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**THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)**

Volume II

(8th March to 27th March, 1928)

**SECOND SESSION
OF THE
THIRD LEGISLATIVE ASSEMBLY, 1928**



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LEGISLATIVE ASSEMBLY.

Monday, 26th March, 1928.

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

MEMBER SWORN:

Mr. D. G. Mitchell, C.I.E., M.L.A. (Government of India: Nominated Official.)

QUESTIONS AND ANSWERS.

NUMBER OF TRAFFIC INSPECTORS IN THE NORTH WESTERN RAILWAY.

498. ***Pandit Hirday Nath Kunzru:** (a) Will the Government state the number of Traffic Inspectors in the North Western Railway?

(b) How many of these are (i) Indians, (ii) Anglo-Indians, and (iii) Europeans?

Mr. A. A. L. Parsons: (a) Thirty-six.

(b) The information in the possession of Government in regard to communal representation on the North Western Railway will be found in Appendix F in Volume I and Appendix C in Volume II of the Report on Indian Railways for 1926-27, a copy of which is in the Library. The statistics were formulated in this form after consultation with, and acceptance by, the Central Advisory Council for Railways, and Government do not consider it desirable to supplement them by details regarding individual offices or posts.

Pandit Hirday Nath Kunzru: May I ask whether information with regard to Traffic Inspectors is specifically given in the Railway Report?

Mr. A. A. L. Parsons: No, Sir. The reason why I have not given that information is because Government do not consider it desirable to supplement the figures given in the appendices by details regarding individual offices or posts.

Pandit Hirday Nath Kunzru: What is the objection, Sir, to supplying the information in answer to a question here?

Mr. A. A. L. Parsons: Inquiries of the nature which the Honourable Member asks me to undertake are likely to create, where it does not exist, or to embitter, where it already exists, that communal tension which is so undesirable among men who are working together day by day. It is for this reason that the Railway Board are most averse, as the Honourable Member will be aware from many answers that I have given, from

supplementing the general statistics with statistics with regard to individual offices. (Applause from the Official Benches.)

Pandit Hirday Nath Kunzru: May I ask whether Government, in order to remove this tension, have made any attempts during the last three or four years to appoint Indians as Traffic Inspectors on the North Western Railway?

Mr. A. A. L. Parsons: I do not think that question arises, Sir, and I must ask for notice.

Pandit Hirday Nath Kunzru: May I ask whether, in response to the pressure put by the Assembly during the last four years, Government have done anything to increase the employment of Indians as Traffic Inspectors?

Mr. A. A. L. Parsons: I must again ask for notice. The Honourable Member will not expect me to keep the figures in my head.

Pandit Hirday Nath Kunzru: May I ask the Honourable Member whether it is a fact that out of the total number of Traffic Inspectors there are only two Indians holding posts permanently as Traffic Inspectors?

Mr. A. A. L. Parsons: I have already informed the Honourable Member that I am not aware of the figures.

Mr. M. R. Jayakar: May I ask whether the appointment of Indians as Traffic Inspectors is included in the Government scheme of Indianization?

Mr. A. A. L. Parsons: I am afraid I do not understand the Honourable Member's question. Traffic Inspectors are not superior officers.

Mr. M. R. Jayakar: Whenever occasion has arisen in this House, Government have said that they have undertaken slowly but surely the scheme of Indianization, and I want to know from the Honourable Member whether the appointment of Indians as Traffic Superintendents—I mean as Traffic Inspectors—is included in the scheme of Indianization.

Mr. A. A. L. Parsons: Sir, the question does not relate to Traffic Superintendents; and the scheme of Indianization to which the Honourable Member refers is that relating to the Indianization of the superior services, while these Traffic Inspectors hold subordinate posts.

Mr. M. R. Jayakar: Then they are not included in the scheme of Indianization?

Mr. A. A. L. Parsons: Certainly not, Sir.

Pandit Hirday Nath Kunzru: May I ask whether any instructions have recently been issued to the Agent, North Western Railway, to appoint Indians as Traffic Inspectors?

Mr. A. A. L. Parsons: Not so far as I am aware, Sir.

FUTURE PROSPECTS OF TRAFFIC PUPILS RECRUITED BY THE NORTH WESTERN RAILWAY FOR TRAINING IN TRANSPORTATION AND COMMERCIAL DUTIES.

499. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that the North Western Railway announced in 1926 that "in future a certain number of traffic pupils will be recruited annually for training in Transportation and Commercial duties? Was it laid down that the pupils would receive training of three years' duration?

(b) What is the number of "traffic pupils" recruited in December, 1926, and what are their educational qualifications? Have any of them received training in England?

(c) What are the future prospects of these pupils? Is it intended to appoint them as Traffic Inspectors?

(d) Have any "traffic pupils" been recruited since December, 1926? If not, why not?

Mr. A. A. L. Parsons: I am enquiring from the Agent, North Western Railway, and will communicate with the Honourable Member later.

GRANT OF FREE QUARTERS, ETC., TO HEADMISTRESSES OF EUROPEAN PRIMARY SCHOOLS ON THE EAST INDIAN RAILWAY.

500. ***Pandit Hirday Nath Kunzru:** (a) Are the headmistresses of European primary schools on the East Indian Railway generally provided with free quarters? Are they also provided like the teachers of the Oakgrove School with board, lodging, light and washing free of charge?

(b) How many teachers of Indian high or middle schools are provided with free quarters and allowed the concessions given to the teachers of the Oakgrove School?

Mr. A. A. L. Parsons: (a) The headmistresses of European primary schools on the East Indian Railway are generally provided with free quarters. They are not provided with board and washing free of charge, but in some cases receive light free at the expense of the school.

(b) Nine teachers of Indian high or middle schools are provided with free quarters, and two receive an allowance from school funds in lieu of quarters. None of them receive board, light or washing free of charge.

REPLACEMENT OF THE INDIAN STATION MASTER AT CHHEOKI BY AN ANGLO-INDIAN STATION MASTER, ETC.

501. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that Naini and Chheoki stations (near Allahabad) had Indian station masters for years past?

(b) Has the Indian station master at Chheoki been replaced by an Anglo-Indian station master recently? Has it further been decided to combine the posts of station masters of Naini and Chheoki? If so, why?

(c) What was the salary of the Indian station masters at Chheoki and Naini and what is the salary of the Anglo-Indian station master?

(d) What is the respective length of service of the Indian station master of Naini transferred to the reserve list and of the Anglo-Indian station master?

Mr. A. A. L. Parsons: Government have no information.

The postings of station masters are left to the Transportation authorities.

NUMBER OF EUROPEANS, ANGLO-INDIANS AND INDIANS RECRUITED AS APPRENTICE DEPÔT STORE KEEPERS ON THE EASTERN BENGAL RAILWAY.

502. ***Pandit Hirday Nath Kunzru:** (a) How many Europeans, Anglo-Indians and Indians have been recruited as Apprentice Depôt Store Keepers on the Eastern Bengal Railway during the last five years?

(b) What are the requisite qualifications for this work?

(c) What are the qualifications of Europeans, Anglo-Indians and Indians recruited during the last 5 years?

Mr. A. A. L. Parsons: (a) In 1923 one European was recruited as an Apprentice Depôt Store Keeper on the Eastern Bengal Railway. He has since left the service. No others were recruited during the past 5 years and no further recruitment is now being made.

(b) The qualifications sought were good general education and personal qualities judged by selection.

(c) The Apprentice Depôt Store Keeper recruited in 1923 possessed Senior Cambridge Honours and was appointed by selection.

†503—506.

LEAVE AND PENSION CONDITIONS OF MEMBERS OF THE BAR APPOINTED TO INDIAN CIVIL SERVICE POSTS.

507. ***Pandit Hirday Nath Kunzru:** (a) With reference to the answer given by Government to starred question No. 1199 on the 20th September, 1927, that members of the Bar appointed direct to listed posts enjoy the status of members of an All-India Service, will Government state whether judges recruited from the Bar are governed by the same leave rules as members of the Provincial Civil Service?

(b) What are the rules relating to the pensions of Judges recruited directly from the Bar?

(c) Is any remission of service allowed to them in consideration of the age at which they may be recruited as is done in the case of the judicial branch of the Provincial Civil Service?

The Honourable Mr. J. Orerar: (a) Yes.

(b) and (c). Their pensions are regulated by the general rules in Articles 465-A, 474, 474-A and 475-A of the Civil Service Regulations with the special concession that officers with not less than 10 years' actual qualifying service are allowed to add to their qualifying service for superannuation pension the actual period not exceeding ten years by which their age at recruitment exceeds 25 years.

LISTING OF THE 51 SUPERIOR POSTS TO BE THROWN OPEN TO THE PROVINCIAL EXECUTIVE AND JUDICIAL SERVICES.

508. ***Pandit Hirday Nath Kunzru:** (a) With reference to the answers given by Government to starred questions Nos. 1246 and 1247, on the 28th March, 1927, will Government state what progress has been made

† For these questions and their answers, see pages 1951-1953 of these proceedings.

with regard to the listing of the 51 superior posts which remained to be thrown open to the members of the Provincial Executive and Judicial Services in accordance with the recommendations of the Lee Commission?

(b) What is the final decision arrived at by Government in consultation with the Public Service Commission with regard to the period during which the proportion of posts to be occupied by the members of the Provincial Services in accordance with the recommendations of the Lee Commission should be reached?

The Honourable Mr. J. Orerar: (a) Since the 1st January 1927, 4 additional posts have been listed.

(b) As regards the period within which it is intended to complete the process I must again refer the Honourable Member to part (c) of the answer given on the 24th March, 1926, to a question put by Mr. Neogy. The point referred to the Public Service Commission was how far progress could be accelerated without unfair treatment of existing members of the Service. Instructions based on the Commission's advice have now issued to Local Governments.

Pandit Hirday Nath Kunzru: Am I to understand, Sir, that the Public Service Commission has made a definite recommendation to Government with regard to the listing of some of the superior posts?

The Honourable Mr. J. Orerar: The Commission have given advice with regard to how progress can be accelerated.

Pandit Hirday Nath Kunzru: Then what is the total number of years in which it is expected that all these posts will be filled by Provincial Service men?

The Honourable Mr. J. Orerar: I think the Honourable Member will find that dealt with in the answer which I have already quoted.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware, Sir, that in answer to a question of mine it was stated by Sir Alexander Muddiman last year that even the period during which these posts were to be occupied by Indians was under consideration and would be decided after consultation with the Public Service Commission?

The Honourable Mr. J. Orerar: I am afraid I cannot add to the reply which I have given.

SENIORITY OF MEMBERS OF THE PROVINCIAL CIVIL SERVICES PROMOTED TO LISTED POSTS.

509. ***Pandit Hirday Nath Kunzru:** With reference to the answer given by Government to starred question No. 1248, dated 28th March, 1927, will Government state what orders have been passed with regard to the seniority of the members of the Provincial Civil Services promoted to listed posts?

The Honourable Mr. J. Orerar: The matter is still under the consideration of the Public Service Commission, and no orders have so far been passed.

Pandit Hirday Nath Kunzru: May I ask whether any representations have been received from members of the Provincial Services?

The Honourable Mr. J. Crerar: I understand, Sir, representations have been received and are under consideration.

Pandit Hirday Nath Kunzru: Is it open to the Public Service Commission to invite the views of members of the Provincial Services?

The Honourable Mr. J. Crerar: Members of the Provincial Services are quite well aware of the fact that it is open to any one of them to submit any representation they choose.

Pandit Hirday Nath Kunzru: My question was whether it is open to the Public Service Commission to invite representations from the members of the Provincial Services?

The Honourable Mr. J. Crerar: I must refer the Honourable Member to the Functions Rules of the Public Service Commission.

Pandit Hirday Nath Kunzru: As the rules do not make that point clear, may I ask for specific information on this particular point?

The Honourable Mr. J. Crerar: I should have to examine that question with regard to the contents of the Functions Rules, and I must ask the Honourable Member to give notice.

RECRUITMENT OF 20 PER CENT. OF THE INDIAN CIVIL SERVICE FROM THE PROVINCIAL CIVIL SERVICES.

510. ***Pandit Hirday Nath Kunzru:** (a) Are Government aware that the Lee Commission recommended that 20 per cent. of the recruits required annually for the Indian Civil Service should be drawn from the Provincial Civil Services?

(b) Do Government recognise that this recommendation involves that the members of the Provincial Civil Services should occupy 20 per cent, not merely of the superior posts but of all posts included in the cadre of the Indian Civil Service? If so, what steps are being taken to give effect to this recommendation?

The Honourable Mr. J. Crerar: (a) No. The recommendation of the Lee Commission on this point was not clearly expressed. After careful consideration Government concluded that their intention was to extend the existing system of listed posts and not to introduce a wholly new method of recruitment.

(b) Does not arise.

Pandit Hirday Nath Kunzru: May I ask, Sir, how Government have arrived at that interpretation?

The Honourable Mr. J. Crerar: I think if the Honourable Member will examine the report carefully, he will observe that on the assumption that a totally new kind of recruitment is contemplated it was to be expected that the Commission would have dealt more fully with the reasons which underlay such a recommendation. As a matter of fact, it did not do so. I may add further that the interpretation which Government have put

upon the recommendation of the Lee Commission has been confirmed by two members of the Commission.

Pandit Hirday Nath Kunzru: Are Government aware that the Lee Commission have dealt with the annual recruitment and not the number of superior posts and have said that 80 per cent. of the recruits should be obtained by competition in England and India and 20 per cent. should be drawn from the members of the Provincial Civil Services?

The Honourable Mr. J. Crerar: I think, however, there is no doubt whatever that the intention of the Commission was that there should be recruitment from the Provincial Service to 20 per cent. of the superior posts.

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware that this is the only Provincial Service that is denied entrance into the superior service?

The Honourable Mr. J. Crerar: I am afraid I did not quite catch the Honourable Member's question.

Lieut.-Colonel H. A. J. Gidney: In regard to recruitment into the superior services, the Provincial Civil Service is the only provincial service that is denied, according to the Honourable Member's interpretation of the recommendations of the Lee Commission, a 25 per cent. entrance into the superior Civil Service.

The Honourable Mr. J. Crerar: No; I do not think the Honourable Member is correct in the suggestion.

Pandit Hirday Nath Kunzru: Am I to understand, Sir, that the decision of Government is to appoint members of the Provincial Civil Service only to superior posts and not to the inferior posts?

The Honourable Mr. J. Crerar: That, Sir, is the intention.

Pandit Hirday Nath Kunzru: Have any representations been received from any Provincial Service against this decision of Government?

The Honourable Mr. J. Crerar: Representations have been received dealing with the general question, but I am not, without examining the representations in detail, in a position to say whether that particular point has been dealt with.

Pandit Hirday Nath Kunzru: May I know the grounds on which Government have arrived at the decision not to appoint members of the Provincial Service to inferior posts, as that would enable them to enter the higher service at an early stage of their career and thus imbibe the spirit of that service?

The Honourable Mr. J. Crerar: My own opinion is that it is in the interests of the Provincial Service that appointment should be made to superior posts.

Pandit Hirday Nath Kunzru: I did not quite catch the answer.

Mr. President: Will the Honourable Member repeat the answer?

The Honourable Mr. J. Crerar: I replied to the Honourable Member's question that I considered myself that recruitment to superior posts was definitely in the interests of the Provincial Service itself.

Pandit Hirday Nath Kunzru: What is the practical number of years of service after which members of the Provincial Services are appointed to superior posts?

The Honourable Mr. J. Ozerar: That is a very comprehensive question, of which, I think, I must ask for notice.

APPOINTMENT OF MUSLIM DEPARTMENTAL OFFICIALS AS SUPERINTENDENTS OF POST OFFICES.

511. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state whether it is a fact (a) that not a single Muslim departmental official has been appointed so far as Superintendents of Post Offices during the period for which the records are available in the office of the Director-General of Posts and Telegraphs, (b) that Mr. Sadat Ali Khan, the 16th man in the list of qualified departmental officials corrected up to the 15th November, 1927, will be the first Muslim to be so appointed, (c) that he has got to wait for his chance for a further period of about 3 years under the present system to get a permanent appointment, (d) that there will be a gap for a further period of about 3 years before another Muslim departmental official gets a chance after Mr. Sadat Ali Khan's appointment, (e) that it will take about 10 years or even more for the five Muslim departmental officials out of 47 candidates on the list to get permanent appointments under the present system of seniority in the list?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) No.

(c), (d) and (e). The Honourable Member is referred to my reply on the 7th March, 1928, to his question No. 360.

APPOINTMENT OF DEPARTMENTAL OFFICIALS AS SUPERINTENDENTS OF POST OFFICES.

512. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state (a) whether it is a fact that appointments of departmental officials in the cadre of Superintendents of Post Offices are made on the basis of seniority contained in a Government order which is applicable alone in cases of promotion of clerks from the lower to a higher clerical cadre only? And if the replies be in the affirmative, (b) why should this order be made applicable in cases of appointments of departmental officials to the posts of Superintendents of Post Offices which are distinctly in the officers' line?

The Honourable Sir Bhupendra Nath Mitra: (a) The Honourable Member is referred to my reply to part (b) of his question No. 360 in this House on the 7th March, 1928.

(b) Does not arise.

APPOINTMENT OF DEPARTMENTAL OFFICIALS AS SUPERINTENDENTS OF POST OFFICES.

513. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state whether it is a fact (a) that there is no distinct Government order that departmental officials will be appointed as Superintendents of Post Offices strictly in order of seniority in the list instead of on the basis of communal representation, (b) that nominations to sit for the departmental examination

for the Superintendent's appointments are given to the subordinates of the Posts and Telegraph Department after a careful consideration of the merits and suitability of the candidates? If the replies to (a) and (b) be in the affirmative, (1) what further proof of merit is expected of the Muslim departmental officials besides passing the departmental examination, and (2) why their cases should not be considered simultaneously with their Hindu brethren at the time of the appointment of departmental officials to the posts of Superintendents of Post Offices every year?

The Honourable Sir Bhupendra Nath Mitra: (a) The fact is not as stated by the Honourable Member. The orders of Government are that where promotion from subordinate ranks is made by selection according to merit, it is not possible to discriminate on the ground of race or community.

(b) Yes. With regard to the last part of the question (1) the same proof of merit is expected from the Muslim departmental officials who have passed the departmental examination as from others, namely, that they have shown administrative ability, industry and energy while officiating as Superintendents of Post Offices in short vacancies; (2) the Honourable Member is referred to the last part of the reply given to his question No. 358 in this House on the 7th March, 1928.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS OF POST OFFICES.

514. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state whether it is a fact (a) that there are only about 34 Muslims as against about 192 Hindus and a few others (including probationary Superintendents) in the cadre of Superintendent of Post Offices, (b) that under the present system only about one-third of half the total number of vacancies in a year reserved for outsiders goes to Muslims, (c) that the other half reserved for departmental men goes entirely to Hindus and a few other non-Muslims (d) that during the course of about the next ten years about 40 Hindus and a few other non-Muslim departmental officials will be appointed as Superintendents of Post Offices as against only five Muslims in the waiting list, (e) that the number of Muslims in the cadre of Superintendents is very disproportionate, and (f) that under the present system of recruitment the communal inequality in the cadre of Superintendents can never be redressed unless either (1) the entire number of vacancies reserved for outsiders goes to Muslims, or (2) every third vacancy filled up by departmental officials goes to a Muslim departmental official?

If the replies to (a), (b), (c), (d), (e) and (f) be in the affirmative, why the Muslim Departmental officials, who have passed the Departmental examination and are considered fit for the appointment of Superintendent of Post Offices, should not be appointed as Superintendents of Post Offices on communal basis as in the case of Probationary Superintendents?

The Honourable Sir Bhupendra Nath Mitra: (a) The fact is not as stated by the Honourable Member. The total sanctioned number of Superintendents of Post Offices is 180, and the total sanctioned strength of probationary Superintendents is 15. The total number is thus 195 including probationary Superintendents. Of these, 35 are Muslims, 100 are Hindus, 57 are members of other minority communities, viz., Sikhs, Parsis, Anglo-Indians, etc. There are three vacancies.

(b) 1/3 of half the total number of vacancies in a year reserved for outsiders would not necessarily go to Muslims but would be utilised in order to prevent a preponderance of any one class or community.

(c) The other half of the vacancies goes by promotion to departmental officials who have passed the departmental examination and are considered suitable for the appointment, irrespective of the community to which they belong.

(d) Government are not able to say what will happen in the course of the next 10 years, but according to the existing waiting list 35 Hindus, 5 Muslims and 5 others would in the course of time become Superintendents, if they were considered suitable.

(e) As will be seen from the reply to part (a), the number of members of minority communities in general or of Muslims in particular in the cadre of Superintendents is not "very disproportionate", as stated by the Honourable Member.

(f) In view of the reply to part (e) this does not arise.

With regard to the last part of the question, the Honourable Member is again referred to the last part of my reply to his question No. 358 in this House on the 7th March, 1928.

APPOINTMENT OF MUSLIM DEPARTMENTAL OFFICIALS AS SUPERINTENDENTS OF POST OFFICES.

515. *Mr. Anwar-ul-Azim: Will the Government be pleased to state whether it is considered as a disqualification to be in Government service at the time of appointing Superintendents of Post Offices? If not, why the Muslim departmental officials should not get the same privilege as Muslim outsiders?

The Honourable Sir Bhupendra Nath Mitra: No. Vacancies in the cadre of Superintendents of Post Offices are filled alternately by the appointment of a selected departmental official who has passed the departmental examination for Superintendent of Post Offices and of a probationary Superintendent who has been recruited direct. Accordingly Muslim departmental officials equally with non-Muslim departmental officials cannot be appointed to posts which are meant for outsiders.

GRANT OF CASUAL AND OTHER KINDS OF LEAVE TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

516. *Mr. Anwar-ul-Azim: Will the Government be pleased to state whether it is a fact (a) that great difficulty is experienced by the staff of the Director-General of Posts and Telegraphs in getting casual and other kinds of leave, (b) that even for a short period of casual leave the official is required to produce a medical certificate, (c) that officials who have not enjoyed even a few days' casual leave in the course of the year have been denied the leave and given leave only on average pay, and (d) that applications for such leave have to be submitted through the office Superintendent? If the replies to (a), (b), (c) and (d) be in the affirmative, why the applications should not be submitted direct to the branch officers concerned?

Mr. H. A. Sams: (a), (b) and (c). No.

(d) Applications for casual leave are not submitted through the Chief Superintendent but only applications for other kinds of leave.

In view of the above replies the last part of the question does not arise.

DIFFICULTY EXPERIENCED BY THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS IN GETTING PERMISSION TO LEAVE THE STATION EVEN ON LEAVE ON MEDICAL CERTIFICATES, ETC.

517. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state whether it is a fact (a) that great difficulty is experienced by the staff of the office of the Director-General of Posts and Telegraphs in getting permission to leave the station even on leave on medical certificate and on gazetted or local holidays, (b) that in all these cases applications have to be submitted through the office Superintendent? If the replies to (a) and (b) be in the affirmative, why such applications should not be submitted direct to the branch officers concerned?

Mr. H. A. Sams: (a) No.

(b) Yes. According to the prescribed office procedure all applications for leave are submitted to the Deputy Director-General through the Chief Superintendent and branch officers concerned. The Chief Superintendent is responsible for the proper distribution of staff for work and for office discipline.

FILLING UP OF VACANCIES IN THE "A" CADRE OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

518. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state, (a) how many vacancies occurred in the "A" cadre in the office of the Director-General of Posts and Telegraphs since October, 1926 up to date, (b) how many of them have been offered to Hindus, how many to Muslims and how many to others, giving the names, the dates of holding such appointments and the academical qualifications of each against their names, and (c) whether in filling up those vacancies the policy of the Government that 33 per cent. of the vacancies should go to Muslims was adhered to? If the answer to (c) be in the negative, why so?

Mr. H. A. Sams: (a) 10.

(b) A statement giving the information required is being supplied to the Honourable Member.

(c) The Honourable Member's attention is drawn to the reply given to his starred question No. 352 on the 7th March, 1928. The last part of the question does not arise.

FILLING UP OF VACANCIES IN THE "A" CADRE OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

519. ***Mr. Anwar-ul-Azim:** Is it a fact that (a) between November and December, 1926, three vacancies in the "A" cadre in the office of the Director-General of Posts and Telegraphs were filled up by Hindus disregarding the claims of a Muslim graduate who was then a temporary clerk in the office, (b) that three vacancies between June and November

1927 occurred in the same cadre which were also given to Hindus overriding the claims of permanent Muslim graduates in the " B " cadre who were recommended for promotion by their respective branch officers?

Mr. H. A. Sams: (a) Yes, the particular Muslim graduate referred to was appointed to a vacancy in the B class as he was not considered at the time to have had enough experience for the A cadre to which he has subsequently been promoted.

(b) The facts are not as stated by the Honourable Member. Out of the 3 vacancies referred to one was given to a Hindu and 2 were absorbed.

FILLING UP OF VACANCIES IN THE " A " CADRE OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

520. ***Mr. Anwar-ul-Azim:** Is it a fact (a) that the office Superintendent of the office of the Director-General of Posts and Telegraphs puts up the list of candidates for promotion to or confirmation in " A " cadre to the senior Deputy Director-General of Posts and Telegraphs, (b) that up till now he has not given a favourable note for a Muslim candidate?

Mr. H. A. Sams: (a) Yes

(b) No.

OFFICIATING ARRANGEMENTS IN THE " A " CADRE OF CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

521. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state (a) under what circumstances officiating arrangements in the " A " cadre are made in the office of the Director-General of Posts and Telegraphs; (b) whether permanent " B " class clerks and leave reserves who also hold permanent appointments in the " B " cadre are entitled to hold such officiating appointments or only the temporary clerks who have no status in the office?

Mr. H. A. Sams: (a) Officiating arrangements in the " A " cadre of clerks now designated "Upper Division" are made when vacancies are caused by permanent incumbents going on deputation or leave on medical certificate after the leave reserve is exhausted.

(b) No one is entitled to officiate in a vacancy. The most suitable candidate is appointed.

OFFICIATING ARRANGEMENTS IN THE " A " CADRE OF CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS SINCE 1924 UP TO DATE.

522. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state (a) how many officiating arrangements have been made in the office of the Director-General of Posts and Telegraphs since 1924 up to date in the " A " cadre, (b) how many of them have been offered to Hindus, how many to Muslims and how many to others, showing the period of such officiating appointments enjoyed by each clerk with his name and status in the office?

Mr. H. A. Sams: The information is being compiled and will be communicated to the Honourable Member in due course.

OFFICIATING ARRANGEMENTS IN THE " A " CADRE OF CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS SINCE 1924 UP TO DATE.

523. ***Mr. Anwar-ul-Azim**: Is it a fact (a) that since 1924 up to date or during the period for which records are available most of the temporary Hindu clerks of the office of the Director-General of Posts and Telegraphs who were subsequently made permanent in the " A " cadre enjoyed officiating appointments in that cadre throughout before being made permanent in that cadre, (b) that not a single Muslim up to date with the same academical qualifications as the Hindu clerks had the good fortune to enjoy this privilege, (c) that some Hindu clerks are still enjoying officiating appointments in the " A " cadre continuously since they have been entertained in the office as temporary hands?

Mr. H. A. Sams: The information is being compiled and will be communicated to the Honourable Member in due course.

COMPLAINTS AGAINST THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS OF ABUSE OF HIS POWERS.

524. ***Mr. Anwar-ul-Azim**: Is it a fact (a) that under the orders of the senior Deputy Director-General of Posts and Telegraphs applications for leave, permission to leave station, and promotion have to be submitted by the staff through the Chief Superintendent, (b) that complaints have been received by the Director-General, either anonymous or otherwise, against the Chief Superintendent of having abused his powers? If the replies to (a) and (b) be in the affirmative, why the Superintendent should not be deprived of all his powers and privileges and the powers vested in branch officers?

Mr. H. A. Sams: The answer to (a) is in the affirmative and to (b) is in the negative. The Chief Superintendent is responsible for the work and discipline of the staff and it is essential that all such applications should come through him. He is not however the sanctioning authority in respect of leave and promotion.

SONS AND RELATIVES OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS EMPLOYED IN THAT OFFICE.

525. ***Mr. Anwar-ul-Azim**: Will the Government be pleased to state how many sons and relatives of the present office Superintendent of the office of the Director-General of Posts and Telegraphs are employed in that office giving their names, the nature of their relationship to the Superintendent and the nature of the appointments they hold in the office?

Mr. H. A. Sams: Three, *viz.*, his son and two relatives (sons of sisters in-law). The former is Mr. B. C. Ghosh, a clerk in the Lower Division, and the latter are (1) Mr. S. N. Sen, B.Sc., an assistant in the Upper Division, and (2) Mr. S. K. Roy, a temporary clerk on Rs. 80 per mensem.

TOTAL STRENGTH OF THE MINISTERIAL STAFF IN THE OFFICE OF THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

526. ***Mr. Anwar-ul-Azim:** Will the Government be pleased to state:

- (a) what the total strength of the ministerial staff is in the office of the Audit Officer, Indian Stores Department,
- (b) how many of the ministerial staff are Hindus, how many Muhammadans, how many Sikhs and how many Christians,
- (c) the total strength of the ministerial staff as it was in each of the years 1925, 1926 and 1927,
- (d) the number of Muhammadans in the ministerial staff in December 1923, and what it was in December 1927,
- (e) how many additional appointments were created during the last 3 years and how many Muhammadans were taken in them? If none, why?

INADEQUATE REPRESENTATION OF MUHAMMADANS IN THE OFFICE OF THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

527. ***Mr. Anwar-ul-Azim:** (a) Will the Government be pleased to state what the number of Bengali Hindus is in the ministerial staff of the office of the Audit Officer, Indian Stores Department?

(b) Is it a fact that Bengali Hindus form 85 per cent. of the total staff in that office and if so, why?

(c) Is it a fact that most of the men employed in that office are relatives of the Audit Officer or those of his friends?

(d) Are Government aware that no Muhammadan accountant, clerk or typist has ever been taken in that office from the date of its creation although half a dozen new appointments were created in the past for that office every year?

(e) Are Government aware that out of 85 men there is only one Muhammadan in the ministerial staff of that office?

(f) Will Government be pleased to state whether newly created posts were advertised in the newspapers so as to give a chance to the members of all communities to apply for appointments? If not, why not?

REPRESENTATION OF MUHAMMADANS IN THE OFFICE OF THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

528. ***Mr. Anwar-ul-Azim:** (a) Are Government aware that the Audit Officer, Indian Stores Department, told one of the high officers that if compelled to recruit minority communities for his office he would take Sikhs and not Muhammadans and Christians?

(b) Are Government aware that some of the clerks engaged in that office did not pass even the Matriculate Examination although they are known in that office as graduates?

(c) Will the Government be pleased to state why no Muhammadan has been appointed during the last few years by the Audit Officer and why no step has so far been taken to check or to set right the wrong done?

NON-RECRUITMENT OF MUHAMMADANS BY THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

529. ***Mr. Anwar-ul-Azim:** (a) Will the Government be pleased to state since how long the Audit Officer, Indian Stores Department, is holding the present appointment and for how long is he likely to hold it? Is there at present no suitable European or Anglo-Indian Audit Officer to replace him?

(b) Are Government aware that the Audit Officer, who is a Bengali Hindu, has so far disregarded all Government circulars issued from time to time for the recruitment of Muhammadan candidates and is bent on doing favours to Hindus as well as Sikhs?

The Honourable Sir Basil Blackett: I propose to reply to questions Nos. 526 to 529 together.

Enquiry is being made and information will be supplied to the Honourable Member in due course.

NUMBER OF MUSLIM INSPECTORS IN THE DELHI POST OFFICE.

530. ***Mr. Anwar-ul-Azim:** (a) Will the Government be pleased to state the number of Muslim Inspectors in the Delhi Post Office?

(b) Is it a fact that an official named Durga Charan of Delhi, who was once prosecuted in a loss case at Rawalpindi Post Office and was let off on account of some legal flaws, was appointed Town Inspector, Delhi? If it is so, why?

(c) How many times the present Town Inspectors of the Delhi Post Office went on leave for more than a month during the last 6 years and how many Muslims and Hindus were trained in their places?

Mr. H. A. Sams: (a) There is no Muslim Inspector at present in the Delhi Post Office.

(b) Babu Durga Charan of Delhi was prosecuted in the year 1920 and was acquitted. He was appointed by the Postmaster-General, Punjab, to act as Town Inspector, Delhi, in the year 1921 and was subsequently made permanent in 1924. Government do not propose to inquire into this appointment which took place some years ago, as they have no reason to believe that the appointing officer did not satisfy himself about the fitness of the official from all points of view before making him a permanent Inspector.

(c) Only one Inspector went on leave during the last 6 years and a Muslim clerk was appointed to act for him. I may inform the Honourable Member that clerks are not ordered to act as Town Inspectors for purposes of training.

TRAINING OF INDIANS FOR EMPLOYMENT IN THE DEPARTMENT OF CIVIL AVIATION.

531. ***Dr. B. S. Moonje:** (a) Will the Government be pleased to state if it is the policy of the Government to man the Department of Civil Aviation with Indians only trained beforehand as need may arise in England or elsewhere for expert service?

(b) If so, is it intended to make provision for scholarships for training 10 Indians only in England for expert service spread over seven years in the manner described in 522 and 523 of the proceedings of the meeting

of the Standing Finance Committee, 26th January, 1928 (afternoon), Vol. VII, No. 10, to supply the needs of the rapidly growing department of Civil Aviation?

The Honourable Sir Bhupendra Nath Mitra: (a) The Honourable Member will realise from the scheme of scholarships which was recently approved by this House that it is the intention of Government to train Indians for employment in the Department of Civil Aviation. No assurance can, however, be given at present that only Indians will be so employed; in fact, with the approval of this House, provision has been made in the Budget for 1928-29 for the attachment of a Royal Engineer Officer to the staff of the Director of Civil Aviation for a period of 2 years, and for the appointment of a British Aircraft and Engine Inspector on a short term contract.

(b) So far as can be seen at present the output of trained men which the scholarship scheme will provide will meet the anticipated requirements of the Department of Civil Aviation. If unforeseen developments occur it may be necessary to expand the scheme at a future date.

Dr. B. S. Moonje: Do Government propose to establish any kind of institution for the training of Indians as pilots in India?

The Honourable Sir Bhupendra Nath Mitra: No, Sir. Government have no intention at present of starting any institution in India for that purpose.

Munshi Iswar Saran: What is the duration of "at present", may I know?

The Honourable Sir Bhupendra Nath Mitra: I am not a prophet, Sir.

Sir Walter Willson: May I, Sir, put question No. 532, standing in the name of Sir Darcy Lindsay?

Mr. President: Has the Honourable Member been authorised to put that question?

Sir Walter Willson: Yes, Sir.

CAPITAL OUTLAY ON RAILWAY COLLIERIES.

532. ***Sir Walter Willson** (on behalf of Sir Darcy Lindsay): (a) Will Government state what proportion of Capital outlay on Railway Company and State collieries applies to purchase of properties and cost of railway line to colliery as against development and equipment?

(b) Does the item "working expenses" as given in Appendix B, pages 182-183 of the Report of the Railway Board, 1926-27, include overhead charges such as cost of headquarter staff, local supervision, insurance, replacements and similar charges?

(c) What provision, if any, is made for general depreciation?

(d) Are Government again prepared to consider the importance of maintaining a system of commercial accounting in connection with these collieries as was strongly recommended by Sir Arthur Dickinson?

(e) Is it a fact that raisings are at present being reduced as coal can be purchased in the open market at rates more favourable than the costing to certain of the Railway Collieries?

(f) Do Government contemplate leasing or disposing of any of the collieries to private enterprise?

(g) Is the present policy of the Railway Board to restrict the further development of the Railway Collieries?

Mr. A. A. L. Parsons: (a) I am seeing if I can obtain the information for the Honourable Member.

(b) I am sending the Honourable Member a statement showing the main items of working expenses in the accounts of the East Indian Railway collieries and of the Great Indian Peninsula Railway colliery at Kargali.

(c) A sinking fund is utilised for the eventual extinguishment of the capital cost of the collieries when the mines are completely worked out. As the colliery contributes towards the reserve for this sinking fund, there is no necessity for an additional depreciation fund. The charge in this connection is debitable to the working account at the rate of 0.3-0 per ton on the gross output in the case of Kurhurbarees, Serampore and Kargali Collieries and 0.1-6 per ton in the case of Bokaro Joint Colliery.

(d) The system of colliery accounting as recommended by Sir Arthur Dickinson is now under consideration.

(e) The position is as stated in paragraph 33 of the Explanatory Memorandum on the Railway Budget.

(f) No.

(g) Our present intentions were disclosed in the paragraph of the Memorandum on the Railway Budget which I have already mentioned.

COMPLAINTS AGAINST THE GENERAL TONE OF THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, DELHI.

533. ***Sir Hari Singh Gur:** (1) (a) Has the attention of the Government been drawn to a leading note and an article from a correspondent published in the *Hindustan Times*, dated the 15th November, 1927, making serious complaints against the general tone of the Lady Hardinge Medical College Hospital for women and children, in Delhi?

(b) If so, what action has been taken on them; if not, why not?

(2) (a) Are the Government aware that there have been numerous complaints contained in the interpellations by several Honourable Members of this House against the management of this Institution, during the last five years?

