

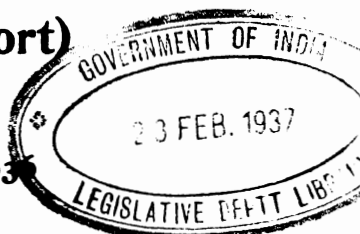
22nd September 1936

THE

LEGISLATIVE ASSEMBLY DEBATES

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(15th September to 28th September, 1936)

FOURTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY, 1936



NEW DELHI
GOVERNMENT OF INDIA PRESS
1937.

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

MR. AKHIL CHANDRA DUTTA, M.L.A.

Panel of Chairmen :

MR. S. SATYAMURTI, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. ABDUL MATIN CHAUDHURY, M.L.A.

MR. M. S. ANEY, M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

MR. AKHIL CHANDRA DUTTA, M.L.A., Chairman,

SIR LESLIE HUDSON, KT., M.L.A.

PANDIT NILAKANTHA DAS, M.L.A.

MAULVI SYED MURTUZA SAHIB BAHADUR, M.L.A.

MR. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 22nd September, 1936.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. John Bartley, C.I.E., M.L.A. (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

Mr. President (The Honourable Sir Abdur Rahim) : Questions. Some questions were held over for Sir Girja Shankar Bajpai. Those will now be put and answered.

ARTICLE ENTITLED "RACIALISM IN EAST AFRICA" PUBLISHED IN THE *Hindu*.

447. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article entitled "Racialism in East Africa", in the *Hindu*, dated the 24th June, 1936 ;
- (b) whether an Order-in-Council reserving the Highlands to Europeans is about to be issued ;
- (c) whether their attention has been drawn to the Specific Loan Bill passed by the Kenya Council ;
- (d) whether they propose to make any representation against inequality and discrimination appearing on the face of the measure ;
- (e) whether there is any proposal to have an Executive Council, excluding Indians from that Council ;
- (f) whether they are aware that the East African Congress has decided to send a deputation to England ; and
- (g) what steps they have taken to support the deputationists and to expose the mischievous character of the demands made on behalf of the settlers ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The Honourable Member's attention is invited to the reply given by me on the 1st of this month to part (a) of his starred question No. 42.

(c) Yes.

(d) The Government of India have not been asked by the Indian community in Kenya to make any representations regarding this measure.

(e) The Government of India are not aware of any such proposal.

(f) It is understood that the East African Indian Congress considered a proposal to send a deputation to England, but later dropped it.

(g) Does not arise.

Mr. S. Satyamurti : With reference to the answer to clauses (c) and (d) of this question, may I know if Government have examined the provisions of this Bill ?

Sir Girja Shankar Bajpai : Yes, Sir. As a matter of fact, Mr. Bozman, on his way back from Zanzibar, managed to obtain a copy of this Bill and also to discuss it with the representatives of the community in Kenya.

Mr. S. Satyamurti : Are Government satisfied, on the examination of this Bill, that it does not contain any provisions involving inequality or discrimination ?

Sir Girja Shankar Bajpai : That is so.

Mr. S. Satyamurti : With reference to the answer to clauses (f) and (g) of this question, may I know if, apart from the East African Indian Congress not sending a deputation to England, Government are taking necessary adequate steps to expose the mischievous attempts of the settlers ?

Sir Girja Shankar Bajpai : Sir, my Honourable friend will probably recall to memory the Despatch from the Secretary of State for the Colonies which I read out in answer to another question the other day. The propaganda, to which he refers, in regard to such matters as the creation of a Finance Committee with a non-official European majority, and so on, ought to be set at rest by the Despatch of Mr. Malcolm MacDonald which I read out.

Mr. S. Satyamurti : Will Government keep in touch with such further activities of the settlers in this direction, designed to influence the Colonial Office against Indians ?

Sir Girja Shankar Bajpai : My Honourable friend may rest assured that the Indian community in Kenya is fairly wide awake in this matter and if there are any developments which need the attention of the Government of India, they will be reported promptly.

Mr. K. Ahmed : Is it not a fact that some deputation or Commission came the other day to this country and the Honourable Member received them at Bombay last week, and has not that deputation or Commission got any hand in the matter, directly or indirectly ?

Sir Girja Shankar Bajpai : Sir, that deputation came from South Africa, and the question relates to East Africa. (Laughter.)

POSSIBILITY OF FURTHER EXTENSION OF THE MORATORIUM IN ZANZIBAR.

449. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they have received any information on the possibility of further extension of the moratorium in Zanzibar ;
- (b) whether they have conveyed the feelings of the Assembly in this matter ;
- (c) whether they are aware that the time factor is very essential in this matter ; and
- (d) whether they propose to take steps to vindicate the feeling of the Indian community on the repercussions of the proposed extension of the moratorium ?

Sir Girja Shankar Bajpai : (a) The moratorium has been extended till such date, not later than the 1st January, 1937, as His Highness the Sultan in Executive Council may, by Proclamation, permit.

(b) Yes.

(c) and (d). The attention of the Honourable Member is invited to my reply to Mr. T. S. Avinashilingam Chettiar's starred question No. 23 asked on the 31st August, 1936.

Mr. S. Satyamurti : Have Government any information in their possession which will justify them in answering "yes" to my question, that before at least the next season commences this matter will be settled satisfactorily from the Indian point of view ?

Sir Girja Shankar Bajpai : Well, Sir, I have not, as it were, any definite undertaking from the Colonial Office to that effect, but all the indications point to it, because whereas till recently only we sent representations, we have now an indication of the attitude of the Colonial Office in regard to the main points of the problem.

Mr. S. Satyamurti : Will Government continue to press on the Colonial Government the imperative need of settling this question satisfactorily, at least before the next season ?

Sir Girja Shankar Bajpai : As a matter of fact, we addressed a Despatch to the Colonial Office just a few days ago before the session began and we said that for various reasons it was necessary that this matter should be settled before the end of the extended moratorium which, as my Honourable friend is aware, extends to the end of the current year.

ARTICLE ENTITLED " UNEMPLOYMENT " PUBLISHED IN THE *Hindu* REGARDING EDUCATIONAL RECONSTRUCTION.

450. *Mr. S. Satyamurti : Will Government be pleased to state .

- (a) whether their attention has been drawn to a leading article, entitled " Unemployment ", in the *Hindu*, dated the 13th June, 1936 ; and
- (b) whether they propose to bring out British experts to advise on the reform of Secondary Education, involving the introduction of vocational education ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) I would invite the attention of the Honourable Member to the answer given to parts (b) and (c) of his question No. 295 on the 10th of this month.

Mr. S. Satyamurti : May I know the reasons why Government want to import British experts to advise on the reform of Indian secondary education ?

Sir Girja Shankar Bajpai : Well, Sir, it is a matter which Government have considered not only in consultation with Local Governments or their own experts but also in consultation with the Central Advisory Board of Education on which there are representatives of universities and other distinguished non-official Indians, such as the Right Honourable Sir Tej Bahadur Sapru ; their opinion was that inasmuch as the main idea now is to blend purely literary education with technical education, it was desirable to obtain expert advice from a country where technical education is much more advanced than here.

Mr. S. Satyamurti : Have Government found out and come to the conclusion that, in India itself, there are no Indian experts of high educational standing, who can usefully advise the Government on this purely Indian question ?

Sir Girja Shankar Bajpai : Perhaps my Honourable friend has not quite appreciated the *modus operandi*. The idea is that there should be in each province a committee appointed by the Local Government consisting of local experts including technical experts to explore all the facilities there are for different kinds of education, and these other people really will be able to advise on the basis of the material collected by them. There is no idea of leaving it exclusively to the experts from abroad.

Mr. S. Satyamurti : May I know whether Government have laid down any qualifications for the experts to be imported, especially in regard to any knowledge of Indian conditions, of Indian pupils, and of Indian surroundings ?

Sir Girja Shankar Bajpai : Well, Sir, my Honourable friend will appreciate the fact that it would not be possible to insist upon those who come out from England having a knowledge of Indian conditions and Indian surroundings. The knowledge of Indian conditions and Indian surroundings will be supplied by the experts selected in India. These other people will be able to advise (on the basis of the information supplied by our experts) as to what might be feasible, considering the result of experimentation elsewhere.

Mr. N. M. Joshi : May I ask whether the Government of India propose to consult some experts in the matter of unemployment insurance and other methods of relief of unemployment ?

Sir Girja Shankar Bajpai : Sir, I am talking now about educational reconstruction, and I think unemployment insurance does not come within the purview of educational reconstruction.

Mr. N. M. Joshi : May I ask whether the Honourable Member has read part (a) of question No. 450 ?

Sir Girja Shankar Bajpai : Yes, I have, but, as my Honourable friend will see if he will get hold of this particular article and read it, it

is primarily devoted to the question of importing experts to assist in educational reconstruction.

Pandit Lakshmi Kanta Maitra : May I ask if it is in the contemplation of Government to start something like a Central Advisory Committee to deal with all these matters, with the expert imported from outside ?

Sir Girja Shankar Bajpai : In so far as education is concerned, the Central Advisory Committee already exists.

Mr. T. S. Avinashilingam Chettiar : May I know whether the person who is to be invited to go into this question has been settled ?

Sir Girja Shankar Bajpai : Not yet.

Prof. N. G. Ranga : Why is it that Government have not thought of appointing a Committee on the lines of the Sadler Commission, in view of the fact that that Commission has turned out a very good report and some distinguished Indians served on it quite satisfactorily ?

Sir Girja Shankar Bajpai : My Honourable friend probably remembers that the Sadler Commission took something like three years to report on university education and we do not want an All-India Committee because an All-India Committee would probably take three or four years, by which time any recommendations they may make will probably be out of date.

Pandit Lakshmi Kanta Maitra : Do I understand from the Honourable Member that the Central Board of Education, together with the foreign expert, will go into the question of unemployment and reform at these various educational institutions ?

Sir Girja Shankar Bajpai : I think my Honourable friend ought to draw a distinction between "unemployment", which has very many aspects and educational reconstruction which is one of the methods suggested for dealing with unemployment by the Sapru Committee. The Central Advisory Board is going to limit its activities to the examination of any advice that is furnished by these experts in regard to educational reconstruction.

Mr. N. M. Joshi : May I ask whether the Government of India are aware that very few of the Provincial Governments have got money for the reform of the secondary education, and, in view of that fact, are the Government of India aware that the spending of money on bringing out an expert is a waste of public money ?

Sir Girja Shankar Bajpai : I should have thought that Local Governments would be alive to that particular consideration and seeing that they have all, with one exception, cordially accepted the idea of the Central Advisory Board that these experts should be invited, I do not think that they do not regard expense as an impediment.

Mr. M. Ananthasayanam Ayyangar : May I ask, Sir, why should we not send educational experts from India to various countries in the world to study their educational system and other things ?

Sir Girja Shankar Bajpai : The same consideration which stands in the way of our appointing new Sadler Commission, the consideration of time.

Mr. M. Ananthasayanam Ayyangar : Are these experts who are coming from England expected to know first-hand the conditions prevailing in various other progressive countries, such as, America, Germany, France and Japan ?

Mr. N. M. Joshi : In their case, ignorance is the qualification !

Sir Girja Shankar Bajpai : My Honourable friend, Mr. Joshi, says : " Ignorance is the qualification ". I do not agree with him at all. It is impossible to get an expert who has knowledge of all the advanced countries in the world.

Mr. M. Ananthasayanam Ayyangar : Then, is it not desirable that we should send a number of persons to Japan and other countries of the world ?

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. That question does not arise.

Mr. M. Ananthasayanam Ayyangar : Why does it not arise ?

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

Mr. M. Ananthasayanam Ayyangar : I am sorry, Sir. I withdraw my words.

Mr. S. Satyamurti : May I know when are these experts expected to come and when do Government expect their report ?

Sir Girja Shankar Bajpai : The experts are expected some time in October or November of the current year.

Mr. S. Satyamurti : How many experts are coming ?

Sir Girja Shankar Bajpai : Two.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

ARTICLE ENTITLED " INDIAN SUGAR INDUSTRY " PUBLISHED IN THE *Amrita Bazar Patrika*.

454. ***Mr. S. Satyamurti :** Will Government be pleased to state .

- (a) whether their attention has been drawn to a leading article entitled " Indian Sugar Industry ", in the *Amrita Bazar Patrika* of the 19th June, 1936 ;
- (b) whether they are examining the allegations and statements contained therein, and have satisfied themselves whether they are accurate ; and
- (c) whether they propose to take steps to meet the needs of the sugar industry, so that India may become one of the largest sugar-producing countries in the world, supplying not only her home requirements but exporting a good surplus of her products ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The article does not state the position correctly.

(c) The Honourable Member will appreciate that no industry can be made efficient by Government action alone. The sugar industry, ~~like~~

any other, must take itself the main steps in this direction. In so far as Government are concerned they are already doing whatever is possible to promote the development of the industry. For an account of what they have done I would invite the Honourable Member's attention to the answer given to part (e) of his question No. 414 asked on the 16th September, 1935, and to the report of the Imperial Council of Agricultural Research for 1935-36, copies of which are available in the Library. An amount equal to one anna per cwt. of excise duty imposed on sugar is being set apart and distributed to Local Governments for expenditure on the improvement of sugar-cane supplies. A central Institute of Technological Research is being established at Cawnpore at a cost of Rs. 2½ lakhs per annum.

As regards the suggestion that export markets should be found for Indian sugar, the Honourable Member will realise that this is quite impossible so long as Indian production costs continue to be something like 200 per cent. above the world prices of sugar.

Mr. S. Satyamurti : I do not know if my Honourable friend can answer this question or some other Member of the Government will have to. May I know if there is any proposal to reduce protection to sugar either by reducing the import duties, or by increasing the excise duty ?

Sir Girja Shankar Bajpai : That is perhaps asking Government to anticipate Budget proposals. I am not in a position to answer that.

Mr. S. Satyamurti : May I know if there is any proposal pending before the Government to reduce the production cost of sugar, by increasing the efficiency of production in various ways ?

Sir Girja Shankar Bajpai : The two main lines of research which Government are pursuing—one agricultural and the other technological—aim at reduction of costs of production.

Mr. S. Satyamurti : Have Government taken any steps to increase the sugar-content of cane in this country by improved methods of cultivation, so that we may compete on more and more equal terms with Java ?

Sir Girja Shankar Bajpai : That is a point which relates to the genetics of sugar-cane. Some research has probably been devoted to it but hitherto the main work has been on the evolution of varieties of cane which will be resistant and adapted to different climates. The actual problem of increasing the sucrose content is, I believe, receiving attention or shortly will.

Mr. S. Satyamurti : May I know if Government will bring together the various interests engaged in sugar production, with a view to avoiding wasteful competition, and increasing the efficiency of production ?

Sir Girja Shankar Bajpai : Is my Honourable friend speaking of the manufacturing or the agricultural side ? I presume he is speaking about the manufacturing side of it. As far as I know, the Sugar Committee of the Imperial Council of Agricultural Research have had that point in view and my Honourable friend is probably also aware of the fact that recently sugar manufacturers and sugar associations had a Conference in Calcutta to consider this question.

Mr. T. S. Avinashilingam Chettiar : May I ask whether they have found any better use for molasses ?

Sir Girja Shankar Bajpai : That question does not arise out of the question that I have answered.

Mr. S. Satyamurti : You cannot make India one of the largest sugar producing countries in the world, supplying not only her home requirements but exporting a good surplus of her products, unless you are able to make economic use of molasses. That question arises out of this part of the question.

Mr. President (The Honourable Sir Abdur Rahim) : It is not a specific question.

Mr. S. Satyamurti : Molasses is a bye-product of sugar. You cannot manufacture sugar without producing molasses.

Mr. President (The Honourable Sir Abdur Rahim) : It is not a specific question : it arises incidentally. If the Honourable Member wants an answer to a specific question like that, he must put a separate question.

Mr. M. Ananthasayanam Ayyangar : May I know if any portion of the excise duty is used for this research in the Madras Presidency ?

Sir Girja Shankar Bajpai : I do not think that any proportion of the excise duty is used for purposes of research. There was a question asked on this subject last year and I said that Government were not prepared to earmark the yield of a particular tax for a particular purpose, but where research is needed Government make grants for that purpose.

Mr. M. Ananthasayanam Ayyangar : Is any research going on with respect to sugar-cane production of a superior quality in the Madras Presidency at the cost of Government ?

Sir Girja Shankar Bajpai : My Honourable friend may know that at Coimbatore research is done at the expense of Government.

Mr. M. Ananthasayanam Ayyangar : May I know how much is spent per annum ?

Sir Girja Shankar Bajpai : I am afraid my Honourable friend must give himself the trouble of looking up the report of the Imperial Council of Agricultural Research which gives the information required.

ARTICLE ENTITLED " LORD LINLITHGOW AND MILK DIET " PUBLISHED IN THE
Amrita Bazar Patrika.

455. **Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled " Lord Linlithgow and Milk Diet ", in the *Amrita Bazar Patrika* of the 13th June ;
- (b) whether they propose to take any steps to find out how many men and women in the country buy milk every day ; and
- (c) whether they propose to take steps to give means to the villagers to secure at least two meals a day ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) A milk survey regarding the production, consumption and disposal of milk in certain cattle breeding areas is contemplated.

(c) So far as the action of the Government of India in respect of improving the condition of the masses is concerned, I would refer the Honourable Member to the statements already made in this House regarding rural uplift grants and to the account that I gave of the efforts of the Imperial Council of Agricultural Research for agricultural improvement in reply to parts (i) and (ii) of Mr. Akhil Chandra Datta's question No. 312 on the 12th February, 1936.

Mr. S. Satyamurti : With reference to the answer to clause (b) of this question, may I know if Government have any information in their possession, from which they can give us any information as to the subject-matter, namely, how many men and women in the country buy milk every day ?

Sir Girja Shankar Bajpai : I was just going to say that at the present moment that information is not available. The milk survey, which I have referred to, is aiming at ascertaining this information in regard to certain milk producing areas.

Mr. S. Satyamurti : Will Government then suggest to the high quarters which are carrying on ' drink more milk ' propaganda to stay their hands, and not add insult to injury by calling upon people to drink more milk, when they cannot get even one square meal a day ?

Sir Girja Shankar Bajpai : My Honourable friend is asking us to express an opinion on the question whether the advice to which he has referred is intended for those who can afford milk or it is intended for everybody.

Mr. S. Satyamurti : May I know what is the intention of this propaganda ? Is it to ask those who can afford to buy milk to drink more milk, or is to apply to men who cannot afford even a meal per day, to give up that meal and buy milk instead ?

Sir Girja Shankar Bajpai : My Honourable friend with his acute intelligence, which everybody in this House admires, is really indulging in dialectics. The position is that the advice to which he has referred is a very straightforward piece of advice, namely, that milk because of its chemical and bio-chemical composition is an extraordinarily nourishing element of diet and whosoever can afford it ought to use it.

Qazi Muhammad Ahmad Kazmi : Is it the information of the Government that people who can afford to drink milk do not drink milk in India ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

ARTICLE ENTITLED " HEALTH AND NUTRITION " PUBLISHED IN THE *Indian Express*.

463. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled, " Health and Nutrition ", in the *Indian Express*, dated the 20th June, 1936 ;
- (b) whether they have considered the question that the central problem of the peasant is poverty ; and
- (c) whether they propose to deal with it, if so, how ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The question of improving the condition of the Agriculturist, to the extent that it lies within the competence of the Government of India, is constantly receiving attention and the action taken by them is explained to the House from time to time.

Mr. S. Satyamurti : May I know whether the Government are taking any specific steps to deal with the central problem of the peasant, namely, poverty ?

Sir Girja Shankar Bajpai : There is no one specific plan of which it can be said directly that this is aimed at removing the poverty of the peasants. The whole series of measures which have the effect of increasing the purchasing power of the cultivator is designed to alleviate so far as possible the poverty of the peasant.

Mr. S. Satyamurti : What steps are Government taking to increase the purchasing power of the peasant ? Are they taking any steps to increase the price of primary products, on which the purchasing power of the peasant wholly depends ?

Sir Girja Shankar Bajpai : My Honourable friend will appreciate the fact that it is not possible in the course of a reply to a supplementary question to give a comprehensive account of all that has been done. But to take one instance, in these very Indo-Japanese trade negotiations that are in progress at the present moment, the question of finding a safe and suitable outlet for Indian cotton is designed to help the Indian cotton grower.

Mr. S. Satyamurti : Apart from these trade negotiations, which are now at a stand still, may I ask whether Government in the Honourable Member's Department are taking any steps to deal with the problem of giving a little more purchasing power to the peasants ?

Sir Girja Shankar Bajpai : To the extent that we can assist in raising the margin of profits for the cultivator by reducing the cost of cultivation, our Department is doing or trying to do what it can.

Mr. S. Satyamurti : Do Government realise that the taxes levied on the peasants are much too high and this Government costs too high, and unless the whole problem is radically solved, the question of poverty will remain unsolved ?

Sir Girja Shankar Bajpai : My Honourable friend is raising the main issue of retrenchment which I submit we cannot discuss in answer to a supplementary question.

Mr. President (The Honourable Sir Abdur Rahim) : That is a very wide problem which cannot be discussed in question hour.

DELEGATION FROM SOUTH AFRICA.

467. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the information they have about the delegation from South Africa ;
- (b) what the above delegation is ;
- (c) the purpose of their visit ;

(d) their programme ;

(e) whether it is proposed to discuss the difficulties of the Indian settlers in South Africa ; and

(f) if not, why not ?

Sir Girja Shankar Bajpai : (a), (b), (c) and (d). The attention of the Honourable Member is invited to the Press Communiqués, dated the 19th and 22nd June, and 3rd September, 1936, copies of which have been placed in the Library of the House.

(e) and (f). The visit is solely one of courtesy and good-will.

ARTICLE ENTITLED " RYOTS AND RESEARCH " PUBLISHED IN THE *Hindu*.

469. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article, entitled, " Ryots and Research ", in the *Hindu* of the 9th June, 1936 ;

(b) whether they have examined or propose to examine how far the results of the research carried on by the Imperial Council of Agricultural Research have been of use to the ryots ; and

(c) whether the Council will be asked to take steps to collect information about this, and place it on the table of the House ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The Imperial Council of Agricultural Research maintains a continuous examination of this question. The ultimate objective of all research grants is practical benefit to the cultivator.

(c) In view of the reply to part (b) this question does not arise.

Mr. S. Satyamurti : May I know how much of the expenditure of the Imperial Council of Agricultural Research is spent on the publication of pamphlets in one or more Indian languages ?

Sir Girja Shankar Bajpai : The Imperial Council of Agricultural Research does not directly undertake propaganda. The division of labour between the Council and the Provinces is that the result of research conducted and completed at the expense of the Council, if of practical value, is made the subject of propaganda by Local Governments.

Mr. S. Satyamurti : May I know if Government have any information—if they have not, I will put down a question and it can be answered after notice—I should like to know if they have any information as to how much of this propaganda is done by Local Governments by means of pamphlets inside the country ?

Sir Girja Shankar Bajpai : I was going to ask my Honourable friend to be good enough to go through a publication entitled, " The Review of Agricultural Operations in India " for the period 1931-33—I am afraid the next one for 1933-35 is not yet ready, though it will be ready shortly—he will find information there as regards both the number of pamphlets put out by provincial departments of agriculture in each province and the languages in which it is put out.

Mr. S. Satyamurti : Are these publications sent to Honourable Members of this House ?

