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THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V

(18th September to 26th September, 1929)

FIFTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY

1929

Chamber Fumigated...!



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.

Monday, 23rd September, 1929.

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

MEMBER SWORN.

Mr. Philip Graham Rogers, C.I.E., M.L.A. (Director General of Posts and Telegraphs).

QUESTIONS AND ANSWERS.

ALLEGED AFFLICTION WITH LEPROSY OF A MACHINE FOREMAN IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

665. *Mr. S. C. Mitra : (a) Is it a fact that persons suffering from infectious and contagious diseases are not allowed to continue in service in Government offices ?

(b) Is it a fact that Esak, a machine foreman in the Government of India Press, Calcutta, is suffering from leprosy ?

(c) Is it a fact that, in spite of his disease, he is still working in the Press ?

(d) Will Government be pleased to state (i) if the said Esak has been medically examined ; and (ii) if so, when, where and what has been the opinion of the medical authorities ?

(e) If replies to parts (b) and (c) be in the affirmative, will Government state the reasons therefor ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, if they are declared unfit for further service by a competent medical authority.

(b) No.

(c) Does not arise.

(d) A medical certificate of fitness submitted by him on the 16th March, 1928, indicated that he suffered only from severe burns. He was sent for further medical examination to the Professor of Surgery, Medical College, Calcutta, who also certified that he was fit for duty.

(e) Does not arise.

INCREASE OF ABDUCTION CASES IN BENGAL.

666. *Mr. Siddheswar Prasad Sinha : Has the attention of Government been drawn to resolution No. 6 of the Bengal Provincial Hindu Conference held at Dacca in the last month in regard to the alarming increase of the cases of abduction, enticement, rape and other offences against the

modesty and honour of women by organised gangs with a set purpose, and also containing a suggestion to make the law for these offences stiffer, and to make whipping compulsory in all such cases ? If so, do they propose to take any action to remedy the evil ?

The Honourable Sir James Crerar : The Government of India have not received a copy of the resolution referred to, but they have seen a Press report to the effect that resolutions were passed calling upon Government to take "precautionary and punitive measures" for the detection and conviction of offenders, and for "the permanent eradication of the evil" and urging that whipping should be made compulsory in cases of rape, indecent assaults and similar cases. As I stated to the Honourable Member in reply to his question No. 654 on the 18th instant, I have no reason to think that the Local Governments are not fully alive to their responsibilities in the matter.

FORCIBLE REMOVAL OF A RAILWAY PASSENGER TRAVELLING WITHOUT A TICKET.

667. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a case reported in the *Amrita Bazar Patrika*, dated the 21st August, 1929, in which the Special Railway Magistrate of Allahabad has made the following remarks in course of his judgment :

"I have made a careful and critical study of the provisions of the Indian Railways Act to determine whether a railway servant is authorized by law to eject or remove a passenger forcibly while travelling in a railway compartment without a proper pass or ticket ; and I have arrived at this conclusion that the railways do not derive this power from the legislature which has purposely withheld it with a view to avoid accidents".

(b) Are Government aware that, in the course of his judgment, the Special Railway Magistrate refers to section 113, and section 132 of the Railways Act, under any of which such a person should be dealt with ?

(c) Have Government received a copy of this judgment ?

(d) Is it a fact that crewmen, or other railway employees on the East Indian Railway, and on other railways, are instructed to, and do, eject or remove a passenger forcibly while travelling in a railway compartment without a proper pass or ticket ; and are Government aware that a constable who was so removed by a crewman lost his life as a result of an accident at Allahabad Station recently ?

(e) Will Government please state what railways have issued instructions to their employees to eject or remove such passengers from the compartments ; and under what law ?

(f) Do Government propose now to issue orders asking Railway Administrations to withdraw such instructions ? If not, why not ?

The Honourable Sir George Rainy : Government have seen the newspaper article referred to, and the Agent of the East Indian Railway has been asked for a copy of the judgment and for a full report on the matter. On receipt of the Agent's report, the Railway Board will consider what further action should be taken. I shall communicate later with the Honourable Member.

Regarding part (d) of the question, the orders to crewmen on the East Indian Railway are to prevent passengers entering a carriage without a proper ticket and, if a passenger is found in a train without a

proper ticket, to recover the fare and penalty. In the event of a passenger not having any money or refusing to pay, he is to be handed over to the station staff to be placed before a Magistrate.

It is reported that recently a constable, who was found by a crewman without a ticket, subsequently purchased one from the booking office, and attempted to board the train while in motion. His foot slipped and he fell under the train and died from the result of the injuries received.

GRANT OF KING'S COMMISSIONS TO INDIAN OFFICERS OF THE ROYAL GARHWAL RIFLES.

668. *Mr. Gaya Prasad Singh : (a) Will Government be pleased to say how many Indian Commissioned Officers are there in the Royal Garhwal Rifles ? And how many of them have been given King's Honorary Commissions since 1918 ?

(b) Have Government given King's Commissions, other than Honorary to any Indian Commissioned Officer of the Royal Garhwal Regiments ?

(c) Have Government given direct Indian Commissions to sons of Indian Commissioned, Officers or soldiers of the Royal Garhwal Rifles. And did any of them offer for such Commissions ?

(d) How many sons of Garhwali soldiers or officers have been sent to the Royal Military College, Dehra Dun ?

(e) What was the approximate total number of Garhwali soldiers that were sent to Europe during the German War ; and how many of them were killed and wounded ?

Mr. G. R. F. Tottenham : (a) 70, of whom one is an Honorary King's Commissioned officer.

Honorary King's Commissions were first granted in 1920, since when five such commissions have been granted to Indian officers of the 18th Royal Garhwal Rifles.

(b) No, Sir.

(c) The answer to the first part of the question is in the negative. There is no record at Army Headquarters of any applications from Garhwalis for direct Viceroy's Commissions.

(d) Two. One of these is the son of a pensioned Subedar Major of the 18th Royal Garhwal Rifles and another the son of an officer of the Tehri-Garhwal State Forces. I am glad to say that both these boys were successful in the last Army and Air Force Entrance Examination and will proceed to Sandhurst next January.

(e) The approximate numbers are 2,461 and 1477, respectively.

CARRIAGE OF MAILS TO HILL STATIONS BY CONTRACTORS.

669. *Mr. Gaya Prasad Singh : (a) What are the hill stations in Northern India to which mail is carried in motors by contractors, and what is approximately the annual cost of carrying mails to those hill stations separately ?

(b) Are tenders invited for such contracts ? If so, for how many cars are contracts given ?

(c) When were the contracts given last in each case? Were the lowest tenders accepted in each case?

(d) How many contractors were new, and how many old, when the contracts were given last time in each case?

Mr. P. G. Rogers : (a), (b) and (c). The hill stations in Northern India, to which the conveyance of mails by motor contract is made, are Kasauli, Sabathu, Dalhousie, Dharamsala, Kulu, Murree, Srinagar and Tanmurg (for Gulmurg) in the Punjab; and Rajpur (for Mussooree), Chakrata, Lansdowne, Nani Tal, Ranikhet and Almora in the United Provinces of Agra and Oudh. A statement is being furnished to the Honourable Member giving him the approximate annual cost of the service to each of the hill stations separately. The information asked for in parts (b) and (c) of the Honourable Member's question is also included in the statement.

(d) When the contracts were last entered into, seven new, and eight former contractors were engaged.

TRAVELLING ALLOWANCE OF COMMISSIONED OFFICERS OF THE INDIAN MEDICAL DEPARTMENT.

670. ***Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that Commissioned Officers of the Indian Medical Department employed in State Railways in general, and the North Western Railway in particular, are not considered as officers of 1st grade for purposes of travelling allowance?

(b) Is it a fact that, in reply to an inquiry on this subject made by the Agent, Eastern Bengal Railway, on the 22nd June, 1922, the Railway Board, in their letter No. 927/22, dated 25th August, 1923, stated that Commissioned Officers of the Indian Medical Department are 1st grade officials and that they are eligible for advantages attached to their military rank?

(c) If the answer to part (b) be in the affirmative, do Government propose to issue orders to all the other State Railways, including the North Western Railway, drawing the attention of the respective Administrations to this fact?

(d) Will Government please state why these officers are denied the privilege of taking eight months' furlough continuously on average salary?

Mr. P. E. Bau : (a), (b) and (c). In their letter dated the 25th of August, 1922, to the Eastern Bengal Railway, the Railway Board ruled that Commissioned Officers of the Indian Medical Department employed on State Railways should in future correspond in status to officers of the local State Railway services and be treated as officers of the 1st grade for purposes of travelling allowance. The Agents of the North Western Railway and Oudh and Rohilkhand Railways were also informed of this decision. Government understand that these orders are being followed on the North Western Railway and have no reason to believe that they are not being applied on other State-managed railways also on which Commissioned Officers of the Indian Medical Department are employed. The attention of the Agents of all State railways will, however, be drawn to the decision of 1922.

(d) Because the leave rules to which they are subject do not provide for the grant of such furlough. In this connection, I would invite the Honourable Member's attention to Army Department letter 7605|1 (D. M. S.), dated the 9th August, 1929, in which the position was explained to him.

SALE AT A REDUCED PRICE OF GOVERNMENT QUININE FOR MALARIA.

671. *Lieut.-Colonel H. A. J. Gidney : (a) Are Government aware of the enormous mortality in India from malaria ?

(b) Is there an enormous excess stock of Government quinine ?

(c) Have Government under consideration the question of selling the drug at a reduced price so as to make it available to all ? If not, are they prepared to consider the question ?

Sir Frank Noyce : (a) Government are aware that the number of deaths in India from malaria is large.

(b) The excess stocks are considerable, but can hardly be described as enormous.

(c) Government will consider the question in connection with the recommendation made by the Royal Commission on Indian Agriculture for the Imperialisation of the provincial cinchona departments ; that recommendation is already under examination.

LETTER ISSUED BY THE AUDITOR GENERAL TO ACCOUNTS AND AUDIT OFFICES.

672. *Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that a letter No. 6-N.G.E.-94-Pt., dated the 28th February, 1929, was issued by the Auditor General to all the Accounts and Audit offices under his administrative control ?

(b) If the reply to part (a) is in the affirmative, was a copy of this endorsed to the Financial Commissioner of Railways ?

(c) If the reply to part (b) is in the negative, will Government be pleased to state why a copy was not supplied to him, and whether it is a fact that most of the establishment serving under the Auditor General, has recently been transferred from the Auditor General's administrative control to the Financial Commissioner of Railways ?

(d) If the reply to part (b) is in the affirmative, will Government be pleased to state if the copy was endorsed to all the heads of the Departments under the control of the Financial Commissioner of Railways, and if so, whether the proposals contained therein were given effect to ?

The Honourable Sir George Schuster : (a) The number and date of the letter quoted by the Honourable Member are incorrect. If he is referring to letter No. 6-N.G.E.|94-E.-28, Part II, dated the 8th January, 1929, the reply is in the affirmative.

(b) No.

(c) The circular letter contains instructions to heads of Accounts and Audit Offices under the control of the Auditor General for the recruitment of members of minority communities in the Audit Department. The Financial Commissioner of Railways and the offices under him are

not under the Auditor General's control. It is a fact that a portion of the establishment, formerly under the control of the Auditor General, has been transferred to that of the Financial Commissioner, in connection with the separation of accounts from audit on the State Railways ; and it will now be for the Financial Commissioner, Railways, to issue his own orders on the subject, as may be necessary, for application to the establishments under his control.

(d) Does not arise.

RECRUITMENT TO A NEW SECTION IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

673. *Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that a new section by name the Late Register Section has been opened in the Railway Clearing Accounts Office ?

(b) How many men have been taken into that section and how many out of them have been newly recruited, showing the figures direct or outsiders and transferred from other offices or branches separately ?

(c) If transferred from other branches of the existing office, how many new men were taken in their posts in those branches and how many of them are Mussalmans ?

(d) Were these posts advertised or was any examination held ?

(e) Were there no passed candidates on the list of candidates who passed the recent examination conducted by the Controller of Railway Accounts ?

Mr. P. R. Rau : (a) No new section has been opened in the Railway Clearing Accounts Office, but some staff has been employed as an experiment to test the possibilities of preparing rate registers. This work has no connection whatever with the Railway Clearing Accounts Office.

(b) Altogether 57 men are employed for conducting the experiment, 23 of these men were newly recruited and 34 transferred from other offices.

(c) The number of new men employed in the Railway Clearing Accounts Office in the vacancies caused by the withdrawal of experienced men for the experiment is 31, of whom 8 are Muhammadans.

(d) No.

(e) These are purely temporary posts and have been sanctioned for a period of six months, and were filled by the Director of the Railway Clearing Accounts Office. The examination held by the Controller of Railway Accounts was for the selection of permanent staff, and the list of candidates who were not selected for permanent appointments was not circulated to other offices. I shall consider whether this should be done in future in order to enable offices subordinate to the Controller of Railway Accounts to select candidates for temporary vacancies.

APPOINTMENT OF MUSLIMS TO ACCOUNTS OFFICES UNDER THE FINANCIAL COMMISSIONER OF RAILWAYS.

674. *Mr. Abdul Latif Sahib Farookhi : (a) Was an examination conducted by the Controller of Railway Accounts for recruitment in the

Accounts offices under the administrative control of the Financial Commissioner of Railways ? If so, how many Muslim candidates appeared for that and how many of them passed ?

(b) Were any of them provided with a post ?

Mr. P. R. Rau : (a) Yes. 25 Muslim candidates appeared for the examination, of whom only 4 were considered to have passed.

(b) All four were offered appointments, but three of them accepted the offer.

DESTRUCTION IN THE OFFICE OF THE RAILWAY BOARD OF A PAMPHLET CALLED " IN THE OFFICE " .

675. ***Mr. Abdul Latif Sahib Farookhi :** (a) Has the attention of Government been drawn to a pamphlet by name " In the Office " ?

(b) If the reply to part (a) is in the negative, did the Railway Board authorise the then General Clerk (Ranpart Rai) and duftury to destroy such literature before submission to the officers ? If not, what steps do Government propose to take so that all the *dāk* may reach the officers safely ?

Mr. P. R. Rau : The reply to both parts of the question is in the negative.

DISCLOSURE OF RAILWAY ACCOUNTS EXAMINATION PAPERS.

676. ***Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that recently the examination to be held by the Controller of Railway Accounts was postponed on account of the question papers being disclosed ? If so, will Government be pleased to state who was responsible for making the papers public ?

(b) Are Government aware that the paper for the Traffic Accounts for which Rai Bahadur Faquir Chand was the examiner was known to certain persons in the Railway Clearing Accounts Office ?

(c) Did Mr. Teluram solve the paper himself and distribute it to others ? If so, what action have Government taken or propose to take against them ?

Mr. P. R. Rau : It is a fact that an examination to be held by the Controller of Railway Accounts had to be postponed on account of some of the question papers being known before the date of the examination. The investigation into the responsibility for such leakage is, I understand, not yet complete, but the Controller of Railway Accounts informs me that he is convinced that the allegations against the Officers named are baseless.

Mr. Gaya Prasad Singh : What steps do Government propose to take to prevent unauthorised leakage of information from their offices which is subversive of discipline ?

Mr. P. R. Rau : I shall not be in a position to reply to that question till the investigation has been completed.

PAY OF AN OFFICE BOY IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

677. *Mr. Abdul Latif Sahib Farookhi : Is it a fact that one office boy was recruited on Rs. 60 in the Railway Clearing Accounts Office when the pay of the clerks is only Rs. 40 and the candidates for clerkships are required to have passed in the first division whereas there is no necessity for having passed even the Matriculation examination for office boys ?

Mr. P. R. Rau : The answer is in the negative.

ALLOTMENT OF QUARTERS TO PRESS EMPLOYEES.

678. *Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that about eight years ago, 21 quarters in the Indian clerks barracks were placed at the disposal of the Press for allotment to the Press employees ? If so, is there any principle according to which allotment of these quarters is made to the Press employees ?

(b) Is it a fact that since these quarters were placed at the disposal of the Press, some employees of the Press are in occupation since the very beginning and the allotment made in the beginning has continued up to this time ? If so, will Government please state under what circumstances these men have continued to hold these quarters ?

(c) Is it a fact that some of the employees drawing salaries, ranging from about Rs. 80 to Rs. 200, are occupying two quarters each ? If so, will Government be pleased to state reasons for this ?

(d) If the answers to the above questions be in the affirmative, do Government propose to consider the advisability of making some rules according to which the allotment of the quarters should be made in future ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. Allotments are made after taking into account considerations of pay, length of service, exigencies of press work and also individual cases of hardship at the time of allotment.

(b) Yes. Owing to the limited number of quarters, there is likely to be considerable contention and dissatisfaction among the staff if allotments are changed annually, and to avoid this it has been considered desirable to make no change unless quarters are vacated on account of death, transfer, retirement or other causes.

(c) Accommodation has been allotted to the stationery keeper and the assistant section holder in order to ensure their residing within reasonable distance from the Press, their attendance being necessary during pressure of work and during emergencies. Two rooms have been allotted to each of these two officers as their status entitles them to larger accommodation than is provided by one room.

(d) The existing arrangement is considered suitable, and Government do not propose to make any change, but I am prepared to consider any concrete proposals which are likely to satisfy the majority of the staff concerned.

RECRUITMENT TO THE SIGNALLING BRANCH OF THE TELEGRAPH DEPARTMENT.

679. *Mr. M. S. Sesa Ayyangar : With reference to the report of the Standing Finance Committee (Item 18, page 340 of the 24th January, 1929) and to the Memorandum issued in August, 1928, will Government be pleased to furnish :

- (1) the number of candidates from outside ;
- (2) the number of counter-clerks ; and
- (3) the number of postal signallers to be taken to the Signalling Branch of the Telegraph Department for (a) General Service, (b) Station Service ?

The Honourable Sir Bhupendra Nath Mitra : The numbers are now being settled in consultation with the financial authorities.

RECRUITMENT OF TELEGRAPHISTS.

680. *Mr. M. S. Sesa Ayyangar : (a) With reference to clauses C, D and E of paragraph 5 to item I of the Memorandum issued in August, 1928, regarding the recruitment of Telegraphists, will Government be pleased to state whether they propose to remove the age restrictions for those counter-clerks who have learnt signalling privately and select them for the Signalling Branch ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to grant such exemptions to outsiders also ?

Mr. P. G. Rogers : (a) No.

(b) Does not arise.

HOLIDAYS FOR SUBORDINATES OF THE TELEGRAPH DEPARTMENT.

681. *Mr. M. S. Sesa Ayyangar : (a) With reference to the reply to question No. 529 by Mr. Anwar-ul-Azim regarding the public holidays given in the Assembly on the 30th September, 1928, will Government be pleased to state whether those holidays also refer to the subordinates of the Telegraph Department ?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to consider and grant the holidays as enjoyed by the Government servants in other Government offices ?

(c) With reference to the reply to question No. 31 put by Mr. M. K. Acharya given in the Assembly on the 31st January, 1927, will Government be pleased to state whether they propose to fix the Dipavali and Ramzan days as telegraph holidays ?

The Honourable Sir Bhupendra Nath Mitra : (a) Question No. 529 by Mr. Anwar-ul-Azim was replied to on the 13th September and not on the 30th September, 1928, as stated. Some of the public holidays, viz., New Year's Day, Good Friday, the King's Birthday and Christmas Day, are telegraph holidays.

(b) Government do not propose to increase the number of telegraph holidays.

(c) As the days on which Ramzan and Dipavali are observed differ in different parts of India, Government do not consider that it would be practicable to declare them as telegraph holidays.

PRINCIPLES OF SELECTION OF STATION SERVICE TELEGRAPHISTS FOR GENERAL SERVICE.

682. *Mr. M. S. Sessa Ayyangar : (a) With reference to communication No. Staff-A-0193|28, dated the 3rd January, 1929, from the Director General, Posts and Telegraphs, will Government be pleased to state the principles that have been adopted in the recent selection for General Service from the Station Service Telegraphists ?

(b) Will the Government be pleased to state whether all the men selected will be transferred to General Service immediately, and, if so, when ?

Mr. P. G. Rogers : (a) No selection has yet been made.

(b) Does not arise.

RESOLUTION OF THE INDIAN TELEGRAPH ASSOCIATION CONFERENCE.

683. *Mr. M. S. Sessa Ayyangar : Will Government be pleased to state whether they have received a copy of the resolutions passed in the Indian Telegraph Association Conference held in the third week of July, 1929, and if so, will Government be pleased to state whether they propose to consider them favourably and grant the demands prayed for early ?

The Honourable Sir Bhupendra Nath Mitra : Government understand that a copy of the proceedings of the Conference referred to by the Honourable Member has been received by the Director General. The proposals will receive due consideration from Government when they are received with the Director General's recommendations.

SUPERSESSION OF INDIAN SUPERINTENDENTS IN THE ARMY DEPARTMENT AND ARMY HEADQUARTERS.

684. *Maulvi Muhammad Yakub : (a) Will Government please state whether any Indian Superintendents in the Army Department Secretariat and at Army Headquarters have been superseded by Europeans for promotion, permanent or acting, to posts of Assistant Secretary or Officer Supervisor, respectively, in the last two years ? If so, what is the number of such Superintendents ?

(b) Will Government please state the names of the Indian Superintendents, so superseded, and their educational qualifications, as well as the names of the Europeans who have been promoted, or brought from outside, over the heads of the Indian Superintendents in question, and their educational qualifications ?

Mr. G. R. F. Tottenham : (a) So far as permanent appointments are concerned, the answer is *nil*. In two leave vacancies (one of Assistant Secretary and the other of Officer Supervisor) European officers have been selected in preference to Indians after considering the qualifications of all concerned. In the first case there were four Indian Superintendents who were affected, and in the second case there was one Indian Superintendent, but as I have explained before, both these classes of appointment are filled by selection and no one has a right to them.

(b) Government are not prepared to give the names or to publish the qualifications of the men referred to.

Mr. A. Rangaswamy Iyengar : Were Europeans selected, because they were Europeans ?

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

POST OF ESTABLISHMENT OFFICER, ARMY HEADQUARTERS.

685. ***Maulvi Muhammad Yakub :** (a) Will Government be pleased to state when the appointment of the Establishment Officer for Army Headquarters was created ?

(b) What are the emoluments of that appointment ?

(c) Has the appointment ever been held by an Indian ?

(d) Are Government prepared to consider the advisability of appointing a junior Indian Civil Service officer to the post, when it next falls vacant ?

Mr. G. R. F. Tottenham : (a) In April 1921.

(b) Rs. 1,500—50—1,750.

(c) No, Sir.

(d) Government will no doubt consider all possible candidates for the post when the time comes. It is desirable, however, that its holder should have a knowledge of the working of the Army Headquarters offices.

NUMBERS OF HINDUS AND MUSLIMS EMPLOYED IN ARMY HEADQUARTERS.

686. ***Maulvi Muhammad Yakub :** (a) Will Government please state the total number of educationally unqualified clerks who have been employed in the Army Headquarters and central military offices during the last one year and how many of them are Hindus and how many Muslims ?

(b) Will Government please state how many pensioners were re-employed at the Army Headquarters and central military offices during the last one year and how many of them were Hindus and how many Muslims ?

Mr. G. R. F. Tottenham : (a) The information is being collected and will be furnished to the Honourable Member separately.

(b) Two pensioners have been re-employed. They were both Hindus.

Mr. Muhammad Rafique : May I, with your permission, Sir, put the questions standing in the name of Mr. Abdul Haye ?

Mr. President : Yes.

NUMBER OF MUSLIMS APPOINTED AS PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

687. ***Mr. Muhammad Rafique** (on behalf of Mr. Abdul Haye) : Will Government please state how many persons have been recently appointed as Permanent-Way Inspectors on the North Western Railway and how many of them are Muslims ?

Mr. P. B. Rau : For reasons already explained, Government regret that they are not prepared to supplement with figures for individual offices or posts the information in regard to communal representation in railway services given in the Annual Administration Report on Indian Railways.

REPORTS OF PROVINCIAL COMMITTEES CO-OPERATING WITH THE SIMON COMMISSION.

688. ***Mr. Muhammad Rafique** (on behalf of Mr. Abdul Haye) : (a) Will Government please state whether they intend to publish the Reports of the various Provincial Committees appointed to co-operate with the Simon Commission ?

(b) If so, when will these printed Reports* be made available to the Members of the Indian Legislature ?

The Honourable Sir James Crerar : (a) The publication of the Reports of the various Provincial Committees appointed to co-operate with the Simon Commission is a matter for the Committees themselves to decide.

(b) Copies of these Reports, as they are received by the Government of India after publication, will be placed in the Library of the Legislative Assembly. Copies have so far been received from Bengal and the Punjab and have been placed in the Library.

RECENT FLOODS IN THE PUNJAB AND NORTH WEST FRONTIER PROVINCE.

689. ***Mr. Muhammad Rafique** (on behalf of Mr. Abdul Haye) : (a) Will Government please make a full and up-to-date statement regarding the havoc and loss of life and property caused by the recent floods in the Punjab and North West Frontier Province ?

(b) What steps have the Local Government and the Government of India taken to grant relief in the affected area ?

(c) What loss and damage has been caused to the Railway by these floods ?

Sir Frank Noyce : (a) and (b). A statement containing the latest information available regarding floods in the Punjab and North West Frontier Province is laid on the table. Complete reports cannot be expected until a careful survey of the damage has been made, communication with isolated places restored and the people who left their homes have returned to them. The grant of relief in the affected areas is a

matter for the Local Government and the local Administration respectively and the action they have taken in this direction as regards the floods in the Dera Ghazi Khan District and those in the North West Frontier Province is described in the statement. Further information on the subject will be obtained and furnished later. I may, however, add for the Honourable Member's information that the Board of Management of the Indian People's Famine Trust have sanctioned a grant of Rs. 1,25,000 for the relief of distress in the Punjab. No application for a grant from the Board has so far been received from the North West Frontier Province.

(c) The information is being collected and will be furnished to the Honourable Member in due course.

PUNJAB.

I.

Report on the floods in the Dera Ghazi Khan District, dated August 20, 1929.

The average rainfall in the Suleman hills in the tribal area adjoining the British district of Dera Ghazi Khan is about 12 inches at Fort Munro. In the district proper at Dera Ghazi Khan the average annual rainfall varies from 3 inches in the south to 6 inches in the north. On the night of the 25th July, 14 inches of rain fell at Fort Munro in one day, and at the same time in Dera Ghazi Khan town $6\frac{1}{2}$ inches fell in 13 hours, and as far as can be gathered, this downpour in the plains was general throughout the district. It will be seen that in one day both in the hills and in the plains the downpour was double the average annual rainfall.

2. As a result of this torrential rain, hill torrents which are many in number broke with irresistible force right through the network of embankments in the hill torrent country adjoining the foot-hills and swept over the canal irrigated area adjoining the Indus, carrying everything before them, and converting a great part of the canal area into an enormous lake. In the Dera Ghazi Khan tahsil, the force of the torrent may be gauged by the fact that the Mauka canal, which stretches for 50 miles between the tail of the hill torrent embanked terrain and the western limit of the canal area, was breached in no less than 915 places, receiving the full force of the torrents.

3. In 1917, a similar downpour visited Fort Munro, which tore away the roads and swept irresistibly through the district, but the damage done in 1917 was not so great as has been done this year for two reasons, first the exceptional rains in the plains that caused the canal area to swim with water before the advent of the hill torrents, and secondly the bursting of the hill torrent flood into the already saturated tract at night causing great confusion, alarm and loss of life.

4. On receipt of information from the Deputy Commissioner at the beginning of August that the new town of Dera Ghazi Khan, which was re-built some 17 years ago on the old town being washed away by the river, had come within an ace of destruction, the Honourable Member for Revenue proceeded from Simla to inquire into the extent of the disaster which has now overtaken the district of Dera Ghazi Khan. In Dera Ghazi Khan an attempt was made to appraise the loss by means of the revenue staff, and on the 13th of August reports from various circles in the tahsil indicated that, in addition to the loss of 157 lives, damage has been done to property to the extent of at least eight lakhs, mainly by way of destruction of house property, though thousands of cattle are reported to have been drowned. This is an estimate of one tahsil only. There are three other tahsils. No detailed information is available regarding the northern tahsil, Sanghar, but it is known that on the Sanghar torrent one village has been wiped out, and 317 houses destroyed in another big village. Further north in the tahsil, the Vahon torrent has caused damage to a dozen villages, which lie in its course, most of these villages having been, by an irony of fate, left high and dry for the last three years owing to insufficient flow from the hill torrent which serves them. It may perhaps be mentioned that, for the past three years, the hill torrent area throughout the district has not obtained anything like its normal cropping owing to inadequate flow from the hill torrents, and this disaster comes at a time when food supplies in the district and the resisting powers of its inhabitants are at their lowest ebb. Even in the canal tracts in which the inundation canals afford supplies from the river in the summer, the main crop, rice, has been for the last two or three years very severely damaged by the growing rice borer pest.

5. South of the Dera Ghazi Khan tahsil is the Jampur tahsil, the southern part of which was swept away by the Kaba hill torrent, the discharge of which on the morning of the 26th of July has been estimated at between 50 and 70 thousand cusecs. The waters of three hill torrents impinging on the canals in the south of the Jampur tahsil and carrying everything away with them, swept through the Qutab circle of the Rajanpur tahsil for a length of 30 to 35 miles before they breached the eastern most canal to drain slowly into the river. No estimates have been received of the damage done in the Rajanpur tahsil for the simple fact that all the villages in this tract of at least 30 miles by 8 to 10 miles are marooned, and the Sub-Divisional Officer up to the 13th of August has only succeeded in getting information to the Deputy Commissioner that the big towns are safe and there has been no loss of life, a statement which requires further verification. It is estimated that, on this one night and day, the torrents brought down three lakhs cusecs into the district. With the Indus still in flood, the difficulty of draining off these huge lakes of water needs no explanation.

6. A further disadvantage in the present floods has been the time of their coming. The present floods have come at a time when no kharif sowings are possible in the canal tract, and in the hill torrent country where the heavy rain rather than the spates has made large areas culturable, the kharif sowing time is passing and indeed will be at an end by the 25th of August or a few days later. The demand for seed may be gauged from the fact that jowar is selling at 2 to 2½ seers a rupee, or more than treble the ordinary price, but any rabi cropping in the hill torrent country is out of the question, and in the canal tract it remains to be seen whether it will be possible to extend rabi sowings on the swamped and sodden areas.

7. In the past winter, owing to acute scarcity in the hill area beyond the regular administrative border, the Punjab Government sanctioned a grant of Rs. 30,000 out of the Provincial Famine Fund for the building of tanks and by way of relieving destitution. On receipt of the news of the present flood, Rs. 2 lakhs of *tacavi* were placed at the disposal of the Deputy Commissioner, and the same is being distributed partly for seed and partly for cattle, but mainly for relief of distress. A second sum of Rs. 2 lakhs *tacavi* is being allotted for the purchase of seed for the replacement of cattle and partly for the rehabilitation of damaged wells. It is also proposed to allot a sum of Rs. 50,000 from the Provincial Famine Fund for the relief of destitution and provision of fund in the areas swept by the floods. A sum of probably Rs. 15,000 will be granted by the Provincial Red Cross Society. There is no jowar or bajra (staple foods) in the district, and except in Rajanpur, there is no rice. There is a certain amount of wheat in the district, but the intensity of the present distress will be prolonged till the harvest in the Pachahd ripens about Xmas, unless the present rice crop in places where its maturing is still possible, comes to the rescue, and there is reasonable hope that the efforts of the Canal Department will succeed in maturing the rice in favourable localities.

8. The rabi revenue outstanding 1½ lakhs is being suspended, and the desirability of converting this suspension into a remission will be considered when further details are available. It should be explained that, in the canal tracts in the south-western Punjab, and particularly in the Dera Ghazi Khan District, the country people do not live for the most part in nucleated villages, but pursue their cultivation in scattered hamlets with the well as a unit. The loss of houses and property would have been much less if the villages were nucleated as in the Punjab proper as regular villages are places of refuge, while outlying hamlets built anywhere on the site of the well simply disappear with the flood of this kind.

9. Information subsequently received estimates the loss of life in the Sanghar tahsil at 14, and the loss in the way of damage to houses and grain at Rs. 2½ lakhs. Little information is available about the loss in cattle. In the Jampur tahsil, no lives seem to have been lost, and the estimated loss is put at 2½ lakhs, including the loss to standing crops which, in the southern part of the tahsil, seem to have been irretrievably drowned. For Rajanpur the rest is still silence.

II.

The Report on the recent floods in the Indus, Jhelum and Chenab rivers, dated September 5th, 1929.

Indus Flood.

Attock.—Lowlying areas were flooded and no estimate of losses is as yet possible. It is known however that three lives have been lost, and there has been much damage to property, crops and walls. Heavy rain locally caused a lot of houses to collapse. In

addition to damage in the riverain proper, the Malakmala band burst and destroyed 500 houses in three villages without giving the villagers time to save their household effects.

Mianwali.—The whole of the extensive riverain area was swept by the flood, demolishing habitations and sweeping away cattle. The Deputy Commissioner wired on the 29th August, "No help possible for some villages in the Kacha, as boats from Kalabagh cannot be sent owing to heavy floods", and again on the 2nd September, "Boats can now ply and people are being brought down from trees—several villages have been washed away".

Dera Ghazi Khan.—The Dera Ghazi Khan District has been in imminent danger, but though various groynes and smaller bands collapsed, the main embankments held. The damage from the present flood has been comparatively insignificant and nothing to what was feared. This district, as has already been reported, was devastated by hill torrent floods in July this year.

Jhelum flood.

Jhelum.—The Commissioner, Rawalpindi, writes on the 1st September that the damage inflicted is much greater than last year. In the town itself great havoc was wrought, and there is 4—6 inches of silt deposited everywhere. The Civil Station was partly submerged. Communication to Pind Dadan Khan is cut off, but the town is reported to be in ruins. Many villages in the Jhelum riverain have been washed away, and the Commissioner's estimate on the analogy of last year is that 160 villages are involved in greater or less degree. Most of these villages are still inaccessible. Some loss of life is reported, and it is feared there will be more when the full effects of the flood are felt at present.

Gujrat.—The Chenab Flood was not so serious, though three villages have been totally destroyed in the Phalia tahsil and 27 partially damaged. The Jhelum flood totally destroyed 11 villages in the same tahsil as well as one village opposite Jhelum. It is only from Gujrat that some definite information has been received of number of villages involved. In other districts the disaster does not admit of any such computation at present.

Shahpur.—Certain areas in the Shahpur District which lie low always receive the full force of floods in the Jhelum damage. The damage done in Shahpur by last year's floods was very extensive. Up to the present little official information has been received. The present flood has far exceeded last year's flood and the latest telegram can only report that the flooded areas are still out of reach and such reports as have been received show immense damage to property. The damage to house property has been unparalleled.

Jhang.—The Jhang riverain has also been swept by the Jhelum and Chenab floods. It is estimated that the damage in all tahsils will be considerable.

Combined Indus and joint Chenab and Jhelum floods.

Muzaffargarh.—This district is sandwiched in between the Indus and Chenab. It was freely swept by Indus floods in 1924. The full force of the Indus flood reached Muzaffargarh on the 31st August and protective embankments and bands right down the western front breached one after another. There are now at least five breaches open, through which water is pouring down to the south. The railway line from Mahmudkot north has been breached in several places, and the line to Ghazi Ghat has gone. The Punjab Government arranged to send 13 pontoons and a detachment of 100 Sappers to Muzaffargarh to rescue marooned people, and the pontoons have done good rescue work from 1st September onwards. Many deaths are reported, and at Leiah on the 2nd September it was telegraphed that about one thousand people, mostly women and children, were rescued in a deplorable condition.

The joint Chenab and Jhelum flood on the other side of the district rose above last year's level on the 2nd September and overtopped the railway line from the Chenab bridge to Muzaffargarh. Telegraphic information of 4th September is that though the Chenab has begun to fall, a breach on the Chenab side is responsible for an inundation which is converging on the incoming waters from the Indus in the neighbourhood of Shahr Sultan, 35 miles south of Muzaffargarh town. There is 40 miles of peninsula, south of this anticipated junction, which is in danger of being blotted out, and it includes the most fertile tract in the district.

6. The Gujrat, Jhelum, Shahpur and Jhang districts were visited last year with a similar affliction, though on a lesser scale. The riverain people in Mianwali and

Muzaffargarh are notoriously poor and indeed, the economic condition of the Muzaffargarh district has in recent years attracted the special attention of the Punjab Legislative Council as a backward and impoverished tract. The people have no reserves and little stamina, and the present flood is a cataclysm, the like of which has never been experienced before.

NORTH WEST FRONTIER PROVINCE.

III.

Reports as to floods in the North-West Frontier Province, dated 30th and 31st August and September 2nd, 1929.

On 29th August, 1929, river at Attock rose nine feet higher than during recent Shyok flood, causing heavy backwash at Nowshera. Road was breached on both sides of Attock bridge. Flood in Indus was accentuated by floods in Swat-Kabul rivers tahsil and bungalows at Nowshera north of Mall evacuated. Road was also breached east and west of Nowshera, but railway embankment still intact, though threatened in neighbourhood of Akora railway bridge between Nowshera and Mardan reported unsafe: heavy flood in Swat river caused inundation on island between Khiali and Charsadda bridge completely cutting off Charsadda. Same villages have been destroyed but no loss of life so far reported. Abbottabad has been completely cut off on both sides. Due to collapse of railway and road bridges Kunar river at Garhi Habibulla has changed its course and gone north of road bridge cutting through village and removing large sections of road. Flood reached Dera Ismail Khan at 16-00 hours on 28th and up to 21-00 hours on 29th has risen two feet higher than level reached during recent Shyok flood and slightly higher than record of 1924 although bund under action of flood. So far as is known at present, no damage has been done, and there has been no loss of life. Flood has slightly fallen since six hours 29th August. Latest reports from Peshawar are that flood in Swat river has almost subsided, but floods at Nowshera were still high on 29th. Revenue Commissioner visited flooded areas in order to ascertain action necessary to provide immediate relief for sufferers from flood in Peshawar District. Relief in form of food, medical attendance and blankets were supplied to villagers in flooded areas. Flood situation Dera Ismail Khan on 31st August: Protective Bund at Dera Ismail Khan has undergone very severe test from longitudinal face scour undermining of apron and wave action against bund slope but appears to have stood test although scour outside apron 15 to 5 feet inner part of apron remains intact. As result of warning inhabitants of Khanu Khel nine miles east of Paharipur were isolated some of the villagers and eight policemen spent 24 hours up trees. Although no loss of life reported so far communications most difficult and unreliable and casualties are feared. Every effort made by means of rafts and jalas to rescue Khanu Khel from Paharipur. At Dera Ismail Khan water has subsided to 17.5 and steamer is making up stream with small boats for evacuation and all M. E. S. flat-bottomed boats have been pressed into service. Relief parties have also been detailed from Paniala to work south-east along foot Khaisor Hills in direction Bilet which is worst area at present reported for immediate relief measures. Posts with grain, firewood, etc., being established at point above present water level in northern area and similar depots will be opened in southern tract round Parca. Rafts from Paharipur have rescued 140 stranded villagers, one woman reported drowned and considerable loss of cattle feared. The Chief Commissioner visited most badly affected area in Peshawar district on the 2nd September, namely between Abazai and Charsadda. Damage and suffering serious several villages having practically disappeared. For instance 120 out of 126 houses and 46 jaribs of land and 600, jaribs of standing crops have gone. Amount required for *taccavi* is being worked out by Revenue Commissioner. Meanwhile further immediate measures to utterly destitute being necessary, fifteen thousand rupees were placed at disposal of Deputy Commissioner as an advance. A meeting of local gentry at Town Hall Peshawar for the purpose of starting relief fund was held on the 1st September, 1929, and, in spite of very short notice and absence in Hills of many leading citizens, a subscription of Rs. 2,500 was collected on spot. Further meetings were also arranged. Reports from Dera Ismail Khan mere reassuring. Villages were flooded but not swept away. Danger at Abazai and Amandarra including training works over. Heavy repairs necessary but works can function. Heavy expenditure will be required to restore communications in Hazara and elsewhere. Local Officers and Zaildars been working splendidly. Very little if any loss of life.

Mr. E. L. Price : May I ask, Sir, if nothing is granted for Sind ?

Sir Frank Noyce : Yes, Sir : Rs. 1,25,000, the same as for the Punjab.

Mr. E. L. Price : Thank you.

DECREASE OF MUSLIMS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

690. ***Mr. Muhammad Rafique** (on behalf of Mr. Abdul Haye) : (a) Will Government please state if it is a fact that, since 1924, the number of Muslim permanent first, second and third division clerks, stenographers, and Superintendents in the Department of Education, Health and Lands has considerably decreased ?

(b) Will Government please give the number of these clerks, stenographers and Superintendents for 1924 and 1929 ?

(c) If there is a fall in the number of Muslim clerks, stenographers and Superintendents in this Department, will Government please state the cause ?

Sir Frank Noyce : (a) Seven first division assistants and three third division clerks are now employed as against nine and five respectively in 1924. There is no decrease in the number of Superintendents, second division clerks or stenographers.

(b)		1924	1929
Superintendents	..	nil	nil,
Assistants (first division)	..	9	7
Clerks (Second division)	..	9	9
Clerks (Third division)	..	5	3
Stenographers	.. ..	1	1

(c) The decrease is due to the fact that two Muslim Assistants were transferred to service under the Punjab Government and two clerks to the office of the Inspector General of Forests, Dehra Dun.

RECRUITMENT OF SEAMEN BY THE PENINSULAR AND ORIENTAL AND BRITISH INDIA STEAMSHIP COMPANIES.

691. ***Mr. S. C. Mitra** : Will Government be pleased to state :

- (1) whether they are aware of the system of recruitment of seamen in the Peninsular and Oriental and the British India lines of ships ;
- (2) whether the system is essentially different from the system of recruitment on other lines ;
- (3) whether it is a fact that the crews are recruited without the medium of the shipping brokers ;
- (4) whether some subordinates of the two shipping companies favour the Bombay Seamen's Union with orders for supply of crews ;
- (5) whether Government is aware of any illegal gratifications and other corrupt practices on the part of one Ligorio Pereira, a clerk of the Peninsular and Oriental Steam Navigation Company, and some persons of the above Union ; and
- (6) if so, what steps do they propose to take in order to check the evils ?

The Honourable Sir George Rainy : I assume that the Honourable Member's question relates to the state of affairs in Bombay :

- (1) Yes.
- (2) Yes. The Peninsular and Oriental Steam Navigation Company and the British India Steam Navigation Company maintain registers of serangs and butlers in their regular employ and these leading ratings are selected at the Companies' offices by their own officers. The lower ratings are also recruited by the Companies' officers with the aid of the leading ratings. In the case of the other shipping companies, an employment register of serangs and butlers is maintained at the Shipping Office and these ratings are selected by the Company's officers at an open muster held at that office. The lower ratings are recruited by the Company's officers with the aid of the leading ratings.
- (3) It is believed that the broker has been largely eliminated as an intermediary in the selection of the crews.
- (4), (5) and (6). Government have seen allegations to this effect in a pamphlet published by the Social Service League, Bombay, but they did not find sufficient reason to institute inquiries.

CHARGE FOR A DUPLICATE CERTIFICATE ISSUED TO SEAMEN.

692. ***Mr. S. C. Mitra :** Will Government be pleased to state :

- (1) what fee is generally charged in the case of seamen for a duplicate certificate of service which is issued when the original is defaced, torn or lost ;
- (2) whether the duplicate can be issued free of cost also as is provided in the foot-note on certificates of discharge issued under section 43 of Act I of 1859 ;
- (3) whether the discretion to charge any fee or issue the duplicate free of charge is vested in the Shipping Master ; and
- (4) why so much latitude is given to him ?

The Honourable Sir George Rainy : With your permission, Sir, I will answer questions No. 692, 693 and 695 together. The information asked for by the Honourable Member is being collected and will be supplied in due course.

FEEs CHARGED FOR RENEWAL OF CERTIFICATES OF SEAMEN.

†693. ***Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) what fee is charged in the case of seamen when the certificate of service is "renewed for a next higher issue" ;
- (b) whether any receipt is passed for issue of a renewal certificate ;
- (c) the number of renewal certificates issued during the official year 1927-28 ;

† For answer to this question, see answer to question No. 692.

- (d) the total amount of fee realised during the year on that account ;
- (e) whether any complaints regarding levy of higher fees have been made by the seamen to the Shipping Master, Bombay ; and
- (f) if so, what action was taken by him thereon ?

APPOINTMENT OF A PRINCIPAL OFFICER TO SUPERVISE SHIPPING OFFICES.

694. ***Mr. S. C. Mitra** : Will Government be pleased to state :

- (a) whether it is a fact that, consequent on the transfer of the control of Shipping and Navigation from the Local Governments to the Government of India from 1st April, 1929, they have had under contemplation the appointment of a Principal Officer to supervise the working of Shipping Offices at various ports in India ; and
- (b) (i) whether the Principal Officer's appointment has been made, and, if so, (ii) the name of the incumbent, (iii) his qualifications, (iv) the date from which he has taken charge, (v) his office address, (vi) the period during which he is on tour during the year, and (vii) when he is required to be in Bombay on his duty of supervision ?

The Honourable Sir George Rainy : Government have no proposal under contemplation for the appointment of a Principal Officer to supervise the working of Shipping Offices at the various ports in India. Under the scheme for the centralisation of the mercantile marine administration, the coasts of India will be divided into districts based on the major ports of Aden, Karachi, Bombay, Madras, Calcutta and Rangoon, and each district will be placed in charge of an officer to be called the Principal Officer, who will be the chief executive officer of the Government of India in the district in all matters relating to mercantile marine administration. He will also exercise general supervision over the whole of the district staff administering the Merchant Shipping Acts, including the Shipping Masters. Principal Officers have so far been appointed at Calcutta and Rangoon only. Both these Officers are Captains in the Royal Indian Marine.

FEES CHARGED FOR RENEWAL OF DISCHARGE CERTIFICATES OF SEAMEN.

†695. ***Mr. S. C. Mitra** : Will Government be pleased to state :

- (a) whether the fee of Rs. 2 (two) for renewal of a discharge certificate is excused in some cases of seamen at the discretion of the Shipping Master, Bombay, as per the footnote in the discharge certificate form ;
- (b) the number of cases of such free renewal certificates issued during the calendar years 1927 and 1928 ;
- (c) whether it is a fact that there is a considerable number of cases in which more than Rs. 2 per renewal has been paid by seamen ;

† For answer to this question, see answer to question No. 692.

- (d) whether such cases of extra payments have come to the knowledge of the Shipping Master ; and
- (e) if so, what action was taken by him ?

DISCHARGE OF CREWS OF MERCHANT SHIPS.

696. ***Mr. S. C. Mitra** : Will Government be pleased to state :

- (a) whether it is a fact that the crews of certain merchant ships are discharged in six weeks, while they have been signed on for six months and are willing to serve for the full period ;
- (b) the number of such cases of discharge of crew during the calendar years 1927 and 1928 ; and
- (c) whether any crews have been specially remunerated for such premature discharge and, if so, the names of the ships, the classes of crew, their number and the total amount of such remuneration ?

The Honourable Sir George Rainy : The information asked for is being collected and will be furnished to the Honourable Member as soon as possible.

LOCATION OF THE BOMBAY SHIPPING OFFICE.

697. ***Mr. S. C. Mitra** : Will Government be pleased to state :

- (a) the reasons for removing the Bombay Shipping Office from Princess Dock to the present site ;
- (b) the period during which it was situated in the former place ;
- (c) whether they have heard of any inconvenience caused to seamen by the office being located in the present premises ;
- (d) whether there is any proposal to re-accommodate it in its former place ; and
- (e) if the answer to part (d) is in the negative, whether, and if so when they propose to make proper seating arrangements for seamen in the present premises of the Shipping Office ?

The Honourable Sir George Rainy : (a) The Shipping Office was removed in 1927 from the Branch Customs House at the Princess Docks to the ground floor of the Development Department building, because the Branch Customs House was considered unsuitable for a Shipping Office. The latter office is situated at a considerable distance from the offices of the various shipping companies, the Banks and the Main Customs House and is in a very noisy locality. Moreover the Customs Department wanted the accommodation for its own use.

(b) For about 6½ years.

(c) No.

(d) No.

(e) Instructions have been issued for the early construction of a pucca waiting shed for the use of seamen visiting the Shipping Office.

RECRUITMENT OF CREWS BY THE PENINSULAR AND ORIENTAL AND BRITISH INDIA STEAMSHIP COMPANIES.

