

Saturday, 13th February, 1932

59

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(OFFICIAL REPORT)

VOLUME I, 1932

(25th January to 17th February, 1932)

7-9-32
22

THIRD SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1932**



CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1932

Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

Deputy President :

MR. L. K. SHANMUKHAM CHETTY, M.L.A.

Panel of Chairmen :

SIR HARI SINGH GOUR, Kt., M.L.A.

MR. ARTHUR MOORE, M.B.E., M.L.A.

SIR ABDUR RAHIM, K.C.S.I., Kt., M.L.A.

SIR COWASJI JEHangIR (JUNIOR), K.C.I.E., O.B.E., M.L.A.

Secretary :

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

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Public Petitions :

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman.*

MR. ARTHUR MOORE, M.B.E., M.L.A.

SIR ABDULLAH SUHRAWARDY, Kt., M.L.A.

DIWAN BAHADUR HARBILAS SARDA, M.L.A.

MR. B. SITARAMARAJU, M.L.A.

CONTENTS.

VOLUME I.—25th January to 17th February, 1932.

	PAGE.
Monday, 25th January, 1932—	
Address by His Excellency the Viceroy to the Members of the Legislative Assembly	1—12
Members Sworn	13
Death of the Honourable Mian Sir Muhammad Shafi	13—23
Tuesday, 26th January, 1932—	
Questions and Answers	25—66
Unstarred Questions and Answers	66—72
Motion for Adjournment <i>re</i> the arrest and internment of Mahatma Gandhi—Not moved	72—73
The Indian Partnership Bill—Presentation of the Report of the Select Committee	73
The Hindu Widows' Right of Inheritance Bill—Discussion on the motion to refer to Select Committee not concluded	73—104
Wednesday, 27th January, 1932—	
Questions and Answers	105—112
Resolution <i>re</i> Imperial Bank of India—Negatived	112—125
Resolution <i>re</i> Chief Justices of High Courts—Adopted	125—153
Thursday, 28th January, 1932—	
Statements laid on the Table—	
Election expenses of candidates for election to the Legislative Assembly	155—165
Horse-breeding grantees reported against	165
Election of a Member to the Council of the Indian Institute of Science, Bangalore	165—166
Statement of Business	166
The Indian Companies (Supplementary Amendment) Bill—Introduced	166
The Employers and Workmen (Disputes) Repealing Bill—Introduced	166
The Indian Income-tax (Second Amendment) Bill— <i>contd.</i>	167—209
Monday, 1st February, 1932—	
Members Sworn	211
Resolution <i>re</i> Recent Ordinances— <i>contd.</i>	211—266
Tuesday, 2nd February, 1932—	
Resolution <i>re</i> Recent Ordinances—Negatived	267—325
Wednesday, 3rd February, 1932—	
Member Sworn	327
Questions and Answers	327—366
Unstarred Questions and Answers	366—378
Panel of Chairmen	378

Wednesday, 3rd February, 1932—contd.

Election of a Member to the Council of the Indian Institute of Science, Bangalore	378
Report of the Public Accounts Committee—Laid on the Table	379—392
The Indian Companies (Supplementary Amendment) Bill—Passed	393
The Employers and Workmen (Disputes) Repealing Bill—Passed	394—396
The Indian Finance (Supplementary and Extending) Amendment Bill—Introduced	397
The Indian Air Force Bill—Introduced	397
The Sugar Industry (Protection) Bill—Introduced	398
The Wire and Wire Nail Industry (Protection) Bill—Introduced	398
The Bamboo Paper Industry (Protection) Bill—Introduced	398
The Bengal Criminal Law Amendment (Supplementary) Bill—Discussion on the motion to refer to Select Committee not concluded	399—434

Thursday, 4th February, 1932—

Questions and Answers	435—440
Election of a Member to the Council of the Indian Institute of Science, Bangalore	440
Petitions relating to the Hindu Widows' Right of Inheritance Bill—Laid on the Table	441
Petitions relating to the Hindu Marriages Dissolution Bill—Laid on the Table	441—442
The Hindu Widows' Right of Inheritance Bill—Motion to refer to Select Committee negatived	442—481
The Hindu Marriages Dissolution Bill—Discussion on the motion to refer to Select Committee not concluded	481—493
Statement of Business	493—494

Saturday, 6th February, 1932—

The Wheat Import Duty (Extending) Bill—Introduced	495
The Sugar Industry (Protection) Bill—Referred to Select Committee	495—498
The Wire and Wire Nail Industry (Protection) Bill—Referred to Select Committee	499—505
The Bamboo Paper Industry (Protection) Bill—Referred to Select Committee	505—522
The Indian Air Force Bill—Referred to Select Committee	523—525

Wednesday, 10th February, 1932—

Questions and Answers	527—566
Unstarred Questions and Answers	566—567
Statement laid on the Table <i>re</i> Action taken on Resolutions adopted by the Legislative Assembly	567—570
Resolution <i>re</i> Establishment of a Supreme Court in India—Adopted	571—606

Friday, 12th February, 1932—

Questions and Answers	607—657
Motion for Adjournment <i>re</i> Publication in the Press of the Assembly speeches—Postponed to next day	657—663
The Bengal Criminal Law Amendment (Supplementary) Bill—Referred to Select Committee	663—681
The Indian Finance (Supplementary and Extending) Amendment Bill—Passed	681—682
The Wheat Import Duty (Extending) Bill—Passed	682—694

Saturday, 13th February, 1932—

Questions and Answers	695—711
Unstarred Questions and Answers	711—721
Statement by Mr. President on Mr. C. S. Ranga Iyer's Motion for Adjournment <i>re</i> Publication in the Press of the Proceedings of the Legislature	721—722
Statement of Business	722
The Hindu Marriages Dissolution Bill— <i>contd.</i>	722—742

Monday, 15th February, 1932—

Questions and Answers	743—755
Petitions relating to the Hindu Marriages Dissolution Bill	755—756
The Indian Income-tax (Second Amendment) Bill—Motion to refer to Select Committee negatived	757—780
The Wire and Wire Nail Industry (Protection) Bill—Presentation of the Report of the Select Committee	781
The Bamboo Paper Industry (Protection) Bill—Time for Presenta- tion of the Report of the Select Committee extended	781
The Sugar Industry (Protection) Bill—Time for Presentation of the Report of Select Committee extended	781
The Indian Partnership Bill—Discussion adjourned	781—806

Tuesday, 16th February, 1932—

Questions and Answers	807—822
Unstarred Questions and Answers	823—828
Resolution <i>re</i> Stabilisation of Exchange and Prices—Withdrawn . . .	828—843
Resolution <i>re</i> Appointment of a Committee to hear grievances of Retrenched Officers—Negatived	843—850
The Bamboo Paper Industry (Protection) Bill—Presentation of the Report of the Select Committee	851
Resolution <i>re</i> Appointment of a Committee on Education—Negatived	851—874

Wednesday, 17th February, 1932—

Questions and Answers	875—883
The Indian Partnership Bill—Passed, as amended	883—925
The Workmen's Compensation (Amendment) Bill—Introduced . . .	925
Demands for Excess Grants for 1929-30	926—932
Demands for Supplementary Grants	932—936

LEGISLATIVE ASSEMBLY.

Saturday, 13th February, 1932.

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

QUESTIONS AND ANSWERS.

TRAVELLING ALLOWANCE PAID ON TRANSFER TO A SUPERINTENDENT OF POST OFFICES IN MYSORE.

327. ***Mr. B. N. Misra** (on behalf of Kumar Gupteshwar Prasad Singh): Will Government be pleased to state:

- (i) if it is a fact that Mr. Scott O'Conner, Superintendent of Post Offices, Mysore, asked for a shift to Malabar last year, and was transferred with travelling allowances, contrary to rules which forbid travelling allowances to officers transferred at their own request;
- (ii) if it is a fact that within 48 hours of joining the Malabar Division he applied for a re-transfer to Mysore and was so re-transferred;
- (iii) if it is a fact that Mr. Jaya Ram Iyer, who was transferred to Mysore to take the place of Mr. Scott O'Conner, was transferred without travelling allowances; and
- (iv) if it is a fact that about four years ago Mr. Scott O'Conner was transferred from Rajahmundry to Quilon with travelling allowances, at his own request, contrary to rules and again within a year he asked for a transfer and was transferred?

Mr. T. Ryan: Government have no information. An enquiry will however be made into the matter, and the reply will be placed on the table.

STAFF OF THE OFFICE OF THE AUDITOR GENERAL IN INDIA.

328. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the following statement of staff of the office of the Auditor General in India as it stood on 1st April, 1931, is correct?

	Permanent	Officiating.	Total.
<i>I.—Superintendents.</i>			
Gross No. of posts	7	4	11
Deduct—men on deputation, etc.	2	..	2
Net No. of posts	5	4	9
Non-Muslims	5	4	9
Muslims	Nil.	Nil.	Nil.
Percentage of Muslims	0%	0%	0%

	Permanent.	Officiating.	Total.
II.—Assistant Superintendents.			
Gross No. of posts	19	8	27
Deduct—No. of persons on deputation, acting as Superintendents, etc.	6	..	6
Net No. of posts	13	8	21
Non-Muslims	13	7	20
Muslim	<i>Nil.</i>	1	1
Percentage of Muslims	<i>Nil.</i>	12·5%	5%

III.—Clerks.

Gross No. of posts	69	8	77
Deduct—Persons on deputation officiating as Assistant Superintendents, etc.	12	—	12
Net No. of persons on the cadre	57	8	65
Non-Muslims	51	7	58
Muslims	6	1	7
Percentage of Muslims	10·5%	12·5%	10·8%

IV.—Typists.

Non-Muslims	6	—	6
Muslims	—	2	2
Percentage of Muslims	0%	—	25%

V.—Stenographers.

Non-Muslims	3	..	—
Muslim	1	..	..
Percentage	25%	..	..

VI.—Cashier.

One cashier—Hindu.

(b) If the above statement is not correct, will Government be pleased to supply the correct statement according to the same schedule?

(c) Is it a fact that the percentage of Muslim clerks as shown in the statement in part (a) above is only 10·8 per cent? If so, will Government be pleased to state what steps have been taken or are being taken to improve this percentage?

The Honourable Sir George Schuster: With your permission, Sir, I will deal with questions Nos. 328 to 333 together. I presume that in question No. 331 the Honourable Member refers to the office of the Deputy Accountant General, Posts and Telegraphs, Delhi.

Parts (a) and (b) of the questions.

The statements contained in the questions are not quite correct. The communal composition of the staff on duty on the 1st April, 1931, was as shown in the statement which I lay on the table.

Part (c) of questions Nos. 328 to 330 and 332.

The correct percentages of Muslim clerks are shown in the statement laid on the table. Recruitment in all Accounts and Audit Offices is conducted strictly in accordance with the orders which reserve one-third of vacancies for minority communities.

Parts (c) to (e) of question No. 331.

(c) Out of a total of 36 (not 34) men served with notices of discharge, 8 are Muslims.

(d) The principle laid down by Government is that the ratio between the various communities existing prior to retrenchment must be maintained to the nearest practicable figure in the establishment remaining after retrenchment.

(e) No.

Statement showing the percentage of Muslims in certain Accounts Offices in Delhi.

	Total No. of permanent and temporary posts.	Non-Muslims.	Muslims.	Percentage of Muslims.
<i>Office of the Auditor General.</i>				
Superintendents	8	8	0	0
Assistant Superintendents . .	19+1 (Apprentice).	19	1	5
Clerks	69	62	7	10.1
Typists	7	5	2	28.6
Stenographers	3	3	0	0
Cashier	1	1	0	0
<i>Office of the Accountant General, Central Revenues.</i>				
Accountants	33	31	2	6.1
Clerks	220	208	12	5.5
Divisional Accountants . .	15	13	2	13.3
Stenographers	2	2	0	
Typists	12	10	2	16.7
Total staff	282	264	18	6.4
<i>Office of the Accountant General, Posts and Telegraphs.</i>				
Senior Accountants		9	0	0
Clerks		60	4	6.25
Stenographers and Typists . .		4	0	0

	Permanent.	Temporary.
<i>Office of the Deputy Accountant General, Posts and Telegraphs, Delhi.</i>		
1. Subordinate Accounts Service—		
Non-Muslims	18	5 } Offg. Accountants against leave and deputation vacancies. 2 }
Muslims	1	
Vacant	1	
2. Upper Division Clerks—		
Non-Muslims	261	16
Muslims	76	1
Vacant	17	..
3. Lower Division Clerks—		
Non-Muslims	49	43
Muslims	15	11
Vacant	4	..
Percentage of Muslims	21·9	17·9

	Non-Muslims.	Muslims.	Percentage of Muslims.
<i>Office of the Director of Railway Audit.</i>			
Senior Auditors	5	0	
Junior Auditors	3	1	25
Clerks (Upper Grade)	7	3	29
Clerks (Lower Grade)	4	1	20
Typists	2	0	0
Stenographers	2	0	0
<i>Office of the Audit Officer, Indian Stores Department.</i>			
Accountants	16	0	0
Clerks (Permanent).	81	7	8
Clerks (Temporary).	12	7	37

STAFF OF THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

†329. *Mr. M. Maswood Ahmad: (a) Is it a fact that the following statement of the staff of the office of the Accountant-General, Central Revenues, as it stood on 1st April, 1931, is correct?

Establishment of Accountant-General, Central Revenues, on the 1st April, 1931

Kind of posts.	Per- manent.	Provi- sional.	Quasi.	Offg.	Total.
I.—Senior Accountants and Accountants.					
Gross No. of posts	36	5	3	10	54
Deduct—posts vacant	2	..	..	..	2
Deduct—No. of men on deputation to other offices or acting as Assistant Accounts Officers	16*	..	..	..	16
Net No. of posts	18	5	3	10	36
Non-Muslims	17	5	3	10	37
Muslim	1	..	..	..	1
Percentage of Muslims	5.6%	0%	0%	0%	2.8%

II.—Divisional Accountants.

Gross No. of posts	13	..	2	2	17
Deduct—No. of men officiating as Subordi- nate Accounts Service, posts vacant, etc.	3	..	..	..	3
Net No. of posts	10	..	2	2	14
Non-Muslims	9	..	2	2	13
Muslim	1	..	..	..	1
Percentage of Muslims	11%	0%	0%	0%	7.5%

III.—Clerks.