(b) Will the Government be pleased to state how many Principals have there been since the establishment of the College, and is it a fact that no similar complaints were made during the incumbency of other Principals, but that the complaints have been repeated only during the incumbency of the present Principal?

(3) Will the Government be pleased to place on the table a copy of the replies to my questions Nos. 977, 978, 981-983, 984, dated the 13th September, 1927?

Mr. G. S. Bajpai: (1) (a) Government have seen the statements referred to by the Honourable Member.

(b) The matter was referred to the Governing Body of the Lady Hardinge Medical College for report and it has been ascertained from the Honorary Secretary that the allegations made in the communications which the Honourable Member has mentioned have no foundation.

(2) (a) Government are aware that numerous interpellations have been asked by Honourable Members in the past, but such interpellations have dealt with several matters, such as the composition of the Governing Body, the representation of Indians on the staff, etc., and not solely or mainly with the internal management of the institution.

(b) There have been only two permanent Principals since the establishment of the College, though several persons have acted in short vacancies. Government are not in a position to state whether complaints against the internal management of the College were not made during the period of administration of other Principals. To answer this part of the question accurately, researches will have to be made into the papers in the possession of Government, the Governing Body of the Lady Hardinge Medical College and the College Staff which could not be commensurate with the importance of any results that may accrue from such investigation. If the Honourable Member wishes to draw attention to any specific matters, it is suggested that he should address the Governing Body of the Lady Hardinge Medical College direct or send the communication to Government who will be glad to pass it on to the Governing Body.

(3) Yes.

Information supplied to Sir Hari Singh Gour in connection with his questions Nos. 977, 978, 981, 982 and 984, dated the 13th September, 1927.

Question No. 977.—(a) Since 1924 seven permanent posts on the superior staff of the College have become vacant. Six of those posts have been filled by officers of the Women's Medical Service, two of whom are Indians and four Europeans. One of the latter is a graduate of the College itself. The post of Professor of Physiology is still vacant. Professorships on the staff are filled by members of the Women's Medical Service as that involves a saving to the College—only the professional allowances being payable by the College, the salaries being paid by the Countess of Dufferin's Fund. I would add that Government gave no undertaking, as suggested by the Honourable Member, but stated the policy of the Governing Body of the College who make appointments to the staff.

(b) I have already explained that professorships are generally filled by officers of the Women's Medical Service, for reasons of economy. The post of Professor of Physiology was advertised by the Countess of Dufferin's Fund as there was no sufficiently qualified physiologist on the cadre of the Women's Medical Service. No suitable candidate has yet applied for the vacancy.

(c) Yes. The post has been advertised both in India and in England. No Indian lady has so far applied but if one with requisite qualifications does apply, the Governing Body will give her preference.

Question No. 978.—(a) Yes.

(b) Yes. But charges are made only from patients in cottage wards and in what are designated European cubicles or wards which are used by persons living in the European style. Charges are levied from patients in outpatients Department only for special consultation undertaken at the request of either the patients themselves or of their male relations.

The charges for surgical operations are :—

(1) *Cottage Wards.*

- Rs. 5 if the family income is below Rs. 200.
- Rs. 10 if the family income is from Rs. 200 to Rs. 399.
- Rs. 25 if the family income is from 400 to Rs. 599.
- Rs. 50 if the family income is from Rs. 600 to Rs. 699.
- Rs. 75 if the family income is from Rs. 700 to Rs. 799.
- Rs. 100 if the family income is from Rs. 800 to Rs. 1,499.
- Rs. 200 if the family income is from Rs. 1,500 or more.

(2) *"European" Wards.*

- Rs. 30 if the family income is below Rs. 400.
- Rs. 40 if the family income is from Rs. 400 to Rs. 499.
- Rs. 50 if the family income is from Rs. 500 to Rs. 599.
- Rs. 75 if the family income is from Rs. 600 to Rs. 699.
- Rs. 100 if the family income is from Rs. 700 to Rs. 999.
- Rs. 150 if the family income is from Rs. 1,000 to Rs. 1,499.
- Rs. 200 if the family income is from Rs. 1,500 or more.

No changes are made in the general wards and purdah cubicles where 200 beds are available for entirely free treatment.

(c) The relations of patients admitted to the Hospital are permitted to occupy serai quarters at a charge of four annas a day per quarter. No one has a right to occupy quarters in the serai free of charge.

(d) The Institution was founded by contributions made by both Indian princes and the Indian people to provide for the training in medicine of Indian women.

(e) In March 1923, Kanwar Maharaj Singh, C.I.E., was a member of the Governing Body and its Honorary Secretary at the time.

(f) The matter is the concern of the Governing Body who can revise the rules if they consider it necessary.

Question No. 981.—(a) The number of ladies who have graduated from the College since its institution is 40. The graduates of the College are given preference in making appointments to posts of House Surgeons and Assistants to Professors in the College.

(b) and (c). The following scale of pay has been fixed :—

Assistants to Professors—Rs. 250—20—350 with free furnished quarters.

House Surgeons—Rs. 200 with annual increments of Rs. 15 and free furnished quarters. The maximum of the scale has not yet been fixed.

Question No. 982.—(a) and (b). So far as Government are aware the Countess of Dufferin's Fund give the same scale of pay to graduates of the Lady Hardinge Medical College as to outsiders. The scale of pay in the services maintained by the Fund is as follows :—

Women's Medical Service (Senior Branch).

	Rs.
1—3 years	450
4—6 „	500
7—9 „	550
10—12 „	600
13—15 „	650
16—18 „	700
19—21 „	750
22—24 „	800
24 years and after	850

In addition overseas allowances at the rate of Rs. 100 or Rs. 150 according to length of service are given to officers possessing British or other overseas qualifications.

Junior Women's Medical Service.

	Ra.
4th grade 1—5 years	130
3rd grade 6—10	165
2nd grade 11—15	200
1st grade 16 years	250

(c) About 20 to 25 applications for admission to the Lady Hardinge Medical College are rejected every year for the following reasons:—

- (1) Lack of necessary educational qualifications.
- (2) Receipt of applications after every possible vacancy has been filled.

Question No. 984.—(c) Since the foundation of the Lady Hardinge Medical College 40 graduates in all have qualified from that institution. Of these 14 are employed in various Dufferin Hospitals, 4 in the Women's Medical Service and its Training Reserve, 5 in the College itself and 7 in Government or Indian State Hospitals; 2 graduates have gone abroad presumably for purposes of study, 5 are in private practice; 1 is married, 1 is dead and the whereabouts of 1 are not known.

ELIGIBILITY FOR PROMOTION OF UNQUALIFIED PERMANENT CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ITS ATTACHED OFFICES.

534. ***Sir Hari Singh Gour:** With reference to the reply of the Government to my question No. 1079 (d), dated the 19th September 1927, promising to consider the question of the eligibility for promotion of unqualified permanent clerks in the Government of India Secretariat and its attached offices, will the Government be pleased to state whether any decision has been come to; if so, to what effect; and if not, when is it likely to decide this question?

The Honourable Mr. J. Orerar: The question is being considered in connection with certain recommendations made by a Departmental Conference convened by the Government of India to consider the general question of recruitment to the ministerial establishments. A decision is likely to be arrived at within the next few months.

GRANT OF CONVEYANCE ALLOWANCE TO CLERKS OF THE IMPERIAL SECRETARIAT AND ATTACHED OFFICES LIVING OUTSIDE NEW DELHI.

535. ***Sir Hari Singh Gour:** (a) Are the Government aware that a large percentage of clerks employed in the Imperial Secretariat and its attached offices have to live in Old Delhi as no accommodation is available for them in New Delhi, and as accommodation for clerks as for other officers in New Delhi is underbuilt?

(b) Are the Government aware that these clerks have to travel long distances to attend their offices in New Delhi, and that when the Secretariat was located in Old Delhi they were conveyed in motor lorries or given conveyance allowance to attend their offices?

(c) Is it a fact that clerks residing at Moree Gate, Subzimandi, Kashmir Gate, etc., a distance of about 4 miles, are not given any such facilities which are limited only to those residing in other localities within the Notified Area?

The Honourable Mr. J. Crerar: (a) About 44 per cent. of clerks have not been provided with Government quarters in New Delhi. Some of them, however, live in New Delhi either in private houses or by arrangement with other clerks in Government quarters. The rest are scattered in the Notified Area, city, Paharganj, etc.

(c) and (d). Conveyance allowance is granted only to those clerks who having applied for but not been provided with Government quarters in New Delhi live in the Notified Area and have to attend office in New Delhi. In areas such as Paharganj, Sabzimandi and in the city generally which are within comparatively easy reach of the new Secretariat suitable accommodation is available and Government do not feel justified in granting similar concession to clerks living there. I would add that some of the clerks live in the city by choice. Conveyance allowance is not ordinarily granted to officers to attend office.

536. ***Pandit Hirday Nath Kunzru:** (a) Are Government aware that section 8 (2) of the Cantonments (House Accommodation) Act lays down that the Officer Commanding a district should not issue a notice for the appropriation of houses under section 7 (2) of the Act if a sufficient number of suitable houses are already available for occupation by military officers or messes?

(c) Are Government aware that a notice has been issued for the appropriation of Bungalow No. 2, Roos Keppel Lane, Peshawar, which has always been let and leased to military officers since it was built and is even now available for their residence? Are they aware that a similar notice has been issued in respect of Bungalow No. 2, Campbell Road?

(e) Are Government aware that although questions relating to the rent and repairs of the houses have not been settled yet by a Committee of Arbitration, the Deputy Commissioner, Peshawar, has authorised the military authorities to take forcible possession of one of the houses?

(f) What action do Government propose to take in the matter and generally to protect the rights of house-owners in the Peshawar Cantonments?

Mr. G. M. Young: I have already informed the House that an officer is being deputed to enquire into the conditions of house accommodation for military officers in Peshawar. The officer is at the moment conducting his enquiries in Peshawar and has taken a copy of this question with him. When I receive his report, I will give the Honourable Member a full reply.

Pandit Hirday Nath Kunzru: May I ask the Honourable Member, Sir, whether the acquisition of the houses in question would be stopped pending the report of the special officer?

Mr. G. M. Young: No application to that effect has been made.

Pandit Hirday Nath Kunzru: The Honourable Member was not very audible but I am afraid he has not understood my question. I want to know whether the acquisition of the houses mentioned in the question will be stopped pending the receipt of the report of the special officer.

Mr. G. M. Young: Until I receive the report of the special officer, I shall not be in possession of the facts.

Pandit Hirday Nath Kunzru: In the meanwhile, will the acquisition of the houses be stopped? I am not asking the Honourable Member what action Government will take on the report of the special officer.

Mr. G. M. Young: How can I say, when I do not even know that acquisition is going on?

Pandit Hirday Nath Kunzru: I have not been able to hear the Honourable Member, Sir. May I request you to ask the Honourable Member to repeat his answer?

Mr. President: Mr. G. M. Young.

Mr. G. M. Young: What I said was, how can I inform the Honourable Member whether acquisition will be stopped when I do not know whether it is going on? I have not received the report of the special officer.

Mr. K. Ahmed: Will the Honourable Member kindly take immediate steps to expedite his inquiry and call for the report at once?

Pandit Hirday Nath Kunzru: Did not the Honourable Member, after receipt of this question, inquire whether the houses in question are being acquired or not?

Mr. G. M. Young: Full inquiry in regard to this matter is being made by the officer, who is in Peshawar to-day.

Pandit Hirday Nath Kunzru: What about the houses that are being acquired now? The special officer might give relief to the owners of the houses in the Peshawar Cantonments in the future, but what about those houses that are being acquired now?

Mr. G. M. Young: I shall hear all about that when the special officer sends in the report which he is writing to-day.

Pandit Hirday Nath Kunzru: Will the Government be prepared to give this report retrospective effect?

Mr. G. M. Young: I cannot say anything until I have seen the report and know what the effect is going to be.

Mr. President: Mr. Kikabhai Premchand.

The Revd. J. C. Chatterjee: May I have your permission, Sir, to put the question on his behalf?

- **Mr. President:** Have you his written authority to do so?

The Revd. J. C. Chatterjee: Yes, Sir.

PUBLICATION OF BAD DEBTS IN THE BALANCE SHEETS OF BANKS.

537. ***The Revd. J. C. Chatterjee** (on behalf of Mr. Kikabhai Premchand): 1. With reference to the Gazette of India, Extraordinary, dated March 29th, 1927, on the subject of the publication of bad debts for which provision has been made in the balance sheets of banks, will the Government be pleased to state:

(a) whether that notification was in response to a petition signed by certain Indian banks, and

(b) the reasons which prompted the Government to amend in this manner the legislation passed after the banking crisis of 1913?

2. Will the Government be pleased also to state if they contemplate conferring the right to put questions in this matter on a reasonable minority of shareholders and, if so, will they specify the directions in which further amending legislation is under consideration?

The Honourable Sir George Rainy: The attention of the Honourable Member is invited to the press communiqué issued by the Government of India on the 29th March, 1927, a copy of which is being sent to him.

As regards the second part of the question, the Government of India do not contemplate taking action of the nature suggested.

†538—541.

ARRANGEMENTS MADE FOR THE RECEPTION AND SETTLEMENT OF INDIAN EMIGRANTS RETURNING FROM SOUTH AFRICA.

542. ***Rao Bahadur M. C. Rajah:** (a) Will the Government be pleased to state if they have appointed a Special Officer in Madras, to look after the repatriated Indians? If the answer is in the affirmative, when? What are his duties? What is his pay?

(b) Is it not a fact that the Honourable Sir Muhammad Habibulla gave a promise to the South African Government that lands will be reserved for the repatriated Indians?

(c) If so, what is the extent of the lands reserved in the Madras Presidency? And how much of it has been already assigned to them?

(d) Is it a fact that lands reserved for the depressed classes in the Madras Presidency have been assigned to the repatriated Indians?

† For these questions and their answers, see pages 1953—1954 of these proceedings.

(e) Are the Government prepared to call for a report from this Special Officer, Madras, as to what he has done so far, and also a fortnightly report showing what he has done to justify his appointment?

Mr. G. S. Bajpai: (a) With the approval of the Government of India, the Government of Madras have appointed a Special Officer to meet Indians who may return to India from South Africa and to help them to find suitable employment. The appointment was made with effect from the 1st August, 1927, and is held by an officer of the Madras Provincial Executive Service who receives ordinary grade pay as a Deputy Collector *plus* a Presidency allowance of Rs. 100 a month.

(b) No.

(c) and (d). Government have no information but will make enquiries.

(e) A report has been called for from the Local Government regarding the work which they have done for returning emigrants from South Africa but this has not yet been received. Reports are received from the Government of Madras in regard to each batch of emigrants when they come in.

ESTATE OF MIRZA SURAIYAJAH, A MEMBER OF THE EX-ROYAL FAMILY OF DELHI.

543. ***Mr. Ismail Khan:** 1. Is it a fact that Mirza Suraiyajah, a member of the ex-Royal Family of Delhi, was in receipt of a political pension in addition to a compensatory pension and a *jagir*? If so, will the Government be pleased to furnish the total amount of these pensions together with the income of the *jagir* conferred upon him?

2. (a) Is it a fact that after the death of the aforesaid Shahzadah, his son was asked to establish his claim to succeed his father in a Civil Court and in the meanwhile his *jagir* was put under the Court of Wards?

(b) Is it a fact that his son obtained a decree of a competent Civil Court in his favour but died before he could execute it?

(c) Did the Court of Wards release his estate and make over the pension to his heirs after the Civil Court had decreed his claim? If not, why not?

(d) Is it a fact that after the death of the father, the daughter applied to the Honourable the Chief Commissioner of Delhi for being recognised as the head of the family and if so, was this application granted?

(e) Is it true that she is the only heir in the direct line of the late Shahzadah Suraiyajah?

(f) Are the Government aware that the Court of Wards have neither released the estate nor paid her mother's dower debt?

(g) Is it a fact that the Honourable the Chief Commissioner refused to forward her memorial to His Excellency the Viceroy?

(h) What action do the Government intend to take in this matter?

Sir Denys Bray: Enquiries are being made and I shall let the Honourable Member have the information as soon as it is complete.

FREIGHT ON LIME AND LIMESTONE ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

544. ***Mr. Ismail Khan:** (a) Is it a fact that freight on lime and limestone was increased during the war on the Oudh and Rohilkhand Railway?

(b) Are the Government aware that Dehra Dun is a centre for the lime industry and exports a very large quantity annually?

(c) Is it a fact that the Railway Department had stated that the freight would be reduced to pre-war rates after the war? If so, have they given effect to this declaration?

(d) Are the Government aware that for last six years the Dehra Dun lime merchants have been unable to compete with the merchants of Sutna and Katni and Mahayar as freight rates from these places are much lower?

Mr. A. A. L. Parsons: (a) Yes.

(b) Yes.

(c) The answer to the first part of the question is in the negative. The second does not arise.

(d) Government have no information but will forward a copy of the Honourable Member's question to the Agent of the East Indian Railway.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONERS, WITH ANSWERS THERE-TO

TOTAL COLLECTION OF CUSTOMS DUTY AT THE VIRAMGAM CUSTOM LINE.

503. ***Sir Purshotamdas Thakurdas:** Will Government be pleased to place on the table a statement giving the total collections of customs duty at the Viramgam Custom Line since that duty was reimposed last year, up to such latest date as Government may have figures for, showing the total amount of revenue due from imports from each Port during the period, indicating—

(1) the amount of cash collected, and

(2) the amount outstanding, if any?

The Honourable Sir Basil Blackett: (1) The total amount of cash collected from the reimposition of the line in July 1927 to the end of that year was Rs. 15,801.

(2) The total amount of duty outstanding as recoverable from certain of the States in respect of imports during the same period was Rs. 21,24,340.

The Government of India regret that they are not in a position to supply figures for each of the Kathiawar ports.

CONDITION OF INDIANS IN BRITISH GUIANA.

504. ***Sir Purshotamdas Thakurdas:** Will Government be pleased to state what information they have regarding the condition of Indians in British Guiana as affected by the latest developments in British Guiana.

and will Government be pleased to make a statement to the House in connection with this threat to the rights of Indians as citizens in British Guiana?

Mr. G. S. Bajpai: The Honourable Member's attention is invited to the answer given by me to Pandit Hirday Nath Kunzru's question No. 146 and the connected supplementaries asked on the 6th February, 1928. The only subsequent development of which Government are aware is the report in the Press that a Bill has been introduced in the House of Commons empowering His Majesty's Government to alter the constitution of British Guiana by Order in Council. The Government of India propose to consult in the matter the Standing Emigration Committee of the Indian Legislature at an early date.

EDUCATION OF ILLITERATE SOLDIERS AND OFFICERS IN THE ARMY.

505. ***Mr. Mukhtar Singh:** (a) Will the Government be pleased to state the arrangements for the education of illiterate soldiers and officers who join the Army?