698. ***Mr. S. C. Mitra** : Will Government be pleased to state :

- (a) whether it is a fact that, unlike other shipping companies, the crews in the Peninsular and Oriental and British India lines are recruited directly by the Companies' officials themselves without the shipping brokers' intervention ;
- (b) whether the shipping brokers get less commission on advances they make to the crews of the Peninsular and Oriental and British India lines than in other companies ;
- (c) if so, what are the rates of commission in either case ;
- (d) whether it is a fact that, even the advances to crews in the Peninsular and Oriental and British India lines are, of late, made by the Companies themselves without the medium of the brokers ; and if so, whether the services of the brokers are entirely dispensed with by the two Companies ; and
- (e) the approximate annual gain to the Companies in the form of brokers' commission ?

The Honourable Sir George Rainy : I assume that the Honourable Member's question relates to the state of affairs in Bombay :

- (a) The crews required for the vessels belonging to the Peninsular and Oriental Steam Navigation Company and the British India Steam Navigation Company are recruited very largely by the Companies' officers without the intervention of the broker.
- (b) to (e). Government have no information, but the points raised will be examined at the first convenient opportunity.

Mr. K. Ahmed : Are Government aware that the Clow Committee recommended five or six years ago that the broker system should be abolished and that officers for recruitment should be appointed ?

The Honourable Sir George Rainy : Government are certainly acquainted with the recommendations of the Clow Committee.

Mr. K. Ahmed : But is it not a fact that the abolition of the broker system was recommended some years ago ?

The Honourable Sir George Rainy : I am afraid I must ask for notice. The details of the Clow Report are not sufficiently clear in my mind at the moment to enable me to answer my Honourable friend's question.

Mr. K. Ahmed : But the broker system is a nuisance, and in view of the fact that the Honourable Member is not aware of it, will he expedite the matter and bring the facts to the notice of the Whitley Commission ?

The Honourable Sir George Rainy : I have not the least doubt that the facts will be brought to the notice of the Whitley Commission. I am sure the Honourable Member himself is in a position to secure that result.

Mr. Jamnadas M. Mehta : Will that be for the benefit of the country ? (Laughter.)

RULES FOR THE ALLOTMENT OF CLERKS QUARTERS IN DELHI.

699. ***Mr. S. C. Mitra** : (a) Is it a fact that the Delhi clerks' quarters allotment rules provide that a man who is in occupation of any quarter on the 1st January is able to establish his lien for the future ?

(b) Why was this particular date fixed for the purpose ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, provided that he is in occupation of a quarter of his proper class.

(b) Because the lien is only established if the clerk is in occupation for the major portion of the season.

RULES FOR THE ALLOTMENT OF CLERKS QUARTERS IN DELHI.

700. ***Mr. S. C. Mitra** : (a) Is it a fact that the Delhi allotment rules provide for the surrender of quarters in some cases ?

(b) Are such quarters allotted to other clerks who want them ?

(c) Are they allowed to retain their liens on such quarters if they occupy them before 1st January ?

(d) Do they retain their lien if they occupy them after 1st January ?

(e) If the reply to part (d) be in the negative, will Government please state the reasons ?

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

(b) Yes.

(c) Yes.

(d) No.

(e) The reason is given in the reply to part (b) of the Honourable Member's question No. 699.

INSUFFICIENT QUARTERS FOR CLERKS IN NEW DELHI.

701. ***Mr. S. C. Mitra** : (a) How many men of the Government of India attached and Secretariat offices, who move from Simla to New Delhi, and who wanted D and C type quarters could not be provided with quarters last winter ?

(b) Did Government make any arrangements to accommodate them in Delhi ?

(c) Is it a fact that private accommodation in New Delhi is not sufficient and very expensive ?

(d) Did Government give any relief to those who could not be provided with quarters ?

(e) Is it a fact that such men who made their own arrangements in New Delhi were not given any house rent although they had to pay much more than what they have to pay for Government quarters ?

(f) What steps do Government propose to take in future to remove the difficulties of their migratory establishments in the matter of residential accommodation ?

The Honourable Sir Bhupendra Nath Mitra : (a) 523 (excluding single men).

(b) No.

(c) Yes. Private accommodation is more expensive than Government accommodation.

(d) Yes, a monthly house-rent allowance was granted subject to certain conditions to those clerks who lived outside New Delhi.

(e) Yes.

(f) 150 more quarters are under construction and the position generally is under review.

PROVISION OF QUARTERS IN NEW DELHI FOR CLERKS OF THE ARMY DEPARTMENT.

702. ***Mr. S. C. Mitra :** (a) Is it a fact that the Army Headquarters offices will be located in New Delhi next winter ?

(b) Will those clerks who occupied quarters in Old Delhi last winter be able to get quarters in New Delhi ?

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

(b) Some will.

ALLOTMENT OF QUARTERS TO NON-MIGRATORY CLERKS IN NEW DELHI.

703. ***Mr. S. C. Mitra :** (a) What percentage of the total number of D type quarters in New Delhi were allotted last winter to the non-migratory staff ?

(b) Is it a fact that no provision was made for the accommodation of the local Public Works Department staff when the number of quarters to be built was decided and the quarters were built for the requirements of the Secretariat and attached offices ?

(c) If the reply to part (b) is in the affirmative, why are so many quarters given to the local staff and the migratory staff compelled to go without quarters ?

The Honourable Sir Bhupendra Nath Mitra : (a) 64 per cent.

(b) Yes.

(c) Under the rules governing allotment, the local staff have as much right to quarters as the migratory staff.

QUARTERS FOR OFFICIALS AND CLERKS IN NEW DELHI.

704. ***Mr. S. C. Mitra :** (a) Is it a fact that almost all the migratory officers who require quarters at New Delhi are provided with them ?

(b) Is it a fact that most of the high paid officials are provided with Government residences and that many of the low paid clerks are left to make their own arrangements ?

The Honourable Sir Bhupendra Nath Mitra : (a) No. There is a serious shortage of accommodation which has resulted in many officers

having to share accommodation with others or to make private arrangements in other ways.

(b) It is recognized that the shortage of clerks quarters is even greater than that of officers quarters.

PROVISION OF QUARTERS FOR CLERKS IN NEW DELHI.

705. ***Mr. S. C. Mitra :** (a) Is it a fact that some of the clerks of the Government of India belong to far off provinces such as Madras and Assam ?

(b) Are all of them provided with quarters at New Delhi ?

(c) If not, what steps do Government propose to take to remove their grievances ?

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

(b) No.

(c) The position generally is under review, but there is no idea of according preferential treatment to clerks who belong to far off provinces.

QUARTERS FOR CLERKS IN NEW DELHI.

706. ***Mr. S. C. Mitra :** (a) What is the number of migratory clerks who have applied for quarters in New Delhi for the next winter season ?

(b) How many of them will be provided with quarters ?

(c) What were the figures in respect of parts (a) and (b) last year ?

The Honourable Sir Bhupendra Nath Mitra : (a) 1,303 excluding single men.

(b) 711 excluding single men, for 176 of whom there is accommodation leased to the Secretariat Association and others.

(c) (a) 1,255 (b) 657.

ELECTRIC LIGHTS IN " D " CLASS QUARTERS IN NEW DELHI.

707. ***Mr. Siddheswar Prasad Sinha :** With reference to the reply given to my starred question No. 1301, dated the 28th March, 1929, will Government please state whether an electric point has now been provided in the godown room of " D " Class quarters in New Delhi ? If not, when will it be done ?

The Honourable Sir Bhupendra Nath Mitra : The electric points in the godown room of the " D " class quarters have not yet been provided. The matter is still under consideration.

FEES IN SCHOOLS IN DELHI PROVINCE.

708. ***Mr. Siddheswar Prasad Sinha :** With reference to my starred question No. 1212, dated the 22nd March, 1929, will Government please state what action has been taken regarding the raising of the limit of income for payment of double fees in the schools in the Delhi Province ?

Sir Frank Noyce : The Chief Commissioner, Delhi, was addressed in the matter and he has intimated that the scale of fees in Delhi is regulated by the orders contained in the Punjab Education Code, which has been adopted for use by the Administration. At present there is no proposal under consideration to revise the grades of fees in schools in the Punjab and there has been no move in that direction in Delhi.

SHORTAGE OF CLERKS' QUARTERS IN NEW DELHI.

709. ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that more than half of the members of the ministerial establishment of the Government of India migratory offices who had applied for allotment of Government quarters in New Delhi for 1928-29 had to make their private arrangements in New Delhi and Delhi city for want of sufficient number of Government quarters ?

(b) If so, what steps have Government taken since the last year to remove this inconvenience ?

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

(b) Does not arise, but I would refer the Honourable Member to the reply given to part (f) of question No. 701.

SHORTAGE OF CLERKS' QUARTERS IN NEW DELHI.

710. ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the office of the Director General of Posts and Telegraphs and certain other offices have recently been transferred from other places to New Delhi ?

(b) If so, had Government taken the requirements of residential accommodation for them into consideration when constructing the quarters in New Delhi ?

(c) What percentage of them had, during the last winter, to go without quarters ?

(d) Is it a fact that as a result of no provision having been made for residential accommodation of most of the non-migratory offices at present in New Delhi there is a great shortage of quarters ?

(e) Do Government propose to construct more quarters to accommodate all non-migratory office establishments in a separate area leaving all the existing quarters for the migratory staff for whom they were primarily constructed ? If so, when ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. Portions of these offices have recently been brought to New Delhi.

(b) To a partial extent only.

(c) The information has been called for from the local authorities and will be communicated to the Honourable Member in due course.

(d) Yes. For this and other reasons.

(e) The position generally is under review.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member state whether it is a fact that the inadequacy of accommodation for the staff of the Telegraph Department has been under the consideration of the

Government for many years, and may I ask how many more years do Government intend to wear its cap of consideration before coming to a decision in the matter ?

The Honourable Sir Bhupendra Nath Mitra : I did not quite catch the Honourable Member's question. If he is referring to the Telegraph Department generally, I submit that that does not arise out of the main question. If he is referring to the office of the Director General, Posts and Telegraphs, that office was moved to Delhi within the last two years.

Lieut.-Colonel H. A. J. Gidney : I submit, with all respect to the Honourable Member, that the office of the Director General, Posts and Telegraphs is part and parcel of the entire Department.

Mr. President : That is not a question.

Lieut.-Colonel H. A. J. Gidney : The question refers to the staff accommodation for members of the Telegraph Department under the Director General's office.

Mr. President : Mr. Siddheswar Prasad Sinha.

GRANT OF HOUSE RENT TO CLERKS NOT PROVIDED WITH GOVERNMENT QUARTERS IN NEW DELHI.

711 ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that Government have under consideration the question of renewing the old practice of allowing house rent to those clerks who, for want of Government quarters, have to make their private arrangements for residence in New Delhi ?

(b) Are Government aware that those who make their own arrangements in New Delhi have to pay much more rent than 10 per cent. of pay charged for Government quarters ?

(c) Do Government propose to sanction house rent allowance for such clerks who have to make their private arrangements in New Delhi during the ensuing cold season ?

The Honourable Sir James Crerar : (a), (b) and (c). It has been decided to grant house rent allowance to those clerks who, owing to the insufficiency of Government accommodation, have to make their own arrangements for residence in private houses in New Delhi.

MEDICAL ATTENDANCE FOR CLERKS IN NEW DELHI.

712. ***Mr. Siddheswar Prasad Sinha :** With reference to the reply given to my starred question No. 1216 in the Legislative Assembly on the 22nd March, 1929, will Government please state what progress has since been made to improve the arrangements for medical attendance for Government employees in New Delhi ?

Sir Frank Noyce : The detailed scheme for providing both Old and New Delhi with an up to date hospital, which will provide ample accommodation for all classes, is being worked out and it is hoped that the work will be started shortly.

The New Dispensary for New Delhi is nearly completed.

MEDICAL ATTENDANCE FOR CLERKS IN DELHI AND SIMLA.

713. ***Mr. Siddheswar Prasad Sinha** : (a) Is it a fact that the names and addresses of the medical officers specially appointed for the Government of India employees at Delhi and Simla are not communicated every season to the various offices and the Associations of the establishments concerned ?

(b) Are Government aware that the doctors in question are not usually present at their houses and dispensaries at the fixed hours and are often out for private practice ?

(c) Do Government propose to issue instructions that the doctors should always be present at their fixed places at the fixed hours ?

(d) Will Government please lay on the table a statement showing the names of the doctors specially appointed for attendance on different classes of Government servants at Delhi and Simla, stating the rules for their consultation and the hours and places where they are required to be on duty ?

Sir Frank Noyce : (a) The names and addresses of the medical officers specially deputed to attend the Government of India clerks who reside in Delhi City are communicated each season to the several Departments of the Government of India for the information of those concerned. Similar information for Simla is communicated to the offices concerned whenever there is a change of incumbents.

(b) No.

(c) No instructions are necessary, as the medical officers concerned are always present at fixed places during fixed hours, except when they are called out on urgent work.

(d) Information is being collected and will be supplied to the Honourable Member in due course.

PROVISION OF A SCHOOL FOR THE EDUCATION OF THE SONS AND WARDS OF THE MIGRATORY STAFF OF THE GOVERNMENT OF INDIA.

714. ***Mr. Siddheswar Prasad Sinha** : (a) Is it a fact that the sons and wards of some of the Government of India employees could not secure admission in the Government School, Simla, in April and May, 1929, on account of overcrowding in the school ?

(b) Is it also a fact that the matter had to be reported to the higher authorities and it was with their intervention that the students were admitted ?

(c) If replies to parts (a) and (b) be in the affirmative, what steps have Government taken to prevent the recurrence of such trouble ?

(d) Do Government propose to start an additional school (moving between Delhi and Simla) to overcome overcrowding and other troubles in connection with the education of the sons of the migratory staff of the Government of India ?

Sir Frank Noyce : (a) Yes.

(b) The matter was reported to the higher authorities who already had under consideration arrangements for a larger admission of pupils.

As a result of these arrangements a number of additional pupils were admitted to the school.

(c) and (d). The matter is under consideration.

**PROVISION OF FACILITIES FOR THE EDUCATION OF THE CHILDREN OF THE
MIGRATORY STAFF OF THE GOVERNMENT OF INDIA.**

715. *Mr. Siddheswar Prasad Sinha : (a) Is it a fact that Simla and Delhi are under the jurisdiction of different Universities, and the Matriculation text books at both the places are different ?

(b) If the reply to part (a) be in the affirmative, what steps have Government taken or do they propose to take to afford necessary facilities for the education of the children of their employees moving between Delhi and Simla ?

(c) Are Government considering the question of making special arrangements at Simla for the preparation of Matriculation students for the Delhi University ? If not, why not ?

Sir Frank Noyce : (a) The answer to the first part of this question is in the affirmative. As regards the second part, the books prescribed in some subjects are different.

(b) and (c). The matter is under consideration.

The Revd. J. C. Chatterjee : Are Government aware that the University of Delhi have nothing whatever to do with the conduct of the Matriculation examination ?

Sir Frank Noyce : I really do not know.

GRANT OF INCREMENTS TO CLERKS FOR PAST TEMPORARY SERVICE.

716. *Mr. Siddheswar Prasad Sinha : (a) Is it a fact that all those temporary men in the Government of India Secretariat who were confirmed in their appointments in 1924 were granted increments for their past service ?

(b) Is it also a fact that some other temporary men with equal or longer service who were confirmed after 1924 for no fault of their own, but for the individual circumstances of the Department in which they were employed, were not allowed similar increments ?

(c) Have some clerks in the Army Department been recently granted increments for their past temporary service ?

(d) If replies to parts (a), (b) and (c) be in the affirmative, do Government propose to extend the same concession to clerks in other offices confirmed after 1924 to remove the anomaly ?

The Honourable Sir George Schuster : (a) and (b). When the time-scales of pay were introduced in the Government of India Secretariat in 1919, it was laid down that temporary employees should remain on a fixed rate of pay and should not begin to count service for increments until they were confirmed. Since, however, during the war many employees had been retained on a temporary footing for long periods, and in view of the fact that the principle of counting temporary service towards increments had been allowed in the case of men who were holding

permanent appointments in the Secretariat on the 1st December, 1919, it was decided in 1920 that some concession of this kind might be extended, in individual cases of special hardship, to temporary men also on the occasion of their being confirmed. This was intended to be a special temporary exception to the ordinary rule referred to above, and was stopped on the fixation of the permanent strength of the Departments after consideration of the recommendations of the Retrenchment Committee and the introduction of leave reserves in Departments generally in 1924.

(c) The fixation of the strength of the Army Department, however, was more difficult than that of the civil Departments for the expansion during the war had of course been much greater. It was always recognised therefore that this Department must be regarded as a special case and be kept under continuous review for a long period. The result was that, in the case of the Army Department, an unusually large proportion of posts was kept on a temporary footing for a long period. In 1924, on the occasion of the fixation of the strength of the other Departments, to which I have already referred, it was thought that sufficient knowledge was available at least to fix a minimum strength below which the Department could not be reduced. A number of the temporary posts were therefore made permanent; and the concession referred to in my answer to part (b) was extended to the men confirmed on that occasion. But this minimum was considerably below the actual strength at the time, and a large number of temporary posts were still maintained. In 1928 a second attempt was made to fix the regular strength, and some more permanent posts in excess of the 1924 minimum were added. On this occasion the Government of India, recognising that facts had in the end demonstrated that it would have been justifiable to make the posts in question permanent in 1924 took the view that the employees affected should not be prejudiced by the decision having been deliberately deferred. They were therefore given the same concession that they would have got in 1924.

(d) Government do not consider that any question of anomaly arises because, as I have explained, special circumstances made it impossible to fix the strength for the Army Department in 1924 as definitely as was the case with the civil Departments. Government consider that the ordinary rule in all ordinary cases should be adhered to and that no undue hardship is involved, but if the Honourable Member has in mind any individual case of special hardship analogous to those I have mentioned and if he will give me particulars I shall be glad to have it examined.

RECKONING OF SERVICE OF CLERKS RETRENCHED AND RE-EMPLOYED.

717. *Mr. Siddheswar Prasad Sinha : (a) Is it a fact that, as a result of the late Inchcape Committee's Report, some qualified men having long temporary service were retrenched and were allowed travelling allowance to their homes as on transfer?

(b) Is it a fact that some of the retrenched men were again taken in service after a short period?

(c) If the reply to parts (a) and (b) be in the affirmative, is it the intention that any interval between the date of retrenchment and re-employment in the case of the clerks referred to in part (b) should be included for the purpose of increment, pension and leave? If not, why not?

The Honourable Sir James Crerar : (a) and (b). Yes.

(c) As regards increment and leave, individual cases were dealt with on their merits at the time. As regards pension, the general rule is that temporary service does not count; but in cases of long temporary service the question of allowing it to count in whole or in part for pension is one which could only be considered on its merits when the officer actually retires. Government do not consider that any general instructions are now called for.

RECRUITMENT OF CLERKS FOR THE FIRST DIVISION OF THE SECRETARIAT.

718. ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that those candidates who had appeared for second division of the Secretariat offices in the examination held by the late Staff Selection Board in 1922, and had obtained a certain percentage of marks, were afterwards declared qualified for the first division?

(b) Do Government propose to extend the same concession to those who appeared in the 1926 examination for the first division and obtained the same percentage of marks?

The Honourable Sir James Crerar : (a) Departmental candidates in the 1922 examination who obtained enough marks were declared qualified for the first division, even though they appeared for the second division.

(b) No. The 1926 examination was competitive.

LIQUIDATION OF THE "INDARPRAST STORES", DELHI.

719. ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that a limited company under the name "Indarprast Stores" was started in Delhi in 1921 and went into liquidation after working for about two years?

(b) Is it a fact that more than six years have since elapsed but the liquidators have not so far been able to liquidate the transactions of two years?

(c) Have Government any control over such liquidations to save the public from fraud and misappropriation? If so, what action do Government propose to take in the matter?

The Honourable Sir George Rainy : Inquiry is being made from the Local Administration and a reply will be sent to the Honourable Member in due course.

PROVISION OF A CONVENIENT MORNING TRAIN FROM SANGLA TO LAHORE.

720. ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that there is no train running from Sangla which reaches Lahore at about 9 o'clock in the morning—the time at which most of the passengers have to come to Lahore to attend offices and courts?

(b) Is it a fact that a motor lorry service is running on that section between Chuharkana and Lahore and that railway earnings have decreased as most of the passengers travel in the lorries in the morning ?

(c) In order to provide facilities to passengers and in the interests of railway revenues, do Government propose to alter the time of train No. 27|48 Down or start a new local train to reach Lahore before the court time ? If not, why not ?

Mr. P. E. Rau : The information required is being obtained and will be furnished to the Honourable Member on receipt.

NEW PENSION RULES OF THE GOVERNMENT OF INDIA.

721. ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that the Government of India started the drafting of new pension and gratuity rules in or about 1921 ?

(b) Is it a fact that the rules have not yet been issued ? If so, what is the present stage ?

The Honourable Sir George Schuster : I can best reply to the Honourable Member's question by taking both parts of it together. When the Fundamental Rules were being compiled out of the Civil Service Regulations, in and about 1921, the pensions portion of the Civil Service Regulations was reserved for separate treatment, and the Fundamental Rules were published without a pensions chapter. A pensions chapter for the Fundamental Rules was in due course prepared and sent to the Secretary of State for sanction, but he withheld his sanction owing to developments meantime which culminated in the promulgation in 1926 of the Civil Services (Governors' Provinces) Delegation Rules. Under those Rules the power to make pension rules for all but the All-India and Central Services was transferred from the Secretary of State to the Governments of Governors' Provinces, and that draft pensions chapter became a mere model which they might or might not adopt as they saw fit. The question remained whether the Secretary of State should apply the draft pensions chapter to the balance of Government servants ; but that course was likewise not adopted owing to the further development that the Secretary of State proposed to transfer to the Governor General in Council the power to make rules determining the conditions of service of all the remaining Government servants with the exception only of the All-India Services. It is expected that that proposal will soon be carried out ; meantime the pensions chapter in the Civil Service Regulations continues in force with such modifications only as the Governments of Governors' Provinces may have made in the exercise of the powers which they acquired in 1926.

EXPEDITING THE DELIVERY OF LETTERS IN SIMLA.

722. ***Mr. Siddheswar Prasad Sinha :** (a) What is the time of the first postal delivery in Simla and at what time does the train carrying the mails reach Kalka ?

(b) Is it not possible to bring the mails from Kalka to Simla by motor earlier than at present ?

The Honourable Sir Bhupendra Nath Mitra : (a) The first delivery at Simla is timed for 10-30 A.M. The train carrying the mails issued by this delivery arrives at Kalka at 2-25 A.M.

(b) Yes, but the employment of additional motors for the purpose would involve an expenditure out of all proportion to the volume and importance of the mails carried.

EARLIER DELIVERY OF MAILS IN NEW DELHI.

723. ***Mr. Siddheswar Prasad Sinha :** (a) What is the time of first postal delivery in New Delhi and at what time does the mail reach Delhi City Railway Station ?

(b) Is it not possible to distribute the mails earlier in New Delhi than at present ?

The Honourable Sir Bhupendra Nath Mitra : (a) The first delivery in New Delhi is made at 8 A.M., and the mails arriving at Delhi Main Station up to 4-45 A.M. are included in it.

(b) An earlier delivery is not practicable without entailing hardship on the staff, nor have any representations been received that the present hour is inconvenient.

SQUARES AND INDIAN CLERKS' QUARTERS IN NEW DELHI.

724. ***Mr. Siddheswar Prasad Sinha :** (a) Is it a fact that some of the squares in New Delhi are without light and grass ?

(b) Is it a fact that some of the Indian clerks quarters are not properly repaired and furnished before the date of occupation notified to the Estate Officer ? If so, do Government propose to instruct the officers concerned to attend to such things properly ?

The Honourable Sir Bhupendra Nath Mitra : (a) In all cases the Squares in the Clerks' Quarters in New Delhi have lights on the roads which run through them, but lights are not provided in the grassed areas of the Squares. All the Squares have been grassed.

(b) A few cases have occurred in which it has not been possible to finish the annual repairs and to furnish the quarters properly, owing to the hot weather tenants of the quarters having failed to vacate the quarters on the due date. Every effort is made to have the quarters ready in time.

CLERICAL STAFF OF THE GENERAL POST OFFICE, BOMBAY.

725. ***Mr. M. S. Aney :** (a) Is it a fact that the Postmaster General, Bombay, has ordered retrenchment in the clerical staff in the Bombay General Post Office by keeping the appointments vacant as recommended by Rai Bahadur Ganguli and that the Presidency Postmaster, Bombay, has carried out these orders ?

(b) Is it a fact that simultaneous recommendations of that officer supported by the Presidency Postmaster and the Postmaster General, Bombay, have been turned down by the Director General ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state whether they propose to reconsider the recommendations of

the officer specially appointed by them and sanction the appointments ? If the reply be in the affirmative, when ? If the same be in the negative, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, out of sixty appointments recommended for reduction, twelve have so far been kept vacant.

(b) A proposal for 18 additional selection grade posts was made by the Special Officer, while the Postmaster General, Bombay, asked for five such additional appointments. The case was carefully examined by the Director General who was unable to accept either proposal as he did not consider that there were adequate grounds to justify the creation of these additional selection grade appointments.

(c) I shall look into the matter, though I cannot obviously hold out any hope that the Director General's decision will be modified.

INCREASE OF SELECTION GRADE POSTAL APPOINTMENTS IN BOMBAY.

726. ***Mr. M. S. Aney :** (a) Will Government be pleased to state whether a representation for an increase in the number of selection grade appointments showing full justification for each such appointment was submitted by the Honorary Secretary of the Bombay Postal Union in the year 1923 ?

(b) Is it a fact that the Postmaster General, Bombay, had assured the Honorary Secretary from time to time that the question was being sympathetically considered ? If so, will Government be pleased to state whether, and when, they propose to review the question in detail and sanction the required appointments to fill up all the important charges enumerated ?

Mr. P. G. Rogers : (a) A representation addressed to the Director General was received in 1923 from the Honorary Secretary, Bombay Postal Clerks' Club. I am not prepared to admit that *full justification* was shown for each appointment.

(b) The Postmaster General, Bombay, has assured the Secretary that the question was being considered. Some additional supervisory appointments in the selection grade have since been sanctioned. Others are under consideration and will be sanctioned if found justified, and as funds permit.

Mr. M. S. Aney : Within what time, Sir ?

Mr. P. G. Rogers : As funds permit, Sir.

PROHIBITION OF INDIAN ADVOCATES FROM PRACTISING IN BURMA.

727. ***Mr. Sarabhai Nemchand Haji :** (a) Are Government aware of the fact that the Bar Council of Burma framed a rule prohibiting the Advocates of other Indian High Courts from practising in the subordinate courts of Burma without obtaining express permission of the presiding Judge in every case ?

(b) Are Government aware that the Bar Councils have no power to make rules with regard to subordinate courts ? If so, was the attention

of the Burma Bar Council drawn to the rule being *ultra vires* of its powers and the necessity for cancelling the same ?

(c) Has the attention of Government been drawn to a statement made by Earl Winterton in the House of Commons promising an inquiry regarding the said rule made by the Burma Bar Council ?

(d) Has the Government of Burma been addressed on this point ? If so, will Government be pleased to lay on the table any reply that may have been received ?

The Honourable Sir James Crerar : The Honourable Member is referred to the answer given by me on the 10th September, 1929, to starred question No. 259 asked by Mr. K. C. Neogy.

LAND REVENUE LEGISLATION.

728. ***Mr. A. Rangaswami Iyengar :** (a) Will Government be pleased to make a statement as to the progress made in regard to the steps taken by Provincial Governments to give effect to the Joint Parliamentary Committee's recommendation in 1919 regarding Land Revenue legislation ?

(b) Will Government be pleased to make a statement on the exact scope and objects of the Conference of Land Revenue Members of the Provincial Governments, and the conclusions arrived at by the said Conference ? Will Government be pleased to lay on the table a copy of the proceedings of the said Conference ?

(c) Have the Government of India received reports or memoranda from Provincial Governments regarding the present and proposed methods of Land Revenue settlements and their revision ? If so, have the Government of India taken any action on the same ?

(d) Will Government be pleased to state what is the cause of the delay in publishing the Resolution that was announced to be issued shortly regarding Land Revenue legislation ?

Sir Frank Noyce : (a) A statement giving the information asked for is laid on the table.

(b) The attention of the Honourable Member is invited to the Press communiqué issued on the 15th May, 1929, a copy of which was placed on the table of the House on the 4th September, 1929, in reply to the Honourable Mr. Kelkar's starred question on the subject. The Government of India regret their inability to lay on the table a copy of the Proceedings of the Conference, which were confidential.

(c) None, other than those which were involved in the fresh legislation in pursuance of the Joint Parliamentary Committee's recommendation regarding land revenue legislation.

(d) As Land Revenue is a provincial subject, the announcement that the Resolution would be issued shortly was perhaps too optimistic. No Resolution could be issued without asking Local Governments to see it, to examine it, and to offer suggestions regarding it, if they so desired. Then, the subject is such that it impinges on a number of other Departments, and it was only right that those Departments should be consulted. The delay in part, but in part only, has been due to changes in administration, and, finally, to the Assembly being in session.

Statement showing the progress made by Provincial Governments in the matter of embodying the principles of Land Revenue Assessment in Statute.

Bills have been passed by the Legislative Councils of the Punjab, the United Provinces and the Central Provinces. Legislation has not been considered necessary in Bengal and Bihar and Orissa, as large territories in these provinces are under permanent settlement. In Madras and Assam attempts to secure legislation regarding assessment of land revenue have not proved successful. In Bombay a Bill is under preparation and it is expected that it will be introduced in the local Legislative Council in February, 1930. In Burma, on account of its special local conditions, the Local Government has, after careful consideration, decided to postpone for the present the introduction of revenue legislation.

Mr. A. Rangaswami Iyengar : May I know, Sir, when the Government of India expect to be able to issue the Resolution on the subject ?

Sir Frank Noyce : In view of the explanation I have given in reply to part (d) of the Honourable Member's question, I hesitate to make any statement on that point.

Mr. A. Rangaswami Iyengar : Are Government aware that the Bombay Government have suspended settlement operations pending the enactment of land revenue legislation in that province ?

Sir Frank Noyce : I believe that is so, Sir, but I hardly see how it affects this question.

Mr. A. Rangaswami Iyengar : May I know if the Government of India, when they addressed Local Governments, considered the question of suspending existing settlements pending the enactment of land revenue legislation in their provinces ?

Sir Frank Noyce : I am not in a position to say what was the nature of the communications which passed between the Government of India and the Local Governments on this subject.

Mr. A. Rangaswami Iyengar : I am asking, Sir, whether the Government of India have considered the question of suspending the existing settlements pending the enactment of revenue legislation in the provinces.

Sir Frank Noyce : I should like to have notice of that question, Sir.

Mr. Jamnadas M. Mehta : Have the Government of India advised the Provincial Governments to follow the example of the Government of Bombay ?

Sir Frank Noyce : The Honourable Member, Sir, is evidently anxious to ascertain in advance the contents of the Resolution which the Government of India are about to issue. I am sorry I am not in a position to supply that information.

Mr. A. Rangaswami Iyengar : I am asking, Sir, as the Honourable Member says that this matter is going to take such a long time in investigation and formulation of conclusions by the Government of India, whether they have considered the question of asking Provincial Governments to suspend settlements, pending the enactment of legislation on lines which their Resolution may hereafter lay down.

Sir Frank Noyce : I have not given the Honourable Member any grounds for the inference that the Government of India are proposing either themselves to introduce any legislation on the subject or to ask Local Governments to do so. As regards the first part of his question,

I can only say that every effort will be made to issue the Resolution as soon as possible.

Mr. A. Rangaswami Iyengar : I am again asking—I regret I have not got my answer—whether the Government of India have considered the question of asking Local Governments to suspend settlement operations pending legislation ?

Sir Frank Noyce : I am not in a position to give the Honourable Member that information.

Mr. A. Rangaswami Iyengar : Will the Honourable Member furnish me with the information subsequently ?

Sir Frank Noyce : No, Sir.

Mr. A. Rangaswami Iyengar : I want to know why, Sir,—why the Government of India are not prepared to furnish me with the information which I want.

Sir Frank Noyce : The Government of India are hoping shortly to issue a Resolution on the subject and that will contain all the information that the Honourable Member requires. I am not in a position to give any information on the subject in advance of the issue of that Resolution.

Mr. A. Rangaswami Iyengar : I was asking the Honourable Member some time ago what time he would take. He now says, the Government of India will shortly issue a Resolution. When I ask for time, he will not give me the time. I therefore ask whether, pending the time they will take over this Resolution, they have considered the question of asking Local Governments, or would consider the question, of suspending settlement operations.

Sir Frank Noyce : Government do not propose to issue any instructions to Local Governments ; they will issue a Resolution shortly.

Mr. Jamnadas M. Mehta : What exactly is the connotation of “shortly” ? Since the recommendation of the Joint Parliamentary Committee, ten years have elapsed. Is that not short enough ?

Sir Frank Noyce : The statement I have placed on the table shows the action which has been taken by Provincial Governments on the Joint Parliamentary Committee’s recommendations.

Mr. M. S. Aney : Have the Government of India received a representation from the people of the Central Provinces to the effect that, pending the enactment of new legislation, the settlement operations should be suspended in their provinces ?

Sir Frank Noyce : I am not in a position to answer the Honourable Member’s question off-hand. All I can say is that no such representations have come to my own notice. Whether they are in the office or not, I cannot say, but I should be happy to inquire and let the Honourable Member know.

FACILITIES FOR APPRENTICESHIP OF CADETS OF THE “DUFFERIN”.

729. ***Mr. K. C. Neogy :** Will Government be pleased to state what facilities they propose to afford to the cadets of the “Dufferin” to undergo their apprenticeship course on sailing vessels after they have completed their three years’ training next year on the “Dufferin” ?

The Honourable Sir George Rainy : With your permission, I will reply to questions Nos. 729 and 730 together. Eleven shipping companies have agreed to accept as apprentices cadets who have completed the course of the Training Ship. With a view to assist such cadets in securing apprenticeships, the Captain Superintendent of the Training Ship is in communication with the shipping companies on the subject, and it is hoped that it will be possible to place most, if not all, of the cadets as apprentices.

FACILITIES FOR APPRENTICESHIP OF CADETS OF THE "DUFFERIN."

†730. ***Mr. K. C. Neogy :** Are Government in communication with the various shipping companies to admit a certain number of cadets of the "Dufferin" on their steamers as apprentices? If so, will Government be pleased to state if all the cadets are likely to be absorbed by the companies as apprentices?

RECRUITMENT OF INDIANS TO THE ROYAL INDIAN MARINE.

731. ***Mr. K. C. Neogy :** (a) What is the total strength of superior appointments in the Royal Indian Marine in India?

(b) How many vacancies occur every year in the superior appointments in the Royal Indian Marine in India?

(c) How is the number of vacancies determined?

(d) Have Government laid down any percentage of recruitment of Indians for appointments in the Royal Indian Marine as in the Indian Civil Service? If so, what is the percentage of vacancies proposed to be reserved for Indians every year?

Mr. G. E. F. Tottenham : (a) The total strength of King's Commissioned officers of the Royal Indian Marine is 126.

(b) and (c). The number of vacancies varies each year, and depends on the number of casualties and retirements. The Honourable Member will, however, realise that, with such a small cadre, the number of vacancies a year is never likely to be large.

(d) Yes. One-third of the vacancies is reserved for Indians, provided that suitably qualified candidates are forthcoming.

SYSTEM OF RECRUITMENT FOR THE ROYAL INDIAN MARINE.

732. ***Mr. K. C. Neogy :** Are Government aware that under the present system of recruitment, the cadets who join as apprentices on board the vessels to complete their sea service will be unable to compete for the Royal Indian Marine appointments within their age-limit and that they will have no facilities for higher literary studies on board the ships when working as apprentices?

Mr. G. E. F. Tottenham : With your permission, Sir, I propose to answer questions Nos. 732, 733 and 734 together.

Under the existing rules, entry to the Executive Branch of the Royal Indian Marine is regulated entirely by open competitive examinations

† For answer to this question, see answer to question No. 729.

held in England and in India ; and neither the training ships in England nor the Indian Mercantile Marine Training Ship " Dufferin " in India have any means of direct entry. The attention of Government has been drawn to the possible disabilities under which the cadets of the " Dufferin " may suffer in competing at the open examinations in India and they are examining the question of altering the conditions in such a way as to give them a better chance of securing commissions in the Royal Indian Marine.

RECRUITMENT TO THE ROYAL INDIAN MARINE OF CADETS OF THE " WORCESTER " AND " CONWAY ".

†733. ***Mr. K. C. Neogy** : (a) Will Government be pleased to state how many cadets are recruited every year in the Royal Indian Marine directly from the " Worcester ", " Conway " and other British training ships ?

(b) Will Government be pleased to state whether the same privileges of direct entry into the Royal Indian Marine have been extended to cadets of the " Dufferin " as are enjoyed by the cadets on the training ships in England †

(c) If the answer to part (b) be in the negative, are Government prepared to consider the desirability of putting the cadets of the " Dufferin " on a footing of equality with their compeers on the British training ships in the matter of direct entry into the Royal Indian Marine ?

COMPETITIVE EXAMINATION FOR ENTRY INTO THE ROYAL INDIAN MARINE.

†734. ***Mr. K. C. Neogy** : Are Government aware that the present system of competitive examination for entry into the Royal Indian Marine conducted by the Army authorities does not give the cadets of the " Dufferin " an equal chance with those competing direct from the Universities as a part of the training of the cadets is in vocational subjects which are not included for the competitive examination ?

SCHOLARSHIPS FOR TRAINING ABROAD IN MARINE ENGINEERING.

735. ***Mr. K. C. Neogy** : (a) Will Government be pleased to state how many candidates have been selected this year for scholarships for training abroad in marine engineering ?

(b) How many of these scholarships have been reserved for cadets of the " Dufferin " ?

(c) What safeguards do Government propose to provide in the case of candidates who would be recruited from the colleges to ensure that, after granting them scholarships to go abroad, they will continue the sea-going profession ?

The Honourable Sir George Rainy : (a) Three scholarships have been awarded this year for training in Marine Engineering in England.

(b) None of these scholarships was reserved for cadets of the " Dufferin ".

† For answer to this question, see answer to question No. 732.

(c) The scholars have not been required to give any undertaking that they will adopt the sea as their profession. It is, however, expected that, having been trained as Marine Engineers, they will seek employment as Engineers on sea-going vessels.

FAILURE OF PLANTS FOR THE ELECTRIFICATION OF JAIPUR, RAGMALL AND JHANSI.

736. *Mr. Ram Narayan Singh : (a) Will Government be pleased to state whether the Indian Stores Department purchased three plants for the electrification of Jaipur, Ragmall and Jhansi, and if so, what is the history of these plants since the day of the purchase till today ?

(b) Is it a fact that these plants are not working satisfactorily, and, if so, has the matter been inquired into and has any action been taken against the officers responsible ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) The Indian Stores Department made contracts for electrical power plants for Jaipur and Jhansi. In neither case has the contract been completed. No contract has been made for such a plant at Ragmall. Part of the plant at Jaipur and Jhansi proved defective at the official tests and was rejected by the Indian Stores Department. The defective part of the plant at Jaipur has now been partially replaced by the contractor and the entire portion will be offered for official test in a short time. The replacement of the Jhansi plant is still under consideration, a decision having been postponed until the arrival of the contractor's representative from England. As already stated, the contract in neither case has been completed, and the Government still retains the rights provided for therein.

(b) Does not arise.

DIFFERENCE IN PAY OF SHORTHAND WRITERS IN THE SECRETARIAT AND IN ATTACHED OFFICES.

737. *Mr. Ram Narayan Singh : (a) Will Government be pleased to state their guiding principles in fixing the pay and also the grade of a post at the time of its creation ?

(b) Is it a fact that the qualifications necessary for a post, the nature and the volume of the work to be discharged by the holder of the post and also the standard and cost of living prevailing in the locality are the basic principles which Government generally follow in prescribing the pay and prospects of a post at the time of its creation ?

(c) Is it a fact that the shorthand writers of both the Secretariat and the attached offices of the Government of India are required to possess the same qualifications, have to discharge duties of the same volume and nature and have also to maintain the same standard and cost of living ?

(d) Is it a fact that the shorthand writers of the attached offices have, in addition, to deal with technical questions ?

(e) If the answer to part (c) be in the affirmative, how is the difference in the scale of pay obtaining for the shorthand writers of the Secretariat and the attached offices explained ?

(f) Is it a fact that men recruited by a common examination for the customs, the Indian Audit and Accounts Service and Military Accounts Services are on equal scales of pay on the principle of equal pay for equal qualifications? If so, why is not the same principle followed in the case of shorthand writers of the Secretariat and attached offices?

(g) Are the Stenographers in the Government of India Secretariat who are attached to Joint Secretaries and Honourable Members in receipt of monthly allowances of Rs. 50 and Rs. 150, respectively?

(h) Do the conditions justifying the above allowances exist in the case of stenographers attached to the heads of the attached offices who rank with Secretaries and Joint Secretaries? If not, why not?

The Honourable Sir James Crerar : (a) The general principle is that salaries should be regulated by the criterion that so much and so much only should be paid as is necessary to enable Government to obtain suitable recruits and maintain them in such comfort and dignity as will protect them from temptation and keep them efficient throughout their service.

(b) The factors mentioned by the Honourable Member are comprised in the principle mentioned above.

(c) The initial qualifications required are the same, but the duties and responsibilities are not.

(d) Shorthand writers are not required to possess any technical qualifications beyond an adequate knowledge of shorthand and typing.

(e) It is explained by the difference in responsibilities.

(f) It is a fact that the three services mentioned are recruited on the results of a common examination, but a common examination does not imply equal pay. In the case of the stenographers in question, a Committee examined the matter four years ago and came to the conclusion that the distinction should be maintained.

(g) The reply is in the affirmative.

(h) No, because broadly speaking the work and responsibilities are heavier.

MEMORIAL FROM STENOGRAPHERS OF ATTACHED OFFICES.

738. ***Mr. Ram Narayan Singh :** (a) Is it a fact that Government received a memorial from the stenographers of the attached offices for the extension of the Secretariat scale of pay to them?

(b) Will Government be pleased to lay on the table a copy of the said memorial with their orders thereon?

The Honourable Sir James Crerar : (a) Yes.

(b) I am not prepared to place a copy of the papers on the table.

IDENTIFICATION OF ATTACHED OFFICES WITH THE SECRETARIAT.

739. ***Mr. Ram Narayan Singh :** Will Government be pleased to give a detailed history of the origin of the attached offices and also the

reasons that stand in the way of their being identified with the Secretariat in all respects ?

The Honourable Sir James Crerar : As regards the request contained in the first part of the Honourable Member's question I am afraid it would entail an amount of research and labour which Government would not be justified in undertaking. As to the second part, a Committee, which examined the matter fully some years ago, made it clear that differential treatment was justifiable in the case of the staff of the Secretariat owing to the more arduous nature of the work and the special conditions of service.

CADRES OF ASSISTANTS AND CLERKS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

740. *Mr. Abdul Latif Sahib Farookhi : (a) Is it a fact that the posts of assistants and clerks in the various Departments of the Government of India are not and have never been treated as in the same cadre ?

(b) Was the question of constituting the establishments of all or some of the Departments of the Government of India into one cadre ever considered and, if so, when and with what results ?

The Honourable Sir James Crerar : (a) Yes.

(b) The question of combining the Upper Division appointments of the various Departments into a single cadre was examined in 1922 but was not proceeded with because of the practical difficulties involved and the strong objections expressed by many of the Departments consulted.

APPOINTMENT OF MUSSALMANS AS ASSISTANT SURGEONS ON STATE RAILWAYS.

741. *Khan Bahadur Haji Abdulla Haji Kasim : (a) What is the number of Assistant Surgeons in the State Railways ? How many posts of Assistant Surgeons are held by Mussalmans ?

(b) Did the Railway Board fill in any posts of Assistant Surgeons since 1926 ? If so, have they considered the claims of qualified Muslim candidates for the posts and taken up any Muslim candidate ? If they have not, on what grounds were the applications of Muslim candidates rejected ?

(c) Do the Railway Board propose to take steps to see that there is a just and proper representation of Mussalmans in the Medical Department ?

(d) Do Government propose to see that qualified Mussalmans are duly represented in the reorganised Medical Service of the North Western Railway ?

Mr. P. B. Rau : Government regret that, for reasons which have previously been explained, they are not prepared to give figures of communal representation in individual offices or branches of railway service. Posts of Assistant Surgeons are not filled by the Railway Board, but by the Railway Administrations. The Agents of all railways, including the North Western Railway, are aware of the policy of the Government of India to prevent preponderance of any particular community in the railway services, and Government have no reason to believe that this policy is not being followed by Railway Administrations.

APPOINTMENT OF MUHAMMADANS IN THE COMMERCIAL AUDIT BRANCH.

742. *Maulvi Muhammad Yakub : (a) Is it a fact that there is not a single Muhammadan gazetted officer in the Commercial Audit Branch ?

(b) What steps have Government taken to reduce the communal inequality in this Branch in the superior and inferior grades ?

(c) Do Government propose to take some senior Indian Civil Service Muhammadan officers in that Department and also some Muhammadan probationers of the Indian Audit and Accounts Service for training there ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 742 to 744 together.

Inquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF A MUHAMMADAN ACCOUNTANT GENERAL.

†743. *Maulvi Muhammad Yakub : (a) Is it a fact that the Indian Audit and Accounts Service has been completely Indianised ?

(b) Is it a fact that there is not a single Muhammadan Accountant General in India ?

PROPORTION OF MUHAMMADANS IN THE SUBORDINATE ACCOUNTS SERVICE.

†744. *Maulvi Muhammad Yakub : Are Muhammadans being taken as probationers in the Subordinate Accounts Service in the ratio of one-third ? If not, why not ?

INADEQUACY OF WAITING AND GOODS SHEDS AND WATER SUPPLY AT ONGOLE STATION.

745. *Mr. B. P. Naidu : (a) Is it a fact that the third class waiting shed and the goods shed at Ongole Station on the Madras and Southern Mahratta Railway are incommodious for the present traffic needs at that station ? If so, will Government be pleased to state when improvements will be effected to these sheds ?

(b) Are Government aware that the water-supply at Ongole Railway Station is not sufficient ? If so, what steps do they propose to take for improving the same ? Do they propose to consider the possibility of getting enough water through pipes from Gundlakamma river, which is only about four or five miles from the station ?

Mr. P. R. Rau : (a) and (b). Government have no information. These are matters which lie within the competence of the Agent, and can most suitably be taken up by the Local Advisory Committee.

GRANT OF THE PRIVILEGES OF THE PRESS ROOM TO THE VERNACULAR PRESS.

746. *Mr. B. P. Naidu : Will Government be pleased to state if the privileges attached to the Editors' Table have been granted to the Vernacular Press, including weeklies ? If not, why not ? If any applications were received for that purpose, how were they disposed of ?

†For answer to this question, see answer to question No. 742.

The Honourable Sir James Crerar : If the Honourable Member is referring to the privileges of the Press Room of the Government of India, I may explain that copies of Government of India reports, notifications and the Gazette of India (Part I) are supplied to those representatives of newspapers stationed at the headquarters of the Government of India who are admitted to the Press Room. A representative of the vernacular Press has been admitted to the Press Room of the Government of India.

If the Honourable Member is referring to the free supply of Government of India publications to the Press, I would invite his attention to the answer given by me in this House on the 16th September, 1929, to Mr. Siddheswar Prasad Sinha's question No. 509 on the subject. Since 1927 applications have been received from four vernacular papers for the free supply of Government of India publications, but on ground of economy such supply is restricted to newspapers with a large circulation, and as none of the newspapers in question satisfied this condition it was not possible to accede to the applications.

APPOINTMENT OF THE LIBRARIAN OF THE IMPERIAL SECRETARIAT LIBRARY.

747. ***Mr. Abdul Haya :** (a) Is it a fact that the clerks working in the Imperial Secretariat Library are part and parcel of the clerical cadre of the Department of Education, Health and Lands, three posts being borne on the roster of the second division and one post on the roster of first division clerks, and thus classed as second and first division posts in the gradation list of that Department ?

(b) Is it a fact that the clerks and assistants constituting the clerical cadre of the Department of Education, Health and Lands, are recruited from the candidates who have passed the late Staff Selection Board or Public Service Commission examination ?

(c) Is it a fact that second division clerks employed in the Department of Education, Health and Lands, Library Branch (besides their training in the library science), are equally eligible for an upper division post in the Department ?

(d) Is it a fact that the post of an upper division clerk (Librarian) in the Library Branch (previously held by a Muslim) fell vacant, which as a rule was subject to the same recruiting conditions as are other posts in the upper division *plus* training in the library science ?

