

Tuesday, 26th January, 1932

59

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(OFFICIAL REPORT)

VOLUME I, 1932

(25th January to 17th February, 1932)

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THIRD SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1932**



CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1932

Legislative Assembly.

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

Deputy President :

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

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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.

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LEGISLATIVE ASSEMBLY.

Tuesday, 26th January, 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.

RECRUITMENT OF INDIANS AND EUROPEANS TO THE INDIAN CIVIL SERVICE AND INDIAN POLICE SERVICE.

1. ***Mr. A. Das:** (a) Will Government please state whether the recommendations of the Lee Commission have been carried out in regard to the recruitment of Indians and Europeans in the I. C. S. and I. P. S.?

(b) Will Government please state in a tabular form the number of Indians and Europeans recruited yearly in the I. C. S. and I. P. S. beginning from 1925 to 1931 by the Government of India and the various Provincial Governments?

The Honourable Sir James Orerax: (a) Yes.

(b) A statement is placed on the table showing the number of candidates selected each year since 1925.

Number of Europeans and Indians recruited to the Indian Civil Service and the Indian Police Service during the years 1925 to 1931.

Indian Civil Service.

Year.	Europeans.	Indians.
1925-26	20	22
1926-27	28	27
1927-28	37	36
1928-29	36	36
1929-30	35	31
1930-31	25	43
1931-32	24	10*

*Recruitment is not yet complete.

Indian Police Service.

Year.	Europeans.	Indians.
1925-26	14	16
1926-27	14	13
1927-28	13	13
1928-29	11	11
1929-30	12	14
1930-31	13	13
1931-32	13	11*

*Recruitment is not yet complete.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say whether there has been any curtailment in the number of I. C. S. and I. P. S. since the retrenchment campaign came into force?

The Honourable Sir James Crerar: I am not quite sure that I have entirely gathered the purport of the Honourable Member's enquiries. The rates of recruitment year by year are based upon considerations of the state of the cadre, and they vary from year to year. Sometimes the total recruitment is greater, and sometimes it is less. It is not a question of retrenchment, but of recruiting to the cadre in accordance with recognised and established proportions.

Mr. Lalchand Navalrai: May I understand that there can be no curtailment in their number? On account of retrenchment may I ask whether there has been any curtailment in the number of officers?

The Honourable Sir James Crerar: I think the Honourable Member is under a misconception. As I have explained, recruitment to the I. C. S. is based upon regularly fixed arithmetical proportions, and recruitment each year is regulated by the necessities of the case. The question of retrenchment does not arise.

Mr. Lalchand Navalrai: Am I to understand that in the other services there can be curtailment, in their numbers, but not in the I. P. S. and the I. C. S.?

The Honourable Sir James Crerar: No, Sir. I do not think that is the point. I should like to make it clear that recruitment to a large service like the I. C. S. is a very elaborate thing. It is conducted in accordance with calculations on an actuarial basis having regard to the requirements of the cadre.

Mr. Lalchand Navalrai: May I ask whether it is not easy to ask the Secretary of State, since retrenchment has come into force and some of the officers are being done away with, whether the number of the I. P. S. and the I. C. S.

Mr. President: Order, order. The Honourable Member is making suggestions for action.

Mr. Lalchand Navalrai: No, Sir. I am only asking for information whether the Secretary of State cannot be asked to do what the India Government is doing here.

Sir Hari Singh Gour: May I beg to enquire whether the necessity mentioned by the Honourable Member has been or will be influenced by the decisions of the Round Table Conference?

The Honourable Sir James Orerar: It is quite possible that the recommendations of the Round Table Conference may have a practical bearing upon the cadres of the public services in 'India.

NUMBER OF GOVERNMENT PENSIONERS.

2. ***Mr. B. N. Misra:** Will Government be pleased to state:

(a) the number of pension-holders of

(i) ten years' standing or less,

(ii) 15 years' standing or above; and

(b) the amount of pension given annually under each head for the last 5 years?

The Honourable Sir George Schuster: The information asked for by the Honourable Member is not available. To collect it would involve an expenditure of time and labour which cannot at present be spared.

ABOLITION OF THE BIHAR AND ORISSA POSTAL CIRCLE.

3. ***Mr. Gaya Prasad Singh:** (a) Is there a proposal to abolish the Bihar and Orissa Postal Circle, and amalgamate its parts with the United Provinces and the Central Provinces?

(b) Are Government aware that this proposal has given rise to much hostile criticism in the Province; and have Government received numerous representations from mercantile and other public bodies protesting against it?

(c) Was not the Postal Circle established in 1914, and is it not a fact that in point of volume and nature of work, it compares favourably with the United Provinces, and the Central Provinces?

Is it a fact that the Posts and Telegraphs Department Retrenchment Sub-Committee have not recommended the abolition of this Postal Circle?

(d) What is the recommendation of the Local Government with regard to this proposal; and do Government intend to abandon this proposal and allay public feeling in the matter?

The Honourable Sir Joseph Bhorah, (a), (b) and (c). The proposal to which the Honourable Member refers is at present under consideration. I am aware that such objections as those mentioned by the Honourable Member have been advanced against it; but I cannot commit myself as to their validity and importance until I have studied the case in all its bearings. The Retrenchment Sub-Committee did not discuss this proposal.

(d) The Local Government have not made a recommendation on the subject but have drawn attention to certain reasons for which the abolition of the Bihar and Orissa Circle would be unpopular in the province. I cannot at present anticipate the result of the examination of the case.

Mr. Gaya Prasad Singh: Are Government aware that numerous public meetings have been held in the province presided over by such distinguished gentlemen as Sir Ali Imam, Sir Sultan Ahmad, Mr. Hasan Imam and others protesting strongly against this proposal?

The Honourable Sir Joseph Shore: I am aware that many meetings have been held in the province.

DANGERS IN CONNECTION WITH ELECTRIC SUPPLY.

4. ***Mr. Amar Nath Dutt:** (a) Has the attention of Government been drawn to an article in the *Liberty* of the 21st November, 1931 (Dak Edition), headed "Electric Supply in Calcutta and elsewhere"?

(b) Will Government be pleased to state if they propose to take action, legislative or otherwise, to prevent the Companies from dealing with A. C. or take such precautionary measures as will not endanger human life?

(c) Is the list of accidents mentioned in the article correct? If so, what action do Government propose to take to prevent loss of lives?

The Honourable Sir Joseph Shore: (a) Yes.

(b) Government do not consider that a properly constructed and maintained electrical supply installation on the alternating current system is dangerous to human life. Many of the electrical supply installations not only in India but throughout the world are on the alternating current system and have operated satisfactorily. Government do not propose to prevent companies from dealing with alternating current.

(c) The general administration of the Indian Electricity Act and the Rules framed thereunder is undertaken by Local Governments. No reports of the accidents referred to in the article have been received from the Local Governments concerned. Reports of any accidents which have occurred on alternating current supply systems and which have been enquired into by officers appointed by Local Governments, will be obtained with a view to considering whether any modifications in the Indian Electricity Rules, 1922, are necessary.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say whether under the direct system the accidents are less than under the other system?

The Honourable Sir Joseph Shore: I am afraid that I cannot give that information to my Honourable friend straight off.

Mr. Lalchand Navalrai: Will the Honourable Member take notice and make enquiries?

RETRENCHMENT OF STAFF IN THE OFFICE OF THE DEPUTY CONTROLLER OF CURRENCY, MADRAS.

5. ***Rao Bahadur M. C. Rajah:** Will Government be pleased to state:

(a) whether it is a fact that the Retrenchment Committee presided over by the Deputy Controller of Currency, Madras, have given notice of discharge to the members of the back-ward community contrary to the spirit and letter of the instructions regarding the safeguarding of communal interests; and

- (b) whether it is a fact that this Retrenchment Committee disregarded the instructions conveyed to them in the Government of India Memorandum of the 3rd August, 1931, referred to above and retained in service two Superintendents and two clerks who have put in more than 30 years and 25 years of service, respectively, and what is the reason?

The Honourable Sir George Schuster: (a) No. The orders of the Government of India in the matter were fully carried out in the selection of the personnel for retrenchment. No member of a minority community nor any from the depressed classes was served with a notice of discharge.

(b) No. The senior Superintendent has put in more than 30 years' service but his post did not come under retrenchment and so he was not touched. One Assistant Superintendent with more than 30 years' service was in the first instance retained and another with 29 years' service sent away. Later these orders were reviewed and the senior man has been sent away and the junior man retained. No clerk with more than 25 years' service has been retained in service.

INSTRUCTIONS REGARDING REDUCTION OF PAY AND RETRENCHMENT OF PERSONNEL BY THE GOVERNMENT OF MADRAS.

6. ***Rao Bahadur M. C. Rajah:** Will Government be pleased to state whether they have issued any Memorandum of Instructions with regard to the retrenchment of the personnel and the reduction of pay by ten per cent. cuts to be adopted by the Government of Madras? If so, will they place a copy on the table?

The Honourable Sir George Schuster: The Government of India issued no instructions to the Government of Madras with regard to the retrenchment of personnel. The method of applying the policy of a general cut in pay was discussed between the Government of India and Local Governments with a view to secure as great a measure of uniformity as possible; but no instructions of the kind the Honourable Member appears to have in mind were issued, nor would they be consistent with the powers of control of Local Governments over provincial and subordinate services.

SELECTION OF PERSONS FOR RETRENCHMENT IN VARIOUS DEPARTMENTS.

7. ***Rao Bahadur M. C. Rajah:** Will Government be pleased to state:

(a) whether they have issued Memorandum No. F.-78-XI-Ex./I/31, dated the 3rd August, 1931, of the Government of India, Finance Department, on the subject of selection of persons for discharge in connection with the retrenchment campaign in several departments under the Government of India including the Controller of Currency and several Deputy Controllers;

(b) whether they have received reports from the various departmental heads regarding the action taken on that memo.;

(c) heads of which departments have not yet submitted their reports;

(d) whether the Controller of Paper Currency is one of them;

- (e) what steps have Government taken to see that their instructions embodied in the above memo. have been faithfully adhered to by the departmental heads in the notices of discharge under Article 436, Civil Service Regulations, to be given to the employees; and
- (f) whether the same Memorandum, dated the 3rd August, 1931, has been sent to the several Local Governments including the Government of Madras, or whether the instructions given to the Madras Government are in any way different from those given to other Provincial Governments, or to the heads of departments under the direct control of the Government of India; if so, in what particulars do these differ?

The Honourable Sir George Schuster: Parts (a), (d) and (f). A memorandum of that number and date was issued to all Heads of Departments under the Central Government, but not to Local Governments, which are constitutionally competent to issue their own orders.

Parts (b), (c) and (e). No reports were required of Heads of Departments. Government have no reason to believe that their orders have not been carried out, subject to certain minor modifications which have been approved to suit the special needs of certain Departments.

HOUSE-SCAVENGING TAX IN FEROEZPORE CANTONMENT.

8. ***Mr. S. C. Mitra** (on behalf of Sirdar Sohan Singh): (a) Are Government aware that the Punjab Government imposed a tax known as a house-scavenging tax in Ferozepore Cantonment, *vide* its notification No. 716, dated the 9th March, 1906?

(b) Is it a fact that the main consideration on which this tax was imposed was the rendering of house-scavenging service, as defined in section 111 of the Punjab Municipal Act, 1891 (XX of 1891), by the Cantonment Authority of Ferozepore?

(c) Will Government be pleased to state if any house-scavenging service is rendered by the Cantonment Authority of Ferozepore, and if so, in what form and since when, and if it comes within the definition of section 111 of the Punjab Municipal Act of 1891, quoted above?

(d) If the reply to the above question be in the negative, are Government prepared to take immediate steps to suspend the realisation of the tax?

Mr. G. M. Young: (a) and (b). The answers are in the affirmative.

(c) I am informed that House-scavenging, as defined in section 111 of the Act, has been carried out by the usual methods since the date of the imposition of the tax.

(d) Does not arise.

BUILDING APPLICATIONS OF INDIANS REJECTED IN PESHAWAR CANTONMENT.

9. ***Mr. S. C. Mitra** (on behalf of Sirdar Sohan Singh): (a) Will Government be pleased to state the number of building applications submitted by Indians to the Cantonment Board for sanction during the past three years?

(b) What is the number of the applications rejected by the Executive Officer, Peshawar Cantonment, during the above mentioned period?

(c) What is the number of appeals relating to building applications cited above sanctioned by the Northern Command?

(d) Is it a fact that the Executive Officer, Peshawar Cantonment, has been in the habit of rejecting building applications submitted by Indians on the ground that the accommodation proposed by Indians in the buildings for their residence are unsuitable for the residence of British military officers and messes?

(e) Is it not a fact that according to the terms of the Cantonment Act hygiene is the specific ground on which building application can be rejected?

(f) If the answers to parts (d) and (e), above be in the affirmative, will Government be pleased to state why this marked irregularity committed by the Executive Officer in his time of service, has not been checked by the Northern Command to whom appeals had been submitted?

Mr. G. M. Young: (a) The Honourable Member is presumably referring to the Peshawar Cantonment. Government understand that the number of applications for the period is 217.

(b) Nil.

(c) Four appeals were submitted of these, one was accepted.

(d) No.

(e) Section 181 of the Cantonments Act, 1924, contains the grounds on which applications can be rejected.

(f) Does not arise.

RAILWAY SALOONS PROVIDED FOR RAILWAY OFFICIALS.

10. ***Mr. B. R. Puri:** (a) Will Government be pleased to state what is the total number of saloons on all Indian railways which are reserved for the use of railway officials for travelling?

(b) What are the classes of officials who are provided with saloons?

(c) What is the cost incurred in the construction and equipment of these saloons and the cost of their up-keep?

(d) What is the average cost per mile of these saloons when they are running on the line?

(e) What is the total number of miles which these saloons have run per year during the last five years?

(f) What would be the corresponding amount of income if these saloons were to do the same amount of mileage at the expense of private persons?

(g) What would be the corresponding amount of cost to the railways if these officials travelled as first class passengers for the same distance?

(h) Are these saloons also provided with extra accommodation of a superior kind over and above that which is required by the officer himself, and if so, on what principle and with what object is this done?

(i) What is roughly the percentage of deterioration on their original cost?

(j) Have Government considered the question of effecting any economy in this connection?

Sir Alan Parsons: I am afraid the information for which the Honourable Member asks in paragraphs (c) to (g) and (i) of his question is not available. Accounts of mileage and cost of upkeep of saloons are not maintained separately from the accounts for other types of coaching stock. The other information for which he asks is as follows:

- (a) 944. This number includes carriages reserved for pay clerks and weigh bridge and other inspectors.
- (b) Generally officers of district rank or above whose duties require them to travel extensively.
- (h) Some saloons are provided with accommodation for more than one officer and two or more officers travel on occasions in such saloons.
- (j) Yes.

Dr. Ziauddin Ahmad: Is it not a fact that the Railway Retrenchment Sub-Committee recommended that the number of these saloons should be curtailed? Has any action been taken on this?

Sir Alan Parsons: The Honourable Member was a member of that Sub-Committee and is aware that their recommendations are being considered.

Mr. Lalchand Navalrai: Has any effect been given to that recommendation?

Sir Alan Parsons: The Railway Board, I may say, are very doubtful whether a reduction in the number of saloons, without a reduction in the number of officers would be economical at all. Probably it would have to be accompanied by the building of a large number of additional rest-houses at small stations.

Sir Hari Singh Gour: The Honourable Member said that the recommendation of the Retrenchment Committee is being considered and in the next breath he says that there is no possibility of any reduction being made.

Sir Alan Parsons: I said that the recommendation was being considered. At the same time I gave reasons for believing that it will not be accepted. The consideration of the recommendation, as far as my knowledge goes, has not yet been completed.

Dr. Ziauddin Ahmad: In view of the fact that the number of officers is being curtailed at present, will it not be desirable to curtail the number of saloons also?

Sir Alan Parsons: That would follow from a decrease in the number of officers for whom saloons are provided.

ENGLISH TIME TABLES OF THE NORTH WESTERN RAILWAY.

11. ***Mr. B. B. Puri:** (a) Will Government be pleased to state what is the approximate number of copies of the English Time Tables of the North Western Railway printed during the course of the year?

(b) What is the annual cost of its publication and the income derived from the sale of these Time Tables?

(c) What is the income derived under the head "Advertisements" published in it?

(d) Are these advertisements secured and canvassed through private agencies on payment of commission and, if so, what are those agencies and what is the amount of commission so paid?

(e) If no outside agencies are employed and the securing and canvassing of advertisements is carried on by the railway staff, what is the annual cost incurred in maintaining the necessary establishment for this purpose?

(f) Is it correct that formerly outside agencies were employed for the securing of such advertisements but for some time this has been replaced by the departmental staff and, if so, has this change proved profitable to the railway?

(g) In view of the financial situation, are the railway mindful of the possibilities of securing substantial income from such advertisements, if the Time Tables are properly utilised for the purpose?

(h) Do Government realise the advantages of making the Time Tables more attractive and useful?

Sir Alan Parsons: The North Western Railway issue two publications showing the timings of trains, one called "the Time and Fare Table" which is sold at 3 annas per copy, and the other "Abstract Time Table" which is sold at 1 anna per copy. Revised editions of these time tables are issued generally every half year when a large number of important changes have been made in train timings.

(a) Taking the editions issued since March 1930 the average number of copies published was:

Time and Fare Table	...	55,068
Abstract Time Table	...	7,069

(b) The average cost per edition was:

		Rs.
Time and Fare Table	...	17,732
Abstract Time Table	...	688

The income from sales of the editions issued in 1930, after allowing commission paid on sales, averaged per edition:

		Rs.
Time and Fare Table	...	9,070
Abstract Time Table	...	167

The sale accounts of the 1931 editions have not yet been finally compiled.

(c) The average annual income based on the figures of the last 5 years was Rs. 6,300.

(d) The majority of advertisements are received through Advertising Agents who are allowed a commission of 20 per cent. on new advertisements and 15 per cent. on renewals. A few advertisements are received direct from advertisers.

(e) Does not arise.

(f) No.

(g) and (h). Yes.

CRACKS IN THE ROOF OF THE ATTIC STOREY OF THE COUNCIL HOUSE BUILDINGS.

12. *Maulvi Sayyid Murtuza Sahab Bahadur: (a) Are Government aware that serious cracks have appeared in the roof of the attic storey of the Council House? If not, do Government propose to enquire into them?

(b) Is it a fact that P. W. D. Officers gave their verdict that these are due to defective construction?

(c) If so, do Government propose to take action against the Superintending Engineer responsible for such defective construction? If not, why not?

The Honourable Sir Joseph Bhoré: (a) No.

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

APPOINTMENT OF MUSLIMS IN THE TELEGRAPHS DEPARTMENT.

13. ***Mr. M. Maswood Ahmad:** (a) Has the attention of Government been drawn to an article published in the daily *Eastern Times* of Lahore in its issue of the 12th November, 1931, under the caption "Muslims and Telegraphs Department", which shows that out of a total number of 278 gazetted posts in the Traffic and Engineering Branches of the Indian Telegraph Department, 210 (i.e., 76 per cent.) are occupied by Europeans and Anglo-Indians, and the remaining 68 (i.e., 24 per cent.) by Hindus, and that Muslims are conspicuous by their total absence?

(b) Will Government be pleased to state whether the information contained therein is correct?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state, what immediate steps they have taken to redress this communal inequality? If not, why not?

The Honourable Sir Joseph Bhoré: (a) Yes.

(b) No. In so far as the article purports to give the position of Muslims in the gazetted ranks of the Traffic and Engineering Branches as a whole, it is misleading owing to certain omissions in the figures supplied.

(c) Does not arise.

SAVINGS TO BE EFFECTED IN MILITARY DEPARTMENTS BY THE 10 PER CENT. CUT IN SALARIES.

14. ***Mr. Goswami M. R. Puri:** Will Government be pleased to state what would be the total savings in the Military Department for 1932-1933 on account of the proposed 10 per cent. cut in salaries?

Mr. G. M. Young: The anticipated saving is approximately Rs. 1 crore and 35 lakhs.

SAVINGS IN CIVIL EXPENDITURE TO BE EFFECTED BY THE 10 PER CENT. CUT IN SALARIES.

15. ***Mr. Goswami M. R. Puri:** (a) Will Government be pleased to state what would be the total savings in the Civil expenditure for 1932-33 on account of the proposed 10 per cent. cut in salaries in different departments?

(b) Will Government be pleased to state the share in the savings under part (a) for each of the following services under the Central Government: (1) All-India services. (2) Central services. Class 1, (3) Central services, Class 2, (4) Specialist services and (5) Subordinate services?

The Honourable Sir George Schuster: (a) The information asked for by the Honourable Member is not yet available. The savings in question can be determined only after the Demands for Grants for 1932-33 have been voted by the Legislatures, Central and Provincial. I would however refer the Honourable Member to the information already given in my speech made in this House on the 4th November last when moving for consideration of the Finance Bill.

(b) The classification of the savings under these heads will involve an expenditure of time and labour incommensurate with the utility of the results.

APPOINTMENTS ABOLISHED IN THE CENTRAL CIRCLE OF THE POSTAL AND RAILWAY MAIL SERVICE.

16. ***Mr. Goswami M. R. Puri:** (a) Will Government be pleased to state the number of posts abolished in the Central Circle in the Postal and R. M. S. branches from the 1st July, 1931, in the matter of:

- (i) Departmental Branch Post Masters,
- (ii) Overseers,
- (iii) Postmen and village postmen,
- (iv) Mail peons,
- (v) Packers,
- (vi) Messengers and Runners, and
- (vii) Clerks in the post offices and R. M. S. offices?

(b) Will Government be pleased to state the number of men thrown out of employment in each of the above cadres in the Central Circle since the 1st July, 1931?

Mr. T. Ryan: The information is being collected and will be furnished to the Honourable Member in due course.

RETIREMENT OF OFFICERS IN GOVERNMENT OF INDIA DEPARTMENTS.

17. ***Mr. Goswami M. R. Puri:** (a) Will Government be pleased to state what action has been taken to retire officers who have put in 30 years' service in the Imperial and Central Government including provincial service officers at present serving in the Central departments of the Government of India?

(b) Are there any such officers still in service?

(c) Will not the retirement of such officers result in the saving of expenditure in salaries?

(d) Do Government propose to retire such officers immediately?

The Honourable Sir George Schuster: (a) In virtue of the provisions of section 96-B (3) of the Government of India Act and rules 9 and 58 (3) of the Civil Services (Classification, Control and Appeal) Rules, serving officers of the Superior and Provincial Services can be compulsorily retired before they reach the age of superannuation only if reductions are being made in the number of posts in the cadre of their Service or if they are personally inefficient. *When retrenchment of staff has to be effected,* Government servants with 30 years' service or over are placed high in the order of selection for compulsory discharge.

(b) Yes.

(c) In most cases there would be an immediate but shortlived saving in salaries accompanied by a concurrent addition to pensionary charges which may ultimately exceed the saving effected on salaries. Thus the general retirement of those with over 30 years' service would not be an economy unless accompanied by retrenchment of posts.

(d) For reasons already explained this action can only be taken in connection with reductions of posts and not as a general practice.

Diwan Bahadur A. Ramaswami Mudaliar: In connection with the scheme of retirement, is it a fact that persons who are so retired are unable to avail themselves of the leave which they may have accumulated, before the retirement actually comes into effect?

The Honourable Sir George Schuster: Is my Honourable friend suggesting that officers whose services are dispensed with on grounds of retrenchment are not allowed any of the leave to which they are entitled?

Diwan Bahadur A. Ramaswami Mudaliar: I am not suggesting that I am only asking for information whether persons who are retrenched or who are retired under this scheme are entitled to the leave which they may have accumulated and have been given that leave?