(b) Up to what standard is the education given?

(c) What steps are taken to see that the literacy is continued?

(d) Is there any library kept in the Army from which the soldiers can take books on loan for study?

(e) Are there any rules for the prohibition of literature, *i.e.*, books, periodicals, etc., being brought into the Army? If so, will the Government be pleased to state the rules made for this purpose and further state how these rules are enforced?

Mr. G. M. Young: (a) Education is compulsory in the ranks of the Army and forms an integral part of military training. Illiterate persons cannot join the Army as officers.

(b) The "Special" Certificate Examination, the standard of which may be taken as equivalent to that of the Matriculation Examination.

(c) The military authorities take no steps in this direction, as they are not responsible for a man's education after he has left the Army.

(d) Units are given an educational training grant from which books can be purchased.

(e) There are no such rules. The second part of the question does not arise.

LISTS OF PERIODICALS AND NEWSPAPERS ALLOWED IN THE ARMY.

506. ***Mr. Mukhtar Singh:** (a) Is there any list of periodicals and newspapers issued in the Army stating that only three periodicals and newspapers can be allowed to enter into the Army? If so, will the Government be pleased to state if this rule applies only in the case of British units or only Indian units? If the rule does not apply to the British units, will the Government be pleased to state the reason for this distinction?

(b) Will the Government be pleased to place on the table a copy of the lists of periodicals and newspapers that are allowed in the Army?

(c) Is such a list only advisory and suggestive or are the soldiers and officers prohibited from getting any other periodicals and newspapers not mentioned in the list?

Mr. G. M. Young: (a) The answer to the first part of the question is in the negative. There is no rule preventing the circulation of any newspaper or periodical in the Indian Army.

(b) No, Sir, as there is no newspaper or periodical which is not allowed.

(c) Does not arise.

SUPPLY OF WATER TO PASSENGERS AT BAREILLY JUNCTION, EAST INDIAN RAILWAY, BY THE SEVA SAMITI, BAREILLY.

538. ***Mr. Mukhtar Singh:** (a) Is it a fact that the Seva Samiti, Bareilly, used to supply water to the passengers during the hot weather at the Bareilly East Indian Railway station till 1926?

(b) Is it a fact that the railway authorities were not contributing anything towards the expenditure involved by the said Seva Samiti?

(c) Is it a fact that the expenditure during the season put at a modest estimate was not less than Rs. 500?

(d) Is it a fact that the railway authorities stopped by order the supplying of water to passengers by the said Seva Samiti in 1927 and since then the arrangement is discontinued?

(e) If the answer to question No. (d) is in the affirmative, will the Government be pleased to state the reasons for issuing such an order?

(f) Will the Government be pleased to state the policy of the Government in this behalf?

(g) How many watermen have since been appointed at the Bareilly Junction since the permission has been withheld?

(h) Will the Government be pleased to state if they are willing to consider the advisability of giving permission again to the Seva Samiti to render this service to the passengers?

(i) Are there other stations where the permission of supplying water is given to the Seva Samities? If so, will the Government be pleased to state the conditions under which it is granted?

(j) Have Government issued any circular in this connection so that a uniform practice may be maintained on all the State-managed Railways?

Mr. A. A. L. Parsons: (a) to (e) and (g). Government have no information.

(f) and (h). Government are not prepared to encourage the supply of water at stations by private associations. But since the Honourable Member's questions suggest that the Railway's arrangements for the supply of drinking water at Bareilly may need looking into, I am asking the Agent to see whether any action is necessary.

(i) Permission to supply water at certain stations was allowed to the Seva Samiti in the year 1922, but the Government have no information as to the present position in this regard or as to the conditions attached.

(j) No.

THE NAZUL OFFICE OF THE DELHI PROVINCE.

539. ***Mr. Mukhtar Singh:** (a) Will the Government be pleased to state since when the Nazul Office has been separately established and maintained in the Delhi Province? Will the Government be further pleased to state the circumstances under which the necessity of running a separate office and a department was felt?

(b) Is it a fact that all the responsible posts such as those of the Nazul Officer, Nazul Superintendent, Nazul Tahsildar and Nazul Girdawar are held by Muslims? If the answer be in the affirmative, will the Government be pleased to state its reasons for doing so?

(c) Will the Government be pleased to state the number of patwaris working under the Nazul Officer in Delhi? How many of them are Muslims?

ENCROACHMENT BY THE MUSLIM INHABITANTS ON THE NAZUL LANDS IN DELHI.

540. ***Mr. Mukhtar Singh:** Is it a fact that Nazul lands have been encroached upon in Delhi by the Muslim inhabitants at several places and especially in Kishanganj and no action has so far been taken in the matter? Are the Government prepared to make an enquiry into the matter at an early date and remove this complaint?

HEAD CLERK OF THE NAZUL OFFICE, DELHI.

541. ***Mr. Mukhtar Singh:** (a) Is it a fact that a head clerk was appointed in the Nazul Office, Delhi, in 1926 from outside ignoring all the clerks employed in the Office? If so, will the Government be pleased to state the special qualifications found in this gentleman on account of which he has been so exceptionally treated?

(b) Is it a fact that the said gentleman had no previous experience of the revenue work?

(c) Was this post advertised and applications invited and candidates selected for it? If not, why such a procedure was adopted?

(d) Is it a fact that again in 1928, the said gentleman was promoted to the post of Superintendent of Nazul?

Mr. G. S. Bajpai: With your permission, Sir, I propose to answer questions Nos. 539, 540 and 541 together.

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

UNSTARRED QUESTIONS AND ANSWERS.

GRANT OF A SPECIAL ALLOWANCE IN LIEU OF THE OVERSEAS ALLOWANCE TO INDIAN OFFICERS OF THE SOUTH INDIAN RAILWAY.

440. **Mr. V. V. Jogiah:** Will Government please state:

(a) Whether when the policy of entertaining Indians as officers in the South Indian Railway was laid down the Home Board of Directors of that Railway in 1916 resolved that it was

undesirable that any distinction should be made in the matter of pay between Indians and Europeans who were to be employed in the same grades?

(b) Whether in consequence thereof the Indian officers were placed in the same grades and drew the same scales of pay as European officers and had the same standard of promotion to look forward to?

(c) Whether after overseas allowance was sanctioned in 1920 to European officers, the question of the grant of a similar sum to Indian officers already in service was considered and whether the Board ruled in 1922 that similar special allowances should be sanctioned in the case of such Indian officers?

(d) Whether the Indian officers drew such allowances in consequence thereof even with retrospective effect from 1920—the date from which the overseas allowance was sanctioned to European officers?

(e) Whether on or about February, 1926, the Railway Board in sanctioning the extension to officers in the South Indian Railway of what is generally known as the Lee Concessions specifically ordered that existing incumbents of Asiatic domicile should be allowed to continue to draw the scales of pay that they were drawing?

(f) Whether the concerned officers benefited by these orders?

(g) Whether at that time there were only four such officers and the amount involved is not appreciable?

(h) Whether similar allowances have not already been allowed in the case of such officers in other Railway systems? and

(i) Whether the Railway Board intend to sanction the allowances to the four officers?

Mr. A. A. L. Parsons: (a) and (b). Government have not been able to identify the resolution to which the Honourable Member alludes, but at the time of the introduction of overseas allowance in 1920, there was no distinction between Indian and European officers employed in the same grade.

(c) When overseas allowance was introduced in 1920, the Board of Directors of the South Indian Railway decided that Indian officers then in employ should not be given overseas allowance but should be given a special allowance equivalent to overseas allowance which would cease on promotion to a higher grade.

(d) Government understand that this was the case.

(e) Yes. This, however, did not override the condition that the special allowance, which had been granted to Indian officers in employ when overseas allowance was introduced would cease on promotion to a higher grade.

(f) Government have no reason to believe that the decision has not been correctly applied by the South Indian Railway Administration.

(g) Government are not aware of the actual number of officers who were granted the special allowance when overseas allowance was introduced in 1920.

(h) The Honourable Member is referred to replies given on the 2nd February, 1927, to Mr S. Shesha Iyengar's questions Nos. 254 and 255 in which the position was fully explained.

(i) Government cannot intervene.

REMOVAL OF THE IMPORT DUTY ON SULPHATE OF COPPER.

441. **Sir Walter Willson:** (a) Will Government please state whether it is a fact that almost the whole of the sulphate of copper imported into India is used for spraying rubber trees?

(b) If the answer is in the affirmative, have they considered the advisability of transferring sulphate of copper to the list of free imports? If not, are they prepared to do so?

The Honourable Sir George Rainy: Government are not in a position to state whether almost the whole of the sulphate of copper imported into India is used for spraying rubber trees. The question of removing the import duty on this article will be considered on the receipt of the Report of the Royal Commission on Agriculture which is examining the general question of tariff concessions in aid of agriculture.

PAY AND PROSPECTS OF THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

442. **Mr. N. M. Joshi:** (a) Will the Government be pleased to state if they received a memorial dated 10th August, 1925, from the clerical staff of the Government of India Press, Delhi, regarding their low pay and prospects and, if so, what action was taken thereon to redress the grievances set forth in the memorial?

(b) Is it a fact that a reorganisation of the establishment of the Government of India Press, Delhi, was sanctioned by the Government in March or April 1927, and, if so, will the Government be pleased to state if any action was taken to ameliorate the conditions of service of the clerical staff?

(c) Is it a fact that before the revision the upper scale in that Press was Rs. 44—3—110, but in the reorganisation it was changed to Rs. 60—3—105? If so, will the Government be pleased to state in what manner the long service clerks drawing over Rs. 60 per mensem have been benefited and also state the reason for reducing the maximum of the scale?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. The memorial was considered and the pay of the clerical staff was revised.

(b) The answer to both parts is in the affirmative.

(c) The answer in the affirmative. The prospects of the men drawing over Rs. 60 p.m. in the scale of Rs. 44—3—110 were improved by the increase in the number of higher clerical posts. The rates of pay were fixed with reference to the nature of work and local conditions.

APPLICATION OF THE SCALES OF PAY OF THE STAFF IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA, TO THE STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

443. **Mr. N. M. Joshi:** (a) Is it a fact that up to March, 1923, the Government of India Press, Delhi, was a branch of the Calcutta Press and

that the clerical scales in both the Presses were one and the same? If so, will the Government be pleased to state why better scales of pay were introduced in the Calcutta Press in 1925 and why these scales were not applied to the Delhi Press staff?

(b) Is it a fact that in the general reorganisation of the Government of India Presses in 1920 the clerical scales for both the Delhi and Calcutta Presses were equal? If so, why has differential treatment been accorded to the Delhi staff in the latest revision?

(c) Is it a fact that in the Calcutta Press revision in 1925 the initial pay of the clerical staff was fixed after taking into account past service or 40 per cent. increase of pay, whichever was less? If so, why was not the same procedure adopted in the case of the Delhi Press clerical staff?

(d) Is it a fact that the pay of the industrial staff such as Section Holders, Readers, etc., and the piece rates for operatives are equal in both the Calcutta and Delhi Presses? If so, what is the reason for differentiating in the pay of the clerical staff in the two Presses?

(e) Will the Government be pleased to state why the scale of pay of the General Foreman was reduced from Rs. 200—10—300 to Rs. 175—10—225 and the charge allowance attached to the post of Head Reader withdrawn?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Revised scales of pay were sanctioned for the Calcutta Press to suit local conditions but were not extended to the Delhi Press as the conditions there are different.

(b) The answer to the first part is in the affirmative. As regards the second part the Honourable Member is referred to the reply given to part (a) above.

(c) Yes. The reply to the second part is the same as that to the second part of (b) above.

(d) The pay of some of the industrial staff and the piece rates are the same in the Calcutta and Delhi Presses. Strictly speaking, the Delhi rates in these cases should be somewhat lower than the Calcutta rates and the point will be kept in view in connection with any future revisions of these rates.

(e) The scale of pay of the General Foreman was reduced on account of the decrease in his duties and responsibilities due to the creation of a new post of Assistant Manager. The incumbent of the post was however given a personal pay to safeguard him from any loss. The charge allowance of the Head Reader has not so far been withdrawn from the present incumbent of the post but will be withdrawn when the post falls vacant, as it is considered that the rate of pay sanctioned for the post is adequate for the duties and responsibilities attaching to it.

SLAUGHTER OF COWS AND BULLOCKS FOR MILITARY REQUIREMENTS.

444. **Mr. Siddheswar Sinha:** Will the Government be pleased to state the number of (1) oxen, (2) cows, (3) buffaloes, (4) calves slaughtered for military food during the last three financial years?

Mr. G. M. Young: Approximately 63,750 cows and 25,500 bullocks are killed every year for military requirements. As has often been explained before, no calves and no buffaloes are slaughtered in military butcheries.

RESOLUTION OF THE ASSEMBLY REGARDING THE BACKWARD TRACTS OF BIHAR AND ORISSA.

445. **Mr. Siddheswar Sinha:** Will the Government be pleased to state reasons for not giving effect to the Resolution passed by the Legislative Assembly last year regarding the backward tracts of Bihar and Orissa?

The Honourable Mr. J. Crear: The Honourable Member is referred to the reply which was given by Sir Alexander Muddiman to his starred question No. 885 on the 12th March, 1927.

COMPLAINT AGAINST SURVEY OF INDIA PARTIES IN BIHAR AND ORISSA.

446. **Mr. Siddheswar Sinha:** (a) Have the Government received any complaints that men sent out in certain districts of Bihar and Orissa by the Survey of India Department are unnecessarily harassing people? If the reply be in the affirmative, will the Government be pleased to state the steps taken or intended to be taken to remedy this? If the reply be in the negative, will they be pleased to enquire?

(b) Are the Government aware that trees belonging to private individuals are cut down by these men and no price paid for them?

Mr. G. S. Bajpai: (a) and (b). The Government of India have no information as to any such complaints having been made. They have consulted both the Local Government and the Surveyor General, but neither of those authorities is aware of any such complaints.

LEASING OUT BY THE EXECUTIVE OFFICER OF SABATHU OF CANTONMENT LANDS WITHOUT OBTAINING WRITTEN LEASES FROM THE LESSEES.

447. **Pandit Thakur Das Bhargava:** (a) Is it necessary to obtain written leases from the lessees of Cantonment lands under the rules on the subject?

(b) Is it a fact that the Executive Officer of Sabathu has leased out lands without obtaining written leases and the lessees have erected structures even on the land so leased?

Mr. G. M. Young: I propose to answer questions Nos. 447 and 449 together.

I am making enquiries and will let the Honourable Member know the result as soon as possible.

COMPLAINTS AGAINST THE EXECUTIVE OFFICER OF SABATHU CANTONMENT.

448. **Pandit Thakur Das Bhargava:** (a) Is it a fact that many complaints have been received against the conduct of the Executive Officer of Sabathu and some grievances against that officer were brought to the notice of the Deputy Inspecting Officer?

(b) If the answer is in the affirmative, what action has been taken against the said officer if the complaints were found to be well founded?

Mr. G. M. Young: I am making enquiries and will let the Honourable Member know the result as soon as possible.

LEASING OUT OF CANTONMENT LAND IN SABATHU TO L. RAGHUBARDAS, WITHOUT OBTAINING ANY WRITTEN LEASE FROM HIM.

†449. **Pandit Thakur Das Bhargava:** Is it a fact that Cantonment land in Sabathu has been given to L. Raghubardas, son of Jamnadas, without obtaining any written lease and without any consideration for the lease?

CONSTRUCTION OF THE PROPOSED BHIWANI-ROHTAK RAILWAY.

450. **Pandit Thakur Das Bhargava:** By what time will the construction of the proposed Bhiwani-Rohtak Railway begin and how long will it take to finish it?

Mr. A. A. L. Parsons: It is hoped to commence construction next cold weather and complete the line by December 1929.

ACTION TAKEN ON THE TARIFF BOARD REPORT ON THE TEXTILE INDUSTRY.

451. **Pandit Thakur Das Bhargava:** Do the Government propose to take any action in pursuance of the recommendations of the Tariff Board Report on the Textile Industry?

The Honourable Sir George Rainy: As the Honourable Member is no doubt aware, the Government of India have already given effect to the recommendations which they have been able to accept. They have also brought to the notice of the Government of Bombay the recommendations with which the Local Government are concerned. There remains therefore no further action for the Government of India to take.

OPENING OF THE RAILWAY FROM HAPUR TO LUXAR.

452. **Mr. Mukhtar Singh:** Will the Government be pleased to state as to when it is likely to open the Railways from Hapur to Luxar? Up to what stage the proposal for taking up the construction of this line has been reached?

Mr. A. A. L. Parsons: It has been found that an alternative alignment from Gurmakhtesar, with a branch from Meerut, will fit in better with other railway projects to the south. The report and estimates are expected shortly and will be examined as soon as they are received.

THE CHANDPUR BIJNORE RAILWAY.

453. **Mr. Mukhtar Singh:** (a) Will the Government be pleased to state by what time the Chandpur and Bijnore Railway line is likely to be taken up?

(b) Is it a fact that the Bijnore Railway station has been proposed to be constructed at about 2 miles away from the city of Bijnore?

(c) If it is so, have the Government taken into consideration the difficulties and inconveniences of the passengers by constructing the railway station at such a great distance from the city?

(d) Have the Government taken into consideration the motor traffic in the Bijnore district and that if the railway station is built at such a long distance the income of the railways will be considerably curtailed?

† For answer to this question, see answer to question No. 447.

Mr. A. A. L. Parsons: (a) to (d). The information is being obtained and will be supplied to the Honourable Member on receipt.

PURCHASE OF ENVELOPE-MAKING MACHINES FOR THE GOVERNMENT OF INDIA PRESS AT ALIGARH.

454. **Pandit Thakur Das Bhargava:** (a) Is it a fact that four envelope-making machines were ordered for the Government Press at Aligarh (formerly the Postal Press) in 1922 at a cost of Rs. 55,000?

(b) Were these machines not used till the end of 1926?

(c) If the answer is in the affirmative, will the Government please state why these machines were purchased long before they were actually required?

(d) Is it a fact that these orders were prematurely placed in the interest of the British manufacturers of these machines?

(e) Has any machine out of these four been disposed of? If so, when and at what price and why?

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

(b) Yes.

(c) The machines could not be used earlier owing to the delay in the completion of the building in which they were to be installed.

(d) No.

(e) No.

PURCHASE OF FOLDING, PERFORATING, BOOK-SEWING AND MONOTYPE CASTING MACHINES FOR THE GOVERNMENT OF INDIA PRESS AT ALIGARH.

455. **Pandit Thakur Das Bhargava:** 1. Is it a fact that a folding machine was purchased for the Government Press at Aligarh in 1923 for about Rs. 7,000 but the same was not used and was subsequently disposed of after few years?

2. (a) Is it a fact that a perforating machine was purchased for the said Press in 1920 for about Rs. 2,000, but it is still lying idle?