(e) Is it a fact that, amongst the applicants for this post, there was a Muslim candidate who, besides being a B.A., LL.B., had passed the upper division examination of the Staff Selection Board ; had worked as a second division clerk in the Imperial Secretariat Library ; had on previous occasions officiated as Librarian of this Library and had passed the Government of India test in the library science ?

(f) Is it a fact that the Department of Education, Health and Lands, instead of appointing this candidate, asked the Public Service Commission to advertise for the post ?

(g) Has there ever been a previous case in which a vacancy in the upper division borne on the regular cadre of a Department, however technical, was advertised in this manner ?

(h) Is it a fact that the candidate to whom the Department has now sent their offer is a non-Moslem who has not passed the required Staff Selection Board or Public Service Commission examination for the upper division in which this vacancy is ?

(i) Are Government prepared to reconsider their decision and appoint a superior and better qualified candidate belonging to a minority community ?

Sir Frank Noyce : (a) Yes.

(b) Yes.

(c) Yes, provided that they are qualified by examination held by the Public Service Commission for the Upper Division.

(d) Yes. But recruitment for the Librarian's post, which requires special technical qualifications, is made by the Public Service Commission.

(e) Yes. The candidate officiated as Librarian only on one occasion for a brief period. There is no Government of India test in library science.

(f) Yes. It is no longer open to Departments to recruit candidates for posts requiring special or technical qualifications, without reference to the Public Service Commission.

(g) Not in the Department of Education, Health and Lands, in which the only technical post in the Upper Division is that of Librarian.

(h) Yes.

(i) No. The candidate who was considered by the Public Service Commission most suitable has been appointed on probation to the vacancy, which is at present temporary.

DEVELOPMENT OF THE INDIAN MERCANTILE MARINE.

748. ***Sir Purshotamdas Thakurdas :** Will Government be pleased to state if they propose to take, before the Delhi Session, any steps for the development of the Indian Mercantile Marine ?

The Honourable Sir George Rainy : Addressing the annual meeting of the Associated Chambers of Commerce in December last, His Excellency Lord Irwin referring to the Coastal Traffic Reservation Bill spoke as follows :

“ But I think that I am correct in saying that the main impulse behind the Bill I have referred to is not a mere desire to secure for Indian capitalists the profits which now are made by British companies. Rather it is an ambition—and who shall say that it is an unworthy ambition ?—that India should have its own mercantile marine and that the ships of that mercantile marine should be officered as well as manned by Indians. The problem then as I see it is whether we can help India to realise this ambition without resort to methods of confiscation, and I should like you to regard it from this point of view. Stated in this way the problem may be less difficult. I hope indeed that a solution may be found in a spirit of co-operation and goodwill, and I commend this to your consideration. For as the political progress of India seems to me the logical and necessary outcome of the political genius of the English people, just so should British and Indian industry and commerce work together, as allies rather than antagonists, for India's commercial and industrial advancement.”

It is the earnest hope of the Government of India that, as stated by His Excellency, a solution of this difficult question may be found in a spirit of co-operation and goodwill, and they would be reluctant to proceed

upon other lines, until it was clear that there was no hope of an amicable settlement. They have therefore decided to bring the matter specially to His Excellency Lord Irwin's attention on his return to India in the hope that a full and frank discussion between the representatives of all the interests affected might lead to mutual understanding and agreement, and that the good offices of Government might contribute to a solution of the question of an adequate participation of Indian shipping in the coastal and overseas trade of India.

2. The possibility that an agreed settlement might in the end prove impossible must, of course, be faced. In that case, a situation would be created which Government could not ignore, and it would be necessary to explore fully the question by what means the obstacles in the way of the development of Indian shipping could be removed. In particular, the possibility of preventing the ruinous rate-wars which from time to time break out upon the coast and the desirability of legislation to bring under control the system of deferred rebates and other trade practices which tend to restrict the freedom of the shipper would have to be examined, and also the question how far direct financial assistance by Government to Indian shipping could justifiably be given. These questions are full of difficulty, and the final outcome cannot now be predicted, but Government would be ready to set on foot the necessary inquiries directed towards the development of an Indian Mercantile Marine.

Mr. M. R. Jayakar : Will Government be pleased to state by what time they expect the result of the Conference to be made known to the public ?

12 NOON.

The Honourable Sir George Rainy : I think, Sir, I cannot add to the statement I have just made. The matter will be brought specially to the attention of His Excellency Lord Irwin on his return to India, but the action then to be taken will rest largely in His Excellency's hands, and I am afraid I am not in a position to amplify what I have said.

Mr. K. C. Neogy : Is it expected that the result of this Conference will be available to the public well in advance of the next Delhi Session ?

The Honourable Sir George Rainy : I think, Sir, that I can answer that question to this extent, that for obvious reasons any prolonged delay in initiating any discussion that may take place is very much to be deprecated, and I am quite sure that the importance of this consideration will be present to the minds both of the Government of India and of His Excellency.

Mr. Jamnadas M. Mehta : What is meant by the phrase " all interests " ?

The Honourable Sir George Rainy : I am afraid I cannot amplify further what I have said.

Mr. Jamnadas M. Mehta : Surely there ought to be some meaning for the phrase " all interests ".

SHORT NOTICE QUESTION AND ANSWER.

SALU OF DIRTY SALT FROM KHARAGHODA AND SHORTAGE OF STOCKS OF SALT AT SAMBHAR.

Sir Purshotamdas Thakurdas : 1. (a) Will Government be pleased to state if dirty salt from Kharaghoda, which was being sold in Ahmedabad

and Kaira in 1926-27, and about which protests were officially made by the Ahmedabad Municipality, the public in Nadiad and the Palanpur State, is being put on the market again in some of the areas in Guzerat ?

(b) If the reply to the above be in the affirmative, will Government be pleased to issue orders forthwith that no salt be offered for sale from Kharaghoda in Guzerat except salt of the average standard quality ?

2. (a) Will Government be pleased to state the quantity of salt destroyed at Sambhar on account of floods during the last July ?

(b) Is it true, that, as a consequence, the stock of salt at Sambhar is not sufficient to meet the normal demand on the source till the end of September, 1930, when the next season's output will be ready for issue ?

(c) If the answer to (b) is in the affirmative, will Government be pleased to state what steps they have taken or propose to take to supply salt from other sources for the areas ordinarily consuming Sambhar salt, and thus prevent a shortage of stocks, and the danger of profiteering by dealers ?

The Honourable Sir George Schuster : 1. (a) The salt produced at Kharaghoda in 1921 was of an inferior kind since it was powdery and became mixed with dust at the time of storage. Great difficulties were experienced in selling it, and in 1926 the price was reduced to three annas a maund. But the reduction in price failed in its object as the merchants refused to purchase it. Moreover, certain municipalities objected to its sale on the ground that a portion of it was mixed with sand and dirt. An experiment was then made of sifting it, and in September last, an agreement was made with a contractor for five years in which he contracted to sift the salt and to sell the sifted salt at the ordinary rate of four annas three pies a maund, his remuneration being nine pies a maund for sifting and five pies a maund as commission. In February last a proposal of this contractor that he should also be allowed to sell the salt unsifted, at three annas a maund, to any of his customers who might be willing to take it was accepted, commission being allowed at five pies a maund. Very little unsifted salt has been issued and the quantity of sifted salt which has been sold is comparatively small.

(b) I am arranging for an immediate inquiry to be made regarding the disposal and quality of this salt and am also issuing instructions that none of this salt, which has not been sifted, shall be sold pending the result of the inquiry. I would add that it is entirely at the option of purchasers to take this salt or not, and that there are ample stocks of good salt at Kharaghoda which any one desiring to do so may purchase. At the same time, I agree with what I understand to be the implication of the Honourable Member's question, that the Government ought not to offer for sale for human consumption any salt regarding the fitness of which for human consumption there is any doubt, even although it is purely voluntary on the part of the buyer whether he takes the salt or not.

2. (a) An exact figure cannot be given until the stocks have been cleared, but it is estimated that over 10 lakhs of maunds of salt have been destroyed.

(b) Yes.

(c) Sambhar salt is consumed chiefly in the United Provinces and North Behar. In the eastern districts of the former and in the latter it meets with competition from the similar salt produced at Kharaghoda in the Bombay Presidency and the adjoining source at Kuda and from the rock salt of Khewra in the Punjab although the freight on these classes of salt has been considerably higher than that on Sambhar salt owing to the great distances involved. There is an adequate supply of salt at Kharaghoda and Kuda (without touching the accumulated stocks of old salt referred to in part 1 of the question), and for present purposes an unlimited supply at Khewra. The Bombay, Baroda and Central India, the North Western and the East Indian Railways have been approached and have, I am glad to say, given very valuable concessions. The Bombay, Baroda and Central India Railway has agreed to reduce by $3\frac{1}{2}$ annas a maund the rate on the salt despatched from Kuda to stations on its narrow gauge line east of Muttra. The North Western Railway will reduce its freight on Khewra salt to stations east of Saharanpur by 1 anna 7 pies a maund and a further reduction will be given by the East Indian Railway from Saharanpur to stations on the Oudh and Rohilkhand section of its line. The amount of the reduction to the various stations is being worked out and will, it is hoped, be announced shortly. The concession given by the Bombay, Baroda and Central India Railway will be limited to three months within which period it is hoped to be able to despatch to the United Provinces and Behar the whole of the good salt at Kuda amounting to $6\frac{1}{2}$ lakhs of maunds and $4\frac{1}{3}$ lakhs of maunds of Kharaghoda salt, since salt from the two sources will be issued in the proportion of three maunds of the former and two of the latter. Issues from Kharaghoda and Kuda will commence on October, 24th, and will be under the control of the Commissioner, Northern India Salt Revenue, who will work in close consultation with the Collector of Salt Revenue, Bombay. The Government of India trust that the measures which have been adopted will be sufficient to protect the public interests and to prevent undue profiteering by salt traders. They will continue to watch the situation closely and will be ready to take further action if necessary.

Sir Purshotamdas Thakurdas : Regarding the Honourable Member's reply to (1) (b), do the Government of India realise that when they allow inferior quality of salt to be put on the market, dealers are likely to mix it with superior quality, especially when the difference is as much as one anna per maund and thus pass on to the consumer something which is below the standard quality of salt ?

The Honourable Sir George Schuster : I think that it is quite likely that the Honourable Member may be correct. That will be gone into in the inquiry which I have asked to be undertaken. I can quite appreciate the Honourable Member's point.

Mr. N. C. Kelkar : Is there any rule that beyond a certain period heaps of old salt should not be preserved but destroyed ?

The Honourable Sir George Schuster : I am afraid I have not sufficient knowledge of the chemical and other effects of storage on the quality and composition of salt to answer the Honourable Member's question off-hand, but I will look into the matter.

Mr. Gaya Prasad Singh : Do I understand that salt from the Kuda salt works is allowed to enter into the United Provinces and North Bihar ?

The Honourable Sir George Schuster : That is the intention of the programme which I have just announced.

UNSTARRED QUESTIONS AND ANSWERS.

PAY OF STAFF OF THE CURRENCY OFFICE.

185. **Mr. S. C. Mitra :** Will Government be pleased to state whether it is a fact that the Controller of Currency received a deputation of representatives of the Currency office employees in May, 1919, and promised an *ad interim* relief to the whole of the Currency office staff in the shape of allowances at rates varying from 5 to 20 per cent. over the then prevailing rates of pay, viz., Rs. 35 to Rs. 100 ? If so, was the relief referred to granted ? If not, why not ?

The Honourable Sir George Schuster : I propose to reply to questions Nos. 185 to 189 and 192 together.

The records of the past ten years relating to the matters to which the Honourable Member has referred are being carefully examined in order to provide a full and accurate reply to his questions. Naturally this must take some time ; but information will be sent to my Honourable friend as soon as possible.

PAY OF STAFF OF THE CURRENCY OFFICE.

†186. **Mr. S. C. Mitra :** Will Government be pleased to state whether the increase of pay sanctioned in April, 1920 for the Currency Department employees was intended to be commensurate with the enhanced cost of living compared as between 1915 and 1919 ? If so, will Government please furnish a statement showing the gradual rise in the cost of living as well as in the revised pay of the Currency office staff during the corresponding years ?

PAY OF STAFF OF THE CURRENCY OFFICE.

†187. **Mr. S. C. Mitra :** Will Government be pleased to state whether it is a fact that in November, 1921, Mr. (now Sir) McWatters addressed the Government in the capacity of the Controller of Currency suggesting a revision of pay for the Currency office staff to meet the existing increased cost of living ? If so, will Government please lay on the table the recommendations made by the said Controller of Currency ? Will Government also state whether the recommendations were accepted *in toto* ? If not, why not ?

DEBTS CONTRACTED BY CURRENCY OFFICE EMPLOYEES.

†188. **Mr. S. C. Mitra :** Will Government please state if it is a fact that the Controller of Currency submitted a note to the Government in December, 1921, reporting therein that a good many of the Currency office

† For answer to this question, see answer to question No. 185.

employees had run into debt ? If so, what steps were taken by Government to meet the situation and what relief was sanctioned ?

PAY OF STAFF OF THE CURRENCY OFFICE.

†189. **Mr. S. C. Mitra** : Will Government be pleased to furnish a statement showing what immediate benefit was derived from the revision of pay sanctioned in June, 1924, by such Currency office employees who, according to the length of service, reached the maximum of the clerical grade in January, 1920 ? And what immediate benefit would they have derived had the recommendations of the Controller of Currency of November, 1921, been sanctioned *in toto* at the time ?

NUMBERS ON NEW DESIGN OF CURRENCY NOTES.

190. **Mr. S. C. Mitra** : (a) Will Government please state the reasons why, in the new design Rs. 100 notes, the serial letters and numbers have been printed in smaller types than those in the old design notes of the same denomination ?

(b) Why have the numbers been printed in the four corners ? Why have they not been printed at the same positions and in larger types as in the old pattern of notes of the same denomination ?

(c) If there are no specific reasons, do Government propose to modify the printing arrangements accordingly ?

The Honourable Sir George Schuster : (a) and (b). The 100-rupee notes of the present design are much smaller than the old notes both for reasons of economy and because small notes are more convenient for the public to handle. At the same time, the opportunity was taken of introducing a more elaborate pattern and colour scheme as a protection against forgery. Consequently there is no room for four sets of numbers on each note, and it does not seem necessary that each half should bear more than one number. When the new note was originally printed in England, the figures were small and printed on a dark ground so that they were difficult to read. This has been altered in the notes printed at Nasik, which have larger figures printed on a light green background, so that they can be read easily. Any trouble which arises is due to the undesirable practice of cutting notes. When notes are carelessly cut, the number on the right half is occasionally mutilated, but the remedy lies in the abandonment of the practice of cutting notes, *i.e.*, in the hands of the public themselves.

(c) No alteration is contemplated for the reasons stated in the preceding answer.

CURRENCY NOTES REFUND RULES.

191. **Mr. S. C. Mitra** : (a) Will Government be pleased to lay on the table the objections raised against the Currency Notes Refund Rules which came into force from the 1st July, 1927, by many different public bodies and forwarded to the Government ?

† For answer to this question, see answer to question No. 185.

(b) Will Government be pleased to state the principles underlying the arrangement that while the claims on mismatched notes of Rs. 50 and Rs. 100 denomination will be paid, the claims on similar notes of Rs. 5 and Rs. 10 denominations will be refused ?

(c) Will Government please furnish a statement showing the number of mismatched notes of Rs. 5, Rs. 10, Rs. 50 and Rs. 100 denominations tendered at the Currency offices in each quarter since the introduction of the new Refund Rules, i.e., July, 1927 ?

The Honourable Sir George Schuster : (a) Copies of the communications received from different public bodies are laid on the table.

(b) The attention of the Honourable Member is invited to the Government of India, Finance Department Resolution No. F.120-XI-F., dated the 15th October, 1925 (published in the Gazette of India, dated the 17th October, 1925) which explains the object of the new rules. As was then explained, the main object is to discourage the practice of the cutting of notes, which had been proved by the repeated experience of the Currency Department to lend itself to the commission of fraud, and which also involved considerable expenditure on currency office establishments to minimise delay in the examination of divided notes. As, however, for practical reasons the habit of remitting money by half notes had to be recognised to some extent, for the time being at any rate, the new rules were framed on conservative lines and payment was refused only on half or mismatched notes of denominations not exceeding Rs. 10, on the ground that the cost of remitting sums under Rs. 50 by money order is small. A similar restriction was also in force under the old rules in the case of notes of Re. 1 and Rs. 2½ denominations and the new rule extended the same principle to the denominations of Rs. 5 and Rs. 10.

(c) As under the new rules, mismatched notes are not recognised as *such*, but are looked upon as *two separate half notes*, entries in respect of their receipt at Currency offices are made on this basis and the separate registers to record the receipts of mismatched notes prescribed under the old rules have been discontinued. As claims on half notes when the other halves are reported missing are recorded in the same way, it is not possible to furnish the figures required by the Honourable Member for mismatched notes.

No. 1.—LETTER FROM THE CHAMBER OF COMMERCE, HAPUR, No. 54, DATED THE 5TH NOVEMBER, 1925.

My Chamber has learnt from the papers that the Government propose to make some changes in the rules concerning the G. C. Notes. The proposed changes as given in the papers mostly concern the dividing of notes in parts on which restrictions are to be put.

In this connection I respectfully venture to submit that the restrictions proposed will cause a great deal of hardship to the business community and the general public and the currency note circulation which is just gaining its former popularity after the great war will again receive a set back.

The business people generally remit money by insured postal letters enclosing half notes in them and remitting the second halves on receipt of acknowledgment of the first halves, thus ensuring the safety of the remittance. But under the proposed change if one halves are lost the owner is entitled to recover only the half value of the notes, the balance to be subject to the rules governing lost G. C. Notes. As for smaller notes they are in every day use and change hands so frequently and are handled by so many ignorant and uneducated people that

very soon they are torn in four and the proposed rules will not allow any payment for such notes. It will not be out of place to mention here that even under the present rules the village people are not generally willing to receive payment in G. C. Notes.

The proposed rules will cause further inconvenience to the trade and the public especially in smaller localities, where no other means of remittance exist. The inconvenience and hardship thus caused to the public will certainly react on the circulation of G. C. Notes and my Chamber believes the Government does not propose to restrict the circulation of G. C. Notes.

Under the circumstances my Chamber is of opinion that it will be in the interest both of the public as well as the Currency to engage more staff for the detection of notes other than genuine ones than to put restrictions on the present practice and rules regarding circulation and payment of G. C. Notes.

No doubt my Chamber belongs to a very small town and it is not aware what opinion other bigger and more important bodies (which by the way may not feel the inconvenience to the same extent as we do owing to banking and other facilities) hold on the subject, but belonging to a small town puts us in better touch with the general ignorant public than the bigger bodies can claim and it is in this capacity that I have ventured to approach you on the subject. I hope our views though coming from a comparatively small and unknown body, will receive due consideration at the hands of the Government before any final decision is arrived at.

No. 2.—LETTER FROM THE CHAMBER OF COMMERCE, BOMBAY, No. 2831-377 OF 1925, DATED THE 6TH NOVEMBER, 1925.

I have the honour to refer to your letter No. F.20-XI-F, of the 15th ultimo, on the subject of certain proposed amendments in the Currency Notes (Refund) Rules, 1921.

2. In reply I am directed to say that while my Committee are in general sympathy with the objects which it is sought to effect by means of the proposed amendments they desire to put forward the following observations for consideration by the Government of India before final action is taken in the matter.

3. In the first place my Committee desire to point out that the habit of using notes on a large scale is of comparatively recent growth in this country and that any attempt to discourage the practice of cutting, which they understand is very general, may tend to impair public confidence in notes particularly in up-country districts where there are no banking facilities. As Government are well aware the general acceptance of notes by the Indian public was only achieved with difficulty, and my Committee fear that the proposed amendments, conservative though they may be, will endanger their popularity.

4. But there is a further consideration which carries even greater weight with my Committee. Indian Currency is extensively used in countries outside India, e.g., East Africa, Aden and Iraq. In the latter country my Committee are informed that the law provides that cut notes only may be transmitted through the post. Moreover there is no Currency Office in Iraq and my Committee understand that the note issue often gets into a deplorably dirty condition with the result that mutilated notes are by no means uncommon. If therefore obstacles are placed in the way of meeting claims on cut and mutilated notes the use of Indian Currency will certainly be discouraged in Iraq, in which country it has only been established since 1916 and this in its turn may prove a hindrance to trade with that country.

5. My Committee would be glad to know whether this question of the use of Indian Notes outside India has been fully considered by the Government of India and I am to express their opinion, in the absence of further information, and pending the further growth of banking facilities in India, that the proposed rules would appear to be premature.

No. 3.—LETTER FROM THE UPPER INDIA CHAMBER OF COMMERCE, CAWNPORE, DATED THE 19TH NOVEMBER, 1925.

I am directed to refer to your No. F.20-XI-F, dated the 15th October, forwarding the information of this Chamber a copy of a Resolution No. F.20-XI-F. of L16CPB(LA)

the same date issued by the Finance Department on the subject of the amendment of the Currency Notes (Refund) Rules published in the *Gazette of India* under Notification No. 3201-F., dated the 24th November 1921.

While my Committee are prepared to assent to the proposals now put forward such assent must be modified by the observation that these proposals will tend greatly to discourage the practice of sending notes by post.

Under present conditions there are many places in India to which Banks or banking facilities have not yet penetrated and unless the measures now proposed are carefully regulated and unless the procedure to be adopted is, in the words of the Resolution "considerate and cautious" they will gravely interfere with financial operations in the country.

My Committee are not without an apprehension that one result of the measures proposed will be to depreciate, to a moderate extent, the value of the Government Currency Note and they would not be surprised if the levy of a permanent discount on Government Currency Notes comes to be a normal feature of banking in India in the near future.

No. 4.—LETTER FROM THE PUNJAB CHAMBER OF COMMERCE, No. 793-148—25, DATED THE 3RD DECEMBER, 1925.

With reference to your letter No. F-20-XI F., dated the 15th October last, forwarding for the information of this Chamber a copy of the Resolution No. F-20-XI-F., dated 15th of October, 1925, on the subject of the amendment of the Currency Notes (Refund) Rules, 1921, the proposed amendments have been considered by the Managing Committee of this Chamber.

The Committee appreciate the views of the Government on the subject, but they consider that the facilities for cheap remittance in this country are not at present sufficiently universal to justify rules framed to discourage the making of remittances by half notes. It is considerably cheaper, under certain circumstances, to make remittances to many mofussil stations by half notes, and until there are greater facilities for remittance by other methods, the Committee consider that measures framed to discourage this long standing practice should not be passed.

This Chamber is opposed to the proposed amendments in the Currency Notes (Refund) Rules, 1921.

No. 5.—LETTER FROM THE MILLOWNERS' ASSOCIATION, BOMBAY, No. 1419-148, DATED THE 8TH DECEMBER, 1925.

I have the honour under directions of my Committee to address you on Government Resolution No. F-20-XI-F., dated the 15th October, 1925, in connection with the proposed amendments of Currency Notes Refund Rules.

2. My Committee note that the object of the proposed amendments is to discourage the cutting of notes, which practice, in Government's opinion, lends itself to the commission of fraud. It is also stated in the resolution that in view of the facilities for cheap remittance which are given by Government and the Imperial Bank, by means of Bank transfers, currency transfers, money orders and postal insurance of notes to the value of Rs. 2,000 the proposed amendment will not seriously inconvenience the public.

3. I am directed to point out that the general public have a decided preference for making remittances by Currency Notes rather than by the other procedures mentioned by Government. The reasons are not far to seek. Bank facilities are not available everywhere, and besides the rates for money orders and the commission charged for bank drafts, etc., make it difficult for the general public to avail themselves of these facilities and lead them to remit money by currency notes cut into halves. It is my Committee's considered opinion that the rates for money orders should be substantially reduced so as to make this system of remitting money more popular among the general public. My Committee have little doubt that a reduction in the rates for money orders will in the long run bring in larger revenues to Government by increasing the number of money orders.

4. In my Committee's opinion, the proposed innovations in the most popular system of making remittances will not be received favourably by the small remitters unless Government first popularise the money order system by effecting reductions in the existing rates.

5. As stated above, Bank facilities are not available everywhere and when *hundies* can not be obtained, merchants have to send currency notes. The post office will not accept any insurance for over Rs. 2,000 and when remittance of, say, Rs. 5,000 has to be made the sender will have to make three insured packets. This will seriously inconvenience the receiver who has to take delivery from the Post Office.

6. In my Committee's opinion the best course for Government to adopt it to make the new rules applicable only in the case of currency notes of lower denominations than Rs. 100, and even that only after the existing rates for money orders are sufficiently reduced so as to make the small remitter favourably inclined towards this system of remitting money.

No. 6.—LETTER FROM THE MARWARI ASSOCIATION, CALCUTTA, No. 143-1925, DATED THE 10TH DECEMBER 1925.

I am directed by the Committee of the Marwari Association to submit the following representation with reference to the proposed amendment of the Currency Notes Refund Rules, 1921, published in a recent issue of the *Gazette of India* together with a Resolution of the Finance Department.

It is proposed that no claims on half of mismatched Notes of the denominations of Rs. 5 and Rs. 10 will be admitted and that on half Notes of the denominations of Rs. 50 and upwards, only half value of the Note will be paid at a currency office fourteen working days after its presentation, but if full value is claimed on a half Note, payment will not be made till after the lapse of 5 or 8 years.

The object underlying the proposed changes is to discourage the practice of cutting currency Notes which has been prevalent in the country with the sanction of law, since the very introduction of paper money. In sanctioning the practice, the Government, my Committee believe, was actuated by the sole desire to provide a cheap, convenient and safe means of remittance by post and messenger and to popularise currency Notes which, in the absence of banking facilities, were essential to the economic progress of the country. The system of paying the full value of Notes shortly after the presentation of half Notes, which has acted as an effective check against theft in course of transmission by post and otherwise, was also, evidently, devised with the same object in view, with the result that Notes have become very popular. Thus it is no exaggeration to say that the practice of cutting Notes has proved an important factor in increasing the circulation of Notes and thereby in developing the trade and commerce of the country.

It cannot however yet be said that the object which the Government had in view in permitting the cutting of Notes has been fully attained. While there is still a great room for development in the trade and commerce of the country and industrially the country is still very backward, banking facilities still continue to be inadequate and for want of a cheaper, more convenient or safer means of remittance, the people, specially those engaged in trade, commerce and industries, still find themselves under the necessity of cutting Notes for remittance either by post or by messenger. If, in such circumstances, the refund rules are amended as proposed, the cutting of Notes will become extremely risky, theft will become very easy and, for remitting money, people will have to resort mostly to the postal insurance system which, although safe, is expensive and troublesome and not convenient to the largest users of Currency Notes, namely, the commercial people, who have constantly to remit large sums of money in Notes. It is also a common practice with business people to carry cut Notes with them while travelling, as a safeguard against loss by theft or otherwise, but it will not be safe to do so if the rules are amended as proposed and for these reasons, my Committee feel they cannot too strongly urge the desirability of letting the rules remain as they are.

In urging the withdrawal of the proposal to amend the refund rules, my Committee do not lose sight of the fact that the universalization of Currency Notes of certain denominations and the expansion of circulation of Notes have made the examination of divided Notes somewhat more difficult than before; but that difficulty is not insurmountable and all that is needed to cope with the situation is to appoint some additional staff or to establish some more currency centres. It will entail some additional expenditure of money to meet the cost of the increased establishment, but having regard to the fact that the proposed restriction against the cutting of Notes is calculated to affect their circulation by shaking popular confidence in them and consequently the progress and development of the trade, commerce and industries of the country also,

my Committee submit that it will be false economy to allow the question of some additional cost to stand in the way of the appointment of a larger establishment which is so necessary in the larger interests of the country. As regards the argument put forward in support of the proposed restriction against the cutting of Currency Notes that it lends itself to the commission of fraud, my Committee fear they cannot agree with this view. Their experience is, as has been stated in a previous paragraph, that it rather minimises the temptation to dishonesty and the possibility of theft.

In the opinion of my Committee, it will be time to consider the question of amending the Currency Notes Refund Rules on the lines proposed when the country is amply provided with facilities for cheap and safe remittance and the system of paying by cheques can be more widely resorted to. My Committee are aware that steps have already been taken in this direction, but a great deal yet remains to be done and it is therefore premature to think of amending the Refund Rules. The circulation of Notes still requires to be encouraged to help forward the growth and development of the trade, commerce and industries of the country and nothing should be done which may have a restrictive effect upon circulation.

In conclusion, I am therefore to express the hope that in the best interests of the country, Government will see their way to withdraw the proposal for the amendment of the Currency Refund Rules, 1921.

No. 7.—LETTER FROM THE KARACHI INDIAN MERCHANTS' ASSOCIATION, No. 11-26, DATED THE 15TH JANUARY, 1926.

Under the direction of my Committee, I beg to convey to you the following resolution passed by them, which speaks for itself, and to request you to see that the contemplated idea of the Government to abolish the system of cutting currency notes into halves is not given effect to.

“ That this meeting of the Karachi Indian Merchants' Association have heard with surprise the contemplated idea of the Government to abolish the system of cutting the currency notes into halves. This proposal, if adopted, will not only hamper the trade immensely but that an extra premium and risk will be imposed upon the mercantile community by their having to make remittances through other means.”

“ This meeting also records its protest for not consulting this Association in a matter so important and concerning the merchants of Karachi.”

“ That the copies of this be sent to the Finance Member to the Government of India, the Commissioner in Sind, Indian Merchants' Chamber, Bombay and to the Press.”

No. 8.—LETTER FROM THE INDIAN MERCHANTS' CHAMBER, No. T.100, DATED THE 18TH JANUARY, 1926.

I am directed to send hereby the views of the Committee of this Chamber on the subject of the amendments of the Currency Notes (Refund) Rules published in the *Gazette of India* under Resolution No F-20-XI-F., dated the 15th October, 1925, in reply to your letter No. F-20-XI-F., dated the 15th October, 1925.

My Committee have very carefully considered all these Rules. The proposed amendments may well be divided into two parts—one relating to the 5 and 10-Rupee Notes and the other to the 50 and 100-Rupee Currency Notes.

With regard to the first part, my Committee beg to point out very strongly that the proposed changes in the said Rules will interfere with the further popularity of the Currency Notes. In their opinion facilities provided at present for sending half pieces of Currency Notes through Post should be continued as the business community finds the same very useful.

With regard to the second part, the Committee in particular would like to draw the attention of the Government to the following words in their resolution :

“ In short the effect of this change is to make it easier for the public to obtain half value on a half note but to make it more difficult for them to obtain full value on half note.”

The effect of this change, in the opinion of my Committee, will be a great encouragement to dishonesty and thefts because the ease of encashment now to be provided will be a great temptation to those into whose hands half pieces of Currency Notes fall

to misappropriate the same. It will no doubt increase the risk of cutting Currency Notes but will also increase the chances of thefts and fraud as shown above.

My Committee therefore beg to urge upon the Government in view of all these circumstances the desirability of continuing the old practice which has been found to be suitable to the circumstances of the country and which has contributed to the popularity of Currency Notes. It is true that in other countries there is no practice, to be found of cutting Currency Notes excepting East Africa, Aden and Iraq, but the circumstances there are different, and these facilities have been in vogue in this country for many years without any serious inconvenience or loss to the Currency Department, so far as my Committee are aware.

At the same time, my Committee would beg to draw attention to another point.

Under the existing rules the period for recovery of the amount of the claim of a lost Note appears to my Committee to be rather too long and they would, therefore, suggest that efforts may be made to modify the regulations in this regard so as to shorten it as much as possible.

No. 9.—LETTER FROM THE SOUTHERN INDIA CHAMBER OF COMMERCE, MADRAS, No. G-53, DATED THE 28TH JANUARY, 1926.

My Committee have considered carefully the amendments proposed to be made in the Currency Notes (Refund) Rules 1921.

My Committee fully appreciate the difficulties experienced under the existing Rules, but are unable to concede either that there is any organised attempt to commit fraud at present, or that the existing rules by reason of their inherent defect allow of such fraud, or that the currency offices have been defrauded in spite of all possible scrutiny. Neither are my Committee convinced, that the examination of divided notes entails, as stated in the above mentioned Resolution, the expense of much time and care and consequent delay and inconvenience.

Considering the fact that businessmen all over India have been long accustomed to that form of Remittance of Notes by post both on the score of economy and of convenience, and considering that the difficulties do not call for such a drastic remedy as is proposed, my Committee are disposed to think that Government would not be well-advised in bringing the amended rules into force before banking and credit facilities are available in all small towns and villages. I am therefore directed to request that the proposed amendments may be withdrawn.

No. 10.—LETTER FROM THE BUYERS AND SHIPPERS CHAMBER, KARACHI, No. 281, DATED THE 3RD FEBRUARY, 1926.

With reference to the amendment of the Currency Notes (Refund) Rules published in the *Gazette of India*, dated 15th October, 1925, I am directed by my Chamber to address you as under :

The mercantile community have well appreciated the facility of sending by post half pieces of Currency Notes and if this be put a stop to, there will be a great inconvenience to the trade and my Chamber fail to understand why it has been proposed to adopt such a course specially as the long existing practice of cutting Currency Notes has not so far ever proved to be prejudicial to the interests of the Currency Department.

Further my Chamber regret they cannot subscribe to the principle of making it easier for the public to obtain half value on a half note and making it more difficult for them to obtain full value on half Note. On the very face of it, it is quite obvious that as an immediate effect thereof, half Notes will begin to be cashed for half value in the bazar. Thus such a course is bound to serve as an indirect encouragement to the non-*bona fide* holders of half notes owing to ease of encashment with no possibility of risk whatsoever.

My Chamber will here impress upon the Government the desirability of continuing the old practice so far found to be quite suitable.

However, my Chamber will invite the attention of the Government to please shorten the period for recovery of the amount of a lost Note as far as is possible, prescribed period being rather too long.

No. 11.—LETTER FROM THE BURMA INDIAN CHAMBER OF COMMERCE, No. G. L. 270, DATED THE 2ND FEBRUARY, 1926.

The Committee of this Chamber have been informed that the Government of India are contemplating the discontinuance of the long established practice of cutting currency notes into halves for remittance purposes. If so, my Committee are of opinion that such discontinuance will put the mercantile community to a good deal of loss and hardship. They believe that Government would not take any action in this direction without first consulting the interests concerned. They will therefore feel obliged if you will be so good as to let them know if the Government of India contemplate taking such action and if so, whether the various representative commercial bodies have been consulted on the point.

No. 12.—LETTER FROM THE BOMBAY NATIVE PIECE-GOODS MERCHANTS' ASSOCIATION, BOMBAY, No. 29, DATED THE 8TH FEBRUARY, 1926.

In reply to your letter No. F. 20-X-1-F., dated the 15th October, 1925 on the subject of the amendment of the Currency Notes (Refund) Rules published in the *Gazette of India* under Resolution No. F. 29-X-1-F., dated the 15th October, 1925, we are directed by our committee to state that they have considered the proposed amendment to the Currency Notes (Refund) Rules carefully and think that the proposed change will affect commercial community adversely. They consider that the present system has worked satisfactorily and so far, there is no complaint. Of course, the proposed change may be desirable from Government point of view, but the present system is preferred by merchants, because, at small costs, remittances can be affected under the present system.

The cost of remittances through the Bank is prohibitive and the cost through insured postal registered letter is also equally costly.

In absence of sufficient and cheap Banking facilities in this country it would cause great hardship in the interior and rural areas and the chances of dishonesty there, will be great. The proposed system, if adopted would lead dishonest people to temptation and go to help such people materially and give them facility to encash half notes and escape detection.

Under the circumstances, the proposed change is not desirable in the interests of the commercial community.

No. 15.—LETTER FROM THE FACTORY OWNERS' ASSOCIATION, CENTRAL PROVINCES AND BERAR, KHAMGAON, No. 844, DATED THE 7TH FEBRUARY, 1926.

I am directed to convey to you the resolution No. VII, dated the 31st January, 1926, passed unanimously at the Third Annual General Meeting of my Association and to request the favour of your kindly seeing that the contemplated idea of the Government to abolish the system of cutting Currency Notes into halves is not given effect to.

Copy of Resolution No. VII, dated the 31st January, 1926, passed unanimously at the Third Annual General Meeting of this Association.

That this Meeting of the Factoryowners' Association, C. P. and Berar, Khamgaon, has learnt with surprise the contemplated idea of the Government of India to abolish the present system of cutting currency notes into halves, per Notification No. F. 20-XI-F., dated the 15th October, 1925, from the Government of India, Finance Department, Simla. This proposal, if adopted, will not only hamper trade immensely, but an extra premium will be imposed upon the public and the mercantile community in their having to make remittances through other means.

That this Meeting also records its protest against the Government for not having consulted the Association in so important a matter.

That the copies of this resolution be sent to those concerned.

No. 14.—LETTER FROM THE UNITED PLANTERS' ASSOCIATION OF SOUTHERN INDIA, MADRAS, No. 9767, DATED THE 19TH MARCH, 1926.

With reference to your Resolution No. F. 20-XI-F., dated the 15th October, 1925, I have the honour to advise you that the matter of the proposed amendments

to the Currency Notes (Refund) Rules was considered at a Meeting of the General Committee of this Association held at Ootacamund on the 23rd of February.

It was pointed out that, owing to the great distances of estates from Banks and Treasuries, planters usually finance their estates by means of small notes remitted by insured post. It is not only during transit by post that danger of loss occurs but, more particularly, between delivery by the post office and arrival on the estate. In the majority of cases the post offices do not make actual delivery to estates, but only to messengers sent from estates. A case recently occurred in Coorg in which the messenger bolted with Rs. 3,000 and last year the tapal man of the Hereford Estate in Travancore was murdered and Rs. 1,500 carried off.

The amendment of the Rules therefore to provide that no claim on half notes of the denomination of Rs. 10 and less should be admitted will entail a great hardship on communities placed similarly to planters in remote districts far from ordinary banking facilities.

The following resolution was carried unanimously :—

“ That the Association protests against the proposal of Government to amend the Currency Notes (Refund) Rules and requests that they may be allowed to remain as at present.”

No. 15.—LETTER FROM THE SECRETARY, BENGAL CHAMBER OF COMMERCE, No. 1005—1926, DATED CALCUTTA, THE 31ST MARCH 1926.

I am directed by the Committee of the Bengal Chamber of Commerce to refer to your letter No. F.[20-XI-F., dated 15th October 1925, with which you forwarded a copy of your Department's resolution No. F.[20-XI-F., dated 15th October 1925, proposing certain amendments in the Currency Notes (Refund) Rules, 1921.

2. The Committee have discussed these amendments, and they have consulted the members of the Chamber with regard to them. They observe that the object which the Government have in view is to discourage the practice of cutting notes. For this practice has been proved, the resolution states, to lend itself to the commission of fraud. It is also said to entail the expenditure of much time, and the exercise of much care, in the offices of the Currency Department, with resulting delay in encashment and inconvenience to the public. The Government propose therefore so to amend the rules as to increase the risk of cutting notes. The practice of cutting will not be prohibited. It will be indeed easier for the public to obtain half value on a half note of Rs. 50 or upwards than it is now. But it will be much more difficult for them to obtain full value on a half note. For claims to full value on a note of which only half is presented will be dealt with in the same way as claims on lost, or wholly destroyed, notes are dealt with. Claimants will not obtain payment till after the lapse of five or six years, instead of obtaining payment after the lapse of a period varying from six months to a year. And no claims on behalf of mismatched notes of the denominations of Rs. 5 and Rs. 10 will be admitted.

3. The Committee do not offer any criticism on the amendments as such, except that they are inclined to think that the risk of theft will be increased by the provision that payment will be made, within fourteen working days, of half value in respect of half notes of the denomination of Rs. 50 and upwards. They are concerned more particularly with the question of the effect of the restrictions which, by the operation of these amendments, will be placed upon the practice of cutting notes. And they have no hesitation in saying that the mercantile community of Calcutta are not prepared to accept the opinion expressed in the concluding paragraph of the resolution, namely, that the public would not be seriously inconvenienced if notes were never cut for remittance by post, in view of the facilities for cheap remittance which are now offered by the Government and the Imperial Bank. On the contrary, the Committee maintain that the commercial public will be very seriously inconvenienced if the contemplated restrictions are imposed, and that they would be still more seriously inconvenienced if the practice were prohibited altogether.

4. It is agreed that the Government and the Imperial Bank of India have of recent years developed their facilities for cheap remittance. But these facilities have not yet reached a stage so advanced as to enable merchants and bankers to dispense with the practice of cutting. Had they been developed to that extent the Chamber would not take exception to the present proposals. For the Committee quite agree that these

are objections to the practice of remitting by cut notes. But in existing circumstances the practice cannot, in their opinion, be dispensed with. It is a necessary evil which must be tolerated for some time longer. Bankers might certainly be expected to support the proposals for restricting the practice. For a Bank would naturally like to see cutting prohibited, or discouraged, in view of the extra work involved in the matching and piecing together of the half notes. But Banking opinion in Calcutta is clearly against the contemplated restrictions, recognising as it does that in many instances there is no satisfactory alternative way of remitting; and this view is supported by the up-country branches of the Banks.

5. Mercantile opinion is also, for the same reason, opposed to the contemplated restrictions. The practice of remitting by half notes is general among mercantile houses and banks in Calcutta; and very large sums are involved. For instance, remittances to tea gardens are commonly made in this way; and, if the practice is restricted, tea agency houses will be placed in considerable difficulty in the matter of financing some of their estates. In many other branches of business it is also usual to remit by half notes, as being the most convenient and least expensive method. One instance which has been mentioned is the purchase of silk in the cocoon-producing districts of Bengal. There are no Banking facilities in these districts; and the only currency office available is not often in a position to disburse large sums. It follows that remittance by half notes is unavoidable. Numerous other cases might be quoted; but the extent to which the practice is followed will be evident from the fact that during last year one Calcutta firm remitted a sum of no less than Rs. 16 lakhs by half notes to tea gardens, collieries, etc. Of this amount Rs. 14½ lakhs covered remittances ranging from Rs. 5,000 to Rs. 35,000.

6. When remittances are made on this scale by one firm it is obvious that the aggregate amount remitted by all the firms and banks must be, as the Committee have already indicated, very large indeed. The firm mentioned, like many other firms, only resort to half notes when no other means of cheap and expeditious remittance—whether provided by the Government or by bankers—is available. As is the general practice they avail themselves of such facilities as are offered by the Government and by the Imperial and other banks. And they have also made arrangements in one district to take over cash collections from the local post office in exchange for a cheque on Calcutta. They suggest—and the Committee agree with them—that an extension of this practice would probably be welcomed by merchants, and that similar facilities might be arranged with the railways. But even if the fullest advantage is taken by remitters of these alternative methods it is nevertheless clear to the Committee that the practice of sending half notes will still have to be permitted. For the particulars which they have quoted show clearly that the time has not yet arrived when it can be restricted without causing grave inconvenience to the mercantile community. To send whole notes insured to their full value would be both expensive and troublesome; and the remittance by money-order of large sums is not a practicable proposal.

7. Not only is remittance by whole notes expensive and troublesome, but there is also considerable risk attached to it. For instance, a member of the Chamber has cited a case where an insured packet containing whole notes was sent from Calcutta to a colliery. It was delivered to an authorised servant of the addressee at the Post Office some four miles from the colliery. It showed no signs of having been tampered with. But upon the cover being opened it was found to contain loose paper only. A clean receipt had been, however, given for it; and the sender was accordingly precluded from making any claim on the Post Office or on the Insurance Company. Remittance by whole notes is also objectionable in that, in the event of a shortage, it is impossible to fix responsibility; and suspicion is apt to rest on the despatching staff or on the recipient.

8. Finally, the Committee would urge that if it is a convenience and an advantage to the public to cut notes, as it admittedly is, no obstacle ought to be placed in their way. Nor should they be penalised by the deferred payment of half notes as is now proposed. The wide circulation and general acceptance of currency notes throughout the country, and particularly in the outlying districts, is of the utmost importance. Notes are now-a-days becoming popular, and every effort should be made to increase their popularity, and so to accustom the public, to the use of instruments of credit as opposed to the practice of hoarding. But the present proposals will, the Committee believe, tend to detract from this developing popularity; and they consider that this is an objection which altogether outweighs the advantages which the Government expect to derive from the restrictions. As they have already pointed out, the time has not yet come for discouraging or prohibiting a means of remittance which is so useful and so

popular. Discouragement and prohibition ought only to follow a wide extension of alternative facilities for cheap remittance. But the present proposals make no advance in that direction. They will merely increase the risk attendant upon what is in fact an essential method of remittance. The Committee, therefore, recommend strongly that the proposals should be withdrawn.

No. 16.—LETTER FROM THE SECRETARY, NORTHERN INDIA CHAMBER OF COMMERCE, LAHORE, TO THE GOVERNMENT OF THE PUNJAB, No. F./20/28, DATED THE 29TH MARCH 1926.

I have the honour to refer to your No. F./20-XI-F., dated 15th October 1925, and enclosure and to state that my Committee have carefully considered the proposed amendments to the Currency Notes (Refund) Rules, 1921, and whilst they sympathise with the object of the proposed amendments they consider that the facilities for remittances referred to in the Resolution are entirely inadequate to counterbalance the inconvenience and hindrance to trade which would result if the present rules were altered, and are therefore not prepared to support the amendment.

2. It appears to my Committee that in framing the amendments the case of large business concerns and remittances between big towns only have been taken into consideration. The Imperial Bank of India have at present 178 Branches but they will never have, and cannot be expected to have, branches at a very large number of small towns where considerable sums of money are dealt with. This applies specially to the Punjab and the North-West Frontier Province which are entirely agricultural and have large produce markets scattered all over the Provinces.

3. The Post Office offers two methods of remittance :

(a) By Money Order—

This is restricted to certain offices, costs Re. 1, per centum and not more than Rs. 600 can be remitted in one Money Order. This is of no value therefore for the remittance of large sums of money,

(b) By Insured Post—

The rate for this is 2 annas per cent. plus postage and registration charges. The amount that can be remitted is restricted to Rs. 2,000 in any one packet. It will therefore be seen, that to remit any large amounts by this method would entail a considerable amount of extra labour. It will also be seen from cases reported in the press from time to time that this method of remittances is not entirely a safe one, as the responsibility of the post office is limited according to the rules, to—

“ Where there is no visible damage to the cover or Seals, it being understood that the sender must so pack the letter or parcel that its contents cannot be touched without visible damage as aforesaid, being caused.”

4. As against the above methods of remittances, we have the one at present in vogue of sending half notes by post. This is by far the safest and quickest, and the cost is infinitesimal. There are no restrictions, except the size of packets, as to the amount that can be sent at any one time to any post office. This appeals specially to all classes from the big firms to the smallest shopkeepers and private individuals wherever they may be resident. The cost of all remittances under present conditions of business is an important item, and this cheap method has helped business, and my Committee consider that until equally cheap and safe methods of remittances can be offered that Government should not interfere with progress by adopting the proposed amendments.

5. In conclusion my Committee ask that before the proposed amendments are considered Government should explore the possibility of cheapening remittances and increasing facilities by—

(a) The Imperial Bank of India reducing their remittance Charges and granting freer facilities to non-constituents.

(b) By utilizing the sub-treasuries.

- (c) By reducing the charges of post office and increasing the amounts that can be despatched in any one Money Order or insured package.

No. 17.—LETTER FROM THE ASSOCIATED CHAMBERS OF COMMERCE OF INDIA AND CEYLON, No. 263-A. C., DATED CAWNPORE, THE 8TH JULY 1926.

I am directed to advert to your letter No. F.20-XI-F., dated the 15th October 1925, and to inform you that the majority of Chambers of Commerce in India are opposed to alteration of the Refund Rules, 1921, in regard to payment of claims on behalf of mismatched halves of cut Currency Notes.

The facilities for transferring money from the larger Indian cities to towns, mines, plantations and agricultural estates in the mofussil are insufficient to meet the requirements of Commerce and Industry, and the public would be very seriously inconvenienced if the restrictions outlined in your letter referred to above were imposed. Bankers and merchants consulted on the subject see no alternative to the practice of remitting money in halves of currency notes to trading and industrial concerns away from the larger Indian cities, and obstacles ought not therefore to be placed in the way of those who resort to the practice. The wide circulation and general acceptance of currency notes throughout the country, particularly the notes of small denominations, is of the utmost importance, as tending to accustom the public to the use of instruments of credit in preference to minted coin, and discouraging hoarding of the precious metals. The proposals contained in your letter would tend to detract, from the developing popularity of currency notes, and this objection outweighs the advantages which Government expect to derive from the proposed restrictions. The time has not yet come for discouraging or prohibiting a means of remittance which is so useful and so popular, and there is reason to apprehend that curtailment of the privilege of cutting notes will cause a permanent discount on currency notes in places where they at present circulate at par or at a small premium.

