

3rd February, 1925

THE
LEGISLATIVE ASSEMBLY DEBATES

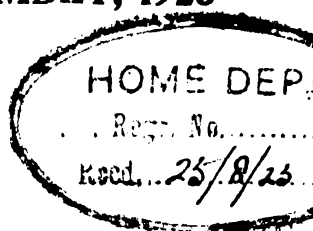
(Official Report)

VOLUME VI

THIRD SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925



SIMLA
GOVERNMENT OF INDIA PRESS
1925

CONTENTS—

contd.

	PAGES.
Tuesday, 3rd February, 1925—	
Questions and Answers	631-72
Election of the Public Accounts Committee ...	673
Election of the Standing Finance Committee ...	673
The Maternity Benefit Bill—Motion to circulate—Adopted...	673-67
The Special Marriage (Amendment) Bill—Motion to circulate—Adopted	697-708
The Hindu Trusts (Validating) Bill—Introduced ...	708
The Indian Medical Degrees (Amendment) Bill—Introduced	709
The Special Laws Repeal Bill—Introduced	709-14
The Indian Coinage (Amendment) Bill—Introduced ...	715-16
The Indian Penal Code (Amendment) Bill—Introduced...	716
The Transfer of Property (Amendment) Bill—Introduced ...	716-17
The Law of Property (Amendment) Bill—Introduced ...	717
The Indian Arbitration Bill—Introduced	717-18
The Indian Paper Currency (Amendment) Bill—Introduced	718-20
The Code of Criminal Procedure (Amendment) Bill—Introduced	720-22
The Special Laws Repeal Bill—Debate on the Motion to consider—Adjourned	723-29
Wednesday, 4th February, 1925—	
Questions and Answers	731-37
Unstarred Questions and Answers	737-39
Message from the Council of State	739
The Indian Succession Bill—Referred to Joint Committee...	740-41
The Indian Succession (Amendment) Bill—Referred to Joint Committee	741
The Indian Trade Unions Bill—Referred to Select Committee	741-69
The Indian Carriage of Goods by Sea Bill—Introduced and circulated for opinions	769-70
Thursday, 5th February, 1925—	
Statement of Business	771-72
Resolution <i>re</i> Grievances of the Subordinate Employees of the Indian Railways—Adopted as amended	772-811
Resolution <i>re</i> Prohibition of the Import, Manufacture and Sale of Liquor—Debate adjourned	811-19
Resolution <i>re</i> the Bengal Criminal Law Amendment Ordinance—Adopted	820-53
Monday, 9th February, 1925—	
Members Sworn	855
Questions and Answers	855-72
Unstarred Questions and Answers	872-89
Message from the Council of State	889
Allotment of days for the discussion of the General and Railway Budgets, etc.	890-91
The Indian Soldiers (Litigation) Bill—Passed as amended by the Select Committee	891-92

LEGISLATIVE ASSEMBLY.

Tuesday, 3rd February, 1925.

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

QUESTIONS AND ANSWERS.

ALLEGED BRUTAL ASSAULT BY GUARD ARATOON OF THE EAST INDIAN RAILWAY.

654. ***Mr. S. C. Ghose:** (a) Has the attention of the Government been drawn to the letter published in the paper *Forward* of the 9th January about the brutal assault committed by a guard named Aratoon of the East Indian Railway?

(b) Will the Government state if the Agent of the East Indian Railway has taken steps against the offender?

Mr. G. G. Sim: (a) Government have seen the letter referred to.

(b) Inquiry is being made and the Honourable Member will be informed of the result in due course.

LICENSES FOR DIANA AIR GUNS.

655. ***Baba Ujagar Singh Bedi:** Is it a fact that a consignment of Diana air guns, made in Germany, of Messrs. Elahi Baksh and Co., has been detained at the Port of Karachi with the object, that they should produce a license for these air guns, as they are regarded as fire-arms irrespective of the fact that the Bombay Port have passed this consignment as free from any obligation, and that the Karachi Port has imposed this bar; if so, do Government propose to take action to remove this restriction?

The Honourable Sir Alexander Muddiman: The Government of India have no information. If the firm in question is aggrieved by an order of the Karachi authorities it is entitled to take advantage of the opportunities of appeal provided by sections 188 and 191 of the Sea Customs Act.

FEES LEVIED ON PORTERS AT THE HOWRAH RAILWAY STATION.

656. ***Mr. T. C. Goswami:** (a) Is it a fact that there is a system of labour contract in the Howrah railway station, and that some 600 porters are at the mercy of one Mr. Love, a former station master on the East Indian Railway?

(b) Is it a fact that this Mr. Love charges Rs. 7 per month from each porter for permission to work as porters at the station? Does that fee go into his own pocket or is it a charge fixed by the railway?

(c) Have Mr. Hindley and Sir Charles Innes, of the Government of India, received copies of resolutions passed by the Howrah Porters' Association (with Mr. Jones as Secretary) condemning the system of contracting labour? What steps did they take on these representations? If no steps were taken, will Government submit their reasons for not taking any steps?

(d) Are Government aware of the decision of the High Court of Judicature at Fort William in Bengal, in the Criminal Jurisdiction, in the matter of an appeal by 37 porters against an order of a Magistrate imposing on them a fine of Rs. 5 each for refusing to pay the contractor Rs. 7 and yet working as porters, and are they further aware that the Judges remarked:—"It is plain that this judgment (*viz.*, that of the Magistrate) cannot be supported. The Magistrate has thus failed to observe the elementary provisions of law and to have adopted a procedure which cannot be countenanced". (February 1924)?

(e) Did Government take any steps in the matter on hearing of this judgment? When will the present system be put an end to?

Mr. G. G. Sim: (a) Government understand that several hundred porters are employed by a contractor for work in Howrah station and that the contractor is one Mr. Love, a retired Station Superintendent of the East Indian Railway.

(b) Yes. This amount is not fixed by the Railway but is levied by the contractor who has from these fees to meet the wages of his supervisors, his mates and office establishment, and the cost of his legal expenses.

(c) A press report of a meeting of the Railway Porters' Association under the presidency of Mr. E. Jones was received by Mr. Hindley in May, 1923. That report contained no resolution and no direct action was taken on it, but the conditions of service of the porters at Howrah were investigated during the next three months in reference to Mr. N. M. Joshi's questions Nos. 224, 225, 226, and 227, asked in this Assembly on the 16th July, 1923. The Honourable Member's attention is invited to the replies given to these questions and to the detailed information subsequently furnished to Mr. Joshi in the form of a statement, a copy of which was placed in the Library.

(d) and (e). Government have not seen the decision referred to.

RUNNING OF A MAIL OR AN EXPRESS TRAIN ON THE EAST INDIAN RAILWAY LOOP LINE VIA JAMALPUR.

657. ***Raja Baghunandan Prasad Singh:** Will the Government be pleased to state if they are willing to run a mail or an express train on the East Indian Railway Loop Line *via* Jamalpur for the convenience of the passengers thereon?

Mr. G. G. Sim: In reply to a question asked by the Honourable Member on this subject in February, 1924, he was informed that the volume of traffic offering did not warrant the running of express and through trains *via* the Loop Line and that a census of passengers travelling by the Loop Line taken at the time had shown that the train service provided was poorly patronised. So far as Government are aware, the position has not altered materially.

EXTENSION OF RAILWAY COMMUNICATION TO DUMKA.

658. ***Raja Raghunandan Prasad Singh:** Will the Government be pleased to state if they are willing to extend railway communication to Dumka, the headquarters of the Santhal Pergannahs, so as to afford trade facilities to the Santhals?

Mr. G. G. Sim: The prospects of a railway extension to Dumka, the headquarters of the Santhal Pergannahs, have already been examined on the basis of a survey made in 1916, but they are not sufficiently remunerative to justify construction.

ISSUE BY RAILWAYS OF FORTNIGHTLY AND SIX-MONTHLY RETURN TICKETS AT REDUCED FARES.

659. ***Raja Raghunandan Prasad Singh:** Do the Government propose to reintroduce the system of issuing fortnightly and six-monthly return tickets at reduced fares to first, second and intermediate class passengers?

Mr. G. G. Sim: The Honourable Member is referred to the reply given on 15th September, 1924, to Mr. Bhubanananda Das's question No. 1908.

WAITING ROOMS FOR FEMALE PASSENGERS ON THE EASTERN BENGAL RAILWAY.

660. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 13th January, 1925, page 3, under the heading "Grievances of the E. B. Railway Passengers" re waiting room and place of shelter for female passengers?

(b) If so, will Government please state if the statement made is correct?

(c) If correct, do they propose to issue instructions to the authorities concerned to take steps to redress the grievances complained of?

Mr. G. G. Sim: (a) and (b). Government have seen the letter referred to, but have no information on the subject.

(c) This is a matter which might suitably be brought to the notice of the Agent through his Local Advisory Committee.

ENROLMENT OF SPECIAL CONSTABLES.

661. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state if they are prepared to undertake legislation with a view to amend section 17 of the Police Act V of 1861 in such a way as to exempt from liability to enrolment as special constables persons holding eminent public positions?

AMENDMENT OF THE EXPLANATION TO SECTION 15 OF THE POLICE ACT V OF 1861.

662. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state if they are prepared to undertake legislation with a view to amend *Explanation* to section 15 of the Police Act V of 1861 in such a way as to protect the interests of absentee landlords?

The Honourable Sir Alexander Muddiman: The reply is in the negative.

NUMBER OF RESOLUTIONS BALLOTTED AND DISCUSSED SINCE THE
INAUGURATION OF THE SECOND ASSEMBLY.

663. ***Lala Duni Ohand:** (a) Will the Government be pleased to state the number of Resolutions ballotted since the inauguration of the second Legislative Assembly and further state how many of them were debated and voted upon?

(b) What is the proportion of the Resolutions ballotted and discussed to the total number of Resolutions sent up since the inauguration of the second Legislative Assembly?

Mr. L. Graham: (a) Up to 21st January—the date of the admission of the Honourable Member's question—the number of Resolutions which found a place in the ballot was 124. The subsequent fortunes of these Resolutions may be ascertained by perusal of the Proceedings of this Assembly.

(b) The number of Resolutions admitted up to the same date is 1,766. I must leave the Honourable Member with the assistance of the Proceedings to work out the proportions referred to in this part of the question.

SELECTION GRADE APPOINTMENTS IN THE SIMLA POSTAL DIVISION.

664. ***Lala Duni Ohand:** (a) Is it a fact that there is only one appointment of selection grade in the Simla Postal Division consisting of Ambala and Simla Districts, excluding Head Offices?

(b) If so, do Government propose to raise the appointments of Sub-Post Masters, Jagadhari, Ropar and Kharar, in the Ambala District and Dagshai, Sabathu and Solan in the Simla District to selection grade appointments in consideration of monetary transactions and overland traffic?

Sir Geoffrey Clarke: (a) Yes, but it must be remembered that the Head and Town sub-offices of Simla and Ambala are excluded from the Division.

(b) No. The offices in question are of small importance and do not justify any appointments in the selection grade.

RULES REGULATING THE ELECTION OF PRESIDENTS OF THE LEGISLATIVE
ASSEMBLY AND THE PROVINCIAL LEGISLATIVE COUNCILS.

665. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to state:

- (1) the circumstances under which, the objects and reasons for which, the further amendments notified in the Gazette of India of the 10th January last No. F. 621-24A. C. 1, 2, etc., relative to the appointment and election of the Presidents of the Indian Legislative Assembly and the Provincial Legislative Councils were framed and submitted for the sanction of the Secretary of State in Council?
- (2) the date on which the sanction was applied for and that on which sanction was received for these rules from the Secretary of State in Council?
- (3) the reasons why the Government did not give either the Assembly or the Legislative Councils concerned the opportunity of expressing their views on a matter that so vitally affects their constitution and procedure?

(b) Will the Government be pleased to state whether the advisability of consulting the Legislatures in India was at all considered and if so, the reasons why such consultation was deemed inadvisable in this case?

Mr. L. Graham: (a) (1) The rules providing the procedure for the election of the Presidents of the Legislative Assembly and the Provincial Legislative Councils were made for the purpose therein appearing in view of the fact that the time for holding the elections required by the provisions of section 63C and section 72C of the Government of India Act was approaching.

(2) The dates in question are the 11th December 1924 and the 7th January 1925.

(3) Government cannot agree with the Honourable Member that these rules in any way affect the constitution either of the Assembly or of the local Legislative Councils, which in respect of their Presidents is settled by one or other of the sections of the Act cited above, and cannot be touched by any rules framed under the Act. As regards procedure, the one essential is that the person to be elected should be the person acceptable to the majority of the Members of the Assembly or Council, as the case may be, who take part in the election. The rules are calculated to produce this result, and apart from this no question of substance arises. As the only point of substance in the rules was beyond controversy, no occasion arose for considering the desirability of consulting the Assembly or the local Legislative Council on the form of the rules. The reply to this portion of the question also furnishes the reply to part (b) of the question.

PUBLICATION OF THE CORRESPONDENCE BETWEEN THE SECRETARY OF
STATE AND THE GOVERNMENT OF INDIA REGARDING THE
RECOMMENDATIONS OF THE LEE COMMISSION.

666. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to lay on the table of the House the despatches between the Secretary of State and the Government of India, after obtaining the permission of the Secretary of State, if necessary, relative to the new rules framed by the former with the concurrence of a majority of votes of the Council of India, to carry into effect the decisions reached on the recommendations of Lord Lee's Commission with regard to pay, passages and pensions of the Superior Civil Services, published in the Gazette of India of the 17th January?

(b) Will the Government be pleased to state what are the matters upon which parliamentary legislation to amend the provisions of the Government of India Act in regard to the Civil Services is being promoted and whether the decision to make passage allowances not votable by designating them "passage pay" under these rules, without amendment of the Act, was made after taking legal opinion on the matter?

If so, whether this legal opinion was taken from the Government's Legal Officers in India or the Law Officers of the Crown in England?

(c) Will the Government be pleased to state what is the amount of supplemental expenditure that will be necessitated as a consequence of giving retrospective effect to the revised pay, pensions and allowances from the 1st April 1924? If so, what is the amount that is expected to be under votable heads and what the amount under non-votable heads?

(d) Will the Government be pleased to state whether an opportunity will be afforded to the Assembly for the discussion of this additional expenditure, votable and non-votable, in connection with such parts of the supplemental expenditure as would be votable under the appropriate heads of the Budget?

The Honourable Sir Alexander Muddiman: (a) I would refer the Honourable Member to the reply which I gave a few days ago to Mr. Venkata-patiraju's question No. 212.

(b) The matters for parliamentary legislation are still a subject of correspondence with the Secretary of State and I am unable to add anything to the information on this subject contained in the announcement of December 6, 1924, a copy of which I shall be glad to give to the Honourable Member. The Government of India did not consult their Law Officers in regard to "passage pay" and the Secretary of State has not informed the Government of India whether he consulted the Law Officers of the Crown in England or not.

(c) The Honourable Member is referred to the replies given to similar questions asked in the Legislative Assembly by him (No.* 1885-starred) and by Diwan Bahadur M. Ramachandra Rao (No.† 324-unstarred) on the 15th and 3rd September 1924, respectively. Government have not got figures showing the amount of expenditure due to retrospective effect being allowed, nor can they distribute with accuracy the amount between voted and non-voted heads.

(d) In the event of supplementary demands being presented in respect of such part of the expenditure as is votable and which cannot be met by reappropriation, Members will have opportunities for discussion according to the regular procedure. The bulk of the expenditure is however non-voted.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether the Parliamentary Bill embodying the proposals of the Lee Commission could be arranged to reach India at the same time as it is published in England, so that public opinion here may be invited in regard to those proposals?

The Honourable Sir Alexander Muddiman: I cannot say, Sir. The publication of Bills does not rest with me.

Diwan Bahadur M. Ramachandra Rao: Will the Honourable Member make a representation to the Secretary of State that this parliamentary legislation should be published in India and in England simultaneously?

The Honourable Sir Alexander Muddiman: I will send the Secretary of State a copy of the Honourable Member's question.

Diwan Bahadur M. Ramachandra Rao: Will he back up my request with the request of the Government of India that such legislation should be published in this country?

The Honourable Sir Alexander Muddiman: I do not know that I can commit myself to a general statement of the kind that any Bills of this nature will be published simultaneously here and in London.

*Legislative Assembly Debates, Vol. IV, No. 52, page 3382.

†Legislative Assembly Debates, Vol. IV, No. 47, pages 2977-78.

Diwan Bahadur M. Ramachandra Rao: I never said "every Bill", I meant this particular Bill. Are the Government of India prepared to back up my request that that Bill should be published in India?

The Honourable Sir Alexander Muddiman: I should like to consider the matter further before I can give a definite answer.

REINTRODUCTION OF THE SYSTEM OF COMMISSION ON THE SALE OF
POSTCARDS, ETC.

667. ***Dr. K. G. Lohokare:** Will Government be pleased to state:

- (a) The amount of saving effected annually, on account of stopping the commission allowed to private persons for the sale of postal cards, stamps, etc.?
- (b) If they have under consideration reintroduction of the system of commission on sale of postal cards, etc., as before? If not, are they prepared to give consideration to this public convenience?

The Honourable Sir Bhupendra Nath Mitra: (a) The information is not available.

(b) No. Government are not aware that the public generally suffer any inconvenience in the matter of procuring postcards, etc.

Khan Bahadur W. M. Hussanally: Is it a fact that on Sundays no stamps are available to the public?

The Honourable Sir Bhupendra Nath Mitra: They are available.

Khan Bahadur W. M. Hussanally: On Sundays?

The Honourable Sir Bhupendra Nath Mitra: Yes, they are.

Khan Bahadur W. M. Hussanally: Where?

The Honourable Sir Bhupendra Nath Mitra: At post offices, during the hours they are kept open.

TRAVELLING ALLOWANCES OF LINE AND CASH OVERSEERS OF THE POSTAL
DEPARTMENT.

668. ***Mr. Amar Nath Dutt:** Is it a fact that the line and cash overseers in the Postal Department are deputed to investigate cases for which they are not granted travelling expenses and compelled to bear the travelling expenses out of their own pockets? If so, will the Government be pleased to state whether such investigation is any part of their duty?

TRAVELLING ALLOWANCES OF LINE AND CASH OVERSEERS OF THE
POSTAL DEPARTMENT.

750. ***Mr. Amar Nath Dutt:** Is it a fact that the line and cash overseers are deputed to investigate cases for which they are not granted travelling expenses but are compelled to bear the travelling expenses from their own pocket? If so, will the Government be pleased to state whether such investigation is part of their duty? If it is not a part of their duty, are the Government prepared to take steps for payment of their actual expenses?

Sir Geoffrey Clarke: With your permission, Sir, I propose to answer questions Nos. 668 and 750 together.

It is a part of line and cash overseers' duties to inquire into petty cases in their beats for which they are not entitled to any travelling allowance. They get travelling allowance, if deputed outside their jurisdictions. The last part of question No. 750 does not, therefore, arise.

DECLARATION OF DIVIDEND BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

669. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state the dividend declared by the Madras and Southern Mahratta Railway for the year ending 31st March last?

(b) Did the said company declare a bonus in addition to a dividend, and if so, what was the amount of the bonus?

(c) What is the percentage of capital held by shareholders in the Madras and Southern Mahratta Railway?

Mr. G. G. Sim: (a) and (b). The Madras and Southern Mahratta Railway Company declared a dividend of 6½ per cent. for the year ending the 31st December 1924, and also distributed a bonus of £2 per cent. from the stockholders' revenue account.

(c) In accordance with the valuation of the railway as determined by the contract with the Company, the percentage of capital held by the Madras and Southern Mahratta Railway Company was, on the 31st of March 1924, 22.5.

MR. R. D. BANERJI'S LETTER TO THE *AMRITA BAZAR PATRIKA* REGARDING THE ARCHEOLOGICAL DEPARTMENT.

670. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government of India been drawn to the letter of Mr. R. D. Banerji published in the *Amrita Bazar Patrika* of the 6th January 1925 and the replies which it has elicited from the Editor and from a correspondent who calls himself "Fair Play" both published in the paper's issue of the 10th January 1925?

(b) Are the Government prepared to ask Mr. R. D. Banerji to explain fully how the Archæological Department was rotten till eight years ago and to lay his explanation on the table with their own comments thereon, when it is received?

Mr. J. W. Bhore: (a) Yes.

(b) The matter will be inquired into departmentally.

Kumar Ganganand Sinha: Will it be laid on the table?

Mr. J. W. Bhore: I should think it extremely unlikely, Sir.

ENCOURAGEMENT OF INDIGENOUS INDUSTRIES.

671. ***Kumar Ganganand Sinha:** Will the Government be pleased to state (a) how far the indigenous Indian industries have developed by the patronage of the Indian Stores Department during the last three years: (b) to what extent has the department patronised such industries: and (c) if no development has been effected, why?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the replies given to questions Nos. 14, 15 and 16 asked by Sir Hari Singh Gour on the 22nd January.

VALUE OF STORES PURCHASED BY THE INDIA STORES DEPARTMENT, LONDON.

672. ***Kumar Ganganand Sinha:** What is the number and amount of indents for the Government departments in India made during the year 1924 from the India Stores Department in London; how do they compare with those made during the two previous years?

VALUE OF STORES PURCHASED BY THE INDIA STORES DEPARTMENT, LONDON AND THE INDIAN STORES DEPARTMENT DURING THE LAST THREE YEARS.

673. ***Kumar Ganganand Sinha:** How do the figures of value and number of articles indented during the last three years from the London Department of Indian Stores compare with those from the Indian Department of Stores?

The Honourable Sir Bhupendra Nath Mitra: I propose to deal with Questions Nos. 672 and 673 together. Information is not available and could not be obtained in the precise form required by the Honourable Member without an expenditure of time and labour which Government do not consider would be commensurate with the value of the information when collected. The value of orders for stores placed by the Indian Stores Department during the last three financial years is as follows:

	Rs.
1921-22 (January to March only)	59,27,330
1922-23	1,64,78,305
1923-24	1,67,24,401

As regards the value of stores purchased by the India Store Department, London, the attention of the Honourable Member is invited to the reply given by Sir A. C. Chatterjee to part (c) of the question asked by the Honourable Mr. Neogy in this House on the 17th September, 1924.

PURCHASE OF STORES.

674. ***Kumar Ganganand Sinha:** Is it a fact that Indian traders are not given facilities for quoting about things indented from London? If so, why? If not, what are the facilities granted to Indian traders?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to questions Nos. 21 and 22 asked by Sir Hari Singh Gour on the 22nd January.

PURCHASE OF STORES.

675. ***Kumar Ganganand Sinha:** Is it a fact that almost all the firms and contractors, approved in India by the Indian Stores Department are European concerns? If not, will the Government be pleased to give a list of purely Indian firms consisting of Indian capitalists with whom the department deals? If so, what is the cause of the disregard for Indian capital?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part of the question is in the negative. As regards the second part of the question I would refer the Honourable Member to the reply given by the Honourable Sir A. C. Chatterjee to part (a) of Mr. C. Duraiswami Aiyangar's starred question No. 1738 on the 10th September, 1924.

SUPERIOR APPOINTMENTS HELD BY INDIANS IN THE INDIAN STORES
DEPARTMENT.

676. ***Kumar Ganganand Sinha:** Is it a fact that all the high officials in the Indian Stores department such as the Chief Controller, Directors of Purchase, Director of Inspection, Superintendent in charge of Test House are not Indians? If so, why?

The Honourable Sir Bhupendra Nath Mitra: At the time the appointments referred to by the Honourable Member were filled Indians with the necessary qualifications were not available. As appointments in the Indian Stores Department require to be filled, the usual procedure is to advertise for candidates and to recruit the most suitable applicant. The claims of Indians possessing the qualifications required receive particular consideration. At present 13 superior gazetted posts are held by Indians.

Kumar Ganganand Sinha: What are the necessary qualifications, Sir?

The Honourable Sir Bhupendra Nath Mitra: Will the Honourable Member kindly repeat the question?

Kumar Ganganand Sinha: What are the necessary qualifications referred to?

The Honourable Sir Bhupendra Nath Mitra: The necessary qualifications are always mentioned in the advertisements.

HEADQUARTERS OF THE INDIAN STORES DEPARTMENT.

677. ***Kumar Ganganand Sinha:** Will the Government be pleased to state fully why Simla and not Delhi has been made the headquarters of the Indian Stores Department?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to question No. 13 asked by Sir Hari Singh Gour on the 22nd January.

SUBORDINATE STAFF OF THE INDIAN STORES DEPARTMENT.

678. ***Kumar Ganganand Sinha:** Is it a fact that Simla is more expensive and inconvenient for the Indian staff of the Indian Stores Department than Delhi under the existing system of allowance and housing? If so, are or are not the Government making efforts to give equal facilities for the staff in both these places?

The Honourable Sir Bhupendra Nath Mitra: The Government have no information on the point referred to by the Honourable Member and they do not propose to take any steps in the direction indicated. I may explain that the subordinate staff of the office of the Chief Controller of Stores to whom it is presumed the Honourable Member refers, is treated in the same way as the members of the subordinate establishment of corresponding offices.

PURCHASE OF STORES BY PROVINCIAL GOVERNMENTS.

679. ***Kumar Ganganand Sinha:** Will the Government be pleased to state why the Governors' provinces have been exempted from the operations of the Rules for the supply of articles for the public service?

The Honourable Sir Bhupendra Nath Mitra: Under the Devolution Rules the purchase of stores by Governors' Provinces is a provincial subject, subject in the case of imported stores to such rules as may be prescribed by the Secretary of State in Council. The question of the rules which should be prescribed for Governors' Provinces in regard to imported stores, is under consideration.

COMPARISON BETWEEN INDIAN AND ENGLISH PRICES OF ARTICLES
REQUIRED FOR THE PUBLIC SERVICES.

680. ***Kumar Ganganand Sinha:** Is there any publication or record available to the public, of the Indian Stores Department, showing a comparison between the Indian and English prices of articles made in accordance with the method laid down in rule 8 for the supply of articles for the public services? If not, why?

The Honourable Sir Bhupendra Nath Mitra: No. Government consider that the issue of such a publication would not serve any practical purpose. Moreover the preparation of such a publication would entail an expenditure of time, money and labour entirely disproportionate to any advantage which may accrue by its issue.

INCLUSION OF THE COST OF THE LONDON STORES DEPARTMENT IN A
COMPARISON OF ENGLISH WITH INDIAN PRICES.

681. ***Kumar Ganganand Sinha:** Will the Government be pleased to state why the average cost of maintenance of the Indian Stores Department in London is not taken into consideration in calculating the prices for comparison with those in India as laid down in rule 8 for the supply of articles for the public services?

The Honourable Sir Bhupendra Nath Mitra: The matter was considered some years ago. The view then held was that, if the cost of the London Stores Department were taken into account in a comparison of English with Indian prices, it was necessary that the cost of the purchasing and inspecting organisations in India should similarly be taken into account and as the percentages to be added in the two cases were approximately equivalent it was decided for the sake of simplicity to omit both these items in the comparison. The Government of India adhere to this view.

RESOLUTION RE RUPEE TENDERS.

682. ***Kumar Ganganand Sinha:** Will the Government be pleased to state their decision with regard to the Resolution of Mr. M. A. Jinnah as amended, which the Assembly passed at the last year's Delhi session, recommending that rupee tender should be called for all state purchases in the country?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to question No. 467 asked by Jamnadas M. Mehta on the 30th January, 1925.

PURCHASE OF RAILWAY STORES.

683. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether or not any articles originally intended by the State Railways to be indented from England have been purchased in India at the instance of the Indian Stores Department in 1924? If so, will the Government be pleased to lay on the table a list of such articles giving their detailed description and prices?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. The information asked for in the second part of the question is not readily available and Government do not consider that any useful purpose would be served by their undertaking the trouble and expense involved in the special compilation of the list referred to.

SCRUTINY OF HOME INDENTS FOR STORES.

684. ***Kumar Ganganand Sinha:** (a) Will the Government be pleased to state whether any case arose in 1924 where the Home indents were scrutinised and objected to by the Indian Stores Department?

(b) If so, will the Government be pleased to give a list of such cases of objections and state their final result in each case?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Several such cases have arisen.

(b) The preparation of the list asked for would entail the expenditure of a great deal of time and labour, which the Government of India do not consider it necessary to undertake.

CONFIRMATION OF APPOINTMENTS IN THE INDIAN STORES DEPARTMENT.

685. ***Kumar Ganganand Sinha:** Is it a fact that most of the members of the staff of the Indian Stores Department are not yet confirmed in their posts? If so, why?

The Honourable Sir Bhupendra Nath Mitra: Yes. The reason is that the Indian Stores Department is still in the process of organization and the majority of the appointments have hitherto been sanctioned on a temporary basis. The question of bringing certain appointments on to a permanent footing is under consideration and the matter of the confirmation of incumbents in their respective posts will be taken up in due course.

RAIDS IN THE NORTH WEST FRONTIER PROVINCE.

686. ***Kumar Ganganand Sinha:** (a) Will the Government be pleased to state how many raids occurred on the Frontier during 1924 and how do they compare with those in the three previous years?

(b) How were the raids put down and what was the loss in men and money in the years 1921-24?

(c) What is separately the number and details of British and Indian casualties in the years mentioned in (b)?

Mr. Denys Bray: (a) The number of raids in the North West Frontier Province for the 9 months ending 31st December last was 81, compared with 69, 131 and 194 in the three previous years.

(b) and (c). This gratifying reduction has been secured by the combined action of the military and civil forces, and by the effective arrangements made to deal with outlaws. A comparative statement showing the loss in men and money and British and Indian casualties is laid on the table.

Statement comparing totals of raids in the years 1920-21, 1921-22, 1922-23 and 1923-24 (1st April to 31st March in each case).

Year.	No. of raids.	NUMBER OF BRITISH SUBJECTS.				Value of property looted.
		KILLED.		WOUNDED.		
		British.	Indian.	British.	Indian.	
						Rs.
1920-21 . . .	391	5	148	3	154	2,86,284
1921-22 . . .	194		80	1	71	1,45,670
1922-23 . . .	131	1	51		52	82,795
1923-24 . . .	69	1	32		35	59,690

SMUGGLING OF ARMS AND AMMUNITION INTO INDIA.