(b) Will the Government be pleased to state why this perforating machine was purchased when no use could be made of it for 7 or 8 years?

3. (a) Is it a fact that a book-sewing machine was also purchased for that Press in 1921 at a cost of Rs. 5,000?

(b) If so, is it a fact that the machine was not unpacked till 1925?

(c) If the answer to the two previous questions is in the affirmative, will the Government state why this machine was purchased four years in advance of the requirements?

4. (a) Is it a fact that a monotype casting machine was ordered for the same Press in 1924 at a cost of Rs. 11,000?

(b) For what purpose was this machine purchased?

(c) Was it used in the Aligarh Press? If so, for how long?

(d) Is it a fact that the machine has been disposed of as being not required?

The Honourable Sir Bhupendra Nath Mitra: 1. Yes: the machine was brought into use in 1926 but as it was found that better use could be made of it at the Delhi Press it has since been transferred to Delhi.

2. (a) Yes, but the possibility of transferring it to another press is being considered.

(b) The perforating machine was ordered for anticipated work at a time when the capabilities of the Rotary machines for perforating were not fully realized.

3. (a) Yes.

(b) Yes.

(c) The Honourable Member is referred to the reply given by me to part (c) of his question No. 451.

4. (a) Yes.

(b) For the printing of Telephone Directories for the Post and Telegraph Department.

(c) and (d). No. The printing work referred to in (b) above was transferred to the Government of India Press, Delhi, and the machine was also transferred to that Press.

EDUCATIONAL QUALIFICATIONS OF THE ASSISTANT MANAGER AND HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS AT ALIGARH.

456. **Pandit Thakur Das Bhargava:** (a) Is it a fact that the Manager of the Government Press, Aligarh, holds charge of the Postal Workshop as Superintendent in addition to his own duties?

(b) Is it a fact that the Manager finds little time to attend to the Press business and has to devote most of his time to the Workshop and his Head Clerk and Assistant Manager practically run the Press?

(c) What are the educational qualifications of the Assistant Manager and the Head Clerk?

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

(b) No. All administrative duties except those of a purely routine nature are attended to by the Manager himself. The Head Clerk has nothing to do with the management of the Press.

(c) The Assistant Manager has practical printing experience of 25 years. The Head Clerk has clerical experience of 22 years.

SALE OF WASTE PAPER AT THE GOVERNMENT OF INDIA PRESS AT ALIGARH.

457. **Pandit Thakur Das Bhargava:** (a) Will the Government be pleased to state if any tenders are invited in the Aligarh Press for the sale of waste paper?

(b) Is it a fact that in 1926 a contract was entered into with a firm for the sale of waste paper at the rate of Rs. 1-9-0 per maund?

(c) If the answer is in the affirmative, will the Government be pleased to state if it is a fact that 2,000 maunds of waste paper was sold to a Lucknow firm for Rs. 600 only instead of at the rate of Rs. 1-9-0 per maund? If so, why?

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

(b) Yes.

(c) A quantity of rain sodden and dirty paper, much less than 2,000 maunds in weight, which had been lying in the Press for some time was sold for Rs. 500.

DISSATISFACTION AMONG THE HINDU EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS AT ALIGARH.

458. **Pandit Thakur Das Bhargava:** (a) Is it a fact that there is great dissatisfaction among the Hindu employees of the Aligarh Press on account of the unfair treatment in the matter of departmental promotions meted out to the Hindu employees by the Head Clerk and the Assistant Manager?

(b) Is it a fact that the Controller of Printing, Stationery and Stamps, brought the fact of the existence of discontent to the notice of the Government in his last inspection note?

(c) Is it a fact that the Manager of the Press has passed an order to the effect that 50 per cent. of the appointments in the clerical establishment must be held by Moslems? If so, are the orders in conformity with Government instructions?

The Honourable Sir Bhupendra Nath Mitra: (a) No such complaint has been received from the Hindu employees of the Aligarh Press. As a matter of fact departmental promotions are made entirely by the Manager and not by the Head Clerk or the Assistant Manager.

(b) The Controller mentioned that the employees of the Press wished to submit petitions direct to him but were informed that their petitions would be duly considered if submitted in writing through the Manager.

(c) The answer to the first part of the question is in the negative. The second part of the question does not therefore arise.

CONSTRUCTION OF A STORM DRAINAGE CHANNEL NEAR THE LAHORE RAILWAY STATION.

459. **Mr. Abdul Hays:** (a) Will the Government please say whether the North Western Railway intend to make any storm drainage channel somewhere near the Lahore railway station and throw it into Chhota Ravi known as *Nala*?

(b) Is it a fact that the proposed channel will run through the rapidly growing new Abadi of the Civil Station in the areas of suburbs of Lahore known as Naulakha Bela, Basti Ram, Chah Miran, etc.?

(c) Is it a fact that the course for the proposed channel has been changed several times during the last 2 or 3 years?

(d) Is it a fact that these changes of zigzag nature have mostly cut up several estates and lands of various proprietors into triangles and such small plots which are entirely useless to the proprietors?

(e) Has the Government considered that the construction of such a drainage channel through these areas will be a menace to health and safety of the public residing in these areas?

(f) Has the Public Health Department of the Punjab Government been consulted on the point? If not, why not?

(g) Is it a fact that no notice for the proposed acquisition was ever given to the proprietors and that it is also proposed to take possession of land immediately on the 18th March, 1928, without giving any time to the proprietors to submit their objections?

Mr. A. A. L. Parsons: (a) to (g). The information is being obtained and will be supplied to the Honourable Member on receipt.

ACCIDENT TO MR. KANSHI RAM, MAIL CLERK OF THE PESHAWAR HEAD POST OFFICE, WHILE ESCORTING MAILS.

460. **Mr. Mukhtar Singh:** (a) Is it a fact that according to the orders of the Director General of Posts and Telegraphs, postal clerks are forbidden from escorting mails from and to railway stations?

(b) Is it a fact that in defiance of the said orders mail clerks are still required to escort mails in Peshawar Head Post Office?

(c) Is it a fact that Mr. Kanshi Ram, mail clerk, met with an accident while escorting mails?

(d) Is it a fact that the said Mr. Kanshi Ram is on sick leave since the date of the accident?

(e) Will the Government be pleased to state if the accident which befell Mr. Kanshi Ram was reported by the Postmaster, Peshawar, to the Postmaster General and if not, why not?

Mr. H. A. Sams: (a) The fact is not as stated. The order of the Director-General, dated 15th February, 1926, is to the effect that, in order to avoid any possibility of dispute about the responsibilities of a mail contractor, clerks of the Department, in the absence of any special provision in the contract to the contrary, should not be deputed to accompany the mails in vehicles belonging to a contractor.

(b), (c), (d) and (e). Information is being collected and will be furnished to the Honourable Member in due course.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Messages have been received from the Council of State:

1. "I am directed to inform you that the Council of State have, at their meeting held on the 22nd March 1928, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 19th and 21st March 1928:—

A Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax.

A Bill further to amend the Indian Merchant Shipping Act, 1923, in order to vest in the Governor General in Council the control of matters covered by that Act.

A Bill further to amend the Indian Tariff Act, 1894, for certain purposes.

A Bill to provide for the modification of certain import duties relating to the protection of the steel industry in British India."

[Secretary of the Assembly.]

2. "In accordance with Rule 36(1) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Legislative Assembly in the Bill further to amend the Indian Territorial Force Act, 1920, for certain purposes, and the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, were taken into consideration by the Council of State at their meeting held on the 22nd March 1928, and that the Council have agreed to the amendments."

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: The Assembly will now proceed to elect Members not exceeding fourteen in number to serve on the Standing Finance Committee for the financial year 1928-29. There are 21 candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

The following Members have withdrawn their candidature :

Kumar Ganganand Sinha.

Pandit Nilakantha Das.

Mr. S. C. Mitra.

Mr. Amar Nath Dutt.

I understand other Members have also withdrawn their candidatures, viz. :

Pandit Thakur Das Bhargava,

Mr. Vidya Sagar Pandya, and

Mr. Mukhtar Singh.

This leaves 14 to be elected. As the number to be elected corresponds to the number required, I declare the following 14 candidates duly elected :

Nawab Sir Sahibzada Abdul Qaiyum.

Sardar Gulab Singh.

Mr. Muhammad Ismail Khan.

Mr. Sarabhai N. Haji.

The Revd. J. C. Chatterjee.

Mian Muhammad Shah Nawaz.

Mr. Gaya Prasad Singh.

Mr. G. Sarvotham Rao.

Haji Chaudhury Muhammad Ismail Khan.

Mr. S. C. Mukherjee.

Sir Darcy Lindsay.

Mr. Arthur Moore.

Mr. G. D. Birla.

Rai Sahib Harbilas Sarda.

ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President: Non-official Members of the Assembly will now proceed to elect four members to serve on the Committee on Public Accounts in place of the four members, who have retired in accordance with sub-rule (4) of rule 51 of the Indian Legislative Rules. There are 8 candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

THE LAND ACQUISITION (AMENDMENT) BILL.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to move for leave to withdraw the Bill to amend the Land Acquisition Act, 1894, for certain purposes.

The reason for my making this motion is obvious, if I may use a term or phrase which has obtained a certain currency and even notoriety in the present Session. If by making this motion, however, I had really intended to withdraw the Bill altogether and to drop it, then I need not have come to this House even with this motion. Out of sight, out of mind, is a very good maxim, but the Bill is not out of my mind, it can never be out of my mind, and I do not want to put it out of sight either of this House. I do not owe an explanation in withdrawing this Bill to this House but I certainly owe one to those who collaborated with me in drawing up this Bill and also to those people outside this Assembly in whose interest the Bill was originally introduced, and therefore I hope you will bear with me for two or three minutes while I just put my reasons for withdrawing the Bill before you.

I do not mean to drop the Bill altogether but in fact to introduce it in an altered shape and form at the next Session in Simla. But I do not know whether this Assembly Session is going to be prorogued or simply adjourned, and I think I have learnt a lesson from the fate of the Reserve Bank Bill. If I want to introduce my Bill again at the next Session, I shall certainly have to ask for leave to withdraw this Bill and therefore I have decided to follow that wise course. My Bill was of course contentious and therefore I myself made that motion to send the Bill out for eliciting opinions. The opinions have now been received. I have carefully read those opinions. I admit they are very illuminating, but of course for my purpose they are not all equally favourable.

The Bill, Sir, it will be noticed, consists of three parts. I did want to secure three objects by the Bill—first of all, the subjection of schemes of land acquisition to the control of the Legislatures; secondly, the institution of arbitration boards for assessing compensation; and thirdly, measures of equity for the benefit of persons who are deprived of land under the operation of the Land Acquisition Act. Now by making an analysis of the opinions I find that there is the strongest opposition appearing in those opinions to the first, namely, legislative control of land acquisition schemes. Of course I am impressed with the administrative difficulties pointed out in the opinions. However I retain my conviction that in very big schemes of land acquisition which threaten to wipe whole villages out of existence certainly the Legislative Councils ought to take cognizance of such schemes, but there are certain matters of detail which have got to be attended to, and I want to profit by the opinions which have been received on this subject. Opinion is less strong against the scheme which I have suggested for compensation. In fact, the principle does not seem to be challenged

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by anybody but redrafting is necessary in my opinion with regard to certain details. I find that the opposition is the least to the last part of my Bill, namely, equitable measures which I seek to introduce for the benefit of people who are going to come under the Land Acquisition Act. In fact I may say that opinion seems to be favourable and sympathetic to this aspect of the question. But you will see, Sir, my difficulty in the present matter. The Bill consists of three different objects and all of them are matters of mixed or disputed merit, and I think I shall be committing a mistake if I send, or if I seek to send this Bill as it is to the Select Committee where it would be punctuated all over with amendments and it would be marked out of all recognition like a face marked with small-pox. Therefore, I do not wish to submit the Bill to that sort of unfair treatment. Again I do not want to put all my eggs in one basket. I do not want that prejudice with regard to one part of the Bill should injuriously affect the merits of another part of my Bill. I am therefore intending to divide my Bill into two or three separate parts and to redraft my Bill in the light of the opinions that have been received. I therefore wish now to withdraw the Bill with the definite purpose and determination of bringing the Bill anew in the next Session in a modified form.

Sir, I move.

Mr. President: The question is:

"That leave be given to withdraw the Bill to amend the Land Acquisition Act, 1894, for certain purposes."

The motion was adopted.

Mr. N. C. Kelkar: Sir, I withdraw the Bill.

THE CHILD MARRIAGE RESTRAINT BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara: General): Sir, I rise to move that the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be recirculated for the purpose of eliciting opinions thereon.

In doing so I wish to say a few words with regard to the alterations made in the Bill since its introduction. When I first introduced the Bill twelve months ago

Mr. President: Before the Honourable Member proceeds further, the Chair would like to know whether the Bill has been previously circulated under the authority of this House.

Rai Sahib Harbilas Sarda: The Bill was circulated by an executive order of the Government of India to the Local Governments—that is what I understand; but if this was not circulation in the proper sense, then I move that the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be circulated for the purpose of eliciting opinions thereon.

Mr. President: That is correct.

Rai Sahib Harbilas Sarda: In doing so, Sir, I wish to say a few words with regard to the necessity of circulation, as the Bill has been materially altered since its introduction. When I first introduced the Bill it was a civil measure. As I wished to take the line of least resistance and as Government were also in favour of having a civil measure to deal with the

evil of child marriage and I wished to enlist Government sympathy, I made it a civil measure.

The Bill has now been before the public for six months, for, it was discussed and referred to the select committee in the September Session of the Assembly at Simla. During this time it has received almost unanimous support from the public. Men's conferences, women's conferences, associations, public meetings held for the purpose have in an unmistakeable manner strongly supported the Bill and have declared that the Bill has come none too soon. Government, by an executive order, circulated the Bill to Local Governments; and in view of the opinions received from the public and from the Local Governments, the Select Committee decided to drop the clause regarding the invalidity of child marriages and made the Bill a penal measure.

When I introduced the Bill, I confined its operations to Hindus only, for two reasons. There is a fundamental difference of opinion with regard to the institution of marriage between the Hindus and Mussalmans. The former regard marriage as a sacrament, the latter only as a civil contract. Moreover, amongst the Hindus there is such a thing as enforced widowhood. Among the Muslims no such thing obtains; and when civil remedy is sought to be applied to the evil, it is not easy to have only one thing for both the communities. As, however, the Select Committee made this Bill a penal measure, it thought it would be advisable to apply it to all Indians, whether Hindus, Muslims, or Christians.

Two questions now arose for decision: the first was, up to what age was the marriage to be held a child marriage? And secondly, what were the penalties to be imposed on those who performed such marriages? The Committee unanimously decided that 18 was the minimum marriageable age for boys; as for girls, the Muslim opinion, as the Bill now applies to Mussalmans also, in the Select Committee was dead against fixing the age below 14; consequently, the age was fixed at 14 in the case of girls.

Mr. President: All this I believe has been embodied in the Report of the Select Committee.

Rai Sahib Harbilas Sarda: Yes, Sir. The results have been embodied, but I wish only to explain how the thing has been altered.

Mr. President: Does the Honourable Member anticipate any opposition from Government?

Rai Sahib Harbilas Sarda: I do not know. I think the Government are committed to legislative action on the question of child marriage. They say, however, they will be guided as to the questions of age and punishment by an expression of public opinion. I am glad, Sir, that Government have decided to take legislative action. As regards the punishment, the general opinion was that fine alone was not sufficient. The unanimous decision of the Committee was that girls should in no case be punished with fine or imprisonment, and that boys, if above 21, should be punished with either fine or imprisonment.

Mr. President: The Chair can do no more than make a suggestion.

Rai Sahib Harbilas Sarda: I have just a word to say as regards the attitude of Government before I conclude. When I introduced the Bill, Sir Alexander Muddiman, the then Home Member, declared that he would oppose it at every stage. These apprehensions have been found to be unfounded. The Honourable the Home Member has given all possible

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assistance to the passage of the Bill. I believe he is as anxious as we are to see that this evil of child marriage should disappear from India, and it is no doubt due to the facilities provided by him that we have been able to make such satisfactory progress with the Bill; and we are sure that in the next Simla Session we shall be able to pass this Bill in a satisfactory shape and that we shall have achieved an adequate reform of child marriage for which we shall all be thankful.

The Honourable Mr. J. Oserar (Home Member): Sir, I do not propose to detain the House at any length; but I should like to relieve any apprehensions that may have been entertained by the Honourable the Mover by saying at once that Government not only do not intend to oppose his motion but that it has their cordial support. The Honourable Member has been good enough to say that the Government have rendered every assistance in the transmutation of his original measure into the form in which it has been reported to the House. That is perfectly true; and I only wish to say, with regard to the statement made by the Honourable Member that my predecessor, Sir Alexander Muddiman, had declared that the Bill would be opposed at all stages, that the Bill against which Sir Alexander Muddiman entered a caveat was a very different measure from that which has now emerged. The measure which has emerged from the consultations of public opinion and from the deliberations of the Select Committee is largely in accordance with the great majority—and I think the greatest weight—of the opinion which has been received from Local Governments and the various bodies and individuals whom they have consulted. This is, I think, a measure on sound lines. It is a measure certainly of very great significance. It will, I hope, receive the general approval of this House and I trust that though, as I have observed in my note appended to the Report of the Committee, Government must reserve a final judgment on some of the expedients proposed in the Bill, it will receive very general support after it has been circulated.