The Honourable Sir George Schuster: They are given their leave. The matter is one of some complication and I should be very pleased to furnish the Honourable Member with the exact instructions which have been issued on the subject. I think he will agree that officers who are retired under this retrenchment scheme have been treated very generously.

Diwan Bahadur A. Ramaswami Mudaliar: I am not complaining of that. In that case I would only ask whether there will be any immediate saving at all.

The Honourable Sir George Schuster: My Honourable friend's point raises a very difficult question. In effecting retrenchment in many cases there is no immediate saving because a large portion of the leave still remains to be taken.

DESTRUCTION OF INSUFFICIENTLY STAMPED POSTCARDS.

18. ***Mr. S. C. Mitra:** (a) Have Government seen the notice issued by the Post Master, Delhi, and probably repeated by other Post Masters all over India, that all postcards insufficiently stamped will be destroyed?

(b) Is it a fact that over 2,000 postcards were destroyed by the New Delhi postal authorities alone on the 15th December last?

(c) What is the authority for this action of the Post Master?

(d) Is it a fact that letters and postcards insufficiently stamped are returned to senders by the post offices of European countries? If the reply be in the affirmative, why cannot the same system be introduced in India?

(e) Have Government considered the possibility of the extra one pice stamp not adhering to postcards and falling off?

(f) What is the reason for destroying postcards *ad lib*?

(g) Have Government read in the *Times of India* a letter from the proprietor of an English firm that he is willing to pay the extra pice on all insufficiently stamped cards received by him or his firm?

(h) Do Government realise that there are many other firms and members of the public who would be glad to do likewise on cards from customers, relations and friends?

(i) Considering the above, do Government propose to withdraw the notices for destroying postcards if not properly stamped?

(j) If not, what gain do Government hope to derive by destroying a document bearing His Majesty's portrait used by His Majesty's people?

The Honourable Sir Joseph Bhow: (a), (e), (g) and (h). Yes.

(b) and (i). No.

(c) Does not arise.

For the rest I may explain that the decision that insufficiently stamped postcards should be destroyed is not a new one. It is a statutory rule which has been in force for many years. Government are not aware of the practice in all European countries. They are however satisfied that the existing rule is a necessary one in Indian conditions. The attention of the public was prominently drawn to the rule recently, for their own protection when postage rates were changed; and for a time, allowed to enable the notices on the subject to be widely circulated, insufficiently stamped postcards were permitted as a special case to be delivered. The risk of stamps falling off the cards is not considered serious enough to necessitate special orders, and the need for using adhesive stamps will soon vanish when the new postcards, now being printed, are on sale.

Sir Hari Singh Gour: Is it a fact that this rule for the destruction of insufficiently stamped postcards was issued when the postage rate on a postcard was one pice, and now that it has been trebled, would the Government be pleased to reconsider their decision in view of the fact that the Honourable Member stated on the last occasion, speaking on this subject, that in strict logic the postal rate should be 2½ pice but it has been fixed for convenience at 3 pice?

The Honourable Sir Joseph Bhow: I do not think that the actual increase in the postcard rate affects the principle involved in this case, which is merely that in the case of a postcard it is comparatively easy for the addressee to read its contents and return it, in which case of course the whole object of our increase in rates would be defeated.

Mr. S. C. Mitra: Will the Honourable Member kindly explain what are the Indian conditions to which he referred. As regards the other portion of the answer, the postman can keep the card which is insufficiently stamped without allowing the addressee to read it.

Sir Hari Singh Gour: Or they may be retained in the post office.

The Honourable Sir Joseph Bhow: We cannot control our postmen sufficiently to see that they treat these matters in a perfectly honest manner and it is for that reason, Sir, that we anticipate that the removal of this rule will result in a considerable loss to Government revenues.

Sir Hari Singh Gour: Would not the Honourable Member consider the advisability of retaining in the post office insufficiently stamped postcards and sending an intimation to the addressee that he should pay up the deficit and then take delivery of the postcard?

The Honourable Sir Joseph Bhoré: My Honourable friend does not seem to realize the extra work entailed.

Sir Hari Singh Gour: Does not the Honourable Member realize that the principle is more money and more service?

Mr. Amar Nath Dutt: Is the Government aware that the only service that is generally considered to be honest is that of the subordinates of the Postal Department?

The Honourable Sir Joseph Bhoré: Far be it from me to cast any aspersion upon other subordinates?

Dr. Ziauddin Ahmad: May I ask if this practice has been followed in any other civilized country except India?

The Honourable Sir Joseph Bhoré: I told the Honourable Member that I was not aware of the practice in all European countries.

Diwan Bahadur Harbilas Sarda: May I ask if it is not possible for Government in future to sell postcards from post offices only on payment of three pice each and, in order to indicate the value of that postcard which at present bears a stamp of only six pies, a seal might be put on every postcard to show that nine pies or three pice have been paid on it? This will obviate the necessity of fixing a three pie stamp on it and also obviate all the difficulties mentioned,—considering also that it is the duty of Government when selling envelopes and postcards to have full stamps fixed on them?

The Honourable Sir Joseph Bhoré: It has escaped my Honourable friend I think that I definitely, in the course of my reply, stated that we were printing new postcards which would obviate the necessity of the use of adhesive stamps. I hope these new postcards will be available for public use very shortly; at the present moment they are actually being printed.

Mr. Lalchand Navalrai: Does not the Honourable Member know that in the case of bearing letters these are not being delivered to the addressees but they are offered for delivery when the balance of postage is paid up? Cannot the same thing be done in the case of postcards?

The Honourable Sir Joseph Bhoré: I have suggested, Sir, that there is a difference between a letter and a postcard.

Dr. Ziauddin Ahmad: Is it not desirable, Sir, to postpone the destruction of postcards till these new postcards are available for the public?

The Honourable Sir Joseph Bhoré: Certainly not, Sir.

Mr. K. Ahmed: In view of the fact, Sir, that half an anna has already been incurred by the sender of a postcard, and in view of the answer given by the Honourable Member to the Member from Karachi, namely, that bearing letters are not destroyed but are offered for delivery pending payment of the balance of postage, although in this case the Honourable Member said that according to him there is a distinction without a difference between the case of postcards and of letters—and in view of the fact

that only a matter of a quarter of an anna remains to be paid for each of the postcards, are the Government aware that cause of action would lie against them for non delivery of the postcards though insufficiently stamped, including court fees and solicitor's costs as damages?

Mr. President: Order, order.

The Honourable Sir Joseph Bhore: Sir, I have not been able to follow my Honourable friend's speech.

Mr. Amar Nath Dutt: Is it a fact that in Bengal up to 1931 half an anna postcards were allowed to be delivered and no extra charge was made?

The Honourable Sir Joseph Bhore: I have already explained, Sir, that for a certain limited period insufficiently stamped postcards were permitted as a special case to be delivered, in order to obviate special hardship to the public.

RETENTION OF CERTAIN DEPARTMENTS IN DELHI DURING THE SUMMER.

19. ***Mr. S. C. Mitra:** (a) Is it a fact that the Government of India accepted the recommendation of the Retrenchment Sub-Committees about the exodus to Simla, at least for the Departments of Indian Stores, Imperial Council of Agricultural Research, Archæology and Public Service Commission?

(b) Is it also a fact that the heads of these Departments also agreed to the suggestion?

(c) Is it a fact that the Chief Engineer, Delhi (Mr. Brebner), opposed the proposal for keeping the offices permanently in Delhi before the Retrenchment Sub-Committee on the ground that there will be scarcity of water and shortage of electric fans?

(d) Is it not a fact that Mr. Jones, the Superintending Engineer, stated before the Retrenchment Sub-Committee, "the Government of India could stay in Delhi all the year round" and suggested that he anticipated no difficulty if the water supply were improved? Did not Mr. Jones attribute the scarcity of water to wastage of water owing to the fact that meters have not been installed in the quarters for the staff?

(e) Did not Mr. Brebner state before the Public Accounts Committee that there are large stocks of fans in the stores of the Public Works Department costing nearly Rs. 5 lakhs which are not fully utilised?

(f) Is it not a fact that in certain portions of the Secretariat there is a vacuum system for cooling the rooms?

(g) What will be the additional income from rents of the quarters if there is a recovery of rent from the tenants throughout the year?

(h) Do Government charge any rent for the fans supplied to tenants of Government buildings? What is the income derived from such rent?

The Honourable Sir George Schuster: With your permission, Sir, I will answer questions Nos. 19 and 37 together.

The matter is still under examination by Government. Various considerations have to be taken into account which have not yet been finally settled. A decision will however be reached very shortly.

ADDITIONAL WATER SUPPLY NECESSARY IN DELHI IN CASE OF STOPPAGE OF THE SIMLA EXODUS.

20. ***Mr. S. C. Mitra:** (a) Is it a fact that according to Mr. Brebner's estimate an expenditure of 36 lakhs of rupees will be necessary for the extension of the Delhi Water Works to make it fit to supply sufficient water for additional population due to the stoppage of the Simla exodus?

(b) Will Government please give broad details why such a large expenditure is necessary?

(c) Is it not a fact that a new balancing reservoir has been constructed lately at an approximate cost of a lakh of rupees for increasing the supply of filtered water and an additional expenditure of a lakh of rupees has been incurred for laying of steel pipes for this reservoir?

(d) What additional quantity of water is estimated to be had for this construction? What is the total quantity of water now available?

The Honourable Sir Joseph Shore: (a) Mr. Brebner did not give any estimate, but gave the Retrenchment Committee certain figures which had been mentioned to him, and explained that he could not accept responsibility for them.

(b) Does not arise.

(c) The sums mentioned were spent on a new reservoir and on laying new cast iron pipes. These, in themselves, will not mean an increase in the supply of filtered water except that there will not be percolation from the new pipe line which there was from the old conduit.

(d) It is not possible to estimate the additional quantity of water that will be available but it is thought that the amount will be small. The total quantity of water now available is 11 million gallons a day for the areas served by the Joint Water Board and 1½ million gallons a day roughly for New Delhi.

ADDITIONAL WATER SUPPLY NECESSARY IN DELHI IN CASE OF STOPPAGE OF THE SIMLA EXODUS.

21. ***Mr. S. C. Mitra:** (a) Have Government considered the question of adding a few mechanical filters at the Delhi Water Works with a view to increase the quantity of filtered water supply?

(b) Are Government Engineers prepared to investigate the possibility of supplying an adequate additional quantity of water at an expense of Rs. 2 lakhs only by installation of a few additional mechanical filters and pumps at the Water Works?

Sir Frank Noyce: (a) It is understood that an estimate for additional filters at the water works is being prepared.

(b) The possibility of supplying an additional quantity of water is being investigated by the Water Board Engineer but no scheme has yet been discovered which will deal with the situation satisfactorily at a cost of only Rs. 2 lakhs. The provision of a few additional mechanical filters and pumps at the water works will not solve the whole problem.

REPORT ON ECONOMIC AND FINANCIAL RELATIONS BETWEEN BRITISH INDIA AND INDIAN STATES.

22. ***Mr. S. C. Mitra:** Will Government please state if copies of the "Report of the Special Committee appointed to investigate certain facts relevant to the economic and financial relations between British India and Indian States" have been supplied to the Members of the Assembly? If not, do Government propose to do so now?

Mr. C. W. Gwynne: May I, Sir, on behalf of Sir Evelyn Howell, give the answer?

The reply to both the questions is in the negative. Copies of the Report have however been placed in the Legislative Assembly Library

RECOMMENDATIONS FOR RETRENCHMENT IN CONNECTION WITH THE INDIAN STORES DEPARTMENT.

23. ***Mr. S. C. Mitra:** (a) Is it not a fact that Government promised to give effect to items Nos, 1, 2, 3, 7, 8, 9, 10 and 11 of the interim recommendations of the Stores, Stationery and Printing Retrenchment Sub-Committee?

(b) Will Government please state what action has been taken in the matter yet?

(c) Have they gone back on the recommendations about the permanent location of the Indian Stores Department at Delhi?

The Honourable Sir Joseph Bhoré: (a) Yes.

(b) and (c). Effect has already been given to the recommendations in items Nos. 1, 2, 7, 8, 9 and 10. Item No. 3 is still under consideration. With regard to item No. 11, I would refer the Honourable Member to the reply just given to his question No. 19.

ABOLITION OF THE POST OF DIRECTOR OF BOTANICAL SURVEY.

24. ***Mr. S. C. Mitra:** (a) Will Government please state what is their final decision about the tentative views of Government about the abolition of the post of Director of Botanical Survey? Is he a European or an Indian?

(b) Have not the Government of India a number of Botanists to get any advice that they may be in need of, in the Forest Research Institute at Dehra Dun? What is the Headquarter Station of the present Director of Botanical Survey?

Sir Frank Noyce: (a) It has been decided to retain the post of Director of Botanical Survey, which is a part time appointment only. The allowance attached to it which is met from Central Funds will, however, be reduced from Rs. 400 per mensem to Rs. 300 per mensem. The incumbent is a European. He is also Superintendent of the Royal Botanical Garden, Sibpur. The pay of that post is met by the Government of Bengal.

(b) There is a Forest Botanist at the Forest Research Institute, Dehra Dun, but his time is fully occupied. It would be impossible for him to undertake the supervision of the Government of India's cinchona plantations which are situated in Burma. Sibpur (Howrah) is the headquarters station of the Botanical Survey.

PROPORTION OF EUROPEAN TO INDIAN OFFICERS RETRENCHED IN CENTRAL DEPARTMENTS.

25. ***Mr. S. C. Mitra:** Will Government please state what is the proportion of the European to Indian officers retrenched in the Central Departments as the result of the financial stringency? Has retrenchment in any way retarded the process of Indianisation of the services?

The Honourable Sir James Orerar: The information is being collected and will be furnished to the Honourable Member in due course.

The reply to the second part of the question is in the negative.

RETRENCHMENT UNDER DELHI CAPITAL OUTLAY.

26. ***Mr. S. C. Mitra:** Will Government please state what action has been taken as regards Grant No. 97—Delhi Capital Outlay, item No. 6 of the recommendation of the Public Works Retrenchment Sub-Committee? Is it a fact that Government accepted it in full? What decision has been made regarding items Nos. 2, 3, and 4 of the recommendations?

The Honourable Sir Joseph Bhore: *Item No. 6.*—As stated in paragraph 47 of the Public Works, Retrenchment Sub-Committee's Report, the Chief Engineer, Central Public Works Department, had already proposed savings to the extent of Rs. 63,900 in respect of miscellaneous appointments controlled by him. These have been or will shortly be given effect to. Further, the post of Assistant Superintendent, Horticulture, referred to in paragraph 46 of the Report has been abolished. The question of the Superintendent will be considered on the retirement of the present incumbent.

Items Nos. 2 and 3.—The recommendations in these items will be considered after the details of the works required in connection with the Military College at Dehra Dun have been settled.

Item No. 4.—The following posts have been abolished covering a saving of Rs. 57,400 in pay:—

One Superintending Engineer, Electrical and Mechanical Circle.

One Architect.

Two Architectural Assistants.

In addition, the post of Superintending Engineer, Health Services (Sanitary Engineer), and the staff attached to the post will be removed from the cadre of the Central Public Works Department; the saving to the Department on this account will be Rs. 47,900.

RETRENCHMENT OF I. C. S. OFFICERS IN THE CUSTOMS DEPARTMENT.

27. ***Mr. S. C. Mitra:** Is it a fact that the only two Indian I. C. S. officers who were in the Customs Department have been retrenched from the Department? Will this not lead to the possibility of no Indian getting the superior important posts in the Department for many years to come?

The Honourable Sir George Schuster: *First part of the question.*—The position is not exactly as stated. It has been decided to hold in abeyance two substantive posts of Assistant Collector of Customs reserved for the Indian Civil Service. These two posts were held, one by a European and one by an Indian. It is however true that, had the decision to hold these appointments in abeyance not been reached, they would at an early

date have both been occupied by Indians, one substantively and one in an officiating capacity, the European being on long leave.

Second part of the question.—No; the officers concerned have been told that their reversion does not prejudice their prospects of selection for a Collectorship when a vacancy arises.

PARTICULARS OF STATE PRISONERS.

28. ***Mr. S. C. Mitra:** Will Government please place on the table a statement giving the names of the State prisoners, the date of their arrest or detention, names of the jails where detained and the allowances granted to each of them?

The Honourable Sir James Crerar: It is presumed the Honourable Member does not require information regarding Moplah prisoners dealt with under Madras Regulation II of 1819, the majority of whom are not under detention in jails. I lay a statement on the table as regards other State prisoners, giving the names and the dates since when they have been under detention.

List of State Prisoners in Jail under Regulation III of 1818.

Name of State Prisoner.	Date from which detained.
1. Abdul Waris <i>alias</i> Bashir Ahmad	28th August 1930.
2. Fazal Elahi <i>alias</i> Qurban	Do. do.
3. Ghulam Muhammad <i>alias</i> Aziz Hindi	Do. do.
4. Ihsan Elahi	9th February 1931.
5. Harjap Singh	14th April 1931.
6. Karam Singh	21st May 1931.
7. Jiban Lal Chaterji	23rd November 1931.
8. Benoyendra Nath Ray Chaudhuri	Do. do.
9. Trailakhya Charan Chakrabartty	Do. do.
10. Pratul Chandra Bhattacharji	Do. do.
11. Surendra Mohan Ghosh	Do. do.
12. Pratul Chandra Ganguli	Do. do.
13. Satya Bhusan Gupta	24th November 1931.
14. Manoranjan Gupta	Do. do.
15. Bhupendra Kumar Datta	Do. do.
16. Arun Chandra Guha	Do. do.
17. Ramesh Chandra Acharji	25th November 1931.
18. Rabindra Mohan Sen Gupta	Do. do.
19. Jyotish Chandra Ghosh	1st January 1932.
20. Purna Chandra Das	Do. do.
21. Bhupendra Kishore Rakshit Ray	2nd January 1932.
22. Rasik Lal Das	Do. do.
23. Suresh Chandra Das	Do. do.
24. Bhupati Mazumdar	Do. do.
25. Subash Chandra Bose	3rd January 1932.
26. Jatindra Mohan Sen Gupta	20th January 1932.
27. Abdul Ghaffar Khan	24th December 1931.
28. Doctor Khan Sahib	Do. do.
29. Sadullah Khan	Do. do.
30. Qazi Ataullah	Do. do.

List of State Prisoners in jail under the Bombay Regulation XXV of 1927.

Name of Prisoner.	Date from which detained.
M. K. Gandhi	4th January, 1932.
Vallabhai Patel	Do. do.

TRANSFER OF BENGAL DETENUS TO OTHER PROVINCES.

29. ***Mr. S. C. Mitra:** Will Government please state under what laws or regulations some of the Bengal detenues have been transferred to other Presidencies, and the names of the different Provinces to which they have been transferred? Was there any objection raised at first, by any of these Provinces to such transfers, and if so, what were the objections?

The Honourable Sir James Crerar: Certain persons previously dealt with under the Bengal Criminal Law Amendment Act have since been interned in jail under Regulation III of 1918 in the provinces of Madras, Punjab, the Central Provinces and the North West Frontier Province with the concurrence of the Local Governments concerned.

APPOINTMENT OF BURSAR AND WARDEN IN THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI.

30. ***Mr. S. C. Mitra:** (a) Is it a fact that the post of Bursar and Warden in the Lady Hardinge Medical College, New Delhi, has fallen or is going to fall vacant and applications have been called for by advertisement in the *Times of India*?

(b) If so, by what date are the applications to reach the authority concerned? Why no such date has been mentioned in the advertisement?

(c) Will Government be pleased to state if there has ever been an Indian lady who occupied the position of Bursar and Warden in the Lady Hardinge Medical College?

(d) If the reply to part (c) is in the negative, do Government propose to appoint an Indian lady to that post this time? If not, why not?

Sir Frank Noyce: (a) Yes. The post was also advertised in other papers.

(b) As soon as possible. It was not considered necessary to specify the date by which applications would be submitted, because it was clearly stated in the advertisement that a new incumbent must be found for the post by March, 1932.

(c) No Indian lady has yet occupied the position.

(d) The appointment is made by the Governing Body of the Institution, who will no doubt give due consideration to all applications received.

TERMS OF SERVICE OF OFFICERS, CLERKS, STOREKEEPERS, ETC., IN THE INDIAN ARMY SERVICE CORPS.

31. **Mr. S. C. Mitra** (on behalf of Sirdar Sohan Singh): (a) Will Government of India be pleased to state:

- (i) whether it is a fact that the terms of service of
- | | |
|-------------------------|----------------------|
| British Officers | } of the I. A. S. C. |
| British Other Ranks | |
| Indian Officers | |
| Indian Other Ranks, and | |
| Followers | |

and
 Clerks of Departments other than the I. A. S. C., *e.g.*, Veterinary, Remounts, Indian Corps of Clerks, Ordnance, Military Works Services, Indian Hospital Corps, etc., have been revised and considerably improved as compared with those that existed before the Great War; and

- (ii) whether it is a fact that the prospects of clerks and storekeepers of the I. A. S. C. have gone from bad to worse after the Great War and that several representations and memorials have been submitted by the Indian Superior Personnel of the I. A. S. C. and also by their recognized association for the betterment of their prospects from time to time since the Great War?

(b) If the reply to the above question is in the affirmative, will the Government of India be pleased to state what action they propose to take to ameliorate the conditions of service of clerks, storekeepers and checkers of the I. A. S. C.? Will Government be pleased to state why this differential treatment has been accorded to the Indian Civilians of the I. A. S. C.?

(c) If the reply to part (a), item (i) is in the negative, will Government be pleased to state the rates of pay and other allowances and concessions admissible to the personnel mentioned in that part of the question separately before and after the Great War?

(d) If the reply to part (a), item (ii) is in the negative, will Government be pleased to state the maximum rate of pension on which the Indian Civilians of the I. A. S. C. could retire before the Great War and after the revision of pay in 1916 and what maximum pension they can get under the existing rates of pay?

Mr. G. M. Young: (a) (i) Generally speaking the answer is in the affirmative.

(ii) The answer to the first portion is in the negative and that to the second in the affirmative.

(b) No differential treatment was intended and it is not proposed to take any action in the matter. The rates of pay of clerks of the Indian Army Service Corps compare favourably with those of the clerical establishments of other departments of the Indian Army.

(c) Does not arise.

(d) The figures are Rs. 150, Rs. 150 and Rs. 187-8-0 a month.

ERECTION OF A FACTORY AT BOMBAY FOR THE MANUFACTURE OF VEGETABLE GHEE.

32. ***Mr. S. C. Mitra** (on behalf of Sirdar Sohan Singh): (a) Is it a fact that Government are realising about twenty-five lakhs customs revenue annually on vegetable ghee imported into India mostly from Holland?

(b) Has the attention of the Honourable the Finance Member been drawn to the *Times of India*, dated the 26th May, 1931, page 5, column 8, which gives the news:

- (i) that vegetable ghee manufacturers of Holland are putting up a huge factory at Bombay at a cost of 25 lakhs of rupees under the name of their private limited company called the Hindustan Holland Vanaspati Trading Company, Limited, Bombay;
- (ii) that the factory is now almost completely erected and is to commence turning out vegetable ghee next month?
- (iii) that its output which is designed to be 30,000 cases monthly immediately with provision for extension in no time to 50,000 cases monthly will completely cover the entire present imports; and
- (iv) that thereby Government will with effect from next month lose the entire income of Rs. 25,00,000 annually, to save which the factory has been erected by the Dutch Syndicate in India?

(c) Do not Government recollect that there have been widespread complaints of mixture of vegetable ghee with pure ghee and that this point has been discussed several times in the Council of State as well as in the Assembly, Government always promising enquiry and support?

