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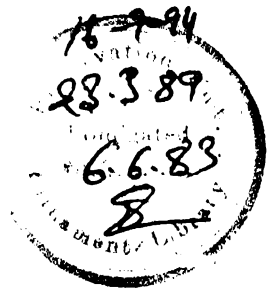
THE  
**LEGISLATIVE ASSEMBLY DEBATES**  
**(Official Report)**

Volume IV

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

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**FIFTH SESSION**  
OF THE  
**THIRD LEGISLATIVE ASSEMBLY**  
**1929**



SIMLA  
GOVERNMENT OF INDIA PRESS  
1930

# Legislative Assembly.

## *President :*

THE HONOURABLE MR. V. J. PATEL.

## *Deputy President :*

MAULVI MUHAMMAD YAKUB, M.L.A.

## *Panel of Chairmen :*

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

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

SIR PURSHOTAMDAS THAKURDAS, KT., C.I.E., M.B.E., M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

## *Secretary :*

MR. S. C. GUPTA, BAR.-AT-LAW.

## *Assistant of the Secretary :*

RAI SAHIB D. DUTT.

## *Marshal :*

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

## *Committee on Public Petitions :*

MAULVI MUHAMMAD YAKUB, M.L.A., *Chairman.*

MR. DWARKA PRASAD MISRA, M.L.A.

SIR PURSHOTAMDAS THAKURDAS, KT., C.I.E., M.B.E., M.L.A.

MR. DHIRENDRA KANTA LAHIRI CHAUDHURY, M.L.A.

NAWAB SIR SAHIBZADA ABDUL QAIYUM, K.C.I.E., M.L.A.

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# LEGISLATIVE ASSEMBLY.

Wednesday, 4th September, 1929.

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

## QUESTIONS AND ANSWERS.

### GRANT OF ALLOWANCES AT FAMILY RATES TO LADY CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

95. **\*Maulvi Muhammad Yakub :** Is it a fact that lady clerks in the Office of the Director General of Posts and Telegraphs are given concessions at *family rates* admissible under the Simla Allowance Code ? If so, will Government be pleased to place on the table a statement showing their names, pay, local allowance, house-rent allowance and names of those who are *wholly* and *solely* their dependants, together with copy of Government sanction permitting lady clerks to draw Simla allowances over and above their *higher* rates of pay ?

**Mr. P. G. Rogers :** Of the four lady clerks employed in the Office of the Director General of Posts and Telegraphs, three are given concessions at family rates admissible under the Simla Allowance Code.

The statement required will be supplied to the Honourable Member. Government sanction to such allowances is contained in the Simla Allowance Code.

**Maulvi Muhammad Yakub :** May I know who are these three lady clerks ?

**Mr. P. G. Rogers :** I think that information will be given to the Honourable Member in answer to a subsequent question, but the names of the lady clerks are Miss deMonte.....

**Maulvi Muhammad Yakub :** May I inform the Honourable Member that the names of those three lady clerks are (1) Miss deMonte, (2) Mrs. Harrington, and (3) Miss N. Fox. Am I not correct that (1) is the youngest sister of Mr. F. T. deMonte, Postmaster General, and has no dependant, (2) has no legal dependant at all, and (3) is the only daughter of Mrs. B. Fox, a retired Sub-Postmistress, who is a Government pensioner ? I should like to ask if it is not a fact ?

**Mr. P. G. Rogers :** I think the answer has been given to the Honourable Member in the statement which is going to be supplied to him.

**Maulvi Muhammad Yakub :** Very well.

### NAMES AND QUALIFICATIONS OF LADY CLERKS EMPLOYED IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS SINCE 1923.

96. **\*Maulvi Muhammad Yakub :** Is it a fact that the lowest qualification fixed for a clerk is Matriculation ? If so, will Government be

pleased to lay on the table a statement showing the names and educational qualifications of lady clerks employed in the Office of the Director General of Posts and Telegraphs since January 1923 ?

**Mr. P. G. Rogers :** It is presumed that the Honourable Member is referring to the Director General's Office. If so, it is a fact that, prior to January, 1928, the minimum qualification of a clerk was the passing of the Matriculation examination. The minimum qualification has, however, since been revised, and is now the passing of the Staff Selection Board examination. An exception is made in the case of typists and stenographers, whose selection depends on their proficiency in shorthand and typing.

The statement desired by the Honourable Member is being sent to him. All lady clerks employed in the Director General's Office since 1923 are typists or stenographers.

**TOTAL NUMBER OF EUROPEANS, ANGLO-INDIANS, HINDUS AND MUSLIMS EMPLOYED IN THE RAILWAY SUPERIOR SERVICES (ENGINEERING) AT THE END OF 1927 AND 1928.**

97. **\*Lieut.-Colonel H. A. J. Gidney :** Will Government be pleased to state, under separate heads, the total number of Europeans, Anglo-Indians, Hindus and Muslims in the Railway Superior Services (Engineering) at the end of 1927 and 1928 ?

**Mr. P. R. Rau :** The Honourable Member will find full information about the position at the end of the financial years 1926-27 and 1927-28 in Appendix F of Volume I of the Railway Board's Report on Indian Railways for 1927-28.

**EMPLOYMENT OF NIGHT CONDUCTING GUARDS ON ALL MAIL AND PASSENGER TRAINS.**

98. **\*Mr. A. H. Ghuznavi :** Will Government be pleased to state if the services of the night conducting guards have been appreciated by the travelling public and, if so, do Government propose to consider the desirability of employing them in all mail and passenger trains in all the State Railways ?

**Mr. P. R. Rau :** I understand that the services of conductor guards detailed to accompany certain night trains on the North Western and East Indian Railways have been appreciated by the public. I am sending a copy of the Honourable Member's question and my answer to other Railway Administrations to consider whether the local conditions on their lines necessitate such a provision.

**Mr. Gaya Prasad Singh :** We have never heard of night conducting guards on the East Indian Railway.

**ACCELERATION OF THE SPEED OF MAIL AND PASSENGER TRAINS.**

99. **\*Mr. A. H. Ghuznavi :** (a) Are Government aware that the "Frontier Mail", run by the Bombay, Baroda and Central India Railway, is the fastest train in India, covering a distance, as she does, of 865 miles, from Colaba (Bombay) to Delhi in 23 hours 35 minutes, while the 7 Up Express from Howrah to Delhi via Agra City—a distance of 909 miles—

takes 25 hours 44 minutes, and the Punjab Mail from Howrah to Delhi covers a distance of 903 miles (i.e., 6 miles less than the 7 Up Express does) in 26 hours 34 minutes ?

(b) Will Government be pleased to explain the cause of this delay in the running of the Punjab Mail from Howrah to Delhi ?

(c) Are Government prepared to consider the desirability of accelerating the speed of mail and passenger trains in all the railways, particularly in the East Indian and Eastern Bengal Railways ?

**Mr. P. B. Rau :** (a) The timings of the trains are as stated by the Honourable Member.

(b) The through speed of the Bombay, Baroda and Central India Frontier Mail is 36 miles an hour, that of the East Indian Railway 7 Up Express 35 miles an hour and of the Punjab Mail 34 miles an hour. It is not ordinarily possible to run trains on different railways at uniform through speeds. Varying conditions, such as the number of halts to be made, the number of branch line connections, and the weight and length of the train affect the through speed.

(c) Railway Administrations are actively alive to the desirability of accelerating the speed of mail and passenger trains, as far as possible, and Government do not consider that any special action on their part is necessary at present.

#### ACCELERATION OF THE SPEED OF THE DARJEELING MAIL TRAIN ON THE EASTERN BENGAL RAILWAY.

100. **\*Mr. A. H. Ghuznavi :** (a) Are Government aware that the Darjeeling mail, run by the Eastern Bengal Railway, invariably arrives late in Calcutta ?

(b) If so, do Government propose to accelerate her speed to enable her to run to time ?

**Mr. P. B. Rau :** (a) I think the Honourable Member has been misinformed, Sir. I believe the Darjeeling Mail does reach Calcutta in time quite often.

(b) I have drawn the attention of the Agent, Eastern Bengal Railway, to this point.

#### UNSUITABLE CONDITION OF RAILWAY WAITING ROOMS AT SILIGURI STATION ON THE EASTERN BENGAL RAILWAY.

101. **\*Mr. A. H. Ghuznavi :** Are Government aware of the inadequate accommodation of both the ladies' and gentlemen's waiting rooms at the Siliguri station on the Eastern Bengal Railway and of the untidy condition in which they are kept, particularly of the filthy condition of the bathrooms attached thereto ?

**Mr. P. B. Rau :** Government have no information in the matter, but I am sending a copy of my Honourable friend's question to the Agent, Eastern Bengal Railway, for any action he may think it desirable to take.

**INFERIOR QUALITY OF FOODS SUPPLIED IN RESTAURANT CARS ON THE EAST INDIAN RAILWAY.**

102. \*Mr. A. H. Ghuznavi : Are Government aware that the food and tea supplied by restaurant cars on the East Indian Railway compare very unfavourably with those supplied by restaurant cars in other railways ?

Mr. P. E. Rau : Government have no reason to think so.

**DEFECTIVE ARRANGEMENTS FOR SECURING RESERVED ACCOMMODATION LABELS IN RAILWAY CARRIAGES.**

103. \*Mr. A. H. Ghuznavi : (a) Are Government aware that the Reserve labels put outside the first and second class compartments are not secure, and the Reserve cards inside the carriage are too small to fit in in the brass pockets and are not infrequently blown off, thus depriving the passengers concerned of the privileges of reserved accommodation ?

(b) If so, do Government propose to take steps to remedy these defects ?

Mr. P. E. Rau : Government have no information in the matter, but I am communicating a copy of this question to the Agents of all Class I Railways for such action as they may consider necessary.

**IMPROVEMENT OF RAILWAY STATION WAITING ROOMS AND REDUCTION OF CHARGES FOR WAITING ROOMS ON THE NORTH WESTERN RAILWAY.**

104. \*Mr. A. H. Ghuznavi : (a) Are Government aware of the magnificent and well-equipped retiring rooms provided in the Victoria Terminus, Bombay, by the Great Indian Peninsula Railway ?

(b) Do Government propose to consider the desirability of improving all the existing retiring rooms on that model ?

(c) Are Government aware that the Great Indian Peninsula Railway charges Rs. 5 for the occupation of the retiring room for 24 hours from the time it is engaged, while the North Western Railway charges Rs. 3 for 12 hours from 6 A.M. to 6 P.M., and Rs. 4 for 12 hours from 6 P.M. to 6 A.M. ?

(d) For the convenience of the travelling public do Government propose to consider the desirability of altering the rates of the North Western Railway to Rs. 3 for 12 hours or Rs. 5 for 24 hours, the period of occupation to commence from the time the room is engaged ?

Mr. P. E. Rau : (a) Government are aware that comfortable retiring rooms have been provided at the Victoria Terminus at Bombay.

(b) Owing to structural differences at different stations, it would not, I am afraid, be possible to make all existing rooms conform to the model of those at the Victoria Terminus.

(c) Yes.

(d) Government do not consider it necessary or desirable to require railways to charge uniform rates for retiring rooms as conditions vary on different railways and at different stations.

**STRIKE OF STUDENTS AT THE INDIAN SCHOOL OF MINES, DHANBAD.**

105. **\*Mr. K. C. Neogy :** Will Government be pleased to make a detailed statement regarding the recent strike of students at the Indian School of Mines, Dhanbad, giving particularly the allegations made by the students in justification of the strike and the result of any official inquiry thereinto ?

**The Honourable Sir Bhupendra Nath Mitra :** A statement giving the required information is being supplied to the Honourable Member, and a copy will also be placed in the Library of the House.

**DISCUSSION IN THE LEGISLATIVE ASSEMBLY OF THE RECOMMENDATIONS OF THE INDIAN STATES COMMITTEE.**

106. **\*Mr. K. C. Neogy :** Do Government propose to give this House an opportunity to discuss the findings and recommendations of the Indian States Committee in so far as they affect the interests of British India, particularly the following paragraphs of the Report, before taking any action thereon :

Paragraphs Nos. 69, 70, 75, 82, 85, 86, 87, 88, 93, 94, 96, 99, 100 and 104 ?

**Sir Denys Bray :** The whole Report is still under consideration, and Government are not at present in a position to make any detailed statement. In the event, however, of any question arising, which seriously affects British Indian interests, the Assembly will be given an opportunity for discussion before a final decision is reached.

**AIR SERVICE FROM KARACHI TO DELHI.**

107. **\*Mr. K. C. Neogy :** With reference to the proposed subsidised air service from Karachi to Delhi, with future extension to other places, will Government be pleased to state :

- (a) whether it is not a fact that tenders received from intending Companies up to March 1929 did not conform to the terms and conditions laid down by the Standing Finance Committee, and concurred in by Government, regarding the eligibility of any company for the subsidy ;
- (b) if the answer to part (a) be in the affirmative, whether fresh tenders have been called for in the light of the said terms and conditions, or whether informal negotiations have been carried on with any chosen company or individual in that connection ; and
- (c) whether there is any possibility of inaugurating the service according to the original time-table ?

**The Honourable Sir Bhupendra Nath Mitra :** I regret, Sir, that I am not in a position just yet to give a complete answer to the Honourable Member. The position is that negotiations are still proceeding in the light of the conclusions reached in discussion with the Standing Finance Committee last March. I hope, however, to be able to make a statement to the House on the subject later on during the present session.

RECOMMENDATIONS MADE BY A CONFERENCE OF MEDICAL MEN IN 1928.

108. \***Mr. K. C. Neogy** : (a) Are Government aware that a Conference of members of the medical profession from all over India was held in Calcutta in December 1928, and have they received a copy of the resolutions passed by the said Conference ?

(b) If the answer to part (a) be in the affirmative, what action, if any, do Government propose to take on the recommendations made by the said Conference ?

**Sir Frank Noyce** : (a) Government received in July a copy of the Resolutions passed by the All-India Medical Conference held at Calcutta in December last.

(b) Those of the Resolutions which concern the Government of India are under consideration.

AMOUNT OF SILVER SOLD AND GOLD SECURITIES PURCHASED BY THE GOVERNMENT OF INDIA IN 1927, 1928 AND 1929.

109. \***Mr. N. C. Kelkar** : (a) Will Government state the amount of silver sold by them in India and in England in the years 1927, 1928 and 1929 ?

(b) Will Government state whether the amount realised from time to time by the sale of silver in India or England, was in each case used for the immediate purpose of buying "gold bullion" or otherwise building up the gold reserve ? If so, what was the amount of gold or gold securities added to the reserve in each case by each purchase ?

**The Honourable Sir George Schuster** : (a) I would call the attention of the Honourable Member to the answers given to similar questions, asked by Mr. Vidya Sagar Pandya, in the Assembly, on the 6th February, 1929, and by Sir Phiroze Sethna in the Council of State on the 17th September, 1928. The market in silver is a sensitive market, and dealings on a large scale have to be handled with great discretion and secrecy in order to avoid speculators taking advantage of the position, or any demoralisation of the market. For these reasons I do not think that it would be in the public interest if I were to give any further detailed figures at the present stage.

I am, however, devoting my attention to devising some means by which fuller information can be given to the public on these points without actual damage to the public interest, together with a fuller explanation of the Government's policy. If the Honourable Member will come to see me I will explain to him fully what is involved in this question. For the present it may interest him to be reminded that at the date which the Currency Commission took as the basis for their Report in April 1926, the stock of silver in the Government reserves was 85 crores of rupees, and on 22nd August, 1929, it was 110½ crores. Further, I can tell him that, with the exception of one lot of nine million ounces of fine silver, which was actually sold for delivery in India, all the remaining sales hitherto made have been of unrefined silver, not acceptable on the Indian market. This silver has been sold for special purposes abroad. No sales have yet been made of fine silver produced at the new Bombay refinery. There has been no instance of fine silver suitable for the



Indian market being sold abroad with a possibility of being shipped back to India.

(b) The proceeds of the sale of silver have hitherto always been invested in what may be described as gold securities, generally British Treasury Bills.

**Sir Purshotamdas Thakurdas :** Is it a fact that the refinery at Bombay has been working, and, that the Directors of the Bullion Exchange in Bombay have removed the discount on silver refined in India ?

**The Honourable Sir George Schuster :** It is a fact that the Bombay refinery has been working now for some months and I am glad to say that the discount has been removed, the removal to take effect from October.

**Sir Purshotamdas Thakurdas :** That then removes the main handicap on the Government selling Indian refined silver in India ?

**The Honourable Sir George Schuster :** That does remove the handicap, and I hope that all the fine silver produced in the Bombay refinery will find its place in the Indian market.

**Sir Purshotamdas Thakurdas :** Do I take it that Government will take advantage of this removal of the handicap and will sell silver in India which is the largest consumer of silver in the world.

**The Honourable Sir George Schuster :** I hope to include a statement as regards the policy of the Government in selling the silver in the statement which I mentioned in my answer to the question I had under consideration. I would ask the Honourable Member not to press me any further on this matter. I am fully alive to the public interest that is taken in this question, and I am sure the Honourable Member, on his side, is also fully alive to the fact that the silver market is a very sensitive market and that we have to proceed with great caution in this matter ; otherwise we might depreciate the price of silver unduly, and the price of silver is a thing which affects the interests of almost everybody in India. If the Government is not very ready at the moment to say exactly what it is going to do, it is not because it wishes to keep anything back from the public ; but simply because we have very much in mind these important points to which I have referred. I am sure the Honourable Member will recognise that it is not my practice to withhold information from this House, and I very much regret that I cannot at present say anything more. But it is because I feel it is in the public interest that I should not say more at the moment that I am keeping silent.

**Mr. Ghanshyam Das Birla :** Will the Honourable Member kindly say why the proceeds of silver were not utilised in purchasing gold bullion instead of gold securities ?

**The Honourable Sir George Schuster :** The Honourable Member will realise that the acquisition of gold from time to time may be a matter of some difficulty. It might perhaps interest Honourable Members if I gave the House the figures of the holdings of gold and gold securities and of silver as they stood in June 1927 when the policy of selling silver was first commenced and as they stand to-day.

In June 1927, the total note issue was 172.57 crores ; the gold holdings in the paper currency reserve and the gold standard reserve combined were 32.6 crores ; " gold securities " stood at 50.46 crores, and the silver holding at 107.34 crores. On the 22nd August, 1929, the total note issue was 185.72 crores, the gold holding was 35.1 crores, the holding in gold securities was 52.52 crores and the holding in silver was 110.43 crores. That is to say, the note issue has been expanded by about 13½ crores, the holding in gold has been increased by 2½ crores, the holding in gold securities has been increased by just over 2 crores and the holding in silver has been increased by just over 3 crores. If the Honourable Member will examine those figures I think he will find some answer to the charges that have been made against the Government, and to the suspicion which exists.

**Mr. Ghanshyam Das Birla :** Was it not one of the conditions, or rather one of the recommendations of the Currency Commission that the sale proceeds of silver should be utilised for purchasing gold bullion and in view of the fact that opportunities were offered to replace silver stocks by gold bullion, why were those opportunities not utilised and instead of that money was invested in good securities ?

**The Honourable Sir George Schuster :** I think that the Honourable Member's supplementary question will arise more properly in connection with the answer to question No. 110. With your permission, Sir, I should like to deal with that point in answer to that question.

**Mr. Ghanshyam Das Birla :** Will the Honourable Member kindly give an undertaking that in future when silver sales are made, the proceeds of such sales will be utilised in purchasing gold bullion and not gold securities ?

**The Honourable Sir George Schuster :** It would be very difficult for me to give a categorical undertaking of that kind. It may not always be possible to apply the particular proceeds of a particular sale in that way. At the same time, I am very much alive to the strong public feeling which exists on this point. I am giving the very fullest consideration to it and in any general statement which I may make as regards the Government's policy I will deal with that point. I think any further explanation on this point will arise more appropriately on the next question.

#### RECOMMENDATION OF THE HILTON-YOUNG COMMISSION FOR BUILDING UP A GOLD RESERVE.

110. **\*Mr. N. C. Kelkar :** Will Government state how far they have carried out the programme of building up the gold reserve recommended by the Hilton-Young Commission ?

**The Honourable Sir George Schuster :** I presume that the Honourable Member is referring to the recommendations of the Commission in paragraphs 78 and 145 of their Report. Strictly speaking, all the recommendations of the Commission were dependent on the formation of a Central or Reserve Bank, and the programme which they laid down for the increase of the holding of gold and for the reduction of silver stocks dated from such formation. As the Government's proposals for the formation of the bank were not accepted by this Assembly, it may be said that the opportunity to give effect to the Commission's recommendations has not arisen.

On the other hand, as I have stated on a previous occasion, the Government still consider the formation of such a bank to be ultimately desirable, and one may conclude from the Report of the Currency Commission that they would have thought it appropriate to carry out certain of their recommendations in advance of the formation of the bank if that were to be, as at present, delayed. It is clear, for example, that the Commission thought that, in any case, the silver holdings were excessive, and that it would be desirable to increase the gold holdings. As regards the latter, the Commission recommended that the gold holdings should be brought up to 20 per cent. of the liabilities of the issue department after the end of the fifth year from the formation of the Bank, and to 25 per cent. at the end of the tenth year. They further recommended that in no case should the gold holdings be less than 30 crores. At the date which the Commission took as the basis for their Report, (namely, April 1926), the total note issue outstanding was just over 185 crores, and to this liability the Commission added a liability of 50 crores in respect of what they called "rupee redemption", thus making the total liabilities 235 crores. At that time the total gold holding in the Gold Standard Reserve and the Paper Currency Reserve combined was 29½ crores, that is to say, the gold holding represented just over 16 per cent. of the note issue and 12 2/3rds per cent. of what the Commission called the total liabilities. On the 22nd August, 1929, the total note issue was 185.9 crores, and the gold holding in the two reserves together was just over 35 crores. That is to say, the gold holding had been increased by 5½ crores to a figure representing about 19 per cent. of the note issue, and just under 15 per cent. of the figures which the Commission took as the "total liabilities". The increase in the gold holdings from 12 2/3rds of the total liability to 15 per cent. does represent a considerable step along the course recommended by the Commission and I would remind the Honourable Member that more than half this increase has been made since November last.

**Mr. Ghanashyam Das Birla :** Is it a fact that this percentage has been increased on account of the contraction effected in the currency ?

**The Honourable Sir George Schuster :** There has been no contraction effected in the note issue. I gave the figures to the Honourable Member. At the date which the Commission took as their basis, April 1926, the outstanding note issue was 185 crores. On the 22nd August last, it was 185.9 crores.

#### PARTICULARS OF UNIVERSITY TRAINING CORPS UNITS IN INDIA.

111. **\*Mr. N. C. Kelkar :** Will Government give information for all the University Training Corps units in India under the following heads :

- (1) Name of University Training Corps.
- (2) Name of Station.
- (3) Total allotment for this Corps in 1929.
- (4) Number, grades and salaries of Indian and European officers attached to the Corps.
- (5) Expenditure on uniforms.
- (6) Expenditure on rifle practice.
- (7) Expenditure on Camping life ?

**Mr. G. R. F. Tottenham :** (1) and (2). The Honourable Member will find the information at pages 727 to 731 of the Indian Army List for July 1929.

(3) The allotment for University Training Corps is included in the budget for the Indian Territorial Force as a whole, and I am afraid it is impossible to separate out the information required by the Honourable Member. It is estimated, however, that one company of the University Training Corps costs approximately Rs. 90,400 in the first year and Rs. 33,500 in subsequent years.

(4) I will furnish the Honourable Member with a statement giving this information.

(5) Officers receive an outfit allowance of Rs. 300 on appointment. The rank and file get free clothing and equipment, the cost of which per company is about Rs. 40,400 in the first year and Rs. 6,100 in subsequent years.

(6) The annual expenditure on ammunition is approximately Rs. 5-6-0 per man.

(7) Rs. 77,447 have been provided in this year's budget for expenditure in camp by units of the University Training Corps. This sum excludes the cost of transportation, tentage and the pay of officers.

#### NUMBER OF ASSISTANT ENGINEERS TO BE RECRUITED IN ENGLAND AND IN INDIA IN 1929.

112. **\*Mr. N. C. Kelkar :** Will Government state the number of Assistant Engineers to be recruited for the year 1929 in England and India ? If there is to be no recruitment in India, will Government state the reasons for the same ?

**The Honourable Sir Bhupendra Nath Mitra :** Nine Assistant Executive Engineers (which is the designation of officers recruited into the Indian Service of Engineers), will be recruited in England in 1929, provided that the full number of suitable candidates is available. As regards the number of officers to be recruited in India for the Service, proposals regarding the rules to regulate such recruitment have been submitted to the Secretary of State. On receipt of his orders (which are expected shortly), the rules, as approved by him, will be published for general information. Thereafter the number of candidates to be recruited thereunder for the first time will be announced. As, however, an unavoidable delay occurred in the submission of the proposals to the Secretary of State, it will not be possible to effect any recruitment under the rules referred to until the beginning of 1930.

The number of recruits to the Indian Railway Service of Engineers during 1929-30 will probably be four in England and 14 in India.

**Mr. N. C. Kelkar :** Will the deficit in the recruitment due to the delay in passing the rules be made up this year ?

**The Honourable Sir Bhupendra Nath Mitra :** The deficit will not be made up this year. As I have explained, the recruits who would have ordinarily been taken in during the year 1929 will be taken in about

the beginning of 1930. Thereafter the precise time of the year when the recruitment will be made will depend on the arrangements made by the Public Service Commission.

**RESULT OF RECENT CONFERENCE ON THE FUTURE POLICY OF THE ADMINISTRATION OF THE REVENUE DEPARTMENTS.**

113. **\*Mr. N. C. Kelkar** : Will Government place on the table a summary of the proceedings of, or at least the results arrived at by, the Conference recently held at Simla between the Central Government and representatives of Provincial Governments, on the subject of the future policy of the administration of the Revenue Departments ?

**Sir Frank Noyce** : The attention of the Honourable Member is invited to the Press Communiqué issued on the 15th May, 1929, a copy of which has been placed on the table of the House. The promised Resolution will be published shortly.