Sir, I support the motion of my Honourable friend.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I consider it my duty as an orthodox Hindu to express my humble opinion and also to raise some objections which I hope you will consider valid. It is admitted that the Bill which has come from the Select Committee has been so altered that there is not much of connection or similarity between this Bill and the old Bill; and I really do not know whether in these circumstances it would not have been better, indeed it would not have been more consistent with Parliamentary procedure, for the Bill to be reintroduced, rather than being called the old Bill. The Honourable the Home Member has just admitted that the Bill has been materially changed; in fact the old Bill was of a civil nature, while the present Bill is of a penal nature; and I am rather taken by surprise that very few of my Honourable colleagues seem to have given as much attention to this matter as they ought to have done. The Bill, even in its civil form, as introduced, evoked in the country a good deal of opposition. I have received from several people, from several bodies and several institutions, from several recognised heads of religious institutions, strong statements calling upon us in fact to object to this Bill. It is true that on the last occasion I also was one of those who supported the general principle of that Bill, namely, that some kind of legislation should be introduced in order to prevent an evil, on the prevention of which all of us

are agreed. On that occasion I did say, and I even made an appeal to my other orthodox friends in this House, particularly to my Honourable friend, Pandit Madan Mohan Malaviya, to do his very best to give to the measure as much support as he and they possibly could; but now I am sorry I am forced to raise a voice of protest against this present measure. As I said just now, this is a penal legislation, and I am opposed on principle, I am very strongly opposed on principle to penal legislation coming in to the aid of social reform. Reform may be very good in its own way, but I have always opposed—that was the reason why I opposed the Bills of my Honourable friend, Sir Hari Singh Gour—I am always opposed to penal legislation being invoked to further social reform. It is a matter of principle with me that the State ought not to penalise the views of those who honestly believe, who believe quite as honestly as those who are opposed to them, that the line they are pursuing is a right line of conduct; in fact, I believe that their views are in consonance with what they deem to be the tenets of their religion. Especially in the case of an alien Government it is very dangerous to permit Government to interfere in social matters, in matters which are so mixed up with religion as to raise deep resentment among a large class of people. That has always been my contention against penal legislation being brought in to the aid of social reform, and this Bill is admitted to be a penal Bill. It is so changed that I think that this Bill ought to be introduced and not simply be taken as already introduced and be circulated for opinion. That is my first objection. Secondly, I find that the Bill is very, very contentious in its provisions; and although I do not wish to go into the details of the measure at this stage,—I shall do so when it comes back to us—I consider it my duty to represent that there is a very large body of opinion that is very strongly against this Bill. I know that there is a great deal of vocal opinion in favour of this Bill also. It should have been the duty of the Select Committee,—I am sorry in this respect I cannot pay a compliment to the Select Committee, they do not seem to have realised the strength of the opposition in the country to legislation of any character which will in any way interfere with the religious practices of people. I am sorry they seem to have completely ignored the great contention of those who are orthodox and to whom marriage is a very, very sacred act of life. In fact, this Bill seems to be more or less a complete social reformers' Bill. Social reformers are a good lot generally I know. I have a great compassion for them. (Laughter.) You may take the foot from me if you want, or you may not take it if you do not want; but beware that without the aid of people like me, however uncivilised you may think them to be, you cannot hope to get through this legislation and make it successful. Well, Sir, as I was saying, social reformers are a good lot in their own way, they are always very anxious to reform others, that is a very easy job, though it is very difficult to reform oneself. It is not very difficult to attempt to reform others, it is a very easy job to become a social reformer and ask people to do this, that and any another thing. So, the provisions of this Bill, as I was just saying do not take into account at all the great volume of opinion in the country against legislation of this kind. Personally the whole thing seems to me to be funny. Take the title. It says, "A Bill to restrain the solemnisation of child marriages". I do not know what it means. Does it mean that marriages shall be performed, but should not be solemnised? Is it to restrain solemnisation only or

[Mr. M. K. Acharya.]

to restrain the celebration? Or the performance of child marriages? I thought it would have been much better if the very eminent people that drafted this Bill and who were on the Select Committee had paid a little more care to the drafting of the whole thing. If the complaint is against solemnisation and not against the performance, I dare question the need for the Bill . . . (Mr. K. Ahmed: "Who solemnised it?") However, Sir, I wish to be very serious! As I said before, I do not want to go into the details of this Bill. What I do want to say is this, that I and many others whose views I represent are strongly against penal legislation of any kind to bring about social reform. Personally I am not against a reform of this kind on cautious lines. I do admit there must be a great deal of reform in the matter of Hindu marriages. But it is one thing to desire reform, sane, healthy and wise reform, and quite another thing to pass a Bill through a mixed House of this kind where probably all kinds of opinions prevail,—to pass a penal legislation of this kind. Therefore, Sir, I want Government should take careful note of this fact; because I still hope that the Government have no desire to thrust their views or the views of any social reformers upon those who do not wish to be bound by the views of those social reformers. I would warn Government to take note of the fact that there is a great deal of strong orthodox Hindu opinion which is opposed to penal legislation of this kind. The difficulty, Sir, comes in here. Among the Hindus marriage is a sacrament, and among a very large body of Hindus, if not among all, marriage has a meaning which perhaps it has not got to the alien or to the non-Hindu. Marriage among us does not necessarily denote the immediate living together as man and wife. In fact, among Hindus, especially among Brahmans and certain others, there are two ceremonies; the first and more important and more sacred ceremony is really the ceremony of betrothal, which is called the *Vivaha Samskara*. The *Samskara* is the bringing together the girl and the boy into sacred relationship for life. It is a sacred relationship and therefore it becomes a sacrament. Perhaps the most important sacrament in a Hindu's religious life is the sacrament of marriage; and there is a large section of Hindus who regard that this sacrament must be administered to the girl before she attains puberty. The ages of course vary in various parts of the country—13, 12 or even 11 sometimes; and to those Hindus who think that they ought to marry their daughters before they attain their puberty, this Bill will come as a great blow, and I do wish to say that neither the Government nor this House has any right whatever to go and tell the orthodox Hindus that they shall not marry their girls before they attain puberty. If this is granted, namely, the respect that is due to orthodox Hindu opinion and permission to marry their girls before the girls attain puberty, surely the fixing of the age of 14 as the minimum age, below which the marriage of girls should be penalised, is a very serious measure; and I would like Government to pay to this matter very, very serious attention. It may set millions in rebellion against Government if you desire to pass a measure of this kind. I really do not know whether non-official Members in this House realise their responsibility in this matter. As I said, let us not confuse what we want with what method we should adopt. We may desire to bring about reform of various kinds; but to go and tell a man that he has no right whatsoever to act according to what he considers to be the tenets of his religion is a very serious matter; and I do not believe

that any man or any Government has any right to tell any father that he should not abide by the tenets of his religion. I know people will contend, people who call themselves learned will contend that the Shastras ought to be interpreted in this way or in that way and not in any other way, and so forth. We are not here considering these things. What I do wish to say is about the fact that there are hundreds of thousands of Hindus who regard marriage as a sacred duty, as part of their religion; who will consider that they have committed a great sin if they do not marry their girls before the girls attain puberty. In such a case, can we say that anybody who ventures to act according to the tenets of his religion, who has got a conscience and is not prepared to tamper with his conscience, should be penalised with a fine of Rs. 1,000 or imprisonment for a month? It does not matter what the punishment is, I am not concerned with that now, but is it right to say that these people should not be allowed to follow the tenets of their religion? I hold this would be a violation of a very great and serious principle. On that score I wish to sound a very, very serious note of warning to the Government and to whomsoever may be anxious to bring about social reform. I am anxious in my own way to bring about reform, but this is not the method. We ought to pursue a less contentious method of bringing about what we wish. Therefore, if I were in the Select Committee, I would have insisted that there must be differentiation between betrothal and the later living together as man and wife. I should have no objection to any Bill being introduced to say that no girl under the age of 14 should be allowed to live as a wife with her husband. I should have no objection to that; though even this may be supposed to encroach on the right of the husband to property over the girl; I should, even at the risk of offending some people, support a measure of that kind in the larger interests of society. But to say that a child ought not to be betrothed before she is 14, transgresses what many consider to be sacred tenets of religion.

It would have been much better if this Bill had been formally introduced instead of being taken as introduced and circulated for opinion. That is my first point. It is for you to rule whether the Bill having been so radically altered ought to be allowed to be circulated. (Mr. B. Das: "Your leader, Mr. Srinivasa Iyengar, has supported this Bill".) There may be many Srinivasa Iyengars holding their own views, but I am here to voice the opinion of the orthodox section of other equally great people and bodies and Associations who have expressed their views against this Bill. Neither in political nor in social reform is any one's the last word. Simon Commissions and Srinivasa Iyengar Committees may come and go; but the country will go on; and the destinies of India are not going to be vested in anybody however great he might fancy himself to be. I do not want to say more. Even at the risk of being misinterpreted and maligned by a second Miss Mayo, I wish to say that there is a large body of opinion which is very strongly opposed to this Bill and I shall be failing in my duty if I do not voice that opinion. I submit, Sir, that this Bill should have gone through the formal course of being introduced and then circulated for opinion, and I should be glad to support any wise, sane, reasonable measure or legislation which will try to bring about reform without unduly offending the religious susceptibilities of any large section. As it is drafted, I feel that this Bill is open to very serious objection; and I warn my Hindu colleagues against being hastily led to give their support to this Bill. I hope when the opinions are received, they will

[Mr. M. K. Acharya.]

show what a strong opposition the Bill has given rise to in the country at large. I know very many ladies will send up memorials to us and copies of the resolutions they have passed in support of this Bill. Even at the risk of appearing a bad man in their eyes, and of incurring their displeasure I wish to protest against the Bill as it has been drawn up. I consider this even more dangerous than Sir Hari Singh Gour's Age of Consent Bills.

I am sorry to read in Mr. Crerar's statement the sentence that "Government accept and support the principle of making child marriages a penal offence." I am very sorry to read that. I think no civil Government has any right to interfere in religious matters, or do anything which is an encroachment on the Queen's Proclamation. I question the right of the Government to legislate in this matter and to interfere with my religious right. Government ought to realise the amount of feeling this subject has excited in the minds of orthodox people at large. When this Bill goes out, there will be huge meetings of orthodox Hindus held in every part of India from the Himalayas to Cape Comorin, and the Government will be flooded with memorials. Then my social reformer friends will not be able to treat the matter so lightly. I am glad that my friends Pandit Madan Mohan Malaviya and Mr. Ganganand Sinha have in their notes on this Bill already raised this question. We must in this matter follow the line of least resistance. Again I say that while I am for some form of legislation. . . .

Mr. President: The Honourable Member has stated that ten times.

Mr. M. K. Acharya: It will bear repetition a hundred times . . .

Mr. President: Order. order.

Mr. M. K. Acharya: Sir, I object to the very principle of the Bill. I want to make my position very clear before I give my vote on this question. The principle of the Bill is one to which I cannot agree, namely, interfering with the religious practices of people, and making that a penal offence which people concerned regard as a religious rite. No Government has a right to do that.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, when this Bill was introduced in Simla for the first time I heartily supported it although at that time the scope of the Bill was very limited and it did not apply to my community. As the Bill has come out from the Select Committee, I am glad that its scope has been extended, it applies equally to Hindus, Mussalmans and the other communities in India. Again I desire to lend my strong support to the Bill as I did last time. I want to make it clear that the Mussalmans are not in any way behind any community in the matter of social reforms so long as they do not interfere with their religion; and I dare say that the Bill, as it has been framed, does not in any way interfere with the religious tenets of the Mussalmans and I hope that Mussalmans will unanimously support this Bill. Mr. Acharya seems to be hostile to the principle of the Bill. He considers that the Bill is against the tenets of his religion. If that were so I would certainly lend my support to him as I do not want Government to interfere in any religion in India. I do not know the Hindu law as much

as my friend probably does, but I think there is a great difference of opinion among the Hindus themselves on this question, and I am assured that a large number of learned Hindus, who know the Vedas and the Shastras, consider that this Bill does not interfere with their religion. (Mr. M. K. Acharya: "Question?") The Bill is going before the public and it will elicit the opinion of Hindus, Mussalmans and other communities as well. However, I wish to congratulate my friend Rai Sahib Harbilas Sarda and also the Government that at least one measure of social reform has come before us. I shall be very glad if it does not take a long time before this Bill is placed on the Statute-book. It is not necessary to make a long speech at this stage and with these few remarks I support the motion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I should like very briefly to state to the House why the age in the case of the girl has been raised to 14 and what are the justifications for the Select Committee in arriving at this age. Honourable Members are aware that the question about the age of consent has been agitated in this House ever since the commencement of the first Assembly, and one Bill after another has been on the tapis for the purpose of protecting children. In 1925 the Government raised the age of consent from 12 to 13 inside marital relations and from 12 to 14 outside marital relations. Now, this Bill deals with the law of marriage apart from the question of consummation of marriage. Now, so far as the question of consummation is concerned, it is a penal offence under the Indian Penal Code if consummation takes place before the girl has attained the age of 13.

Mr. President: This is a motion for circulation. The Honourable Member will have ample opportunity to discuss all these points at length when the Bill comes back before the House.

Sir Hari Singh Gour: I am just explaining why the motion for circulation should be accepted by the House. Now, in 1925 the Honourable the Home Member gave an assurance to me that the age of 13 was only half a loaf and that the further question of raising the age to 14 would be taken up immediately, and it has been taken up. Consequently, so far as the age of consent is concerned, you may take it now as practically settled, and I think it will be legislatively settled within a very short time, that this House cannot consent to consummation before the girl has reached the age of 14; and the reasons for it, Sir, are obvious. Medical opinions throughout the country are agreed that girls—at least 78 per cent. of girls in this country,—do not attain puberty till they are in their fourteenth year; and the mere appearance of puberty is not the same thing as sufficient physical development to bear the travails of maternity; and the Shastras of old laid down that no girl shall enter the house of her husband till she has completed her sixteenth year. The Honourable Pandit Madan Mohan Malaviya, in speaking on my Age of Consent Bill, cited that particular passage, and I am not, Sir, aware of any Shastric law which enjoins upon a Hindu the necessity of marrying before the age of discretion. If I had time I could give my friend the Honourable Mr. Acharya a large number of instances showing that in Vedic times and according to the Puranas adult marriages were the rule. It is only with the introduction of a corrupt Hinduism that the age has been reduced till we find it shown in the Census Report of 1921 that marriages take place between boys and girls—I should say not boys and girls but babies—of 12 months of age; and what is worse is that several hundreds of widows are described as aged under 12 months. Now, does

[Sir Hari Singh Gour.]

Mr. Acharya support this state of affairs? Can he say that his Shastras and mine will support this inhuman practice of marrying girls before they have attained the age of 12 months? Sir, there is another aspect. With the growth of education and the development of individualism and self-consciousness boys want to know what sort of girls they are going to marry, and if you marry them off before they attain years of discretion they very soon get re-married when they become adults and with what results? These child wives are discarded because the Hindu law admits of polygamy and that results in the lifelong unhappiness of these unfortunate child wives. Does Mr. Acharya support that state of affairs? I submit, therefore, that this is not a measure of social reform; it is a measure which is based upon the broad principles of humanitarianism. It is intended to protect children against immature and premature marriages and consequent consummation. It is intended to strengthen the race. It is intended to prevent post-marital unhappiness which inevitably results when boys grow up and contract other marriages. It is intended, Sir, to prevent, not only matricide and infanticide consequent upon early marriages, but the unhappiness of families and neighbours and friends consequent upon frequent bereavements resulting from early marriages. The different Leagues that collect facts on this subject have pointed out to us the appalling fact that in India 33½ per cent. of the children die before they are 12 months old. And in medical books we read that many girls between the ages of 15 and 25 die of consumption as a direct result of premature consummation. Now I ask the Honourable Mr. Acharya, can he tolerate this state of affairs? I feel, Sir, that so far as intelligent Hindu society is concerned, it is alive to the mischief these early marriages are doing, and I am certain that when this Bill goes out to the country it will receive a chorus of applause; because it is a measure which is intended to protect children; it is a measure which is intended to prevent matricide and infanticide. My friend on the other side says this is a religious measure. But my friend cannot have forgotten that there are two sides to a marriage. There is the man's point of view, and there is the woman's point of view. My friend has been talking as if there was only one sex in this world and that Mr. Acharya's. He likes to marry early and therefore it is good law. But what about the woman? She does not want to marry early; she protests against the man-made law which makes her a victim to early consummation, which makes her a prey to disease and death. You have forgotten her point of view. I therefore submit that this is a measure which when it goes out into the country will receive the support of all intelligent classes, Hindus, Muhammadans, Christians and others. It is a measure which the most orthodox Hindu should accept, not only because it is in consonance with Hindu law, but because it is buttressed and based upon the larger foundation of human kindness and common humanity. I therefore, Sir, support this measure. (Applause.)

Munshi Iswar Saran (Lucknow Division: Non-Muhammadan Rural): Sir, I had not the slightest intention of intervening in this debate, but the provocative speech of my Honourable friend Mr. Acharya has left me no option but to rise and with the permission of the House to offer a few observations. My heart goes out in sympathy to Mr. Acharya who on the last occasion supported this measure, and the House will note that on the last occasion the measure was much severer than it is to-day; but now Mr. Acharya finds himself in a position in which he must offer uncompromising

opposition to it. What is the reason of the change? May I, Sir, give a guess to the House? That body of opinion which has created such a tremendous dread in the mind of my Honourable friend, Mr. Acharya, is responsible for bringing about this change in his attitude. I confess I do not agree with my Honourable friend, Sir Hari Singh Gour, that this measure will be welcomed all over the country. It is no good exaggerating things. There will be a body of influential opinion which will be opposed to this Bill. There is no gainsaying that. But at the same time there will be a stronger body of public opinion which will welcome this Bill and will rejoice over it. My friend, Mr. Acharya, has repeatedly given a warning to Government, and I hope my Honourable friend, Mr. Crerar, is feeling very unhappy over it.

Mr. B. Das (Orissa Division: Non-Muhammadan): Not at all.

Munshi Iswar Saran: He says, let Government beware. If Government accepts this measure, there will be such a tremendous opposition in the country that Government very soon will discover the folly of the position that it has taken up. Sir, these vague warnings leave everybody cold, I hope including the Home Member. Let me say this here very explicitly that Government, if at all, has gained by saying in a guarded manner that it is favourably inclined towards the main principle underlying the Bill. If Government had adopted a different attitude, Sir, I am afraid Government would have exposed itself to a great deal of just and legitimate criticism. Mr. Acharya says that no human Government has got any business to interfere with this question.

Mr. M. K. Acharya: With religion.

Munshi Iswar Saran: Then, Sir, there is an end of the matter. If no human Government can interfere with a question like this, then I suppose Mr. Acharya should

Mr. M. K. Acharya: I said "interfere with the religion of anybody."

Munshi Iswar Saran: Mr. Acharya says, with the religion of anybody. Does Mr. Acharya realize that it is no good saying that every custom that we have in our society is based on religion?

Mr. M. K. Acharya: I never said that.

Munshi Iswar Saran: Mr. Acharya unnecessarily interjects remarks which force one to make observations which one would not have liked to make. Does Mr. Acharya know that at one time orthodoxy would have nothing to do with those who crossed the seas? Where is that restriction now? Does Mr. Acharya know that at one time if a man took a cup of tea in a refreshment room he was turned out of caste, and religion was in danger? But the same man to-day is an honoured member of society, in spite of those lapses, if this expression will please my friend Mr. Acharya.

Mr. M. K. Acharya: Question?

Munshi Iswar Saran: Let the House answer.

An Honourable Member: What about *suttee*?

Munshi Iswar Saran: I am not going into that. Let us realize this once for all. I am as keen a Hindu—if not keener—as Mr. Acharya in spite of his orthodox looks, but let me tell him quite plainly that this interpreta-

[Munshi Iswar Saran.]

tion of Hinduism, this conception of Hinduism is responsible for the degradation and the weakness

Mr. M. K. Acharya: Certainly not.

Munshi Iswar Saran: Mr. Acharya talks a great deal about the social reformer. I am not a social reformer at all.