I am further directed to remind you that Indian Currency Notes are used in countries adjacent to India. In Irak the law provides that whole notes shall not be remitted by post, and Indian trade in that country, as also in Baluchistan, South Persia, the Persian Gulf, Aden, Somaliland, and the East Coast of Africa would be seriously hampered if obstacles to meeting claims on cut-notes were imposed in India.

This Association will be glad to be informed whether the Government of India still contemplate any alteration of the Refund Rules, 1921, and whether means cannot be found for further popularising the use of currency notes, particularly of the smaller denominations, so as to foster their use and discourage the hoarding of minted coin.

No. 18.—LETTER FROM THE SECRETARY, BENGAL CHAMBER OF COMMERCE, CALCUTTA, No. 1623-1927, DATED THE 8TH JUNE 1927.

I am directed by the Committee to acknowledge the receipt of your circular letter No. F.4-(XV)-F.27, dated the 20th May 1927 enclosing copies of the Finance Department's notification of 19th idem publishing certain amendments in the Currency Notes (Refund) Rules which are to come into force as from 1st July 1927. The proposal to give effect to these amendments was the subject of letter No. 1005, dated the 31st March 1926, from the Chamber, to the Government of India, Finance Department, in which the Chamber gave expression to the very strong objection taken to them by the mercantile community of Calcutta.

2. It is a matter of considerable regret to the Committee that the Government of India should have proceeded with the alteration of the refund rules notwithstanding the reasoned protest submitted by the Chamber. The object is to discourage the cutting of notes, and the Government of India recognised that exception could be taken to the amendments on the ground that, if they were adopted, the risk of remittance of notes by post would be increased; but Government considered that the public would not be seriously inconvenienced if notes were never cut for remittance by post in view of the facilities for cheap remittance now offered by the Government and the Imperial Bank. The Chamber explained at considerable length that the mercantile public of Calcutta were unable to accept the Government's view, and that on the contrary they would

be very seriously inconvenienced if the contemplated restrictions were imposed. The Committee are aware that commercial opinion throughout India is not unanimous on the subject, but they would not expect it to be, because the conditions of trade vary in different parts of the country. So far as regards the area in which members of this Chamber are concerned, there is no question that the system of note-cutting is a convenience and an advantage, and the Committee contend—as was argued by the Chamber in their previous letter to Government—that the facilities for remittance made available by Government and the Imperial Bank have not yet reached a stage so advanced as to enable merchants and bankers to dispense with the practice of cutting.

3. The Committee do not propose to recapitulate all the arguments which they have already submitted for the consideration of Government, but they desire to place on record their strong protest against the imposition of unnecessary restrictions on a facility that has been enjoyed by the trading public of India for many years.

No. 19.—LETTER FROM THE SOUTH INDIA CHAMBER OF COMMERCE, No. G.197, DATED THE 28TH MARCH 1928.

My Committee's attention has been repeatedly drawn to the serious inconveniences and loss caused to the mercantile community by the operation of the amendments introduced during the course of the year 1927 in the above said rules. The present facilities for transferring money from the larger Indian cities to the towns and villages in the interior are extremely defective and much delay is caused in transit and in delivery. Such restrictions are a serious obstruction to the growing popularity of paper money and so to the habit of using credit instruments, and further are apparently based on no experience of loss caused to Government by the more liberal rules previously in existence. My Committee also desire to point out that Indian Currency Notes are also used in the neighbouring countries of Baluchistan, Persia, Aden, Somaliland, Iraq, and East Africa, where there is large Indian population constantly in need of making remittances home from places far removed from post offices.

In these circumstances I am directed to request that Government may be pleased to rescind the amendments brought into force in 1927.

No. 20.—LETTER FROM THE SECRETARY, UNITED PROVINCES CHAMBER OF COMMERCE, CAWNPORE, No. 4400|9, DATED THE 2ND NOVEMBER 1928.

I am directed by the Committee of the Chamber to address you regarding the rules for the refund of value on half currency notes, the other halves of which are lost in transit.

The interpretation placed by the Controller of Currency on the refund rules in a recent Cawnpore case has caused considerable surprise and dissatisfaction in local business circles. The facts of the case are briefly these. Half notes belonging to a local firm were lost during transit to the firm's agents at Calcutta. The firm claimed full value of notes on the strength of the other halves which were in their possession. They proved to the satisfaction of the Currency authorities that they were the last lawful holders of the entire notes, but according to the Rules, as interpreted by the Currency authorities, the firm was further required to prove that they were lost in such a way that there was no possibility of their being presented for payment at any future date. Since the notes were lost in transit it was impossible for the claimant in question to establish such a proof to the satisfaction of the Currency authorities. The claimant was called upon to receive half the value of the notes in full and final settlement. Assuming that this interpretation of the existing refund rules is correct, my Committee are strongly of opinion that the rules are neither logical nor fair. The claimant in such a case either was or was not the last lawful holder of the entire notes. If it is once accepted that he was he is entitled to the full value of the notes. It may be argued that the proofs of claim furnished by him to the Currency authorities may satisfy them for the time being but ultimately they might be found to be defective and Government may be called upon to pay value to another person at a future date, who may produce the other halves and establish conclusive proofs of ownership. This objection would, however, apply

with equal force to any payment, half or full, to the present claimant, if refund is to be made on the principle that only a lawful holder should receive value. It is no justification for asking the present claimant to accept only half the value in full and final settlement of his claim. If the other halves of the notes, having been altogether lost or destroyed, are never presented the Government do not pay to anyone half of their indebtedness on the notes in question. If at a future date the other halves are presented by some one who establishes his claim to the *entire notes*, will Government pay such person full value or half value? If only half value is paid it would mean that half the value is paid to the lawful holder of the entire notes and the other half has been paid to one who was not the lawful holder and had therefore no claim. It is difficult to believe that this could have been the real intention of the framers of the rules. My Committee, therefore, would strongly urge the Government of India to suitably amend the rules with a view to remove this anomaly. A claimant on half notes, who satisfies the currency authorities that he was the last lawful holder of the entire notes, may be paid half the value *on account*, the payment of the other half being deferred for a period of say, 5 years. The claim may be duly advertised. If during this period the other halves are presented by some other person, the first claimant must be duly informed and given an opportunity to contest the right of second claimant. This is only fair to the first claimant since his claim to the entire notes was accepted by the currency authorities and the presumption must be that the second claimant is not a lawful holder. If within 5 years the other halves are not presented, they should be taken to be lost entirely, the balance of the value should be paid to the first claimant and no further claim in respect of those notes should be admissible under any circumstances from any person. If this suggestion is not acceptable to the Government, my Committee would recommend that the claimant, who satisfies the currency authorities that he was the lawful holder, may be given the option to receive no payment immediately, but to receive payment in full after the expiry of a period of five years, if, his claim having been duly advertised, no other claimant appears during this period.

My Committee hope that the matter will receive the careful attention of the Government of India and that the refund rules will be suitably amended.

No. 21.—LETTER FROM THE SOUTHERN INDIA CHAMBER OF COMMERCE, No. G.296, DATED THE 6TH APRIL 1929.

I am directed to draw the attention of Government once again to the unnecessary loss and difficulties caused to merchants by the new rules introduced in Notification No. F-4(XV)-F-27, dated the 19th May 1927 imposing special restrictions in refunds on half and mismatched currency notes of the denomination of Rupees five and ten. My Committee have been repeatedly protesting against the new rules since the draft rules were first referred to them and it is understood that Government have received similar proof of the hardship from both Indian and European Chambers of Commerce in other Provinces. The Government have not so far been in a position to rescind the rules that have provoked such widespread protest, and my Committee are led to think that Government have derived considerable advantage from the new rules so as to compensate for the hardship caused to the public. My Committee therefore desire to know the extent of benefit the new rules have done to the Government and whether the Government propose to rescind them in view of their extreme unpopularity.

PAY OF SHROFFS.

†192. **Mr. S. C. Mitra :** (a) Will Government be pleased to state whether it is a fact that they do not propose to revise the scales of salaries of the shroffs because no difficulty is being experienced by them in getting recruits for the shroffing department of the Currency offices on the existing scale of pay as stated by the Honourable Member in his reply to question No. 700 (b) in the last Session of the Legislative Assembly?

† For answer to this question, see answer to question No. 185.

If so, is it a fact that the present revised scales of salaries for the shroffs are due to difficulties arising in getting recruits ?

(b) Is it not a fact that the scale of pay is based on living wages (irreducible minimum) and standard of living ? If so, why is the same consideration being denied to the shroffs ?

(c) If the reply to part (b) be in the negative, will Government be pleased to submit statistics of living wages of the different provinces ?

(d) Will Government be pleased to state if there is any difference between the employees of the State Railways and those on the non-pensionable footing handling His Majesty's valuables on the Treasurer's side of the Currency offices in respect of faithful service ? If not, why is no reward in the shape of gratuity given to the latter ?

INCREASED HOUSE RENTS IN BOMBAY.

193. **Mr. Jamnadas M. Mehta** : (a) Are Government aware of a resolution passed by the Municipal Corporation of Bombay in a recent meeting requesting Government to re-introduce the Rent Act in Bombay in view of the abnormal increases in rents of residential buildings ?

(b) is it a fact that, on the request of the Bombay Postal Union, the General Secretary of the All-India (including Burma) Postal and Railway Mail Service Union had approached the Director General for the grant of a suitable house rent allowance for the clerical staff in post offices in Bombay ?

(c) Are Government prepared to consider sympathetically the question of granting a house rent allowance ?

The Honourable Sir Bhupendra Nath Mitra : (a) Government have no information.

(b) The Honourable Member's attention is invited to my reply to part (a) of his unstarred question No. 172 given on the 16th September, 1929.

(c) As I have already explained to the Honourable Member in my reply to part (c) of his unstarred question referred to above, the factor of high rents has already been given full consideration in fixing the rate of pay of the clerical staff of the Bombay General Post Office, and Government do not therefore propose to grant any house rent allowance to such staff.

PROFESSIONAL LETTER-WRITERS IN POST OFFICES.

194. **Mr. Jamnadas M. Mehta** : (a) Is it a fact that professional letter-writers were allowed to work on post office premises free of any fees with the obligation to sell stamps to the public ?

(b) Is it a fact that the Presidency Postmaster, Bombay, had invited tenders in the year 1926 for the provision of professional letter-writers at various sub-offices in Bombay by contract ?

(c) Is it a fact that, on a representation from the Honorary Secretary of the Professional Letter-Writers' Association, the orders were modified and that an annual license fee was fixed for each post office and the same men were allowed to continue as professional letter-writers ?

(d) Is it a fact that in the year 1929 the Presidency Postmaster, Bombay, had departed from this procedure and had again invited tenders for farming out the work by contract ?

(e) Is it a fact that tenders were offered only in the case of four post offices out of 60 ?

(f) Is it a fact that one Sangar Khan, whose tender has been accepted for the Byculla Post Office, was previously convicted by a court of law, and that the second tenderer was bound over for good behaviour ?

(g) Is it a fact that, under the old system, there was not a single case of an undesirable person being appointed as a professional letter-writer before the introduction of the contract system ?

(h) If the replies to the above be in the affirmative, do Government propose to issue orders for the appointment of professional letter-writers by issuing licenses to be held as long as the person concerned is of good behaviour ?

The Honourable Sir Bhupendra Nath Mitra : (a) No, except at Bombay until 1927.

(b) No. In 1927.

(c) Arrangements renewable from year to year were made with the writers on certain conditions, but no assurance was held out that their tenure would be continuous.

(d) Yes.

(e), (f) and (g). Government have no information, nor do they propose to make any inquiries in regard to a matter which rests entirely with the discretion of the Postmaster General.

(h) Government do not propose to issue orders on the lines indicated. But a copy of the question and this reply will be forwarded to the Postmaster General, Bombay, for such action as he may consider necessary in the case.

PAY OF STAFF OF THE ADEN POST OFFICE.

195. **Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state if it is a fact that the revision in the year 1925 which was sanctioned for Bombay was not extended to the Aden Post Office staff ?

(b) Is it a fact that the Aden Post Office staff are Rs. 10 per month behind the clerical staff in Bombay ?

(c) Is it a fact that simultaneously with the revision of the year 1926 the local allowance at Aden was reduced by Rs. 10 ?

(d) Is it a fact that the locally recruited staff is not given free housing accommodation ?

(e) Is it a fact that the staff had submitted a representation on all these points ? If so, do Government propose to reconsider their decision ?

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

(b) No. The scales of pay for both Aden and Bombay have been identical since March, 1927.

(c) The compensatory allowance was reduced from Rs. 30 to Rs. 20 for permanent staff and raised from Rs. 15 to Rs. 20 for reserve clerks. The existing incumbents of the former class, however, continued to receive Rs. 30.

(d) Yes. After reviewing the position, it was decided that there was no justification for the grant of free quarters to locally recruited staff.

(e) Government understand that representations from locally recruited clerks, in connection with the withdrawal of the concession of free quarters only, were received by the Postmaster General, Bombay, and were disposed of by him. No representations to higher authority have been received.

REPORT ON POSTAL TIME-TESTS.

196. **Mr. Jamnadas M. Mehta** : (1) (a) Will Government be pleased to state the date on which Mr. G. V. Bewoor, the officer appointed to inquire and make his recommendations on the postal time-test, submitted his report ?

(b) Is it a fact that Mr. Tarapada Mukerjee, General Secretary of the All-India (Including Burma) Postal and Railway Mail Service Union, who was associated with Mr. Bewoor in the inquiry agreed with Mr. Bewoor in his report ?

(c) When is it proposed to give effect to the recommendations ?

(2) (a) Is it a fact that the following branches of work were outside the scope of the inquiry entrusted to Mr. Bewoor :

- (i) Accounts Branch ;
- (ii) Foreign Exchange ;
- (iii) Office of the Superintendent of Post Offices and Railway Mail Service ;
- (iv) Inspector of Post Offices ; and
- (v) Postmen and village postmen.

(b) Do Government propose to appoint a Committee, like the Bewoor Committee, to inquire into and prepare time-tests for the above-mentioned branches of work ?

The Honourable Sir Bhupendra Nath Mitra : 1. (a) 31st January, 1929.

(b) Yes.

(c) Government are unable to state precisely when effect will be given to such recommendations of the Special Officer as may be accepted by Government.

2. (a) Yes.

(b) No time-test Committee was appointed, nor is the appointment of a Committee to prepare time-tests for the branches of work referred to in part 2 (a) of this question at present under the consideration of Government.

CHARGES OF THE PUNJABI MOTOR SERVICE COMPANY IN AJMER-MERWARA.

197. **Rai Sahib Harbilas Sarda** : (a) Are Government aware that the Punjabi Motor Service Company enjoys a monopoly to ply motor lorries
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on hire between Nasirabad-Kakri and Deoli in Ajmer-Merwara and charges at the rate of 9 pies per mile, while in places where there is no monopoly in Ajmer-Merwara, the charge is only 3 pies per mile ?

(b) Are Government aware that the monopoly given to the Punjabi Motor Service Company and their exorbitant charges have resulted in hardship and great discontent among the people of the areas concerned ? Has the attention of the Government been drawn to the agitation in the District and in the Press of the Province ?

(c) Are Government aware that the people induced another company to ply its lorries between Nasirabad and Kekri by another route *via* Bhinai, but that the Commissioner of Ajmer-Merwara cancelled its permits within a week, on the plea that the road was unfit for motor traffic ?

(d) Is it a fact that the inhabitants of Kekri, Bhinai, Deoli cantonment, and other localities concerned submitted several representations to the Commissioner of Ajmer-Merwara against the exorbitant rates charged by the Punjabi Motor Service Company, and prayed for a cancellation of the monopoly or a reduction in its fares ?

(e) How much do Government pay annually to the Punjabi Motor Service Company for carrying the *dāk* ?

(f) Will Government state the reasons for giving a monopoly for plying lorries to one particular company not belonging to Ajmer-Merwara ?

(g) Are Government aware that, in other parts of Ajmer, companies are working with profit while charging only 3 pies a mile ? What are the grounds on which Government permits a monopoly to this Punjabi Motor Company, while it charges 9 pies a mile ?

(h) Do Government propose to redress this grievance of the people concerned at once by either cancelling the monopoly or permitting the Company to charge only 3 pies a mile ? If not, will Government give reasons why it is bound to continue the monopoly and allow the people of the province to be exploited by an outside company ?

The Honourable Sir Bhupendra Nath Mitra : The necessary information has been called for from the local authorities and will be communicated to the Honourable Member in due course.

PAY OF CERTAIN GRADES OF POSTAL OFFICIALS.

198. **Pandit Nilakantha Das :** Will Government be pleased to state :

- (a) whether under their order No. 11-P.T.E., dated 8th March, 1928, in the Department of Industries and Labour, they have conceded the benefit of officiating service in the grade of Rs. 175—10—225 under Fundamental Rule 27 ;
- (b) whether prior to 1924 the Postmaster General's Office and the Dead Letter Office at Bombay had a grade of Rs. 170—10—225 in Traffic Branches ;
- (c) whether officials in Circle Offices and Dead Letter Offices were ordered by the Director General to be granted the benefit of officiating service in the grade of Rs. 170—10—220 under Fundamental Rule 32 and the Audit Office has declared the rule inapplicable ;

- (d) whether Government are prepared now to issue orders extending the benefit to Circle Offices and the Dead Letter Offices under Fundamental Rule 27 with retrospective effect as was done in the case of their co-workers in the Traffic Branches ?

Mr. P. G. Rogers : (a) Yes.

(b), (c) and (d). An inquiry will be made and the result will be communicated to the Honourable Member in due course.

BURIAL OF A MOSLEM WATER CARRIER FROM THE NEW DELHI COMBINED HOSPITAL.

199. **Mr. Abdul Haya :** (a) Is it a fact that a Moslem water carrier, an employee of the New Delhi Gymkhana, was admitted as an indoor patient in the New Delhi Combined Hospital in June last where he died, and that no arrangements for his burial were made for two days ?

(b) Is it a fact that, during this period, several co-religionists of the deceased approached the Hospital authorities and asked for the dead body but the same was not delivered for two days ?

(c) Will Government please state who was responsible for this delay in the disposal of the dead body ?

(d) Is it a fact that there is no Moslem doctor in this Hospital ?

Sir Frank Noyce : (a) A Moslem water carrier in the service of the Imperial Delhi Gymkhana Club died on the morning of the 4th June, 1929, in the New Delhi Hospital. It is not a fact that no arrangements were made for his burial for two days. The body was buried at Government expense within 28 hours of death, as neither the Club nor certain co-religionists who had asked to be allowed to make arrangements for burial, did so in time.

(b) No. The co-religionists who offered to bury the body were given permission, but failed to make arrangements.

(c) The answer is apparent from the reply given to parts (a) and (b) of the question.

(d) Yes.

PROPORTION OF MUSLIM OFFICERS EMPLOYED IN CLASS I RAILWAYS.

200. **Mr. Abdul Haya :** (a) Are Government aware that on 1st April, 1928, the proportion of Muslim officers to the total number of officers employed in Class I Railways was only 3 per cent. ?

(b) Is it a fact that in the year 1927-28, 96 vacancies of officers were filled on Class I Railways and only 3 of them were given to Muslims as brought out in the statement at page 60 of Railway Board Report on Indian Railways, Volume I ?

(c) Are Government aware that, out of 75 officers attached to the Agency Departments of Class I Railways, there are only two Muslims ?

(d) Are Government aware that in the year 1927-28 the proportion of Muslim officers to the total number of the officers on the Great Indian Peninsula Railway was reduced from 2.4 to 1.6 per cent. ?

(e) Are Government aware that on 1st April, 1928, the proportion of Muslim upper subordinates to the total number on Class I Railways was only 3.8 ?

(f) Are Government aware that in the year 1927-28 the proportion of Muslim upper subordinates to the total number on the Assam Bengal, Bombay, Baroda and Central India, Rohilkhund and Kumaon and South Indian Railways was actually reduced ?

(g) Are Government aware that there is not a single Muslim Superintendent in the offices of the Railway Board, the Agent, North Western Railway and all the Divisional Superintendents of the North Western Railway ?

(h) If the answers to the above are in the affirmative will Government please state how they reconcile this state of affairs with the pledges so often given by the Government that 33 per cent. of all new posts are reserved to redress communal inequalities in Government services ?

(i) Will Government please state if they are prepared in actual practice to take any effective measures for the redress of these inequalities ?

Mr. P. B. Rau : The answer to clauses (a) to (f) of the question and to the first part of clause (g) is in the affirmative. Government are not aware of the present position in the offices mentioned on the North Western Railway. As regards clauses (h) and (i), in the three years from 1925 to 1928 the total percentage of Muslim officers on Class I Railways has risen from 2.3 per cent. to 3 per cent., and that of subordinates from 3.1 per cent. to 3.8 per cent. The policy of Government to prevent preponderance of any one community, which includes the reservation of 33-1/3rd per cent. of posts filled by competitive examination for qualified members of minority communities, came into effect only comparatively recently, and changes in the communal composition of the railways as a whole must necessarily be somewhat slow.

LACK OF MUSLIM OFFICERS IN CERTAIN RAILWAY OFFICES.

201. **Mr. Abdul Haya :** (a) Are Government aware that there is not a single Muslim officer in the offices of Director of Railway Audit, Chief Auditors, North Western Railway, East Indian Railway, Eastern Bengal Railway, Burma Railways, Railway Clearing Accounts Office and all the Government Examiners on Company-worked railways ?

(b) Is it a fact that not a single Muslim officer has ever been posted in the office of the Accountant General, Railways, during the whole life of that office, while over a dozen Hindu officers were appointed there, from time to time, as Deputy and Assistant Accountants General ?

(c) Will Government be pleased to state if it is a fact that not a single Muslim accountant has ever been promoted to the rank of Assistant Audit Officer in the Railway Audit Department during the whole history of that department ?

(d) If the answer to part (c) is in the affirmative do Government propose to investigate the causes of this state of affairs and remove them ?

(e) Will Government be pleased to state if it is a fact that nearly sixty men have passed Part I of the Subordinate Railway Accounts Service examination held in May last and not one of them is a Muslim ?

(f) Will Government be pleased to lay on the table a statement showing :

- (i) the number by communities of officers, accountants and clerks selected for the Chief Auditor's Office, North Western Railway, Lahore, which was started in April last ; and
- (ii) the number of officers, accountants and clerks by communities appointed in permanent or temporary vacancies after the formation of that office up-to-date ?

The Honourable Sir George Schuster : Inquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF MUSLIM OFFICERS IN RAILWAY ACCOUNTS OFFICES.

202. **Mr. Abdul Haya :** (a) Is it a fact that there is not a single Muslim officer or Superintendent in the office of the Controller of Railway Accounts whereas there are three Hindu officers and a large number of Hindu Superintendents attached to that office ?

(b) Do Government propose to consider the advisability of posting at least one Muslim officer and two Muslim Superintendents in that office ?

(c) Will Government please state if it is a fact that not a single Muslim officer or Superintendent has ever been appointed in the Railway Clearing Accounts Office, Delhi ?

(d) Do Government propose to appoint at least one Muslim officer and two Muslim Superintendents in that office ?

(e) Will Government please state if it is a fact that the number of Muslim accountants in the office of Chief Accounts Officer, North-Western Railway, is very small and the non-Muslim element preponderates ?

(f) Is it a fact that certain non-Muslims who had not passed the Railway and Subordinate Accounts Service examination have been appointed as Superintendents in the office of the Chief Accounts Officer, North Western Railway ?

(g) Are Government prepared to keep in view the paucity of Muslim accountants and extend similar concessions to Muslims who deserve special treatment ?

Mr. P. R. Rau : (a), (c) and (e). Government regret that, for reasons already explained to the House, they are unable to supply information about the communal composition of individual offices.

(b), (d) and (g). The policy of Government to prevent undue preponderance of any one community in the public service is known to the Controller of Railway Accounts, under whose control all these offices are.

(f) I understand there is no Superintendent at present in the office mentioned who has not passed the Subordinate Accounts Service Examination.

TRAVELLING ALLOWANCES OF CREWMEN.

203. **Mr. Amar Nath Dutt :** Will Government be pleased to state whether the travelling allowance of Rs. 15 of the crewmen on the East Indian Railway is a consolidated one or whether they are only entitled to it

for the period during which they have to travel ? If the latter, will Government state reasons for not granting a consolidated travelling allowance to the crewmen ?

Mr. P. R. Rau : The information has been called for from the Agent. On receipt of the reply I shall communicate with the Honourable Member.

LEAVE OF CREWMEN ON THE EAST INDIAN RAILWAY.

204. Mr. Amar Nath Dutt : Will Government be pleased to state whether any rules have been framed as regards casual and privilege leave of the crewmen on the East Indian Railway ?

Mr. P. R. Rau : The information has been called for from the Agent. On receipt of the reply I shall communicate with the Honourable Member.

HOURS OF DUTY OF CREWMEN.

205. Mr. Amar Nath Dutt : Will Government be pleased to state the number of hours for which the crewmen are required to be on duty during a week ? Is it a fact that they get only 60 hours rest in the course of a week ? If so, do Government propose to increase the hours of rest ? If not, why not ?

Mr. P. R. Rau : I am collecting the information for the Honourable Member and will send it to him in due course.

PERMANENCY OF THE SERVICE OF CREWMEN.

206. Mr. Amar Nath Dutt : When do Government propose to make the service of the crewmen permanent ?

Mr. P. R. Rau : The crew system is at present in an experimental stage. The matter will be considered if and when it is decided to adopt the crew system as a permanent arrangement.

ORDERS FROM THE INDIAN STORES DEPARTMENT FOR THE KUMARDHUBI ENGINEERING WORKS.

207. Mr. Amar Nath Dutt : Is it a fact that the Kumardhubi Engineering Works receive orders from the Indian Stores Department ?

The Honourable Sir Bhupendra Nath Mitra : It is a fact that the Kumardhubi Engineering Works receive orders from the Indian Stores Department.

PAY OF ASSISTANT STATION MASTERS ON THE BENGAL NAGPUR RAILWAY.

208. Mr. Amar Nath Dutt : (a) Is it a fact that in the Bengal Nagpur Railway the pay of the Assistant Station Masters in Class III (80—5—120) or IV (60—5—100) desiring promotion to Station Masters' grade, Class VIII (52—4—80) was reduced owing to the scale of pay of the former being higher than that of the latter ?

(b) Is it a fact that some Station Masters in the Bengal Nagpur Railway were made Assistant Station Masters on higher pay and they are asked to revert to lower pay, if they ask to be appointed Station Masters ? If so, will Government be pleased to state whether such

anomalies exist in other Indian Railways? If not, will Government be pleased to state whether they took any steps to prevent such anomalies? If not, why not?

(c) Is it a fact that Assistant Station Masters in large stations with higher pay are asked to revert to lower pay if they desired promotion to Station Masters' grade even after serving 10 years as Assistant Station Masters in big stations? If so, will Government be pleased to state whether such a practice obtains in any other Indian Railway?

Mr. P. R. Rau : I am obtaining the information and will communicate with the Honourable Member on receipt.

FIRMS RECEIVING STATE PROTECTION, BOUNTIES AND SUBSIDIES.

209. **Mr. Amar Nath Dutt** : (a) How many firms in India are now receiving from the State :

- (1) protection ;
- (2) bounty ; and
- (3) subsidy ;

and on which items ?

(b) What are the amounts of protection, bounty, or subsidy in each case ?

(c) Is there any report as to how far they have progressed by such protection, bounty or subsidy ?

(d) Will Government be pleased to state what definite steps have been taken by the firms receiving State protection, bounty or subsidy to improve the condition of labour in wages, training, housing and other like facilities ?

(e) Will Government be pleased to state what definite steps have been taken by the firms receiving State protection, bounty or subsidy to encourage Indianisation in management and the employment of technically trained Indians in service ?

(f) Will Government be pleased to state what definite steps have been taken by the firms receiving State protection, bounty or subsidy to cheapen production in this country ?

The Honourable Sir George Rainy : (a). (1) Protection has not been granted to any particular firm but to the following industries :

- (i) the Iron and Steel Industry,
- (ii) the Paper Industry, and
- (iii) the Match Industry.

(2) and (3). No firms in India receive at present any bounty or subsidy from Central revenues.

(b) The Honourable Member's attention is invited to Part VII of Schedule II to the Indian Tariff Act, 1894, as amended, copies of which are available in the Library. This shows the amount of tariff protection afforded to the industries named.

(c) So far as the iron and steel industry is concerned the Honourable Member is referred to the Tariff Board's Report on the Statutory Steel

Enquiry, Chapters II and XIV of Volume I and Chapter II of Volume VIII. Copies of both volumes were supplied to the Honourable Member on publication.

No information is readily available as to the effect of protection on the paper industry.

As regards the match industry, the protective duty being the same as the original revenue duty, the advantage enjoyed by the industry remains the same as before.

(d), (e) and (f). The Government of India have no information.

CONSTRUCTION OF THE DACCA-ARICHA RAILWAY.

210. **Mr. Amar Nath Dutt** : (a) Has the attention of Government been drawn to resolution No. 41 passed at the annual meeting of the All-India (including Burma) Postal and R. M. S. Union, Dacca Branch, held at Manikganj on 4th August, 1929, and published in its monthly organ *Samitee* for August, 1929, urging the early construction of the Dacca-Aricha Railway for safety and facility of the mails for Manikganj from Dacca and Calcutta sides ?

(b) Will Government be pleased to state when the construction work of the Dacca-Aricha Railway line, already sanctioned, is expected to be completed and when the mails from Calcutta and Dacca are expected to be carried on this line ?

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

(b) I would refer the Honourable Member to the reply given by the Honourable Sir George Rainy to Mr. K. C. Neogy's question No. 61 on the 3rd September, 1929.

RULES IN THE POSTAL DEPARTMENT FOR SENDING COMMUNICATIONS FREE ON POSTAL SERVICE.

211. **Mr. Amar Nath Dutt** : (a) Are Government aware that, under rule 90 (3) of the Post Office Manual, Volume 1 (old edition), postal officials are prohibited from sending communications relating to leave, transfer, leave allowance, fund subscriptions, etc., free on postal service ?

(b) Is it a fact that subordinate employees of the Post Office Department are required to submit such communications through their immediate superiors and that the latter while they can forward such communications to the sanctioning officers free on postal service are, under the operation of rule 90 (3) cited above, themselves debarred from the privilege, while sending such communications relating to their individual cases to their superior officers ?

(c) Has the attention of Government been drawn to the representation made by the Honorary Secretary, All-India Union, Dacca Branch, to the Deputy Postmaster General, Dacca Range, in his communication No. P.R.-10, dated the 5th November, 1928, pointing out the inconsistency of the rule and urging its relaxation which has been published in the *Samitee* of last July issue ?

(d) Is it a fact that, under the spirit of a letter issued by the Director General, Posts and Telegraphs, referred to in the Dacca Secretary's letter, the rule has been relaxed in its operation in all postal and R. M. S. divisions except in the Dacca Division where the Superintendent, Mr. N. Banerjee, has issued a special order rigidly enforcing the rule on his subordinates specially prohibiting them from sending such communications free on postal service ?

(e) Is it a fact that Mr. N. Banerjee himself infringed his own ruling by sending his application for casual leave to the Deputy Postmaster General, Dacca Range, during the last Puja holidays free on postal service ?

(f) Do Government propose to relax the rule in case of officials in active service ?

Mr. P. G. Rogers : (a) Yes. The prohibition is repeated in the current Posts and Telegraphs Manual.

(b) Yes.

(c) No. Government have not seen the representation referred to.

(d) The provisions of the rule have nowhere been relaxed. The reason for drawing special attention to the orders in the Dacca Division was their frequent infringement.

(e) No.

(f) The answer is in the negative.

EMPLOYMENT OF RELATIONS AND NOMINEES OF MR. A. N. ROY, DEPUTY POSTMASTER-GENERAL, BENGAL AND ASSAM.

212. **Mr. G. Sarvotham Rao :** (a) Will Government be pleased to state whether there are any relations and nominees of Mr. A. N. Roy, Deputy Postmaster General of Bengal and Assam, who are on the list of candidates for employment in the Postal Department in Bengal and Assam ? If so, what is their number and when will the list be exhausted ?

(b) Will Government be pleased to state whether there are any relations of Mr. A. N. Roy, still waiting in the list of candidates maintained at (1) Alipur H. O. Division, (2) Hooghly Division, (3) Presidency Division, and (4) Calcutta General Post Office ? If so, what is their number ?

(c) Will Government be pleased to lay on the table a full list of learners sent to the T. T. classes during the past 18 months by the Postmaster General of Bengal and Assam ? Are any of the men sent from Alipur, Calcutta, Hooghly Division, Murshidabad Division, Midnapur Division, Nadia Division and Presidency Division, either relations or nominees of Mr. A. N. Roy ? If so, how many ?

(d) Are there any relatives or nominees of Mr. A. N. Roy, who are working in the Nadia, Calcutta, R. M. S., C., E. and N. Divisions ? If so, how many ?

(e) For how long has Babu Gangesh Chandra Bhattacharji been working as Post-Master, Krishnagar ? How long did this particular officer work as head clerk of the Superintendent's office, Nadia Division ? Is he in any way related to Mr. A. N. Roy ? Is it a fact that as a result of inspection of the Krishnagar H. O. by an independent officer during

Mr. A. N. Roy's absence from office, the Post-Master General passed orders transferring Babu G. C. Bhattacharji for unsatisfactory work ? Did **Mr. A. N. Roy** after resuming office put up a long protest against the order in support of Babu G. C. Bhattacharji ?

(f) Is it a fact that a junior officer still on probation and occupying a position at the bottom of the list was posted as Postmaster, Barrackpur ? Is it a fact that there were over 200 men senior to him ? Has the order been cancelled ? If so, why ? Was the junior man a nominee of **Mr. A. N. Roy** ?

(g) Is it a fact that **Mr. A. N. Roy** has been holding appointment in the Circle throughout his whole career ? If so, why ?

Mr. P. G. Rogers : The information necessary for complete replies to unstarred questions Nos. 212 and 214 is being collected and will be communicated to the Honourable Member in due course.

EXPERIMENTAL POST OFFICES.

213. **Mr. G. Sarvotham Rao** : Is it a fact that no experimental post offices have been sanctioned from April this year ? Will Government be pleased to state the number of refusals with reasons for such refusal ?

The Honourable Sir Bhupendra Nath Mitra : The answer to the first part of the question is in the negative.

As regards the second part, the provision of funds for opening new offices in the Budget for 1929-30 had to be restricted owing to the financial position of the Department, and this must have led Postmasters General to refuse requests for opening new offices. Government have no information about the number of such cases ; and in view of what has already been stated, they do not consider that any useful purpose would be served by making inquiries.

EMPLOYMENT OF BABU JATINDRA NATH BOSE, CONTINUOUSLY FOR SEVERAL YEARS IN THE BENGAL AND ASSAM POSTMASTER GENERAL'S OFFICE.

† 214. **Mr. G. Sarvotham Rao** : Is it a fact that Babu Jatindra Nath Bose has been in charge of the Bill and Accounts Branch of the Bengal and Assam Postmaster General's Office for several years ? Is it a fact that, whenever any question of his transfer to any other branch arises, the Office Superintendent puts up his protests ? Is it a fact that Babu Amas Nath Bose is a brother of Babu Jatindra Nath Bose ?

TRANSFER OF AN OFFICER OF THE OFFICE OF THE POSTMASTER GENERAL, BENGAL AND ASSAM.

215. **Mr. G. Sarvotham Rao** : Is it a fact that one officer of the personal staff of the Postmaster General of Bengal and Assam has been transferred after a short interval and compelled to take leave ? If so, why ? Has **Mr. B. B. Bhattacharji. S. Hooghly**, been transferred to Dacca Division ? If so, why ?

† For answer to this question, see answer to question No. 212.

Mr. P. G. Rogers : It is presumed that the Honourable Member refers, in the first part of his question, to Mr. N. K. Dutt, who was transferred after holding the appointment of Assistant Postmaster General for one year and four months. He was not, however, compelled to take leave, but did so to suit his own convenience. As regards Mr. Bhattacharji, the facts stated by the Honourable Member are substantially correct. The transfers of both officers were within the competence of the Postmaster General, Bengal and Assam, and were made in the interests of the public service.

LADY CLERKS APPOINTED IN THE POSTAL DEPARTMENT IN BENGAL.

216. **Mr. G. Sarvotham Rao :** Is it a fact that several lady clerks in the General Post Office cadre in Bengal have been appointed? If so, will Government be pleased to state the number of such clerks, their ages and qualifications?

Mr. P. G. Rogers : There are seven lady clerks employed in the G. P. O. at Calcutta :

	<i>Age.</i>	<i>Qualifications.</i>
No. 1	47	Typist.
No. 2	40	Clerk (transferred from Madras Circle).
No. 3	.. 36	Typist.
No. 4	.. 33	Typist.
No. 5	.. 30	Knowledge of packing goods.
No. 6	.. 27	Shorthand Typist (Passed Senior Cambridge and High School).
No. 7	.. 32	Typist.

AMALGAMATION OF THE DARJEELING-SIKKIM-TIBET POSTAL DIVISION WITH THE JALPAIGURI DIVISION.

217. **Mr. G. Sarvotham Rao :** (a) Is it a fact that the question of abolition of the separate division named Darjeeling-Sikkim-Tibet and its amalgamation with the Jalpaiguri Division was finally decided in the Director General's Office on the recommendation of two Postmasters General? Is it a fact that Mr. Raha made his recommendations after a careful personal inspection of the work of Darjeeling-Sikkim-Tibet Division? Did the Director General of Post Offices accept the recommendations finally? If not, why not?

(b) Is it a fact that the officer holding at present the charge of the division is against the abolition and is supported by Mr. A. N. Roy, Deputy Postmaster General? Is it a fact that the division has got no work to justify the cost of maintenance of the staff? What is Mr. Raha's report? Do the mere numbers of sub-offices indicate the real amount of post office work in a division like Darjeeling-Sikkim-Tibet? Is it a fact that all post offices are combined offices in this division?

Mr. P. G. Rogers : (a) The question of the abolition of the Darjeeling-Sikkim-Tibet Division and its amalgamation with the Jalpaiguri Division, was finally decided by the Director General on the reports of three Postmasters General. Mr. Raha made his report after personal inspection

of the work of this Division. The Director General has accepted the recommendation of the present Postmaster General of Bengal and Assam Circle, who reported on the question last. The Division has not yet been abolished.

(b) Government have no information whether the officer now holding charge of the Division is against its abolition and is supported by Mr. A. N. Roy. The Division was not created by Sir Geoffrey Clarke to provide for Mr. Grange. It is not a fact that the Division has no work to justify the cost of maintaining the staff. Mr. Raha reported that, in his opinion, the postal work did not justify a separate postal Division and that, although the Superintendent was in charge of the telegraph traffic and telegraph engineering, the entire work did not justify a whole-time officer. He also stated that on the abolition of the Division and its amalgamation with the Jalpaiguri Division, the latter would be a very heavy Division and he recommended a special pay to the Superintendent of the Jalpaiguri Division. The mere number of sub offices does not indicate the real amount of post office work. It is not a fact that all post offices are combined offices in this Division.

COMPLAINTS AGAINST MR. D. F. TAWSE, ASSISTANT SUPERINTENDENT OF CREWS, EAST INDIAN RAILWAY.

218. **Mr. Amar Nath Dutt** : (a) What are the qualifications of Mr. D. F. Tawse, Assistant Superintendent of Crews, East Indian Railway ?

(b) Is it a fact that there are several complaints of favouritism and ill-treatment of subordinates by Mr. D. F. Tawse ?

(c) Do Government propose to inquire into these charges against Mr. Tawse and try to find out the reasons of favouritism, if any ?

Mr. F. E. Rau : Mr. D. F. Tawse has been chosen for his present appointment by the local Railway Administration, who are fully competent to judge of his qualifications. The Honourable Member's question has been forwarded to the Agent, for disposal.

COMPLAINTS AGAINST MR. M. A. H. SHIRAJI AT HOWRAH STATION.

219. **Mr. Amar Nath Dutt** : Is it a fact that one M. A. H. Shiraji has been all along posted at the Howrah Station ? If so, why ? Have any complaints been received that he ill-treats poor passengers ? ●

Mr. P. E. Rau : Government have no information. The posting of staff is a matter within the competence of the local Administration to whom it is presumed any complaints of ill-treatment would be made direct.

COMPLAINTS AGAINST S. GOPAL, ASSISTANT LINE INSPECTOR, EAST INDIAN RAILWAY.

220. **Mr. Amar Nath Dutt** : Are Government aware that one S. Gopal, an Assistant Line Inspector on the East Indian Railway, treats the passengers harshly and even cruelly ? If so, will Government be pleased to state why he is still retained in service ?

Mr. P. E. Rau : Government have no information. Complaints of ill-treatment would presumably be made direct to the Local Administration who are fully competent to deal with the matter.

MOTION FOR ADJOURNMENT.

TREATMENT OF BUDDHIST MONKS IN JAILS IN BURMA.

Mr. President : The Honourable Member from Burma, Mr. Munshi, desires to ask leave of this House to move the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance. Honourable Members are aware that it is desirable and also necessary that we should get through the Sarda Bill today, and if we allow the adjournment motion to break through the ordinary business of the Assembly today, it may not be possible to finish the Sarda Bill. I would, therefore, suggest to the Honourable Member from Burma whether he should not agree to take up this motion tomorrow.

Mr. Jehangir K. Munshi (Burma : Non-European) : Sir, I would be the last person to stand in the way of the Child Marriage Bill, and I gladly accept the suggestion of the Chair. I only hope that advantage will not be taken of this to say tomorrow that the motion is not urgent.

Mr. President : If any objection is taken on that score, the Chair will protect the Honourable Member.

THE INDIAN INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Provident Funds Relief), as reported by the Select Committee, be taken into consideration.

I do not think it is necessary for me to expound in detail the nature of the amendments introduced in Select Committee, as they are very clearly explained in the Report of the Select Committee. Also in view of the urgency of other business before the House, and in view of the explanations which I have already given about this Bill, I do not propose to go over the ground again or deal with the main objects. I would only like to say this ; that I wish on this occasion to acknowledge the great assistance which I have received from the representatives both of the Indian Chambers of Commerce and the representatives of the Associated Chambers of Commerce in working out this very complicated and difficult piece of legislation. The Bill is a short one and has not attracted much public attention ; but I venture to say that, taking all the matters which have come before the House this Session, the results of this Bill will be more felt in the shape of definite benefit to some of the poorer classes of this country than the results of any other business which the Assembly has discussed.

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Schuster : Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

THE HINDU CHILD MARRIAGE BILL—*contd.*

Mr. President : The House will now resume discussion of clause 1 of the Child Marriage Bill.

The question is :

“ That clause 1 stand part of the Bill.”

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, the amendment which I have the honour to move runs as follows :

“ That in sub-clause (3) of clause 1 of the Bill for the words and figures “ the 1st day of April 1930 ” the following be substituted :

‘ such day as the Local Government of a Province or Presidency, with the approval of the majority of the elected Members of the Local Council may determine, and in case of centrally administered area, the Governor General with the approval of the elected Members of the Council of State and the Legislative Assembly may determine ’.”

It would not have been necessary for me to make any speech on this amendment, had it not been that the House has been carried away by its reforming zeal. Be that as it may, I feel it my duty to move this amendment which will at once show to the people at large and also to the world whether certain people or a certain section of the people want legislation in this matter or not. There are various opinions about this Bill and the Bill as passed has hardly even satisfied the zealous supporters of social reform. A handful of men and the heterogeneous representatives of the various sections of our community think that they have a right.....

Mr. President : Order, order. I am afraid I cannot allow the Honourable Member to go into the merits of the Bill. The Honourable Member must confine himself to the amendment before the House, which is that if the Bill is passed, it should come into operation under certain conditions. The Honourable Member cannot go into the question whether the Bill should be passed or not.

Mr. Amar Nath Dutt : I am not going into that question, Sir. I am going into the question whether the several provinces of this vast country should have one law ; because we have the opinion of at least one Provincial Government that conditions vary in different parts of the country. In fact India is a vast continent, almost the size of Europe, excluding Russia. If that is so, I think no one here, at least none of my Honourable friends who come from across the seas, will ever think that they can have one law for the whole of Europe. As I have said before, owing to climatic variations and other conditions in India, puberty in different provinces appears at different ages. It has been admitted that this Bill is mainly aimed against pre-puberty marriages. We are not concerned with that, but as I have submitted, conditions vary in different parts of the country and that being so, it would be better if we leave it to the consideration of the people of those particular provinces and the views set forth by the elected Members of their Legislatures. I think no reasonable men can object to this unless they think that they are a superior body of men with superior heads on their shoulders and also a superior right to coerce people of the various provinces. Sir, in this view I am backed by the opinion of certain Provincial Governments. (*An Honourable Member :* “ No.”) Punjab, if you care to read the Report.....

An Honourable Member : What about the Punjab ?

Mr. Amar Nath Dutt : The Punjab Government has said..... (Interruptions from Honourable Members). I belong to the same province to which the Honourable Advocate General belongs, and if I have not got the same amount of courage and grit as he has, at least I can follow in his footsteps and ignore these interruptions. Sir, what objection can there be to an amendment like this I fail to understand, unless as I have said, people are swayed away by feelings of their own importance ; and I think in a House like this, where reason is not always.....

Mr. President : Order, order : I cannot allow the Honourable Member to cast aspersions on the House.

Mr. Amar Nath Dutt : In a House like this I do not wish to say more than this, that I think my amendment will commend itself to the approval of all reasonable men.

The Revd. J. C. Chatterjee (Nominated: Indian Christians) : After listening to the trend of the debate, I am convinced that the moving of my amendment* will not be in the national interests and so I request your leave not to move it.

Mr. President : No leave is necessary: the Honourable Member need not move his amendment.

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-Official) : On a point of order, may I ask, if Mr. Chatterjee does not move his amendment which is similar to Mr. Kelkar's amendment No. 5, what will be the effect on Mr. Kelkar's amendment ? Will he be entitled to move it or not ?

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : The amendment which I wish to move runs as follows :

“ That in sub-clause (3) of clause 1 of the Bill, for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1932 ’ be substituted.”

The House will see that I desire that the people of the country should be given a sufficient period of time to understand the provisions of this Bill. It has been stated in this House more than once that ours is a very large country, that there are more than thirty crores of people in it, and that there are people of various opinions. Most of them, at least ninety per cent. of them, are absolutely illiterate. It is necessary to give the people sufficient time to be acquainted with the provisions of this penal measure. We are legislating here for people who include hill tribes and men who scarcely ever come to towns. It is for people of all grades that we are legislating, and therefore I do not think that a period of two years will be long enough, and therefore I request that there should be no hurry in enforcing this penal measure. I know that some of my friends are in a great hurry to enforce this measure all at once, but I think that they should be satisfied when this Bill passes into law and they should give reasonable time to people to get acquainted with the provisions of this measure. I do not think that a longer or more elaborate argument is necessary in support of such a simple proposition as I am placing before this House.

* “ That in sub-clause (3) of clause 1 of the Bill, for the words and figures ‘ the 1st day of April 1930 ’, the words and figures ‘ the 1st day of January 1931 ’ be substituted.”

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural) : I do not believe that there is any sense in this amendment simply because my Honourable friend says that he is representing the hill tribes in this Assembly ; he represents a constituency.....

Mr. President : Order, order : what is the Honourable Member doing ?

Mr. K. Ahmed : I am making a speech on the amendment moved, Sir.

Mr. President : He is not in order in making a speech unless he has been called on to do so ; he is now a Front Bencher and ought to behave himself.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural) : Sir, I move :

“ That in sub-clause (g) of clause 1 of the Bill for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1931 ’ be substituted.”

My friend, Mr. Belvi has already moved his amendment to prolong the date of operation of this Bill to 1932. He is of course reasonable, but I think I am more reasonable still. A witty friend of mine has described my amendment as a measure of matrimonial moratorium. But I think that there is more of alliteration than of truth in it. But even supposing that it is a kind of moratorium, I think that it is necessary for saving the credit of all concerned—of those who have supported the Bill, and those that have almost come to bankruptcy by having their efforts to get useful amendments made defeated, and also in the interests of the Government, because they have already drawn a very large draft upon their credit with the people by trying to thrust this penal legislation upon them. So I say that, in the interests of all concerned, this little moratorium is necessary. But I think I have got other very good grounds for moving this amendment. In the first place it is a golden mean between two opposite extremes : on the one hand we have here Mr. Sesha Ayyangar who is going to move that the date of operation of this Bill be postponed to 1933 ; and on the other hand I know of certain friends of mine who are so impatient over this Bill that they would like to support the Governor General if he would issue an ordinance and bring the Bill into operation as soon as it is passed here—they are impatient even over the little delay that is provided for in the Bill.