(d) Do Government propose to provide in the Finance Bill that the existing duty on vegetable ghee as also the proposed surcharge thereon will be levied with immediate effect on all vegetable ghee whether imported into or manufactured in India? If not, why not?

The Honourable Sir George Rainy: I would refer the Honourable Member to my answer to starred question No. 1355 by Sirdar Harbans Singh Brar on the 17th November, 1931.

EXPENDITURE INVOLVED IN MOVING THE 1ST BATTALION, THE RIFLE BRIGADE.

33. ***Mr. Gaya Prasad Singh:** (a) Will Government kindly state where the 1st Battalion, the Rifle Brigade, was stationed during the last 6 months, indicating the dates of its movements, the places visited by it, the amount of expenditure involved in such move, and the sources from which such expenditure was met, and the amount, if any, realized from any outside source?

(b) What other troops were similarly placed during the same period, and how are their costs to be met, and the amount of money so involved?

Mr. G. M. Young: I lay on the table a statement giving the information desired.

1. The 1st Battalion, the Rifle Brigade, left Jullundur on the 3rd November 1931, arrived at Jammu on the following day and returned to Jullundur on the 21st December.

2. The 2nd Battalion, The Border Regiment, left Rawalpindi and arrived at Jhelum on the 4th November 1931. The Battalion less 1 company withdrew to Rawalpindi on the 24th December, 1931. The company which had remained at Mirpur, withdrew to Rawalpindi on the 2nd January 1932.

3. Detachments and patrols of Infantry and Cavalry Regiments stationed at Sialkot were employed in Kashmir for varying periods during November and December 1931.

4. 1 company of the 4/2nd Punjab Regiment was sent to Puddukkottai State on the 16th July, 1931. Half the company withdrew on the 25th July and the remainder on the 7th September 1931.

The expenditure above normal involved by the employment of troops in Kashmir will be met by the Darbar. The amount is not yet known.

The expenditure above normal on the company sent to Pudukkottai was about Rs. 1,608, of which the Darbar have agreed to pay about Rs. 724: they are being asked to pay the balance of Rs. 884, which was spent on a special grant of 4 annas a day to Indian soldiers for rations.

PROSCRIPTION OF CERTAIN HINDI BOOKS IN AJMER.

34. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that two Hindi books the *Yug-dharma*, and the *Aniti ki Raha Par*, published by the Sasta Sahitya Mandal, Ajmer, have been proscribed by the local authorities, and the books seized by the Ajmer police recently?

(b) Are Government aware that *Yug-dharma* is a mere collection of Hindi articles that have appeared in different journals from time to time, but have never been objected to; and that *Aniti ki Raha Par* is a literal translation of Mahatma Gandhi's work entitled *Self-Restraint* vs. *Self-Indulgence*, which is a collection of his articles advocating celibacy, and condemning artificial methods of birth control?

(c) What is the name, and what are the qualifications of the man, who has to do the translation work in the department, and on whose report the action has been taken?

(d) Are Government aware that the Sasta Sahitya Mandal, Ajmer, represented the matter to the Chief Commissioner, Ajmer-Merwara, on the 10th December, 1931, pointing out the facts of the case, and the "absolutely stupid action" to quote from the representation of the local authorities?

(e) Are Government prepared to point out the objectionable passages in the books; and also the reason why the original publications were not interfered with?

(f) Is it a fact that during the short space of a year, as many as 4 publications of this Sahitya Mandal, have been proscribed?

Mr. O. W. Gwynne: The information is being collected and will be communicated to the Honourable Member in due course.

CIRCULAR TO THE MILITARY AUTHORITIES AT CHITTAGONG TO REFRAIN FROM REPRISALS ON COMMUNAL LINES.

35. ***Mr. Gaya Prasad Singh:** Is it a fact that a circular has been issued at the instance of His Excellency the Commander-in-Chief to the military authorities at Chittagong (Bengal) not to be a party to any act of reprisals on communal lines there? If so, will Government be pleased to place a copy of it, or of any circular on similar lines, on the table?

Mr. G. M. Young: No circular of the kind mentioned has been issued; but the Military are acting in the closest co-operation with the civil authorities in the operations in the Chittagong District, which are being carried out with the greatest restraint and discipline, and with the minimum of inconvenience to the public of all communities.

ADMINISTRATIVE POSITION OF BERAR IN RELATION TO CONSTITUTIONAL REFORM.

36. ***Mr. Gaya Prasad Singh:** (a) Will Government kindly make a short statement with regard to the administrative position of Berar in relation to constitutional reform? Will this territory continue to be a portion of the Central Provinces, as at present, in the matter of franchise, federation and other matters?

(b) If any change in the status of this territory is contemplated will the people of Berar be consulted on the principle of self-determination?

Mr. C. W. Gwynne: The question of the administration of Berar in the future constitution of India is connected with the larger question of federation and consequential problems, and Government regret that they are not in a position to make any announcement on the points raised at this stage.

Mr. S. G. Jog: Is it a fact that a body known as the All-Party Berar Committee has submitted a case to the Government of India either through the Foreign and Political Department or to the Viceroy direct for forwarding it to the Round Table Conference?

Mr. C. W. Gwynne: I am afraid I am not in a position to answer that. I think the Honourable Member had better ask the Foreign Secretary on his return to this House.

Mr. S. G. Jog: Is it a fact that these papers were sent back to that Committee through a wrong channel which also happened to be a long channel?

Mr. C. W. Gwynne: I will make inquiries; but I think it would be better if the Honourable Member were to ask the Foreign Secretary on his return.

Sir Hari Singh Gour: May I ask the Honourable Member whether the question about the retrocession of Berar has been under the consideration either of His Majesty's Government or the Government of India?

Mr. C. W. Gwynne: I would like to have notice of that question.

Mr. S. G. Jog: Has the intended visit of His Exalted Highness anything to do with the question of Berar?

(No answer was given.)

ABOLITION OF THE SIMLA EXODUS.

†37. ***Mr. Gaya Prasad Singh:** Do Government propose to give up altogether the next "Simla exodus" as a measure of retrenchment?

†For answer to this question, see answer to starred question No. 19.

FLOGGING OF POLITICAL PRISONERS IN THE NORTH WEST FRONTIER PROVINCE.

38. **Mr. Gaya Prasad Singh:** Will Government kindly state in how many cases the punishment of flogging was inflicted on political prisoners last year in the jails of the North-West Frontier Province, and for what offences? And how many of such prisoners belonged to the different communities?

Mr. C. W. Gwynne: Thirty prisoners were whipped during the year 1931. Of these ten were convicted prisoners and the remaining twenty were under trial. In one case the offence for which the punishment of whipping was inflicted was assault upon the Deputy Superintendent of the jail. In other cases the offences were creating disturbances in jail and attempting to incite other prisoners to do the same by instigating them to open and organised breaches of jail discipline, resulting in one case in open rioting. Five of the prisoners who were whipped were tried judicially and awarded this punishment. In case of the 20 under-trial prisoners, whipping was carried out by order of the District Magistrate concerned. The prisoners whipped were all Muslims.

Dr. Ziauddin Ahmad: Will the Honourable Member explain the nature of the disturbances? Is it not a fact that whipping was administered simply for shouting "Alla-ho-Akbar"?

Mr. C. W. Gwynne: I must have notice; I am not the Foreign Secretary.

Dr. Ziauddin Ahmad: Is it not a fact that in the North West Frontier Province we have got an expert for whipping and that he is sent for whenever whipping is to be administered in any jail?

(No answer was given.)

Mr. Gaya Prasad Singh: My Honourable friend has referred to the disturbances, should he not also explain the nature of the disturbances? Does not this supplementary question arise out of the answer to the main question? Let the Foreign Secretary answer if he is here.

Mr. S. O. Mitra: Is it not a fact that questions are put to Government and not to any particular Secretary. The person who is responsible for answering the questions ought to answer the supplementary questions also.

The Honourable Sir George Rainy: The House will realise that the official who would ordinarily have answered the question has unfortunately been compelled to be absent from the House owing to illness. It is not always possible to provide a substitute who has the necessary information to answer supplementary questions.

Mr. K. Ahmed: Is it not derogatory to the principle that Government on that ground are not to reply to the questions that are put on the floor of the House? Is it not against the rules and Standing Orders of the House?

The Honourable Sir George Rainy: I am afraid influenza has no respect for the rules of the House.

Mr. K. Ahmed: The Government are in duty bound to answer the supplementary questions, otherwise the very object that Government have by calling the Assembly will be frustrated. It is unparliamentary not to answer questions on that ground. The Government are responsible, Sir.

The Honourable Sir George Rainy: Influenza is very unparliamentary.

Mr. K. Ahmed: Will it be below the dignity of the Honourable the Leader of the House to answer a question? Is it not a fact that even the Prime Minister of England answers questions in the House of Commons which are asked by Members of the Parliament? Do Government realise that?

(No answer was given.)

SURCHARGE ON COAL FREIGHT.

39. *Mr. Gaya Prasad Singh: (a) Will Government kindly state the rate of surcharge on coal freight, which has been imposed or is proposed to be imposed upon it?

(b) Do Government propose, in the interest of trade and industry of the country, not to impose such a surcharge?

Sir Alan Parsons: (a) I would refer the Honourable Member to a Press Communiqué issued on the 14th December, 1931, a copy of which is being placed on the table. Where applicable, the rate is 15 per cent.

(b) No. The surcharge has been in force from the 15th January, 1932.

COMMUNIQUE.

New Delhi, dated 14th December, 1931.

In view of the existing financial circumstances of the Indian railways, the Railway Board have found it necessary to explore all avenues whether for reducing expenditure or increasing revenue. The possibilities in the latter direction are somewhat limited at a time when the purchasing power of all classes is severely restricted, but there are a few commodities which might possibly stand a higher rate, and one of these is coal. The existing freights on coal were reduced both in 1926 and 1929 and are now very low when compared with those applicable to any other commodities.

2. Before coming to a decision on the question of enhancing freight rates on coal, the Railway Board advised the Indian Mining Federation and the Indian Mining Association, that they had under consideration a proposal to impose a surcharge of 15 per cent. on the present freight charges and invited them to discuss this proposal with the Board. This discussion was held on the 23rd November 1931. The Railway Board have received from various Chambers of Commerce and other commercial organisations representations bearing on the adverse effect which enhanced freight rates on coal would have on various interests. These representations, as also the views advanced by the Indian Mining Association and the Indian Mining Federation at the discussion which the Railway Board had with them, have been given the fullest consideration. While the Board are unable to modify their view that, under present conditions, the 15 per cent. surcharge should be imposed, they are issuing instructions that this surcharge which will be imposed from the 15th January, 1932, on all coal, coke and patent fuel, (both for the public and foreign Railways) booked from stations on the East Indian and Bengal Nagpur Railways and from the Pench Valley Collieries on the Great Indian Peninsula Railway, should not apply in the case of:—

(i) soft coke;

(ii) coal and coke consigned to Howrah or Calcutta, and

(a) exported thence by sea to any port, foreign or Indian;

(b) loaded for bunkering in sea-going vessels within the limits of the port of Calcutta.

In the case of (ii) above, the surcharge will be collected in the first instance, and a refund subsequently arranged under conditions which will be notified in due course by the East Indian and Bengal Nagpur Railway Administrations.

EMPLOYEES DISCHARGED FROM THE CUSTOMS DEPARTMENT, KARACHI.

40. ***Bhai Parma Nand**: (a) What is the total number of employees who have been discharged in the Customs Department, Karachi?

(b) How many of them were Hindus, Muslims, Christians and Jews?

(c) Was there any among them who was served with a notice, although he had died six months before that time?

(d) Is it a fact that Hindu clerks, some of whom were graduates, who had passed departmental examinations, and whose service extended over a period of more than five years were discharged while unqualified Muhammadan clerks who were matriculates having only six months' service at their back were retained?

(e) Is it a fact that certain employees whose period of service had been between twenty-five and thirty-five years and who could have been sent on pension were retained while clerks much junior to them in service were discharged?

The Honourable Sir George Schuster: (a) 33 including voluntary retirements.

(b) Hindus 16.

Muslims 11.

Christians 5.

Jews 1.

(c) No.

(d) No.

(e) No. Not in the same category.

Mr. Lalchand Navalrai: Does the Honourable Member know that there has been discontent amongst the clerks in the Customs office and that they have made representations that people who have got longer service should be done away with and those who have got smaller service should be retained? Is the Honourable Member aware of that?

The Honourable Sir George Schuster: I have not seen any representations on the lines to which the Honourable Member has referred, but if he informs me that they have been made, I am quite prepared to take that statement from him.

Mr. Lalchand Navalrai: The representations have been made to the Central Board of Revenue and I shall be thankful if the Honourable Member will send for them.

The Honourable Sir George Schuster: I shall take the earliest opportunity of inquiring into the matter.

PAY OF CLERKS, STOREKEEPERS AND CHECKERS OF THE INDIAN ARMY SERVICE CORPS.

41. ***Bhai Parma Nand**: (a) Will Government be pleased to state:

(i) whether it is a fact that the current progressive rates of pay of clerks, storekeepers and checkers of the I. A. S. C. are as given below:

Clerks—

Lower Division 50—4—90—3—150.

Upper Division 125—10—325—25/2—375.

Storekeepers—

Lower Division 50—2—60—4/2—100.

Upper Division 80—5/2—120—10/5—140.

Checkers—

40—2—60 (Post, non-pensionable).

- (ii) whether all appointments are, in the first instance, normally made in the Lower Division; and
- (iii) whether the present prescribed minimum educational qualifications for appointment as clerk, storekeeper or checker of the I. A. S. C. are the same, *e.g.*, matriculation examination of any University?

(b) If the reply to the above is in the affirmative, will the Government of India be pleased to state:

- (i) whether the maximum pay laid down for clerks and storekeepers is attainable, and if so, how;
- (ii) if the maximum pay is not attainable, what was the intention of Government in laying down the maximum rate of pay which was never attainable;
- (iii) what rate of pay the seniormost clerk or the storekeeper (unenrolled) is in receipt of and what rate of pay they are likely to receive on completing 55 years age, stating their names;
- (iv) if the maximum rates of pay as now laid down for clerks and storekeepers (both unenrolled) are not actually attainable, whether immediate steps will be taken to so revise the scales of pay and grades as to admit of the maximum pay being attained by at least a certain proportion of these establishments, and also to fulfill the commitments laid down by Government in respect of this class of personnel; and
- (v) whether Government are prepared to take early action in the matter of raising the maximum rate of pay of checkers as well as to make their posts pensionable in accordance with the established policy of Government in regard to their employees?

Mr. G. M. Young: (a) (i), (ii) and (iii). Yes.

(b) (i). Yes, if a clerk is recruited direct to the Upper Division or is promoted to that Division before the age of 31 or a storekeeper before the age of 29.

(ii) and (iv). Do not arise.

(iii) Mr. D. D. Deputy, Upper Division clerk, draws pay at the rate of Rs. 265 a month. He will draw the same rate of pay on the 4th July, 1932, the date on which he will complete 55 years of age.

Mr. Rameshwar Nath, Upper Division storekeeper, draws pay at the rate of Rs. 130 a month. He is likely to be receiving Rs. 140 a month, the maximum pay of his grade, on the 15th April, 1934, the date on which he will complete 55 years of age.

(v) The rate of pay is considered adequate and Government have found no difficulty in obtaining candidates for these posts.

PAY OF CLERKS, STOREKEEPERS AND CHECKERS OF THE INDIAN ARMY SERVICE CORPS.

42. *Bhai Parma Nand: (a) Will Government be pleased to state:

(i) whether it is a fact that individual memorials and representations regarding the present scales of pay have from time to time been submitted since 1923 by clerks, storekeepers and checkers (unenrolled) of the I. A. S. C.;

(ii) whether a memorial from the All-India I. A. S. C. Civilian Association was submitted to the Military authorities in 1928 bringing out in detail the grievances of clerks, storekeepers and checkers of the Indian Army Service Corps; and

(iii) whether a further representation was submitted by the above Association early in 1931, in which it was shown by facts and figures how the above class of personnel had been adversely affected under the present scheme of pay?

(b) If reply to part (a) above be in the affirmative, will Government be pleased to state what action, if any, has been taken since 1923 for the amelioration of the conditions of service of the above personnel?

(c) If no action has so far been taken, are the Government of India prepared to take immediate steps to redress the grievances of the above class of personnel?

Mr. G. M. Young: (a) (i), (ii) and (iii). Yes.

(b) About 20 clerks and storekeepers have been granted Viceroy's Commissions.

(c) Does not arise.

PAY OF CLERKS, STOREKEEPERS AND CHECKERS OF THE INDIAN ARMY SERVICE CORPS.

43. *Bhai Parma Nand: (a) Will the Government of India be pleased to state;

(i) whether it is the intention of Government to bring the clerical establishment of the I. A. S. C. on universal rate of pay with similar establishments of other Military Departments, e.g., Military Engineering Services, Ordnance, Indian Corps of clerks, etc.; and

(ii) whether the All-India I. A. S. C. Civilian Association has submitted a representation to the Military authorities protesting against this proposal and requesting to be treated as a separate entity in respect of pay?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state what action they propose to take in the matter?

Mr. G. M. Young: (a) (i) and (b). A proposal that future entrants to the clerical establishments of all branches of the Army should be on uniform rates of pay is now under the consideration of Government.

(a) (ii). A representation was made in connexion with a previous proposal which would have affected existing establishments.

PAY OF CLERKS, STOREKEEPERS AND CHECKERS OF THE INDIAN ARMY SERVICE CORPS.

44. ***Bhai Parma Nand:** (a) Will Government be pleased to state if it is being contemplated to grant compensation to such of the clerks and storekeepers (unenrolled) in the I. A. S. C., who have retired after September, 1923, but could not reach the maximum rate of pay through no fault of their own but owing to the revision of pay?

(b) Will Government be pleased to state what increases in pay and other concessions have been sanctioned in the case of British Officers, British Warrant and Non-Commissioned Officers, Indian Officers, Indian other ranks and followers of the I. A. S. C. after the Great War and how much extra expenditure has been incurred by Government on this account in respect of each class of the above personnel?

(c) Will Government be pleased to state why money could not be found for rectifying the defective grading of clerks and storekeepers of the I. A. S. C. who are also members of the Corps?

Mr. G. M. Young: (a) It is open to clerks and storekeepers adversely affected by the revision of pay to submit petitions through the proper channel. These when received will be considered on their merits.

(b) I lay on the table statements giving the information desired in the first portion of the question. It is not now possible to state the total extra expenditure incurred by the revision of the rates of pay.

(c) Because Government consider that their rates of pay are adequate for the duties they perform.

Monthly rates of pay of Departmental Officers, Warrant and Non-Commissioned Officers of the Indian Army Service Corps.

	1919.	Before 1927.	1927.
	Rs.	Rs.	Rs.
1. Commissary and Major after 8 years' commissioned service and 2 years' service as Major.	..	..	Unmarried . . . 970 Married . . . 1,100
2. Commissary and Major after 8 years' service as such.	750	} 850	
Commissary and Major after 4 years' service as such.	700		Unmarried . . . 825 Married . . . 950
Commissary and Major .	650		
3. Deputy Commissary and Captain after 8 years' service as such.	650	} 730	
Deputy Commissary and Captain after 4 years' service as such.	600		Unmarried . . . 700 Married . . . 825
Deputy Commissary and Captain.	550		

Monthly rates of pay of Departmental Officers, Warrant and Non-Commissioned Officers of the Indian Army Service Corps—contd.

—	1919.	Before 1927.	1927.	
	Rs.	Rs.		Rs.
4. Assistant Commissary and Lieutenant after 8 years' service as such.	530	} 590	Unmarried . . .	635
Assistant Commissary and Lieutenant after 4 years' service as such.	480		Married . . .	715
Assistant Commissary and Lieutenant.	430			
5. Conductor	350	390		420
6. Sub-Conductor	300	330		380
7. Staff Sergeant	220	250		280
8. Sergeant	170	190		220

Monthly rates of pay of Indian Officers and other Ranks of Animal Transport Units.

—	1923.	1924.	1925.	1927.	1931.
	Rs.	Rs.	Rs.	Rs.	Rs.
1. Risaldar Major . . . . .	..	..	160	160	180 plus 40 as personal allowance.
2. Risaldar	108	104-8-128	104-8-128	104-8-128	115-10-145
3. Jemadar	54	60-4-80	60-4-80	60-4-80	70-5-90
4. Troop and Quarter-master Daffadar.	23	23	23	23	24
5. Naik	17	17	18	19	21
6. Lance Naik	12	12	13	14	15-8
7. Driver	11	11	12	13	14-8

CONTRIBUTION BY BRITAIN TO THE COST OF THE BRITISH ARMY IN INDIA.

45. ***Mr. Lalchand Navalrai:** (a) Has Government's attention been drawn to the speech of Miss Rathbone, M.P., made in the British Parliament on or about the 2nd December, 1931, in which she suggested that at least a part of the cost of Indian Army might rightly be contributed by Britain or the Empire?

(b) What do Government propose to do in the matter?

(c) Will Government be pleased to make a full statement of their future policy regarding the retention of the British Army in India and the defrayal of the cost by the British and the Indian Exchequer?

Mr. G. M. Young: (a) Government have seen a copy of the speech.

(b) The speaker did not suggest that the question should be considered by the Government of India, but by the Committees, which have since been appointed by His Majesty's Government.

(c) The Government of India are not in a position at present to make any such statement as is suggested by the Honourable Member.

Mr. Lalchand Navalrai: Does the Honourable Member know if that Committee has gone into that question?

Mr. G. M. Young: The Committees have not yet reached India.

Diwan Bahadur A. Ramaswami Mudaliar: Is not the whole policy underlying this question seized by the Round Table Conference, the Defence Committee of the Round Table Conference in particular?

Mr. G. M. Young: Yes, Sir. The speech in question refers to committees appointed by His Majesty's Government, in connection with the Round Table Conference.

Mr. B. R. Puri: Are we debarred from seeking information simply on the ground that the matter is before the Round Table Conference?

REDUCTION IN BRITISH AND INDIAN REGIMENTS IN INDIA.

46. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether they have reduced the number of the British Indian regiments under the retrenchment system; if so, by how much?

(b) Have Government curtailed the number of officers and soldiers, respectively, in the British Indian regiments solely manned and officered by Europeans since the retrenchment? If so, how much?

(c) If the answer to parts (a) and (b) be in the negative, do Government propose to reduce the number of regiments and curtail the number of the British and European officers and soldiers in the British Army; if so, to what extent?

Mr. G. M. Young: (a) If the Honourable Member refers to British units on the Indian establishment, the answer is in the negative.

(b) A reduction has been made of 855 British soldiers in the Infantry and about 450 in the Artillery.

(c) There is no proposal at present to reduce the number of British units. I have stated the reduction in men in my answer to part (b).

Mr. Lalchand Navalrai: May I take it that this question also is before the Round Table Conference Committee?

Mr. C. S. Ranga Iyer: Then why not suspend this Assembly until those Committees have reported?

RETRENCHMENT OF ONE MEMBER OF THE EXECUTIVE COUNCIL.

47. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if there is any proposal for the curtailment in the number of Executive Councillors in the Government of India in the retrenchment scheme which is in progress?

(b) Has the question of combining the portfolios of Industries and Labour and Land and Education under one member been considered?

(c) If the reply to parts (a) and (b) be in the negative, will Government be pleased to state their full reasons showing their difficulties in carrying on the Government with one member less?

The Honourable Sir James Crerar: (a) and (b). No.

(c) The Honourable Member will, I am sure, not expect me, in reply to a question, to discuss at length the constitution of the Executive Council of the Governor General. I can merely say that the suggestion is not regarded as practicable.

