the temples at Rome were the favourite haunts of debauchery'.

Now, therefore, it may be urged by any Hindu that if things like these existed or flourished at one time in ancient India, ancient India
 4 P.M. was not a solitary example. But now the point is whether you will allow these relics of those far-off days to subsist or to survive under modern conditions, and that is the issue which I think Dr. Gour has put before the House to-day. There was one remark which fell from my friend, Mr. Kamat, and I ask the House to bear that in mind carefully. I am in perfect agreement with him when he says that so far as the particular problem of *Devadasis* is concerned, you must not attack it—or to put it the other way—you should attack it along with other branches of the evil. (*A Voice : 'Why?'*) There are *Devadasis* in the South and in the West, but there are similar institutions of women and young girls who are dedicated to careers of vice not in connection with temples or in connection with any religious ceremony, but purely out of immoral motives to be found in other parts of the country. At this stage I will read to the House brief extracts from the reports of three Local Governments which were submitted to the Government of India some 10 years ago when the question was taken up. These extracts will show what really the extent of the evil is, or at any rate what the extent of the evil was found to be at that time when Local Governments were asked to make careful inquiries through local authorities in regard to this matter. The Government of Eastern Bengal and Assam, as it then was, reported as follows :

'The Lieutenant-Governor has consulted selected officers, and is assured that the practice of dedicating young girls to a life of prostitution in connection with the service of a temple is confined to two or three places in Assam ; none of these are important, nor is the number of such girls considerable. All girls so dedicated are members of certain families which enjoy rent-free lands on condition of providing each a girl for the service of the temple. An endeavour is being made by the district officers to induce the temple authorities to put an end to the custom.'

The Government of Bengal reported as follows :

'Symbolic marriage does not prevail in the province of Bengal, and the institution of temple prostitutes does not exist at any of the large religious shrines in Gaya, Orissa, or elsewhere, with the exception of the temple of Jagannath at Puri. At this temple there are some 100 dancing girls, but their position both in theory and practice is somewhat peculiar. These girls are recruited in three different ways. Some are the daughters of families attached to the temple for the performance of certain services; the male members play music in the temple; while those of the female members who are not married are dedicated as dancing girls and are enjoined by the rules of the temple to lead clean lives of lifelong virginity, even marriage being considered a disability for the *Shesha* or service. Others are girls dedicated to the temple from religious motives by people not connected with the temple. For instance, when a girl is dangerously ill, the parents will dedicate her to Jagannath in the event of her recovery; or parents who have no children or who have lost a number of children in infancy, will in fulfilment of their vows devote their female offspring to the service of the deity. The children so dedicated pass out to the families attached to the temple and in due course become dancing girls. Others again are illegitimate daughters purchased from their mothers. Though this last is the commonest method of recruitment, it cannot be said that there is any regular traffic. The girls by the temple rules are expected to lead a life of strict morality, yet it is not denied that outside the temple they practise prostitution, but unlike the ordinary prostitutes and dancing girls of the town, they refuse to entertain Muhammadans, or persons of low class, or to dance in public.'

Then I come to Madras, the province of my friend opposite :

'As regards the extent of the evil, the large mass of opinion, both official and non-official, is to the effect that, so far as regards the enrolment of female children for a life of prostitution as servants in Hindu temples, there is a tendency to decline, due partly to the increasing disapproval of educated Hindu opinion, and partly to diminution in the comparative value of the *inams* attached to each service. The number of dancing girls actually doing service in temples has also probably undergone some diminution, but they still continue to exist in large numbers, and the practice of dedicating female children to temple service has by no means ceased.'

Then I come to Bombay :

'So far as has been ascertained, this practice does not prevail in the temples of Sind and Gujarat. In the Marathi-speaking Deccan, the practice does exist but to a small and as it seems diminishing extent. In the south of this Presidency, however, specially in Bijapur, Dharwar and Belgaum, the evil is extensive. It has been ascertained that on an average some 558 young girls are annually dedicated to the temples of this Presidency. Of these dedications, 523 occur in the aforesaid three districts.'

I will only add that so far as the Punjab and the United Provinces Governments were concerned, they said that there was no such custom to be found anywhere there. Now, that is the extent of the evil I will remind the House that in the year 1912, my friend Mr. (Now Sir) Maneckji Dadabhoi moved a Bill on this subject. In fact, the scope of the Bill which he moved was very much larger than the scope of the Resolution of my friend, Dr. Gour. About the same time, the late Mr. Mudholkar, also an ardent social reformer, gave notice of a similar Bill. Shortly before that, if my memory does not fail me, Mr. Madge had given notice of a Bill with regard to the general question of social vice. So far as the two Bills of Mr. Dadabhoi, as he then was, and Mr. Mudholkar were concerned, what the Government of India did at that time was that they referred the whole question to the Local Governments and invited their opinions, and in pursuance of those opinions, a Government Bill was introduced and it was referred to a Select Committee. The report of the Select Committee was again referred to Local Governments and opinions were invited. Unfortunately, there were disputes and controversies raised at that time, not with reference to the main issue, but with reference to certain subsidiary issues.

