

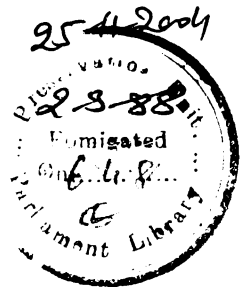
Saturday, 28th September, 1929

THE
COUNCIL OF STATE DEBATES

VOLUME II, 1929

(16th September to 28th September 1929)

SEVENTH SESSION
OF THE
SECOND COUNCIL OF STATE, 1929



SIMLA
GOVERNMENT OF INDIA PRESS
1929

THURSDAY, 19TH SEPTEMBER, 1929—

| | |
|--|--------|
| Member Sworn | 79 |
| Bills passed by the Legislative Assembly laid on the Table .. | 79 |
| Resolution <i>re</i> Export Duty on Rice—Withdrawn | 79—88 |
| Resolution <i>re</i> Grievances of the Non-Gazetted Staff of the Currency Offices in India and Burma—Negatived .. | 88—105 |
| Resolution <i>re</i> Free Allowance of Luggage to Passengers on State Railways—Withdrawn | 106—13 |
| Resolution <i>re</i> Prevention of Floods—Negatived | 114—22 |
| Statement of Business | 122—23 |

MONDAY, 23RD SEPTEMBER, 1929—

| | |
|---|--------|
| Question and Answer | 125—26 |
| Short Notice Question and Answer | 126—29 |
| Prohibition of Export of Cattle Bill—Introduced | 128—30 |
| Resolution <i>re</i> Export Duty on Oil-cakes, Bones, Fish Manure, etc.—Negatived | 130—50 |
| Resolution <i>re</i> Reconstitution of the Central and Provincial Legislatures on a uni-cameral and entirely elected basis— Negatived | 150—62 |
| Resolution <i>re</i> Construction of a new Central Railway Station at Allahabad—Negatived | 163—67 |
| Resolution <i>re</i> Jail Administration in British India—Negatived | 167—82 |

TUESDAY, 24TH SEPTEMBER, 1929—

| | |
|--|---------|
| Questions and Answers | 183—207 |
| Bills passed by the Legislative Assembly laid on the Table .. | 208 |
| Indian Income-tax (Provident Funds Relief) Bill—Fixing of date for consideration | 208—09 |
| Child Marriage Restraint Bill—Fixing of date for consideration | 209—11 |
| Provident Funds (Amendment) Bill—Passed, as amended .. | 211—17 |
| Indian Soft Coke Cess Bill—Passed | 217—19 |
| Indian Boilers (Amendment) Bill—Passed | 219 |
| Indian Census Bill—Passed | 219—22 |
| Bengal Pilot Service (Centralisation of Administration) Bill— Passed | 222—23 |
| Resolution <i>re</i> Fixation of Minimum Wages in certain Trades— Discussion adjourned | 224—27 |
| Motion for the Election of a Member to the Governing Body of the Indian Research Fund Association | 227—28 |

WEDNESDAY, 25TH SEPTEMBER, 1929—

| | |
|--|--------|
| Questions and Answers | 229—34 |
| Cattle Protection Bill—Introduced | 234—35 |
| Resolution <i>re</i> Message Rate System of Charges levied by the Bengal Telephone Corporation, Ltd.—Withdrawn .. | 235—44 |
| Resolution <i>re</i> Establishment of a Privy Council in India— Negatived | 244—50 |
| Hindu Law of Inheritance (Second Amendment) Bill— Introduced | 250—51 |
| Election of a Member to the Governing Body of the Indian Research Fund Association | 251 |

THURSDAY, 26TH SEPTEMBER, 1929—

| | |
|---|---------|
| Transfer of Property (Amendment) Bill—Passed | 253—95 |
| Transfer of Property (Amendment) Supplementary Bill— Passed | 295—99 |
| Indian Income-tax (Provident Funds Relief) Bill—Passed .. | 299—302 |
| Resolution <i>re</i> Fixation of Minimum Wages in certain Trades— Adopted | 302—14 |
| Election of a Member to the Governing Body of the Indian Research Fund Association | 314 |

FRIDAY, 27TH SEPTEMBER, 1929—

| | |
|--|--------|
| Questions and Answers | 317—19 |
| Short Notice Question and Answer | 319—20 |
| Statement laid on the Table | 320 |
| Message from the Legislative Assembly | 320 |
| Child Marriage Restraint Bill—Consideration adjourned .. | 321—82 |

SATURDAY, 28TH SEPTEMBER, 1929—

| | |
|--|---------|
| Child Marriage Restraint Bill—Passed | 383—435 |
|--|---------|

COUNCIL OF STATE.

Saturday, 28th September, 1929.

The Council met in the Council Chamber at Ten of the Clock, the Honourable the President in the Chair.

CHILD MARRIAGE RESTRAINT BILL—*contd.*

THE HONOURABLE THE PRESIDENT : Clause 9 of the Bill to restrain the solemnization of child marriages, as passed by the Legislative Assembly.

The Honourable Srijut Rama Prasad Mookerjee.

(The Honourable Member was not present.)

Clauses 9, 10 and 11 were added to the Bill.

THE HONOURABLE THE PRESIDENT : There is an amendment, No. 29, on the list, to add a clause to the Bill which is almost exactly similar to amendments tabled to clause 1. We return to clause 1.

Clause 1. The Honourable Saiyid Mohamed Padshah Sahib Bahadur.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I move that the amendment standing in my name be accepted, namely :

“That in sub-clause (1) of clause 1, for the figures ‘1928’ the figures ‘1929’ be substituted.”

Sir, the amendment I propose is merely a verbal one. It is made for the purpose of correcting an obvious and glaring mistake which has occurred in the Title of the Bill. We are now in the year of grace 1929. It is only recently, in the present legislative Session at Simla, that this Bill has been passed by the Legislative Assembly and it is expected that the Bill will be passed to-day in our Council also. So that within this year the whole thing will be over. It will therefore be a misnomer to call this an Act of 1928. On these grounds, Sir, I move that the amendment be accepted.

THE HONOURABLE MR. L. GRAHAM (Secretary, Legislative Department) : Sir, I am tempted to deal with the Honourable Member's amendment in one sentence by saying what's in a name. This is merely, Sir, the Short Title of the Bill, and though we must admit that in another place there was this small omission, that is to say, although when the Select Committee reported on the Bill they very properly inserted the date 1928, expecting that the Bill would be passed in that year, when the time came for making the final motion on the Bill it was not observed by the Honourable Member in charge and consequently that small amendment was not made. But, as I have said, whether that amendment is made or not, the effect of the operation of the Act is entirely unaffected. If the Honourable Member is very gravely concerned for the purity

M11CPB(CS) (383) B

[Mr. L. Graham.]

of our Statute-book I may reassure him by telling him that I shall probably bring forward next Session a general Repealing and Amending Bill,—in which this small provision might be included. But, Sir, there is absolutely no occasion for this House at this stage to make an amendment in this Bill and thereby delay the passing of the Bill.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma : General) : Sir, I have carefully listened to the explanation given by the Honourable the Law Secretary, but I find that the reasons given in his speech practically support the amendment proposed. If it is a misnomer to call this an Act of 1928, and if it is desirable to have it amended, why should we go to the length of introducing an amending Bill for the purpose.

THE HONOURABLE MR. L. GRAHAM : May I point out, Sir, that it is not a case of introducing an amending Bill for this purpose, but this small error will be included in a general Repealing and Amending Bill.

THE HONOURABLE MR. P. C. DESIKA CHARI : My point is that this Act, even if this Bill is passed in its present form, is not to be put into operation till April 1930. In that case there will be no harm done by the amendment being accepted, even though it may be necessary for this amendment to go to the other House for its acceptance. I therefore support the amendment that has been moved by my friend Mr. Padshah Sahib Bahadur.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, the object of this amendment to my mind is quite clear. This game of fault-finding is only done with the object of delaying and postponing the passing of this measure to-day. My Honourable friend Mr. Graham has very carefully explained that this is not going to affect the Bill so far as the operative part of it is concerned. The Bill will come into force on the 1st of April 1930, and whether the year in the Short Title remains 1928 or is made 1929, that does not really affect the merits of the case. Under these circumstances, I think it is not necessary to make this amendment as it would involve remitting the Bill to the Legislative Assembly which will not be able to take it up till the next winter Session, with the result that there will be great delay in the passing of this most useful measure.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE (West Bengal : Non-Muhammadan) : Sir, the Honourable Mr. Graham has not been able to find out any other Bill passed into an Act by the Indian Legislature or by any other Legislature in the world....

THE HONOURABLE MR. L. GRAHAM : May I contradict that statement, Sir.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : He has not mentioned any Act where this kind of error has been allowed to remain. It is clear that the error is there, not intentionally but owing to an omission either of the Select Committee or of the Legislative Department of the Government of India.

THE HONOURABLE MR. L. GRAHAM : Neither.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : The Government supports the Bill. I take it they take the responsibility for the drafting of the clauses as well. Merely because, by making this very necessary correction, we delay the passing of the Bill by two or two and a half months, that is no justification for perpetrating or allowing this mistake to remain on the Statute-book. Although we have this Bill in the year 1929, we call it an Act of 1928. During the last Simla Session there was the Hindu Inheritance Bill ; there also such a mistake had been made in the beginning, but subsequently that error was corrected on it being pointed out, and Government at once accepted it. What stands in the way of correcting a mistake patent on the face of it ? I would also point out, Sir, that the Bill as drafted is to take effect from April 1930. If Government or the sponsors of the Bill think that five months is sufficient time to the country at large, I think Government may take steps to educate public opinion during the next two months and have the Bill passed in February next. There will be no harm in delaying the measure by another two months.

THE HONOURABLE THE PRESIDENT : The original question was :
 "That clause 1 do stand part of the Bill."

Since which an amendment has been moved :

"That in sub-clause (1) of clause 1, for the figures '1928' the figures '1929' be substituted."

The question is that that amendment be made.

The Council divided :

AYES—8.

Akbar Khan, The Honourable Major
 Nawab Mahomed.

Desika Chari, The Honourable Mr. P. C.

Khaparde, The Honourable Mr. G. S.

Mookerjee, The Honourable Srijut Rama
 Prasad.

Muhammad Hussain, The Honourable
 Mian Ali Baksh.

Padshah Sahib Bahadur, The Honour-
 able Saiyid Mohamed.

Suhrawardy, The Honourable Mr. Mah-
 mood.

Surput Sing, The Honourable Mr.

NOES—21.

Ashraf-ud-Din Ahmed, The Honourable
 Khan Bahadur Nawabzada Saiyid.

Basu, The Honourable Rai Bahadur
 Suresh Chandra.

Charanjit Singh, The Honourable Sar-
 dar.

Clayton, The Honourable Mr. H. B.
 Commander-in-Chief, His Excellency
 the.

Dadabhoj, The Honourable Sir Maneck-
 ji.

Dutt, The Honourable Mr. P. C.

Fazl-i-Husain, The Honourable Khan
 Bahadur Mian Sir.

Graham, The Honourable Mr. L.

Gwynne, The Honourable Mr. C. W.

The motion was negatived.

Latifi, The Honourable Mr. Alma.

Maqbul Husain, The Honourable Khan
 Bahadur Sheikh.

Natesan, The Honourable Mr. G. A.

Ramadas Pantulu, The Honourable
 Mr. V.

Ray Chaudhury, the Honourable Mr.
 Kumar Sankar.

Ryan, The Honourable Mr. T.

Symons, The Honourable Major-Gen-
 eral Sir Henry.

Thompson, The Honourable Sir John.

Wacha, The Honourable Sir Dinshaw.

Weston, The Honourable Mr. D.

Woodhead, The Honourable Mr. J. A.

THE HONOURABLE MR. P. C. DESIKA CHARI : Sir, I beg to move the amendment which stands in my name and which runs as follows :

“That the following proviso be added to sub-clause (2) of clause 1 of the Bill, namely :

‘Provided that nothing in this Act shall apply to Brahmins who obtain a certificate from the principal Civil Court of original jurisdiction where they reside that they are entitled to claim exemption on the ground of conscientious objection’.”

Sir, in this connection I would refer the House to Appendix XI of the Age of Consent Committee's Report, on which the sponsors of the Bill are prepared to swear. They regard the Age of Consent Committee's Report as the Bible. Sir, if you peruse Appendix XI, which deals with statistics relating to the Vaidic family of the orthodox Brahmin, on an analysis you will find that this community, which has been living according to the old Hindu ideals and observing all the Dharma Shastras and living a very orthodox life, is absolutely free from the evils which are made the strongest basis for bringing forward this measure.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Where have you the authority for this statement ?

THE HONOURABLE MR. P. C. DESIKA CHARI : Appendix XI of the Age of Consent Committee's Report. From that it is clear that simply because this evil exists in other societies, it is not desirable to bring in this penal measure to embrace a class of people who do not deserve it.

Sir, I have already dealt with the objection to the Bill on the ground that it very greatly violates the principle of liberty of conscience which the Brahmins have been enjoying for centuries and centuries. Sir, they form only 3 per cent. of the population, and I am glad that in this Council there are representatives of Brahmins who hold very forward views on social reforms ; and I may state for the information of this House that practically the whole of the English educated community is in favour of social reforms. That being the case, naturally one portion of the community would act and react on the other portion, and I think in the course of time the English educated community should be in a position to influence very largely the views of the orthodox section. But till that happens it is desirable that the Brahmins who form only a small percentage should be left in full enjoyment of this liberty of conscience which they have enjoyed for thousands of years. This I bring in as a sort of exemption which would apply only to those people who claim it. I have put in some restriction on this absolute liberty of conscience by insisting upon people, who want to claim exemption, going to the court of civil jurisdiction and showing that they are Brahmins and entitled to exemption on the ground of this objection. The object of it is to place prominently before the members of the community who want to take this objection that they should bear in mind that what they do is not in consonance with the practice which is regarded as proper by the rest of the population. It is with the object of bringing to their notice constantly that it is high time that they should give up this orthodox principle and it is not to put in any unnecessary restriction. Also my object is to prevent other classes who may not deserve this special treatment from claiming it on the ground that they are Brahmins. To provide a safeguard, I have stated that

these people who claim exemption should obtain a certificate from the principal court of civil jurisdiction. After all, it may be said that it is a very easy matter for the Brahmin to go to the court of civil jurisdiction and support his claim with an affidavit, and there will be no difficulty. But I do not want to place very great difficulties in the way of these people claiming the exemption. Sir, I submit that, with a view to allow a process of evolution in social reform, I think we ought to take this serious objection of the orthodox community into consideration.

Sir, I commend this amendment to the acceptance of the House.

THE HONOURABLE THE PRESIDENT : Amendment moved :

"That the following proviso be added to sub-clause (2) of clause 1 of the Bill, namely :—

'Provided that nothing in this Act shall apply to Brahmins who obtain a certificate from the principal Civil Court of original jurisdiction where they reside that they are entitled to claim exemption on the ground of conscientious objection,'"

There are two somewhat similar amendments later in the list, No. 9 in the name of the Honourable Mr. Khaparde which would apply the exemption to Brahmins also, and No. 11 in the name of the Honourable Mr. Surput Sing, to make the exemption general. I would suggest to those two Honourable Members that, if they wish to press their amendments, they should do so in the form of amendments to the amendment moved by the Honourable Mr. Chari. The Honourable Mr. Khaparde would amend Mr. Chari's amendment by introducing the words "or Muhammadans" after the word "Brahmins". The Honourable Mr. Surput Sing, if he wishes to move, can move his amendment by substituting for the word "Brahmins" the word "persons".

THE HONOURABLE MR. SURPUT SING (Bihar and Orissa : Non-Muhammadan) : Sir, I do not want to make an amendment of a special nature. My amendment is of a general nature, and I hope that the Honourable Mr. Chari and the Honourable Mr. Khaparde will agree to the general features of the Bill.

THE HONOURABLE MR. P. C. DESIKA CHARI : I have no objection.

THE HONOURABLE THE PRESIDENT : Does the Honourable Member move his amendment that the word "persons" be substituted for the word "Brahmins"? Is that his intention?

THE HONOURABLE MR. SURPUT SING : I do not want to put that special clause in my amendment. It should be for all in general.

THE HONOURABLE THE PRESIDENT : Amendment moved to the amendment moved by the Honourable Mr. Chari :

"That for the word 'Brahmins' the word 'persons' be substituted."

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : There is one clause in which Mr. Chari wishes a person to go and apply, whereas my amendment merely is that we claim exemption. That is the difference. If my Honourable friend will omit that reference to the civil court and getting a certificate, then it will come into conformity with my amendment.

THE HONOURABLE THE PRESIDENT : We have got to take the Honourable Mr. Khaparde's amendment separately.

THE HONOURABLE MR. G. S. KHAPARDE: The amendment which I wish to move reads as follows :

“ That to clause 1 of the Bill the following sub-clause be added, namely :

‘ (4) It shall not apply to any person who, being a Brahmin or Muhammadan, claims exemption therefrom on the ground of conscientious objection’.

This amendment of mine is very simple and I believe would be acceptable to this Honourable Council, (*An Honourable Member* : “ No ”.) for this reason that I do not claim to put any responsibility upon anybody. The Brahmins are a small minority and the Muhammadans are in larger numbers. Still on a matter of this kind involving conscience, anybody who does not believe in this particular legislation should have the opportunity of saying that he is a conscientious objector. In English law, even in the matter of vaccination and other things, conscientious objection has been permitted. Here also in certain matters conscientious objection should prevail, and there is no reason why in a law designed to change a practice centuries old conscientious objection should not be permitted. In my opinion, to permit this conscientious objection will advantage and forward the cause of reform by not raising resentment in the minds of the people who do not believe in it. Those who do not believe in it will be able to say : “ Oh I do not believe in it,” and they will be exempted. There will be no cause for bitterness left behind. Things which have grown up for centuries cannot be destroyed in one minute or by one piece of legislation. So I myself think that my conscience clause is advantageous to the cause which my reforming friends have at heart. Therefore, I place my amendment before this Honourable Council and I hope that it will be accepted.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, I rise to oppose the motion not through any want of deference to the feelings and sentiments of my friends, but on constitutional grounds. Yesterday, we had a long and interesting dissertation on the constitutional aspect of the Bill from my Honourable friend, Mr. Khaparde. It was not only an interesting but a unique discussion. For what were the points enunciated by him ? They were : First, we have come here on mere political tickets and should not therefore interfere in social and religious matters. If that were so, we ought, I think, to confine ourselves to merely political matters. Then he stated that the Legislature should not interfere in social matters. That would, I submit, make social legislation impossible. Then he laid down that the Hindus, Muhammadans and Christians should not interfere with the personal laws of one another. My friend Mr. Khaparde had extolled the benefits to be derived from the existence side by side in India of the various communities with their ancient traditions and cultures, and I fail to understand why we should not take the benefit of their existence and help in respect of social as well as other legislation. Now, he has come to the latest principle of constitutional law, and I hope it is the last creation of the fecundity of his intellect at this age. He said yesterday that the Government should be neutral and referred to the Royal proclamations. But I think the undertaking that the late Queen Victoria and her successors gave to the people of India was not so much to remain neutral, but to be impartial to all classes of their subjects without any distinction (Hear, hear) and if assent is to be given by His Majesty to the present amendment, that I submit would amount to a violation on his

part of the very essential condition upon which the allegiance of the people to him is based.

I come now to the merits of the amendment. Conscience, Sir, to my mind is a very elastic and ambiguous thing.

It is also nobody's monopoly, and, if it requires some protection, I do not understand why such protection should not be afforded to the conscience of all people without any distinction of caste or creed. (*An Honourable Member*: "No objection.") Is it because other communities have no conscience to protect or does the conscience of the Hindus and Mussalmans, who are the inheritors of two very old civilisations, require special protection on the ground of their being very old like that of my friend Mr. Khaparde? (Laughter.) Coming again to the principle of the conscientious objection, I think we have not sufficiently understood the principle upon which protection has been afforded in some cases. I think such a principle ought to be restricted to cases of mandatory provisions of law, as where you require a man to do a particular thing, and not to cases like the present of a restrictive legislation.

*THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Sir, I have a somewhat similar amendment on the paper. If I have your permission, I would move that as an amendment to the amendment that has been moved by the Honourable Mr. Chari.

(THE HONOURABLE THE PRESIDENT assented.)

Sir, my amendment would be that in place of the sub-clause that is proposed to be added by the Honourable Mr. Chari, the sub-clause will stand as it appears in Amendment No. 29 on the agenda:

"Notwithstanding the provisions of this Act the marriage of a girl who is not below twelve years of age shall be valid if, before the solemnization of the marriage, any one of the contracting parties or their parents or guardians have obtained the sanction of the principal court of civil jurisdiction;

Provided that the principal court of civil jurisdiction shall grant such sanction only if the court is satisfied that the interests of either or both of the contracting parties to the marriage or their future welfare, happiness, or safety require it."

Sir, I do not agree. . . .

THE HONOURABLE MR. P. C. DESIKA CHARI: I have got a similar amendment to this on the paper. This may be taken up with that.

THE HONOURABLE THE PRESIDENT: If the Honourable Mr. Mookerjee is intending to move his amendment as an amendment to the amendment of the Honourable Mr. P. C. Desika Chari, Amendment No. 12 is more similar to the Honourable Member's amendment than Amendment No. 5, which is the one which we are at present dealing with.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: If you will permit me to move it on that occasion, then I shall speak a few words now on the proposal before the House. I do not think that the exemption clause should be as broad as it is now attempted to be put by the Honourable Mr. Chari. Here, it is by conscientious objection that a person who is a Brahmin can get out of the Act. Although a Brahmin I do not want to come in under such an

* Speech not corrected by the Honourable Member.

[Srijut Rama Prasad Mookerjee.]

exemption clause. Sir, I want that a proper safeguard should be made for exemptions being allowed under the Bill, but not in the very vague and broad terms moved by the Honourable Mr. Chari. As has already been explained by my Honourable friend to my right, it will be very difficult to prove whether a person has got any conscientious objection or not. The mere statement of fact that he has got a conscientious objection would be sufficient, because it is not a matter which can be proved in a court of law. Then, again, it is not only with regard to Brahmins but with regard to other communities or other sub-classes of other communities as well that this question may be raised. Therefore it is not very safe to attempt to introduce such invidious distinctions among different classes in a general Bill of this character.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras : Non-Muham-madan) : Sir, in opposing all the amendments moved, I wish to say a very few words. First of all, Sir, speaking as a Brahmin myself, I should be sorry if any Brahmin supported the amendments. Brahmins, Sir, have claimed at all times to be the advanced wing of the population and the natural leaders. Whether that claim is justified or not, still they have not given up that claim. Therefore, if they want to set the example to other people, and if they want to retain the position of natural leaders of the less advanced sections of the population, they ought to set a better example. So far as Madras is concerned, Sir, where the Brahmins form 3 per cent. of the population, the evil of child marriage, as I said yesterday, extends to 25 per cent. of girls between the ages of 10 and 15. I am in a position to say that the spread of the evil is due to the imitation of the Brahmin who is supposed to be superior. Therefore, if the Brahmin is to set an example to the other people whose laws and customs do not prohibit post-puberty marriage, it is high time that we make the Brahmins give up that custom which is a bad example to other people. On that ground I very strongly oppose any amendment relating to the Brahmin who ought to lead and not to mislead the nation.

There is only one thing more to say with regard to the amendments. If these amendments are accepted, the law, which is a new law, providing a new penal provision, will be very uncertain, and nobody will know how to administer it. I wish the Honourable Sir James Crerar, who gave very good reasons for opposing a similar amendment in the other House, had spoken, I will make up for the defect by quoting a passage from his speech instead of stating the objections myself. Sir, in speaking on a similar amendment, the Honourable Sir James Crerar said : •

“ I submit that it is extremely important in the case of any law, more particularly in the case of any penal law, and more particularly still in the case of a penal law newly enacted in a sphere which has hitherto not been the subject of penal law, that that law should be clear, that its application should be precise and the principles on which it is administered should be uniform. Now, what does this amendment propose to do ? It proposes to place in the hands of hundreds of District Judges throughout India the substantial decision in each case as to what the law means, what is principle behind it, and in what manner it ought to be applied and administered. I say, Sir, that it is an essentially vicious feature of the amendment. It makes the law uncertain, it deprives it of uniformity and it delegates in point of fact to an individual judicial officer what is the duty of the Legislature, namely, to lay down the principle of the Bill. What then would happen ? It might very well happen that, in cases of a similar character, you would obtain the most diverse decisions from the various District Courts throughout India. It might even happen that cases

occurring in one district would be dealt with and decided on entirely different principles from similar cases in adjoining districts, according to the prejudices or the idiosyncracies of particular District Judges."