Mr. Lalchand Navalrai: Does the Honourable Member know that the Madras Government have reduced one Member of their Executive Council?

The Honourable Sir James Crerar: If the Honourable Member means to suggest that the Madras Government have permanently reduced the size of the Governor's Executive Council, the Honourable Member is misinformed.

NUMBER OF SECRETARIES, DEPUTY SECRETARIES, ETC., IN THE GOVERNMENT OF INDIA DEPARTMENTS.

48. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state how many Secretaries, Joint Secretaries, Deputy Secretaries and Assistant Secretaries there are in all in the various departments of the Government of India Secretariat and how many of them are held by Europeans, Anglo-Indians, Indian Christians and Indians, respectively?

(b) Do Government propose to curtail their number? If so, by how many and when?

The Honourable Sir James Crerar: (a) A statement containing the information is laid on the table.

(b) In the Home, Commerce, Foreign and Political and the Military Finance Departments the number of posts of Assistant Secretary is to be reduced by one each. In the Reforms Office one post of Deputy Secretary has been retrenched. In the Legislative Assembly Department, the post of Deputy Secretary is to be held in abeyance when it falls vacant. The question of curtailing the number of officers in the Education, Health and Lands, and Finance Departments is still under consideration.

Statement showing the number of Europeans and Indians holding posts of Secretary, Joint Secretary, Deputy Secretary and Assistant Secretary in the Departments of the Government of India.

Name.	No.	Europeans.	Indians.		
			Anglo-Indians.	Indian Christians.	Others.
Secretary	11	10	..	..	1
Joint Secretary	8	7	..	..	1
Deputy Secretary	15	11	..	..	4
Assistant Secretary	26	6	6	1	13

NOTE.—In addition to the above, there are certain other posts which rank as Secretary, Deputy Secretaries, and Assistant Secretaries but are not properly such and have therefore not been included in the above statement.

RETRENCHMENT OF OFFICERS OF THE CENTRAL BOARD OF REVENUE.

49. ***Mr. Lalchand Navalrai**: What curtailment in the number of the officers working on the Board of Revenue have Government made or propose to make?

The Honourable Sir George Schuster: I presume that the Honourable Member means to refer to gazetted officers. Out of these posts of gazetted officers, the Government of India have abolished the post of Personal Assistant to Members, and in place of a Secretary to the Board of the standing of a Deputy Secretary to Government have appointed a Secretary to the Board of the standing of an Assistant Secretary to Government.

RETRENCHMENT OF HIGH OFFICIALS IN THE RAILWAY BOARD AND STATE RAILWAYS.

50. ***Mr. Lalchand Navalrai**: (a) What curtailment in the number of the Directors of the Railway Board and in the number of higher officers of the Railway Board have Government made or propose to make?

(b) What curtailment in the number of the higher officers working under the Agents and the Divisional Superintendents of the State Railways have Government made or propose to make?

Sir Alan Parsons: (a) It is proposed to hold in abeyance the posts of Member, Traffic, Member, Engineering, Deputy Secretary, and Assistant Director of Finance; to combine the posts of Director, Civil Engineering, Director, Mechanical Engineering and Chief Controller of Standardisation, and to create as a temporary measure an additional post of Deputy Director, Traffic.

(b) A statement is laid on the table.

Railways.	Number of Superior posts proposed to be abolished or held in abeyance from 1st December 1931.			Remarks.
	Abolished. (a)	Held in abeyance. (b)	Total. (c)	
Burma	17	2	19	
Eastern Bengal	18	7	25	
East Indian	42	11	53	
Great Indian Peninsula	32	7	39	
North Western	40	12	52	

Mr. Lalchand Navalrai: I do not follow the Honourable Member. Are any posts of Directors of the Railway Board also curtailed?

Sir Alan Parsons: The position is this: we are going to have one Director instead of two on the engineering side, who will in addition to his own duties carry out the duties of Controller of Standardisation.

Mr. Lalchand Navalrai: Is it actually curtailing one post of Director or is the post merely kept in abeyance. This word was used in some other question by the Honourable Member, and that was that two officers were on leave in England and their posts were being kept in abeyance.

Sir Alan Parsons: It is not proposed for the present to fill these appointments.

Mr. Lalchand Navalrai: That would mean until they return.

Sir Alan Parsons: No.

DIVISIONAL ORGANISATION ON THE NORTH WESTERN RAILWAY.

51. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if they are still in favour of the divisional organization on the North Western Railway even after the expression of opinion of the Railway Retrenchment Sub-Committee (*vide* page 341 of their report)?

(b) If so, will Government be pleased to make a full statement on this point justifying the Divisional system being financially preferable?

Sir Alan Parsons: (a) Yes.

(b) A Memorandum on the subject is in the Library of the House.

RETRENCHMENT OF RAILWAY OFFICERS IN DIVISIONS OR AT HEADQUARTERS.

52. ***Mr. Lalchand Navalrai:** (a) Do Government propose to curtail the number of officers working on the Divisional system or at the Headquarters in view of the opinion of the Railway Retrenchment Sub-Committee to the effect that there is considerable scope for reduction and that an organization like the one on the North Western Railway, where there are 12 officers in the Divisions and 5 at the Headquarters, is unnecessarily extravagant and quite unjustified?

(b) If not, will Government please state the full reasons?

Sir Alan Parsons: (a) and (b). A number of posts in the Superior Establishment of the North Western Railway have, as a measure of economy, already been brought under reduction, and the possibility of making further reductions is under consideration.

ABOLITION OF THE STAFF COLLEGE AT DEHRA DUN.

53. ***Mr. Lalchand Navalrai:** (a) Has the attention of Government been drawn to the supplementary note by Dr. Ziauddin Ahmad—a member of the Railway Retrenchment Sub-Committee—where he has suggested “that the Staff College at Dehra Dun be abolished, as it is an expensive luxury”?

(b) What effect have Government given to that suggestion?

(c) Have Government any intention to abolish the college or at least to save money by not sending experienced and old officers for further training into that college?

(d) If not, how do Government justify spending large sums in these days of deficit budgets?

Sir Alan Parsons: (a) Yes.

(b) to (d). Government have had under consideration for some time the question of reducing the scale of expenditure in providing courses of instruction to officers. They have decided to close the Railway Staff College at Dehra Dun about next March and to arrange for the necessary course of instructions for officers, particularly probationers, to be given at Calcutta. There will be a substantial saving by the new arrangement.

PRESSES ASKED TO FURNISH SECURITIES.

54. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state how many presses in India have been asked to furnish securities under the new Press Act?

(b) What were the reasons for demanding the security in each case?

(c) Were these presses given any warning before they were asked to be bound down?

(d) Have any proprietors of presses been asked to furnish security after the new Press Act has been passed?

(e) If so, will Government be pleased to furnish a list of their names, and those of their presses with reasons for binding them down?

The Honourable Sir James Crerar: The information is being collected from Local Governments and will be supplied to the Honourable Member on receipt.

Mr. Gaya Prasad Singh: Will a copy be laid on the table of the House for the information of other Members also?

The Honourable Sir James Crerar: Yes, Sir.

RESOLUTIONS ON THE DRAFT BILL TO ESTABLISH A MEDICAL COUNCIL IN INDIA.

55. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if they have received a copy of the resolutions unanimously adopted at the meeting of the medical profession of Bombay on the 27th November, 1931, under the presidency of Dr. G. V. Deshmukhi, M.D., regarding the draft Bill to establish a medical council for India?

(b) Have Government considered the suggestions made by resolutions Nos. 1, 2 and 3?

(c) If so, what changes or modifications do Government propose to make in the draft Bill? If not, what are the reasons for it?

(d) Will Government be pleased to state when the proposed Bill to establish a medical council for India is likely to be introduced in the Legislative Assembly?

Sir Frank Noyce: (a) Yes.

(b) and (c). The suggestions will be considered when the draft Bill is taken into final consideration.

(d) No decision has yet been taken.

DELAY IN THE DELIVERY OF MAIL AT KIAMARI, KARACHI

56. ***Mr. Lalchand Navalrai:** (a) Is it a fact that the residents of Kiamari (Karachi) made a representation to the Director-General of Posts and Telegraphs, complaining of the Quetta and Bombay mail posts being delivered to them next day at about 10 A.M. instead of the same evening as before?

(b) Is it a fact that they complained of the inward English mail being delivered to them at 10 A.M. instead of 7 A.M. or earlier as before?

(c) Is it a fact that they were told by the authorities that the question of the Bombay and Quetta mail delivery was receiving their attention? If so, have the authorities made any arrangement to suit their convenience?

(d) Is it a fact that the authorities informed them that the English mail delivery could not be effected at 7 A.M. through the postmen owing to financial difficulties?

(e) Is it a fact that the special delivery of English mail is being made at 7 A.M. in Karachi?

(f) Do Government propose to revert to the former times in Kiamari? If not, why not?

Mr. T. Ryan: (a) and (b). Yes.

(c) Yes. Arrangements have been made for the delivery of Bombay and Quetta mails at Kiamari on the evening of their receipt.

(d) Yes. Special delivery of inward English mail at Kiamari was discontinued in order to avoid the additional expenditure involved in effecting such delivery.

(e) No. The special delivery of the English mail at Karachi has also been discontinued.

(f) Not in respect of inward English mails.

SALARY OF THE OFFICER IN CHARGE OF THE MOHENJODARO EXCAVATIONS AND RETRENCHMENT OF HIS STAFF.

57. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether one Mr. Mackay is now in charge of Mohenjodaro excavations, what is his salary and what allowances does he get?

(b) Is it a fact that the excavations at Mohenjodaro are not in operation and, if so, why is such a highly paid officer kept there?

(c) Will Government be pleased to state what work actually has this officer been doing there?

(d) Is it a fact that almost all the staff at Mohenjodaro has been retrenched?

(e) Is it a fact that there is only one Sindhi clerk on the establishment at Mohenjodaro and is he also being removed?

(f) Do Government propose for the convenience of the Sindh people, to retain the only Sindhi clerk on the spot?

Sir Frank Noyce: (a) Yes; Mr. Mackay's pay is Rs. 1,100 per mensem plus £30 Overseas pay; he also draws a halting allowance of Rs. 7-8-0 a day whilst at Mohenjodaro.

(b) The excavation operations at Mohenjodaro have been suspended; Mr. Mackay's services have, however, been retained till the 30th November, 1932, in order to enable him to write up an account of the recent excavations.

(c) The excavation of archæological remains.

(d) Yes.

(e) and (f). There is one Sindhi Marksman temporarily employed at Mohenjodaro. The arrangements to be made at Mohenjodaro in view of the suspension of the excavation operations there are at present under consideration.

Mr. Gaya Prasad Singh: What is the present pay of Mr. Mackay?

Sir Frank Noyce: Rs. 1,100 a month *plus* £30 overseas pay.

Mr. Gaya Prasad Singh: Has he agreed to serve on lesser pay?

Sir Frank Noyce: I have said that his services are being retained till November, 1932.

Mr. Gaya Prasad Singh: Is it not a fact that the Standing Finance Committee only recently decided that there should be only one keeper at Mohenjodaro in charge of the collections?

Sir Frank Noyce: That is so. We were awaiting the decision of the Standing Finance Committee when the reply to this question was drafted.

Mr. B. B. Puri: What is Mohenjodaro, please? (Laughter.)

Sir Frank Noyce: It is a place in Sindh at which valuable evidences of an ancient civilisation have been discovered.

Mr. B. B. Puri: Thank you. (Laughter.)

REMOVAL OF ANTIQUITIES FROM MOHENJODARO TO THE DELHI MUSEUM.

58. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it is a fact that the museum at Mohenjodaro is being shifted from there?

(b) Is it a fact that the best antiquities are being removed to be kept in the Delhi Museum?

(c) Have Government considered the desirability of keeping all the finds together with the jewellery on the spot with a view to enable people to inspect them and study the situation properly?

(d) Is it a fact that Mr. Mackay has refused to show the jewellery to many respectable Indian gentlemen and has exhibited the same to European gentlemen?

(e) Will Government be pleased to state if he had any justification to make that distinction?

Sir Frank Noyce: (a) No, but, in view of the limited accommodation available in the existing museum and the impossibility, in present financial conditions, of providing funds for its expansion, a proposal for the temporary loan of some of the antiquities found at Mohenjodaro to other museums in India is under consideration.

(b) No.

(c) Yes, the Government fully recognise the importance of retaining at Mohenjodaro a representative collection of objects of each distinctive type found there.

(d) and (e). Mr. Mackay was unfortunately unable to show the jewellery to some visitors as the key of the safe in which it was kept for safe custody was in the possession of the Excavation Assistant who had taken it away with him during his Christmas holidays. Action has been taken to prevent this happening again. There is no ground for the suggestion that there has been differential treatment between Indians and Europeans.

GOLD IN THE CURRENCY RESERVES IN INDIA AND ENGLAND.

59. *Dr. Ziauddin Ahmad: (a) What was the quantity of gold (in weight and not in value) (1) in the currency reserve kept in India, (2) in the currency reserve kept in England on the following dates:

- (i) 1st January, 1931;
- (ii) 1st November, 1931;
- (iii) 31st December, 1931; and
- (iv) 25th January, 1932?

(b) How much distress gold has the Indian Currency Office received in the year 1931?

(c) How much gold did the Government of India sell or transfer from the Indian Currency Reserve?

The Honourable Sir George Schuster: (a) The total amount of gold held in the Reserve of the Government of India (namely in the Paper Currency Reserve and in the Gold Standard Reserve) on the 31st December, 1930, was 15,197,000 tolas in India and 1,351,000 tolas in London. On the other dates mentioned it was about 19,524,000 tolas in India and 1,351,000 tolas in England. There has been an alteration in the distribution of this holding as between the Gold Standard Reserve and the Paper Currency Reserve and I lay a statement on the table showing what that distribution was on the dates mentioned.

(b) I do not understand the term 'distress' gold. The total amount of gold received from the public into the Paper Currency Reserve in the year 1931 was about 4,313,000 tolas.

(c) The Government of India did not sell any gold either from the Paper Currency Reserve or the Gold Standard Reserve. The total amount transferred from the Paper Currency Reserve to the Gold Standard Reserve is approximately 17,374,000 tolas.

Statement showing the distribution of the Gold Reserves of the Government of India as between the Gold Standard Reserve and the Paper Currency Reserve.

(In tolas.)

	Gold Standard Reserve.	Paper Currency Reserve.	Total.
31st December, 1930	1,603,000	14,945,000	16,548,000
31st October, 1931	18,802,000	2,073,000	20,875,000
31st December, 1931	18,726,000	2,149,000	20,875,000
25th January, 1932		Not available.	

Mr. S. G. Jog: Do not Government think that the drain of gold will hinder the progress of the establishment of a Reserve Bank in future?

The Honourable Sir George Schuster: I suggest, Sir, that my Honourable friend's question, if I have correctly understood it, does not arise out of the question which I have answered. The question to which I have given an answer refers to the amount of gold held by the Government. The answer which I have given shows that not only has there been no drain of gold from the Government's gold reserves, but that the Government's gold reserves in the course of last year have increased by something like 4,313,000 tolas. Therefore the question of a drain of gold does not arise.

ALLEGATIONS REGARDING THE QUALITY OF FOOD SUPPLIED TO PRISONERS. ⁴

60. ***Dr. Ziauddin Ahmad:** (a) Has the attention of Government been drawn to the statement of Khan Ghulam Mohammed Khan published in *Rehbar* of Rawalpindi, dated the 30th November, 1931?

(b) Is the statement about the quality of food supplied to the prisoners correct?

(c) Have Government instituted any enquiry about it?

(d) Is the statement about Arbab Md. Aslam Khan correct? If not, what are the facts?

Mr. C. W. Gwynne: A report has been called for and the information will be given when received.

CANAL WATER-RATES IN THE NORTH-WEST FRONTIER PROVINCE.

61. ***Dr. Ziauddin Ahmad:** (a) What is the canal rate for watering an acre of land in the North-West Frontier Province?

(b) When was the rate fixed?

(c) What was the value of produce per acre in Indian money at the time the rate was fixed? What is the value now?

(d) Have Government reduced the canal rates in the year 1931?

(e) What exemptions have Government given in canal dues? If not, why not?

The Honourable Sir Joseph Blore: The information is being collected and will be furnished to the Honourable Member in due course.

ALLEGATIONS REGARDING POLITICAL PRISONERS IN THE NORTH-WEST FRONTIER PROVINCE.

62. ***Dr. Ziauddin Ahmad:** (a) Has the attention of Government been drawn to a letter addressed to the Chief Commissioner of the North-West Frontier Province as published in the *Eastern Times*, dated the 13th December, 1931, under the heading "Political prisoners' grievances"?

(b) Have Government made enquiries about diet and whipping mentioned in the letter?

(c) Are the allegations substantially correct?

Mr. C. W. Gwynne: (a) Yes.

(b) The allegations made in the letter are receiving the Chief Commissioner's consideration.

(c) The allegations are not substantially correct.

Dr. Ziauddin Ahmad: With reference to the reply to part (b) of the question, will Government be pleased to ask the Chief Commissioner in his consideration of the matter to mention the specific points about which the allegations are substantially incorrect?

Mr. C. W. Gwynne: I think that can be done.

ADMINISTRATION OF STATE RAILWAYS.

63. *Dr. Ziauddin Ahmad: Will Government be pleased to state who is primarily responsible for the administration of State Railways—Agents or the Railway Board?

Sir Alan Parsons: I am not sure I understand what the Honourable Member means by "primarily responsible". Agents are responsible to the Railway Board for the administration of the systems in their charge in the exercise of the powers which have been delegated to them, and the Railway Board are responsible to the Government of India and the Secretary of State for the general administration of the State-managed Railways.

Dr. Ziauddin Ahmad: We find that whenever anything goes wrong the Agents always complain that the Railway Board did not permit them to do it, and the Railway Board shove the responsibility on to the Agents.

POWERS OF AGENTS AND DIVISIONAL SUPERINTENDENTS ON RAILWAYS.

64. *Dr. Ziauddin Ahmad: (a) Have Government defined the division of powers between Agents and Divisional Superintendents? Will Government be pleased to lay necessary papers on the table?

(b) Is there no duplication of work?

Sir Alan Parsons: (a) The Governor General in Council has defined the powers which may be exercised by Agents of State-managed Railways and has empowered Agents to delegate their powers in whole, or in part, to authorities subordinate to them. A pamphlet in which are defined the powers which have been delegated by the Agent, North Western Railway, to his Divisional Superintendents has been placed in the Library. Similar powers have been delegated by the Agent, East Indian Railway, to his Divisional Superintendents.

(b) The organisation is designed to minimise duplication of work. The position is examined from time to time and steps are taken to eradicate any avoidable duplication of work which may come to notice.

Dr. Ziauddin Ahmad: Are Government considering the question of avoiding duplication of work and effecting economy in the running lines in view of the fact that the Railway Retrenchment Committee never examined the running lines?

Sir Alan Parsons: We are certainly considering the avoidance of any duplication of work of which we have knowledge.

Dr. Ziauddin Ahmad: Are Government considering the question of avoiding duplication of work between the Agents and the Divisional Superintendents in view of the fact that the Railway Retrenchment Committee never examined this problem?

Sir Alan Parsons: I am afraid I must ask for notice. I am not sure that we have any particular and special investigation of that character in hand.

Dr. Ziauddin Ahmad: The Retrenchment Sub-Committee clearly understood that the Government were making immediate inquiries on this point, and I should like to know whether inquiries are being made.

Sir Alan Parsons: I am afraid I must ask for notice. It is not in my memory at the moment.

UNSTARRED QUESTIONS AND ANSWERS.

TEACHERS OF INDIAN SCHOOLS MAINTAINED BY THE EAST INDIAN RAILWAY.

1. **Mr. Gaya Prasad Singh:** (a) Are Government aware of a statement made by Mr. A. A. L. Parsons on behalf of the Government of India, in the Legislative Assembly on February 1st, 1928, in reply to starred question No. 110 put by Pandit Hirday Nath Kunzru, that teachers of the Indian schools maintained by the East Indian Railway Administration are Government servants?

(b) Will Government please state the number of such schools in these provinces, and the amount of grant-in-aid, if any, paid to each of them?

(c) Are these Institutions treated as Government schools or private Committee-managed schools? If the former, do the institutions belong to the Central or Provincial Government? Are they run as proper Government institutions? If not, why not?

(d) If they are treated as private Committee-managed Institutions, are these Committees registered bodies?

Sir Alan Parsons: With your permission, Sir, I propose to reply to this and questions numbers 2, 3 and 5 together.

Certain information has been called for from the Agent, East Indian Railway, and the Honourable Member will be communicated with on its receipt.

MANAGING COMMITTEE OF THE EAST INDIAN RAILWAY ANGLO-VERNACULAR HIGH SCHOOL AT TUNDLA.

†2. **Mr. Gaya Prasad Singh:** (a) What is the constitution of the Managing Committee of the East Indian Railway A. V. High School at Tundla? Who is the Manager of the school and what are his powers and duties?

(b) Who is the President, and what are his powers and duties?

(c) What are the powers of the Committee and how are they derived?

†For answer to this question, see answer to question No. 1.

(d) Is it a fact that the Divisional Superintendent of the East Indian Railway is the *ex-officio* president of the Committee at Tundla, and another officer of the same Railway appointed by him, the Manager of the school, and he and the Manager combined appoint other members of the Committee? Who and what are the other members of the present Committee?

AUTHORITY OVER TEACHERS OF THE EAST INDIAN RAILWAY SCHOOL AT TUNDLA.

†3. **Mr. Gaya Prasad Singh:** (a) Who is authorised to appoint, punish and dismiss the teachers of the Railway School at Tundla?

(b) Do the teachers enter into a written contract with the Committee; if so, is the agreement the same as is prescribed for aided schools in these provinces? If not, why not? Have Government authorised the Committee to enter into those agreements? If so, when and under what law?

(c) Do the teachers, after entering into this agreement, retain the status and privileges of Government servants? If so, do they possess the right of appeal against adverse decisions of the Committee affecting them like other Government servants, and, if so, to whom and under what rules?

GRANTS-IN-AID ADMISSIBLE TO GOVERNMENT SCHOOLS.

4. **Mr. Gaya Prasad Singh:** Will Government be pleased to state if grants-in-aid are admissible to Government schools?

Sir Alan Parsons: No grant-in-aid is admissible to Government schools.

STATUS AS GOVERNMENT SERVANTS OF TEACHERS IN THE RAILWAY SCHOOL AT TUNDLA.

†5. **Mr. Gaya Prasad Singh:** Are the teachers in the Railway School at Tundla on deputation from the Government, and are their services treated as lent services? Can they be punished or removed without Government's permission? Will such permission be required from the Local or the Central Government?

ALLEGATIONS IN REGARD TO RAILWAY APPRENTICES IN JAMALPORE.

6. **Dr. Ziauddin Ahmad:** (a) Has the attention of Government been drawn to the article published in the *Eastern Times*, Lahore, dated the 4th November, 1931, on special class apprentices in Jamalpore, East Indian Railway?

(b) Are the facts stated in the said article substantially correct?

(c) What action do Government propose to take to meet the serious allegations?

†For answer to this question, see answer to question No. 1.

Sir Alan Parsons: (a) and (b). Yes.

(c) The recruitment in each of the years referred to was made in accordance with the rules of recruitment of special class apprentices, which provides that one-third of the vacancies in each year will be reserved by the Government of India to redress, so far as may be necessary, marked communal inequalities.

PAY OF SECOND DIVISION CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT.

7. **Mr. Uppi Saheb Bahadur:** (a) Are Government aware that the time-scale of pay (*viz.*, Rs. 80—100—8—300—350) fixed for the Second Division of the clerical establishment in the Government of India Secretariat is illusory, inasmuch as a clerk who starts service in that Division can scarcely reach the maximum of the scale in the ordinary course by getting annual increments?