Mr. M. K. Acharya: I am glad you are not.

Munshi Iswar Saran: But I am happy that I am not in the company of Mr. Acharya, either.

Mr. Acharya talks about betrothal, Sir, but if he had taken the trouble of studying this Bill, he would have seen that there is not a word in it against betrothal. You may betroth the child before even the child's father is born. There is no objection to it. Betroth the child whenever you like. But what we object to is that you have no business to marry a child (At this stage Mr. Acharya made an interruption which was inaudible.) If the Honourable Member wants to interrupt me, let him interrupt me properly. If he goes on interjecting remarks constantly like this, I am afraid I cannot go on. Please let Mr. Acharya and those who think with him mark the distinction between betrothal and marriage. I am a Hindu. I know what Hindu customs are. Betrothal is one thing. Marriage is another. If it pleases you "Hindu orthodox soul"—of course within inverted commas—to betroth your child at the age of 3, by all means do it, or you may do so even earlier. But what the Bill lays down is that you cannot and shall not, if the Bill becomes law, marry your child before a particular age. Where is the objection to it? Where on earth is the objection to it? I am not going into the consequences or into the evil results that have flown from early marriage. The effects of early marriage are pernicious not only in this country but all the world over.

My Honourable friend Mr. Acharya says that Hindu marriage is a sacrament. Who says that it is not? No one objects to it. This is what I said on the last occasion, and I shall repeat it, with your permission, Sir. If you talk of sacrament, for the sake of Heaven be sincere in your talk. Do you mean to say that a child of 3 years of age, a child of 6 years of age or a child of 8 years of age understands what the ceremony means, through which they are made to go by the parents?

Mr. M. K. Acharya: Last time I said that such a ceremony was not a sacrament.

Munshi Iswar Saran: My friend says that last time he said that it was not a sacrament and this time he says it is a sacrament.

Mr. M. K. Acharya: No, not even this time.

Munshi Iswar Saran: Either it is a sacrament or it is not. What is the good of bringing in expressions which have no application to the question we are considering at the present moment? This Bill does not contemplate, this Bill does not seek, to make the marriage of Hindus a civil contract. It does not seek to accomplish that. The nature of the marriage will remain as it is; that will be unaffected. What it says is that instead of performing this religious sacrament at a particular age, you will perform it after a certain age. That is all and no more.

Sir, it is not necessary at the present moment to go into the details of this measure. I wish only to say one thing, and that is that those of

my friends who always unfurl the banner of " Religion in danger " should realise that they will serve the cause which they profess to have at heart. I shall for the benefit of my Honourable friend Mr. Acharya quote an authority which I do venture to hope he will accept as very high. This is the authority of Swami Ram Tirath, whose name, I dare say, he has heard. Swami Ram Tirath told me that Hindu religion is an aid to progress. Hindu religion is not such a reactionary religion as some of its followers represent it to be. But he added, if religion stands in the path of your progress, then do away with such religion. Let my Honourable friend Mr. Acharya and those who think like him beware—it is not a warning like the one that he has given to the Home Member, but it is a serious warning and if my friend Mr. Acharya will read the history of the world, he will see that there is force in my warning—if every forward movement, if every proposal for reform, is obstructed in the name of Hinduism and if then Hinduism fails to command the allegiance of many people, men like my Honourable friend Mr. Acharya will be to blame.

Sir, I should have thought that the Report of the Select Committee should have been taken into consideration, but as the Honourable the Home Member and my Honourable friend the Mover of this Bill are agreed that it should be circulated for opinion, I think I must agree to it. But if there had not been this beautiful agreement between the two sides of the House, I should certainly have pressed that the Report be taken into consideration in the Simla Session. But I do make an appeal to the Honourable the Home Member that he will kindly so expedite matters that we may be able to deal with this measure in the Simla Session.

With these words, I support the motion.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I had no desire to take part in the discussion at this stage, but the remarks made by my Honourable friend Mr. Acharya compel me to put in a few words, and I do not propose to take up the time of the House at any great length.

Sir, the social reformers have pressed for such a legislation for a long time, but we always feared that probably the Government would be the first in offering its opposition to the Bill for the introduction of which credit goes to my Honourable friend Rai Sahib Harbilas Sarda. But I must pay my compliments to the Honourable the Home Member and I must congratulate the Government on the attitude which they have taken up and also for making it very clear, namely, that they are not only not going to oppose this Bill but on the contrary they are going to support it.

Sir, I was rather surprised to hear the remarks of my friend Mr. Acharya who, although in politics a very great extremist, had to take up a very humiliating course of appealing to the Government.

Mr. M. K. Acharya: It is not humiliating at all.

Mr. Ghanshyam Das Birla: He appealed to the Government that they ought not to support this Bill.

Mr. M. K. Acharya: I warned them.

Mr. Ghanshyam Das Birla: He says that he represents the orthodox community and he wishes to appeal to and warn the Government on behalf of the orthodox community not to support the Bill. Sir, up to this

[Mr. Ghanshyam Das Birla.]

time, I had always entertained an idea that it was Pandit Madan Mohan Malaviya who was the greatest of the leaders of the Sanatanists. I had read so in the papers and I have known him as the one acknowledged leader of the orthodox Hindus representing the Sanatanist views in this House. Mr. Acharya therefore certainly took me by surprise when he declared that he was the man who was representing the Sanatanists in this House.

Mr. M. K. Acharya: I never said so.

Mr. Ghanshyam Das Birla: I think, Sir, the fight is now between the two leaders and they have to prove it among themselves as to who the acknowledged leader of the Sanatanists is.

Mr. M. K. Acharya: There is no fight.

Mr. Ghanshyam Das Birla: But I am quite sure that if this measure is supported by a Sanatanist like Pandit Madan Mohan Malaviya, it will command the support even from the staunchest and the most orthodox Sanatanist.

Sir, I tried to understand the arguments of my friend Mr. Acharya, but I must confess that, except warnings, threats and appeals, his speech did not contain any stuff. I wish he had put some sound arguments before the House against such a measure. He says: "I do not like any penal legislation for social matters". I would like to put him one question in this connection. He told the House with great excitement that what right had any civilized government to prevent him from marrying his daughter below the age of 14 if he so desired. Well, Sir, I think all the orthodox Hindus of his type would agree that after the death of a husband it ought to be religious for the widow to burn herself with the deceased husband and become a *suttee*. If he is a true orthodox Hindu, as he says he is, then he should think it his most sacred duty to perform the *suttee* rite and preach the same to the Hindu community. I put him this question: Has he got enough courage to preach *sutteeism* and perform it when opportunity offered? If he has got that courage I would ask him to preach that, and if he did that I am quite sure that the Honourable the Home Member will take care of the rest. But he would not do this. He has not the courage to take the consequence of such an action. These gentlemen come here and oppose this legislation on the ground that this introduces a penalty and he does not support any penal legislation. But, Sir, what about so many other Acts which have been passed in the past? In fact to-day all our social rules are governed by penal legislation. Legislation would have no meaning if it was not followed by some penalty. Sir, Mr. Acharya threatens the Government that there will be a revolution in the country if this measure was brought into force. I think, Sir, this to be a very good argument in favour of the Government's support to this Bill. I am quite sure this Bill could not be passed in this House without the support of the Opposition Benches, and if the people resented such a legislation I think they would revolt first of all not against the Government but against the Opposition Benches who are responsible for the introduction of this Bill. And I am quite sure, Sir, that the Government would be delighted in their heart of hearts to see the downfall of the Opposition Benches if it could be brought about by passing such legislation. Therefore, if not for the sake of any other thing,

at least—according to the conception of Mr. Acharya—for the sake of bringing about the downfall of the Opposition Benches, the Government should support this Bill. But I do not think they need entertain any fear on that point.

I am quite sure that if Pandit Malaviya supports the Bill—and he does support it when he says “I am glad that the Bill has been recast very much on the lines I suggested when it was considered by the Assembly”—I am quite sure that it will command great support from the other orthodox Hindus. I am quite sure that Pandit Malaviya is a greater Sanatanist than Mr. Acharya, and therefore I, as a staunch Sanatanist, support this motion.

(Several Honourable Members moved that the question be put.)

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is:

“That the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be recirculated for the purpose of eliciting opinions thereon.”

The motion was adopted.

THE CASTE DISABILITIES REMOVAL REPEALING BILL.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadian Rural): Sir, I beg to move that the Bill to repeal the Caste Disabilities Removal Act, 1850, be circulated for the purpose of eliciting opinions thereon.

The question which this Bill raises is a very big one and a very contentious one also. I am quite aware of that, therefore I myself put the motion down as one for sending the Bill out for eliciting opinions. Further, I would have had to make a speech on the Bill and put my views before the House, if I thought that Government would oppose it, but just a few minutes ago I have ascertained from the Official Whip that Government are not going to oppose this simple motion for sending the Bill out for circulation. If that is so, I will not make any speech, but will take the hint which you gave to Rai Sahib Harbilas Sarda that he need not make any speech if Government were not going to oppose. Therefore, on the assumption that Government are not going to oppose the motion, I do not make a speech.

The Honourable Mr. J. Orerar (Home Member): Sir, Government are quite prepared to accept the judgment of the House as to whether this Bill should be circulated or not, but I should like to make it perfectly clear that, in leaving it to the decision of the House in that manner, I do not desire to be understood that Government approve of the principle of this Bill. My own personal opinion is that it is extremely reactionary, and if it is circulated I trust and I anticipate that a very large body of opinion will be found hostile to it. However, as I say, if it is the wish of the House that the Bill should be circulated, and on that strict understanding with regard to the attitude of the Government towards it, we are prepared to leave it to the judgment of the House.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, I must confess I am greatly surprised that a Bill of this character should have emanated from my Honourable friend Mr. Kelkar. Probably he does not realise

Mr. N. C. Kelkar: On a point of order, Sir.

Sir Hari Singh Gour: I do not give way, Sir.

Mr. President: There is a point of order and, therefore, the Honourable Member must give way.

Mr. N. C. Kelkar: Sir, you will have seen why I did not make any speech at all. I do not wish to interfere with the rights of the Honourable Member, Sir Hari Singh Gour, but Government having made their position clear I do not think he should make any trouble about it.

Mr. President: Order, order. That is not a point of order.

Sir Hari Singh Gour: I was going to say, Sir, that I am greatly surprised, knowing as I do the progressive tendencies of my Honourable friend, that he should have become for once the champion of extreme reaction and should have come forward before this House in all seriousness to repeal the Caste Disabilities Removal Act. Now do Honourable Members realise what that Act means and what they have done only the other day—on the 22nd of this month? Let me recall to the House the history of the passing of the Caste Disabilities Removal Act. Under the Hindu law it is laid down that a person who loses his caste, or who loses his mental or bodily faculties, or is deprived of an organ of sense, touch or feeling becomes legally dead; loses all rights and privileges. If he is a coparcener he ceases to be a coparcener; if a possible heir he ceases to be a possible heir, and in certain cases not only he but his whole line becomes in the eye of the law extinct. That is the pure Shastric law. Now if that law were in vogue it would prevent all transgressors, it would prevent my Honourable friend Mr. Kelkar coming to the tiffin room and receiving our hospitality or taking a cup of tea in that tiffin room. The moment he does that he would be deprived of his caste. (Mr. N. C. Kelkar: "No".) And the moment he is deprived of his caste he is deprived of all his heritage; that is the Shastric law. The Shastric law is rigid, inflexible, remorseless, in excluding all persons who transgress in the slightest degree the requirements of caste. Now, Sir, long before 1850, when a reforming movement was in progress in this country, orthodox Hindus and heterodox Hindus all said they must give freedom of conscience. A man must be free to follow the dictates of his own conscience; to threaten to penalise him simply because he happens to differ from the orthodox view would be wrong. That being the principle, and that being the principle accepted by the State, the State had no duty except to pass what it did—the Caste Disabilities Removal Act. Now, if Honourable Members will turn to that short Act, they will find it simply lays down this, that any law which contravenes the Caste Disabilities Removal Act will not be enforceable by the courts—in other words if you have any social opinion, if you can organise social ostracism, social persecution of the man who transgresses the caste law, you are entitled to do so; but so far as the courts are concerned, they will not enforce the penalty which the Shastras enjoin upon a person who forfeits his caste by his act which transgresses some of the rules of that caste. Now, Sir, I submit that is the least they could have done. They should have done much more. In 1850, they only gave you half relief. That half relief

was that the loss of caste will not entail loss of property. They should have gone further and they should have said that the loss of a limb or an organ should not entail loss of property. This was done only a few days ago on the 22nd instant with the assistance of my friend here. Therefore, Sir, the fullest emancipation has been given to the Hindus, and they have been freed from the rigours of caste and also from the inevitable provision of law which deprived them of right of property simply because they happened to have lost an organ or a limb—it might have been when working in a factory or on the battlefield fighting for their country or for their family. Therefore, I submit that both the Act of 1850 and the Bill which has been passed by this House on the 22nd of this month are emancipating measures intended to help the persons who cannot observe the rigid rules of caste and who on the other hand would like the State to emancipate them from the rigorous restrictive rules of caste by law. My friend on the other side comes up and says that the Caste Disabilities Removal Act should be repealed. Now, he told you, Sir, that he does not want to make a speech. Really speaking there is nothing to speak about except that he wants the law to be changed, changed after 78 years. So far as I am concerned, I have read all the cases that have been decided under the Caste Disabilities Removal Act; and in some cases, when that Act has been referred to by the courts, they have pointed out that it is a partial and halting measure. It is not a measure which deals with the complete emancipation of a man and gives him freedom of conscience; but it is a half measure, and I submit even as a half measure it is something; and if you are to take that away you will have once more placed upon us the shackles of caste. You will have once more thrown us into the cage of the Hindu caste-ridden religion; you will have completely destroyed that emancipating and reforming movement which is purifying and purging Hinduism and Hindu society. In other words, you would have bolted and barred the door to all progress, and I am sure my Honourable friend on the other side does not realise the full effect of the mischievous consequences that this measure would entail if it becomes law. I am sure that my learned friend who has taken a legal degree, but who has confessed on the floor of this House on more than one occasion that he has never practised law, will once more reconsider the mischievous effect his measure is likely to produce throughout the length and breadth of the land. How many are there in this House—I speak of Hindus—who would not be outcasted and thereby deprived of their rights of property and of their heritage and patrimony, simply because they have violated some rule of caste? Shall I tell you what those rules of caste are? One of the rules of caste, written in the later Purans, is that if you go in the early morning to draw water from a well and you find the shadow of a crow upon your *chatty* and if you drink that water, you are outcasted; and the moment I am outcasted and I go home, my brothers will say “Who are you?” And when I say “I am your brother and I have an interest in your property”, they will say “Not a bit of it; a crow’s shadow fell upon your *chatty*: out you go”. Can any modern society tolerate this state of affairs? I can give you hundreds of examples of the puritanical rigour with which the pandits of the mediæval ages have forged numerous shackles round Hinduism. It is only, I submit, the refreshing breeze from the West that is now trying to refresh and reinvigorate, and if I may be permitted to say so, to re-incarnate Hindu society, and this measure is a Magna Charta of Hindus. I ask every Hindu in this House to contemptuously throw out this motion

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[Sir Hari Singh Gour.]

on the short ground that it is a menace to human progress, it is a menace to reforming movements in this country, and I am sure the most orthodox Hindu in this House cannot subscribe to the creed that a person who for his personal views incurs the displeasure of his caste should be deprived of his rights of property. That is what the Act of 1850 safeguards. That is the minimum right which that Act of 1850 safeguards, and I ask in the interests of justice, in the interests of fair play, that the Government should actively oppose this measure if only on the short ground that it has been on the Statute-book for 78 years and there is no *prima facie* case for reconsidering it which a reference to public opinion would necessarily imply. I therefore ask that the least the Honourable the Home Member can do is to give all parts of this House, at any rate his well disciplined cohort, a free vote on this question. I may tell the Honourable the Home Member that if a free vote is given to the Government Members on this question of social reform and social emancipation, I am perfectly certain that we shall rally to the support of human freedom, and what is more, the safeguarding of the right of individual conscience and individual action. I ask, therefore, in the name of human freedom, in the name of human endeavour, for the reformation of the Church, for the reformation of society, and I say further, for the welfare of mankind, that this measure should be rigorously and stoutly opposed by all sections of the House.

Sir, I oppose the motion.

Mr. N. C. Kelkar: I did not really think that there would be opposition, and such strong opposition as has been offered to my motion just now by my Honourable friend, Sir Hari Singh Gour. He has already borne testimony to the fact that I personally am a man of reformed views and I do not think the House has got any doubts on that matter . . .

Sir Hari Singh Gour: I never had any doubt at all till this measure was brought forward by the Honourable Member.

Mr. N. C. Kelkar: Doubts have perhaps now been created by the allegation that I am bringing forward a very, very reactionary measure. First of all I must say that Sir Hari Singh Gour's idea of a social reformer is not my idea of a social reformer. My idea of a social reformer is that a social reformer must be self-respectful, bold, ambitious and courageous. He ought not to be a man taking things both ways, eating his cake and having it too, taking his father's property but not taking his father's religion and causing difficulties to others. My idea of a social reformer is, if he is really courageous, he will take his courage in both hands and free his relations and his family from complications that arise necessarily out of his stepping into his father's shoes without occupying the father's shoes. What is the use of succeeding to your father's property and claiming a share therein if you do not take your father's religion also? If you want to change your religion, by all means do so, but have the ambition to prove yourself a fresh stock of descent both for property as well as for religion. But you are a pusillanimous man, calling yourself a social reformer, wanting to take your father's property and wanting to disgrace his religion. Is that what you mean by social reformer? Therefore, my first point is that I want my social reformer, who honestly wants to change his religion, to be a courageous and self-respectful man, and economically sound man, a man who out of charity and mercy for his brothers and other relatives will not cause complications.

to them, which is bound to happen if he is allowed to go out of his religion and at the same time inherit his ancestral property, live in the same house and cause trouble to his relatives. Is that humanity, I ask Dr. Gour? His humanity is like King Charles' head, always popping up its head in every matter. Where is the humanity in a man leaving his father's religion, disgracing his memory and taking his property and benefiting by it? Then my friend Dr. Gour's ideas are very queer about the causes of a man going out of caste. I am not a practising lawyer, but I have lived in society for a number of years. I cannot compare my age with Dr. Gour's. Perhaps I am older, perhaps he is older, I do not know. But I challenge him to prove that any man is outcasted except for very reprehensible reasons. It is absolutely ridiculous that I should be outcasted simply on account of taking a cup of tea. (Here Sir Hari Singh Gour made an interruption which was inaudible). Sir, my friend, who has read the law as it is practised in courts, poses as a great reformer and legal luminary. He does not simply know that it is not for such small matters that persons are outcasted. The real point of my bringing this Bill before the House is this. This Bill was passed at a time, say 70 or 75 years ago, when this Assembly was not representative and did not exist. I want this Bill to go out to see how far our electorates really want this sort of Bill.