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**GOVERNMENT OF INDIA.**

**DEPARTMENT OF EDUCATION, HEALTH AND LANDS.**

*Simla, the 15th May, 1929.*

*Press Communiqué.*

The Government of India have had under consideration for some time the question of surveying the salient features of land revenue administration in the non-permanently settled provinces in British India. It will be remembered that the last comprehensive examination of this question was undertaken by the Government of Lord Curzon, who issued a Resolution on the subject in 1902. The Government of India accordingly invited the Governments of Madras, Bombay, the United Provinces, the Punjab, the Central Provinces and Assam to depute their Honourable Revenue Members to a Conference at which the adequacy of the existing system of land revenue administration to meet present conditions might be examined. The Conference, which was presided over throughout by His Excellency the Viceroy, was attended by the Honourable Sir Norman Marjoribanks, K.C.I.E., C.S.I., Revenue Member, Madras, the Honourable Mr. J. L. Rieu, C.S.I., I.C.S., Revenue Member, Bombay, the Honourable Mr. G. B. Lambert, C.S.I., I.C.S., Finance Member, United Provinces, the Honourable Khaz Bahadur Mian Sir Fazl-i-Hussain, K.C.I.E., Kt., Revenue Member, Punjab, the Honourable Sir Arthur Nelson, C.I.E., C.B.E., Kt., Finance Member, Central Provinces, and the Honourable Mr. A. W. Botham, C.S.I., C.I.E., Finance Member, Assam. Mr. J. W. Smyth, I.C.S., Revenue Secretary to the Government of Bombay, and Mr. W. L. Scott, C.I.E., Director of Land Records, Assam, also took part in the Conference. The Government of India hope to publish shortly a Resolution setting out the main conclusions reached by the Conference on the important questions discussed. But as land revenue administration is primarily the concern of Local Governments, being a reserved provincial subject, and the divergences of local system of settlements and local conditions make it essential that any general principles that may be enunciated should be framed with due regard to these factors, the Government of India propose to issue the Resolution after prior consultation with the Local Governments.

### ESTABLISHMENT OF AN ADVISORY BOARD FOR THE BARSİ LIGHT RAILWAY.

114. \*Mr. N. C. Kelkar : (a) Will Government state whether the Railway Board had at any time recommended to the Barsi Light Railway Company the desirability of establishing an advisory board for that Railway ?

(b) If so, what was the reply received from the Company ?

(c) Is it not a fact that many grievances of passengers using that Railway go unheeded for want of such an advisory committee and the absence of direct control over the Railway by the Railway Board ?

Mr. P. B. Rau : (a) Yes, in 1922.

(b) and (c). No reply was received at the time, but when the question was again put to the Agent recently, he expressed the opinion that an advisory committee is unnecessary. The Railway Board are addressing the Agent further in this matter.

### COST OF A RAILWAY BRIDGE ACROSS THE BHİMA RİVER NEAR PANDHARPUR AND AMOUNT OF SPECIAL TRAFFIC RATES LEVIED BY THE BARSİ LIGHT RAILWAY.

115. \*Mr. N. C. Kelkar : (a) Will Government state what was the total expenditure incurred by the Barsi Light Railway Company on the construction of the railway bridge across the Bhima river near Pandharpur ?

(b) Is it a fact that this Railway Company was allowed by the Railway Board to levy special traffic rates for recovering this expenditure on the bridge ? If so, for how many years were the special rates enforced, and what was the total amount recovered by the Company by these means ?

(c) Will Government please state whether any portion of the excess of the recovered money over the expenditure on the bridge was spent in providing passenger coaches, in view of the heavy passenger traffic to Pandharpur at least twice a year ?

(d) Did the Railway Board ever make any inquiries as to whether excess money was recovered by the special traffic rates levied by the Barsi Light Railway Company over the amount of expenditure incurred on the Bhima bridge ? If so, with what result ?

Mr. P. B. Rau : (a) The total cost of constructing the bridge was Rs. 5,78,000.

(b) Yes. The special rates were levied for about eight years from 1915 and the total amount recovered was Rs. 10,09,964.

(c) The earnings were credited to revenue in the usual way and not set aside for any special purpose.

(d) No.

### LIST OF BOOKS AND PAMPHLETS ON RUSSIA PROSCRIBED SINCE 1918.

116. \*Mr. N. C. Kelkar : (a) Will Government lay on the table a list of books or pamphlets or general printed literature in any other form on the subject of Russia, proscribed under their orders since the year 1918 ?

(b) Will Government obtain from the Home Office in London a list of books and literature on the subject of Russia proscribed under the orders of the Home Secretary in London, and lay it on the table of the House?

(c) Will Government please state what steps they took to keep a watch on literature which may be undesirable from their point of view, but which is printed neither in India nor in England, and imported into India through the Post Office or by shipments from foreign countries? What are the steps generally taken with regard to such books and literature?

**The Honourable Sir James Crerar :** (a) From the information in the possession of the Government of India up to the end of 1928, no literature on the subject of Russia appears to have been forfeited under the Press Act of 1910, or proscribed under section 99-A of the Criminal Procedure Code. A list has been placed on the table showing literature relating to Russia, or emanating from Russia, which has been prohibited under the Sea Customs Act.

(b) I do not think that the Government of India could properly take the action suggested.

(c) In regard to undesirable literature imported or likely to be imported into India, if its entry has been already prohibited, the Customs and the Postal Departments are asked to keep a watch on its importation and to intercept it, if discovered. If its entry into India has not been prohibited, the literature is examined in order to see whether prohibition is necessary.

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*Literature relating to Russia or emanating from Russia which has been prohibited under the Sea Customs Act.*

1. Bolshevism and the Islamic Body Politic by Maulvi Md. Barkatulla.
2. Gale's journal of revolutionary Communism (a magazine).
3. Soviet Russia.
4. All publications issued by the Red International of Labour Unions.
5. Economics and problem of national revolutionaries in the countries of the Near and Far East, Moscow.
6. Publications issued by the Communist International or organisations controlled by the Communist International.

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**SUGGESTION BY SIR CLEMENT HINDLEY THAT THE RAILWAY DEPARTMENT MIGHT BE MADE DIRECTLY RESPONSIBLE TO PARLIAMENT.**

117. **\*Mr. N. O. Kelkar :** (a) Has the attention of Government been drawn to the speech of Sir Clement Hindley before the East India Association, London, in June last or thereabouts, on the subject of Indian Railways and particularly to the reference therein to the possibility of the Railway Department in India being made responsible to the Parliament by special Statute?

(b) Will Government please state whether the idea has been mentioned by any responsible authority in India in its correspondence with

Home authorities or with the Government of India or before the Simon Commission ?

**The Honourable Sir George Rainy :** (a) Government have seen the speech referred to by the Honourable Member. The passage to which he refers runs as follows :

" In Canada, Germany and Belgium State railway administration has been commercialised and made a separate authority subordinated by Statute to Parliament. But whether such a solution is likely to be found by the makers of India's future constitution remains to be seen ".

It is obvious, I think, that by " Parliament " Sir Clement Hindley meant in each case the Legislature of the country concerned, and that when he spoke of a similar solution in India, he was thinking of a statutory body subordinate to the Indian Legislature.

(b) So far as Government are aware, no one has ever suggested that the administration of the Indian railways could be entrusted to a body directly subordinate to the British Parliament.

#### ISSUE OF RAILWAY BONDS BY GOVERNMENT TO RAISE FUNDS FOR RAILWAY PROGRAMMES.

118. **\*Mr. N. C. Kelkar :** Have Government in their contemplation any idea about raising funds for railway programmes by issuing railway bonds, open for purchase even by people outside India ?

**The Honourable Sir George Schuster :** The question of how best to raise money for the future development of the railways in India is one which has been constantly in my mind during the past year ; but I cannot say that there is any such proposition as is referred to in the question definitely under consideration by the Government of India at present. I am not quite clear what the Honourable Member has in his mind in using the words " open for purchase even by people outside India ". All Government of India securities are open for purchase by anybody regardless of his domicile. If the Honourable Member has any special ideas or suggestions on this subject, I should be very glad to discuss them with him.

#### NAMES OF RAILWAY PROGRAMMES HELD UP DURING THE LAST SIX YEARS FOR WANT OF FUNDS.

119. **\*Mr. N. C. Kelkar :** Will Government name the railway programmes, if any, which had to be held up during the last six years for want of funds totally denied or curtailed by the Railway Finance Committee, or which were not placed before the Committee for fear of such curtailment or refusal ?

**Mr. P. B. Rau :** I lay a statement on the table showing the proposals placed before the Standing Finance Committee for Railways which were either not accepted by them, or accepted in a modified form.

I am not aware of any not placed before the Committee for the reason mentioned by the Honourable Member.



*Statement showing proposals placed before Standing Finance Committee for Railways and not accepted by them or accepted in a modified form.*

Item No.	Railway.	Year.	Particulars.	Remarks by Standing Finance Committee.	Reference to Proceedings of Standing Finance Committee.
1	Great Indian Peninsula	1925	Remodelling of Victoria Terminus.	The additional expenditure of Rs. 15 lakhs in respect of Bombay, Baroda and Central India Railway long distance traffic not to be incurred until the question of long distance passenger traffic on the Bombay, Baroda and Central India Railway had been put up before the Committee.	Volume II, No. 3, pages 1 to 6.
2	Bengal Nagpur	1925	Electric supply scheme and power house at Chakardharpore, Bilaspur, Anara, Bhojudih, Mohuda and Khurda Road.	No expenditure should be incurred until a note explaining the necessity and advisability of these schemes is placed before the Committee.	Volume II, No. 4, pages 39 to 42.
3	Madras and Southern Mahratta.	1925	Remodelling and extension of Central Station.	Complete scheme to be put up before the Committee before work is undertaken.	Volume II, No. 4, pages 50 to 52.
4	Bengal Nagpur	1925	Construction of staff quarters at several stations.	Reduced provision allowed to stand on understanding that no expenditure would be incurred until the statement asked for from Agent showing reasons for provision of all quarters and the financial return anticipated has been placed before the Committee.	Volume II, No. 4, pages 39 to 42.
5	Great Indian Peninsula	1925	Officer's flats at Bombay	The expenditure should be postponed until the new rules have been discussed by the Committee.	Volume II, No. 5, page 13.
6	Do.	1925	Electrification of Kargali Colliery.	Scheme not to be proceeded with until detailed proposals have been placed before the Committee.	Volume II, No. 5, page 10.

Item No.	Railway.	Year.	Particulars.	Remarks by Standing Finance Committee.	Reference to Proceedings of Standing Finance Committee.
7	North Western	1925	Construction of avoiding lines Drigh Road to West Wharf, Up Marshalling and Depature Yard at Karachi, Re-modelling Karachi City Yard. Alterations to outward Bender Heed Yard.	Expenditure at Karachi not to be incurred before a report is placed before the Standing Finance Committee.	Volume II, No. 5, pages 21 to 24.
8	Do.	1925	Sanitation of Railway Colony at Moghalpura.	Scheme not to be proceeded with until it is placed before the Standing Finance Committee.	Volume II, No. 5, pages 21 to 24.
9	Great Indian Peninsula	1927	Kalyan Powerhouse ..	Mr. Jamnadas Mehta proposed that the provision of 40 lakhs made in connection with this scheme should be reduced in order that the Committee may have an opportunity of examining the relative advantages of building a powerhouse or of obtaining power from the Tata-Hydro Electric Power Company. Three members were in favour of it and three against it. The Committee finally passed the demand.	Volume IV, No. 1, page 7.
10	Eastern Bengal	1927	Two bogie upper class and 8 bogie lower class.	These items should be omitted ..	Volume IV, No. 4, page 11.

**INSUFFICIENCY OF WATERWAYS ON THE ASSAM-BENGAL RAILWAY.**

**120. \*Maulvi Abdul Matin Chaudhury :** (a) Are Government aware that the insufficiency of waterways on the railway line between Fenchugunj and Moglabazar Section of the Assam Bengal Railway has been responsible for much of the havoc done by the floods in a considerable portion of the Sadr sub-division of the Sylhet district ?

(b) Do Government propose to increase the number of waterways in this particular section of the Assam Bengal Railway ?

**Mr. P. R. Rau :** (a) Government have made inquiries on this point from the Agent, Assam Bengal Railway, who reports that the waterways are amply sufficient for normal floods. This year's flood was two to four feet higher than anything previously recorded or remembered by living man in the district.

(b) It is understood that the Government of Assam have called for a report as to the sufficiency or otherwise of the waterways provided by the Railway Company and Government will await this report before taking action.

**CONTROL OF RAILWAY MAIL SERVICE OFFICIALS BY SUPERINTENDENTS AND INSPECTORS OF THAT SERVICE.**

**121. \*Mr. Anwar-ul-Asim :** Is it a fact that the Railway Mail Service officials are controlled by Superintendents, Railway Mail Service, and Inspectors, and not by the head record clerk ?

**Mr. P. G. Rogers :** The position is not exactly as stated by the Honourable Member. A head record clerk is empowered to appoint, transfer and punish porters and lower grade staff and also has certain powers of control over sorters, including the power of temporarily transferring such officials.

**AMALGAMATION OF THE GRADES OF POSTMASTER-GENERAL, DEPUTY POSTMASTER-GENERAL AND ASSISTANT POSTMASTER-GENERAL.**

**122. \*Mr. Anwar-ul-Asim :** With reference to Government reply to my question No. 329 in the last Delhi Session, will Government be pleased to state whether it is a fact that the grades of Postmaster General, Deputy Postmaster General and Assistant Postmaster General are different from one another ? If so, do Government propose to consider the question of amalgamating the grades of the Postmaster General, Deputy Postmaster General and Assistant Postmaster General into one, as has been done in the case of non-gazetted Postmasters and Deputy Postmasters ? If not, why not ?

**The Honourable Sir Bhupendra Nath Mitra :** The reply to the first part of the question is in the affirmative. With regard to the rest of the question, Government see no reason to adopt the course suggested by the Honourable Member as the status, duties and responsibilities of each of the three classes of gazetted officers referred to are widely different, and there is no analogy between the case of these officers and the case of Postmasters and Deputy Postmasters.

**RESERVATION OF FUTURE VACANCIES IN THE POSTS AND TELEGRAPHS DEPARTMENT FOR MUSLIMS TILL THEY FORM ONE-THIRD OF THE TOTAL EMPLOYEES.**

123. **\*Mr. Anwar-ul-Azim :** (a) With reference to Government's reply to my question No. 330 in the last Delhi Session, will Government be pleased to lay on the table the procedure followed by the Departments in order to see that Government orders are strictly observed by the recruiting officers ?

(b) Do Government propose to reserve the vacancies henceforth occurring in the Posts and Telegraphs Department for the members of the Moslem community till they form one-third number of the total employees ? If not, when is the community likely to get its proper share according to its numerical strength ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) In the Indian Postal and Telegraph Department, the composition of new recruits according to various communities will be given in a statement which will be introduced in the Administration Report of the Department with effect from 1928-29.

(b) The reply to the first part is in the negative. The Honourable Member has evidently not understood the intention of the Government orders on the subject. The policy of Government in this matter is to prevent the preponderance in Government service of any one community, and one-third of the vacancies in any office or Department are reserved for such adjustments as may be necessary in pursuance of this policy. This is quite a different thing from reserving one-third of the vacancies for any particular community.

**GRANT TO SECOND CLASS HEAD POSTMASTERS OF POWER TO DEAL WITH THEIR SUBORDINATES.**

124. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state whether it is a fact that second class Head Postmasters are experiencing much difficulty in managing Head Offices, as they have no power to deal with the subordinates of the clerical cadre ? If so, do Government propose to invest them with full powers to deal with their subordinates ? If not, why not ?

**Mr. P. G. Rogers :** Government are not aware of any such difficulty. The latter part of the question does not arise.

**RESERVATION FOR MUSLIMS OF TWO-THIRDS OF THE VACANCIES IN APPOINTMENTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.**

125. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state the circumstances under which Government reserve only one-third of the vacancies for the Muslim community ? Are Government prepared to reserve two-thirds of the vacancies for that community and one-third for the communities who are already in overwhelming numbers in these departments till the number of the Muslim community reaches its proper level ? If not, why not ?

**The Honourable Sir James Crerar :** If the Honourable Member's question is intended to relate to the rules regarding recruitment to certain services and Departments under the Government of India, I would refer him to the statement made by the late Sir Alexander Muddiman in another place on 2nd March, 1925. It will be seen that the reservation of one-third is for minority communities generally which fail to obtain adequate representation in the Services. As at present advised, Government are not prepared to make any change in the policy already adopted after mature consideration, but I shall be glad to have any representation which the Honourable Member may wish to communicate to me on the subject.

**NUMBER OF MUSSALMANS APPOINTED AS OFFICERS AND IN SUPERIOR AND INFERIOR GRADES IN THE POSTS AND TELEGRAPHS DEPARTMENT SINCE ISSUE OF GOVERNMENT'S ORDERS RESERVING ONE-THIRD OF VACANCIES FOR THAT COMMUNITY.**

126. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to call for and lay on the table statistics from the Posts and Telegraphs Department showing the vacancies which occurred in the officers' and the superior and inferior grades from the date of the issue of the Government order reserving one-third of the vacancies for the Mussalmans and the number of vacancies in the various grades filled up by Mussalmans and others, and state whether the orders were strictly observed ?

**The Honourable Sir Bhupendra Nath Mitra :** I would refer the Honourable Member to the explanation I have just given in reply to his question No. 123, in view of which the statistics asked for by him do not appear to be necessary, and the concluding sentence of his question does not arise.

**PARTICULARS OF COMMERCE AND INDUSTRY CARRIED ON IN BRITISH BALUCHISTAN AND NATURE OF SUPPORT GIVEN TO IT.**

127. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state what commerce and industry, and to what extent, are prevailing at present in British Baluchistan ?

(b) How are they administratively managed ?

(c) Do the Political Officers on the spot give any support to them and, if so, which and to what extent ?

(d) Have the Commerce and the Industries Departments of the Government of India any practical hand in it and, if so, which and to what extent ?

(e) Do the Commerce and the Industries Departments of the Government of India give any financial support to the commerce and industry of this province and, if so, how much ?

**The Honourable Sir George Rainy :** (a) The Honourable Member's attention is invited to the last Administration Report of the Baluchistan Agency, copies of which are in the Library.

(b) to (e). Official functions relating to the commercial and industrial development of British Baluchistan are performed by local officers under the authority of the Agent to the Governor General and Chief Commissioner, who acts in this capacity on behalf of the Government of India in

the Commerce and Industry Departments. The expenditure incurred in the performance of these functions is borne by the Central Government.

#### EXTENT OF FINANCIAL BURDEN TO THE INDIAN TREASURY OF BRITISH BALUCHISTAN.

128. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state if British Baluchistan is financially a burden on the Indian Treasury ?

(b) If so, to what extent, and for how many years has it so remained ?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to state if they have any idea of attempting to make the province self-supporting ? If so, how ?

**Sir Denys Bray** : (a) Yes.

(b) From the beginning. Excluding expenditure on Political and Frontier Watch and Ward, which are Central heads everywhere, the deficit last year was nearly 22 lakhs.

(c) With over 1,200 miles of vulnerable land frontier, there is, I fear, no prospect of Baluchistan becoming self-supporting ; but this frontier province is of course doing work for the whole of India.

**Mr. Lalchand Navalrai** : May I understand that it is hopeless for British Baluchistan to improve ?

**Sir Denys Bray** : Certainly not, Sir. But even British Baluchistan cannot attain perfection.

**Mr. Lalchand Navalrai** : Then I would expect Government to make some endeavours to improve matters there.

**Sir Denys Bray** : Government are constantly making such endeavours with the result that Baluchistan is in many ways a model for the rest of India, especially Sind. (Laughter.)

#### GRANT OF CONTRACTS FOR MILD STEEL SECTIONS FOR THE NORTH WESTERN RAILWAY.

129. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state to whom contracts for items Nos. 17 to 23, 25, 26, 35 to 37, 101 to 104, 129 to 132, 134 to 137 and 139 to 142 of the North Western Railway tender for mild steel sections for the year 1929-30 was given, and what was the successful firm's offer for these items ?

(b) What was the offer of Messrs. Ramchand Jethmal, Karachi, for these items ?

**Mr. P. B. Rau** : With your permission, Sir, I shall reply to questions Nos. 129 and 130 together. I lay a statement on the table giving the information required in part (a) of both questions. As regards part (b), the ordinary practice, both of the Railway Department and the Indian Stores Department, is not to publish names or amounts of tenders of unsuccessful tenderers, and Government can see no good reason to depart from it in this matter.

Item No. of Tender of steel mild section for 1929-30.	Name of the firms to whom contract was awarded.	Rate at which contract was awarded.	Unit.	Station of delivery.
		Rs. A. P.		
17	Messrs. The Tata Iron and Steel Co.	7 6 0	Cwt.	F. R. O. Tatanagar.
18	Do. do. ..	7 4 0	"	Do.
19	Do. do. ..	7 0 0	"	Do.
20	Do. do. ..	7 0 0	"	Do.
21	Do. do. ..	6 12 0	"	Do.
22	Do. do. ..	6 12 0	"	Do.
23	Do. do. ..	7 0 0	"	Do.
25	Do. do. ..	6 12 0	"	Do.
26	Do. do. ..	6 12 0	"	Do.
35	Messrs. Hoare Miller and Co., Calcutta.	5 13 9 6 0 6	"	C. I. F. Karachi. Do.
36	Do. do. ..	6 4 9	"	Do.
37	Do. do. ..	6 0 6 6 3 6	"	Do. Do.
101	Messrs. W. J. Knott and Co., Agents for Messrs. Shaw Wallace and Co.	8 3 0	"	F. O. R. Karachi.
102	Do. do. ..	7 6 6	"	Do.
103	Messrs. Hoare Miller and Co., Calcutta.	6 6 3 6 9 0	"	C. I. F. Karachi. Do.
104	Do. do. ..	6 6 3 6 9 0 6 11 9	"	Do. Do. Do.
129	Do. do. ..	6 2 0 6 4 9	"	Do. Do.
130	Do. do. ..	6 2 0	"	Do.
131	Do. do. ..	6 2 0 6 4 9 6 7 6	"	Do. Do. Do.
132	Do. do. ..	6 2 0	"	Do.
134	Do. do. ..	6 2 0 6 4 9 6 7 6	"	Do. Do. Do.
135	Do. do. ..	6 2 0	"	Do.
136	Do. do. ..	6 2 0	"	Do.
137	Do. do. ..	6 4 9 6 7 6	"	Do. Do.
139	Do. do. ..	6 2 0 6 4 9	"	Do. Do.
140	Do. do. ..	6 2 0 6 4 9	"	Do. Do.
141	Do. do. ..	6 2 0	"	Do.
142	Do. do. ..	6 2 0 6 4 9 6 7 6	"	Do. Do. Do.

Item No. of Tender for Canvas Hose.	Name of firm to whom contract was awarded.	Rate at which contract was awarded.	Unit.
		Rs. a. p.	
633	Messrs. Turner Hoare and Co.	0 6 0	Per foot f. o. r. Karachi.
634	Do. do. ..	0 8 0	Do.
635	Cancelled .. ..	..	
636	Messrs. Turner Hoare and Co.	0 10 2	Per foot f. o. r. Karachi.
637	Do. do. ..	0 11 9	Do.
638	Do. do. ..	0 15 3	Do.
639	Do. do. ..	1 3 9	Do.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to give me an idea, if the statement does not contain it, of what was the tender of Messrs. Ramchand Jethmal, and what was the other tender which was accepted ?

**Mr. P. R. Rau :** The statement gives information about the successful tenders : about Messrs. Ramchand Jethmal I have already stated that I am unable to give an answer.

#### GRANT OF CONTRACTS FOR CANVAS HOSE FOR THE NORTH WESTERN RAILWAY.

†130. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state to whom the contract for canvas hose of various sizes of the North Western Railway tender for Miscellaneous Stores of European Manufacture for 1929-30 was given and what was the successful firm's offer for different sizes ?

(b) What was the offer of Messrs. Ramchand Jethmal, Karachi, for these items ?

#### INCLUSION OF THE NAME OF RAMCHAND JETHMAL OF KARACHI IN THE LIST OF FIRMS ASKED TO TENDER FOR STORES FOR THE NORTH WESTERN RAILWAY.

131. **\*Mr. Lalchand Navalrai :** (a) Is it a fact that tenders were invited from Messrs. Ramchand Jethmal of Karachi for casual requirements of the North Western Railway ? If so, why were they not included in the list of Indian firms which were asked to give their quotations, as stated in letter No. 3925, dated Simla, the 20th May, 1929, from the Deputy



Director, Railway Board, in reply to question No. 439, asked in the Assembly by Haji Abdullah Haroon, M.L.A., on the 3rd April, 1929 ?

(b) Is it a fact that invitation of such tenders from the firm of Messrs. Ramchand Jethmal of Karachi has been discontinued ? If so, why ?

**Mr. P. B. Rau :** I understand invitations for casual tenders were invited from the firm named in the past, but it has now been removed from the list, along with 85 other firms, with a view to reducing the list which had become unnecessarily long.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say what was the reason for taking away the names of this firm and other firms ?

**Mr. P. B. Rau :** Because the list had become unnecessarily long, 86 names were removed from the total list.

#### PUBLICATION BY THE NORTH WESTERN RAILWAY OF PARTICULARS OF THEIR PURCHASES.

132. **\*Mr. Lalchand Navalrai :** Are Government aware that the Indian Stores Department of the Government of India publish their purchases in an Indian trade journal ?

(b) Is it a fact that the Great Indian Peninsula and East Indian Railways publish their purchases similarly ?

(c) If so, why does not the North Western Railway publish its purchases ?

(d) Do Government propose, in the interests of the trading firms, to ask the North Western Railway to follow a similar course ?

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

(b), (c) and (d). In March, 1924, the Railway Board instructed the State Railways to publish, in the *Indian Trade Journal*, extracts of items of purchase through public tender, the names of the successful tenderers and accepted rates.

The Great Indian Peninsula Railway publish acceptances of all advertised annual tenders for items exceeding Rs. 5,000 in total value. The East Indian Railway publish accepted tenders in the *East Indian Railway Stores Bulletins*, which are supplied regularly to the Director General of Commercial Intelligence and Statistics, Calcutta ; but it is understood on inquiry that, through some misunderstanding, these results are not being published in the *Indian Trade Journal*. Steps are being taken to put this right. The North Western Railway have not been publishing accepted tenders in the *Indian Trade Journal*, except for sleepers, as in 1927 the Director General of Commercial Intelligence advised the Agent that he was unable to provide the space required for detailed lists of accepted items on annual tenders ; but lists of all accepted tenders are posted on the notice board outside the headquarters office, Lahore. The Railway Board have now arranged with the Director General of Intelligence

and Statistics to publish the North Western Railway accepted items in the same way as in other State Railways.

**NUMBER OF MUSLIMS APPOINTED TO THE ARMY DEPARTMENT SINCE OCTOBER 1927.**

133. **\*Maulvi Muhammad Yakub :** With reference to my questions Nos. 861 and 862, asked on the 5th September, 1927, will Government be pleased to state what action has since been taken by the Public Service Commission, to add more Muslim candidates to the list of qualified candidates and how many Muslims have been appointed in the Army Department since October 1927 ?

**The Honourable Sir James Orerar :** Since September 1927, the Public Service Commission have added, on the results of the competitive examination held in November, 1926, the names of 15 Muslims to the list of candidates qualified for employment in the Government of India Secretariat and the attached offices. Seven Muslims have been appointed, either permanently or in a provisionally permanent capacity in the Army Department Secretariat since October 1927.