Sir Girja Shankar Bajpai : I do not think they are sent to Honourable Members of this House ; but they are placed in the Library of the House.

Mr. M. Ananthasayanam Ayyangar : May I ask whether the Imperial Council of Agricultural Research have made researches into the production of cheap manure suitable to the conditions of this country ?

Sir Girja Shankar Bajpai : They have a Fertilizers' Committee which is concerning itself with one or two manurial problems, but I cannot say off-hand as to what exactly the scope of its investigations is and what exactly are the results achieved till now.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that large quantities of bone manure are being exported from the Madras Presidency ?

Sir Girja Shankar Bajpai : The question in regard to the export of bone manure was asked in the past, and speaking from memory—I do not claim complete accuracy for what I say now—I believe the notion as to the extent of export of bone manure that takes place from this country is somewhat exaggerated.

Prof. N. G. Ranga : Will the Government consider the advisability of supplying these publications of the Imperial Council of Agricultural Research and other publications published by the Government of India in regard to agriculture to all the vernacular papers in India so that they may publish relevant extracts from these publications for the benefit of the masses ?

Sir Girja Shankar Bajpai : I will have that suggestion of my Honourable friend considered in consultation with the Director of Publicity.

Mr. K. Ahmed : In view of the fact that the Ministers from the Provinces are invited to come to the heights of Simla or to come to Delhi from the remotest corners of India, and in view of the fact that a lot of money is wasted towards their travelling expenses, and in view of the fact that these Ministers, not having enough education, are called upon to judge research problems relating to agriculture, do Government realise that it is worthless to bring these Ministers here for the purpose of research ?

Sir Girja Shankar Bajpai : My Honourable friend's question is a blend of insinuations and information given *ex-cathedra*, and I do not think that calls for any answer.

Mr. K. Ahmed : What are the qualifications of these gentlemen who hold the portfolios of Local Self-Government in the Provinces and who are invited here to take part in discussions relating to agricultural research. Most of them have no education at all.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

**ARTICLE ENTITLED "BRITISH COLONIAL POLICY AND RACIAL DISCRIMINATION"
PUBLISHED IN THE *Hindu* REGARDING KENYA HIGHLANDS.**

483. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled "British Colonial Policy and Racial Discrimination", published in the *Hindu* of the 8th June, 1936 ;
- (b) whether they propose to take prompt and effective steps to prevent the enforcement of this racial discrimination policy ; and
- (c) whether they are carefully watching the position in Kenya, and propose to take prompt steps to prevent the agitation, now being led by Lord Francis Scott on behalf of the European settlers of Kenya, having any effect ?

Sir Girja Shankar Bajpai : (a) to (c). The article in question relates to the issue of an Order in Council regarding the Kenya Highlands. I would refer the Honourable Member to my answer to his question No. 42.

POSITION OF INDIANS IN DURBAN.

491. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to a report of the speech of Mr. A. A. Hayles, Editor, the *Madras Mail*, published in that paper of the 26th June, 1936 ;
- (b) whether their attention has been drawn particularly to the statement referring to Indians as "hard-working and relatively prosperous community, entitled to greater consideration than they received from the Union Government or the Durban Municipality" ; and
- (c) whether they propose to take steps to make the position of Indians there better ?

Sir Girja Shankar Bajpai : (c) and (b). Yes.

(c) It is the constant endeavour of the Government of India, through the Agent General, to improve the position of Indians in the Union.

Mr. S. Satyamurti : I do not want to embarrass my Honourable friend, but may I know whether he will bring such aspects of this question to the notice of the South African delegation ?

Sir Girja Shankar Bajpai : I have answered a previous question regarding the scope of the visit of the South African Ministers and I pointed out then that the visit was purely one of courtesy and good-will. The initiative in this matter really rests with them.

POSITION OF INDIANS OUTSIDE INDIA.

493. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to a recent statement by the Secretary of the All-India Congress Committee, Foreign Department, on the position of Indians outside India ;
- (b) whether they have examined the facts and allegations contained therein ; and
- (c) whether they propose to take steps to improve the position of Indians in the light of that statement ?

Sir Girja Shankar Bajpai : (a) and (b). Yes.

(c) The attention of the Honourable Member is invited to the reply just given by me to part (c) of his question No. 491.

Mr. S. Satyamurti : May I ask whether the Government have any idea of issuing from time to time communiqués on these lines, explaining the position of Indians in various foreign countries, as the public of India are very much concerned with that ?

Sir Girja Shankar Bajpai : My Honourable friend is probably aware of the fact that we publish annual reports of the Agents of the Government of India in South Africa, in Ceylon and in Malaya and in regard to other countries as and when occasion arises important facts become the subject of communiqués by the Government of India.

Mr. S. Satyamurti : Will the Government consider the desirability of publishing, once a quarter or once in six months or at least once a year, a comprehensive pamphlet or communiqué summarising the position of Indians in all those countries—I am asking only with regard to countries inside the British Empire, because my Honourable friend is only concerned with that ?

Sir Girja Shankar Bajpai : My Honourable friend's suggestion comes to this that there might be published annually some sort of comprehensive note stating important events relating to or affecting Indians in different parts of the British Empire. I will consider that suggestion.

RELIEF GIVEN TO THE PEASANTS OF BENGL IN THE FAMINE-RIDDEN AREAS.

503. ***Prof. N. G. Ranga** : Will Government be pleased to state the measures taken including the extension of the salt concessions, reduction of railway freights, by the Governments concerned to relieve the distress of the peasants of Bengal in the famine-ridden areas ?

Sir Girja Shankar Bajpai : I made a statement in this House on the 22nd and 23rd April, 1936, on the subject of distress caused by scarcity in Bengal. That statement has now been brought up to date and is placed on the table of the House.

Statement giving particulars of scarcity conditions in Bengal.

The latest information from Bengal indicates that the distress to which the Honourable Member refers was due to insufficient rainfall in 1935 at the time of transplantation and almost total cessation of rainfall from September, 1935. This led to partial failure, in most of the districts in Western Bengal, of winter paddy, the main crop on which the people in these districts depend. The outturn of sugarcane and other rabi crops was also unsatisfactory.

2. Following a similar partial failure in the previous year the situation became acute in January. Not only the cultivators who had already exhausted their resources, both in cash and kind, and the landless labourers were severely hit by this failure of crops, but other classes who depend largely on rent.

3. Nine of the eleven districts affected with drought suffered the most. Conditions in the remaining two districts have since improved. The worst affected districts were Birbhum, Bankura, Burdwan, Hooghly, Murshidabad, 24 Parganas, Khulna, Nadia and Jessore. In the first named six districts the distress became so acute that scarcity had to be declared under Section 74 of the Bengal Famine Code, 1913, at the beginning of the current financial year in the whole of the Birbhum district and in parts of other five districts.

4. In order to relieve distress an Additional Commissioner was appointed in January, test works were re-started in February on a very extensive scale in the areas affected by scarcity. Large numbers of labourers attended the test works which consisted of the construction of and repairs to roads, re-excavation of silted up irrigation tanks and erection of and repairs to irrigation bundhs.

5. During the last financial year a sum of Rs. 96,230 was advanced under the Land Improvement Loans Act and a sum of Rs. 8,11,052 distributed as agricultural loans. In addition to these a sum of Rs. 2,30,424 was sanctioned for test works including Rs. 18,000 for the special scheme organised for the relief of weavers in Bankura. A sum of Rs. 47,262 was given as gratuitous relief from the Trust Funds under the administrative control of the Local Government and a sum of Rs. 24,500 out of the money (Rs. 30,000) received from the Indian People's Famine Trust.

6. During the current financial year the Local Government have allotted up to date a total sum of Rs. 37,65,865, for land improvement and agricultural loans and a sum of Rs. 8,06,040 for test works and gratuitous relief. A sum of Rs. 50,000 has been granted from the Indian People's Famine Trust Fund for the relief of distress in Bengal.

7. The East Indian Railway and the Eastern Bengal Railway have sanctioned concessions in freight for the carriage of foodstuff for free distribution in the affected districts of Western Bengal. No salt concessions have been made as none are feasible in the affected area. Government have received no report of death from starvation or suicide from starvation.

8. The highest number of persons on test works and in receipt of gratuitous relief was 1,78,732 on the 27th May, 1936. All test works have now been closed, but the weekly report for 2nd September, 1936, shows that there are 14,164 people in receipt of gratuitous relief in three districts, viz., 1,049 in Nadia, 4,925 in Murshidabad and 8,190 in Burdwan.

Prof. N. G. Ranga : Is it not a fact that famine conditions continue to prevail in Bengal even now ?

Sir Girja Shankar Bajpai : According to the statement, which I hope my Honourable friend will read, he will find that conditions now have improved and that the present expectation is that the autumn paddy crop is going to be a fairly good one. In the event of that expectation not being realised, the Government of Bengal propose to continue both gratuitous relief and test works.

Mr. K. Ahmed : Is the Honourable Member aware, that during these floods the whole of Bengal was drained with water, and that there is no chance of getting or expecting any crop whatever from the land ?

Sir Girja Shankar Bajpai : I am quite sure that if there has been an unexpected emergency such as that referred to by my Honourable friend and that emergency adversely affects the agricultural situation, the Government of Bengal will take it into account and deal with it.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member aware that in as many as eleven districts in Bengal famine is raging furiously and in several districts famine under the Famine Code has been declared, and that in some of the districts, particularly in the 24 Parganas, the situation is so critical that far from improving it is worsening day by day ?

Sir Girja Shankar Bajpai : Sir, I can merely submit to the House the report which I have received from the Government of Bengal. If my Honourable friend wishes me to pursue the matter as regards the worsening of the situation with the Government of Bengal, I am quite prepared to do it.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member also aware that in some districts of Bengal, owing to the devastating floods the prospects of crops have been completely blighted and the situation is still further deepening from bad to worse ?

Sir Girja Shankar Bajpai : I have already answered that question. I said that any fresh development which affects the agricultural situation is sure to be taken into account by the Government of Bengal.

Pandit Lakshmi Kanta Maitra : May I know if Government are aware that flood also is doing havoc to the crops ?

Sir Girja Shankar Bajpai : That is a recent development. I have read reports to that effect in the press.

Prof. N. G. Ranga : Have Government received any recent reports from the Government of Bengal in regard to the damage caused to the peasants and their crops by floods ?

Sir Girja Shankar Bajpai : The Government of India,—I am speaking from memory,—have recently received an application from the Government of Bengal for the requisite notification to enable the Indian People's Famine Trust Fund bring able to give some assistance to the Government of Bengal, and that relates to the recent floods. But I do not know any details.

Pandit Lakshmi Kanta Maitra : What is the position now after the receipt of this application by the Government of India ?

Sir Girja Shankar Bajpai : The Government of India do not allot any money out of the Indian People's Famine Trust Fund. It is done by the managing committee.

Mr. K. Ahmed : In view of the fact that salt is an essential ingredient required by the cultivators who are famine-stricken, half clothed and unclothed, at this disastrous time, do Government propose to allow reduction or non-payment of the tax with regard to salt ?

Sir Girja Shankar Bajpai : The salt question is not one for consideration at present, but I should like to draw the attention of the House to the fact that my Honourable friend is not what might be called a convincing specimen of famine-stricken Bengal. (Loud Laughter.)

Mr. K. Ahmad : In view of the fact that the Honourable Member is not true to his salt (Laughter), may I.....

Mr. President (The Honourable Sir Abdur Rahim) : Order, order ; next question.

PAUCITY OF DRINKING WATER TAPS AT STREET CORNERS OR ROAD CROSSINGS IN NEW DELHI.

515. ***Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware of the fact that there are few, if any, drinking water taps at any of the street corners or road crossings in New Delhi ?

(b) Are Government prepared to take the necessary steps to erect at suitable places, especially at street crossings, small wooden or cement shelters where plain drinking water or mineral waters and ice could be provided ?

(c) Are Government aware that owing to want of such shelters, vendors of mineral waters and ice have to pitch their stands open to the sun and wind and dust, or possibly under some trees involving considerable risk of infection ?

(d) Are Government prepared, following the example of modern cities, to provide suitable bathing and other facilities at all important road junctions in New Delhi ?

Sir Girja Shankar Bajpai : (a) The Honourable Member is referred to the answer given to his starred question No. 356 on the 13th February, 1936.

(b) and (c). Government have no information. The Honourable Member's suggestion will be brought to the notice of the New Delhi Municipal Committee whom it concerns.

(d) Government are not aware that bathing facilities are provided at all important road junctions in modern cities. The Honourable Member's suggestion will, however, be passed on to the New Delhi Municipal Committee.

IMPORTATION OF VEGETABLE Ghee INTO INDIA.

532. ***Mr. Sri Prakasa :** (a) Are Government aware of large importations of vegetable ghee into India from foreign countries ?

(b) What was the amount of such ghee imported during the financial year of 1935-36 and what, if any, is the rate of custom charged on the same ?

(c) Is it a fact that this ghee looks very much like the genuine ghee manufactured in India and that it is very often passed as such ?

(d) Have Government got this ghee analyzed, and if so, what is the conclusion they have come to regarding its nutritive value as compared with the Indian ghee ?

(e) Are Government prepared to make a rule that such imported vegetable *ghee* must always have a specified colour in order to prevent its being mixed up with ordinary *ghee*?

(f) What is the average rate at which the vegetable *ghee* is sold in the Indian market? And how does that compare with the average price of the Indian *ghee*?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Total imports of vegetable *ghee* and analogous products amounted in 1935-36 to 5,144 hundred-weights. An *ad valorem* import duty of 25 per cent. is at present levied.

(c) Yes. Government understand that the position is as stated by the Honourable Member.

(d) The so-called vegetable *ghee* has been analysed at various times. Government are advised that, unlike pure *ghee*, vegetable *ghee* contains no fat-soluble vitamins and that its food-value is only that of fat.

(e) I would invite attention to the reply given by me to parts (a) and (c) of Mr. Sham Lal's question No. 149 on the 12th February, 1935.

(f) A statement containing such information as is available is laid on the table.

Statement.

I. Wholesale prices of *ghee* at the different centres in India during 1935-36.

Centres.	Trade description.	Rate per	Prices.		
			Annual average (1935-36).	April 1936.	May 1936.
			Rs. A. P.	Rs. A. P.	Rs. A. P.
Calcutta ..	Pure quality	Bazar maund	50 5 4	48 0 0	46 0 0
	Ordinary shipment quality.	„	46 1 4	44 0 0	42 0 0
Bombay ..	Deshi	Indian maund	57 6 1	54 4 7	54 4 7
Karachi ..	Average Sind	Maund (82-2/7 lbs.)	43 6 0	46 0 0	41 12 0
Patna ..	„	Maund ..	43 10 0	40 0 0	40 0 0
Bangalore ..	Ordinary quality	26½ lbs. ..	14 13 5 or (46 8 3 per md. of 82-2/7 lbs.)	14 8 0 or (45 7 3 per md. of 82-2/7 lbs.)	14 14 0 or (46 10 1 per md. of 82-2/7 lbs.)
Hyderabad City.	1st quality	Maund = 60 lbs.	45 2 0 or (45 7 0 per md. of 82-2/7 lbs.)	44 0 0 or (45 4 1 per md. of 82-2/7 lbs.)	41 0 0 or (42 2 9 per md. of 82-2/7 lbs.)

II. Price of glass per lb. in Provinces, etc.

No.	Provinces.	In Cities.		In Mofussil Towns.		In Villages.	
		From	To	From	To	From	To
1	Madras ..	Rs. A. P. 0 12 0	Rs. A. P. 1 0 0	Rs. A. P. 0 12 0	Rs. A. P. 1 0 0	Rs. A. P. ..	Rs. A. P. ..
2	Bombay ..	0 10 8	0 12 10	0 9 7	0 12 2	0 9 1	0 10 8
3	Bengal ..	0 10 0	1 0 0	0 9 0		0 8 0	
4	Punjab ..	0 8 0		0 8 0		0 6 5	
5	United Provinces ..		..	..		..	..
6	Central Provinces ..	..	..	..		..	..
7	Bihar ..	..	..	..		..	..
8	Assam ..		..	0 9 0	0 12 0	0 8 0	0 11 0
9	North West Frontier Province ..	0 9 2		0 8 7	..	0 8 0	
10	Orissa ..		..	..	..	..	..
11	Sind ..		..	..	..	..	..
12	Burns ..		..	..	..	..	..
13	Delhi ..	0 7 10	0 11 8	..	..	..	..
14	Coorg ..	..	..	..	..	..	..
15	Baluchistan ..						
16	Ajmer-Merwara ..	..	..	No figures. 0 8 6		0 10 5	0 15 7

III. Average C. I. F. prices of vegetable products imported into India during 1935-36.

Country of origin.	Annual average C. I. F. prices (1935-36).	Amount of duty.	Average C. I. F. price, in 1935-36.	Average cum-duty price, in 1935-36.	C. I. F. Prices.				C. I. F. cum-duty prices per md. of 82.2/7 lbs.			
					April 1936.	May 1936.	June 1936.	July 1936.	April 1936.	May 1936.	June 1936.	July 1936.
Calcutta		Rs. A. P. 33 6 0 per cwt.	Rs. A. P. 7 7 0 per cwt.	Rs. A. P. 40 13 0 per cwt.	Rs. A. P. 29 15 9	Rs. A. P. 47 6 0 per cwt.	Rs. A. P. 47 8 0 per cwt.	Rs. A. P.	Rs. A. P. 40 4 4	Rs. A. P. 40 4 4	Rs. A. P. 40 5 10	Rs. A. P.
Madras		34 8 7 3 per cwt.	7 7 0 per cwt.	41 15 3 per cwt.	30 13 2	36 0 0 per cwt.	38 0 0 per cwt.	..	31 14 7	33 6 1	27 3 8	
Bombay		25 3 8 per 80 lbs.	5 5 0 per 80 lbs.	30 8 8 per 80 lbs.	31 6 8	25 3 0, per 80 lbs.	25 3 0 per 80 lbs.	25 3 0 per 80 lbs.	31 5 11	31 5 11	31 5 11	31 5 11

IV. Retail price of vegetable ghee in Simla.

Ranaghat ghee (best quality) Rs. 30 to Rs. 40 per md.

Pandit Lakshmi Kanta Maitra : Is it not a fact that some species of this imported vegetable *ghee* are injurious to health ?

Sir Girja Shankar Bajpai : That is not so, because I have had results of analysis from provincial laboratories and they say there is nothing deleterious in it.

Prof. N. G. Ranga : Are these imports increasing ?

Sir Girja Shankar Bajpai : No, Sir ; on the contrary they have considerably gone down. In 1931-32, for example, the import figures were 116,942 cwt. as against 5,144 which are the figures for 1935-36.

Mr. K. Ahmed : In view of the fact that this kind of imitation of real *ghee* has fomented litigation and increased the number of prosecutions unnecessarily and the public have squandered money over cheating charges under section 420, I. P. C., do Government propose, for the benefit of the country, to take sufficient steps to protect the people, so that this imitation *ghee* may not be sold as genuine stuff ?

Sir Girja Shankar Bajpai : As far as I can make out, my Honourable friend's suggestion is that the penal clauses of the Food Adulteration Act should be suspended. The result of that will be that more rather than less false *ghee* will be sold in the markets.

Pandit Lakshmi Kanta Maitra : May I know whether Government propose to encourage imports of this stuff from foreign countries ?

Sir Girja Shankar Bajpai : No, Sir ; there is no question of Government encouraging imports of this stuff from foreign countries. I have quoted figures to show that the imports have been substantially reduced.

Pandit Lakshmi Kanta Maitra : But in view of the fact that it is not quite a good substitute for the ordinary pure *ghee*, do Government propose to stop it by discouraging the imports of this stuff ?

Sir Girja Shankar Bajpai : I do not really think that that problem arises. For example, has my Honourable friend considered the proportions. I had the matter looked up and I find that the internal production of pure *ghee* is as much as in the neighbourhood of one million tons as against the imports of artificial *ghee* into this country, according to the 1935-36 statistics, of 5,144 cwt. I do not think myself that the proportion would justify our considering the problem as a serious problem at all.

Mr. K. Ahmed : In view of the fact that my Honourable friend has admitted himself that there are *ghees* of the kind imported into India which brings a lot of trouble to the people and adds to the miseries of the poor and which is really against public policy, do Government propose to take proper steps to put a stop to the import of this kind of *ghee* altogether ?

Sir Girja Shankar Bajpai : I have not admitted that there are large imports and I have not admitted that they add, as my Honourable friend said, to the miseries of the people.

Mr. K. Ahmed : I did not say either that it is a large import but let it be even a small import. It is an evil which should be eradicated as early as possible for the benefit of the country.

Sir Girja Shankar Bajpai : Sir, as my Honourable friend seems to suffer from momentary attacks of amnesia, it is impossible for me to help him. (Laughter.)

ABSENCE OF STORM WATER AND SULLAGE DRAINS IN KAROL BAGH, DELHI.

533. *Mr. M. Asaf Ali : Has Government's attention been drawn to various representations made by the residents of Karol Bagh, Delhi, who live on Government's Estate, during the last six months, and particularly their grievances about the serious inconvenience caused during the rainy season owing to the total absence of storm-water and sullage drains? If so, what steps, beyond granting money for the development of the area and calling for schemes of development, have Government taken to redress the grievances of their tenants demanding immediate attention?

Sir Girja Shankar Bajpai : The Honourable Member is referred to the reply given to his starred question No. 358 of the current Session.

HIGH PROPORTION OF THE NUMBER OF MEDICAL OFFICERS OF THE BRITISH ARMY IN INDIA AND THE INDIAN ARMY.

536. *Mr. M. Asaf Ali : (a) Will Government be pleased to state if it is a fact that, as compared with similar arrangements in Great Britain, the Dominions, and other European countries, like Germany, France, Russia, and Italy, which maintain large standing armies, the number of medical officers of the British Army in India and the Indian Army is proportionately high?

(b) Will Government please lay on the table a comparative statement showing the number of medical officers to every thousand of the armies of the various countries enumerated in part (a) and further state the reasons for the excessive number of medical officers in the armies in India?

Mr. G. R. F. Tottenham : (a) and (b). In Great Britain there are approximately four medical officers to every thousand troops. In India there are only about 2½. Government have no information regarding the other countries mentioned by the Honourable Member. Its collection would involve an expenditure of time and labour which would be incommensurate with the value of the results, especially as the comparison with Great Britain that I have just mentioned tends to show that the number of medical officers in the Army in India is not excessive.

Mr. K. Ahmed : In view of the fact that in India, not only the military people, but the people in general, including Honourable Members of this Assembly, do get more attacks of diseases, India being a warm country, is it not proper to appoint a larger number of medical officers for the army in India also?

(No reply.)

BHONSLA SCHOOL OF MILITARY TRAINING.

537. *Mr. M. Asaf Ali : (a) Will Government be pleased to state if the Bhonsla School of Military Training is a private but Government-aided institution?

(b) If so, are Government prepared to recognise the cadets trained in this school, and admit them to the Indian Army on the same conditions as cadets of the Dehra Dun School ?

(c) Are Government prepared to recognise and aid other private military training institutions started in other parts of the country, exactly on the lines of the Bhonsla Military Training School ?

Mr. G. R. F. Tottenham : (a) So far as I know the school is not yet in existence, but it is to be a private institution and will receive no financial aid from Government.