Gross No. of posts	204	40		34	346
Deduct—posts vacant	4	..		..	4
Deduct—No. of men officiating as Subordi- nate Accounts Service and also on de- putation to other offices.	110	5	..	..	115
Net No. of posts	150	35	8	34	227
Non-Muslims	142	34	8	30	214
Muslims	8	1	..	4*	13
Percentage of Muslims	5.3%	2.9%	0%	11.8%	5.7%

*The two Muslim clerks have already been discharged and the percentage of the Muslims in the officiating list has been reduced from 11.8% to 6.6%.

IV.—Stenographers.

V.—Typists.

No. of posts	2	11
Non-Muslims	2	9
Muslims . . . . .	..	2
Percentage of Muslims	0%	18.1%

(b) If the statement is not correct, will Government be pleased to supply the correct statement according to the same schedule?

(c) Is it a fact that the percentage of Muslim clerks as shown in the statement at part (a) above is only 5.7 per cent.? If so, will Government be pleased to state what steps have been taken or are being taken to improve this percentage?

†For answer to this question, see answer to starred question No. 328.

**STAFF OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND
TELEGRAPHS.**

†330. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the following statement of staff of the office of the Accountant-General, Posts and Telegraphs, as it stood on 1st April, 1931, is correct?

Office of the Accountant-General, Posts and Telegraphs, on 1st April, 1931.

	Non-Muslims.	Muslims.	Percentage of Muslims.
Senior Accountants	9	0	0%
Clerks	60	4	6.6%
Stenographers and Typists	5	Nil	0%

(b) If the above statement is not correct, will Government be pleased to supply the correct statement according to the same schedule?

(c) Is it a fact that the percentage of the Muslim clerks as shown in the statement in part (a) above is only 6.6 per cent.? If so, will Government be pleased to state what steps have been taken or are being taken to improve this percentage?

**STAFF OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND
TELEGRAPHS.**

†331. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the following statement of staff of the office of the Deputy Accountant-General, Posts and Telegraphs as it stood on 1st April, 1931, is correct?

Establishment of Office of the Deputy Accountant General, Posts and Telegraphs

	Permanent.	Temporary.
1.—Subordinate Staff		
Non-Muslims	30	—
Muslims	4	—
2.—Upper Grade.		
Non-Muslims	271	17
Muslims	73	—
3.—Lower Grade.		
Non-Muslims	87	53
Muslims	35	14
Total Non-Muslims	388	70
Total Muslims	112	14
Percentage of Muslims	22.4%	13.3%

(b) If the statement is not correct, will Government be pleased to supply a correct statement according to the same schedule?

†For answer to this question, see answer to starred question No. 328.

(c) Is it a fact that 8 Mussalmans out of a total number of 34 discharged have been reduced in the office of the Deputy Accountant-General, Posts and Telegraphs?

(d) On what principle did Government retrench these hands?

(e) Was any written test as to the comparative ability of the different employees discharged taken?

STAFF OF THE OFFICE OF THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

†332. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the following statement of staff of the office of the Audit Officer, Indian Stores Department as it stood on 1st April, 1931, is correct?

Office of the Audit Officer, Indian Stores Department.

	Hindus.	Muslims.	Percentage of Muslims.
Senior Accountants	23	..	0%
Clerks (Permanent)	89	5	5·3%
Clerks (Temporary)	13	7	35%
Total No. of Clerks	102	12	10·5%

(b) If this statement is not correct, will Government be pleased to supply a correct statement according to the same schedule?

(c) Is it a fact that the percentage of the Muslim clerks in the office of Audit Officer, Indian Stores Department is 5·3 per cent.? If so, will Government be pleased to state what steps have been taken or are being taken to improve this percentage?

STAFF OF THE OFFICE OF THE DIRECTOR, RAILWAY AUDIT.

†333. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the following statement of staff of the office of the Director, Railway Audit as it stood on 1st April, 1931, is correct?

Establishment of the Office of the Director of Railway Audit.

	Hindus.	Muslims.	Percentage of Muslims.
Senior Accountants	5	..	0%
Junior Accountants	4	1	20%
Clerks (Upper Grade)	10	3	23·1%
Clerks (Lower Grade)	5	1	16·6%
Typists	2	..	0%
Stenographers	2	..	0%

(b) If this statement is not correct, will Government be pleased to supply the correct statement according to the same schedule?

ALLOTMENT OF FURTHER DAYS FOR THE DISCUSSION OF NON-OFFICIAL BILLS IN THE LEGISLATIVE ASSEMBLY.

334. ***Pandit Ram Krishna Jha:** (a) Are Government aware that there is a large number of non-official Bills pending, of which notice was given about a year ago, but which could not be yet introduced by reason of the insufficient number of days allotted to the non-official Bills?

†For answer to this question, see answer to starred question No. 323.

(b) Are Government prepared to recommend the allotment of two days more for non-official Bills during this sitting of the Assembly in March next?

The Honourable Sir George Rainy: (a) Government are aware that a number of Bills have been pending for introduction since last year.

(b) The allotment of days for the transaction of non-official business rests with the Governor General. So far as I can judge at present, it will not be possible for Government to recommend to him the allotment of two additional days this session.

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

335. *Pandit Ram Krishna Jha: (a) Will Government be pleased to state whether the Bengal and North Western Railway authorities have accepted the proposal of Government made to them on the recommendations of the Bengal and North Western Railway Purchase Committee of this House in the matter of the purchase of the Bengal and North Western Railway including the Tirhut section?

(b) If so, will Government be pleased to lay the whole correspondence on the table?

(c) If they have not accepted it, what steps have Government taken or are they going to take in the matter?

Sir Alan Parsons: I would refer the Honourable Member to the reply I gave on the 3rd February, 1932, to Dr. Ziauddin Ahmad's starred question No. 148 on the same subject. I can, however, add a little information to the reply I then gave. Though we have not yet received official confirmation, a report of the shareholders' meeting, which appeared in the Press a few days ago, showed that the Company had agreed to give the Secretary of State an option to purchase in 1937, and again, if that option was not exercised, in 1942, with a reduction in their charge for working the Tirhut Railway in the meantime.

Dr. Ziauddin Ahmad: Has not the financial position of the Government of India substantially changed on account of the flight of gold compared to what it was in the month of September? Are not the Government of India able to pay now?

The Honourable Sir George Schuster: I think perhaps I had better deal with that question. I am very glad to say that the financial position of the Government of India as regards meeting their sterling demands has very substantially improved since last September; but I think it will be going rather far to say that the Government is in a position to find with any sort of ease the very large sum of sterling required for the purchase of the Bengal and North-Western Railway. Certainly the Government were not in that position when these negotiations were entered into.

Dr. Ziauddin Ahmad: In view of the fact that this flight of gold is continuing and the inflation of the Indian money will also continue, will it not be possible for the Government to purchase the railway after a month or so, because by that time the position will be eased still further?

The Honourable Sir George Schuster: I think the Assembly may congratulate the Government on having concluded an arrangement which goes almost the whole way to meet their wishes, an arrangement which was concluded in very difficult circumstances. The Government had to negotiate in the circumstances which existed at the time, and the period for notice has already expired for the exercise of the original option. I suggest that the House may rest content with an arrangement which meets the wishes of practically all Members of the House.

“CORRESPONDENCE” COLLEGES IN INDIA.

336. ***Mr. Goswami M. B. Puri:** (a) How many “correspondence” colleges are there in India?

(b) Are any of them recognised by Government? Will they be pleased to name them?

(c) Do Government know that the Bennett College, Sheffield, is one of the oldest of such colleges and has very many candidates from India amongst its students?

(d) Are Government aware that the diplomas of this College are recognised all the world over?

(e) Is it a fact that some of the Bennett College diploma-holders in India are employed in Government offices?

(f) Do Government propose to recognise this College to safeguard the claims of Indians passing through it? If not, why not?

Sir Frank Noyce: (a) and (b). The information asked for is being collected and will be supplied to the Honourable Member in due course. It will also be placed on the table of the House.

(c), (d) and (e). Government have no information.

(f) The recognition of colleges is a matter for the consideration of Provincial Governments and universities.

ADDITIONAL DUTY REALISED ON IMPORTED FOREIGN SALT.

337. ***Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state how much foreign salt was imported and what was the amount of additional duty realised in Calcutta, Chittagong and Rangoon from the 1st April to the 31st December, 1931?

(b) How much of the additional duty was retained by the Government of India and how much was allotted to the Government of Bengal?

(c) How did the Government of India utilize the part of the additional duty which was retained by it? Was any part utilized in the interests of any salt source in India and, if so, how much was utilised in the interests of any inland source and how much in the interests of any sea-board source?

The Honourable Sir George Schuster: (a) and (c). Statements are laid on the table.

(b) The Honourable Member's attention is invited to the reply that I gave to question No. 167 asked by Mr. S. C. Mitra on the 4th February, 1932.

Statements.

(a) Total imports into Calcutta, Chittagong, and Rangoon of foreign salt during the period 1st April 1931 to 31st December, 1931 and the additional duty realized thereon (including the surcharge of 25 per cent., during the period the surcharge was levied) were as follows :—

	Quantity imported.	Duty realized.
	Mds.	Rs.
Calcutta	22,93,395	6,67,886
Chittagong	3,09,308	89,647
Rangoon	13,42,220	4,02,940

(c) The Government of India have sanctioned the following schemes so far, the cost of which will be debited to the share of the Government of India of the proceeds from the additional import duty on foreign salt :—

Schemes.	Expenditure to be incurred in		
	1931-32.	1932-33.	1933-34.
	Rs.	Rs.	Rs.
1. Installation of a screening and crushing plant at Khewra . . . . .	..	1,53,000	
2. Purchase of an electric chain cutter, with cable, for the Khewra Mine . . . . .	..	14,000	..
3. Electric traction in the Khewra Mine . . . . .	..		1,17,150
4. Exploration of fresh salt sources in the Makrach Circle, Khewra Mine . . . . .	..	11,000	..
5. Sinking shaft and driving draft in the Gorge at Khewra		3,700	..
6. Conversion of 24 wooden into steel bodied tubs, at Khewra . . . . .	..	2,500	..
7. Purchase of a trailing cable for the Khewra Mine	2,000	..	..
8. Topographical survey at Pachbadra	5,500	6,500	..

Mr. Pitt was deputed to investigate the possibilities of salt production in Bengal and Bihar and Orissa, and the expenses incurred on his deputation will also be debited to the Central share of the additional import duty. It will be seen that practically the whole of the expenditure will be devoted to the development of inland source.

EXPANSION OF THE KHEWRA SALT WORKS.

338. *Seth Haji Abdoola Haroon: Have Government arrived at any decision for the expansion of the Khewra Works with the object of supplying markets, at present supplied through Calcutta, with salt from that source and, if so, what is the policy which it has been decided to follow in connection with that source?

The Honourable Sir George Schuster: The Government, acting on the recommendation of the Salt Survey Committee, have decided to undertake a plan for increasing the production of salt from the Khewra mine and for crushing this salt so as to make it suitable for the Bengal market. This plan contemplates an increase of production step by step, each step being taken after experience has been gained with the preceding step. The first step is to increase the production from 30 lakhs of maunds per annum to 45 lakhs. The plant necessary for this is on order and is expected to be erected and working by next October. If this plan works satisfactorily, the next step will be to increase the output to 60 lakhs of maunds.

Simultaneously with this the Government have also been successful in securing concession rates of railway freight for transport of Khewra salt to Calcutta and places west of Calcutta. This will enable Khewra salt to be supplied to the zone, in which foreign salt has hitherto found a market, at competitive rates.

TRANSPORT FACILITIES FOR SALT IN KARACHI HARBOUR.

339. *Seth Haji Abdoola Haroon: What decision has been arrived at in connection with the transport facilities in Karachi Harbour, recommended in the interests of the local salt industry by the Salt Survey Committee?

The Honourable Sir George Schuster: After considering the recommendations of the Tariff Board, the Salt Survey Committee and the proposals of the various salt manufacturing concerns in Karachi, the Government of India came to the conclusion that the development of the Government pier at Maurypur was the most suitable proposal for early adoption. The Karachi Port Trust has been informed of this decision and requested to take action on it.

IMPORTS OF FOREIGN, INDIAN AND ADEN SALT.

340. *Seth Haji Abdoola Haroon: What was the total import into Calcutta, Chittagong and Rangoon of:

(a) foreign salt, and

(b) Indian and Aden salt

in 1929, 1930 and 1931?

The Honourable Sir George Schuster: A statement is laid on the table.

Statement showing the total imports of foreign, and Indian and Aden salt into Calcutta, Chittagong and Rangoon in 1928-29, 1929-30, 1930-31, and from 1st April, 1931, to 31st December, 1931.

	Foreign salt.	Indian and Aden salt.
	Mds.	Mds.
Calcutta—		
1928-29	80,64,502	51,36,724
1929-30	81,64,498	66,41,691
1930-31	1,00,55,955	56,78,679
1st April, 1931 to 31st December, 1931 . . .	22,53,370	78,01,954
Chittagong—		
1928-29	9,00,111	9,36,029
1929-30	6,76,844	7,63,704
1930-31	12,93,500	3,63,954
1st April, 1931 to 31st December 1931 . . .	515	5,57,823
Rangoon—		
1928-29	20,79,284	1,43,253
1929-30	22,32,871	3,56,629
1930-31	23,67,463	83,943
1st April, 1931 to 31st December, 1931 . . .	6,68,187	..

PRICES OF SALT IN THE CALCUTTA MARKET.

341. ***Seth Haji Abdoola Haroon:** What effect has been produced by the additional duty on salt:

- on the stabilisation of prices in the Calcutta market, and
- on the standard of prices in the Calcutta market?

The Honourable Sir George Schuster: I take it that the purport of the Honourable Member's question is to ascertain whether the operation of the Act has brought the price of salt up to a fairly stable level and if so, what is that level. The best answer I can give is to mention the course of market quotations of the leading variety of Indian fine salt,—Aden Fine. The ex-ship quotation stood at Rs. 41 per hundred maunds in March, 1931; after the Act was passed, it rose at once to Rs. 62. In May it was Rs. 63, in June and part of July, Rs. 62, thereafter to the end of September, Rs. 63, and since then, Rs. 66 per 100 maunds.

The prices of other qualities vary from these quotations in accordance with the market's estimation of the difference in quality.

EXPORT OF SALT TO CALCUTTA FROM KARACHI.

342. *Seth Haji Abdoola Haroon: What was the total export to Calcutta of salt from Karachi in 1929, 1930, and 1931?