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: What is the page?

THE HONOURABLE MR. V. RAMADAS PANTULU: It is from the debates of the 19th September, 1929, page 1112. I entirely associate myself with the forcible way in which the points against the amendment were put by the Honourable Sir James Crerar in the other House.

On these grounds, Sir, I very strongly oppose all the amendments.

THE HONOURABLE THE PRESIDENT: The original question was:

That clause 1 do stand part of the Bill."

The House is at the moment considering three amendments that have been moved. I suggested that two of those were very similar to the Honourable Mr. Chari's amendment and might be taken as amendments to that amendment. But the Honourable Members who moved them have pointed out that there are further differences which they are not prepared to sacrifice. Therefore, I think I had better put the three amendments to the Council in order, which will enable the Council best to come to a decision on them. Therefore the first amendment I put is that of the Honourable Mr. Surput Sing, No. 11. The amendment moved is:

"That the following sub-clause be added to clause 1, namely:

"(4) It shall not apply in those cases where the parent or guardian of either of the contracting parties has obtained an order from the principal Civil Court of original jurisdiction where the said parent or guardian or either of the contracting parties resides permitting a marriage between the parties on conscientious or exceptional grounds."

The question is that that amendment be made.

(The Honourable Mr. Surput Sing rose in his place.)

THE HONOURABLE THE PRESIDENT: I put the Honourable Member's amendment. The Honourable Member had one opportunity to speak and did not take it. I am afraid he cannot have it now.

The question is that that amendment be made.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: I next put to the Council the Honourable Mr. Khaparde's amendment which is No. 9 on the list:

"That to clause 1 of the Bill the following sub-clause be added, namely:

'(4) It shall not apply to any person who, being a Brahmin or Muhammadan claims exemption therefrom on the ground of conscientious objection'."

The question is that that amendment be made.

The Council divided:

AYES—6.

Akbar Khan, The Honourable Major
Nawab Mahomed.

Akram Husain Bahadur, The Honour-
able Prince A. M. M.

Desika Chari, The Honourable Mr. P. C.

Khaparde, The Honourable Mr. G. S.

Muhammad Hussain, The Honourable
Mian Ali Baksh.

Padshah Sahib Bahadur, The Honour-
able Saiyed Mohamed.

NOES—25.

Basu, The Honourable Rai Bahadur
Suresh Chandra.

Burdon, The Honourable Mr. E.

Charanjit Singh, The Honourable Sardar.

Clayton, The Honourable Mr. H. B.

Commander-in-Chief, His Excellency
the.

Dadabhoy, The Honourable Sir Maneckji.

Dutt, The Honourable Mr. P. C.

Fazli-Husain, The Honourable Khan
Bahadur Mian Sir.

Graham, The Honourable Mr. L.

Gwynne, The Honourable Mr. C. W.

Harper, The Honourable Mr. K. B.

Latifi, The Honourable Mr. Alma.

Maqbul Husain, The Honourable Khan
Bahadur Sheikh.

Mookerjee, The Honourable Srijit Rama
Prasad.

Natesan, The Honourable Mr. G. A.

Ramadas Pantulu, The Honourable Mr.
V.

Rama Rau, The Honourable Rao Sahib
Dr. U.

Ray Chaudhury, The Honourable Mr.
Kumar Sankar.

Ryan, The Honourable Mr. T.

Symons, The Honourable Major-General
Sir Henry.

Thompson, The Honourable Sir John.

Wacha, The Honourable Sir Dinshaw.

Watson, The Honourable Sir Charles.

Weston, The Honourable Mr. D.

Woodhead, The Honourable Mr. J. A.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: I would point out to the Council that the Honourable Member (the Honourable Mr. G. S. Khaparde) had very small grounds for claiming a division, particularly in view of the fact that only four members of the Party on whose behalf he apparently moved this amendment supported him, the rest have not.

I now put the Honourable Mr. Chari's amendment to the Council, No. 5, on the paper:

"That the following proviso be added to sub-clause (2) of clause 1 of the Bill, namely:

'Provided that nothing in this Act shall apply to Brahmins who obtain a certificate from the principal Civil Court of original jurisdiction where they reside that they are entitled to claim exemption on the ground of conscientious objection.'"

The question is that that amendment be made.

The motion was negatived.

THE HONOURABLE MAJOR NAWAB MOHAMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, I would like to take the permission of the Honourable the President, as I did not get much chance at the consideration stage of the Bill, to lay the whole facts of the orthodox Muhammadan position and how we feel about it before the Council.

THE HONOURABLE THE PRESIDENT: I called the Honourable Member to move his amendment No. 10, to insert a clause that the Bill shall not apply to Muhammadans. Any remarks which the Honourable Member can make which are relevant to that amendment will be in order.

THE HONOURABLE MAJOR NAWAB MOHAMED AKBAR KHAN: Sir, the foundation of a Muslim rests on the Koran and the traditions of the Prophet

and then the Shariat. There are four schools of thought amongst the Sunni-Mussalmans, namely, (1) the Hanifi prevailing in former Turkey, Afghanistan and India ; (2) the Shaffi in Egypt, certain parts of Arabia and the Malaya Peninsula ; (3) the Humbli in Arabia and (4) the Malki in the Barbary States including Morocco. The Shias are confined to Persia, and certain parts of Afghanistan and India. There are many other sects amongst the Muhammadans numbering 72 in all.

The Muhammadan law was firmly established during the life-time of Hazrat Mohammed and many complicated law points were solved by him. The regular procedure of a Muhammadan Code and its important principles were laid down by the second Caliph Hazrat Omer, and the superiority of the Muhammadan law to that of the Roman law can easily be ascertained by reading Maulvi Shibli's "*Alfaruq*" and "*Kanzul-Amal*". The latter of these two books contains all the decisions and judgments of the first two Caliphs. The most exhaustive and complete jurisprudence of the Ommyyeds and Moors was compiled in Spain under the name of *Fatawa-i-Mehdia*. The Muhammadan law was developing and was greatly developed by Abu-Hanifa, but it was to the exertions of his pupil Imam Yusuf, the great Qazi-ul-Quzat or the Supreme-Judge of the Abbasside Caliphs, that we see the codes of Abu-Hanifa compiled by him with his annotations under the names of *Dur-ul-Mukhtar* and *Rad-ul-Mukhtar* and *Durrar and Ghurra*. As Central Asia, the home of the Ottoman Turks, Iran and a part of Khorassan, now called Afghanistan, were under the dominions of the Abbassied Caliphs the Hanfi law was in force through all these countries, and that is why Mahmud of Ghazni and Mohamed Ghauri together with their Afghan successors introduced the Hanfi law into India after their conquest of this country. In India itself two more important law books were compiled by its Muslim rulers and were called the *Fatawa-i-Qazikhan* and *Fatawa-i-Alamgiri*. Both these law books are very small compared with the law books of the Ommyyeds and the Abbassides and contain only the elementary aspects of the Muhammadan law. Sir, another very authentic and voluminous book was compiled by the learned Ulamas of Asia in the reign of Timourlane, namely, *Fatawa Tatarkhania*. There are as many books of the other three schools of thought in Islam, but I need not enumerate these as the Mussalmans in India are not concerned with them. There is no specification about the age of marriage in any of the above-mentioned authentic books, or the books of the other 72 sects of Islam including the Shias. The books of all these sects are unanimous in fixing the age of post-puberty for a girl and the age of maturity for a boy for the sake of matrimonial alliance. No marriage is valid unless these conditions are found in the couple that is going to be married. As regards the wedding, it is entirely for the contracting couple and their parents to see to their convenience for the solemnization of their marriage after they have attained maturity. Islam does not penalise the early or late marriages after attaining the age of maturity ; why should we curtail this liberty of the Muslims which they have enjoyed as their birth-right for the last 1,300 years ? I must point out to the Honourable Members that in Islam marriage is not considered as a social contract but as a religious precept. It is the sacred duty of every member of the Muslim community, whether male or female, to get himself married in obedience to his religious injunction and not with an idea to satisfy the demand of society.

[Major Nawab Mohamed Akbar Khan.]

Now, the age of maturity differs according to the climate and the constitution of the individuals, and it is for the local medical men and the Ulemas to fix an age-limit of maturity for each province, but to curtail the liberty of a Muslim boy or girl with regard to marriage after attainment of the age of maturity is a proposition to which no orthodox Mussalman can agree. I am reminded of an Urdu proverb: '*Mian Bivi raji tou kia Karaiga Kazi*', which means that when the bride and bridegroom have agreed to their marriage, what business has the *Kazi* or Magistrate to interfere. I hope the Honourable the President will fully appreciate the sense conveyed by this proverb as he is better versed in Urdu than myself at least.

It is the entirely westernised Muslims or the progressive Muslims that wish to intermeddle in these affairs, although they are less than 1 per cent. of the Muslim community as compared with the orthodox. If they want to convert the orthodox to their ways of thinking they are quite welcome to do so by educating their opinion, because it is the conversion by conviction that is the most essential thing in Islam, and not by procuring the aid of legislation. The Islamic law books that I have enumerated above may be known to Dr. Abdullah Suhrawardy and Maulvi Muhammad Yakub, Members of the Legislative Assembly, whose families are well-known for their religious learning, and I may inform the Honourable Members that these are the most reliable law books of the Mussalmans of India; and according to these books I do not find that there ought to be any age-limit for a Muslim boy or girl after their maturity. As regards the fixing of the age-limit at 14 and 18 years throughout the whole of British India, I am sorry that, as an orthodox Muslim, I cannot support it unless it is backed up by the leading Ulemas of India with some cogent reasons of climate and physical development and temperament of the couple that is going to be married.

The second reason for my being against this Bill is that it infringes on the *purdah* system of all the Muslims and especially the Frontier people who would resent the interference of any Magistrate in their matrimonial affairs.

With these remarks, Sir, I commend my amendment for the consideration of this House.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, we have listened to a very interesting and a somewhat historical discussion of the subject by my Honourable friend the Nawab Sahib. But I was waiting to see if he was going to quote any text before this House under which the Islamic law enjoined the performance of early marriages and pre-puberty consummation. My Honourable friend has not been able to show any text or authority under which such marriages have been enjoined by the Islamic law. On the other hand, the texts which the Age of Consent Committee examined distinctly prove the contrary. These texts which the Committee refer to were four principal texts, the Quran, Hadis, Ijmas, the opinion of the learned men, and Qayas.

In articles 246 to 249 of the Report, at page 112, they have been carefully considered. The only four authorities which do exist on the point have been given proper weight in the consideration of this

question, and the Committee came to the conclusion on the four authoritative sources—the Quran, Hadis, Ijmas and Qayas :

“ It is conceded by the theologians examined before this Committee, that there is no express provision in the Quran, enjoining the celebration of marriage or the bringing about of consummation at any particular age.”

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: What is the Shariat based on, and what is the value of the Qayas or Ijmas in the presence of the Shariat? It is beyond the imagination of a Parsi Knight.

THE HONOURABLE SIR MANECKJI DADABHOY: Well, I am not going into the historical aspect of the case. I am going into the question of the Islamic texts. Let us see what they preach.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): They are silent about the age.

THE HONOURABLE SIR MANECKJI DADABHOY: The next text is the Hadises :

“ For instance, certain Hadises are quoted to show that the Prophet preferred marriages soon after puberty ; but there are some other Hadises from which it may safely be concluded that marriages after the age of discretion were preferred by the Prophet.”

So you see there is also a distinction ; after the age of discretion, not the age of puberty, was preferred by the Prophet.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: You are quite wrong and you know nothing about Islamic laws.

THE HONOURABLE SIR MANECKJI DADABHOY: I am not wrong. Then the Ijmas were the consensus of opinion of learned men. They say :

“ The Muslim theologians of India are not agreed on the point as to Marriage and Consent legislation being an interference with Muslim religion.”

And the other text is the Qayas where certainly it is absolutely advocated to the contrary :

“ The Qayas could certainly favour such legislation when once it is proved that it is in the interests of the community at large.”

Therefore, Honourable Members will perceive that the texts of Islamic law are conflicting in some cases and favourable to the view that they should interfere where the interests of young girls are concerned.

Then, Sir, let us see the history of the two great Islamic countries. I will just refer to Turkey, the great Turkish Empire, to which every Muhammadan in India looked for precept and example as was abundantly evident at the time of the Khilafat movement in this country.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: But there is no Khilafat now.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: Do they look to Turkey now?

THE HONOURABLE SIR MANECKJI DADABHOY: You have not repudiated the supremacy of Turkey in all Islamic matters even now.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: I say from the floor of this House that it is not a fact

THE HONOURABLE SIR MANECKJI DADABHOY : You repudiated it only when Turkey with one sweep of the pen set aside the Khilafat movement, which was against the policy which you adopted in this country at the time.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : If anybody is going to do anything against the Shariat, we cannot follow him, irrespective of his position and status.

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, what do we find ? The great and leading Muhammadan Empire passed a similar legislation and it is not a legislation of a very recent date. It traces back to 1864. Under Article 2 of No. 56 of 1923, a contract of marriage between a boy below 18 and a girl below 16 was absolutely prohibited by a Royal decree. What did Turkey do ? Turkey went far beyond what we are attempting to do now. They not only penalised marriages at a certain age, but they rendered those marriages altogether void. We are not doing this in this country. Here we are only seeking to penalise marriages performed when a girl is under 14 and a boy is under 18, while in the case of Turkey it went considerably further.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Turkey has gone considerably further in breaking the *purdah* system too, which is one of the most fundamental principles of Islam, and its neglect is a very serious matter for a Muslim.

THE HONOURABLE SIR MANECKJI DADABHOY : I only hope for the good of this country that the Muslims of India will have the courage and conviction to set aside also the *purdah* system because that will be a great advantage and will lead to the development of the country and the glory of their community. (Hear, hear.) Sir, then there is Egypt. They have passed a similar law. Egypt is a great Islamic country, and there too marriages under a certain age have been prohibited. So you will see that the two great Muhammadan countries in the world have adopted this principle and they also receive inspiration from the other civilised European countries which more or less have passed similar legislation. To ask now that the Muslims should be exempted from the operation of this law is a very retrograde measure.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Can you quote the Egyptian law on the subject, if you have got it ready ? We are not legislating for the Zoroastrians and discussing the Zenda-Vesta and especially the marriage system of the ancient Iranians.

THE HONOURABLE SIR MANECKJI DADABHOY : May I refer you to Appendix X of this Report in which all the detailed information is given.

I do not propose to take up further the time of the Council at this late stage. I am also of opinion that it would be a very inequitable thing to exempt a particular community from the operation of any law. The law, if it is a good law, must be a law for all. No community, no individual, ought to be exempted from the operation of a general law, and I submit this is a law which is necessary for the protection of poor infant girls, and it was pointed out yesterday in great detail and with emphasis what great hardships are inflicted on these young, immature girls. I hope, therefore, this House will reject this amendment.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : Sir, I rise to support the amendment. Before I make my own observations on the question, I should like to deal with two of the most prominent objections which my Honourable friend Sir Maneckji Dadabhoy took to the statement of the Honourable Major Nawab Mohamed Akbar Khan. Sir, the first point that Sir Maneckji Dadabhoy made out against the Nawab Sahib was that in the Islamic law there was no provision enjoining marriage before puberty. Sir, to state the case this way is to begin at the wrong end. As my Honourable friend, Mr. Suhrawardy, said in an interjected reply, "Where is there any provision in the Islamic law interdicting early marriage?" So long as there is no such prohibition, it is wrong that any shackle should be placed upon the right of a Muslim to perform an early marriage if he considers that doing so is necessary. This is just the reason, Sir, why the Shariat, in laying down instructions regarding the institution of marriage, has not prohibited the performance of child marriage. Being conscious of the fact that, though ordinarily marriages will have to be performed, as they have been all these 1,300 or 1,400 years, there will be occasions to demand the performance of marriages even before puberty. This is just the reason, Sir, why the Shariat has made provisions enabling the parents and guardians of minor girls to give away their children or wards in marriage. Again, Sir, it was stated that the two important Muslim countries like Turkey and Egypt have enacted laws on lines similar to those on which it is proposed to enact this measure. Well, Sir, so far as Egypt is concerned, I shall not deal with it in particular, since reference was more specifically made to Turkey on the ground that Turkey was the head of the Muslims. I will deal with that part of the objection first. Turkey, Sir, as my Honourable friend Nawab Akbar Khan has stated, is no longer the head of the Mussalmans. It is not merely that I make this statement.

THE HONOURABLE SIR MANECKJI DADABHOY : Quite so ; but this law was effected in 1860 long before you repudiated Turkey.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : That might be so. It is now that we come to Turkey and say that Turkey no longer can now claim to be the head of the Mussalmans either here or in any other part of the world, except the few people who are subjects. In proof of this fact, I would refer my Honourable friend Sir Maneckji Dadabhoy to the numerous conferences that were held in recent years in different parts of Islamic countries for the purpose of electing a Khalif. If Turkey was still a place which the Mussalmans could look up to for a lead in matters religious, there would have been no occasion for them to hold these conferences for the purpose, and the very fact that such conferences were held is proof positive of the fact that the head of Turkey is no longer the Khalif.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Sir,

.....

THE HONOURABLE THE PRESIDENT : The Honourable Member is not entitled to make another speech.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : After the learned, able and well-reasoned speech that was made by my Honour-

[Saiyid Mohamed Padshah Sahib Bahadur.]

able friend Major Nawab Mohamed Akbar Khan, it is not necessary for me to labour to make out a case for the exemption which my Honourable friend seeks for the Mussalmans. Sir, it is a matter of common knowledge that marriage is an institution which falls within the scope of the religious and personal law of the Mussalmans. I would refer to the Age of Consent Committee's Report regarding the Mussalmans. This matter is one of religious and personal law. To attempt to legislate on this will be nothing short of an absolutely uncalled for and totally unwarranted interference with the religious and personal law of the Mussalmans. Sir, as my Honourable friends here are aware, the Mussalmans have a codified law wherein matters like marriage, divorce, religious trusts, inheritance and such other things are thoroughly treated and clearly enunciated. According to the Shariat, marriage is not only a civil contract but it is in its quintessence also a sacrament, a pious and meritorious act, and it is for this reason, Sir, that marriage is enjoined upon all Mussalmans, not merely for the purpose of satisfying their natural craving, but primarily for the purpose of begetting children.

THE HONOURABLE SIR MANECKJI DADABHOY : No, no. "Aulade Saleh". Begetting healthy children to serve God.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : That is exactly the point. That is in support of my statement. My Honourable friend in interrupting me has simply anticipated me in pointing out what really is the object of Islamic law. The Islamic law enjoins that Mussalmans, in their relationship as between man and wife, shall so conduct themselves that they beget healthy offspring, so that they may make a useful and healthy contribution to the community at large.

THE HONOURABLE SIR MANECKJI DADABHOY : Will children who are not healthy be a healthy contribution ?

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : That is exactly the point that I am going to make. Therefore, Sir, the object being to beget healthy children even though early marriages are performed among the Mussalmans—and this is very seldom done—consummation does not take place ; the girl continues to stay on with the parents and is sent to the bridegroom's place only after she attains the age of puberty. Ordinarily, this is to be taken at 14 or 15. Therefore, it is quite obvious that though marriages are performed early, the consummation does not take place until after puberty. This is a perfect safeguard against much of the evil which my reformer friends want to provide against. It is quite evident that as the custom now obtains among us, there is no risk whatever of any physical or mental deterioration by boys or girls being married at an early age. Since these things are provided for in the Muhammadan law, it is not for you to do that which it would be simply redundant, and in the opinion of the majority of the Mussalmans in this country is considered to be quite an unwarranted onslaught on their natural rights. Again, Sir, Islam has gone so far in providing for conjugal felicity and all other things bearing upon the matter, that it is even open to the girl, after attaining puberty, to repudiate the marriage in case she thinks that the marriage is not to her advantage, or the man is not to her liking. All these facts go to show that there is not one aspect of the question which the Islamic Shariat has not taken care to think about and provide for.

THE HONOURABLE MR. G. A. NATESAN : This law will simply strengthen you.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : But you need not take the credit of doing anything when it is already provided and when what you do is redundant.

THE HONOURABLE SIR MANECKJI DADABHOY : You do not listen to them.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : If there was any necessity for it, if there had been any deficiency in the law, you are perfectly at liberty to make it good. Even then, you should have done it only with the consent of the majority who are going to be affected by the Act.

Again, Sir, about the history of this legislation, there is no doubt that this has been suddenly sprung on the Mussalmans. The original Bill which was introduced in 1927 did not affect the Mussalmans. It had nothing to do with them. It was only when the Select Committee made its report that the Mussalmans were brought in. Sir, the Mussalmans were brought in, not because, as every one here will admit, it was felt that the evil of child marriage was so rampant amongst them that it needed to be checked by means of such drastic measures as are proposed in this Bill, but simply because the remedy which the Select Committee proposed for some other purpose, for reforming in some other direction, necessitated all the other communities being included in this law, who had till then been kept out of the pale of its influence. Therefore, Sir, on the very first occasion, when it was felt necessary to apply this clause to the Mussalmans, it was not because they were interested, but because to leave them or any other community out would have been to make an invidious difference between one community and another. Therefore, there was not the least justification for the people who recommended this measure to recommend the inclusion of Muhammadans. The result of that position was that until at a very late stage the Mussalmans did not appear on the scene and no sufficient opportunity was afforded for getting Mussalman public opinion adequately ascertained. Therefore, for my friends, Sir Maneckji Dadabhoi and others, to support their statement and their views on the meagre evidence recorded either by the Select Committee on the Child Marriage Bill or the Age of Consent Committee, is a thing which is utterly unfair and unjust. I would prove my contention by what one of the members of the Age of Consent Committee himself has to say. At page 282 of the Report of the Age of Consent Committee, Maulvi Muhammad Yakub has recorded :

“The Muslim opinion being so meagre on the record, it does not justify us to draw any conclusion on its basis. Only 166 Mussalmans, throughout the whole country, have taken any part in the enquiry ; out of them 104 sent in their written statements but they were not examined orally. Only 36 presented themselves for oral examination. The number of Mussalman witnesses who did not send in any written statement but were examined only orally is 26. The Committee is certainly not responsible for this paucity of Muslim evidence ; every effort was made to secure the opinions of prominent Mussalmans, including some of the well-known theologians, but unfortunately they were not available at the time to give the benefit of their views to the Committee. The fact remains that the Muslim point of view is not sufficiently represented ; and I do not think it would be proper and safe to introduce a measure of vast social and religious importance, until additional Muslim opinion, especially that of distinguished theologians, is placed on record.”

THE HONOURABLE SIR MANECKJI DADABHOY : You are reading only that dissenting minute ; you have not read from the main report.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : I believe that the view of the member who has written a dissenting minute is as much entitled to respect as that of those who have signed the Report without any dissent.

THE HONOURABLE SIR MANECKJI DADABHOY : Let me correct the Honourable Member. The statement is incorrect.

THE HONOURABLE THE PRESIDENT : The Honourable Member is not entitled to reply.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR : I will not take note of all that. I am not here to pronounce an opinion on the veracity or otherwise of the members of that Committee. As I have said, no sufficient opportunity was given to the Mussalmans to make out their case. And even in the Legislative Assembly how was the debate conducted ? Some of the Mussalmans who walked out of the Legislative Assembly told me that they were simply disgusted with the way things were being done in that House. They were exasperated by the fact that the debate was artificially closed and they were gagged because the reformers were so anxious to thrust their reforms down the throats of the people that they did not even have the courtesy of giving a hearing to those who wanted to put the other side of the question before the Assembly. The fact is too obvious to need any further comment from me. As I was saying, no sufficient opportunity was granted to Mussalmans, and to base any opinion on the meagre evidence we have before us will be simply to commit ourselves to a decision which is not at all justified under the circumstances. There was no demand on the part of the Mussalmans for any such reform. The evil of child marriage was not considered to be of such a serious nature among Mussalmans as to call for the drastic measures which are proposed in this Bill. Now what is it we are asked to do ? This is not merely an educative measure or one intended to exercise merely a moral effect upon the people. This is a penal law. You want to punish people and send them to jail for doing an act which is their own concern or the concern only of those who are naturally interested on account of ties of kinship or otherwise—for doing an act which it is perfectly pertinent for them to do under their personal law, the law which in matters like this ought to govern their conduct so long as it does not come into conflict with the general law. To penalise such acts and punish people for them is nothing short of perpetuating a most heinous act of injustice under the sacred name of law. So, from what I have said in this House, I submit that it is quite obvious that there was no case made out for the inclusion of Mussalmans in this Bill. The present measure for them is absolutely uncalled for and thoroughly unnecessary, and to attempt to include Mussalmans in the operation of this Bill will be to deprive them of their natural right to be governed by their personal law in matters in which nothing but their own law should regulate their conduct. And again, Sir, if that is done, I shall not dilate on it, but it will be in contravention of the solemn pledges made in the Proclamation of Queen Victoria of blessed memory and also in the treaties between the East India Company and the Moghul Emperors.