687. ***Kumar Ganganaud Sinha:** Will the Government be pleased to state the numbers of arms and quantity of ammunition smuggled into India and its frontiers of which they have knowledge between the years 1920 and 1924, the names of countries from which they came and the preventive measures they are taking for the same?

The Honourable Sir Alexander Muddiman: The Government of India have information to establish the fact that an extensive illicit traffic in arms and ammunition has been carried on in these years. I am not prepared to give details of this or of the measures taken to cope with it, as, if I did so, it would obviously assist those engaged in it.

COST OF TROOPS EMPLOYED IN THE NORTH WEST FRONTIER PROVINCE.

688. ***Kumar Ganganaud Sinha:** What is the actual expenditure incurred in the year 1924 for the upkeep of the forces in the North West Frontier Province? What reduction if any will be made when normal conditions have been resumed? What amount is likely to be set apart for their maintenance in the budget estimate of 1925-26?

Mr. E. Burdon: I would refer the Honourable Member to the answer given to a somewhat similar question, No. 917, on the 20th March, 1924. "Frontier" forces do not exist as separate entities, and it is impossible to draw a dividing line between them and the rest of the Army, or to say what proportion of Army expenditure should be regarded as Frontier expenditure.

ESTABLISHMENT OF AN ORIENTAL RESEARCH INSTITUTE IN INDIA.

689. ***Mr. N. C. Kelkar:** Will Government state what progress has been made in the matter of the establishment of a Central Research Institute as recommended by the Conference of Orientalists held in July 1911 at Simla?

Mr. J. W. Bhore: The Honourable Member's attention is invited to the reply given by the Honourable Mian Sir Muhammad Shafi to a question by the Honourable Dr. Ganganath Jha in the Council of State on the 17th January 1922.

BRAHMIN COMMISSIONED AND NON-COMMISSIONED OFFICERS IN THE INDIAN ARMY.

690. ***Mr. N. C. Kelkar:** Will Government state:

- (a) Whether there is a bar imposed against any caste or castes in India in the matter of direct military commissions to be given by the Government of India?
- (b) Do Government consider that the caste of Brahmins is not among the recognized fighting classes of the country?
- (c) What is the total number of Brahmins of all the Indian provinces taken together in all the ranks of the Indian Army and how many of them hold any commissions and how many of them hold posts of non-commissioned officers?

Mr. E. Burdon: (a) There is no bar in the case of King's Commissions. Officers holding the Viceroy's Commission, whether appointed direct or by promotion must belong to one or other of the classes of which their regiment is composed. The conditions under which direct Viceroy's Commissions are granted will be found in paragraph 118 of Army Regulations (India) Volume II.

(b) No, Sir. Brahmins are a recognized fighting class.

(c) The greater part of the information desired by the Honourable Member is not available and cannot be obtained without referring to individual units, which, as the Honourable Member will readily appreciate, would necessitate a very great deal of labour. I may however mention that on the 1st January 1924, the number of Brahmins from all Indian Provinces serving in the Army was approximately 3,200.

PROTECTION OF GOODS AT MUTTRA STATION FROM RAIN AND HEAT.

691. ***Mr. N. C. Kelkar:** (a) What is the amount of the average revenue from the goods traffic in and out of the Muttra station?

(b) What is the provision made at this (Muttra) station for protecting goods, unloaded or to be loaded, from rain and heat?

Mr. G. G. Sim: The information has been called for from the Railway Administration and will be supplied to the Honourable Member when received.

GRANT OF THE BOMBAY SCALE OF PAY TO THE POSTAL CLERICAL STAFF EMPLOYED IN THE THANA DISTRICT.

692. ***Mr. N. C. Kelkar:** Will Government be pleased to state whether it is a fact that in some offices of the Thana District in the suburbs of Bombay, postmen and menials are given the Bombay scale of pay while the same is denied to the clerical staff there, who are drawing pay of the lowest scale?

Sir Geoffrey Clarke: Yes, but the clerical staff get a compensatory allowance of Rs. 5 a month.

REVISION OF THE PAY OF POSTAL OFFICIALS EMPLOYED IN THE BOMBAY SUBURBS.

693. ***Mr. N. C. Kelkar:** (a) Will Government be pleased to state whether it is a fact that owing to costly living in the suburbs of Bombay the postal officials are pressing hard for a higher scale of pay or a compensatory allowance since 1920?

(b) If so, will Government be pleased to state what steps they have taken, except in the case of officials in Salsette, regarding the representation?

(c) If no steps have been taken, when do they intend to redress the grievance?

Sir Geoffrey Clarke: (a) Yes.

(b) and (c). The pay of the postmen and menials has already been raised and it is proposed to revise that of the clerical staff shortly.

NUMBER OF VOTERS IN THE DIFFERENT COMMUNAL ELECTORATES IN EACH PROVINCE.

694. ***Mr. N. C. Kelkar:** Will Government state the figures of the total number of voters in the different communal electorates of legislative bodies in each province?

The Honourable Sir Alexander Muddiman: The information is contained in the Return showing the results of Elections in India, 1923, a copy of which is in the Library of this House.

GARRISON OF HONG KONG.

695. ***Mr. N. C. Kelkar:** Will Government state:

(a) what is the amount of the total expenditure incurred on the military garrison stationed at Hong Kong?

(b) what are the units composing the garrison?

(c) what are the Indian interests served by the location of this garrison?

(d) what is the amount of the contribution paid to the expenditure on this garrison by the Colony of Hong Kong and the Indian Government respectively?

(e) how long in the past is this contribution being paid?

(f) who bears the expenditure on the relief of this garrison from time to time?

Mr. E. Burdon: (a) The answer is not known to the Government of India. The garrison of Hong Kong is largely British and its entire expense is borne by Imperial revenues.

(b) One Indian Infantry battalion and an Indian Transport dépôt are stationed at Hong Kong. The composition of the British garrison is not known to the Government of India.

(c) The posting of Indian troops to Hong Kong is valuable as giving them an opportunity to gain experience of service in other countries and to

widen their outlook generally. It was on considerations of this kind that the Assembly, in March 1921, passed a Resolution in favour of the employment of Indian troops overseas on garrison duties at the expense of His Majesty's Government.

(d) and (e). The Government of India do not contribute towards this expenditure, and they do not know what contribution is paid by the Colony of Hong Kong.

(f) His Majesty's Government.

GRANT OF LICENSES TO SWEETMEAT VENDORS ON THE GREAT INDIAN PENINSULA RAILWAY.

696. ***Mr. N. C. Kelkar:** (a) Is it a fact that the new rules for the licenses to sweetmeat vendors on the Great Indian Peninsula Railway provide that such licenses should be usually granted to a suitable resident of the town, nearest to the station; and that as a rule not more than one license should be granted to one and the same licensee, and further that a lessee operating a license in one division should not be granted a license in any other division?

(b) Will Government state the number of cases in which the above rules have been departed from when the licenses were granted last year?

(c) Is it a fact that in the Nagpur division alone, one single licensee has been given licenses, as a sweetmeat vendor, at 19 (nineteen) stations?

Mr. G. G. Sim: (a), (b) and (c). Government have no information on the subject, but the record of the proceedings of the meetings of the Local Advisory Committee of the Great Indian Peninsula Railway shows that the new rules were placed before the members of the Committee who apparently considered them suitable.

PAY OF CERTAIN EMPLOYEES IN THE INCOME-TAX DEPARTMENT IN SIND.

697. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if it is a fact that some inspectors, examiners and clerks in the Income-tax Department in Sind were given lesser pay than that given to their juniors under the fundamental rules? If so, will they be pleased to lay on the table the list of such inspectors, examiners and clerks?

(b) What steps have been taken to preserve the rights of those concerned and when are they likely to get their fair dues?

The Honourable Sir Basil Blackett: I have no special information and the question is so general that I am not in a position to answer it. If there are officers who believe themselves to be aggrieved, I would suggest that they should represent their grievances to higher authority as provided under the rules.

ABOLITION OF THE POSTS OF INCOME-TAX INSPECTORS AT HYDERABAD AND LARKANA, SIND.

698. ***Mr. Harchandrai Vishindas:** (a) Is it a fact that the Income-tax Inspectors of Hyderabad and Larkana are working at Karachi? If so, is there no need of such Inspectors at Hyderabad and Larkana?

(b) If the reply to the latter part of the foregoing question be in the negative, why are not the said posts for Hyderabad and Larkana abolished?

The Honourable Sir Basil Blackett: (a) One Examiner has been transferred to Karachi from Larkana. Recently an Inspector from Hyderabad was also ordered to Karachi, but these arrangements are purely temporary in order to relieve congestion of work in Karachi.

(b) The establishment in Sind as a whole is far from being in excess of requirement. Some redistribution of staff is however in contemplation.

ABOLITION OF RACIAL DISCRIMINATION ON THE NORTH WESTERN RAILWAY.

699. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state if it is a fact that the Agent, North Western Railway, in reply to a Union Deputation who while thanking him for his assurance "that the policy of the Administration was to remove the racial discrimination", further asked him to take steps to give the assurance practical shape by removing the existing distinctions, stated, "As every endeavour is being made to work this policy I regret I cannot see my way to re-open the discussion at this stage"?

Mr. G. G. Sim: Yes. The Government are quite content to accept the Agent's opinion that further discussion would serve no useful purpose.

SALARIES OF INDIAN AND EUROPEAN STATION MASTERS AT FIRST CLASS STATIONS ON THE NORTH WESTERN RAILWAY.

700. ***Mr. Harchandrai Vishindas:** (a) Are Government aware that on the first class stations of the North Western Railway distinction is still maintained in the salaries of Indian and European assistant station masters?

(b) If so, are Government prepared to see to the early removal of these racial distinctions?

Mr. G. G. Sim: (a) No. This is not the case.

(b) Does not arise.

STATION MASTER OF PAD IDAN ON THE NORTH WESTERN RAILWAY.

701. ***Mr. Harchandrai Vishindas:** (a) Is it a fact that when the station master at Pad Idan railway station on the North Western Railway is out on leave, the Indian assistant station master Mr. Verhomal is appointed to act in his place though a highly paid Anglo-Indian assistant station master is available at the same station?

(b) If so, will Government be pleased to state the reasons why the Anglo-Indian assistant stationmaster is paid a higher salary?

Mr. G. G. Sim: Government have no information and do not propose to inquire as matters of this sort are left to the discretion of the Agent.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

702. ***Mr. Harchandrai Vishindas:** (a) Has the attention of the Government been drawn to the demands made by the North Western Railway Union regarding educational facilities for the staff working on lines, as published in the Union Weekly of the 20th September, 1924?

(b) Are Government aware that the poorly paid railway staff on the line are debarred from giving education to their children, owing to the lodging and boarding expenses of towns?

(c) Will Government be pleased to state why the line staff of railways, who are obliged to keep their children far away from towns, in the interest of railway service, are not paid 50 per cent. of educational expenses including boarding house charges, as demanded by the Union?

Mr. G. G. Sim: (a), (b) and (c). Government have not seen the article referred to. The Honourable Member's attention, however, is invited to the reply given to question No. 491, asked by Mr. N. M. Joshi from which it will be observed that the Government are already considering the question of the assistance to be given by railways towards the education of their employees' children.

LEAVE OF THE SUBORDINATE STAFF ON THE KARACHI DIVISION OF THE NORTH WESTERN RAILWAY.

703. ***Mr. Harchandrai Vishindas:** (a) Is it a fact that much hardship is being experienced by the subordinate staff of the North Western Railway, Karachi Division, in the matter of leave though the same is due and urgently required?

(b) Is it a fact that the Divisional Superintendent, North Western Railway, Karachi, in reply to applications in this behalf invariably asks the applicants to wait their turn but does not dispose of them on their merits?

(c) Is it a fact that when one Mr. Gobindram, Train Clerk at Kotri railway station, on the North Western Railway, applied for leave on account of his own marriage, he was given this reply?

Mr. G. G. Sim: (a), (b) and (c). The Honourable Member is reminded that leave cannot be claimed as a right and the grant is always dependent on the exigencies of the service. Government have no knowledge of any special difficulty in this respect on the Karachi Division of the North Western Railway or of the special cases referred to and do not propose to inquire as matters of this sort are left to the discretion of the Agent.

FEES FOR THE RENEWAL OF ARMS LICENSES.

704. ***Baba Ujagar Singh Bedi:** (a) Will Government be pleased to state whether the fees regarding the renewals of licenses for arms are different in different Provinces or universal throughout British India?

(b) What are the rates fixed with regard to the fees for the renewal of licenses in the Punjab, in pursuance of the Indian Arms Rules of 1924?

(c) Will Government be pleased to state whether the Indian Arms Act of 1878, coupled with the Indian Arms Rules of 1924, is an Imperial question or a Provincial subject?

(d) If it is an Imperial subject, will Government be pleased to find out if any anomalies have been perpetrated in the Dominions of British India, which infringe the rules regarding the charges of the fees and will they further be pleased to find out, if it is a fact that the fees which have been charged in the Montgomery District in the Punjab, are not in consonance with the Arms Rules of 1924, for the renewal of the licenses issued in the year 1923?

The Honourable Sir Alexander Muddiman: (a) Fees for the renewal of arms licences are the same throughout British India except in the North-West Frontier Province and the Attock district of the Punjab.

(b) The fees for renewal of licences in the Punjab, except in the Attock district, are:—

- (i) for a breech-loading pistol or revolver, five rupees;
- (ii) for any other breech-loading weapon, rupees two and annas eight;
- (iii) for other weapons, annas eight,

provided that application for renewal is made within one month of the date on which the licence expires. If application is not made within that period, the licensing authority may, in his discretion, levy fees at the rates prescribed for original licences.

(c) Control of arms and ammunition is a Central subject. The Government of India determine the policy and frame rules for the maintenance of control, but the Local Governments are responsible for supervising the detailed application of the rules.

(d) Having regard to what I have stated in the reply to part (c), this is a matter which is primarily the concern of the Local Governments, and I am not prepared to institute an inquiry.

UTILISATION OF SURPLUSES ACCRUING IN THE POST OFFICE.

705. *Raja Raghunandan Prasad Singh: (a) Is it a fact that there has been a net surplus in the Post Office amounting to Rs. 35,22,665 in the year 1923-24 and Rs. 26,67,180 in the year 1922-23 as shown at page 21 of the annual report of the Posts and Telegraphs for the year 1923-24 excluding the accounts of the Telegraph Department?

(b) If so, what will be the net surplus in the Post Office if this branch is credited with at least the working charges of the Savings Bank, customs duty, Life Insurance and Cash Certificates and also the income derived from the combined offices?

(c) Have the Government been able to separate the accounts of the Post and Telegraph branches now? If so, which branch is working at a loss?

(d) How, do the Government propose to use the surplus accruing in the post office?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). The figures quoted are correct but the Honourable Member's attention is drawn to Part II, appendix X, pages 74-75 of the report in question from which it will be seen how the so-called net surplus has been arrived at. Many *pro forma* credits and debits have been taken into account in arriving at this result. It will be unprofitable labour to analyse these figures and compare them with correct figures that should be taken into account in a regular commercial system of accounts before net profit or loss can be determined. Such a system will be introduced in full from the year 1925-26 to the budget of which year will be attached a rough memorandum showing the result of the working of each branch separately. It is not possible to say at present which branch is working at a loss since the necessary separation in accounts has not yet been made. The reference to "the income derived from the combined offices" is not clear. If the income from telegraph messages is meant, this will have to be credited to the Telegraph Branch.

(d) It is possible that a properly commercialised system of accounts will show a loss, and not a profit, at present. It would be premature to forecast the measures which would be adopted in the contingency of a surplus arising in the future.

RETRENCHMENTS IN THE POST OFFICE.

706. ***Raja Raghunandan Prasad Singh:** (a) Is it a fact that a sum of Rs. 1,77,67,000 was reduced as the result of the recommendations of the Incheape Retrenchment Committee from the Budget estimate of the Post Office as shown at page 2 of the annual report of the Posts and Telegraphs for 1923-24?

(b) If so, is it also a fact that a fresh Retrenchment Committee called the Ryan Committee has been appointed to make further retrenchment in the post office?

(c) What was the amount retrenched from the Telegraph branch as a result of the Incheape Retrenchment Committee?

(d) Will the Government be pleased to state if retrenchments are meant only for the Post Office which is working with short staff and the Telegraph Department, which was left untouched even on the face of the recommendations of the Incheape Committee, is to be allowed to run as it is running with its present staff and no retrenchment?

(e) If so, why?

The Honourable Sir Bhupendra Nath Mitra: (a) and (d). The reduction was actually on the Budget estimate of the whole Department and not on that of the Post Office only.

(b) The purpose for which the Committee was appointed is stated in the reply given to Mr. C. Duraiswami Aiyangar's starred question No. 171 on the 23rd January, 1925.

(c) Of the retrenchment of Rs. 1,77,67,000 referred to in part (a) of the question, about Rs. 1,24,00,000 related to Telegraphs, including Telephones and Radios. Besides this, there were certain reductions under joint expenditure relating to both Posts and Telegraphs, an absolute separation of which is not possible.

(e) Does not arise.

TRAVELLING ALLOWANCES OF INSPECTORS OF POST OFFICES.

707. ***Raja Raghunandan Prasad Singh:** Is it a fact that Inspectors of Post Offices and R. M. S. in the scale of Rs. 100—175 are second class officers for the purposes of travelling allowance but as soon as they are promoted to the scale of Rs. 175—225 they rank as 3rd class officers for the same purpose? If so, will the Government remove this anomaly?

The Honourable Sir Bhupendra Nath Mitra: Inspectors are specially treated as 2nd class officers because in view of the importance of their work in connection with the inspection of Post Offices and the fact that touring constitutes an important part of their duties it is considered necessary that they should have, for the purpose of travelling allowance rules, a status higher than is warranted by their pay alone and enjoy the privilege of travelling 2nd class. If appointed to the grade of Rs. 175—225 they cease to be Inspectors and the above consideration does not apply.

DEPARTMENTAL EXAMINATION FOR SUPERINTENDENTS OF POST OFFICES.

708. ***Raja Raghunandan Prasad Singh:** (a) Is it a fact that before their appointments as Inspectors of Post Offices and Superintendents, head clerks are to be examined in a departmental examination almost in the very subjects as Superintendents of post offices except in the Indian Penal Code and Evidence Act?

(b) If so, has the question been considered of further examining in the Indian Penal Code and Evidence Act those men who have passed the departmental examination referred to in (a) with a view to appoint them as Superintendents when the opportunity occurs?

Sir Geoffrey Clarke: (a) and (b). Inspectors of Post Offices and Superintendents' Head Clerks before appointment as such are required to undergo a Departmental examination for which the head of each postal circle prescribes the subjects and sets the questions. That examination necessarily covers part of the ground of the departmental examination for Superintendents of Post Offices. The latter, however, is a comprehensive examination differing greatly in range and degree from the former. The candidates for the Superintendents' examination, including qualified Inspectors and Superintendents' Head Clerks, are nominated by heads of circles and are specially selected by the Director General, and the examination, the subjects for which are uniform for all India, is conducted under the supervision of the Director General. An Inspector or a Superintendent's Head Clerk who prior to his appointment as such had passed the circle examination is not, therefore, necessarily eligible for selection to appear at the Superintendents' examination.

DUTIES OF POSTAL INSPECTORS.

709. ***Raja Raghunandan Prasad Singh:** (i) With reference to question No. 1989 asked by Khali Bahadur Sarfaraz Hussain Khan regarding pay of Postal Inspectors and the answer of the Honourable Mr. A. C. Chatterji thereto, is it not a fact that the Postal Inspectors have to (a) investigate all sorts of postal cases; (b) conduct postal criminal cases in the Court, (c) construct and repair departmental buildings, (d) appoint all staff of the rank of postmen and below (e) inspect post and telegraph offices and mail lines, (f) make mail arrangements, (g) attend to the arrangements of the delivery of mails of high Government officials on tour, (h) impart instructions to the post offices whenever any new business is undertaken by the P. O. and a host of other works?

(ii) If so, will the Government be pleased to state if the Inspectors of other departments also have to perform such multifarious duties—If not, why the pay of the Postal Inspectors should not be brought to a level with those of the Inspectors of other departments?

The Honourable Sir Bhupendra Nath Mitra: (i) Yes, but the more important investigations, the conduct of the more important cases in court and the inspection of the more important post offices are ordinarily undertaken by the Superintendent of Post Offices.

(ii) I have nothing to add to the reply given by Sir A. C. Chatterjee on the 3rd September, 1922, already quoted by the Honourable Member.

PAY OF POSTAL OFFICIALS EMPLOYED IN TOWNS AND THOSE EMPLOYED
IN THE MUFASSIL.

710. ***Raja Raghunandan Prasad Singh:** (a) Is it a fact that the officials, working at a place where there is a first class Head Office, get higher pay than those working at a place where there is a second class Head office?

(b) If so, do the Inspectors of Post Offices and Superintendents' Head Clerks and also other officials in selection grades get different scales of pay when working in a town where there is a first class Head office as compared with those working at a second class Head office? For example whether an Inspector of Post Offices, Superintendent, Head clerk or other officer in the selection grade working in the Presidency Towns of Calcutta, Bombay, Madras or at other first class Head offices gets higher pay than those working in the Mufassil such as Gorakhpur, Arrah, Monghyr, &c., &c. If not, do the Government propose to grant the former some compensatory allowance to cope with the living and house rents which they have to incur in excess of those working in the Mufassil? If not, why not?

Sir Geoffrey Clarke: (a) In towns with a first class Head post office, only postal officials below the selection grades get higher pay.

(b) The pay of the selection grades and of Superintendents' Head Clerks and Inspectors is the same all over the country. Compensatory local allowances are granted to these classes of officials wherever considered necessary.

GUARDING OF POST OFFICES AT NIGHT.

711. ***Raja Raghunandan Prasad Singh:** Has the assurance given by the Director General that the postmen and menials who have not been provided with free quarters, will not be required to guard the post offices at night, been carried out, if not, will the Government be pleased to state the reasons under which these men are still required to guard the post offices at night after having performed work for the whole day?

The Honourable Sir Bhupendra Nath Mitra: No such assurance was given by the Director General. The Honourable Member's attention is invited to the reply given by Sir A. C. Chatterjee on the 20th March, 1924, to Mr. Amar Nath Dutt's starred question No. 923 and to the reply given by me on the 11th June, 1924, to Mr. Chaman Lall's starred question No. 1486. In some post offices postmen and menials, who are not provided with free quarters, sleep near the cash chest when they are willing to undertake the duty in consideration of some extra remuneration.

LIMIT OF WEIGHT TO BE CARRIED BY POSTMEN.

712. ***Raja Raghunandan Prasad Singh:** Is there any limit of weight of postal articles including silver up to which the postman should himself carry for delivery without a cooly; if not, do the Government propose to fix a standard weight bearing in mind that the postman is also required to carry his delivery bag the weight of which is about 120 tolas?

Sir Geoffrey Clarke: I would refer the Honourable Member to the answer I gave on the 2nd February, 1925, to Khan Bahadur Sarfaraz Hussain Khan's question No. 532.

LATE DELIVERY OF MAILS AT MONGHYR.

713. ***Raja Raghunandan Prasad Singh:** Are the Government aware of the great inconvenience felt by the public of Monghyr owing to the late delivery of mails which, in its turn is due to the timing of the local train? If so, what steps are they going to take to remove this grievance of the Monghyr public?

Mr. G. G. Sim: Government have no information on the subject, but the matter will be brought to the notice of the railway administration and the Postmaster General, Bihar and Orissa.

OFFICERS AND SUBORDINATES OF THE MILITARY WORKS SERVICES
DISCHARGED AND RE-ENGAGED BETWEEN THE YEARS 1907
AND 1924.

714. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** Will the Government please lay on the table a list of such of the officers and subordinates in the M. W. S. who were discharged from employment but were subsequently either reinstated or re-employed during the period from 1907 to the end of 1924 under the following headings:

- (a) name;
- (b) post held before discharge with pay;
- (c) reasons for discharge;
- (d) date of discharge;
- (e) date of re-employment or reinforcement;
- (f) post in which re-employed?

Mr. E. Burdon: I place on the table a statement of the officers of the Military Works Services who were discharged and re-engaged between the years 1907 and 1924.

The information regarding subordinates is not available and could not be obtained from the local military authorities without a great deal of labour and correspondence, which, in the opinion of Government, would not be justified by the result.

Statement regarding the officers who were discharged from the Military Works Services and who were subsequently re-employed.

Name.	Post held before discharge, with pay.	Reasons for discharge.	Date of discharge.	Date of re-engagement.	Post to which re-employed.
Mr. G. E. Jarman	Garrison Engineer, Khyber. Pay—Rs. 1,000 per mensem.	Termination of agreement.	3rd January 1922.	1st September 1923.	Garrison Engineer, Fort William.
Mr. A. G. Wilbond.	Garrison Engineer, Landi Kotal. Pay—Rs. 1,000 per mensem.	Do.	6th May 1923.	3rd July 1923.	Garrison Engineer, Peshawar.
Mr. E. V. Harris	Garrison Engineer (E. and M.), Peshawar. Pay—Rs. 800 per mensem.	Do.	1st April 1922.	2nd August 1923.	Garrison Engineer (E. and M.), Lahore.

PAY OF POSTMEN AND BRANCH POSTMASTERS IN THE THANA DISTRICT.

715. ***Mr. N. M. Joshi:** Will Government be pleased to give the following information :

- (a) Is it a fact that the salary of a postman in many parts of the Thana District is Rs. 27—45 according to the new time-scale and that of a branch postmaster in the same district is Rs. 24—32?
- (b) Is it a fact that some postmen in that district are promoted, after putting in 15 years' service, to the ranks of branch postmasters? If so, how many postmen have been so promoted?
- (c) Is it a fact that, under the present time-scale, the postmen promoted to the ranks of branch postmasters after putting in a service of 15 years, draw less salary than the postmen who have put in the same period of service but who have not been promoted to the ranks of branch postmasters? If so, how much does that difference in their respective salaries come to?
- (d) If the answer to the earlier part of (c) of the above question be in the affirmative, will Government be pleased to state what steps do they propose to take to remove this state of things?

Sir Geoffrey Clarke: (a) Yes.

(b) The reply to the first part of the question is in the affirmative. The number of postmen referred to in the second part of the question is being ascertained and will be intimated to the Honourable Member as soon as possible.

(c) In the Thana District there are two time-scales of pay for postmen, namely, Rs. 18—1—24 and Rs. 27—27—27—1—45. A postman on the lower scale of pay receives an increase of pay from Rs. 21 to Rs. 24 on appointment after 15 years' service to the rank of branch postmaster on a pay of Rs. 24—1—32. A postman on the higher scale of pay is not appointed a branch postmaster on Rs. 24—1—32. There are, however, some branch postmasters appointed prior to the introduction of the time-scales, who, if they had remained as postmen in the Thana District, would have been in receipt of pay at the higher of the two time-scales for postmen.

(d) Any of these latter who do not desire to continue as branch postmasters will be promoted as clerks if they fulfil the prescribed conditions or will be permitted to revert to the postmen's cadre.

GRIEVANCES OF BRANCH POSTMASTERS IN THE THANA DISTRICT.

716. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that some branch postmasters affected in the manner stated in the preceding question had laid their grievances before their superiors? If so, did they inquire into these grievances? If so, what was the result of their inquiry and was it communicated to the branch postmasters concerned?

(b) Will Government be pleased to state whether it is a fact that some of the branch postmasters drawn from the ranks of postmen applied that they should be reverted to their posts of postmen? If so, how many had so applied?

(c) If the answer to (b) above be in the affirmative, will they be further pleased to state what reply was given to them? What were the conditions, if any, that were set down for their return to their original posts and how many branch postmasters, if any, were thus transferred to their original rank of postmen?

Sir Geoffrey Clarke: The information is being collected and will be supplied to the Honourable Member as soon as possible.

ALLEGATIONS IN THE WEEKLY MAZDOOR OF LUCKNOW AGAINST MR. GOFF, A FORMER DISTRICT TRAFFIC SUPERINTENDENT OF THE OUDH AND ROHILKHAND RAILWAY.

177. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether their attention has been drawn to the first 14 of a series of questions published in the "*Weekly Mazdoor*" of the 10th December 1923, containing some allegations against Mr. Goff, a former D. T. S. of the O. & R. Railway and the dismissal of one Mr. Rajaram, the stationmaster of Berhamghat?

(b) If the answer to (a) be in the affirmative, will they be pleased to state whether the statements made therein are a correct version? If not, what is the correct version?

Mr. G. G. Sim: (a) Government have seen the set of questions.

(b) I would refer the Honourable Member to the reply given to Maulvi Muhammad Yakub's question No. 317, on the 27th January, 1925. Government cannot undertake to furnish any more information on this matter.

DISMISSAL OF MR. RAJARAM, STATION MASTER OF BERHAMGHAT ON THE OUDH AND ROHILKHAND RAILWAY.

178. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that the stationmaster of Berhamghat, one Mr. Rajaram, was dismissed from the service of the O. & R. Railway company? If so, why was he dismissed? Had his dismissal anything to do with the alleged acts of corruptions on the part of Mr. Goff being brought to the notice of the railway authorities?

(b) Will they be pleased to state whether, if the answer to the first part of (a) be in the affirmative, it is a fact that the said stationmaster was given a good service certificate of 18 years' faithful service? If so, why did the railway authorities grant such certificate when he was actually dismissed from service?

(c) Will they be further pleased to state whether it is a fact that Mr. Rajaram's bonus and gratuity were forfeited? If so, what is the reason of this forfeiture?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to question No. 317, on the 27th January, 1925.

INDIAN, ANGLO-INDIAN AND EUROPEAN ASSISTANT STATIONMASTERS ON THE OUDH AND ROHILKHAND RAILWAY.

179. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that, on the O. and R. Railway, the promotions of the Indian assistant stationmasters are restricted to 'D' class whereas the Anglo-Indian and European stationmasters are given lifts to 'E' and 'F' classes? If so, why is this so?

(b) Will they be further pleased to state whether it is a fact that, on the same railway, at junction stations, the Indian assistant stationmasters get scales of pay of the 'D' class and that the Anglo-Indian and European assistant stationmasters get the scales of pay of the 'E' or 'F' classes for doing the same duties? If so, why is this so and will Government take steps to remove this distinction? If not, why not?