The Honourable Sir George Schuster: The total quantity of salt exported from Karachi to Calcutta was:

1928-29	.	.	.	.	.	.	.	.	205,957 Maunds.
1929-30	.	.	.	.	.	.	.	.	471,797 „
1930-31	.	.	.	.	.	.	.	.	441,381 „
April, 1931 to January, 1932, that is to say for 10 months	.	.	.	.	.	.	.	.	650,948 „

That is to say, the rate of exports for the current year is 75 per cent. higher than in 1930-31, and nearly four times as great as in 1928-29.

Mr. G. Morgan: Can the Honourable the Finance Member say how much of fine salt and how much of Kurkutch salt was exported from Karachi in the figures he has just given?

The Honourable Sir George Schuster: I imagine that it was practically all fine salt, but I am afraid I must ask for notice if the Honourable Member wants accurate figures.

ORDERS IN CERTAIN OFFICES PROHIBITING SUBORDINATES FROM APPROACHING MEMBERS OF THE LEGISLATURE FOR REDRESS OF GRIEVANCES.

343. *Seth Haji Abdoola Haroon: Will Government be pleased to state:

- (a) whether it is a fact that an order has recently been issued by the Government of India, Finance Department, to all Assistant Commissioners and Income-tax Officers for communication to their subordinates, preventing Government servants from approaching Members of the Legislatures for the redress of their grievances;
- (b) if so, what are the reasons for adopting such a course of action;
- (c) whether it is a fact that the above order also carries a warning to all the subordinates that any breach of it will render the offender liable to instant dismissal; and
- (d) whether Government are prepared to consider the question of cancelling the above order?

The Honourable Sir George Schuster: (a) No.

(b), (c) and (d). Do not arise.

SENIORITY LISTS OF STAFF OF THE CHIEF ACCOUNTS OFFICE, NORTH WESTERN RAILWAY.

344. *Dr. Ziauddin Ahmad (on behalf of Mr. Jagan Nath Aggarwal): (a) Is it a fact that the seniority lists of the Chief Accounts Office, North Western Railway, which used to be published annually in the combined Audit and Accounts Offices, have not been published for the last three years? Is it a fact that a separate administration section has since then been formed?

(b) Is it a fact that about seven months back the Chief Accounts Officer, North Western Railway, received instructions to prepare and publish early the seniority lists of the subordinate staff, but that it has not so far been done? If so, why?

Sir Alan Parsons: (a) Government understand that while printing of the gradation list has been discontinued as an economy, stencilled copies of seniority lists of all staff, except accountants, have been issued for the information of the staff concerned. They are not aware whether an administration section of this office has been formed.

(b) Yes. On receipt of the instructions, some lists were republished, while others, not being affected, stood as before. The seniority list of accountants was prepared but it is being revised in accordance with the latest instructions on the subject.

SENIORITY LISTS OF STAFF OF THE CHIEF ACCOUNTS OFFICE, NORTH WESTERN RAILWAY.

345. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Jagan Nath Aggarwal): Will Government please lay on the table a copy of the seniority lists on the basis of which present promotions, reversions or retrenchment are carried out in the office of the Chief Accounts Officer, North Western Railway, in respect of the following staff:

- (i) Accountants and staff qualified to be promoted to that grade, with an explanatory note of the principles on which these have been based;
- (ii) Sub-heads and staff selected to be promoted to that grade, with an explanatory note of the principles on which these have been based; and
- (iii) Clerks, stating reasons where men having longer periods of service are placed junior to those having lesser services, adding in this list the names of clerks discharged since 1st January, 1931 in their suitable places?

Sir Alan Parsons: Government regret that they are not prepared to lay on the table copies of these purely departmental documents. I should explain, however, that promotions and retrenchments are not made solely on the basis of seniority.

LEAVE RULES ON THE NORTH WESTERN RAILWAY.

346. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Jagan Nath Aggarwal): (a) Is it a fact that the new leave rules are intended to apply to those railway servants only who are appointed on or after 1st April, 1930, or who were appointed prior to that date, on the condition, that when the revised leave rules were introduced they would be brought under those rules?

(b) Is it a fact that the temporary or officiating (whatever Government calls them) staff appointed on or after 1st April, 1927 and taken over by the Chief Accounts Officer, North Western Railway, from the late Chief Auditor, North Western Railway, on the separation of Accounts from Audit has been refused the option to elect the old leave rules and the new rules have been applied to them? Was any undertaking to the effect that they would be governed by the new rules, when promulgated, taken from them at the time of their appointment?

(c) Is it a fact that the Controller of Railway Accounts refused this privilege to the said staff on the ground that if no such undertaking was taken from the said staff it was only an omission which should be rectified?

(d) Are Government aware that this undertaking could not be obtained from that staff, as they were under the administrative control of the Auditor General in whose department the new leave rules were not intended to be applied and do not still apply?

(e) Is it a fact that no such omission was taken into account in the case of the staff similarly appointed after 1st April, 1927, but confirmed before the separation of Audit and Accounts? If so, why?

(f) Is it a fact that the staff appointed in England before 16th May, 1930, has been allowed to elect the old leave rules, because no undertaking was taken from them at the time of their appointment that they would be governed by new rules? If so, will Government please state reasons for a differential treatment in the case of the staff of the Chief Accounts Officer, North Western Railway?

Sir Alan Parsons: (a) Yes.

(b) to (e). Temporary and officiating men in the old combined Audit and Accounts Office were, on appointment to the Account Office, not allowed the option to elect the old leave rules, as they had no special claim either to retention in service or to be allowed, on re-appointment in the Accounts Department, the same terms as before, and it was considered that the temporary men of the Accounts Department should not be given more liberal terms than the temporary men of other departments of the Railway. The permanent staff of the old combined Audit and Accounts Office have been allowed the option to retain their previous terms and conditions of service.

(f) The answer to the first part of the question is in the affirmative. The reason for a similar option not being given to the temporary Accounts staff has been given by me already.

LEAVE RULES ON THE NORTH WESTERN RAILWAY.

347. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Jagan Nath Aggarwal):

(a) Is it a fact that the Financial Commissioner, Railways, gave an assurance to the staff transferred to the Accounts Department on 1st April, 1929, that they would not be adversely affected by the separation of Audit and Accounts?

(b) If so will Government please reconcile the Financial Commissioner Railways' assurance with the application of less favourable leave rules to the staff of the Chief Accounts Office, North Western Railway?

(c) Are Government prepared to give all such staff the option to elect the old or new leave rules, from whom no undertaking at the time of their appointment was taken that they would be governed by the new rules, and refund the leave salary retrenched from that staff?

Sir Alan Parsons: (a) The Government are not aware of any assurance having been given in the terms stated.

(b) Does not arise.

(c) I would refer the Honourable Member to the reply I have just given to his question No. 346.

ACCOUNTANTS' POSTS ON THE NORTH WESTERN RAILWAY.

348. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Jagan Nath Aggarwal): (a) Will Government please lay on the table the number of reserved and non-reserved posts of Accountants, Grades I and II sanctioned on the North Western Railway with the number of reserved and non-reserved Accountants actually holding these posts?

(b) Will Government please also state the number of such non-reserved Accountants, Grade II, working under the Chief Accounts Officer, North Western Railway, who have not so far passed the Railway Subordinate Accounts Service examination, attached to these posts, and the proportion which they bear to the total non-reserved posts actually held by qualified men?

(c) Will Government please state if this proportion has been authorised, and the circumstances under which so many unqualified men have been put on these posts? Is it a fact that a large number of qualified men are available for promotion to these posts?

Sir Alan Parsons: (a) In the Railway Accounts Department as a whole 18 posts of accountants, Grade I, and 8 posts of accountants, Grade II, are reserved. Their distribution among different Accounts Offices depends on the exigencies of the service. On the North Western Railway there are at present 14 reserved accountants in Grade I and 7 in Grade II.

(b) There are 13 non-reserved accountants, Grade II, of whom 7 have passed the qualifying examination prescribed for accountants of the Railway Accounts Department or the qualifying examination held by the Director of Railway Audit. Three have been exempted from passing the examination and 3 have not yet passed the examination.

(c) The only men who can be looked upon as unqualified are 3, who were recruited as probationary accountants at a time when there was a dearth of qualified men. Under the terms of their appointment they are required to pass the examination before confirmation within a specified period which has not yet expired. Owing to reduction in accountants' posts both in Audit and Accounts due to retrenchment, a number of qualified men are now available but they cannot be given preference over these 3 men who were definitely recruited as probationary accountants.

REVERSION TO LOWER POSTS OF OFFICIATING MEN ON THE NORTH WESTERN RAILWAY.

349. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Jagan Nath Aggarwal): Is it a fact that none of the probationary or unqualified accountants was brought under retrenchment in the North Western Railway at the time of recent retrenchment, but only officiating men were reverted to lower posts, although they had in some cases worked as accountants for a period longer than the whole service of such unqualified accountants; if so, will Government please give reasons justifying wholesale retention in service of such men, when men duly qualified were reverted? Do Government propose to maintain a uniform proportion both at the time of appointment as well as retrenchment?

Sir Alan Parsons: Only three permanent posts of accountants have been abolished on the North Western Railway and only two men have been reduced, the third vacancy having been found by transferring one of the reserved accountants back to Audit. None of the probationary accountants has been retrenched, as the period within which they were required to pass the examination has not yet expired.

COMPETITIVE EXAMINATIONS FOR ACCOUNTANTS.

350. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Jagan Nath Aggarwal): (a) Is it a fact that in the old combined audit and accounts offices there was a competitive examination—a condition precedent to the appointment of probationary accountants, and no such condition exists now in the Accounts Department, although this condition is still imposed in the Audit Department? If so, will Government please state reasons for the abolition of this condition in the Accounts Department?

(b) Is it a fact that some of the so-called probationary accountants have been actually confirmed in their appointments without passing the Railway Subordinate Accounts Service Examination attached to these posts? If so, why?

Sir Alan Parsons: (a) Yes. The Honourable Member is referred to the proceedings of the meeting of the Standing Finance Committee for Railways held on 25th April, 1931.

(b) The probationary accountants, who have been confirmed in appointments without passing the Railway Subordinate Accounts Service Examination, were not required to pass the examination under the terms offered to them at the time of their appointment.

UNSTARRED QUESTIONS AND ANSWERS.

RETRENCHMENT OF THE POST OF SUPERINTENDENT OF POST OFFICES AT DACCA.

37. **Mr. N. B. Guhjar:** (a) Is it a fact that under recommendations of the Posts and Telegraphs Retrenchment Committee one of the posts of Superintendents of Post Offices at Dacca and Narayanganj has been abolished in order to curtail the expenditure?

(b) Is it a fact that since the creation of the Postal administration in the district, Dacca has been the headquarters of the Postal Superintendent and the Narayanganj and other post offices in the district were under him till the year 1920, while a Superintendent of Post Offices with his headquarters at Narayanganj was created?

(c) Are Government aware that the Postmaster-General, Bengal and Assam Circle has ordered that the headquarters of the Divisional Postal Superintendent should be at Narayanganj instead at Dacca? If so, why?

(d) Will Government be pleased to give an idea of the additional expenditure in the shape of the house-rent, travelling expenses and *punkha* charges in case the headquarters of the Superintendent be transferred to Narayanganj?

(e) Is it a fact that the District Magistrate and the Superintendent of Police are required to consult the Postal Superintendent from time to time for administrative purposes?

(f) Will Government be pleased to state whether the Deputy Postmaster-General, Dacca Range, was consulted in the matter before issue of the orders?

(g) Is it a fact that the orders of the Postmaster-General are in modification of the Government orders for retention of the headquarters at Dacca and were issued in spite of the strong opposition of the Deputy Postmaster-General, Dacca Range?

(h) Is it a fact that the headquarters of the Superintendents were transferred from Chandernagore, Ranaghat and Sara, mufasil stations, to the district headquarters respectively at Hoogly, Nadia and Rajshahi for administrative purposes?

(i) Do Government propose to modify the orders of the Postmaster-General and issue orders for retention and location of the Superintendent's headquarters at Dacca instead of Narayanganj?

The Honourable Sir Joseph Bhow: (a) The Committee recommended the abolition of some Postal Divisions, and the Dacca Division was abolished to meet this recommendation.

(b) Yes.

(c) Yes. With the abolition of the Dacca Division the headquarters of the Narayanganj Division, as reconstituted, will continue at Narayanganj.

(d) Government have no information but as the Dacca Division has really been merged in the already existing Narayanganj Division, the additional expenditure should be very small.

(e) Yes, such consultation may sometimes be found to be an administrative convenience.

(f) Government have no information.

(g) There was no modification of Government orders. The Government are not aware of the views of the Deputy Postmaster-General.

(h) The headquarters were transferred to Howrah, Krishnagar and Rajshahi.

(i) No. Government do not consider it necessary to interfere with the action taken by the Postmaster-General.

HEAD POST OFFICES IN DISTRICTS.

38. Mr. N. R. Gunjal: (a) Will Government be pleased to state the names of districts where there are more than one head post office in India?

(b) Is it a fact that Dacca is the only district in the Bengal and Assam Circle, where there are two head post offices, one at Dacca and another at Narayanganj?

(c) Will Government be pleased to state the number of supervisory staff in selection grade and clerical strength in each of the Dacca and Narayanganj head post offices and the total amount of their monthly pay?

(d) Is it a fact that it is proposed to convert one of the two head post offices into a sub-post office and to reduce one supervisory staff in the selection grade, a certain number of clerks working in the Accounts, Bill, Sub-Account, Treasury, Money Order Check, Registration and Parcel branches? If the reply be in the affirmative, will Government be pleased to state the monthly savings that will be gained by curtailment of the staff?

Mr. T. Ryan: (a) The Honourable Member's attention is invited to the reply given in this House to Khwaja Abdul Karim's starred question No. 606 on the 3rd March, 1924.

(b) No.

(c) On 1st October, 1930, the position was as follows:

	Supervisory staff in selection grade.		Clerical staff in time- scale.	
	No.	Monthly pay.	No.	Monthly pay.
Dacca Head Office . . .	6	1,300	55	5,575
Narayanganj Head Office . .	2	540	24	2,230

(d) The reply to the first part is in the negative. The second part does not arise.

POST OFFICES IN THE MYMENSINGH AND DACCA DISTRICTS.

39. Mr. N. R. Gunjal: (a) Will Government be pleased to state the area and number of sub and branch post offices of each of the Mymensingh and Dacca Districts?

(b) Are Government aware that both in area and number of Post Offices Mymensingh is greater than Dacca?