With these words, Sir, I support the amendment.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, I feel I cannot sit silent when this amendment is being discussed in this House. I think it would be wrong if I did not place the point of view of some Muslim Members of this Council, as well as of some Ulemas, as well as a very large number of educated Mussalmans in India. Sir, I must first congratulate the Honourable and gallant Major who has moved this amendment on the great trouble he has taken in familiarising himself with a difficult subject, the jurisprudence and the principles of Islamic law, because I do not believe that Islamic jurisprudence and law form any part of the curriculum prescribed for the officers of the Indian Army. He has not studied the question thoroughly, but as a Councillor it does him great credit indeed to spare time from his other preoccupations to prepare himself for an intelligent discussion of an abstruse subject like this. I have nothing but admiration for the Honourable Member from Madras, who has just spoken, for the forcible and strong way in which he has placed his point of view before the Council, and really, if I may say so without being accused of flattery, that there is hardly a point which can possibly be urged in support of his point of view which he has not most lucidly and strongly placed before the Council. (Applause). If there was any defect left in the Report of the Committee which has been so often cited here, I have not the slightest doubt that after his very careful study of the problem he has made that good. Inasmuch as the case on the side of those who object to the Bill has been put so strongly and so ably and so well, I feel it is my duty now to place the other side not only for the consideration of those Muslim Members of the House who do not share that view, but also, if I may venture to hope, for the consideration of the Honourable Members who have associated themselves with this amendment. There may not be strong justification for this hope, for obvious reasons, but still I trust it is not ill-founded altogether. Although, Sir, under the Reforms, which involve the necessity of Party Government, Members more or less commit themselves to party views, I ask on a matter of this nature, which no doubt is perhaps a little of a political nature, though the Honourable Member who moved this amendment and his supporters claim that it is mainly of a religious nature, whether it is right or fair on their part to impose party restrictions on their fellow-members with the object of securing their votes and not allowing them that liberty of conscience, that liberty of vote, for which they themselves are fighting.

I said, Sir, I could not be silent on this amendment, but before I make any observations on the main subject that is before the Council, I wish to clear my position. I am, Sir, standing up not as Leader of this House; I am standing up here not as a member of Government, nor even as one of the humble persons who have tried to serve their country. I would not like a single member of this Council to vote, as I do, unless he feels that the cause I am standing up for is the cause that he himself conscientiously and truly supports. Therefore, my position, when I am speaking on this matter, is entirely personal. I have no right here to claim that I represent either Muslim Punjab, or Muslim India. I represent nobody but myself, during the course of this debate.

Now, Sir, I shall proceed to deal with the question. If I may venture to put it so, Sir, a great deal of confusion of ideas has prevailed during the debate here as well as elsewhere where this subject has been discussed. It has been said with great force that this Bill constitutes an attack on Islam, an attack,

[Khan Bahadur Mian Sir Fazl-i-Husain.]

mind you, by Government or by Rai Sahib Har Bilas Sarda. Surely not by Government, because Government did not initiate this legislation; surely not by the Mover of this Bill, because he expressly limited it to Hindus. Must we forget that the extension of this Bill was at the request of some Mussalmans themselves? What is the question just now before the Council? It is this—Muslims should not be governed by this Bill; or to be more accurate the Assembly has passed this measure, now the Council of State should exclude Muslims from its purview. But is it up to us to say that it is an attack on Islam by non-Muslims? Certainly not. We must be fair and just, especially when we are pleading the cause of righteousness and justice and fairplay. If so, Sir, then this attack is an attack by Muslims and not by non-Muslims. And is it an attack at all? I venture to submit, Sir, that those who hold this view do not wish either to change a single provision of the Islamic law or the personal law of the Mussalmans of India. This Bill does not render any provision of the Muslim law ineffective. This is a Bill which is not even modifying the law, but only making additional provision for certain contingencies which have arisen during the stay of Mussalmans in India. I thought, Sir, that I would not be far wrong if I went even so far as to accuse the Honourable mover of this amendment, my friend the gallant Major, in saying that, coming as he does from the Frontier Province, he knows full well that no child marriage prevails there, that even if this Bill did not exist, his province is quite safe from this evil, why is he anxious that, where this evil does exist, no effort should be made to eradicate that evil? He is of the view that Islam stands for adult marriage and not child marriage. If he is of the view—and I know he is—that in Islamic countries as a whole the universal rule is adult marriage and not child marriage, is it up to him to say that if amongst any section of Mussalmans this evil does exist, which Islam does consider an evil, that it should not be eradicated or that no steps should be taken to remove it? Again, Sir, to talk of Islamic law being violated by provisions of this sort, provided always that those provisions have the support of those Mussalmans who have the right and the ability to consider what their position is now, what it has been, whether it has improved or whether it has deteriorated, and whether it is not their duty, in case it has deteriorated, to take steps to improve it,—if Muslim society has that right, and I claim that every society has that inherent right, of which no religion, no speaker and no Brahmin can deprive us—I say in that case, it is up to the Muslims themselves to take steps to eradicate such evils as have crept into their society and into their religion. Is it not a fact that the Prophet said there is no doubt that in law divorce is permissible, but it is the most objectionable thing permitted under the Islamic law? And are we Indian Mussalmans in a position to say that what has been considered to be the most heinous of the permitted things is practised much more frequently than it ought to be. I will not, Sir, in the interests of time-saving, dwell at any length on this point. Islamic jurisprudence, at which the Honourable Mover of the amendment has taken a glance, is an extremely difficult subject—difficult because till very recently no one book of Muslim jurisprudence was available for the Muslim lawyer to study and understand. It is scattered in hundreds of volumes, but those who have a little acquaintance with Islamic jurisprudence know perfectly well how various principles of Islamic law have been steadily undergoing a course of evolution—social evolution being adjusted by the evolution of legal precedents. Islamic

law is, according to the sect of Islam which is most prevalent in India, based on what is called *ratiocination*. It is a very subtle method, the method of deriving other principles from established principles. Need I remind the Council that Imam Muhammad and Imam Yusuf differed on many important *fatwas* from their revered teacher Imam Abu Hanifa, and further that even Imam Muhammad and Imam Yusuf differed a great deal between themselves, and students of Islamic law know that, when Imam Muhammad and Imam Yusuf agreed, later Muftis have been adopting their views in preference to the views of their teacher.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Quite.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That will show that for a very long time, for a number of centuries, the development of Islamic law was contingent upon the interpretation of the Muftis. We have no Muftis of that eminence either in Simla or in Delhi, and in legal matters their *fatwas* do not prevail. Is the Islamic law then going to remain at the stage it had reached more than a century ago, and take no note of the development that society has undergone and must undergo ? Is this method not the most basic principle of all the institutes of Muslim law prepared by that great and pious man, Imam Abu Hanifa ? Should we become absolutely deaf to the dictates of our own reason ? No, Sir, it is most dangerous for the layman to try to lead his fellow-beings in matters which really are such as need the whole time of men who can devote their energy, their brains and their lives to such matters.

As a matter of fact, the confusion of ideas that prevails will presently be dissipated, I trust, Sir, when I remind the House that the Honourable Sir Haroon Jaffer read a statement to us yesterday, and at the close of that statement alleged that that statement had the support of the elected Mussalman Members of the Council present then in Council. Some of them are not present to-day ; I do not vouch for the accuracy of that allegation, but he did say so. That statement shows that all this discussion is really beside the point. The statement consisted of two points. One was a graceful recognition on the part of Sir Haroon Jaffer of the policy of non-interference in religious matters adopted by the British Government since the Crown undertook the responsibility of ruling this country. The second part consisted in reminding the House that under the Lucknow Pact of 1916, it was conceded by various political parties that in the new Councils no change should be affected in the personal law of a community if more than two-thirds of the members of that community opposed it. Does the Honourable Mover of this amendment agree with that ? He does. Good. Well, Sir, I do not for a moment concede that the statement of Sir Haroon Jaffer was accurate or that it should be accepted. But, assuming for the sake of argument that it is correct and the Mover of the amendment accepts it, does it not show that these Councils have jurisdiction to interfere with the personal law of various communities ?

THE HONOURABLE MR. P. C. DESIKA CHARI : Subject to certain conditions.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Undoubtedly. The Honourable Member who interrupted also admitted that he was for Legislatures having this power, only he did not like this particular

[Khan Bahadur Mian Sir Fazl-i-Husain.]

legislation. That is correct. Quite. Therefore, this is common ground in the House, that the modification of the personal law of each community is within the jurisdiction of this Council, provided.....

THE HONOURABLE MR. P. C. DESIKA CHARI : That is not my position.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : You mean you do not like that position ?

THE HONOURABLE MR. P. C. DESIKA CHARI : I take an absolute stand.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : You take your stand on this position—that this Council has jurisdiction ?

THE HONOURABLE MR. P. C. DESIKA CHARI : No, that it has not the jurisdiction.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : May I have two words ? What I said and what we stick to is this, that the Lucknow Pact laid down that, when two-thirds of a certain community object to the introduction of a certain Bill, then the majority community (be they Hindu or Mussalman) should not press for it.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I quite agree. That was exactly what I understood Sir Haroon Jaffer to say. That only means what I said before. That if, on the other hand, more than two-thirds of the members of a community do not oppose it, then the personal law of that community can be added to or modified by these Councils.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Quite right. We are more than two-thirds.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : This is not so, the Honourable Member is mistaken. We have done this discussion outside : we need not enter into that here. As I said before, the case for the side against the Bill, up to now, has been pressed with great eloquence, great ability and great thoroughness. I was saying that the statement made by Sir Haroon Jaffer, with which he claimed that all the elected Muslim Members of the Council present in Council were in agreement, and which statement was not denied by anyone concerned, was to the effect that this Council has the right to pronounce on any proposals which affect—I will say “modify” or “add to”—the personal law of a community unless more than two-thirds of that community in the Council object to it. It has been said we are brushing that aside, hence this amendment. It is thus obvious that it does not involve an attack on Islam, and no constitutional point is involved. There is no religious point about it, because the Mussalmans themselves say that the Council is free to do what it likes, unless more than two-thirds of the Muslim Members of the Council oppose it. And two-thirds are not against it.

Then comes the real issue, which is, should there be a fixation of the age for purposes of marriage or not ? The question is whether under the Islamic law marriage between children is permissible. The Bill says that we should in the interests of our community fix an age limit—whether it is 14 or 15 does not matter. The question is one of principle. Should there be a fixation of the age limit or not ? If it should be fixed, then the second question is, at what

particular age should it be fixed ? I understand the Mussalman Members of the Council are not interested in 12 or 14 or 16.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : After the age of puberty and maturity, under Islamic law, marriage can be solemnized.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is exactly what I mean. There is nothing to prevent a marriage of a girl of 20 to a man of 30. It is an excellent marriage. Is there anything which says that marriage between a couple of that age is bad ?

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN :
No.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Then we are in perfect agreement. This is the distinction between Islamic law and Hindu Law. This Bill modifies the Hindu law to a much greater extent than it does the Moslem law. As a matter of fact, it does not modify the Moslem law in any way except adding a provision which enlightened Mussalmans will not in practice violate. The Honourable Member opposite says that you can marry at any age. It is open to me and to every other Mussalman in India to do propaganda work in support of it. We in the Punjab, and the Honourable and gallant Major from the Frontier Province and those from the United Provinces....

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : On a point of information. Marriage under Muhammadan law of infants is, I think, voidable by the parties after attaining majority unless the marriage has been contracted by the parents or some other such persons.

THE HONOURABLE SIR MANECKJI DADABHOY : Voidable, not void.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The point that the Honourable Mr. Chaudhury has mentioned is the point on which the Honourable Member from Madras dwelt himself. He said that the marriage of a minor girl, contracted by certain guardians, can be repudiated by the girl on attaining puberty. That again is a very salutary provision of law. I was submitting that the change which this Bill proposes in the Islamic law is very little as compared with what it involves in the case of Hindu law. It is, I understand, only in Bengal and to a certain extent in Bihar and in Sind that this evil does exist amongst the Mussalmans. Other parts of India are more or less free from this evil. This is not the case with the Hindus. Again, if this measure is to be opposed by some on the ground that it will affect their constituents, *e.g.*, in Sindh, then I say that it is not up to those people who represent areas where the evil does not exist, to oppose it.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Islamic law prevails in places where this custom exists. It may not be in the North-West Frontier Province or in the Punjab.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Islamic law is in consonance with this provision, and is not against it. I go

[Khan Bahadur Mian Sir Fazl-i-Husain.]

further and say that Islamic practice is in consonance with this law. I go further and say that Islamic culture and Islamic tradition are all in consonance with this provision of law, and it is not right on the part of Muslim Members to say that this is an interference with their religion. As a matter of fact, I claim—some of my fellow Indians who are not Mussalmans may not be prepared to recognise it—I am prepared to go to the extent of saying that it was Islamic tradition and Islamic culture in India that brought in the idea of adult marriages in India at the time when they came in. Adult marriages may have prevailed in India of the pre-Christian period....

THE HONOURABLE MR. G. S. KHAPARDE : I question that.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : A long time ago, but in the year 1,100 or so, when the Mussalmans came to this country in large numbers, Hindu society was not at its best. Therefore, it is not right to say that this Bill in any way does something more than take back the Indian Mussalmans to the practice of those periods of their greatness and glory of which they, from the Islamic platforms, are so fond of discoursing.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN : Supposing—I do not know the age of puberty in Madras—if a girl of 12 years of age, i.e., after puberty, is married to a person of say 18 years. How could you, according to the Islamic law, prevent that girl from contracting the marriage ? Because she has attained puberty and she wants to be married to this person, how could you prevent that according to the Islamic law ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

12 NOON.

The Honourable and gallant Major knows perfectly well the distinction between things that a man is free to do and the things that he should not do in his own interest as well as in the interest of society. It is up to the Honourable and gallant Major to make himself drunk in spite of the tenets of Islam, but I would as a friend implore him not to do so. (Laughter.) I have taken this illustration because he is a teetotaler. No. I assure my dear friend, Sir, that there are a very large number of things that Islamic law leaves entirely to the discretion of the individual, and to that extent it is a matter of regret, and perhaps of shame, to Indian Mussalmans that it has been found necessary by some of the thinking Mussalmans to seek the aid of legislation to do what they ought to have done on their own. Again, take the case of drink. If I brought in a measure that every man who drank ought to be fined, while the Islamic law says he ought to be whipped, would the Honourable Major agree ? No, no. In a country where there are others than Mussalmans living, society has to be taken as a whole and its legislation moulded accordingly. I am, Sir, interested at present only in showing that this provision of law is in consonance with Islamic culture and practice, and there can be no possible valid objection taken to it either on religious grounds or on grounds of policy or advantage of the community. It has been said that a large number of people are against it. May I ask those Mussalman Members who are thinking of voting for the amendment to remember that at least half of the Mussalmans do not belong to their sex.

- AN HONOURABLE MEMBER : But they are Mussalmans all the same.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Mover of the amendment may brush aside half the Mussalman population of India by saying : " Oh, they need not be talked about or even named." But he should remember that that section includes our mothers, our wives, our sisters and our daughters. Is it not a fact that a very large proportion of them who can think at all do not like the idea of child marriage. There is nothing more repugnant to the Islamic women of to-day than child marriage. And where this custom and evil do prevail amongst Mussalmans, they prevail amongst those unfortunate Mussalman brethren of ours whom we, through our neglect have left in ignorance and in poverty. And in regard to these ignorant and poor brethren is it up to us, who are well to do and Members of the Council of State, to say that in the interests of those people, so that they may continue in their evil course, we should not make this law ? No, Sir. I would like the Honourable Mover of this amendment really to think hard, seriously and conscientiously, and see if he is altogether independent of the need of this legislation, that he is unwillingly standing in the way of a very necessary reform amongst a large number of his fellow Mussalmans who are not as well endowed by Providence either in the matter of knowledge or in the matter of money.

SEVERAL HONOURABLE MEMBERS : Then introduce this measure by way of propaganda and by educating the public.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I hold the floor, Sir. I have heard that sort of argument more than once and in connection with more problems than one. Such of my Honourable Muslim brethren, Members of this Council, who are at all politically minded—and I know the Honourable Major opposite me is not—will remember that, when the question of reforms is mooted invariably the die-hard class of politician in England says : " First remove ignorance ; first do propaganda ; first get enlightenment ". And do my friends recognize the validity of that argument ? Again, I have, Sir, in my humble way tried to serve my community in communal institutions, in institutions which have tried to carry out educational advance and social advance among the members of my community. It is all very well to say, you have striven hard, you have prepared the ground, the people are willing now to make progress, but I trust I will not be accused of defaming my own community for which I have the highest regard if I say that all of us workers in the interests of Muslim education and social reform, we all lack, and lack very much, two things—men and money, without which no propaganda, no reform, can be accomplished. Is it not a fact that Muslim workers in the interests of their community find it exceedingly hard to get money out of those whom Providence has blessed—money, that wretched thing we detest and at the same time cannot do without. Therefore, Sir, to say : " Oh, do not go in for legislation ; go outside the Councils and do propaganda " is not to give fair advice ; it is only a delaying motion.

I think, Sir, I have shown conclusively, in the first place, that the question of attacking the personal law is a myth due to a confusion of ideas. The Honourable Members led by Sir Haroon Jaffer have recognized that this Council has the jurisdiction to pass this law, provided that more than two-

[Khan Bahadur Mian Sir Fazl-i-Husain.]

thirds of the Mussalman Members are not against it—and the Honourable Major knows perfectly well that they are not against it. Therefore, I say let us proceed to pass this law. We have not yet passed it. We are considering it in a spirit of mutual tolerance for each other's views. I respect the views of the Honourable and gallant Major as much as I respect my own views, and I know if his temperament permitted him he would respect my views to the same extent....

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN: I look upon the Honourable Sir Fazl-i-Hussain, the Leader of the House, just like....

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member is quite out of order.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I know I have the deepest regard for him and he has a certain amount of affection for me. We know very well that all of us are trying to do our best for India as a whole, and for all the communities which make up the people of India. I can understand the scruples of those Brahmins who are over-Brahminically inclined even to-day. There is something in one's blood which cannot let one rise higher than where one has been bred, on account of the traditions one has inherited, but surely, Sir, India to-day demands from us supreme sacrifice, not only of our individual convenience, individual comfort, but also the supreme sacrifice of severing connection with the past, which past cannot now to-day be for the good of India. (Applause.)

THE HONOURABLE SHAH MUHAMMAD ZUBAIR (Bihar and Orissa : Muhammadan): Sir, I rise to support the amendment which has been moved by my Honourable friend Major Akbar Khan. But, Sir, I do not support this amendment on religious grounds at all. Sir, I maintain that this Bill, even if it is passed, will not in the least affect the religion of Islam. I further maintain, Sir, that this Bill not only does not interfere with the Islamic religion but is in accord with the principles of Islamic religion and culture. But, Sir, I support it on quite different grounds. As a member of a community which forms a minority in this House, I feel considerable nervousness in accepting the position that this House, this heterogeneous group of Honourable Members, consisting of Hindus, Mussalmans, Christians, Parsis and Sikhs, have any right to change the personal law of the Mussalmans, save and except with the consent and approval of the majority of the Mussalman Members of this House. (Applause.) This is a dangerous proposition, Sir, to which I regret I cannot subscribe. One of the modifications which the Muslim community demands should be incorporated in the Nehru Report, which I strongly support, is expressed in the resolution passed by the All-India Muslim League at the last session held at Delhi to the effect that "the Muslim law as at present recognised by Indian courts shall not be amended or interfered with by means of any legislation except by a majority of Muslim Members of those Legislatures." This is a principle which I do strongly support and stand by, and as, Sir, the majority of the Muslim Members of this House is opposed to this measure, I support this amendment of my Honourable friend.

THE HONOURABLE MR. K. B. HARPER (Burma Chamber of Commerce): I move that the question be now put.

*THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Sir, I just want to say one word. As one of the Hindu Members who support this amendment, I would only explain that I support this amendment on the ground that Muhammadans were not included in the original Bill and they had not had sufficient opportunity of discussing the provisions of this Bill, and further the majority of the elected Muhammadan Members, both in the other House and in this House, are against the provisions of this Bill.

THE HONOURABLE THE PRESIDENT: The original question was :

“ That clause 1 do stand part of the Bill.”

Since which an amendment has been moved :

“ That to clause 1 the following sub-clause be added, namely :

‘ (4) It shall not apply to Muhammadans’.”

The question is that that amendment be made.

The Council divided :

AYES—11.

Akbar Khan, The Honourable Major Nawab Mahomed.

Akram Husain Bahadur, The Honourable Prince A. M. M.

Ashraf-ud-Din Ahmed, The Honourable Khan Bahadur Nawabzada Saiyid.

Desika Chari, The Honourable Mr. P. C.

Khaparde, The Honourable Mr. G. S.

Mookerjee, The Honourable Srijut Rama Prasad.

Muhammad Hussain, The Honourable Mian Ali Baksh.

Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.

Suhrawardy, The Honourable Mr. Mahmood.

Surput Sing, The Honourable Mr.

Zubair, The Honourable Shah Muhammad.

NOES—24.

Basu, The Honourable Rai Bahadur Suresh Chandra.

Burdon, The Honourable Mr. E.

Charanjit Singh, The Honourable Sardar.

Clayton, The Honourable Mr. H. B. Commander-in-Chief, His Excellency the.

Dadabhoi, The Honourable Sir Maneckji.

Dutt, The Honourable Mr. P. C.

Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.

Graham, The Honourable Mr. L.

Gwynne, The Honourable Mr. C. W.

Harnam Singh, The Honourable Raja Sir.

Harper, The Honourable Mr. K. B.

Latifi, The Honourable Mr. Alma.

Maqbul Husain, The Honourable Khan Bahadur Sheikh.

Natesan, The Honourable Mr. G. A.

Ramadas Pantulu, The Honourable Mr. V.

Rama Rau, The Honourable Rao Sahib Dr. U.

Ray Chaudhury, The Honourable Mr. Kumar Sankar.

Ryan, The Honourable Mr. T.

Thompson, The Honourable Sir John.

Wacha, The Honourable Sir Dinshaw.

Watson, The Honourable Sir Charles.

Weston, The Honourable Mr. D.

Woodhead, The Honourable Mr. J. A.

The motion was negatived.

* Speech not corrected by the Honourable Member.

THE HONOURABLE MR. P. C. DESIKA CHARI : Sir, I move the amendment which stands in my name and which runs as follows :

“ That to clause 1 of the Bill the following sub-clause be added, namely :

‘ (4) It shall not apply in the case of the marriage of a girl who has attained the age of twelve, but not of fourteen, years, if the principal court within whose original jurisdiction the parent or guardian of the girl resides has, after satisfying itself that the marriage is in the best interests of the girl, granted, upon application by the parent or guardian, permission for the marriage ’.”

Sir, in moving this amendment I am on very strong ground. In fact, the Age of Consent Committee, which has very carefully gone into this question, was, I find, equally divided on this question. But from a passage in the speech of one of the members of the Committee, I find that on the question of exemption or no exemption the Age of Consent Committee was equally divided, but on this question whether in the case of girls over 12 an exemption like this should not be made, we find that most of the members of the Committee were of opinion that an exemption of the kind should be allowed. I will read the particular passage :

“ The House will observe ”

—says Pandit Thakurdas Bhargava—

“ The House will observe that, so far as the question of exemption was concerned, the Committee was equally divided, but so far as the question whether exemption should be granted only in the case of girls of a prescribed age, the Committee was divided in its opinion, but not equally divided. As a matter of fact, I will not be guilty of disclosing any secret when I submit to the House that the majority of the members of the Committee were of opinion that if the age was prescribed, say, at 12, then exemption should be granted.”