Mr. G. G. Sim: (a) and (b). The Honourable Member is referred to the reply given to a similar question No. 324, asked by Maulvi Muhammad Yakub.

WITHDRAWAL OF THE RECOGNITION OF THE OUDH AND ROHILKHAND RAILWAY UNION.

720. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that, in June 1923, when the strike of the O. and R. Railway employees was threatened, the Agent of the same railway agreed to restore the recognition of the O. and R. Railway Union on certain terms and that they were sent to the Union through the Superintendent of Police, Lucknow?

(b) Will they be further pleased to state whether the Executive Committee of the O. and R. Railway Union accepted the terms offered by the Agent without any amendment?

(c) If the answer to (a) and (b) be in the affirmative will Government be pleased to state whether the recognition of the said Union was granted? If not, why not?

Mr. G. G. Sim: (a), (b) and (c). The recognition of the Union was not withdrawn till May 1924. If the Honourable Member means June, 1924, he is referred to the reply given to the question No. 312 by Maulvi Muhammad Yakub.

DIFFERENCE IN PAY OF THE STATIONMASTERS AND ASSISTANT STATIONMASTERS ON THE OUDH AND ROHILKHAND RAILWAY.

721. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that, on the O. and R. Railway, the difference in pay of the stationmasters and assistant stationmasters on roadside stations was formerly Rs. 5 only whereas after the enforcement of the new scale of pay, the difference rose to Rs. 20? If so, what is the reason of the increase in the difference?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to a similar question No. 319, asked by Maulvi Muhammad Yakub.

REVERSION OF "A" CLASS STATIONMASTERS TO "B" OR "C" CLASS STATIONS ON THE OUDH AND ROHILKHAND RAILWAY.

722. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that, on the O. and R. Railway, some of the 'A' class stationmasters were recently reverted to the 'B' or 'C' class railway stations? If so how many of them were Indians, Anglo-Indians and Europeans and why were they so reverted? Did these reversions affect their promotions and other prospects?

Mr. G. G. Sim: The question as put is unintelligible as 'A' Class is the lowest and reversion is consequently not possible. The Honourable Member is, however, referred to the reply given to a somewhat similar question No. 320, asked by Maulvi Muhammad Yakub.

QUARTERS FOR MENIALS ON THE OUDH AND ROHILKHAND
RAILWAY.

723. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the menials' quarters on the O. and R. Railway consist of one small room and a courtyard each? If so, do Government propose to take steps to improve these quarters and provide more accommodation to the menials?

Mr. G. G. Sim: The present type of workmen's quarters on the Oudh and Rohilkhand Railway consists of one room, a verandah and a courtyard. Government consider this accommodation to be sufficient for this class of employes.

Diwan Bahadur T. Rangachariar: On a point of order, Sir. Does the fact that an Honourable Member puts a series of questions exempt him from standing when he puts them?

SUPPLY OF RAIN COATS TO LINE JAMADARS AND POINTSMEN ON THE
OUDH AND ROHILKHAND RAILWAY.

724. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the line jamadars and pointsmen on the O. and R. Railway are not given rain coats which other out-door staff are supplied with? If so, will they remove the grievance by giving rain coats to the line jamadars and pointsmen? If not, why not?

Mr. G. G. Sim: Although rain coats are not supplied to line jamadars and pointsmen, they get blankets coats.

SUPPLY OF OVERCOAT TO ASSISTANT STATIONMASTERS ON THE OUDH
AND ROHILKHAND RAILWAY.

725. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the O. and R. Railway supplies overcoats to the assistant stationmasters at junction stations and not to the assistant stationmasters working at roadside stations? If so, why is this so?

Mr. G. G. Sim: Yes. Assistant stationmasters at junction stations of the Oudh and Rohilkhand Railway are supplied with overcoats every fourth year. Other assistant stationmasters get annually a warm winter suit.

REDUCTION OF GUARDS TO BRAKESMEN ON THE OUDH AND ROHILKHAND
RAILWAY.

726. ***Mr. N. M. Joshi:** Will Government be pleased to state whether, on the O. and R. Railway, a large number of guards were reduced in the years 1922 and 1923, to the ranks of brakemen? If so, why were they reduced and how many of them were Indians, Anglo-Indians and Europeans?

Mr. G. G. Sim: Yes. On account of retrenchment 18 Indian guards in 1922 and 13 in 1923 were reduced to the rank of brakemen.

EMPLOYMENT OF NEW MEN AS GUARDS ON THE OUDH AND ROHILKHAND RAILWAY IN 1922 AND 1923.

727. ***Mr. N. M. Joshi:** Will Government be pleased to state the number of new men employed on the O. and R. Railway as guards in the years 1922 and 1923, and how many of them were Indians, Anglo-Indians and Europeans?

Mr. G. G. Sim: The number of new men of the nationalities mentioned by the Honourable Member employed on the Oudh and Rohilkhand Railway as guards in the years 1922 and 1923 is as follows:

		1922.	1923.
Europeans	...	4	—
Anglo-Indians	...	2	—
Indians	...	17	9

REFUSAL OF THE AGENT TO RECEIVE A DEPUTATION OF THE SOUTH INDIAN RAILWAY UNION.

728. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that the Agent of the South Indian Railway refused to receive a deputation of the S. I. Railway Union?

(b) If the answer to (a) be in the affirmative, will they be further pleased to state whether it is a fact that the Agent refused to receive the deputation on the ground that it was to be headed by outsiders?

(c) If the answer to (b) be in the affirmative, will Government be pleased to state whether they object to the deputations of labour unions being headed by outsiders?

(d) If the answer to (b) be in the negative, what were the reasons on which the deputation was refused the interview?

REFUSAL OF RECOGNITION BY THE AGENT OF THE RAILWAY OF THE SOUTH INDIAN RAILWAYMEN'S UNION.

729. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the Agent of the South Indian Railway refused to recognise the South Indian Railwaymen's Union so long as there were outsiders in it? If so, will they be further pleased to state whether there is any objection to the labour unions containing outsiders in them?

The Honourable Sir Charles Innes: I will answer questions Nos. 728 and 729 together. The Government have received a telegraphic report of the incident referred to. The report states that the Agent agreed to meet a deputation of the Labour Union on December 21st last. The deputation arrived accompanied by two pleaders. The Agent declined to hear the pleaders. Accordingly they withdrew and the Agent then interviewed the deputation.

The provisional views of Government on the question of outsiders in labour unions are contained in clause 21 of the Trade Unions Bill.

Mr. N. M. Joshi: May I ask whether the Government are prepared to send a copy of this Bill to the Agent of the South Indian Railway and ask him to comply with the views of the Government of India?

The Honourable Sir Charles Innes: I think, Sir, that question might more appropriately be asked after the Bill has been passed.

Mr. N. M. Joshi: Will the Government of India's views also depend upon the Bill being passed?

The Honourable Sir Charles Innes: The Government of India's views, as I have explained, are provisional, and they will no doubt be discussed in the House in the fullest detail.

Mr. Chaman Lall: May I ask the Honourable Member whether he does not consider it a right and proper thing for outsiders to go and represent the case of the workers before the Agents?

The Honourable Sir Charles Innes: The Honourable Member knows that is one of the most controversial points in regard to trade unions legislation.

Mr. Chaman Lall: Is the Honourable Member aware that the Bombay Government appointed a Committee and that that Committee recommended that outsiders should be in charge of the workers' interests?

The Honourable Sir Charles Innes: I was not aware of that.

Mr. Chaman Lall: May I bring to the Honourable Member's attention that what I have just stated is a fact.

The Honourable Sir Charles Innes: I think he might draw the attention of his Honourable colleague on his right to that.

Mr. N. M. Joshi: May I ask whether the Government of India will send their provisional views to the Agent of the Railway?

The Honourable Sir Charles Innes: I have already answered that I think these views may be left over till the Trade Unions Bill is passed. When that Bill is passed I hope some light will have been thrown on a very very difficult question.

Mr. R. K. Shanmukham Chetty: May I draw the attention of the Honourable Member to the fact that some time ago the Agent of the South Indian Railway refused to receive a deputation of the South Indian Railway Union. May I ask the Honourable Member to ask the Agent of the South Indian Railway not to take up that attitude?

The Honourable Sir Charles Innes: I am not quite sure to what incident the Honourable Member is referring. Apparently it is an entirely separate one to the one referred to in Mr. Joshi's question, and he had better put down a separate question on it.

Mr. R. K. Shanmukham Chetty: The incident I am referring to is one in which I happened to be one of the members of the deputation. (Laughter.)

EXCLUSION OF THE VILLAGE OF BHAGUR FROM THE LIMITS OF THE DEOLALI CANTONMENT.

730. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware that the notification issued by Government and published in the Bombay Government Gazette of the 31st January 1924,

about the exclusion of the Bhagur village from the limits of the Deolali Cantonment, applies only to that part of the village which lies south of the railway line and that a portion of the village lying north of the railway line still remains under the jurisdiction of the Deolali Cantonment?

(b) If the answer to (a) be in the affirmative, will they be pleased to state why the northern portion of the village is kept within the Cantonment limits when the Government of India had announced in July 1923 in the Legislative Assembly that they had decided to exclude the whole village from the Cantonment limits?

(c) Will they be further pleased to state whether they are prepared to take steps to amend the said notification so as to exclude the entire Bhagur village from the limits of the Deolali Cantonment? If not, why not?

Mr. E. Burdon: (a) Yes.

(b) and (c). Before receiving notice of the Honourable Member's question, I had already had the point carefully examined and had consulted both the Government of Bombay and the local military authorities. There appears to have been some misunderstanding in the first instance; but it has now been definitely agreed that this small plot (it is less than 10 acres and the inhabitants are only 82 in number) must remain within Cantonment limits in order to safeguard the health of the troops. The public will have free access to the burial ground and the places of worship situated within the area. I am informed that the railway line has always been regarded as the real boundary of the village and is the most suitable boundary between the Cantonment and non-Cantonment area.

INTRODUCTION OF THE BONUS SYSTEM IN LIEU OF PENSIONS IN CURRENCY OFFICES.

731. ***Mr. N. M. Joshi:** (a) With reference to the reply given to part (a) of my question No. 2116 of the last September session, will Government be pleased to state how the bonus system introduced by Government in the Currency Office in lieu of the Pension system is more suited to these offices than the Provident Fund system?

(b) Will Government be pleased to state whether, by substituting the new bonus scheme for the old practice of granting pensions in the Currency Offices, Government have been able to save anything or whether they require to spend more? In either of the two cases what will be the percentage of such saving or such extra expenditure?

GUARANTEE CONTRIBUTIONS BY THE CURRENCY OFFICE STAFF.

732. ***Mr. N. M. Joshi:** Will Government be pleased to state whether by the introduction of the condition requiring each employee of the Currency Offices to insure with an Insurance Company approved by the Controller of Currency against any loss which is now in force and without reimbursing such portion of the amount of the premia paid to him as is not refunded by the Insurance Company, the regular provident fund system will not satisfy the "circumstances arising out of the responsibility of Treasurers for the valuables handed in the course of the daily transactions"? if so, how?

BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

733. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that, under the bonus scheme now in force in the

Currency Offices, Government add their share of the bonus to the Provident Fund at the time of the employee's retirement after 30 years' service or after his having attained 55 years' age?

(b) If the answer to (a) be in the affirmative, will they be pleased to state whether the same practice of adding the employers' share to the Provident Fund of the employee after his retirement obtains in Railways, Port Trusts and such other concerns or whether the employers' share is added at the end of a certain fixed period? If the latter, why do not Government introduce the same practice in the Currency Offices?

(c) Will they be further pleased to state whether it is not also a fact that by the addition of the Government's share at the end of the employee's service, the latter loses the interest on that share? If so, will they take steps to abolish this practice and introduce the one that is current in other concerns? If not, why not?

BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

734. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that under the new bonus scheme now in force in the Currency Offices, the employee is neither entitled to the Government share of the bonus to the Provident Fund calculated at the rate of 1/12th of the monthly substantive pay of the post held by him nor to the interest on the bonus if he retires before he completes his 30 years' service or before he attains 55 years' age? If so, on what grounds are the contribution from Government and the interest withheld from him?

BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

735. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that under the new Provident Fund Bill recently passed by Legislative Assembly, the employee is entitled to the grant of the Government's share of the Provident Fund even if he is dismissed from service while, under the new bonus scheme in the Currency Offices, he is not so entitled even if he dies before his attaining 55 years or completing 30 years' service?

(b) If the answer to (a) be in the affirmative, will they be further pleased to state whether Government are prepared to bring the rule in this respect in the Currency Offices into conformity with the provision in the new Bill? If not, why not?

GRANT OF GRATUITIES OVER AND ABOVE THE BENEFITS OF THE PROVIDENT FUND TO THE STAFF OF THE CURRENCY OFFICES.

736. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware that in the Port Trust and Railways, the employee gets, under certain conditions, some gratuity over and above the benefits that he is entitled to get under the Provident Fund rules?

(b) If the answer to (a) be in the affirmative, will Government be pleased to consider the feasibility of introducing the same practice in the Currency Offices? If not, why not?

DISTRIBUTION OF LAPSES OR FORFEITURES OCCURRING UNDER THE BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

737. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state what they propose to do with the amounts that may be accrued, under the present

bonus scheme, on account of lapses or forfeiture on the part of the employees?

(b) If they have not yet decided anything in this matter are they prepared to take into consideration the practice current in the Imperial Bank of India and the Bombay Port Trust, viz., that such lapses or forfeitures are divided among the staff in proportion to the amounts they contribute to the Provident Fund and introduce the same in the Currency Offices? If not, why not?

The Honourable Sir Basil Blackett: I propose to answer questions 731—737 together.

The whole question of Provident Fund and Guarantee contributions by the Currency Office staff is under reconsideration in the light of the present legislation, and the experience gathered in the last five years since the introduction of the present arrangements.

REVISION OF THE PAY OF THE SHROFFING STAFF IN CURRENCY OFFICES.

738. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that the Shroffing Staff in the Currency Offices have not been given the benefit of the recent revision in the scales of pay?

(b) If the answer to (a) be in the affirmative, do Government propose soon to take steps to revise the scales of pay of the Shroffing Staff? If not, why not?

The Honourable Sir Basil Blackett: (a) Yes.

(b) The pay was considerably increased in 1922. Any further revision is not considered necessary.

EXISTING SCALES OF PAY IN THE OFFICES OF THE CONTROLLER OF CURRENCY, THE DEPUTY CONTROLLERS OF CURRENCY, ETC.

739. ***Mr. N. M. Joshi:** Will Government be pleased to furnish a comparative statement showing the different scales of pay obtaining in (i) the Controller of Currency's Office, (2) the Deputy Controllers of Currency's Office, and (3) the various Currency offices and state the reasons for the disparity in the scales, if there be any?

SCALES OF PAY OF THE SUPERINTENDENTS, ASSISTANT SUPERINTENDENTS AND ASSISTANT TREASURERS IN CURRENCY OFFICES.

740. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the maxima of the scales of pay of the Superintendents, Assistant Superintendents and Assistant Treasurers in the Currency Offices are lower than the maxima of the scales of pay of the ordinary clerks of the Deputy Controller of Currency's Office? If so, what are the reasons for this difference?

The Honourable Sir Basil Blackett: I propose with your permission to answer questions Nos. 739 and 740 together.

I place a statement on the table showing that the maxima of the scales of pay of the junior grades of Assistant Treasurers and Assistant Superintendents in Currency Offices are in certain cases lower than the maxima of the scales of pay of the clerks of the Deputy Controller of the Currency's Offices. The reason for the difference is the different character of the work.

RECEPTION BY THE FINANCE MEMBER OF A DEPUTATION FROM THE
CURRENCY ASSOCIATION, CALCUTTA.

741. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the Currency Association, Calcutta, has requested the Honourable the Finance Member of the Government of India to receive their deputation? If so, was their request granted? If not, why not?

The Honourable Sir Basil Blackett: The answer is in the affirmative. As the Controller of the Currency had already received a deputation from the Association in September, 1924, and as no points which had not already been fully discussed were brought before him, I considered that I could serve no useful purpose and might arouse unjustified expectations by receiving a further deputation.

INDIA'S PARTICIPATION IN THE BRITISH EMPIRE EXHIBITION.

742. ***Mr. N. C. Kelkar:** Will Government be pleased to state:

- (a) Whether the Government of India are going to take any active part in the working of the Empire Exhibition?
- (b) If so what contribution are the Government of India going to make towards the expenses of the Exhibition?
- (c) If the answer to (a) is in the negative, can Indian merchants take any part in the Exhibition upon their own responsibility?

The Honourable Sir Charles Innes: The Honourable Member is referred to the answer given to Mr. C. Duraiswami Aiyangar's question No. 189, on the 26th January, 1925.

Mr. Darcy Lindsay: Have the Government any information as to the sales effected in the Indian section and the value of the same?

The Honourable Sir Charles Innes: The latest official information is that the total official sales amounted to something like £120,000, but it is believed with some reason that private exhibitors underestimated their sales, and the total sales really amounted to a much bigger figure.

REFUSAL BY THE CONSUL AT MEXICO OF A PASSPORT TO MR. PANDURANG
SADASHIV KHANKHOJE TO RETURN TO INDIA.

743. ***Mr. N. C. Kelkar:** Is it a fact that Mr. Pandurang Sadashiv Khankhoje, M.Sc. (America) of Wardha (C. P.), had applied for a passport to return to India through the Consul of Mexico and that a passport was refused to him by the Government of that country on a representation by the British Consul?

The Honourable Sir Alexander Muddiman: Government have no information on the subject.

Mr. C. Duraiswami Aiyangar: Will they call for the information?

The Honourable Sir Alexander Muddiman: If the Honourable Member will show me the facts on which he bases his question I will consider whether anything can be done. I know nothing about the facts at all.

REFUSAL OF PASSPORTS TO RETURN TO INDIA TO CERTAIN INDIANS IN FOREIGN COUNTRIES.

744. ***Mr. N. C. Kelkar:** (a) Has the attention of Government been drawn to the issue of the *Forward* of Calcutta, dated 24th February 1924 which published a list of 42 persons who are now in foreign lands, and against whom, it is alleged, Government are contemplating to take action on their return to India?

(b) Is it a fact that any of these men and if so, how many, have applied for passports to return to India through the Governments of Great Britain or the foreign countries in which they have been residing and whether passports have been refused to any of them?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) So far as I am aware only nine of the persons named have applied for permission to return to India. In the case of seven permission has been granted. In two cases Government have declined to afford facilities for this purpose. In one of these cases the individual has surrendered his nationality as a British Indian subject.

REVISION OF PAY OF THE ESTABLISHMENTS IN CURRENCY OFFICES.

745. ***Mr. Amar Nath Dutt:** Will Government be pleased to state:

- (i) whether the last revision of pay of the establishments in the Currency Offices in India was sanctioned on account of increase in the living wages?
- (ii) if so, will the Government be pleased to state the time from which the increase in the living wages came to their notice and the time from which it was taken into account for determining the scales of pay for the Currency Office establishments?
- (iii) Will the Government be pleased to state if immediate relief was ever, in course of the last 5 years deemed urgently needed?
- (iv) Will the Government be pleased to state whether they will consider the propriety of granting relief to the Currency Office establishments for the period during which the actual increase in living wage occurred in the country but during which the revision of establishment had not been given effect to?

GRANT OF RELIEF TO THE LOWER PAID STAFF IN CURRENCY OFFICES.

746. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state:

- (i) if for the generality of the lower paid staff of the Currency Offices (Note Section and General Section) any relief other than increase in the maxima and the annual increment required to work out that maxima has been allowed?
- (ii) Whether they propose to give relief to the poorly paid staff of the Currency Offices by giving retrospective effect to the sanctioned annual increment for the period of their employment in the department by way of compensation for having worked at a very low pay under distressing circumstances, and will the Government be pleased to state whether any employee received more than one annual increment by way of immediate relief under the new scheme? If so, the number of such employees, and reasons for not granting the same to every employee?

PAY OF SHROFFS IN THE CURRENCY OFFICES.

747. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state if shroffs are recruited from the same grades of society from which the note section and the general side employees of Currency Offices are taken? If so, whether the same minimum pay and the annual increment as those of the note section and the general side employees are maintained in their cases? If not, why not?

GRIEVANCES OF THE ESTABLISHMENTS OF CURRENCY OFFICES.

748. ***Mr. Amar Nath Dutt:** Has the attention of the Government been drawn to the resolutions passed by the All-India Currency Conference on the 12th July 1924? If so, will the Government be pleased to state what action they have taken, or intend to take on each of these resolutions touching the various grievances of the Currency staff?

The Honourable Sir Basil Blackett: I propose to answer questions Nos. 745 to 748 together.

The information required by the Honourable Member is being collected and will be furnished to him as soon as possible.

CONTRIBUTIONS BY EMPLOYEES OF THE TELEGRAPH DEPARTMENT TO THE POST OFFICE GUARANTEE FUND.

749. ***Mr. Amar Nath Dutt:** (i) Will the Government be pleased to state whether the employees of the Telegraph Department have contributed to the Post Office Guarantee Fund?

(ii) Will the Government be pleased to furnish a statement showing the amount spent from the Guarantee Fund for the benefit of the Telegraph employees divided into two classes, Indian and Anglo-Indian, since the amalgamation of the Telegraph Department with the Post Office?

(iii) Has there been any departure from the Rules of the Guarantee Fund framed at the start of the fund? If so, will the Government be pleased to state reasons for such departure?

(iv) Is it a fact that the Post Office Insurance Fund is working at a loss? If so, what is the amount of loss incurred last year, 1924?

(v) Will the Government be pleased to state whether travelling expenditure and medical fees incurred for purposes of the Post Office Insurances are borne out of the balance of the Guarantee Fund? If so, under what circumstances and under what authority?

(vi) Is it a fact that the subscribers are not consulted in disposing the balance of the Guarantee Fund? If so, will the Government be pleased to state its reasons for not so doing?

The Honourable Sir Bhupendra Nath Mitra: The information required by the Honourable Member is being compiled and will be supplied to him as soon as possible.

PAY IN THE CLERICAL TIME-SCALES IN THE POST OFFICE.

751. ***Mr. Amar Nath Dutt:** With reference to the reply given by Sir Geoffrey Clarke to my starred question No. 554 and subsequent correspondence from him, may I further inquire whether it is a fact that in

violation of the recommendation of the Postal Inquiry Committee to observe the time-scale in fixing pay of postal hands, an order has been issued to note in the Circle Gradation Lists seniority according to pay in the matter of promotion in the Selection Grades? If so, will the Government be pleased to state reasons for the same and are they prepared to rescind the orders?

Sir Geoffrey Clarke: There has been no violation of the recommendation of the Postal Inquiry Committee and the orders of the Government of India thereon. Pay in the clerical time-scales which is regulated by length of service is personal while pay in the selection grades is attached to specified posts. A time-scale official on promotion to a selection grade has therefore actually to take charge of a post to which selection grade pay is attached before he can count seniority in that grade.

POSTAL MOTOR-VANS IN THE BURDWAN DIVISION.

752. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether they intend to sanction non-recurring charge in the cost of three motor cars of the type which run between Calcutta G. P. O. and Howrah and Sealdah railway stations for plying in the Arambagh mail line for the dry season, in the Burdwan Division?

(b) Will the Government be pleased to state whether such sanctions will reduce to a half the permanent recurring charge for eight months in a year of about Rs. 300 per month in the main line between Burdwan and Arambagh? If so, are the Government prepared to take immediate steps for such sanction?

Sir Geoffrey Clarke: (a) Government have no such intention.

(b) A detailed investigation shows that the proposal would not be likely to result in any saving.

REFUSAL OF LEAVE ON MEDICAL CERTIFICATE TO POSTAL EMPLOYEES.

753. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state whether a circular has been issued to the Postal Supervising Officers to refuse leave to sick hands even though substantiated by qualified registered medical authorities? If so, will the Government be pleased to state the reasons for the same?

Sir Geoffrey Clarke: A Circular has been issued, the instructions in which are in accordance with the Fundamental Rules issued by Government.

OFFICIATING VACANCIES IN THE SELECTION GRADES IN THE BENGAL AND ASSAM POSTAL CIRCLE.

754. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state why the officiating vacancies in the selection grades in the Bengal and Assam Postal Circle in 1924, were mostly given to employees of the Eastern Bengal Range? Is it a fact that arrangements are made piecemeal without stating reasons? If so, why?

Sir Geoffrey Clarke: As a general rule local arrangements are made to fill officiating vacancies for short periods to avoid dislocation.

The reply to the latter part of the question is in the negative.

[APPOINTMENT OF MR. LESAGE AS POSTMASTER OF BURDWAN.

755. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether the transfer of Mr. LeSage to the Calcutta G. P. O. was due to any bad report of the Postmaster-General, United Provinces Circle? If so, how long was he kept at the Calcutta G. P. O. before being transferred to Burdwan and what special work if any has Mr. LeSage rendered in the Calcutta G. P. O. entitling him to the Postmastership of Burdwan?

(b) Was a vacancy at Burdwan anticipated before his transfer from another Circle to Calcutta G. P. O.?

(c) Is it a fact that Mr. LeSage gets his account works done by his subordinates and then copies the same from the subordinate's book?

(d) Will the Government be pleased to state the reasons for appointing Mr. O'Dell and Mr. LeSage as Postmasters?

Sir Geoffrey Clarke: (a) The Postmaster-General, United Provinces, recommended Mr. LeSage's transfer for a time to a Presidency Post Office to enable this officer to benefit by the experience which he would gain there. He worked as Assistant Postmaster, Calcutta G. P. O., from the 5th April to the 16th May 1924 and was then posted to Burdwan on his own pay in the interests of the service.

(b) No.

(c) Not as far as is known.

(d) Mr. O'Dell was transferred on equal pay from the Superintendents' line to the Postmasters' line as he was found not to be suited for the duties of a Superintendent. He is still on probation in the Postmasters' line, in which he has so far given satisfaction. Mr. LeSage has always been in the Postmasters' line.

Mr. Amar Nath Dutt: Will the Government be pleased to inquire whether it is a fact that Mr. LeSage gets his accounts work done for him by his subordinates?

Sir Geoffrey Clarke: I have no information on the subject.

Mr. Amar Nath Dutt: Will you please make inquiries?

Sir Geoffrey Clarke: No, Sir, I will not.

GRADUATES AND UNDER-GRADUATES QUALIFIED TO PASS THE EFFICIENCY BAR IN THE BURDWAN POSTAL DIVISION.

756. ***Mr. Amar Nath Dutt:** (a) Is it a fact that in the Burdwan Division all the graduates and under-graduates were held up at the second efficiency bar and unpassed hands given preference to? If so, will the Government be pleased to state the reasons for the same?

(b) Will the Government be pleased to state the number of graduates and under-graduates eligible and the number held up in the second efficiency bar and the number subsequently passed and the number still held up?

Sir Geoffrey Clarke: (a) The reply to the first query is in the negative. Those officials who are found fit to do so are allowed to pass the efficiency bar irrespective of whether or not they are graduates or under-graduates.

(b) Number eligible by length of service but held up as unfit—1 graduate and 3 under-graduates. Number subsequently declared as fit and passed—2 under-graduates. Number still held up as unfit—1 graduate and 1 under-graduate.

SWEETMEAT AND OTHER VENDORS AT RAILWAY STATIONS.

757. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether they propose to put a stop to the system of giving licences to the highest bidders for sale of sweetmeats and other food and drink as in vogue in the East Indian, Eastern Bengal and other Railways?

(b) Are the Government aware that the monopoly has resulted in higher prices and bad quality of refreshments? Is it a fact that in many cases better things are sold at a less price in the local bazar as for instance at Burdwan?

(c) Is it a fact that stale things which are injurious to health are often allowed to be sold in the railway stations where there is such a monopoly?

(d) Will the Government be pleased to state whether they propose to introduce the system of registered vendors being allowed to sell, the registration charge being commensurate with a fair turn up of vendors so as to stimulate healthy competition in prices and quality?

Mr. G. G. Sim: (a) and (d). It is not the practice of railways to auction licenses for the sale of sweetmeats and other food and drink at stations, and ordinarily a nominal charge only is made to vendors and contractors for such licenses.

(b) and (c). Government are not aware that such is the case. Vendors are bound by their contracts to supply good and wholesome articles at current rates.

LETTER IN THE *FORWARD* ENTITLED "BROWN VS. WHITE".

758. ***Mr. Amar Nath Dutt:** 1. Has the attention of the Government been drawn to a letter appearing in the *Forward*, Calcutta edition, dated 27th December 1924, headed "Brown vs. White"?

2. Will the Government be pleased to state whether any inquiry was made into the complaint and state what action was taken on the same? If the answer be in the negative, the reasons for not doing so?

3. Will the Government state whether a second class passenger having reserved sleeping accommodation for travelling at night on payment of the reservation fee is not entitled to the protection of his rights and advantages by the railway authorities as against those who have not reserved berths?

4. Will the Government be pleased to state whether the railway authorities are not bound to inquire on report into the grievances of second class passengers or of any passenger under the circumstances as mentioned in the letter?

5. If the answer be in the affirmative will the Government state what action the authorities concerned took on the complaint being made under the circumstances mentioned in the said letter?

6. Will the Government state what steps have been taken by the Government to prevent such occurrences in the future?

Mr. G. G. Sim: 1. Government have seen the letter referred to.

2, 3, 4, 5 and 6. Inquiry is being made and the Honourable Member will be informed of the result in due course.

DELIVERY OF MONEY ORDERS AND INSURED LETTERS IN CALCUTTA.

759. ***Mr. Kumar Sankar Ray:** Have the Government any information about and do they contemplate the removal of the great inconvenience caused by the delivery of money orders and insured letters to private houses in cities like Calcutta during office hours when the occupiers are usually absent from home?

Sir Geoffrey Clarke: Some complaints have been received. Government do not consider it necessary or desirable to alter the general delivery arrangements.

LATRINE ARRANGEMENTS IN SERVANTS' COMPARTMENTS OF THE PUNJAB MAIL TRAINS ON THE EAST INDIAN RAILWAY.

760. ***Mr. Kumar Sankar Ray:** Have the Government any information about and do they contemplate the removal of the great inconvenience caused to servants travelling in the Punjab mail trains of the East Indian Railway for want of latrine arrangement in the servants' compartments?

Mr. G. G. Sim: The Honourable Member is referred to the answer given to question No. 155 on the 23rd January, 1925.