(b) The Honourable Member is presumably referring to the Prince of Wales' Royal Indian Military College ; boys from this school compete with other candidates for the Indian Military Academy on equal terms and receive no special consideration from Government. Boys from the Bhonsla School will be in the same position.

(c) The question is to some extent hypothetical, but I may say that Government would welcome any effort on the part of private persons to provide the right kind of education for those who wish to take up the Army as a career.

Mr. T. S. Avinashilingam Chettiar : May I know why Government say that they will not get any grant from the Government ? Has it been considered by the Government and decided ?

Mr. G. R. F. Tottenham : I do not think they have asked for it.

Mr. T. S. Avinashilingam Chettiar : Is it because they have not asked for it or is it because Government have decided in advance that they would not give any grant if one was asked ?

Mr. G. R. F. Tottenham : Why should we decide in advance ? The school has not asked for financial assistance from us and we have not made any decision on the subject.

Mr. N. V. Gadgil : May I know if any application was received from the Shivaji Military School, Poona, for any similar recognition and grant ?

Mr. G. R. F. Tottenham : Not, as far as I know.

Mr. N. V. Gadgil : Will Government consider the matter if such an application is presented by the authorities of the Shivaji Military School, Poona ?

Mr. G. R. F. Tottenham : If an application is received, it will be considered on its merits.

Mr. M. Asaf Ali : Are there any rules in existence which govern the question of grant-in-aid to such training schools ?

Mr. G. R. F. Tottenham : There are no rules.

Mr. M. Asaf Ali : Do Government propose to make any rules about it ?

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

Mr. Lalchand Navalrai : May I know if Government are ready to give grants to other training schools if they ask for it ?

Mr. G. R. F. Tottenham : That is a hypothetical question.

Mr. President (The Honourable Sir Abdur Rahim) : It is a hypothetical question.

Mr. Lalchand Navalrai : In view of the fact that Government are prepared to give help as the Honourable Member said, will they help in respect of funds ?

Mr. G. R. F. Tottenham : That is exactly the same question in another form : it is a hypothetical question which has not yet arisen.

APPLICATIONS FOR THE GRANT OF EXPORT QUOTAS OF TEA BY THE TAWNPENG AND OTHER STATES.

538. ***Dr. Thein Maung** : In continuation of the answer to starred question No. 1115 of the 11th March, 1936, will Government be pleased to state when a decision is to be expected with regard to the applications for the grant of export quotas of tea by the Tawnpeng and other States ?

The Honourable Sir Muhammad Zafrullah Khan : The Indian Tea Control Act does not apply to the Shan States and consequently no export quotas under the Act can be allotted to the tea estates in the Shan States.

Mr. S. Satyamurti : May I know why the Act does not apply to the Shan States ?

The Honourable Sir Muhammad Zafrullah Khan : It was not originally extended to the Shan States : they were not brought within the operation of the restriction scheme.

Mr. S. Satyamurti : Do they not form part of British India ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot answer the technical question whether constitutionally they do or not.

Mr. S. Satyamurti : Apart from the constitutional position, do Government propose to allow the Shan States to export their tea to foreign countries, from the port of Rangoon ?

The Honourable Sir Muhammad Zafrullah Khan : No tea can be exported from a British Indian port without a licence.

Mr. S. Satyamurti : May I know if the Act has or has not been extended to the Chittagong hill tracts ?

The Honourable Sir Muhammad Zafrullah Khan : I could not answer that without notice.

Mr. S. Satyamurti : May I know whether, in view of the fact that the Shan States produce about 12 million pounds of tea, the Government propose to extend the application of the Act to the Shan States ?

The Honourable Sir Muhammad Zafrullah Khan : The Shan States have never exported any tea at all, and therefore, I do not think there would be any point in extending the Act to the Shan States ; in any case the present control scheme comes to an end at the end of March, 1938 ; and Burma will be separated in April, 1937 ; and it will be a question for the new government of Burma to take up in case it is proposed to extend the control scheme.

Mr. S. Satyamurti : May I know whether this Government will, in the meantime, take steps to amend the Act, so as to make it applicable to the Shan States also ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Prof. N. G. Ranga : Is it permissible for the Shan States to export black and green tea without taking an export licence ?

The Honourable Sir Muhammad Zafrullah Khan : No tea can be exported from a British Indian port without a licence ; but if they have means of exporting it overland, though I have not studied the question, my impression is that they can do so without licence.

Mr. S. Satyamurti : Are Government aware of the losses to the Burmese traders, owing to the refusal of this licence ?

The Honourable Sir Muhammad Zafrullah Khan : No ; the Shan States never exported any tea outside Burma and therefore there is no question of any loss.

INDIANISATION OF THE INDIAN MEDICAL SERVICE.

539. ***Khan Bahadur Nawab Makhdum Murid Hossain Qureshi :** (a) Are Government aware of the fact that according to the scheme of Indianisation of the Indian Medical Service, the number of Indians should be 210, but this at present is only 190 ? If so, are Government taking any steps to recruit 20 Indians so as to bring the ratio according to the aforesaid scheme ?

(b) Are Government aware of the fact that out of 190 Indians, there are only 27 Muslims at present ? If so, do Government propose to take any step so as to bring up the ratio of the Muslims in the Indian Medical Service to the ratio as laid down in the Government of India Notification ?

Mr. G. R. F. Tottenham : (a) There are 207 Indian officers holding permanent commissions in the Indian Medical Service and not 190 as stated by the Honourable Member. There are also 56 Indians with temporary commissions. In fact at present the ratio of Indian to British officers in the service is considerably more than 1 : 2.

(b) There are at present only 27 Muslims in the Indian Medical Service.

There is no Government resolution prescribing percentage of communal representation in the Indian Medical Service, but Government are fully alive to the desirability of recruiting Muslims possessing the necessary qualifications.

PREPARATION OF AN ESTABLISHMENT MANUAL FOR THE RAILWAY DEPARTMENT.

540. ***Mr. Amarendra Nath Chattopadhyaya :** (a) With reference to the reply given in this House to starred question No. 562 on the 26th February, 1935, that an "Establishment Manual" for the Railway Department is under preparation, will Government please state :

(i) when the preparation of this Manual was taken in hand by the Railway Board ;

(ii) whether the same has since been prepared ; if so, when ,

- (iii) whether a sum of Rs. 3,000 was sanctioned for the preparation of the Manual ; if so, when was the amount sanctioned ;
- (iv) the reasons for the inordinate delay in making available to the non-gazetted staff the rules which govern their conditions of service ;
- (v) whether the Manual will be available to the staff either by sale or by free distribution departmentally to all those who may apply for the same ; if not, why not ; and
- (vi) whether the rules which govern the gazetted staff are available on sale at annas two per copy and all amendments are published in the Gazette of India, as well, as are available on sale ?

(b) Will Government please state why the establishment rules which govern the gazetted staff are published in the Gazette of India while those which govern the non-gazetted staff are not published either in the Gazette of India or their own Railway's Gazette ?

(c) What is the number of gazetted and non-gazetted staff on the State-managed Railways for the year ending on the 31st March, 1936 ?

The Honourable Sir Muhammad Zafrullah Khan : (a) (i) and (ii). The compilation of the manual was taken in hand in August, 1934, and is still under preparation.

(iii) I would invite the Honourable Member's attention to item (3) (b) of Annexure I to Demand No. 3-Railways for 1935-36 on page 20 of the Book of Demands for Grants for Railways, a copy of which is in the Library of the House.

(iv) The non-gazetted staff are already aware of their conditions of service, and the manual referred to in part (a) (i) of the question is, more or less, a compilation of the rules already existing.

(v) The manual will be a priced publication and will be available for sale.

(vi) I presume the Honourable Member is referring to the Railway Services (Classification, Control and Appeal) Rules which are on sale at As. 2 per copy. All amendments to these rules are published in the Gazette of India.

(b) So far as the Government of India are aware, rules relating to the terms of service of the non-gazetted staff are usually published in local railway gazettes, but they are addressing the Railways to ascertain the position.

(c) The available information will be found in paragraph 70 on page 56 of Volume I of the Report by the Railway Board on Indian Railways for 1934-35, a copy of which is in the Library of the House.

Mr. Lalchand Navai : With reference to part (i), will Government say whether the preparation of the manual will take a very long time or whether it is ready for issue.

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I am not able to specify the exact date by which it may be ready.

Mr. Lalchand Navarai : Even approximately ? Will it be a year ?

The Honourable Sir Muhammad Zafrullah Khan : I could not say.

PROPAGANDA FOR MUSLIM RELIGION THROUGH THE DELHI BROADCASTING STATION.

541. *Bhai Parma Nand : (a) Is it a fact that the radio programme of Delhi Broadcasting Station as indicated in the official organ of the All-India Radio (*Indian Listener*) is filled mostly with the Muslim speakers.

(b) Are Government aware that quite a good number of these singers and speakers use this occasion for doing propaganda for Muslim religion and in some cases create anti-Hindu feeling, as in the couplet 'hundreds and thousands of *kafirs* were put to sword' ?

(c) Are Government aware that the Hindu papers have written articles protesting against such propaganda by means of Government Broadcasting Stations ?

The Honourable Sir Frank Noyce : (a) No. During the period 1st January to 23rd August, 1936, Muslims constituted only 43 per cent. of the total number of speakers.

(b) The reply to the first part of the question is in the negative. The couplet referred to occurred in a mystic song eulogising the Prophet of Islam in connection with battles fought by him during his lifetime which was broadcast, as Hindu and Christian religious songs also are, from the Delhi Station. I do not myself think that the song referred to could, if read in its context, be regarded as creating anti-Hindu feeling.

(c) I saw the articles referred to in connection with this song and while not agreeing with them have directed that special care should be taken to ensure that no matter likely to injure the feelings of any community shall be broadcast.

Mr. K. Ahmed : Are Government aware that the questioner, Bhai Parma Nand, has neither got any taste for music nor for broadcasting, owing to a weakness in the ear, and that is why he has put this question ?

Mr. President (The Honourable Sir Abdur Rahim) : Order, order : next question.

Sir Cowasji Jehangir : Sir, I rise to a point of order. Is it permissible for an Honourable Member in a supplementary question to make a personal attack against another Honourable Member of this House ?

Mr. President (The Honourable Sir Abdur Rahim) : I said he could not do it, and I stopped him.

PROHIBITION OF MONEY-LENDING BY RAILWAY EMPLOYEES.

542. *Bhai Parma Nand : (a) Is it a fact that under the railway rules money-lending is prohibited by Government servants ?

(b) Is it a fact that in the railway workshops most of the employees are illiterate persons, and who are not expected to be fully aware of the significance of these rules ?

(c) Is it a fact that having regard to the above, some cases of money-lending, even when fully proved in the mechanical workshop, were let off simply with a warning ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I presume the Honourable Member is referring to the North Western Railway. If so, there is a clause in the service agreement of the workshop staff under which an employee engaging himself in the business of money lending or other business either direct or indirect renders himself liable to summary dismissal.

(b) and (c). These are matters of detailed administration within the competence of the Agent, to whom a copy of the question has been sent for information and such action as he may consider necessary.

Prof. N. G. Ranga : May I know, Sir, what steps are being taken by the Government to see that the illiterate and low paid employees in the railway service are made acquainted with some of the most important rules which guide their conduct ?

The Honourable Sir Muhammad Zafrullah Khan : When they sign their service agreements, I suppose they try to find out what is contained in the agreements.

Prof. N. G. Ranga : May I know if a copy of these rules is supplied to each and every one of the employees ?

The Honourable Sir Muhammad Zafrullah Khan : That would not help an illiterate employee, as the Honourable Member himself puts it.

Prof. N. G. Ranga : It is quite possible for an illiterate employee to take a copy of the rules, if he is supplied with one, to a literate person and get some guidance from him, and so will Government consider the advisability of supplying a copy of the rules to each one of the employees ?

The Honourable Sir Muhammad Zafrullah Khan : I said this matter is contained in a clause in the service agreement, and as the Honourable Member himself suggests, a literate person could read out these rules to an illiterate employee before the latter signs the agreement, and therefore no further question arises.

CONCESSIONAL RATES ALLOWED TO RAILWAY SERVANTS FOR THE CARRIAGE OF DEAD BODIES.

543. ***Qazi Muhammad Ahmad Kazmi :** (a) Will Government be pleased to state whether any concessional rates are allowed to railway servants for the carriage of dead bodies of the railway servants and their near relations ? If so, what are those rates ?

(b) If the answer to part (a) be in the negative, have Government considered the advisability of allowing such concessional rates for railway servants ? If not, why not ?

(c) Is it a fact that dead bodies of relations of European railway servants are sometimes carried free on the East Indian Railway, such one

instance being the carriage of a dead body from Luksar to Moradabad about three months ago ?

The Honourable Sir Muhammad Zafrullah Khan : (a) On the Eastern Bengal, East Indian and North Western Railways, free carriage is allowed for the dead bodies of railway employees and members of their families, but not on the Great Indian Peninsula Railway.

(b) Government have had no occasion to consider this question. The matter is one which can be left to the discretion of individual Railway Administrations.

(c) I understand that the dead body of a relative of a European railway servant was carried free from Laksar to Moradabad.

Qazi Muhammad Ahmad Kazmi : Is there any rule on the East Indian Railway to carry dead bodies of railway employees and members of their families free of charge ?

The Honourable Sir Muhammad Zafrullah Khan : I said there was.

Qazi Muhammad Ahmad Kazmi : I suppose there is no discrimination between a Hindu or Muslim or an English man in regard to carrying dead bodies of railway employees free of charge ?

The Honourable Sir Muhammad Zafrullah Khan : I believe not.

RATES OF EDIBLES IN INDIAN REFRESHMENT ROOMS ON THE EAST INDIAN RAILWAY.

544. ***Qazi Muhammad Ahmad Kazmi :** (a) Will Government be pleased to state whether it is a fact that the rates of edibles in Indian Railway refreshment rooms on the East Indian Railway are generally higher, and are especially 33 per cent. higher in the case of meat plates, 50 per cent. in the case of vegetables, 70 per cent. in the case of *dal* and 83 per cent. higher in the case of lemonade drinks, than the rates of similar articles in the North Western Railway refreshment rooms ?

(b) Is it a fact that the rates in European refreshment rooms are almost the same on both of the two Railways ? If not, in what material does the difference lie ?

(c) What are the reasons for the variation in these rates ?

(d) Have Government considered the advisability of making the East Indian Railway authorities bring down the rates of edibles at least to the level of the North Western Railway rates ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The tariffs for refreshment rooms as published in the time tables of the East Indian and North Western Railways, copies of which are in the Library of the House, show differences of the nature referred to, except as regards lemonade, which does not appear in the East Indian Railway's tariff for Indian refreshment rooms.

(b) No; there are differences in the charges for soup, curry and rice and various other articles.

(c) The Honourable Member may have observed that the tariff of charges for Indian refreshment rooms on three Divisions on the East Indian Railway is different from that on three other Divisions on the same

railway. Similarly, the tariff of charges on the North Western Railway for European refreshment rooms worked by the catering contractor is different from that for refreshment rooms worked by *khansamas*. These variations are due to local conditions.

(d) I am communicating the Honourable Member's suggestion to the Agent of the East Indian Railway for consideration.

Qazi Muhammad Ahmad Kazmi : Are the Government aware that local conditions in the same district cannot vary ? While the rates at Laksar station in Saharanpur district are higher, in Saharanpur station itself, which is in the same district, and which is only at a distance of 30 miles from Laksar, the rates are different, and so it is not on account of any variation of local conditions, but on account of the different contractors to whom contracts are given by the different Railways that these rates differ. I want to know if it is a fact or not ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is really arguing the point. Local conditions do not merely mean the difference in prices of commodities in the local market, and even those may differ from town to town ; local conditions also include the amount of custom that is likely to be attracted on any railway station.

Qazi Muhammad Ahmad Kazmi : Both in the bigger stations as well as in the smaller stations the prices are higher than those ruling in the towns ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said there can be differences in various matters with regard to local conditions, and therefore there might be a variation in the rates at the different stations.

Qazi Muhammad Ahmad Kazmi : Will Government take steps to bring down these rates ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, I am sending down the Honourable Member's question to the Agent of the East Indian Railway for his consideration.

Prof. N. G. Ranga : In view of the fact that the rates charged by these refreshment rooms are usually more than 100 per cent. higher than the rates charged just outside the railway stations, will Government consider the advisability of reviewing the general schedule of rates for all articles supplied by refreshment rooms and see that a reduction is made ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I am not prepared to admit as a general principle that the rates charged are one hundred per cent. higher.

Mr. N. V. Gadgil : Is the Honourable Member aware that at Poona, Sholapur and Victoria Terminus the rates charged outside the railway station premises are fifty per cent. less than the rates charged at the station premises ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I have no information, but I am glad to hear that the difference is only 50 per cent. as compared with the 100 per cent. difference suggested by the Honourable Member who put the last question.

Mr. N. V. Gadgil : If the Honourable Member will kindly make inquiries, I am sure he will find it correct.

Qazi Muhammad Ahmad Kazmi : Can the Honourable Member tell me whether these rates are fixed after calling for tenders from contractors or the Railways themselves fix these rates ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that question, but I imagine the rates are fixed by the Railway administration after considering the local conditions that prevail.

Qazi Muhammad Ahmad Kazmi : After considering the local conditions, I suppose the contractors are asked to send in their tenders ?

The Honourable Sir Muhammad Zafrullah Khan : I said I would require notice.

Pandit Lakshmi Kanta Maitra : Is it not a fact, Sir, that similar complaints were addressed to the Honourable Member last year and he said that the matter was engaging the attention of the Central Advisory Council ? We do not know the result yet.

The Honourable Sir Muhammad Zafrullah Khan : The matter is still engaging their attention.

Prof. N. G. Banga : Will the Honourable Member examine this question of rates ?

The Honourable Sir Muhammad Zafrullah Khan : As the last question indicates, the matter is under the consideration of or is about to come under the consideration of the Central Advisory Council.

Pandit Lakshmi Kanta Maitra : I only said that last year similar complaints were addressed to the Honourable Member, and that we were given to understand that the matter had been engaging the attention of the Honourable Member. How long will the matter be under consideration ?

The Honourable Sir Muhammad Zafrullah Khan : I never said that the matter had been engaging my attention. I may have said that it was to come up before the Central Advisory Council.

CONTRACT FOR ICE AND AERATED WATER ON THE EAST INDIAN RAILWAY.

545. ***Qazi Muhammad Ahmad Kazmi :** (a) Will Government be pleased to state whether it is a fact that the contract for ice and aerated water on the East Indian Railway is with one European contractor, who is allowed free carriage to all the stations on the said Railway for the said commodities ?

(b) Is it a fact that the said contractor sells only aerated waters manufactured by 'Carlsbad' and sells lemonade and soda with ice at the rates of two annas nine pies and one anna nine pies per bottle, respectively ?

(c) Is it a fact that all the refreshment rooms on the East Indian Railway are bound to sell the same kind of aerated waters purchased through the said contractor, who gives the said waters with a reduction of three pies per bottle only ?

(d) Are Government aware that these rates for aerated waters are much higher than the ordinary market rates for these commodities and exceed the latter by more than one hundred per cent. ?

(e) Are Government aware that aerated waters of similar quality on the North Western Railway is sold with ice at one anna six pies and one anna three pies per bottle of lemonade and soda, respectively ?

(f) Have Government considered the advisability of bringing down the rates of aerated waters and ice on the East Indian Railway at least to the level of the North Western Railway rates ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes : the contract is for the supply of ice and aerated waters on all trains (except in dining cars) and on the platforms at certain depôt stations. The proprietor of the firm is, however, a Parsee and not a European.

(b) Yes.

(c) No. Contractors of dining cars and refreshment rooms are permitted to sell aerated waters obtained from other manufacturers.

(d) Local market rates vary so considerably in different localities that any comparison of prices and quality is not practicable.

(e) and (f). I am placing on the table a statement comparing the rates on the East Indian Railway with those on the North Western Railway. The question of a reduction in the rates over the East Indian Railway is under consideration by the Administration.

Statement.

<i>On the North Western Railway.</i>				<i>On the East Indian Railway.</i>			
(a) Rate for Aerated Waters on Passenger trains and on platforms.				(a) Rate for Aerated Waters on Passenger trains and on platforms.			
	Rs. A. P.				Rs. A. P.		
Soda Water 12 oz. bottle	0	1	0	Soda Water per 14 oz. Crown Cork bottle.	0	1	6
Sweet Beverages per 10 oz. bottle	0	1	3	Sweet Beverages per 12 oz. Crown Cork bottle.	0	2	6
Extra for Ice	0	0	3	Extra for Ice	0	0	3
(b) Messrs. Spencer & Co.'s Refreshment Rooms and Cars.				(b) Messrs. G. F. Kellner & Co.'s Refreshment Rooms and Cars.			
Soda Water chilled or unchilled. .	0	2	0	Same rates as shown in (a) above.			
Sweet Beverages chilled or unchilled.	0	2	6				

Qazi Muhammad Ahmad Kasmi : May I know if there is any particular reason why the whole contract is given to one man only ?

The Honourable Sir Muhammad Zafrullah Khan : That is a question to be decided by the Railway Administration.

Mr. Sri Prakasa : Are the Government aware that many vendors complain that owing to the very high price fixed for lemonade and soda, they are able to get but little custom in running trains ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of it.

Qazi Muhammad Ahmad Kazmi : If the rates are so high,—and probably the Honourable Member knows they are certainly higher than the ordinary market rates,—does he expect the passengers to purchase soda and lemonade more freely than they would otherwise have done ?

The Honourable Sir Muhammad Zafrullah Khan : If the implication is that there would not be enough custom, that would be an argument in favour of the contractor reducing the prices to get more custom.

Qazi Muhammad Ahmad Kazmi : Passengers have got only a limited source from where to buy soda and lemonade, and it is for the railway authorities to see that the beverages are supplied at sufficiently liberal rates to the passengers.

The Honourable Sir Muhammad Zafrullah Khan : Have I not said that the question is engaging the attention of the E. I. Railway ?

RUNNING OF DINING CARS FOR INDIANS ON THE 17-UP AND 18-DOWN EXPRESSES BETWEEN HOWRAH AND SAHARANPUR.

546. ***Qazi Muhammad Ahmad Kazmi :** (a) Are Government aware that for sometime past East Indian Railway has started running dining cars for Indians on the 17-Up and 18-Down Howrah to Saharanpur trains ?

(b) Are Government aware that these cars do not observe the customary distinction of preparing food separately for Hindus and Muslims ?

(c) Are Government aware that this abolition of distinction is very much resented to by the travelling public, and for this reason they do not supply the needs of the largest class of travelling public ?

(d) Have Government considered the advisability of pressing upon the East Indian Railway authorities to make separate arrangements for Hindus and Muslims in these restaurant cars ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a). and (b). Yes.

(c) I understand the Administration have received complaints on this point.

(d) The Agent states that the matter is under consideration and will be discussed at the next meeting of his Advisory Committee.

SHORT NOTICE QUESTION AND ANSWER.

CIRCULAR ISSUED BY THE INSPECTOR GENERAL OF POLICE, PUNJAB, TO REGULATE THE NUMBER OF PASSENGERS IN MOTOR BUSES.

Mr. Sham Lal : (a) Have Government issued any direction to the Inspectors General of Police of Provinces to regulate the number of passengers in motor buses ?
12 Noon.

(b) If so, have these directions been issued in pursuance of the policy underlying the Motor Vehicles Bill ?