I am not relying upon this passage as a statement which is entitled to command the same amount of respect as the Age of Consent Report itself. But I submit that this is a matter which was very carefully considered and even this expert committee, who had taken immense pains to ascertain the conditions in India, were equally divided on this question—putting it as low as that. Then the President was not willing to give his casting vote and the amendment was dropped, and they did not make any special recommendation. But still it is a fact that is brought out in the Report that this exemption clause on the very lines that I have indicated in my amendment was acceptable to one half of the members. And in a case like this where it is usual to decide by the rule of a majority, and when opinion was equally divided, I submit it is the duty of the Legislature to consider very carefully whether they ought to endorse the one or the other. I submit that, when this Committee was very strong in its condemnation of these evils, to rectify which this Bill is brought, when half the members of that Committee were of opinion that an exemption clause like this should be included, I submit it is the duty of the Legislature to examine it very carefully, and in case of doubt it is always desirable to be more lenient than hard. I find that similar provisions are found in the marriage laws. not only in the Native States, where such marriage laws were adopted, but in several advanced European countries, and I find that in advanced countries of Europe like France, Germany, Hungary, Italy, Belgium, Czecho-Slovakia, Denmark, Finland, Iceland, Norway, Poland, Roumania, Sweden, Switzerland, and other countries, and coming nearer home, in Japan, there are provisions in the marriage laws for such exemptions. When such exemptions are found to

be necessary in the marriage laws of these advanced countries, when you are making an experiment for the first time, is it not advisable to provide for possible cases of hardship? Several cases of hardship were mentioned in the other House and it is not necessary for me to give instances, but the case has been very forcibly put by Pandit Kanhaiya Lal in his minute, and my amendment is practically on the lines suggested by Pandit Kanhaiya Lal. I find from an extract from the Age of Consent Committee's Report—I have not got the report myself—that Pandit Kanhaiya Lal says:

“ My recommendations are :

- (1) that in any law fixing a minimum age of marriage a provision should be made empowering the District Judge, on previous application, to grant a dispensation for the performance of the marriage before the prescribed age, where the interests of the girl or her future happiness, welfare or safety urgently require it ;
- (2) that where the District Judge grants such dispensation or permission, he should have power to impose such terms, conditions or restrictions with or without security or sureties as to the separate living, custody and maintenance of the girl after marriage till she attains the prescribed age, as he may consider expedient or necessary, and also to rescind or vary the same from time to time.”

But he has recommended it absolutely without any restrictions as to whether it ought to apply to girls over a particular age or to all girls of this description. But I have restricted it to girls who have attained the age of 12 but who have not attained the age of 14. And the reasons which he gives for having an exemption clause like that are very convincing and, so far as I have been able to see from the reports of the Legislative Assembly, I have not found any satisfactory answer to the reasons given by Pandit Kanhaiya Lal. And there are various passages in his minute which show that, unless there is a provision for exemption, it would work a very great hardship in several parts of the country. And he says in particular that an appeal was made to the Committee (the Age of Consent Committee) in various parts of the country by villagers who said: “ If we are sick or dying and we cannot make adequate provision for the marriage of our girls, will the Sarkar or the Panches come forward? Have they made any provision for the marriage of our girls to take the place of the parent? ” And this is a thing which ought to be taken note of, and I think it is quite easy to conceive of several cases of hardships, particularly in the case of orphans. It may be said that there are several orphanages. But then the point is whether it is desirable and whether proper arrangements could be made for these orphans to be taken care of and trained in their own religion and in the ways of life to which their parents or their community are accustomed. After all, there are not very many orphanages all over the country, and it is not possible to provide for such hard cases. But it may be possible to find out several other hard cases, and the safeguards provided would ensure that the law is carried out and the exemption will be granted only in real cases of hardship. I submit that this provision is absolutely necessary in the interests of the proper working of the provisions of this Bill, and I therefore submit that this amendment at least may be acceptable to the House.

*THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Sir, may I have your permission to move the second part of my amendment only,

*Speech not corrected by the Honourable Member.

[Srijut Rama Prasad Mookerjee.]

because I find that the amendment already moved by the Honourable Mr. Chari includes the first portion of my amendment and I would only make one change in the wording to suit the wording of the amendment of the Honourable Mr. Chari, i.e., change the words "sanction" to "permission" and the other consequential changes would come in. My amendment would run: "Provided that the court"—it is not necessary to repeat the words "the principal court of civil jurisdiction"; that is already mentioned in Mr. Chari's amendment. I would read the amendment as I want to propose it:

"Provided that the Court shall grant such permission only if it is satisfied that the interests of either or both of the contracting parties to the marriage or their future welfare, happiness, or safety require it."

Sir, as has already been stated by the Honourable Mover, the question of having an exemption clause in the Bill was before the Select Committee as also before the Legislative Assembly. In the Age of Consent Committee, on the question whether there ought to be an exemption clause or not, there was an equality of votes. But on the other question whether exemption should be allowed, if allowed, to girls below 12 or above 12, there was a decisive vote of the Committee. The majority of the Committee thought that if exemption is to be allowed, it ought to be allowed only to girls not below 12 but above 12. Pandit Kanhaiya Lal, who was the representative of the orthodox Hindu community on that Committee, was of opinion that an exemption clause ought to be put in and the words that I have put in in my amendment are the exact words that were proposed by Pandit Kanhaiya Lal. The amendment that had been proposed in the Legislative Assembly for having an exemption clause was a much broader one. It was not only the interests of the girl, but also the interests of the parents which the amendment wanted to include. The result was, we find from the speeches, that although a large number of Members were in favour of having an exemption clause, they would not agree to the interests of the parents being included, but they would only agree to the interests of the girl or the contracting parties being brought in. Sir, only one or two instances would be sufficient. Suppose in a family there is an old father or an old grandfather who wants to give a girl in marriage before he dies. In that extreme case should not an exception be made?

THE HONOURABLE MR. G. A. NATESAN: I am sorry you are spoiling the case for your amendment by citing this.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: The Honourable Mr. Natesan might think that I am spoiling my amendment, but I look at it from my own personal point of view, and it is open to Mr. Natesan to look at it from his own point of view. I cannot look into his mentality or his way of thinking. Sir, there might be exemption given by the court if the court is satisfied that an exemption ought to be allowed. Or take, for instance, another case. A girl, before a boy is sent to England for study, is given in marriage in India. He will be in England for two or three years. If a girl is given in marriage at the age of only 12 years or 13 years, it would not be before she attains the age of 15 or 16 that she would be living with her husband. That is another exceptional case which we in Bengal at least come across. Sir, these cases should be provided for. The opposition to this Bill, either from the orthodox Hindu community or from the orthodox Muhammadan community, has been

due, on my information at least, much more to the absence of an exemption clause like this than to any other point. Sir, I have just been handed over a telegram from Benares from Mahamahopadhyaya Pandit Lakshamana Sastri which runs as follows :

" Huge demonstration in protest of Sarda Bill by..... "

THE HONOURABLE THE PRESIDENT : The telegram which the Honourable Member is now reading has probably been received by all the Members. I have received it myself. It is not relevant to the clause or to the amendment which the Honourable Member is moving.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Had I known that, I would certainly not have read it. I would have simply referred to it. I was reading it for the purpose of showing that the support which these oppositionists to the Bill are getting from a large section of the populace is due to the absence of this exemption clause. Moreover, Sir, the necessity of an exemption clause has been conceded by Members on the Government side as well in the other House.

THE HONOURABLE SIR JAMES CRERAR : No, Sir.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : It was at least given out by non-official Members that an amending Bill will be brought in which would amend those clauses of the Bill which might appear to be objectionable. Sir, I may just refer to one observation which was made by Mr. Jayakar in the other place. Even a Member of advanced opinion like Mr. Jayakar thought that it was absolutely negligent on the part of the Government not to have brought forward an amendment which would meet with the wishes of both sides of the House. Objection was raised in the other place to the amendment moved by Pandit Nilakantha Das that it was too vague, that it was bad and the wording was not satisfactory. Sir, when Government had not made up its mind during the last Delhi Session that they would support this Bill and during the time.....

THE HONOURABLE SIR JAMES CRERAR : That is incorrect. They said quite clearly in the Delhi Session and before that they did support the principle of the Bill.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Sir, Government did not want the Bill to go through the Assembly or the Legislature during the Delhi Session because they wanted the Age of Consent Committee's Report to be published in the meantime, by which time they thought they would be in a better position to understand what would be the effect of the provisions of this Bill. And after the publication of the Age of Consent Committee's Report, when these definite recommendations were made by that Committee, was it not right that an amendment should have been made which would meet with the wishes of the majority of the Assembly ?

Sir, it is no use objecting to an amendment merely because of verbal objections. The whole question is, should there be an exemption clause to a Bill of this nature or not ? Reference has been made in this House as also in the other place to the existence of an exemption clause in other countries outside India as also to the existence of exemption clauses in some of the Native States in India. Sir, I need not go into the laws of other countries, but so far as India

[Srijut Rama Prasad Mookerjee.]

is concerned, for instance, take Baroda. There the exemption clause is present, and it has been pointed out that although the exemption clause is there, there are very few applications for exemption coming before the courts. There are thousands of cases coming before the courts of prosecutions for non-observance of the rules but there are very few applications for exemption. There would certainly be applications for exemption in the beginning, but in the course of a year or two that number will go down, as is clear from the administration reports of Baroda. In 1917-18 there were only 18; in 1918-19 only 20; in 1919-20 only 27; in 1920-21 only 6. In 1921-22 there were as many as 237 applications, but in the next year again, in 1922-23, there were only 11 applications; in 1923-24 only 7 and in 1924-25 only 12 applications. I have made it absolutely clear in my amendment as to the grounds on which exemption should only be granted by the court. Sir, it was stated in the other place by the Honourable the Law Member that if you include an exemption clause of this nature, it would only mean that the richer section of the people would get exemption and that would mean that by spending money on engaging clever lawyers the rich people would be able to get over the provisions of this Bill. But with due respect to the Honourable the Law Member I say that this is not the case. You will have the judiciary there, and unless and until you can convince the judiciary that the case comes under one of these clauses the application will not be favourably considered by the court. Moreover, Sir, I find that if this exemption is included in the Bill the penal character of the Bill which has been objected to in various parts of the country would be modified to a certain extent. I therefore confidently place this amendment before the House for its acceptance.

THE HONOURABLE MR. V. RAMADAS PANTULU: Sir, it is with very great regret that I have to oppose this amendment. My friend Mr. Mookerjee is not quite right when he said that Mr. Jayakar in the other House has agreed to this proposal. What happened there was that Pandit Motilal Nehru pointed out one possible hardship to the girl, namely, the case of a young man misbehaving with a girl between 12 and 14. In that case the most civilized way of saving the girl from ruin in after life is to provide for the marriage of the girl with the man who has misbehaved. That is a very well recognized civilized method of legitimatising the children and also of saving the girl from shame. While Mr. Jayakar said that an amendment of the kind which Mr. Mookerjee has moved here was far too vague for him to assent to, with reference to Pandit Motilal's point he merely said:

"I have given this very grave consideration and my opinion is that before long it will be necessary to have a carefully worded amendment so as to secure the object which my Honourable friend has in view."

That is altogether a different matter, which will have to be considered when this Bill becomes law. Therefore, my friend is not right in quoting Mr. Jayakar in his support.

Sir, I oppose this amendment on the ground that it is so vague as to practically include everything under the term "hardship" or "interest". These words "hardship" and "interest" are very elastic and it is possible to bring in almost anything under those words. In the other House, when the matter was debated, they said, the old age of parents, the possibility of the girl having no relations living when she attains 14, the possibility of losing

a rich match, the possibility of losing a husband who will become an I.C.S., who is going to England, also the difficulty of not being able to marry two daughters at one time when a man is on privilege leave for a limited time would all come under the exemption. These and hundreds of other things might be given as illustrations of cases which cover the "best interests of girls" or make for "hardship." The enumeration of these things is quite enough to show that if this amendment is carried and things of the sort I have enumerated are included in the exemption, the whole object of the Bill will be absolutely frustrated. When you do not give any indication as to what you consider to be in the interests of the girls or as constituting "hardship" the judiciary are not likely to act rightly in all cases. I have known many cases in which when discretion is provided in a Code the judiciary has interpreted variously. Every lawyer here knows what happened in the case of the words "sufficient cause" in the Review section. The Privy Council said that the words should be interpreted *ejusdem generis* with the words that preceded. But before that every High Court in India had so construed the words as to cover every hardship and until the Privy Council set aside those decisions the courts in India were hopelessly in conflict. In this case I have no doubt that the position will be infinitely worse. Therefore I have no alternative but to oppose this amendment. In regard to the special case mentioned by Pandit Motilal Nehru separate legislation may have to be brought, but it ought not to be included in this Bill.

THE HONOURABLE MR. SURPUT SING : Sir, I beg to support the amendment moved by my friend the Honourable Mr. Chari. That amendment affords this House an opportunity of providing for exceptional cases. It is more than patent that such a provision is of the utmost importance. Any legislation undertaken without due regard to special cases will be defective legislation. Even Rai Sahib Harbilas Sarda who sponsored the Bill in the Assembly laid down a clear provision to meet cases of an exceptional nature. It passes my comprehension why that salutary suggestion was not accepted and acted upon by the lower House. I must not also disguise the fact that there is also a sense in this House that an exception clause should be introduced to cover such cases. Well, if that be the conviction of the Honourable Members of this House, it is just and proper that they should decide to introduce a proviso to that effect. In that event the unpopularity of the measure will be very much ameliorated. Again, Sir, in complex and complicated human affairs, situations must arise which will call for exceptional treatment, and those legislators are termed wise who amply provide for such situations. Sir, we must not forget for a moment that India is still a stronghold of mighty and impregnable conservatism. Forsooth no amount of experience, no logic, no reason, no standards of civilisation of other places can cause any change in our conservatism. It would be impolitic therefore if the final legislative body did not allow exemption for the strictly orthodox section for the safeguard of their interests in such special cases. For instance, a father or a derelict mother or a loving guardian on the death-bed, out of love or actuated by genuine well-being, may fondly or piously desire to marry a girl who is under 14 but above 12 years of age to a young man of choice. Such an exceptional case, Sir, I appeal to the House, must in all conscience be taken out of the category of the Bill and due allowance must be made to meet instances like this.

M11CPB(CS)

[Mr. Surput Sing.]

With these words, Sir, I beg to support the amendment moved by my Honourable friend.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY: Sir, I rise to support this amendment, because I am confident that it will not be carried. (Laughter). My Honourable friend Mr. Ramadas Pantulu referred to the case of review. The proviso which my Honourable friend Babu Rama Prasad Mookerjee seeks to add will supply the points for the principle of *ejusdem generis* to apply which he wants to be incorporated in the amendments; and if the provisions of this Bill are taken advantage of by courts in a very lax manner, the Privy Council has already created a precedent and will I hope restrain the courts from a wide exercise of their jurisdiction under the provisions of this Bill.

THE HONOURABLE THE PRESIDENT: The original question was:

"That clause 1 do stand part of the Bill."

Since which an amendment has been moved:

"That to clause 1 of the Bill the following sub-clause be added, namely:

'(4) It shall not apply in the case of the marriage of a girl who has attained the age of twelve, but not of fourteen, years, if the principal court within whose original jurisdiction the parent or guardian of the girl resides has, after satisfying itself that the marriage is in the best interests of the girl, granted, upon application by the parent or guardian, permission for the marriage'."

Further amendment moved to that amendment:

"To the sub-clause proposed in the amendment of the Honourable Mr. Chari, the following proviso be added, namely:

'Provided that the Court shall grant such permission only if it is satisfied that the interests of either or both the contracting parties to a marriage or their future welfare, happiness or safety, require it'."

The question is that that proviso be added to the sub-clause.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The next question is that the sub-clause be added to clause 1.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The Council has, I think, now disposed of all the amendments dealing with the applicability or the extent of the Bill. There remain amendments on the commencement clause. We will take the Honourable Mr. Surput Sing's amendment first.

THE HONOURABLE MR. SURPUT SING: Sir, I propose:

"That in sub-clause (3) of clause 1 of the Bill, for the figures '1930' the figures '1931' be substituted."

My purpose in proposing this little change is that some little time must be allowed to the public to acquaint themselves with the provisions of the Bill in such a vast country like India, where there prevails so much illiteracy and want of information, and where news from the Legislatures take some months to reach the distant parts. It cannot be apprehended also that the society will fall to pieces if another year's time is allowed for the Bill to come into effect.

If it is apprehended that many marriages will take place, there is the Age of Consent Act. In these circumstances, Sir, I beg the House to accept the amendment and extend the time for the Bill to come into force to April 1931.

***THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE:** Sir, I have got a similar amendment on the paper a slightly different amendment—and I think they may be discussed together. There is no use discussing the two dates separately. My suggestion is that the date may be the 1st January 1931. If the Council is not disposed to extend the time till April 1931, if they extend it up to the 1st January 1931, I shall be satisfied, and I think that is the least period which may be given. Need I move it, Sir, separately in this connection?

THE HONOURABLE MR. P. C. DESIKA CHARI: I have got an amendment.

THE HONOURABLE THE PRESIDENT: The Honourable Mr. Rama-Prasad Mookerjee has moved his amendment; the amendment of the Honourable Mr. Chari is covered by it.

Further amendment moved:

“That for the words and figures ‘the 1st day of April, 1930’ the words and figures ‘the 1st day of January, 1931’ be substituted.”

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Here again we have the support, the unanimous support of the Age of Consent Committee. What is it that is stated by the Committee on this matter? I will refer Honourable Members to pages 149, 150 and 151. There a detailed description is given by the Age of Consent Committee of the care that must be taken by Government before this law is enforced. What appeared in the evidence before the Age of Consent Committee? Although the Age of Consent Act has been on the Statute-book for a long number of years, still a very large section of the public does not even know of the existence of that law. There is no doubt that one of the fundamental principles of law is that ignorance of law is no excuse. But at the same time the Age of Consent Committee refers to it and says:

“But it is nowhere suggested that there is not a correlative duty on the part of the State to give wide publicity to the law, especially in a case where normally public opinion and sentiment alike have not yet come to realise the illegality of the Act. That after nearly 40 years of its existence on the Statute-book, the law is still unknown to most people, only emphasises the need for a very wide publicity. The law of the minimum age of marriage which we have recommended for enactment requires equally wide publicity. In fact without a preliminary broadcasting of the law it would be inexpedient to bring it into operation.”

Sir, I seriously ask every supporter of the Bill whether it is possible, whether it is feasible, whether it is practicable, to let every person in the different parts of the country, in the most interior parts, in the village organizations of India, know about this new law within such a short time?

Sir, the Age of Consent Committee further says:

“Nor can the State rest content with a mere publication of these laws. The public have to be educated on the evils that these laws are intended to remove and on the need, in their own interests, for co-operating with the State in eradicating such evils.”

*Speech not corrected by the Honourable Member.

[Srijut Rama Prasad Mookerjee.]

Sir, I have attempted at one stage of the discussion of the Bill to minimise the punishment to be meted out, but this Council, has thought fit to reject my proposal. If that had not been rejected, if the punishment had not been so severe as it is now in the Bill as it is going to be passed, it would not be reasonable that the time should be extended.

It has been stated in the other place that the magistrates will, in the initial stage of the application of the Act, apply only the lower punishment and not the higher punishment. Sir, here again, I would only draw the attention of the House to the different standpoints of the magistrates. Take, for instance, one case. It is a general rule that *pardahnashin* women should not be brought into a court of law but should be granted permission. . . .

THE HONOURABLE THE PRESIDENT : I am sorry I fail to understand the relevancy of the Honourable Member's present remark. We are dealing with the date of the commencement of the Act.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : I was going to show, Sir, how European magistrates, who do not know the actual condition of the country, and magistrates who are appointed as sub-divisional officers may not have sufficient knowledge of the society at the time when they will be called upon to judge these cases.

THE HONOURABLE THE PRESIDENT : I do not see the Honourable Member's point at all. If a European magistrate has not learned the conditions in the country by the 1st April 1930, he will not have learned the conditions by the 1st of April 1931.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : No, Sir, it is not the European magistrate. . . .

THE HONOURABLE THE PRESIDENT : Will the Honourable Member come back to the commencement clause of the Bill please ?

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Yes, Sir, I am coming to it. It is the public who ought to know of the existence of this law and the magistrate also would be expected to apply the lower punishment and not the higher punishment at the initial stage. These are the two correlated facts which have to be taken into consideration in this connection. Sir, this is the recommendation of the Age of Consent Committee at page 150 :

" We therefore recommend that measures be adopted to give wide publicity to the Marriage and Consent law and to carry out an educative propaganda."

And the propaganda that is to be carried out is mentioned in the next two paragraphs, and the attention of Government is drawn to the same kind of propaganda as was adopted by them during the last war. It would not be possible, I maintain, to have a propaganda, an educative propaganda, in the country which will have the effect you want it to have within the period that has been here provided. Moreover, Sir, this date was mentioned in the Bill when it came out of the Select Committee. The Select Committee also thought that a sufficiently long period should be allowed before the Bill can be given effect to. But in spite of that fact, the Bill has not become an Act for

some months after that. There are Members of this House as well as of the other House who would not take note of that fact. Therefore, we come to this position. Although the Age of Consent Committee unanimously recommended that proper safeguards ought to be provided in this matter, although the Select Committee in the other House recommended that a sufficiently long period should be allowed to elapse before this Bill is given effect to, in spite of these very strong arguments which had convinced all the supporters of the Bill we are in this position that the 1st of April 1930 is still retained there. The only question is: Do we want this Bill to be a Bill which should be given effect to or not? If we say the Bill is not to be given effect to, then that is a different matter. But I do not want that this Bill should remain a dead letter but should be given effect to. Sir, I honestly feel that those who want reform—and I want the age rule to be imposed—I honestly feel that it would not be fair to the country at large. We are not fair to ourselves if we fix the date at the 1st of April 1930. Can we lay our hands on our hearts and say that it is possible in the particular localities from which we come to let every individual know that this law has been passed? It was proposed that it would not be left to only the district headquarters but that this Bill would have to be translated into the different languages and vernaculars of the country and circulated to the different district headquarters, to the different *panchayats*, to the union boards, to the municipalities, and also to other local bodies that might be in existence in the different parts of the country. And it was also suggested that there would have to be lectures delivered—lantern lectures were suggested by the Age of Consent Committee—in the interior parts of India where we have illiteracy in 99·9 per cent. of the people. It would not do merely to translate this and send this to union boards and local boards. These lectures will have to be organised.

THE HONOURABLE THE PRESIDENT: The Honourable Member is repeating himself. The Honourable Member has twice said that it will not be sufficient to publish the Bill through district and local boards but that there must be lantern lectures. He made both remarks twice. At this hour I think the Council will be satisfied if an argument is stated once only.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: Sir, I have tried throughout this discussion to be as brief as possible.

THE HONOURABLE THE PRESIDENT: The Honourable Member may be brief but he would be briefer if he would not repeat his remarks.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: With all submission to you, Sir, I do not repeat any remark unless it is necessary.

THE HONOURABLE THE PRESIDENT: I would ask the Honourable Member to look at the reporter's transcript to-morrow.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE: I say, Sir, I do not repeat myself unless it is necessary to correlate my remarks with the next argument which I am going to make. Sir, I say the time is not sufficient for the arrangement of lectures. I would therefore submit to the Council that this is a most important amendment that is proposed. The other amendment was with regard to the exemption clause and this is with regard to the commencement one. Sir, if this amendment is accepted by the House, I

[Srijut Rama Prasad Mookerjee.]

think the rigour of this enactment would be lessened and the provisions of the Bill would be better given effect to in the different parts of the country, which is the intention of the framers of the Bill.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : Sir, I rise to oppose this amendment. We are, being males, acting under an obsession. We are looking more to the interests of the males, who for having infringed this law will have to go to jail, than to the interests of the infant girls. If we look to the interests of the infant girls, the sooner we pass this law the better. If, of course, we look to the interests of the males, it is better to postpone it as much as we can. I therefore oppose this amendment.

THE HONOURABLE THE PRESIDENT : The original question was :

“ That clause 1 do stand part of the Bill.”

Since which an amendment has been moved :

“ That in sub-clause (3) of clause 1, for the words and figures ‘ the 1st day of April, 1930 ’ the words and figures ‘ the 1st day of April, 1931 ’ be substituted.”

I think the “ Noes ” have it.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Sir, as this is an important question, I want a division.

The Council divided :

AYES—6.

Desika Chari, The Honourable Mr. P. C.
Khaparde, The Honourable Mr. G. S.
Mookerjee, The Honourable Srijut Rama
Prasad.