There is one other point which I wish to bring to the notice of the House, and it is want of reciprocity at present with regard to the inheritance by apostates. That is my first objection. I do not want that the Bill should be entirely repealed. I do want certain modifications with regard to the anomalies of inheritance by apostates. These anomalies should be removed and I want the Bill to be circulated because it may prove thought-provoking and suggestions may come as to how these anomalies should be removed. I have already pointed out these anomalies in the Statement of Objects and Reasons. I do ask Dr. Gour—are there no anomalies in regard to the inheritance by apostates?

Sir Hari Singh Gour: There are anomalies to improve the Bill and not to repeal it.

Mr. N. C. Kelkar: My motion is simply for circulating the Bill in order to elicit opinions. Dr. Gour does not know that. If my motion be that the Bill be proceeded with just now that would be an entirely different matter.

Mr. K. Ahmed: That might bring disorder in the country.

Mr. N. C. Kelkar: Yes, revolution and rebellion! There are certain difficulties experienced, particularly by Hindus, owing to the want of reciprocity. Other religions at present benefit by apostacy but the Hindu religion on the contrary suffers. Now, Dr. Gour himself will admit that this inheritance by an apostate is entirely against the Hindu law. If he reads Mitakshara, Chapter II, and Manu, Chapter IX, he will find that the law does not allow that kind of inheritance, and the present legislation has gone entirely contrary to the law on the subject. Even with regard to Muhammadan law, I think the present Act goes counter to Muhammadan law in point of inheritance. (*An Honourable Member:* "It does not.") That is my information. According to the Sunni law a person who is not a Mussalman cannot inherit from a Mussalman. Now there is a peculiar

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anomaly in the case of Hindus. Under Hindu law apostacy dissolves marriage, and this rule is still in force so far as the relations of husband and wife are concerned; but apostacy does not have the effect of preventing inheritance. But a different rule operates with regard to other relations. Under the present Act if the wife of a man who is a Muhammadan becomes a convert to another faith the marriage is dissolved and there are no rights of inheritance. But if a son becomes a convert to another faith, then his rights of inheritance remain intact. These anomalies exist in the present law and my only purpose in sending out this Bill for circulation is to get new light on the possible ways of removing these anomalies.

Mr. President: The question is :

"That the Bill to repeal the Caste Disabilities Removal Act, 1850, be circulated for the purpose of eliciting opinions thereon."

The Assembly divided :

AYES—9.

Aney, Mr. M. S.
Chatterji, Rai Bahadur B. M.
Coatman, Mr. J.
Couper, Mr. T.
Das, Mr. B.

Kelkar, Mr. N. C.
Moonje, Dr. B. S.
Mukherjee, Mr. S. C.
Neogy, Mr. K. C.

NOES—29.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur
Haji.
Ahmed, Mr. K.
Ayangar, Mr. V. K. Aravamudha.
Bajpai, Mr. G. S.
Crawford, Colonel. J. D.
Ghuznavi, Mr. A. H.
Gour, Sir Hari Singh.
Graham, Mr. L.
Iswar Saran, Munshi.
Joshi, Mr. N. M.
Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.

Kunzru, Pandit Hirday Nath.
Lamb, Mr. W. S.
Mohammad Ismail Khan, Haji
Chaudhury.
Pandya, Mr. Vidya Sagar.
Parsons, Mr. A. A. L.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. G. Sarvotham.
Rao, Mr. V. Pandurang.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Taylor, Mr. E. Gawan.
Willson, Sir Walter.

The motion was negatived.

THE INTEREST RESTRICTION BILL.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to move that the Bill to restrict the amount of interest recoverable from debtors be taken into consideration.

Sir, at the outset I think I must bear in mind the warning which Mr. Allison gave the other day in the debate on the Bill introduced by Mr.

Muhammad Yakub. What he said was, I think, that it must be disheartening and discouraging to everyone who makes an effort about these Bills that no Bill of the kind ever reaches the second stage, and therefore it makes me pretty sceptical of the fate of my Bill also, but I am not going to be deterred by any fear about that fate. There is already a Bill before the House, the one introduced by Mr. Muhammad Yakub, but the two Bills, you will find on a comparison, are not precisely the same. My Bill is practically a single clause Bill and it seeks at once to introduce a reform by itself, namely, to extend the principle of *Dam-duppat*, a maximum accumulation of interest not more than 100 per cent. to all classes of people in India. It is admitted that it at present obtains in certain metropolitan cities. It applies to the Bombay Presidency. It governs the whole Hindu community, and therefore it is my purpose to extend the benefit of this *Dam-duppat* principle to all moneylending transactions throughout India. In doing so, I do not of course want to go behind the Usurious Loans Act of 1918 which has been enacted by this Legislature and is still in force. Some of the Members of the House are aware of the history of this question. We have passed, society has passed, Government have passed, through a number of stages over this question. The first stage was, in matters like this, no laws prohibiting usury. The second stage was enactment of usury laws. The third stage was repeal of usurious laws. The fourth stage was enactment of laws to control usury, as is now the case in England and India. Indian legislation in this matter has closely followed English legislation.

Now, with regard to the evils of usury, the subject has been very thoroughly discussed last time, when Mr. Muhammad Yakub introduced his Bill, and therefore I do not want to go into the evil of indebtedness. I do not want to cite very fantastic illustrations which were cited on the floor of the House about debts accumulating by leaps and bounds to very fantastic sums. Now, how is this to be stopped? There are four possible or thinkable remedies in this matter. First of all, there is competition in the money market. Leave money-lenders to compete with one another in the open market and that naturally is supposed to bring down automatically the rate of interest. This of course is an expression of the policy known in political economy as *laissez faire*, leave things alone and leave free scope for demand and supply. But this has admittedly failed. Under conceivable conditions certain money-lenders get a monopoly of money-lending and therefore cannot be touched by this competition. Therefore, the evil of usury still remains. Then, another method or remedy of touching this evil of indebtedness is the development of banking. That, of course, to my mind is the one and the best remedy in this matter. When banking in a country is sufficiently developed, then the rates of interest do not mount very high. But we all know that India is a very very backward country in the matter of banking facilities as was brought out in the debate on the Resolution which was moved by Mr. Haji in the last Session. But we also know that sometimes even in countries which have got banking facilities, they do rely upon certain laws which try to regulate the rate of interest or give powers to courts to interfere with moneylending business of this sort. Then, again, there is a remedy through the intervention of courts which is now embodied in the Usurious Loans Act of 1918. That Act of this Legislature gives power to law courts to go behind the transactions and inquire into the circumstances of the loans and to allow the rates of interest according to their

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discretion. The last remedy to deal with this evil is, of course, the legislative remedy. Now, as I have said, there is this Act, the Usurious Loans Act of 1918, on our Statute-book. That Act, however, has not prevented the evil as was brought out very prominently during the debate on Maulvi Muhammad Yakub's Bill. I daresay some of the instances of fantastic accumulations of interest which were cited in the course of the debate were instances which did happen, even after the enactment of 1918. If that be a fact, then it proves that the law does not go as far as it should.

Now, supposing we were to resort to law, in how many ways can we do it? Let us consider that for one moment. Speaking of the powers given to law courts under the Act of 1918, we have all seen that the operation of these powers has been very capricious and fateful. If the discretion is used by courts very strictly, then the creditor suffers. If, on the other hand, the discretion is used liberally, then the debtor suffers. Therefore, apart from the powers of intervention of courts, the real remedy would be to give both to the debtor and the creditor certain means of coming to an initial understanding about the maximum accumulation of interest, and *Dam-duppat*, I claim, does give that guidance and understanding. Mr. Allison, on the last occasion, objected to *Dam-duppat* on certain grounds. First of all, he said, it was a primeval or primitive method of dealing with usury. But if he had referred to my Statement of Objects and Reasons, he would have found me there quoting a great authority, who certainly is not a primitive authority, and that is Professor Keith. Now, just imagine Mr. Allison calling it a primitive method, when our ancient law-givers and the Roman ancient law-givers prescribed *Dam-duppat* as the best remedy for the evil of indebtedness. I have expressly stated in my Statement of Objects and Reasons that no less an authority than Professor Keith has come forward and recommended for the general economic condition and general indebtedness throughout Europe this particular method or remedy. I may perhaps agree with Mr. Allison if he says that Manu is a primitive authority, but Professor Keith certainly is not a primitive authority, nor is Europe primitive for which this remedy is prescribed. Mr. Allison's second objection was that *Dam-duppat* interferes with the sanctity of contracts. But, may I ask him, where is the sanctity of contracts? Even under the Act of 1918, which does give great powers to law courts to interfere with the terms of contracts entered into by the moneylender and the debtor, there is no sanctity of contracts. Therefore, his argument that *Dam-duppat* interferes with the sanctity of contracts is not sound to my mind. Then he says it restricts the flow of credit. That is his third argument against *Dam-duppat*, but he also admits that undivided flow of credit is not desirable. So there is no point in his statement that it restricts the flow of credit. There must be a certain amount of flow of credit, I admit, but *Dam-duppat* puts down a very reasonable and natural limit at which that flow of credit must stop.

Now I would just put before this House a few advantages as I see them which can be derived from the doctrine of *Dam-duppat*. First of all the debtor's maximum liability is fixed, and therefore it ceases to run on indefinitely afterwards. That is a great gain. Now what does it do in effect? As soon as accumulation stops at a particular limit, then the creditor begins to think what he should do with regard to

realisation of his debt, and as soon as *Dam-duppat* is reached, the creditor is driven to a law court to make an effort at realisation of his debt, and this on the whole is very good for the debtor. If the creditor is not driven by this accumulation of interest then he will not take action. The amount of interest will go on running and the flow of credit, as Mr. Allison will have it, would continue to flow incessantly. But in what position would the debtor find himself ultimately? *Dam-duppat* is a warning to the creditor on the one side and a help to the debtor, because he is roused from the apathy in which he generally remains. The debtor has of course got to pay sooner or later, so the sooner he is called upon to pay the better for him. Now *Dam-duppat* it is supposed comes in the way of the debtor for getting time if he wants extension of time for the loan, but *Dam-duppat* certainly does nothing of the kind, because the debtor can sit down with the creditor, make his account, pay his interest up to that time and make a new transaction. This is a warning to close the old transaction, and it is a half-way house where both parties can sit down and settle accounts and open a new transaction. Then *Dam-duppat* puts an automatic limit upon the rate of interest; that is my principal argument in favour of *Dam-duppat*. It does this automatically and without any law, and it restricts the rate of interest. If repayment is sought, say in six years, the rate of interest may go up to 16 per cent. simple interest. If you want it at eight years, the rate may come down to 12½ per cent. Assuming that 6 per cent. is a reasonable rate of interest, then the debtor and creditor get about 16 years to complete the transaction. Therefore whatever the rate of interest as between the creditor and the debtor which may be imposed, this *Dam-duppat*, which is a fixed and arbitrary limit, gives automatic suggestions as it were to the creditor and debtor to settle the rate of interest which the law cannot do and which the law should not do.

Now some may say that this will not prevent a high rate of interest. Say the rate of interest is 33 per cent., then the *Dam-duppat* can be reached in three years. I can quite see that. Of course that sort of extraordinary rate of interest cannot be prevented by *Dam-duppat*; but then I fall back. I rely on the Usurious Loans Act of 1918. If there is an agreement that *Dam-duppat* should be arrived at within three years and the rate of interest is 33 per cent., of course that is an extraordinary rate of interest and the debtor can go to court under the Usurious Loans Act and say to the court, "This has been an unconscionable contract of money-lending" and the court can interfere. Therefore, the *Dam-duppat* automatically at one end supplies restraint and at the other end leaves resort to this law of 1918 also quite open to the debtor. And, lastly, you will see that *Dam-duppat* doctrine, apart from being enunciated by ancient and time-honoured jurists, has never been abrogated either by the Contract Act or the Transfer of Property Act. It still is in vogue. In conclusion I may refer to the recommendation made by Professor Keith in this matter. He has distinctly suggested that in Europe, if they were to take up this doctrine of *Dam-duppat*, it would help the present badly indebted condition of Europe. Therefore I move that this Bill be taken into consideration.

Mr. F. W. Allison (Bombay: Nominated Official): Sir, my Honourable friend has thought it good tactics to refer immediately when he began his remarks to an objection which he must have anticipated would be

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taken to his present motion; though indeed he slurred over that objection and proceeded almost at once to an examination of his proposals on their merits. The objection I think is obvious. It must be within the recollection of the House that four or five weeks ago Maulvi Muhammad Yakub brought forward a Bill, which I submit, in principle at any rate if not in actual terms, is identical with the present Bill; and therefore I would suggest that it is undesirable to have two Bills relating to the same subject under the consideration of the Assembly at the same time. It is still more undesirable that we should proceed to the consideration of the present Bill while the Bill of my Honourable friend Maulvi Muhammad Yakub has actually been circulated for the purpose of eliciting public opinion. The House will remember that on that occasion I put forward on behalf of Government certain objections, patent objections, which seemed to me, and possibly to other Members of the House, almost insuperable. At the same time it was explained that Government, any Government, must consider with the greatest anxiety the increasing burden of agricultural debt in this country and that it would not be wise to leave unexplored any avenue which might possibly afford a means of alleviating that burden. It was on those considerations that Government did not oppose the motion of my Honourable friend for circulation, and I think it was on those considerations that the House in general accepted the motion. My Honourable friend Mr. Kelkar has gone to some extent into the merits of the Bill. I do not propose, Sir, at this stage to be drawn into an argument with him with regard to the merits of the Bill. I think I could give very convincing answers to the arguments he has put forward, and I think there are other Members of the House who would be only too pleased to have an opportunity of doing so. I will simply refer to the objection that I raised first, namely, that the two Bills are identical. My Honourable friend, Maulvi Muhammad Yakub, introduced a Bill to limit the interest charged on loans of various kinds in British India and to bring the law in conformity to the needs of the people. That was the avowed purpose of his Bill. My Honourable friend, Mr. Kelkar, brings in a Bill to restrict the amount of interest recoverable from debtors. I submit, Sir, that the purpose of the two Bills is identical. Further, when we consider the two Bills, we find that in each of them there is practically only one operative clause of real importance. With your permission, Sir, I will read out clause 2 of the Bill of my friend, Maulvi Muhammad Yakub:

"No creditor, whether of a secured or unsecured loan, shall be entitled to recover interest, either payable at one time or by instalments, exceeding the principal amount originally lent or due at the date of suit, whichever is less."

In the Bill which we are now considering the only operative clause is clause 3 which reads as follows:

"Notwithstanding anything to the contrary in the Usurious Loans Act, 1818, or section 74 of the Indian Contract Act, 1872, no creditor shall be entitled to interest exceeding the amount of the debit."

I submit, Sir, that in those two clauses I have given to the House all that is really important in either of the two Bills; and I further submit that the two Bills are in practice identical. For these reasons, Sir, I would suggest to my Honourable friend that he should withdraw his Bill; and when the

Bill of my friend, Maulvi Muhammad Yakub, is brought before the House, he will be at liberty if he wishes to frame any such amendments as may seem to him desirable for the purpose of adding to that Bill anything which he may think lacking in it, and which is not included in the present Bill. I am to say, Sir, that without any reference to the merits, the Government propose to oppose the motion made on that ground. If, however, the House desires to proceed with the Bill, then at a later stage I shall be prepared to argue the case on its merits.

Mr. President: I should like to know from the Honourable Member what objection he has to the course suggested by the previous speaker. If the two Bills are identical, the proper course for him is to withdraw this Bill and endeavour to have suitable amendments made in the other Bill.

Mr. N. O. Kelkar: Yes, Sir. After hearing the speech of the Honourable Mr. Allison and what you have said, I think I shall withdraw my motion.

Mr. President: The question is :

"That leave be given to withdraw the Bill to restrict the amount of interest recoverable from debtors."

The motion was adopted.

Mr. N. O. Kelkar: Sir, I withdraw the Bill.

THE INDIAN LIMITATION (AMENDMENT) BILL.

Mr. N. O. Kelkar (Bombay Central Division : Non-Muhammadian Rural) : Sir, I rise to move that the Bill further to amend the Indian Limitation Act, 1908, for a certain purpose, be taken into consideration.

This Bill is absolutely simple and the matter can be briefly stated thus. According to the Limitation Act certain limitation periods are provided, in two different cases, two different periods, for practically identical purposes. The purpose is, let us assume, an attempt by a minor after he comes of age to set aside a transaction of immoveable property or alienation of immoveable property made by his guardian—mother, father or somebody acting for him. Then the law of limitation fixes a period within which he may try to set aside and annul that transaction. Now for this identical purpose, the law provides in two different Articles of the Limitation Act two different periods of limitation. In Article 44, where the alienator or the party responsible for the transaction of alienation of immoveable property of the minor is the mother or other guardian, the period of limitation is only three years. In other cases, supposing it is the father who actually does that transaction of alienating the property and the minor finds that he has a bad bargain and wants to annul it, it is 12 years. Looking into the cases under this Article No. 44, nobody finds any clue why this differentiation is made when the purpose of the remedy is the same, when the person benefited is the same, the relief sought to be given is identical, and the nature of the transaction is also identical. In one case it is the father and in the other case it is a guardian, say, the mother. It stands to reason that when the mother is the guardian and she does a certain

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transaction in the nature of alienating the immoveable property of the minor, it is more or less the case that the transaction is an imprudent one. In this case, naturally the minor after coming of age should have as much period of limitation as in the case of transactions by the father. So, you have got on hand two things, a shorter period of limitation for a transaction entered into, say, by the mother, and a longer period of limitation for a transaction entered into by the father, whereas obviously the one is more likely to be imprudent than the other. That is the only purpose of my Bill. Of course, being a technical matter it cannot be dealt with in this House. It is a matter for legal luminaries like my Honourable friend, Sir Hari Singh Gour, to illuminate upon, and I am only seeking to send the Bill out for eliciting opinion. When the Bill is sent out to the different Bar councils, to committees of pleaders and lawyers and judges, and so on, we shall receive their opinions on the same, and then we shall be in a position to find out whether there is any justification for the period of limitation being shorter in one case than in the other case. That is my only purpose.

Sir, I move.

The Honourable Mr. J. Crerar (Home Member): Sir, I move that the Bill be circulated for the purpose of eliciting opinions thereon. After listening to the concluding remarks of my Honourable friend, I take it that he accepts my motion. If so, I need not detain the House.

Mr. President: The original motion was:

"That the Bill further to amend the Indian Limitation Act, 1908, for a certain purpose, be taken into consideration."

Since which the following amendment has been moved:

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

The question I have to put is that that amendment be made.

The motion was adopted.

Mr. President: Mr. Amar Nath Dutt.

(The Honourable Member was absent).

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 27th March, 1928.