**PAY AND ALLOWANCES OF CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

134. **\*Maulvi Muhammad Yakub :** Will Government be pleased to refer to the statement below and state whether it is correct, and also state :

- (a) The reasons why the lady clerks are allowed to draw higher rates of pay and allowances than the senior male clerks ?
- (b) Whether the clerks at 18 and 19 of the statement have been allowed any concession in view of the huge reduction in their emoluments on account of their retention at Delhi ? If so, what and, if not, what are the reasons ?
- (c) Whether the staff of Director General's Simla Camp Office, especially the clerks of second Division, included the clerks who have been allowed the Delhi transfer concessions ; and, if so, why such clerks have been given preference over the affected clerks who have been deprived of the concessions ?
- (d) Whether it is a fact that one lady typist, who was appointed only last year (1928), is in receipt of a pay of Rs. 125 per mensem (in the grade of Rs. 55—155), *plus* Simla local allowance, Rs. 65 per mensem, *plus* house-rent allowance, Rs. 300 ; that is, she is allowed to draw the allowances at family rates over and above her higher rates of pay and, if so, why the male clerks who, although much more senior to her, are in receipt of much less pay and allowances ?

*Statement showing particulars of the officials of the Director General of Posts and Telegraphs Office who were not allowed the concessions sanctioned on the occasion of the transfer of the Headquarters of that office from Calcutta to Delhi.*

No.	Names.	Date of appointment.	Date of entry in grade.	Monthly.			Annual.
				Substantive pay.	Simla Local Allowance.	Total.	Simla House Rent Allowance.
				Rs.	Rs.	Rs.	Rs.
1	Mr. G. deMagry ..	24-9-03	28-9-21	400	75	475	400
2	Miss E. deMonte ..	16-6-18	1-3-21	285	70	355	350
3	Mr. M. A. Rauf ..	7-12-97	1-3-22	170	65	235	300
4	Mr. M. A. Rahman ..	1-4-20	1-4-22	155	65	220	300
5	Mr. S. N. Sen ..	1-2-22	1-2-22	130	65	195	260
6	Mr. M. A. Khan ..	1-5-19	..	118	65	183	260
7	Mrs. A. Harington..	17-4-23	17-4-23	150	65	215	300
8	Mr. A. H. Khan ..	8-7-19	1-3-21	110	65	175	260
9	Mr. H. N. S. Chodhry ..	2-6-19	1-3-21	90	50	140	230
10	Mr. Kh. A. Bashir ..	1-5-19	1-3-21	90	50	140	230
11	Mr. M. A. Ghani ..	1-6-19	1-3-21	90	50	140	230
12	Mr. H. N. Verma ..	1-5-19	1-3-21	90	50	140	230
13	Mr. S. M. Badruddin ..	18-3-20	1-12-21	85	50	135	260
14	Mr. Ram Rakha ..	26-6-24	26-6-24	70	50	120	230
15	Mr. K. M. Ghoah ..	1925	..	65	50	115	260
16	Mr. A. Salahuddin ..	1-5-19	Since transferred to Delhi on promotion.				
17	Mr. N. Mohammad ..	12-4-20	Since transferred to Delhi on promotion.				
18	Mr. Mohd. Maroof ..	12-5-02	Since transferred to Delhi without promotion.				
19	Mr. S. M. Banerji ..	1-4-25	Since transferred to Delhi without promotion.				

The official shown at 1 is in the grade of 300—500.

The officials shown at 2 to 6 are in the grade of 100—300.

The officials shown at 7 to 15 are in the grade of 55—155.

**The Honourable Sir Bhupendra Nath Mitra :** (a) The statement furnished by the Honourable Member is correct. The scale of pay and allowances for lady and male clerks is identical, but as, under Government orders lady clerks are given a higher starting pay, the actual pay drawn by them may be higher than that of male clerks of possibly longer service.

(b) No. Because the compensatory and other allowances under the Simla Allowances Code are not admissible to those clerks who are required to remain permanently in Delhi.

(c) Yes ; some of them, because they were selected as more suitable for employment in the camp office.

(d) Yes ; as regards her higher pay, the position has already been explained in my reply to part (a) above. As regards allowances the rates vary according to pay, and higher pay carries higher allowances.

**Maulvi Muhammad Yakub :** What is the reason that they are considered more suitable for camp work ?

**The Honourable Sir Bhupendra Nath Mitra :** That, Sir, is a matter of opinion on the part of the head of the office. In his opinion these individuals are more suitable for the work of the camp office than perhaps other people who are placed in a less fortunate position.

**Maulvi Muhammad Yakub :** Are these lady clerks given more pay because they are required to do some additional work besides their office work ?

**The Honourable Sir Bhupendra Nath Mitra :** There is no question of additional work besides office work.

**EMOLUMENTS OF CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS PERMANENTLY LOCATED IN DELHI.**

135. **\*Maulvi Muhammad Yakub :** (a) Will Government be pleased to refer to the reply of the Honourable Mr. A. C. McWatters to Mr. Anwar-ul-Azim's unstarred question No. 414 in the Legislative Assembly on the 20th September, 1928, and say how many clerks from among those who have not been granted any "concessions" sanctioned on the permanent location of the Office of the Director General of Posts and Telegraphs at Delhi were permanently located in Delhi this year, and how the percentage of reduction in their emoluments compares with that of the increase in the emoluments of their confreres, who were transferred from Calcutta ?

(b) What amount of compensation has been given to such clerks in view of the huge reduction in their emoluments and in view of the fact that their confreres were given a special increase in pay and other concessions on being permanently located in Delhi ? If no compensation has been given, what are the reasons ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Four, of whom two have been retained in Delhi on promotion to the higher grades. In the case of the other two, the percentages of decrease of emoluments are 49 per cent. and 52 per cent. respectively, representing the Simla Local Allowances ; while the proportionate increase in the emoluments of the clerks of equal standing who were transferred from Calcutta are 9 per cent. and 18 per cent. These increases are due to their temporary personal pay which, under the rules, will be gradually absorbed in annual increments. In a few years' time the pay for the two classes in Delhi will be equalised.

(b) As they are no longer attached to the Simla camp office, they are not entitled to draw the compensatory and other allowances under the Simla Allowances Code, nor have they any claim to concessions enjoyed by clerks transferred with the permanent office from Calcutta to New Delhi, as they did not fulfil the conditions on which those concessions were granted. There is therefore no question of compensation.

**Maulvi Muhammad Yakub :** Was any undertaking given to the clerks recruited in the Calcutta office that they were to serve in the town of Calcutta only, and if all of them belonged to that town or to suburbs how much did they lose financially by the move ?

**The Honourable Sir Bhupendra Nath Mitra :** So far as I am aware, though this is ancient history, no written undertaking of any kind was given to the clerks referred by my Honourable friend, but there was undoubtedly that understanding. When the clerks were recruited, the headquarters of the Office of the Director General were at Calcutta, and only a section of the Office used to move up to Simla. Therefore, Government considered that it would be only treating these clerks fairly if they were given some compensation for a change in what they understood to

be the conditions of their service. I regret I do not possess the statistical information which my Honourable friend wants, and at this distance of time it would be impossible for me to start investigations to collect all that statistical information.

**Maulvi Muhammad Yakub :** Is it not a fact, Sir, that the majority of the clerks affected are low paid Mussalmans and the conditions of their service were specially mentioned by Order No. 17-P.T.E., dated the..... 1929, and that 200 clerks got something more by way of concessions ?

**The Honourable Sir Bhupendra Nath Mitra :** I can assure my Honourable friend that no question of communal discrimination arises in the matter. The Director General had to follow the orders based on standard rules of the Finance authorities.

**Maulvi Muhammad Yakub :** Well, Sir, another question. Would not these clerks have got the concessions if they were on duty in the Calcutta office instead of in the Simla office, like the other clerks who were transferred to that office from Simla before the change of headquarters ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall be glad if the Honourable Member will repeat his question. It is so long that I could not catch it.

**Maulvi Muhammad Yakub :** Would they not have got the concessions if these clerks had been in the Calcutta office instead of in the Simla office like the other clerks who were transferred to that office from Simla before the change of headquarters ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall be glad if the Honourable Member will put down that question on paper. It is so complicated that, though I have tried my best to catch it, I am afraid I fail to see the point of it.

**Mr. Gaya Prasad Singh :** Will it not be proper to leave the details of office arrangement to the Department itself ?

**The Honourable Sir Bhupendra Nath Mitra :** That is not a question ; it may be an answer to my friend Maulvi Muhammad Yakub's last question.

**Maulvi Muhammad Yakub :** I congratulate the Government for having secured an adviser.

#### REPORT ON THE SPECIAL SUPPLY OF WAGONS DURING JANUARY, FEBRUARY AND MARCH, 1929, ON THE EAST INDIAN AND BENGAL NAGPUR RAILWAYS.

136. **\*Mr. K. C. Neogy :** (a) Will Government be pleased to state if they have received the Report of the Committee appointed to examine the question of special supply of railway wagons during January, February and March, 1929, for the carriage of coal, on the East Indian and Bengal Nagpur Railways, and other connected questions ?

(b) Is it a fact that instances of gross irregularities have been brought to light in the course of the said inquiry, and that the Committee have left it to the Railway Board to decide whether further investigation should be made into these cases ?

(c) What action do Government propose to take upon the Report, and when is it likely to be published ?

**The Honourable Sir George Rainy :** (a) Yes. I am placing a copy of the Report on the table of the House.

(b) Yes.

(c) Action has already been taken by the Railway Board on most of the recommendations of the Committee, after obtaining the concurrence of the Indian Mining Association and Indian Mining Federation and the Agents of the East Indian and Bengal Nagpur Railways.

I propose to discuss the matter with the Railway Central Advisory Council at a meeting during the present Session.

### WAGON SUPPLY COMMITTEE.

#### REPORT.

*June 10th, 1929.*

The Committee appointed to examine the question of the special supply of wagons during January, February and March, 1929 and to investigate the method by which the bases for the allotment of wagons to Collieries are fixed vide Railway Board's letter of the 25th March 1929—held its first Meeting on the 8th April and subsequent ones on the 17th April, the 3rd, 14th and 17th May and the 7th of June.

#### *Terms of Reference.*

That the Committee should investigate the whole question of the special supply of wagons during January, February and March 1929 for loading coal for (a) Government requirements and (b) Public Utility Concerns with special reference to :

- (1) The genuineness of the indents for wagons on these accounts.
- (2) The necessity and possibility of the Railways exercising a stricter check on the genuineness of the indents with a view to keeping the numbers of wagons to be supplied under the above two heads as low as possible.
- (3) The necessity for the Railways exercising a greater check than was done in the actual booking of the wagons that were supplied under the above heads. For the purpose of the above investigation the Railway Administration will produce such records before the Committee as are pertinent to the investigation.

The Committee should further investigate the method on which the bases of Collieries are fixed.

#### *Members of the Committee.*

C. S. WHITWORTH, Esq., C.I.E., Chief Mining Engineer, Railway Board.

A. A. F. BRAY, Esq.,	} Representing the Indian Mining Association.
W. D. PANTON, Esq.,	

M. N. MUKERJEE, Esq.,	} Representing Indian Mining Federation.
S. C. GHOSH, Esq.,	

A. BURBIDGE, Esq., Representing East Indian Railway.

G. S. PELLY, Esq., Representing Bengal Nagpur Railway.

#### *Report of Committee.*

1. The genuineness of indents for wagons on account Government requirements and Public Utility Concerns :

A very large number of indents were not genuine. We were informed that on the Bengal Nagpur Railway inquiries were always made into doubtful

cases before wagons were supplied, but on the East Indian Railway—up to the middle of March—there was no regular check of any description. If a Colliery indented for wagons on account “Government” or “Public Utility” they were supplied without question or reference and we are convinced that a large number of wagons supplied against genuine indents were misused.

2. The necessity and possibility of the Railways exercising a stricter check on the genuineness of the indents with a view to keeping the number of wagons under the above two heads as low as possible :

On the East Indian Railway a stricter check is now being exercised than was in force in January, and the Bengal Nagpur Railway claim that they have always exercised considerable care in dealing with, and investigating the genuineness of indents. At the same time we are of opinion that the the strictest check should always be exercised—whether wagons are plentiful or not.

We are of opinion that the following priority list should be put into force as early as possible :

- (a) *Shipment Coal* under the Coal Grading Board Act, 1925.
- (b) *Loco Coal* including Railways, Mail Steamers and Port Trusts.
- (c) *Military requirements* certified by Chief Mining Engineer, Railway Board.
- (d) *Public Utility* in the following orders :
  - (i) Power Stations, Gas Works, Water Works, Municipalities.
  - (ii) Tramways.
  - (iii) Inland Steamers (for their own consumption).
- (e) *Iron and Steel Works*—

*Note.*—We are all agreed that the Iron and Steel Works must have their coal supplies assured, but we do feel that they should maintain stocks at the various works representing a minimum of 30 days consumption, on which they should draw in times of wagon shortage.

- (f) *Coke Works*—

*Note.*—The Indian Mining Federation object to special supplies being given to Coke Plants on the ground that they are situated in the Coal-fields.

A list of the Public Utility Concerns—prepared from the Railway records—is appended, and we recommend that this list be given to both Railways for their guidance. Any concern which considers it is entitled to be given priority under any of the Public Utility Sub-Heads would place its application before a small new Committee. We consider that a Committee formed somewhat on the lines of the Coal Grading Board would be suitable for this purpose.

The Railways would be relieved of all responsibilities by this Committee and the Trade would be dealt with by the Trade.

The Indian Mining Association consider that Consumers should be represented on the Committee but the Indian Mining Federation think, that in view of the fact that it is not possible to obtain a representative of all Consumers from any of the local Chambers, the Committee should be composed of representatives of the Coal Trade only.

All wagons supplied under priority should be consigned to the actual consumer and not to contractors.

(g) *Public Supplies.*—On the Bengal Nagpur Railway the actual daily allotment is done by an Officer personally, but on the East Indian Railway it is left to subordinates, and we strongly recommend that this very important work be done by Officers in future.

We are convinced that closer co-ordination between the two railways, in the distribution and working of both empty and loaded wagons, and between the Railways and the Port Commissioners, would be of considerable benefit to all concerned.

We are also of opinion that the Coal Manager, Bengal Nagpur Railway should have his Headquarters in Calcutta and not in Adra. (The Bengal Nagpur Railway representative objecting.)

3. The necessity for the Railways exercising a greater check than was done in the actual booking of the wagons that were supplied under the above heads.

Until the middle of March wagons on the East Indian Railway could be booked to any destination without much fear of detection—irrespective of the station they were indented for—but we are told that an effort was made at the Weighbridges to ensure that wagons allotted for "Upwards" were not despatched "Downwards" and *vice versa*. The Coal Manager, East Indian Railway explained that he had not the staff to make any other checks.

We were informed that on the Bengal Nagpur Railway consignments were checked at the Weighbridges to ensure that they were despatched to the destination indented for.

4. *Method on which the bases of Collieries are fixed.*—The method was supposed to be as follows :

The stocks *plus* raisings, of a colliery for the period January to June 1928 were used to fix the basis of a Colliery for the period January to June 1929, but on investigation of the East Indian Railway records for four days only we found an extraordinary state of affairs.

In the first place we should like to express our surprise at the careless manner in which the Dhanbad Daily Allotment Books were kept, making it extremely difficult to examine them properly. The Coal Manager, East Indian Railway, assured the Committee that this matter had received immediate attention.

In the course of the examination of the Allotment Sheets for four specific dates only we detected 19 cases where the bases had been changed and in some cases the figure was increased by as much as 500 per cent.

The following are a few typical cases :

- (a) A Colliery had a basis of 5 wagons on 1st January 1929. This was changed to 15 wagons on 21st February 1929 and to 25 wagons on 28th February 1929.
- (b) A Colliery had a basis of 12 wagons on 1st January 1929. This was changed to 35 wagons on 21st February 1929 and to 40 wagons on 28th February 1929.
- (c) A Colliery had a basis of 18 wagons on 1st January 1929. This was changed to 25 wagons on the 7th January 1929, to 30 wagons on 21st February 1929 and to 35 wagons on 28th February 1929.
- (d) A Colliery was given a basis of 8 wagons on 8th February 1929 and this was changed to 20 wagons on 26th February 1929 although the Colliery had been closed for two years.

Several Collieries were also given bases far exceeding their siding capacities.

The East Indian Railway representative on the Committee was asked to examine these irregularities, and he reported that apart from one or two solitary instances where he himself had changed a basis on a sound representation, the whole of the other figures had been changed in his office, without his knowledge and without any authority.

In view of the fact that 19 cases were detected in the records of 4 out of 90 days the total number of irregular alterations during the three months must have reached an astounding figure and the committee view it in a very serious light.

We leave it to the Railway Board to decide whether any further investigation is necessary.

Regarding the method on which the bases of collieries should be fixed in future, we are of opinion, after considerable discussion of the question, that the system for the next six months should be as follows :

1. For the quarter—July to September 1929—the bases should be fixed on the raisings—without regard to stocks—of the quarter January to March 1929.
2. For the quarter October to December 1929 on the raisings—without regard to stocks—of the quarter April to June 1929.
3. For the quarter January to March 1930 the two Railways will be in possession of exact figures of raisings and despatches of all Collieries. The stocks of coal on the 30th June are to be arrived at by deducting the despatches of the quarter April to June from the raisings for the same period.



The stocks thus obtained are then to be taken into account in fixing the bases for the quarter January to March 1930.

This method is a simple one because the East Indian Railway now work the bases out on quarterly figures instead of half yearly as hitherto and the Bengal Nagpur Railway continue to work on quarterly figures.

The difficulty previously has been to check the stock figures submitted by Collieries, and in practice figures given by them have had to be accepted as correct.

Our above recommendations are intended to overcome this difficulty and the present is an ideal time for starting the system, as generally speaking there are practically no stocks at Collieries.

A Colliery with two sidings—one on the East Indian and one on the Bengal Nagpur Railway—should be called upon to declare the proportion of its raisings that it wishes to despatch from either siding as we understand that at present a Colliery in this position is able to obtain double the basis to which it is entitled.

Figures of bases should be made available to the public either in booklet form or otherwise.

We are of opinion that Railways should not have the power to alter the wagon basis of any Colliery during a quarter and that cases requiring special treatment should be referred to the proposed new Committee who would be empowered to make alterations if, in their opinion, the circumstances warranted it.

C. S. WHITWORTH.

A. A. F. BRAY.

A. BURBIDGE.\*

S. C. GHOSH.

M. N. MOOKHERJEE.

GEORGE PELLY.

W. D. PANTON.

\*Subject to Note attached.

*Iron Works, etc.*

1. Tata Iron and Steel Company—Tatanagar.
2. Indian Iron and Steel Company—Bārneo.
3. Bengal Iron and Steel Company—Kulti.

*Tramway Companies.*

1. Calcutta Tramway Company.
2. Bombay Tramway Company.
3. Delhi Tramway Company.

*Coke Manufacturing Companies.*

1. Loyabad Coke Manufacturing Company.
2. Bararee Coke Company.

*Gas Companies.*

1. Oriental Gas Company—Sealdah.
2. Bombay Gas Company.
3. Joypur Gas Works.
4. Cawnpore Gas Works.

*Municipalities.*

(Less any wagons required for Water Works.)

1. Calcutta Corporation.
2. Madras Corporation.
3. Cawnpore Municipal Board.
4. Ludhiana Municipal Board.
5. Kholapur Municipal Board.
6. Howrah Municipal Board.

7. Bijapur Municipal Board.
8. Coconada Municipal Board.
9. Gorakhpore Municipal Board.
10. Patiala Chief Engineers.

All wagons to be consigned to the Municipalities and not to the Contractors.

*Electric Supply Company, etc.*

1. Calcutta Electric Supply Corporation.
2. Amritsar Electric Supply.
3. Rampur Electrical Engineer.
4. Cawnpore Electric Supply.
5. Lahore Electric Supply.
6. Delhi Electric Supply.
7. Multan Electric Supply.
8. Barrackpore Electric Supply.
9. Benares U. P. Electric Supply.
10. Allahabad Electric Supply.
11. Bareilly Electric Supply.
12. Gwahar Electric Supply.
13. Indore Electric Supply.
14. Jodhpur State Electric Supply.
15. Kapurthala Electric Supply.
16. Madras Electric Supply.
17. Poona Electric Supply.
18. Bikaner Electric Supply.
19. Rawalpindi Electric Power Company.
20. Raipur State Electrical Engineer.
21. Rajpipla Electrical Engineer.
22. Mymensingh Electric Supply.
23. Burdwan Electric Supply.
24. Udaipur Electrical Engineer.

*Water Works.*

1. Benares Cantonment—Superintendent, Water Works.
2. Subzimandi—Superintendent, Water Works.
3. Jammu Tawi—Superintendent, Water Works.
4. Patiala—State Engineer, Water Works.
5. Kasimbazar—Berhampore Municipal Water Works.
6. Agra City—Superintendent, Water Works.
7. Calcutta—Pumping Stations.
8. Bhagalpur—Water Works.
9. Lucknow—Municipal Water, Sewage Works.
10. Sylhet Bazar—Water Works.
11. Serampore—Howrah Water Works.
12. Allahabad—Water Works.
13. Badamibagh—Municipal Water Works.
14. Nagpur—Water Works.
15. Ajmer—Water Works.
16. Ahmedabad—Water Works.
17. Benares—Water Works.
18. Cawnpore—Water Works.
19. Coconada—Water Works.
20. Delhi—Water Works.
21. Dacca—Water Works.
22. Faridkot—Water Works.

23. Gaya—Water Works.
24. Gwalior—Water Works.
25. Jaipur State—Water Works.
26. Kirkee—Water Works.
27. Karachi—Water Works.
28. Ludhiana—Water Works.
29. Mussoorie—Water Works.
30. Muzaffarpore—Water Works.
31. Mymensingh—Water Works.
32. Monghyr—Water Works.
33. Poona—Water Works.
34. Raipur—Water Works.
35. Rajkote—Water Works.
36. Rampur—Water Works.
37. Rutlam—Water Works.
38. Surat—Water Works.
39. Sialkot—Water Works.
40. Tanjore—Water Works.
41. Trichinopoly—Water Works.
42. Ujjain—Water Works.
43. Vizagapatam—Water Works.
44. Wardha—Water Works.

*Inland Steamers.*

1. Calcutta Steam Navigation Company (Ferry work in Port) (Messrs. Hoare Miller and Company).
2. India General Navigation and Railway Company (Messrs. Kilburn and Company).
3. River Steam Navigation Company (Macneill and Company).
4. Bengal Assam Navigation Company (Messrs. Andrew Yule and Company).
5. Calcutta Port Shipping Company (Messrs. Andrew Yule and Company).
6. Calcutta Landing and Shipping (Messrs. Gladstone Wyllie and Company).
7. East Bengal River Steam Service.
8. The Bangiya Inland Steamship Navigation and Trading Company.

NOTE BY MR. A. BURBIDGE, COAL MANAGER, E. I. RAILWAY.

2. *The necessity and possibility of the railways exercising a stricter check on the genuineness of the indents with a view to keeping the number of wagons under the above two heads as low as possible.*

There is no doubt as to the necessity and there is also no doubt as to the impossibility of railways exercising an efficient check on the genuineness of indents without long correspondence and consequent delay in meeting requirements.

3. *The necessity for the railways exercising a greater check than was done in the actual booking of the wagons that were supplied under the above heads.*

There is no doubt that a very close check on the actual booking of wagons is essential when there is a heavy demand for coal but this work requires an experienced staff. The railways have not been in a position to train the necessary staff. As there have been only 8 weeks of pressure in the coal trade when indents were not met in full during the last 4 years, it is obvious that the staff, even had they been retained during these years, would not have been able to gain the necessary experience to enable them to deal efficiently and expeditiously with the situation.

The check to be effective must be complete both in the Allotment Offices and at the Weighbridges.

To be complete it must be fairly elaborate and consequently expensive.

It is computed that the monthly cost will not be less than Rs. 3,000 per mensem.

Since March, 1925, short supplies in the coalfields on the E. I. Railway have lasted only two months.

LSCPB(LA)

Obviously, the organisation must be a permanent one. Temporary staff for a period of stress would be worse than useless. Temporary men would have nothing to lose.

An expenditure of Rs. 3,000 a month in the circumstances is particularly hard, if not impossible, to justify.

I am of the opinion that Section 8 of Act XXXI of 1925 authorising preferential treatment of indents for wagons on account of Graded Export coal should be strictly observed and that all other indents whether for Loco. Public Utility Concerns, Government purposes or otherwise, should be treated alike and allotment made on basis *pro rata* to the number of wagons available.

A. BURBIDGE.

**Mr. K. C. Neogy :** Has any action been taken against the Coal Manager of the East Indian Railway ?

**The Honourable Sir George Rainy :** The officer to whom, I think, my Honourable friend refers,—I am speaking from memory, I do not remember if he was the Coal Manager himself,—this officer whose conduct is criticised by the Committee, was, I believe, already out of the service of the Railway before the Committee reported.

#### REPORT OF THE INDIAN CINEMATOGRAPH COMMITTEE.

137. **\*Mr. K. C. Neogy :** What stage has been reached in the consideration of the Report of the Indian Cinematograph Committee, and what time are Government likely to take in reaching their final conclusions in the matter ?

**The Honourable Sir James Orerar :** The views of Local Governments have been received on some of the recommendations and the report is under the consideration of Government who have not yet come to a decision. I am unable to say at present when final conclusions will be reached.

**Mr. E. L. Price :** May I ask the Honourable Member whether he realises that the introduction of the "Talkies" has altered the whole situation ?

**The Honourable Sir James Orerar :** I appreciate the fact that this new development in the art may possibly have very considerable relevance to the recommendations now under consideration.

#### CONSULTATION OF THE GOVERNMENT OF INDIA ON MATTERS RELATING TO EGYPT.

138. **\*Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to the statement made in the House of Lords on behalf of the British Government by Lord Passfield, as cabled by Reuter on the 25th July, in connexion with Lord Lloyd's resignation of the High Commissionership of Egypt, to the effect that "in this, as in other matters, there had been as much communication as practicable with the Dominions and India" ?

(b) Are Government usually consulted in matters relating to the British Government's policy in Egypt ? If so, does such consultation take place with the Government in India or with the Secretary of State for India ?

**Sir Denys Bray :** (a) Yes, Sir.

(b) Yes ; with both.

**PROMOTION OF LOCAL TRAFFIC SERVICE OFFICERS AND QUALIFIED SUBORDINATES TO THE SUPERIOR TRAFFIC SERVICE.**

139. **\*Mr. K. C. Neogy :** (a) With reference to the reply to my starred questions Nos. 501 and 502 of the 11th February, 1929, and the statement made by Mr. Parsons to the effect that the proportion of 20 per cent. reserved for the promotion of Local Traffic Service Officers and qualified subordinates to the Superior Traffic Service was increased in 1928-29 to remedy shortages in the two previous years and that there was no intention of increasing this proportion, and with further reference to the same gentleman's reply to Pandit H. N. Kunzru's supplementary question to starred question No. 388 of 4th February, 1929, to the effect that 36 per cent. of the vacancies had been reserved in 1929-30 for the promotion of Local Traffic Service Officers and subordinates, will Government please refer to the figures given in reply to my starred question No. 502 of 11th February, 1929, and explain clearly how the proportion of 36 per cent. for the year 1929-30 has been arrived at ?