(c) Will Government be pleased to state whether one of the two head post offices in the Dacca District will be abolished to curtail expenditure of public money in these days of financial crisis? If the reply be in the negative, will Government state the reasons?

Mr. T. Ryan: (a) The Mymensingh District with an area of 5,337 sq. miles has 59 sub and 167 branch post offices, while the Dacca District with an area of 3,932 sq. miles has 107 sub and 291 branch post offices.

(b) No. Mymensingh is larger in area than Dacca but has fewer post offices.

(c) Government are not considering any such arrangement. The existence of two head post offices is an administrative convenience, and the economies which might result from an abolition of one of them are problematical.

ABOLITION OF RANGE OFFICES AT DACCA AND SHILLONG.

40. Mr. N. R. Gunjal: (a) Will Government be pleased to state the year from which the abolition of the Range Offices at Dacca and Shillong was urged in this House?

(b) Is it a fact that by the abolition of the Range Offices annual expenditure of Rs. 24,000 could be saved, if the proposal was given effect to?

(c) Will Government be pleased to state whether orders for the abolition of the Range Offices have been issued to give effect to the recommendations of the Retrenchment Committee?

(d) Is it a fact that Government are still giving consideration and are in communication with the local authorities in respect of the abolition of the Range Offices?

(e) Do Government propose to issue immediate orders for the abolition of the Range Office in order to save expenditure of public money? If not, why not?

The Honourable Sir Joseph Bhore: (a) So far as I have been able to trace, the abolition of the Dacca range office was first suggested in this House in 1929 but no similar suggestion for the abolition of the Shillong Range office has yet been made here.

(b) Yes, approximately.

(c) No.

(d) Yes.

(e) Government will take any necessary action in the matter after the Local Governments, who are being consulted, have expressed their views.

LOSS BY FLOODS CAUSED TO POSTAL EMPLOYEES IN EASTERN BENGAL.

41. **Mr. N. R. Gunjal:** (a) Are Government aware that the flood during the last rainy season has caused severe damage to the Postal employees of East Bengal as well as to the public?

(b) Are Government aware that several philanthropic societies were started at different centres of the Province to render help to the distressed and the Government of Bengal extended liberal grant for mitigation of the sufferings of the distressed people?

(c) Is it a fact that in reply to unstarred question No. 45 in the Legislative Assembly, on the 4th September, 1928 Government stated that the Post Office Guarantee Fund was started in the year 1873 by the recovery of the fixed rate of subscription of Rs. 2 and Re. 1 per annum according to pay, with the purpose of meeting emergent expenses among which one of the items was for compensation not exceeding one month's pay to postal officials for loss of private property due to accidents, fire, floods, suffered by them while on duty?

(d) Is it a fact that the fund amounting to about eleven lakhs of rupees was not sufficient to meet these charges, and that it has been credited to the Post and Telegraph Capital Account with the intention that in future expenditure under the various heads enumerated above should be budgeted for in full in the working expense budget of the Department in the ordinary way?

(e) Are Government aware that certain Postal officials in the Dacca District were victims of the flood and they have not yet been compensated for loss of their properties?

(f) Will Government be pleased to state if they propose to grant help to the distressed employees out of the fund accumulated chiefly by contribution of the postal employees in the subordinate staff? If not, why not?

The Honourable Sir Joseph Bhore: (a), (b) and (c). Government have no information, but no applications for relief have been received from any postal officials.

(c) and (d). The facts are substantially as stated by the Honourable Member.

(f) No, as the Post Office Guarantee Fund no longer exists it is not available for making grants to distressed Postal employees.

LATRINE IN MENIALS' QUARTERS.

42. Mr. N. B. Gunjal: Has the attention of the Government been drawn to the article "Latrine in Menials' quarters" on page 14 of the Eastern Bengal Railway Labour Review of January, 1931? If so, will Government be pleased to state if any action has been taken in the matter? If not, why not? •

Sir Alan Parsons: Government have seen the article mentioned. It is the practice on the Eastern Bengal Railway, as is explained elsewhere in the same number of the Review, to provide latrines not in inferior servants' quarters but in proximity to them, and Government see no reason for altering this position.

ALLEGED "PREJUDICIAL CIRCULAR" OF THE EASTERN BENGAL RAILWAY.

43. Mr. N. B. Gunjal: (a) Has the attention of Government been drawn to the article "Prejudicial Circular" on page 10 of the Eastern Bengal Railway Labour Review of March, 1931?

(b) If so, will Government be pleased to state what action has been taken in the matter? If not, why not?

Sir Alan Parsons: (a) Yes, by the Honourable Member's question.

(b) Government have taken no action in the matter, as it is entirely one within the competence of the Railway Administration to deal with.

REPORTED "UNREASONABLE ACTION" ON THE EASTERN BENGAL RAILWAY.

44. Mr. N. B. Gunjal: Has the attention of Government been drawn to the article "Unreasonable action" which appeared on page 10 of the Eastern Bengal Railway Labour Review of March, 1931? If so, will Government be pleased to state if any action has been taken on the matter? If not, why not?

Sir Alan Parsons: The reply to the first part is in the affirmative. As regards the second part, the matter is within the competence of the Agent, Eastern Bengal Railway, to decide and I am bringing it to his notice.

FREE RAILWAY PASSES ON FOREIGN RAILWAYS.

45. Mr. N. B. Gunjal: Has the attention of Government been drawn to the article "Foreign Railway free passes" which appeared on page 20 of the Eastern Bengal Railway Labour Review of July, 1931? If so, will Government be pleased to state if action has been taken on the complaint? If so, what? If not, why not?

Sir Alan Parsons: The Honourable Member's question has brought to the notice of Government the article referred to. Government do not consider that any action on their part is called for, as the suggestion in the article is that the Indian Railway Conference Association should take up the matter.

COMPLAINTS ABOUT A WAITING ROOM FOR RELIEVING STAFF ATTENDING THE DISTRICT TRAFFIC SUPERINTENDENT'S OFFICE, CALCUTTA.

46. Mr. N. R. Gunjal: (a) Has the attention of Government been drawn to the article "Waiting Room for relieving staff attending District Traffic Superintendent's Office, Calcutta" which appeared on page 4 of the Eastern Bengal Railway Labour Review of August, 1931?

(b) If so, will Government be pleased to state whether any action has been taken by the authorities to remove the complaints? If so, what? If not, why not?

Sir Alan Parsons: (a) Yes, by the Honourable Member's question.

(b) Government do not propose to take any action as the matter is one within the competence of the Eastern Bengal Railway Administration to deal with.

DAILY ALLOWANCE OF ENGINEERING SUBORDINATE STAFF OF THE EASTERN BENGAL RAILWAY.

47. Mr. N. R. Gunjal: (a) Will Government be pleased to state if it is a fact that the daily allowance of engineering subordinate staff of the Eastern Bengal Railway has been curtailed?

(b) If so, will Government be pleased to state what was the allowance allowed before and what is now being drawn by them?

(c) Has any memorial been received by the Railway Board from them? If so, what action has been taken on it?

Sir Alan Parsons: (a) and (b). Possibly the Honourable Member is referring to the decision that all Engineering subordinate staff should get travelling allowance under the conditions formerly applicable to Inspectors of Maintenance, *i.e.*, when absent from headquarters for more than four hours between 9 P.M. and 5 A.M. Previously they drew travelling allowance when absent from headquarters for more than eight hours whether during day or night.

(c) Memorials have been received from staff on the Eastern Bengal and North Western Railways and are under consideration.

QUARTERS OF THE EASTERN BENGAL RAILWAY STAFF.

48. Mr. N. R. Gunjal: (a) Will Government be pleased to state if it is a fact that the Accounts Officer, Eastern Bengal Railway, addressed all the Executive Engineers of that railway to redistribute suitably the quarters so that monthly returns from house rent would come as nearly as possible to the assessed rent?

(b) If so, will Government be pleased to state if it is a fact that the District Traffic Superintendent, Eastern Bengal Railway, Calcutta, still allows 7 men, who are supposed to be provided with two-roomed quarters, to occupy four-roomed quarters Nos. 107T, 86A, 87A, 85A and 85B, thus making the railway lose Rs. 35 a month?

(c) Is it a fact that staff drawing Rs. 35 or less have been discharged on account of the fall in the income of the Railway?

(d) If so, do Government propose to adjust the matter so that the Railway may not further lose the income from house rent?

Sir Alan Parsons: A number of employees drawing Rs. 35 or less per mensem have been discharged on the Eastern Bengal Railway. Government have no information with regard to the other matters mentioned in the Honourable Member's question, which the Agent is competent to deal with. They are sending a copy of the question to him for any action he may think necessary.

RECRUITMENT OF STAFF IN STATE RAILWAY ACCOUNTS OFFICES.

49. **Mr. N. R. Gunjal:** (a) Is it a fact that two competitive examinations for the recruitment of subordinates in State Railway Accounts Offices were held, one in April, 1929 and another in October, 1929?

(b) Will the Hon'ble Member for Railways be pleased to state (i) the number of probationers appointed on the result of the above examinations, who are at present attached to the East Indian Railway Accounts Department, (ii) the number of such probationers confirmed until now in the East Indian Railway; (iii) the number of temporary clerks, other than probationers, in the East Indian Railway Accounts Department who are now entertained against permanent vacancies, and (iv) the approximate date by which the 'Seniority List' pertaining to the cadre of the East Indian Railway Accounts Department is likely to be published?

Sir Alan Parsons: (a) Yes.

(b) The information is being collected.

CONFIRMATION OF RAILWAY ACCOUNTS PROBATIONERS.

50. **Mr. N. R. Gunjal:** (a) Is it a fact:

(i) that in accordance with the orders of the Controller of Railway Accounts the probationers mentioned in the preceding question are senior to all other classes of temporary staff and have a prior claim to confirmation;

(ii) that the "Letters of Appointment" of the probationers contain a distinct clause that they will be kept on probation for a period of one year only; and

(iii) that Mr. Sankara Iyer, late Chief Accounts Officer, East Indian Railway, gave a distinct ruling on the eve of his transfer to the effect that the publication of the Seniority List has got nothing to do with the confirmation of the

probationers and as such they are entitled to be confirmed on the strength of the orders of the Controller of Railway Accounts?

(b) If answer to part (a) item (iii) be in the affirmative, will Government be pleased to state whether these probationers will be confirmed with retrospective effect?

Sir Alan Parsons: (a) (i) The probationers mentioned are, for purposes of seniority, on an entirely different list from temporary staff, and have a prior claim to confirmation.

(ii) The letters state that they will be on probation for one year: but confirmation must of course depend on the occurrence of vacancies.

(iii) Government are not aware what ruling, if any, the late Chief Accounts Officer of the East Indian Railway gave; but the publication of a seniority list could only affect the order, *inter se*, in which probationers are confirmed.

(b) These probationers can only be confirmed from the dates on which vacancies occur.

COMPLAINT ABOUT THE TREATMENT OF SUBORDINATES AT THE CAWNPORE CENTRAL STATION.

51. Mr. N. R. Gunjal: Is it a fact that for some time past complaints were made of the treatment of subordinates at the Cawnpore Central Station? If so, was any enquiry made and with what result? Have any of those men who complained been discharged on the ground of superannuation? Is it a fact that on the gratuity bill of any such discharged men on the ground of superannuation there appears the remark "good, efficient, faithful and continuous"? If so what is the reason for such discharge?

Sir Alan Parsons: Government have received no such complaints.

ALLOTMENT OF GOVERNMENT QUARTERS IN NEW DELHI.

52. Pandit Satyendra Nath Sen: (a) Is it a fact that the major portion of Government quarters in New Delhi are occupied by the local P. W. D. men?

(b) Is it a fact that several clerks' quarters are occupied by non-authorised and non-entitled men such as contractors, carpenters, Railway Clearing Office men, Municipal Office men, etc., which resulted in additional cost on the part of Government by paying separation and conveyance allowances, etc., year after year?

(c) Are Government aware that several quarters are being rented on higher amounts to outsiders every year by the low-paid allottees not actually in need of quarters or residents of Delhi? If so, what steps do they propose to take to remedy this?

(d) If replies to parts (a), (b) and (c) above be in the negative, will Government be pleased to state what objection, if any, there may be to distribute these quarters permanently to all Government Departments located in New Delhi?

The Honourable Sir Joseph Bhore: (a) No.

(b) Government have no information on the subject.

(c) No. The second part of the question does not arise.

(d) Government do not consider that the method suggested by the Honourable Member is as good or as fair to the majority of the clerks as the system now in force.

CLERKS QUARTERS IN NEW DELHI.

53. **Pandit Satyendra Nath Sen:** Will Government be pleased to furnish the House with a detailed and complete statement showing separately the total number of clerks' quarters in New Delhi (except the Post and Telegraph Department quarters) as detailed below?—

Type of Quarter.	Total No.
'A' Type (orthodox)	
Do. (un-orthodox)	
'B' Type (orthodox)	
Do. (un-orthodox)	
'C' Type (orthodox)	
Do. (un-orthodox)	
'D' Type (orthodox)	
Do. (un-orthodox)	
E' Type (orthodox)	
Do. (un-orthodox)	
Chummary (orthodox)	
Do. (un-orthodox)	

The Honourable Sir Joseph Bhore: A statement giving the required information is laid on the table.

Statement showing the number of Orthodox and Un-orthodox Clerks' Quarters in New Delhi.

Type.	Classes.							Remarks.
	A	B	C	D	E	Single.	Total.	
Orthodox	18	70	238	970	118	104	1,518	
Un-orthodox	55	62	66	50	..	72	305	

CLERKS' QUARTERS IN NEW DELHI VACATED BY RETRENCHED CLERKS.

54. **Pandit Satyendra Nath Sen:** Will Government be pleased to furnish the House with a detailed and up-to-date statement showing separately the total number of each type of clerks quarters in New Delhi (except Post and Telegraph Department quarters) vacated by the retrenched clerks of each department and how those vacant quarters have been or are being re-allotted to others?

The Honourable Sir Joseph Bhoré: Government do not propose to have this information compiled as the amount of labour involved in doing so would be incommensurate with the benefit attained.

ALLOTMENT OF QUARTERS IN NEW DELHI TO CLERKS OF THE LOCAL PUBLIC WORKS DEPARTMENT.

55. **Pandit Satyendra Nath Sen:** Will Government be pleased to furnish the House with a copy of the particular para. of rules and orders, if any, under which the clerks, etc., of the offices (except the Secretariat and its attached offices) such as local P. W. D. offices have been declared eligible to Government quarters in New Delhi and are given preference over the assistants and clerks of the Imperial Secretariat and its attached Departments?