Padshah Sahib Bahadur, The Honour-
able Saiyed Mohamed.
Suhrawardy, The Honourable Mr.
Mahmood.
Surput Sing, The Honourable Mr.

NOES—24.

Ashraf-ud-Din Ahmed, The Honourable
Khan Bahadur Nawabzada Saiyed.
Basu, The Honourable Rai Bahadur
Suresh Chandra.
Burdon, The Honourable Mr. E.
Charanjit Singh, The Honourable Sardar.
Clayton, The Honourable Mr. H. B.
Dadabhoy, The Honourable Sir Maneckji.
Dutt, The Honourable Mr. P. C.
Fazl-i-Husain, The Honourable Khan
Bahadur Mian Sir.
Graham, The Honourable Mr. L.
Gwynne, The Honourable Mr. C. W.
Harnam Singh, The Honourable Raja
Sir.
Harper, The Honourable Mr. K. B.

Latifi, The Honourable Mr. Alma.
Maqbul Hussain, The Honourable Khan
Bahadur Sheikh.
Natesan, The Honourable Mr. G. A.
Ramadas Pantulu, The Honourable
Mr. V.
Rama Rau, The Honourable Rao Sahib
Dr. U.
Ray Chaudhury, The Honourable Mr.
Kumar Sankar.
Ryan, The Honourable Mr. T.
Thompson, The Honourable Sir John.
Wacha, The Honourable Sir Dinshaw.
Watson, The Honourable Sir Charles.
Weston, The Honourable Mr. D.
Woodhead, The Honourable Mr. J. A.

The motion was negatived.

THE HONOURABLE THE PRESIDENT : Further amendment moved :

"That in sub-clause (3) of clause 1 for the words and figures 'the 1st day of April, 1930' the words and figures 'the 1st day of January 1931' be substituted."

The question is that that amendment be made.

The motion was negatived.

THE HONOURABLE THE PRESIDENT : The question is :

"That clause 1 do stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE THE PRESIDENT : That concludes the consideration stage of the Bill. I take it that it is almost the unanimous desire of the House that the Bill should be disposed of to-day rather than that I should adjourn the Council till Monday.

(Several Honourable Members assented.)

THE HONOURABLE MR. G. S. KHAPARDE : Monday is better.

THE HONOURABLE THE PRESIDENT : The third reading of the Bill still remains. I am not in a position to know to what length Honourable Members are going in the debate on the 3rd reading of the Bill, and what the length of their speeches will be. If there is a reasonable chance of the Bill being finished within one hour from now, I will stay on. Otherwise, I shall have to adjourn.

THE HONOURABLE MR. G. A. NATESAN : We will stay on.

THE HONOURABLE MR. V. RAMADAS PANTULU : I think we can finish in one hour. I am speaking for my side. I do not know what the other side intends to do. I promise to be as brief as possible.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : It is hardly fair to say that we will be as brief as possible. That means nothing. If the Bill is to be finished in one hour, that means that they should not take more than 15 minutes in all in order that the oppositionists may have 45 minutes, and that does not seem to be practicable.

THE HONOURABLE THE PRESIDENT : Let us hear what the Honourable Mr. Khaparde has got to say.

THE HONOURABLE MR. G. S. KHAPARDE : Sir, I wish to speak, because some of my remarks that I wished to make in my first speech had to be curtailed, or omitted altogether, and I consoled myself with the idea that I would be able to finish them when the third reading comes up.

THE HONOURABLE THE PRESIDENT : The Council will now adjourn till 2-30 P.M. this afternoon.

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

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

THE HONOURABLE MR. V. RAMADAS PANTULU : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

[Mr. V. Ramadas Pantulu.]

After the handsome support that this House has given to this Bill on its second reading it is hardly necessary for me to make any long speech to convince Members of this House of the beneficial nature of this measure. However, as there is a determined opposition to it from some quarters of this House, I wish to say a few words in support of it on the third reading. As regards the magnitude of the evil that the Bill seeks to remedy, there does not seem to have been much difference of opinion in this House. I have not heard any Honourable Member seriously advocating the views that infant marriages were good and that no evils followed from having infant wives and child mothers. That I take it can be taken to be the consensus of opinion of the House as a whole. If the conclusions recorded by the Age of Consent Committee are not sufficient to convince the public of the evils of this custom, I would like to quote one passage from an experienced administrator who has seen much of Indian life in this country and who can take an impartial view. I am not quoting from an irresponsible critic like Miss Mayo but from a person in authority and who is fully alive to his responsibility when he makes statements, I mean no other than the Honourable Sir James Crerar, the Home Member of the Government of India. In supporting this Bill he used the following words :

“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 claim to 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.”

The Honourable Member was evidently referring in the closing words of the passage to the deteriorating manhood of the country. Sir, those who say that children born of child wives and child mothers are fit to take their legitimate place in the government of this country, speak without the facts. I am connected with a University and have been for a long time. I know something about the University Training Corps and how it works. Almost every Brahmin boy, almost every boy who is the victim of early marriages is found to be married before he is 18, and generally he seeks exemption from the University Training Corps. And the attempts made by the educated Members of the Assembly and the Council of State to make military training compulsory, or even to encourage boys to take to voluntary organisations like the Territorial Force and University Corps, have proved absolutely futile, because the physique of these people has not permitted it. What greater proof do you want of the evil when it makes the young men of the present day unfit to be soldiers in the defence of their country? I wish the Commander-in-Chief were here. He is a very liberal minded soldier and a statesman who has given his support to the recommendations of the Andrew Skeen Committee. But how could we ask him and his successors to Indianize the Army more and more

if you are going to persist in this vicious custom which is producing so-called *men* who are absolutely unfit to defend their country ?

AN HONOURABLE MEMBER : Will you produce them if you pass this Bill ?

THE HONOURABLE MR. V. RAMADAS PANTULU : I cannot convince the unconvincible. Next I ask my Mussulman friends here to ponder over this matter. We are fighting the cause of the whole nation, not of the Hindu community or the Mussulman or Parsi or Christian community. This Bill takes into consideration the Indian nation as a whole, and I believe that sooner or later they will recognize that we, Hindu and Mussulman, stand side by side as one nation ; then let us produce men and not degenerate hopeless babies. Therefore, Sir, there is hardly any necessity to argue with a right thinking man who is patriotic, who wishes for progress, to agree to what this Bill provides for.

With regard to the legitimacy of social legislation much has been said. I do not wish to take more than a single minute over that question, and in doing so, I shall cite two sentences from the speech of Sir Malcolm Hailey which he made in 1924 in connection with another Bill which was also intended to give protection to minor girls in another direction. On that occasion the Home Member said :

" In fact, I believe that all social legislation should proceed by gradual stages, providing social opinion with new standards and traditions at each step. If this is done, then when the Legislature makes each new step forward, it will have behind it a body of solid and convinced public opinion prepared to make the law effective.

Thus only can we secure that the social law should not be the sole creation of the Legislature, but that it should in fact be the endorsement at each stage of the social standards of the great mass of thinking men."

He is not speaking of non-thinking men whom nothing can convince ; to the great mass of " thinking men " in the community he refers.

He also says :

" Still it is a sound principle of social legislation that the Legislature should always be somewhat in advance of current opinion, while of course avoiding going so far in advance of that opinion that the law in itself would become inoperative."

These are very sound principles which I commend to the attention of the House, and I claim for this Bill in a very large measure adherence to these principles which were so well and succinctly enunciated by Sir Malcolm Hailey.

Sir, to speak of such a measure as a measure of a communal character is not right. When we have now arrived at a stage when the Legislatures are intended to legislate on matters affecting the nation as a whole, on matters dealing with national problems and the civil rights of the people, we cannot but trench upon religious and social custom. No national problem or civil rights can be properly solved without in some measure, in a country like India, dealing with social and religious matters. To deny that right to this Legislature is to deny progress to this country. Therefore, I do not think there is very much in that. Some of my Honourable friends made much of personal freedom being curtailed by this measure. Legislation in all countries at all times has curtailed personal freedom to a certain extent in national interests. Those who think that legislation has no right to curtail personal freedom and that a Legislature

[Mr. V. Ramadas Pantulu.]

cannot legislate in the interests of the nation and in doing so cannot curtail the liberty and freedom of people, will do well to read one of the oldest books on Jurisprudence now extant, the Institutes of Justinian, which all of us have been taught while students of law. Justinian gives numerous instances of legislation affecting personal freedom. It is not a new doctrine. I claim that if this evil custom has to be put an end to, personal freedom has to be curtailed, as in many cases it has been curtailed. That is not an argument which can be advanced on a sound juristic point of view.

Sir, I do not wish to keep this Council much longer. This Council has no doubt not had very great reputation for being progressive in its political or economic ideals. Some of the ladies who were interested in this legislation came to me and said, "Mr. Pantulu, do you expect your reactionary Council will see the measure through?" I assured them that though we were not progressive in political or economic matters, we might prove radical in the social sphere, and my prognostication has come true. And in this respect I wish once more to accord the thanks of myself personally and of all those interested in the success of this measure to the Government who have brought to bear on this question a very progressive view. (Hear, hear.) If Britishers are not ready to take us along the path of political progress as quickly as we want them to do, at least they can bring into the administration and the social life in this country the progressive British ideals which are suitable, and in this matter I think they have acted rightly. Therefore, Sir, the only choice for this House is between national degeneration or stagnation, and healthy national progress. Do you want to continue to be slaves unable to defend your person and property, your homes and hearths, or do you want to march along progressive lines to the Commonwealth of British Nations, in which free India will have her legitimate part? I am an advocate of Dominion Status and not an advocate of severance of the British connection. Therefore, I may legitimately appeal to Britishers here to join the Hindus, Muhammadans, Christians and Parsis in this country and do all they can to lead this country to the fulfilment of the goal of a self-governing, free and liberated India; and that can be done partly by improving the social conditions of this country. This measure is one of that nature, and I hope that Europeans and Indians will join hands not only in passing it but also in administering the measure for the benefit of this country. (Applause.)

THE HONOURABLE MR. P. C. DESIKA CHARI: Sir, I wish to be very brief. I feel it my duty to oppose the passage of the Bill. I raise my feeble voice of protest against the violation of religious sacraments and the liberty of conscience in socio-religious matters. I have made it perfectly clear that I do not take my stand, in opposing the Bill, on the Shastras or on the various arguments put forward by the orthodox section. My view is that under any circumstances we should not allow any violation of our religion; my zeal for social reform I will not allow to outrun my duty to my religion, and if the religion which my forefathers have had for centuries back has not been a good religion, it could not have survived to this day, as has been elaborately pointed out by my Honourable friend Mr. Khaparde. In any future constitution I think it must be made the basic principle that there ought to be no interference with religion, and if that is acceded to, then it is quite possible for the Eastern people to advance, to make satisfactory progress in political advancement.

If that principle is not accepted in any constitutional change, if it is not kept in view in enacting any legislative measures, then I think political progress is absolutely impossible. To an easterner, and I think to all people inhabiting all parts of the world, religion is dearer even than political liberty. That being the case, if you allow any, the least infringement of religious liberty and if you violate religious tolerance in any manner, then any further progress is impossible ; and the object, which my friend the Honourable Mr. Ramadas Pantulu has so eloquently pleaded for in the interests of the Indian nation, will be frustrated if you tamper with religion.

Sir, I have got one word in reply to what my friend the Honourable the Leader of the House said this morning. He referred to something being in the blood, something being in the heredity of certain persons, who cannot rise to supreme occasion, who cannot think of any sacrifice, when the interests of the country demand it. Sir, I do not know what blood runs in his veins, but I may say this, that the same blood of my forefathers, which was able to resist all attempts, all the gentle methods of the Quoran or the sword which foreigners carried, runs in my veins ; and I would not even at the risk of my life allow my religion to be tampered with ; my friend the Honourable the Leader of the House may belong to that class of people, Indians, who have the blood which could not resist the propaganda of the Quoran or the sword and who have fallen a victim to the propaganda of conversion. Well, it is quite enough for the present purpose to tell him and to tell the other Members of this House that, whatever may be the condition to which we have been reduced by centuries of foreign invasion and foreign conquest, we still have that in our blood which will resist and resist to the last breath of our nostrils any attempt to tamper with or violate our religion and religious principles. I admire the grim determination of the supporters of social reform. I admire the grim determination of the combination of the social reformers and the Honourable Members on the Treasury Benches not to allow a semi-colon or a full stop or even the obvious faults which have been pointed out to them to be interfered with. They regard this Bill as sacrosanct and the decision of this House on the amendment of my friend the Honourable Saiyed Mohammed Padshah Sahib Bahadur, pointing out an obvious error, gave me an indication of the temper of the House. Not that I was under any delusion as regards the general attitude of the Treasury Benches or of the sponsors of the Bill. I was aware from the very beginning that we were fighting a hopeless battle. I was aware that we were only repeating what we on this side as well as some of those people who have joined hands with the Government have been doing all along—in other words, we are quite accustomed to playing what in tennis is called love sets. We have been repeatedly giving the Treasury Benches the pleasure of playing love sets and in these two days we have given them further pleasure in that direction. And the attitude of the House in not allowing any consideration for hard cases—even such hard cases as have been regarded as necessary in the most advanced countries where they have marriage laws—that mentality of the people who are in support of the Bill really indicates in what direction they are going to lead the people of this country. They are not in favour of social reform being carried out by evolution even to a limited extent. They are not even in favour of enforcing social legislation to some extent and allowing further time for social evolution to have free play. I

[Mr. V. Ramadas Pantulu.]

think they have demonstrated to the people of India that they have got faith in social revolution. Well, that is one good thing gained. I do not know if this principle of revolution in social matters may not be taken up in other directions also. I do not know whether it is good or bad, but there it is. This is an object lesson to the public at large. Well, with the passage of the Bill, this combination ends here and the Government will be the sole surviving partner to reap a plentiful crop of trouble. They will be the persons who will be left this legacy and they will be in sole charge of it. I wish them joy of it.

With these words, I oppose the passage of this Bill.

THE HONOURABLE MR. SURPUT SING : Sir, when I find that none of the amendments which we who are in the minority in this House have moved has been accepted, I cannot but oppose the Bill as a whole at this stage. The country, excepting a small minority, is not yet prepared to accept such an abrupt measure which does not provide even for liberty of conscience and exceptional circumstances. The orthodox section are silently smarting under the wrong which is going to be perpetrated on them. Our country is yet a stronghold of great traditions and we cannot persuade ourselves to engraft upon our institutions western or American institutions. East is East, and West is West, and the two cannot meet. Let us have first compulsory education of the masses and independence in the matter of our own administration and then we can aspire to assimilate such legislation as is sought to be thrust upon us.

With these words, Sir, I beg to oppose the third reading of the Bill.

THE HONOURABLE MR. G. S. KHAPARDE : I also join my friends in opposing the passage of this Bill though I recognise that it is inevitable and it will pass, notwithstanding all that I have to say. I shall not repeat my arguments which I have already placed before the House, but circumstances compelled me to omit certain things and those I find are very useful and may be urged even at this stage. If they do not take effect at once, I believe they will gradually percolate into the minds of my opponents and eventually they will come to agree with me. The thing is that in the East and in the West there are certain principles which are common and which are well understood and I believe it is useful to draw attention to them, though I shall not delay the House nor argue them out at great length. Society in the West is now recognised as a sociological order; that man was descended from an animal and was first in the stages of an animal and then gradually like a gregarious animal came in and evolved in course of time. That is their theory. But that is not our theory and we believe, as also the Christians believe, that the first man, that is Adam, was the best of men. That Adam who was the first man was really a very great man. On that point I and the Christians and Muhammadans and every other person of any religion agree. In the West, however, evolution went on as they take it and I also accept the rules and the general canons that have been derived from evolution. As they say, society first was based entirely on force, then gradually some good notions percolated into it and gradually it attained the present stage. That is their belief. Our belief is

different. I can support it by texts but I prefer to put that plainly so that people may easily understand. Our idea is that the Aryan race, certainly when it began life, stood together somehow and then divided itself into four parts, to give them the present four castes that we depend upon. They selected the best and the wisest among them to form the Brahmins, the strongest amongst them to become the Kshatriyas, the fighting race, and the middling people having money and commerce as the Vaishya or trading class. Those who could not fall within any of these classes became the servants

3 P.M.

class, or Sudras. This is supported by well-known Vedic texts. There has been a complaint that I have been fighting without quoting any texts. This afternoon, I shall quote one text: "Brahmanosya Mukhamusit Babu Rajanyan Kritah". This is a well-known text. We know that this division that was originally made was one of the wisest and the best. The Brahmins were to strive to preserve religion and learning and make themselves better. The duties ascribed to them were of a peculiar character, more or less appropriate to the class that was set apart for them. That class was not to look upon life as a pleasant occupation or should not try to make life pleasant. Their life was to be of asceticism, of thinking, of contemplation and of doing everything good but seeking no pleasures. That class has specialised and from generation to generation this doctrine has been preached to them and to their children. Therefore, there are more restrictions upon a Brahmin than on anybody else in the whole society. One principle has been that power and wealth should be divorced from each other. The Brahmin who would have the greatest honour was bound to be very poor. He was wedded to poverty as it was. The other principle was that he who had a great deal of money should not have power in politics. Rather strange doctrine, as you would think, but it is true all the same. The Kshatriya class were to be the most powerful, very able in war, and very great men. They were to be the Kings. The Brahmin was not permitted to be a king. The powerful man was permitted to be a king. But that king had to take certain vows, that he will not beg, that he will not submit to foreign rule, and so on. They were also a specialised class. That class was permitted to marry at any age it liked and whomsoever it pleased. He was to get strong and travel and see how people fight. The Vaishya class was given great power to acquire as much wealth as it liked. They were to have all the goods of the world, land, cattle, etc. Except as jurors in a trial, they had no other power. When cases had to be decided, the Vaishya class used to be jurors. One principle.....

THE HONOURABLE THE PRESIDENT: I am afraid the Honourable Member will try the patience of the Council if he pursues the line that he is at present following. The speech that the Honourable Member is making is relevant only in so far as it would be relevant to any question in this Council affecting India as a whole. In no other sense is it relevant.

THE HONOURABLE MR. G. S. KHAPARDE: Is it permissible to point out the relevancy of what I am saying?

THE HONOURABLE THE PRESIDENT: If the Honourable Member would do so.

THE HONOURABLE MR. G. S. KHAPARDE : I will point out the relevancy of it. In India, as elsewhere, in every society, the King had no power to legislate. The King has no power of legislation even now in England. On that point we are agreed. The executive is merely the executive. Legislative power was given only to the learned, and to those who made a special study of it. On that point, for the present, the Hindu law and the Muhammadan law agree. Among the Muhammadans, the king was a limited monarch ; he was not an absolute despot. He was restricted by *fatwas* and orders of the Ulemas. No one can claim that the king should have any legislative powers. The Ulemas are the learned persons who should be specially consulted in legislative matters. There also, I think, we are agreed. The great respect that is paid to experts in England is due to that. As regards persons having a great deal of money being allowed to accumulate as much wealth as they like, that is also conceded in the present policy. So, the ancient policy that I have been advocating and trying to bring before this Honourable Council is not in conflict with the ideas that are prevalent now. It was said that I could not get out of what was in my blood, and that I could not rise to the importance of the occasion. I cannot understand why this has been alleged. I humbly submit that, for myself at any rate, I have risen equal to the occasion and I have urged the things that appear to be necessary. I did not defend my case with Vedic texts nor did I try to interpret those texts. I defended my case on sociological grounds, on economic grounds and on political grounds. That being so, I submit that it is time that the British Government governing here should learn something of the ancient policy and adopt something of it to make it consonant with our ideas and our habits. It is not entirely right to borrow the whole of a body of law from a different country and put it into practice here. The Council will remember that I moved an amendment to-day saying that Brahmins and Muhammadans should be excluded from the operation of this law. That was lost and it was believed that I had some sinister object behind it. There was nothing sinister. We are agreed that kings have no legislative power, also that the people who aspired to lay down laws should be wedded to poverty as the Fakirs and Brahmins were. These two points being common, and Brahmins being a special class, having nothing to do but to think and to philosophise and to assist in legislation.....

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : They should be placed above the law ?

THE HONOURABLE MR. G. S. KHAPARDE : I do not think so. The Brahmin had to marry at an early age as a duty. The girl also had to be married early so that she might be brought up in the traditions of poverty and righteousness—as it is called now in England, plain living and high thinking. These were the specialities of the Brahmin. Therefore to him early marriage was made a duty.

(The Honourable Member here quoted a Sanskrit text.)

All these texts come in there. Then come the Kshatriyas and the Vaishyas. So, this law affected the Brahmins most, and my Muhammadan friends, who have a religious objection, come in with us here.

Another point is that legislation of this character would have to be debated considerably in the country and understood by the people. That point has been taken by the Muhammadans. Unfortunately, in this particular case, the Bill came in about 1927, and was published in the Gazette. But I confess I never read the Gazette before I came to the Council. There are many people who do not read the Government Gazette until they come to the Council unless they have some political case to argue. Therefore, it never reached the general public. It was discussed in the papers, but India is not a country where everybody reads a newspaper. So, the news of this legislation never reached those whom it would affect most. That objection has been taken, and I do not mean to re-argue it. I only refer to it. In the temper of this House—my friend has referred to it—they would not accept even the change of a comma. Even the amendment of an obvious error was not accepted. That being so, we have to fall back upon our own resources. They would not accept even the most reasonable explanation or amendment. What are we to do? Well, we have to consider these things ourselves and see what can possibly be done in the circumstances. And what appears to me to be possible under the present circumstances is to sit quietly and let these things happen and let the people who have taken part in it take the consequences. That appears to be the only way out of it and I propose to take that way, to say nothing, let those who have embarked upon this tremendous adventure take what is coming. I suppose in course of time they will learn and I shall be very glad if they succeed and do not come to grief. If they do, I shall get up and say, "I told you so".

The other point which I wish to lay stress upon and which I specially depend upon is that this legislation having been begun in one direction has been carried into another direction. Originally intended to be purely social, it has been changed into a penal and criminal law. But that has been held by the Council to be right, and I have no justification in arguing that and do not mean to. But I may say at the same time that we feel that it is rather an insult added to injury. Notwithstanding these obvious mistakes and obvious changes in principle, that has not been acknowledged and no concession made to us.

The third point which I have to take is that the orthodox community has been entirely ignored. That point was taken by me and argued. We were not on the Committee, we had nothing to do with it at all, and yet we are the persons who are to endure the consequences of this legislation. That point has already been taken and I only mention it in this last stage so that Honourable Members may remember it when they vote for the passing of this Bill.

Last of all, I know that this Bill will be passed. I shall give it a blessing, the same blessing which Desdemona's father gave her when she decided to marry Othello. And that blessing I shall give because they are not enemies; after all they are my friends and countrymen, who think one way while I think another way. After all the good intention is common to both, and so far as it is intended to be good, let us all believe that everybody is honest and willing to do his best for the country. I am quite willing to believe that.

[Mr. G. S. Khaparde.]

Therefore there is no private malice in this matter ; there is only this different view. I think that if this matter could be adjusted more in consonance with custom as it has existed it would be better. There are others who think that this House should be pulled down and a new one built. They have their view ; I have mine ; I would like things to be brought back into some kind of accordance with the traditions of my people and in consonance with the sentiments of our forefathers. I do not want to labour the question, beyond saying that nothing of the old law now remains ; inheritance has gone, marriage has gone ; property has gone ; crimes have gone ; procedure has gone. What is left to me is to fall back upon myself and believe that God is doing everything for the best, and if He is taking away everything, kind Providence will continue to take care of us and will provide a way out. And if things do not fall out as is expected, I cannot help it. I have done what little lay in my power to restore the old as far as it could be restored. That being so, with this blessing of Desdemona's father to Desdemona I shall close. (Applause.)

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, I rise to give my warm and whole-hearted support to the passage of this Bill on behalf of minority communities in India, and particularly on behalf of my small community which has always led the way of progress in this country. Sir, if this Bill is passed, it will be acknowledged that it is a Bill of an epoch-making character. It will be a definite milestone in the evolution of the social, economic and intellectual progress of this country. It will raise India to a new status ; it will enable her to take her rightful place among the other nations of the world ; it will enable her to march on the road towards self-government, because I believe no country is ripe for self-government which is not up-to-date in the matter of social reform.