(b) If the prescribed 20 per cent. is going to be exceeded for the year 1929-30, in spite of Mr. Parsons' statement that it was not intended to increase the proportion, will Government please state the reasons therefor ?

(c) With reference to the following statement of Mr. Parsons in reply to Pandit H. N. Kunzru's supplementary question to starred question No. 388 of 4th February, 1929, namely, " Actually this year we filled 33 1/3rd per cent. of the Indian recruitment by promotion from the Local Traffic Service ", will Government please state if one Mr. Absell, a subordinate of the East Indian Railway, has only recently been promoted to the Superior Traffic Service, and also if this appointment is one of those to be filled by promotion in 1929-30 ?

(d) Will Government please state the names of the other persons (Local Traffic Service officers or subordinates) besides Mr. Absell who have been promoted to the Superior Traffic Service to fill the vacancies reserved for the year 1929-30 ?

(e) If no other Local Traffic Service officers or subordinates have yet been promoted, will Government please state the reasons why ?

**Mr. P. B. Rau :** (a) At the time Mr. Parsons made that statement, the promotion of four subordinates was in contemplation, the total number of vacancies expected being 11.

(b), (d) and (e). The question of the number of vacancies to be filled by promotion and the selection of individuals for promotion is now under consideration.

(c) Mr. Absell's promotion dates from October 1928 and counts against the promotions of 1928-29.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether the Railway Board has arrived at a decision as to whether they are going to abolish the Local Traffic Service ?

**Mr. P. B. Rau :** The question of the re-organization of the whole cadre is at present under the consideration of the Railway Board.

**Lieut.-Colonel H. A. J. Gidney :** How long is this consideration to last ? Is it not a fact that this subject is being dealt with by Mr Hayman, the Labour Member ?

**Mr. P. B. Rau :** The appointment of an additional Member to the Railway Board will, I hope, hasten the solution of this question.

**Lieut.-Colonel H. A. J. Gidney :** Many thanks. I hope so.

**PROMOTION TO THE SUPERIOR TRAFFIC SERVICE OF MR. ABSELL, A SUBORDINATE, IN PREFERENCE TO A PERMANENT INDIAN LOCAL TRAFFIC OFFICER.**

140. **\*Mr. K. C. Neogy :** (a) What is the total number of vacancies which have been or will be filled in 1929-30 by the promotion of Local Traffic Service Officers and subordinates ?

(b) What was this number for the year 1928-29, and how many were actually promoted ? How many of them are Indians and how many Europeans and Anglo-Indians ?

(c) Is it a fact that there are about six permanent officers in the East Indian Railway Local Traffic Service ? If so, what were the reasons for having promoted Mr. Absell, a subordinate, by ignoring the claims of the permanent Local Traffic Service Officers ?

(d) Is it a fact that there is one Indian Officer in the East Indian Railway Local Traffic Service (drawing more pay than Mr. Absell) who has been working as a permanent officer on that Railway for many years ?

(e) Will Government please refer to Mr. Parsons' reply to my starred question No. 502 (k) of the 11th February, 1929, and state if the confidential reports of all the permanent Local Traffic Service Officers on all the State lines who are senior to Mr. Absell, who was hitherto only a subordinate, were sent to the Public Service Commission, and also whether the said body approved of the appointment of Mr. Absell in preference to the permanent Local Traffic Service Officers referred to ?

(f) Government please refer to Mr. Parsons' reply to my starred questions Nos. 501 (b) and 502 (f) of the 11th February, 1929, and state what the present age of Mr. Absell is ?

**Mr. P. B. Rau :** (a) As I stated in my reply to the last question, the question is under consideration.

(b) Six, including Mr. Absell who counts against the 25 per cent. European recruitment. Of the rest, two were Indians, and three Anglo-Indians.

(c) There are 10 officers substantively holding appointments in the Local Traffic Service of the East Indian Railway. In reply to the second part of this question, I would refer the Honourable Member to the reply given by Mr. Parsons to Pandit Hirday Nath Kunzru's question No. 388 on the 4th February, 1929, in which he explained that in making selections for vacancies in the superior traffic service no distinction will be drawn between persons directly recruited to the Local Traffic Service, persons promoted to that service from the subordinate establishment, and persons now serving in the subordinate establishment.

(d) Yes.

(e) Mr. Absell belongs to the East Indian Railway cadre. Confidential reports of all permanent Local Traffic Service Officers in that cadre were forwarded to the Public Service Commission, and Mr. Absell's selection was approved by them.

(f) Mr. Absell was born on the 11th December, 1879.

**Lieut.-Colonel H. A. J. Gidney** : Arising out of the Honourable Member's reply to (b) of this question, will the Honourable Member please inform this House whether for such posts Anglo-Indians are considered statutory natives of India or not ?

**Mr. P. R. Rau** : Of course.

**Lieut.-Colonel H. A. J. Gidney** : Arising out of that reply, will Government tell this House why they encourage such a differentiation like this in its reply ?

**Mr. P. R. Rau** : That is beyond me.

**Lieut.-Colonel H. A. J. Gidney** : I mean this differentiation in answering such questions ?

**Mr. K. C. Neogy** : Will the Honourable Member who asked this question remember this precept himself ?

**Lieut.-Colonel H. A. J. Gidney** : Will you do the same yourself ? On a point of order, Sir. Is it correct for an Honourable Member to address another Honourable Member except through the Chair ?

**Mr. K. C. Neogy** : I addressed the Chair.

**Mr. K. Ahmed** : You cannot address the Chair.

#### PERMANENT APPOINTMENT OF CERTAIN EUROPEANS AND ANGLO-INDIANS TO THE LOCAL TRAFFIC SERVICE.

141. **\*Mr. K. C. Neogy** : (a) With reference to Mr. Parsons' reply to my starred question No. 502 (h) and (i) to the effect that between August and October 1927 seven persons were confirmed in the Local Traffic Service and that they are either Europeans or Anglo-Indians, will Government please state the exact periods for which each of the seven persons referred to therein officiated in the Local Traffic Service from time to time before he was confirmed in that service ?

(b) Are there not several Indians who have been officiating in the Local Traffic Services of the East Indian, Eastern Bengal, and North Western Railways for a similar or almost similar length of time ?

(c) Do Government propose to appoint them permanently to the Local Traffic Service on the same ground, viz., that they " had been officiating in it for many years " ? If so, when ? If not, why not ?

**Mr. P. R. Rau** : (a) The Officers in question had officiated for periods of six to nine years before their confirmation.

(b) There are two such Indians in the East Indian Railway. On the Eastern Bengal and North Western Railways, there are no Indians who have officiated for six years or more.

(c) Promotions are made by strict selection. The claims of the subordinates referred to in (b) will be fully considered when selections are being made.

### PAY OF EUROPEAN AND ANGLO-INDIAN AND INDIAN OFFICERS IN THE LOCAL TRAFFIC SERVICE.

142. \***Mr. K. O. Neogy** : (a) Is it a fact that the Indian Local Traffic Service officers on all the State Railways, with perhaps one exception or two, draw much less pay than European and Anglo-Indian officers in the same service and even European and Anglo-Indian subordinates officiating in it ?

(b) Will Government please give :

(i) the total number of permanent Indian Local Traffic Service officers on all the State Railways ;

(ii) the total number of permanent European and Anglo-Indian Local Traffic Service officers on all the State Railways ;

(iii) the sum total of the pay drawn by (i) ;

(iv) the sum total of the pay drawn by (ii) ;

(v) the sum total of the number of years of service put in by (i) ;

(vi) the sum total of the number of years of service put in by (ii) ;

and similar information in respect to persons now officiating in the same service ?

(c) Is it a fact that European and Anglo-Indian Local Traffic Service officers and subordinates on promotion to the Superior Traffic Service are placed over the heads of persons who had been appointed to that service before and under some of whom some of the former might quite possibly have worked before such promotion ?

**Mr. P. R. Rau** : (a) Yes, roughly speaking, the reason is that the Indian Officers are mostly junior.

(b) (i), (iii) and (v). There are 12 permanent Indian Local Traffic Service officers, drawing a total pay of Rs. 4,560 per mensem and having a combined service of 89 years.

(ii), (iv) and (vi). There are 12 European and Anglo-Indian Local Traffic Service officers, drawing a total pay of Rs. 8,110 per mensem and with a combined service of 281 years. Information as regards persons officiating in the Local Traffic Service is being collected.

(c) It may happen that on promotion to the Superior Traffic Service, a Local Service Officer or subordinate may, under the rules, become senior to persons already appointed to the superior service. But this may happen to a member of any community.

### PROMOTION OF EUROPEANS AND ANGLO-INDIANS TO THE SUPERIOR TRAFFIC SERVICE IN PREFERENCE TO INDIANS.

143. \***Mr. K. O. Neogy** : (a) Will Government please refer to Mr. Parsons' reply to my starred question No. 502 (e) of the 11th February, 1929, to the effect that four out of the six men promoted to the Superior Traffic Service in 1928-29 are Europeans and Anglo-Indians, and also to the recent promotion to the Superior Traffic Service of Mr. Absell, a subordinate, and say if it is their intention to absorb, as far and for as long as possible, Europeans and Anglo-Indians in the vacancies, viz., 20 per cent. of the



total Indian recruitment, reserved for promoted Local Traffic Service officers and subordinates, in preference to young Indian Local Traffic Service officers with high University qualifications, some of whom had also requisite railway training in the United Kingdom ?

(b) Do Government realise that, by their action in putting promoted European and Anglo-Indian Local Traffic Service officers and subordinates over the heads of persons already in the Superior Traffic Service, they are doing a positive injustice to the latter and creating needless and avoidable discontent ? If so, are they prepared to issue orders that Local Traffic Service officers or subordinates, on their promotion to the Superior Traffic Service, must, under no circumstances, be allowed to take precedence over officers already in the latter service, even though the former might be in receipt of higher pay at the time of promotion ?

**Mr. P. R. Rau :** (a) The answer is in the negative. Promotions are made by strict selection of the most qualified person without any racial discrimination.

(b) The question of the seniority which should be allowed to Local Traffic Service Officers and subordinates on their promotion to the superior service on account of their past service with the railway is under consideration by the Government.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform the House whether the possession of a degree for the Local Traffic Service is a *sine qua non* ?

**Mr. P. R. Rau :** It is not a *sine qua non*, but I believe it will be taken into consideration along with other qualifications and experience.

#### NATIONALITY OF THE DIRECTORS AND MANAGING AGENTS OF THE COMPANY ABOUT TO OPERATE THE AIR MAIL SERVICE BETWEEN KARACHI AND DELHI.

144. **\*Mr. Gaya Prasad Singh :** (a) When is the air mail service between Karachi and Delhi likely to come into operation ?

(b) To whom is the contract given, or is likely to be given ? Will Government be pleased to state the names and nationalities of the Directors and Managing Agents, or those having a controlling interest in the Company ?

(c) How many shares do Government hold in this Company, and how many do others hold ?

(d) Is it a fact that the Company is only a tributary of the Imperial Airways, Ltd. ?

(e) How much yearly subsidy is to be paid to the Company, and for what time ?

**The Honourable Sir Bhupendra Nath Mitra :** I would refer the Honourable Member to the reply given by me to Mr. Neogy in answer to his question No. 107.

#### REGULAR AND PROMPT DELIVERY OF THE ENGLISH AIR MAIL AFTER ARRIVAL IN KARACHI.

145. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that there has been some dissatisfaction among the public and in commercial circles at the irregularities and delays in the delivery of the English air mail after its

arrival in Karachi, due to the mail sometimes missing railway connection on its journey to Calcutta ?

(b) Is it a fact that Government mails in the various provinces have never missed a train, and that a special Inspector accompanies each Government mail bag on its journey from Karachi ?

(c) What steps have been taken to ensure more regular and prompt delivery of air mail ?

**Mr. P. G. Rogers :** (a) Yes, on three occasions only.

(b) There is no distinction between Government mails and other mails, except that a few special bags closed by the Government of India or the India Office are sent in charge of an Inspector.

(c) Special arrangements have been made with the railways by which connections at junction stations will be secured for the air mails ; and, with the increase in the volume of the air mail, arrangements have also been made for their conveyance by a shorter route. This route, however, is not the most reliable.

#### AIR MAIL SERVICE BETWEEN INDIA AND ENGLAND.

146. **\*Mr. Gaya Prasad Singh :** (a) Will Government be pleased to make a statement regarding the actual position and the prospects of the air mail service between India and England, with special reference to the allegation that it has not yet fulfilled the expectations regarding mail and passenger traffic ?

(b) How much subsidy, if any, is being paid annually to the Company by the Government of India, and the Government in England, and for what period ?

(c) How many aeroplanes, or other machines are now in actual use by the Company for service between India and England ?

**The Honourable Sir Bhupendra Nath Mitra :** The Honourable Member no doubt understands that the Government of India are not directly concerned with the operation of the air mail service between India and England, which is conducted under an agreement between the Government in the United Kingdom and Imperial Airways, Limited. For this reason I am not in a position fully to answer his questions, but I give what information I have :

(a) The weight of mails despatched by the air mail service from Karachi to England has increased from 297 lbs. on the 7th April, 1929, to 608 lbs. on the 18th August, 1929. The incoming mail has increased from 226 lbs. on the 6th April, 1929, to 586 lbs. on the 17th August, 1929. It will be seen that the traffic is growing, and it may be anticipated that the institution of an air mail service from Karachi to Delhi, to be extended later on to Calcutta and Rangoon, which, as the Honourable Member is aware, is contemplated by the Government of India, and about which, as already mentioned I hope to be able to make a further statement later on this Session, will result in an increased use of the facilities pro-

vided. The Government of India have no information as to the actual numbers of passengers carried between India and England or between various points on the route.

- (b) No subsidy in cash is being paid to the operating company by the Government of India, but housing and landing facilities and wireless and meteorological services at Karachi are being provided by Government free of charge to the Company for a period of five years. The Government of India have no information as to the actual amount of subsidy being paid to the Company by the British Government in respect of the London-Karachi service. They understand that a comprehensive agreement covering all subsidized air services operated by Imperial Airways, Limited, has been entered into between that Company and the British Government, operative for a period of 10 years from the 1st April, 1929. This agreement provides for payment of subsidy on a descending scale.

- (c) The Government of India have no official information as to the number of aeroplanes or other machines in use on this service.

**Sir Darcy Lindsay :** Have the Government of India any intention of representing to His Majesty's Government the extreme importance to India of accelerating this air mail service ? Her Grace the Duchess of Bedford has recently shown to the world that the journey can be made.....

**Mr. President :** Order, order.

**Sir Darcy Lindsay :** Are Government aware of the journey that has recently been made by Her Grace the Duchess of Bedford in seven days from England to India and back again ?

**The Honourable Sir Bhupendra Nath Mitra :** Government are aware of the various facts mentioned by the Honourable Member in the course of his question. As regards making representations to His Majesty's Government for accelerating the service the matter will receive consideration after the existing service has been established for some time.

**ALLEGED NON-EXTENSION TO INDIA BY THE PENINSULAR AND ORIENTAL STEAMSHIP COMPANY OF THIRD CLASS ACCOMMODATION FOR PASSENGERS PROVIDED ON OTHER ROUTES.**

147. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the P. and O. Steam Navigation Company are introducing third class passenger accommodation on certain mail ships, but that this innovation is not to be extended to India ?

(b) Will Government please state how much money is paid out of the Indian revenues annually to this steamship company for carrying mails, or on other accounts ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government understand that two of the ships of the P. and O. Steam Navigation Company on the Australian service, which do not ordinarily call at Bombay, are being converted to carry first and third class passengers instead of first and second class passengers.

(b) The only amount regularly paid to the P. and O. Steamship Company out of Indian revenues is an annual contribution of approximately £22,000 towards the subsidy paid by the British Post Office for the carriage of the Indian mails. Apart from this, there are certain payments for freight and passages, which Government have to meet in the same way as the private customers of the line, but no figures are available to show the annual expenditure under these heads.

**REPORT OF THE SUB-COMMITTEE OF THE INDIAN SANDHURST COMMITTEE  
PRESIDED OVER BY MR. M. A. JINNAH.**

148. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that Mr. M. A. Jinnah, M.L.A., who presided over the Sub-Committee of the Indian Sandhurst Committee has publicly contradicted the statement recently made by the Secretary of State for India in the House of Commons that the difficulty in consenting to the publication of the Report of the Sub-Committee was that the witnesses before it understood that they were expressing personal, and to some extent confidential, views ?

(b) Are Government aware of the statement of Mr. Jinnah that no witness was left under the impression that his evidence would not be published, or was to be treated as confidential, barring the Indian cadets who were examined *in camera* for various reasons ?

(c) Did the Government of India send up any communication to the Secretary of State on the basis of which his statement was made ; and do Government now propose to rectify the error, if any, or take steps to publish the Report ?

**Mr. G. R. F. Tottenham :** (a) and (b). Government are aware that Mr. Jinnah has made the statement referred to in part (b), but they cannot agree that it in any way contradicts the statement by the Secretary of State quoted in part (a). The accuracy of Mr. Jinnah's statement, which he has frequently made before, has never been questioned, but he himself admits that some of the witnesses understood that their evidence was confidential, and he has never denied, nor do I think he is in a position to deny, that the remainder understood that they were expressing their personal views and not necessarily the views of the Departments of His Majesty's Government in which they were serving. It was for this reason, as has been explained before, that the Departments in question, as they had every right to do, declined to permit the publication of their evidence.

(c) The statement of the Secretary of State was not based on any communication from the Government of India. The second part of this question does not arise and the answer to the last part is in the negative.

**Diwan Chaman Lall :** Is it a fact that Mr. Jinnah has definitely stated that no witness that appeared before the Sub-Committee carried away the impression that the evidence he was giving was confidential ?

**Mr. G. R. F. Tottenham :** That is a fact, and it is correct.

**Diwan Chaman Lall :** If that is so, how does the Honourable Member reconcile that statement with the statement made by the Secretary of State for India that the evidence will not be published because the evidence is confidential ?

**Mr. G. R. F. Tottenham :** The Secretary of State's statement was not that the evidence would not be published because it was confidential, but because it was partly confidential and partly given in a personal capacity.

**Diwan Chaman Lall :** Do I take it that the evidence given in a personal capacity is not confidential ?

**Mr. G. R. F. Tottenham :** Not necessarily.

**Diwan Chaman Lall :** Does the Honourable Member wish to state that the personal evidence given was confidential ?

**Mr. G. R. F. Tottenham :** It is not a question whether it was confidential or not. It is whether the evidence given by certain witnesses represented the views of their Departments or whether it represented their personal views. The Departments considered that the evidence did not represent their views but represented the personal views of the witnesses and for that reason the Departments declined to allow that evidence to be published.

**Diwan Chaman Lall :** If the evidence is merely personal and confidential, there can be no objection, apart from the reasons that the Honourable Member has given to the publication of the Sub-Committee's Report ?

**Mr. G. R. F. Tottenham :** The objection is only that of the Departments concerned.

**Diwan Chaman Lall :** Is it merely the *ipse dixit* of the Departments or is it the view of the members of the sub-committee ?

**Mr. G. R. F. Tottenham :** It is the view of the Departments of His Majesty's Government.

**Diwan Chaman Lall :** Has the Department consulted the members of the Sub-Committee in this regard ?

**Mr. G. R. F. Tottenham :** There was no necessity for the Departments of His Majesty's Government to consult the members of the Sub-Committee in a matter of this kind.

**Diwan Chaman Lall :** Is the Honourable Member aware that certain members of the Sub-Committee held that the Sub-Committee's report should be published ?

**Mr. G. R. F. Tottenham :** Yes, I am aware of that.

**Mr. Gaya Prasad Singh :** On what authority did the Secretary of State carry away the impression that the witnesses were expressing merely personal and confidential opinions ?

**Mr. G. R. F. Tottenham :** On the authority of the heads of the Departments concerned.

**Mr. Gaya Prasad Singh :** May I take it that the Government of India sent a despatch to the Secretary of State on this point ?

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

**Mr. Gaya Prasad Singh :** Which is the particular Department concerned ?

**Mr. G. R. F. Tottenham :** I am not in a position to say unless I know which particular witnesses the Honourable Member is referring to.

**Mr. Gaya Prasad Singh :** The Honourable Member just now stated that it was on the authority of the Department concerned. My question is, what is the Department which gave him the authority to make the statement ?

**Mr. G. R. F. Tottenham :** It depends upon which witnesses the Honourable Member is referring to. Some came from the India Office and some from the War Office.

**Mr. President :** It is not one Department.

**Diwan Chaman Lall :** Apart from the fact that the evidence was personal, is there any other objection to the publication of the Sub-Committee's Report ?

**Mr. G. R. F. Tottenham :** Not that I know of, except of course that certain witnesses gave their evidence in a confidential capacity, which Mr. Jinnah himself admits.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is prepared to consult the witnesses concerned whether they would be willing to the publication of the Sub-Committee's Report or their evidence ?

**Mr. G. R. F. Tottenham :** It is not for the Government of India to consult the witnesses because they are the servants of the Departments of His Majesty's Government and not of the Government of India.

**Diwan Chaman Lall :** Is it merely the personal view of the Departments or is it the view expressed to them by the witnesses themselves ?

**Mr. G. R. F. Tottenham :** Departments do not possess personal views.

**Diwan Chaman Lall :** Did any of those persons whose evidence is considered to be personal express any opinion in regard to the publication of their evidence ?

**Mr. G. R. F. Tottenham :** I presume they must have done so.

**Diwan Chaman Lall :** Has the Honourable Member any definite information or is it merely presumption ?

**Mr. G. R. F. Tottenham :** The information is that contained in the Secretary of State's statement.

NUMBER OF PETITIONS AND MEMORIALS RECEIVED FOR AND AGAINST THE HINDU  
CHILD MARRIAGE BILL.

**Mr. M. K. Acharya :** (1) Will Government be pleased to state how many petitions or memorials have been received up to date (a) for and (b) against the Child Marriage Bill of Rai Sahib Harbilas Sarda, as reported by the Select Committee ?

(2) What is the total number of signatories (a) for and (b) against ?

(3) How many resolutions from meetings or conferences have been received (a) for and (b) against the proposed legislation ?

**The Honourable Sir James Orerar :** The figures up to the 2nd September, 1929, are as follows :

1 (a) 4 representations.

(b) 155 petitions and 552 other representations.

2 (a) 10.

(b) 52,171 signatories on petitions and 20,554 on other representations.

3 (a) 6.

(b) 353.

It may be observed that in many cases the same representation has been received from several persons and bears a large number of signatures in different scripts which it is not possible to verify. Only those communications which fall under Standing Orders 83-85 and are in the proper form for presentation to the House have been treated as petitions for the purposes of the reply to this question.

**Mr. K. Ahmed :** May I ask how many signatories among the petitioners were members of the fair sex ? Have any of their associations signed those memorials ?

**The Honourable Sir James Orerar :** I must ask for notice of that question.

FEELING AMONGST THE MUSSALMANS OF INDIA ABOUT THE WAILING WALL  
CONFLICT IN PALESTINE.

**Maulvi Muhammad Yakub :** (1) (a) Are Government aware that there is an extensive feeling and great sensation amongst the Mussalmans of India over the *Buraq* (the Wailing Wall) question at Palestine, which has resulted in a serious conflict between the Jews and Arabs ?

(b) Are Government aware that the Holy Places in Palestine are held in great reverence by the Mussalmans all over the world ?

(c) Are Government aware that the announcement recently made by Mr. Balfour is greatly agitating the minds of the Indian Mussalmans as regards the future of the administration of Palestine, which is one of

the most sacred and holy shrines of the Mussalmans throughout the whole world ?

(d) Are Government prepared to convey to the British Government the feelings of the Mussalmans of India regarding the Palestine affairs and inform them that any injustice or harm done to the Arabs in Palestine will cause the greatest resentment amongst the Mussalmans of India ?

**Sir Denys Bray :** I am able to assure the Honourable Member that, on the outbreak of the rioting in Palestine, immediate steps were taken to despatch ample forces to restore order and safeguard the lives, honour and property of all communities, Muslim, Jewish and Christian, and that there is now reason to hope that normal conditions are, or shortly will be re-established.

The deep concern of the Indian Muslim community over this deplorable conflict that has arisen round the Wailing Wall, and indeed—in view of the great reverence in which the Holy Places of Palestine are held by Muslims in India—over the whole question of the administration of Palestine, has already been represented by Government to His Majesty's Government. But a copy of this question and this answer will now be transmitted to His Majesty's Secretary of State.

**Maulvi Muhammad Yakub :** I will now put my second question :

“ Will Government be pleased to make a full statement about the state of affairs in Palestine, Haifa and Jaffa showing the measures which have been adopted to safeguard the lives, honour and property of the Muslim Arabs in that country ” ?

**Sir Denys Bray :** I must apologise to the Honourable Member. I had assumed that he had already put that question to me and the first sentence of my answer was supposed to be an adequate reply to the question now put.

**Maulvi Muhammad Yakub :** Will the Honourable Member give answers to my questions in the order in which they are put ?

(No further answer was given.)

#### THE COMMITTEE ON PUBLIC PETITIONS AND THE PANEL OF CHAIRMEN.

**Mr. President :** Under Standing Order 80 of the Legislative Assembly Standing Orders, I have to appoint a Committee on Public Petitions and under rule 3 (1) of the Indian Legislative Rules I am required to nominate a panel of not more than four Chairmen from among the Members of the Assembly. In view of the short Session of the Legislative Assembly I have decided that the existing panel and the existing Committee should continue for this Session also.

#### PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that fifty-five petitions, as per statement laid on the table, have been received relating to the Bill to regulate marriages of children amongst the Hindus, which was introduced in the Legislative Assembly on the 1st February, 1927, by Rai Sahib Harbilas Sarda.



Number of signatories.	District or Town.	Province.
209		Bengal.
155	Jessore .. .. .	Bengal.
1,413		Bengal.
12		Bengal.
80	Comilla .. .. .	Bengal.
217	Comilla .. .. .	Bengal.
67	Comilla .. .. .	Bengal.
102	Dacca .. .. .	Bengal.
198	Mymensingh .. .. .	Bengal.
84	Comilla .. .. .	Bengal.
91	Comilla .. .. .	Bengal.
68	Comilla .. .. .	Bengal.
267	Tippera .. .. .	Bengal.
280	Mymensingh .. .. .	Bengal.
92		Bengal.
109	Caloutta .. .. .	Bengal.
106	Hoogli .. .. .	Bengal.
170	Malda .. .. .	Bengal.
63		Bengal.
1,489		Bengal.
85	Rajshahi .. .. .	Bengal.
202	Barisal .. .. .	Bengal.
100	Faridpur .. .. .	Bengal.
280		Bengal.
280	Rangpur .. .. .	Bengal.
123	Midnapur .. .. .	Bengal.
37	24-Parganas .. .. .	Bengal.
129	Khulna .. .. .	Bengal.
109	Dacca .. .. .	Bengal.
216	Backerganj .. .. .	Bengal.
107		Bengal.
47	Dacca .. .. .	Bengal.
2,019	Midnapur .. .. .	Bengal.
108	Calcutta .. .. .	Bengal.
120	Noakhali .. .. .	Bengal.
24	Monipur .. .. .	Bengal.
254	Rankhet .. .. .	Bengal.
50	Noakhali .. .. .	Bengal.
103	Calcutta .. .. .	Bengal.
96		Bengal.
603		Bengal.
98	Midnapur .. .. .	Bengal.
93	Dacca .. .. .	Bengal.
208	Barisal .. .. .	Bengal.
363	Manoharpur .. .. .	Bengal.
535	Hemnagar .. .. .	Bengal.
86	Molpa .. .. .	Bengal.
557	Sylhet .. .. .	Assam.
165		Bengal.
80		Bengal.
40	Jamshedpur .. .. .	Bengal.
349	Jessore .. .. .	Bengal.
199		Bengal.
1,705		Bengal.
153	Sylhet .. .. .	Assam.