(b) Is it a fact that the clerks who have been confirmed in their appointments after the introduction of the leave reserve have not been allowed to draw increments in respect of their continuous temporary service prior to their confirmation as was the case before the system of the leave reserve was introduced? Are Government aware that this has rendered the chances for reaching the maximum of the scale of pay fixed for the Second Division all the more remote and created a general discontent among the clerks who entered service in the Secretariat or Attached Offices long before the introduction of the leave reserve but were confirmed after its introduction?

(c) If the answer to part (b) be in the affirmative, will Government kindly state how many clerks have thus been adversely affected and do Government propose to consider the advisability of such hard cases being exempted from the operation of the general cut in salaries?

The Honourable Sir James Orerar: I would refer the Honourable Member to the reply given on the 5th November, 1931, to Mr. Muhammad Muazzam Sahib Bahadur's starred question No. 1201.

PAUCITY OF MUSLIMS IN THE PUNJAB INCOME-TAX DEPARTMENT.

8. **Mr. Uppi Saheb Bahadur:** (a) Has the attention of Government been drawn to a note in the *Eastern Times*, dated Thursday, the 12th November, 1931, regarding the paucity of Muslims in the Punjab Income-tax Department?

(b) Will Government kindly lay on the table a comparative statement showing (i) the total number of permanent employees in the Punjab and the Madras Presidency Income-tax Department in each category separately, *viz.*, Assistant Commissioners, Income-tax Officers, Assistant Income-tax Officers, Inspectors, Head Clerks, Head Assistants, clerks, etc., and (ii) the total number of permanent Muslim employees in each of the above categories separately and their percentage to the total strength in each category?

The Honourable Sir George Schuster: (a) The Government have seen the note referred to.

(b) A statement is laid on the table.

Statement showing the total number of permanent employees, the number of Muslims and their percentage to the total strength in each category in the Income-tax Departments of Madras and the Punjab.

	Total number of permanent employees.	Total number of Muslims.	Percentage of Muslims to the total in each category.
MADRAS.			
1. Assistant Commissioners	4	..	..
2. Income-tax Officers	47	5	10·6
3. Assistant Income-tax Officers	37	2	8·4
4. Head Clerks	43	1	2·3
5. Clerks (including typists, Personal clerks and Stenographers).	226	12	5·3
PUNJAB.			
1. Assistant Commissioners	3	..	..
2. Income-tax Officers	30	6	20·0
3. Assistant Income-tax Officers	8	4	50·0
4. Inspector-Accountants	34	11	32·0
5. Head Clerks, Head Assistants, etc.	49	12	24·5
6. Assistant Clerks	112	36	32·1

APPOINTMENT OF MUSLIMS IN THE PUNJAB AND MADRAS INCOME-TAX DEPARTMENTS.

9. **Mr. Uppi Sahab Bahadur:** (a) Are Government creating some additional posts in the Punjab and the Madras Presidency Income-tax Department in connection with the scheme of increased taxation?

(b) If so, will Government kindly state the number of posts they propose to create in each of the categories mentioned in the foregoing question?

(c) Do Government propose to appoint a sufficient number of Muslims in the posts to be so created in each category so as to adjust the existing communal inequality?

The Honourable Sir George Schuster: (a) Yes.

(b) A statement containing the information asked for by the Honourable Member is placed on the table. It does not include posts created for a few months only to deal with surcharge work in the current financial year.

(c) The appointments are made by the Commissioners of Income-tax concerned, who will no doubt pay due regard to the standing instructions, that so far as is compatible with efficiency, an endeavour should be made to secure equal representation in the public service for different communities.

Posts newly sanctioned in order to cope with the extra work created by the lowering of the minimum taxable limit.

Province.	Assistant Commissioners of Income-tax.	Income-tax Officers.	Assistant Income-tax Officers.	Inspectors.	Head clerks.	Head Assistants.	Clerks.
Madras .	Nil	Nil	4	35 (Investing Officers).	3	..	65
Punjab .	Nil	Nil	..	25	..	..	88

APPOINTMENT OF MUSLIM MEDICAL OFFICERS IN AJMER-MERWARA.

10. **Mr. M. Maswood Ahmad:** (a) Is it a fact that the gradation list of the Medical Officers in Ajmer-Merwara showing 35 officers, contains the name of only one Mussalman who is a junior Sub-Assistant Surgeon, Syed Khurshid Husain, on a pay of Rs. 90 per mensem, who too is serving outside the province on foreign service?

(b) If the reply to part (a) be in the affirmative, is it a fact that for all practical purposes there is no representation of the Muslims among the medical officers in the whole province?

(c) Is it a fact that the said gradation list of Medical officers shows 29 posts of Sub-Assistant Surgeons, out of which 28 are held by Hindus, while one is lying vacant?

(d) Do Government propose to take necessary steps to ensure the appointment of qualified Muslim medical officers when the present vacancy is filled up or whenever any new vacancy occurs, in order to allow the Muslims to have their due proportionate representation in the said department?

(e) Is it a fact that some more vacancies are sure to occur in the said Medical Department on the retirement of Rai Bahadur Dr. Nand Lal, L.M.S. (Punjab), Assistant Surgeon, Victoria Hospital, Ajmer, in the near future?

(f) If the answer to part (e) be in the affirmative, is it a fact that applications of qualified Muslim doctors have been kept neglected on the record?

(g) Are Government prepared to consider the claims of qualified Muslim candidates for present and future vacancies and thus redress a long standing grievance?

Sir Evelyn Howell: (a) No. There is no separate gradation list of Sub-Assistant Surgeons in Ajmer-Merwara. These officers are borne on the Rajputana Provincial List, which consists of 56 men, of whom 48 are Hindus, 5 are Muhammadans and 3 are Christians. Sub-Assistant Surgeon Syed Khurshid Hussain is not on foreign service but is at present serving within the province as Sub-Assistant Surgeon, Mewar Bhil Corps Hospital, Kherwara.

(b) Does not arise.

(c) Please see reply to part (a) above.

(d) Does not arise. Appointments to such of the medical posts as are filled locally are usually made by promoting existing medical officers, having regard to seniority and efficiency, and claims of suitable Muhammadan officers are always considered in filling them.

(e) No vacancy is likely to occur on the retirement of Rai Bahadur Dr. Nand Lal, as it is proposed to abolish one appointment in that chain as a measure of retrenchment.

(f) Does not arise.

(g) Applications and claims of suitable qualified Muhammadan candidates to vacancies in the Medical Department have always been and always will be considered.

FACILITIES FOR HINDU RAILWAY EMPLOYEES AT TUNDLA FOR THE DEWALI FESTIVAL.

11. **Kunwar Raghubir Singh:** Will Government be pleased to state whether any facilities were given to Hindu railway employees at Tundla on the last Dewali festival as usual? If not, why not?

Sir Alan Parsons: The Agent, East Indian Railway, reports that the railway staff at Tundla did not ask for any assistance from the railway during the last Dewali festival.

RAILWAY SALOONS PROVIDED FOR RAILWAY OFFICIALS.

12. **Kunwar Raghubir Singh:** (a) How many railway officials in each railway use saloons?

(b) How many of them are Europeans and how many Indians?

(c) Do Government propose to reduce their number to an appreciable extent in view of financial stringency?

Sir Alan Parsons: (a) and (b). The information is not available.

(c) Any appreciable reduction in the number of saloons would involve considerable expenditure on the construction or enlargement of rest house accommodation. It would also mean that railway officials would occupy accommodation required for the travelling public.

AMERICAN WHEAT IMPORTED INTO INDIA.

13. **Kunwar Raghubir Singh:** How much American wheat has been imported into India since last year?

The Honourable Sir George Rainy: There were no imports of wheat from the United States of America, Canada or the Argentine in 1930 and, so far as is known, none in 1931.

MOTION FOR ADJOURNMENT.

THE ARREST AND INTERNMENT OF MAHATMA GANDHI.

Mr. President: I have received three notices of adjournment motions, the first being from Mr. Ranga Iyer. He proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows:—“The arrest and the internment of Mahatma Gandhi”. I am to inquire whether any Honourable Member has any objection to this motion? (After a pause.) As no objection is taken, I have to inform Mr. Ranga Iyer that he has the leave of the Assembly and that the motion will be taken up for discussion at 4 P.M.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): I ask you to consider whether

Mr. President: Are you raising any point of order?

Mr. K. Ahmed: I am asking whether the time

Mr. President: You cannot ask anything more. I have already decided that the motion will come up for discussion at 4 P.M.

Mr. K. Ahmed: May I ask for the indulgence of the House, Sir, to state something with regard to the hour fixed for discussing the adjournment motions under the Rules and Standing Orders. The hour fixed for discussion of adjournment motions is between 4 and 6 P.M.

Mr. President: It is very difficult to follow the Honourable Member. I do not know what the Honourable Member wishes to say.

Mr. K. Ahmed: If you will, Sir, kindly allow me a second, I shall explain my view. I am asking you at this stage whether the hour fixed for taking up adjournment motions cannot be changed in view of the fact that we are fasting on account of Ramzan. Instead of taking up this motion between 4 and 6, as stated in the Rules and Standing Orders, would it not be convenient during these Ramzan days to take up this and several other motions that might be brought forward during these Ramzan days before the usual hours fixed by the Rules and Standing Orders. You were kind enough, Sir, to adjourn the House early so as to allow Muhammadans to say their prayers on Fridays

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): May I ask the Honourable Member if he has observed Ramzan?

Mr. K. Ahmed: You know, Sir, that in these days the sun sets at half past five. I am therefore asking you whether we cannot take up this motion earlier, whether you cannot fix the hour between 3 and 5 P.M. instead of between 4 and 6; I do not think any Honourable Member in this House will have any objection to my proposal.

Some Honourable Members: No, no; we have no objection.

Mr. K. Ahmed: Sir, the majority of the elected Members of this House approve of the idea, I have stated above.

Sir Muhammad Fakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I support what my Honourable friend has said. In these days of Ramzan it will be very difficult for Mussalmans who observe fast to stay in the House till 6 o'clock. I think that the agenda of today's business will be finished before 4 o'clock, and so if you are so pleased, the adjournment motion may be taken up earlier than 4 o'clock and the whole thing may be finished at half-past five.

Mr. President (the Honourable Sir Ibrahim Rahimtoola): The question for consideration is the state of the business before the House on the day when the adjournment motion is to be discussed. While the Chair is fully alive to the point which has been brought to its notice, I think much will depend upon what the sentiment in the whole House is in regard to it, and what the state of the business on the day is. To-day is a non-official business day for legislation, and in view of the fact that a very limited number of days is allotted for non-official business, it is for consideration whether this motion can be taken up earlier. The attention of Honourable Members is drawn to the relevant Standing Orders. If the business of the House demands that we must take up the adjournment motion at 4 o'clock, the Chair is helpless in doing anything else. At the same time the Chair will bear in mind the point raised and will do its best, consistently with the Standing Orders, to meet it if further adjournment motions are brought forward during the month of Ramzan.

THE INDIAN PARTNERSHIP BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, with your permission I lay on the table the Report of the Select Committee on the Bill to define and amend the law relating to Partnership.

THE HINDU WIDOWS' RIGHT OF INHERITANCE BILL.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Sir, I rise to move:

"That the Bill to secure a share for Hindu widows in their husbands' family property be referred to a Select Committee consisting of the Honourable the Home Member, Mr. R. K. Shanmukham Chetty, Mr. Ramsay Scott, Pandit Ramkrishna Jha, Mr. Hari Raj Swarup, Sirdar Harbans Singh Brar, Mr. S. C. Mitra, Mr. Muhammad Yamin Khan, Sir Hari Singh Gour, Mr. B. Sitaramaraju, Mr. A. Das and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, the Hindu Widows' Right of Inheritance Bill was first introduced by me in the Legislative Assembly on 26th September 1929 and was taken into consideration on the 21st of January 1930, and ordered to be circulated. In pursuance of that decision, the Bill was circulated and opinions were received. On 15th July 1930, the Bill came up again before the House and a motion to refer it to the Select Committee was made. But before the discussion concluded and the Select Committee could meet, the

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Assembly was dissolved and the Bill consequently lapsed. The first session of the present Assembly took place last year in Delhi and I reintroduced the Bill in a slightly modified form—modified to meet the chief objection taken to the provisions of the Bill by some of the associations and persons to whom the Bill has been circulated. The Bill thus now comes up before the House in a form acceptable to the vast majority of those who were consulted by Government on the previous occasion, and whose opinions were then circulated to Members. It will be observed that the Bill has been before the public for over two years.

Before discussing the provisions of the Bill, I wish to read a few of the opinions of high judicial and other responsible authorities to show the urgency of the enactment of the measure.

Mr. Justice Naimatullah says:

“The position of widows in Hindu families except where she happens to be widow of a sonless person is one of helplessness.”

The S. D. O., Banskah, says:

“Hindu widows are proverbial in their miserable condition. I know of many an instance in which the widow lived in luxury in the lifetime of husband but soon after the death of her husband she had to bear untold suffering and trouble.”

The Collector of Ballia says:

“The present condition of the widow is the most deplorable thing imaginable. I know instances where ladies had to pass their lives on needle and other such income while in the lifetime of their husbands they used to live as *Ranis*. These are not exceptions, but a rule in all big joint Hindu families. The exception is when a widow is mercifully treated.”

The Chairman, District Board, and President, Hindu Sabha, Ballia, says:

“The condition of a Hindu widow has become proverbial in helplessness. The treatment accorded to them is simply deplorable and repugnant to the very sense of humanity and decency. The moment the husband dies, his better-half begins to be looked upon as a positive evil in the family. She is at the mercy of the collaterals who want to get rid of her as soon as possible. The manifold cruelties meted out to the widow can better be realised than described.”

Rao Bahadur V. M. Kelkar says:

“The lot of the Hindu widow in joint Hindu family left to the tender mercies of her unsympathetic relatives who consider that there is no justification for her existence after her husband's death, who look upon her as a superfluous person to be tolerated as an inevitable evil has been the subject of numerous complaints in the press and on the platform.”

The Collector of Tinnevely says:

“The moral sense even of those who are not reformers is shocked by the preference of distant reversioners to the widow. I consider the Bill most welcome and most necessary.”

The Commissioner of Multan says:

“The position of a Hindu widow under the Hindu law of inheritance is really deplorable.”

The Commissioner, South Division, Bombay, says:

“The position of most Hindu widows is deplorable.”

The Sri Shivaji Mahratta Society, Poona, says:

"The plight of Hindu widows is extremely distressing and deplorable. She is completely at the mercy of the male relations of her husband."

The Honourable Mr. B. V. Jadhav says:

"The condition of a Hindu widow is indeed very deplorable. She is completely at the mercy of her *Bhaibands*."

Justice Sir Jwala Prasad says:

"The widows of a joint Mitakshara family are left at the mercy of the agnates of her husband."

Before I go further, I would briefly state what the ancient texts say about the wife's right in her husband's property. I would begin with the text of the Sage Datta, *Dampatyormadhyagam dhanam*, which means "Wealth is considered as common to the married pair". Not only was wealth regarded in old days amongst the Hindu as being owned by husband and wife jointly, but whenever occasion arose in those days for dividing the estate, the wife or mother was counted as a sharer just like a coparcener, and this is the reason why the mother was given a share equal to that of her son, when a partition took place either during the husband's lifetime or after his death. As Babu Golap Chandra Sircar Sastri puts it—

"She gets the share in virtue of the co-ownership she acquires from the moment of her marriage in her husband's property, by reason of her being the lawfully wedded wife and, as the Mitakshara holds, partition does not create any right, but it proceeds upon the basis of pre-existing rights."

Thus, it is clear that the fact that the wife is the co-owner of her husband's property can be the only basis on which her right to a share on partition can be explained. And the fact that her share was and is equal to that of her son or husband, neither more nor less, clearly proves that she is co-owner of the property. Her right to succession to the property of her deceased husband was admitted on the basis of her status as co-owner with her husband and Mitakshara expresses it in so many words. It says:

"If it be objected that jointness is declared even as regards ownership of property in the texts: yes, the wife's ownership in the (husband's) property is certainly shown by the text, therefore the ownership of the (husband's) property is vested in the wife also."

Jimutavahana makes it clearer still. While criticising the position taken up by some commentators he states:

"Nor is there any proof for the proposition that the wife's ownership in her husband's property accruing to her from her marriage ceases on his death."

In spite of the very liberal conception about her status in the family of her husband as co-owner of his property, that was formulated by the text writers as the foundation of all her rights either as wife or widow, English judges who decided the earlier cases misunderstood this fundamental basis of her right, partly because of their ignorance of the language in which the texts were written, and partly because of the fact that in their own country, rights of women were then not recognised.

Eugene A. Hecker in her "Short History of Woman's Rights with Special Reference to England and the United States", 1911, p. 2, says:

"Throughout her life, a woman was supposed to remain absolutely under the power of father, husband, or guardian, and to do nothing without their consent. In ancient times this authority was so great that the father and husband could, after calling a family council, put the woman to death without public trial."

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Pollock and Maitland, quoted by Miss Hecker, say:

"Our law institutes no community even of moveables between husband and wife. Whatever moveables the wife has at the date of the marriage becomes the husband's and the husband is entitled to take possession of and thereby to make his own whatever moveables she becomes entitled to during the marriage, and without her concurrence he can sue for all debts that are due her."

It was only in 1882 A.D. that the Married Women's Property Act was enacted, which finally did away with the husband's ownership of his wife's property. Thus, as the English judges were unfamiliar with the rights of women in property in their own country, they interpreted the Hindu law in a most narrow spirit, with the result that women's legitimate rights in India have been curtailed to an alarming extent not warranted by the true interpretation of the texts. That the wife is co-owner of her husband's property in a subordinate sense was acceded to by the Allahabad High Court in 1879 in *Jamna v. Machul Sahu*; but this right was modified by the Bombay High Court in 1880 in *Narmadabai v. Mahadeo Narayan, Kashinath Narayan and Shamabai*, by implying that the co-ownership does not involve independent or equal powers of disposition or exclusive enjoyment and is not of a kind that accepts the rules applicable to ownership in the ordinary sense; while the Calcutta High Court curtailed it still further in 1903 in *Punna Bibee v. Radha Kissen Das*, by stating that the wife cannot be regarded as co-owner so as to be able to enforce a claim for maintenance against a purchaser for value. I will read one more passage from a valuable pamphlet written by Mr. V. V. Joshi, B.A., LL.B., of Baroda:

"A widow is entitled after the death of a person who was joint with other coparceners at the time of his death, to succeed to his interest in the undivided property, she being a co-owner with her husband. As *Vridha Manu* states: 'A sonless widow, who keeps unsullied the bed of her lord, should alone offer the cake and succeed to his entire share. Here the widow's right of succession to the entire share of her husband's property is definitely and very clearly asserted. In deciding the legal effect of death of either husband or wife on each other's rights, Brihaspati lays down: 'A wife deceased before her husband takes away his consecrated fire; but if the husband dies before his faithful wife, she takes his property.'"

In the face of these texts, it is absurd to assume, as has been unfortunately the case with the present *case made law*, that with the death of her husband, wife's interest in the property as co-owner with her husband vanishes altogether . . . Brihaspati makes clear the whole legal position in stating thus:

"In the Veda, by the traditional law of the Smritis and by popular usage, the wife is declared to be half the body of her husband equally sharing the outcome of good and evil act. Of him, whose wife is not dead, half (his) body survives. How should any one else take his property, while half his body lives? Although kinsmen, although his parents, although uterine brothers be living, the wife of him who dies without leaving a male issue shall succeed to his share."

Babu Golap Chandra Sarkar Sastri, while commenting upon her right, summarises the whole situation thus:

"Her right as co-owner in her husband's interest of the joint family subsists even after the husband's death, although her husband's right as distinguished from hers may pass by survivorship or by succession to sons or even to collaterals; these simply step in into the position of her husband, and she is required by Hindu law to live under their guardianship after her husband's death. The reason for recognising

her right continues even after her husband's death. The inferior dependent status of her sex prevents her from taking the husband's interest by survivorship while she is surviving half of her husband's body, a male issue is his consubstantial; and in a joint family, the female members occupy an inferior position and must live under the protection of the male members, but their interest in the family property remains unaffected by the husband's death. Besides, it is contrary to the reason for recognising this right, and contrary to the Mitakshara and to its fundamental doctrine, namely, that partition cannot create any right but proceeds upon the footing of pre-existing rights, and that it is by virtue of the wife's right to the husband's property that she obtains a share even when partition is made by her sons after the husband's death, and that it is by virtue of this right that she continues to enjoy the family property so long as it remains joint after the husband's death."

I will now deal briefly with a few of the matters to which attention has been called by various people to whom the Bill was circulated. Some three or four of the people who were consulted, say that the Bill goes against their semi-religious or religio-social beliefs. Sir, where the belief is sincere and genuine, I sympathise with the people holding it. No one wishes to tread unsympathetically on the toes of people's beliefs. They are Hindus and I am a Hindu of Hindus. I would, however, respectfully point out to them that this Bill does not even remotely affect their religious beliefs. Devolution of property is a human device to promote personal and social welfare. It is governed by rights which the collective wisdom of peoples inhabiting different countries of the world attaches in those countries to relationships, some of which are natural and others created by necessities of life. And as human relationships are liable to change, readjustments of things have to be made to secure happiness and welfare, and the laws governing those readjustments must also be changed as necessity arises. In one society a system called the joint Hindu family system prevails; in another it does not. Therefore the laws of property governing the two societies must necessarily be different. Joint Hindu family system is not a matter of religion. Were it so, no provision for separation of members forming a joint Hindu family could be provided or tolerated by the Sastras. The very fact that the system itself contains provisions for separation of members of a Hindu joint family and bring the joint character of the family to an end, proves conclusively that the system is not a matter of religion but a social and economic convenience.

Then we find that the laws relating to inheritance amongst the Hindus vary with provinces and communities according to values attached to human relationships, as illustrated by the Mitakshara, the Dayabhaga and by the Mayuka schools, while there are communities which are governed by customary law which also varies from province to province and community to community. Hindu law-givers differ radically amongst themselves as to the rules of inheritance. That being so, how can a solitary change in that law or the application of a rule of inheritance obtaining in one province to another be termed an interference with religion in any sense of the term. And if there are people who hold that every act of a Hindu during his life, whether as regards food, clothing, bath, travel, habitation, culture or social relations is a matter of religion, then these acts cannot be held to be sacrosanct, for how can rules often contradictory of one another be all sacrosanct? It is perfectly true that laws governing inheritance should not be lightly changed. But where grave changes in the social organisation of communities take place owing to the changing circumstances of a country, particularly where owing to the disintegrating action of foreign influence and of forces originating beyond national control, the outlook on life and ideals governing life are

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changed, changes must be made in the laws of inheritance to bring about a readjustment of relations in order to preserve just rights and secure happiness and prosperity. This in no way interferes with the basic principles of the faith to which they owe allegiance.

An objection is sometimes taken, as has been done in this case also, to social legislation on the ground that piecemeal legislation is not desirable. Dr. Ganganath Jha of Allahabad deprecates tinkering with Hindu law here and there. Does he then really expect that the whole of the Hindu law should be thrown away and a new system be substituted in its place? *Reform can only be peaceful.* As times change and changed circumstances require readjustments, changes are introduced. Conserve what is useful and change what altered circumstances require to be changed. Later if what is now useful ceases to be useful and is found to be harmful owing to changed circumstances, then that may also be changed. A certain part of the human body becomes diseased, no doctor out of Bedlam would advise that instead of treating the diseased part by applying medicines to it or performing an operation on it, the whole body should be subjected to that operation. A crack occurs in the wall of a house, would you repair it or go and pull the whole house down and rebuild it?