RUPEES IN CIRCULATION ON THE 31st MARCH AND FROM THE YEAR 1919 TO THE YEAR 1924.

761. ***Dr. K. G. Lohokare:** What was the amount of rupees in active circulation on the rupees census day or on 31st March of each year from the year 1919 to 1924 or 1925?

The Honourable Sir Basil Blackett: Figures for the years 1912 to 1921 will be found in paragraph 24 of the Report on the operations of the Currency Department for 1921-22. No later calculations have been made. The figures for 1919, 1920 and 1921 are 228, 260, and 233 crores respectively.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

762. ***Mr. Jamnadas M. Mehta:** (a) Has the attention of Government been drawn to the speech of Lord Inchcape at the meeting of the P. and O. Company in London on the 10th December 1924, regarding the wide disparity between English and Continental prices, British prices being as much as 30 to 80 per cent. higher than the continental?

(b) Is it a fact that orders for railway materials to which the said prices refer are still being largely placed by the High Commissioner and the authorities of the Company railways in England?

(c) Will Government also inquire of the High Commissioner why he continues to make large purchases in England in spite of the great disparity in prices referred to above?

(d) Is it true that some terms and conditions in the indents sent out from this country compel the High Commissioner to pay the much higher prices asked by British manufacturers?

(e) Will Government be pleased to call for a report on the subject from the High Commissioner?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the affirmative.

(b) and (c). The attention of the Honourable Member is invited to the instructions given by the Government of India to the High Commissioner regarding the policy he should pursue in the matter of the purchase of stores and which are contained in the letter from the Department of Industries, No. S-360, dated the 22nd December, 1921, a copy of which was laid on the table of this House on the 18th March, 1922. The Government of India have no reason to think that stores are not being purchased in accordance with these instructions. The Honourable Member is no doubt aware that half-yearly statements prepared by the High Commissioner are regularly laid on the table of this House showing all cases in which the lowest tenders were not accepted by him in purchasing stores for India. Government are not responsible for making purchases of stores for Company railways, but no tender for stores can be accepted by their Home Boards without the prior approval of the Government Director, who is thus in a position to ensure, and does ensure, that all contracts are placed in the most favourable markets, having regard to price, quality, conditions of delivery and other relevant considerations.

(d) and (e). Cases have some times arisen in which the High Commissioner has been restricted by the indenting officer to a particular source of supply, and necessary instructions have been issued to all indenting officers to avoid this practice. In the opinion of Government no useful purpose will be served by calling for a report on the subject from the High Commissioner.

LEVY BY THE GREAT INDIAN PENINSULA RAILWAY OF A PASSENGER AND WHEEL TAX ON THE JUMNA BRIDGE AT MUTTRA.

763. ***Mr. Jamnadas M. Mehta:** (a) Are Government aware that the G. I. P. Railway authorities are levying a wheel and passenger tax on those who use the Jumna Bridge at Muttra?

(b) If the answer to (a) be in the affirmative, will Government state when the said tax was first levied and why? Will Government state also why it is still continued?

(c) If Government have no information in the matter will they be pleased to inquire?

Mr. G. G. Sim: Inquiry is being made and the information received will be furnished to the Honourable Member.

WANT OF A SHED OVER THE ISLAND PLATFORM AT AJMER RAILWAY STATION.

764. ***Rai Sahib M. Harbilas Sarda:** Are Government aware that the want of a shed over the island platform at the railway station at Ajmer causes great inconvenience and discomfort to the travelling public who have to go to Ajmer, to which city large numbers of Hindu and Moslem pilgrims from all parts of India wend their way throughout the year to pay their respects to the Durgah Khwaja Sahib or bathe in the Pushkar Lake; and are Government prepared to draw the attention of the authorities of the Bombay, Baroda and Central India Railway to this want?

Mr. G. G. Sim: Government are not aware of the inconvenience and discomfort complained of. Their policy is to leave it to the discretion of railway administrations concerned to provide sheds on platforms at stations where the traffic offering justifies such provision. A copy of this question and answer will, however, be sent to the Agent, Bombay, Baroda and Central India Railway Company, for such action as he considers to be necessary.

CONSTRUCTION OF THE BROACH-DAHEJ BRANCH OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

765. ***Mr. M. E. Makan:** Will the Government be pleased to state whether the scheme for the construction of the Broach-Dahej branch of the Bombay, Baroda and Central India Railway has been finally abandoned?

(a) if so, the reasons for doing so?

(b) if not, will Government be pleased to state how far the scheme has progressed?

Mr. G. G. Sim: The question of the construction of a railway from Samni via Dahej to Luwara is under the consideration of the Government, and depends on the results of the engineering and traffic surveys of the line which are expected shortly.

EXTENSION OF THE BROACH-JAMBUSAR LINE OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY TO KAVI.

766. ***Mr. M. E. Makan:** (a) Will the Government be pleased to state whether the scheme for extending the Broach-Jambusar branch of the Bombay, Baroda and Central India Railway to Kavi has been sanctioned by Government?

(b) If so, will the Government be pleased to state how far the scheme has progressed?

Mr. G. G. Sim: (a) No. A revision of the traffic prospects of the line has been ordered, and the results are awaited.

(b) Does not arise.

LAVATORIES IN THIRD CLASS COMPARTMENTS ON THE BROACH-JAMBUSAR
LINE OF THE BOMBAY, BARODA AND CENTRAL INDIA
RAILWAY.

767. ***Mr. M. E. Makan:** Are the Government aware that there are no urinals or lavatories in the third class compartments of the Broach-Jambusar branch of the Bombay, Baroda and Central India Railway and that great hardship is caused to the passengers, especially females, on this account? Do the Government propose to remedy this complaint?

Mr. G. G. Sim: Government have no information and in view of the fact that the branch is only 30 miles in length do not propose to take any action.

PERCENTAGE OF INDIANS IN THE ALL INDIA SERVICES.

768. ***Mr. M. E. Makan:** Will the Government be pleased to state the percentage of Indians serving in the All-India Imperial Covenanted Services of the Government of India according to the provinces to which they belong?

The Honourable Sir Alexander Muddiman: I will have the information collected and furnished to the Honourable Member.

PUBLICATION OF QUESTIONS AND RESOLUTIONS ONLY AFTER ADMISSION
BY THE PRESIDENT.

649. ***Mr. B. Das:** (a) Has the attention of Government been drawn to a note in the "Pioneer" dated 11th January stating that "a convention has been established by which questions and Resolutions framed by Members of the Indian Legislature are not given publicity at Delhi until they have been actually admitted"?

(b) Has such a convention been established? If so, will Government state when it was established and whether it was arranged with the approval of non-official Members of the Assembly?

Mr. President: The admission and disallowance of questions is placed by the provisions of Assembly procedure in the hands of Mr. President. The Governor General in Council has therefore no concern in the matter. I propose to answer this question in order to clear up doubts which appear to exist in certain quarters. A question, before it can be admitted, must satisfy the conditions laid down in the Rules and Standing Orders; and the Government of India have no concern with a question unless and until it is admitted. The Secretary to the Legislative Assembly, moreover, is only authorised to publish a question, i.e., to place it on the Admitted List, when it has passed the scrutiny of the President. In the technical sense, therefore, publication only takes place when a question appears in the Admitted List. The convention referred to in this question clearly refers to this official practice; and it is somewhat misleading to suggest that any new departure has been made in "establishing" it. If any confusion has arisen over the matter, it is due to the fact that some Members of the Assembly give publicity to questions which they hope to ask before they have actually been admitted. Whether this ought to be regarded as an infringement of "privilege" is a question upon which I need not pronounce.

• ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President: I have to announce that the following Members have been elected to serve on the Public Accounts Committee:

Maulvi Muhammad Yakub,
Mr. H. G. Cocke,
Mr. Ahmad Ali Khan,
Dr. K. G. Lohokare,
Pandit Harkaran Nath Misra,
Mr. A. Rangaswami Iyengar,
Kumar Ganganand Sinha, and
Maulvi Sayad Murtuza Sahib Bahadur.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: I have further to announce that the following Members have been elected to serve on the Standing Finance Committee:

Nawab Sir Sahibzada Abdul Qaiyum,
Mr. W. S. J. Willson,
Mr. Darcy Lindsay,
Mr. M. C. Naidu,
Mr. R. K. Shanmukham Chetty,
Sardar Bahadur Captain Hira Singh,
Maulvi Abul Kasem,
Mr. Jamnadas M. Mehta,
Mr. Gaya Prasad Singh,
Raja Ghazanfar Ali Khan,
Mr. C. S. Ranga Iyer,
Mr. Devaki Prasad Sinha,
Mr. M. K. Acharya, and
Mr. B. Venkatapatiraju.

THE MATERNITY BENEFIT BILL.

Mr. President: The Assembly will now proceed to the further consideration of the motion moved by Mr. N. M. Joshi on the 30th January, 1925:

"That the Bill to regulate the employment of women in factories and mines and on those estates, to which the Assam Labour and Emigration Act, 1901, applies, some time before and some time after confinement, and to make provision for the payment of maternity benefit, be referred to a Select Committee consisting of Mr. L. Graham, Mr. A. G. Clow, Sir Purshotamdas Thakurdas, Seth Kasturbhai Lalbhai, Sir Campbell Rhodes, Mr. Darcy Lindsay, Dr. S. K. Datta, Mr. M. A. Jinnah, Khan Bahadur Sarfaraz Hussain Khan, Mr. Jamnadas M. Mehta, Dr. K. G. Lohokare, Mr. K. C. Neogy, Diwan Chaman Lall, Mr. B. Das, Sardar Gulab Singh, Mr. Devaki Prasad Sinha and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, before I proceed with my speech I want to propose that the name of Mr. Chalmers should also be added to the Select Committee.

Sir, when on the last occasion my speech was interrupted by the adjournment of the House, I was explaining that my Bill proposes to prohibit the employment of women for six weeks after confinement. My Bill

[Mr. N. M. Joshi.]

also seeks to enable women working in industries mentioned in the Bill to leave their work without the fear of being dismissed about six weeks before the time of their confinement. There is obviously some difference made by me between the treatment of the periods before and after confinement. Sir, my Bill thus secures rest for women working in industries during the period when hard work will be very harmful to their health and to the health of their babies; but, Sir, the economic condition of the working class women is such that, unless we also provide that they and their babies shall get sufficient maintenance during the period of rest, they will not be able to enjoy that rest. The experience of countries that have by legislation prohibited the employment of women during this period without providing maternity benefit shows clearly that women may prefer to have some harm done to their health to allowing themselves and their babies to die of privation on account of not getting sufficient maintenance.

It is, therefore, necessary that when we secure rest for women during the period of confinement we should also at the same time make
12 Noon. some provision to find sufficient maintenance in order that they and their children shall be able to maintain their health in good condition. My Bill, therefore, provides that during the period of enforced absence from work, women should be given some allowance. My Bill also provides that this allowance should be given out of a fund to be known as a maternity benefit fund instead of its being given by the employers directly. I feel, Sir, there is a danger in leaving the payment of allowances to these women to the employers and that danger can be avoided if the payment of the allowance is left to Government. I hope, Sir, when the Local Governments establish that fund they will take care that the contribution from the employers to the fund will not be fixed upon the actual number of cases, but that the contribution will be levied either on the value of the product of the industry or on the total number of women employed in that industry. Sir, this is in short the outline of the Bill which I propose to be sent to a Select Committee for detailed consideration. At present I do not propose that the prohibition of the employment of women and the provision of maternity benefits should extend to all industries in the country. My Bill seeks to restrict the operation of the Bill only to those industries which are regulated by the Indian Factories Act or by the Indian Mines Act or by the Assam Labour and Emigration Act.

Sir, I would like to make one thing clear at this stage. My Bill mentions the Assam Labour and Emigration Act. As far as I can understand, this Act can be made applicable by the Government of India to any part of India. I therefore think that when I mention industries regulated by the Assam Labour and Emigration Act I intend to include plantations throughout the country; but, Sir, if there is any doubt on this point—and the lawyers in this House are better able to judge of this question—it is possible to alter the section so as to bring in all the plantations under the provisions of my Bill. The plantations in Madras can be brought within the scope of this Act by applying the provisions of my Bill to those plantations which are regulated by the Madras Planters Act. I think, Sir, that my intention would be carried out when the Bill goes to Select Committee. I make it clear that I do not want to include only the plantations in Assam, but all the organised plantations in all parts of the country.

Sir, this question of the provision of maternity benefits has a long history. About five years back when the first International Labour Conference met at Washington, a convention was passed that the employment of women six weeks after confinement should be prohibited and women should be able to leave their work without fear of being dismissed six weeks before their confinement. The convention also provided for the granting of maternity benefits. The Government of India at that time thought that they had not fully considered this question and they were not prepared to accept that convention. The Government of India agreed in that conference to make a report on the question. After discussing that question here in India the Government of India made a report that they thought that the time for legislating on this subject had not come. But they expressed a hope that schemes of maternity benefit on a voluntary basis would come into existence in India. Sir, during these five years some schemes of maternity benefits on a voluntary basis have come into existence, and the experience of these schemes makes it quite clear that such a provision is of very great usefulness to the women engaged in the industries. I, therefore, think that whatever may have been the views of the Government of India some years back, having obtained the experience of maternity benefit schemes established on a voluntary basis they will be ready to approve of legislation for this purpose. With this object and being fully convinced that the Government of India as well as the employers in this country will be in favour of a scheme similar to the one which I have proposed in my Bill, I introduced my Bill in the last Simla Session.

Sir, at the time of introduction I requested the Government of India to circulate my Bill. They very kindly complied with my request and have circulated the Bill to the employers, to the Local Governments and to all others concerned. Most people have now sent in their views either to the Local Governments or to the Government of India. Sir, I have not yet got a copy of these views, but from the newspapers I find that there is great support, almost unanimous support, to the principle of my Bill. Sir, I do not wish to say that there is no criticism of the details—there is a good deal of criticism of the details of my Bill. But, Sir, after having read the reports in the newspapers, I can confidently say that there are no people who oppose the principle of my Bill, namely, that it is desirable to prohibit the employment of women some time after confinement and to give them leave some time before confinement and to give them maternity benefits during the period of their enforced absence. Sir, the points of criticisms are directed towards the details, and I do not wish to deal with the criticism at great length. But I would like to speak a few words on the main points of that criticism which are of a somewhat general nature.

Sir, the first point of criticism against my Bill is that, if my Bill is approved of and passed, and if a maternity benefit scheme comes into existence, there will be some burden placed upon the industries. Sir, I assure the Members of this House that the passing of my Bill will not place a great burden upon the industries. At present there are about 500,000 women engaged in the industries which are covered by my Bill. Experience has shown that in one year about 10 per cent. of these women will be entitled to maternity benefits, that is, about 50,000 women in a year will be entitled to maternity benefits. Sir, having studied the rate of wages in our country in the industries covered by my Bill, I can estimate the cost of the scheme involved in my Bill at about Rs. 15 lakhs per

[Mr. N. M. Joshi.]

year. Now, if we consider the number of women employed in the industries covered by my Bill, we shall find that the rate of increase in the wages of women will not be more than 4 annas per month. If we assess the contributions to be paid by the employers or the burden upon the industries covered by my Bill, I estimate, Sir, that if the value of the production of the industries covered by my Bill is one thousand rupees, the cost of the scheme will be only one rupee. The assessment, therefore, of the burden of my scheme upon the value of the production of the industry will be only its one thousandth part. Sir, Honourable Members will thus see that my Bill does not throw any heavy burden upon the industry. There is of course some burden, but it is very small indeed. Therefore, Sir, I feel that even if my Bill is passed, there will be no discouragement for employers to employ women. Employers employ women not because they are very philanthropic or that they want to do some good to the working class women, but because they find that women's labour is much cheaper than the labour of man. If a man gets Rs. 25 per month, a woman in the same place will get about Rs. 15 a month. The employer, therefore, finds it to his advantage to employ women, and as my Bill does not put a great burden upon the industries, as it does not increase the wages of women by any appreciable extent, the employment of women will not be discouraged even if my Bill is passed.

Then, Sir, it is also feared by some people that if maternity benefits are given to those women who give birth to children, employers may dismiss women as soon as they learn that a woman would become entitled to the maternity benefits. Sir, I do not think that the employers will do this, and secondly, I may say, Sir, that in my Bill I have provided that the maternity benefits should be given not by the employers directly but by the Government. This will prevent any employers, if there are any, who may try to shirk their responsibility by dismissing women when they find that they become entitled to a maternity benefit.

Then, Sir, I have also heard it said that if my Bill is passed women in the industries in which there are no maternity benefits may flock to the industries in which maternity benefits are given. Sir, if our organized industries which are covered by my Bill begin to get a large number of women for work, I think the employers would welcome such a result. At present there is a good deal of complaint that our industries suffer for want of sufficient labour, and if women workers are attracted to the industries in which maternity benefits are given, it will be a result about which the employers need not complain.

Sir, it is also said that some women after they become entitled to maternity benefits may join an industry which is covered by my Bill. I know, Sir, such a result may happen in a few cases. But, Sir, that result can also be prevented by some regulation making it necessary for women working in the industries covered by my Bill to put in some minimum period of service before they become entitled to receive the maternity benefits.

Then, Sir, there are a few other arguments. I have heard it said that in India such a scheme may not succeed as we have not got a sufficient number of women doctors. Sir, in my Bill there is nothing which compels a Local Government or employers to engage women doctors. Under

my Bill a woman will have to produce a certificate that her confinement will take place within about six weeks. If the woman cares to secure that rest and by taking advantage of the provision in my Bill, the responsibility of getting the certificate is hers. There is no responsibility upon the employer or upon the Government to find a doctor. I therefore think that the employers and the Local Government need not make much of the paucity of women doctors in our country. Moreover, Sir, I have got some experience of the working of the maternity benefit schemes at present established on a voluntary basis in the City of Bombay, and from my experience I can say that women workers do not hesitate to go to a male doctor for a certificate which is necessary according to the provisions of my Bill. Sir, the hesitation of women to get a certificate from a doctor belonging to another sex or race is not found in working class women; it is confined to women of other classes of people. I therefore think that the argument about the paucity of women doctors need not have any weight with us at all. As a matter of fact, the criticism is not against the main principle of the Bill; the criticism is directed against the method of giving the maternity benefits.

Sir, when I make my motion for committing the Bill to a Select Committee, I am only asking this House to support the principle of my Bill. I know, Sir, that I am not an expert draftsman. I am quite sure there may be some defects in my Bill. But, Sir, these defects can be remedied when the Bill is sent to a Select Committee where we can get the advantage of the expert advice of some Members of this House. Sir, I see on the agenda paper that there is an amendment in the name of the Honourable Member in charge of the Department of Industries and Labour. He is anxious that the Bill should be circulated. I have already explained to the House that the Bill has been circulated by the Government of India to the Local Governments. The Local Governments have circulated the Bill to the employers and to the organisations of working classes. Most of the organisations have already sent their views either to the Government of India or to the Local Governments. Therefore I was somewhat surprised when I saw the amendment standing in the name of the Honourable Member. It is possible that some Local Governments and some employers' organisations may not have yet expressed their views but if the Bill has been circulated and if all these organisations and the Local Governments had more than three months before them to consider the Bill, this House need not wait to receive their views. I know that the Government of Bombay, the province from which I come, have not yet sent in their views to the Government of India and I learn also that the Government of Bombay were waiting for the views of the Millowners' Association of Bombay. I was very glad to see that the Millowners' Association have recently sent in their views to the Government of Bombay. But, Sir, the Millowners' Association of Bombay could not send in their views to the Government of Bombay at an earlier date. Most of the Members know that the Millowners' Association of Bombay is now engaged in making a propaganda for the removal of the excise duty and naturally they did not find much time to consider a Bill like mine which is only intended to safeguard the lives of women engaged in the mills of Bombay. Moreover the Government of Bombay, you may know, are at present engaged in celebrating the beneficent activities of the Baby Week. I wish that the Government of Bombay had included in the programme of activities for the Baby Week the consideration of my Bill. I feel sure if they had

[Mr. N. M. Joshi.]

considered my Bill during the Baby Week they would have helped the cause of the Baby Week much better and more effectively. I therefore request this House to approve of my motion. Sir, there is one difficulty for me in opposing the motion of my Honourable friend, the Member in charge of the Department of Industries and Labour. He circulated the Bill as a matter of favour to me. He was not bound to do so and I cannot in fairness take advantage of his favour to oppose his amendment. I therefore appeal to him to withdraw his amendment and I assure him if he wants some time to secure the views of the Government of Bombay or any other Government we shall not call a meeting of the Select Committee till he is ready with views of the Local Governments and of the views of the Government of India. But I earnestly appeal to him to withdraw his amendment and allow my motion to be passed. But I cannot oppose his motion also.

Mr. W. S. J. Willson (Associated Chambers of Commerce; Nominated Non-Official): Before the Honourable Member sits down, will he give us some indication as to what his attitude would be in regard to casual labour? I would remind him that in a province like Burma the bulk of the labour is casual and I would like to know what his attitude would be on that point.

Mr. N. M. Joshi: It is much better that the question should be discussed in the Select Committee. It is a matter of detail and I assure the Honourable Member that I am quite prepared to meet any reasonable views of the employers. They must be sure in their mind that, unless my Bill has the support of the Government of India, it has not the least chance of being passed by the Council of State. I am therefore bound to accept any reasonable amendment that may be made by the employers and that may be supported by the Government of India.

Mr. W. A. Cosgrave (Assam; Nominated Official): I desire to make some criticisms as regards this Bill which it is proposed to apply to the Assam tea gardens of which I have an intimate knowledge. I think that at the outset I should explain to this House what the opinion of the Assam Government is as regards Mr. Joshi's Bill. The Assam Government, while in the fullest sympathy with the principles of the Bill, consider that the Bill as drafted is both unnecessary and undesirable as far as the province of Assam is concerned. They think that if legislation is required the utmost that need be enacted would be the fixing of a minimum benefit, the utmost discretion being allowed to the Local Government to prescribe by rule of executive order the estates to which it should apply and the manner in which it should be enforced. In practice the Bill would then apply only to estates where maternity benefits are not given and the machinery required to work it will cost very little because it will hardly ever be necessary to enforce it. Now, Sir, speaking for myself before I make any criticisms as regards my Honourable friend Mr. Joshi's Bill, I would like to express my full sympathy with his disinterested motives in preparing this Bill which I know he has drafted entirely on account of humanitarian reasons. I cannot, however, from my knowledge of the Assam tea gardens think that the coolie women on these gardens will benefit if this Bill is carried into law. I make a personal explanation that I have some knowledge of the Assam tea gardens as I have served during the last 20 years as Deputy Commissioner of four of the Assam labour

districts, namely, Sylhet, Nowgong, Sibsagar and Lakhimpur. For the last four years I have been Deputy Commissioner of Lakhimpur district which contains in the Sadr sub-division alone about 120 of the most prosperous tea estates in Assam. Well, Sir, I hope I shall not offend the feelings of my friend Mr. Joshi when I record my deliberate opinion that this Bill as drafted will not benefit the women in the great majority of the tea gardens of Assam where women both before and after delivery now get ample concessions. I hope Honourable Members will not mind if I explain in some detail what sort of concessions are given on the Assam tea gardens. Now, the general practice in vogue on different concerns in the Assam valley is as follows. Leave is granted to women varying from 3 to 6 months in accordance with the wishes of the European medical officer and is invariably extended beyond six months whenever he considers it necessary. The pay and allowances to such women during their absence varies from half to full wage together with a bonus of from 4 to 10 rupees. Qualified Indian doctors reside on all the gardens and their work is supervised by European medical officers who generally see all pregnant women at least once a week. Medical attendance and medicines are supplied free of charge. There are in most gardens midwives who are also supplied free, but in some cases the women choose their own midwives from their own caste. Unlimited opportunity is given to women for nursing their infants during work. Such work is generally entirely optional to the mother, either in-door or out-door, and is always of a light nature occupying nearly two or three hours a day such as sorting or cleaning tea inside the factory during the tea season, or weeding outside in gardens at other times. Now, Sir, this is a general description of the concessions given, but I would like to give some information to this House as regards the concessions given by some of the large companies of many of which I have individual knowledge. Most of the companies for which I quote figures have tea gardens which I have personally inspected and I can vouch that the information is absolutely correct. The Budlabheta Company, which is a large company in the Lakhimpur District, give leave for three months before and three months after child-birth, with full pay for the whole period. Pay may be given for a still longer period according to the advice of the doctor. The Doom Dooma Company, another very large company in the Lakhimpur district, one of the most prosperous companies in that district, allows a similar period of leave, with five seers of rice a week free of cost and Rs. 1-8 a month in cash. The Pubbojan Company, which is also a more prosperous Company, is equally liberal. In the Jorhat Company, which contains about 15 tea gardens in the Sibsagar District, a pregnant woman gets three months' full pay and a bonus of Rs. 2 when the child is born, Rs. 2 when the woman goes out to work, Rs. 2 when the child is two months' old, and Rs. 4 when the child is one year old. The Consolidated Tea and Lands Company in Sylhet, which everybody knows is about the biggest tea company in India, grants three months' leave on half pay, with a bonus of Rs. 3 at birth and of Rs. 2 after 12 months. The Empire of India Tea Company give leave for three months before and three months after child-birth and a cash allowance of one rupee a week in addition to free milk supply from the garden hospitals. Now, Sir, in further amplification of these details I would like to read a letter written by Mr. Dawson, the Deputy Commissioner of the Darrang District in Assam, on the subject of Mr. Joshi's proposals. Mr. Dawson is a gentleman who has particular knowledge of Assam labour as he was the Secretary of the Assam Labour Inquiry Committee which published its report after visiting the whole of Assam in 1921-22. I think Honourable Members will agree with

[Mr. W. A. Cosgrave.]

me that Mr. Dawson's letter shows that while the female employees of tea gardens are being given ample concessions, the Companies are still further increasing the concessions. I will read Mr. Dawson's letter. This letter was written last July just after notice was given that Mr. Joshi was going to move this motion. I ought to explain one thing, that the Darrang District is a very important labour district in Assam and that it has about 130 tea gardens. He writes as follows:

"In the course of my tea garden inspections this year, however, I have noticed an increasing tendency to grant six months' leave on full pay to pregnant women. In at any rate one group of gardens a crèche system has been established. Infants are looked after by ayahs, while their mothers are at work. In my inspections I have paid special attention to the question of infant mortality and have asked managers to endeavour to secure an improvement in cases where there seems to be something wrong."

I submit for the consideration of this House that the extracts which I read from this letter and from these reports show that the lot of the expectant mother and of the cooly woman with a child on the Assam tea gardens is not such an unhappy one as Mr. Joshi would give one to understand from the statement of the reasons for his Bill. I venture to think, Sir, in the Statement of Objects and Reasons, at any rate so far as Assam tea gardens are concerned, Mr. Joshi is I may say begging the question. Mr. Joshi writes in his Statement of Objects and Reasons:

"There is no doubt that if women continue their long and arduous work in factories, mines and other organized industries even in an advanced stage of pregnancy and immediately after confinement, their health and the health of their children would not fail to suffer."

Now, Sir, I hope that I have established to the House that the employers of tea gardens in Assam treat the cooly women extremely liberally, and I may say that as far as I can see this Statement of Objects and Reasons cannot be held to apply to those women. Now, Sir, I mentioned that I was Deputy Commissioner of the Lakhimpur District for four years from 1920 to 1924. I went on leave in last March and it is a matter of the greatest regret to me that the visit of my Honourable friend, Mr. Joshi, to that district occurred a very short time after I left for England. I am quite certain that if I had been in that district at the time of Mr. Joshi's visit, I could have shown him some things that would have appealed to his tender heart. He mentioned the Baby Week in Bombay. I may mention that we had a Baby Week in Dibrugarh, and a large number of tea gardens within a five mile radius of Dibrugarh sent women and children in bullock carts to that Baby Show. I only mention this to show that even in far off Assam there are Baby Weeks held, and judging by Mr. Joshi's reference to the Baby Weeks in Bombay I think it right to refer to our Baby Weeks as additional evidence that employers of labour are not unsympathetic to coolie women. Now, Sir, it is a matter of great regret to me, as I say, that Mr. Joshi visited the Lakhimpur District after I had left for England. I notice that the pamphlet on Labour conditions in Assam which he wrote after his visit does not contain any mention of the important concessions given to expectant mothers and to mothers of children on tea gardens. I can only say this that Mr. Joshi did not get quite full enough information, and it is an additional matter of regret to me that I was not present, as I am sure Mr. Joshi would have made some very nice remarks in this pamphlet about the good way in which the cooly women are being looked after in the tea gardens.

Now, Sir, I would like to criticise in some points the text of Mr. Joshi's Bill. Mr. Joshi wants to leave all the details to be worked out by the Local Government. I would like to point out from my own knowledge of Assam how impossible I think it would be to give effect to this Bill in the tea districts. Now, Sir, Mr. Joshi in clause 8 of his Bill says that the Inspector of Estates shall have the same powers and duties for the purpose of sub-clauses (a) and (b) of clause 3, and clause 5 as they have and perform for the purpose of the Assam Labour and Emigration Act of 1901. It is quite possible that in this House there may be only a few Members with any definite knowledge of what the duties of an Inspector of Labourers are. In the Assam Labour Act, Act VI of 1901, many of the sections have been repealed, but the section under which the Deputy Commissioner as an Inspector of Labourers inspects tea gardens is still in force. I do not think it will be out of place, Sir, if I read out this section, so as to explain the instrument by which Mr. Joshi thinks he is going to carry out the work referred to in the Bill. Section 123 of Act VI of 1901 lays down:

"Any Inspector or Magistrate, or any person authorized by either of them in writing in this behalf, may enter and inspect all lands and houses wholly or partially used by or for labourers or by or for any other natives of India employed on any estate, and may require that all such labourers or other natives of India as aforesaid, or any particular class or classes of individual or individuals of them, shall be brought before him, . . . and may make any inquiries which he thinks proper touching the condition or treatment of such labourers or other natives of India as aforesaid or any of them; and the employer shall be bound to comply with every requisition and to answer every inquiry so made to the best of his ability."