(c) Will Government be pleased to state if it is a fact that the Inspector General of Police, Punjab, has recently issued a circular that no licence should be given to a bus to carry more than 25 passengers ?

(d) Has this circular been issued in accordance with the directions of the Government of India ?

(e) Will Government state the law under which the Inspector General of Police has issued the circular ?

(f) Is it a fact that there is a great resentment among the bus drivers over this circular, and they are being put to heavy losses from day to day ?

(g) What steps, if any, do Government propose to take to remedy the grievances of bus drivers ?

(h) Are Government prepared to issue a direction to the Provinces that no restriction contemplated by the Motor Vehicles Bill should be imposed until the Bill becomes law ?

The Honourable Sir Frank Noyce : (a) No.

(b) Does not arise.

(c) to (f). The Government of India have no information.

(g) The matter is entirely one for the Provincial Government.

(h) No.

Mr. Sham Lal : Will Government of India make enquiries whether such a circular has been issued by the Inspector General of Police, Punjab ?

The Honourable Sir Frank Noyce : As I have said, the matter is entirely one for the Provincial Government and I do not see what would be gained by the Government of India calling for information on the subject.

Mr. Sham Lal : If the restrictions contemplated by the Indian Motor Vehicles Bill could be imposed by the Inspector General of Police, where is the necessity of introducing an Indian Motor Vehicles Bill at all ?

The Honourable Sir Frank Noyce : The Local Government have certain powers under the existing Motor Vehicles Act and I presume that restrictions, if any, have been imposed under those powers.

Mr. S. Satyamurti : Are Government aware that policemen themselves very often contribute to overcrowding in buses ? (Laughter.)

Prof. N. G. Ranga : And Police Sub-Inspectors also.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

MOTION FOR ADJOURNMENT.

NON-REPRESENTATION OF ABYSSINIAN DELEGATES IN THE MEETING OF THE LEAGUE OF NATIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Pandit Krishna Kant Malaviya to the following effect:

"That the House do adjourn to consider a definite matter of urgent public importance, viz., that it has been practically decided (or is likely to be decided) that Abyssinian delegates should have no place or representation in the meeting of the League of Nations and that Italy shall be allowed to join the League of Nations."

First of all, I should like to know from the Honourable Member how he makes it a definite matter of urgent public importance. Apparently he has no information whether a decision has been arrived at. He says, "or is likely to be decided". I do not know what information is before him. I may point out that there are rulings to the effect that upon such material there should be no motion for adjournment. Has the Honourable Member anything to say about it? That is my first difficulty.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): So far as the question whether it has been practically decided or not that Abyssinian delegates should not be allowed to represent Abyssinia in the League of Nations is concerned, I want to read to you some of the telegrams which have appeared in the newspapers yesterday, the day before yesterday and today and that will decide the question whether they will be prevented from attending the meeting of the League of Nations or not. In the *Hindustan Times* there is a Reuter's telegram to the effect:

"An anomalous position is likely to arise in the League Assembly on Monday owing to the fact that the Negus has decided to send a delegate. It is generally believed that the Credential Committee will refuse recognition of the Ethiopian delegates. The status of the Negus will almost certainly be questioned and his existence in any form independent of the Italian claim to represent Ethiopia will be ignored."

Mr. President (The Honourable Sir Abdur Rahim): I understand that a Committee has been set up.

Pandit Krishna Kant Malaviya: Yes.

Mr. President (The Honourable Sir Abdur Rahim): That Committee will decide.

Pandit Krishna Kant Malaviya: The telegram says:

"It is generally believed that the Credential Committee will refuse recognition of the Ethiopian delegates."

After that, in the newspaper, dated the 20th September, 1936, we find:

".....Mussolini made it a condition of Italy's participation in the work of the present assembly that no Abyssinian delegation should be present and reported that he had told Signor Mussolini that this was a question to be decided by the Credential Committee of the Assembly. The Council held no discussion on this point."

It is understood that the Credential Committee will find that the Ethiopian Government does not fulfil the conditions laid down in the Covenant and there is little doubt that majority of the Assembly will endorse the recommendation, thus clearing the path for readmission of Italy."

(At this stage, Prof. N. G. Ranga interrupted with a remark which was not heard at the Reporters' table.)

Mr. President (The Honourable Sir Abdur Rahim) : Let the Honourable Member hear what the Honourable Member (Pandit K. K. Malaviya) is saying, instead of interrupting him.

Pandit Krishna Kant Malaviya : In today's issue, we find the following telegram :

"The eleventh hour hitch over Abyssinia's demand for representation is likely to prevent the opening of the League Assembly at 10-30 to-morrow morning.

The difficulty has arisen owing to the disinclination of the members to take responsibility of serving on the Credential Committee which was expected to reject Abyssinia's claim to be represented in the Assembly. The feeling of some delegates is that....."

Mr. President (The Honourable Sir Abdur Rahim) : I want to know whether any decision has been arrived at. Only a Committee has been set up.

Pandit Krishna Kant Malaviya : From the telegrams we know that a decision has been practically arrived at and therefore the Abyssinian delegates are anxious to force their way into the meeting of the Assembly.

Mr. President (The Honourable Sir Abdur Rahim) : Next I should like to know how the matter is of public importance to India.

Pandit Krishna Kant Malaviya : It is a matter of public importance to India. Firstly, we are an original member of the League of Nations. We as Indians have a voice. We want to voice our feelings that the aggressor Italy should not be allowed to rejoin the League and that the claim of the Abyssinian delegates to represent Abyssinia should be recognised by the members of the League. So long as we are a member of the League we want to place our views before the League. Again, Abyssinia itself is a member of the League.

Mr. President (The Honourable Sir Abdur Rahim) : I have no doubt, according to the practice of this House and the rulings of the Chair, that this is not a definite matter of urgent public importance within the meaning of the Rules and Standing Orders. I would refer only to two rulings on the point. One is reported at Volume III, Part VI, page 4183 of the Legislative Assembly Debates, 1923. There the motion was :

"to call attention to a matter of urgent public importance, namely, the recent announcement that the Duke of Devonshire is going to disclose in the House of Commons, before the middle of July, a settlement of the Kenya question."

The Chair ruled :

"I am afraid I must rule that an announcement which is going to be made cannot be a matter of recent occurrence, and, therefore, the Honourable Member's request is not in order."

The other is reported at page 37 of Volume V of the Legislative Assembly Debates, 1933. The Chair asked :

"Does the Chair understand him (the Honourable Member who wanted to move the adjournment motion) to say that he has got definite information in his possession that the Government of India have taken a decision that with regard to the recruitment of services the principles laid down in his Resolution now should be adopted in future ?"

The Member replied : " That is my information ". But the Leader of the House said : " The Government have taken no decision in regard to that matter ". Whereupon, as no definite information was available, the motion was withdrawn.

For these reasons I rule the present motion as out of order.

THE HINDU MARRIAGE VALIDITY BILL. ad'l

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order No. 78, I have to report that 87 petitions, as per statement laid on the table, have been received relating to the Bill to validate marriages between different castes of Hindus, which was introduced in the Legislative Assembly on the 26th September, 1935, by Dr. Bhagavan Das.

Petitions relating to the Bill to validate marriages between different castes of Hindus which was introduced in the Legislative Assembly on the 26th September, 1935.

Number of Signatories.	District or Town.	Province.
268	Darbhanga.	Bihar.
388	do.	do.
423	do.	do.
172	do.	do.
120	do.	do.
219	do.	do.
41	do.	do.
30	do.	do.
21	do.	do.
91	do.	do.
100	do.	do.
128	do.	do.
205	do.	do.
180	do.	do.
145	do.	do.
87	do.	do.
144	do.	do.
177	do.	do.
163	do.	do.
139	do.	do.
166	do.	do.
144	do.	do.
287	do.	do.
61	do.	do.
87	do.	do.
112	do.	do.
210	do.	do.
55	do.	do.
56	do.	do.
71	do.	do.

Number of Signatories.	District or Town.	Province.
108	Darbhanga.	Bihar.
64	do.	do.
80	do.	do.
104	do.	do.
99	do.	do.
46	do.	do.
56	do.	do.
48	do.	do.
61	do.	do.
75	do.	do.
40	do.	do.
44	do.	do.
35	do.	do.
53	do.	do.
43	do.	do.
59	do.	do.
25	do.	do.
55	do.	do.
58	do.	do.
57	do.	do.
106	do.	do.
81	do.	do.
26	do.	do.
23	do.	do.
51	do.	do.
20	do.	do.
31	do.	do.
18	do.	do.
45	do.	do.
75	do.	do.
49	do.	do.
50	do.	do.
100	do.	do.
111	do.	do.
100	do.	do.
47	do.	do.
47	do.	do.
21	do.	do.
22	do.	do.
35	do.	do.
42	do.	do.
35	do.	do.
27	do.	do.

Number of Signatories.	District or Town.	Province.
30	Darbhanga:	Bihar.
9	do.	do.
70	do.	do.
45	do.	do.
49	do.	do.
55	do.	do.
46	do.	do.
47	do.	do.
49	do.	do.
67	do.	do.
51	do.	do.
34	do.	do.
28	do.	do.
37	do.	do.
Total	7,509	

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order No. 78, I have to report that four petitions, as per statement laid on the table, have been received relating to the Bill to amend the Child Marriage Restraint Act, 1929, which was introduced in the Legislative Assembly on the 26th September, 1935, by Mr. B. Das.

Petitions relating to the Bill to amend the Child Marriage Restraint Act, 1929, which was introduced in the Legislative Assembly on the 26th September, 1935.

Number of Signatories.	District or Town.	Province.
1,273	Burdwan, Dacca, etc.	Bengal.
715	Howrah, Hooghly, etc.	do.
773	do.	do.
642	do.	do.
Total	3,403	

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 167.)

Sardar Sant Singh (West Punjab : Sikh) : Sir, I beg to move :

“That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 167), be continued.”

Honourable Members will please note that four identical motions stand in my name with respect to the amendment of various sections of the Criminal Procedure Code. I want the leave of the House with respect

[Sardar Sant Singh.]

to all, and I should like to make only one submission with respect to all of them. I will formally move each of them in turn. The position is that I gave notice of these Bills at the commencement of the present Assembly, and I introduced these Bills in accordance with the procedure prescribed in the Standing Orders.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : You must thank your stars that I was not here.

Sardar Sant Singh : Many people will be glad if you are not here even now. These Bills lapsed under Standing Order 4. If you will kindly turn to page 101, Appendix III, you will see that the proviso to (2) reads thus :

“ Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Assembly, on a motion by that member in the next session, makes a special order for the continuance of the Bill.”

Honourable Members of this House will remember that during the last Session at Delhi, I had given notice of a motion for the circulation of these Bills for the purpose of eliciting public opinion thereon. But the persuasive tongue of my Honourable friend, Dr. Deshmukh, joined with the zeal of my friend, Rao Bahadur M. C. Rajah, and the Rishi-like appearance of Dr. Bhagavan Das was sufficient to induce me not to make that motion for circulation, in order to make room for social reform and in order the movers of these Bills may get an opportunity for their Bills to send them for circulation for eliciting public opinion thereon. I yielded to the demand of my friends and I did not make my motions till I discovered later on that under this proviso my Bills have lapsed. Now, I want the special permission of this Honourable House to continue my Bills. I have nursed these Bills from 1931 and it will be very hard on me if they lapse for no fault of mine, but rather to my yielding to the persuasion of my friends in this House. Therefore, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 167), be continued.”

Mr. K. Ahmed : I oppose the introduction of this Bill at this stage. I oppose also the three other Bills sought to be introduced. It is contrary not only to human character, but it is an insult to the Code, called the Criminal Procedure Code, which was passed originally in the year 1898 and amended in the year 1923. We never thought of the grounds that have been stated in the Objects and Reasons in the Bill which the Honourable Member pretended to introduce in the last Session. He should thank his stars that I was not here. My Honourable friends, Dr. Deshmukh and two other gentlemen, gave him some advice. In 1923, we amended the Code of Criminal Procedure when men and great jurists like the late Mr. Justice Seshagiri Ayyar and Sir P. S. Sivaswami Aiyer were in the House and also Sir Hari Singh Gour, the author of the Code. I find from the Statement of Objects and Reasons....

Sardar Sant Singh : On a point of order. Is the Honourable Member in order in referring to the provisions of the Bill, while discussing a motion which has nothing to do with the merits of the Bill?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is stating his reasons as to why he objects to the introduction of the Bill.

Mr. K. Ahmed : In the Statement of Objects and Reasons, it is stated that in the interests of justice the accused should have a right to be heard before he is remanded. Now, take the case where a person is brought to a police station, and the officer in charge of the police station got some proof, *primâ facie* proof, that this man has committed a certain offence, for instance, of killing a man or committing a theft when he was caught red handed. If the offence was committed in Calcutta and he was arrested there and if he were to be produced in Delhi, that would certainly require more than 24 hours. Even under the Police Act, you cannot keep a man for more than 24 hours in the lock-up. Does it show proper sense on the part of my Honourable friend that he should come to the rescue of a man who has committed such an offence ? Even if I get Rs. 1,000 a day, I would not, against my conscience, undertake such a duty. I, therefore, join hands with my friends, Dr. Deshmukh and the other friends who took objection to the introduction of this Bill, and somebody advised him not to bring in such a Bill because it is not a proper one. Then, my friend says in the Statement of Objects and Reasons something. Well, he is putting the horse behind the cart,—that is how he has done it, and as a lawyer : he says that English jurisprudence is such that according to its interpretation a man *ipso facto* is supposed to be innocent until his guilt is proved. Well, the *primâ facie* proof is there what the police has already got and grounds stated for extension of time for further remand. Sir, I oppose the motion. (Ironical Cheers.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I rise to support this motion. I think the objection raised was an absolutely futile one, coming as it did especially from the Honourable Member who I believe belongs to the Democratic Party—as I am told. (An Honourable Member : “Dramatic Party”)—(Laughter.) Yes, “Dramatic Party”, I think he may properly be said to belong to the “Dramatic Party”.

Mr. K. Ahmed : Better than the Nationalist Party—if that is your nationhood !

Mr. Lalchand Navalrai : Sir, I do not see that there is any substantial objection to the Bill being continued. These were Bills that were actually introduced into this House at one time and it was only by negligence, culpable negligence that they lapsed. It was only because, as the Honourable Member explained, he was generous enough to realise that certain Bills which were also private Bill should be given preference that he gave way, although he subsequently realised that his Bills on that account lapsed. Now, I cannot understand for a moment why the power that is given to the House for continuing them should not now be made use of ; and it must be realised by the House that these non-official Bills are generally very difficult to get through the Legislature : and if on certain technical grounds objections are raised for not continuing them, then I think no non-official Bill can ever be passed. Sir, these are very important Bills concerning criminal procedure and an attempt is being made to give certain conveniences to the people and to remove certain

[Mr. Lalchand Navalrai.]

defects which are troubling the people and inconveniencing them. Now with that object these Bills have been introduced and, as I said, they lapsed only on the ground that my Honourable friend gave way in order to afford convenience for other Bills being taken up. Standing Order 4 at page 101 of the Manual says that :

".....if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Assembly, on a motion by that member in the next session, makes a special order for the continuance of the Bill."

Now, this has been complied with. The Honourable Member has come forward and is now asking for your permission. Sir, there have been many such instances and it is not a singular case, where Bills have been continued like that and I cannot see any substantial reason why this Bill should not be continued.

Mr. N. M. Joshi (Nominated Non-Official) : There is no opposition.

Mr. Lalchand Navalrai : If there is no opposition generally and if the opposition was only from the Honourable Member, Mr. K. Ahmed, I trust that the House will, without any hesitation, allow these Bills to be continued.

Several Honourable Members : The question may now be put.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Sir, I do not look at the suggestion of my Honourable friend, Sardar Sant Singh, from any legal point of view. I leave all that to the vast erudition of my colleague in the Assembly who spoke a little while ago. I may inform him that it was not because of any objections on our part, but it was because of obligation (Hear, hear) on the part of my Honourable friend (Hear, hear) and that, really speaking, we were obliged by my Honourable friend, Sardar Sant Singh. Besides, I want to bring it to the notice of this House that it was very graceful of him to have paved the way for the social legislation, because, but for the help of the Leader of the House and of his colleagues, and, at the same time, but for the courtesy of Sardar Sant Singh that social legislation that might now come before this Assembly would not have been possible. Not only that, but it would not have been possible to bring to the notice of the Government what change in the public opinion has taken place, and that it certainly would not have been possible for the progressive element in this country both to bring to the notice of the Government as well as of the public the vast change that has taken place in the social consciousness of the people, and, therefore, my Honourable friend, Sardar Sant Singh, deserves the thanks of all of us. (Hear, hear.) I say that, in fairness—because it was with the sanction of this House that that Bill was postponed to the Simla Session—this House should now give permission to Sardar Sant Singh to continue his Bill. (Loud Applause.)

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 167), be continued."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.
(AMENDMENT OF SECTION 103.)

Sardar Sant Singh (West Punjab : Sikh) : Sir, I move :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 103), be continued."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 103), be continued."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.
(AMENDMENT OF SECTION 205.)

Sardar Sant Singh (West Punjab : Sikh) : Sir, I move :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 205), be continued."

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 205), be continued."

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I oppose the motion, and my grounds of opposition are these. My friend proposes that in sub-section (1) of section 205 of the Code of Criminal Procedure, for the words "Whenever a Magistrate issues a summons, he may", the words "A Magistrate may" should be substituted, and, in the Statement of Objects and Reasons, my friend says :

"The Courts had to circumvent these provisions by adopting the procedure of first cancelling the warrants and then ordering the issue of the summons in order to make the section cover the case."

Now, Sir, there are three stages. The first stage is when the question of issuing a warrant arises and when the stage of issuing a summons arises, and all these stages come one by one. This has been defined in section 204. Section 204 says :

"If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding, and the case appears to be one in which, according to the fourth column of the second schedule, a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which, according to that column a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has not jurisdiction himself) some other Magistrate having jurisdiction."

Now, Sir, section 205 suggests the issuing of summons and sub-clause (2) of this section relates to the inquiry stage. With regard to the issue of summons to the witnesses it is absolutely necessary.....

Mr. Sham Lal (Ambala Division : Non-Muhammadian) : Not to the witnesses but to the accused.

Mr. K. Ahmed : Yes, whatever it is and whenever it is necessary. Now, Sir, the man for whom summons have been issued may be exempted from personal appearance. He will at once say that I am a son of a Maharaja or a nephew of a Maharaja over there. Therefore, he may be exempted. Then, the Magistrate says that he has to make an inquiry for trying the case. Do you think any son of a Raja or a Raja Bahadur behind me will be arrested and put under lock and chain or handcuffed and dragged to the Patna district in Bihar or Mymensingh district in Bengal ? Therefore, I say that the change proposed is not desirable. The wording of the present section is quite accurate, because this section was drafted by great jurists. It was amended in 1923, 13 years ago, when we had in this Assembly men, like Mr. Justice Seshagiri Ayyar, Sir Siwaswamy Iyer and Sir Hari Singh Gour.

Mr. N. M. Joshi (Nominated Non-Official) : I rise to a point of order, Sir. May I ask your ruling whether this discussion, which no doubt is very interesting, is relevant to the point which has been raised by my Honourable friend ?

Mr. President (The Honourable Sir Abdur Rahim) : I have already given my ruling that the motion being that the Bill be continued, any Honourable Member is entitled to take objection on the merits of the question.

Mr. K. Ahmed : I am thankful to you, Sir. The representative of the labour does not understand what the law is. Section 205 of the Criminal Procedure Code says : "Whenever a Magistrate issues a summons....." My friend says in his Bill that he wants "he may", only instead of "Whenever a Magistrate issues a summons". He would not put the word "Whenever". My friend over there, who is very fond of grammar, probably like my Honourable friend, Mr. Sri Prakasa, who is also a bit dramatic in his ideas, had said the other day, that the rules of grammar must be followed while he is travelling in the third class compartment. That is what I heard from him last week at the time of interpellations when he said why the Railway Department does not take step to write grammatically correct the caution notice to the passengers in the compartment of the railway carriages.

Mr. President (The Honourable Sir Abdur Rahim) : All these remarks have nothing to do with the Bill.

Mr. K. Ahmed : Yes, Sir, that is exactly the position of my Honourable friend who comes from the Lyallpur district in the Punjab. Sir, he is asking for a thing which is impossible and impracticable.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member has made his point clear.

The question is :

That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 205), be continued."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL,

(AMENDMENT OF SECTION 386.)

Sardar Sant Singh (West Punjab : Sikh) : Sir, I move :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 386), be continued."

I only want to say one word with regard to my Honourable friend, Mr. Kabeer-ud-Din Ahmed. (*Honourable Members* : "Don't say anything about him.") I will meet his objections at the time when these Bills come under discussion, if they are objections at all.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 386), be continued."

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I oppose the continuation of this Bill. I think my friend was allowed in the Delhi Session to continue the further discussion of this Bill in Simla. Now, Sir, my learned friend from Lyallpur probably said that I had no *locus standi* in the matter.

Sardar Sant Singh : I said that I will meet your legal knowledge when the proper time comes.

Mr. K. Ahmed : I am now imparting the legal knowledge to you. (Laughter.) The Home Member, Sir Alexander Muddiman, and the President, Sir Frederick Whyte, have upheld that if there is any opposition in the Assembly to the introduction of a Bill, it can be validly taken. Now, Sir, what section 386 says is this :

"Whenever an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may—

- (a) issue a warrant for the levy of the amount by attachment and sale of any moveable property belonging to the offender ;
- (b) issue a warrant to the Collector of the District authorising him to realise the amount by execution according to civil process against the moveable or immoveable property, or both, of the defaulter :

Provided that, if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless for special reasons to be recorded in writing it considers it necessary to do so."

My Honourable friend wants that the words,

—"unless for special reasons to be recorded in writing it considers it necessary to do so"—

shall be omitted. Honourable Members will remember that the object of punishment is that the guilty person may not repeat the offence again. That is the essence of criminal jurisprudence. Courts have been levying fine and in default a certain term of imprisonment. It has become the fashion in this country since 1921 or 1922 that instead of paying the fine, the guilty persons used to go to jail. This was very common in the case of prisoners convicted of political offences. It was the late Mr. C. R. Das who, during the non-co-operation days, let loose his wife on the streets of Bara Bazaar in Calcutta.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I rise to a point of order. The Honourable Member must withdraw the words he has used just now, with respect to the late Mr. C. R. Das.

Mr. K. Ahmed : What is there to withdraw ? How does it lie in the mouths of my Honourable friends to ask me to withdraw ?

Mr. S. Satyamurti : We will not allow the Honourable Member to proceed, unless he withdraws the words he has used. After all, there is a limit to this buffoonery.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member has used those words, he must withdraw.

Mr. K. Ahmed : I never used those words in the sense the Honourable Member might have thought of.

Mr. S. Satyamurti : We distinctly heard that he used the words "let loose his wife". This will be borne out by the official reporter. The Honourable Member must withdraw those words.

Several Honourable Members : Withdraw, withdraw.

Mr. K. Ahmed : I meant only that he sent his wife to picket in the Bara Bazaar.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must withdraw those words without any explanation.

Mr. K. Ahmed : Well, Sir, I withdraw the words I have used.

Well, Sir, the intention of Government in putting in this provision is that rich people like my friend from Jubbulpore, over there, should not escape the payment of fine by undergoing imprisonment simply, and he knows pretty well what had happened.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not really speaking on the Bill.