Another objection raised whenever justice is sought to be done to widow or woman is that she is ignorant and does not know how to manage things and would only waste property if it is given to her. This argument is of the any-stick-is-good-enough-to-beat-a-dog-with variety. You deprive people of all arms and then say they are not martial. Moreover, it is a libel on women to say that they would waste all property, if it is given to them. Members of this Honourable House will, I am sure, from personal experience, deny that. An instance here or there of waste would occur but because in a rare case, woman misuses her property, it does not follow that all women should be deprived of their rights. Do we not constantly meet with cases of young men wasting their patrimony not only to their own detriment but to the grave injury of the women dependent on them. Have you ever proposed that young men should not be given shares in property? Why is this argument trotted out when rights of women are concerned and not when the inheritance law for men is discussed. The only proper and effective answer to this objection would be given when women would assemble and discuss and decide what rights should be given to men and what withheld from them, as there are so many instances of men wasting their patrimony. And as sure as the day follows night, the day is coming when in our legislatures, women will have their say as to what rights should be enjoyed by men and what not.

It has also been alleged by one or two persons that if women are given rights of sharing property with men, grave disturbances would incur in Hindu society. May I ask in reply what cataclysms have occurred in those societies where women enjoy rights of property and where the law gives them shares in their father's property as well as their husbands. I am surprised that men should so far forget themselves and belie their courtesy and culture as to utter such deprecating things about a class wherein are to be found their mothers, sisters, daughters and wives.

I will now cite an instance to show how little thought even the highest judicial officers of Government sometimes give to Bills circulated to them

for expression of their opinion. Mr. Macnair, Additional Judicial Commissioner of the Central Provinces, says:

"In other systems of law, a widow succeeds only to a share in her husband's rights. I therefore do not approve of the Bill."

Mr. Macnair betrays ignorance of the conditions and facts of life in India, as also of the other systems of law of which he talks. He conveniently forgets when he talks of those systems of law that those systems of law give every girl a share in her father's property and what she gets from her husband's property is in addition to what she got from her parents. Amongst Hindus a girl gets no share in the paternal estate. This makes all the difference in the world between Hindu law and the English and Moslem systems of law. He also thinks that the clause 'disinherits adult sons'. Nothing of the kind. Those adult sons, unless they separated from their father during his lifetime and got their shares, remained members of a joint Hindu family and, as coparceners, were under the Mitakshara law fully entitled to their shares and the share of the deceased husband of the widow which she would get was exclusive of the share of the sons.

I now come to the provisions of the Bill and would deal with them briefly. Before I do so, however, I must make it clear that the present Bill differs from the Bill introduced and circulated in 1929 in one important respect. The old Bill provided in clause 3 (1) that the share that the widow was entitled to get on partition should become her absolute property. When the Bill was circulated, most of the criticism was directed against this provision. While sympathy with the object of the Bill was universally expressed, objection was taken in some quarters to giving a widow a share absolutely. The great majority of those who objected to that Bill objected only to property vesting absolutely in the widow as it cut across rights of survivors. Many said that they would support the Bill if the share was of the nature of a widow's estate.

Now, though justice requires that a widow should have full rights in the share she gets, yet in order to disarm opposition and meet the views of the majority of those who took objection to the Bill only because of this provision of the Bill, I have in this Bill deleted the words, "This share shall become her absolute property".

If we now take this alteration in the Bill into consideration we find that an overwhelming majority of opinions of those to whom the Bill was circulated is in favour of the Bill. Counting a High Court as one, when it has expressed no opinion, but counting separately the opinions of individual judges when they have expressed their opinions on the Bill, we find that leaving out of account about 17 or 18 bodies or persons who have not expressed opinion either way, there are 96 opinions in favour of the present Bill and 45 against it. Many of those who are in favour of the Bill suggest minor amendments and many of those who are against the Bill also suggest some amendment or other.

Of the opinions recorded, all are of men or bodies of men except 3, two of which opinions are of individual women, and one of a women's association. This shows that the circulation of the Bill was unfair and that injustice has been done by Government by not inviting the opinions of the class for which the Bill is intended. The Bill ought to have been circulated to all women's associations and prominent women in the country. Had this been done, there would have been a chorus of approval

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of the Bill in the country as the entire womanhood of India would have been found in favour of the Bill, this is clear from the unanimous support which all the women consulted have given to the measure. They all heartily support the Bill. The Bill has also received support from one and all of the Women's Associations that have come to know of this Bill.

A significant fact comes to light in connection with these opinions. One of the opinions is that of Lady Jugmohandas, wife of Sir Jugmohandas of Bombay, who also was asked to give her opinion. And what do we find? While Sir Jugmohandas is against any change in the law and is against the Bill, Lady Jugmohandas supports the Bill, and adds that the Gujrati Stri Mandal (Gujrati Women's Association) of which she is President, whole-heartedly support the Bill. What can be a better and a more forceful illustration than this difference of opinion between the Bombay Knight and his wife, of the awakening of women in Hindu society as it proves that even the women of the most orthodox families, supposed to be under the influence and sway of the old world notions and of reactionary husbands and heads of families are awakening to the realities of the situation, and are rapidly realising their abject, unstable and humiliating legal position in the social polity of India? They are beginning to assert themselves and show their silent strength and are determined to regain their proper and rightful place in society to enable them to contribute their full share towards the building of a strong, self-confident and self-respecting nation. I trust, Sir, this House will take note of the fact that the women of India are determined to fight for justice and liberty for their country and for themselves. And it behoves the Members of this House to recognize their claim and assign them a position in society which justice and honour require us to assign to them.

Sir, some of the criticism levelled against the Bill is due to a misunderstanding of the provisions of its clause 3, sub-clause (2), due perhaps to the fact that the language is not clear. It has been construed to mean that when a Hindu who is not a member of a joint Hindu family leaves a son or sons and a widow, his property under this clause goes to his widow to the exclusion of his sons, and critics have complained that the Bill favours the widow to the deprivation of the sons of their rights. The Collector of Madras says:

"I think that it will be enough if the widow takes an equal share along with the sons of the property left by her husband."

This, as a matter of fact, is what the Bill provides. Sub-clause (2) of clause 3 states that the widow will take the property of her husband when at his death he was not a member of a joint Hindu family. Now if he had a son or sons, he was, under the Mitakshara law, a member of a joint Hindu family with his son or sons, and this sub-clause does not apply to his case. His case will be governed by clause 3, sub-clause (1). The Select Committee may amend the language of clause 3 so as to make the intention of the Bill clear that, whether a family is governed by the Mitakshara or the Dayabhaga, the sons shall always have their shares in their father's property. Sir, when the proviso to sub-clause (2) gives half the property of the deceased even to an adopted son—a son adopted by the widow to her husband after his death according to law or custom, how could the Bill be construed so as to deprive the sons of her husband

by her or other wives of their shares in the property? Of course, if a man's sons separated from him after receiving their shares of the family property, then his property on his death passes to the widow. For a son could not claim a double share for himself.

The Collector of Tinnevely, taking the case of a joint Hindu family in which one brother has 12 sons and the other is childless, asks if the widow of the latter would take only a 1/14th share. The answer is no. She is entitled to the share which her husband was entitled to get if he had separated at the time of his death. She cannot claim under this Bill more than her husband could claim. Her husband would have been entitled to half of the estate and she would, under this Bill, get that half.

The Bill as it now stands does not touch any one's rights in the property. The right of survivorship remains intact. Even the rights of reversioners are in the main safe. Though the Collector of Tinnevely voices the opinions (paper 1, page 34) and the sentiments of thoughtful people when he says that, "The moral sense even of those who are not reformers is shocked by the preference of distant reversioners to the widow," yet even this is safeguarded and it is left to the Select Committee or the Members of this House to treat the widow more liberally and recognise her claims in preference to those of distant and very often hostile relations.

In conclusion, I wish to emphasize that by accepting my motion, the House only accepts the principle of the Bill, which is that the lot of a Hindu widow, who at present neither gets a share in her father's property nor in her husband's, should be ameliorated by giving her some rights in the property which belonged to her husband, for her support in her widowed life. How much is she to get, and in what shape, are matters not vital to the Bill and will be decided by the Select Committee and this Honourable House. It is the business of the Select Committee to improve the draft where necessary and make clear any point that may be obscure and define the extent and nature of the right that the Bill gives to the widow,—this may be necessary in view of the fact that when a man leaves a widow and one or more sons, under the Dayabhaga law a son does not become a co-parcener by birth, though he does under the Mitakshara law. The Bill has absolutely no intention to disinherit any son. I appeal to the Honourable Members of this House—to my European and Muslim colleagues, that this Bill attempts only to give to the Hindu widow only a part of what their own laws already give to widows governed by those laws, and therefore deserves their support. (*Mr. K. Ahmed*: "We have no objection".) I also appeal to the Hindu Members that this Bill is but a humble attempt to ameliorate to some extent the lot of a helpless class of women who, as members of Hindu society, are subject to grave disabilities and have to stand the rigours of a life which, alas, only Hindu widows in this world have to do! Sir, I will not read to you the many letters I have received from widows from the various provinces of India giving me harrowing accounts of their sufferings, all due to their possessing no legal rights to property. Sir, I move.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I yield to none in my appreciation of the chivalrous spirit of my Honourable friend who has moved for reference of this Bill to a Select Committee, and, I am very sorry to oppose a reference of this Bill to

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a Select Committee, for by allowing it to go to a Select Committee, we shall be committed to the principles of the Bill. The Honourable the Mover has been pleased to say that the principle of the Bill is to do away with the deplorable condition of Hindu widows.

Diwan Bahadur Harbilas Sarda: I did not say that.

Mr. Amar Nath Dutt: If my ears did not fail me, I heard him say that the principle of the Bill is to ameliorate the lot of the Hindu widows.

Diwan Bahadur Harbilas Sarda: That is the object of the Bill. The principle of the Bill is that something should be done to give the Hindu widow some right in her husband's property. This will be a help to her. That is the principle of the Bill.

Mr. Amar Nath Dutt: Then my friend corrects himself, because I took a note of what he said was the principle of the Bill.

Diwan Bahadur Harbilas Sarda: "The object of the Bill", I said.

Mr. Amar Nath Dutt: You uttered the word, though it might have been unwittingly.

Diwan Bahadur Harbilas Sarda: My speech is all written, and you can see it.

Mr. Amar Nath Dutt: My reason for opposing reference to a Select Committee is based on the bed rock of faith in the wisdom of the *Rishis* of old. I do not know whether they were as learned as many of us, legislators here, but I know this that the reverence for these ancient lawgivers and adherence to it has been a source of inspiration to the vast millions of the followers of our ancient religion. I know that my friend belongs to a section who are known in this country as reformers and I have no quarrel with them. But, at the same time, if they want freedom of opinion for themselves, I think it is right and proper that those who differ from them should also have freedom of opinion. Sir, this Bill lays the axe at the root of the fundamental principle of Hindu social organisation by assuming that we, legislators, following different religions, have a right to legislate upon matters upon which our ancient *Rishis* legislated. That is a position which I am unable to accept for myself and I believe that a vast section of the Hindu population which still believes in the Sanatan Dharma will not accept it. I am very sorry that my friend, in his long scholarly essay, has harped only on one theme, namely, the unfortunate lot of our widows. I sympathise with him for his experience. Of course, I do not say that he was trying to draw a picture from his imagination. But the experience of many of us on this side of the House is quite different. At least in my province I do not think anyone can say that the lot of a Hindu widow is deplorable. On the other hand, barring the fact of their widowhood, so far as the worldly goods are concerned, they are in a far better position than any widows in any land. I may here point out to my friend that he has not said in his Bill why it should apply to people who are not only subject to the law of Mitakshara but also to those who are governed by Dayabhaga. I believe that he had probably no occasion to administer justice according to the law of Dayabhaga in the province where he was a judicial

luminary. Perhaps he does not know that in the Province of Bengal where the system of Dayabhaga prevails, the Hindu widow who has no children of her own gets the whole corpus of her husband's property and she is always better off than her husband was so far as wealth is concerned. A widow who inherited the husband's property would be immensely richer than when her husband was alive because the husband had to attend to many social obligations which cost him a lot of money while the widow was always free from several such social obligations. All these things my friend forgets. I beg to submit that, apart from all these things, my objection to this Bill going to the Select Committee is based on the ground that it lays the axe at the root of the fundamental principle that no Legislatures constituted under the Reforms Act of 1920 or the future Legislature under the future constitution of India has any right to interfere with the inherent rights of the Hindus to be governed by laws promulgated for them in their Shastras. The present day legislators may think that they are wiser and probably better fitted than our ancient *Rishis*, but they have got to convince us why we should not follow the path chalked out for us by our ancient sages and follow them. While yielding to none in my appreciation of the scholarship of my friend, I am sorry to say that so much scholarship and so much goodness—I know him to be a very good man—have been misdirected in the way in which they have been. He laid the axe at the root of the Sanatan Dharma when he got a Bill passed some two years ago with the help of an alien Government. I am happy to note that this time the Government has become wiser and are not going to commit the same mistake. Be that as it may, I would appeal to the Honourable Member's good sense that out of deference to the millions of my countrymen, with whose views he may differ, he ought not to bring any such outrageous measures before this House. Furthermore, I would point out that this is not the time to waste our energies over such frivolous things when we have more serious things to attend to. As my Honourable friend knows, millions of our countrymen today are going without food; they are without raiment and shelter. Is this the time to indulge in interference with the religious beliefs of others from whom we differ? I think he has unwittingly done it and I hope good sense will still prevail and he will withdraw this outrageous Bill.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, both by my secular education and religious education I am taught to look upon a woman with as much reverence as upon any man. I think women have got as much right to live as men have. The ancient laws were made by men and they deprived women of a great part of their share. As the times are changing and the reformers are coming into the field, it is but right to give them their due so that society may begin to change its views about women-folk. Now is the time that a woman who has been deprived of her right share in the past should be given that right, and if anybody comes forward to help them he should be encouraged to do so. I have been supporting all the measures which have been brought forward in this House in the shape of reforms by different Honourable Members from the very beginning and I think I must give my personal support in this matter also when I find a man like Diwan Bahadur Harbilas Sarda taking up the lead as a Hindu gentleman to ameliorate the condition of the Hindu widows. I have got my personal sympathy with his Bill and the measure which he has brought forward in order to improve the condition

[Mr. Muhammad Yamin Khan.]

of the Hindu widows as I find them in great distress in this country. I would have refrained from speaking or from giving any support or even voting on this measure as a Mussalman, because I would have thought that this was probably a measure to be decided by the votes of the Hindu Members. If the Hindu Members of this House had come to a decision on this point, I would have refrained from voting. In my capacity as a Barrister, I have come to know many cases in which the Hindu widows suffered a great deal. I have appeared on their behalf and I found them in the most miserable condition and I found a great deal of injustice was done in the name of law and religion. If my Honourable friend Mr. Amar Nath Dutt thinks it a religious law, there are others who contest that view. It is a law made by men to suit the conditions in which they lived. After listening carefully to the expositions and reasonings given by Mr. Sarda, I am glad he also supports my views, that these social laws are made for the time being to suit society. If that was the view of even a section of the Hindu society, I felt it would be my duty to support them in their effort to give redress to the oppressed section of humanity, which had been oppressed for a very long time. I have seen a good many widows deprived of their food while they really enjoyed great luxury in the time of their husbands. If it is joint family property, the reversioner or the brother of the deceased husband does not treat the widow with as much cordiality as is her proper share. It is a pity that a woman, as soon as she loses her husband, loses not only her best partner in life, but also loses her right of enjoyment, and she becomes dependent on the charity and goodwill of the relations of the deceased husband. I have got no quarrel either with the Mitakshara law or Dayabhaga law. There is a difference as far as inheritance is concerned. There are as many people who believe in the one as in the other. They are quite at liberty to do so. But here is a question where we find that women are not treated as well as it is their right to be. In many cases they are not treated like human beings. If champions like our friend Mr. Sarda take up their cause, it is the duty of every man who believes in humanity to support him. If Hindu opinion is as strong against it as made out by Mr. Amar Nath Dutt, then I am very sorry for it. But I think many Members in this House will support this motion of Mr. Sarda and I also support him in this motion which he has made today.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I am sorry to say I have got to oppose this motion made by my Honourable friend Mr. Sarda, who made it out to be a very innocent thing. He said it is only a question of principle that is involved; the rest and the more important thing would be done by the Select Committee, that question of principle being or at least asserting that the Hindu widow is subject to all sorts of persecutions and tyrannies which human wits could devise. Being in that position, something must be done in order to give her relief. Has any widow complained to Mr. Sarda? Since he introduced this Bill, of course any one could get some of these letters written, but whether the writers understood the contents of those letters or not is a different matter. Before this Bill was introduced, was there any reasonable demand from any reasonable section of the community affected so as to entitle my friend to introduce this piece of drastic social legislation?

Diwan Bahadur Harbilas Sarda: Hundreds of cases in every province.

Raja Bahadur G. Krishnamachariar: I have not seen those cases. So far as this Assembly is concerned, it has not seen even one case, except the statement of my Honourable friend, which, of course, I accept. Such being the case, in all pieces of social legislation the most important thing to consider is to see whether there is any such large demand on behalf of the community affected that it would be right for the Government to interfere and enact a piece of legislation of this nature. The case has been put—and I will not labour the point—by the Chief Commissioner of Delhi where he says he is of opinion that the question is one best left to the wishes of the community concerned. So far as I know there is no such evidence, and this principle, although for once forgotten at the time when the Child Marriage Restraint Bill was being discussed, was reiterated by Sir B. L. Mitter (who I see is now absent) when a subsequent piece of similar legislation was attempted to be introduced in this House. The same principle was enunciated by Mr. Jenkins, at one time Home Member of the Government of India, about 1910, and from that time up to now that principle had been insisted on consistently, the most recent instance being when Sir Hari Singh Gour tried to introduce his Bill to amend the Indian Divorce Act. At that time the Home Member put his foot down very heavily and said that, before Government decided to support that Bill, they ought to have before them strong cogent evidence that the community or a portion of the people affected would agree or welcome it. There being no such evidence, the Government opposed it. That is the principle which governs all pieces of social legislation and it has not only been admitted in this House, but if I had the time, I could show from the opinions of persons, which were commented on by my Honourable friend over there, from the opinions of those persons trained in law and legislation who have had experience either as advocates or judges, that they were all unanimously of opinion that this is the basic principle of social legislation. I submit, Sir,

1P. M. being wanting, this Bill ought not to go before the Select Committee. It is curious that, although there were hundreds of these requests from all provinces and although my friend grew a little bit wiser—not fully wise, as I shall show, from Sir Sivaswami's opinion—by the opinions that were sent in upon his Bill of 1929, he does not refer to one single letter in his Statement of Objects and Reasons. Now, Sir, I believe that the Statement of Objects and Reasons is insisted upon as one of the conditions of a Bill being introduced in a legislature in order to show ignorant men like myself why it is that this legislation is brought up. Who wanted you to do it? Superfluous legislation or unnecessary legislation has always got a pernicious odour, so that you want somebody to ask for legislation of that kind, and my Honourable friend Mr. Sarda, who had in his pocket hundreds of these petitions and requests to flourish in my face when I raised any objection, unfortunately forgot all about it. In the Statement of Objects and Reasons he went to Katyayana and Dayabhaga and to all those gentlemen who say that the lot of Hindu widows is very sad and deplorable, but he does not give us one instance of any of these hundreds of widows who say, "For God's sake relieve us from this state of misery."

Mr. Amar Nath Dutt: These are confidential letters. (Laughter.)

Raja Bahadur G. Krishnamachariar: I hope I shall not trouble this House with a lot of disquisitions about what the old law-givers have said,

[Raja Bahadur G. Krishnamachariar.]

but the argument which was placed in the forefront by my friend is that the lot of the Hindu widow is deplorable. Who says that? The Collector of some place, the Commissioner of another place, a Judge of some High Court who is not a Hindu, and—I say so with the greatest respect to him—my Honourable friend Mr. Yamin Khan. Mr. Yamin Khan is not yet a Hindu. Unfortunately there is no provision by which you can make a Muhammadan a Hindu, but when that provision does come, I hope I will be able to claim him as a Hindu. But, Sir, the person who tells you that the lot of the Hindu widow is deplorable is a person who does not know anything about the life of that Hindu widow, except that somebody has written in the papers what he thought was the state of the Hindu widow, and that somebody else believed it and a third person wrote it and a fourth man took it up, and a fifth person now comes and flourishes it in our face in this Assembly. No, Sir; that is not the sort of opinion which, I would respectfully submit, this Assembly ought to rely upon before it assents to a Bill which cuts at the root of Hindu society, which sets at nought the most sacred principle upon which the Hindu *dharma* rests, and which flings to the air all those things that had been the solace of millions of people who lived and died under that system. Sir, the world survived the constitutional change of 1921 and the world is sure not to go out of existence directly some other constitution has come to India.

The next condition upon which my Honourable friend relied, that the lot of the Hindu widow is deplorable, has as I said no foundation in fact because you rely upon statements of persons who do not know anything about these things. You only depend on hearsay, as the lawyers call it, and therefore it is not even admissible evidence if it were in a court of justice.

Then, Sir, what is it that legislation of this sort should have as a preliminary before this House can be asked to agree to it? Sir James Crerar, before he was translated to his present place, happened to be in Bombay, and as Secretary to the Government of Bombay in the Home Department he had to record the opinion of his Government—including himself I suppose—in connection with a Bill introduced by my Honourable friend Sir Hari Singh Gour amending the Special Marriage Bill. At that time this is what Sir James Crerar (then Mr. James Crerar), as the mouth-piece of the Bombay Government I take it, stated in regard to legislation of this sort:

“The most important consideration therefore is whether the principle of this Bill has secured the support or is likely to secure the support of a sufficiently large majority of the Indian public. That it has secured such support cannot at present be admitted.”

My Honourable friend said by counting the heads that there were so many on this side and so many on the other, but I shall come to that later.

“As there has been no referendum to the people on the issue.”

That, Sir, is the standpoint upon which you can say whether the people will agree to it or not. That is not my principle; that is the principle enunciated by the present Home Member at a time when he was Home Member of the Bombay Government.

“Whether it is likely to secure such support can only be decided when there has been a sufficient opportunity for the expression of opinion.....But I am also to

observe that these opinions have been sought for in quarters likely *a priori* to be most favourable to the Bill, that is, amongst some of the most enlightened and advanced sections of the community and amongst those who are most likely to be influenced by considerations of legislative theory rather than by sentiments or religious conviction. There can be little doubt that effective support will come from a limited section of the community. For their enlightenment and desire for progress Government must have every consideration and sympathy. On the other hand Government consider closely their own position and that of the general public. It would, in the opinion of the Governor in Council, be a dereliction of duty on their part to support legislation so fundamentally affecting the prejudices and sentiments of a vast majority of the population without the clearest and most convincing proof that not only will such legislation be acceptable but that it is urgently demanded."