Now, as a parenthesis, I would like to point out to my Honourable friend Mr. Joshi that this section 123 under which District Magistrates have powers as Inspectors of Tea Estates only applies to the labour districts of Assam. If he is going to apply this Bill to tea gardens or coffee estates in other places such as Darjeeling, the Dooars, Coorg, Mysore and other places, I presume that further legislation will be necessary on this point. But passing by that point, I would explain that the usual procedure in the Assam districts is that the estates which are healthy and are believed to be well managed are only inspected bi-annually. Now, Sir, taking the case of Lakhimpur district there are 120 tea gardens in the Sadr Sub-Division alone. That means that 60 tea gardens have to be inspected every year. The usual practice was that I took thirty of these 60 tea gardens and left 30 to be inspected by the Superintendent of Police who has the powers of an Assistant Inspector of Labourers. It was the most we could do to inspect healthy gardens bi-annually. May I ask Mr. Joshi if he will be able to explain how he expects these benefit funds to be worked by Inspectors of Labourers? How is the money to be collected? How is it to be distributed? Does he expect coolie women to come 50 miles to headquarters to draw the money, or is the money to be remitted from the Deputy Commissioner's Office by money order to the garden manager for distribution? As far as I can judge Mr. Joshi's attitude, he regards garden managers as rather suspect people. I doubt if he will like the money to be remitted by money order. It is quite impossible for gazetted officers to do this sort of work. There is no special staff in Assam for dealing with these labour questions. I presume Mr. Joshi would not like the money distributed by the police and it seems hardly the work for the village recorders who work under the Director of Land Records. I think, Sir, that Mr. Joshi will say "Approve of the Bill in principle, leave everything else to the Local Government to work out." I have already given the opinion of the Local Government that this Bill is both unnecessary and undesirable as regards the

[Mr. W. A. Cosgrave.]

province of Assam. Now, Sir, looking again at the Bill, Mr. Joshi provides in clause 3 of the Bill that a woman:

"(a) shall not be knowingly employed during the six weeks following her confinement;

(b) shall have the right to leave her work if she produces a medical certificate from a qualified medical practitioner stating that her confinement will probably take place within six weeks."

Mr. Joshi is going to make it compulsory under this Bill that no woman should work, even if she wishes to do so and if a woman does any work (Mr. N. M. Joshi: "After confinement"), she has the right to leave work if she produces a medical certificate that confinement will probably take place within six weeks (Mr. N. M. Joshi: "There is no compulsion.") Well, Sir, I would only quote the opinion of two of our most experienced tea garden doctors in Assam who are also personally known to me. One is Dr. Dodds Price, the greatest authority on Kala Azar. The other is Dr. McCombie of Dibrugarh. Both these doctors are firmly of the opinion that women of the cooly class are much fitter, and that their health remains much better if they are given light work up to practically a few days before confinement. As regards the benefit point of view Mr. Joshi seems to be going rather beyond what is considered advisable. Now, Sir, I hope I have made it clear to this House that in the first place women on the tea gardens are well treated, and I think, Sir, that as far as the Assam tea gardens are concerned it is unnecessary for Government to step in with paternal legislation when so much is already being done for the cooly women by the employers. I venture to think, Sir, that if compulsion is introduced, the tendency will be to give grudgingly the minimum upon which the law insists.

Mr. T. A. Chalmers (Assam: European): Sir, there is nothing in what Mr. Joshi has said that one cannot approve in principle. It is only when one comes to details that one finds it impossible to carry out these benefits through a Government agency. The difficulty arises in trying to apply rules and regulations that are meant for industries in the West, where very large numbers of women are concentrated in large factories and work long hours. These women have to be protected and for this reason the Washington Conference drafted these rules and suggestions. Now, that Conference did not propose—and no Conference that I know of has ever proposed—that maternity benefits should be distributed to agricultural women workers. If you are going to include agricultural workers you must have something similar to an old age pensions system, and give maternity benefits to all women workers.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

Now, I would like to point out that Assam tea gardens employ nearly half the people whom Mr. Joshi has mentioned as eligible for these benefits. That is to say, nearly a quarter of a million people are employed in Assam who are agricultural workers. A small proportion of women workers are employed in factories. In my own factory no woman is employed and gradually it will be found entirely unnecessary to employ women in tea factories. They work outside in the fields as in every other agricultural district. Mr. Cosgrave has already explained the actual benefits that these workers enjoy. They enjoy them for special reasons. The country is thinly

populated and therefore we have to make conditions which are attractive. We have to make conditions better than those in their own homes so as to induce people to work. It is for this reason that these benefits are voluntarily given. But that is quite a different reason to the one suggested by Mr. Joshi. It is not a question of long hours in industrial factories. Then we come to the actual benefit system. I will explain to you what the conditions are in my own gardens. We pay our people weekly. If a mother is expectant, she may of her own free will stop work. In due course she will come up for her benefit and her name will be registered. After that, although her home may be within two or three miles of the factory, we never see her again. But we know all her people, so her husband or some relation comes and draws the money weekly and that is the end of it. Now, under this scheme you propose to thrust the employer aside. You want to have nothing to do with the employer. You wish to introduce a Government system by which a Government servant will pay her direct. Now my factories and tea gardens are 45 miles away from the nearest Government office. Other factories are just as far, the distance varies from 5 to 100 miles. They are out in the jungle. How is a Government agency going to find out and recognise each woman who is entitled to a benefit? How are they going to be paid? The amount to be paid individually is a small one. Do you expect a Government servant to take a chest of rupees with him and distribute the money among the workers? It is in these details that you will find it impossible to agree to the principle of Mr. Joshi's Bill. We already give the benefits. It is on record and as Mr. Cosgrave has said, they will probably go on increasing. I do not believe that these benefits will be reduced. That is not the point at all. The point is that there is no method by which 2,50,000 women can receive their weekly doles through a Government agency. I would therefore ask this House to consider that point before applying these rules and regulations which are meant for industries where usually there is a Government officer on the spot. This Bill should not be applied to agricultural workers under present conditions.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I had no desire to speak on this motion. But as I have heard from my Honourable friend who is a Deputy Commissioner of some district in Assam,—Lakhimpur—it reminds me of some stories for I belong to a part of India which sends about one-fourth of the coolies who work in the Assam tea gardens, namely, Orissa. I have got many neighbours, men and women, who are now working on the tea gardens or have worked for some time in their lives in those gardens. As to the treatment which is accorded to them by their employers, it has never been satisfactory. I know of several stories which will corroborate what I have said, but this is not the place to relate them one by one. I may point out that I have had first-hand information from the coolies themselves. They are put under practical persecutions the night before the Deputy Commissioner comes to visit those parts, not to make any complaints before the Deputy Commissioner (Mr. W. A. Cosgrave: "Question?") Our coolie men and women are not like the labouring classes of advanced countries in Europe and America. They do not make any distinction between their employer who is a white man, and the Deputy Commissioner when he is also a white man. They are under the impression that they all belong to one class, and if they make any complaint, it will not perhaps be heard and more persecution will come upon them. This has been my experience. If any legislation is to be undertaken to protect the coolie men and women it is to be enacted in this House. I

[Pandit Nilakantha Das.]

have not gone into the details of the Bill like a lawyer, nor have I examined its provisions closely. I cannot say if, under the present circumstances, this Bill will benefit the labouring classes, or that they will get the minimum under this Bill, or whether they will not get even that at all. If the Bill is not to be enacted in this form or even delayed from that point of view, then I have nothing to say at all. But as to the treatment which is accorded to coolie men and women by tea planters in Assam, I am convinced from the stories that I have heard that the treatment is never satisfactory and any legislation which proposes to make the treatment better should be welcomed by this House.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I rise to support my friend, Pandit Nilakantha Das. My friend on the other side said the Bill

1 P.M. was based on humanitarian grounds; but that women and other labourers in Assam were treated properly. Whether they were treated properly or not is another question. But I do not see how he can take any objection to the enactment of the Bill as applied to Assam only. The motion that has been moved is not to take the Bill into consideration, but simply to have it referred to a Select Committee, where all these details regarding the matter can be threshed out. I am therefore at a loss to understand why any objection should be taken to this motion at this stage and I therefore support it.

***Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I should like to make one or two observations with a view to elicit the exact attitude of Government in regard to legislation of this kind. Honourable Members will say that this Bill is one of those matters reserved for provincial legislation, but subject to Indian legislation. Well, Sir, Labour is not a subject which has been placed in this category. Sir, the Honourable the Home Member, when we were discussing the Bill relating to Hindu Religious and Charitable Trusts of my Honourable friend, Sir Hari Singh Gour, made statements which made us very uneasy. He said that we were really trenching on the sphere of provincial legislation, and he said he would deliberately divide the House to find out the attitude of this House in regard to questions which were reserved for provincial legislation, but which are also stated to be subject to Indian legislation. Sir, this Bill is one of that character. Not only this, yesterday we had another Bill of the same character, the Cotton Ginning and Cotton Pressing Factories Bill, which was initiated by the Government of India and which was submitted to this House for consideration. May I ask the Honourable Member, Sir, what the attitude of the Government of India is in regard to this class of legislation, and whether they have any consistent and uniform attitude in this matter? (Mr. N. M. Joshi: "What is your attitude?") Sir, a great deal has been said about provincial autonomy, and you, Sir, have been twitted with a desire of urging provincial autonomy in one breath and contradicting your own views by urging legislation in this Assembly in regard to Hindu religious trusts. Even the Government of India, Sir, seem to be in exactly the same position. Yesterday we had the spectacle of a provincial subject brought forward in this Assembly on the motion of the Government of India, and

* Not corrected by the Honourable Member.

here we have Mr. Joshi again bringing forward another measure, which is certainly within the sphere of the provincial Legislative Councils. I therefore would like to know what really is the attitude of the Government in this matter, and whether they are themselves sincere in saying that we non-officials are trying to interfere in provincial matters. That is my first point.

Sir, in regard to this legislation I understood from the speech of my Honourable friend, Mr. Joshi, that the financial clauses of this Bill will impose the whole obligation of finding these maternity benefits on the employer, and I should like to know if that is correct. I should also like to know whether this Bill will impose any obligation on the Provincial Governments.

Mr. N. M. Joshi: That depends on the Local Governments. If it is a contribution by the employers, the burden will be shouldered by the employers. If they choose to spend the money out of the public treasury, they may do so.

Diwan Bahadur M. Ramachandra Rao: I am glad my friend has made that position quite clear. He says it is left to the Local Governments whether they will undertake a part of this burden, or whether they will shift the whole of the maternity benefits on to the employer. The Bill as drafted is not quite clear, and if this Bill is going to impose any financial burden on the provinces, that is really a matter in which the provinces should be consulted, and that makes it all the more necessary that this Bill should not be adopted by this House without the opinions of the Local Governments and the public. Sir, having said this, I must at the same time say that the Bill has my entire sympathy so far as its object goes. I see that the Honourable Member from Assam has raised very many practical difficulties in the working of this measure, and I feel exactly the same difficulties. What is the machinery by which this benefit is to be distributed? In Great Britain the matter is on an entirely different footing. I think there is adequate machinery there on account of the working of the National Health Insurance Acts, the Old Age Pensions and similar Acts, and therefore the question of distributing this benefit, the question of undertaking the necessary inspection, is entirely on a different footing. But here there is no elaborate machinery, and it is not to be found in this Bill. Therefore, Sir, on all these grounds I think we must have much more information of the exact bearings of this measure.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Sir, I do not want to take the time of this House over a Bill concerning which I believe there is a consensus of opinion in this House that it should be supported at least in principle, if not in detail. The only objections that have been raised to this Bill come from the Honourable Mr. Cosgrave on the one side, and the Honourable Mr. Chalmers on the other, and are supported in a half-hearted measure by the Honourable Diwan Bahadur Ramachandra Rao. His objections were rather indefinite objections, but the objections raised by the Honourable Mr. Cosgrave have got to be met. He says, according to what he has stated before us, that there is a case made out for the Assam capitalist, the Assam tea garden planter, that he treats his workers so well that there is no necessity for a measure of this kind being placed on the Statute-book. I am afraid that that *ex parte* statement of his cannot be taken as gospel truth by this House. It is no

[Mr. Chaman Lall.]

doubt very imposing to hear that the employers in Assam give their women employees maternity benefits in the shape of half-pay wages for three months, or even six months, very imposing indeed to hear that the woman can sit at home for three months or six months and draw her wages to the extent of 50 per cent. and do no work. But what are those wages? What is the total extent of those wages? How much in money value do those wages come to, even half-pay for six months? I hold in my hand the Imperial Gazetteer of India and I read there (page 65) that male coolies on the gardens usually earn from Rs. 4 to 5 a month, and women about a rupee less. Rs. 3 a month, Sir, are the wages of women employed in the tea gardens of Assam, and if you reckon their wages for three months, it is nine rupees, and what is it the employer gives them? Rs. 4-8, as maternity benefit. Let us say they give them Rs. 9, which is full pay for three months, what is that sum

Mr. T. A. Chalmers: May I ask the Honourable Member what year he is quoting? Those figures are ten years out of date.

Mr. Chaman Lall: I am very glad Mr. Chalmers has raised that question. I am quoting from the Imperial Gazetteer, new edition, 1908 (Laughter.) But does he want the latest figures? I will give him the latest figures. I hold in my hand "Prices and Wages, 1923" and what is it I read there? Cachar Sadr Tea plantations, daily wages paid to women, Rs. 4-4-8. (An Honourable Member: "Monthly.") Monthly wages. And what are these wages, what do they include? Here is a note appended and it says that these wages are calculated on the wages earned by the total number of coolies on the books during the months of September and March, including *ticca*, diet, rations, subsistence allowance and bonus per head. What is this *ticca*?

Mr. W. A. Cosgrave: Sir, may I point out to the Honourable Member that the figures he has given are calculated on the total number of coolies on the books. The real way of seeing how much a cooly earns is to see the figures calculated on the average daily working strength. If he will look at the next column he will see that the figures are quite different. The Cachar Sadr figures are:

			Rs.	A.	P.
For men	...	...	6	10	8
For women	...	...	4	9	3
For children	...	...	2	18	9

calculated on the total number of coolies on the books; but calculated on the average daily working strength it works out to:

			Rs.	A.	P.
Men	...	...	8	6	2
Women	...	...	6	10	0
Children	...	...	4	1	6

Mr. Chaman Lall: How very handsome—Rs. 6/10/0. Calculated for one and a half months it comes to roughly Rs. 9 as three months' half pay—a very handsome figure indeed to give any woman as maternity benefit! You come to this House and say that this is such a satisfactory state of affairs that you should not pass a measure applicable not only to

Assam but to the whole of India. But even if these employers give this handsome relief, even if these philanthropic gentlemen consider they are treating their women very well, why should they object to a Bill being passed which would make it compulsory for them to give this benefit to their women instead of its being given at the sweet will of the employer?

Mr. T. A. Chalmers: Sir . . .

Mr. Deputy President: Does the Honourable Member wish to speak on a point of order?

Mr. T. A. Chalmers: I did not object to the principle of the Bill.

Mr. Deputy President: Mr. Chaman Lall was not referring to the Honourable Member in particular.

Mr. Chaman Lall: I am glad, Sir, you have understood I was not referring to Mr. Chalmers in particular. As a matter of fact, his speech I commend to the House; he agrees to the principle; but what I object to are the representatives of these Assam employers who come down here. (*An Honourable Member:* "And the Government"). I do not agree with my Honourable friend, Mr. Joshi in including the Government, for the simple reason that I hope now that Sir Bhupendra Nath Mitra is in charge of this particular Department he will see that the measure before us is placed on the Statute-book. I would remind the Honourable Member of what was said in this very House on the 6th of June 1924 in reply to Mr. Joshi's question. Mr. Joshi asked:

"Will the Government be pleased to state whether they or any of the Local Governments have made any efforts to persuade large employers of labour to introduce voluntarily schemes for maternity benefits in their industrial undertakings? If so, will they be pleased to state what these efforts were? If not, why not?"

There was also another question by Mr. Joshi to which a joint reply was given by Sir Bhupendra Nath Mitra who said:

"The question was examined by the Government of India some three years ago at various meetings between their officers and Chambers of Commerce, Employers Associations, factory owners, and others interested in the question. It was also discussed informally at a conference in Simla with representatives of Associations concerned with the welfare and medical relief of women and children. As a result of these discussions, the matter was brought to the attention of Local Governments who were asked to express their views in regard to the encouragement of voluntary systems of maternity benefits. Most Local Governments expressed their willingness to endeavour to persuade employers to start voluntary schemes for this purpose. The Government of India will ask Local Governments for further information on the subject, as desired by the Honourable Member."

All that I suggest therefore is this. The Honourable Member is pledged, I believe, to support the principle of a measure of voluntary relief. What we are asking him to do is to pledge himself to support a measure of compulsory relief in the case of women employees throughout India. The number of these women employees is not very large. But the objection has been raised by the Honourable Mr. Chalmers supported by Diwan Bahadur Ramachandra Rao that there are difficulties in the way of working this particular measure. Well, Sir, I think there is a very old saying "Where there is a will there is a way." If you start discussing the difficulties you will get nowhere. Almost every civilised country in the world to-day has a measure of this kind on its Statute-book, and are we to be asked by the representatives of the capitalists that we should not come into line with the rest of the civilised world in this matter?

Mr. W. A. Cosgrave: Sir

Mr. Deputy President: Does the Honourable Member wish to speak on a point of order?

Mr. W. A. Cosgrave: I only wish to say I am not a representative of the capitalists here. I am a representative of the Assam Government.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I should not have intervened in this debate if I had not been provoked to do so by my Honourable friend, Diwan Bahadur Ramachandra Rao, who asked me a question as to why I made certain remarks in connection with this House interfering with provincial legislation. Well, Sir, my answer is a very simple and short one and will not detain the House very long. If the Honourable Member will look at Part II of Schedule I of the Devolution Rules and will look at entry 23, he will see "Religious and Charitable Endowments"; and if he will turn to Schedule III and if he will look at item 15 he will again see "Religious and Charitable Endowments". Religious and Charitable Endowments, as he will gather from looking at the entries in the Devolution Rules, are in the first place provincial subjects, and, in the second place, they are transferred subjects, and, in the third place, they are not subject to Indian legislation. The Bill which is before the House, as I understand it relates to welfare of labour. Welfare of Labour will be found in entry 26, sub-entry (g), of Part II of Schedule I, and Welfare of Labour is there made subject to legislation by the Indian Legislature. That, Sir, is my answer.

Diwan Bahadur Ramachandra Rao: May I ask the Honourable Member whether this Bill could have been introduced in the Provincial Legislature?

The Honourable Sir Alexander Muddiman: With sanction, certainly.

Mr. Deputy President: I do not think this discussion should be converted into a debate on a point of law.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadian): Sir, we have been told that in the opinion of a certain Provincial Government in this country this Bill is both unnecessary and undesirable. It is unnecessary because in the tea gardens not only of Assam but also of certain parts of Bengal ideal arrangements prevail for looking after women. May I, Sir, for the benefit of the Honourable Member who has given expression to that opinion of the Provincial Government, quote from a document which is issued by the Government of India in the Department of Industries and Labour—Bulletin No. 81 by Dr. Curjel who is evidently a medical authority of some repute. At page 27 of that pamphlet, describing the conditions in the tea gardens the doctor says

Mr. A. G. Olow (Industries Department: Nominated Official): May I ask for information, Sir, whether what the Honourable Member proposes to read relates to Assam or to any area not covered by this Bill?

Mr. Devaki Prasad Sinha: I never said that it relates to Assam; I said it relates to Bengal.

Mr. A. G. Olow: I submit, Sir, that we are not dealing with Bengal tea estates.

Mr. Devaki Prasad Sinha: "The Bill itself covers all; and since my Honourable friend who spoke on behalf of the Assam Government mentioned the tea gardens in Darjeeling and some other parts of Bengal I think the portions of the report which I am reading have some relevance to this question. The learned doctor comments as follows:

"The doctors employed on tea estates rarely possess a registerable qualification, the salary offered being too low to attract better trained men."

Further on the report says:

"It was said that women workers on the estates will not go into hospital, but the hospitals mentioned were in many cases open wards and there was no provision for the nursing and protection of women patients."

A little further down it is said:

"On most tea estates there were a certain number of plains women who acted as *dais* when required. Their fees were lower than those charged near Calcutta, but usually not less than one rupee was paid. An indication of the economic value of women's labour on tea gardens was the fact that in many cases the same fee was paid to *dais*, whether the child was male or female. Some of these *dais* were relatively clean in person, and had fairly successful results, others were dirty, and deaths occurred among the mothers attended. *Dais* regarded abnormal cases as foredoomed to die."

Then the report says:

"Women workers on tea estates took their infants with them on the gardens, the baby being carried in a basket slung across their shoulders."

Mr. A. G. Clow: May I ask your ruling, Sir, on a point of order? The estates to which this Bill relates are purely within the confines of Assam. The Honourable Member is reading a very able bulletin relating to tea estates in Bengal.

Mr. Deputy President: I do not know where the Honourable Member (Mr. A. G. Clow) has got the idea that it relates only to Assam. Under clause 2, "estate" no doubt means an estate as defined by the Assam Labour and Emigration Act, 1901. I think I also had a similar idea, but on reading carefully, he will find that the Act operates throughout the country as regards factories and mines.

Mr. A. G. Clow: The Act, Sir, applies to British India; but the estates referred to, I think I am right in saying, are entirely within Assam.

Mr. Deputy President: I think that what Mr. Sinha has been quoting is perfectly relevant.

Mr. Devaki Prasad Sinha: Thank you, Sir. Now with regard to the desirability of a measure like this, my Honourable friend has quoted the opinion of a certain doctor who is supposed to be an expert in Kala Azar. I wish, Sir, that that doctor had confined his researches into the domains of Kala Azar only. There are much better authorities than the doctor in question who have pronounced in unmistakable terms the necessity of measures such as those proposed in my friend, Mr. Joshi's Bill. I shall read to the Assembly again from the same extract which I quoted before, because I believe that since it is published under the authority of the Government of India it will carry some weight with the officers of the Government of India: It says at page 3:

"It is better for the health of mother and child, if women workers do not undertake industrial work for six weeks before and after confinement; and following the recommendations of the International Labour Organization, legislation has been introduced in some countries to make such abstention from work compulsory."

[Mr. Devaki Prasad Sinha.]

Sir, I understand that out of the total number of countries that are signatories to the League of Nations covenant, there are not more than two or three countries that have not introduced measures of this kind. To say that there are difficulties in the way of accepting proposals like this is to mention the old, old argument, that is used against all such beneficent measures. There are difficulties; nobody doubts there will be some cost incurred in providing for maternity benefits. Nobody says that it can be done without any cost or labour. But the whole question that this House has to decide is this: whether the benefits that would accrue from this measure to the community as a whole will be commensurate with the cost which will be involved in giving effect to this proposal, and whether the demands that are made upon the representatives of the people by this aggrieved section of the community are demands which ought to go unnoticed. Sir, my Honourable friend from Madras who is unfortunately absent from his place has raised some technical objections that have been answered by the Honourable the Home Member. He has also mentioned that in this matter those bodies or communities that have to pay ought to be consulted and their opinions taken into consideration. Sir, I wish the suspicions and the honest doubts of my Honourable friend had arisen in this House on so many other occasions when we discussed the numerous proposals for levying indirect taxes on the poor working classes in this country. To suggest that any extra expenditure involved in working this scheme would be resented by any Local Government is I submit, to doubt the human sentiments of the members of those Local Governments. I believe, Sir, I am right in presuming that at this hour of the day there are very few men, holding advanced views on matters social, who would doubt the utility of this measure. The only thing that has to be considered is how to work it out, and for this the best solution would be to go into Select Committee. With these words I support my Honourable friend, Mr. Joshi.

Mr. W. S. J. Willson: Sir, there appears to be some misunderstanding as to the attitude which such classes of employers as I represent adopt in regard to this matter. Because Mr. Chalmers said that he was in sympathy with the "objects" of the Bill it appears to have been taken for granted that we were in sympathy with the "principle" of the Bill. That is exactly not the case. We are so much in sympathy with the objects of the Bill, that we have already put them into operation since a very long time! but we are opposed to the principle of the Bill at this stage. When I asked Mr. Joshi how he would apply it to provinces like Burma, where the bulk of female labour is casual, and is not employed on estates and so on, you remember the wavering answer that Mr. Joshi gave me. It plainly showed that the Bill, and the effects of the Bill, had not been thoroughly thought out and threshed out and he would like this House to commit itself to the principle of the Bill before it has any idea how Mr. Joshi would propose to deal with casual labour. I think, Sir, the remarks which fell from Mr. Cosgrave, who showed a wonderful knowledge of the labour conditions in his own province, and from Mr. Chalmers, were probably news to a great many Members of this House who probably had no idea that so much is done, not only for employees generally, but for women in particular. Sir, the interests that I have to represent here are so large that I should weary the House beyond measure if I attempted to take you

into the details of other industries, such as the jute mills, the cotton mills, the coal mines and so on. But I can assure you, as a general statement, that similar concessions are given in all the big industries of India. I am sorry to note the absence of the Honourable Member who represents the cotton industries on the Bombay side, or he might like to give you his figures in detail.

There is one point, however, that I do wish to make and that is this: when you get an Honourable Member like Mr. Chaman Lall, rising in this House, as he did the other day on the other Bill (Weekly Payment of Wages) and saying that the interests of employers and employees are diametrically opposed, I cannot allow it to pass. That of course is the kind of statement that this House is accustomed to hear from Mr. Chaman Lall. He bases his remarks usually upon some witticism or sharp retort which might score a point in a debating society, but cannot be expected to go down in this House. If Mr. Chaman Lall had ever been an employer on anything like a large scale, he would know, as all my friends who are employers know, that the interests of the employer and the employee are practically one, that is to say, that no employer would be so foolish as to cut his own throat by giving either less wages than other people in the same industry give, or by withholding reasonable, small and not too expensive concessions which will add to the happiness and contentment of his labour force, which it is one of his most . . .

Mr. Chaman Lall: I do not want to interrupt the Honourable Member, Sir; but may I remind him that that is exactly what the lion said to the lamb in the fable—that their interests were identical.

Mr. W. S. J. Willson: It is one of his greatest objects to keep his labour force together.

Then, Sir, Mr. Devaki Prasad Sinha quoted some remarks of Dr. Curjel to which I should like to read an extract, only a short one, from a letter that I received the other day from the Dooars:

"Three years ago the British tea gardens in the Dooars all commenced voluntarily to give maternity benefits, and now all estates in Assam, Cachar, the Dooars and Darjeeling have adopted the system, with the exception of a few Indian controlled gardens. Pregnant women in the Dooars receive a month's pay before confinement, and for two months after the birth—whether they are workers or not. The labourers are entirely free, under no agreement, and earnings are so good that a man who works well, namely for three quarters of the month, is able to keep his wife in the house." (That is without working.)

"A bonus of one rupee a month is paid after her first two children—to induce the mothers to bring the babies in one morning for the manager's inspection,—for 8 months before delivery, and all anæmic women, or sickly women, or those with babies who are not flourishing receive sick (full) pay until they are well. Milk is provided free for all sick infants, including mothers who require it. Bottles properly cleaned and prepared are issued every morning at the dispensary for any babies whose mother is unable to feed them properly herself. Medical attendance is given (that is free too) and the British doctor is called in for any difficult case of delivery. I defy any one in India to produce a plumper, healthier batch of children than my crop of this year." (Laughter).

Sir, I may tell the House that every manager is proud of the number of children born on his estate:

"The birth rate is 67.5 in the year 1923 three times that of the death rate. That is evidence, I think, of content and prosperity."

[Mr. W. S. J. Willson.]

I submit again, Sir, that that is what all wise and prudent employers of labour endeavour to achieve amongst their staff.

Now, one of the other points we object to is this. Mr. Joshi's Bill in its present haphazard form proposes that the amount, which as I say most of the industries do pay, should be handed over to Government, so that in fact the people who pay it are not going to get the benefit of it. You are to pay for these things and your staff are not to get them and you are not to have the benefit of contented labour. That is one of our principal reasons for opposing the Bill.

Then, Sir, another point which as usual I have to take serious exception to in Mr. Chaman Lall's remarks is that, in the first place, he attempted to trail across this House, a rate of wages some 16 years old, and had he not been promptly pulled up over it by Mr. Chalmers, he might have, I am afraid, left it as a wrong impression on the House. But of course he is too clever not to have a second shot in his locker if he is challenged. What I want the House to understand is this that, although the figures actually paid in the tea gardens do not sound high compared with what is paid in places like Bombay and Calcutta, they are, in fact, so sufficient that the people will not do enough work for them to earn more. I had the other day before me the figures of a tea estate in the Dooars, and I found that not more than 55 per cent. of the labour was working at all. This money goes so far in agricultural districts where they have so much given to them free houses, free medical attendance and so much as already stated that is free, that the money is enough for them. They could have more if they wanted to. . . .

Mr. Chaman Lall: May I ask the Honourable Member if he will let us have the statistics in respect of absenteeism due to sickness?

Mr. W. S. J. Willson: I will let him have a copy of the whole Report if he wants it.

Mr. Deputy President: I may inform the Honourable Member that he need not make way unless a point of order is taken.

Mr. W. S. J. Willson: Sir, you find exactly the same thing in the coalfields where free houses, free medical attendance and so much free is given. It is because, as I said, that so much is already given (I am not going to put it to the House that it is purely a philanthropic work—it is not pure philanthropy but it is economically sound) it is advisable for the man, who pays for these wants, to see that his own staff get the benefits and that therefore labourers come to him and stay with him. That is where the principle of Mr. Joshi's Bill breaks down.

In regard to the difficulties of administration, my friend Mr. Cosgrave has very ably dealt with them and I do not propose to refer to them again, but I do think enough has been said so far, that we should not commit ourselves, and my Chambers of Commerce emphatically do not and will not commit themselves, to the principle of this Bill. They are so much in sympathy with the objects which the Bill has in view that they already confer these benefits themselves.

I did not intend to speak quite so early in this debate, because I was waiting to support the amendment that the Bill should be circulated.