But, Sir, there is another reason of mine for this amendment and that is simply an arithmetical reason. If you look to clause 1 of this Bill as passed by the Select Committee, we find the first section reads :

“ This Act may be called the Child Marriage Restraint Act, 1928.”

And the same Select Committee says that it shall come into force on the first day of April 1930. That means that the Select Committee with its own hands is giving a saving period of fifteen months for the operation of the Bill before the Act comes into operation ; and in my amendment I think I am asking for precisely the same period of delay and nothing more. What I am doing is no more than what the Select Committee at one time did intend. This House has, through the proceedings on the Bill, affected and even professed to treat the Select Committee Report as sacrosanct ; and I hope that in this matter at any rate they will treat that Report as sacred and not interfere with its intentions as I have just expressed them, namely, that of giving a period of fifteen months at least before this Act comes into operation.

Now, it may be said that the public has had notice owing to the fact that this Bill was hanging fire for the last fifteen months ; but, Sir, I must say that notice of the Bill is not notice of the Act, if I may use a somewhat legal phrase ; and there is very good reason for my saying so. It is not only technically that I am saying it, but there is a very good reason for it. For one year no doubt the people have known that the Sarda Bill was before the Assembly, but people have got a very good idea as to what chances there are for private Bills in this House, and therefore when they came to know simply that there was such a Bill before the Assembly, they did not like to take it very seriously ; and if I may put it perhaps more plainly, I must say that my friend, Rai Sahib Harbilas Sarda would have had absolutely no chance of carrying this Bill through if Government had not come to his help and rescue and given him the grace of the necessary days for piloting the Bill through the House.

Now, something has thus happened which is absolutely unprecedented. And how can we expect the people to credit the Government with these intentions to help Mr. Sarda in this matter over this Bill ? They usually suppose or are under the impression that there is absolutely no chance for any lengthy private Bills in this House, and they might have therefore easily rested on their oars, expecting all along that such a lengthy and contested Bill could not be passed in the Assembly with one or two days at best that might be otherwise devoted to it. Therefore, again I say that the notice of this Bill is certainly not the notice of the Act.

Then, looking at it from another point of view, after all, what will be lost if we give the people one year or 15 months to reconcile themselves to the new situation that is created by the Bill ? A lot of propaganda, it is admitted on all hands, will have to be done before people even know that such an Act has come into being and that they must obey the Act. Primarily, I think it is the duty of this Government to carry on all the necessary propaganda for allowing this Bill to filter down to the lowest masses, and I should certainly feel thankful if Government would do for this Bill at least as much propaganda as they did for securing the War Loan. I do expect that they will do even a little more propaganda for this Bill among the masses than they did at the time of securing the War Loan, because certainly this Bill is more important to the public than the War Loan for which they did a good deal of propaganda. Now, what is the ordinary procedure by which people come to know of the Bills that are passed in the Legislature ? These are published in the Government Gazettes. How many people are there in this country who read the Government Gazettes and who can understand the vernacular translation that is made of these Acts in the Government Gazettes ? After all, they have got to go to their own friends and relations to understand what is passing in the country and what is happening in the country, and it is not through the Government Gazette, but through their own friends and relatives, that people will ultimately, in the mofussil at any rate, come to know that such an Act has been passed, and that its penal provisions are so and so and so and so. Therefore, I say that here is an instance in which very great propaganda is needed, and in the first instance it will be the duty of the Government to carry on this propaganda very effectively so as to educate the people properly. Though I am suggesting the 1st of January 1931, I may in passing refer to one great opportunity which Government will be getting for making this propaganda, and that

[Mr. N. C. Kelkar.]

is on the occasion of the Census. Of course, the census will be coming a month or two later than January 31st, but I hope, if I put it to Government, it will be relevant that they will take that occasion to instruct each enumerator to tell each one of the members of the family, when he is going to take the enumeration details from the people in the country, that such and such an Act has been passed already and that they should beware how they contract the marriages of their daughters and sons thereafter. All this knowledge is necessary for the public and for the masses especially in the mofussil, because no one knows what the attitude of the Government and the law courts will be if this Bill is passed and put into operation immediately. There may be judges who may take the view that, once they begin with deterrent punishment, it will be half the battle won. Others may take the view that the law courts may begin with administering the Act in a gentle manner, but the Government have so far expressed no opinion as to what their policy will be in the matter. Therefore, I may assume the worst, and assuming the worst I must say that these 15 months are absolutely necessary for the contents of this Bill to filter down to the masses. For these reasons I say that this amendment should be supported whole-heartedly so that the masses might know all about the provisions of this Bill

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I beg to move :

“ That in clause 1, sub-clause (3) for the figures ‘ 1930 ’ the figures ‘ 1933 ’ be substituted.”

I hope, I am not less reasonable than my friends Messrs. Belvi and Kelkar. There is another ground, in addition to the one urged by the previous speakers, in favour of this amendment. I may bring to the notice of the House that, when the Bill was introduced in 1927, the figure “ 1930 ” was inserted in this clause, thereby it can be clearly understood that the Honourable the Mover was really serious in giving at least three years’ time for the Bill to become law after it had been passed. :

Mr. President : He thought it would take three years to pass the Bill !

Mr. M. S. Sesha Ayyangar : I am only adding three years from now and put it as 1933 ; and I adopt also the arguments of my friends Messrs. Belvi and Kelkar. I would also add to them by saying that the principles underlying this Bill, the drastic provisions contained in the Bill and the penalties imposed by the Bill, are so very comprehensive that really three years’ time and somewhat more than that will be necessary for the people to make themselves familiar with the provisions of this Bill so that no one in this country may be taken unawares when this Bill becomes operative. Therefore, I beg to move the amendment.

Mr. Amar Nath Dutt : May I move my amendment, Sir ?

Mr. President : Is there any amendment ?

Mr. Amar Nath Dutt : Yes, Sir ; the last one.

Mr. President : That is not on this subject. The question is :

“ That in clause 1 (3) for the figures ‘ 1930 ’ the figures ‘ 1933 ’ be substituted.”

The motion was negatived.

Mr. President : The question is :

“ That in sub-clause (3) of clause 1 of the Bill for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1932 ’ be substituted.”

The motion was negatived.

Mr. President : The question is :

“ That in sub-clause (3) of clause 1 of the Bill, for the word and figures ‘ April, 1930 ’ the word and figures ‘ January, 1931 ’ be substituted.”

The Assembly divided.

AYES—20.

Acharya, Mr. M. K.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sessa.
Belvi, Mr. D. V.
Cosgrave, Mr. W. A.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ferrers, Mr. V. M.
Ghuznavi, Mr. A. H.

Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mohammad Ismail Khan, Haji Chaudhury.
Mukherjee, Rai Bahadur S. C.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Roy, Mr. S. N.
Sinha, Mr. Rajivaranjan Prasad.

NOES—53.

Abdul Aziz, Khan Bahadur Mian.
Ayangar, Mr. V. K. Aravamudha.
Bajpai, Mr. R. S.
Bhargava, Pandit Thakur Das.
Bower, Mr. F. H. M.
Chalmers, Mr. T. A.
Chatterjee, The Revd. J. C.
Chunder, Mr. N. C.
Covernton, Mr. S. H.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Jawahar Singh, Sardar Bahadur Sardar.
Jayakar, Mr. M. R.
Kartar Singh, Sardar.
Keano, Mr. M.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lalchand Navalrai, Mr.
Lindsay, Sir Darcy.
Mehta, Mr. Jamnadas M.
Mody, Mr. H. P.
Moonje, Dr. B. S.
Mukharji, Rai Bahadur A. K.

Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Noyce, Sir Frank.
Pai, Mr. A. Upendra.
Philip, Mr. J. Y.
Porter, Lieut.-Colonel L. L.
Price, Mr. E. L.
Purshotamdas Thakurdas, Sir.
Rang Behari Lal, Lala.
Rau, Mr. P. R.
Roy, Mr. K. C.
Sarda, Bai Sahib Harbilas.
Sarma, Mr. R. S.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Singh, Rai Bahadur S. N.
Sinha, Mr. Siddheswar Prasad.
Stevenson, Mr. H. L.
Stewart-Smith, Mr. D. C.
Sykes, Mr. E. F.
Tin Tut, Mr.
Tottenham, Mr. G. R. F.
Winterbotham, Mr. G. L.
Yamin Khan, Mr. Muhammad.
Yusuf Imam, Mr.

The motion was negatived.
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Mr. President : The only remaining amendment* is that standing in the name of Mr. Amar Nath Dutt. I want to know from the Honourable Member how that amendment is in order, because the effect of the carrying of that amendment by the Assembly would be that the House would stultify itself by going back on its own decision which it had arrived at on the motion of Mr. Sesha Ayyangar which sought to exclude Brahmins and certain other communities. I should have thought that Brahmins and certain other communities mentioned by Mr. Sesha Ayyangar were Hindus.

Mr. Amar Nath Dutt : The part does not include the whole and I am moving this amendment for the whole of the Hindu community.

Mr. President : The whole includes the part.

Mr. Amar Nath Dutt : But the part does not include the whole.

Mr. President : And, therefore, if the amendment is carried as it stands, it would apply to the part and to that extent the Assembly would go back on its own decision.

Mr. Amar Nath Dutt : Am I to understand, in that case, that such amendments are not to be allowed? Though the smaller amendment was not carried, it may be that the House may agree to the bigger thing....

Mr. President : It was quite open to the Honourable Member to move this amendment at the time when Mr. Sesha Ayyangar moved his amendment with regard to particular classes of Hindus. If I now allow the House to discuss this amendment, it means that the House is asked to go back on its decision to that extent.

Mr. Amar Nath Dutt : May I point out to you that at the time when amendments were being moved the Chair was calling upon every Member in whose name the amendments stood at that time. Unfortunately my amendment was on a separate paper and I was.....

Mr. President : That does not alter the rules or the law.

Mr. Amar Nath Dutt : That is quite true, but we have not the power here to question anything done by the Chair in the matter of calling Members and so on. We were on the horns of a dilemma. We would either be called to order by the Chair or.....

Mr. President : I would ask the Honourable Member to be more deferential in referring to the Chair.

Mr. Amar Nath Dutt : I am not casting any aspersion.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : I submit that the question of the application of the Bill to various communities was on the agenda, and if Mr. Sesha Ayyangar's amendment was narrower than the amendment of my friend Mr. Amar Nath Dutt, it is only right that the wider amendment should be discussed first and the narrower one later on.

Mr. President : It was open to Mr. Amar Nath Dutt to get up and say "I want to move my amendment".

* "That after sub-clause (3) of clause 1 of the Bill the following be added :
'(4) It shall not apply to the Hindus'."

Mr. Jamnadas M. Mehta : The Chair is seized of the fact that there is a wider amendment and the order is in the hands of the Chair.

Mr. President : Every Member is expected to protect his own interests.

Mr. Jamnadas M. Mehta : There is also the interest of the House.

Mr. President : I will not allow anything to be done which would stultify the House itself. If we allow this amendment and supposing the House goes back on its own decision, the House will be stultifying itself.

Mr. Amar Nath Dutt : What about my other amendment, Sir.

Mr. President : I will now put it to the House.

The question is :

“ That in sub-clause (3) of clause 1 of the Bill for the words and figures ‘ the 1st day of April, 1930 ’ the following be substituted :

‘ such day as the Local Government of a province or Presidency, with the approval of the majority of the elected Members of the Local Council may determine, and in the case of centrally administered areas, the Governor General with the approval of the elected Members of the Council of State and the Legislative Assembly may determine ’.”

The motion was negatived.

Mr. Amar Nath Dutt : I call for a division.

Mr. President : Those who are in favour of the motion will stand in their places.

(Only about 2 or 3 Members stood.)

Those against :

(As a large number of Members stood up, the Chair declared that the request for a division was frivolous.)

Mr. Amar Nath Dutt : May I take it that my amendment has been disallowed ?

Mr. President : Yes.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : I rise to move that the Bill, as amended by the Select Committee, be passed. In doing so, I do not propose to traverse the whole ground covered by the Honourable Members in this House during the seven days debate this Session.

As regards the religious aspect of the question, I would only say that the Vedas are the highest religious authority amongst the Hindus and the Vedas inculcate adult marriage. (*Some Honourable Member* : “ No ”.) They do, the Vedas,—Rig Veda and Atharva Veda,—say that brides should choose their husbands, and no girl of 1, 2, or 3 or 8 is in a position to choose her husband.

Mr. President : What is the Honourable Member doing ?

Rai Sahib Harbilas Sarda : I have moved, Sir, that the Bill as amended by the Select Committee be passed.

Mr. President : Before he does that, I must put clause 1 to the vote. Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. President : Rai Sahib Harbilas Sarda.

Rai Sahib Harbilas Sarda : I move that the Bill, as amended by the Select Committee, be passed. I was saying, Sir, that the Vedas inculcate adult marriage. Dr. Moonje has stated that the Shastras in different times prescribed 12, 14 and 16 years as the marriageable age for girls. He has divided India into two parts, Southern and Northern India, and by some manipulation of medical topography,—because he is a doctor,—he has included Bengal in Southern India. Now, as regards the Madras Presidency, the collection of opinions which the Government have received clearly shows that the Madras Presidency is in favour of the Bill. 97 per cent. of the people of that Presidency are non-Brahmins.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : No.

Rai Sahib Harbilas Sarda : If my friend is prepared to throw overboard everything that is authoritative, the Census Reports and others, he is at liberty to do so. 97 per cent. of the population unanimously supports the Bill, and of the remaining 3 per cent., the opinions show that a majority of them are in favour of the Bill. I will give you one instance. Mr. Williams, Joint Magistrate at Guntur, says that he consulted 22 respectable people of the district and of these 22, 13 were Brahmins. Of the 13, only 3 were against the Bill, and 10 were in favour of it. Sir, I am receiving telegrams daily from every part of the Madras Presidency demanding that the Bill be passed at once. I will refer to only one of them. It is about a meeting promoted by Sir Sivaswamy Aiyer and Diwan Bahadur Rangachariar. Both these Brahmin gentlemen are well known to Members of this House. A public meeting was held under the presidency of Sir Sivaswamy Aiyer and a resolution was passed that the Bill should be passed at once, and the telegram says that this was attended by many orthodox Brahmins. It reads :

“ To-day's public meeting presided over by Sir P. S. Sivaswamy Aiyer and led by Diwan Bahadur Rangachariar, the Honourable V. Ramdas, T. R. Venkatrama Sastri and other Brahmin orthodox leaders have accorded its whole-hearted support to the policy and principles of the Child Marriage Bill.”

But the complete crushing answer to the opponents' objection is the fact that the Madras Legislative Council has unanimously passed the following Resolution :

“ This Council recommends to Government that it may be pleased to communicate to the Government of India that, in the opinion of this Council, legislation raising the marriageable age of boys and girls to at least 21 and 16, respectively, is necessary.”

There was not one single dissentient voice, though there are many eminent Brahmins as Members of the Council.

As regards Bengal, much has been made of the fact that the Provincial Hindu Conference at Dacca refused to accord its support to this Bill. Those who are acquainted with the circumstances of that Conference know the peculiar condition in which this was done. But, here is the opinion of the Bengal Provincial Hindu Sabha. The Secretary of the Provincial Bengal Hindu Sabha wires :

“ Bengal Provincial Hindu Sabha in general meeting unanimously passed resolution supporting Sarda Bill.”

And my Honourable friend, Dr. Moonje, the President of the All-India Hindu Mahasabha, will not disown the Bengal

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Provincial Hindu Sabha. The telegrams which I have received every day, almost every hour, during the last few days

that meetings have been held in different towns of Bengal and many by ladies in Eastern Bengal and all unanimously demand that the Bill should be passed, and say that those who say that East Bengal does not want the Bill, do not represent the opinion of that province. (Hear, hear.) I have received telegrams from almost every part of India, Sir, asking when the Bill is going to be passed. They show that people in the different parts of India are anxiously waiting to see that the Bill is passed.

Sir, I come now to the charge brought against me by my Honourable friend, Mr. Kelkar. Speaking on the amendment of the Honourable Pandit Nilakantha Das for making exemptions in cases involving hardship, he said :

“ That first point is this that this was an idea originally embodied in Mr. Sarda's own Bill when it was first introduced. I do not think he will deny it, if I put it to him. The Honourable Member unfortunately is in the hands of the Select Committee. If he has convictions of his own, he will stand up and say, ‘ I accept this amendment, whatever the fate of other amendments ’. I cannot sympathise with him over this matter when he is going against his own convictions by not supporting this amendment.”

My answer to my Honourable friend is : I deny that this idea as supposed by Mr. Kelkar was embodied in the original Bill. I deny that I am going against my convictions. My Honourable friend was not right in saying that, if I had any convictions of my own, I would have accepted the amendment. There is no connection whatever between the amendment proposed by the Honourable Pandit Nilakantha Das and the provision which I made in clause 6 of my Bill. That clause reads as follows :

“ The Magistrate of the district shall grant a licence for the marriage of a Hindu girl to her guardian, who files a written application for the grant of such licence with an affidavit swearing to the fact that the girl has completed her eleventh year, and that the guardian conscientiously believes that the tenets of the religion which the girl professes enjoin that the girl should not be kept unmarried any longer.”

This clause, Sir, provides for the conscientious objector. The objection is founded on religious tenets. The amendment supported by Mr. Kelkar has nothing to do with the “ conscientious objector.” It provides for cases in which guardians are compelled to solemnise a marriage the non-performance of which would involve a hardship to the girl or her family. Hardship to the girl or to the family, for instance, the illness of a guardian or the lack of means, is certainly not the same thing as a conscientious objection. I am sure, Sir, that had it not been for the annoyance caused to my Honourable friend by the House summarily rejecting all his amendments, or had he had the provision of my Bill, which I have just quoted, before him at the time he was speaking, he would not have been unfair to me. He has today objected, Sir, that Government gave me several days which were reserved for official business for this Bill and that this was a very peculiar thing and was not warranted. Probably, the Honourable Member will remember that when during the last Session, Government voted for the postponement of this Bill, they promised the House that in the Autumn Simla Session they would *provide sufficient time* for the passing of this Bill and would place at the disposal of the House as many days as necessary in order to see that this Bill was passed. No one can therefore complain that Government, in fulfilment of that promise, are giving all the facilities necessary for the passing of this Bill.

A word, Sir, with regard to what fell from the Honourable Pandit Madan Mohan Malaviya. Sir, he is the Leader of the Party to which I belong.

[Rai Sahib Harbilas Sarda.]

I have the highest respect for him, as I am sure everybody else in the House has, for his high sense of duty and sincerity of purpose, his undoubted patriotism, and for the great services he has rendered to this country. It gives me pain to differ from him. It was a little disappointing to see him use all those great oratorical gifts with which God has endowed him in support of a dilatory motion. And only the other day in mellifluous accents, in those soft, persuasive tones, so characteristic of him and which we all admire, he moved for lowering the marriageable age of girls. Much as I should like to follow him, Sir, I feel that more powerful than his eloquence are the tears of the child widows, the woes of the child wives, the sufferings of the victims of this evil custom that call for justice and that beckon us to the path where lies our duty to the women of our country and our motherland. It is, however, a matter of some satisfaction that I do not differ from him in this Bill on any important matter of principle. He supports the Bill; he does not want that the Bill should be wrecked, he wants that it should be passed. He only differs in a matter of detail; he wants that the minimum marriageable age of girls which is fixed in this Bill at fourteen should be reduced to twelve.

Sir, he said the other day that for the first time in the history of the world penal legislation in respect of the marriage age was being passed in this country. Is this, Sir, not a concession to orthodox opinion? When the Bill was first introduced, no penal clauses were attached to it. But the orthodox people would not have it. In other countries where marriage legislation has been enacted, the legislation is far more drastic. In those countries, marriages contracted below the minimum marriageable age are void. It is not so in this country. Even when this Bill is passed, the marriages of girls of two and three and eight will still remain marriages, and will not be held to be void, which is not the case in other countries. Consequently, Sir, it serves no purpose to compare the marriageable age fixed in this Bill with the marriageable ages fixed in other countries.

It is a matter of satisfaction, Sir, that all the Honourable Members of this House recognise the evil of child marriage. There may be a difference of opinion with regard to the method to be pursued, and the measures to be employed to remedy this evil.

A request was made by one of the Honourable Members that Government should not vote for the Bill but should remain neutral. That request, Sir, is tantamount to a demand that Government should not perform its primary function, which as everybody knows is to protect an individual or a class of its subjects from the invasion of his or its rights by another; and, Sir, when Government finds that this evil exists on a very large scale, Government is bound to interfere. The Honourable the Home Member in the brilliant speech which he delivered on the 4th September in this Assembly on this Bill said:

“ The first and the most reasonable conclusion, the inevitable conclusion in reference to the particular contents of this Bill, is that there exists a great and a corroding evil in this country which is clamorous for a remedy. That evil, Sir, is one which afflicts, in the first instance, the most defenceless, innocent section of the community, those who have the greatest claims for our protection. The evil is not only limited to that. It is not merely the large number of young girls who year by year either die or sustain serious bodily injury; but those who are acquainted with the case, those who have studied the evidence, those more particularly who have come into contact with the practical facts and the practical consequences, cannot contemplate them without—

I put it no higher than this—the most serious searchings of mind, heart and conscience. It is not merely that generation after generation of young girls should be exposed to or should suffer from these evils, but there are dangers to the future generations of the country from which, if the country is not willing to adopt a remedy, it will undoubtedly suffer in its most vital and important interests."

And he concluded by saying :

"We are convinced that this evil exists; we are convinced that the measure of Rai Sahib Harbilas Sarda is, at any rate, a first step in the direction of seeking a practical remedy. Where we find so great an evil and where we find a promising remedy, we feel that we must support what we think to be right. I trust, Sir, the great majority of this House will concur in that view. I trust they will concur in the view that this measure is a measure in the right direction and that it is their duty to support it with their suffrage."

I take this opportunity to offer my grateful thanks to the Honourable Sir James Crerar for the very eloquent, able and closely reasoned speech in which he announced the fullest support of Government to this measure. That announcement has been received from one end of the country to the other with satisfaction and thankfulness. (*A voice* : "With horror".) It reminds me of a line of Shakespeare. The greatest of the poets says :

"That the divine quality of mercy is doubly blessed; it blesseth him who gives as well as him who takes."

The support of Government to this measure is also doubly helpful—it will help the people to get rid of a widespread and a corroding evil, and it will also help Government inasmuch as it will strengthen the bonds between the Government and the people, as the people think that the Government is trying to help them in remedying this evil. In giving this support, the Honourable Sir James Crerar has therefore done a service to the Government.

Sir, in order to show with what intense anxiety and almost breathless suspense, people in different provinces of India are waiting to see this Bill passed into law, I will read a few lines from a telegram which I have received. It is from Montgomery. Rai Bahadur Ram Rakha Mal wires :

"Kindly accept and convey all concerned sincerest gratitude and congratulations on Government's just wise support for wealth and honour, nay, life-giving and nation-building Sarda Bill, for which millions helpless minor daughters, sisters and sons now sacrificed at altar of superstition like old *Suttee* will bless all supporters for saving them from ruination by atrocities on minors which are cognizable offences like grievous hurt or rape under every civilized constitution."

Then he goes on to say that he is sending a cheque of Rs. 500 for a certain purpose.

Several Honourable Members : What purpose ?

The Honourable Sir James Crerar (Home Member) : May I say, Sir, that I have returned the cheque with many thanks for the donor's intentions.

Rai Sahib Harbilas Sarda : He says that the names of all supporters to this Bill should be engraved on a column in the Assembly. That is, however, a matter with which I have no concern. I have quoted the telegram to show that the country appreciates the support given by Government to the Bill.

This Bill, Sir, is a very moderate and a very mild measure. Moderate as it is, it will go a long way to rehabilitate this country in the world opinion. Only the other day, we read a telegram published in the *Pioneer* and other papers saying that the *Observer* of London, a powerful paper,

[Rai Sahib Harbilas Sarda.]

says that the welcome given to the Child Marriage Bill in the Assembly shows that a new India is in the making. In this connection, Sir, I will read to the House a passage which gives the opinion of one who is entitled to the highest respect and consideration. That passage will show that child marriage and forced widowhood, *pardah* and other similar customs have been reacting against the liberties of our nation. I read from a book called "The India we served", by Sir Walter R. Lawrence, where he describes an interview between the Prince of Wales and Mr. Gokhale :

" Mr. Gokhale was the ablest Indian of his time. He was just then President of the Indian Congress and was newly arrived from Benares, where he had made an important speech which had interested the Prince. ' I gather ', said the Prince, ' that you think that the people of India would be happier if they were governed by Indians rather than by the British. I may be wrong, for I can only read by their eyes, but my impression is that the people I have seen are fairly happy. Are you sure that they would be happier if you changed the present system of Government ? ' ' I cannot say, Sir, that they would be happier, but at any rate they would feel a pride in thinking that they were managing their own affairs, and taking their place among the self-respecting nations of the world. ' ' Ah, ' said the Prince, ' I can quite understand that ambition, but how can you achieve this while the women of India remain as they are at present in the unenlightened dark background ? ' Mr. Gokhale admitted that this was the blot, the weak point in the Progressive Programme."

This Bill, Sir, is the first step towards removing that blot. The Prince of Wales is now our King-Emperor. In conclusion, I ask the Honourable Members to remember the times we are living in and act accordingly. When India was self-contained, when it was more or less isolated, when steamships, telegraphs, railways and airships had not conquered distances and broken the barriers, behind which India lived a sheltered and independent life, when these had not pulled her out of her isolation into the full blaze of publicity and exposed her to force emanating from all quarters of the world, much of what is evil passed without doing her serious material or moral injury. But things have changed now and the impact of foreign influences is not only disintegrating our life but, unless we fortify ourselves with all the strength that we can command and get rid of the evils which are eating into the vitals of our nation, they will shatter our society into pieces. It is absolutely necessary that every man, woman and child in this country should grow to his or her full growth and be able to work without shackles for the good of the country till we reach the goal which we have set before ourselves. I beg you gentlemen to brush aside all objections, sacerdotal or profane, ancient or modern, based on tradition or custom, which stint our growth, or stand in the way of our achieving our goal. Listen not, gentlemen, to antediluvian notions which have spent their force ; stick not to the worn out dead ideas, but live in the present, the living present, and fix your eyes steadfastly on the future, the glorious future of our country which we must achieve if we are to prove ourselves true and worthy offspring of our worthy forefathers, whose bones lie mingled in the dust of our sacred land and call upon us to uplift our country from the slough of degradation, wretchedness and slavery into which our own deeds, our own sins of commission and omission have thrown her.

Sir, I move that this Bill be passed.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras : Muhamadan) : Sir, seeing that a mighty drama has been enacted in this House in connection with this Bill, the Government being the chief actors thereof, I do not propose to inflict any speech on the House, but I want

to make a statement on behalf of the elected Muslim Members who are dead against the Bill which undoubtedly tampers with our personal law. We are fully convinced that this measure, if passed by a non-Muslim majority, will be an infringement of our *shariat* (Islamic law) which we regard as more important than any legislation made by this House. In this connection, I cannot help expressing the view that we are being subjected to the tyranny of the majority in this House. Need I bring to your notice, Sir, that when I rose to meet the arguments put forward by my Honourable friend Mr. Shervani, and to explain to him and to the House the religious point of view, an additional dramatic turn was taken.....

Mr. President : Order, order. The Honourable Member is not entitled to reflect on the vote of this House, namely, the acceptance of closure by this House.

Maulvi Sayyid Murtuza Saheb Bahadur : There can be no Parliamentary objection, Sir.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Any Member of the House is entitled to express his opinion upon a decision of this House. I do not think it is wrong.

Mr. President : It is the rule of Parliamentary practice that no Member is entitled to reflect on the vote of the House.

Pandit Madan Mohan Malaviya : I submit that that should not be the practice of this House.

Maulvi Sayyid Murtuza Saheb Bahadur : I wanted simply to refer to the fact that an additional dramatic turn was given by the part which the Government played in successfully making Mr. K. Ahmed a tool in their hands. (Laughter.) I do not criticise the decision of this House. I am only criticising the action taken by the Government. The Government have already treated our oral and written representations with contempt, and they have displayed a spirit of intolerance by carrying the motion for closure and thus depriving the Muslim Members of the right of expressing their opinion on such a momentous question, that too, knowing full well that an overwhelming majority of the Muslim public is opposed to the Bill. We have therefore decided that the only self-respecting course open to us is not to take any part in the further discussion either by speeches or by votes, but to allow the Government to carry the day with them in the teeth of Muslim public opposition. Before concluding my remarks, Sir, I will quote one couplet of that famous Persian Poet, Saadi, who says :

“ *Ai sabardast sairdast azar*
Garm ta kai bimanad cen bazaar.”

which, when translated, means :

“ Oh ! tyrant, you take delight in oppressing the helpless who are now under you. You should realise that this kind of business, this state of affairs cannot be kept up long ”. (Hear, hear.)

With these remarks, Sir, I beg your permission to withdraw myself from the Chamber for the present.

(The Honourable Member then walked out of the Chamber.)

Mr. President (while the Honourable Member was in the process of walking out) : When will the Honourable Member come back ? After this Bill is finished ?

Maulvi Sayyid Murtuza Sahib Bahadur : I may come back then only.

Sardar Kartar Singh (East Punjab : Sikh) : Sir, I rise to support the motion that the Bill be passed. Before submitting my reasons, I may at once clear the ground by saying that my community will remain substantially unaffected by the Bill, for in my province, *i.e.*, the Punjab, especially among the Sikh community to which I have the privilege to belong, post-puberty marriages are more common than child marriages, and my duty to my country in this connection is my only excuse for my participation in this debate. As a practical man concerned more with the hard facts of actual life than with an academic discussion of what our forefathers in the past considered to be right or proper according to the circumstances of the time in which they lived, I cannot but express my surprise that, in this House, gentlemen of erudition and learning who have always advocated the application of reason and rationalism to every measure that has come up here for discussion should have raised the cry of religion in danger against a measure which is intended to improve the race physically, morally and intellectually, and which is admitted on all hands to be necessary for this purpose on medical grounds. Sir, the world has had enough of the exploitation of the name of religion for maintaining the established order of things, and every rational society has come to one and the only proper conclusion that religion proper as distinguished from ceremonial and superstitions has really very little to do with matters of detail relating to secular life. I maintain, Sir, that in marriage matters, the only principle of religion involved is that sexual intercourse between persons not married to each other is a sin. It necessarily follows, therefore, that true religion prescribes restraint upon the gratification of sexual desire and it is, I humbly submit, nothing short of a perversion to exploit the name of religion for the purpose of enabling persons of undeveloped physique to indulge in this gratification, simply because the offsprings of child marriages attain precocious puberty. The question as to the age at which people should marry and other matters of detail such as prohibitive degrees and so on are mere matters of details which every community and society has to decide in the light of reason and medical science and with which religion as such has, in my humble opinion, no real connection. I, therefore, submit that the cry of religion in danger has no force. I feel fortified in this view by the fact that I have been told by my Hindu and Muhammadan friends that neither the Vedas nor the Holy Koran say anything against post-puberty marriages ; rather they favour such marriages.

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Is not the Honourable Member criticising the decision of the House ?

Mr. President : Order, order.

Sardar Kartar Singh : As far as Smritis are concerned, they cannot be said to contain the commandments of God, and it is also doubtful whether they can be looked upon as books of law as distinguished from mere compilations of custom in vogue at the time of their preparation.

The point is however not of importance. The real point, as I have already submitted, is that, even if they are supposed to contain laws, these laws have in my opinion outlived their utility, and a change in them is long over due, and as a matter of fact laws contained in the Smritis have on many points, particularly in regard to the succession, been long superseded by custom. I take this opportunity of reminding the Honourable Members of this House, and I take particular pride in this fact, that no culture in the world has probably produced more free thinkers than Hindu culture. In the domain of spiritual philosophy itself it has produced six different schools of thought. It is really surprising that the descendants of such free thinkers and tolerant people, even in matters relating to strict religion, should raise the cry of religion in danger against this Bill simply because some of the *Smrithikaras* considered it proper to enjoin pre-puberty marriages on account of the circumstances of the time in which they lived. The Bill therefore should be judged on its merits and not in the light of what is contained in the Smritis. The present Indian nation is perfectly entitled to have a Smrithi of its own according to modern conditions of the country.

As far as Islam is concerned, it is a clear principle of Muhammadan law that any pre-puberty marriage of a girl by a person other than her father or grandfather can be repudiated by her on "attaining puberty unless she has already ratified it by consenting to consummation. I take it to mean that Islam is not in favour of pre-puberty marriages. It is true that father and grandfather have the power to give the girl in marriage before puberty, but this provision of Muhammadan Law is only an enabling one and does not enjoin the pre-puberty marriage of a girl on any father or grandfather. This power was moreover given to them because they were considered to be the best custodians of the interests of their minor daughter or granddaughter and was to be exercised in their interests. Experience has however shown that pre-puberty marriage is not in their interest and therefore any interdiction of them cannot be said to be opposed to true Islam.

Sir, I have so far made an attempt to show that this Bill, if passed into law, would not offend against any religion.

The next argument advanced is that the masses are not in favour of the Bill and that this House has no moral right to inflict it upon them and that its advocates are not their true representatives. My Honourable friend Mr. Belvi has even gone to the extent of indulging in a quotation from Burke and has compared them to half a dozen grasshoppers making a noise in the forest while the masses are compared to hundreds of big animals resting under the oak. Sir, we on this side of the House have been too long accustomed to hear an argument like this from the Treasury Benches in reply to our demand for political reforms to take it seriously. An argument like this is always advanced by the non-changers and should not deceive anybody as to its motive. Could slavery in England have been abolished if Parliament had decided to wait for a demand for its abolition from slave dealers before legislating on the point? Did the masses ever demand the abolition of Suttee and female infanticide, and did they ask for the creation of this House? Have they even now asked for further advance for the reforms? Do they know what Dominion Status is, which is at present the most lively political issue in the country? The answer must be an emphatic No.

[Sardar Kartar Singh.]

Merged in ignorance and superstition, they are not in a position to know what a baneful influence child marriage is exercising upon the development of the future generation, and they cannot therefore demand its abolition. It is for us and us alone to prevent them from doing what is baneful to themselves. It is not only in our power to do so but also our duty. In all climes and ages, reforms, whether social, political or economical, have always been demanded and introduced by men of light and learning, and it is idle to expect the contrary in the matter under discussion.

The Bill therefore should be considered, not from the point of view of the evil practice among the masses on the point at issue, but from the point of view of its utility to the people at large. And I have not yet heard a single word against its utility, except a hint from my Honourable friend Dr. Moonje that it might lead to an increase in abductions of minor girls. Even those gentlemen who have advocated the cause of child marriage are unanimously against pre-puberty consummation. I take it therefore to be the sense of the House that pre-puberty consummation should not be allowed. As a matter of fact the Indian Penal Code has raised the age of consent to 14 years and there does not seem to be any serious objection to its being further raised to 16. If that is so, I as a practical and commonsense Punjabee am unable to appreciate the insistence on pre-puberty marriage upon what appears to me to be merely sentimental grounds. This insistence ignores the fact that the performance of marriage before the age of consummation involves the risk of widowing the bride even before consummation in a society in which widow re-marriage is not popular and is therefore capable of doing a lot of harm to the country without any corresponding good. This point was certainly in favour of my friend Mr. Mukhtar Singh's amendment, but I have also to consider the fact that the presentday boys and girls are the offsprings of child unions, and as such peculiarly prone to precocious puberty. I am therefore of opinion that it would not be safe in the present state of society to raise the marriageable age to 16 at once, and we must proceed cautiously in the matter. I have therefore decided to vote for the age fixed in the Bill itself, not because I consider it to be the ideal minimum but because I want to be cautious.

I do not propose to discuss the question of economic waste caused by early marriage, but cannot help submitting that they unduly interfere with the education of both boys and girls, which interference means a national loss.

Now I come to the question of abductions raised by my Honourable friend Dr. Moonje. He has not, in his speech, stated who the abductors are and what the causes of abduction are, and my Honourable friend will correct me if I am wrong, but I take it that the abductors belong to communities who do not practise early marriage and are therefore sexually and physically stronger than the males of the communities to which the abducted girls belong and which probably practise child marriage resulting in precocious puberty in females and sexual weakness in males. The only way to meet the evil is to remove the root cause, viz., child marriage, and not to leave things as they are. Nor has my Honourable friend stated the percentage of child widows among the abducted girls, and I venture to think it must be fairly high. Prevent

child widowhood and precocious puberty among females and make the race physically stronger by raising the marriageable age and the abductions will automatically cease. The abductions referred to by him therefore are in my opinion a further and stronger argument in favour of this Bill.

My friend Dr. Moonje wants Indians to be a self-reliant nation. He wants that Indians should be made fit for military service and that they should be given military training. He also wants that the military schools at Jhelum and Jullundur should be thrown open to all Indian boys, irrespective of the fact whether they be sons of Indian soldiers or not. May I ask him if he expects that the products of child marriages could ever be efficient officers in the Army? If he wants that Indians should become fit to defend their country and if he wants the future generations to be strong and healthy, he should support the age given in the Bill. As an experienced medical man, he has told us that girls should not become mothers before they are 16 years old. Then he should rise equal to the occasion and vote for 14 as the minimum marriageable age for the girls.

The only other point to which I should like to refer is that some Honourable Members have, in a bantering tone, asked the advocates of the Bill whether they want to follow Eastern or Western culture in its entirety. While doing so, they probably wanted to convey a warning against what they believe to be the craze for an apish imitation of Western life. My reply is that no society contains only angels and therefore none is free from defects. Abuse is no argument, and to adopt such a course serves no useful purpose. Instead of wasting time in such scurrilous attacks upon each other, retain what is best in Indian culture and supplement it by what is best in the other.

With these remarks I do whole-heartedly support the motion that the Bill be passed.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

Mr. B. P. Naidu (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I feel not a little nervous to speak on this occasion, for mine is a cry in the wilderness. We are about to place on the Statute-book a piece of legislation which is acknowledged to be the first large step in social reform in this country. This legislation has had a chequered career. It began with eleven years as the age limit and it is about to end with fourteen years. It began as a civil law, but it is to end as a criminal law. So, whichever way you look at it, it is an extraordinary piece of legislation, which is going to affect the vast millions of India either for good or for evil. Sir, if we only think of the ruthlessness with which all the amendments that have been moved by various Members of the House have been thrown out one after another, with machine-like precision and regularity, we cannot but feel that, lo! here is really an extraordinary law, which was made untouchable by the zealous guardians of social reform. Like every other question which has provoked a large controversy, this question has many aspects to be considered. The penal provisions of the Act and

[Mr. B. P. Naidu.]

the application of them are the most important. They have naturally evoked considerable opposition, and the best efforts of those that wanted to mitigate the severity of punishments by deletion of the clause relating to imprisonment and by reduction of fine in the several cases proved futile.

Sir, this House is now launching on this country a law which radically affects the sentiments and social customs of the land in a manner never heard of before. It is legislating for a people who are mostly illiterate and who do not know what Government is and what its functions are and who are solely guided by age-long custom, and whose respect for it cannot be got rid of except by means of education. The whole ground has been so ably and lucidly traversed by the Bhishma of the House, I mean the Honourable Pandit Madan Mohan Malaviya, the other day, that it is unnecessary for me to go in detail into the several reasons why it is inadvisable to have legislation of this radical character. The main reason, as I have already pointed out, is that the people of the country are mostly illiterate and it will take some time before they emerge out of the strong grip of custom; and when we are dealing with such people, we must move slowly and steadily but not hurl thunderbolts on them and force on them, all at once, a new state of things to which they have not been accustomed, and a sudden restriction of the liberties they have been enjoying for ages past. They have to be gradually put in the way and a reform aimed at, step by step, by means of a natural process has a better chance of being understood by the people and followed without much offence to their feelings and without much dissatisfaction. Sir, this view, I am sorry to note, has had a very cold reception at the hands of the Government and those over-enthusiastic reformers who would see the whole country rid of child marriages in one day. However much we, some of us here, may be in favour of stamping out the evil of child marriage in this country, the above attitude is one which we cannot understand. We think it rather tends to injure the cause which is so dear to our hearts. Let me refer to the experience of others in this matter. Mysore started with 8 and Baroda has 12. We, in British India, are not better situated than the people there; when those States have observed caution in the matter of this legislation, why should we here disregard it? To me, Sir, it is a most inexplicable position. If we look at Appendix XII of the Age of Consent Committee's Report, we note that Baroda is having, year after year, a steady course of prosecutions, even with 12 years as the age limit, and the offences have not in any way diminished till now. This one fact ought to counsel us to considerable caution, which, unfortunately, has not been the case with us now.

Sir, the Honourable Mr. Keane, while speaking the other day on this Bill, remarked that the Government knew how to administer the law when the Bill was passed. Whatever might be his meaning thereby, judging from our past experience of this Government, I cannot entertain any high hopes that this law will not be enforced rigorously but will be preserved, on the other hand, safely in the archives of the Government of India as a dead letter. Sir, if the latter be the idea, it would not have been pushed through this House with this energy, not giving any quarter even to the most reasonable exemption clause moved by my friend, Mr. Nilkantha Das, and approved by my Honourable Leader, Pandit

Motilal Nehru. It took away our breath to hear Mr. Jayakar opposing that eminently reasonable amendment, which finds a place in every one of the statutes on this subject in the Indian States, and advancing the astounding argument that provision will be made later on as we gain experience, as if it is not the duty of a legislator to foresee things and legislate in advance. Sir, I expected very much that the Bill, when it came out of the hands of this House, would be shorn of many of its objectionable features and presented to the country at large as a most practical and acceptable instrument of reform. But I am grievously disappointed. The law, as it has been now shaped, has all the potentialities for developing into a huge instrument of tyranny and oppression and is liable to be abused in several ways. Much as I desire—and I yield to none in that regard—that this blot on our social life, the evil of child marriage, should be relentlessly effaced, I feel that it my painful duty not to support this Bill in its present form.

Lala Hans Raj (Jullundur Division : Non-Muhammadan) : Sir, I rise to support this Bill. (Hear, hear.) I shall be as brief as possible as the time at our disposal is limited....

Mr. President : Plenty of time.

Maulvi Muhammad Yakub : There is no time limit now.

Lala Hans Raj : The speeches I have heard in this House from the Honourable Members posing as Pandits and Maulvis of their respective religions have, I must say, shaken my faith in their religious books, for which I had great respect, on which they wish to take their stand. It would have been more instructive and helpful to the House, if these exponents of religious ideas had given reasons on which those quotations are based, instead of repeating the *Ayats* and *Mantras* from their holy books.

There cannot be any dispute that early marriage stands in the way of proper education, and I hope that both the Maulvis and Pandits will admit that we cannot rise as a nation as long as there is insufficiency of all-round education. I cannot imagine how, by some magic wand, these religious luminaries will finish the education of children before the age of ten or twelve years....

Maulvi Muhammad Yakub : Will they finish at fourteen ?

Lala Hans Raj : Much better. The natural consequence of good sound education will be that our children will claim independence in the matter of marriage. I may mention that I honestly believe that inter-marriages encourage unity, which is a great need of India, and inter-marriages can only be possible when there is enough education among the coming generation. There is no need to give instances where intermarriages have brought about unity in two communities. There might be some friends in the gallery above who would bear me out on this point.

The other aspect of these intermarriages is economic. We have been hearing so much of the loathsome system of dowry in Bengal and other parts of the country, which in some cases have driven sensitive girls to end their lives, because their parents could not arrange for the dowry asked for by the would-be sons-in-law. When the boys and girls are educated and they use their discretion and have a voice in selecting their better halves, the question of dowry eliminates itself. I know of quite

[Lala Hans Raj.]

a number of intermarriages among the upper middle class people where no dowry was given. I may also mention that this will break the caste system too, which is admitted to be a great curse for India.

In my opinion, Sir, these intermarriages will help to wipe out the word 'abduction' from the Indian legal dictionary, which creates so much bad blood among the two major communities of India. I may touch here on the argument put forward by my friend Dr. Moonje against this Bill, that the Muhammadans abduct Hindu girls, and that this Bill, if passed, will encourage such abductions. My advice to him is that we should treat our girls better and give them greater freedom to select their partners. Naturally, this Bill will help in improving the lot of girls and consequently there will be no abductions and no trouble then. There is the adjoining independent territory of Afghanistan, which is more populated by Muhammadans, but rarely do we hear of cases of abduction of Hindu girls by Muhammadans there. Nor do we hear of such cases in the North West Frontier Province. If anybody doubts my statement, my Honourable friend the Nawab Sahib from the Frontier will bear me out.

My next point in favour of the Bill is that, by passing this legislation, we will have more unfettered patriots like the martyr Das and lions of the type of Bhagat Singh and Dutt, who are all unmarried.

Now, Sir, as to the working of the Bill, I fear no difficulty. I come from the Punjab and from a district adjoining to which there is the enlightened State of Kapurthala, which I understand has had a somewhat similar law for the last five years. Its broad-minded, educated and well-travelled ruler is a Sikh Prince, and the Prime Minister, who has to carry out the law, is a Muhammadan, and the population in the State is mostly Muhammadan. I had a talk with Diwan Abdul Hamid, the popular Prime Minister of the State, and he told me that no difficulty was experienced in its working, and the Muhammadans and Hindus have had no complaints against the working of the law.

Last of all, Sir, I see a change in the angle of vision among the Government Benches, and this fills me with the hope that the prophecy of our worthy Pandit Madan Mohan Malaviya, that India will get Swaraj in 1930, is going to be fulfilled. The help extended by Government to support this Bill and the acceptance of the amendment of Mr. Kelkar, to circulate the Hunger Strike Bill is a clear dawn of Swaraj. I hope the Government will continue this co-operation with us, which they have so recently begun.

With these remarks, I support this Bill as strongly as I can.

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province: Nominated Non-Official) : Sir, I am glad to see that this measure of reform, like a frail barge, has crossed a very tempestuous and stormy sea of obstruction and criticism in this House and is nearing the shore. I hope that this measure will be passed into law before the House rises today. It shall have my humble support. (Applause.) But, Sir, I would not like to record a silent vote on this occasion. I also trust that the Bill will not meet the fate of a similar measure moved by Sir Hari Singh Gour, and that we shall really find it on the Statute-book before long.

3 P.M.

Sir, this measure, as I have said on a previous occasion, is a very useful one, and I, according to my belief and intelligence, do not consider it against the tenets of Islam. (Applause.) I, however, do look upon it as the curtailment of our social liberties and the taking away of certain rights and privileges that we have been enjoying for some generations, or in other words it interferes with our personal laws, but if those rights and liberties are misused, I do not see why we should not put a stop to such misuse. (Applause.)

Sir, it is not enjoined on us, according to our law, to contract early marriages. It is only permissible, and permissible under certain very strict conditions, just like the permission to marry four wives instead of one. But if one will only go into the text of the Holy Book where this permission is granted, I am sure that you will not find a single man in one lakh of people who could fulfil the conditions laid down therein for marrying more than one wife. In practice, Sir, that permission is availed of by luxurious people only. The permission for marrying more than one wife is, as I have said, very limited, and the word used in the Koran for it is "taa'dilu".

Maulvi Muhammad Yakub : Sir, is the Honourable Member relevant in talking of four marriages in connection with this Bill ?

Nawab Sir Sahibzada Abdul Qaiyum : I will not enter into a discussion with my friend Maulvi Muhammad Yakub on this or any other point. I know that there are honest differences of opinion on this question, and I will not blame any person if he holds a different view from the view that I hold. All that I crave for is the indulgence of my Mussulman friends to give me an opportunity to express my personal views on the subject.