Mr. K. Ahmad : I am simply expanding, Sir. (Loud laughter.) If my Honourable friend from Jubbulpore suffers imprisonment in default of payment of fine, the Government have certainly the right to attach his motor car to realise the fine even though he has suffered imprisonment. My Honourable friend, the Mover of this Bill, from Lyallpur, is a new comer to the Assembly after his success in the last election, and with a view to earning some cheap popularity he wants to expunge from the Criminal Procedure Code the words "unless for special reasons to be recorded in writing it considers it necessary to do so", thus showing that the Government have got no power to realise the fine when once imprisonment was undergone. That is all I have to say. I oppose this motion.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 386), be continued."

The motion was adopted.

THE ARYA MARRIAGE VALIDATION BILL.

Dr. N. B. Khare (Nagpur Division : Non-Muhammadan) : Sir, I beg to move :

“ That the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists, as reported by the Select Committee, be taken into consideration.”

Sir, the Arya Samajists are a growing section among the Hindus, who although belonging to that community differ from that community in certain important respects. The first difference is that they do not worship idols. The second difference is that they do not recognize caste by birth as the Sanatanists or the Puranic Hindus recognise. All the same they recognise division of society by occupation or avocation and by qualities, what is called in Shastras, *Varna Vyavastha*. Therefore, among them the strict exclusion in marriage or the performance of marriage strictly according to caste does not obtain. Among the Hindus a Brahmin alone can marry a Brahmin and so on but among the Arya Samajists, since they do not believe in caste by birth but in *Varna Vyavastha*, a person born in the Brahmin caste can marry a person not born in the Brahmin caste or born in any other caste of the Hindus. Therefore it is difficult for this class of Hindus to perform marriages. There are some difficulties and doubts, because the Hindu law as originally promulgated or as administered by British Courts does not recognise that marriages among different castes are valid. Not only that, but marriages among certain sub-castes among the Hindus are also sometimes of doubtful validity. This is a real difficulty for the Arya Samajists that although they believe that inter-caste marriages or marriages between sub-castes of Hindus are not prohibited according to their interpretation of the Shastras, yet by the Hindu law which is current in the land these marriages are either invalid or of doubtful validity. It is therefore necessary that there should be some law to recognise the validity of these marriages. After all society has not yet come down to free love and so long as society has not come down to this free love, there must be some law to regulate and recognise and remove doubts about the validity of marriages. Therefore I have sponsored this Bill to help this large community, this growing and important community of Arya Samajists. And the Arya Samajists themselves also expressed their desire several years ago that there should be some such legislation which will put them on a par with other communities, because the other communities have got certain laws to recognise the validity of their marriages. It was the Arya Samaj community alone who so far had not got any such special law. Several meetings have been held,—it is an old history of about 10 or 15 years,—and the Arya Samajists have always pressed for some kind of legislation to help them. Sir, when a community desires that marriages performed by them under rites as they understand them should be validated, it stands to reason that the legislators of the country should also come forward to help that community. The expediency and the propriety and the necessity of the enactment of such a legislation can never be questioned when a community which wants it desires that there should be such a legislation. I have sponsored this legislation not with any hostile intentions towards any religion or culture. It is simply and purely a measure of social amelioration to help the Arya Samajists.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) :
Are you an Arya Samajist ?

Dr. N. B. Khare : I am not ; I do not care whether I am one or not.
I may be nothing.

Babu Baijnath Bajoria : But what are you ?

Dr. N. B. Khare : I do not know ; I am a human being first and a human being last. As I have said, this is purely a measure of social amelioration and a desirable measure from every point of view, and I believe it is also a non-contentious measure. Therefore, I do not propose to make a long speech because in the first place it is not necessary and in the second place there are other social Bills also which should get a chance and I must not stand in their way. That is only fair.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Will you admit that if a Muhammadan marries a non-Muhammadan, he will be governed by your Bill ?

Dr. N. K. Khare : If both are Arya Samajists, the law will apply to them. A Muhammadan cannot marry under Arya Samajist rites,—that is certain. Sir, there are certain other laws which recognise the validity of marriages among different castes or sub-castes of Hindus, and Arya Samajists can take shelter under those laws. But those laws reduce marriage to a simple contract. The Arya Samajists along with the rest of the Hindus believe that marriage is a sacrament and not merely a social contract and therefore they want that this aspect of the marriage ceremony should be maintained and it should not be reduced merely to a contractual operation. Therefore, Sir, it is very necessary that some such legislation should be enacted and therefore I move that this Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists, as reported by the Select Committee, be taken into consideration.”

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, before my Honourable friend, Mr. Aney, moves the amendment of which he has given notice, I should like to point out that the amendment does not comply with the provisions of Standing Order 46.

Mr. M. S. Aney (Berar Representative) : Sir, I am going to explain that point before I move the amendment. The amendment which I want to move is :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon.”

I know what my Honourable friend, Mr. Gupta, has to say and I think he will allow me to anticipate his objection and answer that also. Probably my Honourable friend wants to raise the objection under Standing Order 46 which says :

“ If notice of a proposed amendment has not been given two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the amendment to be moved.”

That is the Standing Order on which my Honourable friend wants to rely for the purpose of raising his objection. My submission is that so far as this Standing Order 46 is concerned, it relates to those amendments which are moved to the Bill after the motion that the Bill be taken into consideration has been carried. And any Member may propose an amendment to that Bill. When any amendment is proposed to the Bill after the motion that the Bill be taken into consideration has been carried, then that amendment is governed by Standing Order 46 which requires that two clear days' notice must be given, or the President in his discretion may suspend the Standing Order and permit the amendment to be moved. But so far as the amendment which I am moving is concerned, it is of a different nature. It is not an amendment which is coming in after the motion for consideration has been carried, but an amendment to the motion of consideration itself, which is governed by Standing Order 44, sub-section (2) :

" If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or re-circulated for the purpose of obtaining further opinion thereon."

So far as this kind of amendment is concerned, no Standing Order lays down any condition of notice ; and therefore I think that so far as this amendment is concerned, it is not barred by any Standing Order regarding the notice, and I submit, therefore, that I am in order in moving this amendment.

Mr. Ghanshiam Singh Gupta : I have to submit a few words in support of my objection.....

Mr. President (The Honourable Sir Abdur Rahim) : I thought the Honourable Member had already spoken.

Mr. Ghanshiam Singh Gupta : No, Sir, I have not. I have to support my objection to the amendment he sought to move. I was told I was to object after he had moved his motion. My objection is this : Standing Order 46 does apply to this motion also. My friend has quoted Standing Order 44. That also relates to an amendment : it says :

" After the presentation of the final report of a Select Committee on a Bill, the member in charge may move :

(a) that the Bill as reported by the Select Committee be taken into consideration, provided that any member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the report to be taken into consideration ; or

(b) that the Bill as reported by the Select Committee be recommitted, etc., etc., etc.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted or recirculated for the purpose of obtaining further opinion thereon."

Then, we have Standing Order 45, which says :

" When a motion that a Bill be taken into consideration has been carried, any member may propose an amendment of the Bill."

[Mr. Ghansham Singh Gupta.]

Then, Standing Order 46 says :

" If notice of a proposed amendment has not been given two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President in the exercise of his power to suspend this standing order allows the amendment to be moved."

Standing Order 46 does not say amendment to the Bill. Standing Order 45 on which my friend wants to draw this distinction between an amendment to the Bill after the motion for consideration has been carried and an amendment before that stage follows Standing Order 44. I submit, Sir, that this amendment which has now been proposed is also covered by Standing Order 46 : proposed amendment in that Standing Order means an amendment which a member wants to propose, whether by way of circulation or by any other motion. You cannot therefore limit this only to the amendment to provisions of the Bill.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, you will kindly notice the distinction between Standing Order 44 and Standing Orders 45 and 46. Standing Order 44 contemplates a stage at which the House is engaged now : my Honourable friend, Dr. Khare, has moved that the Bill be taken into consideration. Now, the Honourable **Mr. Aney** moved that the Bill be recommitted, or re-circulated for obtaining further opinion. So far as Standing Order 44 is concerned, that stage is complete. Standing Order 45 contemplates a further stage. You will notice the opening words are :

" When a motion that a Bill be taken into consideration has been carried....."

That stage has not yet been reached. It is only after such a motion has been carried, that is after the House resolves to accept the motion of Dr. Khare, and you, Sir, declare it carried, that the Standing Order 46 contemplates the various rules about amendments, the requirements about notice and so on. You will notice, Sir, there is still one other standing order governing amendments—Standing Order 33 which lays down only these four limitations :

- (1) An amendment must be relevant :
- (2) An amendment must not be merely negative :
- (3) An amendment must not be inconsistent with a previous decision :
- (4) The President may refuse to put an amendment if it is frivolous in his opinion.

Subject to this, the only Standing Orders applicable are 44 and 45. This is the stage at which Standing Order 44 (2) alone applies. Standing Order 45, in terms, governs only the stage which will arise after the present motion now before the House ripens into a question, and is put to the House...

Mr. President (The Honourable Sir Abdur Rahim) : Your point is, no question of period of notice arises at this stage ?

Mr. S. Satyamurti : Yes. I am supporting the point of order of **Mr. Aney** that is to say, at this stage when the whole question is before the House, it is open to any Honourable Member, without any notice whatever,

to move this motion. When the whole report is before the House, what the House has got to decide is whether it shall take the report into consideration, or adjourn it pending one of these things—recommittal or recirculation. Whereas, when you reach the stage of Standing Order 45, the stage of actual amendments to each clause comes, and then the words are much more important : naturally the Standing Order then contemplates notice : you cannot compel the House to consider an amendment, the wording of which is not before the House, unless for any special reason you, Sir, see fit to suspend the Standing Order. Therefore it seems to me at this stage when the whole question is before the House, it is perfectly open to move this motion without any previous notice.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I do not think I can add anything to the contentions which have been put forward before you. If I have to express an opinion, I am rather inclined to agree with the last speaker.

Mr. President (The Honourable Sir Abdur Rahim) : I do not think that there has been any ruling on the point whether the period of two clear days which is mentioned in Standing Order 46 applies to a motion for re-circulation of a Bill for the purpose of obtaining further opinion thereon, after a Bill has been before the Select Committee. As far as I know, I do not think there has been any uniform practice in this matter. As at present advised, I am inclined to hold that the limitation or condition that two days' notice must be given does not apply to the motion of which notice has been given by Mr. Aney.

Mr. M. S. Aney : Sir, the motion which I wanted to move has already been read out. My reasons for moving it are briefly these. Honourable Members who have read the first Bill as it was introduced in the House will observe that the Bill, as it has emerged from the Select Committee,.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has not mentioned any date. By what time does he want the opinions to be collected ?

Mr. M. S. Aney : By the 31st December, 1936, or 31st January, 1937, it is all the same. What I was saying was this, that the Bill, as it has emerged from the Select Committee,.....

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member mentioned the date as 31st December. Is that so ?

Mr. M. S. Aney : I said 31st January, 1937.

Mr. President (The Honourable Sir Abdur Rahim) : All right.

Mr. M. S. Aney : I have mentioned the date now by which time I desire that public opinion should be ascertained, and the Bill should come up for consideration before the House again. It might be reasonably objected to on the ground that the Bill has already been circulated once. That is perfectly true, and we have received a mass of opinions....

Mr. Lalchand Navarai (Sind : Non-Muhammadan Rural) : May I know, Sir, if this Bill was circulated or it was the original Bill that was circulated ? This Bill has not been circulated at all.

Mr. M. S. Aney : As a matter of fact, this Bill was not circulated for public opinion at all. I know my friends Dr. Khare and Mr. Gupta have taken this Bill practically as it was once introduced into this House by an *ex-Member* of this House, I mean Mr. Mukhtiar Singh, but even that Bill is not identically the same as the one introduced into this House by my friend, Dr. Khare. That Bill did not contain certain clauses, while this Bill contains certain new clauses, and so the material which was placed before the public for expressing their opinion was entirely different from the material on which Honourable Members are called upon to express their views today. That is my point, and in a measure which intimately concerns the social usages in regard to marriage, it is very necessary that the public should have a chance to have their say, before we as their representatives come to any irrevocable decision in this House. If this Bill is considered and is passed into law, it will be the final word. The people who are most intimately concerned in the matter will naturally complain bitterly that they were never given a chance to have their say on this particular Bill. Secondly, the form in which the Bill has emerged from the Select Committee is, as I have pointed out already, materially different from the form in which it was introduced, and thirdly the issues raised by this Bill are of very great importance. Many people in their enthusiasm for the cause of social reform do not realise whether the particular issue on which they are called upon to give their opinion is likely to have any reactions on other affairs of human life or not. They practically ignore those considerations, and are seen concentrating on the one issue on which they are called upon to decide. I ask this House to say whether it is possible for any Hindu to consider the questions of marriage irrespective of what the effect of it will be on succession and inheritance. In fact, the institution of marriage is the most sacred institution, in my opinion, in every civilized society, and it is the particular form of marriage which you introduce which will have its effect on questions of inheritance and succession. . . .

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member might continue his speech after lunch.

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. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. M. S. Aney : Sir, I was mentioning just before we adjourned for lunch that the question of marriage necessarily raises the co-ordinate questions of inheritance and succession, and that, unless those points are carefully thought out and properly considered, any new form of marriage that we may think of is likely to create more difficulties than to solve them. In order to understand the position of those who have sponsored this Bill, I think that they should have clearly given before the House some very cogent reasons why they want this particular kind of Act when there are other statutes in the Statute-book in which a provision has been made for a thing of this

kind. It is true that under the Hindu law an inter-caste marriage is not a matter which is beyond dispute. Its legality is of a disputable nature, but I have not been able to ascertain from those who ought to know things better that there has really been any case of an inter-caste Arya Samajist marriage which has gone up to the High Court and has been declared invalid. I have made enquiries from my Honourable friends from the Punjab, but nobody has been able to tell me that there has been a case like that. If we look at the case law, however, I have stated that in certain cases, inter-caste marriages have been declared invalid by certain High Courts, while other High Courts have held to the contrary. Therefore, any samaj which does not recognise the caste system will naturally like to have a legal protection of marriages or unions which are brought about between two persons belonging to different castes or sub-castes. To that extent I sympathise with the objects of those who want this Bill, but my difficulty is this. They want a special Act for this. They should have been in a position to explain why the existing statute, the Special Marriage Act, should not suffice to satisfy their requirements. That statute has been amended with a view to solve this question of inter-caste marriages among the Hindus. The amendment made in that Statute in the year 1923 is of a very important nature. That amendment has practically done away with the declaration or oath that was previously made incumbent upon those who wanted to go in for that kind of marriage.

Now, inter-caste marriages can be had under that Act without anybody going before the Court and making a statement to the effect that he does not belong to any religion or that he does not belong to this religion or that religion. The parties have only to go and say, "We want to live together hereafter like husband and wife. Some kind of declaration of this nature is made, but no statement has to be made there by those persons who are to be married with regard to the abjuring or giving away their religious faith. It has been stated that there are certain difficulties which come in the way of Arya Samajists accepting that as a proper form of marriage. They think that the marriage should be in some kind of shastraic form and not be a matter to be declared before a Court for its ratification. A special marriage under the Special Marriage Act, of course, means two persons coming and making a contract before a Court, and saying, we have entered into a contract, and the Court certifying the fact that the contract has been made. From the next day they are to live as husband and wife. That is the position. Our friends, the Arya Samajists, do not like the marriage to assume a purely contractual relation and they want that its sacramental aspect should be retained. Nobody in this House can have a greater respect for the Hindu sacraments than myself. Therefore, if there is any indication anywhere to show respect for Hindu sacraments, I most willingly pay homage to those gentlemen who want that respect for sacrament should be shown. But at the same time, with all these concessions that I am prepared to make in favour of those who sponsor this Bill, there are certain difficulties which I should like to be solved before a measure of this kind is put on the Statute-book. As I have stated at the beginning, if a Hindu who is not an Arya Samajist wants to have an inter-caste marriage, the only course at present open to him is to go before a Court and get himself married

[**MR. M. S. ANEY.**]

under the Special Marriage Act. That, however, imposes upon him certain disabilities, that it must be a monogamous marriage, there are so many other things also, the law of divorce would apply, he would be debarred from adoption according to the Hindu law. These are the disabilities imposed upon that man as soon as he is married under the Special Marriage Act. I have been assured by no less a personality than Dr. Bhagavan Das himself that these things he does not want. He wants that there should be a form of marriage which will permit a marriage of that kind, yet to which these disabilities should not attach. There is one more disability which I want this House to consider seriously, and to which in my opinion no attention has been given up to this time. The reason was that the point had not been brought up before the House when the Bill was moved and no direction on that point was given for the people to express their opinions thereon. In our haste for the sake of rushing through Bills of social legislation we make arrangements between ourselves : no speeches to be made. They do not know what mischiefs may be caused by rushing in such haste. This Bill was not circulated for public opinion, though the old Bill was circulated. But generally we make mutual arrangements and dispense with speeches and give no indication as to the points on which the public should give their opinion. The public do not realise the implications of a measure which may convulse or even destroy the structure of society. Bills come in with one clause ; those monosyllabic Bills which are introduced in this House have got the capacity of galvanising, revolutionising the whole society....

Mr. S. Satyamurti : Like a dynamite.

Mr. M. S. Aney : My Honourable friend, Mr. Satyamurti, has given a very appropriate and apt expression to describe the nature of this Bill ; it may be a little quantity but it can explode the whole structure of society.

Mr. K. Ahmed : A homeopathic dose.

Mr. M. S. Aney : My point is this. When a Bill like that is introduced it is necessary in order that the people may understand what is exactly they are doing, what it is exactly which this Bill is likely to bring about, some direction must be given by those who are responsible for the Bill and also for sending it out. The point on which I have been labouring so far is, how is it likely to affect the course of succession ? I was also a member of the Select Committee, and if I put forward a new point now, my other colleagues on the Committee may hold me guilty of not having given expression to that point then. But I must confess that the point did not occur to me then. I have been thinking over this matter for the last four or five days and certain points have struck me, and particularly my discussions with Mr. Gupta have enabled me to apply my mind most closely to the question, and I find that there are certain aspects of this Bill which will have to be properly threshed out before we as representatives of the people can give our definite opinion that this Bill is required. Suppose my younger brother, who is a Hindu, wants to have an inter-caste marriage, he will have to do it under the Special Marriage Act. Certain disabilities will apply to him. He will no longer be amenable to the customary Hindu law for the purpose of succession. The whole posi-

tion is cleared in the Special Marriage Act itself. Another thing that is cleared is that immediately he goes in for a marriage of that kind, by the very fact of that marriage he is deemed to have severed his connection with the undivided Hindu family of which he was a member up to that time. This is a very important condition because it debars him from being a collateral heir. He becomes a separate unit in himself and he is also amenable to such disadvantages and disabilities as the Removal of Caste Disabilities Act of 1850 imposes upon him. These are the three conditions which are intimately connected with the question of succession. If my younger brother without embracing Arya Samaj enters into a inter-caste marriage his position is like that, but here if he becomes an Arya Samajist, he renounces—I do not mean any disrespect to the followers of Arya Samaj—the Sanatanists pride themselves as followers of a religion which is something sacrosanct and any departure from it, according to them, is falling from that high position—his old religion. That is the way he looks at it. The position that crops up now is this. The man who goes in for this inter-caste marriage will not be able to enjoy certain rights, because he has got to do it under the Special Marriage Act. That is the position created by this Bill.

Mr. N. M. Joshi (Nominated Non-Official) : Then move an amendment.

Mr. M. S. Aney : Then my Honourable friend will get up at that hour and point out that this thing is barred under Standing Order 46. I have no doubt he will do it. If he will not do it, then some other friends will do it. I am pointing out that these are the various points which have got to be looked into. There has been a custom prevailing with regard to marriage for so many years. It has its evils. I am not one of those who think that this caste system should remain permanently undisturbed. It will have to go but you cannot coerce anybody into giving it up. (*An Honourable Member* : "We can persuade you.") This is not the place for persuasion. Legislation is nothing but legal coercion. Personally I am with you but you have got to persuade people outside. That is why I say that the report of the Select Committee be recirculated so as to give an opportunity to those people outside who have been kept entirely in the dark about the nature and the implications of this Bill with regard to succession, inheritance and so on. I am not asking you to persuade **Mr. M. S. Aney** who is sitting with you as your colleague, but I want you to persuade those lakhs of voters whom we have the privilege to represent in this House. Many people may think that I am putting a block in the way of this Bill. Let me tell you that I have been in this House for a number of years from 1924 and I am not given to playing a game of that kind. I have never indulged in this game of obstruction. It has been left to others. It is for this reason that I move my amendment and ask this House to recirculate this Bill. I am entirely in the hands of this House. All I want is that they should give serious consideration to the points I have raised. Sir, I move.

Mr. Deputy President (**Mr. Akhil Chandra Datta**) : Motion moved :

"That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon by the 31st January, 1937."

The original motion as well as this one will be under discussion.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, the Report of the Select Committee was made on the 5th August, 1936 and the last paragraph of that report says : We think that the Bill has not been so altered as to require republication. My Honourable friend, Mr. Aney, was one of the signatories thereto in August, 1936 and he did not think then that it was worth republishing. I do not desire to be dragged into the merits of the Bill at this stage. I think I can make it perfectly clear that in the shape in which it has emerged from the Select Committee the Government will support it. If there are amendments they must be judged on their merits and we shall make up our minds as we go along whether a particular amendment has to be objected to by us or not.

Now, my Honourable friend, Mr. Aney, said that there are difficult questions involved in this Bill and that there is nothing in the Bill as to what will happen, namely, whether the coparcenery will be severed. Other points are also raised by him. May I remind my Honourable friend that as the law now stands, a Hindu coparcener on being converted to Christianity or Muhammadanism severs his connection with the coparcenery. When a Hindu is converted to Arya Samaj, he either does or does not cause severance, but whatever the effect of the conversion may be, it takes place at the time he is converted. There may or may not be marriage, and it is not by reason of the marriage that the severance is taking place.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Marriage is union, not severance.