Mr. A. Rangaswami Iyengar and Sir Hari Singh Gour: I move, Sir, that the question be now put.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. Deputy President in the Chair.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, I beg to move an amendment to the motion now before the House. My proposal is that the Maternity Benefits Bill be circulated for the purpose of eliciting opinion thereon. I am compelled to move this amendment in spite of the appeal made to me this morning by my friend Mr. Joshi as the trend of the discussion in this House and the reasons which I shall proceed to set forth later on indicate that the course which I now propose cannot be avoided in the interests of this House. I am sure that every one in this House has listened with considerable interest to Mr. Joshi's vigorous advocacy of a certain class of wage-earning women in India. About the basic object of his Bill there can be very little doubt. I am not sure, however, that every one of us is as fully impressed as Mr. Joshi about the utility, or the practicability, under present day conditions in India of the precise measure which he has placed before us. In the Statement of Objects and Reasons appended to the Bill, and also in his speech here this morning, Mr. Joshi mentioned that his Bill seeks to carry out some of the proposals contained in the Draft Convention passed at the first International Labour Conference held at Washington in 1919. The Bill actually reproduces some of the provisions of the Draft Convention concerning the employment of women before and after child-birth. The other day in introducing in this House the Trade Unions Bill I observed that enactments produced in this House should be Indian Bills designed with ample knowledge and recognition of Indian conditions, and that they should not be mere imitations of measures adopted in other countries to suit different conditions. I find that the Right Honourable Sir Montagu Barlow, a former Labour Minister of England, has expressed a similar opinion in the course of a special interview granted to a newspaper representative at Calcutta: Mr. Joshi's Bill furnishes a good illustration of the dangers and difficulties we are likely to fall into by a blind imitation of measures adopted in other countries. As a matter of fact Mr. Joshi is fully aware that the Washington Conference of 1919 realised that the provisions of the Draft Convention relating to the employment of women before and after child-birth could not be introduced in India in the conditions prevailing in the country, and instead of asking the Government of India to ratify the Convention they accordingly supplemented the Draft Convention by the following Resolution:

"That the Indian Government be requested to make a study of the question of the employment of women before and after confinement, and of maternity benefits, before the next Conference."

The Government of India examined the question in 1920-21 in consultation with the Provincial Governments and they came to certain conclusions which were reported in due course to the International Labour Office at

[Sir Bhupendra Nath Mitra.]

Geneva. These conclusions were as follows: In the first place compulsory abstinence from work could not under existing conditions be legally enforced. If the attempt were made, women who were refused admittance to regulated factories would easily obtain work in non-regulated factories, or in agriculture. Further, employers and inspectors would find it almost impossible to enforce this provision. The existing system of birth registration in India was not sufficiently accurate for the purpose in view. In the second place, the right to leave work six weeks prior to confinement would be dependent on the production of a medical certificate. Indian women would be most unwilling to obtain such certificates except from women doctors. The small number of qualified women practitioners in India made such a proposal quite impracticable. In the third place, the opinion of Local Governments was on the whole against the institution of a compulsory levy for the grant of pecuniary help during the period of absence from work due to an advanced state of pregnancy or confinement. Lastly, it was found that women who absented themselves from their work in consequence of advanced pregnancy or confinement did not find any difficulty in being reinstated when they were fit to resume work, and there was therefore no practical need for legislating in the matter. Now, Sir, Mr. Joshi this morning did not explain to us whether conditions in India had now changed since the time when this report was made.

Mr. N. M. Joshi: I did not approve of this report at all.

The Honourable Sir Bhupendra Nath Mitra: That is a different matter. He said something about medical certificates, namely, that in Bombay women workers would not object to get medical certificates from male doctors. I am afraid that is not the position in all parts of India. One Local Government has definitely stated that the production of the medical certificate was one of the items of the Bill which it would be impossible to work. Mr. Joshi, we found out this morning, has no clear ideas yet as to the source from which his proposed maternity benefits are to be met. His Bill apparently contemplates that they should be met by the levy of some form of contribution from the employers; but in reply to a question from my friend Diwan Bahadur Ramachandra Rao he seemed to suggest that Local Governments might also make contributions from provincial funds. Then again Mr. Joshi's Bill does make no specific provision about the machinery by which the doles to be paid under his scheme are to be distributed. I trust that this House will recognise from what I have said, and also from the trend of the debate this morning, that the measure before us is one of considerable complexity, and that it is not so simple as Mr. Joshi makes it out to be, though it may be a simple process to copy out in a Bill some of the provisions of a particular Convention of the Washington Conference of 1919. And I have no doubt that this House will agree with me that it cannot be expected to proceed to deal with a measure of such complexity and importance, until it has been given the widest publicity and the House is in possession of the opinions on it of the various parties affected by its provisions, as well as of the Local Governments who under our existing constitution are primarily responsible for the welfare of labour. In introducing his Bill in this House last September, Mr. Joshi himself seems to have fully recognized the need for circulation and he asked Government to obtain the opinions of the Local Governments on it. The Government of

India accordingly circulated the Bill to Local Governments at the beginning of October last. Some of the more important Local Governments have, however, been unable by now to obtain all the local opinion they have invited on the measure, and we are still awaiting the replies of the Governments of Bombay, Bengal and the United Provinces. The replies so far received reveal that the measure proposed by Mr. Joshi bristles with difficulties in regard to its practical operation. Three of the Local Governments of Governors' Provinces have indeed gone so far as to express the opinion that the measure is unnecessary so far as their provinces are concerned, and that they should be excluded from its operation if the Bill is passed by the Central Legislature. The subject is accordingly one which would require the most careful consideration on our part, and for this purpose it is important that the Bill should be circulated for opinion.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, when I listened to the speech of the Honourable Member from Assam, Mr. Cosgrave, he created two impressions on my mind. One was that Assam was full of angels and that it was the best place in the world to live in. Another was that I almost thought, although it is not possible, that I might become a coolie woman in Assam. Then, Sir, when I listened to my friend, Mr. Chaman Lall's blood-curdling account of the tyranny of the employer over the employes. I thought it was a bad world. Then when I heard my friend Mr. Willson, I again acquired a certain amount of equilibrium and I thought that the employers were not quite so bad as they were painted by Mr. Chaman Lall. But all this, Sir, is beside the question. The question really before the House is this. Is this problem one which requires solution by legislation or not? That is the question. Sir, Mr. Willson said that the very principle of this Bill and the very object this Bill seeks is the one that the employers are trying to carry out. Now, Sir, he knows perfectly well, it is an old, old story, we know it perfectly well, and Mr. Willson himself admitted that after all what the employers are doing, they are not doing as philanthropists; they are doing it because it is in their own interest. We know perfectly well that there is the interest of the employer, and there is the interest of the employee, and we know, it has been an age-long cry, that the employer has always taken advantage of the employee, and it cannot be left to parties not equally pitted against each other. The time does come in every country when it cannot be left to the sweet will and the good wishes of the employer to solve this problem. The Legislature has got to step in, and I congratulate my friend, Mr. Joshi, on having introduced this Bill; and I have not heard a single speech which has made out a case that this principle of his Bill should not, if possible, be given effect to. But a far more difficult question is, how to give effect to that; and, Sir, I have read this Bill as carefully as I could and I am not satisfied with the provisions of this Bill. I am not satisfied that a Bill of this character will achieve the object that Mr. Joshi has at heart. This is a question on which we require a great deal more information, and an important and serious question as it is, we must also have little more patience if we are going to deal with it in an effective manner. Now, Sir, to draw the attention of my friend, Mr. Joshi, let us see how sketchy this Bill is, and I will give you only one instance. The main thing which we require is the fund, because that is really the crux of the whole business. How are you going to create this maternity fund? How does he propose to do it? He himself has not got a very clear idea.

[Mr. M. A. Jinnah.]

But his Bill, I may point out to him, leaves it to—what?—to the rules being made. Clause 7 says this:

“Every Local Government shall make rules for the establishment of a Maternity Benefit Fund; for fixing the amount of contribution to be paid to it by each factory or mine or estate; for the collection of the contributions and for the management and safe custody of the fund.”

And when these rules are made, they will have to be carried out. Supposing a Local Government, we will say Bengal, makes rules and under those rules Mr. Willson is required to contribute Rs. 10,000 to this Maternity Benefit Fund. When that rule is made, how is that going to be enforced under Mr. Joshi's Bill? (Mr. Devaki Prasad Sinha: “Certificates will be issued.”) Mr. Willson might then say, “I am not going to pay”.

(At this stage Mr. Deputy President vacated the Chair, which was taken by Mr. President.)

But where is the provision in the Bill to enforce the Rules? The provision in the Bill is this—the penalty is this that if you do not comply with any rule or any clause of this Bill, the penalty is Rs. 500—and I am sure that Mr. Willson would prefer to pay Rs. 500 to paying Rs. 10,000. That is the difficulty. Therefore, Sir, we must have a proper well-considered scheme. We must elicit opinions, and we must give far more attention and far more careful examination to this question and then allow this Bill to go to a Select Committee. I do not wish to take up the time of the House.

The other question which I want to emphasize is that which was raised by Mr. Chalmers very rightly and also by Mr. Cosgrave. You have to set up an enormous machinery for the purpose of carrying that benefit to those women to whom you intend to give it and who will require this support which is the main object of this Bill. In Assam alone you have got 250,000 women workers—that is what I understood. But this Bill is dealing with India. Now how is that to be done? You must therefore carefully consider what machinery you are going to set up. Sir, I do not wish to take the time of the House any more, but I certainly agree at least on this occasion with the Government and I therefore support the motion for the circulation of this Bill for further opinion.

Mr. A. Rangaswami Iyengar: I move, Sir, that the question be now put.

Mr. N. M. Joshi: Sir, in the present temper of the House, I do not wish to speak for more than five minutes. I congratulate myself upon the sympathy and support which my Bill has received at the hands of the Members of this Assembly. I know, Sir, that my Honourable friend, Mr. Willson, stated that he fully sympathised with the object of the Bill but he opposed the principle of the Bill. Sir, I cannot conceive any man sympathising with the object of the Bill but not sympathising with the principle of the Bill. My objects and principle, Sir, are practically the same here. The principle of the Bill is to prohibit the employment of women some time before and sometime after confinement and to give them maternity benefit during the period. If you sympathise with this you sympathise with the object of the Bill as well as the principle of the Bill. I know, Sir, that my Bill may be considered to be defective in details. As a matter of fact the criticism is that there are very few details in my Bill. But, Sir, in this matter I followed the very good example of the Government of India Act,

by which the Government of India themselves work to-day. I have left many things to be done by rules and I have left the details to be worked out by the Local Governments by rules. I also wanted to satisfy my Honourable friend Mr. Ramachandra Rao. I knew, Sir, that the welfare of labour is the business of Local Governments and it is for that purpose I left the details to be worked by Local Governments and have not entered them here in this Bill. There is not much other criticism, except what my Honourable friend, the representative of the Assam Government, said. He said that the Government do not think the Bill to be necessary, because the planters are already giving maternity benefit. Sir, I knew that the planters in Assam were giving some kind of maternity benefit and therefore I expected the Assam Government not to oppose it. I thought when the planters in Assam are giving maternity benefit, not only should the Assam Government support my Bill but it should insist that the other industries also should have such a regulation. Sir, I passingly reciprocate my regret with my Honourable friend that I did not meet him in Assam when I went there. I also reciprocate his regret that I did not make mention of the maternity benefit scheme to the planters in my small article. He ought to have remembered that when I was

3 P.M.

writing an article I was not writing an encyclopædia. Sir, I do not wish to deal with the other points of criticism, because on the whole I feel that there is much support for my Bill. I have already explained, for the reasons which I have also stated, that I cannot oppose the amendment put forward by the Honourable Member in charge of the Department of Industries and Labour. I leave the matter in the hands of the House.

Mr. President: The original question was:

"That the Bill to regulate the employment of women in factories and mines and on those estates, to which the Assam Labour and Emigration Act, 1901, applies, some time before and some time after confinement, and to make provision for the payment of maternity benefit, be referred to a Select Committee."

Since which an amendment has been moved:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question is:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, I beg to move:

"That the Bill further to amend the Special Marriage Act, 1872, be referred to a Select Committee."

In introducing this Bill I stated the short point with which it is concerned. Honourable Members will remember that on that occasion I pointed out that the Special Marriage Act, III of 1872, lays down in section 2, clause (3) that "each party must if he or she has not completed the age of 21 years, have obtained the consent of his or her father or guardian to the marriage." In 1872, Honourable Members will remember, we had no special enactment regarding majority. That was passed in 1875. (*Mr. M. A. Jinnah*: "You had the personal law.") You had the personal law but the personal law was indefinite and those who had it were mostly excluded from the Act. The Indian Majority Act was passed in 1875 and

[Sir Hari Singh Gour.]

referring to the previous discussion on the subject which culminated in the Act III of 1872, I find that the age of 21 was fixed in this Act, being the age of majority under the English law; all persons below the age of 21 being treated as minors; and as it was an Act which did not affect Hindus, Muhamnadans, Parsis, Jains, Budhists and the rest, the personal law of majority, to which my friend Mr. Jinnah refers, was necessarily out of the question. It dealt with persons who were not affected by the personal law. Now, Sir, in 1875 the Indian Majority Act fixed the age of majority at 18 years, with the result that persons desiring to marry between the ages of 18 and 21 and having no father alive cannot marry at all under the provisions of this Act. They are majors and consequently they cannot have a guardian appointed under the Guardian and Wards Act and they must obtain the permission of the guardian before they can marry under this Act. I therefore submit that this anomaly which exists on the Statute-book must be eliminated and my short Bill is intended to remove it.

I find, Sir, a motion tabled by the Honourable Mr. Tonkinson that the Bill be circulated for the purpose of eliciting opinions thereon. I will listen to him as to what reasons he has to give in support of circulation, and, if I find his reasons are cogent, I shall accede to his motion; otherwise I shall ask this House to take this Bill to the Select Committee. I have already got the personnel of the Select Committee and if my motion is accepted I will disclose the names.

I move, Sir, that the Bill be referred to a Select Committee.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move:

"That the Bill further to amend the Special Marriage Act, 1872, be circulated for the purpose of eliciting opinions thereon."

My Honourable and learned friend has already explained the provisions of his Bill. I need only say that whereas now under clause (3) of section 2 of the Special Marriage Act before any marriage can be solemnized under that Act it is necessary if either of the parties is under the age of 21 years, that that party shall have obtained the consent of his or her father or guardian to the marriage, my Honourable friend proposes to substitute for this provision a provision that such consent should not be required unless one of the parties is a minor within the meaning of section 3 of the Indian Majority Act. Sir, this Bill, if enacted, may effect a desirable improvement in the law. Or perhaps a more correct appreciation would be that my Honourable friend has pointed to a provision in the law which requires examination and perhaps some amendment but not that amendment which is proposed in this Bill. It is not my purpose now, Sir, either to contest or to endorse either of those alternatives. All I wish to show and all that it is necessary for me to show, is the desirability of delaying the passage of this Bill until the communities affected by it shall have had an opportunity of expressing their views upon the change of the law which the Bill seeks to effect. Now, my Honourable friend has explained the purpose of his Bill in his Statement of Objects and Reasons. There he says:

"It is therefore clear that the Special Marriage Act of 1872 has long required to be amended so as to bring its section 2 (3) in conformity with the provisions of the Indian Majority Act, since with the statutory fixation of the age of majority in this country at variance with the English law, that section which followed the English law required also to be amended. Since the provisions of the Special Marriage Act have

recently been enlarged by the enactment of Act XXX of 1923, representations have been made that its provisions cannot be availed of by persons between the ages of 18 and 21 owing to this anachronism in the law which requires to be rectified."

That is, my Honourable friend suggests that he has found an anachronism in the law. I suggest, Sir, that this House should pause for some time before accepting a view that an anachronism has existed in the law for the half century which has elapsed since the Indian Majority Act became law. I would like, Sir, in the first place, to invite the attention of the House to the Preamble to the Indian Majority Act. That runs as follows:

"Whereas in the case of persons domiciled in British India, it is expedient to prolong the period of nonage . . ."

That is to say, the Indian Majority Act, generally speaking, increased the age of majority, or, in other words, the period of legal infancy. Now, the suggestion of my friend is that, because 18 years is now, generally speaking, the age of majority, the provision regarding 21 years in section 2 of the Special Marriage Act is unsuitable and that it became so as soon as the Indian Majority Act was passed. But surely, Sir, in that case, if this view is correct, it was even more unsuitable still before the Indian Majority Act was passed and when the Special Marriage Act was passed three years before in 1872 until when the age of majority was less. In the second place, I should like to invite the attention of Honourable Members to the provisions of clause (a) of section 2 of the Indian Majority Act. That clause provides:

"Nothing in the Indian Majority Act shall affect the capacity of any person to act in the following matters."

One of these matters is marriage and another is divorce. I remember, Sir, the learned discussion which took place in this House on the 15th of September last when the law of majority as affected by the Indian Majority Act was explained by my learned friends Mr. Neogy and Mr. Jinnah. If, Sir, the Indian Majority Act does not—and this is clearly the case—affect the capacity of any person to act in marriage, I would submit that it is by no means clear that it is advisable to amend the law, at any rate, exactly in the manner proposed by my learned friend. Why, Sir, should we include in a law relating to marriage a reference to an Act which expressly does not relate to marriage? I would like in this connection to invite the attention of my learned friend to another Act dealing with marriage, which was passed seven years before the Special Marriage Act was passed in 1872. I refer to the Parsi Marriage and Divorce Act of 1865. Under section 3 of that Act:

"no marriage contracted after the commencement of this Act shall be valid unless in the case of any Parsi who shall not have completed the age of 21 years the consent of his or her father or guardian shall have been previously given to such marriage."

(*Sir Hari Singh Gour*: "Amend that also".) Now, Sir, if the Special Marriage Act became an anachronism when the Indian Majority Act was passed, then the provision in this Act also became an anachronism at the same time. (*Sir Hari Singh Gour*: "It did.") But that, Sir, is not the view of the Bombay High Court, as will be seen from the case reported in Indian Law Reports, Bombay Series, Volume XVIII, at page 367. They were dealing then with a case of divorce. But, of course, the law in relation to divorce is exactly the same as it is in the case of marriage. In that case the girl was more than 18 years of age but less than 21 years of age. The Bombay High Court held that the Indian Majority Act did not apply to her and they said definitely: "I am satisfied, therefore, that the defendant is an infant." I would also remind the House that the Indian

[Mr. H. Tonkinson.]

Majority Act, in cases to which it applies, only fixes the age of majority of persons domiciled in British India. The Special Marriage Act, on the other hand, is not confined only to persons domiciled in British India. That, I would suggest, is another reason why we should not lightly assume that the age of majority under the Indian Majority Act is the age which should be prescribed for the purposes of this clause of section 2 of the Special Marriage Act. My Honourable and learned friend has referred in his Statement of Objects and Reasons to the enlargement of the provisions of the Special Marriage Act which was effected by the enactment of Act XXX of 1923 for which he himself was responsible. I would suggest to this House that the enlargement of the provisions of the Act which affects people who profess the Hindu, Buddhist, Sikh or Jaina religions is another reason why, before we approve of this amendment of the law, we should know whether it is an amendment which is acceptable to the communities affected. It will be remembered that the amending Act had a stormy passage through the first Assembly. Many Members of the orthodox section of the Hindu community were, I think I am correct in saying, strongly opposed to the provisions of the Bill. The fact that it is now required, Sir, that before the marriage of persons can be solemnised under the Act the parties must either have completed the age of 21 years or have obtained the consent of their fathers or guardians may possibly, I submit, be held by the people who objected to the expansion of the scope of the Act to be a very desirable safeguard which should not be abandoned. I do not think it is necessary for me to say much more in support of my amendment. I should like, however, to refer to some other classes of persons who may be affected by the Bill. It will be remembered that the Special Marriage Act applies to persons neither of whom profess the Christian, or the Jewish or the Muhammadan or the Parsi religions, and it further applies to persons both of whom either do or do not profess the Hindu, Buddhist, Sikh or Jaina religions. Suppose we leave for the moment people who profess the Hindu, Buddhists, Sikh or Jaina religions, and let us take the case of a person who professes to fail to come within the other categories. If such a person wishes to be married under the Special Marriage Act, it is necessary for him to make a declaration that he does not profess the Christian, Jewish or other religion, as the case may be. Now, broadly speaking, the Bill proposes to provide that persons of between the ages of 18 and 21 years, whether they have fathers or guardians or not, shall be able to be married under the provisions of the Act without the consent of their fathers or guardians. Assume, Sir, a Christian or a Parsi or a Jewish or a Muhammadan father with a daughter of between the ages of 18 and 21. That daughter, Sir, might be prepared to declare that she was an agnostic and did not profess any of these religions, and then, Sir, she would be able to be married under the provisions of this Act if it is amended as proposed by my Honourable friend. That is to say, Sir, she would be able to get married under this Act and all the safeguards that have been laid down, in the case of a Christian, in the Christian Marriage Act, in the case of a Parsi in the Parsi Marriage and Divorce Act, all these safeguards will be swept away. I submit, Sir, there can be little doubt, in the case of this Bill, it is desirable, before the amendment of the law which is proposed to be carried into effect by this Bill is made, that it should be circulated for the purpose of eliciting opinions on the Bill, for the purpose of eliciting opinions as to whether any amendment of the law is desirable, and for the purpose of eliciting opinions as to what form that amendment,

if any, should take. Should it be, Sir, an amendment of the law on the lines of the Bill now before the House, or should it take some other form altogether? I move my amendment.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I am afraid the speech of my friend Mr. Tonkinson has made the issue very clouded. He has gone into all sorts of things except the real point. The real point which I want to put before the House and Mr. Tonkinson as one of the Members of the House, and it is the real point of difficulty,—I am not standing up here as a warm supporter of this Bill, but I do realise the difficulty, is this. The Special Marriage Act applies in the case of a person who is not a Hindu, a Muhammadan, a Buddhist, Christian, Jain, etc., but happens to belong to some other class which cannot come under this description, and we know that the class for whom this Act was intended is that class particularly, namely Brahmos. Well, Sir, take the case of a Brahmo girl. If she is under 21 and her father is alive, then there is no doubt that with the consent of her father, she can be married, provided she is above 14. But now we will assume for the moment that just a day before she attains her majority of 18, or we will say on the very day that she attains the age of 18, her father dies. If her father dies, can that girl get married under the present law until she is 21? That is the question. She cannot. Why not? Because, according to the Indian Marriage Act and the Guardian and Wards Act, you cannot appoint a guardian. She is a major. And under this Act she cannot marry until she is 21. That is the point which I want the House to understand.

Diwan Bahadur T. Rangachariar: The point existed all along.

Mr. M. A. Jinnah: Of course it existed all along; that is the very reason why Sir Hari Singh Gour has brought the Bill before you to consider it. This is not the answer at all. Many things have existed all along. Therefore what? Therefore allow it to continue? Don't you want any advance? (*Diwan Bahadur T. Rangachariar:* "Not in this.") You don't, but, Sir, a Hindu girl can marry at the age of 18. (*Diwan Bahadur T. Rangachariar:* "In the usual form.") But this Act is not intended for Hindus. The Hindu girl has got that liberty, and the Muhammadan girl has got that liberty, and probably also in the case of Christians. It is only Parsis and that class which come under this Statute; those are the only two communities. A Christian girl is not governed by the Majority Act, she is a minor until she is 21. (*Mr. Tonkinson:* "If domiciled in British India.") No, I am talking of English law. It is no use citing a bad instance to support one. Because you have got bad law with regard to the Parsis, because you have got bad law with regard to the domiciled Christians, therefore continue this Act? Is that the argument? I want this House to understand, is there or is there not a real difficulty? Of course if you wish to get further opinions from people who might be affected I have no objection at all, and I quite see the importance of it. The importance of it is this, that probably this Legislature may have to deal with the Act which governs the Parsis; this Legislature may have to deal with another Act which deals with domiciled Christians; but all I want to say to the House is this, that it is a very serious difficulty because you say to a girl, because her father is dead when she happens to attain the age of 18 she cannot get a guardian because she is a major and yet she cannot marry until 21. Of course if you think it a good thing, by all means allow this law to continue.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadian Rural): Sir, I move that the question be now put.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Sir far from the Honourable Mr. Tonkinson's speech causing any confusion, I am afraid my Honourable friend Mr. Jinnah has confused himself over the issue. After all my Honourable friend has forgotten it is a special marriage for which my Honourable friend Dr. Gour is legislating. Nobody is prevented from marrying according to the laws which apply to each community, whether under the age of 21 or above the age of 21. If they marry according to the usages of the community, this does not stand in the way at all. It is where they want to depart from the ordinary customs applicable to the community to which they belong, and they want to contract a special marriage for which this facility is created, that the Legislature has taken care to provide that there shall be sound judgment before the contract is entered into. The whole object of having the age of 21 is to prevent impulsive people from getting into unhappy connections or rather connections which may turn out to be unhappy in future, so that they may have time to think, they may have mature judgment, before they contract the special form of marriage. That being the whole object, I do not see any injustice is done—what is the harm done to the girl or the boy if they are made to wait for another three years? If they contract according to the usual form, then there is an end of it; there is no question of contract at all, other people decide it for them and they conform to the customs of the community and the community approves of it.

As regards the Brahmos, they have never complained. This Act has been in existence since 1875. From 1875 up to now have any of them complained on account of this so-called anachronism or injustice? On the other hand, Brahmo parents themselves will welcome the existence of such a safeguard. The very fact that there has been no demand for such legislation is ground why we should take opinion thereon. I therefore heartily support the motion that opinion be taken thereon.

Mr. E. H. Ashworth (United Provinces: Nominated Official): Sir, with reference to the remarks made by the speaker before last I only wish to draw attention to one big principle of law which seems to have been forgotten in discussing this proposed Bill. In the Statement of Objects and Reasons it is stated that:

“Consequently under this Act if a person completes his 18th year but is below 21, and has no father alive or parent to give his consent, he cannot marry at all. He cannot obtain the consent of his guardian because he can have no guardian on attaining his majority, nor can he get one appointed for the purpose of obtaining his consent . . .”

It seems to me to have been forgotten that there is a very broad principle of law that the law compels nobody to do what is impossible. If therefore it be allowed that it is impossible for a person in this situation to obtain a guardian, I think there can be no doubt that the necessity of obtaining the consent of that guardian would not be considered one that was incumbent by the courts.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): I am sure, Sir, that Honourable Members in this House have by this time realised that my Honourable friend Sir Hari Singh Gour is fast becoming the Manu of the twentieth century; but unfortunately, Sir, his codifications are practically confined either to special

marriages or to minor girls, and in this instance at any rate he has not realised that his interest in minor girls is in conflict with his interest in special marriages.

Sir, in the Statement of Objects and Reasons one sentence is liable to be misconstrued as meaning that a person who is above 18 years of age but below 21 and has no guardian cannot marry at all. He cannot marry under the Special Marriage Act; and I am afraid my Honourable friend Mr. Jinnah confused the issue when he said that a Hindu girl who is above 18 years of age but below 21 cannot marry . . .

Mr. M. A. Jinnah: I never said that. I said the reverse.

Mr. R. K. Shanmukham Chetty: I beg your pardon. She can marry, but Parsis and Christians cannot marry.

Mr. M. A. Jinnah: And Brahmins.

Mr. R. K. Shanmukham Chetty: But the point is this. The Special Marriage Act was enacted to give facilities to these persons who were born in the Hindu, Christian, Jain or Buddhist religion and who wanted to contract a marriage outside their community. The Special Marriage Act was intended to give facilities to such persons. Now a Hindu girl who is above 18 years of age and below 21 cannot marry under the Special Marriage Act as the Act stands at present. That fact I am afraid has been overlooked by my Honourable friend Mr. Jinnah (*Mr. M. A. Jinnah: Who said that!*). A Hindu girl above 18 years of age and below 21 can only marry according to the rites of the Hindu religion and within her own community, she cannot marry outside her community and take advantage of the Special Marriage Act. Now by incorporating the amendment now proposed by Sir Hari Singh Gour you take away that disability; you allow a Hindu girl as soon as she has completed her 18th year to marry outside her community if she pleases. Well, Sir, my Honourable friend Mr. Rangachariar opposed Sir Hari Singh's motion from the orthodox point of view. I look at it from the social reform point of view. The tendency in modern countries is to prolong the period of legal infancy and thereby protect minors from these risks. Now the direct effect of this Bill will be to lower the period of legal infancy; and I ask Sir Hari Singh is that a reform in the right direction? I say from the social reform point of view we have to think carefully before we say "Yes" to that proposition.