The Honourable Sir Joseph Bhoré: Government are not aware of the existence of any such rules or orders.

ALLOTMENT OF QUARTERS IN NEW DELHI TO TEMPORARY CLERKS.

56. **Pandit Satyendra Nath Sen:** Will Government be pleased to state if temporary clerks in the Government offices at New Delhi are entitled to, and have been provided with, quarters in preference to permanent clerks; if so, state reasons; and if not, why almost all the temporary clerks, etc., (except those who are residents of Delhi) employed in local P. W. D. offices were, and have been, provided with quarters?

The Honourable Sir Joseph Bhoré: No. Such clerks in the Public Works Department as have been allotted quarters have been given them in the ordinary manner after application.

CLERKS' QUARTERS IN NEW DELHI REQUIRED BY THE VARIOUS DEPARTMENTS.

57. **Pandit Satyendra Nath Sen:** (a) Will Government be pleased to furnish the House with a foolproof statement, verified by each Department concerned, showing separately the total number of each type of clerks quarters (except Post and Telegraph Department quarters) required by each Government Department in New Delhi during the current winter season 1931-32 as detailed below?

Statement showing requirements and allotments of Clerks' quarters in New Delhi during the winter season, 1931-32.

Department.	Number of quarters required.										Total
	'A' Orthodox.	'A' Un-orthodox.	'B' Orthodox.	'B' Un-orthodox.	'C' Orthodox.	'C' Un-orthodox.	'D' Orthodox.	'D' Un-orthodox.	'E' Orthodox.	'E' Un-orthodox.	Chummeries Orthodox. Chummeries Un-orthodox.
F. & P.											
Home											
Finance											
Commerce											
Legislative											
Assembly											
Army											
E., H. & L.											
D. G., I. M. S.											
Archæology											
Imperial Record											
I. & L.											
D. G., P. & T.											
Indian Stores											
Civil Aviation											
Controller of Printing											
A. H. Q.'s Branches											
R. A. F.											
Railway Board											
Railway Audit											
Railway Account											
M. A. G.											
A. G., C. R.											
C. B. R.											
Local P. W. D. & so on.											

(b) Will Government please furnish a statement in the same form showing the actual number of each type of quarters allotted to each Government Department in New Delhi for the winter season 1931-32?

The Honourable Sir Joseph Bhore: Government do not propose to have the information compiled as the amount of labour involved in doing so would be incommensurate with the benefit attained.

STATEMENT BY MR. PRESIDENT ON MR. C. S. RANGA IYER'S MOTION FOR ADJOURNMENT *RE* PUBLICATION IN THE PRESS OF THE PROCEEDINGS OF THE LEGISLATURE.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order, With reference to the adjournment motion of which the Honourable Member, Mr. Ranga Iyer, gave notice, the Honourable the Law Member approached the Chair and represented that he had made a previous engagement to leave Delhi last night and whether the Chair would agree to receive his considered opinion in writing instead of his being present here.

[Mr. President.]

The Chair accepted the request and received the following opinion in writing from the Honourable the Law Member on the issue which was referred to him yesterday. It is in the form of a letter addressed to the Chair.

"Sir, with reference to the inquiry which was made of me this morning, I beg to say as follows—that, in my opinion, the ordinances have made no change in the ordinary law of the land in the matter of publication in the public press or otherwise of the proceedings of the Legislature."

That being so, the whole object of the adjournment motion is met and nothing further need be said. I trust the opinion will be considered satisfactory that no change has been made in the publication of the proceedings of the Assembly in the public press by the promulgation of the Ordinances.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Is that the opinion of the Government?

Mr. President: This is the opinion of the Honourable the Law Member of the Government of India.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy: With your permission, Sir, I desire to make a statement about the course of Government business in the week beginning Monday, the 15th February. On that day, Sir, the order of business will be as follows:

- (1) Resumption of the debate on the motion to refer to Select Committee the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.
- (2) Motions to take into consideration and pass the Bill to define and amend the law relating to partnership, as reported by the Select Committee.

On Wednesday any business unfinished on Monday will be taken in the order shown on Monday's paper and thereafter—

- (1) A motion will be made for leave to introduce a Bill to amend the Workmen's Compensation Act.
- (2) The debate on the Public Account Committee's Report will take place on the motion that the Report be taken into consideration.

The next business will be the voting on excess grants and supplementary grants.

THE HINDU MARRIAGES DISSOLUTION BILL—contd.

Mr. President: Further consideration of the motion moved by Sir Hari Singh Gour on the 4th February.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadan Rural): Sir, I beg to resume my half-finished speech which I delivered on

the 4th February to a very thin House at the fog end of the day. I may remind Honourable Members that I am not moving my motion for circulation, but am proposing that the Bill should be thrown out. I may also remind the House that this obnoxious Bill is the ghost of the old Bill which died an unnatural death in 1928. I hope Honourable Members, after listening to what I have to say, will agree with me that this ghost, instead of being given any further indulgence should be beaten with a big stick, as was very rightly put by my Honourable and revered friend Raja Bahadur Krishnamachariar, when a similar motion was brought before the House last year by the Mover of the present motion. Sir, regarding the opinions from which I quoted last time, I would like to remove one misconception. These opinions were collected on a previous occasion, not during the current term, but during the last term, and therefore it is not correct to hold that these opinions were distributed to Honourable Members and that they are in possession of them. By quoting from those opinions and also from the Shastras, I showed to the House last time that the views held by the Honourable the Mover are wrong and that the statements made in the Statement of Objects and Reasons are inaccurate and misleading. By quoting from Narada himself I showed that a Hindu marriage consists of two parts, firstly *barana* or choice of the bridegroom, which is also called *vagdāna* or formal betrothal, and the second part is *panigrahana*, which means the joining of the hands of the bridegroom and the bride.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): More correctly *pānīpīdāna*.

Pandit Satyendra Nath Sen: Yes, that is the same thing, that is only a synonym. Of these two parts the first, namely, betrothal or *barana* can be altered, but the second cannot. Of the verses quoted from Narada I showed last time that three of them, namely, verses 8, 19 and 37 speak of a very careful examination of the prospective bridegroom, and the rest, namely, verses 16, 24 and 97 speak of the betrothal only. But for this interpretation the verses would become nonsensical. Verse 24 will at once prove my contention. It says:

"Let the maiden wait till her menses have passed three times, and then choose another bridegroom."

I said last time that if this view is not taken, then most of the Honourable Members of this House would come under the purview of this clause. Sir, the translation may be a bit ambiguous as given by Mr. Jolly, but the original will make everything clear. "*Trin ritun samatikramya kanyāyan varayad varam*". The word used is *kanya* which means an unmarried girl and not a married girl, and so it cannot but refer to betrothal and not to the final performance of marriage. Then I come to the word *punarbhū* which has been translated as remarriage. The original word as used by Vasishtha and all other law-givers is *punarbhū*, which is a technical term and does not admit of a strictly accurate translation. The authors have mentioned this case as simply a case of probability; Vasishtha and all other law-givers have mentioned many other cases of such probabilities. They have mentioned also *kaninaputra* and *sahodaputra*. *Kaninaputra* is the son of a *kanya*, that is, of an unmarried girl, and *sahodaputra* means the son of a pregnant bride. These are all probabilities only. It does not follow that these cases are approved or encouraged by the Shastrakaras. There is nothing to show that Vasishtha looks upon these cases with any

[Pandit Satyendra Nath Sen.]

amount of favour. As to the position and status of a *punarbhū*, I have already stated that the food served by her is not acceptable, and if any one eats the meal served by her, he will become liable to a penance called *chandrayana*. When I was almost finishing the criticism of the objects and reasons of this Bill last time I received two interruptions. One was from my Honourable friend Mr. Joshi who observed, "These are grounds as given by Sir Hari Singh Gour", thereby implying that there might be some other reasons, and also implying at the same time that all those grounds and reasons have been refuted successfully. The other interruption was a very encouraging interruption—I should say—from my Honourable friend Nawab Sir Abdul Qaiyum. He observed "Why not take all these precautions before the marriage has been actually performed?" A truer view of the thing could not be taken. This is exactly the view which has been taken by our Shastrakaras as well as their translators and commentators and has been accepted by the entire Hindu public.

Then I come to the grounds for dissolution of marriage. The grounds are three, namely, impotency of the husband, his imbecility, and the fact that he is suffering from sanious or ulcerous leprosy. But these grounds are extremely vague and they will give rise to various complications, social and legal. These have been discussed by some of the persons who have given their opinions on this Bill. I discussed these last time and I need not repeat my arguments. Our sages were certainly not heartless. They could foresee, as my Honourable friend does, that there might be some extreme cases which might apparently justify a dissolution. They were not fools and they were not heartless. Their heart was full of the milk of human kindness, but their view was that sexual pleasure is not the only object of life. Even taking the most perverse view of the case, one is bound to admit that at the cost of one or two cases, imaginary or real, our sages have advised us to stick to the lofty ideal which is nowhere else to be found in the world but which is now going to be accepted by other societies. Last time I was referring to the Marriage *mantras* which show that a complete unification of body and heart of the bridegroom and bride takes place. The bridegroom says, "Let your heart be mine and mine be yours". The bride utters the *mantra* looking at the pole star—"Dhruvāham patikule bhuyasam"—may I remain firm to the family of my husband like the pole star; also, "Arundhativavaruddham asmi"—I should confine myself to the family of my husband like Arundhati who was the faithful wife of sage Vasishtha, the very sage whom the Honourable Member has quoted.

Mr. M. M. Joshi (Nominated Non-Official): What about the man?

Pandit Satyendra Nath Sen: He is also bound by the marriage tie. (An Honourable Member: "He can marry as many wives as he likes.") But he does not even abandon his former wives except on special grounds. These solemn promises are made in the presence of the holy fire and in the presence of *Salagram*, which is the holiest of the deities. Does the Honourable Member suggest that we should fall from the lofty ideal which has maintained the Hindu society aright for thousands of years? How can a wife think of dissolution? Speaking from the religious point of view, she is half of the entire body, and some people say the better half of the body "*Sarirardham Smrita jaya*", and it is for this reason that Manu has

distinctly said "*Na nishkraya-visargabhyam bhartur bharya vimuchyate*"—neither by sale nor by repudiation can a wife be released from her husband. She is completely united to the husband.

An Honourable Member: What about the man?

Pandit Satyendra Nath Sen: The something—no dissolution

Mr. President: The Honourable Member has been giving an elaborate lecture on the Shastras and I hope that no Honourable Member will interrupt him in his learned address.

Pandit Satyendra Nath Sen: This view has been repeatedly held in the Mahabharata and other Shastras. The Mahabharata says:—"*Eka eva patir naya yavajjivam parayanam*"—A woman can have only one husband as her sole support during her whole life. Honourable Members will remember in this connection the well known line from the Mahabharata—"*Sakrit kanya pradiyate*"—A girl is given away in marriage only once and not more than once. Can any Shastra be clearer than this? In spite of these clear utterances it has been a fashion for some to insist on their perverse views. I have called it a fashion. I should rather call it a belated fashion. This dissolution or divorce is being discarded in the West and it has been completely abolished in some parts of the Western countries. I should like to read a few lines from the *Englishman* of the 14th February, 1925:

"No divorce in Free State. Marriage is a sacrament in Ireland. On Mr. Cosgrave's motion the Dail has adopted new standing orders depriving persons of the power of securing divorce in the Free State and of the rights to re-marry. Mr. Cosgrave said: The majority of the Irish people regarded marriage as a sacramental tie incapable of dissolution."

And this is what Judge Lindsay speaks disparagingly of his own country—U. S. A.:

"Five years ago dissolution was one to four; now two to four. . . . They (i.e., the figures) are approximately correct for many cities of the United States."

If this is the view taken by Western countries, should we Hindus, the sons of Hindustan, the land of Sita and Savitri, try to pass a Bill which will shake the very foundation of Hindu society by striking at the very first principle of a Hindu marriage? In this connection I am tempted to quote only one other opinion which gives the views of some of the Western thinkers in this connection. They are not orthodox Hindus. One of the gentlemen in giving his opinion says:

"If the Hindu is to be taunted for holding this old-fashioned view of marriage, he has the satisfaction of erring in good company. Mr. H. Slessor who was the Solicitor General in the Labour Government of 1924 says that 'Chastity which is the discipline of sexual life has been corrupted by Divorce.' Now, Mr. Slessor is not an orthodox reactionary Brahmin who is the target of the sneers and taunts of our social revolutionaries."

Then again, "it is a well known fact that the late Mr. Gladstone strongly opposed the English (Divorce) Act of 1857, as subverting the principles of

[Pandit Satyendra Nath Sen.]

Christianity and morality". That Gladstone's apprehension was well founded is proved by the following words of Lord Chief Justice Campbell which Sir Hari Singh Gour and his allies should deeply ponder over:

"I have been sitting two days in the Divorce Court and I am afraid of the monster I have called into existence. There are now 300 cases of divorce pending. This is rather appalling. There seems some reason to dread that the prophecies of those who opposed the change may be fulfilled by a lamentable multiplication of divorces and by the corruption of public morals."

To quote the Rev. Graham again:

"This one breach in the old law of indissoluble marriage has reacted disastrously on the security of home-life; and experience seems always to show that when once divorce is made possible on any pretext whatsoever, the percentage of divorces will increase year by year continuously. None but those who are obsessed with a spirit of social vandalism can view such a situation with equanimity."

Sir, before I conclude, I should like to remove at least one misconception of the Honourable the Mover. Speaking on this Bill in 1928 he observed:

"The learned commentator, e.g., the learned Dr. Bühler, the translator of Manu, cites a long series of quotations from the sacred writings of Gautama, another writer of great repute in Chap. XVIII, verses 15 and 17 and Vasishtha Chap. XVII, paras. 75 and 80, it is explicitly written, and Kullukabhatta (he says Kalukbhat—perhaps he does not know accurately the exact name of the commentator), the reputed commentator of Manu, who is recognized by the orthodox and the reformers alike as the most authentic commentator of this great work of Manu, points out that this separation of husband and wife *ipso facto* dissolves the marital tie, and after the periods mentioned by Manu the wife is free to remarry."