Sir, the wisdom of a marriage law, as also its necessity, has been questioned by many of the Honourable Members here as well as in the other House, and by a certain section of the public. I must concede that there is some truth and reason in the position which is taken up by a section of the people that what we were concerned with in this country was to make an advance in the age of consent and it has happened that the age of consent has remained stationary while a marriage law has been introduced into this country. We have only to look at the brief history of the legislation in this matter. The age of consent was first fixed by the Indian Penal Code at 10 and it did not make any difference between marital and extra-marital rights. That state of the law continued for 31 years till the case of Harimohan Matti, which is reported in 18 Indian Law Reports, brought to light many deficiencies in our law, and so much public attention was directed to the subject on that occasion that in 1891 the Government thought fit to bring in a measure to increase the age of consent from 10 to 12. In introducing that measure Sir Andrew Scoble said that it is the right and duty of the State to interfere for the protection of any class of its subjects where proved necessity exists. The law was then modified and the age was raised to 12 years, but it was not extended to extra-marital cases. The law then continued the same for 34 years, when in 1922 some Honourable Members in the Assembly brought in private Bills which did not receive approval and support for some reason or another. Then, in 1925, Sir Alexander

Muddiman brought forward a measure for the amendment of section 375 and to increase the age of consent from 12 to 13 in marital cases and from 13 to 14 in extra-marital cases. That measure was passed by a very large majority in the House. Two years afterwards Sir Hari Singh Gour brought in a measure for the further extension of the age of consent from 12 to 14 in marital cases. But that Bill was withdrawn at the request of the Government of India who had decided to appoint a talented committee to enquire into the question of the age of consent both in marital and in extra-marital cases. On that assurance the motion was withdrawn, with the result that this committee was appointed to investigate the question of the age of consent. That committee after recording evidence came to the conclusion that we had in the past progressed on a wrong basis; that in the past we had only tried to increase the age of consent, and any law regarding the age of consent could not be successful on account of the very nature of the offence of early consummation before puberty and after, which was generally committed in secrecy, and the unwillingness of guardians and parents to expose their children to any criminal law. It was for that very reason that this matter was carefully considered and the Committee was of opinion that unless some supplementary or auxiliary legislation was brought forward in the shape of a marriage law, protecting the age of marriage and penalising marriages under a certain age, no measure of age of consent would ever be effectual in this country. It was for this very reason that they recommended the passing of a marriage law in order that such marriage law might attain more effectually and quickly the object which we all have in view; and it was therefore that this Marriage Bill has been brought forward, to which so much opposition has been raised. Sir, that being the history of the case, I should think every reasonable man ought to welcome this measure. I do not wish to repeat the stories of the atrocities perpetrated on young child-wives. I do not wish to go into the history of this matter. Anybody who reads the five chapters devoted to this subject by the Committee will shed tears regarding the misery and the injury sustained by poor, innocent, immature girls at the hands sometimes only of boy husbands, but in a majority of cases of husbands of riper years, men of 40 and 50 who marry girls of 10 and 12 and consummate their marriages at these ages. Sir, I may say this Council has always been ready and willing to respect the feelings and sentiments of opponents. In passing this measure we are not acting against the feeling of any religious community or trying deliberately to injure them. Some of our countrymen look at this question from a different point of view, but I have not the slightest doubt that this measure, when passed and placed on the Statute-book, will justify its existence, and our friends who have to-day warmly opposed this measure on various grounds will thank us for this legislation—brought forward by a private individual and supported and passed in this House. In a matter of this character, there is always a certain amount of dissatisfaction and discontent. No measure of any character affecting the social condition of any community can be passed or brought forward in this House without causing a certain amount of dissatisfaction and agitation in the country. But we have to look to the fact that that agitation will always be of a perennial character, and when better counsels prevail and when the community is educated and realises the fact that this legislation which we are now about to embark on is of a parental character and for the benefit

[Sir Maneckji Dadabhoy.]

of the community, for the growth of healthy children, for healthy progeny, for the benefit of generations that will succeed us and who will take part in the comity of nations, it will be realised that we are not enemies, as my friend on the right has said this afternoon. The Honourable Mr. Khaparde has given us the same blessing that Desdemona's father gave her. I hope he will live to see the realisation of the progress made in this country and for the social evolution that will take place.

Sir, this is an Act which, when passed, will cause no hardship. Provision has been made for cases to be tried by District Magistrates or Presidency Magistrates. The offence is made non-cognisable; it is made bailable; it is made compoundable when the girl is over 12 years of age and non-compoundable when the girl is under 12 years of age. Therefore, in the administration of this Act I have not the slightest fear that any serious hardship will be caused. My friend has spoken of the hardships that will be caused, but I have not the slightest doubt that the Government, when this Bill is passed, will issue executive instructions that this Act, for the first 12 months or two years, should not only be applied with justice, but also with clemency, and that they will take every measure in their power to educate public opinion. Sir, I shall not take up the time of the Council any further. I give this measure my blessing and I only hope that when this Bill is passed, it may prepare India for still larger measures of progress on which the glory of this country alone depends.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : Sir, if I rise to take part in the debate, I do so merely to enter my emphatic protest against the passing of this Bill on my own behalf and on behalf of my Honourable friends, the Mussalman Members of this Council, who this morning voted for the exemption of Mussalmans from the operation of the Bill. Sir, at this belated hour, I do not propose to speak at any length. I do not wish to cover the ground which has already been traversed by my Honourable friends who have been labouring to induce my other friends to be a little more careful and considerate. All that I wish to say is that this Legislature or, for the matter of that, any Legislature has no power to legislate in matters which come entirely within the purview of religion and personal law. As has already been observed by my Honourable friend Mr. Khaparde, even in the olden days the Mussalman Kings too had no such powers. In all matters which affected religion, it was only the Muftis who were empowered to issue *fatwas*. The rules were so rigorous that not even every Maulvi or priest was competent to issue *fatwas*; it was only such of them as had made a critical study of Islamic laws and had earned the distinction of Muftis who were empowered to issue those *fatwas* on matters religious.

Now, Sir, in spite of all that has been said and done here on behalf of the Government, I think it would have been very much better if the official block had remained neutral in this matter. Though I refuse to concur with his views, I tender my congratulations to the Honourable the Leader of this House for the able speech which he made this morning. But I am constrained to say that, in spite of his eloquence, in spite of the powers of advocacy which he pressed into his service, and in spite of the fact that he put the case for the Government as strongly as it could possibly be put, he has failed to convince us. Sir, I cannot

but say that it would have better behoved this House, which is the revising Chamber, to have taken some time coolly to consider this matter. Sir, it cannot be denied that the measure proposed is full of flaws and defects. Even in spite of the fact that all my Honourable friends here refused to allow any of the amendments moved in the House to be passed, they had to admit that they realised the defects in the framing of the Bill but they pressed that the measure should be passed here and at this moment only because all these defects could be corrected by a supplementary Bill. This fact and also the fact that all the amendments proposed in the other House were defeated, go to show that the Bill which has received the blessing of so many of my Honourable friends here is not of the kind which could be claimed to be perfect and exhaustive. Sir, there are a number of things which require to be corrected if the Bill is really intended to be put into operation. To point out one of the many defects, there is nothing said here as to how the age of the parties concerned is to be proved. And the very fact that the offence is not made cognizable and the courts are empowered to take action only if a complaint is made goes to show that there is an inherent defect in the law. Another thing, Sir, this is a matter which has taken nearly three years for the Legislative Assembly to dispose of. Is it fair that this House, which is considered to be a revising Chamber, should have thought of disposing of it in three days? Well, Sir, as I do not wish to detain the House any longer, all that I wish to say is that this measure is not at all necessary and justifiable and that whatever reforms we propose to introduce should be by way of education and the influencing of public opinion.

THE HONOURABLE SIR DINSHAW WACHA (Bombay : Nominated Non-Official) : Sir, I will only detain the Council for two minutes. During the eight years' existence of the Central Legislature, I believe that no Bill has been brought before it of such vital interest from all points of view, specially social and moral, for the welfare of the whole population of this country, than the one which has occupied its attention for many a long hour. It is a great satisfaction to me as well as to the whole of the Legislature that the Assembly has achieved signal success by passing this Bill by an overwhelming majority. It was very wise on the part of the Assembly to have done so, and it is really creditable to them that they have asserted commonsense and also discharged their responsibility. In this House, you, Sir, have, with your stern judicial impartiality, given almost every Member of the House, of every shade of opinion an opportunity to express themselves fully and frankly. I have not known in my long experience such an expression of opinion as that expressed in this House to-day. But apart from that, what I most appreciated was that the Honourable the Leader of the House was able to expound to us the many marital provisions of the Islamic law, and at the same time express his own views and criticisms thereon on the statements made by some of our friends here. I fully believe that all the Members have, too, appreciated it. We are very grateful to the Leader of the House, the Honourable Sir Fazl-i-Husain, for having so lucidly and so admirably expounded the whole of the Islamic law on this special subject. It was a very great pleasure to us to hear him. I hope that this House will unanimously pass this Bill without any contradictory assertion on the subject. This House has been considered the house of "elderly statesmen" of sound practical statesmanship. As such not only should they maintain their reputation but greatly enhance it by passing unanimously to-day this

[Sir Dinshaw Wacha.]

Bill, which is a strong monument of British tolerance and British sense of justice as well as of British civilization. This is all that I have to say. I repeat that this Council will unanimously pass this Bill.

THE HONOURABLE MR. V. RAMADAS PANTULU : Sir, I shall not detain the House for more than a couple of minutes. I have reserved to the last the discharge of an obvious duty which I owe to the introducer of this Bill in the other House, Rai Sahib Harbilas Sarda, to whom the Indian community should be really grateful. He belongs to the past generation as my friend the Honourable Mr. Khaparde does. It shows that, even among those belonging to the generation which is passing away there are men who can take a far-sighted view of things and adopt a national outlook. It is inevitable that the past which is gliding away slowly into the future through the present should have its mourners, and Mr. Khaparde has performed the part of a mourner very admirably in this House yesterday and to-day. Sir, that the objections advanced by my friend, Mr. Khaparde, are not those which are shared by enlightened orthodox people in this country is borne out by the fact that the pillar of orthodoxy in the other House, Pandit Madan Mohan Malaviya, did not raise any objection to the principle of the Bill or did not take any objection to the competency of the Legislature to enact a measure of this sort. On grounds of expediency he pleaded that the age might be fixed at 12 instead of 14. That is a sufficient answer, I think, to the fundamental objections sought to be raised by my friend, Mr. Khaparde. With regard to my friend, Mr. Chari, he characterised the measure as one of social revolution. I admit it in the sense that the change is of a revolutionary character, but it is not going to lead to any revolution. The country by a slow process of evolution, economic, social and political, has been fully prepared for the reception of a measure like this, and the only thing that there is for us to do is to give the necessary moral stimulus to make the evolution more complete, rapid and perfect. Therefore, in that sense the revolutionary change will permeate society by a silent process of motion. I do not wish to dwell upon the other objection that the Bill has raised. Without any sense of egotism I can claim for myself and for my friends, Dr. Rama Rau and Mr. Natesan, that we all belong to an orthodox community who have the highest reverence for the Hindu tradition, culture and religion, and we all belong to the Brahmin community. We assert from our experience that there will be no great discontent among the orthodox community. There may be a small ripple on the placid surface of orthodoxy—orthodoxy which is unfortunately in a state of pathetic contentment with regard to national progress. Nothing more than that. Why the advocacy of men like Mr. Khaparde and Mr. Chari will not go home to the thinking population of this country is that, while they themselves have got all that is best in India to-day, all that civilisation, education and foreign contact have given to them—I believe Mr. Khaparde's sons are in the Indian Civil Service—they want to see that these poor girls should be regulated by the ancient laws and custom and they should be denied all the benefits of a fuller and higher life which India offers them to-day. This cannot carry conviction, for the poet Morsel says :

“Thou must be true to thyself if thou another would teach :
Thy soul must overflow if thou another would reach.”

I therefore hope that my Honourable friends, Mr. Khaparde and Mr. Chari and those who have supported them, will reconcile themselves to the proposed reform. Nothing can stop the progress of this country. I hope they will not only reconcile themselves to this measure but give due publicity to its provisions and prepare the country for accepting it. With these few words I move that the Bill be passed.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the Bill to restrain the solemnisation of child marriages, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT : In the absence from the House, at the moment, of the Honourable the Leader of the House, I take it I am justified in assuming that the Government have no further business to bring before the Council in this current Session.

THE HONOURABLE MR. L. GRAHAM : That is correct, Sir. Government have finished their programme.

THE HONOURABLE THE PRESIDENT : That being so, I am not called upon to fix a date for any future meeting.

The Council will now adjourn.

The Council then adjourned *sine die*.

INDEX
TO
THE COUNCIL OF STATE DEBATES.

Volume II, 1929.

A

ACCOUNTANT(S)—

Question *re*—

— in the Post Office. 231, 32.

Raising of the posts of — in first class Head Post Offices to the selection grade of Rs. 160—250. 232.

Resolution *re* — in Post Offices. 68-72.

ADEN—

Question *re* transfer of the military control of — to His Majesty's Government. 2.

AIR MAIL SERVICES—

Question *re* opening of — in India. 6.

AIR SERVICE—

Statement (laid on the table) *re* proposed — from Karachi to Delhi. 320.

AKBAR KHAN, THE HONOURABLE MAJOR NAWAB MAHOMED—

Child Marriage Restraint Bill—

Motion to consider. 326, 341.

Motion to postpone consideration. 333-34, 336, 344.

Consideration of clause 1. 392-94, 395, 396, 403, 404, 405, 406, 408.

Resolution *re* establishment of a Privy Council in India. 248-49.

ALARM CHAINS—

Question *re* use of — by passengers in railway trains. 29-30.

ALLAHABAD—

Question *re* number of passengers coming to and starting from the railway stations at —, Cawnpore and Lucknow during the last five years, etc. 183.

Resolution *re* construction of a new central railway station at —, 163-67.

ALL-INDIA MEDICAL COUNCIL—

Question *re* creation of an —, etc. 12-13, 14.

L13CPB(CS)

ALLOWANCE—

Question *re* grant of conveyance — to clerks not provided with Government quarters in New Delhi. 319-20.

APPRENTICES—

Question *re* method of selection of — for the Technical School at Jamalpur. 317-18.

ARCHÆOLOGICAL DEPARTMENT—

Question *re* pay of the non-gazetted technical assistants of the Epigraphical Branch of the —, Southern Circle. 20.

ARICHA-DACCA RAILWAY—

See “ Railway(s) ”.

ASHRAF-UD-DIN AHMED, THE HONOURABLE KHAN BAHADUR NAWABZADA SAIYID—

Oath of Office. 79.

ASSISTANT ARCHÆOLOGICAL SUPERINTENDENT FOR EPIGRAPHY, MADRAS—

Question *re* —. 21.

ASTHANA, THE HONOURABLE MR. NARAYAN PRASAD—

Child Marriage Restraint Bill—

Consideration of clause 4. 376-77.

Hindu Law of Inheritance (Second Amendment) Bill—

Motion to introduce. 250-51.

Provident Funds (Amendment) Bill—

Consideration of clause 4. 217.

Question *re*—

Amalgamation of the Bengal and North-Western Railway and the Rohilkund and Kumaon Railway. 184.

Expenditure on the construction of the new railway stations at Lucknow and Cawnpore. 183.

Free allowance of luggage to passengers on Railways. 185.

Grant of compensation to Messrs. Hardindas Pearey Lal, saltpetre refiners of the Muttra District. 126-28.

Grant of conveyance allowance to clerks not provided with Government quarters in New Delhi. 319-20.

Issue of return tickets at reduced fares on the Great Indian Peninsula Railway. 185.

Number of passengers coming to and starting from the railway stations at Allahabad, Cawnpore and Lucknow, during the last five years, etc. 183.

Passenger fares on State Railways. 184.

Recruitment of the subordinate railway service on the East Indian and North-Western Railways. 183-84.

Revision of passenger fares on Railways during the last 25 years. 185-207.

ASTHANA, THE HONOURABLE MR. NARAYAN PRASAD—*contd.*

Resolution *re*—

Construction of a new central railway station at Allahabad. 163-64, 166-67.

Establishment of a Judicial Committee of the Privy Council in India. 45-46.

Free allowance of luggage to passengers on State Railways. 106-08, 113.

Transfer of Property (Amendment) Bill—

Consideration of clause 32. 283.

Transfer of Property (Amendment) Supplementary Bill—

Insertion of a new clause after clause 8. 295-96.

Consideration of clause 15. 298.

ATTORNEYS—

Question *re* undesirability of pleadings being drawn by ——. 11.

B

BANKING ENQUIRY COMMITTEE—

Question *re*—

Appointment of a representative of the Bengal Bankers' Federation to the Bengal Provincial ——. 4-5.

Scope of inquiry to be made by the Indian Central ——. 22.

BASU, THE HONOURABLE RAI BAHADUR SURESH CHANDRA—

Resolution *re* jail administration in British India. 179.

BENGAL—

Question *re* formation of a Waterways Board in ——. 24.

BENGAL AND NORTH-WESTERN RAILWAY—

See "Railway(s)".

BENGAL BANKERS' FEDERATION—

Question *re* appointment of a representative of the — to the Bengal Provincial Banking Enquiry Committee. 4-5.

BENGAL-NAGPUR RAILWAY—

See "Railway(s)".

BENGAL PILOT SERVICE (CENTRALISATION OF ADMINISTRATION) BILL—

See "Bill(s)".

BENGAL TELEPHONE CORPORATION, LIMITED—

Question *re* message rate system of charges levied by the ——. 235-44.

BILL(S)—

Bengal Pilot Service (Centralisation of Administration)—

—, as passed by the Legislative Assembly, laid on the table. 32.

Considered and passed. 222-23.

Burma Salt (Amendment)—

Introduced. 33.

Considered and passed. 75.

Passed by the Legislative Assembly. 320.

BILL(S)—*contd.*

Cattle Protection—

Introduced. 234-35.

Child Marriage Restraint—

—, as passed by the Legislative Assembly, laid on the table. 208.

Fixing of a date for consideration. 209-11.

Point of Order. 321-22.

Motion to consider. 322-29.

Motion to postpone consideration (negatived). 329-32.

Motion to consider (adopted). 339-69.

Consideration of clause 2. 369-73.

Consideration of clause 3. 373-75.

Consideration of clause 4. 376-77.

Consideration of clause 5. 377-79.

Consideration of clause 1. 383-421.

Motion to pass. 421-35.

Guardians and Wards (Amendment)—

Introduced. 34.

Considered and passed. 75-76.

Passed by the Legislative Assembly. 320.

Hindu Law of Inheritance (Amendment)—

Assent of the Governor General. 32.

Hindu Law of Inheritance (Second Amendment)—

Introduced. 250-51.

Indian Boilers (Amendment)—

—, as passed by the Legislative Assembly, laid on the table. 32.

Considered and passed. 219.

Indian Census—

—, as passed by the Legislative Assembly, laid on the table. 32.

Motion to consider. 219-20.

Consideration of clause 4. 220.

Consideration of clause 14. 221-22.

Motion to pass. 222.

Indian Cotton Cess (Amendment)—

Introduced. 33.

Considered and passed. 74.

Passed by the Legislative Assembly. 320.

Indian Finance—

Assent of the Governor General. 32.

Indian Income-tax (Provident Funds Relief)—

—, as passed by the Legislative Assembly, laid on the table. 208.

Fixing of a date for consideration. 208-09.

Motion to consider. 299-301.

Consideration of clause 5. 301-02.

Motion to pass. 302.

BILL(S)—*contd.*

Indian Limitation (Amendment)—

Assent of the Governor General. 32.

Indian Registration (Amendment)—

Introduced. 33.

Considered and passed. 74-75.

Passed by the Legislative Assembly. 320.

Indian Soft Coke Cess—

—, as passed by the Legislative Assembly, laid on the table. 32.

Considered and passed. 217-19.

Indian Succession (Amendment)—

Introduced. 34.

Considered and passed. 76-77.

Passed by the Legislative Assembly. 320.

Indian Tariff (Amendment)—

Assent of the Governor General. 32.

Indian Territorial Force (Amendment)—

Introduced. 33.

Motion to consider. 73-74.

Motion to pass. 74.

Passed by the Legislative Assembly. 320.

Presidency-towns Insolvency (Amendment)—

Assent of the Governor General. 32.

Prohibition of Export of Cattle—

Introduced. 128-30.

Provident Funds (Amendment)—

Introduced. 34.

Postponement of date for consideration. 76.

Motion to consider. 211-13.

Consideration of clause 4. 214-17.

Passed. 217.

Trade Disputes—

Assent of the Governor General. 32.

Transfer of Property (Amendment)—

—, as passed by the Legislative Assembly, laid on the table. 79.

Motion to consider. 253-60.

Consideration of clause 3. 260-69.

Consideration of clause 4. 269-74.

Consideration of clause 7. 274-76.

Consideration of clause 16. 276-78.

Consideration of clause 19. 278-80.

Consideration of clause 30. 280-81.

Consideration of clause 32. 282-84.

BILL(S)—concl'd.**Transfer of Property (Amendment)—cont'd.**

Consideration of clause 33. 284.

Consideration of clause 35. 285-89.

Consideration of clause 46. 289-91.

Consideration of clause 50. 291-95.

Motion to pass. 295.

Transfer of Property (Amendment) Supplementary—

—, as passed by the Legislative Assembly, laid on the table. 72.

Motion to consider. 295.

Consideration of the Schedule. 296-98.

Motion to pass. 299.

Workmen's Compensation (Amendment)—

Assent of the Governor General. 32.

BOILERS (AMENDMENT) BILL—

See "Indian ——" under "Bill(s)".

BONES—Resolution *re* export duty on oil-cakes, —, fish manure, etc. 130-50.**BRAHMAPUTRA—**Question *re* construction of a bridge over the —. 6.**BRIDGE—**Question *re* construction of a — over the Brahmaputra. 6.**BUCKLAND, MR. JUSTICE—**Question *re* number of cases compromised in the Court of — of the High Court, Calcutta. 11.**BURDON, THE HONOURABLE MR. E.—****Burma Salt (Amendment) Bill—**

Motion to introduce. 33.

Motion to consider. 75.

Motion to pass. 75.

Indian Income-tax (Provident Funds Relief) Bill—

Motion to consider. 299-301.

Consideration of clause 5. 301.

Motion to pass. 302.

Provident Funds (Amendment) Bill—

Motion to introduce. 34.

Postponement of date for consideration. 76.

Motion to consider. 211-13.

Consideration of clause 4. 214-15, 215-16, 217.

Motion to pass. 217.

Resolution *re*—

Export duty on rice. 82-88.

Grievances of the non-gazetted staff of Currency Offices in India and Burma. 93, 97-102, 104.

BURMA—

Question *re* delays in telegraphic communication between India and ——. 229.

BURMA SALT (AMENDMENT) BILL—

See “ Bill(s) ”.

BUSINESS—

See “ Statement of — ”.

C

CADETS—

Question *re* scholarships to — of the Training Ship “ Dufferin ”. 25-26.

CALCUTTA—

Question *re*—

Alleged ban on the newspaper *Liberty* of ——. 4.

Electrification of the suburban railways of ——. 11.

CALCUTTA TURF CLUB—

Question *re* rent paid by the — for the use of the maidan. 233.

CART ROAD—

Question *re* use of the — by the Darjeeling Himalayan Railway. 7-8.

CATTLE PROTECTION BILL—

See “ Bill(s) ”.

CAWNPORE—

Question *re*—

Expenditure on the construction of the new railway stations at Lucknow and ——. 183.

Number of passengers coming to and starting from the railway stations at Allahabad, — and Lucknow during the last five years, etc. 183.

CENSUS BILL—

See “ Indian — ” under “ Bill(s) ”.

CENTRAL ADVISORY COMMITTEES—

Question *re* number of — attached to the different Departments of the Government of India. 233-34.

CENTRAL MEDICAL RESEARCH INSTITUTE—

Resolution *re* most suitable location for the —, etc. 52-68.

CHAIRMEN—

Message from His Excellency the Viceroy nominating Members of the Council of State to be on the Panel of —. 31.

CHILD MARRIAGE RESTRAINT BILL—

See “ Bill(s) ”.

CHITTAGONG—

Question *re* trade of the Port of —. 24.

CLAIMS—

Question *re* extension of the date for the submission of the — of lascar seamen to the Controller, Local Clearing Office (Enemy Debts). 234.

CLAYTON, THE HONOURABLE MR. H. B.—

Child Marriage Restraint Bill—

Motion to consider. 348.

Resolution *re* grievances of the non-gazetted staff of Currency Offices in India and Burma. 103.