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And then came the war. The legislation therefore could not be proceeded with during the last few years mainly because of the war and mainly because it was considered to be a controversial legislation. As you all know, the old Council disappeared and this Assembly has taken its place. I will only at this instant remind the House that even the orthodox Members of the Council at that time strongly supported the main issue, and I will at this stage just read a passage from the speech of that pillar of orthodoxy—I refer to Pandit Madan Mohan Malaviya. In speaking on this question, he said :

‘ I hope that not a man in the country will be able to put forward one single text which will justify a thing which is so irreligious and sinful as the dedication of minor girls in a position where they must be compelled to lead a life of sin and shame. My Lord, I hope that all sound men will be united in the desire to support the Government in any legislation which shall secure that no girls shall be led, induced or compelled to take to a life of shame, or placed in a position where she may be helplessly led to adopt it until she has attained to discretion; and so far as that is concerned, I hope and trust that the measure will receive the support of all right-thinking men throughout the country ’

Well, one of the main questions which was responsible at that time for controversy and which stood in the way of legislation was that relating to guardianship and rescue homes, and I will beg the House to remember that you cannot attack this problem without at the same time making up your mind as to what you are going to do with these girls whom you will rescue from a life of vice and immorality. (*An Honourable Member* : ‘ That is true. ’) Have you got any rescue homes or are you going to provide them, and what is going to be the machinery? That is a question on which I think the real solution of the whole problem depends. At that time I remember very well one of the questions which was raised in the Council and the question which agitated the public mind was as to whether these girls should be handed over to persons who belonged to their own religious persuasion or whether they could be handed over to persons belonging to another religious persuasion. That was the main point of controversy at that time, and while I am not prepared to express for you or on my behalf any definite opinion on this question, I will beg the House to give its best consideration to this particular issue.

Well, the question has been solved in England by two statutes, one is the statute of 1885 and the other is the recent statute of 1908. I have been looking into the provisions of these two statutes, and although it may be that in every detail you may find it difficult to follow those statutes, yet I think that the principle which they have laid down is perfectly sound, and whatever may be your position, you will have to be guided by the principles of those statutes. But quite apart from the question of the statutes, I should think that even before 1885 in England there could be no room for doubt that even a mother who was living a life of immorality would not be entitled to the guardianship of her child. The Court of Chancery had laid it down repeatedly. Therefore, here in India where you have got to deal not with individual cases, but with a large class of cases of this character, I think you have got to make up your mind as to whether you are going to provide any rescue homes for these girls or not. These are questions which require very careful consideration. I have no doubt that Dr. Gour is prepared to give his best consideration to these matters. But as Mr. Rangachariar pointed out, and I think very rightly too, at the time when Mr. Dadabhai and Mr. Mudholkar moved their Bills the constitution of the Council was radically different from the constitution of the Assembly to-day. ‘ At that time the non-official Members of the Council were

in a minority and naturally the Government constituted as it was at that time, felt itself called upon to proceed in a matter like this with the utmost caution. Even now I think, from the point of view of Government, caution is necessary. (*Mr. Shahani*: 'Not too much of it.') I quite agree. Therefore what strikes me as leading to a satisfactory solution of the problem for the time being is that my friend, Mr. Gour, should agree to the suggestion that there should be a fresh reference to the Local Governments so that the position during the last 10 or 12 years since the former reference was made may be re-surveyed and re-examined and fresh suggestions may be made now by the Local Councils which are practically Indian in their constitution. I do not think that this will mean really any obstacle to our work, because I hope we shall be able to get the reports from the Local Governments within the next few months, and in the light of those reports I have no doubt, and speaking for myself, I can say to Dr. Gour that I am in perfect sympathy with his suggestion, that Government will be prepared to undertake legislation on this matter. But they want fresh materials, fresh opinions and fresh advice from the Local Governments and Local Councils. At the same time, I want to make it absolutely clear that I am not insisting upon this suggestion of mine being accepted by this House. If the House gives a clear and unambiguous indication of its intention in regard to this matter, if it wants that the Government should be prepared, after its clear vote on this matter, to undertake legislation, well, I can assure the House that the Government will do all it can to meet the wishes of the House (Hear, hear consistently with religious susceptibilities and social requirements in the various parts of the country. Therefore, so far as I am concerned, I will leave the matter entirely in the hands of the House. I have suggested to Dr. Gour and to the House that nothing will be lost by really re-surveying the whole problem within the next few months and strengthening our position by fresh material and fresh evidence, but it is for the House to say whether it is prepared to accept the first suggestion or the second one, and I am content to leave the matter in the hands of the House.