The Honourable Sir Nripendra Sircar : Yes, sometimes leading to disunion later on. (Laughter.) When the Honourable Member introduced the Bill, I said that I am not insisting on circulation, because, in 1930, a similar Bill had been circulated and very many indeed were the opinions which had been received. Those opinions have now been circulated. What is the difference between that Bill and this Bill, except that in this Bill a provision has been made for the application of the Indian Succession Act to the issue of marriages under this Act, or rather marriages declared valid under this Act. Sir, after this Bill was published, from much of the writings in the Press I find that the Arya Samajists are practically unanimous ; they do not want that section to remain. They would rather like their rights to be determined under Hindu law. That they have been declared to be Hindus by judicial authorities will be a question which may be discussed later on, but if they are Hindus and if they are prepared to take the risk of such law as is applicable to them to be applied by the Courts, and if this section is going to be deleted, then there is nothing upon which a fresh opinion is wanted. But as a matter of fact assume that they want to retain that. In the opinions which we have received and which have been read, is there any point on which opinions have not been given by the people who have sent in their opinions ? All these points such as affecting the status of a coparcenery and a hundred other points have all been discussed. If the House wants—if I may use a colloquial expression—to kill the Bill, let it do so now and directly, but I will not be party to this indirect method of

killing the Bill,—sending it for circulation, its coming back on the 31st January, knowing what will happen during the Budget Session, and we can well imagine if this Bill will ever have the chance of being passed. Sir, I do not mean any disrespect to anybody, but those who are going to oppose the Bill, by all means let them oppose it now and say that this Bill is not wanted for various reasons. On the other hand, I do not see any point whatsoever—so far as this particular Bill was concerned, it was circulated in 1930—in circulating it again for opinion. Sir, I oppose this motion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the Bill that is before the House is a social Bill designed to rectify the mistakes of ages which both amongst the Hindus and the Mussalmans and other communities of India have crept up into this country. Sir, I am not one who would oppose any social law or any social reform. But the only reason why I have risen today and interfere in this Bill is that some of my friends and men of my own community have certain doubts about the interpretation of this Bill. The point that is objected to or about which there is some suspicion in the minds of some of my friends is that this Bill will affect inter-marriages which may be contracted between a converted Arya Samajist lady and a Mussalman after they have entered into matrimony. Sir, I would mention here an illustration and I would ask my Honourable friend, the Law Member, to explain it and if it is a mistake, to correct our ideas on the point. The illustration is this. A and B are two Arya Samajists married at one time before the Act or after the passing of this Act. A is the husband and B the wife. Now if B turns a Muslim or a Christian and if she is married to a Mussalman, because she has become a Muslim and a Muslim marries her, then I ask whether it would be right for the Courts to decide that as regards the lady who has been converted to Islam, her marriage with a Mussalman will be invalid and it will not be allowed by the Court because she was formerly married and was an Arya Samajist before her conversion.

The Honourable Sir Nripendra Sircar : May I remind my Honourable friend that that point is covered by a series of decisions, not with reference to Arya marriages but Hindu marriages. There is no difficulty whatsoever. Supposing a marriage were a valid Hindu marriage, the wife, upon being converted to Muhammadanism, can call upon the husband to become a Mussalman and live with her. If not, the Court will dissolve the marriage and a marriage under this Act cannot stand on a higher footing than a valid Hindu marriage. Therefore I do not see any apprehension as regards any Muhammadan being deprived of his right to get people converted, and so on.

Mr. Muhammad Azhar Ali : So far as I am concerned, I am satisfied with the statement made by my friend, the Honourable the Law Member, and I hope that when such matters come before the Courts, the interpretation that the Honourable the Law Member has today placed upon this enactment will be followed by the Courts and the Government will see to it.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. Deputy President, I rise to support this amendment which has been moved by my Honourable friend, Mr. Aney. There

[Sir Muhammad Yakub.]

can be no doubt that this Bill has been ushered into this House in a most summary manner. My friend, the Honourable the Law Member, has laid great stress upon the report of the Select Committee and he has said that this report was presented on such and such a date and that this Bill was once introduced in 1931 and opinions were then obtained on it. Sir, I would like to submit that when this Bill was introduced, the heading of the Bill was so misleading that it never drew the attention of the Honourable Members of this House to its significance. Then we find that eight Honourable Members were nominated to the Select Committee and not one of them was a Mussalman or a Parsi or anybody else. On that occasion we did not object to this because we were misled by the title of the Bill and thought it would be of no importance for any other community except Arya Samajists. Then excluding the Honourable the Law Member—who I should think as long as he is a Member of the Government should not be considered to be either a Hindu or a Mussalman or an Arya Samajist (Hear, hear), there were eight members of the Committee and out of them four Honourable Members have submitted reports of dissent, including the venerable Dr. Bhagvan Das. Now if out of eight four Honourable Members including persons who are learned in Hindu law, like Dr. Bhagvan Das, have submitted minutes of dissent, what is the value of this report on which my friend the Honourable the Law Member laid so much stress? This very fact that one-half of all the Honourable Members of the Select Committee are divided in opinion is a very strong and sufficient ground in support of the amendment of my Honourable friend, Mr. Aney, for the re-circulation of this Bill. Again the Honourable the Law Member said that opinions were obtained in 1931 but, as an Honourable Member has shown to the House, what was the trend of those opinions that were obtained in 1931? Did the Mussalmans agree to it? Did all sections of Hindus agree to it? If you go through the opinions, surely you will find that the Mussalmans of the Frontier Province and others, who cared to give their opinions, were opposed to it. Then, Sir, we find that there is a very large section among the Hindus themselves who are opposed to this Bill. Sir, up to this time we thought that Arya Samajists claimed to be Hindus, that they were included within the fold of Hinduism. If that is so, if the Arya Samajists are Hindus, then there is no reason why they should be governed by any other law except Hindu law. (Hear, hear.) Sir, by introducing a small piece of legislation in this House, my friend, Dr. Khare, wants to revolutionize the whole of Hindu society in the name of social reforms. Sir, in this age of advancement, any measure which you bring in in the name of social reform catches the fancy of the people without their understanding what its implications are. I do not know what the term "social reform" means; I think some social reforms are the worst possible characteristics of society and they should not in any way be called social reforms. In a country like India, where religion still plays a great part in the social life and customs of the people, it would not be right or proper for a third party, such as the Government, to intervene in the religious rites and ceremonies of the people of the country, unless and until there is a unanimous demand by the people of the community concerned that they want such pieces of legislation. It would be very dangerous on the part of the Government if they in a mixed Assembly like this would try to interfere with the religious matters, such as, marriage, divorce and succession of the people

of the country. This very point was once raised in this House when my Honourable friend, Sir Hari Singh Gour, wanted to move a Bill for the amendment of the civil marriage law and the Honourable Sir B. L. Mitter, the then Law Member, and the predecessor of my Honourable friend, Sir Nripendra Sircar, clearly made the statement on behalf of the Government which is in the records of this Assembly, that Government will never interfere in religious matters, such as the marriage or succession of any community, unless and until there is a unanimity of opinion among all the members of that community that they want such a piece of legislation. Now, Sir, I do not think my Honourable friend, the Law Member, would be justified in turning down that solemn promise and pledge which was given by his predecessor as a representative of the Government of India.

The Honourable Sir Nripendra Sircar : May I be shown that pledge

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to which the Honourable Member is referring ? All that I know is that Sir Brojendra Mitter did support the

Sarda Act.

Sir Muhammad Yakub : But he opposed Sir Hari Singh Gour's Civil Marriage Bill on this very ground.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : What do you mean by no interference ? Do you want them to oppose the Bill or to remain neutral ?

Sir Muhammad Yakub : I want them to remain neutral. In the first place, measures which affect the religious rites of the Hindus, the Muhammadans or the Parsis should not come before this House until there is a unanimous agreement between the members of the particular community concerned that they want that piece of legislation, and if such a legislation is brought on the floor of the House, the Members of the Government should remain neutral. They should leave it to the overwhelming majority of the opinion of the community which is affected by that measure. Now, Sir, as regards this measure, where is the unanimity ? I find that there is a very large number of Honourable Members in this House, even among the Hindus, who are opposed to this Bill who do not want this Bill. Then there are also many Muslim Members who are against this Bill. The Bill has been worded in such a shabby manner that it is difficult to follow it, in spite of the explanation given by the Honourable the Law Member. When a case comes before law Courts, we all know that, they do not consider the speeches of the Honourable Members which are made in this House. They only go by the wording of the law. They say that they are concerned only with the meaning of the words and decide the case accordingly. So, we consider that in spite of the explanation given by the Honourable the Law Member, this Bill is very clumsy and it has been worded in such a way that it might create a great deal of mischief.

Maulana Shankat Ali (Cities of the United Provinces : Muhammadan Urban) : May I ask the Honourable Member if he can suggest something that will clear the position as regards the Mussalmans ? We may leave the Hindus alone to decide for themselves. My own view is that we should neither oppose the Bill nor criticise it. But if there is anything which is ambiguous and which concerns the Mussalmans

[Maulana Shaukat Ali.]

in any way, then I think the Honourable Member will do a great service if he draws attention to that and suggests something which will clear the position.

Sir Muhammad Yakub : The point is a complicated one. As I said, this Bill was ushered in this House in such a summary manner that we had not had sufficient time to go through the matter. I quite realise the importance of what Mr. Shaukat Ali has said and it is for this very reason that I support the amendment of my friend, Mr. Aney. I want that we should get time to consult our lawyers, our religious heads and our Maulvis. We should be able to place the Bill before them and take their opinion as to what they think of it. I want their opinions in order to know whether this Bill in any way affects the Mussalmans ; and this cannot be done in a hurry.

Dr. G. V. Deshmukh : You want the unanimous opinion. What do you mean by it ? You made a point that for any change there should be unanimous opinion.

Sir Muhammad Yakub : By unanimous opinion I mean an overwhelming majority of the people who stand by the Bill. For instance, in 1913, when my friend, Mr. Jinnah, introduced his Wakf Validating Bill, it was said on behalf of the Government that they would not have the Bill unless there was a majority of an overwhelming number of Mussalmans in support of it. Hundreds and thousands of signatures were obtained throughout the whole country and when the Government was satisfied that there was an overwhelming majority of the Mussalmans in favour of the measure, it was then and then only that the measure was brought before the Legislature in those days. In the same way, I would like to know whether this Bill was ever circulated for eliciting public opinion and whether we have now got for this Bill any support from the people of the country who are affected by it. (Dr. G. V. Deshmukh rose to interrupt.) I do not want to be interrupted any more. I have already given way to my Honourable friend several times. He can operate me when I am in his operation room but I will not allow him to interrupt me in the Assembly Chamber. As I was saying, the first requisite is that there must be an overwhelming majority of the people who are affected by a measure before it can be introduced. I have already said with regard to the Select Committee. For all these reasons, I am strongly of opinion that if this Bill is not re-circulated and if it is passed through this House in such a summary manner, it will create a very great mischief in the country and the Government will find themselves again accused of the fact that they interfere in the religious laws and religious customs of the people of the country, which is altogether contrary to the solemn declaration which the late Queen Victoria made in 1858. I do not want to kill the Bill ; I am not against any social reform. I do not want that if any community or any set of communities are anxious to have some particular legislation for themselves, they should be deprived of it. They can have it by all means, but let us consult the public opinion and let us also consult among ourselves. There does not seem to be a great hurry about this Bill. Of course, marriages between Aryas and others, who will be governed by this Bill, have been going on for

centuries and where is the need for this hurry that the Bill be passed on this very day. I think it will be safe and sound even for the promoters of the Bill that they should give more time to the public to consider what the implications of the Bill are. I, therefore, support the motion for circulation.

Dr. Bhagvan Das (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, with reference to what my kind and Honourable friend, Sir Muhammad Yakub, said with regard to me, I have only a few words to say. On the merits of the question, what the Leader of the House has said and what my Honourable brother, Maulana Shaukat Ali, has said, leaves me nothing more to say. With regard to the fact that I have signed a minute of dissent, I wish to point out to the House that that minute of dissent does not recommend that the Bill be circulated again. I have also signed the main report which, as the Leader of the House has pointed out, says :

“ We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.”

As regards the substance of the minute of dissent, it refers to only one portion of the whole Act, and on that point, after further consultation amongst ourselves, especially with Mr. Ghanshyam Singh Gupta and Dr. Khare who are mainly interested in the matter, we have decided not to press that, and therefore I have not given notice of any amendment with regard to the proposal made in the minute of dissent.

Babu Baijnath Bajoria : Sir, I have great pleasure in supporting the amendment moved by my friend, Mr. Aney, and I strongly oppose the motion moved by my friend, Dr. Khare.....

Mr. N. M. Joshi : Are you an Arya Samajist ?

Babu Baijnath Bajoria : No, certainly not.

Mr. S. Satyamurti : Are you a labourer ?

Babu Baijnath Bajoria : No, I am not.

Sir, this Bill, as it was originally introduced, the Bill which has emerged from the Select Committee are entirely two different Bills. There is not a single clause from the original Bill which has been kept intact in the present Bill as it has come out of the Select Committee. Even clause 1 has been considerably altered. In clause 2 the definition of the Bill has been omitted completely. Clause 3 has also been considerably altered, and it bears no comparison with clause 3 in the original Bill. Clause 4 deals with succession, and that also has been very much altered. Clause 4 in the original Bill referred to marriages as between Dwijas or twice-born Hindus. Now, in this Bill the Indian Succession Act has been applied. The Bill as originally introduced was circulated for public opinion. I have made a precis of the opinions received, and I find that practically all the Local Governments were opposed to the introduction of such a measure. I do not want to tire the patience of Honourable Members by quoting the opinions at length, but I may say that the Chief Commissioner of Delhi, the Chief Commissioner of Coorg, of Ajmer-Merwara, were all against this measure. The Local Government of United Provinces also say that orthodox Hindus and Moslems have great objections. The Central Provinces Government also say that this will encroach upon the rights of other communities ; the Punjab Government say that this Bill

[Babu Baijnath Bajoria.]

should be so worded as to restrict it to Arya Samajists and their children only. Then the Bengal Government, with which I am most concerned, say that they are strongly opposed to this.....

The Honourable Sir Nripendra Sircar : Sir, it is an absolutely misleading statement to make, because most of what they objected to no longer appears in this Bill.

Babu Baijnath Bajoria : We do not know whether they are agreed to the omission of the definition of Arya Samajist, whether they are agreed to the insertion of the Indian Succession Act clause, we do not know whether they are agreed to giving this measure retrospective effect. So what I submit before the House is not at all misleading. Sir, this Bill has been totally mutilated, and it will be somewhat difficult for this House to decide unless the public express an opinion on it. Even in this House I understand there are only 2 or 3 Arya Samajists. Even the Mover himself is not an Arya Samajist.....

Dr. N. B. Khare : Humanity is my religion.

An Honourable Member : That shows toleration.

Babu Baijnath Bajoria : Now, Sir, speaking on the merits of the Bill, I should like to point out that Arya Samajists are after all not a separate entity ; they are Hindus ; they are not separate from the Hindus in the sense that Muslims or Christians are. In certain families we find that while the son is a Sanatanist, the father is an Arya Samajist and *vice versa*. Then again a man may be an Arya Samajist in his younger days, but when he grows older and wiser and saner, he again becomes a Sanatanist, and he ceases to be an Arya Samajist. So the Arya Samajists are not to be treated in the same manner as members belonging to other religions.

Then, Sir, there are intercaste marriages. These are not allowed by our Sastras among Hindus. Sir, with your permission, I should like to quote a sloka or two from the Manusmriti :

Udwahate dwijo bharyam savarnam lakshanavitam.

(Manu 3, 4.)

This means that Brahmins, Kshattriyas and Vaishyas can only marry a wife from their own caste. If they don't marry a wife from their own caste, then it is no marriage at all ; the marriage is illegal. There are many slokas, but I am not a Pandit.....

Dr. G. V. Deshmukh : Then why recite those slokas.

Babu Baijnath Bajoria : For your knowledge.

Dr. G. V. Deshmukh : Out of your ignorance !

Babu Baijnath Bajoria : If you can't understand, then you are hopeless, I can't make you understand. (Laughter.)

Dr. N. B. Khare : Yours is a departure from Sanatanism in venturing to advise me, because I am a Brahmin and you are not a Brahmin.

Babu Baijnath Bajoria : No, no, the Honourable the Law Member had made me a member of the Ideal Board of Directors representing the Sanatanist.....

Mr. N. V. Gadgil : That is for business, and not for marriage.

Babu Baijnath Bajoria : Then, there is another sloka.....

*Aninditaihi stree wiwahai ranindya bhavati praja
Ninditair nindita vrisam tasmannindyanwiharjayet.*

(Manu 3, 42.)

Dr. G. V. Deshmukh : When you can't even read properly.....

Babu Baijnath Bajoria : I am first quoting you the slokas, and then I shall give you their translation.....

Dr. G. V. Deshmukh : Even the Brahmins cannot understand him, because he cannot even read the Slokas properly.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Let the Honourable Member proceed.

Babu Baijnath Bajoria : Sir, only the offsprings born of a wife, who can be married, according to Shastras are legal offsprings, and those offsprings borne of a wife, or so called wife, who cannot be married according to Shastras are illegitimate, and therefore such marriages are condemned.....

Dr. Khan Sahib (North-West Frontier Province : General) : On a point of information, Sir. Will the Honourable Member tell me whether he is once born or twice born ?

Babu Baijnath Bajoria : I am twice born. (Loud Laughter.) You won't be able to appreciate my viewpoint. Only in the next life when you will be a Hindu, you will be able to understand what I say. Sir, inter-caste marriages are condemned in Hindu society. This Bill permits marriages outside one's caste, and I as a Sanatanist can never agree to it. Then there is another thing, Sir. This Bill proposes to give retrospective effect. Supposing a man married 50 years ago a woman outside his caste, and their offsprings were considered illegitimate. But now on one fine morning these illegitimate sons will wake up and find they have been made legitimate children.....

The Honourable Sir Nripendra Sircar : My friend is entirely wrong. They will have proof that 50 or 60 years ago both of them were Arya Samajists at the time of the marriage.

Sir Muhammad Yakub : What is the definition of an Arya Samajist ?

The Honourable Sir Nripendra Sircar : What is the definition of a Muslim or a Hindu or a Christian ?

Sir Muhammad Yakub : As regards a Muslim the definition is quite clear. One who believes in the unity of God and believes Muhammad as the last apostle. That is the definition of a Muslim. My friends the Hindus can say what is the definition of a Hindu.

Babu Baijnath Bajoria : There is already provision for those persons who want to marry outside their caste. That is the Special Marriage Act of 1872 amended by the Act of 1923. I have got figures from the Registrar of Marriages, Bengal, that under this Act there has already been a marked

[Babu Baijnath Bajoria.]

increase in marriages ; indeed it has doubled after the passing of this Act of 1923. This is the report :

“ While in pre-1923 years the total number of marriages was on an average only 50 per year, the number in the post-1923 years had reached on an average double that figure. In 1934 the figure went up as high as 109, * * *

This increase, according to the annual report of the Special Marriage Act for the year 1934 kept by the Government of Bengal, is mainly due to the fact that the progressive section of the Hindu community are taking advantage of the new provisions of the Act, as amended by Act 30 of 1923, to a large extent. Among the total marriages registered, 57 were between Hindus and these were either mostly inter-caste marriages or marriages of widows.”

When there is already a provision here, I cannot understand why on earth there should be such a provision specially for the Arya Samajists. If this Bill is passed, allowing the Arya Samajists to marry outside their caste, I am sure it will create a great deal of confusion and a great deal of disruption in Hindu families ; because if one man marries outside his caste he will then declare himself to be an Arya Samajist just to get the benefit of this Act, and the other brothers will not be able to live with him and he will have to separate. Sir, as I said, this Bill was opposed by everybody when it was circulated. We do not know how the country will like this Bill, the new Bill which has been placed before the House should, I think, be recirculated. This Bill is, in my opinion, the younger brother of Dr. Bhagvan Das's Bill. One is a wolf, the other is a lion. One wants to tear Hindu society into pieces and the other wants to swallow it up altogether. Then there is inter-caste marriage between Arya Samajists and Sanatanists. The Arya Samajists, though theoretically they do not believe in the caste system, in practice they generally marry in their own caste and it is only on very rare occasions that they dare to go outside their own caste. The Arya Samajists also perform *shraddh* ceremonies ; they also worship Brahmins and so on. So there is not much difference between Arya Samajists and Hindus. Rather, if this Bill is passed, the Arya Samajists will be torn away from us which I do not want. I want them to be with us. If the Succession Act is applied, if they are allowed this inter-caste marriage, then I think a great deal of harm will be done.

Then, again, there is one provision. The last line of clause 2 of the Bill says :

“ either or both of the parties at any time belonged to a religion other than Hinduism.”

This is the most unkindest cut of all. It says that a convert from another religion, whether Muhammadan or Christian, can marry even a Brahmin who has turned himself into an Arya Samajist, and that marriage also will be validated. I cannot agree with that, because it is against our social system and against our religion. Sir, I should like to read a few lines from the opinion of the late Mahamahopadhyaya Haraprasad Sastri of renowned fame. I think those who come from Bengal had and still have a great reverence for this gentleman. I will not read his whole opinion, but only a few lines from it :

“ A new community has no right to claim personal laws. The Arya Samaj is not even hundred years old. It was founded at about sixty years ago. Can they claim anything as personal laws ? It may be argued that marriage is a matter which is within the jurisdiction of the legislature, but it is not.”

Sir, we are always pressing on Government that we must have our religious safeguards so that these social and religious matters may not come within the purview of this Legislature. But unfortunately we have not got that and this is the result :

" Marriage may be looked upon either as a contract or as a sacrament. If it is a contract like other contracts it is subject to the intervention of the legislature, but if it is a sacrament, it is not. The Arya Samajists say they believe it to be a sacrament, but not according to the Hindu Shastras and therefore they are going to create a new sacrament. Can the legislature sanction the creation of a new sacrament unknown to the ancient communities ? They cannot and therefore they cannot entertain the Arya Marriage Validation Bill.

The Arya Samaj is said to be the vanguard of Hindu society. But they do not belong to the Hindu society, whose cherished ideas of caste system, spiritual benefit, pre-puberty marriage and abstention from procreancy, they have discarded altogether. They are the product of the contact of India with the West and taking advantage of the disintegration of the ancient communities in India, they are forming a community in which the Hindus, the Muhammadans, the Christians, the Sikhs, the Parsis, the Europeans, the Chinese, etc., all may be admitted freely. They want that retrospective effect be given to these marriages by the contracting of which they have in a manner declared a war against the Hindu society. Retrospective effects may be good in certain cases, but I think the legislature should seriously consider before the grant of such effects, because sometimes it is fraught with troubles. Some of these past marriages have an interesting, amusing and wayward history. The ancient communities will be in difficulty because young men may contract intercaste marriages and then join the Arya Samaj to have these marriages protected. If this Bill is passed into law, it will produce trouble in quiet Hindu families, among brothers, cousins, near relatives and will be a perennial source of dissension among them."

Sir, I think this opinion is deserving of some consideration from this House. I am done. (Laughter.) I oppose the whole of this Bill and I support the motion for circulation. When we will get the opinion of the country on this Bill as now submitted to us, then we will be able to form a better opinion about it.

Some Honourable Members : The question may now be put.

Mr. Ghanaham Singh Gupta : Sir, as one of the very few Arya Samajists in this House, it is my duty not only on my behalf, but on behalf of the general body of Arya Samajists in the whole of India that I must tender my thanks to this House. I can claim to give this thanks because I am an humble servant of the Arya Samaj, and I am the Vice-President of the All-India Aryan League. I thank this House for the kindness that they showed last time in referring this Bill to the Select Committee.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

After this general expression of thanks, there are certain specific persons to whom my special obligation is due. I must thank my friend, Dr. Khare, who was favoured by the ballot box and who has taken all this trouble for the Arya Samajists. I must thank the Honourable Sir Nripendra Sircar, the Law Member and Leader of this House, who has supported this measure and who gave his support to it before. I must also thank the Honourable the Home Member who withdrew his objection. I know it and I am bound to thank him. I must also thank (interruptions)—my list is not very long—and so my friends need not be tired—I must thank Mr. Thorne who gave his support in a manner known to me to this Bill. I must also thank Sardar Sant Singh who made great sacrifice in staying his Bill in favour of social Bills. I must thank my friend,

[Mr. Ghanshiam Singh Gupta.]

Maulana Shaukat Ali for the support expected from him to this measure. There are many others to whom our thanks are due. I may mention that this Bill has been before the country for a very long time, or at least the subject-matter of this Bill. As regards this particular Bill, I suppose the Honourable the Home Member and the Honourable the Law Member have got letters and telegrams from not less than three hundred Arya Samajes in this country....