Sir, here is Gautama and here is Vasishtha and here is Kullukabhatta. I challenge the Honourable the Mover and say that none of these says what has been ascribed to them by the Honourable the Mover. The original verse of Manu to which he refers is from Chapter IX, sloka 76. I shall give you the original verse. Though the translation is clear he has misunderstood it. The verse is:

*Proshito dharma-kāryārtham pratikshyoshannarah samāh,
Dharmārtham trin Yashortham vā Kāmārtham trinshu vatsarān.*

"If the husband went abroad for some sacred duty, she must wait for him 8 years. If he went to acquire learning or fame, six years. If he went for pleasure, three years."

On this he adds a footnote:

"Gaut. XVIII, 15, 17; Vas. XVII, 75—80, Kulluka, Nārāyana and Raghavānanda declare that after the expiration of the terms mentioned, the wife shall go to seek her husband."

Now the difficulty lies in this expression, "to seek her husband". The translator does not say that she should seek "a" husband but that she should seek "her" husband. This has been misunderstood by the Honourable the Mover as meaning that she must seek another husband. (An Honourable Member: "But supposing his whereabouts are unknown"?) The commentator Kullukabhatta says:

"Proshitaḥ patih ashtau varṣhaṇi patnya pratikṣhantiyah ūrdhvaṁ pātisannidhim, gauchchhet."

i.e., after the period she should go to her husband.

This actually occurs in Vasishtha, and Kullukabhatta quotes him and makes this statement. (*An Honourable Member*: "But if his whereabouts are not known?") Then the injunction contained in the preceding sloka will hold good, viz.:

"Jivet silpair agarhitaih."

—"She should live by pursuing blameless occupations." (*An Honourable Member*: "That is not in the original text.")

Mr. President: Order, order. I appeal once more to Honourable Members not to interrupt the learned lecturer.

Pandit Satyendra Nath Sen: As this has been challenged, I shall give you, Sir, the original verse. Here is Manu:

"Vidhaya proshite vritkim jivenneyamam asthita.

Proshite twavidhayaiva jivechekhilpair agarhitaih."

"If the husband went on a journey after providing for his wife she shall subject herself to restraints in her daily life; but if he departed without providing for her, she must subsist by pursuing blameless manual work."

Sir, the Shastras are to be taken as a whole. I have already told you that the grounds given are vague and even taking those disabilities to be of the extreme type, the Shastras won't allow a dissolution. They have got very clear utterances on such points as impotency and so forth. Bhargaviya Karmavipaka says:

Klivam va dushitam vapi vyadhitam vridham eva va,

Susthitam dushitam vapi potim ekam na langhayet."

"The husband, be he impotent, sickly or old, well-circumstanced or badly-circumstanced, should not be abandoned by his wife." (Hear, hear.)

And this is from Parasara, who is held in the highest esteem in Kaliyuga:

Daividram ryadhitam murkham bharttaram ya na manyate

Śā Mṛita jāyate ryāti vaidharyam cha punah punah."

"A wife who does not care for such a husband will suffer widowhood in her successive rebirths."

Then, again, this is from one of the Puranas:

"Kutsitam patitam mudham daividram roginam jadam

Kulajā vishnutulyam cha Kāntam pashyati santatam."

'Jada' in the sloka is the synonym for 'imbecility'. I could multiply texts like these but I do not wish to take much time of this Honourable House and I shall conclude very soon. (*An Honourable Member*: "How long?") I will not take more than five or six minutes more. (*Some Honourable Members*: "Go on, go on.") Sir, as a member of the Working Committee of the All-India Varnashram Samgha, I think it my duty to read a few lines from a petition which has been submitted to this Honourable House by that body:

"The said Bill is subversive of the religious notion of a Hindu marriage which is known as a sacrament which can never be dissolved. Your petitioners submit that Dr. Sir Hari Singh Gour has not studied the sacred literature of the holy Sanatan Dharma (Hear, hear) nor has he any acquaintance with or respect for its daily practice as traditionally interpreted and followed. (Hear, hear.) He has no genuine regards for the ancient Hindu Vedic religion (Hear, hear), nor has he any mandate from any body to introduce Bills of this nature."

An Honourable Member: Not even from the ladies?

Pandit Satyendra Nath Sen: No. I quoted their opinion last time. "Neither morally nor as a matter of convention is it right that he should be allowed to interfere in Hindu religious matters against the oft-reiterated policy of non-interference regarding them". Sir, I hope this Assembly will not wound the religious feelings and sentiments of the Sanatanists who, though they are not so vocal as some of our other friends, form the bulk of the Hindu population. Sir, it was only the other day—in September 1929—that this Assembly gave offence to the dumb millions including the orthodox Pandits—who are no better than the dumb millions nowadays—by making an outrageous encroachment upon the same sacrament of marriage. You can take it from me that a reaction has already set in. A huge disquietude is brewing in the country. If it is the will of the Honourable Members to go on committing mischief in this way, there will be such an upheaval in the country as none will be able to cope with. Sir, I have finished. I hope Honourable Members will combine—I hope the Government will also combine with us—in throwing out this Bill.

Mr. N. M. Joshi: Sir, I rise to support the motion made by Sir Hari Singh Gour. His Bill seeks to remove to a small extent and, in my view, in a very imperfect manner, one of the unjustifiable restraints upon the personal liberty of those people who are born Hindus and who are regarded as Hindus. Sir, marriage, in order to be happy, must be a voluntary partnership, and married life also to be happy must continue to be a voluntary partnership. When the partnership ceases to be voluntary it becomes unhappy. No man has a right to compel people to remain in partnership and to make them unhappy in this respect. I feel, Mr. President, that to compel people to remain in a married state of life when that state is not a happy state, is a positive cruelty to the parties to the marriage. I therefore feel that every freedom should be given to the parties to the marriage whenever they think fit, to dissolve the partnership. From that point of view the Bill introduced by Sir Hari Singh Gour is not perfect and does not satisfy people like me.

Hindu society, Mr. President, is, as we all know, partial to man and it has always tried to put restraints upon women, whereas man has been left free without similar restraints. In the case of marriage this is especially true. A man in the Hindu society can marry any number of wives, but a woman, as my learned friend told us, must tie herself down to one husband under all circumstances. It is true that both man and woman can under certain circumstances get a judicial separation from each other. That is a small mercy of the present law, but in the case of the man, whether he gets judicial separation or not, when he does not like a wife, he can take another wife. In the case of a woman, although she may get judicial separation, she is not permitted to marry again. I think this is a great injustice committed upon women by the Hindu community, and the sooner we get rid of this the better.

Sir, I wish to make one thing clear. The Honourable Member who gave us a learned exposition of the Hindu Shastras, told us that we should not offend the orthodox community. Let me tell him that we have absolutely no desire to offend the orthodox community at all. This Bill does not compel the orthodox community to have divorce. No orthodox

woman will be compelled to apply for a divorce. Therefore, we are not offending the feelings of the orthodox community at all by this Bill. The Bill is a permissive Bill. Those who want to seek divorce will be given the divorce and I do not therefore understand why the orthodox community should at all be offended when people who like to get divorce get it. Nobody is compelled. He also gave instances of other countries where the freedom may have been abused, but it is not a good argument that, because some people abuse freedom, therefore there could be no freedom at all. We know that some people steal, but we do not put every one for that reason behind the prison bars. If we give freedom, there will be some people who will abuse it, but that is not a good reason why all people should be deprived of their freedom. Moreover, although we may permit divorce or dissolution of marriage, that does not mean that everyone is going to seek divorce, and this does not happen in any country. As a matter of fact, when we take a flat and become accustomed to it, we do not change it in a light-hearted manner. On the contrary, we suffer some inconvenience and stay in the same flat. Who, therefore, would think of seeking a divorce in a lighthearted manner?

Mr. President, Pandit Satyendra Nath Sen, who opposed Sir Hari Singh Gour's motion quoted Shastras. My view is that these Shastras or Hindu scriptures were made thousands of years ago. I do not know whether these regulations made by the scriptures were suitable for the ancient times or not. I am not a learned student of history. But I know this that these regulations do not wholly suit the present times. There are some regulations which are handed down to us from ancient times which are found to be quite suitable for our present times and we should keep them. But there are some other regulations which are unsuited for our present times. Therefore, we must either revise these regulations or abrogate them wholly. Sir, I am not one of those people who would allow himself to be guided by regulations made thousands of years ago without inquiring whether these regulations suit our present necessities or not.

The Honourable Member who opposed the motion said that we should take precautions before the marriage. People generally
12 Noon. do so. When parties marry, they make it their business to see whether they are suitable for each other or not, but as human beings we are liable to err and it should be open to us to correct our mistakes. Moreover, although we may be very careful before the marriage and take all precautions, yet some circumstances do arise after the marriage which necessitate the dissolution of the marriage. So it is no use simply saying that we should be very careful before the marriage. The Honourable Member who opposed the motion said that we should keep a lofty ideal of chastity before our minds. There is no one in this House who will not keep that lofty ideal before his mind but a forced chastity is not of much moral value. If chastity is to have moral value it must be a voluntary one. Leave the woman free either to have a divorce or not to have divorce.

Pandit Satyendra Nath Sen: Do away with the marriage laws altogether. Let them be free.

Mr. N. M. Joshi: When that question is brought before the House, I shall express my opinion on that question. I am not here to-day called

[Mr. N. M. Joshi.]

upon to discuss that question. I am called upon to discuss the question whether dissolution should be allowed in certain circumstances or not. I therefore think that, although every one of us entertains and cherishes a lofty ideal of chastity, yet we are not prepared to compel people to remain in a married state against their wishes when they find that the married state does not conduce to their happiness. The Bill put forward by Sir Hari Singh Gour, as I said in the beginning of my speech, does not go far enough. He is trying to please the orthodox community, but he will not succeed in his attempt. He will not get the support of the orthodox community and people like me who will vote with him are not fully satisfied. Therefore I feel that when he makes his next attempt at social reform, he will take a lesson from this fact that the orthodox community will oppose anything that he brings forward, whether there is support from the Shastras or not, because Shastras are so numerous that it is easy for any one to get some authority for his view from some old book. I therefore hope that when the Honourable Member next brings forward another measure of social reform, he will see that it satisfies the minds of people who look at questions from a rational point of view without taking the trouble of pleasing the orthodox community. I hope the House will pass this motion.

Mr. B. Sitaramaraju: (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): I beg to move:

“That the Bill be re-circulated for the purpose of obtaining further opinion thereon of the Hindu community including men and women of that community and also including their organisations.”

In moving this amendment I have taken note of the fact that this Bill was once circulated for public opinion, but that was some years ago and the opinion then gathered was before the House, when the House was given an opportunity to discuss that Bill. On that occasion, Sir Hari Singh Gour made the following statement when he went through his Bill:

“I do not wish to press this motion upon the House if the bulk of my countrymen are opposed to this. I tabled this Bill with the concurrence of a large number of my friends, and if I should name them, they would probably say that they have since changed their minds, but I can assure you, Sir, that there is a large body of public opinion behind this measure.”

Then he says:

“My Honourable friend (Lala Lajapati Rai) is perfectly right that the time is not yet ripe, and because that time is not yet ripe I take his advice and I will renew the measure on a more propitious occasion.”

In fact, he has not made any changes even in the Objects and Reasons of the Bill notwithstanding all that happened then and thereafter. My Honourable friend, the Leader of the Nationalist Party, in his opening speech remarked, however, that public opinion in this country has changed since he last introduced that Bill, and womanhood in this country has sufficiently advanced now and that he is assured that a large body of public opinion will be behind this measure if it is passed into law. He also mentioned as an instance the Divorce Act passed in the Baroda State. My friend is thinking of the Divorce Act of Baroda. Some of my other friends are thinking of the reception given in the country to

the Sarda Act. I, for one, cannot say whether public opinion to-day is any more favourable than it was when Sir Hari Singh Gour introduced that Bill. However I say that this is entirely a matter which is the concern of the people who will be directly affected by this Bill. This Bill is called the Hindu Marriage Dissolution Bill, but it does not apply, nor is it intended to apply to all Hindus, because there are several communities among Hindus who have wider powers for divorce than those provided under this Bill, and that fact was taken note of by the Mover of this Bill when he mentioned in clause 3 that this Bill was not intended to restrict the rights of dissolution of marriages otherwise existing. It is intended to apply to a particular section of people of the Hindu community who consider their marriages indissoluble. The reason for saying that this Bill is intended to apply to that section also has been stated by the Mover of the Bill. The last speaker remarked that this Bill is not intended to compel the orthodox opinion to accept this Bill. But that is not correct because in quoting certain texts of the Smritis, in support of his Bill, Sir Hari Singh Gour is of opinion that that is the Shastric law but as that has fallen into desuetude, he wanted to clear that doubt whether the law as given by the Shastras is not intended to operate in favour of dissolution of marriage in all castes. That is why in the preamble he says:

“Whereas it is expedient to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion. . . .”

If this Bill is not intended to affect orthodox opinion in this country, then it is certainly uncalled for, because there is already an Act of 1872 which can easily give relief under all these conditions for the unorthodox. If I have time I will refer to that later on. Therefore I take it that this Bill is intended to give an interpretation of the Shastric law which necessitated my Honourable friend Mr. Sen elaborately to deal with the Shastric law on the subject to which I propose to come presently. In a matter like this, I would consider that the opinion of the community directly affected by such legislation is absolutely necessary because it is they after all who have to support this Bill. In the absence of support from that community who will be affected by this Bill, it would be difficult for any State to administer such a law and the law would be a dead letter on the Statute-book. In this connection I should like to quote one speech of the Honourable the Home Member on a similar occasion. The Home Member said:

“Any kind of legislation which impinges upon social customs, usages and status ought not to be undertaken without the greatest caution and deliberation, and that is particularly true of the law relating to divorce. It regulates the most intimate personal relations of the community affected. Before the House can reasonably be asked to accept this measure I venture to say that it ought to stipulate that there should be a reasonable body of evidence to show that the community concerned desire an amendment of law.”

That is a very proper view to be taken by any reasonable Member of the House, in this matter. Sir, I have acknowledged that this Bill was once before the public and certain public opinion was then gathered. If it were to be assumed that the public opinion in the country to-day is not any more favourable than it was when this Bill was circulated for public opinion it would be my duty in the name of the people I represent that this motion should be opposed. I have already stated that Sir

[Mr. B. Sitaramaraju.]

Hari Singh opines public opinion is changed now in his favour. Apart from that the opinions then gathered were not satisfactorily collected. Whenever the Government of India gather public opinion, they only gather it from official sources, very much in the same way they do official returns. I will give you a few examples. For instance, here on page 25 Mr. Percival, I.C.S., says:

"I am in favour of the Bill. The matter, however, is primarily for Hindus to decide."