But, Sir, there is one thing which I cannot really understand or follow, and that is the extraordinary hurry and the great zeal and enthusiasm in certain quarters to push the Bill through. Perhaps they have found a favourable opportunity to support a piece of useful legislation and they are anxious and really earnest to see it through. (*An Honourable Member :* "That is so".) But I thought there ought to be no great hurry about it. As a matter of fact, the Bill as originally introduced has altogether changed in its shape, aspects and application. The large number of amendments brought in by Members of this House and the very long discussions we have had on them show that the Bill is not yet as perfect as it ought to be. One would have, in the ordinary course, expected some additions or alterations to or omissions from the Bill after the receipt of the Report of the Age of Consent Committee, but I do not see that a single word from the Bill has been expunged or added to as the result of the laborious work of the Committee and the voluminous Report which has been submitted by that Committee. When I was listening to the various arguments brought in support of the numerous amendments by the Members of the House, some of them appealed to me as suggesting a great improvement, and I wondered why they did not receive sufficient consideration. I will particularly refer to the very eloquent speech made by my friend Pandit Malaviya Sahib. He thought that a greater unanimity could be obtained on a lower age of 12, but that was not acceptable to the majority of this House. But what I fail to understand is that an amendment brought in by my Honourable friend over there,

[Nawab Sir Sahibzada Abdul Qaiyum.]

in favour of raising the age to 16, was also similarly ignored. If we are trying to raise the age for some useful purpose and if we are prepared to go against the wishes of the orthodox sections in this House, however insignificant these may be, then why not go straight for the higher age of 16 and bring in a real improvement in the situation? Similarly, an amendment was introduced by my Honourable friend Mr. B. Das confining the marriage of elderly people to widows only. But some of the Honourable Members in the House only laughed at it and ridiculed the amendment, while I should have thought that it was a very useful measure for finding husbands for the poor child widows who were condemned under the present system. That amendment also deserved a much better consideration than the House gave it. My Honourable friend Pandit Thakur Das Bhargava said that the very object of the Bill would be frustrated if the security condition was allowed to remain in the Bill. No notice was taken of that either. So it looks as if the Bill, as it has emerged from the Select Committee, is something like gospel truth and that it should not be touched in any way, not even as the result of the Age of Consent Committee's Report!

Pandit Nilakantha Das : On a point of order, Sir. Is this not criticising the decision of the House?

Nawab Sir Sahibzada Abdul Qaiyum : These were some of the observations that I wanted to make, not that I did not look upon the Bill as a necessary or useful measure, but if we had been given another three or four months it would have given us an opportunity of considering the Bill more thoroughly in the light not only of the Report of the Age of Consent Committee, but also of the evidence if made available to us. In that case, as Pandit Malaviya Sahib said, there might have been a greater unanimity of opinion about this reform. However, that stage has now passed and I hope that this measure, however defective it may at present be, will be passed. My worthy friend Mr. Jayakar said that whatever defects there might be in the Bill or whatever defects might come to light as the result of its working could well be removed by the introduction of amending Bills. I hope that that will be the case.

Now, Sir, as I have said before, I do not consider this Bill against the tenets of Islam, but I certainly consider it a violation of our personal rights and also of the rights of other minorities. We thought that the rights of minorities were safe by some unwritten law or custom in this House and we believed that nothing in the personal law of a minority community would be changed without the consent of three-fourths of the Members of that community. But if this joint voting becomes the rule of the day, one does not know where one's private rights will be. Perhaps, the orthodox Hindus, the Mussalmans and other minority communities will be nowhere if a coalition like the one that is at present working behind this Bill were to be formed and interfere with their personal laws. It is this which makes me a little suspicious and frightens me of the consequences of this procedure, because somebody may take it into his head and it may be that next time my Honourable friend Maulvi Muhammad Yakub might bring in a measure prohibiting polygamy! Though I shall be supporting him on that occasion, still the Members of my minority community may not like it and that is my fear about the procedure that has been adopted in hurrying this measure through this House. I do not

want to take up the time of the House any more, but I hope that the Bill will receive the support of the majority of the Members, if not, of the whole of this House.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : I should like to make a few observations before this Bill becomes law, but I shall try to be as brief as I can be.

The first question that is sometimes asked is whether this Legislature is competent to enact a law of this nature, as it is said that legislation of this nature impinges upon the social and domestic life of the people. With regard to that, I will say that legislation like the Bill which we have under consideration exists on the Statute-books of almost all civilized countries in the world, including, I understand, Turkey and Egypt. There are other laws, Sir, like the Prevention of Juvenile Smoking, Temperance, and so on. These are also laws which affect the domestic and social life of the people ; but they find a place on the Statute-books of some of the provinces in the country, and outside it. On our own Statute-book we have such legislation as the *Suttee* Abolition Act, the Hindu Widows Remarriage Act, the Freedom of Religion Act, the Age of Consent Act, and so forth. From all these considerations it appears to me that there is certainly no objection to legislation like the Bill which we have under consideration being discussed and passed by a body such as this House. Apart from politics the greatest practical achievement of the League of Nations lies in the social and moral work which it has been able to accomplish. It has passed resolutions raising the age of consent, preventing traffic in girls, suppressing disease, limiting the use of intoxicants to medicinal purposes, regulating child labour, limiting hours of work, preventing dissemination of obscene publications, and on many other details affecting health, hygiene and morals. In this connection, I shall read to the House just one quotation from the American Professor, Scott Nearing, in his book, " Social Adjustment ". This is what he says :

" In a large community, maladjustment, (i.e., social maladjustment) can be removed only by concentrating public opinion in the form of legislation. Among large groups, public opinion may relieve maladjustment temporarily ; but permanent reform can be effected only through legislative expression."

In some of the Indian States, such as, Mysore, Baroda, Rajkote, Kashmir, Gondal, Indore, Limbdi, Mandi and others, such legislation exists, and it is therefore no valid criticism to say that this House, constituted as it is, is not competent to pass legislation like this.

Coming to the Bill itself, I may say that it can be looked at from three points of view--from the point of view of the girl herself who is the party most vitally interested, from what has been called the religious point of view, and from the medical point of view. With regard to the first point, I am sorry to see that the Government of India, with a singular lack of chivalry and imaginations, have not thought it fit to nominate a lady Member to this House, who should have been able to give the House an expression of opinion of the sex most vitally concerned in this matter. I asked a question in the Delhi Session, and I repeated my question here ; but the reply was the usual legal quibble indulged in by my Honourable friend the Law Member, who said that the Government of India have no power to make a nomination like that. The other day, when the Bill known as the Hunger Strike Bill was under discussion, they brought out

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Mr. Emerson with the express object of assisting the passage of that legislation. When that legislation was out of the way, Mr. Emerson also disappeared. What was the difficulty in nominating a qualified lady Member to assist us ?

Mr. K. Ahmed : Why do you not vacate ?

Mr. Gaya Prasad Singh : If a qualified lady Member was available, she ought to have taken her place in this House.

Now, Sir, I must at the outset clear my position by saying that this Bill, if it is passed into law, will not affect my community very greatly, because in my community, the Kshatriya or the Rajput community, early marriages are not common. In times of old, the Kshatriyas had an institution called the *Swayamvar* ceremony. As its name implies, that was a ceremony in which the girl used to choose her own bridegroom. A number of eligible bridegrooms were collected together, and the girl had to choose her own husband. In my community early marriages are not common, and the Report of the Age of Consent Committee, so far as Bihar and Orissa is concerned, will bear me out. I am very pleased to see in the *Hindustan Times* of the 23rd instant that in this city of Simla the Rajput Sabha passed a resolution strongly supporting the principle of the Child Marriage Bill and favouring the fixation of the minimum age for the marriage of girls at 14 and for boys at 18. It is well known that infantile mortality is greater in India than in other countries. It is double that of the United Kingdom, Denmark and Germany, three times that of Norway and Sweden, about five times that of America, and nine times that of Switzerland. I will here make one remark. Some of our ardent social reformers, in their anxiety to support the Bill, have gone out of the way and depicted the evil as being very deep-rooted and widespread. I deny that accusation. Child marriage exists in India and I am here to lend whatever support I can to the eradication of that evil : but it is not quite correct to say that consummation immediately follows marriage in all parts of the country and to the same extent. I will give you an instance, Sir, of how a girl of tender age was subjected to cruel treatment at the hands of her husband. This case came up before the Allahabad High Court last year, and I will give one quotation from the judgment. The husband was 34 years of age, and the child wife was only 11 years of age. His Lordship in the course of the judgment said :

“ This appeal exposes in a marked degree the evil effect of the pernicious custom of early marriages which unfortunately prevails among the lower classes in this country. A man aged 34 years was married to a child of 11 years about a year ago. Her parents, who cannot under the existing law be touched at all, have exhibited an almost incredible callousness in not only getting the marriage performed, but in sending the girl to her husband's house to live with him. One cannot use too strong a language to condemn such reprehensible conduct. The result has been what might well have been feared by any man of sense. On a night when the other inmates happened to be away from the house, the child wife was raped by her husband. The medical evidence establishes beyond a shadow of doubt that the injuries caused to her person were due to sexual intercourse.”

Further on the judgment says :

“ Partly due to modesty and partly to her being under the control of her husband's relations, the girl does not admit what was done to her, and has been tutored to put forward the defence that she got hurt by falling on a peg on which a goat used to be tied.”

Whether instances of this kind are common or not, we as Members of this Legislature have a responsibility cast upon us to see that such things do not occur. My Honourable friend Rai Sahib Harbilas Sarada complimented the Honourable the Home Member on the brilliant speech which he made the other day. While I give my own praise to the Honourable the Home Member for the speech which he delivered on that occasion, I must qualify it by saying that we should like to hear this sort of speech from him on occasions when political questions are also under discussion. I do not want that the speech of the Honourable the Home Member, or for the matter of that the speech of any other Honourable Member who supports the Bill, should go out into the world as a confirmation of the exaggerated accounts depicted by globe-trotters like Miss Mayo in her book. Having said so, I shall now come to what is called the religious aspect of the question. Sir, to my mind, religion leads to the moral, physical and material progress of the community or race, and anything which militates against this object should not be supported on the score of religion. I can hardly believe that this ancient religion of *Aryavarta*, emanating as it does in the dim distant, pre-historic past, from the pure fountain of the Vedas, could be so callous, so indifferent to the welfare of children that it would have prescribed a rule of law which would be so injurious to them both physically, mentally and in other respects. I shall give a quotation to show that child marriage, which is followed by early consummation, was unknown in Vedic times. In this connection I am going to give a quotation from the "Atharva Veda" which is an authority of the highest standing :

*"Brahmacharyena Kanya
Yuwanam bindyatay patim"*.

The meaning is that after preserving Brahmacharya, when a girl attains youth, she should desire marriage.

Then, Sir, Shusruta who is a great medical authority in "Yayur Veda", says :

"Chatasro bastha sharirasya bridhir yaubanam, sampurnta, Kinohit parihanish chete, tatra shorashat bridhi, apanch bing shater, yawwanam ; achatwaringshat sampurnata ; tatah kinohit parihanishchate."

The meaning is there are four stages of the body. Up to 16 years it is the stage of development, up to 25 years is youth, up to 40 is the stage of completion of the organs, and after that the stage of decay. Further on he says :

*"Panch binshet tato barshe, puman nari tu shorashe,
Smatwa gat virjan tan janiyat kushalobhi shak."*

A boy of 25 years of age and a girl of 16 years have their semen equally developed, and then conception is for the good of both. There is only one quotation which I should like to give because it is said to be a matter of religion and medicine mixed up together.

"U. shorash darshayam apraptah panch binshteem ; yadya dhate puman garbha Kukshitha ad bipadyate ; yato wa n-chiranjive yawet durwalendriyah, tasmad atyant balayam garbhadhanam n-Karayet."

It means that if a girl of less than 16 years of age conceives by a man of less than 25 years of age the pregnancy results in abortion. If a child is born, it would not live long. If it lives, it shall be a weakling all its life. Therefore conception should not be allowed in early ages.

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Sir, I now come to what has been spoken of as the medical point of view. My Honourable friend Mr. Neogy quoted the opinions of a few doctors in support of early marriage. (*An Honourable Member* : "But he has been disowned by the Ladies' Association at Dacca.") Now, Sir, I refuse to believe that the enlightened medical opinion of Bengal or elsewhere is not convinced that child marriage, followed by early consummation, is pernicious to the health of the girl. I refuse to believe that a proposition like the one advanced by my friend could come from the medical authorities of Bengal. I have got in my hand a book which shows what certain eminent doctors consider fit to be the minimum marriageable age for girls ; and in this I find that Dr. Chandra Coomar Dey fixes the minimum marriage age for girls at fourteen years, Dr. Charles at fourteen years, Babu Nobin Krishna Bose, at fifteen years, Dr. A. V. White of Bombay at fifteen or sixteen years. Dr. Mahendra Lal Sircar at sixteen years, Dr. Norman Chevers at sixteen years, Dr. D. B. Smith at sixteen years, Dr. Ewart at sixteen years, Dr. J. Fayer at sixteen years, Dr. S. C. G. Chakravarty, at 16 years.

Dr. Chevers says :

"For the sake of safe child-bearing and healthy offspring marriage ought to be seldom allowed till the 18th year, the 16th being minimum in exceptional cases."

Dr. Nobin Krishna Bose says :

"Our girls should not be married before they have attained at least the eighteenth year of their age. Before this period their system would not bear with impunity the drain which maternity must establish on it."

Dr. Mahendra Lal Sircar, a name which is very well-known in Bengal, if not the whole of India, says :

"It is a grievous mistake to suppose that the female who has just begun to menstruate is capable of giving birth to healthy children."

The late lamented Mr. Keshab Chunder Sen in his Town Hall speech once said :

"The medical authorities in Calcutta unanimously declare that sixteen is the minimum marriageable age of girls in this country."

So late as July last, the Fourth Imperial Social Hygiene Congress was held in London under the Presidency of Dr. Drummond Shields, Under Secretary of State for India. Some papers were read on the occasion, and medical opinions were elicited on some of these points under discussion. Now Dr. A. S. Parks, of University College, London said :

"From the physiological point of view the most suitable age for marriage for a female was during early maturity which, hospital statistics seemed to show, occurred between the ages of fifteen and twenty."

There are other medical authorities also on this point, but I am not going to tire the House by reading them. Sir, when a girl is married very early in her life, her education suffers ; and it must be recognised that not only on grounds of health and physical development, but also on grounds of mental and moral development of the girl, the marriageable age should be deferred to a somewhat later period. There are just one or two further observations I wish to make. While supporting the Bill to this extent, I am constrained to say that there are one or two points left with regard to the Bill which, I was sorry, were not agreed to by Government. Clause 3 says that :

"Whoever being a male above eighteen years of age, and below 21, contracts a child marriage shall be punishable with fine which may extend to one thousand rupees."

Now, in our social system the custom generally prevails that the boy who is very often in school or college does not see the girl before marriage ; and if the father or mother arranges that marriage for him, and afterwards it turns out that the age of the girl was a little bit below fourteen, the prescribed age, I could quite understand the father being punished, but the punishment extends to the son. This is hardly just and fair. I wanted to insert some reservation in the Bill that the knowledge must be brought home, the knowledge that he married the girl knowing her to be below fourteen years of age must be proved before the boy could be punished. But the Government did not think it proper to accept this amendment. To that extent, Sir, I feel that this Bill is defective. The other point is this, that no exception has been made in cases of real hardship. I will not use the word "hardship" because if I do so I will draw upon myself the wrath of my Honourable and esteemed friend, Mr. Jayakar.

Pandit Nilakantha Das : Why are you afraid of him ?

Mr. Gaya Prasad Singh : But he seemed to agree that a clause must be inserted in the Bill which would give power to marry a girl between the ages of 12 and 14, in exceptional circumstances, under the written authority of the District Judge. I hope Government will give their consideration to this point ; and, when the Bill goes to the other House, they might probably think it worth their while to introduce some such clause to meet exceptional cases.

With these words, Sir, I support this Bill. (Applause.)

Mian Mohammad Shah Nawaz (West Central Punjab : Muhamadan) : Sir, I rise to support the motion of my noble and esteemed friend Rai Sahib Harbilas Sardar, who has earned his laurels from the Indian people as a whole. I support the passage of this Bill with the fullest responsibility and without any fear of doubt, despite the orthodox criticism, despite the unfair attack on me and on the honesty of the other Members of the Age of Consent Committee, and despite the threat to create agitation in the country which need not frighten us. I presume that it is but natural that there should be some opposition to a change in the long established custom of the country. I am afraid some of the Honourable Members can be placed in that groove of social customs from which it is not easy to get out. They are accustomed to a practice which has been in existence for a long time, and, although the evil may be sapping the framework of the society from generation to generation, they do not feel it because their feelings have become blunt. If it is true, and it is true, that the early marriage, early consummation and early maternity are harmful to the framework of the society and that the early maternity leads to the degeneracy of the race, then I see nothing either in the Hindu religious text or in Muslim religious laws which stands in the way of the present legislation. The orthodox people and these followers have no right whatsoever, divine, religious or personal, to treat their women as they please : they have no right to keep them in their present miserable state ; and they have no right to sacrifice them at the altar of social custom. I do not under-estimate the sincerity and the zeal with which they have put forward their views but there need be neither invention nor exaggeration. Some of these learned and holy men are wondering whether the present legislation would not be in their own interest. There

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is so much diversity of opinion amongst the Pandits and the Maulvis that no definite conclusion can be drawn from the orthodox opinion.

Now, Sir, my learned friend the Honourable Mr. Ghuznavi, who has now walked out, made an attack upon me. As he is not in the House, I will not make a counter attack; but he did say that, so far as Bengal was concerned, the story of early marriage and early maternity was a cock and bull story. Sir, such an irresponsible statement I have seldom heard on the floor of this House. As doubt has, however, been expressed whether the evil custom of early marriage and early maternity does exist among the Mussalmans, I shall read to the House very briefly some of the evidence which was placed before the Age of Consent Committee. First of all, I would invite the attention of the Honourable Members to the percentages of early marriage which prevailed throughout India among the Hindus and the Muhammadans. Those percentages are given on page 95 of the Report of the Age of Consent Committee. They run as follows:

Province.	Percentage of girls under 15 affected or likely to be affected by early marriage.	Percentage of Hindus.	Percentage of Mussalmans.
All India	42.2	48.4	37.01
Assam	26.3	27.6	34.1
Bihar and Orissa	52.4	62.4	49.9
Bengal	55.5	63.8	51.7
Central Provinces and Berar	56.9	62.8	31.8
Bombay	54.4	61.3	26.6
North West Frontier Province	12.6	19.2	12.01
Madras	24.3	26.07	12.6
Punjab	24.7	37.1	18.8
United Provinces	53.1	55.5	40.7

Sir Darcy Lindsay (Bengal : European) : We have read all this.

Mian Mohammad Shah Nawaz : Many Honourable Members have not read them. Please have patience with me. These figures conclusively show that the evil of early marriage prevails more in Bengal than anywhere else among all the people of the province. I am very anxious to prove this fact because the matter is very important and I desire to show that there is overwhelming evidence in the Report of the Age of Consent Committee to prove that the evil of early marriage and early consummation with the consequential result of early maternity does prevail amongst the Mussalmans. On page 67, the Report of the Age of Consent Committee, dealing with the Province of Bengal, runs as follows :

“ The evidence before the Committee confirms the inference which may be drawn from the census figures. It is admitted on all hands that the practice of early marriage is widely prevalent throughout Bengal. Witnesses may praise or condemn the system and may refer to the advantages or disadvantages accruing from it, but the fundamental fact is undeniable, nor is it questioned, that early consummation almost inevitably follows early marriage amongst both Hindus and Muslims. Nor are the deleterious

consequences of such early consummation seriously challenged except by a few witnesses, among whom are, surprisingly enough, some medical men. It is also established from the evidence that pre-puberty consummation are common and that violations of the Law of Consent occur in many cases."

Again, Sir, on page 65 the Report says :

"The evidence leaves no doubt that the evil of early consummation is very widely prevalent in the Province and among large classes who are following it according to custom and tradition and that the predominance of public opinion, both Hindu and Muslim, is distinctly in favour of an advance by a Law of Marriage and an increase in the age of Consent. It has only to be added that the birth rate in Bengal is the lowest of all Provinces in India being 27.4 per mille, that infantile death rate is 21.4 of the total deaths and that 52.1 per cent. of these infants die within one month of their birth."

Mark these words—52 per cent. of the infants die within one month of their birth.

The Muslim evidence is summarised on pages 68-69. I deem it my duty to place all that evidence before the House, as briefly as I can, because doubt has been raised that the evils of early marriage and consummation do exist amongst the Mussalmans of Bengal. The point is very important and, in spite of the desire of some Honourable Members that I should finish soon, I shall not do so. This is what they say :

"All other witnesses are strongly in favour of an advance. Mr. Nur Ahmed, Chairman of the Chittagong Municipality, suggests 15 or 16 as the age of Consent, would favour marriage at 14 and feels that the fixation of a minimum age of marriage will more suit public opinion. Khan Bahadur Muhammad Ismail, M.L.C., is strongly of opinion that consummation of marriage would be safe only after the completion of the 16th year and urges the need for propaganda explaining the evils of early consummation. Witness was in a position to cite any number of cases that had come to his notice where the girls had broken their health by cohabitation before or immediately after attainment of puberty. Mr. Azizul Haq, M.L.C., is personally in favour of a Bill like that of Rai Sahib Harbilas Sarda, and feels that every well-wisher of the country will welcome it. He is of opinion that nothing in the Muslim scriptures is against a law of marriage and that Muslims will not be affected at all, because public opinion amongst them is confined to the opinion of the few who can be persuaded. Mr. M. Kazimuddin Ahmad would have the age of consent raised to 16. Maulvi Mohammad Quassim would have the age of Consent beyond 16, would like to strengthen the penal law and thinks that marriage ought not to be performed before the girl has reached her 14th year. According to the witness cohabitation before and soon after puberty occurs in many instances. He is clearly of opinion that a law of marriage would not be against Muslim scriptures. Mr. Jalaluddin Haasimi, M.L.C., states that cohabitation before puberty does exist though only among Muslims of lower social order, would have girls married after 16, and thinks marriage legislation would be more effective. The minimum age of consent according to him should be 15 years. When asked if the Maulvis and Mullahs will consider the enactment of such a law as an interference with their religion, witness stated that he did not think so and that in all the papers conducted by Muslims, except one, they have raised no objection. The arguments of the paper which objected were met with. Khan Bahadur Maulvi Wasimuddin Ahmed, Chairman, District Board, Pabna, states that cohabitation before puberty is to be found among the low classes, and that cohabitation before 13 is not infrequent. During his experience, professional and otherwise, he came across many cases of cohabitation before puberty with the consequences of permanent injury to the health of the girl. The witness was of opinion that there should be legislation fixing the minimum age of marriage at 13 with exemptions in hard cases. According to Maulvi Abdul Sabhan Muhammad, Deputy Magistrate, cohabitation often takes place. He thinks a law of marriage would be more effective. Mr. A. F. M. Rahman, I.C.S., proposes prohibition of marriage of girls below 13. The witness thinks that fixing a minimum age for girls would be more acceptable. Public opinion would revolt against this also in the beginning but it will subside soon, and the law would help to educate public opinion in the long run. All things taken together the witness preferred

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to rely on strengthening the penal law, particularly by fixing the minimum age of marriage. Mr. Mohammad Ali, Police Magistrate, thinks that penal legislation fixing a higher age of consent would be more in consonance with public opinion than a law of marriage. Mr. Kondkar Ali Taib, Deputy Magistrate, Mymensingh, states that in his experience child marriage is more prevalent in Bengal than in any other province. There may be opposition to legislation; that no importance need be attached to it as the people will gradually appreciate the improvement. Khan Sahib Maulvi Safar Ali, Chairman, Noakhali Municipality, forwarding the opinion of the Municipality says that except in cases of husbands who are highly educated and are of advanced ideas generally a husband would have cohabitation with his married wife since the time of marriage irrespective of the consideration whether the girl had attained puberty or not. Though the Municipal Committee are for legislation fixing a minimum age for marriage as a more effective remedy than raising the age of Consent and considers that fixing a minimum age for marriage would be in consonance with public opinion. Haji Chaudri Muhammad Ismail, M.L.A., is personally in favour of the law fixing the age of marriage, but says that the Mullahs and other orthodox people are against it. Mr. Nasiruddin Ahmed, M.L.A., thinks that the better policy would be to fix the minimum age of marriage at 14. He further admits that cohabitation takes place soon after puberty which may happen before the girl completes 13 years."

This is the evidence of Mussalmans of Bengal. Can any reasonable man say that the Committee have not arrived at the correct conclusion? It is all nonsense to say that it is a story of cock and bull. It is a story of a province where cocks and bulls exist. It is a province where cruelty and pre-puberty consummation have been very common, and that province should be ashamed of it. The evidence reveals the terrible and black state of affairs. It was necessary to consider the evidence in detail as the province contains the largest percentage (42.14 per cent.) of Muslim population in India and as there was some misapprehension as regards the extent of the evil and the state of opinion on the subject. From this evidence it is clear that the Muslim opinion in Bengal is generally in favour of a law of marriage and an increase in the age of consent, and according to that opinion neither of the laws is against the Muslim scriptures. Again I desire to prove from the evidence that was placed before the Committee that the evil custom of early marriage and early maternity does prevail amongst Muslims of other provinces. Coming to the province of the Punjab, the Age of Consent Committee finds that the evil of early marriage and early maternity is not decreasing but increasing in that province. The notable witnesses are Mr. Justice Agha Haidar, Judge of Lahore High Court, the Honourable Malik Firoz Khan Noon, Minister for Local Self-Government, Nawab Muhammad Hayat Khan, Deputy Commissioner, Lyallpur, Sheikh Sirajuddin, Deputy Commissioner, Jhang, Malik Zaman Mehdi, Deputy Commissioner, Mianwali, Mian Abdul Aziz, Deputy Commissioner, Hissar and Khan Bahadur Khavaja Ghulam Sadiq, Chairman of Amritsar Municipality. All these witnesses say that the only remedy is to penalise marriages, and that there is no other effective remedy. They are clearly of opinion that the present legislation is not against the tenets of Islam. The only orthodox witnesses who appeared before the Age of Consent Committee were Mr. Din Muhammad and Dr. Mufti Mohd. Sadiq, both of whom said that penalising marriages and fixing the minimum age of marriage both for boys and girls were not against the religious laws of Islam. They were however in favour of raising the age of consent to 14 years.

The two witnesses who were really against the law of marriage were Nawab Sir Umar Hyat Khan and Mr. Din Muhammad, M. L. C. In face of this evidence some Honourable Members have got the audacity to say

that the evil of early marriage and consummation does not exist in the Punjab. It does exist among the lower classes, though in a lesser degree than in the other provinces.

Coming to the North West Frontier Province, the evidence is unanimous that such a marriage law is necessary and there is no dissenting voice except one. The Judicial Commissioner, Maulvi Saiduddin, Khan Bahadar Mohammad Akbar Khan, District Judge, Bannu, Nawabzada Muhammad Nazir, District Judge, D. I. Khan, Khan Sahib Mir Ahmad Khan, Vice-President, Peshawar Municipality, Khan Bahadar Sadullah Khan, Assistant Commissioner, almost all the Muslim judicial and executive officers of the Province are unanimous in their opinion about fixing the minimum age of marriage which they think as the only effective remedy to remove the evil and such legislation is not against the tenets of Islam.

I now come to Sind. Out of 23 Muslim witnesses who had placed their views before the Age of Consent Committee, there was only one witness who was against this legislation. I am sorry he is absent now. He is the Honourable Haji Abdoola Haroon, M. L. A. He said that legislation was not advisable. He, however, admitted that there was nothing in the Islamic law which will prohibit the penalising of marriages, though he said that Maulvis and others would say that it was an interference with the religious law of Muslims.

I now come to the Muslim evidence from Madras. I see that Maulvi Sayyid Murtuza Saheb is not here. I wish he were present here to hear the very words of the ladies of India who are subjected to this evil and unhealthy custom and who are sacrificed at the altar of this pernicious custom of early marriage and early consummation. Indian women are victimised and tyrannised, and they seek redress and justice at the bar of this House. Can any one who has any sense of responsibility in him deny justice to them? Will not the same words which Sayyid Murtuza Saheb said be repeated to him? Will not those noble women, sitting in the galleries and outside in the public, who are watching the proceedings in this House, say to Maulvi Sayyid Murtuza Saheb and to his friends of his way of thinking: "Oh! you tyrants you have been tyrannising over us, we shall not hear you any more, we shall not have anything to do with your nonsense hereafter"? I will not attack the Honourable Member who is absent. I am not going to take any mean advantage of his absence. I may tell him that the evidence from Madras is in favour of this legislation penalising the marriage below a certain age. Mr. Bazlullah Khan, the Director of Industries, and Mr. Zynuddin, the District and Sessions Judge, are all in favour of the fixing of the age for marriage.

It remains only to be added that the Madras Legislative Council unanimously passed a Resolution in 1928 recommending 16 as the minimum age of marriage. There was not a single dissenting voice. No Muslim Member of the Madras Council raised his voice against this Bill. Even the orthodox Muslim opinion, though against the present evil, clearly said that a Muslim ruler is not prevented to enact a law of marriage in the interest of Mussalmans. They failed to give any argument why the existing Government could not do so. The Muslim evidence from the United Provinces is somewhat conflicting, but the weight of the opinion is in favour of the Bill (See page 83 of the Report). Men like the Honourable

[Mian Mohammad Shah Nawaz.]

Mr Justice Vazir Hasan and Sir Syed Sadullah Khan, although against the present legislation on other grounds, are clearly of opinion that Islamic religious laws are not against a law of marriage. I have already told you, Sir, that when I joined this Committee I started with a bias in my mind against the Bill and I thought the evil did not exist among the Muhammadans. But I have heard most shocking and most deplorable evidence. I have seen with my own eyes mothers aged 11 and 12, and I do not wish to see that misery again. And here on the floor of this House there are some orthodox Members or some who are ready to follow the opinion of some of these orthodox people, who say that the evil does not exist. Can any man challenge the findings of the Committee with facts and figures?

Sir, I come now to the religious aspect of the question. I am dealing with the Mussulmans only. I am not dealing with the Hindus, because the bulk of the Hindus are in favour of the Bill.

Now, the religious point of view of the Mussulmans is this. We know that the Koran does not enjoin any age for marriage; we know that the Hadis say that a Moslem girl should be married after the age of discretion. I have already referred to the law in Egypt, where by a law passed in 1923 the marriage of boy below the age of 18 or a girl below the age of 16 was made absolutely unlawful, and the same was the case in Turkey, where a contract of marriage between boys and girls below the age of 15 was made unlawful. But my Honourable friend Maulvi Muhammad Yakub says that those are Muslim countries; a Mussulman king can make the law but this foreign Government has no business to interfere with the Muhammadan law at all. The point, Sir, has no force; it is a deliberate absurdity. We have the customary law of inheritance, laws regulating adoption and many other laws being enforced in the Punjab. The Oudh laws Act 1876, the Oudh Estates Act 1869 have altered the Muslim law.

Mr. Muhammad Yamin Khan : What about the rights of women in the Punjab?

Mian Mohammad Shah Nawaz : The people of the Punjab have erroneously deprived their daughters of the right of inheritance in the presence of sons. I do not defend them at all.

Sir, I am going to give you an instance which is directly in point to which I think even Maulvi Muhammad Yakub cannot give a cogent reply, and it is this. In China the Mussulman population amounts to something like four or five crores, and the Chinese law, which was enacted on the 11th November 1925, prohibits the marriage of boys and girls below 16. That law is applicable to four or five crores of Mussulmans and there is no Moslem ruler in China. The Mussulmans of China have accepted this law without dissent. Sir, I do appeal to the Members of this House to pass this Bill without dissent. The Bill is before India; it is now fortified by the Report of the Age of Consent Committee and favoured with the blessings of the Government of India and the Leader of the House and the Leader of the Opposition. Sir, I have given expression to these views because I have felt deeply and because I have found that the misery of women was very great. I have found that they have been tyrannised and victimised by an evil and unhealthy custom, and I do hope that this House will do them justice and pass this Bill by an overwhelming majority. Sir, I support the motion of my Honourable friend Rai Sahib Harbilas Sarda.

Sir Darcy Lindsay : Sir, I desire to join with my Honourable friend

4 P.M.

Sir Abdul Qaiyum in giving my whole-hearted support to this Bill, and I am echoing the sentiments of the Members of my Group,—many of whom, I regret to see, are not here now (Laughter),—in saying that we regard this measure as of extreme national importance to India and as saving the lives of thousands of children and saving hundreds of thousands of children from great suffering. It has been said, Sir, on the floor of the House that the eyes of the world are on India in regard to this measure, and I am very proud to think that India through the action of this Assembly is likely to rise to the occasion and pass this great measure into law. Sir, the success of the measure will very largely depend on the whole-hearted support that is given to it by its well-wishers and the country at large in explaining to the people who are affected by the Bill the beneficial effects of its various clauses. Opposition and even indifference to it will largely nullify the good that we hope to achieve. Where there is a genuine desire to help the people to understand the lasting benefits of the measure, I am perfectly satisfied, the people of the country will bless the action of the Assembly in bringing it into law. We all hope that thereby will be created a happier India. It is a great feature, to my mind, that this Bill is passing through the Assembly without any amendment. Numerous amendments on all the clauses have been before the House, and it is most illuminating to find that very small support that has been accorded to any of them. Even the very last amendment, the very last ditch, was an effort made by my Honourable friend Mr. Kelkar and two or three others to postpone the date on which the Bill shall become law. My Honourable friend Sir Abdul Qaiyum referred to this matter. He seemed to be inclined to the view that the period might be extended. I, Sir, hold very strong views the other way because I see, in my humble opinion, the great dangers that any such postponement would have brought about.

In the first place it might be regarded by the opponents of this Bill as a weakening of our position. Secondly, had the measure been postponed until the 1st January 1931, it would have very possibly created a great many marriages that would otherwise not have happened below the age of fourteen at which age the Bill aims. It is well known that the cold weather is the period when most marriages are effected in India, and if we are to go through another cold weather, that is, the cold weather of 1930, there will be—as was said to me in Delhi when I voted for the postponement of the consideration of this Bill to the Simla Session, that I was responsible for creating—another one hundred thousand widows. If there is any truth in that statement, I say that, had we agreed to this amendment of my Honourable friend, Mr. Kelkar, we would have been responsible for creating possibly two hundred thousand widows.

In conclusion, Sir, I would like to pay my tribute to Rai Sahib Harbilas Sardas for his noble-hearted efforts and those of his many helpers in bringing this Bill before the House and carrying it to a successful issue. (Hear, hear.) The names of Rai Sahib Harbilas Sardas and his helpers, including many ladies, will go down to history as great reformers.

Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) : Mr. President, I have no desire to intervene in this debate with a view to criticise the critics of this Bill. I have no desire to waste the time of the

[Mr. N. C. Chunder.]

House in flogging a dead horse. But, if I want to take my share in the debate, it is because I want to remove a misapprehension and a misunderstanding which has been created all over the House, and that is, that Bengal is opposed to Rai Sahib Sardar's Bill. Nothing could be more false than that. (Hear, hear.) I challenge anybody to come and hold a meeting in the capital of Bengal, in the city of Calcutta, against this Bill. An attempt was made to hold a meeting; nobody knew that the meeting was going to be held as a public meeting or that the organisers of that meeting were going to publish it broadcast to the world at large that at a public meeting in Calcutta it was decided that Rai Sahib Harbilas Sardar's Bill ought to be thrown out or something of that kind. Somehow or other two hours before the meeting was held, information leaked out, and the meeting, which was summoned to condemn the Bill, unanimously passed a resolution in support of that Bill, and that happened only the other day. I read it in the paper which was received at Simla only yesterday.

Not only that, Sir, Mr. K. C. Neogy said that some doctors of Calcutta had given their evidence which went against the Bill. Well, Sir, a Medical Conference sat in December and at the All-India Medical Conference a certain resolution was passed by an overwhelming majority supporting the principles of Rai Sahib Harbilas Sardar's Bill. Mr. K. C. Neogy quoted some unknown medical journal—at any rate it was unknown to me till I found it in the report of his speech and presumably it was also unknown to Colonel Gidney a doctor in Calcutta—well, he quoted a medical journal where it was said that that meeting was not rightly held, there was some irregularity of procedure and things of that kind. But I hope, Sir, that Mr. K. C. Neogy will accept this statement of Acharya Praphulla Chandra Roy as to what happened at that meeting, and I shall read out to him what Acharya Roy said about the meeting. It can be found at pages 225 to 228 of Vol. VI—the Evidence before the Age of Consent Committee. He said :

“ I attended the Doctors' Conference : Dr. Deshmukh presided and there were about three hundred to four hundred doctors present and there was discussion. One or two doctors said that the age of puberty should be the test for consummation. But almost all the other doctors were of the other opinion. Dr. Deshmukh said that simply because you have learned to write, do you think you will be able to write anything ? Simply because puberty has been attained, do you think a girl is fit for consummation : that is not the case. Puberty does not show that a girl is fit for maternity. That Conference decided the age of consummation at sixteen.”

So, Sir, whatever the editor of the Medical Review of Reviews might say, I doubt whether even Mr. K. C. Neogy will have the courage to say that Acharya Praphulla Chandra Roy's statement is not to be accepted and that the statement of an unknown editor of an unknown paper should carry any weight with this Assembly or any other body of reasonable men.

Then, Sir, I am asked about Babu Amar Nath Dutt. The less said about him the better. (Laughter.) He is not here and so I am not going to refer to anything that he said in this House : I am not going to reply to a word of what he said about myself personally, because I am not on my defence. But let me read out to you, Sir, and through you to the House what Babu Amar Nath Dutt said when he was giving evidence before the Age of Consent Committee at Delhi, on the 11th October, 1928

His written statement appears on page 1. Question No. 11 that was put to him was as follows :

“ During your experience, professional or otherwise, have you come across cases in which cohabitation before puberty or after puberty but before full physical development of a girl resulted in injury to her health or body or prejudicially affected her progeny, if any ? Give details of age and injury sustained.”

In answer to that question Mr. Amar Nath Dutt, B.A., B.L., M.L.A., Advocate, Calcutta High Court, on the 13th August wrote :

“ The general weak health and various female disorders which is so common among the Bengali women is due to cohabitation before full physical development and there is hardly a Bengali home which is free from it. The instances are too numerous for a detailed description.”

Then, Sir, in answer to question No. 20, this is what he said. Let me read question No. 20 first :

“ Do you consider that penal legislation fixing a higher age of consent for marital cases is likely to be more effective than legislation fixing the minimum age of marriage ? Which of the two alternatives would be in consonance with public opinion in your part of the country ? ”

This is what Babu Amar Nath Dutt, B.A., B.L., M.L.A., Advocate, said :

“ No, there is really no public opinion in the matter. I would prefer the latter alternative, fixing the age of marriage.”

Then, Sir, in answer to question No. 21, which ran as follows :

“ Would you prefer to rely on the strengthening of the penal law to secure the object in view, or on the progress of social reform by means of education and social propaganda ? ”

Babu Amar Nath Dutt, B.A., B.L., M.L.A., Advocate said this :

“ I prefer the latter, that is to say, education and social propaganda, but considering the indifference of the general public in the matter, the strengthening of the penal law is desirable.”

There is more of it.

Our friend Mr. Satyendra Chandra Mitra, who unfortunately is not in his place here just now,—he came here in the morning, fell ill and went back,—put to Mr. Amar Nath Dutt this question in cross-examination :

“ You are opposed to any legislation in social matters, but in reply to question No. 21 you say that the strengthening of the penal law is desirable.”

This is what Mr. Amar Nath Dutt said in his reply :

“ I am for prevention by some method. I would prefer penal laws in the circumstances.”

Mr. S. C. Mitra asked him then :

“ In one or two answers you state that you do not want any State legislation in social matters, and you state that you do not want it in any stage.”

Mr. Amar Nath Dutt's answer was :

“ Considering that we are bound to remain under this alien rule for some time due to a class of our countrymen, till they undergo a change, I think we must accept this evil of social legislation.”

He talked in another strain here. Why he did so, I leave it to the House to imagine. It certainly was not because there was any change of public opinion in the meantime. Not a single well advertised meeting has ever been held, even in the small town of Burdwan where Mr. Amar Nath Dutt resides, where Rai Sahib Harbilas Sarda's Bill has been condemned.

[Mr. N. C. Chunder.]

I challenge him to produce any telegram from any Member of the Legislative Council of Bengal, barring of course a few gentlemen in North Bengal like Babu Jogendra Chandra Chakrabutty and one or two others who are well known Members of the Brahman Sabha,—I challenge him to produce a single letter from any representative Bengalee in Burdwan showing me that he or she condemns this Bill. Sir, I represent here a city, —unfortunately only one section of the people of that city I represent, the Non-Muhammadans, but I represent here, Sir, the Non-Muhammadans of a city which is the biggest city in India, and there is not a single district in India whose people are not represented in that city. I received, Sir, only one telephonic communication from a gentleman of the name of Babu Manmohan Bhattacharjee, who was at one time tutor of Babu Brojendra Kishore Acharya Choudhury, informing me that he wanted to see me in connection with the Sarda Bill. I know, Sir, that he is one of the great leaders of the Brahman Sabha. I told him that if he thought he would be able to persuade me against it he was mistaken, because, Sir, I realise every day of my life the evils of early marriage and it was not possible for anybody, not even Pandit Madan Mohan Malaviya, for whom I have the highest respect, probably higher than I have for any living person in India, to persuade me to his view. Even Pandit Malaviya, I can assure you, will fail to convince me that the system of early marriage ought to be allowed to continue a day longer than it can be helped.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I had no desire to take part in the debate at this stage, because I have been sufficiently long in this House to realise the utter futility of anything that may be said on his particular occasion, I mean the Third Reading stage. Members have already made up their minds ; amendments have been debated upon, and it is a useless waste of time to engage in a lengthy debate on this particular occasion.

But, Sir, after hearing some of the Honourable Members who have preceded me, I have to join in this debate. I have no desire to assume to myself the oracular authority to speak on behalf of Bengal which my friend, Mr. Chunder, has done. It is a pity that his great interest in this measure did not induce him to be present at the earlier stages of this Bill. If he were present on the day that the first motion was under discussion, I mean the Second Reading, he would have followed what exactly was said by me. I never attempted to create any impression that entire Bengal was opposed to this measure. I do not pretend to know or to speak anything about places about which I am not competent to speak. What I did on that occasion was to seek to interpret, as truly as I could, the opinion in my constituency. And after all that has been said on previous occasions and on the present, I maintain that my withers are absolutely unwrung.

Sir, my Honourable friend Mr. Chunder has referred to meetings in Calcutta. He has particularly referred to a recent meeting in Calcutta. We have received conflicting reports about it. This at least is clear that the protagonists of the two opposing sections could not express their views in an absolutely non-violent manner. The police had to be called in, and I have also seen a rather philosophical defence of the use of force on such occasions attempted in a particular newspaper in Bengal.

My Honourable friend, Mr. Nirmal Chunder Chunder, has assumed that no representative Bengali has ever spoken or expressed his opinion otherwise against this Bill. I am going to draw his attention to the opinion of a body with which he is more familiar than I am, a body to whose opinion I think he would attach some importance. I am referring to the opinion of the Bar Library Club of the Calcutta High Court. It is a body sacred to the Barristers ; it is a body which is worthily represented in this House by two Members, the Honourable the Law Member and my Honourable friend Mr. Kabeer-ud-Din Ahmed. (Laughter.)

Mr. N. C. Chunder : There is Mr. Stewart-Smith. Why do you omit him ?

Mr. K. C. Neogy : I am sorry I did not know that there was a third. Expressing their opinion on the original Bill, this is what the Bar Library Club stated :

“ The Bar has carefully considered..... ”

Mind you, it is the English Bar, or at least what is called in Calcutta the English Bar, consisting of Europeans and Indians,—Indians, all of whom had been to England and some of whom hold very cosmopolitan ideas about marriage.

(*An Honourable Member :* “ It is about the original Bill.”) Yes, I will ask my Honourable friends to be a little patient. It is for them to say how much of it applies to any Bill which seeks to effect social legislation.

“ The Bar has carefully considered them and I am now directed to forward the opinion thereof as follows. While fully conscious of the evils which the present Bill aims at and appreciating the object with which it has been introduced, the Bar is of opinion that legislation should not be undertaken as it is sure to raise a storm of protest throughout the land as interference with the religious tenets and deep-rooted sentiments of the vast majority of the orthodox Hindu population.”

It does not at all take away from the importance of this statement.....

Mr. K. Ahmed : What is the date ?

Mr. K. C. Neogy : The date is December, 1927. The Honourable the Law Member was the President of this Bar at that time.

Mr. N. C. Chunder : Mr. S. K. Sen gave evidence, do you know ?

Sir Darcy Lindsay : Is it the Bar or the Club ?

Mr. K. C. Neogy : It is the Bar Library Club. My Honourable friend will pardon me. He does not know the organisation of the Calcutta Bar and I do not think even my Honourable friend Mr. Nirmal Chunder Chunder will contest the proposition that the Bar Association, which is confined to the members of the English Bar in Calcutta, is known as the Bar Library Club and it is in that name that they are consulted by the Government and it is in that name that they give their opinions to Government on all important measures. I will not encroach upon the constituency which is represented by my Honourable friend Mr. Nirmal Chunder Chunder beyond mentioning this particular fact. I would only refer to what a prominent member of the Calcutta Bar stated. I do not know whether my Honourable friend Mr. Nirmal Chunder Chunder would consider him to be a representative Bengali ; he holds a high judicial position ; I mean Mr. Justice P. R. Das, between whom and orthodox Hinduism there is absolutely nothing in common. This is what he stated,

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not upon the original Bill, but upon the Bill as it at present stands, and as it is going to be enacted into law. He said :

“ I am wholly opposed to the Bill. It is my deliberate conviction that social legislation may serve as eye-wash ; but it has no effect whatever on the people. If the legislation be in advance of the social and moral consciousness of the people, then it will be disobeyed in practice, without any one being the wiser for it. If it be the other way, then legislation is not needed.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I take it you are not personally against it.

Mr. K. C. Neogy : I will tell my Honourable friend what my exact position is and he need not be so impatient. I will now come to my own constituency. I take it that one is entitled to speak on behalf of one's constituency in this House and that one's authority will not be challenged unless any Honourable Member can show that what one has stated the facts to be are absolutely incorrect upon definitely ascertained evidence. Now, Sir, when I spoke on the first occasion, some of my Honourable friends were disposed to question the genuineness of the letters that I had received in response to my appeal to my constituency to let me know what they thought about the matter. My Honourable friend Mr. K. C. Roy wanted to see the correspondence.

Mr. K. C. Boy (Bengal : Nominated Non-Official) : I did not want to see the correspondence.

Mr. K. C. Neogy : But you wanted to know who wrote those letters. I would have been very glad to send the whole mass of the letters that I had received to my Honourable friend. If I was sure that he knew the vernacular of his ancestors sufficiently well for the purpose of understanding the correspondence. But, Sir, I would leave it there. I would refer to another test, and here I am going to refer to certain bodies, whose opinions I take it are entitled to some amount of respect in this House, and whose opinions particularly members of the legal profession would not make light of. There are seventeen district and sub-divisional Bar Associations in my constituency. Mind you, the Bar Associations are the places where anybody who wants to hold a conference or a congress would first go to for the purpose of interesting people in any good cause. They are the centres of all kinds of beneficent public activities and serve as barometers of public opinion. There are, as I have said, seventeen district and sub-divisional Bar Associations in my constituency. Of these 16 have so far expressed their opinions on this Bill. Of this number, 11 are opposed to the very idea of legislation in this matter ; 3 are equally opposed, but are prepared to accept 12 as the minimum marriageable age for girls if legislation be inevitable ; 2 have not specifically protested but say they are prepared to accept 12 as the age for girls. Apart from these Bar Associations there are several influential bodies known as the Mukhtears' Associations representing a great body of legal practitioners in the mofussil. Nine Associations of Mukhtears in my constituency, very important bodies, have expressed their views. (*An Honourable Member* : “ What about indigenous Kavirajes ? ”) Out of these, 7 are entirely opposed to this measure, one is prepared to agree to 12 as the age for girls if legislation is inevitable, protesting all the same against this measure, and one says that the age of 12 can be agreed to for girls. Here are the original papers and I should be pleased to place them at the disposal

of any Honourable Member who wants to scrutinise them and satisfy himself as to the genuineness of these messages.

Mr. K. Ahmed : Personally you are not opposing the Bill, are you ?

Mr. K. C. Neogy : My Honourable friend, Mr. Gaya Prasad Singh, referred to the medical opinion in Bengal. What he was reading from was a publication about half a century old. I myself had a copy of it, but I have thought it safer to rely upon more modern medical opinion. He was also referring to certain opinions given expression to at the Empire Social Hygienic Conference. If my Honourable friend would do me the honour of reading out the entire extract from the *Pioneer*, which I am sure he had in his mind, he would have seen that those very experts whom he has quoted confess that the questions about puberty are baffling, that the facts and circumstances relating to one country cannot be applied to another, and that climate and various other factors have a good deal of influence on questions affecting puberty, marriage and motherhood.