Mr. Lalchand Navalrai : Will the Honourable Member enlighten me on one point ? Will he tell me whether according to this Bill in future the Arya Samajists wish their law of succession to be governed by the Indian Succession Act or by the Hindu Law or Muhammadan Law or any other law ? Because I find from the Honourable Member also an amendment to that effect.

Mr. Ghanshiam Singh Gupta : No less than 300 Arya Samajes have sent their opinions to the Honourable the Home Member and the Honourable the Law Member and every one of them has accepted the Bill as it was originally drafted by me. (Interruption.) There is my amendment. I do not therefore think there is a single Arya Samajist in this land who does not want this Bill. The arguments that this should be circulated for further public opinion—that we want the opinion of persons who are interested in it and that the Government should only support such measures as are supported by a vast majority of the persons who are interested in it—are futile. In this particular case not only the vast majority but every child who is an Arya Samajist, every Arya Samajist, supports it. You cannot cite an instance of a single Arya Samajist who is against this Bill. Where is the meaning then in circulating it and where is the meaning in blaming the Government by saying that you should lend your support only to such measures as are supported by the class for which it is meant ? I say every member of the Arya Samaj supports this Bill and not a single Member of this House has pointed out that any member of the Arya Samaj is opposed to it. Now, coming to the point of Mr. Lalchand Navalrai, I say there is not a single Arya Samajist who will accept the Indian Succession Act. That has been made perfectly clear in the more than 300 representations that have been made : and I am going to move that amendment. So I think my Honourable friend, Mr. Lalchand Navalrai, is sufficiently answered.....

Mr. Lalchand Navalrai : I will say later what I think ought to be done in this Bill.

Mr. Ghanshiam Singh Gupta : It is one thing to say that the Bill should be so amended so as to meet the aspirations and wishes of the Arya Samajists, and quite another thing to say ' Throw away the Bill '.

Now, coming to the arguments of my respected friend, Mr. Aney, I will only say that his argument was that this Bill has not been circulated : it was the Bill of Mr. Mukhtar Singh that was circulated and there is a vast difference between the two. I am very sorry that very probably my friend, Mr. Aney, has not read the Bill as it was introduced by Mr. Mukhtar Singh. The Bill as it was introduced by Mr. Mukhtar Singh is substantially the very same Bill as drafted and given notice of by me and which was introduced by my friend, Mr. Khare. And it is substantially the same Bill that has emerged from the Select Committee. I have got the

Bill of Mr. Mukhtar Singh with me and if my friend wants I can read relevant portions of it.....

Mr. M. S. Aney : You have introduced a clause in this Bill which was not in existence before.

Mr. Lalchand Navalrai : The Honourable Member should not misunderstand me, that I am against this Bill. But there are certain defects which the Honourable Member himself would recognise and get them corrected.

Mr. Ghanshiam Singh Gupta : Certainly : that is exactly why I am going to move some of my amendments. But, as I see the House and as I see my own doubts of getting support to it I shall only press such amendments as are acceptable to the Leader of the House and the Government.....

Mr. Lalchand Navalrai : As are acceptable to the Arya Samajists at large, say.

Mr. Ghanshiam Singh Gupta : That is the cardinal principle. Nothing which is not acceptable to the Arya Samajists shall be moved by me—you can take that from me. I know the mind of the Arya Samajists more than my Honourable friend, Mr. Lalchand Navalrai. Now, something has been said by other friends that there is already a measure in the Special Marriage Act and why do we want this measure ? I say there is a world of difference between the Special Marriage Act and the Arya Marriage Bill.....

Mr. M. S. Aney : There is no difference : it is only a sentimental one.

Mr. Ghanshiam Singh Gupta : Sentiment is a thing which plays a great part in human affairs. Howsoever my friend, Mr. Aney or Mr. Bajoria, may want to drive us out of the Hindu fold, we the Arya Samajists will stick to it : we the Arya Samajists are determined to remain Hindus and greater Hindus than those that want to drive us out and not have us. If they understand our mentality, if they understand our feelings, they will see that we do not want the Indian Succession Act and we do not want the Special Marriage Act. We are the followers of Swami Dayanand Saraswati who had abundant faith in the Vedas and in the Shastras. If anybody looks to his preachings, he will find that he attached so much faith to nothing else as to the Vedas. According to him the Vedas are "*swatah pramanam*" absolute authority. Marriage to Arya Samajists is a sacrament, as much as it is to the orthodox Hindus. The Special Marriage Act makes marriage a contract. That Act drives us away from our shastras which this Bill wants to remedy. Our definite opinion is this that so long as the laws of inheritance are not changed for the whole Hindu society, we, the Arya Samajists want to be governed by Hindu scriptures and the Hindu shastras.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Then why not call yourself a Hindu, instead of an Arya Samajist ?

Mr. Ghanshiam Singh Gupta : I really do not want to enter into this question. If my Honourable friend knows anything about the Shastras, will he point out to me any text in which the word 'Hindu' is used.

Mr. D. K. Lahiri Chaudhury : Can the Honourable Member point out to me any text where the words "Arya Samajists" are used ?

Mr. Ghanshiam Singh Gupta : "Arya" is the only word used in all our Shastras.

Mr. D. K. Lahiri Chaudhury : Then, why add the word "Samajist" ?

Mr. Ghanshiam Singh Gupta : Everybody can understand the word "samaj" ; when a body of people join together, it becomes a "samaj". So Aryas gathering together becomes Arya Samaj.

Babu Baijnath Bajoria : Then I am also an Arya.

Mr. Ghanshiam Singh Gupta : I admit my Honourable friend also is an Arya, and I do not doubt it. I only differ from him in the interpretation of certain words occurring in the Shastras.

Mr. D. K. Lahiri Chaudhury : I want to ask for my satisfaction whether, as you say since the word 'Arya' is already in the Hindu Shastras, it includes Muhammadans also. Are Muhammadans also Arya Samajists ?

Mr. Ghanshiam Singh Gupta : I do not want to enter into a theological discussion here ; if I had the time, I could do so. I can easily show what 'Arya' means. The only difference between the orthodox section of Hindus and that part of Hindus who call themselves Arya Samajists is a difference in the interpretation of certain words occurring in the Shastras. There is a difference in the interpretation of the word "varna". There is no such word as "jati" in any of the Shastras. The word used there is "varna" which has been differently interpreted by Sanatanists Hindus and by Arya Samaj Hindus. I do not want to enter into the discussion as to whose interpretation is correct. But I say—simply because we differ in the interpretation of the word "varna", if somebody says that we are not going to be governed by the Hindu law, it is absurd. The various commentators have put different interpretation on the sacred Shastras, otherwise, what is the meaning of Dayabhaga and Mitakshara schools. Would, thereby, one section cease to be governed by Hindu Law ? It would be absurd. I, therefore, say we do not want the Succession Act. With these words, I oppose the recirculation of this Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon by the 31st January, 1937."

The Assembly divided :

AYES—17.

7

Abdul Matin Chaudhury, Mr.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bajoria, Babu Baijnath.
Essak Sait, Mr. H. A. Sathar H.
Fazli-Haq Piracha, Khan Bahadur
Shaikh.
Ghuznavi, Sir Abdul Halim.
Hidayatallah, Sir Ghulam Hussain.
Lahiri Chaudhury, Mr. D. K.

Maitra, Pandit Lakshmi Kanta.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Murtuza Sahib Bahadur, Maulvi Syed.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Rai Bahadur Shyam Narayan.
Umar Aly Shah, Mr.
Yakub, Sir Muhammad.

NOES—69.

Acott, Mr. A. S. V.
 Ahmed, Mr. K.
 Ayyar, Diwan Bahadur R. V. Krishna.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bhagavan Das, Dr.
 Bhat, Mr. M. D.
 Chaliha, Mr. Kuladhar.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatāchelam.
 Chunder, Mr. N. C.
 Craik, The Honourable Sir Henry.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das-Gupta, Mr. S. K.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Dey, Mr. R. N.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Giri, Mr. V. V.
 Govind Das, Seth.
 Grant, Mr. C. F.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Gupta, Mr. Ghansham Singh.
 Hans Raj, Raizada.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Khare, Dr. N. B.
 Khurshaid Muhammad, Khan Bahadur
 Shaikh.
 Lloyd, Mr. A. H.

Mangal Singh, Sardar.
 Metcalfe, Sir Aubrey.
 Mudaliar, Mr. C. M. Muthuranga.
 Mudie, Mr. R. F.
 Naydu, Diwan Bahadur B. V. Sri Hari
 Rao.
 Noyce, The Honourable Sir Frank.
 Paliwal, Pandit Sri Krishna Dutta.
 Pant, Pandit Govind Ballabh.
 Parma Nand, Bhai.
 Rajah, Rao Bahadur M. C.
 Raju, Mr. P. S. Kumaraswami.
 Ranga, Prof. N. G.
 Rau, Mr. P. S.
 Roy, Mr. S. N.
 Saksena, Mr. Mohan Lal.
 Sarma, Sir Srinivasa.
 Scott, Mr. J. Ramsay.
 Sen, Mr. Susil Chandra.
 Sham Lal, Mr.
 Sharma, Mr. D.
 Sheodass Daga, Seth.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sinha, Mr. Shri Krishna.
 Sircar, The Honourable Sir Nripendra.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Thein Maung, Dr.
 Thein Maung, U
 Thorne, Mr. J. A.
 Tottenham, Mr. G. R. F.
 Varma, Mr. B. B.
 Vissanji, Mr. Mathuradas.
 Zafrullah Khan, The Honourable Sir
 Muhammad.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 2 stand part of the Bill.”

Babu Baijnath Bajoria : Sir, I move :

“ That after clause 1 of the Bill, the following clause be inserted and the subsequent clauses be re-numbered accordingly :

‘ 2. For the purpose of this Act, ‘ Arya Samajist ’ means a person who is a member of any Arya Samaj for a period of at least three years prior to the date of marriage.’ ”

Mr. Ghansham Singh Gupta : I object to this amendment being moved for want of sufficient notice.

Mr. President (The Honourable Sir Abdur Rahim) : When was notice given ?

Babu Baijnath Bajoria : Notice was given yesterday, but the previous two days were holidays, being Saturday and Sunday, and I request you to waive the rule. The amendments were all circulated and every body has got a copy of them.

Mr. President (The Honourable Sir Abdur Rahim) : I suspend the Standing Order and the Honourable Member can move the amendment.

Mr. Baijnath Bajoria : There has been no definition of the word

4 P.M.

Arya Samajist in the Bill as reported by the Select Committee. Unless a definition is put in, it will be very difficult for anybody to understand who an Arya Samajist really is. If there is no definition, I apprehend that only for the purpose of making a marriage outside his own caste, out of lust or passion, a man will declare himself an Arya Samajist and get the benefit of this Act. There must be a provision that a man must have been an Arya Samajist for at least three years. Unless this restriction is put in, there is every fear that any Hindu who is not an Arya Samajist will claim the benefit of this Act. This will encourage irreligious marriages. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That after clause 1 of the Bill, the following clause be inserted and the subsequent clauses be re-numbered accordingly :

- ‘ 2. For the purpose of this Act, ‘ Arya Samajist ’ means a person who is a member of any Arya Samaj for a period of at least three years prior to the date of marriage ’.”

Mr. Ghanshiam Singh Gupta : I oppose this amendment. It is very difficult to define an Arya Samajist, just as it is difficult to define in the case of any other community. It is not only those whose names are borne in the register of any Arya Samaj that are Arya Samajists but there are many others whose names are not so borne. It is not only they but their children, their sons and daughters are also Arya Samajists. If my friend's amendment is accepted, then in the case of a *bona fide* Arya Samajist, his son or daughter cannot be married, because they are not enrolled as Arya Samajists. Religion is a matter of faith. How would my friend feel if I were to tell him that he cannot marry or his sons or daughters cannot marry if they are not enrolled in some register as Brahmins, Vaishyas or Kshatriyas as his case may be. It will be denying the Arya Samajists what they really want.

Babu Baijnath Bajoria : I have already said in my speech that a father may be an Arya Samajist but the son may not be. There is nothing to prevent you from putting them on the registers.

Mr. Ghanshiam Singh Gupta : I have understood my Honourable friend. He really wants this Bill to be so mutilated as not to be acceptable to Arya Samajists. If you define the Arya Samajist in the way this amendment wants to do it, there will be anomaly. Religion is a matter of faith. I can change my religion in half a minute and there are instances in which Hindus have changed their faith and become Christians or Muslims in an hour. So also Christians and Muslims have changed their faith in an hour. To compel only the Arya Samajist

and ask him to be of good behaviour for three years is not fair when a similar provision does not exist in the case of Christians or Muslims. To ask the Arya Samajist to be of good behaviour for three years is intolerable. Therefore I oppose it.

Mr. D. K. Lahiri Chaudhary : I rise to support the amendment of my friend, Mr. Bajoria. There must be some clear definition of Arya Samajist. The Honourable the Law Member made an interruption and asked what is the definition of a Hindu. He is a lawyer and he well understands the Hindu law of succession and inheritance. A Hindu is a Hindu by birth. That is the definition of a Hindu. There must be a definition in order to make the meaning perfectly clear. Practically speaking, the Arya Samajist does not come within the definition of Hinduism which embraces Brahmos, Jains, and so on. When you want to make legislation, you must make the meaning perfectly clear. Otherwise, there will be trouble. Now, the word "Arya" means that he belongs to Aryavarta or the land of the Aryans. They believe in one God, and so also the Brahmos. Formerly, they were not included among Hindus, but nowadays they call themselves Hindus. Now, the words "Arya Samajist" are a very wide term. Anybody can call himself an Arya Samajist. Even a Christian or a Muslim can call himself an Arya Samajist. Therefore, in order to make the meaning perfectly clear it is necessary that the expression "Arya Samajist" should be defined. With these words, I support the motion of my friend, Mr. Bajoria.

Sir Muhammad Yakub : I also support the amendment of Mr. Bajoria. When a Bill is enacted for a particular section of the community, it is essential that the definition of that community must be given in the Bill. Otherwise there would be no necessity for enacting that new legislation. Now, Sir, the mischief of this Act lies in this, that no definition of the Arya Samajist has been given in it. Any man or woman when he or she comes within the mischief of law can say I am an Arya Samajist today, or I was one a year before. Well, if there is no definition of Arya Samajist, then it will be very difficult to decide and to adjudicate whether a man who wants to take advantage of this Bill or who wants to avoid this Bill really belongs to that community or that section of the community of Hindus who call themselves Arya Samajists. It is really an innovation in this Bill, that a special Bill like this does not bear the definition of the very community for whose benefit this Bill has been drafted. Therefore, Sir, I support the amendment of my friend, Mr. Bajoria, and I think it is very necessary that this gap should be filled up and the definition of Arya Samajist should be given in the Bill. My friend, the Honourable the Law Member, when he asked, what is the definition of Muhammadan or of Hindu, was, I think, not right, my friend, Lahiri Chaudhuri, has just now given the definition of Hindus. I accept it because he is a Hindu. In the same way we Mussalmans have got a very definite definition for Mussalman and it will not be difficult for any Mussalman to give the definition of a Mussalman :

"La Elaaha-illalah, Mohammad-ur-Rusul-ullah"

That is our definition : "There is no God but one, and Muhammad is his apostle". This definition of Muslim, I give for the benefit of my friend the Honourable the Law Member. The definition of a Hindu has already been given to him. For these reasons it is very neces-

[Sir Muhammad Yakub.]

ary that a definition of Arya Samajist must be given in this Bill, in order to make it definite and in order to curtail its mischief. With these words, I support the amendment.

The Honourable Sir Nripendra Sircar : Sir, I have heard a good deal about my ignorance of and about my not knowing what a Hindu and what a Muhammadan is, but that is not the point before this House. The question is—has a Hindu or a Muhammadan been defined in any Act of this Legislature? My Honourable friend, Mr. Lahiri Chaudhury, rushes forward with his characteristic courage but I would like him to ask this question. How has a Hindu been defined in the Hindu Wills Act? How has he been defined in the Hindu Gains of Learning Act, and how has he been defined in the Hindu Inheritance Act or in about the twenty Acts which I find at pages 2 and 3 of Mulla's book? "Hindu" is nowhere defined and I would ask my Honourable friend Sir Muhammad Yakub to point out where is the statute which defines a Muslim. That is the question.

Sir Muhammad Yakub : We have never asked the Legislature to enact a law for us.

Mr. D. K. Lahiri Chaudhury : May I ask one question? Can my Honourable friend, the Law Member, say that I am a Hindu by birth?

The Honourable Sir Nripendra Sircar : There, again, Sir, the difficulty is that a little knowledge of law is very dangerous. My friend is mistaken if he thinks that Hindu law applies only to a person who is born from a Hindu. I am reading from Mulla.

Mr. D. K. Lahiri Chaudhury : That is what I say is the definition of Hinduism.

The Honourable Sir Nripendra Sircar : It is not—it will take my friend, Mr. Lahiri Chaudhury, a couple of years to understand how a Hindu can be defined. Sir, if I had a more elementary book I would have read it, but this is Mulla's Hindu Law :

"The Hindu law applies not only to Hindus by birth but also to Hindus by religion, that is, converts to Hinduism."

My friend, Mr. Lahiri Chaudhury, gave a definition and he was acclaimed as a true definer by my friend, Sir Muhammad Yakub (Laughter), they clasped hands, and they thought that the matter was settled. (Laughter.) Sir, the Courts have said often and often that you cannot define what is a Hindu. They have said that a Brahmo is a Hindu, and even, for certain purposes, the Privy Council in *Bhagwan Khor vs. Bose* has said that a Sikh is a Hindu and a Brahmo is a Hindu. What is the definition of Hinduism? I will not go into the region of Mussalmans but.....

Mr. K. Ahmed : My friend, Maulana Shaukat Ali, and his late brother Mr. Muhammad Ali said that all Hindus were Mussalmans also. (Laughter.)

The Honourable Sir Nripendra Sircar : Therefore, I would venture to submit to this House as to whether it is necessary to define what is an Arya Samajist. I say that that an Arya Samajist is a Hindu has been laid down by the Courts and for the benefit of Mr. Lahiri Chaudhury

may I just read to him a judgment in 1922 of the Patna High Court. I presume, Sir, they know some amount of law. (Interruption by Mr. D. K. Lahiri Chaudhury.) I am not giving way. It is not possible for me to educate Mr. Lahiri Chaudhury in a few minutes time, I shall try my best but I do not think I shall succeed. I am reading from page 713 :

"The last contention is that.....an Arya Samajist is not a Hindu. It is somewhat difficult to define the term Hindu."

The judges were afraid, they had not the courage to rush in like Mr. Lahiri Chaudhury :

"It is somewhat difficult to define the term Hindu."

There are several castes and sects who, although non-conformists, are still classed as Hindus. I can find no decision on the question of whether Dayanandis are Hindus. The sect which approaches most nearly to Dayanandis, however, are the Brahmos and in the case of *Bhagwan Kor vs. J. C. Bose* in which Their Lordships of the Privy Council discussed the question of whether Brahmos were Hindus or not, they have said :

"The learned judges of the Chief Court have examined the literature bearing upon the Brahmo society."

They had before them much important evidence with reference to Brahmos and the relation of their principles and their organization to the Hindu system. They came to the conclusion that a Sikh or a Hindu, by becoming a Brahmo, did not cease to belong to the community to which he was born. We may therefore now take it as a settled law that Brahmos are Hindus. Brahmos are Hindus. Their creed is directed against caste, their creed is directed against idolatry. Every word of this applies to the Arya Samajists, and the object of the founder, Raja Ram Mohan Roy, was to found a pure monotheistic religion. If I may digress for one moment into what is history which is known to any one who has read the life of Swami Dayanand, he went down to Calcutta and there would have been an amalgamation of the Brahmos with his new-founded religion but for the fact that Swami Dayanand insisted on the infallibility of the Vedas, but the Brahmos were not willing to accept that, but in other matters—their avoidance of caste, and of idolatry, there is a good deal which is common between Brahmos and the Arya Samajists. The sect of Dayanandis was founded by Pandit Dayanand Saraswati. This is now known as Arya Samajists and it too is directed against caste and idolatry, but they follow the Vedas and as Dr. Gour in his *Hindu Castes* has said, "if the Brahmos are Hindus, the Arya Samajists are more so because they profess to be monotheists. They believe in the supremacy of the Vedas". Therefore, Sir, if it has not been necessary to define what is a Hindu, from the Hindu Wills Act which starts in the year of grace 1870 which I believe is in force for 64 years, if there has been no necessity to define Hindu or Sikh, what is the necessity for defining Arya Samajist here ? That is the general proposition. But the particular objection to my Honourable friend Mr. Bajoria's language is this. He says—"Arya Samajists means a person who is a member of any Arya Samaj". Now what is meant by that ? When the matter was before the Select Committee, my recollection is that when I inquired I was told—if I am wrong

[Sir Nripendra Sircar.]

my friends will correct me—that there is no regular register from which you can necessarily find the names of Arya Samajists. What is, then, to be done? Supposing he is a genuine Arya Samajist and he has been so all his life but his name is not to be found in any register.

Babu Baijnath Bajoria : They can have such a register in future.

The Honourable Sir Nripendra Sircar : They can have a register in future but my Honourable friend's amendment is that they must be on probation for three years. Isn't it? The Act is being passed in 1936 and am I to assume that there must be no marriages for three years? A kind of self-denying ordinance in respect of marriages must be passed for three years. I submit it is meaningless because it is not possible to find out whether a man is an Arya Samajist or not from any register just as it is not possible to find out from any register whether Mr. Bajoria is a Hindu.

Babu Baijnath Bajoria : But this legislation will help them. They can have such a register in future.

The Honourable Sir Nripendra Sircar : We are not talking of legislation; we are talking of a register. If my friend talks of birth registration,—I hope I am not giving away any secret—will he tell me how many of his community and of my community too avoid paying Rs. 2 to the municipality? (Laughter.)

Babu Baijnath Bajoria : You are right.

The Honourable Sir Nripendra Sircar : My Honourable friend says I am right. Sir, I do not want to take up the time of House any further but I do submit that the provision that he must be a member for three years before the Act comes into operation is highly objectionable and I object to it.

Babu Baijnath Bajoria : You can change the language.

Mr. M. S. Aney : Sir, I do not wish to support any amendment at all but I want some information from those who are expected to know something about this. I want to know whether the conversion of any man to Arya Samaj is not solemnised or celebrated by means of any ceremony at all. Is there any particular ceremony for it just as they have got in respect of conversion in other religions? If there is anything like that, then it should not be very difficult to say whether a particular man is an Arya Samajist or not. (Voices "No, No.") I do not understand these voices of No, No. My Honourable friend is a believer of no ceremonies and no sacrifices and no ritual, but we are dealing with a community which insists upon a ceremony. They are coming here for the sake of claiming a right of having their marriage celebrated in the form of Hindu rituals. Those who insist upon rituals as being a *sine qua non* of a celebrated marriage can certainly rely on some kind of ceremony to take in a man into their fold. If there is anything like that, then it would not be difficult to define an Arya Samajist. But if there is nothing like that, then it is imperative to find out what the position is. I only want this information from Mr. Ghanshiyam Singh Gupta who is the President of the Arya League. (An Honourable Member : "He is the Vice-President.") Very well. Vice-President is

one who has got all the knowledge of the President, but who is not allowed to call himself a President.