Then there is another opinion:

"With reference to Government letter, etc., I have the honour to state that the Collectors consulted are in favour of the proposed enactment and that I agree with them."

Then, the District Magistrate of Burdwan reports that he is:

"personally in favour of the Bill. The proposals are not welcomed by the Hindu community."

The District Magistrate of Birbhum says that he has no comments to offer, and so on and so forth. Quite a large number of these opinions which have been collected are from official sources, and the real public opinion of the Hindu community, particularly of those communities among whom divorce is not yet practised and which it is the intention of the Honourable the Mover of this Bill to affect, has not been adequately gathered. I do not of course mean to say that none of those communities who would be affected by this Bill have been consulted at all. They were consulted to a certain extent, and the opinions then gathered were entirely against this Bill. But the main ground which compelled me to table this motion however is that since the Mover of this Bill stated that public opinion is decidedly more in favour of the Bill now than it was before, I thought that it would be far better to have ample evidence that that community desires such a legislation; and in that case we could go straightaway into Select Committee and discuss the provisions of the Bill. As that evidence is wanting I have given notice of this motion.

Had it not been for a reference in the Bill itself that this Bill is intended to restore the old law, I would not have troubled myself to refer to any texts at all now. References to the texts have already been made to a large extent by my Honourable friend, Pandit Sen. I am not orthodox and I am not heterodox either. Therefore I can take a dispassionate view from the manner in which this Bill has been drafted and the way in which the texts have been brought up for discussion, it is my duty to say a few words on those texts themselves. The Honourable Leader of the Nationalist Party is of opinion that all Hindu marriages can be dissolved under the Shastric law. Pandit Sen on the other hand is of opinion that no Hindu marriage can be dissolved. I respectfully submit that both of them were speaking only half-truths, because in certain cases Hindu marriages can be dissolved and in certain other cases they cannot be dissolved. The reason is this. Under the Shastric law there are eight forms of marriages. Of these eight forms, the Brahma, Daiva and Arsha forms are religious marriages; Prajapatya, Gandharya and Asura civil marriages; and Rakshasha and Paishacha are sinful marriages. Of these eight forms of marriages, it cannot be gainsaid that a religious marriage

being a sacrament can never be dissolved, whereas a civil marriage can always be dissolved, and I will presently quote my authority for that view. Manu says the religious duties of husband and wife are correlated and there shall be fidelity till death. Further he says nuptial *mantras* cannot be administered to non-virgins. But all these relate to religious marriages. It is wrong to state, as my friend Pandit Sen has done, there is no such thing in Manu as remarriage. I should like Pandit Sen to tell me, if remarriage is not allowed in Manu, what this particular text means:

“*Sa cha dakshata yoni sya dgata pi va paunarbhavena bhartra sa punsamskaram arhati*” (in Chapter IX of Manu at 176.)

I particularly want to stress the word *punasamskarm arhati*. It means that marriage is lawful. The translation is ‘lawful’ but I am prepared to concede to my friend Pandit Sen that ‘lawful’ may not be an accurate translation of the word *Arhati*. That word means something more than lawful, and it shows that she is deservingly entitled to be remarried. Therefore it cannot be said that there is no such thing as remarriage in Manu.

Pandit Satyendra Nath Sen: But this is not marriage in the proper sense of the term.

Mr. B. Sitaramaraju: It is very difficult to say what is the proper sense of the term of marriage and what is not the proper term of marriage. It is a matter of one’s view point.

Pandit Satyendra Nath Sen: The word “marriage” does not occur in the text.

Mr. B. Sitaramaraju: It does because the text says *Samskaram*. I understand my Honourable friend when he says that it is not a proper term of marriage because in ancient life the people who had become religious would certainly consider all religious forms of marriage to be A1 and all non-religious forms of marriage to be A2, or, to use an exact expression, those marriages which are religious were deemed praiseworthy and those which were not religious were not deemed praiseworthy. In that way my Honourable friend is entirely right. But when he says that the word *punarbhava* is a technical term which means that she is a degraded woman, I venture to submit that it is not so.

Pandit Satyendra Nath Sen: I quoted the Shastras in my support.

Mr. B. Sitaramaraju: I am also quoting from the Shastras. I will read translation by Dutt. I have got the original text also here but I do not want to repeat the Sanskrit text which many Honourable Members will not understand and so I shall quote the translation; and if my Honourable friend says that a word is not properly translated, I am prepared to take up the challenge, and take the original. IX. 176 says:

“If that wife who is a virgin takes another husband, then let the second husband lawfully marry her again. Similarly if a wife after having deserted the husband of her girlhood and known another man returns to her husband of girlhood, let the first husband lawfully marry her again.”

and in the previous verse the term *Paunarbhava* is stated to mean the son of a remarried woman.

Pandit Satyendra Nath Sen: Whose translation is this?

Mr. B. Sitaramaraju: Dutt's translation.

Pandit Satyendra Nath Sen: Mine is by Bühler.

Mr. President: Order, order. The Honourable Member had an opportunity of dealing with Shastras for an hour and a half. Let Mr. Raju have a few minutes to quote Shastras.

Mr. B. Sitaramaraju: I am prepared to concede to my Honourable friend that, so far as these religious marriages are concerned, the text in this book of Manu says that they are indissoluble. But that is not all. There were several marriages which are not religious marriages and which can be dissolved. That is my point. Again I would like to say that both the Leader of the Nationalist Group as well as the Honourable gentleman who is his follower have not accurately quoted the texts of Narada itself. They both are wrong. We are now concerned with the verses quoted by Sir Hari Singh Gour in support of his Bill, and all those verses are from Narada; and Sir Hari Singh Gour and my Honourable friend take the extreme views. Mr. Sen would say that all those verses refer only to betrothal couples excepting the three about the suitors. Sir Hari Singh Gour would contend that the verses support his proposition that a marriage could be dissolved. Both of them are not correct. Verse No. 24, which was quoted by Mr. Sen and which is found in the Statement of Objects and Reasons, certainly refers to a bridegroom and No. 37 refers to a suitor; but No. 97 undoubtedly refers to a husband; and the fact that my Honourable friend, Sir Hari Singh Gour, has thought it desirable to mix up all these things together—the qualifications of the suitor, betrothed couple and husband—as the conditions under which a wife could dissolve the union merely shows that he did so in order to make a bulky argument in favour of his Bill. If he had not done so, he would not have given an opportunity for Mr. Sen to attack the whole lot in the Bill; but as I have said Mr. Sen also is not correct; but we are not concerned with all those verses now. I am not prepared with all respect to the Leader of the Nationalist Group in his reasons to follow him through the gutturs of the bygone ages, but I would like to read this much which is really material to this Bill—verse 97—which says:

“When her husband is lost or dead, when he has become a religious ascetic, when he is impotent and when he has been expelled from caste, these are the five cases of legal necessity in which a woman may be justified in taking another husband.”

By what stretch of imagination can my Honourable friend Mr. Sen contend that this verse refers to a betrothed couple only? A man does not become a husband unless the marriage is complete; she is entitled to marry again, according to this text.

One mistake my Honourable friend Sir Hari Singh Gour made and it is this; in quoting this text which undoubtedly refers to a married state, where the wife is entitled to dissolve the union under those conditions, on the strength of this passage he would like to contend that the whole Hindu community under this verse is entitled for a dissolution of marriage. He is wrong there because in the very chapter he himself has quoted I would invite his particular attention to three verses which will disprove his contention. These verses are Nos. 3, 28 and 29. These three would disprove his contention that verse 97 which says that a wife can dissolve a union

and take another husband should apply to all Hindus. My Honourable friend cannot question the translation because he himself has quoted from this book—the Sacred Books of the East by Max Muller—and I am entitled to quote back the same book. It says:

“Of these two parts of the marriage ceremony, the choice of the bride is declared to lose its binding force when a blemish is discovered in either party. The marriage prayer which is recited during the ceremony of joining the bride's and bridegroom's hands is the permanent token of matrimony.”

An Honourable Member: Read the commentary.

Mr. B. Sitaramaraju: I do not care for commentaries; I am reading the text and that a commentary is after all a commentary and I am as good a commentator as anybody else and my opinion is as good as anybody else's. This verse would show that a betrothal could be dissolved but the marriage ties cannot be dissolved; and Max Muller and people who are not well acquainted with Hindu society are puzzled because they find here is a text which says marriages could be dissolved and here is another text which says that marriages can never be dissolved; they find it inconsistent; but they have not carefully read these passages and say whatever they thought in their commentaries and that is the reason why I rely more upon the text than upon the commentaries. The next verse is much more clear. It says—I am reading No. 28.—“Once is a family property divided, once is a maiden given in marriage and once.....” each of these three acts is done a single time only among the virtuous. There also marriage is described to be indissoluble among the virtuous people, and I have said what is virtuous and what is not virtuous when I enumerated the 8 forms of marriage just a few minutes ago. The next paragraph settles practically the whole question raised by my friend Sir Hari Singh Gour. It is this:

“This rule applies to the first five forms only beginning with the.....form of marriage and not to the three others beginning with the Asura form.....the irrevocable gift of a maiden to a particular suitor depends upon the qualities of the suitor.”

In other words, it means this, that, so far as religious marriages are concerned, they being a sacrament they cannot be dissolved, but where civil marriages are concerned they can be dissolved, and the passages which my friend Sir Hari Singh Gour has quoted were from a chapter which began with the qualifications necessary for a suitor and where mention was made of the circumstances under which a union can be dissolved. Therefore I say that verse 29 makes the position clear as regards the application of verse 97 is concerned. This view held by the ancient Smrithikaras does not seem to be so outrageous as some of our friends seem to imagine, because recently in England there was a conference of Bishops, and at that conference it was decided by them that where a marriage is performed in a Catholic Church, that marriage, being a sacrament, cannot be dissolved, and that marriages performed outside the Church can be dissolved. That is practically the view of the ancient Smrithikaras. Whatever the merits of that may be, I would like to point out that it is not my intention to go any deeper into the matter of these texts now. It requires a very careful consideration, some amount of sympathy and also some amount of toleration is necessary to understand them. If only orthodox opinion in this country is more tolerant, and if social reformers like my friend Sir Hari Singh Gour are less impatient, even this country would be still a happy place to live.

[Mr. B. Sitaramaraju.]

So much about the objects and reasons of my friend's Bill, but I say that the main object of his Bill is not that he was in doubt as regards Shastric Law. The real object is this, and Sir Hari Singh Gour, has given it in his Code :

"So long as Hindu law remains a part of the religious law of the people, caste must continue to play its part and the first step that appears necessary in the reforms of the Hindu law is to remove it from the control of the Shastras and place it in the hands of the Legislature."

His real object is that the Legislature should take control of all Shastric Laws of Hindus, and this Bill is only a thin end of the wedge. I personally sympathise very much with my friend, but I might point out that if my friend wanted to bring forward a Divorce Bill, he should have brought forward a pucca born Divorce Bill. I for one hate anybody tinkering with this problem, which is by far a serious problem; it is connected with the most intimate relations of husband and wife. The point for our consideration is this. Should any section of the Hindu community hold marriage as a sacrament or not? If it is to be a sacrament with them, then this Bill goes too far. If it is not to be a sacrament, if it is the intention of this Legislature and if it is within the power of the Legislature to say that those sects of Hindus cannot hold it as a sacrament, then this Bill does not go far enough. The Honourable the Mover has mentioned three causes under which a woman is entitled to a divorce. Why should the divorce be restricted to these three terms? There are 101 causes under which an American wife is entitled to do so, there are so many causes from which a woman suffers much more acutely than any of those mentioned in this Bill, and for which relief is certainly desirable. Further, some of the terms which my friend has described are incapable of description and would give rise to a considerable amount of litigation without affording the real relief to the parties concerned. All that this Bill would do is to say that a woman can be divorced for these three causes. Take for instance every one of them. Each in itself is undoubtedly a very good ground for a woman to dissolve a union, because no reasonable man in this House would say that given such conditions such a woman should be compelled to live under such conditions. Every reasonable man must agree that it would be very hard upon the woman to make her live under such conditions. But what about the men? They should also be entitled to an equally fair treatment. Is the man entitled to dissolve a union with a wife simply because she is not virile or that she is stupid or unfortunate enough to contract leprosy or consumption? Would the law then enable him to deprive her of the maintenance to which she is entitled? Manu says in a corresponding verse to this. "Even a woman if she is stricken with an incurable disease no husband is entitled to discard her or to remarry again without her consent". All that I would like to say is this: If the time has come to abandon the sacramental character of a marital tie and if there is to be a civil marriage instead, then I would entirely agree with my friend Mr. Joshi and say that this Bill does not go far enough, and I am prepared any day to have a Bill under which the husband and wife will have equal and absolutely just rights. In that connection I would like to mention that such a thing is not impossible. See how the Russians have solved the problem. The Divorce Laws of England and America are not satisfactory to my mind. The only people who have solved that problem and who have put the marriage laws on a just and proper equal footing between man and woman are the Russians, and I

would rather have a Bill of that type if marriage is not to be treated as a sacrament. According to the marriage laws of Russia only civil marriages under the Soviet laws are recognised; and they even went to the length of saying that a marriage in a church does not invalidate it. That is how they put it. The marriages have to be registered, but that can be done at any time, even after they have had children. To enable registration, there should be mutual consent, and each party should be at least over 18 years of age, and they must mutually be informed as to the state of each other's health. In order to avoid invalidity, the persons should both be unmarried at the time, that is to say they cannot have more than one partner at a time. They should not be mentally defective. Both husband and wife have full freedom as to the choice of occupation or profession, and what is more important, marriage does not prevent a party to the contract from changing his or her residence. That is to say a husband can live in one house or in one town and the wife can live in another house or in another town. Change of residence by one does not impose an obligation upon the other party to follow. A party to marriage in need, due to incapacity or unemployment, is entitled to be maintained by the other; that is, if the husband is disabled, it is the duty of the wife to maintain the husband and *vice versa*. That right is preserved even upon dissolution, if incapacitated, for a period of one year, and if unemployed, for six months. As for divorce, a marriage can be dissolved by mutual consent or even at the desire of one of them. No grounds for divorce are required, and a petition orally or in writing at the Registrar's office is sufficient.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Where did you get all this?