## THE HINDU CHILD MARRIAGE BILL.

**Mr. President :** The Assembly will now resume consideration of the following motion moved by Rai Sahib Harbilas Sarda on the 29th January, 1929 :

" That the Bill to regulate marriages of children amongst the Hindus as reported by the Select Committee be taken into consideration."

**Mr. Acharya.**

**Mr. M. S. Sessa Ayyangar** (Madura and Ramnad-cum-Tinnevely : Non-Muhammadan Rural) : Sir, I want your ruling as to whether I will be in order in opposing the motion at this stage or whether I should wait till the dilatory motions are disposed of.

**Mr. President :** What motion ?

**Mr. M. S. Sessa Ayyangar :** The motion before the House is that the Bill as reported by the Select Committee be taken into consideration. I want to oppose that motion.

**Mr. President :** The Honourable Member will have an opportunity of opposing the motion. I have already called upon Mr. Acharya.

**Mr. M. K. Acharya** (South Arcot cum Chingleput : Non-Muhammadan Rural) : Sir, I rise to move the following amendment :

" That the consideration of the Bill be postponed in view of the late publication of the Report of the Age of Consent Committee, and in view of the desirability of assessing, with the help of adequate evidence, the real value of that portion of the Report which deals with the marriage laws and customs obtaining among Indian communities "

I desire to state at the very outset, Sir, that I am as anxious as anybody in this House can be, that we should, at as early a date as possible, come to some final conclusion or other upon this old bogey of my friend over there. Therefore if to-day I am forced by a sense of the responsibility that I owe to this House and to my constituency to ask for time to consider calmly and dispassionately the momentous issues that are to be settled and which would affect later generations for a long, long time to come, it is because I feel that otherwise we shall be not acting in conformity with the commitments to which we are already pledged. I desire particularly to refer to what we did on the last occasion when my very enthusiastic and Honourable Rai Sahib friend moved, on the 29th January 1929, that the Bill, as reported by the Select Committee, be taken into consideration. On that occasion I had the privilege, Sir, to point out that an inquiry was already going on outside the four walls of this House, and that rightly or wrongly that inquiry related to a great extent to the subject-matter of this Bill; and I had the privilege to move that we should postpone consideration with a view that all the Members of this House might be in a position to have before them the evidence that was being collected by the Committee then at work. The terms of the amendment to which this House agreed on the 29th January, 1929, were as follows :

" That the consideration of the Bill be postponed till the Report of the Age of Consent Committee becomes available to the Members of this House."

That, Sir, was the commitment to which we are now pledged. When the House accepted that humble amendment of mine, I believe, Sir, that they agreed with my view that the evidence that was being collected was going to be valuable evidence, and the Report was going to be, in some respects at least, a valuable Report. That, Sir, is the commitment at

present before us ; and being so committed, I believe we cannot now, without making sure that everyone of us has got the Report, that everyone of us in this House has got a copy of the evidence that the Committee has been collecting—and I would like to know if my friend there has got it—hurriedly take the Bill into consideration. Until everyone of us is in possession of the Report—and far more valuable than the Report will be the evidence upon which that Report is based—for us to proceed to pass legislation of this kind, so serious in its character and so fraught with potentialities, if we do that, I believe, Sir, we shall not be acting consistently with our responsibilities. I would particularly remind the Honourable Home Member—I am sorry he is not in his seat—I would remind his Government of the excellent canon pronounced by Sir James Crerar on the 15th September, 1927, in this very House and over this very Bill. When the motion was to refer the Bill to a Select Committee, the Honourable Home Member was for circulating the Bill for opinion, and then he made this pronouncement with regard to the responsibilities of the Government of India :

“ One of the responsibilities, and a very heavy one on the Government of India is to secure that, where measures undoubtedly impinge very deeply upon the religious ideas and the social customs of very considerable sections of the population, all legitimate interests ”

—mark, Sir, all legitimate interests—

“ and all legitimate opinion should be carefully, fully and fairly ascertained.”

Well, Sir, the next important thing seems to be this. Legislation, however well-intentioned—and I am ready to agree that the proposed legislation of my friend over there is very, very well-intentioned—should be cautious. We all know the old adage, Sir, that good intentions pave the way to a very uncomfortable place. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended ; and therefore my object, Sir, is not that there should be no legislation of any kind—though I am not enamoured of this legislation—but that the legislation should not be hasty, or ill-considered and should not be carried by the heated passions of the hour : it should be legislation of legislators acting with a due sense of the very high and serious issues before them. Two years, Sir, is nothing in the life of a nation ; it is a drop in the ocean of time. I am here, Sir, only to urge this that so far as I am concerned I am here to place my difficulties before this House. “ Two years have passed.” If the matter were as serious and as important as my friend would have us believe, it was open to Government to bring the Bill before a special session. I am here only concerned, not with the period but with the manner in which we should go about this Bill ; and I personally agree with what Sir James Crerar then said. I may remind the Honourable Home Member of what he declared on a very similar occasion, when dealing with a very similar measure. He may now depart from the canons to which he then pledged Government on the floor of this House ; yet I venture to remind him of the canons which he himself enunciated. He said, Sir, in dealing with another pet of my old friend, Sir Hari Singh Gour, who is not here now—he said in connection with the Indian Divorce Bill, on the 8th of September last year, just a year ago, this :

“ Any kind of legislation which impinges upon social customs, usages and status ought not to be undertaken without the greatest caution and deliberation, and that is particularly true of the law relating to divorce ”,

[Mr. M. K. Acharya.]

though to-day we are dealing with something even more important than divorce.

"Before the House can reasonably be asked to accept this measure, I venture to say that it ought to stipulate that there should be a reasonable body of evidence to show that the communities concerned desire and demand an amendment of the law."

This is what the Home Member then said and truly. Therefore, it is our duty to satisfy ourselves beyond the least shadow of a doubt that the communities concerned in this particular instance desire and demand a change of the law, as is contemplated in the present legislation. I do urge that the words which the Honourable the Home Member used in 1927 and 1928 are as forceable and true to-day as they were then. The Honourable the Home Member was eloquently supported on that occasion by many other Honourable Members, and by none I should think more strongly than by my friend Mr. J. C. Chatterjee, who, I notice, is a signatory to the Report to which I have been referring. With regard to the general principle which should guide us he used the following words :

"Then again on religious grounds I feel I must absolutely oppose it, because to the majority of Christians in this land, and especially to the Roman Catholic Church, marriage is a sacrament. It is therefore not right that we should at any time support a Bill that strikes at the very root of that idea, and that I believe strikes at the very root of society. It may be that some people do desire certain changes in the law of divorce, but after all it is the thin edge of the wedge, and once this process is started, we do not know where it will end, and to my mind the Honourable Mr. Ranga Iyer has put it rightly when he said that it would mean a revolution in society."

These were the words of caution uttered on the floor of this House with regard to a measure exactly similar to the one under consideration, which was disposed of that very day and has now ceased to exist. But this measure is still continuing, and more than one statement that was made in connection with the Divorce Bill is applicable to the motion before us. What I am urging is that we should be very careful that we do not, in this final stage, hurriedly and without having before us all the possible materials which should guide us, take this last step either of passing this Bill or rejecting it. Whichever position we may take, whether in favour of or against the Bill, I most earnestly beg of every Member to realise that we must come to our decision only after a very careful consideration and a most vigilant scrutiny of every available and relevant material that might be placed before us.

Now, Sir, my humble submission is this. I got this Report just as I was leaving Madras. I think I got it on the 24th August and on the morning of the 25th I left Madras for Simla. Of course, I tried my best to read the Report in my railway berth, though my friends would not allow me to do it, as I would have wished to do. However, I tried my best to go through it. There are friends of mine, like Mr. Rangaswami Ayyangar, who got the Report only yesterday or the day before. Some of my friends were complaining that they were yet to receive the Report. In any case, the Report was received with a slip pasted on it saying that it must be made available only on the 26th of August. On the 26th August the bare Report was supposed to have been published. But if I mistake not, we wanted not only the Report but all the evidence collected by

this Committee, to which, at any rate, I, when I moved my amendment last year, attached the greatest importance. This is what I said then :

" Whatever the value of that Report is going to be in the eyes of individual Members, the fact is there that an inquiry is going on and there is going to be a Report and in that Report we shall have the benefit of various kinds of evidence taken by the Committee whatever their conclusions may be."

Therefore, I expected that I should have all the evidence made available to us, whether it was in favour of one side or the other. I now urge most humbly that we have every right to get a copy of the evidence. Of course, my Honourable friend, Mr. Harbilas Sarda, is not responsible for the publication of this Report so late as the 26th of August, nor for the non-publication of the evidence. Neither he nor I am responsible for this, but whoever may be responsible for it—I suppose it is the Government—if they were as serious as my friend Mr. Harbilas Sarda is about this measure—seeing that the Report was ready and signed on some day in June, they could have published this Report in July, that is at least one month before the Assembly Session began. But nothing of the kind has been done. The Report was received by us just on the eve of our departure from our homes; and even now the evidence has not been supplied. I do not know how a humble man like myself can possibly check every statement made in this Report, or the inferences drawn upon the strength of the evidence recorded by the Committee. My own humble self has been referred to in the Report : but I do not believe that my evidence has at all been properly and fairly summed up. There may also be trouble with regard to many other witnesses. Therefore, my humble submission is that, before we take up the further consideration of this Bill, I would like every Member to put this question to himself whether we have got all the material before us to-day which is relevant to the present motion, as we pledged ourselves to on the 29th of January.

Now, Sir, the Report is a very interesting one, and even without the evidence, it is a fairly big book. It contains 353 pages. Even to me, who is a bookworm and is accustomed to pour over books in volumes, to read the whole of it at a stretch in half a dozen hours proved an impossible task. I do not know whether even my friend, Mr. Jayakar, who is accustomed to go through huge volumes of law—for good consideration of course—would be able to wade through the Report in two or three or even four days, to dissect every statement therein and weigh it. I wonder if he can scan, scrutinise, analyse, sum up and be prepared on the fifth day to say what value should be attached to the various recommendations that are made by that Committee. However, whatever the great geniuses of the House may decide, to a humble man like myself it looks very difficult to come to any reasonable conclusion during this short period of time.

Then, Sir, there is a further difficulty. There are statements in the Report which are sometimes contradictory; and it is very difficult for me to make up my mind one way or the other. With some statements I agree, while with others I disagree. Some of the things seem to be wise, others seem to me to be utterly foolish. It is very difficult to reconcile the two. I will just refer to one instance. They have quoted a number of statistics to strengthen the position they have taken up. I may say at once that the statistics prove nothing of the kind.

**Mian Mohammad Shah Nawaz** (West Central Punjab : Muhammadan) : Are you a bigoted Brahmin ?

**Mr. M. K. Acharya:** I dare not call myself a Brahmin. A Brahmin is one who is a God-seer; and if there be one in this House who is a God-seer I shall be quite ready to go down on my knees before him and do whatever he commands me to do.

I am not such a Brahmin; and I dare not therefore assume to myself an authority which I do not possess. To proceed however, very often the statement is made in this House and elsewhere that early marriage is responsible for a great deal of infantile mortality and things of that kind. Here is paragraph 232 of the Age of Consent Committee's Report, at page 102. It does not seem that the authors of this book are authorities even in the English language, and therefore bad grammar abounds in this book. In paragraph 232, they say:

"It has been shown in paragraphs 358 to 368....."

that is 126 paragraphs later on! How I wish their logic were not as bad as their grammar; but I fear, it is no better. They say:

"It has been shown in paragraphs 358 to 368 of our Report that early maternity is an evil and an evil of great magnitude."

This is what they say (an inaudible interruption was made). Well, let me see how these gentlemen who are interrupting me are going to espouse their cause without referring to these points and meeting them.

**The Revd. J. C. Chatterjee** (Nominated: Indian Christians): If the Honourable Member had no time to study the Report, then how is it he is able to refer in minute detail even to the smallest paragraphs in the Report? How does he reconcile these two statements?

**Mr. M. K. Acharya:** A schoolboy can answer this question. What I said was that I had no time to scrutinise the whole of the Report from beginning to end. I was able to study only those paragraphs in which I felt interested. I was interested to know whether early marriage led up to infantile mortality. Therefore I looked up the table of contents of the Report, of which the Honourable Member is such a distinguished signatory, and I found out easily what I wanted. I must speak the truth, pleasant or unpleasant, but it is not my fault. Only certain paragraphs in which I was interested, I read. I am not a newspaper correspondent to fly through the whole volume of a thousand pages in two hours and to summarise it all in half a dozen paragraphs, almost always giving very questionable summaries of the Report. I am not accustomed to do that. Let me read this wonderful sentence of theirs:

"It has been shown in paragraphs 358 to 368 of our Report that early maternity is an evil and an evil of great magnitude. It contributes very largely to maternal and infantile mortality, in many cases wrecks the physical system of the girl and generally leads to degeneracy in the physique of the race."

Well, Sir, if I said anything to the contrary, you will put me down as an old and good for nothing fellow. But what do the wonderful compilers of the Report themselves admit at page 165, in one of the very paragraphs referred to, namely, in paragraph 362, that is in the midst of paragraphs 358 to 368. In paragraph 362, under the heading is, "Relation between early marriage and maternal and infantile mortality", just the very subject that we are interested in, and they say:

"From the figures of 1921 census quoted in Appendices VI-C and VII-C, in some provinces of India it appears that, where more girls under 15 are married, greater infantile mortality exists....."

—mark the words, “ in some provinces,” and then—

“ though not in the same proportion as the number of girls married..... ”

—a very beautiful admission !—

“ In other provinces ”,

—a still more beautiful admission !—

“ In other provinces, this sequence of cause and effect however does not hold good..... ”

—that is, of early marriage and infantile mortality does not hold good !  
But to continue :

“ While in Burma ”,

— a still more beautiful admission !—

“ where hardly a girl is married below 15, above 200 infants die per 1,000 births ”.

This is in Burma where the girls are married hardly below 15, where my Honourable friend's legislation is not wanted.

Now, Sir, a humble ordinary reader like myself cannot reconcile the two statements, the one in paragraph 232 and the other in paragraph 362. In one place they say it has been shown beyond the possibility of doubt (Hear, hear)—my friend over there echoes it. Well, Sir, if any statement, true or false, is just repeated a thousand times, many people come to believe it is true. In 1884 during the days of Lord Ripon when the old controversy on the Ilbert Bill was going on—I happened to look up those debates yesterday—even in those old days, one gentleman who occupied the position of a Member of the Viceroy's Executive Council said: “ Repeat anything a hundred times, it comes to be believed ”. This is our unfortunate psychology—that a man in the street who reads a statement often soon succumbs to it. But our duty as sane, serious and responsible legislators is not to yield to the cries in the streets of little girls or old maids, or of old men or young boys. We have to do our work, according to my humble interpretation in a much more responsible manner. This is by the way. To continue: this is an instance how I am a little non-plussed, how I am unable to understand whether this paragraph is right or that paragraph is right. Of course newspapers do not find any trouble. One morning a copy of the *Hindustan Times* was placed in my hands containing attractive head lines. I really wondered what it was that the lines conveyed. I read the startling head line, “ Orthodoxy Completely Answered.” And then something like “ Shrinivasa Sastri's quotation at the end of the book completely answers the orthodox position.” When the paper containing these statements was put into my hands, I looked up the Appendix to find out who were those high authorities who completely answered the orthodox standpoint, for I myself am anxious to answer them. For instance when I went back to my constituency in October 1927, after supporting the first or original Bill of my friend, several of my constituents asked me how I had dared to support the Bill. So, I was very anxious myself to meet the orthodox viewpoint, and so I looked up the quotation announced in the newspaper. Now, what did I find in the Appendix to the Report ? I found a “ Quotation from the book, ‘ The Marriage age of Dwija girls ’ in Sanskrit by Pandit T. V. Shrinivasa Sastry, Professor of Dharma Shastra, Mylapore Sanskrit College, Madras.” When I read the extracts, I found that there was very little difference after all between what that gentleman has said and the orthodox view. I could not see how, as the *Hindustan Times* declared,

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in the quotation given in the Report, all orthodox sastraic objections had been answered away. For after all what does this gentleman say, whom the committee have quoted? He says that post-puberty marriages are permissible. The question is not even raised by him whether pre-puberty marriage is anything pernicious. And then this book was written some ten years ago; and the author has been dead these ten years. In the old days, my friend then Mr., now the Right Honourable Shrinivasa Sastri, wanted to introduce into the Madras Legislative Council a Bill to validate post-puberty marriages. There was, of course, a great deal of controversy going on among the Pandits. Some held one view and others held another view. This gentleman whose opinions are resurrected from the grave and made to form an Appendix to the Report, took up the position that post-puberty marriages were permissible and were allowed by the Shastras. No ancient authority is quoted. No Smritis are quoted; only the individual opinions of some deceased Pandit. He too has only said this, that certain *mantras* indicated that girls were married in ancient times after attaining youth. He says "some of the old Smritis corroborate this interpretation, while some modern ones are against it"—namely, against the post-puberty view. Does this answer away all orthodox objection? The author admits that a girl should be given away in marriage before puberty. If a father gives in marriage his daughter after puberty, "it is of comparatively less merit". The passage quoted does not refute, but indeed supports the orthodox view that the best period of marriage is before puberty, that is before 12 or 13 years of age. After that, it is not the best period to marry a girl.

After that comes the secondary period. That is the next stage, namely, three years after puberty. This is what the quotation says. In spite of all this, you find glaring headlines in the newspapers, "Orthodox Opposition Answered Away". That is the way with newspaper writers; but we have to scrutinise these things. Therefore I submit that we have not got all the materials that we bargained for. I believe that over this Committee a sum of nearly three lakhs has been spent,—the figure is given somewhere,—and in return for these three lakhs which have been taken from the pockets of the poor tax-payer, we have a right to insist upon having all the materials that this Committee have collected, so that we may see whether statements in one paragraph and in a later paragraph may be reconciled better than these gentlemen have been able to reconcile them. I say the evidence has not been published yet. Am I responsible for it? When I ask that of my old friend there, he is very angry with me. He gets an army,—a fair army of course, not foul,—(Laughter), to parade and shout in the streets. And now, Sir, may I appeal to you, as the custodian of the rights of this House, and the honour of this country, to see how grave this matter is? It was most tragic, what I saw this morning; and tears dropped from my eyes when I saw my daughters, my children, my sisters, dragged into the streets like so many performing monkeys, exhibited like toys in a shop, made to stand at the gate and shout at every man that passed by, as if in a pastime. Is this the way we should do things in this land, the land of sages? Little children, what do they know? May I appeal to my learned leader there, the leader of the orthodox party, and ask him, is this the *dharma*? Is this the way how you are going to find out the truth?



The Vedic chant I cannot repeat in this place. The meaning is this:

“If doubts arise with regard to *Dharma* or *Karma*—who all be Brahmanas and seers there, devoted to Truth and steadfast in *Dharma*—as they in those matters of doubt act even so do thou also act.”

This is the law, Sir; I do not dare to transgress it. If doubts arise as to the interpretation of *dharma* who is to guide us? (*Mr. Ghanashyam Das Birla*—“Yourself”.) No, Sir, not even you, my most rich and persuasive *Mr. Birla*—I ask again, Sir, who is to guide us when difficulties arise?

(Interruption by Colonel Gidney.)

I wish these gentlemen will hear me patiently and read what their own *Shastras* say, if they have any. When I am told that water is made up of two things, oxygen and hydrogen, how am I to judge it? Not by the cries of children in the streets, but by referring to those who are experts in chemistry and chemical analysis. It is just the same thing here. Go to them who do know, not to little children. Go to learned men like *Mr. Jayakar*, influential and gifted men like *Mr. Birla*, authorities like *Pandit Malaviya*. I think every Hindu, or for the matter of that, every human being, will accept the truth of this statement, that whenever doubts arise, we must go to those who are authorities on the subject; ask them, sit at their feet, and learn from them how to find a solution for our troubles. Not by listening to the shouts and cries of little girls will the truth be found.

**The Revd. J. O. Chatterjee** : What about the cries of little girls who themselves suffer?

**Mr. President** : Order, order.

**Mr. M. K. Acharya** : Now, Sir, this Report has been with us only for a few days. What is the value of it? I am unable to judge on account of my limited reading of it. I am appealing to my learned friends here so that they may help me in coming to a better solution of the subject than I have been able to come to with my own unaided understanding.

(*Mr. Lalchand Navalrai* made an interruption, but was called to order by *Mr. President*.)

Sir, I am sorry that when I am appealing to calm, dispassionate judgment, my friends become so impassioned that they will not allow me to address them. Sir, the question I put, therefore, is, are we going to accept tacitly the estimates of the newspapers over this Report, or the eloquent pleadings of anybody else about this Report, or are we going to scrutinise it carefully? Do my friends want me to scrutinise the Report, or do they want me to go to a newspaper adviser and take his opinion? I consider, Sir, that if I follow the latter course I shall be failing in my duty to my constituency, to my conscience, and to God above.

My difficulty in accepting this Report as conclusive or convincing,—either the recommendations or the general Report,—are the following, and I will state them in what I consider to be the logical order. I have already quoted the Honourable the Home Member's canon that we must have “the legitimate opinion” of, “all legitimate interests” interested in the questions dealt with in the Bill; and judged by that canon, I am not prepared to agree that the Committee which the Honourable Home Member appointed was a Committee which represents, or from which we

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can get, legitimate opinion from all legitimate interests. In a word the Committee was not fully representative. Sir, every word that I say in this connection, I utter with a full sense of my own responsibility. If I am wrong, my friends will correct me, but let them not be angry with me if I speak out my mind frankly. I consider first, Sir, that this Committee was not fully representative.

Secondly, the qualifications of the members are not unquestionable. I put this very question before the House last year, and I asked the Honourable the Home Member whether the House could be taken into his confidence. This was my question :

“ Will the Government be pleased to state :

- (a) the purpose for which the Age of Consent Committee has been appointed ;
- (b) the special qualifications, if any, of its members ;
- (c) whether any representations have been received from the Presidency of Madras or elsewhere, requesting the Government to nominate as member a representative of orthodox Hindu opinion on it ;
- (d) and, if the answer to clause (c) be in the affirmative, why the Government have not chosen to accede to the request ? ”

To that the Honourable Sir James Crerar was pleased to reply :

“ The Home Department Resolution No. 382/27, dated the 25th June, 1928, a copy of which has been placed in the Library, states the terms of reference to the Committee and also the qualifications of the members. Government have received representations asking for the nomination of representative orthodox Hindu opinion and have accordingly appointed Rai Bahadur Pandit Kanhaiya Lal.”

This was the reply given to me by the Home Member ; and therefore I took care to go and find out what this Home Department Resolution was. I had a copy here from the Library this morning, but somehow it has disappeared—perhaps some fairy has taken it away ; but, I have got the terms of reference and all the relevant matter in this book itself. The Resolution says that the Government of India, in pursuance of certain answers they gave to some questions, propose to appoint a committee consisting of the following members :

“ Sir Moropant Vishwanath Joshi, B.A., LL.B., Kt., K.C.I.E., late Home Member of the Executive Council of the Governor of the Central Provinces—Chairman.

Rai Bahadur Pandit Kanhaiya Lal, M.A., LL.B., late Judge of the Allahabad High Court—Vice-Chairman.

Mr. A. Kamaswami Mudaliyar, B.A., B.L., lately a Member of the Madras Legislative Council.

Khan Bahadur Mahbub Mian Imam Baksh Kadri, B.A., LL.B., O.B.E., lately a District and Sessions Judge in the Bombay Presidency, and now Chief Judicial Officer of the Junagadh State.

Mrs. M. O'Brien Beadon, M.B., B.S. (London), L.S.A., Superintendent, Victoria Government Hospital, Madras.

Mrs. Brij Lal Nehru.”

These were the six names given in that notification to which the Home Member referred my ignorant self for information. My question was, what special qualifications did any of these members possess ? I tried to read every line and to spell every word to find out wherein, in that wonderful notification, were given the special qualifications of these members, if any. I could not find them. Probably more talented members will find in these bare names and letters attached to them, the qualifications of the members of the Committee, specially qualifying them for the

task entrusted to them. My poor humble self could not find anything on the point ; and therefore I wondered whether it was a joke that the Home Member was practising upon himself or upon me when he showed me that particular sheet of paper as giving the particulars I wanted. I do not know what qualification the Chairman of the Committee had, except that he was "the late Home Member of the Executive Council of the Central Provinces". There may be many late and present Members of the Executive Council of many provinces : but what his or their special qualification be to inquire into and report upon the law of the age of consent, my poor brain could not understand.

Then, No. 2. is Mr. A. Ramaswami Mudaliar. I know him very well, because he stood for election to the Madras Legislative Council from my own constituency, and I managed to get him defeated in 1926. He is a B.A., B.L. and of course he is very well qualified for any job that he ever practised. Then it is said that he was lately a Member of the Madras Legislative Council. Yes, he was a Member during the first six years of that Council ; he was not elected in 1926. In this book he is shown as the President of the Madras Corporation, but not in the 1928 June Notification, for the simple reason that he was not then such President : he has been President only for the past few months...

**Pandit Thakurdas Bhargava** (Ambala Division : Non-Muhamadan) : What should have been the qualifications of these members ?

**Mr. M. K. Acharya** : If I were to answer that question, I would say this : if I had been the Government or the Home Member, I should certainly have taken care to state what the special qualifications of these members were qualifying them for the appointment to which I was appointing them. But so long as I was not the appointing person, what does it matter what qualifications they should have had in my opinion ? Sir, my question to Government was what the special qualifications were of these members ; and a straightforward answer would have been—if the Government ever gave any straightforward reply to any question of this kind—that they appointed them all from recommendations received from certain favourite persons : at any rate that is how I know Mr. Ramaswami Mudaliar was appointed : that was his qualification.