CLERKS—

Question *re*—

Duties of — and Town Inspectors of Post Offices. 318-19.

Grant of conveyance allowance to — not provided with Government quarters in New Delhi. 319-20.

CLOTH—

Question *re* import of cotton — from Italy. 22.

COLONIES—

Question *re* unemployment among Indians born in the — who have recently returned to India. 231.

COMMANDER-IN-CHIEF, HIS EXCELLENCY THE—

Indian Territorial Force (Amendment) Bill—

Motion to introduce. 33.

Motion to consider. 73.

Motion to pass. 74.

COMMERCE, DEPARTMENT OF—

Motion for the election of a panel for the Standing Advisory Committee of the —. 32.

Result of the elections to the panel of the Standing Advisory Committee for the —. 77.

COMMISSIONER OF MEDICAL QUALIFICATIONS AND STANDARDS—

Question *re* appointment of a whole-time —. 14.

COMMITTEE(S)—

Motion for the election of a panel for the Standing Advisory — of the Department of Commerce. 32.

Number of Standing —, Standing Advisory — and Central Advisory — attached to the different Departments of the Government of India. 233-34.

Question *re*—

Appointment of a representative of the Bengal Bankers' Federation to the Bengal Provincial Banking Enquiry —. 4-5.

Grant of passes by the Madras and Southern Mahratta Railway to representatives of the Tea Cess —. 30.

Recommendations of the Indian Mercantile Marine — and certain other —. 125-26.

COMMITTEE(S)—*contd.*

Question *re*—*contd.*

Scope of enquiry to be made by the Indian Central Banking Enquiry —. 22.

Result of the elections to the panel of the Standing Advisory — for the Department of Commerce. 77.

COMMITTEE ON PETITIONS—

Constitution of the —. 31.

COMPANY-MANAGED RAILWAYS—

See " Railway(s) ".

CONGRATULATIONS—

Tender of — to the Honourable Sir Charles Watson, the Honourable Major-General Sir Henry Symons and the Honourable Sir Cecil McWatters on the honours conferred on them. 35.

CONTAI—

Question *re* proposed railway between — and — Road station on the Bengal-Nagpur Railway. 17-18.

CONTROLLER, LOCAL CLEARING OFFICE (ENEMY DEBTS)—

Question *re* extension of the date for the submission of the claims of lascar seamen to the —. 234.

CONVEYANCE ALLOWANCE—

Question *re* grant of — to clerks not provided with Government quarters in New Delhi. 319-20.

COTTON—

Question *re*—

Egyptian scheme of loans to cultivators on security of — stored. 9-10.

Increase in the demand for Indian — in England. 7.

COTTON CESS (AMENDMENT) BILL—

See " Indian — " under " Bill(s) ".

COTTON CLOTH—

Question *re* imports of — from Italy. 22.

COTTON PIECE-GOODS—

Question *re* assessment of —. 5.

COUNTESS OF DUFFERIN'S FUND—

Question *re* contributions to the —, etc. 12.

CRERAR, THE HONOURABLE SIR JAMES—

Child Marriage Restraint Bill—

Consideration of clause 1. 413.

CULTIVATORS—

Question *re* Egyptian scheme of loans to — on security of cotton stored. 9-10.

CURRENCY OFFICES—

Resolution *re* grievances of the non-gazetted staff of the — in India and Burma. 88-105.

CUSTOM HOUSE, CALCUTTA—

Question *re* revision of the pay and prospects of the ministerial staff of the ——. 16-17.

CUSTOMS DUTY—

Question *re* procedure adopted by Government for levying — on goods destined for Indian States and foreign territories. 7.

D**DACCA-ARICHA RAILWAY—**

See “ Railway(s) ”.

DADABHOY, THE HONOURABLE SIR MANECKJI—**Child Marriage Restraint Bill—**

Motion to postpone consideration. 322, 333, 334, 335-37.

Motion to consider. 346, 349, 351, 357, 359, 362, 363, 364, 365.

Consideration of clause 1. 384, 394-96, 397, 398, 399, 400, 405.

Motion to pass. 430-32.

Provident Funds (Amendment) Bill—

Consideration of clause 4. 217.

Resolution *re*—

Establishment of a Judicial Committee of the Privy Council in India. 41-45, 50.

Export duty on oil-cakes, bones, fish manure, etc. 132-34, 135, 136, 144, 148.

Fixation of minimum wages in certain trades. 226-27, 305, 307-09, 310, 311, 313.

Grievances of the non-gazetted staff of Currency Offices in India and Burma. 102-03.

Jail administration in British India. 177, 180.

Prevention of floods. 122.

Reconstitution of the Central and Provincial Legislatures on a unicameral and entirely elected basis. 161.

Transfer of Property (Amendment) Bill—

Motion to consider. 255-57.

Consideration of clause 3. 267.

Consideration of clause 4. 270.

DARBHANGA, THE MAHARAJADHIRAJA SIR RAMESHWARA SINGH OF—

Expressions of regret by the Honourable the President in connection with the death of ——. 30-31.

DARJEELING HIMALAYAN RAILWAY—

See “ Railway(s) ”.

DARJEELING MAIL—

Question *re* stoppage of the down — at Jalpaiguri. 26, 27.

DEATH—

Expression of regret by the Honourable the President in connection with the — of the Maharajādhiraja Sir Rameshwara Singh of Darbhanga. 30-31.

DELHI—

Question *re* lien in respect of Government quarters at —. 319.

Statement (laid on the table) regarding proposed air service from Karachi to —. 320.

DEPARTMENT OF COMMERCE—

Motion for the election of a panel for the Standing Advisory Committee of the —. 32.

Result of the elections to the panel of the Standing Advisory Committee for the —. 77.

DESIKA CHARI, THE HONOURABLE MR. P. C.—

Child Marriage Restraint Bill—

Point of Order. 321.

Motion to consider. 325, 327, 363-68.

Motion to postpone consideration. 329-33, 336.

Consideration of clause 2. 369-70, 371.

Consideration of clause 1. 384, 386-87, 389, 403, 404, 410-11.

Motion to pass. 424-26.

Nomination of — as a member of the Committee on Petitions. 31.

Resolution *re* fixation of minimum wages in certain trades. 309-11, 313.

DOCTORS—

Question *re* Indian — employed in European hospitals, etc. 12.

DUFFERIN—

Question *re* scholarships to cadets of the Training Ship “ — ”. 25-26.

DUTT, THE HONOURABLE MR. P. C.—

Oath of Office. 1.

E

EASTERN BENGAL RAILWAY INDIAN EMPLOYEES' ASSOCIATION—

Question *re* resolutions passed at the eighth annual conference of the —. 26.

EAST INDIAN RAILWAY—

See “ Railway(s) ”.

ELECTRIC CURRENT—

Question *re* purchase by the East Indian Railway of — at certain stations to be served by the United Provinces Government's transmission lines. 10-11.

ELECTRIFICATION—Question *re*—

— of certain sections of the South Indian Railway. 10.

— of the suburban railways of Calcutta. 11.

EMBEZZLEMENT—Question *re* cases of fraud, — and financial irregularities on Railways. 11.**ENGLAND—**Question *re*—

Increasing the demand for Indian cotton in —. 7.

Sale of silver in large quantities in —. 3.

EPIGRAPHICAL BRANCH OF THE ARCHÆOLOGICAL DEPARTMENT, SOUTHERN CIRCLE—Question *re* pay of the non-gazetted technical assistants of the —. 20.**EPIGRAPHY—**Question *re* Assistant Archæological Superintendent for —, Madras. 21.**EUROPEAN HOSPITALS—**Question *re* Indian doctors employed in —, etc. 12.**EUROPEAN PRISONERS—**Question *re* treatment of —. 23-24.**EXAMINATIONS—**Question *re* — in the Postal Department. 27.**EXPORT DUTY—**Resolution *re*—

— on oil-cakes, bones, fish manure, etc. 130-50.

— on rice. 79-88.

F**FAZL-I-HUSAIN, THE HONOURABLE KHAN BAHADUR MIAN SIR—**

Child Marriage Restraint Bill—

Consideration of clause 1. 401-08.

Indian Cotton Cess (Amendment) Bill—

Motion to introduce. 33.

Motion to consider. 74.

Motion to pass. 74.

Motion for the election of a Member to the Governing Body of the Indian Research Fund Association. 227-28.

Oath of Office. 1.

Prohibition of Export of Cattle Bill—

Motion to introduce. 130.

Resolution *re*—

Export duty on oil-cakes, bones, fish manure, etc. 134-37, 139. 146-49.

FAZL-I-HUSAIN, THE HONOURABLE KHAN BAHADUR MIAN SIR—*contd.*

Resolution *re—contd.*

Fixation of minimum wages in certain trades. 227.

Most suitable location for the Central Medical Research Institute, etc. 56, 62, 64-67.

Statement of Business by —. 35, 122-23.

FINANCE BILL—

See “ Indian — ” under “ Bill(s) ”.

FINANCIAL IRREGULARITIES—

Question *re* cases of fraud, embezzlement and — on Railways. 11.

FISH-CURING—

Question *re* enhanced price of salt issued for —. 18-19.

FISH-CURING YARDS—

Question *re* transfer of the — in the Madras Presidency to the control and management of the Central Government. 19-20.

FISH MANURE—

Resolution *re* export duty on oil-cakes, bones, —, etc. 130-50.

FLOODS—

Question *re* — in India. 2-3.

Resolution *re* prevention of —. 114-22.

FOREIGN TERRITORIES—

Question *re* procedure adopted by Government for levying customs duty on goods destined for Indian States or —. 7.

FRAUD—

Question *re* cases of —, embezzlement and financial irregularities on Railways. 11.

FYFE, THE HONOURABLE MR. J. H.—

Election of — to the panel of the Standing Advisory Committee for the Department of Commerce. 77.

Oath of Office. 1.

G

GOLMURI—

Question *re* strike of the tinplate workers at —. 24.

GOODS—

Question *re* rates for passengers and — on the different State Railways. 21-22.

GOODS VANS—

Question *re* number of — running empty from one province to another. 13.

GOVERNMENT OF INDIA—

Question *re* issue by the — of a Resolution regarding land revenue. 6.

GOVERNMENT QUARTERS—

Question *re*—

Grant of conveyance allowance to clerks not provided with — in New Delhi. 319-20.

Lien in respect of — at Delhi. 319.

GOVERNOR GENERAL, HIS EXCELLENCY THE—

Assent of — to Bills. 31-32.

GOVIND DAS, THE HONOURABLE SETH—

Cattle Protection Bill—

Motion to introduce. 234-35.

Prohibition of Export of Cattle Bill—

Motion to introduce. 128-30.

Resolution *re*—

Export duty on oil-cakes, bones, fish manure, etc. 147.

Jail administration in British India. 176, 177.

Most suitable location for the Central Medical Research Institute, etc. 66.

GRAHAM, THE HONOURABLE MR. L.—

Child Marriage Restraint Bill—

Point of Order. 321.

Consideration of clause 1. 383-84.

Transfer of Property (Amendment) Bill—

Motion to consider. 253-55, 259-60.

Consideration of clause 4. 269-70.

Consideration of clause 33. 284.

Consideration of clause 35. 285, 288, 289.

Motion to pass. 295.

Transfer of Property (Amendment) Supplementary Bill—

Motion to consider. 295.

Consideration of the Schedule. 298.

Consideration of clause 15. 298.

Motion to pass. 299.

GRANT—

Question *re* annual — to the Trustees of the Indian Museum, Calcutta, etc. 229-30.

GREAT INDIAN PENINSULA RAILWAY—

See "Railway(s)".

GRIEVANCES—

Resolution *re* — of the non-gazetted staff of the Currency Offices in India and Burma. 88-105.

GUARDIANS AND WARDS (AMENDMENT) BILL—

See "Bill(s)".

GWYNNE, THE HONOURABLE MR. C. W.—

Guardians and Wards (Amendment) Bill—

Motion to introduce. 34.

Motion to consider. 75-76.

Motion to pass. 76.

Indian Census Bill—

Motion to consider. 219.

Consideration of clause 4. 220.

Consideration of clause 14. 221, 222.

Motion to pass. 222.

Indian Registration (Amendment) Bill—

Motion to introduce. 33.

Motion to consider. 74-75.

Motion to pass. 75.

Indian Succession (Amendment) Bill—

Motion to introduce. 34.

Motion to consider. 76-77.

Motion to pass. 77.

Oath of Office. 1.

Resolution *re*—

Establishment of a Judicial Committee of the Privy Council in India. 46-49.

Establishment of a Privy Council in India. 246-48, 249.

Jail administration in British India. 173-76, 178, 179.

Reconstitution of the Central and Provincial Legislatures on a unicameral and entirely elected basis. 159-60.

H

HARPER, THE HONOURABLE MR. K. B.—

Nomination of — to the Panel of Chairmen. 31.

Question *re* delays in telegraphic communication between India and Burma. 229.

HIGH COURT, CALCUTTA—

Question *re* number of cases compromised in the Court of Mr. Justice Buckland of the —. 11.

HINDU LAW OF INHERITANCE (AMENDMENT) BILL—

See " Bill(s) ".

HINDU LAW OF INHERITANCE (SECOND AMENDMENT) BILL—

See " Bill(s) ".

HIS MAJESTY'S GOVERNMENT—

Question *re* transfer of the military control of Aden to —. 2.

HOSPITALS—

Question *re* Indian doctors employed in European —. 12.

I

IMPERIAL LIBRARY, CALCUTTA—

Question *re* constitution of the Council of the —. 22-29

INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL—

See “ Indian — ” under “ Bill(s) ”.

INDIAN BOILERS (AMENDMENT) BILL—

See “ Bill(s) ”.

INDIAN CENSUS BILL—

See “ Bill(s) ”.

INDIAN CENTRAL BANKING ENQUIRY COMMITTEE—

See “ Banking Enquiry Committee ”.

INDIAN COTTON CESS (AMENDMENT) BILL—

See “ Bill(s) ”.

INDIAN FINANCE BILL—

See “ Bill(s) ”.

INDIAN INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL—

See “ Bill(s) ”.

INDIANISATION—

Question *re* — on the Company-managed Railways. 6.

INDIAN LIMITATION (AMENDMENT) BILL—

See “ Bill(s) ”.

INDIAN MEDICAL SERVICE—

Question regarding protection of the rights and prospects of present incumbents in the — in civil employ, etc. 7-8.

INDIAN MERCANTILE MARINE COMMITTEE—

Question *re* recommendations of the — and certain other Committees. 125-26.

INDIAN MUSEUM, CALCUTTA—

Question *re* annual grant to the Trustees of the —, etc. 229-30.

INDIAN REGISTRATION (AMENDMENT) BILL—

See “ Bill(s) ”.

INDIAN RESEARCH FUND ASSOCIATION—

Election of the Honourable Rai Sahib Dr. U. Rama Rau to the Governing Body of the —. 314.

Fixing of a date for the election of a Member to the Governing Body of the —. 251.

Motion for the election of a Member to the Governing Body of the —. 227-28.

INDIAN SOFT COKE CESS BILL—

See “ Bill(s) ”.

INDIAN STATES—

Question *re* procedure adopted by Government for levying customs duty on goods destined for — or foreign territories. 7.

INDIAN SUCCESSION (AMENDMENT) BILL—

See “ Bill(s) ”.

INDIAN TARIFF (AMENDMENT) BILL—

See “ Bill(s) ”.

INDIAN TERRITORIAL FORCE (AMENDMENT) BILL—

See “ Bill(s) ”.

INSPECTORS OF POST OFFICES—

Question *re*—

Duties of Clerks and Town ——. 318-19.

Town ——. 318.

INTEREST—

Question *re* — paid by the Madras and Southern Mahratta Railway on cash deposits made by their employees as security. 30.

ISWARDI-SADHUGANJ RAILWAY—

See “ Railway(s) ”.

ITALY—

Question *re* imports of cotton cloth from ——. 22.

J

JAFFER, THE HONOURABLE SIR EBRAHIM HAROON—

Child Marriage Restraint Bill—

Motion to consider. 343-44.

Election of — to the panel of the Standing Advisory Committee for the Department of Commerce. 77.

Nomination of — as a member of the Committee on Petitions. 31.

Resolution *re* most suitable location for the Central Medical Research Institute, etc. 52-55, 58, 60, 67.

JAIL ADMINISTRATION—

Resolution *re* — in British India. 167-82.

JALPAIGURI—

Question *re* stoppage of the down Darjeeling mail at ——. 26, 27.

JAMALPUR—

Question *re*—

Method of selection of apprentices for the Technical School at ——. 317-18.

The Technical School at ——. 317.

K

KARACHI—

Statement (laid on the table) *re* proposed air service from — to Delhi. 320.

KARNATAKA PROVINCE—

Question *re* formation of a separate —. 15.

KHAPARDE, THE HONOURABLE MR. G. S.—**Child Marriage Restraint Bill—**

Motion to postpone consideration. 334-35, 336, 337.

Motion to consider. 346-59.

Consideration of clause 3. 374, 375.

Consideration of clause 4. 377.

Consideration of clause 5. 378.

Consideration of clause 6. 380, 381.

Consideration of clause 1. 387, 388, 406.

Motion to pass. 426-30.

Resolution *re*—

Accountants in Post Offices. 70.

Establishment of a Judicial Committee of the Privy Council in India. 40-41.

Export duty on oil-cakes, bones, fish manure, etc. 145-46, 148.

Grievances of the non-gazetted staff of Currency Offices in India and Burma. 88-92, 97, 103-05.

Most suitable location for the Central Medical Research Institute, etc. 63-64.

Transfer of Property (Amendment) Bill—

Consideration of clause 3. 267.

Consideration of clause 30. 281.

L**LAND REVENUE—**

Question *re* issue by the Government of India of a Resolution regarding ——. 6.

LASCAR SEAMEN—

Question *re* extension of the date for the submission of the claims of — to the Controller, Local Clearing Office (Enemy Debts). 234.

LATIFI, THE HONOURABLE MR. ALMA—

Oath of Office. 1.

LEADER OF THE HOUSE, THE HONOURABLE THE—

Statement of Business by ——. 35, 122-23.

LEGISLATURE(S)—

Resolution *re* reconstitution of the Central and Provincial — on a uni-cameral and entirely elected basis. 150-62.

LIBERTY—

Question *re* alleged ban on the newspaper “ — ” of Calcutta. 4

LIMITATION (AMENDMENT) BILL—

See “ Indian — ” under “ Bill(s) ”.

LOAN(S)—

Question *re* Egyptian scheme of — to cultivators on security of cotton stored. 9-10.

LOCAL CLEARING OFFICE (ENEMY DEBTS)—

Question *re* extension of the date for the submission of the claims of lascar seamen to the Controller, ——. 234.

LUCKNOW—

Question *re*—

Expenditure on the construction of the new railway stations at — and Cawnpore. 183.

Number of passengers coming to and starting from the railway stations at Allahabad, Cawnpore and —, during the last five years, etc. 183.

LUGGAGE—

Question *re* free allowance of — to passengers on Railways. 185.

Resolution *re* free allowance of — to passengers on State Railways. 106-13.

M

MADRAS AND SOUTHERN MAHRATTA RAILWAY—

See “ Railway(s) ”.

MADRAS PRESIDENCY—

Question *re* transfer of the fish-curing yards in the — to the control and management of the Central Government. 19-20.

MANGALORE—

Question *re* arrival of the West Coast Mail at —. 15.

MANGALORE-MALPE RAILWAY—

See “ Railway(s) ”.

MANMOHANDAS RAMJI, THE HONOURABLE SIR—

Nomination of — as a member of the Committee on Petitions. 31.

McWATERS, SIR ARTHUR—

Congratulations to — on the honour conferred on him. 35.

MEDICAL COUNCIL—

Question *re* creation of an All-India —, etc. 12-13, 14.

MEDICAL QUALIFICATIONS AND STANDARDS, COMMISSIONER OF—

Question *re* appointment of a whole-time —. 14.

MEDICAL RESEARCH—

Question *re* organisation of — in India. 13.

MEDICAL RESEARCH INSTITUTE—

Resolution *re* most suitable location for the Central —, etc. 52-68.

MESSAGE(S)—

— from His Excellency the Viceroy nominating Members of the Council of State to be on the Panel of Chairmen. 31.

MIDNAPUR—

Question *re* provision of an intermediate class waiting room at — on the Bengal-Nagpur Railway. 17.

MINIMUM WAGES—

Resolution *re* fixation of — in certain trades. 224-27, 302-14.

MINISTERIAL STAFF—

Question *re* revision of the pay and prospects of the — of the Custom House, Calcutta. 16-17.

MITTER, THE HONOURABLE SIR BROJENDRA—**Transfer of Property (Amendment) Bill—**

Consideration of clause 3. 264-67, 268-69.

Consideration of clause 4. 272, 273.

Consideration of clause 7. 275.

Consideration of clause 16. 277-78.

Consideration of clause 19. 279-80.

Consideration of clause 30. 280-81.

Consideration of clause 32. 283.

Consideration of clause 35. 286-87.

Consideration of clause 46. 290-91.

Consideration of clause 50. 293-94, 295.

Transfer of Property (Amendment) Supplementary Bill—

Consideration of the Schedule. 297-98.

Consideration of clause 15. 298.

MOOKERJEE, THE HONOURABLE SRIJUT RAMA PRASAD—**Child Marriage Restraint Bill—**

Motion to postpone consideration. 335.

Motion to consider. 359-63.

Consideration of clause 2. 372.

Consideration of clause 3. 373, 374, 375.

Consideration of clause 4. 376.

Consideration of clause 5. 377-78, 379.

Consideration of clause 6. 379-80, 381.

Consideration of clause 1. 384-85, 389-90, 391, 409, 411-14, 417-20.

Election of — to the panel of the Standing Advisory Committee for the Department of Commerce. 77.

Indian Income-tax (Provident Funds Relief) Bill—

Consideration of clause 5. 301.

Provident Funds (Amendment) Bill—

Consideration of clause 4. 215.

Question *re*—

Accountants in the Post Office. 231-32.

Annual grant to the trustees of the Indian Museum, Calcutta, etc. 229-30.

Extension of the date for the submission of the claims of lascar seamen to the Controller, Local Clearing Office (Enemy Debts). 234.

MOOKERJEE, THE HONOURABLE SRIJUT RAMA PRASAD—contd.

Question re—contd.

- Opening of new post offices in the years 1925 to 1929. 233.
- Raising of the posts of accountants in first class Head Post Offices to the selection grade of Rs. 160—250. 232.
- Rent paid by the Calcutta Turf Club for the use of the maidan. 233.
- Standing Committees, Standing Advisory Committees and Central Advisory Committees attached to the different Departments of the Government of India. 233-34.
- Unemployment among Indians born in the Colonies who have recently returned to India. 231.

Resolution re—

- Accountants in Post Offices. 68-70, 71.
- Fixation of minimum wages in certain trades. 311-12, 313.
- Free allowance of luggage to passengers on State Railways. 111-13.
- Grievances of the non-gazetted staff of Currency Offices in India and Burma. 95-96, 97, 100, 104.
- Jail administration in British India. 167-73, 174, 174-81.
- Message rate system of charges levied by the Bengal Telephone Corporation, Ltd. 235-39, 243-44.
- Prevention of floods. 121.

Transfer of Property (Amendment) Bill—

- Motion to consider. 257-59.
- Consideration of clause 3. 260-63, 265, 268.
- Consideration of clause 4. 269, 270-71, 272-73.
- Consideration of clause 7. 274-75.
- Consideration of clause 19. 278-79.
- Consideration of clause 30. 281.
- Consideration of clause 32. 282, 283.
- Consideration of clause 35. 285-86, 287, 288.
- Consideration of clause 46. 289-90.
- Consideration of clause 50. 294-95.

Transfer of Property (Amendment) Supplementary Bill—

- Consideration of the Schedule. 296-97, 298.
- Consideration of clause 15. 298.

MOTOR COMPETITION—

- Question re road — with Railways. 3-4.

MUHAMMAD HUSSAIN, THE HONOURABLE MIAN ALI BAKSH—

- Election of — to the panel of the Standing Advisory Committee for the Department of Commerce. 77.

MUSEUM—

Question *re* annual grant to the Trustees of the Indian —, Calcutta, etc. 229-30.

MUTTRA DISTRICT—

Question *re* grant of compensation to Messrs. Hardindas Pearey Lal, saltpetre refiners of the —. 126-28.

N

NAIR, THE HONOURABLE SIR SANKARAN—

Nomination of — to the Panel of Chairmen. 31.