Sir Hari Singh Gour: Sir, when I listened to the speech of the Honourable Mr. Tonkinson I felt that he had set out to support my Bill since the reasons that he has given support the measure in the strongest degree possible. As I pointed out, when this Act of 1872 was enacted, they incorporated this clause from the English law which lays down that in the case of a person below 21 years of age the consent of the father or of the guardian is necessary to marriage. They took it bodily from the English law and they put it in Act III of 1872. Sir James Stephen, who was in charge of the Bill succeeding Sir Henry Maine, pointed out in the minute which preceded the enactment of Act III of 1872 that that was his object, namely, that in the case of minors below 21 years of age, the consent of the father or of the guardian should be required as under English law. The English law of majority was then applicable in this country to persons not subject to the Hindu or Muhammadan law of majority, and as this Act excluded Hindus, Muhammadans, Parsis and others, from the operation of the Act it became

[Sir Hari Singh Gour.]

therefore necessary to embody and incorporate the English clause relating to majority in this Act. But then followed the Indian Majority Act of 1875 and on consideration of the English and the Indian law it settled the age of majority not at the age of 21 but at the age of 18; and if the discussion on the Indian Majority Act is referred to, Honourable Members will find the reason given was that in a tropical country persons attained their majority much sooner than they did in colder climates. When the Parsi Marriage and Divorce Act of 1865 was enacted, when Act III of 1872 was enacted, they had no Indian Majority Act to guide them and consequently the framers of the two Acts followed the English law of majority and the clause to which I have adverted found its place both in the Parsi Marriage and Divorce Act of 1865 and the Act of 1872. But then came, as I have said, the Indian Majority Act of 1875; and the point that I want to make, which I made on the last occasion and which has entirely escaped the Honourable Mr. Tonkinson, is this. Then came another enactment, the Guardians and Wards Act and it is laid down in that Act that persons who attain the age of 18, being majors, cannot have a guardian appointed under the Guardians and Wards Act. The position therefore created by the combined passage of Act III of 1875 and the Guardian and Wards Act is this: that if a person has completed the age of 18 years and wishes to go to the District Judge and asks him to appoint him or her a guardian, the court will say "You are now a major and we have no jurisdiction to appoint a guardian." Very well. Being a *sui juris*, on the completion of the 18th year, a person is competent to make a valid contract. He goes now to the Marriage Registrar and the Honourable Mr. Ashworth has pointed out the absurdity which this Act creates—he goes to the Marriage Registrar and says "I am 18 years and a day of age and want to marry." The District Registrar looks to section 2(3) of the Act and says "Have you got your father alive?" He says "No, my father is dead." "Very well," he says, "then you get a guardian appointed and as soon as the guardian comes and speaks for you I shall marry you." I cannot get a guardian appointed; I cannot get a guardian appointed because I am on the completion of my 18th year; being a major the District Judge has no jurisdiction to appoint a guardian to a person who is not a minor. Then comes the question: he has no guardian, he cannot have a guardian appointed, and he cannot have a natural guardian, because a minor alone can have a natural guardian and not a person who has attained the age of majority. Now, Sir, the position therefore is this: he wants to marry and he wants to marry under the Special Marriage Act. I shall presently deal with my friend, Diwan Bahadur Rangachariar and his impulsive subject. I am at present dealing with the main question—a difficulty which does not seem to have been visualised by many Members of this House including the author of this amendment. Now, Sir, between the ages of 18 and 21 a person who wishes to marry under the Special Marriage Act, becomes, therefore, incompetent to marry. When the Act of 1872 was enacted it was then declared to be the right of every man to marry and if a person came within the Act and said "I am not a Hindu, I am not a Muhammadan and the rest, but still I wish to marry," it is up to the Legislature to provide for a form and procedure by which he could get married. Now, is it the policy of the Legislature that a man between the ages of 18 to 21 who wishes to marry under this Act should not be competent to marry? That is the question and that is the anomaly that has been created by the Indian Majority Act and the Guardian and Wards Act; and I have stated it as clearly as I could in the Statement of Objects and Reasons and I am surprised that the question

has not been adverted to in the sense in which I have stated it by the Honourable Mr. Tonkinson who moved his amendment. He, however, recognises that there is a difficulty and his solace was that it is not merely a difficulty to which persons subject to the Special Marriage Act were liable, but it is equally a difficulty to which persons subject to the Parsi Marriage and Divorce Act of 1865 were liable. In other words, the Honourable Mr. Tonkinson said that it is not only one Act which creates an anomaly—there are two Acts—and the difficulty exists not only in the Act of 1872 but equally in the Act of 1865. That is what we lawyers call an argument *a fortiori*; if you have got two bad laws, that does not make one good law; that is a very good ground for the Honourable Mr. Tonkinson to move the Government to bring that law in line with the present law. But that is no reason for resisting the short Bill which I seek to pass through this House.

Then, he passed on, in a speech which I cannot but characterise as a special pleading, to other objections; and as I will proceed to show to this House, his other objections are far worse than the first two objections to which I have just now adverted. He said that by the passage of Act XXX of 1923 the provisions of this Act had been considerably enlarged and because they have been enlarged therefore this anomaly to which I have adverted must remain at any rate for the time being on the Statute-book till we have consulted public opinion. Now, let me for a moment advert to the enlargement of the provisions of the Act of 1923. That Act deals with a separate part and an alternate part to Act III of 1872. It leaves Act III of 1872 unaffected, but makes certain supplementary provisions to enable persons who still profess the Hindu, Buddhist, Jain and Sikh religions to marry by making a declaration to that effect. Now let me put to my friend the Mover of the amendment this proposition. Supposing a person who wishes to make that declaration, that is to say, a declaration under Act XXX of 1923, goes before the Registrar and says "I, Sir, am a Hindu; I wish to marry; I have completed my 18th year and I wish therefore to marry." My friend says the Indian Majority Act does not affect Hindus because the Act itself says that questions relating to marriage and others will not be affected by the Indian Majority Act. Well, Sir, I therefore go before the Registrar and say "Here is a man who has completed his 18th year; he is a Hindu, wishes to declare that he is a Hindu and he wishes to marry." The District Registrar says "you are not subject to the Indian Majority Act; you are therefore subject to the Hindu law"; and the Hindu law of majority according to the Shastras is anything between 14 and 16 years; that is to say there is no fixed law of majority; in Manu and Yagnavalkya and the later Smritikaras different ages are given as the ages of discretion for doing various *samskaras*, and I will for the sake of compendiousness of expression say that the Hindu age of majority is either 14 or 16. Very well, Sir. He goes to the Registrar and say "I am a Hindu, I have therefore attained the age of majority because I am 14 or 16 years of age; I therefore wish to marry; I am not subject to the Indian Majority Act." The Registrar looks at clause 6 and he says "The fact that you are a Hindu does not affect me at all. Under this clause I cannot marry you unless you have completed 21 years." The fact that there has been an enlargement of the provisions of Act III of 1872 has made the provisions of this Act worse, not better, because under Hindu law a man between the age of 14 and 16 is entitled to marry apart from the Indian Majority Act.

Diwan Bahadur T. Rangachariar: According to the customs of each community.

Sir Hari Singh Gour: Wait please. I am dealing with you next. Under the Hindur law a man between the ages of 14 and 16 becomes a major, and therefore he has attained the age of majority under his personal law. What right have you then to prevent him from getting himself married? You have given him the right to declare that he is a Hindu; you have given him a right to marry under the Act. What right have you then to prevent him from getting married? That is a question which my Honourable and learned friend on the other side has not even adverted to. The fact that there has been a recent enactment, Act XXX of 1923, has made the position of persons trying to get married under this Act worse than it was before that enactment was passed.

I now pass on to the impulsive argument of my Honourable and learned friend Diwan Bahadur Rangachariar. When my Bill culminated in Act XXX of 1923, I never found a more consistent and vigorous opponent than my Honourable friend Diwan Bahadur Rangachariar, and when he found that the race was over and the battle was won, I must confess that he was one of those who applauded the victory.

Diwan Bahadur T. Rangachariar: May I say a word, Sir? It is that when all the fangs had been pulled out, I supported the serpent.

Sir Hari Singh Gour: Well, Sir, new fangs have grown to that serpent, and it will sting orthodoxy badly.

Now, Sir, I pass on to my Honourable and learned friend's argument. It is this. Here is an Act which gives you a special right to marry, and consequently you must abide by the special conditions of that Act if you wish to marry at all, otherwise come to us and we will marry you under our Hindu or Muhammadan or any other religious law.

Diwan Bahadur T. Rangachariar: Are you a Hindu?

Sir Hari Singh Gour: Yes, but not of the type to which my Honourable friend belongs.

Now, Sir, my answer to my Honourable friend's argument is this. He is cutting at the very root of the principle which underlies Act III of 1872. That Act was enacted in the interest of persons who demanded a marriage not of the idolatrous character which then prevailed, but who said "we wish to marry not under the Shastric law but under the statutory law". And my Honourable and learned friend's argument that you can marry under the Shastric law is no answer to the policy which, I submit, culminated in the Act of 1872. Do you or do you not recognise the right of every person to marry under this Act if he comes under the provisions of this Act? If you do, then what right have you to create these artificial barriers, which stand in the way of marriage which I have pointed out? That is my answer to my learned friend Diwan Bahadur Rangachariar.

Then, Sir, Mr. Ashworth has pointed out the real difficulty. He says that when the District Judge finds that these provisions of the law cannot be complied with, he will marry you in spite of the provisions of that law, because no law can make a person do what is absurd and impossible. That is an absurdity of law from which I am trying to wrest this House. I am trying to bring the provisions of this Act in consonance with the modern statutory law which prevails in the country.

Then, Sir, it has been said by my friend Mr. Shanmukham Chetty, a social reformer—a fact of which I shall take due cognisance, because it is a revelation to me that he is a social reformer and still is opposed to my Bill—he tells us that social reform must proceed slowly. Well, Sir, *festina lente* is his maxim.

Mr. R. K. Shanmukham Chetty: On a point of personal explanation, Sir. I did not say that social reform must proceed slowly. My friend Dr. Gour himself has been bringing in a good deal of legislation to increase the age of discretion, and here he is trying to reduce it. I say it is against the principles of social reform. The principle of social reform is to increase the period of legal infancy for purposes of marriage.

Sir Hari Singh Gour: I never thought that my friend would say anything so bad as he has just now made out. I was trying to put a very fine complexion upon his statement. I now see that his social reform consists in prolonging the age of indiscretion of people and he thinks that the age of indiscretion and nonage should be raised from 18 to 21 years, and that is his social reform. Well, Sir, I make a present of that argument to my friend, and all that I can say is that that is not my conception of social reform and certainly not the conception of the majority of the Members of this House.

Mr. R. K. Shanmukham Chetty: I take notice of that.

Sir Hari Singh Gour: Well, Sir, I have thus pointed out that there is really no difference of opinion in principle between me and the author of this amendment. He recognises the anomaly. All he says is, give us a chance to consult somebody, because somebody may have objections. I can well understand the sort of objections that will be raised. The objections that will be raised outside are the objections to which we have listened just now. I wish, Sir, somebody had got up and said, "This is the objection to your Bill and therefore it should not go to a Select Committee". I have not heard a single objection of that kind. On the other hand, all the objections or reasons given in the guise of objections, are reasons which support my Bill, and I therefore feel confident that the dilatory motion of my Honourable friend Mr. Tonkinson will not be acceded to and that this House will enable me to take this Bill to a Select Committee.

Mr. H. Tonkinson: Sir, I desire to say just a few words in reply to the remarks of my Honourable and learned friend. In moving my amendment, Sir, I designedly did not say anything against the principle of this Bill. It was not necessary for me to do so. All that it was necessary for me to show was the desirability of circulating this Bill for the purpose of eliciting the opinions of the communities affected by it; and particularly it seemed desirable to decide whether the amendment proposed in this Bill is the most suitable method of getting rid of any anomaly, if there is an anomaly, in the existing law. Not one of the suggestions which I have made as reasons for eliciting opinions upon this Bill has really been seriously contested. I was quite aware, Sir, of the point to which my Honourable friend Mr. Jinnah referred, and that, Sir, is the reason why in speaking on my amendment I definitely said that it is quite possible that my Honourable friend Dr. Gour has directed attention to a provision in the law which may require amendment. But the Bill goes far beyond the amendment necessary for that. The anomaly which my learned friend has referred to relates to a case when the parties have no father. You must remember that if there

[Mr. H. Tonkinson.]

is a father living, with the consent of that father marriages can be made under the Special Marriage Act. The only anomaly which my Honourable friend suggests that there is at the present time in the law is when there is no father. Well, my sole object is to show that it is desirable that we should elicit opinions upon the best method of amending the law to remove such an anomaly, if it is an anomaly. There is no one who has spoken on the motion who has really contested the advisability of circulating the Bill for eliciting opinions except the Mover of the motion for referring it to a Select Committee. Mr. Jinnah in fact did not contest the desirability of taking the course which I have indicated in my amendment.

Mr. President: The original question was:

"That the Bill further to amend the Special Marriage Act, 1872, be referred to a Select Committee."

Since which an amendment has been moved:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): At the request of several of my Honourable friends I do not wish to introduce this Bill this session. I therefore beg to withdraw it.

THE HINDU TRUSTS (VALIDATING) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I beg to move for leave to introduce a Bill to declare
4 P.M. the rights of Hindus to make settlements of property by way of trust in favour of their families, children and descendants.

I may point out that in drafting this Bill I was inspired by the example of my friend the Honourable Mr. Jinnah who carried a similar Bill in the late Imperial Legislative Council, which was, however, applicable only to Muhammadans. I have stated very fully in the Statement of Objects and Reasons the reasons which impelled me to draft this Bill. I recognise that a great deal can be said on both sides and if my motion is acceded to, I shall certainly move next that the Bill be circulated for the purpose of eliciting opinion thereon. Therefore, for the present I rest content by asking you to give me leave to introduce the Bill.

The motion was adopted.

Sir Hari Singh Gour: I introduce the Bill.

THE INDIAN MEDICAL DEGREES (AMENDMENT) BILL.

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I ask for leave to introduce a Bill to amend the Indian Medical Degrees Act, 1916.

Local Legislatures have enacted laws before for registering medical practitioners and also to make provisions for the recognition of titles granted by different institutions. This power of recognising the grant of titles had been taken away from the local Legislatures and vested in the Governor General in Council by the Indian Medical Degrees Act. Medical administration is a provincial subject and the granting of titles has been also made a provincial subject under the Reforms Scheme subject to legislation by the Indian Legislature. My Bill proposes to place this power in the local Legislatures in order to bring it into conformity with the object of the Reform Act and I therefore ask for leave to introduce the Bill.

The motion was adopted.

Mr. Kumar Sankar Ray: I introduce the Bill.

THE SPECIAL LAWS REPEAL BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): I beg for leave to introduce a Bill to repeal certain special enactments supplementing the ordinary criminal law.

This is a very simple measure and I trust that the Home Member will not oppose it. I believe a convention has been established, in this House, not to oppose motions for leave to introduce Bills unless those motions are absolutely and obviously absurd, and, believing this, I do not wish to inflict any speech on this House, but I should like to mention the Regulations and the Acts which I seek to repeal by this Bill. They are:

The Bengal State Prisoners Regulation, 1818.

The Madras State Prisoners Regulation, 1819.

A Regulation for the Confinement of State Prisoners, Bombay, 1827.

These are the three Regulations which I seek to repeal. Now come the Acts:

The State Prisoners Act, 1850.

The Punjab Murderous Outrages Act, 1867.

The Prevention of Seditious Meetings Act, 1911.

These are the three Acts and the three Regulations which I seek to repeal by this small measure. The House will remember that in March last it adopted a Resolution almost by an overwhelming majority in favour of a recommendation to the Governor General in Council to take steps to repeal all the repressive laws standing on the Statute-book. That was in March last year. Then I waited till the May session. I thought Government would bring in some measure in pursuance of the recommendation

[Mr. V. J. Patel.]

of this Assembly. I did not notice any motion on behalf of the Government made by the Home Member in this House and I thought it my duty therefore to undertake the work which ordinarily should have been undertaken by the Home Member. In September I had my Bill, but it could not be reached although it was ballotted. I do not think it is necessary to make a speech on this motion because I think my friend the Home Member will not oppose the measure.

The Honourable Sir Alexander Muddiman (Home Member): Speaking generally, I should not rise to oppose a motion for leave to introduce a Bill but when the policy of the Government is definitely laid down it is clear that I must do so. In this case, as my Honourable friend pointed out, this House passed a Resolution last March recommending the repeal of these laws. That Resolution was opposed by the then Home Member for various reasons. I was not then a Member of this House. I have read the debate with care but it seemed to me that the main argument put forward by my predecessor is this, that there were then conditions existing in India which did not justify the Government surrendering the weapons in their hands unless they were assured of something in the shape of compensatory safeguards. Now my Honourable friend said that this is a short Bill but it is very comprehensive and the Statement of Objects and Reasons is also as short as the Bill itself. The Acts he deals with fall into three classes. They are the three Regulations which are practically identical. Those Regulations enable the Executive Government to detain without trial. That is one class. The next Act is an Act by itself, the Punjab Murderous Outrages Act. The third is the Prevention of Seditious Meetings Act, 1911. Now I propose, as I understand my time is very short on this occasion, to deal very briefly with the last but one on his list, that is the Punjab Murderous Outrages Act. I was somewhat puzzled to understand why that Act is particularly included in this measure. I could have understood the inclusion of the three Regulations and of the State Prisoners Act: they go together, they are the power of the executive to detain without trial. But the Punjab Murderous Outrages Act is an Act which mainly was devised to protect the servants of the King from murderous attacks by fanatics. (*Mr. V. J. Patel*: "Servants of the Queen.") But I imagine, now the King—unfortunately the Queen has passed away. It was not entirely devoted to that point, but certainly was mainly. It provides for a speedy trial, it enables special punishment to be inflicted in the case of attempts, it enables the punishment of death to be inflicted for an attempt at murder. But when I read the Act more carefully, I found which I suppose the Mover had really in mind was section 12 of the Act which gives the Lieutenant Governor of the Punjab the same powers in regard to the confinement of any persons charged with or suspected of an intention to commit the offences punishable under the Act as are given to the Governor General by any law relating to State prisoners. Now, Sir, what are the offences contemplated by the Act? They are attacks by persons who are fanatics, and I put it to this House that unless you are prepared to lay down the proposition that under no circumstances and under no conditions are persons to be restrained, surely there can be no clearer cases for restraining men without trial than restraining a fanatic who is known to be likely to commit an outrage of this kind. I am surprised that the Honourable Member should have thought that that stands on the same footing as the other Acts; but I imagine that is why he included it. We have consulted the Punjab Government regarding

the repeal of this law, and they are opposed to it. I suppose my Honourable friend would equally object to the provision which is now contained in the Regulations relating to the North-West Frontier Province, that is to say, he would withdraw such little protection as the law can give to those officers of Government who daily and hourly are risking their lives for the safety of India, in India's passes in the north, liable at any moment, at any moment I say, to murder. Would you withdraw the little protection that is contained in this legislation because the principle is the same? (Mr. V. J. Patel: "Bring them to trial".) Bring them to trial? We may probably be able to bag him after he has killed his man. That is my answer to the motion in so far as it relates to the Punjab Outrages Act. Now as for the Seditious Meetings Act, which is the last on my Honourable friend's list, in his short and comprehensive Bill, that, Sir, is not at present in force anywhere. (Mr. A. Rangaswami Iyengar: "Why not repeal it?") Does the Honourable Member think that the country is in a condition when it may not be necessary? (Mr. A. Rangaswami Iyengar: "Certainly.") He does think so? I regret the information at my disposal does not lead me to the same conclusion. (Mr. A. Rangaswami Iyengar: "You do not give it to us".) I will, if the Honourable Member will wait for a minute.

I now turn to the main attack, which is the attack on the Regulations. Sir, I have said in this House and I say it again that I do dislike these Regulations exceedingly myself; I do not like this power of confining men without trial. It is a power that can be found fault with, it is a power in connection with which you can refer to "*lettres de cachet*" and can call up to memory the days of Louis the XI and make a splendid speech. It is much easier to make a speech on the other side than it is in defending it, but remember this that it is the one executive power that is retained in the hands of a Government which has to deal with 300 million people, a Government which has seen during the last few years outbreaks of the most remarkable description. I regret very much there is not present in this House the official Member from Madras; I see on another occasion the Member from Madras referred to the use of the Regulation in connection with the Malabar outbreak. It appears to have been of use, it was not only of advantage to the peace of the country but it was actually to the advantage of the persons against whom it was used. However, he is not here, I regret to say and I leave the point. My Honourable predecessor emphasized the condition of Bengal. Well, he prophesied accurately when he told the House what might happen, and I have told the House what has happened since then. I will not repeat it, I shall have other occasions for addressing the House over the point, indeed I have already addressed the House at considerable length. I see that the third point he emphasized was the danger of external movements outside India, the danger of assistance to the terrorist or revolutionary movements in India from outside. Well, Sir, I will say frankly that before I assumed my present office I had not been connected with the Government for some time, I had not been in touch, and when I came in I was rather inclined to pooh-pooh the idea that this sort of thing existed. I remember reading Sir Malcolm Hailey's speech and I remember wondering to myself whether the danger was not a little overrated. I have no doubt now it was not. A prosecution was instituted which has brought home to me and I hope to this House the real danger of the position. Well, Sir, the Government of India took the course, which I believe to be the right course, because I should always be inclined to follow wherever possible the same

[Sir Alexander Muddiman.]

course. The Government had detained two men under Regulation III of 1818. Those men were subsequently brought to trial, as I hope wherever possible such persons will always be brought to trial. They were tried and convicted, and the conviction was upheld on appeal by the High Court of Allahabad. The judgment of that Court disposes of any doubt as to the foreign connection of some of the destructive movements in this country. It is perfectly clear from a judicial finding of the greatest authority that the danger is there, and we must guard against it. I have quoted this case also because I think it establishes the point that the Government of India always wish to prosecute wherever possible for substantive offences. As to the nature of the propaganda I will read a paragraph which was quoted by the Judges of the High Court who heard the appeal to which I have referred. They said,—this is a quotation from a paper discovered in connection with that case, it runs as follows :

“Mass action thus begun will develop into organised agrarian strikes, into food riots, the plunder of corn-stocks and assaults upon large estates with the idea of confiscation. The down-trodden peasantry must be made conscious of their right to live like human beings and our propaganda should be aimed at making them understand that they should conquer this right by militant action. Such action, properly organized on a large scale, will arouse them from their age-long mental and spiritual slavery, and make them conscious of their own might. Reactionary pacifism must be repudiated. What burst out spontaneously at Gorakhpur, Rae Bareilly, Chauri Chaura, Malabar, Central India and what is going on in the Punjab, must be developed by every possible means. Peasant revolts should spread like wildfire from one end of the country to the other. We must formulate our programme to correspond to the economic interests of the masses, then go forward boldly with that programme till we reach our goal.”

That, Sir, was quoted by the Judges in their judgment. I will read, Sir, to the House with your permission the finding of the Judges on the question of the conspiracy. In finding the conspiracy established the Bench which heard the appeal used the following words :

“Whilst the conspiracy had for its principal object the overthrow of British rule in this country, the conspirators looked even beyond this, Exhibits 9, 9A, 11, 12, the pamphlet ‘What do we want’ and many other documents set out clearly what they aimed at achieving and how they hoped to achieve it. British rule, Government by upper and middle class Indians alike were to be swept away, and the confiscation of property was to be wholesale. A ‘People’s Party’ was to be the initial step, having a public programme designed for their betterment which in no way offended against the law. Within that apparently harmless body ‘illegal’ activities were to be prosecuted by an inner party consisting of ‘all the revolutionary nationalists.’ Violence and destruction of property were to be encouraged and conflicts to be precipitated. At the propitious moment, resources and armed help were to come from the ‘Universal revolutionary party’, i.e., the Communist International. Throughout the whole of this fantastic scheme no calculation is made of, no thought apparently given to, the forces which British and Indians alike would array against an enemy bent on their common destruction. In the event of the overthrow by force of arms of the British Government, the revolutionaries proposed to sweep away all Indian political groups and Labour organisations which did not come into line.”

These are not the words of a Member of Government. They are the words of Judges and when I read that I was greatly impressed, and I hope the House will be impressed too. I cannot believe there is anybody, whatever his politics may be, in this House who looks forward to India obtaining her freedom by the overthrow of the existing social system and wading—I say wading—through a river of blood to a bank which you will never reach. That was what appeared from the judgment of the case which I have read to you. And if that is true, if we are having this class of interference in Indian affairs, I submit that is a good ground for maintaining in the hands of Government every power they possess. I would ask the House to remember this. Again, what do I find on my table this morning? What is this?

Have Honourable Members seen this? This pamphlet, "The Revolutionary" which has been circulated far and wide, not only in Bengal, not only in Allahabad, not only in Cawnpore, in Amritsar, in Lahore, trying as always to get at the young, to place it in the hands of students, wherever possible.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I tell the Home Member that I also got a copy of the beautiful pamphlet here?

The Honourable Sir Alexander Muddiman: Did the Honourable Member say that he was circulating it?

Mr. O. S. Ranga Iyer: I find nothing objectionable in that pamphlet.

The Honourable Sir Alexander Muddiman: I will read an extract from that pamphlet to the House and the House shall judge. It is a long pamphlet, but it contains the following passage towards its end:

"But this revolutionary party has deliberately abstained itself from entering into this terrorist campaign at the present moment even at the greatest of provocations in the form of outrages committed on their sisters and mothers by the agents of a foreign government,"—

Nothing is more calculated to inflame young people than this (Mark that "Sisters and Mothers"):

"simply because the party is waiting to deliver the final blow. But when expediency will demand it the party will unhesitatingly enter into a desperate campaign of terrorism when the life of every officer and individual who will be helping the foreign rulers in any way will be made intolerable, be he Indian or European, high or low."

And that is the pamphlet I am told is unobjectionable.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): May I ask one question? What proof is there that this pamphlet has not been manufactured by other than revolutionaries?

The Honourable Sir Alexander Muddiman: Do you suggest that it has been manufactured by me or by the police?

Mr. Bipin Chandra Pal: Not by you or by people whom you call the police. But we have had on the statement of Sir Reginald Clarke that there have been *agents provocateur* in your service in Bengal and elsewhere and all the world over there have been *agents provocateur*. These things have been dumped on you.

The Honourable Sir Alexander Muddiman: I repudiate that, I repudiate in the strongest terms the insinuation against the Government and against myself.

(Mr. Bipin Chandra Pal rose to speak again.)

Mr. President: Order, order. Honourable Members will have an opportunity of fully ventilating this subject when the Bill proceeds to its next stage. This is only introduction.

The question is:

"That leave be given to introduce a Bill to repeal certain special enactments supplementing the ordinary criminal law."

The Assembly divided :

AYES—50.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Alimuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Chaman Lall, Mr.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Hans Raj, Lala.
 Hyder, Dr. L. K.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.

Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jāmnadas M.
 Misra, Pandit Shambhu Dayal.
 Murtuza Sahib Bahadur, Maulvi Sayad.
 Mutalik, Sadar V. N.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Shams-uz-Zoha, Khan Bahadur M.
 Singh, Mr. Gaya Prasad.
 Sinha, Kumar Ganganand.
 Venkatapatiraju, Mr. B.
 Vishindas, Mr. Harchandrai.
 Yakub, Maulvi Muhammad.

NOES—40.

Abdul Mumin, Khan Bahadur Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chalmers, Mr. T. A.
 Clarke, Sir Geoffrey.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Duval, Mr. H. P.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hira Singh, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
 Makan, Mr. M. E.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Raj Narain, Rai Bahadur.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Mr. V. J. Patel: I introduce the Bill.

Mr. C. S. Ranga Iyer: Sir, with your permission, I think I should make a statement. After the quotation that was read out by the Honourable the Home Member, I think that the pamphlet that he mentioned is different from the pamphlet that I saw yesterday and I quite agree with the Honourable the Home Member that the passage that he read out must be deemed to be objectionable.

THE INDIAN COINAGE (AMENDMENT) BILL.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Coinage Act, 1906. Thanks to the remarks made by the Honourable the Finance Member in moving his Bill for amendment of the Indian Paper Currency Act which was passed only yesterday, I do not think I need detain the House with any further remarks in asking for leave to introduce this measure of mine. I believe that the Honourable the Finance Member and the other Honourable Members who took part in the discussion gave sufficient information to the House as to the nature of the Bill that I submit to the House. Sir, I beg to move for leave to introduce it.

Sir Campbell Rhodes (Bengal: European): Sir, I beg in a few words to oppose this introduction. Just a week ago when we were discussing currency matters my friend the Mover referred to a conversation which, he said, we had had at our first meeting, in which I asked him whether a certain committee on which he was sitting had already written its report. I am glad, Sir, my friendship with the Honourable Member is of such very long standing that the incident has escaped my memory. But it is so like something that I might have said that I am quite prepared to accept the Honourable Member's word for it. I had hoped to hear from the Honourable Member in introducing this Bill his reasons for introducing it after the Resolution that has been passed asking for an inquiry. For, Sir, it seems to me that he has gone a step further than my old jocular remark. He not only suggests that our report should be settled before the committee is appointed by this Bill he wishes to enshrine it on the Statute-book. I oppose this Bill on the ground, firstly, that the matter is distinctly *sub judice* until we see when and how the committee is appointed and the nature of its report. My second ground which is one of much more serious import is the ground that exchange at the present moment is in the neighbourhood of 1s. 6d. and that, if this Bill is carried now, it will cause the utmost dislocation of trade. In the Statement of Objects and Reasons there is no statement or explanation as to how we are to get back from a rate of 1s. 6d. to 1s. 4d. I had great sympathy for the Honourable Mover the other day when he said that he was not altogether responsible for this *impasse* and that, if the Bill had been taken into consideration when he first put it in, the difficulty would not have been so great. But the difficulty would have existed even in September last. And the difficulty, even though he is not altogether responsible for it, still remains. In the absence of any explanation, Sir, as to how we are to get back from 1s. 6d. to 1s. 4d., I think the introduction at the moment is likely to have a very serious effect on the financial conditions in the country. To my mind, it will only be possible to stabilize the rupee at some price which is near or slightly above the price of the moment. It is a well known fact that if you fix the barrier rather above the existing level, the financial and economic conditions of the country will gradually work up to that level. But if you fix it below that level, and as much as 2d. below that level, you will certainly have a very serious crisis. The importers who have not fixed their engagements for their purchases will have a serious grievance against this House and against Government if they find that they are landed suddenly in an undeserved loss of 13 per cent. We know, Sir, from the recent history what the effect of action by the Government on the exchange market has been, the wholesale repudiation of contracts, the enormous numbers of failures, and the large losses from which, as I said the other

[Sir Campbell Rhodes.]

day, many of the Indian mercantile firms and European mercantile firms suffered and have not yet recovered. I think, Sir, that my Honourable friend is ill-advised in bringing this Bill forward at this moment after that Resolution was passed last week. I therefore regret I have to oppose it.

Mr. President: The question is:

"That leave be given to introduce a Bill further to amend the Indian Coinage Act, 1906."

The motion was adopted.

Sir Purshotamdas Thakurdas: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code.

The reasons for this Bill have been given in short in the Statement of Objects and Reasons. All that I want by this Bill is that the punishment for sedition should not be transportation or rigorous imprisonment, but only simple imprisonment. I commend the example of the Finance Member to my friend the Honourable the Home Member, not to oppose the introduction of this small measure. We know the political history for the last five years has amply proved that men charged with sedition and convicted of the offence have been invited to take part in the Government of various countries, and indeed in some cases they have been entrusted with the sole administration of their countries. That being so, I would request the Home Member not to be harsh on persons charged with sedition, and allow this Bill to go through.

The Honourable Sir Alexander Muddiman (Home Member): Sir, my Honourable friend having introduced a Bill that proposes to deprive the executive Government of all powers outside the ordinary law, now proposes to reduce the penalties inside the law. I do not propose to deal with this matter at length now because I am not prepared to take a division or to press the matter at this stage, but I must at any rate make it quite clear that, in allowing the Bill to be brought in, I am in no way committing myself to the Bill.

The motion was adopted.

Mr. V. J. Patel: Sir, I introduce the Bill.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to explain certain provisions of the Transfer of Property Act, 1882.