Now, Sir, my friend there put me the question as to what should be the qualifications in my estimation. The qualification of a doctor, of a research scholar, of one who has studied the latest books upon sociology, of one who has studied the latest literature on the feminist movement in America and in England—some such qualifications I would regard as entitling a man to become a member of this Committee, where he would have to consider this problem of the relationship of the sexes, when the relationship should commence, when it should cease and all that. A B.A., B.L. might be a very good man ; and all these gentlemen are, I dare say, very good men, all eminently good in their own way ; but I say that they have no special qualification for laying down that this or that is the manner in which a husband and wife should live together. Persons who have made a special study of the subject, investigators, men like Havelock Ellis or Ellen Key or others, if any, in this land who have made a special study of this subject, would have been the proper persons for membership of this Committee. Not even ordinary doctors would be enough, because doctors ordinarily do not know anything beyond quinine for

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fever and such simple remedies. I therefore wish to enter my very emphatic protest against the way in which the Government have dealt with this very serious question. How can we have confidence in such a Committee, appointed by such a Government, although we are going to pay for it? The Government says in reply to my question: "Find out the qualifications from that notification." (Interruptions.) There is nothing in it. Sir M. V. Joshi is the Chairman.....

**Mr. President :** The Honourable Member is repeating himself.

**Mr. M. K. Acharya :** If I am interrupted, what can I do?

**Mr. President :** The Honourable Member has no right to repeat.

**Mr. M. K. Acharya :** Will you kindly protect me, Sir, from being harassed in this fashion? The next Member is Rai Bahadur Pandit Kanhaiya Lal, "M.A., LL.B., late Judge of the Allahabad High Court". He might have pronounced opinion in several cases, civil and criminal, brought before him; but what special qualification he had to inquire into the Age of Consent Bill, as to what it should be, and all that, I do not know; probably, as a Judge, he might have had some cases involving the age of consent before him; but that is all. The reply given here is that he was nominated in response to representations made to Government asking for the nomination of a representative of the orthodox Hindu opinion. I do not know how Government found him out; on whose nomination—whether the Bharata Mahamandal suggested his name, or the Brahmana Mahasabha of Madras or the Brahmana Mahasabha of Bengal, or any other orthodox Hindu Association. If there was really going to be a representative of the orthodox Hindu opinion, on whose recommendation and on whose certificate this gentleman was nominated, I do not see; because, Sir, I may be pardoned if I say that I cannot take Sir James Crerar's certificate that the gentleman is representative of extreme orthodox opinion as very satisfactory, since on that matter I believe the Home Member may be no wiser than myself. Therefore, it is difficult for me to understand from the official statement whether, and to what extent, Rai Bahadur Kanhaiya Lal was an accredited representative of orthodox Hindu opinion, who could represent "the legitimate interests" of the orthodox section in the words of the Honourable Member himself. I know nothing about the Rai Bahadur. He may be an excellent person; what I say is that he is not a representative qualified to express, on behalf of the orthodox Hindu community, any views in regard to this particular question. He might express his own views, orthodox or heterodox: everybody thinks of course that his own views are orthodox and every others' views heterodox.

The third is a Muhammadan gentleman, Khan Bahadur Mahbub Mian Imam Baksh Kadri.....

**Mr. President :** The Honourable Member is taking a very long time over a comparatively unimportant point.

**Mr. M. K. Acharya :** I thank you, Sir, for reminding me of it. I am very anxious to pass over this part of my argument. I will therefore conclude by saying that, so far as I can see, this Committee is not representative. None of the Members of this Committee—except perhaps the lady doctor who presumably gave some of her medical experiences to the Committee—is an authority upon any of the questions which had to be decided by the Committee; none of them had any special qualifications for the

job, any more than any man in the street. None of them had any special qualifications as research scholars or scientific investigators or as recognised authorities in science, law, philosophy or religion, in all of which the Committee have dabbled.

My third criticism with regard to the personnel is that there was no

I P. M. Member on the Committee who could properly be said

to represent purely orthodox Hindu opinion. After the certificate given to one of the Members of that Committee by the Honourable the Home Member, I read a second time and a third time the minute written by Rai Bahadur Lala Kanhaiya Lal to see how far we orthodox people, at any rate my orthodox friends, could regard him as our representative, and how far his views could be taken to represent purely orthodox Hindu opinion. I tried to judge by his own note. When I read his minute, not once, but twice and thrice, because the Honourable the Home Member has given him a certificate installing him in the *guru pitha*, or sacerdotal chair—when I tried to find out how far the Rai Bahadur represents the purely orthodox Hindu opinion, I must confess, Sir, I was very disappointed. I see that an attempt is made in the minute to give what seemingly is called the orthodox view of the question, but there is neither orthodoxy in it nor scholarship. And in order to corroborate what I say, I think I should read a few sentences from his minute. This gentleman says that in Vedic times post-puberty marriage was the law of the land. Here I think I should dwell on this aspect of the matter for a minute. If it can be proved to the satisfaction of the orthodox community that, in Vedic times, post-puberty marriage was the law and pre-puberty marriage came into force later, as a kind of interloper, then I think much of the objection will cease. Now, this gentleman admits that “Vedic texts lay down no specific age for marriage;” “they however indicate that in early times a marriage was essentially a union of two persons of full development”. When a statement of that kind is made, when it is admitted that there is no specific age mentioned in the old texts, then we have merely to draw our own inferences, and then we get on to very delicate ground. However, I was patient enough to read and find out what were the authorities on which this gentleman relied, and on going through those very authorities I find that those authorities do not support the view of the member of the Committee at all. There are prayers in the Vedic hymns which say to the wife “Happy and be prosperous with your children”, and so on. In another place, in Rig. Veda X.85, 41 and 42, it is said :—

“Be ye not parted : dwell ye here ; reach the full time of human life, with sons and grandsons, rejoicing in your own abode.”

Now the gentleman says that none of these hymns are applicable to the conditions of pre-puberty marriage sacrament. Sir, to every girl who comes before an elderly man in a Brahmin family, the Brahmins say even to-day :

“*Dasayan putran adehi, patim eka dasam kuru*” —

Do thou bear ten sons and treat thy husband as the eleventh.

This is merely a blessing. In the light of all these authorities, therefore, I cannot understand how the Rai Bahadur can draw his pet inference ; or how the Honourable the Home Member regards the Rai Bahadur as the most accredited representative of orthodox Hindu opinion. I, for one, really cannot accept his statement.

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Sir, the Honourable the Home Member had a different canon to apply when the Indian Christian Marriage Bill was under consideration. He quoted the authority of the Bishop of Calcutta and other Bishops in considering the question of Christian Marriage and Divorce; but when an important question affecting the entire Hindu community is under consideration, when a question affecting the marriage customs of the orthodox Hindu community is under consideration, it is not the authority of any Sankaracharya which is cited; it is not the authority of any great Pandit that is quoted; it is not the authority of any Mahamahopadhyaya of Benares which is taken; it is not the authority of any great Pandit whom our esteemed Leader could nominate from among the great Mahamahopadhyayas of Benares that may be consulted, but it is the authority of somebody who, in the opinion of the Honourable the Home Member, represents the Hindu orthodox opinion. Now, Sir, I put it to the Honourable the Home Member in all humility, is this kind of Committee likely to satisfy the demands of the orthodox community who sent up representations asking that orthodox opinion should be represented on the Committee? That is how I look upon the personnel of the Committee.

Next, whatever its representative character, coming to the Report, based on and judging it on what my lawyer friends would call relevant evidence, what do I find? The Report is based on a wrong interpretation of the terms of reference. They were asked to inquire about the age of consent. Now, the terms of reference to this Committee do not directly include the question of prohibition or of penalising of child marriages; but among other things the Committee say they had to consider how far the existing law with regard to the age of consent was effective, and whether any remedy could be suggested to make it more effective, such as penalising marriages before a certain age.

They say :

"It was impossible to debar the witnesses from suggesting the latter as a better and more effective remedy to check the evil intended to be dealt with by the law of the Age of Consent, if they thought fit to do so."

They admit :

"When the law of the Age of Consent alone was contemplated by its promoters as a remedy for protecting tender girls, it might possibly have been out of place to consider any other remedies; at present, however, Bills suggesting both the remedies are before the Legislature ;"

I ask my lawyer friends and the Honourable the Home Member what is the procedure to be followed when you have a Committee with definite terms of reference?

The Committee say :

"It is impossible to avoid the consideration of what might be looked upon as a direct attack by way of fixing a minimum age of Marriage rather than a mere flank attack by raising the age of Consent."

They say further :

"The Legislative Assembly has postponed the consideration of Rai Sahib Harbilas Barda's Bill pending the Report of this Committee."

But this postponement by the Assembly was fully six months after the Committee began their work. My contention is that this is a wrong interpretation of the terms of reference, and I am supported in this contention by what another Committee appointed by the Government in a very similar predicament did. Let me refer to just one or two sentences in the Report of the Indian-Taxation Committee. They were asked to inquire into the Indian taxation. The terms of reference to them were these :

"To examine the manner in which the burden of taxation is distributed at present between the different classes of the population."

"To consider whether the whole scheme of taxation—Central, Provincial and Local—is equitable and in accordance with economic principles, and, if not, in what respects it is defective."

"To report on the suitability of alternative sources of taxation."

One of the great sources of taxation being land revenue, the question most naturally came up before them of land assessments, and settlements, and therefore they say in a paragraph which runs as follows :

"One item of revenue which has excited more interest and criticism than all the others put together is that derived from the land. In respect of this matter, the Committee's instructions differ in some respects from those relating to other parts of the system. They are to include in the inquiry consideration of the land revenue only so far as it is necessary for a comprehensive survey of existing conditions. They are not required to make suggestions regarding systems of settlement."

Thus, Sir, when kindred questions turn up, the terms of reference are interpreted as strictly as possible. This is a parallel precedent. When making an inquiry into the age of consent, incidental questions relating to systems of marriage come up to the extent to which marriage systems bear directly on the age of consent—to that extent and to no more and no further. Yet, this Committee go on dabbling in marriage questions and a greater portion of the Report deals with the law of marriage. I therefore contend that it was a wrong interpretation of the terms of reference and the only inference to be drawn is that the terms of reference were exceeded.

Then, Sir, the Report is based on a disingenuous questionnaire, full of leading questions. I cannot understand how a question like this can be set out as a straightforward, plain question for eliciting opinion.

"Do you consider that penal legislation fixing a higher age of consent for marital cases is likely to be more effective than legislation fixing the minimum age of marriage?"

In other words, my contention is that, before this Committee started its inquiry, they had made up their minds for fixing the minimum age of marriage, and they put this leading question. The natural answer will be the fixing of the minimum age of marriage. The questionnaire is not meant to seek honest opinions of people to whom it is sent. My lawyer friends will call a question like this a leading question, one put in order to get the answer best suited to them. This question is therefore very disingenuous in this way. If I say that the fixing of the minimum age of marriage is better, I am bound to vote for 14, because the law already penalises marital intercourse below 13. Is this the kind of question which a Committee unbiased, unprejudiced, without any definite views in their minds, and anxious only to find out what is best, anxious only to find out what honest opinions are held in the country—is this the kind of questionnaire which such a Committee will frame? They had made up their

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minds, I say, that marriage legislation is a better remedy ; and they went on elaborating it ; and my contention now is whether this can be regarded as a proper questionnaire upon which the opinions expressed can be considered to be relevant, "legitimate opinion" from people who have "legitimate interests" and no more.

Sir, lastly and the most serious of all, is this, that the Report is based on admittedly inadequate evidence,—quite inadequate as admitted by the Committee itself. In this Report they say :

"The questionnaire was sent out directly to about 6,000 persons and to 1,930 more through the various Local Governments, of whom about 1,200 responded."

- which is less than 15 per cent. I almost wonder whether there had not been a greater response to the Simon Commission from those who were interested in the constitutional questions raised by that Commission. Yet these gentlemen conclude :

"The response to the questionnaire was wide and general."

In the first sentence they say that the questionnaire was sent to 7,930 people, out of whom only 1,200 responded. And in the very next sentence they say that the response "was wide and general"! Sir, I cannot comprehend this sentence. If I invite 100 people and only 15 turn up, I must consider that the majority did not respond.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : 85 per cent. belong to your school.

**Mr. M. K. Acharya** : Sir, I have no school. All schools I leave to my Honourable friend over there.

As regards orthodox ladies' opinions, we have a very valuable admission at page 6 of the Report :

"The Committee has taken care to have the views of this latter class on record ; ..... The Committee, however, notes that, although efforts to get the opinions of orthodox ladies by direct evidence were made, they were not very successful."

Any they give the reason as to why it was not successful on another page, that :

"The more conservative ladies are deterred by environments from an expression of opinion" (page 172).

I am yet to know that in Southern India—I do not know about Northern India—I am yet to know that any ladies are deterred by their environment from giving their opinions upon any important subject in which they are vitally interested ; because in Madras our ladies go about quite freely, whenever necessary. The pernicious purdah system or the very good purdah system, whatever it is, does not prevail there. I may, for instance, inform the House that two very respectable orthodox ladies came on the deputation to His Excellency the Viceroy only the other day. Although they are accustomed to live and rule in their own homes, they came all the way to Simla, because they were greatly stirred by the matter which was before the Legislative Assembly. They appeared before His Excellency the other day as members of the deputation ; and one of them was an eloquent lady, as eloquent as my Honourable friend, Mr. Jayakar, or any other Honourable Member.

She spoke, I am told, in a manner so simple, so free and so touching, that any member here might very well emulate her. Here again there is evidence.....



**Mr. President :** Will the Honourable Member say how long he is going to take ?

**Mr. M. K. Acharya :** I have got so many more points to deal with that I fear I may take an hour more.

**Mr. President :** Does the Honourable Member realise that there is a large number of Honourable Members who desire to take part in this debate ? If the Honourable Member is under the impression that no closure will be accepted he is very much mistaken. He will merely deprive other Honourable Members from taking part in this debate.

**Mr. M. K. Acharya :** If I am debarred under the rules.....

**Mr. President :** I do not say so. I have merely asked him to bear in mind the fact that there is a large number of his colleagues who desire to take part in this debate. If he takes a very long time, it means that he will deprive other Honourable Members of an opportunity of taking part in this debate.

**Mr. M. K. Acharya :** I am bound to place the whole of my humble submission, Sir.

**Mr. President :** Then it is your pleasure !

**Mr. R. S. Sarma (Bengal : Nominated Non-Official) :** On a point of order, Sir. Is the Honourable Member entitled to embark upon a detailed criticism of the recommendations of this Committee ? He himself has admitted that he has not had time to study it and his amendment itself is based upon the plea that more time should be given to the Members of this House and the public to get themselves acquainted with the recommendations of the Committee.

**Mr. President :** Mr. Acharya.

**Mr. M. K. Acharya :** Yes, I want more time. Let my colleagues study the Report, come back and enlighten me, so that I may be converted to their view, because I am open to conviction. The Committee has not inspired confidence in the minds of the orthodox section, and no orthodox ladies will go before them. But here is a telegram from a lady in Kistna which reads :

" On behalf of women Kistna Child Marriage Consent Age Raising Bills condemned strongly interfering religion ".

Here is another telegram from another lady from Kumbakonam, the home of orthodoxy :

" Large and influential Brahmin ladies' public meeting, Kumbakonam, held first September, under my presidentship, unanimously protests against Sarda's Marriage Bill pending Assembly and Committee's Report. As Hindu marriage is sacrament mixed legislatures incompetent pass social or religious legislation, still less penal legislation. Select Committee members being social reformers unrepresentative of communities affected and prays throwing out Bill or exempting Brahmins."

The telegram is signed by Valambalammal of Kumbakonam.

In the light of these telegrams, would any of my colleagues be right in taking the *obiter dictum* of this Committee that the environment in South India debarred orthodox ladies from expressing their opinions ?

**Mr. President :** Order, order. The House stands adjourned till half past two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Mr. M. K. Acharya :** Sir, as I was saying just before we adjourned.....

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : May I draw the attention of the Chair to the question whether we have got a quorum yet ?

**Mr. President :** Yes, we have got a quorum.

**Mr. M. K. Acharya :** Sir, I was saying that the evidence, even according to the admissions contained in the Report, was inadequate in two respects. There is no response from orthodox ladies. Also it is admitted in the Report, on page 7, that the Moslem representation was very meagre. They say :

" It has been pointed out that very few Muslim witnesses and theologians have appeared before the Committee. The questionnaire was sent to every Muslim gentleman, whose name was suggested by any member of the Committee ; and a special request was conveyed to some prominent Muslim theologians to give evidence before the Committee or to send their written statements. At the end of the tour the Committee re-assembled at Delhi ; and a second opportunity was given to the witnesses whose evidence, some of the members considered, it was highly desirable to obtain. But in spite of this the response was meagre. This is regrettable ; but though the opportunity to give evidence was not largely availed of by orthodox Muslims, we feel that all that could be stated from the theological point of view has been stated by the witnesses of various schools of thought who have assisted us in our inquiry and it is extremely doubtful if any fresh light can be thrown by them on the subjects under consideration."

That is what the Committee in general say. But our esteemed friend, Maulvi Muhammad Yakub, who was on the Committee, expresses a different view and he says in his minute :

" My first recommendation is that additional Moslem evidence should be brought on the record before the Marriage Bill comes up before the House for final disposal."

Thus this Report is based on inadequate evidence and a distorted questionnaire. We have got this admission from the Committee itself. They nevertheless come to the conclusion that a case for legislation has been made out. They have done this, so far as I am able to see at present, by way of magnifying the demand for, and by minimising the objection to, the Bill in question. Thus, Sir, last year, in reply to a question of mine, the Government gave the statistics. On the 3rd of September, 1928, this was the answer given. I am sorry I have mislaid the papers. They gave the opinions for and against that were received.

**Mr. President :** The Honourable Member might take up some other point.

**Mr. M. K. Acharya :** The statistics given by the Government were so thoroughly convincing, the number of opinions received for the Bill were so few, and the number of opinions received against were so many, that the signatories against were by tens of thousands and the signatories for were only by hundreds, and yet the Committee come to the conclusion that the opposition to the legislation is very negligible.

**Pandit Thakur Das Bhargava :** These petitions were not before the Committee.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : I myself presented a petition signed by several thousands of opinions in favour of the Bill.

**Mr. M. K. Acharya :** The Committee were expected to know all the materials that were supplied by the public as they are public property, as also all the information that has been given by the Government on the floor of this House in September last. When the Committee were doing its work, not knowing how many opinions were received by Government, not knowing what answers were given by Government or obtained by Government, they were to blame in the first instance. That is exactly my complaint, that they have ignored everything that was unfavourable and minimised the opposition and magnified the points in favour. They say :

“ There is no doubt that a certain amount of dissatisfaction will be caused among the orthodox Hindu and Muslim classes.”

This can only be taken for granted as an expression of opinion, not based on facts. The new legislation, they admit, would affect these classes as they were never affected before. On the other hand, if the legislation is not passed, the dissatisfaction will be equally great, if not greater, among the reformers. Therefore, Sir, it shows that, in order to avoid dissatisfaction among the reformers, this Committee recommend that the Government may defy the dissatisfaction of the orthodox people, although the bulk of the people are orthodox in this country, as perhaps in any other country ; the number of people who stick to the old order of things, is always larger. But this Committee says, that it does not matter. If the Committee had paused to consider what happened when steps were being taken by the late Amir of Afghanistan to reform the social order and customs in his country, to force reforms on an unwilling people which they did not like, however sound and rational they might be in his opinion, they would not have made this recommendation. I wish the Committee had given saner advice to Government. Sir, the Home Member was right in saying that Government should carefully consider as to how far legislation, however well-meant, if introduced against the wishes of the people, might create more harm than the harm intended to be rectified. Luckily the lady member of the Committee, almost instinctively—because ladies are always more shrewd than men—feels that mere legislation will never succeed, and she writes something like the following that : After all, we must depend upon propaganda, upon the spread of ideas, upon the natural development of the order of things.

And yet, by a majority, the Committee disregard the opinions of those who oppose it, and they distort the evidence, limited as it was, and quote only the opinions which are favourable, and dismiss the opinions which are unfavourable. These are some of the defects that I noted, and I want more learned speakers coming after me to help me, if possible, in assessing the true value of the Report. My provisional conclusion,—and I say it with all deliberation subject to correction by others,—is that the Report of the Committee shows that they have failed to investigate all legitimate interests, that they did not possess special qualifications for the task entrusted to them, that the Report is based on a wrong interpretation of the terms of reference, on a faulty questionnaire, and on admittedly inadequate evidence ; that it has been prompted by a desire, however well-meant yet indiscreet, prompted in the main by a regrettable zeal to manufacture somehow a case for legislation.

That, Sir, is the provisional conclusion to which I have come, and I submit it to you, Sir, that I am open to correction. If my learned friends

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will take the trouble to convince me that I am wrong, I am still open to correction. If I am convinced of the contrary view, I will give up the *very points that are so dear to me, so far at least as I am personally concerned*, although I cannot bind the constituents whom I represent in this House. Therefore, I beg of you, Sir, and through you I beg of the House, to give their most serious consideration to the various issues involved in the legislation before we undertake it hastily, in response to the vocal few ; because it is only these vocal few on either side who have expressed their views and opinions in newspapers. The bulk of my countrymen and countrywomen do not come under the class of the vocal few. They do not know how to agitate on European lines. They do not know how to bring their girls and make them stand in the street and create public opinion. These things are foreign to our genius. They have been utterly foreign to the genius of the legislators and seers of ancient India. In a word, I appeal that in this responsible task we must not be hasty, and we must not be guided by newspaper reports, and things of that kind.

Lastly, Sir, I appeal to you and through you to the Members of the House for a moment to pause and consider what will be the situation created in the country ; and how far, as I have already said, it will be consistent with our own responsibilities as legislators to ask Government to thrust this penal legislation down the throats of people that are not prepared for it. Let there be reform by all means ; let there be propaganda by all means ; let the reformers go about canvassing more and more members to their League. But we should not be hasty in passing this legislation. However much we may be assailed by the currents of the ocean, we must take care to see that they do not undermine the foundations upon which the ancient society of India has been established. I beg of you therefore, Sir, that, in this matter, we must consider the pros and cons very carefully ; we must have before us all the evidence which this Committee has collected, because even at the time when they made their Report, the conclusions of the Committee were not at all supported by adequate evidence. There are a great many statements in this Report with regard to which, without the help of the evidence upon which they are based, it is very difficult for a humble man like myself to come to any conclusion. It was because of this that I moved this morning that we should adjourn the consideration of this Bill, that we should calmly and dispassionately try to judge the issues. Some friends may wish to help my Honourable friend over there ; yet, if in spite of their wishes to help him, they are convinced that the legislation is not necessary, they should not force the legislation on us. Sir, we are a heterodox body representing many diverse interests ; and I appeal to all my Honourable friends not to press for this legislation at this stage. Now, Sir, as I do not want to take more time, I give up all the other points that I had noted ; and I hope that other friends who will speak after me will detail them and make the position much clearer than I have been able to make it. I hope Government will also beware of the fact that, after all, they are not the makers of India's destiny. India's destiny is in the hands of her own people. If the Government, owing to pressure brought to bear on them whether from home or elsewhere, decide to thrust this legislation on us, a time will come when some greater pressure will sweep this Government away. Let them beware, therefore ; let them take a lesson from Afghanistan.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I think I shall be failing in my duty if I did not again raise my humble voice against this proposed legislation. I shall avoid inflicting a long speech on the unwilling ears of my colleagues, but I cannot do without making a passing observation on the Report which we received only seven or eight days ago. It seems that some of the Members of this House think that that Report is worth serious consideration. But I regret to observe that that Report deserves to be thrown into the waste-paper basket if you closely examine it in the light of the evidence recorded.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) :  
 • Also the Report of the Select Committee on the Transfer of Property Bill !

**Mr. Amar Nath Dutt** : I have no objection if it is also thrown into the waste-paper basket.

If you take a cursory glance through some of the pages of this Report, you will find that many things have been misreported and many untrue statements have been made about which there is no evidence. My attention was drawn only an hour before to a certain observation made in that Report by a certain member which is wholly false and not warranted by the evidence on record. Some members of the Committee have based their observation on their own imagination in order to draw up an indictment against certain witnesses, I therefore say that such a report deserves to be thrown into the waste-paper basket as it has not properly sifted and weighed the evidence on record, and probably did not attend to the statements of witnesses when they deposed.

Leaving aside any consideration of the Report of the Age of Consent Committee, let us look into the merits of the present Bill. Sir, having had sufficient experience of this House and the methods of so-called democracies within our ken, I am painfully aware of the futility of any attempt to alter opinions which are resultants of various forces interacting on each other. Personal idiosyncracies, want of toleration of others' views, subtle influence of political power, and last but not least, the present conflict of ideas of the East and those of the West, have contributed not a little in shaping the bias, the sub-conscious cerebrations and the prejudices and obsessions of this House. In these circumstances, I have thought fit to proceed on uncontrovertible grounds. Whatever may be our own views about the marriageable age of our boys and girls, we have to keep in view the fundamental fact that no one has any right to thrust his own views upon others in domestic and social matters, far less any Legislature has a right to compel people to accept a rule of conduct which the people consider as an unwarrantable interference with their religious convictions and beliefs, as evidenced by the thousands of protests that are daily pouring forth from various parts of the country. Their voice is more loud in volume and insistence than that of those who support the Bill, and they are sincere and cogent from their point of view, and as such they are entitled to our respect and serious consideration. People from far-off parts of the country have come up to Simla at a great personal sacrifice to place their viewpoint before us, and among them there are men of high social position, great learning and piety, who command more confidence of the masses of our countrymen than the so-called social reformers.

I must warn the Government not to be misled by the clamours of a handful of men, unless their intention is to create further dissension

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among the people, as they have done by nursing the growth of communalism. Those who honestly believe that shastric injunctions would be interfered with by this legislation should have as much liberty in their own spheres as those who want this legislation. If Bertrand Russel thinks of "tyranny of public opinion" in England in clearly made out cases of moral turpitude, we may very well characterise this attempt to fix the age of marriage by legislation, of diverse races and communities as nothing but "tyranny of subsidised opinion".

In this connection I beg to quote a few observations of Dr. James H. Cousins :

"It is necessary to remember that it is the privilege of a nation's life, that can be made into commodities for cultural exchange, its roots and branches remain fixed in its own soil, they can rarely be slipped and ceded with success, they cannot be removed without disaster. Life and form hold fruitful converse within their own domain, but only life can move safely beyond the borders of nativity. Form adopted or imposed from without, is certain of death, for it has renounced spiritual fecundity".

Legislative penalisation of marriage age is a form imposed from outside. If there has arisen a real need for advance in the marriage age, as in town life, it is evident, this coercive legislation will, I am afraid, retard the healthy progress of that advance, for every form of outside compulsion provokes and nurtures a spirit of revolt. Moreover, I cannot tolerate the only legitimate inference from penal legislation that the social reform is not a spontaneous growth of a healthy life in society, but must be supplemented by legislative stimulant injected into an unwilling system. It means moral defeat of the reformers.

My next objection is based on the cry of the age, which is rampant all over the world. Mr. C. E. M. Joad is a well known free thinker in the English literary world. He it is who has made familiar the words "herd mentality" and "herd morality". He describes it as follows :

"Take a sheep and stand it on its hind legs and its resemblance to a human being is scarcely noticeable ; but stand a flock of sheep on their hind legs and, so far as psychology and behaviour go, you have a crowd of men. In other words, taken severally, men may be individuals, taken together, they are a mere transmitting medium for herd emotion. Their individual stupidities are added together, but their individual wisdom cancel out".