NATESON, THE HONOURABLE MR. G. A.—

Child Marriage Restraint Bill—

Motion to consider. 327, 339-43, 349, 359, 362, 363, 365, 366.

Motion to postpone consideration. 330, 331, 335.

Consideration of clause 6. 380.

Consideration of clause 1. 386, 399, 412.

Resolution *re*—

Fixation of minimum wages in certain trades. 226, 310.

Free allowance of baggage to passengers on State Railways. 108-09.

NEW DELHI—

Question *re* grant of conveyance allowance to clerks not provided with Government quarters in —. 319-20.

NEWSPAPER—

Question *re* alleged ban on the — *Liberty* of Calcutta. 4.

NORTH-WESTERN RAILWAY—

See “ Railway(s) ”.

O

OATH OF OFFICE—

Ashraf-ud-Din Ahmed, the Honourable Khan Bahadur Nawabzada Saiyid. 79.

Dutt, the Honourable Mr. P. C. 1.

Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir. 1.

Fyfe, the Honourable Mr. J. H. 1.

Gwynne, the Honourable Mr. C. W. 1.

Latifi, the Honourable Mr. Alma. 1.

Ryan, the Honourable Mr. T. 1.

Surput Sing, the Honourable Mr. 1.

OIL-CAKES—

Resolution *re* export duty on —, bones, fish manure, etc. 130-50.

P

PADSHAH SAHIB BAHADUR, THE HONOURABLE SAIYED MOHAMED—

Child Marriage Restraint Bill—

Consideration of clause 1. 383, 397-400.

Motion to pass. 432-33.

Nomination of — to the Panel of Chairmen. 31.

PANEL OF CHAIRMEN—

Message from His Excellency the Viceroy nominating Members of the Council of State to be on the —. 31.

PASSENGER(S)—

Question *re*—

Free allowance of luggage to — on Railways. 185.

Number of — coming to and starting from the railway stations at Allahabad, Cawnpore and Lucknow during the last five years, etc. 183.

Rates for — and goods on the different State Railways. 21-22.

Use of alarm chains by — on railway trains. 29-30.

Resolution *re* free allowance of luggage to — on State Railways. 106-13.

PASSENGER FARES—

Question *re*—

— on State Railways. 184.

Revisions of — on Railways during the last 25 years. 185-207.

PASSES—

Question *re* grant of — by the Madras and Southern Mahratta Railway to representatives of the Tea Cess Committee. 30.

PAY—

Question *re*—

— of the non-gazetted technical assistants of the Epigraphical Branch of the Archæological Department, Southern Circle. 20.

Revision of the — and prospects of the ministerial staff of the Custom House, Calcutta. 16.

PEAREY LAL, MESSRS. HARDINDAS—

Question *re* grant of compensation to —, saltpetre refiners of the Muttra District. 126-28.

PETITIONS, COMMITTEE ON—

Constitution of the —. 31.

PIECE-GOODS—

Question *re* assessment of cotton —. 5.

PLEADINGS—

Question *re* undesirability of — being drawn by attorneys. 11.

POSTAL DEPARTMENT—

Question *re* examinations in the —. 27.

POST OFFICE(S)—

Question *re*—

Accountants in the ——. 231-32.

Duties of Clerks and Town Inspectors of ——. 318-19.

Opening of new — in the years 1925 to 1929. 233.

Raising of the posts of accountants in first class Head — to the selection grade of Rs. 160—250. 232.

Town Inspectors of ——. 318.

Resolution *re* Accountants in ——. 68-72.

PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL—

See “ Bill(s) ”.

PRESIDENT, THE HONOURABLE THE—

Expressions of regret by — in connection with the death of the Maharajadhiraja Sir Rameshwara Singh of Darbhanga. 30-31.

PRISONERS—

Question *re* treatment of European ——. 23-24.

PRIVY COUNCIL—

Resolution *re*—

Establishment of a Judicial Committee of the — in India. 37-51.

Establishment of a — in India. 244-50.

PROHIBITION OF EXPORT OF CATTLE BILL—

See “ Bill(s) ”.

PROVIDENT FUNDS (AMENDMENT) BILL—

See “ Bill(s) ”.

Q

QUARTERS—

Question *re*—

Grant of conveyance allowance to clerks not provided with Government — in New Delhi. 319-20.

Lien in respect of Government — at Delhi. 319.

QUININE—

Question *re* overproduction of —. 26.

R

RAILWAY(S)—

Aricha-Dacca—

Question *re* the proposed —. 4, 18.

Bengal and North-Western—

Question *re* amalgamation of the — and the Rohilkund and Kumaon Railway. 184.

RAILWAY(S)—*contd.*

Bengal-Nagpur—

Question *re*—

Proposed railway between Contai and Contai Road station on the ——. 17-18.

Provision of an intermediate class waiting room at Midnapur on the ——. 17.

Company-managed—

Question *re* Indianisation of the ——. 6.

Dacca-Aricha—

Question *re* the ——. 4, 18.

Darjeeling Himalayan—

Question *re* use of the Cart Road by the ——. 7-8.

East Indian—

Question *re*—

Purchase by the — of current at certain stations to be served by the United Provinces Government's transmission lines. 10-11.

Recruitment of the subordinate railway service on the —, 183-84.

Great Indian Peninsula—

Question *re* issue of return tickets at reduced fares on the —, 185.

Iswardi-Sadhuganj—

Question *re* construction of the —. 4.

Madras and Southern Mahratta—

Question *re*—

Grant of passes by the — to representatives of the Tea Cess Committee. 30.

Interest paid by the — on cash deposits made by their employees as security. 30.

Mangalore-Malpe—

Question *re* the —. 14-15.

North-Western—

Question *re* recruitment of the subordinate railway service on the —, 183-84.

Question *re*—

Cases of fraud, embezzlement and financial irregularities on —, 11.

Free allowance of luggage to passengers on —. 185.

Revisions of passenger fares on — during the last 25 years. 185-207.

Road motor competition with —. 3-4.

Rohilkund and Kumaon—

Question *re* amalgamation of the Bengal and North-Western Railway and the —. 184.

RAILWAY(S)—*concl'd.*

State—

Question *re*—

Passenger fares on ——. 184.

Rates for passengers and goods on different ——. 21-22.

Resolution *re* free allowance of luggage to passengers on ——. 106-13.

South Indian—

Question *re* electrification of certain sections of the ——. 10.

Suburban—

Question *re* electrification of the — of Calcutta. 11.

RAILWAY STATION(S)—

Question *re* expenditure on the construction of the new — at Lucknow and Cawnpore. 183.Resolution *re* construction of a new central — at Allahabad. 163-67.

RAILWAY TRAINS—

Question *re* use of alarm chains by passengers in ——. 29-30.

RAMADAS PANTULU, THE HONOURABLE MR. V.—

Child Marriage Restraint Bill—

Motion to consider. 322-29.

Consideration of clause 3. 373-74, 375.

Consideration of clause 4. 376.

Consideration of clause 5. 378.

Consideration of clause 1. 390-91, 414-15.

Motion to pass. 421-24, 434-35.

Indian Census Bill—

Consideration of clause 14. 221-22.

Provident Funds (Amendment) Bill—

Consideration of clause 4. 216, 217.

Resolution *re*—

Export duty on oil-cakes, bones, fish manure, etc. 134, 138-42, 146, 147.

Export duty on rice. 81-82.

Fixation of minimum wages in certain trades. 225-26, 303-07, 308, 309, 310.

Grievances of the non-gazetted staff of the Currency Offices in India and Burma. 93-95, 97, 104.

Transfer of Property (Amendment) Bill—

Consideration of clause 3. 267-68.

Consideration of clause 30. 281.

Transfer of Property (Amendment) Supplementary Bill—

Consideration of the Schedule. 297.

RAMA RAU, THE HONOURABLE RAO SAHIB DR. U.—

Child Marriage Restraint Bill— •

Motion to postpone consideration. 338.

Motion to consider. 356.

Consideration of clause 2. 370-72.

Election of — to the Governing Body of the Indian Research Fund Association. 314.

Question *re*—

Appointment of a whole-time Commissioner of Medical Qualifications and Standards. 14.

Arrival of the West Coast mail at Mangalore. 15.

Assistant Archæological Superintendent for Epigraphy, Madras. 21.

Convening of a Road Conference. 15-16.

Enhanced price of salt issued for fish-curing. 18-19.

Formation of a separate Karnataka Province. 15.

Grant of passes by the Madras and Southern Mahratta Railway to the representatives of the Tea Cess Committee. 30.

Interest paid by the Madras and Southern Mahratta Railway on cash deposits made by their employees as security. 30.

Introduction of legislation for the creation of an All-India Medical Council. 14.

Pay of the non-gazetted technical assistants of the Epigraphical Branch of the Archæological Department, Southern Circle. 20.

Rockefeller Foundation Fellowships. 28-29.

The Mangalore-Malpe Railway. 14-15.

Transfer of the fish-curing yards in the Madras Presidency to the control and management of the Central Government. 19-20.

Use of alarm chains by passengers in railway trains. 29-30.

Resolution *re*—

Export duty on oil-cakes, bones, fish manure, etc. 130-32, 146.

Export duty on rice. 79-81, 82, 88.

Most suitable location for the Central Medical Research Institute, etc. 55-58, 61, 63, 67.

RAMPAL SINGH, THE HONOURABLE RAJAH SIR—

Nomination of — as a member of the Committee on Petitions. 31.

RAMSARAN DAS, THE HONOURABLE RAI BAHADUR LALA—

Child Marriage Restraint Bill—

Motion to postpone consideration. 333, 334, 344-46.

Motion to consider. 355, 356, 357, 362. •

Consideration of clause 2. 371.

Election of — to the panel of the Standing Advisory Committee for the Department of Commerce. 77.

Nomination of — as Chairman of the Committee on Petitions. 31.

Nomination of — to the Panel of Chairmen 31.

RAMSARAN DAS, THE HONOURABLE RAI BAHADUR LALA—
contd.

Resolution re—

- Export duty on oil-cakes, bones, fish manure, etc. 142-45, 146, 147.
- Fixation of minimum wages in certain trades. 227.

RAY CHAUDHURY, THE HONOURABLE MR. KUMAR SANKAR—
Child Marriage Restraint Bill—

- Motion to postpone consideration. 337-39.
- Motion to consider. 354, 359, 366.
- Consideration of clause 3. 374.
- Consideration of clause 5. 377.
- Consideration of clause 6. 380, 381.
- Consideration of clause 1. 388-89, 405, 416, 420.
- Motion to pass. 428.

Indian Census Bill—

- Consideration of clause 4. 220.
- Consideration of clause 14. 221.

Indian Territorial Force (Amendment) Bill—

- Motion to consider. 73.

Question re—

- Alleged ban on the newspaper *Liberty* of Calcutta. 4.
- Appointment of a representative of the Bengal Bankers' Federation to the Bengal Provincial Banking Enquiry Committee. 4-5.
- Assessment of cotton piece-goods. 5.
- Cases of fraud, embezzlement and financial irregularities on Railways. 11.
- Constitution of the Council of the Imperial Library, Calcutta. 22-23.
- Construction of a bridge over the Brahmaputra. 6.
- Construction of the Iswardi-Sadhuganj Railway. 4.
- Contributions to the Countess of Dufferin's Fund, etc. 12.
- Creation of an All-India Medical Council, etc. 12-13, 14.
- Difficulties of passengers at Serajgunj. 26-27.
- Egyptian scheme of loans to cultivators on security of cotton stored. 9-10.
- Electrification of certain sections of the South Indian Railway. 10.
- Electrification of the suburban railways of Calcutta. 11.
- Enquiry by the Tariff Board regarding the salt industry. 5.
- Examinations in the Postal Department. 27.
- Floods in India. 2-3.
- Formation of a Waterways Board in Bengal. 24.
- Further reforms for India. 1-2.
- Imports of cotton cloth from Italy. 22.

RAY CHAUDHURY, THE HONOURABLE MR. KUMAR SANKAR—
contd.

Question *re—contd.*

- Increasing the demand for Indian cotton in England. 7.
- Indian doctors employed in European hospitals, etc. 12.
- Indianisation on the Company-managed Railways. 6.
- Issue by the Government of India of a Resolution regarding land revenue. 6.
- Lien in respect of Government quarters at Delhi. 319.
- Number of cases compromised in the Court of Mr. Justice Buckland of the High Court, Calcutta. 11.
- Number of cases of sedition in the last five years. 27-28.
- Number of goods vans running empty from one province to another. 13.
- Opening of air mail services in India. 6.
- Organisation of medical research in India. 13.
- Overproduction of quinine. 26.
- Procedure adopted by Government for levying customs duty on goods destined for Indian States and foreign territories. 7.
- Protection of the rights and prospects of present incumbents in the Indian Medical Service in civil employ, etc. 8-9.
- Purchase by the East Indian Railway of current at certain stations to be served by the United Provinces Government's transmission lines. 10-11.
- Rates for passengers and goods on the different State Railways. 21.
- Resolutions passed at the eighth annual conference of the Eastern Bengal Railway Indian Employees' Association. 26.
- Revision of the pay and prospects of the ministerial staff of the Custom House, Calcutta. 16-17.
- Road motor competition with Railways. 3-4.
- Sale of silver in large quantities in England. 3.
- Scholarships to cadets of the Training Ship "Dufferin". 25-26.
- Scope of enquiry to be made by the Indian Central Banking Enquiry Committee. 22.
- Stoppage of the down Darjeeling mail at Jalpaiguri. 26, 27.
- Strike of the tinplate workers at Golmuri. 24.
- The proposed Aricha-Dacca Railway. 4.
- The Swedish Match Factory. 21.
- Trade of the Port of Chittagong. 24.
- Transfer of the military control of Aden to His Majesty's Government. 2.
- Treatment of European prisoners. 23-24.
- Undesirability of pleadings being drawn by attorneys. 11.
- Use of the Cart Road by the Darjeeling Himalayan Railway. 7-8.
- Resolution *re—*
- Accountants in Post Offices. 70.

RAY CHAUDHURY, THE HONOURABLE MR. KUMAR SANKAR— *concl.*

Resolution *re*—*contd.*

Establishment of a Judicial Committee of the Privy Council in India. 37-40, 43, 45, 47, 49-51.

Establishment of a Privy Council in India. 244-46, 249-50.

Fixation of minimum wages in certain trades. 307, 308.

Free allowance of luggage to passengers on State Railways. 108.

Grievances of the non-gazetted staff of Currency Offices in India and Burma. 98.

Message rate system of charges levied by the Bengal Telephone Corporation, Ltd. 239, 242.

Prevention of floods. 114-16, 119, 120, 121-22.

Reconstitution of the Central and Provincial Legislatures on a unicameral and entirely elected basis. 150-59, 160-61.

Transfer of Property (Amendment) Bill—

Consideration of clause 3. 263-64.

Consideration of clause 4. 272, 273.

Consideration of clause 16. 276-77.

Consideration of clause 30. 280.

Consideration of clause 33. 284.

Consideration of clause 35. 285, 287, 289.

Consideration of clause 50. 291-93, 294.

REFORMS—

Question *re* further reforms for India. 1-2.

REGISTRATION (AMENDMENT) BILL—

See “ Indian — ” under “ Bill(s) ”.

RENT—

Question *re* — paid by the Calcutta Turf Club for the use of the maidan. 233.

RESEARCH FUND ASSOCIATION—

See “ Indian — ”.

RESOLUTION(S)—

Question *re* issue by the Government of India of a — regarding land revenue. 6.

— *re* accountants in Post Offices. 68-72.

— *re* construction of a new central railway station at Allahabad. 163-67.

— *re* establishment of a Judicial Committee of the Privy Council in India. 37-51.

— *re* establishment of a Privy Council in India. 244-50.

— *re* export duty on oil-cakes, bones, fish manure, etc. 130-50.

— *re* export duty on rice. 79-88.

— *re* fixation of minimum wages in certain trades. 224-27, 302-14.

RESOLUTION(S)—*contd.*

- *re* free allowance of luggage to passengers on State Railways. 106-13.
- *re* grievances of the non-gazetted staff of the Currency Offices in India and Burma. 88-105.
- *re* jail administration in British India. 167-82.
- *re* message rate system of charges levied by the Bengal Telephone Corporation, Ltd. 235-44.
- *re* most suitable location of the Central Medical Research Institute, etc. 52-68.
- *re* prevention of floods. 114-22.
- *re* reconstitution of the Central and Provincial Legislatures on a uni-cameral and entirely elected basis. 150-62.

RETURN TICKETS—

- Question *re* issue of — at reduced fares on the Great Indian Peninsula Railway. 185.

RICE—

- Resolution *re* export duty on —. 79-88.

ROAD CONFERENCE—

- Question *re* convening of a —. 15-16.

ROAD MOTOR COMPETITION—

- Question *re* — with Railways. 3-4.

ROCKEFELLER FOUNDATION FELLOWSHIPS—

- * Question *re* —. 28-29.

ROHILKUND AND KUMAON RAILWAY—

- See " Railway(s) ".

RULING(S)—

Bill(s)—

An Honourable Member not entitled to move an amendment to the effect that a clause of a — be omitted. 380.

In asking leave to introduce a — all that is required is to explain its broad principles. 129.

In the case of a — introduced in one House with sanction, no further sanction is required for further stages of the — in the other House. 322.

Miscellaneous—

Only one Member speaking to a Resolution on behalf of Government can speak for half an hour. 61.

RYAN, THE HONOURABLE MR. T.—

Indian Boilers (Amendment) Bill—

Motion to consider. 219.

Motion to pass. 219.

Oath of Office. 1.

Resolution *re*—

Accountants in Post Offices. 70-71. 71-72.

RYAN, THE HONOURABLE MR. T.—*contd.*

Fixation of minimum wages in certain trades. 224-25, 227, 302-03, 308, 312-13.

Message rate system of charges levied by the Bengal Telephone Corporation, Ltd. 239-43.

Prevention of floods. 116-21, 122.

S

SALT—

Question *re* enhanced price of — issued for fish-curing. 18-19.

SALT INDUSTRY—

Question *re* enquiry by the Tariff Board regarding the —. 5.

SALTPETRE REFINERS—

Question *re* grant of compensation to Messrs. Hardindas Pearey Lal, — of the Muttra District. 126-28.

SCHOLARSHIPS—

Question *re* — to cadets of the training ship "Dufferin". 25-26.

SCHOOL—

Question *re*—

Method of selection of apprentices for the Technical — at Jamalpur. 317-18.

The Technical — at Jamalpur. 317.

SEAMEN—

Question *re* extension of the date for the submission of the claims of lascar — to the Controller, Local Clearing Office (Enemy Debts). 234.

SEDITION—

Question *re* number of cases of — in the last five years. 27-28.

SERAJGUNJ—

Question *re* difficulties of passengers at —. 26-27.

SILVER—

Question *re* sale of — in large quantities in England. 3.

SOFT COKE CESS BILL—

See "Indian —" under "Bill(s)".

SOUTH INDIAN RAILWAY—

See "Railway(s)".

STANDING ADVISORY COMMITTEE(S)—

Motion for the election of a panel for the — of the Department of Commerce. 32.

Question *re* — attached to the different Departments of the Government of India. 233-34.

Result of the elections to the panel of the — for the Department of Commerce. 77.

STANDING COMMITTEES—

Question *re* — attached to the different Departments of the Government of India. 233-34.

STATEMENT (LAID ON THE TABLE)—

— *re* proposed air service from Karachi to Delhi. 320.

STATEMENT OF BUSINESS—

— by the Honourable Khan Bahadur Mian Sir Fazl-i-Husain. 35, 122-23.

STATE RAILWAYS—

See "Railway(s)".

STRIKE—

Question *re* — of the tinplate workers at Golmuri. 24.

SUBURBAN RAILWAYS—

See "Railway(s)".

SUCCESSION (AMENDMENT) BILL—

See "Indian—" under "Bill(s)".

SUHWARWADY, THE HONOURABLE MR. MAHMOOD—

Child Marriage Restraint Bill—

Motion to consider. 325, 326, 340, 344.

Motion to postpone consideration. 333, 336.

Consideration of clause 1. 395.

Election of — to the panel of the Standing Advisory Committee for the Department of Commerce. 77.

Question *re*—

Duties of Clerks and Town Inspectors of Post Offices. 318-19.

Proposed railway between Contai and Contai Road station on the Bengal-Nagpur Railway. 17-18.

Provision of an intermediate class waiting room at Midnapur on the Bengal-Nagpur Railway. 17.

Recommendations of the Indian Mercantile Marine Committee and certain other Committees. 125-26.

The Dacca-Aricha Railway. 18.

Town Inspectors of Post Offices. 318.

SURPUT SING, THE HONOURABLE MR.—

Child Marriage Restraint Bill—

Motion to postpone consideration. 335.

Consideration of clause 2. 372.

Consideration of clause 4. 376.

Consideration of clause 5. 379.

Consideration of clause 6. 381.

Consideration of clause 1. 387, 415-16, 416-17.

Motion to pass. 426.

Oath of Office. 1.

SWEDISH MATCH FACTORY—

Question *re* the —. 21.

SYMONS, THE HONOURABLE MAJOR-GENERAL SIR HENRY—

Resolution *re* most suitable location for the Central Medical Research Institute, etc. 58-63.

Tender of congratulations to — on the honour conferred on him. 35.

T

TARIFF (AMENDMENT) BILL—

See “ Indian — ” under “ Bill(s) ”.

TARIFF BOARD—

Question *re* enquiry by the — regarding the salt industry. 5.

TEA CESS COMMITTEE—

Question *re* grant of passes by the Madras and Southern Mahratta Railway to representatives of the —. 30.

TECHNICAL SCHOOL—

Question *re*—

Method of selection of apprentices for the — at Jamalpur. 317-18.

The — at Jamalpur. 317.

TELEGRAPHIC COMMUNICATION—

Question *re* delays in — between India and Burma. 229.

TERRITORIAL FORCE (AMENDMENT) BILL—

See “ Indian — ” under “ Bill(s) ”.

TINPLATE WORKERS—

Question *re* strike of the — at Golmuri. 24.

TRADE—

Question *re* — of the Port of Chittagong. 24.

TOWN INSPECTORS OF POST OFFICES—

Question *re* duties of Clerks and —. 318-19.

TRADE DISPUTES BILL—

See “ Bill(s) ”.

TRAINING SHIP “ DUFFERIN ”—

Question *re* scholarships to cadets of the —. 25-26.

TRANSFER OF PROPERTY (AMENDMENT) BILL—

See “ Bill(s) ”.

TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL—

See “ Bill(s) ”.

TURF CLUB—

Question *re* rent paid by the —, Calcutta, for the use of the maidan. 233.

U

UNEMPLOYMENT—

Question *re* — among Indians born in the Colonies who have recently returned to India. 231.

UNITED PROVINCES GOVERNMENT—

Question *re* purchase by the East Indian Railway of current at certain stations to be served by the transmission lines of the —, 10-11.

V

VICEROY, HIS EXCELLENCY THE—

Message from — nominating Members of the Council of State to be on the Panel of Chairmen. 31.

W

WACHA, THE HONOURABLE SIR DINSHAW—

Child Marriage Restraint Bill—

Motion to pass. 433-34.

WAITING ROOM—

Question *re* provision of an intermediate class — at Midnapur on the Bengal-Nagpur Railway. 17.

WATERWAYS BOARD—

Question *re* formation of a — in Bengal. 24.

WATSON, THE HONOURABLE SIR CHARLES—

Tender of congratulations to — on the honour conferred on him. 35.

WEST COAST MAIL—

Question *re* arrival of the — at Mangalore. 15.

WOODHEAD, THE HONOURABLE MR. J. A.—

Bengal Pilot Service (Centralisation of Administration) Bill—

Motion to consider. 222-23.

Motion to pass. 223.

Indian Soft Coke Cess Bill—

Motion to consider. 217-19.

Motion to pass. 219.

Resolution *re*—

Construction of a new central railway station at Allahabad. 164-66.

Free allowance of luggage to passengers on State Railways. 109-11, 113.

Jail administration in British India. 179, 180.

Prevention of floods. 121.

WORKMEN'S COMPENSATION (AMENDMENT) BILL—

See " Bill(s) ".

Z

ZUBAIR, THE HONOURABLE SHAH MUHAMMAD—

Child Marriage Restraint Bill—

Consideration of clause 1. 408.

Question re—

Method of selection of apprentices for the Technical School at
Jamalpur. 317-18.

The Technical School at Jamalpur. 317.