I cannot put my own point of view in better language than that, and that puts in a nutshell my position upon this point, and I appeal to the Honourable Sir James Crerar to say whether consistently with the principle enunciated there, Government could say or anybody else in this House could say that such a legislation would not only be acceptable but that it is urgently demanded. That is not all, I call as my witness my friend Mr. Sarda himself. These opinions that are being circulated—I do not know if Honourable Members have had the time to read through all of them—are very interesting, and I assure you that the opinion of my friend Mr. Sarda is very interesting though in connection with another matter. We all know that in 1922 Rai Bahadur Bakshi Sohan Lall introduced a Bill to amend section 375 of the Indian Penal Code, what we call the Age of Consent, a subject upon which my friend Sir Hari Singh Gour is still hammering. At that time I do not know if my friend Mr. Sarda was in service or outside service, but he was one of the persons to whom the question about the amendment of the section relating to age of consent was referred. In a paragraph in which he deprecates the introduction of criminal law for the purpose of advancing social reform,—he forgot his Child Marriage Bill on that occasion—this is what my friend Sir Harbilas Sarda says (*An Honourable Member*: "He is not yet 'Sir'"). If he is not, he will become one shortly. (Laughter.) After all, practical reform will not go further than is warranted by the intellectual and moral condition of the community concerned. These are his words spoken on another occasion, but they put my case in a nutshell:

"If the proposed legislation is passed, it will cause widespread dissatisfaction and disaffection without in any way helping administrative efficiency or strengthening the government of the country, beyond satisfying a few ardent and perhaps over-zealous social reformers with theoretical notions of things as they should be and who would alter at a stroke the old and time-honoured social constitution of a people which controls and regulates the lives and the happiness of millions of human beings."

Sir, I appeal from Mr. Sarda of 1932 to Mr. Sarda of 1922, and join my friend Mr. Amar Nath Dutt in requesting Mr. Sarda to reconsider his position and to say whether he himself has not been included in these over-zealous reformers, who by a stroke of the pen would alter the time-honoured social constitution of a people. These are magnificent words, splendidly expressed in a manner which I cannot imitate. Then further on my friend Mr. Sarda says:

"As in the field of politics, so in social matters short cuts and sudden leaps taken in defiance of the laws of evolution, which govern complicated organizations as well as individual lives end in failure after causing needless suffering. In politics as in social matters, the task before the people of India is laborious, requiring unceasing labour, patience, sacrifice, and intelligent direction."

[Raja Bahadur G. Krishnamachariar.]

So, Sir, it is not my argument. My friend, Mr. Amar Nath Dutt, was perfectly right when he commending the learning and wisdom, the intelligence and what not of my friend Mr. Sarada, but crowned by his knowledge of the laws of evolution, what did my friend warn the Indian Legislature when my friend Sir Hari Singh Gour wanted to amend the Penal Code. He says: "As in the field of politics, so in social matters, short cuts and sudden leaps taken in defiance of the laws of evolution which govern complicated organizations as well as individual lives end in failure" I apologise to you, Sir, for repeating myself, because it is a very important passage upon which alone I think I ought to succeed in my opposition.

Diwan Bahadur Harbilas Sarada: If you will properly understand what I have stated there, you will not raise your opposition to my Bill.

Raja Bahadur G. Krishnamachariar: Unfortunately at 64 it is not possible for me to go to school, but I do think that I understand just enough English to follow what is stated there, and I shall proceed to say what I have got to say.

Diwan Bahadur Harbilas Sarada: I am also 64 now.

Raja Bahadur G. Krishnamachariar: I challenge my friend on the floor of the House to say that this sentence of his does not mean what I respectfully submit for the consideration of the House, it really means:

"As in the field of politics, so in social matters short cuts and sudden leaps taken in ignorant defiance of the laws of evolution, which govern complicated organisations as well as individual lives, end in failure, after causing needless suffering."

Dr. Ganga Nath Jha, who, I suppose, knows the English language a little better than I do, is admittedly one of the eminent authorities on Hindu law. Now, what does he say?

Mr. President: May I inquire how long the Honourable Member is likely to take?

Raja Bahadur G. Krishnamachariar: It is rather important

Mr. President: I am not asking the Honourable Member to conclude. I merely desire to know how long he is likely to take.

Raja Bahadur G. Krishnamachariar: I will take some time, say not less than three quarters of an hour.

Mr. President: Very well, the House will now adjourn till Half Past Two.

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

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

Raja Bahadur G. Krishnamachariar: Sir, just before we separated for lunch I was on the question that it will never do to interfere piecemeal

with the principles of Hindu law or even its details. Before I proceed further, let me finish this quotation. My friend Diwan Bahadur Harbilas Sarda continued:

"In politics as in social matters the task before the people of India is laborious requiring unceasing labour, patience, sacrifice and intelligent direction. The way is long and weary and progress is likely to be slow but the only way to shorten the journey and accelerate the progress is to undertake intensive educative work in hand and not to pass laws. An act of the Legislature will not make a man honest and an act of Legislature will not purge society of the ills it suffers from."

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Who is the author of that?

Raja Bahadur G. Krishnamachariar: That is Diwan Bahadur Harbilas Sarda. Having done that I wish respectfully to invite the attention of this House to some of the opinions that have been already obtained in connection with this Bill. I beg to submit that the proper persons have not been fully consulted, and therefore if you agree to my proposal, let the thing go back to the persons really affected and let us have their opinions. We shall then cut short our speech and we shall be able to reach the adjournment motion immediately.

That the Bill affects and very seriously affects the fundamental basis of the Hindu society has been accepted by practically every person to whom the Bill has been referred. My Honourable friend quoted the opinion of the Collector of Tinnevely. A very nice gentleman, Mr. Galletti, but he unfortunately does not possess much idea about the Hindu society. He is a very good co-operator, a very good agriculturist, and he has got a lot of knowledge about agriculture. But I should be sorry to accept his advice upon questions relating to Hindu society. Diwan Bahadur Sundaram Chettiar, who has since become a High Court Judge, says:

"This Bill, designed with the object of ameliorating the position of Hindu widows, in respect of their rights of inheritance, over their husband's estate, tends to effect drastic changes in the Mitakshara law, now prevailing in India. Two of the basic principles of this school of law as understood and settled by a long course of judicial decisions, are the right of survivorship in a joint Hindu family, and the qualified or limited ownership of a female heir, in the property inherited by her. The present Bill, cuts at the root of these two principles, in order to better the status of Hindu widows. . . . Not satisfied with giving the widow of a coparcener in a joint family, the whole of his share, which she can claim to recover by suing for partition,—the effacement of the right of survivorship now existing—the Bill makes her the absolute owner of that share. She is thus placed on a much better footing than her husband while he was in the joint family."

Diwan Bahadur Harbilas Sarda: On a point of explanation, Sir. I have made it as plain as plain can be, that the share which a widow will get from her husband's joint family shall not be absolute, but shall only be a widow's estate. I have made that clear in my speech. I do not intend that the share which she gets from the joint family property shall be her absolute property. I do not know what my Honourable friend intends to do or does not intend to do. I can only go upon the wording of the Bill.

Mr. S. G. Jog (Berar Representative): In the Bill it is stated that it is absolute property.

Raja Bahadur G. Krishnamachariar: Clause 3, sub-clause (2), says:

"Where the husband of a widow was not at the time of his death a member of a joint Hindu family, the widow shall take all his property absolutely."

Diwan Bahadur Harbilas Sarda: There you are; this is not a *joint Hindu* family. That is separate property,—personal property of the husband.

Raja Bahadur G. Krishnamachariar: I will show presently what Sir P. S. Sivaswami Aiyar thinks about the Bill. There are only two places for which I find that no qualification is necessary at all,—first, to be a minister of the Government, for instance, in the Madras Presidency, and next, to be a legislator—once you get yourself elected to the Legislative Assembly. You do not want any previous training; you have not got to pass any examination. You need not worry about fundamental principles of legislation; you need not trouble yourself about what the previous law is; and you need not trouble about the complications which may be created. All you have got to do is to fling one section on the face of the Assembly and say, why, the widows are suffering and you have got to pass this. That seems to be the whole thing. Sir P. S. Sivaswami Aiyar,—a man who is not accustomed to speaking harsh things or hard things, says in regard to this Bill:

“The Bill as introduced is an extremely crude, ill-considered and ill-drafted measure. The author would be well-advised to withdraw it and entirely re-cast the Bill in the light of the considerations I have referred to.”

So I also make that appeal to him very humbly, in view of certain other remarks also that I shall presently submit to this House, and the difficulty that it would land the entire Hindu community in by the various excrescences that it would throw out if it is accepted by the Legislature:

“Whatever its defects or demerits,”

says Mr. Varadachariar, one of the leading advocates of the Madras High Court:

“the existing Hindu Law of Intheritance is a complex structure which it may no doubt be very useful to revise in view of changed circumstances, but it is very undesirable to break into. The mere introduction of a change of an isolated character will not only make it illogical and incongruous but involve consequences which the framer of the present Bill is not likely to desire. I will take an instance or two to illustrate my point.”

I will omit these cases. Then he continues:

“If the desire of the author of the Bill is generally to improve the lot of women and obviate the uncertainty and harassment arising from reversioners' claims, the Bill must attempt to deal with the problem of the ‘woman's estate’ generally and not merely with the case of the widow. . . . Even in the west, very few systems of law give to the widow an absolute interest in the entirety of the husband's estate. If it is desired to rationalise the Hindu law system of inheritance and bring it into accord with what may be called the theory of ‘reasonable and justifiable expectations’, the system must be recast as a whole on the lines of the Muhammadan law or the Indian Succession Act and the English Law of Distribution, so as to divide the estate among different classes of relations at one and the same time. If such a scheme is devised, there could be no serious objection to each sharer taking absolute right to what comes to him or her; for all legitimate claims could be provided for under the scheme.”

Sir, while upon this question I think I might dispose of one other matter, namely, the quotation of long passages from ancient text books. Sir Sivaswami observes:

“It is, however, settled law even in these provinces that she cannot enforce partition but is entitled to a share only when partition takes place at the instance of sons or male members or when the interest of a member is severed by a sale in execution. Though some of the text books speak of the co-ownership of a wife or mother, it is only in a very loose sense, inasmuch as the widow or mother has no right to enforce a partition of her own motion and cannot object to an alienation by her deceased husband for consideration or even to a testamentary disposition by him.

The utmost she can claim in the latter case is a right to maintenance. It is therefore practically meaningless to talk of the co-ownership of the wife in the property of her husband."

This is the first passage from the Dharma Shastras with which my friend started his speech. Sir Sivaswamy Aiyer then says:

"In his speech in the Legislative Assembly on the motion to take the Bill into consideration, Mr. Sarda wishes to make it appear that the Bill does not make any material alteration in the law governing the joint Hindu family or administer any deep cut across the Hindu law of succession and that it follows the line of least interference with the basic principles of the Hindu joint family system."

Now comes the important passage:

"Reformers of Hindu law often try to make out that the changes advocated by them amount only to a restoration of the pristine purity of the ancient Hindu law. Mr. Sarda has followed this practice and endeavoured to make out that the provisions of the Bill are in accord with the ancient principles of law which have been misunderstood or distorted by the courts. I do not propose to follow Mr. Sarda in his discussion of the old texts which contains much questionable matter. From the point of view of the practical legislator, such discussion is unprofitable. What is essential is to ascertain clearly what the existing law is and to note how far any change proposed affects other parts of the system and whether the change is in consonance with the sentiments of the people. So far as the existing law is concerned, it has been firmly established by the courts for many years in accordance with the sentiments of the community. . . . But the views of the community are also affected by the changes which are being brought about in social and economic conditions as the result of education, facilities for communications, migration to towns, impact of western social and economic ideas and various other factors. Far from worsening the lot of the Hindu widow, the disintegration of the joint family, the growth of the testamentary power and the growth of the spirit of individualism have helped to produce a more generous outlook upon the lot of the Hindu widow and to ameliorate her position."

That is the position of the Hindu society. Wait for another 15 years and things will adjust themselves. If you try to force the issue, you will be only setting the pace back and not get what you want. The result is that so far as the ancient texts are concerned, they cannot and do not convey the meaning attributed to them. In the words of Sir Sivaswamy Aiyer, my friend Mr. Sarda has only attempted to follow the usual method adopted by Hindu law reformers and not attempted to find out the ramifications of the various branches of Hindu law. To amend a section here and there will only play havoc with the Hindu society.

Before I come to the detailed provisions of the Bill, there is one other matter to which I should like to draw attention. I shall not tire the patience of the House by reading long extracts but there is one extract from the letter of Sir James Crerar that I should like to read to the House. My friend Mr. Sarda complained about the persons to whom the Bill was referred for opinions. The last paragraph of Sir James Crerar's letter states:

"I am to state that for the purposes of the present reference, consultation of opinion has necessarily been of an exceedingly restricted character. It is essential that adequate opportunity should be given to the public to understand the bearing and consequences of the Bill and to record their opinion upon it. For this purpose, the ordinary procedure of publication and of consultation with a few selected judicial and executive authorities and even adding to this (what has not been feasible on the present reference) the consultation of particular individuals and un-official associations and organisations, is quite inadequate. A much more extensive invitation of the public opinion of all sections is imperative. In order to enlist the support of Government, the promoters of the Bill, after conducting in the interval a campaign of persuasion and instruction, should lay it before their constituents at the next election for the local legislative councils and the Legislative Assembly. If the response is in the affirmative, it would then be possible for Government to reconsider the position."

[Raja Bahadur G. Krishnamachariar.]

This is the sort of opinions that we have got. Even if it comes to counting of heads, the opinions are against my friend and not in his favour.

Then there is another matter. Before I go into that, I wish it to be distinctly understood that it is not a personal attack on my friend but duty compels me to bring it to the notice of this Honourable House and that is the position in which my friend stands with reference to the Bill and with reference to the Hindu community which is going to be affected by it. I believe, Sir, I am stating it subject to correction and in all humility and with all respect, that my friend belongs to the class of dissenters called the Arya Samajists. I have no complaint against the Arya Samaj. Its founder, Swami Dayanand Saraswati, was one of the greatest men that India ever produced. I have the highest regard for Satyarth Pakash and for his commentary on the Rig Veda and certain other books which I have tried to understand to the best of my ability. To be an eminent personage is one thing. It is one thing to start a system and it is another thing to dabble with a system from which you have come out, a system for which you have no regard, a system regarding which you have absolutely no objection to say in time and out of time that it is full of superstition and which you treat with contempt. That is the section to which my Honourable friend Mr. Sarada belongs.

Diwan Bahadur Harbilas Sarada: I deny it. I am not a member of any Arya Samaj in India.

Raja Bahadur G. Krishnamachariar: There is no Arya Samaj anywhere outside India. I have got a book. I have not got it with me now. It is published by the Arya Samaj in Ajmere. It is called Satyarth Prakash. It is published both in Hindi and in English. In the cover of the former book there is the signature of my friend. There is no portrait. He is referred to as the Vice-President of the Arya Samaj in Ajmere. I may be absolutely wrong. If I am wrong I shall humbly apologise but not before producing that book.

Diwan Bahadur Harbilas Sarada: I shall explain my position.

Raja Bahadur G. Krishnamachariar: I submit that no member of the Arya Samaj is entitled to claim that he is a Hindu in these matters. I am coming to that Hindu religion immediately. Firstly, one abuses the Hindu religion, then calls himself a Hindu and, what is worse, culminates his course by trying to exploit that Hindu religion by new-fangled and ill-advised ideas regarding the constitution of Hindu society. My friend has no mandate, and his constituency has not asked him to bring forward this Bill. After all, what principle of legislation does he conform to in bringing forward this Bill? There is no demand by the community most affected. He has no mandate from his constituency, and he brings the Bill forward simply because of the accident of his being a Member of the Assembly. (*An Honourable Member:* "He is encouraged by the success of the Sarada Act.") It is not fair that such a thing should be done. I shall quote a precedent. Sometime ago there was a Bill introduced by my friend, the late Mr. Seshagiri Aiyar, in order to amend certain portions of the law of inheritance. After a good deal of fight he succeeded in passing it through this House. Then the Bill went to the other House. While there, Sir Maneckji Dadabhoy sponsored the Bill. He made a speech, and then it was adjourned. After that, the proceedings do not show what happened, Sir Hari Singh Gour, who fathered

that Bill a little later said, as was reported in the proceedings, that the Council of State did not like that a non-Hindu should sponsor a Bill of that nature, and the Honourable Sir Maneckji Dadaboy, taking that hint, abandoned his further attitude in connection with that Bill, and the Bill got lapsed; and then my friend, the father of all helpless social reform Bills, took it under his wing and he is now trying to nurture it. Sir, that is the convention that has been accepted even in this Legislature and it will not do for one who has not got any regard, esteem or reverence for those Rishis of old who were mentioned by my Honourable friend, Mr. Amar Nath Dutt, to come and trouble himself with these laws.

There is another difficulty. One should be a thorough expert in what is called the Purva Mimansa, which lays down the rules of interpretation. There are one thousand aphorisms, and without mastering all these you can never say what the Hindu law lays down or what the result of this so-called conflict of Dharmashastras is. I suppose my friend claims to be neither a student nor a master of these Shastras. Coming to the definition clause of his Bill, we find that a widow "includes the widow of a person who at the time of his death professed the Hindu, Jaina or Sikh religion". I do not know why he abandoned the Buddhist community. Now why rope in the unfortunate Jainas or Sikhs? The Jainas have got a separate law, and where there is no written law they have got customary law. Why rope these people in? Then, more important than that is, what is the Hindu religion? Who can define that? That is the first difficulty. The next difficulty is that it is said that the widow will be entitled to the share that her husband had during his life time. Now I remember to have read some Hindu law in the olden days and I hope I am not stating it wrongly. The rights and disabilities of a Hindu coparcener are determined not in advance but at the time of the partition. Taking the family as it exists at the time of the partition, the rights and liabilities in respect of coparceners are determined. Now my friend says that she shall have the right that her husband had during his lifetime. What about the liabilities? Then there is the question of adoption. Then there is such a thing as re-vesting by means of an adoption proper. What is going to be the result of that? What is the result of the re-marriage of a Hindu widow? There is section 2 of the Widow Re-marriage Act; how is this going to be affected? You have not asked for the repeal of that Act; and even if you declare that the widow should lose her rights, there is nothing to prevent her alienating the estate to her prospective husband and then going and re-marrying tomorrow because until she married she would have an absolute right over this estate. It is these things that led such a very very moderate man like Sir Sivaswami Aiyar to recommend to withdraw such a Bill and to have it redrafted.

Those, Sir, are in short the difficulties with which the practical administration of this Bill is confronted, and it would simply be adding confusion to the administration of Hindu law. No false sympathy and no appeal to time-worn arguments and no false analogy with regard to other systems of law ought to weigh with this Honourable House in attempting to interfere with such an age-long institution, and such attempts, as my Honourable friend, Diwan Bahadur Harbilas Sarda, has himself admitted in another connection, are sure to end in signal failure. I would respectfully submit to this House before I sit down that this Bill is mischievous in its operation, and that therefore it ought to be rejected and should not be allowed to proceed to a Select Committee.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the present Bill does not concern the other nationalities, and it is not for me to oppose or to applaud the provisions of this Bill. Of course it may be said that so far as the rights of a widow are concerned, every progressive society ought to safeguard these, and I am bound to that elementary provision. When however I look to the provisions of the sections and especially the definition in section 2—which says that “Widow includes the widow of a person who at the time of his death professed the Hindu, Jaina or Sikh religion”, I do not quite understand what is meant. I would ask my Honourable friend, is the Sikh religion a sub-class or sub-section of the Hindu religion. Is also the Jaina religion a section of the Hindu religion? I would also like to know whether he would divide the present Hindu religion as it is being divided—as we hear of this being done in recent times—in this way, that Hindus are something separate from the depressed classes or that the higher classes and the depressed classes are to be put under the same Hindu religion. If my friend can explain all that, I think much controversy might be avoided. Those of my friends who are Sikh or Jain might withdraw their objections, or they might conform to the wishes of my Honourable friend. My difficulty is only that much.

Then, as regards the division of property, there are three schools under the Hindu law, the Mitakshara, the Dayabhaga and the Mayuka.
 3 P.M. In all the three schools the rights of widows are differently defined. I should like to know whether my friend wants to restrict this Bill only to the Mitakshara law or does he want to extend it to other systems of Hindu law? These are my difficulties which I would like my friend to explain. Perhaps our votes will depend upon that explanation.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I wish to speak on this motion not from the point of view that has been taken by some Honourable Members who have opposed this Bill. I have other grounds which I want to put before the House whether this Bill should go to the Select Committee or not. Sir, the question which has been raised very strongly and which has emanated from leaders of several sections of the Hindu community is that this legislation should not take place because this is a social reform to which the country or the panchavats or other bodies should give support and make proper legislation for themselves. Sir, they are in their own way correct in putting forward that view but I do not belong to that school, which is not a progressive one. I do belong to a school which has taught me to enter into such questions and share the social legislation wherever it is very necessary and desirable according to the present environments and present associations. Sir, I do not think that on this score the Honourable Diwan Bahadur Harbilas Sarda will have any misgivings regarding me. He knows fully well that when he introduced the well-known Sarda Bill, I was a party to it. But, Sir, my point here is not that we have no jurisdiction to go into these questions. My point here is not that we should not at all legislate on any question which goes to reform the social status of the people. My point here will be that when we come up with any such legislation, the country should be behind us and we should carry out this sort of legislation in a very careful and clear manner. For my own part I will presently show that, looking at the question from the point of view of a lawyer, one would say that the provisions of that Bill are very complex and complicated and that they not only do not meet the principle which is in the mind of the Honourable the Mover himself but that it goes to

revolutionise, framed as it is, the fundamental principles of the Hindu law. Sir, before I reach that stage, I must also remind my Honourable friend that if he cherishes strong sentiments for the help of the widows, I am no less an advocate for their help. I have as much sympathy as he has for them and on that point also there ought to be no misgiving, either here or anywhere, that I am against the help that can be given to helpless widows. But if you give help you should give it in a manner which is consistent with the rights of the other co-parceners. You are not going to revolutionise the Hindu Law and make the position of the widow better and reverse the position and deprive the co-parceners of their rightful due. Consistently with that position, let any legislation be framed and I will be a party to that legislation. But as I read the present Bill, it appears to me that the object or the principle of it is not being understood properly. I object to the way in which the Bill has been framed, and I am supported in this by the opinion that was quoted by the last speaker when he said that one of the highest authorities has said that when you are making this Bill you are revolutionising and affecting the interests of the co-parceners. Now, Sir, coming directly to this point I would say that in the framing of the Bill there lies a legal defect which takes away or affects the rights of the sons and the grandsons. To put it very clearly, what I mean to say is that an attempt has been made in the Bill to give away all the share of the husband to the widow and leave nothing to the sons. I must say that this point attracted my attention, as it has also attracted the attention of other authorities, as is evident from the opinions that have been received as a result of the circulation of the Bill. Now, when I read it first, I thought it proper to ask my Honourable friend privately what he meant by this, whether he was affecting the interests of the sons and the grandsons. To be fair to him, he very readily replied to me that that was not his intention and he has also said the same thing to-day. But that may be his pious intention. But when I read the two clauses they do actually affect the interests of the sons. Therefore, I think it would be a wise policy on his part if he takes up my suggestion, nay, the suggestion of one of the highest authorities, which has said that this Bill requires recasting and reframing, and then bring it to the House. That, I think, will be a very wise advice to the Diwan Bahadur. I am sorry to say that my Honourable friend sometimes is very assertive and very determined and does not yield to anybody. But I have much regard for him. I have always shown great regard for his intellect and for his learning, but one thing is quite clear, that he is not a lawyer. He is a layman in that direction. He may have consulted many lawyers, but on the question of the interpretation of these clauses he ought to have taken the opinion at least of those lawyers who have incorporated their opinions in the report.

I will now come directly to the question. So far as the giving of the share for Hindu widows is concerned, the preamble says:

"A bill to secure a share for Hindu widows in their husbands' family property."

It does not define the share. The Hindu law divides the property on partition in particular shares and those shares are not shown in the Bill. Apart from it, I come to clause 3 which reads thus:

"(1) Where the husband of a widow was at the time of his death a member of a joint family, the widow shall be entitled to such share of the joint family property as her husband would have been entitled to, under the Mitakshara law, had a partition taken place in his life-time, and may sue for partition."