Honourable Members will see from the Statement of Objects and Reasons that the object I have in view is to define the meaning of the word "attestation." This has been the subject of previous debates in this House, and a subject of very keen controversy in this country. Judging from the tone of the speeches in the House on the last occasion,

I think the House was in favour of some change in the meaning of the word "attestation," and the only question was one of form. I suggest that the simplest way of effecting the change is to insert a clause in the interpretation clauses of the Transfer of Property Act, and I have ventured to do so. I, Sir, move for leave.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE LAW OF PROPERTY (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, the next Bill I wish to introduce is a Bill to remove certain doubts as to the right of a person to effect a transfer of property otherwise than as provided by the Transfer of Property Act, 1882.

The Bill is intended to restore the provisions of section 54 and other sections of the Transfer of Property Act to their normal place in the Statute-book. Honourable Members will find that section 54 of the Transfer of Property Act lays down that in the case of immovable property of over Rs. 100 in value, sale can only be effected—I wish to emphasize the word "only"—by a registered instrument. In a long series of cases it was laid down by the Indian High Courts that a sale could not be effected otherwise than by the execution of a registered instrument. And that was also the view of their Lordships of the Privy Council in two cases to which I have referred in my Statement of Objects and Reasons. But in a recent case their Lordships of the Privy Council seem to have held (I do not say they have held) that the sale may be effected otherwise than by the execution of a registered instrument. And their Lordships referred to such a thing as part performance, and the *actings* of the parties. Now this pronouncement of their Lordships has given rise to a crop of litigation in this country, and a long series of cases in conflict with the previous decisions of the High Court will be found set out in column 2 of my Statement of Objects and Reasons. I do not wish to weary this House beyond saying that there is a sharp conflict between the various High Courts as to what this pronouncement of their Lordships and of the Privy Council at variance with their Lordships' previous statements of law, really means; and I think it is up to the Legislature to make its own meaning clear. At a subsequent stage I shall expatiate upon the subject further than the few words I have spoken on this occasion. For the present I beg for leave to introduce my Bill.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE INDIAN ARBITRATION BILL.

Mr. Harchandral Vishindas (Sind: Non-Muhammadan): Sir, I move for leave to introduce a Bill to consolidate and amend the law relating to arbitration in British India.

I have explained the reasons for the introduction of this Bill in my Statement of Objects and Reasons, and I shall be as brief as possible in my present explanation. In 1899 an Arbitration Act was passed, but applied only to certain localities, especially seaport towns and mercantile

[Mr. Harchandrai Vishindas.]

cities. Then in 1908, when the latest Civil Procedure Code was being passed, Sir Lawrence Jenkins, who was a prominent member of the Select Committee, stated that they were going to detach the arbitration law from the main part of the Civil Procedure Code and insert it in a schedule, at the same time expressing the hope that at no distant date the whole law of arbitration would be brought together in one homogeneous whole. The present state of things is that for the last 16 years there has not been any move on the part of Government. Just as Mr. Patel said that when he found the Government were not responding to the call of the Assembly to repeal repressive laws, he was obliged to bring his Bill, so when I found that Government did not realize the hope expressed by Sir Lawrence Jenkins for years, I have started this measure, which ordinarily should have been started by the Government themselves. I may briefly explain that in this Bill all the provisions which should exist in an Arbitration Act have been brought together. For instance in the present Arbitration Act there is no provision according to which witnesses could be summoned and their attendance enforced, but I have made that provision in this Bill corresponding to the provision in the English Act. Then there are certain alterations in the present law of arbitration necessitated by circumstances. For instance under the present Arbitration Act, as soon as an award is passed, without waiting for the period within which objections could be filed by the objecting party, the successful party can enforce the award by a decree. I have therefore inserted a provision that no such execution proceedings should be taken until the expiry of the period for objecting to the award and, when such an objection has been raised, until it is disposed of. Then there is another thing. My Arbitration Bill extends to the whole of British India which is not the case with the present Arbitration Act. For these reasons, Sir, I beg for leave to introduce the Bill.

The motion was adopted.

Mr. Harchandrai Vishindas: I introduce the Bill. One thing more, Sir. I wish to propose under Standing Order 38, if it is not objected to by anybody, that the Bill be circulated to elicit public opinion, if there is no objection by Government or anybody to that proposal, I mean, so that the matter may be hurried on. Under Standing Order 38 at page 24 of the Manual.

Mr. President: I would suggest the Honourable Member give notice of that: it can be taken at the next meeting.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL.

Sir Purshotamdas Thakurdas (Indian Merchants Chamber: Indian Commerce): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Paper Currency Act, 1923.

When, Sir, on my last motion I restricted my remarks to as few as I possibly could, I thought I was doing something which the House needed very much and which they would appreciate; but, Sir, this day has been a day of not a few surprises in this House. First in the morning we began by discussing maternity and then came on to special marriages. After lunch the Honourable the Home Member, who is generally so sweet and amiable all round, spoke with a heat and passion which many of us in

this House had not seen. Following closely upon that came my Honourable friend from Calcutta breaking what I consider to be all the canons of courtesy due not only from one Member of this House to another but from one merchant to his brother merchant. He got up and opposed my first Bill and I assure you, Sir, he took me absolutely by surprise. I will henceforth know in what quarter to expect opposition, if not from the Government; but I was confident of the feeling prevalent in the House and I felt quite sure the House was bored by what it had heard on subjects on which more would have been heard at later stages of the respective Bills. My Honourable friend from Calcutta however had some other motive and that motive is clear and I beg to expose it to the House for whatever it is worth. He was trying to lay the foundation-stone of the opposition which I am to get in a dispassionate consideration of the subject matter of these Bills. I do not wish to complain. Every one has a right to act in full discretion in the interests—what he considers to be the best interests—of himself and his community; but I should have thought that at least the courtesy which has been extended to every Member of the House would not have been denied from one brother merchant to another, specially when it is well known that the ideas of both our constituencies are not always recognised to be the same as far as the requirements of India are concerned. I do not wish, Sir, to deal at any further length with the remarks that fell from the Honourable Member who chose to oppose my Bill, without a word of notice to me. He complained that I had introduced my Bill with very few words. I beg, Sir, to repeat the same and I would ask him again to oppose the introduction of this Bill and to refuse it the courtesy which this House has extended up till now to every Bill except the Bill with which the Honourable the Home Member dealt with only a few minutes back to-day. I do not wish to take any more time of the House. I see now the direction from which the breeze of opposition to my Bill is going to blow strongest, and I will put my Bills before the House at the proper time as may strike me best. I, Sir, beg to apply for leave to introduce the Bill.

The Honourable Sir Basil Blackett (Finance Member): Sir, I ask your leave and the leave of the House to make an explanation with regard to the position of Government in this matter because I think it undesirable that the position of Government should be misunderstood. I had no intention of speaking on either of these two Bills. They are both for the same purpose, namely, the fixation immediately of the value of the rupee at 1s. 4d. gold. I thought it desirable that the introduction should not be opposed so far as the Government are concerned so that we might have a full discussion of this matter when the next opportunity came. I do not wish the absence of opposition from the Government at the first stage to be taken for a moment to mean that the Government attitude towards this Bill is not one of opposition. I believe the Bill to be premature in that it is most undesirable that we should rush in as yet and finally fix what is to be the ratio between the rupee and gold in the future currency system of India; and I believe further that the arguments for 1s. 4d. or some other figure have to be considered in the light of experience we have not yet got before us. that the time to fix the figure has not yet come, and that any attempt to fix the figures at 1s. 4d. now would be an attempt, if I may be pardoned by the last speaker, to fix the rupee in furtherance of the supposed interests (as he thinks) of his particular community, if I may quote his words, I hold that the interests of the consumer and of the Indian public as a whole have to be taken into consideration, and that if we were to fix the rate now it would have to be another rate. But the

[Sir Basil Blackett.]

time has not yet come for fixing the rate. As it is undesirable that there should be any idea abroad that the Government are likely to favour this Bill, I got up to say this, and I thank you, Sir, and the House for giving me the opportunity. I do not oppose the introduction of the Bill.

The President: The question is:

"That leave be given to introduce a Bill further to amend the Indian Paper Currency Act, 1923."

The motion was adopted.

Sir Purshotamdas Thakurdas: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

By this Bill I propose to do away with racial distinctions provided in the Criminal Procedure Code to some extent. Under certain sections of the Criminal Procedure Code, special privileges in the matter of criminal trials have been accorded to inhabitants of British Colonies and Europeans and Americans. My Bill does not touch British Europeans. My Bill touches British Colonials and non-British Europeans and Americans. In the first place, there is absolutely no reason why, in spite of the fact that Indians are treated as an inferior race in the British Colonies, we should allow these special privileges to British Colonials. In the second place, with regard to non-British Europeans and Americans unless in their own countries they give similar privileges to Indians by their own law there is absolutely no reason why we should allow these special privileges to these people. As to British Europeans we are absolutely helpless, so I do not wish to say anything about them. I move my Bill.

Mr. Darcy Lindsay (Bengal: European): Sir, I wish to oppose the introduction of this Bill. I am sorry to cross swords with my Honourable friend Mr. Patel, but I really must appeal to him not to press his amendment of the section of this Act which was brought into operation only two short years ago in a spirit of compromise. I was a Member of the old Assembly and well remember the full discussion we had on this very point which is now being raised. At that time there was perhaps greater bitterness against the Colonies and against America than is now the case. Yet in the face of that this House rose to the occasion and instead of retaliating as they were in a position to do against the attitude of exclusion that is so rightly resented, the clause in the Bill was accepted, thereby setting an example of toleration that drew forth nothing but praise. I think the House held the view that it would be more dignified not to exclude people of any particular colony from the benefits and privileges secured under the Act, merely because India was denied justice and this noble example must in time bear good fruit. I cannot do better than quote from my Honourable friend, Diwan Bahadur Rangachariar, a member of the Racial Distinctions Committee, as to what he had to say on the subject. In the debate on the 19th February 1923 on this very point my Honourable friend said:

"I was at first inclined myself to quarrel with the view taken by the Secretary of State in respect of this position, given to the Colonials, but on reflection I thought it would be better that this country, uncivilised as it may be considered to be by these

barbarians elsewhere, might at least teach them a lesson, teach them a lesson in magnanimity, teach them a lesson that we can rise above passions and prejudices and if not thereby correct those people, at least enlist the sympathy and support of our European friends in this country and in Britain in all our legitimate fights which we are putting up in other directions in the Colonies."

Sir, these prophetic words were fulfilled in the deputation to His Excellency the Viceroy a few days ago which included four of my Colleagues here who were in full sympathy with the views expressed in the memorial and most gladly offered their support. Then, let me quote His Excellency, Sir Malcolm Hailey, then the Honourable Sir Malcolm Hailey. In his powerful appeal when he moved that the Bill be passed he stated:

"I honestly believe that we can now prove that Indians value the assistance of the Europeans resident in India as partners in the development of their administrative and political problems; that we can equally prove—and this perhaps is equally important—that Europeans on their part realise that it is necessary for them to assure India that they are prepared to take a real interest in the development of purely Indian questions. I think we can prove that and if we can do so we are all the happier in the occasion and the time. For it was only one brief year ago when a section of Indian politicians, numerous if mistaken, and persistent if pernicious, were preaching as the cardinal article of their faith racial animosity and racial hatred. We can show to the world that the better India, the India which will count in the future will have none of that, that such feelings do not represent in any sense the real characteristics of the better Indian mind; we can show that the course of India's political progress is not going to be blighted and marred by a persistence of racial animosity."

Sir, I may be old fashioned, but I am convinced that it is the spirit of tolerance rather than an aggressive policy that will gain for India all she most desires and that progress towards responsible government will be the more speedy.

To explain my point, is it not a fact that in the House to-day there is a very different spirit to this time last year when suspicion was all too much in evidence? We have now got to know one another and find, as we have, that we have many views in common and by exercising tolerance to each other's views and convictions there is the greater gain to India.

It is pin-pricks such as this amending Bill and, if my friend Mr. Neogy will permit me to say so, racial matters that benefit neither
 5 P. M. community such as his recent Bill to amend the Railway Act, that tend to put the clock back; and as a good friend of India I say with all earnestness, show more toleration in such matters.

Another point is, would the House be wise from sentimental reasons, or I should rather say resentment at what is felt to be an injustice to India, to make an invidious distinction between European British subjects other than Colonials and Europeans or Americans, so far as concerns the privileges of trial by their peers? To me it is a gesture that I deplore and which at the present time may well cause grave injury to certain references of vital importance to India that are now under consideration. Looked at from every aspect the moment, to say the least, is most inopportune to bring up racial questions; and I may add that, in view of the settlement arrived at in this House in 1923 after full debate, it appears to me that to now break the settlement would almost amount to a breach of faith.

It is on these grounds, Sir, that I venture to suggest to my Honourable friend, the Mover, that it would be a gracious act on his part and receive support from many Members of the House, if he were to ask for leave to withdraw the Bill.

Mr. President: The question is:

“That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898.”

The Assembly divided.

AYES—49.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Alimuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Ghulam Abbas, Sayyad.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Hans Raj, Lala.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kelkar, Mr. N. C.

Lohokare, Dr. K. G.
Malaviya, Pandit Krishna Kant.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Sarfaraz Hussain Khan, Khan Bahadur.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Kumar Ganganand.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.

NOES—41.

Abdul Mumin, Khan Bahadur Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ajab Khan, Captain.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Clarke, Sir Geoffrey.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dunal, Mr. H. P.
Fleming, Mr. E. G.
Graham, Mr. L.
Hira Singh, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
Makan, Mr. M. E.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V. Viswanatha.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Svkes, Mr. E. F.
Tonkinson, Mr. H.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

The motion was adopted.

Mr. V. J. Patel: Sir, I introduce the Bill.

THE SPECIAL LAWS REPEAL BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, I beg to move that the Bill to repeal certain special enactments supplementing the ordinary criminal law be taken into consideration.

Sir, I have already pointed out to the House that I have introduced this Bill in pursuance of the Resolution which was passed in this Assembly in March, 1924. As Government failed to give effect to that Resolution, as they have failed to give effect to so many other Resolutions of this Assembly, I have been constrained to bring this Bill.

In the first place, I should like to clear one point, and it is this. My Honourable friend the Home Member expressed surprise at my introducing in this Bill, the repeal of the Punjab Murderous Outrages Act. I will explain to this House why I have included that Act in this Bill. The House will remember that when the Repressive Laws Committee was appointed this particular Act was not included in the reference to that Committee, but those who will examine that Act will have no difficulty in seeing that the Act is on a par with the other repressive measures on the Statute-book. The title of the Act is "An Act for the suppression of murderous outrages in certain districts of the Punjab". Then the Preamble says:

"Whereas in certain districts of the Punjab fanatics have frequently murdered or attempted to murder servants of the Queen and other persons, and whereas the general law of the country is not adequate to suppress those offences; It is hereby enacted as follows."

Then it mentions the offences to which the procedure mentioned in the Act shall be applicable. Section 2 of the Act says:

"Any fanatic who shall murder or who shall, within the meaning of the Indian Penal Code, section 307, attempt to murder any servant of the Queen or other person, shall, on conviction thereof, be punished either with death or with transportation for life, and all his property shall be forfeited to Government."

Then the procedure for trial is prescribed. According to that procedure, there are to be no committal proceedings as in the ordinary criminal trials. Then there is to be no appeal to the High Court or to any Court for the matter of that. The trial is not to take place in the ordinary way, but it is to take place before a Sessions Judge, or before the Commissioner of the Division in whose jurisdiction the offence is said to have been committed. So the Commissioner of the Division can take cognisance of that offence and sentence the offender to death and there is to be no appeal against that conviction. Then again if the accused person applies to the Court for examining certain witnesses, it is entirely left to the Commissioner or the Sessions Judge, whoever may be the presiding authority, to summon those witnesses or not. The presiding Judge might say that he refuses to summon the witnesses on the ground of delay or any such cause. So there are no committal proceedings, there is no appeal and the trial is to be before the Commissioner of the Division, who as a matter of fact is an executive officer.

You can hardly distinguish these provisions from the first part of the Ordinance which we were discussing the other day, the Bengal Ordinance, but the worst part of the affair is that power is given to the Lieutenant Governor to confine any person for any length of time without giving any reasons and without bringing the offender to trial. That is exactly the

[Mr. V. J. Patel.]

second part of the Bengal Ordinance which we were discussing the other day. See section 12 which says:

"The said Lieutenant Governor shall have with respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act the powers which are vested in the Governor General of India by any law regarding the confinement of persons charged with or suspected of such offences and the provisions of any such law shall *mutatis mutandis* be applicable to all cases in which the Lieutenant Governor shall proceed under the authority of this section."

That means that the Lieutenant Governor may direct the arrest and imprisonment of any person within the jurisdiction of his authority for any length of time without bringing the offender to trial. This is the most objectionable feature of that Act. So I see no distinguishing feature between the Bengal Ordinance which we were discussing the other day and this particular Act. In fact the first part of this Act is on a par with the first part of the Bengal Ordinance and this important section 12 and the sections following are on a par with the second part of the Bengal Ordinance and I do not know why my Honourable friend expressed surprise at the inclusion of this particular enactment in this repeal Bill. I hope I have explained why I have included this Murderous Outrages Act in the Bill.

Now, with regard to the Bengal Regulation III of 1818 and with regard to the identical Regulations in Madras and Bombay, the position is this. Under the Bengal Regulation III of 1818, we have known to our cost a number of respectable and distinguished public men imprisoned without giving any cause and without bringing them to trial. My friend Mr. Bipin Chandra Pal quoted an instance only the other day where men in high public life, whether they were extremists or moderates, and one of them was a moderate of moderates, were arrested under this Regulation and kept in confinement for a long time and it was ultimately found out that these people were absolutely innocent. By the Madras and Bombay Regulations the power which is given to the Governor General under Bengal Regulation III of 1818 has been given to the Governor in Council in each province. I will merely read the warrant which is to be issued by the Governor General in Council to the officer to whom that warrant is directed and compare it with the warrant of commitment to be issued by the Governor in Council to the officer to whom it is to be directed. The warrant of commitment shall be in the following terms:

"To

So-and-So. (Here insert the officer's designation).

Whereas the Governor General in Council for good and sufficient reasons has seen fit to determine that So-and-So should be placed under personal restraint at such and such place you are hereby required and commanded in pursuance of that determination to receive the person above-named into your custody and to deal with him in conformity with the orders of the Governor General in Council and the provisions of Regulation III of 1818."

The Warrant of Commitment in regard to Madras Regulation II of 1819 is this:

"To

So-and-So.

Whereas the Governor in Council for good and sufficient reasons has seen fit to determine that So-and-So shall be placed under personal restraint at such and such place you are hereby required and commanded in pursuance of that determination to receive the person above-named into custody and deal with him in conformity with the orders of the Governor in Council and the provisions of Regulation II of 1819."

A similar warrant of commitment in almost identical terms is to be issued by the Governor in Council in Bombay. There is absolutely no question that all the three Regulations are framed on the same lines and for the same purpose. For reasons which need not be made known, for reasons which are good and sufficient in the opinion of the Governor General in the one case and in the opinion of the Governor in the other, any person however high and however exalted is to be taken into custody by the executive and committed to prison for any length of time without being brought to trial. Then the fourth Act which I propose to deal with is the State Prisoners Act of 1850. That Act is a supplementary Act. As a matter of fact certain doubts having arisen as to the place where the persons dealt with under these three Regulations were to be imprisoned, this particular enactment was found necessary. The title of the Act is:

"An Act for the better custody of State prisoners."

This Act has been declared to be in force in the whole of British India except the scheduled districts. The Preamble to the Act says:

"Whereas doubts have been entertained whether State Prisoners confined under Regulation III of 1818 and the Bengal Code can be lawfully detained in any fortress, jail or other place within the limits of jurisdiction of any of the supreme courts established by Royal Charter and it is expedient that such doubts should be removed and the powers under the said Regulation extended to all the territories under the Government of the East India Company, it is hereby enacted as follows: . . . "

So this Act is really a supplementary Act to the three Regulations that I have referred to. If the three Regulations are to be repealed, this also ought to go along with them. About the Seditious Meetings Act, it is not necessary for me to say anything. My Honourable friend the Home Member has also stated that it has not been found necessary to apply it for some time past. The Act was enacted as a temporary measure and from time to time it has been extended. This law also disfigures the Statute-book of this country. When these Regulations were passed, there was no Indian Penal Code. The Indian Penal Code came into existence years after these Regulations were enacted and yet we find that these Regulations are there. It is high time that the Government should consider the desirability of repealing these Regulations. My Honourable friend the Home Member says that, considering the present situation in Bengal and other parts of the country, it is desirable that the executive should have these powers. I say, Sir, that the position of some of us is absolutely clear. You cannot by these repressive measures put down the national movement. You cannot by these measures put down anarchy. You have got to realise that it is repression that has brought about this state of things in the country. People ask for certain rights, they carry on legitimate political activities, and you adopt repressive methods to try to suppress those political activities, with the result that discontent goes underground, coming up again at any moment in a different form. So if anything is responsible for the present state of affairs in Bengal and in other parts of the country, it is the policy adopted by the Government in dealing with the legitimate aspirations of the people of this country. If factories of bombs are there, if people take to revolutionary methods, it is the Home Member and his Department that are responsible and not the leaders of the people. (A Voice: "And his over-zealous subordinates.") Yes, I should have said "and his over-zealous subordinates", I accept this correction. So it comes to this that these bombs are manufactured in the Home Department of the Government of India and not in any city or town or village of Bengal. They go from this Department to Bengal and other parts of the country. Let the Government

[Mr. V. J. Patel.]

deal fairly and squarely with the legitimate political aspirations of the people and you will have no anarchy. We have told you so repeatedly. My Honourable friend, Mr. Bipin Chandra Pal, who I am glad is here to-day, had told you the other day that in 1906 and the following years you tried to suppress the legitimate political activities for securing the amendment of the partition of Bengal, with the result that there were anarchy and revolutionary crimes. So it is proved beyond doubt that these revolutionary crimes and conspiracies come into existence because of the repressive policy of the Government. What are you doing for the last five years? You have been ruling this country by repression,—repression of the worst kind; there is no other way by which you think you can govern this country. It is my firm conviction that, unless you give up these methods, you cannot expect to drive away anarchy from this country. I want to be plain. The fact is there. It is proved beyond doubt that anarchy is the outcome of your repressive policy, and it cannot be combated by more and more repression, you are moving in a vicious circle. Do you think that the very thing that gives birth to anarchy will kill anarchy? Do you believe it? As a matter of fact it is repression that has brought about this state of affairs in the country and you are now saying that by further repression you will kill the anarchy. My friend, the Honourable the Home Member, said the other day that by means of the Defence of India Act and Bengal Regulation III of 1918 Government were able to extirpate anarchy in Bengal between 1908 and 1912. How is it that he sees it now? How is it that he complains that there is anarchy in Bengal? For the time being it subsided; the germs were there, they would not vanish so long as the policy of Government remains unaltered. Take to conciliation and things will improve. Government would not yield. My friend, Pandit Motilal Nehru, moved a Resolution last January for a round table conference. We said, "let us put our heads together and devise means to do away with this state of affairs." Mr. President, you will remember that that Resolution, although passed almost by an overwhelming majority, was ignored by Government and a whitewashing Committee was appointed the report of which has not yet seen the light of day. The Budget time is approaching, the Honourable the Home Member does not make up his mind yet to place the report of that Committee before this House, and he does not say whether he is going to put it before this House in this Session or not. In reply to certain questions the other day what he said was this, "yes, the report is ready, and it will be placed before this Assembly". But when? When that question was asked, he said he could give no undertaking under the circumstances if the Budget is thrown out by the Assembly, the responsibility will be that of the Home Member and of nobody else. Coming back to the Bengal Ordinance and the Bengal Regulation which you have recently so freely used in Bengal, what do we find? Why did not you consult the leaders of the people? You should have taken at least some leaders of the people into your confidence. I do not see why you did not consult the Legislature. There is absolutely no reason why you could not have come to the Legislature. One strange argument used by the Home Member the other day in the debate on the Bengal Ordinance was that six high officials were aimed at by these conspirators but he would not give the names. Why, may I ask? Is there any reason? Were you afraid that these people who were aimed at would go to their would-be assassins and tell them, "Well, we are the people aimed at, please come and kill us"? What is the idea? Why do you keep back the names of people who, you thought, were aimed at?

The Honourable Sir Alexander Muddiman (Home Member): Does the Honourable Member really want to know, or is it a rhetorical question? If the Honourable Member *really* wants to know, I will tell him. I did not tell you because if I disclosed the names, deductions would immediately be drawn and the information would reach the terrorists. I should like to make this point quite clear. I did not want to give it because it would assist the plans of those who wished to murder these men. If you disclose details like that where an attempt has been made known to us, you put them on the trail of knowing that there are 3 or 4 or 5 or 6 men who could have given away the secret, and only 3 or 4 or 5 or 6 men. These things are not discussed in the market place. If you disclose the fact of attempts, by a process of elimination—our police officers will tell you that is correct—the man who revealed it is found out and that man is killed, or is in danger of being killed. That is my point.

Mr. V. J. Patel: I regret I am unable to understand the explanation of the Home Member. I again ask, was it in the interests of the persons who were aimed at? If so, how would it harm them if you gave the names. From any point of view, I could not possibly understand how you were justified in not telling this Assembly who those persons were who were aimed at. However, that is another story. (*Pandit Sham Lal Nehru*: "I think the Home Member notes that with approval?") But we are not discussing the Bengal Ordinance at present, we are discussing Bengal Regulation III of 1818 and the identical Regulations in Madras and Bombay. But before I pass on to them I should once again emphasise one point. I have already told you that you may have some—though I do not admit that—you may have had some justification for not coming to the Assembly and placing all your cards before this Assembly, though from my point of view it is absolutely against the spirit of the Constitution that you should not have come before this Assembly. Still it was open to you to invite leaders like my friend, Pandit Motilal Nehru or Mr. C. R. Das or Dr. Besant for the matter of that and placed before them the whole case and taken counsel with them. You should have told them, "Here we are faced with this situation, what is your advice? Do you advise the Viceroy to issue an Ordinance under section 72 of the Government of India Act? What is your advice under the circumstances?" Why should you not have done it? You will not consult the leaders of the people, you will not consult the Legislature, and you issue an Ordinance of that character. Is there any country in the world where one single individual has got such unlimited and extraordinary powers of issuing an Ordinance of that character, which empowers the executive to imprison any person at any place for any length of time without giving reasons and without bringing him to trial?

Sir, coming to the Regulations, I venture to submit that they are not laws duly passed. You may say that they are laws in the sense that they were passed by some authority duly empowered in that behalf. That may be so, but they were not passed by the Legislature, the elected Legislature of this country. They are merely decrees of the executive. There is absolutely no doubt about it. As a matter of fact, in one of the Regulations I find it stated that it was passed by the Vice President-in-Council. Probably in those days the Government of India had the power to issue Regulations and Acts and under those powers these Acts were passed. We say, "If you want certain powers, come to the Legislature, we will consider each case on its merits and give you the necessary powers if we are satis-

[Mr. V. J. Patel.]

fied that those powers are really needed in the interests of the country, not in your interests." If you want to continue your rule by the force of these repressive laws, by all means do it. I do not know how long you can do so. No country in the world is governed by repression for all time. It is therefore necessary for you to retrace your steps. Times are changing. The whole world is watching you, watching the administration of this country, and it is absolutely necessary that the sooner you make up your mind the better for you and for us. You must remember that we are not children. We understand your game. We know that you make use of these repressive Regulations and Acts simply for the purpose of continuing your rule. There is absolutely no other reason. Why do you interfere with the legitimate political activities of the country and complain of anarchy afterwards? As a matter of fact if you had not interfered with the non-violent non-co-operation movement in the year 1921 by imprisoning 40,000 of my countrymen, probably you would not have seen anarchy to-day and the country would have progressed in an orderly manner and you would have yielded to the great movement. But no, yielding means so much less power for you and conceding so much power to the people of the country, whether it is legitimate political agitation by way of Resolutions in this Assembly; or constitutional obstruction; or non-violent non-co-operation; whatever it is, if it goes against your grain, if it interferes with the exercise of your powers, if in the slightest degree it tends to lessen your power, you would not brook it. You would at once make use of your Regulations and your repressive laws and all sorts of things. It is not that you want merely to exterminate anarchy from this country. You want to suppress the national aspirations of the people of this country, the natural desires of the people of this country. That is the reason why you are making use of these Regulations. Was there anarchy in connection with the non-violent non-co-operation movement in 1921? No, it was an absolutely non-violent movement. But yet, what did you do? Because we as a protest against your administration boycotted the visit of the Prince of Wales, who was coming to this country, you resorted to the provisions of the Seditious Meetings Act and the Criminal Law Amendment Act and imprisoned so many of our countrymen; but the movement was perfectly constitutional, the movement was perfectly non-violent. (*Voices*: "Bombay, Chauri Chaura.") It is very well to say all that. There was no anarchy there. Any day you would prefer open rebellion to anarchy. What Indian would not like to have Swaraj if it can be had by force? But we know it is impossible for us to have Swaraj of the kind we want by force, and that is the reason why we are opposed to the use of it and we have taken and will continue to take to non-violent methods. Non-violence is our policy, because we believe it is impossible to get Swaraj by violence. We hate anarchy. We detest anarchy as much and perhaps more than you do, because anarchy gives you an opportunity of putting down the legitimate national movement and legitimate national activities. It is not in our grain to encourage anarchy; we detest anarchy; everyone in this hall detests anarchy. There is absolutely no doubt about it, but more so we because it gives you a handle to put down the legitimate activities of the people of this country. That is why we do not want this power to be in your hands. You misuse it, you abuse it. You do not consult us before you use it. You gave us a constitution which is a sham. You consult us when you like and you ignore, nay, defy us when it does not suit you. Is it possible, Sir, to adjourn this debate at this stage?

Mr. President: I thought I was giving the Honourable Member his innings now.

Mr. V. J. Patel: Some of my friends are very anxious to get away and they ask me to reserve my remarks for reply

Mr. President: If Honourable Members who want to get away, would refrain from provoking the Honourable Member, they might get home sooner.

Mr. V. J. Patel: I think I will reserve my remarks by way of reply. I move formally that the Bill be taken into consideration.

Mr. President: The question is:

“That the Bill to repeal certain special enactments supplementing the ordinary criminal law be taken into consideration.”

The debate was adjourned.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th February, 1925.