Mr. B. Sitaramaraju: From the Year Book of Soviet Russia. I am just developing the point that it is quite possible to have a purely civil marriage where the rights of both the husband and wife can be equal and can be justly safeguarded. Therefore, it cannot be said that a pure contract of the kind to which my Honourable friend Mr. Joshi has just now referred cannot be described as a possible marital tie. All that I would like to say however is that this is a matter entirely for the people directly concerned with the legislation, and I move that the Bill be circulated for eliciting the opinion of those Hindus concerned.

Mr. President: Amendment proposed:

"That the Bill be re-circulated for the purpose of obtaining further opinion thereon of the Hindu community including men and women of that community and also including their organisations."

Mr. C. S. Ranga Iyer: Sir, the amendment is only a dilatory motion. It reminds me of an old English saying, "Promise, pause, prepare, postpone and end by letting things alone". I do not really see why the Honourable the Mover of this amendment wants an accumulation of literature on this subject by circulating it. I do not really see why the Mover of the amendment does not decide straightaway as to what he should do in regard to this matter, either to take it as it is, or to go to the Select Committee and amend it, or to oppose it. My Honourable friend Pandit Satyendra Nath Sen with a battery of Vedic literature on the subject came to this House and bombarded my learned friend to the right (Sir Hari Singh Gour) with all the Vedic and Shastraic ideas most of which

[Mr. C. S. Ranga Iyer.]

we have forgotten and some are unwilling to remember in these spacious days of social reform. (Mr. B. Sitaramaraju: "I have given the reason.") My Honourable friend Mr. B. Sitaramaraju—whose father's voice, who once sat in this House, we were so much pleased to hear—was quoting from the legal literature of a country which I still consider to be primitive. I do not know why he should have gone all the way to Soviet Russia in order to assail my Honourable friend to my right. If he had just confined his arguments to more cultured countries of the West, for instance, England and the continental countries like France, even America, where incompatibility of temperament would be sufficient proof for a divorce—if he had confined himself to such advanced countries, it would have been easy for us to meet his arguments. I would remind him of a wonderful article written by that fascinating scholar and great statesman Lord Birkenhead in one of the British magazines. The article was on "Cannibals and Cooking Pots". Lord Birkenhead was referring to Soviet Russia. I would rather throw my Honourable friend's suggestions into the melting pot, and I would leave them there for the time being. I would rather ask him to come nearer home to two advanced Indian States, Mysore and Baroda. I do not for a moment subscribe to the theories advanced inside this House and out in the country by politicians of a particular school with a certain amount of predilection for Indian States, who have always said that the Indian States are in matters of administration far ahead of British India. I never subscribed to that theory even in the times of Mr. Gokhale who thought and said that certain Indian States were far ahead of British India. The Indian States, administratively speaking, are still backwaters. (Raja Bahadur G. Krishnamachariar: "Not a bit.") My Honourable friend over there, Raja Bahadur Krishnamachariar says, "not a bit of it", in his usual ambiguous way. He says not a bit of backwardness—it was all backwardness. (Laughter.) Sir, that being the position administratively, I think it is nice to see sometimes something in the shape of a social reform oasis in the dreary deserts of Indian States, and we have before us the example of Mysore. We have again before us the example of Baroda. I have before me,—though I do not propose to waste the time of this House by reading parts of it—the literature on the subject from Mysore. I would, however, refer Honourable Members to the law on this matter in Baroda as contained in the Hindu Divorce Act, XXII of 1931. In this particular respect, I think it is time that British India took a leaf from the book of Baroda. Sir, my Honourable friend Sir Hari Singh Gour does not go so far in regard to the dissolution of marriage as Baroda does, for in Baroda divorce is possible if one becomes a recluse, if one disappears for seven years, if one has been converted to Christian, Muhammadan or such other religion—though on this particular matter I have my own difference of opinion because I do not see why a marriage should be necessarily dissolved if the husband happens to change his religion, because religion is purely a matter of private opinion for an individual and not a thing to be imposed upon the public, and if the wife agrees to the particular religion that the husband takes, why should any question of dissolution arise—but I am only quoting the progress that Baroda

Mr. N. M. Joshi: May I ask the Honourable Member whether the marriage is divorced simply because the religion is changed—whether the party is permitted to dissolve, or a dissolution is compulsory.

Mr. C. S. Ranga Iyer: I know it is permissive, but I am prepared to argue from the other standpoint and meet the argument of my Honourable friend Pandit Satyendra Nath Sen. His argument—and he represents a school of thought in this country which I cannot brush aside because it is a great popular, powerful conservative school and their apprehension in regard to this Bill is, you start with a permissive measure and you end by making it at a later stage compulsory. They consider that this is the thin end of the wedge. (*Raja Bahadur G. Krishnamachariar:* “Hear, hear.”) My friend behind me says “Hear, hear”. That is exactly their position and I value his punctuation in this matter as representing orthodoxy out in the country. Therefore we should not take shelter under the fact that it is a permissive legislation and I believe Sir Hari Singh Gour who is a diplomat in matters of social reform really introduces the thin end of the wedge. Are we or are we not entitled to have social legislation in this country? I now come back to my original position. Is this House competent.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Read the rest of the clause?

Mr. C. S. Ranga Iyer: The rest of the clause in the Baroda Act deals with cruelty and desertion without reasonable cause and so on. I do not like to read many of the things in this any more than I should like to read what my Honourable friend has stated in the Statement of Objects and Reasons. He has introduced stuff into certain clauses which are eminently unreadable but I will leave these clauses at present and proceed with my argument. I was trying to point out that in Baroda we have got social legislation and it is time that we have similar legislation in British India.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Have you seen the proceedings of the Council which led to that Act?

Sir Hari Singh Gour: Have you read it?

Raja Bahadur G. Krishnamachariar: When my chance comes I will throw it on your face.

Mr. C. S. Ranga Iyer: My Honourable friend has got excited. He is full of facts and ideas which he proposes to hurl on the devoted head of Sir Hari Singh Gour. Whatever his attitude may be in this matter, my attitude is very clear and simple. I am a social reformer and I believe that India must make up her mind not to live as a recluse nation, not to follow the example of her rishis and sages who ran away from “the madding crowd’s ignoble strife” to commune with Himalayan nature. Thanks to the shrinking of the world owing to modern scientific developments, India must make up her mind to live as a part and parcel of the world and in this particular matter we owe a great deal to the softening and refining influence of western education. India does not want to go back to Vedic times. After all the Vedas are immortal literature just as all scriptural things are immortal. But even the Vedas are liable to interpretations, which are not wholly the interpretations of my orthodox friends like Mr. Satyendra Nath Sen. Vedic Pandits have treated the Vedas like India rubber, forgetting that even India rubber has its own limitations. That being the case, I would rather not like to look at these things from a scriptural point of view. I would

[Mr. C. S. Ranga Iyer.]

look at them from the purely modern point of view. Are we prepared to take a modern view of things? There is no use in quoting scriptures to stop the onward march of progress. Social legislation of a permissive kind must not be resisted. The question arises—are we competent in this House to legislate for a whole nation. I deny that we are competent and that is where I do not agree with my Honourable friend Sir Hari Singh Gour. On the merits of the question I am in agreement with him but on the question of rushing through with this legislation in this House by pressing this motion to a division, I do not agree with him at all, for the very simple reason that these measures have only an educative value. (Sir Hari Singh Gour: “No.”) My friend is getting nervous. He says “No”. My position is this. In front of us we have the Treasury Benchés, who have no responsibility in the parliamentary sense to the people of this country. Supposing they had responsibility in the parliamentary sense, supposing in the place of my friend the Home Member Sir Hari Singh Gour was seated, supposing in the place of Sir Joseph Bore, Mr. Shanmukham Chetty was seated and supposing my friend Sir Hari Singh Gour brought forward a measure of this kind, my friend Raja Bahadur Krishnamachariar would certainly attack it and take this measure to the country and carry on a raging tearing propaganda against it. He is perfectly entitled to do so. If Sir Hari Singh Gour has behind him the mandate of the country and comes back to this House with a large majority, he will have the right to legislate, not otherwise.

Mr. B. V. Jadhav: What Government will undertake such legislation?

Mr. C. S. Ranga Iyer: A Government responsible to the people, by people aspiring for responsibility. People who do not want responsibility will shirk responsibility. If my Honourable friend who has got administrative experience in Bombay, thanks to the reforms, reads the literature on the subject of social legislation in all countries which have responsible Government, he would not have stood up in his place and made this interruption. A matter of this kind must carry with it public opinion. I ask Sir Hari Singh Gour what public opinion he has got in this House or outside it? (Sir Hari Singh Gour: “Yours.”) He says he has got my opinion, yes, my private opinion. If I were in his Government, I would certainly go to the country and place before the people his legislation on this matter and get the vote of the country on my side. I do not think that Sir Hari Singh Gour at this stage should take advantage of his position in this House and rush through a legislation of this kind. This Bill ought to have nothing but an educative value and if he goes beyond that, I think he will be going beyond his own depth. (Applause.)

Kunwar Raghubir Singh (Agra Division: Non-Muhammadian Rural): Sir, I wish to oppose the Bill sponsored by the Leader of the Nationalist Party. He says in the Statement of Objects and Reasons that he wishes to introduce no new matter into the Hindu marriage law. The first line of his motion shows that it is to remove the doubts that he has brought forward this Bill. One who has gone through the Mitakshara law carefully can have no doubts with regard to marriage among Hindus. As the Honourable Mr. Sitaramaraju has said, there are 8 kinds of marriages given out in the Mitakshara law, which is an exhaustive law so far as Hindu marriages are concerned. There is no necessity to remove doubts.

because the doubts have already been removed by the author of the Mitakshara law. It has been laid down there that the woman has a right to renounce her husband if that husband is impotent or is a leper or a cripple or mad or an ascetic. The Honourable the Mover has named Narad and Vashishta to show that the smritis written by these authors were in favour of dissolution. We see in America and other western countries where divorce is prevalent there are thousands of cases of divorces every year, nay every month. 'Or I should rather say that the marriage life

of the people of those places is not better than our own (*An* 1 P.M. *Honourable Member*: "Much worse.") Perhaps, worse. So,

Sir, I do think that the Honourable the Mover should not play into the hands of non-Hindus by trying to change the law, which, as I said in the beginning, is all exhaustive. If we look at the names of the members of the Select Committee as proposed, there is the name of my Honourable friend, Dr. Ziauddin Ahmad. Now my Honourable friend is a very good mathematician, I know, because he comes from my own place, Aligarh, but I think legal talent would have been much more useful than that of a learned mathematician.

Mr. S. G. Jog (Berar Representative): Marriage has got something to do with multiplication.

Kunwar Raghubir Singh: Then, the name of Sardar Sant Singh is proposed. Now my Honourable friend is a Sikh and as such he cannot have much interest in purely Hindu marriages. Then, the Honourable the Mover himself does not admit himself to be a Hindu. (*Some Honourable Members*: "Why? Why? Is it so?") There was a question the other day put by Mr. D. K. Lahiri Chaudhury, and my friend said nothing, he did not reply. Then, I see that the Punjab element is predominant in the names proposed for the Select Committee. Now, as everybody knows, there is a shortage of women in the Punjab. (Laughter.) (*An Honourable Member*: "In reality, they are the most advanced"), and there is a probability that only those people have been proposed for the Select Committee who have some interest in the matter themselves. (Laughter.) (*Mr. S. C. Mitra*: "Then put down some amendment.") Sir, I have had a letter from Calcutta in which it has been pointed out that the Hindu marriage "is a religious sacrament, a 'samskar' of life, and the law on the subject as laid down in the Shastras is inviolate and inviolable. No Hindu having a faith in his religion can be expected to dissolve a marriage according to a novel Act at the sacrifice of his religion". So, Sir, I wish to say that the overwhelming majority of my constituents as well as that of Hindus in the country in general is against the proposal. Of course I myself, personally, may be in favour of the proposal (Hear, hear), but the majority of my constituents is against it, and so I cannot but oppose this Bill. But when I came to the House, I saw that there was an amendment by the Honourable Mr. Sitaramaraju, so I think, as coming in between these two propositions, I think the better course for the House will be to send it to the country for an expression of opinion further. With these few words I support the amendment of my Honourable friend, Mr. Sitaramaraju, and oppose the original motion.

Mr. R. S. Srirama (Nominated Non-Official): Sir, I am sorry to find that a most learned and up-to-date England-returned gentleman like

[Mr. R. S. Sarma.]

Mr. Raju and an old-fashioned and revered Pandit like Mr. Satyendra Nath Sen should have joined hands in a conspiracy (Laughter) and in a malicious attempt to deprive the Hindu woman of her legitimate rights in the scheme of the family. (Hear, hear.) Sir, it is a very sad spectacle to witness that so many elected Members in this House who profess to be so very well advanced as to be almost extremist in their opinions regarding politics should be so hopelessly reactionary and autocratic in matters of social reform. Sir, it was your finding that the discourse of Pandit Satyendra Nath Sen was learned and erudite; and I am afraid that the discourse of our friend, Mr. Raju, was perilously near erudition, but I really fail to understand what these Shastraic discourses and the other points raised in the course of the speeches have to do with this Bill. Sir, this Bill simply provides that, in case of certain disqualifications, women should have the right to apply for divorce or the dissolution of marriage. That is the only thing that this Bill wants. The whole issue before the House is this, whether the evil complained of exists or not; and it has been fairly accepted by everybody that the evil exists. Then, the next question is, whether the remedy proposed is adequate and necessary and effective. But, unless one is intensely selfish or comes within the category of some of these disqualifications, I do not see how any man, if he has really accepted the existence of the evil, can protest against the remedy that has been suggested. I myself like my friend, Mr. Joshi, would have liked that the Bill should have gone far, but I am supporting this because the Honourable the Mover of the Bill has given us an assurance that he will consider all reasonable amendments in the Select Committee. Therefore, Sir, I strongly feel that this House should accept this motion for reference to a Select Committee.

The Assembly then adjourned for Lunch Till Twenty Minutes Past Two of the Clock.

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

Raja Bahadur G. Krishnamachariar: Sir, I had also given notice of a motion for the circulation of the Bill but I think, I should explain my position with reference to that.

Mr. S. G. Jog: On a point of order, Sir. I hear a whisper that the House is wanting in quorum. I should like to know whether it is a fact.

Mr. President (to Secretary): Will you please count up?

(After the bell had rung the number of Members inside the Chamber was found to be only 19.)

Mr. President: Order, order. As there is no quorum, the House stands adjourned till 11 o'clock on Monday, the 15th February.

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th February, 1932.