Coming now to the Bengal medical opinion. My Honourable friend Mr. Chunder has contemptuously referred to a medical journal as being absolutely obscure. I am not a medical man myself and I do not think it incumbent upon me to take up the cudgels on behalf of any medical journal, but here is a statement which has been published in the papers, and which I understand has been signed by over 60 medical men in Calcutta, and two of the signatories, I dare say, would not be regarded by my friend Mr. Chunder as obscure. One is Dr. J. N. Maitra, Chairman of the Health Committee of the Calcutta Corporation who was also the Secretary of the All-India Medical Conference in 1928. The other is Dr. Bamandas Mukherjee, Examiner in Midwifery and Gynæcology to the Calcutta University and Visiting Surgeon to the Chitta Ranjan Seva Sadan, which is a very well-known women's hospital. I am not going to go through the whole of this statement, but the view which they put forward is certainly worthy of some amount of consideration at the hands of this House. I am really sorry to see my friend Mr. Chunder seeking to ridicule the medical opinion which is opposed to this measure. This section of medical opinion does not favour child marriage. What they say is that we should ascertain facts on which a scientific inquiry can proceed, we have not got those facts ; no scientific inquiry has yet been made ; for Heaven's sake stay your hands ; let us have an expert inquiry in preference to an inquiry of the type that we have had in the Age of Consent Committee. This is the main purport of this opinion. They refer to other factors also. It may be that the doctors differ in this particular case.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : They are only 60 out of 6,000.

Mr. K. C. Neogy : Are you authorised to speak on behalf of the rest ? My Honourable friend, Sir Darcy Lindsay, expressed his gratification that no amendment to this Bill had been accepted. Sir, my Honourable friend is not in touch with the mofussil of the country. If he were, he would have been the first man to say that some of the amendments that were tabled were of a very essential character and the non-acceptance of them would make the task of those who would be called upon to administer this measure very, very difficult. It is all very well that the protagonists of this measure have a very large majority in this House and this

[Mr. K. C. Neogy.]

measure is going to be passed into law in a few days. But is it necessary for them also to assert that the whole country is behind them? Would it not be right on their part to be a little more charitable to those who differ from them on this particular occasion? I appeal to them to be more tolerant when the deepest sentiments of the people are involved in a delicate matter of this kind. There is a good deal of room for honest differences of opinion, and this will be apparent from some of the opinions, which I have already read out. They are from men who would not ordinarily support orthodoxy in this country. I would mention to you one more view, and that is the opinion of the organ of the Adi Brahma Samaj of Calcutta which was established by Raja Ram Mohun Roy. An editorial comment which appeared in this paper has been sent to me with a personal letter from the Editor. I may tell this House that the joint Editors of this paper are well-known members of the Brahma community in Calcutta. One is Dr. B. L. Chaudhury and the other is K. N. Tagore. In an editorial note, this journal says that it is opposed to the idea of social reform by legislation. So I say it ought to satisfy the supporters of this measure that they are passing this measure into law. Is it necessary for them to suppress, to ridicule the opinion that may be held in opposition to them? Sir, as I said on the last occasion I have my sympathy certainly with the underlying object of this measure; but the issue before me is this—Am I entitled to impose my opinion on an unwilling people by legislative coercion with the help of the vote which I exercise in their name in this House?

Mr. R. S. Sarma (Bengal : Nominated Non-Official) : Mr. President, I have been unfortunately forestalled by my friend, the Honourable Mr. Chunder, who cleared a misapprehension which I myself wanted to remove. The speeches of my Honourable friends, Mr. M. K. Acharya and Mr. Sessa Ayyangar, on the one hand and the speeches of Mr. Ghuznavi and Mr. Amar Nath Dutt on the other, have unfortunately created the impression in this House that the strongest opposition to this progressive legislation has emanated from the provinces of Madras and Bengal. Madras is the province of my birth, and Bengal the province of my adoption, and though I shall not be rash enough to incur the displeasure of my friend, Mr. Neogy, by claiming to speak on behalf of Bengal as Mr. Neogy did.....

Mr. K. C. Neogy : I never did that. A nominated Member has probably greater authority to speak in the name of Bengal than anybody else.

Mr. R. S. Sarma : I say that I do not want to incur Mr. Neogy's displeasure, because I found him questioning the representative character of Mr. Chunder who represents Calcutta in this Assembly.

Mr. K. C. Neogy : I never did that.

Mr. R. S. Sarma : You did.

Mr. K. C. Neogy : Never.

Mr. R. S. Sarma : However that may be, I have been sufficiently in touch with the trend of public opinion in Bengal and Madras to be able to understand exactly the views and opinions of the majority of the people in those two provinces. Public opinion in a matter of this character and in all important matters is ascertained by two well-defined

means, the Press and the platform. (Hear, hear.) As regards the Press, the entire Press of Madras and Bengal.....

Mr. K. C. Neogy : No, no, not in Bengal.

Mr. R. S. Sarma : Except for a small weekly paper which my friends flourished before the House !

Mr. K. C. Neogy : There are scores of papers in the mofussil which the Honourable Member is not in a position to understand because he does not know the vernacular.

Mr. R. S. Sarma : I am only concerned with papers of importance known to every Member of the House ; I cannot take into account every small paper in the mofussil. With regard to Madras, there is no other organ of public opinion which can claim to speak with greater authority or can claim to be a better spokesman of the views and wishes of Southern India than the *Hindu* of Madras. (*An Honourable Member* : " Question.") The lead that that paper has given to this measure and the ample support given by the editor of that paper, who is also a distinguished Member of this House, is I think the last word on the subject as to what may be taken to be the views of Southern India on this important question. (*An Honourable Member* : " Certainly not.") Dogmatic assertion is no argument, Sir. Then, with regard to Bengal, there has not been a single question for the last 20 years in which papers like the *Statesman* and the *Liberty*, having such divergent views on all other questions, are unanimously agreed as on this particular question, *viz.*, the necessity of legislation of this character. I believe the *Liberty* is a paper to which my friend, Mr. Amar Nath Dutt and occasionally my friend, Mr. Neogy, owe allegiance.

Mr. K. C. Neogy : What ? Nothing of the kind.

Mr. R. S. Sarma : With regard to public opinion, my friend, Mr. Chunder has told you just now as to what Hindu Bengal thinks about this measure. With regard to what Muhammadan Bengal thinks, I will just read only one sentence from a leader of Muhammadan public opinion who has written to the *Statesman* what Moslem Bengal think of the attitude which Mr. Ghuznavi, *representative of Bengal Muslims*, has taken in this connection. He says :

" Whatever the *Fatwallas* may say, Islam does not and cannot sanction the diabolical practice of child marriage. Mr. Ghuznavi's having changed into a true Muslim is a vote-catching move, and it is hoped that nobody will mistake it for the enlightened opinion of Muslim Bengal."

I am very sorry to quote this, and to refer to this in the absence of Mr. Ghuznavi, but the House knows that he is absent by his own voluntary act. (*An Honourable Member* : " He is on hunger strike.") Of course, clever as they are, Mr. Ghuznavi and Mr. Amar Nath Dutt have combined business and pleasure with patriotism, and by a dramatic show of walk out, have kept the afternoon free to attend the football match. No patriotic Bengali can afford to be away, Sir, when Mohan Bagan are playing. (*An Honourable Member* : " Mr. Amar Nath Dutt is here.") With regard to general public opinion in Bengal two meetings held in Bengal, one in the Albert Hall in Calcutta, and the other last week in Dacca, give the lie direct to the libellous insinuation that the people of Bengal are against this progressive legislation being put upon the Statute-book ; and I think, Sir, Bengal would be judged in this House more by the part played by the two illustrious Members on the Treasury Benches, Sir Bhupendra Nath Mitra and Sir Brojendra Mitter and by the attitude taken by the two non-official Bengalis, Mr. K. C. Roy and Mr. N. C. Chunder. One word more and I

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shall finish. The Deputy President, in his speech last week, warned this House of the evil consequences of this measure, and he went on to say that this particular legislation would land Government in a catastrophe and that the historian of the future would have something drastic to say about the Viceroy who put his seal of approval to this measure. I think, Sir, it is going to be the other way about. When in consequence of this great progressive legislation, the social disgrace and evil of child-marriage and child-widows in this country has been eradicated root and branch from the soil, and when India, thus made strong and virile, takes her place among the free nations comprising the British Commonwealth, when we will have in effect self-government and Dominion Status, as a result of the improvement in the moral and physique of the manhood and womanhood of the race as a result of this legislation, I think, Sir, that not only the name of His Excellency the Viceroy who put his seal of approval on this measure will be remembered by millions of men and women who may have benefited by this legislation, but generations of my grateful countrymen will cherish with loving gratitude the name of a Home Member who shewed great courage and vision in initiating a bold and vigorous policy ensuring that no longer shall the dearest children of the soil of India be crucified on the matrimonial cross.

Maulvi Muhammad Yakub : The Government will also be remembered for nominating you to this Assembly ?

Several Members : The question may now be put.

Mr. M. K. Acharya : Sir, to lament their lot is a privilege that is always cheerfully accorded by the victors in every fight to the vanquished ; and that is the only privilege that I today, looking ahead as carefully as I can to the woes that are ahead of us, seek at your hands. I admit, Sir, that we have been defeated on the floor of the House not by the superiority of argument but by the superiority of numbers (Hear, hear),—not by the logic that has been brought to bear upon the subject but by the very lack of logic, by the very fact that scientific data, on which our conclusions should be based, have been ignored. The logic, Sir, that has won today is the logic of the Government bloc, the logic that is winning today is the logic of the European Group. We bow to the logic of numbers ; but, Sir, may we not be spared the humiliation, in this land of sages where there have always been noble souls who said :

“ They are slaves who dare not be,
In the right with two or three.”

may we not be spared the humiliation of being told by the many that have erred, that the error of the many is going to be the law for all time to come ?

Mr. K. Ahmed : Follow the majority.

Mr. M. K. Acharya : No, Sir. It is humiliating to be told that this is the last word on this subject. We have been told that from Bengal, from the United Provinces, from the whole of Madras, opinions have come which are entirely in favour of this legislation. Sir, it is not self-respectful to any Member of this House to indulge in such hyperbole. It might be very well for some newspaper scribblers to say that this or that is the last word on any subject ; but, Sir, responsible people ought to be careful in making such statements. I just got a telegram from some place in the Cuddappah or Kurnool district, I suppose, which was put into my hand just when Rai Sahib Harbilas Sarda was talking. Does that telegram, Sir, congratulate the Home Member, does it congratulate Government ?

“ Government morality and honour at stake ”—that is what this telegram says, and from every corner (*An Honourable Member* : “ Is the telegram from a man or woman ? ”) the same story comes. Sir, what a childish question. I should ask my talented friend, Mr. Jayakar, to study the principle of what is called the law of the bipolarity of sexes carefully. I should ask him to learn that :

“ For Woman's Cause is man's ; they rise or fall

Together, dwarfed or godlike, bond or free.”

It is childish to talk of man's tyranny over woman, or woman's tyranny over man. Such talk is unworthy of any cultured society. My own impression is that very often it is woman who tyrannises over man, and not man who tyrannises over woman. (Laughter.) Mr. Jayakar probably himself has experienced it at some time. Sir, the Bill is going, I know, to be passed ; I know that it will be as easy to bid the Himalayas move away further north as to ask this House not to vote for this Bill : and so I bow to the inevitable. Let Rai Sahib Harbilas Sarda congratulate himself ; by all means I shall congratulate him too—not on his sound arguments but on his strong numbers. Let him remember that the Bill that is being passed today is very different from the Bill which he originally drafted. His original Bill was a veritable lamb compared to the tiger that is now being sprung upon the country. Let the honour or dishonour be divided between the Honourable Rai Sahib and the Honourable Sir James Crerar ; for, but for the solid bloc of the Government's forty or fifty votes, and but for the solid bloc of the European Group comprising ten votes, this Bill would not have so much as progressed to the stage of being taken into consideration. Let us not therefore talk in an unpractical manner. Opinions in favour of the Bill may have come from here and there. Opinions will come when the Government want them. They will come in abundance when a mighty Government on which the sun never sets wants them. Sir, opinions can be got by thousands without any difficulty. But if you are honest, you must admit that Sir Sivaswamy Aiyar and Diwan Bahadur T. Rangachariar, though very great and good citizens of Madras, are not religious heads. They are no more competent to speak on religious matters than I am competent to speak about what is happening in Iceland. Therefore let us not allow our prejudices to override the truth. I am prepared to admit that, among the English educated people of India, 90 per cent. are perhaps in favour of the Bill ; and I put the blame at the door of the Government which has enslaved our intellects. We, the English educated Indians, merely cram second-hand knowledge which is thrust down our throats ; and we repeat parrot-like what others say. We have lost all independent inquiry, original thinking, original philosophy and original thought, which could stir the whole world. Some of my friends have been talking cheaply of education for girls. Are they not satisfied with the education that we men have had and which has made machines and slaves of us ? I do not know where my friend the Revd. J. C. Chatterjee has had his education ; I do not know if he has any educational ideals. I believe in that education which gives us the nerve to fight, and the heart to aspire to the highest ideals, which gives us that higher culture by means of which even in a minority of one man will dare to fight against overwhelming odds. This Government, by imparting its present education to us, has enslaved our mentality ; and you want to give this dirty education to my sisters and daughters. Sir, I will not give them this dirty and stupid education. (*Voices* : “ Question.”) I will not give them this beastly education. Sir, even in England great scientists, great educationists, have

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raised huge protests against the education that is being given in England. They say that education in England is most mechanical ; that it is responsible for a lot of economic and moral evils all over England. The same is the case in America. And these gentlemen here still talk about giving the present machine-making English education to our girls.

The Revd. J. C. Chatterjee : What education did you receive ?

Mr. M. K. Acharya : I also received the same machine-making education of which I am ashamed, honestly
5 P.M. ashamed ; but, in spite of that education, because

I still happen to have one little drop of my ancient sires' blood which says that one should even die for truth, so I am speaking against the Bill.

I am ready, Sir, to admit that we have been defeated. We have been condemned without a fair trial. We wanted calm consideration. But the great Leader of the Congress Party, who is going to be the Premier of the Commonwealth of India after the 31st December, said that this question was the silliest possible question to be talked about, and we should not bother ourselves about it ! Another mighty scion of the law declared : " We are the highest tribunal and we should deliver judgment without looking into any evidence." He would not condemn the worst criminal, he would not have the most unreasonable hunger-striker tried in his absence, but he is prepared to convict thousands and thousands of his countrymen who have been following an excellent ancient custom without looking into the evidence against them ; and the House agreed to his dictum ! (To Mr. M. R. Jayakar.) Yes, you will not allow one single criminal to be tried without his presence in the court, but you are prepared to convict thousands and thousands of people as being guilty of the most damnable tyranny and wickedness against the whole womankind of India without having full evidence before you. Some of us, Sir, were not satisfied with the inquiry and Report of the Age of Consent Committee. The House has agreed to it. But the Honourable the Home Member, in the name of his mighty Government, spoke of the Committee as an ideal Committee and of their Report as an ideal report, and then the majority in the House, like the Roman citizens of Shakespeare, cried, " We will be satisfied ; let us be satisfied " ! When the Government, instead of holding the scales impartially, decided to throw their whole strength on one side, what could we do ? I had received protests from every part of the country, from all Hindu religious heads of any importance. Government had received them too ; but Government chose to ignore them completely. Against such obstinate opposition we felt : " Ours not to reason why ! ours but to do and die " ! Yes, Sir, we are ready to die before the tyranny of the majority, but our cause will not die. Truth does not die ; conscience does not die, and the spirit of India will never, never be killed.

Sir, I was bombarded by some of Mr. Sarda's heroes and heroines at the doorway, and in my room ; and though by Dr. Hyder I was told that I had no eyes to see what he saw, no ears to hear what he heard and no heart to feel what he felt, I too felt the persuasive logic of their lips and eyes. But I knew that they were in the wrong and I was in the right, and that is the reason why I did not agree to their request to support the Bill. Now, I will make bold to say that ours is the highest ideal of marriage on earth, and I wish the whole of Europe and the whole of America would

copy it. Our marriage system seeks that a girl of 11 or 12 and a boy of 17 or 18, should be brought together in a healthy environment in which they may be helped to grow together in age and in love till their hearts are twined into one indivisible whole, and remain so till death itself parts them only here on earth, not in heaven above. That is our ideal ; I claim it is the highest ideal of marriage. It has been followed in India in spite of all apparent drawbacks. That ideal you are penalising today. That ideal you are killing, trampling under foot today. It does not matter to me whether there are going to be 3,000 widows or 3,00,000 widows when this sacred ideal is going to be trampled under foot. You may perhaps prevent three lakhs of child-widows by this legislation ; but you will also, by this legislation, give room within the next ten years, to three million unmarried women wandering about the streets, who will be either the victims of abductions and seductions or aggressive parties thereof. I am glad that the Leader of the Congress Party and the Deputy Leader of the Nationalist Party have both admitted that cases will arise when, in the interests of the girl herself, we shall have to relax this age limit of 14. Cases of sexual misbehaviour of girls and boys are sure to arise ; because as love laughs at locksmiths, so does lust laugh at legislators.

Now I will put this question to the European Members of this House. Have you studied the vital statistics of England ? What is the present morality of European society, of English society ? I will give some facts and figures. The numbers of illegitimate children, of those who are openly labelled as illegitimate, were as follows :

1922	..	..	..	..	34,138
1923	..	..	..	..	35,000

and so on for every succeeding year, out of a total of some 700,000 to 600,000 births. That is to say, one child out of every 23 or 24 born is openly labelled as illegitimate. That is the morality of England. What steps have you taken to prevent this state of affairs in your own country ? Sir, virgin widowhood is no danger to society as compared to what these huge armies of "unmarried" women are perpetrating. The scientists of England and America deplore the growing degradation. It has come to this in the West that women want sexual intercourse without marriage ; at best they want marriage without maternity. Such a calamity has never happened in India ; but by passing this legislation you are paving the way for it. What is happening in the "civilised" countries of the West will also happen in India, through these "civilising" legislation of yours. You cannot kill nature, which is the same everywhere. You cannot destroy human nature ; you cannot prevent sex instinct. Penalising sex-craving has never worked in any country of the world, and it will never work. Therefore, you are only undermining the old moral foundations of Indian society.

It is not that I do not want reform. I want sane reform. I want strong Indians, and more than physically strong Indians ; I want Indians who are morally, and spiritually, not only intellectually even, the greatest in the world. I do not care for physical strength alone. I want it by all means, but only as a complement to high thought and noble culture. I want highly cultured Indians in large numbers. Are they going to be produced by this Bill, when the whole of our society is going to be corrupted by this evil legislation ? Do you think you can evolve a highly cultured race out of this Bill ? Look at the degradation rampant in America and

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France. Are we going to get through this Bill anything like the race of which we can well feel proud? Here is a great trust of the noblest human culture handed to us; but we are trampling it under foot. This House is destroying that culture, and I only hope that posterity will not hold us all equally responsible for it. I hope they will excuse us. This House has declared that they would penalise the highest ideal of marriage. They would put their heel upon that ideal. They would not allow any father to say, "My daughter will be married when she is 12 or 13 to a boy who is 16 or 17; and if need be I take full responsibility for seeing that there is no consummation before she attains 15 years of age." Well, Sir, this ideal the House would not allow to be followed. The ideal that the House has before it is only one of carnal pleasure. The House knows only the carnal side of marriage, not its higher, spiritual side. The House would allow a girl only after a particular age to be married to a boy after a particular age? But can any legislation say that a woman shall become a mother at any particular age. This is the insane legislation which is sought to be imposed upon the country. My friends talk cheaply of female education. But what is their ideal? Here is a book written by Dr. Mayrick Booth, one of the latest writers upon sex problems; and there are suggestions in it as to the kind of education which should be given to girls so as to qualify them for their great sex duty, for their great biological duty, for their duty to society. What is that duty? A girl's most sacred duty is to become wife and mother. The proper work of a woman is maternity. That is the great duty of a woman. The best scientific opinions of both Europe and America agree in the view that the education of a girl should be such as to qualify her for motherhood, for the great duty of motherhood. That is the true ideal of female education. The learned author of that book bemoans that the present education in England is not conducive to it; he bemoans that there are hundreds and thousands of unmarried girls who go into offices and sell their labour cheap in competition with the boys, and force the boys to be thrown out of work, and to remain bachelors. He bemoans the unmarried state of these girls. The result, as he says, is this vicious circle of young men without work and young women without marriage. This is going on from day to day. The result is that the whole Anglo-Saxon society is in a chaos. He tells us what is happening there. He gives innumerable statistics to show that maternity is going down in England. Maternity is going down in America among the sport-loving adolescent women. Everywhere in Europe it is going down. Even 10 per cent. of adolescent women in the West are not fit for maternity; they do not bear children; all this on account of the pernicious ideals that are now prevalent all over Europe. He comes to the conclusion that, unless great endeavour is made to inculcate saner, more scientifically sound ideals of sex-relations, the Anglo-Saxon race will soon come to an end. I will commend the following pitiful remark to the notice particularly of Mr. Price and Sir Darcy Lindsay:

"What is happening to the domestic life of the Anglo-Saxon race? It is the same tale wherever the English tongue is spoken: more hotels, fewer homes, more divorces, fewer children."

That is what is going to happen to the English educated people of India also. Among us also will be more hotels, fewer homes, more divorces and more loose sexual connections, more unholy sexual alliances and unions, and lesser and fewer children. That is what we are paving the

way for by enacting this measure. We are the guilty persons who are parties to such a crime. The false, unwholesome ideal of my friends seems to be that a girl should be old enough and free enough to say whether she will marry, and if so, when and whom she will marry. This is utterly unscientific, unbiological. In Europe, this false ideal, which was based on the superficial utilitarianism of the Victorian period is resulting in the gradual extinction of femininism. And in Europe and America thoughtful writers of both sexes have begun to declare that a girl has no right to say that she will marry only when she likes and whom she likes, and as she likes. That is not in conformity with the higher organic view of society, with the real basic principle of society, which says that a girl should become a mother of the race. The race demands that every girl should become a mother. That is the highest principle of sociology, that is the highest principle of inter-sex moral law, that is the highest principle on which is based the foundation of all civilised human society. Every woman, every man, is an organic limb of the race. No man, no woman has a right to live for himself or for herself. This is the organic theory of society, based on what is called the philosophy of the unity of all life. This is the teleological view of human society that all are parts of one organic whole, each having a function of his or her own, all functions tending towards the growth and consummation of the whole. According to this view of life and society, every boy and girl, as far as possible, should become married, for the perpetuation of the race. This is what the latest western scientists say. But in India, in modern India, we hear the diabolical philosophy that a girl must be old and mature enough to make her decision after examination and trials as to who would best suit her as a husband ; that she must be free to say when, how and whom she will take as her husband. This same wicked creed has produced most baneful results in America. The same pernicious results are happening in Europe, and unfortunately both these Continents are getting into a state of terrible degradation. The thoughtful writers of England, of Austria, of Germany, all have begun to deplore the present conditions of society there. Yet we "educated" people in India have become the intellectual dustbins of Europe and America, and want to pick up the crumbs and the refuse that are thrown out by the West.

Mr. K. Ahmed : Then, why do you ask for Home Rule ?

Mr. M. K. Acharya : Life is more serious than can be wasted upon the Honourable Member—Sir, I am sorry to have to speak about this measure. I do certainly want legislation, but legislation on sane lines. I want reform on sane lines ; that is why I say that we must not allow consummation before 15 years of age. But we must allow, if possible we must help and give facilities for a girl of 11 or 12 or 13 to enter into the sacrament of matrimony with a boy of 17 or 18. That is the high ideal of Hindu culture, but we are penalising that today. I am not going to waste the time of the House now at this late stage by reading out the innumerable telegrams that I have received against the Bill. How many telegrams have I got ? How many telegrams has the Honourable the Home Member got ? He must know it. He has got innumerable telegrams from respectable leaders of religion all over India. He has got telegrams from every man who has at least half a dozen as his following. The Honourable Member himself admitted on the floor of this House, how many telegrams, how many representations, and how many memorials were received for and against this measure. Let us not therefore, in a fit of

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frenzy, magnify either the one side or the other. I have come to this conclusion after great deliberation, that the bulk of the English educated people are not independent thinkers; unfortunately they are only second-rate parrot-like repetitioners of what is being loosely said in other countries. They want legislation, not on rational lines, nor on lines suited to the genius of the Indian nation. But the bulk of the country is going to decide the fate of every Member who is voting in favour of this measure. The bulk of the country will decide as to who should be returned to the next Assembly. The bulk of the country will follow their long-recognised leaders, whether Hindu or Muhammadan. A large proportion of them will not admit the false ideal that every girl has the right to say that she will marry when she likes, whom she likes. The large bulk of the people in this country would not like their girls to defy parental authority and home discipline. The bulk of the people in this land are still fortunately wedded to the old ideal that their girls shall not fall into degradation, that a girl when she is 16 or 17, when sex passions are dominant in her, is not the fittest and best person to choose her partner in life, and qualify herself for motherhood. She is not the fittest to say whether she will marry, whom she will marry and when she will marry. Our ideal has been of discipline, of control, of subordinating youthful whims to the experience of elderly people. Every girl must take the advice of her parents. Every boy and girl must obey the wishes of his or her parents. It is because such discipline has been prevailing in India that we have been spared the degrading spectacle found in the West. America is now on the stepping stone of ruin and peril. In England great thinkers are despairing as to what is going to happen to Anglo-Saxon society if the present conditions were to continue any longer. In India we have come to the same stage. We with our high ideals and noble culture have withstood the onslaughts of countless invading creeds, and God willing we shall stand the present inroad into our ideals by the enactment of this measure. I have no doubt that sooner, much sooner than most of us think of, this legislation will be amended so as to be made more sane and more fitting with the highest national ideals and the culture of India. For :

“ The One remains, the many change and pass,
Heaven's light for ever shines, earth's shadows fly.”

Amidst all the numerous changes that are being wrought in our midst, the one eternal culture of India, the one eternal supremely universal religion of India which has linked the Siva and Sakti together—the Apollonian and the Dionysian as western scientists would call the two aspects today—that supreme religion which has linked Sri and Narayana into the One Holiest Existence—the religion that has welded indivisibly the father and the mother, the wife and the husband for all time, through all earthly births and deaths—the Culture of that indissoluble Unity which is the stepping stone to the higher Unity that pervades all this Universe—that will remain, and this legislation is bound to pass away.

Pandit Nilakantha Das : Sir, I had no mind to take part in this debate, but I must make it clear at the outset that I was very vehemently in support of the principle of this Bill and so I am now. My constituency is also generally in favour of the principle of the Bill and one of the reasons is that my constituency particularly is not much affected by this Bill. Except Brahmins and two or three small castes, no other caste marries early, and even when there is early marriage, there is no consummation

before the girl attains her 14th or 15th year. But when I found that the Bill was proceeded with from stage to stage I was considering whether I should subscribe to the scope of the Bill without thinking twice. It was said by the author of the Bill, when he first introduced it in this House, that his main object was to eradicate the evils of child widowhood and early or pre-puberty marriage or consummation. These two things are really social evils. Anything else that is aimed at in this Bill is not exactly against any particular social evil but with a view to enforcing something which we may call social reform among the people, a substantial section of which I now find is unwilling to accept it.

But I must say that I am not like many of my friends on this side of the House against social legislation. Shastras have been quoted on both sides, but as I have stated, my humble study of the Shastras tells me that they appear contending to the uninitiated. When we speak of Hindu religion, I say it is a misnomer. I never believe that there is anything like Hindu religion. By religion we understand a preached religion, which has got a book which is revealed, and practically it is the word of one man who preached that religion. Hindu religion therefore is a misnomer. I believe in Hindu culture. It is a culture where all stages of the development of the human soul are comprehended. Even the pantheistic teachings of the Vedanta are as much Hinduism as the worship of stocks and stones by the savage. So this culture you may find in our Shastras and you cannot find any hard and fast rules for all time to come and for all climes and all people. It is an interpretation according to *adhikara* as it is called, the capacity of the man interpreting that will give you the true interpretation of the Shastras ; and in fact I find that there has been legislation from time to time and marriage has been regulated. It was I believe about the 12th century that, for some reasons, our *Smritikaras* forbade post-puberty marriage. I do not know whether those conditions have so vanished today that we can go even two or three years after puberty in marrying our girls.

I did not understand my friends congratulating the Honourable the Home Member for his support and some of them characterising that support as the advent of a national government. I do not know that on any national measure, on any measure which we consider national, Government was ever so very enthusiastic, and I cannot understand, even on the present occasion, what can be at the back of all this enthusiasm. In this Bill we actually go forward to a measure of social reform and we look forward to a time, as some of my friends have said, when girls will choose their own husbands and boys will choose their own wives. But so long as that stage does not come by education of our villagers or by any other means planned by our national Government, I do not understand how we can raise the age two or three years beyond the age of puberty and still make the parents and the families responsible for the marriage of young men and young girls. I do not know what is the actual age of puberty in Northern India, in the Punjab or in up-country. But I know that in the torrid heat of the south as well as in temperate and delicate Bengal, twelve is the age of puberty.

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

I can understand that in towns and cities from where most of my Honourable friends come to this House and where there are educational institutions and other things, a father can give his daughter in marriage

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after 14, but I do not understand how in the villages where there is no education, the father or the family can be responsible for the girl after she attains the age of puberty. Of course the time may come when measures of social reform may advance to that extent and we may look upon that age, or even after that, as the marriageable age, but at present I do not understand how we can make the parents responsible, and not only responsible, but make it a criminal offence and send them to jail for marrying their children before 14.

Do you not understand the life in the villages ? Do you not realise how there will be many cases where rightly or wrongly the father will be compelled to give his daughter in marriage at once ? I do not know—the main idea of the 12th century as I understand it was that the marriageable age should be so fixed and the marriage so performed before the girl had any sex impulse. Now, you are making it two or three years after she gets the sex impulse ; and I am sure human nature is human nature, and you know the conditions in the villages ; there is no education, nothing of the kind ; and sex impulse always goes hand in hand with sex experience in some cases at least in this land as it is so common in the West, and this will result in many cases in marriage after sex experience. Do you not feel that, in such cases, the fathers will be compelled to marry their daughters ? In cities conditions of society may be different, but in villages, generally people will not risk this, whereby families and not girls alone may be ruined. The result will be that there will be the strictest of purdah in your villages after this Bill is passed into law and after it is promulgated. I know in my society, Karans who are just below the Brahmins, marry their girls after puberty, and I know, at the same time, that their purdah system in Orissa is the strictest of all. You must either have purdah under the present conditions in villages, or you must marry just when a girl is on the verge of attaining puberty. Which do you choose ?

I do not understand how, in the scope of the Bill, nothing was provided as a safeguard : everything—every bit of reasonable amendment—was thrown out in a measure like this by which we expect social reform. If you are to pass legislation, legislative measures like this must go hand in hand with the stage to which the people have attained, perhaps a little in advance if possible. You cannot introduce a measure like this, a penal measure : in your frenzy of what you call social reform. This is not a social conference. This is a Legislative Assembly. Make real crimes like forced widowhood of the child or pre-puberty consummation of marriage penal by all means. I cannot subscribe to introducing measures of what you call reform at the point of the bayonet like this.

My friends have quoted measures of social legislation. But as I understand them, none but the measure regarding *suttee* was a penal measure ; they were civil measures, and you could have made this a civil measure like the others. But by the present provision, the father will have to go to jail and the mother will have to go to jail (*An Honourable Member* : “Certainly not.”) or be subjected to fine, I beg your pardon. As regards *suttee*, if you were to compare this with that measure, it would be like saying that milk is beef. If milk be beef, then this measure can be compared with the measure against *suttee*.

So, Sir, I say that, when we were going to fight against social evils such as widow marriage and pre-puberty consummation, we have perhaps

unwarily come to something which I am sure will not only be unpalatable in our villages among the vast population there, but will also create something which, if realised in effect, perhaps none of my friends on this side of the House will like. It is a cultural setback as I may call it, measures of reform in this subject land are yet of doubtful genuineness, so long as our mentality is one of slavish and unassimilated imitation. Moreover forcing measures like this with the help of an alien bureaucracy is nothing less than a crime—a heinous offence, I may say, against our hoary and liberal culture. For it is evident even in this House itself, not to speak of penalties of courts later on, that with forty or fifty votes on those Benches, this measure is being forced down our unwilling throats. (*Cries of "No."*) I repeat it and I say that we could not get even a comma or a semi-colon altered. It is a very dangerous thing. I cannot conceive of it. I could understand the Government approving of the principles of the Bill for fear of public opinion. If they did that, it was perhaps a part of their duty and I do not deny that much; but when they force this measure on us and compel us to swallow it, root, trunk, branch, leaf, twig and stem—nothing left out—nothing changed—I cannot follow the attitude of Government. When we were considering the measure, we did not give them an undertaking that, whatever emerged from the Select Committee, we would swallow the whole thing as it was. But we are now forced to swallow it. If we analyse the votes, we find that, besides those fifty votes, perhaps on very small occasions you have got a majority of non-official elected Members—representatives of those that are concerned, those that are affected.

An Honourable Member : You never exceeded twenty !

Pandit Nilakantha Das : 20 or 24 I do not mind; but from 61 if 50 is deducted it means 11. Whatever that may be, it should have been considered thoroughly and the scope of the Bill should have been modified so that the people could swallow it even if it still would have been like a bitter pill in some instances. I would not mind that much of bitterness, but I am sorry this Bill is going to be passed into law as it is; and I should have been very glad to support the Bill as I am in favour of the principles of the Bill, but under the circumstances I am sorry to have to say that I shall not be able to give my support to it, which would mean not supporting the principle now, but supporting the entire Bill as it is.

Mr. Deputy President : I think the Honourable Member will realise that this is a time when we should give every Member a chance to say a few words. I do not want that any Member should think that he had not got a chance and I hope that the Honourable Member will finish soon.

Pandit Nilakantha Das : I have finished, Sir.

Honourable Members : The question may now be put.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to join the chorus of congratulations to the Honourable Member from Ajmer-Merwara on his having succeeded in piloting this Bill through the House. If I remember it correctly, this is the first non-official Bill, of a contentious character, which has successfully gone through this House in its various stages, and I believe that the Honourable Member in charge himself will agree that he could have done little, but for the very whole-hearted support which the Government promised him and which they have accorded so usefully. The best wish that I can

[Sir Purshotamdas Thakurdas.]

now extend to this Bill is that it may be introduced in the Council of State this very Session at Simla and that, before many weeks are over after the end of this month, it may receive the assent of His Excellency the Viceroy and Governor General.

None, Sir, is more conscious of the many defects of this Bill ; I do not think any one of the supporters of this Bill will be so rash as to claim that it is a perfect measure in any sense. There are many omissions which will require attention, and there are many other restrictions which may have to be put on in course of time as experience teaches us what is Wanting in the Bill, but there is no doubt about this, that as the foundation, this Bill is good enough to enable the Indian Legislature to lay a true and lasting foundation.

A good deal, Sir, has been said indicating suspicion of the Government support to this Bill. I can understand the mentality of those colleagues of mine who will suspect Government support, whether it be for a good cause or for a bad cause ; but I have no hesitation in this case in saying,—and I say it with all conviction—that Government could not have withheld their support to this Bill at this very late hour. The fact that the Government did not give support to this Bill of the Honourable Member in charge a year ago, we all deplore. The Government were over cautious. In the last Delhi Session they almost tried our patience, and whilst we are grateful to the Government for the support that they have given now, I do not think there is the slightest room for any suspicion. On the other hand, Government deserve from this side of the House cordial appreciation, and it is our sincere wish that they may extend their support with equal cordiality for equally good causes, hereafter.

The Third Reading, Sir, of a Bill is generally looked upon as an occasion for Members, if they choose to do so, to take a short review of the debate on the earlier readings of the Bill. I do not propose to take much time of the House in this connection. I know that many of us perhaps would like to leave the Chamber as early as possible, but I cannot help referring to a few remarks made by some Honourable Members in the course of the debate today. In this connection, turning first to my Honourable friend Mr. Neogy, I can assure him that there is not one of the supporters of the Bill who really rejoices at what some call their victory in this matter, and I feel that there are many who will agree with me that we regret, and feel it is a misfortune of the country, that there must be differences of opinion on this important measure. To me, personally, Sir, it is a matter of great regret that I have on this occasion to differ from some of my esteemed friends with whom I generally agree and for whose opinions I have the very highest respect. To name only a few, I will name my Honourable friend Mr. K. C. Neogy from Bengal, Messrs. Kelkar and Aney, and my esteemed friend Mr. Belvi, with whom I have been in the Legislature, either Provincial or Central, ever since 1916. There is not the slightest question of doubting the *bona fides* or the honesty of purpose of any of these esteemed friends. It is perhaps, as my friend Mr. Acharya said, my misfortune, that receiving as I have done English education, I cannot see with the same glasses as Mr. Acharya would like to put on, but if my Honourable friends will extend to us, who support this Bill, the same *bona fides* and honesty of purpose which we credit them with, we need not have the bickerings over what one side or the other said, bickerings as to who has

the country behind him and who has not. Sir, now that the Bill is going to be passed, let all put their strength together and see that the measure goes through with general goodwill. I do not claim, Sir, that I have the country behind me in what I am saying. I will not even claim that I have the whole of Bombay city behind me in what I am saying ; I do not even suggest that I have the whole of my community behind me. I dare say those who oppose this Bill may be reflecting the opinions of the masses, according to their lights, more accurately than I can do : but the fact is, the constitution is there, the House is there, and the procedure is laid down. The House did its best to call for opinions, once, twice. It referred the Bill to a Select Committee.

(At this stage Mr. President resumed the Chair.)

The divisions on this Bill having been what they have been what is the good now of saying that we still have not the country behind us in this matter ? What is the good of minimising the effect of this Bill ? I ask what is the good of doing that when you, and the most leading of you, all admit that you do not consider that child marriage does any good to the young girl ? Even my Honourable friend Dr. Moonje, President of the Hindu Maha Sabha, said that, for all purposes of the physical welfare of a girl, the age of 12 is not the right age for marriage but other considerations made him plead for 12 and oppose 14. Now when this Bill is, as it is likely to be within a few hours, a *fait accompli* as far as this House is concerned, may I appeal to my friends, from whom it was my misfortune to differ, to sink all differences of opinion and try and help Government to see that, should this Bill bring about any hardship on any member of the society, such handicaps shall be as few as possible, and should this Bill be the right measure, then it will have Godspeed and all the benefits which some of us look forward to flow from it.

Nobody can say, Sir, that the discussion on this Bill has been any but the most exhaustive. Both sides have expressed their opinions freely and frankly, so why should we not give our whole-hearted support to this measure at this stage so that it may have a fair trial ? If, after all, the apprehensions of some Honourable Members prove to be correct, there is always room for an amendment, an amendment which, I am sure, the Honourable the Home Member will consider very sympathetically. But in the meantime, please do not put spokes in the wheel of this Bill, especially when you know that there is in this House a very substantial majority in favour of it. You will at least concede that, though some of you may differ from us, there are in the country, shall I say lakhs or may I be allowed to say, millions, who hold the same opinion on this subject as some of us hold. I appeal, therefore, Sir, to both sides of the House not to wail or weep, nor to run away with the idea of victory. Let us both feel a little diffident, but now that this Bill is going to be passed, let us do our best to see that it will be as great a success as it deserves to be.

Sir, my Honourable friend from Madras, Mr. Acharya, took me to the land of the Rishis. Not being conversant with that part of Indian history, I do not propose to disturb him in the dreamland which he painted before us. But I am very much reminded of what the Honourable Member from the Central Provinces, Dr. Moonje, said that even Chanakya, if I followed his authority, says that idealism is to be tempered with practicalism. May I venture to ask Mr. Acharya from Madras whether his idealism is being tempered by practicalism when he pleads what he did plead ? But that,

[Sir Purshotamdas Thakurdas.]

Sir, was not the most serious part of what he said. What I am afraid rather irritated me was this. He said that those who happen to differ from him and support the Bill were suffering from, what Mr. Acharya chose to call, effects of enslavement. I am sorry I have to criticise the Honourable Member in his absence—he does not happen to be here now. I strongly protest against this allegation of “enslavement” hurled at us who vote for the Bill. Are we voting for this Bill in order to support the Government? No, we claim we have the support of Government because of the strength of our convictions. It is the other way round, Sir, in this case, and it is because that public opinion has been so clear and strong on this question that the Government have for once decided to follow public opinion. What is the good of saying that we are suffering from the effects of enslavement in this matter? May I venture to ask, Sir, if it is not Mahatma Gandhi who has pronounced himself in favour of something better and a stricter measure than this, as far as the age is concerned? Is he suffering from the effects of enslavement? Sir, is Mr. Vallabhai Patel, whom we affectionately call Sirdar Vallabhai Patel, suffering from that enslavement? Is Dr. Rabindranath Tagore, who has this morning given his opinion in the public Press and who has strongly supported the Bill,—is he suffering from enslavement? No, Sir. The word has been wrongly used, and I present it back to the Honourable Member from Madras. It is his enslavement of what he believes to be a Shastraic doctrine which prevents him from seeing independence amongst us who vote for this Bill.

Sir, one word more about Mr. Acharya and I will leave him. Mr. Acharya said, if I followed him correctly, that his ideal of society is that every girl should marry and bear children. I need not go to America and Europe; I need not think of the alleged vices there. There is enough in our own homes and in our own country to engage our fullest attention. An Indian father compelling an Indian girl to marry—what for? Not because he thinks it is to the benefit of the girl, but because he feels that it is a Shastraic injunction. Selling of girls for monetary consideration, giving of girls aged 13 or 14 not to young men, but to grown up old men of 55 and 60—if Shastras say anything of that sort, I am not afraid to say that the India of today won't have any more to do with these Shastras; that they do not serve us adequately in our contemporary times. If Mr. Acharya thinks that, to allow a girl to select a husband of her own choice is outside the Shastras, I only wish to ask him why was there a Swayamvara for Sita? Perhaps, the Shastra that Mr. Acharya had in view and the Shastra of which I have a little knowledge are two different Shastras. I propose to stick to mine, and I can in all conscience say that this measure is the right measure for India today. It is not a day too early; on the other hand, any one day's delay deliberately made in putting this measure on the Statute-book would be a crime against the people of India. (Applause.)

Several Honourable Members : Let the question be now put.

Pandit Madan Mohan Malaviya : Sir, I am not amongst those who suspect the motives of any Member of this House. I recognise that every Member who has supported the Bill has done so with the best of motives, with the most honest of convictions. I do not blame the Members on the Government Benches for voting for the Bill merely under the command

of the Honourable the Home Member. I believe that, if not all, most of them have got convictions that way. Nor do I blame Members on this side of the House who have supported the Bill, or accuse them of anything but the best and the most disinterested of motives in adopting the attitude that they have adopted. But I do deplore that, in dealing with a measure of this delicacy, in dealing with a measure which very seriously affects the tenderest interests of a large section of the people—that in dealing with such a measure the House should not have shown greater considerateness towards those who are to be affected by the Bill. I do not agree with my Honourable friend Sir Purshotamdas Thakurdas in the description he has given of the supporters of this Bill. Those who have received the benefit of western education, or modern education, those who have understood the benefits of social reform, are already marrying their daughters and grand-daughters at late ages, not merely at 14, but beyond 14, at 15, 16, 17, 18, 20 and sometimes even beyond that. Not a single one of them will be led by the passing of this measure to change his attitude and to marry his or her daughters and grand-daughters early. There is therefore no reason to say that the passing of this measure with a lower age will be a disaster to the cause of social reform. What you have to think of, and what I submit is the most important thing to be thought of in this connection, is how the proposed measure will be received by those who have hitherto married, of the masses of men, particularly the most backward classes of our countrymen who have hitherto married their daughters at very tender ages, at ages much below 12, and by those who believe that they should marry their daughters and grand-daughters about the period that they attain puberty. It is these people whose cases have to be considered, and I submit with great regret that, in considering how the measure will affect these people, Members who have supported the Bill have, in my humble judgment—I say it with regret, I say it with respect, but I do feel it my duty to say it—that my Honourable friends who have supported this measure as it is, have not shown that considerateness towards those humble individuals who have for ages lived under the customs that obtain among them. They will be told tomorrow or the day after, or a week hence by publication in the Gazette of India, which will not reach them, which they will not hear about, that the marriages which they have performed for ages, for all the time that they can think of,—that those marriages are banned now, that if they marry their daughters and grand-daughters as they have been marrying them till now, they shall be handed over to the policeman and they will be prosecuted—those who marry and those who help to marry under the present law. I submit that is an aspect of the question which deserved more consideration.

I need not remind the House that I have from the beginning recognised the necessity of legislation on this matter. I have from the very beginning urged that the age should be fixed at 12. I am not going to argue the point over again ; I have already submitted to the House all that occurred to me for consideration. I had not the good fortune of having been able to persuade Members of this House either on that side or on this that there was abundant reason for fixing the marriageable age at 12. But I do feel, in view of all the speeches that have been made today, and in view of the fact that the Bill is going shortly to be passed. I do feel it my duty not only to my countrymen outside who have no voice here, but also to my friends on either side of the House, to tell them to think yet, to pause yet

[Pandit Madan Mohan Malaviya.]

for a moment, to think what the measure means to the bulk of those who will be affected by it. I am not advocating that the matter should be left where it is. I have only urged from the beginning that in a matter of this delicacy, which touches the most vital interests of the community, which touches the humblest of our people, we should proceed cautiously, we should hasten slowly. We should recognise the need of carrying the people with us. We are living in an age of democracy. We are anxious to have democratic institutions. This is a democratic institution. At this moment when a big change is going to be effected, when we are looking forward to a very big change in the constitution of the Government of the country, where the franchise will be exercised by millions more of people, as some of us hope, than it is exercised today, what is the principle upon which legislation should proceed? Should it be a disregard of the wishes of the people, an utter contempt for the wishes and the opinions of those who may be affected by a measure, or should it be a reasonable regard for them? Some of us may hold very advanced views. We are perfectly justified in advocating those views before our humbler countrymen in whom we are interested. But I ask any Member of this House to say whether he is justified in forcing by law his own ideas of social reform, of the age at which marriages should take place, down the throats of a large section of the people who do not yet believe in it as some of us do? To them it will not be a matter for arguing whether the Government and the Legislature was competent to force the change upon them. They know and believe that their marriage law is a personal law which has come down from ages, from generation to generation. They have lived under these laws and have both prospered and suffered under them. I grant that there has been much evil under the system of child marriages. I am as anxious as my friends on either side of the House that these evils should be done away with, but I am anxious that, in removing one evil, I should not be perpetuating another evil, and I feel that the Legislature, in exercising its authority in the matter of social reform, should carry the general consent of the community with it. The way in which this Bill has been pushed through, the way in which the various amendments intended to soften the rigour of the proposed law have been dealt with, the way in which the amendment to fix the marriageable age at 12 instead of at 14 was dealt with, the way in which even the amendment for prolonging by eight months the period at the end of which the Bill should come into force was rejected,—all this has filled me with sadness and I regret to say that in passing the Bill in the form in which it stands, this House is abusing the power of legislation which it possesses at this moment. I do not wish to say more. Though I am in favour of raising the marriageable age and am anxious to eradicate the evils of early marriages as much as any other man, it will be my duty to oppose the Bill as it stands.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I thank you, for the opportunity you
 6 P.M. have given me to express my views on a legislative measure of this importance, as I am very anxious not to give a silent vote but to make my position clear.

I have long felt that there are innumerable advantages, in a substantial rise in the marriageable age of girls. But I do not propose to dwell at any length on them as these are well known. I would say only

one thing as that would bear any amount of repetition, and that is, it has the advantage of saving about 3 lakhs of Hindu girls from virgin widowhood.

From a health point of view also, there is a good deal to be said in favour of the Bill. On this subject also, I do not like to take up the time of the House as this aspect also has been often discussed and that threadbare. There is overwhelming medical opinion on the deleterious effects of early maternity below the age of 16 years. The figures collected by the Age of Consent Committee from hospitals and maternity and child welfare leagues support this opinion.

I know it is stated as the view of some people that the evil effects of early maternity and the large maternal death rate in this country are due to economic causes. On a matter like this we may consult our own experience. My experience is that early marriage and consequent early maternity have proved, even in many well-to-do families, a bane to society, and made child mothers fall a prey to diseases such as tuberculosis and nervous debility and the like.

The subject of child marriages mostly concerns women. I understand that the orthodox deputation from Southern India stated to His Excellency the Viceroy that the Age of Consent Committee made no genuine attempt to ascertain the opinion of Indian ladies and that 99 per cent. of them would shudder at the thought of post-puberty marriages. I am surprised to read this statement. I have a high regard for some of the members of the deputation, and with great deference. I say the deputation was under a great delusion in this matter. With due deference, I may assure the members thereof that most of our women who can lay any claim to any education or intelligence, are strongly in favour of the principle of this Bill. The members are probably not aware of the fact, that women's associations, all over the country, All-India-Women's Conference, with 22 constituent conferences, have, with one voice, denounced child marriages. It is a pity that there are no women representatives in this House, and I am sure, if there were women, in our places to-day, in this Assembly, instead of men, the principle of the Bill would have been supported by an overwhelming majority.