Mr. Lalchand Navalrai : Sir, I do not agree with the definition of an Arya Samajist as given by the Honourable the Mover of the amendment, but I must say that a definition is absolutely necessary. I find support in that from certain amendments as to the definition of an Arya Samajist which have been put in by the Honourable Member who is a representative of the Arya Samaj. I do not know if he is going to modify them but the fact remains that the Arya Samajists should lay down a definition and I must say from my personal experience, because I have conducted some cases of Arya Samajists, that it is in their own interests that there ought to be some definition. In any case, the present defects ought to be removed. I have got sympathies for these Arya Samajists because they have got a broad view. There is no doubt about it. But the other side has also got to be considered. A person, who is in practice, knows what the difficulties are at present and how necessary it is that something should be done to enable us to know that a particular man is an Arya Samajist. Now, my learned friend, the Leader of our Party, has put a very pertinent question. He says : " Is there any ceremony or any ritual that is to be performed in order to take into your fold a man who belongs to another caste ? " I will tell him that there is a ceremony and I will instance it by a case. Lately, a case arose in Sind. There a person had been taken into the fold of the Arya Samaj. What was done was this. The person, first of all, went to a small Arya Samaj. They took him to Karachi where there is a Central organisation of the Samaj and there that person was taken into the fold of the Arya Samaj. Now, how was it done ? Certain ceremonies which are called ' Havan ' were gone through and certain other rituals were performed and then they declared that such and such man had become an Arya Samajist and since that day he is called an Arya Samajist. That was the case which came before the Court and in the Court the question was litigated whether he has really become an Arya Samajist or not because the matter was in dispute between the parties. The judge took evidence with regard to the ceremonies and he came to the conclusion that he has not been properly made an Arya Samajist. Therefore, what I submit is this that it is in the interests of the Arya Samajists themselves that they must have some well-defined ceremonies for the conversion of a man into their Arya fold. Of course, the Arya Samajists are Hindus and there can be no doubt about it and that is the decision of the High Court also. What I wish to submit is this that with regard to the definition of an Arya Samajist we must insist on two matters. One defect is with regard to this definition, and the other is with regard to the succession. If these two defects are not removed, then I must assure the Arya Samajists in this House that the Arya Samajists outside will not be satisfied with this Bill at all. I say it is in the interest of the Arya Samajists to avoid such incidents as I gave where really a man who professed to be an Arya Samajist was declared that he was not so. Is it not therefore necessary that something should be done in a Bill like this. If a definition is given I do not think anybody will oppose it. The Arya Samajists are Hindus and they have established themselves as such. They follow the dictates of Swami Dayanand Saraswati. I want to know how many intermarriages have taken place from time to time. Are you by this Bill saying for the first time that Arya Samajists should have inter marriages. Even the Select Committee did not remove certain

[Mr. Lalchand Navalrai.]

doubts which you have. Now even in this House you are not removing those doubts at all. The Select Committee has said that no definition should be formulated as to who an Arya Samajist is, and they have also said that if there is no other law, the Succession Act should be applied to them. These are the factors which will on the contrary estrange the Arya Samajists more and more from the Hindu fold. Supposing an Arya Samajist says, "well the Succession Act will apply to us". What shall we, Hindus then say? "We are not the followers of Succession Act. We have got our Hindu law". Even those who are converted are taken into this Hindu fold. Therefore I submit there should be a clear definition of 'Arya Samajist'. There is an amendment in the agenda defining 'Arya Samajist'. When that amendment is reached, I shall have to say something on that. That definition too will not satisfy the Arya Samajist. Whoever professes to be an Arya Samajist, and undergoes a particular ritual may be considered to be an Arya Samajist. I would now refer to what the Honourable the Law Member has said. Though the Honourable the Law Member flies at me often, yet I have respect for him. He said, 'Hindu' is not defined and therefore an Arya Samajist need not be defined.

The Honourable Sir Nripendra Sircar : I said not defined in any statute.

Mr. Lalchand Navalrai : A Hindu is known as a Hindu throughout the ages, from times immemorial. Even a child will be able to say who is a Hindu. In the like manner a Muhammadan also can be defined.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : The word 'Hindu' is not older than 1,200 years. The old word is "Arya".

Mr. Lalchand Navalrai : I say the word 'Arya Samajist' also is of a later date. Therefore there can be no argument that because 'Hindu' is not defined, the 'Arya Samajist' need not be defined.

The Honourable Sir Nripendra Sircar : What about 'Brahmos'?

Mr. Lalchand Navalrai : The Honourable Member himself has quoted a case where there was a difficulty as to who was a 'Brahmo'.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : May I ask in what circumstances was the person whom the Honourable Member referred to declared not an Arya Samajist? Was it with respect to inheritance or succession? What was the occasion to know whether that particular man was an Arya Samajist or not? How would it have mattered even if he was not declared an Arya Samajist and that he continued to be a Hindu?

Mr. Lalchand Navalrai : The answer is in the Bill; it is with respect to intermarriage and succession.

Mr. M. Ananthasayanam Ayyangar : In the case that the Honourable Member referred to, how did it make a difference whether the person was an Arya Samajist or a Hindu?

Mr. Lalchand Navalrai : It was a more difficult question. It was a criminal case, a criminal offence having been committed. (Laughter.) Any way, what I submit is this. The Honourable the Law Member with

his vast experience of law cannot say that "Arya Samajist" cannot be defined. In the Report of the Select Committee, it is said :

"We have omitted the definition of Arya Samajist. We were impressed by the difficulty of finding a satisfactory definition and we considered that the proposal in sub-clause (b) of clause 2 that a declaration subsequent to marriage should suffice to establish that the maker of the declaration was an Arya Samajist, was fraught with danger. We are of opinion that the purposes of the Bill will be adequately served if the question of the religious status of the parties to a marriage remains a question of fact to be determined by the circumstances of each case."

This means that you are going to leave this question of definition out of the Bill, because you are not able to make a definition, I submit it will be only shirking your responsibility. I am sure it would be easy to frame a proper definition of the words 'Arya Samajist', namely, those who go through certain rites and rituals and profess to be Arya Samajist should be called as such. It is not safe to leave it to the Courts to decide as to who is an Arya Samajist. That will lead to all sorts of litigation and complications. If evidence is to be let in, on what lines is it to be done. If a definition is put in the Bill as to who is an Arya Samajist, then it will be easy for people to adduce proper evidence as to whether a particular person is an Arya Samajist or not. It will also be easy for the Court to decide the question. As it is in the Bill you are giving a blank cheque to people to come forward and give evidence in whatever way they like as to whether a certain person is an Arya Samajist or not. I want the House to remove all these difficulties. With these words, I oppose the amendment moved by Babu Baijnath Bajoria.

Mr. S. Satyamurti : Sir, the Honourable the Law Member is in one of his most devastating moods this afternoon, and I therefore intervene in this debate with great trepidation of heart. But, I think, Sir, all this talk about definition and its difficulty is wholly irrelevant, if I may say so respectfully. Neither my Honourable friend, Babu Baijnath Bajoria, nor any other Honourable friend has really attempted to define who an Arya Samajist is. To say, as he does in his amendment that an "Arya Samajist" is one who is a member of any "Arya Samaj" is not really taking us very far. It seems to me that the real point at issue is whether we should not attempt to make this law so thoroughly fool-proof and knave-proof that it may not be abused by people for whose benefit it is not intended. From that point of view, Mr. President, I wish to draw the attention of the House to clause 2 of the Bill. What does it say :

"Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid....."

The other portions of the clause are not necessary for my purpose now. I pause here and ask my Honourable friend, the Law Member, as to what exactly these words are intended to convey. First of all, I want to know, what is the marriage contemplated ? Is it the Hindu law of marriage ? Is it the civil marriage ? or is it Arya Samaj marriage ? As the clause stands, the word 'marriage' is not defined. It may be civil marriage, it may be a marriage of convenience, it may be a Hindu marriage or any other marriage.

Mr. M. S. Aney : There is no ceremony mentioned in the Bill.

Mr. S. Satyamurti : So far as the clause stands, the fact of the marriage has got to be proved. You have not got to prove whether there was any sacrament or any ceremony. No sort of evidence is prescribed to prove what the marriage is. The Court has got to be satisfied with any kind of evidence. Considering the state of marriage, law in this country governing the Hindu, the Muslim, the Sikh or even the Arya Samajist, there is a great lacuna there. My second point is this. Two persons at the time of the marriage are Arya Samajists. How is it going to be decided ? You will find, Sir, in the report of the Select Committee, they have said in paragraph 3 :

" We have omitted the definition of Arya Samajist."

I pause to make one comment. My friend, the author of the Bill, said he is the Vice-President of the All-India Arya Samaj ; and I hope, when I read his attempt at defining this in his original Bill, the Honourable the Law Member will not turn round, and say that he rushed in where others feared to tread. I want to invite the attention of the House to clause 2 of the Bill as it stood, when it was introduced in this House. Clause 2 of the Bill said, according to the definition of the Vice-President of the All-India Arya Samaj :

" For the purposes of this Act ' Arya Samajist ' means a person who

(a) is a member of any Arya Samaj ; or

(b) within five years of the passing of this Act or within one year of his marriage, whichever period expires last, executes a written document declaring himself to be an Arya Samajist or in terms equivalent thereto ; or

(c) is a member of a family of, or a relative dependent on, or a person under the guardianship of, any person mentioned in clause (a) or clause (b).

Explanation. :—Where a document mentioned in clause (b) is registered under the Indian Registration Act, 1908, it shall be conclusive evidence of the fact of his being an Arya Samajist, and no evidence shall be admissible to prove the contrary."

I do not want to say anything on the merits of the definition ; but the point I am seeking to make is this—that the author of the Bill thought, and in my judgment rightly thought, that the words " Arya Samajist " should be defined. His definition may be right or wrong ; but it seems to me that the Select Committee have given no valid reasons as to why the definition should have been omitted. And, I may add that Mr. Ghansham Singh Gupta, not only in the original Bill but in a dissenting minute to the report of the Select Committee, has said :

" I am not clear if it is good to omit the definition of Arya Samajist. The definition given in the Bill is good for all practical purposes and may be allowed to remain."

Then, Sir, so far as the Select Committee themselves are concerned, they simply say :

" We were impressed by the difficulty of finding a satisfactory definition."

Now, Sir, the Honourable the Law Member was devastating, particularly when he said that a Hindu has not been defined, and therefore an Arya Samajist should not be defined. Now, Sir, if we were legislating for the first time after the founding of Hinduism about 60 years ago, for regulating marriages among Hindus, I think we could have argued effectively for defining the term " Hindu " in that Bill. The fact of the matter is that the Arya Samaj is a new institution, comparatively

speaking, compared with other and older religions ; and I want to avoid Arya Samajism being made a convenience of, by people who may not be legally married, but will pretend that they are Arya Samajists, and then take advantage of this Bill, when it is passed into law. Those of us, who believe in marriage as an institution which is intended for the perpetuation of the human race, believe that marriage ought to be associated with certain sacramental rites, and at least that there ought to be certain formalities which ought not to be dispensed with, at the sweet will and pleasure of the parties to the contract, or sacrament as you may call it. From that point of view, the Bill, as it stands, makes no attempt to define an Arya Samajist, to define marriage, or to put down the limitations under which this clause, as it stands, can be made applicable and prevented from being abused by people for whose benefit it is not intended. I quite agree that the definition of Arya Samajist is difficult and I think.....

The Honourable Sir Henry Craik (Home Member) : The word " Sikh " has been defined. I make a present of that to you.

Mr. S. Satyamurti : Defined as what ?

The Honourable Sir Henry Craik : I forget the definition.

Mr. Sham Lal (Ambala Division : Non-Muhammadian) : It means any person who calls himself a Sikh. That is the definition in the Gurdwara Act.

Mr. S. Satyamurti : I am grateful to the Honourable the Home Member who in an unusually friendly mood has said that the word " Sikh " is defined in a statute. That overthrows the Law Member's contention that you must not attempt to define either a Hindu or an Arya Samajist.

The Honourable Sir Nripendra Sircar : The definition is that a Sikh is a Sikh. (Laughter.)

Mr. S. Satyamurti : That is a criticism of the content of the definition, and not of an attempt to define. I want to make a distinction. The attempt may fail, but undoubtedly this House or the Local Legislature has made an attempt to define a Sikh. Now, Sir, take Mr. Gupta's definition or Mr. Bajoria's definition. Both of them say that an Arya Samajist is one who is a member of an Arya Samaj. It may be a defective definition, in which case I invite the Law Member's co-operation in improving the definition, and not giving up the attempt to define. And all the argument about a Hindu not being defined, if I may say so, is not quite to the point. After all, Hindu has been here for centuries and millions of years and it is a well-understood word ; and, therefore, the Courts and the Legislature have given up the attempt to define a 'Hindu', not because they think it undesirable to define it, but because they think it too difficult to define it, and the consequences thereof may be more serious or more far-reaching, than they are likely to remove by the definition. But my point is this. What does the clause actually come to ? A and B are married, and that marriage is questioned by somebody as not being lawful. And the Select Committee say :

" We are of opinion that the purposes of the Bill will be adequately served if the question of the religious status of the parties to a marriage remains a question of fact to be determined by the circumstances of each case."

[Mr. S. Satyamurti.]

Now, Sir, I pause here. I want to know what are the circumstances of each case, in the contemplation of the members of the Select Committee when they write this sentence. Is it to be a mere declaration of being an Arya Samajist, or is it to be supported by any extraneous evidence? I want to give an extreme case. It may be a very extreme case I grant; but after all we have to test legislation by extreme cases. Supposing A and B are living as man and wife, and other people who are interested either in property or in other matters question the validity of the marriage. They have only to say that at the time of the marriage they were Arya Samajists. That is a complete answer. I submit, Sir, it may be good to make that law; it may be good or it may be bad, but undoubtedly it is a revolutionary change in the marriage law, as I understand it, to say that A and B can say at any time when they are found living as man and wife, "We are man and wife, because we were married and at the time of the marriage we thought we were Arya Samajists". I merely plead, Sir, that there ought to be some kind of extraneous evidence, the extent and the nature of which may vary, which may cast on the parties concerned the responsibility of proving that at the time of the marriage they were Arya Samajists. And, Sir, whether it should be a period of five years or three years or one year is a matter which we can discuss. But the point I want to make is this, that this Act, I trust, is not intended to be made a convenience of by people who want to marry, and who are not genuinely Arya Samajists. I am entirely with those who believe that genuine Arya Samajists ought not to have any obstacles placed in their way of consummating proper marriages, whatever the previous caste or sub-caste of the parties may be, or whatever their previous religion may have been. I am entirely with the sponsor of the Bill on that matter: but the narrow point I am taking is, if you drop the definition, of one kind or another, either the author's definition or Mr. Bajoria's definition, and if you simply leave it in mid-air like this, and merely say, "No marriage contracted whether before or after the commencement of this Act, between two persons being at the time of the marriage Arya Samajists" it introduces, I say, an element of uncertainty, an element of danger, which may be abused by people, for whom this Act is not intended. I, therefore, still plead with the Honourable the Law Member and the Honourable House, as one who feels that the Arya Samajists should have this Bill for the purpose of validating marriages between genuine Arya Samajists. I may point to Mr. Bajoria's amendment. I do not say that we must accept the period he lays down—that a man should be registered for three years or two years or one year: I am willing to go further and say that there must be some admission into the fold of Arya Samaj at the latest at the time of the marriage by a properly recognised Arya Samaj, of these two people, and there must be proof of marriage according to Arya Samajist rites. I think I have a right to insist on that as the minimum. Mr. Bajoria feels there ought to be two years or one year, but I.....

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : That might facilitate fraud still more !

Mr. S. Satyamurti : Therefore, I would avoid all fraud. I would ask my friend to suggest some means by which we can avoid fraud. Let us put our heads and hearts together to avoid fraud. What is the

alternative ? The alternative was nothing : leave it to them : let them do what they like. The two points I want are these : marriage ought to be confined to cases where the marriage is proved to have been performed according to well-recognised Arya Samaj rites : secondly, marriage should have been proved to have been contracted between two parties who were, at the latest at the time of the marriage, genuine Arya Samajists. I think these two are matters which will appeal to all genuine Arya Samajists.

I have got one more word to say : when these questions of reform come, if anybody raises even any legal difficulty, he is at once branded by people, as a conservative reactionary, who ought not to be here. I do think the time has come when we should make a distinction between political extremism and social extremism. (Hear, hear.) It is no use saying that, because we are fighting against foreign rule in this country, we must fight everything and everybody else. After all, there are questions and questions, and I plead with my friends that, in all these matters, while we ought to be anxious to reform, let us not do things which may not achieve the object we have at heart, but achieve the very reverse of that object. One more word. Throughout the discussion today, more than once, the question was asked of speakers "Are you an Arya Samajist ? Then, why do you talk on this Bill ?" I am not an Arya Samajist, but I am a Member of this Honourable House, and I feel that the time has arrived when we must clear our minds of this cob-web, that this House is a kind of durbār where people may come and ask for boons—Europeans for something, Hindus for something else, the Muslims for something, the Sikhs for something.....

An Honourable Member : And Parsis !

Mr. S. Satyamurti : And Parsis for Managing Agencies ! and we in a generous mood distribute largesses to them. I want to say this, that there is no hope for the development of a modern secular democratic state, in this country, unless and until we forget the moment we are in this hall, that we are Hindus, Mussalmans, Sikhs or Parsis or Christians, but remember that we are Indians. I have a right to speak and vote on Muslim legislation if it comes before this House. I will not be told "You are not a Muslim, therefore you shall not speak on this". I refuse to submit to that. Unfortunately we have these communal electorates in our midst, and we have mandates from various quarters. But I think a future can be evolved for this country only if we set the example, that whether it be my friend, Sir Cowasji Jehangir, or my friend, Maulana Shaukat Ali, or myself—we may be Parsis, Muslims or Hindus, but we are all Indians first, and the legislature has a right to be looked up to, as consisting of people who can vote effectively and intelligently on all questions coming before them. Therefore, I refuse to believe that, because I am not an Arya Samajist I cannot speak or vote on this Bill. By all means, let the Arya Samajists have a dominant voice in this matter : let them place their case before us ; but as Courts of law have said, I will admit their demand, only so long as it is not inconsistent with justice, equity and good conscience. I go further. In all laws that we legislate here, while we must undoubtedly consider the welfare of the communities primarily concerned, the welfare of India as a whole is the greater consideration, and I think we ought not to

[Mr. S. Satyamurti.]

allow small communities in this country to go about imagining they are small communities having their own laws, and that this country ought to be a museum of all kinds of communal customs and laws. We have got to evolve, as I said, a modern secular state ; and we, who are sent here, must get rid of this idea of small communities legislating for themselves. We must, in this House, as a whole, legislate for all communities, consistent with their desires no doubt, but consistent much more with the welfare of the country as a whole. From that point of view, I believe that this clause ought to be very carefully examined, and we ought to see whether we are not doing something which we do not want to do, but which we have no time to consider. I deprecate all haste in legislation. Let us look into the matter carefully, and see if we cannot do something to satisfy the Arya Samajists on the one hand, and at the same time not do something which we do not want to do.

Bhai Parma Nand (West Punjab : Non-Muhammadan) : Sir, I rise at this late hour for a special reason. My object is to answer the simple question that was put by my Honourable Leader. He asked whether there was any initiation ceremony for people of other religions when they entered the Arya Samaj. As far as persons belonging to other religions are concerned, there is a ceremony called conversion before they partake of Arya Samaj ; but so far as Hindus are concerned, there is no such ceremony : and any one wanting to become an Arya Samajist, can do so any time he likes provided he is an adult.

Now a word about the definition. Is any definition necessary ? I am sorry to disagree from my Honourable friends, Mr. Lalchand Navalrai and Mr. Satyamurti, and to say that no such definition is required. I quite agree with Honourable the Law Member that it is not possible to define a Hindu by any exact definition. I would say, any one who declares himself to be a Hindu, is a Hindu. Similarly any one who comes and declares that he is an Arya Samajist, is an Arya Samajist. No more definition is required.

We are concerned here with marriage. Take the case of the Special Marriage Act. It was enacted for the Brahmo Samajists. What did it require ? Any two persons, man and woman, went to the Registrar, they simply had to declare that they did not belong to such and such religion. Recently a change was made in that Act by Sir Hari Singh Gour's "amendment". Now they have simply to go and declare that both belonged to the Hindu religion—it did not matter to which caste they belonged. Similarly, when there is a marriage between an Arya Samajist couple, they have simply to declare that they are Arya Samajists. I think this declaration is quite good enough for all purposes. No Hindu marriage is ever registered : therefore the marriage between Arya Samajists according to Arya Samaji ceremonies need not be registered, there will be evidence of all Arya Samajists that this marriage has taken place according to the rites of the Arya Samaj.....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Is there any special ceremony for the Arya Samajists ?

Bhai Parma Nand : Yes : there are special pandits and there is a special ceremony. Arya Samaj have got 16 *sanskars* : one is ceremony at birth, another at the time of putting on sacred thread, another at the time

of marriage and so on : there are 16 altogether of which four or five are very important and they are performed by almost all Arya Samajists. So far as registration as member is concerned, I have to say this : I was an Arya Samajist ever since I came to my senses : Now for the last twenty years I am not a registered member of the Arya Samaj ; all the same, if I have to perform the marriage ceremony or any other ceremony of my children, I must perform it according to Arya Samaj rites : therefore it is not at all necessary that a man must be a registered member. When he declares that he is an Arya Samajist, he is one.

One word more, Sir, with reference to what Sir Muhammad Yakub said. He says, "Where is the definition of a Hindu just as there is a clear definition of a Muslim ?"

Sir Muhammad Yakub : I never said that : What I said was exactly what the Honourable the Law Member said.

Bhai Parma Nand : Please listen, I will explain. I admit there is a definition of Muslim—a man, who believes in the sacred Kalma, is a Muslim : but there is another point. There are 72 or 80 or 100 sects of Muslims—Shias, etc., etc. Where is the definition of a Shia ? Where is the definition of Sunni ? Where is the definition of other Muslim sects ?.....

Sir Muhammad Yakub : We have got separate doctrines for each.

Bhai Parma Nand : They have their own different dogmas. So also among the Hindus there are so many sects, hundreds of them, each having ideas of their own in religious matters. Hinduism is not a religion, it is the name of a nationality. I was in America and a friend, an American, came to me and he was talking to me about Hindus meaning thereby Indians, and asked me whether all Hindus are Mussalmans. I was surprised and questioned him "What do you mean ?" He said "I have met some Hindus here and they told me that they were Muhammadans. So I wanted to know if all Hindus are Muhammadans."

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes to continue, he can resume the next day.

Bhai Parma Nand : I shall finish in a minute, Sir. I quite agree with the Honourable the Law Member. As an Arya Samajist who has been an Arya Samajist all my life, I say there is no need of any such definition. There cannot be any definition of an Arya Samajist, just as there is no definition of a Hindu. For the purposes of this Act no more is needed for any one but to come and declare himself to be an Arya Samajist. When I say that I am a Christian or a Muhammadan, it is a declaration of my faith. Is there any other change in me ? No. There is none. The simple declaration of my faith is good enough to prove that I belong to certain denomination. Similarly when I go before a body of Arya Samajists or pandits and say that I am an Arya Samajist, I should be taken as an Arya Samajist : that is quite enough : a declaration on the part of a man or woman is quite enough and no further definition is required.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd September, 1936.