So, he thinks,

"The rigid enforcement of uniformity is hostile not only to freedom of action but also to independence of thought",

and therefore in his opinion,

"morality, which is the name we give to law-abiding conduct, is a device on the part of the rulers to ensure subservience and contentment on the part of their subjects".

Needless to add that the proposed law is intended to create a sort of morality, by which the ruler, I mean both the Legislature and the Executive, will have got only the device, which is condemned by the writer. The creation of "hard morality" benefits only the stronger and by far more extensively and intensively the organised stronger, as against the disunited and disorganised weaker. And in this sense, it is absolutely reactionary. I maintain that Government and parties and politicians are not alive to the highest thoughts that the greatest thinkers are promulgating for the further progress of humanity. Otherwise, this piece of legislation should have been nipped in the bud under section 67 (2) (b) of the Government of India Act. The Government is trying to play the rôle of a

Ram Mohan Roy and a Ranade, to divert the attention of the politically minded people from the life works of Surendranath Bannerjee, Dadabhai, Naoroji and Bal Gangadhar Tilak, which is the legitimate sphere of their activity. True nationalists should beware of this and should not join in the chorus of siren songs, sung through one of their own organs, who was in their service, and who still receives their pension. Are we to believe that a Government which deports and imprisons men like, Tilak, Gandhi, Lala Lajpat Rai, Aurabindo Ghose and others and is at the present moment callous to the suffering of the hunger-strikers at Lahore, has suddenly developed a great desire for the well-being of our community? Or is it to create one more dissension amongst the orthodox and the unorthodox? Certainly the Government is fully aware how vehemently the late Pandit Vidyasagar of widow remarriage fame, the late Sir Romesh Chandra Mitra, the first to hold the office of Chief Justice in British India, moved against the first Age of Consent Bill; yet now, at the height of a movement of marrying girls at not less than 14 years of age, the late Keshub Chauder Sen, married his own daughter just after 12; how surreptitiously the polygamy in Bengal fell into disuse, how surely the economic causes are raising the marriageable age of girls, and how modern conditions are doing away with various social evils. If they had only kept themselves abreast with the most up-to-date thought currents of sociology, then they would not have raised this countrywide opposition to social reform itself.

Mr. J. A. Hobson, one of the greatest social thinkers of modern times in his latest work on "Freethought in Social sciences", concludes his book, after acknowledging the likelihood of a world catastrophe, with the following pregnant observations:

"If we are right in holding that the most urgent business of our age is to devise better laws of conduct in the arts of human governments, within and beyond the limits of nationality, success depends upon stimulating in as many spots as possible, the largest number and variety of independent thinkers, constructing and maintaining among them the best conditions of free intercourse and co-operation and finally enabling their creative thought to play freely in criticism and reform upon the existing modes of political and economic life."

India is the only spot where marriage law, being diversified in different communities, should be maintained in their existing modes so that the creative thoughts of the youths of India may play freely in criticism and reform. This is the *sine qua non* of progress. I know, I may be accused of generalisations. But there is some fundamental misconception which I have tried to clear out.

I pray to all real well-wishers of the country not to be misled by hypnotism of words, such as, "progress", "advance", "emancipation", and "twentieth century". I have therefore to go into the whole question of race-idiosyncracies, and condition of free-thought and activity.

The Honourable Members of this House have been deluged with pamphlets, opinions, dicta, principles, statistics and old and new theories about sex. The members of the itinerant Committee have enjoyed "the lure of the sex itself masquerading as 'scientific interest'"—I mean "legislative interest". Can any one say that he has viewed the question from the point of view of disinterested science, which alone can lead us to right conclusions? Nor is there any material before us for inquiry into the question from the point of view of disinterested science.

Therefore, in this medley of bias, and interest and struggle for dominance in the body politic of India, I take up the only honourable attitude



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for a legislator, I cannot stigmatise the youths of India as unworthy of trust with a girl by passing this penal legislation. I move for freedom of thought and freedom of action of our youths and for the rejection of this Bill lock, stock and barrel.

**Mr. M. S. Sesha Ayyangar :** Sir, this morning when I came into the

3 P.M.

Assembly building, I was greeted with a big placard with these words in bold print, "If you oppose Sarda's Bill, the world will laugh at you". I am glad, Sir, that I shall have an opportunity of being laughed at by the world. I am equally glad that, in that position, I am in the company of very great men : I am in the company of the ancient Rishis of this country ; I am in the company of the great legislators of this ancient country ; I am in the company of the modern savants of the Continent ; I am in the company of great doctors, sociologists, medical experts and gynæcologists. If that is so, I would certainly like to be laughed at by that section of the world who would laugh at me if I oppose this Bill. I would in turn, after opposing this Bill, laugh at that section of the world which would laugh at me for having opposed this Bill.

Sir, I oppose this Bill with all the vehemence that I can command. The Bill, Sir, I feel, is not a social reform legislation, but a religious revolution, and not merely a revolution, but in the words of Mr. Justice Mackay of the Madras High Court, "a seismic disturbance of age-long practice". That, Sir, is the real character of this Bill.

In opposing this Bill, Sir, let me consider the various arguments that were advanced by the Honourable Mover when he moved this motion last time. In the last Delhi Session he started observing that the views of the women of this country have to be considered, for it affects them more, and he instanced three all India Ladies' Conferences supporting his position, and he threw out a challenge by asking, "Do you find a single protest meeting by the ladies of this country?" I dare say that he has by this time come to know that very many ladies' meetings and conferences have been held since then loudly protesting against his Bill, and not only against his Bill but also against the other Bill of Dr. Gour. And I may inform this House and the Honourable Mover that there have been at least half a dozen meetings,—decent gatherings of which I am aware,—meetings held in Kumbakonam, of ladies, meetings held in Triplicane, Madras, meetings held in Benares, and last but not least, there was a meeting held in Cocanada just a week ago. Now, all these ladies' gatherings were very influential, were well-attended and were thoroughly representative, and in every one of these meetings loud and vehement protests were made against this Bill. They called it a most pernicious Bill, and they protested against it on the sole ground that it undermined the Hindu religion in this country, and they also went to the length of saying that, so far as their own experience was concerned, there was absolutely nothing to justify the demand for a legislation like this. That, Sir, is the burden of the song in all these ladies' conferences, and I dare say that, by this time the Honourable Mover will have been satisfied at the proceedings of these conferences, that there really have been very many ladies' gatherings that have protested against this Bill ; and if there are not more conferences held, the principal reason is this. This House knows that Indian womanhood is principally in-door ; and if here and there there are a few meetings convened by interested social reformers consisting of ladies, these meetings



consist, in the words of an itinerant lecturer on Hindu religion and usage, "of ladies strayed out of the ancient Indian manner of feminine ideal and conduct and who therefore are not free from criticism by their sister folk". That, Sir, is the situation, and in every one of these ladies' gatherings, giving support to this Bill, you will find that invariably one or two or a handful of social reformers are also at work. That is significant.

Then, Sir, the Honourable the Mover cited with approval the opinion of one Mrs. Gomati Amenal of Tinnevely in my constituency. This lady, as the House will find in page 56 of part III of the opinions collected, confesses that she really does not know what the Shastras say in this matter. The entire burden of our song is that this Bill is un-Shastric and goes against the fundamental tenets of the Hindu religion. When a lady of that stamp proclaims that she does not know what the Shastras say and yet gives her support to this Bill, the House will really see what that approval comes to.

Then, Sir, the Honourable the Mover cited with approval the opinion of one Mrs. Bhagirathi Amenal of Madras. She openly avows that she is not concerned with the Shastras at all, she openly avows that she is not concerned with the life beyond death but only with the life here. "Save us from the situation that we are in" was the plaintive cry alleged to have been made by this lady to the Honourable the Mover. Here, again, is a case of directly flouting the Shastric injunctions upon which we take our stand. That this lady should absolutely reject the Shastras and claim only the pleasures of life in this existing life when our ancient ideal looks also to the life beyond, that clearly is a line of demarcation as to where you must collect opinions, as to what opinions you must record and what not. In fact, Sir, the whole difference between these two view-points is this. They think lightly of the life beyond; and our entire religion concerns itself with the Shastras, which proclaim their faith in and which also inspire confidence in us as to the existence of a life beyond this; and if the whole Shastric injunctions relating to our course of conduct absolutely devolve upon that central idea of a past life and a future life, and if these are the basic ideals upon which our courses of conduct have been enjoined by the Shastras, and if these are clearly lost sight of, I submit to the House that the opinions of these people who do not realise these Shastric injunctions and the ideals lying underneath them, are not entitled to any weight, especially when the orthodox section is crying itself hoarse that it entirely rests its opposition to this Bill upon the Shastras and upon the ancient texts of this land.

Then, Sir, the Honourable the Mover was obliged to fall back upon a resolution passed by a meeting of the ladies of Kumbakonam, which is largely an orthodox centre. I submit that I know Kumbakonam myself. The deputation from Southern India, which waited upon His Excellency the other day contains gentlemen from Kumbakonam. But what is this ladies' meeting which the Honourable Member wanted to rely on? That, I gather, was a meeting which was attended by five ladies, or four and a half, as it was humorously called by one of the reporters. Only five ladies met on that occasion. All of them happened to be Theosophists whose belief in Shastras is well known. These five Theosophical ladies met in Kumbakonam and sent out their voice by way of support to this Bill, and if the Honourable the Mover has to fall back upon that kind of support in his favour, I simply pity him for the support upon which he relies.

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Then, Sir, he went on to say that, so far as the Madras Brahmins are concerned, they are hardly three per cent. of the population in that Presidency, and that any amount of protest which may be sent by the Brahmins of Southern India would not be of much avail. But he must have, by this time, realised that, since then, all other *Dwij*a communities, i.e., Sourashtras, Komati Chettis, and Vaishyas, etc., who believe in a second birth from the *Upanayan Samskara* have held meetings of protest against this Bill on the main ground that it fundamentally affects the structure of Hindu society and is diametrically opposed to the Hindu Shastric injunctions. So that the opposition is not confined to the Brahmins of Madras alone, but extends to all the *Dwij*a communities of the Province of Madras. All the sections of the *Dwij*as, people who believe in a second birth by the *upanayana samskara*, all these people, Kshatriyas, Vaisyas, Komati Chettis, Sourashtra Brahmins, and other communities who believe in the existence of a second birth, and who also themselves undergo the purification ceremony of *upanayana* for being spiritually re-born, all these people have clearly protested against this pernicious Bill. In the collection of opinions from the various districts of Madras,—I am glad that the Government of India have taken care to see that in Madras the Collector of almost every district was addressed and asked to collect opinions in each district—I find from those opinions—I will not weary the House by going into them in detail and reading extracts from every opinion—I shall only mention collectively that the Collectors of Salem, Anantapur, Bellary, Krishna, Chittoor, Ramnad, Tinnevely, West Godaveri, Kurnool, Coimbatore, Madras, Nellore, North Arcot, Cuddapah, Trichopoly, East Godaveri, Madura, South Arcot and Tanjore have all invariably given expression, in their opinions collected, to the fact that, within their district, there exist all the *Dwij*a communities who have invariably raised their voice of protest against this Bill. Is there not enough for the Honourable Member to be convinced of the stout opposition which this Bill has evoked in the Madras Province in almost every district that counts there?

Sir, I am very much pained to see that the Honourable the Mover was rather cruel upon the High Court Judges of Madras. He flouted the opinions of these eminent men on the simple ground that Madras is a province which has not solved the problem of untouchables to his satisfaction, and therefore the gentlemen who are appointed as Judges in that backward province are not entitled to have their opinions considered by him. That was the line of reasoning taken by the Honourable the Mover. I say that that does not disclose that balance of mind which must characterise a legislator who has come forward with a Bill of this kind. I shall read a few extracts from the opinions of these eminent Judges of the Madras High Court. They are entitled to the greatest weight obviously for this reason: some of them happen to be Indian Judges and some of them Brahmin Judges as well; most of them have had district experience as District Judges and as Sub-divisional Officers; they have risen from the lower ranks of the I.C.S., and they have got up to the High Court Bench, after having served in various districts as executive officers and as district judges throughout the Presidency. Therefore their opinions are entitled to great weight, and some of them are European Judges. I am speaking so strongly and so vehemently for the obvious reason that Madras feels very strongly over this matter. It is Madras opinion that must count with you, for this reason, that the opinion in Madras is very strong against

this Bill, probably because it is the place where orthodoxy still remains in its pristine simplicity and purity. That is why I submit to my Honourable colleagues in this House that Madras opinion is so strong.

I shall invite the attention of the House to three or four extracts only from these opinions. Justice Ramesam is an ardent social reformer himself ; but all the same he does not relish the idea of this penal legislation on the lines suggested by the Select Committee. This is what he says :

" Incidentally, one observation I wish to make, that the statement of Sir H. S. Gour made at least twice, i.e., once in his Statement of Objects and Reasons to his Bill, and once in the discussion in the Legislative Assembly, after the Report of the Select Committee on Mr. Sarda's Bill, viz., that Hindu girls do not attain maturity until the age of 14, though it may be correct as to Northern India, is absolutely incorrect as to Southern India. It is a matter of common knowledge that in Southern India Hindu girls attain puberty generally, as an average, at the age of 12..... I am not going to waste time by considering how far the belief is justified, whether the *smriti* on which it is based contains an interpolation, or whether the primitive Hindu societies imposed such an injunction. The fact is there, that such a belief now exists and it is a religious belief."

He also says, " In my opinion the law ought to be more enabling and less compelling ". (*An Honourable Member* : " He is not opposed to this measure.") He is opposed to it in the form which is now before the House.

Justice Mackay says :

" I would only observe that, so far as South India is concerned, it is certain to provoke vehement opposition..... That would be not merely a revolution, but a seismic disturbance of age-long practice....."

Justice Pakenham-Walsh says :

" I agree with Justice Mackay that the Act, if passed, will create vehement opposition at least in South India. If there were any widespread feeling against the existence of child-widows it would surely be reflected on a large and growing use of the widow Re-marriage Act. That Act has always been and still remains a dead letter, the cases of re-marriage under it being infinitesimal. I would take the use of that Act as a barometer to gauge the real degree of popular support behind the present Act. When we find it extensively used, we may conclude that public opinion has really moved. I agree with Reilly, Jackson and Mackay J.J. in their criticism as regards procedure."

Now, this is a very important observation because there are two aspects to be considered in this connection. If the Widow Re-marriage Act has been in existence on the Statute-book for nearly 75 years, and if it has remained a dead letter, what does it mean ? It means that conservative opinion still holds good in the country. It means that the reformer has not been able to advance a bit during the last 75 years in the direction in which he wanted to. That Act was a permissive legislation ; and again, if after fifty years of social reform activities, these social reformers should come to the Legislature and ask that we should pass penal measures to aid them in their work does it not betray failure on their part ? If they have worked for social reform for the last fifty years and if they have not been able to do anything at all in that direction, but have to come here and ask for more powers, and penal powers in addition, to enforce their fashionable fads, as I would call them, what does it show ? It shows an utter confession of failure.

I shall now read a few extracts from the opinion of Mr. Justice Tiruvankata Achariyar :

" I do not see how the Government can by legislation interfere to prevent or penalise the marriages of girls between 11 and 14, which is the period when 90 per cent. of the marriages take place, without seriously offending the religious feelings

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of the orthodox section of the community, who still wield much influence over the rest of the community, and at the same time causing among the moderate and most influential section of the community, which prefers to progress in social matters on sound lines though slow, taking the community as a whole with them, save a few impatient idealists, who with more conceit than wisdom, consider that the social and material salvation of the Hindu community can be attained only by their being forced to cast off wholesale their age-long customs and adopt in their stead the (according to these idealists) rational and beneficial customs of modern Europe and America, ignoring the fact that you cannot have a common standard between countries which differ from each other materially in the conditions of life."

He also remarks :

"It should not be overlooked that the choice of the bride or bridegroom is subject to various restrictions, legal as well as social, and that the parents or those who stand in *loco parentis* are the best judges of what is conducive to the welfare of their children, and that neither the State nor the Legislature can usefully take over their responsibilities on its shoulders."

In spite of this, what is aimed at by the Honourable the Mover now is to ask this Legislature to intervene, and the State to intervene, to put this Bill on the Statute-book. That is hardly a thing that should be favoured by this Assembly. And further on he says :

"Coercive legislation like that proposed in the Bill will not only be of doubtful utility, but like quack remedies may produce evil consequences, which we either do not at all or only dimly foresee at present."

Then, Mr. Justice Venkatasubba Rao would agree with Pandit Madan Mohan Malaviya and fix the age at eleven for girls.

Then again Mr. Justice Devadoss, a Christian Judge, says this :

"The Bill attempts at impossible things. Who is to determine what the age of the girl is. Births are not registered and horoscopes are notoriously unreliable."

Mr. Justice Odgers says that :

"The Bill seems to have small chance of passing into law."

And lastly, Mr. Justice Kumaraswami Sastri says this :

"I do not think this is a matter on which the Legislature should interfere. It is rather for educated public opinion to assert itself and to take steps by educating the masses to put an end to this and other social evils."

I submit, Sir, that these are the considered opinions of the Judges of the Madras High Court, and the Honourable the Mover was certainly not in the right when he brushed aside these valuable opinions of the Madras High Court Judges by adopting the line of argument that he chose to adopt.

Then, Sir, lastly he said there is a cry that religion is in danger and that it is a false cry. The Legislature ought not to be misled by this cry that religion is in danger because it is a false cry in his opinion. I submit, Sir, that is a prejudiced view. He betrayed prejudice by attributing prejudice to us, the orthodox community. My friend is entirely wrong in his view. Unfortunately, the cry that religion is in danger is very real and sincere. If that were not real, Sir, how do you account for the fact that these deputationists have travelled for thousands of miles and come up to Simla to place their case before the authorities here and before His Excellency the Viceroy. There are, as the House probably knows, two lady members in the deputation. How does the House account for the numerous petitions and memorials from various parts of the country and for the one thousand and one ways of making known the representations

to the powers that be, urging that this measure should not be passed, and that if the Legislature passes it, praying His Excellency the Viceroy to veto it at once if the feeling behind it is not genuine and strong? Why should all these things be done if the cry that religion is in danger is not a true cry, a sincere and an honest cry? The House should consider all the hardships to which the deputationists have voluntarily submitted themselves to to come up to Simla in this cold season to present their case to the powers that be. I would go further and submit to the House that there is a good deal of truth and force in this statement, because this Bill really jeopardises the religion of the Hindus in this country.

Sir, it has been said over and over again that marriage with Hindus is a religious sacrament. I remember a learned lawyer of great legal eminence in this Assembly once put a question, "What is a sacrament?" Sir, I would satisfy the House by giving the definition of the word "sacrament", as obtains in the Oxford Dictionary. Sacrament is a religious ceremony or act regarded as an outward sign of inward and spiritual grace. It cannot be improved at all. If that is so, Sir, the definition placed authoritatively upon the word "sacrament", that it is a purification ceremony for spiritual re-birth, cannot be disputed for a moment, and if we Hindus believe that marriage is a sacrament, and if sacrament is a purification ceremony which is performed at the age of spiritual birth, then it becomes a religious performance, and it is directly a religious act fit to make a man or woman spiritual and divine through service and self-control. She is in material existence already, but in addition to her material existence, she is re-born as a spiritual agent. So, for the creation of a spiritual existence to enable her to evolve out her own existence, this initiation ceremony of marriage is necessary for a girl. Now, if *Upanayana* is a sacrament enjoined upon every Brahmin boy at the age of 8, the only *Samskara*, or purification ceremony, the spiritual ceremony which is enjoined on a Hindu girl is the sacrament of marriage. So that, if marriage is a sacrament which a Hindu girl is enjoined by Shastras to submit to, does it not necessarily follow at once that marriage is a religious sacrament? And that is a ceremony which is enjoined by Shastras to which the girl must submit herself. It is also obligatory as a *Samskara*. Now, what is a *Samskara*? It is a religious act, fit to make a man or woman spiritual and divine through service and self-control. If that is the definition of the word *Samskara*, and if marriage is a *Samskara* which is enjoined obligatorily on the Hindu girl, and if it is not performed at the right time, then at once the religion lying underneath it is in danger. So that there is absolutely no ground to distrust the statement that religion is in danger if you introduce this pernicious measure, because the fundamental idea of Hindu society is that marriage is an obligatory purificatory ceremony, and the Hindu Shastras fix the age at which this *Samskara* ought to be performed for a girl, and if that age falls far short of that which is stated in the Bill, which is 14, then religion is really in danger, because our Shastras lay down the age of 8 for the marriage of a Hindu girl. Eight is the minimum age for a Hindu girl to be given in marriage, because that is the age fixed for the boy for his *Upanayana* ceremony. In fact, what *Upanayana* is for a boy at the age of 8, so marriage is for the girl. It is equally a *Samskara*; it is equally a sacrament, so that the minimum age at which the girl can be given in marriage, according to Shastras, is 8; but it can be prolonged. If circumstances would not enable her to be given in marriage at the age of 8, it might be extended to 11 or 12. No age is fixed, but it must be performed before she attains puberty.

{Mr. M. S. Sessa Ayyangar.]

That is the limit beyond which the marriage cannot be postponed. To start with, 8 is the minimum age laid down, but she can be given in marriage at any age before she attains puberty. That is the limit, the range within which the girl ought to be given in marriage according to Hindu Shastras, and the medical opinion, as this House knows, never puts the age of puberty in this country beyond 12. 87 per cent. of girls attain puberty, according to the best medical testimony, only at the age of 12. So that, if 12 is the age generally when girls attain puberty in this country, and if this Bill introduces the minimum age of 14 instead of 12, does it not directly contravene the Shastric injunctions? That is a question which I want to put to every Member of this House. If the hypothesis that I have placed before the House is correct, if the Shastras do lay down the injunction that the girl ought to be married before puberty, and if the medical opinion fixed the age of puberty generally in this country to be 12, and if you try to fix the minimum age at 14 in spite of the medical opinion, then I submit you are acting directly in contravention of the Shastric injunctions.

Sir, I have practically come to this conclusion. If the hypothesis which I have enunciated is correct, then this Bill is certainly a flagrant violation of the religious principle of marriage as recognised in the sacred Dharmashastras. So the only question is, should this House be a party to committing this flagrant violation? Sir, I am very much pained to see that my Honourable friend the Mover, the author of "Hindu Superiority", should now give up his respect for the ancient ideals and plead for a Bill, a Bill which sets at nought the Shastras altogether, a Bill which sets at nought our ancient ideals of marriage altogether. With us, Sir, marriage is religion, and if the author of that famous book "Hindu Superiority" condescends to persist in setting at nought all the religious injunctions and the Shastras, I must say that his fall has been very great. Sir, it pains me to think of his fall. As I have said, the Shastric injunctions are clear; pre-puberty marriage and early post-puberty consummation are ordained by the Shastras. In this connection I might also remind the House that there are certain texts from various Smrithi writers which are here and there relied upon by the Honourable Mover in support of the position that he has taken. I admit that in the texts of the Smrithis we do find passages which, on the one hand invariably persist in maintaining that marriage ought to be performed before the girl attains her age, but in only one sloka of Manu there is a passage that if the girl having attained the age has not been given in marriage in time by her parents or guardian, they can choose for her a husband within three years, and if even then her parents and guardians do not do it, she can choose her own husband. There is no doubt of the existence of this text. Upon this text the interpretation is this, "Look here. The Smrithi writers certainly accept the position that even post-puberty marriages are allowed." Sir, the interpretation of statutes we know, we lawyers are familiar with. If there is an apparent conflict, and I appeal to my Honourable friend the Law Member, if there is a conflict of texts, the best thing is to reconcile the texts, and not to emphasise the conflict—there cannot be conflict. If all of them have the same end in view, real conflict there cannot be, apparently there may be a conflict. If there is a conflict, we must try to reconcile them. Our Shastras invariably

enjoin pre-puberty marriages as the ordinary rule. Now, there are two aspects ; there is the material aspect of marriage, sonship, inheritance, etc., etc. ; there is the spiritual outlook also. If, in addition to the material advantage, you must also have the spiritual outlook in view, then marriages must be pre-puberty. That is the general rule. If the girl remains unmarried owing to causes beyond the control of the girl, she commits no sin by remaining a spinster. She is entirely under the control and guidance of her guardians for the time being, and if for some mistake, or inadvertence, or owing to other causes, she could not be given in marriage earlier, she can wait for three years and then she can marry herself. Thereby her marriage is legalised for all material purposes—her sonship is recognised for the purpose of inheritance, etc., etc., but the spiritual advantage is gone. She has not committed any sin because other people are guilty of having omitted to give her in marriage in proper time. That is the only way in which these two apparently conflicting texts can be reconciled, and I submit to the House that these texts would not by themselves give any handle or ground whatsoever to the Honourable Mover to persist in his interpretation of them by saying, " Look here, there is a text which apparently authorises marriage, which apparently sanctions marriage post-puberty." It does not sanction the marriage for spiritual purpose because for spiritual outlook *Samskara* is ordained, and the only way to reconcile these texts would be this and nothing else. If material and spiritual outlooks are necessary, pre-puberty marriage is ordained, but if, owing to inadvertence, etc., pre-puberty marriage becomes impossible, then the marriage is recognised legally with reference to sonship, succession, inheritance, etc. The *Smritis* are therefore clear. If the social reformers or those who have lost faith in our Hindu *Shastras* do really believe that this state of things ought not to continue, they have no reason to wound the susceptibilities of their brethren in this country. Either they are in the majority or they are in the minority. If they are in the majority, no statute is necessary. If they are in the minority, they cannot force their fashionable fads down the throats of unwilling men simply because they have lost all faith in the *Shastras*. It is no good, therefore, to force certain texts out of the context and then try to misinterpret them to give a handle or to give support for certain imaginary positions.

The whole thing considered, I think there is no parallel in the civilised world for inflicting punishment on marriage which is valid in law, ordained by religion and sanctioned by immemorial usage.

We are also told in season and out of season,

" Look here. Other countries have moved far ahead. They have got similar marriage laws passed by their legislatures. Why not in India too ? "

Sir, our lives, our visions, our standards are entirely different. Is there any parallel anywhere in the civilised world which has got this outlook on marriage which we Indians have ? If that is the distinction between the outlook of other civilised countries and the outlook which we Indians are accustomed to from very far off times, that clearly is a ground why we should not apishly follow what is going on in the countries of the West. If one instance can be given of similar conditions obtaining where legislation has been attempted, then I can take that as a precedent, otherwise not. It is no good, therefore, advancing the argument that other countries are moving in this direction and why not we also.

The question, then, that arises is who are the best judges to remove the defects.....



**Mr. President :** Will the Honourable Member now conclude his observations ?

**Mr. M. S. Sesha Ayyangar :** Very well, Sir. I am not going to repeat my arguments ; in fact, I am not accustomed to repeat them at all. I assure you that I won't repeat one word or one argument that I have advanced. The question will be, who are the best judges to find out what really pinches this country, what really is necessary, what remedial measures, if at all, are necessary. The best judges are not the laymen who are at it, are not the Brahmo Samajists who are not Hindus according to ancient ideals, nor the Arya Samajists, nor the Theosophists, but the real judges who are competent to judge of the effect of this law upon our customs in this country would be our spiritual heads in the first place.