Dr. H. S. Gour: I do not propose to take much time in replying to the critics who attacked my facts but have accepted my conclusion, because I am only anxious that they should vote on my conclusion with which they are in concurrence, whatever may be our differences as regards the facts. So far as the suggestion of the Honourable the Law Member is concerned, the Honourable the Law Member will remember that this question was first raised as far as 1868. This very question has been pressed upon the notice of the Central Government from time to time and on the last occasion when the attention of the Central Government was invited the Government of India introduced a Bill in September 1913 and it was referred to a Select Committee in March 1914. The Bill was taken into consideration on the 18th of March of that year and after a prolonged discussion this huge mountain of the Central Government produced a mouse, and it was a motion that the Bill be re-published in the Gazette of India and there the matter ended. My Honourable friend, the Law Member, ascribes the further arrest in the progress of that measure to the intervention of the War. But I beg to suggest to him that the real difficulty that confronted the Government in 1914 was not the war because the war had not broken out when the measure was shelved. A very large volume of opinion from the Provinces was then collected and I have been privileged to peruse a copy of

[Dr. H. S. Gour.]

those opinions from the Local Governments which were then invited by the Law Department of the Government of India.

My friend now appeals to me once more to describe the same circle, go to the Local Governments, collect their opinions, introduce a Bill, and that Bill will be talked out. I decline that invitation. I ask the Honourable the Law Member what fresh facts can be now collected, which were not collected by the Government 6 or 8 years ago. This is an old chronic question. All the facts that could be collected are already in the possession of the Honourable the Law Member. Make use of them and let us now go forward with a salutary measure which we are all agreed should be put in force in the interest of common morality. I am obliged to the Law Member for his sympathy, but I am afraid that his sympathy is not likely to be coupled with his vote, because he has told us in his own diplomatic language that now that the Assembly has got an elected majority the Assembly must decide for itself whether it is in favour of this Resolution or not. Well, Sir, the responsibility having been thrown upon this Assembly, the Assembly is prepared to shoulder it and I have no doubt that this Assembly will rise to the height of its responsibilities on this occasion and assert in unmistakable terms in the interests of the children of this country that it is anxious that no time should be lost in placing on the Statute-book a measure sufficiently strong and amply sufficient for the purpose of preventing this evil which has been rampant in this country. To my friend, Mr. Kamat, I say that the question of the suppression of general immorality is a question to which this House stands already committed. Only the other day the Honourable the Home Member brought forward a motion asking for the adherence of this Assembly to a Convention of the League of Nations, and this Assembly endorsed the Convention proposed by the League of Nations. If due effect is given to that Resolution of the Assembly, a great step forward shall have been made to minimise the evil of which my friend, Mr. Kamat, complains. But my friend, Mr. Kamat, has entirely misunderstood me when I pointed out that there was a reason why I have brought forward this Resolution. In suppressing general immorality and traffic in minor girls, the Government of India may pause and hesitate to deal with a question which is surrounded with what the Government of India considers a difficult question of religion, and it is for the purpose of removing that impediment from the way of the Government of India that I have brought forward this motion so as to set the Government of India free not only to legislate generally on the subject of the suppression of this vice, but also to suppress that particular vice which is associated with religious practices. I therefore think, Sir, that nothing will be gained and time will be lost in referring this Resolution once more to the Local Governments, and I appeal to the Honourable Mr. Rangachariar who has given notice of his amendment to withdraw it on the same ground—because he and I are at one and we must conjointly move this Assembly to suppress this evil. Nothing would be gained by once more deferring the execution of this motion by referring it to the Local Governments, and I therefore ask the House, Sir, to unanimously pass my Resolution. I have no doubt that when the Government take action they will as a matter of necessity refer to the Local Governments for advice and guidance. That will follow, as a matter of routine practice, but why should I cripple my Resolution with that condition and thereby entail delay which, I submit, is not justifiable in view of the long discussions which have already taken place in the old Imperial Council and the

opinions collected by the Government of India from all the responsible bodies and Local Governments which are at present in their possession. I therefore ask, Sir, that my motion as it stands be passed by the House.

Mr. President : The original question was :

‘ This Assembly recommends to the Governor General in Council to be so pleased as to enact a law prohibiting the wholesale traffic in minor girls for immoral purpose ostensibly intended as *Devadasis* but in reality used for indiscriminate immoral purposes. ’

Since which an amendment has been moved as follows :

‘ Insert the words ‘ consult Local Governments and Indian Associations with a view to ’ between the word ‘ to ’ where it last occurs in the first line and the word ‘ enact ’ in the second line. ’

The question is that that amendment be made.

The motion was negatived.

Mr. President : The question is that the following Resolution be accepted :

‘ This Assembly recommends to the Governor General in Council to be so pleased as to enact a law prohibiting the wholesale traffic in minor girls for immoral purpose ostensibly intended as *Devadasis* but in reality used for indiscriminate immoral purposes. ’

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 28th February, 1922.