Coming next to the orthodox opinion about religion being in danger, Sir, I cannot agree with it. I am one of those who have a high regard for my religion and its injunctions, and I cannot believe that the Hindu religion which is one of the most liberal, tolerant and catholic of the religions of the world, can ever prohibit late marriages for our children.

The orthodox deputation, I am told, Sir, stated that Hindu Law was based on Dharma Shastras which in turn conformed with the Vedas, and hence, they were binding on all Hindus. I agree with them, and I say that Vedas are the bedrock of Hindu Shastra and Hindu religion.

Let us therefore see what the Vedas, the authority of which is accepted by all Hindus, say on the subject of Hindu marriages with regard to age. Vedas consist of two parts: one is "*Vidhis*" or injunctions and the other is *Veda Lingas* or Vedic incidents.

What are stated in *Veda Vidhis*, or injunctions, are mandatory and we should invariably follow them. The injunctions, say, for instance,

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“ commit no adultery ”, “ don’t drink wine ”, and “ do your *sandhya* daily ” and the like.

“ *Na para daraan gacchath*
Na suraan pibarth
Aharaha sandhyam wupaseeta. ”

What are referred to in Veda Lingas are that from which inferences can be drawn on certain matters, such as, ritual at marriages and recital of marriage *mantras*, from which inferences can be drawn. These Veda Lingas are next in importance only to Veda Vidhis or injunctions as authorities, and next to these Veda Lingas are Smriti texts which are *Rishi Vakyamsa*, i.e., the sayings of Rishis. With respect to the marriageable age of girls, we have mention made in all the authorities, viz., Veda Vidhis, Veda Lingas and Smriti texts. The Rig Veda is considered the foremost of the Vedas. Let us therefore take Rig Veda first. The fourth *mantra*, of the 35th *Sutra*, in the second *Mandala*, of this Veda—which is the Vidhi portion, says :

“ *Thasmeraa yuvati yo yuvanum*
Murmujyumanaha Pariyenti apaha. ”

It means a “ *Yuvati* ” shall take as her husband a “ *Yuva* ” just as rivers take to the ocean, and “ *Yuvati* ” is defined in dictionaries and *Shastras* as :

“ *Aashoda saath Baalaa*
Aathrimsatho yuvathe ”,

meaning a female under 16 years is called a “ *Baalaa* ” and one under 30 years a “ *Yuvati* ”.

There is another injunction or *Vidhi*, in the same Veda which is the 3rd *Mantra*, 37th *Sutra*, and 55th *Mandala*, and reads as follows :

“ *Yadhuriyam pathimichechyanthe yate.* ”

It means this woman goes desiring a husband. This lends support to what is previously stated, because no female goes desiring a husband unless amorous desires spring in her, i.e., after puberty.

In *Atharvana Veda* it is said :

“ *Brahmacharyena Kanyaa*
Uvanum vindathai pathim ”,

meaning a *Kanya* who is celibate shall take a young man as her husband, and *Vyasa Smriti* defines ‘ *Kanyaa* ’ as,—

“ *Rutusnaataa thu ya suddhaa*
Kanyaeti abhi daayathai ”,

meaning one who attained puberty and is pure is called *Kanya*.

The fact that ‘ *Brahmacharyena* ’ qualifies “ *Kanyaa* ” must necessarily mean a woman who has attained puberty—otherwise, there is no meaning in saying, a *Kanya* who has been observing “ *Brahmacharya* ”, or celibacy.

There is, thus mention—nay sanction—if not a mandate—in favour of post-puberty marriages in the *Vidhis* or injunctions-portion of the Vedas which are mandatory.

In the Report of the Age of Consent Committee, I find that several other *mantras* are quoted from Rig Veda and Athurvana Veda, and I therefore content myself with those I have already referred to. One thing is certain so far as I was able to ascertain, and that is, that there is nothing in the Vedas advocating child-marriages.

Coming next to the marriage *mantras*, we find ample proof in favour of pre-puberty marriages. The word, "*Kanya Dana*" itself shews that the female given in marriage, is a *Kanya*, meaning, a woman who has attained puberty, as per the definition given in *Vyasa Sutras* already referred to. In the second part of the marriage ceremonies, *Panigrahana*, which includes *Saptapathi*, the most important part of the marriage ceremony, refers to solemn promises made by the bride and bridegroom, one to the other. These shew that they must have attained the age of discretion. In the *Grahaprevasa Mantras*, i.e., the third part of marriage, the bridegroom introduces to the bride, his parents, brothers, sisters, and other near relatives, and puts her in possession of the house and cattle which were the wealth in those days, and says :

" *gruhaadhikaarum prayechchaait* ",

meaning, I give you the mastery over the house. In the last ceremony of marriage, *Garbhadana*, the *mantras* recited leave no doubt that the couple are entering on the phase of "*Samavesa*", or sexual intercourse.

Coming to the Smirti texts, *Yajur Veda* says that Manu Smirti, is the best authority in Kaliyuga :

" *Ya dwai kiuchena Manuravatu
thath bhaishajum* ".

It seems whatever little Manu says, it is medicine, i.e., it is very important.

There is no question that its paramount authority is admitted on all hands.

And then Manu says to the father that a *Kanya* may remain at home all her life if necessary, but she should not be given away to a "*Gunaheena*", a person devoid of virtues :

" *Kamaa maranaanthum thishtaith,
Gruhy Kanya Arthumapi
Na cha yenaam prayachhyaith
Guna heenaya Kurhichith !* "

and he says to the daughter, if her father does not give her away for three years after puberty, she may choose a suitable husband, and to add force to what he said, he further stated that she or her husband could not incur any sin by reason of the absence of *Kanyaa Danaa* by the father, one of the essential ceremonies of marriage.

There are other Smirtis which favour post-puberty marriages. Vriddha Gautama says :

*Kanyaacha akshatha yoni syaath,
Kuleena pitru mathruthaha
Brahmaa the shu vivahaishu
Parincethaa yadhaa vidhi
Sa prasisthaa vararohaa
Suddha yonchi visishyathai*

That woman is the best for *Brahma* marriage who is a *Kanyaa*, and *Akshatayoni* (meaning one not having had sexual intercourse). This also shews that the best marriage is that of a *Kanya*, i.e., a woman who attained puberty.

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Another Smirti is "Jaimini Sutra", which says :

"*Vindaita Anagnikaam*".

i.e., "A female who attained puberty should be married."

Gobhila Gruhyaparisista says :

"*Kutumathi thu Anagnikaa*

Thaam prayechohath Anagnikaam

meaning 'Anagnikaa' is one who attained puberty ; that 'Anagnikaa' should be given in marriage."

Bruhat Parasara says :

"*Sthriyaascha Purushasyaapi yatra*

Wubhayaha bhavaith Vruthihi

Thatra Dharmaartha Kaamaa syuhu

Tha dadheena paraspara yatoha thwami

Prasvaida subhagaam dhaa tha

Subham ichchen

Samudwahaith."

Wherever a man and a woman love and woo each other, there is *Dharma, Artha, and Kam*.

One should marry a girl who had attained puberty.

Bodhayena Smriti also shews that pre-puberty marriage is admissible.

I do not wish to multiply quotations from other authorities.

I do not mean to say that there are no authorities in the Shastras against post-puberty marriages, but I submit that these are not so authoritative as those quoted by me from Vedas, Marriage *Mantras*, Manusmirti and the like.

I would ask this House, Sir, is it not meaningless in these circumstances to perform pre-pubescent marriages, chanting the same Vedic *Mantras* which contemplate post-puberty marriages ?

In this connection, I may state that I have long supported the late marriages and advocated the same both in the Press and on the platforms. I have encouraged post-puberty marriages both among my friends and in my family circle and my kith and kin. I and my family suffered on this account by reason of excommunication from society. So that, all my predilections, inclinations, and religious beliefs about the Shastric doctrines and advantages from it are in favour of the principle of the raising of the marriageable age.

Having given all my reasons why I am whole-heartedly in favour of the principle of raising the age advocated by the Bill, I must own that there are some features of the Bill which make me waver. One of the chief reasons is, the appeal made to me by the orthodox people. They say this. There is a large section of Hindus who sincerely believe that Shastras are against post-puberty marriage,—a view, Sir, which I am unable to accept. They feel that they would be committing a heinous sin by the performance of such marriages. They ask, where is any moral or other right, for a secular legislature to impose its will on them and tell them that they should disobey what they believe to be the injunctions of Dharma Shastra and abjure their traditional religious

belief or they would be treated as criminals and sent to jail. They say that they believe in the utility, nay sanctity, of early marriages as earnestly and with as much as, if not with more sincerity than, the supporters of the Bill, and ask, is it right, is it just to punish them for their honest convictions and opinions. It is this aspect of the case and a few provisions of a reactionary character that made me waver and hesitate, in respect to the support which I had intended to give to this measure.

I hoped that the Mover and framer of the Bill and the Government which has been supporting the Bill, would bring to bear on their judgment greater statesmanship than they have exhibited on the present occasion, and try their best to proceed not only with great caution, but also on lines of least possible resistance in entering on this necessary and important but drastic and unpopular social legislation. Instead of doing this, they introduced into the Bill certain objectionable provisions, and thereby incensed and exasperated the people and alienated the sympathy and support of some at least of those who ardently desired to support a measure of this useful character. There are mainly three kinds of provisions to which I take objection. One is, the provisions introduced into clauses 5 and 6, and the like. For instance, clause 5 makes all those who perform, conduct, or direct child-marriages punishable with imprisonment or fine or both. This means the *purohit*, or the priest, who officiates at the marriage, is also included in the clause. The inclusion of the priest, who comes merely at the bidding of the master of the house to perform the marriage and earn thereby his daily bread, is to say the least, cruel. If he attempts to inquire into the age of the parties especially of the girl, he will be considered to be impertinent and stands a chance of losing his job. Next, to throw the burden on him to prove that he had no reason to believe, that the marriage was not a child-marriage, looks to me as a piece of legislation which is altogether reprehensible. Again, in clause 6 (2), the presumption inserted with reference to negligent failure of parents or guardians of a minor to prevent a child-marriage, is equally objectionable. In effect, these clauses, threw the burden of proving innocence on the accused—a thing, which is unknown to any principles of criminal law and altogether subversive of the fundamental principles of criminal jurisprudence.

Sir, I appeal to the experience of my lawyer friends here and ask whether the placing of the burden on the accused does not mean practically a foregone conclusion of his guilt and conviction. I have some experience of criminal cases both in the Sessions Court and subordinate criminal courts, having been at the bar for over 35 years, conducting, among others, criminal cases, both as Public Prosecutor and as defence vakil. In my experience I never found an accused being acquitted on the strength of defence evidence except perhaps in 3 or 4 per cent. of the cases. It is taken by the judge almost in all cases that the defence evidence is of no consequence however reprehensible may be that practice. In this state of things the provisions referred to virtually mean conviction of the accused.

The second objection of mine relates to the penal clauses, especially those providing imprisonment. The punishment for violation of the

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offences is simple imprisonment for one month, fine of Rs. 1,000, or both in certain cases, and fine only of Rs. 1,000 or 500 in certain other cases. I am unable to subscribe to such heavy penalties at any rate at this stage of the country where this law will come to the villagers, even to most of the townsmen, as a great surprise. Most of the laws passed by us here, as a fact, are unknown to the vast majority of the people except to lawyers and a few others. In penalising marriages under a certain age what the Legislature has been doing, is to penalise, what the people in general consider, a legitimate right. In this state of the country great responsibility rests on the Government and the leaders of public opinion to bring home to the people a knowledge of the law and the consequences of its violation. India is a vast country consisting of innumerable towns and villages inhabited by persons full of illiteracy. Most people have not realised the gravity of the evils of early marriages and they believe in their sacred character. In my opinion it will take five years or more to give wide publicity to this change in the law.

Sir, the Age of Consent Act was passed about 40 years ago and yet the Report of the Age of Consent Committee says that the law is still unknown to most people. If in the present state of affairs, when people do not look upon early marriages as anything criminal or reprehensible, drastic and severe punishment, such as imprisonment and heavy fines be provided and imposed, I fear that instead of making the remedy effective, it may result in great harassment. The object can be obtained best by raising more the moral sense of the people than by severe punishment. One way of attaining this object is to provide a nominal punishment for at least a few years until the law is made widely known, and thereby, illiterate people are to some extent at least educated, by means of prosecutions, which do not work great hardship if punishment by way of small fines be imposed and by propaganda such as the one suggested by the Age of Consent Committee in paragraphs 330 to 332 of their Report. In the meanwhile the mere payment of a nominal fine even will serve as a piece of education and a preliminary broadcasting of the knowledge of this measure. I know, Sir, this nominal punishment which I advocate will not check effectively the performance of early marriages. But it cannot be said that the prosecutions and small fines under the law will have no great moral and educative effect and will not reduce the number of early marriages to some extent.

Further there are a number of people who are in favour of post-puberty marriages and there are some who perform these marriages on the sly, *i.e.*, without disclosing that puberty was attained. This legislation would help them. One other advantage is that, by reducing the punishment and making it nominal for some time, the chance of bringing offences under the law to justice will considerably improve. If even after all this propaganda the evil continues or the measure threatens to be a dead letter, then the Legislature may have recourse to severer punishment as in the contemplated legislation with respect to the Age of Consent.

These reasons apply not only against punishment provided in the Bill, but also with respect to sub-clause (3) of clause 1 in respect to the

Act coming into force on the 1st day of April 1930. In order to give a wide publication to the Act it should be made to come into force after a sufficiently long time has elapsed so as to enable Government to broadcast the provisions of the Bill among the people by extending the period of bringing the Act into force by at least two years.

For these reasons and on account of certain mischievous provisions in the Bill, I am constrained to oppose the Bill as it is though I quite support the principle of the Bill. I know this attitude of mine will displease some of my best friends and disappoint those near and dear to me at home. But I am sorry I cannot support the Bill in its present form.

Several Honourable Members : The question may now be put.

Mr. M. S. Sessa Ayyangar : Sir, rising as I do at this late hour, I shall be very brief. The time has come for congratulations. I congratulate the Honourable Mover of this Bill in having got his Bill passed almost. He will excuse me—because I do not mean any disrespect to him—when I say that he, being a dissenter from the traditional religion, has really wreaked his vengeance upon the traditional religion by getting this Bill passed. I congratulate the Treasury Benches and the Honourable the Home Member and the European Section of this House for this reason that they have, by supporting this Bill, successfully deflected our activities towards the attainment of Swaraj by creating a civil war amongst all the communities and amongst several political parties of this country. I congratulate my politically-minded friends also in that they have, by their support of this Bill, really forced the Government to incur the odium of the masses, for I am sure they will certainly, in working out this Bill, necessarily incur the odium of the Indian masses. To that extent, I congratulate the politically-minded section of this House. Sir, the House may remember that the Honourable Mover wanted to make this a civil Bill and also to make the marriage invalid under certain circumstances. The Select Committee thrust upon him this unenviable position that this Bill must be a penalising Bill and that it must not only apply to Hindus and other sections for whom he demanded that the Bill ought to come into force, but also to my Muslim friends. And, Sir, it was the turn of the Government to add to the stringent nature of this Bill by voting down, as they did, every one of the amendments that we on this side of the House thought fit to move on this Bill either as necessary or reasonable. So, Sir, I am in the circumstances forced to remind the House of what occurred exactly 230 years ago in England. I am reminded, Sir, of that obnoxious Statute of 1699 which disfigured the English Statute-book. Edmund Burke in his Bristol address makes an excellent reference to this. Burke says that this legislation was enacted in 1699 by which the saying mass was forged into a crime (exactly the same thing that is happening here today), punishable with perpetual imprisonment. Burke goes on and describing the manner in which that Bill was passed says :

“ The party resolved to make the king either violate his principles of toleration, or incur the odium of protecting Papists. They therefore brought in this Bill and made it purposely wicked and absurd that it might be rejected. The then court party discovering their game, turned the tables on them and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original authors. They, finding their own ball thrown back to them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of two parties, neither of whom intended to pass, what they hoped the other would be persuaded to reject.

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went through the legislature, contrary to the real wish of all parts of it, and of all parties that composed it. In this manner these insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow creatures."

Sir, that exactly is the situation that is happening in this House now. Sir, I might also say that this Bill, as Burke said, really places a premium upon blackmailers, upon the real pests of human society who would voluntarily and willingly disturb household peace. There in England also, in the working out of that Act for sometime, all these ugly features were found to exist, and I rely on the extent of similarity for this reason because just as that ugly wicked Act of 1699 was repealed very soon after, I hope that this Bill also, when it becomes law will be repealed very soon.

Sir, in this connection my Honourable friend Mr. Gaya Prasad Singh said that, by raising the marriage ages of our children, our posterity would grow intellectually greater, morally greater and physically greater. I would reply to his remarks by reading a few sentences from the pamphlet which I hold in my hand :

" Early marriage, as we have it today, was in the recent centuries prevalent throughout the West, even England. It was prevalent in the ancient world. It has been in vogue in this country from time immemorial. If they talk of it as the cause of physical degeneracy and intellectual downfall, the following queries arise naturally : Are the modern peoples of Europe physically stronger than their ancestors of the 16th century ? Draw to your aid the findings of the ' The Royal Commission on Physical deterioration '. Are they morally better ? Take help from the Report of ' The Royal Commission on Venereal diseases '. Are they intellectually better—we mean, the average man of today, in spite of all advancement in science and art which is due to the endeavours of a few, not of the people at large ? Arthur Russel Wallace's ' social environment ' will give a fair answer to this."

Sir, I might also say in this connection that it pains me very much to see that the Government, with all their might and weight, have supported this Bill. It really comes to this, that the Government are voluntarily wounding the religious susceptibilities of a vast section of people of this vast country. Can the Government afford, Sir, to trample under their feet the religious susceptibilities of a vast section of people of this vast country ? Let *ex-King* Amanulla of Afghanistan answer that question. (Laughter.) Sir, I might also be permitted to bring to the notice of this House that, soon after the speech made by the Honourable the Home Member, saying that there is a corroding evil and that the Government have set their faces against it by supporting this measure, already I see evidence, at least in my part of the country, of huge mass meetings held—because I speak from the telegrams and other communications that I have received—from the pundits, from the high priests of religion and from the Swamiji of the Ahobilam Mutt to which I have the privilege to belong. From His Holiness downwards, there have been mass meetings held at least in my constituency and elsewhere ; and they have already made known their determination to repel this lawless law and face the consequences of this pernicious religion-killing law. Sir, I oppose this motion.

Mr. Amar Nath Dutt : Sir, I do not wish to take much of the time of the House during the Third Reading of this Bill, for whatever was necessary for me to say I tried to clear up at the time when I spoke when the Bill was being considered by this House. I feel it my bounden duty

to submit before this House my observations about the Bill as it has emerged after the various clauses have been voted upon and when it is about to become the law of the land. My Honourable friend Mr. Jogiah has been pleased to show to you, one by one, the absurdities of all the clauses of the Bill that is going to be passed. I have observed before that this Bill does not indicate either much intelligence or good legislative draftsmanship. In fact the veriest junior would have drafted a better Bill, making safeguards and provisions better than what is contained in the Bill. I only wonder how the Honourable the Leader of the House could see his way to support a Bill like this. I am also sorry that the Honourable the Law Member too has not raised his voice of protest against the draftsmanship of this Bill. If this Bill is not repealed sooner or later, it will go down to after generations, and the Honourable the Law Member of the time would be deemed to be the author of this Bill. Who would care to remember Rai Sahib Harbilas Sarda or the Honourable Sir James Creer? People will take it that the Honourable Sir Brojendra Mitter was the author of the Bill.

Mr. President : He is a Member coming from Bengal. He is a Bengal man.

Mr. Amar Nath Dutt : Yes, Sir. I feel a legitimate pride that Bengal intellect has to be requisitioned for higher intellectual work. (Interruption.) I am accustomed to interruptions from my Honourable friends. I do not care because my young friends have been carried away by their zeal for reforms. Let them have that pleasure. Sir, I listened to the speech of my Honourable friend Sir Purshotamdas Thakurdas—he is not here at the present moment—I listened to his impassioned appeal very carefully, and I find that there was a genuineness in his conviction which led him to support this piece of legislation, which we on this side do not believe to be necessary. I quite sympathise with him, but I could not agree with him when he asked us to co-operate with the Government or co-operate in carrying out the intentions of this measure. My reasons are these, and I must make my own standpoint clear. I hear some of my young friends have alluded to my personal views. I do stick to those opinions. I am against early marriage, but I am opposed to any interference by the Legislature in social and domestic affairs. I believe we have no right to thrust our own view-point upon others, because one need not be so cocksure that he is infallible and the others are wrong. The mentality which leads one to flout others' opinions is intellectual slavery and nothing less than that.

Sir, I am also sorry that a book has been read before this House and upon which many of the supporters of this Bill have relied as their text-book, namely, the Age of Consent Committee's Report. But in every page of it, if you go through it, you will find misstatements, misreports. For one thing I can tell this House that it is mentioned there that I said that I was in favour of legislation. I say that I never said that, and it is a falsehood. (*Pandit Thakur Das Bhargava* s "You wrote it.") Can you show the written memorandum to me? I challenge anybody to show me from my evidence that I supported legislation. I know this evidence has been edited by interested individuals and the less said about them the better. But I do not think I deserve the treatment which has been meted out to me by Honourable Members of this House by attempting to misreport me and misinterpret my views. (*A Voice :* "You are hit

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because you hit others.") I do not know whether I have hit anybody save and except when my Honourable friend Mr. Nilakantha Das tried to elucidate what compulsion is, I tried to explain that compulsion by the example of a gentleman. If that has enraged him, let him have his say.

Sir, I have already said that my Honourable friend Sir Purshotamdas Thakurdas has given us credit for our *bona-fides*, and we on our part do not deny them the credit for their *bona-fides*. But there is difference between us and it is this. You believe that when people want to reform society it is necessary that we should avail of all the powers that we have in order to make society accept what we believe ought to be social reform. I submit that, with this view of social reform we entirely differ; and if our hot-headed social reformer friends were a little patient, they would feel the same to be their moral defeat.

I have only observation to make about Sir Purshotamdas Thakurdas's impassioned appeal when he introduced the words "land of the Rishis" not very seriously in his speech. We should not speak of our own motherland in that way and should not speak lightly of it. This ancient Aryavarta is the sacred land of the Rishis. People may say that they do not believe in it; but even my friend Mr. Jogiah, who is an out and out social reformer, quoted from Vedic texts. I do not also go with Sir Purshotamdas Thakurdas when he quoted the opinion of three great men of this country at the present moment who are in the limelight. But he also might have seen that there are other great men who are against this measure. At least we have one of them on this side of the House, a patriot who has been serving his country from before we joined the political movement, whose name is honoured throughout the length and breadth of this vast continent, I mean our revered colleague, Pandit Mahan Mohan Malaviya.

Sir, my friend Mr. Jogiah was pleased to observe that three lakhs of girl widows will be saved by this. Then why not introduce widow-remarriage? Why do you fight shy of that? These are matters of social reform, not of legislation. This Assembly is a political institution where we have come for political service and nothing else. My friend has been pleased to quote some opinion of the All-India Women's Association. Will it surprise my friend if I say that since some ladies convened some meetings sending their representations supporting this Bill, it has aroused also the orthodox masses and we have been receiving letter after letter from various associations and various meetings in Bengal led by ladies who ask us to oppose the Bill till the last. (*A voice*: "Where are those letters?") Do you want to see them? I received some of them only yesterday. (*Laughter*.) In one of those letters which I received yesterday there are certain observations about our educated ladies which I will not quote here, but I hope my friends will not be misled by those siren voices.

Then, Sir, somebody was saying that a cry has been raised of religion in danger and that that is a false cry. I do not know whether it lies in our mouth to say that religion is not in danger. We who have not studied the Vedas properly as we ought to do, and those who have not the same burning faith in the ancient religion of our forefathers, have no right to say when religion is in danger and when it is not. I beg to submit that we must do away with that issue. It cannot however be denied

that there is a volume of opinion against this legislation : A handful of us who have taken to western methods of living do not represent either the masses or the best intellects among the orthodox classes. Let us not be deluded by that sense of overweening self-esteem. I was pained Sir, when my friend, the Honourable Mr. Jogiah, referred to people whom he characterised as the lower section of the community.....

Mr. V. V. Jogiah : I never said that.

Mr. Amar Nath Dutt : I hope I am wrong, but if I heard him correctly.....

Mr. V. V. Jogiah : I may assure you that you are wrong.

Mr. Amar Nath Dutt : I will take that assurance and shall say no more about it. I would ask practical-minded Members, as idealism and practicalism have been differentiated by Sir Purshotamdas Thakurdas, I appeal to them, is it possible to work this legislation when we have no birth register or marriage register ? I hope I may be permitted here to refer to one instance. I had occasion to go to a friend of mine yesterday evening and I saw his daughter, and when her age was inquired into, I was surprised to hear she was sixteen, although she looked like an urchin of ten or eleven. (Laughter.) This is the difficulty in cases like these. It is all very well for you to laugh ; I have been bearing all this, and I shall continue to do so, and you may laugh to your heart's content....

Mr. Jamnadas M. Mehta : You called the girl an urchin ! (Renewed Laughter.)

Mr. Amar Nath Dutt : I thank you for your correction. I admit I have very little knowledge of English literature and I bow to every one who has got deeper knowledge of that literature than I have, though I know what it is worth.

Let us now look at clause 2 of the Bill which defines a child. I do not know if here my knowledge of English will be challenged. Probably they are masters of English, but we know that, after 15 or 16, a boy is not called a child at all, at least in India. But here a child has been defined to be any one below 18 years, which is the age of majority. (Laughter.) Child marriage has been defined to be such a marriage. Then " minor " has been defined to be a person of either sex who is under 18 years of age. What was the necessity for this definition when we have a definition in the Indian Majority Act ?

As regards clauses 3 and 4, you will see a definition of offence which is hardly needed.

In clause 6 we have punishment about which amendments were proposed but which of course were not accepted. After that we have matters of procedure. This is the law which you are going to enact.

Before I conclude, let me quote the words of a great saint from a letter, a copy of which has been sent to me and which I received in the hall this morning.

Mr. T. A. K. Shervani (Cities of the United Provinces: Muhammadan Urban) : Is it a genuine copy ?

Mr. Amar Nath Dutt : Yes, it is.

" Hindu community following Varnashrama order possesses unique features of its own and which is extremely original from all civilised countries. They sincerely believe

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on strong philosophical grounds that the social and religious originality aims at the preservation of a particular spiritual race of humanity, the preservation of a particular helping factor in critical times when spirituality is in danger through social or political revolution and preservation of purity of blood and the mental structure of an original character. Never in the past a legislation was demanded to effect social reforms seriously affecting the religious sacrament of a particular faith. All such reforms were introduced without aid and interference of the rulers by social reformers and religious heads. Never was an attempt made for us to be controlled by an interference on the part of the Government. We are already fettered from all sides and this new fetter to the orthodox Hindus who are numbering more than two-thirds of the entire population, this fetter of the Child Marriage Bill, will make the country too hot to live in. If you have the slightest sense of responsibility, as I am sure you have, if you do not wish to act beyond the sphere of your legitimate activities then it is high time that you withhold your support to the Bill and try to get it rejected."

With these words, Sir, I once more appeal to the Members of this House to reject this Bill.

Mr. K. V. Rangaswami Ayyangar (Madras : Landholders) : Sir, you will perhaps remember the day when Lord Chelmsford held our Council meeting till one o'clock at midnight when the Rowlett Bills were passed. You and I were there together. Now you are presiding and if I solicit you to adjourn the House to another day in order to have a leisurely discussion on this subject, I do not know if you will listen to me. At that time, Sir, you and I took Lord Chelmsford to task for sitting late till one o'clock at midnight. If I should seek a favour at your hands now to adjourn the meeting for another day in order to have a fuller discussion on the subject and allow more speakers to have their say, I do not know whether you will concede this request. If you cannot do so I shall have my brief say on the subject now. Perhaps it is not your wish too to adjourn the sitting.

Sir, I was pained to read from the proceedings of the Assembly the other day that the Leader of the Opposition made a remark that he was so impatient with the opposition to the Bill that he would not even condescend to look into the papers and petitions of the people and the proceedings of public meetings that had been sent to him. Sir, I am very sorry that leaders should be so impatient as not even to care to look into the petitions and prayers submitted by the people who naturally thought that, if they appealed to the Honourable the Leader of the Opposition their grievances would be redressed. I am really pained, Sir, to see the impatience displayed by the Leader of the Opposition in this important matter, a matter which affects large classes of people, when he is at least expected to look into all the papers, prayers and petitions submitted to him by the people. Here are people who are impatient of those who have strong belief in their Shastraic texts and in their commandments. I have heard the other side also very patiently, and if at all I rise at this late hour, it is because of the deep sense of duty which has impelled me to say a few words on this matter of momentous importance, both in the interests of the Government as well as of the people. Sir, I can understand the Arya Samajists and others of their way of thinking who say that there is no such commandment in our *Shastras* and that the interpretation of the text is different, but I cannot have patience with those who hold that the texts and commandments in our *Shastras* are to be trifled with and that this Bill should be supported against the injunctions of the *Shastras*. Sir, I may tell the House what the law at present is.

When the Right Honourable Mr. Srinivasa Sastri, about fifteen years ago, introduced an enabling measure in the Madras Legislative Council, it was understood that, if a South Indian Brahman performed a post-puberty marriage, that marriage would become invalid and that his progeny would not inherit the patrimony. It was in order to validate such post-puberty marriages that the Right Honourable Mr. Srinivasa Sastri sought to enact an enabling measure in the Madras Legislative Council. As the law stands at present, you will not admit a post-puberty marriage in a South Indian family, and the heirs of the parties contracting such a marriage will be denied patrimony. But now, what is the present measure before the House, Sir? It is not an enabling measure at all. Now, instead of having an enabling measure, our friend Rai Sahib Harbilas Sarda is imposing on us a penal measure. This is reform with a vengeance!

Sir, as the House is aware, England offers a place to every school of thought. Even a revolutionary, even Mazzini sought asylum in England, but according to this Bill, one who sincerely believes that post-puberty marriage is against his religion has no place under the British Government; he is to be sent up to prison for obeying the commands of his religion, which he sincerely believes is the only right thing to do and disobeying it is sinful—Sir, apart from the merits or demerits of the Bill, is this the kind of law that you propose to enact? Should not such a man, who conscientiously believes that post-puberty marriage is against his religion, get protection at the hands of the British Government? Is he to be penalised by being sent to prison for obeying the commands of his religion, for believing in his religion? Sir, I do not propose to speak on the merits or demerits of post-puberty marriages. We Tamilians in the South have got a custom of betrothal in the first instance; it is not a nuptial ceremony. Betrothal does not mean the living together of the husband and the wife; it is only a sort of contract between the parent or guardian of the bride and that of the bridegroom. After the betrothal is over, when the girl attains puberty, she is sent to her husband to live as his wife. Now, Sir, I cannot see any logic so far in the present measure before the House. The other day our friend Mr. Shah Nawaz said that the contract becomes illegal if it is contracted between minors. It is not contracted between minors, because it is the father or guardian of the boy or girl that contracts a settlement. As between the ripe experience of my friend Rai Sahib Harbilas Sarda (with his 70 years experience) and of his grand-daughter of 14 years, I think I should place greater reliance and confidence in the ripe experience of Mr. Harbilas Sarda in the selection of a husband for his grand-daughter than on that of a child of 14 years.

Then, again, Sir, Mr. Shah Nawaz spoke the other day of the illegality of the contract. Where is the illegality? . . .

Mian Mohammad Shah Nawaz : I never said that. . . .

Mr. K. V. Rangaswami Ayyangar : It is the parent that enters into the contract. If a 14 years girl enters into a contract, can that become legal? A parent can give a boy in adoption legally. Do you suggest that a parent of ripe experience, knowing men and things, knowing worldly affairs, is likely to make an undesirable contract, a contract which is likely to mar the welfare of his son or daughter? He certainly

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cannot be expected to do anything of the kind. But if he makes a contract for the welfare of his son or daughter, is that to be penalised? Is a contract to be made penal? What is there wrong in such a contract made by a father or guardian for the welfare and benefit of his own son or daughter, I cannot understand. Even Mr. Hilton Brown of Salem the other day declared that there could not be any criminality in a contract made by a parent or guardian for the marriage of his son or daughter. Such a contract cannot be made penal. A boy or girl of a tender age cannot be expected to know what is proper for him or her. That a parent should be penalised because he makes a contract for the welfare of his daughter or grand-daughter, because he has got better judgment than a girl of 14 years, is a law of which this House cannot feel proud. I certainly cannot congratulate the House if it becomes a party to an absurd law of this character.

Sir, I do not propose to dwell on the advantages of early marriages, I think my friend, Mr. Sessa Ayyangar, has already dilated at length on the subject. I need not tell our friend Revd. Chatterjee that even Lord Christ was born of a virgin mother, and in Madras the best of men like Sriman Srinivasa Iyengar, the late Seshadiri Iyer and others who belong or belonged to the front rank of politicians and of the legal profession were and are all the products of early marriages. I shall not go into that question here, because the Bill is not concerned with the question of consummation. All I say is that, if a father or guardian enters into a contract with a view to place his daughter or grand-daughter in a good position in life, then his action should not be made penal at all. Make the present Bill an enabling measure if you like, but do not make it a penal measure. When such experienced people as Pandit Metilal Nehru among the Kashmiris, Mr. Jinnah among the Mussalmans, Mr. Mody among the Parsis and Colonel Gidney among the Anglo-Indians were persuading us in a high strain about the great benefit that post-puberty marriages confer upon our girls and painted before us beautiful pictures of how the girls will lead a happy life and how courtship is the best period of a girl's life, I spoke to several enlightened men among the orthodox Hindus who had been here in connection with the deputation that waited on His Excellency the Viceroy, and they told me that they wished to be left alone and they did not want to emulate the precious custom of the West of long trials, courtships, etc. They did not want to have those beautiful customs prevailing among the Kashmiri girls, among the Anglo-Indian girls, among the Mussalman girls and among the Parsi girls incorporated among the Hindus. They are content to have their own customs, and they are content to entrust the destinies of their daughters into the hands of the parents. They don't want to entrust it into the hands of immature or infatuated girls of 14. The sentiment of the Hindu Brahmins should be respected. They avoid a marriage of a widow or a discarded or divorced wife. Once she has borne children, she is not married again. Other communities have no objection to marry girls or women after they become mothers. The House must respect the feelings of others and also remember that the opponents of the Bill are as sincere as anybody else about the welfare of their girls and boys.

Sir, the Home Government have not been rightly apprised of the popular feeling here. The reformers went to England and told the English people that the Indian Government were not amenable to the wishes of the Indians here, and I believe that the Home Government have come down upon the Indian Government as to why, when the Indian people clamoured for social reform, the Indian Government should stand in the way. But, Sir, I submit that the Home Government should have been properly apprised of the warmth of feeling in the country to the contrary. The long standing custom in India cannot be done away with easily and the country will be plunged into civil war. The Indian Government should have reported to the Home Government that small incidents like the greased cartridges bring about revolutions and that history will repeat itself if such a measure as this is enacted.

The problem of education of the girl will solve itself if the husband is enlightened enough to send his wife to college; and for the sake of education, are you going to have a penal measure like this? Widowhood or life-long suffering with inefficient husbands cannot be solved by my Honourable friend's Bill, for how is a 14 years' girl to find out the fitness of her husband? The fitness of the husband can be tried only by a trial marriage; and is my Honourable friend going to sanction companionate marriages in order to enable the girl to find out a fit and suitable husband for herself? I do not think he intends doing that. Now, there is an obligatory bar of puberty for compelling marriages, but when the bar is taken away there will be no law or convention to compel a girl to marry. The result will be that you will have a large number of unmarried women, and I don't know what the difference is between a large number of unmarried spinsters and a large number of widows? I do not think there is any.

We have to depend upon some chance for the compatibility of temper in the married pair in the same manner as when you beget a son or a daughter with certain characteristics there is the chance there. It is the same case with Indian or any man's betrothal. The parent is supposed to know the temperament and deficiencies of his daughter's future husband and he is the best custodian of the girl's welfare. I know that difficulties are experienced in those castes which have got post-puberty marriages. You speak of the dowry system, the obnoxious dowry system. This dowry system will be worsened in the case of post-puberty marriages. I know in certain castes, if a girl is kept for a few years after she attains puberty, the parent has had to sell the whole of his ancestral house and other property in order to give the daughter away in marriage because some anonymous and mischievous rumour is set afloat by interested people that the girl was not leading a pure life. Factions in towns and villages can invent any such rumours. Please spare the few castes that do not have that custom of post-puberty betrothals from all these evil results. For heaven's sake do not inflict those few castes which are celebrating their marriages pre-puberty with such bad laws. Government have not penalised such monstrous customs as polygamy, or having one wife for the whole family of brothers, uncles, etc., prevailing in certain tribes. Go and abolish polygamy rather than come here and interfere with our customs, where it is held as a religious commandment to betroth our girls before they attain puberty—I mean by betrothal not consummation before puberty.

[Mr. K. V. Rangaswami Ayyangar.]

Twelve years is the minimum age of marriage in England, and I cannot see how you can impose an age of more than 12 in India. India is a tropical country, and girls attain puberty two years at least before they attain puberty in England, and yet 12 is the minimum age fixed in England. That is not penalised in England and yet you are going to penalise the age of 12 in India. I beg of you not to do so in this country. As I have said, England could not give asylum to one who feels it his duty to marry his daughter before puberty! They are already building pavilions in the free French and Dutch territories where they can give effect to their honest convictions much better than in the British territories. If British India cannot harbour such conscientious and honest people, then it is far better that they colonise in foreign States and marry their girls there as their *Shastras* dictate. We have no Defenders of Faith. Pay don't be destroyers of it. It is said that *Suttee* was abolished and nobody raised a voice of protest against it. I do not pretend to defend *Suttee*. Now suicide is only another name for *Suttee*. I do not pretend to defend it, but what I say is this, that in one form or another human misery asserts itself and the ways of *Dharma* only lead to happiness ultimately. Please allow us to keep our customs in our hands. *Dharma* was not dictated by a malicious or vicious saint bereft of humane feelings. The test of a custom lies in the product. We have seen the products of post-puberty marriages and they are in no way better than a Srinivasa Iyengar of Madras or Seshiah Sastri of Pudukotta who were born of the girls wed as per the prevailing marriage customs. Apply the test to a custom and find out the result of the product thereof. I am yet to find any caste, following post-puberty marriages, more intelligent, more courageous or with better moral instincts than people belonging to castes of pre-puberty customs.

I must conclude my speech by reading some portions of an appeal addressed to the Government :

“ You are incurring a great responsibility by lending your sympathy and support to this Bill, which is part of a movement for assimilating all Indian institutions, customs and manners to those of your own—which is all that reform amounts to in India today, be it social or political—but all under the force of blind imitation and without any calm consideration of how your institutions work among your own people. In doing so, you are also violating your solemn pledge of religious neutrality.

May I respectfully call upon you to accept my humble challenge that the system of late marriages is not at all a desirable system and that the one you now propose to penalise is not only scientific sociology, but is alone helpful to the Highest Purpose of Religion? Because, it first stabilises the family compact at an age when alone the seeds of sweet stability could be sown, and thereby enables the social, inter-social and universal compacts to be reared in logical and harmonious succession.

No doubt every custom requires suitable working conditions. The custom of pre-puberty marital settlement can be no exception. But the duty and responsibility of maintaining these conditions is with Government and if that Government should, in the first instance, let these conditions go into disrepair, and then set about to abolish the custom itself and even to penalise it, instead of repenting and making amends for its neglect—is it not a ridiculous phenomenon of which every decent Government should be ashamed? And if an unmothered woman is only half a woman and if that is the curse of the West today, is not the discouragement of that “ husbanding ” by the penalisation of a custom which alone ensures the universality of wife-ship for women, the inviting of that curse among the few communities in India, where that curse does not yet exist.

Further, have you no responsibility in the matter? Is not the Government the physician to the body-politic? And does the doctor exist merely to make up and

administer whatever medicine the majority, rather the most clamorous, of his patients prescribe? Or, has he the duty to diagnose the disease himself and prescribe the remedy on his own undivided and sacred responsibility? And to repeat, will you condescend to prove before an unprepossessed tribunal, acting according to judicial procedure:

- (a) that the system you are being urged so heartlessly and even heedlessly to penalise, is wrong and,
- (b) that the policy you have already announced with reference to it is either wise or courageous?"

With reference to the Members of the Assembly the appeal says:

"We granted you that suffrage, and we did so without even getting a pledge from you, as we might have done, namely, that you will not initiate or support any important measure without consulting those who put you in power and convincing the meanest among them of their need. Some of us now stand before you as candidates for a patient hearing, and you deny even that. Do not treat us lightly or reject us summarily. Whatever be our strength or status, give our representation your calm, leisurely and unbiased consideration.

Do you want the Indian woman to be a copy of the Western woman today? Are you not particular that the marriage state should be normal, and, if possible, the universal, institution for girls? The various forces at work, economic, intellectual, educational and political, are tending in that direction. Do you want to hasten that tendency and bring it to a culmination? And are you prepared, as you must be when marriage becomes an optional institution, to give girls the same rights of inheritance to ancestral property as the boys? This would mean encouraging girls to seek marriages less, which again would mean the greater need for treating girls in the same way as boys in respect of all matters, personal and public—thus constituting a vicious circle. Are you prepared for all that? Else, take note that the abolition of the puberty barrier for marriage, that is, the final marital settlement, not the consummation, will have that effect, whether you intend it or not.

Are you not aware that among people in the West, who do not insist upon marital settlement long before puberty or upon consummation immediately after it, and who, by dint of economic and political power, are the veritable lords of the creation today, the experiences of sex life have been such that a whole literature has grown up, which is most shocking to contemplate—but a literature based, unfortunately, on hard facts and stern logic—no fancy, no emotion.

To make a small extract out of many choice and apposite ones—Judge Ben Lindsey estimates that at least 45 per cent. of high school girls have had intercourse with men before they leave school.

If that is so among people who are now the master nations of the world, what should it be among us whose bodies are at their mercy and whose intellects are under their monitorship, if their system are introduced into our midst?

And if the author of the aforesaid literature and the deeper thinkers among those nations recommend the very systems of early marriage and early consummation, now in force among us, at least among some communities, and that on grounds of actual or a posteriori experience as well as of a priori sociological and scientific reasoning, is it up to us to ignore their hard earned lessons, to legalise the infraction of such a system having the force of law in the country, which we once attempted to do, and now to penalise its practice?"

As for the pre-puberty marrying communities already in India, there are the Hindus and non-Hindus whose physical and material condition in no way differs from that of the communities who contract post-puberty marriages—thus proving that the marriage system has nothing to do with whatever unsatisfactory conditions may exist in India today. I would ask you to note, Sir, that though the practice of the former is to make the marriage settlement only along with the marriage consummation, i.e., after puberty, their ideal is not of optional but of universal marriage for their girls, for which the parents and guardians are to bear the initial and the final responsibility. Further, the anxiety of

[Mr. K. V. Rangaswami Ayyangar.]

the parents and guardians in those communities to get their girls married as early as they can, and the eternal fear they groan under that no danger to purity or reputation may occur to their unmarried grown-up girls is known to them, and is too obvious to need any special stressing. In concluding I have to repeat what I said before if you only permit me to do so.

An Honourable Member : Go on.

Mr. K. V. Rangaswami Ayyangar : If you are impatient, Sir.....

Mr. President : Order, order. Why did the Honourable Member use that expression ? Has the Chair given any occasion for it ?

Some Honourable Members : No.

Mr. President : Why did the Honourable Member use that expression ?

Mr. K. V. Rangaswami Ayyangar : I have got only one sentence. (Laughter.)

Mr. President : The Honourable Member must withdraw that expression.

Mr. K. V. Rangaswami Ayyangar : I withdraw that word, Sir. Now I have only to add by way of conclusion that in a matter such as early marriage and early consummation regarding which well-informed and scientific opinion, even in the West, is tending towards a more and more favourable verdict, a Government that stands for the expression of the enlightened conscience of the day should hesitate to bring to bear the physical force of penal legislation. If, Sir, the familiar Shakespearean couplet may be quoted more by way of a reverent reminder than anything else :

“ Oh, it is excellent

To have a giant's strength ; but tyrannous

To use it like a giant.”

Several Honourable Members : The question may now be put.

Mr. President : I take it no other Honourable Member wants to speak now ?

Mr. D. K. Lahiri Chaudhury : I move, Sir, that the question be now put. (Laughter.)

Mr. President : Mr. Sarda.

Rai Sahib Harbilas Sarda : Sir, I rise to say only a few words before the debate closes. I wish to tender my heartfelt thanks to all the Honourable Members of this House who have supported the Bill as well as to those who have opposed it—to the supporters because they have given me great help in seeing this measure pass into law, and to the opponents for the great courtesy they have shown to me. I fully believe, Sir, that those who have opposed the Bill are actuated by the same honesty of purpose and high sense of duty as those who have supported the Bill. I give them the credit for good intentions in the same way as I do to those who have supported the Bill. I must also, Sir, take this opportunity to thank the Honourable Mr. Shervani and Mian Shah

Nawaz for the great support that they have accorded to this measure on behalf of the community which they, along with other Members, represent in this House. Sir, I thank Honourable Members once more. With these few words I commend this measure to the favourable decision of the House.

Mr. President : The question is :

“ That the Bill, as amended, be passed.”

The Assembly divided :

AYES—67.

Abdul Aziz, Khan Bahadur Mian.
 Abdul Quyum, Nawab Sir Sahibzada.
 Ayangar, Mr. V. K. Aravamudha.
 Bajpai, Mr. R. S.
 Bhargava, Pandit Thakur Das.
 Bower, Mr. E. H. M.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Chatterjee, The Bevd. J. C.
 Chunder, Mr. N. C.
 Cosgrave, Mr. W. A.
 Covernton, Mr. S. H.
 Crerar, The Honourable Sir James.
 Forrers, Mr. V. M.
 French, Mr. J. C.
 Ghazanfar Ali Khan, Mr.
 Gidney, Lieut.-Colonel H. A. J.
 Haji, Mr. Sarabhai Nemchand.
 Hans Raj, Lala.
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain.
 Jyengar, Mr. A. Rangaswami.
 Jawahar Singh, Sardar Bahadur Sardar.
 Jayakar, Mr. M. R.
 Kartar Singh, Sardar.
 Keane, Mr. M.
 Kidwai, Mr. Rafi Ahmad.
 Kunzru, Pandit Hirday Nath.
 Lalchand Navalrai, Mr.
 Lindsay, Sir Darcy.
 Mehta, Mr. Jamnadas M.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Mitter, The Honourable Sir Brojendra.
 Mody, Mr. H. P.

Mukharji, Rai Bahadur A. K.
 Mukhtar Singh, Mr.
 Munshi, Mr. Jehangir K.
 Nehru, Pandit Motilal.
 Noyce, Sir Frank.
 Pai, Mr. A. Upendra.
 Phillip, Mr. J. Y.
 Porter, Lieut.-Colonel L. L.
 Price, Mr. E. L.
 Purshotandas Thakurdas, Sir.
 Rainy, The Honourable Sir George.
 Rang Behari Lal, Lala.
 Rau, Mr. P. R.
 Rogers, Mr. P. G.
 Roy, Mr. K. C.
 Roy, Mr. S. N.
 Sarda, Rai Sahib Harbilas.
 Sarma, Mr. B. S.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad.
 Shervani, Mr. T. A. K.
 Siddiqi, Mr. Abdul Qadir.
 Singh, Kumar Bananjaya.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Ram Narayan.
 Singh, Rai Bahadur S. N.
 Sinha, Mr. Siddheswar Prasad.
 Stevenson, Mr. H. L.
 Stewart-Smith, Mr. D. C.
 Sykes, Mr. E. F.
 Tin Tut, Mr.
 Tottenham, Mr. G. R. F.
 Winterbotham, Mr. G. L.
 Yusuf Imam, Mr.

NOES—14.

Abdul Matin Chaudhury, Maulvi.
 Acharya, Mr. M. K.
 Ayyangar, Mr. K. V. Rangaswami.
 Ayyangar, Mr. M. S. Sesha.
 Belvi, Mr. D. V.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.

Jogiah, Mr. V. V.
 Kelkar, Mr. N. C.
 Lahiri Chaudhury, Mr. D. K.
 Malaviya, Pandit Madan Mohan.
 Naidu, Mr. B. P.
 Neogy, Mr. K. C.
 Sinha, Mr. Rajivaranjan Prasad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 24th September, 1929.