**Mr. Amar Nath Dutt :** Sir James Crerar or Rai Sahib Harbilas Sarda ?

**Mr. M. S. Sesha Ayyangar :** We Indians have got several sects and each sect has got its own spiritual head. Today there are these sects or associations working, over which the Archbishop so to say presides. We have the Sankaracharya Mutt, we have the Dwaita Mutt and we have the Visishta Dwaita Mutt. The Sankaracharya of the Adwaita Mutt has given his opinion in this matter, and that is recorded in one of the petitions sent to us. This is from Sri Sankaracharya Swamigal Mutt and dated the 15th February 1928. Their opinion is this :

" The proposed legislation is clearly against the religious tenets and principles of Brahmins, which every orthodox Brahmin ardently believes and follows. While even a permissive measure of this kind is calculated to disturb the religious and social amity of the community, a penalising legislation such as the one now proposed is, to say the least, most unwarranted and unjust and ought not under any circumstances be permitted to become law "

Then it is stated that,

" The Bill introduced by Harbilas Sarda is in direct opposition to the sacred principles of Hindu religion practised by the orthodox Brahmin community from time immemorial without any interference till the present moment "

That, Sir, is the considered opinion of the spiritual head of the Sri Sankaracharya Swamigal Mutt, which has got disciples all over India and commands immense influence among its followers.

Then there is the Ahibilum Mutt. It has also got disciples all over India. This is the *mutt* to which I have the proud privilege to belong and this *mutt* has given this opinion :

" Marriage among Hindus is not a civil contract even when the parties to the marriage possess full contractual capacity, but a religious sacrament ; in the case of girls it is a *samskara* enjoined by the *Sastras* to be performed before the girls attain a certain age. The non-performance of the *samskara* is a transgression and is believed to be productive of spiritual ruin. . . . . The policy of the so-called social reformers who pilot the Child Marriage Bill is short-sighted and cannot therefore be accepted by the Government as a wise course to follow. The one aim of these reformers is material prosperity of the country. . . . . They are totally ignorant of the virtues of the rules of conduct laid down in the *Shastras* and of the spiritual efficacy which our customs and practices possess. In the Hindu mind is implanted a firm and unshaken faith in those rules and customs, and no westernised savant can eradicate it without injuring the society which he wants to help."

Then, Sir, there is the Udipi Mutt. The Swamiji of this Mutt actually presided over the Varnashrama Dharma Conference held in March last in Madras and he helped the Conference with his guidance and advice and he also came to the conclusion that the Bill is opposed to the Hindu



Shastras altogether. Then there is the Prathivadi Bhayankar Mutt of Bombay, which has also a large following.

**Mr. Jamnadas M. Mehta :** How many followers ?

**Mr. M. S. Sesha Ayyangar :** I am told not less than two lakhs of followers.

**Mr. Jamnadas M. Mehta :** Out of two crores ?

**Mr. M. S. Sesha Ayyangar :** Anyway he has got two lakhs of followers, and commands a large following in Bombay, and if he is not able to command such a large following as the other two mutts whose opinions I have quoted, there is no reason why the opinion of this mutt should not be entitled to weight. The head of this mutt also distinctly says that the Bill is opposed to the Hindu Shastras. If the Bill is passed into law, it will prove to be a calamity to the Hindu community and not a blessing. That is his opinion. Then again "According to Hindu Shastras a marriage cannot be dissolved". The mutt also questions the competence of this Legislature to pass a law of this kind. I am only concerned here with the point that he also is of opinion that this Bill affects Hindu society, and that it is against the Hindu shastras.

**Mr. President :** I think the Honourable Member must now give a chance to the next speaker.

**Mr. M. S. Sesha Ayyangar :** In addition to this, there are various conferences in my part of the country and also throughout India—in Benares, Calcutta and other places. In the districts of the Madras Province several conferences have been held and several memorials have been sent. I would instance principally the All-India Conference held at Benares. In fact, I think all the leading communities of this country have raised their voice of protest. I submit that the main objections to this Bill resolve themselves into 12 or 13. I would simply mention them categorically. The Bill destroys the foundations of Hindu society because marriage is religion. It creates a conflict between positive and religious law. It is against custom, long established and widely prevalent. Marriage is not only permitted but enjoined. The orthodox far outnumber the heterodox reformers. There is no mandate or demand from the communities affected. The Bill will inflict untold miseries upon millions of people all for a fashionable fad of social reformers. To say that the human species is unfit for matrimony before 18 and 14 is a mere fad. It is not an established fact and it is opposed to biological science. Medical experts are agreed in thinking that it is difficult to fix the age and that it involves immodest examination and interrogation. Those most competent to speak are arraigned as accused. Early marriage by itself is not an evil requiring legislative interference and the "enlightened individuals" should not force their views upon the unwilling many. According to Havelock Ellis, marriage legislation is unnatural. Sir, I would not encroach upon the time of other Members, but I would confine myself to one or two medical opinions which have a bearing upon this matter. The usual grounds upon which this Bill is made to rest are the fundamental grounds that early marriages produce sickly children and cause infantile mortality. I shall produce the opinion of two experts. Dr. C. A. Bentley, Director of Public Health, Bengal, attributed the abnormal death rate among children under fifteen in Bengal chiefly to want of a good and nourishing diet and Colonel MacTaggart also mentions that the only potent cause which really accounts

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for this heavy mortality is the want of nourishing diet. In Europe, where it was very high, although no child marriage existed, it was brought down by the amelioration of the economic and sanitary condition of the people. Then in the Census Report of India for 1921, it is mentioned that in Burma, where there is no child marriage, the infantile death rate is greater than that of Bihar and Orissa, which is the most early married part of India. Then, though Europeans have a general prejudice against child marriages, we find the following in page 303 of the Census Commissioner's report :

In spite of the general prevalence of early marriages, the percentage of feminine mortality to male mortality is 89 in Behar, 91.2 in Bengal as against 90.5, the average in Europe. Behar is the most early married part of India. . . . . The Hindu woman's chances of life are better than those enjoyed by the adherents of any other religion, male or female. . . . . In point of longevity there is little difference between Muhammadan and Hindu males. But Hindu women appear to live longer than their Muhammadan sisters though the proportion of Muhammadan females married below the age of ten is half and that between 10 and 15 is three-fourths of that of the Hindus."

Sir, there is another point upon which this Bill is made to rest, and it is that there is not sufficient growth of physical development of the children, and that consummation during immaturity is improper. That assumes that there is a relationship between the growth of the body and its healthy reproductive capacity. That is an assumption which is in itself unwarranted. Dr. Weissman, the celebrated German biologist, found that the reproductive cells are independent of the somatic cells which build up the body. If the mother is weak and sickly, the growth of the germ cells is arrested, and this would be so whether the parents are young or old. In Nature we do not find reproduction commencing after the cessation of growth, for example, animals and plants. The capacity to bear children begins and ends with catamenia. Its commencement is Nature's sign that the reproductive organs are now fit to perform their function. When sex attraction and craving commence, that is a natural indication that girls are now fit to be mothers. I submit, Sir, under the circumstances, to intervene arbitrarily and fix an age arbitrarily would be absolutely unwarrantable, regard being had to high medical opinion. Lastly, Sir, it has been found that early pregnancy yields good result. One of the greatest authorities on sexual matters, Havelock Ellis, says in "Studies in the Psychology of Sex", page 6 :

"Wide observation supports the Hindu view that girls become fit to be mothers on the first onset of menstruation."

Ellen Key, a prominent leader of the feminine movement, advocating free love, free divorce and motherhood without marriage observes :

"Sexual morality is impossible without early marriage. Postponement leads to prostitution, spread of venereal diseases and the evils of self-abuse and abstinence. In early marriage only, the highest form of love is possible."

If this House will consider the verdict of the medical world, I would ask this House to pause before it gives its assent to the Bill.

**The Honourable Sir James Crerar** (Home Member) : Sir, though my original intention was to deal somewhat more fully with the grave issues which are before this House, in view more particularly of what fell from you, Sir, in regard to the course of the debate, I am reluctant to encroach unduly upon the opportunities which other Honourable gentlemen may desire to have to intervene in this important debate ; and I shall therefore, in what I have to say, confine myself to the fewest

issues and the fewest words possible. I desire, Sir, in the first instance, to re-affirm what I have already on more than one occasion affirmed in this House, that this measure has the most cordial sympathy and the strongest support of Government. (Loud applause.) The Honourable Mover has on a previous occasion been good enough to acknowledge that Government and the officers of Government have given him material assistance in the formulation and in the promotion of his measure. I thank him for the acknowledgment, but that indeed, Sir, is no more than the truth; and I should like to add this, that if Rai Sahib Harbilas Sarda has the satisfaction of seeing this measure placed upon the Statute-book during the course of this Session, I hope to be one of the very first to congratulate him upon that happy consummation. I understood the Honourable Member from Madras, Mr. Acharya, to do me the honour of quoting me in more than one passage in a sense which, if I have understood him correctly, represented me and the Government of India as advocates of the doctrine of leaving things as they are, of the practice of being purblind to facts, and of being slow to take or to assist in any remedy that may be proposed. On the other hand, the Honourable gentleman opposite, Mr. Amar Nath Dutt, charged me and Government with a totally different offence. In respect of the attitude and conduct of Government with regard to this Bill, he charged us with the sinister and Machiavellian design of instigating and inspiring this measure with the object of promoting discord among different classes of His Majesty's subjects in India. May I remind the Honourable Member that on the first occasion when this Bill was debated in this House, and on subsequent occasions, three of the most strenuous advocates of the measure were the Deputy Leader of the Congress Party, the late Lala Lajpat Rai and my Honourable and learned friend from Bombay, Mr. Jayakar, whom I am glad to see in our midst to-day. Is the charge then, Sir, credible that Government, with a design so sinister, succeeded in having on their side champions so redoubtable? The real truth, Sir, with regard to the attitude of Government in this matter, as in other matters of social legislation, is one which I think I may state in a few words. It occupies, I frankly admit, a middle course. I suggest, indeed I most strenuously contend, that in the extreme of rash, hasty and intemperate legislation and the opposite extreme of obscurantism and purblind conservatism the dangers which lie are hardly distinguishable in their magnitude. What I have always contended for is that, if important projects of social legislation are to be undertaken as they must be undertaken, it should be after a careful and deliberate examination of the evils which you are endeavouring to correct, and after the fullest ventilation and consultation of public opinion; and that in matters of that kind we should make every possible endeavour to ensure that, behind such measures as we undertake, we should have that degree of public support which is in fact essential to the effective administration of any legislation in such matters.

Now, Sir, when, in the last Session of this Assembly, Government supported the motion for postponement of the consideration of this Bill, we were exposed to a great deal of misrepresentation and blame. At the time I confess I was very sensitive to that criticism. But the reason which was then propounded as the reason for postponement of discussion was that a committee of inquiry was then on foot, which would probably find it necessary to consider, as an incidental though a very important

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incidental inquiry, the subject-matter of this Bill. I hoped, Sir, that the inquiries of that Committee would have the effect of concentrating public opinion upon this grave and important issue, that it would give the amplest opportunity for opinion of every grade of every complexion to express itself, and that we should have the considered opinion of that Committee if we in this House were to resume consideration of this measure. Now, Sir, I venture to say that every one of these anticipations has been fully realised. I say that the country is now more alive to the gravity of the evils with which this Bill is intended to deal. I say that public opinion has had very ample opportunity of expressing itself, and that the Committee have taken the amplest opportunity of considering and weighing that opinion in framing their recommendations and, as a result, much valuable and additional material is now before the House. An Honourable Member, I think it was Mr. Acharya, contended that the Committee was not a representative Committee. Sir, I do not think that any Honourable Member who takes the trouble to read and study that Report with the care and attention which it deserves, can fail to recognise or be compelled to admit that it constitutes a land-mark, and I hope and trust a land-mark of advance, in the controversy with which it deals. (Hear, hear.) I maintain, Sir, that the Committee was representative; it was representative of different classes and different races in this country. I contend that it had a high measure of the legal, the administrative and the medical qualifications which are most essential qualifications for the consideration of this question. And I am the more surprised that the Honourable Member should have so disparaged the qualifications of the Committee when it appeared that his immediate purpose was to demand a longer time for the consideration of its recommendations. Sir, I repeat that in my opinion—and I think it will be the opinion of every one who, without prejudice and with adequate care, reads, re-peruses and studies that Report,—Sir Moropant Joshi and his colleagues on that Committee have rendered a very great public service for which the gratitude of this House and the country is due. (Applause.) And, Sir, what is the first conclusion that can reasonably be drawn from the contents of that Report? The first and the most reasonable conclusion, the inevitable conclusion in reference to the particular contents of this Bill, is that there exists a great and a corroding evil in this country which is clamorous for a remedy. That evil, Sir, is one which afflicts, in the first instance, the most defenceless, innocent section of the community those who have the greatest claims for our protection. The evil is not only limited to that. It is not merely the large number of young girls who year by year either die or sustain serious bodily injury, but those who are acquainted with the case, those who have studied the evidence, those more particularly who have come into contact with the practical facts and the practical consequences, cannot contemplate them without—I put it no higher than this—the most serious searchings of mind, heart and conscience. (Hear, hear.) It is not merely that generation after generation of young girls should be exposed to or should suffer from these evils, but there are dangers to the future generations of the country from which, if the country is not willing to adopt a remedy, it will undoubtedly suffer in its most vital and important interests.

4 P.M.

Well, Sir, when I have said so much, I do not desire it to be understood that I in any way under-estimate or depreciate the earnestness and the sincerity of the opposition to this Bill. I do so fully and frankly, and I do feel this, that any measure which modifies the law in a social matter, any measure which it is anticipated will disturb the customs and habits of long duration, is one which for a time will naturally provoke a large measure of opposition. But I hope myself, Sir, that the improvements in these matters which we have reason to hope will result from this Bill will in course of time—and I hope in no long time—reconcile to the principle of this Bill and to its practical application even the most stringent opposition with which the measure is at present confronted. At any rate, Sir, I wish to make my position, the position of Government, perfectly clear beyond any shadow of doubt. It is this. We are convinced that this evil exists ; we are convinced that the measure of Rai Sahib Harbilas Sarda is, at any rate, a first step in the direction of seeking a practical remedy. Where we find so great an evil and where we find a promising remedy, we feel that we must support what we think to be right. I trust, Sir, the great majority of this House will concur in that view. I trust they will concur in the view that this measure is a measure in the right direction and that it is their duty to support it with their suffrage. (Applause.)

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I have no doubt that the Honourable the Home Member spoke with great conviction and with great sincerity, but what I missed in his speech was any reference to the attitude of the Local Governments in this matter. I am sure he is anxious to see that, if this measure is passed into law, there must be an effective administration of it, and there are two essential factors necessary to ensure that. First of all, a large amount of public support and, secondly, the loyal support and co-operation of the Local Governments. The Honourable Member, I have no doubt, knows that the provinces primarily affected are Madras, Bengal, the Punjab and Bihar and Orissa. The Honourable Member has not told the House that these four provinces are not wholly in favour of this measure. Some of them have advised Government to drop it. The Government of the Punjab suggest that it ought not to be made applicable all at once, to all the provinces, but that it ought to be left to the discretion of the Provincial Governments to extend its application within their borders if they so think fit, with the concurrence of their own Legislatures. The Government of Madras, in a few words, dismiss this Bill. The Government of Bihar and Orissa contend that it can only be put into operation at the instance of black-mailers. They will have nothing to do with it. The Government of Bengal say that the Bill should be dropped. Now, I should like to know from the Government as to how they propose to work this measure if the principal instruments of administering this legislative enactment find it difficult to co-operate.

Now, with regard to public opinion, the Honourable the Home Member has stated that he is assured that a very large measure of public support can be counted upon.

**An Honourable Member** : He is right.

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural) : He is not.

**Mr. K. C. Neogy :** I beg of my Honourable friends to permit me to proceed. I do not claim to speak on behalf of Bombay or any other province, but so far as Bengal is concerned, what better witnesses in this House can you expect to get on this point than my Honourable friends, Mr. Kelkar and Dr. Moonje. (Applause.) It was only last week that a session of the Bengal Provincial Hindu Conference was held at Dacca under the Presidency of my Honourable friend, Mr. Kelkar, and in the immediate presence of Dr. Moonje. And what happened there ? And, mind you, this is a reforming body. You have only to look at the Resolutions which this body adopted at Dacca to find out the sort of people that attended it. It has nothing in common with orthodox Hindu opinion. When a Resolution was proposed in this Conference supporting Mr. Sarda's Bill, it was defeated by an overwhelming majority, in spite of the personal efforts and the personal influence of my Honourable friend, Mr. Kelkar.

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadan Rural) : I did not make any personal effort.

**Mr. K. C. Neogy :** Your presence was enough, and also that of Dr. Moonje. What more evidence does the Honourable the Home Member desire to have as to whether this measure has public support in Bengal ? Now, Sir, in my own humble way, I tried to ascertain the opinion of my constituency on this particular measure. I broadcasted a few thousands of letters inviting the opinions of my constituents on this Bill without giving any indications as to what my opinions were. I caused that letter to be published in all the vernacular newspapers of Bengal, and Honourable Members might like to see the response that I have received. How many do the Honourable Members think, out of this huge bundle, are in support of the Bill ? Not more than half a dozen. Look at the number of telegrams and letters that I received. I want to make it perfectly clear that these are not in the nature of public petitions with which we are all familiar, these are not merely the resolutions of public meetings with which we are all familiar. But these are mostly letters individually addressed to me, in response to an appeal which was sent by me to my electors. (Laughter.) Am I not entitled, Sir, in this House to draw attention of Honourable Members to the response that I had to my letters ?

**Mr. Jamnadas M. Mehta :** Does it mean that, except those who have written, the rest are in favour of the Bill ?

**Mr. K. C. Neogy :** Only six persons out of these are in favour.

**Mr. Jamnadas M. Mehta :** I am referring to the rest of those who have not written to you.

**Mr. K. C. Neogy :** I can tell you this much. So far as the people that are going to be affected are concerned, they are mostly ignorant about the provisions. (Laughter.) Most of us who are sitting here to-day are not going to be affected. The communities to which we belong are not going to be affected by this measure. If Honourable Members would refer to the Bengal Census Report, first Volume, page 272, they would find that I have the privilege of belonging to a community that takes the palm in the matter of social reform. It is a small community to which I have the honour to belong. In that community this evil of

child marriage is almost absolutely unknown, so that I am not affected by this measure at all, nor the community to which I belong. But, Sir, the whole issue, as it presents itself to me, is this : Am I going to impose my opinion by legislation, by legislative coercion if you please, on an unwilling people, a people in whose name we claim to be speaking and voting in this House ? Now, Sir, as I have already stated, most of these letters, almost all of them, with the exception of about half a dozen, have protested against this measure. I do not want this House to carry the impression that they are all very orthodox Pandits who have quoted scripture in support of their contention. It is nothing of the kind. Some of them came from very unexpected quarters. I may inform Honourable Members sitting on the front Government Benches coming from Bengal—I mean the Honourable the Law Member and the Honourable Member in Charge of Industries and Labour—that the great Kayastha community of Bengal, rather the Kayastha Samaj, has passed resolutions protesting against this measure. These resolutions have been forwarded to me over the signature of another Mitra—Sanat Kumar Mitra—a name which may be familiar to some of the Honourable Members. It is not that the members of the Kayastha Samaj practise child marriage. What is there that makes them object to this measure in spite of the fact that most of them do not practise child marriage in their own homes ?

Now, I will attempt to divide these numerous letters into several categories. They can be divided into several classes. First, those who are alarmed at what they consider to be an attempt at interference with religion. Second, those who, whatever their views about social reform, do not want to be affected by legislation. Third, those who are positively against child marriage but do not support the present Bill either on the ground that it is premature or because of its penal provisions. They think that it should be preceded by intensive educative propaganda by reformers. They particularly point out the absence of any adequate provision for the education of girls in the villages. They further point out that, even without the aid of legislation, the marriageable age of girls is bound to go up ; it has gone up remarkably during the last few years. (*A Voice* : “ Question ”) : It has gone up during the last few years. The fourth class comprises those who are apprehensive about the practical result of postponing the marriage of Hindu girls beyond the average age of puberty. I will refer to the position in Eastern Bengal. It is a very unpleasant subject, and I have no desire to dwell upon it any more than by merely referring to the numerous cases of abduction of Hindu girls that are taking place every day in Eastern Bengal, on which subject there is no greater authority than my Honourable friend, Dr. Moonje. (*Laughter*). He has studied this very serious question on the spot and he will be able to tell you whether there is not anything substantial in the apprehensions of the people in Eastern Bengal.

Now, Sir, the fifth class comprises those who are medical men in Bengal, including an eminent medical man like Dr. Bamandas Mukherjee, who is about the best authority that we have in Bengal on gynæcology. These persons are anxious to have a proper scientific study made of the problems of sex, puberty and maternity, which have baffled even the best scientific minds of the West, some of these medical men complain that the Report of the Age of Consent Committee is in the nature of a



[Mr. K. C. Neogy.]

propagandist effort. They point out that the authors of the Age of Consent Committee Report have not dealt fairly and impartially with statistics and information placed before them. The views of medical men who did not happen to agree with their pre-conceived ideas were absolutely brushed aside. They further complain—and I have this specifically in writing from one eminent doctor of Calcutta who gave evidence before the Committee—that they were asked to criticise certain statistics furnished by Dr. Audiseshan which forms part of the Report as an Appendix. When they submitted their criticism of these statistics the Committee allowed Dr. Audiseshan to revise the statistics because, in the light of those criticisms, the conclusions which the Committee sought to draw up could not be justified. This complaint was published in the newspapers.

**Lieut.-Colonel H. A. J. Gidney** (Nominated : Anglo-Indians) : Why did the All-India Medical Conference at Calcutta support the Bill ?

**Mr. K. C. Neogy** : I will tell the House how that support was brought about. I am quoting from a medical journal. My Honourable friend's intervention is sometimes very helpful. (Laughter.) This is what the *Medical Review of Reviews* said, and I am giving a quotation from that :

"Not to be outdone, the medical men assembled in the All-India Medical Conference, 1928, who, by the bye, had remained perfectly unconcerned so long, though they of all people were expected to realise the good and bad implications of the Bills to their full extent, suddenly woke up to a sense of their duty and responsibility and passed a resolution in hot haste, warmly supporting the Bills at the fag end of the session in a thin house, consisting almost exclusively of the ardent reforming spirits, and at a time when the majority of the members had already left the meeting to attend a pre-arranged lecture in another place in the town (Bose Institute)."

**Lieut.-Colonel H. A. J. Gidney** : That is a distorted statement for I was present at the Conference.

**Mr. K. C. Neogy** : But you never contradicted it. It appeared in a medical journal and it ought to have drawn the gallant Colonel's attention long ago.

Sir, I have no desire to weary the House any more, but I have given sufficient reasons to justify my attitude, and I do not think I will be taken to task for not being able to support this measure, although I am prepared to give all credit for sincerity and good intentions to my Honourable friends.

**Mr. Abdul Haye** (East Punjab : Muhammadan) : Sir, I rise to support the amendment of my Honourable friend, Mr. Acharya. In doing so I want to make it clear that almost all the Mussulman Members of this Assembly have decided to adopt this course for certain reasons. Let it not be understood that we, the Mussulman Members, have no sympathy with the most laudable object with which this Bill has been introduced. But our difficulty is that we feel that somehow or other Mussulman public opinion has not sufficiently clarified itself to enable us to arrive at a definite decision. I do not know who is to blame for that. It is not easy to apportion the blame on this occasion. Perhaps it is due to the fact that the Government of India did not rise equal to the occasion and discharge their responsibility properly when they announced the personnel



of the Age of Consent Committee. At that time no adequate and effective representation was allowed to the Mussulmans. Only one Muhammadan, to begin with, was appointed, and even he was not a distinguished public man, but only a retired District and Sessions Judge. I also do not want to conceal the fact that this state of things is perhaps due to the apathy that has been displayed by the Mussulman *Ulemas*, the Mussulman public and the Mussulman Press over this question, and I want to send this message from my seat in the Assembly.....

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : Sir, I rise on a point of order. I am told that my Honourable friend has made a statement that almost all the Mussulmans are against this Bill.

**Mr. President** : That is not a point of order.

**Mr. Abdul Haye** : Sir, I want to send this message to my co-religionists abroad that, if they want their representatives in this House to discharge their duties efficiently and properly, they must take more interest in these public matters than they have done in the past. Sir, placed as we are, we the Mussulman Members of this Assembly are considerably handicapped in the matter of consideration of this Bill. Our opinion is sharply divided, and whatever opinion has been expressed is absolutely inadequate. Even the opinions that have been sent to the Government of India do not contain the views of more than half a dozen Muhammadans. This is what my Honourable friend, Maulvi Muhammad Yakub, said in his minute of dissent which supports my contention :

“ The fact remains that the Muslim point of view is not sufficiently represented, and I do not think it would be proper and safe to introduce a measure of vast social and religious importance until additional Muslim opinion, specially that of distinguished theologians, is placed on record ”.

Whatever opinion has been expressed is sharply divided, and we, the Mussulman Members, have not been able to come to any definite conclusion. There is a section amongst us who honestly believe that the Mussulmans do not require this legislation. They say that the evil of child marriage does not exist in any appreciable degree among the Muhammadans of India and they further say that if it exists at all we have got sufficient safeguards provided by our own personal law inasmuch as widow re-marriage is not prohibited, and the personal law also allows a child wife, on attaining majority, to repudiate the marriage which has been contracted on her behalf by her guardians. There is still another school of thought which says that marriage among Muhammadans according to the *Shariat* is a civil contract, and if it is a civil contract it *ipso facto* follows that the contracting party must arrive at an age of discretion before that contract can be entered into. Sir, there are others who hold the view that, even if this social evil exists, according to the *Shariat*, no non-Muslim authority is competent to legislate on this matter. There is still another friend of mine who has told me that he is in possession of very valuable and important literature which he has obtained from Egypt, and he says that the Parliament of Egypt has enacted a law somewhat on the lines of the present Bill and that enactment has been placed on the statute-book with the consent of the *Ulemas* of Azhar. So what I at this stage want to impress upon the House is that we are considerably handicapped. You must stay your hands if you want to carry us with yourselves. If the consideration of this Bill is not stayed and is proceeded

[Mr. Abdul Haye.]

with, I am afraid that a considerable portion of the Mussulmans of this Assembly will be compelled to oppose this Bill. But if the consideration is delayed for a few months, I am sure that we will be able to bring round those who at present are standing aside, and it may be possible for us to give unanimous support to this Bill with certain modifications. I want to make it clear that at present we are not in any way opposed to this Bill, but we have got certain conscientious objections and we have got certain difficulties that have to be got over.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th September, 1929.