[Mr. Lalchand Navalrai.]

The law at present is this; in a joint Hindu family co-parcenary property when it is divided amongst the co-parceners goes first of all to the co-parceners—brothers. As an illustration, take two brothers, "A" and "B" forming a joint Hindu family. "A" has got two sons and a wife. "B" only one son. How will the property be divided in the life-time of A and B? The property will not be divided into 5 shares but two in half and half to A and B. At that time the husband in question will get half. No doubt when he afterwards divides it with his sons, they have also shares from their own father's share. According to this Bill, the widow shall be entitled to *such share* of the joint family property as her husband "A" would have been entitled to, under the Mitakshara law at the time of the partition in his life-time. That as shown above, will be half, and if all that goes to the widow, the sons will go to the dogs. That is how this clause reads. Therefore, this Bill has not been framed happily. Proceeding further, you find another complication. My friend admitted that there was objection from the Hindu public that, whatever share goes to the widow could not be given absolutely to her, because on her death it goes to her heirs and not to the heirs of her husband's family, if given absolutely to her. Therefore, there was very cogent objection to that. My Honourable friend has removed that objection by taking away the word absolutely from clause 3 (1). But what about clause 3 (2), where the husband of a widow was not at the time of his death a member of a joint Hindu family? The widow shall take all his property absolutely according to this clause. Is it not a worse position? In such a case the property belongs to the husband absolutely, it is his own property, and devolves, according to Hindu law, on his death on his sons, though in his life-time he may dispose of it in any way. If it is legislated to give it to his widow, his sons get nothing. Again when the family is joint the property devolves upon the widow as a woman's estate as proposed now, whereas if it devolves from her husband it becomes her absolute property. These are the anomalies and difficulties in the way of this Bill which cannot be removed in the Select Committee. It is actually changing the very fundamental principles of the Hindu law.

Diwan Bahadur Harbilas Sarda: No.

Mr. Lalchand Navalrai: My friend is very assertive and he will remain so to the end. For my part, I say, "Yes". These difficulties should be removed and the share decided and defined for the widow. If that is done he will have my support. At present I cannot support this Bill.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, I think it is desirable at this stage of the debate to state the position of Government and its attitude towards this Bill. The attitude of Government is as it was laid down at an earlier stage of this Bill, which I find was on 21st January, 1930. The Honourable the Mover of this Bill was then informed that he would not get the support of Government for his motion unless he had satisfied the Government that there was behind him a very strong majority of his own community. Now, Sir, I have been looking for traces of that very strong majority. Take the debate to which we have listened today. The House has so far been addressed by apart from the Honourable the Mover, three of the Honourable Member's community and two Muslim gentlemen. The first Muslim

gentleman, I gather, tendered some support on the ground that he was a gentleman and a Barrister. The second, Mr. Azhar Ali, left me in a state of confusion as to whether he is opposing or supporting the motion. I gather he was mainly asking me for information. Of the three Honourable Members of the Honourable Member's community who have so far addressed the House, all have spoken against the measure. I find it difficult, therefore, to assume that in this House at any rate there is any large measure of support for this Bill.

Mr. S. G. Jog: Many Members have still to speak.

Sir Lancelot Graham: That is quite true, but I am very much impressed by a fact that the debate has been a thoroughly listless debate, with no heart in it, no enthusiasm on the floor of the House, and if it is permissible to mention the galleries, a singular emptiness in the galleries. I remember the days when my Honourable friend opposite was asking the House to support the Sarda Marriage Bill when there was tremendous excitement on the floor of the House and the galleries were packed. You could not walk along the streets of Simla, I will not say, without being accosted, without being almost assaulted by legions of ladies, and their shrill slogans echoed down the Mall. Nothing of the sort happened to me when I came to this House today. I find no indication of any excitement about this Bill whatever.

Now I proceed to the Opinions. The Honourable Member's first citation was not, as one expected, from a Member of his own community but from a Muslim High Court Judge, and from that High Court Judge's opinion he took a sentence which was to the effect that it must be admitted that the position of a widow in a Hindu family, except where she happens to be a sonless person, is one of helplessness, and we were led to believe that here was very strong support for the Bill. In fact I imagine that this was one of the 96 opinions recorded in favour of the Bill, as against 45 recorded against it. Now, Sir, I take the first sentence of that opinion and how do I find it reads?

"This Bill seeks to introduce a revolutionary change in Hindu law and is likely to evoke widespread opposition at least in these provinces."

I am inclined to say that if that makes 96, it also makes 46; it is quite as much against the Bill as for it. The Honourable gentleman himself certainly displays his sympathy for the Hindu widow and would like to do something for her. He is not alone in that attitude; we all share it. But the question is whether this is the right method and this is the right time, and that is where we join issue with the Honourable the Mover of this Bill.

My Honourable friend said that this little sheaf of opinions was not as large as it ought to be, and I think he indicated that that is the fault of Government. I will not plead guilty, and I do not suppose my colleague in the Assembly Department pleads guilty either. If people are not interested, you cannot make them write opinions to Government about Bills. If the Honourable gentleman wants to convince us that he has the support of his community behind him, he must take practical means of showing us that support, and we cannot be expected to guess it. As I have said, we should want a great deal more than the majority of opinions recorded on the circulation paper, before we felt it possible to move in support of a measure of this kind and of so revolutionary a nature.

[Sir Lancelot Graham.]

The Honourable Member has tried, as he did before, to minimise his Bill by saying that it was only a very little Bill and it really made very little alteration in Hindu law. Apart from his bias in this matter, I join issue with him on the subject of the law, not on my own account but by quoting one who I expect will be recognised as a person entitled to speak. I quote from the Advocate-General, Madras, who said :

"A lawyer, looking on the Hindu law as a system from the scientific point of view, may well feel apprehensive that the Bill may produce anomalous results and have the effect of converting Hindu law into a mongrel system without any basic principles to guide us. Piecemeal legislation on any particular topic in the field of Hindu law which appeals to a particular legislator is sure to bring about inextricable confusion."

As I have said, I do not think it is necessary for me to attack the Bill either in principle or in detail. The attitude for which Government stands is that they must be convinced that there is a very strong feeling in the Hindu community before they will lend any support to proposals to interfere radically with the Hindu law. On those grounds I on behalf of Government oppose the motion.

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I rise to support the motion that the Bill be referred to Select Committee. Various objections have been raised against this Bill and to my mind most of them are not to the point. As a recent Member of this Assembly, I bow to the opinions of my older friends who have been here for a longer period; but so far as the objections raised about the various provisions of this Bill are concerned, I submit they are rather premature. What we have here to consider at present is only the principle to which this Bill commits itself, *i.e.*, whether the position of a widow in a joint Hindu family is deserving of some consideration or not. And I think most Hindu gentlemen, who have had experience of joint Hindu families, would or ought to agree with me when I say that the position of a Hindu widow in a joint Hindu family is really very bad and legislation has to be effected in order to improve her condition. In every country besides India and also among most of the other communities in India, the widow's position is not half as precarious as in the Hindu community. (Interruption by Dr. Suhrawardy.) I think that the opinions of those Honourable Members who do not belong to this community are entitled to much weight, although I am obliged to my Muhammadan friends who have helped us by sympathising with the object of this Bill.

Sir, I consider myself as a rather liberal member of the growing Hindu community. What has happened in my experience of the last 30 years as a lawyer is that in the Gorakhpur district and round about, the position of a Hindu widow after her husband's death is very bad. When a property stands in the name of her husband and other co-parceners, she is entitled to some income when she is under the protection of her husband, but no sooner is the husband dead, than her rights are often denied to her by the other co-parceners, because in the majority of cases you will see that there is no real joint family system. Although landed property is joint, as a matter of fact in nine cases out of ten, in joint Hindu families each member is earning separately and spending separately. So this idea of a common purse and a common income and common expenditure is wanting except as far as the joint landed property is concerned, which is joint.

managed. Most members earn separately and spend separately, and therefore as far as these families are concerned they are not strictly speaking joint Hindu families. But in law they are considered as joint Hindu families and there the position of a Hindu widow is to my mind very bad, and if anything can be done to ameliorate her condition, I think that legislation should receive the sympathetic support of this House. To my mind this legislation has been long overdue. Government, of course, say that, unless the majority of the Hindus want legislation in that direction they will not give their support. But what is there to show that the majority do not want it? Among the printed opinions elicited, nearly half are in favour. Then there is another thing which I may point out that we males are trying to adjudicate about the rights of women. Among these 96 opinions there is one from the Women's Indian Association at Tinnevely. That is printed at page 43 and that is the only opinion given by women and is in favour of the Bill. They have unreservedly supported Mr. Sarada's Bill.

Then there are various objections raised as to the phraseology of the Bill which, I submit, are rather premature. If we once admit the principle for which the Bill stands,—and that is to give relief to widows—then I submit there should be no difficulty in altering the phraseology of the Bill or removing other technical defects from the Bill to which some Honourable Members referred.

Another objection that has been raised is that we are trying to arrogate to ourselves a position superior to what our old Rishis held. I think there is too much of this thought. When we want to reform ourselves, we never care to refer to the opinions of the old Rishis, but where the reforms of others are concerned, then we always go back to old Rishis and quote them! As a matter of fact, numerous legislative reforms have been effected by the Privy Council in their various decisions, with which most of the lawyer Members are familiar, in which the texts of the Hindu law have been twisted this side and that side in order to meet the present day social conditions. Then there has been also legislation regarding the Sati rites. At that time it was thought that Hindu opinion was fairly in its favour, but was that so? Then we have abolished various rites, and to say that those things which were considered necessary 500 years ago are necessary to-day is, I submit, an argument which will not be accepted by any sensible person. As my friend Dr. Suhrawardy said, legalise widow marriages. I am glad that has been legalised, and quite rightly too. Therefore, my submission is that this is a reform which is very much needed, and I submit that it has been before the public for a very long time. Nearly half of the opinions are in favour of this reform, and if there is any particular clause to which objection is taken, it can be altered in the Select Committee. I hope, therefore, that all the Hindu Members and also the majority of Muhammadan Members will sympathise with the present conditions and accept the motion to commit this Bill to a Select Committee.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I did not intend to speak on this motion because I thought there was very little to be said against it, but I have been surprised at the attitude displayed by my friend Sir Lancelot Graham who has given us his sympathy but not his vote. If that were all I should say nothing against it, but he comes forward and propounds a most astounding proposition. He says that the Government would only support a measure in

[Sir Hari Singh Gour.]

which the bulk of the community of the Honourable the Mover of this motion supports the Bill. Sir, my friend Sir Lancelot Graham must be suffering from a short memory. What is the history of the British Government in India? As far back as the early fifties, the Government placed on the Statute Book a measure known as the Removal of the Caste Disabilities Act. Had that the support of the bulk of the Hindu community? It had not. The Government placed on the Statute Book a measure legalising the marriage of Hindu widows, and earlier in the day the Government took bold action in suppressing Sati and infanticide in the teeth of opposition from the orthodox Hindu community. Only the other day when the Transfer of Property Act was on the legislative anvil, cases of their Lordships of the Privy Council for the last 50 years were overruled by one section, section 8 of the Transfer of Property Act. Their Lordships of the Privy Council in the early fifties had laid down that a gift to a Hindu family shall convey only a limited interest. We have enacted that under section 8 of the Transfer of Property Act modifying clause 2(d) of that Act, whether the donee be a male or female it will pass an absolute estate. That, I submit, is some of the history of legislation affecting Hindu law from the earliest days down to this day. Does the Honourable the Legal Secretary seriously contend that any one of these measures had the support of the bulk of the Hindu community? I ask him to quote chapter and verse in favour of the amendment of the Transfer of Property Act to which I have referred if it had the support of the bulk of the Hindu community of this country. Sir, when my friend does not wish to support a motion, he damns it with lukewarm praise. He tells us that his sympathy is certainly in favour of the motion but there are insuperable impediments in the way of his support. The insuperable impediments are the Government's own timidity to face a piece of legislation which justice and equity demand should have been placed on the Statute Book ages ago. (Applause from the Nationalist Benches.) What is the position, Sir, of a Hindu widow?

Sir Abdullah Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): The days of strong Government are over.

Sir Hari Singh Gour: I am quite sure my friend Sir Abdullah Suhrawardy is echoing the sentiments of this side of the House when he says that the days of strong Government are over. The Government are only strong when they pass repressive laws, but the Government are singularly weak when they have to deal with the question of social reform.

Mr. Amar Nath Dutt: Is that the function of the Government?

Sir Hari Singh Gour: Well, Sir, I wish to say, and I say it with all the emphasis that I can command, that no piece of social legislation, however trivial, however important, will ever receive the consensus of public opinion, in favour of it, and if such a time should come, shall we ever appeal to the occupants of the Treasury Benches for support? We shall carry that measure over the heads of the occupants of those Benches. It is because, Sir, we are appealing for justice, we are appealing for fairplay, that we are asking Honourable Members opposite to support this motion. They tell us that five Members of this House have spoken, three of them are more or less against it, and two of them are in favour of it. Surely, Sir, questions of such importance cannot be decided by the counting of

the heads; questions of such importance can only be decided by placing your hand upon your heart and asking yourself whether this is a righteous or unrighteous measure. I do not care if the Honourable the Mover of this motion had not even two men behind him; I do not care if the solid phalanx which Government can command had been opposed to his measure. Righteousness and truth shall prevail, and whether this motion is passed to-day or thrown out, it requires no inspired prophet to say that this motion will hereafter come and be acclaimed by the successors of this reactionary House.

Mr. Anar Nath Dutt: So long as there are non-Hindus,

Sir Hari Singh Gour: Sir, I have been told by Honourable Members that this is a measure which trenches upon the sacred law. I do not profess to have made as deep a study of Hindu law as my friend sitting behind me, but I too have devoted not an inconsiderable portion of my life to the study of that subject. And the impression that has been left on my mind is that so far as Hindu law is concerned it was never intended to be a part of Hindu religion. We are all told that the three dominating schools of thought controlling the Hindu law are the Mitakshara, the Dayabhaga, and the Mayukha. Who were the authors of the Mitakshara, the Dayabhaga and the Mayukha? Were they divine beings or semi-divine, or were they not men like ourselves and regarded as such by the most orthodox section of the Hindu community? Vigneswara, Yagnavalkya, Jimuta Vahan and Pandit Nilakantha—they were all lawyers like ourselves or students of law, and Hindu law and Hindu writers and Hindu sages did not regard these people in the light of religious teachers. The lawgivers of the mediæval age who laid down the laws which are administered by the British Courts of justice were secular writers, and that being the case, I cannot understand why these laws should be encircled with a halo of sacredness by friends on this side who wish to oppose the motion. If they wish to do so, the most straightforward thing for them to do is to stand up and say, "We are possessed of a deep-rooted conservative instinct in our constitution; for ages past our civilisation has been a static civilisation; we do not like new things and we are afraid of making a plunge for an improvement the consequences of which we do not know. Therefore, we are opposed to any change, and the change which the Honourable the Mover of this motion wants this House to be committed to is a change which is opposed to our conscience". That I submit would be a much more straightforward course than to draw a red herring of sacred law, of divine law, of divine sanction across the trail and oppose the very elementary principle which underlies this Bill. Some of my legal friends have got up and said, "Oh, section 2, section 3, clause 3 and sub-clause (3) are defectively worded". I grant that it is. If it were not defectively worded, the Honourable the Mover of this motion would have asked the House to take the Bill into consideration and pass it here and forthwith. It is because this Bill is defective in its draft and perhaps also in its purpose that he wants this House to send it to a Select Committee which will put it into shape, and if there is any drafting defect or any other defect which the Honourable Members of the Select Committee consider it necessary to go into, they will do so. (*An Honourable Member:* "Let the whole thing be recast.") My Honourable friend at the back says, get the whole Bill recast. I am quite sure that my Honourable friend the Mover of this motion would invite my friend **Mr. Lalchand Navalrai** to sit on the Select Committee and give us a helping hand towards the re-casting which he foreshadows.

[Sir Hari Singh Gour.]

Now, Sir, we have got therefore to go to the rock bottom of this case. Everybody agrees and no reasonable man can deny that the lot of the Hindu widow, and for the matter of that, of Hindu females, in the Hindu society, is one of abject dependence. That being the case, do you or do you not approve of a movement in favour of granting these helpless and speechless mothers and daughters and sisters of yours some elementary rights of humanity? Cast your eyes round your own household. Think of what sufferings your womenfolk have undergone and are undergoing. Have you got no human hearts to feel pity for them? You get up here and fling stones at one who wishes to ameliorate the condition of your mothers, of your sisters and of your daughters. (*An Honourable Member*: "Not wives.") (Laughter.) I say I should be surprised and I am surprised that there should be any one in this House so lost to human reason and the elementary instincts of human sympathy as not to approve of the broad principle of this Bill. And I am sure that the Honourable occupant on the Government side will reconsider his position when he finds that the bulk of the Opposition Benches are in favour of the Bill.

One more word and I have done. The Honourable Member on the other side twitted the Honourable the Mover of this motion by stating that he had quoted 96 opinions as in his favour and 45 against it, and he said that there was one more opinion against the Bill. Sir, I have always regarded this House as the forum of public opinion and its Members as the peoples' plenipotentiaries, and I say I do not care whether 96 or 960 opinions are recorded for and against this Bill. But if the Members of this House, if the majority of the Members of this House feel convinced that this is a measure of progressive reform and is urgent and calls for prompt action, let them give it their support. That support will I am sure be conducive to the enlargement of female rights; it will be conducive to the greater happiness of their own womenfolk, about whom they must think within themselves when they cast their vote against this measure. Sir, I support the motion of my Honourable friend.

Some Honourable Members: Let the question be now put.

Mr. R. S. Sarma: (Nominated Non-Official): Mr. President, I would rather have kept quiet and not spoil the effect of the brilliant eloquence of the previous speaker, but the very wrong and misleading inference regarding the attitude of the Hindu Members of this House drawn by my Honourable friend Sir Lancelot Graham leaves me no option as a Hindu myself but to get up and say how strongly I support the motion placed before the House by Diwan Bahadur Harbilas Sarma, and also to tell the House that there are many others outside who like myself strongly feel in favour of this motion. I am, however, very glad to learn from Sir Lancelot Graham that Government have not committed themselves one way or the other in this matter, but that they would wait and see what is the strength of Hindu opinion on this matter. I do hope that my friend the Diwan Bahadur will take the hint from Sir Lancelot Graham and try to get up some demonstration, which alone will convince him about the strength of opinion on this matter.

Mr. B. Das: Invite him to Madras.

Mr. R. S. Sarma: The last demonstration was organised by the countrymen of Mr. B. Das; most of whom we found in Simla. When Government are going to take a decision in this matter, I do hope that

they will not throw their weight with the old, senile orthodox pandits, who, whenever an honest attempt is made to reform society, trot out old and worn out arguments in support of their contention.

Sir, the old and venerable Raja questioned the right of the Diwan Bahadur to speak on behalf of widows. I question his right, in view of his age, to speak on behalf of Hindu widows, because to my mind if the ordinary span of life of a Hindu is as long as that of the Honourable Raja, there will be no question of widows in this country and the problem would have been solved. The Honourable Raja made a great point of the fact that the Diwan Bahadur held certain views contrary to the views he now holds on these matters, and he took 40 minutes of the time of this House to show how inconsistent his views were with the views he now holds. To my mind, it only shows, if it shows anything at all, that the Diwan Bahadur is progressive. It shows that the Diwan Bahadur, unlike the Raja and people like him, has only added wisdom to his age. Sir, in conclusion, I would most strongly urge that when the voting takes place on this motion, Members of the House will not be a party to the mean and malicious attempt to deprive the Hindu widow of her rightful place in the financial scheme of the family.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Sir, I do not think any sensible man would oppose the motion of Diwan Bahadur Harbilas Sarda. The Raja Bahadur quoted at great length from old speeches and from the opinions given when this measure was circulated. These opinions of the ancients of the type of Raja Bahadur are like the stones which are a valuable possession of the Archaeological Departments and never will melt. People like the Raja Bahadur do not move with the times. When the Child Marriage Restraint Act was passed they opposed it and they did not want the age for marriage to be placed a bit too high. That is the only thing we have heard from these old civilisation masters where they preferred young to the old. The womanhood of this country must be helped for sometime to come to the best of our power and ability. It is very unfortunate that the widows should remain unprovided for and at the mercy of the relations of the deceased husband. We cannot expect the relatives of the husband to look after the widows after their husbands' death. In many cases the step children have no regard for the mother's welfare and it is only fair that widows should be adequately protected in time of need. The question of what the share should be, whether it should be for life or absolutely is a matter which the Select Committee can go into and when the report of the Select Committee comes before the House, the House can amend it but no one with any grain of common sense in him can oppose the principle that the widows should have a share in the husband's property. With these few remarks, I support the motion.

Mr. C. S. Ranga Iyer: (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I rise to support the motion of my Honourable friend Diwan Bahadur Harbilas Sarda. Before making a long speech on the subject

Mr. President You have only got three minutes.

Mr. C. S. Ranga Iyer: I should like to say that Mr. Sarda has been a living monument of social service. His life has been a sermon on social reform, and though his name does not find a high place among the decorations of the world, so far as India is concerned, I dare say that Mr. Sarda will be remembered so long as social superstitions exist and

[Mr. C. S. Ranga Iyer.]

until they are abolished. At present, he has once again taken up arms against a sea of trouble, including my friend Mr. Krishnamachariar, who represents on the other side the forces of orthodoxy. He is one of those conservatives, extremely anxious to keep back progress. He does not want that India should be dragged along the current of modern ideas. He is one of those true conservatives who want to conserve and preserve the genius of the Vedas. Today we have Mr. Sarada on one side and Mr. Krishnamachariar on the other, representing the forces of progress and the forces of reaction. This cannot be decided by a vote of this House, as to which force is going to succeed. My friend and leader Sir Hari Singh Gour has already had his fling at the Secretary of the Legislative Department. He has his head and heart with the motion but not his vote. I wish that on these occasions the Government did not vote at all. In this matter I beg to differ from the Leader of my Party. Or rather I think he would agree with my view that in these democratic matters, which essentially concern the people of this country it is very desirable that the Government, who are outsiders so far as social matters are concerned, should keep out and take a sympathetic view such as Sir Lancelot Graham was willing to take. I think in this matter only the elected Members should vote, because they after all have got to give an account of their conduct to the country and also the Indian nominated Members like Mr. Sarma who, though they do not have much of a constituency, have a sort of responsibility as newspaper editors. I for my part think that the nominated Members, whether Indian or European, should not take part in the voting on this motion.

Mr. President: Order, order. I now call upon Mr. Ranga Iyer to move his adjournment motion.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, before I move the motion of which I have given notice, I should like to inquire whether any other opportunity
4 P.M. will be given to the House to discuss the important issues underlying it, in circumstances more favourable to a comprehensive discussion than those offered by a motion for adjournment. On a definite reply to this question depends my further attitude in this matter.

The Honourable Sir George Rainy (Leader of the House): Sir, in reply to the question put by my Honourable friend, I should like to inform the House that I have been in communication with the Leaders of Parties on the Benches opposite, and I have agreed on behalf of Government to give up Monday for the discussion of a Resolution to be moved by my Honourable friend, Sir Hari Singh Gour, raising the general issues arising from the Government policy which, as my Honourable friend pointed out, underlie the particular matter to which he wished to draw attention. I trust that that will satisfy my Honourable friend.

Mr. C. S. Ranga Iyer: Sir, I am very satisfied with the reply that the Honourable the Leader of the House has given, and, in these circumstances I do not propose to move my motion.

Mr. President: Very well. I think the House will have to be adjourned now, unless Honourable Members desire to go on.

(Cries of "Adjourn", "Adjourn".)

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th January, 1932.